



**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

TUESDAY, SEPTEMBER 10, 2013, 6:00 PM

Call to Order

Welcome. Items listed on this agenda will be given consideration by the City of Grand Junction Planning Commission. Please turn off all cell phones during the meeting.

Copies of the agenda and staff reports are located at the back of the auditorium.

Announcements, Presentations and/or Prescheduled Visitors

Consent Agenda

Items on the consent agenda are items perceived to be non-controversial in nature and meet all requirements of the Codes and regulations and/or the applicant has acknowledged complete agreement with the recommended conditions.

The consent agenda will be acted upon in one motion, unless the applicant, a member of the public, a Planning Commissioner or staff requests that the item be removed from the consent agenda. Items removed from the consent agenda will be reviewed as a part of the regular agenda. Consent agenda items must be removed from the consent agenda for a full hearing to be eligible for appeal or rehearing.

1. Minutes of Previous Meetings

[Attach 1](#)

Approve the minutes from the June 25 and August 13, 2013 regular meetings.

2. Wild Enclave Annexation - Zone of Annexation

[Attach 2](#)

Forward a recommendation to City Council to zone 3.65 acres from County RSF-R (Residential Single-Family Rural) to a City R-8 (Residential 8 du/ac) zone district.

FILE #: ANX-2013-334
APPLICANT: City of Grand Junction
LOCATION: 3122 and 3124 E Road
STAFF: Brian Rusche

3. Bibeau Enclave Annexation - Zone of Annexation

[Attach 3](#)

Forward a recommendation to City Council to zone approximately 15.84 acres from County RSF-R (Residential Single-Family Rural), County RSF-E (Residential Single-Family Estate), and County I-2 (General Industrial) to a City R-8 (Residential du/ac) zone district.

FILE #: ANX-2013-338

APPLICANT: City of Grand Junction

LOCATION: 2941, 2929, 2937, 2943, 2944, 2952, and 2952 1/2 D 1/2 Road

STAFF: Brian Rusche

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

Public Hearing Items

On the following item(s) the Grand Junction Planning Commission will make the final decision or a recommendation to City Council. If you have an interest in one of these items or wish to appeal an action taken by the Planning Commission, please call the Planning Division (244-1430) after this hearing to inquire about City Council scheduling.

4. TJ's Billiards - Conditional Use Permit

[Attach 4](#)

Consider a request for a Conditional Use Permit to serve alcoholic beverages in a pool hall on 0.84 +/- acres in a C-1 (Light Commercial) zone district.

FILE #: CUP-2013-354

APPLICANT: Alan Allen

LOCATION: 509 28 1/2 Road

STAFF: Scott Peterson

5. Variance - City Market Fueling Station Variance

[Attach 5](#)

Consider a request for a Variance from Section 21.06.080(c)(7), Outdoor Lighting Standards, for a fueling station on 0.574 acres in a B-2 (Downtown Business) zone district.

FILE #: VAR-2013-368

PETITIONER: Drew Warot - King Soopers

LOCATION: 104 White Avenue

STAFF: Greg Moberg

General Discussion/Other Business

[Attach 6](#)

Recommendation to City Council to adopt proposed revisions to the Grand Junction Planning Commission Bylaws.

Nonscheduled Citizens and/or Visitors

Adjournment

Attach 1

Minutes of Previous meetings

GRAND JUNCTION PLANNING COMMISSION JUNE 25, 2013 MINUTES 6:00 p.m. to 7:10 p.m.

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Reece. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Christian Reece (Chairman), Ebe Eslami (Vice-Chairman), Reginald Wall, Loren Couch, Jon Buschhorn, Steve Tolle and William Wade.

In attendance, representing the City's Public Works, Utilities and Planning Department – Planning Division, were Lisa Cox (Planning Manager) and Brian Rusche (Senior Planner). Greg Moberg was present from the Economic and Sustainability Division.

Also present was John Shaver (City Attorney).

Lynn Singer was present to record the minutes.

There were no interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Lisa Cox, Planning Manager, introduced John Shaver, City Attorney, who would be substituting for Jamie Beard during the meeting. Ms. Cox then announced that there would be no workshop held on Thursday, July 3, 2013 or Planning Commission meeting held on Tuesday, July 9, 2013.

Ms. Cox also announced that the City and Mesa County Planning Commission joint planning workshop on the Orchard Mesa Neighborhood Plan would be held on Thursday, July 11, 2013 at noon in the City Hall Breakroom.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the May 14, 2013 regular meeting.

Chairman Reece briefly explained the Consent Agenda and invited the public, Planning Commissioners and staff to speak if they wanted any item pulled for additional discussion or a full hearing. With no amendments to the Consent Agenda, Chairman Reece called for a motion.

MOTION: (Commissioner Wall) "I move that we approve the Consent Agenda as read."

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

Public Hearing Items

2. Community Solar Project CUP – Conditional Use Permit

Consideration of a request for a Conditional Use Permit for a solar power generation facility (basic utility) on 14.34 acres in an R-8 (Residential 8 du/ac) and CSR (Community Services and Recreation) zone district.

FILE #: CUP-2013-202
PETITIONER: Ecoplexus
LOCATION: 2930 and 2940 D ¼ Road
STAFF: Brian Rusche

Applicant's Presentation

Mr. Gary Eberhart, Ecoplexus Senior Project Manager, began by introducing himself and sending apologies on behalf of Bill Brick, Ecoplexus Project Developer, who was unable to attend the meeting.

The City of Grand Junction and School District #51 own the property and will be subscribers to the solar garden, according to Mr. Eberhart. Ecoplexus is a solar developer, serving the commercial, municipal, educational, and utility markets with distributed generation projects between 500 kW and 5 mW in size.

The proposed project is a 2 mW community solar garden on 10.56 acres. The project is for 20 years. Colorado has state policies with a goal of 30% renewable energy by the year 2020. The Community Solar Garden Act, passed by the Legislature in 2012, requires the PUC to offer a structure for public utilities to develop centrally located community solar gardens with renewable credits sold to subscribers. Rules limit the size to 2 mW, with at least 10 subscribers in the County, reserving 5% of the energy for income qualified residents.

Mr. Eberhart showed the site plan and described Phase I, including the adjacent land uses and general layout of the solar arrays and access road. He then showed a typical array elevation with a maximum height of 8 foot, 6 inches.

The proposed landscaping is structured to provide benefit to those residences closest to the property in the southeast corner of the property, including a ranch style fence. The remainder of the property will have a chain-link fence with a visual barrier on the east side.

Mr. Eberhart explained the construction of the project, including underground trenching, with the solar arrays on steel posts that are "vibrated" into the ground, without pouring concrete. This part will take approximately 3 weeks. The remainder of the installation Mr. Eberhart compared to assembling an Erect-a-set. Goal for operation is December 20, 2013.

Mr. Eberhart then showed photos of solar projects that had been completed elsewhere.

Mr. Eberhart outlined the benefits of the project, including a \$3 million electric cost savings for the City and School District, which will free up general fund dollars. An estimated annual reduction of 3000 metric tons of CO₂, which is equivalent to 592 passenger vehicles or 6600 barrels of oil. The project is a wise use of public land that would otherwise be a liability, turning it into a productive asset. Mr. Eberhart praised the bold leadership by City and School District.

After the 20 year life of project, the community will have opportunity to own the asset, or it can be removed and the site returned to its original state. The solar panels have 25 year life, but they degrade one half of one percent each year, resulting in about 90% production in 20 years, according to Mr. Eberhart.

Mr. Eberhart addressed the compatibility of the project. It will produce zero emissions, the proposed landscaping and buffers will mitigate visual impact, the panels do not glare and have been installed at airports, the panels are made of non-hazardous recyclable materials. The proposed fence provides security.

Mr. Eberhart continued, stating the solar technology is safe, as evidenced by its installation at homes and schools. The panels are only 8'6" and will not block views. Between 2 and 4 times a year a crew will clean and maintain facility, which will otherwise be monitored from Ecoplexus' offices. Development of the facility does not increase traffic or need for services and will "lock up" the property with a non-invasive use. While there will be no pavement, there will also be no dust, which is incompatible with solar panels. Mr. Eberhart indicated that steps will be taken that are necessary to reduce dust. No lighting is proposed except a night-light near the invertors. No heat island effect will occur, since PV (photovoltaic) panels absorb and store heat, but at a lower rate than the Earth. Mr. Eberhart indicated that the project will comply with planning and fire standards.

Questions for the Applicant

Commissioner Wade asked whether the landscaping buffer would be completed now or later.

Mr. Eberhart replied that his job is to get facility up and running, with the landscaping subsequent. Economically, thought, it makes sense to get it done right away. Mr. Eberhart noted that he has discussed with staff the way to get the most positive impact with the landscaping dollars.

Commissioner Wall asked about Lot 2 and whether there is the possibility of an expansion; if so would it be similar to Lot 1.

Mr. Eberhart replied that his company wants to do an expansion, but must submit for another project to Xcel for approval via a lottery. If successful, it would be similar.

Commissioner Wall asked whether the landscaping would change with an expansion.

Mr. Eberhart replied that it was likely a composite wood fence, which lasts 30 years, would be used instead of chain link right at the edge of the neighborhood.

Commissioner Wall asked whether a wood fence was enough to protect the facility.

Mr. Eberhart indicated that very little theft occurs at solar facilities internationally; however they would propose barb wire on top of a composite fence, but if opposed by the neighborhood, other options that are aesthetically pleasing would be used.

Commissioner Couch asked about the vegetation under the panels.

Mr. Eberhart replied that the project will disturb the ground as little as possible and dust control would be used during project.

Commissioner Buschhorn asked if the 2nd parcel is developed, will it need to come back for a CUP.

Lisa Cox, Planning Manager, replied that the staff report says it will come back as an amendment to the CUP, since the CUP already includes both properties that function as one. The amendment would include specific details for that phase.

Commissioner Buschhorn asked if the panels will be facing the sun, will they rotate.

Mr. Eberhart replied that it is a fixed tilt system. The original design was a horizontal tracker on a single axis, but the site does not have enough room so they will be fixed at the most optimum location, resulting in a loss of about 8% efficiency.

Commissioner Buschhorn reiterated that the panels will be facing at sun all the time.

Mr. Eberhart stated that policies are changing relative to solar, with state legislatures finding ways to attract solar development. His company is hoping that policies will evolve so they can do a Phase II.

Commissioner Buschhorn asked if the panels are non-glare, as the 2nd closest house is two stories.

Mr. Eberhart replied that they may have a glossy look, but will not bounce light into a house.

With no further questions, staff was asked to make a presentation.

Staff's Presentation

Brian Rusche, Senior Planner with the Public Works, Utilities and Planning Department, introduced the Conditional Use request, noting there are two addresses for the project.

Mr. Rusche explained that the terms "farm" "garden" "project" or "facility" can be used interchangeably. The site plan shown has the School District property as 10.56 acres

with the proposed solar arrays. The majority of the properties to the north, west, and south are not in the City, according to Mr. Rusche. The City owned property is for access and landscaping, with Phase II to be considered as an amendment to the CUP.

Mr. Rusche explained that the property was originally acquired by the City in anticipation of an elementary school. It was divided between the City and School District after annexation. In 2012, the District's piece was rezoned R-8 as part of a consistency update with the Comprehensive Plan. This rezone was completed prior to consideration of this site for a solar utility. A CUP is triggered by this change to the R-8 zone as a basic utility is not normally allowed in a residential zone, but is allowed in the CSR zone.

The Comprehensive Plan designates this portion of Pear Park as Residential Medium. Mr. Rusche cited Goal 11 of the Comprehensive Plan, which states that public facilities and services are a priority and that this project is a partnership with the City, School District and a private firm (Ecoplexus) putting up construction capital.

Mr. Rusche then showed the Commission an aerial photo, highlighting the GVIC canal to the north, an unimproved D ¼ Road right-of-way to the south, an unimproved 29 ¼ Road right-of-way on the west, and to the east the 29 ½ Road canal crossing which connects D to D ½ Road. The largest neighbor is agricultural, with the nearest subdivision residence 300 feet away. A ditch exists along the 29 ¼ Road right-of-way on the west, which is where a power feed will go south through the Lurvey property to D Road. The Siena View subdivision is on the north, along with the unfinished Wexford subdivision and acreages with structures at least 200 feet away, all separated by the canal.

Mr. Rusche next discussed the site plan, noting that the project is just less than 2 mW. A 6' opaque chain link with barb wire and an access road on the inside perimeter, along with a 20' access between panels provides security, privacy, and full use of the land. Access to the site is at Chert and D ¼ with no other improvements proposed, as there is no traffic except maintenance.

The landscaping buffer is for the benefit of adjacent residences without undue maintenance, according to Mr. Rusche. Different developments have different landscaping requirements, but these don't fit with solar panels that gather the sun. As such, Mr. Rusche recommended that the Commission approve the proposed plan, which he noted was similar to a subdivision entrance. The City has irrigation rights to maintain the landscaping and the plan would be reevaluated if a 2nd phase is proposed. Further, the proposed panel height of 8'6" was shown in comparison to average person; the panels would be surrounded by 6' fencing that includes warning signs and these were incorporated into the applicant's request.

Mr. Rusche, as project manager, recommended that the Commission approve the request, finding that it meets the criteria for a CUP and that the site design, fencing, and landscaping proposal create compatibility.

Mr. Rusche further recommended conditions that include items to be completed and to be remembered, including the access and operation of the site as one unit on both parcels

for the 20 year duration of the project. Mr. Rusche noted that a CUP, if approved, runs with land, as do the conditions, once fulfilled, including operation as one project.

Planning Commission Questions for Staff

Commissioner Wall asked if Lot 1 and 2 function as one site for the duration of the use, then if more panels are proposed on Lot 2, why would it need another review.

Mr. Rusche responded that the access point to the District property is on City property, which ties them together for duration of project. Therefore, a review must be done in the same manner as the original request, which is through, the CUP process.

Commissioner Wade asked why two years was chosen as the deadline to complete the landscaping.

Mr. Rusche responded that it would give one additional growing season, with a total of two seasons, to complete the landscaping so it will grow.

Commissioner Buschhorn asked if the tie in line on the Lurvey property was being pushed on them.

Mr. Rusche responded that negotiations with the Lurveys were mutual and between them and Ecoplexus, along with Xcel, who will use the line. These negotiations are done outside the CUP process, but the condition was included so that it gets done. Mr. Rusche emphasized that no condemnation of property was being used.

Public Comment

There was no public comment.

Planning Commission Discussion

Commission Wall stated that the request makes sense and is compatible. He asked that staff work with the applicant in making sure the fencing does not need to be changed if they expand.

Commissioner Wade asked if a commissioner wants to change a condition, can the commission approve it with that change.

Ms. Cox asked Commissioner Wade to include the change in the motion.

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

MOTION:(Commissioner Wade) “Madam Chairman, on the request for a Conditional Use Permit for a solar power generation facility (basic utility) on 14.34 acres in an R-8 (Residential 8 du/ac) and CSR (Community Services and Recreation) zone district, CUP-2013-202, I move that the Planning Commission

forward a recommendation of approval to the City Council with the facts and conclusions listed in the staff report, with the condition that the landscaping be completed in 18 months rather than 24 months.”

Commissioner Tolle seconded the motion. A vote was called and the motion passed by a vote of 6 – 1 with Commissioner Wall voting against the motion.

3. Form Districts Code Amendment – Zoning Code Amendment AT 50:00

Forward a recommendation to City Council to amend the Grand Junction Municipal Code, Section 21.03.090, Form Districts.

FILE #: ZCA-2013-229

PETITIONER: City of Grand Junction

LOCATION: Citywide

STAFF: Greg Moberg

Staff's Presentation

Greg Moberg, Planning Supervisor with the Division of Economic Development and Sustainability, introduced the proposal to amend Section 21.03.090, Form Districts, of the Grand Junction Municipal Code.

Mr. Moberg explained that the proposal was to address the language concerning the Mixed Use Corridors. Mr. Moberg went on to clarify the differences between traditional and form based zoning. Traditional zones require that the building be setback from the street whereas form based zones bring buildings forward placing the pedestrian in direct contact with the storefront and first floor uses. Traditional zones are use based and form based zones are more about building form and function. The emphasis of traditional zones is on the property whereas the form based zones emphasize the building's relationship with sidewalks and roads. Finally, traditional zones segregate uses whereas form based zones bring different types of uses together.

Mr. Moberg then explained the reasons for the proposal, explaining how the mixed use form districts and the specific building types are regulated in the Mixed Use Corridors.

There are three mixed use districts specified in the Code; Mixed Use Residential, Mixed Use General, and Mixed Use Shopfront. There are five building types allowed within the mixed use districts; Shopfront, General, Apartment, Townhouse and Civic. The Shopfront building type is only allowed in the Mixed Use Shopfront district, the General building type is only allowed in the Mixed Use General district. This limits where retail sales and service can be located as retail sales and service are only allowed in the Shopfront building type and not in the General building type. Consequently, a problem is created as the Shop Front district is only allowed at the intersections of major roads. Therefore the Code doesn't allow a complete mixture of uses within the Mixed Use Corridors.

Mr. Moberg then summarized the proposed changes to the Code. These changes included striking the wording that restricting Mixed Use Shopfront districts to be located at

the intersections of major roads, added wording concerning awnings and landscaping and cleaned up the wording concerning uses allowed within each building type.

Planning Commission Questions for Staff

Commissioner Tolle asked if designated bike lanes were taken into consideration with the Form based districts.

Mr. Moberg explained that that bike lanes were outside the scope of the Form districts. Currently, the Transportation Plan addresses bike lanes as the Form districts are more focused on where people live and work and the creation of pedestrian oriented development.

Commissioner Tolle made a recommendation that staff find some way to meld the two together that would create a bicycle and pedestrian friendly development. He went on to say that the proposed changes are well done and that he thought we needed to do this.

Ms. Cox stated that Kathy Portner of Neighborhood Services and Jody Kliska, Traffic Engineer, are working on developing something concerning complete streets.

Commissioner Wall asked for clarification that Shopfront building types are only allowed in the Mixed Use Shopfront district.

Mr. Moberg explained that that was correct and this would not change. What is being proposed is to remove the restriction that Mixed Use Shopfront districts can only be located at the intersections of major roadways thus allowing Mixed Use Shopfront districts throughout the Mixed Use Corridors. Mr. Moberg than explained how the General and Shopfront building type differ from each other.

Public Comment

No public comment.

Planning Commission Discussion

Commissioner Wall stated that he thought the changes were more development friendly which is a positive thing for the City.

Chairman Reese agreed.

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

MOTION:(Commissioner Wade) “Madam Chairman, on the request to forward a recommendation to City Council to amend the Grand Junction Municipal Code, Section 21.03.090, Form Districts, I move that the Planning Commission forward a recommendation of approval to the City Council with the facts and conclusions listed in the staff report.”

Commissioner Wall 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 7:10 p.m.

**GRAND JUNCTION PLANNING COMMISSION
AUGUST 13, 2013 MINUTES
6:02 p.m. to 9:38 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:02 p.m. by Chairman Reece. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Christian Reece (Chairman), Ebe Eslami (Vice-Chairman), Reginald Wall, Loren Couch, Jon Buschhorn, Steve Tolle and William Wade.

In attendance, representing the City's Public Works, Utilities and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Lori Bowers (Senior Planner), Scott Peterson (Senior Planner), Senta Costello (Senior Planner), Eric Hahn (Development Engineer) and Jody Kliska (Transportation Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Pat Dunlap was present to record the minutes.

There were 120 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Lisa Cox, Planning Manager, advised that the second Planning Commission workshop and meeting in August would not be held. The next workshop would be on Thursday, September 5, 2013 and the next regular meeting would be on Tuesday, September 10, 2013.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the June 11, 2013 regular meeting.

2. Cunningham Investment Company, Inc – Zone of Annexation

Forward a recommendation to City Council to zone 27.73 +/- acres to R-E (Residential Estate, 1 dwelling unit/acre) zone district.

FILE #: GPA-2007-263
PETITIONER: LL Crispell, LLC
LOCATION: 2098 E ½ Road
STAFF: Scott Peterson

3. Custom Industries CUP – Conditional Use Permit

Consider a request for a Conditional Use Permit to store hazardous materials/explosives on 0.99 acres in an I-2 (General Industrial) zone district.

FILE #: CUP-2013-106
PETITIONER: Deb Ghiloni - Ghiloni Properties LLC

LOCATION: 2300 Logos Drive
STAFF: Senta Costello

Chairman Reece briefly explained the Consent Agenda and invited the public, Planning Commissioners and staff to speak if they wanted any item pulled for additional discussion or a full hearing.

Lisa Cox, Planning Manager, stated that staff had not received any public comment in opposition to Item #4, the proposed Zoning Code amendment to revise the definition of Lot Coverage, and therefore requested that the item be moved to the Consent Agenda.

After discussion, there were no objections or further revisions received from the audience or Planning Commissioners on the Consent Agenda.

MOTION: (Commissioner Wade) "I move that we approve the Consent Agenda as read, including Item #4."

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

Public Hearing Items

4. **Text amendment to Sec. 21.03.030(e); 21.10.020 - Zoning Code Amendment**
Forward a recommendation to City Council to amend the Grand Junction Municipal Code, Section 21.03.030(e), Measurements, Lot Coverage and 21.10.020, Terms Defined, to amend the definition of Lot Coverage.
FILE #: ZCA-2013-313
APPLICANT: City of Grand Junction
LOCATION: Citywide
STAFF: Lisa Cox

This item was moved to the Consent Agenda.

5. **Urban Trails Master Plan - Comprehensive Plan Amendment**
Forward a recommendation to City Council of a Comprehensive Plan Amendment to update the Urban Trails Master Plan and to rename to the Grand Valley Trails Master Plan.
FILE #: CPA-2013-224
PETITIONER: City of Grand Junction
LOCATION: Grand Valley including the Comprehensive Plan area
STAFF: Jody Kliska

Staff's Presentation

Julie Sabin, Dave Grossman and Elizabeth Collins from the Urban Trails Committee made a presentation on the proposed updates to the Urban Trails Master Plan and the request to rename the plan to the Grand Valley Trails Master Plan. Ms. Sabin stated that the Urban Trails Committee had been working on the Plan for over two years. The Committee had received several requests for trails, safer bike routes and safer routes to

schools. She explained that the Master Plan was about safety, connectivity and a healthy community and that it had been a community driven process.

Mr. Grossman explained that the Urban Trails Committee requested that the Plan be renamed the Grand Valley Trails Master Plan and that it is an effort to achieve the City's goal to become the most livable City west of the Rockies. The Plan would help the City become a walkable and bike friendly community. Mr. Grossman stated that the Plan was focused on developing safe routes to schools, bike routes and sidewalks. He stated that the Plan was a planning document and not a user map.

A Walking and Biking Trails Summit was held on March 8, 2013 with 150 attendants. It focused on the Economic, Health, Recreation and Transportation benefits of bike trails. Mr. Grossman discussed the financial benefits to trails citing increased revenue that they can bring, especially when special biking events are held such as the Tour the Moon and the Ride the Rockies events. Health professionals were present at the Summit to discuss the health benefits. A Trail Pledge, which focuses on developing a healthy vibrant community, was signed by 117 people.

An Open House was held in June, 2013 where 72 people attended and provided a lot of feedback on the proposed updates to the Plan. Mr. Grossman stated that they are trying to build a healthy community and that people value a recreational outlet and businesses value a livable community. He showed a map of existing facilities and then showed the proposed updates to the Plan which would build connectivity with an emphasis on schools and provide opportunities for a healthier community.

Commissioner Wall asked if the Urban Trails Committee was proposing that the trails be concrete. Mr. Grossman responded that the Plan included trails of all types, including sidewalks, bike lanes, sharrows, dirt trails and paved trails depending on the location and need.

Commissioner Wade then asked in the planning that had been done so far, had there been any provision for how the trails would be signed, maintained and who would pay for that. Mr. Grossman responded that this was a planning document to provide for connectivity. How each trail is constructed, maintained and signed is part of the development process. Ms. Sabin added that when roads are redeveloped that bike lanes would be added at that time if they were designated.

Commissioner Couch asked if the facilities were accessible to people with mobility issues such as people who use wheelchairs, walkers or canes. Mr. Grossman stated that the system was not simply for walkers and bikers, it provides opportunities for people of all modal opportunities to get around the community. Commissioner Couch then asked about the connectivity and if that would assist people being able to get to health care facilities, City Hall and other facilities in addition to schools. Julie Sabin responded that the trails would assist with that across the Valley, particularly in the north-south and east-west corridors.

Jody Kliska, Transportation Engineer, provided a power point presentation. She stated that the Urban Trails Master Plan, which is part of the Comprehensive Plan, was

requested to be renamed the Grand Valley Trails Master Plan and updated to better reflect that it is a valley wide plan. Ms. Kliska provided definitions of common elements of the plan: bike lane, bike route, detached path and a sharrow. Ms. Kliska then provided the planning history of the current plan from 1992 when the Plan was part of the 2015 Transportation Plan through 2011 when the RTPO began work to plan updates.

In 2010, there were two major planning efforts going on in the community, the Comprehensive Plan and the 2035 Regional Transportation Plan by the RTPO. Trails were an important element in both planning efforts.

Updates to the Plan support Goal 9 and Goal 10 of the Comprehensive Plan which seek to develop a well-balanced transportation system and a system of regional, neighborhood and community parks that protect open spaces corridors for recreation, transportation and environmental purposes.

The 2035 Regional Transportation Plan reflected public desire for increased on-street bicycle lanes and off-street trails and additional bicycle connections to activity centers such as schools, parks, downtown and shopping areas.

Proposed changes to the Plan included eliminating facilities that had been already been constructed and new facilities with a focus on collector streets and above, not residential streets.

