

GRAND JUNCTION PLANNING COMMISSION
Public Hearing June 1, 1993
7:03 p.m. - 10:07 p.m.

The public hearing was called to order by Chairman Ron Halsey at 7:03 p.m. in the City County Auditorium.

In attendance, representing the City Planning Commission, were Chairman Ron Halsey, John Elmer, Stephen Laiche, Tom Volkmann, Jim Anderson, and Gabe Harbin.

Commissioner Larry Seese was absent.

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

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

Jacque Brever, of KLB Secretarial Services, was present to record the minutes.

There were 26 interested citizens present during the course of the meeting.

I. CALL TO ORDER

II. APPROVAL OF MINUTES

MOTION: (Commissioner Elmer) "Mr. Chairman, I move that we approve the minutes of the May 4, 1993 public hearing."

The motion was seconded by Commissioner Laiche.

A vote was called, and the motion passed unanimously by a vote of 5-0. Commissioner Volkmann was not present for the approval of the minutes.

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. #60-93 CONDITIONAL USE PERMIT - CHUPIRO'S

A request for approval of a nightclub with a liquor license in a C-2 Zone District for Chupiro's Nightclub.

PETITIONER: Martinez Family Corp.

REPRESENTATIVE: Bennett Boeschstein

LOCATION: 124 South 5th Street

STAFF PRESENTATION

Kathy Portner gave an overview of the request for approval of a conditional use permit for an expansion of an existing bar and nightclub located at 124 South 5th Street.

Ms. Portner stated that this proposal is being reviewed according to the recently adopted text amendment, which specifies that bars and nightclubs require a Conditional Use Permit in the C-2 (Heavy Commercial) zone. The proposal also involves a liquor license that will be heard separately by the liquor and beer hearing officer.

The proposal meets the criteria set forth in the Zoning and Development Code for a Conditional Use and all of the staff review comments have been adequately addressed.

Staff recommends approval of this request.

PETITIONER'S PRESENTATION

Cindy Enos-Martinez representing the Martinez Family Corporation was present and had no additional comments.

PUBLIC COMMENT

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

QUESTIONS

Commissioner Laiche asked if this address is where the current facility is located?

Ms. Portner replied affirmatively and added that they will be expanding into the adjoining building.

MOTION: (Commissioner Elmer) "Mr Chairman, on item #60-93 a request for approval of a Conditional Use Permit for a nightclub with a liquor license in a C-2 Zone District for Chupiro's Nightclub, I move that we approve this request subject to the review agency's summary sheet comments."

The motion was seconded by Commissioner Laiche.

A vote was called, and the motion passed unanimously by a vote of 6-0.

2. #62-93 MINOR SUBDIVISION - BERGUIN MINOR SUBDIVISION

A request for approval of a Minor Subdivision which creates 2 lots from 3 parcels for property located at the southeast corner of Bunting Avenue and 28 Road.

PETITIONER: Brandon S. Berguin, DDS

REPRESENTATIVE: Thomas A. Logue

LOCATION: 512 28 Road

STAFF PRESENTATION

Dave Thornton stated that there are currently three parcels on the site. One has full access off of 28 Road and the other two have access off of Bunting Avenue. This proposal is for two lots. Due to potential traffic conflicts staff recommends that access off of 28 Road not be allowed. The area is zoned C-1 (Light Commercial) which allows numerous types of uses to build on that site; therefore, staff feels that now is the time to control access on 28 Road.

The actual construction or an acceptable guarantee for improvements will be required to remove the existing driveway and a "non-vehicular access easement" needs to be placed on the plat along the 28 Road frontage to prohibit future access. All of the review agency comments are currently being addressed. Most of the comments are technical and some are dealing with future site plan review issues, which will be dealt with during the site plan process when a development is proposed.

The Petitioner's current plans for the lot adjacent to 28 Road is a dental office. The Petitioner believes that a dental office would be a low impact to traffic and has requested that a 28 Road driveway be allowed.

Staff recommends approval with the following conditions:

- 1) That all technical issues be resolved on the plat.
- 2) That no access be allowed on Lot 1 from 28 Road.
- 3) The dedication on the plat of a one foot non-vehicular access easement along the 28 Road frontage be required.
- 4) The existing driveway on 28 Road be eliminated and the construction of curb, gutter, and sidewalk be constructed in its place. Curb, gutter, and sidewalk shall be required prior to the plat being recorded.

PETITIONER'S PRESENTATION

Tom Logue, representing the Petitioner, stated that he has received Staff's comments and has no problems with the requirements with the exception of the driveway on 28 Road. The driveway is currently located about 150 feet south of the center line of Bunting Avenue and along the west side of 28 Road is the Indian Wash. It's unlikely a future developer will want to go to the expense to build a private driveway through this property should he want to develop.

Mr. Logue stated that Dr. Berguin is a dentist whose peak day consists of 25 patients generating a fairly low volume of traffic. Because his patients are somewhat older, he thinks it is important for them to be able to have the opportunity to enter the property off of 28 Road.

The Petitioner would like the Planning Commission to exclude that requirement as a condition of this subdivision and include it as an advisory condition to be dealt with when the Petitioner comes through the site plan review process.

Mr. Logue stated that the Petitioner cannot guarantee the date construction will begin because sometimes conditions change. The Petitioner would like Staff to review the traffic circulation for this development and then determine if the driveway on 28 Road should be allowed.

PUBLIC COMMENT

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

QUESTIONS

Commissioner Laiche asked the Petitioner if he had any idea what would be built on the lots?

Mr. Logue answered that it is Dr. Berguin's intentions to build his dental practice building on one lot and that there is no planned use for the remaining property at this time.

