

GRAND JUNCTION PLANNING COMMISSION  
Public Hearing, October 26, 1982  
Minutes  
7:30 pm - 11:10 pm

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

In attendance, representing the City Planning Commission were:

Miland Dunivent	Jack Ott
Bill O'Dwyer	Jane Quimby
Susan Rinker	Dick Litle

In attendance, representing the Planning Department were:

Bob Goldin and Don Warner

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

There were approximately 40 interested citizens present at the beginning of the meeting.

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Chairman Transmeier called the meeting to order by providing background information on the City Planning Commission. He noted that the items heard tonight will go on to City Council whether they are approved or disapproved, and that the schedule for the upcoming City Council meeting will be available in about five days from the Planning Department.

**I. APPROVAL OF MINUTES.**

**CORRECTIONS:**

Page 3, first paragraph, correct hours of operation to read: "11:30 a.m. - 2:30 p.m." (Correction was submitted by Commissioner O'Dwyer)

Page 9, Title of agenda item should read: "Zone of 1480 Welton Annexation, etc." ("Welton" had been omitted in original title) (Correction was submitted by Chairman Transmeier).

Page 9, Under Petitioner's Presentation, the reference to 1480 Welton St should read, "1480 Welton, Inc." (Correction was submitted by Commissioner O'Dwyer.)

Page 14, Title of agenda item should read: "Outline Development Plat" rather than "Plan" as originally submitted.  
(Correction was submitted by Commissioner Quimby.)

**MOTION: (COMMISSIONER O'DWYER) "MR CHAIRMAN, I MOVE THE MINUTES OF THE SEPTEMBER 28, 1982 GRAND JUNCTION PLANNING COMMISSION PUBLIC HEARING BE APPROVED AS CORRECTED."**

Commissioner Quimby seconded the motion.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried by a vote of 6-0.

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

Chairman Transmeier noted that the Commission had requested Doss Simpson, G&S Investments, Ltd. to be present at tonight's meeting to discuss his project that had been built at 1420 North 12th with respect to the fact that the project had not been built per the specifications as approved by the Planning Commission. Chairman Transmeier indicated the portion of the project in question involves the graveled parking lot to the south of the building as that was not shown on the approved plan.

Doss Simpson indicated that this had "slipped through his hands" as he was pressed for time and he commented that their future intentions would include tearing out some of the existing landscape work and adding an entrance off of Kennedy and another building. Mr. Simpson indicated that he did go ahead and put the gravel in to create a parking lot for the existing building and that he hasn't had any problem with that. He further indicated his future plans include tearing down that building and paving the surface. He stated that he didn't think he had time to bring it back in to the Planning Commission and he felt what he did was the "highest and best use and most effective plan" and hoped the Commission would like it and that it would "slip by."

Chairman Transmeier told Mr. Simpson that the problem is not whether it was a good idea but that it was not done according to procedure.

Doss Simpson suggested that what he could do to comply is to sod the area in question although he feels would be excessively expensive and unproductive in the long run.

Chairman Transmeier indicated that one of two things should have been done: (1) It should have been built as designed, or (2) He should have submitted a new plan for the future improvements.

Doss Simpson admitted that a lack of communication within his organization and an effort to avoid future construction

delays has created this predicament.

Chairman Transmeier commented that one option of the Planning Commission would be to recommend to City Council that his operation "cease and desist" (which would result in the business being closed). He further explained to Mr. Simpson that the portion of the project the Commission is objecting to is what was not built according to the plan and the Planning Commission does not appreciate their authority being ignored.

Doss Simpson asked what the Commission would prefer him to do at this point.

Chairman Transmeier responded that the Planning Commission has three options at this point:

1. Mr. Simpson can bring in a plan showing the way it is built; or,
2. Mr. Simpson can bring in a plan showing the future changes he wants; or,
3. The Commission can request that it be built according to the way it was approved.

Commissioner O'Dwyer asked Mr. Simpson for the time frame should he bring in a new plan for the next phase and what will happen to the gravel area in this next phase.

Mr. Simpson discussed various possibilities in answer to this question, finally stating he is not in a position at this time to submit a new plan for the adjacent property.

Commissioner O'Dwyer noted that he would be willing to entertain a new concept for the next phase but since Mr. Simpson is not prepared to do that at this time, something has to be done with the gravel.

Chairman Transmeier noted that the Commission doesn't often approve gravel parking lots any more.

Commissioner Dunivent commented that the Planning Commission has spent a lot of time listening to this proposal and based on the fact that it should have been built as originally approved, doesn't feel any more time should be spent on discussion.

**MOTION: (COMMISSIONER DUNIVENT) "I MAKE A MOTION THAT THE G&S INVESTMENTS, LTD. PROJECT AT 1420 NORTH 12TH (COLLEGE SQUARE) BE COMPLETED AS DESIGNED AND PASSED BY THE GOVERNING BODIES AND THAT COMPLETION BE DONE WITHIN 30 DAYS."**

Commissioner Ott seconded the motion.

Chairman Transmeier repeated the motion, called for a vote and the motion carried 6-0.

#### **DISCUSSION**

Doss Simpson suggested an alternative that might work better: That since what he is going to end up paving that area in the future that he go ahead and pave the area now rather than tearing things up.

Commissioner Litle corrected Mr. Simpson stating that the next phase may include paving if it is approved.

Commissioner Quimby expressed sympathy for Mr. Simpson in that he has to be the one to be "punished," but the Commission spends hours considering, negotiating, and approving these plans and then people end up doing whatever they please and the Commission is tired of it.

Doss asked if he could submit the plan as shown with it paved and showing the relationship between now and future plans.

Chairman Transmeier summarized the status of the project now, based on the motion, and informed Mr. Simpson that he has an option to change the plan by going through the appropriate procedures.

Doss stated that the way he understands it, his only alternative now is to put the sod in within 30 days, after which he can then come back with a change. Mr. Simpson also noted that the Commission meets again in 30 days.

Chairman Transmeier agreed, noting he can submit a change if he wants to and he has 30 days to do so (less than that, actually, because of deadlines for submittal of items for consideration at the next scheduled Planning Commission hearing).

#### **III. FULL HEARING.**

##### **1. #65-82 REZONE PR-8 TO PR-13.1 AND HOUSTON HEIGHTS SUBDIVISION--FINAL PLAT AND PLAN.**

Petitioner: Ken Shrum/Colex Ltd.

Location: Northeast corner of 15th Street and Wellington.

A request to change from planned uses at 8 units per acre to planned residential uses at 13.1 units per acre and a final

plat and final plan of 40 units on approximately 3 acres.

- a. Consideration of rezone.
- b. Consideration of final plat.
- c. Consideration of final plan.

