

GRAND JUNCTION PLANNING COMMISSION

April 4, 1978

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 Chairperson, JANINE RIDER with the following members present: JOHN ABRAMS, MAC BREWER, VERN DENISON, VIRGINIA FLAGER, and FRANK SIMONETTI.

Also present were: DEL BEAVER, Senior City Planner, KARL METZNER, Planner I, LARRY RASINSKI, Planning Tech III (County), CONNI MCDONOUGH, Development Director, DON WARNER, Planner Analyst, CAROL REDMOND, Acting Secretary, and approximately 10 interested persons.

SIMONETTI/DENISON PASSED a MOTION to ACCEPT the MARCH MINUTES with the AMENDMENT that the NAMES of the RESIDENTS pertaining to the CONDITIONAL USE for the NURSERY SCHOOL (WITTE) be ADDED. CAROL REDMOND, Secretary, stated that this had already been CORRECTED on the MASTER FILE COPY. MINUTES were APPROVED as CORRECTED.

CONNIE MCDONOUGH, Development Director, presented the "CITIZENS' GOALS PROGRAM FOR MESA COUNTY". Some discussion followed; questions were answered. JANINE RIDER suggested that a recommendation for ratification of this Program be made at the next Planning Commission Workshop.

CONNIE MCDONOUGH also discussed "WORK IN PROGRESS" for the CITY and COUNTY.

1. #3-78 - SUBDIVISION - FINAL PLAT, 1st ADDITION

Petitioner: Stanley L. McFarland
Location: West of McFarland Court and Consistory Court.

OPENED PUBLIC HEARING.

DEL BEAVER presented REVIEW AGENCIES' and STAFF COMMENTS.

MR. BEAVER also read a LETTER from GOLDEN, MUMBY & SUMMERS expressing RESIDENTS' PREFERENCE for HOLLYWOOD CURBS as OPPOSED to VERTICAL.

DEL BEAVER referred to a note added by RON RISH. MR. RISH requested that MR. BEAVER make this REQUEST known to the Planning Commission, and pointed out that he (RON RISH) felt the issue was a matter of "FUNCTION" versus "AESTHETICS".

There was some discussion concerning MAINTENANCE (CLEANING) of the CURBS. It was stated that the VERTICAL CURBS were easier to maintain than HOLLYWOOD CURBS because DEBRIS (ESPECIALLY ROCKS) was thrown by the street cleaner back up ONTO the LAWNS where HOLLYWOOD CURBS EXISTED.

KEITH MUMBY, REPRESENTING PETITIONER, pointed out that the location is WEST of McFarland Court, NOT EAST, as was stated on the agenda. He further stated that he felt the reasoning of potential TRAFFIC PROBLEMS as an argument against HOLLYWOOD CURBS UNJUSTIFIED. He felt there was no real TRAFFIC PROBLEM because of the CUL-DE-SACS. He didn't feel the existing TRAFFIC FLOW warranted the CHANGING of the CURB in the middle of a DEVELOPMENT. He said Mr. McFarland was also concerned about the UNIFORMITY of the CURBS.

ASKED FOR PROPONENTS. (NONE)

ASKED FOR OPPONENTS. (NONE)

Some DISCUSSION FOLLOWED regarding SIDEWALKS in CONNECTION with the CURBS. CONNI MCDONOUGH explained that SIDEWALKS were not POURED the same for BOTH TYPES OF CURBS and that there might be a difference in COST.

PUBLIC HEARING CLOSED.

There were more comments concerning AESTHETICS, COST, and CONCERN that the DECISION for HOLLYWOOD CURBS be what the PEOPLE REALLY WANT.

JOHN ABRAMS stressed his concern was more for DRAINAGE than "ROCKS ON THE CURB".

SIMONETTI/ABRAMS PASSED a MOTION to APPROVE THE FINAL PLAT for the MCFARLAND ESTATES SUBDIVISION, ALLOWING HOLLYWOOD CURBS instead of VERTICAL CURB and GUTTER.

2. #31-78 - ALLEY VACATION FOR JOUFLAS

Petitioner: Staff

Location: South 1/2 of North-South Alley Between
North and Glenwood Avenues

PUBLIC HEARING OPENED.