Commissioner Anderson asked if Dr. Berguin is aware that it is common practice to require an entrance from a side street in a commercial area? He felt that by requiring only a side street entrance would not create a hardship.

Mr. Logue responded that Dr. Berguin would like the opportunity to enter the property from 28 Road but not necessarily to exit there.

Commissioner Anderson asked how this could be enforced?

Mr. Logue answered that it could be controlled with proper site planning and location of parking lots. Mr. Berguin would like to have the opportunity to resolve the driveway issue based on specific site planning for Lot 1. The same would occur on Lot 2. If a definite proposal occurs in the future then evaluation of which driveways are appropriate and which are not can be done.

Mr. Logue stated that the Petitioner's written response stated that one of the other uses of the adjoining properties consists of a carwash that has been there for several years. Dr. Berguin has discussed with the bank their intentions for the property. The bank has indicated to him that they would like to abandon that use and use it as additional stacking area for the drive-up facility that exists behind the carwash. Their access is gained from a existing driveway between 28 Road and Bunting Avenue.

Commissioner Laiche asked how many cars per day the Petitioner anticipated?

Mr. Logue responded four staff people who would be there all day and approximately 25 patients.

Chairman Halsey commented that one thing the Planning Commission has to consider is the reason Bunting Avenue was recently put through was because of Captain D's. City staff was looking at traffic flow at that time. He further stated that the Planning Commission must be sensitive to any type of consideration that is going to impact high-traffic areas like 28 Road and North Avenue. Chairman Halsey stated that he thought it would be wise at this time to follow the recommendations of Staff and not allow the easement from 28 Road, especially with Bunting Avenue being newly installed.

Commissioner Volkmann asked if there was anything on the property at this time?

Mr. Logue answered there was not. The property had a house on it that has been removed.

Commissioner Volkmann asked if there was a curb cut used for the single family dwelling's driveway?

Mr. Logue responded that he believed it was there when 28 Road was improved and widened.

Commissioner Anderson commented that he thought the office building a little further down 28 Road only has access off a side street.

Mr. Logue responded that was not correct. The Omega Building has access from 28 Road.

Commissioner Volkmann asked Staff if their concern is over the access from North Avenue or from 28 Road?

Mr. Thornton answered that it is both, but the main concern is the left turn access off of 28 Road. It did not make sense to have people trying to make a left turn out of the site when there is a street 150 feet away. Even if it is proposed as a dental office right now, it may not be ten years from now.

Commissioner Laiche asked where the front of the office would face?

Mr. Thornton answered that the front would face 28 Road.

Commissioner Volkmann asked Mr. Thornton if a "non-vehicular access easement" has been used before?

Mr. Thornton answered that he did not think this term had been used here before but it is used in

other places.

Commissioner Elmer asked if that wasn't a little extreme, since it would take a driveway permit to cut a driveway into the site?

Mr. Thornton answered that it is a method of notification to a buyer via the plat that no driveway exists or is allowed. The intent is so that a buyer is not surprised when a request is made for a driveway permit and it is denied.

Commissioner Elmer stated that a "one-foot non-vehicular access easement" seemed to be a contradiction in terms.

Mr. Thornton responded that one could still have access if they walked across it.

Commissioner Laiche asked Dr. Berguin if he thought it would affect his business if there wasn't an access on 28 Road?

Dr. Berguin, 371 McFarland Ct., Grand Junction, CO, replied that he felt his patients should be able to turn in there. He spoke with the attorneys at the bank and their long term plan is to remove the carwash. Having the same entrance, the bank customers would be able to turn sooner to the left into the bank. He added there would be a space of a few blocks where there would be only one driveway. His driveway would be 150 feet off Bunting Avenue. A lot of people would probably use Bunting Avenue anyway.

Commissioner Laiche asked if Dr. Berguin thought people would miss his office or not be able to get into his parking if there wasn't an access off of 28 Road?

Dr. Berguin responded not necessarily; it is for their convenience.

Commissioner Laiche asked how hard it would be for Dr. Berguin to come in later and get a driveway permit?

Commissioner Volkmann replied that the Planning Commission would have this same discussion again.

Commissioner Elmer commented that using an existing access is always better from safety and traffic standpoints.

Commissioner Anderson commented that there is no assurance that one or two years from now the bank is going to follow through with their plan. The bank may decide to sell the property and change it to a commercial use and then there would be another traffic problem. The potential

problem could be eliminated now.

Chairman Halsey asked if the existing driveway has been used in a number of years?

Commissioner Elmer responded that when the City approved the existing lot on the corner of 28 Road, it did not include a driveway; assuming Bunting would eventually develop. He thought that it would simply serve the existing structure. He added that it is obvious the attempt was to reduce the number of curb cuts.

Commissioner Anderson said there is a great deal of difference in traffic between a single family residence driveway and a business driveway.

PUBLIC COMMENT

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

QUESTIONS

Commissioner Elmer asked what some of the other commercial uses were and could these uses impact traffic?

Mr. Thornton replied that most of North Avenue is zoned light commercial; therefore, most everything on North Avenue are potential uses.

When asked if a fast food restaurant could be built without changing the existing zone, Mr. Thornton replied that a restaurant would be allowed, but a drive-thru window would have to come through a conditional use process.

Commissioner Harbin asked if there are any traffic count figures available for that part of 28 Road?

Mr. Thornton replied that there were, but he did not have them.

Commissioner Volkmann asked if this were converted to a restaurant, could it be done without having a public hearing?

Mr. Thornton replied that is correct, under the current zoning.

Chairman Halsey stated that is why it is important to look at the access now.

