

**GRAND JUNCTION PLANNING COMMISSION
SEPTEMBER 13, 2011 MINUTES
6:00 p.m. to 7:49 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 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), Pat Carlow, Rob Burnett, Greg Williams (Alternate) and Keith Leonard (Alternate). Commissioners Lynn Pavelka (Vice Chair), Ebe Eslami, Lyn Benoit and Mark Abbott were absent.

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

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 15 interested citizens present during the course of the hearing.

Announcements, Presentations, and/or Prescheduled Visitors

None.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the June 28 and July 12, 2011 Regular Meetings.

2. Vistas at Tiara Rado Utility Easement Vacation – Vacation

Request a recommendation of approval to City Council to vacate a public Utility Easement, which is no longer needed.

FILE #: VAC-2011-1079
PETITIONER: Robert Hatch
LOCATION: 2063 South Broadway
STAFF: Scott Peterson

An unidentified male speaker said that it was hard to approve something when he wasn't informed of the meeting. Chairman Wall inquired which item he was interested in. The gentleman said it was the third item – the Grand Junction Metal Movers. He went on to say that he wasn't informed that this was the second meeting on this particular item. Chairman Wall explained that it was continued from the first meeting

because there wasn't a decision made at the first meeting. Chairman Wall said that he would have an opportunity to discuss that item when it was called for a full hearing.

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 any of the Consent Agenda items. The Chairman called for a motion to approve the Consent Agenda.

MOTION: (Commissioner Carlow) "So moved."

Commissioner Burnett seconded the motion. A vote was called and the motion passed unanimously by a vote of 5 - 0.

Public Hearing Items

3. St. Mary's 2011 Master Plan – Institutional & Civic Facilities Master Plan

Request recommendation of approval to City Council to approve an updated 2011 Institutional & Civic Facilities Master Plan for St. Mary's Hospital in an existing PD (Planned Development) zone district.

FILE #: FMP-2011-977
PETITIONER: Dan Prinster – St. Mary's Hospital
LOCATION: 2635 North 7th Street
STAFF: Scott Peterson

Due to some unforeseen technical difficulties, the projection screens were not available for this portion of the hearing.

Scott Peterson, Senior Planner, Public Works and Planning Department, made a PowerPoint presentation regarding the request for approval for Master Plan 2011 for St. Mary's Hospital with no major changes proposed for the hospital campus in the next few years. As funding becomes available, St. Mary's will complete the four (4) unfinished floors in the patient tower, remodel several departments in the older areas of the hospital, and make some landscaping changes. In addition, St. Mary's recently demolished a small building on Center Avenue between 6th and 7th Streets, which change is reflected in Master Plan 2011.

Master Plan 2011, if approved, will be valid for a period of five (5) years until the year 2016. St. Mary's campus is zoned Planned Development. Over the years the PD ordinance has been amended with new Master Plans. In this case, however, because no major changes are proposed during the five (5) year term of the Plan, there is no need to modify the PD Ordinance. Therefore, Ordinance 3992, approved in 2006 with a default zoning district of B-1 (Neighborhood Business), is still valid.

Mr. Peterson concluded that the requested application was consistent with the Comprehensive Plan and applicable review criteria for an Institutional and Civic Facility Master Plan had also been met. He recommended that the Planning Commission forward a recommendation of approval to the City Council of this Master Plan with the findings and conclusions as defined in the staff report.

APPLICANT’S PRESENTATION

Dan Prinster, Vice President of Business and Development for St. Mary’s Hospital gave a detailed PowerPoint presentation on the history of St. Mary’s Hospital in the community. St. Mary’s Hospital is celebrating its 115 year in the Grand Valley. His presentation also included slides regarding past Master Plans and their building construction phases over the years. This included the recently completed tower project or “Century Project”, parking analysis, stormwater detention and ingress and egress improvements. He completed his presentation by requesting the Planning Commission’s support of Master Plan 2011.

There was no questions from the Commissioners to either Staff or the applicant regarding this proposal.

No one from the public spoke regarding this application.

MOTION: (Commissioner Williams) “Mr. Chairman, on Item FMP-2011-977, request for approval of Master Plan 2011 for St. Mary’s Hospital I move that we recommend approval to City Council with the findings and conclusions as outlined in the staff report.”

Commissioner Burnett seconded the motion. A vote was called and the motion passed unanimously by a vote of 5 - 0.

Lisa Cox, Planning Manager, asked for a recess in order to try to resolve the technical difficulties with the projection.

A recess was taken from 6:34 p.m. to 6:45 p.m.

