

GRAND JUNCTION PLANNING COMMISSION
Public Hearing -- January 31, 1984
7:30 pm - 9:10 pm

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

In attendance, representing the City Planning Commission were:

Bill O'Dwyer	Miland Dunivent
Ross Transmeier	Glen Green
Dick Litle	
Susan Rinker, Chairperson	

In attendance, representing the Planning Department were:

Don Warner Janet C.-Stephens Karl Metzner

Rachelle Daily of Sunshine Computer Services, was present to record the minutes.

There were approximately 35 interested citizens present at the beginning of the meeting.

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Chairperson Rinker called the meeting to order and explained that the items heard tonight will go on to City Council if they are approved; if disapproved, the petitioner must request scheduling of the item for the City Council agenda.

I. APPROVAL OF MINUTES.

Chairperson Rinker asked the Planning Commission for a discussion on the minutes of the 1/3/84 GJPC Public Hearing.

MOTION: (COMMISSIONER O'DWYER) "MADAM CHAIRMAN, I MOVE THE MINUTES OF THE JANUARY 3, 1984 GRAND JUNCTION PLANNING COMMISSION PUBLIC HEARING BE APPROVED AS PRESENTED."

Commissioner Dunivent seconded the motion.

Chairperson Rinker repeated the motion, called for a vote, and the motion carried unanimously by a vote of 6-0.

II. ANNOUNCEMENTS, PRESENTATIONS, AND/OR VISITORS.

There were no announcements, presentations and/or visitors.

III. FULL HEARING

1. #1-84 NORTHRIDGE ESTATES FILING #4 - OUTLINE DEVELOPMENT PLAN

Petitioner: Steve Foster, Don Foster, Clifton Mays.
Location: East of 1st Street, North of F Road and Independent Ranchmans Ditch, South of F.5 Road, and West of 7th Street.

A request for an outline development plan of 87 units on approximately 28.1 acres in a residential single family zone at 4 units per acre.

PETITIONER'S PRESENTATION

Mr. Joseph Coleman presented a brief overview of the petitioner's outline development plan and discussed the following points:

1. The proposed subdivision is surrounded by Willowbrook on the south and by the existing Northridge Filing on the north.
2. The density of the proposed subdivision is extremely compatible with existing subdivisions to the north and south. (The proposed density is approximately 3.1 units per acre -- the permitted zoning is 4 units per acre.)
3. An Outline Development Plan does not require the petitioner to have a subdivision ready for final approval, which explains why they have not included "specificity" in certain areas such as required by a final plat. Mr. Coleman feels this explains the reason for some of the Review Agency comments received. Mr. Coleman then referred to the City's requirement for an ODP (under Section 7-5-3) which includes the following basic issues and questions to be answered:
 - (a) "Should these uses be allowed at this location at this approximate density related in this manner to the surrounding uses."

Mr. Coleman suggested to the Planning Commission that this ODP satisfies that question. He stated that there were no Review Agencies complaining about the residential use in this area, that no one has taken offense to the density since it is well within the permitted zoning, and the only surrounding use is residential, both north and south. He noted that the property does join First Street and some commercial zoning does exist west of First, but he does not feel that any of the proposed residential zoning is in any way incompatible with the existing zoning.

Mr. Coleman suggested that the Planning Commission consider approving this plan since the main questions (concerning use, density and how it ties in) are satisfied.

4. Responding to the Review Agency comments, Mr. Coleman referred to Mr. Tom Rolland's letter (Rolland Engineering) which addresses each concern of the Review Agencies. He agreed that all problems are recognized and the petitioners realize that the subdivision will have to be built according to the rules of the City. He specifically discussed the concern pertaining to the subdivision encroaching on the existing Ranchman's Ditch and indicated that the existing easement will be respected and agreements will be reached with them prior to submittal of any final plats. Other alternatives such as piping the ditch, etc., will be resolved prior to final plat. He added that "the ODP is designed to identify the problems -- not to deny the ODP because of the problems." The petitioners recognize that the ditch is there and the rights will be respected.
5. Mr. Coleman defined the real issues of the ODP as relating to Access and Horizon Drive. He discussed these issues as follows:

