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File 1988-0028

Project Name: 2012 North Seventh Street - Day Care Expansion - Whitney

P r e s e n t	S c a n n e d	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the in some instances, not all entries designated to be scanned by the department are present in the file. There are also documents specific to certain files, not found on the standard list. For this reason, a checklist has been provided.</p> <p>Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a quick guide for the contents of each file.</p> <p>Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed in full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.</p>	
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<u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u>			
X	X	Action Sheet	X Public Notice of Posting - 8/23/88, 5/9/90
X	X	Review Sheet Summary	X Planning Commission Meeting Agenda - 5/1/90
X		Review Sheets	X X Letter from Wanda Whitney to Kathy Portner re: Letter to inform hardship to build the driveway at this time but does not want CUP pulled- 4/1/90
X		Letter from George E. Kawamura, Services to Families and Children to Mr. & Mrs. Lyman Whitney re: rules for daycare - 6/27/88	X X Letter from Kathy Portner to Whitney residence re: extension approved- new deadline of 4/30/90 - 7/11/89
X		Letter from Wanda Whitney to Fire Dept. re: request for Treasurer's Certificate of Taxes Due - 7/15/88	X X Certified letter from Kathy Portner to Wanda Whitney re: CUP use no longer valid - deadline to respond with conditions 4/13/90 - 3/29/90
X		Development Application - 7/29/88	X X Letter from Kathy Portner to Lyman Whitney re: extension of development schedule granted - 5/9/90
X		Notice of Public Hearing - 9/6/88, 5/1/90	X X Development Summary - 9/8/88
X		Statement from Wanda Whitney - Day Care License - 8/25/88	X X Staff Comments
X		Letter from Michael Sutherland to Wanda Whitney re: requirements - 8/29/88	X X City Council Minutes - ** - 9/21/88
X		Letter from Michael Sutherland to Colorado Social Serv., Sharon Chavez re: driveway curb cuts must be widened to city standards by 9/21/89-11/7/88	X X Planning Commission Minutes - ** - 5/1/90, 9/6/88
X		Memo from Don Newton to Mike Sutherland re: driveway requirements - 12/13/88	X Site Plan

Revised 4/17/90

2945-111-00-942 School District 51 1115 Grand Avenue Grand Junction, CO 81501	2945-111-06-003 Audrey F. Shaw 2031 N. 7th St. Grand Junction, CO 81501	2945-111-06-013 Marion L. Kercheval 1932 N. 7th Grand Junction, CO 81501
2945-111-05-002 Donna L. Cyphers 2045 N. 7th Grand Junction, CO 81501	2945-111-06-004 Robert Grabinger 2032 N. 7th Grand Junction, CO 81501	2945-111-06-014 Cecil A. Walt 1925 N. 8th St. Grand Junction, CO 81501
2945-111-05-003 Glen E. Cochran 2033 N. 7th Grand Junction, CO 81501	2945-111-06-005 Freeda L. Kelly 2024 N. 7th St. Grand Junction, CO 81501	2945-112-05-014 Sam P. Lockard 1940 N. 6th Grand Junction, CO 81501
2945-111-05-004 Ida C. Potratz 2021 N. 7th Grand Junction, CO 81501	2945-111-06-006 Roy C. Thompson 2021 N. 8th St. Grand Junction, CO 81501	2945-112-05-015 Emil Vidopich 2000 N. 6th Grand Junction, CO 81501
2945-111-05-005 Clarence A. Zipse 2011 N. 7th Grand Junction, CO 81501	2945-111-06-007 Harold H. Stride 2015 N. 8th St. Grand Junction, CO 81501	2945-112-05-016 Lee E. White 1599 Cherryvale Boulder, CO 80203
2945-111-05-006 Wesley J. Williams 2001 N. 7th Street Grand Junction, CO 81501	2945-111-06-008 Lyman Whitney 2012 N. 7th St. Grand Junction, CO 81501	2945-112-05-017 William M. Gale 2020 N. 6th St. Grand Junction, CO 81501
2945-111-05-007 Wilmette E. Carpenter 1935 N. 7th Street Grand Junction, CO 81501	2945-111-06-009 Philip M. Armour 2889 F Rd Grand Junction, CO 81506	2945-112-05-018 Rose Gardunio 2030 N. 6th St. Grand Junction, CO 81501
2945-111-05-008 J. C. Irwin P.O. Box 2082 Grand Junction, CO 81501	2945-111-06-010 Christopher L. Church 2011 N. 8th St. Grand Junction, CO 81501	
2945-111-06-001 Charles F. Houck 2040 N. 7th St. Grand Junction, CO 81501	2945-111-06-011 Kenneth F. Paris 2001 N. 8th Grand Junction, CO 81501	
2945-111-06-002 W. G. Beard 2041 N. 8th Street Grand Junction, CO 81501	2945-111-06-012 S. O. Holland 1946 N. 7th St. Grand Junction, CO 81501	