The proposed 2013 Plan is a much larger area than current Plan. It included area from 22 Road to 32 Road; from the airport to Whitewater. Ms. Kliska noted that both Fruita and Palisade have adopted trails plans. She stated that it made sense to have one plan that included trail connections and would give a broader view of how trails tie together across the Valley. Ms. Kliska stated that the Plan was being updated to reflect the future land use designations of the Comprehensive Plan and that the updates complement the transit system in the Valley. There are currently 405 miles of existing facilities and 287 miles proposed with 333 miles of additional proposed facilities in the updated Plan.

Ms. Kliska stated that the proposed updates meet the approval criteria of the Zoning and Development Code and the Comprehensive Plan and reviewed each of the criteria. She closed by stating that the proposed updates to the Plan were consistent with the goals and policies of the Comprehensive Plan, the approval criteria of the Zoning Code and that City and RTPO staff find that amending the Plan will provide a better circulation plan for the community and promote alternative means of active transportation for the enhancement of health, safety and environment of the community. Staff recommended adoption of the proposed updates.

Commissioner Couch stated that Ms. Kliska had provided a great presentation with a lot of good information. He asked about the six criteria and noted that Ms. Kliska said they had all been met, but that he had not heard that in her presentation. Commissioner Couch asked if all six criteria had to be met or if some combination could be met to allow an amendment to be made? Ms. Beard responded that the Commission would have to find that at least one of the criteria had been met. The Commission could find that more than more had been met, but at least one had to be met.

Commissioner Couch noted the grid in Ms. Kliska's presentation that showed the various kinds of trails that when completed, there would be approximately 1,000 miles of trails. He asked if that included the Fruita and Palisade trails. Ms. Kliska confirmed that it did. Commissioner Couch then asked if the 1,000 miles of trails included the links to schools. Ms. Kliska confirmed that the Plan updates have tried to link schools with trails.

Chairman Reece then opened the public hearing for comments from those who were in favor of the updates to the Plan.

Public Comment in Favor

Brad Taylor, 647 Oxbow, the current Co-Chair of the Colorado Riverfront Commission, stated he was there to lend his support to the Grand Valley Trails Master Plan changes as it had been presented.

Dean Bressler, 486 Spoon Court, stated that he and his wife had submitted a letter in support. The letter was included in the staff report and made several points in favor of proposed plan amendments. He urged the Commission to read his letter and stated that he and his wife were very much in favor of the Grand Valley Trails Master Plan. He noted that the Plan would be implemented over time and that not all aspects of the Plan would be implemented, particularly those that were more difficult to implement. If the Plan is funded, there were a number of projects that would do remarkable things for the Grand Valley and asked that the Commission support the Plan.

Ms. Beard then noted a correction to her earlier comments regarding the approval criteria and that she had been thinking of the Comprehensive Plan approval criteria. Although the Urban Trails Master Plan is part of the Comprehensive Plan, the Code stated that the Commission must find that either there was an error, or the Commission must find the following five criteria had been met. Technically, if the Commission found that there was an error, that's the only criterion that they must find; otherwise they must find that all five criteria had been met. She apologized for the confusion.

Commissioner Wall confirmed that all five criteria, numbers two through six, would have to be met if they did not find an error. Ms. Beard confirmed that to be the case.

Lesley McWhirter, 486 Spoon Court, expressed her support for the Grand Valley Trails Master Plan. She felt that it would improve the quality of life in the Valley as well as the safety.

Robert Traylor, 535 Bookcliff Drive, stated that he was a commuter and rode his bike to work every day for more than ten years. He encouraged the Planning Commission to approve plan. He was very much in favor of more bike lanes which provide a buffer between bikes and cars. When there is not a bike lane, cars feel like bikes don't belong on the road. He encouraged the Commission to base their decision on facts and not on conjecture.

James Hodge, 1047 Bookcliff Avenue, stated that one thing that had been overlooked was the positive effect on property values that has been enormous. Proximity to green space and bike lanes increases property values and the benefits are widespread.

Martin Stafford, 1915 Parkland Ct, is a bicycle commuter. He stated that Grand Junction is a very friendly bike community and that most people that don't ride are afraid of traffic. If there were more trails, there would be more riders and that he supported the plan.

Jennifer Fox-Caldwell, 570 Hall Avenue, stated that she was a mother and teacher for safe routes to schools. They teach kids how to be safe on bikes. She was surprised at how many kids tell her that it's not safe. She urged the Commission as a mother and teacher of young kids to adopt the plan.

Dan Fitzgerald, 2676 Continental Drive, was in favor of the plan. He noted that safe transportation routes that are not dependent on the automobile are important right now for people who don't have access to automobiles. Also, the cost of fuel in the future will be an important factor to consider.

Keith Dickerson, 4446 Tuscany Court, a physician who teaches at St. Mary's Hospital, stated that we are in the middle of an obesity epidemic nationwide which is particularly bad on children in Colorado. Having good infrastructure available for reasonable exercise is crucial. We don't have a good integrated system here and need a safe place to exercise and recreate. This has been done all over United States and we should support this as much as we can.

Ann Landman, 671 Moonridge Circle, is a daily walker of about 3 miles per day and a bicyclist. Right now, she must get in her car to drive to facilities where it's safe to walk in order to avoid streets with no shoulders or sidewalks, which seems unfortunate and silly. On websites like Zillow and Trulia, homes are assigned a walk ability score and that a high walk ability score can add to home values. She believes that we have a readymade, world class trails system along existing canals that could facilitate transportation east to west and north to south. She believes that people are basically good. Accidents happen along canals without trails. She has observed accidents along the canal and been able to respond quickly and call 911 and get help. If no one is using the canals, people would have waited longer for help if there were an accident. She supports the plan hopes the Planning Commission will too.

Paul Darr, 593 Catskill Court, is an avid hiker, walker. He stated that he was in full support of the plan and name change, the breadth of changes. We have to show that we're looking into future, open up a much larger area of valley. Plan ahead and think accordingly. Think about what Jim Robb did with trails 20 years ago. These things take a lot of time – energy. We all live in beautiful place. He asked the Commission to please support the amendment to plan.

Craig Robillard, 848 Summer Sage Court. Mr. Robillard stated that he was a 7 year resident, rides often, also volunteers as a trail host. People who worked on the plan are dedicated, looking toward the future and trying to connect a disjointed system. They

should all be commended for working hours with very little resources to put the plan together. He supported the plan.

Kristin Henmann, 664 Bradford Court, is a professor at Colorado Mesa University doing research in fitness and wellness promotion. She lived in Chandler, AZ where they made a point of paving trails and having connection points which has been a point of economic growth for that community. Intel has expanded in the city and EBay moved there because of the amenities. She stated that she supports the plan for health reasons.

Chairman Reece asked for those in opposition to speak. She asked if they would state specifically what they oppose in the plan which would be very helpful to the Planning Commission.

Public Comment Opposed

Fred Aldridge, 601A 28 ¼ Rd, attorney in Grand Junction for 40 years and was there to represent the Grand Valley Irrigation Company as well as the Grand Valley Water Users and other providers in the valley. Mr. Aldridge was asked to consolidate and present the comments of all of the canal companies and water user groups rather than have them make their comments individually. He then presented a power point and showed map of the service area of the water users, irrigation companies, drainage district. He stated that there are hundreds of miles in the service area with thousands of people within the service area, Palisade to Mack. Mr. Aldridge showed a Google map of the area and noted that it was a verdant nature compared to the desert surrounding. That was due to the water provider's efforts to provide the indispensable resource of water. There wouldn't be the water resources if not for their efforts. Representatives of the agencies were asked by Mr. Aldridge to stand for the Planning Commission so they could be seen. Mr. Aldridge stated that he appreciated the comments of the Urban Trails committee members and Jody Kliska, but thought that there was another side of the story to tell. The companies that he represents are not opposed to trails, they oppose trails on canals and irrigation facilities.

In 1992 there was multi-modal study that targeted canals for trails. That study was opposed by the water providers, their comments were ignored. The citizen's advisory committee did not include one representative from the water companies. There are 189 miles of trails along canals shown on plan. The companies were excluded, not consulted, in development of the plan. The June 2013 public meeting that was held, some water representatives were there and a letter was sent from water user groups after that meeting that outlined the reasons they oppose trails on canals.

Mr. Aldridge then referenced a letter from Mark Achen dated 12-11-1996 saying the City will require developers to provide legal access to canal ways if they own the underlying land. Mr. Aldridge again stated that trails on canals are bad idea.

Mr. Aldridge then addressed several problems and showed pictures for each. The 12th Street siphon demonstrates safety concerns for the public: steep sides with swift moving water, it would be difficult if not impossible to get out.

The 1st Street drop has very steep sides and is a hazard along the canal. Overhanging vegetation along the canal is not safe, especially for kids. There have been several drownings and injuries in the canals. Mr. Aldridge asked the Commission to imagine if thousands of people were using trails on canals. He then showed slides of people using canals, No Trespassing signs, people disregarding signs and trespassing and animals in a canal. Other problems include the public that obstructs equipment, won't move out of way, speak abusively to workers, throw trash in canal, and vandalize facilities.

Mr. Aldridge stated that the public used to think it was trespassing to use the canals but that today the public think it's an entitlement. Tickets handed out as fast as they can. He then cited a letter from attorney John Williams stating that GVIC had no right to keep him off trails on canals.

Mr. Aldridge went on to discuss several myths. The first myth was that this was just a plan, just a wish list. That was not true, he stated that trails are forced on anyone developing land. He cited City Zoning Code and model trail dedication language.

Myth #2: That there are similar trails in other communities. Their canals don't look the same, and aren't operated the same. Mr. Aldridge stated that they wished they hadn't approved them.

Myth #3: The canals aren't open to public. Dedication language to public vest the City with access.

Myth #4: The lawsuit with GVIC and the City was dismissed at the request of the City. The court found that the case was premature, wasn't ripe for consideration. They did not make further findings, they put the decision off to a future date. There was no ruling in favor of the City.

Myth #5: The trail agreements between canal companies and municipal entities will protect canal companies against liability. He stated that the current recreational statutes provides that canal companies were exposed to liability for up to \$150,000 per injury for any one person and \$600,000 for injury for two or more persons. Colorado State Statutes state the limitations and gives exceptions.

Mr. Aldridge went on to state what the water users expect. They don't expect trail advocates to agree with them. They do expect to be heard. They deserve to be heard and included, and that not one study has ever included the water users. He stated that they were completely disregarded with most recent plan and that they expected to be heard for their knowledge and expertise. They have 130 years of experience and should not be convincing the Planning Commission that there are hazards. They have allowed the City to make uncounted changes to the canal systems and rights-of-way for transportation improvements and public works projects and have taken the high road. The message to the Planning Commission was that the era of cooperation may change. He stated that the plan should exclude, categorically, every canal and drainage system where they are affected in any way whatsoever. Mr. Aldridge stated that he had two documents that he wanted to hand out to the Planning Commission, one was an email

from the President of the Redlands Water and Power and the other was from Ed Currier, a long time water engineer.

The Planning Commission took a short break at 7:28 pm. The meeting resumed at 7:39 pm.

Planning Commission Questions for Mr. Aldridge

Commissioner Wade: Mr. Aldridge mentioned in his presentation where there were discussion with other municipalities that had trails on canals and that a lot of them were opposed to their canals being used in the trails system. Do you have any statistics that you can make available to the Commission that would show that the incidence of liability has gone up in those cities over where they were before the canals were turned into a trail system? Mr. Aldridge responded that they had only given a few instances but they had not done comprehensive research, they had no statistics on it. They only knew the stats on the few systems.

Commissioner Buschhorn asked if Mr. Aldridge had the state statute that Mr. Aldridge had cited in his presentation concerning liability. Mr. Aldridge responded that it was the Recreational Trails statute and in his power point but that he could send it to Lori Bowers so that everyone could see the breakdown of the liability and how it was set forth. Commissioner Buschhorn then asked if that was the current state of the law to which Mr. Aldridge confirmed that it was the current state of the law.

Commissioner Eslami then asked if trails were done on canals, don't they need canal company's consent? Mr. Aldridge responded that he understood the City's position was that they don't need the canal company's consent, that they can take the dedications.

Commissioner Couch stated that they have heard comments that there's economic advantage to canal trails. He asked Mr. Aldridge to talk about the long standing contributions since the 1880's and the economic advantages of the canals as they exist now. Mr. Aldridge stated that economic advantage that they provide to the Grand Valley as a whole was all around, everything in the Valley is dependent one way or another on the provision of irrigation water. Commissioner Couch asked if Mr. Aldridge had a dollar amount? Mr. Aldridge responded that his client was an irrigation company and their annual budget was just under \$1 million which has been going up over the years. If you combine that with the other entities you would probably be looking at about \$6-7 million per year in revenue generated off system maintenance and with salaries and benefits. Grand Valley Irrigation is engaged in a lot of government contracting to line the canals and they bring in hundreds of thousands of dollars a year simply by doing the government contracting which is outside money coming into the Valley.

Commissioner Wall then asked staff if they could view the letter (on page 94 of the staff report) from the United States Department of Interior that contained several conditions to be considered. He wanted to view the letter because there were many points which were bulleted that he wanted to view. Commissioner Wall said that it appeared from Mr. Aldridge's presentation that there wasn't any consideration for the irrigation and ditch companies involved. This particular letter seemed to have a lot of consideration for

those companies and the way he was interpreting things, especially the plan and how it's written, what the rights are and what the concerns are, the letter put to light some of the conditions that could possibly be agreed upon by the ditch companies because it essentially gave the companies the power to say yes or no.

Mr. Aldridge stated that he was not familiar with the letter. Mark Harris, General Manager with the Grand Valley Water Users addressed the Commission. Commissioner Wall read a portion of the letter from the Department of the Interior out loud including the provision that an entity requesting access would have to address several conditions. He asked Mr. Aldridge if the water companies were agreeable with the conditions.

Commissioner Wall stated that the plan as presented appeared to be a plan and that there wasn't anything in the literature that he had read that made it look like the City was going to move forward no matter what. There seemed to be a lot of protections in place to ensure that all entities involved would agree to trails before they are constructed.

Mr. Harris stated that that was part of the point. That if any of the requirements that the Dept. of Reclamation had were met, those don't matter if the ditch companies themselves don't consent. Commissioner Wall then stated that that was one of the conditions in the letter that the ditch companies have to consent. Mr. Harris stated that they are not consenting. Commissioner Wall stated that he understood that, but his point was that he was hearing throughout the testimony that the ditch companies haven't been considered, but the letter in the staff report is part of the plan and would that be an acceptable thing to the ditch companies. Mr. Harris stated that he didn't think that you could make the leap that the letter was part of the plan. Commissioner Wall asked if it was part of the plan, would it be acceptable? Mr. Harris said that they would need to see the plan because it's been 40 years and there's been no plan. Commissioner Wall stated that he and Mr. Harris had different ideas of what a plan is and he respected that. Mr. Harris stated that the time to discuss what was a plan was at the front instead of at this meeting. Mr. Harris stated that they have had zero response to the unified voice of the providers to their concerns and constituency. They have not had any response so they came tonight but it's not because the plan was worked out with them.

Commissioner Buschhorn had a question about liability and the limits to liability and the recreational use statute for Mr. Aldridge. He asked if that only applied if the land owner leases or charges for admission or if access is free of charge for recreational use. Mr. Aldridge responded that it only applies if there's a contract or lease between the land owner and the municipal entity and no charge for public access. Commissioner Buschhorn asked if there was any liability if there was no charge for public access. Mr. Aldridge stated that the statute simply limits the scope of liability, it caps it. It carves out some of the greatest risks which are the attractive nuisance. Commissioner Buschhorn said that he felt like that was presented as a fact and he wasn't real clear on that factual aspect of it. For the record it was Section 33-41-103, subsection 1 and it states that if an owner of land either directly or indirectly invites or permits without charge any person to use such property for recreational use that person is not an invitee. So if they come on and get hurt and you've opened it up for use and you haven't charged, they cannot become an invitee at that point. Mr. Aldridge responded that that was wrong, anytime you invite people onto the premises they're deemed an invitee whether there's a charge

or not. If you walk into Walmart you're an invitee whether you buy anything or not. The reason he knew that was because he did defense work for super markets. He felt that Commissioner Buschhorn's reading of the statute was incorrect, the statute puts caps on liability but it doesn't eliminate the liability.

Public Comment Opposed (continued)

Benita Phillips, 3563 Grand Valley Canal Road, Palisade, stated that she has a conservation Mesa Land Trust easement on her land. Her neighbors have easements on their land. It states that there would be no intrusion along the river in their contract with Mesa Land Trust. They have nesting red tail hawks on their property. Others have limited walkways along the river allowed in their contracts, others do not allow it. She stated that she would rather not see the walkway along the river, but would rather see it along the Grand Valley canal. She doesn't invite people to use the walkway, but they use it. Ms. Phillips stated that she was not against the plan, but not for it. She felt that we have a problem that needs to be solved, but that we need more conversation. She stated that she had informal contact with neighbors, some are reticent because of animals and cows and possible damage. She stated that we need to find a way to bridge the gap that's here tonight.

Michael Melgares, 514 31 Road, stated that in 25 years he and his neighbor have about 1 mile of property and that they have had to police their property because of theft and damage over the years. They have private access along canal and don't want to give access from their driveway or front yard. He stated that he was in favor of bike trails, but when they come through the front yard on property that he pays taxes on, that he was not in favor. He doesn't want the liability or injury to livestock and irrigation system. He asked who takes care of that and the maintenance of the trail? He stated that the City doesn't take care of streets that they have, that they have lots of weeds on them.

Roger Krunk, 1159 19 Road, Fruita, stated that the canal splits his property. He asked what entity was going to assume liability for trails and accidents that will happen? He has an electric fence on his property and asked if a kid gets shocked by that fence, where will that leave him? If someone comes on his property from the canal without his permission, will it be his liability? He stated that he doesn't think it's right for that liability to be placed on him. His main question was who will accept liability? Are his taxes going to be raised to buy liability insurance? If not, he'll have to buy more liability insurance and that will cost him more money. He has a bull on his property, if someone gets hurt on his property, he's going to be liable. If his bull gets out on the canal, who will be responsible for that? Are there going to be fences along the canal to protect property owners? That will cost untold millions of dollars. He stated that he is not opposed to bike trails, but the canals and drainage ditches are the wrong place for it.

Janice Bristol Krunk, 1159 19 Road, has been a longtime Grand Valley member for three generations and farmed in the Fruita area. A drainage ditch crosses their property. She stated that she grew up on the land and her parents taught her to stay out of canal which are dangerous but inviting. She stated she was very concerned about safety. She said to mothers with kids who need to get to school: the canal is not the place. She has to cross canal to get to their property but that she doesn't allow her kids and

grandkids anywhere near the canal. Pipes for irrigation gets plugged up with trash and she has to clean the head gates from weeds. She stated that she understands that we need trails, especially in the city. She ask the Planning Commission to fence the trails in so they can't get to the canals.

Patty Chamberlain, 2073 South Broadway, has been there since 1946. She is the secretary for Redlands Water and Power which has a budget of about \$1million. In the Redlands area, the ditch company doesn't own canals, they're privately owned. Even though it's not a trail, they still have to call police when people use their property. They have horses that get chased. People call into the ditch company and ask how to make the water cleaner. She stated that she loves trails and believes in bike lanes but doesn't believe in canal trails.

Tom Groves, 1049 20 Road, Fruita, stated that they don't want his property because it's a dead end. He used to hide the map from the public because they would think the public could use the trails. He asked if you make a path, who is it for? Mountain bikes, four wheelers? People aren't going to look both ways when they cross the canals. He used to live in Monument Village where they deeded all the trails back to the home owners. Someone has to take care of the trails. The City doesn't take care of bike paths that they have now. This is a long way from becoming a plan.

Michelle Phillips, 2480 East Piazza Court, showed pictures of highline canal behind her house. She stated that people drive sand dune buggies, bikes and cars on the canal. Mothers with their kids use the canal. The only reason she bought her home was because it said no trespassing on the canal. She stated that she doesn't have any privacy now. There are kids running up and down canal without parents, teenagers on the canal smoking pot. A neighbor shot himself on canal. She stated that she didn't want trails on canals and ditches, they are intrusive to privacy. She has looked at cost of trails on canals and ditches, and it would involve many leases. She has 300 feet of white vinyl fence and the neighbors have graffiti on their fence. She stated that she doesn't want intruders invading her privacy. (Submitted pictures for the record.)

Lisa Pflanzgraff, 3127 D 1/2 Road, President of water users of Lateral Ditch 110. Ms. Pflanzgraff wanted to note that irrigation water is not water on demand. It is tap water that is used and then paid for a month later. The shareholders pay in January so the water is prepaid. Irrigation water is considered by the state of Colorado to be a utility. She stated that she wanted the public to understand that irrigation is not just water. She keeps hearing about what the entities want. The shareholders pay an assessment every year and that's what runs the water and cleans trash out of the canal. Wanted to talk about liability...speaking for all of her members (100 families). They said the same as Mr. Krunk. Specifically about insurance. The carrier called and said they will not continue to cover them if the plan is passed. Members clean the ditches. What does irrigation water bring to the valley? In 2011, Mesa County brought to the state \$600,000 in beef, and roughly \$400,000 in corn. She stated that she is concerned about the privacy of the members.

Alice Bumgarner, 925 25 Road, stated that people use canal to get to the desert and are drunk at night. She stated that the canals are dangerous. She lives near where the

canal broke last year which was a major cost. There are farmers waiting for water for one week or two. She was not against bike paths and not against safe routes to schools, but you have to think about the canals that are dangerous. She stated that people are confrontational and many are young kids on four wheelers. She was opposed to trails on canals and worried about liability.

Tom Burrows, 242 East Fallen Rock Road, stated he had written a paper that can be seen at thomasaburrows.com. He stated that bikers don't use bike lanes because it fills up with gravel. When there isn't a bike lane, the entire surface is clean and available for use. The key to bike ability is to get rid of the lanes and ride in the entire lane. He stated the problem with most bike lanes is that they drive cyclists into the path of cars. He gave three suggestions for the Grand Valley Trails Master Plan: 1. Scrape it and reverse past mistakes. Wherever possible, provide a wide lane for vehicles of all types to use. Don't paint bike lanes, they just ruin the road for cars and bikes alike. The bikes need the cars to keep the surface clean. 2. Distribute copies of book called Effective Cycling by John Forrester. The kinds of roads he recommends is wide lanes with no markings. 3. Encourage cyclists who don't know how to ride safely in traffic to read his book. (Submitted copies of information.)

Chuck Lurvey, 2926 D Road, stated he was in a unique situation where he lived in the County but that the City does all the planning for him. The Urban Trail Committee stated in 2004 that the revenue went up 51%, but that was during the boom so anything you invested in would go up. If you invested in 2009 the revenue would have gone down. He also thought about obesity and their chart. He stated that he thought several of the economic and health issues used were utterly bogus. He stated that most of the plan comes from Agenda 21 and sustainable development. He has a drainage ditch that runs across his property and thinks that it's going to be taken away. Mr. Lurvey stated that it's negligent to not have a sidewalk for Nisley School. Income from canals is somewhere in neighborhood of \$1,000-\$2,000 per acre. He stated that neighbors were happy when he fenced off his property. He stated that he thought you should do whatever you want within the 50 right-of-way, but don't steal private property.

Bill Fiegal, was a lifelong resident. Ms. Pat Biddle, who lives in Loma, had asked him to tell the Planning Commission that she collected over 500 signatures of people who don't want bike trails. She submitted the petition and asked they their voices be heard. She wanted this removed from the master plan.

Kenny Pike, 450 33 ½ and D ½ Roads, Clifton, noticed that this plan was proposed. He stated that if the plan goes through that if they develop their land that they would be told they have to do trails. He stated that he doesn't think that's right.

Richard Innis, 2108 Desert Hills Road, stated that he has 97 acres in middle of the City over by Tiara Rado golf course. Vehicles go up and down the remote access of the canal and they slide off and go into the canal and he has to call the police. He stated that he knows that it's not eminent domain, but it smells like it is to people along the canal asking for them to give access. He stated that he doesn't think that they should be asked to provide necessary controls to watch for trash and illicit activities and that he was concerned about kids playing on the back of their property because the banks are not that

strong. Its wake up time for government to think about how much they're going to intrude on private property rights. He stated that there was no excuse for this kind of mentality for all the things we want to take care of.

Trevor Taylor, 3583 Grand Valley Canal Road, Palisade. He asked that we could be educated in this matter more. He stated that he never received any notice on this before. We have thousands of BLM acres that run north of town that could be a better solution to connect to Moab. He asked to see if there's a better plan before you go through with it.

Dick Pennington, 780 23 7/10 Road, stated that he has lived on a ranch his entire life and gets water out of a canal. The Grand Junction Drainage District ditches border most of his property and he didn't want any people on his property. He stated that you can't have animals with people on your property. If trails are expanded, all the wildlife would leave. If you wanted to split your house off, you'll be named a developer. When you're a developer you have to give the right-of-way to get to the canal or drainage ditch. He stated that we already have Colorado National Monument and BLM land. He stated that he never heard anything from the trails group that will help the land owner or wildlife. He hoped that no one would vote for the plan.

Dan Palmer, 1324 17 1/2 Road, Fruita. Stated that he understood that the canal was built to deliver water, not for recreation or tourism. It can't handle that.

Jack Fry, 2175 K 1/2 Road, stated that he had lived here all his life. He was amazed that people wanted to make trails through private property without compensation to anyone. If he visits a state park, he has to pay a fee. He asked a person who was on their property if she would like it if they walked on her property.