(a) ACCESS. The Foster's property is situated in such a manner that a second access is physically impossible without working with adjoining landowners. (It is an odd-shaped tract that only reaches outside access onto First Street. There is already an access there so it would be illogical to say that there could be another one.) Several alternatives have been discussed since 1976, including an access to the north. In an October 23, 1981 City Planning Staff memo, it was acknowledged that "it is virtually impossible to provide this access as per the Foster's agreement." The reasons for this was that the City has no ground

north of this property (it is County property) and the County changed some subdivisions which consequently meant that, where a bridge was planned, the connecting street was no longer a part of the existing subdivision. If they were to put a bridge in there now, it would dead-end on the north side of the canal (instead of the south side of the canal).

Mr. Coleman referenced meetings relative to Horizon Drive with Northridge and Willowbrook residents at which time City Engineers asked the residents where they would like to have the access. The majority preferred an access up towards 7th Street. Mr. Coleman said he felt the reason for this was that the logic of an access to F 1/2 Road would probably dictate the vast majority of the people always using the First Street access anyway (which would not affect the current traffic problems).

Mr. Coleman asked the Planning Commission to consider the question of the access towards 7th Street. He showed how their plan on Filing #4 shows an access along the southern portion of the property, proceeding from the existing access on First Street all the way over to the Fosters' east boundary line. He suggested that the Planning Commission and Planning Staff require the Fosters to work with the adjoining neighbors to obtain the continuation of F Road to 7th Street which will allow Northridge residents direct access to First Street and 7th Street. Both suggested accesses would provide the safety requirements for double access and Northridge residents would have easy access in all directions (to the Mall, to the hospital, to the airport, to the City, etc.). Allowing access along the southern corridor would also "totally eliminates the risk of encouraging through traffic." Placing the access to 7th Street any further north will encourage some through traffic, but allowing Northridge to stay somewhat as a "looped subdivision," will allow Northridge to have double access and not get any outside traffic.

In summary, the petitioners recognize that a second access is needed and they propose that it proceed along the southerly boundary of the property and that the development be conditioned upon the Fosters obtaining some type of access along that border. Mr. Coleman's final comment on access was that "no matter where you put the access, the homeowners in the immediate vicinity are not going to be pleased."

(b) HORIZON DRIVE. Mr. Coleman made the statement that "Horizon Drive does not exist and the Fosters cannot develop a piece of ground around a hypothetical road." He added that the City is taking a very "candid and optimistic approach that this road will be acquired in 1984." Mr. Coleman suggested that the City needs to "look at their files beginning in September, 1976 when the City stated they needed the Horizon Drive City corridor as they are right on the verge of finalizing where that road's going to be." Mr. Coleman also noted that in April 1977 the City was waiting for an EIS Study which "is right around the corner and will be done." Mr. Coleman stated that "All the way through the files, you have the same thing -- the road is always six months away." Mr. Coleman repeated his earlier statement that "the Fosters cannot develop a piece of property around a hypothetical road" and suggested that the City go about its business and allow the Fosters to go about theirs. He further stated that the City knows that "if tomorrow they want that road, they can walk in and condemn it, and the City should not be able to show up at a Planning Staff or Planning Commission Hearing and say that they might want that road and we might want it here or here or here..."

In summary, Mr. Coleman stated that this is the reason their plan ignores Horizon Drive -- because Horizon Drive has been ignored for condemnation purposes by the City and it is not fair to hold up the Fosters since they are willing to develop this property. He added that "Horizon Drive should not be given any more consideration until the City commits to acquiring property." Mr. Coleman also commended the predecessors of the Planning Commission that publically passed a resolution to table this item, stating "We urge the City to act quickly on Horizon Drive." Mr. Coleman stated that the City ignored that and did not act.

