

GRAND JUNCTION PLANNING COMMISSION  
Public Hearing -- March 27, 1984  
7:30 p.m. - 8:32 p.m.

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

In attendance, representing the City Planning Commission were:

Bill O'Dwyer	Jack Ott
Miland Dunivent	Dick Little
Ross Transmeier, Chairman	

In attendance, representing the Planning Department were:

Karl Metzner	Mike Sutherland
Don Warner	Tina Shelton

Terri Troutner was present to record the minutes.

There were approximately 9 interested citizens present during the course of the meeting.

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**I. APPROVAL OF MINUTES**

Chairman Transmeier asked the Planning Commission for a discussion of the minutes of the February 28, 1984 GJPC Public Hearing. The following items were brought up for correction: With reference to the February 28, 1984 GJPC Public Hearing minutes, Mr. Laushbaugh's name is to be correctly spelled as Lushbaugh. With reference to the March 20, 1984 Extension/Reversion Hearing Minutes, Commissioner Duvient's name is to be correctly spelled as Dunivent. These corrections were duly noted and Chairman Transmeier requested a motion.

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, I WOULD LIKE TO INTRODUCE THE MINUTES OF BOTH FEBRUARY 28TH AND MARCH 20TH FOR APPROVAL, TO INCLUDE THE CORRECTIONS PREVIOUSLY DISCUSSED."**

Commissioner O'Dwyer seconded the motion.

Chairman Transmeier repeated the motion and called for a vote. The motion carried unanimously 4-0.

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

There were no announcements, presentations and/or visitors.

### III. FULL HEARING

#### 1. #57-83 AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE.

Petitioner: Colorado Home Builders Association/John Ballagh

Chairman Transmeier indicated to the audience that this item was one that had originally been tabled during the January 31, 1984 meeting.

Mr. Ballagh began by saying that there was a written recommendation from the Planning Department which he believed to have been made public through the notification process. This had presented two alternatives:

1. Off-premise development directional signs.
2. Off-premise development directional signs with permit fees addressed.

Mr. Ballagh felt that Alternative 1 was preferable with some minor changes that were discussed previously with Karl Metzner of the City Planning Department. There was a concern expressed over item B-5 regarding the use of off-premise signs in the H.O. or P zones. It was suggested that if someone should want to amend their H.O. permit to allow for this temporary sign, that this process should be allowed. He was not advocating the allowance of signs, only that they would be allowed to go through this process of consideration for the signs. This was the primary concern of this alternative.

In addition, item C-2d regarding the perspective rendering of the sign and sign copy, Mr. Ballagh said that he would rather have this read...copy may be placed on the sign. He pointed out the problems that a sign painter may encounter in gaining an accurate perspective when designing the sign.

Mr. Ballagh returned to item B-3 which states that sign location shall be within a 1/2 mile radius of the development. He felt that this was certainly reasonable if the development was only 1/2 mile away from an arterial. He stated, however, that the development which instigated this request for change was in excess of this limit by approximately 1/4 mile, or within a 3/4 mile radius. He mentioned that no additional instance of this type could be found. A change to reflect a 3/4 mile radius from the development for sign location was requested.

John then sought to answer two questions which were asked of him during the last GJPC Public Hearing:

1. Land development is a business. He felt that, true, land development was a business, but it suffered a restriction that did not affect other businesses, the fact

that the land is fixed in location. It cannot be moved in order to be sold. Mr. Ballagh stated that with increased development of the area, certain properties become less accessible from arterials or collectors. It then becomes necessary to know how to get to the development. A request for directional signage was made.

2. Economics. Through studies conducted both locally and nationally, it was discovered that the most economic way to promote land and housing to the consumer was through signage. Signage was said to bring in more consumers by a ratio of 7:1, to be exceeded only by realtors.

## QUESTIONS

Commissioner O'Dwyer: "I guess I have a comment more than I do a question. I can understand what you are saying, in fact, I belong to the Homebuilder's Association. No doubt your segment of the industry needs something, and maybe next week another segment of the industry may need something. Since this is bound to occur many times, where do I as a Commissioner draw the line?"

