

**GRAND JUNCTION PLANNING COMMISSION**  
**Public Hearing, July 27, 1982**  
**Minutes**  
**7:30 p.m. - 9:45 p.m.**

The meeting was called to order by Chairwoman Jane Quimby at 7:30 p.m. in the City Council Chambers.

In attendance, representing the City Planning Commission were:

Dick Little	Jack Ott
Miland Dunivent	Bill O'Dwyer
Ross Transmeier	Jane Quimby

In attendance, representing the Planning Department Staff, were:

Karl Metzner  
Don Warner  
Kurt Luhrs

In attendance, recording the minutes, was Rachelle Daily of Sunshine Business Services.

Approximately 5-10 interested citizens attended the Public Hearing during the course of the evening.

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**I. APPROVAL OF MINUTES.**

**MOTION:** (Commissioner O'Dwyer) "I MOVE THE MINUTES OF THE JULY 27, 1982 GRAND JUNCTION PLANNING COMMISSION PUBLIC HEARING BE APPROVED AS PRESENTED."

Commissioner Dunivent seconded the motion, and commended the recording secretary for the fine job that is being provided. Chairwoman Quimby repeated the motion, called for a vote, and the motion passed unanimously.

**II. ANNOUNCEMENTS, PRESENTATIONS, AND/OR VISITORS.** There were none.

**III. FULL HEARING**

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**1. #40-82 TEXT AMENDMENTS TO GRAND JUNCTION ZONING AND DEVELOPMENT CODE, 1981 ANNUAL UPDATE.**

Petitioner: City/County Development Department.

A request to make the following amendments. Copies are available at the City/County Planning Department, 559 White Avenue, Room #60, Grand Junction, CO 81501.

- #9 - Amending Section 7-5-6A of the Grand Junction Zoning and Development Code regarding minor changes. This amendment is proposed to clarify what minor changes may be authorized by the administrator.
- #10 - Amending Section 5-7-6 H.1 regarding sign measurements. This amendment is proposed to clarify the measurement of different shaped signs.
- #13 - Amendment to Section 5-3-1C of the Grand Junction Zoning and Development Code adding paragraph "C" reading as follows:
  - C. Commercial Vehicles parked in public right-of-way abutting residentially zoned areas shall not exceed 1 1/2 tons carrying capacity.
- #14 - Amending Chapter 13 of the Grand Junction Zoning and Development Code to add the definition of equipment and heavy equipment. This amendment is proposed to clarify the meanings of equipment and heavy equipment.
- #15 - Amending Section 2-2-2G. Application Fee Schedule to add item number 12 reading as follows:
  - 12. Recording Fees required by the office of the Mesa County Clerk and Recorder shall be paid by a petitioner at the time of recording.
- #16 - This text amendment is to help clarify and standardize requirements for adjacent property owner notification.

Chairwoman Quimby noted that Text Amendment Items #2, #11 and #12 are still tabled pending further resolution.

Chairwoman Quimby asked for discussion on the Text Amendment items. There was no discussion.

Chairwoman Quimby asked for questions from the audience. There were no questions. Chairwoman Quimby then closed the public hearing.

**MOTION: (COMMISSIONER LITTLE) "IN CASE OF FILE #40-82, TEXT AMENDMENTS TO GRAND JUNCTION ZONING AND DEVELOPMENT CODE, 1981 ANNUAL UPDATE, AS READ, BE FORWARDED TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."**

Chairman Transmeier seconded the motion. Chairwoman Quimby repeated the motion, called for a vote and the motion carried unanimously, 5-0.

**#2. #47-82, CONDITIONAL USE--BEER AND WINE LICENSE--THE EGGSCHANGE.**

Petitioner: Paul W. Grindle.  
Location: 2829 North Avenue, Suite 209, Solarus Square.

A request for a conditional use for a beer and wine license on approximately .05 acre in a light commercial zone.

Consideration of conditional use for beer and wine license.

Chairwoman Quimby asked if the Petitioner was present. There was no response. Chairwoman Quimby then asked for and received permission from the Commission to delay this item for a few minutes to allow the Petitioner to arrive.

**#3. #46-82, REZONE RSF-8 TO PB AND CEDAR SQUARE PROFESSIONAL BUILDING--OUTLINE DEVELOPMENT PLAN.**

Petitioner: P.D.C. Investments/Dr. Ray Painter.  
Location: 605 26.5 Road.

A request to change from residential single family uses at 8 units per acre to planned business uses on approximately .778 acre.

