

**GRAND JUNCTION PLANNING COMMISSION  
MAY 11, 2010 MINUTES  
6:00 p.m. to 7:22 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), Lynn Pavelka-Zarkesh (Vice Chair), Pat Carlow, Mark Abbott, Ebe Eslami, Richard Schoenradt and Rob Burnett.

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

Also present was Jamie Beard, Assistant City Attorney.

Lynn Singer was present to record the minutes.

There were 41 interested citizens present during the course of the hearing.

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

**Consent Agenda**

**1. Minutes of Previous Meetings**

There were no minutes available for review.

**2. R&A Subdivision – Vacation of Right-of-Way – Continued from April 13, 2010**

Request a recommendation of approval to City Council to vacate 520.64 square feet of a section of Right-of-Way on the south side of Grand Mesa Avenue, 8 feet deep, a distance of 65.08 feet, in front of Lots 3, 4 and 5, Block 3, Orchard Mesa Heights Subdivision.

**FILE #:** VR-2009-231  
**PETITIONER:** Ronald Ashely  
**LOCATION:** 545 Grand Mesa Avenue  
**STAFF:** Lori Bowers

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 items.

**MOTION: (Commissioner Schoenradt) “Mr. Chairman, I make a motion that we approve the Consent Agenda as read.”**

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

**Public Hearing Items**

**3. Schooley-Weaver Partnership – Conditional Use Permit – Continued to June 8, 2010**

Request approval of a Conditional Use Permit to establish a Gravel Pit on 16 acres in an R-R (Residential Rural) zone district.

**FILE #:** CUP-2010-008  
**PETITIONER:** Schooley-Weaver Partnership  
**LOCATION:** 104 29 ¾ Road  
**STAFF:** Brian Rusche

Lisa Cox, Planning Manager, advised that the applicant’s representative wanted to address the Planning Commission. Robert Jones II of Vortex Engineering, applicant’s representative, stated that they were just recently informed that Mesa County had requested additional time of City staff and the applicant to review the application and the Conditional Use Permit plans. Accordingly, the applicant requested a continuance to the next Planning Commission hearing date. Lisa Cox stated that Mesa County requested a continuance to ensure that they had adequate time to review the packet. Chairman Wall asked for a motion to continue this item to the June 8<sup>th</sup> Planning Commission meeting.

**MOTION: (Commissioner Carlow) “So moved.”**

Commissioner Schoenradt asked Jamie Beard, Assistant City Attorney, if they should discuss the hours of operation. Ms. Beard stated that as this matter was being continued the appropriate time would be at the next meeting.

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 - 0. Chairman Wall announced that the Schooley-Weaver Partnership Conditional Use Permit would be continued to the next Planning Commission meeting on June 8<sup>th</sup>. There was clarification that the item would be advertised in the newspaper as well as another card mailed to residents within 500 feet of that property for the June 8<sup>th</sup> meeting.

**4. 2010 Zoning Code Amendment – Text Amendment**

Request a recommendation of approval to City Council of various amendments to Title 21, Zoning and Development Code.

**FILE #:** TAC-2010-039

**PETITIONER:** City of Grand Junction  
**LOCATION:** Citywide  
**STAFF:** Lisa Cox

### **Staff's Presentation**

Lisa Cox, Planning Manager, addressed the Commission regarding three proposed amendments to the 2010 Zoning and Development Code codified, as Title 21 in the Grand Junction Code of Ordinances. The three amendments were added to the updated Zoning and Development Code after the March 9<sup>th</sup> Planning Commission public hearing. Because the Planning Commission had not reviewed the three proposed amendments, City Council requested that the Planning Commission review each and make a recommendation.

Ms. Cox stated that the proposed amendments had been recommended either by staff or by the Zoning Code Focus Group. Ms. Cox stated that all three amendments supported the vision and the goals of the Comprehensive Plan. She discussed each amendment separately. The first was to ensure that maximum density could be achieved in the R-4 zone district with the recommendation that the minimum lot size be reduced from 8,000 square feet to 7,000 square feet and the minimum lot width reduced from 75 feet to 70 feet.

### **QUESTIONS**

Commissioner Abbott asked if this would change the setbacks. Lisa Cox stated that the setbacks would remain the same and that only the minimum lot size and width were proposed to change.

