

III. FULL HEARING

1. #36-85 Conditional Use - Membership Club

Petitioner: Alano of Grand Junction, Wayne Meineke
Location: 838 North 7th Street

Consideration of a Conditional Use.

PETITIONER'S PRESENTATION

Wayne Meineke presented a brief overview of the proposal stating the facility was intended to provide counselling and social activities for recovering alcoholics.

QUESTIONS

Commissioner Madsen asked if meetings were held every night.

Wayne replied that meetings are held almost every day, however, social functions would take place primarily on the weekends.

Commissioner Madsen continued by asking whether there was anything involved with this project which might disrupt the residential character presently existing.

Wayne did not think so.

(Discussion ensued over the past social functions of the Club, including a past Christmas party.)

Acting Chairman Transmeier asked that, with regard to the Christmas party, what had been the attendance.

Wayne estimated the number to be between 60-100.

Acting Chairman Transmeier expressed a concern over a need for adequate parking and proper handling of traffic flow.

Wayne stated that an agreement had been made with Kwik Kopy for additional parking after regular business hours which provided an extra 14-15 spaces. On-street parking was available and the Alano spaces could handle another 19 vehicles.

Commissioner Stephens requested the number of persons visiting the facility during the day.

Wayne felt that a good estimate would be approximately 15-30 at any given time.

Commissioner Stephens asked the Planning Commissioners if proof had been received regarding the agreement with Kwik Kopy. Mike Sutherland of the Planning Department stated that this agreement was received verbally only and only included "after hours" parking.

Commissioner Rush wanted to know if the curb cuts would be rebuilt. She asked for clarification of an earlier request by the petitioner to forego this requirement.

Wayne expounded on this point saying that, in his discussions with Don Newton, the City Engineer, he had thought there may be a possibility the City would pay for these improvements since this was a non-profit community club. He reiterated that this was only a request for the City's consideration; Alano would be willing to pay for the improvements themselves if it was required.

Acting Chairman Transmeier commented that decisions of payment deferral were up to the City Council and not the Planning Commission.

Wayne explained that at the present time, Alano was operating on a lease agreement with the Church of Christ--Alano did not even own the building.

Commissioner Stephens said that Alano would have to negotiate with their leaseholder in the event the City could not defer payment of the improvements.

STAFF PRESENTATION

Mike clarified the intent of the proposal. The petitioner, he continued, had agreed to all technical concerns save those of alley improvements and the sidewalk construction. Further efforts would be made to improve the landscaping. One anonymous call was received with negative comments on the amount of noise heard during a recent social function held by Alano.

QUESTIONS

Commissioner Rush asked Mike how critical these unresolved improvements were.

Mike replied that the importance of the improvements should be determined by the City Engineer; these improvements did not pose a health (safety) concern, however.

Commissioner Stephens commented that since the use was a new use, the improvements may be required to bring the property up to standards. He expressed additional concern over the parking issue and felt that perhaps the project should be subject to review in six months in order to ensure monitoring of any potential problems.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (COMMISSIONER STEPHENS) "MR. CHAIRMAN, I RECOMMEND APPROVAL, SUBJECT TO STAFF COMMENTS AND SUBJECT TO PLANNING COMMISSION REVIEW IN SIX MONTHS WITH REGARD TO THE CONDITIONAL USE, PARTICULARLY WITH THE PARKING AND NOISE."

Commissioner Rush seconded the motion.

A vote was called and the motion passed unanimously by a vote of 5-0.

2. #40-85 CONDITIONAL USE - 3.2 BEER LICENSE FOR ON-PREMISE CONSUMPTION

Petitioner: Manhattan Delicatessen, Inc., Walter Thoms
Location: 1059 North Avenue

Consideration of a Conditional Use.

PETITIONER'S PRESENTATION

Walter Thoms presented only a brief, limited overview of the proposal.

QUESTIONS

Acting Chairman Transmeier wanted to know if this was for both on- and off-premise consumption.

Walter indicated that an off-premise license was currently in the process of being transferred; this request specifically addressed the issue of on-premise consumption.

Commissioner Rush asked the petitioner whether consideration had been given to pedestrian traffic running across North Avenue to patronize the business.

Walter stated that the building has both a front and rear door and he felt that 90% of his business would come from the rear door where parking was located.

STAFF PRESENTATION

Mike said that the petitioner had agreed to work with City departments on the various concerns. (In answer to Commissioner Rush's question) Mike said that the area around the dumpster would be cleaned up, however, not removed from its present location.

