

**GRAND JUNCTION PLANNING COMMISSION
FEBRUARY 22, 2005 MINUTES
7:01 p.m. to 9:05 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:01 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), and Scott Peterson (Assoc. Planner).

Also present were Jamie Kreiling (Asst. City Attorney), and Eric Hahn and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 26 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the minutes of the January 25, 2005 public hearing.

MOTION: (Commissioner Lowrey) "Mr. Chairman, I move that they [the minutes of January 25, 2005] be approved."

Commissioner Pitts seconded the motion.

A vote was called and the motion passed by a vote of 4-0, with Commissioners Putnam, Redifer and Cole abstaining.

III. CONSENT AGENDA

Available for consideration were items VR-2004-281 (Vacation of Right-of-Way--the North/South Alley at 7th and Ute), VR-2002-200 (Vacation of Right-of-Way--Winters Avenue), FP-2004-258 (Final Plan--The Knolls Subdivision, Filing 7), GPA-2004-191 (Zone of Annexation--Fisher Annexation), GPA-2004-205 (Zone of Annexation--Manor Road Subdivision), ANX-2005-005 (Zone of Annexation--Sycamore Creek Annexation), and ANX-2004-308 (Zone of Annexation--Catlin Annexation). Chairman Dibble briefly explained the nature of 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.

Ms. Bowers requested that item FP-2004-258 be pulled from Consent and continued to the March 8, 2005 public hearing.

No objections were received from the audience, planning commissioners, or staff on any of the remaining items.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move [for] continuance of the item FP-2004-258 to the March 8 meeting."

Commissioner Pitts seconded the motion.

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

MOTION: (Commissioner Pitts) "Mr. Chairman, I move we approve the Consent Agenda as presented with the exception of item 3, FP-2004-258."

Commissioner Cole seconded the motion.

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

IV. FULL HEARING

CUP-2004-244 CONDITIONAL USE PERMIT--FUOCO EXPANSION (continued from February 8, 2005)

A request for approval to construct a 6,745 square foot building addition, for a total building square footage of 14,030 square feet, to accommodate vehicle sales and service; and 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

PETITIONER'S PRESENTATION

Bob Fuoco, petitioner, offered a Powerpoint presentation which contained photographic slides of the site prior to and following a fire in 1990, which destroyed the structure formerly located on the site. That building had then been razed, leaving only its foundation as evidence of where it had been formerly situated. He clarified that Honda had not required the construction of a new facility; however, it no longer allowed dual facilities, where multiple car dealerships were maintained on the same property. Given that he'd held the Honda dealership since 1975, Honda had grandfathered in his business. His reasons for wanting the expansion were two-fold. First, to provide a more viable legacy to his children; and secondly, to provide additional showroom and service areas, which currently did not meet Honda's standards.

Mr. Fuoco referenced additional photographic slides of the site from various angles. The slides showed where vehicle inventory was presently parked alongside the alleyway at the property line. A conceptual rendering was presented to show how the dealership would look once the addition and restoration of the site were completed. Mr. Fuoco referenced slides of adjacent residential properties, noting that they were within a commercial transition area and were likely to become commercial. He noted that Honda representatives had provided a letter (copies of which were contained in planning commissioner packets) attesting to the fact that the site plan had been reduced in scale as much as it could be and still be workable. Referencing two different versions of the site plan, he noted the sizes of offices, conference

room, and showroom areas as they had been currently proposed (including placement of furniture to show scale), and how those areas would be impacted by the 5-foot setback reduction. The office areas, he maintained, would be rendered so small as to be unusable. Honda's required minimum square footage for dealership administrative areas was 845 square feet; the site plan with approved 5-foot setback provided for only 852 square feet.

Mr. Fuoco noted that he'd agreed to comply with the City's landscaping requirements, which would result in over 10,000 square feet of additional landscaping. Curb, gutter, and sidewalks would be constructed along Hill Avenue. Putting the variance request into perspective, he said that approval of the variance would add only 300 square feet to a 14,000 square foot building. In addition, he felt that the project represented good infill, something encouraged by the City.

QUESTIONS

Commissioner Lowrey referenced Honda's letter, written by John Kearns and dated February 15, 2005. He read the last paragraph into the record, which stated, "Honda's position is that the current layout meets our basic design and minimum facility requirements. Reducing the north/south dimension will not allow your dealership to operate within these minimum requirements. The only options would be to move the building north, as-is, or considering locating the Honda dealership to another location." Commissioner Lowrey asked if that paragraph was factual. Mr. Fuoco said that the statement was accurate in the context of meeting Honda's requirements. He added that the question was more whether he was willing to build a facility that in 10-15 years would still fall short of meeting Honda's requirements, and that answer was no. He wanted to build something viable that he could pass down to his children.

