

**GRAND JUNCTION PLANNING COMMISSION**  
**Public Hearing April 6, 1993**  
**7:05 p.m. - 9:35 p.m.**

The public hearing was called to order by Chairman Ron Halsey at 7:05 p.m. in the City County Auditorium.

In attendance, representing the City Planning Commission, were Chairman Ron Halsey, John Elmer, Stephen Laiche, and Larry Seese.

Commissioners Tom Volkmann, Jim Anderson, and Gabe Harbin were absent.

In attendance, representing the City Community Development Department, were Larry Timm, Director; Kathy Portner, Planning Supervisor; Dave Thornton, Planner; and Kristen Ashbeck, Planner.

John Shaver, Assistant City Attorney; Don Newton, City Engineer; and Gerald Williams, City Development Engineer were also present.

Judy Morehouse, of KLB Secretarial Services, was present to record the minutes.

There were 37 interested citizens present during the course of the meeting.

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**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES**

**MOTION: (Commissioner Elmer) "Mr. Chairman, I move that we approve the minutes of the March 9, 1993 meeting."**

The motion was seconded by Commissioner Laiche.

A vote was called, and the motion passed unanimously by a vote of 4-0.

**III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRE-SCHEDULED VISITORS**

There were no announcements, presentations and/or pre-scheduled visitors.

**IV. GRAND JUNCTION PLANNING COMMISSION PUBLIC HEARING ITEMS FOR FINAL DECISION**

1. **#23-93 FINAL PLAN & PLAT - PTARMIGAN RIDGE NORTH, FILING #6** A request for approval of the Final Plan & Plat for Ptarmigan Ridge North, Filing #6 zoned Planned Residential 4 units per acre (PR-4); includes both single and multi-family residential.  
**PETITIONER: Ptarmigan Investments, Inc.**  
**REPRESENTATIVE: Lewis Hoffman**  
**LOCATION: West of 27 1/2 Road at Cortland Avenue**

**STAFF PRESENTATION**

David Thornton gave an overview of the request for a Final Plan and Plat for Ptarmigan Ridge North Subdivision, Filing #6. Preliminary approval was given by the City Planning Commission on February 10, 1993.

Access to the site is from 27 1/2 Road via Cortland Avenue. The land use to the north is undeveloped; single family residential and Church uses are to the east; single family residential to the west and south. At this time there is no City master plan for this area.

The portion of the preliminary plan that Filing 6 includes was approved for 46 total units consisting of 15 single family and 31 multi-family units. The new proposal is for 46 total units consisting of 16 single family and 30 multi-family units. The proposed development is compatible with the surrounding area.

The Planning Commission's approval of the preliminary plan included the following conditions:

- 1) that the Petitioner provide a pedestrian access between North 15th Court and Cortland Court;
- 2) that the drainage facilities in the designated common open space are to be maintained by the homeowners; and
- 3) all structures on all lots must meet a minimum 20 foot front yard setback from property lines.

All of the review agency comments have been adequately addressed with the following clarifications and exceptions:

- 1) Once the pedestrian path between Filings 4 and 6 is constructed by the Petitioner to City standards, the City will accept the path for future maintenance. Mr. Thornton clarified that this applies only to the pedestrian path and not to the entire 44 feet wide

easement the path is constructed in. Snow removal on the path as well as maintenance of the 44 foot easement will be the responsibility of the property owners (or the homeowners association).

- 2) Staff supports and agrees with the developer that the developer is responsible for improvements at the intersection of 27 1/2 Road and Cortland Avenue. These improvements will consist of three lanes of pavement, curb and gutter. Sidewalk will not be required at this time along the property owned by the Christensen's.
- 3) The Petitioner has addressed through the restrictive covenants the issue of maintenance, but has not satisfactorily addressed the ownership of the drainage facilities. In the review comments, staff noted that the drainage facilities should be located in common open space and that the maintenance responsibility should be that of the homeowners association. In the covenants the Petitioner states that "the association shall maintain drainage facilities in accordance with City policy". In responding to the common open space requirement, the Petitioner has stated that "common space is not being proposed anywhere at Ptarmigan Ridge" which is contrary to what the Planning Commission approved through the preliminary plan.
- 4) The Petitioner responded to the front yard setback requirement of 20 feet established at the preliminary plan approval with a request to take another look at the requirement and allow the townhouse development to have 14 foot setbacks instead of 20 foot in front with the stipulation that garages with a front entry would be required to meet a 20 foot setback. The request further states that garages built with a side entry would be allowed to build at the 14 foot setback.
- 5) The Petitioner agreed to provide detail for the pedestrian path. The location and construction detail/plans will be reviewed by staff and will be required to meet all applicable City standards prior to the recording of Filing 6 plat/plan.
- 6) The deed for the additional right-of-way needed for the Christensen property is in the process of being signed by Ms. Christensen. This will be completed prior to recording the final plat/plan.

