

**GRAND JUNCTION PLANNING COMMISSION  
MARCH 14, 2006 MINUTES  
7:04 p.m. to 8:45 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:04 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 Dibble (Chairman), Roland Cole, Lynn Pavelka-Zarkesh, Bill Pitts, Tom Lowrey, William Putnam, and Reginald Wall.

In attendance, representing the City's Community Development Department, were Sheryl Trent (Assistant to the City Manager), Lisa Cox (Senior Planner), Dave Thornton (Principal Planner), Ronnie Edwards (Associate Planner), and Scott Peterson (Senior Planner).

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

Terri Troutner 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**

Available for consideration were the minutes from the February 14, 2006 public hearing. No additions or corrections were noted.

**MOTION: (Commissioner Cole) "Mr. Chairman, I would move approval of the minutes of February 14th."**

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

**III. CONSENT AGENDA**

Available for consideration were items:

1. PP-2005-261 (Preliminary Plan--Prairie View South)
2. PP-2004-158 (Preliminary Plat--Legends East)
3. CUP-2006-018 (Conditional Use Permit--Bank of Colorado)
4. CUP-2005-301 (Conditional Use Permit--Airport Center at North Crest Drive)
5. CUP-2005-302 (Conditional Use Permit--Airport Center at North Crest Drive)

Chairman Dibble 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. At citizen request, item PP-2005-261 was pulled from Consent and moved to the Full Hearing Agenda. 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 would move approval of the Consent Agenda, including items 2-5 [PP-2004-158 (Preliminary Plat--Legends East), CUP-2006-018 (Conditional Use Permit--Bank of Colorado), CUP-2005-301 (Conditional Use Permit--Airport Center at North Crest Drive), and CUP-2005-302 (Conditional Use Permit--Airport Center at North Crest Drive)]."**

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

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

##### **PP-2005-261 PRELIMINARY PLAT--PRAIRIE VIEW SOUTH**

**A request for approval of the Preliminary Plat to develop 29 lots on 7.21 acres in an RMF-5 (Residential Multi-Family, 5 units/acre) zone district.**

**Petitioner: Steve Edwards-Koos, Tri Star LLC**

**Location: 3028, 3032 D 1/2 Road**

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

Lisa Cox gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; and 5) the Preliminary Plat. Ms. Cox noted that access would be provided via Dodge Street on the west and from Modoc Street on the north. Prairie Wind Drive would be stubbed to the east property line for future development and interconnectivity. No access from D 1/2 Road would be permitted. At the time of construction, it will be necessary to offset the northernmost portion of Dodge Street slightly to the west to align with the existing portion of Dodge Street. That alignment was not currently possible because right-of-way had not been dedicated, and the intervening property required to make the Dodge Street connection was located within the unincorporated portion of Mesa County. As a result, staff's condition of approval required the applicant to escrow sufficient funds for the engineering, design, and construction of that portion of Dodge Street that will not be constructed with the Prairie View South Subdivision, due to the need for additional right-of-way. Said funds shall be escrowed prior to recording the final plat.

Landscaping located in a tract along D 1/2 Road (location noted) would be maintained by the subdivision's Homeowners Association. Landscaping plans would be submitted with the Final Plat/Plans.

The property owner adjacent to the eastern property line had constructed several buildings close to the property line. Since there was a slight encroachment of a swamp cooler located on one of the existing buildings, the applicant proposed a 5-foot easement along the back of lot 1, block 2. Fencing for that lot would be restricted to 5 feet from the rear yard property line until such time as W.K. and D.G. Derby (adjacent parcel property owners) removed the swamp cooler. The easement document would be recorded with the Final Plat.

Having found that the request met Code criteria, Growth Plan recommendations, and Pear Park Plan guidelines, staff recommended approval of the request subject to staff's condition of approval.

##### **QUESTIONS**

Commissioner Cole asked if Dodge Street was essentially a "half-street" in conjunction with the proposed development, to which Ms. Cox answered affirmatively. She noted that Dodge Street extended from D 1/2 Road north to a point just beyond the proposed Prairie View Street.

**PETITIONER'S PRESENTATION**

Tom Rolland, representing the petitioner, offered no additional testimony but asked that he be given a chance to address any concerns expressed by the citizenry. He was in agreement with staff's conclusions and condition of approval.