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

Tom Logue of Paragon Engineering was present representing Colex Ltd. Mr. Shrum and Mr. Haupt were also present and available to respond to questions. Mr. Logue presented the proposal noting that:

1. The proposal calls for the development of 40 one-bedroom apartment units at a density of 13.1 units per acre.
2. The plan has open parking along the perimeter of 72 spaces which provides 1.8 parking spaces per unit.
3. Major focal point of the site is the Open Space and the plan shows approximately 45% of the area in landscaped open spaces as illustrated.
4. Houston Heights is in a transitional neighborhood and surrounding land uses include Planned Residential at 8 units per acre, Patterson Gardens, Wellington Gardens apartment complex in a single-family zone, an area zoned PR-16, as well as a mixture of multiple family residential zones ranging from 8 to 20 units per acre.
5. 15th Street is not developed up to current City standards and is classified as a "Collector." Mr. Logue indicated the developers have approached the neighbors along 15th Street between Wellington and Patterson Roads, discussed future improvements of 15th Street, and determined the best avenue for completion of these improvements would be the formation of an Improvement District. The petitioners have met with the neighbors (68% of them own property immediately west and north of Houston Heights) and they have signed a document that states their willingness to sign a petition to form the Improvement District.
6. The project will be developed in two phases; Phase I will consist of 24 units (allowable number of units under the existing zone of 8 per acre). Anticipated completion is 60 days after final plat and plan is approved by City Council. Occupancy estimated for some time in August (of 1983).

## QUESTIONS

Commissioner O'Dwyer questioned Tom Logue on their intentions for the southeast corner since it appears to be quite a bit lower than the existing street.

Tom Logue answered that they will be retaining the developed drainage flows in the parking area in the corner; a storm sewer system exists that runs diagonally across the intersection into an old drainage system; they don't know what is going to happen to 15th Street south of this site, a retention area has been designed that could carry it to the canal ultimately (not exceeding their present undeveloped flows -- the extra flows will be retained on the site, and a detailed drainage study has been submitted for this area).

Commissioner O'Dwyer also questioned Tom about the fence on the east boundary.

Tom Logue stated that the adjacent property owner has agreed to utilize that area as part of his lot and maintain it.

Commissioner Litle asked Tom for the time frame for beginning construction.

Tom Logue answered that it should be March (of 1983).

Commissioner Litle asked if the petitioner are planning to maintain 15th Street during construction period.

According to Tom Logue the petitioners are willing to do blade work and dust abatement measures as necessary and they hope everything will be accomplished as smoothly and as quickly as possible.

Tom also commented on the Right-of-Way Dedication on 15th Street; they would prefer to devise a separate agreement on that to tie it to the formation of the Improvement District.

Commissioner Quimby asked Tom if they anticipated any problems with extending the utilities to the property lines.

Tom Logue indicated they did not anticipate any problems.

## STAFF COMMENTS

Bob Goldin summarized that Staff's concerns are with the actual improvements going in on Wellington and 15th Street. There is no dedication on the east side. If acceptable with the City Attorney, Staff could work out a Quit Claim Deed or post date it, etc., for the Improvement District being formed. Staff wants assurance that it will be given and

that the Improvement District will be initiated by the Petitioner as soon after approval as possible (assuming it is approved) in order to get it on the 1983 Street Improvement District. If the Petitioner is willing to meet the requirements, Staff has no problems with the plan.

(Speaking to the noticeable undercurrent of other conversations within the audience while Mr. Goldin was speaking, Chairman Transmeier asked the visitors to give consideration to the proceedings by conducting their discussions out in the hall.)

#### **PUBLIC COMMENTS**

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

Tony Will, resident of 1434 Wellington and property owner of 1452 Wellington, supports the proposal if it means 15th Street would be improved as he feels some traffic pressure on Wellington would be alleviated as a result. Mr. Will also said he has signed a document indicating he would sign a petition for an Improvement District.

Darel Hayden, representing Jerry Hays who owns some property adjacent to this proposal, indicated Jerry would be interested in any Improvement District for this area.

##### **AGAINST:**

Claudia McKinley, 1308 Wellington, presented a photo essay of the road conditions currently existing around this development to the Planning Commission. She stated the roads are unsafe for the increased usage this development would generate and asked the Commission to consider not approving the development until the street improvements and the proposed bridge across the canal are completed.

David McKinley, 1308 Wellington, spoke against the proposal citing a decision in 1980 that denied development of an adjacent piece property until 15th Street was totally improved, including the bridge across the wash. The promise at that time for the bridge was for 1982; the current schedule for the new bridge is now 1986. Mr. McKinley cited various safety factors to support his opposition and pleaded with the Planning Commission to do something about improving the two gravel roads and the bridge work being postponed.

## **PETITIONER'S REBUTTAL**

Tom Logue reaffirmed the petitioner's position regarding the Improvement District and how they took the initiative to approach the people in the area to begin the development of it. Mr. Logue stated that he hopes the bridge development has been set aside due to more pressing needs in other areas of the community, and feels the need for the improvements is going to be even greater with the influx of development. Mr. Logue further commented that they have provided the City with Power of Attorney (with approval of the filing plat for two lots) for both 15th Street and Wellington Avenue.

Chairman Transmeier questioned Mr. Logue on the location of the Improvement District they are proposing.

Mr. Logue replied it would be between Wellington and Patterson and the petition will be ready for signatures in late December or early January.

## **STAFF -- FINAL RECOMMENDATIONS**

Bob Goldin stated that if an Improvement District is formed from Wellington to Patterson that the time frame for final completion would be late 1983. The Improvement District would be initiated early in 1983; then it would go before City Council and public hearings, and by the time the bids were out and construction started, it would be sometime around September, 1983. The City usually requests the ID to be finished and in place by the end of 1983. If they can't form an Improvement District down to the canal, the City is scheduled in 1986 to do 15th Street from the canal north to the Interstate (at City expense). If the Improvement District is formed down to the canal, the City Council could order the bridge in at the same time (at City expense); then it would become a part of the Improvement District and get done at an earlier time. In summary, Bob Goldin indicated it is possible, then, for getting all the improvements done earlier than 1986 does exist. Bob also noted that a petition was handed out (but never circulated) to people north of Patterson who had expressed an interest in forming an Improvement District.

David McKinley questioned how many property owners own the apartment house, indicating this was a crucial factor on whether the property to the south can participate in an Improvement District.

Don Warner responded that it doesn't matter how many people are there, the Improvement District is based on 51% of the street frontage, not the people, and there is a 50-50 split



between Mr. Hayden's property and the Wellington Garden's property and Mr. Logue has stated that he has 68% above. So together, there is more than 51% for the overall properties.

Mr. McKinley clarified his concern is with the process in an Improvement District is subject to contention and the 68% is not now 68% because other property owners have a chance to come in and object.

Bob Goldin replied that even with 100% of property owners supporting it, there is no guarantee that City Council will want an Improvement District.

