

GRAND JUNCTION PLANNING COMMISSION  
Public Hearing -- September 24, 1985  
7:30 p.m. - 8:53 p.m.

Chairman Bill O'Dwyer was absent from this evening's meeting; therefore, an acting Chairman was nominated.

**MOTION: (COMMISSIONER STEPHENS) "I ENTERTAIN THE MOTION TO MAKE ROSS TRANSMEIER AN ACTING CHAIRMAN FOR THIS MEETING."**

Commissioner Rush seconded the motion.

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

Acting Chairman Ross Transmeier called the meeting to order at 7:30 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission were:

Mike Dooley	Karen Madsen
Susan Rush	Miland Dunivent
Ross Transmeier, Chairman	Warren Stephens

In attendance, representing the City Planning Department were:

Karl Metzner	Mike Sutherland
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Terri Troutner was present to record the minutes.

There were approximately 17 interested citizens present during the course of the meeting.

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**I. APPROVAL OF MINUTES**

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, I MOVE THAT WE APPROVE THE MINUTES, AS SUBMITTED, FOR JULY 30, 1985."**

Commissioner Rush seconded the motion.

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

Prior to approval of the minutes for September 10, 1985, the following correction was made by Acting Chairman Transmeier: "With regard to Louisiana Pacific being moved to Grand Junction (on page 2), the point was being made hypothetically. The word hypothetically should be added to this statement."

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, I MOVE THAT WE APPROVE THE MINUTES, WITH NOTED CORRECTION, FOR SEPTEMBER 10, 1985."**

Commissioner Rush seconded the motion.

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

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

Acting Chairman Transmeier noted that a letter was received from Mr. Lalmani Singh regarding File #47-80, extension of a development schedule. Mr. Singh was present to give a brief presentation, and stated that he was waiting for better economic conditions before continuing with the development. He requested a one year extension.

Mike Sutherland from the City Planning Department said that no right-of-way had been required from the development and that there were no problems with granting the extension. If granted, it would be in effect until April 30, 1986 or until the next extension/reversion hearing was held (whichever was sooner).

Acting Chairman Transmeier asked for public comment on this item and receiving none, requested a motion.

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, I MOVE THAT WE APPROVE THIS EXTENSION FOR A PERIOD OF ONE YEAR UNTIL NEXT APRIL 30, 1986 AS DETERMINED BY THE 1985 EXTENSION/ REVERSION HEARING."**

Commissioner Dooley seconded the motion.

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

## **III. FULL HEARING**

### **1. #23-85 CONDITIONAL USE -- DRIVE UP WINDOW**

Petitioner: McDonald's Corporation, Peggy Kissler  
Location: 1212 North Avenue

Consideration of a Conditional Use.

## **PETITIONER'S PRESENTATION**

Peggy gave a brief outline of the project and indicated she would answer any questions the petitioners might have.

## **QUESTIONS**

Acting Chairman Transmeier asked about the easement on the west side of the property -- would McDonald's be maintaining this strip.

Peggy replied that McDonald's would be responsible for maintenance of the easement.

## **STAFF PRESENTATION**

Mike Sutherland stated that concerns of the Planning Department had been that of the easement from Glenwood Avenue to North Avenue -- the neighboring businesses would like to see this remain open; the access to the drive up window would be off Glenwood Avenue next to Drive-Thru Photo; bike racks would be furnished, and parking will be more than adequate. All other concerns and issues were resolved.

## **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**MOTION: (COMMISSIONER RUSH) "MR. CHAIRMAN, ON ITEM #23-85 CONDITIONAL USE -- DRIVE UP WINDOW FOR MCDONALD'S CORPORATION, I MOVE THAT WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL SUBJECT TO STAFF COMMENTS."**

Commissioner Stephens seconded the motion.

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

## **2. #24-85 FINAL PLAN FOR CMI UNIT HOUSING**

Petitioner: Wellington V (a partnership), Sam Haupt  
Location: North of Wellington Avenue on the northeast corner of Little Bookcliff and the Grand Valley Irrigation Canal.