Staff recommends approval with the following conditions:

- 1) The Petitioner locate the drainage facilities in the common open space rather than in the easement and that the homeowners association maintain this facility in accordance with City requirements.
- 2) The setback requirement for the multi-family dwellings be the following:

- a. Rear yard setback for all townhouses be five feet except the rear yard setback adjacent to the parcel zoned RSF-4 located on 27 1/2 Road which shall be 15 feet.
  - b. Front yard setbacks for all townhouses be 14 feet including eaves, except for front-entry garages which shall be 20 feet from the property line. Garages with a side-entrances shall be allowed to be built with a 14 foot setback so long as there is adequate driveway length to accommodate a parked vehicle on site.
  - c. The minimum distance between buildings be 10 feet.
- 3) A pedestrian easement shall be provided on the plat to provide for public access on the pedestrian path located between North 15th Street Court and Cortland Court.
  - 4) All technical requirements by the review agencies be completed by the Petitioner or adequately addressed prior to recording the final plat which includes an off-site drainage easement needed from the adjacent property owner to the northwest.

Gerald Williams, City Development Engineer, addressed the Commission concerning the Ptarmigan Ridge North, Filing #6. He stated that two items were discussed; the site specific soils information and the drainage report which were required for the preliminary. These reports should have been received by the first of March. There was discussion with Staff and allowance was made for the Petitioner to turn these items in by March 22nd. The Petitioner turned in a incomplete drainage report, soils information and a drawing on March 22nd. A request was again given to the Petitioner to provide all data. On Wednesday another partial drawing was received and at noon on March 25th the final was received. Due to previous commitments there was only one day for review prior to this meeting tonight. Mr. Williams stated that development items which are not received one month prior to the Planning Commission hearing are difficult to review thoroughly.

Commissioner Laiche asked if this problem is specific to the Ptarmigan Ridge project, or if it is a recurring problem with all the applications?

Mr. Williams replied that it is a problem with many applications; however, Ptarmigan Ridge is a consistent offender.

Commissioner Laiche asked Mr. Williams if he felt he had enough time to respond to this project?

Mr. Williams replied he did not have adequate time for review of this project.

Chairman Halsey commented that there had been previous discussion on the completeness of the

packages which the Commissioners are receiving so that the Commission can do a proper job. He felt the item appeared not to be complete enough to continue on this evening and suggested that it be tabled.

**MOTION: (Commissioner Elmer) "Mr. Chairman, on item #23-93, a request for approval of the final plan/plat for Ptarmigan Ridge North, Filing 6, I move we table this item until the next scheduled Planning Commission meeting to give the Petitioner time to turn in all the required submittals on time for accurate review."**

The motion was seconded by Commissioner Seese.

A vote was called, and the motion passed unanimously by a vote of 4-0.

2. **#24-93 REVISED FINAL PLAN & REPLAT OF LOTS 1-5, BLOCK 2, THE FALLS, FILING #1.**  
**A request for approval of a Revised Final Plan & Replat of Lots 1-5, Block 2, The Falls, Filing # 1, zoned Planned Residential with a density of 9.5 units per acre (PR-9.5).**  
**PETITIONER: Ptarmigan Profit Sharing Plan**  
**REPRESENTATIVE: Kathy Deppe**  
**LOCATION: SW of Patterson Road & Grand Cascade Way**

#### **STAFF PRESENTATION**

Kathy Portner gave an overview of the request for a Revised Final Plan and Replat of Lots 1-5, Block 2, The Falls, Filing # 1. The request is to attach the existing common open space to the west of the lots to the existing lots. The Homeowners Association has agreed to transfer their interest in the common open space by quit claim deed.

Staff feels that if the lots will be used for single family detached units the minimum side yard setback should be five feet; if they are townhomes the zero foot setback would be allowed for common wall units; all other units would have to meet the five foot side yard setback allowing for at least a ten foot separation between units, and the setback for the rear yard should be 15 feet. The Petitioner has agreed to these setbacks. The proposal to incorporate the common open space to the west of the lots into the lots themselves will not negatively affect the overall character of the subdivision. Staff recommends approval of the replat and the revised final plan subject to all Staff comments being satisfactorily resolved which include a few technical issue on the plat.

#### **PETITIONER'S PRESENTATION**

Ms. Deppe, 626 29 1/2 Road, Grand Junction, CO., was present to answer questions.

**PUBLIC COMMENT**

There were no public comments either for or against the proposal.

**QUESTIONS**

Commissioner Elmer asked Staff if the homeowners are going to take care of Tract A and the remaining open space?

Ms. Portner replied that the remaining Tract A will be dedicated to the homeowners in the dedication statement and will fall under their maintenance.

Commissioner Elmer asked what the purpose of this open space will be; is it for the entrance to the Falls or just a small green area?

Ms. Deppe replied according to the Falls Homeowners Association meeting of March 1, 1993 the homeowners agreed to convey Tract F and in return there will be construction of a cedar fence which meets Code requirements across the Patterson side of Tract F, which shall also extend to the east end of Tract A.

