

**GRAND JUNCTION PLANNING COMMISSION  
JANUARY 10, 2006 MINUTES  
7:03 p.m. to 8:54 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:03 p.m. by Vice-Chairman Roland Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Roland Cole (Vice-Chairman), Lynn Pavelka-Zarkesh, Bill Pitts, Tom Lowrey, William Putnam, Reginald Wall (alternate) and John Redifer. Paul Dibble was absent.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Pat Cecil (Development Services Supervisor), Lisa Cox (Senior Planner), Senta Costello (Associate Planner), and Scott Peterson (Associate Planner).

Also present was Jamie Kreiling (Assistant City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner 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 from the November 22, 2005 public hearing.

**MOTION: (Commissioner Pitts) "Mr. Chairman, I move for acceptance of the [minutes for the] Planning Commission meeting for November 22."**

Commissioner Redifer seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioners Redifer and Wall abstaining.

**III. CONSENT AGENDA**

Available for consideration were items:

1. VR-2005-012 (Vacation of Right-of-Way, Chuluota Subdivision & Alley Vacation)
2. ANX-2005-194 (Zone of Annexation--Ankarlo Annexation).

Vice-Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted one or more 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 for acceptance of the Consent Agenda, items 1 and 2."**

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

#### **IV. FULL HEARING**

A request was made by the petitioner to continue Full Hearing item CUP-2003-024 (Conditional Use Permit--Canyon View Car Wash) to the February 14, 2006 public hearing.

**MOTION: (Commissioner Putnam) "Mr. Chairman, I move that we continue item CUP-2003-024 (Conditional Use Permit--Canyon View Car Wash) to the February 14th hearing."**

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

#### **PFP-2005-242 VARIANCES AND CONDITIONAL USE PERMIT FOR MESA VILLAGE MARKETPLACE**

**A request for approval of 1) two variances to provisions of the 24 Road Corridor Design Standards and Guidelines dealing with signage requirements, and 2) a Conditional Use Permit for a 136,269 square-foot retail center in a C-1 (Light Commercial) zone district.**

**Petitioner: Jeff Ungerer - WTN COEX I, LLC**

**Location: 2414 F Road**

#### **STAFF'S PRESENTATION**

Pat Cecil gave a PowerPoint presentation which contained the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) site plan. This item had been continued from the December 13, 2005 public hearing to give the petitioner time to redesign the freestanding sign near the corner of Market Street and Patterson Road. The 24 Road Corridor Design Standards and Guidelines (Standards) limited the height of freestanding signage to not more than 12 feet and limited the overall sign face area to not more than 100 square feet. The petitioner's current design reduced the sign's height from 30 feet to 20 feet, and reduced the overall sign face area from 270 square feet to 195 square feet. While the petitioner had attempted to come closer to meeting the Guidelines, the current proposal still did not meet established criteria. As such, denial of both variance requests was recommended. If approval was granted, planning commissioners must find that one or more of the Standards' following criteria had been met.

1. The alternative better achieves the stated Purpose.
2. The purpose will not be achieved by application of the Standard in this circumstance.
3. The effect of other Standards or Guidelines will be improved by not applying this Standard.
4. Unique site factors make the Standard impractical.

Mr. Cecil added that the C-1 zone district required a Conditional Use Permit (CUP) for any building over 80,000 square feet. The total square footage proposed was 143,564, with the Kohl's building comprising 96,429 square feet. Staff determined that CUP criteria had been met and recommended approval.

#### **QUESTIONS**

Commissioner Putnam asked staff if there were any objections to considering the two variance requests concurrently; Mr. Cecil offered no objection. After a brief discussion, the determination was made to hear both variance requests concurrently. The CUP would be considered separately.

Commissioners Lowrey, Putnam and Pitts each acknowledged that they had not been at the prior public hearing when this item had been first heard; however, Commissioner Lowrey stated that he had watched the video tape and listened to the audio tape of the hearing and so felt qualified to participate in this evening's deliberations. Commissioners Putnam and Pitts both said that they had watched the prior public hearing on television, and they too felt qualified to participate.

**PETITIONER'S PRESENTATION**

James Walker, representing the petitioner, gave a PowerPoint presentation containing the following slides: 1) overview of the variance requests; 2) overview of the 24 Road Design Standards and Guidelines; 3) site plan showing the location of the freestanding sign; 4) drawing of the proposed sign; 5) photo slides of various freestanding signage in the area; and 6) photo slides of the sign's location taken from various angles along Patterson Road.