4. Grand Junction Metal Movers – Special Permit

Request recommendation of approval to City Council for a Special Permit for a Salvage Yard on 5.09 acres in an I-1 (Light Industrial) zone district.

FILE #: SPT-2011-1085
PETITIONER: Chuck Myers – GJ Metal Movers
LOCATION: 711 South 6th Street
STAFF: Scott Peterson

Scott Peterson, Senior Planner, Public Works and Planning Department, made a PowerPoint presentation regarding the request for a Special Permit for Grand Junction

Metal Movers for the establishment of a salvage yard in a Light Industrial zone district with a Downtown Mixed Use designation pursuant to the Comprehensive Plan Future Land Use. The proposed site, located adjacent to the 5th Street Bridge and the South 6th Street cul-de-sac, contained an existing 20,500 square foot building as well as other various accessory structures.

On March 22nd, 2011, the applicant had requested a Conditional Use Permit to develop a salvage yard. At that time, the Planning Commission decided to remand the application back to staff to work with the applicant regarding the open issues of multiple site plans with conflicting and incomplete information, legal access to the site, screening of the site from the 5th Street Bridge and the broader issue of the existing zoning district of I-1 not being in compliance with the Comprehensive Plan and the Future Land Use Map designation of Downtown Mixed-Use. Staff had presented that the Comprehensive Plan designation of Downtown Mixed-Use conflicted with the proposed use and recommended denial of the Conditional Use Permit at that time.

Mr. Peterson advised that since March 22nd, the applicant and staff had worked together to address the Planning Commission's concerns regarding access, screening and the discrepancy between the Comprehensive Plan and the zoning district applied to the property. In addition, City Council had provided some direction to staff as to how it would like to resolve the issue pertaining to the City-wide discrepancy between the Future Land Use Map and the current zoning of properties. He described possible scenarios for resolution which included an overlay district, rezone or a Future Land Use Map change.

The Zoning and Development Code allows a Special Permit for interim uses which was determined could be appropriate for this project with certain conditions. According to Mr. Peterson, the Special Permit was a City Council discretionary review process that was added to the 2010 Zoning and Development Code to add flexibility when considering a land use that may be less than permanent or temporary in nature. The Special Permit may be permitted under certain circumstances, particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A Special Permit was required only when more flexibility was required beyond that afforded to the Director of Public Works and Planning through an administrative adjustment process.

This Special Permit was tailored to Grand Junction Metal Movers at this location and was valid for an interim term of ten years with review by the Planning Commission and City Council within the last six months of the initial ten-year term. At that time, the Special Use Permit may be extended for a second ten-year term based on the Code and the Land Use plans in effect at that time. However, if at any time during the initial ten-year term, the City adopted an overlay zone and/or area plan which acknowledged that use, the Special Permit would convert to a permanent Conditional Use Permit subject to compliance with other terms identified within the Special Permit. He went on to say that if it was not converted to a permanent Conditional Use Permit, the initial ten-year term and the public review after the first term would give the community an

opportunity to review the applicant's land uses. The Special Permit would terminate if the salvage operation was abandoned by non-use for six months or longer.

Mr. Peterson showed that access to the site would be from the South 6th Street cul-de-sac and the applicant would asphalt or concrete the first 75 feet into the property from South 6th Street for ingress and egress and also asphalt or concrete 22 parking spaces to be located on the south side of the building.

Mr. Peterson next discussed screening of the site from the 5th Street Bridge and stated that the City had been working with the Colorado Department of Transportation in order to come up with an option of attaching a screen to the bridge to serve the purpose of screening the site in accordance with the Zoning Code for outside storage. CDOT had suggested that the attachment of a 3/8" coated-mesh chain link fence to the existing bridge structure would offer a permanent screening solution. Portions of the site would be visible when looking straight through the fence but it would not be visible when looking at the site from an angle. He advised, however, that the final screening method would not be decided on until a later date. The applicant and the City had agreed that the applicant would pay the City \$20,000 in order to cover the cost of the installation of the fence on the bridge. They left the option open that an alternate method of screening could be used if some other type of acceptable material became available.

Mr. Peterson next discussed the landscaping plan as required by the Zoning Code. As the landscaping would not be seen from the roadway, the applicant proposed landscaping to be adjacent to the north property line. In addition, an oversized landscaping island was proposed at the northwest corner of the site to help screen the site from 5th Street. Mr. Peterson advised that a landscaping strip and solid fence adjacent to the South 6th Street cul-de-sac were also proposed.

