

**GRAND JUNCTION PLANNING COMMISSION  
FEBRUARY 8, 2005 MINUTES  
7 p.m. to 9:58 p.m.**

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

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

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Planning Manager), Pat Cecil (Development Services Supervisor), Ronnie Edwards (Assoc. Planner), Lori Bowers (Sr. Planner), Scott Peterson (Assoc. Planner), and Faye Hall (Planning Technician).

Also present was Jamie Kreiling (Asst. City Attorney) and Laura Lamberty (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 45 interested citizens present during the course of the hearing.

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**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 the January 11, 2005 public hearing.

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

Commissioner Pitts seconded the motion.

A vote was called and the motion passed by a vote of 6-0, with Commissioner Putnam abstaining.

**III. CONSENT AGENDA**

Available for consideration were items CUP-2004-273 (Conditional Use Permit--Bank 8 Billiards, Inc.), VR-2004-269 (Vacation of Right-of-Way, Arcadia North), ANX-2004-287 (Zone of Annexation--Cloverglenn Annexation), ANX-2004-263 (Zone of Annexation--A Storage Place II), CUP-2004-290 (Conditional Use Permit--Proposed 8-Foot Fence on Belford), ANX-2004-288 (Zone of Annexation--Tezak Annexation), PP-2004-256 (Preliminary Plat--Summit View Meadows #2), and VE-2004-235 (Vacation of Easement--Innovative Textiles). At staff and citizen request, items CUP-2004-273 and ANX-2004-287 were pulled and placed on the Full Hearing Agenda. No objections were received from the audience, planning commissioners, or staff on any of the remaining items. Ms. Kreiling clarified that on item VE-2004-235, the 50-foot private ingress/egress portion of the request has been exempted from

the request, leaving just the publicly-owned emergency access and drainage easements available for consideration.

**MOTION: (Commissioner Cole) "Mr. Chairman, I move for approval of the Consent Agenda item 2, 4, 5, 6, 7, and 8, as amended [to include VR-2004-269 (Vacation of Right-of-Way, Arcadia North), ANX-2004-263 (Zone of Annexation--A Storage Place II), CUP-2004-290 (Conditional Use Permit--Proposed 8-Foot Fence on Belford), ANX-2004-288 (Zone of Annexation--Tezak Annexation), PP-2004-256 (Preliminary Plat--Summit View Meadows #2), and VE-2004-235 (Vacation of Easement--Innovative Textiles)]."**

Commissioner Pitts seconded the motion.

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

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

##### **CUP-2004-273 CONDITIONAL USE PERMIT--BANK 8 BILLIARDS**

**A request for approval of a Conditional Use Permit to establish a pool hall/bar in 6,000 square feet of an existing 42,000-square-foot building in a C-1 (Light Commercial) zone district.**

**Petitioner: Norrice Derner**

**Location: 2460 F Road**

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

Scott Peterson gave a brief Powerpoint presentation, which included slides outlining the request and an aerial photo map showing the site's location. Surrounding zonings were noted, all of which were either C-1 (Light Commercial) to the south and west, or PD (Planned Development) with residential uses to the north and east. The request was consistent with the Growth Plan's recommendation of Light Commercial; however, approval would be conditioned upon the construction of a 6-foot-tall masonry wall along the northern and eastern property lines. The petitioner had requested a waiver from the condition, but the variance was not part of the current request. If approval were given to the current Conditional Use Permit (CUP) request, it would require construction of the wall. If the variance request were later granted, the petitioner understood that he would have to reapply for another CUP permit, one that would exclude the wall requirement. Staff recommended approval of the request with the condition previously stated.

##### **QUESTIONS**

Commissioner Cole wondered if the Planning Commission's hearing of the request was a bit premature. Wouldn't it be better to wait for the outcome of the variance request before considering the CUP? Mr. Peterson said that the petitioner understood the risks and ramifications of moving forward with the CUP request prior to receiving a decision on the variance. If the variance was denied and the current CUP request approved, the CUP's condition of approval would stand, allowing the petitioner to move forward. In that regard, he did not feel that hearing the current request was premature. Mr. Peterson added that the petitioner was also requesting a liquor license, so the timing of that separate process precluded the business from opening before a decision on the variance would be rendered.

