

**GRAND JUNCTION PLANNING COMMISSION  
APRIL 26, 2011 MINUTES  
5:59 p.m. to 7:33 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 5:59 p.m. by Chairman Wall. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Reggie Wall (Chair), Lynn Pavelka (Vice Chair), Lyn Benoit, Ebe Eslami, Mark Abbott, Rob Burnett and Greg Williams (Alternate). Commissioner Pat Carlow was absent.

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

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 21 interested citizens present during the course of the hearing.

**Announcements, Presentations, and/or Prescheduled Visitors**

**Consent Agenda**

**1. Minutes of Previous Meetings**

Not available at this time.

**2. Carroll Rezone – Rezone**

Request a recommendation of approval to City Council to rezone a total of 0.34 acres (2 lots – 1220 Cannell Avenue and 1240 Cannell Avenue) from R-8 (Residential 8 du/ac) to an R-O (Residential Office) zone district.

**FILE #:** RZN-2011-665  
**PETITIONER:** Clark Carroll  
**LOCATION:** 1220 and 1240 Cannell Avenue  
**STAFF:** Scott Peterson

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

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

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

### **Public Hearing Items**

#### **3. Impound Lot – Conditional Use Permit**

Request approval of a Conditional Use Permit to operate an impound lot on 7.558 acres in an I-1 (Light Industrial) zone district.

**FILE #:** CUP-2010-240  
**PETITIONER:** James Grinolds – Western Towing  
**LOCATION:** 2381 1/2 Road  
**STAFF:** Senta Costello

### **STAFF'S PRESENTATION**

Senta Costello, Senior Planner with the Public Works and Planning Department, made a PowerPoint presentation regarding the request for the Knowles impound yard. She stated that the subject property was located west of the interchange of Redlands Parkway and Highway 6 & 50, south of the railroad tracks. The aerial photo of the site showed some of the surrounding uses as a scrap metal yard, a gravel pit and a few businesses that operated as oil and gas support, a vacant Industrial site, contractor offices and small warehousing, as well as the Riverfront Trail.

The Comprehensive Plan designated the property as Industrial, the Riverfront Trail as Park and Conservation and the properties surrounding the subject site were also Industrial with Village Center further to the east. Ms. Costello said the zoning for the site was I-1 as were the surrounding properties to the north, east and west. The property where Maes Concrete was located was zoned P-I, a Planned Industrial zone, and the Riverfront Trail property was zoned CSR. She provided some background concerning the property and said that the property originally annexed in 1996 had been historically zoned Industrial and on both the Comprehensive Plan and the Growth Plan at the time was designated as Industrial.

In 2006 the Knowles Enterprises business requested a Site Plan Review and a Conditional Use Permit for the operation of a diesel, heavy truck repair business and construction of the two buildings on site was granted. Part of the request included some outdoor storage and it was not clear at the time the exact location of where that was to be located but it was part of the approval; however, not laid out on the plan itself. Also, an active construction company was located on the property that had storage of its construction equipment.

In July 2010 the Code Enforcement Division received a complaint that there was starting to be a large amount of junked or inoperable cars on the property. A Notice of Violation was written which stated that there was an unpermitted use that had been started on the property and directed them to get in touch with Planning in order to work through the

process of getting the property into compliance. After meeting with appropriate staff, a submittal was tendered in October 2010. The required neighborhood meeting was held in November with six citizens, four representatives of the project and two City staff members in attendance.

Four primary issues were raised at the neighborhood meeting with the main emphasis on screening. A concern was identified related to the visual impact to the Redlands Parkway and anyone using the Riverfront Trail. Options for screening of the site in order to mitigate the impact were discussed. Under the Code, a six foot wall at the front yard setback line was required; however, due to the grade difference between the Redlands Parkway and this property it was evident that a six foot wall constructed on the setback line would not screen much. Other options were discussed and it was determined that landscaping was most preferred. A taller wall was not favored because it was believed it would create a tunnel effect. Ms. Costello said that the applicant had installed or proposed to install 17 new evergreen trees along the street frontage in addition to the existing landscaping.

