

GRAND JUNCTION PLANNING COMMISSION
Public Hearing -- December 6, 1988
7:30 p.m. - 9:30 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	Steve Love, Chairman
Jim Tyson	Jack Campbell

In attendance, representing the City Planning Department, were:

Kathy Portner	Mike Sutherland
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There were approximately 40 interested citizens present during the course of the meeting.

I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER SEWELL) "MR. CHAIRMAN, ON THE MINUTES OF NOVEMBER 1, 1988, I MOVE THAT WE ACCEPT THESE AS SUBMITTED."

Commissioner Halsey seconded the motion.

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

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, ON THE MINUTES OF NOVEMBER 22, 1988, I MOVE THAT WE ACCEPT THESE WITH THE CORRECTION THAT THE MOTION MADE FOR THE REZONE WAS A RECOMMENDATION OF DENIAL."

Commissioner Afman seconded the motion.

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

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

There were none.

III. PUBLIC MEETING

1. #46-88 CONDITIONAL USE--LIQUOR LICENSE

Petitioner: Mr. Steak, Bob and Janet Lovelace
Location: 2500 North Avenue
Consideration of Conditional Use.

PRESENTATION

Kathy Portner presented a brief overview of the proposal. Because it is an existing establishment, all parking, drainage, landscaping and other site characteristics are existing and adequate.

QUESTIONS/COMMENTS

There were no questions or comments at this time.

MOTION: (COMMISSIONER SEWELL) "MR. CHAIRMAN, ON ITEM #46-88, REQUEST FOR A CONDITIONAL USE FOR A LIQUOR LICENSE AT 2500 NORTH AVENUE, I MOVE THAT WE APPROVE THIS REQUEST.

Commissioner Tyson seconded the motion.

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

2. #49-88 CONDITIONAL USE--AUTOMOBILE SALES/SERVICE LOT

Petitioner: Pat Belcastro
Location: 1025 S. 5th Street
Consideration of Conditional Use.

PRESENTATION

Mike Sutherland summarized the proposal. This property has been used as a car lot in the past. However, the use was discontinued for more than a year and lost its "grandfather" status. A recent amendment to the Code made car sales a Conditional Use in the I-2 zone; therefore, the need for this request.

The petitioner is proposing planters with flowers surrounded by wood timbers for landscaping. Three areas will be landscaped, meeting the square footage requirement.

The other outstanding issue is a request for a waiver of both the submittal fee and parks and open space fee. The Commission will make a recommendation to Council on the waiver of the parks and open space fee only.

QUESTIONS/COMMENTS

Commissioner Sewell asked if the landscaping proposed would fit in with the objectives of cleaning up the Riverfront and 5th Street Corridor? She noted that this process may be their only chance to direct the development of that property.

Mike answered that the proposal did meet the minimum landscaping requirements of the Code. But the Commission has the option of dictating more specifically the type of landscaping they would like to see.

Commissioner Afman clarified that this is along a major corridor leading to the Riverfront.

Further discussion ensued about the landscaping requirements. Specific questions were directed to Mr. Belcastro for clarification on his proposal.

Before making his motion, Commissioner Afman assured Mr. Belcastro that the Commission was not trying to create any hardships for him, but had certain regulations they had to abide by.

MOTION: (COMMISSIONER AFMAN) "MR. CHAIRMAN, ON ITEM #49-88, REQUEST FOR A CONDITIONAL USE FOR AN AUTOMOBILE SALES AND SERVICE LOT AT 1025 S. 5TH STREET, I MOVE THAT WE APPROVE THIS REQUEST WITH THE CONDITION THAT THE LANDSCAPING MEET THE MINIMUM REQUIREMENTS OF THE CODE AND IS COMPLETED BY JUNE 15, 1988."

Commissioner Campbell seconded the motion.

A vote was called and the motion passed by a vote of 5-1 (Commissioner Love opposed).

MOTION: (COMMISSIONER AFMAN) "MR. CHAIRMAN, ON ITEM #49-88, REQUEST FOR WAIVER OF OPEN SPACE FEES, I MOVE THAT WE SEND THIS TO CITY COUNCIL WITH A RECOMMENDATION OF DENIAL."

Commissioner Campbell seconded the motion.

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

3. #43-88 NELLIE BECHTEL - FINAL PLAT
Petitioner: Mesa County
Location: 3032 N. 15th Street
Consideration of Final Plat.