MOTION: (Commissioner Elmer) "Mr Chairman, on item #62-93, a request for approval of a minor subdivision, which creates two lots from three parcels, for property located at the southeast corner of Bunting Avenue and 28 Road, I move that we

approve this, subject to review agency's comments and also the staff recommendations which include that all technical issues be resolved on the plat, that no access be allowed to Lot 1 off of 28 Road, the dedication on the plat of a non-vehicular access easement be placed along 28 Road frontage, and that the existing driveway on 28 Road be eliminated, and that the construction guarantees for the other improvements be made."

The motion was seconded by Commissioner Anderson.

Commissioner Volkmann asked Assistant City Attorney, John Shaver, if he had any concerns regarding this easement? Commissioner Volkmann was a little puzzled if this prohibited access on 28 Road. He thought the language would be confusing on the plat. He suggested dropping the easement from the requirements.

Commissioner Anderson asked Mr. Thornton if the department planned to require this with every property where the access is denied?

Mr. Thornton replied that is the direction staff is heading at this point.

Commissioner Anderson asked if this would be an isolated case?

Mr. Thornton replied that it is something that will be used in the future. Hopefully staff will come up with better language at some point. He added that he was sure that there is some other mechanism where they can still satisfy the notification portion.

John Shaver commented that, based on the descriptions Mr. Thornton has given, he was not clear about the language. He thought the concept of plat notification was a good idea, but based on the discussion he would review the language to see exactly what is being accomplished.

MOTION: (Commissioner Elmer) "I'll rephrase the plat notification subject to the City legal review and acceptance, only in regard to the easement."

Commissioner Laiche seconded the motion.

A vote was called, and the motion was passed unanimously by a vote of 6-0.

- 3. #63-93 FINAL PLAT/PLAN - THE PEPPER TREE, FILING #4, PHASE I
A request for approval of the Final Plat/Plan for The Pepper Tree, Filing #4, Phase I.
PETITIONER: IBX, Inc.
REPRESENTATIVE: Rolland Engineering**

LOCATION: F Road and 29 Road

STAFF PRESENTATION

Kathy Portner gave an overview of the existing Pepper Tree Subdivision. The recently approved preliminary plan is a modification of that which was originally approved. IBX, Inc. is actually decreasing the number of units and increasing the size of the units. The proposed final plan is in accordance with the approved preliminary plan and the infrastructure that is in place will serve the development, except for some expansion of the existing parking lot. The Petitioners have adequately addressed the technical concerns of the review agencies and all those will be taken care of prior to recording the final plat. Staff recommends approval.

PETITIONER'S PRESENTATION

Tom Rolland, of Rolland Engineering, representing the Petitioner, stated that the only infrastructure improvements required depends on the existing parking lot. Approximately eight more stalls need to be added. The Petitioner takes no exception, as indicated in writing, to any of the review comments. However, he remained confused on the request of one additional handicap parking, as they are showing two handicap stalls in the parking lot that can be put in by re-stripping the spaces. He thought three spaces could be provided if it was needed.

Ms. Portner responded that the City and Zoning Development Code has no specific requirements for the number of handicap stalls; however, Staff recommends that the Petitioner meet whatever the current ADA standards are.

PUBLIC COMMENT

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

QUESTIONS

Commissioner Elmer asked if any of the existing landscaping improvements were being removed?

Mr. Rolland replied that the Petitioner is going to expand into the existing landscaped island in the parking lot on the north side and make two new parking stalls.

Commissioner Elmer asked if the Petitioner could transfer density in the future?

Ms. Portner replied that would require another hearing process.

MOTION: (Commissioner Elmer) "Mr Chairman, on item #63-93 a request for approval of the Final Plat/Plan for the Pepper Tree Filing #4, I move that we approve the proposal."

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed unanimously by a vote of 6-0.

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

1. #5-93 FINAL PLAN & PLAT - WILSON RANCH, FILING #3

A request for approval of the Final Plan & Plat for Wilson Ranch, Filing #3 for Planned Residential 36 single family units and the waiver of Open Space Fees.

PETITIONER: GNT Development, Dan Garrison

LOCATION: 25 1/2 Road and G 1/2 Road

STAFF PRESENTATION

Dave Thornton gave an overview of the final filing of Wilson Ranch. The Commission received and approved the revised preliminary plan a few months ago. All of the conditions have been met by the Petitioner.

The Petitioner is also requesting that open space fees be waived for Filing 3. City Council denied a request to waive open space fees for Filing 2 on April 19, 1993. Staff does not support the waiver of open space fees for Filing 3.

Mr. Thornton stated that all technical issues in the review agency comments will be worked out prior to recording the plat.

Staff recommends approval with the following condition: all technical requirements be reviewed, completed or adequately addressed prior to recording the final plat.

As a separate motion, staff recommends that open space fees not be waived.

PETITIONER'S PRESENTATION

Dan Garrison stated that he is downsizing the subdivision with 17 fewer lots than were originally provided for. He stated that he would not belabor the Commission with the open space fees issue. He stated that he understood the Commission had no authority to waive or grant the request.

PUBLIC COMMENT

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

QUESTIONS

Commissioner Elmer asked if the issue of utilities was resolved with the owner of an adjoining property?

Mr. Garrison replied that he believed the issue was resolved so the gentleman can access his property.

Commissioner Elmer asked how the erosional problems with Leach Creek were being addressed?

Mr. Gerald Williams responded that the problems are being addressed.

Commissioner Elmer commented that in view of the fact the Commission is not privy to the annexation agreement, he did not see how they could hear the open space fees issue. He added that City Council denied it on the last filing.