Commissioner Elmer asked Staff about the proposed sidewalk construction?

Ms. Portner explained that currently the agreement between the City and the owners includes a floating guarantee that states the sidewalks will be installed as the lots are developed.

Commissioner Elmer asked if the guarantee goes against the improvement agreement for the developer?

Ms. Portner explained the guarantee goes against the improvements agreement just for that portion of the sidewalk. There were building permit holds that were put on the lots originally.

**MOTION: (Commissioner Elmer) "Mr. Chairman, on item #24-93 a request for approval of a revised final plan & replat of Lots 1-5, Block 2, The Falls, Filing #1, zoned Planned Residential with a density of 9.5 units per acre (PR-9.5), I move that we approve this request subject to staff recommendations."**

The motion was seconded by Commissioner Seese.

A vote was called, and the motion passed unanimously by a vote of 4-0.

**V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL**

1. **# 22-93 REZONE - 1212 BOOKCLIFF AVENUE**

**A request to change the zoning of a property from RMF-64 (Residential Multi-family, 64 units per acre) to B-1 (Limited Business) to accommodate an existing office building, and the addition of a new 8 foot x 4 foot monument sign.**

**PETITIONER: Julie Gillis, Darrel Blehm, Richard Huffaker**

**REPRESENTATIVE: Russ Gillis**

**LOCATION: 1212 Bookcliff Avenue**

**STAFF PRESENTATION**

Kathy Portner described the request to change the zoning of a property from RMF-64 (Residential Multi-family, 64 units per acre) to B-1 (Limited Business) to accommodate an existing office building and the addition of a new eight foot by four foot monument sign. In the previous Code, office buildings were allowed in the RMF-64 zone; however, the current Code does not allow this use in the RMF-64 zone. The reason for the rezone is to bring the office building into conformance with the current Code. Staff is recommending PB (Planned Business) which is consistent with the 12th Street corridor guidelines which suggest that planned zones are more appropriate and allow more design control. The Petitioner has agreed to go with the Planned Business Zone rather than Limited Business (B-1) as was originally suggested. Also included in the proposal is a new eight foot by four foot monument sign which Staff feels is appropriate for the area. There are no outstanding issues and Staff recommends approval.

**PETITIONER'S PRESENTATION**

Mr. Gillis, 723 Pacific Drive, Grand Junction, CO., requested the zoning change from RMF-64 to PB. The only changes to the site will be the addition of a new eight foot by four foot monument sign in the front.

**PUBLIC COMMENT**

There were no public comments either for or against the proposal.

**QUESTIONS**

Commissioner Elmer asked if there is an existing plan for this?

Ms. Portner explained that the plan will be the property as it now exists.

Chairman Halsey asked Ms. Portner if the sign is in compliance with the Planned Business Zone?

Ms. Portner replied in a PB zone, signage must be approved by the Planning Commission; however, this sign is also small enough to be approved if it were a straight zone.

**MOTION:** (Commissioner Elmer) "Mr. Chairman, on item #22-93, a request to change the zoning of a property from RMF-64 (Residential Multi-Family, 64 units per acre) to PB (Planned Business) to accommodate an existing office building and a new 8 foot by 4 foot monument sign, I move that we forward this to City Council with a recommendation for approval subject to staff recommendations."

The motion was seconded by Commissioner Laiche.

A vote was called, and the motion passed unanimously by a vote of 4-0.

- 2. #25-93 REZONE & FINAL PLAN/PLAT - VOA ELDERLY HOUSING**  
**A request to change the zoning of a property from B-2 & P (Neighborhood Business and Parking) to PR-43.8 (Planned Residential with a density of 43.8 units per acre).**  
**PETITIONER: Volunteers of America, Inc.**  
**REPRESENTATIVE: Lantz-Boggio Architects, Inc.**  
**LOCATION: N.W. Corner of 1st Street & Independent Avenue**

#### **STAFF PRESENTATION**

Kathy Portner explained the request to change the zoning of a property from B-2 & P (Neighborhood Business and Parking) to PR-43.8 (Planned Residential). The request is for 60 subdivided elderly housing units on 1.73 acres with a density of 43.8 units per acre. The zoning to the north is B-2; to the east zoning is RSF-5; to the south is RMF-64; to the west is RSF-8. The existing zoning on this site is B-2 and P. The Petitioner is requesting the PR zoning change to fit the proposal.

The First Street Corridor Guidelines recommend professional offices or multi-family residential as appropriate uses. Site design should respect the existing residential character of the area.

The project consists of independent apartment units in a three-story building with a height of 41 feet to the peak of the roof. A common area is provided on the first floor; however, each unit is self contained with individual kitchens. Access is from 1st Street and Independent Avenue. The City will be installing a traffic signal at 1st Street and Independent Avenue because of existing traffic. This improvement will include a right-hand turn lane on 1st Street which will require an additional right-of-way from this project.

