

GRAND JUNCTION PLANNING COMMISSION  
Public Hearing -- November 13, 1986  
7:30 p.m. - 10:35 p.m.

The public hearing was called to order by Chairwoman Susan Rush at 7:30 p.m in the City/County Auditorium.

In attendance, representing the City Planning Commission, were:

Karen Madsen	Bill O'Dwyer
Miland Dunivent	Ross Transmeier
Susan Rush, Chairwoman	

In attendance, representing the City Planning Department, were:

Mike Sutherland	Karl Metzner	Kathy Portner
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In attendance, representing the City Engineering Department, was:

Don Newton

Terri Troutner was present to record the minutes.

There were approximately 54 interested citizens present during the course of the meeting.

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**I. APPROVAL OF MINUTES**

**MOTION: (COMMISSIONER MADSEN) "MADAM CHAIRMAN, I MOVE THAT WE APPROVE THE MINUTES FROM THE MEETING OF OCTOBER 7TH AS SUBMITTED."**

Commissioner O'Dwyer 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**

Karl Metzner informed the audience that all of tonight's items, with the exception of item #6 had been scheduled for the City Council public hearing on November 19th.

### III. FULL HEARING (RECOMMENDATION ONLY)

#### 1. #2-86 ZONE OF ANNEXATION

Petitioner: City of Grand Junction  
Location: West along Hwy 6&50 from North Avenue projected to Mesa Mall and along 25 Road from Independent Avenue to Patterson Road.

#### PETITIONER'S PRESENTATION

Karl Metzner said that the proposed item contained all of the revisions requested by the City Council and Planning Commission at previous reviews. He outlined those zone revisions on the map located behind the Commissioners. Karl pointed out that staff had prepared a list of uses for the H.O. zone to make as many of the uses as possible "allowed" uses.

Several letters of objection to this proposal were received and will be placed with the file as a matter of permanent record.

#### QUESTIONS

Commissioner Transmeier noted that comments from Mr. and Mrs. Starks were also received at the October 7th meeting and should be made a part of the record.

Karl responded that these comments were included in the minutes of that particular meeting.

Chairwoman Rush asked Karl for clarification on why this zone of annexation was being sought.

Karl replied that by law annexations must be zoned no later than 90 days after the property is annexed. That 90-day period would be up two days prior to the next Council hearing. To meet this requirement, action must be taken at this evening's meeting.

#### PUBLIC COMMENTS

##### FOR:

There were no comments for the proposal.

##### AGAINST:

Ben Carnes, owner of property on the SW corner of the highway and 25 Road, asked those people who were in opposition to the present proposal to stand up; 27 persons did.

He stated that with regard to his property, if this H.O. zone was approved, he would have 1.8 acres lying within it. He was concerned that it would disallow uses which, under the County's zoning, would have been acceptable.

He further felt that H.O. zoning should be used contiguous with the actual location of the highway. Since the area is presently zoned for commercial use, he felt new zoning should remain consistent with the present zoning.

Mr. Carnes read the criteria listed in the Public Information Series on Zoning and Rezoning. He contended that since residents were expected to comply with certain criteria, he thought the city should be expected to do the same. In reading the specific criteria having to be met in a zoning/rezoning situation, he felt that none of the city's own criteria could be met.

He continued that, fortunately, values have held on property in this area. With the placement of H.O. zoning in this area, he felt that these values would be jeopardized.

Bill Nelson, owner of land south of the highway where Arrow Glass is located, felt that this situation was one likened to the Patterson Road issue. The residents did not want this zoning, and by the city placing this onto the citizens, it would act as a forced improvement district. Further, he stated that even though this was called a Commercial Enclave Annexation, the city would be removing the "Commercial" aspect of this area.

Lois Lashbrook, owner of property east of Valley Plaza, recounted her own experience in a past county land split. She said that she went through a flurry of "red tape" and great expense in order to get this accomplished. With the new H.O. zoning, she foresaw this time and expense as greatly increasing. She felt that the average person could not, in these difficult economic times, bear such expense, nor did they have access to such resources.

