

**GRAND JUNCTION PLANNING COMMISSION  
SEPTEMBER 11, 2007 MINUTES  
7:00 p.m. to 9:40 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), Bill Pitts, Tom Lowrey, Patrick Carlow (1<sup>st</sup> alternate) and Ken Sublett (2<sup>nd</sup> alternate). Commissioners Lynn Pavelka-Zarkesh, Reggie Wall, and William Putnam were absent.

In attendance, representing the City's Public Works and Planning Department - Planning Division, were Lisa Cox (Planning Manager), Lori Bowers (Senior Planner), Ken Kovalchik (Senior Planner), and Kristen Ashbeck (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 42 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 August 14, 2007.

**MOTION: (Commissioner Cole) "Mr. Chairman, I move for approval of the minutes of August 14, 2007 as presented."**

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

**III. CONSENT AGENDA**

Available for consideration were items:

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| <b>1. PFP-2007-129</b> | <b>PRELIMINARY SUBDIVISION PLAN – Hutto Subdivision, Filing II</b> |
| <b>2. GPA-2007-058</b> | <b>GROWTH PLAN AMENDMENT – Sunpointe North Subdivision</b>         |

- 3. PP-2007-058 VACATION OF RIGHT-OF-WAY AND EASEMENTS – Ruby Ranch Subdivision
- 4. PP-2007-058 REZONE – Ruby Ranch Subdivision
- 5. PP-2004-154 REVISED PRELIMINARY SUBDIVISION PLAN – Mesa Estates Subdivision
- 6. PP-2007-001 PRELIMINARY SUBDIVISION PLAN – Chipeta Estates Subdivision
- 7. PFP-2006-243 PRELIMINARY SUBDIVISION PLAN – Vodopich Subdivision
- 8. PP-2007-053 PRELIMINARY SUBDIVISION PLAN – Pumpkin Ridge Subdivision
- 9. PP-2007-004 PRELIMINARY SUBDIVISION PLAN – Mahan Manor Subdivision
- 10. RZ-2007-048 REZONE – Rowell Subdivision

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any of the items pulled for additional discussion. Commissioner Pitts asked for clarification regarding the applicable map pertaining to item 4, PP-2007-058. Lori Bowers confirmed that the existing zoning on the site is R-2 and the requested rezone is to R-4 to be in compliance with the Growth Plan. Ms. Bowers also made a clarification to item 3, Conditions, no. 3 should read, “Approval shall be subject to approval and recordation of a final plat that is compliant with the Zoning and Development Code for Ruby Ranch Subdivision.”

Ken Kovalchik, Senior Planner, Public Works and Planning Department, requested a continuance of Item 8, PP-2007-053, to the October 9<sup>th</sup> meeting as the public notices that had been sent out contained an incorrect legal description. Therefore, in order to comply with state statute requirements, a continuance is necessary to correctly identify that parcel. 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 that item number 8 be continued to October 9<sup>th</sup>.”**

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

**MOTION: (Commissioner Cole) “Mr. Chairman, I move for approval of Consent Agenda with the exception of item number 8 as presented.”**

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

**IV. FULL HEARING**

**12. GPA-2006-241**

**ZONE OF ANNEXATION – City Market Site**

Request approval of a Growth Plan Amendment to change the Future Land Use Designation from Residential Medium (4-8 du/ac) to Commercial for 3.2 acres.

**PETITIONER:** Phyllis Norris – Dillon Real Estate Company

**LOCATION:** 12<sup>th</sup> Street and Patterson Road

**STAFF:** Scott Peterson, Senior Planner

**MOTION:** (Commissioner Cole) “Mr. Chairman, I move that item number 12, GPA-2006-241, Growth Plan Amendment, be continued to September 25, 2007.”

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

**11. GPA-2007-051**

**ZONE OF ANNEXATION – Brady South Annexation**

Recommendation to City Council on a Zone of Annexation for property located at 347 and 348 27½ Road and 2757 C½ Road from County Heavy Industrial (I-2) to City Light Industrial (I-1) and Industrial Office Park (I-O).

**PETITIONER:** Jennifer Brady – SLB Enterprises, LLC

**LOCATION:** 347, 348 27½ Road and 2757 C½ Road

**STAFF:** Kristen Ashbeck, Senior Planner

Chairman Dibble mentioned that a petition had been received that pertained to the Growth Plan Amendment, not the Zone of Annexation. Therefore, the petition would not be received into evidence this evening.

