

Reva

GRAND JUNCTION PLANNING COMMISSION

June 29, 1977

M I N U T E S

The regular meeting of the Grand Junction Planning Commission was called to order at 7:30 p.m. in the City Council Chambers by Chairman, VIRGINIA FLAGER, with the following members present: BLAKE CHAMBLISS, VERN DENNISON, JANINE RIDER, JOHN ABRAMS, FRANK SIMONETTI, AND DR. MAC BREWER.

Also present were: KARL METZNER, Planner, KATHY LOFINK, Planner, DEBRA WILBANKS AND BONNIE CLARK, Acting Secretaries, JOHN BALLAGH, County Planner, and approximately 30 interested persons.

There was a correction to Development In H. O. - Valley Trash. The statement should be changed to read: Screen chain link fence, turning radius 15' to 20', power of attorney for improvement of Fisher and no C.O. issued until the fence is up.

The minutes were approved as corrected.

1. #47-77: PD-B - 12th and PATTERSON

Petitioner: Bill Weaver
Location: SE Corner of 12th and Patterson

Karl Metzner: It is an outline development plan when it started, which is to see if you agree with their concept of putting office type use in this area.

Bill Weaver: In selecting a site, there is more goes into it than just buying a piece of property. We first did a survey of the market in Grand Junction. This was partially stimulated by the fact that we would build the professional business space at the corner of 12th and Belford and found a real demand for professional office space. I then contacted the dental and medical supply houses in Denver and gave them some figures as to the growth in Grand Junction and they gave me back some input on what they felt the demand would be in the area. We then went out and found a location. We analyzed that along 12th Street was the best for our purposes one of the finer locations for what we wanted to do. We took a look at what the trend was. If you take a look at the site map and then take a look over the last 10 years, of what the Planning Commission has done along 12th Street, I think it clearly demonstrates, certainly with recent rezoning and with the addition of Centinella Plaza, we are not establishing a new trend in the area, but are in harmony with the trend that you already have established. We then went to the Planning Staff and discussed with them what we thought and where we'd like to go. From this discussion, we felt that it did clearly point to 12th and Patterson. At that time, we went to Mr. Coefreddie and then we attempted to buy this property. In other words, it is not a case of having a piece of property and trying to find a use for it. After tying up the property with Al, we then went to Bob to conceptionally come up with a project. At our first presentation, we found that our project was tabled because there was not enough input from the

neighborhood. Having made a survey of the neighborhood earlier, we felt we would not have any problems from there. I think this is what you also found. Then at the next meeting, that wasn't the question. The question at the second presentation was the traffic input. You wanted to take a look at the traffic study that was being done. We then went back to Planning Staff and we discovered that the transportation study did not consider this area and maybe would never consider it. It was my understanding that this area was considered in the core of Grand Junction and it's a nodule concept. Where development of commercial and business properties was to radiate out from the corrier. Here again we're optimistic, we came back to see you a third time. I think you have a number of considerations when your looking to rezone a property. First, what has been the trend in the past, which you have already established. Another consideration is that it is presently residential, and is this clearly a residential piece of property? The City Engineer considers 12th and Patterson the major arterials for Grand Junction. I don't feel major arterials are ideally suited for residential property. The other considerations are, of course, industrial, park or multi-family or business. Bob why don't you go ahead and present our concepts!

Bob Vandusen: The concepts are still the same. That would be to have four small office buildings each covering about 2500 square feet. and rather than shot gun them on the site, we would cluster them in some such fashion. We don't mean to imply that this has to be the only location. We would like to cluster them in such a fashion where we could develope some interior space that would be strictly pedestrian. Much of the balance seems to meet the parking requirements, but there remains a large percentage of land that could be reserved for landscaping and screening from the adjacent residential neighborhoods. I think that is the basic concept.

Bill Weaver: Planning Staff recommended that we only come in with this type of a concept. That is why you see this here now. We feel that the advantages of the project are that (1) We will satisfy that need for professional office space, (2) that it is in harmony with the developments in that area, the trend, (3) the city requesting, if it is passed, 15 feet off of 12th Street, 20 feet off of Patterson Road so that they could widen the road, so the advantage there is you have a dedicated right-of-way at no cost (4) presently along Patterson Road there is no curb, sidewalk, or gutter; with rezoning you will have your sidewalk and gutter, you will have the right-of-way for the road (5) you now have indiviual drive-ways backing out on one of the busiest intersections in the city, indiviually this would be eliminated with the rezoning to PD-B. I think with all these advantages and with what is happening in the area, you could see a good project on this corner. I feel we have been very professional and all we are asking of you tonight, is do as much. Thank you.

Virginia Flager: Karl are there any remarks that you want to make at this time for clarification?

Grand Junction Planning Commission Minutes

June 29, 1977

Page 3

Karl Metzner: There are three things that Bill said that need some clarification. Where did you get the comment that it was in the core area?

Bill Weaver: It was from one of your Planners. Maybe I had a misunderstanding. My understanding was that their feelings that it would never be within the nodule study because it was within this core of Grand Junction.

Karl Metzner: On that core area question, there is a matter of interpretation I think as to what you call the core area. A lot of people are calling it a lot of different things. This is a core area if you are looking at it Valley wide. If you're just looking totally city, I wouldn't say it was. You said the traffic study doesn't consider 12th and Patterson. I think you're referring to present traffic study. The original traffic proposal that was done by the staff did consider 12th and Patterson, but it did not change the designations of either 12th or Patterson. That's just for your information. We did have one letter come in from a Mrs. Kocevar. She objected to a PD-B zoning there if it would involve any access down to Wellington. She said if she could be assured that there would be no further expansion in business that would put traffic on Wellington, she wouldn't object, but she felt that there could not be any assurance.

Virginia Flager: How many of you have seen this letter? I have a copy of that and I'm aware of her feelings.

Karl Metzner: That's all I have.

Virginia Flager: Is there anyone would like to speak specifically against this or is it pretty well summarized in Mrs. Kocevar's letter? We will recess temporarily until the members have a chance to read this letter then. Mrs. Kocevar do you want to address the commission at this time or do you want to allow this letter to speak for you?

Mrs. Kocevar: I would just as soon it speak for me. I think everything is in there that can be said really.

Virginia Flager: Is there anyone else who wishes to speak in opposition or has anything to say about this particular project before we close the public hearing on it? Have you had a chance to see it, the proponents, this letter?

Bill Weaver: No.

Mrs. Kocevar: I mailed that letter a month ago today. It seems strange that it hasn't been up in the mailing before now.

Virginia Flager: Yes, the date on it is May 28.

Tabled item momentarily, and moved on to next item on agenda.

