



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, FEBRUARY 24, 2009, 6:00 P.M.**

Call to Order

Welcome. Items listed on this agenda will be given consideration by the City of Grand Junction Planning Commission. Please turn off all cell phones during the meeting.

In an effort to give everyone who would like to speak an opportunity to provide their testimony, we ask that you try to limit your comments to 3-5 minutes. If someone else has already stated your comments, you may simply state that you agree with the previous statements made. Please do not repeat testimony that has already been provided. Inappropriate behavior, such as booing, cheering, personal attacks, applause, verbal outbursts or other inappropriate behavior, will not be permitted.

Copies of the agenda and staff reports are available on the table located at the back of the Auditorium.

Announcements, Presentations, and/or Prescheduled Visitors

Consent Agenda

Items on the consent agenda are items perceived to be non-controversial in nature and meet all requirements of the Codes and regulations and /or the applicant has acknowledged complete agreement with the recommended conditions.

The consent agenda will be acted upon in one motion, unless the applicant, a member of the public, a Planning Commissioner or staff requests that the item be removed from the consent agenda. Items removed from the consent agenda will be reviewed as a part of the regular agenda. Consent agenda items must be removed from the consent agenda for a full hearing to be eligible for appeal or rehearing.

1. Minutes of Previous Meetings

[Attach 1](#)

Approve the minutes of the January 27, 2009 Regular Meeting.

2. Reimer Annexation – Zone of Annexation [Attach 2](#)

Request a recommendation of approval to City Council to zone .081 acres from County RSF-R (Residential Single Family Rural) to a City I-1 (Light Industrial) zone district.

FILE #: ANX-2009-006
PETITIONER: Ryan Reimer
LOCATION: 2751 Riverside Parkway
STAFF: Michelle Hoshide

3. Perf O Log Office/Warehouse Facility – Conditional Use Permit [Attach 3](#)

Request approval for a Conditional Use Permit to allow for the storage of Hazardous and Explosive materials on 2.35 acres in an I-1 (Light Industrial) zone district.

FILE #: CUP-2008-088
PETITIONER: Walid B. Boumatar – Interstate Commercial Park LLP
LOCATION: 2309, 2311 Interstate Avenue
STAFF: Ronnie Edwards

4. FedEx Office/Warehouse – Conditional Use Permit [Attach 4](#)

Request approval for a Conditional Use Permit to allow an office/ warehouse on 3.8 acres in an I-O (Industrial Office) zone district located within the Noise Zone (Subdistrict B) of the Airport Environs Overlay Zoning District.

FILE #: CUP-2008-380
PETITIONER: Diane Schwenke – Colorado West Improvements
LOCATION: 825, 829 Justice Court
STAFF: Ronnie Edwards

5. Wynshp Alley Vacation – Vacation of Right-of-Way [Attach 5](#)

Request a recommendation of approval to City Council to vacate the .04 acre alley north of Winters Avenue between South 7th and South 8th Streets.

FILE #: VR-2008-089
PETITIONER: Deborah Shipley – Wynshp Enterprises, LLC
LOCATION: 946 South 7th Street
STAFF: Senta Costello

*** * * END OF CONSENT CALENDAR * * ***

*** * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *****Public Hearing Items**

On the following items the Grand Junction Planning Commission will make the final decision or a recommendation to City Council. If you have an interest in one of these items or wish to appeal an action taken by the Planning Commission, please call the Public Works and Planning Department (244-1430) after this hearing to inquire about City Council scheduling.

6. Bar/Nightclub & Office/Warehouse – Conditional Use Permit [Attach 6](#)

Request approval of a Conditional Use Permit for a bar/nightclub in an I-1 (Light Industrial) zone district. Remanded back by City Council at the January 21, 2009 meeting.

FILE #: CUP-2008-158
PETITIONER: Kevin Eardley
LOCATION: 2256, 2258 Colex Drive
STAFF: Senta Costello

7. Twelfth & Patterson Center – Conditional Use Permit [Attach 7](#)

Request a recommendation of approval to City Council to vacate an Irrigation and Drainage Easement. Request approval of a Conditional Use Permit for a retail building that is in excess of 15,000 sq. ft. in the B-1 (Neighborhood Business) zone district and request approval of a Conditional Use Permit for a drive-through retail use on 8.4 acres.

FILE #: CUP-2008-323
PETITIONER: Dillon Real Estate
LOCATION: SE Corner 12th Street & Patterson Road
STAFF: Scott Peterson

8. Corner Square, Phase II Apartments – Preliminary Subdivision Plan [Attach 8](#)

Request approval of the Preliminary Development Plan to construct 48 multifamily dwelling units on 3.3 acres in a PD (Planned Development) zone district.

FILE #: PP-2008-172
PETITIONER: Bruce Milyard – F & P Development, LLC
LOCATION: 2535 Knollwood Drive
STAFF: Greg Moberg

General Discussion/Other Business**Nonscheduled Citizens and/or Visitors****Adjournment**

Attach 1
Minutes of Previous Meeting(s)

GRAND JUNCTION PLANNING COMMISSION
JANUARY 27, 2009 MINUTES
6:00 p.m. to 6:18 p.m.

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), William Putnam (Vice-Chairman), Lynn Pavelka-Zarkesh, Patrick Carlow, Ebe Eslami and Mark Abbott. Commissioner Reggie Wall was absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Lisa Cox (Planning Manager), Lori Bowers (Senior Planner), Scott Peterson (Senior Planner), Judith Rice (Associate Planner) and Michelle Hoshide (Associate Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 8 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

Consent Agenda

1. Minutes of Previous Meetings

There were no minutes available at this time.

2. Hall's Estates Subdivision – Preliminary Subdivision Plan

Request approval of the Preliminary Subdivision Plan to develop 49 dwelling units on 6.87 acres in an R-8 (Residential 8 du/ac) zone district.

FILE #: PP-2007-296

PETITIONERS: Hall's Estates, LLC

LOCATION: 652 24½ Road

STAFF: Lori Bowers

3. St. Mary's Rose Hill Hospitality House – Vacation of Easements and Vacation of Right-of-Way

Vacation of Ingress, Egress and Utility Easement and Vacation of Right-of-Way.

FILE #: RZ-2008-227

PETITIONER: Keith Estridge – St. Mary’s Hospital & Medical Center
LOCATION: 605 26½ Road
STAFF: Scott Peterson

4. Fast Eddy’s Relocation – Conditional Use Permit

Request approval of the Conditional Use Permit to allow a bar/nightclub on 1.04 acres in a C-1 (Light Commercial) zone district.

FILE #: CUP-2008-361
PETITIONER: William Lloyd – L & B, Inc.
LOCATION: 1224 N 25th Street
STAFF: Michelle Hoshide

5. Two Rivers Condominiums – Preliminary Subdivision Plan

Request approval of a Preliminary Subdivision Plan to condominiumize a 10,069 sq ft commercial/residential building into 4 units on .145 acres in a B-2 (Downtown Business) zone district.

FILE #: CDP-2008-330
PETITIONER: Shane Burton – Two Rivers Condo LLC
LOCATION: 201 Colorado Avenue
STAFF: Greg Moberg

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the Consent Agenda items.

MOTION: (Commissioner Eslami): “Mr. Chairman, I make a motion to approve the Consent Agenda and I would be excused from item 2 because of a conflict of interest.”

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed unanimously by a vote of 6 - 0.

Public Hearing Items

6. Nellie Bechtel Right-of-Way Vacation – Vacation of Right-of-Way

Request a recommendation of approval to City Council to vacate .209 acres of unimproved F¼ Road right-of-way located north of 3032 North 15th Street.

FILE #: VR-2008-202
PETITIONER: Mike Grizenko – City of Grand Junction
LOCATION: 3032 North 15th Street
STAFF: Judith Rice

STAFF’S PRESENTATION

Judith Rice, Associate Planner, Public Works and Planning Department, made a PowerPoint presentation regarding a request for vacation of right-of-way. She said that

the proposed right-of-way vacation was located north of Patterson Road and Hermosa Avenue and east of North 15th Street. Ms. Rice said that the right-of-way to be vacated ran adjacent and north of the Nellie Bechtel Apartments. The Future Land Use Map indicated this area as Residential High, Medium High and Medium with existing zoning immediately around the right-of-way area of R-8 and Planned Development. She went on to state that the Nellie Bechtel Gardens would be the beneficiary of this vacation and planned to incorporate the 14 foot strip of land into its open space area which would allow landscaping and accessibility for maintenance. According to Ms. Rice, a nearby citizen raised the question of establishing a pedestrian easement on the vacated area. However, upon further discussions with the neighbor, it was determined that the right-of-way area was not the area that he was concerned about. She concluded that the requested right-of-way vacation was consistent with the Growth Plan and the Grand Valley Circulation Plan and met the applicable review criteria of the Zoning and Development Code had been met and recommended that the Commission forward a recommendation of approval to City Council.

QUESTIONS

Chairman Cole asked if the land to the east presently being used as an extension of what the neighbor spoke of as a trail was private property. Judith Rice said that it was private property and was not a formal trail.

PUBLIC COMMENT

For:

George Wheeler, 3820 Applewood Street, said that he was one of the owners of Nellie Bechtel Apartments. He said that when the county built the property it gave 14½ feet of right-of-way to the north of the property with the intention of building a street from 15th Street over to 27½ Road which had never been built. He concurred that the easement should be abandoned and was presently basically a no man's land and there was no maintenance with weeds and elm trees. They hoped to be able to continue to make it into a much better piece of property not only for their tenants but for the neighbors as well. He felt that unless all property owners could get together and give an easement through there that there should not be an easement through there for walking purposes.

Against:

No one spoke in opposition to this request.

QUESTIONS

Commissioner Carlow asked how this tied into the trail system. Ms. Rice said that it is not currently on the Urban Trails map but could possibly in the future if the City wanted to pursue that. She said that there were also other areas to the north that might also be an alternative for connectivity for pedestrians as well. She further stated that there are trail easements in the area.

MOTION: (Commissioner Putnam): "Mr. Chairman, on the vacation of the 14.5 foot wide, 627 foot long undeveloped F¼ Road right-of-way, VR-2008-202, I move

that the Planning Commission forward a recommendation of approval to City Council with the facts and conclusions listed in the staff report.”

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed unanimously by a vote of 6 – 0.

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 6:18 p.m.

Attach 2
Reimer Annexation

CITY OF GRAND JUNCTION
 PLANNING COMMISSION

MEETING DATE: February 24, 2009
 STAFF PRESENTATION: Michelle Hoshide

AGENDA TOPIC: Reimer Annexation- ANX-2009-006

ACTION REQUESTED: Recommendation to City Council on a Zone of Annexation.

<i>STAFF REPORT / BACKGROUND INFORMATION</i>				
Location:		2751 Riverside Parkway		
Applicants (Prop owner, developer, representative)		Owners: Ryan M. and Chelsi N. Reimer		
Existing Land Use:		Residential Single Family Rural		
Proposed Land Use:		Industrial Trade Shop		
Surrounding Land Use:	North	Union Pacific Railroad Company		
	South	Residential Single Family Rural		
	East	Residential Single Family Rural		
	West	Residential Single Family Rural		
Existing Zoning:		RSF-R (Residential Single Family Rural)		
Proposed Zoning:		I-1 (Light Industrial)		
Surrounding Zoning:	North	I-1(Light Industrial)		
	South	RSF-R (County Single Family Rural)		
	East	RSF-R (County Single Family Rural)		
	West	RSF-R (County Single Family Rural)		
Growth Plan Designation:		Industrial		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: A request to zone .64 acres Reimer Annexation consisting of one (1) parcel located at 2751 Riverside Parkway to a I-1(Light Industrial) Zone District.

RECOMMENDATION: Recommend approval to the City Council of the I-1 (Light Industrial) zone district.

ANALYSIS:

1. Background:

The .64 acre Colorado Reimer Annexation consists of one (1) parcel located at 2751 Riverside Parkway. The owners have requested annexation into the City to allow for development of a contractor and trade shop. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City's Growth Plan Future Land Use Map. The proposed zoning of I-1 (Light Industrial) conforms to the Future Land Use Map, which has designated the properties as Industrial

2. Section 2.6.A.3 and 4 of the Zoning and Development Code:

Zone of Annexation: The requested zone of annexation to the I-1 (Light Industrial) zone district is consistent with the Growth Plan. The existing County zoning is RSF-R (Residential Single Family Rural). Section 2.14 of the Zoning and Development Code, states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3 and 4 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: The proposed I-1 (Light Industrial) zoning district is consistent with the Growth Plan. The Future Growth plan designation is Industrial for this property.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning.

Response: Adequate public facilities and services are available to accommodate the I-1 (Light Industrial) zone district. An 8" Ute water line and an 15" Central Grand Valley Sanitary sewer line are located within the Riverside Parkway.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone districts would also be consistent with the Growth Plan designation of Industrial for the subject property.

- a. I-O
- b. I-2

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Reimer Annexation, ANX-2009-006, for a Zone of Annexation, I recommend that the Planning Commission make the following findings of fact and conclusions:

1. The requested zone is consistent with the goals and policies of the Growth Plan.
2. The review criteria in Section 2.6.A.3 and 4 of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the I-1 (Light Industrial) zone district for the Reimer Annexation, ANX-2009-006 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

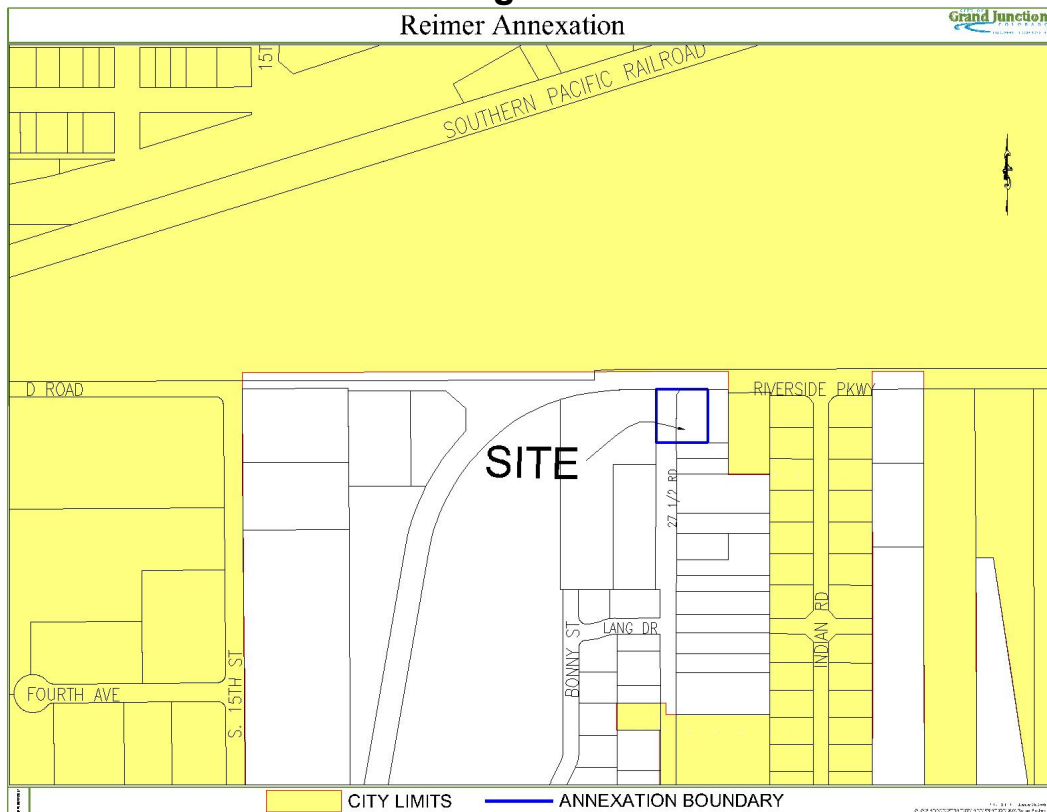
Mr. Chairman, on the Reimer Annexation, ANX-2009-006, I move that the Planning Commission forward to the City Council a recommendation of approval of the I-1 (Light Industrial) zone district for the Reimer Annexation with the facts and conclusions listed in the staff report.

Attachments:

1. Staff report/Background information
2. Annexation/ Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City and County Zoning Map
4. Annexation Ordinance

Annexation/Site Location Map

Figure 1



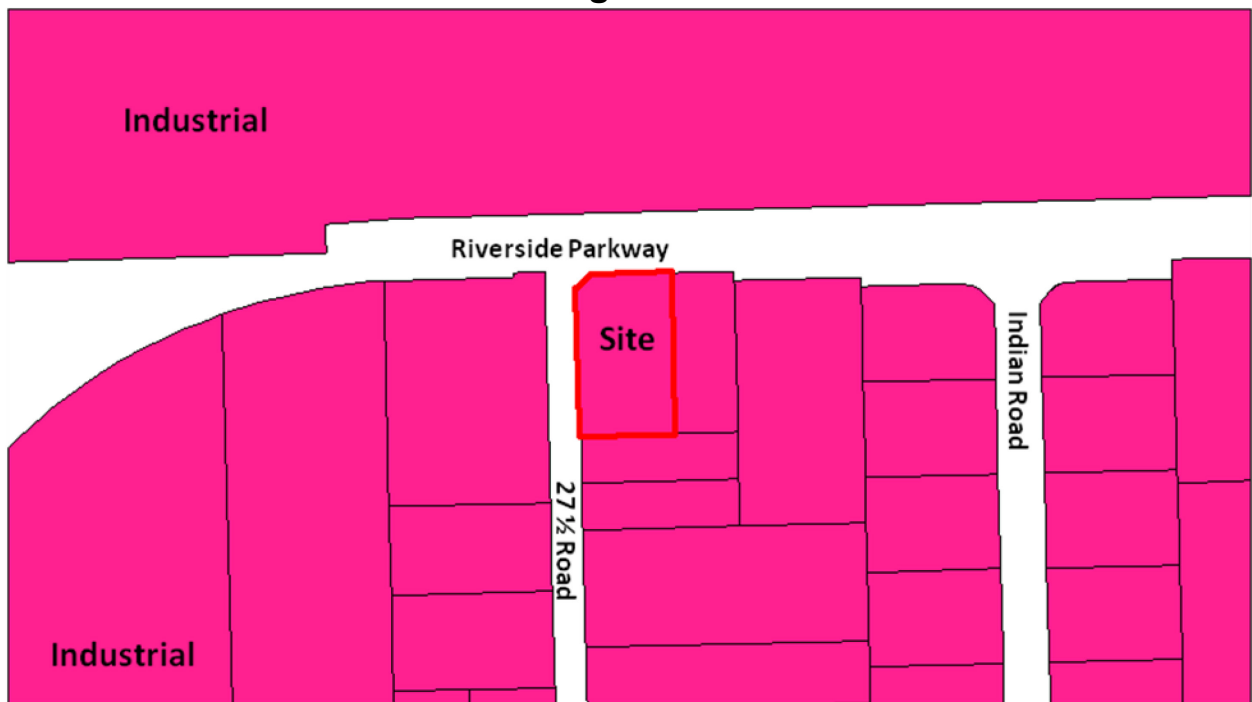
Aerial Photo Map

Figure 2



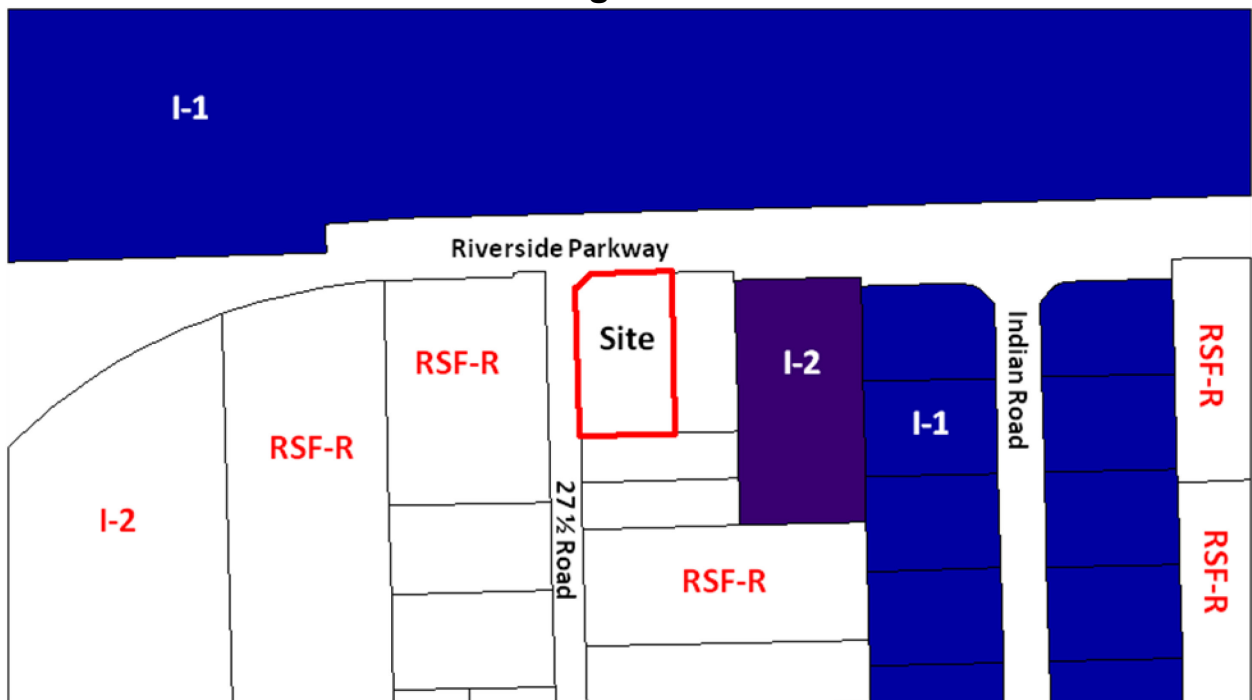
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE REIMER ANNEXATION TO I-1 (LIGHT INDUSTRIAL)
LOCATED AT
2751 RIVERSIDE PARKWAY AND INCLUDES A PORTION OF 27 ½ ROAD RIGHT-
OF-WAY**

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Reimer Annexation to the I-1 (Light Industrial) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the I-1 (Light Industrial) zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The following property be zoned I-1 (Light Industrial)

REIMER ANNEXATION

A certain parcel of land located in the Northwest Quarter (NW 1/4) and the Northeast Quarter (NE 1/4) of Section 24, Township One South, Range One West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Commencing at the Northwest corner of the NW 1/4 NE 1/4 of said Section 24 and assuming the West line of the NW 1/4 NE 1/4 of said Section 24 to bear S00°08'44"W with all bearings contained herein relative thereto; thence S00°08'44"W a distance of 30.00 feet along the West line of the NW 1/4 NE 1/4 of said Section 24 to the Point of Beginning; thence S89°59'19"E a distance of 131.99 feet along a line being 30.00 feet South of and parallel with the North line of the NW 1/4 NE 1/4 of said Section 24, said line also being the Southerly line of Riverside Parkway Annexation No. 1, Ordinance No. 4319, City of Grand Junction; thence S00°00'41"W a distance of 168.00 feet; thence N89°58'41"W a distance of 165.39 feet; thence N00°08'44"E a distance of 167.97 feet along a line being 33.00 feet West of and parallel with the West line of the

NW 1/4 NE 1/4 of said Section 24 to a point on the Southerly line of said Riverside Parkway Annexation No. 1; thence S89°59'19"E a distance of 33.00 feet along a line being 30.00 feet South of and parallel with the North line of the NE 1/4 NW 1/4 of said Section 24, said line also being the Southerly line of said Riverside Parkway Annexation No. 1 to the Point of Beginning.

Said parcel contains 0.64 acres (27,749.34 sq. ft.), more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2009 and ordered published.

ADOPTED on second reading the ____ day of _____, 2009.

ATTEST:

President of the Council

City Clerk

Attach 3
Perf O Log Office/Warehouse

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: February 24, 2009
STAFF PRESENTATION: Ronnie Edwards

AGENDA TOPIC: Perfolog Office/Warehouse, CUP-2008-088.

ACTION REQUESTED: Approval of a Conditional Use Permit

BACKGROUND INFORMATION				
Location:		2309 and 2311 Interstate Avenue		
Applicants:		Walid Boumatar for Perf O Log Wireline Services		
Existing Land Use:		Vacant		
Proposed Land Use:		Office/Vehicle Maintenance/Warehouse and Storage for Explosive and Hazardous Material		
Surrounding Land Use:	North	Oilfield Services/Engineering Lab/Trailer Sales		
	South	Mesa Wireline, LLC		
	East	Marble Manufacturing		
	West	Trucking Facility		
Existing Zoning:		I-1(Light Industrial)		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	I-1 (Light Industrial)		
	South	I-2 (Heavy Industrial)		
	East	I-1 (Light Industrial)		
	West	I-1 (Light Industrial)		
Growth Plan Designation:		Commercial/Industrial		
Zoning within density range?		N/A	Yes	No

PROJECT DESCRIPTION: Request approval for a Conditional Use Permit for the storage of explosive and hazardous material in a proposed office/vehicle maintenance and warehouse facility in an I-1 (Light Industrial) zone district located at 2309 2311 Interstate Avenue.

RECOMMENDATION: Recommend approval of the Conditional Use Permit.

ANALYSIS

1. Background

The subject parcels were platted in Mesa County in 1980 as the Interstate Commercial Park Subdivision. The entire subdivision was zoned C (Commercial District). The subdivision was part of the Interstate Annexation that occurred in August of 1991 and retained the Commercial District Zoning. The subject two lots were rezoned in July of 1993 to an I-1 (Light Industrial) zone district.

The applicant is proposing a 12,600 square foot building to be utilized as office, shop, warehouse and vehicle washing facility on one lot and a temporary portable building will be placed on the other lot while the main structure is being constructed. The portable Perf O Log building will be used to store explosives used by gas well service companies in the production of natural gas. The portable building operations will be relocated to the permanent building upon completion of construction, but the lot will continue to be used for outdoor storage associated with the wireline services facility. Applicant proposes a 32 square foot flush wall sign at the main entrance of the office building, which meets the criteria of Section 4.2.G.

Table 3.5 – Use/Zone Matrix of the Zoning and Development Code states that all Other Industrial Services, including the storage of hazardous materials, must obtain a Conditional Use Permit in an I-1 (Light Industrial) zone district to be in conformance with City regulations. The parcel is located just east of 23 Road and south of Interstate 70. All infrastructure is being proposed per current Zoning and Development Code regulations.

2. Section 2.13.C of the Zoning and Development Code

Requests for a Conditional Use Permit must demonstrate that the proposed development will comply with all of the following:

- a. All applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code and with the SSID, TEDS and SWIM Manuals.

Section 2.2.D.4

- 1) Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plan

This particular site is in a subdivision developed for office/warehouse and storage for industrial uses and surrounded by other commercial

and industrial uses in this area. The proposed use is consistent with the Growth Plan designation of Industrial, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plan.

2) Conditions of any prior approvals

There are no previous conditions of approval for this particular site as it is currently vacant.

3) Other Code requirements including rules of the zoning district, applicable use specific standards of Chapter Three of the Zoning and Development Code and the design and improvement standards of Chapter Six of the Code.

The proposal meets the specific bulk standards of Chapter Three and the improvement requirements of Chapter Six of the Zoning and Development Code.

4) Quality site design practices

The applicant proposes to develop this site meeting landscaping, screening, signage and parking requirements that are in compliance with current design standards.

SSID Manual

Applicant has provided documents and drawings that meet the standards and requirements of the SSID (Submittal Standards for Improvements and Development) Manual.

TEDS Manual

Requirements of the TEDS (Transportation Engineering Design) Manual have been met. Existing accesses are in place and no TEDS Exceptions were required or submitted.

SWMM Manual

The proposal meets the standards set forth in the SWMM (Stormwater Management) Manual. Appropriate State and City permits will be provided prior to construction.

- b. The underlying zoning district's standards established in Chapter Three of the Zoning and Development Code

The proposal will meet the standards of Table 3.5 Use/Zone Matrix upon approval of the Conditional Use Permit and the project complies with the I-1 zone district standards.

- c. The use-specific standards established in Chapters Three and Four of the Zoning and Development Code

The proposal complies with the requirements of the applicable sections of Chapters Three and Four, that relate to office/warehouse and bulk storage of hazardous material in an I-1 zone district. The applicant proposes a 32 square foot flush wall sign at the main entrance of the office building, which is in compliance with Section 4.2.G.3.e of the Zoning and Development Code.

- d. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to, schools, parks, hospitals, business and commercial facilities, and transportation facilities.

Complementary and supportive uses are available, such as office/warehouse, shipping/trucking facilities and warehouse facilities are in close proximity to this site. The site is served mainly by 23 Road via G Road.

- e. Compatibility with and protection of neighboring properties through measures such as:

- 1) Protection of privacy

The applicant proposes a 14 foot landscape strip for screening adjacent to the right-of-way as required by Section 6.5 of the Zoning and Development Code. Privacy fencing is being proposed around the entire property not only for privacy but also for security.

- 2) Protection of use and enjoyment

The proposed site layout provides efficient shared access between the two lots, adequate internal traffic circulation and appropriate screening as required by City regulations protecting the use of adjoining properties.

- 3) Compatible design and integration

The hours of operation will be 7:00 a.m. to 5:00 p.m. Monday through Friday, which is typical for the surrounding businesses. Site design and proposed signage are compatible with adjoining uses.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Conditional Use Permit application, CUP-2008-088, the following findings of fact and conclusions have been made:

1. The requested Conditional Use Permit is consistent with the goals and policies of the Growth Plan.
2. The review criteria in Section 2.13.C of the Zoning and Development Code have been met.

STAFF RECOMMENDATION:

I recommend approval of the requested Conditional Use Permit, with the findings and conclusions listed in the staff report.

RECOMMENDED PLANNING COMMISSION MOTION:

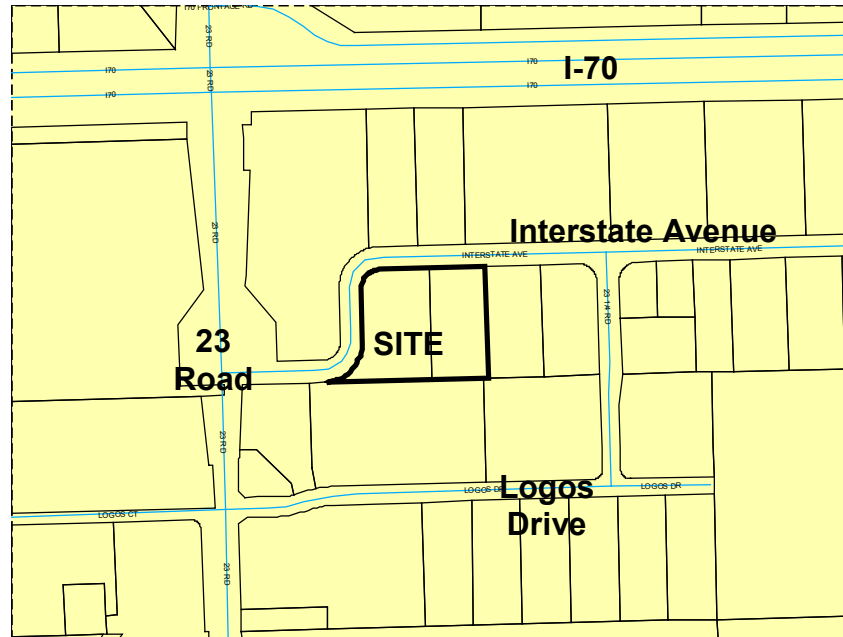
Mr. Chairman, on Conditional Use Permit, CUP-2008-088, I move that we approve the Conditional Use Permit, with the findings and conclusions listed in the staff report.

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City and County Zoning Map
Site Plan
Sign Package

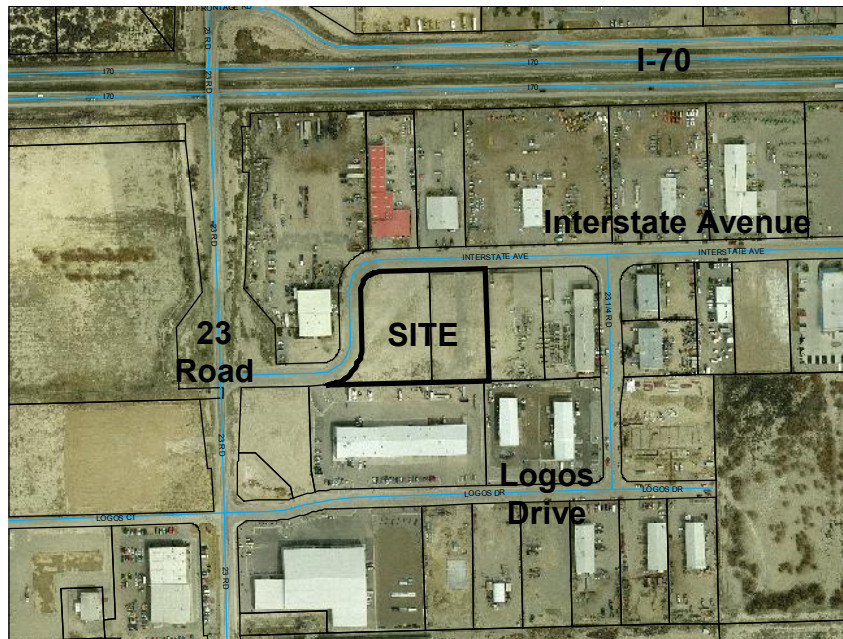
Site Location Map

Figure 1 City Limits



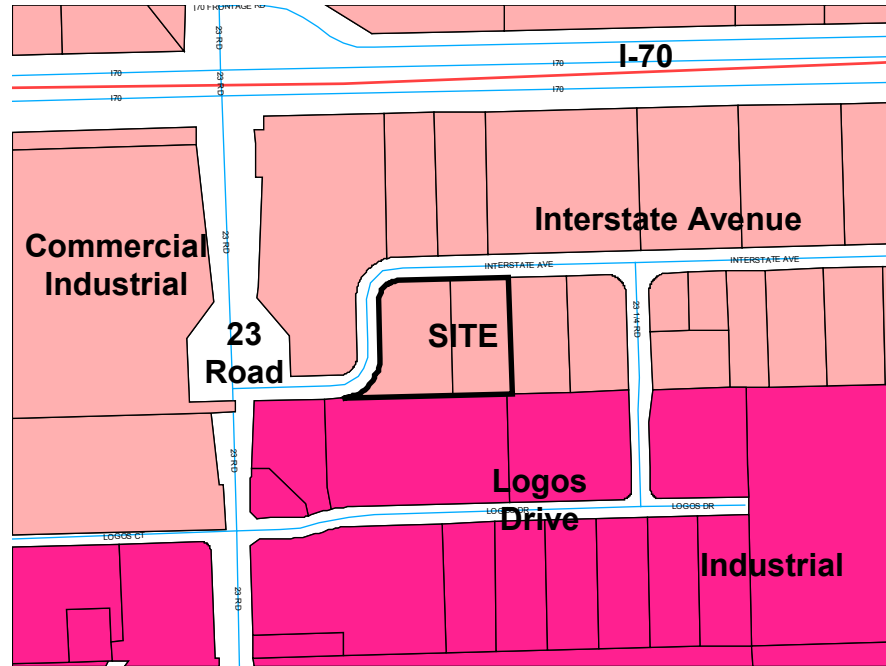
Aerial Photo Map

Figure 2



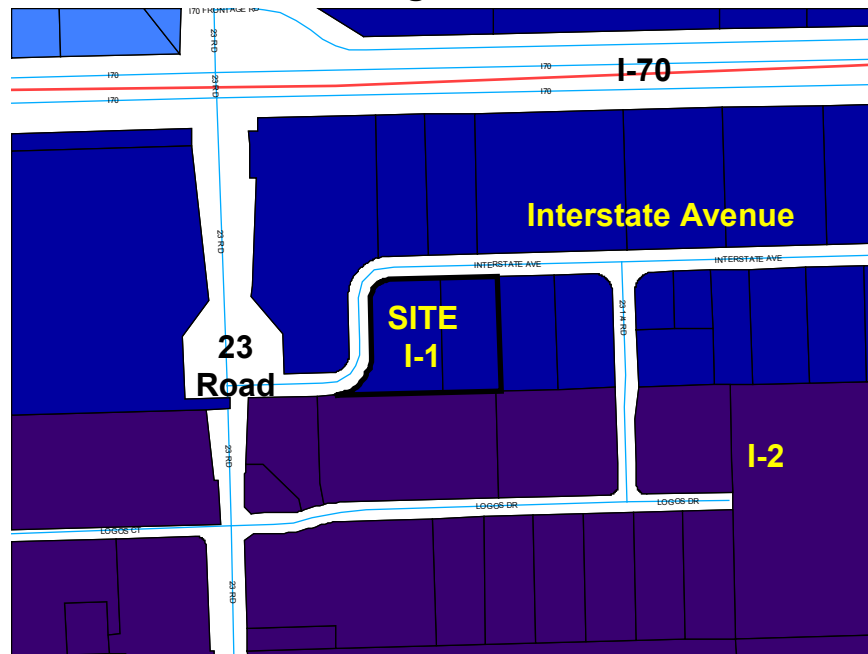
Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



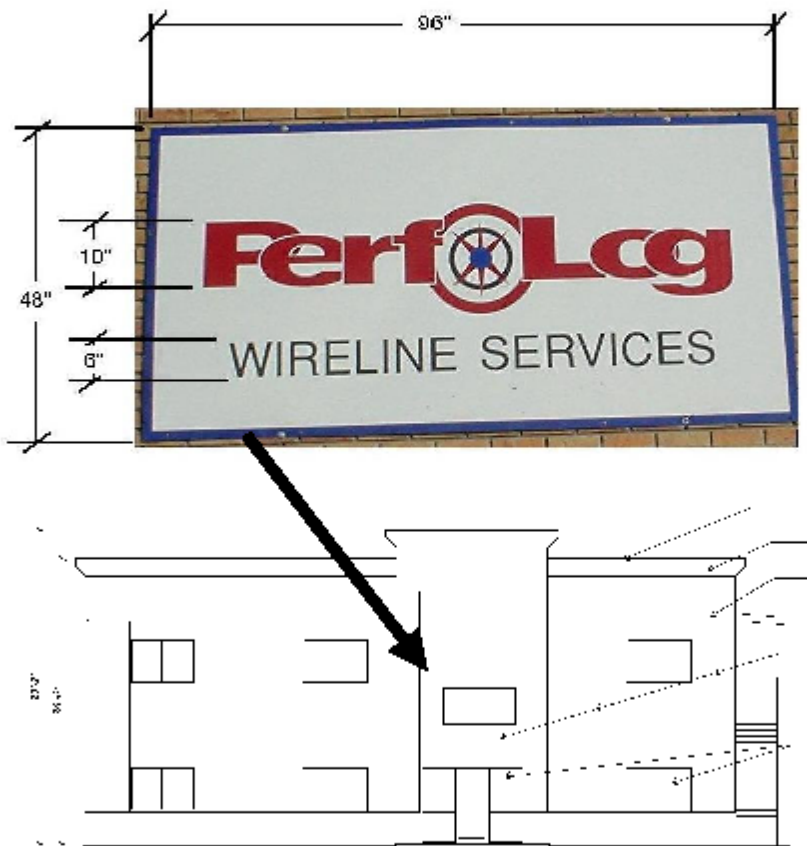
NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

PROPOSED SIGNAGE

Project Name: Energy Services Hazardous Mat'l Storage
Project Location: 2309 & 2311 Interstate Ave
File No: CUP 2008-088

2-05-2009

Tenant will relocate into building upon completion. Tenant is currently located at 2309 Interstate Ave and proposes similar size, lettering, letter size as existing. Sign will be located on building. Sign will not be backlit.



Attach 4
FedEx Office/Warehouse

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: February 24, 2009
STAFF PRESENTATION: Ronnie Edwards

AGENDA TOPIC: FedEx Office/ Warehouse/Shipping Facility, CUP-2008-380

ACTION REQUESTED: Approve the Conditional Use Permit (CUP)

BACKGROUND INFORMATION				
Location:		825 Justice Court		
Applicants:		Industrial Developments, Inc. for FedEx		
Existing Land Use:		Vacant		
Proposed Land Use:		Office/Warehouse/Vehicle Maintenance		
Surrounding Land Use:	North	Airport		
	South	Colorado Bureau of Investigation Facility		
	East	Vacant		
	West	Vacant/Office/Warehouse Facility/Schwan's		
Existing Zoning:		I-O (Industrial/Office Park)		
Proposed Zoning:		I-O (Industrial/Office Park)		
Surrounding Zoning:	North	Planned Airport Development		
	South	I-O (Industrial/Office Park)		
	East	I-O (Industrial/Office Park)		
	West	I-O (Industrial/Office Park)		
Growth Plan Designation:		Commercial/Industrial		
Zoning within density range?		N/A	Yes	No

PROJECT DESCRIPTION: Request approval for a Conditional Use Permit to allow an office/warehouse/vehicle maintenance facility on 3.8 acres in an I-O (Industrial/Office Park) zone district located within the Noise Zone (Subdistrict B) of the Airport Environs Overlay Zoning District.

RECOMMENDATION: Recommend approval of the Conditional Use Permit.

ANALYSIS:

1. Background

The applicant is proposing to construct a 25,321 square foot FedEx office/warehouse/shipping facility located in the Air Tech Park subdivision, which was platted in August of 2006. The subject property is two lots consisting of 3.92 acres and the applicant has submitted a simple subdivision to combine the lots prior to development. Proposed signage consists of two monument signs, 32 square feet in size, located at the two site entrances and one 32 square foot flush wall sign located at the main front entrance. The site layout provides for the separation of employee parking and customer parking by proposing two separate entrance area, which creates efficient site circulation.

Table 7.3 Airport Land Use Compatibility Standards Matrix states a Conditional Use Permit is required for Office facilities located within the Noise Zone (Subdistrict B). The Airport Environs Overlay Zoning (AE) is comprised of four subdistricts. These subdistricts represent a determination by the Federal Aviation Administration (FAA) of differing levels of expected noise impact and hazard from aircraft overflight. Subdistrict B includes the area within the 65 Ldn to 70 Ldn noise exposure area as shown in the Grand Junction Regional Airport Master Plan. Any proposed development shall comply with the requirements of Section 7.3 of the Zoning and Development Code.

2. Consistency with the Growth Plan:

Policy 8.4 states that the City and County will encourage the development of uses that are compatible with the airport and the image of this area as a gateway into Grand Junction, particularly: office/warehousing; and light industrial/indoor manufacturing near the airport; and highway-oriented commercial development serving tourists and visitors along Horizon Drive between Crossroads Blvd. and G Road.

Policy 8.5 state the City and County will prohibit inappropriate development within the airport's noise and approach zones.

This particular subdivision was developed for office/warehouse and other associated commercial uses. The proposed use is comparable to existing uses in the area and is consistent with the Growth Plan designation of Commercial / Industrial and the I-O zone district.

3. Section 2.13.C of the Zoning and Development Code:

Requests for a Conditional Use Permit must demonstrate that the proposed development will comply with all of the following:

- a. All applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code and with the SIDD, TEDS and SWIM Manuals.

The proposal meets all applicable site plan review criteria of the Zoning and Development Code and applicable City Manuals. The proposed simple subdivision shall be recorded prior to final sign off by Staff.

Section 2.2.D.4:

- 1) Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plan

The proposal is consistent with the goals and policies of the Growth Plan and applicable corridor and major street plans.

- 2) Conditions of any prior approvals

There are no previous conditions of approval for this site or subdivision.

- 3) Other Code requirements including rules of the zoning district, applicable use specific standards of Chapter Three of the Zoning and Development Code and the design and improvement standards of Chapter Six of the Code.

The proposal meets the specific standards of Chapter Three and the improvement requirements of Chapter Six of the Zoning and Development Code.

- 4) Quality site design practices

The applicant is proposing two accesses, one for visitor parking and one for employee parking, creating efficient site circulation. Landscaping, signage and parking requirements proposed are in compliance with current design standards.

SSID Manual:

Applicant has provided documents and drawings that comply with the standards and requirements of the SSID (Submittal Standards for Improvements and Development) Manual.

TEDS Manual:

Requirements of the TEDS (Transportation Engineering Design Standards) manual have been met. No TEDS Exceptions were required or proposed for this site.

SWMM Manual:

The proposal meets the standards set forth in the SWMM (Stormwater Management) manual. Appropriate Stormwater Permits shall be provided prior to construction.

- b. The underlying zoning district's standards established in Chapter Three of the Zoning and Development Code

The proposed project complies with the I-O zone district standards concerning dimensional requirements. All loading docks are located in the side and rear yards as required by Section 3.4.F of the Zoning and Development Code.

- c. The use-specific standards established in Chapters Three and Four of the Zoning and Development Code

The proposal complies with the requirements of applicable portions of Chapters Three and Four, associated with an office/laboratory in an I-O zone district.

- d. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to, schools, parks, hospitals, business and commercial facilities, and transportation facilities.

Complementary and supportive uses, such as offices, retail services, restaurants and hotels are in close proximity to this project. The site can be served from H Road, Horizon Drive, North Crest Drive, as well as Grand Junction Regional Airport.

- e. Compatibility with and protection of neighboring properties through measures such as:

- 1) Protection of privacy

The petitioner is proposing landscaping and buffering as required by the Zoning and Development Code, which will protect the adjoining properties.

- 2) Protection of use and enjoyment

The proposed site design provides for efficient access, internal traffic circulation and adequate screening, protecting the use of adjoining properties.

3) Compatible design and integration

Hours of operation and design of the site are compatible with the surrounding uses.

4. Section 7.3 of the Zoning and Development Code:

The Airport Environs Overlay Zoning District (AE) was created to protect public health, safety and welfare by regulating development and land use within noise sensitive areas and airport hazard areas and to protect the airport from incompatible encroachment.

The AE is comprised of four subdistricts and each one represents a determination by the Federal Aviation Administration (FAA) of differing levels of expected noise impact and hazard from aircraft overflight. The subdistricts are Subdistrict A (Area of Influence), Subdistrict B (Noise Zone), Subdistrict C (Critical Zone) and Subdistrict D (Clear Zone). The distinction between the subdistricts is the proximity to the airport in relation to the runways.

The north portion of the subject property is within the Subdistrict B area, which is the 65 Ldn to 70 Ldn noise-exposure area. According to Table 7.3 (Airport Land Use Compatibility Standards Matrix), a Conditional Use Permit is required for office and other commercial uses.

Grand Junction Regional Airport requires that an aviation easement be recorded for development near the airport and this subdivision is covered by an easement recorded in Book 4220 at Pages 906 to 907. The applicant is aware of the impacts of being in close proximity to the airport. Special construction and materials for sound attenuation are not required for commercial uses, but strongly recommended. The applicant has provided the required FAA Form 7460-1 to the Denver Airports District Office. All exterior lighting proposed is downward directional as required by City and Grand Junction Regional Airport standards.

FINDINGS OF FACT/CONCLUSIONS/CONDITIONS:

After reviewing the FedEx Facility application, CUP-2008-380, for a Conditional Use Permit to allow an office/warehouse facility in an I-O zone district, located in the Noise Zone (Subdistrict B) of the Airport Environs Overlay Zoning District, I make the following findings of fact, conclusions and conditions:

1. The requested Conditional Use Permit is consistent with the goals and policies of the Growth Plan.
2. The review criteria in Section 2.13.C of the Zoning and Development Code have been met.
3. The request is in compliance with Section 7.3 of the Zoning and Development Code.
4. Conditional approval upon the simple subdivision recordation prior to final approval of site plan.

STAFF RECOMMENDATION:

I recommend approval of the requested Conditional Use Permit, with the findings, conclusions and conditions listed in the staff report.

RECOMMENDED PLANNING COMMISSION MOTION:

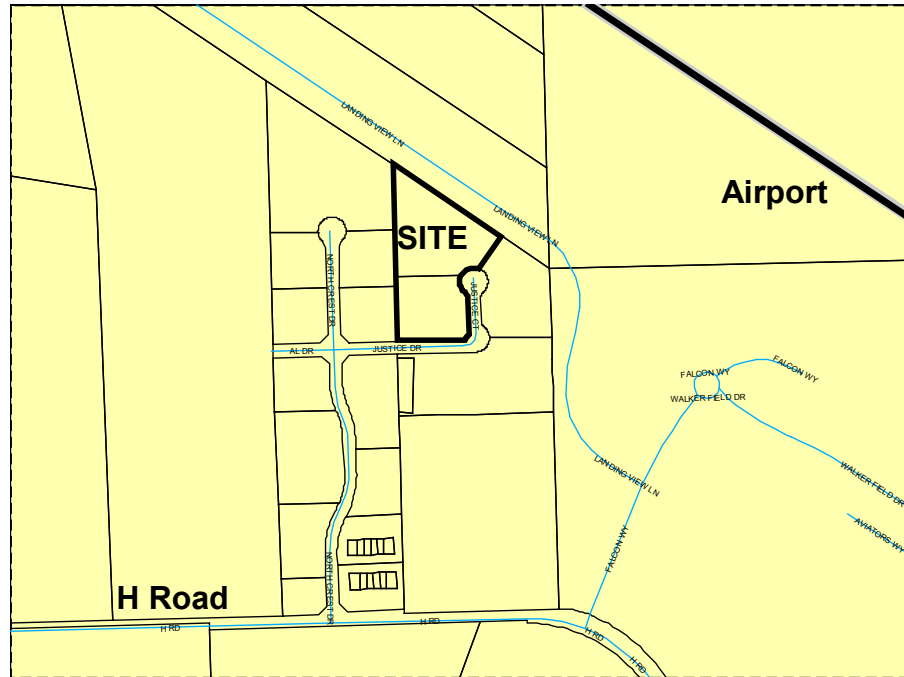
Mr. Chairman, on Conditional Use Permit, CUP-2008-380, I move that we conditional approve the Conditional Use Permit, with the Findings of Fact/Conclusions and Conditions listed in the staff report.

Attachments:

Site Location/Aerial Maps
Future Land Use Map/Existing City and County Zoning Map
Site Plan
Sign Package
Airport Noise Contour Map

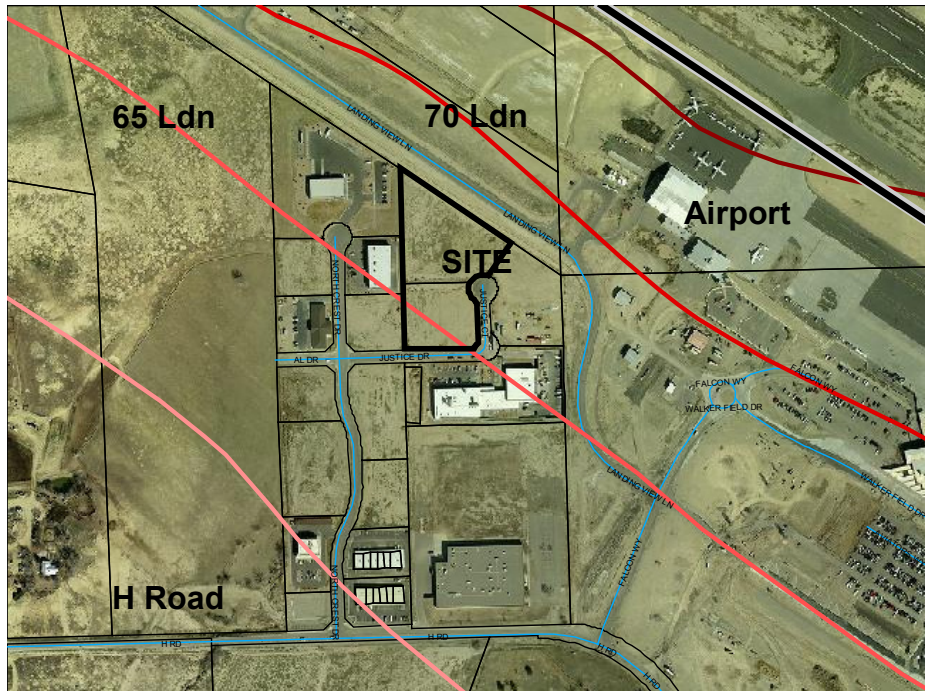
Site Location Map

Figure 1



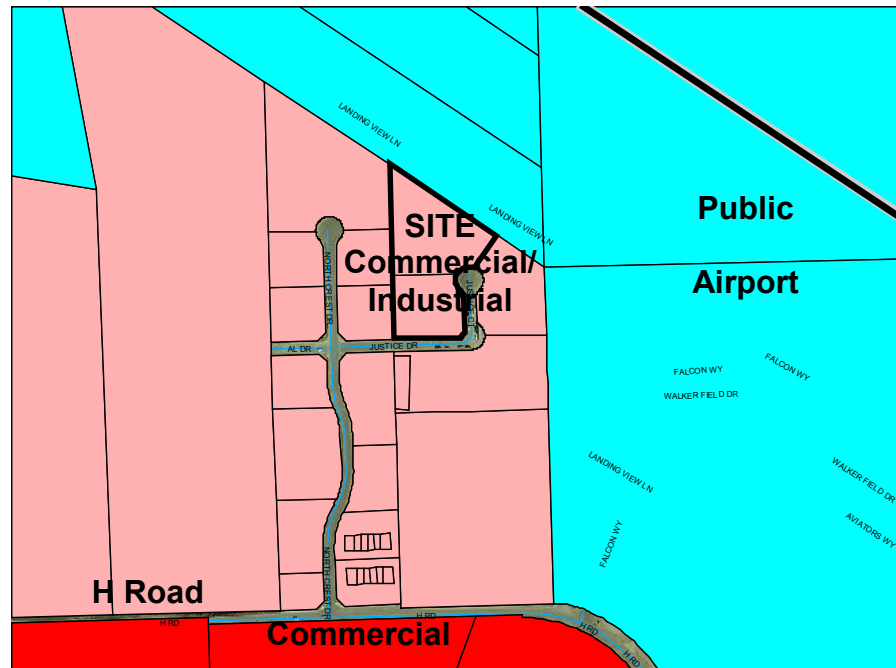
Aerial Photo Map

Figure 2



Future Land Use Map

Figure 3



Existing City and County Zoning

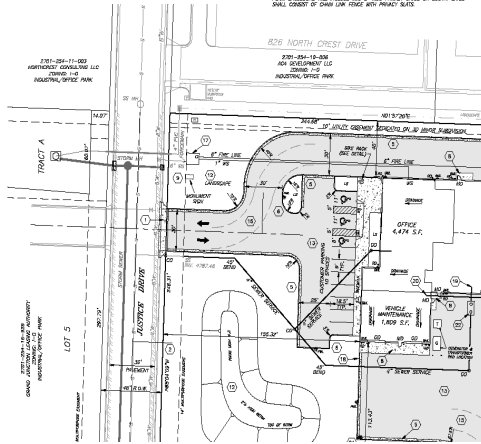
Figure 4

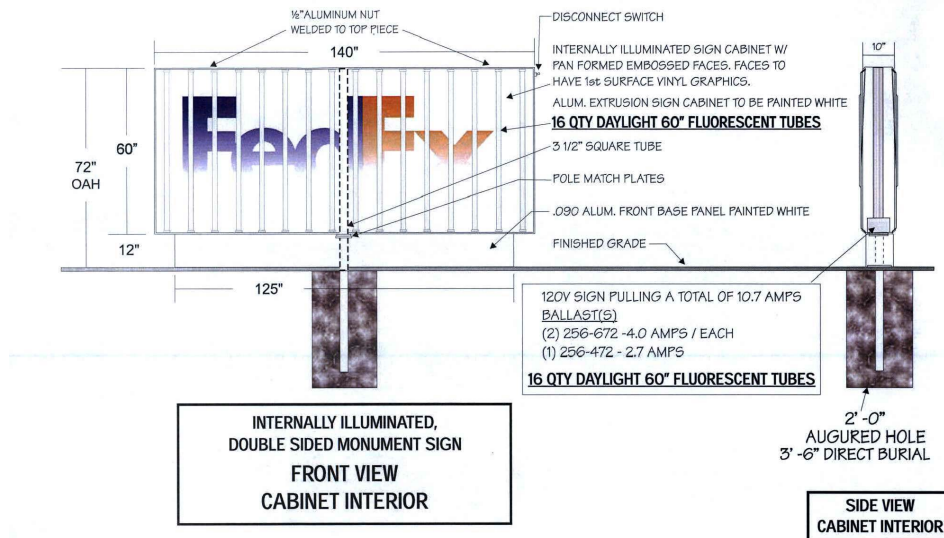


NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."



1. CONSTRUCT OVERLAY SECTION PER STANDARD CONCRETE SLAB, PAVE 0-8" OF THE CITY OF DALLAS JACOBS STANDARD CONSTRUCTION DOCUMENTS FOR CURB-AND-GUTTER CONSTRUCTION, LATEST EDITION.
2. REPLACE EXISTING CURB CUT OUT WITH STANDARD 6' CURB & GUTTER TO MATCH.
3. NEW OVERLAY SECTION DOES NOT MATCH EXISTING CURB CUT LOCATION. REPLACE EXISTING CURB CUT WITH 2' CURB GUTTER OUTSIDE THE LINES OF NEW OVERLAY.
4. PROPOSED 3' WIDE CONCRETE - VARY SEE DETAIL ON DRIVING PAVEMENT.
5. CONSTRUCT 2' WIDE CURB & GUTTER PER CITY STANDARDS & SPECIFICATIONS.
6. CONSTRUCT 6" HIGH SHARED CURB AROUND LANDSCAPE ISLANDS AND IN PARKING LOT AS SHOWN NOTED. SEE DETAIL ON DRIVING PAVEMENT.
7. CONSTRUCT CEMENTUM PAVE AND EXPOSED AGGREGATE PER DETAIL PROVIDED ON OVERLAYS. EXISTING CURB CUTS TO REMAIN. 6" HIGH CURB & GUTTER ON SOUTH SIDE SHALL CONSIST OF CHALK LANE WITH PROTECT STRIPS.

ACCESSIBLE SPACE SHALL INCLUDE A SIGN SHOWING THE SYMBOL OF ACCESSIBILITY & HAVE AN ADDITIONAL SIGN WITH WORDS "VAN ACCESSIBLE" MOUNTED BELOW.

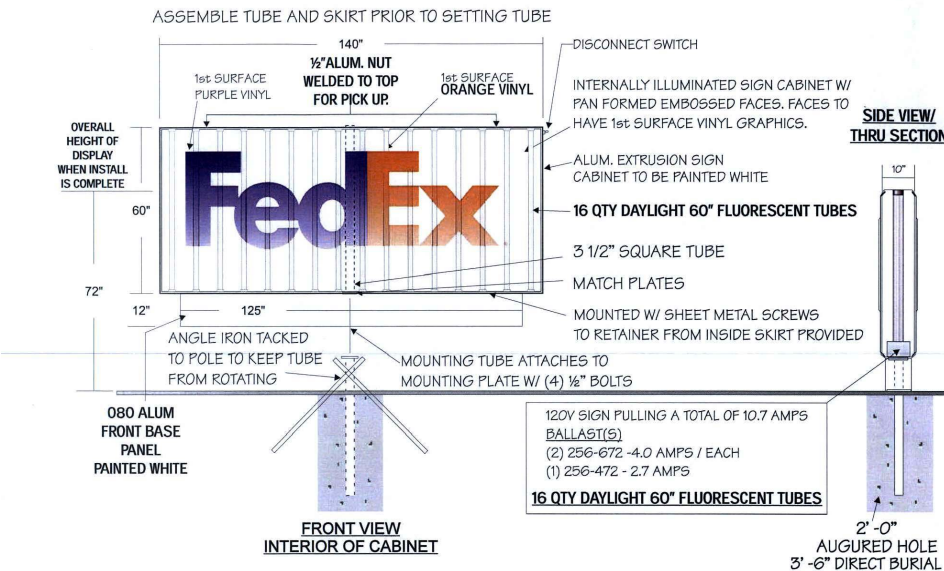




SIGN # D 400 E

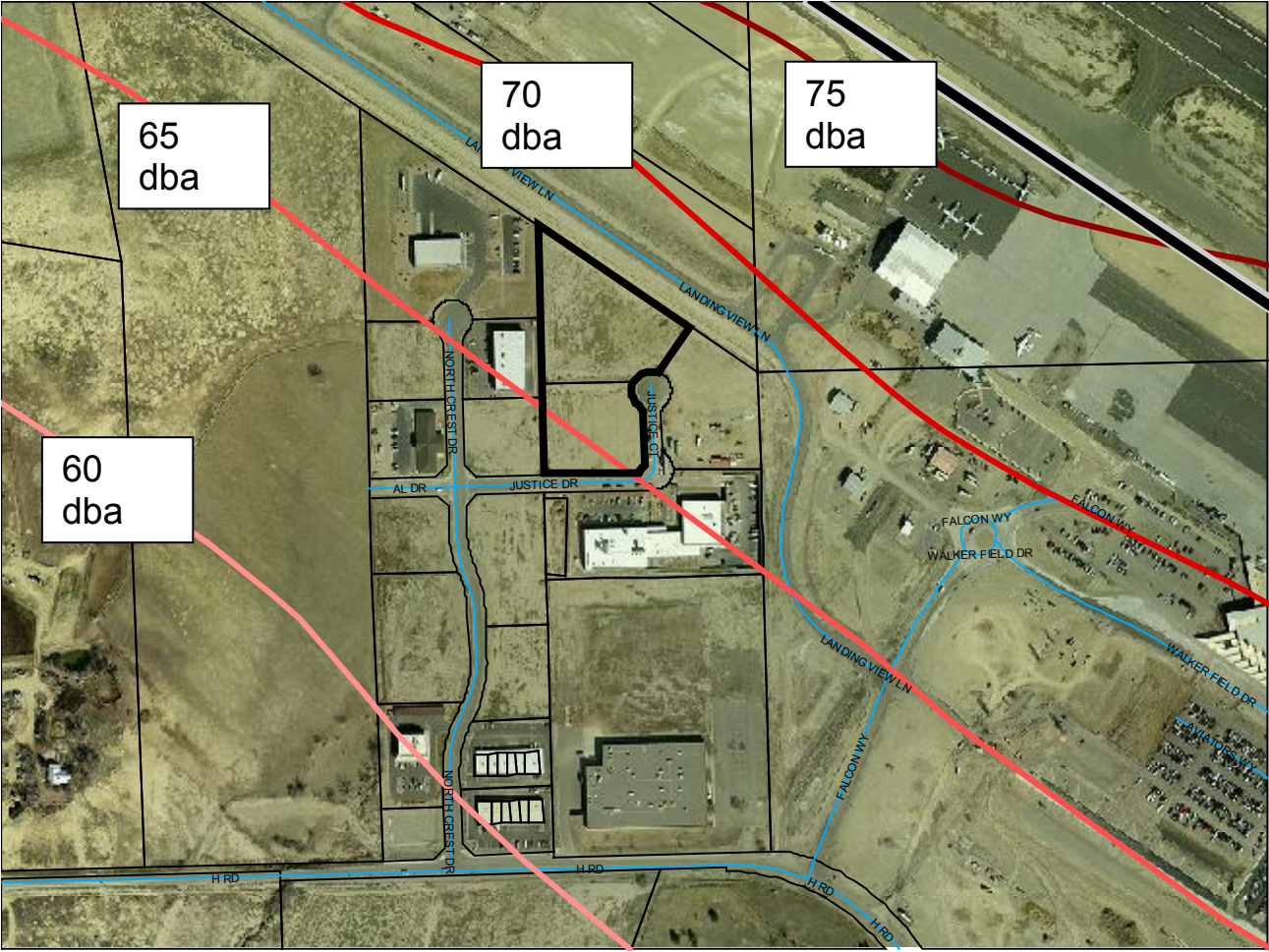
<div>PREPARED BY</div> <div> Branding for Business.</div>	PROJECT MANAGER	DATE	<div>PREPARED FOR</div> <div></div>	LOCATION	STORE NUMBER / CODE	
	TIM WALKER	1/22/08		DRAWING NAME		APPROVED
	PHONE	SCALE				
	662.449.4026 x 25	3/8" = 1'		FEDEX EXPRESS SPECS FE D 400 E MOUNTING		
		PAGE				
		1 OF 3				

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PREPARED BY  Branding for Business.	PROJECT MANAGER TIM WALKER	DATE 1/22/08	PREPARED FOR 	LOCATION	STORE NUMBER / CODE	
	PHONE 662.449.4026 x 25	SCALE 3/8" = 1'		DRAWING NAME FEDEX EXPRESS SPECS FE D 400 E MOUNTING		APPROVED
		PAGE 2 OF 3				

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Attach 5
Wynshp Alley Vacation

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: February 24, 2009
PRESENTER: Senta L. Costello

AGENDA TOPIC: Vacation of Public Right-of-Way, Wynshp Alley Vacation (File #VR-2008-089).

ACTION REQUESTED: Vacation of Public Right of Way

BACKGROUND INFORMATION				
Location:		North/South alley, east of South 7 th Street, North of Winters Avenue		
Applicants:		Wynshp Enterprises, LLC – Deborah Shipley		
Existing Land Use:		Alley right-of-way		
Proposed Land Use:		Private parking for businesses		
Surrounding Land Use:	North	Commercial		
	South	Commercial/Industrial		
	East	Vacant Industrial		
	West	Commercial		
Existing Zoning:		Not Applicable		
Proposed Zoning:		C-2 (General Commercial) / I-1 (Light Industrial)		
Surrounding Zoning:	North	C-2 (General Commercial) / I-2 (General Industrial)		
	South	I-1 (Light Industrial)		
	East	I-1 (Light Industrial)		
	West	C-2 (General Commercial)		
Growth Plan Designation:		Commercial; Commercial/Industrial		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Applicant is requesting to vacate the North/South alley right-of-way located west of South 7th Street, north of Winters Avenue

RECOMMENDATION: Recommendation of approval to City Council

ANALYSIS

1. Background

The alley was created in 1913 as a part of the Benton Canon's First Subdivision Amended Plat. The properties in the area have developed and redeveloped into a mix of vacant, residential, commercial, and industrial sites.

The applicant wishes to vacate the alley in order to use the land for a parking and loading area for the adjacent business, allowing for better customer and public access to the area.

2. Section 2.11.c of the Zoning and Development Code

The vacation of the right-of-way shall conform to the following:

- a. The Growth Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

Response: Granting the right-of-way vacation does not conflict with applicable Sections of the Growth Plan, major street plan and/or any other adopted plans and policies of the City

- b. No parcel shall be landlocked as a result of the vacation.

Response: All adjacent properties have street frontage on either South 7th Street or Winters Avenue. Vacation of the alley will not land lock any parcels.

- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

Response: All existing accesses for all properties will remain in the current configuration and will not be restricted.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

Response: The adjoining properties are the primary users of the alley proposed to be vacated and the vacation will cause no adverse impacts on the health, safety and/or welfare of the community. Public facilities and services will not be affected.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.

Response: The vacation does not affect public facilities and services.

- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Response: If the alley is vacated, alley maintenance will become the responsibility of the property owner's who receive the land,

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Wynshp Alley Vacation application, VR-2008-089 for the vacation of a public right-of-way, I make the following findings of fact and conclusions:

1. The requested right-of-way vacation is consistent with the Growth Plan.
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the requested right-of-way vacation, VR-2008-089 to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

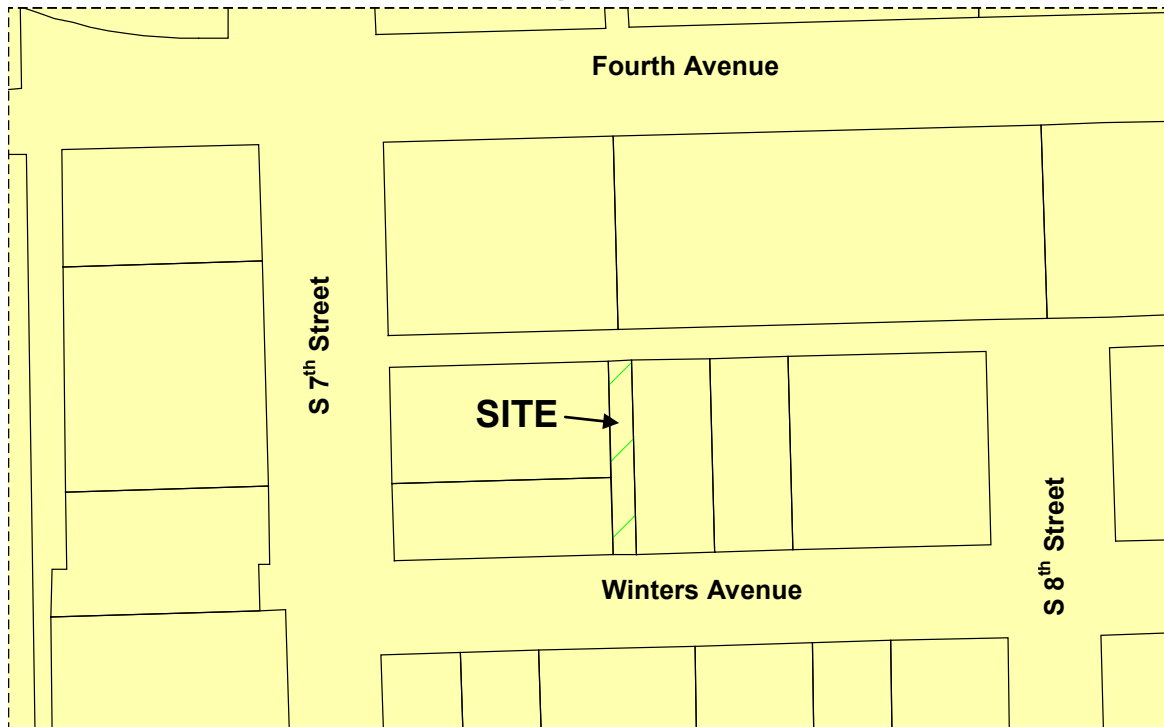
Mr. Chairman, on item VR-2008-089, I move that the Planning Commission forward a recommendation of approval to the City Council on the requested alley right-of-way vacation, with the findings and conclusions listed in the staff report.

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City Zoning Map
Ordinance

Site Location Map

Figure 1



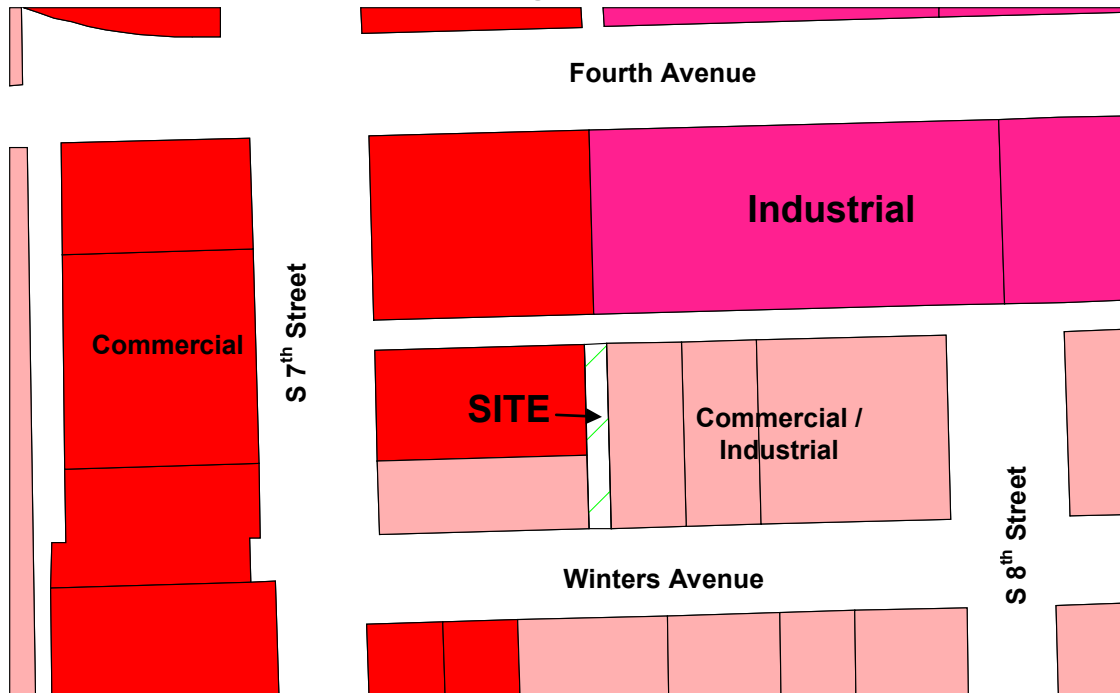
Aerial Photo Map

Figure 2



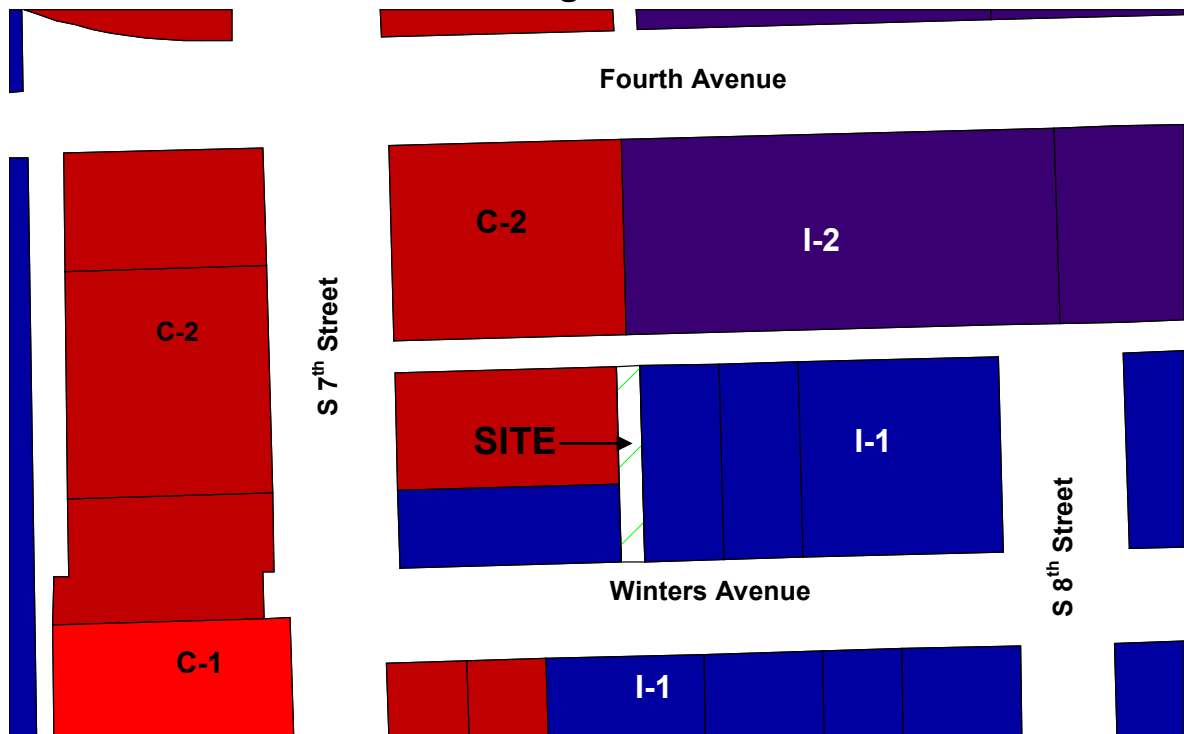
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION

Ordinance No.

**VACATING RIGHT-OF-WAY FOR NORTH/SOUTH ALLEY
LOCATED EAST OF SOUTH 7TH STREET, NORTH OF WINTERS AVENUE**

RECITALS:

A vacation of the dedicated right-of-way for has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described dedicated right-of-way for is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

A portion of an alley situated in Block 2, Benton Canon's First Subdivision Amended to Grand Junction, CO in Section 23, Township 1 South, Range 1 West, Ute Meridian, Mesa County, Colorado, more particularly described as follows:

Beginning at the SE Corner of Lot 1, Block 2, Benton Canon's First Subdivision to Grand Junction, and considering the line between the Grand Junction City Monuments at the corner of the 4th Avenue and South 7th Street and 4th Avenue and South 8th Street to bear N89°56'15"E 456.53 feet and all bearings contained herein to be relative thereto; thence N00°04'10"W 124.03 feet to the NE Corner of Lot 5 of said Block 2; thence N89°59'02"E 15.00 feet to the NW Corner of Lot 28 of said Block 2; thence S00°04'10"E 124.04 feet to the SW Corner of said Lot 28; thence N89°58'10"W 15.00 feet to the point of beginning,

containing 0.04 acres as described.

Introduced for first reading on this _____ day of _____, 2009

PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

President of City Council

City Clerk

Exhibit "A"

DESCRIPTION

A portion of an alley situated in Block 2, Benton Canon's First Subdivision Amended to Grand Junction, CO in Section 23, Township 1 South, Range 1 West, Ute Meridian, Mesa County, Colorado, as recorded in Plat Bk.1, Pg.2 on May, 15, 1894.



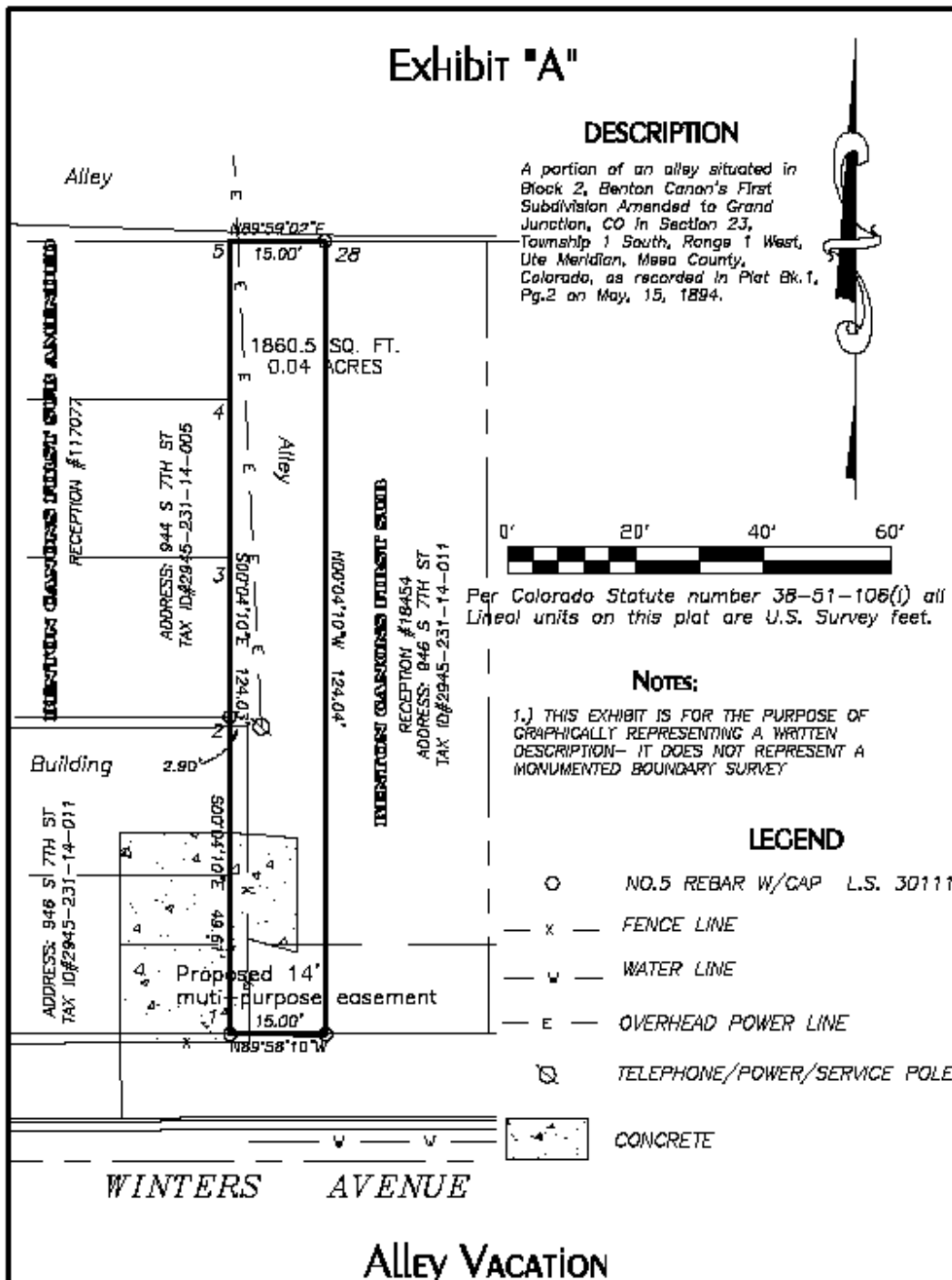
Per Colorado Statute number 38-51-106(i) all Linear units on this plat are U.S. Survey feet.

NOTES:

1.) THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION- IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

LEGEND

- NO.5 REBAR W/CAP L.S. 30111
- x — FENCE LINE
- w — WATER LINE
- E — OVERHEAD POWER LINE
- ⊞ TELEPHONE/POWER/SERVICE POLE
- CONCRETE



SITUATED IN THE SW1/4 NE1/4 SECTION 23, T1S, R1W OF THE UTE MERIDIAN

FDR: LEE WYNNE

ACAD ID: WYNNSHP VAC

SCALE:
1" = 20'

DATE: 9/05/08

Surveying With the Latest Since 1979



Q.E.D.
SURVEYING
SYSTEMS, Inc.
1018 Colorado Ave
Grand Junction, CO
81501-3521
(970) 241-2370
Fax: 241-7025

SURVEYED BY: SB GP

DRAWN BY: RM

CHECKED BY: MEM

SHEET NO.

FILE: 2007-305.03

Attach 6
Bar/Nightclub & Office/Warehouse

CITY OF GRAND JUNCTION
 PLANNING COMMISSION

MEETING DATE: February 24, 2009
 STAFF PRESENTATION: Senta L. Costello

AGENDA TOPIC: Bar/Nightclub Conditional Use Permit – CUP-2008-158

ACTION REQUESTED: Approval of a Conditional Use Permit (CUP)

BACKGROUND INFORMATION				
Location:		2256 and 2258 Colex Drive		
Applicants:		Owner: Kevin Eardley Representative: Design Specialists, PC – Rob Rowlands		
Existing Land Use:		Vacant		
Proposed Land Use:		Bar/Nightclub; Office/Warehouse		
Surrounding Land Use:	North	Vacant / Industrial		
	South	Western Slope Ford		
	East	Non-Conforming Residential		
	West	Vacant / Industrial		
Existing Zoning:		I-1 (Light Industrial)		
Proposed Zoning:		I-1 (Light Industrial)		
Surrounding Zoning:	North	I-1 (Light Industrial)		
	South	C-2 (General Commercial)		
	East	I-1 (Light Industrial)		
	West	I-1 (Light Industrial)		
Growth Plan Designation:		Commercial/Industrial		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Applicant is requesting a Conditional Use Permit to operate a Bar/Nightclub in a I-1 (Light Industrial) zone district.

RECOMMENDATION: Approval of the Bar/Nightclub Conditional Use Permit.

FACTUAL BACKGROUND

The property under consideration was annexed in 1992 (Grand Junction West Annexation) and is part of the High Desert Commercial Park Subdivision recorded in 2006. The applicant proposes a bar/nightclub with a maximum occupancy of 185 people and an office/warehouse complex with 882 sq. ft. of office and 9172 sq ft of warehouse area with an outdoor storage area, with the two sites sharing parking with offset hours of operation. The project will be constructed in two phases with the bar/nightclub and all of the parking being completed with Phase 1 and the office/warehouse and storage yard being done with Phase 2.

PROCEDURAL BACKGROUND

This application for a Conditional Use Permit for a bar/nightclub in a Light Industrial (I-1) zone comes before the Planning Commission on a second remand from the City Council.¹ After reviewing the record on appeal, the City Council found that the record is insufficient to support the denial of the Conditional Use Permit and has directed the Planning Commission to:

- (1) consider “neighborhood” in accord with the definition of “neighborhood” in Chapter Nine of the Zoning and Development Code rather than as the entire community or city;
- (2) base its decision on the use that triggers the requirement of a Conditional Use Permit (namely, the bar/nightclub operation, rather than the adult entertainment, which is a use by right in this zone district);
- (3) articulate site-specific reasons supporting its determination(s); and
- (4) address the Code criteria with specificity as a basis for its decision.