PUBLIC COMMENTS

IN FAVOR:

There were no comments in favor of the proposal.

AGAINST:

Bernard Brodak, property owner at 1060 Belford Avenue, felt that there were enough "beer establishments" in the area and thought the parking was also bad. He stated also that he no longer lived in this area.

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, REGARDING #40-85, CONSIDERATION OF A CONDITIONAL USE, I RECOMMEND WE PASS THIS ONTO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL, SUBJECT TO STAFF COMMENTS."

Commissioner Dunivent seconded the motion.

A vote was called and the motion passed unanimously by a vote of 5-0.

3. #37-85 CONDITIONAL USE - DRIVE UP WINDOW

Petitioner: Taco John's, John Temmer
Location: 1122 North 12th Street

Consideration of a Conditional Use.

PETITIONER'S PRESENTATION

John Temmer presented an outline of the proposal. He stated that entrances would be located off 12th Street and also from Glenwood Avenue through an easement which extends from Glenwood Avenue to North Avenue. An agreement had been reached to replace approximately 40' of curbing. He felt the improvements would enhance the

area and the addition of planters would help to eliminate the thru traffic now experienced by the business in this area within their parking lots.

STAFF PRESENTATION

Mike felt that the last plan presented was the best alternative. (He pointed to various aspects of the plan on the map located behind the Planning Commission members.)

QUESTIONS

Commissioner Stephens inquired how the problem of stacking was to be eliminated.

Mike replied that the curb cut and the planters should help alleviate any problems experienced. It may be necessary to implement more of a barrier behind the business to eliminate problems of stacking in the common easement.

Commissioner Stephens asked about the turn radius.

Mike responded that there was 40'6" from the 7-11 building to their sidewalk. During tests it was found that some vehicles would not be able to make it; the radius being very slim. A protective railing of some type was suggested to the petitioner to be installed on the south side of the 7-11 building (which is a cinder block building) to prevent cars backing into it.

Commissioner Rush commented that there was actually stacking for only one car, based on this information. What was to prevent vehicles from stacking behind the 7-11 store.

Mike replied that even though a problem of stacking into this area was not foreseen, no guarantee could be given that it would not take place. A later review maybe needed if this becomes a problem.

Commissioner Rush felt that the small turning radius would actually discourage persons from using the 12th Street entrance and instead use the easement.

Mike did not know which alternative would be used by vehicle traffic since there was no sure way of determining the amount of vehicle traffic expected.

Commissioner Stephens asked for clarification of the current parking problem.

Mike stated that, as it exists now, college students are blocking the easement with their vehicles.

(At this time Don Newton, City Engineer, came forward to answer questions posed by the Planning Commission.)

(In response to Commissioner Stephens' question) Don stated that the inside turning radius was about 10'. Compact cars could make this with no problem but full sized cars could not without some backing. He did not want to see another curb cut added since he felt that there were already too many driveways in this area. The north driveway on the Chevron property could be decreased approximately 10' in width and 20' of curb would still exist between the two existing driveways. After talking to the Chevron Manager last week, the Manager was concerned over the proposed decrease in his driveway (although the curb cut being decreased is on Taco John's property).

In summary, he felt that the existing curb cuts could be modified to compensate for Taco John's needs rather than putting another one in. Don did feel that the turning radius was, perhaps, the biggest obstacle needing to be overcome and suggested a recommendation in the motion requiring a rereview in six months to evaluate the traffic flow and function of the plan.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #37-85 CONDITIONAL USE - DRIVE UP WINDOW, TACO JOHNS, I MAKE A MOTION THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL SUBJECT TO STAFF COMMENTS AND TO THE ENGINEER'S COMMENTS AND A SIX MONTH PLANNING COMMISSION REVIEW PERIOD."

There was no second to this motion, thus it was defeated.

MOTION: (COMMISSIONER STEPHENS) "MR. CHAIRMAN, I MAKE A MOTION THAT THIS BE DENIED."

Commissioner Rush seconded the motion.

Discussion of the motion included concerns remaining over the turning radius and stacking problems.

A vote was called and the motion passed by a vote of 4-1 with Commissioner Dunivent opposing.