### **STAFF'S PRESENTATION**

Ms. Cox went on to state that the second proposed amendment would amend the Special Permit section of the Zoning and Development Code which was designed to allow an increase in height for a building or a fence. The Special Permit would come before the Planning Commission for review and recommendation and then to City Council as the final decision maker. Staff felt it was appropriate to propose that a Special Use Permit be utilized to allow an interim land use for parcels that were located in an area where the Comprehensive Land Use Plan anticipated a particular type of density or intensity that it might be premature for the current market.

Staff believed this would be true particularly in areas where a Neighborhood Center or a Village Center was proposed in order to encourage the live-work opportunity. She stated that the proposal was to allow an interim use that would be a land use available as an allowed use in a particular zone district. Ms. Cox said that the Special Permit would allow a short term use which may be less dense or intense in an effort to allow the property owner to get some use out of their property while waiting for the market to catch up to the density/intensity that was anticipated by the Comprehensive Plan. Allowing an interim use with a Special Permit would provide the City with another tool to help implement the vision of the Comprehensive Plan.

**QUESTIONS**

Commissioner Abbott asked what the definition of short-term was. Ms. Cox said that the duration and scope of the interim land use would be determined as a part of the permitting process. She went on to state that it could be as short as a few years or possibly as many as 30 years.

Commissioner Abbott stated that his concern was that he did not envision a change in the density as it pertained to residentially zoned areas. Lisa Cox said that part of the way that an interim use would be designed would be that staff would review the proposed land use in terms of how the property would ultimately develop as envisioned by the Comprehensive Plan. She said that staff would be looking at the location of a structure or multiple structures to ensure that there would not be encroachment of a potential right-of-way for possible street connections or easements. The proposal would have to be designed in such a way that the property could still develop out at the density or intensity envisioned by the Comprehensive Plan. Staff would look at possible clustering of units, positioning in such a manner that internal circulation could still be designed to allow development at a later date as envisioned by the Comprehensive Plan. She stated that there were still a lot of properties that currently had a zone in place which was less intense than what the Comprehensive Plan anticipated. Allowing an interim land use would allow property owners to utilize their property and yet preserve the intent and vision of the Comprehensive Plan.

Commissioner Abbott asked if a person had a 10-acre parcel which was zoned for 12 units per acre, would they be allowed to put single-family homes on a quarter of the property so long as the remaining property and the outlying area was more dense. Ms. Cox stated that for the most part that was correct; however, she clarified that single-family detached homes were not allowed in an R-12. She went on to state that it was hoped that the interim use would be designed so that it would be clustered in an area of the property and still have the ability to develop the rest of the site at a density or intensity envisioned by the Comprehensive Plan.

Commissioner Abbott asked if the difference then was an applicant would have more time. Ms. Cox said that an applicant could request an interim use where development would be short-term, low cost building(s), and/or with the possibility of removing the structures to completely redevelop the site in the future. Another example could be where a portion of the property was developed and those structures would remain in place as a first phase of development, and then other phases of development would be constructed around it in what would eventually be a multi-phased project.

Commissioner Carlow asked if a temporary business was put in under a Special Use Permit and it was a successful business, would they have to ask for a zone change. Ms. Cox said that even as an interim use it would have to be an allowed use.

Commissioner Carlow asked if it did not conform with the long-range goals if it would still be allowed. Ms. Cox stated that the interim use had to be an allowed use as the property was currently zoned. Staff would consider what allowable uses were in the

particular zone district and it would need to be consistent with the Zoning Code requirements that was in place. However, it was also possible in the future that ultimately something more intense could be developed.

Commissioner Eslami asked if he understood correctly that they would have to come to the Commissioners for permission and it appeared to him that it was a Conditional Use Permit for phasing. Ms. Cox stated that it could be considered a type of conditional use permit because it was possible to condition the permit in terms of the scope and duration of the project.

Commissioner Abbott asked if the Special Permit would not be a Director's decision. Ms. Cox stated that the Director does not have authority to approve a Special Permit.

Commissioner Schoenradt asked if the permit was called a Special Permit. Ms. Cox said that it was and this type would be an interim use that would be granted with a Special Permit.

