

GRAND JUNCTION PLANNING COMMISSION  
Public Hearing -- October 6, 1987  
7:30 p.m. - 9:52 p.m.

The public hearing was called to order by Chairwoman Susan Rush at 7:30 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission, were:

Susan Rush, Chairwoman	Ron Halsey
Jack Campbell	Miland Dunivent
Jean Sewell	Ross Transmeier

In attendance, representing the City Planning Department, were:

Mike Sutherland	Kathy Portner
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Don Newton was present from the Engineering Department.

Terri Troutner was present to record the minutes.

There were approximately 26 interested citizens present during the course of the hearing.

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**I. APPROVAL OF MINUTES**

**MOTION: (COMMISSIONER DUNIVENT) "MADAM CHAIRMAN, ON THE MINUTES FOR THE MEETING OF AUGUST 4, 1987, I MOVE THAT THEY BE ACCEPTED AS PRINTED."**

Commissioner Transmeier seconded the motion.

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

Note: Commissioner Sewell arrived too late to vote on approval of minutes for the former hearing.

**II. ANNOUNCEMENTS, PRESENTATIONS, AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

### III. FULL HEARING

#### 1. #31-87 REZONE RSF-5 TO PR-5 AND FINAL PLAN

Petitioner: Rhonda & Garrett McClary and Julie & Chris Susemihl  
Location: 2502 North 1st Street

#### PETITIONER'S PRESENTATION

Rhonda McClary gave her presentation and outlined specific changes which would occur on the inside of the residence to accommodate the bed and breakfast operation. Exterior changes included a wrought-iron fence, addition of a gazebo, hot tub and a refurbished garage. She felt the zoning change was compatible with surrounding uses. Due to the historical nature of the home, steps would be taken to become a member of the National Historic Trust. A sign would be placed just inside the fence. It was her desire to be operational by December 1, 1987.

#### QUESTIONS

Commissioner Campbell asked to what extent would the garage be refurbished?

Ms. McClary responded that the intent was to add two additional bedrooms, a small kitchen and dining area above the main portion of the garage. She wouldn't plan to use the garage as a garage. Plans for this would come later as it wouldn't be part of the original renovation.

Chairwoman Rush pointed out that if additional bedrooms were added to the bed and breakfast operation, additional parking would also be required.

Commissioner Campbell asked staff if the approval of the plan tonight would also include the approval of the garage.

Kathy Portner clarified that the garage would have to be added to any motion for approval; otherwise, any approval given for the plan as submitted would not include the garage. The petitioners would then have to appear again before the Commission with any plans for renovating the garage.

Mike Sutherland added a clarification to Commission members regarding the requirements of the Planned Development zoning as opposed to the residential multi-family zoning.

### STAFF PRESENTATION

Kathy Portner said that the residence was currently located in a single family zone, and since bed and breakfast (B&B) operations were allowed in multi-family zones, the rezone was necessary to comply with B&B criteria. It was felt that the use was compatible and the character of the residence would be maintained or enhanced. The sign would be considered a part of the final plan. She reminded the Commission that two motions were required: the rezone which would go to City Council for final approval, and the final plan for which the Commission would have final say.

### QUESTIONS

Chairwoman Rush asked staff if the four to five bedrooms included the renovation of the garage.

Kathy replied that the petitioners revised the plan to provide four bedrooms in the main residence; the garage was not included.

Chairwoman Rush added that upon original consideration of the B&B criteria, garage renovation was discouraged. The original environment of the home was to be maintained.

Ms. McClary stated that the intent was to make it more a part of the original residence, but at a later date. It would not be rented out, but kept as living quarters for themselves. She added that they were currently living in the basement of the residence. The basement would then remain a basement.

Commissioner Dunivent asked if the proposed sign met the specifications of the present sign code.

Kathy said that the proposed sign was a bit larger than the two square feet allowed in a residential zone under the sign code, but that the Commission could amend or deny the sign specifically in the motion for the final plan.

### PUBLIC COMMENTS

FOR:

Louis Brach, 2209 North 1st Street, raised questions over the number of bedrooms which could be rented out and the zoning as it affected the property. He wanted to know if the owners could open up several of these around town, and if so, wouldn't this become a small "hotel-type" chain.

Commissioner Transmeier said that if the final plan was approved as submitted, the B&B operation would be the only one allowed for this residence. The owners could not later convert the residence into another business use without reappearing before the Commission. He added that a stipulation of operating a B&B required that the owners or managers live on the premises. This was specifically designed to discourage any attempt to create a chain operation of this type.

Mr. Brach expressed concern over what he considered might become a proliferation of spot zoning.

Commissioner Transmeier clarified this point by saying that the criteria for B&B operations were established to allow such operations in any multi-family zone. By allowing the B&B in a planned residential zone, the same criteria may be used. The planned residential zoning ties a specific use to the zone.