The next concern was possible contamination of the soils through fluids leaking from the vehicles. The applicant provided staff with a detailed business operation plan which described how the business was operated and assured that all vehicles were processed prior to being brought to the property. In addition, the State also reviewed the request and determined that a state storm water industrial pretreatment permit was not required as they did not believe this type of use required that special permit and processing. Also, the 5-2-1 Drainage Authority determined that a 5-2-1 construction drainage was not required and after a review by the Persigo pretreatment officer, it was determined that appropriate measures were available on site to deal with any seepage from the vehicles.

The next concern discussed was the location of the yard itself. It was believed by moving the yard further north, the visual impacts could be mitigated to the Redlands Parkway by adding the extra distance and as a result, the applicant proposed to move the yard 221 feet north of the Parkway. As part of screening of the area, applicant proposed to screen the individual fence as well as the additional landscaping.

Lastly, the fourth issue raised was whether or not this was an appropriate use to the adjacent to the Parkway. There was discussion that the use as proposed had been determined to be an appropriate use because the property was zoned Industrial and the Comprehensive Plan designation was Industrial as well. With the appropriate conditions and approvals, an Industrial use on the property given the current Comprehensive Plan and zoning was appropriate. Ms. Costello concluded that approval was recommended as it met the requirements of the Conditional Use Permit of the Zoning Code.

### **QUESTIONS**

Commissioner Abbott asked how far back the applicant had proposed the storage lot to be set back. Ms. Costello said that it was 221 feet back from the southern property line. She went on to state that any changes to the site plan as approved would require a new

approval through the Planning Commission. She also confirmed for Commissioner Abbott that the additional screening for the lot itself and the vegetation along the Parkway was part of this proposal together with all of the existing uses.

**APPLICANT'S PRESENTATION**

Keith Ehlers, Ciavonne, Roberts and Associates, representing Knowles Enterprises and Western Towing and Recovery, reiterated that when this first came in there was a different plan; however, as more information and feedback was received the plans were adjusted. The adjustments included things such as moving the yard back away from the Parkway, additional screening to the fence, and additional landscaping. Mr. Ehlers said that the use was being classified as an impound lot and there was no work nor salvage yard activities being done on the vehicles. When it was first contemplated by applicants, they did not believe it went under the impound use but rather was more of an inventory use, warehouse freight and outdoor storage which were allowed uses. He stated that the uses worked well with the surrounding uses and every effort was being made to mitigate concerns and hoped that could be seen.

**QUESTIONS**

Commissioner Benoit raised a question regarding the height of the internal fence. Mr. Ehlers said it would be a standard six foot chain line fence with an opaque cover, slats or mesh so it was not see-through.

Commissioner Benoit asked if it would be possible that the fence could be a little higher due to the height of some trucks. Mr. Ehlers said they could look into making it a little higher; however, that was not what had been proposed.

Commissioner Benoit asked if there would be any walkways or aisles between the cars and if there was a maximum number of vehicles which would be stored in the yards. Mr. Ehlers said there was not a need for walkways or aisles. He confirmed that it was not a retail scenario but rather a wholesale inventory that the vehicles were moved in and removed once bought typically through an online auction.

In answer to the question regarding maximum number of vehicles, Mr. Ehlers said that the CUP limited the vehicles to be no more than what could be contained within the fence. If necessary, applicant would need to find other means for excess storage.

Commissioner Benoit asked if there would be any live on-site auctions. Mr. Ehlers confirmed there would not be any auctions on site but would be limited to online. He discussed the process and indicated that the longest the cars would remain on site was typically not more than sixty days with a fairly quick turnaround.

Commissioner Benoit posed a question regarding the type of trees applicant had proposed to be along the Parkway. Mr. Ehlers said that Austrian pine was called for and the height when first planted would be in the six to ten foot range. The intent was to not only provide the interim screening and mitigation by moving the yard back with the mesh around the fences as well as the location. He said that they believed they were doing

the best they could, while trying to stay reasonably and economically feasible, and believed they had met a lot of the concerns.

