

GRAND JUNCTION PLANNING COMMISSION

M I N U T E S

September 30, 1980

The first meeting of the month of September, 1980 was called to order at 7:30 p.m. by Chairman JIM PICKENS. The following members were present: REBECCA FRANK, VIRGINIA FLAGER, DALE SCHOENBECK, FLORENCE GRAHAM and FRANK SIMONETTI.

KARL METZNER, Processing Administrator; ALEX CANDELARIA, Senior Planner, DON WARNER, Planning Analyst, and LEILA E. MOSHER, Certified Shorthand Reporter, were also present. There were approximately thirty-five interested citizens in the audience.

SCHOENBECK/SIMONETTI PASSED 5-0 A MOTION TO APPROVE THE MINUTES OF THE JULY 29, 1980 MEETING.

GRAHAM/FRANK PASSED 5-0 A MOTION TO APPROVE THE MINUTES OF THE AUGUST 26, 1980 MEETING.

JIM PICKENS opened the hearing for consideration of item #66-80 by the Grand Junction Sign Code Board of Appeals.

#66-80 SIGN VARIANCE

Petitioner: G & S Investments
Location: Southeast corner of 12th & Elm.

Request to vary the height of a sign from the minimum of 8 foot clearance to 7.5 foot clearance. Grand Junction compiled Ordinance Chapter 32, Section 4, paragraph 4.6.3.6.

SARA SIMPSON, of Van Deusen Architects, presented the request for variance and outlined the proposed sign to be used.

DON WARNER discussed the proposed sign and gave the Staff Recommendations.

JIM PICKENS closed the public hearing.

FLAGER/SCHOENBECK PASSED 5-0 A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE VARIANCE AS REQUESTED.

The Grand Junction Sign Code Board of Appeals adjourned at this time, and the Grand Junction Planning Commission convened.

#54-80 CONDITIONAL USE

Petitioner: St. Matthews Parish.
Location: 652 27.5 Road.

A request for a church and offices on 9.78 acres in a single family residential zone.

JIM PICKENS read the request and opened the public hearing.

JOHN BALLAGH appeared for the Petitioners and reported on the compromise reached on the matter of the streets in the area of the proposed development.

DEL BEAVER appeared on behalf of the Onion Hill Development and concurred with the statements of Mr. Ballagh in regard to the streets and the right of way width.

ALEX CANDELARIA outlined the Review Sheet Comments and gave the Staff Recommendations.

DEL BEAVER, of Paragon Engineering, appeared on behalf of the Onion Hill property and stated they had no objection to the granting of the conditional use.

JIM PICKENS closed the public hearing.

FLAGER/SIMONETTI PASSED 5-0 A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF #54-80 CONDITIONAL USE, BECAUSE THE COMPROMISE HAS BEEN REWORKED AND THE COMMISSION RECOMMENDS THE CONTINUATION OF THE SIXTY FOOT RIGHT OF WAY WIDTH FOR THE STREET TO MAKE IT CONSISTENT THROUGHOUT THE AREA.

#58-80 CONDITIONAL USE - FINAL

Petitioner: G. William Hoover, Jr. D. D. S.
Location: 2303 North 12th Street

A request for an office building in a single family/duplex residential zone.

JIM PICKENS read the request and opened the public hearing.

JOSEPH SINCLAIR appeared on behalf of the Petitioners and stated they had changed the location of the building on the property and were resubmitting their plan to the Commission, after having discussed the proposal with Ray Sullivan, an adjacent property owner.

ALEX CANDELARIA outlined the Review Sheet Comments and gave the Staff Recommendations.

RAY SULLIVAN, an adjacent property owner, spoke in favor of the project.

JIM PICKENS closed the public hearing.

GRAHAM/FRANK PASSED 5-0 A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF #58-80 CONDITIONAL USE, BECAUSE THE PLAN HAS BEEN REVISED SATISFACTORILY, AND SUBJECT TO STAFF COMMENTS.

#16-79 CROWN HEIGHTS SUBDIVISION - FILING #1 - FINAL PLAT

Petitioner: Leland & Lloyd Unfred.

Location: Southeast corner of 27.5 and G Road. Contains 12.1 acres designed for 39 lots in a planned residential zone.

JIM PICKENS read the request and opened the public hearing.

LLOYD UNFRED appeared as one of the Petitioners and stated that nothing in the submission had changed since the last hearing.

DON WARNER stated the recommendation of the City Attorney was that since this area is all covered by an avigation easement that there is no objection on approving this section of it.