2. #45-77: PRELIMINARY PLAT - D & W REPLAT

Petitioner: C.B.W Builders

Location: NW Corner I-70 Business & 28½ Road

Karl Metzner: It is a one lot subdivision, D and W Subdivision with one lot platting, and they are platting it into more usable shape. Sixty foot right-of-ways that are generally acceptable in commercial industrial areas. We've asked the petitioners to go ahead and put a stub leading to the east. The location of that stub is approximately half-way between the freeway and the proposed Gunnison Avenue. There is going to be one minor change in the final, we want to have that stub moved down to come right on that property line. He's indicating an additional 40 foot of right-of-way for 28½ Road, they're purposing a frontage road in State Highway Department right-of-way. The State Highway Department was contacted and they see no problems as long as that frontage road is built to their specifications. Review comments, the Fire department wants a loop six inch line with two hydrants, Mountain Bell and Public Service will require some easements which will be shown on the utilites composite final stage, and City Engineering said no problems with them.

Bob Gerlofs: We've reviewed the comments and we agree with the staff comments and the review sheet comments

Virginia Flager: Well I can think of one. You might not have any water in that six inch line.

Closed the hearing.

Janine Rider: Made the motion that the City Council approve the replat of D & W subdivision under the condition given by Karl.

Dr. Mac Brewer: Those are two hydrants, one six inch water line, by the Fire Department.

The motion was seconded by John Abrams and it passed unanimously.

3. #47-77: 12th AND PATTERSON

Petitioner: Bill Weaver

Location: SE Corner of 12th and Patterson

Virginia Flager: Are you ready to proceed on that letter? Do you have any comments?

Blake Chambliss: I guess I do have some comments. We have three basic reasons for talking about changing the zoning, and one is mistake in the original zoning and I don't think that has been demonstrated. I think that nobody would agree that the R-1-C which is zoned there is appropriate in the area and the area seems to be developing at a reasonable rate under that zoning.

You've talked about a change and the projections that you've presented us with showing the change in trend. Depending on how you read that chart, it may or may not say what you said it said. Most of the changes have been for residential uses and most of them have been to a higher density. We find very few people coming in asking for lower density even though they may develop at a lower density. The housing that is there all seems to be sound and all seems to be occupied. It is hard for me to believe that the people don't seem to be demonstrating the concern that you have indicated. I find it hard to believe that that area is changing that radically. The third general area of approval, is the need for the zoning. I don't think you've done anything to demonstrate a specific need for that kind of zoning in that area. I think Mrs. Kocevar's questions she raised in terms of the impact on the rest of the community are very real, and I realize that some of the questions she is saying are beyond your control and beyond your scope to deal with, but they are basically areas that we're suppose to be dealing with. I hear those things pretty clearly concerning the impact on the neighborhood around there. The one question she asked about, I don't know, she indicates that there is a deed restriction that says no commercial building and I don't know whether that is true or not. My feelings are at this stage, we are talking change from one zone to another and I understand that you don't want to do alot of architectural drawing. Some specific directions to the impacts I do not think have been addressed adequately.

Virginia Flager: Karl if this letter has been in your office since May 28, this specifically refers to the restriction clause in the deed on that property and it is dated from 1946, 40 years would put that 1986. Has this been checked out?

Karl Metzner: We couldn't find any.

Virginia Flager: Mrs. Kocevar do you have your deed here?

Mrs. Kocevar: Yes, I do.

Bill Weaver: I feel I have a change. Your staff personally, not all of you here, has changed in the last year. You're talking about residential property on two main arterials. The traffic count presently, 1974, demonstrated that you had approximately 10,000 average daily traffic count. The projection for the year 2000 is over 30,000. I do not see that as a residential corner.

Janine Rider: One of the big problems with these situations is that the assumption because you zoned a business there, we're going to zone a business there, there, and there, and then there goes the street. When we see a PD Business that we don't assume that that means we're going to let the whole area go business. We assume that there may be a place for a business center in what could remain a residential neighborhood.

Virginia Flager: Does that complete it? Mr. Goefreddie.

Al Goefreddie: I would to address one issue that Mr. Chambliss has raised. The opponents have not demonstrated that that was not an unsuitable corner for residential and I think in the last meeting there was some input from owners of residential property. I think they made it clear that that was not suitable for residential use. There are four houses facing F Road and those are rental houses. Therefore the residence cannot appear before this commission to say that is not a suitable place.

Blake Chambliss: What has been the vacancy rate of your rental houses on F Road?

Al Goefreddie: We take a vacancy rate city wide. There has been no vacancy rate. People would rather live in houses whenever they can find them.

Blake Chambliss: I understand the problem.

Frank Simonetti: I'd like to know about those deed restrictions.

Dr. Mac Brewer: Well what would happen if we were to say clear this and then find that there is a deed restriction. I don't know the legality of these restrictions. What does that mean?

Virginia Flager: Well they mean just what they say. If you try to override them, you could have some very interesting complications.

Karl Metzner: Deed restrictions can be legally moved. I'm not sure of the process.

Blake Chambliss: At the last meeting I made a motion to table this for up to 90 days to allow us to get more information in terms of the impact and to be able to deal with that. We will not have the information from the source I thought we were going to get it.

Blake Chambliss made the motion for denial for the zone change based on concerns he had expressed. The lack of demonstration of a mistake for a change for the specific need for the zoning. Dr. Mac Brewer second the motion and the decision was unanimous.

4. #43-77: DEVELOPMENT IN H.O. - RETAIL LIQUOR STORE

Petitioner: Rex Schoonover
Location: 2706 Highway 50 (O.M.)

Karl Metzner: This is just northerly of B½ overpass. It is in the Artesia Heights Subdivision. It is about 300 to 400 feet east of 27 Road. Mr. Schoonover also owns the piece that is directly behind it and it goes up to Sherman Dr. Fire Department requested

a hydrant located at the entrance and they didn't specify exactly where. City Engineering had some comments about the second drive. This particular one they feel is unnecessary and might create some more problems. They felt a single drive was in keeping with what was happening on the rest of that area. A frontage road was not really the answer. It wouldn't at this time be feasible to continue on through.

Rex Schoonover: I'm not requesting rezoning, I'm not requesting another liquor license or another store. The purpose for this is that nearly fourteen years ago I asked for an obtained liquor license and I built a structure on property owned by Mr. Raso, with the understanding that at the expiration of the lease that the improvements stay on the property. Since then I have made many attempts to buy this land, and Mr. Raso doesn't want to sell. So I am forced, in order to continue my business, to find another location. This location is about two blocks from where I am. All I'm asking for is a chance to continue my business. We'll conform with whatever we have to do in the way of Karl suggestions.

Virginia Flager: Are there any opponents?

Closed hearing.

Rex Schoonover: There is a fire hydrant just 60 feet from my property across Sherman Drive. My property will be nearer the fire hydrant than 3 service stations, a plant, and a restaurant which in my opinion are more flammable than my liquor store.

Karl Metzner: Would you be willing to get with the Fire Department and possibly grant an access easement?

Rex Schoonover: Sure. We'll work anyway we can with anyone Karl.