## PETITIONER'S PRESENTATION

Paul Malinowski, Director of the Grand Junction Housing Authority, gave the presentation and commented also that John Baldi, representing the Colorado West Mental Health center, was present. Kelly Wilson, representing Dana, Larson and Roubal, provided a model of the project prior to the presentation.

Paul stated that this development was not to be confused with that being proposed by St. Mary's; this was a separate project and involved completely independent living facilities. Clients would be the mentally ill who have reached a stage of transition; a type of half way house. Clients will be low income residents; the financing will be provided by HUD. Construction is anticipated in early 1986.

Since he was unaware that written response to the review agency comments was to have been submitted prior to the hearing, Paul gave his responses verbally to the concerns expressed by the various agencies.

Public Works had requested information on who would be responsible for road and cul-de-sac construction. His reply was that the Grand Junction Housing Authority had in the Contract of Sale with Wellington V (the owners) a clause which stated the seller would pay for the construction of roads and be responsible for bringing in utilities to the property line; the costs being included in the purchase price. Upon closing funds estimated to be \$30,000 would be escrowed to be used for off-site improvements.

Commissioner Stephens asked if a drainage study had been completed.

Paul said that a grading plan was submitted with the packet.

Mike Sutherland commented that even though Planning did not need anything more specific, Engineering may need something more specific. Mike agreed to contact Don Newton in Engineering to see if further information was required.

Regarding Building Department comments, a licensed architect had been hired to design the structures; a soils test was performed and the results submitted with the packets.

Open space fees were not being required per Bob Goldin of the City Planning Department because open space fees were paid at the time this subdivision was platted.

Bike racks were being provided under each of the building stairways.

With regard to adequate parking, Paul stated that only 10% of the clients surveyed owned vehicles. The project showed 18 spaces being provided for parking which was less than code, but he asked the Commissioners to consider the circumstances and realize that not too many of the clients would be driving.

Since a concern had been expressed over what would happen if the project were to be sold, he expounded by saying the agreement with HUD was for 20 years and also, if changes did occur within that 20 year period, a sketch of potential parking spaces was being provided.

Questions of landscaping, trash pickup and lighting were felt to be adequately resolved.

There was some confusion over the Public Service Company's request to allow the existing 40' easement continue from the north to the west property line -- the petitioner was unaware of any 40' easement bordering any of the property lines. Paul said that the property only had a 20' easement on the north and 30' easement on the west, and the 30' easement was to be the one vacated.

The Fire Department had recommended an automated sprinkling system and even though the idea was thought a good one, Paul felt that the expense of such a system may be prohibitive and not required by Code for a building of that height.

### QUESTIONS

Commissioner Dooley asked if storage was available to residents for motorcycles and like vehicles.

Kelly Wilson said that in order to be able to comply with HUD's financial requirements, residents would not be owning multiple or large vehicles. Storage for general items would be furnished and was felt to be adequate.

Commissioner Rush was concerned over the lack of fencing near the Grand Valley Canal -- would the petitioner be willing to put one in for the safety of the residents living there.

Paul replied that this could be performed as a change order, and even though a fence had not been included with the original design, it could be added later.

Acting Chairman Transmeier asked if HUD would own this project.

Paul responded that the project would be owned by Health Service Programs, Inc. which is a local non-profit organization.

Acting Chairman Transmeier continued, and asked about the type of housing and whether the demand for this type of facility was present; how long would the residents be staying.

Paul said that there would be 16 one bedroom units and 4 two bedroom units. John Baldi answered that residents could, providing that they stayed within the income requirements imposed by HUD, stay there indefinitely -- this project was not designed for transient housing.

Commissioner Madsen asked how these units would be configured.

John replied that in some cases there would be single apartments and in other cases, there may be three or four within an apartment complex with private ownership.

Acting Chairman Transmeier asked whether the petitioners had thought about using the existing HUD owned/acquired properties in the Grand Junction area for conversion instead of building new facilities.

