

**GRAND JUNCTION PLANNING COMMISSION
APRIL 8, 2008 MINUTES
6:00 p.m. to 6:56 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), Tom Lowrey (Vice-Chairman), Lynn Pavelka-Zarkesh, Dr. Paul A. Dibble, Reggie Wall and Bill Pitts. Commissioner William Putnam 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) and Senta Costello (Associate Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 7 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 the Previous Meetings**
Available for consideration were the minutes of the March 11, 2008 Planning Commission meeting.
- 2. Second Avenue Vacation – Vacation of Right-of-Way**
Request a recommendation of approval to City Council to vacate the southern 6' of Second Avenue between 8th Street and 9th Street
- 3. Prather Annexation – Zone of Annexation**
Request a recommendation of approval to City Council to zone .556 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac).
- 4. Willow Wood Village Annexation - Zone of Annexation**
Request a recommendation of approval to City Council to zone 7.8 acres total: 1.7 acres from County RMF-8 (Residential Multi-family 8 du/ac) and 6.1 acres from County RSF-R (Residential Single Family Rural to a City R-8 (Residential 8 du/ac) zone district.

5. Apple Glen Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 14.95 acres from County RSF-E (Residential Single Family Estate) to a City R-4 (Residential 4 du/ac) zone district.

6. Lambert Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 9.7 acres from County RSF-R (Residential Single Family Rural) to a City I-1 (Light Industrial) zone district.

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. Lisa Cox, Planning Manager, clarified that there are two parts to the Minutes – a verbatim section pertaining only to the Redlands Place Subdivision and the standard synopsis version. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the Consent Agenda items.

MOTION: (Commissioner Pitts) “Mr. Chairman, I move for the adoption of the Consent Agenda as presented.”

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

FULL HEARING

Public Hearing Items

7. Carter Page Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 3.8 acres from County I-2 (General Industrial) to a City I-2 zone district.

FILE #: ANX-2008-046

PETITIONER: Corey Carter – Carter/LW Page Holdings

LOCATION: 2793 D Road

STAFF: Senta Costello

STAFF’S PRESENTATION

Senta Costello, Public Works and Planning Department, made a PowerPoint presentation regarding the Carter Page Annexation. She said the subject property is across the street from existing City limits and the property is partially vacant and used for storage of automobiles. She further stated that across the street on the north side of D Road is land owned by the railroad. The Future Land Use designation for the property is Industrial and the property is surrounded by Industrial; to the south and east is Commercial Industrial designation as well as some Public. Ms. Costello further pointed out that current County zoning is I-2 with RSF-R to the east and west and County I-2 to the west and some pockets of City zoned I-2 and I-1 in the area.

Ms. Costello stated that the applicant was requesting an I-2 designation while staff had recommended an I-1 zone district. She explained that an industrial designation could be implemented by a variety of zone districts including the I-O, I-1, I-2 and Mixed Use. She said that the proposed South Downtown Plan recommended the area to the west of 28 Road specifically along the D Road frontage be changed to a Commercial Industrial designation. Ms. Costello also stated that the Commercial Industrial designation could be implemented by a C-2, I-O, I-1 or Mixed Use but the I-2 zone district was not an option with the Commercial Industrial designation. In the Industrial designation, the C-2 is not an option. She said that the commercial/industrial recommendation was primarily to reduce the visual and noise impacts along the Redlands Parkway corridor and to try to encourage lower impact type uses. According to Ms. Costello, the South Downtown Plan was originally slated to be adopted in December of last year but should be adopted this May.

APPLICANT'S PRESENTATION

Craig Parker with Vortex Engineering appeared on behalf of applicant. He said that the I-2 was requested because it would be consistent with the Growth Plan. He also pointed out that the South Downtown Plan has not yet been adopted. He stated that the lot is unique in that it is 1300 feet long by 130 feet wide and one of the results of an I-1 zoning is a 5 foot setback which would be problematic for maintenance and would cut the use of the lot quite a bit. He stated that the applicant would like to annex as I-2.

QUESTIONS

Commissioner Dibble asked if there was anything with I-1 that could not be done with the I-2. Mr. Parker said that they are proposing a mini-storage which is allowable in an I-1.