##### **PETITIONER'S PRESENTATION**

The petitioner offered no additional testimony but availed himself for questions.

##### **PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Commissioner Cole said that given staff's comments, he felt he could support the request; however, it appeared as though the petitioner had a number of obstacles to overcome before he could open his business.

**MOTION: (Commissioner Cole) "Mr. Chairman, on the request for a Conditional Use Permit for Bank 8 Billiards, Inc. to establish a pool hall/bar in 6,000 square feet of a 42,000-square-foot building in a C-1, Light Commercial, zoning district located at 2460 F Road, Suite 3, file number CUP-2004-273, I move that the Planning Commission make the findings of fact/conclusions and condition of approval listed above and approve the Conditional Use Permit."**

Commissioner Pitts seconded the motion.

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

**ANX-2004-287 ZONE OF ANNEXATION--CLOVERGLEN ANNEXATION**

**A request for approval to zone 6.9 acres from a County RSF-R (Residential Single-Family, Rural) zone district to a City RMF-5 (Residential Multi-Family, 5 units/acre) zone district.**

**Petitioner: Calvin Coley  
Location: 2938 F 1/2 Road**

**STAFF'S PRESENTATION**

Lori Bowers gave a Powerpoint presentation containing the following slides: 1) aerial photo map; 2) Future Land Use Map; and 3) Existing City/County Zoning Map. The petitioner's requested RMF-5 zone would be mid-range of Growth Plan recommendations for the property. Surrounding zonings included RMF-5 to the north, RMF-8 to the south, County RSF-R to the east, and County PUD to the west. She said that the RMF-5 zone allowed for single-family, single-family attached, duplex, and townhouse developments. Staff had concluded that the designation was appropriate, and approval was recommended.

**PETITIONER'S PRESENTATION**

The petitioner offered no additional testimony but availed himself for questions.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Frank Oldland (668 Welig Court, Grand Junction) said that he and other neighborhood residents were concerned about the multi-family implications of the RMF-5 zoning. If developed with four-plex units, it could mean 30 new units on only 6.9 acres, which he felt would be too dense for the area and incompatible with surrounding densities.

Robert Moston (674 LaSalle Court, Grand Junction) also expressed concerns about the potential for multi-family development on the site. He wondered if more information on just what the petitioner had planned for the site was available.

Louise Burns (662 Welig Court, Grand Junction) shared concerns similar to those of the first two citizens and expressed opposition to any development density that would negatively impact the area's current quality of life.

Cathy McKim (652 Welig Court, Grand Junction) said that she'd seen the petitioner's proposal and was concerned about potential impacts to the area's water table and drainage. Could water from the petitioner's subdivision drain into her backyard and flood her home? She noted that the proposal she'd seen included 29 single-family homes; was there more information that could be provided on the specifics of that development?

**PETITIONER'S REBUTTAL**

The petitioner elected to offer no rebuttal testimony but again availed himself for questions.

**QUESTIONS**

At Chairman Dibble's request, staff reiterated the types of developments that could be constructed in an RMF-5 zone district. She also briefly elucidated on the definition of "townhouse." Chairman Dibble commented that when the petitioner had submitted his proposal, it had reflected the maximum number of units being requested.

**DISCUSSION**

Commissioner Cole noted that the requested zoning district was both compatible with the area and consistent with Growth Plan recommendations. Specific questions on the development itself, he felt, were better addressed during Preliminary Plan review. The only thing under current consideration was the zone of annexation.

Commissioner Putnam concurred. While he understood the apprehension of neighborhood residents, he felt that there had to be trust somewhere. Any development decisions made would be based on the parameters established by the City's Zoning and Development Code.

**MOTION: (Commissioner Pitts) "Mr. Chairman, on item ANX-2004-287, I move that the Planning Commission recommend to the City Council approval of the zoning designation of RMF-5 (Residential Multi-Family, not to exceed 5 units per acre) for the zone of annexation of the Cloverglen Annexation located at 2938 F 1/2 Road, finding that the project is consistent with the Growth Plan, the Persigo Agreement, and section 2.6 of the Zoning and Development Code."**

Commissioner Redifer seconded the motion.

