

GRAND JUNCTION PLANNING COMMISSION

M I N U T E S

October 30, 1979

The first meeting of the month of October was called to order at 7:35 p.m. by Chairman FRANK SIMONETTI. The following members were present: VIRGINIA FLAGER, BECKY FRANK, JIM PICKENS, JANINE RIDER and DALE SCHOENBECK.

KARL METZNER, Design & Development Planner; DON WARNER, Planner Analyst; and KAREN MAHER, Stenographer, were also present. There were approximately 6 interested citizens in the audience.

#81-79 EASEMENT VACATION

Petitioner: Moose Lodge. Location: 567 25 $\frac{1}{2}$  Road. Request to vacate a utility easement in order to construct a building.

RIDER/PICKENS/PASSED 5-0/A MOTION TO DELETE THIS ITEM FROM THE AGENDA BECAUSE OF THE PETITIONER'S FAILURE TO APPEAR.

#37-79 WHITE CITY SUBDIVISION - FINAL PLAT

Petitioner: Bertrand & Company. Location: 210' South of North Avenue, West of First Street. Contains 1.337 acres designed for 3 lots in a heavy commercial zone.

Frank Simonetti read the request and opened the public hearing. Karl Metzner briefly outlined the background of the request, called attention to the Review Sheet comments, and read the Staff recommendations contained on the Review Sheet summary.

Phil Bertrand, representing the petitioner, stated that he had nothing to add to the request, but was available to answer any questions.

Frank Simonetti asked for comments from the audience, and there were none. Frank Simonetti closed the public hearing.

FLAGER/PICKENS/PASSED 5-0/A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL, WITH THE STIPULATIONS OF THE HYDRANT, AND POWER OF ATTORNEY FOR THE SIDEWALK, AND THE LIMIT OF THE TWO CURB CUTS OFF FIRST STREET ON THE FINAL PLAT.

#80-79 ARCIERI (MINOR) SUBDIVISION - FINAL PLAT

Petitioner: Martha Arcieri, Lorraine Williams. Location: 721 Struthers Avenue. Contains 1.4 acres designed for 2 lots in a heavy industrial zone.

Because no representative of the petitioner was present, the Planning Commission deleted the item from the agenda.

#77-79 ALLEY VACATION

Petitioner: George Wheeler, Donald Kanaly. Location: Platted alley bearing Northwesterly from vacated James Street on Orchard Mesa.

(This item was first pulled from the agenda, and then returned to the agenda when a representative of the petitioner appeared.)

Frank Simonetti read the request and opened the public hearing. Karl Metzner pointed out the location of the alley.

Karl Metzner: This alley goes from nowhere to nowhere. There is no public access on iether end of it. There are people intending to build on several of these adjacent parcels, and this alley is situated in the middle of them. Staff has received no adverse comments to the request. Staff recommends approval of the request.

Donald Kanaly, representing the petitioner, stated that it was simply an oversight that this alley had not been vacated previously.

Frank Simonetti asked for comments from the audience, and there were none. Frank Simonetti closed the public hearing.

FLAGER/RIDER/PASSED 5-0/A MOTION TO RECOMMEND APPROVAL OF THE ALLEY VACATION TO THE CITY COUNCIL.

#46-79 File 2 of 3 - ROUND HILL ADDITION (12th and Horizon PD)  
Preliminary

Petitioner: Sirous Eslami. Location: North of Horizon Drive, East of 26.75 line. Contains 8.21 acres designed for 22 units in a planned residential zone at an approximate density of 8 units/acre.

Frank Simonetti read the request and opened the public hearing. Karl Metzner outlined the location of the parcel, and called attention to the details on the development plan.

Karl Metzner: When you saw the outline plan, at that time there was a request for a rezone for the southern portion of this property. You tabled that rezone until finalization of the annexation. It doesn't matter whether you do it before or after preliminary, but you should bring that rezone off the table.

Karl Metzner called attention to the Review Sheet comments, and read the Staff recommendations contained on the Review Sheet summary.

Karl Metzner: There is one further item that has come up very recently and which is not noted on the Review Sheet comments. This site has to get a permit through the Corps. of Engineers because the drainageway is designated as a wetland area, which requires a 404 permit. Should this project not get the 404 permit, it could change the way that area develops.

Jim Robinson of Armstrong Engineers, representing the petitioner, stated that the petitioner will work with the Staff to satisfy the Review Sheet comments, as well as the 404 plan.

