

GRAND JUNCTION PLANNING COMMISSION
Public Hearing--December 1, 1987
7:33 p.m. - 9:30 p.m.

The public hearing was called to order by Chairman Steve Love at 7:33 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission, were:

Jean Sewell	Karen Madsen
Steve Love, Chairman	Jack Campbell

In attendance, representing the City Planning Department, were:

Kathy Portner	Mike Sutherland
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Terri Troutner was present to record the minutes.

There were approximately 18 interested citizens present during the course of the hearing.

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I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, ON THE MINUTES OF THE NOVEMBER 3RD PLANNING COMMISSION, I MOVE THAT WE ACCEPT THEM AS SUBMITTED."

Commissioner Campbell seconded the motion.

A vote was called and the motion passed unanimously by a vote of 4-0.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

1. #33-87 ALLEY RIGHT-OF-WAY VACATION

Petitioner: Berton A. Johnson
Location: North/south alley between Grand Avenue and White Avenue

PETITIONER'S PRESENTATION

Berton Johnson presented the proposal, saying that the alley is not presently being used as an alley. He planned some business remodeling and thought the vacation would put this property to better use as a parking lot. He also felt that it would clean up the area and provided increased safety.

QUESTIONS

Commissioner Sewell asked the petitioner how this vacation would clean up the area.

Mr. Johnson reiterated on earlier testimony but did not elaborate on this particular point.

Chairman Love asked if there was a specific reason why the petitioner wanted the alley vacated--would it enhance his business?

Mr. Johnson replied that the alley breaks up the property; there was nothing which could be done with the alley if it remained.

When asked if additional building would occur if the alley were vacated, Mr. Johnson said that the only plans at present would include remodeling of the existing building--no new building was planned. The vacation would, however, provide for future expansion if desired.

Commissioner Campbell pointed out that the Public Works review agency commented on a possible need to consider water drainage, and the petitioner may need to do something about the sewer lines if the alley was vacated. What benefit would arise out of vacating the alley now as opposed to waiting until a specific development plan was submitted?

Mr. Johnson said that no immediate benefit would be realized, but that it would make future development decisions easier to make.

STAFF PRESENTATION

Mike Sutherland noted that if the alley was vacated, the utility easements would remain (locations shown on plat). Ms. Fuoco owned property adjacent to the alley; he thought she might want to comment on the vacation. There was no Planning Department opposition, but it preferred, and the Public Works Department recommended waiting until a specific development plan was submitted.

QUESTIONS

Commissioner Campbell asked for clarification on the easement situation, which was provided to him by Mike.

Chairman Love asked if, in the absence of a development plan, the traffic pattern would be changed if the alley was vacated.

Mike responded that the alley was used very little now; the vacation should not have any adverse impacts on the area. Future impact is unknown since there was no development plan associated with the vacation.

PUBLIC COMMENTS

FOR:

Frank Wagner, 115 North 5th Street, architect for the Gay Johnson's Restaurant, spoke in favor of the proposal.

AGAINST:

Minnie Fuoco, 411 32 Road, said that she owned the lots directly adjacent to the alley. She said that she only just recently learned about the proposed vacation, and was unsure how such a vacation would impact her properties. She would be willing to discuss this with the petitioner if the item could be tabled; otherwise, she was opposed to the vacation.

Gaynelle Linderman, P.O. Box 1829, did not indicate whether she was for or against the proposal; however, she asked the Commission about the City's responsibility to provide alley improvements.

Mike clarified this point.

Chairman Love added that Ms. Linderman was personally associated with Gay Johnson's restaurant.

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, ON ITEM #33-87 ALLEY RIGHT-OF-WAY VACATION, I MOVE THAT WE DENY THE PETITION...FOR THE REASON...THAT THERE IS NO PLAN (TO ACCOMPANY IT).

Commissioner Campbell seconded the motion.

Comments among Planning Commissioners were unanimous in that there should be a plan, or specific reason, for the vacation of an alley. Chairman Love added that it appeared further discussion was needed between the petitioner and Ms. Fuoco.