The major outstanding issue for this proposal is the provision of parking on site. The proposal includes 37 parking spaces for 60 units. Staff has studied similar projects in Grand Junction and recommends one space per unit be provided initially and that land be set aside to construct an additional half space per unit if demand warrants. The Petitioner's response indicate negotiations are in progress to obtain land to provide additional parking. All review agency summary sheet comments have been addressed. Staff recommends this item be tabled pending acquisition of

adequate properties for parking which will require review of revised plans and specifications, site plan revisions and infrastructure improvements.

**PETITIONER'S PRESENTATION**

Mr. Gary Preger, Senior Associate with Lantz-Boggio Architects, Inc., explained the request for the rezone. The Department of Housing and Urban Development has done studies indicating 60 units is necessary for this area. This development will be entirely for the elderly, and land for additional parking is being negotiated for. The HUD guidelines do not include the criteria for additional lands and the project will not be continued unless documents are presented to them from the City Planning Commission with a contingency stating the additional land for parking is needed. Therefore, the Petitioner is asking for the approval for the PUD with the stipulation stated and also requested a continuance while negotiations are completed. Additional plans will then be submitted for review.

In order for HUD to continue with this project and not pull it away from this region of the State, the Petitioner requests a specific motion for the continuance and a statement concerning the necessity of the additional lands for parking.

Commissioner Elmer felt this was an unusual request and asked for Mr. Shaver's opinion.

Commissioner Laiche asked the Petitioner if they felt one space per unit parking was needed?

Mr. Preger replied affirmatively.

Commissioner Laiche felt the requirement was exorbitant for this type of low income elderly housing and requested confirmation by Staff.

Ms. Portner replied there was a project analysis report in the Commissioners package for similar projects in the area which indicates one parking space per unit is a bare minimum. The parking not only accommodates the residents, but also the visitors and service providers.

Chairman Halsey had some concerns about making motions which might indicate approval when they have not come through the complete process.

John Shaver, Assistant City Attorney, recommended it would be inappropriate to make contingent approval without the full hearing. The Commission could table the application for purposes of property negotiations and further review. Mr. Shaver advised that there should either be full hearing this evening or no hearing, a partial approval by the Commission without a hearing would be inappropriate.

**PUBLIC COMMENT**

FOR: There was no comment in favor of this proposal.

AGAINST: Mr. Francis McSwain, 225 Independent Avenue, Grand Junction, CO., was opposed to the request due to the current traffic problem and the additional traffic this project would generate.

Ms. Michelle Underwood, 721 26 1/2 Road, Grand Junction, CO, who owns the property at 129 Independent Avenue was opposed because of excessive traffic problems on Independent Avenue and felt that this project would add to this problem. She added that 60 units seem too dense for the area which is now extensively single family units. Also, the road work and utility work which would be required would be extremely expensive for the City. It does not appear that there is a housing shortage; however, if this project is built for elderly housing the neighborhood residents would like some kind of guarantee this will remain elderly housing and not later be converted to low income housing.

**PETITIONER'S REBUTTAL**

Mr. Larry Gebhart, 447 30 1/4 Road, Grand Junction, CO, representing Western Engineers explained that the traffic problem had previously been addressed. The Petitioner was required to provide a traffic analysis to determine if the project was feasible for this area which was done. The concerns of the citizens are currently being addressed by the City and a traffic light is going to be installed which will provide gaps in traffic. The projection of traffic increase from a facility of this type and size will be an additional six cars per hour.

Commissioner Laiche asked for the source of Mr. Gebhart's information regarding the traffic for this type of facility?

Mr. Gebhart replied it is based on the Highway Capacity Manual special report 209 and the 1985 traffic analysis. This is the standard which the City uses for determining trip generation.

Chairman Halsey asked Mr. Preger to address the issue of this project remaining senior housing.

Mr. Preger explained Volunteers of America, Inc. recently signed a statement saying this would be maintained as elderly housing for at least 40 years. There are other projects for low income families or young adults, but this project is not going to be that type of housing. The only variation besides elderly allowed by HUD will be handicapped.

**QUESTIONS**

Commissioner Laiche asked Staff if the figures from the transportation department are accurate?

Don Newton, City Engineer, stated that the report by Western Engineers had been reviewed and the

City is in concurrence with the figures they submitted. The traffic generated is based on tables that are produced by the Institute of Transportation Engineers which is a national publication.

Commissioner Laiche asked if Mr. Newton agreed with the six per hour?

Mr. Newton replied affirmatively.

Commissioner Elmer asked Mr. Newton what the average daily traffic on 1st Street and Independent Avenue was?

Mr. Newton replied currently it is about 6,000 per day which is well within a collector street limitation. There are plans to widen Independent Avenue within the next 5 to 10 years. The sales tax money collected from Sam's Club will be used for improvements to Independent Avenue and 25 1/2 Road. The first phase of improvements will be installation of a signal at 1st Street and Independent Avenue.

Commissioner Laiche asked Mr. Newton if the signal will help alleviate the traffic problems at Independent Avenue.

Mr. Newton replied it will help with the west bound traffic.

