

GRAND JUNCTION PLANNING COMMISSION  
Public Hearing--July 7, 1987  
7:30 p.m. - 8:30 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	Ron Halsey
Jack Campbell	Karen Madsen
Ross Transmeier	Jean Sewell
Miland Dunivent	

In attendance, representing the City Planning Department, were:

Kathy Portner	Mike Sutherland
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City Engineer, Don Newton, and City Property Agent, Tim Woodmansee, were also present.

Terri Troutner was present to record the minutes.

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

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**I. APPROVAL OF MINUTES**

**MOTION: (COMMISSIONER DUNIVENT) "MADAM CHAIRMAN, ON THE MINUTES OF THE GRAND JUNCTION PLANNING COMMISSION HELD JUNE 2, 1987, I MOVE THAT THEY BE ACCEPTED AS SUBMITTED."**

Commissioner Campbell seconded the motion.

A vote was called and the motion passed unanimously by a vote of 7-0.

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

### III. FULL HEARING

#### 1. #1-87 TEXT AMENDMENTS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE FOR 1987

Petitioner: City Attorney, Gerald Ashby

(Note: Because two items are presented under this file number, discussions will be presented separately; however, the motions will be made after the second presentation.)

#### PETITIONER'S PRESENTATION

Kathy Portner, representing the petitioner, said that this was a request to amend section 4-3-4 of the Use/Zone Matrix under the heading of Amusement Business-Inside to provide the use category Health/Athletic Clubs and Services and allow it in the Light Industrial (I-1) zone as a special use.

She said that currently this type of business was allowed in the Heavy Commercial (C-2) zone but not the I-1 zone. At present, however, there was a gymnastics school which was located in an I-1 zone as a non-conforming use. All buildings they had sought to relocate to which contained the amount of space necessary to the business were located in the I-1 zone.

She continued that swimming pools which were an allowed use in the I-1 zone and Athletic Clubs were similar, so there was no problem with having the use category listed as a special use.

#### QUESTIONS

Chairwoman Rush asked what the zoning was for the Foresight Industrial Park.

Kathy replied that it was all currently zoned Planned Industrial.

#### PETITIONER'S PRESENTATION

Kathy said that the second item presented for consideration was a request to amend section 4-3-4 Use/Zone Matrix under the heading of Retail Business Unlimited to provide the category Automobiles, Pickup Trucks, Vans and allow them in the Light Industrial (I-1) zone as an allowed use.

She presented a brief background and felt that it would perhaps be more appropriate for the Commission to allow the use as a special, rather than allowed, use so that review may be made by the Planning Department for each proposed business.

## QUESTIONS

There were no questions at this time.

## PUBLIC COMMENTS (for both issues)

There were no comments either for or against either proposal.

**MOTION:** (COMMISSIONER MADSEN) "MADAM CHAIRMAN, ON ITEM #1-87 TEXT AMENDMENTS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE FOR 1987, I MOVE THAT WE FORWARD THAT (AMENDMENT TO 4-3-4 THE USE/ZONE MATRIX ESTABLISHING A USE CATEGORY FOR HEALTH/ATHLETIC CLUBS & SERVICES AS A SPECIAL USE) TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."

**MOTION:** (COMMISSIONER MADSEN) "ON THE NEXT ITEM, REQUEST TO AMEND 4-3-4 (TO PROVIDE THE CATEGORY AUTOMOBILES, PICKUP TRUCKS, VANS UNDER THE HEADING OF RETAIL BUSINESS UNLIMITED), I MOVE THAT WE SEND THAT TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL CHANGING IT TO READ THAT THE AUTOMOBILES, PICKUP TRUCKS, VANS BE PERMITTED AS A SPECIAL USE INSTEAD OF AN ALLOWED USE."

Commissioner Dunivent seconded the motion.

A vote was called and the motion passed by a vote of 6-1, with Commissioner Transmeier opposing.

## 2. #7-87 ZONES OF ANNEXATION FOR 1987

Petitioner: City of Grand Junction

## PETITIONER'S PRESENTATION

Kathy presented a brief overview, saying that the proposal had been heard before; a zone of RMF-16 had been tentatively given to the property.

