

GRAND JUNCTION PLANNING C
Public Hearing -- May 1, ----
7:35 p.m. - 9:10 p.m.

The public hearing was called to order by Chairman Steve Love at 7:35 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission, were:

Steve Love, Chairman	Jim Tyson	Jim Bittel
Sheilah Renberger	Katie Worrall	John Elmer

Commissioner Halsey was absent.

In attendance, representing the City Planning Department, were:

Karl Metzner and Kathy Portner

Bobbie Darlington was present to record the minutes.

There were approximately 17 interested citizens present during the course of the meeting.

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I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, I MOVE THAT WE APPROVE THE MINUTES OF THE APRIL 3RD, 1990 MEETING."

Commissioner Renberger seconded the motion.

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

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Love welcomed Katie Worrall as the newest member of the Planning Commission. Katie gave a brief overview of her qualifications. Katie has been a resident of Grand Junction for 11 years, a homeowner, and is interested in the community. She is a full-time student soon to finish with a MBA.

Annual election of chairperson and vice chairperson was held.

MOTION: (COMMISSIONER ELMER) "I MOVE TO NOMINATE STEVE LOVE FOR ONE MORE TERM."

Seconded by Commissioner Bittel.

There were no other nominations. A vote was called and the motion passed unanimously by a vote of 5-0, with Chairman Love abstaining.

MOTION: (COMMISSIONER BITTEL) "I MOVE TO NOMINATE RON HALSEY FOR ANOTHER TERM AS VICE CHAIRPERSON."

Seconded by Commissioner Elmer.

There were no other nominations. A vote was called and the motion passed unanimously by a vote of 6-0.

III. PUBLIC MEETING

- 1. #28-88 CONDITIONAL USE FOR A DAY CARE HOME - REVISED DEVELOPMENT SCHEDULE**
A Request for extension of development schedule for an approved Conditional Use for a day care home on .28 acres in a RSF-8 Zone.
Petitioner: Lyman & Wanda R. Whitney
Location: 2012 North 7th Street

PETITIONER'S PRESENTATION

Wanda Whitney gave a brief overview of her request for an extension. Ms. Whitney explained that her initial day care license was for six children, later she applied for the larger license in order to have additional children. The City Engineer requested that she concrete her driveway from the back of the curb line to the back of the sidewalk, which she intended to do, but the month she received the license for twelve children, she was admitted in to the hospital for emergency surgery. Because of the additional medical expenses, she was not financially able to meet this request. She asked the Planning Commission for a one year extension so that she could fulfill this requirement. Ms. Whitney asked whether the drive needed to be concrete or if another type of less expensive treatment would be allowed.

STAFF PRESENTATION

Kathy Portner stated that the City Engineer stipulated that the driveway needed to be concrete. Ms. Whitney and the City Engineer would have to negotiate alternatives. Kathy felt that a one year extension was warranted because of Ms. Whitney's financial situation. After one year, the day care operation would be reviewed to make sure the improvements were in, or another request can be made for an extension.

QUESTIONS

Chairman Love asked if it has been a year since the last request for an extension was made.

Kathy replied that the Planning Commission originally granted a one year time frame to complete the required improvements. The Whitney's were given another extension by the City Staff because the license had not come through. The additional extension was to this Spring.

Commissioner Bittel asked Ms. Whitney how many children she was caring for at the present time.

Ms. Whitney replied that she has six now, which is the most she has ever had.

PUBLIC COMMENT

John Ellis, 1920 North 7th Street, expressed his opposition to this request. Mr. Ellis stated that he couldn't understand why the Planning Commission would approve a business in a residential zone. He made mention of a petition that some of the neighbors had signed at the time the day care was first approved.

Chairman Love stated that the day care was allowed with a conditional use permit, and asked the staff to explain the characteristics of the permit.

Kathy explained that a conditional use is not a rezone, rather it is to allow certain uses, in this case, within a residential zone that can be made compatible with residential areas. The conditional use is only good for a day care operation and can not be used for any other type of business.

Mr. Ellis asked if there was a limit to the size of the day care.

Kathy replied that the proposal stipulates the maximum number of children allowed, which is again stipulated by the license, which is for twelve children.

Mr. Ellis contended that the day care was a business in a residential zone.

Commissioner Elmer asked if the 7th Street Corridor Guidelines extended this far, and if so did the day care operation meet the requirements in the guidelines.

Kathy responded that the corridor guidelines do not specifically address day care facilities. The Code states that a day care can be appropriately located within a single family zone.