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#2888

Original
Do NOT Remove
From Office

LOT #
324917
ZONE
RSFB
MAP
E 26

N 25' of
LT 8 + X 375
of LT 9
BLK A

Lot Size:
62' Wide
190' Deep

Upstairs
1200 SQ. FT.

Basement
(Finished)
800 SQ. FT.

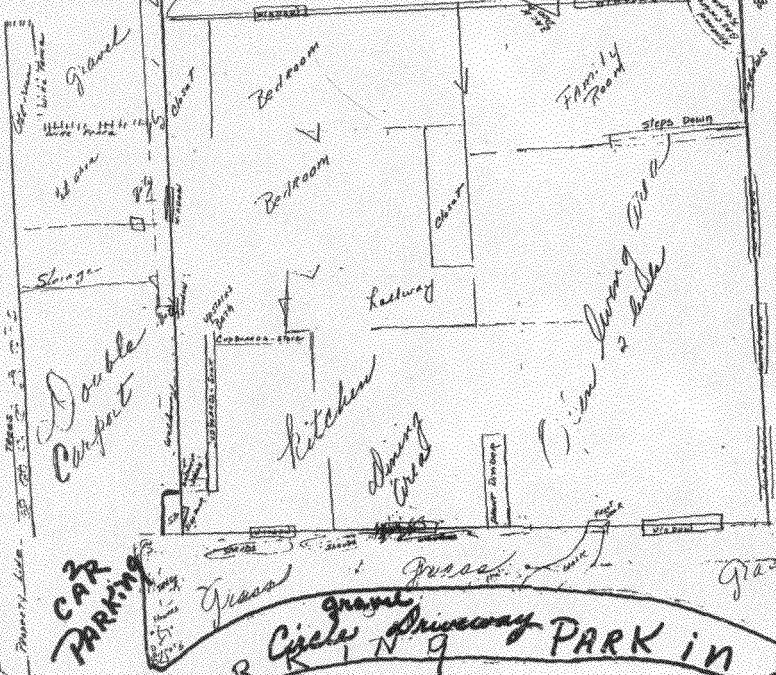
(2-3 CAR
PARKING)

(woodchip ground cover)
Open

Play area

Grass

Concrete Patio



Double
Carport

2
CAR
PARKING

Kitchen

Dining
Area

Bedroom

Bedroom

Laundry

Family
Room

Steps Down

Down Living Area
2 levels

P A R K I N G
Cyclo Driveway
Grass

Neighbors on North
drive off

City Sidewalk
Parkway
North 7th Street
4 Lane Traffic

REVIEW SHEET SUMMARY

FILE NO. 28-88 TITLE/HEADING Day Care Expansion DUE DATE 8/15/88

ACTIVITY - PETITIONER - LOCATION - PHASE - ACRES Petitioner: Lyman and Wanda R. Whitney
Location: 2012 North 7th Street

PETITIONER ADDRESS 2012 North 7th Street Grand Junction, CO 81501

ENGINEER n/a

DATE REC. AGENCY COMMENTS

NOTE: WRITTEN RESPONSE BY THE PETITIONER TO THE REVIEW COMMENTS IS REQUIRED
A MINIMUM OF 48 HOURS PRIOR TO THE FIRST SCHEDULED PUBLIC HEARING.