Allen Gobbo, 1151 23 Road, said that he has lived in the same house since he was 4 years old. He grew up in the livestock business, sheep and cattle. Everything had to be fenced to keep them in and at home so they didn't bother the neighbors. After a while they moved into crops and then fences started to disappear. He and his wife own 100 acres that's all fenced even though they don't have livestock. They're called people fences to keep people out. He stated that no one had mentioned tonight about what's involved in agriculture with chemicals. Farmers spray everything when they spray; the roads, everything. With reentry interval (REI) chemicals you can't be in area for 24-48 hours after they spray. Farming isn't compatible with people, it just won't work. What authority does the City have outside the City limits to plan?

Frank Fry, 1164 21 Road, stated he lives in a green space. He stated that there had been an influx of bicyclers on K Road. He stated that they can't get to where they need to go to sell their things, corn and hay. The bicyclers don't buy corn or hay. He stated that people were not allowed on canals when they were built.

Gerald Smith, 2191 Overland Rd, stated that it's often helpful to look at what other places have done when they struggle with problems. He suggested the Cache Valley-Logan, Utah area which is similar in size and the canal systems are similar. He said the Planning Commission might look at what they've done.

Public hearing closed at 9:17 pm.

Applicant's Response

Julie Sabin stated that nothing had changed on this plan for canal trails, only proposed bike lanes, sidewalks and connectivity. The canal trails have been on the plan since 1997 so there weren't any new changes with that. She stated that they did contact the canal companies. Ken Simms from the RTPO said they needed to contact them and share the proposed plan about a year ago. At that time they were told that the canal companies didn't want to be contacted and not to contact them again. She had a legal statement from the Colorado Supreme Court ruling that was passed out to the Planning Commission. Ms. Sabin also passed out a statement from the Governor stating that he wants to make Colorado a bike friendly state.

Mr. Grossman wanted to reiterate that the Urban Trails Committee members are parents, irrigation users, they are business people in the community and have all the exact same concerns as the people in the meeting. He stated that he was the President of the Redlands Village Acres ditch company and they purchase their water from the Redlands Water and Power Company.

Mr. Grossman stated that they have held repeated meetings since the 1992 process with representatives from all the ditch companies. They continually engaged them despite being told that they wanted nothing to do with the process and are excited that the companies want to work on the plan and welcome continued engagement. The plan was announced with the Trails Summit in the newspaper, with radio, TV and online. They have reached out and will continue to reach out, they want feedback and ideas from property owners. The plan has been out there for several years and the public has been involved.

In regards to takings, they are not advocating taking anything from anyone. They are looking at lines on a map that allow future planning and want to work with property owners. The preference is to use bike lanes, sharrows, anything else other than trails. Trails are the last resort. He stated that liability has been clearly addressed that the City stepped forward to assume all liability. He stated that canal bank trails are being used. It sounds like a bad situation but just like in Detroit where homes are neglected and are vandalized. The only way that Detroit has managed it is by getting people involved, by shining a bright light on it. That's how you keep the vandals away, that's how you keep the nuisance away...shine a light on it, don't hide it in the dark.

We've had some great precedents in the Valley, one is the Audubon Trail on the Redlands which is a wonderful trail and used. There have been no accidents or problems with it because its' being used.

He stated that he hoped that the entire community can come together in this process and give their feedback. He said they don't have a solution but what they propose is a planning document and that they welcome everyone's input.

Planning Commission Questions

Commissioner Couch asked if staff could you clarify the question of liability? Insurance is impossible to understand. Is the City saying that if a bull knocks a kid and knocks him off the truck, they will take charge if the bike path was built on a canal?

Ms. Beard responded to say that the difficulty with liability is that if people get injured chances are that a lot of people are going to get sued. To be able to say that today the City will take on all liability, Ms. Beard couldn't speak to that today because what the Commission was looking at is a plan which doesn't get to the details of when the trails are opened up whether they are on canals or on other locations. In the past there have been discussions about liability. Ms. Beard stated that it was her understanding that the City had offered to take on that liability; however the City was not currently in discussions because the canal companies were not interested in discussing it. She stated that she was not certain though because some of the people in charge of canal companies today are not the same people that were in charge of them some time ago. Ms. Beard state that the City has said all along, and what is still the policy of the City, that where the trails are concerned on the canals, the City wouldn't open any trails unless the City got an agreement with the canal companies that are associated with the canals where the City would want the trails opened.

Commissioner Couch asked if this update of the plan changed that. Ms. Beard responded that it does not change that policy.

Commissioner Buschhorn asked Ms. Beard that if there would be no trails opened up unless there was agreement with the canal companies, would that also include the private land owner who owns the land that the easement runs across? Could the land owner state that they want to be excluded and not allow the trail to be constructed in that section? Ms. Beard stated that it was her understanding that it was the canal companies that the City was dealing with but before the City would open up any trails, the City takes into consideration everyone's concerns. She couldn't say that if there was one land owner that was opposed to it that it would shut it all down but she expected that discussions would include taking care of concerns that everyone has an interest in.

Commissioner Wade commented that one of the documents that the Planning Commission was given was some Bureau of Reclamation statements about the plan as it exists and one of those paragraphs talks about its lines on a map that don't exist so they couldn't address the issues without it being turned into a real plan and suggesting how those issues would be addressed. Commissioner Wade stated that they heard comments from people who care about their rights that evening, heard about how important irrigation is to the Valley and it seemed to him that they should have addressed some of those issues and he asked if any more planning had been done that's not yet a part of the plan?

Ms. Kliska responded that the plan they saw was the extent of it, the Urban Trails Master Plan. Commissioner Wade asked if any of the issues from the Bureau of Reclamation's comments had been addressed and that stated that we hadn't done anything but lay things out on a map. Ms. Kliska confirmed that that was correct. Ms. Beard responded that by example, it's like when the City plans streets, we show the general location of the

proposed streets on the map. But when it comes down to actually finalizing where the street is going to go, it's generally in the area where the lines were on the map but it doesn't mean that that's the exact location.

Commissioner Buschhorn stated that the point had been raised a couple of times, that once this is in the Comprehensive Plan, that when a land owner wants to subdivide, are they required in order to subdivide or develop their land, are they required to deed or grant to the City the land for these trails along the canals?

Ms. Beard stated that there is a requirement in the Code that an easement be granted for purposes of a trail for certain circumstances and in many instances that includes canal trails if the canal trails have been identified on the Urban Trails Master Plan when they come in to develop. It's one of many other requirements that we look at. That's just one of the requirements, for instance we also require them to grant right-of-way for roads. Commissioner stated that then the city was potentially dealing with two land owners, the surrounding property owner and the canal company. Ms. Beard confirmed that the City would still be in the situation where the easement has been granted, then one day when an agreement gets worked out a trail could be opened. Commissioner Buschhorn confirmed that it just because property was divided that a trail would happen and that a lot more had to happen before the trail would open. Ms. Beard stated that technically the City has been getting the easements since 2001, but she was not aware of any of the trails along canals being open because we don't have an agreement yet.

Planning Commission Discussion

Commissioner Buschhorn then stated that there had been a lot of comments made about problems along the canals and that the Commission understood that. He suggested that citizens contact the irrigation districts to tell them to put up their fences to keep the vehicles out because it seemed to be a recurring problem. It's different with pedestrians and almost impossible to control, but with vehicles it seems like it wasn't being addressed by the people who control the access. He stated that he could be wrong but that was the impression he had from the meeting tonight.

Commissioner Wall stated that he had not had a long meeting like this for a long time so he thanked everyone for coming out. He stated that he could appreciate what everyone put up with on the canals. As the City grows we have to look for alternatives and that's the way Grand Junction developed. We've grown from 100 years ago to today. We always have to look for ways to develop and do things a little better. He said that the canals and ditches, were wonderful opportunities. He drove many, many miles looking at the canals and ditches and looked at the possibilities which were exciting and endless. He stated that he thought they would make a wonderful system. It was concerning to Commissioner Wall that although this was just a plan, it appeared that not everyone was at the table to create the plan; especially the important people were not at the table. That was the difference when this plan was compared with the Comprehensive Plan. The Comprehensive Plan had the majority of the players at the table trying to create that plan. There is language in the Comprehensive Plan that makes it more specific and clear.

He further stated that with this plan, he believed it needed more details. He stated that people needed to be more educated and that property owners needed to understand how the plan would affect them, if it would affect them, and what their rights are. He said that the drainage and irrigation companies need to explain what the safety concerns are. He wanted to know specifically how we can address safety concerns on the canals and irrigation ditches and whether it is all canals and ditches, or just some?

He stated that it is important that everyone gets to the table, especially the important ones and if you don't want to get to the table, you need to get to the table because we have to educate each other in order to make good decisions. We can't make decisions off what a person feels or sees without explaining how it actually works. He stated that he had no idea what the canal and ditch companies have to deal with, but what he did know that it was pretty clear was that not all parties want to get to the table. He said that everyone needs to get to the table to help educate people: city planners, urban trails committee, the ditch people all need to get to the table and need to understand what parts make sense and what parts don't make sense, and why. That's not being done, we're relying on something that was written twenty years ago. It seemed clear that there were a lot of generalizations made over the years and not any specifics.

Commissioner Wall went on to state that he did not believe this plan met Criterion 4, which is that the community or area will derive benefits from the proposed amendment. In some cases he felt it would but in other cases there were more negatives than positives. Some of that may be due to education, but because the education wasn't there he did not feel that Criterion 4 had been met. He stated that he also didn't believe that Criterion 1 had been met. The staff report stated that it had not been met. He repeated that it was critical that everyone get to the table and either the ditches work or they don't, but we need to come to a consensus so we can move on and figure out what else we can do to make this work.

Chairman Reece stated that she couldn't agree more. She stated that she had a lot of concerns regarding safety along the ditches and would love to see more trails developed. It was a point of frustration that there were not more safe trails to run on, but that the canals may not be the place where she would want to run. She stated that she would like to see a plan with more alternatives built into it so that different options could be looked at as opposed to just formulating trails along the canals. She reiterated that she had concerns with trails on canals and that she echoed Commissioner Wall's comments.

Commissioner Eslami stated that he agreed with her and Commissioner Wall.

Commissioner Wade agreed as well. He stated that the plan needed pieces before it was approved as an amendment and that he believed that like many people had stated that when you put something on a map it has a way of happening. He further stated that he did not believe that the plan was at the point where the whole thing could be on the map, there were parts that he would love to put on the map today, but not every single piece.

Commissioner Couch stated the he also agreed that all of the criteria for making the amendment were either unmet or unclear. It would be his position to vote in the negative on this amendment.

Commissioner Tolle expressed two concerns: economic growth in the community and the other overriding concern was safety. He thanked everyone who was in the room because this was exactly the way that good planning, good communities, good environments and safety happen. In this case he wanted to take some of the burden back off of the land owners and staff when someone says that all of the first responders do not support this plan. He had not seen a document that told him that the Fire Department, the Sheriff's Department, the Police Department met that criteria. He stated that he had very strong reservations.

Commissioner Buschhorn stated that when he saw the map of trails he was excited and thought it would be great and that it's wonderful to jump on the canals and cross the whole Valley. He further stated that after hearing land owner's concerns and with his own concerns about impacts on the land owners that may not have known that this was going on that he was not real comfortable with that. Safety is always a concern for everyone, but as much as he would have liked for it to happen, he did not think the details had been ironed out enough to put it into a plan where it will have future impacts.

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

MOTION:(Commissioner Eslami) "Madam Chairman, on the proposed update to the Urban Trails Master Plan, CPA-2013-224, I move that the Planning Commission forward a recommendation of approval to the City Council with the facts and conclusions listed in the staff report."

Commissioner Wall seconded the motion. A vote was called and the motion failed by a vote of 0 – 7.

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 9:38 p.m.

Attach 2
Wild Enclave - Zone of Annexation - ANX-2013-334

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: September 10, 2013
PRESENTER: Brian Rusche, Senior Planner

AGENDA TOPIC: Wild Enclave - Zone of Annexation - ANX-2013-334

ACTION REQUESTED: Forward a recommendation to City Council on a Zone of Annexation.

<i>STAFF REPORT / BACKGROUND INFORMATION</i>				
Location:		3122 and 3124 E Road		
Applicant:		City of Grand Junction		
Existing Land Use:		Single Family Residential		
Proposed Land Use:		Residential		
Surrounding Land Uses:	North	Vacant		
	South	Single Family Residential / Agricultural		
	East	Agricultural		
	West	Single Family Residential / Agricultural		
Existing Zoning:		County RSF-R (Residential Single-Family Rural)		
Proposed Zoning:		R-8 (Residential 8 du/ac)		
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)		
	South	R-5 (Residential 5 du/ac)		
	East	R-8 (Residential 8 du/ac)		
	West	R-8 (Residential 8 du/ac)		
Future Land Use Designation:		Residential Medium (4-8 du/ac)		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: A request to zone the Wild Enclave Annexation, located at 3122 and 3124 E Road, which consists of two (2) parcels, to an R-8 (Residential 8 du/ac) zone district.

RECOMMENDATION: Recommend approval to the City Council of the R-8 (Residential 8 du/ac) zone district.

ANALYSIS:

1. Background:

The 3.65 acre Wild Enclave Annexation consists of two (2) parcels, located at 3122 and 3124 E Road. The Wild Enclave was created by the Freedom Meadows Annexation on January 19, 2009. Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years.

Each parcel is occupied by a single-family residence. The properties are currently zoned County RSF-R (Residential Single-Family Rural). Refer to the Zoning Map included in this report.

Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The Comprehensive Plan Future Land Use designation of the property is Residential Medium (4-8 du/ac). The requested zoning of R-8 (Residential 8 du/ac) will implement this land use designation.

Existing conditions:

The existing residences at 3122 and 3124 E Road were built in 1951 and 1947, respectively. Both properties include pasture and other structures typically found in a rural area.

It is noted that upon annexation the existing land use(s) may continue. A meeting was held by the planner with Mr. Gordon Wild, the owner of 3122 E Road. Mr. Wild presently has one mule on about 1.85 acres. Section 21.04.030(a) addresses the keeping of livestock, permitting one (1) large animal (such as a mule) for every one-half (1/2) acre of property. The mule, and additional animals, would therefore be allowed under the above cited section.

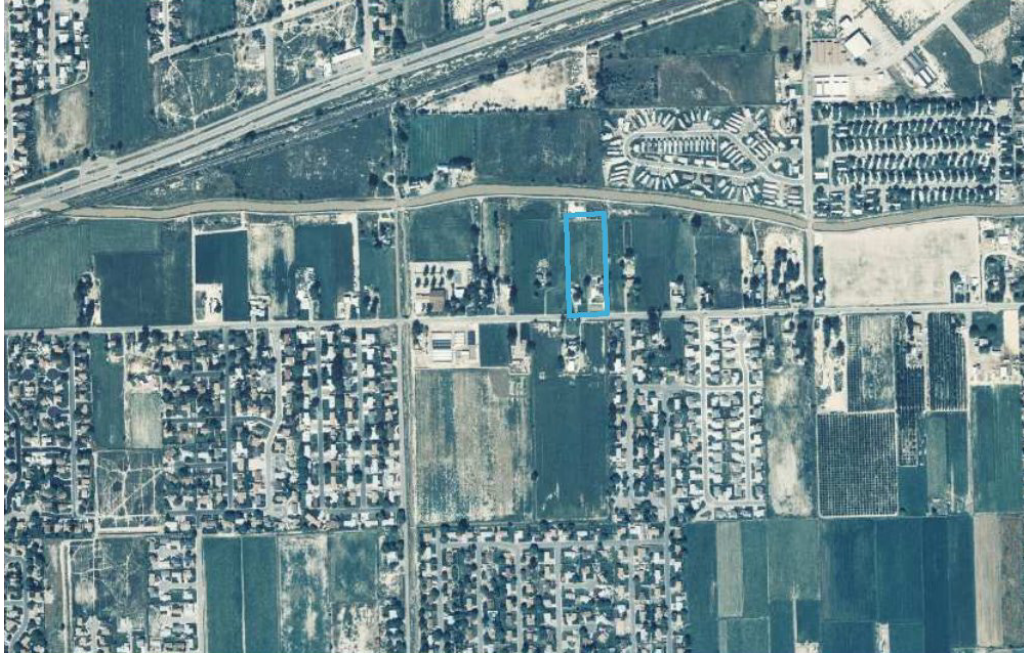
Development pattern:



1966



1986



1997



2012

Based on aerial photographs, this part of the community has undergone a transition from farms situated along the main east/west roads, to the first subdivisions in the mid-1970s, to incremental residential expansion from the mid-1990s through the early 2000s.

The properties adjacent to 3122 and 3124 E Road were annexed in 2008 and 2009 in anticipation of residential development. These developments include Pioneer Meadows on the east (PP-2008-393) with a proposed density of 7.41 du/ac (valid until January 2015) and Freedom Meadows on the west (no formal plan submitted). While these developments were not constructed, their zoning would allow for the previous plans to be “restarted” when the economics warrant.

Further from the enclave, but within the same neighborhood are Willow Wood Village (SUB-2013-130) at D ¾ Road and Duffy Drive. The first phase of 12 lots is approved for construction. New residential developments with similar zoning just outside the Persigo boundary to the east at 31 ½ and E Road (KC Farms and Chatfield IV) have approximately 25 lots available for construction.

2. Consistency with the Comprehensive Plan

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Zoning this enclave will create consistent land use jurisdiction and allow for efficient provision of municipal services. The proposed R-8 (Residential 8 du/ac) implements the Comprehensive Plan Future Land Use Map, which has designated the property as Residential Medium (4-8 du/ac). The proposed zone will provide consistency with the adjacent properties on the north side of E Road.

3. Section 21.02.160 and 21.02.140 of the Grand Junction Municipal Code:

Section 21.02.160 of the Grand Junction Municipal Code states: Land annexed to the City shall be zoned in accordance with GJMC Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The requested zone of annexation to an R-8 (Residential 8 du/ac) zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Residential Medium (4-8 du/ac).

Section 21.02.140(a) states: *In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:*

- 1) *Subsequent events have invalidated the original premises and findings; and/or*

In 1998, Mesa County and the City of Grand Junction adopted the Persigo Agreement. Under this agreement, the City is required to annex all enclaved areas within five (5) years. The property has been enclaved since January 19, 2009 by the Freedom Meadows Annexation.

The proposed zoning of R-8 (Residential 8 du/ac) conforms to the Comprehensive Plan Future Land Use Map, adopted in 2010, which has designated the property as Residential Medium (4-8 du/ac).

The Comprehensive Plan and the annexation of the property into the City of Grand Junction invalidate the original premises of the existing unincorporated Mesa County RSF-R (Residential Single Family Rural) zoning. Therefore, this criterion has been met.

- 2) *The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or*

The existing residences were built in 1951 and 1947.

Based on aerial photographs, this part of the community has undergone a transition from farms situated along the main east/west roads, to the first subdivisions in the mid-1970s, to incremental residential expansion from the mid-1990s through the early 2000s.

The properties adjacent to 3122 and 3124 E Road were annexed in 2008 and 2009 in anticipation of residential development. These developments include Pioneer Meadows on the east (PP-2008-393) with a proposed density of 7.41 du/ac (valid until January 2015) and Freedom Meadows on the west (no formal plan submitted).

The maximum density in the County RSF-R zone is one (1) dwelling unit per five (5) acres. The existing density is two (2) dwelling units on a total of 3.65 acres.

This criterion has been met.

- 3) *Public and community facilities are adequate to serve the type and scope of land use proposed; and/or*

E Road is a major collector providing east/west access through the Pear Park neighborhood between 30 Road and 32 Road. The Pear Park Neighborhood Plan anticipates restricted access to E Road, which is to be implemented by the construction of a local street parallel to E Road as part of future subdivisions.

A 6" Clifton Water line and an 8" Persigo sanitary sewer line exist in E Road. The existing residences are already served by appropriate infrastructure, including sanitary sewer taps. Adequate infrastructure exists to accommodate, with upgrades as necessary, additional development on these parcels.

The enclave is served by the Clifton Fire Protection District, which has been in discussions with the Grand Junction Fire Department about a new fire station within the Pear Park planning area to improve emergency response times.

This criterion has been met.

- 4) *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or*

The Pear Park neighborhood has historically seen significant residential development, with an anticipated built-out population of about 22,000 people, according to the Pear Park Neighborhood Plan.

The intent of the R-8 (Residential 8 du/ac) zone is to provide for medium-high density attached and detached dwellings, two-family dwelling(s) and multifamily. It is a transitional zone district between lower density single-family zone districts and higher density multifamily or business development. A mix of dwelling types is allowed in this zone district. The presence of E Road, separating existing single-family neighborhoods on the south side and the canal to the north define this area of transition.

There is approximately 45 acres of undeveloped land between the railroad and D Road, 30 Road and 32 Road, within the city limits currently zoned R-8. [If built at maximum density (8 du/ac), this acreage would accommodate only 828 persons (at 2.3 persons per unit), which is a small portion of the anticipated growth]. This acreage includes the first phase of Willow Wood Village (SUB-2013-130) with 12 lots approved for construction. Also, new residential developments with similar zoning just outside the Persigo boundary to the east (KC Farms and Chatfield IV) are nearing build-out, with approximately 25 lots remaining.

This criterion has been met.

- 5) *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

The annexation of enclaved unincorporated areas adjacent to the City is critical to providing efficient urban services and infrastructure, minimizing costs to the City and therefore the community.

The proposed R-8 zone district will provide the opportunity, when the market is ripe, for additional residential development at a higher density along an established corridor in an urbanizing area of the valley. Additional residential density allows for more efficient use of City services and infrastructure, minimizing costs to the City and therefore the community.

This criterion has been met.

After reviewing the criteria for a zoning amendment, I find that the above criteria have been met. Therefore, I recommend approval of the R-8 zone district.

Alternatives: The following zone districts would also implement the Comprehensive Plan Future Land Use Map designation of Residential Medium for the property:

1. R-4 (Residential 4 du/ac)
2. R-5 (Residential 5 du/ac)
3. R-12 (Residential 12 du/ac)

4. R-16 (Residential 16 du/ac)
5. R-O (Residential Office)

The R-4 and R-5 zone districts implement the Residential Medium category but do not support the mix of housing types that the Comprehensive Plan encourages.

An R-O zone would not be appropriate, since the enclave is not located at a roadway intersection or along a transitioning commercial corridor.

The R-8 zone is consistent with zoning of the adjacent properties on the east and west. The R-12 and R-16 zone districts would allow density that exceeds that of the surrounding neighborhoods and are therefore not appropriate zone districts for this property.

It is my professional opinion that the R-8 (Residential 8 du/ac) zone district is the best choice for the enclaved properties.

If the Planning Commission chooses an alternative zone designation, specific alternative findings must be made.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Wild Enclave Zone of Annexation, ANX-2013-334, I recommend that the Planning Commission make the following Findings of Fact and Conclusions:

1. The proposed R-8 (Residential 8 du/ac) zone district is consistent with the goals and policies of the Comprehensive Plan.
2. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the R-8 (Residential 8 du/ac) zone district for the Wild Enclave Zone of Annexation, ANX-2013-334, to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

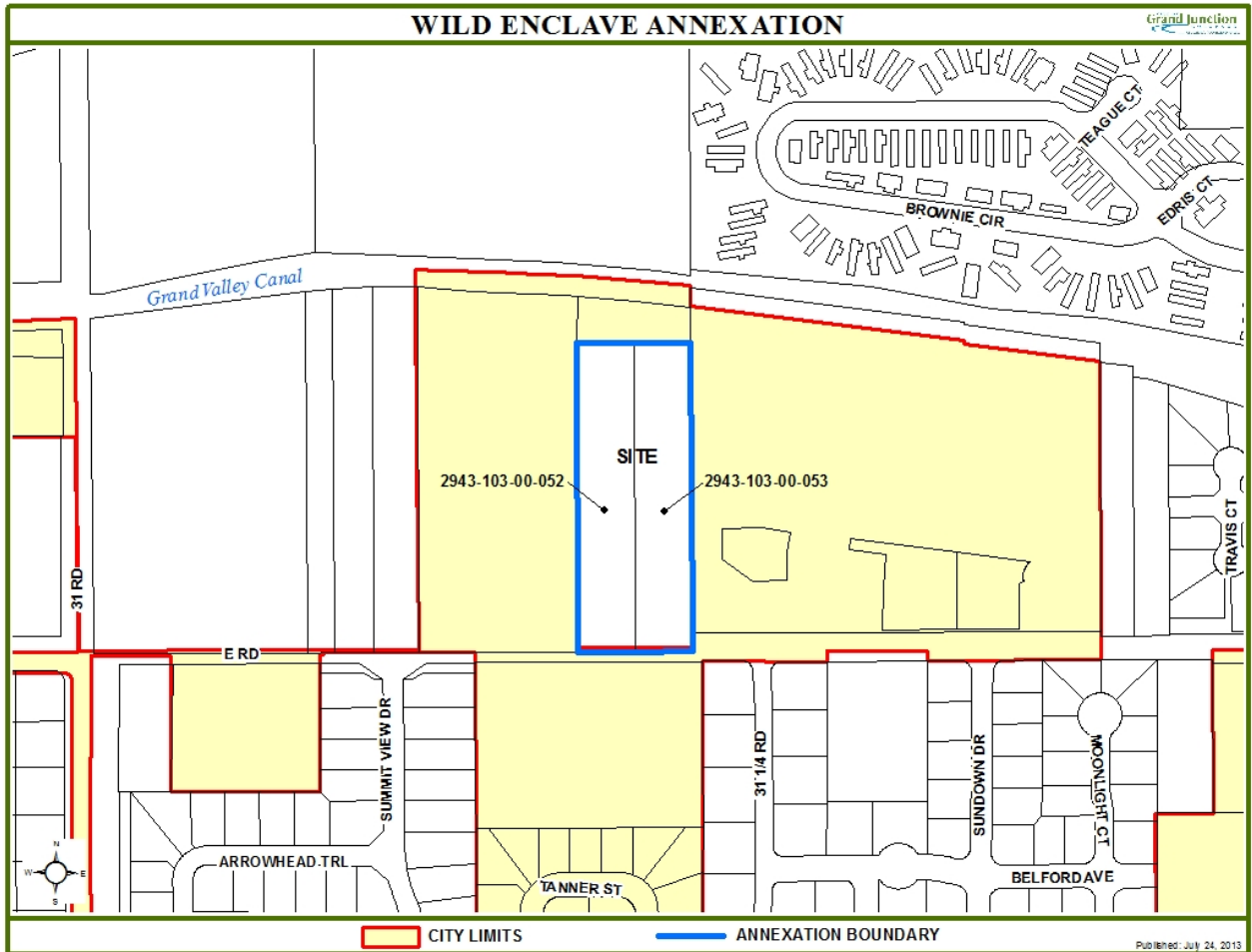
Madam Chairman, on the Wild Enclave Zone of Annexation, ANX-2013-334, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-8 (Residential 8 du/ac) zone district with the findings and conclusions listed in the staff report.