Commissioner Afman abstained from participation in the following item due to possible conflict of interest.

PRESENTATION

Kathy Portner explained that this was a request for approval of a one lot minor subdivision. All technical concerns have been addressed by the County.

QUESTIONS/COMMENTS

Commissioner Campbell asked if the U.S. West request for easements had been satisfied?

Kathy responded that the County was willing to include the easements as long as they did not infringe on the existing buildings.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, ON ITEM #43-88, REQUEST FOR A FINAL PLAT OF ONE LOT ON 4.54 ACRES LOCATED AT 3032 N. 15TH STREET, I MOVE THAT WE APPROVE THIS REQUEST SUBJECT TO COMPLIANCE WITH ALL TECHNICAL CONCERNS ON THE REVIEW SUMMARY SHEET."

Commissioner Sewell seconded the motion.

A vote was called and the motion passed by a vote of 5-0, with Commissioner Afman abstaining.

4. #47-88 DENVER AND RIO GRAND WESTERN (D&RGW) RAILROAD,
FILING #4, FINAL PLAT
Petitioner: D&RGW Railroad , Tom Logue
Location: Between 4th and 5th Street, 125 feet south of
South Avenue.
Consideration of Final Plat.

PRESENTATION

Mike Sutherland explained this was a continuation of the D&RGW platting of properties. The two lots are currently being used for industrial purposes; therefore, open space fees are not required. There are a few minor outstanding technical concerns that will be resolved before recording the plat.

QUESTIONS/COMMENTS

Leslie Smith, representing the Downtown Development Authority, stated their interest in annexing some of the Railroad properties into the District. The railroad mainline presents a problem for the contiguity requirement for District annexation. The DDA will continue to work with the City and the Railroad to find a solution. The DDA just wanted to raise the issue with the Planning Commission.

Tom Logue, representing the Anschutz Corporation, reviewed a letter to the DDA addressing this issue. The Railroad doesn't have a problem with including their subdivided lots into the District if they can figure out a way not to include the mainline.

MOTION: (COMMISSIONER HALSEY) "MR. CHAIRMAN, ON ITEM #47-88, REQUEST FOR A FINAL PLAT OF TWO LOTS ON 5.5 ACRES, DENVER AND RIO GRAND WESTERN RAILROAD FILING #4, I MOVE WE APPROVE THIS REQUEST."

Commissioner Sewell seconded the motion.

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

IV. FULL HEARING

1. #50-88 WILLOWBROOK ROAD RIGHT-OF-WAY VACATION

Petitioner: City Public Works, Tim Woodmansee

Location: North of Patterson Road and east of 1st Street

Consideration of Vacation.

STAFF PRESENTATION

Tim Woodmansee, City Property Agent, summarized the proposal. Improvements to Patterson Road necessitated the realignment of Willowbrook Road to connect with Northridge Drive. This request is to vacate that portion of Willowbrook Road which has been abandoned subsequent to the realignment.

QUESTIONS

There were no questions at this time.

PUBLIC COMMENTS

Diana Herald, 140 Willowbrook Road, opposed the ROW vacation. The new Willowbrook Road alignment transverses her property and payment has not yet been made for the ROW acquisition. She felt that the old section should not be vacated until the City officially owned the new ROW.

PETITIONER'S REBUTTAL

Tim explained that a price had been agreed upon, and that the City was waiting on a partial release from three mortgage holders. Payment has been put in an escrow fund and the Heralds will be paid with interest when everything is finalized.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, ON ITEM #50-88, REQUEST TO VACATE A PORTION OF WILLOWBROOK ROAD, I MOVE THAT WE FORWARD THIS PROPOSAL ON TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL PROVIDED ALL NECESSARY EASEMENTS ARE RETAINED."

Commissioner Halsey seconded the motion.

Some discussion ensued clarifying the status of the ROW acquisition from the Heralds.

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

2. #45-88 REZONE RSF-4 TO PB45-88 AND OUTLINE DEVELOPMENT PLAN.

Petitioner: James and Lois Waller

Location: 621 26 1/2 Road.

Consideration of Rezone.

Consideration of Outline Development Plan.

PETITIONER'S PRESENTATION

Jim Bittel, Realtor from Coldwell Bankers, introduced Mr. and Mrs. Waller, the property owners; and Dr. Mercedes Cameron, the potential buyer.

