

GRAND JUNCTION PLANNING COMMISSION
November 12, 2014 MINUTES
6:00 p.m. to 9:18 p.m.

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Reece. The public hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

In attendance representing the City Planning Commission were Christian Reece (Chairman), Ebe Eslami (Vice-Chairman), Jon Buschhorn, Kathy Deppe, Keith Ehlers, Steve Tolle, and Bill Wade.

In attendance, representing the City's Administration Department - Community Development, were Greg Moberg, (Planning Supervisor), Lori Bowers, (Senior Planner), Senta Costello (Senior Planner) and Scott Peterson (Senior Planner), Rick Dorris (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 33 citizens in attendance during the hearing.

Announcements, Presentations and/or Prescheduled Visitors

None

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes from the October 14, 2014 regular meeting.

2. Cattail Creek Subdivision - Subdivision

Request a two year extension to the approval of the Preliminary Subdivision Plan to develop 106 lots on 26.35 acres in an R-5 (Residential Multi-Family 5 du/ac) zone district.

FILE #: PP-2007-043
APPLICANT: Shane Wilson - Bank of the San Juans
LOCATION: 666, 670, 682 29 1/2 Road
STAFF: Senta Costello

3. Short-Term Vacation Rentals - Zoning Code Amendment

Forward a recommendation to City Council to amend the Grand Junction Municipal Code, to add Section 21.04.030 Short-Term Rentals.

FILE #: ZCA-2014-291
APPLICANT: City of Grand Junction
LOCATION: City Wide
STAFF: Senta Costello

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

MOTION: (Commissioner Wade) “I move that we approve the Consent Agenda as read.”

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

***** 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. Amendment to Outdoor Lighting Ordinance - Zoning Code Amendment

Forward a recommendation to City Council to amend the Grand Junction Municipal Code, Section 21.06.080(c)(7) Outdoor lighting.

FILE #: ZCA-2014-355
APPLICANT: City of Grand Junction
LOCATION: City Wide
STAFF: Lori Bowers

Staff’s Presentation

Lori Bowers, Senior Planner, explained that this is a request for an amendment to the outdoor lighting ordinance, specifically lighting of outdoor fuel station canopies. Ms. Bowers continued with a slide presentation.

Background

Ms. Bowers stated that in September 2013, City Market requested a variance from the City of Grand Junction’s outdoor lighting standards for a fueling station. That variance

request was denied by the Planning Commission. The Planning Commission recommended that Staff compare other lighting ordinances in other communities and compare existing lighting within the City and come back with some options for consideration for an amended lighting ordinance.

Ms. Bowers stated that over 23 Colorado communities were reviewed for comparison. In addition, Ms. Bowers noted that she reviewed lighting ordinances from Nevada, Texas and Arizona.

Ms. Bowers indicated that in the City Market Variance request, the applicant proposed an average luminance of 22.97 foot-candles and a maximum luminance of 29.9 foot-candles. It was the Applicant's assertion that the request was 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.

Ms. Bowers added that the City's current ordinance states that canopy lighting shall not exceed an average of 10 foot-candles and a maximum of 15 foot-candles. For comparison purposes, Ms. Bowers noted that Fort Collins, Boulder, Silverthorne, and Castle Rock have an "under canopy" maximum of 30 foot-candles.

Recommendations

Ms. Bowers stated that the IESNA (Illuminating Engineering Society of North America) recommends an average luminance of twenty (20) to thirty (30) foot-candles under a canopy. Also noted was that the Dark Sky Society (2009) recommended that gas station pump areas average 5 foot-candle; and gas station service areas average 3 foot-candle, but recommends the practices of IES or IESNA as an organization that establishes updated standards and illumination guidelines for the lighting industry.

Ms. Bowers explained that changing the Code to a maximum of 30 foot-candles would bring the Code in-line with or similar to many other communities and would make existing fueling stations come into conformance.

Ms. Bowers noted that a lighting consultant also suggested that a light loss factor of 1.0 be added to the language.

Public Comments received:

Ms. Bowers stated that members of the Board of the Western Colorado Astronomy Club, in a letter dated September 7, 2014, made the following comments:

- 1) Having a local standard twice as strict as the national dark-sky recommendation makes little sense.
- 2) Granting variances was not the proper way to fix this.
- 3) The proper long-term solution would be to update the local code to be in line with the national recommendation.

Findings of Fact

Ms. Bowers stated that an increase to a 30 foot-candle maximum will bring existing fueling stations into compliance with the Code that were made nonconforming with the adoption of the 2010 Code.

