

GRAND JUNCTION PLANNING COMMISSION
Public Hearing January 7, 1992
7:30 p.m. - 10:45 p.m.

The public hearing was called to order by Chairman Ron Halsey at 7:30 p.m. in the City County Auditorium.

In attendance, representing the City Planning Commission, were Chairman Ron Halsey, Craig Roberts, Jim Anderson, and Sheilah Renberger.

Commission John Elmer was absent.

In attendance, representing the Mesa County Planning Commission were Dale Doty and Charlie Nystrom.

In attendance, representing the City Community Development Department, were Bennett Boeschstein, Director; Kathy Portner, Senior Planner; and Dave Thornton, Planner.

John Shaver, Assistant City Attorney; Don Newton, City Engineer; Mike Joyce, Mesa County Planning Director; Keith Fife, Mesa County Assistant Planning Director; and Linda Dannenberger, Mesa County Planner were also present.

Judy Morehouse, of KLB Secretarial Services, was present to record the minutes.

There were 20 interested citizens present during the course of the meeting.

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I. CALL TO ORDER

II. APPROVAL OF MINUTES

MOTION: (COMMISSIONER ROBERTS) "MR. CHAIRMAN, I MOVE THAT WE APPROVE THE MINUTES OF THE NOVEMBER 19, 1991 MEETING."

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed unanimously by a vote of 4-0.

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRE-SCHEDULED VISITORS

Mr. Nystrom of the Mesa County Planning Commission thanked Chairman

Halsey for the invitation to have this joint meeting.

IV. GRAND JUNCTION PLANNING COMMISSION/MESA COUNTY PLANNING COMMISSION JOINT PUBLIC HEARING

1. #71-91 COLORADO WEST INDUSTRIAL PARK

A request to adopt the Land Use and transportation Study for the area northwest of the City known as Colorado West Industrial Parks as an element of the City of grand Junction Master Plan.

PETITIONER: City of Grand Junction

Consideration of Adoption of the Colorado West Industrial Park Land Use and Transportation Study.

PETITIONER'S PRESENTATION

Mr. Boeschstein Director of the City Community Development Department was present to explain the plan. The initial plan was done about 1 1/2 years ago and was funded by the Metropolitan Planning Organization (which is a joint organization of the City of Grand Junction and Mesa County).

The purpose of the Plan was to look at the area West and Northwest of Mesa Mall bounded on the West by 21 Road, on the North by G Road and the South by the Colorado River. It includes over 1,000 acres which is approximately 70 percent vacant. The zoning is largely straight commercial in the County. Since the Mesa Mall development the need for a long range plan has become evident.

The proposed land use map shown at this meeting tonight should help answer some of the questions raised at previous hearings. Some boundary changes have been made to square it up; some commercial zoning has been eliminated where residential is being constructed.

Mr. Boeschstein continued his presentation with an accompanying slide show to explain how the study was done and details of the area. He explained the existing structures, road network, water, sewer, power and all existing facilities in the area. Much of the area is vacant, but utilities do exist in most of it. One decision in planning the area is deciding where sewer lines need to be installed.

He pointed out the natural features of the area including the Colorado River and Colorado River floodplain, farm land, and a few large drainages. Transportation proposals include reclassification of some of the roads, creation of some frontage roads along Interstate 70 and Business Loop I-70, and road improvements. The plan also includes a proposed land use plan. Because it is a Master Plan, these are only advisory guidelines not zoning. These

Guidelines would give long range guidance to the County and City.

The long range plan shows 24 Road to 25 Road being primarily residential, the corridor down 24 Road being primarily commercial, and from Highway 6 & 50 to Interstate 70 being primarily light industrial and planned industrial and some planned business. The River Road area is shown as light industrial, (allowing gravel mining by conditional use).

The model used in planning this was partially based on the Foresight Park design. Specific elements which are desired for future land use are large landscaped frontages, monument signs, screening, etc. as seen in Foresight Park. He stated that it is preferable to get away from the straight commercial zoning and be more specific for uses in those areas.

The question now is whether the City and County want a lot of straight zoning with fewer restrictions for this large area. One example of what a straight commercial/straight industrial zone becomes is Industrial Boulevard, the area between 25 Road & 24 1/2 Road, which does not have landscaping.

