

**GRAND JUNCTION PLANNING COMMISSION
JANUARY 13, 2009 MINUTES
6:00 p.m. to 8:24 p.m.**

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

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), William Putnam (Vice-Chairman), Reggie Wall, Patrick Carlow, Ebe Eslami and Mark Abbott. Commissioner Lynn Pavelka-Zarkesh was absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Lisa Cox (Planning Manager), Ivy Williams (Development Services Supervisor), Dave Thornton (Principal Planner), Lori Bowers (Senior Planner), Scott Peterson (Senior Planner), Brian Rusche (Senior Planner), Judith Rice (Associate Planner), Michelle Hoshide (Associate Planner), Justin Kopfman (Associate Planner), Kent Harbert (Development Engineer), Eric Hahn (Development Engineer) and Rick Dorris (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Pat Dunlap was present to record the minutes.

There were 57 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Chairman Cole announced that item number 11, Cunningham Investment Annexation, was to be continued. Lisa Cox, Planning Manager, requested that item would be continued to a date uncertain.

MOTION: (Commissioner Wall): “Mr. Chairman, I move that we continue item 11 until a date uncertain.”

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 6 - 0.

Consent Agenda

1. **Minutes of Previous Meetings**
Approve the minutes of the December 9, 2008 Regular Meeting.
2. **Colorado Army National Guard Campus Annexation – Zone of Annexation**
Request a recommendation of approval to City Council to zone 57.95 acres from County PUD (Planned Unit Development) to a City CSR (Community Services & Recreation) zone district.

FILE #: ANX-2008-344
PETITIONERS: LTC David Eyre – Department of the Army
LOCATION: 2800 Riverside Parkway
STAFF: Michelle Hoshide

3. Thunder Valley II Subdivision – Preliminary Subdivision Plan

Request approval of the Preliminary Subdivision Plan to develop 41 single family lots on 11.08 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: PP-2008-090
PETITIONER: Thad Harris – TD Investments of Grand Junction, LLC
LOCATION: 3063 F½ Road
STAFF: Brian Rusche

4. Morning View Heights Subdivision – Preliminary Subdivision Plan

Request approval of the Preliminary Subdivision Plan to develop 180 residential lots on 34.375 acres in an R-8 (Residential 8 du/ac) zone district.

FILE #: PP-2008-134
PETITIONER: Lawrence Balerio – B & G Development, LLC
LOCATION: 2961, 2967 & 2973 D Road
STAFF: Brian Rusche

5. Derush Storage Units – Rezone

Request a recommendation of approval to City Council to rezone 4.60 acres from a C-2 (General Commercial) to an I-1 (Light Industrial) zone district.

FILE #: RZ-2008-319
PETITIONER: Gary Derush – Storage Storage, LLC
LOCATION: 2179 H Road
STAFF: Justin Kopfman

6. High Meadows Subdivision – Preliminary Subdivision Plan

Request approval of the Preliminary Subdivision Plan to develop 41 residential lots on 10.85 acres in an R-5 (Residential 5 du/ac) zone district.

FILE #: PP-2007-320
PETITIONER: Mark Fenn – High Meadows, LLC
LOCATION: 248 28 Road
STAFF: Lori Bowers

7. Ridges Mesa Subdivision – Outline Development Plan

A request to amend the phasing schedule for Ridges Mesa Outline Development Plan; a 51 acre Planned Development; zoned PD (Planned Development) with an R-2 default zoning designation; located E of Hidden Valley Drive and High Ridge Drive, in the Ridges

FILE #: ODP-2006-358
PETITIONER: Ted Munkres – Freestyle Design & Building
LOCATION: East of Hidden Valley Drive and High Ridge Drive
STAFF: Lori Bowers

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. A member of the public asked for clarification regarding the change in phasing schedule for item number 7. Lori Bowers explained that the Ridges Mesa phasing schedule was part of the staff report for the ODP and stated that a recommendation from Planning Commission to City Council as to whether or not to amend the phasing schedule was necessary. She added that whether the amendment would be amended by resolution or ordinance was still under discussion. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the remaining Consent Agenda items.

MOTION: (Commissioner Wall): “Mr. Chairman, I move that we approve the Consent Agenda.”

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 6 - 0.

Public Hearing Items

Commissioner Eslami asked to be excused from the first two items on the Public Hearing items because of a possible conflict of interest. Chairman Cole allowed Commissioner Eslami to be excused from hearing those items.

