

**GRAND JUNCTION PLANNING COMMISSION
FEBRUARY 27, 2007 MINUTES
7:00 p.m. to 8:58 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul A. Dibble (Chairman), Roland Cole (Vice-Chairman), Tom Lowrey, Bill Pitts, Reggie Wall, Patrick Carlow (1st alternate) and Ken Sublett (2nd alternate). Commissioners William Putnam and Lynn Pavelka-Zarkesh were absent.

In attendance, representing the City's Community Development Department, was Lisa Cox (Planning Manager).

Also present were Jamie Kreiling (Assistant City Attorney) and Ken Kovalchik (Senior Planner).

Lynn Singer was present to record the minutes.

There were 17 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the minutes of January 23, 2007.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move approval of the January 23, 2007 minutes as presented"

Commissioner Sublett seconded the motion. A vote was called and the motion passed by a vote of 4-0, with Chairman Dibble and Commissioners Cole and Wall abstaining.

III. CONSENT AGENDA

Available for consideration were items:

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|------------------------|---|
| 1. ANX-2006-350 | ZONE OF ANNEXATION – Heron's Nest Subdivision Annexation |
| 2. SS-2006-324 | ZONE OF ANNEXATION – Wexford Annexation |
| 3. ANX-2006-360 | ZONE OF ANNEXATION – Home Lumber Annexation |
| 4. ANX-2007-008 | ZONE OF ANNEXATION – Dyer/Green/Ottenburg Annexation |
| 5. PP-2006-316 | PRELIMINARY SUBDIVISION PLAN – Monarch Ridge Subdivision |

- 6. ANX-2007-019 **ZONE OF ANNEXATION – Cimarron Mesa Enclave Annexation**
- 7. PP-2005-303 **PRELIMINARY SUBDIVISION PLAN – Autumn Glen Subdivision**
- 8. PFP-2006-325 **PRELIMINARY SUBDIVISION PLAN – Countryplace Townhomes**

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion. There was discussion raised by Mr. Jerry Derby regarding Item 6, ANX-2007-019, Zone of Annexation – Cimarron Mesa Enclave. However, after discussion it was determined that Mr. Derby did not consent to the annexation. As hearing on this matter is limited to zoning and not the annexation by City Council, he did not request that this project be pulled.

Lisa Cox, Planning Manager, clarified that with regard to Item 7, PP-2005-303, Preliminary Subdivision Plan, is Autumn Glen Subdivision Filing Two. Ms. Cox also stated that with regard to Item 8, PFP-2006-325, Preliminary Subdivision Plan for Countryplace Townhomes, staff recommends that this matter be continued to the March 27, 2007 Planning Commission meeting. No objections or revisions were received from the audience or planning commissioners on any of the remaining Consent Agenda items.

MOTION: (Commissioner Cole) “Mr. Chairman, I move approval of Consent Agenda items 1 through 7 as modified.”

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

MOTION: (Commissioner Cole) “Mr. Chairman, on Item 8, PFP-2006-325, Preliminary Subdivision Plan, Countryplace Townhomes, I move for the continuance of that item to the March 27, 2007 Planning Commission hearing.”

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

IV. FULL HEARING

9. TAC-2007-006 **TEXT AMENDMENT CODE – CODE – Zoning and Development Code Text Amendments**
A request to amend various sections of the Zoning and Development Code, including Non-conforming Structures and Sites, Drive-through Retail Establishments, Zoning of Annexed Properties, Residential Zone Designations, Alternative Surfacing of Vehicular Traffic Areas and Lot Size and Setbacks Adjacent to Tracts.
PETITIONER: City of Grand Junction
CITY STAFF: Lisa Cox, Planning Manager

STAFF'S PRESENTATION

Lisa Cox, Planning Manager, stated that this request is for approval of a variety of amendments that are proposed to either add sections to the Zoning and Development Code or to amend existing sections to the Zoning and Development Code that pertain to Non-conforming Uses/Structures/Sites, Drive-through retail establishments, zoning of annexed property, residential zone designations, lot size and setbacks for lots abutting tracts and Growth Plan Amendments and request to rezone to Planned Development.

