

**GRAND JUNCTION PLANNING COMMISSION MEETING**  
**APRIL 12, 2011 MINUTES**  
**6:02 p.m. to 8:04 p.m.**

The Grand Junction Planning Commission Meeting was called to order at 6:02 p.m. by (Grand Junction) Chairman Reggie Wall. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Reginald Wall (Chairman), Lynn Pavelka (Vice Chairman), Patrick Carlow, Mark Abbott, Rob Burnett, Ebe Eslami and Lyn Benoit.

In attendance, representing the County Planning Commission, were Joe Moreng and Woody Walcher.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Greg Moberg (Planning Services Supervisor), Brian Rusche (Senior Planner), Scott Peterson (Senior Planner) and Senta Costello (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Pat Dunlap was present to record the minutes.

There were 20 interested citizens present during the course of the hearing.

**ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

Ken Simms, Senior Transportation Planner with the Regional Transportation Planning Office, made a presentation regarding the transportation plan for the next 25 years. He explained that the plan was required in order to qualify for federal funding. Mr. Simms identified the firms involved in the plan. Transportation was not limited to automobiles and trucks but included transit and non-motorized transportation, such as bicycle and pedestrian facilities as well. They wanted to be coordinated with each of the land use plans in order to promote regionalism and community connections. Another need which had to be met was the long range transportation funding needs.

Mr. Simms stated that they were proud of the public involvement through the website, an online survey, periodic open houses, connections workshops and telephone town hall. The governing body – the Grand Valley Regional Transportation Committee – was the body that would adopt the transportation plan. Mr. Simms said there were a lot of requests for transit improvements with the two most requested improvements being longer hours and more frequent service. The transit system would be limited financially to the one-hour service serving the metropolitan Grand Junction area and Clifton, Palisade and Fruita from 6:00 a.m. to 7:00 p.m. With regard to non-motorized transportation, the majority of the money went to trails in Mesa County with the highest priority being completion of the Riverfront Trail; however, funding was not currently available.

Next discussed were the areas of congestion and various ways to alleviate some of that, if possible. Because of the uncertainty regarding the amount of funding available, they felt it was more important to know what the priorities were for roadway projects and non-motorized projects. Issues considered for ranking projects included things such as safety, cost and ability to implement. Mr. Simms next addressed air quality and believed that a great deal of money may be spent on developing ways to reduce the ozone to be in air quality attainment or compliance.

He identified as some of the accomplishments: the 29 Road Corridor and the Colorado River Bridge, the Riverside Parkway, the widening of I-70 B, continuation of the Riverfront Trail, the Monument Road bike lane and transit which included the Clifton Transfer Site, the GVT Operation Center and the maintenance facility currently under construction and a new transfer inter-mobile facility in the Mesa Mall area to include GVT and Greyhound. Adoption of this plan was scheduled for April 25, 2011 in front of the Grand Valley Regional Transportation Committee.

**QUESTIONS**

Commissioner Carlow (City) raised a question regarding air quality and more specifically Particulate Matter 2.5 which Mr. Simms identified as dust particulates and stated that 2.5 was the size of the dust particulates measured in the ozone. Mr. Simms stated that they were bumping against the allowable standards for those and at some point unless things changed dramatically those standards would be exceeded at which point mitigation would have to be done in order to keep federal dollars flowing.

Commissioner Eslami (City) asked what the relation was between ozone and the roadways. Ken Simms stated that some of the tail pipe emissions could mix in the atmosphere with other chemicals to create the ozone issue. Even if there were other sources, mobile source emissions would be the primary factor looked at to try to get back into compliance.

Chairman Wall thanked Mesa County for the presentation and a short recess was taken.

**Consent Agenda**

**1. Minutes of Previous Meetings**

Approve the minutes of the March 8, 2011 Regular Meeting.

**2. Hyre Heights Rezone – Rezone**

Request a recommendation of approval to City Council to rezone 0.64 acres from an R-4 (Residential 4 du/ac) to an MXG-3 (Mixed Use General Form District – 3 stories) zone district.

