

**JOINT CITY/COUNTY PLANNING COMMISSION
GROWTH PLAN UPDATE
FEBRUARY 20, 2003**

The specially scheduled meeting of the joint City and County Planning Commissions was called to order at 6:30 P.M. by City/County Planning Commission Chairmans Paul Dibble and Bruce Kresin, respectively. The public hearing was held in the City Hall Auditorium.

City Planning Commission members present included Dr. Paul Dibble (Chairman), John Redifer, Richard Blosser, John Evans, Roland Cole, Bill Pitts, and William Putnam; alternates John Paulson and Travis Cox were also present.

County Planning Commission members present included Bruce Kresin (Chairman), Tom Foster, Craig Meis, Mark Bonella and David Caldwell.

Representing the City Community Development Department were Bob Blanchard, Kathy Portner, Dave Thornton, Kristen Ashbeck and Senta Costello.

Representing the County Planning Department were Kurt Larsen and Michael Warren.

Also present was Assistant City Attorney John Shaver.

There were approximately 63 interested citizens present during the course of the public hearing.

Chairman Paul Dibble introduced John Elmer, Growth Plan Steering Committee Chairman, who presented a brief history of the update process. Mr. Elmer said that the Committee -had been made up of a cross-section of the community's citizenry and organizations. Mr. Elmer recommended that unless there was a compelling reason to change a particular land use designation, he urged that the designations currently in place remain. Changes to the Growth Plan, he said, should typically encompass larger land areas.

Chairman Dibble clarified for the audience that the F 1/2 Road Transportation Study is not part of the current agenda.

**PROPOSED CHANGES TO THE FUTURE LAND USE MAP—GENERAL AGENDA
CORRECTIONS**

Kathy Portner recommended deletion of item #64 from the Housekeeping Map. Staff also recommended deletion of item #'s 8 and 14 from the Discussion Map, saying that they'd decided to keep the current land use designations for these properties as they were.

MOTION: (Commissioner Meis) "Mr. Chairman, with regard to the housekeeping items, I make a motion that we delete #64 as well as deleting on the Discussion items #8 and #14."

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

MOTION: (Commissioner Blosser) "Mr. Chairman, I make a motion that we remove item #64 from the Housekeeping Map and item #8 and #14 from the Discussion Map."

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

PROPOSED CHANGES TO THE FUTURE LAND USE MAP--HOUSEKEEPING MAP

Ms. Portner said that churches, previously shown on the Land Use Map as Public, should actually reflect the same designations as the areas in which they were located; #8 in the Housekeeping section should be changed to a "Public" designation; and for #17, the southernmost property would have a Residential Medium designation of 4-8 units/acre, with the northern parcel having a Residential Medium-Low designation of 2-4 units/acre. The five additional items proposed for inclusion on the Housekeeping Map included #97, to be designated as a park; #98, to be designated as Residential Medium-Low; #99, a church property which should be designated as Residential Medium-Low; #100, would be designated as Heavy Industrial (I-2); and #101, should be shown as Residential Medium.

With 23 of the 101 housekeeping items pertaining to church land use designations, Commissioner Putnam suggested that churches be given their own land use designation/color on the map to denote their locations. He felt it was misleading to give those sites the same land use designations as the areas in which they were located.

Mr. Foster said that by giving churches the same land use designations as the areas in which they were located, it would give them more potential development flexibility.

Chairman Dibble expressed support for staff's recommendation.

HOUSEKEEPING MAP ITEMS #1-#10: No discussion or public comments.

HOUSEKEEPING MAP ITEMS #11-#20: Pat Kirnan (696 Cascade Way, Grand Junction) requested a reclassification of #17 from a multi-family to a single-family designation. Ms. Portner said that the RMF-8, Residential Medium, designation only provided a density range; it did not represent a rezoning.

HOUSEKEEPING MAP ITEMS #21-#30: Harry Webster (629 Sage Court, Grand Junction) referenced a letter he'd submitted to staff expressing support of the recommended land use designation change to item #22. Phillip Roskowski (630 Sage Court, Grand Junction) also expressed support for staff recommendations in #22. Leslie Shafer (2707 Midway Avenue, Grand Junction) concurred with previous comments.

HOUSEKEEPING MAP ITEMS #31-#101: No discussion or public comments.

MOTION: (Commissioner Foster) "Mr. Chairman, concerning the housekeeping items #1 through #101, with the ratifications that have been made on the various issues, I would make a motion that we approve- them as changed."

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

MOTION: (Commissioner Cole) "Mr. Chairman, on the housekeeping changes recommended, I would move for adoption of items #1 through #101, including the changes that have been made."