PAUL BAUERS, of the Airport Authority, outlined the financial problems in attempting to obtain this particular piece of property, and stated that the Authority had no funds at this time with which to purchase. MR. BAUERS stated the Airport Authority was opposed to development in this area, but they are not in a position to purchase the property.

LINDA TEMPLE appeared as a resident of Apple Crest Subdivision and commented on the subdivisions already in the area, and the one being developed to the south; also, on the productivity of the peach orchards on the property proposed to be subdivided in this request.

LLOYD UNFRED replied to the comment concerning productivity of the orchard, stating it had been planted in approximately 1932 and the trees are losing their productivity.

MR. McALLISTER, a property owner in the area, objected to the proposed subdivision.

KELLEY SUMMERS appeared as counsel for the Petitioners and stated the Unfreds were entitled to due process of the law, and they should not have their property taken from them for the good of the community.

JIM PICKENS closed the public hearing.

REBECCA FRANK: How can we be absolutely certain -- how can anybody be absolutely certain that the avigation easement will be made clear to the buyer?

DON WARNER: It is already recorded. It is a matter of record.

ALEX CANDELARIA: The title search should include it.

KELLEY SUMMERS: It doesn't go on the Deed itself. It is already recorded. The title policy will set forth very, very specific exceptions and one of those exceptions would be this avigation easement.

VIRGINIA FLAGER: Karl, do we have a copy of the State Statutes that set up the Planning Commission, and the duties of the Planning Commission? I think it very clearly defines that the Commissions not only look at the exact legal terminology of any proposed development; I think there are other obligations above and beyond the legal considerations.

KARL METZNER: Yes. The interest of the total community.

VIRGINIA FLAGER: The interest of the total community and the general welfare of the community, rather than being concerned primarily with the legal.

DON WARNER: And with the health and welfare.

FLAGER/SCHOENBECK PASSED 5-0 A MOTION TO RECOMMEND DENIAL TO THE CITY COUNCIL OF #16-79. THIS DECISION IS ABOVE AND BEYOND THE ABILITY OF THIS COMMISSION TO DETERMINE THE LEGAL STATUS OF THIS FILING IN EXACT RELATIONSHIP TO THE CONFLICTING EMOTIONS AND OPINIONS THAT HAVE BEEN EXPRESSED TO THE COMMISSION, INASMUCH AS WE HAVE HEARD FROM ONE COUNSEL AND DO NOT HAVE THE DIRECT TESTIMONY OF THE CITY AND COUNTY ATTORNEY; THAT THIS IS A DECISION TO BE FACED BY THE ELECTED OFFICIALS OF THE CITY; THAT APPROVAL OF THIS REQUEST WOULD NOT BE IN THE BEST INTERESTS OR WELFARE OF THE GENERAL PUBLIC.

JIM PICKENS: Gentlemen, I would like you to be aware you do have the option of going ahead and presenting this to the City Council.

#64-80 EASEMENT VACATION

Petitioner: Discovery 76 Corporation.
Location: 3225 Applewood Street.

A request to vacate an easement.

JIM PICKENS read the request and opened the public hearing.

WILLIAM RYDEN appeared for the Petitioner and outlined the proposed easement vacation.

ALEX CANDELARIA stated the structure encroaches two feet on the easement.

JIM PICKENS closed the public hearing.

GRAHAM/FRANK PASSED 5-0 A MOTION TO RECOMMEND APPROVAL OF THE VACATION OF TWO FEET OF THE EASEMENT ON #64-80 EASEMENT VACATION, TO THE CITY COUNCIL.

#62-80 REZONE RIC TO PR 34.3

Petitioner: William Pantuso.
Location: 845-865-875 Glenwood Avenue.

A request to change from single family residential use to planned residential use at a maximum of 20 units on .58 acres.

JIM PICKENS read the request and opened the public hearing.

JIM BURKE appeared on behalf of the Petitioner and outlined the proposed request for rezone.

FLORENCE GRAHAM: Have you thought of going to a lower density?

JIM BURKE: Well, you are kind of committed with the expense of the property and what you have to put on it to make it worthwhile.

ALEX CANDELARIA outlined the Review Sheet Comments, discussed the parking necessary for the proposed project and gave the Staff Recommendations.

RUSSELL PERRY appeared as an adjacent property owner and objected to the proposal because of the parking and traffic problems that would be created in the area.