Mr. Ballagh: "I feel that Karl Metzner did an extraordinary job in addressing this problem from item B over, which talks about development directional signs located in zones where the development is in use by right. One of the things that Karl introduced had to do with the zoning in that if it is a residential development, the sign can only be located in a residential zone, and a lease would be required...The people that we've talked to with lease arrangements have always made this a non-competitive lease...I optimistically expect that there might be 3 or 4 signs located in the City...I would request a temporary sign that would later be removed. If I had a lease with a private individual to place a sign on his property, when the lease was up, the sign would come down."

## STAFF PRESENTATION

Karl Metzner took this opportunity to clarify and summarize several points made in the report written by the City Planning Department. He began by saying that they were neither pro nor con on the basic issue of whether directional signs should be allowed in residential zones. Several other communities, approximately the size of Grand Junction were contacted and only two (Longmont and Aurora) did not allow any type of off-premise signs in residential zones for this type of use. All others seemed to vary in allowances from very small to almost no regulation at all. Some required permits, some didn't.

Karl said that this was essentially a policy making decision to be made by the Planning Commission and the City Council to decide whether these signs are appropriate, given the concerns. Are

concerns. Are there factors outweighing benefits? If this is found to be the case, consideration should be given to the two alternatives presented earlier.

With reference to the concerns outlined in the City Planning report, the equity question was felt to be the primary issue. Karl raised the question that if land development as a business was to ask for allowances, then would other business follow suit and expect allowances to be made for them also? He stated that the two alternatives were designed to minimize any impacts which would occur to residential zones. Enforcement was a concern in that if certain signs were allowed to go up, other businesses might see this and feel that theirs, too, would be acceptable. Fees were designed to cover many of the costs of enforcement. Karl stated that the Planning Department would be responsible for monitoring these signs for a period of two years and, under certain circumstances, may mean monitoring for an extended period. A choice between one of the two alternatives was suggested, should there be outweighing factors in this decision; however, no preference was made for either alternative.

#### QUESTIONS

Commissioner O'Dwyer: "Since our enforcement person probably has about all he can handle now, wouldn't this mean that it would be necessary to hire a part-time person?"

Karl Metzner: "It's hard to tell, really. I believe Mike told me that approximately 70% of his work currently is in sign enforcement. If this earlier estimate of three or four signs within the City is correct, we will be able to handle that with the current staff. If "everybody else" wants to join the bandwagon, we will probably need additional staff to manage this."

Chairman Transmeier: "Also, is there anything in this that would prohibit a developer from building outside the City but put the sign inside the City?"

Karl Metzner: "No. As long as the size, distance, and location restrictions were observed. I haven't really looked at the amount from the County coming in. There's not a whole lot of activity within the 1/2 mile limit--most activity seems to be outside of a mile or more and most of these are fairly close to arterials and wouldn't be eligible for the requirement anyway."

John Ballagh: "The intent was that if a development fronted an arterial, that particular development would not be eligible for an off-premise sign. Upon referencing Section B-3, if you would change this to read ...the site location shall be within a 3/4 mile radius which must not be located on an arterial, I think this might address the situation."

## **PUBLIC COMMENTS**

### **IN FAVOR:**

Their were no public comments in favor of this request.

### **IN OPPOSITION:**

Don Warner of the Planning Department spoke up and said that, after listening to the presentation, it seemed that John's presentation assumed passage and was asking only "what do we do about the rules." He felt that there might be two or three problems in this area. Don pointed out that there was the question of putting signs in a residential area that had never been allowed before. He stated that there was already a problem with regard to home occupations, with people always wanting to put signs in front of their houses and telling them that this was not allowed in residential neighborhoods, save for those signs by realtors/developers.

Another question was that of a commercial development sign having to be located solely in a trade area. Right now, off-premise signs are placed in heavy zoned areas (C-2, I-1, or I-2), and not in any of the light commercial or business zones. He felt that if advertising a commercial development in a business zone was allowed, it would weaken the ability to tell a person that placing an off-premise sign in a "B" zone was not allowed. He felt that the present sign code was clean as it now stood. There had never been an attempt before like this to break the code, and allow these signs in residential areas.