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

PROPOSED CHANGES TO THE FUTURE LAND USE MAP--DISCUSSION MAP

Ms. Portner overviewed items #1-#3, saying that all were located within the Clifton Sanitation District. Staff recommended increasing the density classification from Residential Rural (5-35 acres/unit) to Residential Medium-Low (2-4 units/acre).

DISCUSSION MAP ITEMS #1-#3: Rudy Fontanari (3316 B 3/4 Road, Grand Junction) said that he owned 7 of the 9 parcels located in area #2. Given the proximity of his property to the railroad tracks, he did not feel that any Residential designation was appropriate and asked instead for a Commercial designation.

Michael Warren said that any such “radical” change in a land use classification would require further investigation. Mr. Warren said that while this may be undertaken by County staff outside of the current forum, the current recommendation was felt to be appropriate.

Dick Lewis (3429 G Road, Clifton), on the Board of Directors for Clifton Fire Protection District, spoke strongly against any increases to density classifications within the boundaries of the Clifton Fire District. Mr. Lewis said that currently, there are 28 volunteers and 6 staff. Last year CFPD responded to over 2,000 calls. Mr. Lewis said that growth is having an “incredible” impact on staff and volunteers, with one volunteer having responded to over 700 calls. The City, he said, was quick to annex but slow to assume any of the burden of providing fire protection services. Mr. Lewis pleaded to retain the lower density classifications within the District's service boundary area until such time as the City was willing to help with service provision. "You're driving us into the ground," he said, contending that comments submitted on projects for Planning Commission review were going unheeded. He said that this is a serious issue for the Fire District, adding that, in the future, he would be physically present at every Planning Commission meeting where higher density development or rezonings were being proposed, to speak out against them.

DISCUSSION

Mr. Warren said that the proposed recommendation would create a transition between land uses for properties already zoned at higher than Residential Rural densities.

When asked by Chairman Dibble if the Residential Medium-Low classification was consistent with the surrounding area, Mr. Warren replied affirmatively.

Commissioner Foster suggested tabling any decision on these three items pending further investigation into the claims made by Mr. Lewis. This drew agreement from Commissioners Bonella, Meis and Caldwell.

Kurt Larsen said that it was important to remember that the Growth Plan was a long-range planning tool. While conceptually the District's concerns are valid, rezone and development requests would still be subject to the development review process. With regard to Mr. Fontanari's comments concerning changes in the classification for area #2, he expressed opposition given the additional traffic through adjacent residential neighborhoods generated by commercial uses.

Commissioner Pitts agreed with comments regarding the Growth Plan representing more long-range planning, but he also acknowledged the seriousness of the Fire District's concerns. Unfortunately, he said, this forum is not the most appropriate one for addressing the Fire District's concerns.

Mr. Lewis again came forward and presented a map of the Fire District's boundary, an area encompassing 25 miles. The City, he said, refused to service this area. Citing limited financial and staff resources, he said that the District was incapable of accommodating such prolific growth without assistance.

MOTION: (Commissioner Foster) "Mr. Chairman, I make a motion that we table these three issues, each one, to a later date, that we just eliminate these items from the agenda."

Commissioner Meis seconded the motion. A vote was called and the motion passed by a vote of 2-3, with Chairman Kresin and Commissioners Caldwell and Bonella opposing. The motion failed.

Commissioner Blosser agreed with comments made by Commissioner Foster to table the item and agreed that these items should be pulled from consideration. There was general consensus among City Planning Commissioners that Mr. Fontanari's request for a Commercial designation was inappropriate at this time.

MOTION: (Commissioner Blosser) "Mr. Chairman, I make a motion that we table item #'s 1-3 to a later date."

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

As a result of the split-decision, Mr. Shaver was asked for a legal opinion. Mr. Shaver said that because these properties lay within the joint urban planning area, some level of consensus must be reached if any change is to occur. Mr. Shaver also briefly discussed parliamentary procedure, advising that a motion to reconsider is a predicate motion to undoing any action. He also suggested that motions be made in the affirmative, for clarity.

MOTION: (Commissioner Caldwell) "Mr. Chairman, on Discussion items 1, 2, and 3, I make a motion that we approve these per staff recommendations."

Commissioner Bonella seconded the motion. Commissioner Foster suggested that when it came time for the Fire District to recruit for volunteers, those on the Planning Commission should step forward to help them. A vote was called and the motion passed by a vote of 3-2, with Commissioners Foster and Meis opposing.

MOTION: (Commissioner Cole) "Mr. Chairman, I think we need a motion to reconsider [the first motion made] and do so move."

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

MOTION: (Commissioner Cole) "Mr. Chairman, I'm not sure if this is correct parliamentary procedure or not, but I think we need a motion to reconsider [the first motion made to table the items] and do so move."

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

MOTION: (Commissioner Redifer) "So moved [to recommend approval of all three items with the designations recommended by staff]."

