

GRAND JUNCTION PLANNING COMMISSION
Public Meeting--June 7, 1988
7:30 p.m. - 10:45 p.m.

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

In attendance, representing the City Planning Commission, were:

Jean Sewell	Karen Madsen
Steve Love, Chairman	Jack Campbell
Ron Halsey	

In attendance, representing the City Planning Department, were:

Kathy Portner Mike Sutherland Karl Metzner

Terri Troutner was present to record the minutes.

There were approximately 39 interested citizens present during the course of the hearing.

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I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, REGARDING THE MINUTES OF THE APRIL 5TH MEETING, I MOVE THAT WE ACCEPT THOSE AS SUBMITTED."

Commissioner Campbell seconded the motion.

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

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Chairman Love announced a change in the sequence of items to be heard. Item #3 on the agenda would be heard before item #2.

Chairman Love also announced the upcoming NEA special meeting to be held at the Holiday Inn at 7:00 p.m. on June 16. Speakers with expertise in riverfront development will be presenting ideas which might be integrated into the overall Grand Junction/Mesa County Riverfront Project. A reception will be held on June 14 and begins at 5:30 p.m.

An election of new Chairperson/Vice-Chairperson for the coming year was called. Nominations were made to elect Steve Love as continuing Chairman and Karen Madsen as continuing Vice-Chairperson. Nominations ceased, the vote was called and the nominations were approved unanimously.

III. MEETING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

1. #16-88 HEARING ON A RIGHT OF WAY VACATION

Petitioner: Harold and Rosemary Lippoldt
Location: Heather Drive between Ivanhoe Way and Ash Drive

A request for a right of way vacation.

Due to a possible conflict of interest, Commissioner Campbell abstained from voting on this item.

PETITIONER'S PRESENTATION

Rosemary Lippoldt, 2637 Heather Drive, felt that the vacation should be granted since the road had never been improved and thus, she felt it to be little more than a "cowpath." She said that the City had no desire to maintain the road since it did not meet city standards, and the expense of maintenance was too much for surrounding residents to bear. Vacating this portion of road would provide for additional garden and yard area which she felt would be more of an asset than an unused road. Utility easements, however, would be retained. Consideration may be given to a possible walkway easement which would extend from east to west, consist of asphalt or cement, and fencing on two sides. The cost for this as well as maintenance of the walkway she felt should be born by either the City or the neighborhood Homeowners Association.

QUESTIONS

There were no questions at this time.

STAFF PRESENTATION

Kathy Portner clarified the location of the R.E.A. easement, which would cross the existing right of way.

QUESTIONS

There were no questions at this time.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Warren Reams, 899 24 1/2 Road, owner of property near the proposed vacation, wanted to see the rights of ingress/egress preserved.

PETITIONER'S REBUTTAL

Ms. Lippoldt stated that both police and fire departments indicated this road could not be used for emergency access. It also did not provide an adequate link between Ivanhoe Way and Ash Drive.

QUESTIONS

Commissioner Sewell asked if the road was in use at this time.

Ms. Lippoldt said that it was little used, since the road contained large potholes and made driving hazardous.

Commissioner Sewell asked if this was then being used as more of a driveway.

Ms. Lippoldt said that presently it was, and that if the vacation were granted, it would remain a driveway for them.

When asked if others in the area used the road, Ms. Lippoldt responded that perhaps those living in the next house or two to the north did.

Commissioner Sewell asked staff if there was any neighborhood opposition, to which Kathy replied that no written opposition had been received.

Chairman Love asked why many roads were not finished in this area.

Karl Metzner from staff was unsure since the development occurred in the County. Mr. Reams noted that road development in this area did not really start occurring until 1965; however, many streets were not, and are still not, finished. He felt that those which were completed came about through a bond of indebtedness by the County.

Chairman Love asked staff if the easement question would be clarified in the motion. Kathy replied that the easements were part of staff comments and, if so desired, a stipulation to include staff comments would be sufficient.

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, ON ITEM #16-88 THE RIGHT OF WAY VACATION, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION THAT THEY APPROVE IT SUBJECT TO STAFF COMMENTS."

Commissioner Halsey seconded the motion.

A vote was called and the motion passed unanimously by 4-0, with Commissioner Campbell abstaining.

2. #17-88 HEARING ON THE ADOPTION OF DOWNTOWN RESIDENTIAL NEIGHBORHOOD GUIDELINES

Petitioner: Grand Junction Planning Department
Location: Bounded by 1st and 12th Streets and North and Grand Avenues

PETITIONER'S PRESENTATION

Kathy Portner provided a brief history of why such guidelines had been necessary for future development in this area. She read the guidelines as developed by the Planning Department and the DDA, which included comments and concerns expressed by various area meetings.