- a. Consideration of rezone.
- b. Consideration of outline development plan.

**STAFF PRESENTATION**

Kurt Luhrs, Planning Staff, explained the location of the project.

**PETITIONER'S PRESENTATION**

Daryl Shrum introduced the proposal, noting that prior neighborhood opposition problems have been resolved (noting that the large front yard will remain intact); there should be no impact from a visual and noise standpoint (it will continue to appear as a single-family resident); that a full circulation plan has been submitted; and that the petitioner has agreed to pave the alley.

**QUESTIONS**

The Commissioners questioned Mr. Shrum on the proposed uses, whether the drive-way will be used as an access off of 7th Street, the use of the private drive to Skip Mottram's property, and the concern of it being used as an access. Another question was raised on the possibility of future problems arising around the exit on the east side of the 7-11 should 7th street need more land.

Mr. Shrum responded on the items, indicating:

1. The anticipated uses will be for either doctors' (or other medical-related use) lawyers' or realtors' offices.
2. The driveway will stay in existence but will not provide any access for this property.
3. A "private drive" sign could be placed to eliminate possible use of Mr. Mottram's private drive.

Sam Haupt spoke up from the audience noting that about 1/4 of the driveway is located on Mr. Mottram's property. Mr. Mottram added that road is not used very often.

On the exit question, Mr. Haupt indicated there should be plenty of land available and it is all designed and widened. Mr. Mottram mentioned that his primary concern is what will happen to 7th Street when it becomes widened as he sees access could become very difficult and asked that approval of this be contingent upon an arrangement with Mr. Haupt and himself for access to his land.

**PUBLIC COMMENTS.** There were no comments.

#### **DISCUSSION**

Don Warner, Planning Staff, requested the required right-of-way be given to the Mottram property, should the proposal be approved, and 7th St. ROW from subject property.

Commissioner Transmeier asked if Mr. Haupt has agreed to Mr. Mottram's request for access. Mr. Haupt answered that it will be taken care of. Chairwoman Quimby asked that this be taken care of at preliminary rather than at final.

Chairwoman Quimby closed the public hearing.

**MOTION: (COMMISSIONER DUNIVENT) "MADAM CHAIRMAN, ON ITEM #46-82, CONSIDERATION OF THE REZONE, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, PROVIDING THE RIGHT-OF-WAY WITH THE MOTTRAM PROPERTY (ADJACENT PROPERTY OWNER) IS RESOLVED BY PRELIMINARY PLAN TIME."**

Commissioner O'Dwyer seconded the motion. Chairwoman Quimby repeated the motion, called for a vote and the motion carried 5-0.

**MOTION: (COMMISSIONER DUNIVENT) "MADAM CHAIRMAN, ON ITEM #45-82, CONSIDERATION OF OUTLINE DEVELOPMENT PLAN, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."**

Commissioner O'Dwyer seconded the motion. Chairwoman Quimby repeated the motion, called for a vote and the motion carried 5-0.

Chairwoman Quimby asked if the Petitioner for case #47-82 was present. There was no response.

**#4. #52-82, TEXT AMENDMENT--GRAND JUNCTION ZONING AND DEVELOPMENT CODE.**

Petitioner: Mesa County Transit System.

A request for amending the Grand Junction Zoning and Development Code adding to Section 5-7-3 (Sign Exemptions) to read as follows:

K. Bus Stop benches with approved advertising within 15 feet of a posted public Bus Stop sign.

a. Consideration of text amendment.

**PETITIONER'S PRESENTATION**

Nancy McCoy, Mesa County Community Action Agency, introduced the petition, and provided the residential zoning information requested by the Commission:

59 Residential Zones exist within the city; 25 are residential zones, 2 are in planned residential zones, and 32 are zoned business commercial. (These are the present bus stop locations that are already signed.)

Commissioner Transmeier asked if the specific locations will be agreed to by City Engineer. Ms. McCoy answered yes and that they are in the revocable permit process.

Commissioner O'Dwyer asked for an explanation on the revocable permit. Ms. McCoy indicated the determination of whether a sign will be placed at specific locations will be done by the City Engineer and the revocable permit would cover those locations decided on (at the discretion of the City Engineer). The petitioner would like benches at all locations.

Rex Critchfield, Mesa County Community Action Agency, provided the Commission with additional information and background on the proposal:

1. They are planning to provide heavy pre-poured slab/concrete benches, that would be difficult to be moved.

2. They would have a "blanket" revocable permit; the Planning Commission would have the option (via the Text Amendment) of recommending to City Council that any inappropriately-placed benches be removed.