**QUESTIONS**

Chairman Dibble asked how many total lots had been proposed, and what was the project's overall density. Mr. Rolland said that 29 lots had been proposed, with an overall density of approximately 4 du/acre. He clarified that Dodge Street was actually more of a two-thirds street since their portion of curb, gutter and sidewalk had been constructed along with a 20-foot minimum asphalt mat.

**PUBLIC COMMENTS**

**FOR:**

A summary of written comments supporting the request had been received from John Massis (3046 1/2 D 1/2 Road, Grand Junction).

**AGAINST:**

Tamera Foster (3034 D 1/2 Road, Grand Junction) referenced a letter she'd submitted right before the public hearing. She noted the location of her property directly southeast and adjacent to the site. Her main concerns were over the proposed locations of the Prairie View Street "bulb" and the Prairie Wind Drive stub street to the east. She felt that those two elements should be reversed. Doing so would allow for smooth traffic flow to the main collector sites from future developments on both sides of the applicant's property. Retaining the proposed stub as proposed, she felt, would force a diagonal alignment of the adjoining parcels at the time of development that would negatively impact the future development of adjacent parcels. In her letter, she also noted the lack of planned park space; wondered where clustered mailboxes would be located; and asked how off-street parking would be handled for lots 1, 2, and 3 in block 1 along 30 1/4 Road. She wondered if the proposed pavement widths were sufficient to handle emergency vehicle traffic.

Ms. Foster understood that a 6-foot privacy fence had been proposed to screen the adjacent Derby property, but there seemed to be no similar provision to screen the north and western sides of her property. Ms. Foster felt that the 30 1/4 Road/D 1/2 Road intersection would become hazardous once the new elementary school became functional. She felt that traffic counts may be skewed, and she wondered who would be responsible for handling any crosswalk issues created as a result of the intersection.

Ms. Foster had a number of irrigation related questions. Namely, how would the resulting flood issues of the 135 Lateral be controlled once the ditch was relocated and piped? How would cleanout be facilitated and accessed? She noted that her property had been flooded previously from irrigation water flowing from the Derby's property to the north. How would her property and the Derby's house be protected from irrigation water flows? How would tailwater drainage be handled by the applicant?

Finally, the 5-foot easement granted to the Derbys for their swamp cooler did not seem adequately defined. Did the easement apply only to the current cooling unit or did it also apply to any replacement unit that might be installed so long as the existing building remained in its current location?

Ms. Foster said that she'd spoken with neighbor, John Massis, who was unopposed to the applicant's proposal but who thought that she might be blaming him for the flooding that had occurred previously from the 135 Lateral. She clarified that while she'd originally stated in her letter that the Cameck Subdivision had been approved, she'd since learned that it was still going through the planning process.

Mike Cooper (3024 D 1/2 Road, Grand Junction) said that while not opposed to the applicant's request, he wondered how his property (location noted) would be protected from stormwater runoff originating from Dodge Street.

**PETITIONER'S REBUTTAL**

Mr. Rolland said that Dodge Street had been designed so that the entire street sloped to the east, with water collected in a gutter on the eastern side of the pavement. The crown would be moved over to the western edge of the street, so Mr. Cooper's property would not be affected by stormwater runoff from that street.

Mr. Rolland noted the locations of Ms. Foster's property and an existing tailwater ditch. Currently, a 12-inch CMP pipe went under an access (noted) into the applicant's property, dumping into a structure that served as an irrigation delivery pipe. That pipe ran from the main ditch at the northern edge of the property along the 30 1/4 Road alignment, went under the road, and served property south to approximately D Road. Mr. Rolland was working with the City to design improvements to 30 1/4 and D 1/2 Roads at the new Pear Park Elementary site. He was also working with the irrigation company to isolate tailwater. A storm drain would be installed along 30 1/4 Road from D Road to the D 1/2 Road intersection; a culvert would be extended to pick up that tailwater. The tailwater from Ms. Foster's property would be picked up by a culvert equipped with a trash rack. It would then be conveyed to the subdivision's detention facility and piped out to the 30 1/4 Road storm drain.

