

GRAND JUNCTION PLANNING COMMISSION

October 31, 1978

M I N U T E S

The regular meeting for the month was called to order at 7:30 p. m. in the City Council Chambers by Chairperson, JANINE RIDER, with the following members present: FLORENCE GRAHAM, DALE SCHOENBECK, VIRGINIA FLAGER, JIM PICKENS, FRANK SIMONETTI, and BILL MIKESELL.

Also present were: DEL BEAVER, Planner; CONNI MCDONOUGH, Development Director; and DON WARNER, Planning Analyst. TOMMI BAKER, Planning Technician and PHIL ROMEO, Zoning Administrator attended a portion of the meeting. Also in attendance were Carol Redmond, Stenographer/Recorder and approximately forty (40) interested citizens.

FLAGER/SCHOENBECK UNANIMOUSLY PASSED A MOTION TO TABLE APPROVAL OF THE MINUTES OF THE LAST MEETING UNTIL THE NEXT MEETING SINCE THEY HAD NOT YET BEEN RECEIVED BY THE MEMBERS.

1. #90-78 CONDITIONAL USE (Tabled item)

Petitioner: Modern Savings and Loan Association. Location: Southwest corner of 7th Street and White Avenue. For a drive-up window on existing building.

JIM PICKENS excused himself from consideration of this proposal because of his position with the petitioner.

Opened public hearing.

DEL BEAVER, Planner, introduced the request, stating that the only new comments centered around the frequency of use of the window. He said that it was discovered after having worked with the petitioner that the amount of use would not pose any great problems.

RICH LIVINGSTON, representing the petitioner, made a few comments.

MR. WALTERS, Vice President of the firm, was on hand to answer questions.

VIRGINIA FLAGER stated that she had driven through the area twice and found the turn to be quite sharp. She suggested installing a "bumper" on the building or a guiding curb for protection.

Asked for proponents. (NONE)

Asked for opponents. (NONE)

DEL BEAVER read review agencies' comments, and stated that he agrees with MS. FLAGER'S idea concerning the "bumper". He further stated that he would recommend approval of the request subject to staff comments and including the condition of the "bumper" and/or curb guide.

Closed public hearing.

SCHOENBECK/MIKESELL MOVED TO RECOMMEND APPROVAL OF THE DRIVE-UP WINDOW SUBJECT TO STAFF COMMENTS WITH THE STIPULATION A BUMPER OR CURB GUIDE WOULD BE PROVIDED ON THE BUILDING.

FRANK SIMONETTI wondered whether there could be any stipulation governing any changes to the building in the future.

THE MOTION WAS AMENDED AS FOLLOWS:

SCHOENBECK/MIKESELL UNANIMOUSLY PASSED A MOTION TO RECOMMEND APPROVAL OF THE DRIVE-UP WINDOW SUBJECT TO STAFF COMMENTS WITH THE STIPULATION A BUMPER OR CURB GUIDE BE PROVIDED. IT WAS FURTHER UNDERSTOOD THAT THE CONDITIONAL USE APPLIES TO THE STRUCTURE AS IT PRESENTLY EXISTS, AND THAT IF ANY ENLARGEMENT CHANGES OCCUR, THE PETITIONER MUST REAPPEAR BEFORE THE PLANNING COMMISSION FOR FURTHER ACTION.

2. #93-78 WALNUT OFFICE CENTER AND COLLEGE PLACE APARTMENTS
(Tabled item)

Petitioner: W.G.M. Investments. Location: West of 12th Street between Walnut Avenue and Bookcliff Avenue.

- a. Consideration of Bulk Development
- b. Consideration of Street Vacation (Agenda incorrectly stated "Alley" Vacation)

a. Consideration of Bulk Development

Opened public hearing.

DEL BEAVER explained that the proposal had been tabled because of design considerations. He further suggested that ingress and egress be moved north to facilitate internal traffic for maintenance and for emergency vehicle traffic. He showed the area on the map and read the review agencies' comments.

FRANK SIMONETTI wondered whether a crash gate were feasible.

DEL BEAVER stated that one was planned.

CHUCK WYMAN, representing the petitioner, was in attendance.

Asked for proponents. (NONE)

Asked for opponents. (NONE)

DEL BEAVER recommended approval of the request based on suggested changes and street sections as discussed with the exception of the sidewalk on west 11th Street.

