

**GRAND JUNCTION PLANNING COM
Public Hearing -- April 3,
7:30 p.m. - 8:02 p.m.**

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

All Planning Commission members were present:

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| Steve Love, Chairman | Ron Halsey | Jim Tyson |
| Sheilah Renberger | John Elmer | Jim Bittel |

In attendance, representing the City Planning Department was Karl Metzner.

Bobbie Darlington was present to record the minutes.

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

I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, I MAKE A MOTION TO ACCEPT THE MINUTES OF THE MARCH 6, 1990 MEETING."

Commissioner Halsey seconded the motion.

A vote was called, and the motion passed by a vote of 5-0, with one abstaining vote by Commissioner Renberger. She stated that she had not read the minutes.

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

There were no announcements, presentations and/or pre-scheduled visitors.

III. PUBLIC HEARING

- 1. #16-90 REZONE FROM I-1 TO PZ FOR THE COUNTY JAIL FACILITY.
Petitioner: City of Grand Junction, Karl Metzner
Location: 215 Rice Street**

PETITIONER'S PRESENTATION

Karl gave an overview presentation of the proposal. The Public Zone is the only zone that is dependent upon ownership rather than uses. Mesa County has purchased the property at 215 Rice Street and has requested a rezone with the intended use as the new county jail facility. The proposed site is located between Main Street, Crosby Avenue, Rice Street, and State Hwy 340 also known as Broadway.

Because the property is now owned by a public entity, City regulations allow the zoning to be changed to Public Zone. Within the Public Zone, jails and similar type uses require the application for a Special Use Permit, which is a separate process. Even though the rezone may be approved, the County must apply for a Special Use Permit before they can construct a jail facility. The rezone does not, in any way, guarantee the approval of a specific site plan for the jail. The special use permit requires the same type of public notification as the rezoning. A public hearing is not required, since a special use is a staff approval process; however, if there is a considerable amount of property owner opposition in the neighborhood, and if there are site characteristics or technical requirements that can't be resolved, then it can be referred to the Planning Commission.

Chairman Love asked what considerations would be addressed with the Special Use application.

Karl replied that the primary concerns would be traffic circulation, parking, screening and landscaping, and buffering to the neighboring uses.

PUBLIC COMMENTS

George Wheeler, 3045 Teller Ave, owns property south and east of the proposed jail site. Mr. Wheeler stated that he did not have a problem with the proposed zone, but was concerned with the County's plans of removing an existing railroad spur located on the north side of his property. Mr. Wheeler said if he would cease to have another use for his property, he may want the ability to use that railroad spur again. The County has indicated that they may be interested in purchasing his property, if so, then according to Mr. Wheeler the problem is resolved. Mr. Wheeler stated that the County gave him a copy of the proposed site plan for the jail facility. The proposed jail would lie on top of the existing railroad spur. Mr. Wheeler stated that the County's position is that the railroad spur has no value, however Mr. Wheeler did not totally agree with this.

Dan Wilson, City Attorney, stated that his assumption was that the railroad spur had value to the extent that the property can be used in connection with the railroad as a shipping outlet. Dan suggested that Mr. Wheeler request proof from the County that the spur has no value, or that they purchase his land. Dan suggested that Mr. Wheeler contact the County Commissioners directly to get his concerns on record. This issue can be considered in the final plan, but ultimately the issue of dollar acquisition and other related issues would have to be decided by the County Commissioners.

Commissioner Elmer asked if the railroad spur is private or if it is owned by the railroad.

Mr. Wheeler said it is owned by the railroad, and it has been in use since approximately 1928.

Commissioner Elmer stated that since the railroad owns the spur, they will definitely have a say in what happens to it.

Karl stated that since this concern has been brought to our attention, the County will be asked to address this in the Special Use Permit process.

Mr. Wheeler said when he originally talked to the Railroad they indicated that the spur would not be taken out. Mr. Wheeler said that the County insisted that it be removed. The spur was left on his property, but it was removed from the County's property.

Dan Wilson asked if the spur ended on Mr. Wheeler's property or on the property to the north.

Mr. Wheeler said that the spur divides his and Mr. Voytilla's property and ends on Spruce Street.

When asked who owned the parcels of land the County is purchasing, Karl stated that Boise Cascade was the owner.

Dan Wilson said that he had assumed the property had already closed. He wondered if it was premature to designate the property with the Public Zone since the deal may still unravel. If the property is zoned PZ and the deal falls through, it would be necessary to rezone the property again.

Karl explained that there is a contingency in the contract that if the City zones the property and approves the Special Use permit then the County must buy and Boise must sell. If a permit is not issued, then the County is not obligated to buy.

Dan said given that clarification, the process can proceed.

Karl added that this item would go before City Council at the second meeting in April.

Dan requested that Karl obtain a copy of the purchase agreement from the County.

Commissioner Renberger asked if the zoning would remain as approved, if the deal fell through.

Dan said that if the deal fell through and the land went back into private ownership, then staff would come before the Planning Commission recommending that the previous zoning be reinstated.

Commissioner Renberger asked if there was a stipulation in the contract that would automatically revert the zone back to the original zone.

Dan stated that he has not seen the contract, but understood that if the deal fell apart, an automatic reversion of the zoning could not be done; there would have to be an opportunity for public input.

Chairman Love said that in past practice, the Commission has approved or recommended approval of similar items subject to the transaction closing.

Dan concurred with this. This would be a contingent zoning so that when the deal closes the process would be complete. The ordinance can be written so that it is effective upon transfer of title.

Karl said he did not see a problem in having the last reading of the Rezone coincide with the Special Use approval.

Commissioner Renberger was concerned that there would be adequate parking at the jail facility.

Karl answered that an official development plan has not been submitted, but the parking would be addressed in the Special Use process. Karl stated that the City does not have parking standards for prisons and jails. Research has been done on other similar type facilities, and the conclusion was to base the number of parking spaces on the total square footage of the facility.

Dan asked if the County contemplated vacating the west end of Main Street.

Karl stated that he was not aware of any intentions to do this; however, he added that if the County purchased additional land to the east side of Rice Street, they may request a vacation of Rice Street to make the whole project one integrated unit.

MOTION: (Commissioner Elmer) "Mr. Chairman, on item #16-90, a request for rezone from Light Industrial to Public Zone, I move that we forward this on to City Council with the recommendation of approval contingent on the completion of the transfer of ownership."

Commissioner Halsey seconded the motion.

A vote was called, and the motion passed unanimously by a vote of 6-0.

NONSCHEDULED CITIZENS AND/OR VISITORS

Dan Wilson introduced John Shaver, assistant City Attorney, to the Planning Commission. Dan gave a brief overview of John's qualifications. John will be assigned to and attending the Planning Commission meetings. He will also be involved with the Board of Appeals and various land use issues.

John Shaver added that it would be his pleasure to attend, advise and serve the Planning Commission.

The meeting was adjourned at 8:02 p.m.