

GRAND JUNCTION PLANNING COMMISSION
Public Hearing -- August 30, 1983
7:30 pm - 10:15 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:

Bill O'Dwyer
Susan Rinker

Jack Ott
Miland Dunivent

(Commissioner Dick Litle was absent; Commissioner Quimby resigned her post on the Planning Commission effective the date of this meeting.)

In attendance, representing the Planning Department were:

Karl Metzner Don Warner Bob Goldin Janet C.-Stephens

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

There were approximately 25 interested citizens present at the beginning of the meeting.

Chairman Transmeier called the meeting to order and explained that the items heard tonight will go on to City Council whether they are approved or disapproved, unless the petitioners ask for them to be removed.

I. APPROVAL OF MINUTES.

Chairman Transmeier asked the Planning Commission for a discussion on the minutes of the 7/26/83 GJPC Public Hearing.

Commissioner O'Dwyer asked if the minutes had been received; that he couldn't remember whether he had read them or not.

Chairman Transmeier indicated the minutes had been received.

MOTION: (COMMISSIONER O'DWYER) "MR. CHAIRMAN, ON THE STRENGTH THAT WE DID RECEIVE THEM AND THAT THEY WERE RIGHT, I MOVE THE MINUTES OF THE JULY 26, 1983 GRAND JUNCTION PLANNING COMMISSION PUBLIC HEARING BE APPROVED AS PRESENTED."

Commissioner Susan Rinker seconded the motion.

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

II. ANNOUNCEMENTS, PRESENTATIONS, AND/OR VISITORS.

1. Chairman Transmeier announced that Commissioner Jane Quimby had offered her resignation from the Planning Commission effective this month; he thanked her, on behalf of the Planning Commission, for her service for the past couple of years, noting that the Planning Commission will miss her expertise and judgement. He told the audience that there is still an opening on the Planning Commission and that names of interested volunteers will be taken by City Council until Wednesday or Thursday of this week.

2. Chairman Transmeier announced that the last item on the agenda for tonight is the election of a new Chairman of the Planning Commission. He thanked the Commission for being allowed to chair the panel this past year.

3. Chairman Transmeier extended a special thanks to Rachelle Daily of Sunshine Computer Services for the excellent job she has provided in preparing the minutes of the Planning Commission hearings.

III. FULL HEARING

[THE FIRST TWO AGENDA ITEMS WERE CONSIDERED TOGETHER]

1. #42-83 REZONE RSF-8 TO PB AND HILLTOP REHABILITATION HOSPITAL - OUTLINE DEVELOPMENT PLAN (1 OF 2)

Petitioner: Mesa County Society for Crippled Children and Adults (dba Hilltop Rehabilitation Hospital)/ Dennis Stahl.

Location: Northwest corner of 15th Street and F Road.

A request to change from residential single family uses at 8 units per acre to planned business uses and an outline development plan on approximately 7.88 acres.

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

2. #42-83 HILLTOP REHABILITATION CENTER - DAY CARE CENTER - FINAL PLAN. (2 OF 2)

Petitioner: Mesa County Society for Crippled Children and Adults/Dennis Stahl.

Location: Northwest corner of 15th Street and F Road.

A request for a final plan for a day care center on approximately 1.3 acre in a proposed planned business zone.

Consideration of final plan.

PETITIONER'S PRESENTATION

Mr. Frank Preuss, Senior Architect for ARIX, noted that Mr. Stahl (the Executive Director for the project) was also present tonight to field questions. Mr. Preuss described the project by discussing these points:

1. Location: F Road & 15th Street.
2. Overall project consists of a day care center (first phase to be completed), and a transitional living center (second phase to be completed).
3. General Theme of project: Residential -- all buildings will be single story and there will be a large open space area (42% of the project) with landscaping.
4. Parking will consume 27% of the project site.

QUESTIONS OF THE PETITIONER

Commissioner O'Dwyer asked Mr. Preuss if this would be for "disabled" adults and children.

Mr. Preuss confirmed that it will be for both young and old, and that there would be classroom available for 10-15 children under grade-school age. The center is designed to help these disabled people be rehabilitated and accepted into society.

Commissioner O'Dwyer asked Mr. Preuss if he meant the center is not necessarily for "physically handicapped" people.

Mr. Preuss replied that any physical rehabilitation will be taken care of at the regular center at 1100 Patterson. This project will be a day care center which will give them both a place to be cared for and a place to go where they will feel like they are accepted by society.

Commissioner O'Dwyer asked if all ingress and egress will come from Hermosa.

Mr. Preuss confirmed that and said that a meeting at Hilltop had been scheduled earlier for adjacent property owners (they were notified of the meeting by letters) to inform them of the project, and, discussion at this meeting indicated that there was concern about the paving of Hermosa. The Petitioners have agreed to share in the Improvement District for Hermosa.

Mr. Preuss added that there are plenty of fire hydrants available and they will be adding another one. He also stated that 50' of easement will have to be dedicated to the City (off of Patterson Road) at the time that area is developed, as well as 5' along 15th Street. He noted that there is already enough dedicated along Hermosa. They have also provided for a 10' easement for utilities -- and that has already been replatted.