DEL BEAVER presented STAFF COMMENTS.

Asked for Opponents. (NONE)

PUBLIC HEARING CLOSED.

DENISON/FLAGER PASSED a MOTION to APPROVE the ALLEY VACATION.

3. #32-78 DEVELOPMENT IN H.O. - TEC DEL SOL

Petitioner: Lea & Company
Location: 772 Horizon Drive

PUBLIC HEARING OPENED.

KARL METZNER presented STAFF COMMENTS and REVIEW AGENCIES COMMENTS.

DEL BEAVER commented that STAFF should recommend the same thing be done with this PARCEL as with OTHER PARCELS on HORIZON DRIVE; i.e., to EXTEND AT LEAST A TEMPORARY WALKWAY.

JANINE RIDER was CONCERNED whether the ROAD was WIDE ENOUGH to PROVIDE for the TRAFFIC.

MAC BREWER felt BACKING onto the ONLY ACCESS was WRONG.

PETITIONER REPRESENTATIVE, JIM HOGUE explained that the ORIGINAL PROBLEMS THE PLANNING COMMISSION had with the PARKING, was that it was only 8' 6" WIDE. He said that some of the TENANTS also had some PROBLEMS with this. They CHANGED this to 9' 6", which met with DEPARTMENT APPROVAL. He said further that they still RETAINED the AMOUNT of PARKING REQUIRED by ZONING REGULATIONS. He stated that the REASON for going to PARKING in FRONT of the BUILDING was because of LOSING so MUCH PARKING SPACE at the REAR of the BUILDING DUE to the EXPANSION from 8' 6" to 9' 6". He STRESSED that there were TWO SPACES IN FRONT which are for HANDICAPPED ONLY, and ELEVEN to THIRTEEN (11-13) FOR VISITOR PARKING ONLY. MR. HOGUE explained that EMPLOYEE PARKING is to the SOUTH and to the EAST of the BUILDING.

IT WAS DETERMINED THAT THE AMOUNT OF PARKING PRESENTLY SURROUNDING THE TWO OFFICES BUILDINGS IS SUFFICIENT TO MEET THE ZONING REGULATIONS.

ASKED FOR PROPONENTS. (NONE)

ASKED FOR OPPONENTS. (NONE)

THERE was more DISCUSSION REGARDING PARKING.

PUBLIC HEARING CLOSED.

THERE was further EXTENSIVE DISCUSSION CONCERNING TRAFFIC/RIGHT OF WAY.

SIMONETTI/DENISON PASSED a MOTION to ACCEPT APPROVAL of the TEC DEL SOL DEVELOPMENT in H.O. SUBJECT to STAFF COMMENTS and the FOLLOWING:

- 1) Marking of visitor and handicapped parking areas
- 2) Pedestrian walkway be provided along Horizon Drive
- 3) Consideration of acceleration and deceleration lanes

4. #83-77 - TEXT CHANGE SECTION 5 - PARKING AND LOADING

Petitioner: Staff

DEL BEAVER brought up an item which he stated should have been taken care of before, but stated that it was not too late now. This was in reference to the Table regarding "Stall Depth". This Table has been revised.

DEL BEAVER stated they had checked some additional sites as requested for both residential and retail sectors which were the two most controversial sectors. Findings were as follows:

The new City Market would be constructed with approximately 33,000 square feet of sales space and would be required by present regulations to provide 110 parking stalls. They had proposed 114 parking stalls. At 1 to 200, they would be required to provide 166 parking stalls.

Weberg's has 39 parking stalls. At 1 to 200 they would need 85 parking stalls which amounts to about 120% increase over what they presently have. This is with the realization that the parking they have to the west is not in yet; but from a practical point of view it is not felt many customers will be using that parking.

Coast to Coast and Bike Shop have 16 stalls and they would need 25 for a 56% increase over what they presently have. Coast to Coast was chosen, because it's the type of use which has a relatively high turn-over. And though once in a while it might be difficult to find a parking place, it was generally considered by a number of people interviewed that it was not a real problem and seems to meet their needs.

