

GRAND JUNCTION PLANNING COMMISSION
Public Hearing -- June 28, 1983
7:30 pm - 9:00 pm

The public hearing was called to order by Chairman Ross Transmeier at 7:30 p.m. in the City Council Chambers.

In attendance, representing the City Planning Commission were:

Miland Dunivent	Jack Ott
Bill O'Dwyer	Jane Quimby
Susan Rinker	

(Commissioner Dick Litle was absent)

In attendance, representing the Planning Department were:

Karl Metzner Bob Goldin Janet C.-Stephens

Rachelle Daily of Sunshine Computer Services, was present to record the minutes.

There were approximately 20 interested citizens present at the beginning of the meeting.

Chairman Transmeier called the meeting to order and explained that the items heard tonight will go on to City Council whether they are approved or disapproved, unless the petitioners ask for them to be removed.

I. APPROVAL OF MINUTES.

Chairman Transmeier asked the Planning Commission for a discussion on the minutes of the 5/31/83 GJPC Public Hearing.

MOTION: (COMMISSIONER QUIMBY) "MR. CHAIRMAN, I MOVE THE MINUTES OF THE MAY 31, 1983 GRAND JUNCTION PLANNING COMMISSION PUBLIC HEARING BE APPROVED AS PRESENTED."

Commissioner Rinker seconded the motion.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried unanimously by a vote of 5-0.

II. ANNOUNCEMENTS, PRESENTATIONS, AND/OR VISITORS. There were no announcements, presentations or visitors.

III. FULL HEARING

1. #31-83 RIGHT-OF-WAY AND ALLEY VACATION

Petitioner: Lincoln Park Osteopathic Hospital Association -
Grand Junction Osteopathic Hospital and Doctors
Clinic Building, Inc./Roger C. Zumwalt.
Location: 11th Street right-of-way and alley between
Orchard Avenue & Walnut and College Place &
12th Street.

A request to vacate a portion of the alley and right of way.

PETITIONER'S PRESENTATION

Loren Dake presented the request for the right-of-way and alley vacation and indicated that there have been no adverse comments or reactions received from the review agencies or the Church property owners.

STAFF PRESENTATION

Bob Goldin, Planning Staff, indicated that this request is part of the entire parcel that was submitted for Planned Business, that no adverse comments have been received either from the Review Agencies or the public, and that the petitioner has agreed to all the technical concerns.

PUBLIC COMMENTS

IN FAVOR: None.
IN OPPOSITION: None.

QUESTIONS

Commissioner O'Dwyer asked Mr. Dake if the petitioner is aware of the existing underground utilities.

Mr. Dake's response indicated they have worked with all the utility agencies and have provided easements for those, and that they don't anticipate any changes.

Bob Goldin noted that when the vacation is given final approval it will be subject to the existing utilities, and it will become a utility easement rather than a public right-of-way.

Chairman Transmeier closed the public hearing and called for a motion.

MOTION: (COMMISSIONER O'DWYER) "MR. CHAIRMAN, ON FILE #31-83, RIGHT-OF-WAY AND ALLEY VACATION, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, SUBJECT TO THE EASEMENT BEING GRANTED TO PROTECT THE EXISTING EASEMENTS, AND OTHER STAFF COMMENTS."

Commissioner Dunivent seconded the motion.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried, 5-0.

2. #30-83 REZONE RSF-8 TO C1

Petitioner: Gene O. Taylor
Location: Lots 1 & 2 of Carpenter's Subdivision No. 2
(south of Gunnison Avenue and southwest of Highway 6 & 50).

A request to change from residential single family uses at 8 units per acre to light commercial use on .63 acre.

PETITIONER'S PRESENTATION

Gene Taylor, 461 Grand Avenue, oriented the location of his request and provided the following overview of his proposal:

1. The rezone request will allow for the construction of a new warehouse to provide for expansion of the existing building into a new retail outlet.
2. Landscaping plans include adding a lake out in front of the proposed building to accommodate the sale of recreational equipment and other merchandise. Other plans for the lake include using it for fishing instruction classes and possible ice-skating in the wintertime.
3. Parking will be provided on both sides of the building, and the back portion of the building will be landscaped with planters and trees.
4. Plans also include obtaining the proper permits for drilling an artesian well.
5. Irrigation water will be underground.
6. Mr. Taylor indicated that a few families in the area have recently expressed some objections to the proposal and he fully intends to work those out.