The proposal is a master plan for the area which will give direction and long range vision; it will not be a zoning map but a traditional Master Plan which would give guidance to the City Council when locating new facilities, and a guiding document for the Planning Commission in the future and could be used as a marketing and development tool.

If the Master Plan were adopted types of development would include residential single family 1/4 acre lots; multi-family residential; well landscaped office parks (similar to Horizon Drive); manufacturing facilities (similar to Sunstrand); residential could occur close to office complex (similar to Crossroads complex); a trail system could be incorporated along the canal banks, and a neighborhood community center around the schools.

In the proposed land use plan the Development Department has taken some of the suggestions from interested citizens in the last two meetings including squaring off some of the boundaries and a possible park area. Changes in the proposed transportation map are minor from the previous map.

PUBLIC COMMENT

FOR:

Dale Hollingsworth of 3135-B Lakeside Drive, Grand Junction, CO. formerly the executive director of the area Chamber of Commerce and Secretary of Industrial Developments Inc., and Colorado West Improvement Inc. was present.

Mr. Hollingsworth noted there was initial opposition to Foresight Park as there always is, but the key to its success was planning on all aspects involved. He also noted he has seen that partial planning in areas, and/or later additions involve additional problems and loss of continuity in an area. He felt this plan is reasonable for the size and will work well for the community in the future.

AGAINST:

John Ballagh of 449 Shire Drive, Grand Junction, CO. expressed his concerns on what he felt were deficiencies in the plan.

He felt the plan condenses the definition of business, commercial, and industrial; it does not seem well defined. When correlating Foresight Park, which is approximately 160 acres and has taken some 20 years to develop, versus 1,000 acres which exceeds the size of the Denver Tech. Center, the size difference should be taken into consideration.

On the subject of soils in this area, the drainage ditches are there for a reason (there is a high water table). With the poor soils in the area it becomes mandatory for commercial business to incur significant costs to reduce later repairs on streets and utility trenches. This cost of development seems to be overlooked in the plan and could be a community problem later.

The canals and drains are in private ownership and neither the Canal Company nor the Drainage District has the right to allow anyone to do anything on that property. They only have the right to maintain their facility. If the City or the County or a trails organization wants the right to have a trail, it will have to be purchased from the private property owners. If this were going to be done, a better location such as the Pamona School area rather than on the canal would be of interest to more people and then maintenance could be provided by a Trails organization rather than by the Drainage District.

Harry Mavrakis 522 Otto Court, Grand Junction, CO. commented on the presentation by Mr. Boeschstein. He agreed another Foresight Park type development was needed; however, 300 acres of fully developed ground in the area is for sale and until that is absorbed it would be unlikely a development would occur in this area. Most of the commercial property in that area is occupied at this time. Industrial Blvd. is an old development and not typical of commercial developments because requirements were different when it was developed.

One concern is the PB zoning west of 24 Road; the primary use for this zone is for offices. It is not the proper zone for that large

area as it would not include another Foresight Park type development if zoned only PB.

The plan calls for extensive landscaping and appears to be a shift in the previous policy which had mandatory rules not to landscape when irrigation water was not provided.

QUESTIONS

J.R. Studebaker, President of Fountainhead Development Corporation, had questions as to how the plan could be changed and which organizations make these decisions or future changes?

Mr. Boeschstein explained plans can be changed through the Planning Commission Public Hearings for which public notice is given. Ideally reviews on these plans should be done annually.

Commissioner Roberts explained the Master Plan was only a guideline. Future development must be brought before the Commission and final decision made on individual projects.

Commissioner Roberts further explained reasons for the guideline; if the area remains commercially zoned, it could be 100 years at the present growth rate before this area would be absorbed. The idea is to foresee the demands for light industrial, commercial, planned business, or residential and address this through the planning process as opposed to individual developments trying to change the commercial zoning as they see fit.

Mr. Mavrakis expressed concerns that the plan would not be used as a guideline but taken as a final plan in the future.

Commissioner Roberts felt that the zoning done 10 years ago to commercial was more drastic than this guideline plan and what exists now is 100 years of free-for-all zoning on that 1,000 acres.

Mr. Mavrakis suggested it be zoned Planned Use; letting the developers comply with those rules.