Mr. Walker said that he'd purchased the property in 2001 with the understanding that a Site Sign Program had already been approved. That sign package had included a 30-foot-high freestanding sign with a total sign face area of 270 square feet. The current request included a 20-foot-high sign with 195 square feet of sign face area. He felt that planning commissioners should take into consideration several factors: 1) the current variance requests represented significant reductions from the Site Sign Package that had been approved in 2001; 2) the proposed sign height and area was consistent with other signage already existing in the area along Patterson Road; and 3) the subject property was essentially "landlocked," with a minimal amount of Patterson Road frontage and no 24 Road frontage or access. He felt that the proposed sign, as currently configured, met the Standards' criterion regarding whether the alternative better achieved the stated purpose. This would be a large-scale commercial development. It was critical that businesses there had adequately-sized freestanding signage off of Patterson Road to be effective in attracting customer attention.

Referencing the project's site plan, Mr. Walker noted the location of the freestanding sign near the Market Street/Patterson Road intersection. He also presented a slide showing the design and proposed dimensions of the freestanding sign. Also shown were various photos of other freestanding signs in the area along with their heights and dimensions. These included Home Depot (40 feet high), Liquor Barn (36 feet high), Conoco (25 feet high), and Sutherlands (24 feet high). The sign as proposed would be consistent with these examples and other signage in the area. Limiting the sign's height to no more than 12 feet would actually create an inconsistency with other area signage. Mr. Walker presented several photo slides of the sign's location from various angles along Patterson Road. Using a yellow pickup truck for scale, he said that a 12-foot-high sign would be easily obscured by delivery trucks, parked vehicles, trees and other landscaping.

**QUESTIONS**

Commissioner Putnam asked the petitioner for clarification on the 2001 Site Sign Program referenced in his testimony. Mr. Walker reiterated that when he'd purchased the property, he'd understood that an approved Site Sign Program had already been approved. He'd later understood that with adoption of the 24 Road Corridor Standards and Guidelines, any redevelopment of the property would be subject to those criteria in addition to the Code's Big Box development criteria.

Vice-Chairman Cole asked for confirmation that an 8-foot variance in height and 95-square-foot variance in sign face area were being requested, to which Mr. Walker affirmed.

Commissioner Wall asked if the lot on which the freestanding sign was located would ever be developed. Mr. Walker explained that a view easement had been dedicated to prevent the construction of additional structures; however, he understood that parking would still be permitted. If a parking lot were

constructed, the presence of vehicles so close to the sign would further interfere with its visibility from Patterson Road.

**PUBLIC COMMENTS**

There were no comments either for or against the variance requests.

**PETITIONER'S REBUTTAL**

The petitioner's representative offered no rebuttal testimony.

**DISCUSSION**

Commissioner Putnam said that the Standards had been adopted after much thought and public input. The petitioner stated in his narrative that effective visible signage along Patterson Road was paramount. He disagreed. He did not feel that the Standards should be relaxed, and that the Planning Commission should stand behind them. Commissioner Putnam expressed opposition to the variance requests.

Commissioner Pitts agreed that the Standards had been adopted after much thought and input; however, they had been developed in anticipation of smaller-sized commercial developments. He felt that people wanting to shop at Kohl's would know where to turn and when well before they got to the intersection. Given that the requests could not meet the established Standards, he too expressed opposition.

Commissioner Pavelka-Zarkesh concurred with previous comments and saw no evidence to support the petitioner's claim of hardship.

Commissioner Redifer said that while he had not supported the previously proposed 30-foot sign height, he agreed that there were a number of existing signs in the area that also did not conform to the Standards. While a 30-foot-high sign might add to the area's visual pollution, he did not feel similarly about a 20-foot-high sign. The petitioner's sign as designed was quite distinctive and would add visual appeal to the corridor. Commissioner Redifer said that the current re-review of the 24 Road Design Standards and Guidelines should be taken into consideration. He felt that he could support approval using criteria c. and d. as justification.

Commissioner Wall acknowledged that he'd struggled with the current requests. The Sign Code section of the Standards was supposed to be flexible; however, the Kohl's building was going to be big, and with 5-foot-high lettering on the building, it would be visible for some distance, if not from I-70 itself. On the other hand, the petitioner's representative had made a good argument about the existing trees and other vegetation along Patterson Road obscuring a 12-foot-high sign. He felt he could support both variance requests citing the site's unique characteristics.