Commissioner Quimby asked Mr. McKinley if knowing the possibility exists for an Improvement District from the canal to Patterson would help with his concerns.

Mr. McKinley said no because that is only blacktop and the essential transportation factor needed is another north-south route across the canal. Mr. McKinley also stated that the Planning Commission has no control over what City Council is going to do with the bridge and it has been nine years and still no bridge.

Mr. Sam Haupt, one of the owners of the property to be developed, feels there is no advantage of going into an Improvement District on the south end if the bridge isn't going in. He hopes that City Council will be persuaded to do the bridge if the Planning Commission recommends it and the property owners form the Improvement District.

Chairman Transmeier closed the public hearing.

**MOTION: (COMMISSIONER O'DWYER) "MR. CHAIRMAN, BASED ON OUR AWARENESS OF THE OVERALL IMPACT OF THIS DEVELOPMENT IN THIS AREA AND THAT MORE REQUESTS WILL BE COMING IN AND THAT ADDITIONAL TRAFFIC CANNOT BE HANDLED, I MAKE A MOTION WE FORWARD THIS REZONE REQUEST FOR #65-82 TO CITY COUNCIL WITH THE RECOMMENDATION OF DENIAL AND THAT THE STREET IMPROVEMENT DISTRICT BE FORMED BY THESE PEOPLE ALONG WITH THOSE TO THE SOUTH AND PETITION THE CITY COUNCIL TO PUT THE BRIDGE IN AND WE CAN RE-ENTERTAIN THIS PROPOSAL."**

A second to the motion was not heard.

Chairman Transmeier asked for a second. No one seconded the motion, so the motion died for lack of second.

**MOTION: (DICK LITTLE) "IN CASE OF FILE #65-82, HOUSTON HEIGHTS SUBDIVISION REZONE PR-8 TO PR-13.1, I MOVE WE FORWARD IT TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, PENDING THE RESOLUTION OF REVIEW AGENCY COMMENTS."**

Commissioner Quimby seconded the motion.

#### **DISCUSSION OF THE MOTION**

Commissioner Little stated he has no quarrel with the rezone but that he does have a problem with the second part.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried 5-1 (Commissioner O'Dwyer voted in opposition).

**MOTION: (COMMISSIONER O'DWYER) "BASED ON THE DISCUSSION WE'VE HAD ON CASE #65-82, CONSIDERATION OF FINAL PLAT AND FINAL PLAN, HOUSTON HEIGHTS SUBDIVISION, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF DENIAL BASED ON THE EXISTING STREETS, ROADS AND TRAFFIC SITUATION AT PRESENT, AND OTHER REVIEW AGENCY COMMENTS, AND RECOMMEND THAT IT BE RECONSIDERED AT SUCH TIME THE IMPROVEMENTS DISTRICT FOR 15TH STREET INCLUDING THE BRIDGE ACROSS THE CANAL AT 15TH STREET ARE IMMINENT."**

Commissioner Little seconded the motion.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried 5-1 (Commissioner Quimby voting against).

#### **DISCUSSION**

Sam Haupt asked for clarification of the motion and the denial and at what point he can come back in with it.

Chairman Transmeier indicated they need some guarantees that the road and bridge will be built.

A lengthy discussion was then heard on the ramifications of the Motion and the alternatives for Mr. Haupt, had the proposal been approved (rather than denied) with contingencies for the road and bridge being planned and built.

Commissioner O'Dwyer explained their decision was based on the fact that if the paper work begins (on the street improvements and bridge construction) and then gets stopped and in the meantime Mr. Haupt begins development, the result will be more of a mess than exists there now. The Commission is therefore requiring a guarantee on the street improvements and bridge construction.

Chairman Transmeier summarized Mr. Haupt's request is for the Commission to consider a motion to approve the development contingent upon completion or imminent completion of the bridge.

Commissioner Little stated that "completion" may not be as necessary as "firm plans."

Commissioner Quimby noted that the process requires the petition to be submitted, then negotiated with the engineering department for the amount of money that has been set aside in the budget for street improvements. Projects are chosen from that. This process takes a certain amount of time so the earliest it would be known whether it would go ahead would be next fall.

Don Warner suggested an alternative would be to change the motion to "approved" contingent on the bid being let for all this work.

Commissioner O'Dwyer added the only other thing they could do would be to negotiate with the City for them to take care of that road themselves and then pay back over a period of time.

Mr. Haupt concluded that the Planning Commission is saying that until the roads are put in there, nothing is going to be developed. He then stated that his concern is with the amount of time he will have to spend to draw plans, contact lending institutions and start construction -- which would mean he would not have anything finished until next August or September.

Chairman Transmeier and Commissioner Dunivent summarized the reason the Planning Commission denied the project because it is considered an "improper project at that location at this particular time because of the streets."

## **2. #64-82 EASEMENT VACATION.**

Petitioner: Thomas Karlen/Charles Holmes.  
Location: 1057Bookcliff Avenue.

A request to vacate a utility easement located at 1057 Bookcliff Avenue.

Consideration of vacation of utility easement.

### **PETITIONER'S PRESENTATION**

Chuck Holmes pointed out the location of the project and outlined their intentions.

It was established that only sewer exists in the easement at this time.

### **STAFF PRESENTATION**

Bob Goldin indicated that Staff has no problem with the proposal, noting that if there is a rededication, they will need an easement rededication and possibly a maintenance easement if the City is going to be involved in the maintenance. After discussing where the 5-plex will be serviced, Don Warner confirmed that an easement from the City would not be required.

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

There were no final comments from Staff or questions from the Commission. Chairman Transmeier closed the Public Hearing.

**MOTION: (COMMISSIONER QUIMBY) "I MOVE ON FILE #65-82, EASEMENT VACATION AT 1057 BOOKCLIFF AVENUE, THAT WE RECOMMEND APPROVAL OF THE VACATION OF THE UTILITY EASEMENT TO CITY COUNCIL, PENDING RESOLUTION OF REVIEW AGENCY COMMENTS."**

Commissioner Susan Rinker seconded the motion.

Chairman Transmeier called for discussion of the motion. There was no discussion. Chairman Transmeier then repeated the motion, called for a vote, and the motion carried 6-0.

### **3. #67-82 EASEMENT VACATION**

Petitioner: Jerry & James Eisenhower/Steven Kinkead.  
Location: Lot 3 of Peterson-Irwin Subdivision, 24th Court and I-70-B Frontage Road.

A request to vacate a sewer easement and rededication of sewer line on Lot 3 of Peterson-Irwin Subdivision.

Consideration of easement vacation and rededication of sewer line.