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

DISCUSSION MAP ITEMS #4-#7:

Mr. Warren briefly overviewed these items as outlined on the handout. There was no discussion or public comment.

MOTION: (Commissioner Meis) "Mr. Chairman, with regard to items 4-7 of the Land Use Map Discussion items, I recommend moving forward with staff approval."

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

MOTION: (Commissioner Blosser) "Mr. Chairman, I make a motion that we approve items 4, 5, 6 and 7."

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

DISCUSSION MAP ITEM #8: Deleted

DISCUSSION MAP ITEMS #9-#10: Dick Lewis (3429 G Road, Clifton) reiterated Clifton Fire District's concerns. Commissioner Meis acknowledged the concerns and said that comments made by Planning Commissioners for items 1-3 would be applicable to these areas as well.

MOTION: (Commissioner Caldwell) "Mr. Chairman, I make a recommendation that item #'s 9 and 10 be approved per staff's recommendation."

Ms. Portner said that the land use designation denoted on the Land Use Map for area 9 (4-8 units/acre) was incorrect and should reflect staff's recommendation of 2-4 units/acre. Commissioner Foster seconded the motion. A vote was called and the motion failed by a vote of 2-3, with Commissioners Foster, Meis and Bonella opposing.

MOTION: (Commissioner Meis) "Mr. Chairman, I'll make a motion that we table items 9 and 10 at this time."

Commissioner Foster seconded the motion. A vote was called and the motion passed by a vote of 3-2, with Chairman Kresin and Commissioner Caldwell opposing.

Additional discussion ensued among City Planning Commissioners over these two items. Commissioner Blosser acknowledged previous comments regarding the Growth Plan being a long-range planning tool. Commissioner Cole expressed support for moving forward with approval, because the recommended designation closely reflected the growth already occurring in both of these areas. Commissioner Redifer concurred, adding that there were other venues available that were more appropriate for deciding the appropriateness of individual land use issues. Chairman Dibble agreed that because the majority of the subject areas were already built out, the new designation just reflected what was already there. Commissioner Pitts concurred.

MOTION: (Commissioner Cole) "Mr. Chairman, on items 9 and 10, I would move for approval of the recommendations as presented."

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

Again, as a result of the split-decision, a legal opinion was requested. Mr. Shaver reiterated that since these properties were located within the joint urban planning area, a consensus must be reached; because a split-decision meant no action would occur.

Commissioner Meis said that he'd not realized before this evening that Clifton Fire District concerns were so serious. As such, he said that it was important for staff to obtain and bring back to the Planning Commission additional information on Fire District issues.

MOTION: (Commissioner Foster) "Mr. Chairman, I make a motion that we reconsider [the first motion to table these items]. I think the point has been made that we've been broadsided and that enough of us have heard the plea from the Fire District to know that there is a problem out there. I hope that it will ricochet down through all the powers that be--both Planning Departments, the City Council and County Commissioners, and so forth, that the Fire District can get some assistance in the future, and that being the case, I would make this motion to reconsider."

Commissioner Caldwell seconded the motion. A vote was called and the motion passed by a vote of 4-1, with Commissioner Meis opposing.

Commissioner Caldwell said that Fire District concerns were best addressed as individual development proposals were submitted and considered. The Growth Plan was a long-range planning tool, and something was needed to guide future growth.

MOTION: (Commissioner Caldwell) "Mr. Chairman, I make a motion that we approve item #'s 9 and 10 on the Discussion items agenda as recommended by staff."

Commissioner Bonella seconded the motion. A vote was called and the motion passed by a vote of 3-2, with Commissioners Foster and Meis opposing.

A recess was called at 8:05 P.M. The public hearing reconvened at 8:14 P.M.

DISCUSSION MAP ITEMS #11-#13: Terri Binder (1885 Broadway, Grand Junction) said that land was typically less expensive near airports making it desirable for developers to procure and develop; however, people buying properties close to airports inevitably complained about noise and other airport operations, sometimes to the extent that it forced relocation of the airport (e.g., Denver's DIA). It was important to keep densities near airports low to avoid impacts both to future property owners and to the airport itself.

There was general agreement expressed by Planning Commissioners that lower densities around airports were preferred, for the reasons expressed by the public.

MOTION: (Commissioner Meis) "Mr. Chairman, with regards to items 11, 12, and 13 of the Land Use Map Discussion items, I recommend that we approve them."

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

MOTION: (Commissioner Cole) "Mr. Chairman, I would move that on items 11, 12, and 13, we approve those as presented."

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

DISCUSSION MAP ITEM #15: There was neither discussion nor public comment.

MOTION: (Commissioner Meis) "Mr. Chairman, I move that we approve item #15 from the Land Use Map Discussion items."