Ms. Cox stated that staff has been working in conjunction with a community focus group. Staff does a periodic review of the Code to assure that it's still functioning in an efficient and effective manner.

Non-conforming Structures and Sites

This proposed change concerns nonconforming structures and sites that City Council has indicated that it desires to have developed and to encourage the community to take advantage of these sites. The intent of this proposal is to create a process much like the TEDS exception process. An applicant would make application and explain what their intent is to develop a nonconforming structure or site and seek relief when there are physical constraints or limitations that prohibit them from being able to meet all Code standards.

A site design exception team would be established whereby a four member panel would set up a process for review of applications and requests from the public that outline how they primarily meet the intent of the Code. Four criteria will be considered by the team in determining whether or not an application has merit and should move into that process. The criteria to be considered are: (1) Is the general intent of the requirement being met by the applicant; (2) are there other upgrades or amenities being provided; (3) would the proposed deviation result in a safe and efficient condition as determined by the City; and (4) what other alternatives have been considered that would meet the current standards.

QUESTIONS

Commissioner Cole asked if the site design team would have the final say on approval or disapproval. Ms. Cox stated that they would. She further stated that if a request is

denied, their recourse would be to go back to the variance procedure and ask for a variance from the development standards of the Code.

Commissioner Cole asked who would be on the site design team. Ms. Cox stated that the team will consist of four representatives – a planner and an engineer from the Public Works and Planning Department; a representative from the Fire Department; and a representative from the Parks and Recreation Department.

Commissioner Carlow asked how it's determined that a request needed to be reviewed by the site design team.

Lisa Cox replied that the process would be that an applicant would submit an application form along with a copy of their site plan to the Planning Division.

Commissioner Sublett stated that when exceptions are granted, he felt that realistic goals needed to be set.

Commissioner Lowrey suggested a fifth criterion – that the deviation requested by applicant be the minimum deviation or variance necessary to move the project forward.

Drive-through Retail Establishments

Ms. Cox explained that currently the Code has two categories for drive-through uses: 1) office drive-through, and 2) drive-through uses for restaurants and retail. Office drive-through uses, such as a bank, are allowed in the B-1 neighborhood with a Conditional Use Permit. Restaurant and retail drive-through facilities are not allowed in the B-1 zone district. Due to recent trends, staff is proposing that a separate category be created which would allow for retail drive-through uses in the B-1 zone district with a Conditional Use Permit.

QUESTIONS

Commissioner Lowrey stated that littering can be a problem with fast food drive-through restaurants.

Zoning of Annexed Property

Ms. Cox stated that with the last update of the Code, staff had intended to list only two of the rezone criteria as being necessary to address for a zone of annexation. Because of other text amendments that were changed, criterion 2.6.8.5 was inadvertently left in the Code. Staff is proposing that criterion 5 be deleted.

Residential Zone Designations

Lisa Cox stated that currently there are two categories of residential zone districts – residential single-family and residential multi-family. Staff is proposing that residential zone districts be simplified by designating them as residential. For example, RSF-1 would become R-1; RMF-8 would become R-8.

Alternate Surfacing of Vehicular Traffic Areas

Lisa Cox stated that staff has noted that the Zoning and Development Code requires vehicular traffic areas to be surfaced with concrete or bituminous pavement except for overflow parking areas or areas that have low traffic storage yards. However, many

industrial yards that accommodate large trucks and heavy equipment do not meet the definition of low traffic storage yards. Paving is not practical because of the damage caused by the heavy vehicles. Staff is proposing language which would allow for alternate surfacing which would prevent dust from tracking onto the public right-of-way.

QUESTIONS

Commissioner Cole asked whether or not the word “mud” should be included. After extended discussion, it was ultimately decided to add “mud and debris”.

Lot Size and Setbacks Abutting Tracts

Ms. Cox stated that the Code requires that certain improvements such as trails, public water and public sewer lines, landscape buffers and open space be placed in tracts rather than easements. This requirement imposes an additional burden on meeting the minimum lot size, width, and/or setbacks for lots that abut these tracts. The proposal is that because the tracts themselves provide the type of “open space” that a setback or a minimum lot size is intended to achieve, staff proposes an amendment that would allow the Planning Commission, through the review and approval process of a subdivision, to allow certain lands to be used to establish the “open” area that is normally met by minimum lot size, width, or setback requirements.