QUESTIONS

Commissioner Dunivent asked Mr. Taylor how he intends to seal the lake.

Mr. Taylor replied that although he has not worked that out yet, he does not anticipate that will be a problem as the lake will be "on top of the ground" (they will not be digging down because of the seep water). He further noted that another problem they have is with the alkali and that discussions with a local geologist and engineering firm have shown that one feasible solution would be to "neutralize the ground and lay a plastic liner down before the cement." Mr. Taylor stated that he intends to have a good pond that can be drained periodically (at least once in the fall for ice skating purposes).

Commissioner O'Dwyer explained the Commission is concerned with adding more water to an existing high water table area. He then asked Mr. Taylor where the water will drain.

Mr. Taylor replied that a gutter does not exist there now -- only a sewer. There are drains through the railroad tracks that could be used certain times of the year -- definitely not this time of year, he added. Another possibility would be to drain the water into the sewers. He said that the pump he plans to use will pump about 120 gallons/minute which will allow for good turnover in the pond each week. The artesian well will be drilled down to 940-950' and the pump will be located at about 160-180'. Mr. Taylor pointed out that "they will be draining more than they will be filling."

Mr. Taylor also indicated that they will probably make a mound; build the lake on top of that (1 1/2 to 2 feet deep); which will make the drain level with the ground and sidewalk so they could then drain into the sewer.

STAFF COMMENTS

Janet Stephens presented the request, indicating that the following items need to be resolved prior to approval:

1. Power of Attorney for the street improvements on Vine Street and Peach Street when the time comes.
2. The barricade being moved on Peach Street.
3. The irrigation ditch running through the property will remain open.

PUBLIC COMMENTS

IN FAVOR: None
IN OPPOSITION:

Mr. Frank Maldonado, 402 W. Grand Avenue, questioned whether the existing irrigation ditch would be changed in any way.

There was discussion as to the location of the ditch Mr. Maldonado was referring to. Gene Taylor indicated that the existing ditch will not be changed.

Virginia Trujillo, 323 West Ouray, presented a petition with signatures from neighbors of the area, most of whom are opposed to the proposal. She stated that some were in favor of the plan if Mr. Taylor had planned to put landscaping near the adjacent residential section. She said they (herself and other neighbors) had originally understood that the lake, as well as additional landscaping (trees), would face their properties, thereby creating a better view for them and adding an overall improvement to the neighborhood. With that understanding, she said they were not against it in the beginning, but now it appears that Mr. Taylor has changed the location of the lake in his plan.

Commissioner Quimby told Virginia that there will be landscaping facing their properties (on the south side).

Virginia Trujillo stated that Mr. Taylor doesn't have a permit and they were told that without a permit he could go either way.

Commissioner Quimby indicated they would be discussing that point and noted again that there will be attractive landscaping and improvements made adjacent to their properties.

Virginia pointed out that they have been told (at previous planning meetings) that they did not like to do 'spot rezoning', and "we want to keep it residential."

Frank Maldonado asked if this "spot change" would only be for this particular area.

Commissioner Transmeier clarified that this proposal is not exactly a "spot zone" since it is adjacent to existing commercial zoning. He also told the audience that the Planning Commission is aware of their concerns for this area in relation to their neighborhood.

PETITIONER'S RESPONSE

Gene Taylor responded to Mr. Maldonado's concern by repeating that the irrigation ditch on the south side of the alley will be left alone. He then further explained their landscaping and parking plans. He added that they planned to fence around almost the entire property line for security purposes. The fence will be decorated with climbing roses, and there will be about 10-12' of grass (with shrubs) either on the inside or outside of the fence.