Dr. Mac Brewer: Do we have review comments from the Fire Department. I'm sorry, I didn't hear them?

Karl Metzner: Yes, they asked for one fire hydrant located at the entrance.

Janine Rider: Is that adequate parking?

Karl Metzner: Yes.

Dr. Mac Brewer: What is the connection between the fire hydrant they're asking for and this vehicle easement?

Karl Metzner: The property in the back is his. Back of that is Sherman Dr. There's a hydrant within 60 foot of that which would put it in a 400 foot limit that the Fire Department wants. If he were to dedicate emergency vehicle easement so they could hook to that fire hydrant, drive across his property if they ever had to fight a fire here. They might agree to that. It's a possibility we need to look into.

Blake Chambliss: On the drawing that we have, you don't indicate what the pavement material is for the remainder of the lot.

Rex Schoonover: Blake this will all be accessible.

Blake Chambliss: One of the concerns about the H. O. zone is that we have tried to do that on the main entrances of town and part of the reason for that is to give the Planning Commission a chance to look at landscaping and appropriate kinds of things in these areas. I see you're showing some as basically foundation type around the store. Would you have any objection or what would your feelings be about developing some landscaping with trees and that sort of thing?

Rex Schoonover: With the water situation, I think it would be wrong to put in anything that is going to require water.

Blake Chambliss: I think basically this commission is concerned as you are about lawns and that sort of thing and I think that six months ago we probably would have wanted lawn. I don't think we would ask for that, but I do think that trees offer something cooling and a bunch of other things would be important and could have an important affect on that entrance to town if we can start developing them. That means providing water and other kinds of things. As a matter of fact, I assume the City still provides trees in the right-of-way if there is water there and some assurance that they will be maintained. The other question is whether to fence the property and whether to block in that area visually behind it. We have generally been asking for some kind of fencing around these to protect the back areas from the commercial developments on the entrance to town. So I would be concerned about some fencing around the east, west, and north, and some structural landscaping in the right-of-way.

Rex Schoonover: You mean fence my other property away from it.

Blake Chambliss: What is the other property zoned?

Rex Schoonover: It is zoned same as this. I have no immediate plans for it.

John Abrams: One of the things I was concerned about along with Blake on this fencing is, I was wondering if by leaving the north side open there if people would be going from your store across your other property and dropping out onto Sherman which is a residential street there. That was one of my concerns about not having the fence back there.

Rex Schoonover: Actually, I would like to have an access from the rear.

- Blake Chambliss: One of the problems is then that you are asking us to approve on something that is beyond the limits of what this request is.

- Karl Metzner: Just for your information the whole south side of Sherman is H. O., the north side is residential.

- Virginia Flager: If you're talking about a fence there, it's going to kind of fence them out isn't it.

- Dr. Mac Brewer: It looks to me, if you put a restriction in there, an easement for emergency vehicles, this is going to somewhat ruin the use of the land behind it. It looks like that would be a big price to pay for a hydrant at the entrance.

- Blake Chambliss: If we allow the use of this retail liquor store to encroach on the property behind which is very easy for it to do since he owns both properties, we have the possibility of severely impacting the properties that are across the street to the north. It seems to me that if you open all the way through, you're opening the street to the north to all the things that are happening on Highway 50.

- Rex Schoonover: Blake that's the way the restuarant is, the plant, and the service station.

- Janine Rider: My biggest concern is that there should be a little more landscaping, to try to do some beautification.

- Rex Schoonover: Could I work with Karl and Don down there and do as they would like to do?

- Janine Rider made the motion that they recommend Council approval with the following stipulations: (1) fire hydrant problem be solved satisfactorily to the Fire Department, (2) that the property be fenced on the east, west, and north, (3) that the eastern most drive-way be closed, (4) structural landscaping be placed in the parkway area, and (5) the two parking spaces be moved.

- Mr. Insborg: We go to the Texoma Restuarant four or five times a day. It's almost impossible to back out of the restuarant, get out onto the highway, and go with the gravel trucks and things that are coming. I park on the west side, and drive out through the back, across the parking lot out to Sherman. To fence something in like that seems real impractical.

- Blake Chambliss: On the signing of this, where was the sign placed? Was it placed so the people on Sherman would be aware that there was potentially major impact in the development that is happening here?

- Karl Metzner: The sign was put facing U.S. 50.

Dr. Mac Brewer seconded the motion made by Janine Rider and it passed unanimously.

5. #47-77: PROPOSED PD-B FOR LAW OFFICES

Petitioner: Tom Harshman
Location: 1021 Main St.

Karl Metzner: The process behind this is, it is in a B-3 zone which does allow the office use. However B-3 is a fire zone 1 which requires a four hour fire wall anything less than 40 feet from the property line which means the building could not be renovated. In order to try and renovate the structure, they want to go PDB and the fire zone in PDB is fire zone 2.

Janine Rider: What does the Fire Department say?

Karl Metzner: They say water is O.K. We're faced with a little discrepancy in that the B-1 zone this structure could be used for offices because of the fire zone 2, but in B-3 the same use is still in a fire zone 1.

Frank Simonetti: Six parking spaces off the alley, is that right?

Dr. Mac Brewer: Are they planning to renovate this, to make it look like the old neighborhood or are they just planning to bring it up to code so they can use it as an office. Are we getting around the fire code or are we improving the neighborhood?

Karl Metzner: Well they're going to renovate it. The physical looks of the structure will not change. They won't put any additions or anything else on that. They may be doing some painting and some patching up the stucco, and that type of thing. They won't be adding any to the structure.

Tom Harshman: There will be one slight change on the appearance on the outside. There is a front porch on the outside which is going to be enclosed and made part of the interior.

Closed public hearing.

Janine Rider: I find it hard to think that he needs a bigger wall in one zone than he does in another, and I find it hard at the same time to think that we have to change the zoning to PD just because of that problem.

Dr. Mac Brewer: If this went to another use, it might not qualify. As long as it stays a law office and we were to make this, it would be fine.

Virginia Flager: Karl would you like to clarify the position of what would happen if we do such and such here.

Karl Metzner: If you were to approve this, it's going to tie it down as far as use like any other PD zone. If there is any change from the law office use, it would have to come back to you. Something I want to point out, because the fire zone is changing because you're changing the zone, does not mean that there is going to be any less restrictions on fire code inside the building. Fire protection is going to be the same. The fire zone ties it to a flat certain fire wall.

Janine Rider: Would there be any sense in making it a temporary PD-B?

Virginia Flager: What's the point!

Karl Metzner: At the point where fire zone ordinance is changed, you could bring this up yourself to initiate a rezoning in that area. Of course, the residents would have to go along.

Dr. Mac Brewer: Karl what does this do to the surrounding people's fire insurance since we are putting in "sub-standard walls" in this building?