Mr. Ehlers clarified for Commissioner Eslami that there would be no retail sales nor parts being pulled off on site.

Commissioner Eslami wanted some assurance regarding specific height of the trees they could rely on. While not confirmed with the applicant, Mr. Ehlers assured that the trees would be somewhere within a five foot to six foot range.

Commissioner Williams pointed out pursuant to the Code if stored items were in excess of six feet, screening would need to be increased to cover those vehicles. Mr. Ehlers said that they had intended to follow the Code and if there was inventory above and beyond that they would bring the screening up.

### **PUBLIC COMMENT**

Carolyn Emanuel, Saddlehorn Road, Grand Junction, asked that the materials and photographs she presented be admitted into the public record. She pointed out that the brand new City Market was a major valued asset to Grand Junction and for the people who lived in the Redlands who drove by this “junkyard”. She said the problem was that 24 Road and Redlands Parkway was a gateway to the City. Therefore, she opined it was an incompatible use along an area designed to provide an entrance to the City.

She directed their attention to the 5<sup>th</sup> Street Bridge-US 50 gateway as reviewed in the Master Plan. Particularly when looking at the treatment the City had done when accessing off I-70 to 24 Road, there were beautiful sculptures, spires to remind citizens of what there was such as the Colorado National Monument, the resource which was one of the major tourism draw in the area. There was also the City Market, new restaurants and a lot of exciting development that appealed to tourists. More importantly, when on the Redlands Parkway, a view of the Colorado National Monument was a major asset to the City in terms of drawing in new tourist revenue. She submitted that a junkyard on the side of that was an incompatible use of the area.

Ms. Emanuel noted specific issues with regard to the CUP application was an overview. She said at the end of the day the question in her mind as well as many others was should a junkyard be placed immediately across from one of the City’s biggest assets. She identified several cities – such as Durango, Salida, Steamboat Springs, Glenwood Springs and Carbondale, none of those cities had junkyards, junk cars or industrial blight there.

She asked the Commission to take a look towards refusing this application and consider whether that should continue to be zoned I-1. She questioned whether it could be changed to something much more appealing that would bring the City a revenue stream. Ms. Emanuel submitted that millions of tourist dollars coming here and staying at the new hotel, more hotels could be developed in the area were the zoning changed. She believed cafes, restaurants and other like usages would bring the City and Mesa County

much more income than a junkyard would. However, recognizing the fact that the Commission may have made up its mind already, at a minimum she hoped that the City planners should question how long they have been in violation of Code compliance and ask why that was allowed to continue.

She brought up another fear that the cars would be stacked up and that neither the trees nor the fence would be tall enough to adequately screen the site. She hoped that if this was granted that applicant be required to do much more than what they have stated tonight. Also, if the trees were only six feet tall, they would still be visible when driving the Redlands Parkway. She asked if going backwards was something positive for the community. She thought that having a revenue stream from tourism that was clean and green if the area was rezoned was more conducive. She urged the Commission to look at how the cities she had mentioned earlier developed their river walks by not allowing impound junkyards. She said that the solution in her mind and many others' was to deny the applicant's request and for the Commission to create Industrial centers away from the flood plain, away from the Colorado River and away from trails and parks. She urged the Commission to make the Colorado River a desirable place for families, for tourism and a valued asset for the community.

David Ludlam addressed the Commission as a representative of the West Slope Colorado Oil and Gas Association, a regional trade association representing the majority of the natural gas operators and well service companies. He stated that the well service providers specifically in Grand Junction were important in critical part of the ongoing economic recovery. A letter was submitted representing a litany of reasons why the proposed CUP was supported by their association. He specifically identified the capital intensity of the business and there was a standard of principle in their organization which advocated for regulatory certainty – a public process in community planning. In discussing the Comprehensive Plan, Mr. Ludlum stated that the outcome and the consensus of the community made in that process was that this area was zoned Light Industrial and the outcome of the community plan and the Light Industrial zoning was in the spirit of the Commission's decision. He went on to state that they felt the proposed use was well within the spirit of that industrial use. With regard to responsiveness to community concern they felt that was important and something they encouraged their members to do and felt that with the visual mitigations and the new proposed setbacks, the application was much more favorable for consideration. Lastly, he asked that the letter submitted previously would stand as their association's support for the applicant and hoped the Commission could support it.