## PETITIONER'S PRESENTATION

Steven Kinkead presented the proposal and provided the Planning Commission with a history of the storm drain. Mr. Kinkead noted that an easement was never given to the City for use as a storm drain. The City Engineer informed Mr. Kinkead that he could not develop buildings on this property because the storm drain exists on that portion of the property. Since Mr. Kinkead cannot obtain 15 feet to the west (where the original utility easement was located), he now needs to move the sewer easement over approximately 50' and connect it in so he can get his buildings to fit. Mr. Kinkead stated he cannot give a drainage easement for the existing line (as requested by City Utilities/City Engineer) as he still would be unable to use the property.

## QUESTIONS

Planning Commission members indicated they were confused as to what Mr. Kinkead's problems were. Mr. Kinkead further explained that he cannot give a 20' easement for the storm drain or his building won't fit, but that he is willing to move the existing sewer lines and then switch the easements so that he can use it.

Mr. Kinkead added that the 36" line was installed in 1972; then, in 1977, 24th Court was finished with curb and gutters installed. It was then discovered that the 36" line was in the wrong place so they connected over into it and neglected to put a manhole at that point -- which is the reason no one knew it was there. Mr. Kinkead can't reduce the size of his building any more and moving it over to give a 20' easement will not be feasible either.

Commissioner O'Dwyer asked where the storm drain comes from.

Don Warner answered that he thinks it crosses 19th Street and jogs over, crossing Grand Avenue (north of school district in the Grand Avenue Right-of-Way), and feeds into the one under the Salt Lake Hardware building.

Jim Patterson noted that in past cases where buildings are constructed close to pipes, a letter releasing the City from liability has been requested.

There was discussion of getting a smaller (10') easement.

## STAFF COMMENTS

Bob Goldin commented that Staff would require a Hold Harmless Agreement or whatever is acceptable to the City Engineer and all parties involved for resolution of the storm sewer concern, prior to going to City Council.

**PUBLIC COMMENTS** There were no comments in favor or against.

**MOTION:** (COMMISSIONER LITTLE) "MR CHAIRMAN, IN CASE OF #67-82, LOT 3 OF PETERSON-IRWIN SUBDIVISION, 24TH COURT AND I-70-B FRONTAGE ROAD, REQUEST TO VACATE SEWER EASEMENT, REDEDICATION OF EASEMENT AND RELOCATION OF SEWER WITHIN THAT SAME EASEMENT, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, PENDING SECURING THE HOLD HARMLESS AGREEMENT ON THE STORM SEWER, SUBJECT TO STAFF COMMENTS AND CITY ENGINEER'S ACCEPTANCE."

Commissioner Quimby seconded the motion.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried 6-0.

\*\*Chairman Transmeier then called for a recess.\*\*  
\*\*The meeting was called back to order at 9:20 p.m. \*\*

## 4. #63-82 CONDITIONAL USE--HOTEL-RESTAURANT LIQUOR LICENSE

Petitioner: Walker Field Airport Authority.  
Location: Walker Field.

A request for a conditional use for a hotel-restaurant liquor license in the new Walker Field Terminal Building in a Planned Airport Development Zone.

(Commissioner O'Dwyer requested and was granted exclusion from the Planning Commission for this item)

## PETITIONER'S PRESENTATION

Rick DeWitt, attorney for Grand Med Site Services, opened his remarks by introducing the Regional General Manager of Grand Med Site Services (Ted Daniel), Manager of the restaurant (Tony Sweeney), and Mary Ann Harms, representing

the Airport Authority. Mr. DeWitt then provided background on their request, noting:

1. Fire concerns are going to be dealt with by having the kitchen fire extinguishing system installed prior to the Certificate of Occupancy being issued.
2. Employee parking facilities will be designated and controlled by the Airport Authority. 40 employees or less working on a 24-hour basis is expected, and he feels there is sufficient parking available.
3. Construction is progressing well and expect to have their phase done soon.
3. The use is both a permitted and appropriate use and will be an asset to both the traveling public and the community, and that the management has the appropriate background in restaurant and hotel expertise.

#### **QUESTIONS**

Chairman Transmeier questioned whether liquor will be served only on the 3rd floor.

Mr. DeWitt indicated it will also be served in a lounge on the 2nd floor that will provide full food service there and on the 3rd floor. He also noted that security will be high in the licensing area, and the service area will be a walk-up bar that will also provide a full-menu food service.

#### **STAFF PRESENTATION**

Bob Goldin stated that all concerns have been addressed so Staff has no objections.

**PUBLIC COMMENTS** There were no comments heard either in favor or against the proposal.

Chairman Transmeier closed the public hearing.

**MOTION:** (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON FILE #63-82, **CONDITIONAL USE FOR HOTEL-RESTAURANT LIQUOR LICENSE, WALKER FIELD AIRPORT AUTHORITY, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, BASED ON RESOLVING REVIEW AGENCY COMMENTS."**

Commissioner Rinker seconded the motion.

There was no further discussion on the motion. Chairman Transmeier repeated the motion, called for a vote, and the motion carried unanimously, 5-0. (Commissioner O'Dwyer did not vote on this item).

**5. #46-82 PDC SUBDIVISION FILING #2--FINAL PLAT AND PLAN.**

Petitioner: Dr. Ray Painter/PDC Investments.  
Location: 605 26.5 Road (7th Street).

A request for a final plat and plan on approximately .72 acre in a planned business zone.

**PETITIONER'S PRESENTATION**

Daryl Shrum, of Beck, Shrum & Associates, represented the petitioner and introduced the proposal. Mr. Shrum noted that their final plan and final plat coincides with their approved ODP and that there are no outstanding issues (based on his discussion with Karl Metzner and Bob Goldin).

**STAFF PRESENTATION**

Bob Goldin confirmed that all Staff concerns have been met and that Staff has no objections or problems.

**PUBLIC COMMENTS** There were no comments heard either in favor or against the proposal.

Chairman Transmeier closed the public hearing.

**MOTION: (COMMISSIONER QUIMBY) "MR. CHAIRMAN, ON FILE #46-82, PDC SUBDIVISION FILING #2, FINAL PLAT, I MOVE WE FORWARD TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, PENDING RESOLUTION OF REVIEW AGENCY COMMENTS."**

Commissioner O'Dwyer seconded the motion.

Chairman Transmeier asked for discussion of the motion. There was no further discussion; Chairman Transmeier then repeated the motion, called for a vote and the motion carried 6-0.

**MOTION: (COMMISSIONER QUIMBY) "MR. CHAIRMAN, ON FILE #46-82, PDC SUBDIVISION FILING #2, FINAL PLAN, I MOVE WE FORWARD TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, PENDING RESOLUTION OF REVIEW AGENCY COMMENTS."**

Commissioner O'Dwyer seconded the motion.



Chairman Transmeier asked for discussion and upon hearing none, repeated the motion, called for a vote, and the motion carried 6-0.

Commissioner Quimby commented that this proves that everything works if appropriate procedures are followed at the preliminary plan step.