Paul stated that this funding from HUD cannot be used to purchase existing housing.

Commissioner Madsen asked if there would be one person per unit.

Paul said that generally this would be the case.

Commissioner Rush asked about transportation for those individuals who did not own vehicles.

John replied that the Mental Health Center would be providing transportation to the various shopping areas and treatment facilities.

Commissioner Dooley asked if the closing would take place before the option expired on the property.

John said that they were in the process of discussion with the owners about an extension.

Commissioner Stephens asked who owned the additional land to be used for the cul-de-sacs. Also, if this is a final plan, has a drainage study been completed.

Sam Haupt stated that Wellington V owned this on both sides of the road.

Mike Sutherland told Commissioner Stephens that the drainage study had not been requested by the Engineering Department but he would see that they got a copy of that and the soils report.

#### **STAFF PRESENTATION**

Mike Sutherland stated that concerns from the Planning Department were primarily the fencing question near the Grand Valley Canal; that approval of the project should include the building of such fence. Also, even though the project was generally acceptable as submitted, should future businesses build adjacent to the unit

housing, additional screening or amenities may be required of those other properties' developers, so this sets precedent that requires more expenses for future business development. All other concerns were addressed.

Mike asked Paul Malinowski whether the residents would be riding bicycles or mopeds in the area, and would storage for bicycles be large enough for mopeds.

Paul responded that bicycles would be possible but that mopeds were highly unlikely.

#### QUESTIONS

Commissioner Dooley wondered if there was a definite answer on the issue of the easement vacation and/or rededication.

Mike responded that the easement to the west of the property would need to be vacated. The rededication could be done without a public hearing.

Acting Chairman Transmeier asked for clarification of the 40' easement question.

Mike was unsure of what this referenced since there was no record of any such easement. He would ask Public Service for clarification of this point if made a part of the motion.

#### PUBLIC COMMENTS

There were no comments either for or against the proposal.

**MOTION: (COMMISSIONER DOOLEY) "MR. CHAIRMAN, ON ITEM #24-85 FINAL PLAN FOR CMI HOUSING UNIT, THE PETITIONER WELLINGTON V (A PARTNERSHIP) IN CONSIDERATION OF THE FINAL PLAN, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL WITH THE STIPULATION THAT THERE BE PLANNING AND EXECUTION OF A FENCE, THAT A DRAINAGE STUDY BE SUBMITTED AND STAFF RECOMMENDATIONS."**

Commissioner Madsen seconded the motion.

A vote was called and the motion passed with a vote of 5-1 -- Acting Chairman Transmeier opposing.

3. #25-85 REZONE FROM HIGHWAY ORIENTED TO PLANNED COMMERCIAL AND FINAL PLAT OF CH4 COMMERCIAL PARK, PHASE #3

Petitioner: Bruce C. & Wilma Currier

Location: Northwest corner of Horizon Drive and south of H Road.

Consideration of a rezone and final plat.

**PETITIONER'S PRESENTATION**

Jack Treece, representing the petitioner gave a brief outline of the proposal and stated that the primary reason for the request was to make the existing property compatible with the uses and zoning presently in the area.

**QUESTIONS**

Commissioner was concerned about the minimum size requirements of the lots. In the review comments submitted by the petitioner, it was stated that after meeting with Sundstrand, Sundstrand had not wanted development of tracts adjacent to it in size increments less than 2 acres, yet lots 9, 10, and 11 which belonged to the petitioner and were adjacent to Sundstrand were between 1.1 and 1.9 acres. Would Sundstrand object to this action, then, based on the tract size constraints stated in the review comments?

Jack stated that an error must have been made on the review responses because it actually should have stated that tracts less than "one" acre would be unacceptable to Sundstrand. He would check with Bob Schaler and confirm this information.

Commissioner Dunivent asked if the drainage problems had been resolved with other people in that area.

Jack replied that problems encountered with the airport are being worked out presently with the Airport Authority Board.

Commissioner Dunivent asked where the drainage went once reaching the Highline Canal.