Tim Partch, 570 22½ Road, brought to the attention that the Redlands Parkway had always existed and was formerly called the Goad's Draw and the alternative to get to the new City Market or the Mesa Mall was to go down south Broadway to First Street and come back around. That alternative was still available for anyone offended by anything along the Redlands Parkway. He also advised that Mr. Knowles and his operation was awarded an award by the Grand Junction Chamber of Commerce as being the employer who employed the most new employees in 2010. Mr. Partch said that Mr. Knowles brought jobs and commerce to the community. He reiterated that this was not a

junkyard and was strictly a business that had not really been explained well. He said that it was an online auction which provided a service to insurance companies. He added that the business was strictly a storage facility for a very limited amount of time. Furthermore, he said that he personally supported anything in this valley that would do anything to promote employment and commerce.

Bill Conrod stated that he had lived here for only four years but stated there was a serious problem with junkyards and accumulation of junk in the City as well as the County. He hoped that the proposed actions discussed earlier would work at this site and wanted to see that happen. He asked the Commission to take the “eyesore formations” seriously. He thought the junkyards were a curse against economic development. Mr. Conrod agreed with the testimony that river ways should be a beauty feature in a community. He identified a site off of I-70 where a junkyard was in very close proximity to a City park that did not make sense where you had a large public investment next to a junkyard. Lastly, he made a general plea to really take the issue of junk sites – eyesore formations – seriously because it was a real economic issue as well as an aesthetic and health issue.

With respect to the vision, Pauline Heuscher (330 Mountain View Court) spoke in terms of the long-term vision that some of the leaders had in the past, such as Jim Robb, who had the foresight to organize a community to make the fabulous riverfront. She said that she was against the application because of the area where the site was located. She believed other sites could be available for the same number of jobs created and added that it was a minus because this area could be more conducive to restaurants. Also, while the historic use may be there, it did not mean that it was the right use. Issues such as the riverfront, flood plain and the purpose of the flood plain were learned that those uses were not the appropriate thing to do. Ms. Heuscher said that the citizens strongly supported cleaning up of entrances to the City and thought the creation of industrial centers should be created away from the flood plain, away from the river, away from the trails and away from parks.

Lois Dunn, Chairman of the Board of the Grand Junction Area Chamber of Commerce said they had a policy statement – to increase and to enhance jobs in the area and to support business. She believed when a property was zoned industrial or any zoning that when appropriately acted upon that there should be the predictability of allowing that use on that property. As an individual she said that she wondered how the property was affected on the river trail. She said she could not see past the cars and it really didn't impact her experience to walk along the trail. She added that tourism was wonderful and said that she was very much in favor of the project and saluted the applicant for his hard work and for his increase in work and employees.

Duncan MacArthur urged support of the issue as it was consistent with the zoning and usage in the area. He saw no detriment to the use of the bike trails nor any additional visual impact than what already existed. He thought the applicant had done over and above with the proposed landscaping effort in an attempt to mitigate any visual impact. Industrial areas were made to make use of existing rail pass and highways and this area

was well served by Highway 6 & 50. He noted that a substantial number of community meetings with input and it was noted that there was a shortage of industrial properties in the community. He discussed the purpose of the Gallagher Amendment was to take the property tax burden off residential and put it on commercial and industrial. As the residential areas grew, there needed to be more industrial and commercial uses to support the community. He did not believe this was taken into consideration during the Comprehensive Plan process. The use proposed was consistent with the usage in the area and was consistent with the existing zoning and, accordingly, urged the Commission's support.