Commissioner Lowrey said that signs should communicate information without creating visual pollution. Many communities elsewhere passed laws restricting sign elements to reduce visual pollution. As communities grew, the need for more regulation grew as well, and it usually resulted in making those communities more appealing to more businesses. Given the expectation of continued commercial growth in the Grand Junction area, more businesses meant more signage. City Council, he felt, was right to be concerned about visual pollution. He noted that the petitioner had already received a variance allowing him to construct an off-premise freestanding sign. The Standards restricted the sign's height to no more than 12 feet, and the sign face area to no more than 100 feet. Unless there was a good reason to deviate from the Standards, they should be followed. He opposed the variance requests.

Vice-Chairman Cole felt that the petitioner's representative had made a valiant effort to come closer to meeting established Guidelines. He remarked that it wasn't only Kohl's signage that would be included on the sign but other tenants as well. Tenant signage would likely be located towards the bottom of the sign and be less visible from Patterson Road. He felt that the regulations should be varied in the current

instance to give the people of Grand Junction a better shopping experience. Development further up the Valley provided competition for Grand Junction area businesses, so he felt it incumbent upon the City to do what it could, within reason, to attract more businesses to the area. He felt that the current request represented a much more palatable proposal than had been originally submitted, and he expressed his support.

Commissioner Putnam reminded planning commissioners to consider Commissioner Lowrey's points made regarding visual pollution. City Council was attempting to draw the line somewhere.

Vice-Chairman Cole said that he would have agreed had the sign been proposed for placement along 24 Road, but this sign would be situated well within the Patterson Road Corridor. He didn't think that this sign would have any adverse effect on the 24 Road Corridor.

Commissioner Redifer felt that City Council built in flexibility to the Standards. He felt there was sufficient justification to approve the variances, and there was value to the concessions made by the petitioner. The proposed sign would be nice looking, much nicer than what was there presently.

Commissioner Wall added that businesses required signage. Proposal of an aesthetically pleasing sign did not constitute visual pollution. The petitioner had reduced the height of his sign from 30 feet to 20 feet. When the trees along Patterson Road greened up in the spring, visibility would be a factor. He suggested that the City reconsider the definition of "visual pollution." In his opinion, this sign did not represent visual pollution.

Commissioner Lowrey felt that City Council had considered other tenants in providing flexibility to the Standards. Places that were considered good business areas were generally ones with more restrictions. Malls were successful because of all the restrictions they had in place. The Standards were in place to benefit the community as a whole. He reiterated his support of City Council's directives and felt that the ordinances they had passed should be upheld.

**MOTION: (Commissioner Redifer) "Mr. Chairman, on PFP-2005-242 for the off-premise sign described in the Site Sign Program, I move that the Planning Commission find that compliance not be required with the 24 Road Corridor Design Standard #1, General Sign Criteria, restricting the height of a sign and support to not exceed twelve feet (12') from the finished site grade as it has been demonstrated that the effect of other Standards or Guidelines will be improved by not applying this Standard, and that unique site factors make the Standard impractical."**

Commissioner Pavelka-Zarkesh seconded the motion.

Commissioner Putnam observed that while the motion was to approve a sign higher than 12 feet, it did not include a restriction limiting it to the 20 feet proposed by the petitioner. Should a clarification be provided in the motion? Vice-Chairman Cole said that the motion pertained to the applicant's proposal, which included a 20-foot-high sign, so it shouldn't need to be reiterated.

Ms. Kreiling said that the motion could stand or be amended as the Planning Commission so chose. She reminded planning commissioners that this motion was strictly for consideration of a variance to the 24 Road Corridor Design Standards and Guidelines. If approved, a second motion would be required to consider the petitioner's compliance with applicable Code criteria. Each variance request required approval of two motions before final approval of each variance request could be granted.

No amendment of the motion was offered.

A vote was called and the motion failed by a vote of 3-4, with Commissioners Pitts, Lowrey, Putnam and Pavelka-Zarkesh opposing.

Ms. Kreiling explained that if planning commissioners so chose, they could offer up another motion on the same request using different criteria for justification. No revised motion was offered. Since the first motion failed, no subsequent motion to consider adherence to Code criteria was necessary.

**MOTION: (Commissioner Redifer) "Mr. Chairman, on PFP-2005-242 for the off-premise sign included in the Site Sign Program, I move that the Planning Commission find that compliance not be required with the 24 Road Corridor Design Standard #2 for General Sign Criteria restricting the size of the sign face area to not exceed 100 square feet as it has been demonstrated that the effect of other Standards and Guidelines will be improved by not applying this Standard and that unique site factors make the Standard impractical."**

Commissioner Wall seconded the motion. A vote was called and the motion failed by a vote of 3-4, with Commissioners Pitts, Lowrey, Putnam and Pavelka-Zarkesh opposing.