Commissioner Quimby asked Mr. Taylor what kind of fence he was planning to install. Mr. Taylor replied that he wants to put up a nice-looking, strong fence, and that he has discussed using different types of chain link fencing with Mr. Coleman at Western Implement.

Chairman Transmeier asked Mr. Taylor for the building height, and how the building will be serviced by semi-trucks.

Mr. Taylor replied that it will be the same as the existing building (24 feet), and that the trucks will access the building from the alley side.

In response to the positioning of the lake, Mr. Taylor apologized for any misunderstanding, but stated that his preliminary plans showed the lake on the north side and there have not been any "changes" to those original plans.

Frank Maldonado asked where the water will drain and if it is usual for it to drain into an alley like that.

Mr. Taylor replied that "it will either drain into the alley or the irrigation ditch they plan to keep open."

Virginia Trujillo commented on the problem they have right now with flooding caused from the water draining from Grand Avenue into the irrigation ditch, and she blames "poor engineering" for this problem.

Commissioner O'Dwyer noted that the same problem exists all over town, since a big enough storm sewer cannot be installed to handle the overflow from heavy rains that occur every three or four years.

Virginia said that all they have is asphalt and they should have put cement or something in there.

Commissioner Quimby asked the opponents: (1) If their objections would be eliminated if they could be guaranteed that what will be built is exactly what is proposed; and (2) If the problem is that they are opposed to any development there.

Virginia stated that she is opposed to the size of the building as she was under the impression that it would be a nice looking store.

Commissioner Quimby restated her question by saying that there are ways the Commissioners can insure that what the plan shows is what will be built -- in an effort to address the neighborhood concerns. One way would be to classify this proposal differently. She asked Virginia if that would help, or whether she is just absolutely and totally opposed to what Mr. Taylor wants to put in there.

Virginia said "they are trying to not get into big buildings like it is on South Avenue -- we've seen what's happened over there." She also repeated her earlier objection to "spot zoning" changes.

FINAL COMMENTS FROM STAFF

Chairman Transmeier asked Planning Staff if the drainage and sewer situation is satisfactory, and if the property to the north of the existing building is now zoned C-1.

Janet Stephens indicated that both issues (drainage and the pump station) need to be addressed. She confirmed that the Planning Commission is concerned with the empty portion of Mr. Taylor's lot.

Chairman Transmeier closed the public hearing, and called for a motion.

Commissioner Quimby prefaced her motion with this explanation: She plans to recommend that the property be rezoned from RSF-8 to Planned Commercial Development, which will allow the Planning Commission to keep tabs and make requests in order to see that Mr. Taylor follows through on what he says he will do, and it will also allow the neighborhood to provide input in the form of helpful criticism. Commissioner Quimby added that she considers this proposal an "appropriate use of the land" for this area and that in some cases a little development can improve and enhance some of the existing properties.

MOTION: (COMMISSIONER QUIMBY) "ON ITEM #30-83, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION TO CHANGE THE REZONE FROM RSF-8 TO PLANNED COMMERCIAL DEVELOPMENT, PENDING THE STAFF COMMENTS -- SPECIFICALLY, BUT NOT LIMITED TO: (1) THE POWER OF ATTORNEY FOR STREET IMPROVEMENTS ON BOTH PINE STREET AND VINE STREET; (2) THE IMPROVEMENT OF THE ALLEYWAY AND REMOVAL OF THE BARRICADE ON PEACH STREET BACK TO OR SOUTH OF THE ALLEYWAY; (3) THE IRRIGATION DITCH REMAINING OPEN ALONG THE ALLEYWAY BETWEEN PEACH AND VINE STREETS."

Commissioners Rinker and O'Dwyer seconded the motion simultaneously.

DISCUSSION OF THE MOTION

Chairman Transmeier again noted that the only portion they are concerned with is the bottom portion of the plan. He asked if they have the authority to take the upper portion under consideration and call it part of the plan also.

Bob Goldin stated that they have only advertised for Lots 1 and 2 so those are the only ones to be considered.

Chairman Transmeier asked if there is a conflict of zoning between the zones then that would work to their detriment.