Ms. Portner commented on the parking requirement stating that two local subsidized housing projects (Walnut Park and Monterey Park) provide 1.2 and 1 space respectively, per unit, for parking. When these housing projects were observed by Staff, it was found that there was not an overabundance of parking; in fact parking was used almost to capacity.

Commissioner Elmer commented that the studies provided by the Petitioner included larger cities which do have public transportation available. Also, in regards to the question of this project being used exclusively for elderly housing, are the Commissioners actually approving this exclusively for elderly housing or is it being approved for multi-family residential with high density?

Mr. Preger replied the only stipulation for this is that offered by the Volunteers of America, Inc.

Ms. Portner replied that the parking requirement is specific for a multi-family development, which is 1 1/2 spaces per unit plus one space for each five units for additional parking. In this case staff recommendation is based on the elderly housing proposal.

Chairman Halsey noted that HUD projects are limited to seniors or individuals with disabilities and cannot be reverted easily; therefore, this does not appear to be a concern. However, there are

concerns in taking action without appropriate information.

Commissioner Seese asked the Petitioner who Volunteers of America, Inc. is?

Mr. Preger explained it is a nonprofit organization, the housing corporation is based out of Louisiana. The organization does housing projects for the elderly and for the disabled. They are basically a service organization similar to the Salvation Army. Volunteers of America, Inc. have 8,000 units of low income elderly housing throughout the country.

Commissioner Seese did not understand the urgency requested in regards to the property acquisition?

Mr. Preger explained HUD allows certain monies for projects; Volunteers of America, Inc. is now two years into this project and in order to maintain the process for this project it needs to begin or have it tabled until evaluation of additional land is approved.

Commissioner Seese asked Mr. Preger where the process was slowed down so that there is urgency given to the Commissioners to make a decision this evening?

Mr. Preger explained nothing actually slowed it down except the negotiations for the acquisition of the land. Since it has been ongoing for two years, a decision needs to be given to HUD in order that the monies can be given to Volunteers of America, Inc. and the project can proceed or a hold be put on the project by the Commissioners so that there is additional time allowed for further land negotiations and construction documents.

Chairman Halsey asked the Petitioner if HUD will hold the process until the City Planning Commission can make an informed decision?

Mr. Preger explained for HUD to continue, the project needs to be approved by the City Planning Commission based on the application with the stipulation that more land would be needed for parking.

Mr. Shaver explained that this request will be a recommendation to City Council from the Planning Commission and as such the Zoning and Development Code does allow the Commissioners to approve, approve with conditions or deny. If in fact it is approved with conditions, such would seem to meet the needs of the developer; however, the developer does need to be aware that it will not be a complete approval, it will still need to go through the rest of the process.

Mr. Preger explained that the Petitioner would like the Commissioners to make a recommendation for approval based on the condition that more parking is required.

Commissioner Laiche asked the Petitioner if the project were conditionally approved with the requirement of obtaining the 23 additional spaces, would that satisfy them?

Mr. Preger replied affirmatively.

Chairman Halsey felt uncomfortable acting on the plan without having the revised plans to address further issues such as parking, ingress/egress, traffic safety, building height and other issues which would need to be reviewed.

**MOTION: (Commissioner Laiche) "Mr. Chairman, on item #25-93 a request to change the zoning of a property from B-2 & P (Neighborhood Business and Parking) to PR-43.8 (Planned Residential with a density of 43.8 units per acre, I move that we table this item until the Petitioner has final plan and plat with regard to a 60 space parking lot for this property."**

The motion was seconded by Commissioner Seese.

A vote was called, and the motion passed unanimously by a vote of 4-0.

Chairman Halsey clarified for the public the decision was being tabled and will be heard at a future date.

**3. # 27-93 RIGHT-OF-WAY VACATION & AMENDED SITE PLAN - ST. JOSEPH'S CHURCH**

**A request to vacate 6 feet of White Avenue right-of-way and approval of a Revised Site Plan for St. Joseph's Church.**

**PETITIONER: Bishop Arthur Tafoya, St. Joseph's Church**

**REPRESENTATIVE: David O. Tryba and Kevin Norse**

**LOCATION: 330 White Avenue**

**STAFF PRESENTATION**

Kristen Ashbeck gave an overview of the request for a right-of-way vacation and a revised site plan for St. Joseph's Church. The Conditional Use Permit, height variance, vacation and a final plat were approved at the March 9, 1993 Planning Commission Meeting. The vacation of six feet of the White Avenue right-of-way is requested to accommodate the encroachment of the proposed building as well as that of the existing building. Also requested tonight is the approval of an amended site plan for the Conditional Use.

The review agency summary sheet comments include comments from Bill Cheney, City Utilities Engineer, in regards to the relocation of the sewer line. As requested by the City Engineer, the site plan has been revised to indicate the tapering of the landscape so that the steps do not interfere with the sidewalk area. The Police Department has some safety concerns with this proposal. Staff feels these can be mitigated through design proposals, such as 12 feet of sidewalk in front of the steps and additional space which is provided between the buildings for people to congregate after services. The streetscape with paving to the curbing is consistent with what exists in this block to the east.