Dr. Mercedes Cameron presented her proposal for a clinic on the site. She would live in the existing home and, sometime in the future, build a clinic for four family practitioners. The design of the building would be homelike, either a Victorian mansion or an adobe ranch. The inside would be designed for the clinic use. There would be extensive landscaping around the building. Parking would be located in the back (to the west), with 16 spaces for staff and 8 to 16 additional parking spaces for patients. She felt the location was ideal because of its proximity to the Hospital and its residential character.

Jim Bittel reviewed the 7th Street Corridor Guidelines and how this proposal fits. This area is identified as being a transitional area from single family to business offices. Further, the residential character should be retained regardless of the development. This proposal would retain the residential character. The property is bounded by Mesa View Retirement on the north and Cedar Square Shopping Center to the south. Therefore, the immediate area is already in transition and this development would have a relatively low impact.

Mr. Bittel showed how this proposal also meets several of the Rezone Criteria. When 7th Street was improved, the grade was built up considerably in relation to this property. This essentially assures that the property will not be developed as single family

residences. The petitioners felt that the proposal would fit in with the area, with the Hospital and other doctor offices nearby. Another property between this property and Cedar Square had an approval on it for a similar use. Mr. Bittel presented the Commission with four letters of support for this proposal.

Mr. Bittel reiterated the compliance with rezone criteria: that there has been a change in the area because of public improvements such as 7th Street improvements, that it is compatible with the surrounding area, that there would not be major adverse impacts, that the traffic flow would be paced throughout the day, that it is in conformance with Corridor Guidelines and other policies, and that the facilities that exist are adequate to serve this proposed clinic.

QUESTIONS

Chairman Love asked if there had been any comments from the adjoining property owners?

Jim Bittel answered that some were there to speak and others had written letters of support.

STAFF PRESENTATION

Kathy Portner restated that this proposal would comply with the Corridor Guidelines. The type and scale of the development would fit in with the residential character of the area. Kathy went on to explain the Outline Development Plan process. Acceptance of an Outline Development Plan, according to the Zoning and Development Code, does not commit to approval of a subsequent preliminary plan. Discussion ensued clarifying that point.

Kathy reviewed some of the review agency comments. Access onto to 7th Street is a concern and should be limited. A second access via Horizon Place may be required. She also asked that the letters presented to the Commission be read into the record.

QUESTIONS

There were no questions or comments at this time.

PUBLIC COMMENT

Chairman Love read into the record letters from the following people supporting the proposal:

Nick and Helen Mahleres, 612 26 1/2 Road, dated 11/28/88
Eugene and Virginia Hansen, 610 26 1/2 Road, dated 11/28/88
Florence Dunham, 608 26 1/2 Road, dated 11/28/88
Mildred M. VanDover, 604 Meander Dr., dated 12/5/88

John Gordon, 629 1/2 26 1/2 Road, supported the proposal because of the changes along 7th Street. He felt this would be a good business use and would fit in with the neighborhood.

Skip Mottrem, 609 26 1/2 Road, supported the proposal. He felt that this proposal may be the best alternative for the property. There are worse things that could go in.

Tim Mannion, 3038 Cloverdale Court, spoke in opposition to the proposal. He asked the Commission not to make a decision on this item until the Mesa View expansion proposal was resolved.

William Putnam, 627 Sage Court, spoke in opposition to the proposal. He reminded the Commission of the Gordon rezone request acted on last July. At that time, he maintained, the City Council's decision to deny the request made a statement that the 7th Street Corridor should remain residential. He felt that just because the clinic would look residential, it would still be a business. He felt that approval of this would "open the floodgate". There is a lot of other property available for this type of use. This would encroach into an existing residential neighborhood.

Kent Webster, 629 Sage Court, concurred with Mr. Putnam in his opposition. He further noted that with the Gordon rezone request, the Council had found that the proposed rezone was not compatible with the surrounding area. He also felt that Mesa View was a residential use and did not justify adjacent business zoning and use.

Terry Larson, 357 Music Lane, also opposed the proposal. He acknowledged the problem created for the Wallers by the building up of 7th Street. He felt the steep grade created would be a hazard for cars exiting a business there. There is also not a turn lane on 7th Street. Therefore, the access through Northridge would be important. He asked the Commission not to make a decision on this until the Mesa View expansion issue had been resolved.