Commissioner Lowrey asked about the value of the existing building. Mr. Fuoco estimated the value of the building to be approximately \$250K. Razing the existing building to start over would be impractical given the City's setback and other requirements and associated costs.

Chairman Dibble referenced a slide depicting the location of the foundation from the original building and asked if that foundation line was an accurate representation of where the petitioner wanted to extend the addition. Mr. Fuoco replied affirmatively, adding that had the original building not burned down, there would be no reason for the variance request because the necessary square footage would already have been available.

PUBLIC COMMENTS FOR

There were no comments for the request.

AGAINST:

Kate Cecil (315 Hill Avenue, Grand Junction) felt that extending the building further out towards the alley would hinder sight distance, posing safety concerns. Noting that her garage was accessed from the Hill Avenue alley, she felt that an increased number of cars traveling to and from the commercial site via the alley would jeopardize her being able to safely back her car out onto the alley. The City had its Codes and ordinances in place for a reason, she said, and other options were available to the petitioner. What about locating his administrative offices on a second floor?

PETITIONER'S REBUTTAL

To address the sight distance issue raised, Mr. Fuoco referenced the slide showing his vehicle inventory currently parked along the property line adjacent to the alley. He pointed to where the new addition would extend and said that he didn't expect any impacts to sight distance.

DISCUSSION

Commissioner Cole noted that photographic evidence showed the original building to have been situated all the way to the property line. He'd concluded that approval of the variance to allow construction of the addition to the same point wouldn't create any impacts to sight distance, view, or access. In fact, erecting a fence there as the Code advised, to separate commercial and residential uses, would actually result in a bigger impact. Citing Code section 6.5.C, which allowed the Director to waive the fencing requirement in lieu of additional landscaping, he noted that the alley provided an adequate buffer between the two uses. He felt he could support the variance request as submitted.

Commissioner Lowrey acknowledged that the City's codes and ordinances were in place to protect the general health, safety, and welfare of the citizenry. Setbacks off alleyways were established to protect lines of sight, views, and to some extent, aesthetics. However, when Code criteria appeared to be too rigid, the variance process allowed for mitigating circumstances to be more closely considered. In the current situation, Honda was allowing the petitioner to have a dealership at the site, provided that certain requirements, as spelled out in the February 15 letter, were met. Those requirements, he felt, imposed a hardship on the petitioner not of the petitioner's making. Based on the lot's configuration, the presence and value of the building already there, and staff's testimony from two weeks prior regarding limited placement options, Commissioner Lowrey was satisfied that no other viable options were available. With regard to conferring special privilege, he said that if another petitioner or dealership had come before the Planning Commission with the same circumstances, he would have drawn the same conclusions. He also concluded that granting the variance would provide the minimum necessary to allow the petitioner to maintain a reasonable use of the property. He felt that the use was compatible with adjacent properties given that they were within a commercial transition area and would likely become commercial. He also felt that the request conformed to the intent of the Code and Growth Plan recommendations. Having concluded that the request met all variance criteria, Commissioner Lowrey felt that he could support the variance request.

Commissioner Redifer concurred with the comments and conclusions expressed by Commissioner Lowrey. He also agreed with the petitioner's statement that the project represented good infill. Noting that approval of the variance would also significantly improve the aesthetics of the property, he too expressed support for the request.

Commissioner Pitts agreed with the petitioner's statement that had the original building not burned down, there would be no need for a variance. He expressed agreement with the statements and findings of the first two planning commissioners and added his support.

Chairman Dibble expressed appreciation for the letter from Honda because it helped to better explain the necessity for stated amounts of showroom space. He agreed that the hardship was real and not self-imposed. The alley in this case was not narrow and would not be impacted in any way by the addition's expansion into the side yard setback. He agreed that the area was in transition, and that adjacent residential properties would likely become commercial in the future. He remarked that variances were granted or not at the discretion of the Planning Commission if it concluded that variance criteria had been met. Having determined that those criteria had been met, and given the significant aesthetic improvements proposed for the site, he felt it in the best interest of the City to grant the variance request.