**PETITIONER'S PRESENTATION**

Mr. Kevin Norse, President of Alpine Construction Management, explained the request to vacate six feet White Avenue right-of-way and for approval of a Revised Site Plan for St. Joseph's Church. There will be extensive landscaping to the west of the new building with walkways which will be lighted. There will be a 12 foot walk from the steps to the street.

**PUBLIC COMMENT**

There were no public comments either for or against the proposal.

**QUESTIONS**

Commissioner Elmer asked what kind of guarantee there will be to limit shrubbery on the side of the steps which could potentially block the sidewalk?

Ms. Ashbeck explained the final landscape plan has not been submitted yet. Restrictions can be made at that time if needed.

Commissioner Elmer asked if the City needed some sort of indemnification in case the sewer collapses under the church?

Mr. Shaver replied this should be required. Mr. Cheney has been consulted by the developer and this may have already been specified.

Ms. Ashbeck explained that Mr. Cheney's only requirement was that the developer would relocate the line should it fail.

Commissioner Elmer felt further details of an indemnification should be required on this by the City.

Mr. Shaver agreed.

Mr. Norse explained that the Petitioner has a letter with a guarantee from Mr. Cheney and also has

been given direction should the sewer line collapse which includes an easement and the location of two manholes. Also, part of the agreement includes a new water line being installed.

Commissioner Elmer still felt an agreement/indemnification would be necessary.

**MOTION: (Commissioner Elmer) "Mr. Chairman, on item #27-93 a request to vacate six feet of White Avenue right-of-way and approval of a Revised Site Plan for St. Joseph's Church, I move that we forward this on to City Council with a recommendation for approval subject to staff recommendations and a letter of indemnification from the St. Joseph's Church to the City of Grand Junction that protects the City from future law suits if any collapse of the sewer line causes damage to the church."**

The motion was seconded by Commissioner Laiche.

A vote was called, and the motion passed unanimously by a vote of 4-0.

- 4. #31-93 REZONE - SOUTH SIDE OF 1200 BLOCK OF COLORADO AVENUE**  
**A request to rezone the property located on the south side of the 1200 block of Colorado Avenue from C-2 (Heavy Commercial) to B-1 (Limited Business).**  
**PETITIONER: City Of Grand Junction**  
**REPRESENTATIVE: Kathy Portner**

**PETITIONER'S PRESENTATION**

Kathy Portner explained the request to rezone the property located on the south side of the 1200 block of Colorado Avenue from C-2 (Heavy Commercial) to B-1 (Limited Business). The property owners from Lots 3-16 of the south side of the 1200 block of Colorado Avenue have requested this rezoning to remove the nonconforming status of their single family homes. These properties are currently developed as residential but have been zoned C-2 (heavy commercial). This is a similar situation to the 1300 block of Colorado which was recently rezoned. If any of the residences were destroyed to over 50 percent of their market value they could not be replaced under the existing zoning, and this nonconforming status inhibits mortgage financing for the properties. In this case Staff has initiated the rezone at the request of the residents. Staff feels the existing zoning is in error and that a B-1 zoning would be more appropriate allowing the current uses as they exist and also allow light business uses which would be compatible with the uses on the block. Staff recommends approval.

**PUBLIC COMMENT**

There were no public comments either for or against the proposal.

**QUESTIONS**

Chairman Halsey felt it was necessary to rezone some of the inappropriately zoned properties.

Commissioner Elmer asked if a consideration was made for a residential zone in this area?

Ms. Portner explained that the current residents requested the B-1 zoning, except for one property owner who wanted to maintain the C-2 zoning. Previously, in the 1300 block of Colorado Avenue the properties considered were only those in which the owners signed the petition.

Commissioner Elmer felt it would be a transition zone.

**MOTION: (Commissioner Elmer) "Mr. Chairman, on item #31-93 a request to rezone the property located on the south side of the 1200 block of Colorado Avenue from C-2 (Heavy Commercial) TO B-1 (Limited Business), I move that we forward this request to City Council with a recommendation for approval subject to staff recommendations, based on the fact the existing zone is in error."**

The motion was seconded by Commissioner Seese.

A vote was called, and the motion passed unanimously by a vote of 4-0.