Dave Turner, attorney representing the owner of the Go-Fer Store at 2515 Hwy 6&50, said that the uses of his client would no longer be allowed under the new proposed zoning, but would be conditional. He asked the city to reconsider this proposal.

Richard Ladd, owner of Dri-Mix Concrete at 2462 1/2 Hwy 6&50, said that his property is currently zoned industrial. His property would be zoned primarily commercial and he felt that since an industrial use was not allowed in a Commercial zone, he would be forced to move his business.

Chairwoman Rush asked Karl for clarification of this point.

Karl said that under the city's Heavy Commercial zoning (C-2), his use would be an allowed use. He pointed out to Mr. Ladd that any expansion of this use would require only a building permit.

Joan Raser, owner of property at 2487 Hwy 6&50, stated that 15 years ago when she had sought a location for her travel trailer business, she was advised by the former City/County Development Department to move to her present location. Under the new zoning proposal, she contends that this use would no longer be allowed at all.

Commissioner Transmeier asked for a clarification of the uses allowed in this zone, as it appeared there was some confusion or misunderstanding of what was acceptable.

Karl explained that presently the sales of R.V.s or vehicles is a special use. There are no uses listed which would not be allowed in some manner; however, for new uses it may mean coming before the Planning Commission where as before they may not have had to. He pointed out that there is a requirement for some kind of landscaping in every zone except industrial. Karl continued that one of the main reasons for requesting H.O. zoning was to provide requirements for additional landscaping. Since Hwy 6&50 has an oversized right-of-way, it has no required setbacks fronting it. This is not the case, however, with 24 1/2 and 25 Roads, and landscaping would be required for those setbacks.

Commissioner Transmeier noted to the audience that this zoning is designed to protect current property owners from neighbors who might create an unsightly environment on their property. This zone would require those neighbors to provide a more attractive environment; thus, it would be hoped that the quality of the area would be improved.

Ben Carnes reiterated that the demand for Commercial Use is greater than that of H.O. Therein lies the greater value, he felt, and reaffirmed his opposition to the H.O. zoning.

Victor Raser, owner of property at 2487 Hwy 6&50, wanted to know if the "rules" could be changed under any of these zones.

Commissioner Rush answered affirmatively, saying that any change would be required to come through the proper channels, i.e. the Planning Commission and City Council.

Barry Rasmussen, owner of property east of 25 Road on 6&50, expressed adamant opposition. It was his feeling that the Commercial zoning should be left as it is, but he would be willing to work with the Planning Commission in implementing some form of beautification program for the area, which area businesses could share in.

Berndt Holmes, representing family living near Independent Avenue and Hwy 6&50, originally purchased the building on the corner of Independent and Hwy 6&50 for use as a rental. He was concerned that since renters and their uses change, the zone might prohibit someone coming in who might have a business which the H.O. zoning would prohibit.

Richard Grogan, representing his father who owns property at 2472 Hwy 6&50, felt that the past flexibility in allowed uses has allowed him to survive. He was concerned that additional restrictions would only create additional problems.

Steve McCallum, owner of property on the corner of 25 Road and Hwy 6&50 on the NW side, reaffirmed the H.O. zoning would be prohibitive to new businesses. He would be more inclined to participate in a beautification plan, if the zone could be left as it is.

Don Johnson, owner of property at 2520 Hwy 6&50, said that currently he owns a tire retreading shop in this area. With the inclusion of the new zoning, his use would no longer be allowed. He felt that this was not justified since he had done much to improve the appearance of the property, and had installed planters and trees as additional beautification measures.

Commissioner Transmeier concurred that the use under the new proposal would not be allowed without being grandfathered in.

John Starks, owner of property at 2512 E 1/4 Road, said that presently there are 19 uses which could've been implemented before, but are not now allowed. He wanted the property zoned C-2.