MS. FLAGER wondered exactly what the last two lines of the Development Department recommendation on Review Sheet Summary meant.

DEL BEAVER explained that there had been an original request to ask the petitioner to dedicate an additional twenty-five feet (25') of right-of-way because of the half right-of-way that exists on Eleventh Street. This was requested because of the possibility that there would not be adequate public access. However, Gerry Ashby, City-County Attorney, indicated that a half-right-of-way does constitute public access and full right-of-way width is unnecessary because of the existing conditions. MR. BEAVER further stated that when the parcel develops, the City should acquire the balance of twenty-five feet (25') of right-of-way to go to Bookcliff. He stated that all of the last two lines of the staff recommendations should have been struck. He clarified, however, that R-3 Residential use for the area, which is buffered by the office structure, is certainly appropriate.

Closed public hearing.

FLAGER/PICKENS UNANIMOUSLY PASSED A MOTION TO RECOMMEND APPROVAL OF THE BULK DEVELOPMENT SUBJECT TO STAFF COMMENTS EXCEPT SIDEWALK ON WESTSIDE OF ELEVENTH STREET WITH THE STIPULATION THAT THE CHANGE IN STRAIGHTENING OUT THE ROADWAY, AS DISCUSSED AT THIS MEETING, APPEAR ON THE FINAL PLAT.

b. Consideration of Street Vacation (Agenda incorrectly stated "alley" vacation)

MIKESELL/GRAHAM UNANIMOUSLY PASSED A MOTION TO RECOMMEND APPROVAL OF CEDAR COURT/STREET VACATION.

3. #91-78 PROPOSED REZONE R-3 to C-2

Petitioner: Dershem, Baughman, et al. Location: West of Mulberry, north and south of Ouray Avenue.

Opened public hearing.

DEL BEAVER introduced the request, located the area on the map, and read review agencies' comments.

MS. RIDER, Chairperson, wished to establish who the petitioners were.

The following is a list of the petitioners:

Earl Fuoco	Golden & Mumby
Capco	Felix Maldonado
Jake Bollardy	Ben Gillins
Viola Buescher	

MS. BUESCHER stated that she would be glad to answer any questions.

VIRGINIA FLAGER asked whether a neighborhood meeting had been held.

MS. BUESCHER stated that there had not been one held.

Asked for proponents. (NONE)

Asked for opponents. (There were twelve opponents in attendance; the following spoke on behalf of all.)

JOHN TRUJILLO, who resides at 402 W. Ouray, stated that the residents in the area have been working for many years to clean up the area. He stated that a short time ago, they were finally successful in getting water in the area, and last year, they had a sewer put in at property owners' expense. It was determined that Mr. Trujillo owns twenty-four (24) lots in the area. He stated that the neighbors want to keep the area zoned residential.

FRANK JIMENEZ, of 320 W. Grand, owns two lots in the area and has built a home on one. He would not like to see the rezoning take place.

JOHNNY BARRETT, who lives at 460 Grand, was an opponent.

MR. MALDONADO, representing his father, FELIX MALDONADO, of 350 Grand, stated that his father is opposed to the rezone.

ROBERT RYBIA, who owns two lots in the area, was against the obstruction of his view.

MRS. ULIBARRI, who owns two lots in the area, was an opponent.

JUDY MALDONADO, who owns three lots and is building a house on one, stated that she moved to the area in order to be near her family/in-laws. She felt there was a traffic problem already in the area which is dangerous for the children.

DEL BEAVER wanted to clarify, especially for Ms. Maldonado's sake, that Peach Street will be closed off as soon as the frontage road is finished, which would eliminate the danger she addressed.

MR. BEAVER presented staff recommendations. He stated that denial would be recommended for the following reasons:

- 1, existing area would be adversely impacted with C-2 zoning
2. a zone change is not warranted due to absence of changes in character of area
3. there has been recent investment in residential structures in the area and a C2 rezone could have a negative effect on property values

Closed public hearing.

FLAGER/MIKESELL UNANIMOUSLY PASSED A MOTION TO RECOMMEND DENIAL OF THE REZONE BASED ON THE OBJECTION OF THE NEIGHBORS WHO WISH TO MAINTAIN A NEIGHBORHOOD CHARACTER.

FRANK SIMONETTI added that another reason might be that this would be considered "spot" zoning.

JANINE RIDER stated that it should be kept in mind that none of the three (3) standard conditions for rezoning exists.