## QUESTIONS

Commissioner Sewell asked if this RMF-16 zoning would allow development without being heard by the Planning Commission.

Kathy responded that as a multi-family zone, it could be developed by the owner if ownership was retained. The proposal would still have to come before the Planning Department for site review. Kathy felt that it was very improbable that development would occur without subdividing the property.

Chairwoman Rush commented that this did not preclude putting in a single large apartment complex.

## PUBLIC COMMENTS

FOR:

Mr. Krey expressed his preference for the RMF-16 zoning.

AGAINST:

There were no comments against the proposal.

## QUESTIONS

Commissioner Transmeier elaborated that, at an earlier workshop, a tentative agreement had been made to allow the RMF-16 zoning. That was, he continued, without going out and actually looking at the property and addressing certain concerns. One important concern he had was in the topography; he felt that safe access could not be assured for a higher density construction. He thought that the PR-10 zoning was more appropriate for this property.

Mr. Krey pointed out a drainage easement on a map provided. He thought that the easement would provide a buffer to adjoining properties. He was unsure of the highest and best use at this time for the property, but added that it was possible the property might become a park.

Chairwoman Rush asked if those uses which might be placed on the property, i.e. church, lodge, etc., would be allowed under the PR-10 zoning.

Mike Sutherland responded that those uses would all be allowed under that zoning.

Commissioner Transmeier was concerned that the Planning Commission had no specific development proposal with which to judge the appropriateness of the zoning. By attaching a PR-10 zoning, it left enough flexibility for future change if required by a specific plan.

Mr. Krey commented that single family residential zoning was not economically feasible.

**MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #7-87, I MAKE A RECOMMENDATION TO CITY COUNCIL ON THE ZONE OF ANNEXATION FOR 1987 TO ZONE THIS A PR-10 FOR KREY ANNEXATION."**

Commissioner Madsen seconded the motion.

Chairwoman Rush agreed with Commissioner Transmeier in that she felt also that the PR-10 zoning would allow greater flexibility in future development proposals.

A vote was called and the motion passed unanimously by a vote of 7-0.

**3. #27-87 ROAD RIGHT-OF-WAY VACATION**

Petitioner: City of Grand Junction  
Location: Southwest corner of Fairview and Lawrence Avenues

**PETITIONER'S PRESENTATION**

Tim Woodmansee, City Property Agent, presented a brief history of the parcel. He said that the City presently had an offer from the property owners located to the south to buy the parcel contingent upon the vacation of 11 feet (the extra foot was to be left for maintenance purposes). He added that it had been a constant weed problem to the City and expressed no objections for vacating the property.

**PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**MOTION: (COMMISSIONER CAMPBELL) "MADAM CHAIRMAN, I RECOMMEND THAT WE SEND THIS ON TO COUNCIL, #27-87, FOR VACATION OF RIGHT-OF-WAY, 11 OF THE 12 FEET."**

Commissioner Transmeier seconded the motion.

A vote was called and the motion passed unanimously by a vote of 7-0.

**4. #26-87 FINAL PLAT & PLAN & EASEMENT VACATION**

Petitioner: SSM Investments and Duncan & Campbell Investments, Jim Patty  
Location: Northeast corner of Wellington & Little Book-cliff Avenues

**PETITIONER'S PRESENTATION**

Tom Rolland and Greg Dillon gave a brief background of the proposal, stating that it was the petitioner's intent to place an ophthalmology clinic at the above location. They continued that the vacation was necessary so that the proposed building would not straddle the present easement; this was brought on by the various projects engaged by the adjoining property owners.

## QUESTIONS

Chairwoman Rush asked about the easement located directly to the east, noting that it was made a part of this final plat.

Mike clarified the correct location of the easement with background information to Chairwoman Rush.

It was Mr. Rolland's thought that all review agency concerns had been sufficiently addressed.

Commissioner Transmeier wanted to know why lot 3 was being overlooked.

Mr. Rolland explained that this small parcel was to be used for parking for an existing medical facility located to the east.

Commissioner Transmeier was concerned that without definite plans, lot 3 should not be left hanging by itself because of its diminished size. He felt that it should be joined with either the proposed project's property or absorbed by the property owners to the east.