**6. #63-81 PERSIGO VILLAGE--PRELIMINARY PLAT AND PLAN.**  
(2 of 3)

Petitioner: M. Ray Painter/PWS Investments.  
Location: Southeast corner of G Road and 25 Road.

A request for a preliminary plat and plan of 740 units on approximately 46.3 acres in a planned residential zone at 17 units per acre.

- a. Consideration of final plat.
- b. Consideration of final plan.

**PETITIONER'S PRESENTATION**

John Cavness, represented the petitioner and provided background on the project. He noted that the initial plan showed an exit onto 25 Road which has now been changed to an exit onto G Road, to comply with Jim Bragdon's comments. Mr. Cavness further stated that all other review sheet comments have been addressed, that the project will be constructed in nine phases at 80 units per phase, that the development is for a 740 units (at a density of 16.01 units per acre), and that they plan to move as rapidly as possible (which is the reason for the preliminary now and the next item on the agenda being Phase I.)

Mr. Cavness noted that the ultimate object will be condominiumization speculated to be done within 5-7 years, depending on economical factors. Current plans call for owner-occupied units and the open space will be controlled by the owners.

**QUESTIONS**

Commissioner O'Dwyer asked Mr. Cavness whether there will be problems concerning the flood plain and the northern area.

Mr. Cavness answered that they have addressed the floodplain problems with the City and there are a few remaining points

that need to be decided on by Ron Risch but those will be addressed before final.

Chairman Transmeier commented that the Commission likes the way they have added the amenities to each phase rather than waiting til the end of the project.

#### **STAFF PRESENTATION**

Bob Goldin summarized Staff's concerns are with:

1. Right-of-Way on 25 Road. Although the County Engineer originally asked for 100' right-of-way designation, he now says 77' is acceptable, which is what the City Engineer is asking for. In the Overall Street Classification Guide, 25 Road is classified as a 100' arterial, so Staff would like direction from the Commission on how much right of way should be required for their half-street on 25 Road. Staff has no problems with G Road.

2. Commitments are needed on improvements to both 25 Road and G Road:

Final Phase I -- rather than obtaining escrow for all of 25 Road and G Road, Staff would like to be provided with a Power of Attorney for the additional right-of-way improvements, which would be acceptable to the City since these are not owner-occupied units, and there is uncertainty with respect to future plans (Condominiums).

The Leach Creek Greenbelt is part of the County greenbelt system and it did not originally have anything scheduled for it on the ODP. If it is found feasible to correct the floodplain, Staff has no problems with that, but Staff suggests that Open Space be considered either now or later as possibly becoming dedicated to the City in part for their 5% Open Space (Parks Department will need to consider this).

#### **PUBLIC COMMENTS**

In Favor - No comments.

Against:

Raydene Schmidt Baysinger expressed her concern with the irrigation and pipelines and asked for assurance that the easement they have will be maintained, as well as their access.

Mr. Cavness answered that there is a recorded easement of record and should they have to reroute, they plan to negotiate with all property owners so the 10' easement and continuous use will be assured.

Chairman Transmeier commented that any easement changes will have to be presented to the Commission.

#### **PETITIONER'S REBUTTAL**

Mr. Cavness reinforced the petitioner's stand on the following items:

1. The two units on G Road were put there for several reasons. Their redesign of the streets took more space than they initially started with, the parking spaces were increased to 1.87 spaces per unit (over 1.5 spaces per unit), and the amenities were increased, all of which ended up decreasing their density. In an effort to maintain the economics of the project, the two units were added to maintain a density of 16.

2. Street improvements: Half of the road is City and the other half is County and was designated as a main arterial in 1978. The designation of 24 Road as a main arterial has alleviated some of the burden and he feels that 25 and G Roads should probably be designated as minor arterials with a 77' right-of-way.

3. Escrow Funds: They will participate in escrow funds or whatever is required. They also feel that some of the improvements on F Road that they are responsible for will have to be done during the 3rd or 4th phase, and they will do whatever is appropriate and necessary, be it an Escrow Account or Power of Attorney.

Chairman Transmeier asked if a 100' right of way would be a big problem for them.

Mr. Cavness indicated it would be, and doesn't feel it is an issue on that road. He also noted that the 1978 study showed a one-mile stretch that is called a major arterial with minor arterials above and below it.

Don Warner confirmed that a one-mile stretch from F Road to G Road is classified as a major arterial. He added that both the City Engineer and the County supervisor have expressed satisfaction with the 77' right-of-way.

## DISCUSSION

There was discussion between the Planning Commission and Planning Staff regarding parking requirements. It was established that 2 spaces are required for owner-occupied and 1.5 spaces are required for renter-occupied. It was also discussed whether overflow parking was required for condominium developments. Staff indicated they did not believe it was a requirements but that it would be checked on.

There was also discussion regarding the undisturbed area next to Leach Creek and whether it would be maintained or left in weeds. Mr. Cavness mentioned that the County wanted it as part of their greenbelt system, then the Parks Department said maybe they didn't, so he isn't sure where it stands at this point. Commissioner Rinker asked that this be resolved prior to final. Bob Goldin agreed that it would.

Chairman Transmeier closed the public hearing.

**MOTION: (COMMISSIONER RINKER) "ON ITEM #63-81, PERSIGO VILLAGE, (2 OF 2) PRELIMINARY PLAT, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, SUBJECT TO A 77' RIGHT-OF-WAY WIDTH ON 25 ROAD, THAT FUNDS ARE ESCROWED FOR 25 ROAD IMPROVEMENTS BEFORE THE FINAL, THAT A POWER OF ATTORNEY ON 25 ROAD AND G ROAD BE SUBMITTED BEFORE FINAL, THAT THE LEACH CREEK OPEN SPACE BE RESOLVED WITH THE CITY PARKS AND RECREATION DEPARTMENT PRIOR TO FINAL, AND THAT ALL OTHER STAFF AND REVIEW AGENCY COMMENTS ARE SATISFIED."**

Commissioner Litle seconded the motion.

Chairman Transmeier asked for discussion of the motion. There was no discussion. Chairman Transmeier then repeated the motion, called for a vote and the motion carried, 6-0.

**MOTION: (COMMISSIONER RINKER) "ON ITEM #63-81, PERSIGO VILLAGE (2 OF 2) PRELIMINARY PLAN, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, SUBJECT TO RESOLVING REVIEW AGENCY COMMENTS AND OTHER CRITERIA STATED IN MOTION FOR PLAT RECOMMENDATIONS."**

Commissioner O'Dwyer seconded the motion.

Chairman Transmeier asked for discussion. No discussion was heard. Chairman Transmeier repeated the motion, called for a vote, and the motion carried 6-0.

