

GRAND JUNCTION PLANNING COMMISSION  
Public Hearing -- August 5, 1986  
7:30 p.m. - 9:25 p.m.

The public hearing was called to order by Chairman Bill O'Dwyer at 7:30 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission, were:

Warren Stephens	Susan Rush
Miland Dunivent	Karen Madsen
Bill O'Dwyer, Chairman	Ross Transmeier

In attendance, representing the City Planning Department, were:

Mike Sutherland      Karl Metzner      Kathy Portner

In attendance, representing the City Engineering Department, was:

Don Newton

Terri Troutner was present to record the minutes.

There were approximately 21 interested citizens present during the course of the meeting.

\* \* \* \* \*

Chairman O'Dwyer announced that Commissioner Stephens would arrive shortly. (He was not, therefore, present for the approval of the minutes.)

**I. APPROVAL OF MINUTES**

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, I MOVE THAT THE MINUTES OF THE MEETING OF JUNE 24TH TO BE ACCEPTED AS SUBMITTED."**

Commissioner Rush 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 O'Dwyer announced to the public the new procedure for the Planning Commission hearing. This included those items which would be heard for final decision (unless appealed) as well as those items for which recommendation would be made and forwarded to the City Council.

**III. FULL HEARING**

**1. #24-86 CONDITIONAL USE HOTEL/RESTAURANT LIQUOR LICENSE**

Petitioner: Round Table Pizza, Jim Flowers  
Location: 2004 North Avenue

Consideration of a conditional use.

**PETITIONER'S PRESENTATION**

Jim Flowers, 611 Viewpoint Drive, gave a brief presentation of this request. He stated that only beer and wine would be served at this restaurant to compliment the meals; no hard liquor would be served.

**QUESTIONS**

Commissioner Transmeier asked if this would be a separate bar.

Mr. Flowers responded that it would not.

**STAFF PRESENTATION**

Mike briefly outlined the technical aspects of the project. Some concern had been expressed over the parking and the sewer plant investment fees, but both items were under discussion and would be resolved prior to the issuance of the liquor license (if approved).

**PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, ON ITEM #24-86 THE CONDITIONAL USE HOTEL/RESTAURANT LIQUOR LICENSE FOR ROUND TABLE PIZZA, I MOVE THAT WE APPROVE IT SUBJECT TO STAFF COMMENTS."**

Commissioner Transmeier seconded the motion.

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

**2. #25-86 CONDITIONAL USE FOR A DRIVE-UP WINDOW IN AN H.O. ZONE**

Petitioner: Wendy's Restaurant, Del Newkirk  
Location: NE corner of Horizon Drive and I-70

Consideration of a conditional use.

## PETITIONER'S PRESENTATION

John Yurik, Jr., 14552 Archer Avenue, Golden, Colorado, spoke on behalf of the petitioner for this request. His presentation included an overview of the plans, with a projected start-up date of September, 1986 (but no later than January, 1987) and opening three months after construction was begun. He felt that Wendy's had met or exceeded all requirements imposed by the various review agencies.

Mr. Yurik did ask for flexibility on the possibility of revising the playground in front of the store, to perhaps replace this with landscaping; the tourist information center to the rear of the lot may also be replaced with parking; and the access road and bus parking lanes may be paved to just beyond the front access of the Wendy's site. These variations would only be implemented should the cost projections exceed the original estimate.

A sign variance had been applied for and would be heard Thursday, August 7th.

## QUESTIONS

Commissioner Stephens felt that Wendy's should have presented a more realistic plan, with the stipulation that if additional monies were available, further improvements would then be made. As it was now, he felt that the plan had been presented in just the opposite manner--with the most optimistic plan presented first, with the possibility of having those amenities later deleted.

Mr. Yurik agreed with this point but indicated that Western States Motel Operators, who are leasing the property to Wendy's, have requested the restaurant to break ground by September. Due to this unusually short time frame, approval of the site had been made after submission of the plan.

Chairman O'Dwyer asked about the bus parking area which may be deleted. What kind of rock would go into this area?

Mr. Yurik responded that this would be graveled so that people could use it for parking.

Commissioner Rush questioned the location of the handicapped parking in the rear of the restaurant--couldn't this be moved more to the front of the building?

Mr. Yurik stated that the reason for the rear location was that it was designed with an access ramp. He further noted that this location was a part of a standard Wendy's design and that no problems had been experienced with this design.

