

GRAND JUNCTION PLANNING COMMISSION  
Public Hearing--July 5, 1988  
7:30 p.m. - 9:35 p.m.

The public hearing 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:

Ron Halsey	Jean Sewell
Dutch Afman	Jack Campbell
Steve Love, Chairman	

In attendance, representing the City Planning Department, was:

Karl Metzner

Terri Troutner was present to record the minutes.

There were approximately 26 interested citizens present during the course of the meeting.

\* \* \* \* \*

I. CONSIDERATION OF MINUTES

MOTION: (COMMISSIONER SEWELL) "MR. CHAIRMAN, REGARDING THE MINUTES OF THE JUNE 7TH MEETING, I MOVE THAT WE ACCEPT THOSE AS PRESENTED."

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 PRESCHEDULED VISITORS

There were no announcements, presentations and/or prescheduled visitors.

III. FULL HEARING

1. PUBLIC HEARING ON ITEM #21-88 RIGHT OF WAY VACATION

Petitioner: Harbert Investment Company  
Location: 1201 North 3rd Street and 260 North Avenue

Consideration of a vacation.

**PETITIONER'S PRESENTATION**

Ted Ciavonne, representing the petitioner, gave a brief outline of the request. The proposal included vacating the west 10' of 3rd Street from North Avenue north to the alley. He felt that the vacation would be compatible with surrounding uses and that, with proposed landscaping, be more aesthetic than what is presently there.

**QUESTIONS**

There were no questions at this time.

**STAFF PRESENTATION**

Karl pointed out that there was an excess 10' of right of way at this point on 3rd Street, so there were no objections to the vacation. However, utility easements should be maintained. No adverse comments were received from surrounding property owners or review agencies.

**QUESTIONS**

There were no questions at this time.

**PUBLIC COMMENTS**

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

**MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, ON ITEM #21-88 I MOVE THAT WE FORWARD THIS ONTO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL SUBJECT TO STAFF COMMENTS REGARDING THE EASEMENTS."**

Commissioner Afman seconded the motion.

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

**2. PUBLIC HEARING ON ITEM #20-88 REZONE RSF-4 TO B-1**

Petitioner: John and Sharon Gordon  
Location: 629 1/2 26 1/2 Road

Consideration of a rezone.

**PETITIONER'S PRESENTATION**

Harry Griff, representing the petitioner, began by saying that while a B-1 zoning would allow full use of the business currently operating at the 629 1/2 26 1/2 Road address, actually a PB (Planned Business) zone would be sufficient, since the Gordons

only wanted to maintain the current level of business operation out of their home. No expansion was sought, and should business grow to such a point that expansion is necessary, the Gordons would agree to relocate it. Currently, however, he felt that the Gordons had been experiencing financial hardship and were forced to move their consulting/engineering business into their home over five years ago when the local oil and gas industry took a turn for the worse. The Gordons, he maintained, presently have a staff of two full-time employees, and the Gordons themselves work for the business. No additional employees will be employed at this location. The three other employees on the Gordons payroll were all in the field and generally stay there.

Mr. Griff indicated that since the Gordons have been conducting their business out of their home since 1982, he did not understand why it should not continue. He felt that there had been no adverse impacts to the neighborhood, that the integrity of the area had been maintained. He noted that the City had known about the business since 1984 when the question arose concerning an easement on Mr. Gordon's property. He felt that those who have complained about the business were doing so because of the ill will created by this past easement problem.

The Planned Business zone, he felt, would be a lesser impact to the area. If granted, the Gordons would assure the Commission that they would not expand the business at this location, that no additional employees would be hired, no storage of heavy equipment or materials would be allowed on their property, and would agree that the zoning be applied to this business only and only as it is currently operating. He stated that these conditions could be made a part of the requirements for the Planned Business zone. If the zoning was not granted and the Gordons were forced to move their business, he felt that there would be disastrous effects felt by not only the Gordons but also those who worked there. The Gordons might be forced out of business, the employees may have to be laid off, Mrs. Gordon could no longer work in her home and care for her children as well, so additional expenses would be incurred by them in child care. As well, both Mr. and Mrs. Gordon received their salaries from the business and gained a benefit from using their home. He also pointed out that, according to Planning staff, the business would be completely acceptable except for the two employees working there who did not reside in the home. It was to retain these two employees that the rezone had to be sought.

A petition containing 26 signatures in favor of the rezone was presented to the Commission along with a picture of the residence. He thought that the area might also be considered a buffer zone between residential and commercial based on the 7th Street Corridor Guidelines. Therefore, the business as it was currently operating would seem appropriate. It was his feeling that the only basis for denial of this rezone would be the hypo-

thetical concern expressed by a few worried neighbors that the rezoning would have a "slippery slide" effect, thus opening the door to general commercial development in the area, and this, he felt, would not occur.