Mr. Coleman concluded that "there is no basis in any of the ordinances of Grand Junction which allows an ODP to be considered either favorably or unfavorably because the City may, in the future, wish to put in a road here or there; therefore, the petitioners urge the Planning Commission to consider their ODP and Tom Rolland's letter in response to the Review Agency comments and not to impose an arbitrarily additional requirement that this development wait another four years or even another day because 'there may be a Horizon Drive someday.'"

QUESTIONS

Commissioner Transmeier asked Mr. Coleman to clarify whether the north road they have proposed does or does not connect to North Acres Road.

Mr. Coleman replied that the North Acres Road, to the best of his understanding, goes to a dedicated parcel of land but no road, which would require a bridge and the City would have to put in a road to connect to 7th Street from there. He added that no one has the Right Of Way going north but the City Engineers have indicated there is Right Of Way available in one location.

STAFF PRESENTATION

Janet Stephens stated that Planning Staff has concerns with two major issues -- Access and the Horizon Drive Extension.

1. ACCESS. Staff feels that a bridge from North Ridge Drive over the canal to North Acres would be appropriate, and that Cloverdale Court currently has access from Kingswood Drive. The new subdivision would delete this dedicated drive and substitute new lots. Another concern with respect to access is the fact that First Street is designated a minor arterial and several lots are shown that would appear to gain access onto First Street. Also the fact that there are double frontage lots shown on the ODP is a concern.

Janet introduced Ken Reedy, City Engineer, to discuss these concerns.

Ken Reedy stated that their philosophy in reviewing this plan is that it is an ODP and they have addressed the problems they see with it. He said that "since the developer did not specifically address the Horizon Drive Corridor, we addressed many of the problems without the assumption of Horizon Drive Corridor being there and then we followed that with the statement that Council has approved the acquisition of the property through this parcel late in 1983 and we are under direction by the Council to acquire that property. Therefore, there is an arterial road corridor designated between First and Seventh Street in a Horizon Drive minor."

Ken commented that his philosophy on this is "that this Corridor is like any other arterial corridor, in that we frequently request dedication of property or reservation of property by a developer adjacent to an arterial road corridor that is not developed today (Patterson Road, for

instance)." They do request reservation or dedication of property adjoining an arterial road corridor.

Ken stated: "Mr. Coleman's evaluation of the access to F 1/2 Road may be not quite current. City Staff has met with the Mesa County Commissioners within the last three weeks and received followup on access to F 1/2 Road via Noel Ridge Lane and the indication from the Commissioners was that they would provide the rights of condemnation on that parcel required to continue that access. We feel that the developer has committed to completing that access in his prior development and that the acquisition of the right of way to the north is really an issue that the City needs to address. We are currently negotiating with the property owner to the north to acquire that property. We do have the County's promise that we can use their right of condemnation, if necessary, to acquire that. The access to 7th Street, Staff feels, is appropriate across the extension of North Ridge Drive to North Acres as an alternate access and, in the public meeting Mr. Coleman referred to, there was an informal straw poll asking the residents present whether they preferred Noel Ridge access to F 1/2 Road or access to 7th Street, or both accesses. The number of people in favor of both accesses was very nearly the same as the number of people who favored only an access to 7th Street. Because of the developers acceptance of the obligation to build the bridge to F 1/2 Road, we feel that it is probably appropriate that both of those accesses be extended."

Ken noted that he did not know how the Fire Department feels, but from his perspective, Horizon Drive Corridor is not entirely a mitigation of the second access requirement -- it doesn't provide what he considers adequate fire protection access to the north end of the subdivision.

Addressing the "hypothetical road situation" (Horizon Drive), Ken stated that "it is a hard one to address, but we feel that the City does have an obligation to designate arterial road corridors and that we have in the past had a relationship with the Planning Commission that did allow us to make reservations on adjoining property owners where that is appropriate, and we feel that this is an appropriate location."

QUESTIONS

Commissioner O'Dwyer: "You said City Council has given you direction to get started with that Horizon Right Of Way? What steps have been taken?"

Ken Reedy: "The boundary has been defined, the property has been appraised, the areas have been calculated -- basically,

all steps have been taken except for condemnation procedures and for purchase."