4. #39-85 TEXT AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE - RECREATIONAL VEHICLES

Petitioner: Grand Junction Planning Department

PETITIONER'S PRESENTATION

Bob Goldin said that this was the result of a combined effort by the City Attorney, Building and Planning Departments who took the example of the regulations concerning planned recreational vehicle resorts from Mesa, Arizona and refined them to include the City's regulations. The result was expansion of the regulations into two parts: one to include Recreational Vehicles Subdivisions and the other to include Planned Recreational Vehicles-Non Subdivisions. Copies of the amendment (subject to approval) would then be given to the Neighbor's RV Park for inclusion into their covenants as well as outlining the City's discretionary powers concerning layout, street design, etc.

He felt that the majority of concerns originally expressed by the Commission were resolved in this amendment. If approved, a rezone petition would be submitted for the Neighbor's RV park so they would have a more appropriate zone in which to meet their intent.

QUESTIONS

Acting Chairman Transmeier asked if it would change the meaning of the ordinance if the term "mobile home" was changed to "manufactured housing."

Bob said that the definitions were the same and the change could be made without affecting the original meaning.

Regarding 2A:2 Acting Chairman Transmeier said this stated that only the Manager's housing must meet HUD approval.

Bob stated that this was more from the Building Dept.'s perspective in that the Manager's housing could be either a mobile home or a "stick" built home; therefore, the HUD requirement would include either scenario and include factory built.

Commissioner Stephens asked Don Newton about the street construction standards. He suggested a change in Section 7-2-6:C-5 and 7-2-6:D-5 to read "Streets shall be designed by a registered professional engineer and subject to approval by the City Engineering Department." Was this acceptable to the City Engineer.

Don replied that this change would be preferred.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (COMMISSIONER STEPHENS) "MR. CHAIRMAN, I MAKE THE MOTION WE SUBMIT THIS TO CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL SUBJECT TO CHANGING THE TERM "MOBILE HOME" TO "MANUFACTURED HOUSING" AND ALSO THAT WITH REGARD TO PAVEMENT THICKNESSES, STREETS ARE TO BE ENGINEER DESIGNED BY A REGISTERED PROFESSIONAL ENGINEER AND SUBJECT TO APPROVAL BY THE CITY ENGINEERING DEPARTMENT (CHANGED WHERE MENTIONED IN THE ORDINANCE)."

Commissioner Madsen seconded the motion.

A vote was called and the motion passed unanimously by a vote of 5-0.

5. #35-85 TEXT AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE

Petitioner: City Attorney

PETITIONER'S PRESENTATION

Gerald Ashby brought up the Smith's Food Case with regard to the rezone petition. In this instance, 50% of the homeowners in the area needed to sign the petition. If this proposal was approved, it would reduce the number of signatures needed to 20%. He said that the State Statute did not require any additional vote based on the decision of the Planning Commission; rather that upon objection by more than 20% of the abutting owners, an extra vote is required of the City Council.

He stated that by going by the actual State Statute, it would give strength to the Planning Commission only if the Commission recommended against rezoning.

QUESTIONS

Acting Chairman Transmeier clarified the procedure as it was presently in effect. What was being asked was that this 5-2 voting requirement of the City Council be dropped when the Commission voted in favor.

Gerald said that this was the intent.

Commissioner Stephens felt that the Planning Commission should be more knowledgeable in the area of planning, i.e. zoning ordinances than the City Council.

Gerald felt that this would take away power that the public has through their elected representatives. "If the design of the ordinance is to oppose rezoning, then you don't need that as a protection for the public."

Commissioner Stephens asked "You don't think that zoning is also a protection for the public?"

Mr. Ashby replied "No."

Commissioner Stephens commented "I disagree with that."

Mr. Ashby responded "That's fine."

Acting Chairman Transmeier said that the only time that this becomes a problem is if a situation arises such as the Smith's Food instance.

Gerald proposed two alternatives: 1) to maintain the 50% requirement for abutting homeowners but take out the Planning Commission's burden on the Council when voting in favor or 2) going back to the 20% requirement and Planning Commission going back to their power under the original ordinance.

Commissioner Stephens felt that this might still result in a conflict.

Commissioner Rush felt that the portion of the amendment which gives more power to the residents was fine, but that the portion which takes away the power of the Planning Commission actually defeats the purpose for which the Commission was established so that the Commission is more easily overridden by the City Council.

Gerald commented that that was always so until the adoption of the latter ordinance.

Commissioner Stephens expressed a concern over a possibility that what might result is government by referendum and he was opposed to this idea. He thought that the 20% stipulation might cause a lot of items going to referendum.