HARVEY VAN ZANTE appeared as an adjacent property owner and objected to the proposed rezone because of the density, the parking and traffic problems and referred to the Policy Statement in the area.

JOHN CANNING, a property owner on Glenwood and Cannell, appeared and objected to the rezoning because of parking and density concerns.

JIM PICKENS closed the public hearing.

DALE SCHOENBECK: I am not opposed to the principle, even in some contradiction to our policy statement of multi-family in that particular area, but I think I would have to agree with the property owners, that this particular project is pretty much out of line with everything.

VIRGINIA FLAGER: It's somewhat excessive.

SCHOENBECK/FLAGER PASSED 5-0 A MOTION TO RECOMMEND DENIAL TO THE CITY COUNCIL OF #62-80 REZONE, BECAUSE OF THE STAFF COMMENTS AND THE STATEMENTS OF THE PROPERTY OWNERS IN THE AREA.

VIRGINIA FLAGER: I would like to make a comment that when the adjoining property owners protest, that you have no choice, and the Council has to overturn the no vote by six to one. Isn't that correct?

DON WARNER: Yes.

#63-80 REZONE R3 TO B1

Petitioner: CBW Builders.
Location: Northeast of Wellington and 11th Street,
Southwest of Grand Valley Canal.

A request to change from multi-family use to limited business use on 5.64 acres.

JIM PICKENS read the request and opened the public hearing.

WARREN GARDNER, of CBW Builders, appeared for the Petitioner and outlined the request for Rezone.

ALEX CANDELARIA presented the Review Sheet Comments and gave the Staff Recommendations.

RAY SULLIVAN appeared as an adjacent property owner and stated he would like to see a commercial zone in the area.

WARREN GARDNER responded to the Staff Comments.

KARL METZNER: Just one comment, not regarding the rezone per se, but I don't care whether it's R3 or B1 or anything else, I would like you to consider carefully any accesses on to 12th Street.

JIM PICKENS closed the public hearing.

REBECCA FRANK: I think if we could close off the 12th Street access, then the 12th Street Policy would no longer apply, thereby removing one of the barriers to zone this to the B1.

SCHOENBECK/FRANK PASSED 5-0 A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF #63-80 REZONE R3 TO B1 WITH THE RECOMMENDATION TO THE TRAFFIC ENGINEER THAT HE LOOK VERY CLOSELY AT THE ONE ACCESS OFF OF 12TH STREET TO DETERMINE IF THAT ACCESS ON 12TH STREET SHOULD BE CLOSED.

#50-80 DEBBIE'S DANCE STUDIO - FINAL PLAN

Petitioner: Deborah Till.
Location: 525 28.75 Road.

A request for a dance studio on .25 acres in a Planned Business zone.

JIM PICKENS read the request and opened the public hearing.

DEBORAH TILL appeared and stated there had been no changes since the preliminary plan had been presented.

ALEX CANDELARIA stated there were no Staff Comments and the petitioner had taken care of the previous Comments.

JIM PICKENS closed the public hearing.

FLAGER/SIMONETTI PASSED 5-0 A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF #50-80 DEBBIE'S DANCE STUDIO, FINAL PLAN.

#31-80 ZONING OF MESA MALL ANNEXATION TO CITY HIGHWAY ORIENTED

Petitioner: Department Staff
Location: Lots 2, 3, 4, and 5 of Mesa Mall Subdivision

JIM PICKENS read the request and opened the public hearing.

DON WARNER stated this was the remainder of the other lots in Mesa Mall.

JIM PICKENS closed the public hearing.

SIMONETTI/SCHOENBECK PASSED 5-0 A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF #31-80 ZONING OF MESA MALL ANNEXATION TO THE CITY, HIGHWAY ORIENTED.

#65-80 CONDITIONAL USE - ADDITION OF SIGN

Petitioner: Ben Hill.
Location: 858 Grand.

Request for a sign.

JIM PICKENS read the request and opened the public hearing.

BEN HILL appeared as the Petitioner and outlined the proposal for the sign and removal of the hedge on the property.

JIM PICKENS closed the public hearing.

FLAGER/FRANK PASSED 5-0 A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF #65-80 CONDITIONAL USE, ADDITION OF A SIGN; THAT THE SIGN BE MOVED FIVE FEET CLOSER TO THE HOUSE; THAT REMOVAL OF THE HEDGE ON THE PROPERTY BE ALLOWED.

The first meeting of the month of September, 1980, was adjourned at 10:05 p.m.

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