

5

GRAND JUNCTION PLANNING COMMISSION
December Public Hearing
Held on January 4, 1983
Minutes
7:30 pm - 9:00 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 Don Warner Mary Ann Carlson

Rachelle Daily and Sharon Stavast of Sunshine Business Services, were present to record the minutes.

There were approximately 22 interested citizens present at the beginning of the meeting.

* * * * *

Chairman Transmeier called the meeting to order and explained that tonight's meeting is the meeting that was originally scheduled for December 28, 1982, and that another meeting is scheduled for the last Tuesday in January. He also 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.

Chairman Transmeier asked the Planning Commissioners for discussion on the minutes of the November 30, 1982 minutes. There was no discussion.

MOTION: (COMMISSIONER QUIMBY) "MR CHAIRMAN, I MOVE THE MINUTES OF THE NOVEMBER 30, 1982 PLANNING COMMISSION PUBLIC HEARING BE APPROVED AS PRESENTED."

Commissioner O'Dwyer 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 introduced Skip Grkovic, Downtown Development Authority, who discussed the new proposal that is being studied that involves revisions to the current zoning regulations and policies for downtown.

Mr. Grkovic explained that part of the process for refining the downtown policies and subsequently providing alternative regulations for downtown development, required the inclusion of an updated version of goals, objectives and policies. Skip noted that this has been done and the document has been prepared and submitted to the Planning Commission. The DDA is requesting the Planning Commission to accept this document for inclusion in Chapter 3 of the current Development Code (Goals and Objectives) on January 25, 1983. Skip also noted that pages 1, 2, and most of page 3 (down through policy "v") would be incorporated into the code and the sub-policies -- related to the various redevelopment and renovation districts within the downtown -- will be excluded from inclusion in the Code and be used as direction in the redrafting of regulations as they affect the downtown.

Joe Skinner, DDA Attorney, then spoke to the importance of adopting the entire set of policies so there will be direction on regulations. Mr. Skinner commented on the legal objectives in that they have tried to eliminate the "Scattering Problem" (referring to the Strategy and Plan of Development Policies, both of which have their own policies) by putting everything in one place (in the Code and Zoning and Development Code Book) so that everyone is aware of the policies and can understand the logistics of the existing City policies.

Skip Grkovic added that after these policies are adopted, the DDA plans to be working with the Planning Department Staff and the Planning Commission to develop alternative regulations for downtown development that need to be based upon these policies. Skip expects the task force to continue working on the development of these regulations through January. Skip then summarized that they are asking the Planning Commission to accept these policies as presented tonight for inclusion in the document that will be considered on January 25, 1983.

Chairman Transmeier explained, for the benefit of the audience, that the Planning Commission will consider revised policy plans for the entire City at the next Public Hearing, and Mr. Grkovic is asking us to include this document as part of those plans.

PUBLIC COMMENTS.

There were no comments from the audience either in favor or against the presentation.

III. FULL HEARING.

1. #75-82 CONDITIONAL USE--HOTEL-RESTAURANT LIQUOR LICENSE -- CASA DI ITALIA

Petitioner: Gerald M. Greenberg
Location: 1048 Independent Avenue

A request for a conditional use for a hotel-restaurant liquor license on approximately .054 acre in a heavy commercial zone.

- a. Consideration of conditional use.

PETITIONER'S PRESENTATION

Dick Scariano, representing the owner Gerald Greenberg, explained that the application for the liquor license will actually be held by George Harper, who leases about 2500 sq. ft. of the facility, and that there is no relationship between Mr. Harper and Mr. Greenberg. Mr. Scariano identified the location of the restaurant and explained the total square footage of the building to include: 60,000 square feet total -- 12,000 square feet used for retail; 14,000 square feet for office space; the remainder for office warehouse. Mr. Scariano also pointed out that the other tenants currently using the facility were all day-time occupants, so parking for this business should not be a problem.

