

**GRAND JUNCTION PLANNING COMMISSION  
MAY 28, 2013 MINUTES  
6:04 p.m. to 6:31 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:04 p.m. The public hearing was held in the City Hall Auditorium. In the absence of Chairman Reece, the Commission unanimously agreed that Commissioner Eslami would act as Chairman.

In attendance representing the City Planning Commission were Ebe Eslami (Acting Chairman), Reggie Wall, Bill Wade, Jon Buschhorn, Loren Couch, Keith Leonard and Steve Tolle (First Alternate). Commissioner Christian Reece (Chairman) was absent.

In attendance representing the City's Public Works, Utilities and Planning Department – Planning Division, were Lisa Cox (Planning Manager) and Brian Rusche (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lisa Cox was present to record the minutes.

There were 6 interested citizens present during the course of the hearing.

**Announcements, Presentations And/or Visitors**

There were no announcements, presentations and/or visitors.

**Consent Agenda**

**1. Minutes of Previous Meetings**

Approve the minutes from the April 9 and April 23, 2013 regular meetings.

**2. Perry Annexation – Zone of Annexation**

Forward a recommendation to City Council to zone 4.712 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district.

**FILE #:** ANX-2013-104

**APPLICANT:** Eric Perry – E Perry Construction Inc

**LOCATION:** 2884 B Road

**STAFF:** Brian Rusche

Acting Chairman Eslami briefly explained the Consent Agenda and invited the public, Planning Commissioners, and staff to speak if they wanted any item pulled for additional discussion.

Commissioner Buschhorn noted two items that he wished to clarify and revise in the April 23, 2013 minutes. The first item pertained to the term “roadies” on page 16 of the minutes. Commissioner Buschhorn wasn't sure what the term “roadies” meant and

wanted the record to be clear. He thought that the term was possibly meant to refer to “doughnuts” or that the property was being used as a road, but wanted clarification of the record either way.

The second item was on page 17 under the Applicant’s Rebuttal that referenced “the wall or fence less than 8 inches in height” that was a scrivener’s error that should reflect “the wall or fence less than 8 feet in height.”

Jamie Beard, Assistant City Attorney, noted that the actual term that was used during the testimony was “roadies” and therefore she preferred that that specific term remain in the minutes since no one asked for a distinction or clarification during the meeting. She suggested putting the term in quotation marks since it was the term specifically used by the citizen. Commissioner Buschhorn agreed that the specific term “roadies” would be used in the minutes.

Lisa Cox, Planning Manager, noted that the changes would be made to the minutes when they were included as part of the record for the project to be considered on appeal by City Council.

There were no objections or other revisions received from the audience or Planning Commissioners on the Consent Agenda.

**MOTION: (Commissioner Wall) “Mr. Chairman, I move that we approve the Consent Agenda along with the clarification for the 8 inch fence in the minutes.”**

Commissioner Wade seconded the motion. A vote was called and the motion passed unanimously by a vote of 7- 0.

**Full Hearing Items**

**3. Heritage Church Annexation – Zone of Annexation**

Forward a recommendation to City Council to zone 0.68 acres from County RSF-4 (Residential Single Family- 4 du/ac) to a City R-O (Residential Office) zone district.

**FILE #:** ANX-2013-105

**APPLICANT:** Vaughn Park – Heritage Church of Grand Junction

**LOCATION:** 2935 Patterson Road

**STAFF:** Brian Rusche

**Applicant’s Presentation**

Mr. Vaughn Park, Senior Pastor of Heritage Church, was joined by David Younger, an Elder in the Church, and by 3 members of the Building Committee, Tim Moore, Dave Kitzman and Bob Weaver. Pastor Park noted that the church has been located in the Patterson Road building for approximately 15 years, has seen considerable growth and has outgrown their current building. In anticipation of future growth, the church has purchased property intended for a future new church building. However, as an intermediate step prior to construction of the future church building, the church

purchased a building on North 12<sup>th</sup> Street last year to accommodate their current service needs.

The property located on Patterson Road is now vacant and the church would like to sell the property. In order to provide a wider range of use options for the new owner, the church felt that the property should be annexed into the City and rezoned. This would help market the property which is currently for sale.