8. Kapushion/Northwest GJ – Growth Plan Amendment

Request a recommendation of approval to City Council of a Growth Plan Amendment to change the Future Land Use Designation from Rural (5 to 35 ac/du) to CI (Commercial Industrial) and RM (Residential Medium 4-8 du/ac) on 100.631 acres.

FILE #: GPA-2008-305
PETITIONER: Art Pastel and Dale Beede
LOCATION: 860 21 Road
STAFF: Lori Bowers

STAFF’S PRESENTATION

Lori Bowers, Public Works and Planning Department, made a PowerPoint presentation regarding the requested Growth Plan Amendment. She said that the site was bounded on the west by 21 Road; on the east by 21½ Road; I Road to the north; and Highway 6 & 50 to the south. The Future Land Use Map showed this area to develop as Rural, 5 to 35 acres per dwelling unit. According to Ms. Bowers, the properties to the west were within a cooperative planning area and the properties to the south were annexed into the City and were now zoned Light Industrial. The Future Land Use Map designated the properties to the south as Commercial Industrial; north of the site was the County’s new designation of Urban Residential Reserve, 5 acres per dwelling unit; and east of the site were single-family residences. She added that development in the area was very new and consequently street and utility layouts had not yet been developed.

Ms. Bowers stated that the H Road Northwest Area Plan did not extend as far as the subject property. She said that the existing City zoning in this area was I-1. A pre-application conference was held between City staff and applicants in June 2008 and at that time applicants were informed that the comprehensive plan effort was underway but not yet adopted. Pursuant to the comprehensive plan, the entire area from 20 Road to 21 Road on the west, to 22 Road on the east; from I Road on the north to Highway 6 & 50 to the south was to develop as Industrial. Ms. Bowers said that several public hearings were held. In September 2008 the plan was further refined to show some Residential Medium Low on the west side along 21 Road as well as on the south side of I Road and along the west side of 22 Road. She added that feathering in from the residential designation from the east and south sides was a buffer area with a Commercial Industrial designation and then moving into the Industrial designation. The applicants based their application on the proposal shown to the public at the September 2008 meeting with one modification of moving the residential component from the west to the north side of the subject property. Furthermore, based on comments from the public at an open house on October 17, 2008, the preferred plan was again revised to show the entire area as Residential Low.

On December 6, 2008, the proposed comprehensive plan was again revised to show the residential on the north end with a designation of Residential Medium density and the remainder as Commercial Industrial. Ms. Bowers added that this was in agreement with applicants' request for the Growth Plan Amendment. She next reviewed the criteria necessary for any Growth Plan Amendment pursuant to the Zoning and Development Code. In response, applicants stated that the population growth in Mesa County had exceeded levels anticipated during the previous comprehensive planning effort and the growth from the oil and gas industries had created more jobs than anticipated. As such, the Persigo Board recently included additional lands into their service area in an effort to accommodate the additional growth. Ms. Bowers stated that they did not share the same opinion as applicants as the Growth Plan was amended in 2000 and in 2001 the 201 boundary change was made to reflect recent changes in land use and development. She further stated that the mix of further land uses was still appropriate in this area and urged the applicants to revisit this project after adoption of the comprehensive plan. Ms. Bowers said that according to applicants, the property was included in the 201 service boundary and abutted existing Industrial zoned property which property was needed to accommodate future growth in the community and made sense to expand the Industrial areas where it already existed. Ms. Bowers stated that applicants responded that the City was currently in the process of revising the comprehensive plan to address large areas recently included into the 201 boundary and the changes requested by this application were consistent with the current plans being examined by the City. Ms. Bowers stated that this is only the draft of the plan and is not yet adopted, therefore it had no standing. And the current adopted Future Land Use Map was applicable and appropriate.

According to applicants, all utilities were currently available to service the land and the eastern two-thirds of the property could easily access existing gravity sanitary sewer mains and the western portion of the property would require a sewer lift station. Ms.

Bowers said that several upgrades to all utilities would be required in this area. She further stated that more than one-half of the existing vacant Industrial land was located in this area. According to applicants, the land uses proposed by this amendment were consistent with the direction City staff had received from several neighborhood meetings. Ms. Bowers said that the adopted Growth Plan suggested low density residential for this area which would provide benefits to the community consistent with the wishes and approval of the body that adopted the Growth Plan.

