

GRAND JUNCTION PLANNING COMMISSION
Public Hearing -- March 3, 1987
7:30 p.m. - 10:28 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:

Susan Rush, Chairwoman	Miland Dunivent
Karen Madsen	Jack Campbell
Ron Halsey	Ross Transmeier

In attendance, representing the City Planning Department, were:

Kathy Portner Karl Metzner Mike Sutherland

Tim Woodmansee, Right-of-Way Agent, and Don Newton, City Engineer, were also present.

Terri Troutner and Julie Russman were present to record the minutes.

There were approximately 44 interested citizens present during the course of the meeting.

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Chairwoman Rush outlined the procedures on items being recommended to City Council for their approval. She explained the voting procedure and the appeal procedure to the audience. There were no questions on these procedures.

I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER MADSEN) "MADAM CHAIRMAN, I MOVE THAT WE ACCEPT THE FEBRUARY 3RD MINUTES WITH THE FOLLOWING CHANGE: A CHANGE IN THE WORDING OF COMMISSIONER TRANSMEIER'S COMMENTS ON PAGE 5, NEXT TO THE LAST PARAGRAPH, LAST SENTENCE TO REFLECT THE FOLLOWING: "HE FELT THAT THE CITY COUNCIL MAY LOOK AT THE PROPOSAL AND DECIDE THAT THE DECISION OF THE PLANNING COMMISSION WAS BASED SOLELY ON THE PETITIONER'S ABSENCE."

Commissioner Transmeier made changes in the original motion, which were agreed to by Commissioner Madsen and made a part of the above motion.

Commissioner Transmeier seconded the motion.

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

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Chairwoman Rush announced to the audience that item #5 regarding the Krey Subdivision and item #10 regarding the floodplain regulations were pulled from this evening's agenda and would not be heard.

III. FULL HEARING

1. #4-87 SIGN CODE AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE

Petitioner: Dwayne Dodd

Before the petitioner gave his presentation, Chairwoman Rush explained that this item was heard at the last month's hearing. Although the petitioner failed to show up, the Planning Commission heard testimony from staff and several citizens at that time. The Commission had voted unanimously for denial of the proposal. Since that time, she continued, the petitioner had insisted he was never informed of the meeting. At the request of the mayor, the item was placed on this month's agenda to be reheard.

At the request of Commissioner Transmeier, the testimony heard at the previous meeting will be integrated with this meeting's testimony.

PETITIONER'S PRESENTATION

Dwayne Dodd, owner of Modern Classic Motors at 420 North 1st Street, felt that wind-driven signs were greatly needed in order to attract as much attention to businesses such as his as possible. He said that in the days of the horse and buggy, a wind-driven sign may have "frightened a horse and scared a buggy" [sic] and thus, have led to an injury, but this was not something to be worried about in these times. He felt that these banners, pennants, etc. could enhance the beauty of the community.

In response to the review agency comments, he felt that there were no great objections to the proposal. He stated that he had done a great deal of surveying among the business community and stated that the overwhelming majority favored these type signs "beyond a shadow of a doubt."

QUESTIONS

There were no questions at this time.

STAFF PRESENTATION

(former testimony)

Karl said the proposal would delete section 5-7-2F and would allow wind-driven signs without restrictions. The review agencies felt that there were some instances where wind-driven signs were a benefit, but added that there should be some restriction in allowing them, i.e. allowing them on a periodic basis with a permit being required. Karl felt that these instances would include special community events, grand opening/going-out-of-business sales, etc. Allowing this type of sign with no restriction would tend to make an area look "cluttered." He recommended an alternative proposal be drafted to allow this type of sign on a periodic basis.

(present testimony)

Karl outlined the list of review agencies which commented on the proposal; they included the Visitor's Convention Bureau, the Board of Appeals advisory members, the Chamber of Commerce and the Downtown Development Authority. All agencies recommended denial, but felt that some type of occasional allowance might be granted for special events, promotions, etc. All felt that any allowance be subject to a time restriction. Surveys were taken of other Colorado communities as well as the International City Manager's Association (ICMA); the majority of the communities prohibited these signs in general, but most also allowed them on special occasions for a limited time.