Chairman Wall stated that he did not understand why he would not be permitted to develop just a portion of property that would still conform. By way of example, Ms. Cox said that in the Northwest Appleton area of the Comprehensive Plan there were a couple of Neighborhood Centers and a Village Center. If property that was currently zoned fairly low intensity or density, such as B-1 or R-2, but the Comprehensive Plan anticipated a Village Center at the intersection, then the long-range goal was Mixed Use which is a higher density/intensity. There was a property owner who would currently like to use his property, but he was not ready at this time to construct a 3 or 5 story building, but rather had a small business which would be consistent with the current zoning but would not meet the vision of the Comprehensive Plan. The Special Permit would allow him to utilize his land and/or build a building now in a manner that would allow further development or redevelopment of his property at a later date.

Commissioner Burnett asked if a person who wanted to develop 5 acres of a 20-acre parcel, would they have to come before the Planning Commission and have the entire 20 acres phased out, but only develop Phase 1? Ms. Cox stated that a property owner could completely develop their property or they could phase development. Ms. Cox said that the proposed amendment was a tool which would create some flexibility for the gap between the economy now and the 25 year vision of the Comprehensive Plan. They are trying to create the ability for someone to utilize their property in a manner that was consistent with the current zoning, but that may not be fully consistent with the vision of the Comprehensive Plan. She went on to state that the Special Permit would get one a step closer to the Comprehensive Plan in terms of being able to utilize the property while recognizing that there may be a gap between the full density or intensity as anticipated by the Comprehensive Plan. It would allow someone to use their property without being discouraged by the long-range vision of the Comprehensive Plan.

Chairman Wall asked if the issue was a density issue that would require a Special Permit around H and 24 Roads. Ms. Cox said that there were a couple issues that the Special Use Permit was trying to address – one was residential density that might be too high for the current market and another was intensity on a nonresidential zoning that was too high for the current market. She added that some of the zone districts were not consistent with the Comprehensive Plan and the City needed a tool to help preserve the vision of the Comprehensive Plan.

Commissioner Eslami asked if a person had a 20-acre agriculture parcel, in order for that land to be used for either Commercial or Residential, would they have to go through rezoning? Ms. Cox said that it would depend on what their zoning was right now.

Commissioner Schoenradt asked for clarification if it had to be an allowed use for the current zoning. Ms. Cox said that was correct.

Commissioner Schoenradt asked if the definition of an interim use was something that did not meet the Comprehensive Plan but met the current allowed use. Ms. Cox stated that the proposed definition was “the types of buildings and activities existing in an area and on a specific site or parcel for an interim period of time. Such interim use should not hinder the ability to redevelop the site or parcel at the density or intensity envisioned by the Comprehensive Plan.” The scope and the duration of an interim use would be determined by special permit and approved by City Council. She clarified that it was buildings or its activities existing in an area or on a specific site or parcel for an interim period of time.

### **PETITIONER’S PRESENTATION**

Ms. Cox the presented the proposed amendment that was intended to offset the cost of amenities that were a part of certain subdivisions, particularly ones that had a trail that was required by the Urban Trails Master Plan. She identified that if a trail had been constructed in addition to the required sidewalks for a subdivision, the owner who constructed the trail improvements may request an offset or a credit for the cost of that trail construction against the open space fee applicable to that particular subdivision.

### **QUESTIONS**

Commissioner Eslami asked where the money to pay for the construction of the trail would come from. Ms. Cox said that it was the developer’s responsibility to pay for construction of the trail and confirmed that it would be a credit against another fee and would ultimately lower the overall Open Space fee that an applicant or developer would have to pay.

Commissioner Schoenradt asked if the proposal would be clarified to state that the credit could not be more than the Open Space fee. Ms. Cox stated that language could be added to make sure that it was abundantly clear as that it was not the intent for the City to provide a credit that exceeded the Open Space fee.

Chairman Wall asked for clarification regarding the Open Space fee, whether it was money, or land, or could it be either/or? Ms. Cox said that the Open Space fee was 10 percent of the land, or 10 percent of the value of the land. She added that generally speaking it was the City's choice of whether to require the fee or the land dedication and if the City accepted a land dedication, it generally had to be at least 3 acres. In the vast majority of the new subdivisions, the City opted to take 10 percent of the value of the land.

Commissioner Schoenradt stated that it was his belief that the credit could not go against the donation of land. Ms. Cox agreed and stated that the intent was to offset the cost of the improvement of the trail.

Chairman Wall asked if the goal was to make sure that the trails were developed. Ms. Cox said that the goal was to offset the cost of adding amenities to property.

**DISCUSSION**

Commissioner Abbott said that as far as he was concerned the first amendment made very good sense. He liked the fact that it was not changing the lot lines or setbacks, it gave developers more opportunity to use their land to the best and fullest use.

