

**GRAND JUNCTION PLANNING COMMISSION  
FEBRUARY 10, 2004 MINUTES  
7:00 P.M. to 9:05 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 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, John Evans, William Putnam, Bill Pitts, Travis Cox (alternate) and Thomas Lowry (alternate). Commissioner Lowry arrived following consideration of the minutes.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Pat Cecil (Development Services Supervisor), Ronnie Edwards (Associate Planner), and Scott Peterson (Associate Planner).

Also present were John Shaver (Acting City Attorney), and Eric Hahn, Rick Dorris, and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 46 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes from the December 16, 2003 and January 13, 2004 public hearings.

**MOTION: (Commissioner Cole) "Mr. Chairman, I move for approval of the December 16th minutes as presented."**

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

**MOTION: (Commissioner Cole) "Mr. Chairman, I move we approve the January 13th minutes as presented."**

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

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**III. CONSENT AGENDA**

Items RZ-2003-278 (Rezone--Proietti Rezone), VR-2003-182 (Vacation of Right-of-Way/Horizon Drive ROW Vacation), CUP-2003-053 (Conditional Use Permit--Castle Creek B&B), and PP-2003-163 (Preliminary Plan--Garden Grove Townhomes, Phase III) were placed on the consent agenda. No objections were expressed by the citizenry, planning commissioners or staff.

**MOTION: (Commissioner Pitts) "Mr. Chairman, I move for the approval of the Consent Agenda as presented."**

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

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

##### **RZ-2003-233 REZONE--GESKE REZONE**

**A request for approval to rezone two adjoining properties consisting of 2.068 acres from an RSF-4 (Residential Single-Family, 4 units/acre) zone district to an RO (Residential Office) zone district.**

**Petitioner: Grant, Eva & Judith Geske**

**Location: 2656 F Road**

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

Mike Joyce, representing the petitioner, offered a Powerpoint presentation containing the following slides: 1) project description; 2) outline/description of the RO zone district; 3) Growth Plan map; 4) surrounding zoning map; 5) surrounding land uses outline; 6) photos of the property and surrounding area; 7) outline of Code rezone criteria 2.6.A; 8) drawing of the St. Mary's Hospital property in relation to the petitioner's property; and 9) conclusions and recommendations.

Mr. Joyce noted the presence of a single-family home on one of the lots; the other lot is presently vacant. Mr. Joyce said that the RO zone provided for low intensity, non-retail, neighborhood services and offices uses. He felt that an eye care center represented an appropriate transition between adjacent residential and nearby medical uses. St. Mary's Hospital and the Wellington Street medical buildings are located directly across Patterson Road and at the 7th Street/Patterson Road intersection. The rezone request, he said, is supported by both the Code's rezone criteria and Growth Plan recommendations. The Growth Plan's designation of 4-8 units/acre would allow construction of up to another 7 homes on the 2-acre site, resulting in an expected increase in traffic of 200 ADT (average daily trips). Mr. Joyce pointed out that even with an additional 200 ADT, the carrying capacity for North 8th Court would still not be exceeded. Any traffic impacts arising from development of the site would be mitigated during site plan review. He noted in one particular area photograph the departure of a St. Mary's air life helicopter. This, he said, demonstrated nearby activity and existing noise levels.

Mr. Joyce said that the screening requirements of the RO zone would adequately buffer residential uses from the eye center's parking lot and the business itself; onsite lighting would be downcast; hours of operation would not extend past 8 p.m. (with 8 a.m. to 5 p.m. the norm); and the building's size would be limited to not more than 10,000 square feet. Infrastructure and utilities were present. Staff, he said, had recommended approval of the request. He, on behalf of the petitioner, expressed agreement with staff's recommendations and conditions.

##### **QUESTIONS**

Commissioner Cole asked for the distance between the North 8th Court entrance and the 7th Street/Patterson Road intersection. Mr. Joyce thought the distance to be approximately 250-300 feet.

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

Ronnie Edwards offered 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) findings and conclusions; and 6) photos of the site and nearby vicinity. She confirmed that the request met both Code requirements and Growth Plan recommendations, and staff recommended approval.

##### **QUESTIONS**

Commissioner Cole asked staff how far the North 8th Court entrance was from the 7th Street/Patterson Road intersection. When Ms. Edwards replied that it was approximately 360 feet, Commissioner Cole then asked

how far apart intersections must be according to the TEDS manual. Ms. Edwards said that the TEDS manual required a separation of at least 300 feet on principal arterials.

