

GRAND JUNCTION PLANNING COMMISSION
Public Hearing--August 2, 1988
7:30 p.m. - 9:25 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:

Jean Sewell
Dutch Afman
Steve Love, Chairman

Jack Campbell
Ron Halsey
Karen Madsen

In attendance, representing the City Planning Department, were:

Mike Sutherland

Kathy Portner

Terri Troutner was present to record the minutes.

There were approximately 9 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER SEWELL) "MR. CHAIRMAN, REGARDING THE MINUTES OF JULY 5TH, I MOVE THAT WE APPROVE THESE AS SUBMITTED."

Commissioner Halsey 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

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

III. PUBLIC MEETING

1. #26-88 D&RGW RAILROAD SUBDIVISION, FILING #2, FINAL PLAT

Petitioner: D&RGW Railroad, Tom Logue

Location: Southwest railroad main line and South 7th Street.
Consideration of Final Plat.

STAFF PRESENTATION

Mike Sutherland began the presentation by outlining the request made by the D&RGW Railroad and giving a brief history of the railroad subdivision requests; tonight's proposal is the second of seven filings. Open space fees or land deeded in-lieu will be required of the proposal, but the D&RGW Railroad has requested

deferment of this until they either sell some of the property or are able to negotiate with the City for land in-lieu. Appraisals, however, will be obtained for lots 4 and 5 of this filing, and lot 2 of the first filing, which will provide a basis for the City in determining the open space fee amount. Currently, these properties are vacant. Mike indicated that staff would have no problems with the deferment, and felt that the City might be able to acquire additional riverfront property in this way. A statement either for or against the deferment should be made a part of the motion.

Other concerns included a conflict over a request by Public Service to dedicate approximately 60 feet of easement running between lots 4 and 5 of this filing. Presently, they are running lines through D&RGW Railroad property via revokable permit; no easement exists. The railroad is willing to give Public Service 30 feet for this easement; however, they feel that 60 feet is unreasonable and unnecessary. Some of the railroad properties are slated for annexation into the Downtown Development Authority's boundaries. No opposition has been received by the Planning Department.

QUESTIONS

Questions included whether a deferment of open space fees was a typical request, to which Mike responded that it was unusual, but would be noted in the file as outstanding until such time as they are either paid or land is deeded in-lieu of the fees. It was felt that the deferment in this instance might be to the City's best interest for future riverfront development. Appraisals would be done immediately and if the deferment extended beyond a year, another appraisal would be requested to allow for a current valuation of properties and related open space fees.

PETITIONER'S PRESENTATION

Tom Logue, representing the petitioner, outlined the requested Public Service easements on a site plan of the property. He compared what the railroad was willing to give versus what Public Service had requested. He maintained that 60 feet for an easement was unfair and that making it a condition of approval negated any chance the railroad might have in negotiating with Public Service. The railroad, he reiterated, was not so much opposed to Public Service having the wider easement as it was in ensuring that they were compensated for it.

QUESTIONS

Questions included whether the petitioner had any objection to immediate appraisals. Would the petitioner continue negotiations with Public Service if the 30 foot easement only was granted? How much space did Mesa Feed occupy (located on lot 1 of filing #2)? Why did the petitioner feel Public Service was asking for this wide an easement?

Tom Logue said that no objection would be made to obtaining immediate appraisals, although he did not know how long an appraisal took once initiated. The petitioner would continue negotiations with Public Service on any amount over the 30 feet originally agreed to. He felt the reason for this request was that the utility merely wanted to acquire free land. The location of Mesa Feed was indicated on the site plan. Steve Hebert, also representing the petitioner, pointed out that lots 4 and 5 did not necessarily need to be subdivided at this point in time; therefore, the railroad did not necessarily need to give even the 30 foot easement to Public Service.

There was much discussion over the Public Service and open space fee issues between Commissioners and petitioner and representative. Mr. Hebert noted that he had touched base with Planning staff regarding the deeding of land in-lieu, but that no real negotiations had taken place. Mike Sutherland responded to a question by saying that there was no minimum amount required for a utility easement.