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

MOTION: (Commissioner Pitts) "Mr. Chairman, I would move for approval of item #15 as presented."

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

DISCUSSION MAP ITEM #16: There was neither discussion nor public comment.

MOTION: (Commissioner Meis) "Mr. Chairman, I move that we approve item #16 of the Discussion items."

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

MOTION: (Commissioner Evans) "Mr. Chairman, I recommend that we approve item #16."

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

DISCUSSION MAP ITEM #17: Ms. Portner said that the property owner was requesting a 'Mixed-Use' land use designation, something that staff did not support given the wide range of uses that could be located within that land use classification. She said that residents in the area felt that subdivision covenants applicable to this parcel prevented any such development. Ms. Portner recommended denial. Staff is recommending that the existing designation of residential high (12+ units per acre) be changed to Residential Medium (4-8 units per acre) to be consistent with the RSF-4 Zoning.

Dr. William Merkel (2136 Baniff Court, Grand Junction) said that he hadn't realized his land use items would be decided upon at this point and expressed disadvantage at being without legal counsel. Noting the location of the subject property on the Land Use Map, he said that the property is located at a key entrance point into the City. He envisioned a mixed-use development of residential and commercial uses, one that would be warm and inviting to the community and visitors.

Leslie Shafer (2707 Midway Avenue, Grand Junction) said that existing homes in the subject area were very nice and very well maintained. The covenants applicable to these and Dr. Merkel's properties were very restrictive and expressly prohibited development of anything other than single-family homes. Anything else constructed on these parcels would subject the property owner to legal action. A section of the referenced covenants was read into the record. She believed that the Mixed-Use classification would benefit only Dr. Merkel and represented spot zoning.

Tony DeVoe (660 E. Cliff Drive, Grand Junction) expressed outrage at Dr. Merkel's implication that the area as it presently existed was undesirable. He suggested a land swap, to permit Dr. Merkel to build elsewhere. He recommended development that would comply with existing covenants or leave the property in its natural undeveloped state.

Terri Binder (1885 Broadway, Grand Junction) recalled discussions regarding a mixed-use proposal on this property when she served on the City's Planning Commission in 2000. She urged caution as Planning Commissioners considered this change and didn't feel that there was compelling evidence to suggest that such a designation was warranted. If the owner/developer wanted to propose something specific, he could do so by proposing a Growth Plan Amendment. She didn't feel that this was the appropriate forum for considering Dr. Merkel's request.

Brad Shafer (2707 Midway Avenue, Grand Junction) said that Dr. Merkel's property was the only one in the nearby area not kept up. A gas station or other commercial use would not add anything to the existing neighborhood.

Dr. Merkel rebutted the public comments by saying that he'd been offered a substantial amount of money for his property but had turned it down because it didn't reflect the kind of development he'd envisioned for the site. He said that he did have respect for the neighborhood and existing residents and, in fact, had been a key proponent in creating a sewer district for the area.

Marita May Berg (2708 F 1/2 Road, Grand Junction) said that her family had established the covenants on these properties many years ago in an effort to keep the property residential in character. The existing neighborhood, she said, is nice and well maintained. Single-family development was appropriate for that area.

MOTION: (Commissioner Caldwell) "Mr. Chairman, I recommend on item 17a, the request to change from Residential high to Residential Medium, I recommend approval per staff's recommendations."

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

MOTION: (Commissioner Foster) "Mr. Chairman, I would make a motion that we deny item 17b based on the information that we've heard tonight."

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

MOTION: (Commissioner Cole) "Mr. Chairman, on item 17a, I would move for the recommendation as presented by staff."

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

MOTION: (Commissioner Cole) "Mr. Chairman, on item 17b, I would move for approval of the recommendation by staff of denial."

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

DISCUSSION MAP ITEM #18: Ms. Portner reviewed the request (which had been brought forth for consideration) by the property owner. Ms. Portner said that an action on this property had already been undertaken as a Housekeeping item, to reduce the property's density classification from 4-8 units/acre to 1/2 to 2 units/acre, in keeping with a decision made by the City Council in 2000. Staff recommended denial of the owner's request.

Dr. William Merkel said that he'd never asked for the Residential High designation, only something more than 2 units/acre to make development of the property feasible. Recalling a past development submittal where he'd proposed a project density of approximately 2 units/acre, Ms. Portner said that he was told by City staff that he would be responsible for constructing a bridge over the canal to link with the adjacent Northridge Subdivision. Dr. Merkel said that the bridge was something the developer of that subdivision should have been obligated to do but didn't do. Dr. Merkel also said that road and bridge construction is expensive, and a project density of only 2 units/acre did not make his property's development feasible. A density of 4-8 units/acre was far more reasonable and would be acceptable in lieu of the Residential High classification.