## STAFF PRESENTATION

Kathy Portner stated that since the site was located in the airport's Area of Influence, an avigation easement was requested from the petitioner. Drainage was a concern, and it was agreed by the City Engineer and the petitioner that at the time when the surrounding property from the site was developed, the drainage issue would need to be resolved. She reiterated that the sign variance had been applied for and that Howard Johnson's had expressed some concern over this, but that no other adverse comments had been received. This use did meet with the intent of the Horizon Drive corridor guideline.

Kathy said that when the paving of the bus parking was to be completed, the Planning Department would like to reserve the right to re-review the plan to make sure that adequate drainage was provided. She noted that when the surrounding property was developed, the entire property would need to be subdivided to allow more than one business use.

## PUBLIC COMMENTS

There were no comments either for or against the proposal.

Commissioner Stephens queried the City Engineer on the drainage issue.

Don Newton, City Engineer, said that an existing ditch was located behind the Amoco station which would carry the water from the site to the Horizon Channel. No problem was expected at this point, but the drainage should be addressed further at a time when the other surrounding property is developed. He pointed out that at the present time, no water was being dumped onto the adjacent property, that the property owner for the surrounding parcels was the same.

Chairman O'Dwyer asked about the Horizon Channel.

Don replied that this channel originates at the airport and comes down through the rear of the property, crossing I-70 and continues along Horizon Drive, eventually turning into the Ranchman's Ditch.

**MOTION: (COMMISSIONER RUSH) "MR. CHAIRMAN, ON ITEM #25-86 CONDITIONAL USE FOR A DRIVE-UP WINDOW IN AN H.O. ZONE, I MOVE THAT WE APPROVE THIS USE WITH THE STIPULATION THAT THE AVIGATION EASEMENT IS OBTAINED, AND SUBJECT TO OTHER STAFF COMMENTS."**

Commissioner Dunivent seconded the motion.

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

### 3. RIGHT-OF-WAY VACATION

Petitioner: Jack D. Berry  
Location: 8th Street, south of 3rd Avenue

Consideration of a vacation.

#### PETITIONER'S PRESENTATION

Dave Berry, representing the petitioner, outlined the proposal. The petitioner was wanting to do more with the property but felt that he would be unable to do so without the vacation. Dave stated that the only complaints received were from the utilities review agency who wanted to retain the utilities easement, and Castings, Inc. who was concerned about their access.

Mr. Berry presented drawings of various access radii to the Planning Commission. He used a truck with a trailer having a 21' wheel base as his example, and computed this with a 113' turning circle for the most problematic right hand turn, and 101' turning circle for the left hand turn. (This diagram was overlayed onto the site plan to show that Castings, Inc. trucks would be able to access with no problems. Also, the Castings trucks would be able to back into the property from the alley. He noted that this request was for a 25' alley rather than the standard 20' alleyway.

In addition, the petitioner wanted to have the option to build closer to the street.

#### QUESTIONS

Commissioner Stephens asked where the figures were obtained for these turning radii.

Mr. Berry responded that the figures were obtained through conversations with personnel at Mesa Mack.

Commissioner Stephens felt that the calculations derived by Mr. Berry were incorrect.

Mr. Berry said that he talked to Don Newton, City Engineer, and asked him if the 25' access was adequate for a truck. The response from Mr. Newton, he continued, was that it was more than adequate since most paved alleys were only 16' in width.

At this point Don Newton was asked to give his opinion of these figures.

Don stated that he did not see the turning radii presented before the Commissioners; he based his statement on the typical alley right-of-way being 20' and the petitioner was proposing 25'.

Commissioner Dunivent asked if the street across the alley was closed.

Mr. Berry replied that yes, it had been vacated a long time ago and blocked off.

Commissioner Dunivent asked about the easements being retained on the property.

Mr. Berry specified that they would remain as they are now.

Commissioner Transmeier asked staff if approval was granted, would all of the vacated portion remain as easement (approximately 80').

Mike Sutherland replied that it would.

Commissioner Stephens pointed out to the petitioner that if this portion was designated as easement, no building could be built there.

Mr. Berry felt that if this vacation were granted, it would put the land back onto the tax rolls, and that it would revert back to his responsibility.