Commissioner O'Dwyer: "Okay, if you get the property to the north (the property the County is involved in), do I understand that the developer is obligated to build the bridge then?"

Ken Reedy: "Based on my understanding of his agreement in Filing 2 or 3, he has agreed to build that bridge. We requested earlier this year that he submit us a schedule and timetable as to how he would proceed to build that bridge before the water is turned into the canal this spring, but to date we haven't received a response to that request."

Commissioner O'Dwyer: "It's what, two to three months before the water comes back into the canal?"

Ken Reedy: "Yes. Based on my knowledge that bridge has been designed and it should be up for bid I assume in the near future."

Commissioner O'Dwyer: "Then referring to the other bridge over to the east that ties in with North Acres Road, who will bridge that bridge? It sounds like the developer is not prepared to because he doesn't want to."

Ken Reedy: "We feel that it is a reasonable request to ask the developer to build that bridge."

Commissioner O'Dwyer: "Then the City would continue the road over to 7th Street?"

Ken Reedy agreed to that.

Commissioner O'Dwyer: "Then as far as you know it's only been appropriated for that, or would he just build the bridge across the canal and then it would sit there for two or three years until the City appropriated the money?"

Ken Reedy: "Theoretically, we haven't budgeted specifically for that property; however, there may be funds available in the 1984 budget."

Commissioner Transmeier: "On the status of Horizon Drive, is it your understanding then that you are going to go ahead with the condemnation proceedings on that land or purchase, or does that require another vote by City Council to decide that?"

Ken Reedy: "Based on our last direction from City Council, we have the authority to go ahead with acquisition or

condemnation of that property as required."

Commissioner Litle: "On what timeframe?"

Ken Reedy: "As soon as possible."

Commissioner Litle: "What does that mean?"

Commissioner O'Dwyer: "Four years ago they said the same thing."

Commissioner Litle: "20 minutes or 20 months or what..?"

Ken Reedy: "As I said, we have all the information necessary to do that and we haven't been up to date based on our request from the administration."

Commissioner Dunivent: "You said the land for Horizon Drive has been appraised?"

Ken Reedy: "It has been appraised."

Commissioner Dunivent: "And it is probably appraised a lot differently now than it would be if this was approved and some building was done there -- the cost would be increased considerably. If this goes on and on ... I think the City needs to get busy."

PUBLIC COMMENTS

Chairperson Rinker reminded the audience that an Outline Development Plan is being heard, that Horizon Drive is not being debated, and asked for comments only on the plan.

IN FAVOR:

Joan Razor, Northridge resident, spoke in favor of the plan and residential development in this area. She stated that she "could not not address Horizon Drive just for one statement," adding that when they moved to Northridge, they were told Horizon Drive was going to be there (6 or 7 years ago) and the EIS (Environmental Impact Statement) called for a two-lane road, which is what was approved and for which a 3-5 year study was prepared. She added that she doesn't know how it happened, but it is now a four-lane highway for that stretch. She thinks the exit to 7th Street looks good and the majority of the residents want that. She feels the developers have been held up long enough and should be allowed to build it.

Warren Jones, owner of a small parcel of land that is not part of the plan, stated that as the plan is proposed it will allow parking in the Right Of Way on his property which would result in a law suit. He said he is sure this problem that can be worked out with the developers. He also feels the developers have been held up too long and is surprised they haven't sued the City which he feels they have a right to do. He feels the developers are offering to build a road at no cost to the City which he thinks is a pretty good deal (for the City).

Commissioner Green: "Mr. Jones, you said they have agreed to ..."

Warren Jones: "No. I said I hope they will, they haven't; nobody has discussed anything with me."

The Commissioners requested Mr. Jones to point out the location of his property on the map. Mr. Jones complied.

Mr. Coleman: "At a previous meeting it was agreed with the Planning Commission that this would not come before this Commission again until we reached agreement on this and this should be in the minutes of the last meeting."

Commissioner O'Dwyer: "That will be totally land-locked then."

Mr. Coleman: "The agreement was it would not be brought here again until we reached an agreement."