It was staff's recommendation that this proposal not be granted without some restriction.

PUBLIC COMMENTS

FOR:

(former testimony)

Karl stated that a petition of 22 signatures (all of which were automobile dealers) was received by the department in favor of the proposal.

AGAINST:

(former testimony)

Dale Hollingsworth, 3135B Lakeside Drive, was vehemently opposed to the proposal. He said that he was one of several members who drafted the original sign code, and gave a lengthy history of why the sign code was put into place as it was. The objective, he stated, was to "clean up" Grand Junction's non-conforming and unsightly signs, making Grand Junction a more aesthetic place to live. It was his belief that the present sign code should be

maintained and enforced, not weakened by the allowance of wind-driven signs. he voiced a real concern that approval of such a proposal would send Grand Junction back to a time when unsightly signs "littered" the highways and business sections.

(present testimony)

Dale again spoke out, not only against the proposal, but also for the Planning Commission to seemingly give preferential treatment to the proposal by hearing it a second time and going against normal procedures. He was surprised to find that Mayor Ragsdale thought it necessary to hold another hearing on this issue. This appeared to be inappropriate procedure.

Regarding the proposal specifically, Dale indicated that Mr. Dodd's comparison of Grand Junction in the present to the "horse and buggy days" of the past was erroneous. The indiscriminate use of banners, pennants, etc. could only serve to once again clutter up the Grand Junction area. Further, he felt that even if granted on a restricted basis, the current Planning Department did not have the staff nor the resources to enforce it. Staff, he continued, had earlier stated that because of their staffing/financial constraints, they responded to violations on a complaint-only basis.

Chairwoman Rush commented to Mr. Hollingsworth that the Planning Commission had chosen to hear the proposal again because of the implication that they had not given the petitioner a "fair shake." Based on this implication, she felt that the final decision of the Planning Commission in last month's meeting would have been dismissed by the City Council. By rehearing the item, there could then be no question as to the fairness of the Planning Commission.

(former testimony)

Lee Schmidt, 536 Bookcliff, another member of the earlier sign code committee, also spoke against the proposal. He said that the present sign code had successfully stood against the test of time and should not be weakened.

Pat Gormley, 626 Fletcher, concurred with this sentiment and also spoke in opposition to the proposal.

PETITIONER'S REBUTTAL

Dwayne Dodd stated that Mr. Hollingsworth was doing nothing more than "waving his own flags" on the issue, and that the enforcement which would be required was not the question. It was his contention that the exclusion of this particular paragraph would add color and vitality to the community which, he argued, could only add beauty to the area while promoting the various businesses. He felt that doing so was his right and insisted that he spoke for the majority of businesses in Grand Junction.

STAFF REBUTTAL

(former testimony)

Karl said that due to the lack of department manpower, it could only enforce the sign code on a "complaint basis." He said that most violations occurred when a business had a special event or promotion; some businesses have asked for a twice-yearly allowance for this type of sign.

QUESTIONS

(former testimony)

Commissioner Transmeier questioned that if the proposal was approved as submitted, it would totally open up use of the wind-driven signs.

Karl said that this assertion was correct, but added that they would still be forbidden in a right-of-way and must be on-premise. There would be no restrictions, however, regarding size, number, type, etc.

Commissioner Transmeier continued that because of the nature of a pennant, it would be nearly impossible to measure surface area; also, that the surface area would not even be deducted from the total allowable area for business signs since there was generally no writing on pennants.

Commissioner Madsen felt that leniency towards the sign code should not be encouraged.

Chairwoman Rush asked about the various action policies that could be taken on this issue; Karl Metzner clarified these to her and other Planning Commissioner members.

(presently initiated motion)

MOTION: (COMMISSIONER CAMPBELL) "I WOULD LIKE TO MAKE A MOTION WE DENY THIS REQUEST FOR DELETION OF SECTION 5-7-2F FROM THE CODE."

