

**GRAND JUNCTION PLANNING COMMISSION**  
**September 12, 2023, 5:30 PM**  
**MINUTES**

The meeting of the Planning Commission was called to order at 5:33 p.m. by Commissioner Teske.

Those present were Planning Commissioners; Shanon Secrest, Sandra Weckerly, Kim Herek, JB Phillips, Melanie Duyvejonck and Keith Ehlers.

Also present were Jamie Beard (City Attorney), Niki Galehouse (Planning Supervisor), Dave Thornton (Principal Planner), Dani Stine (Senior Planner), Jessica Johnsen (Senior Planner), Madeline Robinson (Planning Technician), and Jacob Kaplan (Planning Technician).

There were 3 members of the public in attendance, and 1 virtually.

**CONSENT AGENDA**

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**1. Approval of Minutes**

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Minutes of Previous Meeting(s) from August 22, 2023.

*This item was moved to the regular agenda for further discussion.*

**2. Village Center Way Easement Vacation**

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**VAC-2023-529**

Consider a request to partially vacate a 14-foot multipurpose easement and to partially vacate a 10-foot drainage easement on a 0.19-acre parcel located at 2698 Village Center Way.

*This item was not heard or approved at this hearing*

**REGULAR AGENDA**

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**1. Approval of Minutes**

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Minutes of Previous Meeting(s) from August 22, 2023

**Questions for staff**

Commissioner Weckerly asked for clarification on why transcribed minutes were being provided for this hearing. She asked if continuing approval of these minutes to a future hearing would prevent the project from moving forward.

**Motion and Vote**

Commissioner Teske made the following motion "I would move that we continue determining our minutes from the August 22<sup>nd</sup> meeting until our next regularly scheduled meeting."

*Commissioner Ehlers seconded; motion passed 7-0.*

## **2. NorthStar Towing CUP**

**CUP-2023-425**

Consider a request by JHoward Enterprise, Inc. dba NorthStar Towing for a Conditional Use Permit to operate an Impound Lot on 1.24 acres located at 2105 H Road.

### **Staff Presentation**

Jessica Johnsen, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

Jenni Henson with NorthStar Towing was present and available for questions.

### **Questions for staff**

### **Public Hearing**

*The public comment period was opened at 5:00 p.m. on Tuesday, September 5, 2023, via [www.GJSpeaks.org](http://www.GJSpeaks.org).*

There were no public comments.

*The public comment period was closed at 5:53 p.m. on September 12, 2023.*

### **Discussion**

Commissioner Weckerly asked where impound lots are normally allowed without obtaining a conditional use permit.

### **Motion and Vote**

Commissioner Secrest made the following motion “Mr. Chairman, on the Conditional Use Permit for the property located at 2105 H Road, City File number CUP-2023-425, I move that the Planning Commission approve the CUP with the findings of fact and conditions listed in the staff report.”

*Commissioner Ehlers seconded; motion passed 7-0.*

## **3. Adams Enclave Annexation**

**ANX-2023-262**

Consider a zone of annexation of an area consisting of 0.23 acres of enclaved property, from County RSF-4 (Residential Single Family – 4 dwelling units per acre) to City C-2 (General Commercial) located at 2738 B ¼ Road.

### **Staff Presentation**

Dave Thornton, Principal Planner, introduced exhibits into the record and provided a presentation regarding the request.

### **Questions for staff**

Commissioner Ehlers asked what triggered the city to annex the property. He asked if the property had to be completely surrounded by City properties in order to be annexed. He asked if right-of-way was considered in determining adjacent properties. He asked if the property would be taxed as commercial or residential. He asked if the rezone to commercial would inhibit development of any future uses that are allowed in residential but not in commercial districts.

Commissioner Teske asked why staff felt Criteria 1 had not been met regarding the annexation itself being considered a subsequent event. He asked why the annexed property was being rezoned to City C-2 instead of a zone district that supported the current residential use. He asked for clarification that this annexation would be considered a “non-conforming use” per the code.

Niki Galehouse provided clarification on residential uses allowed in commercial zone districts per code.

Dave Thornton responded to commissioner questions.

### **Public Hearing**

*The public comment period was opened at 5:00 p.m. on Tuesday, September 5, 2023, via [www.GJSpeaks.org](http://www.GJSpeaks.org).*

Rick Crabtree asked if his taxes would increase as a consequence of being annexed.

Dave Thornton stated that he believed this property would continue to be taxed as residential.

Commissioner Ehlers recommended that Mr. Crabtree contact the County Assessor’s Office with any tax questions he has.