Commissioner Pitts asked if storage units would be allowable in a Mixed Use. Senta Costello said that storage units are an allowed use in the Mixed Use zone district with a Conditional Use Permit.

Commissioner Pitts asked about the setbacks in a Mixed Use. Ms. Costello said that the side yard setback in the Mixed Use zone district is 15 feet versus 5 feet in the I-1.

Jamie Beard, Assistant City Attorney, stated that if there is a Conditional Use Permit application where applicant requested to do something other than the required setbacks that would be a factor to be considered with a conditional use for compatibility purposes; however, in looking at the I-1 or the I-2 zone districts in this particular situation, neither would require a Conditional Use Permit for a mini-storage use.

QUESTIONS

Chairman Cole asked if applicant could apply for a variance in an I-1. Ms. Beard said that they could apply for a variance but they would have to meet the requirements which would require that they show it is not a self-inflicted hardship.

Commissioner Wall asked what the purpose of the side yard setbacks was. Ms.

Costello said that it acts as a buffer area so there are not buildings butting right up against each other.

Commissioner Wall asked if a fence is required between them. Ms. Costello said that they are not required to have a fence in between.

Commissioner Dibble asked what other uses could there be that might be different than the I-1 uses. Ms. Costello said that in most cases the I-1 allows a broader scope as opposed to the I-2 which is more restrictive under some cases. She further stated that the I-2 requires Conditional Use Permits for some uses.

Commissioner Dibble asked if the setbacks were the primary reason the I-1 was recommended. Senta said that typically the I-2 requires a conditional use which gives them a little more say in what goes in and how it goes in, such as buffering and mitigation. She said that landscaping materials, nurseries and greenhouses are allowed within an I-1 zone district which requires a CUP within the I-2 zone district. Additionally, heavy vehicle repair would require a Conditional Use Permit in an I-1 whereas it is an allowed use in an I-2.

Commissioner Dibble asked if outdoor storage is considered equally in both the I-1 and I-2. Ms. Costello said that they were.

Commissioner Dibble asked if cleaner, less intensive uses are desired because of the Riverside Parkway and asked for an example. Ms. Costello said that an example would be vehicle repair which would require a Conditional Use Permit in the I-1 zone district. It would go through the public hearing process and would give staff the ability to require mitigation to the surrounding property owners and is an allowed use in the I-2. Animal care and boarding sales would require a CUP in an I-1 but are allowed uses in the I-2.

Chairman Cole asked if a development plan was required for the property. Ms. Costello said that they do have one submitted; however, for discussion of zoning, only the appropriateness of the zone district as a whole could be considered.

Chairman Cole asked if the 5 foot setbacks could be considered a maintenance problem with regard to storage units. Ms. Costello said that she could only address the other storage units that she has reviewed, most of which all have setbacks with landscaping strips adjacent between the building and the property line.

Commissioner Dibble asked if the range of uses is greater or lesser for I-2 than I-1. Senta said that there is a broader scope of allowed uses in an I-1 but it is the more intense uses that are allowed in the I-2 which would require a Conditional Use Permit in the I-1.

Commissioner Dibble asked what she meant by intense. Ms. Costello said that it could include such things as noise and vibration.

STAFF'S REBUTTAL

Ms. Costello said that if it is zoned I-2 and the South Downtown Plan does get adopted, then the property would no longer be in conformance with the Future Land Use Map.

QUESTIONS

Commissioner Dibble asked if the setback would be only on one side of the property, the linear side. Ms. Costello said that they would have two front yard setbacks – one off of D Road and one off of C-3/4. They are being required to dedicate right-of-way along the C-3/4 line so there would be a 15 foot setback off of D Road and off of the C-3/4 Road, the north and south property lines. The 5 foot setback would only apply to the east and the west property lines.

Commissioner Dibble asked if the setbacks would be tarmac or landscaped. Ms. Costello said that the Code requires that all setbacks be landscaped for mini-storage units.

Commissioner Dibble asked if any developed property borders the subject property to the east and west. Ms. Costello said that there is none currently.

PUBLIC COMMENT

No one spoke in favor or in opposition to this request.