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

**PP-2004-169 PRELIMINARY PLAT--SPY GLASS RIDGE SUBDIVISION**

**A request for approval to develop 225 single-family lots on 160 acres in an RSF-2 (Residential Single-Family, 2 units/acre) zone district.**

**Petitioner: Skip Behrhorst, SGH Company, LLC**  
**Location: 27 and B 1/4 Roads**

**PETITIONER'S PRESENTATION**

Ted Ciavonne, representing the petitioner, gave a Powerpoint presentation containing the following slides: 1) locational map; 2) aerial photo map; 3) photos of the site from various angles; 4) photo of the site showing site conditions, both natural and disturbed; 5) photo of existing main road cut; 6) photo of a rock ridge showing the site's natural vegetation; 7) proposed Preliminary Plat; 8) site analysis; 9) overlay

summary showing best areas of development; 10) Preliminary Plat overlay; 11) existing disturbed areas and existing contours map; 12) slope analysis map; 13) requested Exceptions approval outline; 14) identification of 13 lots subject to potential ridgeline development standards; 15) photos of site from Highway 50; 16) ridgeline mitigation techniques; 17) locations of road sections; 18) Section A/Section B drawings showing excavation slopes and road cuts; and 19) section views showing proposed street grades and slopes.

Mr. Ciavonne said that it was typical for the petitioner to procure and develop unique properties, yet he always overcame a property's obstacles with great success. He introduced the petitioner's various representatives, who were available for additional clarification and input. Approximately 60 percent of the site had been previously disturbed by mining operations occurring in the 1960s. Referencing the Preliminary Plat, Mr. Ciavonne demonstrated how clustered placement of the lots would be limited to the previously disturbed and most buildable areas on the site, thus helping to protect the most environmentally sensitive areas. Lots 1 through 63 were expected to range in size from 4,500 square feet to 10,000 square feet; lots 64 through 225 were expected to range from 9,000 square feet to 11,000 square feet. The development's breakdown included construction of 225 residential lots (32.4%); private tract A (.39%); public road right-of-way (11.22%); public tracts B, C, D, and E (.14%); designated open space (55.85%). Open space would remain predominately undisturbed or revegetated with native vegetation; however, 2.1 miles of soft-surface hiking trails and limited irrigated landscape areas would be provided (locations noted on map). In addition, a HOA-maintained community center and park area had been proposed near the junction of Lookout Lane and Gunnison Ridge Court. Limited on-street and off-street parking would be provided in conjunction with the community center and vista overlook.

Noting the existence of a main haul road, Mr. Ciavonne said that it (proposed Spy Glass Drive) would serve as primary access to the proposed development, reducing further disturbance of the site. Plans included aligning the proposed Spy Glass Drive with existing Rincon Drive. Proposed Lookout Lane and Hideaway Lane would connect with 27 Road at two different points along the eastern property line. TEDS exceptions had been incorporated into the overall street design, which included the reduction of nighttime street lighting. Other proposed internal street and cul-de-sac locations were noted. Curb, gutter and sidewalk, in addition to chicanes, would be constructed. Main entry signage was planned at the 27 Road/Spy Glass Drive intersection, at the transition of Hideaway Lane and 27 Road, and at the intersection of Lookout Lane and Gunnison Ridge Court. Within the development, more subtle signage denoting individual "neighborhoods" would also be provided. Signage for each of six proposed filings would be addressed at the onset of each phase.

Mr. Ciavonne briefly elaborated on how the street grading in four identified cross-sections would be undertaken (details provided in the petitioner's November 8, 2004 report entitled "Spy Glass Ridge, Hillside Mitigation Supplement," and included as part of the record). While Spy Glass Drive and Lookout Lane followed historic haul road routes, they did not meet current street standards in that they traversed hillsides with 30% grades. Since there were no alternative routes to access developable properties within Spy Glass Ridge, and the proposed roads would meet current design standards through the use of mitigation techniques explained in the Mitigation Supplement, special consideration and approval was requested from the Planning Commission and City Council to allow construction of those two streets within sections of the 30% slopes.