4. #104-78 PROPOSED REZONE R-2 to C-1

Petitioner: A. C. Corder. Location: Southside Belford Avenue between 1st and 2nd Streets.

Opened public hearing.

DEL BEAVER introduced the request, located the area on the map, and read review agencies' comments.

KEITH MUMBY, representing the petitioner, made a presentation.

FRANK SIMONETTI asked if the petitioner would accept B-3 zoning with a conditional use.

KEITH MUMBY, representing the petitioner, stated that they would accept this, and made a few other comments.

Asked for proponents. (NONE)

Asked for opponents. (NONE)

DEL BEAVER stated that recommending B-3 zoning implies that it is appropriate for general retail. He stated that he understands that retail is a permitted use in a C-1 Zone; however, C-1 implies more than just retail. He said it implies a use similar to what is being proposed for this area. He further stated what could be accomplished by zoning B-3

as opposed to C-1. He added that the difference between the types of uses that could occur in B-3 as opposed to C-1 are not many.

BILL MIKESELL stated that he realized this is a problem lot; however, he was afraid of precedent setting in the area if zoned from residential to C-1.

DEL BEAVER pointed out that there would be some additional control with the conditional use; e.g., appropriate screening, etc. with using the B-3 zone.

DON WARNER stated that he and MS. MCDONOUGH had just conferred and agreed that they could recommend B-3, which is a lighter zone, since there were no opponents of the heavier zone. He added that it could be advertised for City Council Hearing as B-3, but that the conditional use application would have to be presented first to the Planning Commission.

MR. CORDER added that the neighbors, adjacent to the property, were in favor of the rezone.

Closed public hearing.

FLAGER/SIMONETTI PASSED A MOTION, 5-1, TO RECOMMEND APPROVAL OF B-3 ZONING AND REQUESTS A CONDITIONAL USE APPLICATION.

BILL MIKESELL cast the dissenting vote because, as mentioned above, he fears setting precedents in a residential zone.

5. #97-78 DEVELOPMENT IN H.O. - All the Kings Men Restaurant

Petitioner: Jack Treece, John King. Location: Southwest corner I-70 and Horizon Drive.

Opened public hearing.

DEL BEAVER introduced the proposal, located the area on the map, and read review agencies' comments.

BOB COLBURN, representing the petitioner, made a presentation.

Asked for proponents. (NONE)

Asked for opponents. (NONE)

DEL BEAVER, by way of staff recommendations, recommended approval based on staff and review comments.

Closed public hearing.

MS. FLAGER expressed some concern regarding the blocking of traffic on the off-ramp. She stated that one evening she was coming off of the freeway and there was a school bus, which had broken down, blocking the traffic on the off-ramp. She added that it was very difficult for her to maneuver her vehicle in order to get around the bus and exit the ramp. She said that if there are any future situations of this kind, there will be tremendous problems with this access.

MR. COLBURN responded by stating that the petitioners had worked out a three-phase plan to help remedy the above problem. He stated that step one would be to provide a storage area in the center lane to provide for a left turn into the subdivision. Step two would involve providing an acceleration lane. He added that step three would be to provide signalization at the intersection. He stated that the above plans had been approved by both the State Highway Department and the City Engineer.

MR. BEAVER: The issue at this point is the appropriateness of this development in this subdivided lot. The question of Horizon Drive, although pertinent to the area, is not germane to this discussion.

MS. FLAGER: I feel it is germane to this discussion because we're talking about a large land area and a high traffic usage in regard to that street. You cannot separate these two issues. I realize what you're saying legally. But how can we discuss something of this nature going in in that area without looking at the other factors. I refuse to be put in that position. At the last meeting there was a great deal of discussion regarding this matter. I am still not happy with it. Although the engineers say it will work, I am still skeptical of it. I fear having as big a mess with this in a few years as exists on North Avenue. North Avenue is a direct result of some of this type of thinking.

DEL BEAVER: The problem that existed here is that these folks have right to access to the property, and this is the best solution that could be worked out for that access, realizing the problems of the proximity to the off-ramp, realizing the problems of proximity to the intersections in the area.

VIRGINIA FLAGER: All I can hope is that there is never some sort of emergency on Horizon Drive that requires a high-speed chase to the airport by a Fire Department vehicle (which has happened in the last ten years) without a signal in there; and if it

should occur during the restaurant's rush hour, it shall be a very interesting situation. I believe these are the types of things the Planning Commission should be considering. In fact, I believe this has been the public's greatest criticism, that we have not been looking at these factors.

