

GRAND JUNCTION PLANNING COMMISSION  
Public Hearing -- October 30, 1984  
7:30 p.m. - 8:35 p.m.

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

In attendance, representing the City Planning Commission were:

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

In attendance, representing the City Planning Department were:

Karl Metzner	Mike Sutherland
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Terri Troutner was present to record the minutes.

There were approximately 14 interested citizens present during the course of the meeting.

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**I. APPROVAL OF MINUTES**

**MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON THE MINUTES OF SEPTEMBER 25TH, I MAKE A MOTION THAT WE APPROVE THE MINUTES AS PRESENTED TO US."**

Commissioner Dunivent seconded the motion.

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

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

There were no announcements, presentations and/or visitors.

### III. FULL HEARING

#### 1. #27-84: UTILITY EASEMENT VACATION

Petitioner: Enno F. Heuscher  
Location: 330 Mountain View Court

A request to vacate a utility and irrigation easement lying in and along the north 10 feet of Lot 5, Moore Subdivision first addition.

#### PETITIONER'S PRESENTATION

Mr. Heuscher presented an overview of the request stating that no utilities were presently located in the area. Only a portion of this area would be suitable for such utility placement in the future and this was the reason for his request.

#### QUESTIONS

Commissioner Dunivent asked why the reason for the utility easement in the first place.

Mr. Heuscher conjectured that it was possible that the developers of the subdivision had wanted to establish a perimeter around the development, but that in this case, it had served no use.

Commissioner Stephens asked if this lot was located in a sanitation district.

Mr. Heuscher responded that even though the review comments had gone out to the Orchard Mesa Sanitation District, that district had denied that the subdivision was located within their district.

Don Warner, of the City Planning Department, clarified the location and indicated that this subdivision was tied into the City installed sewer line.

#### STAFF PRESENTATION

Mike Sutherland presented a brief outline of the project and stated that all technical questions had been resolved.

#### PUBLIC COMMENTS

Floy Young, 2303 North 1st Street, spoke out in favor of the proposal.

Chairman O'Dwyer closed the public hearing and requested a motion.

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #27-84 UTILITY EASEMENT VACATION FOR ENNO F. HEUSCHER, LOCATION: 330 MOUNTAIN VIEW COURT, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."**

Commissioner Transmeier seconded the motion.

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

**2. #28-84: MOM'S BARBEQUE AND BAKERY-REVISED FINAL PLAN**

Petitioner: Margaret L. Graves  
Location: 2122 North 12th Street

A request for a revised final plan on .39 acre in a planned business zone.

**PETITIONER'S PRESENTATION**

Floy Young, representing the petitioner, gave an overview of the request. She felt that all review agency concerns had been addressed and resolved.

**QUESTIONS**

Commissioner Transmeier asked how much seating had been provided; what kind of accommodations were they requesting.

Ms. Young responded that they would like to be able to seat 15-20 with a maximum of 25.

Commissioner Stephens asked how much of the building would be used. Was the north room to be added to the plan.

Ms. Young replied that they are currently using only that space which was granted under temporary approval; occupation of additional space within the building would be contingent upon approval by the Planning Commission. If approval was given for the requested 25 person seating capacity, then the space utilized would go to the patio (including the north room).

Commissioner Stephens asked for a specific description of the nature of the business.

Ms. Young replied that in addition to serving barbeque, she would also sell donuts and bakery items. For the most part, this would be a carry-out business with walk-in traffic.

Commissioner Rush asked if the catering, which was stated to be 90% of the business, included the take-out. Was this figure expected to remain constant.

Ms. Young stated that catering, including take-out, was due, in part, to the limited seating of large parties. She expected the majority of the business would be involved in take-out orders.

Commissioner Transmeier commented that the current zoning in 1982 specifically denied restaurants of this nature in that area. Was Ms. Young aware of that.

Ms. Young said that she had patronized the bakery at this location prior to moving in by sitting down to coffee and donuts. She had not checked with the City on restrictions and/or procedures and acknowledged this as an oversight.