**FILE #:** RZN-2011-643  
**PETITIONER:** Jephtha Sheene – Hyre Heights LLC  
**LOCATION:** 2674 F Road  
**STAFF:** Brian Rusche

**3. Text Amendment to 21.02.070, Admin. Dev. Permits – Zoning Code Amendment**

Request a recommendation of approval to City Council for a Text Amendment to Section 21.02.070, Administrative Development Permits, to revise Code language to grant an extension for the recording of subdivisions.

**FILE #:** ZCA-2011-632  
**PETITIONER:** City of Grand Junction  
**LOCATION:** Citywide  
**STAFF:** Lisa Cox

**4. Family Auto and Truck Center Expansion – Conditional Use Permit**

Request approval of a Conditional Use Permit for outdoor storage and permanent display of automobiles in the front half of the lot on 0.25 acres in a C-1 (Light Commercial) zone district.

**FILE #:** CUP-2010-393  
**PETITIONER:** Paul Reed  
**LOCATION:** 125 North Avenue  
**STAFF:** Scott Peterson

**5. Cattail Creek Subdivision – Preliminary Subdivision Plan**

A request for a two year extension of the approved Preliminary Subdivision Plan to develop 103 lots on 25.879 acres in an R-5 (Residential 5 du/ac) zone district.

**FILE #:** PP-2007-043  
**PETITIONER:** JayKee Jacobson – Blue Heron Development  
**LOCATION:** 666, 670, 682 29-1/2 Road  
**STAFF:** Senta Costello

**6. John H Hoffman – Preliminary Subdivision Plan**

A request for a two year extension of the approved Preliminary Subdivision Plan to develop 52 lots on 8.02 acres in an R-8 (Residential 8 du/ac) zone district.

**FILE #:** PP-2007-267  
**PETITIONER:** Amy Rogers – Habitat for Humanity  
**LOCATION:** 3043 D Road  
**STAFF:** Senta Costello

Chairman Wall briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. Items 2 and 5, the Hyre Heights Rezone and Cattail Ridge Subdivision, respectively, were pulled by the public for full hearing. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the remaining Consent Agenda items.

**MOTION: (Commissioner Pavelka) “I move we accept the Consent Agenda with the exceptions of number 2 and number 5.”**

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

**Public Hearing**

**2. Hyre Heights Rezone - Rezone**

Request a recommendation of approval to City Council to rezone 0.64 acres from an R-4 (Residential 4 du/ac) to an MXG-3 (Mixed Use General Form District – 3 stories) zone district.

**FILE #:** RZN-2011-643  
**PETITIONER:** Jephtha Sheene – Hyre Heights LLC  
**LOCATION:** 2674 F Road  
**STAFF:** Brian Rusche

**STAFF PRESENTATION**

Brian Rusche, Senior Planner, Public Works and Planning Department, made a PowerPoint presentation for the requested rezone. The property presently included a single-family dwelling built in 1939 with access onto Patterson. According to the Comprehensive Plan, the land was designated as Residential Medium and also was part of the Mixed Use Opportunity Corridor, which was added with the adoption of the Comprehensive Plan and designated all of Patterson from the highway to Clifton as an opportunity corridor. He explained that the reason for that designation was to permit or consider mixed uses along that corridor. He added that there were a few extra criteria required for a property to be considered for that type of zoning.

Mr. Rusche stated that the only zoning available if using the corridor as part of the request was the Form District. He advised that the Form District was also a new item to the Code with the intent to allow standards, including different setbacks that require buildings to be built toward the property line as well as a certain amount of window transparency among other things. The subject property was eligible to be considered for a Mixed Use zoning as part of that corridor. The property was adjacent to some Commercial uses, particularly across Patterson and some nearby property was recently rezoned to Residential Office. After a review of this request, he found it to be consistent with the goals and policies of the Comprehensive Plan, specifically the Mixed Use Opportunity Corridor. He added that the applicable review criteria had also been met.