Commissioner Eslami concurred.

Chairman Wall also agreed and thought the first amendment made sense.

**MOTION: (Commissioner Pavelka-Zarkesh) "Mr. Chairman, on file TAC-2010-039, text amendments to Title 21 Zoning and Development provisions, I move that the Planning Commission forward a recommendation of approval of the proposed amendment to reduce the minimum lot size to 7,000 square feet and the minimum lot width to 70 feet in the R-4 zone district with the facts and conclusions listed in the staff report."**

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

**DISCUSSION**

Commissioner Abbott said that he did not see how the "special permit" would do anything different or allow anything different and felt that the addition of the extra permit would add an extra layer of government. He stated that at this point in time he did not see the need for this and believed there was enough flexibility in the Code. Also, that it was very unclear as to why this amendment was needed.

Commissioner Eslami believed that Commissioner Abbott explained it very well and agreed.

Chairman Wall also agreed and did not understand the need for it.

Commissioner Pavelka-Zarkesh stated that using the interim land use would permit people to do something to preserve those larger parcels for development as opposed to breaking them into pieces without the necessity of planning out the entire parcel. She added that it was a little non-traditional and each case would have to be considered individually. She believed it was a practical way to preserve those larger parcels of land and was in agreement with it.

Commissioner Abbott amended his statement based on Commissioner Pavelka-Zarkesh's input that he was encouraged that some of the larger parcels may be able to be kept and likely would support this amendment.

Commissioner Schoenradt said that he liked the Special Permit. Each request would be reviewed and it could then be determined if it met the requirements.

Chairman Wall added that although in theory the Special Permit may make sense he liked the fact that a Comprehensive Plan was developed that would be reviewed every 3 to 5 years. He did not see the need of creating a Special Permit when someone had to ask to do something on their property they were already allowed to do. He believed the Special Permit may take away from the creativity and the planning abilities of the department in working with the public in determining what really would make sense and how it would work. He added that he was concerned about the fact that they did not know what interim meant.

**MOTION: (Commissioner Schoenradt) "Mr. Chairman, on File TAC-2010-039, Text Amendments to Title 21 Zoning and Development Provisions, I move that the Planning Commission forward a recommendation of the approval of the proposed amendment to allow an interim land use as a special permit with the facts and conclusions as listed in the staff report."**

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed by a vote of 5 – 2 with Commissioner Eslami and Chairman Wall opposed.

**DISCUSSION**

Commissioner Abbott stated that he would support the proposed amendment so long as it was amended to add the language that the City would not be put in a situation where the City would have to pay a developer should his cost exceed the credit.

Commissioner Schoenradt asked if the motion could be made to include the amended language. Ms. Cox stated that could be made a part of the motion to make a recommendation to City Council.

Chairman Wall stated that this was another amendment that he did not understand the need for. He was not sure why the City should have to pay someone to have to develop something or to make something better for the people who would live there or reside



there just because they put in sidewalks and, accordingly, stated that he did not support it.

Commissioner Schoenradt said that he saw the credit for the trails going against the Open Space fee and thought the Open Space fee for the City was to maintain those types of amenities throughout the community and when a developer does it in place of the City, and supported the credit up to the limit of the Open Space fee.

**MOTION: (Commissioner Schoenradt) “Mr. Chairman, on File TAC 2010-039, Text Amendments to Title 21, Zoning and Development Provisions, I move that the Planning Commission forward a recommendation of the approval of the proposed amendment to allow credit for the cost of construction of a required trail against the open space fee not to exceed the total open space fee with the facts and conclusions listed in the staff report.”**

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

**General Discussion/Other Business**

Ms. Cox announced that at the last Planning Commission’s workshop there was a discussion regarding the opportunity for Planning Commissions in the Grand Valley to play the “Connections Game” in support of the Transportation Plan that the RTPO had been working on. She asked the Commission if there was interest in participating. A date had been set for Thursday, May 20<sup>th</sup> from 6:00 p.m. to 7:30 p.m. and the meeting would be held at the Mesa County Building, 750 Main Street. The items previously scheduled to be discussed at the workshop on May 20<sup>th</sup> were continued to the second workshop in June.

**Nonscheduled Citizens and/or Visitors**

None

**Adjournment**

With no objection and no further business, the Planning Commission meeting was adjourned at 7:22 p.m.