

**GRAND JUNCTION PLANNING COMMISSION
OCTOBER 12, 2004 MINUTES
7:00 P.M. to 7:28 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 P.M. by Vice-Chairman Roland Cole. The public hearing was held in the City Hall Auditorium.

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

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

Also present were John Shaver (City Attorney) and Eric Hahn (City Development Engineer).

Terri Troutner was present to record the minutes.

There were 14 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the minutes from the September 14, 2004 public hearing.

MOTION: (Commissioner Lowrey) "I move the minutes be approved."

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed by a vote of 3-0, with Commissioners Wall and Redifer abstaining.

III. CONSENT AGENDA

Available for consideration were items CUP-2004-168 (Conditional Use Permit--Nextel Crossroads), GPA-2004-207 (Growth Plan Amendment--Lot 2, Greenbelt Subdivision), ANX-2004-175 (Zone of Annexation--Kronvall Annexation), and PP-204-160 (Preliminary Plan--Treehaven Townhomes). Item ANX-2004-175 was pulled from Consent and recommended for continuation to the October 26, 2004 public hearing. No objections were raised on any of the remaining items.

MOTION: (Commissioner Redifer) "I would like to make the motion that we adopt the recommended changes into the motion to approve the Treehaven Townhomes, [changes that were] passed out to us by the City Attorney prior to this meeting."

Commissioner Lowrey seconded the motion.

Mr. Shaver affirmed that approval of recommended changes could be handled as suggested in Commissioner Redifer's motion. Changes were read into the record and include the following:

"Mr. Chairman, on item PP-2004-160, a request for Preliminary Plan approval for the Treehaven Townhomes Subdivision, I move that we approve the findings and conclusions as outlined by staff, conditioned upon receipt of proof satisfactory to the City Attorney, that the real property included within the plan is free of ownership claims from any adjoining properties."

The second motion, to accompany the first and address the vacation of a portion of a utility and irrigation easement in the proposed Treehaven Townhome Subdivision, read as follows:

"We forward a recommendation of approval to the City Council, with the findings and conclusions as outlined by staff, conditioned upon approval of the Utility Coordinating Committee."

Vice-Chairman Cole added that a letter of opposition had recently been received on item GPA-2004-207 and would be entered into the record. He suggested that mention of the continuation for item ANX-2004-175 be included in any amended motion made.

MOTION: (Commissioner Redifer) "Mr. Chairman, I move that we approve the Consent Agenda with the changes that have already been noted, [which includes the following:] on item PP-2004-160, a request for Preliminary Plan approval for the Treehaven Townhomes Subdivision, I move that we approve the findings and conclusions as outlined by staff, conditioned upon receipt of proof satisfactory to the City Attorney, that the real property included within the plan is free of ownership claims from any adjoining properties; [that] we forward a recommendation of approval [for item PP-2004-160] to the City Council, with the findings and conclusions as outlined by staff, conditioned upon approval of the Utility Coordinating Committee; [and that item ANX-2004-175 be continued to the October 26, 2004 public hearing.]"

Commissioner Lowrey seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

IV. FULL HEARING

VAR-2004-208 VARIANCE--HVH MASONRY WALL

A request for approval of a variance from a required six foot (6') tall masonry wall and an eight foot (8') landscaping strip between commercial and residential properties.

Petitioner: Ken Haining, Haining Refrigeration (HVH Enterprises, LLC)

Location: 582 North Commercial Drive

PETITIONER'S PRESENTATION

Ken Haining, petitioner, said that in an effort to address the lack of adequate parking arising from continued company growth, an adjacent lot had been purchased, and expansion of the business and parking area were planned. He asked for waiver of the requirement to construct a masonry wall between his property and that of the adjacent Paradise Valley Mobile Home Park. A wooden fence already existed to separate the two properties, and owners of the mobile home park were satisfied to leave it intact. Construction of the masonry wall, he said, didn't make sense when it would be the only section there, and there would be nothing with which it would connect. He pointed out that similar variances had been granted for other property owners at 584 and 588 North Commercial Drive, so approval of the request would not convey special privilege. With regard to the 8-foot landscape strip requirement, he said that no one would ever see the landscaping since it would be located along the rear property line

between the parking area and existing fence. The property was otherwise in compliance with all landscaping requirements.

STAFF'S PRESENTATION

Scott Peterson gave a PowerPoint presentation, containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) proposed site plan; 5) Existing City Zoning Map; 6) outline of Code criteria. Mr. Peterson said that the variance request was in conjunction with staff's review of a site plan for a commercial building. The main difference between the variance approvals granted for 584 and 588 North Commercial Drive, he said, was that while the masonry wall requirement had been waived in both cases, the businesses had still been required to install the landscape buffer. Without the landscape buffer or the wall, the only physical separation between the commercial and residential uses would be an existing wooden fence, owned by the mobile home park. Staff did not feel that Code criteria had been satisfied and denial was recommended.

QUESTIONS

Commissioner Lowrey asked for confirmation that while the Planning Commission had granted the masonry wall variances for the 584 and 588 North Commercial Drive properties, the landscaping buffer requirements for those properties had not been waived. Mr. Peterson acknowledged the commissioner's statement to be correct.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER'S REBUTTAL

Mr. Haining said staff's assertion that the existing wooden fence was owned by the mobile home park was incorrect. He'd paid for half the fence, and in fact the fence was actually located on his property.

QUESTIONS

Mr. Shaver asked if the fence was truly located on Mr. Haining's property, or had it been erected on the property line? Mr. Haining replied that it had been erected on this property, approximately one foot from the actual property line. When asked if he was contesting the placement of the existing fence, Mr. Haining replied negatively but added that because of its location, it probably belonged to him.

DISCUSSION

Commissioner Redifer noted the similarity between the current request and the ones the Planning Commission had heard from other property owners located along North Commercial Drive. The reasons those variance requests had been granted included the requirement of the landscape buffer and the absence of any objection from the adjacent mobile home park. So while there was sufficient justification to grant a waiver from the masonry wall requirement, he felt that the landscape buffer should still be required.

Commissioner Lowrey recommended separating the motion into two sections, addressing the wall and landscape strip individually. Vice-Chairman Cole agreed that doing so would be the most prudent way to address both issues.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on item VAR-2004-208, I move that we approve the variance to waive the requirement to provide a six foot (6') masonry wall between a C-2, General Commercial, and a PD, Planned Development, residential zoning district, finding the request to be consistent with the Growth and Section 2.16.C.4 of the Zoning and Development Code."

Commissioner Redifer seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on item VAR-2004-208, I move that we approve the variance to waive the requirement to provide an 8 foot (8') landscaping strip with trees and shrubs between a C-2, General Commercial, and a PD, Planned Development, residential zoning district, finding the request to be consistent with the Growth and Section 2.16.C.4 of the Zoning and Development Code."

Commissioner Redifer seconded the motion. A vote was called and the motion failed by a unanimous vote of 5-0.

Vice-Chairman Cole said that a request had been received to continue item CUP-2004-097 (Conditional Use Permit--Nextel, West Grand Junction) to the November 9, 2004 public hearing.

MOTION: (Commissioner Redifer) "So moved. [Mr. Chairman, I move that we continue item CUP-2004-097 to the November 9, 2004 public hearing.]"

Commissioner Lowrey seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

With no further business to discuss, the public hearing was adjourned at 7:28 P.M.