

GRAND JUNCTION PLANNING COMMI.
Public Hearing -- November 6,
7:30 p.m. - 10:15 p.m.

The public hearing was called to order by Chairman Steve Love at 7:30 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission, were:

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| Steve Love, Chairman | Ron Halsey |
| Sheilah Renberger | John Elmer |

Katie Worrall and Jim Bittel were absent.

In attendance, representing the City Planning Department, were David Thornton and Kathy Portner.

John Shaver, Assistant City Attorney, Marty Currie, Acting Community Development Director were also present.

Bobbie Paulson was present to record the minutes.

There were 16 interested citizens present during the course of the meeting.

I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER RENBERGER) "MR. CHAIRMAN, I MOVE THAT THE OCTOBER 9, 1990 MINUTES BE APPROVED."

The motion was seconded by Commissioner Halsey.

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

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRE-SCHEDULED VISITORS

Chairman Love announced that items #45-90 Replat of Colony Park and #18-90 Text Amendments b. and c. have been pulled from the agenda.

III. PUBLIC MEETING

1. **#43-90 A request for a Revised Final Plan for the First Presbyterian Church on approximately 8.97 acres in a Residential Single Family (RSF-4) Zone.**
PETITIONER: First Presbyterian Church, Tom Reck of Reck & Associates.
LOCATION: Northeast corner of 27 1/2 Road and Cortland Avenue

PETITIONER'S PRESENTATION

Tom Reck briefly outlined the proposal for a revised plan for the First Presbyterian Church located at 27 1/2 Road and Cortland Avenue. The church sanctuary will seat approximately 700 persons, the choir members, plus it has additional auxiliary seating. The facility will include an education and fellowship section. The entire development will be just over 40,000 square feet. Approximately 22,000 square feet will be built in the first phase. The church will face primarily on 27 1/2 Road. The plan has two entrances to the property; one on 27 1/2 Road and the other on Cortland Avenue. The number of parking spaces will meet or exceed what is required by the Code, and the parking area will be broken up with landscaping.

The building is placed at an angle on the property in order to utilize a sewer line that intersects the property. There are water lines in both 27 1/2 Road and Cortland Avenue. The church will hook into the water line on 27 1/2 Road for domestic and fire hydrant use. The gas line is on 27 1/2 Road. All utilities are existing and have sufficient capacity to service this property.

A ditch that drains water off the subdivision east of this property runs parallel with the sewer line. Calculations show that approximately 18 cubic feet per second (CFS) of water drains off the subdivision to the east and filters into the ditch. A drainage basin at the intersection of Cortland Avenue and 27 1/2 Road has three culverts underneath 27 1/2 Road which flow into a drainage swale. The entire drainage system can handle approximately 9 CFS. At peak times, it is estimated that the church property will add approximately 14 CFS. Two retention ponds are proposed on the property. The water from the subdivision east of this property will drain into the pond along Cortland Avenue. It will then flow into a drainage swale parallel to Cortland Avenue and then into a lower detention pond in the landscaped area on 27 1/2 Road. The water will be metered so that only 9 CFS of water is allowed to flow through the existing culverts in the road system. This proposal is in compliance with the water district's needs. There will be no impact on downstream water.

Mr. Reck continued; the proposed landscaping will exceed the standards of the Code. A dry landscape system will be used for this development. Plants will be used that are native to arid type conditions. In addition, grass and trees will be planted.

Arrangements have been made with the Fire Department and Ute Water to have adequate fire hydrants on the property as well as water service. There will be full fire flow capacity and hydrants in close proximity to the church.

A third entrance to the property is proposed as a service/delivery entrance. This entrance will be used by the Fire Department so that they can adequately cover the entire building. It will also be used for deliveries since the fellowship hall and kitchen are located near this entrance.

A trash enclosure is proposed on the back side of the church. It will be screened and protected.

There will be no exposed mechanical equipment on the roof. The roof will be pitched and will be no higher than the 32 foot height restriction, except for the church spire.

The proposed development is located in the critical path runway system of the airport. However, the airport has stated that a church use is not a problem in this zone.