Commissioner Madsen seconded the motion.

Before the vote was called Chairwoman Rush commented that she was opposed to the proposal because she felt that the complete deletion of the paragraph, without restriction of any type, would leave the allowance of such signs "too wide open." She said that a lot of thought had gone into the earlier development of the sign code, and that the proposal, as stated, could only create an unwanted, unsightly situation.

Commissioner Transmeier commented that the proposal didn't seem to be supported by the overwhelming majority of business owners, as Mr. Dodd contended, since no other business owners were apparently here to speak in favor of it.

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

2. #11-87 REZONE RMF-64 TO PLANNED BUSINESS AND FINAL PLAN

Petitioner: Mesa County Teachers Credit Union

Locations: 525, 527, and 529 Chipeta Avenue, Grand Junction, CO

PETITIONER'S PRESENTATION

John Elmer of Arix Engineering spoke in behalf of the petitioner. The first phase of the proposal, he said, would be to remove the three residences and convert the separate lots into a single parking lot to be used by the Credit Union and the Grey Gourmet. The various property trades which would transpire upon approval of the proposal were also discussed. The second phase of the project would include the addition of drive-up windows and tellers and the third phase would add 1,100 sq. ft. to the existing building.

He said that the original plan had been changed to try and preserve as many of the mature trees as possible. A 6' high wooden fence would be placed as a buffer between the western edge of the parking lot and the residence located directly to the west.

Regarding traffic, the Credit Union side of the parking lot would be entirely for employees; therefore, any traffic generated in this area would be limited to the usual twice per day arrival and departure of the employees.

QUESTIONS

Commissioner Transmeier noted that this was one of the few businesses which exist across Ouray. Landscaping and buffering in this area were stressed as being very important.

When asked by Chairwoman Rush about signage off Chipeta Avenue and evening lighting, Mr. Elmer responded that there was no signage planned that he knew of and that any nighttime use of the facility would utilize the parking lot directly adjacent to the Credit Union building--therefore, no additional lighting should be needed.

Chairwoman Rush also asked about anticipated traffic generation by phase two.

Mr. Elmer responded that it would generate more traffic in the alley caused by people leaving the drive-up tellers. He felt that there should be no direct impact to Chipeta Avenue. Mr. Elmer pointed out that the petitioner has proposed to pave the alley directly behind the property which should encourage motorists to exit in that direction.

STAFF PRESENTATION

Kathy Portner said that the proposed zone change to PB should satisfy all concerned. The expanded services will be in need of additional parking. All landscaping and buffering concerns had been met through a revised site plan. She voiced a concern expressed by the City Engineer regarding the parking spaces directly behind the Credit Union which would back up directly onto the alley; it was felt that this concern could be resolved in using those spaces strictly for employee parking.

Kathy said that there were several calls received; they were, however, mainly inquiries into the proposal and questions regarding how the rezone might affect their property values and future rezone requests in their area. She noted that a letter was received, which will be read at the time of public comments. The area is within the DDA's Housing Renovation District; the DDA, however, had not submitted any review comments on the proposal.

QUESTIONS

Chairwoman Rush asked for Planning's opinion of the removal of three multi-family type lower income homes in a single area.

Kathy responded that it was more the impact which would be placed on the remaining residents (in having so much pavement facing them) that had been considered, and staff had been able to mitigate that issue through landscaping.

John Elmer said that the homes were kept as rentals and had not been maintained.

Commissioner Dunivent asked if there was any comment on the parking spaces north of the building which were to have been grandfathered in.

Mr. Elmer said that they had been and will continue to be employee parking spaces.

Commissioner Transmeier questioned the zoning of the Grey Gourmet. He asked also if the parking area used by the Sr. Nutritional Center continue to belong to the County.

Kathy responded that it was presently under public zone (PZ). She also said that the parking area being questioned would still belong to the County.

Chairwoman Rush asked whether the rezoning, then, of all three parcels would be correct at PB; it seemed that the Grey Gourmet parking lot should be zoned PZ.