Commissioner Roberts did not feel that would be fair to the landowners, and if the zones were not confined to their designated areas it would be undesirable. When large acreages are done by zone, planned areas are encouraged but it would be a lot more drastic than the proposals in the Guidelines.

Mr. Studebaker asked about the infrastructure plan over the next 5 to 10 years?

Mr. Boeschstein explained the infrastructure is spotty with areas of existing infrastructure which are not being used. There is a long term capital improvements program for all public facilities.

Mr. Studebaker asked if the infrastructure will be planned around the PUD?

Mr. Boeschstein explained the proposed plan is done on infrastructure capacities. There are inadequacies but the growth will probably go out from the existing infrastructure with eventual extensions.

Mr. Studebaker asked if there was sewer north of Interstate 70?

Mr. Boeschstein replied that sewer is in Paradise Hills around the Westgate Inn, Valley West Industrial Park, Western Slope Ford, and

Mesa Mall. Long term plans are to add sewer to Lift Industries and Colorado Kenworth and adjoining areas by putting the lines under Interstate 70.

Mr. Studebaker was concerned with the need for sewer north of Interstate 70, yet there is no plan. He felt it should be addressed now.

Commissioner Anderson reminded the Commission about the question raised by Mr. Ballagh on the drainage in that area.

Mr. Boeschstein replied that the soil was high in alkali and the drainages need to be buffered; however, it can be developed as long as the drainages are respected. The soil can be landscaped and moderate costs would be involved to meet landscape requirements. It seems that the industries come to communities that have high standards and most, such as Sunstrand, have even higher standards for landscaping than is required.

Mr. Ballagh clarified that his comment on ground water and the cost of development was directed more to the size and use of the roads involved rather than the actual landscaping.

Chairman Halsey commented on the bike trail planned around the canals, and asked the Assistant City Attorney for comment.

Mr. Shaver replied there may be leases or other land use arrangements other than the Drainage District right-of-way involved here; it is probably not all one way or the other. Specifically the plan that is being proposed is a prospective approach which does not imply any confiscatory taking of the land; it is a plan of which we would like to see eventual implementation.

Commissioner Renberger asked Commissioner Roberts what his specific ideas were on the PB planning. Commissioner Roberts explained there are areas that are straight commercial such as the property Sam's bought. With straight zoning there is not much the Planning

Commission can do with regards to future development. If it is zoned PB, there is more flexibility in the kind of plan the developers bring into the community.

Mr. Studebaker asked if this would eventually be in the City limits and Mr. Boeschstein replied affirmatively; the area currently proposed is property that is parallel to Interstate 70; Western Slope Ford, Westgate Inn and the Valley West Industrial Park areas. The areas along Highway 6 & 50 and River Road are not proposed for immediate annexation but eventually will be.

Commissioner Anderson commented that the County Planning Commission was involved tonight so that they could understand where the City Commissioners stood on issues and also to give us input on their needs thereby reaching a harmonious relationship for development.

MOTION (COMMISSIONER ROBERTS) "MR. CHAIRMAN, ON ITEM # 71-91, A REQUEST TO ADOPT THE LAND USE AND TRANSPORTATION STUDY FOR THE AREA NORTHWEST OF THE CITY KNOWN AS COLORADO WEST INDUSTRIAL PARKS AS AN ELEMENT OF THE CITY OF GRAND JUNCTION MASTER PLAN, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."

The motion was seconded by Commissioner Renberger.

A vote was called, and the motion passed unanimously by a vote of 4-0.

Mr. Nystrom of the Mesa County Planning Commission encouraged the citizens to also come to their meeting on this item in order to give their statements to the full County Commission.

V. HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

1. # 5-91 TEXT AMENDMENTS

A request to revise Section 7-2-9 of the Grand Junction Zoning and Development Code regarding zoning designations for the Northwest Area that was recently annexed by the City. (Tabled from August 6, November 19, & December 3, 1991 Hearings.)

Consideration of a Text Amendment

PETITIONER'S PRESENTATION

Mr. Boeschstein of the City Community Development Department was present to explain this text amendment. The purpose is to incorporate the elements of the Colorado West Industrial Park Study into a new zone. The Zoning Text was reviewed by the Commissioner's in November.