Commissioner Putnam asked what uses the eye center was transitioning. Ms. Edwards clarified that the RO zone district represented a "transitional opportunity" to provide buffering between adjacent residential uses and the more intense business uses represented by St. Mary's and the medical buildings located south of Patterson Road.

Chairman Dibble asked what the expected community benefit of the RO zone would be. Ms. Edwards reiterated that its benefit would be in providing a possible transition between residential and business uses. She added that site and access constraints would limit the type and scale of uses that could be placed on the site.

Chairman Dibble asked about the problems that could potentially arise if an RO zone were approved for the site. Ms. Edwards responded that impacts were dependent upon the use. She said that it was difficult to ascertain impacts without an actual plan.

Chairman Dibble referenced Mr. Joyce's comment regarding the possibility of another 7 homes on the property. He asked "How many curb cuts were present there now?" Eric Hahn, City Development Engineer, said that locations of existing accesses were somewhat irrelevant at this point. When asked if access to the site would be derived from Patterson Road or via North 8th Court, Mr. Hahn reiterated that without knowing the intended use, the primary access point could not be determined. Mr. Hahn added that the petitioner could find that mitigating traffic and other impacts would be quite difficult. He reiterated that site constraints may limit the actual number of appropriate uses to only one or two.

Commissioner Pitts observed that Patterson Road itself already served as a buffer between neighborhood residential and business uses. Ms. Edwards concurred with his observation.

Chairman Dibble noted in his review packet copies of two previous rezone requests for a larger property located directly adjacent to the petitioner's. He asked "Why would staff support approval for the current rezone request when they had recommended denial of the former rezone requests?" Mr. Hahn said that the former commercial rezone request would allow uses which could not meet the City's access standards. Chairman Dibble asked if the additional property could ever be rezoned for anything other than residential given access constraints. Mr. Hahn replied that the likelihood of it ever being developed as anything other than residential was remote, unless it was part of a group of properties that were combined and redeveloped.

Ms. Edwards said that she'd spoken at length with some of the residents objecting to the current rezone request. She'd explained to them that site constraints could prevent the location of an eye center on the petitioner's property.

When Commissioner Cox asked where parking for the eye center would be located, Ms. Edwards referenced an aerial photo of the site and pointed to the northernmost portion of the property.

Commissioner Cole asked what would happen to the existing home if a commercial use were constructed. Ms. Edwards said that her understanding from the petitioner was that the existing home would remain and be used as a rental. The eye center would be constructed on the lot presently vacant. When asked why staff hadn't recommended a PD zone for the site, Ms. Edwards said that a PD designation required a minimum lot size of 5 acres.

Commissioner Cox remarked that the current rezone request and expected use failed to show due consideration to the existing adjacent neighborhood. Ms. Edwards said that it was up to the Planning Commission to determine the appropriateness of the request.

**PUBLIC COMMENTS**

**FOR:**

George Dunham (608 and 610 26 1/2 Road, Grand Junction) said that redevelopment of the site would greatly improve its current appearance. The property's frontage is currently very unsightly. Commercial development of the property would likely enhance the area's property values.

Robert Rigg (843 19 Road, Fruita) said that the sisters of St. Mary's Hospital had originally purchased the subject property as a place for them to live, plans which had not come to fruition. He felt a medical use would be appropriate for the site given the presence of so many other medical uses in the area.

**AGAINST:**

Mary McPherson (2712 North 8th Court, Grand Junction) said that during the neighborhood meeting held by the petitioner, all of the North 8th Court residents had come out in opposition to the request. Her concerns included adverse impacts to the quality of life currently enjoyed by she and her neighbors and negative impacts to their property values. Hers is a special neighborhood, one where neighbors were also family and friends, where people took pride in the appearance of their properties and there is no crime. The only exception to that was the petitioner's property, where landscaping had been left to deteriorate because the Geskes hadn't wanted to invest any time or money in its upkeep. She said that a 6-foot shrub would inadequately buffer her property from the petitioner's parking lot. Referencing Mr. Joyce's photo of the St. Mary's air life helicopter, she said that comparing that noise with the ongoing noise of a commercial business was erroneous. She had no objection to noise made by the helicopter and she surmised that many, if not all, of her neighbors felt similarly.

Ms. McPherson said that she would soon be moving from the area but had been told by several realtors that even the possibility of the rezoning's approval had negatively affected the marketability of her home. They'd told her that her home's value would be approximately \$50K less than other comparable homes in the area. The most appropriate buffering of residential uses, she said, was another residential use. She urged planning commissioners not to reward the petitioner for allowing his property to deteriorate when he was attempting to use that deterioration as justification for his rezoning.