At the November 25, 2009 hearing, two of the three Commissioners voting to deny the Conditional Use Permit found that a bar/nightclub use is not compatible with the I-1 zone in general, and also not compatible with the residential use adjacent to the east. City Council has, on remand, directed the Planning Commission to state specifically, using examples specific to the particular site, the conflict(s) with the residential use to the east, and to provide a site-specific factual basis for its finding that there are conflicts between the commercial bar/nightclub use and industrial uses.

DISCUSSION OF APPLICABLE CODE PROVISIONS

“Neighborhood” is defined in the Zoning and Development Code as “an area of a community with characteristics that distinguish it from other areas and that may include

¹ First public hearing by the Planning Commission occurred on August 12, 2008; the CUP was denied and the applicant appealed. City Council reviewed the record on appeal and remanded the application to the Commission, which again denied the CUP at a public hearing on November 25, 2008. Applicant appealed again and the City Council remanded a second time.

distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads or natural features, such as rivers.”

The Zoning and Development Code legislates three broad classifications of uses within specific zone districts: (1) not allowed, (2) allowed by right, and (3) conditionally allowed. Uses not allowed have been determined by the City Council to be inappropriate and therefore not permitted within a specific zone district. Uses allowed by right have been determined to be similar enough in nature to other uses in the same zone district so as to be allowed without special consideration.

A conditional use is one that has the potential to be detrimental to permitted uses in a given zone district. Such use may be permitted, however, under certain circumstances **particular to the proposed location**, and where conditions can provide protection from potentially adverse effects to adjacent land uses. The specific criteria the Planning Commission must address are discussed in more detail below.

Some allowed uses are subject to specific “performance” or “use-specific” standards. Adult entertainment is one of these uses. There is only one use-specific standard for adult entertainment establishments: the establishment must be at least one-thousand feet from any church, school, park, playground, public building or residentially zoned property. There is no church, school, park, playground, public building or residentially zoned property within one thousand feet of the site. Although there is a non-conforming residential use adjacent to the east property line of the site, the property itself is zoned Light Industrial (I-1).

The purpose of the I-1 zone district is to provide areas for manufacturing, office, and commercial type uses. It allows a wide variety of uses **by right**, including medical and dental clinics, church, indoor animal clinic/boarding, **adult entertainment**, car wash, contractor/trade shops) and allows other uses conditionally, including business residence, museums/theaters, jail, general office, health club/skating rink, outdoor animal clinic/boarding, retail, bars/nightclubs.

A bar/nightclub is allowed with a Conditional Use Permit in the B-1, B-2, C-1, C-2, I-O, I-1, and M-U zone districts. Potential conflicts with neighboring properties are most likely in the B-1, B-2, and C-1 zone districts as they allow residential uses and/or are more likely to be located next to residential zoning. The applicant’s property is surrounded by I-1 zoned properties to the north, east, and west, and C-2 property to the south. The hours of operation for the bar/nightclub will be offset of most of the other businesses in the area.

REVIEW CRITERIA

Consistency with the Growth Plan

The proposal is consistent with the following goals and policies of the Growth Plan:

Goal 1: To achieve a balance of open space, agricultural, residential and non-residential land use opportunities that reflects the residents' respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the rights of private property owners and the needs of the urbanizing community as a whole.

Policy 1.1: The City and County will use the future land use categories listed and described in Exhibit V.2 to designate appropriate land uses within the Joint Planning Area identified in Exhibit V.1. City and County actions on land use proposals within the Joint Planning Area will be consistent with the plan.

Policy 1.3: The City and County will use Exhibit V.3: Future Land Use Map in conjunction with the other policies of this plan to guide zoning and development decisions.

- City and County decisions about the type and intensity of land uses will be consistent with the Future Land Use Map and Plan policies.

Policy 1.7: The City and County will use zoning to establish the appropriate scale, type, location and intensity for development. Development standards should ensure that proposed residential and non-residential development is compatible with the planned development of adjacent property.

Policy 1.8: The City and County will use zoning and special area policies (adopted as part of this plan) to describe the preferred types of non-residential development in different parts of the community.

Goal 5: To ensure that urban growth and development make efficient use of investments in streets, utilities and other public facilities.

Policy 5.2: The City and County will encourage development that uses existing facilities and is compatible with existing development.

Goal 11: To promote stable neighborhoods and land use compatibility throughout the community.

Policy 11.1: The City and County will promote compatibility between adjacent land uses by addressing traffic, noise, lighting, height/bulk differences, and other sources of incompatibility through the use of physical separation, buffering, screening and other techniques.

Section 2.13.C of the Zoning and Development Code

Requests for a Conditional Use Permit must demonstrate that the proposed development will comply with all of the following:

- a. All applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code and with the SSID, TEDS and SWMM Manuals.

Section 2.2.D.4

- 1) Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plan

The proposal conforms to the Growth Plan as described above. The area does not have other applicable neighborhood or corridor plans associated with it and the street plan and trails plan requirements were address with the subdivision.

- 2) Conditions of any prior approvals

The required subdivision improvements have been completed and accepted. There are no other conditions of approval outstanding.

- 3) Other Code requirements including rules of the zoning district, applicable use specific standards of Chapter Three of the Zoning and Development Code and the design and improvement standards of Chapter Six of the Code.

The Code requirements for zone district bulk standards (i.e. setbacks, floor area ratio, maximum lot coverage, maximum building height), parking, landscaping and buffering have all been met or exceeded.

- 4) Quality site design practices

SSID Manual, TEDS Manual. And SWMM Manual

The requirements of the SSID, TEDS, and SWMM Manuals have been addressed.

- b. The underlying zoning district's standards established in Chapter Three of the Zoning and Development Code

The I-1 zone district standards of Chapter Three have been met.

- c. The use-specific standards established in Chapters Three and Four of the Zoning and Development Code

The specific use subject to standards of Chapter Three and Four is Adult Entertainment. All of these standards are met by the proposal. Chapter 4 requires that Adult Entertainment establishments be located 1000' or more

away from any other Adult Entertainment business, any church (nearest River of Life Alliance Church – 1.82 mi.), school (Appleton Elementary – 1.33 mi; new high school site – 1.14 mi), park (nearest Canyon View Park - 1.42 mi), playground (at Appleton Elementary), public building (nearest Persigo Waste Water Treatment Facility – 1.15 mi), or residentially zoned property (nearest 2,600 ft away, north of I-70). The proposed location meets all requirements as described above.

Chapter 4 of the Zoning and Development Code also requires a sign package be approved as part of the Conditional Use Permit in order for the site to have signage. The applicant has not submitted a specific sign package and is only requesting signage as allowed by the Sign Code.

- d. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to, schools, parks, hospitals, business and commercial facilities, and transportation facilities.

There are other business, commercial and/or industrial type uses in the area that can support the proposed use. To the northwest, southwest, and east, there are multiple office/warehouse and manufacturing facilities are established; the Acorn Truck Stop and Westgate Inn are located approximately 1/4 mile to the west.

- e. Compatibility with and protection of neighboring properties through measures such as:

- 1) Protection of privacy

The proposed building is located along the eastern property line with the main entrance on the western face of the building. The eastern property line also has a 10'-15' landscape strip adjacent the parking area which includes shrubs ranging in height from 3'-6' in height to help maintain privacy of the neighboring property. The neighboring property to the east has historically been used residentially. However, both houses on the property have been vacant for several months and the property is currently for sale, being marketed as industrial land, consistent with its present zone designation.

- 2) Protection of use and enjoyment

The proposed building is located along the eastern property line with the main entrance on the western face of the building. The eastern property line also has a 10'-15' landscape strip adjacent the parking area which includes shrubs ranging in height from 3'-6' in height. The neighboring property to the east has historically been used residentially. However, both houses on the property have been vacant for several months and the

property is currently for sale, being marketed as industrial land, consistent with its present zone designation. The Police Department has reviewed the plan thoroughly and suggested modifications to reduce secondary effects and prevent crime in the neighborhood. The modifications, which have all been incorporated into the plan by the applicant, include different shrub heights in some areas that may be prone to loitering in order to provide better visibility to those areas and defensive landscaping to discourage any attempts to access or travel through certain areas.

At the August 12, 2008 Planning Commission hearing, the owner of Western Slope Auto expressed concerns about having a bar across the street from his property. I believe the following effectively mitigate this property owner's concerns. The Code requires a buffer of either a 25' landscape strip or a fence between an I-1 development and an adjacent C-2 zoned property. When a right-of-way other than a local or collector street separates the zone districts, buffer requirements can be waived if the buffering objectives are met without them. The proposed bar site is approximately 90' from the Western Slope property, separated by G Road which is classified as a Minor Arterial. The subdivision provided a 6' wood privacy fence and a 14' landscape tract along the southern property line, which serves as a buffer to the C-2 property to the south and exceeds the buffer requirements of the Code. The site will also have internal parking lot landscaping and security lighting to maintain safe light levels within the parking lot. The Western Slope site also already has a 6' chain-link perimeter fence with 3 strands of barb wire along the top.

3) Compatible design and integration

The proposed building and site layout are consistent with the surrounding commercial industrial park. The hours of operation are offset from the business hours of most other properties in the area, appropriate defensive and safe level landscaping, and security lighting should mitigate any potential secondary effects to the neighboring properties. Attached is a spreadsheet showing other businesses permitted to serve alcohol for consumption on premises and zone districts in which they are located. Although there are no I-1 zone districts represented on the spreadsheet, most of the businesses have elected to locate in the areas shown, but could have made application for opening their business in an I-1 zone district; however, no requests for a Conditional Use Permit for a bar/nightclub have been requested for any I-1 zoned properties.

FINDINGS OF FACT/CONDITIONS/CONCLUSIONS

After reviewing the Bar/Nightclub application, CUP-2008-158 for a Conditional Use Permit, I make the following findings of fact and conclusions:

1. The requested Conditional Use Permit is consistent with the Growth Plan.
2. The review criteria in Section 2.13.C of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2008-158 with the findings, conditions, and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

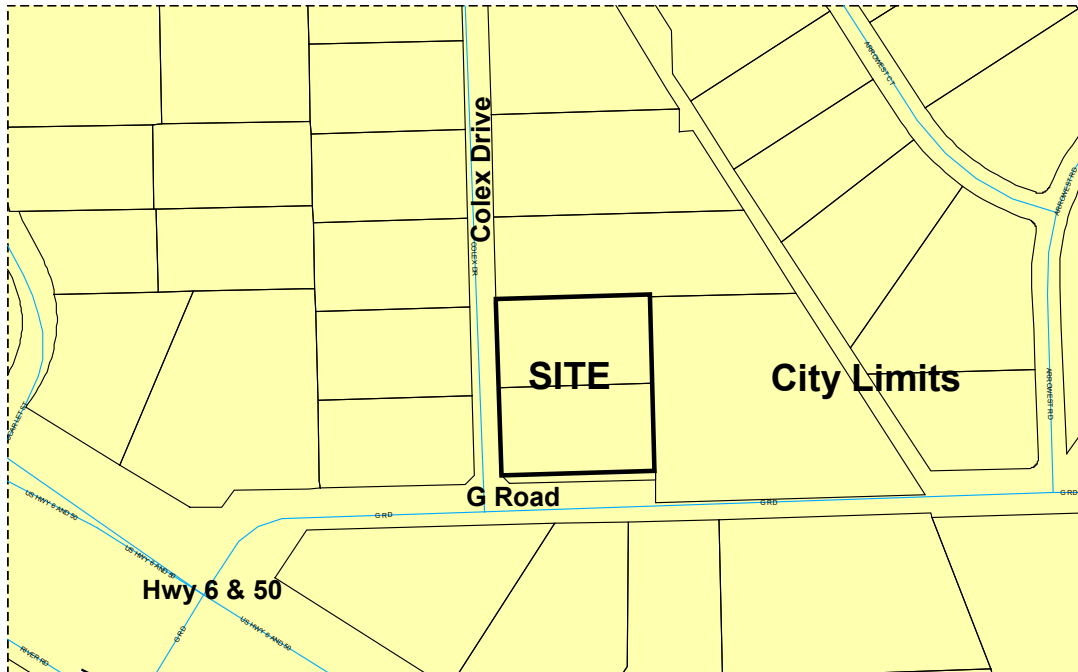
Mr. Chairman, on Bar/Nightclub Conditional Use Permit, CUP-2008-158 I move that the Planning Commission approve of the Conditional Use Permit with the facts and conclusions listed in the staff report.

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City Zoning Map
Proposed Site Plan
Proposed Landscape Plan
Map showing 1000' radius
Existing Licensed Locations Spreadsheet
Citizen letters prior to August 12, 2008 Planning Commission meeting
Planning Commission verbatim minutes – 8/12/08
Applicant's 1st letter of appeal
November 5, 2008 City Council Minutes
Citizen letters after August 12, 2008 Planning Commission meeting
Planning Commission verbatim minutes 11/25/08
Applicant's 2nd letter of appeal
Citizen letters after November 25, 2008
January 21, 2009 City Council Minutes

Site Location Map

Figure 1



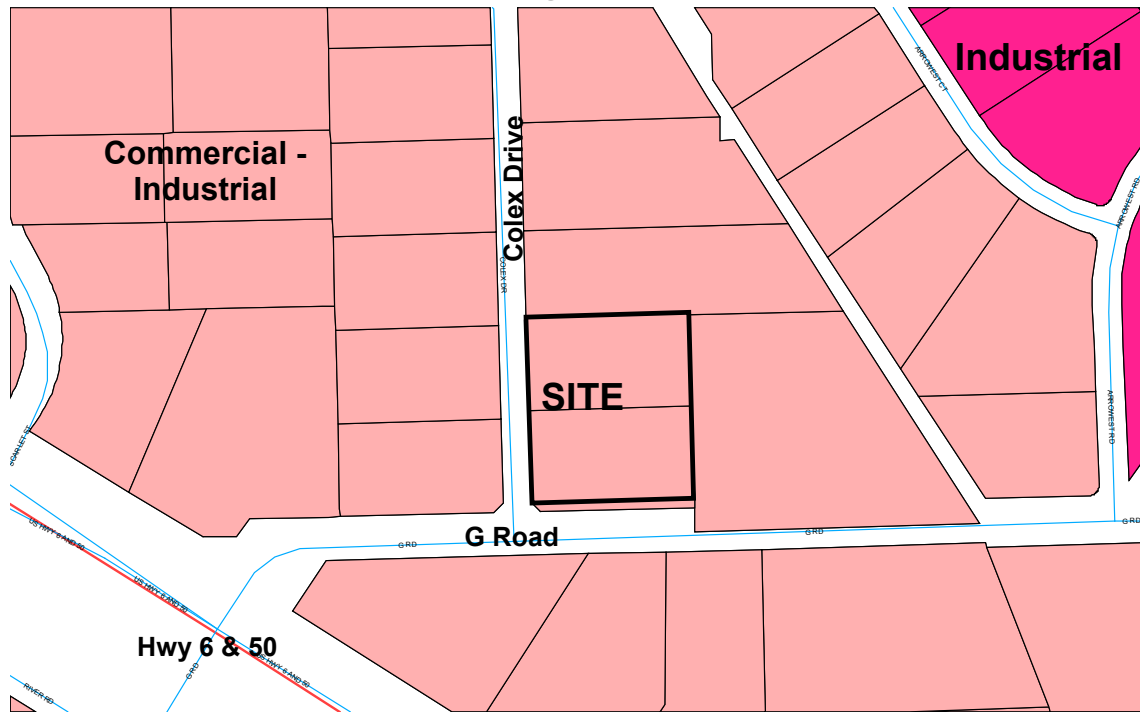
Aerial Photo Map

Figure 2



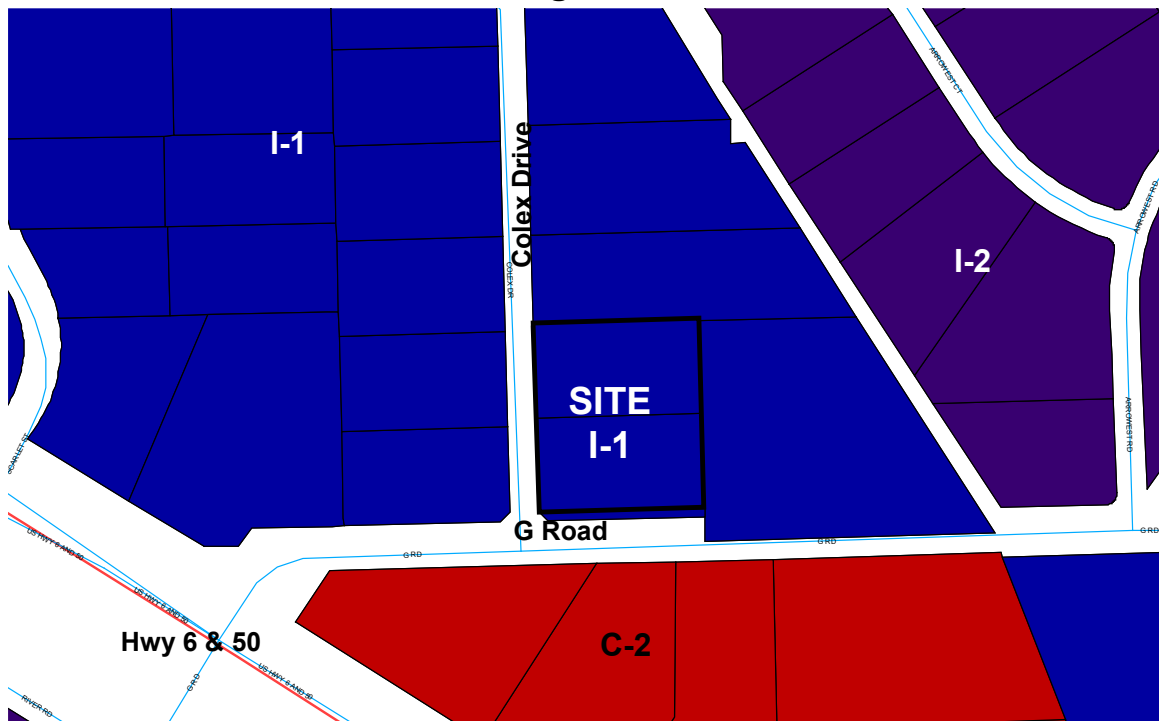
Future Land Use Map

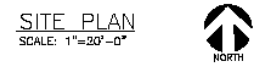
Figure 3



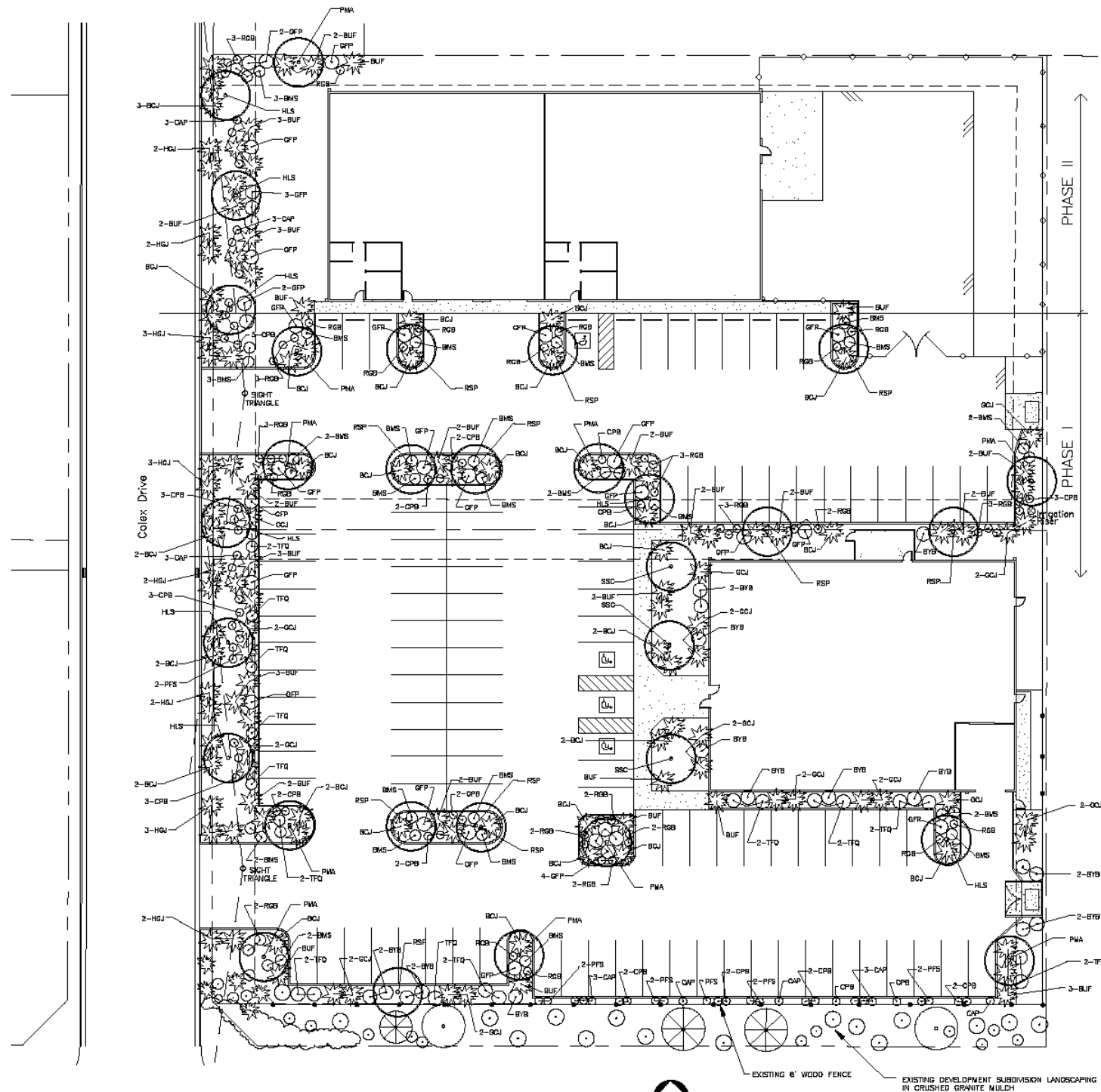
Existing City Zoning Map

Figure 4

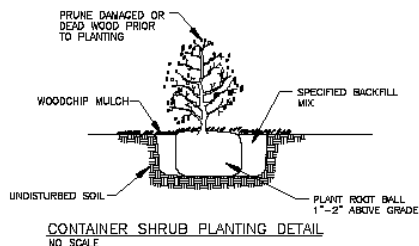
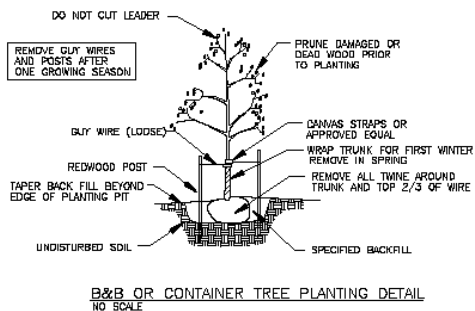




DATE _____



LANDSCAPE PLAN
SCALE: 1"=20'-0"



CITY OF GRAND JUNCTION NOTES:

- ALL LANDSCAPE AREAS ARE TO BE WATERED BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
- EVERGREEN TREES ARE TO BE MINIMUM 6' HT. DECIDUOUS TREES ARE TO BE 2" MIN. CALIPER. SHRUBS TO BE 5 GAL. MIN.
- ALL SPECIFIED 1 GAL. GROUND COVER MATERIAL IS TO HAVE A MINIMUM OF 12" SPREAD AT TIME OF PLANTING.

GENERAL LANDSCAPE NOTES:

- ALL LANDSCAPE PLANTING & IRRIGATION SHALL CONFORM TO CITY OF GRAND JUNCTION REQUIREMENTS FOR SUCH WORK.
- ALL PLANTING AREAS SHALL BE INSTALLED WITH CLOTH WEED FABRIC AND TOP DRESSED WITH 2" WASHED ROUNDED RIVER ROCK MULCH AT A MIN. DEPTH OF 3 INCHES.
- ALL EDGER SHALL BE MIN. 1/8" GALV. MTL. EDGING.
- ALL IRRIGATION LINES CROSSING UNDER PAVEMENT, UNDER CONCRETE WALKS, OR UNDER OTHER HARDSCAPE MATERIALS SHALL BE SLEEVED.
- CONNECT IRRIGATION LINE TO SITE IRRIGATION LINE. CONNECTION SHALL HAVE A BACKFLOW PREVENTION DEVICE.

APPROVED FOR CONSTRUCTION

CITY OF GRAND JUNCTION - COMMUNITY DEVELOPMENT

DATE

ACCEPTED AS CONSTRUCTED
FOR ONE YEAR FROM THIS DATE

CITY OF GRAND JUNCTION - COMMUNITY DEVELOPMENT

DATE

PHASE I
LANDSCAPE CALCULATIONS - I-1 Zone
(DEVELOPED AREA = 0.358 AC = 15,638 SF)

LANDSCAPING REQUIRED:

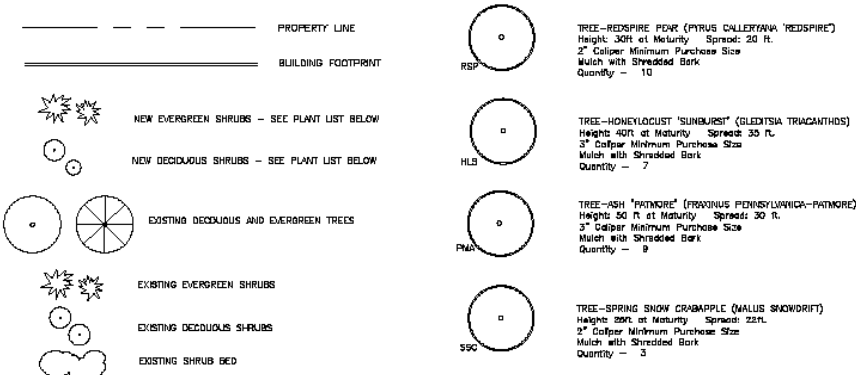
- TREES - 1 PER 5 PARKING SPACES
108 SPACES = 108/5 = 21 TREES
- 1 TREE/40 LINEAR FEET STREET FRONTAGE (EXCLUDING CURB CUTS)
173' FRONTAGE = 173/40 = 4.3 = 5 TREES
- 1 TREE/50 LINEAR FEET SIDE YARD
1 SIDE YARD = 1 TREE
TOTAL TREES REQUIRED = 24
TOTAL TREES PROVIDED = 27
- SHRUBS - MIN. 75% COVERAGE IN STREET FRONTAGE AND RIGHT-OF-WAY PLUS 50' OF SIDE YARD 6' WIDE

PHASE II
LANDSCAPE CALCULATIONS - I-1 Zone
(DEVELOPED AREA = 0.358 AC = 15,638 SF)

LANDSCAPING REQUIRED:

- TREES - 1 PER 5 PARKING SPACES
0 SPACES = 0 TREES (incl. In Phase I)
- 1 TREE/40 LINEAR FEET STREET FRONTAGE (EXCLUDING CURB CUTS)
89' FRONTAGE = 89/40 = 2.15 = 3 TREES
- 1 TREE/50 LINEAR FEET SIDE YARD
1 SIDE YARD = 1 TREE
TOTAL TREES REQUIRED = 4
TOTAL TREES PROVIDED = 4
- SHRUBS - MIN. 75% COVERAGE IN STREET FRONTAGE AND RIGHT-OF-WAY PLUS 50' OF SIDE YARD 6' WIDE

LEGEND - PHASES I and 2



DEVELOPMENT LANDSCAPING - PHASE I

KEY	COMMON NAME	BOTANICAL NAME	MIN. SIZE	MATURE SPREAD	MATURE HEIGHT	QTY.
SHRUBS: EVERGREEN						
CCJ	JUNIPER 'GOLD COAST'	JUNIPERUS CHINENSIS 'GOLD COAST'	5 GAL.	3'-5'	3'-5'	24
BCJ	BLUE CHIP JUNIPER	JUNIPERUS HORIZONTALIS 'BLUE CHIP'	5 GAL.	6'-8'	5'-1'	34
BUF	BUFFALO JUNIPER	JUNIPERUS SPINOSA 'BUFFALO'	5 GAL.	6'-8'	1'-1.5'	36
HGJ	HUGHES JUNIPER	JUNIPERUS HORIZONTALIS 'HUGHES'	5 GAL.	4'-6'	5'-1'	15
SUB-TOTAL						108
SHRUBS: DECIDUOUS						
RGB	ROSE GLOW BARBERRY	BERBERIS THUNBERGII 'ROSE GLOW'	5 GAL.	2'-3'	3'	28
BMS	BLUE MIST SPIREA	CARYOPHTERIS SPP.	5 GAL.	2'-3'	2'	30
GFP	GOLDFINGER POTENTILLA	POTENTILLA FRUTICOSA	5 GAL.	3'	3'-4'	24
TFQ	TEXAS SCARLET FLOWERING QUINCE	CHIONOMELAS JAPONICA 'TEXAS SCARLET'	5 GAL.	3'-4'	3'	21
PFS	SUNSET COTONEASTER	POTENTILLA FRUTICOSA 'SUNSET'	5 GAL.	2'	2'	11
CAP	EARLY COTONEASTER	COTONEASTER ADPRESSUS 'PRAECOX'	5 GAL.	2'	2'	11
CPB	CRIMSON PINKY BARBERRY	BERBERIS T. 'ATROPURPUREA NANA'	5 GAL.	2'-3'	2'	36
BYB	BUTTERFLY BUSH	BUBBLEA DRAHDI	5 GAL.	4'-5'	4'-8'	17
SUB-TOTAL						191
TOTAL						298

DEVELOPMENT LANDSCAPING - PHASE II

KEY	COMMON NAME	BOTANICAL NAME	MIN. SIZE	MATURE SPREAD	MATURE HEIGHT	QTY.
SHRUBS: EVERGREEN						
HGJ	HUGHES JUNIPER	JUNIPERUS HORIZONTALIS 'HUGHES'	5 GAL.	4'-6'	5'-1'	4
BCJ	BLUE CHIP JUNIPER	JUNIPERUS HORIZONTALIS 'BLUE CHIP'	5 GAL.	6'-8'	5'-1'	4
BUF	BUFFALO JUNIPER	JUNIPERUS SPINOSA 'BUFFALO'	5 GAL.	6'-8'	1'-1.5'	12
SUB-TOTAL						20
SHRUBS: DECIDUOUS						
RGB	ROSE GLOW BARBERRY	BERBERIS THUNBERGII 'ROSE GLOW'	5 GAL.	2'-3'	3'	4
BMS	BLUE MIST SPIREA	CARYOPHTERIS SPP.	5 GAL.	2'-3'	2'	3
GFP	GOLDFINGER POTENTILLA	POTENTILLA FRUTICOSA	5 GAL.	3'	3'-4'	9
CAP	EARLY COTONEASTER	COTONEASTER ADPRESSUS 'PRAECOX'	5 GAL.	2'	2'	6
CPB	CRIMSON PINKY BARBERRY	BERBERIS T. 'ATROPURPUREA NANA'	5 GAL.	2'-3'	2'	1
SUB-TOTAL						23
TOTAL						43

NO. DATE REVISIONS

ARCHITECTS AND PLANNERS

917 MAIN STREET

GRAND JUNCTION

COLORADO 81501

(970) 241-1903

design specialists

PROJECT TITLE: TLL1

TLL2

TLL3

SHEET TITLE:

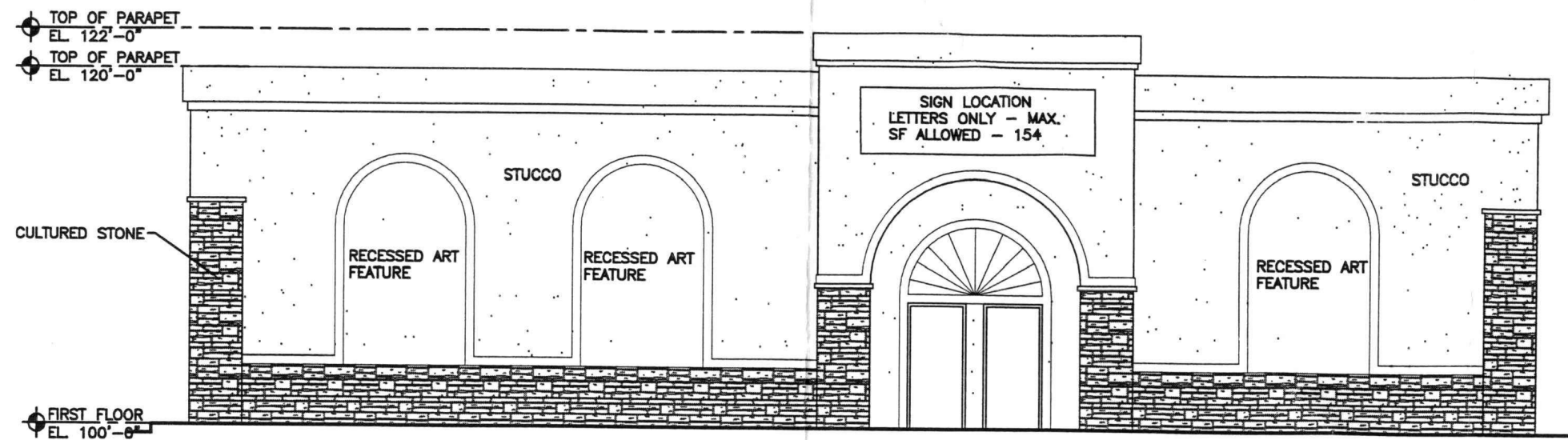
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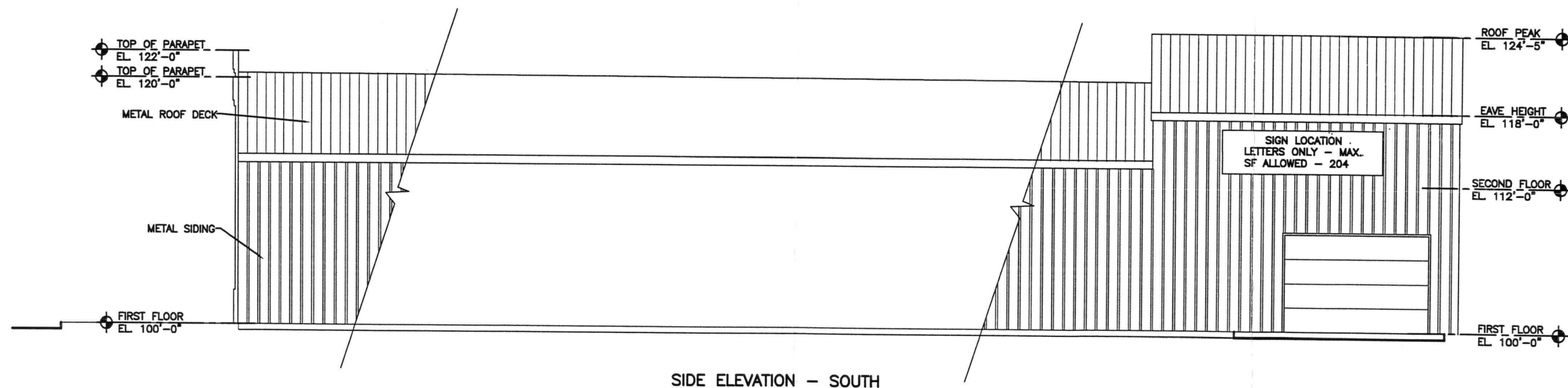
DRAWING

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FRONT ELEVATION - WEST



SIDE ELEVATION - SOUTH

Gentlemen's Club Proposed Building Elevations



Zoning and Development Code Definitions:

- Bar – Premises primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use. An establishment that serves both food and alcoholic beverages shall be categorized as a bar if the sale of said beverages comprises more than 25% of the gross receipts.
- Nightclub – A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which music, dancing or live entertainment is conducted. An establishment that serves both food and alcoholic beverages shall be categorized as a bar/nightclub if the sale of said beverages comprises more than 25% of the gross receipts.

Taverns – Permits the sale to the public of alcohol for consumption on the premises. Light snacks, sandwiches, pizza, etc. must be available during hours of service.										
Tradename	Street #	Street Name	Expiration date	File No	Zoning	Adjacent Zoning				Neighboring uses
						N	E	S	W	
Bank 8 Billiards	2460	F Road, Suite #3	5/1/2009	CUP-2004-273	C-1	Res PD	C-1	C-1/C-2	C-1	Commercial/Industrial Park, Residential, Restaurants, Offices, Retail
Boomers	436	Main	1/6/2009	CUP-2002-117	B-2	B-2	B-2	B-2	B-2	Residential, Restaurants, Offices, Retail
Brass Rail Lounge	476	28 Road	6/11/2009	Legal Non-Conforming	C-1	C-1	Res PD	C-1	R-24	Residential, Nat’l Guard, Retail
Bub's Field Sports Pub	715	Horizon Dr, Ste 100	1/26/2010	CUP-2006-055 CUP-2005-308	C-1	C-1	C-1	C-1	CSR	Restaurants, Hotels, Offices, Retail, Country Club
Chupiro's Place	122	South 5th Street	6/27/2009	CUP-1993-060	B-2	B-2	B-2	B-2	B-2	Restaurants, Bars/Nightclubs, Offices, Retail
Country Inns of America	718	Horizon Drive	7/17/2009	< 25%	C-1	C-1	R-5	C-1	C-1	Residential, Restaurants, Hotels, Offices, Retail
Courtyard by Marriott Grand Junction	765	Horizon Drive	10/15/2009	CUP-2004-136	I-O	I-O	C-1	C-1	I-O	Industrial Park, Hotels, Restaurants, Offices
Fast Eddy's	2650	North Ave #108-110	2/6/2009	CUP-2000-217	C-1	R-8	C-1	C-1	C-1	Residential, Restaurants, Retail, Offices
Freeway Bowling	1900	Main Street	11/2/2009	< 25%	C-2	R-8	R-24/C-2	C-2	C-2	Residential, Retail, Office/Warehouse, Auto Repair
GJ Scores	2445	F 3/4 Road	10/18/2009	SPR-2004-095	C-1	C-1	C-1	C-1	C-1	Restaurants, Retail, Offices
Grand Junction Athletic Club	2515	Foresight Circle	5/24/2009	< 25%	I-O	I-O	I-O	C-1/C-2	I-O	Industrial Park, Retail, Offices, Commercial/Industrial subdivision
Junction Indoor Tennis Center	535	25 1/2 Road	9/28/2009	< 25%	C-2	C-2	C-1	C-2	C-2	Residential, Retail, Offices
Mesa Theater & Club	538	Main Street	8/16/2009	CUP-1998-047	B-2	B-2	B-2	B-2	B-2	Residential, Theaters, Bars/Nightclubs, Restaurants, Offices, Retail
Quincy Bar & Grill	609	Main Street	11/26/2009	CUP-2008-263	B-2	B-2	B-2	B-2	B-2	Residential, Theaters, Bars/Nightclubs, Restaurants, Offices, Retail
Residence Inn by Marriott	767	Horizon Drive	6/10/2009	CUP-2004-136	I-O	I-O	C-1	C-1	I-O	Industrial Park, Hotels, Restaurants, Offices
Snowflake, The	539	Colorado Avenue	9/15/2009	Legal Non-Conforming	B-2	B-2	B-2	B-2	B-2	Restaurants, Offices, Retail
Tavern on the Point	2938	North Avenue	3/28/2009	CUP-2006-007	C-1	RMF-8 (Co)	C-2 (Co)	C-2 (Co)	C-1	Residential, Restaurants, Offices, Retail
Thunder Mountain Tavern	2701	Highway 50	11/12/2009	Legal Non-Conforming	C-1	C-1	C-1	C-1	C-1	Residential, Restaurants, Offices, Retail

VFW Post 1247	1404	Ute Avenue	12/31/2008	Legal Non-Conforming	C-1	C-1	C-1	CSR/C-2	R-O/C-1	Residential, Offices, Retail
Whiskey River	490	28 1/4 Road	11/6/2009	Legal Non-Conforming	C-1	C-1	Res PD/C-1	Res PD	Res PD/C-1	Residential, Restaurants, Offices, Retail
Beer & Wine – License permits the sale of malt/vinous liquors only to the public for consumption on the premises. Must have light snacks available during hours of service.										
Tradename	Street #	Street Name	Expiration date	File No	Zoning	Adjacent Zoning				Neighboring uses
						N	E	S	W	
Bamboo City	2472	F Road #2	9/19/2009	< 25%	C-1	Res PD	C-1	C-2	C-1	Commercial/Industrial Park, Residential, Restaurants, Offices, Retail
Black Bear Diner	624	Rae Lynn Road	9/6/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Retail, Office, Industrial Storage Yards
Diorio's on Horizon	759	Horizon Dr Unit #N	1/11/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Hotels, Offices, Retail, Country Club
Kuniko's Teriyaki Grill	1133	Patterson Rd. #11	7/17/2009	< 25%	B-1	PD Medical	B-1	B-1	B-1	Residential, Restaurants, Retail, Office, Medical, Church
New Dragon Wall Chinese Buffet Rest	2839	North Avenue	8/5/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Residential, Restaurants, Retail, Office
Pablo's Pizza	319	Main Street	10/18/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Residential, Bars/Nightclubs, Restaurants, Offices, Retail
Thai Chili Restaurant	2536	Rimrock Dr, Ste 700	4/11/2009	< 25%	C-2	C-2	C-2	C-2	C-2	Restaurants, Retail, Car sales, Auto repair, Light Manufacturing
Brew Pub – License allows for sale/consumption on premises of alcohol & permits the manufacture of malt liquor on the premises. Malt liquor made on site may be sold for consumption on site, to an independent wholesaler, or to the public in labeled “to go” containers. Required to sell food (meals) as part of their on-site business. Food sales must constitute 15% of the gross on-site food & drink income.										
Tradename	Street #	Street Name	Expiration date	File No	Zoning	Adjacent Zoning				Neighboring uses
						N	E	S	W	
Kannah Creek Brewing Company	1960	North 12th Street	9/26/2009	< 25%	B-1	B-1	R-8	B-1	PD Medical	Residential, Restaurants, Retail, Offices, Medical
Rockslide Brew Pub	401	Main Street	8/18/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Residential, Bars/Nightclubs, Restaurants, Offices, Retail
Club – License permits qualifying non-profit corporations to sell alcohol to members and their guests for consumption on the premises.										
Tradename	Street #	Street Name	Expiration date	File No	Zoning	Adjacent Zoning				Neighboring uses
						N	E	S	W	
BPO Elks No. 575	249	S 4 th St	12/31/2008	Non-Public	B-2	B-2	B-2	B-2	B-2	Residential, Restaurants, Museum, Park, Offices, Retail

Fraternal Order Of Eagles 595	1674	U S Highway 50	12/31/2008	Non-Public	C-1	C-1	R-8	C-1	C-1	Residential, Park, Offices, Retail, Commercial
Loyal Order of Moose	567	25 1/2 Road	5/18/2009	Non-Public	C-2	C-2	CSR	C-2	C-2	Pomona Elementary, Park, Residential, Office/Warehouse, Contractor shops
Hotel & Restaurant – License permits restaurants, and hotels with restaurant facilities, to sell alcohol to the public for consumption within the licensed premises. Must have full meals available until 8 p.m. After 8 p.m. must have light snacks available. Food sales must provide at least 25% of the gross income from the sale of food and beverages.										
Tradename	Street #	Street Name	Expiration date	File No	Zoning	Adjacent Zoning				Neighboring uses
						N	E	S	W	
626 On Rood - Modern American Cuisine & Wine Bar	626	Rood Avenue	8/2/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Bars/Nightclubs, Restaurants, Offices, Retail
Applebee's Neighborhood Grill & Bar	711	Horizon Drive	11/28/2009	< 25%	C-1	C-1	C-1	C-1	CSR	Restaurants, Hotels, Offices, Retail, Country Club
Aztecas Family Mexican Restaurant	603	Highway 50	12/7/2009	< 25%	C-1	C-1	Res PD	Res PD	C-1	Residential, Restaurants, Retail, Office
Bin 707	707	Horizon Drive	9/19/2009	< 25%	C-1	C-1	C-1	C-1	CSR	Restaurants, Hotels, Offices, Retail, Country Club
Blue Moon Bar & Grille	120	North 7th Street	6/22/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Theater, Restaurant, Office, Retail,
Bookcliff Country Club	2730	G Road	12/31/2008	< 25%	CSR	R-2/C-1	C-1	Res PD/C-1	R-4/Res PD	Residential, Restaurants, Hotels, Retail, Office
Boston's The Gourmet Pizza	2404	Patterson Road	2/19/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Retail, Office
Breckenridge Ale House	2531	North 12th Street	3/8/2009	< 25%	B-1	B-1	B-1	B-1	B-1	Residential, Restaurants, Retail, Office, Medical, Church
Carino's Italian	2480	Highway 6 & 50	4/2/2009	< 25%	C-2	C-2	C-2	C-2	C-2	Restaurants, Retail, Office, Contractor yards, Sand/gravel operation
Cavett House Grille & Pub	359	Colorado Ave, Ste 2	4/4/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Residential, Elk's Lodge, Park, Museum, Restaurants, Office, Retail
Chili's Grill & Bar	584	24 1/2 Road	2/11/2009	< 25%	C-1	C-1	C-1/C-2	C-1	C-1	Theater, Restaurants, Offices,Retail
Chipotle Mexican Grill	2504	Hwy 6 & 50 Ste 300	3/20/2009	< 25%	C-2	C-2	C-2	C-2	C-2	Restaurants, Retail, Office, Contractor shops & yards, Car sales
Chuck E Cheese's	2424	US Hwy 6 & 50	8/18/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Retail, Office
Coco's Bakery Restaurant	755	Horizon Drive	7/8/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Hotels, Retail, Office, Country Club, Industrial Park
Conchita's Mexican Restaurant	625	24 1/2 Road	11/14/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Residential, Restaurants, Retail, Goodwill
Dolce Vita II	336	Main St 101-104	12/15/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Residential, Bars/Nightclubs, Restaurants, Offices, Retail

Dos Hombres Restaurant	421	Brach Drive	10/14/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Hotels, Offices, Retail, Country Club
Doubletree - Grand Junction	743	Horizon Drive	4/20/2009	< 25%	C-1	C-1	C-1	C-1	CSR	Restaurants, Hotels, Offices, Retail, Country Club
EC's Asian Station	509	28 1/2 Road	7/8/2009	< 25%	C-1	Res PD/R-8	C-1	C-1	C-1	Residential, Restaurants, Retail, Office
El Tapatio	1145	North Avenue	8/1/2009	< 25%	C-1	C-1	C-1/CSR	C-1	C-1	Residential, Restaurants, Retail, College, Lincoln Park
Famous Dave's Bar B Que	2440	U.S. Hwy. 6 & 50	11/26/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Retail, Office, Contractor yards, Railroad
Fiesta Guadalajara-GJ	710	North Avenue	3/23/2009	< 25%	C-1	B-1/C-1	C-1	C-1	C-1	Residential, Restaurants, Retail, High School
Fly'n Roosters	200	W Grand Ave Ste 4&5	7/6/2009	< 25%	C-1	C-1	B-1	B-2	R-8	Residential, Restaurants, Retail, Park, Office, Justice Center, Sheriff station/jail
Genghis Grill	2474	Hwy. 6 & 50	8/10/2009	< 25%	C-2	C-2	C-2	C-2	C-2	Restaurants, Retail, Office, Contractor yards, Sand/gravel operation
Good Pastures	733	Horizon Drive	7/14/2009	< 25%	C-1	C-1	C-1	C-1	CSR	Restaurants, Hotels, Offices, Retail, Country Club
Grand International Buffet	2504	HWY 6&50, #500	9/16/2009	< 25%	C-2	C-2	C-2	C-2	C-2	Restaurants, Retail, Office, Contractor shops & yards, Car sales
Grand Vista Hotel	2790	Crossroads Blvd	9/18/2009	< 25%	C-1	I-O	C-1	C-1	C-1	Restaurants, Hotels, Retail, Office, Industrial Park
Il Bistro Italiano	400	Main Street	12/1/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Residential, Bars/Nightclubs, Restaurants, Offices, Retail
Junct'n Square Pizza	119	N. 7th Street	4/18/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Residential, Bars/Nightclubs, Restaurants, Offices, Retail
La Bamba	546	Main Street	1/26/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Residential, Bars/Nightclubs, Restaurants, Offices, Retail
Las 2 Margaritas Grill Mexican Restaurant	2516	Broadway	11/18/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Residential, Restaurants, Retail, Office, Commercial Distribution Center
Las Marias Inc	2692	Hwy 50 Sp E & G	11/18/2009	< 25%	C-1	R-16	R-8	C-1	C-1	Residential, Restaurants, Bar/Nightclub, Office, Retail, Commercial/Industrial Storage
Las Palmas Restaurant	752 1/2	Horizon Drive	7/17/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Hotels, Offices, Retail, Country Club
Le Moulin Rouge	317	Main Street	2/3/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Residential, Bars/Nightclubs, Restaurants, Offices, Retail
Los Reyes Restaurant	811	South 7th Street	2/13/2009	< 25%	C-2	C-2	C-2	C-2	I-1	Residential, Mesa Feed, Contractor shops/yards, Light manufacturing
Nepal Restaurant	356	Main Street	5/15/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Residential, Bars/Nightclubs, Restaurants, Offices, Retail
No Coast Sushi	1119	N 1st St, Unit A	4/17/2009	< 25%	C-1	R-24/R-O	C-1	C-1	C-2	Residential, Restaurants, Retail, Office, Parks, Car sales

Old Chicago	120	North Avenue	1/11/2009	< 25%	C-1	B-1	C-2	C-1	C-1	Residential, Restaurants, Retail, Office, Parks, Car sales
Olive Garden Italian Restaurant #1580 The	2416	US Hwy 6 & 50	1/2/2010	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Retail, Office, Contractor yards, Railroad
Orchard Mesa Lanes	295	27 Road	12/7/2009	< 25%	C-1	C-1	Res PD	Ind PD	Ind PD	Residential, Retail, Office, Park, Light manufacturing
Outback Steakhouse	2432	Highway 6 & 50	8/4/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Retail, Office, Contractor yards, Railroad
Qdoba Mexican Grill	2536	Rimrock Ave Ste 100	9/6/2009	< 25%	C-2	C-2	C-2	C-2	C-2	Restaurants, Retail, Car sales, Auto repair, Light Manufacturing
Red Lobster #685	575	24 1/2 Road	3/7/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Retail, Office, Contractor yards, Railroad
Red Robin America's Gourmet Burgers & Spirits	2530	Rimrock Avenue	6/4/2009	< 25%	C-2	C-2	C-2	C-2	C-2	Restaurants, Retail, Car sales, Auto repair, Light Manufacturing
Rib City Grille	2830	North Avenue	11/24/2009	< 25%	C-1	Res PD/R-8/ R-O	C-1	C-1	C-1	Residential, Restaurants, Retail, Office
Smuggler's Brewpub & Grille	2412	Highway 6 & 50	11/9/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Retail, Office, Contractor yards, Railroad
Suehiro Japanese Restaurant	541	Main Street	11/13/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Residential, Bars/Nightclubs, Restaurants, Offices, Retail
Tequila's	2560	North Avenue	7/26/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Residential, Restaurants, Retail, Office
Tequila's Mexican Family Restaurant	2454	Highway 6 & 50	12/5/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Retail, Office, Contractor yards, Sand & gravel operation
Texas Roadhouse	2870	North Avenue	8/26/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Residential, Restaurants, Retail, Office
Two Rivers Convention Center	159	Main Street	3/30/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Hotels, Restaurants, Offices, Retail
W.W. Peppers LTD	753	Horizon Drive	10/1/2009	< 25%	C-1	C-1	C-1	C-1	C-1	Restaurants, Hotels, Offices, Retail
Weavers' Tavern	103	North 1st Street	10/4/2009	CUP-2000-210	B-2	B-2	B-2	B-2	B-2	Hotels, Convention Center, Justice Center, Restaurants, Offices, Retail
West Gate Inn	2210	Highway 6 & 50	1/31/2009	< 25%	C-2	I-1	C-2/I-1	C-2/RSF-R (Co)	C-2	Retail, Industrial storage yards, Contractor shops/yards, Railroad
Winery, The	642	Main Street	9/7/2009	< 25%	B-2	B-2	B-2	B-2	B-2	Residential, Theaters, Bars/Nightclubs, Restaurants, Offices, Retail
Wrigley Field	1810	North Avenue	3/17/2009	< 25%	C-1	R-8	C-1	CSR	C-1	Residential, Restaurants, Retail, Office, Park
Xian Wei	1530	North Avenue	1/16/2009	< 25%	C-1	C-1	C-1	CSR	C-1	Residential, Restaurants, Retail, Office, Park
Zen Garden	2886	North Avenue	11/16/2009	< 25%	C-1	R-8/C-1	C-1	C-1	C-1	Residential, Restaurants, Retail, Office, Park

Senta Costello - Fwd: Gentleman's Club

From: Greg Moberg
To: Senta Costello
Date: 8/11/2008 2:12 PM
Subject: Fwd: Gentleman's Club

>>> Belinda White 8/11/2008 1:02 PM >>>

*Belinda White
Senior Administrative Assistant
City of Grand Junction
Administration
(970) 244-1508*

>>> "Nelda Burdett" <edenrhea@gvii.net> 8/11/2008 12:54 PM >>>
Please do not allow the "Gentlemen's Club" to come to Grand Junction.

It would be a degenerative influence on our community. We want a positive healthy influence for our young, our families and community. The "Club" would be a terrible model for women. Women should be respected instead of used as a non-person sex gratification tool.

Our young need examples of wholesome relationships, not the "use and throw away" influence of the so called, "Gentlemen's Club."

Thank you for carefully considering our future,

Nelda Burdett

Senta Costello - Fwd: Gentlemen's Club

From: Greg Moberg
To: Senta Costello
Date: 8/11/2008 5:00 PM
Subject: Fwd: Gentlemen's Club

>>> Belinda White 8/11/2008 4:44 PM >>>

*Belinda White
Senior Administrative Assistant
City of Grand Junction
Administration
(970) 244-1508*

>>> "Harlan Woods" <pappywoods@bresnan.net> 8/11/2008 4:41 PM >>>
GRAND JUNCTION CITY COUNCIL

To Gregg Palmer-Mayor District C, Teresa Coons-Mayor Pro Tem District E, Jim Doody-District A - Bonnie Beckstein District E -Bruce Hill District At Large, - Doug Thomason District At Large - Linda Romer Todd District At Large

MESA COUNTY PLANNING COMMISSION

John Justman, Chairman-Mark Bonella, Vice-Chairman-Christi Flynn, Secretary-Michael Gardner, Thomas Kenyon, Sam Susuras, Gregory Robson, Phillip Jones and George Domet

I urge you all to vote against the proposed Gentlemen's Club as not being in the best interest of the citizens of Grand Junction. Thank You. Harlan Woods and Families

Senta Costello - Fwd: Proposed "Gentleman's Club"

From: Greg Moberg
To: Senta Costello
Date: 8/12/2008 10:03 AM
Subject: Fwd: Proposed "Gentleman's Club"

>>> Belinda White 8/12/2008 8:29 AM >>>

*Belinda White
Senior Administrative Assistant
City of Grand Junction
Administration
(970) 244-1508*

>>> <milana@acsol.net> 8/11/2008 8:56 PM >>>
TO: Mesa County Planning Commission and
Grand Junction City Council members

RE: Proposed "Gentleman's Club"

I am writing you regarding the proposed "Gentleman's Club." As a former dancer in the 1970s in Alaska, I saw first-hand the drugs, violence and prostitution resulting from the environment such an establishment provides. During the Vietnam War and pipeline construction, money flowed - - not only one or two such clubs were established, others followed, some out of town and much larger. Behavior allowed in the city limits was even more accelerated and decadent outside the city. As a dancer I worked in a very small strip club, but was about to move to a larger one - - the night I was to change location, 6-8 girls at the new location were shot with a 12-gauge shotgun by a man who was obsessed with one of the girls, wanting her to marry him. Violence seemed to erupt at the club on a nightly basis.

Men do not go to these clubs for the artistic beauty of the dance, or the "down-to-earth" conversation with the ladies - - they are going to view, to look for a superficial relationship, and/or to proposition a dancer for sex. The ladies know it's easy money, it gives them a false self-esteem and adds to, or begins, a drug and/or alcohol habit. If the men are married it brings trouble in the home. If the girls are married or have a relationship it causes violence or prostitution to occur. Back in the 70s I lived with a heroin addict who would have liked me to prostitute myself to support his addiction.

As an alcohol & drug counselor, many of the women (and

men) I see have started, or supported, their drug habit by dancing - - some have gone further, prostituting in addition to the dancing because the club generates that type of activity and environment. We may be talking about one club, but once one is established and succeeds, many more will follow.

The owner of Rum Bay is apparently selling that business - - why? Because of the violence and police calls his bar generates; a "gentleman's club" will generate even more. The question between what is moral and what is legal is an issue for me, however, what is good for Grand Junction and it's families is even more relevant. We are already in a war against methamphetamines and other drugs. This club, or others like it, will cause an even bigger problem. Do we want this for our community?

The petroleum industry & workers are bringing in money, much as it was during the 70s and the Alaska pipeline, providing a similar dynamic and environment. Are we willing to sacrifice our homes, have our mothers, sisters and daughters degraded and seen/used as sex objects or worse? Do we want more violence, drugs, prostitution, DUIs, etc.? We are fighting a war on pornography, why add this to it? Please consider and vote "no."

Thank you,

Milana L. Hudon-Deal, CAC-II(p)

TO: Mesa County Planning Commission and
Grand Junction City Council members

RE: Proposed "Gentleman's Club"

I am a former topless dancer who began dancing here in Grand Junction in 1990 at a club called "Cheers." Since then I have worked in many clubs in many states, and it is not a glamorous business. Shortly after starting to dance I became addicted to cocaine and alcohol. I would say that 90% of the dancers at these clubs become addicted to drugs and many end up turning to prostitution to support those addictions. I am not blaming the people who own these clubs or the girls that work there, but these types of clubs attract the lowest kinds of people, including drug dealers and perverts. I know this because I am a recovering addict/alcoholic who worked in the business for 10 years in many clubs and know what really goes on in those places, even in the nicest of places it still goes on. The drug use/dealing and prostitution take place around and in the businesses, a part of the environment resulting from such business.

To allow such a business to operate in our community, basically a "strip-club" by another name, would encourage increased drug dealing and prostitution. Lives would be damaged, crime will increase, and I know this from

first-hand experience. No matter how "upscale" they make this club it will still attract these people and this behavior.

Sincerely,

Sarah F.

Dear Council Members and Mayor,

It has come to my attention that a gentlemen's club is attempting to establish themselves in our community. I am concerned as to the effect that this will have on our community. We live in Grand Junction for several reasons, not the least of which being the peaceful family atmosphere found in the valley.

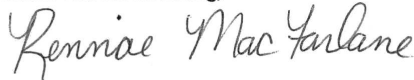
The nature of a "gentleman's club" is anything but that of a gentleman. I desire to raise my children and grandchildren in a community that respects women, displays modesty, and has an overall wholesome environment they can thrive in. I desire my descendants to be true Ladies and Gentlemen in the purest sense of the word and would hope that this community would provide the type of environment for that to take place.

I realize that in denying the proper permits the city will lose revenue. I am confident that in allowing this type of business it will cost us more in the long run than if we turn down their request. History and many studies show that this type of business has a higher frequency of 911 calls that cost the city revenue. People who frequent these types of places have higher rates of health issues that end up costing the community. This type of business tends to promote a plague of sexual violations that destroy children and women alike. The net result being dysfunctional people who are not productive in society and they in turn have a higher rate of alcoholism, drug abuse, violence and subsequently find themselves in the penal system. This kind of temptation leads to marriage issues for some that cannot be overcome resulting in divorce with the net outcome being women and children on public assistance. We all know statistics show children from broken homes tend to end up in trouble and therefore cost law enforcement and other public agencies great amounts of money not to mention the fact that their lives are destroyed. The Cost is too high to allow this to come here.

Considering the negative mentioned and much more too lengthy to detail, combined with the fact that I can't think of one positive thing a gentleman's club provides, I feel it would be foolish on any level to allow this kind of establishment to exist in our beautiful community.

Please hear the voice of the community concerning this issue and take this opportunity to represent the city in a way that makes us proud of our leadership.

Thank You for Listening,



Rennae MacFarlane

2808 Bookcliff Ave.

Grand Junction, CO 81501

RECEIVED MAR 04 2008

cc: *James L.*

02/22/2008

Dear Council Members and Mayor,

It has come to my attention that a gentlemen's club is attempting to establish themselves in our community. I am concerned as to the effect that this will have on our community. We live in Grand Junction for several reasons, not the least of which being the peaceful family atmosphere found in the valley.

The nature of a "gentleman's club" is anything but that of a gentleman. I desire to raise my children and grandchildren in a community that respects women, displays modesty, and has an overall wholesome environment they can thrive in. I desire my descendants to be true Ladies and Gentlemen in the purest sense of the word and would hope that this community would provide the type of environment for that to take place.

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Please hear the voice of the community concerning this issue and take this opportunity to represent the city in a way that makes us proud of our leadership.

Thank You for Listening,



Michael MacFarlane

2808 Bookcliff ave. Grand Junction Co 81501

RECEIVED FEB 27 2008

Senta Costello - Fwd: Gentleman's Club

From: Greg Moberg
To: Senta Costello
Date: 8/11/2008 9:27 AM
Subject: Fwd: Gentleman's Club

>>> Belinda White 8/11/2008 8:20 AM >>>

*Belinda White
Senior Administrative Assistant
City of Grand Junction
Administration
(970) 244-1508*

>>> "Mike MacFarlane" <macjehu@gmail.com> 8/9/2008 12:18 PM >>>
Dear City Council and Planning Commission,

I have heard that there is a gentleman's club attempting to open. I believe that allowing this would be a mistake. The cost to the community would be too high. Studies show that these type of establishments increase the frequency of sex crimes including rape and child molestation, divorce, and substance abuse to name a few. It degrades the women performers to a commodity and destroys their self esteem. The cost to the City and County in the form of increased police calls, increased welfare rolls as homes are broken, and the maintenance of those whose lives degenerate due to this type of activity are not worth the revenue that will be generated.

This is a beautiful community with a clean safe atmosphere to raise a family in. My children have grown up here and my grandchildren are now both beginning life here. I desire to give them a nice place to live as they grow up. Not a place that promotes filth. Please help us to keep this a nice place to live without the type of businesses that only care about their pocket books and not the welfare of the community as a whole.

Any business that is approved to open in the valley should bring a benefit to the valley. This would only bring problems. I cannot think of one positive item that this kind of business brings to the table that would increase the quality of life in the valley. Any revenue it may generate would be more than offset by the cost in public assistance required to deal with the negatives. Please vote against this vile business!

Thank you, Mike MacFarlane

Senta Costello - Fwd: Gentlemen's Club concern and Mt Garfield Concern...for Tuesday meeting.

From: Greg Moberg
To: Senta Costello
Date: 8/11/2008 9:26 AM
Subject: Fwd: Gentlemen's Club concern and Mt Garfield Concern...for Tuesday meeting.

>>> Belinda White 8/11/2008 8:22 AM >>>

*Belinda White
Senior Administrative Assistant
City of Grand Junction
Administration
(970) 244-1508*

>>> <ronih@live.com> 8/10/2008 8:13 AM >>>

Notice: Please get to them before the Tuesday meeting, Aug.

12th□□□Thanks!

John Justman
Mark Bonella
Christi Flynn
Michael Gradner

Gregg Plamer
Teresa Coons
Jim Doody
Bruce Hill
Doug Thomason
Linda Romer Todd

Dear Mesa County Planning Commission,
Sunday August 10th, 2008

The thought of having a □Gentlemen□s Club□ in our city
is a grief to me.

Pornography and sexual sin has touched my life through

my children in years past. The consequences of men or our young adults following the path of lust is completely destructive. I had no idea until it landed on my porch.

I believe in freedom, but when it hurts so many people, my heart GRIEVES. I have not a clue what hoops that you must jump through and abide by. I do ask that you do whatever is in your power to stop this organization from becoming a part of our community.

Another subject that is much less important has been on my mind.

Mt Garfield is a unique and beautiful mountain. The land beneath it is for sale.

It would be so UGLY to have a trailer community beneath such a gorgeously unusual Mountain. Is it possible for our city to purchase it? It would be a shame to have it marred by civilization.

The land could be turned into a bike/horse/hiking area for the whole community. There must be some good use for the land so the beauty of it can continue to be enjoyed by all.

Thanks for your time and consideration on these two subjects. I appreciate what you DO for our community.

Roni Hale
Ronih@live.com
3596 G 7/10 Road
Palisade, Co. 81526
970-464-0772

I, representing myself, my family, my church and our community, ask you to make the decision to say "No" to any development of this type in Grand Junction, now and in the future, for the benefit of all.

Thank you once again for your service and leadership to the community. I ask God to bless you and your families in every way.

Sincerely,

Pastor Jim Hale

Delicious ideas to please the pickiest eaters. Watch the video on AOL Living. (<http://living.aol.com/video/how-to-please-your-picky-eater/rachel-campos-duffy/2050827?NCID=aolcmp00300000002598>)

From: Laurie Kadrich
To: Angela Harness
Date: 2/24/2008 12:05 PM
Subject: Fwd: Letter to the Council

please prepare a letter, laurie

Laurie M. Kadrich
City Manager
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501
(970) 256-4154 office
(970) 589-0674 cell

>>> Belinda White 2/22/2008 11:15 AM >>>

>>> <JimhaleSLCF@aol.com> 2/22/2008 11:00 AM >>>

Dear Friends,

Many of you know me through organizing prayer for the Council and the National Day of Prayer. I am always rallying support for you in the decisions you must make in the planning and operations of the City.

I have dedicated my life to the community of the Grand Valley. My desire is that Grand Junction and the surrounding area continue to grow in healthy ways and that the community and society grow to be better and better as a place to live. My children and grand children live here and I want to see our region be a good place for them to stay and prosper.

The decision coming before you regarding a "Gentleman's Club" deeply concerns me. I have seen, in Anchorage, Alaska, the same situation develop and show it's results. At first, it seems a "right" and a way to increase commerce, taxes and benefits. At least it's "sold" in that light. But, experience shows that commerce of that kind draw the prostitution, drug and criminal elements along with it. Problematic law enforcement problems arise and costs to the people escalate

We are now experiencing a decline in criminal activity that is drug related. That decrease is coming for a variety of reasons, but, it is proper to say that a community, cooperative effort to educate, treat and enforce the laws is at the "root" of the changing situation. I believe it is critical to understand that this kind of "Club" activity is just an invitation to greater problems that will affect our community. Can we see that the decisions we make will have positive or negative long term impact? Our community realizes a "Club," such as this is an open door to increasing problems.

I am sure the people desiring to develop this proposed, "Club" have no evil intent, but, this kind of activity will have it's draws and impacts.

Senta Costello - Fwd:

From: Greg Moberg
To: Senta Costello
Date: 8/11/2008 9:25 AM
Subject: Fwd:

FYI

>>> Belinda White 8/11/2008 8:22 AM >>>

*Belinda White
Senior Administrative Assistant
City of Grand Junction
Administration
(970) 244-1508*

>>> Ruth Jacobs <rcjacobs08@hotmail.com> 8/11/2008 12:00 AM >>>
RE: Gentleman's Club

Continuing to allow this establishment to be opened in our community would be wrong, and sad for our population. It is easy enough for people to choose to do the wrong things without deliberately setting up a place and disguising it under the pretense of 'gentleman'. What we really need is a commitment to our community to guide people into the right things.....not the wrong.

Sincerely,
Ruth Jacobs

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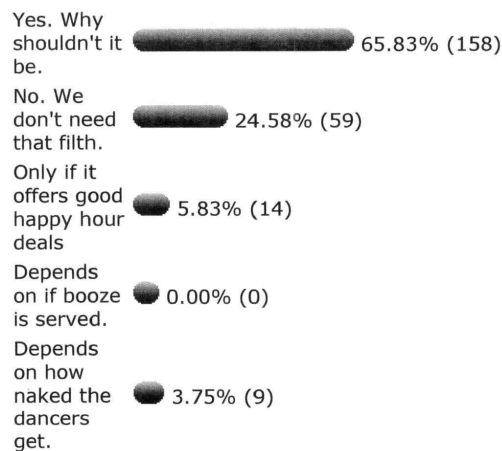
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- Aspen Times Weekly

Current Poll Results

Should a strip club be allowed to open in Grand Junction?



Total Votes: 240

[[Voting Booth](#) | [Other Polls](#)]

Last 3 polls...

What did you think of the Angry White column in the Free Press? (88)

Should a strip be allowed to open in Grand Junction? (votes)

Should residents be concerned about a uranium mill? (236 votes)

[...more polls](#)

"Should a strip club be allowed to open in Grand Junction?" | [Login / Create Account](#) | 0 comments

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Sky Hi Daily News
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Summit Daily
Vail Daily
The Vail Trail
Valley Journal

You may remain anonymous by registering.


The screen name you choose is entirely up to you. We ask for a valid e-address only to send you a password for commenting under your chosen name; we will not use that e-mail address for any other reason.

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Grand Junction Free Press - 145 N. 4th Street - Grand Junction, CO 81501

2/28/08

To Jim Doody,

I wish to state my opinion regarding the gentlemen's club. I don't feel this is an appropriate business to have in our community. There are enough adult businesses here already ; ie, North Ave. and 24 road . If people wish to participate in such things, they should go where they are available, like Denver, Vegas, or Salt Lake, and not bring them home. This is supposed to be a family oriented community. I feel it will decrease property value and increase crime, drugs, alcohol, and sex offences, especially in a college town. If this happens, the cost of police / sheriff protection will go up . This will defer money that is considered incoming revenue.

When the next election comes up, my family, friends, and co-workers will take this into our consideration.

Sincerely,


M. Cribari

RECEIVED MAR 04 2008

February 29, 2008

RECEIVED MAR 03 2008

Mayor Jim Doody
City of Grand Junction
City Hall
250 North 5th Street
Grand Junction, CO 81501

Dear Mayor Doody,

My husband and I are writing concerning the proposed "Gentlemen's Club" and request that you do all you can to keep this out of Grand Junction and keep our city one we can be proud of. With all the high school students and Mesa College students here, this is not a temptation we want to add to their lives.

I know a young girl who needed a job and thought the tips at "Cheers" would be really good. She didn't think that evil place would affect her, but it ruined her life and even after fifteen (15) plus years later, she is still a mess. And she is only one person! Just think how many other lives would be affected.

If we let the "Gentlemen's Club" in after years of trying to get "Cheers" out, it will just open the door to letting more of the same kind of "club" in. Also, I think you will be hiring more police and it will cost a lot more to patrol and enforce than what the tax revenue from it would bring in.

Please fight to keep it and all such "clubs" out of Grand Junction. We have a wonderful city now and I want it to stay that way - one we can always be proud of.

Thank you,
Mr. and Mrs. Patrick McKague
Mr. and Mrs. Patrick McKague
326 Independent Avenue
Grand Junction, CO 81505

Mayor Jim Doody
City Hall
250 North 5th Street
Grand Junction, CO 81501

Tami Tarr
3468 G Road
Clifton, CO 81520

February 26, 2008

RE: Gentlemen's Club

Dear Sir:

Because I care about the moral health of our community, having lived here for 30 years, I was very concerned when I heard about the possibility of a "Gentlemen's Club," coming to Grand Junction. I find this very disgusting, and degrading to women. I do hope you will not allow this to come to Grand Junction. It will only result in the moral decay of our city.

Thank you for your time.

Sincerely,



Tami Tarr

RECEIVED FEB 29 2008

RECEIVED MAR 03 2008

Kelly: Gene M. J. J. J.
Feb 29 2008
2809 Elora Ct
Grand Pt. Co 81506

Dear Mayor & Councilmen

I'm writing to you to express
my concern & dislike in the granting
of a "Gentlemen club" I believe
this would be a "disaster" to L. J. J.
We have enough problems in our
beautiful City now with allowing
another one.

I have lived in L. J. J.
since I was 14 & graduated from
Central High. I am now 76 &
I am very concerned about the
possible granting of a "Smudge" on
us.

Thank you
Gene M. J. J. J.
2809 Elora Ct
Grand Pt. Co 81506

cc: Council
Original to ~~Quorum~~

2/26/08

To The Mayor: Jim Doody: and all City Councilmen

I'm sure you all have already considered the ramifications of a gentlemen's club here in our city as well as the moral aspects.

This proposal may very well cost the city more money in law enforcement costs than it will bring in in tax revenue. It will most certainly result in new opportunities for drugs and other illicit, and morally decadent activities.

Please consider voting no on this proposal: thus helping to keep our city free of these moral sewers

Respectfully submitted

Charles W. Fox

2813 Cottage Ln.

Grand Junction Co

81506

RECEIVED FEB 28 2008

CC: Hawie
Original to Justin

February 27, 2008

RECEIVED FEB 28 2008

Mayor Jim Doody
City of Grand Junction
City Hall
250 North 5th Street
Grand Junction, CO 81501

Dear Mayor Doody,

We are writing to voice our concerns regarding the Gentlemen's Club being proposed to open in Grand Junction.

This type of club, or any venue of that sort, could be the beginning of a great change in the atmosphere of the community (ever see "It's A Wonderful Life"?). We have a good college here now, with many young people. All of us want the very best atmosphere possible for those that will follow after us. Life is complicated enough, even with things at their best, without adding a strip joint (in actuality, that is what this will be). It will affect not only the men of the community, but will encourage young women into a lifestyle better suited to Las Vegas. If people want that sort of thing, let them find it in a place other than Grand Junction. We can't tell others how to live, but we can provide a community that encourages good character in our citizens.

Any tax revenues the city would realize from this kind of business, would be offset to a great degree, with costs of intervention by our local police, since businesses of this type are usually a financial burden on law enforcement agencies. Grand Junction should continue to do all possible to be a model community.

We are requesting that you will determine that this (or any other venue of this type) not be allowed in Grand Junction - let's keep a city we can be proud of.

Sincerely,

Mr. and Mrs. George G. Clark

Mr. and Mrs. George G. Clark
2119 Saguaro Road
Grand Junction, CO 81503

cc: Jamie
Original to Justin

Mayor Jim Doody

February 26, 2008

I am concerned about the proposed Gentleman's Club being opened in Grand Junction.

I moved here 5 years ago from the Washington D.C. area where there are many "Adult" type establishments, which have over a short amount of time devalued the neighborhoods in several ways. Crime rose, drugs increased, family values suffered, etc.

I am told it would also be located near the Bananas Fun Park. Would this be an environment for children to associate near, or their parents want?

Would you, as a parent or grandparent wish to bring this to our city as part of your legacy?

Would you, as a parent or grandparent want your children influenced by this business?

Would you, as a parent or grandparent want your children to see you frequent a strip club?

Would you, as a parent or grandparent want to see your children frequent a strip club?

This city is a great place to live and grow up in. There is enough "Adult" entertainment already!!!

Please think carefully about what this can do to the city in the future and what extra costs in law enforcement and control would be needed for this one business.

Consider carefully for the good of the community we live in.

Thank you for your time



Ronald Fields
661 Faircloud Way
Grand Junction

RECEIVED FEB 28 2008

cc: Hawick

661 Faircloud Way
Grand Junction, CO 81504
February 24, 2008

Jim Doody
Mayor
City Hall
250 North 5th Street
Grand Junction, CO 81501

Subject: Gentlemen's Club

Dear Mayor Doody:

The purpose of this letter is to let you know that I am very disappointed with the prospect of the City Council approving the building a "*Gentlemen's Club*." This is a fancy name for what is really known as a strip joint or brothel.

I am concerned about the health and wellbeing of our community. We already have problems with drugs and crime in Grand Junction. This could add to the problem, as well as be an invitation to men who are **not** gentle by any means. I moved to Grand Junction from the big city to get away from crime.

I am a tax payer, and I **do not** want my taxes paying for the protection of the owner(s) and participants of this type of activity.

As Mayor of our City, you should not permit this or any other venue of this type to be brought to Grand Junction.

Sincerely,



Cheryl D. Fields

cc: Chamber of Commerce

RECEIVED FEB 26 2008

C.C. Odelberg

Nobel Council Member
City Hall, 250 North 5th Street
Grand Junction, Colorado 81501

Dear City Council Member: Mayor Jim Doody,

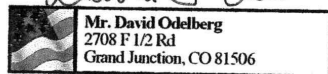
Considering myself a gentleman and being a native of Grand Junction, I am very much concerned about the health of our Community in matters that deteriorates Family Values, Morals and the like.

One of the recent matters that has come up is the proposal for an establishment called the Gentlemen's Club. I want to go on record as an opponent to this establishment, or any like venue that is already established or considered for proposal, because these are not healthy for the families of our great Community.

Council Member, Jim Doody, I am hoping you will be one that will not grant permission for such an establishment.

Sincerely,

David F. Odelberg



February 25, 2008

RECEIVED FEB 26 2008

cc: Hawick.

February 25, 2008

Mayor, Jim Doody,

I do hope I can depend on you to use wisdom with your vote concerning the proposal of a "strip joint" in Grand Junction. I trust you will vote against such a proposal. I refrained from using the words "gentleman's club" for according to Webster's Collegiate Dictionary it does not describe "Gentleman" in this manner.

I am concerned not only for the moral issues, but for the added expense involving our police department. More patrolmen will be needed, and perhaps more jail space. Thus creating more taxes to foot the bills. (Needless to say I am not really interested in more taxes.)

Once we open our doors to this type of business there will be others who wish to apply. There will be no end in sight. I truly hope you can agree with my point.

Sincerely,

Martha May Odelberg

Martha May Odelberg
2708 F ½ Rd.
Grand Junction, CO. 81506

RECEIVED FEB 26 2008

cc: Council
Original to
Justin

February 26, 2008

Attention All Council Members,

This letter is in regards to the possibility of you approving a "Gentlemen's Club" for the Grand Valley. We have enough trouble here in the valley with drugs and other problems that the police have to take of.

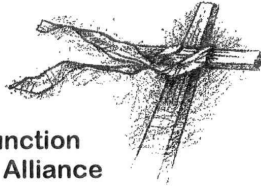
Our Police and Sheriff's Department are understaffed now and bringing an element into our valley that would create more problems is not what we want. The money gained for taxes can not over come the harm that will be done to our children. We should be concerned about making this a more family oriented community.

Please give this a great deal of consideration and not be blinded by the dollar signs and always keep in mind the saying, "WHAT WOULD JESUS DO". Look into your heart for the answer.

A concerned citizen,
Ida M. Partrich

RECEIVED FEB 28 2008

**Grand Junction
Ministerial Alliance**



Leadership Team:
Jim Hale; Spirit of Life Christian Fellowship
Mark Harris; Four Square West Slope Ministry
Abe Pfeifer; New Horizons Four Square Church
Michael Rossman; Valley Bible Church
Rob Storey; River of Life Alliance Church

February 28, 2008

Honorable Mayor	Jim Doody
Mayor Pro Tem	Bonnie Beckstein
Councilmember	Bruce Hill
Councilmember	Linda Romer Todd
Councilmember	Teresa Coons
Councilmember	Doug Thomason

It is with deep concern for our community and constituents that we write this letter to you, our elected leaders.

We have become aware that there is an application for the introduction of a "gentleman's club" (a socially acceptable way to say "strip club") to be opened in Grand Junction.

We as individuals and as congregational leaders wish to express in as strong a terms as possible our total opposition to this or any such "strip club" being opened in Grand Junction or for that manner the entire Mesa County.

The negative moral and social impact upon our community and the financial costs to the city are just two of the many reasons for such places to not be permitted in our community. The negative moral and social impact is well documented in communities which have permitted such venues to exist. In addition there are the additional costs for policing of the area around such establishments plus the added related drug and sex crime treatment only add to the costs to the greater community which are not acceptable.

You lead and we all live in a working, growing, family community where we are proud to raise our children, proud to send our young people to a fine local college and proud of the very positive history and culture of our city. Let us not lower the level of excellence which is so important to our community for that which will only lessen who we are and who we can become together. May your leadership as elected representatives reflect the family and personal moral strength upon which this community has been built. We are all praying for you. Thank you for your leadership of our great community.

Sincerely:


Rob Storey

For the Grand Junction Ministerial Alliance

RECEIVED FEB 29 2008

Dear *Mr. Jim Doody*

When it comes time to approve another strip club, please , please do not approve it. This is a college town, and we do not want more prostitution , drunkenness, rape , drugs or other crimes that a gentlemen's club would lead to. Please protect our community and public welfare.

Thank-you,

Barbara Roberson
Barbara Roberson

RECEIVED MAR 11 2008

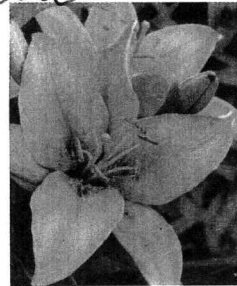
RECEIVED FEB 29 2008

2-25-08

To Jim Doody, Mayor and
all the City Council Members,

I'm writing this letter
with deep concern for the
moral health of our
community. It's come to my
attention that the Gentlemen's
Club (strip joint) is
purposing to be opened in
Grand Junction.

This is a college town
and it would certainly
not be of any help to any
of the college students or
any one for that matter. I
would deeply appreciate
if you would not
permit them or any
other venue of this
type to be brought



to Grand Junction.

Thank you,

Sincerely,

May Ellen Waid

March 1, 2008

Council Members

Jim Doody, Mayor
Bonnie Beckstein, Mayor Pro Tem
Bruce Hill, Gregg Palmer, Linda Goddard
Teresa Coons and Doug Thomason

We, the undersigned are residents
of the City of Grand Junction and
members of The First Church of The
Nazarene of Grand Junction

We want to take this opportunity
to urge you, the City Council,
not to allow the Gentlemen's Club
or any other venue of this type
to be brought into Grand Junction

We believe that this type of
entertainment would not be at all
well for the residents of the City
and cause more problems for the
law enforcement officers.

Sincerely

James D. Walters
Glenda R. Walters

RECEIVED MAR 03 2008

To mayor of Grand Junction, Jim Doody, and city council members.

Please consider carefully all the ramifications of allowing a "Gentlemen's club" to operate in our city. We have many bars which already contribute to extra problems for our law enforcement personnel. We believe this kind of a club would bring with it a need for extra police protection, ultimately calling for higher taxes, and would be a detriment morally and financially to all. We are asking that the decisions you make are for the good of majority.

respectfully,

Harold Stride
Charlene Stride

Grand Jct., Co.
3-1-08

Council Members:

Mayor Jim Doady, Bonnie Beckstein,
Mayor Pro Tem, Bruce Hill, Gregg Palmer,
Linda Todd, Teresa Coons and Doug Thomas.

We have a beautiful growing city.
It has also become a great College
town and I believe we need good
moral wholesome entertainment for
our young College students, also for
our many visitors, not a Gentlemen's
Club (strip joint).

I have lived in Mesa County most of
my life (approx. 75 yrs). I have always
been proud of our city and state.

I am thankful for our good leaders
and I know you will use good
judgement.

Sincerely,
Josephine Hyde

RECEIVED MAR 03 2008

GRAND JUNCTION CODE

16-127

Physically Separated means separated from smoke-free public places by continuous floor-to-ceiling walls which are interrupted only by entrances or exits to smoking areas. Such entrances and exits shall be fitted with self-closing or automatic closing devices.

Private Club means any establishment which restricts admission to members of the club and their guests.

Private Function means any activity which is restricted to invited guests in a non-public setting and to which the general public is not invited.

Public Place means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, schools, health facilities, laundromats, public transportation facilities including bus stations and stops, taxis, shelters, airports, train stations, reception areas, restaurants, retail food production and marketing/grocery establishments, retail service establishments, retail stores, theaters and waiting rooms. A private club is considered a *public place* when functions are held at the club which are open to the general public and are not restricted to the members of the club. A private residence is not a *public place* except during times when it is being used as a child care, adult care or health care facility, and for thirty minutes before such uses.

Restaurant means a business with fifty five per cent (55%) or more of its gross annual sales coming from the sale of food or meals prepared on site, typically for consumption on site. Examples of restaurants are coffee shops, cafeterias, sandwich stands, private or public school or other cafeterias, and other eating establishments which give or offer food for sale to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities. Also see section 8.

Retail Tobacco Store means a business utilized primarily for the sale of tobacco and accessories and in which the sale of other products is incidental.

Service Line means any indoor or outdoor line at which one or more (≥ 1) persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

Smoke-free means that air in an enclosed area is free from smoke caused by smoking.