Ms. Portner said that City Council had deemed the canal to be the dividing point, with higher densities permitted to the south. In 1996 the Land Use Map reflected a land use density of 4-8 units/acre for the subject property; however, in 2000, the City Council made a conscious decision to lower the density classification in that area zoning it to RSF-2.

Carol Bergman (628 Sage Court, Grand Junction) said that this was represented on the Housekeeping Map as item #22. She expressed support for the lower density classification because it conformed more closely to surrounding densities. She referenced the Four Pines development proposal which had been submitted for the property directly to the west. The developer of that subdivision had requested a higher density; however, the higher density had been opposed by both the City's Planning Commission and the City Council.

Phillip Roskowski (630 Sage Court, Grand Junction) said that Dr. Merkel's property had originally been platted as three lots; thus, the property's restrictions were existing at the time Dr. Merkel bought it. Because the City had already established precedent in the area, via denial of the Four Pines proposal, he urged consistency.

Harry Webster (629 Sage Court, Grand Junction) agreed with comments made by the last two residents. Increased densities in the area, he said, would result in access and traffic issues.

Dr. Merkel rebutted the comments by saying that he had been perfectly willing to develop the property at the lower density of 1/2 to 2 units/acre; however, when he bought the property, there had been no bridge construction requirement mentioned. That bridge requirement and the City's unwillingness to pay for it, combined with the City's refusal to permit higher densities to help offset construction costs, was both unfair and unreasonable. If the City was going to disallow a higher density, it should also be willing to delete the bridge construction requirement.

Discussion ensued over the fairness of imposing a bridge construction requirement while limiting the property's development density potential. Ms. Portner cautioned against deviating from the overall land use designation question. The property, she said, was not landlocked without the bridge.

MOTION: (Commissioner Meis) "Mr. Chairman, with regard to item #18 under Discussion items, I make the motion for approval of the denial."

Commissioner Caldwell seconded the motion. A vote was called and the motion passed by a vote of 3-1-1, with Commissioner Bonella opposing and Commissioner Foster abstaining.

Commissioner Foster said that over the last 25 years, three attempts had been made to develop the subject parcel and always there seemed to be a block preventing its development. Commissioner Bonella said that the City's bridge construction requirement essentially landlocked the property. He said that the

City should either consider deleting this requirement or consider a rezoning request back to the property's original 4-8 units/acre density.

Commissioner Blosser expressed agreement with staff's recommendation; he noted that the property owner still had the option of meeting with City staff to resolve any improvements issues.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move for approval of the staff's recommendation of denial for item #18."

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

DISCUSSION MAP ITEM #19: Ms. Portner said that this was another property owner request to reclassify the land use to Mixed-Use, a request not supported by staff. Denial was recommended.

Dr. William Merkel recounted the history of the property and prior efforts to develop it. He said that a developer had planned construction of a road, to connect with the Northridge Subdivision. When plans fell through, Dr. Merkel discovered that City Council had vacated the proposed right-of-way but because the plan was not developed new right-of-way wasn't dedicated. The 150 square feet necessary for the connection of Dr. Merkel's property to 7th Street was owned by an adjacent property owner. The City Council, he said, twice authorized condemnation proceedings against that property owner but in both cases failed to follow through. Dr. Merkel said that there could be no development of his property until the 7th Street access issue was resolved. He felt that the problem originated with the City and should be resolved by the City. His plans for development of the property included an urban village concept consisting of low-impact retail uses.

Phillip Roskowski (630 Sage Court, Grand Junction) said that it was inappropriate to consider a Mixed-Use land use classification without the submission of an actual plan. Dr. Merkel, he said, should go through the normal development review process.

Carol Bergman (628 Sage Court, Grand Junction) said that there was no guarantee that Dr. Merkel would retain ownership of the property or that the property would develop according to his stated plans.

Terri Binder (1885 Broadway, Grand Junction) felt that this was an item that should come before the Planning Commission through the development review process. She suggested that the property owner propose a Growth Plan Amendment along with his plan.

Commissioner Caldwell agreed that there should be a plan submitted before consideration of any Mixed-Use classification. He said that he hoped the City would work with the property owner in good faith to resolve the access issue.

Commissioner Bonella reemphasized that this was a longer-range look at future growth; however, even if granted a Mixed-Use classification, Dr. Merkel would still be required to submit a development plan, one that would still be scrutinized for its appropriateness. He expressed support for Dr. Merkel and his request. Commissioners Foster and Meis concurred.

MOTION: (Commissioner Meis) "Mr. Chairman, on item #19, I recommend (move) the staff's recommendation for denial."

Commissioner Caldwell seconded the motion. A vote was called and the motion was defeated by a vote of 2-3, with Commissioners Bonella, Caldwell and Foster opposing. The motion failed.