Karl Metzner: It doesn't affect them at all because the fire wall requirement affects only the property that it is on. It doesn't affect any neighborhood properties.

Blake Chambliss made motion to recommend to Council the PD-B for Tom Harshman's offices. Vern Dennison second the motion and it was passed unanimously.

Blake Chambliss: It seems to me that we need to look at some mechanism by which we can start talking about preservations within the downtown area or wherever. We don't have any kind of a mechanism now at all. My question in having looked at this and thought about it, I would like to ask when the legislature has a question, they want to ask the supreme court they make it interrogatory, and I guess I'd like to send an interrogatory to Gerry Ashby. We have three kinds of directions we could go: (1) Conditional Use, where in we look at each use, (2) developing a preservation zone, (3) overlay such as a Bulk Development. I'd like to ask Gerry and that may involve getting together a committee to look with the Fire Department at the some of the implications, but there are a number of people trying to preserve houses and I think we should find whatever way we can to encourage that and to keep that happening.

Virginia Flager: We are changing the use of a B-3 which is a far cry from residential Blake. You are talking as this is a residential thing that is being preserved. I can't quite follow the stretch of the imagination here. I mean business is one use of a land and you can't call it a residential area.

Blake Chambliss: I think it is something we're going to have to look at on a piece by piece basis. I think we've got to make sure we haven't increased the hazard from the Fire Department's standpoint or the occupant standpoint.

Blake made this into a motion and it was seconded by Dr. Mac Brewer. It was passed unanimous except for Virginia Flager who didn't vote.

6. #44-77: CONDITIONAL USE - RESTAURANT LIQUOR LICENSE

Petitioner: 811 Main Inc.
Location: 811 Main Street

Karl Metzner: The site is an existing church right on the corner of 8th and Main. There is a existing residential structure behind it that will be staying as it is.

Virginia Flager: Did you just say that there was a residence that would be to the south of the old church building?

Karl Metzner: Yes. The church will undergo some extensive renovation. The plan show nine spaces on the over head. One of which protrudes into the alley, and one of which has some problems as far as backing over the sidewalk if they were to back out. What they did is, they eliminated one space and moved everything this way. So they can back out without backing over the sidewalk, and they don't stick in the alley on this side. The other required parking is mentioned in a letter that you have. In reference to that letter, they will be supplying 40 spaces on that site. The agreement reads that the period of use will be from 6 p.m. to 6 a.m. on week-days, at 12 noon until 6a.m., on Saturday to the following Monday. They will be required to erect a sign designating that is a parking area for their site. The lease will be from month to month.

Joe Hambright: What is purposed here is a restaurant with a lounge. It is a family type corporation, a family restaurant. We will be serving, upon your approval, lunch and dinner. There will be some entertainment later if the market seems to justify that. There is purposed one bar.

David Rowe: Existing is this main floor. To the back wall is a small stage in it. What we are suggesting, is to take the center of the floor out. There is going to be an entry in and access to the restrooms downstairs.

Joe Hambright: Now that residence is on this property and is controlled by the people that are the applicants.

Blake Chambliss: They own this.

Joe Hambright: They do not own it, they have a lease with an option to purchase. The lease covers this building and the residence behind it.

The residence is unoccupied. This building was a church, and the residence behind was the parsonage. The main problem with this operation is parking. Karl mentioned that we have acquired the existing parking. Karl it is my understanding that we are within code. Is that correct?

Karl Metzner: With the parking that you show.

Joe Hambright: We acquired the lot one block north, it would be on the corner of 8th and Road. It is approximately two-thirds the size of the lot that has been presented here. I believe it would accomodate an extra 24 cars.

Frank Simonetti: Is that the Senior Citizens lot?

Joe Hambright: That is correct. Frank Muller had designated hours on the parking which is basically evening parking. This lease for 24 extra vehicles would be full time parking.

Frank Simonetti: How long a lease is that?

Joe Hambright: It's on a month to month basis.

Virginia Flager: The one question on month to month parking, what happens if your lease is canceled? You're investing a tremendous amount of money in the renovation of this building and you haven't adequately addressed the parking problem. I believe this is an additional risk. I think Karl should clarify this for you.

Karl Metzner: Under the standard procedure if you had the restaurant without the liquor license and you came in and wanted to get a building permit for the restaurant, the only way we could issue it is with the stipulation that if your lease was canceled with the parking and the parking fell below the requirements in that zoning area, you would have to be shut down.

Joe Hambright: That is understood. The applicant realizes the risk they take proceeding on the basis of the parking, it has been presented. I really can't say any more then that. I might just add a little more about this parking situation. It is anticipated that the lunch hour trade will be primarily walk in's from downtown. I think that is a reasonable assumption.

Janine Rider: What is the reason for keeping the house in the back?

Joe Hambright: It goes with the property. It was purchased as a unit.

Virginia Flager: There is one problem that hasn't been addressed. You have no place to unload your supplies except on 8th Street. If you did remove that building then at least the milk trucks, bread trucks, so forth could at least get out of 8th Street which is a highly congested street.

Dan Roberts: I'd just like to comment, there is a drive-way that pulls right up these set of doors right here.

Joe Hambright: There's an existing curb cut.

Virginia Flager: I think that citizens have the right to go down a certain lane without having to go into a different lane in order to avoid a delivery truck.

Dr. Mac Brewer: There is no entrance from your parking over here? I mean the delivery trucks could pull into your parking.

Joe Hambright: I guess that is a point, there is parking on the east. It might be somewhat cumbersome for them to truck around the back of the building with their carts to get into the westside of building. There's no reason why we couldn't require the trucks to park on the east side and deliver.

Virginia Flager: It seems to me, it would just help all of you.

Janine Rider: I have another question. How many parking spaces are required for this restaurant?

Karl Metzner: Forty-eight.

Janine Rider: If your lease from Frank Muller is only from 6p.m. to 6a.m. are they legal to serve lunch?

Karl Metzner: Under a normal situation, no. Since they're conditional use, it would be legal, yes.

Joe Hambright: Let me just make a couple of quick comments. There is one other thing that perhaps the planning commission is not aware of and that is that on the east end of that block Paraho Oil Shell has bought a building and is planning an office there. I think that what this project will do, is just improve the area.

Closed hearing.

Frank Simonetti made the motion that they accept this with the stipulation that a service entrance be provided on the east side of building. That there be two-thirds parking at lunch and full parking at night. The motion was seconded by Dr. Mac Brewer. Blake Chambliss made an addition to Frank's motion that they have some screening to the east. Also, that they supply restroom facilities for the physically handicapped. Should also have landscaping as approved by the Park Department. Frank Simonetti accepted the amendments, and Dr. Brewer seconded. It was passed unanimously.

