

GRAND JUNCTION PLANNING COMMISSION
MAY 9, 2000 MINUTES
7:04 p.m. to 8:05 p.m.

The regularly scheduled Planning Commission hearing was called to order at 7:04 p.m. by Chairman John Elmer. The public hearing was held at Two Rivers Convention Center.

In attendance, representing the Planning Commission, were John Elmer (Chairman), Joe Grout, Dr. Paul Dibble, Nick Prinster, Terri Binder, Jerry Ainsworth and Vickie Boutilier (alternate). James Nall was absent.

In attendance, representing the Community Development Department, were Kathy Portner (Planning Manager), Pat Cecil (Development Services Supervisor), Tricia Parish (Assoc. Planner), Joe Carter (Assoc. Planner), Lori Bowers (Assoc. Planner) and Bill Nebeker (Sr. Planner).

Also present were John Shaver (Asst. City Attorney), Dave Varley (Acting Community Development Director/Asst. City Manager), Rick Dorris and Kent Marsh (Development Engineers).

Terri Troutner was present to record the minutes.

Due to technical difficulties, there was no tape recording of the public hearing.

There were approximately 18 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of the April 18, 2000 Planning Commission hearing.

MOTION: (Commissioner Ainsworth) "Mr. Chairman, I move that we approve the April 18 minutes as submitted."

Commissioner Prinster seconded the motion.

A vote was called and the motion passed by a vote of 5-0-2, Commissioners Binder and Boutilier abstained because they were not present for the meeting.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

At the request of the petitioner and City, a continuance of ODP-2000-058 to the June 13, 2000 Planning Commission hearing was sought.

MOTION: (Commissioner Grout) "Mr. Chairman, I move that we continue item ODP-2000-058 to the June 13 public hearing."

Commissioner Binder seconded the motion. A vote was called and the motion passed by a vote of 7-0.

Pulled from the agenda were items ANX-2000-059, FPP-2000-057, FPP-2000-056, RZP-2000-064 and GPA-2000-027.

III. CONSENT AGENDA

Offered for placement on the Consent Agenda were items CUP-2000-055, VE-2000-061, ANX-2000-062, PP-1999-027, MS-2000-017 and ANX-2000-063. Due to a citizen's objection, item ANX-2000-063 was initially removed from the Consent Agenda. Staff met with the citizen briefly and concerns were resolved. The item was then brought back for reconsideration on the Consent Agenda; hence, the second motion.

MOTION: (Commissioner Dibble) "Mr. Chairman, I move that we approve the Consent Agenda with items CUP-2000-055, VE-2000-061, ANX-2000-062, PP-1999-027, MS-2000-017 and excluding item ANX-2000-063."

Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

MOTION: (Commissioner Grout) "Mr. Chairman, I move that we place item ANX-2000-063 on the Consent Agenda and approve it with staff recommendations and review agency comments."

Commissioner Dibble seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

IV. PUBLIC HEARING ITEMS ON ITEMS FOR FINAL DECISION

VR-2000-060 VACATION OF RIGHT-OF-WAY

A request to vacate Kimball Avenue west of South 7th Street and the north/south alley between Noland and Kimball Avenues on the west side of South 7th Street.

Petitioner: High Plains Properties, Inc.
Location: Between Kimball and Noland Avenues, west of South 7th Street
Representative: Michele Jensen

PETITIONER'S PRESENTATION

Tom Logue, representing the petitioner, asked to reserve comment until the rebuttal portion of the hearing.

STAFF'S PRESENTATION

Lori Bowers explained that the right-of-way vacation was requested for expansion of Elam Construction's site to include an additional storage area. Ms. Bowers said that the vacation was premature and could if granted have negative impacts on future transportation services. Specifically, she said that vacating this portion of Kimball Avenue conflicted with the Master Street Plan. Ms. Bowers said that a revocable permit might be a better option. She reminded the Commission that if the vacations were approved, additional right-of-way should be dedicated for Noland Avenue; however, staff recommended denial of the request pending completion of the Riverside Bypass Study.

QUESTIONS

Commissioner Prinster asked when the City expected completion of the Riverside Bypass Study. Ms. Bowers did not know an exact date but conjectured that its completion would occur sometime within the next year.

Commissioner Dibble wondered if the study would include Noland Avenue. Chairman Elmer was unsure why the study needed to extend into the south downtown area. A brief elaboration was provided by Mr. Shaver.

An aerial photo of the subject area was shown on the overhead projector. Mr. Dorris demonstrated one possible alignment between Kimball Avenue and Noland Avenue. He said the alignment would cross two of the petitioner's properties and require additional right-of-way along Noland Avenue to complete. Mr. Dorris stated that the City doesn't want to give up right-of-way today and buy it back in the future.

Chairman Elmer wondered if the City could be in a position to offer the petitioner a property trade. Mr. Shaver reiterated that it was premature to discuss any specific alignment without completion of the study.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER'S REBUTTAL

Mr. Logue expressed displeasure at the City's proposed alignment; he said that it would render two of the lots useless. As well, he said that given there was only a 29-foot difference between the building faces of Elam's structures along Noland Avenue, Elam could not comply with City street standards unless both structures were demolished. He'd never before seen the City's proposed alignment option as presented by Mr. Dorris. If he had, the vacation request would never have been pursued. Mr. Logue felt that, at this point, it had all been a waste of both time and money.

DISCUSSION

A brief discussion ensued over how best to handle the situation. Options included a continuance, denial or waive the petitioner's application fees on a new application when the study is done. Mr. Shaver said that the Director is the authority to waive application fees; no approval from City Council is necessary.

Chairman Elmer agreed that a waiver of application fees for a new submittal is appropriate, once the study is complete.

Commissioner Prinster concurred, adding agreement with the staff's recommendation that any right-of-way vacation in the subject area was premature and should be deferred until the Riverside Bypass Study was completed.

MOTION: (Commissioner Grout) "Mr. Chairman, on item VR-2000-060, I move that we recommend approval of the vacation on the Kimball Avenue right-of-way as well as the vacation of remaining north/south alley right-of-way from Kimball Avenue to Noland Avenue."

Commissioner Prinster seconded the motion. A vote was called and the motion was defeated unanimously by a vote of 0-7.

V. GENERAL DISCUSSION

Chairman Elmer reminded planning commissioners of an upcoming meeting on May 18 beginning at noon.

A brief discussion ensued over how best to solicit input from the school district. Mr. Shaver said that a new form had been generated by staff in attempt to streamline responses from the school district. He said that while the City could encourage response, it could not compel the school district to do so.

Chairman Elmer said that school impact information was very valuable to the Planning Commission.

Commissioner Binder said that in her discussions with school district officials, they had expressed frustration over their perception that comments made were not heeded by the City. She also suggested that the City amend the Code which returned development fee monies to a developer within 5 years if not used to purchase school property. The City should retain those fees, she said, to aid schools even beyond the 5-year timeframe. If retention of fees was not possible, monies should at least go to the homeowner since developers were already paid by virtue of including fees in the prices of homes sold.

Mr. Shaver explained conditions imposed by the Tabor Amendment. He said that it was his understanding that the school district had every intention of using monies collected to date for land purchases. He agreed that it would be beneficial to the City to have the school district submit a site acquisition plan.

Mr. Cecil noted, having come from California, that the development fees imposed by the City were miniscule by comparison.

Commissioner Binder remarked that the school district's time for land acquisition was almost up.

With no further business, the hearing was adjourned at 8:05 p.m.