*The public comment period was closed at 6:18 p.m. on September 12, 2023.*

### **Discussion**

Commissioner Weckerly expressed concerns over creating a non-conforming use and potential tax increases by rezoning the property to commercial instead of residential.

Commissioner Secrest commented that because the current homeowner would not be impacted by the rezone to commercial, it made sense to rezone to commercial now versus requiring a prospective buyer to rezone in the future.

### **Motion and Vote**

Commissioner Secrest made the following motion “Mr. Chairman, on the Zone of Annexation request for the property located at 2738 B ¼ Road, City file number ANX-2023-262, I move that the Planning Commission forward a recommendation of approval to City Council of the C-2 (General Commercial) with the findings of fact as listed in the staff report.”

*Commissioner Herek seconded; motion passed 7-0.*

#### **4. Tallman Enclave Annexation**

**ANX-2023-263**

Consider a zone of annexation of a 23.35-acre enclaved area consisting of 9.24 acres of enclaved properties from County C-2 (General Commercial District) to City C-2 (General Commercial) located at 232 27 ¼ Rd through 241 27 ¼ Rd and 2739 Hwy 50 and 2739 Hwy 50, and 2.04 acres of enclaved properties from County RSF-4 (Residential Single Family – 4 District) to City C-2 located at 2736 ½ B ¼ Rd and 2735 Hwy 50, and 0.51 acres of enclave property from County RSF-4 to City R-8 (Residential 8 du/ac) located at 2736 B ¼ Rd.

#### **Staff Presentation**

Dani Stine, Senior Planner, introduced exhibits into the record and provided a presentation regarding the request.

#### **Questions for staff**

Commissioner Ehlers asked if the affected businesses would be required to collect city sales tax as a consequence of this annexation. He asked if any of the affected businesses would be required to complete an Industrial Pre-Treatment Survey as a consequence of this annexation. He asked about the application fee for sales tax licenses. He asked how many legal non-conformities would be created as a result of the annexation.

Commissioner Teske asked why staff felt Criteria 1 had been met regarding the annexation itself being considered a subsequent event whereas it had not been met for the Adams Enclave Annexation. He asked about the legal non-conformities being created as a consequence of this annexation.

Dani Stine responded to commissioner questions and comments.

#### **Public Hearing**

*The public comment period was opened at 5:00 p.m. on Tuesday, September 5, 2023, via [www.GJSpeaks.org](http://www.GJSpeaks.org).*

There were no public comments.

*The public comment period was closed at 6:46 p.m. on September 12, 2023.*

#### **Discussion**

Commissioner Secrest commented that while he was not in favor of potential tax increases, he noted that none of the affected owners attended the public hearing to oppose the annexation. He asked if the two proposed motions were either/or or if they should both be read.

Commissioner Ehlers echoed Commissioner Secrest's comments.

## **Motion and Vote**

Commissioner Secrest made the following motion “Mr. Chairman, on the Zone of Annexation request for the properties located at 232 27 ¼ Rd through 241 27 ¼ Rd and 2739 Hwy 50, 2735 Hwy 50 and 2736 ½ B ¼ Rd, City file number ANX-2023-263, I move that the Planning Commission forward recommendation of approval to City Council of the C-2 (General Commercial) with the findings of fact as listed in the staff report.

*Commissioner Ehlers seconded; motion passed 7-0.*

Commissioner Secrest made the following motion “Mr. Chairman, on the Zone of Annexation request for the property located at 2736 B ¼ Rd, City file number ANX-2023-263, I move that the Planning Commission forward recommendation of approval to City Council of the R-8 (Residential 8 du/ac) with the findings of fact as listed in the staff report.”

*Commissioner Phillips seconded; motion passed 7-0.*

## **5. Brookwillow Village Filing 6 Rezone**

**RZN-2023-160**

Consider a request by Senergy Builders, LLC to zone 0.23 acres from PD (Planned Development) to R-12 (Residential – 12 du/ac) located at the intersection of Brookwillow Loop and Orion Way, Parcel #2945-041-25-002.

*The applicant requested that this item be moved to the October 10<sup>th</sup> Planning Commission hearing.*

*Commissioner Teske recused himself from deliberating on this item.*

*The motion to continue this item passed 6-0.*

## **OTHER BUSINESS**

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## **ADJOURNMENT**

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Commissioner Ehlers moved to adjourn the meeting.

*The vote to adjourn was 7-0.*

The meeting adjourned at 6:51 p.m.