7. #49-77: PROPOSED BULK DEVELOPMENT - SIES APARTMENTS

Petitioner: W.G. & M. Investments
Location: 2716 Patterson

Karl Metzner: They are requesting for six units total. This is a long, pretty narrow piece of property. It is 290' by 130'. It doesn't really lend itself to subdivisions, so we go with the Bulk Development and four plexes back here. Parking will be available on each side. The only comments we had were that City Engineering wasn't sure that the stone wall was purposed or existing. Fire Department requires one fire hydrant. The Traffic Department recommends at least a 24 foot drive-way.

Reed Guthrie: I really don't have any comments to make. We're just trying to use the highest and best use, we feel, of that property there.

Closed hearing.

Frank Simonetti: I suppose the parking space is proper width and length.

Karl Metzner: Yes.

Janine Rider: Is there any possibility of adding parking?

Reed Guthrie: We have plenty of room all down the east side and even down the north, so we have plenty of room for parking.

Janine Rider: I think you should allow for visitor parking.

John Abrams: Most families have two cars, and this allows for no visitors.

Blake Chambliss: What is your schedule for development?

Reed Guthrie: We would like to start withing 30 to 60 days. I have no objections to the stipulation for more parking. We have plenty of room, so there is no problem.

Blake Chambliss made the motion to approve with the stipulations that the drive-way be paved, the parking situation be worked out, access to the building, and more understanding what the buildings are. The Commission will review the final plans. Janine Rider seconded the motion, and it passed unanimously.

At this time Virginia Flager stated that if anyone had comments to make, that they should make them before the motion has been made. After the motion, there would be no more comments.

8. #46-77: PROPOSED FINAL PLAT - CYPHERS SUBDIVISION REPLAT

Petitioner: Arthur L. and Millard Gilbert
Location: NE 27 Road and B 3/4 Road (O.M.)

Karl Metzner: Cyphers Subdivision was filed some time ago and has not yet been developed. The existing condition is right now there is a stub street coming up the north boundary of the subdivision. The property to the north is triangular shaped and it has got single family residence on it. The petitioners purpose to vacate the top portion of that stub street, dedicated cul-de-sac, replat the lots around that cul-de-sac. They will be ending up with one extra lot. They do conform with the present zoning. City Engineering made comment that all street improvements will be made to city standards. They would like the easements that are presently between lots three and four to read for utilites and drainage and that a culvert to city specifications will be required at B and three-quarter Road.

Victor Daniel: It is my understanding that he does own all nine lots. There is an existing sewer and a manhole here, and he is willing at his own cost to move this manhole out in the cul-de-sac. The comment that I have is that the R-1-C zoning requires 6,000 sq. ft. and all of the re-designed lots are over 6,000 feet.

Closed hearing.

Blake Chambliss made the motion they approve with the condition they conform to the City Engineering request. Vern Dennison seconded the motion and it was passed unanimously.

Recessed at 10:07 for five minutes.

Meeting came to order again at 10:12

9. #48-77: PROPOSED REZONING R-1-C TO C-1

Petitioner: Travis L. and Edith Park
Location: 2851 North Avenue

Karl Metzner: Wayside Grocery is on 28 1/2. The bottom portion of it is on R-1-C and that lines up with the R-1-C zoning that proceeds to the east. The piece they are asking rezoning for is the piece in R-1-C. They only comments we had were from City Engineering. They said that if this were rezoned, they would recommend there be no access on Belford.

Travis Park: I've owned this about six years now, and been renting it for eleven. We have some plans and have a committment from a finance company to start building there as soon as we finalize the plans, but we would like to get it changed to commercial at this time so we can go ahead with our plans.

Closed hearing.

Virginia Flager: Karl are you sure people are aware of what's happening there.

Karl Metzner: Yes, the sign is very obvious.

Travis Park: Yes, and I've gone around and talk to people.

Virginia Flager: I don't feel they understand the consequences of the rezoning.

Travis Park: Approximately five years ago a block or two down the street that they tried to change on Belford. The people that were changing the zoning pulled a bunch of trailers across people's lots, drove up and down Belford street, and they had them all upset. This time I went into the neighborhood, and nobody said a word to me. The sign has been out there a long time.

Blake Chambliss: Travis one of the problems we have had on North Avenue, is that people didn't really understand what was happening until after it happen and then they came and complained to us. What we have done in some instances is go to a PD-B kind of a zone. In which you would have to come in with a plan and that is presented and the neighborhood has a chance to respond specifically to the plan. There are some means by which we can protect and buffer the residences across Belford. It seems to me that this may be very similar to what we have done other places where we approached it that way. What would be your reaction to that?

Travis Park: I don't understand.

Blake Chambliss: Basically, PD-B is a zone where you come in and you bring in the plans and the Planning Commission has a chance to review the final plans before you do them. The external and the use. Basically, the Planning Commission is in a position to require landscaping, and we frequently have, require screening, and we frequently have, a detailed look at the parking and what all is happening there. It is a longer process then this is, but we feel that it gives us some guarantee to the protection of the residence. That's the outline of the thing.

Bill Batel: What are the things you can do with land under PD-B?

Blake Chambliss: You can put residence in a PD-B, you can put multi-family residence in a PD-B, four plexes or more. You can do any residential use in a PD-B.

Bill Batel: Can you put storage units.

Karl Metzner: No. The heaviest use in a PD-B is a 5-2 which is a gasoline service station.

Bill Batel: It appears to me the property has been very adequately advertised.

Janine Rider: One of the problems we get is that when you tell people what you are going to put there, they think fine, that's O.K. without realizing the more horrible possibilities that C-1 zoning allows. If you then sold your property a year from now, zoned C-1, someone could come in and do something alot worse.

Frank Simonetti: Is the development for the whole area or just for the part you're wanting rezoned?

Travis Park: The part that is rezoned.

Closed hearing.

Janine Rider: Is Mr. Parks willing to look into the PD-B zone.

Janine Rider made the motion to deny the C-1 zoning for the particular piece of property. That we recommend that if Mr. Parks wishes to come back with the plan for a PD-B we would look favorably on the request and he would only have to pay the fees for the advertising. Dr. Mac Brewer seconded the motion and it passed unanimously.

10. # 76-76: CONSIDERATION OF SIGNS IN PD-B

Petitioner: Centennial Plaza
Location: 12th and Patterson

Petitioner asked that this be withdrawn from this months meeting.

11. #38-77: DEVELOPMENT IN H.O. -VALLEY TRASH

Petitioner: Steve Heald, Floyd Farmer, and Don Murcheson
Location: 2724 Highway 50

Karl Metzner: At this point, we are looking only at Valley Trash property, not at the storage units that were discussed last time. Council looked at the total development, Mr. Murcheson was there, and he questioned the screening requirement. He questioned the cost of it in relation to cost that is going to be for putting up the building. As far as I understand, this is only concerning the screening for this portion that is going to remain Valley Trash property.