#### **STAFF PRESENTATION**

Mike Sutherland reiterated the intent of the petitioner. He pointed out the 80' section on the site plan which had been dedicated to the City at a time when the City felt 80' was needed. The proposal called for vacating everything down to a 25' alley width with the vacated area remaining as an easement. While it is right-of-way, the property owners could not put fencing on it; as an easement, this would be allowed. They could not build a building over the easement. Existing curbs were shown on the site plan.

Mike continued that the complaint from Castings, Inc. was that in the way their trucks pulled into the property, narrowing the right-of-way would greatly hinder their access. A letter of opposition was received from Castings, Inc. and entered into the record.

If vacated Plateau Equipment would also be able to construct a fence on their property (location shown on site plan).

#### **QUESTIONS**

Commissioner Rush asked Mike when the first vacation on this property was granted; was this property belonging to Castings, Inc., and were utilities running through their easements.

Mike was unsure of when the vacation was granted; yes the property belonged to Castings, Inc., and that utility easements were still being utilized on their property. However, the vacated right-of-way had been closed off.

**PUBLIC COMMENTS**

**IN FAVOR:**

Jack Berry, the petitioner, stated that it was not his intention to block anyone's access. He felt that 80' was more than enough room for truck access.

**AGAINST:**

John Bonella, V.P. of Castings, Inc., referenced the earlier 21' trailer figure mentioned by Dave Berry and said that his trucks ran approximately 60' in overall length, with 40' trailers and often another 20' for the tractor. He stated that numerous tests were conducted in coming from both the east and west ends of the alley. If a fence was constructed on either the Berry's side or the Plateau Equipment side, access into the Castings yard would be severely impeded. In addition, the public parking would have to be eliminated. He also didn't want to see access to the water line servicing the Castings property hampered by the construction of a fence.

Mr. Bonella noted that access could be accomplished, but it would mean backing into the area across from the Daily Sentinel. He felt that this would cause more of a hazard.

Chairman O'Dwyer asked Mr. Benella if his trucks were loaded from the rear. Could he load directly from the alley?

Mr. Bonella replied that Castings loaded their trucks from the side and that loading from the alley could not be done, since it was not wide enough to provide for a forklift and its movement. As well, if the alley was utilized, it would be blocked for periods of time to other traffic.

Chairman O'Dwyer wanted to know who else used the alley besides Castings, Inc.

Mr. Bonella responded that there is a construction company which utilizes the alley, Joe LeFreida loads his trucks from the alley, the Rescue Mission, and Mr. Berry also use the alley for their purposes.

**MOTION: (COMMISSIONER STEPHENS) "MR. CHAIRMAN, ON ITEM #23-86 REQUEST FOR VACATION, I MAKE A RECOMMENDATION FOR DENIAL"**

Commissioner Transmeier seconded the motion.

A vote was called and the motion passed by a vote of 5-1, with Chairman O'Dwyer opposing.

Chairman O'Dwyer explained the appeal procedure to the petitioner.

4. #22-86 REZONE RSF-8 TO PLANNED BUSINESS AND FINAL DEVELOPMENT PLAN

Petitioner: W.B. and Carol Swisher  
Location: 2510 North 12th Street

Consideration of a rezone and final plan.

**PETITIONER'S PRESENTATION**

W.B. Swisher, 1640 Hill Avenue, gave a brief outline of the plan. There would be no remodeling.

**QUESTIONS**

There were no questions at this time.

**STAFF PRESENTATION**

Mike stated that if the proposal was approved, it should be specified as to the type of use approved. The use description of ...service and educational offices... was felt to be a little broad, and that each proposed use should be reviewed separately. Therefore, should there be a later request to change the use, and the change is considered more than a Minor Change, it would have to appear again before the Planning Commission for consideration.

Mike stated that the Commission would only be looking at the approval/denial of the final plan; the rezone decision would be determined by the City Council.

The proposal was outlined on the site plan. The Planning Department had requested a "NO LEFT TURN" sign to be placed at the corner of the driveway onto 12th Street. Mike noted that if complaints were received by the neighbors, additional buffering may be required. No comments had been received either for or against the proposal.

**QUESTIONS**

There were no questions at this time.

**PUBLIC COMMENTS**

**IN FAVOR:**

There were no comments in favor of the proposal.



