

GRAND JUNCTION PLANNING COMMISSION
March 9, 2010 MINUTES
6:00 p.m. to 6:48 p.m.

In the absence of both Chairman Wall and Vice-Chairman Pavelka-Zarkesh, Lisa Cox, Planning Manager, announced that it was necessary that the Planning Commission discuss who might act as Chairman for this evening's meeting. The Commission named Commissioner Ebe Eslami to serve as chair.

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

In attendance, representing the City Planning Commission, were Patrick Carlow, Ebe Eslami, Mark Abbott, Rob Burnett, Richard Schoenrad, Lyn Benoit (Alternate) and Gregory Williams (Alternate). Commissioners Reginald Wall (Chairman) and Lynn Pavelka-Zarkesh (Vice-Chairman) were 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), Senta Costello (Senior Planner), Justin Kopfman (Associate Planner) and Dave Thornton (Principal Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 6 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

Consent Agenda

1. Minutes of Previous Meetings

There were no minutes available at this time.

2. Fuoco Sales Lot – Conditional Use Permit

Request approval of a Conditional Use Permit to develop general retail sales, outdoor operations and display for new and used vehicles in a C-1 (Light Commercial) zone district.

FILE #: CUP-2009-180

PETITIONER: Bob Fuoco – Fuoco Investments, LLC

LOCATION: 745 North 1st Street

STAFF: Scott Peterson

3. Tyler Single Family Residence – Conditional Use Permit

Request approval to the Conditional Use Permit to allow the dwelling at 903 Main Street to return to a residence after having been a business on .144 acre in a B-2 (Downtown Business) zone district.

FILE #: CUP-2010-016
PETITIONER: Tyler Price
LOCATION: 903 Main Street
STAFF: Senta Costello

4. KD Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 10.07 acres from County RSF-R (Residential Single Family Rural) to a City I-1 (Light Industrial) zone district.

FILE #: ANX-2010-006
PETITIONER: John Durmas – Knight & Durmas Properties, Inc.
LOCATION: 823 22 Road
STAFF: Justin Kopfman

Chairman Eslami briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. Commissioner Schoenradt asked for discussion to add the Zoning Code Text Amendment to the Consent Agenda. Lisa Cox interjected that there may be someone in the audience that may be interested in providing testimony on that item. As it was determined that there was someone in the audience who wanted to testify regarding the Text Amendment item, it was not added to the Consent Agenda. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the Consent Agenda items.

MOTION: (Commissioner Abbott) “Mr. Chairman, I recommend that we pass the Consent Agenda as stated in the agenda.”

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

Public Hearing Items

5. Zoning and Development Code – Text Amendment Code

Request a recommendation of approval to City Council on the proposed updated Zoning and Development Code.

FILE #: TAC-2010-020
PETITIONER: City of Grand Junction
LOCATION: N/A
STAFF: Lisa Cox and Dave Thornton

STAFF'S PRESENTATION

Lisa Cox, Planning Manager, reviewed the proposed Zoning Code changes. She said that it was necessary to update the Zoning and Development Code in order to implement the vision and goals of the recently adopted Comprehensive Plan. She reiterated that the vision of the Comprehensive Plan was to become the most livable community west of the Rockies.

Next discussed were the six guiding principles that emerged from the public participation process and stakeholders which involved such things as concentrated centers, sustainable growth patterns, housing variety, green system of connected recreational opportunities, balanced transportation and maintaining the importance as a regional center. From those principles, goals and policies were developed as part of the Comprehensive Plan.

Ms. Cox said that there were five basic objectives to updating the Code which included implementation of the goals and visions of the Comprehensive Plan, removal of barriers from development and redevelopment, reduction of the burden of nonconformities, streamlining the development review process and reorganization of the Code to make it more user friendly for citizens, the development community and staff. She said that posted on the City's website were a summary of the major changes, a draft Code and an executive summary to help people's review of the document.

She added that new language had been introduced into the Code to encourage special consideration for neighborhood centers, village centers, and growth in the downtown area. It also included new form based zone districts to bring flexibility for Mixed-Use developments and development along Mixed-Use opportunity corridors. Additionally, certain bulk standards in residential and non-residential zone districts had been reduced to make sure that the density and intensity could be achieved. Minimum lot sizes and lot width had also been reduced and would allow for more flexibility within the existing zone districts.

Ms. Cox stated that whenever possible development standards or the review process had been simplified. Examples included reduction in landscaping requirements, reduction of the buffering and screening requirements between particular zone districts, expansion of the administrative authority of the Director, creation of a Special Permit that would allow a decrease in height for buildings and fences, and a change to the threshold that required full compliance and site upgrades for nonconforming sites. Other proposals included subdivisions becoming an administrative review process, expansion of the amount of areas in which the Director could grant an Administrative Adjustment, creation of an opportunity for the Special Permit to be considered for interim uses. The Special Permit would be reviewed by staff, then it would go to the Planning Commission for recommendation to City Council and ultimately City Council would be responsible for granting the Special Permit.

To make the document easier to use, the Code was reformatted by consolidation of similar sections, adding headers, footers and an index and adding more illustrations,

graphics and summary tables. Ms. Cox believed that this document was consistent and compatible with the Comprehensive Plan. She concluded that the Zoning and Development Code now had language that would implement the Plan, the goals and policies and recommended the Code be forwarded to City Council for adoption.

QUESTIONS

Commissioner Benoit asked what the process would be for amending the Code. Ms. Cox said that once the Code was adopted in order to change the Zoning Code it would be amended by ordinance. She clarified that the general process was to submit the request either to Planning Commission or City Council's staff and language would then be proposed which would come before the Planning Commission for review and recommendation to City Council and then ultimately City Council would act upon the request.