Some additional apartments were checked and in no case did they exceed 1.5 spaces per unit, and did not appear to have a detri-

mental effect on the neighborhood. The parking lot was not being overly parked. It is not determined whether people are parking in the parking lots rather than on the street.

VIRGINIA FLAGER interjected that people ARE parking on the street at Chateau.

DEL BEAVER continued that the biggest problem found in looking at a number of parking lots, whether business or residential, that has a direct bearing on whether the lot was utilized properly or not, was in the LAYOUT as opposed to the number of stalls.

JANINE RIDER wanted Staff to give an example of one of the already built City Markets as to how many spaces per square feet.

DEL BEAVER then cited Safeway at the corner of 7th and North. He stated they had parking in accordance with regulations and were not deemed to have a problem.

JANINE RIDER asked if there was anyone who wished to be heard.

WARD SCOTT: I'm really only here to formalize what we've already said before so that if this goes before the City Council, at least we can say we were here. Basically, the Board of Realtors' approach has been all along: we're not against good parking standards, we're for them and I think some of the things that are in the Regulations are quite good. I think the employee thing is a good idea. We're basically interested in not changing the Regulations unless a need can be demonstrated. The important objections revolve around primarily the retail area and residential apartment area. On retail, basically we feel they're too strict and we feel a further breakdown as in Draft 5 was more appropriate. Just as all residential uses are not the same, all retail uses are not the same. I understand one of the objections I've heard is that maybe you build or design it for one use, but it becomes another use of a higher density requirement. I don't think that's really a problem. The little Coast to Coast Stores do not become big shopping centers without complete rebuilding, in which case the Regulations can be applied appropriate. I really would encourage you to breakdown retail space and delineate probably the three kinds of segregations we've had before. On the residential apartments..., again I think Del's comment is well taken. Certainly there are lots of apartment parking problems, and most of them date back before there were parking regulations, or before they were enforced; but most of the problems come because they don't use the parking places. With the apartment parking, the 33% more spaces doesn't mean they're going to use them. Unless we can be shown a need, and we've not been, we're opposed to those two specifications as they now stand.

I have some other minor comments besides the above. Under #4, I personally would like to see the exception given in 5a also. On Item #6...I'm not really sure what that says for legal purposes. Maybe Del or somebody can explain what that means.

DEL BEAVER stated that all he could offer would be that parking would not be able to be cut back for any number of reasons. He pointed out that in looking at it out of context, to his way of thinking, it goes without saying that the regulations speak to that anyway, and it could very well be deleted. The parking regulations have to be met, and regardless of whether this clause in there someone who already had an established amount of parking that just met regulations, would not be able to reduce those parking stalls anyway. So it could be stricken because of irrelevance or redundancy.

WARD SCOTT: I can even read more into that that perhaps gets a little more scary, and I'm not even sure that you could enforce the things that I can probably read into it. I'd like to see it broken down, or even, perhaps, deleted.

Item 9: I think that Item 9 may even be in the "current" status. But since we're changing specifications, you may as well make them as good as possible. If I read Item 9 correctly, there is an existing house next to it, if I'm in a commercial zone, and there is a building being used as a residence that is also in a commercial zone, do I have to build a fence.

MAC BREWER responded affirmatively.

WARD SCOTT continues: I just don't understand why. I could maybe see that the basic structure is more offensive than the parking lot.

VIRGINIA FLAGER: You mean in other words, you don't feel that the person who, unfortunately, lives in a zoned area that has been changed in zoning should have any protection from a person who comes in and wants to put a parking lot next door. Is that what you're saying?

WARD SCOTT: It doesn't protect him against a person coming in there and putting in a commercial building that might be considered obnoxious to him.

JANINE RIDER: That's right. I think that if we had the choice, we'd have him put that fence up. Here is a place where we have an opportunity to do it as we do with planned development. In those cases, we've done it. We just don't have any control; we're trying to get it as much as we can, and I think if it's not complete, it's just that we've not been able to control it; not that we don't want to.

WARD SCOTT: As I say, I can understand a personal dilemma of someone who lives in a zoned area contrary to less severe than what the severity of the zoning allowed. But to me it goes well beyond putting a little screening around a parking lot, because to me, there are a lot of things that would be a lot worse than a parking lot.