Mike Sutherland said that Gordon Tiffany, County Administrator, approved the parking lot under the proposed zone without concern to the PZ zoning. Mike said that Mr. Tiffany did not elaborate on his reasons for this preference.

Commissioner Transmeier asked for clarification of the addition.

Mr. Elmer replied that it would be an additional 1,100 sq. ft. to be located on the same level as the present building.

PUBLIC COMMENTS

FOR:

A letter was read from James Golden, 2808 North Avenue, spoke in favor of the proposal.

Earl Zimmerman, 458 Chipeta Avenue, asked for clarification of the area of effect for the zone change, which was given to him. He felt the present houses were in poor condition and tearing them down should not be a loss.

OPPOSED:

Marion Hunt, 327 33 Road, wanted to know what kind of fence would surround the parking lots. The petitioner responded that it would be a 6' high solid wood fence. When voicing concerns over possible tax increases to his property from the adjoining improvements and/or zoning, Mike Sutherland said that any tax increases to his property would be as a result of improvements and/or zoning made to his own property, regardless of surrounding changes.

Betty Fulton, 634 North 5th Street, felt that this proposal would be a further encroachment of business into the community. She did not want to see this happen to Chipeta Avenue, and specifically asked for the ingress/egress to be onto Ouray as she didn't want to see an increase in alley traffic. Ms. Fulton further contended that she didn't think the other residents should be responsible for paying for an improvement district if alley improvements were needed.

PETITIONER'S REBUTTAL

John Elmer clarified that the petitioner had agreed to incur the cost of paving of the alley directly behind the building; he felt that the cars would not do as much damage to an alley as the larger trucks (from the Grey Gourmet, etc.) which would use it. He also stated that if the proposal was denied and the land trades did not occur, the petitioner may have to locate a drive-up teller off site.

STAFF REBUTTAL

Kathy pointed out that the City Engineer had stated that the driveway sections proposed on Chipeta and Ouray should be flared on the sides in accordance with City standards.

Mike Sutherland clarified that the County property cannot be zoned PZ until it is actually owned by them. That zoning and ownership is contingent on the approval of this proposed rezone and subsequent land trades.

QUESTIONS

Karen Madsen wanted to know what lay directly east of the property.

Chairman Rush answered that it was the Older American Center.

When asked by Commissioner Madsen what the DDA felt about the proposal, Kathy responded that the DDA had not commented on the proposal; further, that their board vote would likely be split on the issue.

Commissioner Transmeier commented that these were three businesses which had crossed Ouray, although encroachment past Ouray was discouraged. He saw this as an expansion of those existing businesses and felt that it may not be an ideal situation.

MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #11-87 THE REZONE RMF-64 TO PLANNED BUSINESS, I MAKE A MOTION WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."

Commissioner Dunivent seconded the motion.

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

MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #11-87 THE FINAL PLAN, I MAKE A RECOMMENDATION THAT THE PLANNING COMMISSION APPROVE THIS SUBJECT TO STAFF COMMENTS, CITY ENGINEER'S COMMENTS IN DIRECTING THE TRAFFIC IN THE ALLEY FROM THE DRIVE-IN, AND THE LATEST PLAN THAT THE PETITIONER PROPOSED."

Commissioner Dunivent seconded the motion.

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

3. #12-87 REZONE PR-8 TO PR 16.2 AND FINAL PLAN AND PLAT

Petitioner: The Peterson Group, Inc. - Marc Fuller
Location: Southeast corner of 15th Street and Patterson Road

PETITIONER'S PRESENTATION

Marc Fuller began by saying that the proposal was to develop an elderly housing project which would be designed for those elderly who could not generally take care of themselves; the average age of these residents was anticipated to be near 83. Regarding the question of traffic, he felt that it was difficult to assess, but estimated approximately 3.5 trips per day. The project would take a total of two years to complete the 46-unit building. He contended that it was the wish of the Peterson Group to retain as much of the "homey" residential atmosphere as possible.

QUESTIONS

Commissioner Transmeier asked if there was to be a central kitchen located in the building.