Robert Lubinski (2709 North 8th Court, Grand Junction) began by saying that he and his wife lived directly adjacent to the subject property. He said that the petitioner had in the year 2000 requested a property line adjustment on the two parcels in preparation for a rezoning and ultimate construction of an eye center. At that time, he, his wife and Steve Lambert (a resident of the Viewpoint Subdivision) met with City planner Bill Nebeker, who had told them unequivocally that no access would be allowed to the site from Patterson Road for any purpose other than residential. Mr. Nebeker had also said that the only access to the site from North 8th Court would be on the north end of the west parcel, and that that would be difficult and highly unlikely. The overriding concern of the planning agencies at that time had been that Patterson Road was not to become another North Avenue. Mr. Nebeker told them that the opinions of the residents of the local neighborhood were of the "utmost concern" and would be given great consideration in any rezoning request.

At the neighborhood meeting prior to the current rezoning request, staff became very aware of the neighborhood's strong opposition to the petitioner's rezoning and proposed use. Staff's assessment and recommendation on the current request, however, failed to give due consideration to the neighborhood's opinions. The only persons being adequately represented by the City's Community Development Department, he said, were the Geskes.

Referencing staff's analysis of the request as it pertained to rezoning criteria found in Code section 2.6.A., Mr. Lubinski said that the Code required compliance with all seven criteria before any approval could be given. He felt that the request failed to meet criteria subsections 2, 3, 4, 5, 6 and 7. With regard to subsection 2, change in character to the neighborhood, he pointed out that the St. Mary's development occurred concurrent with many if not most of the homes built north of Patterson Road. Thus, since the middle 70's, the north and south sides of Patterson Road have continued developing in very distinctly different ways. The north side of Patterson Road had remained residential in character while the south side of Patterson Road had accommodated an expanding

medical community. Mr. Lubinski contended that the north and south sides of Patterson Road should not be compared similarly when determining changes in character to the neighborhood. Staff's conclusion that there has been an overall change in the area's character was untrue.

Referencing subsection 3, the rezone's compatibility with the surrounding neighborhood and associated adverse impacts, Mr. Lubinski said that the rezone would create significant impacts to the existing neighborhood and decrease the safety and capacity of the existing street network. Approval of the rezone and subsequent commercial development would result in significant noise and air/light pollution problems, parking problems, access problems and other nuisances such as trash dumpsters and after-hours maintenance vehicles and noise. That particular Code subsection, he said, had been written in the future tense to imply that no adverse impacts "will be" created as a result of the rezone. Staff's own conclusions indicated that such impacts could occur as a result of rezone approval. Staff's assertion that mitigation of such impacts may be possible should be viewed as irrelevant, since the Code criterion clearly required that no adverse impacts could be created in the first place.

Referencing subsection 4, conformance with policies and goals of the Growth Plan, Mr. Lubinski said that the Growth Plan's Land Use Map, adopted in June 2003, designated both the Walker Heights and Viewpoint subdivisions as residential. Further, he felt that staff's assertion that the RO zone was appropriate for the site and that it would serve as a transition was erroneous. Given that the rezone would adversely affect the majority of residents living along North 8th Court and no one else, what was this rezone intended to transition them from?

Referencing subsection 5, available and adequate public facilities and services, Mr. Lubinski said that the adverse impacts referenced in subsection 3 also applied to this section. Significant impacts to the street network and infrastructure were expected. Thus, this criterion too had not been met.

In subsection 6, adequate supply of land availability to accommodate the zoning, the staff report asserted that RO zones existed from approximately 8th Street to 15th Street, north of Patterson Road. This was untrue, because the RO zone on Patterson Road didn't begin until approximately 11th Street and laid well to the east of both the Walker Heights and Viewpoint subdivisions. Mention was made of RO zones existing along North 7th Street and in downtown areas; however, none of those areas had any bearing on the North 8th Court community whatsoever. Mr. Lubinski felt that this was representative of staff researching a wide area in an attempt to justify an unjustifiable position.

With regard to subsection 7, community benefit, Mr. Lubinski read that criterion into the record. He noted that the proposed rezone criteria says "will" benefit the community or neighborhood, not "may." He maintained that the current rezone request would not benefit the community or neighborhood in any way. The only persons who would benefit from the rezone would be the Geskes and that their benefit would be strictly financial.