Attachments:

Annexation Map
Aerial Photo
Future Land Use Map
Existing City and County Zoning Map
Zoning Ordinance

Annexation Map

Figure 1



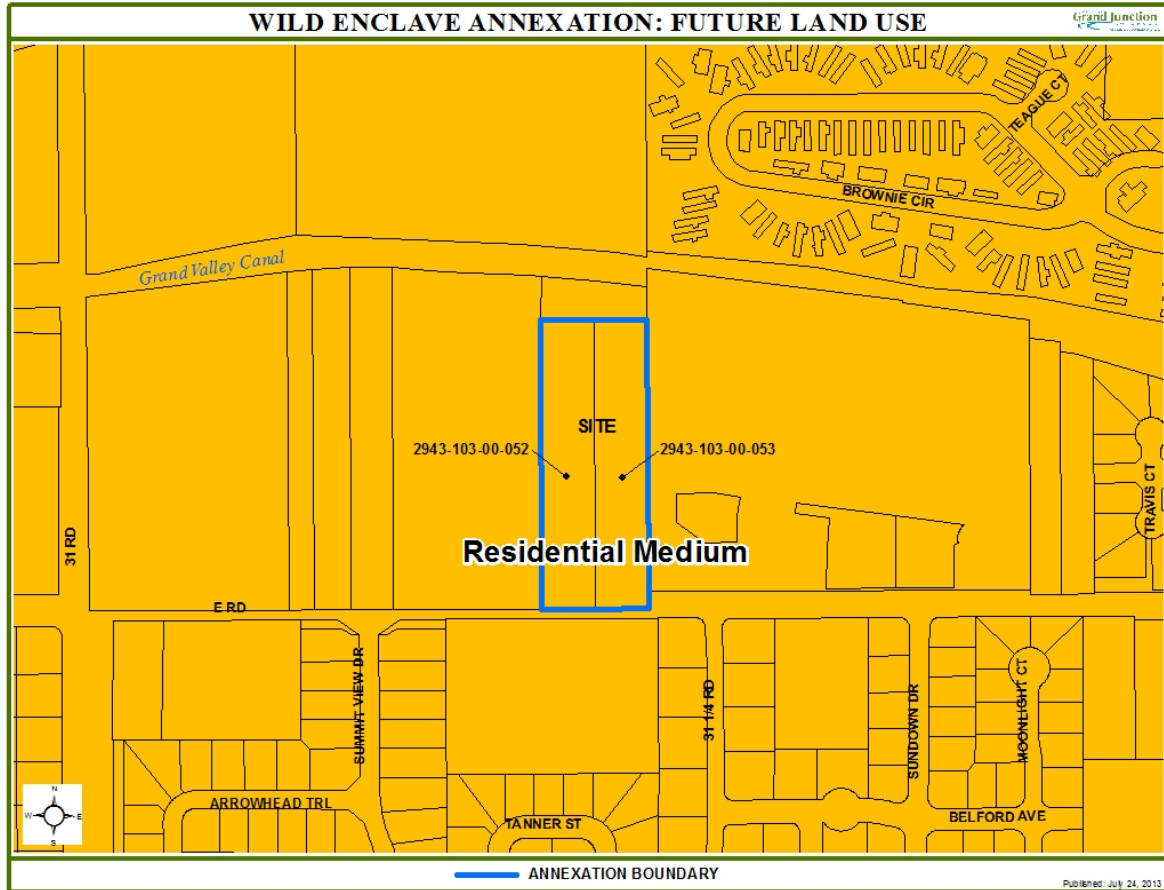
Aerial Photo

Figure 2



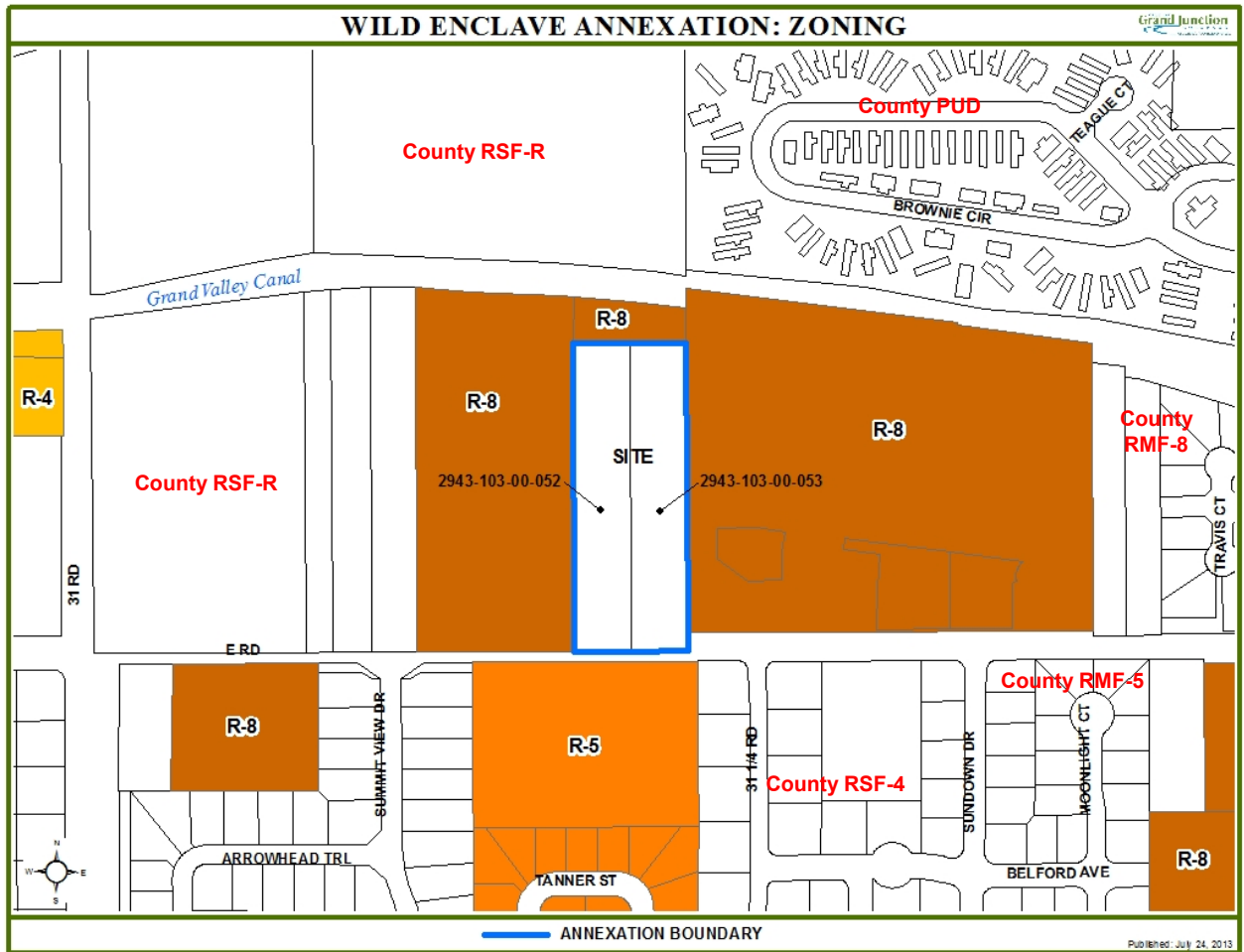
Comprehensive Plan – Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE WILD ENCLAVE ANNEXATION
TO R-8 (RESIDENTIAL 8 DU/AC)**

LOCATED AT 3122 AND 3124 E ROAD

Recitals

The Wild Enclave Annexation has been initiated by the City of Grand Junction ("City") pursuant to the 1998 Persigo Agreement with Mesa County ("Agreement"). With the annexation of the property included in the Freedom Meadows Annexation on January 19, 2009, the area is enclaved. The terms of the Agreement state that an "enclaved" area shall be annexed into the City. ("Enclaved" means that an unincorporated area is completely surrounded by the City.)

The City has also agreed to zone newly annexed areas using a zone district that implements the Comprehensive Plan. The proposed zoning of R-8 (Residential 8 du/ac) implements the Comprehensive Plan Future Land Use Map, which has designated the enclaved area as Residential Medium (4-8 du/ac).

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Wild Enclave Annexation to the R-8 (Residential 8 du/ac) zone district, finding conformance with the recommended land use category as shown on the Future Land Use Map of the Comprehensive Plan and the Comprehensive Plan's goals and policies and is compatible with land uses located in the surrounding area. The zone district meets criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-8 (Residential 8 du/ac) zone district is in conformance with criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The following property be zoned R-8 (Residential 8 du/ac):

WILD ENCLAVE ANNEXATION

A certain enclaved parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 10, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL the lands bounded on the East by Pioneer Meadows Annexation, City of Grand Junction Ordinance 4267, as same is recorded in Book 4700, Page 883 and bounded on the North, West and South by Freedom Meadows Annexation, City of Grand Junction Ordinance 4312, as same is recorded in Book 4772, Page 465, all in the Public Records of Mesa County, Colorado.

CONTAINING 159,417 Square Feet or 3.65 Acres, more or less, as described.

INTRODUCED on first reading the ____ day of _____, 2013 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2013 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk

Attach 3

Bibeau Enclave - Zone of Annexation – ANX-2013-338

**CITY OF GRAND JUNCTION
PLANNING COMMISSION**

MEETING DATE: September 10, 2013
PRESENTER: Brian Rusche, Senior Planner

AGENDA TOPIC: Bibeau Enclave - Zone of Annexation – ANX-2013-338

ACTION REQUESTED: Forward a recommendation to City Council on a Zone of Annexation.

<i>STAFF REPORT / BACKGROUND INFORMATION</i>				
Location:		Along D ½ Road between approximately 29 ¼ Road and 29 ½ Road		
Address Ranges:		2929, 2937, 2941, 2943, 2944, 2952, and 2952 ½ D ½ Road		
Applicant:		City of Grand Junction		
Existing Land Use:		Single Family Residential / Vacant		
Proposed Land Use:		Residential		
Surrounding Land Uses:	North	Union Pacific Railroad / Vacant		
	South	Vacant – Future Solar Power Generation Facility (CUP-2013-202)		
	East	Single Family Residential / Vacant		
	West	Agricultural / Vacant		
Existing Zoning:		County RSF-R (Residential Single-Family Rural) County RSF-E (Residential Single-Family Estate) County I-2 (General Industrial)		
Proposed Zoning:		R-8 (Residential 8 du/ac)		
Surrounding Zoning:	North	R-8 (Residential 8 du/ac)		
	South	R-8 (Residential 8 du/ac) CSR (Community Services and Recreation)		
	East	R-8 (Residential 8 du/ac)		
	West	R-8 (Residential 8 du/ac)		
Future Land Use Designation:		Residential Medium (4-8 du/ac)		
Zoning within density range?		X	Yes	No

PROJECT DESCRIPTION: A request to zone the Bibeau Enclave Annexation, located along D ½ Road between approximately 29 ¼ and 29 ½ Road, consisting of 16.10 acres, less 0.26 acres of public right-of-way, in seven (7) parcels, to an R-8 (Residential 8 du/ac) zone district.

RECOMMENDATION: Recommend approval to the City Council of the R-8 (Residential 8 du/ac) zone district.

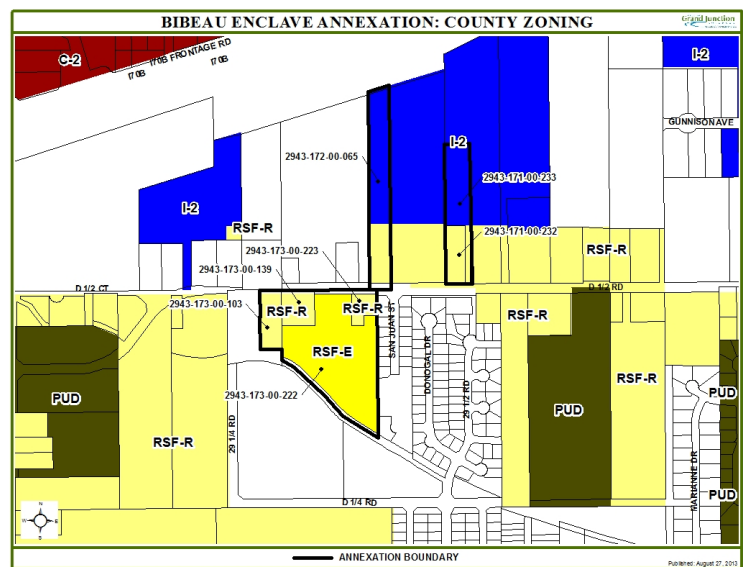
ANALYSIS:

Background:

The 16.10 acre Bibeau Enclave Annexation encompasses seven (7) parcels and 0.26 acres (11,280 square feet) of public right-of-way, located along D ½ Road between approximately 29 ¼ and 29 ½ Road. The Bibeau Enclave was created by the Ajarian Annexation on May 5, 2009. Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years.

The enclave is centered on D ½ Road, beginning east of the future alignment of 29 ¼ Road and ending east of 29 ½ Road, which does not intersect with D ½ Road but rather terminates within the Westland Estates subdivision.

The properties on the north side of D ½ Road have a split County I-2 (General Industrial) zone adjacent to the railroad with the balance zoned County RSF-R (Residential Single-Family Rural). The south side properties are all County RSF-R (Residential Single-Family Rural) with the exception of 2941 D ½, which is zoned County RSF-E (Residential Single Family Estate).



Land annexed to the City shall be zoned in accordance with Grand Junction Municipal Code (GJMC) Section 21.02.140 to a zone district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The Comprehensive Plan Future Land Use designation of the enclaved property is Residential Medium (4-8 du/ac). The requested zoning of R-8 (Residential 8 du/ac) will implement this land use designation.

Existing conditions:

The existing land uses are as follows (from west to east):

- Mobile home at 2929 D ½ Road
- Single Family residence at 2937 D ½ Road, built in 1946
- Vacant acreage at 2941 D ½ Road with no structures
- Single Family residence at 2943 D ½ Road, built in 1937
- Two Single Family residences at 2944 D ½ Road, built in 1987 and 1995
- Single Family residence at 2952 D ½ Road, built in 1940

- Vacant acreage at 2952 ½ D ½ Road, with no structures

It is noted that upon annexation the existing lawful land use(s) may continue, though there do not appear to be any that would be rendered nonconforming by the zoning proposed.

The enclaved area is generally bounded on the north by the Union Pacific Railroad and on the south by the Mesa County Ditch, a Grand Valley Irrigation Company canal. Across the canal is property that has been acquired by the City and Mesa County Valley School District #51, in anticipation of a future elementary school and park site. In the interim, the property has been approved for a utility scale solar farm (CUP-2013-202) that, if constructed, is anticipated to occupy the property for approximately 20 years.

Development pattern:



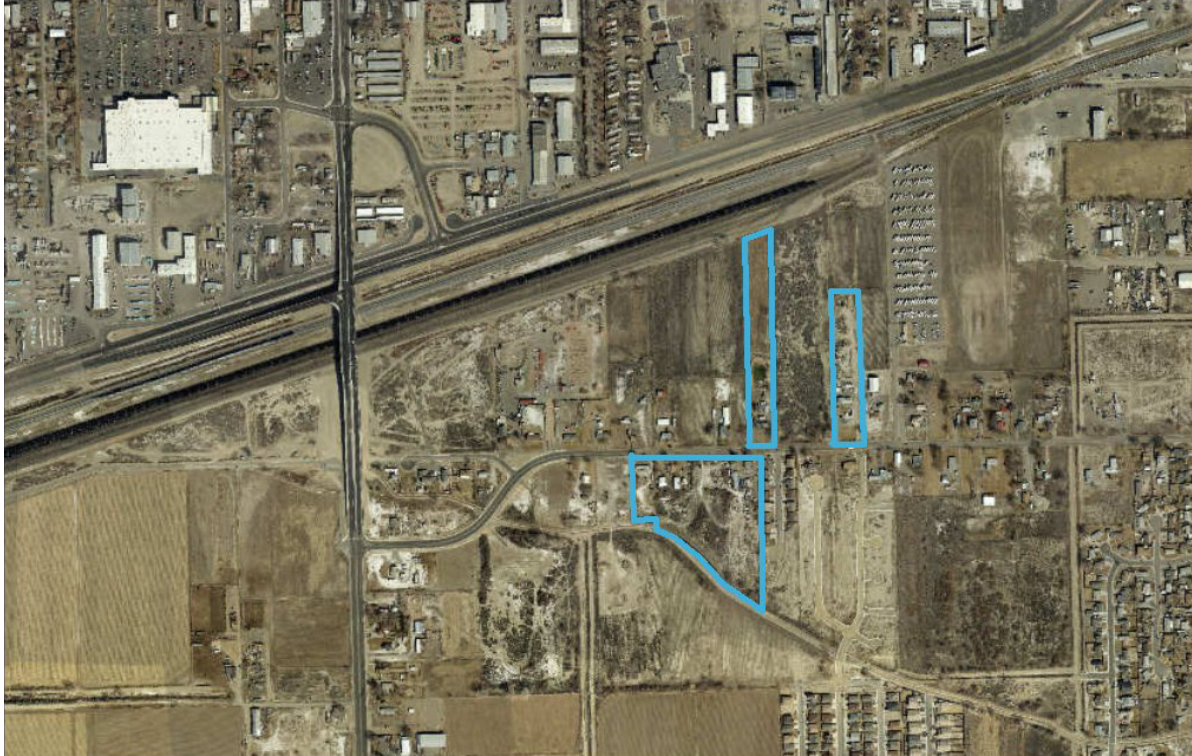
1954



1994



2008



2012

Based on aerial photographs, this part of the community has undergone a transition from farms situated along the main east/west roads (fed by the canal), to a few small acreages (and less actual farming) in the mid-1990s, with very little change until about 2008, when the first of the new subdivisions was constructed.

The properties adjacent to the enclave were annexed beginning with the Siena View Annexation in 2003, the Pear Park School and Beagley Annexations in 2005, the Crespín and Wexford Annexations in 2007, and finally the Ajarian Annexation in 2009. All of the annexations were completed in accordance with the Persigo agreement in anticipation of residential development, with the exception of the Pear Park School site.

Residential development did commence at Siena View, which has 15 single-family dwellings. Phase II (PFP-2008-208) included 10 additional dwelling units, for a total density of 5.8 du/ac, however Phase II was not constructed and has expired. Wexford Subdivision (FP-2008-096) has 72 platted lots with a density of 5.0 du/ac, but no residences can be constructed until public improvements are completed.

A proposed subdivision known as Desert Shadows (PP-2007-308) was approved at 2930 D ½ Road, with 106 single and multi-family units with a density of 6.3 du/ac. While approval of this development has expired, the zoning would allow for the previous plans to be “restarted” when the economics warrant.

The intersection D ½ Road with 29 Road was recently rebuilt in conjunction with the now completed 29 Road viaduct over the Union Pacific Railroad and the I-70 Business

Loop. This viaduct connects the Pear Park neighborhood with points north, including North Avenue and Patterson Road.

2. Consistency with the Comprehensive Plan

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

Zoning this enclave will create consistent land use jurisdiction and allow for efficient provision of municipal services. The proposed R-8 (Residential 8 du/ac) implements the Comprehensive Plan Future Land Use Map, which has designated the enclave property as Residential Medium (4-8 du/ac). The proposed zone will provide consistency with the adjacent properties on both sides of D ½ Road.

3. Section 21.02.160 and 21.02.140 of the Grand Junction Municipal Code:

Section 21.02.160 of the Grand Junction Municipal Code states: Land annexed to the City shall be zoned in accordance with GJMC Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth.

The requested zone of annexation to an R-8 (Residential 8 du/ac) zone district is consistent with the Comprehensive Plan Future Land Use Map designation of Residential Medium (4-8 du/ac).

Section 21.02.140(a) states: *In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if:*

6) Subsequent events have invalidated the original premises and findings; and/or

In 1998, Mesa County and the City of Grand Junction adopted the Persigo Agreement. Under this agreement, the City is required to annex all enclaved areas within five (5) years. The property has been enclaved since May 5, 2009 by the Ajarian Annexation.

The properties on the north side have a split County I-2 (General Industrial) zone adjacent to the railroad with the balance zoned County RSF-R (Residential Single-Family Rural). These zone districts implemented the 1996 Growth Plan, which designated an area parallel to the railroad between 29 and 30 Road as Commercial/Industrial and Residential Low (1/2 to 2 acre lots) south to D Road. These designations were modified to Residential Medium in 2005 with the Pear Park Neighborhood Plan.

The south side properties are all County RSF-R (Residential Single-Family Rural) with the exception of 2941 D ½, which is zoned County RSF-E (Residential Single Family Estate).

The proposed zoning of R-8 (Residential 8 du/ac) implements the Comprehensive Plan Future Land Use Map, adopted in 2010, which has designated the property as Residential Medium (4-8 du/ac).

The Comprehensive Plan and the annexation of the property into the City of Grand Junction invalidate the original premises of the existing unincorporated Mesa County zoning. Therefore, this criterion has been met.

7) *The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or*

Based on aerial photographs, this part of the community has undergone a transition from farms situated along the main east/west roads (fed by the canal), to a few small acreages (and less actual farming) in the mid-1990s, with very little change until about 2008, when the first of the new subdivisions was constructed.

The 1996 Growth Plan designated an area parallel to the railroad between 29 and 30 Road as Commercial/Industrial and Residential Low (1/2 to 2 acre lots) south to D Road. These designations were modified to Residential Medium in 2005 with the Pear Park Neighborhood Plan.

Across the canal is property that has been acquired by Mesa County Valley School District #51, in anticipation of a future elementary school; in the interim, the property has been approved for a utility scale solar farm that is permitted to occupy the property for approximately 20 years.

The adjacent properties were annexed beginning in 2003 until 2009. All of these annexations were in accordance with the 1998 Persigo agreement, which requires annexation for future development.

The only new residential development is located at Siena View, which has 15 single-family dwellings. Wexford Subdivision has 72 platted lots but public improvements are not yet completed.

The intersection D 1/2 Road with 29 Road was recently rebuilt in conjunction with the now completed 29 Road viaduct over the Union Pacific Railroad and the I-70 Business Loop. This viaduct connects the Pear Park neighborhood with points north, including North Avenue and Patterson Road.

The maximum density in the County RSF-R Zone is one (1) dwelling unit per five (5) acres. All of the existing residences are on smaller parcels than five acres.

In summary, while the area has not experienced the same level of residential development as other portions of Pear Park, large tracts of land are no longer agricultural and sit idle waiting for market conditions to improve for residential development.

This criterion has been met.

- 8) *Public and community facilities are adequate to serve the type and scope of land use proposed; and/or*

D ½ Road is a minor arterial providing east/west access through the Pear Park neighborhood between 29 Road and 32 Road. The intersection D ½ Road with 29 Road was recently rebuilt in conjunction with the now completed 29 Road viaduct over the Union Pacific Railroad and the I-70 Business Loop. This viaduct connects the Pear Park neighborhood with points north, including North Avenue and Patterson Road.

The Pear Park Neighborhood Plan anticipates restricted access to D ½ Road, which is to be implemented by the construction of local streets parallel to D ½ Road as part of future subdivisions.

An 8" Ute Water line and 12" Persigo sanitary sewer line exist in D ½ Road. The existing residences are already served by appropriate infrastructure, including sanitary sewer taps. Adequate infrastructure exists to accommodate, with upgrades as necessary, additional development all of the enclaved parcels.

The enclave is already served by the Grand Junction Fire Department, through the Rural Fire District. Discussions have begun about a new fire station within the Pear Park planning area to improve emergency response times.

This criterion has been met.

- 9) *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or*

The Pear Park neighborhood has historically seen significant residential development, with an anticipated built-out population of about 22,000 people, according to the Pear Park Neighborhood Plan.

The intent of the R-8 (Residential 8 du/ac) zone is to provide for medium-high density attached and detached dwellings, two-family dwelling(s) and multifamily. It is a transitional zone district between lower density single-family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district. The enclave is part of a larger segment of the neighborhood that anticipates commercial/industrial development on each end (at 29 Road and 30 Road) and is physically constrained on the north by the railroad, with existing single-family development to the south and east. These features define this area of transition.

This criterion has been met.

- 10) *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

The annexation of enclaved unincorporated areas adjacent to the City is critical to providing efficient urban services and infrastructure, minimizing costs to the City and therefore the community.

The proposed R-8 zone district will provide the opportunity, when the market is ripe, for additional residential development at a higher density along an established corridor in an urbanizing area of the valley. Additional residential density allows for more efficient use of City services and infrastructure, minimizing costs to the City and therefore the community.

This criterion has been met.

After reviewing the criteria for a zoning amendment, I find that the above criteria have been met. Therefore, I recommend approval of the R-8 zone district.