Commissioner Quimby surmised they would have to rezone the whole piece of property in order to get the entire project into Planned Commercial Development. She asked what that would do to Mr. Taylor's timeframe.

Mr. Taylor said the building is on the lot now, the money will be appropriated within the next day or two, but that the project won't be completed until sometime next year or next spring.

Commissioner Quimby asked if they could request Mr. Taylor to proceed with the rezoning of the rest of the property to Planned Commercial.

Mr. Taylor wondered if that meant that in ten or twenty years this would affect how the facility could be used.

Chairman Transmeier clarified that if the exterior looks the same and the general traffic pattern remains the same, then the zone would not be changed; but if major changes are made in the future to the traffic, landscaping or buildings, a new request would have to come through the board.

Mr. Taylor commented that the other thing he could do now would be to put in five apartment houses or five rental units (with the current zone of RSF-8). He jokingly suggested that that might be the simplest thing for him to do at this point.

Chairman Transmeier told Mr. Taylor that would be his decision to make; the Commission is trying to find a way for him to build this project as he has planned.

In reply, and to summarize his understanding of the discussion, Mr. Taylor's stated, "the entire piece of property then has to be tied in together in order for me to proceed with my project."

Commissioner Quimby answered that they are "trying to tie it in altogether" in order for Mr. Taylor to be able to do everything he has planned. She also stated that the Planning Commission has no way of holding him to his commitments other than his taking his word for it, and they are trying to find a way to protect the neighborhood and still allow him to complete his project as planned.

Mr. Taylor said he does not intend to "jeopardize a 25-year old business by moving down there and not dressing it up"; he feels the only way to do it is to have a park-type of atmosphere with picnic benches, etc., and he hopes to encourage traffic to his business. He also wants to keep it away from the residential area.

Chairman Transmeier replied that one of the concerns with the residential area is with what happens in the future (10-20 years down the road) after the commercial zone is granted. He told Mr. Taylor that they are not trying to harrass him or make him go through any extra procedures, and they realize he would like to get through the procedures as quickly as possible.

Mr. Taylor replied, "Not necessarily -- whatever is right, we'll do."

Chairman Transmeier then closed the public hearing, repeated the motion and requested a vote. The motion carried by a vote of 5-0.

Chairman Transmeier reminded the Planning Commission that a motion was needed to accept this plan for the Planned Commercial Zone.

MOTION: (COMMISSIONER DUNIVENT) "ON ITEM #30-83, I MAKE A MOTION THAT WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION TO ACCEPT THE PLAN AS SHOWN."

Commissioner O'Dwyer seconded the motion.

DISCUSSION OF THE MOTION

Chairman Transmeier asked Planning Staff if the plan is detailed enough for this purpose.

Bob Goldin, Planning Staff, replied that there may be some minor modifications needed regarding the barrier shown on the plan (it is now shown on the north side of the alley) and if anything is going to be done to the irrigation ditch, that, too, needs to be indicated on the plan. The motion for the final plat regarding the rezone could incorporate those changes.

AMENDMENT TO THE MOTION

Commissioner Quimby suggested that another contingency to the approval be that Mr. Taylor immediately begin the process of getting the rest of the property into a Planned Commercial Development, in an effort to avoid unnecessary delays for Mr. Taylor.

Chairman Transmeier suggested that all fees be waived for Mr. Taylor since this is a request by the Planning Commission.

Commissioner O'Dwyer seconded these amendments.

Chairman Transmeier then repeated the motion to include these two statements as an amendment to the motion.

MOTION, AS AMENDED: (COMMISSIONER DUNIVENT) "ON ITEM #30-83, I MAKE A MOTION THAT WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION TO ACCEPT THE PLAN AS SHOWN, WITH THE MINOR ALTERATIONS MENTIONED, SUBJECT TO THE PETITIONER REFILEING FOR A PLANNED DEVELOPMENT IN A COMMERCIAL ZONE -- THE ENTIRE PORTION OF PROPERTY THAT THIS PETITION IS CONCERNED WITH (BETWEEN VINE, WEST GUNNISON, PEACH AND THE ALLEYWAY) AS SOON AS POSSIBLE, WITH ALL FEES BEING WAIVED. "

Commissioner O'Dwyer seconded the motion.