Paul Redden, resident of Cloverdale Ct., thinks a petition can be obtained and signed by 95-98% of the residents living in Northridge stating they support the Fosters.

COMMENTS AGAINST THE PROPOSAL: There were no comments.

PETITIONER'S REBUTTAL

Mr. Coleman stated that he was very intrigued to hear that the City would like them to build two bridges. He added that the Fosters do not deny that the City is going to get one bridge and that the residents of Northridge are entitled to two accesses. He sees the reality being that the City is using methods to stop the subdivision so they can continue procrastinating on Horizon Drive.

Chairperson Rinker: "Excuse me, I think you misunderstood. The prior developer promised to put in the bridge."

Mr. Coleman: "That is the Fosters. They agreed to one bridge and there would have been one bridge to the north if the County hadn't 'botched' it up. One bridge will be given and if the City is sold on F 1/2, the Fosters will comply. It would be a shame to ignore the wishes of Northridge, but it won't cost the Fosters any more to put a bridge there than a bridge some place else. The road the Fosters propose along the canal is in basic alignment with what they suggested Horizon Drive should be -- and it's true. The only way the City can get that road without any expenditures is to get on the bandwagon and support this subdivision. Putting through Horizon Drive is going to be horrendously expensive." In conclusion, Mr. Coleman stated that the "whole thing boils down to Horizon Drive" and he encouraged the Planning Commission to listen to the Northridge residents. He asked, "When was the last time someone came in with a development of 80-some homes in a highly developed area and no one stood up in opposition? The plan has no opponents except the City for their road, but there is no ordinance which says they can stop a development so they can think about roads."

STAFF REBUTTAL

Petitioner mentioned that he thought access concerns (re: staff presentation) had been sufficiently addressed in response comments and therefore didn't need to be brought up. Janet Stephens stated that the access concerns were considered to be of major importance and felt they should be specifically mentioned.

QUESTIONS

Commissioner Green asked the petitioner what his intentions were for Mr. Jones' parcel of land (the southeast corner of the block).

Mr. Coleman stated their intentions were to provide access off the cul-de-sac into this southeast corner.

Chairperson Rinker said: "Basically, before this is approved you will have to re-do the whole plan anyway, since your lots aren't big enough and the ditch is in the way, correct?"

Mr. Coleman: "Those were our thoughts..."

Mr. Jones: "I have an easement which runs down the west side of the big map and it goes down where it turns the corner and enters where Cloverdale is and extends from there all the way to First Street. The road has been there for

approximately 7 years. I won't accept just whatever they choose, but I would be willing to negotiate."

Mr. Foster: "He has a 7 1/2' easement on our property."

Mr. Coleman: "The easement is on the Foster's and the adjoining property and I think there has been fences constructed on the adjoining property. We have been trying to give alternative access so it wouldn't cause a problem with the existing fences. We feel that even if we respect the 7 1/2' on our property, it really doesn't leave a good usable easement which is why we show the road in as close as we could so we would have actual paved road access, but we acknowledge it is a concern and it will be addressed in a preliminary plan."

Mr. Foster: "We will be more than happy to work something different out."

Chairperson Rinker: "I'm sure that when you get to preliminary you will be doing other things different."

Jim Patterson: "I think anything I could say would be pretty much redundant, but I will make a brief comment. The north access on Filing #2 is not the City's access. It was in the plan designed by the developer and it was approved by the Planning Commission and City Council. We feel another access to 7th Street is warranted by this development and feel the previous commitment by the developer should be done. In addition to this, as a separate issue, we feel another access is required as part of this development also."

Chairperson Rinker closed the public hearing and requested a motion.

Commissioner O'Dwyer prefaced his motion by stating that he feels the Horizon Drive situation has "gone on long enough and that the City either needs to get moving on it or forget it."

MOTION: (COMMISSIONER O'DWYER) "ON ITEM #1-84, NORTHRIDGE ESTATES FILING #4, OUTLINE DEVELOPMENT PLAN, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."

Commissioners Litle and Transmeier seconded the motion simultaneously.