Jack responded that drainage goes along Highline Canal to Horizon Drive, goes under Horizon Drive and continues further along Horizon Drive, and then under the canal, but not into it.

**STAFF PRESENTATION**

Mike referred to the map and outlined the boundaries of the property. He thought that earlier conversations had brought up the tract size limitations of not less than one acre, thus concurring

with Jack's statement of a possible typographical error. Drainage coming from the airport would be handled through a drainage swale and end up in a retention pond; piping would be beneath any driveways.

Mike asked if landscaping would be provided around the retention pond.

Craig Roberts, landscape architect, stated that the area around the pond would be landscaped in a rough, natural fashion but would be irrigated. This would be done when the rest of the development was completed.

Karl Metzner commented that confirmation of the lot size would need to be made prior to the proposal going to City Council.

Mike commented that open space fees should be paid in lieu of dedicating land. The petitioner must meet with City Council/City Manager prior to the City Council hearing in order to discuss payment of the open space fees.

### QUESTIONS

Commissioner Rush asked what staff's thoughts were on the lot size restrictions.

Mike said that we are not in a position to make a market judgement. However, if Sundstrand had no problems with the restriction, he didn't foresee any problems in this area. He elaborated saying that if a business did move in and required more space, they could purchase additional lots as needed.

Karl added that the smaller sized lots would enable greater flexibility for prospective businesses.

Commissioner Stephens asked Mr. Treece if the covenants would provide for businesses making multi-lot purchases.

Jack responded affirmatively.

Mike added that a final draft of the CH4 covenants will be submitted and approved by the review agencies prior to the recording of the final plat.

Acting Chairman Transmeier asked when the curbing and sidewalk would be put in.

Jack responded that roads would not be put in until the land was sold, and that sidewalk and curbing would be installed with the roads.

## **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #25-85 THE REZONE FROM HIGHWAY ORIENTED TO PLANNED COMMERCIAL, FINAL PLAT, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL FOR CONSIDERATION OF A REZONE SUBJECT TO STAFF COMMENTS."**

Commissioner Rush seconded the motion.

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

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #25-85 IN CONSIDERATION OF A FINAL PLAT FOR HIGHWAY ORIENTED TO PLANNED COMMERCIAL, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL SUBJECT TO STAFF COMMENTS."**

Commissioner Stephens seconded the motion.

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

#### **4. #26-85 KETTLE RESTAURANT, INC., OFFICE, & LIMITED RETAIL DEVELOPMENT IN H.O.**

Petitioner: The Kettle Restaurant, Inc., Harry Chambers  
Location: North side of Horizon Drive and approximately 200' west of Crossroads Blvd.

Consideration of a development in a highway oriented zone.

#### **PETITIONER'S PRESENTATION**

Tom Logue, representing the petitioner, discussed the project and said that the project would be developed in two phases; the first being the restaurant to provide seating for 186 persons, the second would include the 9,550 sq. ft. office space and limited retail. All utilities are presently available. The petitioner would like to begin construction of phase one this fall. Approximately 8% of the site development plan would be devoted to landscaping. Phase one would provide 84 parking spaces, phase two would provide the balance of 126 total spaces or 42 for that phase alone.

Tom said that all other concerns should have been addressed, with adequate fire protection needs and provision of two drainage basins.

## QUESTIONS

Acting Chairman Transmeier asked whether, save for the small portion of landscaping, the rest of the development for both phases would be under hardtop cover.

Tom replied affirmatively.

Commissioner Stephens had a real concern over the drainage calculations. The formula stated in the submittal,  $Q = CCFIA$ , a factor of 1 and 1.25 was used twice thus the "Q's" were coming up higher than should be. The final figure was multiplied twice and therefore gave an incorrect projection of potential drainage. He felt that the figure obtained failed to adequately consider the drainage of the phase two project. He also questioned whether the petitioner actually had a drainage easement where specified; he felt that the petitioner probably had no legal right to go through there.