Commissioner Volkmann asked Mr. Garrison to clarify that he has not withdrawn his request and intends to pursue it.

Mr. Garrison replied that is correct.

Mr. Thornton reminded the Commission to do all motions in the affirmative, even if it is being denied.

MOTION: (Commissioner Anderson) "Mr. Chairman, on item #45-93, A request for approval of the final plan/plat for Wilson Ranch, Filing 3, I move that we approve this subject to review agency comments."

The motion was seconded by Commissioner Laiche.

A vote was called, and the motion passed unanimously by a vote of 6-0.

MOTION: (Commissioner Anderson) "Mr. Chairman, on a request for a waiver of open space fees for Wilson Ranch, I recommend that we forward this to City Council with recommendation for approval."

The motion was seconded by Commissioner Elmer. He added, for clarification, that he felt the Planning Commission does not have enough information to review this item. It is really a legal matter and the Commission does not have the ability to make a decision.

A vote was called, and the motion failed by a vote of 6-0.

2. **#69-92 REZONE - PORTION OF 1300 BLOCK OF COLORADO AVENUE**
A request to rezone a portion of the south side of the 1300 block of Colorado Avenue from C-2 (Heavy Commercial) to B-1 (Light Business).
PETITIONER: Charles Lurvey
REPRESENTATIVE: Bill Pitts

LOCATION: Southeast corner of 13th Street and Colorado Avenue

STAFF PRESENTATION

Karl Metzner gave an overview of the request to rezone a portion of the south side of the 1300 block of Colorado. Since the fall of last year, there have been several petitions to rezone. They were initiated by the property owners, but there were some property owners who did not participate in the rezone request. The property owners had a problem selling because they were non-conforming uses. This property has changed ownership, and the new owners are desiring to put in a preschool facility which is not allowed under the present C-2 Zone. The B-1 would match the zoning in both blocks and would allow the preschool.

Staff recommendation is for approval, since the original zoning of C-2 was in error when it was adopted.

PETITIONER'S PRESENTATION

Bill Pitts, 2626 H Road, Grand Junction, CO, had no additional comments.

PUBLIC COMMENT

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

QUESTIONS

Commissioner Anderson asked if the original owner had declined the rezoning to C-2.

Mr. Metzner replied that was correct, and that the previous use was an office.

MOTION: (Commissioner Volkmann) "Mr. Chairman, on item #69-92 a request for approval to rezone a portion of the south side of the 1300 block of Colorado Avenue from a C-2 (Heavy Commercial) to B-1 (Light Business), I move that we forward this to City Council with recommendation of approval."

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed unanimously by a vote of 6-0.

3. #25-93 REZONE & FINAL PLAN/PLAT - V.O.A. 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) and approval of a final plan/plat. This item was tabled at the April 6, and May 4,

1993 Planning Commission meetings.

PETITIONER: Volunteers of America

REPRESENTATIVE: Lantz-Boggio Architects, Inc.

LOCATION: Northwest corner of 1st Street & Independent Avenue

STAFF PRESENTATION

Karl Metzner stated that the Petitioner requested to table this issue at least one more time due to the delays of the HUD process and acceptance of the property owner of this HUD-funding. If the HUD offer to purchase additional property for parking is declined, the project will not proceed. Mr. Metzner has advised the Petitioner to submit a revised site plan at least two weeks prior to the next Planning Commission meeting. He asked that this item be tabled until the July hearing.

MOTION: (Commissioner Elmer) "Mr Chairman, on item #25-93 a request for tabling, I move that it be tabled to the July 6th meeting."

The motion was seconded by Commissioner Volkmann.

A vote was called, and the motion passed unanimously by a vote of 6-0.

4. #46-93 FINAL PLAT - ELWYN GRAND JUNCTION INDUSTRIAL PARK MINOR SUBDIVISION

A request for approval of a Final Plat of a 2 lot subdivision in I-1 Zone district and a request for waiver of half-street improvement requirements. This item was pulled from the May 4, 1993 Planning Commission agenda at the request of the Petitioner.

PETITIONER: Wayne G. Elwyn

REPRESENTATIVE: Wayne Lizer and Steve McCallum

LOCATION: 727 23 Road

STAFF PRESENTATION

Dave Thornton gave an overview of the request for approval of the Final Plat of a two lot subdivision in an I-1 Zone and request for a waiver of half-street improvements. He explained that construction of a building on either site would require site plan review and approval by the City. The requirement for the half-street road improvements is required for 23 and G Roads as per section 5-4 of the Zoning and Development Code.

Mr. Thornton stated that the Petitioner is requesting the following:

- 1) That road improvements for the G Road frontage be waived for Lot 2A in return for a non-vehicular access easement. That will eliminate the access off G Road, which is the larger of the two lots.
- 2) That the frontage for Lot 2A on 23 Road be deferred until development takes place on that

lot.

- 3) A guarantee in the form of a cash escrow for road improvements for one-half a commercial street section will be paid for the 23 Road frontage along Lot 1A.

If the waiver and deferment request for half-street improvements is recommended by Planning Commission, it will go on to City Council for final approval. If the road improvements are not deferred by City Council, the Petitioner will be responsible for those improvements through an improvements guarantee or by the actual construction of the improvements prior to the recording of the final plat. The main issues brought up by review agencies dealt with the language on the plat. These will be corrected prior to recording. Approval or any deferment of improvements will be noted on the plat. Because of the complex and unique situation with this subdivision, staff suggests that it is an item that City Council should make a determination on.