If the amendment is passed, it would go into the zoning code; it

would not be mapped for any specific area. The new code is designed to encourage well designed industrial residential and commercial uses in accordance with the northwest plan map. It would require improved signage and landscaping standards over the existing City Commercial and Industrial zoning.

Changes have been made in the text and on the map to incorporate the comments heard at the last public meetings. Among the changes are the elimination of a minimum lot size for Commercial and Industrial land uses, the requirement for a minimum lot size of one acre for Planned Commercial and five acres for Planned Industrial.

The boundary of the Commercial area parallel to 24 Road has been changed to follow property lines instead of the circular boundary that was shown on the previous plan. Residential densities were changed in the area along 26 1/2 Road to conform to the existing zones and densities that are found in this area.

One of issues concerning existing developments in the area, especially in Industrial Interstate Commercial Park, is whether or not the existing covenants, lot sizes, and developments would be grandfathered. At the previous hearing, a grandfather clause was proposed; however, at the recommendation of City Attorney, Dan Wilson, it was taken out and the following sentence was added: "Existing developed subdivisions shall be designated as a planned zone where the plan consists of the existing plat, covenants, and other restrictions." If this language stands, it would incorporate Interstate Commercial Park as a Planned Zone, and the existing plat and covenants would be the plan.

Commissioner Anderson commented that the current verbiage seemed more flexible than the previous verbiage for those individuals involved. He also added there is no intent to change any existing business in the area.

PUBLIC COMMENT

Mr. Harry Mavrakis of 522 Otto Court, Grand Junction, CO. had some points of clarification for the Commissioners. On the comments regarding existing zoning, the owners understand the zoning would be grandfathered in and a zone in the City would be similar to what is now zoned in the County. It was understood that the previous wording would be attached to the Zone and a specific designation for those subdivisions would be named as excluded from the zone and the specific zone in the City comparable to the County would be specific in the Motion. The understanding was the "C" zone in the County is similar to the C-1, C-2 and I-1 in the City and this is what would occur; however, with the new wording proposed that agreement has been violated. He urged the Commission to reconsider this and allow it to go through as it was agreed previously.

Another point is that the Interstate annexation has excluded five lots within the subdivision and the owners do not understand why those lots are excluded.

Mr. Boeschstein explained that all parcels did not have a Power of Attorney, but they have been included in the Interstate East annexation.

Mr. Mavrakis felt this was in error as the entire park was platted and zoned at the same time, and the Power of Attorney ran through the entire park. There are two lots which are surrounded by annexed lots, which does not seem to have any continuity. The owners would like this matter clarified.

Mr. Mavrakis was also concerned about the provision being adopted in this section of the Code and felt the adoption in conjunction with the Grand Junction City Zoning Code did not comply with what was previously agreed to in the past.

Mr. Boeschstein explained to the Commissioners that they could adopt what was being proposed which would require any new use in Interstate Commercial Park to come through the Planned Zone process; currently it is straight commercial and they do not have to come through the process for new uses. Another option the Commissioners could take is to adopt the grandfather clause which was in the previous verbiage of the proposed amendment. Basically what it did was allow anyone who had an existing platted subdivision in the area a grandfather clause excluding them from the new zoning, and adopting the previous zone and covenants. A third alternative for the Commissioners is to zone Interstate Commercial Park I-1, C-1 or C-2.

Mr. Mavrakis further explained that to his knowledge the property owners were not notified that the original verbiage on the grandfathering clause had been changed.

Mr. Shaver was asked to comment on the legality of this question. Mr. Shaver stated that he could not venture a decision since he did not personally negotiate the terms during the discussions and did not know the intent of the language of the original agreement.

Mr. Mavrakis felt the intent was changed from the original agreement to what is now being proposed tonight. Also, with the overall plan there are some areas according to the Study which have to be given some alternatives to the Planned Zones. The restrictive covenants which exist in Interstate Commercial Park do give a certain quality standard which you are looking for in your planned zones but the final decision on regulating the standards is with the developer, not the City or the County. The small businessman needs a place he can go without incurring additional landscaping costs if that is

what he wants.

Commissioner Anderson and Commissioner Roberts felt that this kind of regulation gives no control to the area after a period of time and the basis for enforcing covenants becomes lost.