3. City Planning and City Traffic Engineers determine the location of the bus stop signs; the petitioner only makes recommendations. The company under contract to provide the benches has the responsibility of moving the benches.

#### **DISCUSSION**

Chairwoman Quimby asked for a timetable for the company to place the benches once the text amendment were approved and the financing was assured. Mr. Critchfield estimated 3-5 weeks, as benches would not be placed until advertising had been secured.

Commissioner O'Dwyer asked for clarification of the location of the advertising on the benches. It was established the advertising will be on the back rests, facing traffic.

Commissioner Transmeier commented that the bus benches would also double as a definite indicator of the bus-stop locations, as well as giving the city a "city" look.

#### **STAFF COMMENTS**

Don Warner noted that presently the Sign Code does not allow for any advertising in the public right-of-way or any signs in residential areas. Don also questioned the vagueness of the term "approved advertising."

Chairwoman Quimby suggested the Sign Code Board might study this question and also commented that this type of advertising could be considered a public service from the governmental entities and might be the exception to the rule.

Don Warner then suggested local advertisers might "sponsor" a bench.

Nancy McCoy commented on the capital outlays involved with insurance, building, placing and maintaining the benches.

Commissioner O'Dwyer asked if the company contracted to furnish the benches would maintain a liability policy. That was confirmed by Rex and Nancy.

Commissioner Transmeier asked for clarification on the revocable permit process. Don Warner informed the Commissioners that it is issued by the City Clerk, approved by the City Engineer; it controls the use of public lands by private individuals. Each permit has to be approved by the Council.

Commissioner Transmeier commented on Don's question of "approved advertising," wondering if it could be reworded to say "approved by the Sign Board," and let them initiate the criteria.

Chairwoman Quimby asked if the Petitioners had any discussion with the sign company regarding guidelines for advertisers.

Nancy McCoy indicated there are specific guidelines, including no advertising would be allowed for alcohol, cigarettes, religious affiliations, or competitive businesses in proximity to the location of the benches.

Chairwoman Quimby stated that criteria needs to be in place.

Nancy McCoy pointed out that nothing is stated in the Text Amendment that limits one bench per sign location (although this is a logical assumption).

**PUBLIC COMMENTS.** There were none.

Commissioner Transmeier asked if the Commission wants to reword the "approved advertising" phrase. Commissioner Litle suggested forwarding it "as is" with a clarification of the definition of "approved."

Kurt Luhrs (Planning Staff) suggested the potential supplier submit their criteria to City Council and let City Council make final decision on the appropriateness of "approved" advertisers.

Chairwoman Quimby agreed and asked Nancy McCoy to see that is taken care of. Chairwoman Quimby then closed the public hearing.

**MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #52-82, TEXT AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL IF THE PETITIONER WILL PROVIDE SUGGESTED PROHIBITED SIGNS (OR SUGGESTED ALLOWABLE SIGNS) BEFORE IT GOES TO CITY COUNCIL FOR THEIR ACTION."**

Commissioner O'Dwyer seconded the motion. Chairwoman Quimby repeated the motion, called for a vote, and the motion carried unanimously, 5-0.

Chairwoman Quimby asked again if the Petitioner for item #47-82 was present. There still was no response.

**#5. #49-82, 6&50 WEST SUBDIVISION -- FILING #3--FINAL PLAT.**

Petitioner: Albino Venegas.  
Location: West side of Highway 6&50, South of North Avenue line, East of 25.5 Road.

A request for a final plat on approximately 18 acres in a light commercial zone.

Consideration of final plat.

**PETITIONER'S PRESENTATION**

Tom Logue, Paragon Engineering, introduced the request, and addressed two areas of concern (access to 6&50 and the drainage consideration), noting that the petitioner has agreed to comply with the State Highway Department requests, and that the petitioner's preferred option for handling the drainage question would be to request City Council to order an Improvement District for the area.

Commissioner O'Dwyer asked Mr. Logue for the distance between the drain ditch and the northwest corner of the proposal. Mr. Logue indicated it is about 600 feet.

Commissioner Transmeier, referencing the petitioners' meetings with the other property owners, wondered if they could get them together to form a district. Mr. Logue replied that there are three major landowners in the area; he also commented that 3 out of 7 people feel it is a needed drainage project.