Utilities were available to the site; however, approximately 90 residential lots would require a sewer lift station. Given the site's proximity to the City's water treatment plant, and the lack of irrigation water shares available to the property, an agreement had been reached with the City to purchase backwash water from the plant for irrigation of specially designated common areas. No irrigation water would be available to individual homeowners. Xeriscaping would be encouraged, and watering of individual lots would come from potable water sources.

In addressing Code section 7.2.G regarding hillside development, through plat and deed restrictions, more stringent setbacks would be required on many of the proposed lots to ensure privacy, sense of place, and for protection of environmentally sensitive areas. The majority of proposed lots between the 10% and 20% contours would meet or exceed the required 10,000-square-foot lot size/100-foot-wide minimums. The only exception to that would be lot 201, which, at a 21.57% grade, was only over the minimum by a negligible 1.57%. Lots between the 20% and 30% contour required lot width minimums of 200 feet. Special consideration was being requested from Planning Commission and City Council to grant an exception to this one lot, allowing it to retain its proposed 100-foot lot width. Referencing a site angle slide, Mr. Ciavonne noted 13 lots that would be subject to the Code's section 7.2.H regarding ridgeline development. Mitigation for those lots would include: 1) restricting the height of homes to 26 feet (one story); 2) requiring brown earthtone roofing materials (no metal); 3) increasing rear building setbacks to 30 feet; 4) requiring predominant hip roof design, or restricting roof pitches; 5) specific material palettes within HOA Design Guidelines for building wall material and color requirements; and 6) the use of vegetative berming in rear yard setbacks. Homes within the 10%-20% grade contour would employ walk-out units to minimize driveway grades.

Mr. Ciavonne also noted five lots located along Secret Canyon Court (lots 50, 51, 54, 56 and 57) which, as proposed, did not meet the minimum lot width of 100 feet at the setback line. However, since the 100-foot width was met at a greater setback on those irregularly-shaped lots, leaving adequate available building areas, special consideration and approval was sought to allow those five lots to maintain their modified widths. Staff, he said, supported the request.

### **QUESTIONS**

Commissioner Cole asked for clarification on how irrigation water would be obtained. Mr. Ciavonne reiterated that backwash water would be purchased and conveyed from the City's water treatment plant to irrigate just those specially identified onsite common areas. Again, no irrigation water would be provided to individual homeowners, and xeriscaping would be encouraged.

Doug Theis, project engineer representing the petitioner, confirmed that no irrigation water was available to the site. With regard to drainage, he was currently working on a final drainage report. Historically, a majority of the site's drainage migrated to the northeast of the site; two retention ponds were planned for that area. The ponds would overdetermine the site's drainage, and discharges would be controlled and routed to Kemae Court and other areas.

### **STAFF'S PRESENTATION**

Kathy Portner 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/County Zoning Map; 5) topographic map; 6) development potential analysis; and 7) an outline of special considerations. The petitioner had opted to employ clustering techniques, which allowed for smaller lot sizes where appropriate while providing a larger open space area and protecting those areas designated as environmentally sensitive. Excluding slopes exceeding 30% grades, the overall density of the project was 1.86 units/acre, just over the minimum density recommended by the Growth Plan of 1.6 units/acre and in compliance with the site's RSF-2 zone district.

Referencing the topographic map, she noted that the slope analysis indicated that 24% of the site had slopes greater than 30%; 18% of the site had slopes of 20% to 30%; 21% of the site had slopes between 10% and 20%; and less than 36% of the site had slopes less than 10%. The three special items for consideration of approval were supported by staff and included permission to allow: 1) a 100-foot frontage for lot 201; 2) currently designated lot widths on lots 50, 51, 54, 56 and 57; and 3) Spy Glass

Drive and Lookout Lane to traverse the property within sections of the 30% grade contour, provided that mitigation techniques outlined in the previously-mentioned supplement were employed.

Having determined that the request met both Code requirements and Growth Plan recommendations, staff recommended approval of the request and approval of the special items for consideration.