Ms. Bowers explained that adding a light loss factor of 1.0 is a correction factor used to account for the difference between laboratory test results and real world degradation of the lighting system aging over time resulting in reduced lumen output.

Ms. Bowers indicated that Tom Burrows with the Western Colorado Astronomy Club is here to make a presentation. Ms. Bowers wished to remind the Commissioners that before there were no maximums for lighting under canopies in the code. In 2009 the Dark Sky Society came out with their recommendations, and in 2010 the City accepted those recommendations. In 2011 the model lighting ordinance came out which was a collaboration of The Dark Sky Society and the IES. That collaboration supports the staff recommendation for what the maximum foot candle should be for the ordinance.

Chairman Reece invited Mr. Burrows to speak to the Commission. Mr. Burrows stated that he was the Vice President of the Western Colorado Astronomy club and the principle author of a handout he provided to the Commissioners. Mr. Burrows showed a slide presentation which included examples of lighting at gas station canopies. The slide illustrated the difference that lights shining downward can make as far as glare was concerned. Mr. Burrows noted that with lighting design, the fixtures, design of the shield and configuration of lights makes a large impact. Mr. Burrows stated that for these reasons, the Western Colorado Astronomy Society is supporting the code amendment.

Public Comment

Chairman Reece opened the meeting for the public comment portion and asked anyone in favor of the project to line up at the podium. Having no one respond, Chairman Reece asked for those against the proposal to sign in and speak. With no one present wishing to speak against the proposal, Chairman Reece asked if there were any further questions the Commission has for staff.

Commissioner Buschhorn asked Ms. Bowers if the proposed change only applied to fueling station canopies. Ms. Bowers responded that in the lighting section, the code referred to the lighting of canopies and called out fuel station as an example.

With no additional questions, Chairman Reece closed the Public Comment portion of the hearing for this item.

MOTION: (Commissioner Ehlers) “Madam Chairman, on Code amendment ZCA-2014-355, I move that the Planning Commission forward a recommendation of approval for the amendment to the outdoor lighting ordinance, Section 21.06.080(c)(7) with the findings of fact, conclusions, and conditions listed in the staff report.”

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

5. City Market - Conditional Use Permit

See Verbatim Minutes

6. Patterson Place Rezone - Rezone

Forward a recommendation to City Council to rezone properties totaling 3.523 acres from a City R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts.

FILE #: RZN-2014-262

APPLICANT: Ted Ciavonne - Ciavonne Roberts & Associates

LOCATION: 2570 Patterson Road

STAFF: Senta Costello

Staff’s Presentation

Ms. Costello gave a slide presentation regarding the applicants request for City Council to rezone three properties totaling 3.523 acres from a City R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts in the 2500 block of Patterson Road.

Ms. Costello stated that the properties are located approximately halfway between 25 ½ Road and N 1st Street. Currently several single family homes are located on these properties. The current future land use designation for these properties is Residential Medium High (18-16 du/ac). Ms. Costello pointed out that there is a mix of future land use designations surrounding these properties. To the South, where Pomona Elementary is located, is a Park designation, to the east is a mix of Residential Low, Residential Medium and Village Center. To the northwest is Residential High Mixed Use.

Ms. Costello explained that the current zoning of the properties is R-8 and like the future land use, the surrounding properties are a mix of different zone districts. Directly to the east is also R-8, and further to the east there is R-1, R-4 and B-1 zone districts. To the west is R-0, PD, R-8 and R-24. To the north and south there are some Planned Development zones that have a variety of townhome type homes as well as single family.

Ms. Costello explained that the Blended Residential Map is Residential Medium, therefore has a range of up to 16 du/ac with the low end is 4 du/ac. To the northwest is Residential High (24+ du/ac).

Ms. Costello stated that the applicant is interested in rezoning roughly the northern third to MXG-3 which is a zone district that allows for professional office and medical type uses that typically have day time hours. The applicant wished to zone the southern two thirds of the property MXS-3 which has more retail type components.

Ms. Costello stated that a neighborhood meeting was held and well attended. Ms. Costello also noted that several of the neighbors were in attendance at this evening's meeting. The primary concerns voiced at the meeting were regarding site development and not the rezoning.

Ms. Costello noted that the properties are in the Mixed Use Opportunity Corridor Overlay, which allows for form based zoning opportunities as well as zone districts that specifically implement the future land use designations. After staff review, Ms. Costello stated that she recommends the rezone.