No revised motion was offered. Since the first motion failed, no subsequent motion to consider adherence to Code criteria was necessary.

A brief discussion ensued over whether or not to proceed with consideration of the CUP request since it was tied to an approved Site Sign Program. Ms. Kreiling said if the petitioner's representative would agree that his off-premise sign would meet all of the 24 Road Corridor Design Standards and Guidelines criteria, then technically, the Planning Commission could move forward and approve the CUP with that understanding.

Mr. Walker came forward and asked that consideration be given to approving the CUP subject to submission of a revised Site Sign Program that complied with the 24 Road Standards and the variances previously approved for other signage.

### **PUBLIC COMMENTS**

There were no comments either for or against the CUP request.

### **DISCUSSION**

Commissioner Lowrey asked for clarification on what the CUP was for, which was provided.

Vice-Chairman Cole asked for confirmation from legal counsel that any motion made should include a stipulation for submission of a revised design for the off-premise sign, one that would comply with 24 Road Design Standards, which Ms. Kreiling provided.

Commissioner Lowrey asked staff if approval was still recommended, which was affirmed by Mr. Cecil.

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on PFP-2005-242, for the site described by the applicant Kohl's, including the building described, the site presented, the Site Sign Program, and the use on the site, and conditioned on submittal of a [Site] Sign Design Program for Kohl's on this site, I move that the Planning Commission approve the request for the Conditional Use Permit, as the criteria in Section 2.13.C have been met."**

Commissioner Pitts seconded the motion.

Vice-Chairman Cole suggested that Kohl's not be specifically named in the motion since they weren't the actual developer. The developer's name, if included in the motion, was Gulf Coast Commercial Development; otherwise, the name of the business should be deleted from the motion altogether.

Commissioner Lowrey agreed to amend his motion to include the corrected name of the developer. Commissioner Pitts concurred with the amendment. The revised motion is as follows:

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on PFP-2005-242, for the site described by the applicant Gulf Coast Commercial Development, including the building described, the site presented, the Site Sign Program, and the use on the site, and conditioned on submittal of a [Site] Sign Design Program for Kohl's on this site, I move that the Planning Commission approve the request for the Conditional Use Permit, as the criteria in Section 2.13.C have been met."**

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

Since he was absent from the December 13 public hearing, Commissioner Lowrey wanted to go on record to say that he supported the recommendation made by other planning commissioners to revisit the 1-foot maximum height allowed for lettering on buildings located within the 24 Road Corridor. That restriction, he said, didn't take into account the size of the building nor their distance from available frontages.

During the December 13 public hearing, it had been decided that a formal recommendation to City Council would be forestalled pending additional planning commissioner discussion. Mr. Blanchard noted the date of the next Planning Commission workshop.

Staff requested that the next item, TAC-2004-231 (Text Amendment, Code--Amendments to the Zoning & Development Code) be continued to the February 14, 2006 public hearing.

**MOTION: (Commissioner Pitts) "Mr. Chairman, I move that item RAC-2004-231 be continued to February 14."**

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

**PFP-2005-190 VARIANCE/PRELIMINARY PLAT--AIR TECH PARK**

**A request for approval for a variance from required landscaping improvements to a detention pond (proposed Tract A) and approval of the Preliminary Plat to develop five (5) lots on 10 acres in an I-O (Industrial/Office Park) zone district.**

**Petitioner: Diane Schwenke - Colorado West Improvements**

**Location: 825 Landing View Lane**

**STAFF'S PRESENTATION**

Scott Peterson gave a PowerPoint presentation which contained the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) proposed Preliminary Plat; 6) proposed pond design; 7) variance criteria; and 8) synopsis. Mr. Peterson overviewed the request for approval of a Preliminary Plat and a request to waive the required landscaping of the detention pond (proposed Tract A). The petitioner was proposing to line the detention pond with a weed cover and decorative rock. Code section 6.7.F.9 required landscaping to be comprised of vegetative materials. Staff concluded that there was adequate space available for vegetative landscaping and that watering options were available to the petitioner.

Staff determined that the Preliminary Plat met Code criteria and Growth Plan recommendations, and approval was recommended. However, since the variance request failed to meet Goals 8, 11, and 13 of the Growth Plan and the review criteria in Code section 2.16.C.4, denial of the variance was recommended.