AGAINST:

Joe Able, 1212 Wellington, is an adjacent property owner. He expressed concern that the approval of this business would open up the Wellington/12th Street area to other less desirable businesses. He did not object to the particular use being proposed, but would like to limit the use to that of a real estate office only. Additionally, he would like to see more buffering between his home and the proposed business. Mr. Able thought that the NO LEFT TURN sign would put more traffic onto Wellington, which was not desired.

Chairman O'Dwyer asked if there was a fence separating the two properties presently.

Mr. Able responded that currently there was a wire-type fence extending from the rear of the Swisher's property to the front.

Dave McKinley, 1308 Wellington, felt that a residential office would be appropriate. However, he had some concern over the proposal to gravel the parking area. Mr. McKinley felt that if businesses were to be allowed into this area, there should be some measure of consistency; therefore, his preference was to black-top the area since this would guarantee a dust-free environment. He concurred with Mr. Able that additional buffering was needed, and expressed some concern over the type of access and the lighted signage being proposed.

QUESTIONS

Commissioner Rush asked Mr. McKinley if the additional buffering requested meant that the lilac bushes and tree presently there would need to be removed to satisfy nearby property owners.

Mr. McKinley responded that either a solid fence or thicker vegetation was desired.

Mike Sutherland commented that the petitioner had agreed to provide additional buffering, and would work with the neighbors on this aspect. Regarding the signage, the Code would allow a lighted sign, but since this hearing is considering a final plan, the Commission could specify that no lighted sign would be allowed.

Mr. Swisher pointed out that the proposed lighted sign would be facing 12th Street and should not interfere at all with the residents on Wellington Avenue. Also, it appeared that each of the adjacent residents preferred a different form of parking area, with McKinley specifying black-top and Mr. Able preferring a graveled area. He felt that the dust problem would be non-existent with the use of prewashed gravel. Mr. Swisher said that,

although he agreed to provide additional buffering, the type of buffering which he thought Mr. McKinley was requesting would hamper the view of traffic entering Wellington Street, thus creating a hazardous condition.

**MOTION: (COMMISSONER TRANSMEIER) "MR. CHAIRMAN, ON ITEM #22-86 A REZONE FROM RSF-8 TO PLANNED BUSINESS, I MAKE A MOTION WE SEND THIS TO CITY COUNCIL FOR APPROVAL SUBJECT TO STAFF COMMENTS."**

Commissioner Dunivent seconded the motion.

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

**MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON ITEM #22-86 THE FINAL PLAN IN A PLANNED BUSINESS ZONE, I MAKE A MOTION THAT WE APPROVE THE FINAL PLAN SUBJECT TO IT BEING A REAL ESTATE OFFICE AND STAFF COMMENTS."**

Commissioner Dunivent seconded the motion.

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

**5. #26-86 REZONE RMF-64 TO PLANNED BUSINESS AND FINAL DEVELOPMENT PLAN**

Petitioner: St. Mary's Hospital  
Location: SW corner of 7th Street and Patterson Road

Consideration of a rezone and final plan.

**PETITIONER'S PRESENTATION**

Lew Goodhart, 2730 Beechwood, representing the petitioner, indicated the proposal on the site plan provided to the Commissioners. The rezone, he continued, did not include the park area. It was being requested solely as a type of "housekeeping measure" and was needed in order to provide heliport facilities at St. Mary's (in compliance with the Zoning & Development Code). The present helipad would be relocated approximately 50' south of its present location near the emergency entrance, and a 12,000 gallon underground fuel storage tank would be installed.

**QUESTIONS**

Commissioner Transmeier asked if it was St. Mary's intention to keep only one helicopter there on site.

Mr. Goodhart indicated that that was their intention.

Commissioner Stephens asked why this rezoning had not been done before.

Mr. Goodhart stated that St. Mary's felt residential zoning was inappropriate at this time; the Planning Department had encouraged them to seek Planned Business zoning which was felt to better reflect the use.

#### STAFF PRESENTATION

Mike Sutherland pointed out that since St. Mary's residential zoning in the 1960s, several artificial constraints have been imposed such as the height restrictions being that of residential construction. This has, in the past, caused some problems for St. Mary's when expansion occurred. The Planning Department felt that this was the most appropriate zoning for this use. Also, he continued, imposing a Planned Business zone would mean that any future expansion plans would have to be considered again by the Commission; as it stands with residential zoning, expansion could occur with only the issuance of a building permit as long as St. Mary's was within the residential zoning requirements.