PETITIONER'S PRESENTATION

Steve McCallum, 379 South Camp Road, stated that the Petitioner, Mr. Elwyn, wants to move a Walker Products Company from California to Grand Junction. The company remanufactures carburetor components. Last year sales to two divisions in Grand Junction was in excess of \$4 million, with \$1,380,000 in payroll. The reason for the request to waive or defer the half-street improvements is because of the unique shape of the property which has a considerable amount of street frontage. The half-street improvement fee would be almost three times the purchase price of the property. There are no immediate plans for Lot 2A. The plans for Lot 1A are to expand the existing facility in four phases. The first phase consists of a 40,000 square feet addition to be done immediately upon approval. The reason for the request for deferment of the improvements on Lot 2A is that the Petitioner has no immediate plans for that property.

Ron Kraft, President of the MCEDC, 2828 Walker Field Drive, 3rd Floor, Airline Terminal, Grand Junction, CO,. Mr. Kraft stated that the MCEDC feels this is an economic development project. Mr. Kraft stated that he is representing the MCEDC as well as the Grand Junction Chamber of Commerce. This manufacturing company started in the valley a couple years ago. The company has 58 employees and has the potential to double that number with this expansion and the move from California. The MCEDC's intent at the next City Council meeting is to request economic development incentives to cover the costs of the Lot 1A half-street improvements. The company will be expending in excess of \$600,000 in Phase 1 and

there are two more phases. Mr. Kraft felt that development and the resale of these parcels would be difficult because of the large drainage ditch along the west side along G Road.

Bernie Buescher, 1993 chairperson of MCEDC, agreed that future development on these parcels would be difficult. Mr. Buescher stated that it is largely waste ground; there are two large drainage ditches which are a topographical problem which makes it difficult to develop the southern parcel.

The manufacturing company is willing to give up its access to G Road. Mr. Buescher asserted that this points out that assessing the cost of road improvements to that parcel is inappropriate. The MCEDC feels that this proposal will solve the problems and allow this company to expand and move jobs to Grand Junction. Mr. Buescher stated that the MCEDC strongly supports this request.

Commissioner Anderson asked if this was evident at the time of the purchase?

Mr. Buescher stated that it was, but at the time of purchase this parcel was in the county. The county handles these situations differently.

Commissioner Anderson and Chairman Halsey both felt that it would be setting a precedent to recommend waiver of the improvements.

Mr. Buescher suggested that the Planning Commission make a resolution tonight stating that the application of the existing ordinance to this situation causes a financial hardship. Then the MCEDC will take it to City Council for their consideration.

Commissioner Volkmann asked how large Lot 2A is?

Mr. Buescher stated that Lot 2A is 18.6 acres. Walker Products would be located solely on Lot 1A.

Commissioner Volkmann stated that if the Commission recommended deferral only on the half-street improvements on 23 Road and G Road would that change the nature of Mr. Elwyn's interest in the property?

Mr. Buescher stated that this has been discussed in depth with the City and the Chamber. This would impose such a hardship on this piece of ground effectively causing it to have a negative value.

Commissioner Elmer stated that access is not the criteria for improvements. It is a policy that developers pay for road improvements because they are creating additional traffic. He stated that he would be in favor of recommending a deferment of G and 23 Roads improvements. He added that it is a large parcel and can be split in the future into smaller parcels.

Mr. Thornton clarified that the Petitioner is asking that the improvements be waived on G Road but not on 23 Road.

When asked how long the frontage was on 23 Road, Mr. Buescher replied it is roughly 1,000 feet at \$50 a foot.

Mr. McCallum stated that Mr. Elwyn bought this property at \$50,000. Mr. Elwyn was not aware that it was going to cost more to improve the lot than what the property cost. The reason for the split is not to enhance the property for future development but to limit its exposure. Mr. McCallum told the Commission to think about the message they would be sending Walker Products. Walker Products have not requested any assistance for this move or to build this facility, which is a sizeable financial commitment. Mr. Elwyn's feeling the past two weeks is one of total dismay.

When asked if he was going to apply for economic development funds, Mr. McCallum replied yes on Lot 1A.

John Shaver advised the Commission to rely on the Zoning and Development Code in making this decision and not the economic situation.

Commissioner Laiche asked when this property was annexed.

Mr. Buescher replied two to three years ago.

When asked when Mr. Elwyn purchased the property, Mr. Buescher replied that he purchased Lot 1A & 2A three or four years ago.

MOTION: (Commissioner Volkmann) "Mr. Chairman, on item #46-93, a request for a final plan and plat on 23.27 acres also known as the Elwyn Industrial Park Subdivision, I make a motion to approve the final plat subject to staff recommendations."

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed unanimously by a vote of 6-0.

MOTION: (Commissioner Volkmann) "Mr. Chairman, on item #46-93 I make a motion that the Planning Commission recommend approval of the request for the variance and allow waiver for the construction of road improvements for the above mentioned subdivision at G Road and 23 Road frontages respectively for Lot 2A."

The motion was seconded by Commissioner Elmer. Commissioner Elmer stated that he felt it was important that City Council consider this because of the economic development situation. The majority of the developments the Planning Commission reviews involve large investments by companies creating jobs. The Council should not ignore existing businesses when they consider this. When large parcels are subdivided, improvements are only going to be made on one lot.

A vote was called, and the motion failed by a vote of 1-5 with all but Commissioner Laiche opposing.

5. #48-93 REQUEST FOR WAIVER OF HALF-STREET IMPROVEMENTS

A request for waiver of half-street improvements for 29 Road as a condition of a Special Use Permit.