**APPLICANT’S PRESENTATION**

Janice Burtis, joint owner with Jephtha Sheene, stated that they originally purchased the property to build a duplex; however, with the down turn in the economy, the property was put on the market to sell as residential. She stated that it will not sell as residential because of the location on Patterson. The purpose for the rezone was to put a small business into the house that would not have a lot of business needs for parking.

**PUBLIC COMMENT**

Steve Lambert, 609 Viewpoint Drive, had a question for applicant and asked if she was only considering renovation of the existing structure. Ms. Burtis said that was the intent from the very beginning. She confirmed that it would be listed for sale as an existing structure with a business use and that the purchaser would have to go through their own procedure which the applicant would not be accountable for.

Lisa Cox, Planning Manager, said that would depend on who the purchaser was and what their intended use was because if that purchaser chose a use by right in that zone district another hearing would not be held but rather there would be administrative approval.

Steve Lambert said that it appeared to him that applicant was looking for an open-ended allowance for this property. He added that he did not want to see any further encroachment of enterprises in their neighborhood. He noted a particular concern regarding the allowable height of three stories. Mr. Lambert hoped that it would be somewhat compatible to the residential existence.

**STAFF'S PRESENTATION**

At the suggestion of Ms. Cox, Mr. Rusche identified some of the allowable uses in the Mixed Use Form District. With regard to setbacks, the Form District was intended to create more pedestrian friendly, more urban type areas which would necessitate buildings being brought closer to the street. The Form District would have a maximum distance from the street of 10 feet. He stated that the maximum height was three stories, or 50 feet for any new structure. Parking ratios were not intended to change but location of parking was intended to be behind the building rather than in the front within a Form District. Each Form District allowed different building types, such as shop front (primarily for Downtown) and General, which was most likely to be considered in this instance. He next discussed minimum lot width, maximum lot coverage and maximum stories under the MXG-3 category. The minimum setback for new buildings would be zero with a maximum of 10 feet. Mr. Rusche said that if this zoning was approved, the existing building would be considered non-conforming because it wasn't to the street, did not have a mix of uses and doesn't have parking in the back. Some allowed uses included Commercial Office, Commercial, retail and some other limited Commercial uses. He advised that the property would probably not be conducive to all uses listed.

**QUESTIONS**

Commissioner Eslami raised a question regarding the height of the building and Mr. Rusche stated in essence the existing structure is a one-story building on top of a one-story hill. He added that the property as currently zoned would permit residential uses. Those residential uses would have to be 20 feet from the road. Also, with respect to height, a house could be approximately 2½ stories and would be permitted without any hearings.

In answering another question posed by Commissioner Eslami regarding parking, taking into consideration the elevated topography, Mr. Rusche said that there was the potential that the property's topography would be accommodating.

**PUBLIC COMMENT**

Laura Garrison, 608 Viewpoint, said that her house bordered the subject property on the north. She said she really had no issue with Commercial going in there. She stated her problem was one of the particular agreements to the change included entertainment.

She would not like to see anything late night going into a residential area. She also noted concerns with buffering, noise, congestion and height.

Ms. Cox, confirmed that not all uses would be in that category and anything that might have a potentially negative impact to the neighborhood such as a bar/nightclub would require a public hearing with the required notice to neighbors.

Mark Madison said that he owned a house located at 1010 Rico Court as well as a business at 2525 North 8<sup>th</sup> Street and stated his issues pertained to traffic congestion. He took issue with the statement by applicant that the property could not be sold as residential but could be partly attributable to the age and condition of the house, or log cabin, and not limited to its location on Patterson. He also pointed out that there was another property put up for Commercial development a few years ago and multiple times that zoning change was denied for similar reasons. Mr. Madison asked if this zoning was approved if they could build a commercial development on this property without any more approval from the Planning Commission. And more particularly would it open the door for a more parking and/or traffic intensive development. Ms. Cox said there was a possibility that for the uses permitted within the zone district they could be approved on an administrative basis and which may have more impacts than what was currently there. She went on to say that there would be a development review process and different levels of review even if only an administrative review.