8/18/88	Public Works	No right-of-way concerns. LATE
8/15/88	Fire Dept.	This office hasn't any objection to this conditional use just as long as the facility conforms to all of the local required codes. Also, the day care is to be restricted to the first level until such time that the basement comes within fire code requirements.
8/3/88	Bldg. Dept.	The Uniform Building Code requires that an E-3 occupancy (day care for more than 6 children) be separated from an R-3 occupancy (single family residence) by one (1) hour fire-resistive construction. Per the conditional use request a separate and distinct area would be required for the day care separated as required. The day care area would need to comply with other requirements of the building code. A change in use permit is required. The basement could be utilized if it is made to comply with fire dept. regulations and separated as required. E-3 would need to be 10' from property lines. Applicants can contact me for more information.
8/18/88	City Engineer	Both driveway approaches into the property from 7th Street are substandard in width and in materials. City standards require flared sides to provide a wider opening at the curb. Minimum opening width should be 18'. The narrow driveway approaches make it difficult for vehicles to turn in from the outside lane on 7th Street. The driveway sections between the curb and the detached sidewalk should be concrete pavement. Currently, one is gravel and the other is asphalt pavement. LATE
8/22/88	Planning Dept.	The Grand Junction Zoning and Development Code (sec. 4-3) requires that a day care center with more than six children be reviewed under the provisions of a Conditional Use Permit in single family residential zones. There appears to be no major site concerns for this property unless parking or traffic becomes excessive or a nuisance to surrounding residences. If complaints are received in the future, review and/or changes may be necessary. Please note that the Zoning Code allows not more than three (3) adult dogs at any one property. Any signage desired in the future must conform with that allowed in residential zones. All Uniform Fire Codes (UFC) and Uniform Building Codes (UBC) must be met on this residence. LATE

MOTION: MR. CHAIRMAN, ON ITEM #28-88, I MOVE THAT WE DENY THE REQUEST.

*Picked up
in office
8/24/88*

STATEMENT

Attached is our Answer to Review Summary and day care license. For clarity, we are not getting a Conditional Use Permit for a day care CENTER, but rather a day care HOME. We are presently licensed to care for 6 full time children plus 2 before and after school children, and we now have a total of 8 enrolled. The Conditional Use Permit would allow us to care for 12 children, an increase of only 4. Our hours have been and will continue to be from 6:00 a.m. to 6:00 p.m. - 12 hours a day, five days a week. After expenses, my husband and I net less than \$3 an hour, and with 4 additional children, we will be netting \$5 an hour which, as you can see, will not put us in a high income bracket, but this along with our retirement income will make it more feasible to continue in day care. the business we have been in for 3½ years since we could not live very well on the retirement income alone.

Even though we will be moving our primary residence to the basement, it is important that we keep the day care area as homelike and un-institutional-like as possible since children in a homelike atmosphere tend to miss their own homes less and this is one important reason some parents will choose a day care home rather than a center to care for their children. The Conditional Use Permit will afford us the opportunity to help meet the demand in this area.

Where approaches to this property are concerned, no parent has ever mentioned having difficulty coming or going from this property. We drive a large 4-door Dodge and VW Westfalia Camper and we have never found it difficult to drive in or out and have never hit a curb.

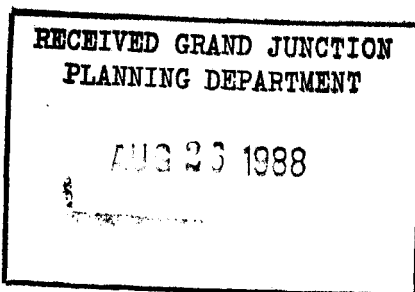
We have 10 grandchildren and regard the safety and welfare of children as our highest priority.