STAFF PRESENTATION

Bob Goldin stated that the overall considerations pose a concern (to both the Planning Department and the City in general) that this is encroachment into the residential neighborhood. Since it is a single-story complex, however, it should retain the residential character of the neighborhood (as an overall concept) which does help mitigate the effects. Other Staff's concerns are:

1. Additional traffic on Hermosa (which is currently paved and unimproved from 13th to 12th Street) which could be filtered onto Hermosa to avoid the intersection of Patterson and 12th Street (as a result of this project and other developments in this area). Bob stated that the Improvements District would help alleviate the problems on both 15th Street and Hermosa.
2. The Fairmont North Subdivision has Power of Attorney for the entire subdivision to participate in an Improvements District if and when it's formed, and Planning Staff would like to see it instigated as soon as possible to help alleviate the dust and other concerns out there.
3. 15th Street also has an Improvements District further north which Planning Staff would like to see explored for additional improvements to the south (at least to Patterson).
4. Open Space Fee: The Petitioner is asking for the open space fee to be waived and Staff is asking for direction on that from the Planning Commission. Planning Staff hasn't received an appraisal on this so the amount is undetermined at this time.

Chairman Transmeier asked for information on current Patterson Road improvements.

Bob Goldin answered that the only thing the City is doing now is the intersections from 12th Street almost up to 15th Street; the designs have not been finalized for raised medians at this time.

Chairman Transmeier asked if we are asking the Petitioner for Power of Attorney on Patterson, 15th Street and Hermosa.

Bob Goldin replied that that was correct and that the Petitioner has given them and they are also providing an Avigation Easement.

Chairman Transmeier asked at what point the open space fee would be requested.

Bob Goldin replied they would ask for it at the time of the final plat, and added that the details can be worked out if the fee is required.

Don Warner interjected that he believes this is a financial item that has to be decided entirely by the City Council and he's not sure that this should be something the Planning Commission needs to make a recommendation on since it is a "financial item only and is not part of Planning."

QUESTIONS

Commissioner Dunivent asked if the hospital's future plans for exit and entrance will be a problem if there happens to be a raised median out there.

Bob Goldin answered that the Traffic Engineer has requested that the median be deleted and that during future phases of development. Planning Staff would be looking at either reconsidering "right-in and right-out" only off of Patterson to discourage cross-traffic; he added that a raised median would dictate that automatically.

Chairman Transmeier summarized that the question before them this evening was the Outline Development Plan for the entire project rather than a Final.

Bob Goldin confirmed his statement.

Commissioner O'Dwyer commented that he sure would like to see the Improvement District brought all the way down to 12th Street.

Bob Goldin agreed with Commissioner O'Dwyer and added that he wasn't sure what kind of costs would be incurred to the neighbors in that case.

Commissioner O'Dwyer asked whether the church owned the major portion of that section between 12th and Hermosa.

Don Warner stated that the church has subdivided and sold part of that land as individual lots.

PUBLIC COMMENTS

Dennis Stahl, Hilltop Rehabilitation Center, provided additional information on the project:

1. They are planning to provide an alternative living situation and care for frail, elderly patients.
2. This concept is being utilized across the country and if this is as successful as they propose and as it is in other parts of the country, there will probably be additional units added in other locations in the community.
3. 52 neighbors were contacted by letter and they received a nice turnout for the meeting where their intentions were discussed in detail. The key point of discussion was the road situation and the neighbors indicated they want the Petitioners to do the whole stretch. No objections have been received from the people contacted.

COMMENTS IN FAVOR OF THE PROJECT: No comments heard.

COMMENTS AGAINST THE PROJECT:

Mr. Dale Dumont, an adjacent property owner, stated that he did receive the letter notifying him of the meeting, but it was after the meeting took place. He is concerned with the trailer house that is near his property line which has been there for a couple of years. Since he owns a four-plex, located about 25' from his north property line, he has been and still is concerned that there will be adequate screening, as he has had problems renting the four-plex in the past because of trailer is parked there and building materials are stacked up on the site.

Commissioner O'Dwyer asked Mr. Dumont how long his four-plex has been there and stated that there is screening proposed around the west but he wasn't sure about the south.

Mr. Dumont told Commissioner O'Dwyer that his four-plex has been there about four years.

Mr. Stahl responded that screening is needed all along that boundary and the second phase will be 2, 6 or 8-unit houses which means the trailer will have to go. They expect to start that construction next summer. Mr. Stahl said it will not remain there forever.

Commissioner O'Dwyer asked for clarification of why they feel they are a "quasi-public entity" (in reference to their request for exemption status on the open space fee).

Mr. Stahl answered that they are a non-profit corporation operating for public service health care, similar to other hospital operations in the area.

Commissioner O'Dwyer asked if that meant they are not governed by any public entity.

Mr. Stahl agreed, and said they are a private non-profit tax-exempt corporation.

Chairman Transmeier asked Mr. Stahl if they would request the Planning Commission to make an opinion on waiving of the fees to the City Council.

Mr. Stahl said he guessed he would leave that to Mr. Goldin and the experts.

Chairman Transmeier responded that they will do what they want to.

Don Warner added that the idea is that they (the Planning Commission) can do what they want to do.

Chairman Transmeier closed the public hearing and requested three motions.

MOTION: (COMMISSIONER RINKER) "MR. CHAIRMAN, ON ITEM #42-83, REZONE RSF-8 TO PLANNED BUSINESS FOR THE HILLTOP REHABILITATION HOSPITAL, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, SUBJECT TO STAFF COMMENTS."

Commissioner Dunivent seconded the motion.

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

MOTION: (COMMISSIONER RINKER) "MR. CHAIRMAN, ON ITEM #42-83, OUTLINE DEVELOPMENT PLAN, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, SUBJECT TO STAFF COMMENTS."

Commissioner Dunivent seconded the motion.

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

MOTION: (COMMISSIONER RINKER) "MR. CHAIRMAN, ON ITEM #42-83, FINAL PLAN FOR 1.3 ACRES, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, SUBJECT TO STAFF COMMENTS AND THE STREET IMPROVEMENT DISTRICT FOR HERMOSA BEING PUT TOGETHER AS SOON AS POSSIBLE."

Commissioner Dunivent seconded the motion.