PETITIONER: William Graff

LOCATION: 581 29 Road

STAFF PRESENTATION

Kristen Ashbeck stated that the Petitioner, William Graff, has submitted a special use application which is being processed administratively for an expansion of his dairy at 581 29 Road. His proposal is to add 1,200 square feet to enclose an area where people (students, Boy Scouts, etc.) can observe his processing operations. Mr. Graff could have done this addition through an expansion of a nonconforming use; however, he elected to bring his existing and proposed operations into conformance by an application of a special use permit. This application triggers the requirement of half-street improvements. The frontage of the lot is 213 feet at \$50 linear foot which equals \$10,650. In the interest of consistency in application of the requirements, Staff recommends this proposal not be approved.

PETITIONER'S PRESENTATION

Dave Nichols, representing the Petitioner, stated that when Mr. Graff built his house and received his permit nearly 20 years ago he dedicated 16-1/2 feet of property to the City. The plan for what he is doing now has been approved except for this technical requirement. Mr. Graff doesn't want to pay \$10,650 on an improvement which may or may not happen. Mr. Nichols stated that he did not know what the City's plans were and neither did Mr. Graff. The expansion would be a viewing area for approximately four tour groups each month. Currently the processing area cannot be viewed due to sanitation reasons. This way visitors can observe what is going on and later have it explained to them.

Chairman Halsey stated that for consistency he suggested avoiding a lot of discussion and debate and simply forward the item to City Council.

Commissioner Volkmann asked for clarification. Did I understand that Mr. Graff did not have apply for a Special Use Permit?

Ms. Ashbeck replied that is correct. He could have requested a nonconforming use for his expansion as he did several years ago; however, if he just applied for a building permit, it still would have triggered the requirement for the half-street improvements.

Motion: (Commissioner Anderson) "Mr. Chairman on item #48-93, I move that we forward this to City Council with the recommendation for approval."

Commissioner Laiche seconded the motion.

A vote as called, and the motion tied (failed) by a vote of 3-3. Commissioners Laiche, Volkmann, and Elmer in favor of the motion and Commissioners Anderson, Harbin, and Chairman Halsey opposing.

Mr. Nichols appealed this decision to City Council.

6. #59-93 MINOR SUBDIVISION/FINAL PLAN/RIGHT-OF-WAY VACATION - THE RIDGES

A request for approval of a Minor Subdivision of approximately 2.23 acres; a revised final plan; and vacation of a portion of Ridges Boulevard.

PETITIONER: City of Grand Junction

REPRESENTATIVE: Tim Woodmansee

LOCATION: 372 Ridges Boulevard

STAFF PRESENTATION

Kristen Ashbeck stated that the primary reason for the subdivision is that the annexation agreements of last year mandated that the City sell the Ridges Metropolitan District office property. The request is to create two lots, one with the former Ridges office and a lot for the remaining portion which includes a maintenance building and open space. To sell the office, the City is proposing the subdivision. In terms of the final plan, this site plan would bring the overall plan for the Ridges up to date. In regards to the uses allowed on the commercial lot, because of the location of the office building, staff recommends that the uses be further specified.

In the covenants of the Ridges, commercial uses are relatively wide open and they have had some calls from concerned residents about the potential for heavy commercial/retail uses. Staff feels such uses are inappropriate for that area and recommend that "commercial" for this lot be further specified as to what uses would be allowed.

The right-of-way vacation includes a small portion of the existing parking lot which encroaches into the Ridges Boulevard right-of-way. The right-of-way is 100 feet wide. It is unlikely it would be needed for future improvement; however, it does need to be maintained as a utility easement, which is what will be designated on the plat.

Staff recommends approval of the revised final plan with the condition that "commercial" be further defined to allow only uses that are allowed in a B-1 zone.

PUBLIC COMMENT

Mr. and Mrs. John Sharp, Ridges Boulevard #209, Grand Junction, CO, wanted clarification about the proposal. They did not understand where it was located.

Commissioner Elmer explained the total property is 2.2 acres with the office building.

Mr. Sharp asked if it was across from the condos? Also, does that include the office building?

Commissioner Elmer replied yes to both questions.

Mrs. Sharp asked what part of the Boulevard is being vacated?

Commissioner Elmer replied that 200 square feet of the existing parking lot is encroaching on the right-of-way.

Commissioner Volkmann asked if it is part of the built Ridges Boulevard?

Ms. Ashbeck replied no.

When asked if the street would not be narrowed, Ms. Ashbeck replied no.

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

When asked if the pump house will stay on the site, Ms. Ashbeck answered that it would be used as a maintenance building.

Chairman Halsey asked if the open space was improved?

Ms. Ashbeck replied no, however, there is a spillway across it for which there will be an easement provided on the plat.

Commissioner Elmer asked how maintenance would take care of the existing driveway? Would the City vehicles do a disproportionate amount of damage?

John Shaver responded that he did not think it had been addressed.

MOTION: (Commissioner Anderson) "Mr Chairman, on item #59-93, a request for approval of a right-of-way vacation at 372 Ridges Boulevard, I move that we forward this to City Council for approval, subject to any review agency comments."

The motion was seconded by Commissioner Laiche.

A vote was called, and the motion passed unanimously by a vote of 6-0.

MOTION: (Commissioner Anderson) "Mr Chairman, on item #59-93, a revised final plan for 372 Ridges Boulevard, I move that we approve this with the defining of commercial, to include only those uses allowed in a B-1 zone, per section 4-3-4, of the Grand Junction Zoning and Development Code."

The motion was seconded by Commissioner Elmer.

A vote was called, and the motion passed unanimously by a vote of 6-0.

