

ERA

MEMBER BROKER

June 2, 1977

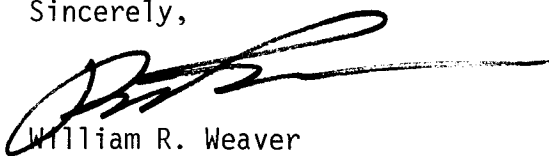
Mr. Don Warner
City Planning & Zoning
5th & Rood Avenue
Grand Junction, Colorado 81501

Dear Mr. Warner:

Please consider this a request for placing the property on the Southeast corner of 12th & Patterson on the docket for June 29, 1977, Planning & Zoning meeting.

Thank you.

Sincerely,



William R. Weaver

WRW/bp

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Al Goffredi is the owner and ERA West Properties is petitioner for a change of zoning from residential to PUD-professional offices on about 1.5 acres of land on the south-east corner of 12th and F Road.

SEQUENCE OF EVENTS

On April 27 proponents presented to the Grand Junction Planning Commission a PUD request to build professional offices on approximately 1.5 acres--300 ft. on F Road and 200 ft. on Twelfth Street. Bob Van Deusen was employed as architect in order that the planning and construction would be completed in a most professional manner and stilize the land including the existing landscaping to the best advantage.

Three of the Commission members spoke in favor of the change expressing the thoughts that this part of the City was a natural place to build professional offices especially for doctors. It was also brought out that this intersection was not a desirable place to live with the traffic, increased traffic because of the developments east, and the fact that the area was getting more businesses and more population density.

There was one resident on Wellington Ave. who spoke against the change because he feared some traffic would egress through land owned by Roger Head and would thus pass between the Kochevar and Able houses. Mr. Kochevar had sold the property to developers several years ago and the zoning was changed from single family dwellings to duplexes. At that time Mr. Kochevar knew there would be considerable traffic by his house from the duplexes but he thought he had made good money on the sale. Now it doesn't look so good, so he objects to increased traffic. The Head property is not part of this development and no traffic would affect Wellington. I informed the Commission that adjoining and nearby property owners with whom I had talked all favored the change. These are Mr. George Diltz to the South, Mr. Jack Bray to the East, Mr. Mason to the West and Mr. Green to the North. The Baptist Church did not oppose the change nor did any of the other persons on 12th between F Road and Wellington Ave.

Mr. Chambliss moved that the matter be tabled to allow the Commission to get resident input. The motion was approved.

On May 23 residents of the area were called by phone for a meeting to be held on May 24 at 7:30 p.m. for the purpose of resident input just prior to the May 25 Commission meeting. Some of the residents did not receive the call such as Jack Bray. At the meeting residents of Wellington Ave. were concerned about increased traffic on Wellington. Residents on 12th St. told the Commission that 12th was not a desirable place to live because of the noise and difficulty of getting onto 12th from their driveways. Mr. Clements suggested that all of 12th from F Road to Wellington be rezoned PUD. No one actually objected to the change of zoning as such. Not one person objected to the change or even raised concerns who lives within half a block of the property.

On May 25 the Commission addressed the change and Mr. Chambliss wrongfully interpreted the meeting of May 24th for the Commission members not present at that meeting when he informed them that there were objections to the change of zoning. There were some concerns because Mr. Kochevar had told the residents on Wellington that traffic would flow through the Head Property. This was wrong information.

Mr. Chambliss made a motion to table up to three months to gain information from a transportation computer study. There was disagreement among members of the Commission about the study but the motion passed.

Early in June the proponents requested to be placed on the June 29 Commission agenda on the basis that the transportation study would not address this issue and that the tabling was unfair as well as costly.

At the June 29 meeting of the Commission there was one letter written by Mr. Kochevar which reviewed concerns of traffic on Wellington but pointed out if there would be no traffic between his house and Joe Able onto Wellington then he would not object. There were no others present to object nor had anyone else written letters of objection. The Kochevar letter was written May 28. The Commission members did not receive copies of the letter and neither had the proponents. The Commission recessed while these persons read the letter. The proponents were not aware of the letter and thus had no opportunity to prepare answers to the questions it raised.

The proponents made the third presentation to the Commission pointing out that the corner had been committed to business, there was a need for professional offices in this area of the City, that because of the traffic count (in 1974 a study showed 10,000 cars per day through the intersection) and because of the undesirable location for residence, the best use of the corner was PUD for professional offices. One member of the Commission stated that because of other businesses located on the corner this was not necessarily a commitment to all corners at this location.

Mr. Chambliss stated that the proponents had not proven a need for professional offices, had not proven that the corner was undesirable for residential purposes and moved denial of the zone change. Several members seconded, there was no discussion on the motion and it unanimously passed. It was obvious to the proponents that the decision had been made at non-public meetings held during the month and that the presentation on this day was a waste of time.