Jean Starks, also expressed adamant opposition, and wants to make the building more acceptable for renters. Had she known a new zone of annexation would be enforced after annexation, she never would have been for the original annexation.

#### **PETITIONER'S REBUTTAL**

Karl pointed out that both Mesa Mall and Valley Plaza are currently zoned H.O. He agreed that there are several ways of achieving the desired beautification of the west entrance; one way being the modification of the Commercial zone to change the inconsistencies of requiring landscaping on the side streets but not on the main street.

#### **QUESTIONS**

At this time Commissioner Transmeier asked the audience whether there were any who preferred the H.O. zoning (none responded). He asked if there would be any problem with the C-1 zoning, or whether a straight C-2 zoning was preferred (the overwhelming majority preferred the straight C-2 zoning).

A discussion ensued between Richard Ladd and the Commissioners concerning the zoning that was presently there in this area. The Commissioners and staff reaffirmed that in an annexation, there is a period of limbo where there actually is "no" zoning. This is where these businesses were. What was being recommended was a new zone which would be as closely compatible to the old county zone

as possible. Both the Commissioners and staff stressed that the COUNTY ZONING WAS NOT THE SAME AS THE CITY ZONING. Therefore, since annexation had ensued, the former zoning could not be reinstated.

**MOTION: (COMMISSIONER O'DWYER) "MADAM CHAIRMAN, WITH YOUR PERMISSION, INASMUCH AS WE'VE HEARD SEVERAL THINGS HERE TONIGHT AND A LOT OF THEM MAKE PRETTY GOOD SENSE TO ME, I WOULD MOVE THAT WE FORWARD TO THE CITY COUNCIL A RECOMMENDATION THAT THE ZONING ON THIS ENTIRE ANNEXATION BE ZONED C-2."**

Commissioner Dunivent seconded the motion.

Chairwoman Rush expressed appreciation for the comments received on the beautification of the entrance into the city, and felt that this was the prime motivating factor behind the original intent, which was to make Grand Junction a more attractive place to live. She said that what was needed was a commitment from the property owners to the Planning Commission and City Council in helping to beautify that stretch of highway.

Commissioner Transmeier commented that he hoped the property owners knew what they wanted, and hoped that the C-2 zoning would actually be what they wanted.

Commissioner Dunivent commented further by saying that in 6 years of participating on the Planning Commission, this was the first time he had ever seen an entire group so unified in favor of a specific use.

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

The public hearing was recessed at 8:45 p.m. and reconvened at 8:51 p.m.

**2. #29-86 REZONE RMF-32 TO B-1**

Petitioner: W.R. Bray  
Location: 640 Belford Avenue

**PETITIONER'S PRESENTATION**

John Ballagh presented a brief outline of the proposed plan. The zoning request is to allow light business uses in the zone without it needing to be a home occupation.

**QUESTIONS**

Commissioner O'Dwyer asked if the character of the existing residence would be maintained.

Mr. Ballagh responded that it would.

## **STAFF PRESENTATION**

Mike Sutherland said that most technical concerns had been resolved. The location of the garage in the back of the yard may pose some sight distance problems, but not any more than a 6' fence, which would be allowed to be built right to the property line.

## **QUESTIONS**

Don Newton, City Engineer, asked staff if the garage in its present location would meet present setback requirements, if any.

Mike replied that since there is a zero foot setback requirement for this use, it would be acceptable in its present location with regard to setbacks. Mike pointed out that the petitioner had agreed to provide continuous concrete curbing, which should aid in accessibility problems.

Mike said that one letter was received by the Planning Department, but was not in opposition as long as sufficient parking was provided.

## **PUBLIC COMMENTS**

FOR:

There were no comments for the proposal.

AGAINST:

Doug Bryce, owner of 631 and 637 Belford, questioned the bad parking along Belford. He expressed concern that the business use might add traffic and increase the parking problem.

Mike replied that since the business being proposed is now being transacted in one of the other Bray offices, it should not increase traffic. The business zone also restricts the time for business uses to 11:00 p.m.