Mike stated that this rezone would not affect the other residences in this area; the Planned Business zoning would affect only St. Mary's property (there had been some concern expressed by residents over this point). Regarding the heliport proposal, the kerosene stored in the underground storage unit was not considered highly volatile. St. Mary's will have to eliminate some parking spaces, although the revised plan will still meet the Code requirements.

Several adverse comments were received, a letter from Vincent R. and Mary A. Jones expressed concern over the heliport proposal. They felt that the zoning change would open up the area to further business uses. They were also opposed to the noise from the helicopter. Ms. Opal Atkinson, 2557 Mira Vista, felt that the helicopter flights should be limited to just emergency services-- that no additional flights such as promotional or demonstration flights be allowed.

#### PUBLIC COMMENTS

##### IN FAVOR:

Sister Marianna, President of St. Mary's Hospital, felt that the zoning was needed. When the hospital was established, it was in a residential area. Since then, the area had grown up around them. The heliport was felt necessary in order to maintain their "trauma center" designation, and has proven to be beneficial to the immediate community as well as other communities on the western slope.

**AGAINST:**

Patricia Jones, 305 Bookcliff Court, was worried about the zoning setting a precedent. She did not understand the difference between a Business Zone and a Planned Business zone, and felt that some control should be made in the expansion of St. Mary's.

Mike answered her concern by saying that with a Planned Business Zone, St. Mary's would have to appear before the Commission with any new plans for change or expansion.

**QUESTIONS**

Commissioner Transmeier asked if there was a conditional use placed on the park area near St. Mary's.

Mike replied that it is a straight residential zoning. St. Mary's owns the park but the City maintains it. St. Mary's could not build on that property except that which met the residential multi-family criteria. The change in zoning for St. Mary's would not affect the park's zoning; there was no conditional use placed on the park.

Commissioner Dunivent asked about the zoning for the County Health Department located on the other side of St. Mary's.

Mike responded that it was currently under a Public Zone (PZ).

Mike added that comments received from the City Engineer included a request for 20' additional right-of-way along Patterson Road. The hospital prefers to dedicate the right-of-way at the time the construction is actually performed.

Commissioner Transmeier thought that construction had been proposed for the full length of Patterson Road.

Mike said that there were no final plans for this stretch of road.

Commissioner Rush asked if there was any sort of leak detection device being proposed for the heliport's underground fuel storage facility.

Mike stated that plans had been turned into the Fire Department for their consideration; this was considered out of the Planning Department's area of expertise.

Don Newton was asked to comment on the right-of-way. He stated that the City plans to widen Patterson Road between 7th and 1st Street, with a 5-lane road between 7th Street and Mira Vista and 4-lanes between Mira Vista and 1st Street. In accordance with the corridor guidelines and the zoning code, 50' of right-of-way was being requested, with 30' currently existing and additional 20' being required for proposed road improvements.

Commissioner Stephens asked whether or not this should be a factor to be considered in the approval of the rezone.

Don replied that he just wanted to see the City obtain the right-of-way; it didn't matter to him whether this was dedicated now or later.

Chairman O'Dwyer commented that the community has historically helped St. Mary's with its requests for expansion, etc. He felt that perhaps in the area of this right-of-way, St. Mary's could come to the aid of the City.

Lew Goodhart spoke out saying that St. Mary's preferred to dedicate the right-of-way at a later date, since it was a priority to get the hangar in place by winter.

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #26-86 REZONE RMF-64 TO PLANNED BUSINESS FOR ST. MARY'S HOSPITAL, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL SUBJECT TO STAFF COMMENTS."**

Commissioner Transmeier seconded the motion.

Commissioner Rush asked if this motion assumed the dedication of the right-of-way.

Commissioner Dunivent replied that that was his understanding.

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

As a matter of record, Commissioner Rush opposed the approved rezone due to the right-of-way dedication being held as a condition. Commissioner Stephens, although voting for the approval, was also opposed to this stipulation.

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #26-86 FINAL PLAN FOR ST. MARY'S HOSPITAL, I MAKE A RECOMMENDATION FOR APPROVAL FOR THE FINAL DEVELOPMENT PLAN."**

Commissioner Transmeier seconded the motion.