Pastor Park stated that the R-O zone district was being requested because of the location of the property on Patterson Road which is a high traffic corridor that also has good access on 29 3/8 Road. The property is surrounded by homes with limited services nearby. Having been a part of the neighborhood for many years, the church wants to respect the residential nature of the area and that is why they have not requested a commercial zoning for the property.

Pastor Park stated that the R-O was a good choice for the church and the neighborhood and was consistent with the Comprehensive Plan. The R-O would provide flexibility of uses and would help with marketing the property.

**Questions for the Applicant**

Commissioner Leonard asked for clarification regarding Tim Moore being a City employee and Director of the Public Works and Planning Department. Mr. Moore was referred to as a member of the church's team and Commissioner Leonard wondered what his involvement was.

Pastor Park noted that Mr. Moore has been a member of the church for a number of years and has helped lead the church's Building Committee. Two other members of the Building Committee were also present, Mr. Weaver and Mr. Kitzman. The governance of the church is through Elders and decisions on how to run the church are made by the Elder Board, not by the subservient committees like the Building Committee. Mr. Moore serves in an advisory role like everyone else on the Building Committee.

Commissioner Leonard then asked the Assistant City Attorney if she saw any conflict of interest.

Jamie Beard, Assistant City Attorney, asked if Commissioner Leonard was asking if there was a conflict of interest for any of the Planning Commissioners to hear the matter. Commissioner Leonard clarified his concern was that simply because Mr. Moore was involved in the applicant's project. Ms. Beard asked if Commissioner Leonard's concern was if it was somehow going to affect the Commissioners ability to make their decision that evening and if it would be a conflict of interest for any of the Commissioner, or if it was regarding Mr. Moore's involvement in the planning process.

Commissioner Leonard stated that from his perspective when you're involved in City government, you step away from any application no matter if you're involved in the church or anything. He asked if Ms. Beard saw any conflict of interest with Tim Moore

being the Director of Public Works and also with him being involved with the applicant and sitting in the room with the Planning Commission.

Ms. Beard asked if Commissioner Leonard felt that he now had a conflict of interest as a Commissioner in being able to make a decision. The decision being made that evening was by the Planning Commission and the question is whether a Commissioner would not feel comfortable in regards to making a decision on the project. The Commission is relying on the criteria within the Zoning and Development Code and the information provided through testimony and the staff report. Since the Planning Commission was making the decision she did not see a problem. Ms. Beard also clarified that Tim Moore is no longer the Director of Public Works, Utilities and Planning, that is now Greg Trainor. Commissioner Leonard responded that he was not aware of that.

Acting Chairman Eslami stated that he believed Commissioner's Leonard's point was that if Mr. Moore's presence had any influence on staff recommending the request. Commissioner Leonard agreed and stated that in his experience if you're involved in City government and you show up as part of an applicant's team that that makes him uncomfortable, but if City staff was fine with it he was fine with it.

Ms. Beard confirmed that the Planning Commission was making the decision that evening, so if there were questions about staff's recommendation the Commission could delve further and inquiring of staff, as well as anyone who was in the audience that was going to testify. Commissioner Leonard responded that he wasn't bothered and that Mr. Moore wouldn't influence him one bit.

Acting Chairman Eslami asked if there were any other questions from the Commission. Hearing none he then asked for the staff presentation.

### **Staff's Presentation**

Brian Rusche, Senior Planner, made a PowerPoint presentation regarding the Heritage Church Annexation which was located at 2935 Patterson Road. He noted that this was a zone of annexation which represented only one step in a series of steps for annexation. The request before the Commission was for R-O (Residential Office) zoning. Mr. Rusche showed a map with the location of the property and stated that although the property was adjacent to City limits, the annexation would not create an enclave.

The church has relocated and the property is vacant and currently being marketed for sale. The current County RSF-4 zoning does allow religious activity, as do most City and County residential zones, however that is the limit of most nonresidential type uses. That is why the applicant is before the Commission with the rezone request.