We will not be able to attend the Council meeting since my husband is scheduled to have surgery at the VA Hospital in Denver, and I would not want to attend without him.

We respectfully ask that a Conditional Use Permit be approved in order to accommodate those on our waiting list as school begins.

Sincerely,

Clara A. Wilkey
8/25/88



DAY CARE EXPANSION

ANSWER TO REVIEW SUMMARY
August 24, 1988

8/18/88 PUBLIC WORKS No right-of-way concerns.

8/15/88 FIRE DEPT. The basement is going to be used as our family residence, using the main level for day care. Smoke detectors are being installed in hallways and stairs.

8/3/88 BLDG. DEPT. In compliance to the Uniform Building Code, R-3 residence will be in the basement living area, which includes a private bathroom. The E-3 day care area will remain on the first floor of residence, 800 sq ft of space with bath and kitchen area. The entire house was fully insulated by Miracle Roofing and Insulation and Monument Insulation in March 1988. The insulation will not burn. E-3 area is 10' from property lines. We do not fully understand what is meant by "one (1) hour fire-resistive construction", but I note that a safe on sale at Sears is labeled for "1700°F (hot enough to melt brass) for one (1) hour fire endurance", and we know of no home or business of this type construction. (Page of safe attached)

8/18/88 CITY ENGINEER In reference to our driveway approaches, we note that the business at 904 North 7th has a driveway approach off 7th Street of less than 18'. Considering that the speed limit in that area is 30 MPH, it is difficult for vehicles to turn in from the 7th Street outside lane. We have received no complaints from drivers that our approach is difficult since the speed limit is only 20 MPH at the most and 15 MPH when lights are on for school and this zone is directly in front of this property. If this is a problem, we can instruct the parents with large automobiles to use the alley as is the case with the Learning Tree Children's Workshop at 711 North 7th Street. The area in question by the City Engineer is owned by the City and the Grand Junction City Water meter is located on the SE corner of this area and Mountain Bell has a telephone pole on the NE corner. Widening could not take place without removal of the school lights, water meter and telephone pole.

8/22/88 PLANNING DEPT. Petitioners fully understand the Grand Junction Zoning and Development Code (SEC. 4-3) and will conform with all requirements.

SIGNED

Lyman Whitney
Lyman Whitney

2012 North 7th Street
Grand Junction, CO 81501

#28-88 Conditional Use for a Day Care Home--Revised Development Schedule

Petitioner: Lyman & Wanda Whitney
Location: 2012 North 7th Street

In September of 1988 Wanda and Lyman Whitney were granted a Conditional Use Permit to operate a day care facility in their home at 2012 N. 7th Street for up to 12 children. Previously they had operated a day care home for less than 7 children which is allowed as a Home Occupation. One of the conditions of approval was that driveway slabs be constructed from the back of curb line to the back of sidewalk within one year. The Whitney's were given an extension on that requirement to April 30, 1990.

The attached letter from Wanda Whitney describes the status of their day care home. For medical reasons the Whitney's have not increased the number of children they care for. The Zoning and Development Code (sections 4-6-2.F & G) states that a Conditional Use Permit is no longer valid if the use has not been initiated within one year of approval or if the use is discontinued for one year. The Whitneys are therefore requesting an extension of their development schedule to allow the expansion of the day care facility sometime in the future, at which time the driveway improvements will be completed.

Under the circumstances, staff recommends that a years extension be granted. At the end of one year the Conditional Use Permit should be reviewed by the Planning Commission to assure the required improvements have been completed, or to consider a request for another extension.



Grand Junction Planning Department
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430

August 29, 1988

Mrs. Wanda Whitney
2012 North 7th Street
Grand Junction, CO 81501

Dear Mrs. Whitney:

On Friday, August 26, I received your responses to the agency review comments. It appears that we have some misunderstanding regarding certain requirements. I will try to clarify these as much as possible.