## **PETITIONER'S REBUTTAL**

John said that the fences currently in a state of disrepair would be torn down. There was no intention of erecting additional fencing, as he agreed with Don on the problem of sight distances.

## **QUESTIONS**

Don requested that if the proposal was approved and the garage remained in its present location, a condition be made to include a stop sign between the parking lot and the alley.

**MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #29-86, THE REZONE FROM RMF-32 TO B-1, I MAKE A MOTION WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL SUBJECT TO STAFF COMMENTS, BUT NOT REQUIRING REMOVAL OF THE GARAGE, AND REQUIRING A STOP SIGN AT THE PARKING LOT ONTO THE ALLEY."**

Commissioner O'Dwyer seconded the motion.

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

### **3. #31-86 ROAD RIGHT-OF-WAY VACATION**

Petitioner: Hilltop Rehabilitation Hospital  
Location: NW corner of 26 3/4 Road and Patterson Road

Tom Logue, representing the petitioner, presented a brief overview of the proposal.

#### **QUESTIONS**

There were no questions at this time.

#### **STAFF PRESENTATION**

Kathy Portner stated the city had no objections to the proposal. The extra 10 feet gained through right-of-way vacation would be used for extra parking spaces, which would change the layout of the parking lot. Noted was that the original plan included landscaping between Patterson Road and the sidewalk, and a landscaped island in the center of the parking lot. In order to realign the center row of parking, it would be moved north approximately 4 feet, which would leave a total of 7 feet along Patterson Road that could be landscaped. The two trees in the original plan which were to be placed along 26 3/4 Road were deleted in the revised plan. Staff would like to see those added.

Existing ground cover on the north and west side contains a lot of bare ground; staff would like to know if this area would be seeded.

Mr. Logue responded that a sump box on the SW corner would be used for irrigation. The area to the north and the small piece of ground to the west would be regraded and hydroseeded with turf-mix. The island in the center was thought to hamper maintenance and snow removal; therefore, it would be removed. He felt that with regard to the landscaping along 26 3/4 Road, spreading shrubbery was more desirable to allow a more non-restrictive development of that road in the future. If development of 26 3/4 Road took place, he did not want to see the trees disturbed in the process. Therefore, he proposed a crushed-stone ground cover.



With regard to moving the parking lot back an additional 4 feet, Hilltop had found with some of its other properties that the small strips of landscaping were very difficult to maintain. Therefore, in the revised plan, landscaping behind the attached sidewalk was deleted.

#### **PUBLIC COMMENTS**

##### **FOR:**

Dennis Stahl, representing Hilltop, noted that along Patterson Road in this area, properties all have either a brick wall or a fence bordering Patterson Road. At the Hilltop location, however, they did put in a median and planted trees. He felt there was strong neighborhood support in their plans for landscaping.

##### **AGAINST:**

There were no comments against the proposal.

#### **QUESTIONS**

Commissioner O'Dwyer asked if lighting of the parking lot had been considered.

Mr. Stahl responded that this parking lot would be used strictly for daytime employee parking. The reason for this, primarily, was due to neighborhood objection to nighttime lighting.

Mike indicated that six shade trees had been approved in the original plan; the revised plan did not include any of these trees. Since the Grand Junction Zoning and Development Code requires 5% of the total parking area for landscaping, some of which may include shade trees, the trees may need to be re-included. The trees presently located in this area, he continued, were mainly Elm and were either diseased or dying.

Commissioner Transmeier noted that trees originally designed for the west end of the property were also omitted.

Mr. Stahl said that the upkeep on the trees was his primary concern; not the purchase.

Karen Madsen asked why the area fronting Patterson Road created such a maintenance problem with regard to landscaping.

Mr. Stahl replied that the size alone was prohibitive. Also he pointed out that it would be the only landscaping between Hilltop Rehabilitation Center and the corner of 7th and Patterson; the rest of the areas fronting Patterson were sloping concrete or fencing.