Commissioner Putnam expressed discomfort over approving a Mixed-Use land use classification without benefit of a plan.

Commissioner Blosser felt that the density classification of 4-8 units/acre was appropriate; however, he too hoped that City staff would work with Dr. Merkel to resolve the access issue. Commissioner Cole agreed, adding that without resolution of the access issue, the parcel was essentially landlocked.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move to approve staff's recommendation of denial for item #19."

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

As a result of the split-decision, a legal opinion was again sought. Mr. Shaver cited section 2.5.B.1 from the City's *Zoning & Development Code*, in support of his opinion. The section provides "For property within the City limits or which will be annexed, the City shall decide if the plan should be changed." Mr. Shaver said that because the property is within the City, the City's decision, on a split-decision, prevailed and staff's recommendation for denial was upheld.

DISCUSSION MAP ITEM #20: Following a brief review by Ms. Portner, Commissioner Putnam asked if there were corridor guidelines applicable to this area. Ms. Portner responded affirmatively. Staff's recommendation of denial, she said, was based on the Patterson Road Corridor Guidelines' intent to preserve the residential character of that portion of the corridor, which was incorporated into the 1996 Growth Plan.

Pat Gormley (2433 North 1st Street, Grand Junction) referenced an overhead slide of a topography map. He said that in the years following adoption of the Patterson Road Corridor Guidelines, traffic along Patterson Road had increased to a point where it was now carrying over 30,000 cars per day. He noted the existence of an approximately 40-foot hill to the south, which served as a natural topographic buffer. He suggested that Commercial was the more appropriate designation along Patterson Road in this area, given current traffic volumes, the property's proximity to Mesa Mall and the increased number of commercial uses encroaching out and away from the mall, eastward.

Terri Binder (1885 Broadway, Grand Junction) said that in this case perhaps it was time to re-review the Patterson Road Corridor Guidelines and consider whether additional commercial nodes were now appropriate. "This continues to come up," she said, and oftentimes the commercial use proposals considered by the City's Planning Commission resulted in split-votes. Patterson Road is a busy street and both traffic volumes and the number of commercial use proposals will likely continue to increase over the years.

When asked what position the City Council generally took with regard to corridor guidelines, Ms. Portner reiterated that the Patterson Road Corridor Guidelines reflected residential uses for the area under discussion and those recommendations are what were incorporated into the 1996 Growth Plan. She agreed with Ms. Binder's comments that there had been a lot of discussion and split-votes over whether or not to allow additional commercial uses along Patterson Road. She added that the Planning Commissions could consider splitting the designation of the property.

Commissioner Redifer concurred with Ms. Binder's comments as well and noted the growing number of commercial uses west of 1st Street.

Discussion ensued over the suggestion to split the parcel and how best to achieve it. Mr. Gormley requested a depth of 300 feet from the Patterson Road frontage extending the entire east-west length of the property. To answer concerns about flexibility should a plan need a few feet more, Ms. Portner said that a Growth Plan Amendment attached to a development proposal could accommodate any requested deviation; the intent, however, was clear. Mr. Shaver commented on the form of the motion necessary to achieve the same.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move that we amend the Growth Plan on item #20 to allow for approximately 300 feet along Patterson Road for the length of the property that's under discussion here, splitting the designation to reflect residential to the south and commercial to the north of that dividing line."

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

MOTION: (Commissioner Bonella) "I would recommend a motion to ditto what the City's proposal was [to amend the Growth Plan on item #20 to allow for approximately 300 feet along Patterson Road for the length of the property that's under discussion here, splitting the designation to reflect residential to the south and commercial to the north of that dividing line]."

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

A recess was called at 10:15 P.M. The public hearing reconvened at 10:22 P.M.

DISCUSSION MAP ITEM #21: Ms. Portner provided an overview and said that the proposed land use designation of Residential Medium-Low (2-4 units/acre) on Lot 11 was consistent with City Council's direction in 2000 when they zoned the property RSF-2; however, the property owner was requesting a higher density.

Dr. William Merkel said that Lot 11 had always been residential. He said that he never asked that it be changed to Commercial and hadn't realized that it had been changed without his knowledge. Developers had told him, however, that to make development feasible on the property, the density needed to be higher than 4 units/acre. So while he didn't need nor did he ask for a Residential High designation, he did feel that a Residential Medium (4-8 units/acre) designation would be appropriate.

When asked by Commissioner Cole what he'd actually asked staff, Dr. Merkel said that he'd just indicated to them that he wanted something that would permit densities higher than 4 units/acre.

Mr. Pitts said that topographic constraints (nearby hill and canal) served as natural buffers. He felt that staff's recommended 2-4 units/acre was appropriate.