### **QUESTIONS**

Commissioner Cole asked engineering staff to provide additional clarification on proposed accesses to and from the property. Ms. Lamberty said that primary access would be derived via the 27 Road/Rincon Drive intersection. However, additional points of connection included Hideaway Lane and Lookout Lane, which would connect to 27 Road at two points at the Sierra Vista Subdivision property line.

Commissioner Cole asked if improvements would be made to 27 Road. Ms. Lamberty explained that the new TCP ordinance no longer required developers to construct those improvements; however, for those streets that required improvements, those improvements would be undertaken using collected TCP payments. When asked about a timetable for improvements, Ms. Lamberty said that 27 Road was already approaching urban collector-level traffic volumes. However, studies had determined that the only needed improvements were to the left-turn, right-turn, and through movements of traffic northbound on 27 Road to Highway 50. At some time, she thought that the City might consider additional turn lanes or pedestrian-related improvements; however, those improvements were not currently scheduled nor planned.

When Commissioner Cole asked if any improvements would be made to the 27 Road/Highway 50 intersection, Ms. Lamberty said that the traffic study undertaken by the developer indicated a need for some improvements expected more than 10 years out; however, they were not necessarily required solely as a result of the proposed development. Discussions with the Colorado Department of Transportation (CDOT) were underway on Highway 50 intersection improvements at this and other Orchard Mesa intersections.

Commissioner Cole asked if maximum traffic volumes along 27 Road would be met or exceeded once build-out occurred with the current development, to which Ms. Lamberty replied negatively.

Chairman Dibble referenced a street stub to the north apparently connecting with Kema Court and asked if that would be constructed right away. Ms. Lamberty said that the stub had not originally been proposed by the developer nor had it been required by the City. Mesa County had asked for it in anticipation of one day perhaps closing B 1/4 Road to eliminate an unsafe intersection. She thought that perhaps the Kema cul-de-sac would ultimately extend to B 1/2 Road.

Chairman Dibble asked if Kema Court currently derived its access via B 1/4 Road. Ms. Lamberty said that while the Kema Subdivision was platted, only a small portion of it was currently constructed. The intersection of B 1/4 Road/27 Road, potentially slated for closure by Mesa County, was noted. She added that if Mesa County did not close the B 1/4 Road intersection, it would be her recommendation that the stub street to Kema Court not be constructed.

### **PUBLIC COMMENTS**

#### **FOR:**

Ken Staton (235 Linden Avenue, Grand Junction) expressed support for the project. He felt that a lot of thought and planning had gone into the project's design, and that the petitioner's representatives had done a great job of mitigating development challenges. He'd seen other developments undertaken by the petitioner, and they had all turned out to be beautiful projects. If handled with the same care and attention, the currently proposed development would be an asset to the community. He noted the

existence of wildlife in the area but didn't think that they would be negatively impacted. He noted, however, that it was currently very difficult to access Highway 50 from Linden Avenue. He wasn't sure whether current intersection issues or traffic volumes along 27 Road would be significantly impacted by the development, but he hoped the City would do what it could to mitigate those issues before they could get any worse.

Abbi Willow (103 Mesa View, Grand Junction) felt that traffic along 27 Road to the Highway 50 intersection was currently "very bad," with stacking at the intersection often extending for quite a distance. While she supported the current project, she felt that improvements should be made sooner rather than later to 27 Road and Highway 50 to facilitate traffic movements. She also wondered if the pedestrian path, originally shown to connect Spy Glass Drive with Mesa View Drive, was still being planned.

Lance Oswald (196 27 Road, Grand Junction) said that as a 15-year Sierra Vista Subdivision resident, he generally supported the project. However, he was concerned about impacts to area wildlife. Over the years, he and his neighbors had seen fox, deer, coyotes, elk and even a mountain lion in the area. The wildlife didn't live there year-round, so they were not always seen year-round. The views for lots along the southeast side of Gunnison Ridge Court and near the Lookout Court cul-de-sac would be especially spectacular. Would it be possible to construct a walking trail along the rear property lines of those lots so that people could enjoy those views?