**APPLICANT'S REBUTTAL**

Keith Ehlers addressed the issues identified. With regard to the gateway to the City, the Comprehensive Plan and the existing zoning, this was an Industrial area and an area purchased by a growing company. The applicant was well aware that certain issues needed to be addressed such as screening. By bringing Western Towing onto the site was one way to assure that applicant would be relieved from making any major rounds of layoffs. They have 177 employees and the company was continuing to grow. Being on the industrial zone provided opportunities to address the needs of his growing company.

With regard to the river trails, Mr. Ehlers noted that the towns mentioned such as Salida, Glenwood Springs, Carbondale, were small towns and had some industrial areas while others had no industrial areas. Additionally, there would be some areas along the riverfront trail with industrial vantage points and most recreational users in larger communities would understand that. Screening was one way to help mitigate together with the revised site layout. The applicant was addressing the issues and mitigating them while still using the property within the industrial zone.

He mentioned that there would be no stacking of vehicles. The Colorado River Flood Plain was also addressed by water quality studies and it was determined that it wasn't an issue due to the operations that were being done there. He mentioned that if all issues were not addressed, he and applicant would be available to discuss them further. Mr. Ehlers showed a couple of graphics in an attempt to show what the site could look like with the proposed screening. The proposed landscaping was a good interim and immediate solution to get some screening in there and would create more screening with growth. He added that the angle and the distance also helped address the screening.

**STAFF'S REBUTTAL**

Senta Costello clarified that the Code required a bare minimum of six feet planting size of the evergreen trees. With regard to the issue of being taller than the screening, based on the standard, integral units were exempted and gave the example that if you had a seven foot truck because it was all one unit, it would be considered an integral unit and so the full height of that would not have to be screened; however, if there were two stacked vehicles, the full height of those would have to be screened. She added that stored items would not project above the screening except for integral units.



**QUESTIONS**

Commissioner Williams asked for clarification regarding the portion of the Code pertaining to required screening for recycling, wrecking yards, salvage yards and impound lots. Ms. Costello said that a screen wall would be required along a street frontage; however, because of the grade difference even an eight foot wall wouldn't make a difference because you'd still be looking over the top of it.

When looking at street frontage, Chairman Wall asked how the six foot wall or fence was measured. Ms. Costello confirmed it was measured from the ground where the fence was placed. So in this particular case, because it would be required to be placed at the setback line on the property, the height of the six foot fence would be measured at a point fifteen feet north of the southern property line and, therefore, it would not be at grade with the road but rather at the level of the property. She added that in this particular case, it had the grade issues and in working with and discussing with the citizens at the neighborhood meeting, they were adamant that they didn't want a wall because of the tunnel effect it would create. Options such as moving it further north onto the property, additional landscaping along the street frontage and screening around the storage yard itself internal to the site were options the citizens at the neighborhood meeting felt more comfortable with than the strict interpretation of the Code. Also, in looking at the options and discussing with them, staff's review concurred that putting the varying mitigating options together met the screening intents of the Code.

Commissioner Eslami believed the question was where was the six foot point established. Ms. Costello clarified that it was at the grade where the fence was constructed.

Commissioner Eslami asked if there was a set point of elevation. Ms. Costello said it was currently at grade and they would not be allowed to go below that grade.

Lisa Cox, Planning Manager, said that the required screening would be measured from the grade but setting it back so that it would in fact be effective taking into account the citizens' concerns with the requirements of the Code had a lot to do with why the use was set back 221 feet and why the fence was screening that particular use. It was meant to screen the impound lot portion of the site not the entire site. So as to be effective that screening requirement was moved back with the appropriate use and would accomplish the screening of the proposed impound lot in that defined area.

Commissioner Benoit asked if the current screening on the property line met the conditional use permit of the trucking operation. Ms. Costello confirmed that it did and was approved in 2006.

Commissioner Eslami asked if this was not approved, could they keep the operation going as it was presently. Ms. Costello said the existing approved uses on the site could continue – the construction company, the diesel truck repair; however, the impound yard portion would be the portion that would drop out.