Mr. Fuller said that they planned a very large, comfortable kitchen where the women residents would feel completely at home. The residents would be encouraged to participate in cooking endeavors.

Commissioner Transmeier questioned whether there would be irrigation water used for the lawn.

Mr. Fuller stated that irrigation would be used--more water to be used on the western portion of the property than the east, the east containing more of the native grasses which require less water.

Chairwoman Rush noted that the petitioner had indicated potential extra parking on the plan. She wanted to know if this was planned for phased development.

Mr. Fuller expounded on this saying that the average demand for parking was expected to be 1:4.38 units. This estimate was increased to accommodate the requirements of Planning should further expansion be needed.

Chairwoman Rush thought that there should be more visitors than the petitioner had estimated. She asked for the number of employees working at the facility.

Mr. Fuller said that there would be a total of between 6 and 10 employees total, with two employees living at the development permanently.

Commissioner Transmeier asked if the petitioner planned a future eastern expansion at this site.

Mr. Fuller answered that this was not the intention of the petitioner.

Commissioner Halsey commented that he thought the number of estimated employees seemed low for all the services to be provided. Wouldn't the employees create additional traffic to and from the site?

Mr. Fuller agreed that they would have some additional traffic incurred by the arrival and departure of the employees.

When asked by Commissioner Madsen to supply average parking lot usage, Mr. Fuller complied, saying that the highest usage located in Beaverton, OR was at 1:2.59 units, the lowest was 1:6 units in very metropolitan areas.

Commissioner Halsey asked if mass transit was available.

Mr. Fuller said that a van would be available to the residents.

Commissioner Campbell wanted to know if there would be catering services offered.

Mr. Fuller replied that the meals are prepared on site. He continued by clarifying earlier concerns regarding the landscaping, which would now include the six original trees, four junipers and additional berms. (The locations of this additional landscaping were indicated on the plan.)

STAFF PRESENTATION

Mike Sutherland said that the technical concerns of the proposal had been met. Since no historical data was obtainable, staff was unsure of the exact number of parking spaces needed; therefore, potential spaces were designated should the original design fall short of the actual number of spaces needed. The ten spaces would be built upon the request of the Planning Department should need warrant.

QUESTIONS

Chairwoman Rush asked if drainage had been addressed.

Mike replied that in the revised site plan, most of the runoff would be directed out into the property containing grass or lawn. The remaining runoff from the parking lot will drain onto 15th Street, which contained an adequate storm sewer.

PUBLIC COMMENTS

FOR:

Erle Reed, 343 S. Redlands Road, felt that the proposal would fill a need in the community.

Dick Fulton, 1556 Wellington, spoke generally in favor of the proposal but had specific landscaping questions which were answered to his satisfaction by Mr. Fuller. He thought, however, that golf club type sprinklers might be noisy.

Frank Wagner, 165 Wyndham Way, also spoke in favor of the proposal.

Bridgette Storey, 3264 Verano Court, stated that the property directly to the south of the proposal was zoned PR13, so that the request for an increased zoning from PR8 to PR 16.2 was not that great a zone change. She was in favor of the proposal.

OPPOSED:

Dave McKinley, 1308 Wellington Avenue, expressed concerns about the truck traffic which would be generated down Wellington Avenue through either construction or through the supplying of the facility. He felt that the street itself could not bear the weight of the heavy trucks, and expressed a desire to have some sort of sign posted to prohibit truck traffic down Wellington.

Mike Sutherland interjected that he had discussed this problem with the City Engineer. Although the City could not close off the street entirely to truck traffic--since it would preclude garbage trucks from picking up trash--staff intended to ask the petitioner for a diligent enforcement effort in keeping the facility-generated truck traffic off of Wellington.

Jim Ensley, 2734 Patterson, questioned whether the facility would have night lighting. How high was the top of the building in relation to his home? He felt that turning into the project (especially right-hand turning) would be difficult since there was presently no place to pull out of traffic from Patterson Road. Because of this, he wanted to see all traffic from the project to enter/exit onto 15th Street. Mr. Ensley also voiced concerns over a potential noise problem.