Mike Sutherland gave a more in-depth explanation of this point.

Mr. Brach, having his questions answered, said that he was not opposed to the proposal.

AGAINST:

Gordon Moore, 105 Park Drive, had several concerns over the proposal. They included his thinking that the exit could not accommodate two-way traffic safely. He foresaw the noise as being a problem. He pointed out that Park Drive has, in the past, been used as a buffer for traffic. He was not specifically opposed to the proposal, but said that he was opposed to any garage conversion. The garage was presently located approximately two feet from his property line, and he was not in favor of this being converted into another residence. There were questions raised about the parking also.

Kathy showed Mr. Moore the proposed parking layout on the site plan provided. She said that the intent would retain the landscaping. The preferred ingress/egress pattern was to have traffic enter from 1st Street and exit onto Park Avenue. Discussions with representatives from the Engineering Department reinforced that this would not create an adverse impact to those residents on Park Avenue.

O.F. Christensen, 719 Golfmore Drive, representing the condominiums across Park Drive, felt that there was an issue concerning drainage, that there was no ditch maintenance. In addition, he also felt that there might be a traffic problem if cars were allowed to exit onto Park Drive

### PETITIONER'S REBUTTAL

Julie Susemihl responded to the concerns expressed by indicating that there was no intentions of expanding the residence. Plans includes placing a stop sign inside the gate and an EXIT ONLY sign placed outside the gate, thereby allowing only one flow of traffic. She was aware that any garage conversion would have to be brought before the Commission again, and neighbors would be aware of this. Irrigation was thought to be a pre-existing condition, and she felt that there was very little that could be done.

Chris Susemihl added that any expansion would be outside the city limits within the county; however, nothing was planned at this time. He offered to add a wooden fence to help buffer any noise which might be created by the operation.

### QUESTIONS

Commissioner Transmeier asked Mr. Moore if he would be satisfied with the addition of the fence to help alleviate noise.

Mr. Moore agreed that it would definitely help (the location of such a fence was indicated on the site plan). He appreciated the explanation of the irrigation situation, but agreed with Mr. Christensen that there was a problem with flooding in specific areas.

Chairwoman Rush commented that she thought that under Colorado law, each property owner was responsible for his own runoff.

Commissioner Dunivent asked for comments from Don Newton on Park Drive.

Don Newton said that there was 40' of existing right-of-way (ROW) and that this was adequate for any future street improvements. He pointed out that about half the existing ROW was being used by the condo owners for parking on the north side. Since this did create problems for traffic exiting onto Park Avenue, options included either converting the parking to parallel or eliminating it altogether, since there was plenty of parking area located behind the condominiums. It was his intention to try to widen the intersection onto Park Drive.

### STAFF REBUTTAL

Kathy suggested that the Commissioners consider the inclusion of the wooden fence in their motion.

**MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #31-87, I MAKE A MOTION THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL IN CONSIDERATION OF THE REZONE."**

Commissioner Halsey seconded the motion.

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

Commissioner Transmeier added that a requirement stipulating that a manager or owner must live on the premises be added to the motion on the final plan.

Chairwoman Rush felt that the number of parking spaces should also be specified.

Further discussion ensued by Commissioners on the details of the following motion.

**MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #31-87, THE CONSIDERATION OF THE FINAL PLAN, I MAKE A RECOMMENDATION WE APPROVE THE PLAN CONTINGENT UPON A WOODEN FENCE OF A SCREENING NATURE BE BUILT FROM THE SOUTHEAST CORNER OF THE PROPERTY NORTH TO A MINIMUM DISTANCE EQUAL TO THE NORTH EDGE OF THE RESIDENCE AND THAT THE PARKING SPACES AVAILABLE, SIX IN NUMBER AND THE TWO IN THE GARAGE AND ONE ON THE EAST SIDE BE IMPLEMENTED AS SHOWN ON THE PLAN (AND THAT THE SPACE INDICATED AS 6B BE USED INSTEAD OF 6A), AND IT BE REQUIRED THAT A RESIDENT MANAGER OR OWNER LIVE ON THE PREMISES, AND ALL EXIT SIGNS AND STOP SIGNS INDICATED ON THE PLAN ARE TO BE REQUIRED AND ALSO SUBJECT TO STAFF COMMENTS."**

Commissioner Sewell seconded the motion.

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

Additional comments by Commissioner Transmeier and Chairwoman Rush included their opposition to the conversion of the garage at this time.

## **2. #32-87 CONDITIONAL USE FOR A 30-FOOT FENCE**

Petitioner: Grand Junction Parks and Recreation, Doug Jones  
Location: Surrounding Lincoln Park

## PETITIONER'S PRESENTATION

Doug Jones, representing the Parks and Recreation Department, said that the fence would not completely surround the park, but would be located at certain points around the park (locations specified on the site plan).