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

**6. #27-86 METROPOLITAN PLANNING ORGANIZATION FY 1987 UNIFIED PLANNING WORK PROGRAM**

Petitioner: Metropolitan Planning Organization, Aden Hogan

Consideration of the MPO FY 1987 Work Program.

## **PETITIONER'S PRESENTATION**

Karl Metzner, representing the petitioner, stated that the work program was updated each year. This year the actual projects were being handled by the various city and county staffs, and included mainly public works projects, ongoing traffic monitoring program, accident monitoring, and socio-economic data updates. The socio-economic data updates were also very useful for grant preparation and other planning projects as well as transportation planning.

Federal assistance is expected on these transportation improvement projects. Karl stated that there are also various county projects which were being proposed.

## **QUESTIONS**

Commissioner Transmeier asked if this was a federal government requirement in order to receive federal transportation monies.

Karl replied affirmatively. He pointed out that the state would be picking up approximately 87% of the total cost of the FY 1987 budget, with the remainder being split 50/50 between city and county. The total dollar amount being \$36,200, of which 87% will be picked up by the state.

Chairman O'Dwyer commented that hopefully the city would not duplicate the projects proposed by the county.

Karl indicated that both entities are working together to ensure that this does not occur.

A discussion ensued between Karl and Commissioner Stephens on the actual dollar amount--it first appeared as a discrepancy in earlier figures.

**MOTION: (COMMISSIONER RUSH) "MR. CHAIRMAN, ON ITEM #27-86 METROPOLITAN PLANNING ORGANIZATION FY 1987 UNIFIED PLANNING WORK PROGRAM, I MOVE THAT WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."**

Commissioner Madsen seconded the motion.

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

## **IV. NON-SCHEDULED CITIZENS AND/OR VISITORS**

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

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

Legal Ad

Publish One Time: July 29, 1986

Proof of Publication: Grand Junction Planning Department  
559 White Avenue, Room #60

PUBLIC HEARINGS

The Grand Junction Planning Commission will be holding public hearings at 7:30 p.m. on August 5, 1986 in the City Hall Auditorium to consider the following items:

#22-86 Rezone RSF-8 to Planned Business

Petitioner: W.B. & Carol Swisher. Location: 2510 North 12th Street.  
A request to change from Residential Single Family Zone of approximately eight units per acre to a Planned Business Zone on approximately 0.20 acres.  
Consideration of Rezone.

All that Portion of Lot Thirty-Seven (37) in Block Eleven (11) of FAIRMONT SUBDIVISION, as per map thereof recorded Book 1, Page 19 of Maps, and all that portion of the Northwest quarter of Section 12, Township 1 South, Range 1 West of the Ute Meridian,

Described as follows:

Beginning 10 feet West of the Southwest corner of said Lot Thirty-Seven (37); thence, North 90 feet; thence, East 100 feet; thence, South 90 feet; thence, West to the point of beginning.  
EXCEPT the West 5 feet thereof.

Together with any and all water, water rights, ditches and ditch rights of way appertaining and used in connection therewith.

also known by street and number as 2510 North 12th Street, Grand Junction, Colorado.

#23-86 Right of Way Vacation

Petitioner: Jack D. Berry. Location: 8th Street, south of 3rd Avenue.  
A request to vacate a portion of a right of way on 8th Street, south of 3rd Avenue.  
Consideration of Vacation.

A request to vacate parts of street right of way described as follows:

The west 27.5 feet of South 8th Street right of way adjacent to Lot 19, Block 20, Milldale Subdivision and the east 27.5 feet of South 8th Street right of way adjacent to Lot 1, Block 19, Milldale Subdivision, all located in the City of Grand Junction, Mesa County, Colorado.

#24-86 Conditional Use for Hotel/Restaurant Liquor License  
Petitioner: Round Table Pizza, James Flowers. Location: 2004 North  
12th Street. A request for a conditional use for a Hotel/Restaurant  
Liquor License in a B-3 Zone.  
Consideration of Conditional Use.

PARCEL 2

Beginning 82.5 feet North of the SW  
Corner, Lot 2, Block 1, Fairmount Sub-  
division; thence North 42.5 feet; thence  
East 140.0 feet; thence South 100.0 feet;  
thence West 24.0 feet; thence North  
57.5 feet; thence West 116.0 feet to  
the point of beginning.