MIKESSELL/PICKENS PASSED A MOTION, 5-1, TO RECOMMEND APPROVAL OF THE DEVELOPMENT IN H.O. AS PER THE REVISED SUBMITTAL SUBJECT TO STAFF COMMENTS.

VIRGINIA FLAGER CAST THE DISSENTING VOTE FOR REASONS STATED ABOVE.

6. #98-78 JOHNSON ALLEY VACATION ("AND RELOCATION" was added during the discussion)

Petitioner: Steve Johnson (Agenda incorrectly stated "Mike" Johnson). Location: Northwest alley at 13th and Glenwood.

Opened public hearing.

DEL BEAVER introduced the request, located the area on the map, and read review comments.

STEVE JOHNSON made a presentation.

WAYNE LYONS, engineer for the petitioner, stated that they would be willing to provide necessary easements.

DON WARNER stated that the alley is not a deeded right-of-way; it is an alley through use.

MR. BEAVER read letters from two citizens listing conditions they would request before they could be in favor of the proposal. The letters were from: Harold L. and Eva Mae Thompson.

DEL BEAVER stated that staff could not recommend approval of the vacation because of turning of the trash trucks trying to gain access onto or from Glenwood. The narrow street, with parking on both sides, would pose a traffic hazard.

MRS. JOHNSON made a rebuttal. She stated that with the vacation, they would be widening the alley and the turning area, gaining four feet (4') of paved area.

DEL BEAVER pointed out that if the two properties were ever separated, there would be little or no access for the other lots to the alley.

Closed public hearing.

MIKESELL/SIMONETTI MOVED TO RECOMMEND APPROVAL OF THE ALLEY VACATION. MOTION LOST.

PLANNING COMMISSION MEMBERS VOTING "AYE":

1) DALE SCHOENBECK, 2) FLORENCE GRAHAM, and 3) BILL MIKESELL

PLANNING COMMISSION MEMBERS VOTING "NAY":

1) VIRGINIA FLAGER, 2) FRANK SIMONETTI, and 3) JIM PICKENS

JANINE RIDER, CHAIRPERSON, VOTED "NAY" BECAUSE OF STAFF RECOMMENDATIONS.

MEETING RECESSED AT 9:30 P.M. AND RECONVENED AT 9:40 P.M.

7. #99-78 WOODLAND MINOR SUBDIVISION - Final Plat

Petitioner: Harry Mavrakis. Location: Southwest corner North Avenue and 28-1/2 Road.

Opened public hearing.

DEL BEAVER introduced the request, located the area on the map, and read review comments.

HARRY MAVRAKIS stated that the twelve-foot (12') easement would be a one-way ingress. He added that they were working with Furr's Cafeteria for joint access.

Asked for proponents. (NONE)

Asked for opponents. (NONE)

DEL BEAVER stated that staff would recommend approval subject to staff and review comments.

Closed public hearing.

FLAGER/SIMONETTI UNANIMOUSLY PASSED A MOTION TO RECOMMEND APPROVAL OF THE SUBDIVISION BASED ON STAFF AND REVIEW COMMENTS WITH THE STIPULATION OF ADDITIONAL TWELVE FEET (12') OF RIGHT-OF-WAY ACQUISITION IN ORDER TO MAKE A TWO-WAY RIGHT-OF-WAY; OTHERWISE, THE TRAFFIC PLAN TO BE WORKED OUT AS PROPOSED THROUGH LOT TWO.

8. #105-78 WESTGATE PARK SUBDIVISION - Final Plat

Petitioner: Green and Green Construction. Location: East of 25 Road, south of Patterson Road.

Opened public hearing.

DEL BEAVER introduced the request, located the area on the map, and presented review comments.

JIM LUKE, representative for the petitioner, made a few comments.

FRANK SIMONETTI was concerned about street names. It seemed there was some duplication which could be confusing.

DON WARNER assured Mr. Simonetti that he would be sure these were checked.

Asked for proponents. (NONE)

Asked for opponents. (NONE)

DEL BEAVER stated that staff would recommend approval based on review and staff comments.

Closed public hearing.