7. #63-81 PERSIGO VILLAGE PHASE I--FINAL PLAT AND PLAN.  
(3 of 3)

Petitioner: M. Ray Painter/PWS Investments.  
Location: Southeast corner of G Road and 25 Road.

A request for a final plat and plan of 84 units on approximately 5.7 acres in a planned residential zone at 17 units per acre.

- a. Consideration of final plat.
- b. Consideration of final plan.

**PETITIONER'S PRESENTATION**

John Cavness introduced the proposal for Phase I and highlighted their plans for adding the amenities, the additional gravel access way that will have a temporary crash gate, that the exterior will be lap siding and some brick work, and that the upstairs units will have fireplaces.

**STAFF PRESENTATION**

Bob Goldin noted that all technical issues have been resolved and reminded the petitioner to escrow funds for 25 Road and that the 77' right-of-way needs to be dedicated on the plat.

**PUBLIC COMMENTS** There were no comments from the public.

Chairman Transmeier asked for final comments.

Jim Adams spoke to clarify the parking situation of "owner vs. renter occupied" by referencing the code that states: "all multi-family dwelling units 5 or greater per structure, 1 1/2 spaces per dwelling plus 1 space for every 5 spaces for recreational vehicles and/or visitor parking," so since these are multi-family even though they will be owner-occupied, he believes 1 1/2 will be adequate.

Don Warner, Planning Staff, agreed that Mr. Adams's point is accurate, but that it is a little short-sighted in that it will be difficult to solve an argument between families over the fractional parking space, and indicated that is probably why it is a suggestion rather than a requirement and is not in the ordinance.

Chairman Transmeier then closed the public hearing.

**MOTION: (COMMISSIONER RINKER) "ON ITEM #63-81, PERSIGO VILLAGE (3 OF 3) PHASE I, FINAL PLAT, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO FUNDS BEING ESCROWED FOR 25 ROAD IMPROVEMENTS AND STAFF AND REVIEW AGENCY COMMENTS."**

Commissioner Dunivent seconded the motion.

Chairman Transmeier asked for discussion of the motion. There was no discussion. Chairman Transmeier repeated the motion, called for a vote, and the motion carried 6-0.

**MOTION: (COMMISSIONER RINKER) "ON ITEM #63-81, PERSIGO VILLAGE (3 OF 3) PHASE I, FINAL PLAN, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO THE SAME CONTINGENCIES ON THE FINAL PLAT."**

Commissioner O'Dwyer seconded the motion.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried, 6-0.

**8. #79-81 ZONE OF GRAF ANNEXATION TO PB. (2 of 2)**

Petitioner: John Kilpatrick.

Location: West side of 29 Road, .25 mile South of F Road.

A request to zone annexation for County R2 to City Planned Business on approximately 1.25 acres.

**PETITIONER'S PRESENTATION**

Katie McIntyre, Paragon Engineering, represented Mr. Kilpatrick and presented the proposal, noting that the property was annexed about 1 1/2 years ago and that the existing use in the northeast corner is a retail dairy outlet (conditional use in the R2 zone with no corresponding conditional use in the corresponding City zone so it has been left unzoned) This request is for a zone for this dairy outlet to Planned Business. Katie also noted that the owners may want to do something else with the property in the future and would come back through the process at that time.

Commissioner Little indicated that if it was rezoned as Planned Business then it would not be necessary for them to come back in if they decided to change the use.

Katie answered that the site plan would be changed so a plan would have to be submitted if the building or use is changed.

Bob Goldin stated that a rezone would not accompany a plan submittal unless they changed the use from business to something else (i.e., residential, etc.).

#### **STAFF PRESENTATION**

Bob Goldin, requested escrow for 29 Road to go into the County Road funds (for both Graf Dairy and Woodsmoke) for that frontage. By giving it to the County, the County can do work for the City but not vica versa, and this is acceptable to the City and County Attorneys. Staff also requests that Power of Attorney for the area from Patterson south to the dairy be held under the same ownership as the dairy itself. In addition, Staff needs direction from the Commission on the question raised on the business zone versus allowing the business to exist under noncomforming use -- the existing outlet can be expanded up to a certain point under the noncomforming use regulations. By zoning it business, a precedent will be set allowing planned business use in that area.

**PUBLIC COMMENTS** There were no comments for or against the proposal.

#### **PETITIONER'S REBUTTAL**

Katie McIntyre spoke to Staff's comments:

1. There are no problems regarding the financing methods for 29 Road improvements or escrowing funds for 29 Road as it is adjacent to the property or in granting Power of Attorney for the rest of it.
2. Regarding the question of establishing a precedent for business zone on 29 Road, Katie indicated they were asked to do that as a "housekeeping measure."

#### **QUESTIONS**

Commissioner O'Dwyer asked Bob Goldin to clarify his comment regarding expanding the present use.

Bob Goldin replied that they can't expand the use, per se, but they can expand the area up to 50% of the original floor area involved.

Don Warner added that for expansion plans with a nonconforming use requires notices to be sent to the neighborhood and if 35% of the adjacent owners object to it then it goes through a hearing process.

Katie McIntyre asked Don whether the building could be rebuilt in the event a fire destroyed it.

Don Warner replied that he didn't think a nonconforming building could not be replaced if it is damaged by more than 50%, but is unsure of the procedure for a nonconforming use. Don indicated he would need to check this with the attorney.

After referring to the regulations, Don Warner said that it can be changed to another use if it is in a lighter grade category.

Chairman Transmeier closed the public hearing upon hearing no further discussion or questions.

Commissioner Dunivent asked Katie if they would accept a zoning other than planned business.

Katie indicated that if planned business zone is not granted they have no strong feelings on another type of zone, noting that the City is the one who wants it zoned.

Don Warner provided Katie with an answer to her earlier question regarding damage, saying that a nonconforming use suffering damage less than 50% of its market value can be restored to conform with the building code providing the work is commenced within a year; if the damage exceeds 50%, restoration shall not be permitted unless the restoration results in a use conforming to all requirements of the code; so the use and the building is washed out if they are nonconforming and damaged over 50%.

**MOTION (COMMISSIONER QUIMBY) "I MOVE ON ITEM #79-81 (2 OF 2), ZONE OF GRAF ANNEXATION TO PLANNED BUSINESS, THAT WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL OF ZONING IT RSF-4 RATHER THAN PLANNED BUSINESS WITH THE STIPULATIONS THAT THE FUNDS BE ESCROWED TO THE COUNTY ROAD FUND BY THE PROJECT FOR THE IMPROVEMENTS IN FRONT OF (ADJACENT TO) THIS PROJECT AND THAT POWER OF ATTORNEY BE OBTAINED FOR THE BALANCE FROM HERE NORTH TO PATTERSON, AND OTHER STAFF AND REVIEW AGENCY COMMENTS BEING SATISFIED."**

Commissioner Little seconded the motion.