JANINE RIDER: I think you're exactly right. It's just that we're exerting our control where we have it.

VIRGINIA FLAGER cited a case at Seven-Eleven where a man wanted to be protected from a parking lot.

WARD SCOTT interjected that this is the way he felt we make commercial property commercial. He felt it would force that person to develop what is his home into commercial. He stated the person could move out and therefore, if zoning is to be used, it should be used for what it was zoned.

VIRGINIA FLAGER: Isn't there a question of prior rights? If the guy suddenly has a zone change, and he doesn't want to move out of that area, because someone else comes in and asks for zoning on a piece of property, you should have some rights there?

DEL BEAVER: You also have the situation that could exist, where the zoning that exists may be termed improper, and may not be appropriate for the expansion of the zone, but because of the problems associated with downzoning, etc., perhaps the residences that do exist might request, and should receive in some instances some degree of protection in terms of buffering. I think some new staff ideas will address this, and I don't see this point as being paramount in terms of the ordinance. It's a point that can evoke a lot of strong feelings, but as far as it goes with the entire parking ordinance, I think it's small potatoes. There are other instances when fencing may be considered appropriate around parking facilities other than residential protection.

MAC BREWER: Do we consider it, or is it required?

FRANK SIMONETTI: It's required. You've got to remember there behind 12th, Radio Shack. It faces 12th, but those are HOUSES, west of that; the same thing is true of Bob Bray's, those are HOUSES, NOT JUST ONE HOUSE, BUT HOUSES.

VIRGINIA FLAGER: I don't see any problem leaving the language the way it is.

WARD SCOTT: I was differentiating between residential USE and RESIDENTIAL ZONE. I made the comment on it; I don't think it's that important. I just thought it a superfluous addition in comparison to the total impact of what reconstruction and new building can do to a neighborhood.

VIRGINIA FLAGER: I think it's a point that we should discuss. He brought it up, and I'm going to debate it. Wendy's is a good example. It's a good business; across the alley from a residential zone. The zoning to the north is R-2. There's no provision to protect the residences north of the parking lot, and it's now a problem. I was there before Wendy's, so I do have a prior right, and this situation exists all over the City. If I could do anything about it, they'd put up a fence there and limit their access into their parking lot; but at this point, I can do nothing but put up with their noise, and their lights until 11:00 at night.

DEL BEAVER: Let me make one point that you may be talking about.. the block to the south of where Blake Chambliss is building..., the Galley Restaurant. That's residential character now, but it's zoned B-3. If a retail establishment would go in there, though it would be the intruder on the street, in terms of a retail establishment, with the exception of the Galley; and a parking lot is put in place of one of those houses, I can see some merit in having the residences screened from a parking lot even though the parking would be in there as a use by right in a business zone.

JANINE RIDER: My feeling is that most people who live in a residence in a commercial zone, aren't there by choice. Either they don't have the money, or they're 90 years old. Because I feel that most of these people may be somewhat hardship cases, I think they deserve some protection. That's not always the case, but I think very often it may be the situation. Although I agree wholeheartedly, Ward, that they may need more protection from the McDonald's than from the McDonald parking lot, if we can get it on the parking lot, let's take it.

WARD SCOTT: But as it's been pointed out though, it's a mandatory requirement. And again, I agree, but I don't feel strongly enough to say should this be the variance procedure to delete the requirement, or should it just say that it should be considered? What I really came here to talk about was retail sales concerns and apartment dwellings. Those are severe changes. I just don't see that the need is justified. I think there are some very big expenses that you're building in to development as a result of this ordinance.

BOB GERLOFS: As a member of Homebuilder's Association, we should bring it to your attention that the Board of Homebuilders is opposed to parking requirements in multi-family residential as presented in this proposal. The Board feels that parking should be related to the use in the multi-dwelling housing; i.e. a studio apartment might be regarded differently from a three-bedroom apartment. And we would like the Commission to consider this differentiation and evaluate the need. A studio doesn't necessarily mean two parking spaces.

VIRGINIA FLAGER pointed out a man and his wife with a studio would probably have two cars.

There was some discussion regarding the above statement.