#25-86 Conditional Use for a Drive-Up Window in an H.O. Zone  
Petitioner: Wendy's Restaurant, Del Newkirk. Location: NE corner of  
Horizon Dr. and I-70. A request for a conditonal use for a drive-up  
window in a Highway Oriented Zone.  
Consideration of Conditional Use.

A parcel of land situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 36, T1N, R1W, U $\frac{1}{2}$  Meridian;  
more particularly described as follows:

Commencing at the SE Corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 36 and considering the  
bearing between found Mesa County Monuments at said Corner and the SE Corner  
of said Section 36 to bear S00°00'00"W with all bearings herein contained  
relative thereto; thence N34°30'46"W 1535.85 feet to a point on the Southerly  
Right-of-Way of Horizon Drive as described in Book 1469, Page 781, Mesa  
County Records; thence S54°36'30"W along said Right-of-Way 194.23 feet to the  
point of Beginning; thence S28°11'00"E 276.61 feet; thence S61°49'00"W 208.00  
feet; thence N28°11'00"W along a wire fence 213.00 feet to a point on the  
Southerly Right-of-Way of I-70 as described in said Book 1469, Page 781, Mesa  
County Records; thence N42°32'00"E 176.92 feet to said Southerly Right-of-Way  
of Horizon Drive; thence N54°36'30"E 41.33 feet to the Point of Beginning;  
subject to a 30.0 foot wide easement for driveway and utility purpose, more  
particularly described as follows:

An easement 15.0 feet left and 15.0 feet right of the following described  
centerline: commencing at the NE Corner of the above described parcel;  
thence S28°11'00"E 15.12 feet to the Point of Beginning; thence S54°36'30"W  
37.85 feet; thence S42°32'00"W 151.98 feet; thence S28°11'00"E 206.56 feet to  
the southerly boundary line of the above described parcel.



#26-86 Rezone RMF-64 to Planned Business

Petitioner: St. Mary's Hospital, Sister Marianna. Location: SW corner of 7th St. & Patterson Road. A request to change from a Residential Multi-family Zone of approximately 64 units per acre to a Planned Business Zone.  
Consideration of Rezone.

The following described property situate in the County of Mesa, State of Colorado, is the property to be affected by the rezoning application, to wit:

Tract 1

Beginning at the North Quarter corner of Section 11, Township 1 South, Range 1 West Ute Meridian; thence South 576 feet; thence South 73°35' West 708 feet; thence South 54° West 300 feet; thence North to the North line of said Section 11; thence East to the point of beginning, LESS AND EXCEPT that tract of land conveyed to the County of Mesa, State of Colorado, described as follows, to wit:

Beginning at a point from which the north one-quarter corner of Section 11, Township 1 South, Range 1 West, Ute Meridian, bears north 30 feet and east 546.20 feet, running thence west a distance of 382.58 feet to a point on the west line of the tract of land which was conveyed by Mesa County Junior College District to Sisters of Charity of Leavenworth by deed dated October 22, 1946, recorded October 24, 1946, in Book 453 at Page 291, said point being 30 feet south of the northwest corner of said tract, running thence south along the west line of said tract a distance of 200 feet, thence east a distance of 252.80 feet, thence north 57°37' east a distance of 154.02 feet, thence north a distance of 117.9 feet to the point of beginning, encompassing an area of 1.64 acres, SUBJECT TO that tract of land conveyed to Sisters of Charity of Leavenworth Health Services Corporation, described as follows, to wit:

Beginning at a point from which the N $\frac{1}{4}$  corner of Section 11, Township 1 South, Range 1 West, Ute Meridian, bears N 30 feet and E 888.88 feet; running thence W a distance of 39.90 feet to a point on the W line of the tract of land which was conveyed by Mesa County Junior College District to Sisters of Charity of Leavenworth by Deed dated October 22, 1946 and recorded October 24, 1946, in Book 453 at Page 291; thence S along the W line of said tract a distance of 200 feet; thence E a distance of 39.90 feet; thence N a distance of 200 feet to the point of beginning;

Reserving unto First Party, however, an easement over the property hereby conveyed for purposes of ingress and egress to other property owned by First Party and used by the Health Department of Mesa County, lying east of the property hereby conveyed;

SUBJECT TO a right-of-way easement for pipe line deeded to The Grand Valley Irrigation Company by instrument recorded October 1, 1946, in Book 453 at Page 215.