With regard to the location of the Prairie Wind Drive street stub, the City had wanted to provide access to the Fosters' property should it ever redevelop and to the adjacent eastern property. It would eliminate the need for another D 1/2 Road access point in that area.

**QUESTIONS**

Commissioner Pitts asked for confirmation that the irrigation tailwater flowed from the north to the west. Mr. Rolland noted on the Preliminary Plat the location of the Derbys' property to the north. The Derbys flood-irrigated their property, so tailwater from that parcel flowed south into a tailwater ditch. Then it flowed west along D 1/2 Road. When asked if Ms. Foster's concerns regarding irrigation/tailwater flows would be addressed with the current development, Mr. Rolland said that if water flowed to the subdivision, it could be conveyed safely away from Ms. Foster's property. He added that the installation of the 30 1/4 Road storm drain would significantly improve drainage for the entire area.

At Chairman Dibble's request, Rick Dorris came forward to address flooding concerns from the Derby property. Mr. Dorris said that at the Preliminary Plan stage, only a conceptual review of utilities, and water and sewer lines was undertaken. The applicant presented a much more detailed Preliminary Plan than what was normally submitted at this stage. Vertical grades had not been established and would be more critically reviewed during Final Plat review. The concept as presented by the applicant appeared to be much more effective than the present situation.

Chairman Dibble asked if drainage along the site's eastern boundary would be adequately handled. Mr. Dorris said that water from the Derby property drained primary to the south; any drainage from that property onto the applicant's property would be miniscule. Any potential problems arising from the Derby property's drainage would be more thoroughly addressed during Final review.

Commissioner Lowrey wondered what crops, if any, were currently growing on the Derby property. Mr. Dorris said that their property was furrowed but he was unsure what specifically was being grown there.

Chairman Dibble asked if the swamp cooler encroachment had been addressed. Ms. Cox reiterated that the encroachment had been accommodated by the creation of a fencing easement along the rear property line of lot 1 in block 2. That easement would remain in place until such time as the cooler was no longer attached to the building. With no predefined time period, that could be many years hence.

**DISCUSSION**

Commissioner Pitts felt that the biggest issue was that of tailwater conveyance, and it seemed that the petitioner and staff were working closely together on mitigation. Since all parties were aware of the problem, he was confident that the issue would be addressed prior to Final Plat review.

The remaining planning commissioners all expressed general agreement with that assessment, and support for approval was indicated.

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on item PP-2005-261, Prairie View South Subdivision, request for Preliminary Plat approval, I move that we approve, subject to staff's condition noted in this report, in particular that the developer will submit escrow funds sufficient for the engineering and design of the portion of Dodge Street, to be constructed with the Prairie View South Subdivision, when that develops to the west, and those escrow funds for road improvement, and with the findings and conclusions as outlined by staff."**

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

**RZ-2006-022 REZONE & RIGHT-OF-WAY VACATION--VAN GUNDY NORTH**

**A request for approval to 1) rezone 5.1 acres from a C-2 (General Commercial) to an I-1 (Light Industrial) zone district in the vicinity of 1018 South 5th Street, and 2) vacation of the north/south alley right-of-way south of 4th Avenue between 5th and 7th Streets.**

**Petitioner: Jim Shanks, City of Grand Junction**

**Location: South of 4th Avenue between 5th and 7th Streets**

**STAFF'S PRESENTATION**

Dave Thornton gave a PowerPoint presentation containing 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 rezone/subdivision area map; 6) proposed alley vacation summary; 7) Riverside Parkway/Lower Downtown Area Map; and 8) findings and conclusions.

The 5.1-acre site was comprised of 12 individual lots. Van Gundy's salvage yard could move onto the site if approval of the rezone and approval of a Conditional Use Permit (not part of the current submittal) was granted. Relocation of the business would facilitate construction of the Riverside Parkway, proposed to extend from 24 Road on the west to 29 Road on the east. The existing alleyway was 17 feet wide and contained a rail spur. The vacation request proposed eliminating the right-of-way since it was not needed and overlaying that area with a 20-foot-wide easement. The easement would accommodate both the sewer line and existing rail spur.