Smoke or *Smoking* means the carrying or possession of a lighted cigarette, lighted cigar or lighted pipe of any kind, and includes lighting of a pipe, cigar, cigarette, tobacco, weed or other combustible plant.

Sports Arena means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

Sec. 24-18. Indecent exposure.

It shall be unlawful to commit a lewd or indecent act in the City. Any person who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public violates this section:

- (1) An act of sexual intercourse;
- (2) An act of carnal copulation either per anus or per os;

24-18

- (3) To willfully or knowingly: be nude; wear any indecent or lewd dress; make or perform any indecent exposure of such person's intimate parts; or to make or perform any indecent exposure of the intimate parts of another person. For the purposes of this section: "Intimate Parts" means the external genitalia, the anus, the buttocks, the pubes or the breast or breasts of any person.
- (4) A lewd fondling or caress of the body of another person;
- (5) Intentional exposure of genitals to the view of any person;
- (6) Urinating in public; or
- (7) Aiding, suffering or permitting in the doing of any of the offenses described in this section.

(Code 1965, § 19-15, Ord. No. 3202, 11-3-99, Ord. No. 3312, 11-15-00)

State law reference(s)--Similar provisions, C.R.S. §§ 18-7-301, 18-7-302

RECEIVED FEB 28 2008

CC: Council
Original to Justin

Feb. 27, 2008

Dear Mayor Doody and GS City
Council members: Bonnie
Beckstein, Bruce Hill, Gregg
Palmer, Linda Todd, Teresa
Coons, and Dang Thomason,

I am writing this letter
to entreat you to NOT allow
a "Gentlemen's Club" to be opened
in Grand Junction. No community,
especially ours, needs this kind
of degrading, immoral business.

Please do not allow yourselves
to be swayed by an argument
of great tax revenue from such
a source — we are not a
poor city now, and there certainly
are other acceptable means to
bring tax dollars into the coffers.

In following the local

news, it is more than apparent
that we (LJ Community) are
battling the evils of meth,
sexual perversion in our schools,
alcohol, and domestic abuse.
We really don't need a business
(for "Gentlemen?") that can
only add to the immoral and
illegal behavior of any
segment of our population.
Thank you for your
consideration.

Sincerely,
Jean Barsuch

From: Laurie Kadrich
To: Justin Kopfman
Date: 3/3/2008 8:56 AM
Subject: Fwd: GENTLEMEN'S CLUB

Laurie M. Kadrich
City Manager
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501
(970) 256-4154 office
(970) 589-0674 cell

>>> Belinda White 3/3/2008 7:14 AM >>>

>>> "Shirley Ewing" <ewing77@gobrainstorm.net> 3/1/2008 8:37 AM >>>
Grand Junction City Council,

We are deeply concerned about the possibility of a "Gentlemen's Club" coming to our Grand Valley. We believe this would just be the beginning of increasing problems for our families. It would open doors that our area does not need. Nothing in it would set a good example for our young people. It would only draw out lustful thoughts and acts.

Please consider the consequences this could have and make a wise decision not to open this door. Thank you very much.
Concerned citizens, Glenn and Shirley Ewing, 531 Garfield Dr., Grand Jct CO 81504; 245-9785

Judicial Decisions

Accessory Uses See:

60 PEL 9, *Easement to keep horses on vacant land is not illegal or invalid, although zoning law prohibits keeping horses on residential lot not containing a residence*

Adult Uses

60 PEL 1, CALIFORNIA

Adult entertainment businesses may be restricted to industrial zones

Two adult entertainment establishments sued San Diego County after it amended its zoning ordinance to restrict their hours of operation, require the removal of doors on peep show booths, and force the businesses to disperse to industrial areas of the county. They argued that Justice Kennedy's concurrence in *City of Los Angeles v. Alameda Books*, 535 U.S. 425 (2002), radically altered the traditional *Renton* analysis that requires (1) the ordinance cannot be a complete ban on protected expression; (2) the ordinance must be content-neutral or, if content-based with respect to sexual and pornographic speech, its predominate concern must be the secondary effects of such speech in the community; and (3) the ordinance must pass intermediate scrutiny by serving a substantial government interest, be narrowly tailored to serve that interest, and allow for reasonable alternative avenues of communication (*Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986)).

In *Alameda Books*, Kennedy wrote that the quantity and accessibility of speech must be left substantially intact. The adult businesses argued that by relegating them only to the industrial zones and totally excluding them from commercial zones, they were prevented from having a reasonable opportunity to relocate. The Ninth Circuit disagreed. Kennedy did not impose a heightened evidentiary burden on the County to show "how speech would fare" under the ordinance. So long as an industrial site is reasonably accessible and has sufficient infrastructure, it

provides a reasonable alternative. The 68 industrial parcels in the County provide ample opportunity for the adult businesses to relocate. However, the trial court erred when it severed the offending 130- to 140-day time limits from the ordinance because "a licensing requirement for protected expression is patently unconstitutional if it imposes no time limits on the licensing body," the Ninth Circuit said. The trial court should have severed all of the provisions pertaining to the permit requirement because they were not connected to a reasonable time limit, leaving the remaining ordinance provisions intact.

Tollis, Inc. v. County of San Diego, United States Court of Appeals, Ninth Circuit [intermediate court], Decided October 10, 2007, 2007 WL 2937012

Adult Uses

60 PEL 2, KENTUCKY

Kentucky Constitution provides no greater protection for adult uses than U.S. Constitution

The 2004 ordinance requires a license for operation of an adult entertainment business, contains anti-nudity provisions, restricts hours of operation, prohibits direct payments to entertainers, prohibits sales of liquor, prohibits touching between patrons and employees, and includes buffer restrictions. The appeals courts upheld the law, rejecting arguments that it should rely on Pennsylvania cases to interpret the Kentucky Constitution and that the Kentucky Constitution provides broader rights than the U.S. Constitution, saying instead that "Kentucky does not openly embrace forms of expression that some other states do." Noting the lower protection for erotic expression and that the ordinance is a content-neutral effort to deal with secondary effects, the court applied intermediate scrutiny.

After holding that the law is within the constitutional power of the municipality, furthers a legitimate interest, and

is not aimed at suppression of expression, the court analyzed individual provisions to determine whether they were narrowly tailored to meet that interest. The ban on total nudity has a minimal impact on expression; a requirement that adult uses close between 1:00 a.m. and 9:00 a.m. is less restrictive than limits that have been upheld in challenges under the U.S. Constitution. The court similarly upheld a prohibition on sales of alcohol, no-touch and no direct tipping provisions, and a requirement that semi-nude entertainers be located at least 18 inches off the floor and at least six feet from a patron. The court noted that the restrictions allow businesses a reasonable opportunity to open and operate and that it is not concerned with economic impact on individual businesses. The licensing fee defrays the costs of policing adult uses.

Owners lacked standing to challenge the law as vague because their businesses clearly fit within regulated categories; they also lacked standing to challenge criminal disability prohibitions and prohibitions on minors because they asserted that their patrons were over age 21. The trial court had invalidated provisions requiring disclosure of principal owners of an adult use and prohibiting physical contact between patrons and entertainers while not performing. The appeals court reversed, noting that the disclosure requirement does not apply to owners of minimal shares and that touching between an entertainer and a patron is not expressive activity.

Cam 1, Inc. v. Louisville/Jefferson County Metro Gov't, Court of Appeals of Kentucky [intermediate court], Decided October 5, 2007, 2007 WL 2893435

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Case Abstracts are numbered consecutively throughout each volume of *Planning & Environmental Law*, beginning with No. 1. The heading for each abstract contains the main subject category, the PEL abstract number, the state in which the case arose, and a brief statement of the decision's main holdings. At the end of the abstract is the complete case name, the court and the level of the court (trial, intermediate, highest), the date of the decision, and the West Reporter citation. If the West Reporter citation is not yet available, the Westlaw citation is given.

From: "Bob Lee" <Bob.Lee@mesacounty.us>
To: <justink@gjcity.org>
Date: 3/10/2008 12:59 PM
Subject: Gentlemens Club Occ Load

Justin,

The occupant load is difficult to determine precisely without dimensions on the floor plan. If we use the seating layout shown of the plan, the total occupant load for the building will be about 166. Seating layouts are not very reliable as tables and chairs can be added at any time to accommodate customers during busy times.

We prefer to use the area of the assembly room for occupant load determination. Without consideration of the seating layout, the occupant load for the entire building is about 228.

For purposes of building code application, we will determine the occupant load to be +-228

W/Seating Chart = 166

W/O Seating Chart = 228

Attachment A

CUP-2008-158, Verbatim Minutes for Bar/Nightclub Conditional Use Permit

14. Bar/Nightclub – Conditional Use Permit

Request approval of a Conditional Use Permit for a bar/nightclub in an I-1 (Light Industrial) zone district.

FILE #: CUP-2008-158

PETITIONER: Kevin Eardley

LOCATION: 2256 & 2258 Colex Drive

STAFF: Senta Costello, Associate Planner

SEE VERBATIM MINUTES FOR THIS ITEM STARTING ON PAGE 11.

CHAIRMAN COLE: The next item on the agenda is a bar/nightclub conditional use permit, CUP-2008-158. Is staff going to make the initial presentation?

MS. COSTELLO: Yes, sir.

CHAIRMAN COLE: Okay.

MS. COSTELLO: If I can find it. Good evening, Mr. Chairman, members of the Commission. Senta Costello, Public Works and Planning Department. This is a request for a bar nightclub conditional use permit located at 2256 and 2258 Colex Drive. It's on the northwest corner of G and Colex Drive. The property is currently vacant. Much of the existing industrial subdivision that these properties are located in are currently vacant. There's a few of them that have been through the review process and are currently beginning construction. But for the most part a lot of the lots are currently vacant.

The future land use map designation for this property as well as the surrounding properties is commercial industrial and the zone district is an I-1 surrounded to the north, west and east with I-1 and on the south by a C-2. As I stated the request is for a conditional use permit for a bar and nightclub. The applicant is proposing to construct a 9,000 square foot office warehouse...I'm sorry, almost 10,000 square foot office warehouse on the property to the north as well as the proposed bar site. The two will have a shared parking lot. This works for the code because the hours of operation for the two uses are offset.

I have reviewed it and it meets the consistency of the growth plan, goals and policies. It...sorry, it meets the review criteria for the zoning and development code and also the submittal standards, the transportation and engineering standards and the storm water management standards. The underlying zone district for chapter 3, the proposal meets all of the standards required for the I-1 zone district.

The use specific standards required in chapters 3 and 4 for this particular type of use have been met. The...by definition a nightclub includes a establishment which has the sale of alcohol which exceeds 25 percent of their total sales and includes music, dancing or live entertainment and the applicant has stated that they will have all of the above listed. In their general project report they describe the proposed entertainment component as an entertainment area with a bar, stage for two dancers and a deejay.

In reviewing this in accordance with the requirements of chapters 3 and 4, the specific criteria that we are required to look at as staff are whether an adult entertainment component is an allowed use in this particular zone district of I-1 and it is an allowed use, determine whether the proposed site is within a thousand feet from another adult entertainment establishment and there is no other existing establishment within that boundary.

The third component is whether the proposed site is within a thousand feet of any church, school, park, playground, public building or residentially zoned property and I have a map which shows those boundaries and all of those properties are within that thousand foot radius and none of them fall under any of those categories as listed. The specific conditional use permit criteria talks about the protection of privacy, protection of use and enjoyment and a compatible design and integration with the surrounding neighborhood.

This is the site plan proposed by the applicant. The majority of the parking as well as the entrance to the building are located on the west side of the building away from the existing property to the east. This helps to mitigate any uses that may be encountered due to the uses within the building as most of the people when they're coming and going are going to be going in and out that front door as well as most of the

parking so there's not going to be a lot of traffic, pedestrian traffic and people on the sides of the buildings. This will help with the protection of privacy and protect the use and enjoyment of the adjoining properties.

The building as proposed is compatible in design with other industrial type buildings that have been approved in the same neighborhood. They are proposing a stucco façade with cultured stone accents. The signage that they're proposing as you can see is located above the door and on the south elevation of the building. They are also proposing on doing landscaping along the eastern property line as an added benefit to the property owner to the east. The landscaping along that side is...ranges from 3 to 6 feet in height with a majority of that landscaping closer to the property line. This particular side by code does not require landscaping. The applicant is putting that in to help buffer that adjacent property owner to the east and that strip ranges from 10 to 15 feet in wide...or in width.

Based on this criteria I do find that it meets the criteria of the zoning and development code. The only condition recommended by staff as the approval will be that they do put in place a shared parking agreement for the property to the north to guarantee that the parking remains available and with that we're recommending approval. Are there any questions?

CHAIRMAN COLE: Any questions of Senta?

COMMISSIONER DIBBLE: Ah, yes, Mr. Chairman. In the application that we received with our material for this evening the agenda topic was bar nightclub conditional use permit of which we have heard we have jurisdiction on that. According to Kathy...Kathy Portner who wrote administrative regulation 0-1-1 in '01, definition of a bar is premises used primarily for the sale of dispensing of alcoholic beverages by a drink for onsite consumption and where food may be available for

consumption as an accessory use. In the general project report as was pointed out in the memo from our assistant city attorney, this...she referred to a...a bar nightclub of the application the general progress or general project report refers to it in the application process as a gentlemen's club with a conditional use. What's a gentlemen's club? Can you give me a highlight on that?

MS. COSTELLO: Based on discussions that we have had with the applicant and their representative it became apparent that they fit into the category of the bar nightclub category of the code. You're correct it doesn't specifically call that out in the general project report as far as we are requesting but like I've said we've through discussions...

COMMISSIONER DIBBLE: I assume this is our...this is their proposal to us?

MS. COSTELLO: Yes.

COMMISSIONER DIBBLE: This...this is done at their request and it's their words...

MS. COSTELLO: Yes.

COMMISSIONER DIBBLE: ...and they refer to it on page 3 as wish to construct a gentlemen's club. Later on they describe the activity as being wholesome and whatever. What I...what I...what I want to ask is kind of a technical question. I think I know the answer but so maybe you can clarify it for me. We have jurisdiction on...on a bar nightclub applying for an application. It's not a...it's not a...a...it's...it's a conditional use that we have jurisdiction over.

MS. COSTELLO: Yes.

COMMISSIONER DIBBLE: But an adult entertainment business is not. It's an administrative approval decision.

MS. COSTELLO: Yes.

COMMISSIONER DIBBLE: So my understanding from...from our attorney's perspective is that if I wouldn't think this would happen but if this...this request came forward for only a...an adult entertainment business we wouldn't even see it?

MS. COSTELLO: Correct.

COMMISSIONER DIBBLE: And if it came forward as we see it as a bar by definition we have jurisdiction? So we're looking at this strictly as a bar nightclub? Now you mentioned in your comment that you just made that it...it will have live entertainment with it?

MS. COSTELLO: Yes.

COMMISSIONER DIBBLE: What would...what would this might be? What would this be? Could it be a band or live dancers, line dancers, or clowns?

MS. COSTELLO: That I think the specifics of that I think is best entertained by the applicant.

COMMISSIONER DIBBLE: Entertainment of all sorts? Stand up comic? Live entertainment. How about a pole dancer? How about, I'm going to be very blunt here, a striptease artist? I don't know if they call them that. Is that live entertainment by definition?

MS. COSTELLO: The specifics...that would be classified as live entertainment. As far as what in the specifics of what the applicant has in mind, he is best suited to answer those questions.

COMMISSIONER DIBBLE: Okay. Is my definition of the jurisdictions correct, Jamie? Is approval by administration that portion of entertainment that would be classified as adult entertainment?

MS. BEARD: If this was not a part of a conditional use permit that is coming forward to you because of the bar nightclub portion, then the adult entertainment would be determined just as an administrative approval and it would not come to you except under the possibility of an appeal.

COMMISSIONER DIBBLE: But it is...it is something outside of our jurisdiction to approve adult entertainment per se? Is that correct?

MS. BEARD: Okay. It is not outside your jurisdiction to consider the adult entertainment as it is part of the criteria. It's included as your conditional use permit. But the means by which it's included is part of your criteria is whether the use specific standards in chapter 4 for adult entertainment have been met. So when you consider the adult entertainment it's in relation to that criteria in determining if it has been met and then if there are any secondary effects on the site that may affect compatibility for purposes of the site design and the uses that are surrounding this particular property.

COMMISSIONER DIBBLE: They are strictly the code regulations such as lighting and setbacks, a thousand feet from a school and that kind of thing as far as an adult entertainment?

MS. BEARD: For the adult entertainment the criteria were as Senta stated earlier and that's whether or not adult entertainment one is allowed in an I-1 zone which according to our code it is. It is whether or not it's within a thousand feet of another adult entertainment establishment and it's our understanding from the review that it is not and that the...not be within at least a thousand feet of a church, school, playground, public building being used for governmental purposes and, Senta, I'm not remembering – what's the last one?

MS. COSTELLO: Park and residentially zoned properties.

MS. BEARD: Park and also then residentially zoned property.

COMMISSIONER DIBBLE: Residentially zoned property? That would not be...

MS. BEARD: So it has to be at least a thousand feet from any of those and that's the criteria that's included under the use specific standards which is then relevant to the criteria that you're considering for the conditional use permit.

COMMISSIONER DIBBLE: Okay, but basically we're looking at the bar nightclub conditional use permit and the administrative approval will still have to be made for the other part?

MS. BEARD: No, your approval tonight of the conditional use permit with the understanding that the adult entertainment is a part of your conditional use permit application will be included as part of that approval. That it's met those conditions of the criteria. And part of the conditional use permit as you understand is it's not a use of right and so bars and nightclubs have been considered to have certain factors sometimes related to it that you... the city council has said they want to look at this a little more closer and determine is it appropriate in the location where it's asking to be located. And in an I-1 a bar nightclub does require a conditional use permit.

So one of those other factors you're looking at is compatibility and the other criteria that are included under there. But that compatibility is how is the site designed and does it take some of those other factors into consideration that might otherwise affect a bar being next to some of the other uses or bar or nightclub being next to some of the other uses and those are the secondary effects that we were talking...I think that you mentioned such as like traffic, lighting, circulation, access and those type of things. Those are the things that you're looking in additional because it's a conditional use permit.

COMMISSIONER DIBBLE: I'm still...this is going to have to be a lot more clear to me before I know what I'm thinking but I'm still questioning the fact that if a...if a applicant came forward and wanted a adult entertainment approval, who would give that? We don't have jurisdiction over adult entertainment approval in my thinking.

MS. BEARD: Okay. If it was only for an adult entertainment establishment that did not require an approval for a conditional use permit, then you would not have the jurisdiction of that to hear that matter. That would be heard just by the director and that would be approved administratively – if it was only for adult entertainment alone. It comes before you simply because it is also a portion of a conditional use permit. The conditional use permit comes into play because of the fact that this is also going to be a bar/nightclub. And I would say it fits the definition most with nightclub with including the live entertainment. That's the portion that brings it to you but because the adult entertainment does have use specific standards under our code those are part of the criteria that you will be approving tonight and that's part of your jurisdiction in approving that criteria.

COMMISSIONER DIBBLE: So we're...we're really...the nomenclature live entertainment is not the real purpose. The adult entertainment perspective is what we should be looking at along with the approval?

MS. BEARD: Okay. Live entertainment is included as a part of the nightclub portion of their application and since part of that live entertainment appears to fit the definition of the adult entertainment, though I'm not sure you've had much of that information come before you. I think you'll hear that more from the applicant. But then if it is considered to be adult entertainment we have to look at the use specific standards that are set forth specifically in chapter 4 as that is part of the criteria that you're required to consider in granting a conditional use permit.

COMMISSIONER DIBBLE: Okay. Back around to my original point, those seem to be more code restrictive rather than any other restrictive.

MS. BEARD: That would be correct.

COMMISSIONER DIBBLE: Okay. Well, okay. I'm still hazy but that's probably me. It's late or something.

CHAIRMAN COLE: Are there any other questions?

COMMISSIONER CARLOW: If this were a...since this is a use by right without the...the bar and liquor license in effect and it would be decided administratively if it were only for the entertainment? Club? That's a use by right?

MS. BEARD: You're asking is the adult entertainment in an I-1 zone otherwise allowed? It would be if it meets the criteria and normally that criteria would be decided by the director rather than by the planning commission. It's now part of the conditional use permit though and that's why it brings it to you as part of your approval.

COMMISSIONER CARLOW: Well what would be the scenario of say if they went ahead and did that without alcohol and then came back and applied for a liquor license in a year or six months or...?

MS. BEARD: When they came back at a later date to change their use to now a nightclub then it would be a conditional use permit approval and they would have to come forward to you at that time.

COMMISSIONER CARLOW: I understand that...

MS. BEARD: And if they were continuing the same live entertainment then it would be part of that approval.

COMMISSIONER DIBBLE: It would be a whole new approval?

MS. BEARD: If later they added the nightclub portion to their use that would require a new approval.

COMMISSIONER CARLOW: But in effect without the liquor license it would still be a nightclub...I mean being used for the same thing and then ...and then if they applied for that, what...what criteria do you use?

MS. BEARD: Based on our definition in our land use code, the nightclub includes the alcohol so the alcohol would require the liquor license.

COMMISSIONER CARLOW: Yes I know but...but if they did an adult entertainment thing it could be set up exactly like what they intend to do with the liquor license and then the liquor license would be in addition?

MS. BEARD: If they wanted to just go forward with everything but not include alcohol at this point in time then it would not need a conditional use permit and it could be approved administratively. If at a later date then they wanted to add the alcohol portion to it they would still need to get then a liquor license but in addition they would have to get a conditional use permit at that time.

COMMISSIONER CARLOW: Yes I understand. It just seems to me that it doesn't matter which orders this goes in the result may end up being the same.

MS. BEARD: As long as it includes a nightclub it requires your approval and so, yes, the decision would be the same regardless with the fact that the nightclub is included.

CHAIRMAN COLE: Any further questions of staff? Okay, let's proceed to the applicant. Is the applicant present?

MR. SIMS: Good evening, Mr. Chairman, commission members. I'm Bryan Sims with Design Specialists Architects. We are the planners and architects of the bar and nightclub. I don't have a whole to add to what the planner said as far as the technical requirements that we have met. I believe we have met those technical requirements that are involved in the application for a conditional use permit. And those

technical requirements essentially fall into two categories as we see it and we've done several of these before.

And those two categories are essentially area and space requirements as it concerns the site on the building and that becomes a...both a architectural issue as well as a land planning issue. And those we have sought to solve satisfactorily and have gotten approval from staff...from planning staff. Specifically, for example, the parking being adequate. Specifically we actually more parking there and better maneuvering than you might typically see in some of the warehouse areas and I believe this...this will help the access and maneuvering in the parking lots night and day. That's another thing.

We've actually increased the amount of landscaping to provide better buffering and screening so the place is more attractive and it's buffered better from its neighbors. We've provided a 6 foot screen fence on 3 sides of the facility which again provides a visual barrier and creates a better separation. Note that one of the exposures or both exposures are actually on streetscape so it's not encompassed between two buildings and that's another good aspect and we did get good comment from the police department. They're one of the ones that are probably the most concerned with some of the experiences from some of the other bars and nightclubs which incidentally we are not the architects on and not the planners on. But they are most concerned as you know about keeping order there and we did get comments from the police department and we met that commentary in a planning effort.

The other part or the second area that you cover when you talk about conditional use permits is the management operations of the...of the actual building and that's really where the architectural part comes in. You can't say that you can separate that from space requirements or how it meets that criteria because it really is pretty

interrelated and really you can break that down in points that Senta talked about as far as the various issues that are internal within the site itself and I can...I'll just briefly say what those are so it's quite apparent.

One is the site lighting and security issues and this is brought up by the police department. We were already aware of that and we have provided very good site lighting and that would be a good idea as you know to keep that...that site well lit.

The other thing is...is providing proper entry and exit for the patrons. They really only have one entry and exit which is out the front. Obviously you have to by building code requirements you have to have other exits which are fire controlled and time controlled exits which have to passed by the building code and...and we'll address that in the architectural plans.

The other things...the fact that food will be served and that is part...I mean any of us who have ever been to a nightclub and bar appreciate at times having something to eat. I think at times it helps us to cope with the some of the beverages that we might be drinking at the time and everybody says let's order something so we feel better. So it does serve food, has a kitchen and there will be good food service there.

The...things the visual barriers within the interior itself are minimized. And that again takes care of security issues by management so they can keep their eye on the patrons and also minimal barriers on the exterior – low landscaping. So the security issues are addressed on the outside which again is another issue of the permitting of the conditional use permit for this kind of project.

The...I think an issue here that we don't normally see in many of the bar nightclub aspects is the separation of the employees from the public and if you examine the plan you will see how we have addressed that. It simply says that the employees of

the facility and let's not make any bones about it we do not want the employees and entertainers mixing with the patrons other than on the entertainment or live entertainment basis. Therefore, the building does have a separate garage for the entry and exit of the employees. It has a separate dressing room, has separate bathrooms, has a separate smoking area...a separate smoking porch and so the actual design...architectural design of the plan itself addresses I believe some of the issues that this audience and this commission may be concerned with as it concerns adult entertainment and the crossing over between the public and the actual employees there. And that is reflected in the plan and we do have...that is I believe that's part of the presentation here as well.

The last thing is we seem to get in other bar nightclub situations the objections adjacent owners saying hey, you know, I've got a problem with my...I've got a problem here. Bear in mind that the adjacent owner has signed a cross access agreement, a cross parking agreement with the owner and that in itself is an endorsement that the adjacent property is in support of this position and I believe that's a good issue to resolve that we look at as well.

And in closing I just feel that this is...understand it's a little different operation as far as the entertainment's concerned. And, you know, we're not kidding you about that but I think...I think we've met the other criteria...all the other criteria...any of the criteria that should be appropriate for the proper approval of this application and I'm happy to take any....any questions you have from a planning and...and programming standpoint. We also have the owner and manager of the nightclub here tonight who will be able to answer any questions you have during the public comment period and I would be happy to answer any questions you have as I stand here right now.

CHAIRMAN COLE: Are there any questions of this or the applicant's testimony?

COMMISSIONER DIBBLE: You mentioned the adjacent owner.

MR. SIMS: Yes.

COMMISSIONER DIBBLE: Is that the same owner as the bar nightclub?

MR. SIMS: No.

COMMISSIONER DIBBLE: Okay, that's the warehouse person?

MR. SIMS: That's correct.

COMMISSIONER DIBBLE: It's a separate owner then?

MR. SIMS: It is.

COMMISSIONER DIBBLE: Okay. I probably should ask the owner operator this question and it's the same question that I asked staff. What's a gentlemen's club?

MR. SIMS: A gentlemen's club is...is a club where gentlemen and ladies may go to have a night of...of beverage, a night of entertainment. I don't think...I don't think it's a misnomer. I think we just have referred to it as a gentlemen's club. It's actually a bar and nightclub and presumably by the adult entertainment, yes, it will probably mainly cater to the male population but I...it's not...ladies may attend as well.

COMMISSIONER DIBBLE: Well I guess I can ask you further what goes in a gentlemen's club but you and I both know that answer.

MR. SIMS: Probably both. I think we can both answer that one if you like but, you know, we know what happens in gentlemen's club and it's not an immoral activity. It's simply entertainment.

COMMISSIONER PITTS: Mr. Sims, I've got a question perhaps that can be directed to the proposer but have they had this type of operation previously and where?

MR. SIMS: I believe they did. I believe in Grand Junction this type of operation at one time, is no longer. But this particular applicant, no, he's never had this operation.

COMMISSIONER PITTS: Okay, thank you.

COMMISSIONER DIBBLE: This applicant is familiar with all of the ins and outs of running such an establishment?

MR. SIMS: Well I...I should hope to make his project profitable or his...his nightclub profitable I should hope he does. He's paying our bills so it's profitable enough at this point.

CHAIRMAN COLE: Are there questions that the commission would like to ask of the owner operator of the...of the establishment?

MR. SIMS: The owner operator's in the audience.

CHAIRMAN COLE: I understand that. That's why I'm asking the question.

COMMISSIONER DIBBLE: Would he identify himself? Raise his hand? Okay, thank you.

CHAIRMAN COLE: Okay, with that...thank you, sir, you'll have an opportunity to come back up a little later.

MR. SIMS: Thank you.

CHAIRMAN COLE: We will now open the public hearing. I would like to state that we have received a number of letters and communication from you folks most of which are addressed to the city council. Some of which are addressed to

the Mesa County planning commission which does not have jurisdiction at all on what we are considering this evening. And also there are...one allegation that I would just like to speak to this...this evening. Many of these letters here allude to the fact that it is a revenue producer for the city of Grand Junction. That is not a consideration that we're taking into consideration tonight.

What has happened here is an application has been made and it's incumbent upon we as a appointed body from the city to render a decision – a fair decision – and be...be sure that this hearing is a fair hearing and that the decision is...is fair as the commission views it and we...we all have our personal feelings about this but hopefully those will not enter into it as much as the facts of the case. So with that, if you have submitted a letter previously, now as I said at the beginning of the meeting these that we have just received this evening we have not had a chance to review other than very briefly and so we don't quite know what's...what's in all of those but the other letters that we've received this commission has read those letters and it is something that will be entered into as we make our...as we deliberate this evening and render our decision at the end of the hearing. So with that, we will first open the...the hearing to those who are in favor of this application.

COMMISSIONER PITTS: Mr. Chairman, I just have a comment to make about...about these letters that were handed to us this evening. You're a much faster reader than I am. I want to state that I've had no opportunity to read any of these letters presented this evening and I can't consider anything that was presented at that time.

CHAIRMAN COLE: Okay and that may be the case with other commission members as well and so I would ask that you keep your comments to three minutes. We will enforce that and ask that those comments be restricted to that so that

everyone gets an opportunity to speak this evening. So with that are there those who would like to speak in favor of this application? Okay, yes sir – in the red shirt.

MR. PE'A: Mr. Chairman, commissioners and staff. My name is Phillip Pe'a. As our city grows our contemporary adults' profile is growing. These younger adults have more disposable income and granted you said to take the revenue part out of it. I think we're lacking adult entertainment. Not for revenue purposes just for entertainment purposes. I think they need a place to go, somewhere to just enjoy themselves as adults.

I'll try to define gentlemen club – strip club basically is more like...I perceive Cheers as a strip club. You know, go in there; it's crazy, wild out of control when a gentlemen's club is normally more upscale. You're dealing with more upscale clientele and the valley has a lot of upscale clientele. I feel again these...the contemporary adult profile demographic has more disposable income and they need somewhere to go. If Allegiant Air can fill two planes twice a week to go to Las Vegas, why can't we keep those people here? Thank you.

CHAIRMAN COLE: Thank you. Anyone else who would like to speak in favor? Yes, ma'am.

MS. COX: Good evening. My name is Lessette Cox. I have been in this...this is my business. This is what I do, my entire family. I have been doing it for eight years. I've grown up in the valley. I do know that we have an extreme need for this in the town. There's such a high demand. It's exploding at the seams and we've got, you know, girls doing this that probably should be in a better environment, a safer environment – a place where they can pay taxes. Where they can be safe in what they're doing because it's gonna happen whether we like it or not. It's all around us. But if we can control that and if, you know, we have that opportunity to control that and

add to our community for that and for these girls make sure of their safety and everything. This is a gentlemen's club. I've traveled all over the country working and a strip club is completely different. A gentlemen's club is always very respectable. It always works out very nicely. I've seen hundreds of 'em. But that's just all I want to say that it's going to be something very good for the valley and I definitely approve of it.

CHAIRMAN COLE: Thank you. Anyone else who would like to speak? Yes, sir, in the back.

MS. BEARD: Mr. Chairman, you might want to also remind if some of these people who are coming forward haven't actually signed up in the back if they please would after they were done so we would have it for the record.

CHAIRMAN COLE: Yes, if you haven't signed the sheet back in the back, we would like for you to sign that if you are speaking this evening. Yes, sir?

MR. CLARK: Good evening, council. My name is Shaun Clark. I grew up in Las Vegas so I grew up around a lot of clubs similar to what they're trying to approve here. I believe that they have done their due diligence obviously in the planning of the club and doing the zoning, the parking, the restrictions as to, ya know, how far away they are from public buildings, schools, and things like that. Obviously there's a definite need for a service like this anywhere that the energy and gas companies exist. These people have a lot of money and they are going to other states, other cities in Colorado and spending their money there. Like I said it's not really an issue here as to...as to the revenue but I believe that they have done their diligence in planning it correctly and I am for it. Thank you.

CHAIRMAN COLE: Thank you. Someone else would like to speak in favor? Yes, ma'am.

Ms. McKAY-HALVORSON: Thank you for having us here tonight.

My name is Sooner McKay-Halvorson. I was born and raised in Grand Junction. I currently own three businesses on Main Street. I'm very much in support of...of seeing a club being opened in Grand Junction. There's three points that I want to make to present to you and hopefully you'll consider.

My first one is the current demand versus the current supply. My businesses on Main Street - I own a pole dancing studio where we teach women pole dancing on an aerobic level. We have a very strong client base with the middle to upper class female business and professional women. My other store is a women's boutique adult toy store and so for the last year and a half I've listened to my customers and my clients talk to me about the things that they're looking for for their personal lives and it's very hard to find a resource or a place for them to go to work through these needs - these desires. And when there's not a resource available, they seek other avenues which often are more deviant, they're more underground and they can get them into situations where they're not abiding by the law.

The...the supply is there and...or the demand is there and the supply will be there no matter if it's in a gentlemen's club or if it's on a private level. On a private level it's very unsafe for the women who are working in this industry right now. They are going into people's homes. They're being called, hired and paid to go into people's homes and perform for them topless which is probably what would happen in a gentlemen's club. However, they're on that person's private property and if a crime were to be committed they are on that person's private property and so they have not a lot of legal recourse if they are to be injured or assaulted by somebody who's paid them to come there to perform for them topless or on an adult oriented way.

The current business model...secondly, the current business model for a gentlemen's club it differs substantially from the model of strip clubs of the past. There's been a separation in the type of clientele that the gentlemen's club caters to. As Phil had pointed out, it caters mostly to the middle to upper class professionals who are looking for an avenue to play as hard as they work and we don't have that opportunity here. The strip club or the gentlemen's club also caters a lot more to women and to couples and in my business of speaking to men and women especially in the adult toy store, couples are looking for ways to explore their monogamous sexual relationships in a way that's different and there's no way to do that right now in Grand Junction. You have to go out of town to do it which makes you feel like you're doing something bad. If you feel like you have to go away, run away from the people that are around you.

I already touched on the other one - the safety and professionalism. There's not a lot of safety for people who are supplying to this demand. I guess just...currently there are no managed, controlled or taxed establishments or environments available and where's there's a demand there will be a supply in one form or another. A gentlemen's club, especially the professional establishment being proposed, seems to be a responsible means to acknowledge and monitor this aspect of entertainment and free enterprise in Grand Junction. So, thank you for your time.

CHAIRMAN COLE: Thank you. Someone else who would like to speak in favor of it?

MR. MOSBY: Don Mosby, 3348½ B-1/4 Road, regardless of the demand, it meets the criteria for the business and it looks like he's gone above and beyond to try to make it attractive and correct for the city so I'm for it. Thank you.

CHAIRMAN COLE: Thank you. Anyone else who would like to speak in favor? Yes, sir?

MR. HALVORSON : Thank you, Chairman and commissioners. I wanted to address a little bit about...oh, I'm sorry. Matt Halvorson, 2620 Wisteria Court, Grand Junction. I wanted to address a little bit about the owner operator's character if that's okay.

CHAIRMAN COLE: No, that is not appropriate.

MR. HALVORSON: No? Okay. Well I am definitely in support of it. I was asked today why and I would think that some of the opposition that we might hear are...are some violence or activities that go on there. Speaking from personal experiences and being in the entertainment business I was a casino host in Las Vegas. Being in a regular bar or nightclub versus an adult entertainment club I personally saw a whole lot more well behaved people in that situation than I did in a regular bar or nightclub.

I also have a lot of experience here in town. I managed a bar for three years and I think that what's gonna be said that it...that the adult entertainment is going to more adversely affect what people are going to be there I think is a farce. I saw plenty of it downtown on Main Street and, you know, I don't think that that should be weighed into...to the fact of if...if we're going to be able to open a bar, you should be able to open it. Thank you.

CHAIRMAN COLE: Anyone else who would like to speak in favor of this application?

MR. MARTIN: Good evening, Eric Martin. I just want to remind the people that are against it that they don't have to frequent the establishment.

CHAIRMAN COLE: Someone else would like to speak in favor?

Okay, we will now go to those who would like to speak in opposition to this land use decision. Yes, sir?

MR. BRADEN: My name is James Braden. I live at 4 35 32 Road. I'm in opposition to this. I'm in my seventieth year. I will give you some of my experience up in Alaska during the construction of the pipeline. My particular section was from Fairbanks down to Valdez in security. We found that these type of gentlemen clubs invite into the community people that you do not necessarily want in your community. It is income making but there would be no doubt it. There will be from the peripherals as those that go out probably an increased use of drugs. Why do we spend so much money to build a meth house when we would turn right around and invite it right back in.

I say this very clearly and I think as I have spoke to many people and listened to their suggestions, we want to put this down quickly, pleasantly but I do not want to see the draw of men that I saw up in Alaska come in, get drunk, walk out and begin to look for your daughters. Now they say...they will say well, a gentlemen's club doesn't do that but we have a major college here. Every young man wants to go out and experience life and they will probably make a trip out there. When you start that kind of blood rolling in a human body as you as a doctor know you lose control of your senses. Losing control, getting terribly excited and drunk I can see them leaving and there'll be increased traffic accidents on 6 and 50. So those are just some of the qualms.

It is immoral in a way because it leads to other things that you don't see but we have experience here. There is dancing already going on in Grand Junction in private homes and there is no revenue or taxes being collected from it and yet people

are making money from it. So I think that rather than to say you're controlling it in one spot, you're actually inviting people from Las Vegas because the income has gone down in Vegas will be looking for other places to go. Thank you.

CHAIRMAN COLE: Thank you.

MS. HUGHDON DEAL: Hello, my name is Milana Hughdon Deal and I live at 13 13 North 18th Street. I am writing you regarding the proposed gentlemen's club. As a former dancer in the seventies in Alaska I saw first hand the drugs, violence and prostitution resulting from the environment such an establishment provides. During the Vietnam War and pipeline construction, money flowed. Not only one or two such clubs were established, others followed some out of town and much larger. Behavior allowed in the city limits was even more accelerated and decadent outside the city. Thank you.

As a dancer I worked in a very small strip club but was about to move to a larger one. The night I was to change location 6 to 8 women were at the new club...sorry, were shot with a 12-gauge shotgun by a man who was obsessed with one of the girls and wanted her to marry him. Violence seemed to be...seemed to erupt at the club nightly.

Men do not go to these clubs for the artistic beauty of the dance or the down to earth conversation with the ladies. They are going to view, to look for a superficial relationship and/or to proposition a dancer for sex. The ladies...I'm sorry, the ladies know it's easy money. It's good money. It gives them a false self esteem and adds to or begins a drug and alcohol habit. If the men are married it brings trouble in the home. If the girls are married or have a relationship, it causes violence or prostitution to occur.

Back in the seventies I lived with a heroin addict who would have liked me to prostitute myself to support his habit. As an alcohol and drug counselor, I work for the Salvation Army for six years in the residential treatment center. I was the women's primary counselor. I started...I see, have and started and supported...I'm sorry, as a drug...alcohol and drug counselor many of the women and men I see have started or supported their drug habit by dancing. Some have gone further prostituting in addition to the dancing because the club generates that kind of activity environment. We may be talking about one club but once one is established and succeeds, many will follow.

The owner of Rumbay is apparently selling his business. Why? Because of the violence and police calls his bar generates. A gentlemen's club will generate even more. The question between what is moral and what is illegal is an issue for me. However,...

CHAIRMAN COLE: Excuse me?

MS. HUGHDON DEAL: Yes, ma'am?

CHAIRMAN COLE: Would you wrap it up?

MS. HUGHDON DEAL: Yes, yes. However, I would just like to see...I love Grand Junction. I love the...the environment here and I just see, sir, that this gentlemen's club would just bring more prostitution, more drug addiction and more crime to our area and I don't want to see that happen. Thank you.

CHAIRMAN COLE: Thank you. Someone else?

MS. FINDLAY: My name is Sarah Findlay. My address 202 North Avenue, number 195. I am a recovered drug addict and alcoholic and I'm also an ex-topless dancer. You're asking, what is a gentlemen's club. I was in the business for...for over ten years and I can give you a pretty clear view of what a gentlemen's club is.

I started dancing here in Grand Junction when I was 18 years old at Cheers. That's where my cocaine habit started. Shortly after I tried doing cocaine I began dealing cocaine out of the club. The deejay was dealing cocaine. And that was just and Cheers was a strip club, yes. Then I ended up moving to New York and I danced in places like Goldfingers, Scores - the top of the line gentlemen's clubs - and the same exact thing that goes on in the dumpiest little strip club like Cheers goes on at the top of the line club. I don't care how fancy you make it, how you gloss it over, the same thing goes on. It destroys lives.

Ninety percent of the women that are dancing in those clubs become hooked on drugs, become alcoholics. If any of you have daughters between the ages of 18 and 30, please do not pass this. I really agree with what the gentleman said about, you know, this is a college town. We have young women. This is going to put our young women in danger. It's gonna...the crime rate is gonna go up. It's just...it'll basically be a building where from what I have seen it makes it easier for the drug dealing and the prostitution to go on having an establishment like that and I have worked in many, many clubs.

I wrote you guys a letter and like I said, it's no matter how upscale you make it, no matter how you gloss it over, even...I...I mean the idea of separating the clients or I mean the dancers from the clientele, that's a great idea. That still doesn't stop it. It doesn't...it doesn't stop them. Are you gonna not let the dancers drink at the bar at all? You're not going to let 'em talk...talk to the customers? It's not gonna work. They're still gonna interact. There's...there's still gonna be the prostitution that goes on. There's still gonna be the drug dealing that goes on. There's still gonna be the increased crime rate and it's...it's a negative for this community and the reason that I can say that is because I was in the business for ten years. Thank you.

CHAIRMAN COLE: Thank you. Someone else?

MS. STAR: Hi. I'm Patty Star, 17 30 North 7th Street, and the previous speakers were great and I haven't been in the business but what I want to say is we have enough bars and we really don't need a strip club and I agree with everything they say and what it does. And it's not what these people think. Well, they think they need this. They think. If you don't want the revenue part of it in I won't say anything about that but it's what our town wants. We don't want that, you know. And those who say it's a moral issue or it isn't, I'm just saying my family goes way back to great-great grandfather's time and great grandfather. And, you know, a town chooses what they want and I think our choice should be no because it does bring in all that and we have enough trouble with the bars. And I know this for a fact because what I do so even though I'm here on a personal level I know for a fact things.

But, at any rate, the definition of a gentlemen's club, gentlemen, the definition is not a strip club so...this is hard to say this in front of everybody but, like I said, it's a choice. If you have children, wives, grandchildren, you'll have to think about this and you all have to look at yourselves in the mirror and decide what's best for our town not what's best for some people and the other people it would bring into our town. Okay? So the choice is up to you.

CHAIRMAN COLE: Thank you. Someone else?

MR. FERRIS: I'm Mike Ferris. I own Western Slope Auto Company for 30 years. As I thought about what I'd say tonight I realized it's just past - a couple days ago or a week ago. But this is...this is a car dealer's worst nightmare is to have a bar located next to their business and this is just across G Road from my business which is about 20 acres of facility and millions of dollars in inventory. And the problem for a car dealer being near a bar is the vandalism and the theft that occurs after hours,

late at night, as a result of reduced inhibitions and so forth and so when I saw...saw the notice on this my concern was what's going to happen as a result of these people leaving at one in the morning, two in the morning.

I was previously at Second and Main up until 1983. So I've been out at the current location for 25 years but somebody broke into the...into the dealership at 2nd and Main and so the police called me and I went down and we went through and looked at the facility. Incidentally they send me first. I thought that was interesting. They had the guns and they sent me first but we...we...we went through the facility to...and...and there was nobody there and so we walk out and so on and they're taking down the information and somebody walked out of the bar that was down there and started to get under the dash of my car. He didn't even notice standing as close as I am to you people that this was a police officer and me and he was hot wiring my car right there in front of him.

But the vandalism that I suffered when I was down at 2nd and Main was ongoing, it was non-stop, it was theft, it was spare tires, it was bumpers, it was...the worst part though always for me was when somebody would scratch the paint on a brand new vehicle and...and in a way violate that brand new vehicle where it's never quite the same and so forth. If they took something I almost felt better about it than I did about the other.

But we've got, you know, a couple little minor things from a planner her...her comments. One is she had said the northwest corner. I think it's the northeast corner as I see it at G Road and Colex is the actual address and immediately behind that is a home and I...maybe nobody's living in that home now. Maybe it's not zoned residential but there's a home immediately behind it and I believe there's another one on the other side of that and certainly is within a thousand foot. If those are being

occupied or if they...if the zoning has not been changed on those locations. So those...so those are two minor things.

Another couple things is the exits onto Highway 6 and 50 are really questionable because you've got that slope to the west as you go out of there and it's hard to see and turn back and go to the east. And then 23 Road is really famous for all the accidents – serious accidents - that occur at that area. If they go down to 23 Road on G Road and then go up to get onto 6 and 50 so...so there really is some problems in terms of traffic patterns that would be exacerbated by a facility like this. As I think about it, you know, this facility is gonna attract younger males on average. It's gonna attract people who like to drink and it's...it creates a situation that is really a bad situation businesswise for me because of the fact that vandalism and theft is gonna go way up. So thank you very much.

CHAIRMAN COLE: Thank you. Someone else like to speak?

UNIDENTIFIED SPEAKER: Mr. Dibble, you asked a question awhile ago what was a gentlemen's club? I think we've heard...heard what the answer was to that already. I live in Clifton, that's going to be further away from this place.

CHAIRMAN COLE: Sir, what's your name?

MR. TEVIS: My name is Charles Tevis. I signed.

CHAIRMAN COLE: Okay, but we still need you to speak it.

MR. TEVIS: Okay, my name is Charles Tevis. We're talking about Grand Junction there but you know it also includes the other towns in this valley. It does. You're gonna make a decision for Grand Junction but it also includes Fruita, Mack, this little town, it will also include some like Palisade, little town out here, what is this little town out here...we have out here? You pass right by it. Anyway it's there. Those people live here.

I'd like to read the first sentence here on this paper I picked up back there - planning commission members are dedicated volunteers who work long hours for the betterment of our community. I do not think a strip joint - and that's what it's gonna be - is for the benefit of our community. Nobody's talked anything about anything about morals. But I'd like to lift up a little bit about morals right now and I don't want to take too much more time.

CHAIRMAN COLE: That's not appropriate for this.

MR. TEVIS: But morals should be...should be included because that's what should be included when you make your decision.

CHAIRMAN COLE: I don't necessarily disagree with you.

MR. TEVIS: I'm not going to bring up Christianity. I'm not going to bring up a lot of things like that, sir. But I do want to tell you but there's a lot of people in this whole valley think no to this kind of thing. Thank you.

CHAIRMAN COLE: Thank you. Someone else who would like to speak in opposition?

MR. JACOB: My name is Mike Jacob and I want to thank the ladies and gentlemen for allowing us to speak our thoughts this evening and just based on what we have seen go out at 30 Road with Rumbay and all of the violence and the crime that's been going on out there, the extra police expense to try to keep some of that under control I think it's going to be worse...even worse out here. There's gonna be more activity, it's going to be more perverse, it's going to be worse and I would submit that anyone who attends one of these gentlemen's club is anything but a gentleman.

CHAIRMAN COLE: Thank you. Someone else like to testify this evening? Yes, sir?

MR. DEAL: Good evening. My name is Robert Deal. I live at 13 13 North 18th Street.

CHAIRMAN COLE: Could you say that again, please?

MR. DEAL: My name is Robert Deal.

CHAIRMAN COLE: Thank you.

MR. DEAL: I live at 13 13 North 18th Street. I would like to present two things here. First is, I spent 13 years in the military. I've been to a lot of gentlemen's clubs across the world and as somebody said earlier it doesn't make any difference whether it's on the south side of some little town or upscale European club. They all are the same. The same thing comes out of them.

The second point I would like to make some of you may have lived in this area long enough to remember a place called the Colorado Club out west of here. There have been many, many, many people killed returning from Grand Junction from that Colorado Club. Having a place this far out of town, how are these people gonna get back and please don't tell me they don't get intoxicated and that far out of town they're not gonna call a cab. You're gonna find traffic accidents between there and Grand Junction rising very significantly including fatalities because of something like that. Thank you.

CHAIRMAN COLE: Thank you. Someone else? Is there anyone else who would like to speak this evening in opposition to this application? Okay, seeing none we will close the public hearing and we will allow the applicant to come back up for any rebuttal that they would like to make.

MR. SIMS: Bryan Sims, Design Specialists Architects. I will speak plainly to the merits of what we have attempted to do in our design, the site plan and the building design to mitigate the circumstances that have come about that we

have talked about tonight. Also I learned something I wasn't aware of and that is the car dealer bringing up the aspect of increased vandalism in the area. If this is something that is of concern I do know that the police...the police are...if you put something like this in an area, the police are well aware of that something is there where it is not presently. That in itself causes increased enforcement in that certain area.

Obviously we can't solve all the problems of the offsite situations. That is something that...that the infrastructure of the town obviously is going to have to be faced with at some point. But I do want to emphasize that within the...the...the realm of us making a presentation for the benefit of our client and trying to design a facility that we feel serves not only the physical needs of what our client's trying to build but his business interest this is the type of facility that...that is probably good for Grand Junction in...in...in an economic sense.

As far as getting into morals, I won't discuss morals either. I don't think morals is an issue here. I think really what is an issue here is...is a business person doing a reputable business and doing it properly. That's why we're involved in this process. That's why we were hired to represent this person because we worked with this person on other projects and, no, we will not speak to his character but I can speak to his character he is a very good character. So we're not dealing with some kind of Las Vegas immigrant if that's what we're worried about.

I'll just emphasize the fact that we've tried to solve all the problems. I think the planner has emphasized that we have and as this is passed...as this is passed in a positive manner we'll make every attempt and will make every attempt to solve any problems that have come up within this commentary. So we'll do the best in our professional expertise to do that and I think the owner has told me that his management

principles, he'll do everything in his power to mitigate circumstances that have come up in the other areas so that's the best I can give you at this point.

CHAIRMAN COLE: Okay. Are there any questions from the commission? Is it appropriate for us to question, Jamie?

MS. BEARD: Are you asking if you can question the applicant?

CHAIRMAN COLE: Yes.

MS. BEARD: Yes, you're entitled to do that.

CHAIRMAN COLE: Okay, okay. Are there questions of the applicant? Okay, hearing none we will bring it back to the commission for discussion. Thank you, sir.

MR. SIMS: You're welcome.

CHAIRMAN COLE: I might ask the city attorney's office what we are to consider this evening. If you would just summarize that for us.

MS. BEARD: As a conditional use permit, then what you are supposed to consider is the criteria that is listed for a conditional use permit which includes the site plan, the district standards which are those included for an I-1 zone, the specific standards which are the use specific standards that we were referring to earlier in regards to the adult entertainment and then the availability of complimentary uses, compatibility with adjoining properties and that would include protection of privacy, description and protection of use and enjoyment and then compatible design and integration. That is your criteria for consideration.

As to some of the other things that were brought up and concerns that were mentioned by some of the testimony, if it doesn't fit within the criteria and consideration for determining whether or not the criteria has been met, then that information isn't the information that you should be considering as relevant.

CHAIRMAN COLE: Okay, thank you. Let me just make one quick comment. If this is approved at this stage, I realize that many of you as that have come tonight think that this is a camel with it's nose under the tent thing and you're trying to get your...your piece said right at the beginning of it, I understand that. But we do have criteria to...to consider here tonight. There will be such things as liquor license hearings and those types of hearings that...that will come up at a later date and at that time it would also if this passes this evening would be appropriate for you to...to give your testimony at that time. Is that...would you agree with that?

MS. BEARD: Yes, there will later be...it's my understanding they have not received a liquor license at this time so there would still be a liquor hearing as far as approval by the local office which would include Grand Junction.

CHAIRMAN COLE: And at that time the needs and the desires of the neighborhood can be considered. Okay, with that does the commission have comments that they would like to make?

COMMISSIONER DIBBLE: I have a question for staff. In, excuse me, in looking over the lot I noticed as has been referred to that there are a couple of houses – two of them obviously looked like they were abandoned but one of the...one of the on the back had two cats in the yard and a car in the drive. I don't remember who sang that song but two cats in the front yard and I'm just wondering if it's been determined or ascertained that there's occupancy in that house? It looked like it could be but here again.... and whether or not that has any bearing or not I'm curious.

MS. BEARD: Technically as the criteria indicates that it must be zoned for residential property and it is not zoned for residential property, it's actually I believe either I-1 or commercial or no, I'm sorry, it's actually not in the city at this time so I'm not positive exactly what it is in the county but it's not residential.

COMMISSIONER DIBBLE: But it is an allowed use and until that changes it will be occupied or available to occupancy?

MS. BEARD: If I can clarify they just indicated to me that staff has that it is actually in the city. It is I-1 is what it's present zone is. And, I'm sorry, then. What was the second question you asked there?

COMMISSIONER DIBBLE: If it is occupied it can continue to be occupied?

MS. BEARD: If it is presently occupied and has been used as a residential property and has continued to be used as such then they would be able to continue that use.

COMMISSIONER DIBBLE: So they've got a residential neighbor in other words?

MS. BEARD: If they have a residential neighbor...if there's somebody living there but technically it's not part of the criteria for consideration so I don't know if staff's made a definite determination of that or not.

COMMISSIONER DIBBLE: There was a general meeting held, staff, for the property?

MS. COSTELLO: Yes.

COMMISSIONER DIBBLE: Okay, and there was not a neighborhood meeting held, is that correct?

MS. COSTELLO: No.

COMMISSIONER DIBBLE: Okay. As long as I'm...

COMMISSIONER PITTS: I think a point of clarification on the...on the zoning thing if I'm not mistaken it was probably residential or farm ground much

prior to it ever being industrial. That's just an observation of being a resident for 42 years. Farm ground before it was industrial. Anyway.

COMMISSIONER DIBBLE: Is the property to the...to the west zoned I-1 also across Millex Road or whatever that is?

CHAIRMAN COLE: Colex Drive.

COMMISSIONER DIBBLE: Colex.

MS. COSTELLO: This is the zoning map for the property and the surrounding area. To the east, north and west all of those properties are zoned I-1 and the property south of G Road is zoned C-2.

COMMISSIONER DIBBLE: Okay, so potentially within the criteria of the zoning matrix it...we could have x number of applications for bars and nightclubs to the west of this property?

MS. COSTELLO: Potentially.

COMMISSIONER DIBBLE: Okay. Because that's germane to the...

MS. COSTELLO: It is an allowed use with the C-U-P.

COMMISSIONER DIBBLE: And the criteria in chapter 4? So as long as they meet the criteria we could end up with 5, 8, 10 bars out there?

MS. COSTELLO: Potentially if it met the criteria.

COMMISSIONER DIBBLE: A neighborhood of gentlemen's clubs, right?

MS. COSTELLO: Well, for the gentlemen club, for the adult entertainment component, there is the thousand foot spacing requirement between uses but if they met the requirements.

COMMISSIONER DIBBLE: Okay. I still have a problem with the understanding of what we're really...what we're really grueling on this evening. We

have specific designated jurisdiction over bar nightclub and we have no jurisdiction if they weren't a bar nightclub but they were an adult entertainment club?

MS. COSTELLO: Correct.

COMMISSIONER DIBBLE: I have...I have a real problem. They have come before us as we have been given a staff report that asks for a C-U-P to operate a bar nightclub in an I-1 zone district and that's required in order for them to operate and the two areas of consideration for this as you have described because of the adult entertainment have added chapter 4. Is that correct? We would be going by 2.2.D 4 if it weren't for the adult entertainment portion describing by definitions adult entertainment and adult entertainment establishments. Those are definite definition descriptions for the process that the city recognizes to control or to oversee adult entertainment. Is that correct?

MS. BEARD: Those are the use specific standards that are set forth in the code in regards to adult entertainment. Correct.

COMMISSIONER DIBBLE: And that's what you're telling us we need to also consider along with the...the aspects. Those are called accessory use specific aspects, right?

MS. BEARD: And as they are part of the actual criteria for a conditional use permit then it is part of your consideration to say yes it has or has not been met.

COMMISSIONER DIBBLE: Okay, but section 2.2.D 4 is really the zoning ordinances that we need to look at and personally after reviewing the area of buffering I'm sure and have been assured by the applicant that there will be adequate parking, there will be fine lighting, there'll be I understand a fence or some kind of a buffer item. Building design standards seem to be in order. The sign conditions I

wasn't sure about the sign conditions but they appear...we didn't get a copy of that by the way I don't think, did we in our packet? But I looked at them as they came by and they looked like they conform.

Traffic is still a question mark in my mind. That is a dangerous stretch of road especially at the corner of 23rd and G and I believe they're going to be doing something about that, mister engineer. Is that correct? And so that definitely has already been earmarked as a danger area. Well, this will add traffic and probably quite a bit.

But I can't take issue with the...with those particular things but as I review the growth plan I have deep concerns that consistency with the growth plan have not been met. If we refer to goals and policies that substantiate an integral part of this program, goal number one states that the proposal must achieve a balance with the integrity of the communities' neighborhoods. Communities' neighborhoods is greater in...by definition of the word nomenclature and logology of it is different than that neighborhood immediately adjacent to the property. Neighborhoods opens the expanse and I would in my own mind consider Grand Junction as part of that extended neighborhood.

The word integrity sticks out in that...in that policy. It's my understanding of integrity that adherence to moral principle and character are directly related to understanding the meaning of that word. Another way of looking at it and I came up with a way of preserving the unimpaired structure of something and I contend this evening that the neighborhoods of Grand Junction are that unimpaired structure that we're trying to preserve by due diligence.

A sub-policy within goal one states city and county decisions about the type and intensity of land uses will be consistent with the future land use and map and

planned policies. And goal number eleven states to promote stable neighborhoods and land use compatibility throughout the community. If the first goal didn't broaden it enough this certainly does. And policy 11.1 further stresses the compatibility with the zoning codes including other sources of incompatibility and I'm quoting directly from the policies and the goals.

So I believe the evidences of incompatibility expressed by the public here tonight as well as the preponderance of letters coming to us including those that we didn't get a chance to look at tonight do in fact express an opinion about the compatibility in our community. I don't believe that a bar, and I'm looking at this now a little different than you're looking at it, and I may be...I may stand corrected someday, I'm looking at it for the fact that this property could be an automatic use with administrative approval without our consent if it were...had no drinking on the premises. But because it has drinking on the premises, I'm separating this in my mind and saying is this a bar nightclub application as required under our jurisdiction and I say it is and I say in my opinion it has...it is not a fit for Grand Junction and I don't believe the goals of the growth plan and the lifestyle that's exercised within the building are also a fit for Grand Junction. Therefore, I would have to consider a no vote.

CHAIRMAN COLE: Thank you.

COMMISSIONER PITTS: Mr. Chairman?

CHAIRMAN COLE: Yes.

COMMISSIONER PITTS: Without going into the detail that my cohort Doctor Dibble did, there's really two things that I have based an opinion on and that is the compatibility with the neighborhood, with the growth plan and in the I-1 zone area but I'll throw in another one and that is a benefit to the community – the entire community – the entire Mesa County within 200 miles of us. And then there was a

comment made...well, I won't refer to that...but those I will...I will underscore what Doctor Dibble said and add to it the benefit to the community but he already mentioned the neighborhood and consequently I cannot support the proposal as presented.

CHAIRMAN COLE: Someone else?

COMMISSIONER CARLOW: I didn't....when I got out of college I was a bartender for five years. I didn't realize I was such a rotten person until tonight. I don't disagree with some of the comments that have been made. I do have or think that the...if...if that's the prevailing opinion then it would call for a rewrite of the uses by right or the conditional uses and I think it's awfully late in the game to be proposing that. And in light of that I would vote in favor of it.

COMMISSIONER PUTNAM: We have been advised by staff that the courts have held that this kind of thing is protected by the...I guess amendment one of the U. S. Constitution - free speech. You may not agree with looking at unclad women as free speech but that's immaterial. We have to be governed by what the Supreme Court says and I can't buy the allegation it doesn't make it true just because somebody says it's true that automatically the...the establishment of someplace like this is...is gonna produce drunkenness, disorderly conduct, bad driving, vandalism, et cetera. It may be true but just saying it doesn't make it true. It seems to me that the staff's argument that...that we ought to approve this and they say they recommend it should be taken seriously and I...I'm prepared to take their recommendation.

CHAIRMAN COLE: Okay, anyone else like to make a comment this evening? I would just like to make a couple of comments. I happen to agree that most of the conditions that have been expressed by staff have been met. I....I have certain personal feelings concerning this matter that I...I cannot or will not consider and as I look at this I've listened to all of the testimony; however, I think that Doctor Dibble has

made a very valid point and that is the compatibility to the neighborhood and I would have to agree with him that the neighborhood is in fact the city of Grand Junction. I may be called into question about thinking that and so with that in mind I will have to vote no on this application. Does anyone else like to speak? Hearing none, we are ready for a motion on the....on the application this evening.

COMMISSIONER DIBBLE: Mr. Chairman, on the bar nightclub conditional use permit, C-P-U, 2008-158, I move that the planning commission approve of the conditional use permit with the facts and conclusions listed in the staff report.

COMMISSIONER PITTS: Second.

CHAIRMAN COLE: We do have a motion and a second. I think I will ask for a roll call vote on this.

MS. SINGER: Commissioner Pitts?

COMMISSIONER PITTS: No.

MS. SINGER: Commissioner Pavelka-Zarkesh?

COMMISSIONER PAVELKA-ZARKESH: No.

MS. SINGER: Commissioner Dibble?

COMMISSIONER DIBBLE: No.

MS. SINGER: Chairman Cole?

CHAIRMAN COLE: No.

MS. SINGER: Commissioner Putnam?

COMMISSIONER PUTNAM: Aye.

MS. SINGER: Commissioner Lowrey?

COMMISSIONER LOWREY: Yes.

MS. SINGER: Commissioner Carlow?

COMMISSIONER CARLOW: Aye.

CHAIRMAN COLE: Motion fails so the application has been denied. Is there any other business to come before the commission this evening? Hearing none, we are adjourned.

END OF VERBATIM MINUTES.



RECEIVED

AUG 22 2008

COMMUNITY DEVELOPMENT
DEPT.

August 22, 2008

Director of Community Planning
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

Re: Appeal to City Council
File No.: CUP-2008-158
Bar/Nightclub and Office/Warehouse
2256 and 2258 Colex Drive

The owner of the above subject property was aggrieved by a final decision of the Planning Commission on the August 12, 2008 hearing, and wish to appeal this decision in accordance with Section 2.18.E of the Zoning and Development Code.

The applicant wishes to address the following approval criteria of Section 2.18.E.1.a, in reference to the applicable items:

Item (4): The decision maker may have acted arbitrarily, acted capriciously, and/or abused its discretions.

In justifying their "no" vote, 2 of the commissioners said the club is not compatible with the "neighborhood" and widened the definition of neighborhood to encompass all of Grand Junction. This brings to item 1 of the criteria:

Item (1) The decision maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, state, or federal law

Chapter 9 of the Zoning and Development Code defines a neighborhood as:

An area of a community with characteristics that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by

physical barriers, such as major highways and railroads or natural features, such as rivers. (Note: Historically, the Neighborhood was defined as the area served by an elementary school, with shopping and recreation facilities to serve neighborhood residents. While the description is probably dated, the Neighborhood designation is useful in analyzing the adequacy of facilities and services and in identifying factors affecting the quality of the built environment. In addition, as a distinct and identifiable area, often with its own name, Neighborhoods are recognized as fostering community spirit and sense of place, factors recognized as important in community planning.) Or: That area with definite boundaries as determined by the Director on a case-by-case basis to meet the intent and purpose of the Code.

We note that numerous bars and nightclubs are located in widely dispersed locations throughout the City.

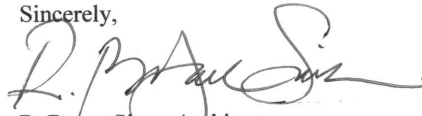
The proposed business is an allowed usage and meets all the criteria established in Chapter 3, Table 3.5 and Chapter 4, Section 4.B of the Zoning and Development Code. In addition, the form of entertainment is an allowed use by right. We believe the decision to deny the application was based on the type of entertainment provided by the bar/nightclub. All technical aspects of the Zoning and Development Code were met with regards to a conditional use permit.

Which brings us to item (5) of the criteria:


- (5) In addition to one (1) or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.

The official record will show that Bryan Sims of Design Specialists, acting as the owner's representative, provided testimony to the August 12 hearing. Additionally, the Owner, Kevin Eardley, was present at the hearing, but did not provide testimony.

Sincerely,



R. Bryan Sims, Architect
Owner's Representative



Kevin Eardley, Owner

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

November 5, 2008

The City Council of the City of Grand Junction convened into regular session on the 5th day of November 2008 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Doug Thomason, and Council President Gregg Palmer. Councilmember Linda Romer Todd was absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Coons led in the Pledge of Allegiance.

Council President Palmer announced that no additional public testimony will be taken on Item #5, the appeal. It is an appeal on the record only and no new testimony can be taken.

Certificates of Appointment

Mark Abbott, Patrick Carlow, and Ebe Eslami were present to receive their Certificates of Appointment to the Planning Commission.

Presentations

Stephanie Tuin, City Clerk, gave a report on the Election Results. She reviewed the phenomenal turnout of the City voters and then pointed out the number of those that did not vote on items 2A and 2B.

Councilmember Hill thanked City Clerk Stephanie Tuin for her work with Kids Voting which also had a great turnout.

Citizen Comments

There were none.

CONSENT CALENDAR

Council President Palmer asked that item #1 be pulled for individual consideration.

Councilmember Thomason read items on the Consent Calendar, and moved to approve the Consent Calendar items #2 and #3. Councilmember Beckstein seconded the motion. Motion carried by roll call vote with Councilmember Hill recusing himself from the vote on Item #3, Colorado Avenue construction contract.

1. Contract to Purchase Property at 302 S. 7th Street

City Staff has negotiated with the owners of 302 S. 7th Street, Bert W. Younger, Dan L. Younger, and Glen R. Younger, for purchase of the property. The

negotiations have been successful and a purchase contract for \$321,678.00 has been signed by both parties.

Action: Moved to individual consideration.

2. **Setting a Hearing on the Loy Rezone, Located at 2872 F Road** [File #RZ-2008-273]

A request to rezone 1.425 acres from R-5 (Residential, 5 DU/Ac) zone district to RO (Residential Office) zone district located at 2872 F Road.

Proposed Ordinance Rezoning a Parcel of Land from R-5 (Residential– 5 DU/Ac) To RO (Residential Office) Located At 2872 F Road

Action: Introduction on Proposed Ordinance and Set a Hearing for November 19, 2008

3. **Construction Contract for Colorado Avenue Reconstruction Project Phase II, Landscape and Irrigation**

This project consists of installation of irrigation system and landscape for Colorado Avenue from 2nd Street to 7th Street, including two (2) parking lots in the 500 and 600 blocks.

Action: Authorize the City Manager to Sign a Construction Contract for the Colorado Avenue Reconstruction Project Phase II Landscape and Irrigation to Urban Farmer, Inc. in the Amount of \$207,694.98

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Contract to Purchase Property at 302 S. 7th Street

City Staff has negotiated with the owners of 302 S. 7th Street, Bert W. Younger, Dan L. Younger, and Glen R. Younger, for purchase of the property. The negotiations have been successful and a purchase contract for \$321,678.00 has been signed by both parties.

City Attorney John Shaver reviewed this item. He described the location of the property. The property is for the future Public Safety Facility.

Councilmember Hill noted there are some items in the budget that are linked for the Public Safety Initiative. He noted that the project is a priority project for the City Council. The funding option is what was defeated. With the funding option not being approved, other options will need to be explored with those folks that did not favor the funding options put forward. He is comfortable with continuing to use those funds budgeted for the initiative.

Councilmember Coons agreed; the defeat of the ballot measures does not mean the need has gone away. She supports the continuation of the project. Additionally, the City negotiated in good faith with the Younger family and should go forward.

Councilmember Thomason stated the reason this was taken off the Consent Calendar was to reiterate that the project is still a priority.

Councilmember Doody agreed, stating assemblage of the property is still good business.

Council President Palmer said he has discomfort about going forward when the matter was just defeated. He felt that there still needs to be an analysis as to why the vote was a defeat. However, he does still support the project.

Councilmember Beckstein said the defeat was due to funding and may have been the economic situation of the nation. The need is still there. The City needs to go forward and get prepared. The project is already fifteen years too late.

Resolution No. 139-08—A Resolution Ratifying the Contract to Purchase Real Property Located at 302 S. 7th Street, Grand Junction

Councilmember Thomason moved to approve Resolution No. 139-08. Councilmember Beckstein seconded. Motion carried by roll call vote with Council President Palmer voting NO.

Public Hearing—Merkel Growth Plan Amendment, Located at 769 24 ½ Road and 766 24 Road [File #GPA-2006-126]

Request to amend the Growth Plan, changing the Future Land Use designation from Estate (1 DU/2-5 Ac) to Commercial for property located at 769 24 ½ Road and 766 24 Road.

The public hearing was opened at 7:21 p.m.

David Thornton, Principal Planner, presented this item. He described the location, the site and the proposal. He entered the Staff Report into the record. The current designation of the property is Estate and it is surrounded by Estate designated land. The property is about 15 acres. The current zoning is partially rural and the Merkel property is awaiting zoning since being annexed. There was a development proposal for a shopping center for the property but that was withdrawn. Now the property owners have asked to go forward with the Growth Plan designation and then the zoning. Two of the parcels (Parcels 4 and 5) are already zoned Commercial.

Mr. Thornton then addressed the North Central Valley Plan and its recommendation for this site. There are access issues for the southern most parcels.

Mr. Thornton reviewed the history of these parcels being brought into the Persigo Sewer Service boundary. All of these parcels were recommended for commercial uses in that study (Sub Area Plan).

With a Growth Plan Amendment, there are criteria to be reviewed. The review was as follows:

- a. There was an error such that then existing facts, projects or trends (that were reasonably foreseeable) were not accounted for. Mr. Thornton did not believe the designation was due to an error.
- b. Subsequent events have invalidated the original premises and findings. It was Mr. Thornton's opinion that with the continued growth in the community and the analysis done regarding traffic and access issues in the 24 Road corridor north of I-70, particularly for the 57 acres which includes the 15 acres already designated commercial, the original premise to establish the commercial boundary confined to only the two parcels totaling the 15 acres as the only area that should be commercial is no longer valid. This includes traffic access issues on 24 Road, noise impacts from I-70 and the visibility of this site for commercial purposes.
- c. The character and/or condition of the area have changed enough that the amendment is acceptable. Mr. Thornton advised that the character of the Appleton area as well as the traffic using the 24 Road interchange shows that the neighborhood has been and continues to be developing with urban land uses. I-70 continues to see an increase in daily traffic which increases the noise and traffic impacts to 24 Road. A commercial designation is more appropriate for all properties located on the north side along I-70 between 24 Road and 24 ½ Road. The south side of I-70 is Canyon View Park, a park facility that at times serves hundreds, even thousands of visitors on the same day, with its traffic and other impacts to the urban environment. All of this supports a change to this Land Use designation.
- d. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans. Mr. Thornton referred to the plans and goals this change would fulfill.

The 1998 North Central Valley Plan recommends non-residential highway oriented services at the northeast corner of Interstate 70 and 24 Road.

The amendment is consistent with goals of the Growth Plan. It is important to ensure that the Future Land Use Map designates sufficient land in appropriate locations to accommodate anticipated demand for each land use category.

- e. Public and community facilities are adequate to serve the type and scope of the land use proposed. Mr. Thornton advised that there are adequate public facilities currently available and can address the impacts of any development consistent with a "Commercial" designation. The Colorado Department of Transportation completed interchange improvements including a double round-about at I-70 and 24 Road a couple of years ago which has increased the capacity and safety of this interchange and provided increased capacity for traffic to this site.
- f. An inadequate supply of suitably designated land is available in the proposed land use. Mr. Thornton stated that the commercial areas already designated are too limited in size and the existing commercially designated property has access issues so would not fulfill the need.

- g. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment. Mr. Thornton advised the change will provide 57 acres on a site with highway visibility and flat terrain that is heavily impacted by highway noise. Commercial uses in this area will act as a buffer and transitional area from a high impact area (a busy interstate highway system) to less intensive land uses north of the site. With the visibility for business, economic value can be realized for the community.

In conclusion, he believes the request is consistent with the intent of the Growth Plan and recommends approval. Planning Commission also recommended approval.

The applicant was not present.

There were no public comments.

The public hearing was closed at 7:39 p.m.

Councilmember Hill noted the Council is familiar with this area due to its review for inclusion in the Persigo 201 boundary. He believes the request meets the criteria of the Growth Plan Amendment and would support the change.

Councilmember Doody said the potential for the development of this property is huge, as demonstrated while the previous shopping mall application was being processed. This property has potential and he supports the change in designation.

Resolution No. 140-08—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate 42.28 Acres, Located at 769 24 ½ Road and 766 24 Road, Known as the Merkel Growth Plan Amendment, from Residential Estate (1 DU/2-5 Ac) to Commercial

Councilmember Thomason moved to adopt Resolution No. 140-08. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Appeal of the Planning Commission's Decision Regarding a Conditional Use Permit for a Bar/Nightclub [File #CUP-2008-158]

An appeal has been filed regarding the Planning Commission's decision to deny a Conditional Use Permit for a Bar/Nightclub, to be located at 2256 and 2258 Colex Drive. The project sits on 1 lot in an I-1 (Light Industrial) zone district. (The project will include leased parking spaces from the lot immediately to the north.) This appeal is pursuant to Section 2.18.E of the Zoning and Development Code, which specifies that the City Council is the appellate body of the Planning Commission. According to Section 2.18.E.4.h, no new evidence or testimony may be presented, except City Staff may be asked to interpret materials contained in the record.

John Shaver, City Attorney, reviewed the process for this action. The City Council is the appellant body for some decisions made by the Planning Commission; this is one such item. The Planning Commission reviewed this item and the request was denied. That denial has been appealed to the City Council. The City Council was provided the

complete record including a video of the Planning Commission proceedings in order to consider the appeal. The Code allows the City Council to approve, reverse, or remand the application. City Attorney Shaver explained each one of those actions. In order to reverse or remand the application, the City Council should find one the following:

(1) The decision-maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, State or Federal law; or

(2) The decision-maker may have made erroneous findings of fact based on the evidence and testimony on the record; or

(3) The decision-maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or

(4) The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; and

(5) In addition to one (1) or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.

The City Council is not to substitute their judgment for the Planning Commission.

Councilmember Thomason said he did review the record and his thought was to remand the matter back to the Planning Commission with some direction, that being to narrow the scope of the discussion as it pertains to the definition of the neighborhood.

Councilmember Coons asked about the precedence in the definition of the neighborhood and what are the allowable uses in that zone district.

City Attorney Shaver said there is not specific legal precedent as to the definition of a neighborhood. It should be accorded the common definition; it is generally not encompassing the entire community. The Planning Commission used a much more expansive definition than the common definition.

Council President Palmer asked if the Planning Commission has ever used the community as the definition of the neighborhood. Neither City Attorney Shaver nor Assistant City Attorney Beard could recall such a time.

Senta Costello, Senior Planner, stated the allowed uses for this zone district range from general office uses, veterinary clinics, parking lots, to public service businesses.

Councilmember Coons asked what would be a use by right for this type of business. Ms. Costello said, with this business, it is the bar component that triggered the Conditional Use Permit (CUP).

Council President Palmer clarified that it was the alcohol application that triggered the CUP. Ms. Costello replied affirmatively.

Councilmember Beckstein asked that without the alcohol, it would have been a use by right. Ms. Costello said yes, it would have only had a site plan review.

Council President Palmer asked if the City could outlaw certain types of businesses. City Attorney Shaver said the City can do that but whether it is constitutional is the question. It would not be; it is protected under the First Amendment.

City Attorney Shaver read the definition of a neighborhood from the City Zoning Code.

Councilmember Coons noted that many people in the community feel this type of business is distasteful and morally wrong but the City Council must follow the City requirements. She is hesitant to designate the entire community as a neighborhood. She agrees with Councilmember Thomason to remand the matter back to the Planning Commission with the instruction that they consider it under the normal definition of a neighborhood.

Councilmember Doody agreed, adding they should consider it like any other establishment under the CUP process.

Councilmember Hill noted that most of the objections received were about the gentlemen's club part, not the service of alcohol. Unless it is an activity that is unlawful, the City has to make it allowable. It is heavily regulated so they are upholding some community values. This body cannot just say no because they don't like it, that creates a risk for a legal situation. Even the denial of the CUP would not stop the gentlemen's club activity. He supported remanding the matter back to the Planning Commission with the instruction for them to focus on the definition of a neighborhood and on the reason for the CUP.

Council President Palmer reiterated the purpose of the City Council sitting as the appellant body and their charge under those criteria. He stated that the Planning Commission may have acted in a manner inconsistent with the provisions of this Code or other applicable local, State or Federal law and they may have made erroneous findings of fact based on the evidence and testimony on the record so he also agrees with remanding the matter back to the Planning Commission.

Councilmember Coons moved to remand the matter back to the Planning Commission with the instruction for them to define neighborhood in the traditional sense in their consideration. The motion was seconded by Councilmember Hill. Motion carried.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 8:09 p.m.

Stephanie Tuin, MMC
City Clerk

Oct. 31, 2008

City Council 250 N 5th St Grand Junction, CO 81501

Honorable Mayor Jim Doody
Mayor Pro Tem Bonnie Beckstein
Council member Bruce Hill
Council member Linda Romer Todd
Council member Teresa Coons
Council member Doug Thompson

It has come to my attention there has been an appeal of the decision denying the application for the introduction of a gentleman's club or strip club to be opened in Grand Junction. Please, the original denial of the application was in the best interest of the city and the county. For our children's sake, our college's sake, our crime's sake, and the moral and social impact upon our community. We are already having trouble with drug and sex crimes. Would you not be adding to this problem by having a strip club (gentleman's club) in our valley? PLEASE DO WHAT YOU KNOW IS RIGHT AND KEEP THIS TYPE OF BUSINESS OUT OF OUR CITY.

Thank you for your attention to this matter.

Albert Jean Brown.

Jeannine Brown

RECEIVED

OCT 31 2008

RECEIVED OCT 29 2008

Oct 27, 2008

To the Mayor and all Council members:

It deeply concerns my husband and I this is a very nice town. We love living here. My daughter and my grandchildren go to school here. We do not need a strip club. It will be built real close to where a future High School will be. There are many senior citizens here. We soon will fit in that age group.

We have many tourists that come to see sights in this town and that is one sight we do not need. Las Vegas is not that far away. We don't need to become a little Vegas. Morally it is not right and it brings more drug and sex to this community. We have fine young people and a college that do not

need this. We have many churches in this town and we attend one. I happen to know that many will be writing you.

This is a growing, working family community. The people that run these places think only of themselves and not what is right for everyone else.

Sincerely,

Suzanne D. Cantrell
Jill A. Cantrell



Members of City Council of Eld. Jct. 10-27-08

I have noticed that the application for a "Gentlemen's Club" has been turned down by the Council. I thank you for doing this. We just don't need anything like that in our city. It could lead to more crime, and we have enough of this already. It also could have a bad effect on our young people.

I understand the persons who want it to happen and be built are going to appeal. Please vote again to turn their appeal down. The City can get along without such a club as this. We just don't need it.

Thanks you;

Earl Eibert
2962 N. Ronlin Ave.
Grand Jct., Colo. 81501

RECEIVED

Earl Eibert



Attention: City Council members

Subject: Proposed Gentlemen Club

How quickly we forget what is morally right when it comes to tax money and what it can buy. Is it that hard to imagine the influence this club will have on young adults not to mention students of our new high school to be built not miles away? This club will open the door to prostitution, crime of every kind, and will change this town forever for the worse. Is it worth it? I pray that you will vote no on this most important measure. The people of this community are watching you, please don't let us down.

Respectfully Submitted
Charles W. 7 Jr.
2813 Cottage Ln
Grand Junction CO.

RECEIVED

OCT 27-08

Two whom it may concern
I am a concerned citizen and
I don't believe we need a
strip club in Grand Jct. We
have enough of that kind of
stuff on TV and all around us

Sincerely a Concerned Citizen
of Mesa County

RECEIVED

Oct. 28; 08

RECEIVED OCT 29 2008

Honorable, Jim Doady,
Mayor Pro Tem, Bonnie Beckstein,
Council Member, Bruce Hill,
Council Member Linda Gomez Todd,
Council Member Teresa Coons,
Council Member Doug Thompson

It is with deep concern that I write this letter in concern for our community and constituents. I write this to you, our elected leaders.

I found out that there has been an appeal of the decision denying the application for the introduction of a "gentleman's club" (a sociable way to say "strip club") to be opened in Grand Jct., or for the entire Mesa County. I am sure that most of the voters of this community will agree we do not such an entertainment venues in our community.

It would have a negative moral & social impact on our

community, and the financial costs to the city are just 2 of many reasons we do not need or want such places permitted in our community. There would be more police costs for such places and plus the added drug & sex crimes. I hope your leadership as elected representatives reflect the family and personal moral strength upon which this community has been built.

Sincerely,

Mary Ellen Waid

RECEIVED OCT 29 2008

To Gregg Palmer,

I wish to state my opinion regarding the gentlemen's club. I don't feel this is an appropriate business to have in our community. There are enough adult businesses here already ; ie, North Ave. and 24 road . If people wish to participate in such things, they should go where they are available, like Denver, Vegas, or Salt Lake, and not bring them home. This is supposed to be a family oriented community. I feel it will decrease property value and increase crime, drugs, alcohol, and sex offences, especially in a college town. If this happens, the cost of police / sheriff protection will go up . This will defer money that is considered incoming revenue.

When the next election comes up, my family, friends, and co-workers will take this into our consideration.

Sincerely,

M. Crihari

M. Crihari

Oct. 31, 2008

Honorable Mayor and City Council Members,

I am writing about the pending appeal of the decision to deny an application for a "Gentlemen's Club" in our community of Grand Junction. I was so relieved when you turned down their original application, but now this 'beast' has raised its head again.

We can be so proud of our small city, with all it has to offer families, seniors, young people, both men and women. There is absolutely no reason for an establishment of this kind to be part of a community like ours. We are struggling here in Grand Junction with a drug problem, and, I believe, making good headway in combating the terrible effects of such a life on the various people who succumb to that lifestyle. I can only believe that a strip club ("gentlemen's club" is a misnomer, as no real gentleman would attend it) would attract more illegal and immoral business that we are striving to eliminate in Grand Junction. If not on moral grounds alone, please consider the financial cost to our town to police such a venue, with the following legal costs, etc. I can't help but believe that those costs would soon outweigh any tax revenue received from such a business.

Please, I am asking all of you to stand by your original decision and refuse this appeal, in the best interests of our community and its citizens.

Sincerely,


Jean L. Gorsuch

RECEIVED

OCT 31 2008

October 29, 2008

RECEIVED

OCT 31 2008

Honorable Mayor Jim Doody
Mayor Pro Tem Bonnie Beckstein
Councilmember Bruce Hill
Councilmember Linda Romer Todd
Councilmember Teresa Coons
Councilmember Doug Thompson

To One and All:

It is with deep concern that I write this letter to you. It has come to my attention that once again there has been an appeal made for your consideration regarding the gentleman's club, better known as a "strip club."

I want to express to you my total opposition to this type of "club" anywhere in Grand Junction or Mesa County. I feel the moral and social significance of such a club will be extremely detrimental to our community. Someone said not long ago in my hearing that some of those individuals who attend the club, leave, and then start looking for our young girls. There have been many cases over the years where murderers and child molesters have owned up to their beginnings of crime by being involved in pornography. While pornography is more or less from magazines and/or through the intranet, having such a club in your backyard makes it that much more accessible.

In communities where such a club has existed, crime rate has increased and the cost of policing the areas has cost the community additional costs for the increased manpower. If the news is to be believed, our jails are already overcrowded, so the question is, do we have the space to put the extra individuals who will be arrested as a result of having such a club available?