**PETITIONER’S PRESENTATION**

Robert Jones II of Vortex Engineering, 255 Vista Valley Drive, Fruita, Colorado, addressed the Commission as applicant’s representative. Mr. Jones stated that applicant was requesting a zone of annexation of three parcels located directly south of the intersection of 27½ Road and C½ Road. The requested zoning is a combination of I-1 and I-O. Mr. Jones stated that the three parcels are approximately 12.6 acres in total size. He further stated that the existing zoning of the three parcels has been Heavy Industrial, I-2, for some time in unincorporated Mesa County. Applicant is requesting to zone the westernmost parcel I-1 and transition the zoning to I-O for the two parcels to the east. He went on to state that the proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan. He also advised that the Growth Plan designation for these parcels is Industrial on the westernmost parcel and Commercial-Industrial on the two parcels to the east. Additionally, Mr. Jones stated that adequate public facilities are available or will be supplied at the time of specific development. The proposed zoning combination would allow for an adequate buffer between the CSR zoned property to the north and west and the residential properties to the east.

**STAFF'S PRESENTATION**

Kristen Ashbeck, Senior Planner, of the Public Works and Planning Department made a PowerPoint presentation regarding the requested zone of annexation. Ms. Ashbeck confirmed that the annexation of the three parcels has been completed and the Growth Plan amendment was approved for the two easterly parcels in July 2007 by City Council. Kristen stated that the biggest difference between I-1 and I-O is that outdoor storage and display are allowed in I-1 much more so than they are in I-O as a CUP would be required in the I-O. Ms. Ashbeck stated that the zone districts conform with the Growth Plan Future Land Use Map and the proposed transition across the site as well as the natural buffers to the south and to the east will create the compatibility that the Code requires. She went on to state that public facilities and services are available or can be upgraded or supplied as the property develops in the future. Finding that the proposed Zone of Annexation requests meets Code criteria, Ms. Ashbeck recommended approval of the I-1 and I-O Zone Districts as proposed by the applicant.

**QUESTIONS**

Commissioner Cole asked if the requested zoning is much less intense zoning than what is presently on the property. Ms. Ashbeck confirmed that the requested zoning represents a significant down zoning from the current I-2 zoning.

Commissioner Pitts raised a concern regarding the 100-year floodplain. Ms. Ashbeck confirmed that the westerly parcel is most impacted by the floodplain. The other two parcels are not impacted as much and can be developed more readily as there are no regulations in the 500-year flood plain.

Commissioner Lowrey asked if applicant could still make use of the land with the M-U. Ms. Ashbeck stated that there are viable uses allowed within the M-U zone district.

Chairman Dibble asked if the I-O zone district would allow more latitude in defining what is done on the property as well as floodplains and setbacks. Ms. Ashbeck confirmed that industrial uses or outdoor operations and storage require additional levels of review by the Planning Commission.

Chairman Dibble asked what the differences between the I-O designation and the M-U designation are. Ms. Ashbeck stated the M-U still does allow some outdoor storage and outdoor operation uses. She further stated that similar to the I-O and I-1 differences, in the M-U designation there are some uses that require a CUP wherein an I-O designation may not. The other major difference is that residential uses are allowed in the M-U Zone District.

Commissioner Sublett asked for clarification about buffering differences between the M-U and the I-O. Kristen Ashbeck stated that the I-O is very defined by the Code. However, in an M-U the buffers are to be built within the project and looked at specifically as the project develops.

**PUBLIC COMMENT**

**For:**

Russ Justice, operations manager for Brady Trucking, stated that they have asked for this zoning because it is quite a bit less than what is on the property. He stated that there is already a natural buffer on the south side of the property. He stated that they intend to be friendly to the community and to the river. They believe that the lighter zoning will accommodate future development.

Dale Hart stated that he has been looking for some industrial zoning within the City limits. He believes that the M-U designation would not be a very good thing for the City. He requested approval as requested by applicant. He would also like to see the boat launch for emergency rescue services to be maintained.

Bill Wagner, 300 Cedar Court, requested that the Commission consider the Los Colonias project as well as the riverfront. He believes a buffer on the westernmost parcel is needed to transition from residential to industrial. He would also like to see the riverfront trail be continued to the east end of the property.

Terry Reynolds, 557 Sol Lane, stated that he is part owner of the video surveillance system suppliers that are working with applicant. He stated that approval of this project would be a positive thing for Grand Junction and Brady Trucking's business.

Clayton Brown, 552 Eastbrook, stated that Russ Brady can be taken by his word and applicant's zoning as applied for should be granted.

Robert Jones, 1880 K Road, Fruita, stated that approximately 12 years ago he was a general contractor for the City of Grand Junction and poured part of the Riverfront Trail that is west of the Botanical Gardens. He believes this should be approved especially considering that applicant is proposing to extend the Riverfront Trail.