The Comprehensive Plan added a Mixed Use Opportunity Corridor along Patterson Road to encourage balanced growth throughout the community in the form of centers and to continue the City's position as a regional provider of goods and services. The underlying Residential Medium land use designation allows the R-O zone district to be

considered for areas that are transitional between single family and more intensive uses. The applicant had previously described what their goals were in requesting the R-O zone district. Mr. Rusche stated that a good example of R-O zoning was in the 700 and 800 blocks of Grand Avenue where a number of large homes had been converted into either multifamily or professional offices.

Mr. Rusche then explained that the R-O zone provides an opportunity for low intensity, nonretail and neighborhood and office uses that are compatible with surrounding residential uses. Compatibility is achieved through limited uses, architectural standards and hours of operation. Recent development in the neighborhood includes the Maverik Convenience Store which is a good example of properties that are transitioning along Patterson Road. There are no other small scale office developments within a mile of this property despite the high traffic counts on Patterson Road.

The requested zone must meet the criteria of the Zoning and Development Code. Staff felt that criteria 3, 4 and 5 were met and described the community benefit that would be achieved with the rezone to R-O. Mr. Rusche described other zone districts that were allowed and the limitations of those districts. Mr. Rusche stated that he felt that the R-O was the most compatible zone district.

Staff has received calls from neighbors asking about who would be moving into the property. Mr. Rusche explained that the applicant had requested the R-O zoning. He explained what the limitations of the zone district were as well as the allowed uses. The citizen's questions appeared to have been answered.

Mr. Rusche stated he would answer any questions that the Commission had for him. Commissioner Leonard asked what the most intensive use that would be placed on the property and what would the impact on surrounding properties be. Mr. Rusche responded that the most intensive use permitted in the R-O would likely be multifamily. There are separate development standards for multifamily but it is an allowed use for up to 16 dwelling units per acre. The overall development of the site however would be limited by the size of the property and the development standards of the Zoning Code.

Commissioner Leonard asked if an office use moved in would there be a limitation on the hours. Mr. Rusche confirmed that the hours of operation in the R-O zone district are limited to 8:00 pm at night. The R-O zone district also contained architectural standards so that if someone wanted to construct a new building they would have to comply with the architectural standards.

Acting Chairman Eslami asked if there were any other questions. Hearing none, the hearing was open to the public for comments or questions. Acting Chairman Eslami asked for those in favor of the request to step forward and then asked for those opposed to step forward.

**Public Comment**

There were no public comments.

**Planning Commission Discussion**

Commissioner Wall stated that he liked the Residential-Office selection and liked having it in the Code for this very reason. It works very well for neighborhoods that are matured and going to have some change. He stated that he felt that this would fit well in the neighborhood. He also agreed with staff that the request meets the goals that were stated and it will limit the type of business that could go in the property which would not be retail or entertainment. With the limitation on hours it made perfect sense.

Commissioner Wade asked Mr. Rusche if there were neighborhood meetings held. Mr. Rusche responded that the applicant did conduct the required neighborhood meeting and that there was not anyone in attendance other than church members. Commissioner Wade then asked when Mr. Rusche spoke with the neighbors who called, did they understand the uses that could go in under the R-O zoning or were they principally asking who has bought the property. Mr. Rusche responded that the first questions were asking about what was going into the building. Mr. Rusche explained that there is currently no known occupant and then explained what the allowed or possible uses could be with the R-O zoning. One person asked if a gas station could move in and Mr. Rusche replied that they could not. Another person asked about housing and Mr. Rusche explained what the standards are regarding housing in the R-O zone district.

Mr. Rusche also explained that there is an administrative review required to change the use of the building. Public notice to adjacent properties is provided with the administrative review. He also indicated that information concerning the R-O zone district could be found on the City's website online.

Acting Chairman Eslami asked if there were any other questions or comments. As there was no further comment, he asked for a motion.

**MOTION: (Commissioner Wall) "Mr. Chairman, on the Heritage Church Zone of Annexation, ANX-2013-105, I move that the Planning Commission forward to the City Council a recommendation of the approval of the R-O, Residential Office zone district, for the Heritage Church Annexation, with the findings of facts and conclusions listed in the staff report."**

Commissioner Buschhorn seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 - 0.

**General Discussion/Other Business**

None.

**Nonscheduled Citizens and/or Visitors**

None.

**Adjournment**

With no objection and no further business, the Planning Commission meeting was adjourned at 6:31 p.m.