It is also my understanding that a proposed future high school is to be within one mile of this proposed club. I cannot see how this proximity will be of value to any young person this close to their school. One might argue that the club's hours will be after school is out. While true, the availability would still be there with their full knowledge.

We live in a community already struggling with methamphetamine to such an extent that more of our city official's time, effort, and finances are being spent on task forces to deal with this epidemic. Do we really want to add to the already overworked law enforcement agencies with this type of problem for them to deal with? I think not.

I have lived in this community for over 35 years and have raised 2 children here. I am thankful this type of club was not here when my children were growing up. That was one less place I had to worry about them going into. I have 2 grandchildren growing up here. I want them to be proud of their community and the heritage they have of growing up here. I do not want them to have this type of an influence on their lives.

I certainly hope, you as leaders in this community, will take this club under advisement and reflect upon its impact on the community, the families of the community, the moral impact and strength of the community, the resources of the community, and will come to the conclusion this is not something we need that will lessen who we are or are striving to become.

Thank you.

Sincerely,



Geri Walters
666 E. Cliff Dr.
Grand Junction, CO 81506

October 28, 2008

City Council: 250 N. 5th Street. Grand Junction, CO 81501

Honorable Mayor	Jim Doody
Mayor Pro Tem	Bonnie Beckstein
Council member	Bruce Hill
Council member	Linda Romer Todd
Council member	Teresa Coons
Council member	Doug Thompson

I have become aware there has been an appeal of the decision denying the application for the introduction of a "gentleman's club" (a politically correct way to say "strip club") to be opened in Grand Junction. I believe the original denial of the application was in the best interests of the City as a whole and present and future residents of this county.

I wish to express in as strong a term as possible my total opposition to this or any such "strip club" being opened in Grand junction or for that manner the entire Mesa County.

The negative moral and social impact upon our community and the financial costs to the city are just two reasons for such places to not be permitted in our community.

Let us not lower the level of excellence, which is so important to our community for that which will only lessen, who we are. May your leadership as elected representatives reflect the family and personal moral strength upon which this community has been built.

Sincerely,



RECEIVED

OCT 30 2008

Oct. 30, 2008

RECEIVED

Grand Junction City Council
250 Road One,
Grand Junction, Co 81501

Dear City Council Members

We understand that the Gentlemen's Club has asked you to consider allowing them to build their business here in Grand Junction.

We are very strongly opposed to this.

If you truly represent the people of Grand Junction you will not let such a business come here.

This business is very degrading to women and will have a demoralizing effect on our beautiful city. It might bring in revenue but that would be more than off set by the need for our police to patrol that part of the city to protect our women and children.

Our granddaughter is working out in that area. She is in college and works where she must deposit the days receipts after hours. As it is now she needs to have a security guard walk her to her car. I can not bear the thought that some sex crazed person coming from that club might molest her.

Please be strong on our behalf.

Sincerely, Mary Hogan + Harry A. Hogan

From: Greg Moberg
To: Senta Costello
Date: 10/24/2008 10:06 AM
Subject: Fwd: Gentleman's Club

>>> Belinda White 10/24/2008 7:48 AM >>>

*Belinda White
Senior Administrative Assistant
City of Grand Junction
Administration
(970) 244-1508*

>>> "Mike MacFarlane" <macjehu@gmail.com> 10/23/2008 7:42 PM >>>

Dear City Council,

I would like to take a minute to ask you to stand in opposition to the appeal by the "gentleman's club". I feel the right decision was made by the planning commission when they choose to deny them the right to go forward with their plans.

They choose to look at the entire city as the neighborhood and denied the petition on those grounds. I feel this is the right choice.

As a Pastor in this city I have had the opportunity to minister to many of the girls and bouncers from the former club that operated in our city. My wife and I took in one of the dancers for a period of time and have had many of them in our Church.

I can say without exception, these young girls and young men have been deeply scared by their experiences and take into their lives the fall out from this line of work. The two ways these women tend to end up are one, very bitter and in denial of any issues, or two, they have such low esteem they typically end up in abusive relationships and feel that is what they deserve.

The men tend to look at the women in their lives as a commodity rather than somebody special to be cherished and thereby destroy their homes, leaving scared women and children in their wake.

These young men and women have high rates of STD's, mental issues, and law enforcement encounters, while typically being single parents receiving public help of some sort.

I am confident the argument will be made that there is no negative impact on the community but I have found that to be false. None of the employees will live within 1000 feet, a block, or probably even a half mile of the business and they are the most affected with the customers being a close second. That tells me the influence of this business will be far reaching. It will effect the neighborhoods we all live in, the schools that the cast off kids will attend, the health care system, the public assistance system, and the legal system.

With these things in mind, I am sure you can see that the planning commission was correct in their assessment of the impact of this type of establishment. I know your decision will not be made on personal ideals relating to morality. That was not the place of the planning commission in the original decision nor will it be yours in looking at this appeal. However, it is your place to consider whether the planning commission judged accurately in its belief that the "neighborhood" was larger than the name might ordinarily imply. I believe you will not find any grounds to overturn their carefully thought out position. Every study you will find comes to the same conclusions concerning these type of businesses. They leave a mess in their wake.

Thank you for your time.
Pastor Mike MacFarlane
970-270-3205
2808 Bookcliff ave.
Grand Junction, CO 81501

Martha May Odelberg
2708 F ½ Rd.
Grand Junction, CO. 81506
October 30, 2008

Honorable Mayor, Jim Doody

Sending my feelings about the so called "gentleman's club". I do hope with all my heart that I can depend on your vote against this appeal. I was so very thankful that the first time it came up that it was voted down. We do appreciate our officials and know they have a very hard time trying to please everyone.

This is one time that we trust you will look at the damage something of this type can do to our community and vote it down. As a long time resident of Grand Junction, in fact born here, I do hope I can depend on your vote against this particular request and any in the future of similar requests that would be so damaging to our community.

When people are provided a public place to enhance their emotions that are not proper we cause our community to be down graded. Thus not providing a community that is safe for raising a family. Once we allow something of this nature to come in to our city we are assured that the descent atmosphere of our whole Grand Valley will be affected.

It is my trust that you will vote against the proposal of ever having any such business allowed in our Valley. Oh, that you have the strength to uphold the moral strength of this community. Thank you for representing us and we will be watching for your vote on this crucial matter.

Sincerely,

Martha May Odelberg

Martha May Odelberg

RECEIVED

October 30, 2008

Councilmember Doug Thompson,

With deep concern for our community and constituents,
I again write a letter to you, one of our elected leaders.

Becoming aware that an appeal of the decision denying
the application for the introduction of a so-called "gentleman's club"
to be opened in Grand Junction, I still very strongly believe
that the original denial of the application was in the best
interests of the city as a whole as well as present and future residents
of Mesa County. Some of my reasons for opposition are:

- No such "strip club" is needed in Grand Junction or Mesa County;
- Negative ~~moral~~ moral and social impact upon our community;
- Additional costs for policing of the area and other public
needs around such establishments;
- Increase in drug and sex crime;
- Destructive nature and break up of families of those
who work-in or support such establishments.

I am proud of this working, growing, family community
where I was born and raised. I have been a part of it for 76+
years. Please, let us not lower the level of excellence which is so
important to our community. May you, as an elected leader of our
community, reflect the family and personal moral strength upon
this community in which we live.

Sincerely,

RECEIVED



BOARD OF COMMISSIONERS

OCT 20, 2008

Dear Mayor & County Commissioners

I am writing in regard to the effort being made by the "Gentlemen Club" to establish their business in Grand Jct. I believe that we are a fairly community and don't need or want this type of business in our town. I understand that they also want to establish this business close to the planning of a school; this is even worse. Please don't let this happen.

Sincerely

Ken McSpadden



Kelly McSpadden
2809 Eldora Ct.
Grand Jct, CO 81506-8245

Grand Junction 1st Church of the Nazarene

2802 Patterson Road, Grand Junction, Colorado 81506

Website: www.gjnazarene.com

Office Phone: 970-245-3125

RECEIVED

OCT 31 2008

Lead Pastor:

Rev. Larry Chovancek, M.Div.

Office: (970) 245-3125

FAX: (970) 245-5698

Home: (970) 424-0588

Visitation Pastor:

Josephine Hyde

Office: (970) 245-3125

Office Manager:

Tami Tarr

Office: (970) 245-3125

Bookkeeper:

Shirley Oliver

Office: (970) 245-3125

Sunday School

Superintendent

Martha May Odelberg

N.M.I. President

Mary Garner

NYI President

Shirley Oliver

October 29, 2008

Grand Junction City Council

Mayor Jim Doody, Pro Tem Mayor Bonnie Beckstein,

Council Members Bruce Hill, Linda Romer Todd,

Teresa Coons, and Doug Thompson:

Dear Grand Junction City Council;

It is my understanding that the applicant for the 'gentleman's club' has appealed the denial of their application to build in Grand Junction.

I understand the challenges of the council faces in attempting to reflect the vast majority of the population being against this application while at the same time upholding the laws; local, state and federal.

My belief is that the citizens will not soon forget a council who seemingly caved under legal pressure to permit something they as voters are totally against.

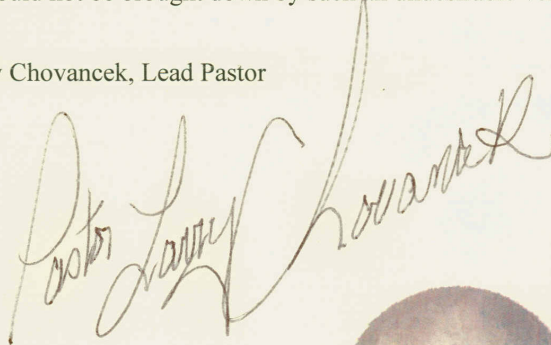
Therefore, I believe an amendment to the city requirements for adult entertainment venues of this type should be incorporated. Instead of the requirements being that no adult entertainment venue be permitted within 1,000 of homes, schools, churches etc. The requirement for such adult entertainment venues should immediately be changed to 10,000 feet.

This change would enable the city to be in harmony with the vast majority of city residents while meeting the requirements of the law which forbid total rejection but do permit full regulation.

As you can tell, I am totally against this form of adult entertainment venue being a part of my city and yet I do understand the difficult situation the council finds itself. I also know that voters have good memories and this council should not be brought down by such an undesirable venue in our city.

Sincerely;

Rev. Larry Chovancek, Lead Pastor



90th Anniversary

Celebration

Oct. 25-26, 2008

**To Know Christ
and to make Him**



RECEIVED

NOV 3 4 2008

11-3-08

Honorable Mayor Jim Doady:

Sir, I am sending this last minute request to ask that you sincerely will continue to "Deny," the application process for the Stripe Club (Gentlemen's Club).

As a fairly new resident to this great community of Grand Junction, I hope that the moral and social entertainment here will stay to a positive side of life for all concerned, and not the negative impact that the City and Mesa County would incur if the application for this venue is accepted.

Our young people here have enough negative already here that need further and better attention.

What with the local child abuse, drugs (meth labs) and check & identity fraud.

I think the Stripe Club would be one more harmful impact. I believe to grant the application would lead to further negative influences in the future.

I'm asking as a concerned citizen that you deny the request. Let the parties asking this request move their business elsewhere.

Let's keep Grand Junction, "Grand".

Sincerely,

Kelvin D. Walther

3017 Milburn Dr

Grand Junction, CO 81504

cc.: Mayor Pro Tem
Bonnie Beckstein

Scanned
RECEIVED

OCT 30 2003

City Council members of G. J.

I am deeply concerned for the community of Grand Junction and Mesa County, that is why I write this letter.

There has been an appeal to you, our elected leaders, of the decision denying the application of a "gentlemen's club" (better known as a strip club) to be opened in Grand Junction.

I strongly express my total opposition to this or any such "club" being opened in the entire Mesa County.

The moral and social impact to our community plus the financial are just some of the many reasons for such places to not be permitted in our community. There is also the additional costs policing of the area around such establishments and the related drug and sex crimes that will be connected to such establishments.

We must keep this a community to be proud of to raise our families.

send our children to college and
attend church together.

I look forward to seeing you all
doing the right thing for your
community.

Yours truly,
Ida M. Partrick

RECEIVED OCT 17 2008

Oct. 15, 08

Thank you for serving on the City Council.

please use your influence to stop the approval for a strip club, bar and place of prostitution here in our wonderful community

my family and I have lived here since 1964 and dearly love Grand Jct, we feel it would only bring more crime and disorder.

Remember the proposal for a High School at Hand 23 Rd. only one mile away, please say no to a not gentlemen club coming to our area.

Thank you

the parkway overpass is wonderful.

Barb Roberson

717 24 $\frac{3}{4}$ Rd

Grand Jct Co.

81505

*All of City
Council
Received*

Charlene Springsteel
417 Canyon Trail
Grand Junction, CO 81504

Mayor Pro Tem Bonnie Beckstein
250 No. 5th Street
Grand Junction, CO 81501

RE: "Gentlemen's Club" (Strip club)

Dear Mayor Pro Tem Bonnie Beckstein:

I strongly object to a strip club in this valley. I moved here in 1944 with my parents and grew up watching the changes in this valley, most of which have been for the better and I would like that growing mode to be maintained. It would be counter productive to the goals of your council, the majority of citizens and any one bringing up children in this valley to allow an establishment of this sort in this community and valley. If this is allowed, more will come, and it is an uneconomical and antisocial trend I sincerely hope you will put an end to every time it rears its ugly head.

I am thankful we live in a country where people can express themselves freely. The downside of this freedom is the factors included in maintaining a positive growth in the communities of this country. Strip club "expressions" could only lead to more negatives in our society such as increased law enforcement and social problems.

Control of the negatives in this City is the responsibility of our leaders...you. Please keep up the good work of keeping things like a strip club out of this town and valley.

Respectfully,

Charlene Springsteel
Charlene Springsteel

RECEIVED

603-244-1111

David E. & Dorothy C. Roberts
533 Citrus Street
Grand Junction, CO 81504-7041
(970) 523-9343

RECEIVED

October 29, 2008

OCT 31 2008

City Council
250 North 5th Street
Grand Junction, CO 81501

Attention:

Honorable Mayor	Jim Doody
Mayor Pro Tem	Bonnie Beckstein
Councilmember	Bruce Hill
Councilmember	Linda Romer Todd
Councilmember	Teresa Coons
Councilmember	Doug Thompson

Dear Sirs:

It is our deep concern for our community that we write to our elected leaders, about the possibility of a gentleman's club.

We received extremely disturbing information that an appeal of your decision denying the application for a gentleman's club to be opened in Grand Junction has been received for your review at the November meeting. "We believe your original denial of the original application was in the best interests of Mesa County and the City of Grand Junction." A gentleman's club is socially unacceptable and immoral addition to our community. We believe the vast majority of the Mesa County voters in this area would agree "we all do not want such a entertainment outlet in our Western Slope Community."

We are proud of our community, the fine local collage and proud of the positive history and Christian culture of the Grand Junction community. May your leadership continue to reflect the family and Christian moral strength upon which this city was built. Please vote against this appeal and stop this gentleman's club from coming to the Western Slope City of Grand Junction, CO.

Sincerely



David E. Roberts
Dorothy C. Roberts

RECEIVED

NOV 04 2008

11-3-08

Mayor Pro tem Bonnie Beckstein:

Bonnie, I am sending this last minute request to ask that you sincerely will continue to "Deny" the application process for the Stripe Club (Gentlemen's Club).

As a fairly new resident to this great community of Grand Junction, I hope that the moral and social entertainment here will stay to a positive side of life for all concerned, and not the negative impact that the city and Mesa County would incur if the application for this venue is accepted.

Our young people here have enough negative already here that need further and better attention. What with the local child abuse, drugs (meth labs) and alcohol & identity fraud. I think the Stripe Club would be one more harmful impact. I believe to grant the application would lead to further negative influences in the future.

I'm asking as a concerned citizen that you deny the request.

Let the parties asking this request move their business elsewhere.

Let's keep Grand Junction "Grand"

Sincerely,

Paul D. Wells

3017 Milburn Dr
Grand Junction, CO 81504

RECEIVED

October 30, 2008

OCT 31 2008

Honorable Mayor Jim Doody
Mayor Pro Tem Bonnie Beckstein
Councilmember Bruce Hill
Councilmember Linda Romer Todd
Councilmember Teresa Coons
Councilmember Doug Thompson

To One and All:

I am extremely concerned about the appeal of the decision denying the application to allow what has been referred to as a "gentleman's club." I want to express to you my total opposition to this type of "club" anywhere in Grand Junction or Mesa County. I feel the moral and social significance of such a club will be extremely detrimental to our community. The types of people who will be attracted to this "club" are definitely not gentlemen.

In communities where such a club has existed, crime rate has increased and the cost of policing the areas has cost the community additional costs for the increased manpower. If the news is to be believed, our jails are already overcrowded, so the question is, do we have the space to put the extra individuals who will be arrested as a result of having such a club available?

It is also my understanding that a proposed future high school is to be within one mile of this proposed club. I cannot see how this proximity will be of value to any young person this close to their school. One might argue that the club's hours will be after school is out. While true, the availability would still be there with their full knowledge.

We live in a community already struggling with methamphetamine to such an extent that more of our city official's time, effort, and finances are being spent on task forces to deal with this epidemic. The law enforcement agencies are already overloaded.

I certainly hope, you as leaders in this community, will take this club under advisement and reflect upon its impact on the community, the families of the community, the moral impact and strength of the community, the resources of the community, and will come to the conclusion that this is something we do not want or need.

Sincerely,

Bob Walters

Bob Walters

666 East Cliff Dr.

Grand Junction, CO 81506

From: Planning planning
To: Senta Costello
Date: 11/6/2008 2:13 PM
Subject: Fwd: Hearing re Matter of 'Gentlemen's Club,' 11-5-08

>>> "Sisco, N." <sisco78@bresnan.net> 11/3/2008 3:29 PM >>>
City of Grand Junction Planning Commission
Re: Hearing, Matter of 'Gentlemen's Club,' scheduled for consideration, p.m., 11-5-08

Gentlemen:

As persons that would be made genuinely and greatly aware and have strong persuasions against permitting a 'Gentlemen's Club' in Grand Junction, we firmly belief such a club to be out of character, unwanted, and certainly UNNECESSARY. Such 'clubs' have no redeeming value, and open a whole can of worms that are an expense and blight on the community, foster lawlessness and do nothing but tear down decency.

We firmly believe that this community is better for not having such a club, and respectfully ask your consideration of our position regarding this matter.

Sincerely,

Mr. and Mrs. H. N. Sisco

670 1/2 W. Moorland Cir.
Grand Junction, CO 81504
sisco78@bresnan.net
970-434-2198

CC: Council

RECEIVED NOV 12 2008

Sent to C.
Laurie K.

Mayor Palmer;

So the Law says the City cannot consider the nature of hta establishments that apply for liquor licences?

And if the newspapers are right-- the City has been told that there is a need for such a club. And the City has been told that the Supreme Court is on the side of those who insist there is a need for a sexual deviants club. I will NOT be deceived and call the club other than what it will be.

IF there club is to be --then there is an equal need for a "neighborhood watch." a citizens group to provide the GJPD with necessary eyes and ears so a rapid response to any suspected illegal activity associated with the club can be established. Experience suggests such club invite clientele who traffick in illegal drugs, prostitution--and such clubs often invite violence--that is pushed outside--so as not to disturb the sexual deviants inside.

I've known idiots who insisted that pornography and so called "adult entertainment" were not harmful. These deviants encourage their girlfriends to be party to that addiction. Not one of them had a healthy--or normal sexual relationship. I see no difference between your "gentlemen's Club" Sexual deviants club-- and other establishments that all are related to sexual exploitation. The Soviet Communist had a policy of introducing such behaviors into societies they wished to overcome. Yet the businessmen? who insist their club is necessary would find such offensive. And would bristle at any suggestion that such clubs are related to the mob controlled illegal sex and drugs dive called the Stonewall Inn, in NY City. A sexual predator named

that dive included as a supposed national treasure--as the starting point for the modern American Gay Rights Movement.

It was the homosexuals who tried to burn that joint down with some police inside --yet now it is considered equal to Bunkers Hill-- or Gettysburg. What will our local club be called when America is judged by God? I will not be entertained by the lusts of the flesh--nor the sale of liquor. I will instead encourage and support any idea of a "neighborhood watch" however uncomfortable such might make the sexual deviants who will provide such a club with clientele. The Yought be ashamed and uncomfortable. IF the law now protects and advances If the law now protects and advances such establishments-- then the law is divorced from the fundamentals of American LAW and our Society as far removed from the foundation as Sodom was from righteousness. Lets have the club--and a neighborhood watch to keep the club more honest--and gentlemanly.

Robert James Burkholder.

Dear Mr. Lowrey,

We are citizens of Grand Jct who are concerned about the possible topless bar.

The location is one concern because of its easy access to the entrance of I-70. This would make a great escape route for criminals. And we all know that the use of alcohol adds to the problem.

According to the Police Dept., the intersection of I-70B and G Rd. is one of the worst in the city for accidents. Plus the increased need for police patrols, which would increase the cost for the city.

And all of this besides our concern for the young people of our community.

Thank you for considering our concerns.

Sincerely, Glenn and Shirley Ewing

Dear Mr. Cole,

We are concerned Grand Jct community citizens regarding the topless bar that is being considered.

We believe this would increase the crime that comes with drinking, which would increase the need for police patrols, which would increase cost for the city.

The Police Dept. has said the intersection at I-70B and G Road is one of the worst in the city for accidents.

Also, we are concerned for the youth in our community. This would be a very poor example to them.

Thank you for considering our concerns.

Sincerely, Glenn and Shirley Ewing

November 25, 2008

To Whom It May Concern:

A "Gentlemen's Club"?? Right? I wonder what the definition of a Gentleman is? According to the World Book Dictionary, it is:

L. A Man who is honorable and well-bred: a man of fine feelings or instincts, shown by behavior and consideration for others: It is almost a definition of a "Gentlemen" to say he is one who never inflicts pain.

4. A Man of good family and social position

I wonder if the "Gentlemen" who are wanting this Club so badly could be classified as "Gentlemen"??? Are they good husband's, father's, son's? If they are single, are they caring of their mother's, girlfriend's etc.?? Do they respect women and love them? Are they family men who do not spend their hard-earned money on selfish entertainment, but are they men who love their families and are they being a good example to their children? If they are family men who love and care for their women folks, they will think twice about becoming involved in a Club that promotes selfish, lustful desires, that put women up as "SEX Objects" that are clearly there for one purpose and only one....

We need more "REAL MEN" in this valley who will stand up for the right values and help protect our women and children, and of course, to our teenagers who are needing a good example from their fathers.

After all, men are supposed to be the leaders of the nation, cities and families. It's only when REAL MEN do not stand up and be counted that women have been put into the leadership role, as in single mothers. Most would not prefer that role. It is tough trying to raise children alone.

It is a sad day in Grand Junction when men choose to shirk their duties as fathers and family heads and go to a Club that promotes Immorality, just the thing to have in our community!

We have nudity on main street, now a porn shop on 24 Road... Of course, just about all the sad pictures of women on the internet that are available for the looking.. What an example to new people coming in here. Just look at LO DO in Denver...There are more "Gentlemen" Club's there and it sure hasn't helped the crime and violence there.....

Please reconsider this. It, of course, will be a \$\$\$\$Money maker for the owners. So of course they want it to be granted.

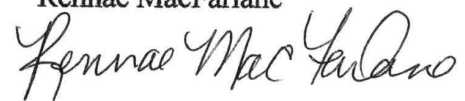
Sincerely,

B. Hines

Dear Planning commission,

Thank you for your recent decision on the gentlemen's club. I do believe you were correct in your decision in the term neighborhood to include the entire city. This kind of business does effect the entire city. There are sexually related crimes that increase and they are not limited to the club itself. Rapes and molestations occur because of the nature of this business. This business is located at the edge of town by an interstate and highway which increases the crime rate as we have seen with Rum Bay. We must look at the facts. Also the intersection of G rd. and the highway is a dangerous intersection without the alcohol factor increasing the chance of an accident. Check with the highway dept. to see if this is true. I hope you will come to the same conclusion that you have in the past. These people would like to pressure you into a bad decision for our city. We cannot afford this. Also the police or sheriffs dept. would have their hands full with the extra calls way out there. Thank you.

Sincerely yours,
Rennae MacFarlane

A handwritten signature in cursive script that reads "Rennae MacFarlane". The signature is written in dark ink and is positioned to the right of the typed name.

Verbatim Minutes

Planning Commission Hearing - November 25, 2008

Bar/Nightclub & Office/Warehouse – Conditional Use Permit

Request approval of a Conditional Use Permit for a bar/nightclub on 2.01 acres in an I-1 (Light Industrial) zone district. Request remanded back to Planning Commission on November 5, 2008 by City Council.

FILE #: CUP-2008-158
PETITIONER: Kevin Eardley
LOCATION: 2256, 2258 Colex Drive
STAFF: Senta Costello, Senior Planner

CHAIRMAN COLE: The first...the first and only item on this tonight is the bar nightclub and office warehouse conditional use permit. It's a request approval of a conditional use permit for a bar nightclub on 2.01 acres in an I-1, light industrial, zone district. This request is remanded back to Planning Commission on November 5th, 2008 by City Council. Lisa, are you going to start?

MS. COX: Well, I'm going to just open with a couple of comments so, good evening, Planning Commission and Mr. Chairman, Lisa Cox, planning manager with the City of Grand Junction. I did just want to clarify for...for the audience viewing at home, for our audience here this evening and for the Planning Commission that the...the item before you this evening is for a request for a conditional use permit for a bar and a nightclub. There's been a lot of press and attention been given to the adult entertainment portion of this application but the item before you and the item that's here to be approved this evening is a conditional use permit for a bar and a nightclub. You need to take the other items into consideration but I just wanted to be very clear that there was a distinction between the adult entertainment and the conditional permit request before you this evening. Jamie Beard, Assistant City Attorney, also has a few words to...to share with you before you begin the presentation this evening.

MS. BEARD: Thank you, Lisa. I'm Jamie Beard, Assistant City Attorney, and again just to help clarify for some of the people here in the audience and also for those who are watching at home there have been many objections that have been presented to the city that were included along with the staff report that was prepared for you that they were objecting to this use particularly being allowed within the City of Grand Junction and the use is focused more on the adult entertainment portion of the use that's part of this application and I wanted to just make clear that that use is allowed within the City of Grand Junction.

Our zoning and development code does allow it and the zoning and development code was adopted and approved in such a manner because of the decisions that had been made by the Supreme Court of the United States and those decisions were based on the fact that the justices had determined that this type of entertainment is considered expressive conduct and since it is considered expressive conduct they consider it to be basically covered under the Free Speech requirements of our First Amendment. And so though we may be allowed to make some restrictions where it's concerned, we can't not allow it all together and some of those restrictions that we have to consider are the time, manner and place and our zoning and development code has taken those into consideration already in saying that adult entertainment is allowed in either the C-1, the C-2, the I-1 or the I-2 zone districts. And the site that we're dealing with here this evening you'll be informed is actually in the I-1 zone district.

The other restrictions that you can take into consideration are whether or not this site is within at least a thousand feet of another adult entertainment site that's been approved or within a thousand feet of a church, a school, a playground, a park or a residentially zoned property. That's the information that you're going to get to consider in regards to the adult entertainment.

The reason that this is here before you tonight is because it's also included with a bar nightclub application. If this was just the adult entertainment request then you would not even have it come before you this evening. It would have been approved administratively by staff. But it's because of the bar nightclub matter that it's here before you and then you have to look at the criteria that is included for a conditional use permit. And one of the major differences with that conditional use permit that you're going to be considering it is to be sure that this particular use on this site is compatible with the adjoining properties that are around it. Do you have any other questions?

CHAIRMAN COLE: Any questions of the City Attorney?

MS. BEARD: Okay, thank you.

CHAIRMAN COLE: Okay, before we get into it I have a couple remarks I would like to...to make. This item...item was heard on August 12th. It was a split decision to deny the application and the applicant, as is their right, appealed to City Council for a rehearing. City Council - they are the policy makers of the city - and they make...make the rules for us to follow. They remanded this back to the Planning Commission with instructions and let me just read those instructions – the Planning Commission interpretation of neighborhood in relation to this request was too broad. City Council gave direction to the Planning Commission to rehear the request keeping in mind the definition of neighborhood as defined by the zoning and development code. The C-U-P requirement is...and item 2, the C-U-P requirement is triggered by the fact that the applicant seeks to construct and operate a bar nightclub in an I-1 zone rather than by the type or types of entertainment offered at the establishment. So we have those...those guidelines.

We have received a number of letters concerning this item. The Planning Commission has copies of those letters both from the hearing in August as well as the

hearing tonight and we have read those letters. In addition to that we have verbatim copies of the minutes from that hearing as it went before and so that also has been read by Planning Commission members and these are already a part of the record.

Therefore, if you have sent a letter it's not necessary that you read that letter to us. All of us up here are able to read so we have read those letters and would appreciate if you not do that and it is already in the record as I've already said.

So with that I would open it for...for the staff to make the presentation concerning this and he may repeat some of the things that I've said which is just fine because we all know that repetition helps in learning and understanding these things.

MR. MOBERG: Thank you, Mr. Chairman, members of the Planning Commission, Greg Moberg, Planning Services Supervisor for the Public Works and Planning Department. Again the request that is before you tonight is a conditional use permit for a bar and nightclub in an I-1, a light industrial zone. The property is located on...at the intersection of G Road and Colex Drive. The surrounding land use on the property is vacant to the north and to the west; we have a residence that is zoned I-1 located to the east and then we do have a car lot sales lot to the south. The future land use map on the property designates the site as commercial industrial and the existing zoning on the property is I-1. Again there is I-1 to the north, the west and the east and C-2 to the south.

On August 12th, 2008, there was a public hearing that was held by Planning Commission to review this. The Planning Commission did deny the conditional use permit. On August 22nd there was an appeal of that decision to City Council and that appeal was remanded back to Planning Commission for the reasons that the Chair has pointed out. I'd like to go through section 2.2.D.4 which is the criteria to approve a conditional use permit for a bar and nightclub. The proposal does conform with the

growth plan as identified in the staff report. There are no other conditions on the site that this approval would or this request would affect the approval of those conditions. The code requirements for the zone district...the bulk standards, dimensional standards, parking, landscaping and buffering...landscape buffering have all been met or exceeded. The I-1 zone district...the standards for the chapter 3 have all been met and those are the dimensional standards.

I would also like to point out that and this is where the use does come into a certain degree. We are required to look at the use specific standards in chapter 4 and I would point out that staff has reviewed those standards for adult entertainment. The specific standards for the adult entertainment is basically they have to be a thousand foot buffer from any other adult entertainment, any church, any school, park, playground, public building or residentially zoned property and staff has reviewed that and this...this request does meet all those standards.

There are other standards that are located within chapter 4 that have to do with conduct and things that are happening within the building and the applicant will have to follow those as they go through or as they're using the site. And this...the slide that's before you shows that thousand foot buffer that we did look at and there are no facilities that would disallow that type of use within or on this property.

I'd also like to point out that the eastern property line has a 10 to 15 foot landscape strip adjacent to the parking area which includes shrubs ranging in the height of 3 to 6 feet in height to help maintain the privacy of the neighboring properties. That's one of the requirements under section 2.2. The police department has reviewed this plan and has suggested modifications in the design to reduce secondary effects and the applicant has incorporated those requests into their design. I would also like to point out that the proposed...proposed bar site...well let me back up just a hair.

One of the things that did occur in your last meeting was a concern about the...the car lot...the use or the sales car lot to the south of the property. We took a look at that to make sure that we had enough buffering that it did meet the requirements to try and take care of any problems that would occur on that site. And the proposed site is approximately 90 feet from this Western Slope property separated by G Road which is classified as a minor arterial. The subdivision...the previous subdivision that was approved and developed for this property provided a 6 foot wood privacy fence and a 14 foot landscape tract along that southern property line and which this also serves with that buffering from the C-2 property. We'd also like to point out that the Western Slope side property to the south also has a 6 foot high chain link fence on the perimeter with 3 strands of barbed wire on top.

In conclusion I would like to make the statement that after review of the bar and nightclub application for a conditional use permit the request does meet or is consistent with the growth plan, the review criteria of section 2...of section 2, the parking, excuse me, also that the parking must be provided. There is one condition and that's why you'll see the site plan that shows the property to the north and the property to the south. There is one condition that we are requiring there is a shared parking agreement between the two so that both uses...uses can use this parking that's in between both sites so that is a condition of our recommendation. With that I would recommend that Planning Commission approve the requested conditional use permit with the findings, facts and conditions that are listed in your staff report. If you have any questions, I'd be more than happy to answer them at this time.

CHAIRMAN COLE: Questions of staff?

COMMISSIONER CARLOW: What changes did the police department recommend on this?

MR. MOBERG: The changes had to do with the material that were...that was being planted. They had to do with a little more lower line so that if a police car drove by they could see through...

COMMISSIONER CARLOW: ...a visual.

MR. MOBERG: ...and doesn't create a...

COMMISSIONER CARLOW: ...visual.

MR. MOBERG: ...buffer. Exactly.

CHAIRMAN COLE: Further questions?

COMMISSIONER ESLAMI: Greg, is that...are they going to...

CHAIRMAN COLE: Would you speak into the mic.

COMMISSIONER ESLAMI: Are they going to build the nightclub first or the warehouse first?

MR. MOBERG: My understanding is they're going to build the nightclub first.

COMMISSIONER ESLAMI: So they would provide a fence to that property?

MR. MOBERG: There is already a fence located along the south end.

COMMISSIONER ESLAMI: No, on the north side.

MR. MOBERG: There...oh, you mean up here?

COMMISSIONER ESLAMI: No, down.

MR. MOBERG: In the middle?

COMMISSIONER ESLAMI: In between the two properties.

MR. MOBERG: There is no fence requirement between the two properties.

COMMISSIONER ESLAMI: But if they do not (inaudible) that and put fence around it. But there's a fence around the other one?

MR. MOBERG: Yeah. The property to the south that I was discussing, the Western Slope property, is actually located south of G...

COMMISSIONER ESLAMI: I'm talking about the north, the north.

MR. MOBERG: Down here?

COMMISSIONER ESLAMI: North. The second property which they're going to do the warehouses.

MR. MOBERG: There is no fencing requirement between those two properties.

COMMISSIONER ESLAMI: Well, as a security...

MR. MOBERG: Up here?

COMMISSIONER ESLAMI: Right.

MR. MOBERG: There is...that it would be the same thing. There would be no fence requirement between because it's another industrial property to the north.

COMMISSIONER ESLAMI: I see. Okay.

MR. MOBERG: Does that answer your question?

COMMISSIONER ESLAMI: Well, I'm concerned about the security. People they drive through or come and go from that site.

MR. MOBERG: From the site to the north down...

COMMISSIONER ESLAMI: Right.

MR. MOBERG: This way?

COMMISSIONER ESLAMI: Right. So is there going to be a privacy, I mean a fence to provide that?

MR. MOBERG: There's no requirement for that. You can certainly suggest that to the applicant.

COMMISSIONER ESLAMI: Right.

MR. MOBERG: When you take it forward.

COMMISSIONER WALL: I think the residential property to the east that's zoned industrial, would that...would we consider that to be grandfathered in since it's residential now or do we not even look at it that way?

MR. MOBERG: The residential use is a non-conforming...a legal non-conforming use of that property, therefore, yes, it is grandfathered in.

COMMISSIONER WALL: As a residential use?

MR. MOBERG: As a residential use. And they would have to meet...for them to expand or do anything different on that property as a residential use, they would have to meet the requirements of section 4 within our code.

COMMISSIONER WALL: So if it's grandfathered in as residential, would I not look at that as being within the thousand feet or do I just look at the whole zoning as a whole?

MR. MOBERG: The code is specific to zone...to residentially zoned property not residentially used property and so the thousand feet would be to those properties that are zoned residential and not used.

CHAIRMAN COLE: Do you know, Greg, are those residences occupied?

MR. MOBERG: It is. It's only one single family residence and it's located right here and, yes, it is occupied.

CHAIRMAN COLE: Any further questions? Hearing none, is the applicant present? Would you like to step forward and add anything to this report?

MR. ROWLANDS: Good evening, fellow Commissioners. My name is Rob Rowlands. I'm with Design Specialists, Architects and Planners, 917 Main Street, here in Grand Junction. I represent the owner, Mr. Eardley. I really don't have anything to add. I'm here to answer any questions you might have about this property. The city

staff has really covered all the bases as well as Jamie has too. So I'm just here to answer any questions you might want to know about the design of anything.

CHAIRMAN COLE: Are there questions of the applicant?

COMMISSIONER ESLAMI: Is...how about the food? Is it going to be a full menu or just microwave?

MR. ROWLANDS: Presently we are planning to have some food, yes.

COMMISSIONER ESLAMI: But what kind of food? Is that microwave food or full menu? Because that's important...

CHAIRMAN COLE: That's...that's not part of this hearing.

COMMISSIONER ESLAMI: Oh, I see.

MR. ROWLANDS: Okay.

CHAIRMAN COLE: Any further questions of the applicant? Okay, thank you, sir. We will now open the hearing to the public. We would like first to hear of those that are in favor of this application. This is a full hearing even though we have heard it once. It has been remanded back to us as a full hearing. I might just state that there are some factors that you may take into consideration. We do have new members on the Commission that did not hear this item before and as I've already stated they have read the verbatim minutes from the last hearing and so they're able to participate tonight with...with this and, however, even if they had not have, this is considered a...a new hearing so we will hear testimony tonight and again I would ask that you keep your...your remarks under 3 minutes if you possibly can.

So first we'll open it to those who are in favor of this application. Seeing none, we will move to those who are opposed to this application. Yes, sir, back in the back, back in the back, you, sir. And I would ask that when you speak there is a sign up sheet

on the table in the back and would ask that you sign up...sign on that sheet or is it up here?

MS. BEARD: There's one up front, both.

CHAIRMAN COLE: There's one both here and in the back. So if you'd sign that we'd appreciate it. Yes, sir.

MR. McFARLANE: I already did, sir. My name is Mike McFarlane and my address is 2808 Bookcliff, Grand Junction, Colorado. The first thing that I want to speak to is they...they mentioned something in the very beginning about the constitutionality of this issue. Judge Scalia rendered a judgment in the case of City of Erie versus Pabst AM and said this, the traditional power of government to foster good morals and the acceptability of the traditional judgment that nude public dancing is itself immoral have not been repealed by the First Amendment. There have also been at least two other cases – United States versus O'Brien, Barnes versus Glen Theater that have supported local municipalities as they have not allowed these types of...of businesses to open. Now there are also other Supreme Court cases where they were allowed to open and they found it in favor of the business and that tells us that we've got a situation where...free speech is allowed. For example, though if you'd walk into a theater and yell fire, that's not a covered constitutional right, okay? And so we're...we're looking here that the case is that the free speech is going to be decided by the conditions of the particular case rather than the fact that there's just a blanket statement that can be made that...that this is free speech and it has to therefore be allowed.

In the code, number 4.1, says this - it says that rule number 1 says to establish and promote neighborhoods with integrity and character and that is neighborhoods plural not just a single neighborhood limiting it to a close proximity but it says neighborhoods plural. It...where do we draw the line of a neighborhood is the question.

It says to establish integrity and *Webster* defines integrity as an adherence to a moral code of values or incorruptibility. Now it's hard to believe that a business is an incorruptible type of business when they serve alcohol or have the dancing either one. I don't think that that lines up with the...with the...the conditions there. It says in rule number 3 that there should be an appropriate level of flexibility for the use of a non-residential property while maintaining...maintaining compatibility.

Now commercial land is in somewhat short supply around here so I'm wondering about the wisdom is whether it makes sense to open a bar in a place where bars could open in other places as a non-conforming use and using up some of our commercial land that...that we can use and...and possibly have a better fit for this area. Okay, could another type of business be a better fit and a more reasonable use of the land? See if we open this up it also opens up to other businesses of this type which would then possibly keep other type businesses from wanting to or even desiring to come into here. So is this type of business really compatible when there's family type retail businesses like the Ford dealer right across the street, okay?

And the application now, as far as separating the two issues, the application was not just for a bar but it was for actually both and I believe by the app itself then ties the two together. It's one business not two so the whole business is...is on the table as far as I can see that...that when they had to...when they added the liquor to it, it brought the whole issue before this...this...this Commission here and therefore ties them all together as one thing to be addressed.

The...the fact that adult entertainment is before the commission is a statement of their connectivity as far as I can see. Goal number 1 in the land use goals contained in the city code says that the purpose must be to achieve a balance of integrity of community neighborhoods. *Webster* defines integrity as an unimpaired condition and

are our neighborhoods truly unimpaired when the city says that the intersection directly out of here is a dangerous one and...and the one right up from it is a deadly one, now if we add liquor to the mix of this...this traffic issue, is that a compatible use for this land? Does it make sense to put a bar in a place where we already have traffic issues that the city has identified and who's going to pay for the upgrading of those...those intersections and if we do upgrade those intersections does that then guarantee that somebody is not going to be hurt in these intersections or even killed because of the drinking?

Goal 11 states...it says it's to promote stable neighborhoods and land use compatibility throughout the community; 4.B.1 says that the City Council finds that the concentration...it says that the concentration of adult entertainment establishments in cities tends to result in the belittling and deterioration of neighborhoods is belittling and deterioration promoting stability of neighborhoods. See I don't think that these things...these things line up. I think there's an incompatibility issue here. How does compatibility throughout the community fall into place when it's not compatible with the very...

CHAIRMAN COLE: Excuse me, sir.

MR. McFARLANE: ...with the very zoning laws.

CHAIRMAN COLE: Would you wind down, please?

MR. McFARLANE: Sure. I'm uptight because I'm a little nervous so I'm sorry. Compatibility means things live in harmony together, okay and I don't think that these things can be in harmony together. In...in code 4.B.3 it says the purpose of this section is to establish zoning locations for these type of establishments which a) are not a nuisance. Now increased crime in my opinion is a nuisance. Traffic issues are a nuisance. Crime always increases around bars. I believe that will be a nuisance. I

believe it will be a nuisance to our police department because that's an area that's not highly patrolled because it's a low activity area now so it's going to be a nuisance to the city to have to increase patrols in this area and...and that increased patrol is going to cost the people of the city something which I believe is also a nuisance. And...and they're going to have to, unless they have some kind of a funding increase, pull patrols from other areas where they've already prior to this deemed it necessary to patrol and yet they're going to have to pull those things out. This area is in close proximity to...

CHAIRMAN COLE: Sir, I'm going to ask you to cut it off. We have your point. You've...you've went five minutes so...

MR. McFARLANE: I'm sorry. I didn't realize that. Thank you.

CHAIRMAN COLE: Someone else. Yes, ma'am.

MS. GOMEZ: Hi, everybody. My name is...

CHAIRMAN COLE: You can pull that mic down.

MS. GOMEZ: Oh, okay. My name is Susana Gomez. I live on 1171 Santa Clara up in Orchard Mesa. I basically want to say the same thing but just where I can understand. When it comes to the First Amendment I do agree it doesn't fit because it pertains to religion and other things. And when you continue to read it it says to assemble but peaceably so I don't think with alcohol and all this type that it's gonna happen. Crimes are, you know, well it says in the statistics that it will happen so that's why I go with. And as far as the neighborhood this is a business so it doesn't just affect that area. It affects the neighborhood which are businesses; it pertains to the region, Junction, Orchard Mesa, Clifton, Fruita, like people come from everywhere to go to Wal-Mart which is convenient and stuff like that. And I just want to say I'm not for it. Thank you.

CHAIRMAN COLE: Thank you. Yes, sir, in the leather jacket.

MR. ALCORTA: Hi, my name is Marty Alcorta. I live at 144 Helen Court. I want to address the alcohol issue. Being a person that used to frequent those kind of places, people go into those kind of places and they just don't have a shot and a peep and leave. They sit there, they slam beers down, they get drunk, they get out on the highway and we don't need to put our citizens and our police department, sheriff department in that kind of a harm's way. With the violence in this world as it is now, you got guys going into places like that carrying guns and it's just not safe. You know, they get out on the street, they're drunk, it's not safe. And I just don't like the idea of the alcohol issue. I mean they come from that neighborhood drunk, into my neighborhood which is 12 miles away and it still affecting my neighborhood. Thank you.

CHAIRMAN COLE: Thank you. Someone else. Yes, sir.

MR. DEAL: My name is Robert Deal. I live at 1313 North 18th Street. I'd like to address real briefly three points. The first is the adult entertainment. I have observed places like this throughout the United States and Europe and Asia and never seen any that did not involve excessive alcohol and drug use, prostitution, violence. These women have...I'm also a counselor. I've been a counselor in Grand Junction for 20 years. I've counseled a lot of these women who have self-esteem issues. The women are taught to present themselves as sexual objects. Men learn to view them as sexual objects. I don't think that's healthy or beneficial for any of them. It's a lure for easy money and I hesitate to see young...young women of Grand Junction lured into this so called business by easy money.

The second point, some of you may remember a club out in the west part of the county years ago and I know personally of 3 people killed coming back from that club. There were many traffic accidents, DUI's and so on. These people out in that area are

not gonna call a cab. They're gonna attempt to drive back on a major highway that has tourists and families traveling on it.

The third point involves the use of neighborhood. If this was a neighborhood bar where people were coming for two or three blocks around that would be one thing. These people are coming from throughout Grand Junction and as far as I'm concerned that is the neighborhood this involves is Grand Junction in which I live. If the term neighborhood does not fit there even so since when do we not stand up for what we believe is right and decent for our community. Somebody made the point a...a few minutes ago, when...when do we...when did we begin to let fear of what others believe stand in the way of our standing up for what is moral and right in our community? Thank you.

CHAIRMAN COLE: Thank you. Someone else. Yes, sir, in the red shirt...purple shirt, whatever it is.

MR. STRASSER: Good evening. My name is Michael Strasser. I live at 485 31-1/4 Road. I'm too nervous so I wrote everything down and I'm just gonna read it from verbatim. Okay. The proposed gentlemen's club is gonna be built in an industrial zoned area. I understand that. Based on this fact, how can a gentlemen's club, a club that will promote sex and alcohol even be considered for this area? The businesses in the proposed area do not support this gentlemen's club in the area. The businesses do not want their neighborhood to deteriorate as was the case when...when Cheers was in business in downtown Grand Junction. While Cheers...Cheers was in business there were 711 phone calls to police over a 45-month period. This is 4 calls a week to police. Can our jail handle the possible increase by allowing the gentlemen's clubs to be built? If police receive the same amount of calls, how many more police officers will have to be hired for the increased number of police patrolling in the area?

The current surrounding businesses of the nightclub might even have to pay higher property insurance rates due to a possible increase in vandalism to their businesses. Western Slope Ford has been an outstanding business to our community for over 20 years. Are you going to ask them to pay a higher premium to remain in business just because of the gentlemen's club? How many current businesses will close because of this club that are in the surrounding area?

The intersection of G Road and I-70 Business Loop will see an increase in traffic. The intersection has seen multiple number of accidents over the past years with no signal at this intersection. I work at AmeriGas Propane and that intersection is right across my highway. I see accidents there weekly. There always an accident there - maybe not weekly but at least monthly. With an increase in traffic at this intersection by allowing this club to be built who will pay for the signal that will have to be constructed due to the added amount of traffic? How many more deaths will be caused from the patrons leaving this club intoxicated into our community? How many more DUI checkpoints will have to be added to I-70 and the I-70 Business Loop, increasing the burden of the Colorado State Patrol, which is already spread very thin? Thank you.

CHAIRMAN COLE: Thank you. Someone else. Ma'am, I think you...you were next.

MS. FINDLAY: My name is Sarah Findlay. My address is 202 North Avenue, number 195. I just want to say that I came from the dancing industry and I started stripping here in Grand Junction at Cheers. I was in the industry for 10 years and all the clubs that I've worked in which have been a number of clubs there's always been drugs, prostitution, crime – even in places where they were top of the line clubs and I know they're gonna try to make this club a gentlemen's club where it's top of the

line. They're gonna try to make it look nice. The same things are going to be going on in the club that they try to make look fancy.

Also I want to say that I've been out active in the community. I had two petitions signed. I don't know if you guys received those or not. One was from students...I'm a student at Mesa State...stating that they did not...they were strongly against having a strip club in our community. And another one was from residents of Mesa County. I got hundreds of signatures. The community has spoken. We don't want it here. That's all I have to say.

CHAIRMAN COLE: Thank you. Someone else. Yes, ma'am.

MS. HUDON-DEAL: Hi. My name is Milana Hudon-Deal and I live at 1313 North 18th Street. And I'm going to read this because I get very nervous.

CHAIRMAN COLE: Could you speak up just a little bit, please?

MS. HUDON-DEAL: I will try. As a former dancer in Alaska during the 70's I saw the boom of the oil fields, the Vietnam War and the money that seemed to flow from them. One or two clubs started but as the pipeline work increased so did the number of clubs. Outside the city limits the clubs were even more wild and disorderly. Fights were frequent, shootings were not uncommon. Even at times the dancers were being maimed or killed by gunfire. Drugs, violence and prostitution were a part of the lifestyle. It became a reoccurring nightmare never knowing what would happen next.

The dancers were encouraged to drink with the customers, fraternize and flirt and it was good money – building a false self-esteem which led to drug use and prostitution. Men paid attention to them not for who they were but for what they saw and wanted – sex and sexual fantasy – both for the dancers and...and the men. The life of a dancer becomes shallow. Only in the nightlife is she comfortable. She becomes dependent on

men to build her self-esteem. Not only may she become addicted to the alcohol and the drugs, she becomes male dependent.

As an alcohol and drug counselor, I have counseled many women and men who have started and supported their drug habit through dancing and many have moved to prostitution. I would be very disappointed to think young women would be lured into this lifestyle because of the readily available money involved.

By allowing a gentlemen's club, strip club to be established in our community we are opening the doors to drug and alcohol addiction, prostitution, violence, DUI's and other criminal behaviors. And using tax dollars for law enforcement to maintain peace and order which means we are paying to have law enforcement monitor activities without this right to say no to this club.

As in the 70s as far as violence I want to say I worked at a club and 8 women were shot because one woman said no to a man that asked him...her to marry him. I've seen a lot...a lot of violence. I just cannot...I don't want this in my community. We all have pasts. I'm not ashamed of my past. But I don't want to see another woman victimized in this way. Thank you.

CHAIRMAN COLE: Thank you. Someone else. Yes, sir, Mr. Pitts.

MR. PITTS: I'm Bill Pitts. I live at 2626 H Road in Grand Junction. I first off want to mention that you guys look just about as well from back here as I used to look at you from up there. You all look good tonight. But I'm here to oppose...

CHAIRMAN COLE: Flattery will get you nowhere.

MR. PITTS: ...the proposition that's before you on...on...on several accounts. One is that it's your job to determine whether it's fitting for a community to approve a proposition before you not to decide whether it's within the zoning codes, the growth plan or...or the...it's up to the planning department. Our planning department

does a tremendous job on sifting through reams and reams and reams of paper and volumes and...and...and texts to determine whether a project meets the code or is within the growth plan. And that's not your job.

Your job is to listen to the public to see whether that proposal fits our neighborhood. Neighborhood in my dictionary is defined as compatibility with a region...a region the people who live in such a region, any region or area or vicinity. And as mentioned by the city attorney at the City Council meeting a neighborhood can even be the entire community. And so that's...that's up to this body to determine what's a neighborhood and the neighborhood where this situation or this proposal is located is not...is not applicable. It's not compatible. It's an industrial area. It's a light industrial. It's a warehouse area. That's not indicative of a...of a bar and a nightclub. So that's...I would...I would submit that in using the old Ben...Ben Franklin tally chart, if you just add up the ginnners and the forers, it's pretty easy. I didn't hear anybody who was in favor of that and so far I've heard 11 people that's in opposition to what this proposal is. And I thank you very much.

CHAIRMAN COLE: Thank you. Someone else. Yes, ma'am.

MS. STRASSER. Good evening. My name is Kerrie Strasser and I live on 485 31-1/4 Road. This establishment promotes neighborhoods, please notice the neighborhoods is plural with integrity and character. This is in the current zoning code that we can be found on the City of Grand Junction's website. Based on this fact if the city of Grand Junction allowed a gentlemen's club to be built, how can the word integrity be used in the same sentence with a gentlemen's club? Gentlemen's clubs throughout our country degrade women. When we use the word integrity we speak of a firm adherence to a code of standard of values. Is the City of Grand Junction going to lower our community standards by allowing this gentlemen's club to be built? Remember

gentlemen's clubs do not promote integrity. They promote degrading of women. A business like this will affect the integrity of the City of Grand Junction in lowering our community's standards. Thank you for your time.

CHAIRMAN COLE: Thank you. Someone else. Yes, sir.

MR. JACOB: Good evening. My name is Mike Jacob and I live at 2180 Standing Rock Drive and I had just a...a story and just a different definition of neighborhood from *Webster's* - a particular community, district or area. So that encompasses the entire city. And the story I would relate is we used to have to go to Las Vegas for conventions and when I would go to the convention hall by myself and we'd come out of the convention hall for a break at the end of a day, we always had strippers and hookers passing out cards to any man or group of men that did not have a woman present with them. And I don't think we need that kind of behavior and activity going down here at Two Rivers for any convention that we might have or any hotel out on Horizon Drive or even any hotel out on North Avenue. And, of course, those areas are outside the greater Grand Junction area – our neighborhood.

I remember walking down the strip with my daughters, just kids - 3 years old, 5 years old - and we'd come up to the bus stops and they'd have these big fancy posters with the girls of glitter – glitter gulch - and my daughters were just thrilled with these sequins and these pretty women in these posters. And I don't think that we want that kind of activity in the bus stops in Grand Junction. If you allow these things to come in, it's going to affect the greater community. These posters will show up at all of our bus stops and they could very well show up at our convention halls and hotels and I don't think that's the impression we want to give where people will come in this town for conventions. Thank you very much.

CHAIRMAN COLE: Thank you. Someone else. Yes, sir, in the back.

MR. SMITH: My name is Dave Smith. I live at 541 29-1/2 Road. And I would just like to ask the commission to...to consider a couple of things and that is first the...the traffic situation in that area that is not designed for a mass amounts of civilian or...or commercial traffic like that is very much an industrial area. Those intersections are not meant for heavy loads of daily traffic like that and that intersection right there is already a very dangerous intersection and the placement of this establishment being such as it is allows for those who would commit criminal activity easy access to I-70 and a quick exit out of town which is going to allow them to commit their crimes and leave before our police force has a chance to respond. When we have a police force that is already stretched as thin as it is I would ask that you take into consideration the fact that it would not be beneficial either to the city or any of its residents or the police force to ask them to take on the extra...the extra patrol routes, the extra ambulance activity from the fire department and such to...to patrol an area that is already a low activity area that they don't currently have to assign a lot of manpower to.

Secondly, that is also not an area where there's a lot of businesses open at night and so cabs don't tend to frequent that area and as such most people are going to be in the habit of driving home afterwards rather than...than providing the safe...safe alternatives that...that we would all ask them to.

The other things that I would ask you to consider is that with the lack of...of commercial zoning that we have in this area, use it the wisest course of action to assign this lot to a bar nightclub that can be put in other areas and in other zoning commercial...other zoning districts that don't impede the...the business and the commercial zoning that is currently there. I...I look at the...the commercial zoning as it is currently and I look at it kind of from a standpoint of instant replay in football. If it was there as one thing then it should be incontrovertible evidence to overturn it. In other

words if it was deemed to be commercial by previous commissions and previous councils and that's been held up thus far, why would we change it now especially while we are experiencing the growth that we are. It's not like we're in a...in a downturn or anything like that. You know within Grand Junction expanding the way it is, why would we overturn it now? Why would we change that now and allow this use now when every other commission and council has upheld its use as commercial.

And finally the last thing that I would ask you to consider is that every time one of these...these types of establishments come into town it affects the reputation of Grand Junction just as it's affected every other town that's ever allowed one of these in and I would ask you guys to take into consideration I don't want the town that I live in and the town that I have to do business in having the reputation that comes along with these establishments. Thank you for your consideration.

CHAIRMAN COLE: Thank you. Anyone else? Yes, ma'am.

MS. McFARLANE: My name is Rennae McFarlane. My address is 2808 Bookcliff Avenue. Mainly I know we're not supposed to talk about the adult side of it but I just wanted to remind everyone about Paige Birgfeld. Running an escort service I know is a little different but she turned up dead because of the type of business and then Abby and Jennifer Blagg who we still haven't found the young girl but her dad was into pornography. They found it on the computer and this type of sexual misconduct always promotes violence. You see in the bigger cities the mafia and the things like that are always involved somehow in the strip clubs and those type of businesses. And also I wanted to just say there is the Westgate Inn right close by there and the Holiday Inn Express which are at this point very good businesses.

Westgate Inn has a very high dollar restaurant and it's a very nice motel and then also the Holiday Inn Express is a family type hotel that people when they're traveling

trust to go to but they are in a little bit darker area but with this type of business...I know when I'm traveling if we're staying in a hotel we've stayed a couple of times and didn't realize but there was a strip club close by. The type of things that go on in the rooms next to you...I don't even want to mention it, it's vulgar. But families can't sleep, they're traveling and this type of stuff, partying and the things they do in there that innocent families have to listen to. And people travel through Grand Junction. That's the first stop is the Westgate Inn or the Holiday Inn Express and I don't think we should put families and their children in, you know, this type of place where they can't be safe at night.

Also I had bartended years ago, I don't do that anymore, but the bar that I bartended we didn't have strippers but it was a biker bar and it...it drew this type of establishment will draw that type of people there I can guarantee it. And they all carried guns, knives and there was always a violent fight. One time I was robbed. Some guy robbed me by knifepoint. Things like that happen and I just...I'm more worried about the violence to these women. You know these men do follow them home and rape them and some of the men that go there get in a frenzy and break into neighborhood homes, you know, their neighbors, some girl out late at night. So it will affect our entire city and I hope you all consider that. Thank you.

CHAIRMAN COLE: Thank you. Someone else. Yes, ma'am.

MS. STRASSER: My name is Amber Strasser. I live at 485 31-1/4 Road and I attend Central High School. I believe the developers of this club chose this area due to the close proximity of the Acorn gas station and truck stop. We know that the club will be open after normal business hours but semi drivers drive their trucks all day and all night. With this club being approximately one mile away from the truck stop, how many of these drivers will visit this club and then leave possibly intoxicated getting

in their trucks and driving east or west on I-70 and cause a dangerous accident.

Perhaps these drivers will not get in their trucks but will be looking for women for sex because they have been sexually aroused from the women inside the club exposing and touching their breasts. We know that most truckers live in their trucks with little or no home life. They visit these kinds of establishments to get aroused. They stop to fill their trucks with gas and currently move on. If these truckers visit this club the chances that something bad will very much increase. Thank you.

CHAIRMAN COLE: Thank you. Someone else. Okay. Yes, sir.

MR. CHAVANCEK: Good evening. My name is Larry Chavancek. I live at 2929 Whitney Lane. In sitting and listening I cannot help but have some questions and to reiterate questions in relation to most appropriate use of land. We live in an area that land is not easily created and manufactured. And industrial land to diversify the potential long term growth of this community is very important and each of you know that and understand that very well. I do not believe that such a use as this applicant is appropriate use for that land and there is much better and more appropriate uses that can be and will be necessary in the future.

I remember being at the meeting like this one that you referred to earlier and hearing questions of the commissioners yourself in relation to the staff and the legal counsel of the city. Questions like if one of these was placed in this position could another one be right next door and, of course, the response was no. It would have to be at least a thousand feet away. But another question came from the same commissioner asking, but would it be appropriate for other institutions, namely bars, to be in the area and the response as I remember and planning and city would have to correct me if I'm wrong was that oh, yes, it would be very possible that there could be the potential of half a dozen in fact the terms 8 and nine were actually voiced in that

area. I'm not quite sure...in fact I am sure I know that that's not what this city wants for that area of the city to become an area whereby that such institutions would grow and foster for indeed they would feed off of this institution.

I moved here 14 months ago from a much larger city community and worked just 4 blocks from an institution that claimed to be the same as this applicant wants to build. I watched in the 11 years that I lived there the area around that community decay. The businesses that were there that were reputable moved away because it had a negative impact upon them and I think it's interesting that we as a city, you as commissioners and elected officials have heard of comments and letters from companies that are in that vicinity that are not pleased about this use and its potential impact upon them and I would dare say that the impact will be ongoing and that area of the city will not be a growing industrial park that will enable the long-term financial viability of this city but will indeed tend to pull down that area and, therefore, be an economic drain instead of an economic benefit. I appreciate your time.

CHAIRMAN COLE: Thank you. Someone else. Seeing none, would the applicant like to respond to anything that has been said this evening?

MR. ROWLANDS: Thank you, Mr. Chairman. I sympathize with all the people here and I really understand their concerns but being a representative of my client I have to say the city zoning and development codes recognized they had to have a place for this type of business and they made the requirements very specific that have to be met and this project was located here because it met all these requirements. And city staff recognizes the fact that it meets all the requirements.

We're here for a conditional use permit for the bar and nightclub portion of this. If you see on your consent agenda, you approved two conditional use permits for a bar and type deals and even the conditional use permit has specific requirements that must

be met. And again I have to say we met all those requirements as city staff has identified that we have done this. That's really all I have. Thanks.

CHAIRMAN COLE: Are there any further questions of the applicant?

COMMISSIONER ABBOTT: I have a question. My...my biggest concern is the compatibility with the adjacent land uses. Can you address in your opinion how this fits?

MR. ROWLANDS: It's...it's very difficult alright. The city development code had to identify a type of zoning in which to put this type of establishment, alright, and made the determination that an I-1 zone was an appropriate use or appropriate zoning for this type of use. It keeps you away from the residences, the parks, the schools, the churches and saw from the aerial view that (inaudible). If an industrial zone is not an appropriate use then what zone is an appropriate use? I mean you could...you could apply that to every zone in the city. So the city code recognized that probably the least impact would be in my opinion that an I-1 would probably be the place to put this. Okay?

CHAIRMAN COLE: Any further questions? Okay with that we will close the public hearing and I'm sure the commission probably has some more questions for staff but my first question would be and I'll ask it since it's been brought up again. We were instructed by City Council to rehear the request keeping in mind the definition of neighborhood as defined by the Zoning and Development Code and so I'd like staff to give us that definition if you would.

MR. MOBERG: I'm sorry, Mr. Chairman, if you could repeat that.

CHAIRMAN COLE: Give us the definition of the neighborhood as defined in the Zoning and Development Code. I believe you have it in your staff report but...it's where the City Council...where you've written the City Council's directions.

MR. MOBERG: Neighborhood as defined by the Zoning and Development Code is an area of a community which...with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools or boundaries defined by physical barriers such as major highways, railroads or natural features such as rivers.

CHAIRMAN COLE: Okay, and that is one of the criteria that we have to consider since the City Council has instructed that...and so you might as well stay there a little bit, Greg, because I think there's probably other questions of...of you or perhaps others of the staff.

MR. MOBERG: I would while you're thinking about that the question about surrounding property and...and the compatibility and how this property...that's something obviously staff looked very closely at because that's something that is one of the criteria. The surrounding properties, just for everybody's benefit, are mostly vacant at this time. We do have an industrial use at this point and as pointed out before we also have that...that non...legal non-conforming residential use to the east. We also have the...the auto dealership to the south.

As we discussed with the landscape plan, excuse me, there is existing landscaping and a six foot fence that's located along this south property line. There's also a fence that's located to...from the south property line up to this point and so that would deter anybody from being able to go across to that property to the east. The applicant has also placed in landscaping. Back to Commissioner Carlow's question about the police review, one of the things that they were also looking at was making sure that not only were the material...plant materials planted that they could see through but also plant materials in areas that would prohibit people from going through

and using plant materials that have barbs, those kind of things that would reduce the ability for people to go back and forth in this area. If that helps any.

CHAIRMAN COLE: Are there further questions?

COMMISSIONER WALL: I've got some questions. Call me stubborn but we're going to go back to the house. Because that's what's really bothering me the most is the house. As I understand it if they want to do anything to that house they would have to conform to the code. So if they expanded or did anything they'd have to conform to the code.

MR. MOBERG: They would have to conform to chapter 4, the non-conforming...

COMMISSIONER WALL: Yeah, yeah. Do they have the ability to sell the home as a residence and not...even though nothing was done to it?

MR. MOBERG: Yes.

COMMISSIONER WALL: And so anybody could go live in that house?

MR. MOBERG: Um, hmm.

COMMISSIONER WALL: So with that in mind, understanding that there is the zoning of the whole area of industrial which I completely understand that, I'm having a difficult time, and maybe you can help me with this, not thinking about the residents that would live within that zone. So there's the opportunity...there could be...I don't know who lives there. There could be a retired couple who lived there now. There could be a new family that moves in there later with kids. So that piece, ignoring that piece is...is hard for me to overlook the whole entire area as industrial because there's still that one element to the neighborhood for compatibility. As long as there's that opportunity there, that throws a different dart into the mix that I'm having a hard time getting over.

MR. MOBERG: Um, hmm.

COMMISSIONER WALL: Can you help me figure that one out?

MR. MOBERG: Well, as I've stated earlier the problem that...that we have as staff in looking at this is it's very specific to a thousand foot buffer or separation from any residentially zoned property, not used property.

COMMISSIONER WALL: I understand that but I'm having a hard time just because on paper, black and white, it says residentially zoned. I'm having a hard time ignoring the residents that actually live in that area. I'm having a really difficult time. And that's the piece that I asked about being grandfathered in because businesses get grandfathered in areas. I understand that but I...I think the code is written and...and it's fine but I think...it's...it's...it's too black and white. There's a gray that...that I'm having an issue with.

MR. MOBERG: As you pointed out, one of the things that the city has done is zone that entire area industrial. It is the city's determination that all of these properties including that residence would go to an industrial use. At this time there happens to be a residence on it. My feeling, as just a personal feeling, this were to go up for sale it would go for sale as industrial dirt if you will and would be at a price where you'd more than likely have to develop it as industrial rather than just buy it to...to move in as a residence. However, your comment somebody could buy it, could sit on it, could rent it out. Obviously it is a residence and could be maintained as a residence under chapter 4 indefinitely until something were to occur to the...the structure itself.

COMMISSIONER WALL: Thank you.

COMMISSIONER PAVELKA-ZARKESH: I have a gray area. I mean we...we already...it's already been stated I mean as far as the adult entertainment, it's

allowed there by...in an industrial area. The issue before us is the use of alcohol. What other areas can we have bars? We'll just simplify it – commercial?

MR. MOBERG: Let me look that up for you real quick so I'm not just going off the top of my head but certainly in the C-1 zone, the C-2 zone, the I-1 zone, let's see. I'm just not sure. I'm assuming it's also in the B-2 which would be the downtown.

COMMISSIONER PAVELKA-ZARKESH: Okay.

MR. MOBERG: I just don't know about the B-1 zone, but certainly the B-2, C-1, C-2 and the I-1 zone.

COMMISSIONER PAVELKA-ZARKESH: So in those areas we've, you know, a straight...a bar is allowed in an I-1?

MR. MOBERG: Um, hmm. With a conditional use permit.

COMMISSIONER PAVELKA-ZARKESH: With a conditional use permit. What about C...the commercial zones with a CUP or not?

COMMISSIONER WALL: Actually it's B-1, B-2, C-1, C-2, I-O and I-1 are all bar nightclubs with a C-U-P.

MR. MOBERG: With a conditional use permit.

COMMISSIONER PAVELKA-ZARKESH: All bars are with a conditional use?

MR. MOBERG: And you did review one tonight, Quincy's, which was looking to do an addition.

COMMISSIONER PAVELKA-ZARKESH: Yes. I understand that one. I just wanted to make sure I had my zones, my alphabet soup straight. Thank you.

CHAIRMAN COLE: Further questions?

COMMISSIONER CARLOW: This is probably better aimed at Jamie but when the liquor licensing authority convenes do they address any of these issues other than...or do they just address the character of the applicant or whatever?

MS. BEARD: They will address those issues that are required to be addressed in regards to the state statutes before being able to grant a liquor license. They are not looking specifically when it comes to what the use of the property is.

And if I may, if you can give me the opportunity to address some of what Mr. Wall was asking, some connection needs to be made. If you're looking at the criteria for the adult entertainment, then the specific criteria is that it cannot be residentially zoned property within a thousand feet. If you're looking at the fact that there is a residence next door, then you're looking at the criteria for the C-U-P as for compatibility purposes. So if you're not going to or if you're saying that it shouldn't be allowed to be there, then you have to connect it back to the compatibility and say what is it about the secondary effects on that site that are going to make it incompatible with the residences next door and can those secondary effects then be mitigated with the site so that it's not incompatible.

So don't connect it with the adult entertainment and the fact that our criteria indicates that they have to be at least a thousand feet from residentially zoned property. Connect it back to the actual criteria for the conditional use permit and keep in mind that we do have bars that are next to neighborhoods and or residences. So it's specific to this particular site and what is it about the secondary effects that you believe make it incompatible and if you could then include those on the record so that we have an understanding of the decision.

COMMISSIONER WALL: I'm not sure that I can separate those two now that it's combined into one. I understand exactly what you're saying but when it comes

to the compatibility piece as long as that one is held to such strict restrictions I think that does come into play as far as a residence being there.

MS. BEARD: But the restriction is specific to just residentially zoned property so it's not...

COMMISSIONER WALL: I understand that.

MS. BEARD: It's not that criteria. It goes to the compatibility and then connect it to the secondary effects.

CHAIRMAN COLE: Further questions? Hearing none, we will bring it back to the commission for discussion. Would anyone like to...like to start out and make any statements before we call for the motion?

COMMISSIONER CARLOW: My opinion that it was remanded back to us considering...I...I was convinced we erred when we called our city a neighborhood the last time and I still feel that way. I...I think that's far too broad and...and they also remanded it back to...let's see...where am I...not to...not to consider what the entertainment's going to be but rather the bar nightclub aspect. So I...I would vote in favor of the motion.

CHAIRMAN COLE: Someone else?

COMMISSIONER ESLAMI: Yes. Oh, sorry, sorry. Go ahead.

COMMISSIONER PAVELKA-ZARKESH: (Inaudible).

COMMISSIONER ESLAMI: The only thing that I...I have a concern is the traffic, of course, but the rest of the stuff I don't believe that we have seen all those in the TV, violence, sex, everything that has been presented to the kids with the IPODS, cell phones, computers. So that is not the concern. My concern is mostly the traffic. If they can fix that one, then I'm for it.

CHAIRMAN COLE: Anyone else?

COMMISSIONER PAVELKA-ZARKESH:

Mr. Chairman?

CHAIRMAN COLE: Yes.

COMMISSIONER PAVELKA-ZARKESH:

As...as we look at this by

right adult entertainment is permitted on this site; however, it is the bar nightclub aspect that we're looking at. And if we take a look at having, from a business standpoint, if we start looking at having alcohol in an industrial area, does that foster a good spot for people to be bringing in their businesses? That's a question I keep asking myself and what we're trying to do for the City of Grand Junction and, you know, in the long run with respect to providing jobs and opportunities for our...our residents and I just don't believe having alcohol in this area where we've got businesses and that we're hoping to promote businesses will...will help the situation so I'm just not in favor of this. I don't believe it will be compatible with the uses that we're trying to promote.

CHAIRMAN COLE: Anyone else?

COMMISSIONER WALL: I'd probably agree with my peer as far as the

compatibility piece and the alcohol use. Being an industrial zone, I...I...my vision for that is a little bit different and I don't think having alcohol in the area is going to promote the safety aspects of that neighborhood that we're looking for. Definitely with the residential property next to it, I'm not in favor of compatibility-wise with that piece but as far as the whole neighborhood as a vision, I...I...I just don't see how a bar is going to influence that neighborhood and let it grow into the neighborhood that we...we hope it to be industrially.

CHAIRMAN COLE: Anyone else? Okay, let me just say that the last time

this came before this body, excuse me, the determination was that the entire city was the neighborhood and in fact that was what was reported in the newspaper as being the...the criteria that the commission used. I followed that criteria; however, weighing

more on my mind as I voted against this application was the concerns of the automobile dealer that is across the street. That has since been addressed to my satisfaction that that probably is consistent with what is presented here.

When I look at this now I...and let me just say I thought at the time to establish neighborhoods - neighborhood as being the entire city - that we were on shaky ground to do that probably legally. Council saw that and I think that's one of the reasons that they remanded it back to us. We are required to follow the criteria that...that has been set forth by the ruling body which is the City Council here in this city. And let me just say that we must follow the criteria whether it be a bar nightclub or even if it were a church. We are required to follow the criteria that is set forth in that zone for whatever is applied for and so we need to...to take that into consideration.

We've heard this twice. At least I've heard it twice. Some of you have not been so privileged as to hear it twice. Some have. But at any rate after hearing all of the testimony, and by the way, I...I happen to agree with the type of entertainment that is going on here but we're called on to establish a bar nightclub. The entertainment is not to enter in only as a...a side issue here and, regardless of my personal feelings, I have to say that I believe this item has met the criteria as set forth by those that rule the city. And I think that is what we are called on...to make our decision that whether or not it meets the criteria for a bar nightclub in this zone and in my opinion it has been established that it does. Although I know that this goes against the grain for probably nearly everyone here tonight and...but, including myself.

However, I'm called on to decide on the basis of the law here and so I would have to find in favor of...of this application. Let me also say that there will be other...another...at least one more opportunity and that is when they come to apply for a liquor license for you to voice your...your concerns at that time in...in regards to them

getting a liquor license. So this...this is just one step in the process of getting this...this type of business established here and I would ask our legal representative if she would have any more comments concerning this.

MS. BEARD: Not unless there are specifically any questions that need to be answered.

COMMISSIONER ABBOTT: I...I do have one question. I guess my concern is, Mr. Chairman, as stated that, you know, we're going forth with what staff has presented and staff has found that this is all in code and everything's good, I guess my real question is, is are we obligated to follow staff's recommendation or are we to use our best judgment in deciding whether or not in our opinion that this is a compatible use for this area?

MS. BEARD: It is not a requirement that you follow the staff's recommendation. What it is is just a recommendation to you for your consideration but based on staff's expert opinion in reviewing the criteria and reviewing the information that is available, they have brought to you and said that this can be approved. However, it's your responsibility to look at each of the criteria and determine has the information and the evidence and testimony been provided to you that you can say that yes this project can be approved.

If there are factors and matters that you feel haven't been brought for you particularly things such as discussed with Mr. Wall, that if there are secondary effects that are occurring because of the site that make you feel that it is incompatible with the adjoining properties, then this is the time when you ask for the additional evidence and the testimony that can make you feel more comfortable whether it does or it doesn't or present some recommendation as to what needs to be done with the site so that it can.

But in the end it's up to you to decide has all of the criteria been met that's required to be met under the code for a conditional use permit for a bar nightclub.

COMMISSIONER ABBOTT: Okay.

CHAIRMAN COLE: Any further comments or questions? Hearing none, I think we are ready for a motion and for the benefit of those who are new to the commission we attempt to make...always make our motions in the affirmative so that's just one of the conditions that we have placed on...on motions.

COMMISSIONER WALL: Mr. Chairman, on bar nightclub conditional use permit, C-U-P 2008-158, I move that the Planning Commission approve the conditional use permit with the facts, conditions and conclusions listed in the staff report.

COMMISSIONER CARLOW: Second.

CHAIRMAN COLE: Okay, we have a motion and a second. Is there any further discussion? Hearing none, all in favor say aye.

COMMISSIONERS: Aye. Aye. Aye.

CHAIRMAN COLE: Opposed, no.

COMMISSIONERS: No. No. No.

CHAIRMAN COLE: Okay, let's have a show of hands. All in favor, raise their hand. Opposed? It's a tie vote therefore the motion fails so the application has been denied.

CHAIRMAN COLE: Is there anything else that comes before the commission this evening? We are adjourned.



RECEIVED

DEC 02 2008

COMMUNITY DEVELOPMENT
DEPT.
December 2, 2008

Director of Community Planning
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

Re: Appeal to City Council
File No.: CUP-2008-158
Bar/Nightclub
2258 Colex Drive

The owner of the above subject property was aggrieved by a final decision of the Planning Commission on the November 25, 2008 hearing, and wishes to appeal this decision in accordance with Section 2.18.E of the Zoning and Development Code.

The applicant wishes to address the following approval criteria of Section 2.18.E.1.a, in reference to the applicable items:

Item (1): The decision maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law.

Expert testimony from City Planning Staff stated that all Conditional Use Permit (CUP) Criteria and Standards have been met in accordance with Section 2.2.E.4 of the Zoning and Development Code. In addition, all use-specific Standards identified in Chapter 4 of the Zoning and Development Code were also met. Therefore, the City Staff recommended approval of this CUP.

Testimony from Roland E. Cole, Chairman of the Planning Commission, stated that the Board was required to follow criteria set out by the City Council. They were to look at the property and zoning the same, whether it was a bar or a church, and that the entertainment was not to be considered. Evidence was presented that the bar/nightclub has met all the criteria stated in the zoning requirements so they were required to approve the request for the conditional use permit.

In justifying their "no" vote, some of the commissioners said the bar/nightclub may not be compatible with an I-1 zone and could be a deterrent to bring in new businesses to the

area. This was a purely speculative comment on their part and they provided no evidence as such. We note that numerous bars and nightclubs are located in widely dispersed locations throughout the City, both within and adjacent to industrial and commercial use zones.

Testimony from Jamie Beard, Assistant City Attorney, stated that the Commissioners were to look at each of the criteria for zoning requirements, and determine if the testimony presented was sufficient to approve the project. If the Commissioners feel there are secondary effects that are occurring because of the site that makes it incompatible with the area, that this was the time to ask for additional information and testimony which would make them feel more comfortable. No additional testimony or information was requested. They can also set some recommendations for the site so it meets the criteria. No recommendations were forthcoming. It is up to the Commissioners to determine if all of the criteria has been met that is required to be met under the code for Conditional Use Permit for a bar/nightclub. Lacking inquiry, we assume that all criteria have been met

Which brings us to item (5) of the criteria:

- (5) In addition to one (1) or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.

The official record will show that Rob Rowlands of Design Specialists, acting as the owner's representative, provided testimony to the November 25 hearing. Additionally, the Owner, Kevin Eardley, was present at the hearing, but did not provide testimony nor was he requested to.

In conclusion, based on the testimony and evidence provided, as well as the statements made by Roland Cole, the property in question meets all the criteria for a conditional use permit and must be approved.

Sincerely,



Robert D. Rowlands, Architect
Owner's Representative



Kevin Eardley, Owner

>>> On 11/26/2008 at 12:16 PM, in message <009701c94ffb\$7aa5c680\$de1cae48@DH7J5R51>, "Venus Adams" <venus1130@bresnan.net> wrote:

Honorable Mayor	Jim Doody
Mayor Pro Tem	Bonnie Beckstein
Councilmember	Bruce Hill
Councilmember	Linda Romer Todd
Councilmember	Teresa Coons
Councilmember	Doug Thompson

It is with real concern for our community and constituents that I write this letter to you, our elected leaders.

I have just become aware that an appeal of a decision which denied the application for a "Gentleman's Club". I personally know this is just a (socially acceptable way of saying "strip club") to be opened in Grand Junction. I applaud the Council for denying the original application. I am sure this was best for the city and for the entire county and community.

I could personally attest to the negative and moral impact upon our community if such were accepted. I have lived in communities where such existed and the costs for policing the areas and the drug and sex crimes treatment are extensive and the added costs to the community are not acceptable. This is also a very destructable reality to the families of those who work in or support such establishments/ I know this first hand.

I am proud of the community where we live and families are being raised, a great local collegee and a great history and culture in our city. Please, let us not lower the excellence that has been established for our community. Again I applaud you, as elected leaders of the City Council for your leadership and the family and personal morals you have exhibited upon the city and surrounding areas.

Sincerely,

Venus M. Adams

>>> "Mike MacFarlane" <macjehu@gmail.com> 11/28/2008 2:10 PM >>>

Dear Commission,

Now that the gentleman's club has been turned down twice do they have any other appeal process we should be looking for or is that it? If there are other avenues for them what are they so we can be watching? Thanks, Mike!

>>> On 12/23/2008 at 10:07 AM, in message <33268297-ECEC-4119-8F23-266E518E2E39@aol.com>, Roberta Sivils <rssozo@aol.com> wrote:
City Council Member,

Please oppose the entry of this gentleman's club/bar and all of it's problems into our city.

Protect the children/people of this city from further immorality. Would we want our children or grandchildren to be "involved" in this sort of thing? - No, I would hope not. So how else can this city council protect them, then by standing for what is right? And there is nothing "right" about this sort of "business."

We have programs to deal with children and adults who have been abused or have been damaged in some way by immoral actions. Whether it's physical, sexual or negligence, it still leaves an impact on their lives. We spend thousands of dollars to try to "repair" their lives "after" they've been through such despicable acts and yet, would consider leaving those who are vulnerable in our city unprotected from the effects of these immoral "businesses" that would bring this to their very doorstep?We need more policemen to control the crime, we need more jail space, we need more abuse counselors etc. Why? - because these seemingly harmless things have been allowed in and with it comes the abuse, drunken negligence and people's lives and families are destroyed. All because someone wanted to have a little "fun".....?

How could it even be considered? Who is responsible for these horrible crimes against the children/people of this community? If the city government doesn't stand for them and uphold family values within their area of influence, how can they be protected?

The protection starts with our national government, state, county and city. What will they "allow" and what will they stand against? Will they uphold the values that this great country was meant to uphold? Will they do what is right and protect the people of this city?

I truly believe we can protect the children of this city by upholding honorable standards and making conscientious decisions for that which is right.

Thank you for your time and for upholding right standards to protect this community for all who live here.

Roberta Sivils

>>> On 12/23/2008 at 8:53 AM, in message <ED4C288206E4C644AB21609285D80BC003469ECA@LS-E.mactec.com>, "McDonald, Michael" <MPMCDONALD@mactec.com> wrote:
City Council Member,

I would like to take a minute to express my hope and concern in regards to the gentleman's club/bar that will be coming before you to review.

The United States Supreme Court and the lower courts have repeatedly confirmed that the Government can regulate the activities of these businesses. So long as the restrictions are protective, and not based upon the Government's disagreement with the message conveyed, they are deemed consistent with the First Amendment.

The planning commission was installed by the city council as those who were competent and knowledgeable. We the city, do trust in, and employ the skills, talents, expertise and insight of these commissioners to insure the codes of our city are followed accurately. They study the code and it's applications to be sure they fairly enforced. They have twice looked at this issue and found it to be incompatible with the goals stated in our city code. It is interesting to note that there has been a turnover of commissioners since the first hearing, and they still came to the same conclusion. Doesn't that lead you to believe they both groups have made the right choice?

I will not go into all the facts they used to come to their conclusion for you already know and understand this, however, what can be concluded is that they listened to the evidence and made their choice based on the facts. With this care taken to make sure the codes were followed, we can conclude with a high level of confidence that we are on solid ground constitutionally. The planning commission's job is to follow the letter of the code and I believe they have done their job.

Your job as a council member goes way beyond just the codes. Your responsibility to the city is to look out for it's over all health and well being. That means you must ask yourselves the tough questions that go beyond understanding and following the code. Will allowing this business to be a part of our community improve the quality of life in our community? And although there are always positives that come from bringing new business to town, will these positives out weighing the negatives in this case?

Do not fear the legal threats that will be accused. There is plenty of case law to support either side of this argument, and therefore, we must concern ourselves with doing what is right for the community. Supreme Court justice Scalia, in rendering judgment in support of the City of Erie vs. Pap's a.m., states: "The traditional power of Government to foster good morals, and the acceptability of the traditional judgment that nude public dancing itself is immoral, have not been repealed by the First Amendment." The following cited cases are just a couple examples of decisions that were made against such establishments and were upheld by the Supreme Court.

1. City of Erie vs. Pap's a.m.
U.S. 2000 -#98-1161

2. United States vs. O'Brien 391
#367.88 Ct. 1673,206 ed 2nd 672

3. Barnes vs. Glen Theatre
501 u.s. 560,11 S. Ct 2456,115 L ed 2nd 504

It is time to put this thing to rest once and for all. Hearing this at the planning commission level twice is enough.

Please, make a stand and do what is right for the future of our community and stop this business.

