

**GRAND JUNCTION PLANNING COMMISSION
OCTOBER 23, 2007 MINUTES
7:00 p.m. to 8:29 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman 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), Lynn Pavelka-Zarkesh, Bill Pitts, Reggie Wall, Tom Lowrey and Patrick Carlow (1st alternate). Commissioner William Putnam was absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Lori Bowers (Senior Planner) and Faye Hall (Associate Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.
There were 19 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

There were no minutes available for consideration.

III. CONSENT AGENDA

Available for consideration were items:

1. **PP-2007-124** **PRELIMINARY SUBDIVISION PLAN – Osprey
Subdivision**
2. **VR-2007-088** **VACATION OF RIGHT-OF-WAY – Plaza on North Avenue**
3. **ANX-2007-269** **ZONE OF ANNEXATION – Ingle Annexation**
4. **ANX-2007-270** **ZONE OF ANNEXATION – Mesa Heights Annexation**
5. **PP-2007-161** **PRELIMINARY SUBDIVISION PLAN – Barn Business
Park**
6. **ANX-2007-278** **ZONE OF ANNEXATION – Indian Wash Rentals**

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. No objections or revisions were received from the audience or planning commissioners on any of the Consent Agenda items.

MOTION: (Commissioner Pitts) “Mr. Chairman, I move we approve the Consent Agenda, items 1 through 6, as presented.”

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

IV. FULL HEARING

7. VAR-2007-209 VARIANCE – Masonry Wall Variance

Request approval for a variance to allow a six foot privacy wood fence instead of a concrete perimeter fence in a C-2 (General Commercial) zone district.

PETITIONER: Sid Squirrel – West Circle Cache LLC

LOCATION: 573 West Crete Circle

STAFF: Faye Hall, Associate Planner

STAFF’S PRESENTATION

Faye Hall with the Public Works and Planning Department made a PowerPoint presentation regarding applicant’s request for a variance regarding the requirement to provide a masonry wall between a commercial and residential zone district. She said that applicant is proposing to replace the existing wood fence with a new six foot wood privacy fence rather than the required masonry wall. She went on to state that the subject property is located directly south of the Paradise Valley Mobile Home Park. The property is in a Commercial designation and the bordering residential property is Residential Medium High, 8 to 12 dwelling units per acre. The existing zoning is C-2 and the property to the north is Planned Development/Residential. Staff recommended denial of the variance finding that the request is not consistent with the Growth Plan or the review criteria of the Zoning and Development Code.

QUESTIONS

- Chairman Dibble asked if there is a fence along the entire perimeter on the south side of the property. Faye Hall stated that the property is located to the south of the mobile home park and there is an existing six foot privacy fence. The manager of the mobile home park requested that applicant replace the existing six foot fence with a six foot fence. She also confirmed that this is the last property on West Crete Circle that borders the mobile home park to develop.
- Commissioner Wall asked how the wall will affect the landscaping that is already there. Faye Hall stated that it would not affect the landscaping.
- Commissioner Cole asked if the plan had been previously approved with the wall. Ms. Hall stated that the site plan review was approved with the landscape plan and the

placement of the wall along the north property line. After approval, applicant then came back to request the variance. She confirmed that this had been done administratively.

PETITIONER'S PRESENTATION

Mr. Sid Squirrell addressed the Commission and stated that he understands that the requested variance does not meet the criteria. However, he stated that he believes it makes more sense due to the circumstances and existing fencing in the area. He went on to state that four identical variance requests for commercial properties backing up to the mobile home park had been granted in the past. Therefore, he stated that the precedence had been set to support this variance. Mr. Squirrell stated that a hardship unique to this property can be argued based on the fact that if the variance requested is denied it would be the only property bordering Paradise Valley Mobile Home Park required to build a masonry wall. He also stated that granting this variance request conforms to all previous variances requested for commercial property adjacent to the mobile home park. He also stated that he believes that the requested relief would be compatible to adjacent properties and will not be injurious or reduce the value of adjacent properties or improvements. Additionally, he said the fence would conform to the Code while retaining the existing fence still meets the intent of buffering between Commercial properties and the mobile home park. The cedar fencing would provide visual buffering from adjacent activities which include a drive aisle and paved parking. Mr. Squirrell then stated that this variance does not conflict with any policies of the Growth Plan.

QUESTIONS

- Commissioner Cole asked why applicant now seeks the variance and did not ask for it when the application was initially brought before the Commission. Mr. Squirrell stated that it was an oversight on his part.
- Chairman Dibble asked if applicant would be willing to put in substantial metal posts housed in cement and run along the same line along the north boundary line that would then become the property of the mobile home park. Mr. Squirrell stated that was correct. If the fence was approved rather than the wall, most of it or all of it would reside on the property of the mobile home park.
- Commissioner Cole asked what is the correct finding for granting a variance. Jamie Beard stated that for granting any variance, the requirement of the Code is that it be consistent with the Growth Plan and each of the criteria in that section have been met.

DISCUSSION

Commissioner Carlow stated that he believes the requested variance meets the goals.

Commissioner Lowrey stated that so long as the landowners on both sides of the property line – the applicant and the mobile home park owner – don't want the masonry wall, he would reluctantly grant the variance. He stated that it is his belief that a

masonry wall would provide sound separation and in most instances would enhance the values of both properties.

Commissioner Pitts stated that as long as the mobile home park owner agrees with the wood fence, he too would grant the variance.

Commissioner Wall agreed that the masonry wall would be out of place because it would not then conform to any part of the existing development. He further stated that it makes sense to continue with the cedar fence that has been built there.