Mr. Thornton said that the only two requests before the Planning Commission for consideration were the rezone and alley vacation. Planning commissioners were asked to consider the range of uses allowed within the proposed I-1 zone district. He recalled how the area had been previously zoned I-2, and most of the uses within the subject area had historically been industrial. Van Gundy's salvage yard was partially located on the site. In 2000, and in anticipation of future development, the Future Land Use Map had been changed to reflect a C-2 zone district. However, with approval of the Riverside Parkway bond in 2003, the direction of that area's development had changed. There were very few rail spurs in the Grand Junction area, and because they were so expensive to construct, it was unlikely that new ones

would be built anytime soon. As such, the existing rail spur would remain to serve as a community benefit. But while used often in conjunction with industrial uses, they were seldom used by commercial businesses. The I-1 zone district was more closely aligned with the area's existing infrastructure.

Having determined that both requests met Code criteria, approval of both the rezone and vacation requests was recommended.

### **QUESTIONS**

Commissioner Cole asked if the rail spur was located entirely within the alley right-of-way, to which Mr. Thornton replied affirmatively.

Commissioner Putnam asked if the I-1 zone permitted outdoor storage, to which Mr. Thornton again answered affirmatively.

Chairman Dibble asked staff to list the type of uses that would be permitted within an I-1 zone. Mr. Thornton read this information into the record from the Code's Use/Zone Matrix.

Commissioner Putnam asked where the beginning of the Riverside Parkway's northbound overpass entrance would be located. Mr. Thornton referenced the Riverside Parkway/Lower Downtown Area Map but felt that Mr. Shanks could better answer the question.

Commissioner Putnam noted that the staff report had twice mentioned that the proposed use of the property would be the new location of the Van Gundy salvage yard, which would be moved from its present location to the proposed site. He asked for clarification on the salvage yard's current and proposed locations, which was provided.

Commissioner Cole observed that the northwest corner of the proposed site was currently comprised, in part, of Van Gundy's salvage yard. Mr. Thornton confirmed the commissioner's observation but added that until the Conditional Use Application was submitted along with a revised site plan, it was unclear at this point just where the business would ultimately be located.

Commissioner Lowrey noted receipt of a letter received from the Downtown Development Authority (DDA) suggesting that the proposed I-1 zone may not be compatible with the goals and long-term uses contemplated for the area in the City's Master Plan. Mr. Thornton said that the City had been looking to undertake and complete a South Downtown plan for years; however, such a plan could not be completed until the status of the Riverside Parkway project was known. The Growth Plan showed the area to be Commercial/Industrial. The property owners were not asking for a Growth Plan Amendment, so no change to the City's Master Plan was being proposed. The currently proposed industrial zone district would remain consistent with Growth Plan recommendations.

### **PETITIONER'S PRESENTATION**

Jim Shanks, program manager for the Riverside Parkway project and the City's engineering director, said that he represented the property owners involved in the current request. He noted the location of a piece of property adjoining the site presently owned by the City. He provided a brief history and said that industrial uses had been situated there since at least 1929. The rail spur was located at approximately the 6th Street alignment. It would remain within a 20-foot-wide easement that would be rededicated in conjunction with the alley's vacation. He reiterated that while the right-of-way itself was not needed, the easement would accommodate the City's sewer line. In talking with railroad representatives, they were concerned about traffic to and from individual rail spurs interfering with coal traffic. Since that traffic was expected to increase over the next few years, the railroad was reluctant to construct new spurs.

Mr. Shanks reiterated that the request was consistent with Growth Plan recommendations. He pointed out that there were many I-2 uses in the area. Access to the site would be via 4th Avenue, which would dead-end in a cul-de-sac at the proposed site. The Riverside Parkway, he said, would limit accessibility to the property. Referencing the Riverside Parkway/Lower Downtown Area Map, he clarified design plans for the Riverside Parkway, its location, and circulation pattern. Approaching the downtown area via Highway 50, motorists would see a large embankment with landscaping planted on the interiors of all loops. A screen wall would be installed on the north side of the Parkway just west of 7th Street. It would fit in well with the aesthetics planned for the intersection. Plans included installing and lining a new sewer line underneath the Parkway.

**QUESTIONS**

Commissioner Putnam asked for confirmation that the City owned the property directly to the west of the adjacent site, which was given.