QUESTIONS

Commissioner Wall asked if the total existing industrial property was within the City limits or a combination of City and County. Ms. Bowers confirmed that it was within City limits.

PETITIONER'S PRESENTATION

Dale Beede, 2059 Baseline Road, addressed the Commission and stated that they understood that staff could not recommend for or against this development as they had not completed their Growth Plan. He said that they felt that this plan met the spirit of the proposed Growth Plan and was needed in the community.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Tom Bowen, 876 21½ Road, directly east of the subject property, said that he was completely against any change being requested as it was a rural area. He asked the Commission to consider feathering and compatibility. He stated that he believed there was more Commercial property available other than as listed by Mr. Beede. He said that this would be devastating for his property and thought the noise and pollution was incompatible with the land as it was now. He reiterated that he was completely against this request.

Kelly Bowen, 876 21½ Road, said that she agreed with statements made by her husband and also pointed out that not only was the Commercial Industrial proposal incompatible but she thought applicants' Residential proposal was also incompatible with the surrounding land uses. She asked the Commission to consider the values, goals and policies.

Marcia Clausson, 856 21½ Road, said that she had been involved in the development process since 2004 and was concerned that it appeared that a lot of people had not been listened to. She further stated that she felt that if Commercial Industrial properties were located next to residential properties, that it may impact their land values. Ms. Clausson asked for reconsideration to be given to Grace Homes and property owners for their property as private landowners and asked that their property be protected.

PETITIONER'S REBUTTAL

Dale Beede commented that the available land previously mentioned was undeveloped land rather than available developed land. He stated that he felt that the plan met the spirit of the growth needed to accommodate people over the next 25 years.

QUESTIONS

Commissioner Wall asked for an explanation of the difference between land that was developed and ready to go and land that was not developed and ready to go. Dale Beede stated that undeveloped land was no curb and gutter, no sewer, no road accesses other than the standard roads that were already there. Typically sewer lines and utilities were not stubbed there and interior roads would not be done.

Commissioner Wall asked for clarification if this property was developed. Mr. Beede stated that it was not developed and this was for a Planned Development.

Commissioner Abbott asked what the timeframe was that this project would be ready to go. Dale Beede answered that it was 12 months.

PETITIONER'S REBUTTAL

Dan Wilson, Coleman, Williams and Wilson, 2454 Patterson Road, said that he believed that it was not the Commission's job to measure from tonight's impact but rather to look into the future. He hoped that the comprehensive plan would follow in a few months. According to Mr. Wilson, what was needed now was primarily access closer to I-70. He said that there would be some outdoor storage and that this was a modern development that could deal with buffering, outdoor lighting and noise. He next discussed the goals that were in the current growth plan and believed that they had met several of them, including, but not limited to, land use, implementation of the plan through the cooperative efforts of the city and the county and other service providers, coordination of timing, location and intensity of growth with the provision of adequate public services, and to ensure the urban growth and development make efficient use of the infrastructure. Mr. Wilson said that buffering along the eastside of the development was necessary to mitigate the impacts on the neighbors. He next discussed what he believed to be the most compelling components to be changed now – the City and County would coordinate with appropriate entities to monitor the supply of land zoned for Commercial and Industrial development and retain an adequate supply of land to support projected Commercial and Industrial employment; and City and County would protect Industrial land from Residential development which limited the community's industrial development potential.

Dale Beede summarized data of sales that went through the local Multiple List Service since 2003 and, in particular, average cost per square foot for finished industrial parcels. He opined that industrial land should not sell for more than \$4 per square foot and believed that it was higher than that because there was so much demand and so little supply. He added that this development would create some reasonably priced parcels which in turn would create jobs that were needed for Mesa County.

Terry Lawrence, president of Grace Homes, one of the partners in this development, briefly said that they were committed in the development and design of this project to meet the needs to the best of their ability of the community and the surrounding landowners.

QUESTIONS

Commissioner Wall asked how much zoned land was needed within the next 5 years versus what was available now. Mr. Beede said that if historic use was looked at, it would be an average of about 100 acres per year of I-1 land.

Commissioner Carlow asked legal counsel if this application was approved, would it be grandfathered into the comprehensive plan as a revision. Jamie Beard, Assistant City Attorney, said that the decision made tonight was a recommendation to City Council so tonight's action would not actually grandfather it in. If, however, it went to City Council and City Council approved it, it could change when future changes were considered for the actual comprehensive plan and actual adoption of the comprehensive plan.