SIMONETTI/FLAGER UNANIMOUSLY PASSED A MOTION TO RECOMMEND APPROVAL OF WESTGATE PARK SUBDIVISION SUBJECT TO:

- 1) staff/review comments
- 2) correction of street names
- 3) screen fence 6' high along east property line abutting Paradise Valley Mobile Home Park

9. #76-78 FINAL DEVELOPMENT PLAN - Jenkins Floral

Petitioner: Robert L. Jenkins. Location: 2806 C Road

Opened public hearing.

DEL BEAVER introduced the request and apologized for giving some incorrect information to some of the residents. He had mistakenly been under the impression that the petitioner was proposing three driveways. He located the area on the map and read review agencies' comments.

MR. BEAVER further clarified that the petitioner should have submitted a complete planting plan for proposed shrubbery as part of a complete package.

MRS. JENKINS stated that the front is already planted.

FLORENCE GRAHAM stated that she recalled that at the first meeting, the representative had indicated that the Jenkins' would improve and continue to improve the landscaping, if for no other reason than out of respect for the nature of the business itself.

DON WARNER stated that a neighbor had contacted him regarding the maintenance of the culvert. Mr. Warner added that open ditches are allowed as they are; however, the persons who make changes to them must assume the responsibility for maintaining that section of the ditch.

DEL BEAVER added that Orchard Mesa Drainage had no problems with the plan as proposed. This was by way of verbal permission.

Asked for proponents. (NONE)

Asked for opponents. (NONE)

CITIZEN COMMENTS:

MORRIS FORD, of 307 Hopi Drive, stated that they, as Mr. Beaver had earlier confessed, had been misled. They had intended to oppose the proposal, but with the corrected information, see no problems. He further congratulated the staff and the planning commission on the order and the way in which they conduct their business. He stated that he was representing the seven (7) in attendance and others.

DEL BEAVER stated that staff would recommend approval of the proposal with the condition of petitioner's maintaining the ditch and other staff comments.

MR. JENKINS stated that the citizens in attendance had agreed to keep their portion of the ditch clean.

MR. FORD agreed that this is true. However, he added that the portion which is an "eyesore", overtaken by weeds, debris, etc. belongs to the County, and that the residents refuse to maintain it.

Closed public hearing.

SIMONETTI/MIKESELL UNANIMOUSLY PASSED A MOTION TO RECOMMEND APPROVAL OF JENKINS FLORAL FINAL (WITH TWO DRIVEWAYS) SUBJECT TO STAFF COMMENTS AND THE CONDITION THAT THE PETITIONER MAINTAIN THAT PORTION OF THE DITCH WHICH HE CHANGES.

10. #100-78 FINAL DEVELOPMENT PLAN-PDB

Petitioner: David Summers. Location: First and Lorey Drive

Opened public hearing.

DEL BEAVER introduced the request, located the area on the map, and read review agencies' comments.

DAVID SUMMERS, petitioner, stated that since the review comments were written, he has contacted the city engineer regarding the problems he had listed. Mr. Summers stated that Mr. Rish is now aware that the commitments are in the process of being met.

Asked for proponents. (NONE)

Asked for opponents. (NONE)

DEL BEAVER recommended approval based on staff comments.

Closed public hearing.

PICKENS/SCHOENBECK UNANIMOUSLY PASSED A MOTION TO RECOMMEND APPROVAL OF THE PDB FINAL PLAN SUBJECT TO STAFF COMMENTS.

11. #106-78 REVISION IN PDB - Williams Office Building

Petitioner: Harry E. Williams. Location: Northwest corner of 7th Street and Glenwood.

Opened public hearing.

DEL BEAVER introduced the request, located the area on the map, and presented review comments.

GARY VANDERWOOD, representing the petitioner, made some comments, and presented a model.

CONNI MCDONOUGH recommended the Parks and Recreation Department check on the state of health of the large tree located on the property to determine whether it is worth trying to save.

Asked for proponents. (NONE)

Asked for opponents. (NONE)

Closed public hearing.

MIKESELL/SIMONETTI UNANIMOUSLY PASSED A MOTION TO RECOMMEND APPROVAL OF THE REVISION IN PDB BASED ON STAFF COMMENTS. IF THE PARKS AND RECREATION DEPARTMENT DETERMINES THE TREE IS NOT WORTH SAVING, THEN THERE WOULD BE A STIPULATION THAT THE SIDE-WALK BE STRAIGHT.

MEETING TO BE CONTINUED NOVEMBER 7, 1978.