#### QUESTIONS

Commissioner Afman asked if those who signed the petition favored the B-1 or the PB zone.

Mr. Griff responded that the petition specified the B-1 zone, but recognized the PB zone as a more restrictive zone application, and should, therefore, be more desirable by neighbors.

Commissioner Afman asked about the number of employees there now, to which Mr. Gordon replied that besides he and his wife, only an engineer and bookkeeper worked there fulltime. Field employees came by occasionally, but did not stay long.

When asked by Commissioner Afman what kind of vehicles were parked at the residence, Mr. Gordon said that standard size pickups were currently used by the business.

Commissioner Campbell asked about the Gordon's clientele. Were most of their customers from Grand Junction?

Mr. Gordon replied that most of their clientele were out of town and some were out of state.

When asked about possible future expansion, Mr. Gordon said that no additional expansion would take place at this location, that only one additional person would even be able to "fit" in their basement business space, but that unless business nearly doubled, no expansion would take place.

#### STAFF PRESENTATION

Karl Metzner said that the Planning Department had received several letters of opposition to the rezone from Judith Heuton, John and Lee Ross, and Eugene Hanson. No objections, however, were received from the various review agencies. Karl acknowledged that Mr. Griff had responded to most of the concerns expressed by staff. While a B-1 zone would allow full office development, he felt that the PB zone would be better for the area and could be more restrictive.

#### QUESTIONS

There were no questions at this time.

## PUBLIC COMMENT

### FOR:

Kathy Hall, 2305 Pheasant Run Circle, spoke in favor of the proposal. She asked the Commissioners for understanding in a situation, she felt, was brought about as a direct result of the fallout of the oil and gas industry. She said that others she knew of were also working out of their homes due to financial necessity and the desire to stay in Grand Junction.

Pastor Thomas Spiegelberg, 632 26 1/2 Road, felt the PB zoning would be ideal. He has had no problems with the Gordons and didn't object to the rezone.

### AGAINST:

William Putnam, 627 Sage Court, opposed the proposal. He didn't feel the rezoning met a need when so much office space went unfilled. He felt that continuance of this use would upset the neighborhood, and that a rezone would, in effect, merely make an illegal use "okay." He wanted to see the residential character of the neighborhood preserved, and thought that the rezone would remain applicable to the property, not the individuals. Therefore, what was to stop another business from moving in if the Gordons ever sold their residence. Mr. Putnam submitted five petitions containing 52 signatures of those opposing the rezone.

When asked by Chairman Love if the residents would object to the Planned Business zoning over the B-1 zoning, Mr. Putnam said that if the business was run as "promised," it would be acceptable, but wanted to know how that could be guaranteed. The residents, he said, generally did not favor any commercial development in the neighborhood.

Kent Webster, 629 Sage Court, thought that if this residence were rezoned, what would prevent other commercial development from going in on the adjacent lots. He spoke against any commercial encroachment into the neighborhood. As well, Mr. Webster brought up the easement situation which occurred in 1984, and admitted a personal bias against the Gordons for this past action. He felt that any restrictions imposed on the PB zoning should be spelled out, and should be expressed so as to have consideration for the neighborhood.

John Emerson, 662 Round Hill Drive, wanted some assurance that other commercial enterprises would not move into this area.

Judith Heuton, 630 Sage Court, felt that some negotiation was needed to provide a satisfactory solution to both sides.

### PETITIONER'S REBUTTAL

Mr. Griff reaffirmed that there was no "conspiracy" involved in the Gordons asking for a PB zone instead of a B-1. It was thought that neighborhood objection might be less if a more restrictive zone were put into place controlling the nature of the Gordon's business. Mr. Griff reemphasized that the Gordons would be agreeable to restrictions imposed on this PB zone, as long as they could maintain their current business operations. He said that the question over the easement brought up in 1984 was regrettable, but thought that it should not bias the current situation.

Mr. Putnam spoke out saying that Mr. Griff's reference to this area falling under the corridor guidelines didn't apply, since the area in question was outside the boundaries named within the guidelines.

Chairman Love asked that when staff gave its rebuttal, it include an explanation of the different zoning as brought up at tonight's meeting, and to include the brief definition of home occupations.

### STAFF REBUTTAL

Karl provided a response to Chairman Love's request and pointed out the various differences in the PB and B-1 zoning, as well as briefly outlining the criteria involved in a home occupation.

Mr. Griff asked if the rezone would run with the land.