FLAGER/SCHOENBECK/PASSED 5-0/A MOTION TO RECOMMEND TABLING OF THIS ITEM UNTIL THE CONDITIONS OUTLINED IN THE STAFF RECOMMENDATIONS ARE SATISFIED, AND UNTIL A 404 PERMIT IS SECURED.

#78-79 DEVELOPMENT IN H.O. C.R. BROWN

Petitioner: Monument Oil Company. Location: 2714 Highway 50 (Orchard Mesa). Request for convenience store and gas station on approximately one-half acre in a highway oriented zone.

Frank Simonetti read the request and opened the public hearing. Karl Metzner outlined the location of the parcel and pointed out details on the development plan. Karl Metzner called attention to the Review Sheet comments, and read the Staff recommendations contained on the Review Sheet summary.

C.R. Brown, representing the petitioner, presented photographs of the site and the proposed building. Mr. Brown explained that the petitioner would like to upgrade what is presently considered an eyesore in the area. Mr. Brown went on to say that the present store is approximately 1100 square feet, while the proposed building will be 1800 square feet.

Responding to questions from the Planning Commission, C.R. Brown noted that the pump location will be the same, and the above-ground tanks will be replaced by new underground tanks for both safety and aesthetic reasons. Mr. Brown added that the petitioner will provide a power of attorney, though the fire department has not yet decided what will be done in that area. C.R. Brown also stated that the petitioner will be happy to work with any members of the community with regard to landscaping.

Responding to Don Warner's question, Mr. Brown stated that he had never seen an irrigation ditch on this site and, therefore, had no intention to use irrigation water. Answering a question from Dale Schoenbeck, C.R. Brown stated that there will be a covered culvert along the front of the property, over top of which the petitioner will run two 35-foot driveway cuts.

Frank Simonetti asked for audience comments, and there were none. Frank Simonetti closed the public hearing.

C.R. Brown and the Planning Commission discussed possible screening of the property. Don Warner suggested that the petitioner work with the City Parks Department with respect to screening and landscaping prior to appearing before the City Council.

FLAGER/PICKENS/PASSED 5-0/A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL, SUBJECT TO THE PETITIONER COMPLYING WITH STAFF RECOMMENDATIONS.

#79-79 CONDITIONAL USE - LIQUOR LICENSE

Petitioner: Richard & Betty Brown. Location: 352 North Avenue. Request for liquor license for the Casis Restaurant, located in a heavy commercial zone.

Frank Simonetti read the request and opened the public hearing. Karl Metzner noted that there are no proposed changes to the structure, and pointed out details on the interior plan of the building. Karl Metzner called attention to the Review Sheet comments, and read the Staff recommendations contained on the Review Sheet summary.

In response to a question by Virginia Flager, Don Warner noted that the petitioner would still have room for 35 parking spaces to the rear of the building if he were not allowed to use the public right-of-way where the sidewalk would be. Virginia Flager recommended that no parking be permitted near the intersection of Fourth Street and North Avenue because it obstructs vision, and may be contributing to the many minor accidents which occur at that location every year. Don Warner suggested that those spaces be curbed off to prevent parking there.

Richard Brown, the petitioner, stated that he is willing to go along with the curb idea. Mr. Brown added that designated parking spaces will be painted along North Avenue and Fourth Street.

In response to Jim Pickens' question, Richard Brown explained that he has a verbal commitment from a Gay Johnson representative to allow parking at the rear of the building until at least 1981, at which time the agreement can be renegotiated. Frank Simonetti asked about the seating capacity of the restaurant, and Mr. Brown replied that they can seat 120 people.

Frank Simonetti asked why sidewalks are recommended along North Avenue and Fourth Street. Karl Metzner explained that it is only a general comment that sidewalks are needed; it is not a requirement. Frank Simonetti recommended that lines be painted along those streets to indicate the existence of a walkway.

Frank Simonetti asked for comments from the audience, and there were none. Frank Simonetti closed the public hearing.

FLAGER/RIDER/PASSED 5-0/A MOTION TO RECOMMEND APPROVAL OF THE CONDITIONAL USE TO THE CITY COUNCIL, CONTINGENT UPON PETITIONER WORKING WITH STAFF TO RESOLVE ANY PROBLEMS WITH THE SIDEWALK, THE REMOVAL OF TWO PARKING PLACES WHICH WOULD ELIMINATE DRIVEWAY ENTRANCES TOO CLOSE TO THE INTERSECTION OF NORTH AVENUE AND FOURTH STREET, AND THE PARKING PLACES TO THE NORTH OF THE BUILDING BEING DESIGNATED.