MOTION: (COMMISSIONER AFMAN) ("MR. CHAIRMAN, ON ITEM #26-88 D&RGW RAILROAD SUBDIVISION FILING #2, FINAL PLAT, I MOVE THAT WE APPROVE THE FINAL PLAT, SUBJECT TO STAFF COMMENTS WITH THE EXCEPTION OF THE PUBLIC SERVICE REQUEST FOR 60 FEET, THAT IT BE REVISED TO 30 FEET, AND THAT THE OPEN SPACE FEES BE DEFERRED PROVIDING APPRAISALS ARE SUBMITTED FOR LOTS 4 AND 5 OF FILING #1 AS WELL AS LOT 2 OF FILING #1 WITHIN 60 DAYS OF APPROVAL BY CITY COUNCIL.")

Commissioner Madsen seconded the motion.

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

2. #25-88 CONDITIONAL USE FOR AUTO SALES AND REPAIRS IN H.O. ZONE

Petitioner: Lost Garage, Gregory Demers
Location: 2657 Hwy 50
Consideration of Conditional Use.

STAFF PRESENTATION

Mike Sutherland outlined the request for an auto sales and repair business. Although the repair business would be a special use, a sales lot is considered a conditional use. He provided a brief history of the property and felt that landscaping might be the only concern for this proposal. Due to the layout of the business, he felt a hardship may exist, and therefore recommended a landscaped area rather than overall landscaping. The petitioners were warned that no salvage operations would be allowed. No opposition had been received from neighbors.

PETITIONER'S PRESENTATION

The petitioner was not present, although Commissioners were assured that proper notification had been given.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, I MAKE A MOTION THAT WE TABLE THIS UNTIL OUR NEXT MEETING ON SEPTEMBER 6TH."

Commissioner Afman seconded the motion.

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

IV. PUBLIC HEARING

1. #24-88 TEXT AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE

Petitioner: Cecil Caster
Consideration of Text Amendment.

PETITIONER'S PRESENTATION

Cecil Caster gave a brief overview of the request. All review agency comments seemed to be in favor of the proposed change.

STAFF PRESENTATION

Kathy Portner read the proposed change aloud and said that the City Attorney had requested a different verbiage from what the petitioner suggested, but with the same intent. She stated that the Code still maintained sections dealing with additional reports which may be submitted in the filing of a new subdivision plat. These reports still required signatures from appropriate professionals. Staff had no problems with the request.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, ON ITEM #24-88 TEXT AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE, A REQUEST TO AMEND SECTION 6-8-2A.1.b. TO DELETE THE PORTION THAT READS "A LICENSED ENGINEER'S CERTIFICATE SHALL ALSO BE REQUIRED ON THE PLAT INDICATING THAT IT CONFORMS TO THIS CODE AND ALL APPLICABLE STATE LAWS", I RECOMMEND WE SEND THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO STAFF COMMENTS."

Commissioner Campbell seconded the motion.

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

2. #3-88 TEXT AMENDMENTS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE

Petitioner: Grand Junction Planning Department
Consideration of Text Amendments.

PETITIONER'S PRESENTATION

Kathy said that this was essentially a "housekeeping" measure designed to clarify certain sections of the Code. She read each of the proposed amendments aloud.

QUESTIONS

Commissioner Afman asked if the City Attorney had reviewed the proposed amendments.

Kathy replied that he had.

Commissioner Halsey asked if the amendment concerning the definition of a Law Enforcement Rehabilitation Center would include or even address the past situation involving minors under 18 years of age.

Kathy said that by stating in the amendment that the definition would apply only to those whose residents were over 18, by omission it would eliminate the former instance from this category. They would then be classified with specialized group homes.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, ON ITEM #3-88 TEXT AMENDMENTS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE, AMENDING VARIOUS SECTIONS OF THE CODE PERTAINING TO HOME OCCUPATION, FEE WAIVER AND LAW ENFORCEMENT REHABILITATION CENTER DEFINITION, I RECOMMEND WE SEND THESE TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."

Commissioner Sewell seconded the motion.

Commissioner Halsey voiced his objection saying that he was not comfortable grouping criminal juvenile offenders in with standard group homes; he did not think this gave the surrounding neighbors

a clear understanding of what may be entering their neighborhoods. He felt there was still a safety concern which would not necessarily be apparent with a standard group home.

Commissioner Sewell asked if the proposed definition matched the state's definition.

Kathy responded that it did.