Discussion ensued between the developers and Commissioners on this point. One thought presented by Mike Sutherland was that, if approved, the Commission could place a stipulation that the property be absorbed, etc. within six months of approval.

Chairwoman Rush asked for a description of the development plan, which was given. She asked about the portion of land lying directly to the north--was this to be landscaped?

Mr. Dillon answered that this area was to be reserved for parking. It was directly adjacent to an apartment complex.

## STAFF PRESENTATION

Mike Sutherland said that the vacation issue needed to be resolved before the plat or plan could be considered. He pointed out that earlier problems concerning drainage, additional shade trees for the parking area, etc. had all been sufficiently addressed. The only outstanding concern was the northern triangular section which the petitioner wanted to gravel. Staff preferred that it be landscaped. Mike noted that since the proposed parking to the north was not made a part of the final plan, it would have to be considered separately at a later date, with another appearance before Planning Commission.

Don Newton, City Engineer, gave specifics on the drainage from the property. Where originally there might have been a problem, the addition of another catch basin on Little Bookcliff should alleviate the problem.

In response to questions from the Commissioners, he replied that there would be no problem to the northern apartments regarding the drainage from this property. The grates proposed would be designed to take in more water than normal grates.

Chairwoman Rush asked if the curb cut question had been resolved.

Don replied that they would all be closed and that this was acceptable to the petitioner.

#### PUBLIC COMMENTS

Leo Warren, 2815 Patterson Road, asked if the drainage of this property would affect the property located upstream.

Don Newton replied that it would not.

There were no other comments either for or against the proposal.

**MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #26-87, CONSIDERATION OF THE FINAL PLAT, I MAKE A RECOMMENDATION WE APPROVE THIS SUBJECT TO THE APPROVAL OF THE VACATION BY THE CITY COUNCIL, SUBJECT TO STAFF COMMENTS, AND SUBJECT TO THE PROPERTY KNOWN AS LOT 3 BEING ABSORBED INTO LOT 2 OR THE PROPERTY TO THE EAST IN THE NEXT YEAR."**

Commissioner Dunivent seconded the motion.

A vote was called and the motion passed unanimously by a vote of 7-0.

**MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #26-87, A CONSIDERATION OF THE FINAL PLAN, I MAKE A RECOMMENDATION WE APPROVE THIS SUBJECT TO THE APPROVAL OF THE VACATION BY THE CITY COUNCIL AND STAFF COMMENTS."**

Commissioner Campbell seconded the motion.

Chairwoman Rush commented that she wanted to see the northernmost triangle landscaped (part of the staff comments) because of the residences adjoining the property. The landscaping would act as an attractive buffer.

Commissioner Madsen agreed with this point.

A vote was called and the motion passed unanimously by a vote of 7-0.

MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #26-87, CONSIDERATION OF VACATION, I MAKE THE MOTION WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."

Commissioner Dunivent seconded the motion.

A vote was called and the motion passed unanimously by a vote of 7-0.

Mr. Rolland expressed some concern over the time limitation set to the absorption of lot 3. Planning Commission expressed thoughts that they did not want this small parcel ignored indefinitely; the time limitation was to assure that it would not be.

5. #28-87 MINOR CHANGE TO FINAL PLAN

Petitioner: Bethesda Foundation of Nebraska, Dennis Enniga  
Location: 2825 Patterson Road

PETITIONER'S PRESENTATION

Dennis Enniga presented a brief overview of the proposal, saying that the proposal would maximize the use of the property. The new wing was needed for additional beds. The addition to the existing building was to expand the dining room.

QUESTIONS

Commissioner Transmeier asked for specifics on building dimensions.

Mr. Enniga responded that the dimensions of the building were approximately 41' x 200', single story.

STAFF PRESENTATION

Mike gave a short history of the property. He said that there were obvious problems in that an adjacent property owner, Mr. Warren, opposed the building's blocking his view to the Grand Mesa. Other than the question of view, Mr. Warren seemed to have no problems with the building itself.

QUESTIONS

Commissioner Halsey asked if the City Engineer had any problems with the building itself.



Mike said that the City Engineer had no problems with the building but added that it was the Building Department which reviewed the construction criteria.

Chairwoman Rush noted that there were no plans for landscaping between the addition and the neighbor to the west.