Mr. Reck stated that the church may want to use the facility as a day care sometime in the future. The Airport Authority has indicated that so long as the class rooms were built with sufficient acoustic control this would not be a problem.

Mr. Reck reiterated the need for a new facility. The existing First Presbyterian Church located at 6th and White is in a state of disrepair.

QUESTIONS

Commissioner Renberger asked what the proposed height of the building and spire were; if the Grand Valley Water Users concerns were addressed; and who would be servicing the church with water, the City or Ute Water?

David Thornton replied; the actual roof peak will be 32 feet and the spire will be 36 feet high. The Zoning and Development Code does not restrict the height of church spires. The Grand Valley Water Users' concerns have been resolved. The drainage flow will be 9 CFS from the detention pond on the corner of 27 1/2 Road and Cortland. And this church will be serviced by Ute Water.

Commissioner Elmer asked if the educational facility would be built in Phase II?

Mr. Reck replied that the day care would be located in the identified administration section in the plan; it is proposed in Phase II.

Commissioner Elmer asked if the softball field would have lights and grass?

Mr. Reck replied that the field would not have lights, but it will be grassed. He added that it would not be used as a league type recreational field. It will be used by members of the church and the youth program.

Commissioner Elmer was concerned that the field would be sufficiently maintained.

Mr. Reck assured Commissioner Elmer that the field would be properly maintained.

Commissioner Renberger asked if it was allowable to have a day care facility and a school in the church?

Mr. Reck explained that day care facilities are licensed and regulated by the State. The church plans to have a christian education facility. It would be used primarily on Sundays and evenings. The design of the building will allow the church capability of converting the classrooms into a day care center.

STAFF PRESENTATION

David Thornton briefly outlined the proposal. The First Presbyterian Church was granted a Conditional Use Permit for the site on 27 1/2 Road and Cortland Avenue in 1986. The revised plan for the church is significantly different than what was proposed in 1986, and that is why it has to go through another public hearing. When the permit was granted in 1986, the church's representative indicated that construction would not take place for approximately five years. A day care or school was not approved as part of the project. Although there is discussion tonight regarding a day care and/or school, the petitioners would be required to amend the Conditional Use Permit. An amendment to the Conditional Use Permit would be reviewed by the review agencies and the Planning Commission.

The number of proposed parking spaces meet the Code's requirements for churches. The landscaping is in excess of what is required. Currently, the Code states that churches are not compatible uses in the Airport Critical Zone. This is a contradiction to the FAA, by Federal Code it is compatible. It appears that there was an oversight in the original Conditional Use in 1986. Consequently, the Zoning and Development Code will be updated to coincide with FAA Standards.

QUESTIONS

Chairman Love asked for further clarification of why the Zoning and Development Code did not agree with the airport standards?

John Shaver explained that the incompatibility is by virtue of the noise generated from the airport activities. The Federal Airways Airport Development Act was promulgated in the early 70's by FAA. At that time a draft model ordinance for various counties and communities was developed. It appears that when the Grand Junction Zoning and Development Code was adopted, it incorporated these Federal Guidelines. Because of this request for a revised plan, staff has examined the section of the Code that pertains to Airport Critical Zones and found this discrepancy. Staff will be making the appropriate modifications to

this section as needed. Mr. Shaver stated that he understood that the church would not infringe on the height restrictions of the critical zone, the zone of influence, or the transitional zone. He added that there may be certain forms the FAA may require from the church.

Commissioner Renberger asked if a school was allowed because of safety and noise.

Mr. Shaver replied that the planning staff measured the elevations between the proposed site for the church and the airport zones and determined that it did not create a problem. Mr. Shaver felt that the only problem would be the noise incompatibility. Mr. Thornton and Mr. Reck have discussed the difference of having a full-time school facility as opposed to a christian education facility and limited day care. Mr. Shaver understood that the proposed school would not be a "K" through six grade, five day a week type educational endeavor.

Mr. Reck concurred with Mr. Shaver's statement.

Commissioner Elmer pointed out that if this proposed revised plan is approved, the amendment to the Conditional Use for a day care or educational facility may still be denied.