DEL BEAVER: Recommendations I'd make would be to strike Paragraph #6; therefore, Items 7, 8, 9, and 10, will become 6, 7, 8, and 9 respectively. We would leave it up to you whether the wording on #9 should be "shall" or "should".

JOHN ABRAMS: If I wanted to take the Coast to Coast and Bike Shop and turn it into a sit-down restaurant without a walk-up window, could I do that?

FRANK SIMONETTI responded that he could.

JOHN ABRAMS wondered whether he could do it without changing the parking.

KARL METZNER: Under the present regulations, you couldn't because a restaurant would have a more restricted parking than retail sales.

DEL BEAVER added that one would have to have additional parking to do it.

DON WARNER: I talked to our City Attorney on that and he said that if there were a change to a more intense use, under the present regulations, they would have to supply additional parking.

DEL BEAVER: The key here is whether they have to get a building permit or not. If they don't have to get a building permit, it's going to be awfully hard for us to catch them; ninety-nine times out of one-hundred, they'll be doing enough work, so we'll see a building permit, and that will trigger the additional parking request. I can't think of any instance where you'd go to a more intense use without requiring a building permit.

JANINE RIDER closed public hearing. It has been suggested we consider three(3) different parts of this regulation. The requirement for retail space, the requirements for parking lots in apartments, and #8 (after change, next to the last item on last page about fences next to parking lots). Let's take those one at a time. Other than those three, do we have anything else?

PARAGRAPH 6: There was unanimous agreement to eliminate it.

PARAGRAPH 8 (Was #9): JANINE RIDER asked if anyone would like to change the wording. It was determined that it should read "...wall, SCREEN fence, or screen planting". (Inserting the word "screen" before "fence").

The above was approved unanimously.

RETAIL SALES: (MS. RIDER): We have this as written where all retail sales stores need one space per every 200 square feet of sales area. In Draft 5, we had retail sales broken into two categories: a) high-volume which required 1 space per 200 square feet; and, b) low-volume which required 1 space per 250 square feet. To remind you, we considered a change to 225 square feet for both, but Staff decided it was unruly to work with, and that an even number was better. That was where our former discussion ended, and we decided to leave it at 1 space per 200 square feet sales area. Any more discussion on that?

MAC BREWER: After hearing the discussion about building permits and all, I think there might be some merit to going back to the three divisions.

JANINE RIDER: It is really two divisions we're talking about because the third was service bus and has already been addressed.

JANINE RIDER: The biggest problem I have with doing what we're doing here, is that we're hurting the "little guy". We're not hurting City Market, Weberg's; but like the little Coast to Coast, which is a family business (we are). This worries me.

JOHN ABRAMS wondered who would determine high versus low density.

DEL BEAVER: We've got examples in there. If you want us to be more specific, we'll run into some...

MAC BREWER (interjected): If you're not more specific, can you be hung?

DEL BEAVER: You can be hung to the extent of whether you're requiring 4 spaces per thousand square feet or 5 spaces per 1000 square feet. As to whether it's 200 or 250, I don't consider that a great hanging as far as I'm concerned, but I think examples in here are sufficiently clear and I don't see Staff having any great problems with examples given.

JANINE RIDER: Could it be determined that if there were any question, that they automatically went to the more parking spaces.

DEL BEAVER: Sure. Staff is going to interpret this thing very rigidly because there is the option in the hardship clause to come back to you.

JANINE RIDER: I think there should be some assurance you're high-volume unless you can prove yourself low.

DEL BEAVER: Exactly, that's how we approach just about every development that we're faced with. If there is a problem, they come back to you if they can't work it out with Staff.

JOHN ABRAMS: It's the little places that so often do not have quite enough parking spaces. It seems to me that whether it's high or low volume, that it's those little places that don't have enough parking and question whether we're asking for enough in the high volume retail sales for those little places. The big ones don't seem to be a problem. I'm not sure whether this is going to address that problem.

VIRGINIA FLAGER: I would stay with the Draft 6 requirement.

JANINE RIDER: This makes two for, two against. I hope whoever makes motion will make it with the general consensus of the group.

JOHN ABRAMS: I'm in favor of high and low volume, but I can't go with spaces per square feet.