She said that written comments had been received from Chris Kanaly expressing opposition to further expansion of commercial enterprises into the 500 block of Ouray and Chipeta, but condoning expansion of existing public service facilities (Older American Center and the Grey Gourmet). Thus there arose the question over whether a distinction should be made between the expansion of commercial businesses versus expansion of community services and facilities.

PUBLIC COMMENTS

FOR:

Chris Kanaly, 440 North 6th Street, talked with residents in the 500 block of Ouray/Chipeta as outlined in the guidelines, and felt that residents would be less likely to object to the expansion of a community service facility such as the Older American Center than the expansion of a business use such as the Teacher's Credit Union. He proposed adding wording to the end of paragraph #9 which would say "...unless expansion can be completed through the use of existing structures." This would give more expansion flexibility to these community service organizations.

Lisa Ferguson, corner 5th and Hill, presented comments regarding Mr. Kanaly's testimony; specifically. She pointed out that this should not be considered a one block issue. Residents in the area value the houses there as they are, she said. She felt that they didn't want a business coming in or expanding by removing existing single family structures. While she supported expansion by the Older American Center into the building currently occupied by the Teacher's Credit Union, she did not condone the expansion of the Teacher's Credit Union into the Older American Center or surrounding area.

Ross Transmeier, 2640 Texas Avenue, wanted to know what would happen to the old dilapidated homes which were not presently habitable in this 500 block area if they couldn't be renovated. Would they remain vacant lots? His proposal would be to place HUD approved manufactured housing on the vacant lots. Most of the lots in this area, he continued, were too small by themselves to accommodate a livable house. He felt that Building Code changes should be effected to allow housing of this nature onto some of the smaller commercial and residential lots. Mr. Transmeier passed around pictures of existing degenerating houses and drawings of proposed HUD approved replacement homes.

Chairman Love asked for clarification of the guidelines from staff. Kathy responded that this was a guideline only. It presented parameters for future development in the specified areas; it did not represent policy or enforce restrictions.

Alan Weakly, 1003 Chipeta Avenue, spoke in favor of the guidelines.

Jim Golden, 208 Country Club Park, owner of several parcels of property in this area, felt that paragraph #9 should not even be included with the guidelines. He did not want to see expansion of the Older American Center limited (which #9 would do). He also did not want to see expansion of the Credit Union limited. He suggested that the last paragraph #9 be deleted with a substitution added to the effect that "Expansion of existing uses or introduction of new uses compatible with existing uses should be permitted upon the demonstration that such uses will be sensitive to the adjoining neighborhood." Mr. Golden felt that this would give the neighbors greater flexibility in choosing future development for the neighborhood.

Paul Denning, 536 Ouray, Asst. Manager of the Credit Union, understood the concerns expressed by the surrounding residents in the 500 block of Ouray/Chipeta. He agreed with and expressed support for the guidelines with the exception of paragraph #9. The Credit Union, he said, was open to options; the two houses originally purchased were back on the market for sale. He

thought that the Older American Center might be interested in purchasing these for its expansion efforts. The Credit Union will be keeping its present location without plans for expansion.

At Chairman Love's request Kathy reread paragraph #9.

Skip Clifton, 525 Hill Avenue, thought that the Credit Union had a conditional use permit for their facility. He felt that paragraph #9 should remain as it is written, although he was personally not opposed to any expansion by the Older American Center.

Gary Ferguson, Director of the DDA, was concerned over what appeared to be a focus by residents on development of a specific block. He wanted to remind everyone that the guidelines affected a much larger area. A letter expressing further DDA comments has been made a part of the file.

Betty Fulton, 634 North 5th Street, spoke in favor of the proposed guidelines with the inclusion of paragraph #9 as written.

PETITIONER'S REBUTTAL

Kathy did not present a rebuttal, but reminded Commissioners that they may want to include the distinction of business use versus community facility use in the motion. She reiterated that paragraph #9, as written, would discourage all expansion of a non-residential nature, but reminded Commissioners that these were only guidelines by which to base (not enforce) future development in the specified area.

Discussion ensued between staff and the Commissioners regarding the expansion of uses, including the expansion of a non-residential use where renovation might retain the residential character of the house itself, but still would be considered a non-residential use expansion. Karl felt that this should also be a point which might be considered when making the motion.

MOTION: (COMMISSIONER SEWELL) "MR. CHAIRMAN, ON ITEM #17-88 THE ADOPTION OF THE DOWNTOWN RESIDENTIAL GUIDELINES, I MOVE THAT WE FORWARD THIS PROPOSAL ON TO CITY COUNCIL FOR APPROVAL."