Mr. Mavrakis explained it is specific for developed subdivisions: Interstate Commercial Park, First Edition to Interstate, SWD Subdivision, Valley West, Railhead, 23 Road Commercial Park that are subdivided and fully developed or partially subdivided areas that were a party to the negotiations and it was understood would be excluded from the planned zone.

QUESTIONS

Commissioner Anderson asked Mr. Shaver about the verbiage which was changed by the City Attorney.

Mr. Shaver explained he was not involved in the negotiation nor the substitution of language in the provisions. The options which Mr. Boeschenstein outlined for the Commissioners are the options the Commission has; this is an item for recommendation to the City Council and this would be the best place to work out specific problems when Mr. Wilson would be present to discuss it. Of the three options, from a legal standpoint, it would be best to assign a zone to these particular parcels which would hopefully give sufficient flexibility to meet the intent of the agreement. The best way to accommodate Mr. Mavrakis and his clients tonight is to assign the most equivalent zone to the parcels and then allow the specific determination to be resolved at the Council level either by establishing some form of a planned zone which would have the agreed flexibility, or to have a straight zone they could live with such as I-1.

Commissioner Anderson commented that the existing developments should be adopted with the City Planning Commission to protect the current zoning agreement.

Commissioner Roberts noted the specific developments should be listed so that when annexation for each occurs they will not be included in planned zoning.

Mr. Boeschenstein added that I-1 is the most liberal straight zone available.

Mr. James Braden of 2420 North 1st Street, Grand Junction, CO. felt the subdivisions mentioned were also the entrance into our city and gave a first impression to many people. He felt that landscaping is the new direction whether the old subdivisions like it or not. Before it gets out of hand the Council needs to give some consideration as to the impact these places have on people as they

come in.

Chairman Halsey explained they are looking at this situation and City Codes have been changed; however, existing properties cannot be forced to comply.

Mr. Braden asked if the developers and the City could come to some agreement to recognize the need for landscaping since it is being annexed.

Mr. Mavrakis responded to the questions by explaining there were landscaping requirements for most of the subdivisions involved. The major difference between what we are asking and what was proposed is in a planned zone you have to go to the City to get complete review and approval for whatever you want to build; whereas in a straight zone, so long as you meet the code requirements, you can build.

Mr. John Ballagh asked about the Northwest Zone; the Use Regulations seem to have editorial changes, and the screening verbiage seems to be overdone. He also asked about the verbiage of structures, would a radio tower be included in the restrictions? A rewrite should be considered on the parking verbiage in the code.

Commissioner Roberts expressed his dissatisfaction with verbiage being changed without the knowledge of the Commissioners or the property owners between meetings, adding this is a major problem tonight.

Chairman Halsey recommended since it is going to Council for recommendation that a motion with specified changes be made.

MOTION (COMMISSIONER ROBERTS) "MR. CHAIRMAN, ON ITEM # 5-91, A REQUEST TO REVISE SECTION 7-2-9 OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE REGARDING ZONING DESIGNATION FOR THE NORTHWEST AREA, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL WITH THE FOLLOWING CHANGES: THE VERBIAGE CONCERNING EXISTING PARCELS KNOWN AS INTERSTATE COMMERCIAL PARK, FIRST EDITION OF INTERSTATE COMMERCIAL PARK, GRAND PARK PLAZA, 23 ROAD COMMERCIAL SUBDIVISION, SWD SUBDIVISION, FIRST EDITION TO SWD SUBDIVISION, VALLEY WEST SUBDIVISION, RAILHEAD INDUSTRIAL PARK AND PARCELS OF LAND SUBDIVIDED PRIOR TO THE ENACTMENT OF THIS ZONE SHALL BE REGULATED UNDER THE PROVISIONS OF THAT SUBDIVISION. NOTHING IN THIS REGULATION SHALL PREVENT THE CONTINUED USE, REUSE OR NEW CONSTRUCTION ON LOTS THAT EXISTED PRIOR TO THE ENACTMENT OF THIS REGULATION. THE ZONING THAT EXISTED PRIOR TO THE ENACTMENT OF THIS ZONE SHALL APPLY TO ALL PREVIOUSLY SUBDIVIDED PARCELS USING THE ZONING REGULATIONS THAT EXISTED PRIOR TO THE ENACTMENT OF THIS REGULATION AND UNDER THE USE REGULATIONS PAGE 12, THE NORTHWEST PLAN

AS AMENDED 1-7-92.