Commissioner Carlow asked how it would affect this project if the comprehensive plan was changed prior to final adoption. Ms. Beard said that if it was already approved and were moving forward, then it wouldn't affect them for going forward. It could just affect what the future land use map would say and what the actual comprehensive plan would say.

DISCUSSION

Commissioner Putnam said that he thought this was a problem and the whole concept of the northwest area was included. The Commission needed to consider the best interests of the City as a whole and was concerned with the 20 acres of intensive residential area because of its location and how it would affect the intent expressed in the comprehensive plan to feather population density away from centers. He said that he was not able to either advocate or oppose this project.

Commissioner Wall asked Jamie Beard about the requirements to recommend a zoning that the plan must meet specific criteria and how the Commission could recommend something if both sides conceded that all standards had not been met. Jamie Beard said that as the decision makers, evidence that had been presented must be considered and then determine whether that criteria had been met. Ms. Beard clarified that only the growth plan amendment was under consideration at this time.

Chairman Cole agreed with Commissioner Putnam that this was a difficult decision. He said that he could vote to approve the Growth Plan Amendment for this property.

MOTION: (Commissioner Wall): "Mr. Chairman, on item GPA-2008-305, I move that we recommend to the City Council approval of the Growth Plan Amendment for the southern 80-acre portion of the Kapushion/Northwest Grand Junction Annexation to C-1 (Commercial) or CI (Commercial Industrial), finding it

consistent with the current goals and policies of the Growth Plan, and Section 2.5 of the Zoning and Development Code, and consistent with the Comprehensive Plan's Preferred Land Use Plan dated December 6, 2008."

Commissioner Abbott seconded the motion. A vote was called and the motion passed by a vote of 3 – 2, with Commissioners Carlow and Wall opposed.

MOTION: (Commissioner Wall): "Mr. Chairman, on Item GPA-2008-305, I move that we recommend to City Council approval of the Growth Plan Amendment for the northern 20-acre portion of the Kapushion/Northwest Grand Junction Annexation to Residential Medium (4 – 8 du/ac), finding it consistent with the current goals and policies of the Growth Plan and Section 2.5 of the Zoning and Development Code, and consistent with the Comprehensive Plan's Preferred Land Use Plan dated December 6, 2008."

Commissioner Abbott seconded the motion. Commissioner Putnam said that he did not think he could give his approval on this. A vote was called and the motion passed by a vote of 3 – 2, with Commissioners Carlow and Putnam opposed.

9. Kapushion/Northwest GJ Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 100.631 acres from County RSF-R (Residential Single Family Rural 5 to 35 ac/du) to a city I-1 (Light Industrial) and R-4 (Residential 4 du/ac) zone district.

FILE #: ANX-2008-305
PETITIONER: Art Pastel and Dale Beede
LOCATION: 860 21 Road
STAFF: Lori Bowers

STAFF'S PRESENTATION

Lori Bowers, Public Works and Planning Department, addressed the Commission regarding the zoning request for this parcel. The maps presented showed Site 1, being the 80-acre portion where the applicants requested I-1, and Site 2, being the request for R-4 zoning.

QUESTIONS

Chairman Cole asked Ms. Bowers to explain in her presentation what Light Industrial meant.

STAFF'S PRESENTATION

Lori Bowers continued that the requested zones of annexation to R-4 and I-1 could now be considered consistent with the Growth Plan and in order for the zoning to occur, certain criteria must be met. Ms. Bowers said that compatibility could be mitigated with landscaping buffers as required in the existing Zoning and Development Code and by extending the coverage of the H Road Northwest Area Plan. She said that adequate public facilities and services were available or would be made available concurrent with the projected impacts of development allowed by the proposed zoning. She said that

currently there was no sanitary sewer in 21½ Road and a sewer basin study was being prepared. Also that current water facilities could not meet fire flow and significant offsite improvements would be required.

With regard to the R-4 zoning request, other possible zoning districts would be R-5 or R-8 with the Growth Plan designation of Medium High. Regarding the property zoned I-1, other appropriate designations were C-2 or I-O. However, if an alternative zone was recommended to City Council, specific alternative findings must be made as to why the Commission recommended an alternate zone to the City Council rather than the zone requested by applicants. Ms. Bowers concluded that the proposal was consistent with the preferred land use plan and of the comprehensive plan that had not yet been adopted. Lori Bowers said that the I-1 was a Light Industrial which included outdoor storage and was the less heavy Industrial, and in some instances would require a Conditional Use Permit which would include mitigating impacts to adjacent properties.