Commissioner Stephens asked when was she aware of the problem-- was this before or after the lease was signed.

Ms. Young responded that it was after the lease was signed and before the petitioner started serving. She added that this was not expected to be a high volume business and that most of the patronage would be either before working hours began, after they ended, or on weekends. Thus, traffic was not felt to be a problem.

Commissioner Rush asked how long it had taken to collect the signatures on the petition which was presented.

Ms. Young replied that all were collected since the opening of the business approximately two months ago.

Chairman O'Dwyer asked if this was a sublease.

Ms. Young answered that Mr. Krugler was the leaseholder for Don Foster who had owned the "Good For You" bakery. The petitioner had taken over that lease with both parties being responsible to Mr. Krugler and he is responsible to the person owning "Bernina Sewing Machines."

Chairman O'Dwyer continued by asking if the patrons from the 23rd Street location followed the business to the new location.

Ms. Young replied that most had save for the banking personnel.

Chairman O'Dwyer stated that the main concerns expressed by the Commission were the parking situation, the turn-ins, and the fact that the 12th Street Corridor does not allow for high volume businesses to be located in this area. He felt that if the business felt the need to expand, there would be a real problem with this.

Ms. Young clarified that since the bulk of the business was in the area of take-out and not in sit down traffic, a problem could not be foreseen in the next three years (the term of the lease). She stated her intentions to buy the property on either side of the business which should eliminate a lot of the concerns expressed by the Commission for parking, etc.

Commissioner Stephens asked her reasons for buying the property adjacent to the bakery.

Ms. Young expressed her interest in the purchasing of real estate in general and said that it did not reflect any future intentions of expansion.

#### **STAFF PRESENTATIONS**

Mike Sutherland gave a brief history of the property saying that two concerns were felt by the department: 1) zoning restrictions prohibiting restaurants and 2) the 12th Street Corridor policy which states only low-volume businesses allowed in the area. There was some question as to the definition of "low-volume." All other technical issues were felt to have been resolved.

#### **QUESTIONS**

Commissioner Transmeier asked what the parking ratio was, including the adjacent business.

Mike responded that without knowing what the future needs of the Veterinary clinic would be, he felt that 15-20 should be the maximum. There was a total of 25 spaces available at this time.

#### **PUBLIC COMMENTS**

##### **FOR THE PROPOSAL:**

Buck Brown of Paradise Hills spoke in favor of the proposal saying that Grand Junction is not the same, with regard to traffic, as it was in 1982. He pointed out that the population had decreased considerably since that time. He also felt that because of the depressed economy, the City should do all it could to encourage rather than discourage small businesses.

Bill Graham, 2129 Barberry, did not feel the traffic to be a problem in this immediate area. He felt that the business did not generate enough volume to become a traffic problem.

Jim Fuchs, 1835 White Avenue, also spoke in favor of the proposal.

**AGAINST THE PROPOSAL:**

There were no comments against the proposal.

Before the closure of the public hearing, the following comments were entertained:

Mike Sutherland pointed out that the main concern was not over this particular business but the fact that it could possible set a precedent in that perhaps a Kentucky Fried Chicken might then want to move into the area. He wanted to maintain enforcement of the low volume restriction in this area.

Commissioner Rush asked for clarification in the definition of "low volume," with regard to vehicle trips/square footage.

Mike stated that based on surveys of Grand Junction's similar businesses, the figures presented to the Commission on the lower scale were probably close to being representative of this situation as a "low volume" business.

Buck Brown spoke up from the audience saying that per the moratorium passed in June, 1982, the document stated that each business would be considered on its own merits and that being the case, would prevent the above scenario from occurring.

Chairman O'Dwyer closed the public hearing and requested a motion.

**MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON FILE #28-84, MOM'S BARBEQUE AND BAKERY-REVISED FINAL PLAN, I RECOMMEND THAT WE SEND THIS TO THE CITY COUNCIL WITH RECOMMENDATION OF APPROVAL WITH THE STIPULATION THAT THE SEATING BE LIMITED TO A MAXIMUM OF 20 PEOPLE."**

Commissioner Rush seconded the motion.