Mike Sutherland, representative of the Walker Field Airport Authority and member of the First Presbyterian Church, stated that he did not review this project on behalf of Walker Field. The critical zone, where this property is located, is not a designation by FAA or Walker Field rather it is a designation by the Zoning and Development Code. When the Zoning and Development Code was adopted, it specified certain compatible and incompatible uses in each zone. Incompatible uses in the Critical Zone included churches. The Airport Authority and Planning Staff agree that a church should not fall under this category. Mr. Sutherland encouraged the Community Development Staff to amend the Code to reflect this. He also recommended that the construction of the church be made as sound proof as possible within reason.

Mr. Thornton stated that all the review comments have been addressed and the review agencies are satisfied.

Mr. Thornton continued; the petitioner is proposing one 30 square foot sign that will have the name of the church on it. The Code allows churches to put up one 24 square foot sign without a sign permit on each street frontage. This particular site has two street frontages. Staff does not see a problem with this since they are using only one street frontage instead of two. He added that this could be added to the motion if the Planning Commission felt it was appropriate.

Commissioner Halsey asked if this proposal included both Phase I and II?

Mr. Thornton replied affirmatively. He added that the proposed landscaping plan is in Phase I. Staff will review the landscaping in Phase II to make sure it meets requirements.

Mr. Shaver pointed out that if substantial modifications were made in Phase II, the petitioner would be required to request approval from the Planning Commission again.

Mr. Reck acknowledged that application for an amendment to the Conditional Use permit would have to be made for a day care facility. He added that the Commission should not consider the day care use now, but it is appropriate to mention so that full disclosure of the church's future plans are made.

Commissioner Elmer asked for clarification on the type of landscaping proposed on the grounds north of the church. The plan shows native type grasses, but the narrative states that these grounds will be left in its natural state.

Mr. Reck replied that grass will be planted and maintained.

PUBLIC COMMENTS

Ken Etter, 697 27 1/2 Road, expressed his approval of the design of the proposed church. He asked if the softball field would be built in Phase I or II? And whether or not the church would permit the neighborhood kids to use it?

Mr. Reck replied that the field would be built in Phase II. So long as the neighbors are not tearing it up, they probably will not be run off.

Although Mr. Etter felt this development was nice, he had a problem with the transportation dilemma at the Horizon Drive area north of G Road to the east. Currently there are traffic studies being conducted for the northeast area. He suggested building a road from Horizon Drive north of G Road to the east to improve the traffic flow. If the studies find that a roadway is appropriate at this location, it would run directly through the church's property. City Ordinance No. 4690 was passed to fund the traffic studies. The long term traffic pattern should be addressed before all options are lost:

Commissioner Elmer asked what funds needed to be escrowed for the street improvements, and what will the phasing be for these improvements?

Mr. Reck replied that both 27 1/2 Road and Cortland are scheduled for improvements. 27 1/2 Road will be submitted for improvement from F to G Road in approximately 1992. The City requested that no improvements be made along 27 1/2 Road at this particular time. There is an escrow agreement and the funds will be set aside for that. The City requested that the petitioner improve the street along Cortland Avenue in Phase I.

Mr. Thornton added that these would be half-street improvements.

Commissioner Halsey asked staff to address Mr. Etter's comments regarding the traffic studies.

Mr. Thornton stated that the original site plan for the church was approved in 1986. The petitioner could start construction tomorrow so long as there is an improvements agreement.

Mr. Etter asked for clarification; was the previous plan approved in error because the church was incompatible in the critical zone?

Mr. Shaver stated that the Code includes churches as an incompatible use. The Code will be amended to accurately reflect the existing conditions. A Conditional Use Permit was granted in 1986 to allow a church.

Mr. Etter contended the 1986 Code states that churches are not allowed in the critical zone. He asked was this really an error or did staff know what they were doing and approved it anyway?

Mr. Shaver replied that whether or not this decision was in error is not for this Commission to decide. He explained that neither himself nor the Commission were involved when the original Conditional Use was granted. Because the original site plan has been approved, the petitioner could build immediately. The Conditional Use gives them the right to build a church. The purpose of the hearing tonight is not to grant them a Conditional Use for a church, rather to review the request for a revision to the site plan that was approved in 1986.