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed unanimously by a vote of 4-0.

2. #13-91 ZONE OF ANNEXATION

A request to zone 41.39 acres also known as Interstate Annexation to a Planned Unit Development Northwest (PUD-NW) zone. (Tabled from the November 19, & December 3, 1991 Hearing)

PETITIONER: City of Grand Junction

LOCATION: South of Interstate 70 and East of 23 Road

Consideration of a Zone of Annexation

PETITIONER'S PRESENTATION

Mr. Boeschstein explained this request is to merely map the zone of the areas which have been discussed. The zone you have just approved can now be mapped or another alternative is to put the area into a straight zone.

Mr. Mavrakis discussed his wishes for specific zoning.

Mr. Shaver added that for purposes of zone designation that he was not aware of any law that would allow multiple zones to be placed on one parcel without some form of Planned Zone being created.

Mr. Boeschstein felt the I-1 zone gave the broadest types of uses and was the nearest equivalent straight zone and the nearest planned zone is Planned Industrial.

PUBLIC COMMENT

Mr. Ballagh commented that this area does not currently fit any of the zones since it contains a radio tower, unscreened areas, and it is owned by a public agency. To zone it according to ownership is nonsense. He asked that it merely be made an understanding that what exists can remain.

Mr. Shaver reassured Mr. Ballagh there were specific exclusions regarding radio towers.

MOTION (COMMISSIONER ANDERSON) "MR. CHAIRMAN, ON ITEM # 13-91, A REQUEST TO ZONE 41.39 ACRES ALSO KNOWN AS INTERSTATE ANNEXATION BE CHANGED TO A I-1 ZONE, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."

The motion was seconded by Commissioner Roberts.

A vote was called, and the motion passed unanimously by a vote of 4-0.

3. # 72-91 STRATEGIC CULTURAL PLAN

A request to adopt the Strategic Cultural Plan prepared by Grand Junction Commission on Arts and Culture as an element of the City of Grand Junction Master Plan.

**PETITIONER: Grand Junction Commission on Arts & Culture
Consideration of Adoption of the Strategic Cultural Plan**

PETITIONER'S PRESENTATION

Sandra Brown of 866 Texas Avenue, Grand Junction, CO. representing the Grand Junction Commission on Arts and Culture was present to explain the revisions which occurred at the last City Council meeting.

The changes are minor word changes including the elimination of wording on a cultural tax district and a percent for art were changed to "find appropriate sources of funding". Basically the document was as presented at the November 19, 1991 Planning Commission meeting.

The Grand Junction Commission on Arts and Culture would like the Commission to adopt this plan because having it as part of the Master Plan fits in with the Parks and Recreation Plan which includes a cultural facilities plan and adds to the quality of life section for the Master Plan.

PUBLIC COMMENT

There were no public comments either for or against this proposal.

MOTION (COMMISSIONER ROBERTS) "MR. CHAIRMAN ON ITEM # 72-91, A REQUEST TO ADOPT THE STRATEGIC CULTURAL PLAN PREPARED BY THE GRAND JUNCTION COMMISSION ON ARTS AND CULTURE AS AN ELEMENT OF THE CITY OF GRAND JUNCTION MASTER PLAN, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."

The motion was seconded by Commissioner Renberger.

A vote was called, and the motion passed unanimously by a vote of 4-0.

4. #74-91 ALLEY VACATION

A request to vacate the east/west alley between Teller and Belford Avenues, West of 7th Street.

PETITIONER: Grand Valley National Bank

REPRESENTATIVE: Armstrong Consultants, Inc., Tom Logue

LOCATION: Southwest 7th Street

PETITIONER'S PRESENTATION

Mr. Tom Logue was present on behalf of the Grand Valley National Bank. Mr. Logue explained that the location of the alley is west of 7th Street midway between Belford and Teller Avenues. The alley bisects property that is owned by the bank. He requested to vacate the east-west alley and dedicate an additional width on a portion of the north-south alley.

The purpose of the request is two fold 1) to assist the bank with a new drive up facility; 2) with the major parking for the bank north of the alley vacation, it would become a more defined parcel.