A vote was called and the motion was passed unanimously by a vote of 4-0.

2. #35-87 REZONE VARIOUS COUNTY PROPERTIES

Petitioner: Grand Junction Planning Department
Location(s): Various (see file)

PETITIONER'S PRESENTATION

Kathy Portner stated that this was a housekeeping measure to provide appropriate city zoning for county-owned properties. A typo in the legal ad description of 546 Ouray was noted. It should have read as a rezone from PZ to RMF-64 rather than to RMF-32. All other properties were being proposed for PZ (Public Zone) zoning.

QUESTIONS

When asked by Chairman Love, Kathy provided a brief history for the properties located at 537 Chipeta Avenue and 546 Ouray Avenue which involved the County property and the Teacher's Federal Credit Union in an earlier development application.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Gary Ferguson of the Downtown Development Authority said that he was opposed to the rezoning of only those properties at 537 Chipeta Avenue and 546 Ouray Avenue. He contended that it was known that the Teacher's Federal Credit Union wanted a parking lot in this area, but when proposed earlier in the year, there was heavy neighborhood opposition. He continued that what was needed, and what was asked for by City Council, was a plan for

this transitional area to define the area in terms of what is to be residential and what is to be commercial. He suggested that zoning for the two properties be tabled pending the drafting of such a plan. He added that his office had received an additional 4-5 calls from neighbors opposing the rezoning as well.

Chairman Love asked that if the two properties were deleted from the motion, would Gary offer his services to help put such a plan together?

Gary responded affirmatively, saying that this was preferred.

Kathy provided the Commissioners with additional background on the land trade between the County and the Teacher's Federal Credit Union. She said that neighborhood opposition centered around the concern over the use crossing the alley (buffer zone) into the residential area, creating adverse impacts to the character of this area. She said that the PZ zoning was being sought by the County because the property must first be zoned public before the County could pursue a special use permit to allow for a parking lot. She noted that even if the property were zoned PZ, this would in no way guarantee that the County would receive its special use permit, since the neighbors would again be notified and have a chance to voice their opposition before the Commission and Council. However, without the PZ zone change, the County could not pursue the special use permit at all.

Kathy felt that the two options available to the Commission were to either approve all properties as submitted, or to pull this (and/or others) out and table those specifically. She noted that although the Code stated that all county-owned city-located property must at some point be zoned public, there was no specific timeframe to be adhered to.

Frank Bering, 540 Chipeta Avenue, was opposed to the zone change but suggested the two property rezones be tabled until the plan referred to by Gary Ferguson could be drafted and discussed. He pointed out that another parking lot in this area would only serve as a heat source in the summertime.

Betty Fulton, 634 North 5th Street, was in favor of tabling the rezoning of the two properties for the reasons given by Mr. Bering. She said also that she was opposed to a parking lot in this area, regardless of who owned it.

Responding to Chairman Love's query, Mike Sutherland said that no plan was drafted to date, but that Council wanted to consider other transitional areas as well when reviewing an overall plan.

Gretchen Bering, 540 Chipeta Avenue, also voiced strong opposition to the rezoning of the two properties. She volunteered her services to any committee which might be formed to discuss the criteria for such a transitional zone plan.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, I WOULD LIKE TO MAKE A MOTION THAT IN CONCERNING ITEM #35-87 THE REZONE OF VARIOUS COUNTY PROPERTIES, ON ITEMS #1, 557 PITKIN; ITEM #2, 549 PITKIN; #3, 638 SOUTH AVENUE; #4, 401 SOUTH 7TH STREET; #5, 2765 CROSSROADS BLVD. (AS AMENDED); #6, INDIAN WASH, PART OF 29 ROAD AND PATTERSON; AND #7, 750 MAIN STREET BE CONSIDERED FOR A REZONE TO PZ."

The address given originally by Commissioner Campbell as 2965 Crossroads Blvd. was amended to read 2765 Crossroads Blvd. This was made a part of the original motion.