Commissioner Halsey urged the department to address juvenile rehabilitation facilities specifically.

Kathy said that a definition could be proposed which would pertain to that use specifically.

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

3. #22-88 RIGHT OF WAY VACATION

Petitioner: City Market, Inc., John Caldwell

Location: 2nd Street between Rood and White Avenues, and the east/west alleys between 1st and 2nd Streets and the west half of the 200 block.

Consideration of Vacation.

PETITIONER'S PRESENTATION

John Caldwell began by showing the area to be vacated on the site plan. He also pointed out the two blocks being purchased from the City. They have also purchased property located directly west of 2nd Street and have a contract with the Credit Union on the property located on the south corner. A supermarket would be the only development on this property and sit directly on top of 2nd Street. If Rood were vacated it would become a controlled access to the store's parking lot. The west 50 feet of Rood would be retained as right of way to accommodate a signal being proposed there.

With regard to the south portion of Rood owned by the Credit Union, the Credit Union has said it did not need that portion vacated and did not want to incur the cost of a vacation. City Market agreed to accept a deed from the Credit Union for that property in exchange for City Market's agreement that it will be responsible for development and maintenance of the entire vacated portion.

Mr. Caldwell said that City Market would not take title to the land until the City takes care of the details. He requested that the vacation, if approved, be approved contingent upon closing of the contracts.

QUESTIONS

Commissioner Sewell asked what plans City Market had for landscaping (since this had been one of the review agency comments.)

Mr. Caldwell said that their plan showed a narrow strip of landscaping along 1st Street and additional landscaping on the south side of the store. Landscaping would then be limited to the perimeter of the property.

Commissioner Afman commented that the Credit Union, a much smaller scale plan, proposed a beautiful job of landscaping. His concern was that it appeared City Market was trying to minimize its landscaping requirement.

Mr. Caldwell said that that was indeed the intent of City Market. He added that trees would come between the store and its customers; landscaping would be used primarily to disguise unattractive portions of the store. Trees would not be desirable anywhere.

Commissioner Sewell felt that in the redevelopment of the downtown area, landscaping was a very important consideration.

Commissioner Afman said that it appeared City Market was proposing a very bleak parking lot.

STAFF PRESENTATION

Mike Sutherland assured the Commissioners that landscaping of the parking area would be required as per Code specifications. The actual landscaping plan would be considered at a later date.

There was some question over a comment by Mtn. Bell saying that the alley (shown on the site plan) could not be totally vacated. He thought that what was meant was that an easement should be retained for the utilities.

A letter of opposition was received by Mrs. Rodakovich, 961 Lakeside Drive, Apt. #203.

PUBLIC COMMENTS

FOR:

Gary Ferguson, DDA Director, spoke in favor of the proposal saying further west end redevelopment was sought and he felt the City Market store would be an asset. Regarding the problem of traffic and congestion, he responded that the proposed public improvements should mitigate those concerns. (He did not elaborate on this point.) Increased traffic and business activity was what was desired. It was hoped that landscaping for City Market could be tied in to the landscaping proposed by the Credit Union.

Mr. Caldwell told the Commissioners that "subject to staff comments" included in the motion would be alright with City Market, but he felt the comment about the one alley not being vacated (Mtn. Bell) was in error. Also he asked for the approval to be in conjunction with the closing of the contract.

MOTION: (COMMISSIONER HALSEY) "MR. CHAIRMAN, I WOULD LIKE TO MOVE THAT ON ITEM #22-88 REGARDING THE VACATION OF THE ALLEY BETWEEN 1ST AND 2ND AND 2ND STREET BETWEEN ROOD AND WHITE AVENUES AND THE EAST/WEST ALLEYS BETWEEN 1ST AND 2ND STREETS AND THE WEST HALF OF THE 200 BLOCK, THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL, TAKING INTO ACCOUNT THE STAFF RECOMMENDATIONS, THAT EASEMENTS BE MAINTAINED, AND THAT THE VACATION BE SUBJECT TO THE CLOSING OF THE SALE OF THE PROPERTY."

Commissioner Madsen seconded the motion.

A vote was called and the motion passed by a vote of 5-1, with Commissioner Afman opposing.

There was no general discussion nor unscheduled citizens and/or visitors present.

The meeting was adjourned at 9:25 p.m.