Regarding the review agency comments on assessments and construction to the south, the petitioner would like to forgo escrow payments for the south alley. The bank feels they are paying more than their share for alley improvements.

QUESTIONS

Commissioner Anderson asked if there would be access to the alley?

Mr. Logue explained that their intent is not to use the north-south alley; however, the plan would require additional technical review from the Engineering and Community Development Department.

Commissioner Renberger asked what Staff had recommended on the escrow issue?

Ms. Portner explained their recommendation is to go with the full alley improvement to the north and escrow funds for the alley to the south.

Commissioner Roberts asked if there was a problem with the bank constructing the alley to the south?

Ms. Portner replied that the bank's plan is to do nothing to the alley to the south and spend money on the alley to the north.

Commissioner Anderson asked staff what the value of widening this section of the alley was?

Ms. Portner replied that by vacating the east-west alley, the sanitation trucks can no longer go through to 7th Street and would then have to make a turn onto the north-south alley and the additional width would be needed for this.

Mr. Newton clarified the rates the City requires developers to

escrow for alley improvements. The \$22.50 per foot is the rate at which the City assesses commercial property for special improvement districts for alley improvements; it has nothing to do with the rate of which the City requires funds to be escrowed for alley improvements adjacent to a development.

The City had requested the developer to build a full width north-south alley and to pay for half of the alley improvements south of the east-west alley; these improvements are required based on the traffic that would be generated by the development rather than some arbitrary number. In this case the vacation of the east-west alley would force all traffic to turn either north or south and it was felt that at least one direction should be improved full width. The requirement for the half-alley improvements to the south is based on the standard for the typical half-alley improvements on all right-of-ways fronting a development.

Commissioner Anderson asked why the utility company did not move the pole in order to make it a straight access alley?

Mr. Newton replied it would be impossible to relocate this pole either east or west because its an in-line overhead power line.

PUBLIC COMMENT

Mr. John Frederick 216 30 Road, Grand Junction, CO. currently the President of the Grand Valley National Bank spoke to the Commission regarding the vacation of the alley. Mr. Frederick stated that their construction of the drive-in facility depends on this vacation.

MOTION (COMMISSIONER ANDERSON) "MR. CHAIRMAN, ON ITEM # 74-91, A REQUEST TO VACATE THE EAST/WEST ALLEY BETWEEN TELLER AND BELFORD AVENUES, WEST OF 7TH STREET, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO THE REVIEW AGENCY SUMMARY SHEET COMMENTS AND THE FOLLOWING CONDITIONS: THE ALLEY BE RETAINED AS AN EASEMENT; 8.5 FEET OF ADDITIONAL RIGHT-OF-WAY BE DEDICATED ALONG THE EAST SIDE OF THE NORTH/SOUTH ALLEY BETWEEN THE ALLEY TO BE VACATED AND BELFORD AVENUE; AND THE ALLEY IMPROVEMENTS ARE COMPLETED AS REQUIRED BY THE CITY ENGINEER."

The motion was seconded by Commissioner Renberger.

A vote was called, and the motion passed unanimously by a vote of 4-0.

- 5. # 76-91 SPERBER LANE CUL-DE-SAC RIGHT-OF-WAY VACATION
A request to vacate a portion of the cul-de-sac on Sperber**

Lane as a part of the new subdivision plat.

VI. ITEMS FOR FINAL DECISION BY THE GRAND JUNCTION PLANNING COMMISSION

1. # 76-91 SPERBER LANE SUBDIVISION

A request to subdivide 4.5 acres on Sperber Lane into five lots, with zoning to remain RSF-4. Also a request to vacate a portion of the Cul-de-sac as mentioned above in recommendations to City Council.

PETITIONER: Fred W. Sperber

LOCATION: East of 26 1/2 Road, South of G Road on Sperber Lane.

PETITIONER'S PRESENTATION

Mr. Fred Sperber of 2665 Sperber Lane, Grand Junction, CO. explained the original road has been extended beyond the cul-de-sac; therefore, eliminating the need for a portion of the cul-de-sac right-of-way. He also requested that the 4.5 acres be subdivided into five lots.