Chairman Transmeier called for a vote, and the motion carried 5-0.

3. #29-83 CONDITIONAL USE - KINDER HAUS CHILDREN'S CENTER

Petitioner: Patricia Knight Felin
Location: Northeast corner of 27-3/8 and C Roads.

A request for a conditional use for a child care center on .75 acre in a residential single-family zone at 8 units to the acre.

PETITIONER'S PRESENTATION

Pat Felin described her plan for a 60-children capacity day care center to be located at the corner of 27 3/8 Road and Unawep (across the street from Orchard Mesa Junior High School). She noted that the center will accommodate children between the ages of 2-10 and the hours of operation will be 6:15 a.m. - 6:15 p.m. The property will be fenced adequately to keep the children in; the location of the facility is midway between three elementary schools; and the existing center being used on Orchard Mesa will be closed. She indicated that she has received permission from school officials for the children to use the tennis courts, playground and ball fields for recreational purposes while school is not in session. In addition, Pat has contacted the swimming pool manager and has permission to use that facility.

STAFF PRESENTATION

Janet Stephens noted that all review agency concerns have been resolved. Staff does request Power of Attorney for street improvements for Unawep Avenue and 27 3/8 Road, as well as a Quit Claim Deed for 4' dedication off of Unawep and a 1/2' dedication off of 27 3/8 Road.

PUBLIC COMMENTS

IN FAVOR: None
IN OPPOSITION: None

For the record, Chairman Transmeier noted that the Planning Commission has received a letter in opposition to the commercial zone at this location from Mrs. Charles Painter, on behalf of her daughter, Virginia Hope Painter (property owner at 2743 Olson Avenue). Mrs. Charles Painter's letter voiced strong objection to any commercial construction at this site.

Commissioner Quimby commented that she had spoke with a neighbor (unnamed) at the site earlier in the day who indicated he was pleased with the plan and thought that most of the neighbors were also.

Chairman Transmeier closed the public hearing and requested a motion.

MOTION: (COMMISSIONER RINKER) "MR. CHAIRMAN, ON FILE #29-83, CONDITIONAL USE - KINDER HAUS CHILDREN'S CENTER, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, SUBJECT TO STAFF COMMENTS."

Commissioner Quimby seconded the motion.

Chairman Transmeier repeated the motion, called for a vote, and the motion carried 5-0.

4. #33-83 CONDITIONAL USE - ADDITION OF SANCTUARY TO FIRST CHRISTIAN CHURCH

Petitioner: First Christian Church of Grand Junction/Tracey Miller.

Location: 1326 North First Street (northeast of First Street and West Sherwood Drive).

A request for a conditional use for an addition of a sanctuary to the First Christian Church on 1.81 acres in a residential single-family zone at 5 units per acre.

PETITIONER'S PRESENTATION

Connie McDonough, Chambliss & Associates, represented the proposal. She first introduced Mr. Phil Nuffer (Chairman of the Board) and Mr. Tracey Miller (Minister of the Church), noting that they are available for questions. She then outlined the proposal as follows:

1. The First Christian Church is requesting approval for conditional use for their property and their existing facility (which is a legal, noncomforming use and in complete compliance with all regulations and policies of the City).
2. They plan to add a sanctuary, attached to the existing building; all new construction will occur at the south end of the property.

3. The seating capacity for the proposed addition to the church is 350 seats for the congregation and 40 for the choir.
4. Construction is scheduled to begin in early 1984 and should be completed within 24 months.
5. The proposed building will be compatible with the existing building in style and appearance.
6. The petitioner has responded to all review agency comments and the only outstanding issue is the parking requirements. The petitioner has suggested that the church will pursue a reciprocal agreement with the commercial facility on the west side of First Street which will provide for overflow parking.

QUESTIONS

Commissioner O'Dwyer asked Connie for the number of parking spaces that are available across the street.

Connie replied that there are 23, which will make a total of 127 (6 spaces short of the 133 required).