Dorothy Whittington, 952 East Gunnison, Fruita, Colorado, assisted with the operation of the day care while Wanda Whitney was ill. She felt that Ms. Whitney ran a excellent day care center, adding that the kids are very well taken care of.

MOTION: (COMMISSIONER RENBERGER) "MR. CHAIRMAN, ON ITEM #28-88, A REQUEST FOR AN EXTENSION OF A DEVELOPMENT SCHEDULE FOR AN APPROVED CONDITIONAL USE FOR A DAY CARE HOME, I MOVE THAT WE GRANT THIS EXTENSION FOR A TIME PERIOD OF ONE YEAR, TO THE REGULARLY SCHEDULED MEETING IN MAY OF 1991, AT WHICH TIME IT WILL BE RE-EVALUATED."

Seconded by Commissioner Worrall.

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

- 2. #32-89 REVOCATION OF CONDITIONAL USE FOR AUCTION GALLERY**
A request to revoke a Conditional Use Permit for an Auction House in a Retail Business (B-3) Zone for noncompliance of the conditions of the approved permit.
Petitioner: City Planning Department
Location: 701 Main Street

Kathy Portner asked that this item be tabled until the June meeting. She stated that the Auction Gallery would be meeting with the City Council at their hearing tomorrow night to request a payment schedule.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM # 32-89 REVOCATION OF CONDITIONAL USE FOR AUCTION GALLERY, I MOVE THAT WE TABLE IT UNTIL THE REGULARLY SCHEDULED MEETING IN JUNE OF 1990."

Seconded by Commissioner Worrall.

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

- 3. #45-89 MINOR CHANGE FOR NELLIE BECHTEL GARDENS APARTMENTS**
A REQUEST FOR A REVISED SITE PLAN WITH THE ADDITION OF PARKING SPACES FOR THE NELLIE BECHTEL GARDEN APARTMENTS.
Petitioner: Jay L. Cooke
Location: 3032 North 15th Street

Commissioner Bittel excused himself from participating in this item due to a potential conflict of interest.

PETITIONER'S PRESENTATION

Richard Cline, representing the petitioner, 8500 West 68th Avenue, Arvada, Colorado, gave a brief presentation of the proposal. Mr. Cline explained that the purpose of the additional parking spaces was to make the apartment complex a general use rather than being restricted to elderly housing. He added that the lender has made this a requirement for the loan.

Mark Eckert, County Administrator, 750 Main Street, read a letter from The Board of Mesa County Commissioners to the Planning Commission. This letter was entered into the record. In summary, the letter read, the Board of Mesa County Commissioners request the Planning Commission's consideration for removal of the zoning restriction based on the number of parking spaces. Mesa County is not a party to the request, but has interest as the current owner and seller under contract to the applicants. It is the County's understanding that the application is a requirement for financing imposed by the lending institution from which the buyers are seeking a loan. Mesa County suggests that the sale of Nellie Bechtel Gardens will be to the benefit of all county taxpayers.

QUESTIONS

Chairman Love asked what the balance of the indebtedness allocated to Nellie Bechtel Gardens was.

Mr. Eckert explained that the County presently owes approximately \$2.2 million on the bonds. The sales price of Nellie Bechtel is \$1.6 million. The County will lose approximately \$600,000 plus prior year subsidies which have already gone into the project. He added that this is the best offer the County has had.

Chairman Love asked if the County would be subsidizing this project over the next 4 or 5 years.

Mr. Eckert said the debt is actually infinite until the building is sold. This is the first year the County will be breaking even as far as the operating costs; the debt retirement remains. In the future, additional operating expenses will be incurred such as painting, infrastructure, etc.

Chairman Love asked if the property were sold, would the County apply the proceeds to the note balance and still have some residual to deal with.

Mr. Eckert responded affirmatively.

Commissioner Elmer asked for clarification regarding the stipulation that the property be restricted to elderly uses by the bond documents. Is there a stipulation in the contract between the buyer and seller that requires the buyer to keep the complex elderly until the County liquidates the bonds.

Mr. Eckert replied that the actual liquidation of the bonds would take place very quickly after the time of the sale. The general wording in the contract suggests that it would be the desire of the County to maintain Nellie Bechtel as elderly housing, but as the letter states, the County would have no control over this matter after the purchase.