Alternatives: The following zone districts would also implement the Comprehensive Plan Future Land Use Map designation of Residential Medium for the enclave property:

6. R-4 (Residential 4 du/ac)
7. R-5 (Residential 5 du/ac)
8. R-12 (Residential 12 du/ac)
9. R-16 (Residential 16 du/ac)
10. R-O (Residential Office)

The R-4 and R-5 zone districts implement the Residential Medium category but do not support the mix of housing types that the Comprehensive Plan encourages.

An R-O zone would not be appropriate, since the enclave is not located at a roadway intersection or along a transitioning commercial corridor.

The R-8 zone is consistent with zoning of the adjacent properties on the east, west, and south. The R-12 and R-16 zone districts would allow density that exceeds that of the surrounding neighborhoods as well as would render the existing single-family residences nonconforming.

It is my professional opinion that the R-8 (Residential 8 du/ac) zone district is the best choice for the enclaved properties.

If the Planning Commission chooses an alternative zone designation, specific alternative findings must be made.

FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Bibeau Enclave Zone of Annexation, ANX-2013-338, I recommend that the Planning Commission make the following Findings of Fact and Conclusions:

3. The proposed R-8 (Residential 8 du/ac) zone district is consistent with the goals and policies of the Comprehensive Plan.
4. The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission forward a recommendation of approval of the R-8 (Residential 8 du/ac) zone district for the Bibeau Enclave Zone of Annexation, ANX-2013-338, to the City Council with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

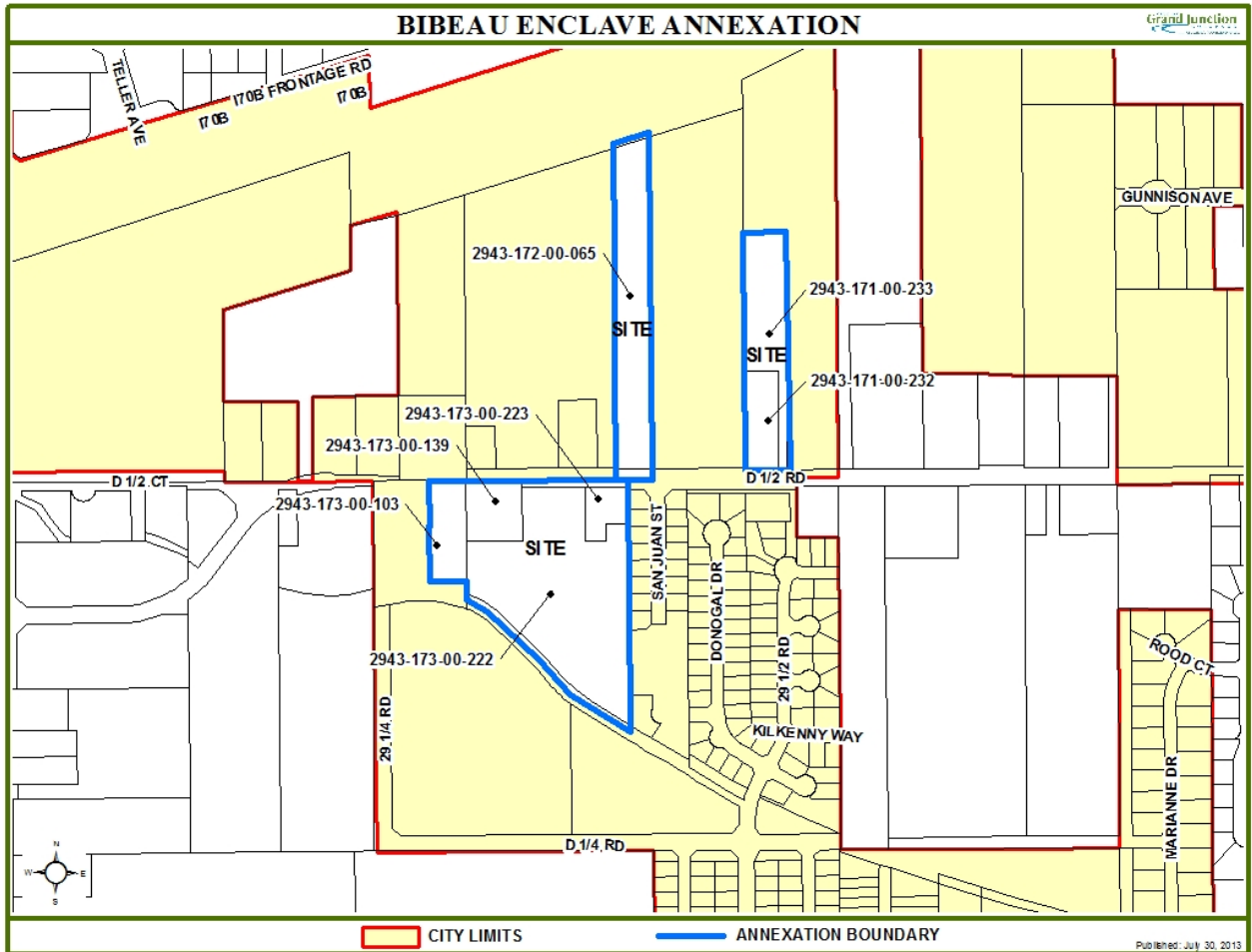
Madam Chairman, on the Bibeau Enclave Zone of Annexation, ANX-2013-338, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-8 (Residential 8 du/ac) zone district with the findings and conclusions listed in the staff report.

Attachments:

Annexation Map
Aerial Photo
Future Land Use Map
Existing City and County Zoning Map
Zoning Ordinance

Annexation Map

Figure 1



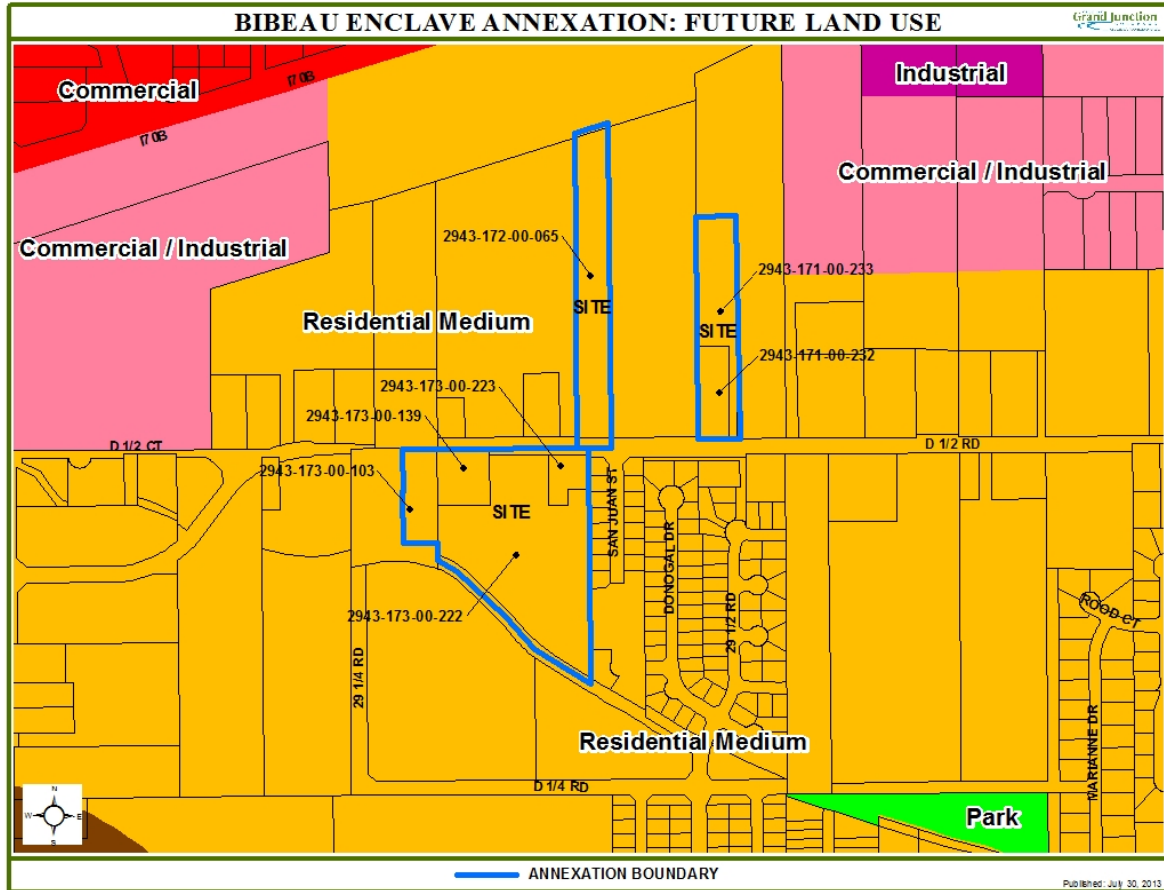
Aerial Photo

Figure 2



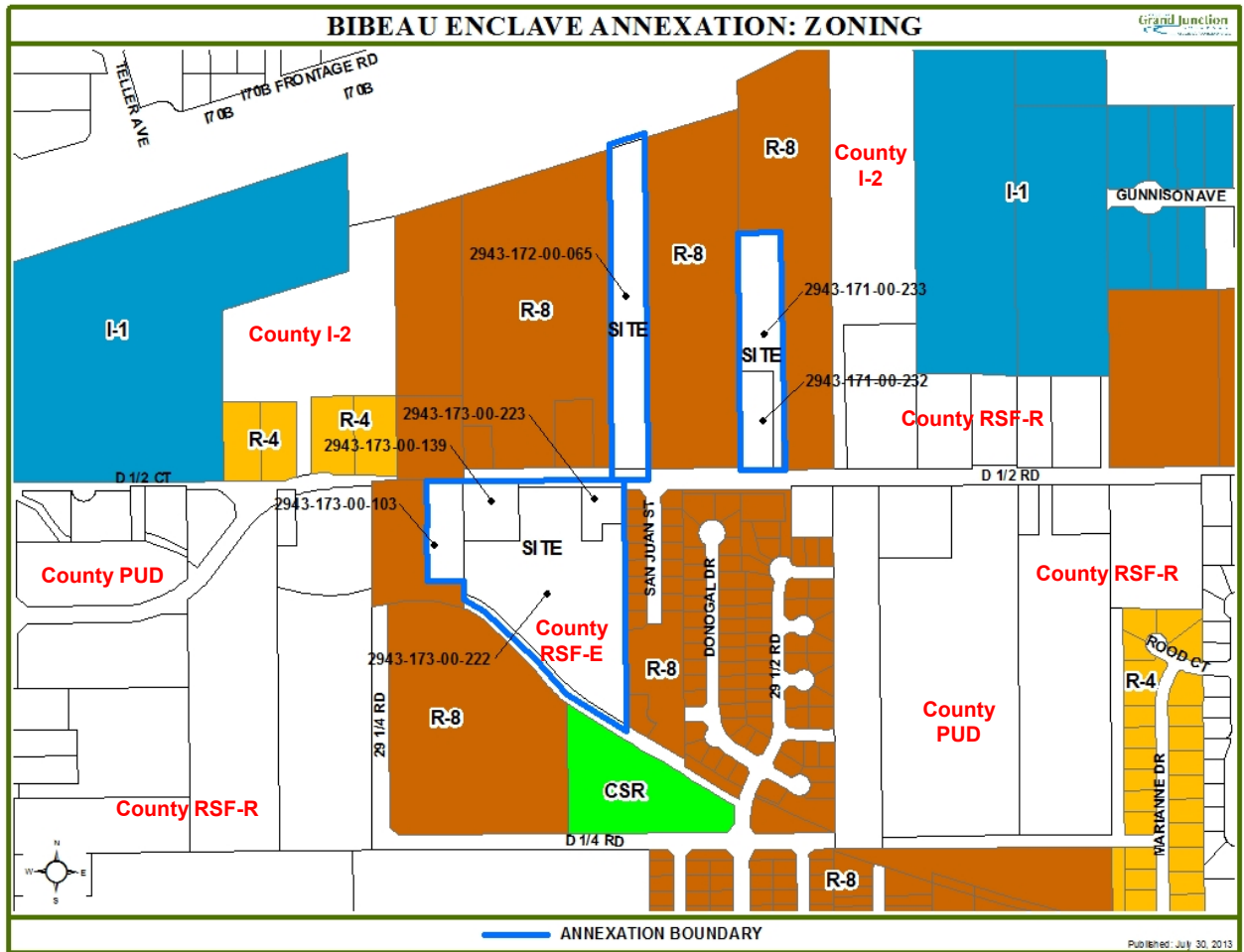
Comprehensive Plan – Future Land Use Map

Figure 3



Existing City and County Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE ZONING THE BIBEAU ENCLAVE ANNEXATION
TO R-8 (RESIDENTIAL 8 DU/AC)**

**LOCATED ALONG D ½ ROAD BETWEEN APPROXIMATELY
29 ¼ AND 29 ½ ROAD**

Recitals

The Bibeau Enclave Annexation has been initiated by the City of Grand Junction (“City”) pursuant to the 1998 Persigo Agreement with Mesa County (“Agreement”). With the annexation of the property included in the Ajarian Annexation on May 5, 2009, the area is enclaved. The terms of the Agreement state that an “enclaved” area shall be annexed into the City. (“Enclaved” means that an unincorporated area is completely surrounded by the City.)

The City has also agreed to zone newly annexed areas using a zone district that implements the Comprehensive Plan. The proposed zoning of R-8 (Residential 8 du/ac) implements the Comprehensive Plan Future Land Use Map, which has designated the enclaved area as Residential Medium (4-8 du/ac).

After public notice and public hearing as required by the Grand Junction Municipal Code, the Grand Junction Planning Commission recommended approval of zoning the Bibeau Enclave Annexation to the R-8 (Residential 8 du/ac) zone district, finding conformance with the recommended land use category as shown on the Future Land Use Map of the Comprehensive Plan and the Comprehensive Plan’s goals and policies and is compatible with land uses located in the surrounding area. The zone district meets criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-8 (Residential 8 du/ac) zone district is in conformance with criteria found in Section 21.02.140 of the Grand Junction Municipal Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The following property be zoned R-8 (Residential 8 du/ac):

BIBEAU ENCLAVE ANNEXATION

Three (3) certain enclaved parcels of land lying in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4), Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section 17, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

PARCEL 1: ALL of that certain parcel of land lying in the SE 1/4 NW 1/4 of said Section 17 bounded on the North by Southern Pacific Railroad Annexation No. 1, City of Grand Junction Ordinance 3158, as same is recorded in Book 2616, Page 708; bounded on the East by Ajarian Annexation, City of Grand Junction Ordinance 4348, as same is recorded in Book 4834, Page 847; bounded on the West by Beagley II Annexation, City of Grand Junction Ordinance 3795, as same is recorded in Book 3939, Page 157 and bounded on the South by Siena View Annexation No. 1, City of Grand Junction Ordinance 3500, as same is recorded in Book 3275, Page 228, all in the Public Records of Mesa County, Colorado.

CONTAINING 157,746 Sq. Ft. or 3.62 Acres, more or less, as described.

PARCEL 2: ALL of that certain parcel of land lying in the SW 1/4 NE 1/4 of said Section 17 bounded on the North, South, East and West by Ajarian Annexation, City of Grand Junction Ordinance 4348, as same is recorded in Book 4834, Page 847, Public Records of Mesa County, Colorado.

CONTAINING 129,705 Sq. Ft. or 2.98 Acres, more or less, as described.

PARCEL 3: ALL of that certain parcel of land lying in the NE 1/4 SW 1/4 of said Section 17 bounded on the North and East by Siena View Annexation No. 2, City of Grand Junction Ordinance 3501, as same is recorded in Book 3275, Page 231; bounded on the South by Pear Park School Annexation No. 3, City of Grand Junction Ordinance 3996, as same is recorded in Book 4315, Page 806 and bounded on the West by Pear Park School Annexation No. 2, City of Grand Junction Ordinance 3806, as same is recorded in Book 3961, Page 336, all in the Public Records of Mesa County, Colorado.

CONTAINING 415,723 Sq. Ft. or 9.54 Acres, more or less, as described.

LESS approximately 0.26 Acres, or 11,280 square feet, of public right-of-way

INTRODUCED on first reading the ____ day of _____, 2013 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the ____ day of _____, 2013 and ordered published in pamphlet form.

ATTEST:

President of the Council

City Clerk

Attach 4
TJ's Billiards - CUP-2013-354

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: September 10, 2013
PRESENTER: Scott D. Peterson

AGENDA TOPIC: TJ's Billiards - CUP-2013-354

ACTION REQUESTED: Consider a request for a Conditional Use Permit (CUP).

BACKGROUND INFORMATION					
Location:		509 28 1/2 Road			
Applicants:		Alan and Thelma Allen			
Existing Land Use:		Vacant building, former restaurant			
Proposed Land Use:		Pool hall with the ability to serve alcohol			
Surrounding Land Use:	North	Multi-family residential			
	South	Commercial (AutoZone)			
	East	Vacant commercial properties			
	West	Vacant commercial property			
Existing Zoning:		C-1 (Light Commercial)			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	PD (Planned Development)			
	South	C-1 (Light Commercial)			
	East	C-1 (Light Commercial)			
	West	C-1 (Light Commercial)			
Future Land Use Designation:		Village Center			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Consider a request for a Conditional Use Permit to serve alcoholic beverages in a pool hall on 0.84 +/- acres in a C-1 (Light Commercial) zone district.

STAFF RECOMMENDATION: Approval

ANALYSIS:

Background:

The existing property (Unplatted – 0.84 +/- acres) contains a 6,270 +/- sq. ft. vacant building that has been utilized in the past as numerous restaurant establishments and a bar. According to the Mesa County Assessor's Office, the building was constructed in 1977. A Conditional Use Permit is required from the City of Grand Junction for the establishment of a "Bar" if more than 25% of the gross receipts of the business are for alcoholic beverages within the C-1 (Light Commercial) zone district. The applicants, Alan and Thelma Allen, do not know at this time if their gross receipts for alcohol sales will exceed 25%, but are applying for a Conditional Use Permit just in case so that they will be in compliance with the Zoning and Development Code if alcohol sales exceed 25%.

The property is currently considered non-conforming because the property does not meet current off-street parking and landscaping requirements of the Zoning and Development Code. The building is also considered non-conforming because the building does not meet the minimum rear yard setback of 10' as required by Sections 21.08.040 and 030 of the Zoning and Development Code.

According to the Nonconforming Structure provisions of the Code, any maintenance, restoration or remodeling of projects that cost 25% or less of the current fair market value of the structure shall not require any correction to existing nonconforming parking, landscaping or screening/buffering requirements. The applicant's estimated remodel cost is \$50,000 with the buildings fair market value appraised at \$242,160 according to the Mesa County Assessor's Office, which equates to a 21% upgrade. Therefore, no upgrade or improvement of the existing parking, landscaping or screening/buffering requirements are required. According to the Nonconforming Site provisions of the Code, nonconforming site landscaping and screening/buffering requirements upgrades are required at the time of building or outdoor operation expansions. No expansion of the building or outdoor operations are proposed, therefore no landscaping or screening/buffering percentage upgrade is required for this application.

A Conditional Use Permit runs with the land and remains valid until the property changes use or the use is abandoned and nonoperational for a period of 12 consecutive months. The applicants wish to establish a pool hall with a simple grill menu, beer and cocktails. The applicants also wish to develop a billiards league(s) for all ages within a family-oriented atmosphere. A pro-shop will be stocked with pool accessories and also provide for the sale and repair of pool tables.

Off-Street Parking:

The existing parking lot currently contains 60 off-street parking spaces. The off-street parking requirement for this application would be 63 spaces (Bar: 1 space per 100 sq. ft. of building) while the previous land use as a restaurant required 94 spaces (1.5

spaces per 100 sq. ft. of building). The proposed land use as a bar/pool hall requires fewer parking spaces than the previous land use and will actually bring the site more into compliance with the off-street parking requirements of the Zoning and Development Code.

Sign Package

The Zoning and Development Code requires that a Sign Package be prepared as part of the application and approved as part of the Conditional Use Permit. The applicant has provided a proposed Sign Package for free-standing and building signage that is attached to this staff report which meets all the requirements of Section 21.06.070 of the Zoning and Development Code. A separate Sign Permit will need to be obtained by a Licensed Sign Contractor prior to the installation of the proposed signs.

Neighborhood Meeting

A Neighborhood Meeting was held by the applicants on July 15, 2013. Five citizens attended the meeting with some having the following concerns for the proposed bar portion of the application: intoxicated drivers leaving the establishment, increased vehicle and truck traffic in the area, liquor being smuggled out of the establishment, noise and increased problems with homeless individuals in the area and the effects of alcohol. The applicants responded that they will do all that they can to minimize any impact to the adjacent neighborhood, including the strictest adherence to all liquor laws, making sure patrons are not over-served and arranging and paying for the safe transportation of patrons and their vehicles home, if necessary. Since the neighborhood meeting, the City has received two more phone calls and an email (see attached) from neighbors who are against the bar portion of the application due to the same concerns expressed at the Neighborhood Meeting.

Consistency with the Comprehensive Plan:

The site is currently zoned C-1 (Light Commercial) with a Comprehensive Plan Future Land Use Map designation of Village Center.

The proposed Conditional Use Permit meets Goals 3, 6, and 12 of the Comprehensive Plan by creating large and small “centers” throughout the community that provide services and commercial areas; encourage the preservation of existing buildings and their appropriate reuse, and by providing appropriate commercial development opportunities for the City to improve as a regional center of commerce, culture and tourism.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Goal 6: Land use decisions will encourage preservation of existing buildings and their appropriate reuse.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Section 21.02.110 of the Grand Junction Zoning and Development Code:

To obtain a Conditional Use Permit, the applicants must demonstrate compliance with the following criteria:

(1) All applicable site plan review criteria in Section 21.02.070 (g) of the Grand Junction Zoning and Development Code and conformance with the SSID, TEDS and SWMM Manuals.

The existing property is currently classified as nonconforming because the property does not meet current off-street parking and landscaping requirements. The building is also considered nonconforming because the building does not meet the minimum rear yard setback of 10' as required by the C-1 zone district. However, no upgrades to the property are required because the cost of the proposed interior remodel is less than 25% of the fair market value of the structure and no building or outdoor display area expansions are proposed (Sections 21.08.040 and 030 of the Zoning and Development Code). Based on the nonconforming status of the site and that there are no required upgrades as a result of the proposed use, the proposed use meets the applicable site plan review criteria. The proposed use also meets the requirements of SSID, TEDS and the SWMM manual.

This criterion has been met.

(2) District Standards. The underlying zoning districts standards established in Chapter 21.03 Grand Junction Zoning and Development Code;

The property is currently zoned C-1 (Light Commercial). A Conditional Use Permit is required from the City of Grand Junction for the establishment of a "Bar" if more than 25% of the gross receipts of the business are for alcoholic beverages. The property and building are considered to be nonconforming however the applicants have addressed and meet all applicable requirements of the Zoning and Development Code pertaining to the Conditional Use Permit application.

This is criterion has been met.

(3) Specific Standards. The use-specific standards established in Chapter 21.04 Grand Junction Zoning and Development Code;

The proposed land use falls under the Retail Sales and Service use category of the Zoning and Development Code. There are no use-specific standards

required for a restaurant/bar or tavern. However, a Conditional Use Permit is required for a restaurant, bar or tavern where alcohol sales may exceed 25% of the gross receipts which the applicant is requesting with this application. The applicant has requested a Conditional Use Permit in case the alcohol sales exceed 25% of the gross receipts.

This criterion has been met.

(4) Availability of Complementary Uses. Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.

The property is adjacent to 28 1/2 Road, just north of North Avenue and is an existing, vacant commercial building. Properties located to the south, east and west are of a commercial nature. Adequate transit (bus and taxi), hospitals, fire and police protection are all available in the area to serve this site and proposed business. Water, sewer, electricity and gas infrastructure are already serving the property.

This criterion has been met.

(5) Compatibility with Adjoining Properties. Compatibility with and protection of neighboring properties through measures such as:

(i) Protection of Privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;

The existing property currently provides a natural vegetation screen and buffer between the applicant's property and the adjacent multi-family apartment complex to the north. The applicants have replaced a 6' tall privacy fence that surrounds the existing outdoor patio located on the north side of the building that was in disrepair to help protect the privacy of the residents of the adjacent multi-family apartment buildings, and to provide a contained outdoor smoking area and proposed horseshoe pitching area. The multi-family apartment property to the north also has a 6' tall privacy fence. The two fences are separated by a drainage channel and heavy natural growth tree vegetation and separated by a distance of 20' +/- feet. The estimated distance from the outdoor patio area to the multi-family apartment building is 40' +/- feet. With these existing conditions in place, the proposed development of the applicant's property is expected to provide reasonable privacy for the adjacent residents in the area (see attached photos).

This criterion has been met.

North Patio and Natural Vegetation Screening Photos:



Looking west from 28 1/2 Road:



Drainage Channel and Natural Vegetation



(ii) Protection of Use and Enjoyment. All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

No building expansion is proposed with this application and the applicants wish to utilize an existing building that previously was a restaurant that did serve alcohol, etc. The applicant's property and the adjacent multi-family apartment property to the north, provides a natural vegetation screen and buffer between properties. The applicant's existing outside patio area also has a recently constructed 6' tall fence. The multi-family apartment building property also has a 6' tall fence constructed and the two fences are separated by a drainage channel and a distance of 20 +/- feet and the outside patio area and the adjacent multi-family apartment building are separated by 40' +/- feet. No additional or required upgrades to the site are required as part of this application.

This criterion has been met.