Commissioner O'Dwyer asked Tracey Miller how much the congregation has grown in the last five years, and what he projects future growth will be.

Mr. Miller answered that the membership has increased by 20% over the past five years, but that the total active membership has remained relatively stable. The average attendance for their largest service is about 150-160 people). He projected there would be some growth within the next five to ten years, but was not able to project any exact figures. He noted that in the event the growth does expand to maximum capacity, they intend to start new congregations in other parts of town.

Commissioner O'Dwyer commented on the lack of landscaping at the site and hopes that full landscaping will be incorporated.

Mr. Miller indicated it is their intention to add appropriate landscaping.

Mr. Nuffer added that the plans as shown have landscaping at the south end of the property with the provision of leaving about 10' open, per City request.

Commissioner Quimby said that development to the south end of the property would definitely be an improvement.

Mr. Miller agreed and added that they installed floodlights on the south side two years ago in an effort to eliminate

vandalism. He continued by saying that the south glass wall will be taken out and replaced with a masonite wall to reduce the vandalism.

Commissioner O'Dwyer noted that the Planning Commission encourages the use of solar heating, but they do understand about vandalism.

STAFF PRESENTATION

Bob Goldin indicated that Staff would require a written agreement with the adjacent office regarding the shared parking and the timeframe of that agreement.

Staff also requests that the plan show that landscaping will go in with this project.

PUBLIC COMMENTS

IN FAVOR: None.
IN OPPOSITION: None.

Chairman Trasmeier then closed the public hearing, and requested a motion.

MOTION: (COMMISSIONER QUIMBY) "MR. CHAIRMAN, ON ITEM #33-83, CONDITIONAL USE - ADDITION OF SANCTUARY TO FIRST CHRISTIAN CHURCH, I MOVE WE FORWARD THIS REQUEST TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, CONTINGENT ON (1) THAT LANDSCAPING WILL BE INSTALLED AT THE TIME OF CONSTRUCTION OF THE SANCTUARY, AND (2) THAT A SIGNED AGREEMENT IS RECEIVED FOR THE ADDITIONAL PARKING PRIOR TO THE BUILDING PERMIT BEING ISSUED, AND ALL OTHER STAFF COMMENTS."

Commissioner Dunivent seconded the motion.

Chairman Transmeier repeated the motion and called for a vote. The motion carried unanimously, 5-0.

5. #32-83 UTILITY EASEMENT VACATION

Petitioner: Benchmark Communities Ltd./Michael B. Cline
Location: Within Briargate Subdivision (southwest corner
of Elm Avenue and 28 1/4 Road).

A request to vacate one 22.5' x 35.21' portion and one
22.5' x 35.20' portion of utility easement within Briargate
Subdivision.

PETITIONER'S PRESENTATION

Mike Cline presented the proposal, noting that at the time Briargate was constructed, laundry facilities were not taken into consideration, and they plan to add those now in an effort to make it more convenient for their tenants. Mr. Cline also informed the Commission that Briargate is currently under a blanket easement (for reasons unknown to him) so they are requesting the easement to allow them to construct the laundry facility now and other buildings in the future (i.e., storage units).

QUESTIONS

Commissioner Quimby thanked Mr. Cline for his explanation as she was concerned that they have already started construction of the laundry facility without the Planning Commission knowing about it. She added that "one of these days when someone starts something before we have approved it, they're going to get to tear it down."

Mr. Cline replied, "That's why it is not any further along; we've only dug the hole."

Commissioner Dunivent commented on the existing utility easements, wanting to be sure the petitioners were aware of their placement.

Mr. Cline indicated he believed they have addressed those concerns.

Commissioner O'Dwyer asked Mr. Cline if the laundry facility was going to be just for the tenants and how that will be enforced.

Mr. Cline said that the tenants will be issued a key to the laundry facility. He added that four coin-operated washers and dryers will be installed. He also noted that at some future point they may want to sell the property and they won't be very marketable without laundry facilities.