#### **PETITIONER'S REBUTTAL**

Mr. Ciavonne noted that while wildlife may be present in the area, the Department of Wildlife had not indicated the presence of any designated wildlife corridors. Provided open space would be considered "private," and it would be maintained by the subdivision's Homeowners Association (HOA). Proposed trail locations were noted, including the path to Mesa View Drive. It was not possible to extend trail segments along the lots mentioned by Mr. Oswald because of the steep ridgelines present in those areas. He felt that there would be plenty of great and accessible views present with the trails being proposed.

#### **DISCUSSION**

Commissioner Lowrey felt that the staff and developer had done an excellent job in designing the current project. The topography of the site had been taken into consideration, and good mitigation measures were proposed to address specific development challenges. He expressed support for the request.

Commissioner Pitts agreed and could find no reason not to support the project.

Commissioner Cole also concurred with previous comments and expressed his support

**MOTION: (Commissioner Cole) "Mr. Chairman, on item PP-2004-169, Preliminary Plat for Spy Glass Ridge Subdivision, I move we forward a recommendation of approval to the City Council of the incursion hillside disturbance for lot 201 and allow for sections of Spy Glass Drive and Lookout Lane to traverse 30% slopes, with proposed mitigation measures."**

Commissioner Pitts seconded the motion.

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



**MOTION: (Commissioner Lowrey) "Mr. Chairman, on item PP-2004-169, Preliminary Plat for Spy Glass Ridge Subdivision, I move we approve the request, including reducing the required lot widths for lots 50, 51, 54, 56 and 57, and approving the ridgeline mitigation techniques proposed."**

Commissioner Pitts seconded the motion.

Ms. Kreiling advised the Planning Commission that since the Preliminary Plat would be conditioned upon approval by City Council of the first motion, the second motion could also include a statement that approval was also subject to City Council's approval of the first motion.

Commissioner Lowrey agreed to amend his motion accordingly. The revised motion follows:

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on item PP-2004-169, Preliminary Plat for Spy Glass Ridge Subdivision, I move we approve the request, including reducing the required lot widths for lots 50, 51, 54, 56 and 57, approving the ridgeline mitigation techniques proposed, and also conditioned upon approval by City Council of the first motion."**

Commissioner Pitts seconded the amended motion.

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

A brief recess was called at 8:44 p.m. The public hearing reconvened at 8: 52 p.m.

**PFP-2004-181 GROWTH PLAN AMENDMENT--HANSON EQUIPMENT**

**A request for approval for a Growth Plan Amendment for a 2-acre portion of a 20-acre parcel from Commercial/Industrial to Residential Estate.**

**Petitioner: Michael Staenberg, THF Belleville, LLC**

**Location: 2340 I-70 Frontage Road**

**STAFF'S PRESENTATION**

Lori Bowers gave a Powerpoint presentation containing an aerial photo map, showing the site's location, and a Future Land Use Map. Approval of the request would allow the existing single-family residential unit to remain on a separate 2-acre lot. A brief history of the site was given. The property was no longer owned by Webb Crane. Hanson Equipment was interested in expanding, but they wanted to separate the existing residential unit from the commercially zoned property. If approved, that 2-acre portion of property would revert back to its original Residential Estate Growth Plan designation. Staff felt that Code criteria and Growth Plan recommendations had been met, and approval was recommended.

**QUESTIONS**

Commissioner Cole asked if Planning Commission would be giving final approval, or would it be giving its recommendation to City Council? Ms. Bowers said that Planning Commission would be passing along a recommendation to City Council. She added that a memo from Mesa County's planning staff had been received in support of the Growth Plan Amendment.

**PETITIONER'S PRESENTATION**

Jo Mason, representing the petitioner, offered no additional testimony but availed herself for questions.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item PFP-2004-181, I move that we find for the growth plan amendment, for the 2-acre section of the old Webb Crane site, consistent with the goals and policies of the Growth Plan, and section 2.5 of the Zoning and Development Code, and recommend that the City Council approve the amendment."**

Commissioner Pitts seconded the motion.