Commissioner Transmeier added comments that having strip development on 12th Street, turning it into another North Avenue, was wrong. Further scrutiny of the business would occur if the petitioner came back requesting expansion at this location. Even though the Commission empathized with the petitioner, a broader concern was felt for 12th Street and impacts made to it.

Commissioner Rush asked if there should be a low traffic volume definition stipulated.

Chairman O'Dwyer commented that the restrictive seating of 20 should take care of this since people would not go where they could not sit.

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

### III. #29-84 TEXT AMENDMENTS-AMENDMENTS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE.

Petitioner: Grand Junction Planning Department

#### PETITIONER'S PRESENTATION

Karl Metzner stated that in the first section there were two amendments which went together:

- A. Amending the explanation following the Use Zone Matrix (figure 4-3-4) of the Zoning and Development Code to read "Factory built (F.B.) single family units meeting uniform building code, OR EQUIVALENT ENGINEERING PERFORMANCE STANDARDS, for Manufactured Housing are permitted wherever single family residential units are permitted by this code."
- B. Amending Chapter 13 (Definitions) of Chapter 32 of the Code of Ordinances to add the definition of Equivalent Engineering Performance Standards to read:

Equivalent Engineering Performance Standards for Manufactured Housing.

Standards in compliance with the requirements and limitations established for Manufactured Housing in 30-28-115, Colorado Revised Statutes, as amended.

The reason for the requested amendments was to bring the Code into compliance with the state law.

#### QUESTIONS

Chairman O'Dwyer asked what percentage of the manufactured housing would meet the new criteria.

Karl stated that the way the state law was written, it would be left to the discretion of the Building Department to determine what the "equivalent standards" were.

Commissioner Transmeier commented that the state legislature signed a bill to add this to every municipality and county throughout the state and what it said was that if the house meets or exceeds the same standard that they have adopted (the Uniform Building Code), then the house should be allowed.

Karl added that the amendments expand on the Uniform Building Code and allowed these equivalents.

Commissioner Transmeier said that it did make a difference in that through documentation produced by the mobile home and manufactured housing industry, the HUD Code standard mobile homes would be permitted.

#### **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

Chairman O'Dwyer closed the public hearing and requested a motion.

**MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, WITH GREAT PRIDE ON FILE #29-84, TEXT AMENDMENTS-AMENDMENTS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE, I RECOMMEND THAT WE SEND THIS TO THE CITY COUNCIL WITH OUR HEARTIEST RECOMMENDATION OF APPROVAL ON ITEMS A AND B."**

Commissioner Dunivent seconded the motion.

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

(A late addition to file #29-84 was made which will be labeled "C" concerning a proposal to add vocational/technical schools to Use Zone Matrix (figure 4-3-4) as a conditional use in H.O. (Highway Oriented) zone.)

#### **PETITIONER'S PRESENTATION**

Karl Metzner gave an overview of the proposed amendment stating that, at present, vocational/technical schools are not allowed at all in the H.O. zone and after some investigation, it was determined that there was no good reason for this exclusion.

#### **QUESTIONS**

Commissioner Transmeier asked if this would give allowances to businesses presently in this zone.

Karl responded that those presently located in this zone would have to be brought into conformance.

Commissioner Dunivent asked what type of school prompted the request.

Karl replied that it was a type of computer training school.

#### **PUBLIC COMMENTS**

There were no comments either for or against this proposal.

Chairman O'Dwyer closed the public hearing and requested a motion.

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #29-84 AMENDMENTS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE REGARDING THE PROPOSAL TO ADD VOCATIONAL/TECHNICAL SCHOOLS TO THE USE ZONE MATRIX (FIGURE 4-3-4) AS A CONDITIONAL USE IN H.O. ZONE, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."**

Commissioner Rush seconded the motion.

Before the vote was called, it was reiterated that this particular item would be labeled "C" when regarding it.

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

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

There were no non-scheduled citizens and visitors.

The meeting was adjourned at 8:35 p.m.