MOTION (Commissioner Cole) "Mr. Chairman, on the request for a Conditional Use Permit for Fuoco Motors to develop a general outdoor retail sales operation and display for new and used automobiles, file SPR-2004-244, I move that the Planning Commission make the findings of fact and conclusions and conditions 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.

MOTION (Commissioner Cole) "Mr. Chairman, on SPR-2004-244, I move that we approve the variance request to reduce the side yard setback abutting a residential zone or use for principal structures in a C-1 (Light Commercial) zoning district, finding the request to be consistent with the Growth Plan and section 2.1.6.C.4 of the Zoning and Development Code."

Commissioner Pitts seconded the motion.

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

ANX-2004-298 ZONE OF ANNEXATION--HAWK'S NEST ANNEXATION

A request for approval to zone 30.90 acres from a County RSF-R (Residential Single Family-Rural) to a City RSF-4 (Residential Single Family-4 units/acre) zone district.

Petitioner: Alan Parkerson, Parkerson Construction

Location: 157 30 Road

PETITIONER'S PRESENTATION

Mike Joyce, representing the petitioner, offered a Powerpoint presentation which contained the following slides: 1) request overview; 2) surrounding zoning map; 3) surrounding land use map; 4) surrounding subdivisions layout transposed over aerial photo map; 5) Code rezone criteria; 6) breakdown of how much of a development project is infrastructure and open space; and 7) Growth Plan and Orchard Mesa Area Plan criteria.

Mr. Joyce noted the surrounding zonings of RSF-R to the north; County RSF-4 and City PD to the south; City RSF-4 and County AFT to the east; and City RSF-4 to the west. When a property is annexed into the City, he said, the applied City zone could reflect either the closest County equivalent or the zone recommended by the Growth Plan. The petitioner had opted for the Residential Medium-Low land use classification recommended by the Growth Plan, which permitted RSF-4 zoning. Referencing the Code's rezone criteria, the RSF-4 zone district was supported by the Development Code, the Growth Plan, and the Orchard Mesa Neighborhood Plan. He felt that the requested zone would be compatible with the area, and no adverse impacts would be created. The site was located in a transitional area. With growth expected to increase as a result of the 29 Road extension, higher densities were justified and supported by staff. Mr. Joyce pointed out the Persigo Agreement's boundary line directly to the east of the property, but added that even outside of that urban boundary, you could still find higher density (2-4 units/acre) developments.

While current consideration was being given to just the zone district, the petitioner did have plans to develop the property to a density of 3.2 to 3.7 units/acre. He pointed out that approximately 15-20 percent of any development was allocated to infrastructure and open space.

QUESTIONS

Commissioner Lowrey noted the presence of RSF-R zoned property to the west and questioned the compatibility of the requested zone. Mr. Joyce acknowledged that some RSF-R zoned property did exist to the west; however, the area was in transition, and the City was encouraging more urban densities for the area. The RSF-4 zone, he added, would bring the parcel into compliance with Growth Plan recommend-ations.

STAFF'S PRESENTATION

Kathy Portner offered a Powerpoint presentation which contained the following slides: 1) annexation/ location map; 2) aerial photo map; 3) Future Land Use Map; and 4) an Existing City and County Zoning Map. She noted that the Future Land Use Map recommended densities of 2-4 units/acre for the area. She acknowledged the location of the Persigo "dividing line," and agreed that the area was in transition. The RSF-4 zone district was supported by the Growth Plan, the Future Land Use Map, and the Orchard Mesa Neighborhood Plan. Having found that the request met Code criteria as well, staff recommended approval.

QUESTIONS

Chairman Dibble asked about the zoning for the property several parcels away to the west of the subject site. Ms. Portner thought that it had built out to a density of close to 4 units/acre.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

David Ellen (2999 B Road, Grand Junction) presented a drawing and several photographs of his and other properties located along a portion of B Road approved by Mesa County in 1994 (hard copies of which were submitted for the record). He noted that the property to the west of B Road had been platted out in 5-acre parcels. At the time of platting, a road extending the length of those parcels had been approved and, once constructed to County standards, would run directly perpendicular to B Road. With the petitioner's property located directly south of B Road, he expected that an access to B Road would be improved to City standards. The result, he said, would be two road sections constructed to different standards lying side by side. While a fence could be erected to separate the two street sections, that really didn't make much sense. If the City or County eliminated the County road section, it would effectively landlock the platted parcels. There were also safety concerns since there were no sidewalks along B Road available for pedestrians (photos referenced). At the very least, the City should improve the shoulders along B Road. Mr. Ellen realized that this was probably an issue more appropriate for the development review stage, but since it had not been acknowledged or dealt with in any way by the petitioner or City staff, he wanted to make sure that his concerns were taken into consideration.