QUESTIONS

Commissioner Carlow asked if this amendment would address adjoining properties.

Ms. Cox stated that it would not impact adjoining properties. This concerns only lots in new developments and tracts that are located within that proposed development. She went on to state that the tract would have to be located wholly on the property being developed.

Jamie Kreiling, Assistant City Attorney, clarified that with the larger open area tracts there may be some structures but those structures will not be allowed in those areas that are being used for the minimum lot size, width or setback areas.

Lot Width

Lisa Cox stated that staff is recommending the separation of the two sentences as currently written in the Code to provide for two separate paragraphs. Ms. Cox noted an incorrect reference in the section entitled Section 3.2.E.5, subsection f. which should reference Section 3.2.C.3.

Growth Plan Amendments with Planned Development (PD) rezone requests

Ms. Cox stated that the issue is that when there is a conflict between the density range of the Future Land Use Map and the density request to rezone to a PD, the Code requires that the rezone request be considered independently of a Growth Plan Amendment. Because the request to rezone to PD includes a Final Plan and a consistency review of the goals and policies of the Growth Plan and Future Land Use Map, it would be advantageous to consider both land use applications concurrently. Staff is proposing to allow a Growth Plan Amendment and a request to rezone to a PD zone district to be considered concurrently.

Ms. Cox stated that in order to cover all possibilities, Section 2.5.B.2 should read as follows: "A Growth Plan Amendment request shall not be considered concurrently with any other development review process, except for a request for a zone of annexation or to rezone to Planned Development."

Ms. Cox stated that staff believes this to be appropriate because a Planned Development is a specific zoning, adopted by ordinance, and the developer is committed and obligated to that plan. They have to demonstrate how the project meets the goals and objectives of the Growth Plan, how it is consistent and how it is compatible and appropriate.

QUESTIONS

Commissioner Pitts asked what a PD rezone is from.

Lisa Cox replied that a PD rezone district is a specially created zone district that establishes a default zone. The PD establishes a basic default zone, shows what the deviations are going to be from those standard requirements and then the applicant demonstrates what they are going to offer by way of extra amenity or benefit to the community in exchange for the flexibility of that PD zone district.

PUBLIC COMMENT

No one spoke either for or against the requested amendments.

DISCUSSION

Commissioner Cole stated that he thought these amendments in many cases will streamline the process. "I think that these are going to address some of the problems that we have faced in the past and I would favor approval of it."

Commissioners' Pitts and Wall concur.

Chairman Dibble complemented the focus group for their involvement and commitment.

MOTION: (Commissioner Wall) "Mr. Chairman, on Text Amendments, #TAC-2007-006 (various amendments), I move that that Planning Commission forward the Text Amendments to City Council with the recommendation of approval as amended by the Planning Commission."

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

- 10. TAC-2007-006 TEXT AMENDMENT – CODE – Zoning and Development Code Text Amendments**
Request approval to amend section 4.2 of the Zoning and Development Code, Sign Regulations, to add a section allowing for sign packages
PETITIONER: City of Grand Junction
CITY STAFF: Lisa Cox, Planning Manager

STAFF'S PRESENTATION

Lisa Cox, Planning Manager, stated that the proposed text amendments will create a new sign package permit and some flexibility in the sign codes. Currently signage for any site or commercial project being approved by the Planning Commission through a Planned Development or CUP process is considered as a sign package. However, a site going through the regular administrative review process does not have that option. These amendments seek to allow the flexibility for sites that are going through an administrative review process. Staff is proposing changes to the Code that will allow for creation of sign packages that would meet the needs of developers and landowners as well as other community members while still preserving the interests of the City and the goals and objectives of the sign regulations.