Don Murcheson: I think we probably better go back to the beginning again and start over. We've made some mistakes, and there have been some misunderstandings. The business has been there about 18 years. Our original plan was to just add to the building. Well, Farmer came along and wanted to build a storage unit behind. We said, go ahead, but I think that's dropped now as far as the storage unit is concerned. So we went to the Planning Department and applied for a permit and they said get your radon survey, and we did. Got a sewer tape, and then we're informed that we had to go in front of the Planning Commission. So we decided well we'll go ahead. Anyhow, what started out to be a simple \$12,000 addition is suddenly turned into about a \$23,000 proposition in eight weeks. I don't feel that at this time we are able to put up a screening. We have

an existing six foot fence which has been there for years. The roadway is four and a half feet higher than the property level. We just can't do it. The business is expanding so fast, that we can't keep up with it. We will paint the building. Not next month, but within six to eight months.

Virginia Flager: It seems to me that you've neglected something. I believe this arose because of the warehousing supposedly to be built on the north side of the lot.

Don Murcheson: As far as we're concerned, you can drop it.

Virginia Flager: Karl where does that put us when the petitioner changes the entire structure for the situation by dropping the point of contention.

Karl Metzner: You could still approve any warehouse part of it with the restrictions you put on that. Then if you wanted to deny this, you'd have to make another motion since Council sent it back to you for review.

Don Murcheson: What shocked me was the fact that we hear of an existing business that has been there for some time before it came in the city. We need more space, so it was a simple matter of putting an addition on, no change of use, no change of ownership.

Dr. Mac Brewer: The reason for this is because it is Highway Oriented so it is one of the entrances to the town. That is our lever, to try and make entrances to town nice.

Virginia Flager: There is one question that will solve it in my mind. Is it or is it not four and a half feet below the level of the highway?

Karl Metzner: I don't know if it is four and a half feet, but it is below the level of the highway.

Virginia Flager: Well, then a six foot screening fence isn't going to do any good and neither is an eight foot fence.

Dr. Mac Brewer: Maybe there is a better way to approach this. Maybe what we could do is just make the inside look better, and not have a fence.

Don Murcheson: We were planning on that anyway.

Closed hearing.

Blake Chambliss: I don't think we should eliminate the screening requirements.

Dr. Mac Brewer: My concern is that there has to be a time table. When do we get time to do it. At the rate of expansion, you're never going to get time to do it. My feeling is we do something

other than fencing. We have to have some kind of time table and an outline of what it's going to be.

Virginia Flager: Well trees will take about fifteen years to grow if you're going to have trees.

Dr. Mac Brewer: I'm not saying that. I'm just saying we have to have a time table and an outline.

Blake Chambliss: I agree with you and I'm not sure we have any answers to tonight. He would like to have an answer tonight cause he's got other decisions to make.

Janine Rider: A pretty front and a neat yard can do alot. A pretty front is it's own screen in a way.

Virginia Flager: Karl do you have any suggestions that could be used in this situation?

Karl Metzner: It's going to be extremely hard to screen that property in any way. Maybe the best approach would be to really clean up that front. They could paint the building and make it look nicer, and could keep the majority of the storage in the back. That's the only approach I can see that might work.

Dr. Mac Brewer: Karl is there any way to police that though.

Karl Metzner: Technically yes, realistically, I'm not sure.

Virginia Flager: That's the only alternative?

Karl Metzner: That's the only alternative.

Virginia Flager: As a business woman, I feel uncomfortable with this position because this man does have an existing building. It seems to me a simple request to put on an addition to a building.

Karl Metzner: One comment I would like to make. I think it would help them alot just in doing some painting to the building and some grading to that front lot and cleaning up some of the junk that is on the front of it. I think what you need to look at is the size of the expansion such that a certain degree of clean up is needed and that over that point, it might not be needed.

Dr. Mac Brewer: Where are the tanks?

Frank Simonetti: They're in back.

Don Murcheson: They're at the west of the building. One is slightly in front and the other is behind it.

Janine Rider: We do have the H. O. zone since the Valley Trash went in there. The H. O. gives us a handle that we didn't have before and it is the opportunity to make the best of what we can with what we have against the highway and I don't think it is worth while to completely turn down this chance of what is in

an H. O. zone to the standards of an H. O. zone.

Blake Chambliss: How about trees down the front and down the side.

Virginia Flager: Is that a way out? The Park Department could approve the shrubs and trees, painting of the building, and the clean up of the yard. Will you work with the Park Department?

Don Murcheson: We were going to do that anyway.

Blake Chambliss made the motion that they revise their previous recommendations that the screening consist of trees on the north, east, and west. Frank Simonetti seconded the motion.

Floyd Farmer: Did you change the screening area?

Dr. Mac Brewer: Yes.

Blake Chambliss: Along the highway. The east and west sides of the property as far as the south facing the building.

The motion was passed by a unanimous decision.

12. PROPOSED SIGN CODE AMENDMENT ALLOWING CORPORATE FLAGS.

Karl Metzner: The text change would read as follows:

Flags used as signage

Definition: Corporate Flag - a flag which includes in its design the log and/or name of a company, corporation, partnership or other form of business.

Restrictions: Corporate flags shall be used only in conjunction with national and/or state flags.

Only one corporate flag per parcel of land or per business on a parcel of land.

The flag can be rectangular or triangular, but in no case can it be larger (in any dimension) than the state flag (or national flag if no state flag is used).

The area of one side of the flag shall be deducted from the square footage of signage allowed for the R-O-W it is located nearest to.

The flag shall be displayed on either free standing, outrigger, or roof top poles.

The flag pole shall be the only means of support for the flag and in no case shall a "secondary arm" be used to hold the flag in a "full display" position.

A maximum of three poles may be used if national, state and corporate flags are displayed. The minimum height (to the highest point) of any flag pole shall be 20'-0" above grade. The maximum height (to the highest point) shall be 40'-0" above grade.

The use of a flag on a free standing pole shall not be considered as a free-standing or ground sign.

Frank Simonetti made the motion to approve the amendments. Janine Rider seconded the motion. The motion was passed with a unanimous vote.

13. PROPOSED SIGN CODE AMENDMENT ALLOWING SERVICE CLUB SIGNS.

Karl Metzner: The reading is as follows:

An amendment to Section 4 Chapter 32 of the Grand Junction Code of Ordinances adding paragraph 4.3.11 (Exemptions):

4.3.11 - Service Clubs may be allowed one common sign adjacent to each major highway entering the city limits to a maximum of five signs. Each sign so placed must receive site plan approval by the Planning Commission as to size, height, placement, and impacts

Blake Chambliss made the motion they approve the amendment as read with a maximum of five entrances to the city to be approved. Dr. Mac Brewer seconded the motion and it passed unanimously.