- 5. # 35-93 REQUEST FOR WAIVER OF HALF STREET IMPROVEMENTS**  
**A request for waiver of payment of 1/2 street improvements along Grand Avenue as required by Section 5-4-1.E of the Grand Junction Zoning & Development Code.**  
**PETITIONER: Evelyn L. & Phillip D. Irwin**  
**REPRESENTATIVE: Williams, Turner & Holmes, P.C.**  
**LOCATION: 2700 I-70 Business Loop**

**STAFF PRESENTATION**

Kathy Portner explained the Petitioner's request to waive the payment of half-street improvements along Grand Avenue as required by Section 5-4-1.E of the Grand Junction Zoning and Development Code. The owners requested a building permit for the placement of a modular unit for a mobile home sales lot. Code requires landscaping and parking plus half-street improvements for any unimproved roadway not currently built to City standards which abut the property. Grand Avenue which abuts the property on the north has no curb, gutter or sidewalk. The estimated cost to the Petitioner will be \$50 per linear foot of frontage for a total cost of \$7,000. Section 5-4-16 of the Zoning and Development Code allows City Council, after recommendation by the Planning Commission, to consider variances to the requirement where:

- a) There are exceptional topographic, soil or other subsurface conditions peculiar to the site.

- b) If an undue hardship would be created by the strict application of the provision of this section.
- c) Such hardships are not created by the action of the applicant.
- d) Such variance would not be detrimental to the public welfare or impair the intent of the section.

Staff feels the request does not meet the above criteria for the variance. The requirement has been applied to other projects since the adoption of the ordinance. It is the policy of the City that infrastructure improvements be made as development occurs, in that way the developer that is benefiting from and impacting the infrastructure is paying for the improvements. If the developer does not pay upfront, it puts more of a burden on the general taxpayer. Staff recommends denial of this request.

**PETITIONER'S PRESENTATION**

Mr. J.D. Snodgrass, 704 Galaxy Drive, Grand Junction, CO, representing the Petitioner, explained the request for waiver of payment of half-street improvements along Grand Avenue. The request does meet the basis for the variances each of which will be explained. Photographs of the area were presented to the Commissioners to show the south side of Grand Avenue does not have curb, gutter or sidewalk from the school district property to the end of Grand Avenue where it intersects 28 Road, except the Indian Wash bridge which does have curbing and sidewalk. The north side of Grand Avenue has improvements to 28 Road. The proposed mobile home sales lot includes two parcels which will be filled with gravel. Currently traffic is using this property to avoid the intersection. By cleaning up the property and putting it to use, it will enhance the area. The \$7,500 cost is a hardship for the Petitioner. Normally, when costs such as this are required it involves a new development and the developer is permitted to pay the costs over a period of time through the overall financing of their project. The strict application of the Code, in accordance with all the definitions of the Code, would require a developer who is making any kind of improvement to any of the property along Grand Avenue where there is no curb and gutter to pay this. Under this strict application even a single family unit putting an addition of a deck would have to comply with the new street standards. This was not the intention of this particular section of the Code, and this is supported by the provisions of the Code Section 5-4-1.E, which talks about half-road improvements to the center line in accordance with Sections 5-14-10, 5-4-11, & 5-4-12. Those Sections relate to the improvements agreement and other types of things the major developments are required to do. This is not the intent for citizens reestablishing a previous use.

The money required of the Petitioner is presumably to be put into escrow to be used in the future; therefore, the Petitioner will not actually have advantage of the half-street improvements. It is undue hardship for the applicant in this situation to pay the fee and it is not detrimental to the public welfare nor does it impair the intent or the purpose of the section. The City does have special

districts to improve streets which gives property owners the right for input. The Petitioner again requests the Commissioners waive the half-street improvements for this project.

**PUBLIC COMMENT**

There were no public comments either for or against this proposal.

**QUESTIONS**

Commissioner Laiche asked Mr. Snodgrass if there was sidewalk eastbound to 28 Road?

Mr. Snodgrass replied there is no sidewalk up to the bridge over Indian Wash.

Commissioner Laiche asked what kind of lease was involved with the owners and Mr. Mayre?

Mr. Snodgrass explained that Mr. Mayre has the first right of refusal until June 1994.

Commissioner Laiche asked what Mr. Mayre's intentions are for the property after June 1994?

Mr. Mayre explained the mobile home office is temporary, and the current lease is for two years with 15 months remaining due to the problems involved with obtaining a permit.

Commissioner Elmer asked for clarification from Staff as to the kind of development involved?

Ms. Portner explained that the Code is very broad and states, "development is the construction, improvements or placement of a use on a parcel of land". As a matter of policy the City has used the building permit to trigger the requirements. The Petitioner needs a building permit to hook up the modular unit which they will be using as the office, just as anyone would need a building permit to build an office.

Chairman Halsey asked if the mere act of starting a business required the building permit?

Ms. Portner replied only if improvements required on the property necessitate a building permit.

Commissioner Seese asked Staff what the status of the properties from 23rd Street to the Petitioner's property line is? Is there money escrowed for half-street improvements in this area?

Ms. Portner explained that the ordinance which clarified when improvements could be required was adopted two years ago and only when a property comes through the process for a building

permit can the money be required. There have been no other improvements on that particular portion of Grand Avenue; therefore, no money has been escrowed.

Mr. Newton commented that in a situation such as on Grand Avenue where there are improvements on a portion of the street, the City would encourage these improvements be completed when the money is received.

Commissioner Seese asked why the improvements were stopped at 23rd Street?