MOTION: (Commissioner Anderson) "Mr Chairman, on item #59-93, a request for a minor subdivision at 372 Ridges Boulevard, I move that we approve this proposal, subject to any review agency comments."

The motion was seconded by Commissioner Elmer.

A vote was called, and the motion passed unanimously by a vote of 6-0.

A short recess was called at 9:05 p.m. The meeting reconvened at 9:10 p.m.

7. **#79-92 ZONE OF ANNEXATION - COUNTRY CLUB HEIGHTS**
A request to zone land recently annexed to the City, also known as the Country Club Heights Annexation, to RSF-2 (Residential Single Family, 2 units per acre).
PETITIONER: City of Grand Junction
REPRESENTATIVE: Karl Metzner
LOCATION: South of I-70 and West of 27 Road

STAFF PRESENTATION

Karl Metzner stated that all the following zones of annexation are in accordance with the City's policy to zone annexations to the closest possible city zone to the previous county zone. There are no review comments on these so there was no need to include them in the motions.

In regard to Country Club Heights, previous county zoning was R1-B, which is two units per acre. Country Club Heights is 54 parcels on a little over 46 acres. The proposed zoning is RSF-2, which is two units per acre.

PUBLIC COMMENT

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

MOTION: (Commissioner Volkmann) "Mr Chairman, on item #79-92, I move that we forward this to City Council, with recommendation for approval."

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed unanimously by a vote of 6-0.

8. #80-92 ZONE OF ANNEXATION - CAMBRIDGE

A request to zone land recently annexed to the City, also known as the Cambridge Annexation, to PR-2.24 (Planned Residential with a maximum of 2.24 units per acre).

PETITIONER: City of Grand Junction

REPRESENTATIVE: Karl Metzner

LOCATION: South of I-70 and West of 27 Road

STAFF PRESENTATION

Mr. Metzner stated that this one is slightly different. The approval of the zoning will include approval of the adopted plan for development as approved by Mesa County. This is a single family development.

PUBLIC COMMENT

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

QUESTIONS

Commissioner Elmer asked if the plan that becomes record is the one the county approved?

Mr. Metzner replied it is.

MOTION: (Commissioner Elmer) "Mr. Chairman, on item #80-92 a request to zone land, also known as the Cambridge Annexation, I move that we forward this to City Council with a recommendation for approval."

The motion was seconded by Commissioner Volkmann.

A vote was called, and the motion passed unanimously by a vote of 6-0.

9. #16-93 ZONE OF ANNEXATION - INTERSTATE ENCLAVE

A request to zone land recently annexed to the City, also known as the Interstate Enclave Annexation, to I-1 (Light Industrial).

PETITIONER: City of Grand Junction

REPRESENTATIVE: Karl Metzner

LOCATION: 2309 & 2311 Interstate Avenue

STAFF PRESENTATION

Mr. Metzner stated there are two lots in Interstate Commercial Subdivision. The lots were originally omitted from the annexation of the rest of that subdivision. The property owner

subsequently submitted a power of attorney. While the three years to enclave is not up, the City is submitting for annexation based on the power of attorney. The I-1 zoning is compatible with the I-1 zoning of the rest of the subdivision.

Commissioner Anderson asked how the Commission can proceed if the term of the enclave is not up?

Mr. Metzner replied that it is because the property owner signed a power of attorney for annexation. Staff is calling it Interstate Enclave, but it is really the same as any other power of attorney.

PUBLIC COMMENT

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

MOTION: (Commissioner Elmer) "Mr. Chairman, on item #16-93, a request to zone land recently annexed to the City, also known as the Interstate Enclave Annexation to I-1 (Light Industrial), I move that we forward this to City Council with a recommendation of approval."

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed unanimously by a vote of 6-0.

10. #17-93 ZONE OF ANNEXATION - GARRISON RANCH

A request to zone land recently annexed to the City, also known as the Garrison Ranch Annexation, to PR (Planned Residential).

PETITIONER: City of Grand Junction

REPRESENTATIVE: Karl Metzner

LOCATION: South of H Road and West of 12th Street

STAFF PRESENTATION

Mr. Metzner stated that this one is similar to Cambridge in that it is a planned zone and the ordinance will refer to adopting the approved county plan. It is a single family development and the main difference is the different setbacks from a straight zone.

PUBLIC COMMENT

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

QUESTIONS

Commissioner Elmer asked if Garrison Ranch was currently one unit per acre?

Mr. Metzner replied yes; it is five lots on 5 acres. It will be one unit per acre, zoned PR-1.

MOTION: (Commissioner Volkmann) "Mr Chairman, on item #17-93 a request to zone land recently annexed by the City, also known as the Garrison Ranch Annexation, to PR (Planned Residential), I move that we forward this to City Council with recommendation for approval."

The motion was seconded by Commissioner Laiche.

A vote was called, and the motion passed unanimously by a vote of 6-0.

11. #18-93 ZONE OF ANNEXATION - BLUE HERON 2

A request to zone land recently annexed to the City, also known as the Blue Heron 2 Annexation, to I-1 (Light Industrial).

PETITIONER: City of Grand Junction

REPRESENTATIVE: Karl Metzner

LOCATION: South of River Road at 25 Road

STAFF PRESENTATION

Mr. Metzner explained that this was requested for annexation by the Riverfront Commission. I-1 was the zoning of Blue Heron 1 annexation. Most of the property is actually at the bottom of the river. The rest will be used for a riverfront trail and a small part sold to an adjoining owner. The zoning is compatible with the surrounding zoning.

PUBLIC COMMENT

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

QUESTIONS

Commissioner Anderson asked if an industrial designation is appropriate since it is a trail on public land?