Mr. Ellen also expressed concerns about the densities allowed by the RSF-4 zone. A less dense project would provide a better buffer between the higher and lower densities on either side of the parcel. He noted the larger parcels surrounding the petitioner's property and his own 10-acre parcel which lay directly to the south. Many of these property owners had livestock and were undertaking some form of agricultural operation. How would they be protected against complaints lodged by residents of higher density developments? How could they protect their livestock and property from trespassers? There was also a lack of public recreational areas in the area, and no park or public open space area(s) had been proposed by the petitioner. The nearby school did not want the public using its property for recreational purposes after regular school hours. He also hoped that the petitioner would design single-story homes to protect area views and maintain current property values.

Chairman Dibble said that most of what Mr. Ellen had brought forth wasn't germane to the property's zoning. When Mr. Ellen asked about the appropriateness of the road issue, Ms. Kreiling said that the road issue would also be better addressed at a later date.

Dave Deppe (2981 B Road, Grand Junction) said that the petitioner's claim that RSF-4 zoned properties were directly abutting the site to the west was untrue; rather, that property was zoned RSF-R. He agreed that most of the area's property owners were involved with some form of agricultural operation, and higher density developments would affect them the most. It appeared to him that if the current request were approved, it would result in about 1 1/2 miles of "flagpole annexation" along B Road to Chipeta Pines. Mr. Deppe wondered how the petitioner's development planned to secure irrigation water, since approximately 90 users were already getting their water from the area's single available headgate.

Chairman Dibble said that some of those issues were also better addressed during development review; while good questions, they weren't applicable to the application of a zone.

Laura Green (2993 B Road, Grand Junction), owner of a 5-acre parcel in the area, said that she'd purchased her property because of the area's peace and quiet and because of the exceptional views. Higher density developments in the area would destroy all of that. She couldn't understand why people weren't allowed to voice their concerns about issues that directly affected them.

Ms. Kreiling read the zoning criteria from the Code and said that planning commissioners could consider those issues directly relating to density impacts.

Ms. Green concluded by voicing her concerns over safety issues, traffic impacts, and street development; and she concurred that there should be a restriction on building height to prevent the developer from negatively impacting area views.

Ken Ottenberg (2995 B Road, Grand Junction) said that the entire area had originally been zoned agricultural. The Growth Plan may support higher densities, but bringing higher densities and its inherent problems to the area would be of no benefit to anyone currently living there, nor would a higher density development benefit the community as a whole. Referencing the aerial map, he maintained that the majority of parcels surrounding the petitioner's property and others in the area were larger in size and more rural in character. Given what he felt was the zone's lack of compatibility with the surrounding area, the fact that it wouldn't provide a community benefit, and because it would diminish the quality of life enjoyed by current area residents, he contended that the Code's rezone criteria had not been met. As such, he felt that the request should be denied.

PETITIONER'S REBUTTAL

Mr. Joyce expressed appreciation for resident comments, and he noted that for the same reasons that some of their comments were viewed as not being germane, he was also prevented from addressing those issues that would be more fully explored during development review. With regard to transportation impacts, the new TCP fee schedule provided for the City's collection of funds, to be held and used to pay for improvements as the need arose. Having looked at the area's traffic counts, the number of daily trips generated was actually very low. From March of 2002, approximately 353 trips were recorded along 30 Road; the highest count was along B Road, with 797 trips. Both counts were much lower than what typical residential streets could handle. 29 Road will be a principal arterial; 30 Road and B 1/2 Roads will be minor arterials; and B Road was classified as more an urban collector. He commended the City's taking a proactive position in planning for area impacts as a result of expected area growth.

Mr. Joyce said that open space fees were paid to the City; however, it was up to staff to decide whether the City wanted fees for park construction in other areas of the City or land dedicated for parks

development. Agricultural operations were protected under the Right to Farm Act, a notation that would be recorded on the subdivision's plat. He felt it important that people consider the bigger picture in determining the type and level of growth for an area. The RSF-4 zone was appropriate; however, it would be impossible to construct a development with a true density of 4 units/acre given the percentage of the site taken up by infrastructure improvements. The only other zoning alternative available was the RSF-2, which, once infrastructure improvements were factored in, would result in a development density of only 1.5 to 1.8 units/acre. Such densities may not meet the minimum density requirements of the Growth Plan.