Commissioner Quimby indicated she has difficulty zoning it planned business as she's not sure that's what should be done -- this way the use is allowed without suggesting that business is appropriate.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried 6-0.

**9. #79-81 WOODSMOKE--FINAL PLAT AND PLAN. (2 of 2).**

Petitioner: John Kilpatrick.  
Location: West side of 29 Road, .25 mile South of F Road.

A request for a final plat and plan of 252 units on approximately 13 acres in a planned residential zone at 19.4 units per acre.

- a. Consideration of final plat.
- b. Consideration of final plan.

**PETITIONER'S PRESENTATION**

Katie McIntyre presented this proposal noting a modification has been made to the original plans for access by the addition of a full-time, but secondary access on the north side of the dairy. Katie discussed the amenities and the parking spaces, noting that a ratio of a little over 1.8 parking spaces per unit is proposed with 40 of them handled in a separate fenced off area at the north end for recreational vehicle storage.

Chairman Transmeier questioned Katie's figures for the parking spaces in that 252 units per 112 acres is a density of 21 per acre and 19.4 per acre is what was approved.

Katie answered that they are approved for 252 units on the site and the zoning is for 19.4.

Don Warner stated that they have to stay within the zoning.

Katie corrected the statement in the Review Agency comments for the parking spaces in that it should read 454.

**STAFF PRESENTATION**

Bob Goldin noted that 29 Road is a concern which Katie indicated escrow would be addressed. Bob further noted that the petitioners indicated they had some preliminary designs for 29 Road and County Road Department is scheduling 29 Road

improvements for 3-4 years from now; Phase I will be from North Avenue to Patterson Road and they are asking for 100'. On the road inequities issue, the County or City can not ask for any additional right of way improvements to the south (over what is adjacent) and this was also a concern at preliminary. All that can be done now is escrow that amount and then when the actual assessments come down they may be able to assess for additional improvements. Bob indicated they have responded to the technical issues, noting that Jim Patterson indicated the access to manholes is a concern.

Jim Patterson spoke up and said a modification to the sidewalks would be sufficient. Katie confirmed that the sidewalks could easily be modified so access would not be a problem.

Bob Goldin also asked for clarification on access from the west (from Woodsmoke) for the City Engineer.

#### **QUESTIONS**

Commissioner Quimby sees an inconsistency here regarding the improvements to 29 Road insofar as it appears they are about to approve 252 units when earlier tonight they turned down another item because the road was not improved although there was every indication it was going to be.

Commissioner O'Dwyer feels that even though 29 Road may be able to handle the situation prior to the road improvements, and that the traffic will be probably be alleviated once the mid-section of Patterson is completed, the fact remains that 29 Road is a very busy road.

Commissioner Little compared this situation to the 15th Street situation in that at least here there is some circulation whereas none exists at 15th Street.

Commissioner Quimby added that she is concerned that they asked a year ago for some resolution of the inequity in the roads and assessments of the road improvements and now they are forced to take a position she is not comfortable with since the policy has not yet been developed. She further indicated that they should submit a statement to the Council regarding their concern since the Commission doesn't feel there is anything else they can do other than recommend they address it.

**PUBLIC COMMENTS** There were no comments either in favor or against.

## STAFF COMMENTS

Bob Goldin responded to Commissioner's Quimby's comments by saying that they will again try to deal with the inequities issue.

Commissioner Quimby stated she feels it is imperative as it appears things are looking up (referring to agenda items) and that this will continue to be a problem.

## PETITIONER'S COMMENTS

Katie noted that she contacted the County Engineer regarding 29 Road and explained the proposal and asked for direction on handling the money. She was told to escrow \$65 per frontage foot. The petitioner's have agreed to do that and sign the Power of Attorney extending north up to F Road (Patterson). Katie agreed that there are inequities in the way assessments are handled.

Don Warner agreed with Katie's statement noting that they will be paying a lot of money for a little strip of frontage.

Chairman Transmeier closed the public hearing.

**MOTION: (COMMISSIONER DUNIVENT) "MR CHAIRMAN, ON ITEM #79-81, WOODSMOKE FINAL PLAT, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO THE STAFF COMMENTS, SPECIFICALLY THE ESCROWING OF FUNDS TO THE COUNTY ROAD FUND FOR 29 ROAD IMPROVEMENTS, AND RESOLUTION OF REVIEW COMMENTS."**

Commissioner Rinker seconded the motion.

There was no discussion on the motion. Chairman Transmeier repeated the motion, called for a vote and the motion carried by a vote of 6-0.

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #79-81, WOODSMOKE FINAL PLAN, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMENDATION OF APPROVAL SUBJECT TO THE SAME CONDITIONS AS FINAL PLAT."**

Commissioner Little seconded the motion.

There was no discussion on the motion. Chairman Transmeier repeated the motion, called for a vote and the motion carried by a vote of 6-0.

**10. #40-82 TEXT AMENDMENTS TO GRAND JUNCTION ZONING AND DEVELOPMENT CODE.**

Petitioner: City/County Development Department.

A request to make the following amendments. Copies are available at City/County Development Department, 559 White Avenue, Room #60, Grand Junction, CO 81501 (244-1628).

- #2. Amending Chapter 13 to add a definition of density.
- #17. Amending Chapter 9 to add a new section 9-4 regarding Certificates of Occupancy.
- #18. Amending section 5-7-7B7c. regarding sign regulations.
- #19. Amending various paragraphs in section 5-8 regarding Floodplain Regulations.
- #20. Amending section 2-2-2G regarding Application Fee Schedules.

Chairman Transmeier asked for input from the audience as to which items they wished to discuss. John Ballagh was the only person present at the time and he indicated he wished to discuss Item #17. Chairman Transmeier then indicated his preference to be removed from the Planning Commission in order that he could make public comments on Item #19.

Chairman Transmeier then directed the Commission to consider Items #2, #28, and #20 as a group.

**PETITIONER'S PRESENTATION**

Bob Goldin, representing the City/County Development Department, briefly outlined the reasons for amendments #2, #28, and #20.

**PUBLIC COMMENTS** There were none.

**QUESTIONS** There were none.

**DISCUSSION**

Commissioner O'Dwyer commented on Item #20 (Application Fee Schedule) calling it a "Catch 22" situation in that the cost is automatically passed onto the homeowners and wishes there was a way to prevent adding expenses.

Commissioner Rinker agreed that the homeowner gets the added burden one way or another.

Bob Goldin noted that it has been approximately three years since there has been any revision to the fee schedule.

Commissioner Quimby remembered that there had been discussion regarding some kind of an annual review in order to prevent such an increase.

Commissioner Rinker agreed with Commissioner Quimby, adding that there was some discussion on extensions.