Mr. Lubinski said that the current rezone request was far from benign. Its approval would have long-term and far-reaching ramifications for the existing residents of North 8th Court. As an aside, he thought it a shame to lose one of Grand Junction's premier historical homes, the Walter Walker home currently located on the site. He strongly urged planning commissioners to deny the request because it failed to meet both Code and Growth Plan criteria.

Steve Lambert (609 Viewpoint Drive, Grand Junction) agreed that the historic value of the Walter Walker home and site should be considered and preserved. Referencing the City's published Strategic Plan drafted by City Council regarding the preservation of the City's historic places, the City's stated goal was to "facilitate efforts that sustained the historic character of the community." The document, he said, further stated that "both the City Council and administrative staff would value the City's small-town character, promote vital neighborhoods in a well-planned high-quality environment, and enhance the attractiveness and character of the community." The current rezone and subsequent commercial development would not only be inconsistent with this goal but would also be contradictory to City's Council's position. He urged planning commissioners not to recommend

to City Council that it take a position which would be seen by the public as a violation and mockery of its own stated goals. The City's February 2004 newsletter said that the City recently received a grant from the Colorado Historical Society, to be used for continued inventorying of the community's historic resources. City Council had subsequently approved a \$100K contract in pursuit of that goal, \$40K of which were from the City's revenues.

Mr. Lambert agreed that he and his neighbors' quality of life would not be preserved nor enhanced by the rezone's approval and would likely represent the first step of continued commercial encroachment into an established residential neighborhood.

Norman Craig (no address given) urged planning commissioners to consider the human element and the impacts approval of the rezone request would have on existing residents. Unfurling a banner with the acronym R.A.G.E. (Residents Against the Geskes' Encroachment), he said that he and other residents would be installing similar banners on their properties as a means of protesting the rezone request. He also intended to coordinate a video and leaflet campaign apprising the community of the current issue. He urged denial of the request, saying that resultant impacts would greatly and adversely affect the existing neighborhood.

Ray Meacham (611 Viewpoint Drive, Grand Junction) said that as a long-time resident in his neighborhood, he and others had learned to successfully access Patterson Road from North 8th Court. Left turns were especially tricky, he said, and not something that patrons of the eye center were likely to figure out easily. Existing problems would surely be exacerbated as a result of added traffic originating from commercial development. The concerns of residents, he said, should be both heard and respected. The only benefit to the rezone would be financial gain to the petitioner. It wasn't worth the diminished quality of life that would affect an entire neighborhood.

Georgia Meacham (615 Viewpoint Drive, Grand Junction) said that existing residents had been there a long time. Relationships had been formed. If the rezone were approved, it was likely that the north side of Patterson Road would begin developing as had the south side.

Karen and Richard Troester (2714 North 8th Court, Grand Junction) said that both made their livings in commercial lending. Referencing a photo of the Walter Walker home, Ms. Troester said that it wasn't the home that was deteriorating; rather, the site's landscaping was being neglected. She'd understood that the petitioner had not wanted to invest any time or money in upkeep of the irrigation system or the site's vegetation.

She said that Mr. Joyce's presentation indicated that the petitioner had served over 7,000 clientele in 2003. Since the rezone was being requested to accommodate a business expansion, she couldn't fathom the magnitude of traffic impacts resulting from that many and more people accessing the business via North 8th Court. Already there was limited sight distance at the end of the street near the cul-de-sac. Ms. Troester presented photos of her and neighboring properties. She said that she and other residents are raising children. The safety of those children would be at risk with so many additional vehicles using their residential street for commercial access. Homes in the neighborhood were custom-built and well-kept. Residents were justified in their concerns over impacts to property values.

Ms. Troester said that one of those speaking for the request was a realtor who'd sold the property to the petitioner. It was likely that he had some personal and/or financial interest in the success of the rezone request.

Mark Madison (1010 Rico and 2525 North 8th Court, Grand Junction) said that as an owner of two properties in the area, he walked there every day. He agreed with all previous comments in opposition and felt that there was no need to place a commercial development in a historically residential community.

Amelia Danbury (620 Viewpoint Drive, Grand Junction) also concurred with previous comments in opposition and expressed concern for the safety of her children. The development, she said, would not only exacerbate

existing traffic and access problems, it would result in a variety of new impacts. Commercial development in their neighborhood wasn't wanted nor was it needed.