Discussion ensued regarding the transportation problem in this area.

Commissioner Elmer asked since the conditional use permit has already been granted, is it appropriate to approve a revised plan having the knowledge that it does not conform to the Code?

Mr. Shaver replied that it was up to the Commission whether or not to enforce the Code as it is currently written. Given the facts that the church is acting in good faith, and that it was not brought to the Planning Staffs' attention until the time of this submittal, the burden should not be put on the church. If there was an error or an omission, the Commission should deal with it at this time. The Commission has broad discretion in resolution of the problem.

Commissioner Elmer stated that a church use is normally a low traffic generator. Peak traffic times would be on Sunday mornings and off hours for other traffic peaks.

MOTION: (COMMISSIONER HALSEY) "MR. CHAIRMAN, ON ITEM #43-90, A REQUEST FOR A REVISED FINAL PLAN FOR THE FIRST PRESBYTERIAN CHURCH, I MOVE THAT WE APPROVE THIS WITH THE FOLLOWING CONDITIONS: FOLLOWING THE REVIEW AGENCY SHEET COMMENTS AND A VARIANCE ON THE SIGN BE ALLOWED AT 30 SQUARE FEET AND THAT THE CHURCH BE RESTRICTED TO ONE SIGN."

The motion was seconded by Commissioner Renberger.

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

2. **A request for a Conditional Use Permit for a Liquor License on approximately 0.2 acres in a Heavy Commercial (C-2) Zone.**
Petitioner: Regis Restaurant & Lounge, Jack D. Elliott
Location: 359 Colorado Avenue

PETITIONER'S PRESENTATION

Jack Elliott, 3730 Elderberry Circle, gave a brief presentation of the request for a Conditional Use Permit. Mr. Elliott purchased the property at 359 Colorado Avenue in 1988. The interior of the first floor is being renovated and is almost finished. The exterior will be finished by next summer. The restaurant and lounge will be approximately 4,300 square feet.

Plans are to construct office space on the second and third floors in Phase II. Mr. Elliott stated that he could not locate any non-public parking. United Bank owns the lot west of Mr. Elliott's property which has approximately 30 spaces. United Bank had the property for sale approximately a year ago, but Mr. Elliott said he missed the purchase by a month or so because the property was taken off the market. The bank has offered to rent the parking lot after 5:00 p.m. for \$250 a month. Mr. Elliott felt that there was not a parking problem after 5:00 p.m. There are 134 public parking spaces available kitty-corner across the street plus additional parking along the street. Plans are to open the Regis around the first of December. The carpet will be installed tomorrow morning.

STAFF PRESENTATION

David Thornton stated that staff's major concern was the lack of off-street private parking. The Zoning and Development Code requires one parking space per three person designated seating capacity for a restaurant. According to Bob Lee in the Building Department, the designed seating capacity for the Regis is 247 seats. Based on that figure, the Regis needs 82 private parking spaces. The Code does not exempt the downtown area from the parking requirements. Staff feels that this proposal is compatible in all areas except for the parking.

Mr. Thornton continued; When there is a request for a liquor license, a Conditional Use Permit is also required. City Council actually grants the liquor license but the Planning Commission reviews the planning aspects of the Conditional Use. Mr. Thornton referred to the Code Section 4-8-1.A.G which states that the use shall conform to the adopted plans, policies, and requirements for parking, loading, and signs, etc. of the Code.

QUESTIONS

Chairman Love felt that if this proposal were approved, a precedent could be set. He asked, given the Code requirements, if the Commission had the authority to approve this?

Mr. Shaver replied that the Commission can make reasonable deviations from the Code, but the intent of the code is to be complied with. Public parking does not suffice in meeting the off-street parking requirements.

Commissioner Elmer pointed out that there are other physical characteristics of this property and building that do not meet the bulk requirement for the C-2 Zone, for example the setbacks and possibly the height of the building.

Mr. Shaver stated that there are two options. The first option is to have staff write a text amendment to exempt this particular area from the normal planning and development parking requirements. Because of the historic character of the downtown area most structures do not comply with the current standards. The second option is to have the governing body, the City Council, specify this exemption and engraft in that exemption certain conditions such as parking, siting of structure on the lot, etc. to specifically deal with and attempt to resolve the downtown problem.