Bob Goldin said they have to check with the City Attorney to see if an extension request dictates a fee separate from this (which would be an administrative fee) or whether it will actually go into the regulations as an extension fee. The extension process is not as clear as it should be.

**MOTION: (COMMISSIONER QUIMBY) "ON ITEM #40-82, TEXT AMENDMENTS TO GRAND JUNCTION ZONING AND DEVELOPMENT CODE -- #2, AMENDING CHAPTER 13 TO ADD A DEFINITION OF DENSITY; #18, AMENDING SECTION 5-7-7B7C REGARDING SIGN REGULATIONS; AND #20, AMENDING SECTION 2-2-2G REGARDING APPLICATION FEE SCHEDULES -- I MOVE WE FORWARD THESE TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."**

Commissioner O'Dwyer seconded the motion.

Chairman Transmeier called for a vote and the motion carried 6-0.

Item #17, Amending Chapter 9 to add a new section 9-4 regarding Certificates of Occupancy, to read as follows:

9-4 Certificates of Occupancy

9-4-1 -- A Certificate of Occupancy shall be required following completion of construction and prior to occupancy, to insure that all code requirements have been met. The Certificate of Occupancy must be signed by the Building Department to indicate acceptance of the structure and by the Grand Junction Planning Department to indicate acceptance of any other required site improvements (i.e., parking, access, screening, landscaping, etc.).

**PUBLIC COMMENTS**

John Ballagh, representing the Home Builders Association, referenced their meeting held October 13, 1982, and a board meeting this morning with city administration (which created some misunderstanding for which Mr. Ballagh apologized).

The Home Builders Association is requesting that Item #17 be tabled as it conflicts with the Uniform Building Code which addresses "correctness of construction" and a Certificate of Occupancy is allowed to be issued after an inspection has been made and passed for that "correctness of construction" -- not technique or quality of construction; it merely says the place is safe to occupy. The Certificate of Occupancy has been an easy "handle" to make the requirements; in fact overburdened beyond its reasonableness in the Uniform Building Code. The HBA is offering to help in the rewording of this item, particularly with the phrase, "that improvements must be in place or otherwise guaranteed." Mr. Ballagh further noted that Certificates of Occupancy are not requested for all units in one project and pointed out the ambiguity that exists due to this. He feels the clause needs to be expanded and clarified more than it is now.

Commissioner O'Dwyer discussed the problems the Commission runs into when a developer finishes his building, moves in and then "maybe" can get to the sidewalks, do the landscaping, or whatever is yet to finish -- "someday." Then he goes ahead and opens his business and forgets what else is supposed to be done, and nobody checks on him. The Certificate of Occupancy or something equivalent may prevent that from happening.

Commissioner Quimby agreed with Commissioner O'Dwyer adding that they have had to spend a lot of time recently checking on things that haven't been completed and it isn't right that Staff has to keep going back to track these things. She hopes the Home Builders Association recognizes what the Commission considers a serious problem.

Mr. Ballagh replied that he does not mean to indicate that the Home Builders Association doesn't understand the magnitude of the problem; they are only asking that the Certificate of Occupancy not be the sole determining factor and are offering their assistance with the wording.

Commissioner Litle asked Mr. Ballagh if they are asking to table this for a 30-day period.

Mr. Ballagh agreed.

Commissioner Quimby asked if they could have it before 30 days so they could consider it at a workshop prior to the next scheduled hearing.

Don Warner felt sure that could be accomplished in time for the Planning Commission's workshop. He added that he agrees with Mr. Ballagh, noting that there are many buildings occupied without Certificates of Occupancy and

many financial institutions do not ask for a CO to close their loans and feels there are other alternatives or guarantees that can be worked out.

Hearing no further discussion, Chairman Transmeier closed the public hearing.

**MOTION: (COMMISSIONER LITTLE) "ON TEXT AMENDMENT ITEM #17, AMENDING CHAPTER 9, I MOVE WE TABLE THIS ITEM FOR FURTHER PLANNING COMMISSION STUDY AND ACTION."**

Commissioner O'Dwyer seconded the motion.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried 6-0.

Chairman Transmeier then excused himself from the Planning Commission in order to provide public input on Text Amendment #19.

Acting Chairman Little informed the Commission that Text Amendment #19 was to be considered.

#19. Amending various paragraphs in section 5-8 (flood Plain Regulation) to meet requirements of the FIA (Federal Insurance Administration) for eligibility in the Flood Insurance program.

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

Bob Goldin indicated that these amendments were at the request of the Federal Emergency Management Agency (FEMA) through the Federal Insurance Administration (FIA) to bring Grand Junction into compliance with floodplain regulations, namely the insurance aspects, so that the City can get into the regular program of national flood insurance. Bob also noted that the deadline is January 6, 1983, to get everything into compliance or our current emergency status would be lost; however, the regional office indicated that gaining an extension would be possible as long as we were progressing. Bob stated the maps are basically the same except for annexations and modifications to the channel in which they were incorporated (reversions to the map require a public hearing), the flood insurance study is the same, the text amendments are different to incorporate the insurance aspects.

## **PUBLIC COMMENTS**

Ross Transmeier, 585 25 1/2 Road, addressed the Commission as a mobile home owner and resident of the City and referenced amended paragraph #2 concerning mobile homes. Ross read the text that states that mobile homes shall be anchored by over-the-top ties provided at each of the four corners of the mobile home additional ties per side (4 bands per side of the house). Ross feels such banding will be a problem for older mobile homes and double-sectioned mobile homes from the standpoint of being unattractive and unpractical, particularly for double-sectioned homes as they are not provided for under HUD and built into the house. A geographical concern of Mr. Transmeier's is that although this might not pertain to a lot of mobile homes in the City today, a lot of mobile homes in the County will be affected if the County follows suit.

Bob Goldin suggested the Commission approve all items except Item #2 and proposed deleting Item #2 in order to get clarification from FEMA and possibly adopt the floodplain regulation at a later date.

Acting Chairman Litle closed the public hearing.

## **DISCUSSION**

Commissioner O'Dwyer questioned Item #8 in the Floodplain Regulations pertaining to a phrase commenting on the "lowest floor of residential structures, etc.", and suggested that this also be deleted as it does not make any sense.

**MOTION: (COMMISSIONER O'DWYER) "IN CONSIDERATION OF #40-82, TEXT AMENDMENTS, UNDER ITEM #19, I MOVE WE AMEND THE VARIOUS PARAGRAPHS IN SECTION 5 AND 8 REGARDING THE FLOODPLAIN REGULATIONS AND FORWARD THEM TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL WITH THE DELETION OF ITEM #2 (BANDING OF MOBILE HOMES) AND ITEM #8-F."**

Commissioner Rinker seconded the motion.

Acting Chairman Litle called for a vote and the motion carried 6-0.

## **11. ADJOURNMENT**

The meeting was adjourned at 11:10 p.m.