DISCUSSION OF THE MOTION

Commissioner Transmeier: "I think Bill (O'Dwyer) is right. It's time for a decision. The administration as Ken said is still holding up the acquisition of the property for Horizon Drive, so it's either do it or not do it. Personally, I feel like that's probably the wrong place for Horizon Drive to come through. Regarding the second question as to access pointed out by Mr. Patterson -- I would like to see access from that property into 7th somehow along North Acres Road and that road would have to be opened up somewhere and I think we've looked to the developers for some of that (with a bridge or something) on that portion. If there is already a previous commitment that the north access be put in definitely, then that's a separate question."

Commissioner O'Dwyer: "It wasn't proposed in this issue."

Commissioner Transmeier: "No, it's in Filing #2 but I think it is a question. I think we ought to make it a question to have access going east to 7th, or at least accessible at the minimum."

Chairperson Rinker repeated the motion and requested a vote. The motion carried unanimously by a vote of 6-0.

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The meeting was recessed for a 10-minute break and called back to order at 8:30 p.m.

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2. #57-83 AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE

Petitioner: Colorado Home Builders Association/John Ballagh.

A request to amend portions of the Grand Junction Zoning and Development Code regarding sign code regulations to allow certain off-premise signs in residential zones. Copies available at the Grand Junction Planning Department, 559 White Avenue, Room #60, 244-1628.

PETITIONER'S PRESENTATION

John Ballagh, representing the Home Builders Association, discussed the following amendments and new changes to the amendment as presented:

1. As a result of a conversation with Karl Metzner, we agree to withdraw our previous request to add "development or lot sales" under Section 5-7-4-C.
2. We would like to add the new section in the Residential Zone in the Development Book. John addressed questions put to him by Karl Metzner:
 - (a) The worry about businesses requesting a similar use for off-premise signs in residential areas. This addition would go in the Code where it talks about signs, advertising, subdivisions, or other projects being developed. It doesn't talk about permanent type businesses, it talks about subdivision or development, and there is that limitation. John does not perceive that same difficulty with businesses requesting the use.
 - (b) The size of the sign. John referred to the Code (under Signs, Advertising, Subdivisions and Projects), where it states: "Signs in the model home area and on the subdivision site should not exceed a total aggregate of 200 square feet." John suggested they say "those signs in the model home area and ON and OFF the site did not exceed a total aggregate of 200 square feet," since 200 square feet is a tremendous amount of aggregate. Secondly, John discussed another reference in the Sign Code about "32 square feet" which is a convenient 4 x 8 size sign. A different size sign was suggested. John stated that a 32 square foot sign is an "easy handle to pick up and there's nothing magic about that." He discussed things that would go "on and off" the premise sign would include: a directional arrow, the name of the development, perhaps a logo and builder name, and possibly (but not probably) a telephone number. The

idea is to get someone going down the road to turn at a certain intersection to find the development.

John further stated that Karl Metzner suggested a 16 square foot sign and John feels that is a reasonable size. To accomplish the aggregate and the size sign, it would be necessary make the following changes in the Code:

"(c) The single face of any temporary off-premise development sign shall not exceed 16 square feet."

and, add:

"all square footage to be included in the total aggregate of 200 square feet."

(c) Location. In the Code, it states that permitted signs are limited to 8 feet in height. John suggested that be changed to 10 feet due to the rare instance where a sign is allowed in the 25 x 25 triangle (and no obstruction is allowed between 36" and 72"), if you start at 6' and go to 8' you end up with a "real strange sign."

QUESTIONS

Commissioner Transmeier: "The question on the height is on the off-premise sign use?"

John Ballagh: "No, that has to do with signs in general. It does not relate to merely a temporary sign."

Commissioner Transmeier asked how a sign that is painted on both sides is handled.

Don Warner, Planning Staff: "You only have one sign. We only count one side in the square footage of a sign, unless the sign is placed in a "V" rather than back-to-back. A "V" sign is considered to be two signs.

Commissioner O'Dwyer: "You said 200 feet in aggregate. That means all the signs together? At 16 foot a square per sign, that's 12 signs."