Commissioner Benoit asked if an eight-foot secondary fence would be sufficient to effectively screen cars from there. Ms. Costello said that with a six-foot fence as proposed she did not believe it could be seen into.

Ms. Cox added that in considering the proposed use and the requirements of the Code for providing screening, comments from the citizens and community were taken into consideration that they did not want a tunnel effect; however, if the Commission thought it would be appropriate to require additional screening or construction of the wall along the right-of-way that was within their purview. The proposal to have the use set back and the fencing around it would accommodate the requirement of the Code and the desires of the community.

### **DISCUSSION**

Commissioner Abbott commented that there was a discrepancy with the distance it would be set back and simply wanted to clarify which amount was correct. Also, the agenda stated that the impound storage yard should be screened with slats in the chain link or equivalent opaque screening solution and did not mention a fence height. Commissioner Abbott said that he would vote to approve with the provision that the impound storage lot fence height be no less than six feet and the screening slats or opaque screening and the lot be no closer than 221 feet north of the property line.

Commissioner Benoit commented that the issues of industrial areas were very difficult because of competing interests. Having looked at the location a couple of times, he could not see the operation from the trailhead. He added that he thought the applicant had done a very good job in meeting conditions. Commissioner Benoit added a few concerns such as the fact that it was out of compliance at the beginning. At this point, he saw no conflict with the Comprehensive Plan and believed it was in compliance and had met all requirements of the Comprehensive Plan. Finally, he noted that if requirements were met by an applicant, standards would be set and requirements to make them compatible with the usage being applied for or a project would not be approved.

Commissioner Williams commended the applicant for working with the residents and with the City. He would vote to approve the CUP.

Commissioner Eslami said that he believed the area was not conducive to hotels, restaurants and the area was for industrial-type uses. With the proposed landscaping and setback he could not see how he could be against it.

Commissioner Williams added that he was not voting in favor of this simply because of the applicant's work with the City but due to what staff had presented and it was consistent with both the Code and the Comprehensive Plan.

Commissioner Pavelka summarized that it had already been established that all review agencies had agreed with the plan and the operations that were there; it was consistent

with the Comprehensive Plan and zoning; and the new landscaping would create a green belt along the Redlands Parkway. She opined that there were a lot of benefits overall to the City in that fashion. If this request was denied, the City would be denied the extra landscaping along there. The efforts for screening and for taking a practical approach to the screening would benefit the whole entire area and would set a better standard for the area. Commissioner Pavelka said she too would be in favor of the CUP.

Chairman Wall said that he was familiar with this particular project as he was part of the Commission that voted for it in 2006 although under different circumstances because it was a different type of business. He also said that he lived in the Redlands and drove by this property every day. Although initially concerned, the more he learned about this particular business and the more he had watched the cars, he noticed that the inventory appeared to rotate quite quickly and served a need. Chairman Wall said if this passed, it would replace the current CUP and would include more trees and it would also limit where on the lot the cars could go and would also put into place screening from those cars. And, as there would be no stacking, he noted there was a big difference between a junk yard and an impound lot. He liked how the conditions of the Conditional Use Permit were very specific and were also very strict from the standpoint that the applicant was not able to change anything about his business as far as where the vehicles were being located without coming back before the Commission. He proposed that the fence be a minimum of eight feet. The applicant and the public in this case have worked together to come up with something that may work because both sides seemed to listen to each other and compromised. Chairman Wall reiterated that he would like to see a motion fashioned to require an eight foot fence.

**MOTION: (Commissioner Abbott) “Mr. Chairman, on the request for a Conditional Use Permit for the Knowles Impound Yard, application number CUP-2010-240, to be located at 2381½ River Road, I move that the Planning Commission approve the Conditional Use Permit with the facts and conclusions and conditions listed in the staff report in addition to having an eight foot fence instead of a six foot fence installed.”**

Commissioner Burnett 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 7:33 p.m.