## QUESTIONS

Questions which were expressed by various members of the Commission included: Did all residents support this proposal? Were wind studies performed? Will the netting used in the fence stop all the balls creating the damage? What happens if this proposal is approved; wouldn't Tiara Rado require the same thing at its golf course? What about complaints from North Avenue? What is the estimated cost and where would the money come from? What about park liability? What about the possibility of educating the golfers?

Responses by Doug Jones to these questions included: Many residents, but perhaps not all, were in favor of the proposal. A structural engineer would be consulted in the actual construction of the fence. The fence would not be an ultimate solution, but a short-term one, since not all the balls would be stopped from leaving the park. Tiara Rado was not considered. Utility poles for the fence would be used and spaced 40-50 feet apart. Complaints on damage from balls were received mainly from residents along Gunnison Avenue and the VA Hospital. No comments were received from businesses along North Avenue. An estimated \$70,000 would be spent on the net, funds coming from users fees and not tax money. There would be no increase in golfing fees as a result of this expenditure. No liability is assumed by the park, as there would always be the question of determining liability (who caused what damage). He agreed that golfers needed to be more courteous.

## STAFF PRESENTATION

Mike said that this fence, since it was over the six foot limit set by the Code required a conditional use permit in order to be erected. One comment was received over the phone by Jesus Guttirez who didn't mind if the fence was erected, but he felt that the park should have insurance to cover damages suffered by residents from stray golf balls.

## PUBLIC COMMENTS

FOR:

Robert Van Houten, 2000 Gunnison Avenue, stated that his home, vehicles, and storage structures have all incurred extensive damage created by golf balls. He said that he has tried various approaches to the problem, from pleading with the City Council for protection to the erection of his own fence at an increased height. These attempts, he claimed, came to no avail. He adamantly insisted that the homeowners along Gunnison must have protection from this kind of damage; even if the fence was only a temporary solution, at least it would be something.

When asked where he thought the fence should be placed, he replied that it should extend the entire length of the course along Gunnison Avenue.

Sam Parker, 2220 Gunnison Avenue, was also in favor of the fence.

Pete Neilsen, 2104 Gunnison Avenue, spoke in favor of the fence.

Van Rogers, an employee of the VA medical center, also complained of damages to his car resulting from golf balls. He expressed a concern over the physical safety of pedestrians in the area.

Rob Ridout, 2107 Hawthorne, Director of the VA Hospital, said that something was needed to stop the balls. Trees have not helped on the fourth hole. He admitted that fences were only a short-term solution, since they would have to be periodically replaced, but he was more concerned about the safety of persons in the area.

Chris Susemihl, 2905 Canal Court, wanted to know why the issue was being discussed AFTER the contract had already been awarded. How did the bid go out? How long will the materials last?

Commissioner Transmeier said that, at this point, the Commission could only consider whether or not to allow the fence as a conditional use. The Commission had no authority to say how monies should be spent.

Dimensions of the fence were given to Mr. Susemihl by Doug Jones.

Hannah Van Houten, 2000 Gunnison, was worried about the safety of the children who often climb the fence looking for stray golf balls. She also gave examples of damages incurred from golf balls.



AGAINST:

Les Gwinn, 268 E. Danbury Circle, felt that the golf course should be closed entirely. He cited the lack of ethics exhibited by most golfers in denying their balls had anything to do with damage caused to nearby residences and pedestrians. He wanted alternatives explored by the Parks and Rec. Department. He thought that even though \$70,000 was given as an estimate for the fence, the actual costs would be much more.

Brad Cox, 2344 Hill Court, was opposed to the building of the fence along the area directly behind his home, although he and his neighbors' homes were admittedly hit by stray golf balls. He felt it would be an eyesore.

Discussion ensued between Commissioner Transmeier and Brad Cox regarding a possible option whereby the adjacent property owners would have to approve any fence being placed across from their respective properties. Mr. Cox reaffirmed that he was opposed to any fence being placed across from his property.

Adam Reeves, 3146 Lakeside Drive, didn't think that a 30-foot fence would be acceptable all the way around Lincoln Park, but might be acceptable in certain areas. He didn't think the fences would afford much protection and thought the idea of golfer security patrols might be a more feasible alternative.

Ted Vialpando, 2345 Hill Court, wanted the Commissioners to be aware of the utility line running in front of the condominiums. He was concerned that children may look at a 30-foot fence as a new challenge and climb it just as often as the present fence.

An objection was made by Mr. Van Houten regarding the seeking of approval from the adjacent property owners. He said that many of the golf balls which enter his backyard did so at an angle crossing the property lines of adjacent property owners. Because of this, he felt that the fence should be built to protect homeowners from tee-off point to the point of landing.