Commissioner Dunivent stated that in circumstances such as these, where there is a person coming in with a plausible reason for wanting to have the sign code changed, wouldn't there be other instances where others might come in and want to affect a change? Would the Planning Commission be expected to change the code for anyone coming in requesting a change, even if the person requesting the change felt there was a good reason.

Chairman Transmeier then offered to clarify a point that Don Warner had made in that when the issue was tabled in the January 31, 1984 meeting, the staff of the Planning Department was instructed to investigate alternatives to the code, whereby they had come up with the document containing the two alternatives. At that earlier meeting no decision was made to either approve or deny and he reminded the Commission members that they should vote as their conscience dictates.

### **PETITIONER'S REBUTTAL**

John Ballagh observed that Mr. Warner had stated residential developers were moving into residential areas and planting signs. He felt that to be accurate. The Planning Staff, it was felt,

had done an excellent job in addressing the question of "what if residential developers put signs in residential areas." He thought the terminology of "use-by-right" had been sufficiently addressed by the staff. He outlined item B-4 in the Planning Department document as being one instance where an allowance might be made. He didn't feel that the retail sector was off arterial streets as much as was generally thought. He didn't feel that there was the intrusion into residential areas by the business sector as was generally thought.

John realized this as a change to the sign code, but stated that one item which was not looked at was covenants of the subdivisions, which in many instances prohibit signs for home businesses, and limits signage to real estate signs of that particular residence.

In closing, John felt that newcomers to the area would most likely find instances where a development was not off an arterial and would need to know how to get there. This proposal, he felt, would meet that need.

### **QUESTIONS**

Commissioner Litle said that although he did not think the Homeowner's Association would abuse this, it would be setting a precedent for other businesses. He raised the question of a "use" home. It was thought, at a time when there is so much effort being made to enforce the sign code which had been adopted 8 years ago, that this proposal would, in effect, cause a proliferation of signs.

Chairman Transmeier closed the public hearing and requested a motion.

**MOTION: (COMMISSIONER LITTLE) "MR. CHAIRMAN, I MOVE THAT ON ITEM #57-83, AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE BY THE COLORADO HOMEBUILDER'S ASSOCIATION, THAT THIS BE FORWARDED TO CITY COUNCIL WITH THE RECOMMENDATION FOR DENIAL BASED ON PROLIFERATION OF SIGNAGE IN RESIDENTIAL NEIGHBORHOODS AS NOT BEING IN THE BEST INTEREST OF THE CITY."**

Commissioner Dunivent seconded the motion.

A vote was called and the motion passed unanimously 4-0.

### **2. #5-84 RIGHT-OF-WAY VACATION**

Petitioner: Jack Treece

Location: A 40 foot section of Horizon Drive adjacent to lots 78 through 86, Tech del Sol Subdivision.

## PETITIONER'S PRESENTATION

Jack Treece stated that he had a building located at 770 Horizon Drive and when Horizon Drive was widened, there had been approximately a 40 foot section left in front of his and other buildings. Jack also stated that the City Engineer was to have an improvements survey completed sometime next week. A request was made to vacate that section so that it may be used in the future for expansion or parking facilities.

## QUESTIONS

There were no questions at this time.

## STAFF COMMENTS

Karl Metzner of the Planning Department outlined the area in question on a map which was present. Karl stated that there had been a similar portion of land located in front of Arix a little over a year ago. An extra 40 feet of right-of-way was picked up by Tech del Sol Subdivision, though it was unsure as to why this was obtained. There was no objection from any of the reviewing agencies, save Public Service which requested an easement for existing utilities. As Jack had earlier mentioned, an improvements survey was requested by the City to ensure that no improvements, buildings, etc. would be affected by the vacation. The Planning Department saw no problem in granting the vacation, subject to the easement and improvements survey to be submitted before the City Council.

Chairman Transmeier: "The current right-of-way in front of Arix..."

Karl Metzner: "It's currently 140 feet. We only need 100 feet."

Chairman Transmeier: "The extra 40 feet was taken several..."

Karl Metzner: "It was dedicated along this entire length of the Tech del Sol Subdivision." Karl pointed out the portion vacated previously on the map that was present.

Commissioner Dunivent: "Are you involved in the entire area of Tech del Sol?"

Jack Treece: "No. Just those lots (78-86) that it fronts on."