**Against:**

Janet Magoon, 2752 Cheyenne Drive, made a PowerPoint presentation. She stated that she does not see the river as a natural buffer as it is not that wide. She further stated that the surrounding properties are primarily residential and park. Ms. Magoon stated that she is extremely concerned about noise, odor and lights. She stated that she finds the future use of the three Brady parcels on the riverbank to be of extreme importance from a visual and noise aspect for especially Eagle Rim Park. Furthermore, she stated that no amount of landscaping can obscure the view from Eagle Rim Park. She also believes that industrial zoning along the bank of the Colorado River, in a floodplain, a reckless and irresponsible proposal. Ms. Magoon would suggest zoning all three parcels as Mixed Use as it would be the least destructive to the environment and the most considerate to the neighboring residents and park users.

Bennett Boeschenstein, a retired City planner, stated that he is also a former Community Development Director for the City of Fruita, prior to that he was Grand Junction's Community Development Director and prior to that he was Mesa County Planning Director. As such, he is very aware of certain clean up projects along the

river. He went on to the assessor's webpage and stated that he has found some parcels owned by the City which would be more suitable for Brady Trucking. He said that the total acreage that the City of Grand Junction owns that can be swapped for Brady Trucking's 16.15 acres is 31.75 acres. Mr. Boeschstein further stated that the industrial zoning is incompatible because to the north and west there is a park; there is residential, a park and a school across the river; and the only industrial that abuts the subject parcels is a small corner on the eastern edge. He too believes that the M-U zone would be the most appropriate because it has specific performance standards for nuisances such as noise, vibration, glare and hazardous materials and requires appropriate screening, buffering and open space and enhancement of natural features and limits outdoor storage. He also believes that the City's floodplain needs to be strictly adhered to. He suggested that if approved, staff needs to examine the plan of development so that there is a riverfront paved trail with landscaping along the river's edge, raising the structures one foot above the 100-year floodplain and/or flood proofing below the 100-year floodplain, establishing strict environmental standards to prevent noise, air and water pollution. He urged the Commission to think about what the community has done to clean up the riverfront and to be very careful about this zoning decision.

Penny Heuscher of 330 Mountain View Court addressed the Commission and stated that Judges Robb and Ela, among many others, led this community with government in formulating a vision for the riverfront. She further stated that industrial has been taken off the river and industrial zoning is not appropriate for sensitive areas. She believes that Mixed Use is the most appropriate zoning for this area because it is more protective of the flood plain and the endangered fish, it would be a better transition, and allows more restrictions on things like outdoor storage and would be more in agreement with the South Downtown Plan. Ms. Heuscher also stated that the river does not act as a buffer from noise but rather accentuates noise. Finally, she believes that Community Recreational zoning would be the ultimate best zoning and a land swap would be best for the river and the community.

Katie Sewalson, 1537 Grand, a Central High School science teacher, appeared on behalf of herself and some of her students. Furthermore, she is a truck driver in the United States Army Reserves and is aware of pollution caused by trucks,. She stated that her main concern is with the pollution as well as aesthetics. She submitted some letters written by some of her students.

Hannah Holm, 1800 North 3<sup>rd</sup> Street, stated that she is the water organizer for the Western Colorado Congress but spoke on behalf of herself and several residents. She stated that she opposes industrial zoning for these parcels, particularly the I-1 zoning, primarily on water quality grounds and because of the flood plain issues. She also said that industrial activities so close to the river raise the potential for impact to the water quality from spills and also from storm water runoff. Ms. Holm also stated that the Mixed Use zoning would likely have fewer impacts on water quality from hazardous materials and there would be higher performance standards associated with it. She also believes that the Mixed Use zoning would open up more opportunities for

development that could complement rather than detract from the parks and the neighborhoods.

Lee Gelatt, 320 Country Club Park, stated that he would like to encourage the Commission to be as restrictive as possible to the zoning. He represented that protecting the riverfront and its riparian habitat should be a high priority for the Grand Valley. Mr. Gelatt submitted a letter from Mr. Rich Levad.

Enno Heuscher, Mountain View Court, stated that he is a former vice president of the Audubon Society. He recommends that the Commission turn down the current zoning request of Industrial Office and Industrial-1. According to Mr. Heuscher, the Mixed Use zoning would provide the best flexibility for the planners to help the owner have appropriate and safe development of this particularly ecologically sensitive site. The M-U zoning would allow for someone to live on the site to protect the assets of the commercial enterprise and would allow for more requirements for conditional use to ensure reasonable hours of operation.