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

**VAR-2004-271 VARIANCE--BUFFER WALL REQUIREMENT**

**A request for approval of a variance to the required 6-foot masonry wall between commercial and residential zoning.**

**Petitioner: Tony Hale**

**Location: 598 North Commercial Drive**

**STAFF'S PRESENTATION**

Faye Hall gave a Powerpoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; and 4) Existing City/County Zoning Map. The 6-foot-high masonry wall was a condition of approval for a planning clearance to construct an office/warehouse building on the site. The site directly abutted a residential use (mobile home park), and the Code required construction of the wall to separate residential and commercial uses. Similar variance requests had been made and granted for several other properties along North Commercial Drive. However, since the request did not meet Code requirements, staff recommended denial.

**QUESTIONS**

Commissioner Cole asked if there were an existing fence erected along the Paradise Hills Mobile Home Park property line, to which Ms. Hall responded affirmatively. A 6-foot-high wooden privacy fence had been erected by the park's management. When asked about the condition of the existing fence, Ms. Hall replied that it was currently in good repair; however, she was unsure when it had been erected.

**PETITIONER'S PRESENTATION**

Dennis Wiltgen, representing the petitioner, felt that given the existence of the wooden privacy fence, the masonry wall was not needed. If the wall requirement were waived, the petitioners would agree to maintain their side of the existing fence. He reiterated that similar variance requests had been heard and approved for adjacent commercial properties along North Commercial Drive.

**QUESTIONS**

Commissioner Cole asked if the petitioners had heard from anyone at the mobile home park. Mr. Wiltgen said that no comments had been received back from them. He added that trees would be planted along the rear property line to further buffer the two uses.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Commissioner Cole said that he had no problem supporting the request given the presence of the existing fence and the petitioner's willingness to help maintain it. There was also an established precedent of prior wall variance approvals for adjacent properties.

Commissioner Putnam agreed that back-to-back fencing didn't make much sense, and he also expressed support for the request.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item VAR-2004-271, I move that we approve the variance to waive the requirement to provide a 6-foot masonry wall between a C-1 (Light 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 Putnam seconded the motion.

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

**CUP-1004-244 CONDITIONAL USE PERMIT--FUOCO EXPANSION**

**A request for: 1) approval to construct a 6,745-square-foot building addition, for a total building square footage of 14,030 square feet, for vehicle sales and service; and 2) approval of a variance to the 10-foot building setback adjacent to a residential zone/use.**

**Petitioner: Fuoco Investments, LLC--Bob Fuoco**

**Location: 748 North 1st Street**

**STAFF'S PRESENTATION**

Scott Peterson gave a Powerpoint presentation which contained the following slides: 1) aerial photo map; 2) Future Land Use Map; 3) Existing City Zoning Map; 4) proposed site plan; 5) code criteria; and 6) findings and conclusions. The site's location and surrounding uses were noted. Mr. Peterson briefly overviewed the request and indicated that approval of the variance would result in a reduction of the side yard setback from 10 feet to 5.37 feet along the southern property line. A 20-foot alley right-of-way divided the petitioner's property with the adjacent residential use; however, right-of-way dimensions were not included when determining minimum setback requirements between adjacent properties. The petitioner was contending that there was only one placement option available on the property for the proposed addition, but staff maintained that other options were available. Staff had concluded the hardship to be self-inflicted and that the petitioner had not satisfied all variance criteria, as was necessary before approval of any variance request could be given. Mr. Peterson passed out copies of an e-mail received earlier in the day from Janet and William Pomrenke (132 Gunnison Avenue, Grand Junction) who requested that all business traffic be prohibited from using the alleyway as ingress/egress. However, since the alley was a public right-of-way, such restriction was not possible. Denial of the variance request was recommended.

**QUESTIONS**

Commissioner Cole asked for confirmation that the City would be unable to restrict the type of traffic traveling down a public right-of-way (alley), which was given. Bob Blanchard added that while the City could not restrict the public's use of the alley for ingress/egress, planning commissioners could address access issues if they determined that changes to the site plan were warranted.