STAFF PRESENTATION

Karl Metzner gave a brief presentation and history of the proposal. Previously, the rezone request was from Public Zone to Planned Residential as approved by the Planning Commission. The existing number of parking spaces are suitable for elderly housing. For a general multifamily apartment complex, additional parking would be needed. The request is to amend the previous plan by adding 28 additional parking spaces and lifting the restriction on elderly housing based on that fact. Even after reducing the landscaping through additional parking spaces, the landscaped area will still be in excess of the required amount.

Commissioner Renberger asked if the bonds were voted on by the people. She also expressed her concern that the building remain elderly housing.

Mr. Eckert replied that it was not voted on by the people. Only the bond documents themselves state that this should remain elderly in nature.

Mr. Eckert stated that the board has met with the resident's of Nellie Bechtel on several occasions. The County, from a fiscal standpoint, needs to retire this debt. He added that the buyers have extensive experience in running this type of operation.

Chairman Love asked for clarification on which of the two requirements the lender was concerned with; the restriction on the bond documents, or the restriction placed by the Planning Commission.

Mr. Cline stated that the lender was concerned with the restricted use. The buyers have met, on two different occasions, with the residents of Nellie Bechtel. It is not our intention at this time to change it from the elderly use. The residents are more concerned with the public view of Nellie Bechtel being subsidized housing.

Commissioner Elmer asked Mr. Cline if there were any assurances that if there was a change in use that the current tenants would be properly notified and treated fairly.

Mr. Cline stated those issues have not been addressed because it was not their intention to change the use. The problem with Nellie Bechtel today is its high vacancy. Our goal is to lower the vacancy rate. Mr. Cline agreed that the residents should be treated fairly.

John Shaver, Assistant City Attorney, stated that his understanding was that the elderly housing restrictions were specific to the limitations on the parking. He advised the Commission to be careful to separate the policy issues from the actual physical issues that are presented.

Mr. Eckert reiterated that the County intended to sell Nellie Bechtel, if not to this buyer, then to someone else. If the Planning Commission wants to get into policy issues, then ask why should the people in Gateway, Whitewater, Fruita, and Clifton, etc. help pay for this. Through their property taxes, these jurisdictions subsidize this project each year, and it only promises to get worse.

Mr. Eckert asked his manager how many apartments were occupied at this time.

Nate Geesman, 3032 North 15th Street Apartment 1207, the manager of Nellie Bechtel apartments replied that there is a total of 96 apartments, 83 are occupied.

Mr. Eckert added that this was an all time high for occupied apartments. This building has been on the market for three years which has hindered the efforts to attract additional elderly people. Making this sale and settling it into a private ownership may do more for the stability of that complex, its financial success, and the stability of these peoples lives than that of the continued roller coaster they're on with the County's efforts to market it.

PUBLIC COMMENT

FOR:

Nate Geesman, spoke in favor of the petitioner. He stated that the residents met with the buyer who has relieved many of the concerns they had. There is a law that states if 80 percent of the residents are over 62 years of age, younger residents can be discriminated against. At the present time, 87 percent of the Nellie Bechtel residents are 62 and over.

Commissioner Elmer asked how many people were present at the meeting with the buyers.

Mr. Geesman stated that he did not have an exact count, but approximately 55 chairs were filled, plus additional chairs which were brought in, plus there were quite a few people standing.

AGAINST:

No one spoke in opposition of the proposal.

QUESTIONS

Commissioner Elmer had concerns regarding the potential change of use. He asked Mr. Geesman if the tenants understood that the new owners could essentially change the use tomorrow.

Mr. Geesman stated that this had been explained to the residents; their main concern was that it remain elderly. As long as 80 percent of the residents are over 62 years of age, it can remain elderly housing.

Mr. Cline concurred with Mr. Geesman, stating that it made good economical sense to keep it elderly. Mr. Cline felt that the resident's main concern was that the general public viewed Nellie Bechtel as a subsidized apartment complex, which it isn't. The current instability of ownership is the reason for the low vacancy problem.

Chairman Love pointed out that the Planning Commission would make the final decision on this item.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #45-89, A REQUEST FOR A REVISED SITE PLAN WITH THE ADDITION OF PARKING SPACES FOR NELLIE BECHTEL GARDEN APARTMENTS, I MOVE THAT WE APPROVE THE REVISED PLAN AND REMOVE THE ELDERLY HOUSING RESTRICTION."

Commissioner Tyson seconded the motion.

A vote was called, and the motion passed unanimously by a vote of 5-0.