Mr. George R. Harper, 3004 Bookcliff Avenue, provided further information regarding the petition in that they are applying for a full liquor license to allow for beer and wine to be sold with meals. He noted that they would have a Service Bar area only and that the main reason they are now asking for a liquor license is due to customer pressure for them to do so (for parties, banquets, etc.). Other information provided by Mr. Harper included:

- . Hours of operation are 11:00 a.m. to 9:30 p.m.
- . Their restaurant philosophy includes catering to the family environment, providing the highest quality food, serving generous portions, offering reasonable prices, and operating a clean facility.

STAFF PRESENTATION

Bob Goldin, Planning Staff, noted that the restaurant is in operation now in an existing facility; parking (which is more than adequate) and other normal review processes were reviewed at the building permit stage; no adverse comments were received back from the Review Agencies and all technical concerns have been met.

PUBLIC COMMENTS

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

MOTION: (COMMISSIONER DICK LITTLE) "MR. CHAIRMAN, ON ITEM #75-82, CONDITIONAL USE, HOTEL-RESTAURANT LIQUOR LICENSE FOR CASA DI ITALIA, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."

Commissioner Susan Rinker seconded the motion.

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

2. #77-82 CONDITIONAL USE, DRIVE-UP WINDOW, TACO BELL

Petitioner: H.G. Moss/Moss, Inc.
Location: 850 North Avenue.

A request for a conditional use for a drive-up window on approximately .38 acre in a light commercial zone.

Consideration of conditional use.

PETITIONER'S PRESENTATION

Scott DeWeese, Logo Construction, explained that the final plan includes installing a drive-up window on the west side of the existing restaurant at 850 North Avenue. The drive-up window is served by the cars parked in a semi-circular location around the building; the existing parking spaces have been turned for diagonal parking to allow for backing up of cars and no interference with parked cars; space for 5 cars to be staged (to wait before approaching menu board and drive-up). Based on a discussion with the manager of the Taco Bell at Mesa Mall, it has been determined that a maximum of 5-6 cars are staged during peak rush hour.

Mr. DeWeese pointed out that additional landscaping has been provided for.

QUESTIONS

Chairman Transmeier asked if the number of parking spaces have been changed. Mr. DeWeese indicated that two spaces have been decreased to allow for additional landscaping and one space on each side has been eliminated to allow for the diagonal turns, but they still have adequate spaces provided.

Commissioner O'Dwyer expressed concern over the use of the alley in that alleys are not designed to accommodate traffic -- they are designed for service only.

Mr. DeWeese answered that they feel they have helped alleviate this problem by angling the parking and by the designation of specific entrance-only and exit-only routes (that creates a counter-clockwise flow of traffic around the building). They feel this should help eliminate some use of the alley access.

Commissioner Quimby asked Scott where and when Taco Bell received their deliveries and how the service vehicles accessed the facility (whether they entered off of North Avenue or the alley). Scott replied that he wasn't sure exactly where they come in but he thinks delivery trucks are usually there about 9:00 a.m. or sometime before the start of their service (meaning prior to 10:30-11:00 a.m.).

Commissioner Quimby indicated she shares Commissioner O'Dwyer's concern regarding the alley, particularly driving west on the alley, as it is not designed to handle a lot of traffic. Commissioner Quimby asked if there is a possibility of eliminating any entrance or exit from the alley and if in doing so would hurt the business.

Scott said it could be done but was unable to answer the question regarding the effect it would have on the business.

Commissioner Litle asked if anyone has done a count on the traffic movement in and out of this location. Scott was unable to answer the question.

Commissioner Ott asked where trash pickup is handled. Scott said it is picked up in the alley.

Commissioner Quimby commented on the concerns with the extra traffic movements on and off of North Avenue and the increased use of alleys as "half-streets."

Don Warner, Planning Staff, noted that closing off the alley completely will lead to more illegal U-turns at 9th Street by people traveling east on North Avenue trying to access the facility.

Commissioner Dunivent asked if there would be a problem with the additional 10' easement off of North Avenue. Scott answered that he did not see a problem with that at this time.

STAFF COMMENTS

Bob Goldin, Planning Staff, noted that any drive-up window within the City is considered a conditional use, that some of the concerns that Staff had have been addressed (including moving some parking spaces back off of North Avenue, and a Quit Claim Deed which has been drawn up for the additional 10' right-of-way. Although all technical requirements have been met, Planning Staff is requesting direction from the Planning Commission as to the alley way use question.