Mr. Peterson advised that the property was adjacent to a railroad spur and noted that was one of applicant's main reasons he wanted to locate at the site which would allow for connectivity to the railroad spur for the shipment of materials off site. The property was also adjacent to other Industrial uses in the area as well as the Xcel substation to the north.

Mr. Peterson concluded that the requested application was consistent with the Comprehensive Plan with the approval of the Special Permit, and applicable review criteria for a Special Permit and a Conditional Use Permit had been met. He explained that the review criteria for the Conditional Use Permit was necessary because a salvage yard was required to have a Conditional Use Permit in the existing Light Industrial zone district. He recommended that the Planning Commission forward a recommendation of approval to the City Council of this Special Permit with the findings, conclusions and conditions as defined in the staff report and the Special Permit.

Mr. Peterson next addressed a concern raised by Mr. VanGundy regarding notification and stated that the City notified adjacent property owners within 500 feet of the

property. In addition, the property was posted with a Public Hearing sign and a Public Hearing notice was posted in the newspaper.

QUESTIONS

Commissioner Williams asked if the Special Permit had a maximum height for stacking. Mr. Peterson said it basically followed the current Zoning Code regarding stacking heights which provided for a 20-foot stacking height; however, applicant had requested at no more than 90 days per calendar year to go up to a 30-foot height. At that time, applicant would have to notify the City the day before they wanted to stack above 20 feet.

Commissioner Williams next asked about stacking height pertaining to tires. Mr. Peterson confirmed that the top of any tire on a rack would not be over 10 feet in height.

Commissioner Burnett asked if applicant had planned on screening only the area that would border the 5th Street Bridge. Mr. Peterson said the requirement included the area adjacent to the rights-of-way. The applicant would screen the top of the bridge with the wire mesh material and on the north property line the applicant would construct an 8-foot tall cedar fence next to the cul-de-sac. He added that the south property line adjacent to the railroad tracks would not be screened.

Chairman Wall asked how high the proposed fence would be. Mr. Peterson said it might be between four and six feet in height. Lisa Cox, Planning Manager, advised that the final design of the screening fence had not yet been determined. She confirmed that it would be designed to obscure a pedestrian or a vehicle driver's view of the site along the 5th Street Bridge.

Chairman Wall asked for clarification regarding staff's agreement with the proposed screening method. Mr. Peterson said that the City would be required to install the fence with the assistance of CDOT and accordingly had requested a five-year window in order to put that fence in. If at some point within the next five years a better material would become available, they didn't want to be locked into using the wire mesh. He confirmed that an agreement had been reached whereby the applicant would pay the City to install the fence; however, the exact material to be used and the exact timeframe were not designated at this time.

Commissioner Williams asked if the cost to install the fence exceeded \$20,000 would the applicant be responsible for that cost as well. Mr. Peterson said the way the Special Permit was written, the applicant would be charged \$20,000 and if the cost went above that, the City would look at doing something with the capital improvements project to cover that cost.

APPLICANT'S PRESENTATION

Aaron Thompson, Imperial Property Consultants, 18006 East Grand Avenue, Aurora, stated that they were in agreement with everything Scott Peterson had to say. They felt

they had made some major headway and took the steps necessary to resolve the outstanding issues that were open by the Commission.

QUESTIONS

Commissioner Leonard asked a question pertaining to the hazardous materials in the vehicles and when the removal was being done, was it done on an impervious surface. Mr. Thompson confirmed that it was and said, in addition, they had an approved Colorado Environmental Best Management Plan and Permit in conjunction with this specific project that detailed the procedures by which applicant must perform those operations. He identified the concrete pad where the car prep and fluid draining would be done.

Commissioner Leonard raised a question regarding decibel levels and, more specifically, along the northern-easterly property lines. He asked if a sound study had been done and if so, had it been submitted for the planner to review. Mr. Thompson said they were City-imposed limits and they had accepted those levels.

Commissioner Carlow brought up the issue regarding the previously raised conflict on access. Mr. Thompson stated they had provided full movement legal access off of the subject property from the 6th Street cul-de-sac. The Site Plan was reconfigured to allow for that access and not have traffic going through the south gate through the neighboring property.

Chairman Wall asked for clarification regarding parking and the area where the truck would enter for the sand business. Chairman Wall asked if precautions would be in place to ensure the safety of the employees as well as customers. Mr. Thompson said essentially FSDI was only there on limited times when loads were brought in. During those times, the applicant would block those parking spaces off or have someone directing people not to park on the southern side of the lot so only the parking spaces on the north side of the building would be available during those operational hours for the sand company.