PETITIONER'S PRESENTATION

Mark Austin with Austin Civil Group, 336 Main Street, stated that they were the civil engineering firm hired by applicants to look at utility infrastructure and future development of this property. They had looked at the particular sewer needs for this particular site. In addition, he stated that extensions of water mains would also need to be upgraded.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Tom Bowen, 876 21½ Road, again stated that he was in complete opposition of this project as it did not fit and felt that there was other land that could be used first before encroaching on rural land. He said that City rules were to ensure compatibility with adjacent properties and buffering from heavy industrial and commercial use areas. The City and County would limit commercial encroachment into stable residential neighborhoods. He further stated that neither he nor his wife were against development but simply wanted responsible development and did not feel that this was responsible development.

Marcia Clausson, 856 21½ Road, said that this was an issue that was brought up at the neighborhood meeting and asked staff for clarification regarding transportation issues and, more particularly, how many vehicles were looked at per household. She stated that this would be an increase in cars, trucks, heavy transportation on 21½ Road, H½ Road, H Road, 21 Road – which would amount to thousands of vehicles every day.

PETITIONER'S REBUTTAL

Dan Wilson, 2454 Patterson Road, asked that because it was so similar that the prior testimony apply to this as well. He said that the City had a very well developed traffic capacity payment ordinance and that when the site planning happened and before

approval of the subdivision, the applicant would have to deal with any danger or any impacts from traffic. He agreed that there would be an increase in traffic but stated that it would meet city design standards. Mr. Wilson asked the Commission to define the neighborhood of the City to include the industrial uses to the south. He stated that this development was compatible with the existing neighborhood and asked the Commission to think about the neighborhood being planned for both in the Growth Plan and in the comprehensive plan. He reiterated that there were adequate public facilities that could be built. He asked for the deletion of the word “not” in the first sentence under Findings of Fact/Conclusions and asked for approval of this.

Terry Lawrence said that they looked at the past need, past use, current demand and projected forward to the next 5, 10, 15, and 20 year use for guidance in understanding the need for Commercial Industrial zoning. He said that it was clear that this particular type of project in this area could easily meet the short-term 5 year plan more so than all other options currently at that time on the table. He said that they were, therefore, encouraged going forward with this project because it could easily handle the demand over the next 5 years. He said that they believed this was a good thing for the community and would make sure that the final plan met or exceeded everyone’s expectations.

DISCUSSION

Commissioner Wall agreed that there needed to be feathering and also that with the plan that would supposedly happen in this area, there would be residential and a pod near here, argued that the I-O zoning would be more appropriate based on the feathering and the fact that the City had more ability to regulate what would happen there. He wanted to be able to say what can and cannot go there to ensure adequate buffering and thought that made more sense when feathering into a residential area. There would be the ability for noise restrictions and times of use restrictions which would make it more compatible for the surrounding neighborhoods. He said that for him Industrial Office was the correct way to go.

Chairman Cole said that given what was brought up earlier if oil field development was to take place, they would have to come before the Commission for a conditional use permit which would address some of the concerns raised. He was in favor of rezoning this to I-1 and further believed that residential of R-4 was also appropriate.

MOTION: (Commissioner Wall): “Mr. Chairman, on the Kapushion/Northwest Grand Junction Zone of Annexation, ANX-2008-305, I move that the Planning Commission forward to the City Council a recommendation of approval of the I-1 (Light Commercial) zone for the southern 80-acre portion of the Kapushion/Northwest Grand Junction Annexations as described in the project description with the facts and conclusions listed in the staff report contingent upon the City Council’s approval of the Growth Plan Amendment request to Commercial Industrial and the removal of the word “not” from the number 1 Findings of Fact.”

Commissioner Putnam seconded the motion. A vote was called and the motion passed by a vote of 3 – 2, with Commissioners Wall and Carlow opposed.

MOTION: (Commissioner Wall): “Mr. Chairman, on the Kapushion/Northwest Grand Junction Zone of Annexation, ANX-2008-305, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-4 (Residential - 4 units per acre) zone district for the northern 20-acre portion of the Kapushion/Northwest Grand Junction Annexation as described in the project description with the facts and conclusions listed in the staff report contingent upon City Council’s approval of the Growth Plan Amendment request to Residential Medium (4 – 8 du/ac) and the removal of the word “not” from Finding number 1.”