When we use the terminology "Conditional Use Permit for a day care center," we are broadly referring to day care nurseries, homes and centers. The Grand Junction Zoning and Development Code requires that a conditional use permit is necessary for any day care operation of more than six (6) children, irrespective of what numbers state licensing authorities use. Until a conditional use permit is approved, six children, total, is the maximum allowed.

Regarding your residence in the basement and the Uniform Building Code (UBC), that is a matter which should be discussed with a building inspector. I would suggest that you contact Mr. Bob Lee at 244-1631 as soon as possible and ask for a meeting at your house to discuss specific UBC requirements.

The City Engineer, Mr. Don Newton, has several concerns about the access onto your property which need to be resolved directly with him. He can be reached at 244-1555.

Mr. George Bennett is the person to contact at the Fire Department to ensure Uniform Fire Code (UFC) compliance. His number is 244-1401.

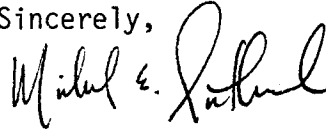
In your letter you referred to the fact that you would not be able to attend the Council meeting. I presume you were referring to the Planning Commission hearing scheduled for September 6 at 7:30 p.m. You should be aware that unless one of you, or a knowledgeable representative, is present at the hearing, the Commission most likely will not make a decision on the conditional use permit and it will be tabled until the October hearing. Your representation is very important.

These outstanding concerns need to be resolved as soon as possible so that there are no technical problems going into the Planning Commission hearing. I will need to be informed of the outcome of your discussions with

Mrs. Wanda Whitney
August 29, 1988
Page 2

City Engineering and the Building Department prior to the hearing. Please contact me whenever the above mentioned issues are resolved. Thank you for your continued cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael E. Sutherland".

Michael E. Sutherland
City Development Planner

MES/tt

xc: Don Newton
Bob Lee
George Bennett
File #28-88

development summary



File # 28-88 Name Whitney Day Care Conditional Use Permit Date 9/8/88

PROJECT LOCATION: 2012 North 7th Street

PROJECT DESCRIPTION:

This day care center has legally operated for some time under the Home Occupation Guidelines which allows up to six (6) children. The Whitneys were granted a state license to operate with up to 12 children. The Zoning and Development Code requires a conditional use permit for a facility with seven (7) or more children in a single family zone.

REVIEW SUMMARY (Major Concerns)

POLICIES COMPLIANCE	YES NO *		TECHNICAL REQUIREMENTS	SATISFIED NOT SATISFIED *	
	YES	NO *		SATISFIED	NOT SATISFIED *
Complies with adopted policies	X		Streets/Rights Of Way		X
Complies with adopted criteria	X		Water/Sewer	X	
Meets guidelines of Comprehensive Plan			Irrigation/Drainage	X	
Corridor Guidelines	X		Landscaping/Screening	X	
			Other: _____		

* See explanation below

The City Engineer recommended that the two driveways of the circular drive be widened and improved to city standards. Due to the considerable expense as well as the opinion that the improvements should not be required for such a small increase in traffic, the Whitneys would prefer not to bear the costs of driveway reconstruction. It appears that the City replaced the curb and gutter approximately a year ago, but did not widen the driveways at that time.

STATUS & RECOMMENDATIONS:

Due to Planning Commission denial this proposal was appealed to City Council. Limited opposition at the PC hearing was not so much against the use, but the fact that there is heavy traffic on 7th Street already and that an increase in traffic in and out of the day care might be dangerous to Tope Elementary School children. One man opposed this "rezone" because it would open the door to more business uses. It is not a rezone, and the Zoning and Development Code considers day care as a residential use. Letters of support and commendation have been received from parents who utilize this day care presently.