Chairman Wall raised a concern with the length of the Special Permit and asked why ten years was requested. Mr. Thompson said that was staff's finding and the applicant would in fact prefer twenty years as it was difficult to find financing on a business with that type of limitation. He stated that it would limit the financing opportunities; however, he said staff was most comfortable with finding that to be the most amenable timeframe for review in conjunction with what was happening in progressing towards an overlay zone or rezone. He indicated that the applicant was hopeful that would occur fast enough for them to become a fully operable CUP and allow them to progress with some better financing opportunities.

Chairman Wall next asked if the Special Permit was used to cover the time that it may take until a decision was made as to what the area would be zoned. Mr. Thompson said it was his understanding that the ten-year period would be an evaluatory period for the subject property as well as the entire area to see what sort of shape it took. It would

be determined to be either progressive, stagnant or regressive movement in the area and that would be the base period to see what happened with the area as a whole.

Chairman Wall said his concern was if this was being done for financing or the financing was difficult to procure, if there was a decision made on the area for an overlay district or something that did not meet with applicant's business, what would happen to the business. Mr. Thompson confirmed that was a valid question and said in reality if they were tied down to a point where they could no longer operate, they would have to shut down. He reiterated a point made earlier by Mr. Peterson whereby if the site was abandoned by the use for a longer period of six months or more, then it was revoked.

PUBLIC COMMENT

John Spendrup stated that he purchased the property in January 2000. He cleaned it up to standards. He said that he received a questionnaire from the City asking what he intended to do with the property. He replied that he intended to continue what Wenman had done for many years before. Mr. Spendrup said the property was zoned I-2 and it was changed to an I-1 without his approval or consultation. He believed by doing that he lost 25 to 50 percent of his potential income. He asked the Commission to really look at this project and look favorable to the application. Mr. Spendrup summarized that competition was good for everyone.

Janet Dole addressed the Commission and stated she was a resident, a registered voter and a taxpayer in Grand Junction. She asked if value was to be given to the Development Code, the Conditional Use Permit and stated a Conditional Use Permit by definition was a contradiction of the Comprehensive Plan. The proposed site, according to Ms. Dole, was adjacent to the 5th Street Bridge and it would be the third junk yard to grace the south portal to the City. She added that the Special Permit under consideration was not in compliance with the Comprehensive Plan and Future Land Use Map. She asked how allowing a third junk yard at the south portal would be beneficial to voters and taxpayers rather than if it were located in a more benign area. Ms. Dole went on to ask if the City recently expended large funds from the public treasury in a concerted effort to clean up the 5th Street Corridor. She further stated that she doubted the subterfuge of Special Permit, interim use as a means to circumvent a well-reasoned clean-up plan made any sense. She added that to accept CDOT's recommendation to screen the bridge at additional expense to voters and taxpayers was irresponsible.

Kim Rockman said she had very much the same concern in that the taxpayers and Van Gundy's spent millions of dollars to clean up the area and now the same thing was being proposed that was just cleaned up. She believed there were other portions of the valley where this could be placed where it would not be in the main area of the City.

Steve Erickson next addressed the Commission and said that he had consulted for Chuck Myers and he had seen the locations in the area and combed the entire Valley for a location for this business. He emphasized that there were very few places this can be done with a railroad spur. He believed there were ways to beautify the City and

create needed jobs. He added that this particular railroad spur had been there for some time and it was a great location. Mr. Erickson said that even without this operation, the area would still look Industrial and to put it in a whole different area it would simply spread the Industrial area out. He emphasized that the job situation was desperate in the Valley and asked the Commission to keep that in mind.

Janet Dole added that she was under the impression that Xcel Energy would be dismantling their Cameo plant and as such a railroad spur may be available there. Also, there were railroad spurs in Fruita.

STAFF'S REBUTTAL

In response to Mr. Spendrup's comment about the change of zoning, Scott Peterson clarified that he found no record that the property had been zoned I-2.

QUESTIONS

Commissioner Williams asked Mr. Peterson if he could show the area that was intended to be screened. Mr. Peterson said that it was 700 feet adjacent to the 5th Street Bridge with portions above the railroad tracks that would not be screened.

Commissioner Leonard asked if the fire department would be informed where any hazardous materials would be stored. Mr. Peterson confirmed that not only the City fire department but there were also state agencies that monitored salvage yards.