PUBLIC COMMENT

Rob Rowlands, Design Specialists, Architects and Planners, 917 Main Street, addressed the Commission regarding the proposed removal of bar/nightclub from the I-1 zone district. He identified the presently allowed zones as B-1, B-2, C-1, C-2, I-O and I-1 and did not think the Code should change. He stated this change would affect his client and would make the Gentlemen's Club a legal non-conforming use and would not allow his client to open earlier.

QUESTIONS

Chairman Eslami stated that Mr. Rowlands's client would be grandfathered in. However, according to Mr. Rowlands, he was approved from 5:00 p.m. to 2:00 a.m. and his client would like to open his business at 11:00 a.m. and serve lunch. If this was removed from the Code, he would not be able to do that. Mr. Rowlands said that he could open at 11:00 a.m. but could not serve alcohol. Under that scenario, he believed his client would be allowed to open the club to 18 year olds and with full nudity until 5:00 p.m. He opined that the bar/nightclub in an I-1 zone was really an evening event and felt that the way the Code was originally written was an appropriate use for a bar/nightclub in an I-1 zone.

Commissioner Benoit asked if he was concerned about something that might happen in the future or with an existing use. Rob Rowlands said that there was not a problem with the business use but rather that his client would like to open earlier in the day. However, if approved as written, his client could not obtain a Conditional Use Permit and would become a legal nonconforming use and would not be able to serve alcohol at 11:00 a.m.

Chairman Eslami asked if this would be a hardship on his client. Mr. Rowlands said that it could be.

Commissioner Abbott said that right now as Mr. Rowlands's client was not proposing to open at 11:00, this was a hypothetical situation. Mr. Rowlands said that he had originally started the process to request a Conditional Use Permit to allow him to open at

11:00 a.m., however, that was put on hold once the revisions of the Code were reviewed and identified the fact that the club would become a legal non-conforming use.

Commissioner Abbott asked for clarification that this was a hypothetical situation where he could do this at sometime in the future. Mr. Rowlands confirmed that was correct; however, he stated that he would be moving forward with the request for a Conditional Use Permit.

Commissioner Schoenradt asked staff for the background of why the change was made. Ms. Cox said that in the interviews with stakeholders, the Zoning Code Focus Group, the Planning Commission, and staff, several suggestions for proposed changes were received one of which was the suggestion that a bar/nightclub may not be the most appropriate use in an I-1 zone district. However, she added that as this was only a proposed change, the Commission could make other recommendations. Staff felt that there was some justification in terms of accomplishing the goals of the Comprehensive Plan by including this change.

Commissioner Schoenradt asked if preserving as much of the I-1 zoned property as possible for industrial type uses was desired. Ms. Cox added that the other zone districts that allowed bar/nightclubs were left intact and felt that there was still ample opportunity to provide that type of use in the community.

Commissioner Schoenradt asked if Mr. Rowlands's client came back to request a Conditional Use Permit would his grandfathering have any affect on that. Ms. Cox said that this particular project had been approved through the Conditional Use process which ran with the land so any conditions of that original approval would stand for this development. Should the proposal be adopted, the existing nightclub would become a legal nonconforming use and would not be eligible for expansion because he would have to go through the Conditional Use process again and it would require the Planning Commission to consider the terms of the original permit and whether or not the requested change would be consistent with the then current Code.

Jamie Beard, Assistant City Attorney, said that the difficulty was that they did not have an application and to rely on something as to a hypothetical situation made it difficult in looking at the Code in general because what needed to be looked at was what was best for the City of Grand Junction as a whole and all of the possible industrial use properties and not just specific to this parcel.

Commissioner Williams asked what the original Conditional Use Permit given to the landowner was, and was it for operations from 5:00 p.m. to 2:00 a.m. Ms. Cox said that the original Conditional Use Permit was granted to operate a bar and nightclub from 5:00 p.m. to 2:00 a.m.

Chairman Eslami asked if there was a way to exempt that application if this change was approved. Jamie Beard said that it would be difficult to exempt individual properties for specific reasons. She advised that they were looking at what was best for the City as a

whole and the Commission should not be looking at how it may specifically affect one parcel.

DISCUSSION

Commissioner Benoit stated that he was not inclined to want to make changes to what was being proposed for an exception because it would affect the entire City and not just one parcel of land.

Commissioner Abbott found that with the added flexibility of the proposed updated Zoning and Development Code, combined with the ability to find items within the Code, it was a large step in the right direction to have the town be more transparent and become the best city within the state of Colorado and would support the update.

Commissioner Carlow said that he was opposed to the particular change in use if it would affect an item that had already been dealt with and would be opposed so long as it included the specific change. He added that he would approve it if that particular parcel could be exempted.

Commissioner Abbott recommended that the Commission approve the changes.

Jamie Beard clarified that the approval of the Conditional Use Permit that was presently in effect would not require them, with these changes, to have to come back. Ms. Beard confirmed that what was being considered tonight was the recommendation to City Council of the adoption of the Zoning and Development Code changes.

MOTION: (Commissioner Benoit) “Mr. Chairman, on File TAC-2010-20, I move the Planning Commission forward a recommendation of the approval of the proposed updated Zoning and Development Code with the facts and conclusions listed in the staff report.”

Commissioner Abbott seconded the motion. A vote was called and the motion passed by a vote of 5 – 2 with Commissioners Carlow and Schoenradt opposed.

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 6:48 p.m.