(iii) Compatible Design and Integration. All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include; buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land

uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The proposed pool hall/bar should not adversely impact the adjacent commercial and residential properties due to the existing natural vegetation buffer along the north property line. The property is located on 28 1/2 Road (Minor Collector street), just to the north of North Avenue, all within an existing busy commercial property corridor. The applicant's wish to utilize and reuse an existing vacant commercial building that was in disrepair and improve the establishment for the benefit of the area to serve as a neighborhood/community pool hall and bar. The applicants have stated that they will do all that they can to minimize any potential impact to the adjacent neighborhood, including prohibiting excessive noise in the parking lot and patio area and conforming to all liquor laws.

This criterion has been met.

FINDINGS OF FACT/CONCLUSIONS AND CONDITIONS:

After reviewing the TJ's Billiards application, CUP-2013-354 for a Conditional Use Permit, I make the following findings of fact and conclusions:

1. The requested Conditional Use Permit is consistent with the goals of the Comprehensive Plan, specifically goals 3, 6 and 12.
2. The review criteria in Section 21.02.110 of the Grand Junction Zoning and Development Code have all been met, specifically, items 1 through 5.
3. As part of the Conditional Use Permit application, staff also recommends that the Planning Commission approve the Sign Plan as presented which meets all the sign requirements as specified in Section 21.02.110 (d) of the Grand Junction Zoning and Development Code.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Conditional Use Permit, CUP-2013-354 with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

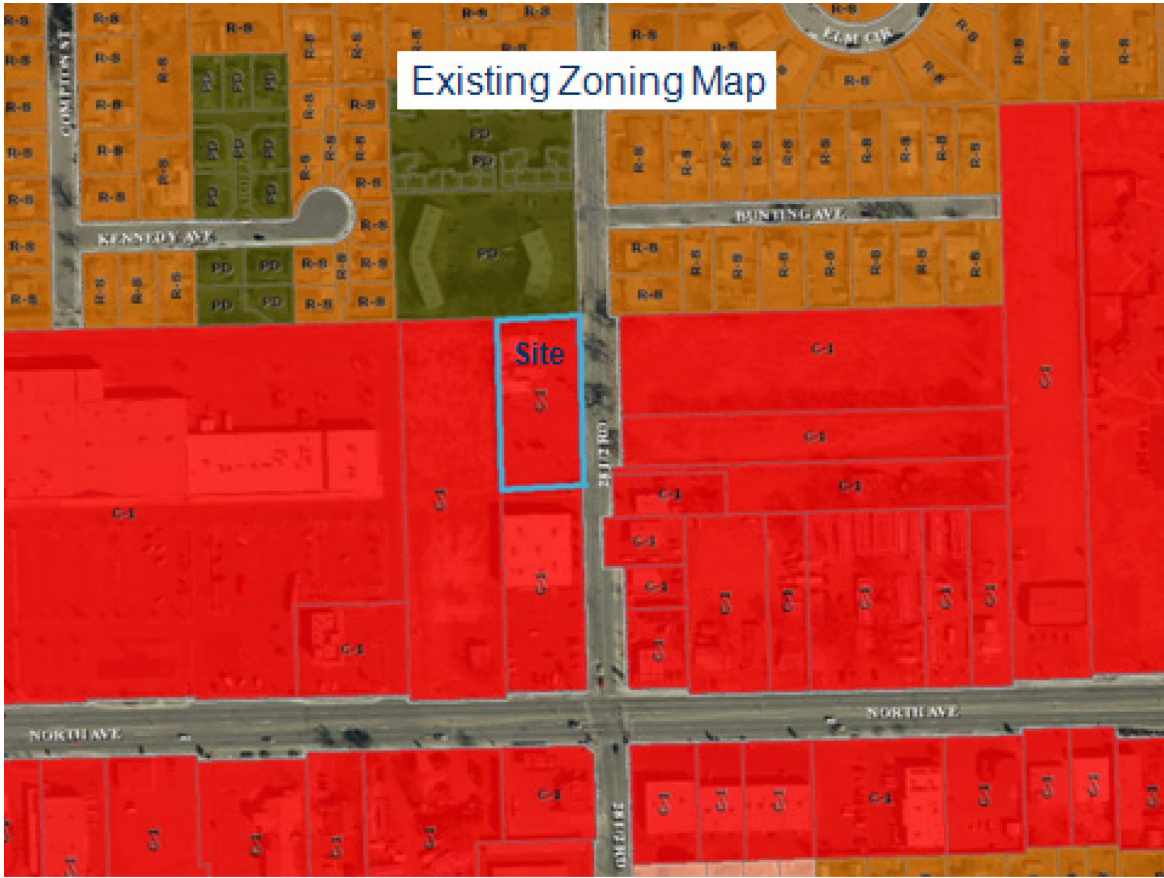
Madam Chairman, on the request for a Conditional Use Permit for TJ's Billiards, file number CUP-2013-354 located at 509 28 1/2 Road, I move that the Planning

Commission approve the Conditional Use Permit with the facts and conclusions stated in the staff report.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Future Land Use Map / Existing Zoning Map
Aerial Photo (Close-Up)
Site Plan
Proposed Floor Plan
Sign Plans
Building Elevations
Email from Adjacent Property Owner

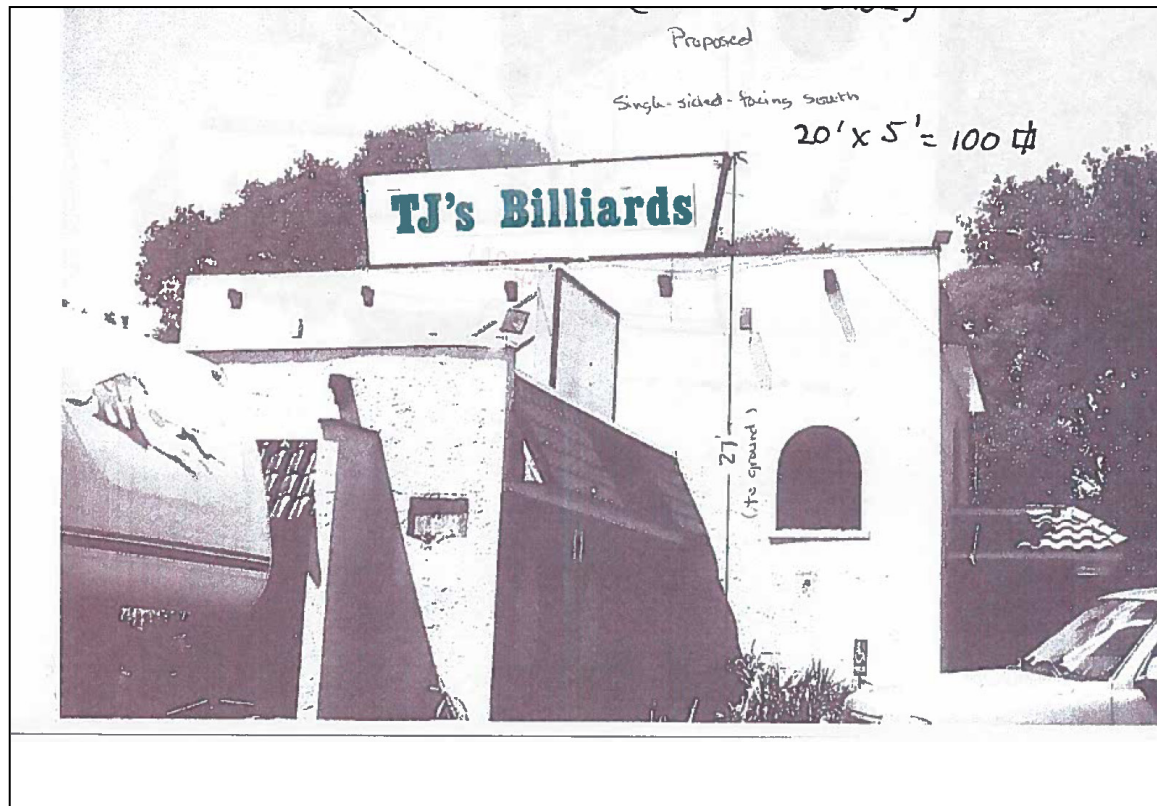
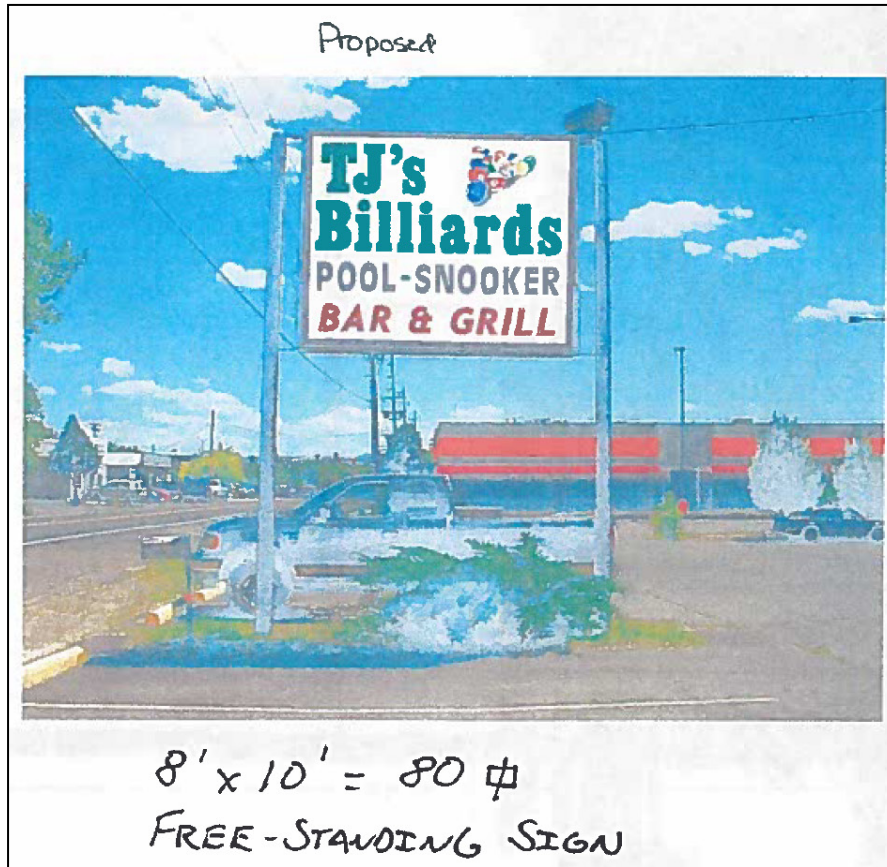




Aerial Photo of Site (Close-Up):



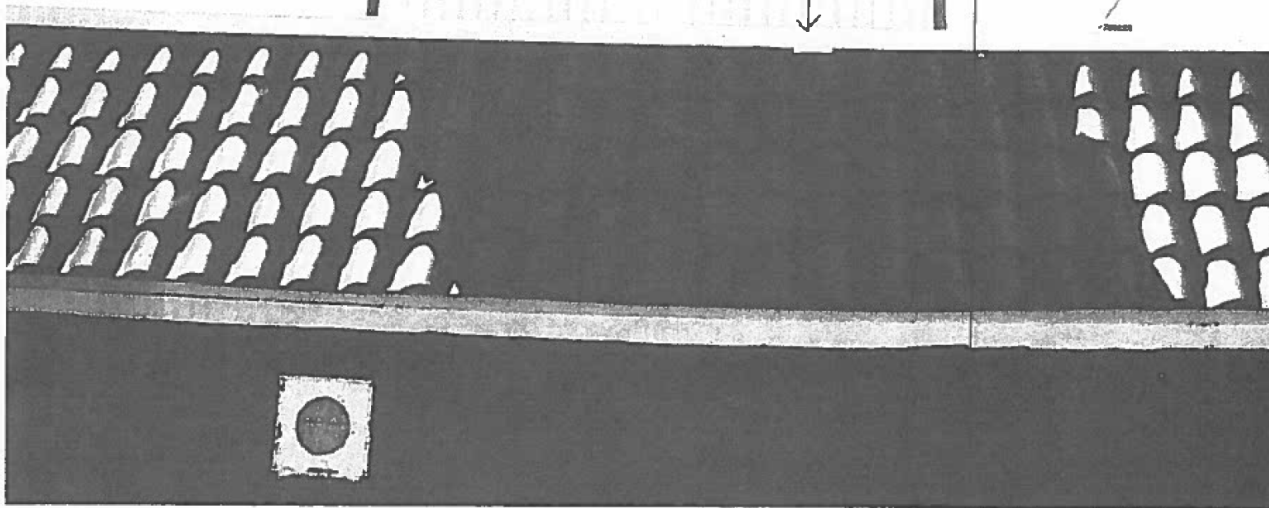
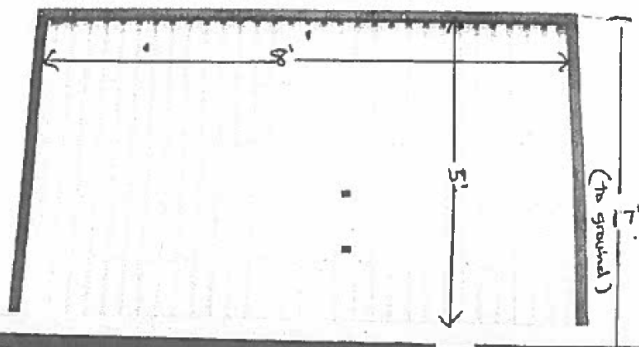
Sign Package:



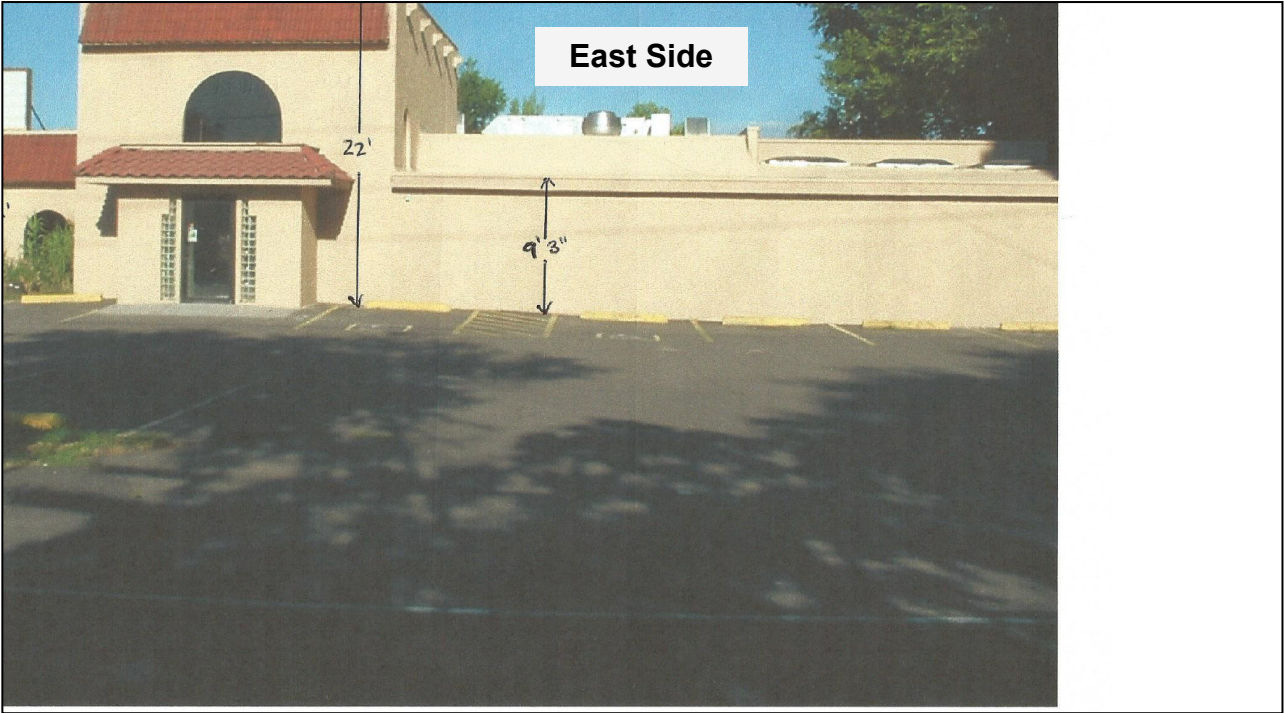
Sales and Special Events

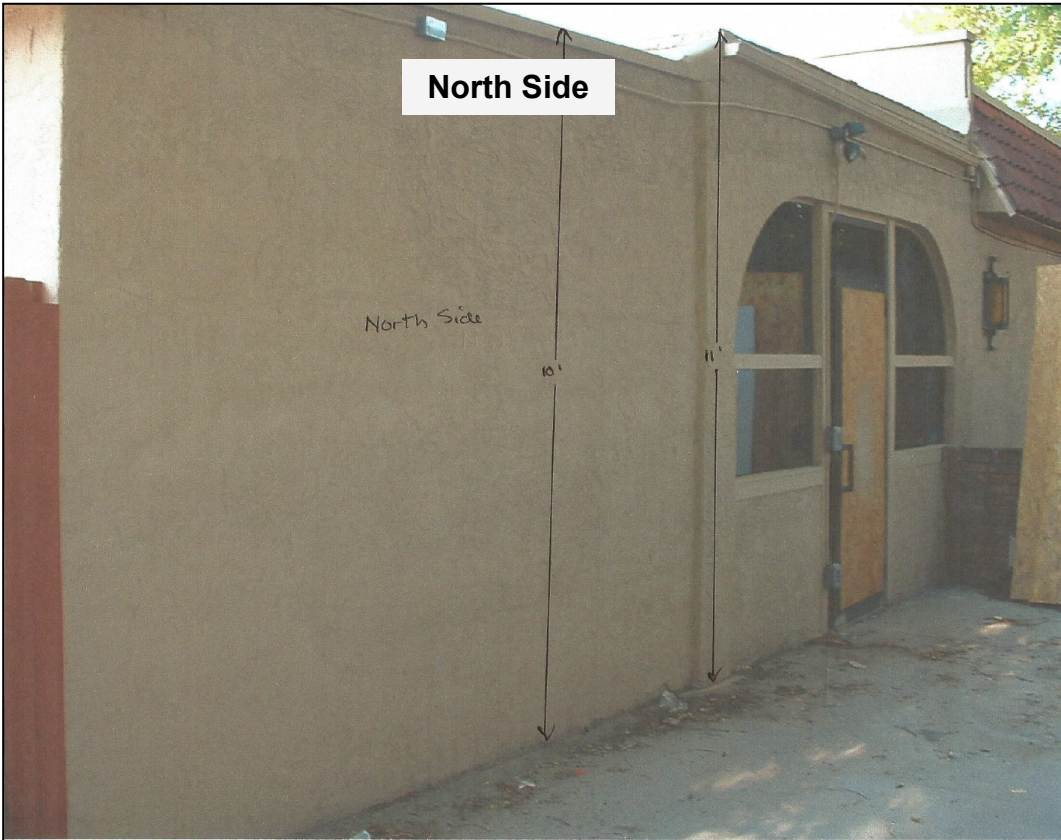
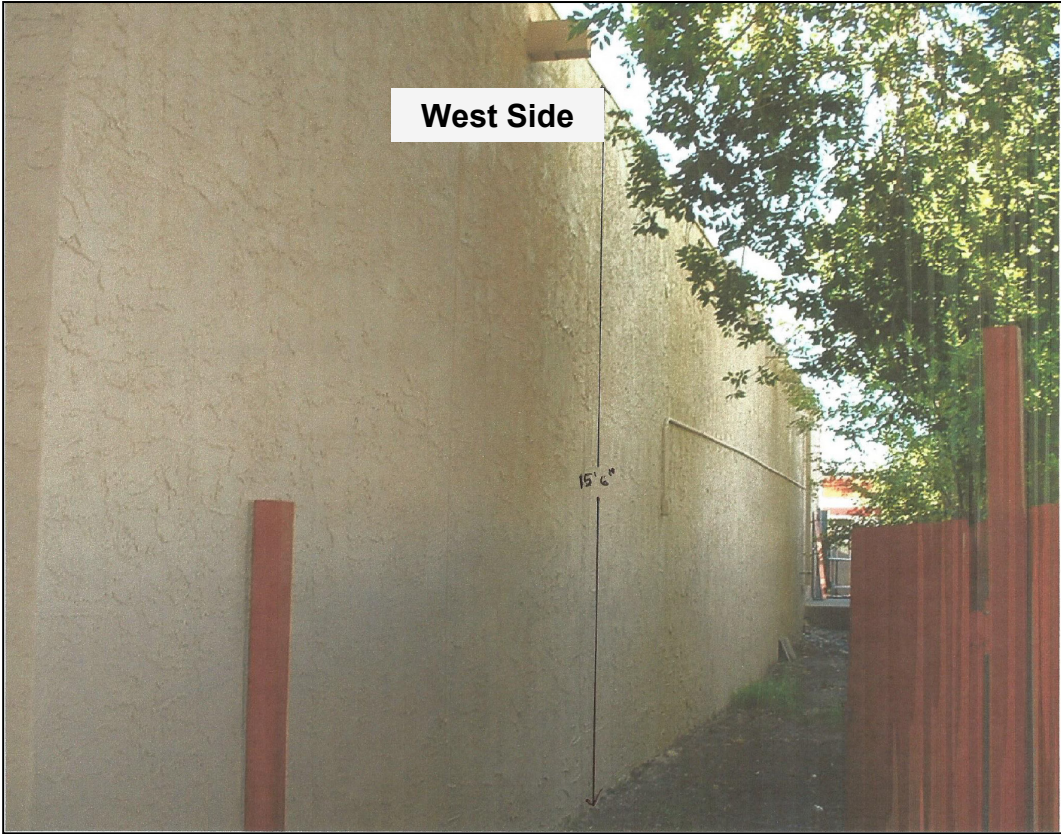
Single-sided-facing 2 3/4 Rd

$$8' \times 5' = 40 \text{ \#}$$



Building Elevations:





From: "Tony Perry" <tonyperry@bresnan.net>
To: "Scott Peterson" <scottp@gjcity.org>
CC: "Linda Plunkett" <rolmeawy@gmail.com>
Date: 7/15/2013 12:30 PM
Subject: Proposed bar/TJ's Billiards/509 28 1/2 Rd. Grand Jct., Co.

Dear Scott:

I am in receipt of a letter from Alan and Thelma Allen who are requesting a neighborhood meeting for a proposed change in the use of said property to a pool hall and bar. I will not be able to attend this get together meeting this evening due to previous commitments.

I am the owner of Starr Corporation dba Creekside Apartments which lies immediately to the North of this property and has 24 full time residents mostly retired. I wish to make the following comments concerning this proposed conditional use change.

First a little history:

Within the last 10 years or so there has been 2 bars located in this location of which none were good neighbors although they promised to be. The last bar had pool tables, occasional bands, loud jukeboxes, and lots and lots of trouble with their customers including, fights, attempted rapes, trespassing, parking on street and in our complex, destruction of our property (fences) when there was a brawl with customers outside, girl fights, verbal confrontations with my tenants and managers, constant police activity, disturbing the peace with not only our complex but the neighbors on 28 1/2 road with car and motorcycle races during and after the bar closed at 2:00 am in the morning. My manager and tenants were confronted with belligerent drunk people knocking on doors looking for buddies or girlfriends who did not live on the premises but liquored up thought they did. My laundry rooms were broken into twice and we found one drunk sleeping in the room because he could not find his way home. All of this is a matter of record.

We constantly pleaded with the owners to control their bar and they would promise to do so but it never happened. Consequently after meeting with the city/planning I provided a petition of sorts from me and the surrounding neighbors that requested not to reissue or change the use of the property that would allow hard liquor. The planning department agreed and we were assured that in the future there would never be a conditional use change that would allow a bar to be at that location again. When the property changed to commercial with conditional use NOT allowing hard liquor on the premises from that point on to my knowledge there was never again disturbances or complaints from the neighbors.

Therefore as promised to us a number of years ago I am against ANY change in conditional use that would allow hard liquor. We and the neighborhood are entitled to the quiet and peaceful enjoyment of our property and allowing this to happen again would eventually change the residential atmosphere of our neighborhood into another war zone and nightmare again. Please don't let this happen we have been through this before.

Very truly,

TONY PERRY, PRESIDENT

Starr Corporation/Creekside Apartments

515 28 1/2 Rd.

Grand Junction, Colorado

Attach 5

Variance – City Market Fueling Station Variance - VAR-2013-368

CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: September 10, 2013
PRESENTER: Greg Moberg

AGENDA TOPIC: VAR-2013-368

ACTION REQUESTED: Consider a request for a Variance from Section 21.06.080(c)(7), Outdoor Lighting Standards, for a fueling station on 0.574 acres in a B-2 (Downtown Business) zone district.

BACKGROUND INFORMATION					
Location:		2195 Hwy 6 & 50			
Applicants:		Drew Warot – King Soopers			
Existing Land Use:		Vacant Hotel			
Proposed Land Use:		Fueling Station (City Market)			
Surrounding Land Use:	North	Fueling Station and Offices			
	South	Grocery Store (City Market)			
	East	Parking Lot (City Market)			
	West	Fueling Station			
Existing Zoning:		B-2 (Downtown Business)			
Proposed Zoning:		B-2 (Downtown Business)			
Surrounding Zoning:	North	B-2 (Downtown Business)			
	South	B-2 (Downtown Business)			
	East	B-2 (Downtown Business)			
	West	B-2 (Downtown Business)			
Future Land Use Designation:		Downtown Mixed Use			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Request to allow an increase of canopy lighting from an average of 10 footcandles and a maximum of 15 footcandles to an average of 22.97 footcandles and a maximum of 29.9 footcandles.