Tom Logue also noted the petitioner is willing to escrow funds either up front (separately or in conjunction with an improvements district) to complete their share, calculations based on acreage contributions.

Commissioner Transmeier asked who designed and approved the preliminary drainage system. Mr. Logue indicated that was done by the developers of the preliminary who are no longer in business.

A lengthy discussion then followed on the drainage problem. Chairwoman Quimby asked Jim Patterson for his comments and Mr. Patterson stated, as far as Staff is concerned, going with an Improvement District was a reasonable approach.

Don Warner, Planning Staff, pointed out a problem with the west side of the street (only one side can be charged), making the Improvement District more expensive than normal.



Tom Logue added that it is important to the developer of Filing #3, from a marketing standpoint, that this drainage problem be resolved.

Chairwoman Quimby requested clarification of the petitioner's response to the City Engineer's Sanitary Sewer question. Mr. Jim Preble explained that the code is based on velocity of sewage flow, that an 8-inch sewer main needs a .4 percent grade. This couldn't be obtained because of cover so the 10-inch has a greater capacity of pipe and by laying it flatter the velocity can be maintained.

Commissioner O'Dwyer further commented that the drainage problem must be resolved this time.

**PUBLIC COMMENTS.** There were none.

#### **STAFF COMMENTS**

Kurt stated he did as much research as he could and it appears that within three years no one has been able to get enough pieces together to do it right, so the City might as well do it. Staff requests the State Highway letter for their files, adding that the State Highway is satisfied so Planning has no problem.

Tom Logue gave Kurt the letter.

There were no other comments. Chairwoman Quimby then closed the public hearing.

**MOTION: (COMMISSIONER O'DWYER) "ON ITEM #49-82, 6&50 WEST SUB-DIVISION, FILING #3 -- FINAL PLAT, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION FOR APPROVAL BASED UPON THE RESOLVING THE DRAINAGE PROBLEM BEFORE ANYTHING CAN BE DONE AND ALL OTHER STAFF CONCERNS."**

Commissioner Dunivent seconded the motion. Chairwoman Quimby repeated the motion, called for a vote, and the motion carried unanimously.

Chairwoman Quimby asked if the petitioner was present to represent Item #47-82. Since there was no response, Chairwoman Quimby indicated it would be dropped from the agenda with no action taken and would be rescheduled for the next meeting.

Chairwoman Quimby then noted that **ITEM #7, #51-82 -- THE FALLS SOUTH--FILING #4--PRELIMINARY PLAN** had been pulled from the agenda by the Petitioner.

NO  
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clarified she intended to say "plan," explaining that the plat will be turned in August 1, 1982.

Commissioner Transmeier asked for clarification on Filing #1 and Filing #2 regarding the total number of lots. Katie answered Filing #1 will total 55 lots, and Filing #2 will include a little less than 7 units/acre -- that the total units are the number of units as proposed on final plat for #1 and #2, the final plan for #3, and the preliminary plan for #4.

Commissioner Transmeier questioned Katie on the sewer problem. Katie indicated they had discussed that with Fruitvale who indicated they have no desire to annex this parcel so the petitioner plans to go with the lift station, as proposed.

Commissioner Transmeier also wondered why the existing streets have not been dedicated. Katie responded that they are dedicated to the city. Commissioner Litle noted the City will not accept them until the project is complete. Katie added that they have asked the City last week to make their final inspection before accepting those streets.

#### **STAFF COMMENTS**

Kurt Luhrs noted that the Commissioners need to make a decision on whether they want to consider this final plan based on the changes from the preliminary plan. Kurt indicated that, after meeting with Katie, the city utilities, city engineer and planning staff and providing that Staff is allowed to see the revised plan overall, Staff feels the Filing #3 as a Final Plan is acceptable. Kurt explained that if the Planning Commission gives their approval, Staff will not allow it to go to City Council until the revised Preliminary Plan is received and approved by City Engineer and Planning Staff.

Commissioner Transmeier asked Kurt if Staff is in agreement with the petitioner's response comments. Kurt replied that, based on notes from Bob Goldin, it appears all technical concerns have been resolved.

Commissioner Transmeier wondered if anything could be built on the property prior to receiving the final approval of final plat. Kurt indicated they will have to build on this plat like it is -- the townhomes have common walls and they need to build the foundation to see where the walls are before they survey and lay out the lots. Kurt indicated he believed this was acceptable to all of Staff.

#### **DISCUSSION:**

Commissioner O'Dwyer commented it appears procedures have been shortcut on several items.