STAFF COMMENTS

Janet Stephens stated that all concerns have been addressed except for the Hold Harmless clause which is being drawn up within the new covenants. She also noted that the sewer lines have been accepted by the City. A copy of the water testing report was sent by Paragon Engineering to City Engineering.

PUBLIC COMMENTS

IN FAVOR:

Mrs. Paul Roberts, one of the Managers of Briargate, indicated she thought it was a "great idea." (She has lived there for a year without any laundry facilities.)

IN OPPOSITION: None

QUESTIONS

Chairman Transmeier asked for the purpose of the other easement.

Mr. Cline answered that it was to appease any question for any further requests for vacations -- to make it available for possibly constructing storage units.

Bob Goldin explained that the way the plat was recorded and accepted, it is a perpetual easement; Staff suggested that if there is a chance in the future that the petitioners would be doing any additional construction, that now would be the time to request this vacation.

Mr. Paul Roberts commented that the vacancy rate will probably be 100% if they don't add the laundry facilities, since there are so many apartments available.

Chairman Transmeier closed the public hearing and requested a motion.

MOTION: (COMMISSIONER DUNIVENT) "ON ITEM #32-83, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL OF THE UTILITY EASEMENT VACATION, SUBJECT TO STAFF COMMENTS."

Commissioner O'Dwyer seconded the motion.

Chairman Transmeier repeated the motion and called for a vote. The motion carried by a vote of 5-0.

6. #14-83 1983 ANNUAL ZONE OF ANNEXATION TO THE CITY OF GRAND JUNCTION

Petitioner: City of Grand Junction

A request to zone the following annexations:

- Locations:
- e) SIMPSON - West of 25 1/2 Road, south of Patterson Road, RSF-4.
 - f) SOUTHGATE COMMONS SUBDIVISION - South of Highway 50, north of B 1/2 Road, west of 27 Road. Lot 3: PR-15; Lot 4: PR-18.
 - g) BOISE CASCADE AND D&RGW R.R. - South of Highway 6 & 50, east of 24 1/2 Road, approximate, C-1.

(Copies available at the City/County Development Department, 559 White Avenue, Room #60, 244-1628).

PETITIONER'S PRESENTATION

Karl Metzner presented the items to be considered by locating them on the map and indicating the requested zoning changes. He clarified that they are not requesting zoning past 24 1/2 Road for the Boise Cascade and D&RGW RR annexation, although the Railroad has been annexed down to 25 Road, because they don't feel it's important to zone the Railroad itself.

QUESTIONS

Chairman Transmeier asked Karl if they ever heard from Mr. Simpson.

Karl Metzner indicated they had not, although he was sent notice at the time of annexation and a registered letter had been set informing him of the zoning.

Bob Goldin added that Staff tried to contact him by telephone but the calls were not returned and that he has been given every option to respond.

Chairman Transmeier replied that he feels Mr. Simpson has some options open to him and would have been nice for him to express his wishes. He added that he hates to zone someone's property without knowing how he feels about it.

PUBLIC COMMENTS

IN FAVOR: None.
IN OPPOSITION: None.

MOTION: (COMMISSIONER QUIMBY) "ON ITEM #14-83, 1983 ANNUAL ZONE OF ANNEXATION TO THE CITY OF GRAND JUNCTION, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL ON THE FOLLOWING PROPERTIES: (1) SIMPSON PROPERTY (WEST OF 25.5 ROAD, SOUTH OF PATTERSON ROAD) ZONED TO RSF-4; (2) SOUTHGATE COMMONS SUBDIVISION (SOUTH OF HWY 50, NORTH OF B.5 ROAD, WEST OF 27 ROAD -- LOT 3 ZONED TO PR-15 AND LOT 4 ZONED TO PR-18; AND (3) BOISE CASCADE AND D&RGW RAILROAD (SOUTH OF HWY 6&50, EAST OF 24.5 ROAD APPROXIMATELY) ZONED TO C-1.

Commissioner O'Dwyer seconded the motion.

Chairman Transmeier called for a vote and the motion carried 5-0.

Chairman Transmeier adjourned the public hearing at 9:00 p.m.

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