Commissioner Elmer asked if it would be possible to just make a recommendation to City Council so that they can make the final decision?

Mr. Shaver replied that the Planning Commission needs to take some action. Recommendations and/or requests can be added to the decision, but the Commission must make a decision under the doctrine of exhaustion of remedies.

PUBLIC COMMENTS

Dudley L. Davis, owner of the Melrose Hotel 337 Colorado Avenue, expressed his approval of the proposed Regis Restaurant and Lounge. He added that in the past it was a rowdy place and wanted to go on record that he approves so long as the place is quiet. He felt that there was more than enough parking available.

Bill Thompson, who resides at 634 Ouray Avenue and owns the building at 401 Colorado Avenue, expressed his approval of the project. The Fire Department and Mr. Thompson discussed the fire hazards if the Regis were to burn and how Mr. Thompson could protect his building.

Mr. Thompson continued; since Mr. Elliott purchased the Regis, it has continually improved. It has windows, a sprinkling system, new insulation, and the inside looks great. The downtown area needs new businesses. The Regis building used to look terrible. Mr. Elliott wants to open a restaurant that will collect taxes and give people

jobs. There is a full block of parking on Colorado Avenue between 4th and 5th Streets. Parking is available on Colorado Avenue in the evenings. Parking is not a problem. Mr. Thompson asked what the proposed Avalon Theater would do for parking? The parking requirements for the downtown area should be looked at differently than other areas in town.

Chairman Love reiterated that City Council is the policy making body. Instead of approving this now and having to deal with more down the road, it would be better to let City Council make a policy for the downtown area.

Don Newton, City Engineer, asked if the Blue Moon and Sweetwaters Restaurants had sufficient parking?

Chairman Love said that he believed that those restaurant had been there long enough that perhaps the Code did not apply to them.

Kathy Portner indicated that these regulations were in place in 1972, or something similar to the current regulations.

Commissioner Renberger stated that many cities have similar problems with the downtown not having sufficient parking.

Chairman Love asked Mr. Elliott if the bank parking lot had sufficient spaces to be used for the Regis parking?

Mr. Elliott replied that he was not sure what they had. He asked if there were regulations of how close this parking has to be to the site?

Mr. Thornton replied that the Code requires the parking to be within 200 feet of the property.

Mr. Elliott said he wasn't sure what was available within 200 feet. The public parking lot has 134 spaces. He added that economically it would not be feasible for him to buy land for 82 parking spaces.

Commissioner Renberger pointed out the public lot was usually full during the day.

Mr. Elliott agreed, but at night it is empty. He added that he really didn't think that this was going to be a problem. The Building Department gave him a permit to remodel the Regis. He did not envision being denied at this point, after the Building Department and various City departments have collected fees. The sprinkling system alone cost approximately \$15,000.00.

Marty Currie, interim Community Development Director, expressed the staff's concern of the parking situation in the downtown area specifically for the Regis. However, to look the other way is not necessarily an appropriate response. The problem needs to be resolved the best way possible. There are several options. A text amendment is

one option. A text amendment can take 60 to 90 days to process in order to get Council approval and to amend the Code. Another option is for the Commission to deny the request. By denying the request, the petitioner could appeal to City Council. The City Council could then create a policy for the downtown area. Community Development staff, given time, could look into this issue and make a recommendation to Planning Commission and City Council; however, a decision must be made now. Mr. Currie reiterated that the department is sincerely concerned about this problem.

Mr. Shaver asked Mr. Elliott when he planned to open for business? Would two weeks or four weeks cause a significant delay in the process?

Mr. Elliott answered that the interior of the Regis is close to being finished. The kitchen equipment may not be installed for up to three weeks. It depends on when the re-plumbing in the kitchen is completed. All the equipment has been purchased and received. The 1st of December or shortly after is a very realistic time for opening.

Mr. Shaver stated that if the Planning Commission denies the proposal, you can appeal their decision to the City Council. The City Council will then make the final decision and would have the option to make a policy which exempts the downtown area from the current parking regulations.