Mr. Madison asked what a suitable size office building would be for parking. Ms. Cox said there would be a lot of factors that would impact the size of an appropriate size building for that property.

Laura Bishop said that her parents own the home at 612 Viewpoint Drive and thought the big concern was traffic and potentially some of the smaller homes could be possibly converted to Mixed Use which would continue to encroach on the neighborhood and potentially decrease property values.

**DISCUSSION**

Commissioner Carlow said the he would be a lot more comfortable being approached by a developer requesting this zone to a specific project.

Commissioner Abbott stated his concern was with the additional amount of traffic added to Patterson Road in particular. He was also concerned with the individual property owners' rights and the right to develop the property.

Commissioner Benoit too was concerned with the amount of traffic on Patterson Road. He added the width of this lot was so narrow it would give very little for ingress/egress and asked for staff to address this issue.

Mr. Rusche said he did not have current traffic counts for Patterson Road. However, he said that the property had a bus stop adjacent to it and a sidewalk. Regarding access points, he noted that the City preferred shared access points. One thing looked at in the review process was access. This property has an adjacent Commercial use – a parking

lot – accessed from 26 3/4 Road. In addition to the bus stop, the subject property had a current shared access point. The potential for the property was complimented by the proximity to St. Mary's Hospital as well as Commercial uses at the intersection of 7<sup>th</sup> Street and 12<sup>th</sup> Street. He informed the Commission that alternative zone districts were included in the staff report and pointed out why Residential Office was not the recommended option by staff. The Mixed Use zone would anticipate the future along Patterson, anticipated some changes including more pedestrian use and may anticipate the modification of access points by bringing buildings to the street, by mixing uses and would also allow the interim use of the existing structure as non-conforming.

Commissioner Eslami asked if there could be four residential units on this property. Brian Rusche confirmed that the property was currently zoned R-4 with a maximum building height of 40 feet.

Commissioner Eslami asked if he was correct that the traffic count would then increase. Mr. Rusche said that was a potential outcome.

Chairman Wall asked if it was zoned Residential Office what changes would have to be made in order for the unit to be used as an office. Mr Rusche said that there would be a change of use and access and parking would be looked at by staff but the actual on-the-ground improvements would be minimal.

Commissioner Pavelka noted that Patterson would always be an issue as concerning access. She thought there were a lot of benefits when looking at the Mixed Use category such as building towards the street rather than having parking areas in the front. This would enhance the community overall and believed this concept was being more responsive to the City's future needs.

Commissioner Eslami stated that Patterson and the surrounding area had become mostly a Commercial and Mixed Use area. He did not believe that this property would remain Residential and was in favor of this project.

Ms. Cox clarified that a specific request would not be before the Commission unless the request to rezone was for a Planned Development. The request for a rezone was generally for the general suitability of a zone district. She encouraged the Commission to consider the general suitability of the requested zone. She also identified the different departments and agencies as well as items for review by staff such as traffic, access, and storm water drainage management. Staff would look at the facilities available and, if deficient in some respect, consider whether they could be made sufficient for a proposal based on the intensity allowed in that zone district.

Chairman Wall stated that he believed Commercial could improve property values and saw this as an opportunity to do what was planned by the Comprehensive Plan. He liked the new district and the rules put in place. He thought this project met all review criteria. He also said that this made absolute sense to rezone this MXG-3 and accordingly would be in favor of this project.

**MOTION: (Commissioner Abbott) “Mr. Chairman, on Rezone, file number RZN-2011-643, I move that the Planning Commission forward a recommendation of approval for the Hyre Heights Rezone from R-4 to MXG-3 with the findings of fact and conclusions listed in the staff report.”**

Commissioner Pavelka seconded the motion. A vote was called and the motion passed by a vote of 6 – 1 with Commissioner Carlow opposed.

A short recess was taken.