DISCUSSION

Commissioner Dibble said that there were some uses that could be in an I-2 that are not in an I-1. He said that he was concerned that if the property was zoned I-2 and the property was then sold, uses other than storage units could be allowed.

QUESTIONS

Commissioner Pavelka-Zarkesh asked if the setback for all uses in the I-1 is a standard 5 foot setback as opposed to the I-2 where there is no setback. Senta Costello said that in the I-1 it is a standard 5 foot setback unless it is adjacent to an abutting residential zone or use in which case it would be 10 feet; however, in the I-2 that does not apply. The only place that they have any kind of setback required is adjacent to their landscape strip. In that case there would be a requirement to have a 6 foot wide, 50 foot deep landscape strip from the front property line.

Commissioner Pavelka-Zarkesh asked if both zone districts are required to have a landscaped front yard. Ms. Costello confirmed that was correct.

Commissioner Pavelka-Zarkesh asked if by having no setback on the side yards a situation could be created where if it is I-2 to I-2 you have buildings back to back with no fire break; whereas if you have an I-1 there would be a fire break between the buildings. Senta confirmed that there would be a minimum of 10 feet between the buildings. She said that if it is less than 6 feet from the property line, buildings would have to be constructed to meet the fire rated walls according to Code but there would be no separation between the buildings. She also pointed out that the other issue when there

are zero lot line buildings is maintenance of the back side of the buildings. Chairman Cole asked if the 10 foot setbacks would be enforced since properties bordering the subject property are Residential. Ms. Costello said that those setbacks would typically be enforced.

DISCUSSION

Commissioner Dibble said that he thought this property is in transition for Industrial.

Commissioner Lowrey said that he was struggling with making this conform to a plan that doesn't exist yet, the South Downtown Plan, and believed that the rules and the Code sections that are in place at the time an applicant applies are what should be followed. He said that he was also bothered by a 5 foot setback along both sides of this very long property which would create a lot of wasted land. He said that he thought there was a hardship because of the shape of the lot and did not believe that it was a self-inflicted hardship because the shape of the lot was a condition that existed. Therefore, he said that he believed there would be the possibility for a variance but a variance runs with the land.

Commissioner Pitts said that he thought the 5 foot setbacks would be a waste of land when there is not enough Commercial land.

Commissioner Dibble said that things such as the Riverside Parkway and the area need to be considered. Commissioner Dibble said that if this area was to be developed less than the heavy industrial, it should be zoned I-1.

Commissioner Lowrey said that if the storage units were built, the likelihood that the use would change was very remote.

Commissioner Dibble said that the probabilities of what this area should be developed at needs to be looked at and considered.

Chairman Cole said that he was leaning toward the I-1 designation in which case the applicant could apply for a variance to allow the setback.

Commissioner Lowrey stated that he agreed with Commissioner Dibble to consistently have I-1 zoning in this area regardless of whether or not the South Downtown Plan is adopted.

Commissioner Wall said that although there is a plan for the area it was not in effect yet and an applicant should be able to go forward with the zoning that was in effect. He said that another thing to look at was the amount of businesses that could go in there. Commissioner Wall said that I-1 has more opportunities to put more businesses in there than the I-2. Additionally, he said that the I-1 has more options.

There was discussion regarding whether or not two separate motions would be necessary because the applicant had applied for I-2. Jamie Beard stated that since this

is a zone of annexation, just one motion for the zone that the Commission was going to recommend to City Council would be sufficient.

MOTION: (Commissioner Lowrey): “Mr. Chairman, on the Carter Page Zone of Annexation, ANX-2008-046, I move that the Planning Commission forward to the City Council a recommendation of approval of an I-1 (Industrial zone district) for the Carter Page Annexation with the facts and conclusions listed in the Staff Report and pursuant to the discussion of the Planning Commission during deliberations.”

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

General Discussion/Other Business

There was a brief discussion regarding the upcoming retreat scheduled for April 10, 2008.

Nonscheduled Citizens and/or Visitors

There were no nonscheduled citizens and/or visitors.

Adjournment

With no objection and no further business, the Planning Commission Meeting was adjourned at 6:56 p.m.