Thank You,

Mike McDonald
751 Horizon Ct.
Grand Junction, CO 81506
970.270.5314

>>> On 1/1/2009 at 2:00 PM, in message <355E4C15824547DFA899FCD83C647D2F@yourus67pi6luv>, <denisec55@bresnan.net> wrote:
Dear Council Members,

It recently came to my attention that the application for the strip bar is still an issue, and that perhaps you are seeking citizen input. I strongly oppose this establishment and want to voice my opposition to you in the hopes that this business application will continue to be declined. It is not in the best interest of the community, and would not positively contribute to the quality of life, family values, and low crime rates we enjoy in the GJ area.

Thank you for the job you do, and in preserving the integrity of our family-oriented style of living here on the western slope. Your consideration in this matter is greatly appreciated.

Denise Clark

>>> On 1/5/2009 at 9:35 AM, in message
<15e14a880901050835m4ac0d565m1ee8b0b175a9c97a@mail.gmail.com>, "Mike MacFarlane"
<macjehu@gmail.com> wrote:
Dear City Council Member,

I would like to take a minute to express my hopes concerning the strip club issue and what I believe to be public opinion as well.

My hope is that you take this issue and end it once and for all. It is time for this thing to be put to rest. Our planning commission has twice found this to be incompatible with the goals set in the city codes. I believe this should weigh heavy in your decision. I think the cost for more police patrols, the crime issues for the immediate "neighborhood", the traffic safety issues and the effect on future industrial growth in that "neighborhood" all speak of the incompatibility of this business and should be found as substantial reason for denial of the conditional use permit. All these issues and others not mentioned give you Constitutional rights to deny this business on community protection grounds rather than moral standards. Not to say that moral standards are not enough. According to Supreme Court Justice Scalia, nude dancing is not a protected freedom.

I understand that the city is hoping to avoid a court showdown over this issue. I also appreciate that you consider this when looking at this issue but in the end it really comes down to doing the right thing. Sometimes we must do what is right no matter the cost. Look at the cost involved in maintaining a city council. That is not cheap, but we do it so we can maintain the high ideals and standards of this community. We gladly cover the cost because the return on investment is a beautiful city that is a safe and wholesome environment to raise our families. This is no different! It will be worth the cost to maintain the standard of living we enjoy in Grand Junction. There are also community watch organizations that are currently keeping their eye on this situation that would be willing to talk with us about defending the city should it come down to litigation. They are well versed in these type of legal situations and have incredible track records protecting cities. Don't let fear cause you to make the wrong decision. There is no right way or right reason to make the wrong choice.

Finally, we as a city elected you to watch out for our best interest and to represent our concerns as we would if we were in office. I read no less than six comments in the Daily Sentinel's "You Said It" section this weekend that expressed an opposition to the strip club (and yes, it is a strip club not a gentleman's club). I did not see one person stand up for the club at the last planning commission hearing. The public response has been overwhelmingly against this business. Your position as a council member is to represent us. If we do not want this, and it is clear we do not, I believe you have an obligation to stop this business and stop it now, or we will have to find those who WILL represent us in the next election cycle.

Please end this now so we can move forward in building a great city. Thank you for listening. I know you will make the right choice!

Thank You, Mike MacFarlane
2808 Bookcliff ave.
Grand Junction, CO 81501
970-255-6707 Home
970-270-3205 Cell

>>> On 1/6/2009 at 8:24 AM, in message <BAY118-DS9815D02C7B036EA969330D4DE0@phx.gbl>, "STEVE BAILEY" <palisadefamily@msn.com> wrote:
To the Grand Junction City Council:

We are asking you to rule against allowing the "Gentleman's Club" or any other such strip club in our valley. Please protect our standard of life here by not catering to the baser instincts of humanity. We rely on you to guide the community; saying NO is sometimes very necessary.

Thank you.

Steve and Elizabeth Bailey
PO Box 72
Palisade, CO 81526

970-464-4936

Just wanted to give you my input on the Gentleman's club. I think it is a bad idea, we have enough crime in GJ, and I do believe it will cause more. If people that live here don't want it, why isn't it put to a vote? I read an article written by a woman who danced in those type of clubs, and she said indeed, it does cause crime. That will drive good people out of town, it would be like the wild west. We need to get stable businesses in our town, if we are to grow and succeed.

Thank you for listening.

Bobbi Freshcorn

>>> On 1/11/2009 at 3:44 PM, in message <d57.17138d88.369bd04d@aol.com>, <StrasserFam@aol.com> wrote:

Dear Grand Junction City Council Members,

My name is Amber Strasser, a student attending Central High School, and I am writing concerning the decision of having the strip club. I personally think that the idea of having this night club is just wrong and it degrades women and it does not belong here in this city. If the idea was even approved, it would increase the crime rate. I have seen in the news that in Denver at one time at a bar, there was a shooting with a guy killing 5 people. Honestly, if you want to keep Grand Junction a clean and safe environment, then I prayerfully hope you make a rightful decision and not approve of this hazard. We do not need any more sexual predators on the loose because of this club and going after young girls such as me or even younger like at the age of 13 years old. Thank you for your time and may God bless you all.

Sincerely,
Amber Strasser

Mike,

Thank you for including me in your email, although it wasn't really necessary.

I wanted to let you know that any emails received by a City employee are public record and that they are made a part of the file for the project. As such, this email has been forwarded to the project manager so a copy will be in the Gentlemen's Club file.

Just thought you should know.

Pat

Pat Dunlap
Planning Tech
City of Grand Junction
(970) 256-4030

>>> "Mike MacFarlane" <macjehu@gmail.com> 1/8/2009 5:52 PM >>>

Hello Everybody,

I just want to take a minute to thank everyone that sacrificed to stand in the cold outside the City Hall last night in protest of the gentleman's club. It was a successful night. We had several people out there.

The Daily Sentinel put an article in about the protest with a large picture and channel 11 News also did a piece at 10:00 pm last night. Both were well done and I am sure caught the interest of the public. That was our goal!

We now have until November 21st to help our city council find legal ground to make a stand against this business. If there is any one that has specific knowledge or skills to help with this please contact us asap.

Pray that truth prevails and the lies of the enemy are exposed. This will play an important part in the attempt to stop this business.

We will be contacting you again soon as to how you can help be a part of this great victory. Until then keep the night of the 21st open so you can attend the hearing at city hall. This should be the final time the issue comes before the council.

As always, please forward this to everyone possible.

Again, thank you all for your help and support, Mike & Rennae!

Ms Strasser,

Thank you for taking time to write to your City Council. This is a very difficult community issue, and receiving input from our citizens is vital to us. What is often misunderstood is that this is an allowable use, we are not free to ban this type of club. The Supreme court has ruled repeatedly that we are not free to outlaw expressions because we do not like them. It is a guarantee in the first amendment. What we can do is firmly regulate them, and most of the discussion has been about a conditional use permit, which allows for alcohol sales, but places other harsh restrictions on this establishment.

Please know that I speak for the entire Council when I tell you that our citizens safety is the most important consideration we have. We will always do everything in our power to ensure the strictest compliance with every law and code relevant to this type of operation, but it goes well beyond that. Know that we extend our concern for your safety to include safer schools with resource officers, safer streets, with our traffic patrol units, and safer events with your City youth council. We will always make our communities safety the most important consideration. We want you to always feel safe in your City. I appreciate hearing from you, and I wish you good luck in the rest of your school term. Thanks for writing us.

Gregg Palmer
Mayor
City of Grand Junction

>>> Tina Dickey 1/12/2009 10:52 am >>>

This email message was received from the city web link on 01-11-09 at 15:44 p.m.

>>> On 1/11/2009 at 3:44 PM, in message <d57.17138d88.369bd04d@aol.com>, <StrasserFam@aol.com> wrote:

Dear Grand Junction City Council Members,
My name is Amber Strasser, a student attending Central High School, and I am writing concerning the decision of having the strip club. I personally think that the idea of having this night club is just wrong and it degrades women and it does not belong here in this city. If the idea was even approved, it would increase the crime rate. I have seen in the news that in Denver at one time at a bar, there was a shooting with a guy killing 5 people. Honestly, if you want to keep Grand Junction a clean and safe environment, then I prayerfully hope you make a rightful decision and not approve of this hazard. We do not need any more sexual predators on the loose because of this club and going after young girls such as me or even younger like at the age of 13 years old. Thank you for your time and may God bless you all.

Sincerely,
Amber Strasser

>>> On 1/17/2009 at 6:58 AM, in message <495849.67023.qm@web57707.mail.re3.yahoo.com>, larry dixon <meter4u@yahoo.com> wrote:

To whom it may concern,

With all the negative input you probably have been getting, I would like to voice my support for Mr. Kevin Eardley's request to open his business as long as he has met the requirements for the liquor license. I don't know this man, and probably would never set foot in this business. And those who oppose it don't have to either. It will be located in an out of the way area that shouldn't affect many people.

Thank you
Lawrence Dixon

>>> On 1/21/2009 at 11:53 AM, in message
<15e14a880901211053s47dc0213p98a7bed4ce3130ff@mail.gmail.com>, Mike MacFarlane
<macjehu@gmail.com> wrote:

Dear Council,

In the commitment you made to this city when you took office you pledged to lead this community in the way that was best for the city. I pray that you will live up to that promise today when you make your decision concerning the strip club.

Some have argued that it is not your decision but the truth of the matter is that if you uphold the planning commissions two decisions this business will have to operate with out the income of liquor. This would severely hamper its potential profitability and no business can stay long without a profit.

Some would say that they will open with out the liquor and be totally nude and this would be worse than partially clothed. Is that the case? Would they open or are they bluffing? Would they take us to court or are they trying to put fear in our hearts? Do we know for sure? How would any of this be worse? Will the women involved have better lives if they only bare their breasts?

Women will be equally destroyed in both scenarios. Men will still be aroused either way with no outlet and will seek a release either with a willing partner, an unwilling partner or possibly a massage parlor. They will find a way, but take the intoxication factor out of the mix and some men will be more sensible in their choice of outlet.

Take the liquor out of the equation and crime will decrease around this establishment and the traffic to the business would be less. To go out for a drink at a place like this can be written off as someone just going out for a drink and decided to check it out but to go into a place that only sells a "view" would limit who would be willing to attend. Limit the potential customers and you limit the impact on the community even if it does open.

Less business means less crime and fewer dispatched calls to burden the police department with. Crime around Cheers dropped 8% when they closed. Do we really want that type of increase if this were to open?

The direct cost of resources to this community would far exceed the cost of an attorney and the cost would be without end. Pay the legal costs once and be done. The indirect cost of this would be beyond the scope of numeric value and it is worth any price to stop this.

This brings me to my final point. I realize you have had council that says we would not win in court and I can only speculate as to why they feel they could not succeed. Maybe they side with the business or possibly come at this from the position that their job is to keep us out of law suits. Possibly they researched this from an opinion that they could not win and therefore only found case law to support that position rather than a mind set that says we have to find a way to win. We all know how our starting mind set can alter our view and perception of what we see. I can only speculate. What I do know is that we have been in contact with the Alliance Defense Fund and they have been watching this case and believe we can legally stop this and even win in court if it progresses to that point.

The Alliance Defense Fund is an organization that specializes in cases like this that involve morality issues. They have successfully defended thousands of cases. They are not alone. There are others that do the same thing and have won at the Supreme Court level. They are well schooled in these cases. It compares to seeking the advice of an Oncologist rather than a family doctor when you have cancer. Is it possible our city's legal council is not as schooled in the specifics as others who have successfully defeated these businesses?

If we know the effects of this business will reach into the future of this community without end is it not wisdom to do everything we can now to stop it? How much is the future of Grand Junction worth to you? Can you really say you have protected the city's best interest and let this in? Will you have lived up to your oath to serve us faithfully if you overturn the planning commission's decision?

Please, do what is right.

Thank You for Your Service,

Mike MacFarlane

2808 Bookcliff ave.

Grand Junction, CO 81501

970-255-6707 home

970-270-3205 cell

January 24, 2009

Dear Grand Junction City Council:

I am not in favor of the strip club, strip club serving alcohol or non alcoholic beverages. The owner needs a One Way Bus Ticket out of Grand Junction, CO.

I am new resident as of 6 weeks and a native of California ashamed to say. My background has been in community awareness against Child Abuse and Molestation Prevention. In fact more than I would like, there has been times I have provided abuse counseling to women who have been in the stripping business.

While reviewing the article on the strip club topic. I started to feel insulted by, Kevin Eardley's demands and threats. According to a geography map Grand Junction, is two state's away from California no rules, same sex marriages, what are morals and family values, state! Have "WE" Americans not seen enough debauchery eroding communities throughout states?

Where is the benefit: Newspaper ad promising big money, flexible hours, no experience necessary, 18 above applies. The common underlying element in strip clubs is that male customers, managers, staff, and owners use diverse methods of harassment, manipulation, exploitation, and abuse to control female strippers. On top of the abuse story line & nudity Mr. Eardley want's to be granted a liquor license. In all due respect, GJ City Council and Planning Commission are you all out of your minds?

In a typical hiring scenario women respond in person to a strip audition the club manager asks the applicants to perform on amateur night or bikini night, both of which are particularly popular with customers who hope to see girl-next-door types rather than seasoned strippers.

The manager will make a job offer based on physical attributes and number of women already on the schedule. Clubs portray the job requirements as very flexible. Women are told that they will not be forced to do anything they do not want to do, but clubs overbook women so they are forced to compete with each other, *often gradually engaging in more explicit activities in order to earn tips.*

In Sacramento, CA the few strip clubs featured a variety of attractions including topless dancing, nude dancing, table dancing, couch dancing, lap dancing, wall dancing, shower dancing, and bed dancing. In addition, some clubs had peepshows, female boxing and wrestling with customers, offered photographs of the dancers, or hired pornography models and actresses as headliners. Strip club owners, managers, pimps and the media portray stripping as a glamorous way to earn big money fast and use this strategy to lure young women into stripping. Where is the pride in those head lines? What is the message we are sending to our children and grandchildren.

Despite the common perception that a woman can dance there way through school, many strippers report that their jobs take over their lives. Long and late hours, fatigue, drug and alcohol problems, and out of town bookings make it difficult to switch gears.

Although strip clubs are considered legal forms of entertainment, people not associated with the industry are unaware of the emotional, physical, and sexual abuse inherent in the industry. Look there still will be drinking any way you look at it. Most dancer perform under the influence to numb them selves because it degrading work. Men will come with alcohol or drugs in their system to supporting there unacceptable acting out behavior in those environments. Please GJ Council Members get your head our of the sand. This town has enough drug abusers, manufactures and torn apart family units.

Despite claims from management aka (Kevin Eardley) "glorified pimp" customers are prohibited from touching the women, this rule is consistently violated. Furthermore, stripping usually involves prostitution. The overwhelming trend for violence against women in strip clubs was committed by customers of the establishments, I was informed and almost all of the perpetrators suffered no consequence whatsoever for their actions.

Men associated with strip clubs use force and coercion to establish sexual contact with women in stripping, proposition women for prostitution, intentionally inflict bodily harm upon the women, and expose themselves to the women. These actions are prohibited by law, yet when these crimes are committed against women in strip clubs, the general attitude that strippers deserve what they get prevails. Women's complaints of abuse are met with contempt and are dismissed by owners, managers, and staff.

Women are customarily told to ignore abuse, can you *just imagine your daughter or neighbor's daughter who has been rebuffed with "Go bend over and do your job" and "You have to expect a certain amount of that."* in the case of women in stripping, enduring sexual violence is part of her job description. Women in stripping are expected to endure these abuses, degradations, and humiliations with a smile and a "Thank You".

The degree of sexual violence perpetrated against strippers explodes the myths about stripping as harmless entertainment. Poll your local Sheriff's and Police Department on there professional opinion on such environment and future increase in crime. The verbal harassment, physical and sexual abuse, and financial exploitation women suffer in strip clubs is unparalleled in any other legitimate workplace.

Women in stripping are subject to actions that would be perceived as assaultive or a least unwanted in any other context or were directed against other women. Strip clubs allow men to use and abuse women in a manner that is not tolerated in any other business..go view for your self. Must we still continue and degrade. The organization and conditions of strip clubs not only produce and reproduce gender inequality but facilitate and normalize men's violence against women.

Sexual violence has been normalized, institutionalized, and legalized in the strip club industry as socially sanctioned male behavior. Strip clubs and the men associated with strip clubs have turned acts of violence into entertainment and tied male sexual pleasure to victimizing and exploiting. Strip clubs are structured according to male domination and control, and are inherently violent. My position is not to demean either sex or denounce our sexuality as human beings. There is a correct place for healthy sexual expression and it not in granting a bully the space or permit to serve liquor. I think you would agree the reality this atmosphere offers does nothing to increase pride in living here in Grand Junction nor applauds our young adults to walk towards a future that benefit's society as a whole.

Fact it is impossible to set up strip clubs without sexual violence, alcoholism and drug use. An explanation beyond any revenue generated by the means of approving Kevin Eardley's purposed strip club and or license to sell alcohol requires ***Moral Scrutiny***. I ask you do you have any morality left with in your self to say No More and be proud for the future being shaped daily.

Thank you in advance for your support.
Very truly,

Natalie R. Curry
Grand Junction, Co 81504
916-628-6253 cell

CC: Council
Sent

January 12, 2009

A Gentlemen's Club?? Right!? I wonder, what is the definition of a gentleman? According to the World Book Dictionary a gentleman is:

1. A man who is honorable and well-bred; a man of fine feelings or instincts, shown by behavior and consideration for others; (it is almost a definition of gentleman to say he is one who never inflicts pain.)
2. A man of good family and social position.

I wonder if the "Gentlemen" who want this club so badly could be classified as Gentlemen? Are they good husbands, fathers, and sons? If they are single, are they caring of their girlfriends? Do they respect women and love them? Are they family men who do not want to spend their hard earned money on selfish entertainment? Are they with their families and being a good example for their children? If they are family men who love and care for their women folk, then they will think twice about becoming involved in a club that promotes selfish, lustful desires, an environment which puts women up as "sex objects," clearly there for one purpose and one purpose only.

My deepest concern is that this "Gentlemen's Club" will possibly promote immorality and it will likely be a fraudulent cover for possible prostitution. The police just shut down the "Massage Parlor" on Horizon Drive for the very same reasons. Why allow this club to cause that much more trouble for lawmakers, the police and the city as a whole.

There were many letters read at the second meeting of the County Commissioners on November 25, 2008. These letters stated many concerns of the citizens of this town regarding the negative effect this club will have. It was repeated many times over; most of the citizens of this town do not want it here! How much plainer can that be? Thanks to the three County Commissioners who voted against it!

I am requesting that the County Commissioners and the City Council dismiss the appeal that is coming up regarding this club. If you don't want it in your town, be at the City Council meeting on January 21st to voice your objections. Don't leave it to the few!!

Dee Hines
Grand Junction

Gerri L. Anderson
255 W. Kennedy Ave., Grand Junction, CO 81505

CC: Council
Hanning
John Shaden

RECEIVED

JAN 20 2009

January 20, 2009

The Honorable City Council
Grand Junction, CO 81501

Dear Honorable City Counselors:

I urge you to stay the course. A gentlemen's club would not be good for the neighborhood in question, nor for our City as a whole. We do not need a place that would likely be a magnet for further undesirable activities. We have a family-centered town. We do not need further locations that suggest degrading treatment of women nor that may encourage prostitution. Let's keep our City a place for wholesome business and solid family life.

Please continue the course set so far and deny the request for a gentlemen's club in our City.

We thank you for your courage in this matter.

Sincerely yours,



Gerri Anderson

RECEIVED DEC 29 2008

cc: Council
Sent to C. / planner

RECEIVED

December 28, 2008

Mayor Gregg Palmer,

DEC 31 2008

Re: The Gentleman's Club

COMMUNITY DEVELOPMENT
DEPT.

I would like to thank you for being willing to do the thing that is best for our city and vicinity. That is what we would expect of you as a leader in our city. I would like to encourage you to be a man that is not afraid of what others may say or do.

Please vote against the so called gentleman's club for the following reasons:

Places like this require more policeman hours. A good way to support our local police officers is to stop establishments that make their work harder. Look at the added work they had to do when the clubs like Cheers, The Rose and Rum Bay were open. Often we have seen officers working hard in places like this. Instead of raising taxes to pay for the law enforcement, let's stop these establishments that create the need for more policemen. That is more efficient City Government and use of our tax dollars.

It tears down the moral fiber of our entire area. A former dancer of one of these clubs spoke at the city meeting of how this was a conduit for drugs and prostitution. Do we want our daughter's degraded in this way? When a husband goes to one of these places it tears down his wife and children. It leaves him frustrated and in more need of complete fulfillment. Do we want our families to be torn up in this way? Do we want prostitution, drugs and DUI's to increase just because we were afraid to say no? We have too much back bone for that.

Has the person that wants to open this establishment offered to pay for the added burden on our city and people? Is he going to pay for the policeman hours, Lawyer fees for broken marriages and DUI's. Is he more concerned with his own profit? Will the city have to pick up the tab?

We have already had enough traffic accidents in this area and do not want another liquor license issued in this area where G road connects with 6&50. We need to consider future school needs for this area.

Respectfully,

Phillip L Brant *Phillip L. Brant*

Phone 242-8190

Council to consider strip club appeal Jan. 21

By MIKE WIGGINS
Mike.Wiggins@gsentinel.com

Twice the Grand Junction Planning Commission has rejected a permit for a proposed strip club. Twice the would-be business owner has appealed the decision. Twice the Grand Junction City Council will consider the appeal.

Council members agreed Wednesday to take up the latest appeal on Jan. 21, even as protesters gathered before the council meeting in hopes of persuading the council to fall in line with the Planning Commission.

Nearly 20 people stood outside City Hall for an hour and a half in 20-degree weather, waving signs and receiving car honks from passers-by.

New Day Ministries pastor Mike MacFarlane said the group staged the protest to let the public know about the issue.

"We believe there's grounds to stop (the club), and we want to convince (council members) to reject it," he said.

Local businessman Kevin Eardley is seeking to build the club at 2258 Colex Drive in northwest Grand Junction. He needs a conditional-use permit to serve alcohol there.

The Planning Commission in August rejected the permit, arguing it was incompatible with the neighborhood while defining the neighborhood as the entire city. Eardley's representative, Rob Rowlands, filed an appeal of the broad definition, and the City Council remanded the issue back to the Planning Commission with instructions to narrow its interpretation.

Planning commissioners, however, rejected the permit again in December, this time contending the club didn't fit into the industrial area and could discourage other businesses from moving there.

Rowlands dismissed that reason as speculation and claimed several bars and nightclubs throughout the city are located within and next to industrial and commercial zones.

The City Council can uphold the Planning Commission's decision, reverse it or remand the issue back to the board.



CHRISTOPHER TOMLINSON/The Daily Sentinel

RENNÆ MACFARLANE, LEFT, was one of about 12 demonstrators protesting a possible strip club in Grand Junction. The protesters gathered in front of the Grand Junction City Hall before the start of the City Council meeting.

GRAND JUNCTION

gjfreepress.com

Vol. 6, No. 170 January 8, 2009

FREE PRESS



PAUL SHOCKLEY/FREE PRESS

A group five including (far left to right) Rennae McFarlane, Amber Sterasser and Phillip Brant, turned up at Fifth and Rood in front of Grand Junction City Hall around 6 p.m. Wednesday.

Owner says club's a go, with or without booze

BY MARIJA B. VADER
FREE PRESS STAFF WRITER

If the city prohibits a gentleman's club in north Grand Junction from serving alcohol, the owner said he'll follow state law and allow women to dance fully nude and invite patrons 18 and older to watch.

Without alcohol, the rules change, said owner Kevin Eardley.

They become less restrictive.

"That's not the way I want to go, but if that's the way they want me to go, I will," he said.

Eardley has a name for his club: Fantasy.

The Grand Junction City Council Wednesday set the date of Jan. 21 for the fourth public hearing before city

leaders. Eardley wants a liquor license for Fantasy, proposed for 2256 and 2258 Colex Drive, what is now a dirt field in a light industrial zone district in north Grand Junction.

The city's Planning Commission has heard the issue twice. This is the second time before the City Council.

After the Jan. 21 hearing, the council could send it back to the Planning Commission, approve it or deny it.

"If he weren't allowed to serve alcohol, he could build it," said Senta Costello, a city planner.

"It's essentially approved. It's the bar component the planning commission has denied."

If council approves the license, anyone opposed to the club could

appeal the city's decision to district court.

If council denies the license, "I will sue the city" in district court, Eardley said.

He doesn't anticipate that, though.

"I do feel optimistic. There's no reason I should be getting turned down."

He said he's getting turned down because it's a strip club, not because of the liquor license component of his application.

"It's not the government's position to tell anyone what their form of entertainment can be, if it's legal," Eardley said.

Nude dancing is legal, he said, if no alcohol is served.

Reach Marija B. Vader at mvader@gjfreepress.com.

Strip club liquor license considered tonight

BY MARIJA B. VADER
FREE PRESS STAFF WRITER

The Grand Junction City Council tonight will again consider a liquor license for Fantasy, a strip club proposed by Kevin Eardley for an industrial north Grand Junction neighborhood.

The meeting begins at 7 p.m. at City Hall, and the item is listed toward the end of a long agenda.

At tonight's meeting, the council will either ratify the Planning Commission's denial, overturn it or send the issue back to the Planning Commission for further study and another decision by that board.

If the city denies the liquor license, Eardley said he will still build the business at 2256 and 2258 Colex Drive.

It would take on a different tone, he said, because state law allows nude dancers, and without a liquor license, he would be able to lower the age of his patrons to 18.

At the same time, he said he will sue the city for the right to serve alcohol.

This is the second time the City Council has considered the issue. The last time, the council sent the issue back to the Planning Commission.

Reach Marija B. Vader at mvader@gjfreepress.com.

GRAND JUNCTION CITY COUNCIL MINUTES OF THE REGULAR MEETING

January 21, 2009

The City Council of the City of Grand Junction convened into regular session on the 21st day of January 2009 at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Doug Thomason, and Council President Gregg Palmer. Councilmember Linda Romer Todd was absent. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Doody led in the Pledge of Allegiance followed by an invocation by Pastor Paul McGinnett, Central Orchard Mesa Community Church.

Citizen Comments

There were none.

Council Comments

Council President Palmer expressed his appreciation for the job City Clerk Stephanie Tuin did on the consideration of the Brady Trucking petition issue. He praised the way she handled a situation that she was not especially comfortable with.

City Manager's Report

This was removed from the agenda.

CONSENT CALENDAR

Councilmember Hill read the Consent Calendar and then moved to approve consent items #1 through #9. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Minutes of the January 5, 2009 and the January 7, 2009 Regular Meeting and the Minutes of the January 5, 2009 Special Session

2. Setting a Hearing Regarding the Regulation and Licensing of Massage Parlors

In an ongoing effort to monitor and police community nuisance and criminal activities, the Grand Junction Police Department and the City Attorney have become aware of some growth in criminal activities related to massage parlor establishments. City Staff believes that it would be in the best interests of the

community if City Council would consider a new City ordinance to regulate and license massage parlors. Those establishments can be a front for criminal activity. With licensing as proposed, law enforcement will have greater opportunity to monitor businesses before problems arise.

Proposed Ordinance Regulating and Licensing Massage Parlors

Action: *Introduction of a Proposed Ordinance and Set a Hearing for February 4, 2009*

3. **Lease Agreement with MBC Grand Broadcasting Inc.**

The City owns real property near Whitewater, Colorado which is currently being leased by MBC Grand Broadcasting, Inc. for radio broadcast transmission. The City and the current tenant wish to update their current Lease Agreement and renew the lease for subsequent terms.

Resolution No. 08-09—A Resolution Authorizing and Ratifying a New Lease Agreement between the City of Grand Junction and MBC Grand Broadcasting, Inc.

Action: *Adopt Resolution No. 08-09*

4. **Energy and Mineral Impact Grant for Planning Software Upgrade**

A request to accept an Energy and Mineral Impact Grant, in the amount of \$200,000, as partial funding for the purchase of Planning Project Submittal and Management Software.

Action: *Accept the Grant and Authorize the City Manager to Sign the Grant Contract for the Purchase of Planning Project Submittal and Management Software in the Amount of \$200,000*

5. **Amendment No. 3 of Engineering Services Contract with Jacobs Carter Burgess for the 29 Road and I-70B Interchange**

This amendment is a supplement to the original final design contract for the 29 Road and I-70B Interchange Project. During the course of the final design effort, there have been a number of additions to the project scope that necessitate this supplement. The additions to the scope include surveying, final design and right-of-way acquisitions for sections of Melody Lane and D ½ Road not previously included in the project scope.

Action: *Authorize the City Manager to Amend the Engineering Services Contract for the 29 Road and I-70B Interchange Project with Jacobs Carter Burgess for a Total Fee of \$2,592,510 Thereby Increasing the Contract by \$352,198*

6. **Intent to Create Alley Improvement District 2009, Phase B**

A successful petition has been submitted requesting a Local Improvement District be created to reconstruct the alley that is east/west from 11th to 12th, between Hill Avenue and Teller Avenue.

Resolution No. 09-09—A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create within Said City Alley Improvement District No. ST-09, Phase B and Authorizing the City Engineer to Prepare Details and Specifications for the Same

Action: Adopt Resolution No. 09-09

7. **Setting a Hearing on the DeRush Mini Storage Rezone, Located at 2179 H Road** [File #RZ-2008-319]

Request to rezone 4.60 acres located at 2179 H Road, from C-2 (General Commercial) to I-1 (Light Industrial) zone district.

Proposed Ordinance Rezoning the DeRush Mini Storage Unit Property from C-2 (General Commercial) to I-1 (Light Industrial), Located at 2179 H Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 4, 2009

8. **Setting a Hearing on Zoning the Colorado Army National Guard Campus Annexation, Located at 2800 Riverside Parkway** [File #ANX-2008-344]

Request to zone 57.95 acres, Colorado Army National Guard Campus Annexation located at 2800 Riverside Parkway, CSR (Community Services and Recreation).

Proposed Ordinance Zoning the Colorado Army National Guard Campus Annexation to CSR (Community Services and Recreation), Located at 2800 Riverside Parkway

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 2, 2009

Staff presentation: Michelle Hoshide, Associate Planner

9. **Rename Saccomanno Drive to Seeber Drive and Sentinel Way to Saccomanno Road** [File #MSC-2009-005]

The request originated from Leitner-Poma of America, Inc. to change the street names in the Bookcliff Tech Park Subdivision. The applicant is the first tenant in this subdivision and the company felt the name of their adjacent right-of-way should honor the Owner of the Company.

Resolution No. 10-09—A Resolution Renaming Saccomanno Drive to Seeber Drive and Sentinel Way to Saccomanno Road

Action: Adopt Resolution No. 10-09

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing - Night Hawk Drive Right-of-Way Annexation, Located Approximately at 30 and B Roads [File #ANX-2008-301]

Request to annex 1.45 acres, located approximately 660 feet west of 30 Road, adjoining B Road on the north and extending southerly approximately 2,060 feet. The Night Hawk Drive Annexation consists entirely of right-of-way.

The public hearing was opened at 7:10 p.m.

Ivy Williams, Development Services Supervisor, presented this item. She described the site as all right-of-way and advised the reason for the request. She asked that the Staff Report and attachments be entered into the record. The annexation meets all the annexation criteria. The applicant is the City of Grand Junction.

There were no public comments.

The public hearing was closed at 7:11 p.m.

a. Accepting Petition

Resolution No. 11-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Night Hawk Drive Annexation, Located at Approximately 660 feet West of 30 Road and Adjoining B Road on the North and Extending Southerly for Approximately 2,060 Feet is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4318—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Night Hawk Drive Annexation, Approximately 1.45 Acres, Located Approximately 660 feet West of 30 Road and Adjoining B Road on the North and Extending Southerly for Approximately 2,060 Feet

Councilmember Thomason moved to adopt Resolution No. 11-09 and Ordinance No. 4318 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing - Riverside Parkway and Overpass Annexation, Located at 29 Road and North Avenue and at 29 Road and I-70 B [File #ANX-2008-307]

Request to annex approximately 15.0 acres, located at five locations on Riverside Parkway, a portion of 29 Road adjoining North Avenue on the north and extending southerly to I-70 Business Loop and a portion of I-70 Business Loop beginning at 29 Road northeasterly approximately 2,400 feet. The Riverside Parkway and Overpass Annexation consists only of right-of-way.

The public hearing was opened at 7:13 p.m.

Ivy Williams, Development Services Supervisor, presented this item. She described the site as all right-of-way and advised the reason for the request. She asked that the Staff Report and attachments be entered into the record. The annexation meets all the annexation criteria. The applicant is the City of Grand Junction.

There were no public comments.

The public hearing was closed at 7:14 p.m.

a. Accepting Petition

Resolution No. 12-09—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Riverside Parkway and Overpass Annexation, Approximately 15.0 Acres, Located at Five Sections of Riverside Parkway Right-of-Way, 29 Road From 29 Road Southerly to I-70 Business Loop and I-70 Business Loop from 29 Road Northeasterly, Approximately 2,400 feet is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4319—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Riverside Parkway and Overpass Annexation, Approximately 15.0 Acres, Located at Five Sections of Riverside Parkway Right-of-Way, 29 Road From 29 Road Southerly to I-70 Business Loop and I-70 Business Loop from 29 Road Northeasterly, Approximately 2,400 feet

Councilmember Coons moved to adopt Resolution No. 12-09 and Ordinance No. 4319 and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Growth Plan Amendment, Outline Development Plan and Rezone for St. Mary's Rose Hill Hospitality House Expansion, Located at 609 26 ½ Road
[File #RZ-2008-227]

A request for approval for a Growth Plan Amendment from Residential Medium (4 – 8 du/ac) to Commercial and also a request for approval to zone property located at 609 26 ½ Road known as St. Mary's Rose Hill Hospitality House to PD (Planned Development) with a default zone of B-1, (Neighborhood Business) by approval of the Outline Development Plan.

Councilmember Teresa Coons recused herself as she still has ties with St. Mary's Hospital. She left the dais and the meeting room.

The public hearing was opened at 7:15 p.m.

Scott D. Peterson, Senior Planner, presented this item. Mr. Peterson described the request, the site, and the location. The request is to change the zoning of the property to include the Rose Hill Hospitality House in St. Mary's Hospital's Master Plan Planned

Development District. Approval of the request will bring the property into conformance with the use.

The applicant was present but did not wish to add anything.

There were no public comments.

The public hearing was closed at 7:21 p.m.

Councilmember Hill reviewed the Growth Plan Amendment criteria and agreed there was an error in designation but that the request also met the other criteria for a Growth Plan Amendment.

Resolution No. 13-09—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 0.80 +/- Acres Located at 609 26 ½ Road Known as the St. Mary's Rose Hill Hospitality House Expansion from Residential Medium (4-9 DU/AC.) to Commercial

Ordinance No. 4320—An Ordinance Rezoning Property Located at 609 26 ½ Road known as St. Mary's Rose Hill Hospitality House to PD (Planned Development) by Amending Ordinance No. 3992 to Include this Property

Councilmember Doody moved to adopt Resolution No. 13-09 and Ordinance No. 4320 and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Councilmember Coons returned to the meeting and took her place on the dais.

Appeal of the Planning Commission's Decision Regarding a Conditional Use Permit for a Bar/Nightclub [File #CUP-2008-158]

An appeal has been filed regarding the Planning Commission's decision to deny a Conditional Use Permit for a Bar/Nightclub, located at 2256 and 2258 Colex Drive. The project sits on 1 lot in an I-1 (Light Industrial) zone district. (The project will include leased parking spaces from the lot immediately to the north.) This appeal is pursuant to Section 2.18.E of the Zoning and Development Code, which specifies that the City Council is the appellate body of the Planning Commission. According to Section 2.18.E.4.h, no new evidence or testimony may be presented, except City Staff may be asked to interpret materials contained in the record.

The hearing was opened at 7:28 p.m.

City Attorney John Shaver explained the process for the issue on the agenda. He explained that this review is separate from the prior review and that the prior record is not relevant to the matter before them. The record they are to review is the testimony heard by the Planning Commission on November 25, 2008 and the Planning Commission's consideration of the matter. The Council is to look at the Planning Commission's consideration, not to substitute their opinion for the Planning Commission's. Mr. Shaver then explained the purpose of a Conditional Use Permit and why a CUP is required. The City Council is not reviewing the entertainment aspect of

the establishment. The Council is free to comment on the evidence but it is not a public hearing at this meeting. He advised Staff can address the Council on the application and can answer questions relative to the Code and the review but Staff does not have a presentation. The record provided to the City Council includes a DVD copy of the proceedings, the Staff Report, and the verbatim minutes from the Planning Commission hearing.

Council President Palmer reiterated that the Council acts as the appellant body and it is not a public hearing so no new testimony will be solicited.

Councilmember Beckstein asked City Attorney Shaver to list the City Council's options. City Attorney Shaver stated the Council may remand the matter back to the Planning Commission, they could remand the matter back to Planning Commission with direction, or they may deny the appeal.

Councilmember Coons asked about the residentially used property and the fact that the property is not residentially zoned. City Attorney Shaver stated that the Code rather than regulating the activity itself, regulates the location. The Code says adult entertainment cannot be within 1,000 feet of residentially zoned property. However, that means the Planning Commission is considering the use, adult entertainment specifically, rather than the liquor licensing of the establishment.

Councilmember Coons asked about the Code provision for liquor establishments in that zone district. City Attorney Shaver replied that is not an issue in this situation. City Attorney Shaver stated that Conditional Use Permits are required for all bar and nightclub establishments based upon alcohol usage. A Conditional Use Permit looks at the compatibility criteria. The Conditional Use Permit is also scrutinized at a higher level under the City Code because of the proposed liquor service with adjacent land uses.

Councilmember Thomason asked at what point will the application not keep going back and forth from City Council to Planning Commission.

City Attorney Shaver advised due process ensures the rules are consistent and consistently applied. The Council and Planning Commission may not like the law but changing the law midstream is a concern to him. The matter stops when the Council says it stops. If the Council denies the appeal, it stops at this level. It may go to another process. The other way it would stop would be if the City Council remands back to the Planning Commission and they make another decision that is consistent with the Code.

City Attorney Shaver said he would not recommend any change to the law until this application is resolved.

Council President Palmer asked if adult entertainment can be outlawed. City Attorney Shaver stated that the laws that are upheld are laws that address the secondary effects of such activity such as increase in criminal activity or increase in police calls. Trying to outlaw that specific activity would be an issue under the Constitution. Dance has been defined as free speech and is protected under the First Amendment.

Councilmember Coons asked if the City regulates the secondary effects of liquor licensed establishments. City Attorney Shaver answered not specifically, but the record of every liquor licensed establishment is reviewed annually and there could be sanctions for unlawful conduct of the establishment.

Councilmember Beckstein asked about the requirement for the needs and desires of the neighborhood for a liquor license. City Attorney Shaver said that is required and the City uses a petition process to gather that information. That is not the only consideration when reviewing a license application but certainly the Hearing Officer takes that into consideration.

Councilmember Beckstein asked if it can be assumed that since those businesses in the neighborhood that spoke out against the establishment at the Planning Commission are against it in their neighborhood, then the Planning Commission did act correctly? City Attorney Shaver did not comment specifically on the question but instead cautioned the City Council that the two processes are separate.

Councilmember Coons asked how the neighborhood is defined in the liquor licensing process. City Attorney Shaver said generally it is a square mile but in the case where there are few inhabitants that area may be expanded. The applicant has not yet applied for a liquor license.

Councilmember Doody asked for a restatement of what the direction was previously given to the Planning Commission. City Attorney Shaver said the direction was for the Planning Commission to define the neighborhood other than the entire City.

Council President Palmer noted the non-conforming residential use was discussed. Also, in the planning discussion regarding alcohol service in various industrial zones, City Attorney Shaver could not recall a specific licensee, but the Code does allow for these types of establishments in industrial zone districts. Council President Palmer asked if it was appropriate for the Planning Commission to look forward in making their decision based on speculation about future land use or business activity regarding Conditional Use Permits. City Attorney Shaver advised that Council would not want the Planning Commission to speculate, but instead to follow Code.

The City Council declined the need for any additional information from Senta L. Costello, Senior Planner.

Councilmember Hill read an excerpt from the minutes, a statement by Assistant City Attorney Jamie Beard where she stated that this activity is covered by the First Amendment as free speech. He then noted that even though there is a residential use in the neighborhood, the Code is specific to the zone district. He said he thought the intent was to disallow this activity next door to a residential component. Another Planning Commissioner (Abbott) comments were very specific to the bar/nightclub that he did not feel alcohol use in the area was compatible. Councilmember Hill then looked to the criteria to uphold the appeal. He said he does not find anything that supports the appeal. He has reasons he can support denial of the appeal. He does not believe the

Planning Commission was acting erroneously or inconsistently for the Council to make a finding to uphold the appeal and remand it back.

Councilmember Beckstein said she agreed and she does not believe the application will be successful in that neighborhood and it is a residential area even if the long range plan is to change the use in the area. She will not support the appeal.

Councilmember Thomason said he is not quite ready to sign off on the denial as he reads the Code. It is clearly a hot button issue for the community but it still boils down to the Code. The CUP application for the sale of alcohol should go back to the Planning Commission so the letter of the Code can be followed.

Councilmember Doody supported statements from Dr. Paul Dibble in the record. Even though the activity should not be considered, it was and caused this appeal. Therefore he agrees with Councilmember Thomason.

Councilmember Coons said the City Council and Planning Commission are charged with following the Code and although she hears Councilmember Hill's arguments, she thinks the Commissioners may have stretched the argument. She felt there are probably a lot of liquor licenses in industrial and commercial areas so she thinks the Commissioners' decision expressed their dislike for this activity through their denial. She agreed that if the community wants to address this issue it should be addressed but it is unfair to change the Code in the middle of the process. She cannot support the denial of the appeal.

Councilmember Hill clarified that the residential use is in relation to the adult activity, not the liquor license; the Code is silent on that.

Council President Palmer thanked the Council for their comments. The community should see that the Council takes these issues very seriously. Their charge is to be the appellant body of the Planning Commission regardless of their personal opinion. He did not feel it is supportable that the residential use is a factor for denial. He also cannot support the finding that it is not compatible with the industrial zone. He cannot support denial of the appeal.

Councilmember Thomason asked what the shaded area is as indicated on the site drawing. City Attorney Shaver responded that is the 1,000 foot radius. Councilmember Thomason asked if that is the area for surveying for the liquor licensing. City Attorney Shaver said that would generally be a square mile, or perhaps expanded if needed to incorporate inhabitants.

The hearing was closed at 8:13 p.m.

Councilmember Hill moved to support the appeal of the Planning Commission's decision regarding a Conditional Use Permit for a bar/nightclub at 2256 and 2258 Colex Drive. Councilmember Coons seconded the motion. Motion carried by roll call vote with Councilmembers Beckstein and Hill voting NO.

The City Council then discussed how the issue will be remanded back to the Planning Commission either by defining the error or not, that is with or without direction.

Councilmember Hill said he does not find the Planning Commission acted in error but he wished there was more support for their findings. He asked that the Planning Commission be more specific. He agreed that they did focus on the bar/nightclub issue.

Councilmember Coons agreed and asked that further justification regarding the commercial/industrial conflict be included in Planning Commission's findings.

City Attorney Shaver noted that if Council wants to give specific direction to the Planning Commission, a motion would be preferred but certainly the Planning Commission will see the record of the discussion and know what the City Council is asking.

Councilmember Hill suggested the Planning Commission members need to be more verbal as to what their position is. There was a lack of that in the record.

Council President Palmer called a recess at 8:21 p.m.

The meeting reconvened at 8:29 p.m.

Public Hearing - Amending the Municipal Code Regarding Minors in Possession of Alcohol and Marijuana

Amendments are being proposed to define and clarify sentencing parameters for repeat Minor in Possession (MIP) offenders. Changes to the Ordinance will help enforce compliance with the City Ordinances governing minors in possession of alcohol and marijuana.

The public hearing was opened at 8:29 p.m.

John Shaver, City Attorney, presented this item. He explained that the ordinance will classify substance abuse offenses as one category so that if a violator gets an alcohol offense and then a marijuana offense, they would not be considered a first offense of each; rather one would be a second offense. It will allow the court more opportunity to make a difference in kids' lives.

Councilmember Doody asked if Staff worked with the Municipal Judge on this. City Attorney Shaver said they did and had prepared the ordinance last fall but had not yet brought it forward.

Council President Palmer agreed it will help address the problem as a combination problem.

Councilmember Coons noted that in many cases the two are not separate behaviors.

Mesa County Partners Director Joe Higgins spoke in favor the proposed ordinance. His program works hand in hand with the juvenile courts for offenses which the majority are

minor in possession cases. They do see repeat offenders. They do have them do community service and take a class on substance abuse. It is predictive behavior. He feels the change will help. It will allow the court to give tougher sentences.

There were no other public comments.

The public hearing was closed at 8:36 p.m.

Councilmember Hill supported the ordinance and agreed with Councilmember Doody's comment about closing the loop hole.

Ordinance No. 4321—An Ordinance Amending Ordinance No. 3852, Which Establishes Section 24-22 of the Code of Ordinances and Prohibits the Purchase, Possession or Consumption of Alcohol by Minors and Also Amending Ordinance No. 3853, which Establishes Section 24-23 of the Code of Ordinances and Prohibits the Purchase, Possession or Consumption of Marijuana by Minors

Councilmember Beckstein moved to adopt Ordinance No. 4321 and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Council President Palmer praised the work by Municipal Court Judge McInnis in working with juveniles.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Coons said it strikes her that with the growth of the community, it puts Council in a position to deal with issues that they did not have to deal with in the past. She suggested a community-wide discussion on how to deal with some of these issues. Citizens could take a look at what it would mean to change the Code and requirements, not only the changes, but what are the ramifications.

Councilmember Beckstein added that the vision is the "Best in the West by 2025" and she suggested sharing that with the community and have them discuss how they can make it the best in the west. It does include tolerance and acceptance of things they do not have control over but ways they may lessen the negative experience.

Council President Palmer noted the Council should have a retreat following the election and perhaps that can be discussed further in that setting.

Councilmember Coons said that the pros and cons need to be discussed in public.

Councilmember Beckstein said getting community involvement is being explored more and more by Councils in other formats that is more inclusive and less burdensome on the individuals.

Councilmember Doody noted the investment in parks and recreation, school resource officers, the college and St. Mary's, and he encouraged the Council to discuss it in their retreat. He said he would like to be part of that discussion from the "other side" (as a citizen).

There was no other business.

Adjournment

The meeting was adjourned at 8:43 p.m.

Stephanie Tuin, MMC
City Clerk

Attach 7
Twelfth & Patterson Center

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: February 24, 2009
STAFF PRESENTATION: Scott D. Peterson

AGENDA TOPIC: Twelfth and Patterson Center (City Market) - Conditional Use Permit
 – Vacation of Easement - CUP-2008-323

ACTION REQUESTED: Approval of a Conditional Use Permit (CUP)/Sign Package
 and Vacation of Easement for the Twelfth and Patterson Center.

BACKGROUND INFORMATION				
Location:		SE corner of the intersection at N. 12 th Street and Patterson Road		
Applicants:		Dillon Real Estate Company, Inc., Owners; 12 th and Patterson GJ Goldberg, LLC, Representative		
Existing Land Use:		Vacant land and former real estate office		
Proposed Land Use:		City Market grocery store and neighborhood business commercial development		
Surrounding Land Use:	North	Bookcliff Baptist Church, Counseling and Education Center and American Family Insurance		
	South	Single and Single-Family Attached Residential		
	East	Single and Multi-Family Residential (Patterson Gardens)		
	West	Village Fair Shopping Center		
Existing Zoning:		B-1, (Neighborhood Business)		
Proposed Zoning:		N/A		
Surrounding Zoning:	North	R-O, (Residential Office) and R-8, (Residential – 8 du/ac)		
	South	PD, (Planned Development) and R-8, (Residential – 8 du/ac)		
	East	R-8, (Residential – 8 du/ac)		
	West	B-1, (Neighborhood Business)		
Growth Plan Designation:		Commercial		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: A request for approval of a Conditional Use Permit to develop a neighborhood business commercial development in a B-1, (Neighborhood Business) zone district. A Conditional Use Permit is required for a retail building that is in excess of 15,000 sq. ft. in the B-1 zone district and also for a drive-through retail use (Proposed Lot 1, Twelfth & Patterson Center Subdivision) in accordance with Table 3.5 of the Zoning and Development Code. The applicant is also requesting the vacation of a 2.5' Irrigation and Drainage Easement.

RECOMMENDATION: Approval of the Conditional Use Permit and Vacation of Easement, CUP-2008-323, for a retail building that is in excess of 15,000 sq. ft. in the B-1 zone district and also for a drive-through retail use.

ANALYSIS:

1. Background:

Conditional Uses are not uses by right. The approval of the Conditional Use Permit, once established, shall run with the land and will remain valid until the property changes use or the use is abandoned and/or non-operational for a period of twelve (12) consecutive months. Failure to develop or establish such use accordingly shall be sufficient to revoke the permit.

The applicant, 12th and Patterson GJ Goldberg, LLC, wishes to construct a 49,548 sq. ft. City Market grocery store with a drive-through pharmacy, along with a fuel center and also three retail buildings that range in building size from 6,000 sq. ft. to 9,000 sq. ft., that could accommodate up to 17 individual tenants (See attached Site Plan – Sheet CS1.1) on a total of 8.4 acres (Proposed Twelfth & Patterson Center Subdivision which is being reviewed concurrently with this application). In accordance with Table 3.5 of the Zoning and Development Code, a drive-through retail use is required to obtain a Conditional Use Permit in the B-1, (Neighborhood Business) zone district. Also, a Conditional Use Permit is required for a retail building that is in excess of 15,000 sq. ft. in the B-1 zone district (Proposed Lot 1, Twelfth & Patterson Center Subdivision) in accordance with Section 3.4 B. of the Zoning and Development Code.

The B-1, (Neighborhood Business) zoning district Performance Standards (Section 3.4 B. of the Zoning and Development Code) requires that no use in this district shall open or accept deliveries earlier than 5:00 AM nor close later than 11:00 PM. “Close” includes no customers on-site and no deliveries. The applicant has stated that they are in agreement with these hours of operation.

Access to the property will be from Patterson Road (“3/4 movement” – right-in, right-out, left-in), N. 12th Street (right-in, right-out) and Wellington Avenue (full movement). Complete reconstruction of the N. 12th Street and Patterson Road intersection will be required. Real estate will need to be acquired for additional right-of-way for the intersection. Upgrades at N. 12th Street and Patterson Road will include double left-turn lanes on all four legs. The cost of these improvements is currently being negotiated between the City and the applicant. Wellington Avenue will be upgraded with half (½) street improvements that include curb/gutter/sidewalk on the northside of Wellington adjacent to the applicant’s property. This will be paid for by the applicant.

As part of this application, the applicant wishes to vacate an existing 2.5’ Irrigation and Drainage Easement in anticipation of the proposed neighborhood business commercial development. The existing Easement does not contain any public infrastructure utilities and was dedicated to the public as part of the Yo Minor Subdivision in 1993. In accordance with the Zoning and Development Code, unless otherwise approved, a site plan shall expire on the one year anniversary date of approval of the project.

Sign Package:

Project Manager has calculated the maximum amount of signage allowance for the entire project to be 2,290 sq. ft. (free-standing and building). The applicant is proposing 2,270 sq. ft. (1,482 sq. ft. for building signage and 788 sq. ft. for free-standing signage). The applicant is proposing three free-standing signs. One free-standing sign along Patterson Road, one sign along N. 12th Street and the third, a center identification sign at the intersection of N. 12th Street and Patterson Road. The two tallest free-standing signs will have an overall height of 22'. All proposed signage is within the required square footage and height requirements per the Zoning and Development Code (See attached Sign Package – Sheets A6 and A7).

2. Consistency with the Growth Plan:

The site is currently zoned B-1, (Neighborhood Business) with the Growth Plan Future Land Use Map identifying this area as Commercial.

3. Section 2.13 C. of the Zoning and Development Code:

Requests for a Conditional Use Permit must demonstrate that the proposed development will comply with all of the following:

- a. All applicable site plan review criteria in Section 2.2 D. 4. of the Zoning and Development Code and with the SSID, TEDS and SWMM Manuals.

Section 2.2 D. 4.

1. Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the Grand Valley Circulation Plan, trails plan and the parks plans.

Project Manager finds the request for a Conditional Use Permit to be in compliance with the Growth Plan and Zoning and Development Code per my review of the application as this property is zoned B-1, (Neighborhood Business), with the exception of the applicant's request to have an outdoor display area in front of the building entrance for City Market, which the applicant is requesting a waiver for from the Planning Commission as part of this Conditional Use Permit review. The B-1 zone district does not allow general retail sales, outdoor operations, display or storage. The Planning Commission can consider this request however, since the outdoor display would be considered ancillary to the permitted use of the grocery store. Project Manager is supportive of the applicant's request to provide outdoor display areas adjacent to the proposed grocery store since many area grocery stores provide seasonal retail sales of pumpkins, Christmas trees, flowers, etc., for their customers shopping convenience.

2. Conditions of any prior approvals.

N/A.

3. Other Code requirements including rules of the zoning district, applicable use specific standards of Chapter Three of the Zoning and Development Code and the design and improvement standards of Chapter Six of the Code.

Project Manager finds that the proposed neighborhood business development will comply with the standard requirements of the Zoning and Development Code upon the development and completion of the proposed project.

4. Quality site design practices.

The applicant wishes to develop a neighborhood business commercial development and will meet all the requirements of the Zoning and Development Code and also the SSID's TEDS and SWMM manuals.

b. The underlying zoning district's standards established in Chapter Three of the Zoning and Development Code.

A retail drive-through retail use is a permitted land use in the B-1, (Neighborhood Business) zone district with a Conditional Use Permit. Also, a Conditional Use Permit is required for a retail building that is in excess of 15,000 sq. ft. in the B-1 zone district in accordance with Section 3.4 B. of the Zoning and Development Code, therefore the underlying zoning district's standards established in Chapter Three of the Zoning and Development Code are in compliance.

c. The use-specific standards established in Chapters Three and Four of the Zoning and Development Code.

A retail drive-through retail use and a retail building that is in excess of 15,000 sq. ft. are required to have a Conditional Use Permit in the B-1 (Neighborhood Business) zone district. All use-specific requirements for this request as stated in Chapters Three and Four are in compliance with this application.

d. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to, schools, parks, hospitals, business and commercial facilities, and transportation facilities.

The property is located at the intersection of N. 12th Street and Patterson Road which has existing bus connection routes, retail and restaurants, clinics and hospitals, Mesa State College and neighborhood single and multifamily residential development that will all benefit from the proposed

neighborhood business commercial development by providing additional retail, restaurant and neighborhood convenience grocery and pharmacy shopping choices for the surrounding neighborhoods.

e. Compatibility with and protection of neighboring properties through measures such as:

1. Protection of privacy.

The adjacent properties to the east, south and north are zoned residential which requires increased screening and buffering requirements from the existing B-1, zone district by the minimum addition of an eight (8') foot wide landscaping strip and also a six (6') foot tall fence. However, since the north and south residential zones are separated by a right-of-way (Patterson Road and Wellington Avenue), the Planning Director may approve increased landscaping rather than requiring the fence. The applicant is proposing increased landscaping adjacent to these rights-of-way (15' wide landscaping strip adjacent to Patterson Road and a landscaping strip ranging in width from 28' +/- to 48' +/- adjacent to Wellington Avenue) which have been approved by the Director. For the buffering requirement adjacent to the east property line, the applicant is proposing an 11' wide landscaping strip and an eight (8') foot tall masonry wall in-lieu of the six (6') foot tall fence. In accordance with Section 4.1 J. 2. b. of the Zoning and Development Code, fences or masonry walls in excess of six (6') feet shall be considered a structure and shall comply with all required setbacks. Therefore, this proposed masonry wall will need to be setback a minimum five (5') feet from the east property line. However, the applicant is requesting as part of the Conditional Use Permit review, that the Planning Commission approve this side yard setback waiver and construct the masonry wall along the common property line. Project Manager is in support of the applicant's request for this setback waiver since the proposed eight (8') foot tall masonry wall will provide additional screening and buffering between the proposed neighborhood business commercial development and the multi-family residential development (Patterson Gardens). The applicant has also received approval from the Patterson Gardens Homeowner's Association to construct this eight (8') tall masonry wall along the property line.

2. Protection of use and enjoyment.

The proposed development will meet and exceed all parking and landscaping requirements of the Zoning and Development Code for the B-1, (Neighborhood Business) zoning district.

3. Compatible design and integration.

The proposed development will not adversely impact the adjacent residential neighborhood. Because this property is adjacent to a high traffic intersection, is presently zoned B-1, (Neighborhood Business), is in close proximity to existing commercial, educational, hospital and clinic facilities, and within walking distance of existing residential development, makes this project a perfect neighborhood business commercial development location. Even though the project technically does not come under the Big Box Development Standards (Section 4.3 of the Zoning and Development Code - for buildings over 50,000 sq. ft.), the applicant meets or exceeds many Big Box architectural standards such as developing an outside public seating area that includes a fire pit, concealing roof-top mechanical equipment where possible, providing colored concrete, patterned cross-walks, screening of truck well loading and unloading area and finally the use of creative roof-lines, awnings and other architectural features. Because of these development features, the applicant is providing a compatible design and integration with the existing neighborhood that goes above minimum requirements for commercial development within the B-1, zoning district.

4. Section 2.11 C. of the Zoning and Development Code:

The vacation of the easement shall conform to the following:

- a. The Growth Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

Granting this request to vacate an existing 2.5' Irrigation and Drainage Easement does not conflict with Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City of Grand Junction. The Irrigation and Drainage Easement does not contain any infrastructure facilities.

- b. No parcel shall be landlocked as a result of the vacation.

No parcel will be landlocked as a result of this Irrigation and Drainage Easement vacation.

- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

Access to any parcel will not be restricted as a result of this Irrigation and Drainage Easement vacation.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services

provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the vacation request.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.

The provision of adequate public facilities and services will not be inhibited to any property as required in Chapter Six of the Zoning and Development Code as there are no public infrastructure located within the requested Irrigation and Drainage Easement vacation. No adverse comments were received from the utility review agencies.

- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The proposed Irrigation and Drainage Easement vacation will remove an unneeded easement from the property.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the Twelfth and Patterson Center application, CUP-2008-323 for a Conditional Use Permit and Vacation of Easement, I recommend that the Planning Commission make the following findings of fact, conclusions and conditions:

1. The requested Conditional Use Permit is consistent with the Growth Plan.
2. The review criteria in Section 2.13 C. of the Zoning and Development Code have all been met for the Conditional Use Permit application.
3. As part of the Conditional Use permit application, I recommend that the Planning Commission approve the submitted Sign Package as presented which meets with all the sign requirements as specified in Section 4.2 of the Zoning and Development Code. Project Manager also recommends that the Planning Commission approve the applicant's request to have outdoor display areas in front of the building entrance for City Market and also approval of the five (5') foot side yard setback waiver for the construction of the eight (8') tall masonry wall to be constructed along the side property line.
4. The requested easement vacation is consistent with the Growth Plan.
5. The review criteria in Section 2.11 C. of the Zoning and Development Code have all been met for the proposed easement vacation.

6. Approval of the project being conditioned upon the approval and recording of the Simple Subdivision Plat joining all parcels into four lots and finalization and approval of all outstanding items associated with the Site Plan Review, including the necessary infrastructure, the costs associated with the infrastructure and who will pay those costs, and the acquisition of all required rights-of-way.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit and Vacation of Easement, CUP-2008-323, making the findings, conclusions and condition of approval as listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

First Motion:

Mr. Chairman, on the vacation of a 2.5' Irrigation and Drainage Easement located at 1308 and 1310 Wellington Avenue, I move that we recommend approval to the City Council for the vacation request making the findings of fact/conclusions as listed in the City Staff report.

Second Motion:

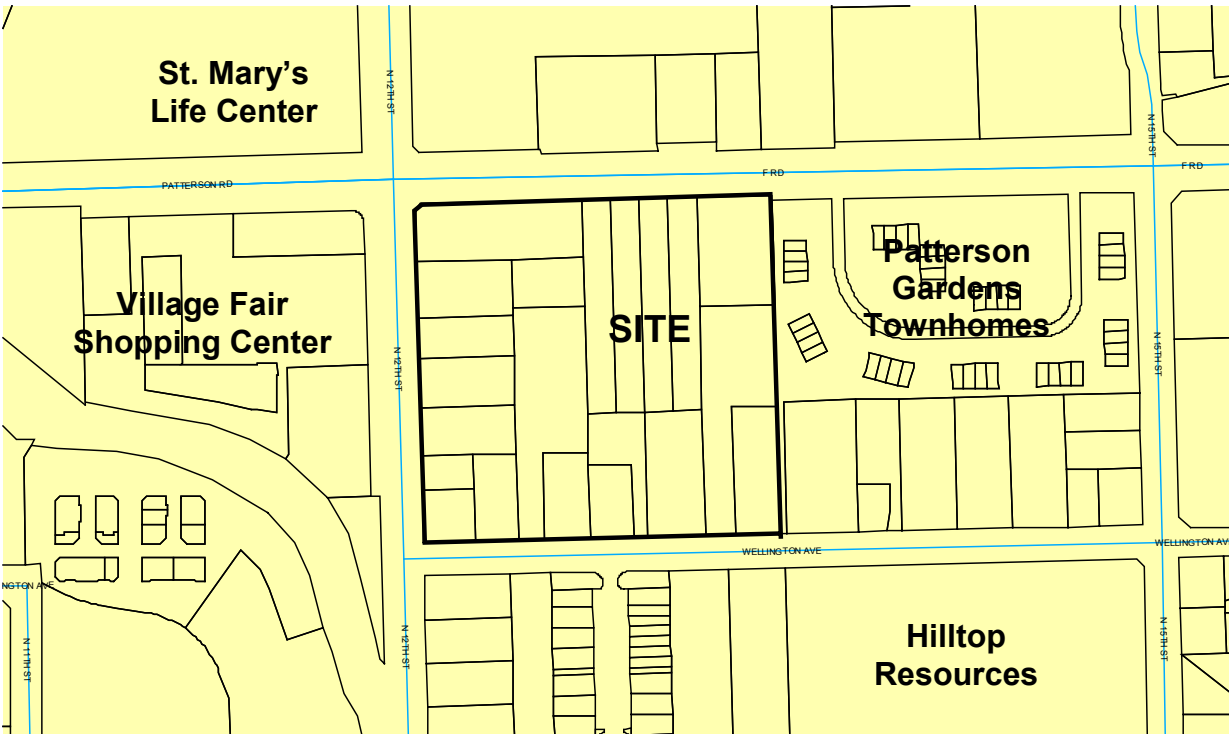
Mr. Chairman, on the request for a Conditional Use Permit for the Twelfth and Patterson Center application, file number CUP-2008-323, to be located at the southeast corner of N. 12th Street and Patterson Road, I move that the Planning Commission make the Findings of Fact/Conclusions and Condition of Approval as identified in the Staff Report and conditionally approve the Conditional Use Permit.

Attachments:

Site Location Map / Aerial Photo Map
Future Land Use Map / Existing City Zoning
Site Plan (Sheet CS1.1)
Sign Package (Sheets A6 and A7)
Landscaping Plan (Sheets LP1.1, LP1.2 and LP5.1)
Building Elevation Drawings (Sheets A3, A4 and A5)
Easement Vacation Resolution

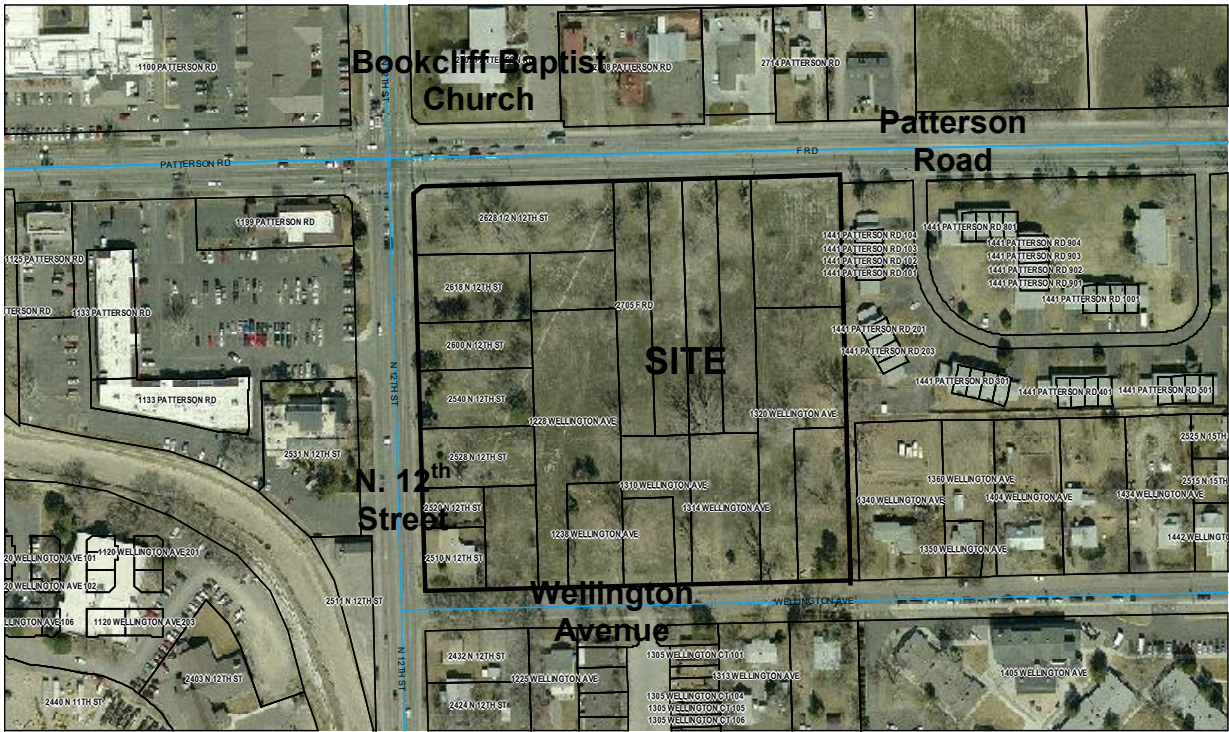
Site Location Map

Figure 1



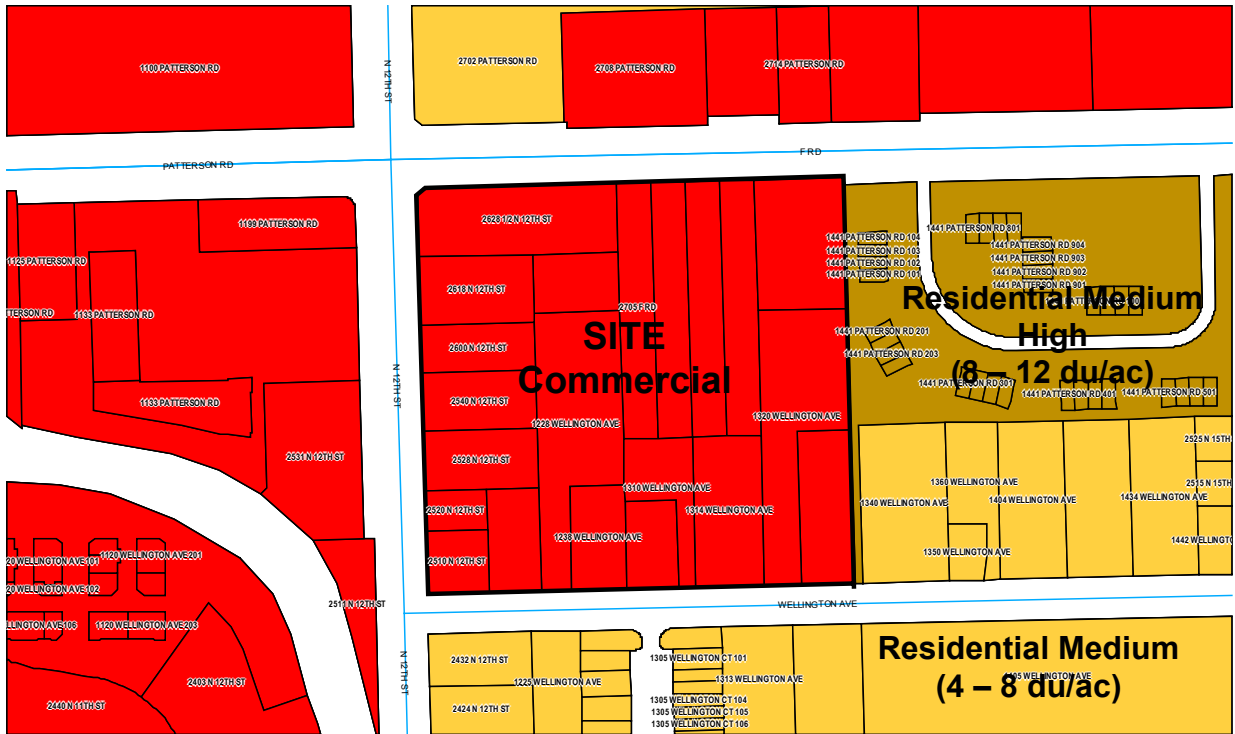
Aerial Photo Map

Figure 2



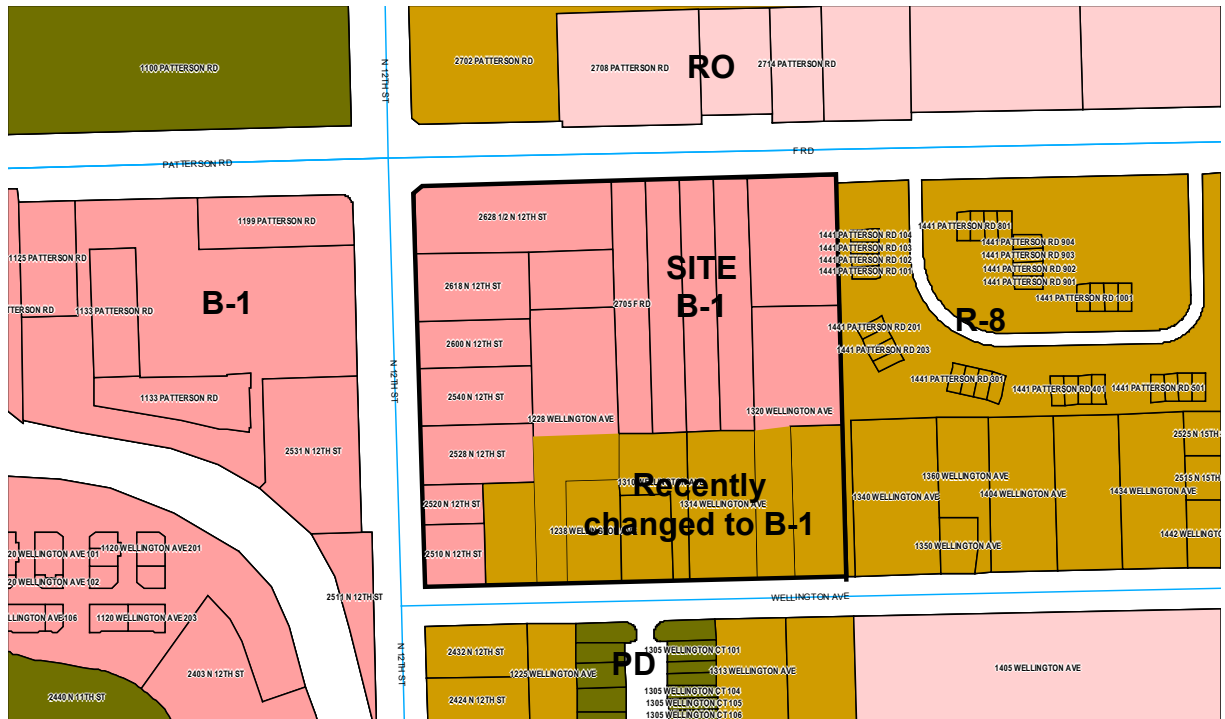
Future Land Use Map

Figure 3



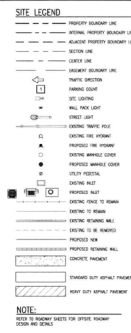
Existing City Zoning

Figure 4



SCHEDULE

1	REIN. EXPOSED SUBT. REINFT. FRING. TYPICAL AS SHOWN. REF. CDS.1
2	REIN. EXPOSED SUBT. REINFT. FRING. TYPICAL AS SHOWN. REF. CDS.1
3	REIN. EXPOSED SUBT. REINFT. FRING. TYPICAL AS SHOWN. REF. CDS.1
4	REIN. W/AL. SUBT. REINFT. FRING. SPECIFICATION REF. CDS.1, SEE ARCHITECTURAL PLANS.
5	CONCRETE CURB ATTACHED CONCRETE SIDEWALK TO DIMENSION SHOWN. REF. CDS.1, CDS.2, REF. CDS.1
6	CONCRETE DETACHED CONCRETE SIDEWALK TO DIMENSION SHOWN. REF. CDS.1, CDS.2, REF. CDS.1
7	IF WALL MASONRY SCREEN WALL, SEE CDS.2
8	CONCRETE FARM-GATE CURB RAMP REF. CDS.1
9	CONCRETE CONCRETE CURB RAMP REF. CDS.1
10	CONCRETE WALK-WAY CURB RAMP REF. CDS.1
11	REIN. WALK-WAY REF. CDS.1
12	CONCRETE CURB, COLORED POLYMER FINISHING TO DIMENSION (SEE CONCRETE FINISH SPECIFICATION) FORM JOINTS & IF SPECIFIC, NO. W/AL. SPECIFICATION CHANGING



No.	REVISION	REV.	DESIGN BY	DATE
1	INITIAL SUBMITTAL	000	CRB	8/29/08
2	2nd SUBMITTAL	000	CRB	12/11/08

Gallows
Planning, Architecture, Engineering
5300 27th Parkway
Overland Village, CO 80111
303.779.1884
303.779.3038 F
www.gallowsllc.com

GOLDBERG
PROPERTIES, INC.
12TH AND FAYETTE ST. COLLEERS, LLC.
195 W 12TH AVENUE
DENVER, CO 80204

CITY MARKET
SITE PLAN

Project No:	001.000
Sheet Scale:	1"=
Designed By:	
Drawn By:	
Note:	SEE DRAWING

**CALL UTILITY NOTIFICATION
CENTER OF COLORADO
1-800-922-1987**
CALL 2-BUSINESS DAYS IN ADVANCE BEFORE
YOU DIG, GRAB, OR EXCAVATE FOR THE
SAFETY OF UNDERGROUND MEMBER UTILITIES.

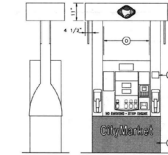
CITY OF GRAND JUNCTION
ACCEPTED FOR CONSTRUCTION FOR 1 YEAR
FROM THIS DATE: _____
BY: _____ BY: _____
CITY ENGINEER CITY PLANNER

CS1.1

2 KIOSK GRAPHICS
SCALE: 1/2"=1'-0"



7 DISPENSER ELEVATION
SCALE: 1/2"=1'-0"



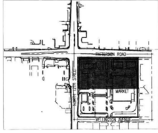
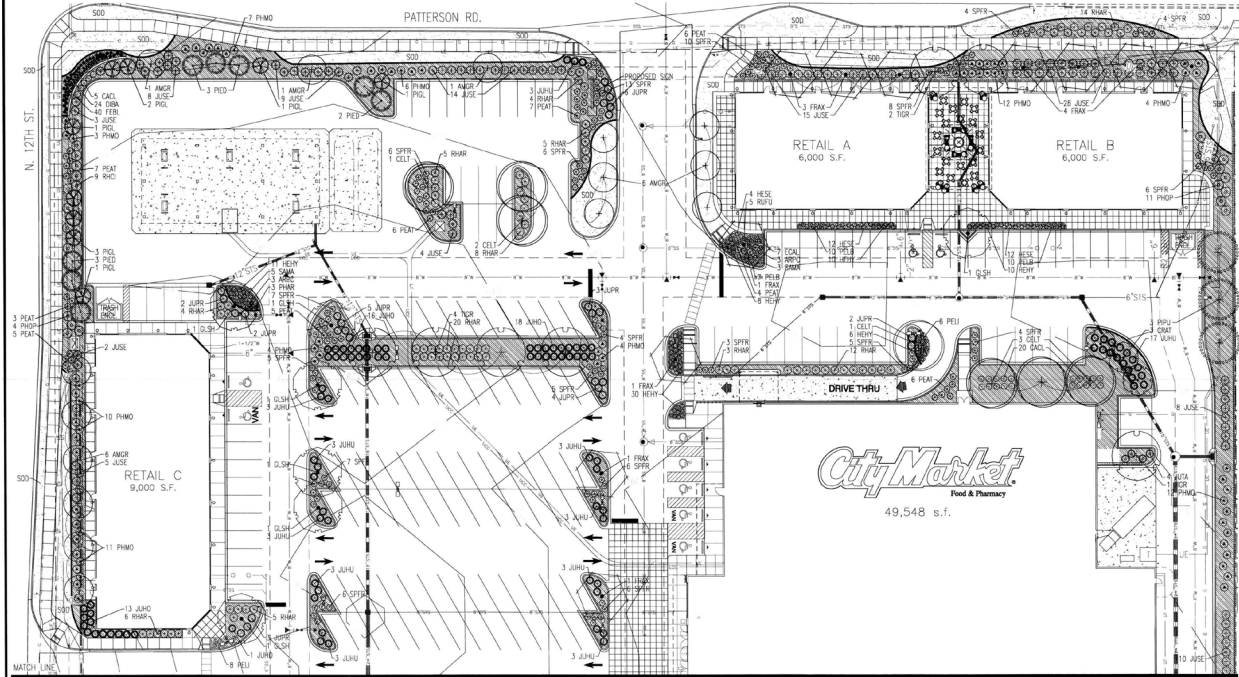
	UNLEADED	MIDGRADE	DIESEL
3.4"	1.45 ⁹	1.58 ⁹	1.76 ⁹

8 CANOPY PRICE SIGN GRAPHICS
SCALE: 1/2"=1'-0"



<p>CITY MARKET SITE PLAN</p> <p>SEC. ANTIPOLO ROAD & 17TH STREET GRAND JUNCTION, COLORADO</p>	<p>GOLDBERG</p> <p>PROPERTIES, INC. 1700 17TH STREET, SUITE 200 GRAND JUNCTION, CO 81505</p>		<p>Galloway</p> <p>INTERIOR DESIGN 1000 17TH STREET, SUITE 200 GRAND JUNCTION, CO 81505</p>		<p>NO. 1</p> <p>DATE 10/1/78</p>	<p>NO. 2</p> <p>DATE 10/1/78</p>
	<p>PROJECT NO. 023-00001</p> <p>SHEET NO. 01</p> <p>DESIGNED BY JMK</p> <p>DRAWN BY JMK</p> <p>CHECKED BY JMK</p> <p>DATE 10/1/78</p>	<p>NO. 1</p> <p>DATE 10/1/78</p>	<p>NO. 2</p> <p>DATE 10/1/78</p>	<p>NO. 3</p> <p>DATE 10/1/78</p>	<p>NO. 4</p> <p>DATE 10/1/78</p>	

CITY MARKET TWELFTH AND PATTERSON CENTER SUBDIVISION SITE PLAN



CALL DUTY NOTIFICATION
CITY OF COLORADO
1-800-922-1987
IF YOU ARE A CITY OF COLORADO EMPLOYEE, PLEASE CONTACT YOUR SUPERVISOR FOR MORE INFORMATION.

LANDSCAPE PLAN

PROJECT NO: 00000000
DRAWN BY: JRM
CHECKED BY: JRM
DATE: SEPTEMBER 2008
JOB NO: 00000000

CITY OF DENVER
ACCEPTED FOR CONSTRUCTION FOR 1 YEAR
FROM THIS DATE: _____ BY: CITY PLANNER

LP1.1

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/27/08	1. PRELIMINARY	JRM	JRM
2	11/10/08	2. PRELIMINARY	JRM	JRM
3	11/10/08	3. PRELIMINARY	JRM	JRM
4	11/10/08	4. PRELIMINARY	JRM	JRM
5	11/10/08	5. PRELIMINARY	JRM	JRM
6	11/10/08	6. PRELIMINARY	JRM	JRM
7	11/10/08	7. PRELIMINARY	JRM	JRM
8	11/10/08	8. PRELIMINARY	JRM	JRM
9	11/10/08	9. PRELIMINARY	JRM	JRM
10	11/10/08	10. PRELIMINARY	JRM	JRM
11	11/10/08	11. PRELIMINARY	JRM	JRM
12	11/10/08	12. PRELIMINARY	JRM	JRM
13	11/10/08	13. PRELIMINARY	JRM	JRM
14	11/10/08	14. PRELIMINARY	JRM	JRM
15	11/10/08	15. PRELIMINARY	JRM	JRM
16	11/10/08	16. PRELIMINARY	JRM	JRM
17	11/10/08	17. PRELIMINARY	JRM	JRM
18	11/10/08	18. PRELIMINARY	JRM	JRM
19	11/10/08	19. PRELIMINARY	JRM	JRM
20	11/10/08	20. PRELIMINARY	JRM	JRM
21	11/10/08	21. PRELIMINARY	JRM	JRM
22	11/10/08	22. PRELIMINARY	JRM	JRM
23	11/10/08	23. PRELIMINARY	JRM	JRM
24	11/10/08	24. PRELIMINARY	JRM	JRM
25	11/10/08	25. PRELIMINARY	JRM	JRM
26	11/10/08	26. PRELIMINARY	JRM	JRM
27	11/10/08	27. PRELIMINARY	JRM	JRM
28	11/10/08	28. PRELIMINARY	JRM	JRM
29	11/10/08	29. PRELIMINARY	JRM	JRM
30	11/10/08	30. PRELIMINARY	JRM	JRM
31	11/10/08	31. PRELIMINARY	JRM	JRM
32	11/10/08	32. PRELIMINARY	JRM	JRM
33	11/10/08	33. PRELIMINARY	JRM	JRM
34	11/10/08	34. PRELIMINARY	JRM	JRM
35	11/10/08	35. PRELIMINARY	JRM	JRM
36	11/10/08	36. PRELIMINARY	JRM	JRM
37	11/10/08	37. PRELIMINARY	JRM	JRM
38	11/10/08	38. PRELIMINARY	JRM	JRM
39	11/10/08	39. PRELIMINARY	JRM	JRM
40	11/10/08	40. PRELIMINARY	JRM	JRM
41	11/10/08	41. PRELIMINARY	JRM	JRM
42	11/10/08	42. PRELIMINARY	JRM	JRM
43	11/10/08	43. PRELIMINARY	JRM	JRM
44	11/10/08	44. PRELIMINARY	JRM	JRM
45	11/10/08	45. PRELIMINARY	JRM	JRM
46	11/10/08	46. PRELIMINARY	JRM	JRM
47	11/10/08	47. PRELIMINARY	JRM	JRM
48	11/10/08	48. PRELIMINARY	JRM	JRM
49	11/10/08	49. PRELIMINARY	JRM	JRM
50	11/10/08	50. PRELIMINARY	JRM	JRM

Galloway
PROFESSIONAL LANDSCAPE ARCHITECTS
1000 N. 12TH STREET
DENVER, CO 80202
(303) 733-1234
WWW.GALLOWAY-PA.COM

CITY MARKET
SITE PLAN
SEC. PATTERSON ROAD & 12TH STREET
GRAND JUNCTION, COLORADO

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CENTER OF COLORADO
1-800-922-1987
CALL 2-BUSINESS DAYS IN ADVANCE BEFORE
YOU DIG, GRADE, OR EXCAVATE FOR THE
WORKING OF UNDERGROUND MEMBER UTILITIES



SITE DATA	
DATA	TOTAL
TOTAL SITE AREA	23,628 SF 805 ACRES
TREES	
TREES REQUIRED	141
TREES PROPOSED	145
SHRUBS	
SHRUBS REQUIRED (P1 & P3 CONT.)	1179
TOTAL SHRUBS PROPOSED (P1 & P3 CONT.)	1457

CITY OF GRAND JUNCTION
ACCEPTED FOR CONSTRUCTION
FROM THIS DATE: _____

By: _____
CITY CLERK

LP1.2

[illegible][illegible][illegible]

1. AN UNDERGROUND, PRESSURIZED IRRIGATION SYSTEM WILL BE PROVIDED AND OPERATIONAL BY THE TIME THE FIRST PLANTING OF THE ENTIRE IRRIGATION SYSTEM SHALL BE INSTALLED BY A QUALIFIED IRRIGATION CONTRACTOR.
2. THE IRRIGATION SYSTEM WILL OPERATE ON POTABLE WATER.
3. ALL NON-USED PLANTED AREAS WILL BE DEEP IRRIGATED. SOODER & SEICED AREAS SHALL BE IRRIGATED WITH SPUR HEADS AT 100% HEAD-TO-HEAD COVERAGE.
4. ALL PLANTS SHARING SIMILAR HYDROLOGIC CHARACTERISTICS SHALL BE PLACED ON A VALVE DEDICATED TO PROVIDE THE NECESSARY WATER REQUIREMENTS SPECIFIC TO THAT HYDROLOGIC.
5. THE IRRIGATION SYSTEM SHALL BE DESIGNED AND RETAILORED, TO THE MAXIMUM EXTENT POSSIBLE, TO CONSIDER ALL CLIMATE, SOIL, PLANT, SPACE AND SYSTEM VARIABLES. MATCHED PRECIPITATION PLANT TECHNOLOGY ON SPUR HEADS (EMPOWER PROPORTION), RAIN SENSORS, AND MICROCLIMATE MONITORED IRRIGATION CONTROLS FEEDBACK SENSORS INCREASE PLANT CAPABILITY.