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

Chairman Transmeier asked how long on they are allowed to store the mobile home there.

Don Warner answered that the trailer was used when Hilltop House was first built and then it was moved to the shopping center where Gladstones is located (across the street). It was then moved to this property. The Petitioners were told that if the Planning Department received any objections they would be asked to remove it. Planning has not received any objections so they haven't asked them to move it out. Planning was also aware that they planned to keep it there until they requested the rezoning.

3. #40-83 REZONE RMF-32 TO P

Petitioner: Jack and Dallas Payne
Location: South of Belford, west of 7th Street.

A request to change from residential multi-family uses to parking uses on approximately .11 acre.

Consideration of rezone.

PETITIONER'S PRESENTATION

Mr. Harlan Peltier, Executive Officer of the Grand Valley National Bank, provided the Planning Commissioners with background information on why they decided to seek a national bank charter and locate the facility at the site being discussed tonight. He cited three major criteria for forming a new banking institution: (1) Location, (2) Proper mix of people for the organization, and (3) Sufficient capital to open the facility. Mr. Peltier discussed their reasons in detail as how they went about meeting these three criteria. He summarized that their intentions are to provide a quality operation and that their request to rezone the land will enhance the neighborhood by adding value to the real estate in the area, and they feel a bank will be the very best use of the land.

Daryl Shrum, Beck/Shrum & Associates, introduced other members of the Board of Directors who were present in the audience: Bob Emrich, Don Amber, Roy Anderson, and Dr. Broderson. Daryl further discussed the project and made the following points:

1. A temporary banking facility now exists on the site, which is located in a B-3 zone and is an allowed use.
2. The temporary facility will be used for 24 months and then a permanent banking facility will be built on the corner.
3. The purpose of the rezone request is to allow them to obtain more parking to increase their site plan parameters.
4. Their major goal is to build a high-quality banking facility that the neighborhood and community-at-large will be proud of.
5. The petitioners have been receiving a lot of input from the City Staff and they have been trying to respond and cooperate in every way possible.

The rezone to parking, the vacation of the alley, and the temporary building were the major topics of Mr. Shrum's presentation:

Rezone to Parking: Daryl presented a copy of the "Parking Zone" regulations from the City Development Code to the Planning Commission and then read it aloud:

"This zone is intended to provide areas for off-street employee or customer parking for business, commercial, or industrial uses where these uses adjoin residential areas without extending those zones into residential areas. The proper location of this zones should aid in reducing on-street congestion caused by certain uses with a minimum impact on abutting residential areas."

Daryl stated that basically what they are asking for is a rezone to parking and (as agreed to by the Staff), parking is the most restricted zone in the City of Grand Junction -- there is only one thing you can do there and that is park automobiles. Daryl continued by saying that the Petitioner, then, is just asking for parking and the key aspect of the code is "with minimum impact on abutting residential areas." Daryl continued by saying that they have prepared a buffering plan which should satisfy any concerns by the adjoining neighbors. They plan to work with Mrs. Douglas (one of the neighbors who has written a letter indicating she fears she will be "closed in like a fort" if a fence is built there) and either build a fence that she will be happy with or not build one at all. He added that their plan shows that they will be landscaping with mature plants that will provide an additional demarcation between their parking and the house

next door. Daryl concluded that what they are asking meets the intent of the parking zone.

Daryl presented pictures of an approved parking zone located across the street (north of this property) that was approved in 1978. He reminded the Planning Commissioners that the plan was passed unanimously by the the Planning Commission and City Council and there was not one sign of citizen opposition in 1978. Daryl stated that he feels that project has set a precedent in the neighborhood indicating that parking is permissible.

Chairman Transmeier asked Daryl Shrum if it wasn't true that the reason that parking was approved for that project in 1978 was in order to alleviate a problem of an on-going business rather than for a new business.

Daryl confirmed that it was done to alleviate Bray and Company's parking problems, and he again made the point that what he was trying to establish is that there is a parking lot there.

Daryl also stated that he felt another key thing to consider is the fact that are adjoining RMF-32 zones which denotes that the neighborhood is in transition from single-family neighborhood (it was zoned R-2 prior to the new development code in 1980) to RMF-32 (which encourages high-density, multi-family dwelling units). Daryl made the point that parking is associated with multi-family dwelling and parking is allowed by right in an RMF-32 zone, and if the Petitioners were putting up an apartment complex they would not be here seeking a rezone, since it would be allowed by right. Daryl added that he feels a parking lot can be done in a very tasteful manner irregardless of what it's used for. The Petitioners believe they can build a parking lot that is more tasteful than the one that exists adjacent to the Oliver's residence (referring to the pictures he passed around).

Daryl also noted that there are numerous examples throughout the City of Grand Junction where B-3 zoning is abutting against RMF-32 zoning and it has been intended that way. He pointing out that apartments and multi-family dwellings do require more parking than a business.

Don Warner, Planning Staff, interjected that RMF-32 zones allow nothing larger than a four-plex.

Daryl told the Planning Commissioners that to his knowledge the Petitioners have met with all the neighbors and did not receive any complaints originally. However, the Planning Department has recently received two letters opposing the

project and the Petitioners are willing to work out whatever concerns exist.

Daryl concluded his presentation by noting that he is aware that the City has a 7th Street policy that says all existing zones will be retained from North Avenue to Struthers Avenue, but that he hopes these policies were intended to be "general" in that they really didn't examine specific development application on every corner up and down that corridor.

QUESTIONS

Commissioner Rinker asked for the number of parking spaces, and for the timeframe of construction.

Daryl answered: "11 spaces." He said the use of the lot will not occur for two years so the existing house will remain there during that period of time. When the house is removed from the property the landscaping will go in right after the asphalt.