DEL BEAVER cited Home Appliance as an example of low volume sales. They have approximately 2500 square feet of sales area; they'd need to have ten spaces. That is adequate.

SIMONETTI/DENISON PASSED MOTION TO APPROVE PARKING REGULATIONS SUBJECT TO THE FOLLOWING AMENDMENTS:

- 1) VIRGINIA FLAGER moved to delete Item 6 on page 5. John Abrams seconded; passed unanimously.
- 2) VIRGINIA FLAGER moved to add the word "screen" in front of the word "fence" on the next to the last item on page 5. (It was originally #9). Vern Denison seconded. It passed unanimously.
- 3) VERN DENISON moved to return to Draft 5 wording regarding Retail Sales, and adding "Shopping Complexes" to high-volume retail sales. Mac Brewer seconded. Motion passed with Frank Simonetti and Virginia Flager voting negatively.
- 4) MAC BREWER moved to amend new parking regulations (Draft 6) back to old parking regulations (Draft 5) concerning residential parking. Motion died for lack of a second.

COUNTY ITEMS:

1. #C38-78 REZONE AFT to R4

Petitioner: Delbert F. and Edna E. Wanzer
Location: North of F-1/2 Road, 1000' E. of 25 Road

LARRY RASINSKI presented Staff comments.

CONNI MCDONOUGH explained that the County Planning Commission has determined that the area should be approved and designed for intensive residential use to meet their proposed goals that they see as important to this community. This is to provide an opportunity, not a guarantee, for someone to live close to where they are employed.

FLAGER/SIMONETTI PASSED A MOTION TO APPROVE REZONING SUBJECT TO STAFF STIPULATIONS.

2. #C200-77 REZONE AFT to PD-2

Petitioner: David Fisher, Stephen Meacham, Glen Kempers,
and Gary Springfield
Location: Southwest of 26-1/2 Road and H Road

LARRY RASINSKI presented Staff comments.

There was some discussion about sewer plans.

SIMONETTI/FLAGER PASSED A MOTION TO APPROVE REZONING SUBJECT TO STAFF STIPULATIONS.

3. #C184-77 PALACE ESTATES SUBDIVISION - PRELIMINARY

Petitioner: Las Casas, Village Land Company, Pavlakis
and Company
Location: 400 feet north of North Avenue, between
29-1/4 Road and 29-1/2 Road

There were some comments regarding right-of-way and drainage ditch.

Representative for the Petitioner, Mr. Doug Hayes was in attendance. He did not care to speak.

There was some discussion about obtaining right-of-way from the school district. Mr. Warner assured this was not difficult if a good case could be presented.

FLAGER/BREWER PASSED A MOTION TO APPROVE PALACE ESTATES SUB-DIVISION SUBJECT TO STAFF COMMENTS AND THE FOLLOWING STIPULATIONS.

- 1) Full right-of-way dedication, 60 foot extension on eastern half of parcel.
- 2) That 29-1/2 and 29-1/4 Roads be tied in.

4. #C185-77 SUBDIVISION - Sroufe: R-2 Transitional

Petitioner: Doris Thatcher and Richard Sroufe
Location: Southwest of 29-1/4 and F Roads

LARRY RASINSKI presented Staff comments.

There was some discussion concerning Grand Valley Canal. CONNI MCDONOUGH mentioned there were plans in the making to put up a chain link fence and build bicycle paths if deemed appropriate.

BOB GERLOFS explained the road layout on the map.

ABRAMS/SIMONETTI PASSED A MOTION TO APPROVE THE SUBDIVISION SUBJECT TO STAFF COMMENTS AND THE FOLLOWING STIPULATION:

- 1) Leave east access option open and go west with 50 foot right-of-way.

5. #C41-78 SUBDIVISION - Rio Grand

Petitioner: Arthur L. and Joan L. Gilmore
Location: South of B-1/2 Road at 28-3/4 Road

LARRY RASINSKI presented Review Agencies' and Staff comments.

BOB GERLOFS explained the road layout on the map.

SIMONETTI/DENISON PASSED A MOTION TO APPROVE THE SUBDIVISION SUBJECT TO STAFF COMMENTS.

MEETING ADJOURNED AT 11:17 p.m.