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 4" THICK LAYER OF 1-1/2" SHREDED WOOD MULCH, 2-3" COBBLE UNDER ROUGH MULCH AND 1-1/2" COBBLE UNDER ROCK MULCH OVER LANDSCAPE ARCHITECT'S DESIGN. CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXCESSIVE MULCH SHALL BE LEFT SHOWN ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED.

FORMALDOL CLEANLINE CODING:
3/16" x 6" x 8", GREEN
DRAKELLE PRIMER, OR EQUAL, AS
APPROVED BY THE OWNERS
REPRESENTATIVE.

ACR	STY	ANCESTRAL NAME	TREE	COMMON NAME	SIZE / COLOR
ACR	25	BOLENAEAE GRACILOPSA "AUTUM BIRCHLINE"		"AUTUM BIRCHLINE" SPRINGBERRY	1.0' L. x 1.0' B&B
ACR	26	CELA COCCOGLIOSA		COMMON HAZELBERRY	2.0' L. x 1.0' B&B
CMR	6	CRANIOX G MORONDIENSES "TINA"		TINA HAZELBERRY	1.0' L. x 1.0' B&B
CMR	7	FRANKIA AMERICANA "AUTUM PUMPLE"		AUTUM PUMPLE HAZ.	2.0' L. x 1.0' B&B
CMR	10	CELA COCCOGLIOSA "SPRINGBERRY" TM		"SPRINGBERRY" HAZELBERRY	1.0' L. x 1.0' B&B
QJR	15	SWAMP WHITE OAK		QUEENSC BICOLORED	2.0' L. x 1.0' B&B
QJR	18	TELA CORONA "GREENPINE"		GREENPINE OAK	1.0' L. x 2.0' B&B
ESSENTIAL TREES					
PIU	9	PELA CALICO TEXASIA		BLACK HILLS SPIRUEL	6" H. x 1.0' B&B
PIU	9	PELA PANGSA "COLORADO GREVE"		BLUE SPIRUEL	6" H. x 1.0' B&B
PIU	8	PINUS PINA		PINUS DODGE	6" H. x 1.0' B&B
PIU	10	AUSTRIAN PINE		PINUS NODA	6" H. x 1.0' B&B
PST	5	PINUS TROVOROMI		SOUTHEASTERN WHITE PINE	6" H. x 1.0' B&B
TALL TREES					
BURMEE					
OCL	43	CARYOPTERIS GLANDULOSA "BLUE MIST"		BLUE MIST SPINKA	#1 CONT.
CON	66	CONIUS SERICA "DALETT"		DALETT'S HEATH DOGWOOD	#1 CONT.
CON	82	CONIUS GEMINUS "YOLBERT"		YOLBERT JUNIPER	#1 CONT.
JEV	119	JUNIPERUS CANADENSIS "SEA GREEN"		SEA GREEN JUNIPER	#1 CONT.
JEV	20	JUNIPERUS HORIZONTALIS "NADIES"		NADIES JUNIPER	#1 CONT.
JEV	68	JUNIPERUS HORIZONTALIS "PRINCE OF WALES"		PRINCE OF WALES JUNIPER	#1 CONT.
JEV	20	JUNIPERUS SPINOSA "TAMMESCOURT"		TAMMESCOURT JUNIPER	#1 CONT.
JEV	49	PODSOPHA APTEROCALYA		RUSSEAN SAGE	#1 CONT.
PHO	113	PHOTINIA GIBBERA DRACULIOSA		MOULTAIN NINEBARK	#1 CONT.
PHO	13	PHOTINUS GIBBERA "MINUTE"		DWARF NINEBARK	#1 CONT.
RWR	151	RHUS AMERICANA "GRD-LOW"		GRD-LOW "FLORIDIAN" SUMAC	#1 CONT.
RWR	28	RHUS GLABRA "SANDHORN"		SMOKE HORIZANT SUMAC	#1 CONT.
RWR	136	SALE PURPUREA "NARKA"		DWARF MITCHEL WILLOW	#1 CONT.
SPR	154	SPARGA FRITSCHIANA "NANA"		PINK PARASOL SPREA	#1 CONT.
TOTAL SHRUBS					
PERMANENT GRASSES					
PER	40	FESTUCA GIGAS "TUMBLI BLUE"		TUMBLI BLUE FESCUE	#1 CONT.
PER	74	HELODOSTICHON SAMPSONIENSIS		BLUE LIPS HEATH GRASS	#1 CONT.
PER	27	POENTHICA ALGERIENSIS "VANILLE"		HELMET DWARF FOXTAIL GRASS	#1 CONT.
PER	27	POENTHICA ALGERIENSIS "TULIP BUNNY"		LEGATE BUNNY FOXTAIL GRASS	#1 CONT.
PER	3	PULABIA ARABICA "TICEL"		TICEL GRASS	#1 CONT.
TOTAL ORNAMENTAL GRASSES					

ARPC	17	ARTEMISA X "POIRIS CASTLE"	POIRIS CASTLE ARTEMISA	#1	CONT.
DBSA	24	DARTMOUTH BARBARUS "DART MINT"	SWEET WILLIAM	#1	CONT.
ECAL	18	ECHINACEA "PINK ALBIS"	WHITE CANTONER	#1	CONT.
EDSL	105	HEMORRHOIDS X "HERBOSA"	HERBOSA	#1	MIXED RED/YELLOW COLORS
ANCR	19	NASTURIA X PASSIFLORA "KALIS GUNT"	GUNT GANT	#1	CONT.
PELI	34	PEROVSKIA AFFRICANA "LITTLE SPHERE"	LITTLE SPHERE RUSSIAN SAGE	#1	CONT.
RUFLU	32	RUDEBODIA FULGIDA "GOLDSTUM"	GOLDSTUM BLACK-EYED SUSAN	#1	CONT.
SABA	25	SALVA X SYLVESTRIS "MAY NIGHT"	MAY NIGHT SAGE	#1	CONT.
	283	TOTAL PERENNIALS			

IN	36508 SF.	ROCK MULCH	2-4" COBBLE ROCK MULCH
IN	2423 SF.	WOOD MULCH	1-1/2" SHREDDED HARDWOOD
ROOFED			
SEED	4789 SF.	NATIVE SEED WETLAND SEED MIX	WETLAND SEED MIX
SOO	15183 SF.	TURFGRASS SOO	LOCAL VARIETY BLUEGRASS/PESCUE BLEND

LP5.1	LANDSCAPE DETAILS, NOTES, & PLANT LIST	SEC PATTERSON ROAD & 12TH STREET GRAND JUNCTION, COLORADO		 <p>GOLDENROCK ENGINEERS & ARCHITECTS, LLC 1200 WEST PATTERSON ROAD, SUITE 200 GRAND JUNCTION, CO 81507 970.243.7434</p>	 <p>Galloway ARCHITECTS 1200 WEST PATTERSON ROAD, SUITE 200 GRAND JUNCTION, CO 81507 970.243.7434</p>	<table><tr><td>PROJECT NO.</td><td>05-00000001</td><td>DATE</td><td>05/05/2015</td></tr><tr><td>PROJECT NAME</td><td>05-00000001</td><td>BY</td><td>05/05/2015</td></tr><tr><td>PROJECT TYPE</td><td>05-00000001</td><td>DATE</td><td>05/05/2015</td></tr><tr><td>PROJECT NO.</td><td>05-00000001</td><td>BY</td><td>05/05/2015</td></tr><tr><td>PROJECT NAME</td><td>05-00000001</td><td>DATE</td><td>05/05/2015</td></tr><tr><td>PROJECT TYPE</td><td>05-00000001</td><td>BY</td><td>05/05/2015</td></tr><tr><td>PROJECT NO.</td><td>05-00000001</td><td>DATE</td><td>05/05/2015</td></tr><tr><td>PROJECT NAME</td><td>05-00000001</td><td>BY</td><td>05/05/2015</td></tr><tr><td>PROJECT 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[illegible]

Architectural elevation drawing of the exterior of a building. The drawing shows a long, low-profile structure with a flat roof. The facade is composed of several materials: concrete walls, brick veneer, and glass curtain walls. The roof is shown in cross-section, revealing the internal structure of concrete slabs and beams. Various structural elements are labeled, including 'CONCRETE WALL', 'BRICK VENEER', 'GLASS CURTAIN WALL', 'ROOFING', 'LANDSCAPE LIGHTING', 'CONCRETE SLAB', and 'CONCRETE BEAM'. The drawing also includes a section line 'SECTION 1-1' and a scale bar.

This architectural drawing shows the rear elevation of a building. It features a complex roofline with multiple gables and a central section with a lower roof. The building is constructed with various materials, including brick, concrete, and stone. Key features include a large central entrance with a gabled roof, several windows of different sizes, and a small porch area on the right. The drawing is annotated with numerous labels and dimensions, such as 'BRICK, 1 1/2" MIN. THICK', 'CONCRETE, 4" MIN. THICK', and 'STONE, 1 1/2" MIN. THICK'. It also includes a section cutaway on the right side, showing the interior structure and roof profile. The overall style is a detailed technical drawing with hatching used to represent different materials.

[illegible][illegible]

CITY MARKET
SITE PLAN

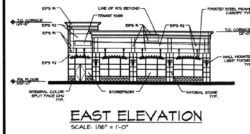
Project No:	0809.01
Sheet Scale:	1/16" = 1'-0"
Designed By:	WPA
Drawn By:	GB
Date:	SEPTEMBER, 2008
Disk File:	

CITY MARKET
BUILDING
ELEVATIONS

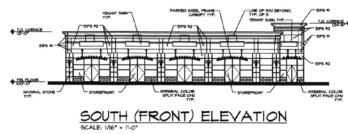
A3

CITY MARKET
TWELFTH AND PATTERSON CENTER SUBDIVISION
SITE PLAN

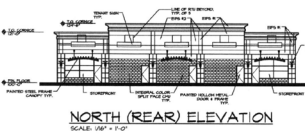
RETAIL BUILDING "A"



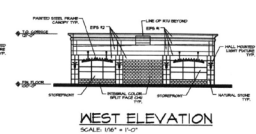
EAST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH (FRONT) ELEVATION
SCALE: 1/8" = 1'-0"

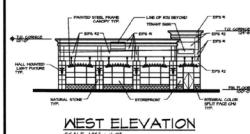


NORTH (REAR) ELEVATION
SCALE: 1/8" = 1'-0"

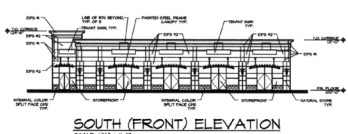


WEST ELEVATION
SCALE: 1/8" = 1'-0"

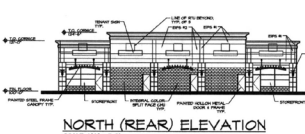
RETAIL BUILDING "B"



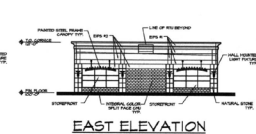
WEST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH (FRONT) ELEVATION
SCALE: 1/8" = 1'-0"

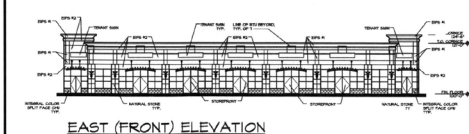


NORTH (REAR) ELEVATION
SCALE: 1/8" = 1'-0"

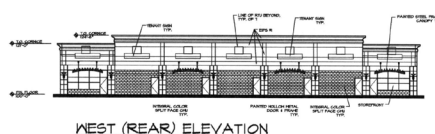


EAST ELEVATION
SCALE: 1/8" = 1'-0"

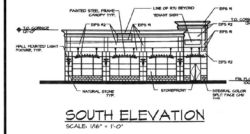
RETAIL BUILDING "C"



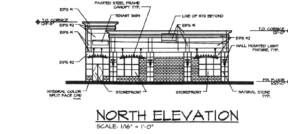
EAST (FRONT) ELEVATION
SCALE: 1/8" = 1'-0"



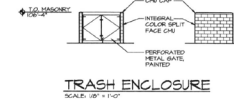
WEST (REAR) ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



TRASH ENCLOSURE
SCALE: 1/8" = 1'-0"

CITY OF DENVER, COLORADO
ACCEPTED FOR CONSTRUCTION FOR 1 YEAR
FROM THIS DATE: _____
BY: CITY PLANNING

REVISION	DATE	BY
1	12/17/2018	SS
2	01/08/2019	SS
3	01/08/2019	SS
4	01/08/2019	SS
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99	01/08/2019	SS
100	01/08/2019	SS

RETAIL ELEVATIONS

A4

CITY OF GRAND JUNCTION

RESOLUTION NO.

**A RESOLUTION VACATING A 2.5' IRRIGATION AND DRAINAGE EASEMENT
LOCATED AT 1308 AND 1310 WELLINGTON AVENUE**

RECITALS:

The applicant proposes to vacate a 2.5' Irrigation and Drainage Easement located at 1308 and 1310 Wellington Avenue.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described ingress, egress and utility easement is hereby vacated subject to the listed conditions:

2. Applicants shall pay all recording/documentary fees for the Vacation Resolution.

The following easement vacation is shown on "Exhibit A" as part of this vacation of description.

A 2.5' IRRIGATION & DRAINAGE EASEMENT SITUATED IN THE NW ¼ OF THE NW ¼ OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN, BEING A PART OF LOTS 1 & 2, YO MINOR SUBDIVISION AS RECORDED IN PLAT BOOK 14 AT PAGE 89, CITY OF GRAND JUNCTION, COUNTY OF MESA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID YO MINOR SUBDIVISION, SAID POINT ALSO LYING ON THE NORTHERLY R.O.W. LINE OF WELLINGTON AVENUE; THENCE N00°12'35"E ALONG THE WEST LINE OF SAID SUBDIVISION A DISTANCE OF 217.80 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE S89°45'58"E ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 2.50 FEET; THENCE S00°12'53"W A DISTANCE OF 217.80 FEET TO A POINT LYING ON SAID NORTHERLY R.O.W. LINE AND THE SOUTHERLY LINE OF SAID SUBDIVISION; THENCE N89°45'58"W ALONG SAID NORTHERLY R.O.W. LINE AND SAID SOUTHERLY LINE A DISTANCE OF 2.50 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS (545 SQUARE FEET) 0.0125 ACRES.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE NW 1/4 OF THE NW 1/4 OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST, OF THE UTE MERIDIAN BEARING N89°45'58"E AS REFERENCED AND BOUNDED BY A 3.25" MESA COUNTY ALUMINUM CAP L.S. IN A RANGE BOX AT THE SW CORNER OF THE NW 1/4 OF THE NW 1/4 OF SAID SECTION 4 AND CALCULATED CORNER FROM ACCESSORY TIES AS SHOWN ON MESA COUNTY REFERENCE SHEET RECORDED OCTOBER 30, 1987 AT THE SE CORNER OF THE NW 1/4 OF THE NW 1/4 OF SAID SECTION 12.

PREPARED BY: CHARLES N. BECKSTROM, PLS NO. 33202
FOR AND ON BEHALF OF
ENGINEERING SERVICE COMPANY
1300 SOUTH POTOMAC STREET, SUITE 126
AURORA, COLORADO 80012
PHONE: (303) 337-1393

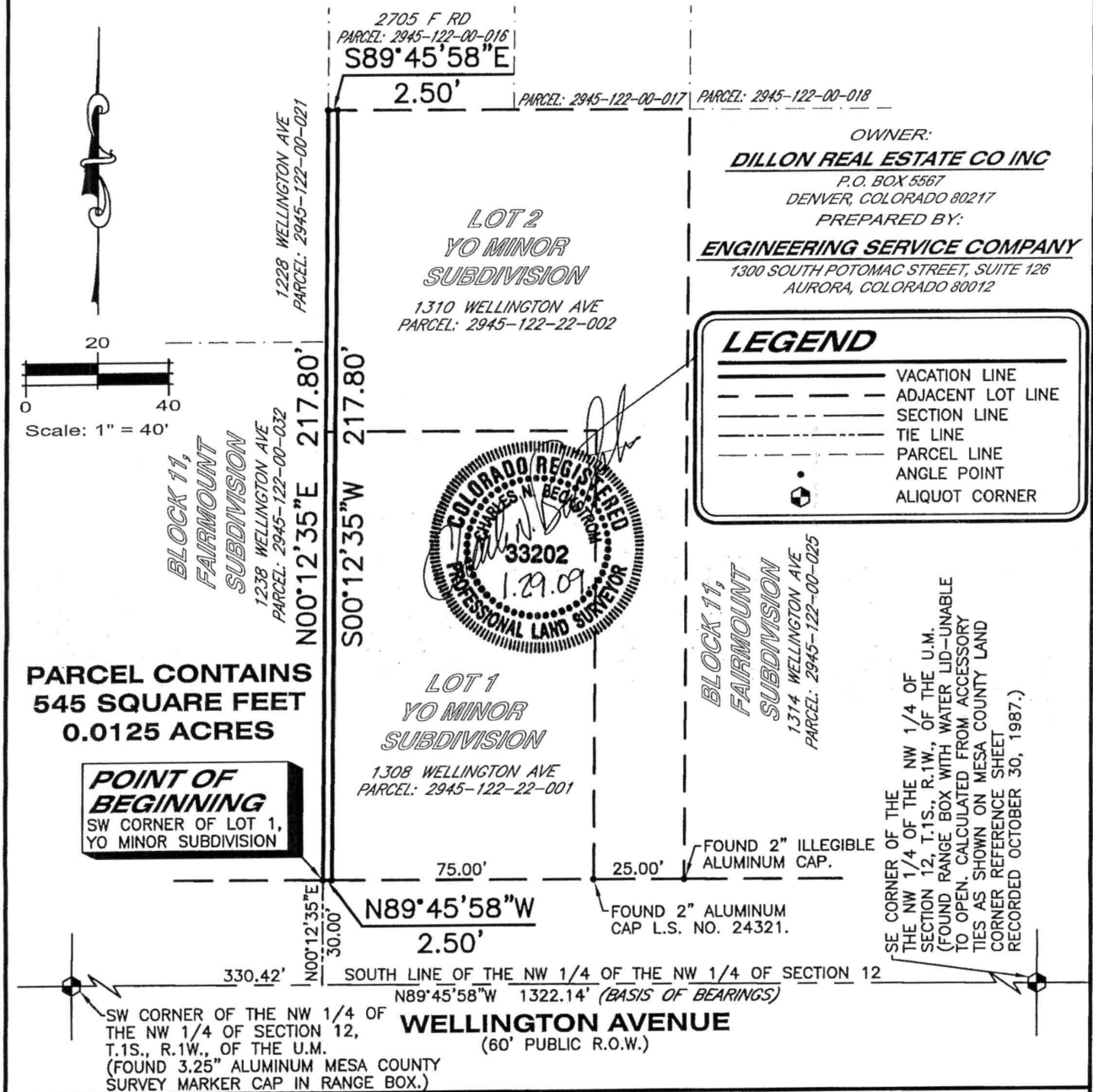
PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

President of City Council

City Clerk

ILLUSTRATION FOR EXHIBIT "A"



CITY OF GRAND JUNCTION

NOTE: THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED
ONLY TO DEPICT THE ATTACHED DESCRIPTION.

DRAWN BY:
SAM

SCALE:
1"=40'

R.O.W. FILE#

CHECKED BY:
CNB

DATE:
01/29/09

2.5' IRRIGATION & DRAINAGE EASEMENT

A PART OF LOTS 1 & 2, YO MINOR SUBDIVISION
SITUATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 12,
TOWNSHIP 1 SOUTH, RANGE 1 WEST, UTE MERIDIAN
CITY OF GRAND JUNCTION, COUNTY OF MESA,
STATE OF COLORADO

Attach 8
Corner Square Apartments

CITY OF GRAND JUNCTION
 PLANNING COMMISSION

MEETING DATE: February 9, 2009
 STAFF PRESENTATION: Greg Moberg

AGENDA TOPIC: Corner Square Apartments - Phase II – PP-2008-172

ACTION REQUESTED: Approve a Planned Development Preliminary Development Plan & Recommendation to City Council to approve the opening and use of 25 ¾ Road for access to the development.

BACKGROUND INFORMATION				
Location:		2535 Knollwood Drive		
Applicants:		Owner: F & P Land, LLC Developer: Constructors West Representative: Ciavonne, Roberts & Associates		
Existing Land Use:		Vacant		
Proposed Land Use:		Multifamily Residential		
Surrounding Land Use:	North	Commercial		
	South	Single Family Residential/Agricultural		
	East	Vacant		
	West	Single Family Residential/Vacant		
Existing Zoning:		PD (Planned Development)		
Proposed Zoning:		PD (Planned Development)		
Surrounding Zoning:	North	PD (Planned Development)		
	South	R-5 (Residential 5 du/ac)		
	East	PD (Planned Development)		
	West	R-12 (Residential 12 du/ac)		
Growth Plan Designation:		Residential Medium High – RMH (8-12 du/ac) and Commercial		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: Request approval of the Preliminary Development Plan for the Corner Square Apartments - Phase II on 3.3 acres within an approved PD (Planned Development) zone district. Separate from the Preliminary Development Plan approval, Developer is requesting the Planning Commission to make a recommendation to the City Council to approve the opening and use of 25 ¾ Road for access by the public to the development.

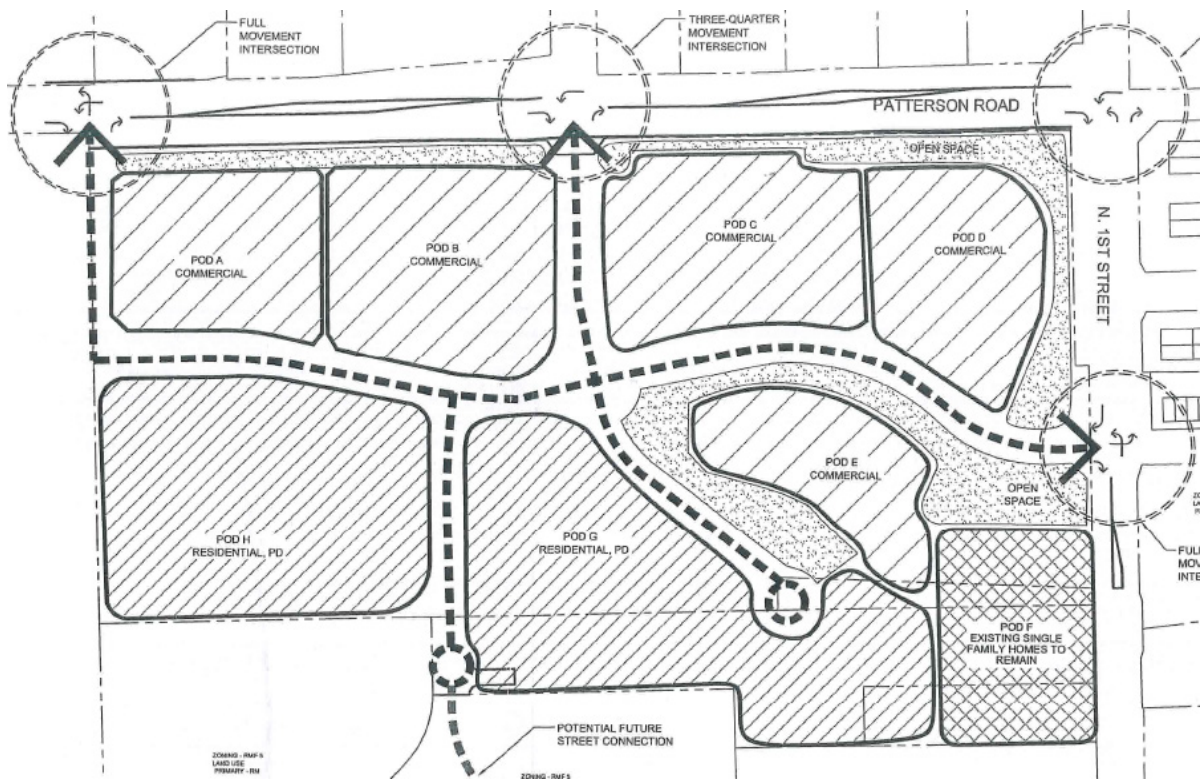
RECOMMENDATION: Staff recommends approval of the Preliminary Development Plan. Staff recommends denial of the Developer's request for a recommendation for the opening and use of 25 ³/₄ Road for access to the development.

ANALYSIS

1. Background

On November 1, 2006 the City Council approved Ordinance 3981 rezoning 20.7 acres, located at the southwest corner of 1st Street and Patterson Road, to PD (Planned Development) and approved the ODP (Outline Development Plan) for a mixed use development. The ODP was approved with the following default zones for each Pod:

- Pod A – B-1 (approved as part of Phase I)
- Pod B – B-1 (approved as part of Phase I)
- Pod C – B-1 (approved as part of Phase I)
- Pod D – B-1 (approved as part of Phase I)
- Pod E – B-1 (future phase)
- Pod F – R-4 (approved as part of Phase I)
- Pod G – R-12 (future phase)
- Pod H – R-12 (currently requesting approval as Phase II)



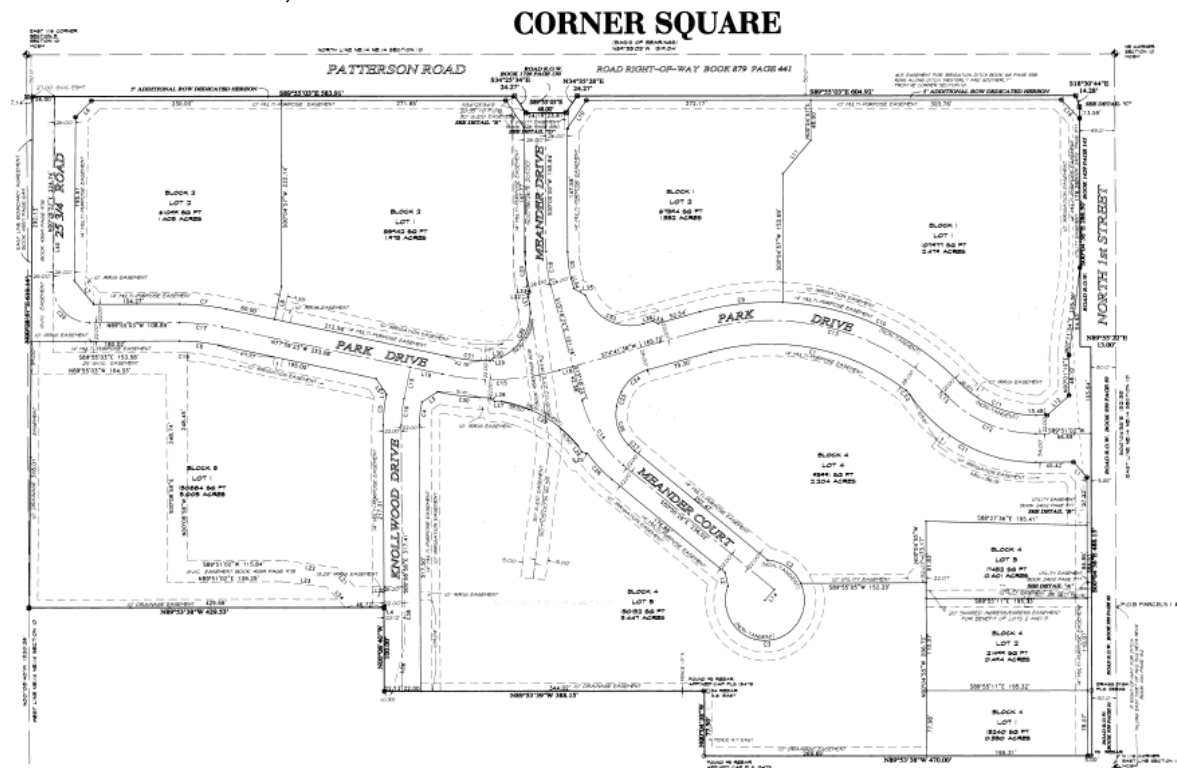
On June 26, 2007, the Planning Commission approved the PDP for Phase I which included the four Pods along Patterson Road. The approval did not include the

multifamily Pods (Pods G and H) or the remaining commercial Pod (Pod E). Planning Commission must approve PDPs for each of the remaining Pods prior to staff approval of final development plans and issuance of planning clearances. Approval of a proposed PDP is to ensure consistency with the uses, density, bulk, performance and other standards of the approved ODP and Ordinance.

As part of the ODP approval, Pods F, G and H were approved with a density range between 70 and 111 dwelling units. Furthermore, the default zoning for Pod F is RMF-4 (R-4) and the default zoning for Pods G and H is RMF-12 (R-12) with deviations. Deviations to the bulk standards were approved and included deviations to the minimum lot area, width and street frontage, front and rear yard setbacks and maximum lot coverage and FAR.

On December 17, 2007 the Final Plat was recorded. The Final Plat included all of the lots, tracts and right-of-way for the entire development, including the right-of-way dedication for 25 ³/₄ Road. The Pods and default zoning depicted by the ODP relate to the following platted lots:

- Pod A – Lot 2, Block 2 – B-1
- Pod B – Lot 1, Block 2 – B-1
- Pod C – Lot 2, Block 1 – B-1
- Pod D – Lot 1, Block 1 – B-1
- Pod E – Lot 4, Block 4 – B-1
- Pod F – Lots 1, 2 and 3, Block 4 – R-4
- Pod G – Lot 5, Block 4 – R-12
- Pod H – Lot 1, Block 3 – R-12



The proposed Preliminary Development Plan for Corner Square – Phase II is only for Lot 1, Block 3 (Pod H). Lots 4 and 5, Block 4 (Pods E and G) will be reviewed by Planning Commission under future phases.

A component of this proposal separate from the approval of the preliminary development plan is for the construction, opening, and use of 25 ³/₄ Road by the public for access to the development. Staff has determined that it would not be safe to allow access from Patterson Road on to 25 ³/₄ Road due to the close proximity of a driveway on the property immediately west of the development. The adjacent driveway is approximately 20 feet from and runs parallel to 25 ³/₄ Road. The Transportation and Engineering Design Standards (TEDS) do not allow a road and a driveway to operate that close to each other due to safety reasons. The owner of that property has objected to the closing of the driveway and relocation of the driveway to the owner's property. The Developer is proposing to relocate the driveway access from Patterson Road to 25 ³/₄ Road.

Lot Layout

Four buildings are proposed containing 12 dwelling units each. Two buildings will be located on the east half of the lot and two buildings will be located on the west half of the lot. Parking will be located between the four buildings in the middle of the lot. The parking lot will be accessed from both West Park Drive and Knollwood Drive. The center parking isle will be covered and will contain small storage units for each dwelling unit. Landscaping is located throughout the site with a majority of the landscaping located on the lot perimeter. A 1,988 square foot future Clubhouse will be located at the southwest corner of the lot. A modular block retaining wall will be constructed parallel to the west and a portion of the south property lines. This wall will be constructed due to the nine foot grade change that occurs along the west property line.

Density

The maximum residential density for the Corner Square development is 111 dwelling units. Currently there exist 3 dwelling units on Lots 1, 2, and 3, Block 4 (Pod F). A total of 48 dwelling units are being proposed as part of Phase II. If the PDP is approved, a maximum of 60 additional dwelling units would be allowed on Lot 5, Block 4 (Pod G).

Bulk Standards

The default zoning for this lot is R-12. The dimensional standards with approved deviations are as follows:

APPROVED DIMENSIONAL STANDARDS

Zoning District	Minimum Lot Size		Minimum Street Frontage (ft.)	Minimum Setbacks (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width (ft.)		Front (ft.)	Side (ft.)	Rear (ft.)			
R-12	1,500	20	N/A	15/20	5/3	5/3	N/A	N/A	40

The submitted site plan has been reviewed and meets or exceeds all of the minimum standards.

A concern has been raised by the adjoining property owner relating to the maximum height of the structure. This concern is due to the grade change that occurs along the west property line. The grade rises from the natural grade at Patterson Road to approximately nine (9) feet at the southwest corner of this Lot.

Chapter 9 defines height as: "The vertical distance from the grade to the highest point of any portion of a structure." Grade is defined as: "The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet (5') from the building, the point between the building and a line five feet (5') from the building."

The maximum height allowed for structures on this Lot is 40 feet. The proposed structures are 31 feet in height, measured from the finished grade. It should be noted that the finished grade extends nine (9) feet from the proposed structures thereby meeting the definition. Therefore the proposed structures are below the maximum height allowed for this Lot.

Access

The proposed development has two ingress/egress points, one access point provided from West Park Drive and one access point provided from Knollwood Drive.

To improve access to the development, the Developer is proposing that the construction of 25 ³/₄ Road along with the opening and use occur with the development of this Phase II. Construction of 25 ³/₄ Road would provide another point of access to the entire Development from Patterson Road. Currently there is only one access for the development from Patterson Road, Meander Drive.

Initially the Developer submitted a TEDS Exception requesting that the adjacent driveway and 25 ³/₄ Road be allowed to coexist (the existing driveway and right-of-way are separated by approximately 20 feet). A 150' separation is required from a street intersection and a driveway. Because of the separation requirement, Staff was unable to recommend approval of the TEDS Exception which would have allowed the construction of 25 ³/₄ Road while the driveway remained. On October 28, 2008 the TEDS Exception was denied by the TEDS Exception Committee.

The Developer has now proposed the construction of 25 ³/₄ Road and the relocation of the driveway from Patterson Road to 25 ³/₄ Road. The Development Engineer has reviewed the proposal and has found that this proposal meets all of the TEDS standards. However, upon review of the Transportation Impact Study, the Development Engineer found that an additional access onto Patterson Road (the construction of 25 ³/₄ Road) is not required for the 48 proposed dwelling units. Because the Traffic Impact Study does not support the need for 25 ³/₄ Road for Phase II, it is recommended that the opening and use of 25 ³/₄ Road not occur at this time.

Parking

Eighty-eight parking spaces, including four handicap spaces and 24 bicycle spaces will be provided meeting the requirements of the Zoning and Development Code.

Open Space

Other than the “outdoor living area” provided on the site, no open space or parkland is proposed for this proposal.

Landscaping

The development will be landscaped in accordance with Section 6.5 of the Zoning and Development Code which has been reviewed and approved as part of the submitted site plan.

Exhibit 6.5.C of the Zoning and Development Code dictates whether a landscape buffer is required between a development and adjoining property. If a landscape buffer is required the Exhibit defines the width of the buffer and whether a wall of fence is required. The requirement is based on the zoning of the proposed development and the zoning of the adjacent property. Because the Exhibit does not include PD zoning, the default zoning is used. The default zoning of this property is R-12 and the adjoining property to the west is R-12 and to the south is R-5. Based on the default zoning and adjoining zoning, an eight (8) foot wide landscaped buffer with trees and shrubs and a six (6) foot solid fence are required.

The Developer is proposing a landscaped buffer of between twelve (12) and fourteen (14) feet and a six (6) foot ornamental steel fence along the west and south property lines. The Developer is requesting that the ornamental fence be allowed rather than the solid fence based on two reasons. First, the fence will be placed on top of a retaining wall which, if the required fence is solid, would have the appearance of up to a fifteen (15) foot solid barrier. Secondly, the Developer feels that an ornamental steel fence would have a more aesthetically pleasing appearance to the adjoining property owners and apartment occupants.

Based on these two reasons Staff would recommend approval of placing an ornamental steel fence along the west and south property lines rather than a solid fence.

2. Section 2.12.C.2 of the Zoning and Development Code

Requests for a Planned Development Preliminary Development Plan must demonstrate conformance with all of the following:

- b) The Outline Development Plan review criteria in Section 2.12.B of the Zoning and Development Code.

The proposed Preliminary Development Plan has been reviewed and is in conformance with and meets the requirements of the approved Outline Development Plan.

- c) The applicable preliminary plat criteria in Section 2.8.B of the Zoning and Development Code.

- 1) The Growth Plan, major street plan, Urban Trails Plan, and other adopted plans

The Future Land Use Map of the Growth Plan indicates this parcel as Residential Medium (4 – 8 du/ac) and Residential Medium High (8-12 du/ac). Based on the total acreage identified on the future Land Use Map the residential density would range from 74 to 131 dwelling units (2.8 acres – Residential Medium and 9.1 acres – Residential Medium High). The ODP was approved allowing a density range of 70 to 111 dwelling units on Pods F, G and H. Therefore the proposal is consistent with the Future Land Use Map designation.

- 2) The Subdivision standards (Chapter 6).

All of the subdivision standards contained within Section 6.7 of Chapter 6 have been met.

- 3) The Zoning standards (Chapter 3).

The proposed development has been reviewed using the dimensional and site specific standards contained in Chapter 3 for the R-12 zone district and the proposal has been found to meet the required standards.

- 4) Other standards and requirements of the Zoning and Development Code and other City policies and regulations.

Standards of the Zoning and Development Code have been met as well as the requirements for the Transportation Engineering Design Standards (TEDS).

- 5) Adequate public facilities and services will be available concurrent with the subdivision.

Adequate public facilities and services have been made available through approval of the subdivision.

- 6) The project will have little or no adverse or negative impacts upon the natural or social environment.

The project will have little or no unusual adverse or negative impacts upon the natural or social environment.

- 7) Compatibility with existing and proposed development on adjacent properties.

The proposed multifamily development is part of a larger approved multi-use development that will contain commercial and residential structures. The commercial structures are located along Patterson Road on the north half of the development and the residential is located on the south half of the development. The proposed multifamily residences will provide a transition between the adjacent single family residences to the south and the commercial uses to the north.

8) Adjacent agricultural property and land uses will not be harmed.

The agriculturally used property to the south will not be harmed by the proposed development as the development will have to adhere to the requirements of the Stormwater Management Manual.

9) Is neither piecemeal development nor premature development of agricultural land or other unique areas?

The proposed development is a part of the overall Corner Square development and is therefore neither piecemeal development nor premature development of agricultural land or other unique areas.

10) There is adequate land to dedicate for provision of public services

All required dedication of land occurred as part of the Final Plat.

d) The applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code.

1) Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plan

The Future Land Use Map of the Growth Plan indicates this parcel as Residential Medium (4 – 8 du/ac) and Residential Medium High (8-12 du/ac). Based on the total acreage identified on the future Land Use Map the residential density would range from 74 to 131 dwelling units (2.8 acres – Residential Medium and 9.1 acres – Residential Medium High). The ODP was approved allowing a density range of 70 to 111 dwelling units on Pods F, G and H. Therefore the proposal is consistent with the Future Land Use Map designation.

2) Conditions of any prior approvals.

The proposed PDP has been designed in accordance with the approved ODP and meets the requirements and restrictions of the ODP.

3) Other Code requirements including rules of the zoning district, applicable use specific standards of Chapter Three of the Zoning and Development Code and the design and improvement standards of Chapter Six of the Code.

The proposed landscape and parking plans have been reviewed and have been found to meet the standards contained under Section 6.5 and 6.6. The proposed structures meet the default zone district requirements (R-12) and use specific standards as defined in the ODP and Chapter 3.4.B of the Zoning and Development Code.

- e) The approved ODP, if applicable

The proposed PDP has been designed in accordance with the ODP that was approved through Ordinance 3981 in November 2006.

- f) The approved PD rezoning ordinance, if adopted with an ODP

The overall development was approved as part of the ODP that was approved through Ordinance 3981 in November 2006.

- g) An appropriate, specific density for all areas included in the preliminary plan approval.

The approved ODP allows a total residential density of 111 dwelling units. Currently there exist 3 dwelling units within Pod F (all of the dwelling units were existing single family dwellings on existing lots). The Developer is proposing 48 dwelling units on Pod H (Phase II). If the PDP is approved a maximum of 60 additional dwelling units would remain for Pod G.

- h) The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

The proposed PDP is part of an overall development that contains 20.7 acres.

FINDINGS OF FACT/CONCLUSIONS/CONDITIONS:

After reviewing the Corner Square Phase II application, PP-2008-172 for approval of a Preliminary Development Plan, I make the following findings of fact, conclusions and conditions:

3. The requested Preliminary Development Plan is consistent with the Growth Plan.
4. The review criteria in Section 2.12.C.2 of the Zoning and Development Code have all been met.
5. The review criteria in Section 2.8.B of the Zoning and Development Code have all been met.
6. The review criteria in Section 2.2.D.4 of the Zoning and Development Code have all been met.

7. Allow a six (6) foot ornamental steel fence in place of a six (6) foot solid fence along the west and south property lines.
8. Any indication on any of the Preliminary Plan documents showing the construction and or use of 25 ³/₄ Road with the approval of this Phase II is not included as a part of the approval for the Preliminary Development Plan.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Corner Square Phase II, Preliminary Development Plan, PP-2008-172 with the findings, conclusions and conditions listed above.

FINDINGS OF FACT/CONCLUSIONS/CONDITIONS:

After reviewing the Corner Square Phase II application, PP-2008-172 for approval of a Preliminary Development Plan, I make the following findings of fact, conclusions and conditions regarding the recommendation for opening and use of 25 ³/₄ Road by the public:

1. The requested access is not necessary as a part of this Phase II development.
2. To allow the opening and use of 25 ³/₄ Road would require the closing and relocation of the driveway access to the neighboring property. The relocation of the driveway is not necessary at this time.

STAFF RECOMMENDATION:

I recommend that the Planning Commission deny the request to recommend to City Council that 25 ³/₄ Road be open for use by the public for access to the development based on the facts and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTIONS:

Mr. Chairman, I move that we approve the Preliminary Development Plan for Corner Square Phase II, PP-2008-172, with the findings, conclusions and conditions listed in the staff report.

Mr. Chairman, I move that we recommend to City Council that 25 ³/₄ Road be open for use by the public as access to the development based on the testimony provided by the Developer.

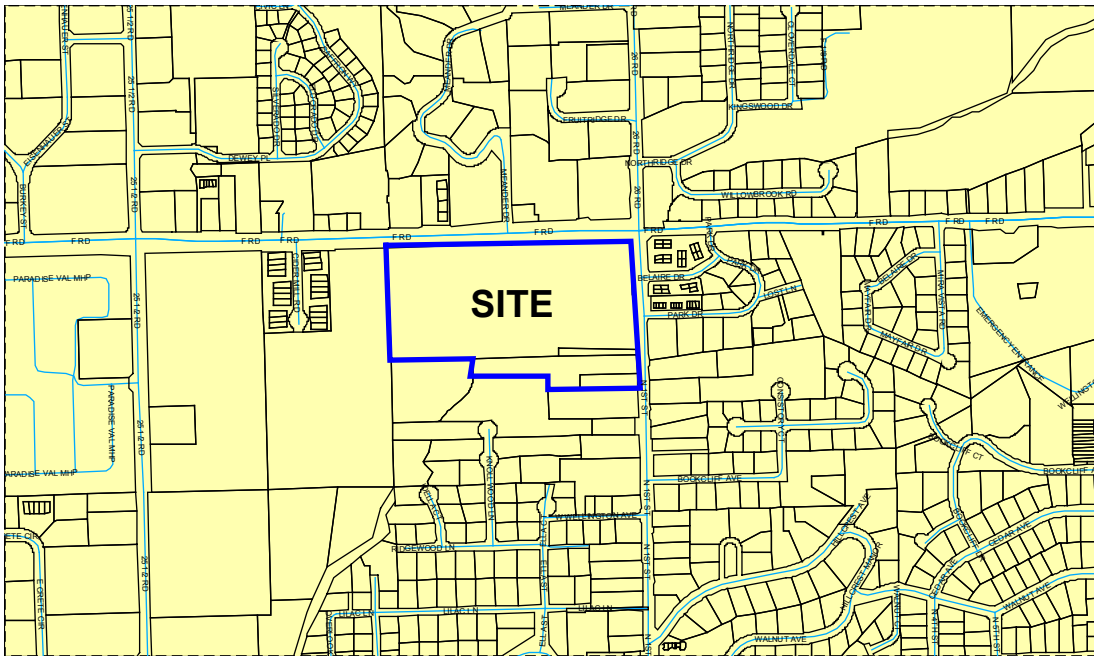
Attachments:

Site Location Map
Aerial Photo Map
Future Land Use Map
Existing City and County Zoning Map

Planned Development Rezone Ordinance
Outline Development Plan
Final Plat
Preliminary Development Plan/Landscape Plan
TEDS Exception
Letter and documents from Mr. Joseph Coleman

Site Location Map

Figure 1



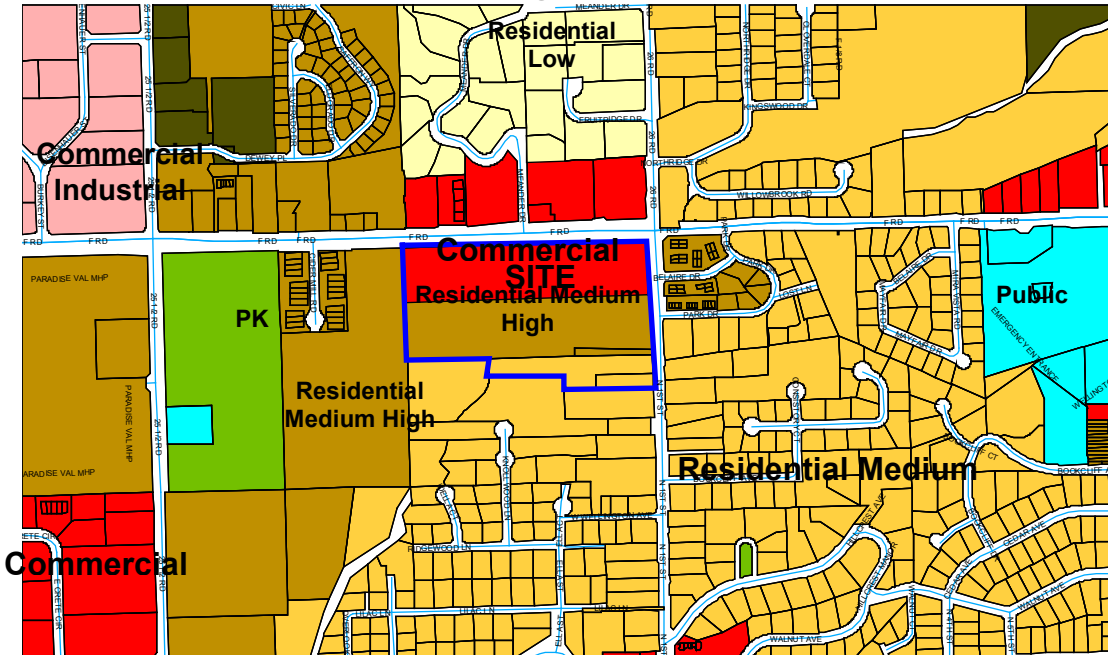
Aerial Photo Map

Figure 2



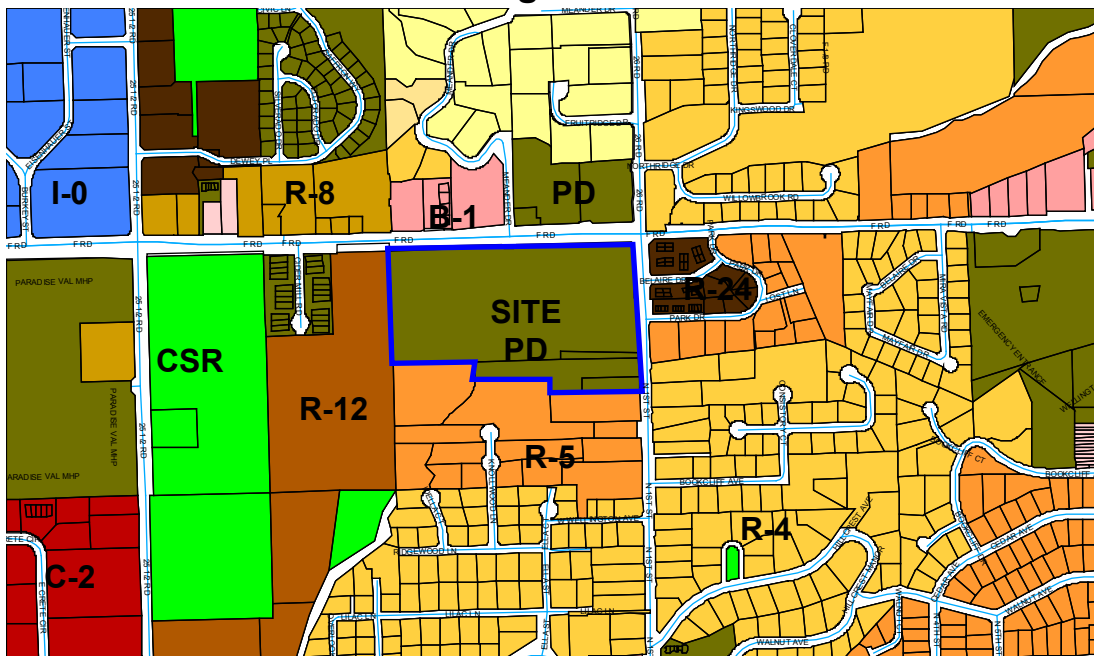
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

Exhibit A

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 3981

AN ORDINANCE REZONING APPROXIMATELY 20.7 ACRES FROM RMF-12
TO PD (PLANNED DEVELOPMENT)

THE 1ST AND PATTERSON PLANNED DEVELOPMENT
LOCATED AT THE SOUTHWEST CORNER OF 1ST STREET AND
PATTERSON ROAD

Recitals:

A request for a Rezone and Outline Development Plan approval has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 20.7 acres, located at the southwest corner of 1st Street and Patterson Road, be rezoned from RMF-12 (Residential Multifamily, 12 units per acre) to PD (Planned Development).

This PD zoning ordinance will establish the default zoning, including uses and deviations from the bulk standards. Specific design standards for site design, building design and signage will be established with the Preliminary Plan.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Rezone and Outline Development Plan approval and determined that it satisfied the criteria as set forth and established in Section 2.12.B.2 of the Zoning and Development Code and the proposed Rezone and Outline Development Plan is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REZONED FROM RMF-12 TO PD WITH THE FOLLOWING DEFAULT ZONES AND DEVIATIONS FROM THE DEFAULT ZONING:.

Property to be Rezoned:

Commencing at a BLM aluminum cap for the NW corner of the NE1/4 NE1/4 of Section 10, Township One South, Range 1 West of the Ute Meridian, from whence a Mesa County brass cap for the NE corner of said Section 10 bears S 89°57'24"E 1319.98 feet; Thence S 00°11'19"E on the west line of said NE1/4 NE1/4 Section 10 50.00 feet to the south right-of-way line of Patterson Road and the Point of Beginning; Thence S 89°57'24" E 591.25 feet; Thence S 34°27'55" E 24.27 feet; Thence 89°27'24" E 46.50 feet; Thence S 00°02'36" W 20.00 feet; Thence S 89°57'24" E 5.00 feet; Thence N 00°02'36" E 25.09 feet; Thence N

34°33'07" E 19.09 feet; Thence S 89°57'24" E 604.65 feet; Thence S 18°31'47"E on the west right-of-way line of North First Street 14.23 feet; Thence S 00°05'42" E 286.50 feet; Thence S 89°54'28" E 13.00 feet; Thence S 00°05'42" E 487.65 feet; Thence leaving said west right-of-way line N 89°58'07" W 470.50 feet to a 5/8 inch rebar in concrete; Thence N 00°02'55" W 77.45 feet to a 5/8 inch rebar in concrete; Thence N 89°58'20" W 387.30 feet to the east line of the Baughman tract; Thence on the east line of said Baughman tract N 00°11'19" W 100.15 feet to the south line of the N1/2 NE1/4 NE1/4 of said Section 10; Thence N 89°57'47" W 430.00 feet to the west line of the NE1/4 NE1/4 of said Section 10; Thence N 00°11'19" W 610.30 feet to the beginning. Containing 20.74 acres, more or less.

PD Zoning Standards:

See Attached Exhibit A, Outline Development Plan

A. Default Zones by Pod

- Pod A—B-1
- Pod B—B-1
- Pod C—B-1
- Pod D—B-1
- Pod E—B-1
- Pod F—RSF-4
- Pod G—RMF-12
- Pod H—RMF-12

B. Deviation of Uses by Pod

Pods A, B, C, D and E are restricted to the uses allowed in the B-1 zone district with the following modifications:

The following uses are specifically not allowed:

- Drive up/through fast food uses
- Drive up/through liquor stores
- All other drive up/through uses
- Outdoor kennels and/or boarding
- Outdoor storage
- Community Correction Facilities
- Mental health uses
- Drug and alcohol rehabilitation uses
- Halfway houses
- Law Enforcement Rehabilitation Centers

The following uses are specifically allowed (in addition to the other B-1 uses and excluding those listed above):

- Drive up/through pharmacy
- Drive up/through dry cleaners
- Veterinary clinics with indoor kennels and/or indoor boarding
- Outdoor display with a temporary use permit

Pod F is restricted to the uses allowed in the RSF-4 zone, excluding duplex units.

Pods G and H are restricted to the uses allowed in the RMF-12 zone.

C. Deviations from Bulk Standards by Pods

Pods A, B, C, D, and E shall meet the bulk standards of the B-1 zone district with the following modifications:

- Non-residential uses require no minimum lot width.
- Non-residential uses require no minimum lot size.
- Maximum FAR shall be 0.7, excluding underground and/or under building parking garages.
- Maximum FAR shall be based on the individual Pod sizes.
- Minimum frontyard setbacks shall be 30' from the right-of-way for Patterson Road and 1st Street and 15' from all internal streets.
- Minimum rearyard setbacks shall be 0'.
- Maximum height shall be 35' for structures located in Pod E and 40' for Pods A, B, C and D, with the opportunity to request up to a 25% increase in height with Preliminary Plans. The height shall be measured from the finished grade of the adjoining parking lot.
- Maximum building size shall be 40,000 s.f. for office buildings, 20,000 s.f. for retail buildings and 45,000 s.f. for mixed use buildings.

Pods G and H shall meet the bulk standards of the RMF-12 zone district.

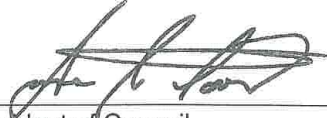
Pod F shall meet the bulk standards of the RSF-4 zone district with the following modifications:

- The lots cannot be further subdivided.

INTRODUCED on first reading on the 18th day of October, 2006 and ordered published.

ADOPTED on second reading this 1st day of November, 2006.

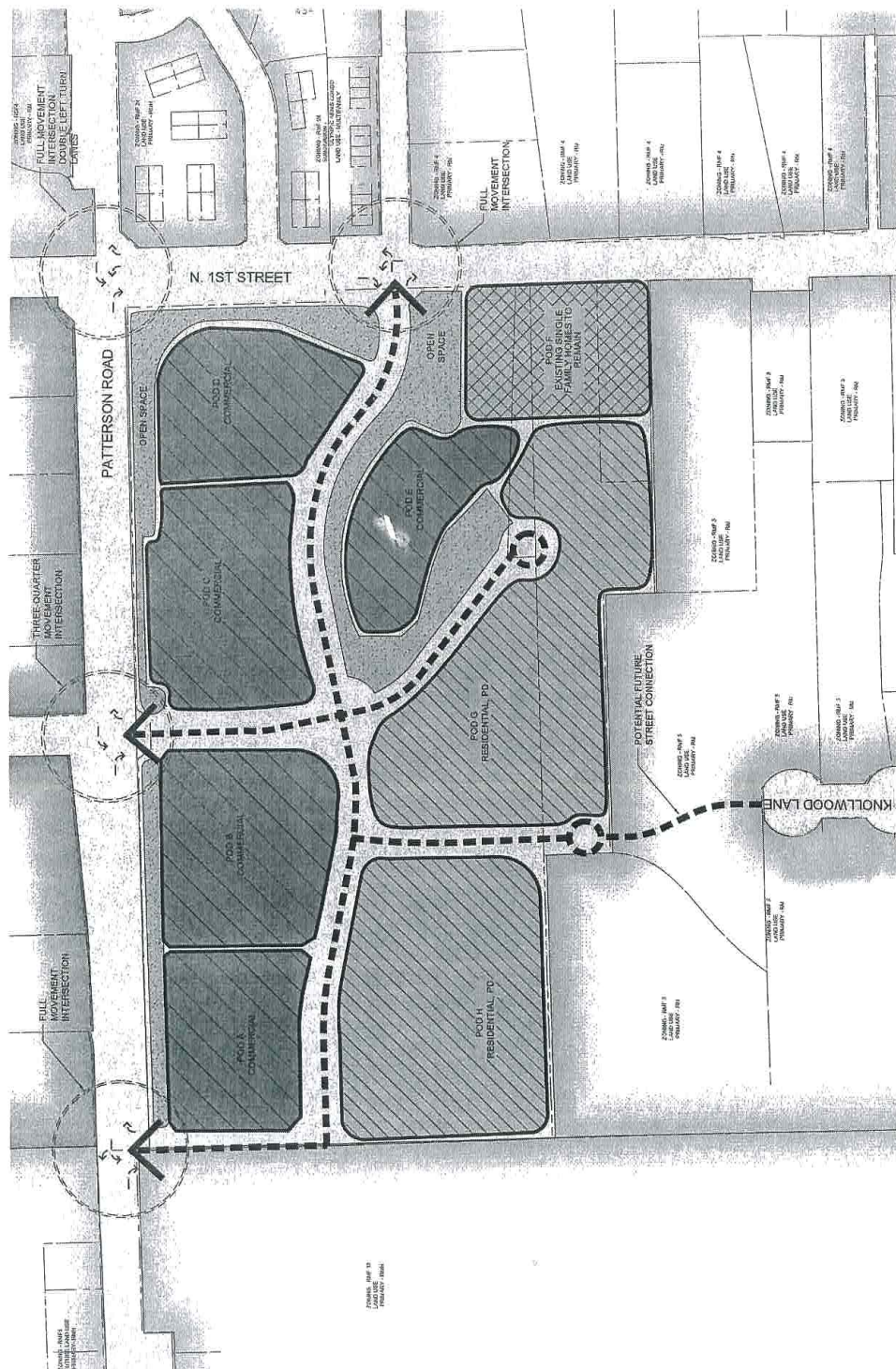
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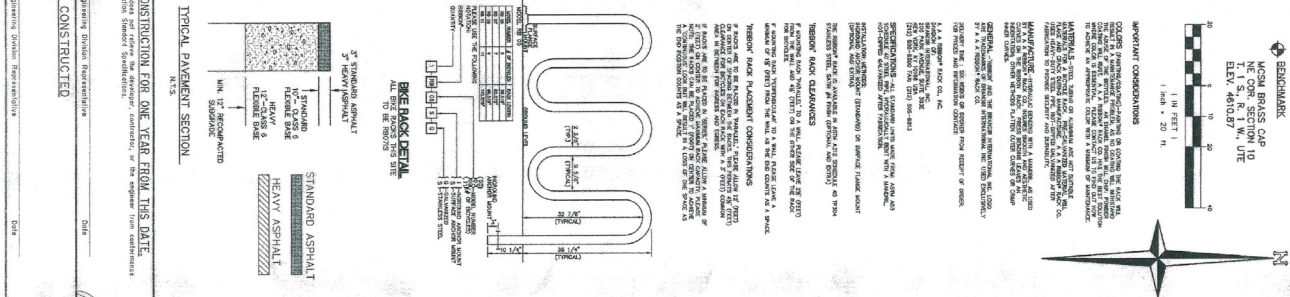
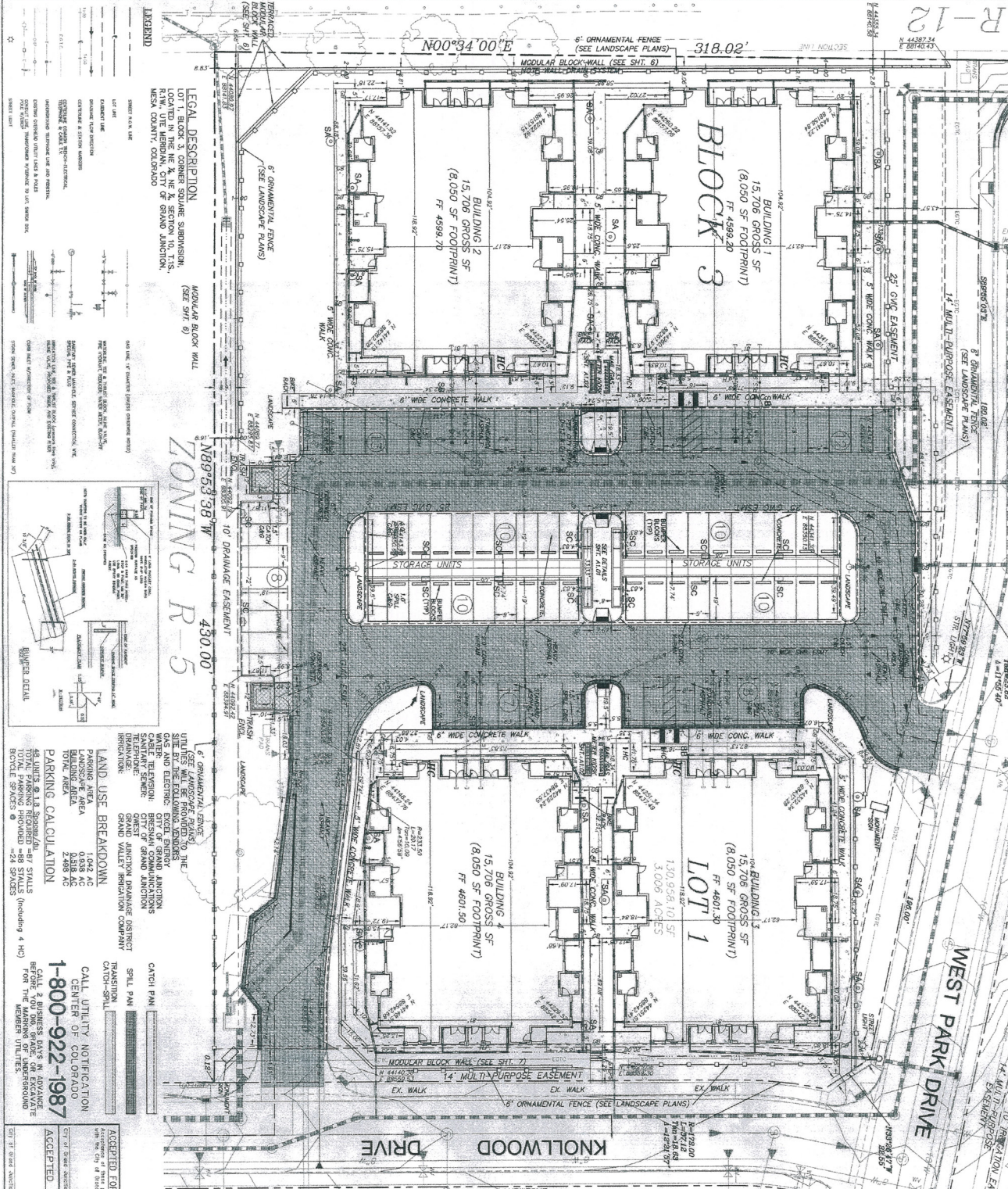
A stylized, handwritten signature in dark ink, featuring a large, sweeping 'A' and 'P' followed by a series of loops and a final flourish.

President of Council

A handwritten signature in dark ink that reads 'Stephanie Tuin' in a cursive script, followed by a horizontal line.

City Clerk

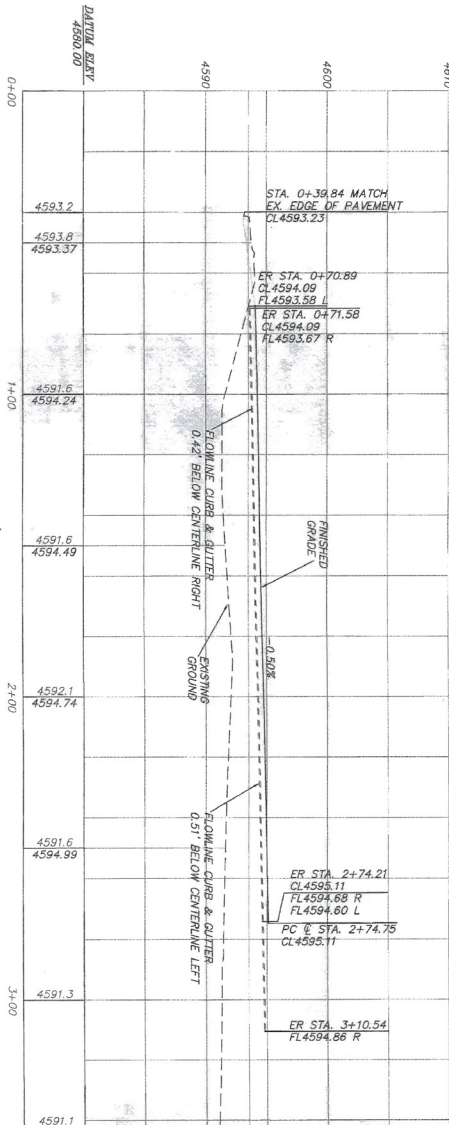




REVISION		DATE	DESCRIPTION	BY	CHK
1	08/13/08	REVISIONS PER CITY REVIEW COMMENTS (09/02/08)		LMS	JEL

CONTRACTOR'S WEST, INC. 559 25th Road, Ste. B210 Grand Junction, Colorado, 81505 Tel: 970-245-5587 Fax: 970-241-2846 www.soudermiller.com	SOUDEY, MILLER & ASSOCIATES 559 25th Road, Ste. B210 Grand Junction, Colorado, 81505 Tel: 970-245-5587 Fax: 970-241-2846 www.soudermiller.com	CORNER SQUARE APARTMENTS SITE PLAN
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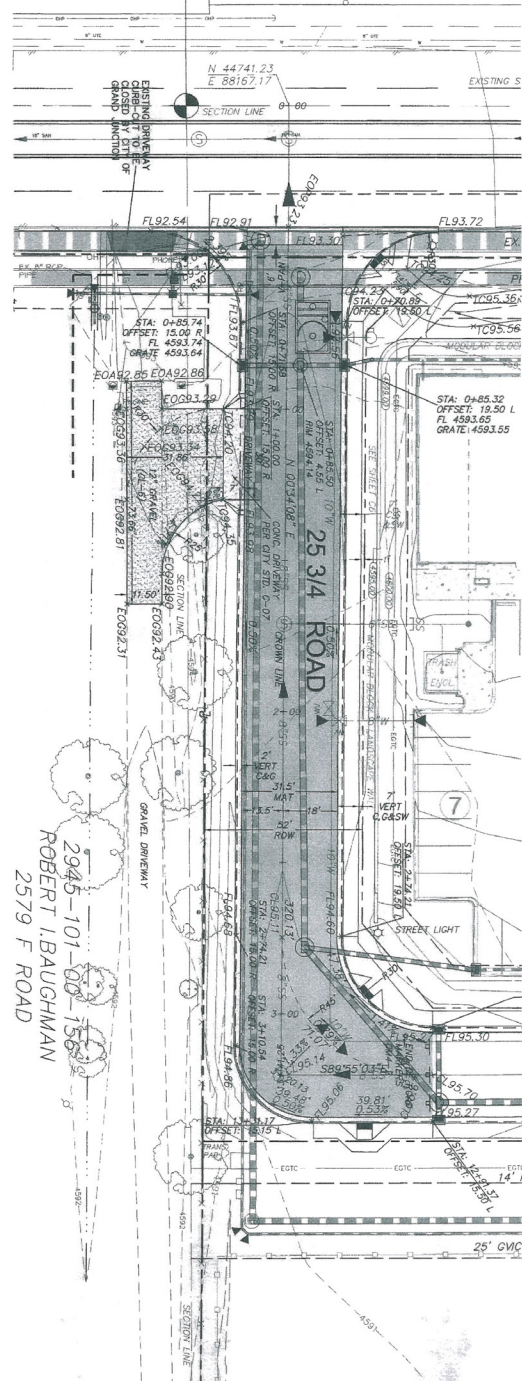
25 3/4 ROAD



URBAN RESIDENTIAL COLLECTOR STREET
25 3/4 DRIVE



2945-101-00-156
ROBERT I BAUGHMAN
2579 F ROAD



LEGEND
BENCHMARK
NEED BRASS CAP TO
T.S., R.T.W. UTE
ELEV. 4610.87
NOTE:
SEE SITE PLAN
FOR SITE PLAN
BENCHMARKS (BM)

CONTOUR INTERVAL:
EXISTING GROUND
EXISTING GROUND
FINISH GRADE



CALL UTILITY NOTIFICATION
CENTER OF COLORADO
1-800-922-1987
CALL 2 WEEKS IN ADVANCE
BEFORE YOU DIG, GRADE OR EXCAVATE
FOR THE UTILITY LOCATIONS

ACCEPTED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE.
ACCEPTED AS CONSTRUCTED

City of Grand Junction Engineering Division

WESTERN CONSTRUCTORS, INC. GRAND JUNCTION, CO.

CORNER SQUARE
25 3/4 ROAD
PLAN AND PROFILE

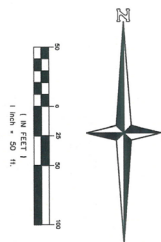
SOUDER, MILLER & ASSOCIATES
529 25th Road, Ste. B810
Grand Junction, Colorado, 81505
Tel: 970-243-8087
Fax: 970-241-2845
www.soudermiller.com


DESIGNED BY: LMS
CHECKED BY: JEL
DATE: 5-22-08
SCALE: 1"=40'
SHEET: 8B

PROJECT NO.:
DATE OF ISSUE:
DATE OF REVISION:
DATE OF REVISION:



DRAWN BY	MM
CHECKED	J.C. DCM, CR
JOB NO.	0816
DATE	5.5.08
REVISIONS	2-1:08
09-15-08 COMMENTS	
COMMENTS	
DRAWING NO.	
0816-09-19-08-12	
SHEET NO.	12
STATUS	
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<input type="radio"/> FINAL	
<input type="radio"/> BID	
<input type="radio"/> CONSTRUCTION	
<input type="radio"/> AS BUILT	



DATE: 02/01/2009		DRAWN BY: LMS			THOMPSON-LANGFORD CORP. ENGINEERS AND LAND SURVEYORS 529 25 1/2 RD., SUITE B210 GRAND JUNCTION, COLORADO PH. (970) 243-6067 FAX (970) 241-2845 tlic@twest.com	WESTERN CONSTRUCTORS, INC.		GRAND JUNCTION, CO.		REVISION	DATE	DESCRIPTION	BY	CHK		
SCALE: 1"=40'		CHECKED BY: JEL				CORNER SQUARE SITE PLAN EXHIBIT										
PROJECT NO: 187-0-10																
SHEET NO: 1 OF 1																

November 10, 2008

Joe Carter
Ciavonne, Roberts & Associates, Inc.
222 N. 7th Street
Grand Junction CO 81501

Re: TED-2008-317 Corner Square

The TED's Exception Committee denied your request to TEDS Section 4.1.3 – Corner Clearance.

If you have any questions, please feel free to contact the Development Engineer in charge of your project or Tim Moore, Public Works and Planning Director at 970.244.1557.

Sincerely,

COPY

Sue Mueller
Sr. Administrative Assistant

Cc: Eric Hahn, Development Engineer
Greg Moberg, Planning Supervisor
 **File**

APPLICATION

Transportation Engineering Design Standards (TEDS) Exception Request

Attached are 11 copies of this application and associated drawings. Use the information provided to fill out this form. Additional sheets are recommended; it is suggested to provide complete information.

Project: Corner Square
Site Address: Southwest Corner of 1st Street and Patterson Road
City File Number:
Applicant: Constructors West
Representative: Ciavonne, Roberts & Associates, Inc. c/o Joe Carter
Date: September 19, 2009

1. Referenced section in TEDS and a brief description of the request(s)

Request – TEDS 4.1.3 Corner Clearance – To allow 25 ¾ Road paving and access connection to Patterson Road.

2. Site Description

The Corner Square development is located on the southwest corner of the intersection of North 1st Street and Patterson Road. The project consists of a mix of commercial, residential and office uses. The surrounding land uses include commercial, medical, multi-family residential and single-family residential development. There are two access points into the subject property. These accesses are a full movement intersection at North 1st Street and West Park Drive and a three-quarter intersection at Meander Drive and Patterson Road. Dedicated right-of-way exists as an unpaved full movement intersection at 25 ¾ Road and Patterson Road.

Within the bounds of the property Phase 1 consists of the commercial development pad sites along Patterson Road. The Phase 2 portion of the development consists of 48 multi-family units in the southwest corner of the site and is currently going through the City of Grand Junction Development Review process.

Over the last four years, the Planning Commission and the City Council approved and then reaffirmed that a commercial designation is suitable for this property. In 2003, both the Planning Commission and City Council unanimously approved amending the Growth Plan to change the land use designation of this parcel from a straight residential use to a mix of commercial and residential uses.

Last year the commercial and residential land use designation layouts were reviewed and approved by both the Planning Commission and City Council under a Growth Plan Consistency Review application. Both the Planning Commission and City Council agreed with the applicant and staff that the plan as configured, and more importantly that the commercial designation as shown on the ODP, was consistent with the Growth Plan.

The applicant has worked with city staff on creating the safest and most viable access points for this property and surrounding undeveloped properties. Beginning with a Pre-Application meeting in 2005, the Preliminary Plan was amended and revised multiple times to best meet the access demands and traffic issues related to Phase 1 and the Patterson Road corridor. These revisions resulted in the dedication of 25 ¾ Road right-of-way although the road would remain unpaved through Phase 1 (commercial) build out. The project is now entering Phase 2 (residential) development and requesting that the 25 ¾ Road connection to Patterson Road be paved.

Through the months leading up to the Phase 1 approval Constructors West approached the Baughman Family about sharing the right-of-way width of 25 ¾ Road whereby ½ of the right-of-way would be constructed on each property thus giving each property full movement access onto Patterson Road. Constructors West offered to pay for the construction of 25 ¾ Road. Other options presented to the Baughman family included purchasing the northern three-hundred feet of the Baughman's property, constructing 25 ¾ Road completely on the Corner Square property and constructing a gated alternative driveway access off of 25 ¾ Road.

Through a cooperative effort with city staff and the applicant's first traffic engineer (Kimley-Horn) and current traffic engineer (Skip Hudson), the applicant maintains that the proposed TEDS exception promotes the least amount of adverse impact to surrounding traffic, provides the best access points along this section of Patterson Road, and provides the most direct access point for the Corner Square property and the future development of the 17 acres associated with the Baughman parcels.

REQUEST # 1

The applicant is requesting that a TEDS exception be granted to allow the connection of 25 ¾ Road to Patterson Road. The applicant would like to pave and use the 25 ¾ access point as a full movement intersection onto Patterson Road. This request requires an exception to TEDS Section 4.1.3 Corner Clearance. 25 ¾ Road can be paved without a right-turn deceleration lane because the number of right-turns do not warrant the construction of a right-turn lane. *See the attached TIS update provided by Turnkey Consultants, Inc.*

TEDS Section 4.1.3 Corner Clearance:

Corner Clearances are defined as the distance between a driveway and the nearest intersecting street. The clearance is necessary so that accesses do not interfere with street intersection operations and should provide drivers with adequate perception-reaction time to avoid potential conflicts. On corner lots, the access location shall be on the street of lowest functional classification".

A. Description

Why should this request be granted?

The connection of 25 ¾ Road to Patterson Road is a benefit to the tenants, site users motorists along Patterson Road, and North 1st Street and the majority of the neighbors in the vicinity of the project (North 1st Street Neighborhood.) The TEDS Exception should be granted because 25 ¾ Road is the most suitable intersection location to service both the Corner Square property and the 17 acre Baughman parcels. Since the Baughman parcel has limited access, 25 ¾ Road will ultimately serve as the primary, if not sole, access point for their parcels. The original Corner Square Phase 1 approval included the dedication of the 25 ¾ Road right-of-way. Corner Square Phase 2 has been submitted. Within the Phase 2 development application, the applicant requested that the City allow the connection of 25 ¾ Road to Patterson Road. Per the attached analysis, no right-turn lane is warranted for Phase 1 or Phase 2 development of Corner Square.

The TEDS exception should be granted because direct single-family driveway access off of an arterial street is not desirable. The TEDS manual states in Section 4.1.3 *"Single-family access to arterial streets is not acceptable practice and will be permitted only in extremely hardship cases."* Improving this street right-of-way does not require the elimination of the existing Baughman driveway. The applicant continues to maintain that the Baughman family can take direct driveway access off of 25 ¾ Road, which is a lower order street. Connecting the Baughman driveway to 25 ¾ Road provides benefit to the Baughman family by allowing direct access to North 1st Street and its signalized intersection with Patterson Road. By allowing the paving and the secondary connection to 25 ¾ Road, the access to either driveway now becomes a choice of which access is easier to use for the single family driveway user.

The TEDS exception should be granted because the proposed condition is functioning at other locations throughout the City. The Shell Station at Horizon Drive and the west bound on-ramp for Interstate 70 is one such condition. See the attached TIS Update from Turnkey Consultants Inc.

What does the 25 ¾ Road connection do for this project?

Allowing the 25 ¾ Road connection gives the project a full movement intersection onto Patterson Road. The site traffic will function better with this improvement and lessen Phase 1 and Phase 2 impact on North 1st Street. It is agreed by all parties that 25 ¾ Road will serve the entire 37 acres associated with the Baughman parcels and the Corner Square development. It has also been agreed that 25 ¾ Road is the most suitable access location for a major intersection between 25 ¾ Road and 26 Road. 25 ¾ Road exists ¼ mile equidistant between these two existing signalized intersections.

Describe problems created by not granting the TEDS exception.

The TEDS Section 3.2.2 states that *"If a property has frontage on more than one street, access will be permitted only on those street frontages where design and safety standards can be met. This primary access shall be on the lower-order street."* By granting the right-of-way for 25 $\frac{3}{4}$ Road, the Baughman Parcel has more than one street frontage and by definition should take driveway access of the lower order street. By not granting the TEDS exception the City is perpetuating an undesirable condition as described by the TEDS Manual.

The City of Grand Junction is denying the Corner Square property and the Baughman property an opportunity for better controlled access to arterial streets, more and varied access to arterial streets and placing undue hardship on traffic movements along North 1st Street. Providing a full movement paved access at the intersection of 25 $\frac{3}{4}$ Road and Patterson Road betters the traffic movements along this corridor and adjoining streets. Not granting the TEDS exception is ignoring the solution and embracing lesser service through this corridor.

Why can't the TEDS requirement be met?

The TEDS requirement cannot be met due to the corner clearance spacing between the existing driveway and the proposed flowline of 25 $\frac{3}{4}$ Road. The required spacing requirement is 150 feet. The existing separation between the right-of-way and the existing driveway is less than 20 feet (18.54 feet).

Describe benefits created by granting the TEDS exception.

As stated above, allowing the 25 $\frac{3}{4}$ Road connection would create better access for the Corner Square development, lessens traffic impacts to North 1st Street, create better access for the Baughman property and create a direct connection from the Baughman property to the closest signalized intersection.

B. Exception Considerations

1) How will the exception affect safety?

- i. The exception will provide access off of a lower order street for a single-family driveway which is deemed desirable by the TEDS manual. The connection will also provide more opportunities for vehicles to access Patterson Road from the Corner Square development.

2) Have other alternatives been considered that would meet the standard?

- i. Numerous access alternatives have been considered and rejected or denied as stated below.

Alternatives Considered

Multiple alternatives addressing site access have been considered by the applicant. These alternatives have considered principals of traffic engineering, site design, and the development potential of the 37 undeveloped acres in this quadrant of North First Street and Patterson Road. The alternatives considered are as follows:

Alternative 1 – Initial Plan

Proposed

The applicant and his representatives met with staff prior to the Pre-Application meeting to determine the most suitable access for the project. The site access was scoped at a full movement unsignalized intersection at Meander Drive and Patterson Road and a full movement unsignalized intersection with Park Drive and North First Street. Access was neither proposed, nor recommended by staff, at 25 ½ Road. Street stubs were proposed to the western and southern property lines.

Alternative Dismissed Because

This plan was dismissed because the LOS (level of service) for northbound to westbound left turns at Meander Drive proved to be unacceptable. Another alternative for access needed to be found.

Alternative 2

Proposed

The applicant and his representatives revised the plan to create a ¾ movement intersection at Meander Drive and Patterson Road and a full movement unsignalized intersection with Park Drive and North First Street. Street stubs were proposed to the western and southern property lines.

Alternative 2 Dismissed Because

This alternative was dismissed due to adverse impact on LOS created at the Park Drive and North First Street intersection and the impact to the westbound to southbound left turn bay at North First Street and Patterson Road.

Alternative 3

Proposed

The applicant and his representatives revised the plan to create a ¾ movement intersection at Meander Drive and Patterson Road, a full movement unsignalized intersection with Park Drive and North First Street, and a connection to the south to Knollwood. A street stub was proposed to the western property line.

Alternative 3 Dismissed Because

This alternative was dismissed due to adverse impact on LOS created at the Park Drive and North First Street intersection and the impact to the westbound to southbound left turn bay at North First Street and Patterson Road. Also the single most important issue to the surrounding neighborhood was the potential connection to Knollwood. Staff agreed that this connection was not necessary at this time.

Alternative 4

Proposed

The applicant and his representatives reviewed the alternative of a 3/4 movement intersection at Meander Drive and Patterson Road, a full movement signalized intersection with 25 ¼ Road and Patterson and a full movement unsignalized intersection at Park Drive and North First Street. A street stub was proposed to the southern property line.

Alternative 4 Dismissed Because

This alternative is acceptable to the applicant due to short and long term acceptable LOS created at all impacted intersections. Per the TIS by Kimley Horn, the signalization of the 25 ¼ Road intersection also is the only alternative that provides *"adequate storage necessary to accommodate the northbound to westbound left turn storage demand at the intersection of First Street and Patterson Road in the near term 2007 horizon."* A TEDS Exception was submitted seeking a signalized intersection at 25 ¼ Road, but City staff denied the application request.

Alternative 5

Proposed

The applicant and his representatives reviewed the alternative of a 3/4 movement intersection at Meander Drive and Patterson Road, a round-a-bout at the intersection of 25 ¼ Road and Patterson and a full movement unsignalized intersection at Park Drive and North First Street. A street stub was proposed to the southern property line.

Alternative 5 Dismissed Because

This alternative is acceptable due to short and long term acceptable LOS created at all impacted intersections. This alternative was dismissed due to potential costs of construction and right-of-way acquisition.

Alternative 6

Proposed

The applicant and his representatives revised the plan to create a ¾ movement intersection at Meander Drive and Patterson Road, a full movement unsignalized intersection with 25 ¾ Road and Patterson and a full movement unsignalized intersection at Park Drive and North First Street. A street stub was proposed to the southern property line.

Alternative 6 is Acceptable

This alternative was acceptable because it allowed for two full movement intersections to serve the property and the LOS for these intersections is above a LOS of F in the near term.

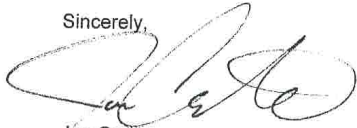
3. Has the proposed design been used in other areas?

- i. Directly north of the project site several existing driveways have been encroached upon by newly developed projects. None of these examples meets the minimum spacing requirements.