Commissioner Rush thought that a more correct interpretation was that the City's residents would be holding the City Council more accountable which, she felt, was the way it should be.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (COMMISSIONER RUSH) "MR. CHAIRMAN, I MOVE THAT WE RECOMMEND TO CITY COUNCIL THAT WE ADOPT THIS TEXT AMENDMENT TO THE CITY ZONING AND DEVELOPMENT CODE AS INDICATED."

Commissioner Madsen seconded the motion.

A vote was called and the motion passed by a vote of 3-2 with Commissioner Stephens and Acting Chairman Transmeier opposing.

6. #38-85 REZONE PZ TO RSF-8

Petitioner: Grand Junction Planning Department

PETITIONER'S PRESENTATION

Karl Metzner said that this request was primarily a housekeeping matter, and that the zoning for this particular property was never changed over when it was sold by the City. The request in zoning change was to bring the property into compliance, since the PZ zone was only for properties owned by public taxing entities.

QUESTIONS

There were no questions presented at this time.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #38-85 REZONE PZ TO RSF-8, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."

Commissioner Rush seconded the motion.

A vote was called and the motion passed unanimously by a vote of 5-0.

7. #54-79 TEXT AMENDMENT TO THE GRAND JUNCTION ZONING & DEVELOPMENT CODE - 7TH STREET CORRIDOR GUIDELINES

Petitioner: Grand Junction Planning Department

PETITIONER'S PRESENTATION

Bob Goldin again presented a brief overview of the proposal. Since this proposal was first initiated in 1979, it had been heard in its various revised stages by the Commission.

QUESTIONS

There were no questions at this time.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, REGARDING ITEM #54-79, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."

Commissioner Rush seconded the motion.

A vote was called and the motion passed unanimously by a vote of 5-0.

8. #55-79 TEXT AMENDMENT TO THE GRAND JUNCTION ZONING & DEVELOPMENT CODE - 12TH STREET CORRIDOR GUIDELINES

PETITIONER'S PRESENTATION

Bob Goldin stated the overall intent of the policy guidelines and offered to answer any specific questions on the policy.

QUESTIONS

There were no questions on the policy at this time.

PUBLIC COMMENTS

Bernard Coulson, 2510 North 12th Street, made the comment that he did not understand why the guidelines limited the types of businesses which might want to locate in the corridor between Patterson and Gunnison Avenues on 12th Street.

Mike Sutherland clarified that the restriction went the entire distance to the Colorado River, although it was broken down into segments.

Acting Chairman Transmeier said that with the possibility of one exception, the area between Gunnison and Colorado was strictly residential and the interest was in maintaining its residential character.

Burke Swisher, 619 North 12th Street, expressed his desire to see the area to the north of Gunnison Avenue kept the same as the area south of Gunnison Avenue. He thought the one exception referred

to by Acting Chairman Transmeier had been upgraded to such extent that it could not be compared to other businesses in this area. He felt that businesses should not be limited in use for this area.

Acting Chairman Transmeier commented that, since he has been a part of the Planning Commission, he has never seen a proposal come across to rezone an area south of North Avenue on 12th Street.

Ed Clemmens, 2528 North 12th Street, also did not want to see a limit set on business uses.

Dave McKinley, 1308 Wellington Avenue, felt that medical facilities were appropriate uses for the north 12th Street corridor area. He did not want unlimited business uses approved for this area.

QUESTIONS

Commissioner Rush asked staff if the residents of the area were contacted concerning this policy.

Bob Goldin stated that an individual mailing was not pursued at this time because of the media exposure, advertisements in the newspaper and area meetings which were held. He said that if a mass mailing was preferred by the Commission, this could be done.

Commissioner Dunivent asked whether the guidelines actually specified the type of businesses which could be brought in.

Acting Chairman Transmeier answered that the guidelines were designed to give the developer an idea of what would be approved for the area but that consideration would certainly be given to other business requests.

MOTION: (COMMISSIONER RUSH) "MR. CHAIRMAN, ON ITEM #55-79, I MOVE THAT WE FORWARD THIS TO THE CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."

Commissioner Dunivent seconded the motion.

A vote was called and the motion passed unanimously by a vote of 5-0.

Acting Chairman Transmeier commented that he was also of the opinion that the 12th Street area should be opened up more to commercial uses.

IV. NON-SCHEDULED CITIZENS AND VISITORS

The announcement was made that the regularly scheduled January Planning Commission hearing would be held on January 28th, that tonight's meeting was actually December's meeting.

The meeting was adjourned at 9:00 p.m.