Commissioner Abbott seconded the motion. A vote was called and the motion passed by a vote of 4 – 1, with Commissioner Carlow opposed.

10. 12th & Patterson Center - Rezone

Request a recommendation of approval to City Council to rezone 8 parcels (3.62 +/- acres) currently zoned R-8 (Residential 8 du/ac) to a B-1 (Neighborhood Business) for development of a neighborhood commercial center on a total of 8.4 +/- acres.

FILE #: RZ-2008-323

PETITIONER: Dillon Real Estate

LOCATION: SE Corner 12th Street & Patterson Road

STAFF: Scott Peterson

A short recess was taken. The Commission reconvened at 7:45 p.m.

STAFF’S PRESENTATION

Scott Peterson made a PowerPoint presentation regarding the requested rezone. He said that the applicant owned all 21 parcels of land and requested a rezoning change for these 8 parcels adjacent to Wellington Avenue. He said that the character of the area was a mix of Commercial, medical office and single and multi-family residential uses. He felt that the proposed rezoning was acceptable since the residential land supply in the community would not be adversely affected and also because the proposed rezoning would bring these 8 parcels of land into compliance with the current Future Land Use map. He further said that this was consistent with the goals and policies of the Growth Plan and would be compatible with other commercial uses in the area.

The Growth Plan Future Land Use Map indicated this area to be Commercial and in November 2007 a Growth Plan Amendment was approved to change the future land use map from Residential Medium, 4 to 8 dwelling units per acre, to a Commercial designation for the properties adjacent to Wellington Avenue. Applicant is requesting that the City approve the rezoning application to bring these properties into compliance with the future land use map Commercial designation. Mr. Peterson said that the

existing 21 properties were currently undeveloped and contained split zoning designations of B-1 and R-8. He further said that the requested rezone would allow the applicant to develop the entire 8.5 acres as a single Commercial development. He concluded that he felt that the community and area would benefit from the proposed rezone in that it may provide additional neighborhood Commercial development that could be accessed by both vehicular and pedestrian traffic from existing and nearby residential neighborhoods as well as passing by traffic. Also, it may provide additional job opportunities for the neighborhood community residents and stated that the requested B-1 zone was consistent with the Growth Plan Future Land Use Map and the applicable review criteria of the Zoning and Development Code had been met.

Therefore, he recommended that the Planning Commission forward a recommendation of approval for the requested zone of B-1, Neighborhood Business, to the City Council.

PETITIONER'S PRESENTATION

Grant Nelson, vice president of Goldberg Properties, 195 West 12th Avenue, Denver, said that also present were his business partner, Mark Goldberg, as well as Tannya Snyder of Goldberg Properties, Ann Bowers of Drexel & Barrell, and Jeff Weider of Galloway Engineering, and said that they also represented City Market in this rezoning request. He felt that this rezone would meet a number of the goals and objectives of the Zoning and Development Code and of the Growth Plan and would allow them one contiguous zone to provide a high quality infill development that would be an asset for the neighbors, for the community and for the City of Grand Junction as a whole.

QUESTIONS

Commissioner Carlow asked for clarification of the total acreage. Mr. Nelson confirmed that it was 3.62 acres, 8 lots, for the rezone request.

PUBLIC COMMENT

For:

Mike Foster (639 Pine Needle) said that this property was an excellent opportunity for really high quality commercial development that would add to the overall value of the City. He said that he was familiar with some of the developer's projects in Denver.

Jim Garber, 485 Meadow Road, stated that he was completely in favor of this infill project and believed it was an infill project neglected for way too long.

Bob Emerick, 1441 Patterson Road, commented that the land there had been an eyesore for a number of years and said that the total acreage should be all zoned for business and was in favor of the project and the rezone.

Against:

Pat Verstraete, 1421 Wellington, directly across the street from this proposed change, said that she had appeared in front of a Commission or Council a number of times in order to protect her home and neighborhood. According to Ms. Verstraete, people were opposed to this change due mainly in part that this was a neighborhood and changing

this site would not allow them to have that feathering buffering effect. An R-8 would allow the type of development that had been proposed previously and then into a Commercial area and hoped that the Commission would consider the integrity of their neighborhood.