- ii. The car wash along Patterson Road east of the mall has two driveway cuts less than 90 feet apart.
- 4. Will the exception require CDOT or FHWA coordination?
 - i. No
- 5. Is this a one-time exception or a request to change the TEDS manual?
 - a. This is not a one-time extension request. This is a request to change the TEDS Manual. With the proposed changes to the comprehensive plan and the City of Grand Junction encouraging development within the Infill Boundary, these conflicts will become more common. As the City is placing an emphasis on protecting farm land and developing within the urban core, the City of Grand Junction development manuals (TEDS, Zoning and Development Code, etc) should be updated in anticipation of these problems.

Thank you for the opportunity to submit this TEDS exception request and we look forward to a positive recommendation from staff so we can move forward on the 25 ¼ Road connection.

Sincerely,



Joe Carter
Ciavonne, Roberts & Associates, Inc.

TEDS EXCEPTION SUBMITTAL Parent project
DISTRIBUTION LIST PP- 2008-172

Site location: Corner Square SW corner of 1st Street and
October 9, 2008 Patterson Rd.

File #: TED - 2008-317

Public Works & Planning Development Engineer Eric Hahn

Public Works & Planning Director Tim Moore

Public Works & Planning Manager Lisa Cox

Fire Department Chuck Mathis

Transportation Engineer Jody Kliska

Other: (Planner) Greg Moberg

Date and Time of Development Review Meeting: _____

To be scheduled at least seven days after review packet distribution date.

Place: Conference Room 135, Planning Division, City Hall, 250 N. 5th Street

Committee Meeting: Oct 28th Development Review

**Attendance is expected of all agencies involved with the TEDS Exception
process**

Transportation Engineering Design Standards (TEDS) Exception Recommendation Form

Date: Oct. 28, 2008

To: TEDS Review Committee

From: Eric Hahn, Development Engineer

Project Number: TED- 2008-317

Project Location: SW corner - 1st Street & Patterson Rd.

Parent Project:

Name: Corner Square

File No.: PP-2008-172

Planner: Greg Moberg

TEDS Exception Request #1: TEDS Section 4.1.3 – Corner clearance

Comments:

The applicant proposes to construct a new public street intersection (25 $\frac{1}{4}$ Road) approximately 20' east (measured from nearest edge of access to nearest edge of street) of an existing private driveway on Patterson Road. TEDS Section 4.1.3 requires that private driveways on Major Arterials be located at least 150' away from an adjacent intersection.

The applicant argues that the construction of 25 $\frac{1}{4}$ Road will improve access patterns to the Corner Square site and benefit the overall circulation patterns for the surrounding area. The Traffic Impact Study prepared by the applicant's engineer implies that allowing this full-movement access on Patterson Road will provide a slight reduction of vehicle trips on 1st Street, while also providing opportunity for safer access to the Baughman property.

However, the construction of the 25 $\frac{1}{4}$ Road intersection within 20' of the existing Baughman driveway will create a situation where ingress and egress onto Patterson Road from the driveway and the new street will be in direct conflict. Such conflict will eventually cause blockage of the turning maneuvers, which will immediately reduce traffic capacity on Patterson Road and may cause traffic on Patterson Road to become completely blocked.

Although 25 $\frac{1}{4}$ Road may benefit the entire area, the construction of the intersection within 20' of the existing Baughman driveway will create an unsafe situation that cannot be allowed, and therefore staff recommends denial of this TEDS Exception Request.

Recommendation:

- ☐ Approve as requested.
 - ☐ Approve with the following modification(s):
 - ☒ Deny.
 - ☐ Hold until the following additional information is submitted and reviewed:
-

As discussed above, staff cannot recommend approval of this TEDS Exception. However, it should be clearly understood that 25 $\frac{3}{4}$ Road will eventually be constructed, and at that time it will be necessary to remove the existing Baughman driveway cut on Patterson Road, and provide a new access for the Baughman driveway onto 25 $\frac{3}{4}$ Road. Such a configuration meets all TEDS requirements, and would provide an access to the Baughman property that is safer than the current access location. **Staff recommends that the Corner Square developer be allowed to build 25 $\frac{3}{4}$ Road, with the condition that, as part of such construction, the Baughman driveway cut on Patterson be removed and a new driveway access be provided on 25 $\frac{3}{4}$ Road.**



PUBLIC WORKS & PLANNING DEPARTMENT
PLANNING DIVISION

Transportation Engineering Design Standards (TEDS) Exception Approval / Denial Form

Project Number: TED- 2008-317

Site Location: SW corner - 1st Street & Patterson Rd.

Applicant: Constructors West

Representative: Ciavonne, Roberts & Associates, Inc.

Development Engr.: Eric Hahn, PE

Parent Project:

Name: Corner Square

File No.: PP-2008-172

Planner: Greg Moberg

TEDS Exception Request #1: TEDS Section 4.1.3 – Corner clearance

☐ Approved as requested.

☐ Approved with the following modification(s):

☒ Denied.

☐ The following additional information is required before a decision can be made:

TEDS Review Committee:

Public Works: Tom Mow

Date: 10/28/08

Planning Division: Risa E Cox

Date: 10/28/08

Fire Department: Charles Martin

Date: 10/28/08

**COLEMAN WILLIAMS & WILSON
ATTORNEYS AT LAW**

Joseph Coleman
Dan E. Wilson

Whitman Robinson

2454 Patterson Road, Suite 210
Grand Junction, CO 81505

Telephone
(970)242-3311
Facsimile
(970)242-1893

January 23, 2009

Greg Moberg, Planner
City of Grand Junction
250 North Fifth Street
Grand Junction, CO 81501

Re: Corner Square Project

Dear Mr. Moberg:

This office represents the Baughman family, adjoining neighbors of the project now known as Corner Square. For many decades the Baughman family has maintained homes on the property adjacent to the project. Long before Patterson Road became a thoroughfare for urban Grand Junction, the Baughmans were accessing their homes via the tree-lined driveway from Patterson Road. This tree-lined driveway is the westerly boundary of the property now known as the Corner Square development.

I. BACKGROUND.

Past Corner Square development applications and traffic engineer's reports have attempted to infringe upon the Baughmans' historical private drive. Fortunately, these efforts failed because City Management, City Council and Planning & Engineering Department have rejected the developer's desire to effectively condemn the Baughman driveway to accommodate the private interest of Corner Square. In February 2008, the City actually committed that it would not allow condemnation of the Baughman property to aid further development of the Corner Square project.

The Baughmans have relied on the honesty of the commitment. However, recent activity within the City suggests that others might believe that maximizing Corner Square's private profits should prompt the City to create a dangerous access on Patterson, plus foreseeably destroy the Baughmans' access to Patterson Road from their private, tree-lined driveway. The developers of Corner Square seem intent to create a traffic situation on Patterson Road so as to mandate construction of 25 ¾ Road to remedy unsafe conditions created by Corner Square. If the City adheres to its own TEDS rules, if the City adheres to its representation that it will not condemn Baughman's historic access rights, if the City protects the safety of users of Patterson Road and the Baughman historic driveway over Corner Square's profit motive, the City will stop giving Corner Square special treatment.

Although the greatest concern lies with the access to Patterson Road at a yet-to-be 25 $\frac{3}{4}$ Road, this letter will also document the Baughman family concerns with respect to other Code requirements and City development standards. Consideration need be given to all requirements that the City uniformly applies to all developers. One purpose of this letter is to advise that my goal is to shed light on each step of the Corner Square development. This development, if it is to be an asset to the City, must comply with the Code and development standards. Moreover, if City staff is being encouraged to "look the other way" when it comes to respecting the City's representation that it will not force closure of Baughman's historic driveway, then it is my job to shed light on this conduct. If anyone proceeds with plans that create an adjacent and unsafe proximity of a 25 $\frac{3}{4}$ Road access to Corner Square and an existing, historic and legal private driveway, such conduct should be stopped in its tracks.

II. 25 $\frac{3}{4}$ ROAD

On July 17, 2004, with the adoption of the Grand Valley Circulation Plan (Appendix 1), Patterson Road received the official functional classification of 'principal arterial' road. This designation was established three years in advance of the Corner Square application for planned development zoning and the submittal of an outline development application. Corner Square's application and development has increased value because of its Patterson Road location but Corner Square simultaneously must comply (for safety reasons) with the principal arterial designation.

Planning a development with the proposed density and intensity of Corner Square required foresight in planning internal site circulation and access to arterials such as Patterson Road and North First Street. This led to late 2006 developer discussions with the Baughmans concerning the neighboring driveway access. Corner Square recognized both community safety and Baughman's established rights. Corner Square wrote:

"I would like to reinstate discussion of the options we started to identify before dialogue was discontinued, those being the following
....Purchasing property for the 25 $\frac{3}{4}$ right-of-way and a decel lane."

Appendix 2: Letter from Bruce Milyard to the Baughman Family
RE: 25 $\frac{3}{4}$ Road Access Options
Date: November 21, 2006

Rather than successfully completing the discussions with Baughman or decreasing the proposed density for the site (to reduce traffic impact because of the absence of a decel lane or any other agreement with Baughmans), Corner Square forged ahead with a full density proposal involving creation of 25 $\frac{3}{4}$ Road. By early 2007, Corner Square was moving forward, although it still acknowledged the safety need for a decel lane so as to avoid interference with Patterson Road traffic movement.

“The traffic study states a decel lane is needed at 25 ¾ Rd and it is the developer’s responsibility to secure right-a-way for the decel lane.”

“...Kimley-Horn has been retained to re-evaluate the 25 ¾ Rd access point relative to the decel lane.” “...to determine what portion of the project, if any, could be developed without the installation of the decel lane. Based on this information the developer will determine if it is feasible to proceed...”

“If it is determined the project can proceed without the decel lane the developer would construct 25 ¾ Rd improvements in conjunction with the other infrastructure. It would be the City’s responsibility to inform the Baughmans the two driveways could not coexist and inform them they need to enter our road system at a designated point.”

Appendix 3: Letter Bruce Milyard to Mark Relph, City Public Works and Utilities Director, January 22, 2007

One wonders who in the City suggested to Corner Square that, as part of the profit driven private Corner Square development, “it was the City’s responsibility to inform the Baughmans that two driveways could not co-exist and inform them they need to enter our [Corner Square] road system at a designated point.” Such City conduct, if pursued, would constitute the use of City condemnation power (to take Baughman’s private drive) to benefit Corner Square. Why would anyone within the City planning or traffic departments even momentarily entertain the idea that the City would or should condemn Baughman’s rights simply to help Corner Square to maximize the intensity and density of the Corner Square development; using City condemnation (directly or even indirectly through inverse condemnation), just to increase Corner Square’s private profits, is a radical departure from City practices and breaches City representations that such conduct would not and should not ever occur.

The developer’s decision to maximize the development was apparently condoned by certain City agents, resulting in the dedication of 25 ¾ Road, allowing a curb cut for access to Patterson Road, and the creation of contradicting traffic studies and recommendations relative to 25 ¾ Road deceleration lane. Such conduct is an initial step toward breaching a promise from the City of Grand Junction that it will not allow the City condemnation (direct or inverse condemnation) of the Baughman property to aid the further development of Corner Square. These contradicting positions cannot be allowed to continue.

III. 25 ¾ ROAD DECELERATION LANE

The Corner Square traffic engineer has taken the following, alternating position:

“The Traffic Impact Study Addendum for the First and Patterson Planned Development stated that an eastbound to southbound right turn lane **would be warranted at this proposed project access driveway based on traffic volume projections.** However, based on further clarification of warrants with City staff as contained within the City of Grand Junction Transportation Engineering Design Standards (TEDS) Manual **it is believed that this right turn deceleration lane is not warranted.**”

Appendix 4: Letter from Elizabeth Goodremont, Kimley-Horn and Associates, Inc. (for Corner Square) to Jody Kliska, City of Grand Junction Transportation Engineer
RE: Traffic Impact Study, Right Turn Lane Threshold at 25 ¾ Road and Patterson Road
Date: January 25, 2007

Common sense and the right turn lanes required of less intense development on Patterson Road (west of Corner Square) confirm that proper application of TEDS does require the right turn lane, as Corner Square initially admitted (and only denied after deciding that Baughman’s treasured their historic property rights more than they felt compelled to increase profits for Corner Square).

The City traffic engineer’s response to Corner Square seemed to correctly disagree with the attempt to suddenly abandon a right turn lane:

“Based on your traffic study projected volumes for 2025, the eastbound volume of 1700 vehicles would yield more than 900 vehicles in the adjacent lane. The traffic study estimates 102 right turning vehicles in the p.m. peak hour. **This more than meets the criteria for a right turn lane.**”

Appendix 5: Letter from Jody Kliska, City of Grand Junction Transportation Engineer to Elizabeth Goodremont, Kimley-Horn and Associates, Inc.
RE: Right Turn Lane at 25 ¾ Road and Patterson Road
Date: January 29, 2007

Rather than the Corner Square permanently decreasing its development density or otherwise suggesting a long term solution to the right turn lane issue, Corner Square simply phased its development to avoid the problem for the time being. See February 14,

2007 General Project Report for Corner Square Planned Development, Preliminary Plan Submittal, page 8, Appendix 6:

“The applicant’s traffic engineer and the City of Grand Junction Traffic Engineer are in correspondence regarding the deceleration lane at 25 ¼ Road and Patterson Road. The need for the deceleration lane is based on the volume of traffic in the lane adjacent to the deceleration lane. Per the applicant’s traffic engineer, **the deceleration lane is not needed for the uses or intensity of development associated with the Phase I construction** in the near term design horizon. A deceleration lane has not been included in the design of the Phase I plans.”

The conclusion of the City of Grand Junction Planning Commission creates the expectation that 25 ¼ Road will be developed, and that it will require a deceleration lane due to the traffic generated. See agenda outline for June 26, 2007, page 3, Appendix 7:

“At complete build-out of this development a deceleration lane will be required to access 25 ¼ Road, due to the traffic generated. With the proposed Phase I development a deceleration lane is not required. As future Phases develop the deceleration lane will be warranted.”

The right turn lane issue was also the subject of a promise from the City Manager to Baughmans:

“I assure you that while I am City Manager neither I nor any City staff will pursue or present to City Council a proposal to condemn your property for the construction of a turn lane to aid further development of the Corner Square project.” “...I presented this letter to City Council for its review and approval.” (Ratified by City Council March 5, 2008.)

“If the Project (Ranchmen’s Ditch Flood Control Project) proceeds with your consent the City will not claim any right to the surface of the land that you own and supply to the Project for any purpose unrelated to the Project.”

Appendix 8: Letter to Frances Baughman From Laurie Kadrich, Grand Junction City Manager, Re: Ranchmen’s Ditch Flood Control Project, Phase II, February 22, 2008.

This letter was given by the City after ratification by City Council, to provide Baughmans with written assurance that the City would not cooperate in taking Baughman’s rights to afford favorable TEDS application to Corner Square. The City Manager, with Council ratification, went of record that public safety of Patterson Road users and Baughmans’ private property rights would not be ignored just for the private profit of Corner Square.

Shortly after the City letter, the June 3, 2008 General Project Report for Corner Square's Phase II Apartments, Appendix 9, page 4, concluded:

"Overall the traffic had minimal impact on the surrounding street network. The overall project proposes an access point at 25 ¾ Road and Patterson Road which establishes a shared access point for this project and future development to the west. Per the TIS (Traffic Impact Study), this access point is not required at this time; however, it is included in this construction application..."

"The intersection of 25 ¾ Road and Patterson Road can function acceptably as a full movement unsignalized intersection in the short and long term horizon even without a deceleration lane."

What is going on? Everyone recognized the need for a deceleration lane and suddenly, without any downsizing of the project, the safety and traffic flow benefit of a deceleration lane is sacrificed to advance the developer's private profit.

The Developer's design for Corner Square, Preliminary Composite Site Plan – NW, June 26, 2007, Appendix 10, shows the Meander Drive access requires a 50 foot long right turn lane. Why then is a right turn lane at 25 ¾ Road not required?

The TEDS manual, 6.2.5.2 states that right turn lane warrants are based on the peak hourly through traffic in the lane nearest the turn lane and on the projected volume of traffic projected to make turns into the development. Baughmans seek City enforcement of all applicable TEDS standards (including but not limited to Chapter 3, Access management and Chapter 4, Access Design and Site Circulation) and City Codes for development (including street development standards, 5.4.F.7.)

Baughmans fear the contradictions in the developer's reports and the City's decisions will work to the detriment of public safety and will most assuredly create an unsafe condition for Baughman's adjacent driveway access.

In September 2008 the developer sought a modification to the City's design manual for traffic access, the Transportation Engineering & Design Manual (TEDS). The desired result was to allow access to Patterson Road via a creation of 25 ¾ Road immediately adjacent to the Baughman driveway. The modification was fortunately denied, but the City hedged its denial with a statement that provides little hope to the private property owner who stands in the way of the proposed road improvement.

IV. TEDS EXCEPTION FOR 25 ¾ ROAD

The Developer submitted a September 19, 2008 request for exception to the City's Transportation Engineering Design Standards (TEDS) that explained (Appendix 11):

“...the Preliminary Plan was amended and revised multiple times to best meet the access demands and traffic issues related to Phase 1 and the Patterson Road corridor. These revisions resulted in the dedication of 25 ¾ Road right-of-way although the road would remain unpaved through Phase I (commercial) build out. The project is now entering Phase 2 (residential) development and requesting that the 25 ¾ Road connection to Patterson Road be paved.” p.2.

“The applicant is requesting that a TEDS exception be granted to allow the connection of 25 ¾ Road to Patterson Road. The applicant would like to pave and use the 25 ¾ access point as a full movement intersection onto Patterson Road.” This request requires an exception to TEDS Section 4.1.3. Corner Clearance. p.2.

“This is not a one-time exception request. This is a request to change the TEDS Manual.” “... With...the city of Grand Junction encouraging development within the Infill Boundary, these conflicts will become more common. ...the City of Grand Junction Development manuals (TEDS, Zoning and Development Code, etc.) should be updated in anticipation of these problems.” p.7.

“25 ¾ Road can be paved without a right-turn deceleration lane because the number of right-turns do not warrant the construction of a right-turn lane.” See the attached TIS update provided by Turnkey Consultants, Inc.”

“Per the attached analysis, no right-turn lane is warranted for Phase 1 or Phase 2 development of Corner Square.”

The Transportation Engineering Design Standards (TEDS) Review Committee offered its opinion regarding Corner Square’s application for Exception on October 28, 2008:

“The construction of the 25 ¾ Road intersection within 20’ of the existing Baughman driveway will create a situation where ingress and egress onto Patterson Road from the driveway will be in direct conflict.”

“Although 25 ¾ Road may benefit the entire area, the construction of the intersection within 20’ of the existing Baughman driveway will create an unsafe situation that cannot be allowed, and therefore staff recommends denial of the TEDS Exception Request.” p.1.

“However, it should be clearly understood that 25 ¾ Road will eventually be constructed, and at that time it will be necessary to remove the existing

Baughman driveway cut on Patterson Road, and provide a new access for the Baughman driveway onto 25 ¾ Road.” p.2.

“Staff recommends that the Corner Square developer be allowed to build 25 ¾ Road, with the condition that, as part of such construction, the Baughman driveway cut on Patterson be removed and a new driveway access be provided on 25 ¾ Road.” p.2.

If the City adheres to staff recommendations that Baughmans’ 100 year access driveway “be removed” and Baughmans be forced by City decision to access their property from another, less desirable point, the City has embarked on the path of helping one developer maximize private profit at the known expense of an innocent neighbor. Furthermore, in the apparent “rush” of City staff to help Corner Square achieve the highest density and intensity of development of its property, the safety of Patterson Road travelers has been forgotten. A full service movement intersection at 25 ¾ Road with no deceleration lane ignores past City conclusions and effectively delegates critical safety issues to a private “consultant,” hired by Corner Square. Is anyone surprised that Corner Square’s paid consultants take positions favorable to the developer and ignore the long term impact on users of Patterson Road?

The Developer’s personal traffic engineer updated the traffic studies for the Corner Square development project to evaluate the impact of **not constructing 25 ¾ Road**. The conclusions of Turn Key Consulting, LLC’s December 1, 2008 Traffic Study, Appendix 12, follows:

“In summary, the 25 ¾ Road connection to Patterson Road should be included as part of Project Phase 3 construction. This would prevent unsafe traffic conditions from occurring at the Intersection of 1st Street/Park Avenue, and from occurring within the Project.” p.3.

If 25 ¾ Road is not built this study states by 2015, the intersection of Patterson and 1st Street will fail to operate well because the westbound left turn lane will have exceeded its capacity at peak hour traffic conditions.

The study further maintains that by 2009 (with traffic from 3 Project Phases) the intersection of 1st Street and Park Avenue “fails to operate well” because: 1) the lack of capacity in the eastbound left turn lane causes unsafe conditions within the Project and 2) because of inadequate gaps in the 1st Street stream of traffic to accommodate the number of vehicles turning out of the Project which leads to unsafe conditions on 1st Street.

Baughmans appeared at City Council hearing for Phase 1 and advised that absent revision of the Corner Square project, the Patterson and 1st Street intersection would fail.

However, Corner Square argued to the contrary. Now that Corner Square has created the problem, Corner Square wants to solve its self-inflicted problem by having the City commit to an unsafe 25 $\frac{3}{4}$ Road proposal. It is about time that Corner Square resolves the problem. Corner Square must cease pursuing future phases, until Corner Square can avoid "side by side" driveways at 25 $\frac{3}{4}$ Road and can provide the deceleration lane.

The facts can be summarized as follows: (1) The developer has not formulated access alternatives and has persisted in progressive development of the site, such that the developer's proposed density will create a "failure" of the North First Street and Park Avenue intersection by 2009, and North First Street and Patterson Road intersection by 2015¹. (2) The City has committed that it will not require the Baughmans to relinquish their driveway. (3) The incompatible nature of 25 $\frac{3}{4}$ Road existing next to the Baughmans driveway establishes that TEDS and Code requirements cannot be met relative to future Phases of Corner Square. The City must require the developer to delay phases that will create the traffic impact or altogether deny the proposed density.

There is absolutely no policy or legal justification for the public and neighbors to suffer the future impact to the intersections at North First Street or to expect Baughmans to relinquish historic rights, so that the Corner Square development may intensify. If a property cannot currently handle the proposed density, limit the density until solutions are found. Do not intentionally create a safety hazard and then spend public funds condemning land to solve a private developer's problems.

Corner Square developers have long been aware of access limitations associated with Patterson Road and the City Code's spacing requirements. Corner Square should have designed the internal site circulation and density to accommodate the reality of Baughmans' existing, historic access and reduced its site expectations and density to reflect the access it could legally create from its own site.

V. GRADING

No mention of an elevated grading plan was ever discussed in the Corner Square Phase 1 Planning Commission narrative or public hearing of June 26, 2007. However, considerable time (due to public concern) was devoted to building height and the request for an exception to exceed the 40' building height limit established by the default zone of B-1. Subsequent to Phase 1 approval, the Corner Square developer used earth moving equipment to completely re-grade the entire site, thus increasing "surface" elevations and thus increasing the ultimate building height.

Finished grade within Corner Square is 8-9 feet greater than the existing grade along the west property line shared with the Baughman property. This elevation change reaches its maximum within 15 horizontal feet of the west property line. The increased elevation

¹ Traffic Analysis, Corner Square Mixed Use Development, December 1, 2008, TurnKey Consulting, LLC.

created by Corner Square did not meet the disclosure and design expectations set forth in the Grand Junction City SSID manual, nor does it meet the terms of Section 6.5.F.2.a. of the City of Grand Junction Zoning and Development Code.

Section 6.5.F.2.a. Landscape, Buffering and Screening Standards – Fences, Walls, and Berms. Minimum requirements for berms are as follows: “Maximum slope of three to one (3:1) shrub beds.”

City of Grand Junction Submittal Standards for Improvement and Development (SSID manual), Section V. Drawing and Graphic Standards, provides:

Drawing Standards Checklist – Grading Plan

- Item 2: “Existing contours extending offsite to indicate offsite grading patterns and elevations and grading conform.”
- Item 9: “Show existing contours on adjacent property as necessary to demonstrate how the site grade matches at the property line.”

Several very established trees have the misfortune of existing next to the grading area and have been severely impacted by the grading and elevation changes. The grading changes have not only altered the water supply to root systems that the established trees have relied upon for growth, but the impounding of storm drainage near the driveway boundary has an unsightly and damaging result. I have attached a photograph of the historic tree lined driveway which Baughmans have sought to protect as Appendix 13. Construction of 25 ¼ Road into Corner Square not only creates the unsafe condition discussed above, but the current fill and any ultimate road construction adjacent to the trees will kill the trees.

Baughmans request the City investigate the grading that exists at the west side of the Corner Square development and advise the City’s course of action for remedying the difference in slopes and contours created by the Developer, the fact that the grades do not “match” and the effect of the slopes and drainage changes upon the surrounding Baughman property. The City rightfully respects an owner’s right to develop its own property, provided the owner does not impose undue detriment onto the health, safety and finances of City residents and provided the owner’s use of its land does not damage the neighbors land. City adherence to this simple policy would allow reasonable growth without sacrificing the rights of the public or neighbors.

VI. FENCING/SCREENING

The City Code sets forth basic development standards for "Planned Development" such as Corner Square. Section 5.4.F requires that planned development provide "uniform perimeter fencing" in accordance with the Code, Chapter 6. Additionally, Section 6.5.F. and Table 6.5.C. and D requires the higher density (Corner Square) be responsible for constructing a buffer fence and landscape strip to protect the lower density (Baughman) zone.

As discussed in the 25 $\frac{3}{4}$ Road section above, 25 $\frac{3}{4}$ Road within Corner Square is currently dedicated street right-of-way to the City of Grand Junction. According to the development standards, landscaping should be established along street sections.

Fencing and buffering have not been created to protect the Baughman properties on the south and west sides of the Corner Square development. Baughmans understand that the Code requires compliance with the development standards during all phases of development. The construction of a fence and landscaping should not be delayed pending the outcome of the status of 25 $\frac{3}{4}$ Road. Moreover, the landscaping plan should give critical importance to saving the currently existing trees lining Baughmans' driveway. Maintaining old growth trees of a majestic size is preferable to expending money to install small trees which, in total, will entail far less vegetation than a single one of the current trees.

Baughmans request the City require immediate action on the part of the developer to provide fencing and buffering along the south and west sides of the development, in compliance with the City Codes, and that the City advise Baughman concerning the planned design, material to be used and proposed start dates.

VII TREES

The City Code, Chapter 6.5.B.8. encourages "preservation of Significant Landscape Features."

"Existing landscape features such as...large or old trees... shall be identified by the Director as part of the development review process."

"No person shall kill or damage a landscape feature required to be preserved by this Section." p.21

"The developer shall protect trees from compaction under the canopy drip line of the tree unless the City Forester says otherwise." p.21

"No vehicles or equipment shall be driven or parked nor shall any materials be piled within the canopy drip line of any tree to be preserved."
p.22

The Code further requires that "all landscaped areas shall be protected from vehicles through the use of concrete curbing, large rocks, or other similar obstructions. (Section 6.5.B.9.) and Section 6.5.B.14:

"Tree canopies may overlap by up to twenty percent (20%) of the diameter of the tree at maturity."

The Baughman property on the west side of the Corner Square development has a mix of established trees lining the driveway, including mature Cottonwood trees on the north end and 15 year old Maple trees on the south. The Developer and the City have a duty and obligation to protect these trees.

However, according to Curtis Swift, PhD, Area Extension Agent Horticulture (Appendix 14, November 9, 2007):

"The trees on the east side of the drive have been severely impacted by activities on the neighboring property. These include soil compaction, the addition of soil over the root systems and the severing of roots during the process of trenching. At least 50% of the root system of these trees is currently dead or will die due to these activities."

And H.D. "Dutch" Afman, I.S.A., of Arboricultural Evaluation Services:

"Volumes of landfill and compaction has taken place commencing some 5 feet over the rootbase of your trees on the easterly portion of a row of Cottonwood/ Mulberry/ Catalpa and Maple trees. It is my opinion, that these trees cannot possibly survive this damage due to suffocation of oxygen and nutrient uptake. Sadly to say this could have been circumvented."

It is too late to reverse the damage done to the trees by the addition of soil over the rootbase (extending horizontally from the trunk a distance at least equal to the trees height). Any effort to remove soil that has been built up over the root zone would be unproductive in restoring health to the trees or extend their longevity with the possible exception of the younger (Maple) trees.

Construction of retaining wall and required footing by the developer adjacent to Maple trees planted on Baughman property further eliminates any successful outcome for these trees. [As shown by Developer of Corner Square, Sheet 6, Wall M, Corner Square Apartments (Phase II Corner Square Development), Revised 9/13/2008.]

Appendix 15. Letter of July 31, 2008, and summary of telephone conversation dated December 12, 2008.

Baughmans have reviewed the Developer's planned landscape in the area of the Apartments (Phase II) and believes that the proposed planting of Imperial Honeylocust will interfere (>20%) with established plantings of Maple trees on the Baughman property. [Corner Square Landscape Plan-West, Corner Square Apartments (Phase II) 9/13/2008.] The City should require the developer to move the proposed landscape trees sufficiently away from the Baughman trees to give full effect to the provisions of the Code, and to allow the extended life of the existing, established trees.

Baughmans believe that the proposed 25 $\frac{3}{4}$ Road directly violates the Code, as a good portion of the proposed road will be constructed underneath the canopy drip line of the 100+ year old trees. Additionally, should the Baughman driveway be forced to access 25 $\frac{3}{4}$ Road at any point, further damage to some of the trees would occur due to additional soil being placed over the root zone along the property line for the driveway to match the grade of 25 $\frac{3}{4}$ Road.

Baughmans request that the City request the City Forester evaluate the established trees and provide a report regarding the anticipated impact of the compaction for the construction of 25 $\frac{3}{4}$ Road. Additionally, Baughmans request that the City require its staff and the developer of Corner Square to create a proposal that will give full effect to the Code provision encouraging the retention of established trees along the property line between Baughman and Corner Square. Once such a proposal is received, Baughmans can evaluate the full extent of the damages they will incur as a result of the lost trees. The damage and loss of the trees will be estimated by Mr. Afman, in a similar method to that used in his July 31, 2008 letter (Appendix 15) calculating the value of the Baughman driveway trees.

Thank you for your time and consideration of this letter. Please provide me with any response you deem necessary via email to joe@cwlaw.com, and please copy Victoria Patsantaras, victoria@sybiosisllc.com.

COLEMAN, WILLIAMS & WILSON



Joseph Coleman

xc: Baughman family
Corner Square representative, Joe Carter, Ciavonne, Roberts & Assoc.
John Shaver, City Attorney

Appendix 1

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 1

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Grand Junction
C O L O R A D O



Appendix 2

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 2

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

CONSTRUCTORS WEST, INC

DEVELOPER/BUILDER

514 28¹/₄ ROAD, SUITE 5

GRAND JUNCTION, CO 81501

PHONE (970) 241-5457 • FAX (970) 241-5510

November 21, 2006

Baughman Family
2579 F RD
Grand Junction, CO 81505

Dear Kent,

Even though this letter is addressed to you it is intended for the entire Baughman family, especially your mother. After talking with you yesterday it became apparent it is unfair of me to expect you to convey my message to the entire family.

I want the Baughman family to understand that my intent, from the first two meetings that you and Jim had with me at Ted Ciavonne's office, has been to make the 25 ³/₄ Road access issue a win, win situation for both parties. I feel strongly that if all parties can get past the adversity to change, a new access, can not only enhance the value and be of great financial benefit to the Baughman property, but also make it a much safer access than there is presently.

I would like to reinstate discussion of the options we started to identify before dialogue was discontinued, those being the following:

1. Designing the 25 ³/₄ Road access totally on the Gormley side.
2. Designing the 25 ³/₄ Road access partially on the Baughman property with a center median which would preserve the majority of the trees.
3. Purchasing the front two acres if you desire to sell.
4. Purchasing property for the 25 ³/₄ right-of-way and a Decel Lane.

As I have previously proposed, all the cost for land and construction would be borne by me, including moving of driveway pillars and installing an electric gate to protect your privacy if you desire. To jointly plan this access point will assure both parties that our independent needs are being addressed.

Also, Jim has mentioned he has some other concerns regarding setbacks, landscaping, irrigation, and other issues related to this development and his adjacent property. Now that we have completed the concept stage of the project, more detailed issues can be addressed. I would like to meet with Jim to better understand his concerns.

In conclusion I sincerely hope the Baughman family accepts my desire to open constructive dialogue and identify all the options and find solutions for the 25 ³/₄ Road access.

I look forward to hearing from you soon.

Happy Thanksgiving,



Bruce Milyard

Appendix 3

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 3

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

CONSTRUCTORS WEST, INC

DEVELOPER/BUILDER

514 28¹/₄ ROAD, SUITE 5

GRAND JUNCTION, CO 81501

PHONE (970) 241-5457 • FAX (970) 241-5510

January 22, 2007

Mr. Mark Relph
City of Grand Junction
Public Works and Utilities Director
250 N. 5th Street
Grand Junction, CO 81501

1/30/07

TO: T.M.M.

HANDING IT OFF TO YOU.

MARK

Dear Mr. Relph:

The purpose of this letter is to put in writing my understanding of the meeting held on January 9, 2007 with city staff, Pat & John Gormley, and myself regarding the 1st & Patterson project, and more specifically, the 25 ³/₄ Rd access. My understanding is as follows:

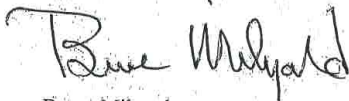
1. The 25 ³/₄ Rd access point is the preferred access point on the west side of the project.
2. The traffic study states a decel lane is needed at 25 ³/₄ Rd and it is the developer's responsibility to secure right-a-way for the decel lane.
3. We have contacted Kimley-Horn, the traffic consultant, and engaged their services to determine what portion of the project, if any, could be developed without the installation of the decel lane. Based on this information the developer will determine if it is feasible to proceed based on the findings of Kimley-Horn.
4. If it is determined the project can proceed without the decel lane the developer would construct 25 ³/₄ Rd improvements in conjunction with the other infrastructure. It would be the city's responsibility to inform the Baughman's the two driveways could not coexist and inform them they need to enter our road system at a designated point.

We are currently talking with the Baughman family in an attempt to make this a win/win situation for all parties. As mentioned previously, Kimley-Horn has been retained to re-evaluate the 25 ³/₄ Rd access point relative to the decel lane. We will be forwarding the information to you once we receive it.

If the above does not accurately represent the conversation of the meeting I respectfully request an immediate response with your interpretation.

Thank you for your assistance in helping me move this project forward.

Respectfully,



Bruce Milyard

CC: David Varley, Tim Moore, Sheryl Trent, Kathy Portner, and John Shaver

Appendix 4

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 4

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman



Kimley-Horn
and Associates, Inc.

January 25, 2007

Jody Kliska, P.E.
City of Grand Junction – Transportation Engineering Division
2553 River Road
Grand Junction, Colorado 81505

■
Suite 1050
950 Seventeenth Street
Denver, Colorado
80202

Re: 1st & Patterson Planned Development Traffic Impact Study
Right Turn Lane Threshold at 25 $\frac{3}{4}$ Road & Patterson Road

Dear Ms. Kliska:

This letter has been prepared to summarize the results of a turn lane warrant analysis for the eastbound to southbound right turn lane at the 25 $\frac{3}{4}$ Road & Patterson Road intersection. The Traffic Impact Study Addendum for the First and Patterson Planned Development stated that an eastbound to southbound right turn lane would be warranted at this proposed project access driveway based on traffic volume projections. However, based on further clarification of warrants with City staff as contained within the City of Grand Junction Transportation Engineering Design Standards (TEDS) Manual it is believed that this right turn lane is not warranted. The TEDS Manual provides warrants for right turn deceleration lanes based on two lane and four lane roadways, posted speed limit of roadway, volume of vehicles using the through lane adjacent to which the right turn lane is to be constructed, and the number of peak hour turning vehicles.

An initial recommendation was made for a right turn lane based on the total number of vehicles traveling eastbound along Patterson Road adjacent to the right turn lane (approximately 1,400 vehicles). However, it is estimated that these vehicles will be distributed equally between the two existing eastbound through lanes along Patterson Road resulting in approximately 700 vehicles in the through lane adjacent to which the right turn lane is to be constructed. Using interpolation of this table, the minimum peak hour turning volume corresponding to the 40 mile per hour posted speed limit and the approximate 700 eastbound through vehicles in 2007 is 115 vehicles per hour. Project traffic is anticipated to add approximately 80 turning vehicles to this movement. Therefore, a right turn deceleration lane is not believed to be warranted at the proposed 25 $\frac{3}{4}$ Road access based on traffic volume projections.

If you have any questions regarding this analysis, please feel free to contact me at (303) 228-2308.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Elizabeth Goodremont
Elizabeth Goodremont, P.E.
Project Manager

■
TEL 303 228 2300
FAX 303 446 8678



Appendix 5

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 5

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman



PUBLIC WORKS & UTILITIES
Transportation Engineering

January 29, 2007

Elizabeth Goodremont, P.E.
Kimley-Horn and Associates, Inc.
950 17th St., Suite 1050
Denver, CO 80202

RE: 1st & Patterson Planned Development Right Turn Lane 25 $\frac{3}{4}$ Road

Dear Ms. Goodremont:

In response to your letter dated January 25, 2007, City staff has the following comments:

The table for right turn lane warrants in section 6.2.5.2 of the TEDS Manual is based on the directional design hour volumes of vehicles in the lane adjacent to the proposed turn lane. Perhaps we need to better define the design hour in the manual, but our intent is to look at the design year volume. Our hourly counts in 2005 indicated that 55% of the traffic on Patterson Road uses the outside lane (approximately 750 of the 1380 counted).

Based on your traffic study projected volumes for 2025, the eastbound volume of 1700 vehicles would yield more than 900 vehicles in the adjacent lane. The traffic study estimates 102 right turning vehicles in the p.m. peak hour. This more than meets the criteria for a right turn lane.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jody Kliska", is written over the typed name.

Jody Kliska, P.E.
Transportation Engineer

Appendix 6

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 6

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

GENERAL PROJECT REPORT
For
CORNER SQUARE PLANNED DEVELOPMENT
Preliminary Plan Submittal
February 14, 2007

Project Overview

The applicant/developer, Constructors West, is proposing the development of 20.7 acres of land zoned Planned Development on the southwest corner of N. 1st Street and Patterson Road. The Phase 1 development scope includes the Preliminary Plans for the four commercial lots along the Patterson Road frontage and the total infrastructure for the site. Building No. 1, 3, and 4 are mixed use buildings where office and retail uses are combined. Typically, the separation of uses occurs vertically whereby the office space exists on the second floor and retail uses occur on the ground floor (surface parking lot level).

The development plans and subdivision plans conform to the recently approved First and Patterson Planned Development Outline Development Plan (ODP.) When referencing the ODP, the proposed development occurs within Pods A, B, C, and D. The development standards for this application are per City of Grand Junction Ordinance No. 3981 and the default zone standards. The *default zone* for Pod A, B, C and D is B-1, Neighborhood Business.

In Phase 1, the applicant/developer will construct all roads and utility infrastructure for the entire development, and the commercial buildings on Pods A, B, and D. The building on Pod C will be constructed by separate entity. Pods E, G, and H will be developed in later phases. Pod F will remain as single family detached dwellings with a *default zone* of RSF-4 (Residential Single Family 4 du/acre.)

This application incorporates Alternate Road Sections and a proposed TEDS Exception for access into the southern most entrance into Lot 2, Block 1. This application assumes these modifications are acceptable, but has not received confirmation from staff. A request for approval of the Alternative Road Sections and for the TEDS Exception was submitted to staff in December 2006.

Additional project related information addressing staff's Pre-Application Meeting comments can be found at the end of this General Project Report.

A. Project Description

Location and Site Features

- The project is located in the southwest corner of N. 1st Street and Patterson Road in Grand Junction.
- The property includes three single family homes that front on N. 1st Street. These three existing homes can generally be described as being on the top of a hill that extends through the southeast corner of the property, northwesterly towards the center of the property. This hill is a distinguishing characteristic of the property although it encompasses only a few acres; the remainder of the site generally slopes to the north and west.

Existing Zoning

- The property is zoned Planned Development per Ordinance No 3981. The subject property has three default zones:
 - B-1 (Neighborhood Business)
 - RMF-12 (Residential Multi-family 12 du/acre)
 - RSF-4 (Residential Single Family 4 du/acre)

Please refer to the approved ODP for the applicable default zoning per Pod

Proposed Use

- The proposed uses on Lot 1, Block 1 and Lots 1 and 2, Block 2 are a mix of uses composed of office, retail, service and possibly restaurant. All uses are allowed under Ordinance 3981. Lot 2, Block 1 will be a retail use with a pharmacy. There are two drive through windows located on the south side of the building which will serve the pharmacy.

B. Public Benefit

Corner Square Planned Development will create a mixed use project that meets standards established in the Outline Development Plan, the intent of the Growth Plan, the development requirements of the default zones, and the expectations of the neighbors. Public benefits include:

Infrastructure and Utilities

- Collaboration with the City of Grand Junction on the donation of right-of-way for a right turn lane from Patterson Road onto N 1st Street;
- A 35' wide utility easement (paralleling and abutting Patterson Road) for under-grounding of the Ranchman's Ditch and the existing overhead power;
- Participation in the under-grounding of the overhead utility lines that encumber this property.
- The construction of detached sidewalks and landscaping within the easements that parallel both Patterson Road and N. 1st Street.

Site Amenities and Landscaping

- Large landscaped open space areas along the N 1st Street frontage;
- Site amenity or community feature at the corner of N 1st Street and Patterson Road;
- Preservation of the topographic landscape hill feature through terracing and landscape design.

Development Character

- In order to retain the existing fabric of the N. 1st Street neighborhood, the project retains the existing single family residences which front along N 1st Street.
- The applicant commits to architectural standards that prohibit prefabricated or metal buildings, and requires pre-approved finishes consistent with a definitive development theme.

Site Development

- The creation of a Design Review Committee consisting of one landscape architect, one architect, and a representative from the applicant's office, that reviews submittals prior to the City.
- The creation of limited design guidelines for development in the commercial pods.
- The creation of limited design guidelines for development in the residential pods.
- Commercial area site planning where the majority of the parking does not front on N. 1st Street and Patterson Road. Buildings will assist in screening parking lots.
- The creation of Business Owners Association for the commercial pods.
- The creation of a Home Owners Association for the multi-family residential pods.
- Vehicular cross access will be required within all commercial development pods.
- Incorporation of underground parking to eliminate the some of the negative visual impacts of surface parking.

Buildings, Architecture, and other Structural Features

- The creation of design guidelines for commercial buildings.
- The creation of design guidelines for residential buildings.
- Limit the height of the uses in the commercial pods to two stories.
- The development will require equal attention to architectural detailing, building materials, plane projections, recesses, and roof forms on all sides of non-residential buildings. The applicant will not require that window, door, canopy and other overhang treatments be equal on all sides of non-residential buildings.
- The development will require trash enclosures and loading areas to be screened with walls made of materials identical to the building materials of the primary building in keeping with the architectural development theme.
- A height restriction of all buildings (residential and non-residential) on top of the 'hill' to be no higher than 35' above parking lot level.

Signage

- Freestanding Signage (Primary and Secondary)
 - The applicant limits the freestanding signage to one freestanding sign along the N. 1st Street frontage for the entire development.
 - The applicant limits the freestanding signage to one freestanding sign along the Patterson Road frontage for the entire development.
 - Secondary monumentation will be allowed along these frontages. Secondary monumentation will not used as individual business signage. Secondary monuments will be used for the overall development name and / or logo only.
 - Tertiary / minor directional signage will be allowed on the streets internal to the development.
- Wall Mounted Signage
 - Wall mounted signage will be more strictly regulated than City Code standards. Limitations will be set to limit wall signage size.

B. Neighborhood Meeting

Two neighborhood meetings have been held for this project during the Outline Development Plan process. Per the Grand Junction Zoning and Development Code a neighborhood meeting is not required for a Preliminary Plan in a Planned Development zone. The neighborhood meeting minutes of each meeting of the previous meetings are been included in this application. The neighborhood meetings were held on February 23, 2006 and September 11, 2006. Both meetings were held in the cafeteria at West Middle School.

C. Project Compliance, Compatibility, And Impact

1. Adopted Plans and/or Policies

The proposed development density will meet the requirements set forth in the approved ODP.


2. Surrounding Land Use

The surrounding land uses are as follows:

North: B-1 uses including – Vet Clinic, Retail, service, office use
East: High Density Multi-family and Single Family Detached residential
South: Single Family Detached Residential
West: Agriculture / undeveloped land

3. Site Access and Traffic

Three access points will serve the site upon completion of this Phase 1 construction. The access points are as follows:

- 
- A full movement unsignalized intersection at approximately 25 ¾ Road and Patterson Road
 - A three-quarter movement intersection at Meander Drive and Patterson Road
 - A full movement unsignalized intersection at Park Drive and North 1st Street

On-site circulation generally occurs by the use of cross-connectivity in parking lots and accessing the internal street network. A pedestrian network of sidewalks have also been established which connect the residential areas to the commercial areas and the perimeter arterial streets.

4. Availability of Utilities


Sanitary Sewer:

Sanitary sewer is available in the adjacent arterial streets. Please see the Composite/Site Plan for more detail.

The subject property will use City of Grand Junction water.

5. Special or Unusual Demands

Storm Water:



* Per the City of Grand Junction Public Works department, the storm water will be directly discharged into the proposed storm system associated with the Ranchman's Ditch project. No on-site detention is required or proposed.

6. Effects On Public Facilities

* The addition of more commercial development along the Patterson Road corridor will have expected, but not unusual impacts, on the fire department and police department. A detailed and lengthy process occurred to review the impacts of project related traffic to the street network. Overall the traffic had minimal impact on the surrounding street network. The project proposes an access point at 25 ¾ Road and Patterson Road which establishes a shared access point for this project and future development to the west. This intersection will function as a full movement unsignalized intersection initially, but a signal can be added to this intersection without negatively impacting the progression of Patterson Road.

7. Site Soils

A Geotechnical Report has been included with this submittal for your review on site soils.

8. Site Geology and Geologic Hazards

No unusual or unexpected geologic hazards are present at the proposed site.

There are no jurisdictional wetlands on the property (*see attached letter from Rare Earth*)

9. Hours of Operation

All businesses within this development are subject to the hours of operation associated with the default zone of B-1, Neighborhood Business. These hours are 5am to 11pm.

10. Number of Employees

The number of employees per building and or per use is not known at this time. Parking per the Grand Junction Zoning and Development Code has been provided.

11. Signage Plans

Preliminary signage plans have been submitted with this submittal detailing Primary and Secondary signage. These are in conformance with the general standards established in the approved ODP. The Primary and Secondary signage locations, identified as star shaped icons, have been shown on the Preliminary Landscape Plan.

Additional signage will be displayed on the exterior of the buildings in the form of 'wall-mounted' signs per the Zoning and Development Code. The applicant will work with staff on the details of the wall mounted signage during the review of the Preliminary Plan.

D. Development Schedule and Phasing

* Phase 1 of the development will be beginning as soon as Final Plan approval. Subsequent phases are required for submittal within one year of approved Final Plans for Phase 1.

F. Additional

Review Criteria (Development Code Section 2.8.B)




1. The proposed plan is in conformance with the Growth Plan (as recently amended), major street plan, Urban Trails Plan, and other adopted plans.
2. The proposed plan meets the subdivision standards in Ch. 6.
3. The proposed subdivision meets the zoning standards of the approved Outline Development Plan, the Planned Development standards in Chapter 5, and the zone district standards established in Chapter 3 of the Zoning and Development Code. The default zone for the Pods associated with Phase 1 is B-1 – Neighborhood Business.
 - a. At the time of ODP approval, the overall height of each building could be increased by 25% by the City Council. This allows the applicant to provide elevations of each building when requesting additional height.
 - b. An increase in height will be applied for at the time of Planning Commission and City Council hearing. The bulk/mass of the proposed commercial buildings is less than 40' in height. Architectural 'towers' are provided on each building to add character and interest to the buildings. These tower elements exceed the 40' height limit established by the default zone, but do qualify for an exception by the Planning Commission and City Council. These tower elements do not exceed a height that is 25% greater than the height established by the default zone.
4. The proposed subdivision meets the standards established by the approved ODP – Outline Development Plan.
5. Adequate public facilities and services will be available concurrent with the subdivision.
6. The project will have no unusual impacts associated with development.
7. The project is compatible with existing and proposed development on adjacent properties.
8. Adjacent agricultural land use will not be harmed by the proposed subdivision.
9. The proposed project is neither piecemeal development nor premature development of agricultural land or other unique areas.
10. There is adequate land to dedicate for provision of public services and will not cause an undue burden on the City of Grand Junction for maintenance or improvement of land and/or facilities.

Review Criteria (Development Code Section 5.4.F)

Development Standards


Planned development shall meet the development standards of the default zone or the following, whichever is more restrictive. Exceptions may be allowed only in accordance with this Section.

1. **Setback Standards.** Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that:

- 
- 
- 
- a. Buildings can be safely designed and that the design is compatible with lesser setbacks. Compatibility shall be evaluated under the Uniform Fire Code and any other applicable life, health or safety codes;
 - b. Reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space;
 - c. Reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural features.
2. **Open Space.** All planned developments shall comply with the minimum open space standards established in Chapter Six or the open space requirements of the default zone, whichever is greater. The ODP requires a minimum of 1.8 acres of open space for the entire project. A substantial portion of this open space occurs within easements along the Patterson Road and N. 1st Street frontages.
 3. **Fencing/Screening.** No fencing or screening is proposed within this Phase 1 development.
 4. **Compatibility.** Nonresidential design and construction shall be compatible with adjacent residential development.
 5. **Landscaping.** Landscaping shall meet or exceed the requirements of Chapter Six of this Code.
 6. **Parking.** Off-street parking shall be provided in accordance with Chapter Six of this Code.
 7. **Street Development Standards.** Streets, alleys and easements shall be designed and constructed in accordance with TEDS and Chapter Six of this Code. The applicant has applied for *Alternate road standards and a TEDS Exception*.

Site Development Issues per the Pre-Application Meeting Notes from Staff:

Pedestrian Connectivity



At Staff's request a sidewalk will provide that connects the southern end of Meander Court to the walk along the south side of Park Drive at the N. 1st Street intersection. This is not shown on the plan because this Phase of development does not cover this Pod. The proposed walk will provide connectivity from the commercial portion of the site to Pod E, from the residential portion to Pod E, and a walk from the commercial portion of the development to the future residential portion. Currently no sidewalk is proposed along the west side of 25 ¾ Road.

Utilities

The applicant will continue to seek financial assistance from the City of Grand Junction on the burial of the overhead utility lines. The applicant maintains that the overhead utilities will need to be moved for the construction of the Ranchman's Ditch Project and the deceleration lane at Patterson Road and North 1st Street. It is assumed that there is a cost associated with the moving of these overhead utilities in the budgets of each project. These moneys along with the use of infill dollars should be applied to the burial of these overhead utilities along the Patterson Road frontage of the Corner Square project.

Traffic

There is a proposed median and a pair of deflection islands at the intersection of Meander Drive and Patterson Road. A copy of these drawings was submitted to the City of Grand Junction Development Engineer and the City of Grand Junction Traffic Engineer at the time of the Pre-Application meeting in December 2006.

The south-bound left turn lane from Meander Drive into Lot 2, Block 1 was mentioned as a comment by staff. To address staff's concern, the applicant's engineer moved the proposed roundabout further south to increase the distance between the flowline of the driveway entrance and the closest roundabout flowline. The distance was increased to a 50' separation.

The applicant's traffic engineer and the City of Grand Junction Traffic Engineer are in correspondence regarding the deceleration lane at 25 ¾ Road and Patterson Road. The need for the deceleration lane is based on the volume of traffic in the lane adjacent to the deceleration lane. Per the applicant's traffic engineer, the deceleration lane is not needed for the uses or intensity of development associated with the Phase 1 construction in the near term design horizon. A deceleration lane has not been included in the design of the Phase 1 plans. Correspondence between the applicant's Traffic Engineer and the City of Grand Junction Traffic Engineer are attached to this General Project Report

* *
2cel Lane

Preliminary Plan and the Planned Development Ordinance

For Phase 1, the applicant is proposing the construction of all road infrastructure improvements and the construction of the four mixed use buildings along Patterson Road. The area defined as Phase 1 has a default zone of B-1, Neighborhood Business. The site plans for these four buildings are included in the Preliminary Plan submittal dated February 14, 2007.

Ordinance No. 3981 allows the applicant to apply for a height increase up to 25% greater than the standard allowed in the default zone. The default zone of B-1 Neighborhood Business, allows for an overall maximum building height of 40'. Under the allowance of a 25% increase, the applicant can apply for a building height up to 50'. The applicant is proposing an increase in height. Please reference the architectural elevations included in the applications for building heights.

Response to City of Grand Junction Review Comments

Date: 4-05-2007

Comment Round No. 1

Page No.

Project Name: Corner Square

File No: PP-2007-064

Project Location:

Check appropriate

☒ if comments were mailed, emailed, and/or picked up

RECEIVED

MAY 01 2007

COMMUNITY DEVELOPMENT
DEPT.

Property Owner(s): Patrick A. Gormley

Mailing Address: 2433 N. 1st St., Grand Junction, CO 81501

Email:

Date Picked Up:

Telephone:

Signature:

Representative(s): Ciavonne, Roberts & Associates

Mailing Address: 844 Grand Avenue, Grand Junction, CO 81501

Email: joe@ciavonne.com

Date Picked Up:

Telephone: 241-0745

Signature:

Developer(s): Constructors West

Mailing Address: 514 28 1/4 Road, Grand Junction, CO 81501

Email:

Date Picked Up:

Telephone: 241-5457

Signature:

CITY CONTACTS

Project Manager: Ken Kovalchik

Email: kenk@gjcity.org

Telephone: 256-4058

Back up Planner:

Email:

Telephone:

Development Engineer: Eric Hahn

Telephone: 244-1443

CORNER SQUARE RESPONSE TO COMMENTS

Responses to be sent to the following agencies:

Public Works and Planning
City Development Engineer
City Fire Department
City Surveyor
City Addressing
Resnan Communications
Skel Energy
Grand Valley Irrigation Company

PUBLIC WORKS AND PLANNING

Comment:

The General Project report states a detached sidewalk will be constructed along Patterson Road and N. 1st Street. The Landscape Plans and Site Plans indicate a detached sidewalk along Patterson Road, but not along N. 1st Street. Please indicate a detached sidewalk along N. 1st Street on the plans.

Applicant's Response: *The General Project Report was incorrect. An attached sidewalk will be provided along the N. 1st Street frontage. The proposed portions of the attached walk will connect to an existing attached walk along this frontage.*

Comment:

The General Project Report states a site amenity or community feature will be placed at the SW corner of Patterson Road and N. 1st Street. The plans do not depict what is proposed in this area. As this amenity is proposed to meet a "Community Benefit" within the PD, staff requires that this amenity be indicated on the plans.

Applicant's Response: *The community generally refers to this property as "sheep hill." In keeping with this theme, the applicant proposes a sculptural element on site that carries this theme. The applicant proposes placing sculpture on the corner of 1st and Patterson as a community feature.*

Comment:

Terraced structural walls are proposed at the corner of Meander Court and Park Drive. Staff requires the walls to be decorative and that landscaping be placed in the terraced section for each wall section.

Applicant's Response: *The terraced structural walls will be covered with material similar to the building facades. Landscaping will also be used to soften these walls as noted in staff's comment above.*

Comment:

It appears a modular block wall is proposed at the entrance from N. 1st Street and that this wall will be terraced. Staff requires the wall to be decorative and that landscaping be placed in the terraced section of the wall.

Applicant's Response: *The wall located at the intersection of N. 1st Street and Park is terraced towards the interior of the site and is probably not overly visible from the street. The applicant would prefer to utilize a modular block in this location. Please let us know if it is possible.*

Comment:

The TEDS exception for the entrance to Block 1 was denied and 50' for vehicular queuing is required at this ingress/egress point. It appears the design, as submitted, creates a conflict point in this area. Vehicles exiting the Walgreen's drive-thru and vehicles exiting the one-way area south of the drive-thru will create a conflict in this 50' queuing area. Please revise the plans to show adequate queuing in this area.

Applicant's Response: *The entrance has been reconfigured using a single drive-thru and single/one-way lane beside the drive-thru. This has resulted in a distance from the flowline of Park Street to the flowline of the through lane of over 30' whereas Eric Hahn indicated that a minimum of 25' was necessary.*

Comment:

The vehicular flow of traffic south of the proposed Walgreen's site appears it may cause conflicts. Are two drive-thrus necessary? Could one be eliminated to allow for two-way traffic? Along with the queuing issue in this area, it appears the building footprint may have to be altered to allow for adequate vehicular movement. Please consider alternatives with the layout to allow for a smoother flow of traffic.

Applicant's Response: *The drawing has been redone based on our discussions with staff at an April 17th meeting with the City, using a single drive-thru. In addition, the parking has been changed to angle to emphasize the fact that this is a one-way corridor. The queuing issues have been resolved. Please see the response to the comment above.*

Comment:

The submitted 413 parking spaces are proposed where 440 parking spaces are required.

10,000 square feet of office space – 185 parking spaces required

10,990 square feet of retail space – 228 parking spaces required

There is some flexibility in your site design as you can lose parking spaces if you should have to revise building layouts, such as the Walgreen's.

X

Applicant's Response: Although the plan exceeds the minimum number of parking spaces specified in the Zoning and Development Code, the applicant would like to retain as many spaces as possible. The applicant is also proposing a pocket of parallel parking spaces (13 spaces) along Park Drive to increase the parking count. While on-street parking was not initially anticipated, the applicant sees a need for additional parking in this quadrant of the site. On-street parking should also assist in reducing vehicle speeds along this stretch of road. Lastly, a sidewalk was added to the south side of the street (adjacent to the proposed parallel parking) to provide a safe zone for pedestrians.

Comment:

Two of the benefits listed as a "Community Benefit" in section 5.1.A is recreational amenities and public and/or private open space. Staff recommends including seating areas throughout the development and include design elements, such as benches and tables and public art, and possibly designing "courtyard areas" at the entrances of the "L" shaped retail/office buildings on Block 1 Lot 1 and Block 2 Lot 1. Staff also finds that seating areas could be included in the designs at the south side of each of these buildings.

Applicant's Response: The applicant recognizes the need for outdoor seating at the entrances of the buildings and the concept plan for these areas is provided on the Landscape Plan. Additional seating may be distributed throughout the site as the details of the pedestrian areas are further defined through our design process. The applicant is working with his architect and landscape architect on these details.

Comment: Alternate Street Section requests for Street A and Street C have not been approved (see engineering comments) and the site plans will have to address this.

Applicant's Response: Understood. Please see the response to comments for Street A and Street C below in the Development Engineer's comment response section.

Comment: In Block 2 Lot 1, the entrance to the parking area from Meander Drive does not meet TEDS requirements. The nine parking spaces located to the east of this entrance are not required, as the number of parking spaces proposed exceeds the minimum requirements. Staff recommends removing the nine parking spaces and redesigning this entrance area.

Applicant's Response: The nine parking spaces have been converted to six angle spaces to emphasize the fact that this is one-way corridor.

CITY DEVELOPMENT ENGINEER

GENERAL COMMENTS

Comment: The Summary of Findings letter from the environmental consultant indicates that the ESA "revealed no evidence of recognized environmental conditions in connection with this property." No further action is required.

Applicant's Response: Understood. Thank you.

ALTERNATE STREET STANDARDS COMMENTS

Comment: The proposed Alternate Street Standards were reviewed and discussed by the City Planner, the City Transportation Engineer, the City Development Engineer, and a representative from the Fire Dept. The discussion resulted in the following comments and/or requirements:

Street Section A - This street section does not provide adequate pedestrian facilities along the east side of Meander Court. Specifically, staff requires that, at a minimum, there be a pedestrian connection from the cul-de-sac of Meander Court to the east end of Park Drive. To accomplish this, staff highly recommends a detached concrete path running more-or-less parallel to the east side of Meander Court and the south side of Park Drive. This path could run along the base of the proposed retaining walls or along the top of the retaining walls adjacent to the future restaurant site. The street section is NOT APPROVED as currently proposed.

Applicant's Response: Per our meeting of April 17th, we looked at making an ADA compliant path from Meander Dr. thru the restaurant site and down to Park Drive. Due to the steep slopes on the Park Drive side of the restaurant parking lot, we ended the path at the restaurant site, but added sidewalk all the way around the roll on both Meander and Park.

b) Street Section B - This street section will be considered as a temporary "partial" street section, and will not be reviewed as an alternate street section. Any comments pertaining to this street will be included with the rest of the "streets" comments.

Applicant's Response: *Understood. Thank you.*

c) Street Section C - According to the TIS, this street section will convey approximately 7000vpd. The proposed narrow street section would have the capacity to convey this traffic volume, but it does not allow for the accommodation of the need for left-turn lanes at proposed internal accesses. Of particular concern is the proposed access to the future restaurant site. The access is currently shown to be only 100' feet from the adjacent flowline of 1st Street, causing potential for vehicles trying to turn left into the restaurant to block incoming traffic on Park Drive to stack up and overflow into 1st Street. Additional analysis may be necessary, but at a minimum, it appears that a three-lane width (36' of pavement) will be necessary from 1st Street to the restaurant access. The three lane width will allow the construction of back-to-back left-turn lanes in this length of street; a left-turn lane for westbound traffic into the restaurant site, and a left-turn lane to accommodate eastbound traffic to make left turns onto northbound 1st Street. Further, the left-turn lane design requirements in TEDS Section 6.2.5.3 indicate that the restaurant access must be moved west to allow two 50' left-turn storage lengths and the necessary 60' reverse curve striping between the two turn lanes. This should be closely coordinated with the City Development Engineer and City Transportation Engineer. The issue regarding pedestrian connection discussed in reference to Street Section A also applies to this street section. The street section is NOT APPROVED as currently proposed.

Applicant's Response: *This was coordinated with the City Development Engineer in the April 17th meeting at Community Development. A left turn lane for the restaurant area has been added as well as dedicated turn lanes both left and right onto 1st Street.*

STREETS & TRAFFIC COMMENTS

Comment: Comments are not yet available from the City Transportation Engineer. These comments will be forwarded to the applicant when they are available.

Applicant's Response: *Per a meeting with staff on April 18, 2007, the City Transportation Engineer confirmed that the 25 $\frac{3}{4}$ Road could be constructed for the Phase 1 improvements without a deceleration lane. A deceleration lane is still warranted at Meander Drive. The City Transportation Engineer and staff also confirmed that 25 $\frac{3}{4}$ Road could be constructed as proposed on the Preliminary Plan. This plan retains the existing private driveway access from Patterson Road to the Baughman parcel in its current location.*

Comment: The median in Patterson and the deflection island at the Meander intersection are being reviewed by the City Transportation Engineer, Jody Kliska. Earlier discussions with Jody indicate that the City may require that the Patterson median be extended from Meander to the left-turn lane at 1st Street. Also, the deflection island at Meander may need to be modified to improve the right-turn approach angle to Patterson, while maintaining sufficient median overlap to block left turns. This can be resolved in detail at Preliminary or Final Plan.

Applicant's Response: *The issues with the Patterson/Meander intersection were discussed with Jody Kliska earlier. Exhibits of the modifications to the deflection island and the radius of the turn lane were provided to Jody Kliska at that previous time. We believe that at the April 17th meeting Jody Kliska confirmed that our current plan was acceptable.*

Comment: The south-bound left-turn lane from Meander into the Walgreen's site must be clearly separated from the north approach to the roundabout. This may require additional striping or a splitter island at the approach to the roundabout.

Applicant's Response: *A splitter island has been added.*

Comment: The existing medians in 1st Street may require some modification to facilitate left turns out of the project site onto 1st Street.

Applicant's Response: *The islands have been modified on the attached plans.*

Comment: The roundabout design should be modified to eliminate the slight weaving motion that would be required to make a right-turn on any leg of the intersection.

Applicant's Response: *The weaving curb lines have been eliminated.*

Comment: Must show the required striping and median changes that must be made on the north and south legs of the 1st and Patterson intersection.

Applicant's Response: *We were told that for now, no changes to either leg would be required.*

Comment: Must show the striping for the 16' ingress lane, 12' egress left, and 12' egress right, at the 1st & Meander intersection. This comment is closely related to the review comment regarding Alt. Street Section C.

Applicant's Response: *We believe you meant 1st and Park. The striping has been shown.*

Comment: The TEDS Exception Request to allow the current configuration at the Walgreen's access off Park Drive was denied. This access must be redesigned to meet standards.

Applicant's Response: *The entrance off Park Drive has been redesigned per our discussions in our meeting of April 17th.*

Comment: The access from Park Drive into the parking lot for Lots 1 and 2, Block 2 does not meet TEDS standards for vehicle stacking length. Further, the one-way circulation aisle on the east side of this access causes more problems than it solves. It is highly recommended that the 9 parking spaces being served by the one-way aisle be eliminated.

Applicant's Response: *This was reviewed in our April 17th meeting. It was decided that if we angled the parking so that the corridor was clearly a one-way access, then it would not affect the stacking at the intersection and thus would be acceptable. Angle parking has been shown.*

Comment: Since it is unlikely that Knollwood Drive will ever be extended further south into the adjacent neighborhood, it is recommended that an offset cul-de-sac be constructed at the far south end of this street stub, rather than the cumbersome hammerhead currently shown.

Applicant's Response: *We brought up in our meeting of April 17th that the owner of the property to the south had sent Bruce Milyard a letter stating that he wanted street access and utilities to his north line. It is important to us as well to eventually have the waterline connected through his property to the 8-inch line in Knollwood. We feel that since the road must go through, the temporary hammerhead is adequate.*

GRADING & DRAINAGE COMMENTS

Comment: Direct discharge of un-detained stormwater runoff from this site into the Ranchman's Ditch pipe project will be allowed, provided the final drainage analysis of the site concurs with the results of the Williams report dated October, 2005. Verification of this analysis will be conducted by the Ranchman's Ditch project engineer, Dave Donohue (244-1558). Review comments from Dave Donohue regarding the Preliminary Drainage Report will be forwarded to the applicant when they are available.

Applicant's Response: *Understood. Thank you. When the Preliminary Plan is approved, we will have Gerald Williams perform the final drainage analysis.*

UTILITY COMMENTS

Comment: The Ranchman's Ditch pipe project will not include under-grounding of the overhead utilities. It is not clear whether the City will be able to assist the developer in placing these utilities underground. Regardless, the utilities must be placed underground as part of the subdivision project. The developer is encouraged to continue these discussions with the City Engineer and the Public Works Manager.

Applicant's Response: *The developer will continue the discussions with the City. The developer also met with Xcel Energy, Friday April 20th to pursue under-grounding of the line. These drawings have been furnished to Xcel Energy so that further design and cost estimating can be performed.*

Comment: At Final, any buried utility crossings must be made at an angle of 45-degrees or greater. Also, all water mains must maintain a 10' horizontal separation from all sewer and storm mains.

Applicant's Response: *We are assuming that this comment is driven by the utility companies. Following final approval and initiation of a contract with the utility providers, it is our policy to place the conduits wherever they request.*

CITY SURVEYOR

Comment: A revocable permit will be required for all irrigation lines crossing public right of way.

Applicant's Response: *Understood. Thank you.*

Comment: Additional comments will follow once the subdivision plat is submitted.

Applicant's Response: *Understood. Thank you.*

CITY FIRE DEPARTMENT

Comment: The Fire Flow Form you submitted shows an average fire flow of 1586 gpm. Since this is only marginally above the minimum fire flow of 1500 gpm for commercial buildings and you are proposing a dead-end fire line into your development, the Fire Department will require a water supply analysis from your engineer showing the estimated fire flows at the most demanding fire hydrants. Also, we will require you to complete a flow test of the nearest hydrant along 1st street as a baseline for this study. The Fire Department must be called to witness this flow test.

Applicant's Response: *Flow tests were conducted and witnessed by the GJFD 4/24/07. We are awaiting results before we can begin our analysis.*

Comment: Submit a site plan/utility composite showing the location and size of the underground fire line for the fire sprinkler system required for each building. Also show the location of the FDC for each building.

Applicant's Response: *Site specific site plans will be prepared for each building following approval of this Preliminary Plan.*

Comment: The proposed alternative street standards were reviewed and approved by this office on 12/6/06. See comments for PRE-2006-331. However, in reviewing sheets C7 and C8 of the current submittal, there appear to be two locations that do not meet the Fire Department minimum turn radius requirements: 1) The right turn lane from Meander Drive to Patterson Road; 2) The south entrance to Lot 1, Block 1 requires a sharp right turn and then a sharp left turn to reach the main entrance area of the building-it appears that a fire truck cannot negotiate those turns. Submit a revised drawing showing a fire truck turn radius overlay for these two areas.

Applicant's Response: *The standard City driveway sections have been changed to typical street intersection radii such that the turning radii of a typical fire or service vehicle can be more easily achieved. The interior islands have been modified for circulation through the parking areas.*

Comment: I am assuming that the roundabout design at the intersection of Meander Court and Park Drive incorporates a drive over curb area for fire trucks. Submit a design detail sheet confirming this.

Call the Fire Department at 244-1414, should you have questions.

Applicant's Response: *The roundabout will incorporate a drive over curb. The design details will be provided at Final.*

CITY ADDRESSING

Suggestion: Subdivision name is fine as well as the street names. The only suggestion I have is if we can get a plat that clearly defines the new lots so when I address them I know where the lots are.

Applicant's Response: *The applicant's planner submitted a plan defining the lot layout to staff in mid April. If this plan is not sufficient, another plan can be forwarded to staff for addressing purposes. The plat will be provided at Final Plan.*

OUTSIDE REVIEW AGENCY COMMENTS

(Non-City Agencies)

Review Agency: Bresnan Communications

Contact Name: Scott Wright

Email / Telephone Number: 263-2313

Comment: We require the developers to provide, at no charge to Bresnan Communications, an open trench for cable and Internet service where underground service is needed and when a roadbore is required, the developer too must provide that. The trench may be the same one used by other utilities however; the roadbore must have a 4" conduit for the sole use of cable TV.

Applicant's Response: *Understood. Thank you.*

Comment: We require developers to provide, at no charge to Bresnan Communications, fill-in of the trench once the cables has been installed in the trench, as well as the areas around all pedestal locations.

Applicant's Response: *Understood. Thank you.*

Comment: We require developers to provide, at no charge to Bresnan Communications, a 4" PVC conduit at all utility road crossings where the cable lines will be installed. The cable TV crossings will be in the same locations as the power and telephone crossings. If the conduit is not installed, we will be unable to place our lines until one is installed. This 4" conduit will be for the sole use of cable TV.

Applicant's Response: *Understood. Thank you.*

Comment: Should your subdivision contain cul-de-sacs the driveways and property lines (pins) must be clearly marked prior to the installation of underground cable. Any need to relocate pedestals or lines will be billed directly back to your company.

Applicant's Response: *Understood. Thank you.*

Comment: Bresnan Communications will provide service to your subdivision so long as it is within the normal cable TV and Internet service area. Subdivisions that are out of the existing cable TV and Internet service area may require a construction assist charge; paid by the developer, to Bresnan Communications in order to extend the cable TV service to that subdivision.

Applicant's Response: *Understood. Thank you.*

Comment: Should Bresnan Communications be required to perform work on any of its existing aerial or underground cable facilities as part of the construction process to provide service to the subdivision, Bresnan Communications may require a construction assist charge, to be paid for by the developer.

Applicant's Response: *Understood. Thank you.*

Comment: Due to excessive damage in previous developments any damage incurred to cable facilities during backfill of trenches will be charged back to the developer. The cost for this will cover replacing entire cable span at \$8.70/foot

Applicant's Response: *Understood. Thank you.*

Review Agency: Xcel Energy

Contact Name: John Basford

Email / Telephone Number: 244-2630

Comment: No Objections; Undergrounding of the existing overhead feeder lines will require extensive engineering and construction lead times. Applicant will need to contact Xcel Energy's Engineering Department to request a formal design for the project. Additional utility easements may be required dependent on the final utility design layout. Engineering lead times for design estimates typically run approximately 4-6 weeks or more. Initiation through completion of this City/County approval process does not constitute an application with Xcel Energy. Relocation of existing facilities at owners expense.

Applicant's Response: *The applicant and his representative met with Xcel on Friday April 20th to discuss the design and costs. Xcel is working on both items and will provide these to the applicant when ready.*

Review Agency: Grand Valley Irrigation

Contact Name: Phil Bertrand

Email / Telephone Number:

Comment: See previous review sheets dated 1/25/06 and 12/11/06

Applicant's Response: *Understood. Thank you.*

Comment: Need formal written agreement before final approval can be granted for modification, altering or moving the GVIC canal delivery system. This includes any direct or indirect impact or burden on related laterals to the GVIC system.

Applicant's Response: *Written agreements will be processed as required by GVIC.*

Comment: Need more detailed specifications, elevations, etc., on all inlet to or from the new proposed 24" irrigation line.

Applicant's Response: *Details will be worked out in cooperation with GVIC during the final design process.*

Comment: Need specific details of the proposed 8" or 10" irrigation line that will feed water users on 25 Road and 24 1/2 Road.

Applicant's Response: *Dave Donohue with the City of Grand Junction is supposed to handle these designs.*

Comment: Need specific details of how the Baughman property is going to be served by irrigation water for this new proposed development.

Applicant's Response: *Dave Donohue with the City of Grand Junction will take care of this as well.*

Comment: How is and need specific details of how the development is going to be serviced with irrigation water.

Applicant's Response: *Details of the irrigation supply for the project will be coordinated with GVIC during final design.*

Comment: Need to sign Discharge Agreement.

Applicant's Response: *The developer will contact GVIC concerning the discharge agreement.*

ADDITIONAL NOTES REGARDING THIS APPLICATION

1. Per a meeting with City staff on April 17, 2007, staff approved the location of 25 ¾ Road as depicted on the Preliminary Plan.
2. Per a meeting with City staff on April 17, 2007, staff approved the construction of 25 ¾ Road without a deceleration lane as depicted on the Preliminary Plan.
3. Per a meeting with City staff on April 17, 2007, City staff agreed that they would contact adjacent property owners regarding driveway access to Patterson Road.
4. The applicant has agreed to provide driveway access from the western most adjacent property to the flowline of 25 ¾ Road.

The Petitioner is required to submit 8 Packets, labeled as "Response to Comments" for the following agencies:

Public Works and Planning
City Development Engineer
City Fire Department
City Surveyor
City Addressing
Bresnan Communications
Xcel Energy
Grand Valley Irrigation

Date due: July 5, 2007

Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.



Applicant's Signature

5/01/07

Date

Appendix 7

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 7

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

X

26

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: June 12, 2007
STAFF PRESENTATION: Ken Kovalchik

AGENDA TOPIC: PP-2007-064 Corner Square Phase I Planned Development

ACTION REQUESTED: Approve a Planned Development Preliminary
Development Plan

BACKGROUND INFORMATION			
Location:		2503 North 1 st Street	
Applicants:		Owner: Patrick A. Gormley Developer: Constructors West Representative: Ciavonne, Roberts & Associates	
Existing Land Use:		Vacant	
Proposed Land Use:		Commercial/Residential	
Surrounding Land Use:	North	Commercial	
	South	Residential	
	East	Residential	
	West	Residential	
Existing Zoning:		PD	
Proposed Zoning:		PD	
Surrounding Zoning:	North	B-1 and PD	
	South	R-5	
	East	R-5 and R-24	
	West	R-12	
Growth Plan Designation:		Residential Medium High – RMH (8-12 du/ac) and Commercial	
Zoning within density range?		X	Yes
			No

NO

PROJECT DESCRIPTION: Request approval of the Preliminary Subdivision Plan for the Corner Square Planned Development Phase I on 20.7 acres in a PD (Planned Development) zone district.

RECOMMENDATION: Staff recommends approval of the Preliminary Subdivision Plan for the Corner Square Planned Development Phase I.

Jody K.
Eric H.
Jim M.

X

ANALYSIS

1. Background

On November 1, 2006 the City Council approved Ordinance 3981 rezoning 20.7 acres, located at the southwest corner of 1st Street and Patterson Road to PD (Planned Development) and approved the ODP (Outline Development Plan) for a mixed use development.

The ODP was approved with the following default zones by Pod:

- Pod A – B-1
- Pod B – B-1
- Pod C – B-1
- Pod D – B-1
- Pod E – B-1
- Pod F – R-4 (existing single-family)
- Pod G – R-12
- Pod H – R-12

As part of the ODP approval Pods A, B, C, D, and E shall meet the bulk standards of the B-1 zone district with the following modifications:

- Non-residential uses require no minimum lot width.
- Non-residential uses require no minimum lot size.
- Maximum FAR shall be 0.7, excluding underground and/or under building parking garages.
- Maximum FAR shall be based on the individual Pod sizes.
- Minimum front yard setbacks shall be 30' from the right-of-way for Patterson Road and 1st Street and 15' from all internal streets.
- Minimum rear yard setbacks shall be 0'.
- Maximum height shall be 35' for structures located in Pod E and 49' for Pods A, B, C, D and H. The height shall be measured from the finished grade of the adjoining parking lot.
- Maximum building size shall be 20,000 square feet for retail buildings and 40,000 square feet for all other buildings, excluding parking garage square footage.

NO, must apply for 25 variance

The Preliminary Plan for Corner Square Planned Development Phase I development scope includes the four lots along the Patterson Road frontage and the total infrastructure for the site. Building Number 1, 3, and 4 are mixed use buildings where office and retail uses are combined. In Phase I the developer will construct all roads and utility infrastructure for the entire development, and the commercial buildings on Pods A, B, and D. The building on Pod C will be constructed by separate entity. Pods E, G, and H will be developed in future phases. Pod F contains three single family dwellings located in the R-4 (4 du/ac) zone district. All three single family dwellings located in Pod F front 1st Street and will remain as part of the development.

— Roads & utility infrastructure for entire project

X

The proposed development has three (3) ingress/egress points, with two (2) access points provided from Patterson Road and one (1) access point provided from 1st Street. Streets internal to the development will be constructed according to the following classifications: Meander Drive and 25 $\frac{3}{4}$ Road – Urban Residential Collector; Knollwood Drive, Meander Court and Park Drive West – Urban Residential; Park Drive East – Hybrid Residential. At complete build-out of this development a deceleration lane will be required to access 25 $\frac{3}{4}$ Road, due to the traffic generated. With the proposed Phase I development a deceleration lane is not required. As future Phases develop the deceleration lane will be warranted. A pedestrian network of sidewalks has been designed as part of the development and will connect the residential areas to the commercial areas and the perimeter streets.

Baughm
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Lane

Vehicular movement internal to the development will be designed in a manner to decrease vehicle trips between Buildings 1 and 2 located in Block 1 and Buildings 3 and 4 located in Block 2. Cross access between the parking lots is allowed and the system of sidewalks, crosswalks, and aesthetics of the landscaping should encourage people to walk throughout this development and not drive. In addition, the entry plazas in front of Buildings 1 and 3 are designed in a manner containing elements of seating areas, landscape plantings and maintain the pedestrian circulation found throughout the development.

The square footage for each of the buildings to be constructed in Phase I is as follows: Building 1 – 30,000 square feet of office and 10,000 square feet of retail; Building 2 – 14,490 square feet of retail; Building 3 – 20,000 square feet of retail and 18,000 square feet of office; and Building 4 – 12,500 square feet of retail and 7,500 square feet of office. A below grade parking garage will be constructed beneath Buildings 1 and 3. The total number of parking spaces required for this phase of development is 413 parking spaces and the applicant is proposing to construct 441 parking spaces.

Section 5.1.A of the Zoning and Development Code states that Planned Development zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Examples of specific benefits which can be applied are listed in this section of the Code. The applicant is proposing to incorporate the following community benefits in the Corner Square Planned Development:

Infrastructure and Utilities

- Collaboration with the City of Grand Junction on the donation of right-of-way for a right turn lane from Patterson Road onto North 1st Street.
- A 35' wide utility easement (paralleling and abutting Patterson Road) for under-grounding of the Ranchman's Ditch and the existing overhead power.
- Participation in the under-grounding of the overhead utility lines that encumber this property.

- The construction of detached sidewalks and landscaping within the easements that parallel both Patterson Road and North 1st Street.

Site Amenities and Landscaping

- Large landscaped open space areas along the North 1st Street frontage.
- Site amenity or community feature at the corner of North 1st Street and Patterson Road.
- Preservation of the topographic landscape hill feature through terracing and landscape design.

Development Character

- In order to retain the existing fabric of the North 1st Street neighborhood, the project retains the existing single-family residences which front along North 1st Street.
- The applicant commits to architectural standards that prohibit prefabricated or metal buildings, and requires pre-approved finishes consistent with a definitive development theme.

Site Development

- The creation of a Design review Committee consisting of one landscape architect, one architect, and a representative from the applicant's office, that reviews submittals prior to the City.
- The creation of limited design guidelines for development in the commercial pods.
- The creation of limited design guidelines for development in the residential pods.
- Commercial area site planning where the majority of the parking does not front on North 1st Street and Patterson Road. Buildings will assist in screening parking lots.
- The creation of Business Owners Association for the commercial pods;
- The creation of a Home Owners Association for the multi-family residential pods.
- Vehicular cross access will be required within all commercial development pods.
- Incorporation of underground parking to eliminate some of the negative visual impacts of surface parking.

Buildings, Architecture, and other Structural Features

- The creation of design guidelines for commercial buildings.
- The creation of design guidelines for residential buildings.
- Limit the height of the uses in the commercial pods to two stories.
- The development will require equal attention to architectural detailing, building materials, plane projections, recesses, and roof forms on all sides of non-residential buildings. The applicant will not require that window, door, canopy and other overhang treatments be equal on all sides of non-residential buildings.

40 ft², 49

- The development will require trash enclosures and loading areas to be screened with walls made of materials identical to the building materials of the primary building in keeping with the architectural development theme.
- A height restriction of all buildings (residential and non-residential) on top of the 'hill' to be no higher than 35' above parking lot level.

Signage

- Freestanding Signage (Primary and Secondary)
 - The applicant limits the freestanding signage to one freestanding sign along the North 1st Street frontage for the entire development.
 - The applicant limits the freestanding signage to one freestanding sign along the Patterson Road frontage for the entire development.
 - Secondary monumentation will be allowed along these frontages. Secondary monumentation will not be used as individual business signage. Secondary monuments will be used for the overall development name and/or logo only.
 - Tertiary/minor directional signage will be allowed on the streets internal to the development.
- Wall Mounted Signage
 - Wall mounted signage will be more strictly regulated than City Code standards. Limitations will be set to limit wall signage size.

2. Consistency with the Growth Plan

The Future Land Use Map of the Growth Plan indicates this parcel as Residential Medium High (8-12 du/ac) and a secondary Future Land Use of Commercial. The 1st Phase of the proposed Corner Square Subdivision is the commercial element and is consistent with the Future Land Use Map designation.

3. Section 2.12.C.2 of the Zoning and Development Code

Requests for a Planned Development Preliminary Development Plan must demonstrate conformance with all of the following:

- a) The Outline Development Plan review criteria in Section 2.12.B of the Zoning and Development Code.

In November of 2006 the City Council approved the ODP for the proposed Corner Square Planned Development through Ordinance 3981.

- b) The applicable preliminary plat criteria in Section 2.8.B of the Zoning and Development Code.

1) *The Growth Plan, major street plan, Urban Trails Plan, and other adopted plans*

Applicant's Response: The proposed plan is in conformance with the Growth Plan (as recently amended), major street plan, Urban Trails Plan, and other adopted plans.

2) The Subdivision standards (Section 6.7).

Applicant's Response: The proposed plan meets the subdivision standards in Chapter 6.

3) The Zoning standards (Chapter 3).

Applicant's Response: The proposed subdivision meets the zoning standards of the approved Outline Development Plan, the Planned Development standards in Chapter 5, and the zone district standards established in Chapter 3 of the Zoning and Development Code. The default zone for the Pods associated with Phase I is B-1 – Neighborhood Business.

- a. At the time of ODP approval, the overall height of each building could be increased by 25% by the City Council. This allows the applicant to provide elevations of each building when requesting additional height.
- b. An increase in height will be applied for at the time of Planning Commission and City Council hearing. The bulk/mass of the proposed commercial buildings is less than 40 feet in height. Architectural 'towers' are provided on each building to add character and interest to the buildings. These tower elements exceed the 40 foot height limit established by the default zone, but do qualify for an exception by the Planning Commission and City Council. These tower elements do not exceed a height that is 25% greater than the height established by the default zone.