Mike agreed that this was correct; it was the thought of the petitioner that landscaping might only serve to impair the neighbor's view. He added that the petitioner agreed to sod the area, however.

#### PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Bill Kain, a legal representative for Mr. Warren, said that his client was deeply concerned over the loss of his view to the Grand Mesa. A picture was circulated which indicated the view blockage from his deck. He also felt that Mr. Warren's property value would be seriously compromised, which could result in future lawsuits.

Mr. Kain presented a history of the property in this area, and said that Mr. Warren had sold a portion of property to Bethesda with the verbal stipulation that no building be placed on it. (This was shown on the map; later, the exact location was corrected and clarified.) He felt that the earlier promises should be binding and that the proposed building would violate this view right. He thought that there should be another alternative presented by Bethesda.

#### QUESTIONS

Commissioner Madsen asked if the building was to be located on the property originally sold to Bethesda by Mr. Warren.

Mr. Warren said that it was not, but that if the property hadn't been sold to them, they could not have built the proposed building because of setback requirements.

#### STAFF PRESENTATION

Mike Sutherland said that he had seen no alternative layout suggestions from Bethesda, and that the only opposition came from Mr. Warren. Three or four other photos were taken (which were passed around and explained).

## QUESTIONS

Commissioner Campbell asked Mike that if the Warren property had not been sold to Bethesda, would it have changed the building plan.

Mike responded that the plan would have had to have been changed. There would be reduced parking as well.

Commissioner Transmeier wanted to know what the setbacks were for the southern corner of the proposed building.

Mike answered that the setback was approximately 45' from the property line to the southern corner; 30' from the property line to the western corner.

Chairwoman Rush asked if all other staff concerns had been addressed.

Mike replied that they had.

## PETITIONER'S REBUTTAL

Mr. Enniga said that any alternatives for relocating the building were not economically feasible, and said that pilasters would have to be dug deeper in order to more firmly affix the foundation if it were to be placed in an "L" shape. He felt that no alternate plan would work, and if forced to reduce the overall size of the building, they would not build it at all. He also pointed out that they hoped to hire between 20-25 people for the new addition.

## QUESTIONS

Don Newton asked if the building could perhaps be lowered to accommodate Mr. Warren.

Mr. Enniga said that this was not feasible and would conflict with wheelchair ramps.

There was a discussion over the purchase of Mr. Warren's property. Bethesda had, at one time, offered to buy Mr. Warren's property, but was turned down. Later, when Mr. Warren put his home up for sale, Bethesda no longer wanted the property for the price asked because representatives felt that the price was inflated over other similar homes in the Grand Valley.

There was also a discussion between Planning Commissioners and staff over whether or not there was anything in the Code regarding view easements. Mike said that nothing was mentioned in the Code.

Commissioner Halsey felt that, especially in the Grand Valley area, aesthetics should be considered.

Mike agreed with this point, but added that there had always been an intent to further develop the property where Bethesda is located. He did not know if Mr. Warren was aware of the fact, but said that the Landings, who owned the property before, were.

**MOTION: (COMMISSIONER TRANSMEIER) "MADAM CHAIRMAN, ON ITEM #28-87, MINOR CHANGE TO FINAL PLAN, I MAKE A MOTION WE APPROVE THIS.**

Commissioner Madsen seconded the motion.

Commissioner Transmeier commented that if retaining the view was as important to Mr. Warren as he indicated at this evening's meeting, he should have included a view easement in the contract at the time of the sale of the property. This, he said, was an especially important point since there was nothing in the Code regarding this and therefore, there was no legal basis for denying building on the Bethesda property based on view restriction.

Chairwoman Rush agreed with Commissioner Halsey concerning the consideration of aesthetics, but said that Mr. Warren had ample opportunity to protect his view and failed to do so.

Mike Sutherland added that current height restrictions outlined in the Code could be considered when assessing the view question. In the case of Bethesda, he pointed out, the building was well within the height restrictions in place for this zone.

A vote was called and the motion passed unanimously by a vote of 7-0.

After explaining the appeal procedure to Mr. Warren, he expressed his intention to appeal the decision of the Planning Commission.

The meeting was adjourned at 9:22 p.m.