PUBLIC COMMENTS

There were no comments from the public either in favor or against the proposal.

Chairman Transmeier closed the public hearing.

MOTION: (CHAIRMAN QUIMBY) "ON ITEM #77-82, CONDITIONAL USE, DRIVE-UP WINDOW, TACO BELL, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL CONTINGENT UPON: (1) NON-USE OF THE ALLEY; (2) QUIT CLAIM DEED FOR THE ADDITIONAL 10' OF RIGHT-OF-WAY BE OBTAINED, PER STAFF AND REVIEWING AGENCY COMMENTS."

Commissioner O'Dwyer seconded the motion.

Commissioner Quimby then explained the reason for her motion by commenting on the alleyway policies that are currently in-work. She indicated that, although she was not making any promises, she is in the hopes that there may be some change in the regulations in the future.

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

Commissioner Quimby complimented the petitioners on their proposed landscaping plans.

3. #78-82 REEZONE RSF-8 TO PB AND FINAL PLAN

Petitioner: Vickie Holt

Location: Southeast corner of 27 Road and Unawep Avenue.

A request to change from residential single family uses at 8 units per acre to planned business uses and a final plan on approximately .456 acre.

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

PETITIONER'S PRESENTATION

Tom Logue, Paragon Engineering, explained the location of the proposal and defined the principal uses, as intended by the petitioner, to be:

1. Two-story single-family dwelling -- the upper story will be used as residence.
2. Consignment Shop in lower level.
3. Video Game Room in lower level.

Tom also noted that the petitioners plan to have someone there all day; the hours of operation will be from 11:00 a.m. to 8:00 p.m. (Game Room); and that the petitioners intend to make the facility available for parties, etc.

The petitioners were also present at the meeting to answer questions.

QUESTIONS

Commissioner Quimby asked if the residence on the upper level would be owner or renter occupied. Tom answered that the owners would be living there.

Commissioner Quimby questioned how the petitioners had arrived at a "need" for this type of facility; i.e., had interest for such an operation been expressed by neighbors or other people.

Tom Logue indicated that the neighbors had not been canvassed, but that another business close by (service station across the street) with similar business is doing quite well.

STAFF COMMENTS

Bob Goldin, Planning Staff, reminded the Planning Commission that this would be the last time they would see this proposal as it was both a Rezone and Final Plan request for an existing structure requiring very few modifications. Bob further noted that most technical issues have been resolved. The major question is one of uses and pedestrian traffic along Unawep -- as at this point in time, there is nothing scheduled by the City for sidewalk improvements along Unawep.

QUESTIONS

Commissioner O'Dwyer commented that he has concerns with the project because of the pedestrian traffic and with the fact that there are no sidewalks in existence at this time.

PUBLIC COMMENTS

IN FAVOR:

Vickie Holt, Petitioner, spoke in favor of the proposal saying that they have provided for access to their property for pedestrians and that they intend to cater to Junior High students, giving them a place to go for entertainment.

Sandy Patterson, 674 29 Road, also supported the proposal by praising video entertainment for teenagers and adults and pointed out that the property is encircled by chain-link fencing.

Wilma Meece spoke in support of the proposal and told the Planning Commission that the Consignment Shop hours would be from 9:30 a.m. to 5:30 p.m.

AGAINST:

Charlie Sweet, 270 1/2 Unawep, expressed his concern with the project based on the increase in automobile and pedestrian traffic he has witnessed over the past three years and with the disposal of trash on his property.

QUESTIONS

Jane Quimby expressed her concern with the petitioner's response to the Review Sheet Comment regarding paving the drive and parking lot. (The petitioner indicated they wished to enter into an agreement whereby paving of the drive and parking lot would be provided within three years of approval of the development). She also questioned whether the type of snacks that would be offered would be the pre-packaged vending machine type, and whether Vickie Holt owned the property.

Vickie Holt responded that they would try to get it done and set up but one factor is the cost factor. She also indicated the snacks would be the pre-packaged type. In response to the question on ownership, Vickie replied that it is "in contract, contingent on obtaining the zone."