IV. PUBLIC HEARING

- 1. #18-90 TEXT AMENDMENTS FOR 1990.
A request to amend Section 4-3-4, 4-6-2, 5-1-9 and Chapter 12 of the Grand Junction Zoning and Development Code.
Petitioner: City of Grand Junction**

PETITIONER'S PRESENTATION

Karl briefly outlined the recommended text amendments. There are two changes to Section 4-3-4. The first is to change the category of 'outside sale of retail goods' from a special use to an allowed use in the business, commercial, light industrial, and public zones. The second is to allow indoor animal clinics as a special use in the limited business zone.

Chairman Love asked for clarification of the difference in the requirements for a Special Use Permit and a Conditional Use Permit.

Karl said that they are equally restrictive, but the Special Use is less procedural. They both meet the criteria set forth in the Code. A special use can be approved by staff. If it does not meet the criteria, or if there are significant neighborhood objections, it can be referred to the Planning Commission. There are no signs posted or a legal ad placed, notification would be made by mail for the Special Use.

Commissioner Elmer was concerned that the public would have adequate opportunity for input on sensitive items.

Karl reiterated that in past cases when there was substantial neighborhood concern regarding the use and its potential impact, it was referred to the Planning Commission.

Commissioner Elmer asked if there would be any boarding of animals allowed in the indoor animal clinics.

Karl indicated that there would not be any boarding of animals, although an ill animal could be kept overnight.

Commissioner Elmer asked if the conditional use for an indoor animal clinic in a B-2 zone was consistent with this request.

Karl stated that the B-2 zone is a neighborhood business zone which is designed to be integrated in the middle of a residential area. The B-1 is more of a buffer zone between residential and heavier uses. It is consistent with the other types of B-1 uses, that is why a special use is recommended.

Karl continued with the amendment to Section 4-6-2 to revise a paragraph in the conditional use section. The amendment does not change the intent. The conditional use is valid as long as the uses are maintained and operated in compliance with the terms and conditions of the approval. If the use is discontinued for one year or longer then its no longer valid. However, before it is invalid, we must send notice to the individuals giving them seven days to request a hearing for an extension.

Commissioner Elmer stated that he felt seven days was too short.

Mr. Shaver stated that generally it is deemed to be seven days from receipt from the U.S. Postal Service, not seven days from the date of the notice. He suggested that this be specifically addressed in the amendment.

Discussion ensued on extending the time to 14 days or mailing the notice by certified mail and leaving it at seven days.

Karl stated that the staff recommendation was to change the wording from 'mailing of such notice' to 'within seven days of receipt of such notice as shown by return receipt from the U.S. Postal Service'.

Karl continued with the amendment to 5-1-9 by adding a section to Home Occupation for clarification which is more for the benefit of the general public, so that the acceptable and unacceptable home occupations are better understood.

Commissioner Elmer felt that a real estate office (referring to the acceptable home occupations) would generate a considerable amount of traffic.

Karl explained the home occupation restrictions. No one not actually dwelling in the residential unit may be employed in the home occupation; not more than six customers per day shall be allowed to visit the dwelling unit, etc.

Commissioner Elmer asked for clarification regarding the change of the definition allowing home occupation in an accessory structure.

Karl said the current definition only allows a home occupation within a principle residence, the change is to allow a home occupation in a detached structure, i.e. a detached garage. The structure can not be altered for the purpose of the home occupation.

Commissioner Bittel pointed out that a person could build a garage with the intent of using it for their business.

Karl said that it probably would be caught if it was within a year or two. The instance of this happening is minimal.

Commissioner Renberger expressed her concern in allowing businesses in residential areas.

Chairman Love asked John Shaver if an amendment to the motion was necessary to include the recommended changes.

Mr. Shaver stated that the Commission can direct the staff to make the requisite changes that were discussed and incorporate them into the record. A formal amendment is not required.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN ON ITEM #18-90, A REQUEST TO AMEND SECTION 4-3-4, 4-6-2, 5-1-9 AND CHAPTER 13 OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL WITH THE CHANGES DIRECTED TO THE STAFF."

Commissioner Worrall seconded the motion.

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

GENERAL DISCUSSION

Karl announced that a Planning Commission workshop is scheduled for the 15th of May.

Mr. Shaver pointed out that the text amendment on the agenda referred to Chapter 12, the motion was made referencing Chapter 13.

Commissioner Elmer and Commissioner Worrall agreed to allow the change in their motion.

The meeting was adjourned at 9:10 p.m.