DISCUSSION ITEMS:

14. REQUEST TO REMOVE FENCE REQUIREMENT ON PIZZA HUT #3

Mr. Holling: Basically what the problem is, we're trying to get a certificate of occupancy on this building that we're already in and operating in so we can get all finished with this project. When the liquor hearing came to you folks, you approved everything, and part of the requirements were that they fence the entire property. The property we own is presently fenced on three sides. If we fence the entire property, it looks to me like we would have to fence the First Street side of the property which is probably undesirable. If we fence the part behind the Pizza Hut, then it's going to put a limit in our development of the rest of the property. Nobody at the Planning Commission seemed to know what you had in mind when you put the restriction on, so I thought I would just come over and visit with you a little bit and see what we have to do to get the job done.

Virginia Flager: When we approved that, we had some concerns with parking in the rear of the Pizza Hut. It was our understanding that the primary use of that piece of land was to be used for parking in the rear. Now, this comes as a shock that there is going to be an additional use to the land in the rear of the Pizza Hut.

Mr. Holling: The Pizza Hut has about one-half an acre with some 40 parking spaces on it. Included in this is a rear access to the property. If we fence all of this off, we completely kill the back half of the property.

Blake Chambliss: Where is the drop off?

Mr. Holling: Fifteen or 20 feet from the side. Of course, that's a state highway right-of-way with no access.

Virginia Flager: Where is your access; through the parking lot?

Mr. Holling: Yes. It's a dedicated access through here, it's a 28 foot roadway.

Virginia Flager: Where's your right-of-way?

Mr. Holling: There's parking here and here, and a right-of-way in between them.

Virginia Flager: Nobody presented this at the hearing for the Conditional Use of that liquor license. If you're using a parking lot as access to a property to the west, then it looks to me like it's a rather interesting access when somebody is trying to get from here to here in a parking lot.

Mr. Holling: I don't see any difference to this and any shopping center that you have. They allowed for a turn around in here, and have a pretty good traffic flow.

Janine Rider: I don't think that was ever intended to be used as a public right-of-way.

Mr. Holling: This is a part of development of that piece of property.

Virginia Flager: The only thing is that we have absolutely nothing but parking problems along First Street. We have curb and gutter, and now you are adding to this. You consider this an access, I don't consider using a parking lot as access to another piece of property. This was specifically discussed as a fence across this parking lot. We put that stipulation on there and they accepted that.

Frank Simonetti made the motion that they put up a temporary fence. Dr. Mac Brewer made an amendment to the motion that they provide a driving barrier on the west end of the property. Frank Simonetti withdrew his motion. Dr. Mac Brewer made a motion that the fence on the west side be replaced with curb stops until further development of the west lot is presented. Blake Chambliss seconded the motion. The motion was passed unanimously.

15. NORTHRIDGE ACCESS ROADS - ROBERT GERLOFS

Bob Gerlofs: This is road, is a temporary access road which was approved and is dedicated right now as a part of Filing 1. Development is taking place in Filing one. There's some construction going on up on Music Lane. I think there are a couple of houses being built off Northridge Drive. These roads are not finished. Access for construction purpose is still being taken through this existing right-of-way. There has been enough action in this area, that the developers want to proceed with developing in the back. Over here is a lot which presented to the Planning Commission as a minor subdivision, North Bluff Estates or Subdivision.

Virginia Flager: Robert Daniels property.

Bob Gerlofs: Right. This brown area is the plat that was presented as Northridge Estates, Filing 2.

Virginia Flager: The Miracle property.

Bob Gerlofs: As you know there have been a number of discussions about accesses down in here. There has been a discussion about a access to the north and before proceeding with the preliminary plan, the developers want a clarification of the Planning Commission position on all these accesses. There is Sunny Ridge Subdivision in the county. They have agreed to dedicate a right-of-way up to the canal. The developers in Northridge have agreed to a minor road to tie into that. We still have this North acres road potential access here. The problem with these accesses is, should they be developed at this time, in view of the fact that the City is still not prepared to tell us what they're going to do with Horizon Drive. The Horizon Drive situation may totally change the need for accesses up here.

Dr. Mac Brewer: Why would they?

Bob Gerlofs: It was felt originally that one access was not enough. The question you get into, is what does this access serve. Not knowing what Horizon Drive is going to do, and what shape it's going to take, and whether it's even going to be constructed or not, and if it is (in what form), we don't know if this is a reasonable outlet. Now Ron Rish said in a meeting that if Horizon Drive was in, he didn't really see any need for this from the traffic carry standpoint. He's not willing to put that down in writing until he knows what Horizon Drive does.

Dr. Mac Brewer: It seems like that's an awful lot of lots to have just one access.

Bob Gerlofs: Well, if Horizon Drive is, I don't think you'll have one access. The ultimate plan would be to tie two accesses into Horizon Drive.

Blake Chambliss: Your concern now is what you have to do about the bridge across the canal.

Bob Gerlofs: Should we build it now or should we wait and see what Horizon Drive does. If it's not suitable, then we build it in the future. Mr. Trailer may want to discuss what the peoples feeling are down in here. The developers do want clarification on this.

Blake Chambliss: What we have said and the reason to the access on the Pomrenke property is available is that we said we wanted an additional eastwest access. If you were able to get eastwest below the canal, so you didn't have to do it, I think we could accept that instead of the access across the Pomrenke property.

Bob Gerlofs: There is no other access available. The developers are willing to work with these people to get the right-of-way up here.

Dr. Mac Brewer: How firm is that Sunny Side? We had some people in here last time that were against that road going out. Do you think they'll be able to get the right-of-way?

Dale Foster: Neither one of us want a road going through there. If it is necessary, then it will go through and we will pay our end of the expenses. This is our agreement at this time.

Frank Simonetti: It is my understanding that the first time this was presented, we were looking for north, south, east, and west exits.

Virginia Flager: My memory serves me the same.

Dr. Mac Brewer: Are we requiring to build it now?

Virginia Flager: We're not requiring anything now. We're discussing whether or not in the future we will consider that access necessary or not.

Bob Gerlofs: What I'm saying is that we plat the subdivision with these roads in here, and agree through power of attorney to provide these improvements at such time as necessary.

Frank Simonetti: Is there 57 acres?

Bob Gerlofs: Well, there is 62 acres less about ten acres for the highway.

Janine Rider: I think it is fair to say, you can wait to build them there until someone is living there, until there is a need.

Virginia Flager: I would say that when there is 25% built, the access has to be put in. We should determine it to a point. If there are a hundred houses in there, then when 25 of them are built, the access is put in.

Bob Gerlofs: I would think that there is no reason to build at all until we find out what Horizon Drive is going to do.

Virginia Flager: Mr. Gerlofs when this was originally purposed you were told, the property owners were told that it was coming through.

Bob Gerlofs: All we're saying is that to build on 25% or 30% shouldn't be required if determination has not been made on this yet.

Blake Chambliss: I don't understand why you're saying that Bob.

Bob Gerlofs: There's enough unknown's with this road right here to not make these people make this expenditure until this determination is made.