Chairman Dibble asked staff if he'd seen Honda's requirements for the addition, to which Mr. Peterson responded negatively.

Chairman Dibble wondered if the Planning Commission should be presented with a proposed footprint of the actual building addition in review of the conditional use permit. Mr. Peterson didn't think it necessary in order for Planning Commission to make a decision regarding the conditional use permit. He noted the other building placement options available to the petitioner, which included moving the facility further to the west, although it would decrease the size of the proposed sidewalk. Another possibility included situating the addition further to the north.

**PETITIONER'S PRESENTATION**

Roy Blythe, representing the petitioner, said that Honda dictated a specific layout for their dealerships' reception areas, show rooms, etc. While Honda would have preferred the dealership to have additional square footage, the petitioner had already negotiated down to where he met just the minimum requirements. If another 5 feet were taken off the building to meet the side yard setback, it wouldn't meet Honda's specifications. He contended that there was insufficient room to move the addition in any direction without impacting other setbacks, existing parking, walkways, the service bay, or landscaping. Mr. Blythe noted that the petitioner had been willing to give up his revocable permit to the City to satisfy the City's request for landscaping on all but the alley side of the business. He noted that only a very limited amount of traffic used the alleyway, adding that there were no doors or windows located on the south side of the building.

**QUESTIONS**

Chairman Dibble asked if the existing building would remain in its current configuration after construction of the addition. Mr. Blythe said that there would be a substantial cleaning up of the building and site, including repainting the existing building.

Chairman Dibble asked if Honda required a specific footprint for the proposed sales/reception area, one which would not permit deviation. Mr. Blythe answered that both the building's size and layout were prescribed by the auto manufacturer.

Commissioner Redifer asked if the petitioner had gone to Honda to seek a variance from its requirements. Mr. Blythe said that Honda had already conceded to allow "less" in other areas. The petitioner felt that no further concessions could be gained without jeopardizing his receipt of Honda's franchise.

Mr. Blanchard asked for clarification on the statement made about their being no doors or windows in the existing building. Mr. Blythe said that no doors or windows were planned for the south side of the addition. There was a parts drop and exit along the south side of the existing building. He added that the intent was to direct the bulk of traffic to the northern exit from the parking lot.

Commissioner Lowrey asked staff if any negative impacts would be realized if the variance were approved. Mr. Peterson briefly outlined the intent of maintaining established setbacks and noted that the petitioner had not satisfied variance criteria, which was a condition of approval. Mr. Blanchard added that variance criteria applied to the site, not to the business. The hardship must have originated as a result of some preexisting site condition not of the petitioner's making. Whether or not Honda was flexible on the design of the addition was irrelevant. He suggested planning commissioners consider the language of the Code. If they chose to disregard established criteria, Planning Commission must present findings and conclusions to support an alternate recommendation.

Planning commissioners, staff, and the petitioner's representative engaged in a brief dialog where possible placement options were presented and refuted. Mr. Blythe continued to maintain that the only layout possible was the one being presented to the Planning Commission. All other options had been explored and discounted.

Commissioner Lowrey said that there seemed to be no evidence to support approval of the variance request. Perhaps the petitioner should consider a continuance to allow further exploration of options or a renegotiation with the manufacturer.

Commissioner Cole agreed that there seemed to be no evidence to support the variance request, but it also appeared that no other building placement options were available to the petitioner.

Mr. Blythe asked for the details involved in requesting a continuance, which was provided by staff.

### **DISCUSSION**

Chairman Dibble said that he would like to see evidence that all other possible options had been explored, including renegotiation with the manufacturer. If the manufacturer was steadfast in its requirements, evidence to that effect should be presented.

Commissioner Putnam expressed discomfort in allowing a corporate entity the authority to dictate land use policy to the City.

Commissioner Redifer felt that he could support a motion for continuance.

A brief discussion ensued over when the required information would be ready to present. The determination was made to continue the item to the February 22, 2005 public hearing.

**MOTION: (Commissioner Cole) "Mr. Chairman, I would move that on item CUP-2004-244, that this item be continued to the February 22 meeting."**

Commissioner Redifer seconded the motion.

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 9:58 p.m.