Commissioner Pitts asked if there were plans to reconfigure 7th Street to accommodate access to the proposed site. Mr. Shanks noted the location of 7th Street in relation to the proposed site and said that there were no plans to reconfigure it.

Commissioner Lowrey wondered why the City would want to vacate the alley when plans were to leave the rail spur intact. Mr. Shanks said that the alley itself was not needed; it didn't go anywhere. Vacating the right-of-way would relieve the City of any future maintenance. A 20-foot-wide easement would replace the 17-foot-wide right-of-way and sufficiently accommodate both the rail spur and sewer line. When asked if there were various property owners currently located on either side of the rail spur, Mr. Shanks replied affirmatively.

Commissioner Lowrey asked for the rationale behind construction of the Parkway's retaining wall. Mr. Shanks said that the retaining wall would contribute to the project's overall visual aesthetics.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Karen Vogel (no address given), representing the DDA, came forward and referenced the letter she'd submitted previously. She just questioned whether rezoning the area should occur without the benefit of a downtown area Master Plan. She expressed support for the relocation of the salvage yard, stating that doing so would significantly improve the aesthetics of that southern entrance into the City. The salvage yard provided a necessary service to the community, and she felt that the I-1 zone was probably a "necessary evil." The DDA was ready to see the request move on to the CUP review stage.

Commissioner Lowrey remarked that a 6-foot-high retaining wall would screen the industrial use from view. If it was so objectionable, why propose an industrial zone for the site? That seemed to him to be "self-defeating." Chairman Dibble felt that the question could be better answered by staff.

Denny Wynne (732 Winters Avenue, Grand Junction) said that while not opposed to the current request, he would like to see fencing installed to screen the site from his property.

**PETITIONER'S REBUTTAL**

Mr. Shanks offered no additional testimony.

**DISCUSSION**

Commissioner Wall noted that when the City rezoned the property in 2000 to C-2 they'd had good intentions, but the zone was inconsistent with the uses in place at the time. Returning to an I-1 zone was more consistent with those existing uses. He agreed that Van Gundy's provided a valuable community service, and he expressed support for both the rezone and vacation requests.

Commissioner Pitts concurred, adding that the I-1 zone conformed more closely to the uses already there.

Commissioner Pavelka-Zarkesh said that given the impending construction of the Riverside Parkway, the existing industrial uses, and the presence of the rail spur, she agreed that the I-1 zone made the most sense.

Commissioner Cole said that he'd originally been opposed to the request. However, after listening to the testimony presented, he also agreed that the I-1 zone made sense. The details of the site, including the uses to be located there, would be better discussed during CUP review. He noted that the City had done a lot with the Parkway's design to mitigate any negative effects from the uses in that area. He agreed that it was important to improve the aesthetics of entrances into the City. The blanket rezoning of the area in 2000 had not been appropriate. Governments needed to consider existing uses when contemplating an area-wide rezone.

Commissioner Putnam agreed.

Commissioner Lowrey disagreed with staff's recommendation and thought that the DDA had made some good points. Contending that Grand Junction could have a better future, he didn't feel he could support either request.

Chairman Dibble expressed support for both the rezone and vacation request.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item RZ-2006-022, the request for approval of a rezone from C-2 to I-1 for the Van Gundy North project, I move that the Planning Commission recommend approval to the City Council with the findings of fact and conclusions listed in the staff report."**

Commissioner Pitts seconded the motion. A vote was called and the motion passed by a vote of 6-1, with Commissioner Lowrey opposing.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item RZ-2006-022, the request for approval of vacation of an alley right-of-way within the Van Gundy North project, I move that the Planning Commission recommend approval to the City Council with the findings of fact and conclusions listed in the staff report subject to the condition that the vacation not be effective unless and until a Simple Subdivision Plat is recorded that dedicates a sewer easement to the City within the vacated right-of-way."**

Commissioner Pitts seconded the motion. Commissioner Lowrey felt that the City should hold onto the alley right-of-way in case it was ever needed. If the railroad ever removed its rail spur, the alley right-of-way could be a valuable asset. A vote was called and the motion passed by a vote of 6-1, with Commissioner Lowrey opposing.

With no further business to discuss, the public hearing was adjourned at 8:45 p.m.