STAFF PRESENTATION

Mr. Thornton explained the portion being vacated on the cul-de-sac is that portion necessary to straighten out the right-of-way lines.

Mr. Sperber has his home on one lot, with the remaining 4 lots to be developed if this is approved.

The current zoning is RSF-4; a zoning change is not being requested.

The following Review Agency Comments have not been satisfactorily addressed:

City Engineer Comments:

- 1) The roadway itself is chip and seal and is not adequate. The City Engineer requires that the road be reconstructed full width along the frontage of lots 1,2, and 3 to the proposed rural road standard (that which is being proposed by public works at this point). The rural standard is a 24 feet wide pavement width. In this case the thickness will depend on the existing base thickness.

Mr. Thornton explained the background information on the road in question. In 1990 the Commission recommended this be a standard subdivision road (with curb, gutter, sidewalk). The petitioner, Mr. Sperber, requested a waiver be granted through City Council. A resolution found stating that the Public Works & Utilities Director

must approve the road standard was applied. The road in question was approved by the Director about 1 1/2 years ago but has now become somewhat deteriorated. Due to this deterioration, it needs to be upgraded to at least the proposed rural standard.

- 2) The City Engineer requires changing the radius on the horizontal curve at the southeast corner of Lot 3 to meet minimum requirements for a turning roadway.
- 3) A new culvert is required where the drainage from Lots 1,2, and 3, Block 1 crosses Sperber Lane. Drainage easement is required from Sperber Lane south to the property line to ensure no one builds over the drainage easement.
- 4) The City Engineer also is requiring a street light on the horizontal curve at the southeast corner of Lot 3.

Community Development Comments:

Requires an Improvements Agreement and Guarantee for road improvements, extension of the sewer line to the north, installation of the street light and any other public improvements required.

Staff recommends approval of the final plat subject to the review agency summary sheet comments and with the following condition:

All road improvements be approved and accepted by the City Engineer and the City Public Works Director.

Staff recommends approval of the vacation of a portion of the cul-de-sac on Sperber Lane.

Mr. Thornton stated the road was surrounded by county roads, thereby the proposed standard would fit with the surrounding area roads.

PUBLIC COMMENT

There were no public comments either for or against this proposal.

QUESTIONS

Commissioner Anderson asked about the variable width at the curve?

Mr. Newton explained there would be a variable width at the horizontal curve if this radius were increased to 80 feet from the center line. The alternative was to vacate right-of-way on the east side.

Chairman Halsey asked the City Engineer about the original requests

for this area to have full width, curbs and sidewalks?

Mr. Newton agreed this was the original requirement and recommendations to Council; however, the rural road standard has since been proposed. At this time, staff is asking for an upgrade of the existing pavement.

Mr. Newton stated other items which need to be changed are the drainage going across the road and the drainage easement, also the new culvert is required.

MOTION (COMMISSIONER ROBERTS) "MR. CHAIRMAN, ON ITEM #76-91, A REQUEST TO VACATE A PORTION OF CUL-DE-SAC ON SPERBER LANE, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO THE REVIEW AGENCY SUMMARY SHEET COMMENTS."

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed unanimously by a vote of 4-0.

MOTION (COMMISSIONER ANDERSON) "MR CHAIRMAN, ON ITEM #76-91, A REQUEST FOR A FINAL PLAT ON APPROXIMATELY 4.5 ACRES, I MOVE THAT WE APPROVE THIS SUBJECT TO THE REVIEW AGENCY SUMMARY SHEET COMMENTS WITH THE ADDITION OF THE DRAINAGE EASEMENT AND TO THE FOLLOWING CONDITION: ALL THE ROAD IMPROVEMENTS BE APPROVED AND ACCEPTED BY THE CITY ENGINEER AND THE CITY PUBLIC WORKS DIRECTOR."

The motion was seconded by Commissioner Roberts.

A vote was called, and the motion passed unanimously by a vote of 4-0.

VII. GENERAL DISCUSSION

Chairman Halsey suggested a meeting with the new Commissioners prior to the February 4, 1992 meeting to discuss the Commission's goals, and to bring them up-to-date on current items.

VIII. NONSCHEDULED CITIZENS AND/OR VISITORS

There were no nonscheduled citizens and/or visitors.

The meeting was adjourned at 10:45 p.m.