Chairman Dibble stated that he believes the conditions have been met for the variance and would be willing to grant the variance.

MOTION: (Commissioner Cole) “Mr. Chairman, on item VAR-2007-209, I move that we approve the variance to waive the requirement to provide a six foot masonry wall between a C-2 (General Commercial) and a PD (Planned Development) residential zoning district, finding the request to be consistent with the Growth Plan and Section 2.16.C.4 of the Zoning and Development Code.”

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

- 8. TAC-2007-307 TEXT AMENDMENT – Zoning and Development Code**
Request recommendation of approval to City Council for various amendments to the Zoning and Development Code pertaining to Chapters 1-9.
PETITIONER: City of Grand Junction
LOCATION: N/A
STAFF: Lisa Cox, Planning Manager

PETITIONER’S PRESENTATION

Lisa Cox, Planning Manager, Public Works and Planning Department, addressed the Commission regarding requested amendments to the Zoning and Development Code. Ms. Cox explained that the Planning Commission can make recommendations on changes to the Zoning and Development Code to the City Council periodically when considering ways to make the Code more effective and more efficient. Ms. Cox identified the first ordinance which basically is a housekeeping type of ordinance and is meant to correct minor discrepancies in the Code or make small clarifications and/or additions. The second ordinance is a proposed amendment to the Zoning and Development Code which would change the number of times that the City would consider a Growth Plan Amendment application which presently are accepted only twice a year. The proposed amendment would allow the acceptance of applications any time during the year. The proposed amendment contains a sunset provision that requires City council to re-adopt the amendment no later than one year from the date of original adoption or it will become null and void, and the provisions of Section 2.5.E will revert to the earlier terms.

Chairman Dibble requested that the proposed ordinance regarding the Growth Plan Amendments be presented and discussed first.

QUESTIONS

- Commissioner Cole asked how the deadlines would be flagged. Ms. Cox stated that she personally would be flagging it as well as the legal department.
- Commissioner Lowrey suggested that the sunset provision be the earlier of adoption of the comprehensive plan or two years.
- Chairman Dibble asked if removing the filing restriction of the Growth Plan Amendments will make a difference and ease staff's workload. Lisa Cox stated that presently Growth Plan Amendments are accepted during the months of February and August. By the end of each of those two months, an average of two to five Growth Plan Amendments is submitted.
- Commissioner Carlow asked whether the submittals should be limited to monthly or bi-monthly. Ms. Cox stated that as a general rule, planning and development applications for any other type of development application are accepted throughout each month. Therefore, it would not be a burden to accept them throughout the month just as any other application is accepted.

MOTION: (Commissioner Cole) "Mr. Chairman, on Text Amendments, TAC-2007-307, various amendments, updates and an amendment to allow amendments to the Growth Plan and/or the Future Land Use Map more than twice a year, I move that the 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.

PETITIONER'S PRESENTATION

Lisa Cox, Planning Manager, gave a detailed presentation regarding the proposed ordinance pertaining to a series of minor changes, amendments, and/or clarification to the Zoning and Development Code. Briefly summarized, the proposed amendments are as follows:

1. To amend the section of the Zoning and Development Code which provides authorization for particular parties to take action, Section 1.11.C. This clarification is to make clear who has the authority and responsibility to make official decisions on street name changes.
2. To amend Section 1.15 to clarify the responsibilities of the Director.
3. To amend Table 2.1 by either amending and/or adding several footnotes. This particular table identifies what types of public notice and action are required depending on a particular type of development application.
 - a. Footnote #1 - Ms. Cox stated that this modification is intended to clarify that in order to make a submittal either a General Meeting, a Pre-application Meeting Conference or a Counter General meeting is needed.

- b. Footnote #4 – this amendment is meant to clarify when a neighborhood meeting would be required for particular developments.
 - c. Add Footnote #4 to Table 2.1
 - d. Add Footnote #10 – this provides for neighborhood meetings to be held between 180 days and five business days before the submittal of the application. Ms. Cox further explained that the intent of this footnote is to reduce the time between the meeting and when a development application can be submitted.
4. To clarify the Code Amendments section of the table by adding the word “Rezone”.
 5. To amend Section 2.2.B.1.a to streamline the process, reduce some of the barriers and eliminate the need for general meetings by providing a counter general meeting.
 6. To amend Section 2.3.B.4.e concerning the meeting time and location for certain neighborhood meetings.
 7. To amend Section 3.3.G.3.b to make it clear that each dwelling unit must be located on a separate lot of a minimum of 4,000 square feet per lot.
 8. To amend the section of the Code that describes the R-O zone district Section 3.4.A.5.c. to require nonresidential parking be located outside of the front yard setback.
 9. To amend Section 3.6.B.7.f. to correct a typographical error.
 10. To amend Sections 4.1.J.2.b and 5.4.F.1.a to correct references to Codes that are not currently honored and to refer to the current Codes.
 11. To correct Section 6.2.B.2.1. to correct a typographical error.
 12. To delete Table 6.2.A in its entirety.
 13. To change the name of Table 6.2.B to 6.2.A.
 14. To amend Section 7.2.H.2.c to specify the type of vegetation that would be appropriate in the screening provision.
 15. To correct the wording of Section 9.32 to read: A dwelling containing two (2) single family dwellings on the same lot and separated horizontally.

MOTION: (Commissioner Cole) “Mr. Chairman, I recommend that the Planning Commission forward a recommendation of approval of the requested Text Amendments, TAC-2007-307, which include amendments and updates to various sections of the Code for clarification and to make minor corrections.”

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

With no objection and no further business, the public hearing was adjourned at 8:29 p.m.