The proponents pointed out that there had been testimony by resident's living on 12th that it was an undesirable place to live, that the owner of the property lives in one of the houses and also testified that the corner is not a good place to live. Because he is a proponent does not invalidate his testimony.

One of the Commission members spoke privately to the owner suggesting that a large piece of land of 5 or 6 acres be put together for rezoning and he would have no problem voting the rezoning and a shopping center could be put on the corner then and "Run Centennial Plaza out of business". Other members of the Commission felt they would be more comfortable with a larger piece of land. It is evident therefore that the Commission feels that the corner should be zoned business but the only real objection then is the size of the land. The proponents stated to put together a larger package but the planners advised against it. It is also difficult to get neighbors to act when they are not ready.

We would like to present what we feel were errors in procedure by the Planning Commission and also present arguments for the change of zoning.

ERRORS IN PROCEDURE:

1. When the residents were called by phone on Monday for a meeting to be held the next night Tuesday, May 24, three of the adjoining property owners did not receive the call and these favored the change of zoning. They are Jack Bray, Roger Head & George Diltz.
2. The property owners were never notified of any of the meetings of the Commission at which time this matter would be discussed. There was a Notice posted on the corner.
3. Some of the Commission members who attended the May hearing for community input stated to the whole commission May 25 that their objections from the residents on Wellington. These people did not object to the change of zoning as such but only if it provided egress and therefore increased traffic on Wellington. The residents on Wellington did not understand that the development did not include land to the south of the 1.5 acres. The Commission knew this and should have discounted that input.
4. At the third meeting of the Commission there was a letter written by Mr. & Mrs. Kochevar - the only persons to express a concern at that meeting, and it stated that if there was no increase in traffic on Wellington by this change, then they did not object. It also mentioned a restriction on the deeds of Fairmont Subdivision. The letter was written on May 28 but the proponents were not aware of the letter until the meeting on June 29. We had no opportunity to prepare answers. There are no restrictions on the owner's abstract nor the Warranty Deed. The planning office found no restrictions. Yet the Commission allowed this to cloud their thinking.

- 5. In making the motion to deny the change of zoning Mr. Chambliss said "you have not proven a need for more professional offices nor have you proven that this corner is an undesirable place to live." This matter had been tabled on two previous occasions for other reasons but we were not asked to address proof, need, or undesirability of residential use. We feel we could easily have documented such proof. We have researched the minutes of the Commission for the last three years and not in one single case did the Commission base a decision on demographic factors of need or that rental houses in Grand Junction were in such short supply that the change should be denied.

OTHER ARGUMENTS IN FAVOR OF THE CHANGE:

- 1. There are three well recognized factors which influence change of zoning. Any one of which is sufficient in itself.
 - a) Was the original zoning wrong.
 - b) Has there been a change in the area.
 - c) Is there a need.
- 2. We do not contend that the original zoning was wrong. It was correct at the time it was made as the area was residential.
- 3. We contend that there certainly has been a change in the area. A survey in 1974 recorded 10,000 cars per day going through the intersection. A church has been located on one corner. The south-west corner has been rezoned multi-family. The north-west corner is commercial. Medicenter is located west of the commercial area. St. Mary's Hospital has developed a huge complex only five blocks away since the original zoning. Large housing developments presently developed and to be developed increase traffic daily. Bible College plans to build this fall east of this corner. This means college students making many trips per day between the Bible College and Mesa College where many of their classes will be taken. These two colleges will have a tremendous impact on the corner as they continue to grow since Mesa College now offers the baccalaureate degree.
- 4. Is there a need for doctor offices? East of St. Mary's hospital is the logical direction for medical offices. These offices should be in close proximity to the hospital so that patients and doctors do not have distances to further compound traffic problems. There is not enough room around St. Mary's and the Osteopathic hospital for doctor offices. Only 5 blocks away is logical.
- 5. Professional offices are the logical use of this corner. The PUD zoning protects neighbors. These neighbors who might object can only buy a year or two of protection from no change of zoning. The corner will have to be developed. We are sure none of the Commission members nor the Council members would live on this corner as a desirable place for a residence.

We request the denial for the change be overturned by the Council.

Alfred J. Goffredi

Handwritten notes and a diagram in the bottom right corner. The diagram shows a corner with a horizontal line labeled '200' and a vertical line labeled '200'. There are other handwritten numbers and scribbles around it, including '100' and '200'.

To: The Grand Junction City Council

From: The Grand Junction City Planning Commission

We have read the letter sent to you by Al Goffredi regarding the proposed zoning change of his property at the corner of Twelfth and Patterson.