Commissioner O'Dwyer asked Daryl whether he wants the alley vacation agenda item to be heard even if the rezone is not approved.

Daryl replied that they would like to hear the alley vacation item since vacating the alley will provide them with 15 additional feet for their drive-up window.

Commissioner O'Dwyer and Daryl Shrum discussed expansion plans for the future. Mr. Shrum indicated that they plan a 9,000-10,000 sq. ft. banking facility and any future expansion would probably mean opening branch banks at other locations or possibly acquiring the Re-Max Building next door.

Mr. Peltier added that with the building as proposed with a basement they could go to \$18-19 million in deposits (7-8 years down the road).

STAFF PRESENTATION

Janet Stephens stated that Planning Staff is concerned with encroachment into the neighborhood and the fact that this area is a part of the 7th Street Corridor which states that all existing uses and zones should be maintained. She noted that there have been petitions brought before the Planning Commission previously for this parcel of land which have been denied. Objections from two neighbors have been received in regards to the traffic and impact on the

neighborhood. Another concern is with whether the demolition of the existing house on the parcel will adequately address the parking problems in the future. She noted that there are also technical concerns regarding alleyway access onto the drive-up and egress onto 7th Street which should be discussed at a later time.

PUBLIC COMMENTS

IN FAVOR: None.

AGAINST:

Lucille Oliver, adjacent property owner, stated that she is very much opposed to this request for several reasons:

1. She was not notified when they put the parking lot in across the street. She didn't know it was going to be done until it was done.
2. She doesn't feel another bank is needed there.
3. She is concerned with adding more traffic to an already existing traffic problem both on 7th Street and in the alley.
4. She feels taking out buildings to make extra parking will depreciate their property values.
5. She doesn't like the (temporary) building and doesn't see why anyone would put their money in there as it doesn't look "decent or safe."

Chairman Transmeier told Ms. Oliver that the building there now is only temporary and they do plan to build a nice facility.

Edna Douglas, adjacent property owner, stated she is 86 years old and has lived in this house for over 30 years. She objects to the zoning being changed to parking as she feels it will decrease the value of her property. She uses the alley herself to park her car. She doesn't want to be "shut in" by a 6' fence which will be placed about 8' from her house. She also said she has her property up for sale now while she's still able to supervise the move.

PETITIONER'S REBUTTAL

Daryl Shrum noted that the key statement made by Mrs. Douglas is that her house is on the market and that she told us in plain language that she doesn't want a fence up. He said the Petitioners will not put up a fence if that's what she wants. He also stated that the Petitioners will not be touching the parcel for 18-24 months and he assumes her house will sell prior to the time the parking lot is built. He summarized again that parking lots are a part of that

zone and they are requesting to park 11 cars there to be used by bank employees.

STAFF REBUTTAL

Janet Stephens stated that the alleyway serves as a buffer between the B-3 and the RMF-32 zones and putting a parking lot there will be encroachment into the buffer.

Chairman Transmeier closed the public hearing and asked for a motion on the Parking Rezone.

MOTION: (COMMISSIONER O'DWYER) "MR. CHAIRMAN, I MOVE THAT WE FORWARD ITEM #40-83, REZONE RMF-32 TO PARKING, TO CITY COUNCIL WITH THE RECOMMENDATION OF DENIAL, BASED ON THE ENCROACHMENT INTO THE NEIGHBORHOOD AND SOME OF THE NEIGHBORHOOD CONCERNS."

Commissioner Dunivent prefaced his second by stating that just because it was a mistake to put in the parking lot across the street sometime ago doesn't mean we should continue to do it here. Commissioner Dunivent then seconded the motion.

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

4. #40-83 VACATION OF AN ALLEY

Petitioner: Jack and Dallas Payne and Charles Kane

Location: An alley between Belford Avenue and Teller Avenue and 6th and 7th streets.

A request to vacate an alley.

Consideration of alley vacation.

PETITIONER'S PRESENTATION

Daryl Shrum presented their alley vacation request with the following points:

1. Alleys are used for access by customers and for service vehicles in almost all alleys in Grand Junction.
2. Trash trucks have been seen using the alley going northbound and then turning right at the east-west

- alley. If the alley was vacated, the trash truck would have to drive a very few additional feet.
3. If the alley is vacated the Petitioners will have to grant Public Service a permanent utility easement through there. There are no underground utilities in the alley at this time; there is an existing overhead Public Service line running through there which would not have to be relocated.
 4. With the additional property the site plan parameters will be increased.
 5. Everyone on the area would still receive their day-to-day trash pickup.

STAFF PRESENTATION

Janet Stephens indicated that the alley is currently part of a two-way system (a four-way intersection exists there now); the alley is used for access by service vehicles as well as by residents to get to their homes; there are no underground utilities and Public Service has indicated there may be relocation required for the overhead utilities; technical concerns exist which Ken Reedy is here to address.

Ken Reedy, City Engineer, addressed the technical concerns:

1. The trash trucks turning right onto 7th Street is not a particularly viable alternative as Mr. Shrum has suggested. We're not sure of the impact the trash trucks would have on traffic there.
2. There is a two-way alley there now functioning and we don't see a good reason for giving it to someone for other purposes.

QUESTIONS

Commissioner Ott asked if there are any other alleys the City has vacated on 7th Street for this type of request.

Ken Reedy answered "not to his knowledge."

Commissioner O'Dwyer asked if this type of alley is on both sides of 7th Street.

Ken Reedy answered yes.

Further discussion between Commissioner O'Dwyer, Ken Reedy, and Don Warner indicated that the alley continues down to the north side of Main Street where the alley north of Main is now a pedestrian walk-way next to The Winery Restaurant.