Mike clarified to Mr. Ensley that the entrance he was concerned about would only be used for emergency vehicle access and overflow parking (this was indicated on the plan). It will, therefore, not be used on a continuous and heavy basis.

Mr. Ensley thought that it would also be a good idea to put a flashing yellow light and/or a clearly marked crosswalk across 15th Street for the elderly pedestrians in this area.

PETITIONER'S REBUTTAL

Marc Fuller responded to the various concerns beginning with the building height which he said was 22' in relation to the crown in the street. Lighting includes one pole mounted downward adjacent to the garage which will be designed to illuminate the parking and garage area. The building, he continued, was well balanced and aesthetic on all sides--there were no objectionable sides to the building and will consist of cedar, redwood and brick. He concurred with the question of the light and/or crosswalk suggestion. Regarding the truck traffic expected on Wellington, he said that the petitioner will make a concerted effort to prevent traffic from using Wellington Ave., even if it meant holding up checks issued to contractors. He suggested that Wellington residents police their own street and make the petitioner aware of any transgressions.

STAFF REBUTTAL

Mike commented that several calls had been received, but only one had expressed any real concern. This particular resident wanted to see masonry construction of the building.

QUESTIONS

Mr. Ensley asked about the future zoning along Patterson Road.

Chairwoman Rush replied that the Patterson Road Corridor Guidelines encourage residential development along this corridor, but corners were reserved for more commercial-type uses.

MOTION: (COMMISSIONER MADSEN) "MADAM CHAIRMAN, ON ITEM #12-87 REZONE PR-8 TO PR-16.2, THE CONSIDERATION OF A REZONE, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."

Commissioner Halsey seconded the motion.

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

MOTION: (COMMISSIONER MADSEN) "MADAM CHAIRMAN, ON ITEM #12-87 CONSIDERATION OF FINAL PLAT AND PLAN, I MOVE THAT WE APPROVE IT SUBJECT TO STAFF COMMENTS REGARDING THE PARKING, AND ALSO NOTING THAT CONSIDERATION BE GIVEN BY THE PETITIONER CONCERNING THE TRUCK TRAFFIC ONTO WELLINGTON AVENUE."

Commissioner Transmeier said that he would second the motion if it were ended at staff comments, period. Commissioner Madsen agreed to this revision.

The revised motion was as follows:

MOTION: (COMMISSIONER MADSEN) "MADAM CHAIRMAN, ON ITEM #12-87 CONSIDERATION OF FINAL PLAT AND PLAN, I MOVE THAT WE APPROVE IT SUBJECT TO STAFF COMMENTS.

This was seconded by Commissioner Transmeier.

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

A brief recess was held from 9:35 p.m. to 9:42 p.m.

4. #14-87 REVISION TO THE DDA MASTER PLAN 1987

Petitioner: Downtown Development Authority

PETITIONER'S PRESENTATION

Kathy Portner, representing the petitioner, gave an overview of the proposed plan revision. Major components of the plan included the use of greenspace, Two Rivers Plaza and improving some of the major intersections in the west end area.

QUESTIONS

Commissioner Transmeier asked if this included any specific zone changes in the area.

Kathy replied that this was just a consideration of the master plan; no zone changes were involved at this time.

STAFF PRESENTATION

Kathy said that the proposed uses were acceptable to staff.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

QUESTIONS

Commissioner Halsey felt that height levels should be looked at with respect to retaining the views of the Monument areas.

Kathy suggested that this be included in the motion.

MOTION: (COMMISSIONER HALSEY) "MADAM CHAIRMAN, I MOVE THAT #14-87 REVISION OF THE DDA MASTER PLAN 1987 BE SENT TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL WITH CONSIDERATION BEING MADE TO ENSURE THE INTEGRITY OF THE VIEW, ESPECIALLY TO THE MONUMENT AREA."

Commissioner Transmeier seconded the motion.

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

(The following items were heard out of sequence since the majority of the remaining audience was present to hear them.)