**5. Cattail Creek Subdivision – Preliminary Subdivision Plan**

A request for a two year extension of the approved Preliminary Subdivision Plan to develop 103 lots on 25.879 acres in an R-5 (Residential 5 du/ac) zone district.

**FILE #:** PP-2007-043

**PETITIONER:** JayKee Jacobson – Blue Heron Development

**LOCATION:** 666, 670, 682 29-1/2 Road

**STAFF:** Senta Costello

**STAFF’S PRESENTATION**

Senta Costello, Senior Planner, Public Works and Planning Department, addressed the Commission regarding the request for an extension of the Cattail Creek Subdivision Preliminary Subdivision Plan. She explained that the original plan was approved in February 2008 and was for 106 single-family lots on just under 26 acres. Since the original approval, four lots were combined into one through a Simple Subdivision to accommodate the construction of a new group home; therefore, the current request as a revised Preliminary Plan was for 103 single family lots. Ms. Costello said that the Future Land Use for the property was Residential Medium (4 to 8 dwelling units per acre) with zoning of R-5 with a maximum of 5 dwelling units per acre. The proposed density was 4.1 and the blended density map was 4 to 16 dwelling units per acre. She concluded that the proposal fit within the requirements of the Blended Map and the Comprehensive Plan.

**APPLICANT’S PRESENTATION**

Keith Ehlers, with Ciavonne, Roberts and Associates, appeared as applicant’s representative. He stated that due to the current financial climate, the applicant was requesting an extension. He identified the main concern voiced by surrounding property owners pertained to some native material and weeds adjacent to their property. Mr. Ehlers said that they had been attempting to abate those issues. He requested that the focus tonight be on the extension and defer the weed issue to be addressed through more appropriate channels.

**QUESTIONS**

Commissioner Eslami asked if the weeds could be cleared. Mr. Ehlers said applicant intended to; however, they had only recently been made aware of the problem.

**PUBLIC COMMENT**



Kathryn Deppe Stoner, 676 29 1/2 Road, right in the middle of the Cattail Creek Subdivision, clarified that she was not in opposition to this extension. She would like for there to be some regulations or rulings to make developers clean up and be responsible for their properties. She advised that the applicant had done nothing with the property since taking ownership. Ms. Stoner went on to say that there were three homes on the subject property which were not being properly maintained. According to Ms. Stoner, the weeds there were almost as tall as the fence and as a result was concerned with the potential fire hazard and lack of access in the event of a fire.

Howard Hensen, 664 29 1/2 Road, said that he objected to the extension. He said that he was approached 4 1/2 years ago by another developer because they wanted to buy his property for development of a subdivision. He stated that he had been lied to about this project by everyone associated with the project with the exception of Mr. Jacobson, the new owner of the property. As the applicant needed a portion of his property, Mr. Hensen required the applicant to build a fence along the north side of his property as well as take care of the fence on the south end, and only then would he agree to sell the necessary portion of his property. Since that time, there have been extensions filed and excuses given. He also discussed concerns regarding the irrigation water, outbuildings, transients on the property and bonfires. He, as well as Ms. Stoner, had contacted Code Enforcement to report what they perceived as violations. He did not believe an extension should be given.

**APPLICANT'S REBUTTAL**

Mr. Ehlers said that they were doing everything they could to continue with this subdivision. They did not have a problem with cutting back the weeds adjacent to the site. The property was intended for development in the long-term; however, in the interim, the applicant was willing to make sure the major concerns were addressed. Mr. Ehlers confirmed that the extension was for two years and hoped that it would not take that long.

**QUESTIONS**

Commissioner Eslami inquired if the subject property was the same property he recently read about in foreclosure. Mr. Ehlers clarified that it was not. It was explained that as there was another Blue Heron, the applicant was required to change the name to Cattail. The limited liability company had already been formed and the original subdivision was going to be Blue Heron but had to be changed because there were other "Blue Herons" throughout the valley.

Commissioner Abbott asked if the property had changed hands. Mr. Ehlers said this property was contracted to another builder who then didn't survive the economy and had, thus, come back to the developer's hands within the last year.