Tom Logue, Paragon Engineering, provided some background on the history of this project in an effort to explain the "uniqueness" of the procedures and the reason for the numerous re-plats. Chairwoman Quimby told Mr. Logue that the Commission is not as concerned with what they've done as with how they've gone about it, particularly in lieu of the fact that the Commissioners have gotten "burned" so many times in the past they have been forced to become skeptical.

Commissioner O'Dwyer supported Chairwoman's Quimby comment by citing the example of how developers "promise the world," obtain their building permits, sell off the lots, and then before you know it they (the developers) are no longer involved (for one reason or another) -- leaving the City responsible.

**PUBLIC COMMENTS.** There were none.

Chairwoman Quimby closed the public hearing.

**MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #50-82, THE FALLS NORTH FILING #3 FINAL PLAN, I MAKE A RECOMMENDATION WE PASS THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO ALL STAFF COMMENTS -- AND THE RESOLUTION OF THE CONCERNS AS WELL AS THE REVIEW OF THE PRELIMINARY PLAN OF FILING #4 BEFORE IT GOES TO CITY COUNCIL."**

Commissioner Litle seconded the motion. Chairwoman Quimby repeated the motion, called for a vote and the motion passed by a vote of 4-1 (Commissioner O'Dwyer voting against).

Chairwoman Quimby addressed Mr. Paul Grindle (the Petitioner for Item #47-82) noting that the Commissioners had removed his proposal from the agenda earlier in the evening since he had not been present. Chairwoman Quimby then stated that since Mr. Grindle has inadvertently attended the wrong meeting and with the Commissioner's approval, his item would be considered tonight. It was in agreement with the Commissioners.

**#2. #47-82, CONDITIONAL USE -- BEER AND WINE LICENSE, THE EGGSCHANGE.**

Petitioner: Paul W. Grindle.  
Location: 2829 North Avenue, Suite 209, Solarus Square

A request for a conditional use for a beer and wine license on approximately .05 acre in a light commercial zone.

Consideration of conditional use for beer and wine license.

## PETITIONER'S PRESENTATION

Paul Grindle presented his request, indicating he intends to serve beer and wine on the luncheon menu, that alcoholic beverages would be served with meals only (no lounge), and that his hours of operation will be 6:30 a.m. - 2:00 p.m.

It was pointed out that his operating hours would not conflict with the Suds N Sounds operating hours next door.

## STAFF COMMENTS

Kurt Luhrs stated Staff has no problems with the proposal, but Staff would need to be notified in the event they change their hours in an effort to eliminate any possible parking problems.

**PUBLIC COMMENTS.** There were none.

Chairwoman Quimby closed the public hearing.

**MOTION:** (COMMISSIONER LITLE) "MADAM CHAIRMAN, IN CASE OF ITEM #47-82, CONDITIONAL USE OF BEER AND WINE LICENSE FOR THE EGGSCHANGE RESTAURANT, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."

Commissioner Transmeier seconded the motion. Chairwoman Quimby repeated the motion, called for a vote, and the motion carried by a vote of 4-1 (Commissioner O'Dwyer against).

## 8. ELECTION OF NEW CHAIRMAN OF GRAND JUNCTION PLANNING COMMISSION.

Commissioner O'Dwyer: "Madam Chairman, I'd like to nominate Dick Litle."

Commissioner Litle responded by saying that, although he appreciated the honor, he would have to decline the nomination due to his upcoming out-of-town work schedule.

Commissioner O'Dwyer: "Madam Chairman, I withdraw the nomination."

Commissioner O'Dwyer: "Madam Chairman, I nominate Ross Transmeier."

Commissioner Litle: "I second that nomination."

Commissioner Transmeier: **"I nominate Susan Rinker."** (A second to that motion was not heard.)

Chairwoman Quimby noted that it probably wouldn't be fair to nominate Susan in her absence, particularly not knowing her work schedule.

Commissioner Transmeier's motion died for lack of second.

Commissioner Dunivent: **"Madam Chairman, I move we close nominations and move that Commissioner Transmeier be elected by acclamation."**

Commissioner O'Dwyer seconded the motion.

Chairwoman Quimby repeated the motion and called for a vote. The motion carried unanimously.

Commissioner O'Dwyer: **"I would like the record to show that the Commission expresses their thanks to Jane Quimby for the great job she's done this year."**

THE MEETING WAS ADJOURNED AT 9:45 p.m.

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