**PETITIONER'S REBUTTAL**

Robert Jones II addressed the concerns raised. Mr. Jones stated that it is important to realize that the supply of larger parcels zoned industrial are short in the location of the downtown region and believes that the community will derive benefits from the proposed zoning. Additionally, he said that the City and Riverfront Commission had the chance to purchase the subject property but did not. He also stated that the I-1 district on the western parcel will provide for the maximum buffer to Los Colonias Park. Mr. Jones stated that they had met with representatives of the Riverfront Commission to specifically discuss the potential and plan for extending the riverfront trail along the south side of this property directly adjacent to the Colorado River and continuing north along the east side of the parcel in order to have a connection into C½ Road. Accordingly, the trail and buffer should provide for an acceptable mitigation to the Colorado River and the residential homes to the east and south. The trail along the river will be provided by the applicant at the time of site development.

**QUESTIONS**

Chairman Dibble asked if it was Mr. Jones' understanding that both the I-O zone and M-U zone would allow outdoor storage. Mr. Jones stated that to some degree but there are many other uses not provided for in the M-U zone that are in the I-O.

Chairman Dibble asked if it was applicant's intention to include housing on any of the subject parcels. Mr. Jones said that it is not applicant's intent to place any residential units on this property.

Commissioner Cole asked whether or not the Riverfront Commission had the opportunity to buy this property. Mr. Jones said that it was his understanding that the Riverfront Commission had at one time approached the City to seek funding to purchase this property; however, it to his knowledge, that was denied.

Commissioner Pitts asked for clarification regarding outdoor storage. Kristen Ashbeck confirmed that industrial types of outdoor storage and operations are not allowed in an M-U; however, other kinds of outdoor storage are allowed.

Chairman Dibble asked Mr. Jones how applicant would deal with the floodplain issue on the western part of the property. Mr. Jones said that there are specific regulations and the present Storm Water Management Manual requires that non-habitable buildings have to be a minimum elevation above the 100-year floodplain. Also, no development in the flood way is permitted. He anticipates a fairly good size buffer on the south side of the property when you fit in some sort of trail and berm section coupled with the other regulations that are applied at the time of a site specific review, believes that would be adequate to mitigate the concerns raised.

Commissioner Sublett asked if either applicant or the Riverfront Commission has considered extending the trail directly west from the proposed I-1 property to meet the juncture of the trail with the portion coming off the pedestrian bridge across the river rather than going up to the part that already exists. Mr. Jones stated that would be the intent. He stated that the intent would be to provide for some sort of connection that would traverse the south side of the project and then come along and go along the east side and back out on C½ Road.

## **DISCUSSION**

Commissioner Carlow stated that he did not necessarily disagree with the long term goal involving the riverfront. He also said that he did not see much difference between the M-U and the I-O zone and would be in favor of approving the zoning as requested.

Commissioner Lowrey stated that although the majority of the property from 32 Road to Los Colonias Park on the north side of the river is Estate, Park or Conservation, he thought that as proposed the zoning request ended up being the most restrictive zoning considering the decisions that had already been made. He stated that he could reluctantly vote for the proposed zoning.

Commissioner Cole said that there are three options to be looked at: leave the property zoned as it is I-2; consider the M-U zone; or consider the I-1 and I-O as requested by applicant. It seemed to Commissioner Cole that the community would be much better served to grant this request and he would favor it.

Commissioner Pitts stated that from his standpoint, he was going to request that the Commission consider an M-U rather than the requested zoning.

Commissioner Sublett stated that he also really regretted that the City had gotten itself in this mess and that it was a mess because throughout the remainder of most of the country, great efforts had been going on for a considerable time period to clean up riverfronts and to make riverfronts into something that the public could actually use and be proud of." He said that he would reluctantly vote to support the applicant's request.



Chairman Dibble said that he believed requirements for screening and buffering were very different between the I-O, I-1 and M-U. Chairman Dibble also stated that Conditional Use Permits were allowed and must be required for some uses in the I-O district and also believed that there was more control associated with the I-O. Accordingly, he would be in favor of restricting the usage of all three parcels to an I-O zone.

Commissioners Pitts, Lowrey and Sublett concurred with Chairman Dibble for I-O zoning on all three parcels. After discussion of protocol and staff's recommendation, among other things, the following motion was made.

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on the Brady South Zone of Annexation, GPA-2007-051, I move that the Planning Commission forward to the City Council a recommendation of approval of the I-O zone district on all three parcels for the Brady South Annexation with the facts listed in the staff report as previously stated."**

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

With no objection and no further business, the public hearing was adjourned at 9:40 p.m.