The motion had no second and therefore died.

A further discussion ensued between staff and Commissioners over clarification of what the guidelines represented. Staff said that since these were just guidelines, not policies, exceptions could be made for individual circumstances. They would provide a direction for those seeking to further develop the areas outlined.

Another motion was sought.

MOTION: (COMMISSIONER SEWELL) "MR. CHAIRMAN, ON ITEM #17-88 THE ADOPTION OF THE DOWNTOWN RESIDENTIAL GUIDELINES, I MOVE THAT WE FORWARD THIS PROPOSAL ON TO THE CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."

Commissioner Madsen seconded the motion.

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

A break was called at 8:48 p.m.

The meeting reconvened at 8:58 p.m.

3. #19-88 HEARING ON THE REZONE RSF-8 TO PR-16 AND MILLER SUBDIVISION

**Petitioner: Seventh Day Adventist Church, Leo Warren
Location: 2554 Patterson Road**

Consideration of a rezone, and consideration of a minor subdivision.

PETITIONER'S PRESENTATION

Leo Warren, 2815 Patterson Road, representing the Seventh Day Adventist Church gave a brief overview of the proposal. The church is presently open once per week and hopes to open twice per week. A request for waiver of the fee is being sought.

STAFF PRESENTATION

Mike Sutherland felt the PR-16 zone would be appropriate for the area. The area was shown on the site plan, access was indicated. There still remained a question over an access easement, but this was being researched.

QUESTIONS

Chairman Love asked when staff anticipated a resolution of the easement question.

Leo Warren said that he had not yet received the abstract for the property showing dedicated easements.

Mike added that another option which could be taken is to place a "right turn only" sign at the corner of Patterson Road exiting the property, but this option was not preferable to access being located to the north and west of the church's storage facility.

Further discussion of this would take place when the easement question is resolved, hopefully within the next few days. Mike commented that if the Commissioners felt strongly about this issue, a stipulation regarding the easement could be added to the motion.

Commissioner Campbell asked whether the road designated on the site plan to the north of the storage facility would be the road used by the facility itself. How would this affect the property owner located directly to the north of them?

Mike replied that this was the particular road in question, and although it was shown on the site plan as a dedicated easement, it was actually shown as only a utility, not an access, easement. It was thought that an abstract was later recorded granting access to this road to the northern property owner. If an access easement was not granted, the church facility owners (or owners of the Miller property) would be within their rights to fence off that portion of road which had provided access to the northern property owner. This matter, it was felt, was one which would have to be discussed between the two property owners.

PUBLIC COMMENTS

Wes Dixon, 2564 Patterson Road, expressed some confusion as to the nature of the zone being proposed for this property. It was his concern that the zone not be conducive to later allowing a convenience store or other similar business into this area. A clarification of this point was given by Mike Sutherland. Mr. Dixon was also opposed to the "right turn only" sign proposal.

Ken Haining, 2554 1/2 Patterson Road, said that he was the property owner located directly to the north of the church's facility. He was concerned that his access might be cut off. The alternate route through Dewey Road, he continued, was a hazard as Dewey Road was not maintained and was often inaccessible during winter months and during times of heavy rain. He pointed out that the City had put up "private drive" signs at one time and he thought that meant the City had acknowledged his right to use the access in question.

Mike Sutherland suggested that the only inference on the part of the City was to acknowledge that the access was not public; therefore, any access not public would be considered private and posted that way. The action did not, however, assert ownership either way. Mike reaffirmed that this was a matter to be discussed between the two property owners. Mike asked Mr. Haining if Dewey Road was improved, would he use it?

Mr. Haining responded that it was possible, but that it would have to be improved such as to be able to withstand inclement weather conditions. At this time, he could give no definite answer.

Mr. Warren said that Mrs. Miller had the right to use the access until such time as the property in back of the church facility was blacktopped or developed.

QUESTIONS

Commissioner Campbell asked Mr. Warren if the church's facility would be opened for dispensation twice a week. What would the hours and traffic be?

Mr. Warren replied that he would like to be opened twice a week. Hours would be from 9:00 a.m. to 3:00 p.m. and traffic would vary up to 20 people, with 15 as an average.

La Vina Summers, 636 Horizon Drive, #707, corroborated Mr. Warren's figures for traffic projection.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, I MAKE A MOTION THAT WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF REZONE FOR #19-88 FROM RSF-8 TO PR-16 AND MILLER SUBDIVISION."

Commissioner Halsey seconded the motion.

A vote was called and the motion passed by a vote of 4-1, with Chairman Love opposing.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, ON ITEM #19-88 I MOVE THAT WE APPROVE THE MINOR SUBDIVISION, AND THAT A RIGHT-HAND TURN SIGN BE INSTALLED ON THE PATTERSON ROAD EGRESS, PROVIDING AN (ALTERNATE) EGRESS CANNOT BE FOUND."