In our concern over Mr. Goffredi's letter, we had the staff contact Mr. Ashby for his suggestions. He suggested that if we had concerns, we should express them to you in a letter, and this is the result. We hope it gives a balance to the picture presented.

Mr. Goffredi did a pretty complete job of reporting the sequence of events. However, some of the statements made need clarification. Also, such a detailed report of the planning commission hearing as interpreted by the petitioner seems counter to the idea of giving each item an entirely new hearing in front of the Council.

Following are some of our comments in response to Mr. Goffredi's letter:

1. The letter is objectionable first because it names Blake Chambliss every time he makes a statement, but attributes all other comments to "another member of the commission". Council may be assured that our commission is made up of independent thinkers and that every decision it makes represents a majority vote of all its members.
2. In the fifth paragraph of Mr. Goffredi's account he states that "not one person objected...who lives within half a block of the property." Half a block certainly does not constitute a large enough neighborhood to encompass our concern. In fact, much of the Planning Commission's concern results from our anticipation of the project's effect not only on the neighbors directly but also on the community as a whole.
3. Mr. Goffredi states that "the corner has been committed to business." Certainly no such commitment had been made by the Planning Commission, and we simply do not know where this idea came from.
4. Mr. Goffredi also states that it was "obvious" that decisions had been made at "non-public" meetings. All meetings held by the Planning Commission during this time were public and on the official calendar, and in fact the only time the issue was discussed at all was at the pre-meeting luncheon when staff apprised us of the agenda.
5. The computer study about which we talked would have addressed the question of whether "modal" or "strip" or "concentrated" development would most disturb traffic flow. Although the information turned out to be unavailable without great extra expense, we were certainly sincere in our hope that this information could be utilized in this case.

6. As for Mr. Goffredi's statement that there were errors made in the Planning Commission's procedures, we have checked with staff on the procedures followed and we do not believe that any errors were made.
 - A. The staff made a sincere effort to contact all residents about the May 24th meeting. At least one of the names mentioned by Mr. Goffredi as having not been contacted, Mr. Head, is a property owner there, but resides elsewhere.
 - B. A notice posted on the corner is the required legal method of notifying the public of meetings held regarding a zoning change. No error was committed by the absence of any further notification.
 - C. In the third item Mr. Goffredi states that certain residents input should have been discounted because of their distance from and misunderstanding of the boundaries of the project. It is our duty to look beyond the actual boundaries of the land to consider the overall impact of a requested change; their input still had value to us, as would that of any citizen.
7. All zoning changes should be based on the three criteria restated by Mr. Goffredi. We do not feel that any of these three criteria were met here, nor do we feel that the applicants made any effort to prove need for the change to us, nor did they address the overall impact of their proposed change. We feel that the burden of proof for any zoning change, particularly one of this significance, should be on the proponent of change.
8. Mr. Goffredi states that there is not room for professional offices elsewhere and that this location is "logical". Yet it was never stated that only professional offices would be put here, and the "logic" of the location was never explained to us.

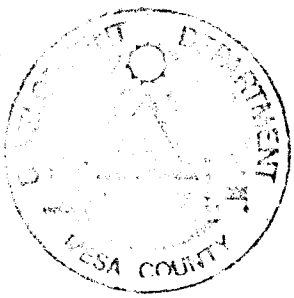
The Commission turned down this change because we feel the proponents failed to prove;

- 1) That the present zoning was incorrect when established.
- 2) The changes which have occurred in the area would demand the proposed zoning as the only appropriate zone.
- 3) That there is a lack of appropriate zoning for business use within the city.

CITY - COUNTY
DEVELOPMENT DEPT.

PO BOX 897 GRAND JUNCTION COLORADO 81501
DIAL 303 243-9200 ext. 313

Grand Junction Planning - Mesa County Planning - Building Department



July 1, 1977

Mr. William Weaver
1005 North 12th Street
Grand Junction, CO 81501

Re: City File #47-77, Outline Development Plan, PD-B, 12th & Patterson

Dear Bill,

The Grand Junction Planning Commission at their regularly scheduled meeting of June 29, 1977 denied your request for PD-B zoning for office use at the Southeast corner of 12th and Patterson. The reasons for denial as stated in the motion were that petitioners had not shown adequate justification based on the additional need for this type of zoning at the requested location.

Based on our conversation of June 30, 1977 this project will be placed on the City Council agenda for their July 20, 1977 meeting. It will be your responsibility to present to the Council any evidence you consider appropriate concerning the Planning Commission denial. Please contact our office at any time if you have any questions.

Have a nice day,

Karl G. Metzner
Planner I

KG/tsb