Commissioner O'Dwyer: "On the south and west side of the canal, is there more of this type of land?"

Karl Metzner: "No."

Commissioner O'Dwyer: "Then it's just from the canal, northeast."

Karl Metzner: "Yes. Only along the front of this subdivision."

#### **PUBLIC COMMENTS**

There were no public comments either for or against this item.

Chairman Transmeier closed the public hearing and requested a motion.

**MOTION: (COMMISSIONER O'DWYER) "MR. CHAIRMAN, ON ITEM #5-84, RIGHT-OF-WAY VACATION, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL OF THIS RIGHT-OF-WAY VACATION PENDING THE EASEMENT AND ALSO THE ENGINEERING SURVEY WHICH MR. TREECE HAS PROMISED."**

Commissioner Dunivent seconded the motion.

Chairman Transmeier called for a vote, and the motion passed unanimously 4-0.

Commissioner O'Dwyer asked Chairman Transmeier whether the remaining 40 feet along the entire Tech del Sol stretch should be vacated all at once or whether it should be done only as people ask for it.

Acting City Manager Ashby: "Who owns that Jack? Is that Bruce's stuff?"

Jack Treece: "No, it's a Denver firm that owns the area northeast towards the airport. There are about four landowners there."

Commissioner O'Dwyer: "It just seems like a waste of our time and that of the individual to go over each piece of this land separately."

Acting City Manager Ashby: "We'll contact the individual owners and see if we can't get this done."

### **3. #6-84 TEXT AMENDMENT-DEFINITION OF CONDITIONAL USE AND HEIGHT DEFINITION.**

Petitioner: Gerald Ashby



## PETITIONER'S PRESENTATION

Gerald Ashby began by saying that this was a matter of two minor legal amendments to the code. He stated that one of the major selling points of the code upon adoption was that there were to be no changes with regard to "use" within the code. The code represented a compilation of what existed in the community at that time as far as individual property uses were concerned.

In the past what had been done in adoption of codes is what had been done in the adoption of the code that preceded the one that we presently had. There were two sections in there, one referring to the property where the use is made conditional. The use becomes a use-by-right and not a conditional use. In those instances where the use becomes non-conforming, it was provided that they retain their use as a use-by-right and particularly in the zone which they were located. This was done to avoid altering any use rights as stated under the code. A proposal to the definition of conditional use which provides a use-by-right in the area in which it existed prior to the adoption of the code was requested. An example was made which referenced St. Mary's Hospital. When St. Mary's was originally zoned in the City, it was a use-by-right. With the adoption of the present code, this would now become a conditional use.

The other proposed height restriction amendment would be doing much the same thing. A request was made by Mr. Ashby to "grandfather in" those buildings referred to as First National Bank-downtown, St. Mary's, and Ratekin Towers, restricting them only to the height that they now have plus any regulations in the code which the Planning Commission had, that permit them to go to hearing to request a greater height. Mr. Ashby felt that this was merely an act of due process.

## QUESTIONS

Karl Metzner: "As this just affects existing structures, we have no problems with it."

## PUBLIC COMMENTS

Mike Sutherland, of the Planning Department, asked why these buildings would not go through the variance procedure in front of the Board of Adjustments.

Mr. Ashby: "They do. Using the example of St. Mary's once again, all we're saying is that if they choose to exceed their present height, they would be permitted to go through the variance process which you are talking about."

Mike Sutherland: "So they would still go through the variance procedure?"

Mr. Ashby: "Yes. For heights exceeding the restrictions which they now have and for the zones that they are now in."

John Ballagh didn't feel that the development requirements which were imposed on other developments were being met by St. Mary's and pointed out parking as a central area of concern. He stated that when these restrictions were being adhered to by St. Mary's, he would then be in favor of this amendment.

Chairman Transmeier closed the public hearing and requested a motion.

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #6-84, TEXT AMENDMENT-DEFINITION OF CONDITIONAL USE, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL IN REGARDS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE."**

Commissioner O'Dwyer seconded the motion.

A vote was called and the motion passed unanimously 4-0.

Before closure of the meeting, Chairman Transmeier made a request for new Commission board members. A member of the press was there to record this request for public distribution.

The meeting was adjourned at 8:32 p.m.