QUESTIONS

Chairman Dibble asked engineering staff if they could address the road situation mentioned by Mr. Ellen. Mr. Hahn came forward and said that the City would not permit construction of two streets side by side, with or without a fence dividing them. Alternatives would be explored but discussions were best undertaken outside the public hearing forum.

Chairman Dibble remarked to the citizenry that specific street designs and open space provisions would be addressed during development review.

Commissioner Cole asked if there were any plans to upgrade 30 and B Roads in that area. Mr. Hahn said that TCP funds were collected and made available as improvement needs arose. While likely there would be some improvements made in the area, that particular corridor was not as high a priority as others in the City. When asked if the developer would be required to construct curb, gutter and sidewalk along either of the two streets, Mr. Hahn reiterated that that's what TCP funds were set aside to do. If developers constructed those improvements themselves, it often resulted in piecemeal improvements that didn't connect to anything. If the current developer were permitted to construct those improvements, TCP funds would be reimbursed to him.

Commissioner Pitts asked for confirmation that the City would not permit construction of a gravel road next to a street used for access into the petitioner's subdivision, which was given.

Chairman Dibble asked staff about other zoning options available for the property. Ms. Portner came forward and said that the Residential Medium-Low land use classification permitted either RSF-2 or RSF-4 zone districts. The RSF-4 zone district permitted densities of between 2-4 units/acre. With the RSF-2 zone, there was a density minimum of 80 percent of 2 units per acre. Chairman Dibble asked for confirmation that the area was indeed in transition, which was given.

DISCUSSION

Commissioner Lowrey noted the subject property's location right on the edge of the Persigo line to the east. To the west were larger parcels zoned RSF-R. He agreed that it didn't provide any community benefit to zone the entire area right up to 30 Road as RSF-4. There should be buffer areas, and he could more readily support an RSF-2 zone. He felt that this was an area where a diversity of zoning, affordability, and housing types should be supported. If the petitioner's property were situated further to the west, he'd be inclined to favor higher density, but he felt he could not support the request for RSF-4 zoning.

Commissioner Cole disagreed. A lot of thought and public input had gone into the drafting and adoption of the Growth Plan, which recommended higher densities for the area. Even during the Plan's 5-year update, the area had not been singled out as needing reconsideration. He believed that over time more and more people would be moving to the area, and it would reflect a more urban character. The RSF-4 zone district, he felt, was appropriate, and he could support it.

Commissioner Pitts said that his decision not to support the request for RSF-4 zoning was based on the property's proximity to the Persigo line. Property directly east of that line was zoned RSF-R as were all the other parcels directly abutting the property owned by the petitioner. The petitioner had bought his property knowing that he was buying in an area more rural in character. He agreed with comments made by Commissioner Lowrey that a less dense zone district (RSF-2) would provide a better transition between the area's RSF-R and RSF-4 zoned properties.

Commissioner Pavelka-Zarkesh expressed her agreement with staff's recommendation of RSF-4. Urban services were already there, and she agreed that the area was in transition.

Commissioner Putnam remarked that the reason public hearings were held and citizen input was so encouraged on long-range planning endeavors was for just this kind of situation. However, once that long-range plan was adopted, its recommendations should be followed. He agreed that the area was in transition, and he expressed support for the RSF-4 zone district.

Chairman Dibble said that growth was a vital part of any community, and that this was one of those areas experiencing growth. He agreed that the extension of 29 Road into the area would likely encourage even more development. The public's input and preferences had been taken into consideration during both the Growth Plan and Orchard Mesa Neighborhood planning processes. The request met the Code's rezone criteria, and the developer had the right to develop to allowed levels.

MOTION: (Commissioner Cole) "Mr. Chairman, on Zone of Annexation ANX-2004-298, I move that the Planning Commission recommend to the City Council approval of the zoning designation of the RSF-4 (Residential Single-Family, 4 du/acre) zoning district for the Hawk's Nest Annexation, with the facts and conclusions listed in the staff report."

Commissioner Redifer seconded the motion.

A vote was called and the motion passed by a vote of 5-2, with Commissioners Pitts and Lowrey opposing.

With no further business to discuss, the public hearing was adjourned at 9:05 p.m.