John Ballagh agreed that the 200' means all the signs together but he corrected Commissioner O'Dwyer's second statement by indicating that there can only be two off-premise signs requested.

Commissioner O'Dwyer: "How far away from the development will the off-premise signs be located?"

John Ballagh: "We're not talking about a great distance. Most of the property adjacent to major and minor arterials is already developed in some fashion and many of the sites would be always less than a half mile and probably within a quarter of a mile. There would be no value to put a sign up on 28 Road and the Highway, for example, to get to North Star Subdivision which is north of Orchard. The idea would be to put it on the corner of Orchard and 28 Road." John added that billboard-type signs do not do the job (with cluttered, long involved instructions).

Commissioner O'Dwyer made the observation that there could be as many as 4-5 signs ending up on one corner, which he feels would be "terrible."

John agreed with Commissioner O'Dwyer's concern and said that they have discussed this with County, Staff, and developers and the HBA would expect something less than 20 total signs in the County, given the present and past situations. John stated that most the people they are familiar with would only pay for a lease if they had an exclusive lease for a sign (meaning no other sign would be placed there). Also, there would be a limitation per corner (or per intersection if the Planning Commission prefers). Several subdivisions could also be worked together on one sign.

Commissioner O'Dwyer: "You couldn't put too many subdivisions on one sign with 16 square feet and expect it to be large enough for anyone to see."

John Ballagh: "I think you would find an air of cooperation about getting the information out."

Commissioner Dunivent: "What would prevent an individual property owner from doing this same thing?"

John Ballagh: "If an individual could get a lease to sell a one or two-lot subdivision, a 16 square foot sign erected by a licensed sign contractor will cost about \$200. A lease situation would cost about \$1/day. An individual developing a piece of property could do it, but I wouldn't expect that that many would." (Due to the economics)

Commissioner Dunivent: "What about an individual who has a home?"

Chairperson Rinker: "This only applies to subdivisions."

John Ballagh: "It is under the section specifically identifying signs, advertising in any subdivision or other project being developed."

Commissioner Dunivent: "If this is approved for the Home Owners Association, what's to keep the Motel Association, Automobile Association, Restaurant or Motel Association coming in and asking for the same thing?"

John Ballagh: "It's a limitation for an area that's either being subdivided or being developed and it would be done by the developer or builder for a one-year period."

Commissioner Dunivent: "I understand that, but what would keep these other associations from doing the same thing for a year or two years?"

John Ballagh: "Good staff administration." He added that he doesn't know what would stop them from coming in.

Commissioner Dunivent stated that he feels they would be "opening up a whole can of worms."

Chairperson Rinker: "I tend to disagree with that because other cities have off-site development signs and no one else (restaurants or hotels, etc.) comes in and causes problems.

Commissioner Litle: "Hotel and Restaurant development is already on an arterial or major access street and they are not facing the same thing that interior-type subdivisions (who have no visibility) are."

Commissioner Green: "John, has this need been there for some time or is this a product of the time right now?"

John Ballagh: It seems to be a problem of enforcement. Some people have recently been leaned on because they have an off-premise sign which is not allowed. As it is put together, it talks about the regulations, construction and maintenance which will eliminate "flattened cardboard boxes that are spray-painted" being used as signs. Agricultural product/produce signs are of particular concern in this regard.

Commissioner Green: "Was it equally desirable to do this two years ago?"

John Ballagh: "There are two years less properties on major and minor arterials and some less desirable properties are being developed that don't have frontage. If you're asking if it is an economic situation for advertising, signs do more than anything else. It is not reasonable to put a lot

of things in there with regards to number of bedrooms, lot size, number of bathrooms, etc."

STAFF COMMENTS

Karl Metzner indicated that Item #1, under Staff Comments, after discussion, is fine. Karl elaborated on the suggested additions:

- (1) Size. 16' might be better than 32'
- (2) Equity Question. If a subdivision can do this, can other projects? Part of the problem is with the definition of "development" in the Code ("anything that is done to a parcel of land"), so if a subdivision can put up an off-premise sign, why can't a used car lot, for example, have the same privileges?