### **PETITIONER'S PRESENTATION**

Rebekah Wilmarth, representing the petitioner, gave a PowerPoint presentation which contained the following slides: 1) staff support for Preliminary Plat; 2) overview of property; 3) location map; 4) Future Land Use Map; 5) variance criteria compliance outline; 6) photo of the type of decorative rock proposed; and 6) summary. Ms. Wilmarth said that Tract A would provide an entry feature for Air Tech Park. Maintenance of the detention pond would be provided by the Business Owners Association (BOA). The primary reason for the variance request was a lack of available irrigation water. And since Ute Water representatives had also stated they would not provide a potable water tap solely for irrigation use, no other viable options seemed available. Ms. Wilmarth referenced a photo slide of the type of decorative rock proposed. She said that a variety of colors, textures and sizes of rock could be employed to enhance visual aesthetics. She also noted the lack of existing vegetative landscaping on the site.

Ms. Wilmarth clarified that the variance request applied only to the detention pond area. Landscaping requirements applicable to individual lots would be followed, with each business responsible for their site's own water use.

In conclusion, Ms. Wilmarth felt that variance criteria had been satisfied since the lack of available irrigation water created a hardship that could not be mitigated.

### **QUESTIONS**

Planning commissioners asked why the BOA couldn't separate out the water used solely for maintenance of the detention pond. Ms. Wilmarth explained that water to the property would be delivered via a single tap. And while each lot would have its own meter and be financially responsible for its own water use, Ute Water refused to provide a separate meter or tap for just the detention pond area. So water to Tract A would have to come from one of the adjacent lots (lots 1 or 5). It would be very difficult for the BOA to determine the amount of metered water used by the detention pond irrigation versus that used by the business. Water disputes and unhappy tenants would be the likely result.

Commissioner Lowrey wondered if a separate meter could be installed on Lot 1's or Lot 5's water line to measure water going to the detention pond. Rick Dorris came forward and presented a sketch of how such a configuration would look (entered into the record). The meter would be private, not owned by Ute Water. He also provided a brief explanation of how it would work and confirmed that, in his opinion, it represented the most logical solution to the problem.

### **PUBLIC COMMENTS**

There were no comments either for or against the request.

### **PETITIONER'S REBUTTAL**

Ms. Wilmarth said that in light of Mr. Dorris's testimony, if there was a way to reasonably get water to the detention pond, she was willing to withdraw the variance request.

### **DISCUSSION**

Commissioner Pitts said that the Northcrest Subdivision located at 12th Street and G Road had lined its detention pond with rock and gravel and it was now an eyesore, with weeds growing up from it and debris collected in it. He opposed the use of rock linings for detention ponds. If there was a way to get water to the petitioner's detention pond, he felt that vegetative landscaping represented a much more appealing option.



Commissioner Lowrey said though he was not supportive of the variance request, he could support delaying installation of the landscaping for a year following development of the lots. Mr. Blanchard said that staff would work with the petitioner to determine the appropriate timing of when landscaping would occur.

Commissioner Putnam concurred with Commissioner Lowrey's suggestion for postponing installation of the landscaping.

Commissioner Redifer felt that since the detention pond could be effectively "submetered," there seemed to be no need for the variance. He added that as a member of the Colorado Water Conservation Board, he was concerned over the use of potable water for landscaping purposes, even though he disliked rock-lined detention ponds.

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on the variance request to not provide the required landscaping improvements to a detention pond (proposed Tract A) as specified in section 6.7.F.9 of the Zoning & Development Code, I move that we approve the variance finding the request to be consistent with the Growth Plan and section 2.16.C.4 of the Zoning & Development Code, and this is on item PFP-2005-190."**

Commissioner Pavelka-Zarkesh seconded the motion.

Vice-Chairman Cole said that if the variance were denied, he encouraged the petitioner to consider xeriscaping the detention pond area with drought-resistant vegetative cover to minimize the use of potable water.

A vote was called and the motion failed unanimously by a vote of 0-7.

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on item PFP-2005-190, a request for Preliminary Plat approval for Air Tech Park, I move that we approve the Preliminary Plat, with the findings and conclusions as outlined by staff, and that as staff has presented, that as lots either 1 or 5 develop, and work with staff, that water can be provided for irrigation of the detention pond as we discussed tonight [sic]."**

Commissioner Putnam seconded the motion.

Ms. Kreiling suggested amending the motion to include just the approval of the Preliminary Plat. As far as the determination of Development Improvements Agreements and determining when those improvements would be required, that was normally considered an administrative decision made by the Director.

Commissioner Lowrey felt that his motion was satisfactory as-is and offered no further amendment.

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

With no further business to discuss, the public hearing was adjourned at 8:54 p.m.