Mr. Newton did not know why this occurred; however, in the early 1980's there were no street improvements required when a building permit was applied for.

Commissioner Elmer asked Mr. Newton if the requirements included only curb, gutter and sidewalk or were asphalt improvements also required in this case?

Mr. Newton explained the paving may be required to be brought up to minimum standard.

Chairman Halsey asked Mr. Newton if some of the costs could be reduced depending on the exact amount of paving needed?

Mr. Newton replied affirmatively, explaining it would depend on the condition of the existing paving.

Mr. Snodgrass explained that there has been no discussion of options of paying over a period of time or paying only for sidewalks. The request to the Petitioner was that they pay the \$7,000 up front.

Mr. Shaver reminded the Commission that fiscal matters need to be discussed with the City Council and a recommendation for the waiver or a recommendation for denial of the waiver is all that the Commission ought to consider. The Petitioner may discuss alternatives with the City Council.

Chairman Halsey explained if the waiver is denied, the Petitioner does have the right to appeal to City Council.

Commissioner Elmer felt the curb and gutter would help control traffic and improve drainage. Also, he noted that the Code does not intend for the Planning Commission to consider the economics of a development.

Chairman Halsey commented any variance of Code should be a policy decision by the City Council.

**MOTION: (Commissioner Laiche) "Mr. Chairman, on item #35-93, a request for waiver of payment for half-street improvements along Grand Avenue as required by Section 5-4-1.E of the Grand Junction Zoning and Development Code, I move**

that we forward this request to City Council with a recommendation for approval."

The motion was seconded by Commissioner Elmer.

A vote was called, and failed by a vote of 1-3, with Chairman Halsey, Commissioner Elmer and Commissioner Seese opposing.

Mr. Snodgrass requested this item be placed on the agenda for the next City Council meeting.

6. # 1-93B AMENDMENTS TO THE ZONING & DEVELOPMENT CODE - SECTION 4-3-4 & CHAPTER 12  
Consideration of amendments to the Grand Junction Zoning and Development Code, Section 4-3-4. Uses with Liquor License as a Conditional Use and Chapter 12, Definitions and Limitations to include "bar" and "nightclub".  
PETITIONER: City of Grand Junction  
REPRESENTATIVE: Kristen Ashbeck

**PETITIONER'S PRESENTATION**

Kristen Ashbeck explained the request to amend the Grand Junction Zoning and Development Code, Section 4-3-4, regarding uses with liquor license as a Conditional Use and Chapter 12, Definitions and Limitations to include "bar" and "nightclub". Since these uses are also heard by the liquor hearing officer, this section of the Code does seem to be redundant. It also imposes unnecessary requirements on petitioners for uses which would otherwise be allowed in certain zones. The proposal still provides for review of uses which serve liquor as a primary use, but they will not be triggered by the liquor license process. The Planning Commission would review these items in terms of potential land use conflicts.

**PUBLIC COMMENT**

There were no public comments either for or against this proposal.

**QUESTIONS**

Chairman Halsey felt the present Code did cause extra burdens and cost and these amendments would be worthwhile.

**MOTION: (Commissioner Elmer) "Mr. Chairman, on item #1-93B a consideration of amendments to the Grand Junction Zoning and Development Code, Section 4-3-**

**4, Uses with liquor license as a Conditional Use and Chapter 12, Definitions and Limitations to include "bar" and "nightclub", I move that we forward this on to City Council with a recommendation for approval."**

The motion was seconded by Commissioner Laiche.

A vote was called, and the motion passed unanimously by a vote of 4-0.

## **VII. GENERAL DISCUSSION**

### **1. SELECTION OF MONTHLY LIAISON TO CITY COUNCIL, COUNTY PLANNING COMMISSION AND BOARD OF COUNTY COMMISSIONERS**

Commissioner Volkmann was selected as Planning Commissions liaison to City Council, the County Planning Commission and the Board of County Commissioners for the month of April with Ron Halsey as an alternate.

### **2. PLANNING COMMISSIONER ATTENDANCE AT AMERICAN PLANNING ASSOCIATION PLANNING COMMISSION TRAINING TO BE HELD IN GRAND JUNCTION ON FRIDAY, JULY 16, 1993.**

Larry Timm stated that the American Planning Association (APA) will be holding a training session on July 16, 1993 in Grand Junction and asked the Commission for commitments to attend. Mr. Timm also commented that the APA is looking for ideas for agenda topics. Commissioner Laiche indicated he would be interested in attending the July 16th meeting.

### **3. GENERAL DISCUSSION**

There was general discussion regarding submittal deadlines for Petitioners. The Planning Commission expressed their support of the deadlines that have been established for the review process and the importance of developers meeting those deadlines. The Commissioners also indicated that they only wanted to see complete proposals and that all the technical details should be worked out by the time items go to the Planning Commission hearing.

## **VIII. NONSCHEDULED CITIZENS AND/OR VISITORS**

There were no nonscheduled citizens and/or visitors.

The meeting was adjourned at 9:35 p.m.