Commissioner Cole noted that the adjacent property situated to the west was in the 4-8 units/acre category, so the same designation for Dr. Merkel's property would be consistent, especially given its location along the interstate and its natural topographic constraints. He said that the higher classification would not impact any of the northern properties to any extent.

Commissioner Putnam agreed that the 4-8 units/acre land use classification would be appropriate but he wondered about the ramifications of going against a prior City Council decision.

Commissioner Bonella asked how it was that City Council was making land use decisions prior to the Planning Commission having first seen them. Ms. Portner recounted the history of City Council's decision in 2000 when the zoning map was approved.

The majority of both City and County Planning Commissioners felt that Residential Medium (4-8 units/acre) was appropriate for the subject property.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move that we designate item #21 as being a 4-8 units/acre zone [land use classification] there."

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

Commissioners Foster, Bonella and Caldwell asked for the City's input on how a land use designation could be arbitrarily changed without any notice to the property owner. Ms. Portner said that she was present during the discussions over whether the property should be RSF-2 versus a higher density residential. In 2000 the City adopted a new zoning map for the entire city. Not every property owner showed up, but all had the opportunity to do so. Mr. Shaver said that the standard customary notices would also have been printed/sent to property owners.

MOTION: (Commissioner Bonella) "Mr. Chairman, I'd like to make a motion that for items 21a and 21b, that we approve both items for the zoning [land use designation] change of 4-8 units/acre."

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

DISCUSSION MAP ITEM #22: Ms. Portner said that the property owner was in agreement with staff's recommendation on this particular item. No discussion or public comment was offered.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move that item #22 be approved as presented."

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

MOTION: (Commissioner Bonella) "I make a motion for mutual land use discussion item #22, to change it from Residential Medium (4-8 units/acre) to Residential Medium-Low (2-4 units/acre) for approval."

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

DISCUSSION MAP ITEM #23: Ms. Portner said that this property is outside of the Persigo 201 planning area. Staff was recommending denial of the property owner's request for Commercial land use designation.

Dr. William Merkel said that this parcel had originally been zoned Commercial but was later changed to Residential Estate. He recalled conversations he had with R.T. Mantlo where Mr. Mantlo acknowledged the change but told him that it was only an interim measure, that the designation on Dr. Merkel's parcels would be later changed back to Commercial. Dr. Merkel said reversion never occurred. Dr. Merkel also

said that he'd met with a number of area residents during the North Central Valley Area Plan meetings to discuss his plans for commercial development; he said that no one objected.

Chairman Dibble asked about access. Dr. Merkel noted a point on the map and briefly outlined the plan he'd originally proposed for the property. He said that a sewer stub existed directly across the interstate in Canyon View Park, which would facilitate the development.

Mr. Warren said that County staff would have to research historical records to verify Dr. Merkel's assertions. He suggested tabling the item. After a brief discussion among Planning Commissioners, it was decided that tabling the item until the next Growth Plan update meeting on Monday (February 24, 2003) would give the time needed to verify Dr. Merkel's claims.

MOTION: (Commissioner Foster) "Mr. Chairman, I would have no problem continuing this item until Monday night and to direct staff to bring back some history relative to this parcel."

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

MOTION: (Commissioner Cole) "Mr. Chairman, I would have no problem continuing this item until Monday night and to direct staff to bring back some history relative to this parcel."

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

DISCUSSION MAP ITEM #24: Ms. Portner reviewed the request and said that the property directly to the north had been annexed into the City and rezoned B-1. The primary question she said is the definition of "four corners" because the Appleton Area Plan called for retaining historic commercial uses on the "four corners" of the intersection. While an old cannery used to be situated on the property under discussion, staff had determined that "four corners" did not include that particular parcel. Further, she said, B-1 zoning is comprised of less intense commercial uses than what Commercial land use category would permit. As such, staff determined that a Commercial land use designation was appropriate for the subject parcel and recommended denial of the property owner's request.

Dr. William Merkel said that this was the site of an old cannery. While he'd been told that restoration may be of interest to the historical society, he'd determined that such restoration would be too expensive. Because the site had historically been used for commercial enterprises, he felt that the designation was appropriate. It didn't matter, however, if this resulted in an actual Commercial designation or a designation consistent with B-1; he would be satisfied with a designation implemented by B-1.

Mary Kohler (806 24 Road, Grand Junction) opposed any Commercial designation on the property, saying that it would be inconsistent with the surrounding area. The intent, she said, of retaining the historic neighborhood business character of the intersection's four corners was so the area would still be served by low-impact businesses. A Commercial designation could permit a variety of unwelcome, high-intensity uses in a primarily residential area. She submitted a petition containing signatures of area residents who were opposed to the property owner's request.