Mr. Metzner replied yes. Work is in progress to do away with the Public Zone replacing it with an open space zone. Most of it will remain in public ownership and the I-1 zoning on the public ownership will be changed when a new zone is created.

MOTION: (Commissioner Anderson) "Mr Chairman, on item #18-93, a request to zone land recently annexed by the City, also known as the Blue Heron 2 Annexation, I move that we forward this to City Council with recommendation for approval."

The motion was seconded by Commissioner Elmer.

A vote was called, and the motion passed unanimously by a vote of 6-0.

12. #64-93 REZONE - 2765 CROSSROADS BOULEVARD

A request to rezone property located at 2765 Crossroads Boulevard from PZ (Public Zone) to HO (Highway Oriented).

PETITIONER: City of Grand Junction

REPRESENTATIVE: Karl Metzner

LOCATION: 2765 Crossroads Boulevard

STAFF PRESENTATION

Karl Metzner explained that this is a previous park site that was dedicated in Crossroads West subdivision. An analysis by the Parks Department showed that it was neither an appropriate size or location for a park site. In April, it was put on the ballot and the voters determined it could be disposed of. Any funds received for sale of the land would revert to the park improvement fund. Its value is not lost. Its funds would go into acquisition or development of other parks sites. PZ zoning is used only for property owned by a public entity. All of the surrounding property is zoned HO, which seems to be an appropriate zoning.

PUBLIC COMMENT

Wesley White, Rocky Mountain HMO, Grand Junction, CO, stated his organization was neither for or against the proposal. He stated that he had spoken with Community Development and asked what the HO zone meant. It was explained to him that one could put up anything from a bus stop to a beauty salon on the property. He is concerned because he feels that the area is very nice and he does not want something such as a bowling alley constructed there.

Commissioner Anderson asked if this abuts the old HMO building?

Mr. White replied it does. A small portion also touches Interstate 70. The other property owners tried to get the Parks Department to develop it and even offered to foot the bill. There is quite a bit of traffic in this area. RMHMO employs about 150 people and they generate quite a bit of traffic themselves.

Chairman Halsey asked what is the rationale for zoning this HO?

Mr. Metzner replied that it is because HO has the strictest landscaping standards, stricter than any other commercial zone. One of the rationales was to have the area near a major highway a little more pleasing in appearance.

Commissioner Elmer asked if he was aware of any covenants that also regulate appearance?

Mr. Metzner replied none that he was aware of.

Commissioner Elmer stated that if someone could come in with any one of these uses, there would be little outside of meeting criteria zones which the Planning Commission could enforce. He stated

that HO did sound strict. He asked if all the adjacent lots have the same zone?

Mr. Metzner replied affirmatively.

Chairman Halsey commented that it is a little surprising the City being offered to have this made into a park at no cost. He asked if this was on the ballot?

Mr. Metzner replied yes, the voters approved disposing of the site.

MOTION: (Commissioner Anderson) "Mr. Chairman, on item #64-93 a request to rezone property located at 2765 Crossroads Boulevard from PZ (Public Zone) to HO (Highway Oriented), I move that we forward this to City Council with recommendation for approval."

The motion was seconded by Commissioner Elmer.

A vote was called, and the motion passed unanimously by a vote of 6-0.

13. #1-93(D) TEXT AMENDMENT - SETBACKS IN THE RSF-1 & RSF-2 ZONE DISTRICTS

A request to amend Sections 4-2-1 and 4-2-2 of the Grand Junction Zoning & Development Code to revise setback requirements in the RSF-1 (Residential Single Family, 1 unit per acre) and the RSF-2 (Residential Single Family, 2 units per acre) Zone Districts.

PETITIONER: City of Grand Junction

REPRESENTATIVE: Karl Metzner

STAFF PRESENTATION

Mr. Metzner stated that this proposal is an attempt to establish consistency between the City and County zoning. RSF-1 and RSF-2 have 50 foot setback requirements. The same zones in the county have a 30 foot setback. That makes for a 60 foot building separation if one has back to back lots. He stated that this is adequate.

PUBLIC COMMENT

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

MOTION: (Commissioner Elmer) "Mr. Chairman, on item #1-93(D) a request for a text amendment, I move that we forward this on to City Council for approval."

The motion was seconded by Commissioner Laiche.

A vote was called, and the motion passed unanimously by a vote of 6-0.

VI. GENERAL DISCUSSION

1. Commissioner Elmer was selected Chairperson and Commissioner Volkmann was selected as Vice Chairperson. Commissioner Anderson was selected as an alternative Vice Chairperson.
2. Commissioner Harbin was selected liaison to City Council for the month of June.
3. Commissioner Anderson was selected as liaison to County Planning Commission/Board of County Commissioners for the month of June.
4. Larry Timm stated that the American Planning Association (APA) will be holding a training session in Delta on July 15th and asked the Commissioners whether any of them planned to attend. Mr. Timm also commented that the APA is looking for ideas for agenda topics. Commissioner Elmer indicated he would be interested in attending the July 15th meeting. Commissioner Harbin stated that he may also attend.
5. There was general discussion regarding the joint City/County Planning Commission workshop which was held on May 20th regarding the draft proposal for a joint City-County Land Use and Development Plan. Larry Timm asked the Commissioners if they had any additional input.

Commissioner Anderson stated that the County Staff was most agreeable to the joint proposal, so it depends on the other bodies.

Mr. Timm stated that he could have it ready by August to go for a formal recommendation to City Council.

VII. NONSCHEDULED CITIZENS AND/OR VISITORS

There were no nonscheduled citizens and/or visitors.

The meeting was adjourned at 10:07 p.m.