49 ft not
yet approve

building
right

4) Other standards and requirements of the Zoning and Development Code and other City policies and regulations.

Applicant's Response: The proposed subdivision meets the standards established by the approved ODP – Outline Development Plan.

5) Adequate public facilities and services will be available concurrent with the subdivision.

Applicant's Response: Adequate public facilities and services will be available concurrent with the subdivision.

6) The project will have little or no adverse or negative impacts upon the natural or social environment.

Applicant's Response: The project will have little or no unusual impacts associated with development.

- 7) Compatibility with existing and proposed development on adjacent properties.

Applicant's Response: The project is compatible with existing and proposed development on adjacent properties.

- 8) Adjacent agricultural property and land uses will not be harmed.

Applicant's Response: Adjacent agricultural land use will not be harmed by the proposed subdivision.

*Irrigation
water supp*

- 9) Is neither piecemeal development nor premature development of agricultural land or other unique areas.

Applicant's Response: The proposed project is neither piecemeal development nor premature development of agricultural land or other unique areas.

- 10) There is adequate land to dedicate for provision of public services

Applicant's Response: There is adequate land to dedicate for provision of public services and will not cause an undue burden on the City of Grand Junction for maintenance or improvement of land and/or facilities.

- c) The applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code.

- 1) Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plan

Staff Response: The proposed plan is in conformance with the Growth Plan, Grand Valley Circulation Plan, Urban Trails Plan, and other adopted plans.

- 2) Conditions of any prior approvals.

Staff Response: The proposed Planned Development has been designed in accordance with the approved ODP.

- 3) Other Code requirements including rules of the zoning district, applicable use specific standards of Chapter Three of the Zoning and

Development Code and the design and improvement standards of Chapter Six of the Code.

Staff Response: Phase I of the Corner Square Planned Development meets the default zone district requirements (B-1) as defined in the Outline Development Plan (ODP) and Chapter 3.4.B of the Zoning and Development Code.

- d) The approved ODP, if applicable

Staff Response: The proposed Planned Development has been designed in accordance with the ODP that was approved through Ordinance 3981 in November 2006.

- e) The approved PD rezoning ordinance, if adopted with an ODP

Staff Response: The subject property was rezoned from RMF-12 (12 du/ac) to PD (Planned development) as part of the Outline Development Plan (ODP) that was approved through Ordinance 3981 in November 2006.

- f) An appropriate, specific density for all areas included in the preliminary plan approval.

Staff Response: Phase I of the Corner Square Planned Development meets the density requirements (B-1) as defined in the Outline Development Plan (ODP).

- g) The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

Staff Response: The subject property is 20.7 acres in size.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Corner Square Phase I Subdivision application, PP-2007-064 for a Planned Development, Preliminary Development Plan, staff makes the following findings of fact and conclusions:

1. The requested Planned Development, Preliminary Development Plan is consistent with the Growth Plan.
2. The review criteria in Section 2.12.C.2 of the Zoning and Development Code have all been met.
3. The review criteria in Section 2.8.B of the Zoning and Development Code have all been met.
4. The review criteria in Section 2.2.D.4 of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve the requested Corner Square Planned Development, Preliminary Development Plan, PP-2007-064 with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

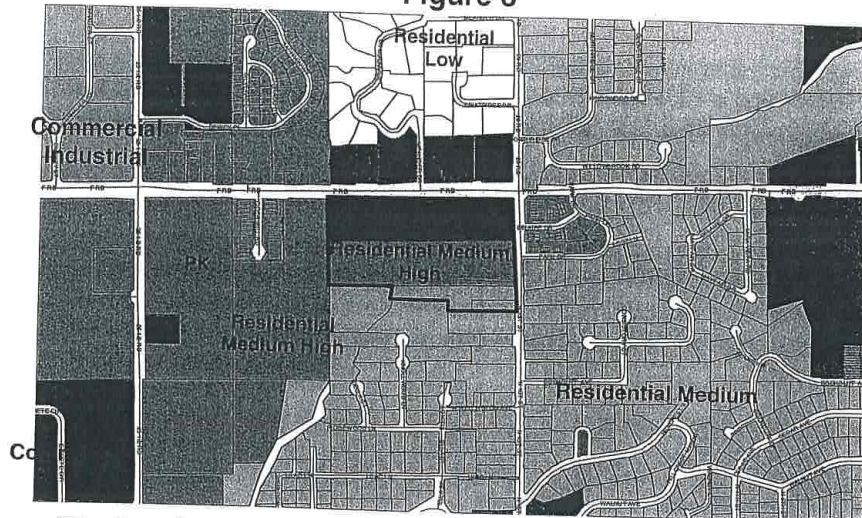
Mr. Chairman, I move that we approve the Preliminary Subdivision Plan for Corner Square Planned Development Phase I, PP-2007-064, with the findings and conclusions listed in the staff report.

Attachments:

Site Location Map
Aerial Photo Map
Future Land Use Map
Existing City and County Zoning Map
Exhibit A - Planned Development Rezone Ordinance
Exhibit B - Outline Development Plan
Exhibit C - Preliminary Plan/Landscape Plan
Exhibit D - Sign Detail

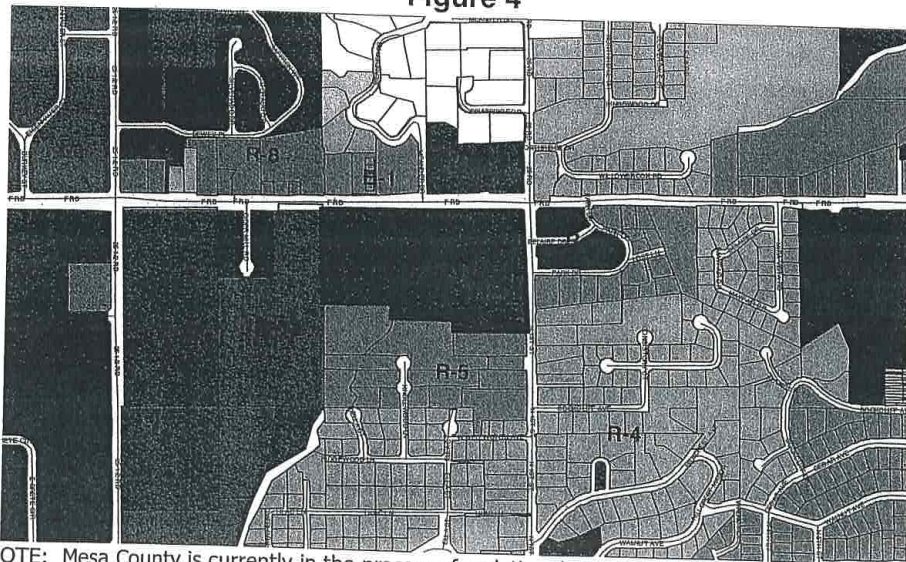
Future Land Use Map

Figure 3



Existing City and County Zoning

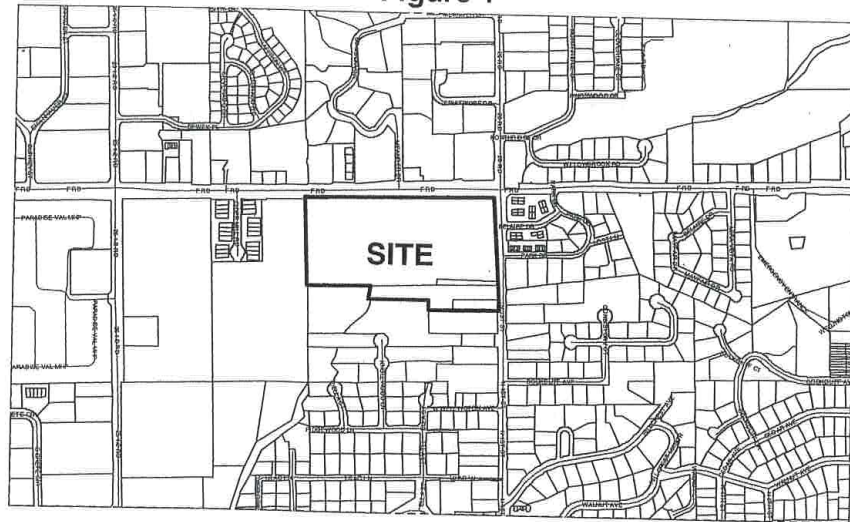
Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

Site Location Map

Figure 1



Aerial Photo Map

Figure 2



Exhibit A

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 3981

AN ORDINANCE REZONING APPROXIMATELY 20.7 ACRES FROM RMF-12
TO PD (PLANNED DEVELOPMENT)

THE 1ST AND PATTERSON PLANNED DEVELOPMENT
LOCATED AT THE SOUTHWEST CORNER OF 1ST STREET AND
PATTERSON ROAD

Recitals:

A request for a Rezone and Outline Development Plan approval has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 20.7 acres, located at the southwest corner of 1st Street and Patterson Road, be rezoned from RMF-12 (Residential Multifamily, 12 units per acre) to PD (Planned Development).

This PD zoning ordinance will establish the default zoning, including uses and deviations from the bulk standards. Specific design standards for site design, building design and signage will be established with the Preliminary Plan.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Rezone and Outline Development Plan approval and determined that it satisfied the criteria as set forth and established in Section 2.12.B.2 of the Zoning and Development Code and the proposed Rezone and Outline Development Plan is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REZONED FROM RMF-12 TO PD WITH THE FOLLOWING DEFAULT ZONES AND DEVIATIONS FROM THE DEFAULT ZONING.:

Property to be Rezoned:

Commencing at a BLM aluminum cap for the NW corner of the NE1/4 NE1/4 of Section 10, Township One South, Range 1 West of the Ute Meridian, from whence a Mesa County brass cap for the NE corner of said Section 10 bears S 89°57'24"E 1319.98 feet; Thence S 00°11'19"E on the west line of said NE1/4 NE1/4 Section 10 50.00 feet to the south right-of-way line of Patterson Road and the Point of Beginning; Thence S 89°57'24" E 591.25 feet; Thence S 34°27'55" E 24.27 feet; Thence 89°27'24" E 46.50 feet; Thence S 00°02'36" W 20.00 feet; Thence S 89°57'24" E 5.00 feet; Thence N 00°02'36" E 25.09 feet; Thence N

34°33'07" E 19.09 feet; Thence S 89°57'24" E 604.65 feet; Thence S 18°31'47"E on the west right-of-way line of North First Street 14.23 feet; Thence S 00°05'42" E 286.50 feet; Thence S 89°54'28" E 13.00 feet; Thence S 00°05'42" E 487.65 feet; Thence leaving said west right-of-way line N 89°58'07" W 470.50 feet to a 5/8 inch rebar in concrete; Thence N 00°02'55" W 77.45 feet to a 5/8 inch rebar in concrete; Thence N 89°58'20" W 387.30 feet to the east line of the Baughman tract; Thence on the east line of said Baughman tract N 00°11'19" W 100.15 feet to the south line of the N1/2 NE1/4 NE1/4 of said Section 10; Thence N 89°57'47" W 430.00 feet to the west line of the NE1/4 NE1/4 of said Section 10; Thence N 00°11'19" W 610.30 feet to the beginning. Containing 20.74 acres, more or less.

PD Zoning Standards:

See Attached Exhibit A, Outline Development Plan

A. Default Zones by Pod

- Pod A—B-1
- Pod B—B-1
- Pod C—B-1
- Pod D—B-1
- Pod E—B-1
- Pod F—RSF-4
- Pod G—RMF-12
- Pod H—RMF-12

B. Deviation of Uses by Pod

Pods A, B, C, D and E are restricted to the uses allowed in the B-1 zone district with the following modifications:

The following uses are specifically not allowed:

- Drive up/through fast food uses
- Drive up/through liquor stores
- All other drive up/through uses
- Outdoor kennels and/or boarding
- Outdoor storage
- Community Correction Facilities
- Mental health uses
- Drug and alcohol rehabilitation uses
- Halfway houses
- Law Enforcement Rehabilitation Centers

The following uses are specifically allowed (in addition to the other B-1 uses and excluding those listed above):

- Drive up/through pharmacy
- Drive up/through dry cleaners
- Veterinary clinics with indoor kennels and/or indoor boarding
- Outdoor display with a temporary use permit

Pod F is restricted to the uses allowed in the RSF-4 zone, excluding duplex units.

Pods G and H are restricted to the uses allowed in the RMF-12 zone.

C. Deviations from Bulk Standards by Pods

Pods A, B, C, D, and E shall meet the bulk standards of the B-1 zone district with the following modifications:

- Non-residential uses require no minimum lot width.
- Non-residential uses require no minimum lot size.
- Maximum FAR shall be 0.7, excluding underground and/or under building parking garages.
- Maximum FAR shall be based on the individual Pod sizes.
- Minimum frontyard setbacks shall be 30' from the right-of-way for Patterson Road and 1st Street and 15' from all internal streets.
- Minimum rearyard setbacks shall be 0'.
- Maximum height shall be 35' for structures located in Pod E and 40' for Pods A, B, C and D, with the opportunity to request up to a 25% increase in height with Preliminary Plans. The height shall be measured from the finished grade of the adjoining parking lot.
- Maximum building size shall be 40,000 s.f. for office buildings, 20,000 s.f. for retail buildings and 45,000 s.f. for mixed use buildings.

Pods G and H shall meet the bulk standards of the RMF-12 zone district.

Pod F shall meet the bulk standards of the RSF-4 zone district with the following modifications:

- The lots cannot be further subdivided.

INTRODUCED on first reading on the 18th day of October, 2006 and ordered published.

ADOPTED on second reading this 1st day of November, 2006.

ATTEST:



President of Council



City Clerk

Appendix 8

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 8

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman



CITY MANAGER'S OFFICE

February 22, 2008

Mrs. Francis Baughman
2579 F Road
Grand Junction, CO 81501

Re: Ranchmen's Ditch Flood Control Project, Phase II

Dear Mrs. Baughman:

I want to thank you, Jim, Bruce and Kent for sharing your concerns about the Ranchman's Ditch Flood Control Project ("Project") as well as the Corner Square Project adjoining your property. You and your family have a beautiful property with a long and rich history. I appreciate the attachment that you have to the land, your memories and your way of life.

I am aware from conversations with Kent, Jim and my staff that your family is willing to facilitate the completion of the Project so long as you are assured that the City will not use a condemnation process to construct a turn lane into the adjoining development on property that you own. I assure you that while I am City Manager neither I nor any City staff will pursue or present to City Council a proposal to condemn your property for the construction of a turn lane to aid further development of the Corner Square project. Certainly any agreement that you may make with the developer, the City or any proposal that you may bring forward to develop your property will be separately considered.

As we discussed, I presented this letter to City Council for its review and approval. Based on authorization from a majority of Council I am sending this letter to you in hopes that you will agree in writing to allow the Project to proceed. If the Project proceeds with your consent the City will not claim any right to the surface of the land that you own and supply to the Project for any purpose unrelated to the Project. I can also assure you that the City will not use your consent to the Project against you.

*Ratified by
Council
March 5
2008*

It is my hope that with these assurances you may comfortably approve the access and easement documents necessary to proceed with the construction of the Ranchmen's Ditch Flood Control Project. As you know from our meeting, the construction needs to begin on your property on February 25th. Construction needs to be complete by the end of March to be able to deliver irrigation water to users such as yourself and others downstream.

Please let me know if you have any questions or if you would like to meet and discuss this or any other matter further. I would very much appreciate your calling me to arrange a mutually convenient time to meet for signature of the documents.



CITY MANAGER'S OFFICE

Sincerely,

A handwritten signature in black ink, appearing to read "Laurie Kadrach". The signature is fluid and cursive, with a large initial "L" and "K".

Laurie Kadrach
City Manager

pc: Jim Baughman
City Council
Joe Coleman

Appendix 9

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 9

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

GENERAL PROJECT REPORT CORNER SQUARE PHASE II APARTMENTS June 3, 2008

Project Overview

The applicant/developer, Constructors West, is proposing the development of Corner Square Phase 2.

The 3.3 acre residential multi-family pad is in the southwest corner of the Corner Square development. The overall project consists of 20.7 acres of land zoned Planned Development on the southwest corner of N. 1st Street and Patterson Road. The Phase 1 development scope included the Preliminary Plans for the four commercial lots along the Patterson Road frontage and the total infrastructure for the site.

The development plans and subdivision plans conform to the approved First and Patterson Planned Development Outline Development Plan (ODP.) When referencing the ODP, the proposed Phase 1 development occurs within Pods A, B, C, and D. The Phase 2 development occurs on Pod H.

A. Project Description

Location and Site Features

- The project is located in the southwest corner of the Corner Square development. The proposal consist of 48 dwelling units on approximately 3.3 acres. The density of the development conforms to the approved lot count of the site established at the time of ODP. The minimum unit count of 71 and maximum unit count of 111 dwelling units is a requirement of the Corner Square development ODP.

Existing Zoning

- The property is zoned Planned Development per Ordinance No 3981. The subject property has a default zone of R-12 (Residential Multi-family 12 du/acre)

Proposed Use

- The proposed use of the property is multi-family. The properties will be rented as apartments in the near term and sold as condominiums in the future. The properties are to be constructed as condominiums.

B. Overall Public Benefit of the Corner Square Development

Corner Square Planned Development will created a mixed use project that meets the standards established in the Outline Development Plan, the intent of the Growth Plan, the development requirements of the default zones, and the expectations of the neighbors. Public benefits include:

Infrastructure and Utilities

- Collaboration with the City of Grand Junction on the donation of right-of-way for a right turn lane from Patterson Road onto N 1st Street;
- A 35' wide utility easement (paralleling and abutting Patterson Road) for under-grounding of the Ranchman's Ditch and the existing overhead

- power;
- o Participation in the under-grounding of the overhead utility lines that encumber this property.
- o The construction of detached sidewalks and landscaping within the easements that parallel both Patterson Road and N. 1st Street.

Site Amenities and Landscaping

- o Large landscaped open space areas along the N 1st Street frontage;
- o Site amenity or community feature at the corner of N 1st Street and Patterson Road;
- o Preservation of the topographic landscape hill feature through terracing and landscape design.

Development Character

- o In order to retain the existing development patterns of the N. 1st Street neighborhood, the project retains the existing single family residences which front along N 1st Street.
- o The applicant commits to architectural standards that prohibit prefabricated or metal buildings, and requires pre-approved finishes consistent with a definitive development theme.

Site Development

- o The creation of a Design Review Committee consisting of one landscape architect, one architect, and a representative from the applicant's office, that reviews submittals prior to the City.
- o The creation of limited design guidelines for development in the commercial pods.
- o The creation of limited design guidelines for development in the residential pods.
- o Commercial area site planning where the majority of the parking does not front on N. 1st Street and Patterson Road. Buildings will assist in screening parking lots.
- o The creation of a Business Owners Association for the commercial pods.
- o The creation of a Home Owners Association for the multi-family residential pods.
- o Vehicular cross access will be required within all commercial development pods.
- o Incorporation of underground parking to eliminate some of the negative visual impacts of surface parking.

Buildings, Architecture, and other Structural Features

- o The creation of design guidelines for commercial buildings.
- o The creation of design guidelines for residential buildings.
- o Limit the height of the uses in the commercial pods to two stories.
- o The development will require equal attention to architectural detailing, building materials, plane projections, recesses, and roof forms on all sides of non-residential buildings. The applicant will not require that window, door, canopy and other overhang treatments be equal on all sides of non-residential buildings.
- o The development will require trash enclosures and loading areas to be screened with walls made of materials identical to the building materials

of the primary building in keeping with the architectural development theme.

- o A height restriction of all buildings (residential and non-residential) on top of the 'hill' to be no higher than 35' above parking lot level.

Signage

- o Freestanding Signage (Primary and Secondary)
 - The applicant limits the freestanding signage to one freestanding sign along the N. 1st Street frontage for the entire development.
 - The applicant limits the freestanding signage to one freestanding sign along the Patterson Road frontage for the entire development.
 - Secondary monumentation will be allowed along these frontages. Secondary monumentation will not be used as individual business signage. Secondary monuments will be used for the overall development name and / or logo only.
 - Tertiary / minor directional signage will be allowed on the streets internal to the development.
- o Wall Mounted Signage
 - Wall mounted signage will be more strictly regulated than City Code standards. Limitations will be set to limit wall signage size.

B. Neighborhood Meeting

A neighborhood meeting was held on Tuesday April 15. Per the Grand Junction Zoning and Development Code a neighborhood meeting is required for a development consisting of more than 35 residential dwelling units.

Two additional neighborhood meetings were held on the project. The first was held on February 23, 2006 and the second was on September 11, 2006. Both meetings were held in the cafeteria at West Middle School.

C. Project Compliance, Compatibility, And Impact

1. Adopted Plans and/or Policies

The proposed development density will meet the requirements set forth in the approved ODP.

2. Surrounding Land Use

The surrounding land uses are as follows:

North:	B-1 uses including – Vet Clinic, Retail, service, office use
East:	High Density Multi-family and Single Family Detached residential
South:	Single Family Detached Residential
West:	Agriculture / undeveloped land

3. Site Access and Traffic

There are two access points into the Phase II parcel. The primary access point is taken off of Park Drive. The secondary and probably lesser used access point is located in the southeast corner of the site off of Knollwood Lane.

4. Availability of Utilities

Sanitary Sewer:

Sanitary sewer is available in Park Drive.

The subject property will use City of Grand Junction water.

5. Special or Unusual Demands

Storm Water:

Per the City of Grand Junction Public Works department, the storm water will be directly discharged into the proposed storm system associated with the Ranchman's Ditch project. No on-site detention is required or proposed. Storm-ceptor water quality manholes were installed in the Corner Square development.

6. Effects On Public Facilities

The addition of more residential development along the Patterson Road corridor will have expected, but not unusual impacts, on the fire department and police department. A detailed and lengthy process occurred to review the impacts of project related traffic to the street network. Overall the traffic had minimal impact on the surrounding street network. The overall project proposes an access point at 25 ¾ Road and Patterson Road which establishes a shared access point for this project and future development to the west. Per the TIS, this access point is not required at this time; however, it is included in this construction application. The intersection of 25 ¾ Road and Patterson Road can function acceptably as a full movement unsignalized intersection in the short and long term horizon even without a deceleration lane.

7. Site Soils

A Geotechnical Report has been included with this submittal for your review on site soils.

8. Site Geology and Geologic Hazards

No unusual or unexpected geologic hazards are present at the proposed site.

There are no jurisdictional wetlands on the property.

9. Hours of Operation

Not Applicable to this application

10. Number of Employees

Not Applicable to this application

11. Signage Plans

A freestanding monument sign will be placed along Park Drive. Individual building numbers/letter and unit numbers will also be placed on the buildings.

D. Development Schedule and Phasing

Corner Square Planned Development
Phase II Preliminary / Final Plan Submittal

6/2/2008

page 4

Phase II will develop in a single phase.

F. Additional

Review Criteria (Development Code Section 2.8.B)

1. The proposed plan is in conformance with the Growth Plan (as recently amended), major street plan, Urban Trails Plan, and other adopted plans.
2. The proposed plan meets the subdivision standards in Ch. 6.
3. The proposed subdivision meets the zoning standards of the approved Outline Development Plan, the Planned Development standards in Chapter 5, and the zone district standards established in Chapter 3 of the Zoning and Development Code. The default zone for the Pod H is R-12.
 - a. The buildings are less than the maximum allowable height of 40 feet at 31' tall. Architectural Elevations have been provided.
4. The proposed subdivision meets the standards established by the approved ODP – Outline Development Plan.
5. Adequate public facilities and services will be available concurrent with the subdivision.
6. The project will have no unusual impacts associated with development.
7. The project is compatible with existing and proposed development on adjacent properties.
8. Adjacent agricultural land use will not be harmed by the proposed subdivision.
9. The proposed project is neither piecemeal development nor premature development of agricultural land or other unique areas.
10. There is adequate land to dedicate for provision of public services and will not cause an undue burden on the City of Grand Junction for maintenance or improvement of land an/or facilities.

Review Criteria (Development Code Section 5.4.F)

Development Standards

Planned development shall meet the development standards of the default zone or the following, whichever is more restrictive. Exceptions may be allowed only in accordance with this Section.

1. **Setback Standards.** Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that:
 - a. Buildings can be safely designed and that the design is compatible with lesser setbacks. Compatibility shall be evaluated under the Uniform Fire Code and any other applicable life, health or safety codes;
 - b. Reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space;
 - c. Reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural features.
2. **Open Space.** All planned developments shall comply with the minimum open space standards established in Chapter Six or the open space requirements of the default zone, whichever is greater. The Zoning and Development Code requires 600 square feet of Outdoor Living Area per multi-family unit. At 48 units, the project is required to have 28,800 square feet of Outdoor Living Area. The total Outdoor Living Area provided on the project site is

38,998 square feet with an additional 1,988 square feet proposed within a possible Club House. This calculation does not include the balconies and patios associated with each of the 48 units.


3. **Fencing/Screening.** A open wrought iron type fence is proposed along the western property boundary. A six-foot cedar fence and landscape buffer is proposed along the southern boundary of the property.
4. **Compatibility.** The project proposes this residential development adjacent to existing R-12 zone to the west. R-5 zoning exists to the south of the project and acts as a transition between the project and the Knollwood Lane single family detached housing.
5. **Landscaping.** Landscaping shall meet or exceed the requirements of Chapter Six of this Code.
6. **Parking.** Off-street parking shall be provided in accordance with Chapter Six of this Code.
7. **Street Development Standards.** Streets, alleys and easements shall be designed and constructed in accordance with TEDS and Chapter Six of this Code.

Appendix 10

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Re: Corner Square & Baughman

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SHEET NO. 501	DRAWN BY LMS	SCALE 1"=30'	DATE 04/22/02	PROJECT NO. 01-0-0	DRAWN BY JEL		THOMPSON-LANGFORD CORP. ENGINEERS AND LAND SURVEYORS 502 3/4 S 1/2 E, 34TH ST GRAND JUNCTION, COLORADO PH: (970) 243-0067 FAX (970) 241-2046 tl@tlnet.com	CONSTRUCTOR'S WEST, INC. GRAND JUNCTION, CO.	REVISION 1	DATE 04/22/02	DESCRIPTION RECORD FOR CIVIL ENGINEERING (04/22/2001)	SHEET 1	OF 1
							CORNER SQUARE PRELIMINARY COMPOSITE SITE PLAN - NW						

Appendix 11

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PUBLIC WORKS & PLANNING

November 10, 2008

Joe Carter
Ciavonne, Roberts & Associates, Inc.
222 N. 7th Street
Grand Junction CO 81501

Re: TED-2008-317 Corner Square

The TED's Exception Committee denied your request to TEDS Section 4.1.3 – Corner Clearance.

If you have any questions, please feel free to contact the Development Engineer in charge of your project or Tim Moore, Public Works and Planning Director at 970.244.1557.

Sincerely,

COPY

Sue Mueller
Sr. Administrative Assistant

Cc: Eric Hahn, Development Engineer
Greg Moberg, Planning Supervisor
File

APPLICATION

Transportation Engineering Design Standards (TEDS) Exception Request

Attached are six (6) copies of the application and associated drawings. Use the instruction provided to fill out this form. Additional sheets are recommended; it is important to provide complete information.

Project: Corner Square
Site Address: Southwest Corner of 1st Street and Patterson Road
City File Number:
Applicant: Constructors West
Representative: Ciavonne, Roberts & Associates, Inc. c/o Joe Carter
Date: September 19, 2009

1. Referenced section in TEDS and a brief description of the request(s)

Request – TEDS 4.1.3 Corner Clearance – To allow 25 ¾ Road paving and access connection to Patterson Road.

2. Site Description

The Corner Square development is located on the southwest corner of the intersection of North 1st Street and Patterson Road. The project consists of a mix of commercial, residential and office uses. The surrounding land uses include commercial, medical, multi-family residential and single-family residential development. There are two access points into the subject property. These accesses are a full movement intersection at North 1st Street and West Park Drive and a three-quarter intersection at Meander Drive and Patterson Road. Dedicated right-of-way exists as an unpaved full movement intersection at 25 ¾ Road and Patterson Road.

Within the bounds of the property Phase 1 consists of the commercial development pad sites along Patterson Road. The Phase 2 portion of the development consists of 48 multi-family units in the southwest corner of the site and is currently going through the City of Grand Junction Development Review process.

Over the last four years, the Planning Commission and the City Council approved and then reaffirmed that a commercial designation is suitable for this property. In 2003, both the Planning Commission and City Council unanimously approved amending the Growth Plan to change the land use designation of this parcel from a straight residential use to a mix of commercial and residential uses.

Last year the commercial and residential land use designation layouts were reviewed and approved by both the Planning Commission and City Council under a Growth Plan Consistency Review application. Both the Planning Commission and City Council agreed with the applicant and staff that the plan as configured, and more importantly that the commercial designation as shown on the ODP, was consistent with the Growth Plan.

The applicant has worked with city staff on creating the safest and most viable access points for this property and surrounding undeveloped properties. Beginning with a Pre-Application meeting in 2005, the Preliminary Plan was amended and revised multiple times to best meet the access demands and traffic issues related to Phase 1 and the Patterson Road corridor. These revisions resulted in the dedication of 25 ¼ Road right-of-way although the road would remain unpaved through Phase 1 (commercial) build out. The project is now entering Phase 2 (residential) development and requesting that the 25 ¼ Road connection to Patterson Road be paved.

Through the months leading up to the Phase 1 approval Constructors West approached the Baughman Family about sharing the right-of-way width of 25 ¼ Road whereby ½ of the right-of-way would be constructed on each property thus giving each property full movement access onto Patterson Road. Constructors West offered to pay for the construction of 25 ¼ Road. Other options presented to the Baughman family included purchasing the northern three-hundred feet of the Baughman's property, constructing 25 ¼ Road completely on the Corner Square property and constructing a gated alternative driveway access off of 25 ¼ Road.

Through a cooperative effort with city staff and the applicant's first traffic engineer (Kimley-Horn) and current traffic engineer (Skip Hudson), the applicant maintains that the proposed TEDS exception promotes the least amount of adverse impact to surrounding traffic, provides the best access points along this section of Patterson Road, and provides the most direct access point for the Corner Square property and the future development of the 17 acres associated with the Baughman parcels.

REQUEST # 1

The applicant is requesting that a TEDS exception be granted to allow the connection of 25 ¼ Road to Patterson Road. The applicant would like to pave and use the 25 ¼ access point as a full movement intersection onto Patterson Road. This request requires an exception to TEDS Section 4.1.3 Corner Clearance. 25 ¼ Road can be paved without a right-turn deceleration lane because the number of right-turns do not warrant the construction of a right-turn lane. See the attached TIS update provided by Turnkey Consultants, Inc.

TEDS Section 4.1.3 Corner Clearance:

Corner Clearances are defined as the distance between a driveway and the nearest intersecting street. The clearance is necessary so that accesses do not interfere with street intersection operations and should provide drivers with adequate perception-reaction time to avoid potential conflicts. On corner lots, the access location shall be on the street of lowest functional classification".

A. Description

Why should this request be granted?

The connection of 25 ¾ Road to Patterson Road is a benefit to the tenants, site users motorists along Patterson Road, and North 1st Street and the majority of the neighbors in the vicinity of the project (North 1st Street Neighborhood.) The TEDS Exception should be granted because 25 ¾ Road is the most suitable intersection location to service both the Corner Square property and the 17 acre Baughman parcels. Since the Baughman parcel has limited access, 25 ¾ Road will ultimately serve as the primary, if not sole, access point for their parcels. The original Corner Square Phase 1 approval included the dedication of the 25 ¾ Road right-of-way. Corner Square Phase 2 has been submitted Within the Phase 2 development application, the applicant requested that the City allow the connection of 25 ¾ Road to Patterson Road. Per the attached analysis, no right-turn lane is warranted for Phase 1 or Phase 2 development of Corner Square.

The TEDS exception should be granted because direct single-family driveway access off of an arterial street is not desirable. The TEDS manual states in Section 4.1.3 *"Single-family access to arterial streets is not acceptable practice and will be permitted only in extremely hardship cases."* Improving this street right-of-way does not require the elimination of the existing Baughman driveway. The applicant continues to maintain that the Baughman family can take direct driveway access off of 25 ¾ Road, which is a lower order street. Connecting the Baughman driveway to 25 ¾ Road provides benefit to the Baughman family by allowing direct access to North 1st Street and its signalized intersection with Patterson Road. By allowing the paving and the secondary connection to 25 ¾ Road, the access to either driveway now becomes a choice of which access is easier to use for the single family driveway user.

The TEDS exception should be granted because the proposed condition is functioning at other locations throughout the City. The Shell Station at Horizon Drive and the west bound on-ramp for Interstate 70 is one such condition. See the attached TIS Update from Turnkey Consultants Inc.

What does the 25 ¾ Road connection do for this project?

Allowing the 25 ¾ Road connection gives the project a full movement intersection onto Patterson Road. The site traffic will function better with this improvement and lessen Phase 1 and Phase 2 impact on North 1st Street. It is agreed by all parties that 25 ¾ Road will serve the entire 37 acres associated with the Baughman parcels and the Corner Square development. It has also been agreed that 25 ¾ Road is the most suitable access location for a major intersection between 25 ¾ Road and 26 Road. 25 ¾ Road exists ¼ mile equidistant between these two existing signalized intersections.

Describe problems created by not granting the TEDS exception.

The TEDS Section 3.2.2 states that *"If a property has frontage on more than one street, access will be permitted only on those street frontages where design and safety standards can be met. This primary access shall be on the lower-order street."* By granting the right-of-way for 25 ¼ Road, the Baughman Parcel has more than one street frontage and by definition should take driveway access of the lower order street. By not granting the TEDS exception the City is perpetuating an undesirable condition as described by the TEDS Manual.

The City of Grand Junction is denying the Corner Square property and the Baughman property an opportunity for better controlled access to arterial streets, more and varied access to arterial streets and placing undo hardship on traffic movements along North 1st Street. Providing a full movement paved access at the intersection of 25 ¼ Road and Patterson Road betters the traffic movements along this corridor and adjoining streets. Not granting the TEDS exception is ignoring the solution and embracing lesser service through this corridor.

Why can't the TEDS requirement be met?

The TEDS requirement cannot be met due to the corner clearance spacing between the existing driveway and the proposed flowline of 25 ¼ Road. The required spacing requirement is 150 feet. The existing separation between the right-of-way and the existing driveway is less than 20 feet (18.54 feet).

Describe benefits created by granting the TEDS exception.

As stated above, allowing the 25 ¼ Road connection would create better access for the Corner Square development, lessens traffic impacts to North 1st Street, create better access for the Baughman property and create a direct connection from the Baughman property to the closest signalized intersection.

B. Exception Considerations

1) How will the exception affect safety?

- i. The exception will provide access off of a lower order street for a single-family driveway which is deemed desirable by the TEDS manual. The connection will also provide more opportunities for vehicles to access Patterson Road from the Corner Square development.

2) Have other alternatives been considered that would meet the standard?

- i. Numerous access alternatives have been considered and rejected or denied as stated below.

Alternatives Considered

Multiple alternatives addressing site access have been considered by the applicant. These alternatives have considered principals of traffic engineering, site design, and the development potential of the 37 undeveloped acres in this quadrant of North First Street and Patterson Road. The alternatives considered are as follows:

Alternative 1 – Initial Plan

Proposed

The applicant and his representatives met with staff prior to the Pre-Application meeting to determine the most suitable access for the project. The site access was scoped at a full movement unsignalized intersection at Meander Drive and Patterson Road and a full movement unsignalized intersection with Park Drive and North First Street. Access was neither proposed, nor recommended by staff, at 25 ¾ Road. Street stubs were proposed to the western and southern property lines.

Alternative Dismissed Because

This plan was dismissed because the LOS (level of service) for northbound to westbound left turns at Meander Drive proved to be unacceptable. Another alternative for access needed to be found.

Alternative 2

Proposed

The applicant and his representatives revised the plan to create a ¾ movement intersection at Meander Drive and Patterson Road and a full movement unsignalized intersection with Park Drive and North First Street. Street stubs were proposed to the western and southern property lines.

Alternative 2 Dismissed Because

This alternative was dismissed due to adverse impact on LOS created at the Park Drive and North First Street intersection and the impact to the westbound to southbound left turn bay at North First Street and Patterson Road.

Alternative 3

Proposed

The applicant and his representatives revised the plan to create a ¾ movement intersection at Meander Drive and Patterson Road, a full movement unsignalized intersection with Park Drive and North First Street, and a connection to the south to Knollwood. A street stub was proposed to the western property line.

Alternative 3 Dismissed Because

This alternative was dismissed due to adverse impact on LOS created at the Park Drive and North First Street intersection and the impact to the westbound to southbound left turn bay at North First Street and Patterson Road. Also the single most important issue to the surrounding neighborhood was the potential connection to Knollwood. Staff agreed that this connection was not necessary at this time.

Alternative 4

Proposed

The applicant and his representatives reviewed the alternative of a 3/4 movement intersection at Meander Drive and Patterson Road, a full movement signalized intersection with 25 ¾ Road and Patterson and a full movement unsignalized intersection at Park Drive and North First Street. A street stub was proposed to the southern property line.

Alternative 4 Dismissed Because

This alternative is acceptable to the applicant due to short and long term acceptable LOS created at all impacted intersections. Per the TIS by Kimley Horn, the signalization of the 25 ¾ Road intersection also is the only alternative that provides *"adequate storage necessary to accommodate the northbound to westbound left turn storage demand at the intersection of First Street and Patterson Road in the near term 2007 horizon."* A TEDS Exception was submitted seeking a signalized intersection at 25 ¾ Road, but City staff denied the application request.

Alternative 5

Proposed

The applicant and his representatives reviewed the alternative of a 3/4 movement intersection at Meander Drive and Patterson Road, a round-a-bout at the intersection of 25 ¾ Road and Patterson and a full movement unsignalized intersection at Park Drive and North First Street. A street stub was proposed to the southern property line.

Alternative 5 Dismissed Because

This alternative is acceptable due to short and long term acceptable LOS created at all impacted intersections. This alternative was dismissed due to potential costs of construction and right-of-way acquisition.

Alternative 6

Proposed

The applicant and his representatives revised the plan to create a ¾ movement intersection at Meander Drive and Patterson Road, a full movement unsignalized intersection with 25 ¾ Road and Patterson and a full movement unsignalized intersection at Park Drive and North First Street. A street stub was proposed to the southern property line.

Alternative 6 is Acceptable

This alternative was acceptable because it allowed for two full movement intersections to serve the property and the LOS for these intersections is above a LOS of F in the near term.

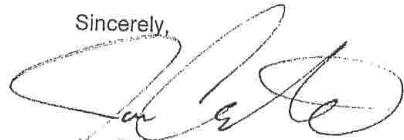
3. Has the proposed design been used in other areas?

- i. Directly north of the project site several existing driveways have been encroached upon by newly developed projects. None of these examples meets the minimum spacing requirements.

- ii. The car wash along Patterson Road east of the mall has two driveway cuts less than 90 feet apart.
- 4. Will the exception require CDOT or FHWA coordination?
 - i. No
- 5. Is this a one-time exception or a request to change the TEDS manual?
 - a. This is not a one-time extension request. This is a request to change the TEDS Manual. With the proposed changes to the comprehensive plan and the City of Grand Junction encouraging development within the Infill Boundary, these conflicts will become more common. As the City is placing an emphasis on protecting farm land and developing within the urban core, the City of Grand Junction development manuals (TEDS, Zoning and Development Code, etc) should be updated in anticipation of these problems.

Thank you for the opportunity to submit this TEDS exception request and we look forward to a positive recommendation from staff so we can move forward on the 25 ¾ Road connection.

Sincerely,



Joe Carter
Ciavonne, Roberts & Associates, Inc.

MAPS

Sheet C8

See File

**TEDS EXCEPTION SUBMITTAL
DISTRIBUTION LIST**

Parent project
RP- 2008-172

Site location:

Corner Square SW Corner of 1st Street and
Patterson Rd.

DATE of submittal

October 9, 2008

File #: TED - 2008-317

Public Works & Planning Development Engineer

Eric Hahn

Public Works & Planning Director

Tim Moore

Public Works & Planning Manager

Lisa Cox

Fire Department

Chuck Mathis

Transportation Engineer

Jody Kliska

Other: (Planner)

Greg Moberg

Date and Time of Development Review Meeting:

To be scheduled at least seven days after review packet distribution date.

Place: Conference Room 135, Planning Division, City Hall, 250 N. 5th Street

Committee Meeting:

Oct 28th Development Review

**Attendance is expected of all agencies involved with the TEDS Exception
process**



PUBLIC WORKS & PLANNING DEPARTMENT
PLANNING DIVISION

Transportation Engineering Design Standards (TEDS) Exception Recommendation Form

Date: Oct. 28, 2008

To: TEDS Review Committee

From: Eric Hahn, Development Engineer

Project Number: TED- 2008-317

Project Location: SW corner - 1st Street & Patterson Rd.

Parent Project:

Name: Corner Square

File No.: PP-2008-172

Planner: Greg Moberg

TEDS Exception Request #1: TEDS Section 4.1.3 – Corner clearance

Comments:

The applicant proposes to construct a new public street intersection (25 $\frac{1}{4}$ Road) approximately 20' east (measured from nearest edge of access to nearest edge of street) of an existing private driveway on Patterson Road. TEDS Section 4.1.3 requires that private driveways on Major Arterials be located at least 150' away from an adjacent intersection.

The applicant argues that the construction of 25 $\frac{1}{4}$ Road will improve access patterns to the Corner Square site and benefit the overall circulation patterns for the surrounding area. The Traffic Impact Study prepared by the applicant's engineer implies that allowing this full-movement access on Patterson Road will provide a slight reduction of vehicle trips on 1st Street, while also providing opportunity for safer access to the Baughman property.

However, the construction of the 25 $\frac{1}{4}$ Road intersection within 20' of the existing Baughman driveway will create a situation where ingress and egress onto Patterson Road from the driveway and the new street will be in direct conflict. Such conflict will eventually cause blockage of the turning maneuvers, which will immediately reduce traffic capacity on Patterson Road and may cause traffic on Patterson Road to become completely blocked.

Although 25 $\frac{1}{4}$ Road may benefit the entire area, the construction of the intersection within 20' of the existing Baughman driveway will create an unsafe situation that cannot be allowed, and therefore staff recommends denial of this TEDS Exception Request.

Recommendation:

- ☐ Approve as requested.
- ☐ Approve with the following modification(s):
- ☒ Deny.
- ☐ Hold until the following additional information is submitted and reviewed:

As discussed above, staff cannot recommend approval of this TEDS Exception. However, it should be clearly understood that 25 $\frac{3}{4}$ Road will eventually be constructed, and at that time it will be necessary to remove the existing Baughman driveway cut on Patterson Road, and provide a new access for the Baughman driveway onto 25 $\frac{3}{4}$ Road. Such a configuration meets all TEDS requirements, and would provide an access to the Baughman property that is safer than the current access location. **Staff recommends that the Corner Square developer be allowed to build 25 $\frac{3}{4}$ Road, with the condition that, as part of such construction, the Baughman driveway cut on Patterson be removed and a new driveway access be provided on 25 $\frac{3}{4}$ Road.**



PUBLIC WORKS & PLANNING DEPARTMENT
PLANNING DIVISION

Transportation Engineering Design Standards (TEDS) Exception Approval / Denial Form

Project Number: TED- 2008-317
Site Location: SW corner - 1st Street & Patterson Rd.
Applicant: Constructors West
Representative: Clavonne, Roberts & Associates, Inc.
Development Engr.: Eric Hahn, PE
Parent Project:
Name: Corner Square
File No.: PP-2008-172
Planner: Greg Moberg

TEDS Exception Request #1: TEDS Section 4.1.3 – Corner clearance

- ☐ Approved as requested.
☐ Approved with the following modification(s):
☒ Denied.
☐ The following additional information is required before a decision can be made:

TEDS Review Committee:

Public Works:	<u>Tom Mow</u>	Date: <u>10-28-08</u>
Planning Division:	<u>Risa E Cox</u>	Date: <u>10/28/08</u>
Fire Department:	<u>Charles Martin</u>	Date: <u>10/28/08</u>

Appendix 12

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 12

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Traffic Analysis

Prepared For:

Corner Square Mixed Use Development

Study to Determine when the 25 $\frac{3}{4}$ Road
Connection to Patterson Road is Necessary

City of Grand Junction, Colorado



December 1, 2008

2478 Patterson Road, Suite 18
Grand Junction, CO 81505
970-985-4001

TurnKey
Consulting, LLC
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1 Introduction & Executive Summary

This report documents the supplemental traffic analysis for the proposed Corner Square Mixed Use Development (Project) in the City of Grand Junction. Figure 1 shows the Project Vicinity Map and Figure 2 shows the site plan concept. This traffic analysis (Study) was done in accordance with published guidelines provided by the City of Grand Junction. In addition, the Study was done in accordance with an approved Methodology dated 11/20/08 (see Appendix).

There have been numerous traffic studies for this Project, the latest being a report by TurnKey Consulting dated 8/8/08. The September report provided analysis of Project Phase 1 & 2, and it assumed that the Project access configuration would include a full movement connection to Patterson Road at the 25 ³/₄ Road alignment. However, the Phase 1 plan approval by the City included the following access configuration, which did not include a full-movement intersection anywhere on Patterson Road.

Access Configuration Approved for Project Phase 1

- 25³/₄ Road – no access to Patterson Road
- Meander Drive – ³/₄ movement unsignalized access to Patterson Road (outbound left turn prohibited from Project by raised concrete island in driveway)
- Park Drive – Full movement unsignalized access to 1st Street

This access configuration discrepancy prompted the City to issue the follow comment associated with the review of the TurnKey study dated 8/8/08.

"The Study assumes only one scenario; all intersections proposed are actually approved and constructed. It offers no analysis of the impacts to the existing intersections if 25³/₄ Road is not approved for construction. This comparative analysis is necessary to determine the relative necessity of the 25³/₄ Road intersection."

This Study provides a respond to the City's comment and it focuses on the analysis of the impacts to two existing intersections. It answers the question, "what happens to the intersections of 1st Street/Patterson and 1st Street/Park Avenue if Project traffic cannot use 25³/₄ Road to access Patterson Road."

This question was answered in terms of the AM and PM peak hour traffic conditions for various traffic scenarios. The first portion of the analysis focused on new project traffic by phase, in the years 2008 and 2009. Three distinct project traffic scenarios will be evaluated in these years without the 25³/₄ Road Access. The second portion of the analysis incrementally increased the time and background traffic volumes at each intersection to evaluate performance measures without the 25³/₄ Road Access. The following table summarizes the different analysis scenarios:

Corner Square Mixed Use Development – Timing of 25¾ Road Connection to Patterson Rd

Scenario Number	Year	Project Phases	Notes
1	2008	1 & 2	Current Condition
2	2009	1-3	If necessary
3	2009	All 4	If necessary
4	2012	All 4	If necessary
5	2015	All 4	If necessary
6	2018	All 4	If necessary
7	2021	All 4	If necessary

The approved Methodology included performance measures that were used to identify the definition of "failure." This included two measures for the signalized intersection of 1st Street & Patterson Road, and two measures for the unsignalized intersection of 1st Street & Park Ave. This Study determined that the traffic operations at these two intersections would be unacceptable under the conditions described below.

1st Street & Patterson Road

This intersection fails to operate well by Scenario #5 (Year 2015 with traffic from all 4 Project Phases). The westbound left turn lane has 210-ft of vehicle storage and it would not have enough capacity to accommodate the amount of traffic making the left turn movement. By Scenario #5, the 90th percentile queue length for the westbound turn lane would exceed 210-ft. This would cause an unsafe condition for three reasons:

1. The westbound left turning traffic would spill back into the westbound through lane and block traffic. This segment of Patterson road is narrow and does not have a center turn lane.
2. Westbound traffic has limited sight distance due to a crest vertical curve on Patterson Road.
3. Both eastbound and westbound traffic have horizontal lane shifts in the narrow part of Patterson Road.

1st Street & Park Ave

This intersection fails to operate well by Scenario #2 (Year 2009 with traffic from 3 Project Phases). This conclusion is based on both of the performance measure that defined failure.

1. The eastbound left turn lane has 130-ft of vehicle storage before the first cross aisle, and it would not have enough capacity to accommodate the amount of traffic making the left turn movement. By Scenario #2, the 95th percentile queue length for the eastbound turn lane would exceed 130-ft. This would cause unsafe conditions within the Project, and would adversely affect internal traffic operations.

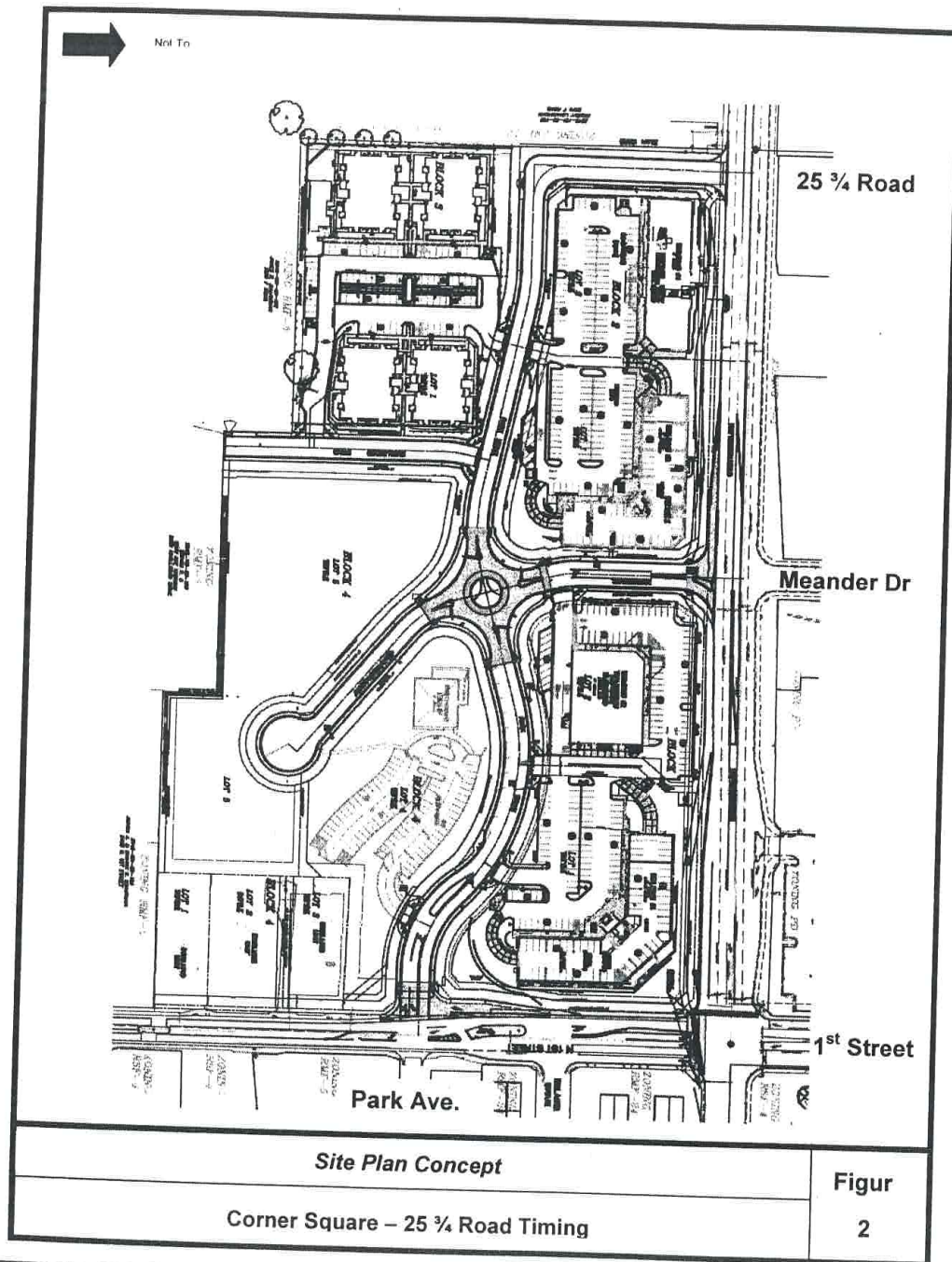
Corner Square Mixed Use Development – Timing of 25¼ Road Connection to Patterson Rd

2. By Scenario #2, there would not be enough adequate gaps in the 1st Street stream of traffic. This means that there would not be enough gaps to accommodate the number of vehicles that would turn out of the Project Site access at Park Ave. This would lead to unsafe conditions on 1st street. As drivers experience long delays, they begin to push there vehicles into smaller gaps. This eventually creates a situation where side road drivers with cut off vehicles traveling northbound and southbound on 1st Street.

As previously mentioned, TurnKey Consulting prepared a report in September that provided analysis of Project Phase 1 & 2. It assumed that the Project access configuration would include a full movement connection to Patterson Road at the 25¼ Road alignment. The September study shows that there would be an adequate number of acceptable gaps in 1st Street traffic if 25¼ Road was connected to Patterson Road. The September study also shows that the 2028 eastbound queues at the 1st Street/Park Avenue intersection would be less than 130-ft long. Therefore, the 25¼ Road connection to Patterson Road would solve both of the safety and operational issues.

In summary, the 25¼ Road connection to Patterson Road should be included as part of Project Phase 3 construction. This would prevent unsafe traffic conditions from occurring at the intersection of 1st Street/Park Ave, and from occurring within the Project.

Corner Square Mixed Use Development – Timing of 25³/₄ Road Connection to Patterson Rd



2 Project Trip Generation & Design Hour Volume

The following tables show Project trips for the various scenarios. This includes total trips at Project Access Points, which is based on consideration of internal site capture between uses. The tables also show new Project trips at external intersections, which are based on consideration of pass-by capture. The Appendix includes detailed trip generation calculations that describe the trip reduction assumptions for each use.

Scenario 1

Driveways	AM	PM
Enter (in)	135	141
Exit (out)	50	235
Off Site intersections (non-driveways)	AM	PM
Enter (in)	135	121
Exit (out)	50	211

Scenario 2

Driveways	AM	PM
Enter (in)	140	160
Exit (out)	72	244
Off Site intersections (non-driveways)	AM	PM
Enter (in)	140	140
Exit (out)	72	220

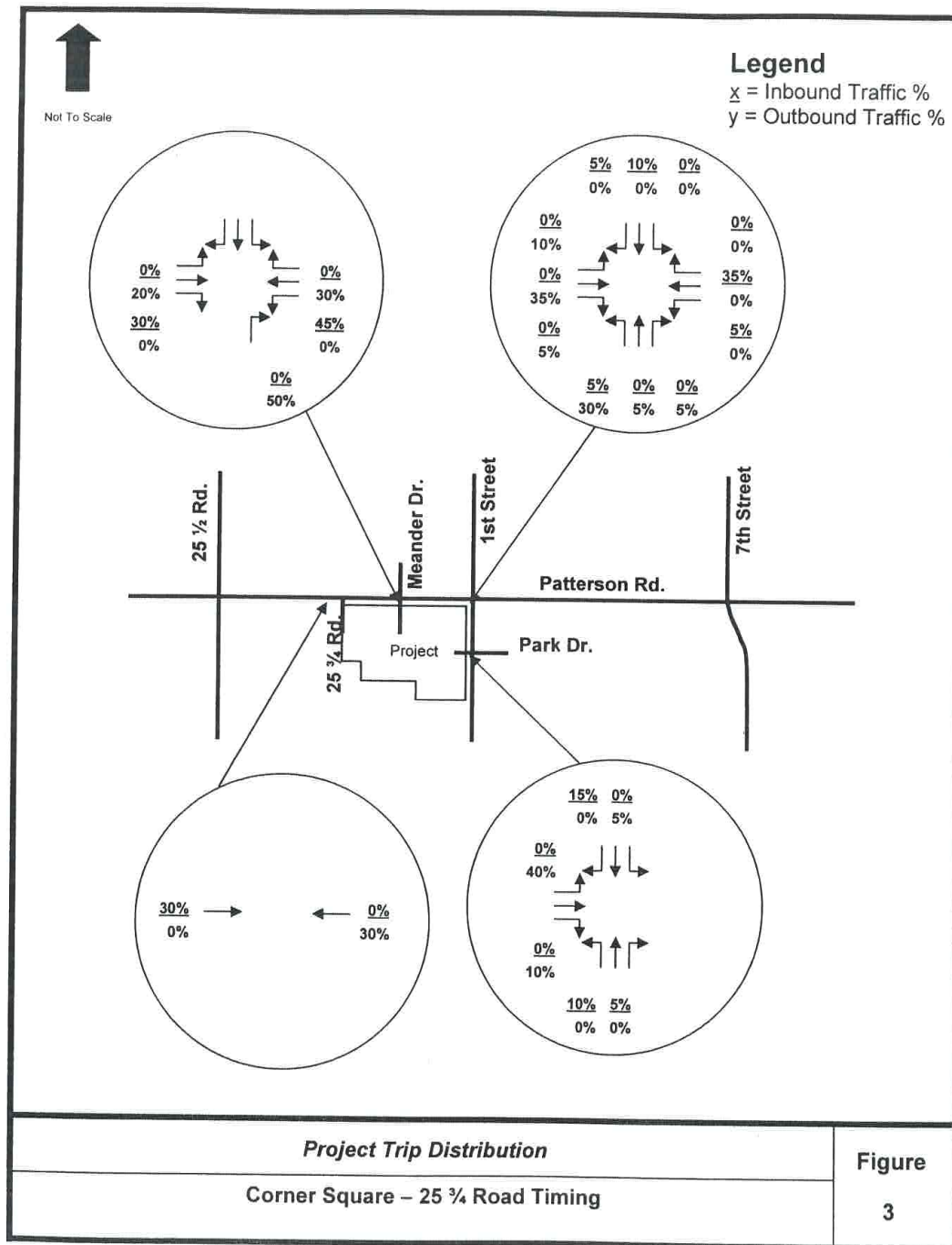
Scenario 3 and all other scenarios

Driveways	AM	PM
Enter (in)	140	195
Exit (out)	72	261
Off Site intersections (non-driveways)	AM	PM
Enter (in)	140	175
Exit (out)	72	237

3 Project Trip Distribution

Project trip distribution assumptions in this Study are based on the same assumptions in the original Kimley-Horne Traffic Study, with reassignment of traffic that was assumed to use 25¾ Road & Patterson Road. Figure 3 shows the revised Project Trip Distribution.

Corner Square Mixed Use Development – Timing of 25 $\frac{1}{4}$ Road Connection to Patterson Rd



4 Existing & Projected Traffic Volumes

Existing traffic volumes for the year 2008 were provided by the City of Grand Junction. Future background traffic volumes for each scenario were calculated based on an assumed annual average growth rate of 1.12%, per the original Kimley-Horne Study. Future total traffic is the sum of project trips and background traffic. The Appendix includes tables with trip calculations for each scenario.

5 Gap Analysis for 1st Street at Park Avenue

The purpose of the gap analysis was to determine if there are enough acceptable peak hour gaps in the traffic flow on 1st Street, when compared to the actual number of vehicles that would be turning out of the Project access at Park Avenue. It takes about 7 seconds to make an outbound left turn without affecting the mainline traffic stream. This is based on the Highway Capacity Manual (Table 17.5) and discussion with City staff. Therefore, an acceptable gap is defined as a gap of 8 seconds or more.

TurnKey Consulting conducted a field gap study in November 2008 to identify existing conditions (see Appendix for gap study data). For the future year scenarios, the number of future acceptable gaps was calculated by adjusting the number of acceptable 2008 gaps by a reduction factor. The reduction factor will be the inverse percentage of the increase in 2-way traffic volumes on the mainline. For example, a 10% increase in traffic volumes would create a gap reduction factor of 90% (future gaps = Number of acceptable 2008 gaps x 0.90).

There are enough acceptable gaps in the AM period, due to less traffic on 1st Street, and the inbound nature of most Project trips. For the PM period, there were 117 acceptable gaps in 2008 and there would be 118 vehicles trying to use the gaps in Scenario #1 (Project Phase 2 & 3). This means the gap capacity on 1st Street will be exceeded with the addition of traffic from Project Phase 3 (Scenario #2). The following table shows the results of the gap analysis for each of the various scenarios

Scenario Number	Outbound PM Volume at Park Ave. Access (vph)	First Street Traffic		Gaps		Volume to Gap Comparison
		Volume - NB & SB (vph)	% Increase in Traffic from Scenario #1	Gap Reduction Factor	Number of Acceptable Gaps	
1	118	1,119	n/a	n/a	117	-1
2	122	1,135	1%	99%	116	-6
3	130	1,142	2%	98%	115	-15
4	130	1,168	4%	96%	112	-18
5	130	1,209	8%	92%	108	-22
6	130	1,252	12%	88%	103	-27
7	130	1,307	17%	83%	97	-33

6 Peak Hour Traffic Operations Analysis

TurnKey Consulting used TEAPAC's Signal 2000 software to model traffic operations at Patterson Road and First Street. Signal 2000 utilizes the Highway Capacity Methodologies to analyze delay and capacity. The City of Grand Junction provided the Signal 2000 files for the AM and PM peak period at Patterson Road and First Street. The following table shows the results for each intersection for AM and PM peak conditions for all seven scenarios. The Highway Capacity Software (HCS) was used to model the unsignalized intersection of 1st Street & Park Drive. The configuration and width of median turn lanes on 1st Street does not allow a 2-stage left turn movement.

The project access at 25 ³/₄ would be necessary when the current access configuration causes a performance measure (to be defined) to not be met at two intersections within the study area, including:

- Patterson Road & First Street (signalized full movement)
- First Street & Park Drive/Site Access (unsignalized full movement)

Performance Measures at Signalized intersections:

Signal operations will remain the same as existing in order to maintain the coordinated progression of the Patterson Road (cycle length and phasing). Signal timing splits will be optimized. "Failure" to meet performance measures shall be defined when any of the following performance measures are not met:

- Critical movements shall have less than 56 seconds of delay;
- HCM 90th percentile worst lane queues (for northbound and southbound approaches) shall not obstruct upstream intersections or major driveways on Patterson Road or First Street.

Performance Measures at Unsignalized intersections:

"Failure" to meet performance measures shall be defined when any of the following performance measures are not met:

- 95th-percentile queue lengths shall be less than 130-ft
- The available number of acceptable gaps in the mainline traffic flow is less than the number of left turning vehicles.

Results at 1st Street & Patterson Road

As shown on the following table, this intersection fails to operate well by Scenario #5 (Year 2015 with traffic from all 4 Project Phases). The westbound left turn lane has 210-ft of vehicle storage and it would not have enough capacity to accommodate the amount of traffic making the left turn movement. By Scenario #5, the 90th percentile queue length for the westbound turn lane would exceed 210-ft. This would cause an unsafe condition for three reasons:

1. The westbound left turning traffic would spill back into the westbound through lane and block traffic. This segment of Patterson road is narrow and does not have a center turn lane.
2. Westbound traffic has limited sight distance due to a crest vertical curve on Patterson Road.
3. Both eastbound and westbound traffic have horizontal lane shifts in the narrow part of Patterson Road.

Results at 1st Street & Park Ave

As shown on the following table, this intersection fails to operate well by Scenario #2 (Year 2009 with traffic from 3 Project Phases). This conclusion is based on both of the performance measure that defined failure.

1. The eastbound left turn lane has 130-ft of vehicle storage before the first cross aisle, and it would not have enough capacity to accommodate the amount of traffic making the left turn movement. By Scenario #2, the 95th percentile queue length for the eastbound turn lane would exceed 130-ft. This would cause an unsafe conditions within the Project, and would adversely affect internal traffic operations.
2. By Scenario #2, there would not be enough adequate gaps in the 1st Street stream of traffic. This means that there would not be enough gaps to accommodate the number of vehicles that would turn out of the Project Site access at Park Ave. This would lead to unsafe conditions on 1st street. As drivers experience long delays, they begin to push there vehicles into smaller gaps. This eventually creates a situation where side road drivers with cut off vehicles traveling northbound and southbound on 1st Street.

In summary, the 25¼ Road connection to Patterson Road should be included as part of Project Phase 3 construction. This would prevent unsafe traffic conditions from occurring at the intersection of 1st Street/Park Ave, and from occurring on internal Project roads.

Corner Square Mixed Use Development – Timing of 25% Road Connection to Patterson Rd

Criteria	Scenario 1 Year 2008		Scenario 2 Year 2009		Scenario 3 Year 2009		Scenario 4 Year 2012		Scenario 5 Year 2015		Scenario 6 Year 2018		Scenario 7 Year 2021	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
SIGNALIZED 1st and Patterson														
Do critical movements have < 56 seconds of delay?	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Is the HCM 90th percentile worst lane queues < the distance to the upstream intersections or major driveways on the north and south approaches? ¹														
North Approach Queue < 280'	234	236	237	241	237	248	244	253	256	265	260	280	272	293
South Approach Queue ² < 400'	162	217	166	221	166	222	169	227	178	238	182	255	189	267
Is the westbound left (WBL) turn HCM 90th percentile queues < the existing available left turn bay length?														
WBL Queues < 210'	189	195	194	200	194	202	202	207	212	218	220	224	232	235
UNSIGNALIZED 1st and Park														
Are the eastbound left turn HCM 95th percentile < 130'? (Assuming 25'/car, this equates to a queue length < 5.2 vehicles.)	0.2	5.0	0.4	6.00	0.4	7.50	0.4	8.6	0.4	10.9	0.4	13.1	0.4	15.9
Are the available number of acceptable gaps in the mainline traffic flow less than the number of left turning vehicles? Number shown = Outbound PM Volume at Park Access – Number of Acceptable Gaps		1		6		15		18		22		27		33
Appendix Information	1am	1pm	2am	2pm	3am	3pm	4am	4pm	5am	5pm	6am	6pm	7am	7pm

Notes:

Highlighted values do not meet criteria.

¹ Queues are given for the movement with the maximum queues (left, thru, or right).

² Protected-Permitted was assumed for all left-turns, except the south approach double left-turn, where the software program Signal 2000, is restricted to single-lane turn lane protected-permitted conditions. Therefore, queue lengths shown may be less for the south approach double left-turn due to this limitation.

TurnKey

Consulting, LLC

7 Comparison to Conditions with 25³/₄ Road Connection to Patterson Road

As previously mentioned, TurnKey Consulting prepared a report in September that provided analysis of Project Phase 1 & 2. It assumed that the Project access configuration would include a full movement connection to Patterson Road at the 25³/₄ Road alignment. The results of the previous analysis can be used to determine if the 25³/₄ Road connection to Patterson Road would solve the operational and safety issues identified in this study.

The key location is the intersection of 1st Street/Park Avenue in the PM condition. From the September study, we know that the outbound PM traffic volume at this intersection would be 68 vph (for Project Phases 1 & 2). Assuming a 10% increase for additional traffic from Phases 3 & 4, the highest outbound volume would be 75 vph. The gap table on page 8 shows that there would be 97 acceptable gaps in the year 2021 (Scenario #7). This means that there would be an adequate number of acceptable gaps in 1st Street traffic if 25³/₄ Road was connected to Patterson Road.

The September study also shows that the 2028 eastbound queue at the 1st Street/Park Avenue intersection would be less than 130-ft long. Therefore, the 25³/₄ Road connection to Patterson Road would solve both of the safety and operational issues.

8 Summary & Conclusions

This report documents the supplemental traffic analysis for the proposed Corner Square Mixed Use Development (Project) in the City of Grand Junction. This Study provides a respond to the City's review comment on the TurnKey study dated 8/808, for Project Phases 1 & 2. The analysis in this Study focused on the analysis of the impacts to two existing intersections. It answers the question, "what happens to the intersections of 1st Street/Patterson and 1st Street/Park Avenue if Project traffic cannot use 25³/₄ Road to access Patterson Road."

This question was answered in terms of the AM and PM peak hour traffic conditions for various traffic scenarios. The approved Methodology included performance measures that were used to identify the definition of "failure." This included two measures for the signalized intersection of 1st Street & Patterson Road, and two measures for the unsignalized intersection of 1st Street & Park Ave. This Study determined that the traffic operations at these two intersections would be unacceptable under the conditions described below.

1st Street & Patterson Road

This intersection fails to operate well by Scenario #5 (Year 2015 with traffic from all 4 Project Phases). The westbound left turn lane has 210-ft of vehicle storage and it would not have enough capacity to accommodate the amount of traffic making the left turn movement. By Scenario #5, the 90th percentile queue length for the westbound turn lane

would exceed 210-ft.

1st Street & Park Ave

This intersection fails to operate well by Scenario #2 (Year 2009 with traffic from 3 Project Phases). This conclusion is based on both of the performance measure that defined failure.

In addition, the September study shows that there would be an adequate number of acceptable gaps in 1st Street traffic if 25³/₄ Road was connected to Patterson Road. The September study also shows that the 2028 eastbound queues at the 1st Street/Park Avenue intersection would be less than 130-ft long. Therefore, the 25³/₄ Road connection to Patterson Road would solve both of the safety and operational issues.

In summary, the 25³/₄ Road connection to Patterson Road should be included as part of Project Phase 3 construction. This would prevent unsafe traffic conditions from occurring at the intersection of 1st Street/Park Ave, and from occurring within the Project.



2478 Patterson Road, Suite 18
Grand Junction, CO 81505
970-985-4001

MEMORANDUM

TO: Jody Kliska, City of Grand Junction Transportation Engineer
FROM: Skip Hudson
DATE: 11/20/08
RE: **Final Corner Square Traffic Study Methodology**
To determine the timing of the 25th Road connection to Patterson Road

The purpose of this round of analysis is to prepare a response to the City's review comment, "When will the 25th access to Patterson Road be necessary?" Believe it or not, none of the extensive traffic work to date has evaluated a site access scenario without 25th Road, beyond Project Phase 1 traffic. This study will include a few different land-use and background traffic scenarios to determine when 25th Road would be necessary.

Definition of Failure

The Project Access at 25th would be necessary when the current access configuration causes "failure" at two intersections in the study area, including:

- Patterson Road & First Street (signalized full movement)
- First Street & Park Drive/Site Access (unsignalized full movement)

The definition of failure will be based on the criteria in the City of Grand Junction's Traffic Engineering Design Standards (TEDS) Manual criteria. The criteria set forth in Chapter 2 will be used to assess intersection operational performance. Specifically, the concepts of Quality of Service (QOS) and delay were used as a basis for computing combinations of roadway operating conditions. By definition, six different QOS are used - A, B, C, D, E, and F - from the TEDS manual. QOS "A and B" represent a volume to capacity ration of 0.90 or less. In other words, 90% of the intersection's capacity is being utilized by vehicular traffic. QOS "F" represents the maximum capacity of an intersection or roadway, where delay and/or congestion are severe and occurs when the volume to capacity ratio is over 1.20. During this "F" condition, the intersection demand exceeds capacity by 20%. The TEDS manual states that intersections shall be evaluated by QOS and critical delay.

TEDS Excerpt

HCM delays and queues shall be calculated for signalized intersections using the latest version of the Highway Capacity Manual. The City of Grand Junction uses the TEAPAC signal analysis software and requires its usage and methodologies for design and analysis of signal timing. The HCM delay and queues shall be calculated for the identified peak hours for existing conditions, the projected traffic with build-out of the project, or at completion of phases of larger projects. An appropriate 15-minute peak hour factor shall be used. The performance evaluation of signalized intersections shall include the following:

Superior Project Leadership – Concept to Community

- Critical movements shall be identified and must meet or exceed the threshold requirement of 35 seconds of delay or less;
- No movements shall have an adverse effect on the coordinated progression of the street system as determined by an approved coordination model consistent with the methods of HCM;
- HCM 90th percentile worst lane queues shall be calculated and shall not obstruct upstream intersections or major driveways;
- The analysis of a signalized corridor must show a reasonable progression band, identified as a usable (unblocked) band for major traffic movements.

Unsignalized intersections shall be analyzed using the latest Highway Capacity Manual methods. In the performance evaluation of stop controlled intersections, measures of effectiveness to consider include the delay, volume/capacity ratios for individual movements, average queue lengths and 95th-percentile queue lengths to make appropriate traffic control recommendations. The Highway Capacity Manual recognizes that the delay equation used in the capacity analysis procedure will predict Quality of Service F for many urban intersections that allow minor-street left-turn movements, regardless of the volume of minor-street left-turning traffic. In recognition of this, the TIS should evaluate the results of the intersection capacity analysis in terms of all of the measures of effectiveness.

Failure at Signalized intersections

Signal operations will remain the same as existing in order to maintain the coordinated progression of the Patterson Road (cycle length and phasing). Signal timing splits will be optimized.

Failure shall be defined when any of the following performance measures are not met:

1. Critical movements shall have less than 56 seconds of delay;
2. HCM 90th percentile worst lane queues shall not obstruct upstream intersections or major driveways on Patterson Road or First Street

Failure at Unsignalized intersections

Failure shall be defined when any of the following performance measures are not met:

- 95th-percentile queue lengths shall be less than 130-ft
- The available number of acceptable gaps in the mainline traffic flow is less than the number of left turning vehicles.

It takes about 7 seconds to make an outbound left turn without affecting the mainline traffic stream. This is based on the Highway Capacity Manual (Table 17.5) and discussion with City staff. Therefore, an acceptable gap is defined as a gap of 8 seconds or more. For the 2009 analysis, the number of acceptable gaps will be the same as 2008 (based on field gap study). For the future year scenarios, the number of future acceptable gaps will be calculated by reducing the 2008 number of acceptable gaps by a reduction factor. The reduction factor will be the inverse percentage of the increase in 2-way traffic volumes on the mainline. For example, a 10% increase in traffic volumes would create a gap reduction factor of 90% (future gaps = Number of acceptable 2008 gaps x 0.90).

Assumptions for Operational Analysis

Please see the attached TIS base assumption form and attachments. In addition, there are several assumptions that will be used for the operational analysis.

- Speed limits remain the same as existing
- Truck Factor = 2%
- Peak Hour Factor = 0.90

Analysis Process

The first portion of the analysis process will focus on new project traffic by phase, in the year 2009. Three distinct project traffic scenarios will be evaluated in 2009 without the 25¼ Road Access. The second portion of the analysis (if necessary) will incrementally increase the time and background traffic volumes at each intersection to evaluate performance measures, without the 25¼ Access. The analysis will stop if a performance measure is not met. The following table summarizes the different analysis scenarios:

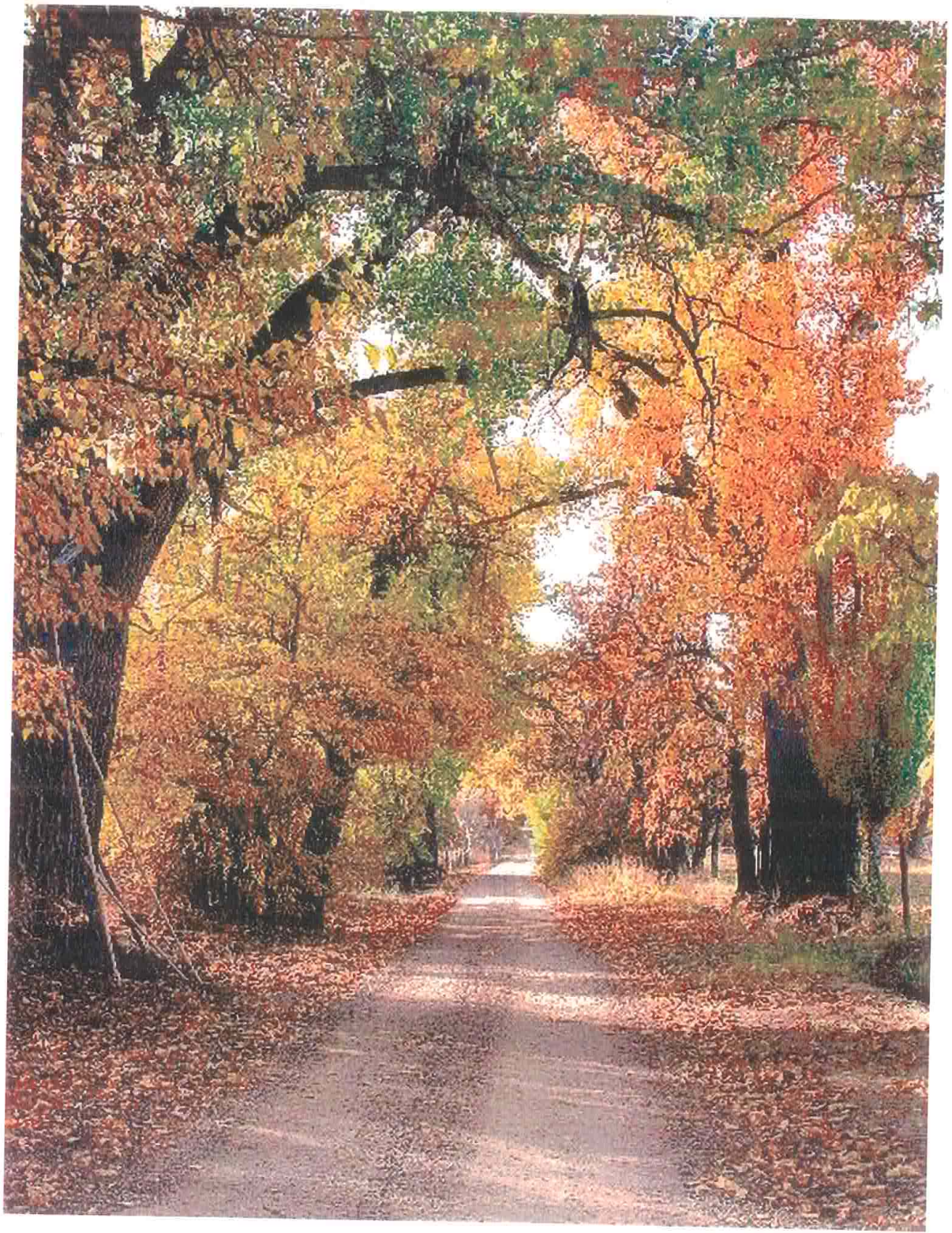
Scenario Number	Year	Project Phases	Notes
1	2008	1 & 2	Current Condition
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3	2009	All 4	If necessary
4	2012	All 4	If necessary
5	2015	All 4	If necessary
6	2018	All 4	If necessary
7	2021	All 4	If necessary

Appendix 13

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

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Appendix 14

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09/11/2007

Mr. Bruce Baughman
2579 F Road
Grand Junction, CO 81505

Dear Mr. Baughman,

The following recommendations are based on the visit Susan Rose and I made to your home this afternoon. Our visit focused on the trees along the drive to your home and other trees that will be impacted by further construction.

The trees on the east side of the drive have been severely impacted by activities on the neighboring property. These include soil compaction, the addition of soil over the root systems and the severing of roots during the process of trenching. At least 50% of the root system of these trees is currently dead or will die due to these activities.

The trees along the drive should be evaluated as soon as possible to ascertain their value. A discussion with the contractor/owner should then proceed to determine how this situation should be handled. I would suggest you contact Dutch Afman at 243-9119 for this evaluation. If he is not available let me know and I'll provide another contact. Several trees needing immediate removal due to their internal rot were pointed out to you during our visit and should not be included in this evaluation.

The huge cottonwood partway down the drive while needing to be pruned to remove dead wood appears to be in fairly good condition. If you decide to leave this tree in place, it will need to be pruned every few years to remove any new deadwood that develops due to root damage. This tree has the capacity to live for many years using its stored water and food reserves. This tree, however, will most likely die within the next 10 to 15 years. If you do decide to save this tree, the soil should not be disturbed within a radius equal to one foot per inch of trunk diameter. See attached fact sheet number 7.420. This will severely reduce the area available for new plantings.

2775 Highway 50
P.O. Box 20,000-5028
Grand Junction, CO 81502-5028
(970) 244-1834

1001 North 2nd
Friendship Hall
Montrose, CO 81401
(970) 249-3935

525 Dodge Street
Delta, CO 81416
(970) 874-2195

Colorado State University, U.S. Department of Agriculture and Delta, Mesa, Montrose,
& Ouray Counties cooperating. Cooperative Extension programs are available to all without discrimination.

Baughman, page 2

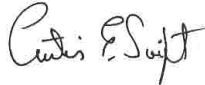
Once the trees along the drive are removed, the soil will need to be ripped, the root systems torn out, the soil amended with organic matter, new trees or shrubs planted and an irrigation system installed. These costs should be figured into the evaluation process.

The roots of the catalpa northwest end of the drive will be damaged when the proposed storm drain is installed. In addition, the drain system to be installed at the southwest corner of the neighboring property will damage additional trees. An evaluation of these trees should also be accomplished.

Due to the limited space available for root spread of replacements on the east side of the drive, I would suggest Siberian peashrub, lilac, upright junipers or small trees. See the enclosed fact sheets for further information.

Please let me know if you have further questions or needs.

Sincerely,



Curtis E. Swift, PhD
Area Extension Agent Horticulture
Voice: 970 244-1840; Cell Phone: 970 250-5586; Fax: 970 244-1700
Email address: Curtis.Swift@colostate.edu
Web Site: <http://WesternSlopeGardening.org>

cc: Dutch Afman

Encl:

Deciduous Shrubs 7.415

Small Deciduous Trees 7.418

Protecting Trees During Construction 7.420



2775 Highway 50
P.O. Box 20,000-5028
Grand Junction, CO 81502-5028
(970) 244-1834

1001 North 2nd
Friendship Hall
Montrose, CO 81401
(970) 249-3935

525 Dodge Street
Delta, CO 81416
(970) 874-2195

Colorado State University, U.S. Department of Agriculture and Delta, Mesa, Montrose,
& Ouray Counties cooperating. Cooperative Extension programs are available to all without discrimination.

Appendix 15

Letter of January 21, 2008
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AFMAN CONSULTING

ARBORICULTURAL EVALUATION SERVICES

WWW.AFMANCONSULTING.COM

July 31, 2008

Mr. Bruce Baughman
2579 F Road
Grand Junction, CO. 81505

Dear Mr. Baughman

Pursuant to your request, I have inspected and evaluated the trees located on the East side of your entrance lane to your residences @ 2579 F Road, Grand Junction, Colorado on July 29, 2008, and the following information is submitted for your perusal:

Volumes of landfill and compaction has taken place commencing some 5 feet over the rootbase of your trees on the Easterly portion of a row of Cottonwood/Mulberry/Catalpa and Maple trees. It is my opinion, that these trees can not possibly survive this damage due to suffocation of oxygen and nutrient uptake. Sadly to say that this could have been circumvented.

These damaged plants will have residual value as "firewood", however I have not attached any value for that. Taken in consideration are the health, placement, location and aesthetic values.

After due study of this situation, and evaluation, it is my opinion that the total value of your trees prior to the damages and demise is:

******TWELVE THOUSAND AND FOUR HUNDRED DOLLARS (\$12,400.00)******

My opinion as to the value of these plants, are based on formulas established in conformity with the *Guide for Plant Appraisal* (9th edition, 2000) authored by the Council of Tree and Landscape Appraisers. Furthermore, I certify that I have no prospective interest in the plant's replacement and my compensation is not contingent upon the predetermined value that favors the cause of the client.

Respectfully submitted,

H.D. "Dutch" Afman, DMG
Consultant. I.S.A.

TREE INVENTORY EVALUATION

BAUGHMAN – 2579 F. ROAD – GRAND JUNCTION, CO July 29/08

Commencing from the F. Road entrance to Baughmans properties going South in measured increments from units:

UNIT "A"

+/- 50' - Cluster (8 multistem) MULBERRY (*Morus*) 12" in diameter...Fair Condition-

Estimated Value	\$1,400.00
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UNIT "B"

+ 38' - COTTONWOOD (*populus sargentii*), Good Condition - Good flare 72" in diameter.....

Estimated Value	\$4,400.00
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UNIT "C"

+ 33' - MULBERRY (*morus*), Poor Condition with suckers – large stem 24" in diameter....

Estimated value	\$800.00
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UNIT "D"

+ 47' - CATALPA (*catalpa speciosa*), Fair/- Condition - 17" diameter

Estimated Value	\$1,300.00
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UNIT "E"

+ 78' - COTTONWOOD (*populus sargentii*), Poor Condition – (35% DAMAGE) - 53" in diameter.....

Estimated Value	\$1,500.00
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UNIT "F"

+ 48' - 6- (six) MAPLES (*acer rubrum.spps*), Excellent Condition – Average 4 ½ -5" diameter....

Estimated Value	\$3,000.00
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