Ms. Cox stated that the intent is to allow the Planning Commission to consider approval of a new sign package permit. She stated that a sign package allows for the Planning Commission's review and approval of signs on a developed site, or abutting developed sites that function as one with the sharing of vehicular access and/or parking. The sign package would provide detailed graphical information of the location, height, illumination, sign dimension and sign design. The final decisionmaker would be the Planning Commission with recommendations from the Director. The proposed amendment would require that the sign package permit be established within 180 days of the approval by the Planning Commission. The sign package would be established upon the installation of the first sign included within the package. Once established, the sign package permit would run with the land as long as a use on a site has not changed and the sites continue to share vehicular access and/or parking.

QUESTIONS

Commissioner Cole asked about maintenance of signs as well as removal of signs in the event of discontinued use or abandonment.

Ms. Cox stated that the property owner where the sign is located would be responsible for the maintenance.

Ms. Kreiling confirmed that there are requirements in the Code which pertain to abandonment of a business and the time periods for removal of signs.

Chairman Dibble asked if there were any regulations on the content of the sign.

Lisa Cox stated that the regulations in the sign code are content-neutral.

Commissioner Pitts asked if the sign package was strictly for new projects.

Ms. Cox stated that this particular permit would be an option available to any site that is functioning under the proposed definition and, therefore, would not be limited solely to new projects.

Commissioner Sublett inquired whether compatibility would be considered.

Ms. Cox stated that compatibility would be taken into consideration in the review and approval process.

PUBLIC COMMENTS

For:

James Walker of Houston, Texas stated that he had two tracts that were developing as one and with this proposal they are given some flexibility with respect to development of the parcels.

Against:

No one spoke in opposition to the request.

DISCUSSION

Commissioner Carlow stated that he felt these changes would help address and clarify some issues that frequently come up.

MOTION: (Commissioner Cole) “Mr. Chairman, on Text Amendments, #TAC-2007-006 (Sign Packages), I move that that Planning Commission forward the Text Amendments to City Council with the recommendation of approval.”

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

- 11. ANX-2006-248 ZONE OF ANNEXTION – Pacheco-Woodring Annexation Request approval to zone 10.13 acres from a County RSF-R (Residential Single Family Rural) to a City M-U (Mixed Use) zoning district.**
- PETITIONER: Lillian Pacheco and Howard Woodring**
- LOCATION: 2814 C³/₄ Road**
- CITY STAFF: Ken Kovalchik, Senior Planner**

STAFF’S PRESENTATION

Ken Kovalchik stated that this project was continued from the February 13, 2007 meeting in order for staff to meet with applicant to discuss the potential for a PD zoning and preliminary plan process. He added that staff had met with the applicant, and the applicant has submitted a letter which states that they are in agreement that they will pursue the PD zone district for this parcel with a Mixed-Use bulk standards. The applicant is also requesting to waive the 90 days for the effective date of annexation. Applicant requests a continuance to the August 28, 2007 Planning Commission hearing to bring this application back for consideration.

QUESTIONS

Commissioner Cole asked if the letter will suffice with regard to the zoning and the time period to rezone the property.

Jamie Kreiling stated that the state statute is set up to protect the property owner for purposes of having a zone. In this instance, the property owner is the one that is waiving it being done in that time period. Therefore, she does not see a problem so long as it is done in the time period that they have requested. Applicant has also consented that there will be no building permits or occupancy permits granted during that time period.

Ms. Cox asked that applicant acknowledge their understanding that by continuing this to August 28, 2007, they must be prepared to present their PD plan during that meeting.

APPLICANT'S PRESENTATION

Brian Simms addressed the Commission on behalf of applicant Grace Homes. Mr. Simms stated that it is the intention of applicant to show on this property the proper transition between the residential and industrial zones.

Mr. Simms inquired whether they would be able to present their plan earlier than August 28, 2007.

Ms. Kreiling stated that as long as it was noticed in accordance with the Zoning and Development Code they could present it prior to the August 28th hearing.

Mr. Simms stated that, "We think this is a good route to go and we're prepared to present a proper plan to make it work appropriately with the neighborhood."

MOTION: (Commissioner Cole) "Mr. Chairman, based on the letter that we have received dated February 27 from Terry Lawrence, I move for the continuance of this item number ANX-2006-248 to August 28, 2007."

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

With no objection, the public hearing was adjourned at 8:58 p.m.