Commissioner Halsey seconded the motion.

A discussion ensued over the inclusion of the right hand turn only sign at the end of the drive exiting onto Patterson Road.

MOTION: (COMMISSIONER CAMPBELL) "I WOULD LIKE TO AMEND THE PREVIOUS MOTION TO INCLUDE THAT A RIGHT-HAND TURN SIGN BE INSTALLED ON THE PATTERSON EGRESS, PROVIDING AN (ALTERNATE) EGRESS CANNOT BE FOUND."

Commissioner Sewell seconded the motion.

A vote was called to consider the amendment which was approved unanimously by a vote of 5-0.

A vote was called to consider the amended motion which was passed unanimously by a vote of 5-0.

4. #15-88 HEARING ON A TEXT AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPEMENT CODE, SECTION 4-3-4 USE/ZONE MATRIX

Petitioner: Patrick Belcastro

Consideration of a text amendment.

PETITIONER'S PRESENTATION

Len Wheatley, 1806 Palmer, outlined the proposal. His main point was that, with this being a lighter use for the area, it would reintroduce a more "sightly" business into the 5th Street Bridge area. Mr. Wheatley also pointed out that before becoming the Van Cleave Tire Recapping business, used car sales had existed at this location.

QUESTIONS

Chairman Love asked why a text amendment was being sought over a conditional use.

Karl Metzner responded to the question saying that current zoning did not allow the business to exist in this area under any circumstances. Mr. Belcastro's only option was to petition for a text amendment changing code requirements.

STAFF PRESENTATION

Karl Metzner gave a brief history of the area, saying that prior to the rewrite of the Code in 1981, there did exist a used car business at this location. At the time the Code was adopted, the business no longer existed. Those businesses which did exist but that were made non-conforming by the new Code were grandfathered in. Mr. Belcastro's business was not one of these since it had already ceased to operate as a used car sales lot. Karl felt that the lighter use for this area might be beneficial in encouraging a general "cleaning up" of this area.

QUESTIONS

Chairman Love wondered if this might "open a can of worms" allowing similar businesses in other I-2 zones.

Karl did not think this was possible since the other I-2 zones existing did not have the volume of traffic necessary for a used car sales business to succeed. In this way the 5th Street Bridge

area was considered unique. Karl did point out that the amendment need not necessarily be approved allowing the use unconditionally; it could also be considered as a conditional or special use in that I-2 zone. As a special or conditional use, the petitioner would have to comply with a stricter set of criteria than that which is set forth for the allowed use.

Commissioner Sewell asked the petitioner if he cared whether this amendment was approved as other than an allowed use, specifically, would he object to it being approved as a special or conditional use.

Mr. Warren responded that any option would be acceptable as long as he was allowed to operate his business.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

There were no comments against the proposal.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, ON ITEM #15-88 I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL, PERMITTING CAR SALES IN AN I-2 ZONE AS A CONDITIONAL USE."

Commissioner Halsey seconded the motion.

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

IV. GENERAL DISCUSSION: USE INTERPRETATION REGARDING LAW ENFORCEMENT GROUP HOMES

Karl Metzner said that there was nothing in the Code to actually define law enforcement groups homes, but that the two which come the closest are 1) residential group homes, receiving homes, care facilities and 2) specialized group homes. He felt that it might be better placed in the specialized group home category.

Gwen Griffin, Clinical Director of Community Services, Inc., said that the facility operated independently of the Division of Social Services. The "residents" are low-risk rated by the County's rating board. The facility, she felt, more closely operated as a group home, giving family therapy, individual counseling and require less strict control of the residents versus a typical lock-up unit. The average stay of residents is presently from two to six months.

She continued that at least half the residents are youth from the Western Slope. Security consisted of two full-time staff and 15 minute bedchecks at night. Security is considered tight, but not as restrictive as a lock-up unit.

When asked about the ratio of "escapes" or walk-outs, Ms. Griffin responded that this was a fairly new facility. In the last six months, however, seven persons walked out, but of those, three came back of their own volition.

Discussion ensued over this item between Ms. Griffin, the Commissioners and staff. It was determined that more information was required on what a law enforcement group home was. Other cities may be contacted.

Karl suggested that perhaps this instance should be used as a guideline in determining the criteria for the "law enforcement rehab. facility" which is listed in the Code, but as yet has no definition.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, I MOVE THAT WE TABLE THIS ITEM UNTIL MORE INFORMATION CAN BE OBTAINED."

Commissioner Sewell seconded the motion.

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

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