RECOMMENDATION: Denial

ANALYSIS

1. Background

The property has been used as a hotel since the 1960's and prior to that as single family residential lots, the lots were platted as part of the original square mile. Several years ago the building was vacated and the current owners completed hazardous materials (asbestos) mitigation. King Soopers recently identified the site for a new fueling station and submitted a request for site plan approval on June 17, 2013. The site is located at the northeast intersection of N. 1st Street and White Avenue approximately 290 feet from the nearest residential dwelling. During the review process the Applicant became concerned with the canopy lighting standards and is requesting a variance from those standards.

Section 21.06.080(c)(7) requires that canopy lights, such as service station lighting, shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent properties. Canopy lighting shall not exceed an average of 10 footcandles and a maximum of 15 footcandles.

Prior to 2010, the standards for lighting were very general. The Code restricted the hours floodlights could be used, set a maximum height for lighting and required the confinement of direct light beams to the lighted property. When the Code was amended in 2010 new lighting standards were adopted. The amended Code included the previous standards and added several new standards. The new standards include limits on the average and maximum footcandles for canopies and parking areas and prohibition of search lights, non-color corrected sodium vapor and mercury vapor fixtures. They also require full cutoff light fixtures and a lighting plan for all parking lots that contain 30 or more spaces. Businesses are encouraged to turn off lights after business hours.

The Applicant is requesting that a variance be approved to increase canopy lighting from an average of 10 footcandles and a maximum of 15 footcandles to an average of 22.97 footcandles and a maximum of 29.9 footcandles. It is the Applicant's opinion that adhering to the current lighting standards creates an unfair competitive advantage for the two adjacent fueling stations (Loco and Shell which were built prior to the new standards) and safety concerns. The Applicant has submitted a Photometric Evaluation that includes a photometric survey of eight fueling stations including the two adjoining stations.

2. Consistency with the Comprehensive Plan

The property is zoned B-2, Downtown Business, with a Comprehensive Plan Future Land Use designation of Downtown Mixed Use. The B-2 zone district is an allowed zoning district within the Downtown Mixed Use designation. The Grand Junction Municipal Code is the tool used to implement the goals of the Comprehensive Plan. The granting of a variance would appear to conflict with Goal 1 of the Comprehensive

Plan, which is to implement the Comprehensive Plan in a consistent manner.

3. Section 21.02.200(c) of the Grand Junction Zoning and Development Code:

The Planning Commission shall use the following criteria to consider a variance from the lighting standards:

(i) **Hardship Unique to Property, Not Self-Inflicted.** There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;

The Applicant has stated that because the proposed site is being held to a more restrictive lighting standard than the adjacent fueling stations a hardship is created. It is the Applicant's contention that the new standards create an unfair competitive advantage because the adjacent fueling stations are more visible and appealing to potential customers. This statement is problematic as it can be applied to other properties and therefore not unique to this site. This criterion requires that the Applicant provide evidence that the hardship is unique to this site and not applicable to other properties. Therefore the Applicant has not provided sufficient information that an exceptional condition exists, specific to this site, creating an undue hardship.

(ii) **Special Privilege.** The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;

Since the adoption of the Zoning Code in 2010, the City has had four applications for fueling stations with canopies. Three of the applications have received approval and one is under review. All four have had to meet the current canopy lighting standards. Therefore, approval of this request would confer a special privilege that has not been granted to the other proposals.

(iii) **Literal Interpretation.** The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;

The Applicant has stated that a literal interpretation of the lighting standards creates an unfair competitive advantage depriving the Applicant of the rights enjoyed by other the adjacent fueling stations. The Applicant further states that lighting levels drop over time due to degradation of bulbs and dirt and dust accumulation on fixtures.

Whenever a standard is amended to be more restrictive, an argument could be made that the application of the new standard deprives new applicants of rights commonly enjoyed by existing properties and uses. Furthermore, the Applicant has stated that an unfair competitive advantage is created but not supplied any specific

information or findings that supporting this statement.

Therefore the Applicant has not shown that the literal interpretation of the current lighting standards deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district.

(iv) Reasonable Use. The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;

The Applicant provides information contained within the submitted Photometric Evaluation (see attached) that the Illuminating Engineering Society of North America (IESNA) recommends an average luminance of twenty (20) to thirty (30) under a canopy and five (5) to ten (10) in parking and drive aisles. The Applicant further states that higher lighting levels create a safer environment for handling flammable liquids and that without the requested lighting levels, City Market would be putting their customers and employees in danger.

This is a broad statement that signifies a relationship between lighting and safety but leaves out specific information or findings relating to when the lack of lighting becomes unsafe for fueling stations. Furthermore, the statement refers to nighttime use only and does not address daytime use (i.e. the ratio of nighttime customers versus daytime customers and the degree of lost revenue due to reduced lighting). Therefore the Applicant has not shown that a reasonable use of the property cannot be derived without the requested variance.

The City Market on 24 Road has a fueling station whose canopy lights meet the current standards, with an average of 10 and maximum of 15 footcandles. No reports of safety problems related to lighting at that location have been provided.

(v) Minimum Necessary. The variance is the minimum necessary to make possible the reasonable use of land or structures;

The Applicant has proposed an average luminance of 22.97 footcandles and a maximum luminance of 29.9 footcandles. It is the Applicant's assertion that the request is at the low end of the acceptable lighting levels as determined by the IESNA recommendation and well within the range of luminance of existing fuel sites. It is the Applicants contention that the request is the minimum required to maintain adequate luminance necessary to ensure safety and security where highly flammable fluids and vapors are present.

Again these statements are broad and refer to the minimum lighting necessary by IESNA recommendations but do not specifically address what level of lighting creates an unsafe and dangerous situation.

(vi) Conformance with the Purposes of this Code. The granting of a variance shall not conflict with the purposes and intents expressed or implied in this code; and

The purpose of the lighting standards are as follows:

- (1) To minimize light pollution, light trespass and glare;
- (2) To conserve energy and resources;
- (3) To provide safe roadways for motorists, cyclists and pedestrians;
- (4) To ensure sufficient lighting can be provided where needed to promote safety and security; and
- (5) To protect and reclaim the ability to view the night sky.

The Applicant indicated that granting the variance would provide better lighting promoting safety and security. However, the Applicant did not provide evidence that the increased lighting would not conflict with any of the other purposes listed above. Without any additional information it would be expected that increased lighting would create more light pollution, light trespass and glare; would use more energy and resources; and would make it more difficult to view the night sky.

(vii) Conformance with the Comprehensive Plan. The granting of a variance shall not conflict with the goals and principles in the City's Comprehensive Plan.

The Applicant did not address how approval of the requested variance would meet specific goals and policies of the Comprehensive Plan.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the City Market Fueling Station Variance application, VAR-2013-368 for a variance to Section 21.06.080(c)(7), Outdoor Lighting Standards, of the Grand Junction Municipal Code, staff makes the following findings of fact and conclusions:

1. The requested variance is inconsistent with the goals and policies of the Comprehensive Plan;
2. The criteria in Section 21.02.200(c) of the Grand Junction Municipal Code have not been met as stated in the above paragraphs addressing each criterion specifically.

If the Board elects to approve, alternative findings and conclusions must be made.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission deny the requested variance to Section 21.06.080(c)(7), Outdoor Lighting Standards, of the Grand Junction Municipal Code, with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on variance request, VAR-2013-368 I move that the Planning Commission deny the request with the findings and conclusions listed in the staff report.

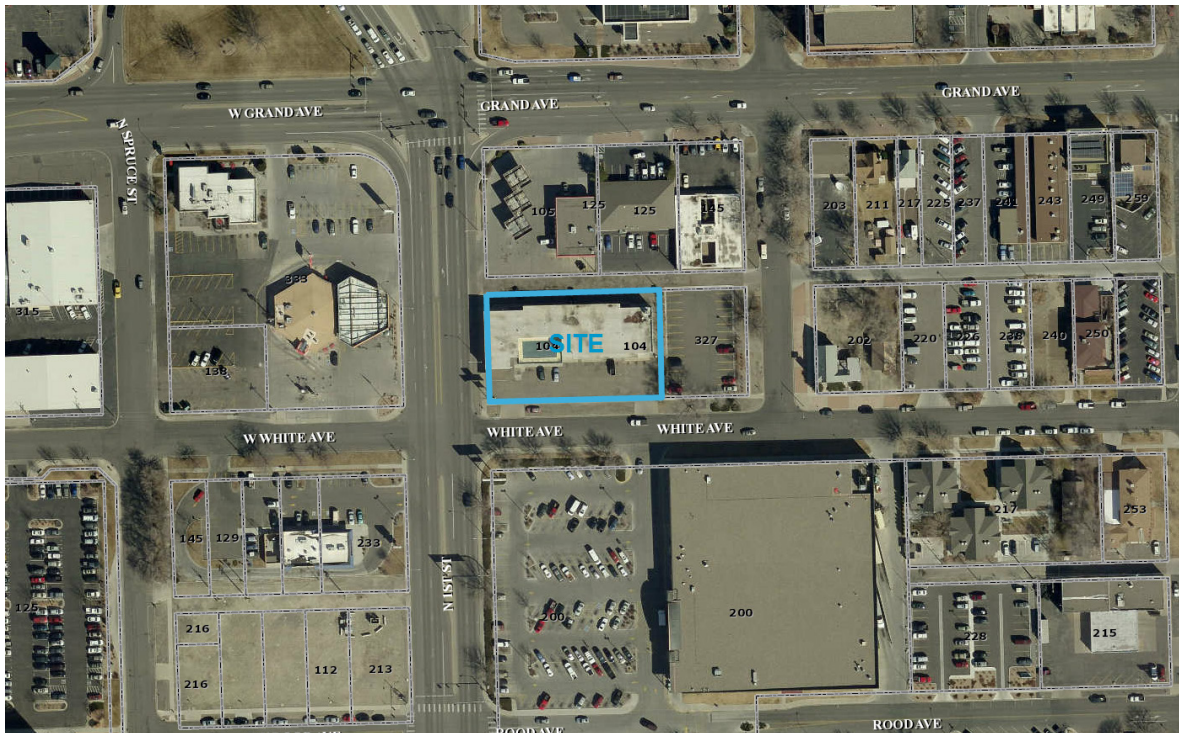
Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Map / Existing City Zoning Map
Illuminating Engineering Society – Illuminance Categories and Values
Common Lighting Levels - Outdoor
Fueling Station Map
General Project Report
Photometric Evaluation
Photometric Plan

Site Location Map



Aerial Photo Map



Comprehensive Plan Map



Existing City Zoning Map



Illuminating Engineering Society – Illuminance Categories and Values

TABLE 1

IES ILLUMINANCE CATEGORIES and VALUES - for GENERIC INDOOR ACTIVITIES

ACTIVITY	CATEGORY	LUX	FOOTCANDLES
Public spaces with dark surroundings	A	20-30-50	2-3-5
Simple orientation for short temporary visits	B	50-75-100	5-7.5-10
Working spaces where visual tasks are only occasionally performed	C	100-150-200	10-15-20
Performance of visual tasks of high contrast or large size	D	200-300-500	20-30-50
Performance of visual tasks of medium contrast or small size	E	500-750-1000	50-75-100
Performance of visual tasks of low contrast or very sm size	F	1000-1500-2000	100-150-200
Performance of visual tasks of low contrast or very sm size over a prolonged period	G	2000-3000-5000	200-300-500
Performance of very prolonged and exacting visual tasks	H	5000-7500-10000	500-750-1000
Performance of very special visual tasks of extremely low contrast	I	10000-15000-20000	1000-1500-2000

A-C for illuminances over a large area (i.e. lobby space)

D-F for localized tasks

G-I for extremely difficult visual tasks

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TABLE 2

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TASK CATEGORIES AND REFERENCE ILLUMINANCE LEVELS

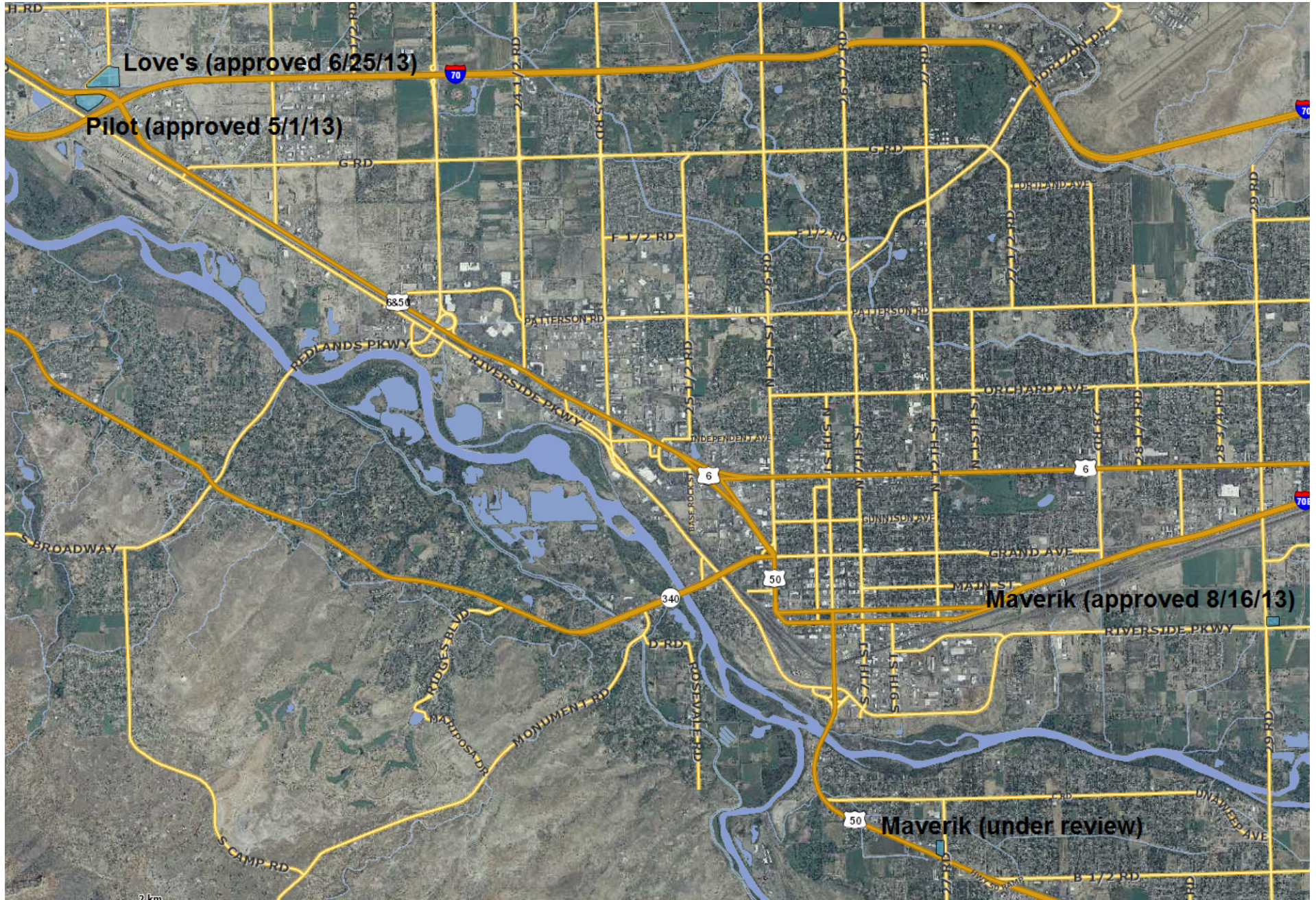
ILLUMINANCE CATEGORY	DIFFICULTY OF VISUAL TASK	IMPORTANCE OF SPEED & ACCURACY	
		non critical	/ critical
A	MOVEMENT THROUGH PUBLIC SPACES	50 - LUX - 75 (5) - FC - (7)	
B	INFREQUENT READING OR WRITING; High contrast & large size	100 (9)	150 (14)
C	FREQUENT (& easy) READING OR WRITING; High contrast & large size (e.g. typewritten page)	200 (19)	300 (28)
D	MODERATELY DIFFICULT READING OR WRITING; low contrast or small size (e.g. penciled mechanical drawings)	300 (28)	450 (42)
E	DIFFICULT READING OR WRITING; low contrast & small size (e.g. poor copy of a blueprint)	500 (46)	750 (70)

Common Light Levels – Outdoor

Common light levels outdoor at day and night can be found in the table below:

Condition	Illumination(<i>Footcandles</i>)
Sunlight	10,000
Full Daylight	1,000
Overcast Day	100
Very Dark Day	10
Twilight	1
Deep Twilight	.1
Full Moon	.01
Quarter Moon	.001
Starlight	.0001
Overcast Night	.00001

Fueling Station Map



City Market Fuel – Lighting Variance
104 White Avenue (White Avenue & 1st Street) Grand Junction, CO
August 5, 2013
General Project Report

Project Description

King Soopers/City Market is proposing to redevelop a site (0.575 acres) located on the northeast corner of 1st Street & White Avenue. The site is currently a "Value Lodge" motel. King Soopers plans to demolish the existing improvements. King Soopers will act as the authorized representative for JRWM LLC for the purpose of obtaining City of Grand Junction Major Site Plan approval and permits for construction of the proposed fuel station development.

The intended use is a King Soopers fueling facility to include a 204 square foot kiosk and 7 multiple product dispensers (14 motor vehicle fueling positions) covered by a 5,418 square foot canopy.

There is an approximately 150 square foot outdoor sales area adjacent to the front of the kiosk. Sales will include pre-packaged food and drink items during the hours that the kiosk is manned.

City Market is requesting a lighting variance in order to increase lighting levels under the canopy and in the area surrounding the canopy. City Market is requesting the following canopy lighting levels: average of 22.97 foot candles and a maximum of 29.9 footcandles.

Public Benefit

The site is currently blighted property. The motel is not in use and has been abandoned. The building exterior is deteriorating and windows have been broken. Being that First Street is one of the busiest streets in Grand Junction, the site is highly visible to many people, including tourists. City Market will develop a fuel station for the benefit of the residents of Grand Junction with high end exterior finishes.

Additional lighting on the site will create a safer environment. All proposed lighting levels are based on Retail Illuminance Recommendations of the IES 10th Edition.

Project Compliance, Compatibility and Impact

Requested Lighting Variance

- a. Hardship Unique to Property, Not Self-Inflicted. There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within similar zone districts, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;

Applicant's Response: The proposed site is being held to lighting regulations that other fueling sites in the area were not held to when they were

constructed. Because other adjacent fueling sites are allowed higher lighting levels than the proposed site, they have an unfair competitive advantage over the proposed site. The adjacent sites are more visible and appealing to customers.

- b. Special Privilege. The exception shall not confer on the applicant any special privilege that is denied to other lands or structures within similar zone districts;

Applicant's Response: Based on a lighting study conducted by Galloway the two fuel sites adjacent to the proposed site, Shell and Conoco/Loco, have lighting levels higher than what's allowed in the City Code. Without a lighting variance City Market would have a competitive disadvantage.

- c. Literal Interpretation. The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar zoning districts and would work unnecessary and undue hardship on the applicant;

Applicant's Response: In a lighting study conducted by Galloway it was determined that the two fuel stations in close proximity to the proposed site, Shell and Conoco/Loco, have an average lighting level that exceeds the current zoning code. These two fuel stations will be in direct competition with the proposed City Market fueling station, therefore City Market will have a disadvantage because their site will not be adequately lit compared to adjacent fueling stations.

The lighting survey conducted by Galloway on July 23, 2013 showed that the City Market fueling station, located at 630 24 Road, currently has an average canopy lighting level of 14.6 footcandles. The approved average canopy lighting level was 19.39 footcandles. Over the three years that the facility has been open and operating lighting levels have dropped 25%. This is an indication that the proposed lighting levels for the proposed site will decrease at a similar rate over time.

- d. Reasonable use. The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance.

Applicant's Response: Based on the acceptable lighting levels, as determined by the IESNA standards, the proposed lighting levels create a reasonable use of the site. Higher lighting levels on the site will create a safer environment for the handling of flammable liquids. City Market feels that without the requested higher lighting levels they would be putting their customers and employees in danger.

The proposed lighting levels are also within the range of luminance of the existing fuel sites in Grand Junction. This enables the proposed fuel station to be competitive with its neighboring fuel stations.

- e. Minimum necessary. The variance is the minimum necessary to make possible the reasonable use of land or structures.

Applicant's Response: The proposed fuel site has a proposed average luminance of 22.97 footcandles and a maximum luminance of 29.9 footcandles, which is at the low end of the acceptable lighting levels as determined by the IESNA standards and well within the range of luminance for existing fuel sites in Grand Junction. Maintaining adequate luminance is necessary to ensure safety and security where highly flammable fluids and vapors are present.

- f. Greater Downtown Plan Goals. The proposal actually meets overall goals of the Plan better than if standards are followed;

Applicant's Response: One of the goals of the Strategic Downtown Master Plan (SDMP) is to "maintain and enhance the economic, cultural and social vitality of downtown". The proposed development will take the place of a blighted, abandoned and poorly lit establishment. The proposed site will enhance the economic vitality of downtown. Increased lighting levels will also provide a safer and more inviting downtown environment.

- g. Conformance with the Purposes of the Zoning Overlay and the Zoning and Development Code. The granting of an exception shall not conflict with the purposes and intents expressed or implied in this Zoning Overlay District or the Zoning and Development Code; and

Applicant's Response: In section 37.32.030 of the City Code it states that one public safety goal is to "provide for public safety in the design of parks and trails and other public facilities". An increase to the permitted lighting levels will increase public safety.

In section 37.32.040 of the City Code it states that one of the Public Safety Implementation Strategy is "the City and County will improve night lighting of pedestrian trails and trail connections to subdivisions and in parks to provide a better deterrent to crime and illegal activities." City Market is working achieve the same goals as the City of Grand Junction by increasing average night lighting luminance in order to deter crime and illegal activities.

- h. Conformance with Comprehensive Plan. The granting of an exception shall not conflict with the goals and principles in the City's Comprehensive Plan.

Applicant's Response: According to the City of Grand Junction Comprehensive Plan a part of the vision is that Grand Junction is a community that is safe. City market is proposing an increase to lighting levels on the site in order to provide a safer environment for its customers and employees.

Surrounding Land Use

North – Conoco Fueling Station

West – Shell Fueling Station

East – City Market Employee Parking Lot

South – City Market Grocery Store

Effects on Public Facilities

The proposed site plan and use for the site will have minimal, if not positive effects, on public facilities.

The current site contains an abandoned motel building that has been vandalized in the past. The proposed development will provide appropriate site lighting and limit the possibility of unauthorized trespassing, therefore positively impacting the Grand Junction Police Force. The City Police Department included comments after the first Planning submittal suggesting that natural surveillance should be incorporated into the design of the site. According to the police department, this can be accomplished through the placing of structures and landscaping to allow users and residents to see and hear activity. Legitimate users can identify trespassers, and potential criminals will feel unsafe because they are too visible. Visibility will increase and create a safer environment if additional lighting is permitted.

Hours of Operation

The kiosk will be open from 6am to 10pm daily. Once the kiosk closes for the day the facility will be unmanned and gas sales will only be available for customers using credit or debit cards.

In order to ensure customer safety during night hours when the kiosk is unmanned, additional lighting on the site is proposed.

Review Criteria

City Market is submitting a Variance Application to the Grand Junction Planning Department for the allowance of higher lighting levels on the site than City Code permits.

Development Schedule and Phasing

There is an existing building on the site that will need to be demolished before development of the proposed fueling station can begin. Demolition will take place after Planning Department approval has been obtained, but before final construction document sets have been issued. Development of the fueling station will take place in one phase once the final construction document sets and a building permit have been obtained.

City of Grand Junction Photometric Evaluation

Date of Survey: 7/23/2013

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Summary

The purpose of this study is to evaluate section 21.06.080 of the Grand Junction City Code, which states that fueling facilities must be held to specific maximum luminance levels. When compared to national lighting standards and gas stations throughout Grand Junction, it is evident that strict adherence to section 21.06.080 would result in unsafe conditions for both gas station employees and customers. Because highly flammable fluids and vapors are present, this study recommends that luminance levels be designed to national lighting standards as opposed to Grand Junction City Code in order to guarantee the safety of the public.

Comparison to National Lighting Standards

The primary cause for concern regarding section 21.06.080 is that it states maximum luminance levels that are far less than the recommendations found in national lighting standards. Grand Junction code states that fueling stations must be held to an average luminance of three (3) footcandles in parking areas, and ten (10) footcandles under the canopy, as stated by section 21.06.080 (c)(4) and 21.06.080 (d)(1).

IESNA RP-2-01, a national standard for lighting written by the Illuminating Engineering Society of North America, incorporated into the 10th edition published in 2011, recommends an average luminance of twenty (20) to thirty (30) under the canopy and five (5) to ten (10) in parking and drive aisles:

Area to Illuminate	Description	Illumination in Lux (footcandles) of surrounding area*		
		Target Maintained Levels		
		High	Medium	Low
Approach	Area not under canopy, and or associated with service function	150 (15)	100 (10)	50 (5)
Gas Islands	Pumps and immediate service area within the canopy	500 (50)	300 (30)	200 (20)

*Illuminance of surrounding area refers to location; e.g., High would be at the corner of a major intersection within an urban area or large community – Low would be a stand-a-lone location on a rural road and/or community.

IESNA standards were written by a nationally recognized group of illumination engineers and take into consideration the safety of the public as well as other factors such as light pollution. Galloway cannot recommend designing to Grand Junction City Code as it specifies maximum luminance levels of less than 50% of IESNA recommendations.

Comparison to Grand Junction Gas Stations

Grand Junction section 21.06.808 is also well below industry standard for gas station construction. To demonstrate the industry standard, average luminance levels were measured at a number of gas stations throughout Grand Junction. Results confirm that

fueling stations in the area were designed at luminance levels that far exceed the requirements of section 21.06.080. Facilities with some canopy lights turned off or burned out are indicated with an asterisk.