9. #13-87 ROAD RIGHT-OF-WAY AND ALLEY VACATION

Petitioner: Grand Junction Planning Department

PETITIONER'S PRESENTATION

Kathy Portner said that neighbors had expressed concern over the lack of upkeep for this right-of-way. It was thought that by putting this area back into private ownership, the weeds might be better controlled. The City Engineer had stated that there was no intention of building this section of the street and that it is not needed for traffic circulation in the area. If the right-of-way was vacated, the alley would also be vacated because the road is a major access to the alley.

Several phone calls were received on the item. Some of these people had expressed concerns over the vacation; namely, some of the residents used them for some ingress/egress movement. Orchard Mesa Irrigation, she said, had a ditch running along the alley and they were opposed to the vacations unless proper easements were kept for maintenance of the ditch. Kathy said that the irrigation company had requested 25' on either side of the ditch be left as easement as well as leaving enough room on the present side of the right-of-way for ingress and egress.

QUESTIONS

Commissioner Transmeier asked about the width of the alley right-of-way at present.

Kathy responded that it was 20'.

Chairwoman Rush noted that the right-of-way was 20' but the irrigation company was asking for 50'; she commented that they could not be given more than was available.

A discussion ensued between Mike Sutherland and the Planning Commission members on the location of the ditch running along the alleyway.

Commissioner Transmeier asked if there were any other easements being requested.

Kathy said that there were no other respondents.

PUBLIC COMMENTS

FOR:

Chairwoman Rush read a letter received from Dale McGruder, 1861 Palisade. He was in favor of the vacation and had originated the vacation request for Glenwood Avenue.

AGAINST:

Betty Thompson, 1922 Palmer, wanted to know what would happen to the road if it were closed. She pointed out that the alley served as a way into the rear portion of her property.

Kathy told Ms. Thompson that the road would become a part of the property directly adjoining it; the zone would not be changed to allow building on the section of vacated road.

Ms. Thompson asked that if the road were closed, would it ever be reopened.

Mike Sutherland responded that it was unlikely since residents would have to build a bridge and rededicate the street.

The location of Ms. Thompson's property was shown on the map provided to the Planning Commission members. A discussion ensued.

Ms. Thompson said that she entered her property from Highway 50, through the alley. She further stated that the alley was drivable to her residence.

Chairwoman Rush commented that upon her inspection, it didn't appear that a truck could make it from Glenwood to the southernmost extension of the alley.

Commissioner Transmeier asked staff who presented the proposal and why had it been thought necessary.

Kathy replied that a property owner commented on the unkempt manner of the right-of-way; staff spoke to Engineering and found that there were no intentions of building on that section of road. It was thought that private ownership would provide better upkeep of the right-of-way.

Commissioner Transmeier thought that it appeared the City was trying to use the vacation in order to get out of their responsibility for maintenance of the road and alleyway.

Nettie Klingensmith, 1819 Palisade, expressed her concern at the proposed alley closure. She felt that anyone who wanted to use it should be allowed to.

MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #13-87 THE RIGHT-OF-WAY VACATION, THE CONSIDERATION OF A ROAD RIGHT-OF-WAY VACATION, I MAKE A MOTION THAT WE DENY THIS."

Commissioner Campbell seconded the motion.

Commissioner Transmeier elaborated that it appeared to him that nobody really wanted the vacation; it was just something that came up. He also felt that if it was the City's responsibility to maintain the right-of-way, they should not use a vacation request to rid themselves of that responsibility.

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

MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #13-87 CONSIDERATION OF AN ALLEY VACATION, I MAKE THE RECOMMENDATION THAT WE DENY THIS."

Commissioner Campbell seconded the motion.

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

11. #17-87 ROAD RIGHT-OF-WAY VACATION

Petitioner: City of Grand Junction, Public Works Department
Location: 28 Road north of UnawEEP Avenue

PETITIONER'S PRESENTATION

Tim Woodmansee, the City Right-of-Way Agent, gave a brief overview and history, and distributed copies of a memo which provided further detail.