Jamie Beard, Assistant City Attorney, addressed a question raised by Commissioner Benoit and clarified that the present owner of the property was asking for the extension to occur.

Chairman Wall asked if he was correct in that a one-year extension had been granted administratively and now the applicant was seeking a two year extension. He wanted to know where this project was as far as whether or not there was a Preliminary Plan. Ms. Costello advised that they had submitted their final plan for review and it had been in the review process for approximately 18 months. Some outside review agencies have taken significantly longer than the standard period of time. She believed they were very close to final approval and stated there was only one outstanding agency with any comments left to be addressed.

Chairman Wall asked if it would be fair to say that the extension request was not based solely on financial issues. Ms. Costello said that the economy did have an impact on it as well as some easement issues and the outside agency created some time constraints outside of applicant's control.

Chairman Wall asked if an extension was not approved, what would the process be for the applicant. Ms. Costello said that at this point that in order for the project to continue, a re-submittal would be required for a Preliminary Plan. She said that it was possible to do a combined process for a Preliminary Final whereby the preliminary plan would be approved and then go back to final review.

Commissioner Abbott asked if the final plan was really close, why an extension of two years would be necessary. Ms. Costello said that from a staff viewpoint, the timeframe that the particular review agency had taken was between six and nine months rather than a few weeks. She advised the two-year extension would provide a buffer.

Commissioner Carlow asked whether the concern was with the fire hazard. Ms. Stoner confirmed that was correct. While not opposed to the extension, she wanted to know if there was something to require the developer to maintain the properties. Chairman Wall assured the adjoining property owners that he would ask what could be done. Ms. Cox, said that the City could work with the current property owner with regards to the issues that had been raised. She did not know if the City could impose any requirement for the property owner regarding the outbuildings unless there was some type of public health, safety or welfare type hazard.

Commissioner Burnett asked why nothing had been done to remedy the concerns as the two property owners who addressed the Commission had already contacted Code Enforcement. He then asked what those property owners could do to get this done. Ms. Cox said that she was not familiar with the Code Enforcement contacts that had been made. She agreed that once a Code Enforcement case was filed, their offices were fairly diligent about pursuing those and if a satisfactory remedy had not been reached, then the Code Enforcement officers could revisit the situation. She encouraged them to contact the Code Enforcement staff with assistance from Planning to help them follow through.

Ms. Beard said that while their office worked very closely with the Code Enforcement officers, she had not heard anything specific in regards to this property. That could be because they had spoken with one of the other attorneys in the office. Also if there was

a problem, it would start with a Notice of Violation. She advised that she would speak with the Code Enforcement officer tomorrow and the department that would handle problems pertaining to weeds and see what concerns were there that had been reported and what had been done to address them in the past. Ms. Beard said that based on the representation from the applicant's representative, it appeared to her that they were willing to work with the neighbors to mitigate some of the problems identified.

**DISCUSSION**

Commissioner Abbott said that he would have to vote against the extension.

Chairman Wall said that in this particular case part of the need for the extension was attributable to an outside agency and thought that was sufficient reason to grant the extension. Requiring the applicant to start the process with a re-submittal would not solve anything in his opinion. He thought that in this particular case, the extension was warranted.

**MOTION: (Commissioner Abbott) "Mr. Chairman, I move we approve a two year extension of the Preliminary Subdivision Plan approval for Cattail Creek Subdivision, File No. PP-2007-043, with the findings of fact and conclusions listed in the staff report."**

Commissioner Burnett seconded the motion. A vote was called and the motion passed by a vote of 6 – 1 with Commissioner Abbott opposed.

**General Discussion/Other Business**

Lisa Cox announced that they were anticipating another annual training day for the Zoning Board of Appeals and the Planning Commission tentatively scheduled for Friday, May 13, 2011.

**Nonscheduled Citizens and/or Visitors**

None

**Adjournment**

With no objection and no further business, the public hearing was adjourned at 8:04 p.m.