Commissioner Halsey asked if this request is denied and the petitioner appeals what is the time line?

Mr. Shaver replied that if it is denied and there is an appeal, this proposal will be scheduled for the Council agenda on November 21. The Liquor Authority meets once a month and would not be able to approve the liquor license until the first meeting in December. The Planning Commission or City Council may want to request that the Liquor Authority call a special session for this, pending final resolution by the City Council.

Mr. Thompson stated that the public parking lot has 134 spaces. Mr. Elliott needs 83 spaces for his business. That means he would have to buy more than half a city block to comply. This is not economically feasible.

Kathy Portner stated that the Downtown Development Authority has been looking at other alternatives for the downtown parking. One option is a program that would require a payment in lieu of parking. Businesses such as Mr. Elliott's would be required to pay into a fund, and the Downtown Development Authority would use these funds to maintain existing parking areas and build additional public parking.

Mr. Elliott asked if he did find parking, does it have to be available all the time?

Chairman Love replied that it would need to be available the hours the business is open.

Mr. Elliott stated that the Regis would be open from 11:00 a.m. to 11:00 p.m.

Mr. Thornton said that the intent of the Code is to provide off-street private parking either by lease or actual acquisition.

Commissioner Elmer felt that the benefits of this proposal outweighed any problems. He asked if the Council's philosophy was that they want to make the policy decisions? On one hand the Council could say how can the Planning Commission deny such a good plan, and on the other hand they could feel that this should be left for them to make the final decision.

MOTION: (COMMISSIONER HALSEY) "MR. CHAIRMAN, ON ITEM #44-90, CONDITIONAL USE FOR A LIQUOR LICENSE FOR THE REGIS RESTAURANT AND LOUNGE, I MOVE THAT WE DENY THIS REQUEST FOR THE SOLE REASON THAT IT DOES NOT FIT WITHIN THE CRITERIA OF PARKING SPACES. I RECOMMEND THAT CITY COUNCIL CONSIDER THIS IF IT IS APPEALED, AND THAT THEY CONSIDER THE POLICY OF THE DOWNTOWN AREA PARKING."

The motion was seconded by Commissioner Renberger.

A vote was called, and the motion passed by a vote of 3-1, with Commissioner Elmer opposing.

Mr. Elliott appealed the decision.

MOTION: (COMMISSIONER HALSEY) "MR. CHAIRMAN, I FORMALLY REQUEST THAT THE LIQUOR LICENSE AUTHORITY SCHEDULE THEIR MEETING TO ACCOMMODATE MR. ELLIOTT'S TIME SCHEDULE."

Commissioner Renberger seconded the motion.

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

Commissioner Renberger requested that staff consider writing a policy for the downtown area parking.

Mr. Currie replied that the City Manager has directed his assistant to look into the downtown parking situation regardless of the decision on this project.

IV. PUBLIC HEARING

1. #18-90 TEXT AMENDMENT FOR 1990

A request to amend Section 2-2-2.G. of the Zoning and Development Code to include a \$50.00 fee for resubdivision applications.

PETITIONER: City of Grand Junction

PETITIONER'S / STAFF PRESENTATION

Kathy Portner stated that the request to include a \$50.00 fee was simply a text amendment to add a fee for the resubdivision process. Staff has been charging \$50.00 but there is nothing in the Code's fee schedule for resubdivisions. In addition, there is also nothing in the fee schedule for boundary line adjustments. This text amendment will probably be scheduled for the next hearing.

Commissioner Elmer asked if \$50.00 was consistent with similar processes.

Ms. Portner replied that it was consistent with boundary line adjustments. She added that there will probably be a restructuring of the whole fee schedule sometime in the future.

PUBLIC COMMENTS

No public comment.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #18-90, A REQUEST TO AMEND SECTION 2-2-2.G. OF THE ZONING AND DEVELOPMENT CODE TO INCLUDE A \$50.00 FEE FOR RESUBDIVISION APPLICATIONS, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."

The motion was seconded by Commissioner Halsey.

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

Meeting was adjourned at 10:15 p.m.