There was some discussion over whether the adjacent apartment buildings had landscaping along Patterson Road.

**MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #31-86, THE ROAD RIGHT OF WAY VACATION, I MAKE THE MOTION WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL SUBJECT TO THE STAFF'S LANDSCAPING SUGGESTIONS THAT THEY PUT IN GRASS IN THE FRONT, WHICH IS THE SOUTH, AND PUT IN A COUPLE OF SHADE TREES ON THE EAST IN ADDITION TO WHAT THEY'VE ALREADY PROPOSED."**

Commissioner Madsen seconded the motion.

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

**4. #32-86 ALLEY VACATION**

Petitioner: City of Grand Junction

Location: The north/south alley between Melody Lane and Sparn Street

**PETITIONER'S PRESENTATION**

Mike Sutherland presented a brief overview, stating that the alley would be retained as a drainage and utility easement.

**QUESTIONS**

There were no questions at this time.

**PUBLIC COMMENTS**

**FOR:**

Elvera Winters, 485 Sparn, was in favor of the vacation. She has had recent problems with youth tearing up the alley area (she passed around photographs which showed the damage done). With the vacation, she would be able to erect a fence or barricade which should help alleviate future occurrences.

Commissioner O'Dwyer reminded her that the easement would remain, so that if need be, the utilities company could come in and tear down any fence or barricade erected.

Ruth Raney, 478 Melody Lane, was neither for or against the proposal. She asked for clarification, which was provided to her.

**AGAINST:**

There were no comments against the proposal.

**MOTION: (COMMISSIONER MADSEN) "MADAM CHAIRMAN, ON ITEM #32-86 AN ALLEY VACATION OF THE NORTH/SOUTH ALLEY BETWEEN MELODY LANE AND SPARN STREET SOUTH OF NORTH AVENUE, I MOVE THAT WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."**

Commissioner O'Dwyer seconded the motion.

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

**5. #33-86 STREET NAME CHANGE**

Petitioner: Grand Junction Planning Department

**PETITIONER'S PRESENTATION**

Karl Metzner said that the request for the name change was because part of the road bears the name "West Avenue" and part of the road bears the name "River Road." The name change will unify the road's name. No properties are currently addressed from this road.

**QUESTIONS**

Commissioner Transmeier asked if the road will remain West Street south of Broadway.

Karl responded affirmatively.

**PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**MOTION: (COMMISSIONER O'DWYER), "MADAM CHAIRMAN, I MOVE THAT WE FORWARD THIS ITEM #33-86 TO THE CITY COUNCIL WITH THE RECOMMENDATION THAT THE NAME BE CHANGED FROM WEST AVENUE, NORTH OF COLORADO HWY 340, TO RIVER ROAD."**

Commissioner Transmeier seconded the motion.

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

**6. #30-86 CONDITIONAL USE FOR A CHURCH**

Petitioner: Bookcliff Church of Christ  
Location: 627 26 1/2 Road

**PETITIONER'S PRESENTATION**

Phillip Thompson, representing the petitioner, gave a brief overview of the proposal. The construction would take place three to four years in the future; and services would be held Wednesday and Sunday evenings and Sunday mornings. He felt that all technical concerns had been resolved and that purchase of the property was contingent upon receiving the Conditional Use. He felt that since the church would be the only ones using the proposed road, he requested that initially it, as well as the parking lot be graveled. It seemed to the petitioner that the City Zoning and Development Code did not absolutely require it, the property would not be used on a daily basis, and that the property borders on county property; county regulations may be just as appropriate for this use.

Mr. Thompson felt that there was neither a need for the sidewalk nor should they be required to complete full street improvements since the financial obligation would be unwarranted.

**QUESTIONS**

Commissioner O'Dwyer noted the various churches already in the area.

**STAFF PRESENTATION**

Mike Sutherland asked that if this proposal was approved, the following conditions be placed on the church:

- 1) They sign and return a copy of the building permit guarantee, meaning no building permit would be requested until finalized plans has been reviewed and approved by city staff.
- 2) The appraisal is approved and the open space fees are paid to the City Parks Department prior to the request for a building permit.