PETITIONER'S REBUTTAL

Mr. Bittel explained again why this location was appropriate for the proposal. He felt the fact that there were other properties in the Valley where this type of facility could go was not relevant. He also pointed out that the Gordon rezone proposal was different because it is north of Horizon Drive. The Corridor Guidelines use Horizon Drive as the breaking point where the area to the north should remain residential and the area to the south is in transition. Mr. Bittel went on to quote the Guidelines.

The petitioner emphasized the process required for any Planned Development. Every stage of the development would be scrutinized in a public forum.

Mr. Bittel went on to describe how the character of the area was already changing. Although Mesa View Retirement Center is residential, it has changed the look of the area.

He pointed out that there is, in fact, already a center turn lane on this section of 7th Street, which would help the traffic flow. Mr. Waller added that he had been assured by the City that there would be access to his property from 7th Street.

QUESTIONS

Commissioner Campbell asked about the easement on the south property line.

The petitioner replied that this was an old private access easement that is being vacated.

Commissioner Campbell asked Dr. Cameron what she might do with the remainder of the property.

Dr. Cameron replied that at this time she didn't know.

MOTION: (COMMISSIONER AFMAN) "MR. CHAIRMAN, ON ITEM #45-88, REQUEST TO CHANGE FROM RESIDENTIAL SINGLE FAMILY (RSF-4) TO PLANNED BUSINESS (PB45-88) A PROPERTY LOCATED AT 621 26 1/2 ROAD, I MOVE THAT WE FORWARD THIS PROPOSAL ON TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL SUBJECT TO REVIEW AND INCLUSION OF ALL SUMMARY REVIEW SHEET COMMENTS."

Commissioner Campbell seconded the motion.

A vote was called and the motion was defeated by a vote of 2-4 (Commissioners Love, Tyson, Halsey and Sewell opposed).

MOTION: (COMMISSIONER HALSEY) "MR. CHAIRMAN, ON ITEM #45-88, REQUEST TO CHANGE FROM RESIDENTIAL SINGLE FAMILY (RSF-4) TO PLANNED BUSINESS (PB45-88) A PROPERTY LOCATED AT 621 26 1/2 ROAD, I MOVE THAT WE FORWARD THIS PROPOSAL ON TO CITY COUNCIL WITH RECOMMENDATION OF DENIAL BECAUSE IT WOULD CHANGE THE CHARACTER OF THE CORRIDOR."

Commissioner Sewell seconded the motion.

A vote was called and the motion passed by a vote of 4-2 (Commissioners Campbell and Afman opposed).

Commissioner Sewell added that the other reason she felt this proposal should be denied was because of the traffic problems.

There was not a motion concerning the ODP since the rezoning was denied.

Commissioner Afman asked that the record show he felt he did not have a conflict of interest on this item since he is no longer associated with Coldwell Bankers.

The petitioners appealed the decision to City Council.

3. TEXT AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE FOR 1988

Petitioner: Grand Junction Planning Department
Consideration of Text Amendments.

STAFF PRESENTATION

Kathy Portner summarized the amendment granting the Board of Adjustments additional responsibilities.

PUBLIC COMMENT

Morris Treat, 1301 Rood Avenue, voiced his support for the proposal.

MOTION: (COMMISSIONER TYSON) "MR. CHAIRMAN, ON ITEM #3-88, REQUEST TO AMEND SECTION 4-9-3, AMEND INTRODUCTORY SENTENCE OF CHAPTER 5, AND AMEND SECTION 10-1-1A THUS GRANTING THE BOARD OF ADJUSTMENTS ADDITIONAL RESPONSIBILITIES IN HEARING AND DECIDING APPEALS FOR VARIANCE, I MOVE THAT WE FORWARD THIS PROPOSAL ON TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL.

Commissioner Sewell seconded the motion.

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

DISCUSSION

Commissioner Halsey commented for the record that he may have misunderstood the motion on item #49-88 Conditional Use for Automobile Sales/Service Lot at 1025 S. 5th Street. He would like to see more stringent landscaping requirements than what was approved.

Staff clarified that the motion requiring "the minimum landscaping required by the Code" meant the Belcastro's must landscape a certain amount of square footage, but the type of materials could be anything allowed by the Code.

Commissioner Halsey added that he would have liked to see more specifics on the type of landscaping. He felt that this is a key property to clean up the 5th Street entrance into town. There was general agreement among the other Commission members on Commissioner Halsey's comments.

V. UNSCHEDULED CITIZENS AND/OR VISITORS

There were none.

The meeting was adjourned at 9:30 p.m.