QUESTIONS

Chairwoman Rush asked about the section located down to the river; was it already vacated?

Tim responded that it was save for the existing easements. He said that there was a ditch in the right-of-way. The residents of the Oplinger Subdivision owned the easement to the ditch, so that anyone working on the ditch would have to obtain permission from them. If this section reverted back to the owners of the adjoining land, all easements would have to be retained; the owners of the ditch easement had senior rights.

Commissioner Transmeier stated that if this right-of-way were vacated, Mary Jenkins would only own close to half of it, with the remainder reverting back to the other property owner, Louis Veltrie.

Tim concurred with this statement.

A discussion ensued over the location of the right-of-way. It was shown on the map presented.

PUBLIC COMMENTS

FOR:

Merlin Tucker, 309 Hopi Drive, had several questions regarding the ditch. If the right-of-way was vacated, would the road that Ms. Jenkins is now using as her driveway remain usable by her as a driveway or would she need to build another driveway on her own property easement?

Tim answered saying that it would depend on negotiations with the property owner on the west. He could refuse access to her, legally.

Mr. Tucker said also that Ms. Jenkin's driveway presently goes over the ditch mentioned earlier by way of a bridge which was built without prior consent. If the vacation was granted, he continued, he wanted it conditional upon the removal of the bridge so that maintenance of the ditch may be performed unhindered.

Commissioner Transmeier noted that the fact that an easement was already existing in this location, that fact alone allowed legal access to maintain the ditch. Mr. Tucker had every right to remove the bridge or ask Ms. Jenkins to remove it if proved to be a hindrance.

Ray Cosby, 319 W. Highland Drive, expressed concerns that the vacation would affect that portion of easement nearest his property.

Chairwoman Rush explained that only a portion of the easement was in question (this was outlined on the map presented). The vacation would not affect his property nor the easement behind his property.

Tim discussed the proposal in more detail with members of the Planning Commission, pointing out the location to both Planning Commission and to Mr. Cosby.

MOTION: (COMMISSIONER DUNIVENT) "MADAM CHAIRMAN, ON ITEM #17-87 ROAD RIGHT-OF-WAY VACATION, PETITIONER, THE CITY OF GRAND JUNCTION, I MOVE THAT WE RECOMMEND APPROVAL OF THE VACATION WHILE MAINTAINING THE EASEMENTS, 20' ON THE WEST AND 15' ON THE EAST."

Commissioner Halsey seconded the motion.

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

5. 1987 ZONES OF ANNEXATION

Petitioner: City of Grand Junction

PETITIONER'S PRESENTATION

Kathy said that no objections were received on the proposed zones of annexation. The proposed zones were compatible with what had existed before.

QUESTIONS

There were no questions at this time.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (COMMISSIONER CAMPBELL) "I MAKE A MOTION THAT ON ITEM #7-87 BE RECOMMENDED FOR ADOPTION BY THE CITY COUNCIL (THIS IS EXCLUDING THE KREY ANNEXATION ZONING)."

Commissioner Halsey seconded the motion.

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

Since there was no need for further discussion of the remaining rezone requests, a single motion was made to include all three.

6. #8-87 REZONE C-2 TO PZ

Petitioner: Grand Junction Planning Commission
Location: Northwest corner of Pitkin Avenue and 6th Street

7. #9-87 REZONE FROM RSF-5 AND RSF-8 TO PZ

Petitioner: Grand Junction Planning Commission
Location: West Orchard Avenue west of North 1st Street

8. #10-87 REZONE FROM PZ TO PR-28

Petitioner: Grand Junction Planning Commission
Location: 26 1/2 Road and Horizon Place

MOTION: (COMMISSIONER DUNIVENT) "MADAM CHAIRMAN, ON ITEM #'S 8-87, 9-87 AND 10-87, I MOVE THAT WE FORWARD THESE TO COUNCIL WITH RECOMMENDATION OF APPROVAL."

Commissioner Halsey seconded the motion.

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

The meeting was adjourned at 10:28 p.m.