Dick Fulton, 1556 Wellington Avenue, said that a large grocery store was more than a neighborhood business and opposed it. He said that a 50,000 square foot facility was too intense for this particular location. The B-1 zoning would allow intensity that was not acceptable at this location. The ultimate use of the whole property as well as the current use needed to be considered. Mr. Fulton said that the R-8 zoning allowed a significant buffering from the various established and secure neighborhoods along Wellington Avenue and that would not be the case with a zoning of B-1. Additionally, traffic would increase significantly, an extra 4,300 trips per day, which would cause the intersection to fail and would cause the need for a redesign of the entire intersection. He said that leaving the site zoned as R-8 would preclude an intensity that was incompatible with this location and should remain as R-8.

Bill Pitts, 2626 H Road, reminded the Commission that when this was earlier approved, it was the intent that this location was to remain R-8 which would make a logical buffer between the Commercial and Wellington and encouraged a denial of the application. He said that to continue the R-8 would encourage the neighborhood for multiple family which would lend itself to a neighborhood development.

Bruce Verstraete, 1321 Wellington, said that he wanted to remind the Commission that when a community agreed to be rezoned there was a contract between the people and the government. He said that there were good reasons for leaving the zoning on Wellington as it was now and hoped the Commission considered that before coming into a well established neighborhood.

Mike Schaeffer of 2745 Patterson Road said that he felt that the change to the Growth Plan was done under some phony pretenses in that one of the reasons used was that the neighborhood was in decline. He argued that the only property in decline was the City Market property. He said that he bought his home knowing that there was a Growth Plan which would give him some assurance that he could live there with a quality of life that would not change for awhile. Furthermore, he said that he agreed with statements made by Mr. Fulton. He said that he did not think that adding 4,300 cars per day to the mix would make it a safer place. He asked that the Commission give this request some honest consideration, think about the neighborhood and the traffic on Patterson, the cost of the intersection.

Gary Crist addressed compromise and buffer zones and asked if there was a way to keep the buffer zone there as residential. He said that he would like to see a buffer zone and keep it residential.

PETITIONER'S REBUTTAL

Grant Nelson said that they were grateful for the time given to this and asked for the rezone to B-1 in order to make for better development and a more coherent infill development to best utilize the property.

QUESTIONS

Commissioner Carlow asked, based on current setbacks and minimum lot sizes, if this was left R-8 how many units could be put on it. Scott Peterson said that the property was zoned R-8 so it would be 24 units. However, because the property was smaller and irregularly shaped to develop, taking into consideration off street parking and open space requirements, it would not make it economically feasible to develop as multi-family.

DISCUSSION

Commissioner Wall said that the B-1 made more sense than the R-8. Regarding the setbacks and the hours of operation of a B-1 zone, he thought it made perfect sense and overall it would make that neighborhood a lot stronger rather than having a negative impact on the area and was in favor of the B-1.

Commissioner Putnam said that a few people who testified against this rezone stated that it was an absolute contract between the landowner and the City and some change had to happen. He said that he did not think that it had been established that changing the zoning on Wellington would affect the traffic patterns on Patterson Road. Furthermore, he said that it seemed quite unlikely that these sites would ever be developed as Residential and it would make good planning sense to zone this entire area the same, B-1.

Chairman Cole agreed that to rezone it B-1 to make it compatible with the Growth Plan Amendment approved a little over a year ago and bring it into compliance with the Growth Plan made sense. He said that he felt the developer would be continuing to attempt to work with the neighborhood to make something compatible with the rest of the City and was in favor of the B-1 zoning.

MOTION: (Commissioner Wall): “Mr. Chairman, on Rezone, # RZ-2008-323, I move that the Planning Commission forward the rezone to City Council with the recommendation of the B-1 (Neighborhood Business) zoning district for the 12th and Patterson Center with the facts and conclusions listed in the staff report.”

Commissioner Carlow seconded the motion. Commissioner Putnam said that by referring to it as the 12th and Patterson Center was not legally accurate as it was not on Patterson. Jamie Beard said that as far as approving a motion in regards to the 12th and Patterson Center, the idea was that the Commission needed to understand which parcels were being approved and the staff report and the information as advertised would be for the specific parcels that were before the Commission so mentioning that as long as the parcels were mentioned would be okay. A vote was called and the motion passed unanimously by a vote of 6 – 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 8:24 p.m.