Discussion ensued between the Planning Commission, Planning Staff, and the petitioner regarding the definition of "dust-free surfaces" per the Code. Don Warner and Bob Goldin listed "Oil Base and Compacted Gravel" as alternative dust-free surfaces that would satisfy code requirements.

Commissioner Dunivent asked Bob Goldin to clarify the petitioner's stand on the Power of Attorney. Bob answered that the petitioner has indicated she would rather provide a Power of Attorney rather than escrow and that the City has no immediate plans for improvements on 27 Road or UnawEEP.

Chairman Transmeier closed the public hearing.

MOTION: (COMMISSIONER DUNIVENT COMMENTED THAT WHILE HE HAS A LOT OF DOUBTS AND QUESTIONS ON THIS PROPOSAL CONCERNING PEDESTRIAN TRAFFIC, HE CANNOT FEEL THAT THE PROPOSED USE WILL ADD TO THE PROBLEM -- AND THAT IT JUST MIGHT ALLEVIATE SOME. AFTER THIS COMMENT, HE MADE THE FOLLOWING MOTION:)

"ON ITEM #78-82, REZONE RSF-8 TO PLANNED BUSINESS, SOUTHEAST CORNER OF 27 ROAD AND UNAWEEP AVENUE, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, SUBJECT TO STAFF AND REVIEW AGENCY COMMENTS."

Commissioner Dick Litle and Jane Quimby simultaneously seconded the motion.

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

MOTION: (COMMISSIONER DUNIVENT) "ON ITEM #78-82, FINAL PLAN, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 27 ROAD AND UNAWEEP AVENUE, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, CONTINGENT UPON A DUST-FREE SURFACE BEING PROVIDED FOR THE DRIVE AND PARKING LOT ACCORDING TO CODE AND PLANNING STAFF RECOMMENDATIONS, AS WELL AS OTHER STAFF AND REVIEW AGENCY COMMENTS."

Commissioner Rinker seconded the motion.

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

Commissioner Quimby added a comment regarding the petitioner's intention to provide grass, in that she hopes to see more attractive landscaping eventually added to the site. She further stated that although she voted FOR both requests she did so with some reservations, but she feels it is important for junior-high school aged children to have a place to go. Commissioner Quimby ended her comment by wishing the petitioner well in her new business.

Chairman Transmeier also added a comment on Mr. Sweet's point about the trash problem and suggested to Vickie Holt that she provide large trash containers.

4. #40-82 TEXT AMENDMENTS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE, 1982 ANNUAL UPDATE.

#19. Amending various paragraphs in section 5-8 (Flood Plain Regulations) to meet requirements of the Federal Emergency Management Agency (FEMA) for eligibility in the Flood Insurance Program. Copies available at the City Planning Department, 559 White Avenue, Room #60, Grand Junction, CO.

PETITIONER'S PRESENTATION

Bob Goldin, Planning Staff, presented the text amendment and presented maps as an illustration.

DISCUSSION AND QUESTIONS

A lengthy discussion ensued between Don Warner and Bob Goldin of Planning Staff with the Planning Commission that resulted in numerous clerical changes and minor clarifications in wording. Copies of these changes and corrections are on file at the City/County Development Department, 559 White Avenue, Room #60, Grand Junction, CO.

After discussion and changes were listed, Chairman Transmeier asked for a motion to be heard.

MOTION: (COMMISSIONER O'DWYER) "ON ITEM #40-82, TEXT AMENDMENTS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE, 1982 ANNUAL UPDATE, #19 -- AMENDING VARIOUS PARAGRAPHS IN SECTION 5-8 OF THE FLOOD PLAIN REGULATIONS TO MEET FEMA REQUIREMENTS, I MOVE WE FORWARD THIS TO CITY COUNCIL RECOMMENDING ADOPTION WITH THE INCORPORATION OF THE CHANGES (CORRECTION AND AMENDMENTS) NOTED HERE TONIGHT."

Commissioner Dunivent seconded the motion.

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

ADJOURNMENT The meeting was adjourned at 9:00 p.m.