Ms. Portner clarified that if a Commercial designation were approved, a rezoning request could include the B-1, C-1 or C-2 zones. She read the excerpt from the Appleton Area Plan pertinent to the four corners area. She said that the B-1 zone would allow much less-intensive uses and added that the parcel's size may dictate what could be situated on it.

Dick Lewis (3429 G Road, Clifton) said that the existing cannery building had no historical value because it was essentially constructed out of corrugated tin. He agreed that a number of undesirable uses could be proposed for the site if a Commercial designation were approved. He also pointed out that even with B-1 zoning, none of the area bounding the intersection had been renovated.

Dr. Merkel agreed that the building wasn't worth restoring, but argued that the site had a rich history of commercial uses. As such, it seemed appropriate to at least consider a commercial designation.

Commissioner Blosser agreed with previous comments about the lack of renovation undertaken by property owners of the four corners lots and remarked that properties bounding the intersection were unsightly. An additional Commercial designation would likely exacerbate the problem, and he expressed support for staff's recommendation of denial.

Commissioner Pitts disagreed and said that the Appleton Area Plan's verbiage seemed to support a Commercial land designation on this site.

Commissioners Evans and Cole also supported staff's recommendation for denial.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move for approval of the recommendation of denial for item #24."

Commissioner Blosser seconded the motion. A vote was called and the motion passed by a vote of 5-2, with Chairman Dibble and Commissioner Pitts opposing.

Commissioner Bonella thought the current request was fairly straightforward and agreed with Dr. Merkel's rationale for justifying a Commercial designation, even though he thought the site should be zoned with no greater than a B-1 zone. The site had never been residential, and there was no justification for a Residential designation. Commissioner Foster agreed.

MOTION: (Commissioner Bonella) "I recommend, for the motion of future land use Discussion item #24, that we recommend a Commercial designation for this piece of property."

Commissioner Foster seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0. Because of the location of the property the City's vote (denial) carried, even though there was a split-decision.

DISCUSSION MAP ITEM #25: Mary Kohler (806 24 Road, Grand Junction) asked that the existing Residential Estate classification be retained for the subject property. There was no additional discussion or public comment.

MOTION: (Commissioner Blosser) "Mr. Chairman, I move that we accept staff's recommendation of denial on item #22."

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

MOTION: (Commissioner Foster) "I move that we accept the staff's recommendation of denial for this property."

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

DISCUSSION MAP ITEM #26: Ms. Portner reviewed the request and said that staff's recommendation of denial was an attempt to preserve one of the few industrially-designated areas located within the City limits. Staff felt that these areas were needed to accommodate future industrial growth.

Kurt Rider (872 Quail Run Drive, Grand Junction), representing the landowner, referenced a letter submitted to staff and contained in Planning Commission packets. A brief history of the site and of a prior development submittal were recalled. Heavy industry in America, he said, is shrinking. As such, there was less need for industrially-zoned properties, and many of them, even those with rail spurs, were sitting unused and couldn't be sold. While he understood that the merits of any proposal would have to be demonstrated during the development review process, unless he could get a land use designation for something other than Industrial, there wasn't even the chance of submitting a development plan. He urged Planning Commissioners to consider the property based on its own merits.

When asked what plans for the site would look like, Mr. Rider replied that it would include both larger retail and smaller commercial uses. He expected that any plan would be integrated with Western Slope Auto. Mr. Rider felt that there was a need for additional commercially-zoned properties in the area.

Chairman Dibble observed that even if a Commercial designation were given, it would result in the site being "sandwiched" between two industrially-zoned properties. Mr. Rider agreed that that situation is not ideal but he is willing to go through the rezoning process if the Commercial designation could be obtained.

Chairman Dibble asked staff for clarification on the Growth Plan Steering Committee's recommendation of denial, which was given.

Commissioner Pitts agreed that the site seemed more suitable for Commercial.

Commissioner Cole recalled that he had been present during deliberations on Mr. Rider's initial rezoning and development request. Although he hadn't then been serving on the Planning Commission, he remembered thinking that if he had been, he would have voted for the request. He expressed support for the property owner's request of a Commercial designation. Commissioners Bonella and Foster agreed.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move that item #26, the owner's request to change from Industrial to Commercial be approved."

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

MOTION: (Commissioner Meis) "Mr. Chairman, with regard to item #26, I would move that we accept the owner's request for a change from Industrial to Commercial."

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

A brief discussion ensued over continuing the Growth Plan Update public hearing to Monday, February 24, beginning at 6:30 p.m. Only one motion was made between both Planning Commissions.

MOTION: (Commissioner Foster) "Mr. Chairman, I make a motion that we continue this meeting until Monday night at 6:30 p.m. at this same location."

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote from both Planning Commissions of 12-0.

The public hearing was adjourned at midnight.

Respectfully Submitted,

Bruce Kresin, Acting Chair/Secretary