QUESTIONS

Commissioner Halsey asked about the status of the power lines in front of the condominiums.

Doug Jones replied that Public Service had agreed to move the lines upon the City's request.

Discussion ensued among Commissioners, Ted Novack (Parks and Recreation Department), and Doug Jones. Questions raised included: Has the City Engineer looked at this proposal? Have other alternatives been looked at? Is this fence the best solution to the problem? Have golfers been that rude? What would be the feasibility of golfing monitors? Would the liability of the fence belong to the City?

Answers given to these questions included: No, the City Engineer has been too busy to look at the specifics of the proposal; it will have to be referred to a structural engineer. Ted Novack stated that meetings were held last spring to consider alternatives to the fence, which included closing or relocating the golf course and reversing the holes. Reversing the holes was deemed unreasonable since only six of the nine holes would be affected. Also, the cost of such a move was deemed prohibitive. He continued that the owner of an apartment house near tee #3 sent in a letter of approval for the fence. Businesses had been contacted since 1983; most people from North Avenue, the apartment houses and Gunnison Avenue, who attended the past meetings, were in favor of some type of barrier until the trees were grown. Ted felt the fence was the best solution to the problem, save relocating the golf course. He admitted that many of the golfers were discourteous. The idea of golfing monitors was a feasible alternative. Regarding the liability of the fence, the City would be deemed liable.

Chairwoman Rush commented that the issue of safety was a prime concern, and she would be in favor of the fence if the safety of citizens could be maximized. Commissioner Campbell concurred with this opinion.

Commissioner Transmeier opposed the fence being placed along North Avenue, but did not object to the fence being erected along Gunnison Avenue.

Commissioner Dunivent objected to the fence in its entirety, saying that the effectiveness of the fence had not been proven.

Commissioner Campbell concurred with the local homeowners in that something was needed at present, though admitted that this proposal wouldn't completely solve the problem.

**MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #32-87, I MOVE THAT WE APPROVE THIS ON THE CONDITION THAT THERE BE NO 30-FOOT FENCE ADJACENT TO NORTH AVENUE."**

Commissioner Halsey seconded the motion.

Chairman Rush and Commissioner Campbell felt they could not support the motion as stated since safety along North Avenue was as much a factor as it was for the residents of Gunnison Avenue. A vote was called and the motion failed by a tie vote of 3-3, with Commissioners Campbell and Dunivent, and Chairwoman Rush opposing.

**MOTION: (COMMISSIONER CAMPBELL) "MADAM CHAIRMAN, I MAKE A MOTION ON ITEM #32-87 (THAT WE APPROVE) THE CONDITIONAL USE FOR THE 30-FOOT FENCE SURROUNDING THE LINCOLN PARK GOLF COURSE AS OUTLINED BY STAFF AND THE PARKS DEPARTMENT."**

There was no second to this motion, so the motion failed.

**MOTION: (COMMISSIONER DUNIVENT) "MADAM CHAIRMAN, ON ITEM #32-87 CONDITIONAL USE OF A 30-FOOT FENCE SURROUNDING LINCOLN PARK, AS OUTLINED, I MOVE THAT WE DENY IT DUE TO THE FACT THAT I DON'T BELIEVE IT SOLVES THE PROBLEM, THAT THE \$70,000 INVESTED IS TO SALVE SOME WOUNDS, AND IT DOES NOT PROTECT THE PEOPLE SINCE THE 30-FOOT FENCE WILL NOT STOP THE BALLS."**

There was no second to this motion, so the motion failed.

Commissioner Transmeier suggested that the first motion be restated to see if anyone had changed his/her mind.

**MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #32-87, I MOVE THAT WE APPROVE THIS ON THE CONDITION THAT THERE BE NO 30-FOOT FENCE ADJACENT TO NORTH AVENUE."**

Commissioner Halsey seconded the motion.

A vote was called and the motion failed by a tie vote of 3-3, with Commissioners Campbell and Dunivent and Chairwoman Rush opposing.

Discussion ensued between members of the Planning Commission.

Chairwoman Rush felt strongly about the safety issues of the proposal.

**MOTION: (COMMISSIONER DUNIVENT) "MADAM CHAIRMAN, DUE TO THE FACT THAT THE CITY COUNCIL AND THE PARKS AND RECREATION DEPARTMENT HAVE BEEN HASSLING WITH THIS THING FOR THE LAST FOUR OR FIVE YEARS, AND THEY DROP IT INTO OUR LAPS ONE WEEK AGO TONIGHT AND EXPECT US TO MAKE A DECISION, I MOVE THAT WE TABLE THIS."**

Commissioner Sewell seconded the motion.

Chairwoman Rush agreed with the motion, but disagreed with the rationale behind it.

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

The meeting was adjourned at 9:52 p.m.