Tom agreed with the statement of error but stated that, per the original subdivision plat which was a matter of public record, the lot owned by the petitioner drained across the adjoining two lots through the 15' easement. He noted that there may not be enough room to utilize the driveway swale.

Acting Chairman Transmeier asked Commissioner Stephens if he was referring to the rear portion of the lot.

Commissioner Stephens responded affirmatively and asked Tom where the breaking point was on the map for drainage.

Tom pointed out that it was located between Horizon Drive and the building plaza.

Commissioner Stephens commented that the drainage from Crossroads Plaza actually ran onto the petitioner's property. Were there any downspouts?

Tom was unsure of this point.

Commissioner Rush asked for further information on the second phase of the project.

Tom said that the petitioner had no immediate plans for development of the second phase; however, he felt that the presentation of a concept and preliminary site plan was better than no presentation at all of that phase, but that actual building was not anticipated for several years.

Commissioner Rush said that it seemed the drainage calculations were in consideration of both phases being blacktopped; if the second phase is not constructed for some time, the drainage from the first phase would be collected by the vacant lot to be used by the second phase. What provisions would be made to handle this first phase drainage into the vacant lot.

Tom stated that grading of the lot will be performed regardless of when the second phase would be constructed. He assured the Commissioners that a strip behind the restaurant would be paved to compensate for emergency services, proper circulation and deliveries. The remainder would be graded and a layer of crushed gravel would be put over that.

Commissioner Stephens suggested the use of trees as buffering or the use of additional landscaping, in general, as a buffer.

Mike Sutherland agreed with this thought and stated further that they were waiting to see if the blacktop went all the way back to the concrete wall. He asked Tom if a strip would be left between the asphalt and the concrete wall for landscaping.

Tom indicated that original plans did not include this but that, with some reworking, the inclusion of concrete planters could be made.

Mike pointed out that there was an excess of parking spaces; perhaps a portion of these spaces could be used for landscaping.

Tom responded that the earlier parking figures he had given were incorrect. He had given a figure of 126 but actually since two spaces were next to the fire hydrant, it gave the project a total of 124. In response to Mike's question, the location of the fire hydrant was actually 1 foot into the Crossroads Business Center property.

#### **STAFF PRESENTATION**

Mike made the recommendation that prior to scheduling the proposal for City Council the petitioner, Planning staff, and the City Engineer get together to work out some of the remaining discrepancies such as the calculations regarding drainage. Also, there had been some question on the retail phase but since it was a future development, it was not considered a present problem. An avigation easement was needed prior to final approval from City Council. Also, a copy of the ingress/egress agreement must be received if not already presented. Buffering along the property line was requested.

#### **PUBLIC COMMENTS**

##### **IN FAVOR:**

Ward Scott, realtor for Kettle Restaurants, stated that they would be willing to comply with additional landscaping and drainage requirements.

AGAINST:

There were no comments against the proposal.

Before the public hearing was closed, Commissioner Rush pointed out to Tom Logue that this was one of several proposals reviewed within the year that had been laden with errors, both typographical and in calculations. She was concerned over how his customers viewed this, but also stated that she, as a member of the Planning Commission, was not impressed.

**MOTION: (COMMISSIONER RUSH) "MR. CHAIRMAN, ON ITEM #26-85 KETTLE RESTAURANTS, INC., I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL OF PHASE ONE ONLY OF THIS PROJECT SUBJECT TO STAFF COMMENTS AND CONCERNS INCLUDING DRAINAGE CONCERNS, LANDSCAPING, RECEIPT OF THE AVIGATION EASEMENT, AND CLARIFICATION OF THE EGRESS ON THE SIDE."**

Commissioner Dunivent seconded the motion.

A discussion ensued over Phase Two of the project. Commissioner Stephens asked for clarification on whether the petitioner still planned on putting gravel on this vacant lot until it could be developed. Tom said that this was the intention unless something else was required. Commissioner Dooley asked Tom if he realized that all that would be approved was Phase One; a new submittal would be required for Phase Two. Tom understood this.

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

The meeting was adjourned at 8:53 p.m.