Jim Patterson, City Public Works Director, commented that if the trash trucks are making those turns now onto 7th Street, they are doing so by encroaching on that vacant lot and he doesn't see how they could make that turn if that parcel is developed.

Commissioner O'Dwyer asked Planning Staff if they had letters in possession from the neighbors present tonight and whether it was necessary for them to speak again at this point. Janet Stephens indicated they had the letters on file and it would not be necessary for them to speak again.

PETITIONER'S REBUTTAL

Daryl Shrum stated that the trash trucks do make the right hand turn onto 7th Street. He also mentioned that there is an alley that continues from 1st Street to 12th Street that was recently vacated by the City of Grand Junction for the First National Bank, so it has been done in the past. Further points discussed by Daryl included:

Vacating the alley for this case would really improve the circulation to get into the drive-up windows, and they would be marked one-way only;

The Petitioners would also build a median there if it was needed (and would contact area property owners to ask for their support);

All vehicles would enter off of Belford and exit onto 7th Street.

Chairman Transmeier asked Mr. Shrum if the Petitioner's would do the same type of screening between the alley and the residential as they planned between the parking and residential if this alley vacation is approved.

Daryl answered that that would generate a technicality if the alley was vacated as it would have to be zoned to something -- an appropriate zone would be B-3. Some type of buffering would occur and the Petitioners could work up a site plan to present to Staff.

STAFF REBUTTAL

Janet Stephens stated again that the alley is a two-way system; it does serve the residents and acts as a buffer between the neighborhood and the B-3 zone; there is also the concern that the drive-up window will create more traffic problems. She stated that she wasn't sure that closing the alley would resolve their concerns.

PUBLIC COMMENTS

FOR: No comments.
AGAINST: No comments.

Chairman Transmeier closed the public hearing and called for a vote on the Alley Vacation request.

MOTION: (COMMISSIONER DUNIVENT) "ON ITEM #40-83, VACATION OF ALLEY, I MOVE WE FORWARD TO CITY COUNCIL WITH THE RECOMMENDATION OF DENIAL."

Commissioner O'Dwyer seconded the motion.

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

DISCUSSION

Daryl Shrum asked the Planning Commission to make a general recommendation that would allow the Petitioners to use the alley on both a short-term and long-term basis to bring customers into the drive-up facility. The temporary building only provides for two options for the drive-up window: (1) on the south side, or (2) to the west. The west side would be the preferred option and they would like to receive permission to use the alley.

Chairman Transmeier stated that there is no correlation between this piece of property and the property on Grand where the First National Bank project is located, because that entire block is zoned commercial. He said this parcel still has residential and there's no guarantee how long they'll own that -- someone is going to live there whether it's a rental house or whatever. He added that we have set a precedent on 7th Street and it is one of the "touchiest streets" in town for encroachment into the residential neighborhood -- it is an elegant, historic street and the size of the commercial development on 7th Street is what the Petitioner may be running up against.

Commissioner O'Dwyer noted that there was a meeting with 7th Street residents about two years ago to get their input on what they wanted on that street; at that time the policy was reviewed and they all agreed that the policy was viable and they wanted to keep it that way. The Planning Commission can't make a blanket approval for an alley to be used like that for one petitioner when they have not allowed it for others. Alleys are service streets and he is concerned with them being used for a business.

Chairman Transmeier said that there has been some discussion of carrying on the lamp posts on down 7th Street also.

Daryl Shrum replied that the Traffic Engineer says they (the lamp posts) look nice but from a traffic standpoint they are "worthless" since there are no left-hand turn bays available, and he (Traffic Engineer) emphatically told us he wants us to build a median similar to the one serving the Artic Circle and Bray & Company to the north (concrete median).

After discussion, there was no action taken on Daryl Shrum's request.

Daryl Shrum commented that the problem is that a consistent policy does not exist.

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[Chairman Transmeier recessed the meeting for a 10-minute break. The meeting was called back to order at 9:07 p.m.]
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5. #39-83 DEVELOPMENT IN H.O. - TRUE VALUE HARDWARE STORE

Petitioner: Safeway Stores, Inc./Thomas Moddy.
Location: 2686 Highway 50 South

A request for the development of a hardware store on approximately 1.6 acre in a highway-oriented zone.

Consideration of development in H.O.

Chairman Transmeier called the meeting back to order and apologized for not announcing earlier that Item # 39-83 (True Value Hardware Store) had been pulled from the agenda and would not be heard this evening.
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6. #63-81 TROLLEYGATE VILLAGE PHASE I - REVISED FINAL PLAT AND PLAN (4 OF 4) (formerly Persigo Village)

Petitioner: Persigo Development Corp./John Cavness
Location: Southeast corner of 25 and G Road

A request for a revised final plan and plat of 28 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 provided background information on this project as follows:

1. The name of the project has been named from Persigo Village to Trolleygate Village.
2. The style of the townhomes and the parking have been changed.
3. A new drainage plan has been submitted.
4. Amenities and density have remained essentially the same.
5. All staff and review agency comments have been answered.
6. The only concern at this point is their proposed landscaped median and a map turnout lane so people can come in and read an area map. The details need to be worked out with the City in order to meet minimum standards. They are asking for guidance for safety considerations.
7. Mr. Cavness commented on City/County meetings that he attended that were for the purpose of establishing standards and he recalls that minimum standards were trying to be set up (for lane and fire control, traffic flow, etc.), and he felt that these were established as "minimum guidelines."

Commissioner Dunivent asked for the width of the distance from the property line to the median. It was established that there is enough room for two cars on the north side.

John Cavness answered there is 14 1/2 feet.

Chairman Transmeier asked how far the island goes back.