Paving of the road and parking lot is requested since there are residences located near the property which may be affected by the blowing dust.

**PUBLIC COMMENTS**

FOR:

Steve Heald, 3101 Applewood, spoke in favor of the proposal.

**AGAINST:**

LaPriel Carstens, 2645 F 1/2 Road, felt that three churches were too many for this area. She was concerned that she was not notified of this proposed action.

Woody Putnam, 627 Sage Court, wanted a condition imposed on the church prohibiting them from operating a "school-type" operation, either now or in the future. He felt that this would greatly increase the traffic in the area.

Judy Heuton, owner of lot 3 in the Northacres Subdivision, felt that the church would generate a lot of dust on an unpaved street as well as noise in this area.

Ruth Webster, 629 Sage Court, wanted to know if there should be a change in use for this property proposed in the future, would it have to come before the Planning Commission.

Mike replied that any change in use would have to go through the Commission if other than what is specifically requested in this application.

Wanda Putnam, 637 Sage Court, expressed concern over the changing nature of the neighborhood.

Clayton Carstens, 2645 F 1/2 Road, asked for clarification of an existing question concerning an exit for Northridge Subdivision along Northacres Road. Mike addressed his concerns.

There was a discussion over the litigation over use of the existing access road to Sage Court. Mr. Carstens stated that they were given a perpetual easement.

**PETITIONER'S REBUTTAL**

Phillip Thompson assured that the church had no intention of running any day care facilities from their building. The congregation planned on meeting only three times per week. Regarding the paving of the street and parking lot, he asked staff if graveling was acceptable under these conditions.

Mike responded that the Zoning and Development Code required only that there be a "dust-free" surface. However, the Engineering Department may require conformance to city street design standards.

**QUESTIONS**

Don Newton addressed the street improvement issue, saying that the city could no longer accept powers of attorney for street improvements. Therefore, if road improvements were not accommodated at

the time of development, there would be no way of coming back to the petitioner later and requiring them. A paved road is not required now by the city, but the problem of funding for the street improvements may arise later with no recourse. If gravel were laid down, it would have to be kept dust-free according to the Zoning and Development Code.

Commissioner Madsen expressed her concern that this area is located near a critical entrance to the city. She did not feel comfortable with either the graveled road or the impact it would create for the neighborhood.

Commissioner Dunivent also expressed concern over the road not being paved.

**MOTION: (COMMISSIONER MADSEN) "MADAM CHAIRMAN, ON ITEM #30-86 REQUEST FOR A CONDITIONAL USE FOR A CHURCH IN A SINGLE FAMILY (RSF-4) ZONE ON APPROXIMATELY 2.6 ACRES, I RECOMMEND THAT WE DENY THIS PROPOSAL."**

Commissioner Dunivent seconded the motion.

A vote was called and the motion was defeated by a vote of 2-3, with Chairwoman Rush and Commissioners O'Dwyer and Transmeier opposing.

**MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #30-86, I MAKE A MOTION THAT WE APPROVE THE CONDITIONAL USE ON THE CONDITION THAT THE CHURCH MAKE FULL STREET IMPROVEMENTS BACK TO HALF THE LENGTH OF THEIR PROPERTY, WITHOUT A SIDEWALK, WITH CURB, GUTTER, AND PAVEMENT, AND SHOULD NOT BE REQUIRED TO PAVE THEIR PARKING LOT, AND THAT THEY COME BACK BEFORE US WITH A FINAL PLAN BEFORE THEY PULL A BUILDING PERMIT."**

Commissioner O'Dwyer seconded the motion.

A vote was called and the motion passed by a vote of 4-1 with Commissioner Madsen opposing.

Mike Sutherland explained the appeal procedure to those who may be interested.

At this time LaPriel Carstens voiced her intentions to appeal the decision.

The hearing was adjourned at 10:35 p.m.