Karl responded that it would be difficult to tie the rezone with property ownership, but that it could be tied to a specific business use, i.e. Gordon Engineering, so that if that business should cease, so too would the PB zone revert back to its original zoning.

MOTION: (COMMISSIONER AFMAN) "MR. CHAIRMAN, ON ITEM #20-88 A REZONE FROM RSF-4 TO B-1, I MOVE THAT WE DENY THIS, BUT INSTEAD RECOMMEND APPROVAL FOR A PLANNED BUSINESS ZONE SUBJECT TO THE FOLLOWING CONDITIONS: 1) THE APPROVED BUSINESS SHALL BE ONLY THAT OPERATED BY THE APPLICANT WHO MUST ALSO LIVE IN THE HOUSE, 2) THE BUSINESS USE SHALL CONSIST ONLY OF ADMINISTRATIVE AND ENGINEERING FUNCTIONS AND SHALL BE LIMITED TO FOUR EMPLOYEES (INCLUDING MR. AND MRS. GORDON) AT THIS ADDRESS. ALL OTHER BUSINESS FUNCTIONS MUST BE CONDUCTED ELSEWHERE, 3) NO BUSINESS VEHICLES OVER THE SIZE OF A STANDARD PICKUP TRUCK MAY BE PARKED AT THE PREMISES, AND THAT THERE BE NO STORAGE OF HEAVY EQUIPMENT OR MATERIALS AT THE PREMISES, 4) NO ADDITIONAL SIGNAGE SHALL BE PERMITTED, 5) THE APPROVAL SHALL BE REVIEWED ANNUALLY TO ENSURE THESE CONDITIONS ARE COMPLIED WITH AND THAT THERE ARE NO ADVERSE IMPACTS ON THE NEIGHBORHOOD."

Commissioner Halsey seconded the motion.

Chairman Love commented that it was a shame that the Planning Commission was put into the position of mediator between neighbors. He didn't feel that it was the job of a Planning Commission to be placed in such a position, and hoped that future conflicts arising from the neighbors could be worked out through mutual cooperation and communication. Commissioner Halsey agreed with this position.

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

The Planning Commission took a break at 9:15 p.m., to reconvene at 9:18 p.m.

**3. PUBLIC HEARING ON ITEM #3-88 TEXT AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE**

Petitioner: Grand Junction Planning Department

Consideration of a text amendment.

**PETITIONER'S PRESENTATION**

Karl Metzner briefly outlined the proposed text amendment concerning setback requirements for corner lots under specific circumstances.

**QUESTIONS**

There were no questions at this time.

**PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**MOTION: (COMMISSIONER SEWELL) "MR. CHAIRMAN, ON ITEM #3-88 TEXT AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE, I MOVE THAT WE FORWARD THIS PROPOSAL ONTO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."**

Commissioner Campbell seconded the motion.

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

#### IV. PLANNING DEPARTMENT ITEMS FOR CONSIDERATION (PUBLIC MEETING)

Mr. Larry Follett, who resides in Salt Lake City, UT came before the Commission seeking a waiver of open space fees for the Sizzler Restaurant. He contended that although he knew there would be some fees associated with building the restaurant, he was not aware that the sewer and water fees would be so high. Therefore, he claimed financial hardship and said that the possible \$9,000 (his estimate) in open space fees would put him over budget. He pointed out that his business would hire locally and be a large, well designed development.

When asked by Chairman Love whether Mr. Follett knew about the open space fees, Mr. Follett responded that he was aware of the open space fees, but was not aware that the utility hookups would be so high.

Bob Manford, Chairman of the Parks and Recreation Board, stated that the open space fee amendment was only a year old and that it was fair. He didn't know how Mr. Follett arrived at the \$9,000 figure. The Parks Department, he contended, used every dollar received wisely and that it needed the money raised by the open space fees not only for parks development, but for things like the Lincoln Park Pool upgrading. He urged the Commission to avoid waiving the fees and creating what he thought would be an undesirable precedent.

Chairman Love asked if other restaurants in the Mesa Mall area had paid the open space fees.

Karl replied that Wendy's and McDonald's came in before the adoption of the amendment. Other developments which came in after adoption, however, were required to comply.

**MOTION: (COMMISSIONER SEWELL) "MR. CHAIRMAN, ON THE PROPOSAL TO WAIVE THE OPEN SPACE FEES FOR THE SIZZLER RESTAURANT, I MOVE THAT WE FORWARD THIS ONTO CITY COUNCIL WITH RECOMMENDATION OF DENIAL."**

Commissioner Afman seconded the motion.

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

#### V. NON-SCHEDULED CITIZENS AND/OR VISITORS

There were no non-scheduled citizens and/or visitors.

The meeting was adjourned at 9:35 p.m.