John Cavness answered that the island will be continued all the way around if it can be worked out. He added that other areas have been able to work with island-type parkways and we'd like some guidance on how to work out the safety standards. He noted that this is not a new idea of theirs --

that this type of design has been implemented in other areas of the county, in Colorado, and the western part of the U.S.

Commissioner O'Dwyer asked if it was something similar to what is currently on Gunnison between 8th or 9th Street to 12th Street.

John Cavness replied it is something on that order.

Chairman Transmeier asked for the width of the island.

Mr. Cavness replied, "10'."

Chairman Transmeier asked if there was any room in their project to negotiate that lane any wider than 14 1/2'.

Mr. Cavness replied, "Oh sure."

Commissioner Rinker asked if the width of the lane is the problem.

STAFF PRESENTATION

Janet Stephens located the project at 25 and G Roads and went on to say that Staff concerns have been resolved with the exception of:

1. The Pomona Station Drive Median
2. The Median
3. The Signage

She added that Jim Patterson was here to discuss those technical concerns.

Mr. Cavness replied that they are restoring the old Pomona Trolley Car to use as their sales office. He noted that the original Pomona Station was located on this property, which ran until 1939.

Don Warner stated that sign regulations don't allow any private signage in the public right of way.

Jim Patterson discussed the technical concerns as follows:

1. Changing the Street Standards. He feels the main question is whether or not we want to change the street standards. He thinks this process should be handled as a separate project. He noted that they have had many variances from their standards (such as for right-of-way widths, no need for sidewalks, etc.), but he feels that to start "negotiating street standards on a development-by-development basis" is not recommended.

Chairman Transmeier asked what the standard is for islands.

Jim Patterson replied that islands are used on major arterial streets (Patterson Road, Horizon Drive, etc.) and they are generally limited there to intersection areas in order to physically keep the movements away from the intersections. They are not used on residential streets.

Chairman Transmeier asked what the standard is for a one-way, single-lane residential street (two one-way residential streets).

Mr. Patterson stated they do not have a standard for a one-way residential streets. He continued to say that maintenance of the island becomes a liability. In general, a trade-off exists with islands -- we gain safety and traffic control around the intersection to reduce the left-turn movements; in turn we accept the maintenance liability of those islands. In this case we are saying there is no need for that safety or traffic control on the residential street so our position, under the current standards, is not to accept the maintenance and liability when it is not required.

Chairman Transmeier commented that one of the reasons we have Planned Development is to come up with imaginative ideas and this appears to be one.

Mr. Patterson replied that they think this aesthetic opportunity can be provided on each side of the paved streets within those limits; they don't think that adhering to street standards means it can't be attractive.

Commissioner Rinker asked if this has to be a public street.

Bob Goldin said they considered that option, given the extent of their development (of 750 and over units and the connection that will eventually go to G Road), and it was decided that it would be in the best interests to maintain that as a public right-of-way with the option of the trolley car circle and the additional cul-de-sacs that would come off of Station Drive being private drives.

Commissioner Rinker commented that she would hate to see something so attractive defeated; she doesn't understand why the island is not safe.

John Cavness asked Mr. Patterson if it wasn't true that when the street standards were set up for the city and the county, they were set up as "minimum standards" and not maximum standards. He added that the problem they were having at the time was that people were putting in less than what was safe and less capacity than what it took to carry fire trucks, etc. He does not feel that median strips can cause

unsafe conditions. The Petitioner will guarantee landscaping and will follow other guidelines for the median.

Jim Patterson responded that the safety aspect is with the pull-out section where people will be pulling out into the flow of traffic. He said that the island is mainly a maintenance problem - even if the homeowner's association agrees to take over the maintenance, the City is ultimately liable for the maintenance of the island. The City does not want to accept this maintenance liability on a residential street.

Commissioner Rinker asked if there was any way to get around this.

Jim Patterson replied, "Change the standards, and if we're going to change the standards we should do it as a separate issue to establish what the street standards are going to be, and not do it on a development-by-development, case-by-case basis."

Commissioner Rinker said she thinks the whole city should have islands on every street because she thinks they're pretty.

Commissioner O'Dwyer agreed with Susan Rinker in that they have come up with some innovativeness.

Don Warner supported Jim Patterson's comments in that the maintenance problem is a legal responsibility of the City if it's in the public right-of-way. If it isn't maintained by the homeowner's associations, it becomes the liability of the City.

Commissioner O'Dwyer added that we had a City Engineer who recently designed in some islands and other things in some areas that have become hazards.

Don Warner said he should argue that one with the City Engineer. Don repeated his earlier statement that what is being discussed here is the maintenance of a landscaped island in the public right-of-way. Don agreed that the island concept looks very pretty.

John Cavness said that the attorney has to be smart enough to come up with a binding document to enforce the maintenance.

Commissioner Rinker asked whether the homeowner's association could come up with a bond or something to guarantee maintenance.

John Cavness added that the standards say you can have a landscaped median, subject to approval by the Parks Department, but that hasn't even been an issue in this case.

Don Warner commented that the Park Department will be the agency responsible for maintaining it.

Commissioner Rinker said that the problem she sees is the enforcement of the maintenance agreement by the homeowner's association, and wondered if that aspect could be explored.

Don Warner said that Planning Staff could have the City Attorney look into some iron-clad contract, but homeowner associations have a history of falling apart.

Chairman Transmeier said that they are going to have a fairly good sized common area to maintain through a homeowners' fee of some type.

John Cavness stated that the homeowner's will sign a contract to pay \$56/month to have the entire area maintained. He thinks some problems with homeowner associations is enforcing restrictions that are not clearly set up. He thinks you can make a homeowners' association work.

Chairman Transmeier asked for the timeframe of construction.

John Cavness said they plan to start their models next Monday.