Gas Station	Location	Average Under-canopy Luminance in footcandles (fc)	Number of lights turned off, burned out, or dirty
Loco/Conoco	107 Grand Ave.	22.8 fc	0
Shell	333 N. 1 st St.	19.2 fc*	1
City Market	630 24 Rd.	14.6 fc*	1
Diamond Shamrock	1015 North Ave.	18.7 fc	0
Valero	2520 Broadway	25.2 fc	0
Western Convenience	2525 Broadway	10.8 fc*	1
Bradley	2498 Patterson Rd.	7.9 fc*	2
Conoco	596 25 Rd.	22.3 fc	0

Gas stations with no lights turned off or burnt out had an average luminance of 22.2 footcandles. All gas stations, including those with lights turned off or burnt out had an average luminance of 17.7 footcandles. The maximum luminance was 48 footcandles.

It should also be noted that many of these gas stations were constructed a number of years ago, and would have decreased in luminance over time. This decrease in luminance is referred to as a "burn-in factor" and takes into account the degradation of the bulbs and dirt and dust accumulation on the fixtures. Even though a number of gas stations had observable luminance levels of 7.9 to 15 footcandles, it is very likely that these stations would have had luminance levels of at least 20 footcandles when the station first opened. Take for example the City Market fuel site, which was designed and installed with an average of 19.4 footcandles just three years ago. Due to burn-in and dirt, the canopy now has an average of 14.6 footcandles. If we use the City Market site as an example, we can see that burn-in can be as much as 25% in a few years. If we adjust the average luminance of 22.2 footcandles to account for burn-in, we find that the existing sites had a luminance of 29.6 footcandles when first put into operation.

Many of the existing gas stations use drop-down bulbs which spread light horizontally and appear much brighter from adjacent streets than would a station using full-cutoff fixtures such as the proposed City Market site. Full-cutoff fixtures reduce horizontally-cast light and appear less bright and intrusive from adjacent streets and properties.

Conclusion

It is the professional opinion of this report that proposed lighting be designed in accordance to the IESNA recommendation of 20 to 30 footcandles under the canopy and 5 to 10 footcandles in parking and drive aisles. The photometric survey of gas stations in Grand Junction further reinforces the opinion that 20 to 30 footcandles is an appropriate under-canopy luminance for a newly constructed fueling site. The proposed fuel site at First St. and White Ave. has a proposed average luminance of 22.97 footcandles and a maximum luminance of 29.9 footcandles, which is at the low end of

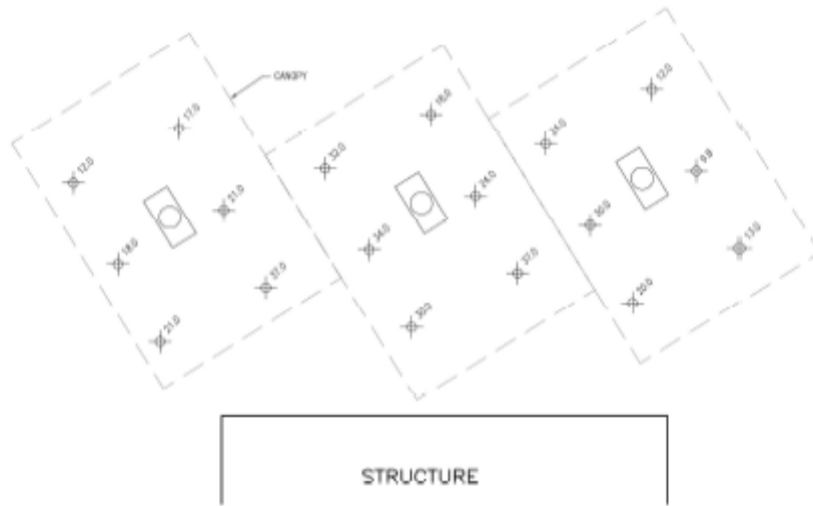
the acceptable lighting levels as determined by the IESNA standards and well within the range of luminance for existing fuel sites in Grand Junction. Maintaining adequate luminance is necessary to ensure safety and security where highly flammable fluids and vapors are present.

This report was prepared in accordance with current theories, industry standards, and experience of our engineers.



Carl Schmidlein, P.E.

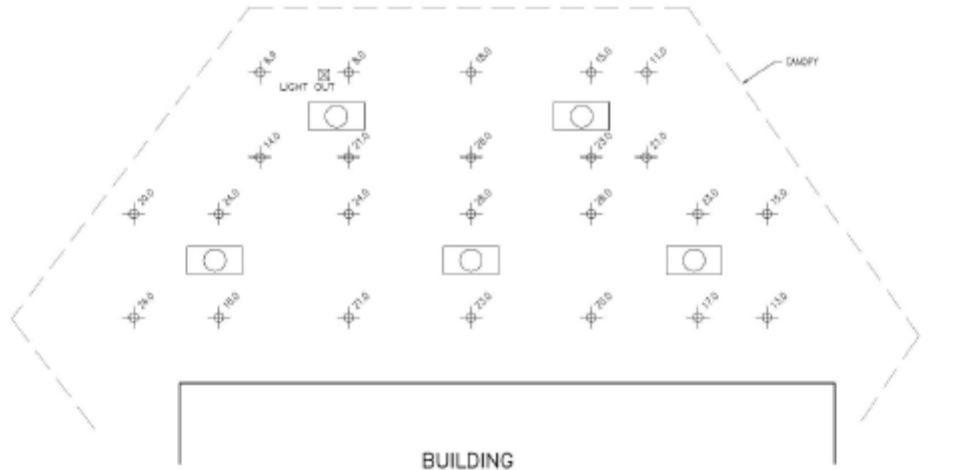
Appendix A: Photometric Reading Survey



1 - LOCO/CONOCO
 107 GRANT AVE.
 12 TOTAL LIGHTS
 1 LIGHTS OUT
 AVERAGE F.C. = 22.8

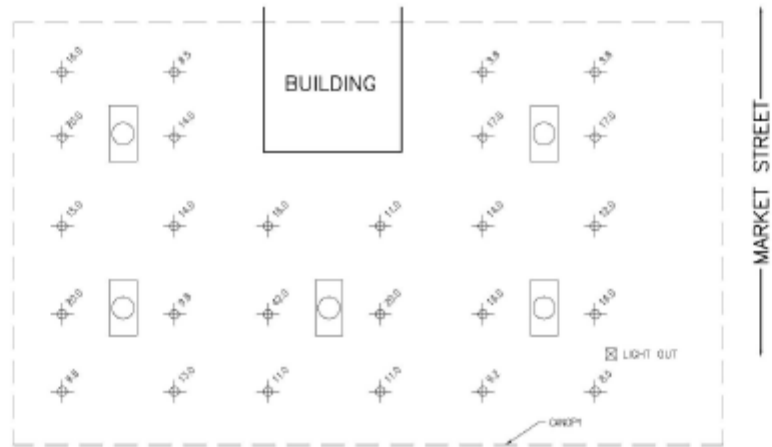
LEGEND

☐	LIGHT OUT
✕	LIGHT READING
○	FUEL DISPENSER



2 - SHELL
 333 N. 1ST STREET
 19 TOTAL LIGHTS
 1 LIGHTS OUT
 AVERAGE F.C. = 19.2

LEGEND	
	LIGHT OUT
	LIGHT READING
	FUEL DISPENSER

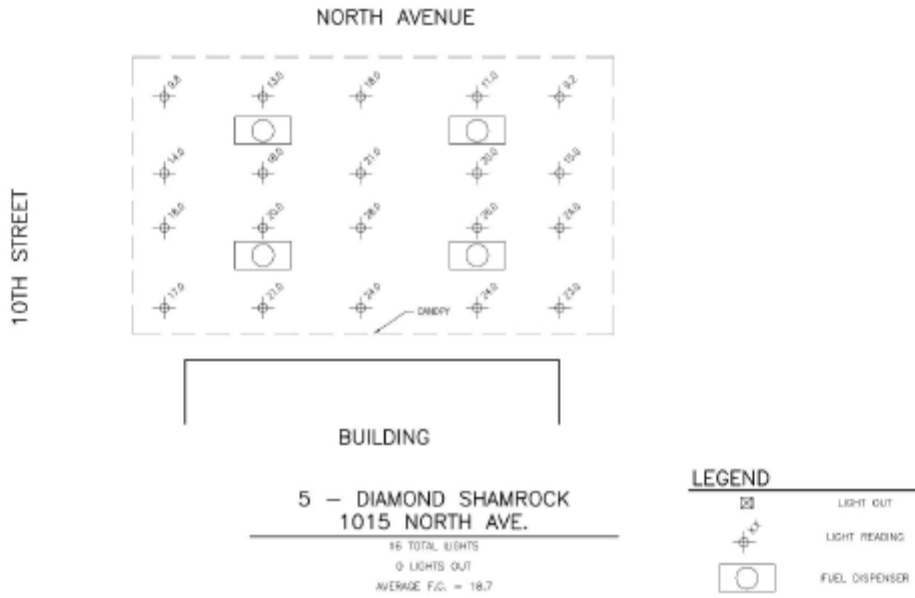


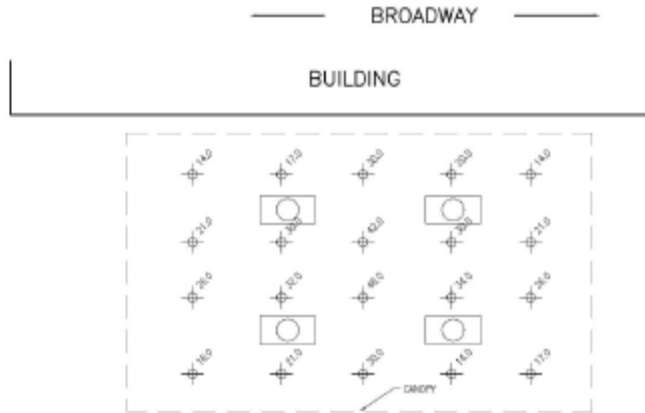
**3 - CITY MARKET
630 24 ROAD**

21 TOTAL LIGHTS
1 LIGHTS OUT
AVERAGE F.C. = 14.6

LEGEND

-  LIGHT OUT
-  LIGHT READING
-  FUEL DISPENSER



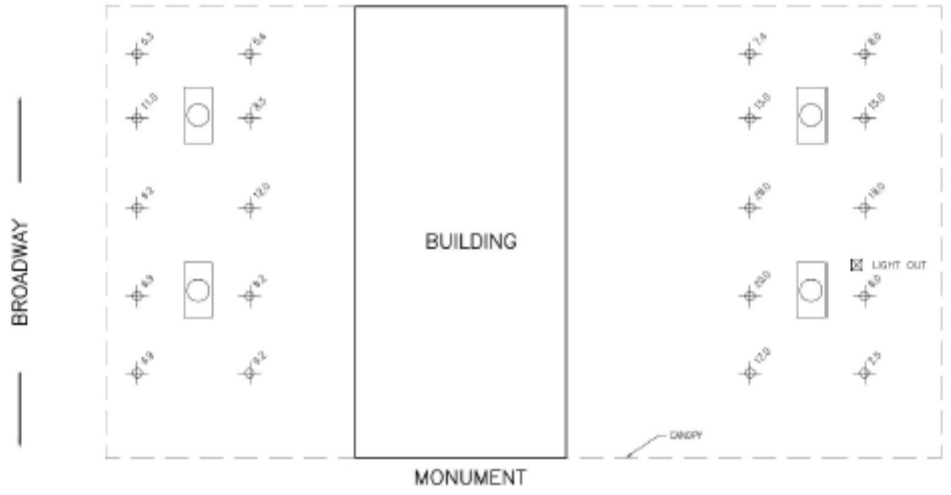


8 - VALERO
2520 BROADWAY

12 TOTAL LIGHTS
0 LIGHTS OUT
AVERAGE F.C. = 25.2

LEGEND

- LIGHT OUT
- LIGHT READING
- FUEL DISPENSER

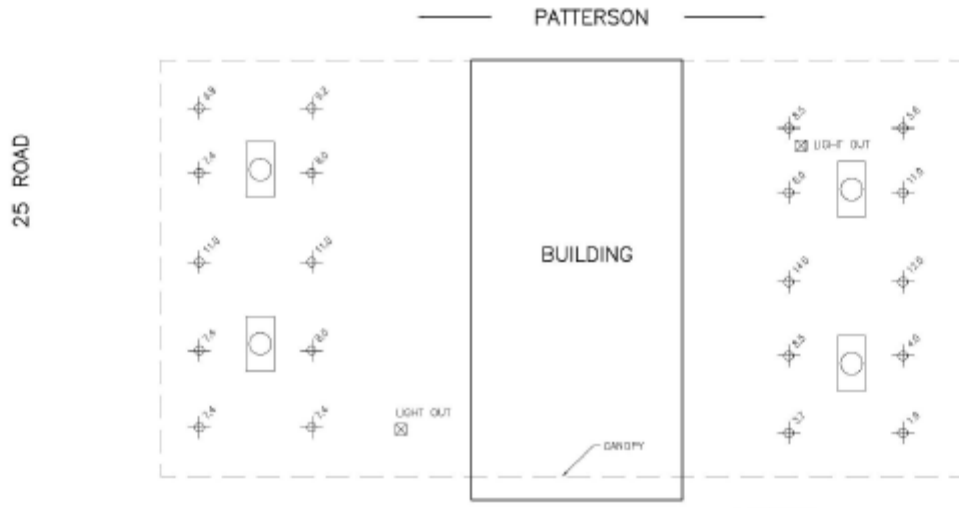


**9 - WESTERN CONVENIENCE
2525 BROADWAY**

16 TOTAL LIGHTS
1 LIGHTS OUT
AVERAGE F.C. = 10.8

LEGEND

- LIGHT OUT
-  LIGHT READING
-  FUEL DISPENSER

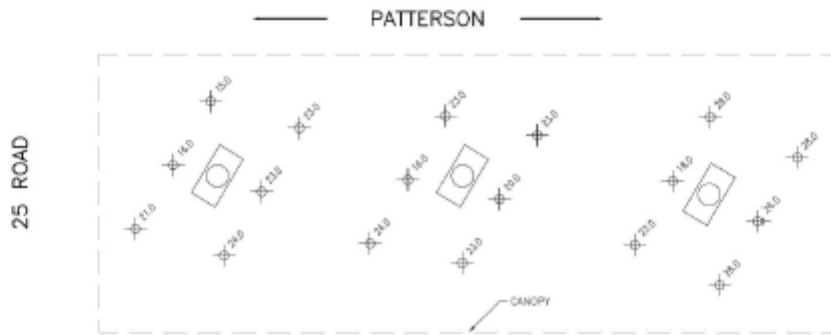


11 - BRADLEY
2498 PATTERSON RD.

18 TOTAL LIGHTS
2 LIGHTS OUT
AVERAGE F.C. = 7.9

LEGEND

-  LIGHT OUT
-  LIGHT READING
-  FUEL DISPENSER



15 - CONOCO
596 25 ROAD

16 TOTAL LIGHTS
0 LIGHTS OUT
AVERAGE F.C. = 22.3

LEGEND

-  LIGHT OUT
-  LIGHT READING
-  FUEL DISPENSER

Appendix B: Photos



Loco/Conoco – 107 Grand Ave.

Time of Survey: 12:00am

Total lights: 12

Lights out: 0

Average Luminance: 22.8 footcandles



Shell – 333 N. 1st St.
Time of Survey: 12:05am
Total lights: 19
Lights out: 1
Average Luminance: 19.2 footcandles



City Market – 630 24 Rd.
Time of Survey: 12:51am
Total lights: 21
Lights out: 1
Average Luminance: 14.6 footcandles



Diamond Shamrock – 1015 North Ave.

Time of Survey: 2:10am

Total lights: 16

Lights out: 0

Average Luminance: 18.7 footcandles



Valero – 2520 Broadway
Time of Survey: 12:30am
Total lights: 12
Lights out: 0
Average Luminance: 25.2 footcandles



Western Convenience – 2525 Broadway

Time of Survey: 12:20am

Total lights: 18

Lights out: 1

Average Luminance: 10.8 footcandles



Bradley – 2498 Patterson Rd.

Time of Survey: 1:25am

Total lights: 18

Lights out: 2

Average Luminance: 7.9 footcandles



Conoco – 596 25 Rd.
Time of Survey: 1:15am
Total lights: 18
Lights out: 0
Average Luminance: 22.3 footcandles

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Attach 6
City of Grand Junction Planning Commission Bylaws
suggested changes start next page

CITY OF GRAND JUNCTION PLANNING COMMISSION BYLAWS

PLANNING COMMISSION OFFICERS – DUTIES, POWERS, ELECTION and TERMS OF OFFICE

1 Chairperson

- a) Presides at all meetings of the Commission.
- b) Calls special meetings of the Commission in accordance with the bylaws.
- c) Signs documents of the Commission.
- d) Sees that all actions of the Commission are properly taken.
- e) Serves as ex-officio member of all committees established by the Grand Junction Planning Commission with voice but no vote.
- f) Elected by the Commission at a regular meeting in ~~December~~May of each year.
- g) Votes under the same procedures as other Commission members at public hearings.
- h) Shall not serve more than two (2) consecutive full years as Chair except with the unanimous vote of the members of the Planning Commission.

2 Vice-Chairperson

- a) During the absence, disability, or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.
- b) Elected by the Commission at a regular meeting in ~~December~~May of each year.
- c) Shall succeed the Chairperson if the office is vacated before the term of the Chairperson has expired; the Vice-Chairperson shall serve the unexpired term of the vacated office. A new Vice-Chairperson shall be elected by a majority vote of the members of the Planning Commission at the next regular meeting following the Vice-Chairperson ~~man~~ assuming the Chair.

3 Secretary and Staff

- a) Engineering, planning and technical staff to the Commission are provided by the City.
- b) The Secretary to the Commission shall keep the minutes of all public hearings of the Commission in an appropriate manner.

- c) The Secretary shall prepare minutes, transcripts and certifications of record(s) of the Commission.

PLANNING COMMISSION MEMBER CONDUCT

- 1 The Chairperson, on behalf of the Commission, may recommend to the Grand Junction Planning Commission that a member be removed from the Commission after three (3) unexcused absences during a calendar year. The determination of what comprises an unexcused absence shall be left to the discretion of the Chairperson and/or Vice-Chairperson. A recommendation to the City Council for removal of a member requires a motion, only after a finding of 3 unexcused absences as provided herein, and majority vote of the members. The Chairperson and the member considered for removal shall be entitled to vote.
- 2 The Planning Commission members shall not discuss applications filed, to be filed or contemplated with petitioner(s), applicant(s) or representative(s) individual sessions or telephone conversations. Commissioners shall make no comment or input on a petition or item on the Planning Commission Agenda prior to consideration at a meeting or hearing of the Commission. This bylaw shall not be construed in such a way so as to prevent Planning Commission members from questioning or interviewing members of the development community, private citizens, City staff or other parties that may have information which will enhance a Commissioner's ability to perform his/her duties.

~~COMMUNITY DEVELOPMENT DEPARTMENT PLANNING~~ STAFF RESPONSIBILITIES TO PLANNING COMMISSION

- 1 Gives or serves all notices by law or these rules.
- 2 Prepares the agenda for all meetings of the Commission.
- 3 Is custodian of all Commission records and documents including all maps, plats and other matters required by law, rule or regulation filed, kept or controlled by the Department.
- 4 Informs the Commission of correspondence relating to business of the Commission and attends to such correspondence as necessary.
- 5 Administers funds allocated to the Commission in accordance with its directives, the law and City regulations.

CONDUCT OF MEETINGS

- 1 The number of meetings per month and a schedule of meeting dates shall be established and may be altered or changed at any regularly scheduled meeting. Two regular meeting

dates are established each month on the second and fourth Tuesdays of each month at 6:00 PM in the City Hall Auditorium, located at 250 North 5th Street.

(Amended 11/7/07 Resolution No. 157-07)

- 2 Additional meetings may be held at any time upon the call of the Chairperson or by a majority of the voting members of the Commission or upon request of the Grand Junction City Council following no less than a ~~twenty-four~~ 24 hour notice to each member of the Commission. In addition to any other means of providing notice, the Commission shall be deemed to have given full and timely notice if the notice of the meeting is posted in the designated public place no less than 24 hours prior to the holding of the meeting.
- 3 ~~A majority of the members of the Commission in attendance at the hearing shall constitute a quorum for the transaction of business.~~ Each member of the Planning Commission who has knowledge that he/she will not be able to attend a scheduled meeting of the Commission shall notify ~~the Community Development Department Staff member designated by the Chairperson~~ at the earliest possible opportunity and, in any event, prior to 3:00 PM on the date of the meeting. Failure to give such advance notice may result in the ~~Chairperson~~ determining an unexcused absence for that member. The ~~Community Development Director Staff member~~ shall notify the Chairperson of the Commission in the event that scheduled or anticipated absences will result in the lack of a quorum.
- 4 The Commission shall conduct all meetings in accordance with generally accepted parliamentary procedure unless otherwise provided for in these rules.
- 5 Grand Junction Planning Commission Order of Hearing: the following procedure will normally be observed; however, the Chairperson may designate an alternate order for the expeditious conduct of business.
 - a) Consent Agenda
 - 1) Items of a non-controversial or minor nature may be heard and considered by the ~~C~~ommission on a consent agenda.
 - 2) For all items on the consent agenda, the Chair~~person~~ shall read the title of each item and determine ~~e~~if the ~~P~~etitioner or ~~R~~epresentative is present. The Chair~~person~~ shall then ask if any of the Commissioners, the ~~P~~etitioner or public want an item or items removed from the consent agenda. If not, the agenda is voted on by the Commission. If an item is removed from the agenda, it will be heard at a full hearing, in accordance with the procedures established in paragraph b, below. A Commissioner may vote no on any item without removing the item from the consent agenda, or may vote no on the entire agenda. One Planning Commission member may remove an item or items from the consent agenda. Removal

may be for any or no reason; the Commission may explain the reason for removal but that is not required.

- 3) Removal of an item or items from the consent agenda or placement of an item or items on a consent agenda may occur by the Staff or a majority of the Commissioners at the workshop or at public hearing.

b) Public Hearing Agenda

- 1) Chair reads the agenda item and asks if the Petitioner or Representative is present. If the Petitioner or Representative is present, Chair opens hearing.

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- 2) Petitioner or Representative presents the proposal, Review Agency and Staff comments which have not been resolved.

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- 3) Planning Commission may question Petitioner or Representative to clarify any items in the presentation.

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- 4) Community Development Department Staff presents additional information on the proposal and gives recommendation for approval, approval with conditions or denial of the proposal.

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- 5) Planning Commission may question Staff for clarification, explanation, or advice.

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- 6) Chair asks for public comments in favor of the proposal.

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- Chair should discourage lengthy repetitive testimony or debate. All questions/comments are to be directed to the Commission or City staff.
- Public Testimony and documents (e.g. petitions, exhibits) may be presented and ~~may shall~~ be entered into the permanent record of the hearing if presented.
- Commission may question opponents of the proposal.

- 7) Chair asks for public comments against the proposal.

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 - 10) Chair closes public hearing and asks for Commission discussion, motion, second and vote on the item. Formatted: No underline
- 6 If any member of the Planning Commission determines a conflict of interest or potential conflict of interest exists either prior to or during the proceedings concerning any item on the Planning Commission agenda, the member shall excuse him/herself, vacate his/her seat, leave the dais and refrain from discussing and voting on said item as a Planning Commission member. Members who are excused should leave the hearing room.
- 7 If the Chairperson and Vice-Chairperson cannot be present at a scheduled meeting, the Planning Commission shall elect a temporary Chairperson to conduct that meeting.
- 8 Matters referred to the Commission by the Grand Junction City Council may be placed on the calendar for consideration and action at the next available meeting determined by Staff the Administrator.

WORKSHOPS

- 1 Planning Commission workshops may be scheduled from time to time for the purpose of fact-finding, conducting or reviewing planning research, discussions on possible policy recommendations, engaging in comprehensive planning, training, and/or for conducting or participating in other areas of general-interest to the Planning Commission.
- 2 Workshops are open to the public but testimony shall not be received from Petitioners, Representatives or opponents.
- 3 If a Petitioner, Representative or other person requests an appearance before the Grand Junction Planning Commission at a workshop, the Chairperson shall evaluate the request and determine if the request is appropriate and in conformance with the bylaws, rules, regulations and law applicable to the Commission. All requests to appear before the Planning Commission at a workshop must be in writing and must contain an explanation

of the person's intentions as to why they person wishes to appear, what they person intends to present, the date requested, and any other relevant information, including the amount of time needed for a presentation. The Commission shall consider the request and, if approved, will invite the person to make an appearance at a specified workshop. An appearance before the Planning Commission at a workshop shall be expressly limited to discussion/presentation of general, non-specific information to assist the Commission in discharging its duties or in other matters related to general planning in and for the City of Grand Junction.

AMENDMENT OF PLANNING COMMISSION BYLAWS

~~—~~ These rules and regulations may be recommended to be amended at any meeting by a vote of the majority of the entire membership of the Commission provided five (5) days' notice has been given to each member of the Commission. Proposed amendments approved by the Commission, must be considered and approved by the City Council.

PASSED and APPROVED this 19th day of February, 1997.

ATTEST:

/s/ Stephanie Nye
City Clerk

/s/ Linda Afman
President of Council

Subsequently amended and approved by City Council on 2/18/98, 5/5/99, 11/17/99, 3/2/02, and 11 & 12/07. The above includes those amendments.

CITY OF GRAND JUNCTION PLANNING COMMISSION BYLAWS – Clean copy

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PASSED and APPROVED this _____ day of _____, 2013.

ATTEST:

City Clerk

President of Council