Commissioner Leonard asked another question about the decibel levels and, more particularly, how would they be guaranteed that there would be none higher than 85 decibels. Mr. Peterson said that applicant had indicated they would be purchasing a new crushing machine and, therefore, staff had researched decibel levels that would be generated by them. He said the maximum of 100 decibels next to the west property line – the 5th Street Bridge – where the crushing machine would be located and confirmed that most of the crushing machines would be lower than that. Commissioner Leonard said that he would be more comfortable if the levels would have been provided as opposed to the City making the guarantee.

Commissioner Williams asked if amendments could be made to the Special Permit. Jamie Beard, Assistant City Attorney, said that in regards to the Special Permit, the Planning Commission would make a recommendation to City Council so the Commission could make a recommendation that differed from the specific items included within the Special Permit. However, those items should be very specific as to what those items were and what changes would be recommended to be made in regards to it.

APPLICANT'S REBUTTAL

Aaron Thompson said he thought Scott Peterson had addressed everything accurately.

PUBLIC COMMENT

Steve Erickson said that he had done a lot of research on the decibel levels and contacted several companies. In looking at their case studies, they didn't peak over 90 on approximately 98 percent of the equipment that could be purchased. He had a meter at the plant at the southwest corner and when the train went by, it was about 110 decibels when empty. When the train was loaded it was a little quieter and when the whistle was blown, it was about 128 decibels. He believed there would be far less noise than anticipated.

DISCUSSION

Commissioner Leonard noted a couple of clarifications to be made. In the first paragraph of the Findings, it should state "an opportunity" and Number 26, Conditions, should state "at their expense". He went on to say that he was uncomfortable with the ten-year period. He said that if the screening fences were required to be put in by 2016, he would be much more comfortable with a five-year timeframe.

Commissioner Williams commended the applicant on reviewing the areas of concern from the prior meeting. He said that he liked the idea of the interim use that the Special Permit provided and given the current economy thought it was the most proper use right now. He said that he was unsure whether or not he could vote for a recommendation of approval without the assurance that the screening cost did not come back to the City. Commissioner Williams wanted an amendment made to the Special Permit which provided that the applicant would take responsibility of the full cost of the screening.

Chairman Wall said this was a frustrating project because there was a need for it but at the same time it was questionable as far as if it matched the criteria or not. He noted his frustration that there were no definitions for terms such as "interim time period" and "temporary". He was also unclear on the agreement reached as it had no definitive terms for the screening issue. Chairman Wall also had concerns with a ten-year period. He did not want a business there for ten years that didn't match and believed it defeated the purpose of the Comprehensive Plan. He did not think this met the requirements of a Special Permit based on the most important element for this project to be successful – the screening. He also thought ten years was more permanent than temporary. He concluded that he would not approve the Special Permit based off the section of the Code pertaining to Screening of the Site.

MOTION: (Commissioner Williams) "Mr. Chairman, on the request for a Special Permit for Grand Junction Metal Movers, Application No. SPT-2011-1085, to be located at 711 South 6th Street, I move that the Planning Commission approve the Special Permit with the facts, conclusions and conditions of approval as identified in the staff report and Special Permit."

Commissioner Carlow seconded the motion. A vote was called and the motion failed by a vote of 1 – 4 with only Commissioner Carlow in favor.

MOTION: (Commissioner Williams) "Mr. Chairman, on the request for a Special Permit for Grand Junction Metal Movers, Application No. SPT-2011-1085, to be

located at 711 South 6th Street, I move that the Planning Commission approve the Special Permit with the facts, conclusions and conditions of approval as identified in the staff report and Special Permit with variances in the Special Permit of a five year term with the same review process at the conclusion of the five years. And, in addition, with the stipulation that any fencing with the determination of an agreement between City staff and the applicant, as to the type of material be completely and cost-wise covered by the applicant.”

Chairman Wall clarified that the motion was to change the term from ten years to five years with the same review process of the last six months and that the applicant would be responsible for the full cost of the screening. Commissioner Williams wanted to be clear that if a better material were to become available, it could be used for the screening. Chairman Wall confirmed the applicant could apply for an extension for an additional five years.

There was no second made to the motion. The motion failed for a lack of a second.

After discussion to clarify that the previous motion was for a term of 5 years, Commissioner Williams brought his previous motion back before the Commission.

Commissioner Leonard seconded the motion. A vote was called and the motion failed by a vote of 2 – 3 with Chairman Wall and Commissioners Carlow and Burnett opposed.

General Discussion/Other Business

Lisa Cox apologized for the technical difficulties experienced earlier and assured that the problems would be resolved prior to the next meeting.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 7:49 p.m.