Chairman Transmeier commented that what he is hearing is maybe a request for additional time to look into this.

Jim Patterson said they have reached a tentative agreement on the pullout in that it will be in the form of a circular drive (the driveway will go beyond the right-of-way and then pull back into the street).

John Cavness confirmed those plans.

PUBLIC COMMENTS

IN FAVOR: No comments.

AGAINST:

Ken Reedy, City Engineer, provided comments from the City Standards and Safety Aspect, primarily from the traffic safety standpoint:

1. If sometime in the future that island would be determined to be unsafe in a court of law, he and the City would incur a significant liability. As City Engineer he is responsible for protecting the public health, safety, and welfare which puts him in a position of

liability in any situation that is determined to be unsafe. He added that the Commissioner's "for instance" case cited earlier means that any conditions that he is aware of, he does have a liability on. He does take exception to generally modifying the City Standards for what he considers "nonfunctional use." The primary point in this island is sales, in his opinion (referring to the sign). He agrees with the attractive purposes, but not with the sign. He cannot personally agree that this island can be justified as a "traffic safety feature" in this particular situation, as he does not think it has a function in the local street. It does not particularly increase the safety with the kind of traffic in a local street situation. He encouraged the Planning Commission to not approve changes in the standard without consideration of the City liability, from a long-term safety standpoint.

Chairman Transmeier asked Ken Reedy that since he does not consider it a "safety asset." does that mean he considers it a "safety liability."

Mr. Reedy answered that he thinks it could be, since "in a local street situation you don't have people trained to do movement they'd be expecting on a local street and by having the island between the curb and the center line you potentially could have someone turning out and getting trapped between the curb and island going the wrong way, with no way to get out of the way. Any particular accident would incur liability to him and the City if there is no function for the island from a traffic safety standpoint."

Chairman Transmeier stated that they have been calling this a "local street" but if they have 750 units, they probably will be looking at 3000-6000 vehicles a day.

Mr. Reedy said even at that point it would still be considered a "collector street" and wouldn't qualify from a functional standpoint.

PETITIONER'S REBUTTAL

John Cavness referenced a meeting with his attorney who told them that if they followed a reasonable standard that has been accepted in other places there would be no liability as long as they haven't shown any negligence in allowing unsafe conditions. John suggested submitting standards that have been used in other areas in Colorado for the same type of situation for Planning Commission approval.

Chairman Transmeier asked for additional questions.

Commissioner O'Dwyer asked during what phase the amenities (swimming pool, etc.) will be built.

John Cavness said they are scheduled to go in during the First Phase.

Commissioner O'Dwyer noted that they have had other developers say they will do it in the First Phase and then it gets moved to the next phase, etc., and then eventually it becomes "phased out."

John Cavness indicated that they will be done in the First Phase.

Chairman Transmeier closed the public hearing and called for a motion to be heard.

Commissioner Rinker prefaced her motion by commenting that she still doesn't understand why this doesn't fit the standards; she feels like something should be able to be worked out. She would like to see this looked into to see if bonding or something could be worked out between the homeowners and the developers to protect the City from the maintenance liability.

MOTION: (COMMISSIONER RINKER) "MR. CHAIRMAN, ON ITEM #63-81, REVISED FINAL PLAT, I MOVE WE SEND THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO STAFF COMMENTS."

Commissioner O'Dwyer seconded the motion.

DISCUSSION OF THE MOTION:

Chairman Transmeier and other Planning Commissioners, as well as Planning Staff members discussed whether looking into alternatives (whether through bonding or some other means) to protect the City from the maintenance liability needed to be a part of the motion (as a contingency upon approval).

Bob Goldin interjected that three or four meetings have already been held with the Petitioners regarding the median, and the City Review Agencies are asking for compliance with the City Standards. Bob indicated that additional meetings will probably not solve the problem, as many possibilities have already been explored and the basic issue is whether the median should be or shouldn't be there. The problem is that the 55' Right-of-Way section that calls for two lanes of traffic, (two parking lanes on either side), curb, gutter

and sidewalk are not being incorporated in their proposal. It is the design rather than the function that is being violated.

Chairman Transmeier summarized that what is missing is parking on both sides; they are showing a detached sidewalk.

Karl Metzner clarified Bob's statement by saying that there already have been a multitude of meetings to explore other possibilities.

Bob Goldin stated the bottom line is whether the median should be there or not.

MOTION: (COMMISSIONER O'DWYER) "I CALL FOR THE QUESTION."

Chairman Transmeier stated that the "motion before us is whether to vote on the motion." Chairman Transmeier asked for a vote from those in favor of ceasing discussion of voting on the motion. The motion carried 4-0.

Chairman Transmeier then repeated Commissioner Rinker's motion and called for a vote. The motion carried, 4-0.

Chairman Transmeier asked for a motion to be heard on the Final Plan.

MOTION: (COMMISSIONER RINKER) "MR. CHAIRMAN, ON ITEM #63-81, FINAL PLAN, I MOVE WE FORWARD TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, SUBJECT TO STAFF COMMENTS."

Commissioner O'Dwyer seconded the motion.

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

7. #14-83 ZONE OF ANNEXATION TO THE CITY OF GRAND JUNCTION

Petitioner: City of Grand Junction

A request to zone the following annexation (copy available at the City/County Development Department - 559 White Avenue, Room #60, 244-1628). Location: h.) COMMERCE BLVD annexation to C-2 (Heavy Commercial). Previous county zone: C (Commercial) - East of 24 1/2 Road, south of F Road.

PETITIONER'S PRESENTATION

Karl Metzner. Planning Staff. introduced the petition.

QUESTIONS

Location of the annexation was discussed.

PUBLIC COMMENTS (There were about 7 members present in the audience)

IN FAVOR: No comments.
AGAINST: No comments.