AND SUBJECT TO any and all easements and rights-of-way previously acquired by the City of Grand Junction.

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Tract 2

Beginning at a point 546 feet South of the North-east corner of the Northwest Quarter of Section 11, Township 1 South, Range 1 West of the Ute Meridian; thence South 73°35' West 31.3 feet; thence South 7.3 feet; thence along the arc of a curve to the right with a 32-foot radius, the chord of which bears South 36°48' West 36.3 feet to a point on the South line of the Princeton University tract as recorded in Book 306 at Page 498 of the records of Mesa County, Colorado, which point is South 73°35' West 54 feet from the Southeast corner of said tract; thence South 73°35' West 55 feet along the Southerly line of said tract; thence South 56 feet; thence East 230 feet to the West line of 7th Street in City of Grand Junction; thence North 30°38' West 152 feet along the West line of 7th Street; thence South 73°35' West 50 feet to the point of beginning.

AND SUBJECT TO any and all easements and rights-of-way previously acquired by the City of Grand Junction.

Tract 3

A part of the North Half of Section 11, Township 1 South, Range 1 West of the Ute Meridian, described as follows: Beginning at a point on the North right-of-way line of Center Avenue 390 feet North and 1163.4 feet East of the Southwest corner of the South Half of the Northeast Quarter of the Northwest Quarter of Section 11, Township 1 South, Range West of the Ute Meridian, thence South 00°05' West 50 feet to the North line of Mesa Park Center Subdivision; thence North 89°55' West along said North line to a point that is 972.27 feet East and 340 feet North of the Southwest corner of the Northeast Quarter of the Northwest Quarter of said Section; thence Northwesterly along the arc of a curve to the left having a radius of 50 feet a distance of 78.83 feet, the chord of which bears North 45°05' West 70.92 feet; thence North 00°15' West 273 feet to a point on the South line of a tract conveyed to the State of Colorado by Deed recorded in Book 306 at Page 498; thence North 73°35' East 303.8 feet, more or less, along said line to the West line of a parcel of property described in Book 710 at Page 119; thence South 56 feet; thence East 259.35 feet to the West right-of-way line of North 7th Street; thence South along said right-of-way a distance of 268.85 feet to the North line of Center Avenue; thence West a distance of 308.35 feet to the point of beginning, LESS AND EXCEPT that tract of land described as follows, to wit:

From the SW corner of the S½NE¼ of Section 11, Township 1 South, Range 1 West of the Ute Meridian thence East 1050.5 feet, thence North 388.5 feet, thence South 89°55' East 386.3 feet, thence North 114.0 feet for the point of beginning, thence West 90.1 feet, thence North 154.85 feet, thence East 120.1 feet, more or less to the West right-of-way line of North 7th Street in the City of Grand Junction, thence Southerly along said right-of-way line to a point 30.0 feet East of the point of beginning, thence West 30.0 feet to the point of beginning; TOGETHER WITH an

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easement over property retained by Grantors, as described in instrument recorded in Book 895 at Page 321, Mesa County records, said easement extending over an existing driveway and parking area 40.9 feet West of the above-described property and 13.0 feet, more or less, South of the above-described property, said easement for parking and driveway purposes to be used in common by the parties hereto, their successors and assigns; SUBJECT TO an easement over the West 20 feet, and the South 23 feet of the property conveyed herein, to be used in common by the Grantee and Grantor, their successors and assigns, for parking and driveway purposes; AND SUBJECT TO any and all easements and rights-of-way previously acquired by the City of Grand Junction.

Tract 4

Lots 4 and 5 in MESA PARK CENTER, in the City of Grand Junction.

AND SUBJECT TO any and all easements and rights-of-way of record.

Tract 5

Beginning at a point on the East line of Lot 16, Bookcliff Heights Subdivision in the City of Grand Junction, North 00°15' West 310.88 feet from the Southeast corner of said Lot 16, running thence North 00°15' West 303.12 feet; thence South 75°02' West 294.6 feet; thence Southeasterly to the point of beginning.

AND SUBJECT TO any and all easements and rights-of-way of record.

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#27-86 Metropolitan Planning Organization (MPO) FY 1987 Unified Planning Work Program.

Petitioner: Metropolitan Planning Organization. A request to approve the Metropolitan Planning Organization FY 1987 Unified Planning Work Program.

Consideration of the MPO FY 1987 Work Program.

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