John Ballagh: I think something in concern is the fact that a subdivision in the county and after review by this body, the preliminary plat, by the County Commissioners, they directed that they would look favorably on it as a final plat if they found out who was going to bridge the canal.

Virginia Flager: In other words, it comes down to a question of dollars and cents.

John Ballagh: When the final plat of whatever the Pomrenke subdivision becomes known as is turned in, the Commissioners will want to know who's going to bridge it. I would suppose that the three lot subdivision would be approved prior to this.

Virginia Flager: The thing of it is, we all looked at this, we made all of the agreements, we've discussed it (this is about the 4th or 5th time), we've had difficulty on the interpretation on what was said, all of this. Now we come back and again talking, we really didn't mean this, but we did mean this.

Bob Gerlofs: You're being asked to state whether you would want these built at this time.

Virginia Flager: At a certain percentage of buildings built. We did not put a number on it.

Bob Gerlofs: That's what we're asking, if you want to put a number on it, put a number on it tonight so we can proceed either with the plat or to the City Council or wherever we have to go.

Blake Chambliss: How many lots are there in the first two filings?

Bob Gerlofs: Thirty-one here, and 14 here. There are 52 in here that we've shown so far. There would be 97 lots if we presented this as it is shown.

Mrs. Miracle: The road up on the right hand corner seems more appropriate to develop than the one to the left because the one on the upper portion to the right would push traffic on to Seventh Street.

Blake Chambliss: We're basically saying that we're going to require both of them. My feelings are that you're going to have to put both of those accesses in at some point.

Bob Gerlofs: For the developers benefit and Mr. Trailer's benefit would you please explain this situation and what was discussed on North Bluff.

Virginia Flager: Mr. Daniels was allowed to split that property. He can't do anything with the east lot until such time question with the access is satisfactory. He is allowed to sell the west part of it.

Bob Gerlofs: Are there any requirements of the developers on this property?

Virginia Flager: My understanding was that the whole question of access was to be resolved.

Blake Chambliss: The first time we saw this, we looked at some access that connected all the subdivisions together. We saw an indication that there would be roads available. There was indication that the developers and owners were working cooperately. The next thing we saw was Northridge #1. The Miracles came in and informed us you weren't working together.

Dr. Mac Brewer: I understand that some of the roads are not owned.

Bob Gerlofs: This parcel here, 200' by 300' which is owned by Warren Jones. there's a parcel here, which I think is five acres, is owned by the Miracles. The rest of the property is now in the ownership of the developers. The developers own 52 acres which is being released in ten acre parcels.

Blake Chambliss: We said at one of the meetings that we wouldn't approve any further filings on this thing until that whole area was worked satisfactorily. That was the only lever that we had.

Mr. Trailer. I want to make sure I understand this. Are you saying the developers cannot develop their roads which will satisfactorily service their subdivision without coming to agreement with somebody else.

Blake Chambliss: We got approved subdivisions there. In other words, we're not going to approve anymore until something is worked out.

Mr. Trailer: Are you saying, though, that unless something is worked out with the Miracles, that none of this can move forward? Or if something can't be worked with the Daniels.

Blake Chambliss: Additional filings.

Mr. Trailer: That even if we have to put our accesses up here, that the whole thing will be denied. Is this legal?

Blake Chambliss: I don't know if it is or not.

Mr. Trailer: I think it would be best if you could put it in writing for me so that I might study it and then talk to the City Attorney and see what he thinks about it. What you're saying is that this land up here will not be considered even though we agree what ever percentages you want, these two accesses are made, we can't do anything until we work something out with the Miracles and Daniels.

Blake Chambliss: The problem is, if we made our memorandum like this is, with things not there, I don't think it would be much help to you.

Mr. Trailer: Assuming these people want to go up and dead-end their road when it comes here, to Miracles. Alright, if they want to dead-end this and dead-end over at Daniels, are you saying they can't do that because you're going to hold out this parcel of land with two accesses out here?

Dr. Mac Brewer: Can Miracles get land for a road?

Mr. Trailer: Certainly they can. Anyone can get land for a road. They're going to have to negotiate with the other people.

Dr. Mac Brewer. We understood that the negotiations were just a little bit difficult.

Mr. Trailer: The point is, here's some people that want to develop some land and I think they have to negotiate out. Why should we have to build a road across the front of them or build something to give them access at this time?

Virginia Flager: It was in the original filing that that parcel would not be land locked and it was specifically stipulated that these people would work together so this problem would not arise.

Blake Chambliss: I think what we're saying is that it has to be done in an orderly manner.

Mr. Trailer: I understand that. Can you take other people's property without due process of law?

Virginia Flager: Yes, Mr. Trailer, we do it all the time.

Mr. Trailer: I'd like to know what we're doing. If it's legal, fine, if it isn't.

Dr. Mac Brewer: Do you understand what we're saying.

Mr. Trailer: You're saying the parties ought to get together and negotiate, and they will. You're saying they got to agree, and only the good Lord can make two people agree. Is this what you're saying, what I've said?

Dr. Mac Brewer: In the past that's what we've said.

Mr. Miracle: I think there is something that has been completely ignored here. I'd like to know if the developers remember that the five acres we have was part of the development. Now they're saying, we don't know who these people are. They're saying forget them cause they're not part of it anymore. Well, it was on the plan from the very beginning.

Mr. Trailer: If they run the road up to the line here, all you got to do is join it. It seems to me a simple problem.

Virginia Flager: I'm sure it is. It sounds very simple.

Mr. Trailer: What's he complaining about? All he's got to do is join it. We have nothing to say about it. If we run the road up to the line, he has a right to run it and join us, and that's all you have to tell us.

Discussion ended and moved on to next item.

16. PROPOSAL FOR ACCESS ROAD TO BUDGET INN

Petitioner requested withdrawal of discussion on this item for this month.

COUNTY ITEMS:

17. #C45-77: ORCHARD MESA COMMERCIAL PARK - PRELIMINARY

Petitioner: Sam Haupt
Location: SE of 27½ Road and Highway 50.

Heard comments and agreed with the County Commission.

18. #C76-77: CONSIDER A REQUEST FOR A BULK DEVELOPMENT FOR BURGER BARON. CONTAINS 9 ACRES IN A COMMERCIAL ZONE.

Petitioner: Louis Brach
Location: NW Corner of Highway 340 & Dike Road

Agreed with County Commissioners. Janine Rider stated that the only thing she was concerned with was the parking.

19. #C86-77: CONSIDER A REQUEST FOR A BULK DEVELOPMENT. CONTAINS 6 ACRES IN A COMMERCIAL ZONE.

Petitioner: Junction Corporation, Robert Gardner
Location: SW of North Avenue & 29½ Road

John Ballagh explained that this was Center Square and not Cedar Square. Blake Chambliss stated that this would have to have a sixty foot right-of-way. All commission members agreed.

Meeting adjourned at 12:26 a.m., June 30, 1977.