**PETITIONER'S REBUTTAL**

Mr. Joyce reiterated his assertion, supported by staff, that the request did in fact meet both Code criteria and Growth Plan recommendations. Those documents considered overall benefits to an entire community, not just the preferences of a single neighborhood. He pointed out that the petitioner had already invested between \$40K and \$50K in renovating the home. No money had been spent on site landscaping because the irrigation system was damaged. Construction of an additional 7 homes would result in additional children. The presence of the canal already represented an unsafe situation. Mr. Joyce stood by his presentation's facts and figures and said that the site's constraints would limit the use. It was unfair to deny a justifiable rezone based on a use that had yet to be established.

**DISCUSSION**

Commissioner Cole said that anyone owning property had a right to come before staff or the Planning Commission to request a change, just as anyone wanting to support or oppose that requested change had a similar right to do so. He noted the close proximity of the North 8th Court entrance to the 7th Street/Patterson Road intersection and felt that added commercial traffic from the petitioner's property would only exacerbate existing traffic and access problems. Left turns from North 8th Court onto Patterson Road would be virtually impossible and could ultimately result in a restriction of left turns from that street altogether. Such a restriction would only force both residential and commercial traffic to travel through an established neighborhood. He agreed with neighbor comments that the request would create a number of adverse impacts if approved and that Code criteria 2.6.A. subsections 2, 3, 4, and 7 had not been met.

Commissioner Putnam cited Code section 3.1.E., which stated that the purpose of establishing zones was to "protect and maintain the integrity and character of established neighborhoods." The City's charge was very clear, one which was also supported by the Colorado State Supreme Court. Since the request failed to meet Code and Growth Plan requirements, he could not support it.

Bob Blanchard asked planning commissioners to be clear on their findings, since they disagreed with those of staff. John Shaver agreed that specific findings were important, but they need not be reiterated in a motion.

Commissioner Putnam agreed with the content of Mr. Lubinski's presentation which asserted that 6 of the 7 established criteria had not been met.

Commissioner Pitts said that Patterson Road itself served as an adequate buffer between the residential uses to the north and the medical uses to the south. The presence of an irrigation canal served as an additional buffer to the residents of Viewpoint Drive. He agreed with neighbor input that undue adverse impacts would be created if the rezone were approved, and agreed too that the integrity and character of existing neighborhoods should be preserved. He felt that denial of the request was warranted.

Commissioner Cox said that resident presentations were very comprehensive. He agreed that rezone criterion 2.6.A.2 had not been met since North 8th Court and Viewpoint Drive neighborhoods were not part of the St. Mary's development. No change to the neighborhood had occurred as a result of the St. Mary's expansion. Referencing the Patterson Road Corridor Guidelines, he read an excerpt which stated that "low volume business and medical offices are appropriate on the north side of Patterson between 26 1/4 Road and 7th Street and also on the south side of Patterson from 7th Street to 12th Street, including the southeast corner of 12th and Patterson." That reference did not specify those uses as appropriate for the area north of Patterson between 7th and 12th Streets; thus, the request failed to comply with criterion 2.6.A.4. Criterion 2.6.A.7 clearly had not been met since the rezone would have no benefit to the existing neighborhood and may or may not benefit the community as a whole. Commissioner Cox felt that he could not support the rezone request.

Commissioner Evans concurred with previous planning commissioner and neighbor comments opposing the request. He said that the rezone failed to meet Code and Growth Plan requirements and would in no way benefit the existing neighborhood. It was just the wrong place for a commercial use.

Chairman Dibble said that in his mind there must be a compelling reason to change a property's existing zoning. Approval of the current rezone request would likely and adversely impact safety, traffic, lighting, etc. There was also no compelling evidence to support the rezone's community benefit. He did not believe that the area was in transition, so staff's assertion that the commercial use may provide a transitional opportunity was, in his opinion, not substantiated. The north side of Patterson Road in that area had historically and consistently been developed as residential. He agreed with the public's assertion that anything which appeared to be problematic now would probably continue to be so in the future. He agreed that 2.6.A. subsections 2, 4, and 7 definitely had not been satisfied.

**MOTION: (Commissioner Cox) "Mr. Chairman, on the Geske Rezone, #RZ-2003-233, I move that the Planning Commission forward a recommendation of approval to City Council on the request to rezone from RSF-4 (Residential Single-Family with a density not to exceed 4 units per acre) zone district to RO (Residential Office) zone district, with the findings and conclusions listed in the staff report."**

Commissioner Pitts seconded the motion.

A vote was called and the motion failed by a unanimous vote of 0-6.

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