Planning Commission Action

Motions were made for approval, subject to reconstruction of the driveways and placement of "no left turn" signs onto 7th Street, but the motions were defeated. The proposal was denied by a vote of 4-2, with various reasons stated for voting against the permit.

The item should be scheduled for a full hearing.



Grand Junction Planning Department
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430

July 11, 1989

Lyman and Wanda Whitney
2012 North Seventh
Grand Junction, CO 81501

Dear Mr. and Ms. Whitney:

Your request for an extension of time to complete the driveway improvements required by the Conditional Use Permit for a Day Care Center (file #28-88) has been approved. The City Engineer has suggested a new deadline of April 30, 1990 to avoid winter construction.

We appreciate the advance notice of your inability to complete the improvements as per the original schedule. Good luck with your expanded day care facility.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Portner".

Kathy Portner
Planner

/kp

xc: Mayor R.T. Mantlo
Don Newton, City Engineer
File #28-88



Grand Junction Planning Department
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430

March 29, 1990

Wanda Whitney
2012 N. 7th Street
Grand Junction, CO 81501

Dear Ms. Whitney:

I understand from Don Newton, the City Engineer, that your Day Care facility at 2012 N. 7th Street will once again be limited to six children per day. That number of children allows you to operate under the Home Occupation regulations and relieves you from conditions imposed by the Conditional Use Permit (specifically the driveway improvements).

You should be aware that the Conditional Use Permit is no longer valid if the use has not been initiated within one year of approval or if the use is discontinued for one year (Section 4-6-2.F & G, Zoning and Development Code). Unless we hear otherwise from you by April 13, 1990 (in writing), we will assume the use for more than 6 children was never initiated or has been discontinued for the last year. Therefore the Conditional Use Permit for a Day Care Center for more than 6 children is hereby revoked.

You may, however, continue to operate as a Day Care Center for no more than 6 children under the Home Occupation regulations. Please fill out the enclosed Home Occupation form and return it to our office. There is no charge.

If you have any questions feel free to call me at 244-1446. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Portner".

Kathy Portner
Senior Planner

/kp
Enclosure

xc: Don Newton, City Engineer
Dan Wilson, City Attorney

April 1, 1990

245-0808

Grand Junction Planning Dept.
Kathy Portner, Senior Planner
250 North 5th Street
Grand Junction, CO 81501-2668

Dear Ms. Portner:

As discussed with you by telephone, Mr. Newton apparently did not understand our situation when I spoke with him recently.

We applied for a Conditional Use Permit in June 1988 and agreed to have the work done on our driveways in April 1989; however, even though all other requirements required by the State, City and County Departments had been met, it took Social Services 6 months to complete the paperwork and our new license was issued in June 1989 during the time I was hospitalized at St. Mary's Hospital after emergency surgery. I am 61 years old and this surgery has not been compatible with plans to increase the number of children in our care of which I have no control. Naturally, without the additional income through an increase in income, we have not been financially able to do the driveway work. I am just taking it on a month-to-month basis, and under the above circumstances I do not understand how our Conditional Use Permit could be revoked. We spent over \$3500 to meet requirements for a Conditional Use Permit and to revoke it would meet with opposition.

We'll keep you advised.

Sincerely,



Wanda R. Whitney
2012 North 7th
Grand Junction, CO 81501



Grand Junction Planning Department
250 North Fifth Street
Grand Junction, Colorado 81501-2668
(303) 244-1430

May 9, 1990

Lyman & Wanda Whitney
2012 N. 7th Street
Grand Junction, CO 81501

Dear Mr. and Ms. Whitney:

On May 1, 1990 the Planning Commission considered your request to extend the development schedule on your approved Conditional Use for a Day Care Home. This is to confirm the Commission granted an extension for the required driveway improvements until May of 1991, at which time the Conditional Use will be re-evaluated. You may discuss with the City Engineer what type of driveway surface would be acceptable.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathy Portner".

Kathy Portner
Senior Planner

/kp
xc: File #28-88