Commissioner Sewell seconded the motion.

A vote was called and the motion passed unanimously by a vote of 4-0.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, I'D LIKE TO MAKE A SECOND MOTION REGARDING THE PROPERTIES, ITEM #8, 537 CHIPETA AVENUE; AND ITEM #9, 546 OURAY AVENUE, THAT THESE TWO PROPERTIES BE TABLED UNTIL SUCH TIME AS A TASK FORCE AS STATED BY MR. FERGUSON, TOGETHER WITH PLANNING STAFF AND OTHER INTERESTED AGENCIES CAN GET TOGETHER TO DEVELOP SOME SORT OF A PLAN."

Commissioner Sewell seconded the motion.

Chairman Love expressed a concern over the wording of the motion, saying that it perhaps tied the zoning of the two properties too closely to the findings of the task force. He felt that this wording was too stringent.

Commissioner Campbell withdrew his motion.

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, REGARDING ITEM #35-87, PROPERTIES LOCATED AT 537 CHIPETA AND 546 OURAY, I MOVE THAT WE TABLE THIS (AS AMENDED)."

Kathy Portner pointed out that the Code states that all County-owned City-located properties must be zoned public, so Commissioner Madsen's original motion to deny the rezone went against this requirement. She suggested that Karen choose to table instead of deny the zoning. This was agreed to by Karen and made a part of the original motion.

Commissioner Sewell seconded the motion.

A vote was called and the motion passed unanimously by a vote of 4-0.

3. #34-87 D&RGW RAILROAD SUBDIVISION-MAJOR SUBDIVISION

Petitioner: D&RGW Railroad, Steve Hebert and Tom Logue
Location: Various-seven separate filings (see file)

PETITIONER'S PRESENTATION

Tom Logue, representing D&RGW Railroad, said that the proposal involved seven separate filings. Tom noted that approximately 38 acres would be placed onto the tax roles if the request was approved. The existing character of the area would be maintained, and he felt that all technical concerns had been addressed satisfactorily.

QUESTIONS

There were no questions at this time.

STAFF PRESENTATION

Mike Sutherland stated that seven separate plats were being considered, and the final plat for filing #1 was also up for consideration. He felt that the petitioner had addressed the concerns of staff and the review agencies.

QUESTIONS

Chairman Love asked staff whether consideration for the final plat of filing #1 should be included in a second motion.

Mike replied that it would be better that way.

PUBLIC COMMENTS

FOR:

Albert Wales, 1761 Palisade Street, was neither for nor against the proposal, but did ask for clarification of certain filings in the areas closest to his sister's property location.

AGAINST:

Joe Connell, 522 W. Main Street, wanted to know what specific uses were planned for filing #7. When Tom replied that no specific use was planned for this filing, Mr. Connell voiced opposition to the request, saying that there was already too much industry located in this area.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, I MAKE A MOTION ON ITEM #34-87 THAT WE ACCEPT THE PRELIMINARY PLAT AS IT IS PRESENTED."

Commissioner Sewell seconded the motion.

A vote was called and the motion was passed unanimously by a vote of 4-0.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, I MAKE A MOTION THAT WE ACCEPT THE FINAL PLAT FOR FILING #1 OF THE D&RGW RAILROAD SUBDIVISION."

Commissioner Madsen seconded the motion.

A vote was called and the motion passed unanimously by a vote of 4-0.

Comments were made by Chairman Love that, with regard to the earlier item #35-87, a two-month timeframe for development of a plan for this area was given. (This was not made a part of the motion.)

IV. NON-SCHEDULED CITIZENS AND/OR VISITORS

Robert Otto, 364 29 Road, addressed the Commission and asked for the current status of road improvements in the 7th and 9th Streets and Struthers Avenue area.

Commissioner Campbell suggested that he speak with the City Engineering Department on this matter.

Gary Ferguson invited Commissioners to get together with the DDA sometime in mid-January to discuss plans for the future of the downtown area.

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