Chairperson Rinker: "Could we solve that by saying something about residential subdivisions?"

Karl Metzner: "It could be solved a number of ways, depending on how far you want to go. Right now, the way the proposal reads it is under the section referring to 'subdivisions or other development in the City,' and the definition of development includes almost anything you do with a piece of property. If you restrict it to residential development you still have to be prepared to answer the question, 'Why not commercial developments?' The basic problem lies with signs, particularly temporary signs."

Karl added that he recognizes the problem John is trying to solve, but the problem is keeping it from getting out of control.

Don Warner, noting that he has issued 98% of all sign permits in the last 15 years, offered the following comment: "A residential subdivision is not a residential development, it is a commercial development -- they are trying to sell something. How can we tell somebody else 'You can't try to sell something'? I will have to see all those other cities you're talking about, Susan, because I don't think they are doing that. Glenwood Springs, Aspen and Vail don't...."

Chairperson Rinker: "We're not Glenwood Springs."

Don Warner: "We're not Glenwood Springs? We're pretty close."

Commissioner Little: "We're close as far as size, but they are not facing the same type of development rate as we are here."

Don Warner: "Glenwood has faced a bunch of problems up there. Anyway, I do think we have a clean regulation now that is working. We say no off-premise signs except for heavy commercial and industrial, and it's working. I can see the requests coming in saying 'Oh, you've loosened up the signs, you're allowing them in residential areas -- we have a home occupation but we're two blocks off a major street, can we have a sign?' It's residential, it's an allowed home occupation! We get a lot of requests for off-premise home occupation signs. Right now, it's clean, and we can say "No off-premise signs." Don also anticipates a proliferation of signs if the code is loosened up.

Commissioner Litle: "Where specifically in Colorado is such an ordinance working in Colorado? Maybe we could find out how they enforce it, etc."

John Ballagh replied that he thought Littleton allows residential off-premise signs but he doesn't know what sign codes are in existence that allow one and not the other."

Don Warner asked Susan to give him the names of other cities so they could work through the Colorado Municipal League to see how they are handling these regulations.

Karl Metzner recommended the Planning Commission table this item until more information can be obtained, since there are so many questions and they have only had one month to consider this. He also suggested that John Ballagh might obtain additional information from those areas through the Home Builders Association.

PUBLIC COMMENTS

There were no comments either in favor or against this item.

Chairperson Rinker closed the public hearing and requested a motion.

QUESTIONS

Commissioner Transmeier suggested using the phrase "Planned Unit Development" in lieu of the word "Subdivision." He also stated that he is very much opposed to advertising in residential areas so the size of the sign is a major concern of his, and would therefore recommend the size of the sign be limited to 3 square feet or less.

MOTION: (COMMISSIONER LITTLE) "I RECOMMEND WE TABLE ITEM #57-83, AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE FOR 60 DAYS, TO ALLOW FURTHER INVESTIGATION OF THE REAL RAMIFICATIONS OF THIS REQUEST."

Commissioner O'Dwyer seconded the motion.

Chairperson Rinker repeated the motion, called for a vote, and the motion carried 6-0.

3. Ratification of an ordinance governing adult entertainment business.

PETITIONER'S PRESENTATION

Don Warner stated that two years ago the City adopted an ordinance, later referred to as the "Porno Ordinance," straight through the Council (it did not come before the Planning Commission). Since it was made a part of Zoning, it now needs "cursory approval" by the Planning Commission. Don added that this is not an item for a public hearing as the hearing was initially held at City Council level.

Chairperson Rinker requested a motion.

MOTION: (COMMISSIONER DUNIVENT) "I MOVE WE RATIFY ORDINANCE #1966 GOVERNING ADULT ENTERTAINMENT BUSINESSES."

Commissioner O'Dwyer seconded the motion.

Chairperson repeated the motion and called for a vote. The motion carried by a vote of 5-1 (Commissioner Transmeier opposed).

The meeting was adjourned at 9:10 p.m.