Chairman Transmeier closed the public hearing and called for a motion.

MOTION: (COMMISSIONER O'DWYER) "MR. CHAIRMAN, ON ITEM #14-84, ZONE OF ANNEXATION TO THE CITY OF GRAND JUNCTION, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL AS GIVEN TO US."

Commissioner Rinker seconded the motion.

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

8. #38-83 CITY OF GRAND JUNCTION COMPREHENSIVE PLAN

Petitioner: Grand Junction Planning Commission

Location: Within the established boundaries of the City of Grand Junction and the boundaries of the Intergovernmental Agreement dated March 24, 1983 by the City of Grand Junction and Mesa County.

Consideration of the City of Grand Junction Comprehensive Plan, Chapter 5 - Environment.

PETITIONER'S PRESENTATION

Karl Metzner introduced the Chapter 5 of the Comprehensive Plan by noting that it generally deals with all the environmental type of elements that make up the physical characteristics of the area (climate, topography, mineral resources, natural hazards, wildlife, etc.).

PUBLIC COMMENTS

IN FAVOR: None.

AGAINST:

John Ballagh, representing the Home Builders Association, stated that they are in general support of this Chapter of the Plan, but they "have questions concerning the method of presentation." He made the following points:

1. Within the last 60 days they have looked and adopted things concerning the procedure for amendment, procedure for changing zones, etc. He noted that Review Agency are allowed a certain number of days to look at things and they (HBA) request the same type of consideration. He stated that he got his copy tonight when he walked in the door.
2. Generalizations are incorrect in the document.
3. He has suggestions to correct "nonquantifiable, obscure, or uncomparable language."
4. He has recommendations for reconsideration and recommendation for stronger support.

Mr. Ballagh then pointed out specific places and/or items within the document to substantiate these claims.

Ken Strohson apologized to John Ballagh for not sending the Home Builders Association a copy. He noted that they had sent out copies of the Review Agency comments to 6 or 8

agencies and put the notice in the paper to let people know copies of the Plan were available; During the process of selecting specific agencies/groups to be generally notified, the Home Builders group was on the list, but they "forgot about it" when it came to the Environmental Chapter. They also thought HBA would be more interested in the public facilities and services rather than the land use sections. He also discussed some of Mr. Ballagh's comments and criticisms of the document.

Chairman Transmeier commented that the plan was designed to be somewhat general.

Karl Metzner agreed by saying that it is "specifically not quantifiable" since it is only a "policy type" of document (the determination of what is or is not excessive should be a regulatory thing rather than a policy).

Chairman Transmeier closed the public hearing and requested a motion.

MOTION: (COMMISSIONER O'DWYER) "ON ITEM #38-83, CITY OF GRAND JUNCTION COMPREHENSIVE PLAN, CHAPTER 5 ON ENVIRONMENT, I MOVE WE TABLE THIS IN ORDER TO GIVE US MORE TIME TO REVIEW AND ANALYZE THE DOCUMENT, INCLUDING MR. BALLAGH'S COMMENTS."

Commissioner Rinker seconded the motion.

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

V. HEARING ON AGGREGATING SIGN ALLOWANCE FOR MESA MALL INTO MAJOR ENTRANCE SIGN UNDER PROVISION OF SECTION 5-7-7 B 9.

PETITIONER'S PRESENTATION

Dean Dickey presented the proposal to consolidate the sign at Mesa Mall into one sign. They will be running over the normal footage by 160'.

Chairman Transmeier asked what their intentions are for signs on the other sides.

Mr. Dickey replied they had no further intentions.

PLANNING STAFF PRESENTATION

Don Warner explained the sign ordinance in relation to the aggregate, in that it is allowed to "aggregate" sign footage. 300 sq. ft. is the limit for any one sign, but they are allowed to aggregate their footage which would allow them to have a sign larger than the 300 sq. ft. This doesn't mean they will be allowed to go beyond their total limit of signage - it just allows them to build one sign larger than the 300 sq. ft. limit which is allowable under the aggregate footage requirement. Don Warner also pointed out that the Planning Commission has given the Staff the right to do all the review for Mesa Mall and for IDI and he isn't sure why they are here for this item.

DISCUSSION

Planning Commissioners and Planning Staff discussed the regulations. Commissioner O'Dwyer expressed concern that future requests will come in for the same size sign to be allowed on other sides of the Mesa Mall facility and he stated he does not like the fact that this possibility exists. Commissioner O'Dwyer also stated that he thinks they should ask for a guarantee from the Petitioner that they will not come back before five years with another signage request like this.

Don Warner stated that in the Mall context it looks small. He also said that he doesn't think the Planning Commission can ask the petitioner to guarantee that.

Karl Metzner said that the Planning Commission could approve this one on the contingency that they may not approve any others within five years.

PUBLIC COMMENTS

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

Chairman Transmeier closed the public hearing, and asked for a motion to be heard.

MOTION: (COMMISSIONER RINKER) "MR. CHAIRMAN, CONSIDERING THE MESA MALL SIGN, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL OF THE LARGER SIGN (460 SQ. FT.)."

Commissioner Dunivent seconded the motion.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried by a vote of 3-1. (Commissioner O'Dwyer voting against).

IV. ELECTION OF PLANNING COMMISSION CHAIRMAN

MOTION: (COMMISSIONER O'DWYER) "MR. CHAIRMAN, I MOVE THAT BY ACCLAMATION WE NOMINATE SUSAN RINKER AS THE CHAIRMAN OF THE GRAND JUNCTION PLANNING COMMISSION FOR THE 1983-84 TERM."

Commissioner Dunivent seconded the motion.

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

The meeting was adjourned at 10:15 p.m.