Chairman Reese asked if there were any question for staff. With no questions for staff, Chairman Reese asked if the applicant would wish to make a presentation. Noting that there were several neighbors in attendance that wished to speak before the Commission, Ted Ciavonne, representative for applicant, indicated that he wished to reserve his time for rebuttal.

Chairman Reese opened the Public Hearing portion of the meeting and asked for anyone opposed the zoning change to please line up at the podium to speak.

Commissioner Eslami stated that he had reviewed the letters provided, and the majority addressed secondary issues such as traffic or safety. Commissioner Eslami reminded everyone that the item for the public hearing was to rezone and not a plan review.

Mr. Chuck Wiman, 618 Saffron Way, stated that he was representing himself and the Board of Directors of the Beehive Estates Subdivision as well as several of his neighbors that were not in attendance. Mr. Wiman stated that had been informed a few days prior, that the public hearing was only for the rezone and therefore, he would not be addressing numerous concerns he had regarding any future development. Mr. Wiman asked if he was correct in understanding that future development plans would not come before the Planning Commission.

Chairman Reese stated that Mr. Wiman was correct and site plan reviews would be done by the Planning Department. Chairman Reese clarified that the rezone recommendation would move on to be heard at the City Council meeting in a month or two.

Commissioner Wade informed Mr. Wiman that he would be able to address the City Council as well.

Commissioner Ehlers clarified that although he would be able to address the City Council, he would have the same parameters, and could only address issues of the rezone and not on a future site plan.

Mr. Wiman expressed his frustration with the neighborhood meeting. He said the presentation drawing did not give much detail and had hoped that the applicant would get back with them to go over it with more detail. Mr. Wiman said without a detailed plan, he didn't see how the Commission could move forward with a recommendation.

Chairman Reese thanked Mr. Wiman for his comments and asked anyone else would like to comment in opposition.

Ted Jackson, 602 Saffron Way, stated that he had discussions with the Army Corp of Engineers, the City and others and his concern was a waterway that flows nearby. Mr. Jackson said that, according to his discussions with the Army Corp of Engineers, Ranchman's ditch is a free flowing form of water and it is a designated wetland. Mr. Jackson noted that there is a variety of wildlife that use the wetlands and was told that there is are some fairly rare ducks that winter in this area.

Chairman Reese stated that she would ask the applicant to address that topic.

Commissioner Ehlers reassured Mr. Jackson that any rezone approval would not supersede laws or development regulations.

Chairman Reese asked the applicant to address the Planning Commission with a rebuttal.

Ted Ciavonne, Ciavonne, Roberts and Associates, stated that he was representing the developers on the property. Mr. Ciavonne stated that the intent of this rezone was to transition density on the site from higher to lower. It would be desirable to utilize the MXS toward Patterson and the MXG toward the residential neighborhood. It was noted that at the neighborhood meeting, most comments were in favor of the rezone, however, it was not a detailed project at the time. Mr. Ciavonne noted that the waterway, he believed, was Beehive Drain verses Ranchman's Ditch that runs along the east side of the property. It was noted that if a project was proposed that would disturb the wetlands, they would be going through a Corps. process. It was stated that they are not at that point yet.

Commissioner Deppe asked what was on the drawing that was presented as she had not seen one. Mr. Ciavonne explained that a basic drawing is presented as a courtesy to help the neighbors understand what they are proposing to do.

Chairman Reese asked if there were any more questions. With no further questions, the public hearing portion of the meeting was closed.

Commissioner Eslami stated the he felt this area, along Patterson, was not suited for R-8 zoning and was more conducive to retail. For this reason, the proposed zoning made sense.

Commissioner Eslami stated that he would be in favor of the rezone for these reasons.

Commissioner Wade stated that this rezone appears to be a good fit for the property. Commissioner Wade stressed that there is a forum, with the Planning Department review, for neighbors to raise their concerns during the administrative process.

Chairman Reese stated she was open for a motion.

MOTION: (Commissioner Wade) “Madam Chairman, I move that we forward a recommendation to City Council to rezone properties totaling 3.523 acres from a City R-8 (Residential 8 du/ac) to MXG-3 (Mixed Use General) and MXS-3 (Mixed Use Shopfront) zone districts file number RZN-2014-262.”

Commissioner Tolle seconded the motion. A vote was called and the motion passed by a vote of 5-1.

General Discussion/Other Business

Mr. Moberg reminded the Planning Commission that there will not be a second meeting in November on the 25th however, there will be a workshop on the 20th.

Councilman Eslami wished everyone a Happy Thanksgiving.

Nonscheduled Citizens and/or Visitors

None

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 9:18 p.m.