#54-79 7TH STREET POLICY STATEMENTS.

Petitioner: Development Department Staff. Location: 7th Street from G Road to Struthers Avenue.

Frank Simonetti read the request and opened the public hearing. Karl Metzner read the 7th Street policy statements into the record. (See statements in file.)

Frank Simonetti asked for comments from the audience. James Brodell, a resident of 7th Street, asked that the area between Hill and Belford be protected against expansion of the commercial area into the residential area. Janine Rider pointed out that parts of the North Avenue policy statements were intended to safeguard the residential areas south of Belford. Karl Metzner recommended that the 7th Street policy statement make reference to the North Avenue policy statement, and thereby be tied together.

RIDER/FLAGER/PASSED 5-0/A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE 7TH STREET POLICY STATEMENTS AS CORRECTED.

#35-75 CONSIDERATION OF REVOCATION OF DEVELOPMENT IN H.O.  
WEAVER  
Location: 427 Sherman Drive.

Frank Simonetti read the request and opened the public hearing.

Karl Metzner: At the time this item was approved on November 25, 1975, there was a requirement for screening on the north and east portions of the property, which could be a chain link-type fence with slats. This petitioner has not accomplished that screening as required. It is for that reason that it now comes before you for revocation.

W. A. Weaver, owner of the subject property, presented pictures of the site. Mr. Weaver went on to recite the background of the case, and noted that he had agreed to build a no-see-through fence at the insistence of the owners of Lots 15 and 16. Subsequently, Mr. Weaver said, the owners of those lots obtained a similar rezone and were no longer residential properties. It was for that reason, Mr. Weaver said, that he did not construct the fence as agreed. Frank Simonetti and Karl Metzner pointed out other businesses in the area that were required to build fences. Virginia Flager noted that at the time this request was approved, this fence requirement was agreed to by the petitioner. The subsequent rezoning of adjacent properties does not change that agreement, Virginia Flager said. Virginia Flager went on to explain that the fence need not be chain link with slats, but can be constructed of boards or any type of adequate screening.

Janine Rider explained that the Planning Commission could recommend revocation of the development, and if the City Council agrees with the recommendation Mr. Weaver would be unable to continue his business.

Janine Rider: The Planning Commission wants those buildings or businesses in Highway Oriented zones to be as attractive as possible, because they are all on entrances to the City. Therefore, we put more stringent stipulations or more specific stipulations on H.O. properties. As I recall, there was even a question at the time of this original request whether this was a proper business for a H.O. zone because of the equipment. We agreed it could be proper if adequately screened. It was not a matter of whether or not adjoining properties were zoned residential.

W. A. Weaver: I will gladly fence the north side, but I don't want to put a fence in front of those buildings. My mining lease runs out next year, and this building will no longer be used for the purpose it is now.

Don Warner: If you change that business to any other kind of business, you have to come back through for approval of that business.

Virginia Flager: You have gotten a free ride for four years on something you agreed to do immediately following approval of this request.

Jim Pickens: I agree 100 percent. This fence was a condition of the approval at that time.

Virginia Flager: I think we should refer back to the minutes of the original hearing, and whatever was required at that time should be complied with at this time.

Frank Simonetti asked for comments from the audience, and there were none. Frank Simonetti closed the public hearing.

Virginia Flager: It may be appropriate to table this request, due to the fact that we do not have the original motion before us. However, I want this gentleman to live up to the terms of his own agreement as stipulated at the time the request was approved.

There was further discussion between Mr. Weaver and members of the Planning Commission with regard to the proposed revocation.

FLAGER/RIDER/PASSED 5-0/A MOTION TO RECOMMEND REVOCATION OF THE DEVELOPMENT TO THE CITY COUNCIL, BECAUSE OF THE FAILURE TO COMPLY WITH THE TERMS OF THE ORIGINAL APPROVED REQUEST.

#82-79 ZONING OF ANNEXATION OF MESA MALL

Location: South of F Road, between 24 Road and 24.5 Road.

Frank Simonetti read the request and opened the public hearing. Karl Metzner outlined the location of the properties included in the zoning request.

Karl Metzner: With regard to the Mesa Mall, parcels will be annexed as each of the buildings is constructed.

Frank Simonetti asked for audience comments, and there were none. Frank Simonetti closed the public hearing.

SCHOENBECK/PICKENS/PASSED 5-0/A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE H.O. ZONE AS PROPOSED BY STAFF.

The first meeting of the month of October was adjourned at 9:00 p.m.