

**GRAND JUNCTION PLANNING COMMISSION
NOVEMBER 25, 2003 MINUTES
7:02 P.M. to 8:50 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 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), John Evans, William Putnam, Bill Pitts, Roland Cole, John Redifer and Richard Blosser.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Planning Manager), Pat Cecil (Development Services Supervisor), Lisa Cox (Senior Planner), and Scott Peterson (Associate Planner).

Also present were John Shaver (Asst. City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

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

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the October 28, 2003 public hearing.

MOTION: (Commissioner Evans) "Mr. Chairman, I move that we approve the minutes of October 28."

Commissioner Blosser seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioners Pitts and Putnam abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. CONSENT AGENDA

Offered for placement on the Consent Agenda were items ANX-2003-200 (Zone of Annexation--Washington Annexation), FP-2003-099 (Final Plan--St. Mary's/Holy Family Parking Lot), VE-2002-248 (Vacation of Easement--DePorte Patio Cover), and RX-2003-212 (Rezone--Blue Heron Meadow Rezone). At citizen request, items ANX-2003-200 and RZ-2003-212 were removed from Consent and placed on the Full Hearing Agenda.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move [for] approval of items 2 and 3 [ANX-2003-200 and RZ-2003-212] as presented in the Consent Agenda."

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

IV. FULL HEARING

ANX-2003-200 ZONE OF ANNEXATION--WASHINGTON ANNEXATION

A request for approval to zone 1.3 acres RSF-4 (Residential Single-Family with a density not to exceed 4 units/acre).

Petitioner: William Washington

Location: Southwest corner of Coulson Drive and Capitol Lane

STAFF'S PRESENTATION

Pat Cecil offered a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; and 3) a Future Land Use Map. The property's current RSF-4 zone district would remain intact once the property's annexation into the City was complete. Since the RSF-4 zone district was consistent with Code criteria and Growth Plan recommendations, staff recommended approval.

PUBLIC COMMENTS

FOR:

Lee Stiles (3014 Bookcliff Avenue, Grand Junction), surveyor for the petitioner, reiterated that the property was currently going through the City's annexation process, which had been required under the Persigo Agreement. The petitioner's intent was ultimately to subdivide the property.

AGAINST:

Ruth White (285 Coulson Drive, Grand Junction) expressed opposition to the City's annexation of the property and wondered if the decision could be halted or reversed. John Shaver briefly explained the nature of the Persigo Agreement and said that since the property was situated within an urban or urbanizing area, the petitioner's request for subdivision had triggered the City's annexation process. Mr. Shaver suggested that Ms. White voice her concerns at the next City Council hearing.

DISCUSSION

Commissioner Cole said that since the request was consistent with the requirements of both the Code and Growth Plan, he favored approval. Chairman Dibble agreed.

MOTION: (Commissioner Cole) "Mr. Chairman, on Zone of Annexation ANX-2003-200, I move that the Planning Commission forward the Zone of Annexation to the City Council with the recommendation of Residential Single-Family, with a density not to exceed 4 units per acre (RSF-4) for the Washington Annexation, with the findings and conclusions listed in the staff report."

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

RZ-2003-212 REZONE--BLUE HERON MEADOW REZONE

A request for approval to rezone 18 acres from RSF-2 (Residential Single-Family, 2 units/acre) to RSF-4 (Residential Single-Family, 4 units/acre).

Petitioner: Ebe Eslami

Location: 2587 G 1/2 Road

PETITIONER'S PRESENTATION

Tom Rolland, representing the petitioner, noted the site's location on an available aerial photo map. He pointed out that the aerial photo delineation of the property was not completely accurate; a triangular portion of property abutting G 1/2 Road directly north was also included in the request. Approval would bring the property into conformance with Growth Plan recommendations. Mr. Rolland pointed out the various topographic and other site constraints present on the property, which reduced the site's buildable area by approximately 4 to 5 acres. Development of the property would require construction of a bridge across the

Grand Valley Canal. A higher density zone district would permit construction to a density that could better support the increased infrastructure requirements and associated costs. Subdivided lots were expected to be 10K to 12K square feet in area, a standard which an RSF-4 zone would permit but which an RSF-2 zone would not. A neighborhood meeting had been held, with 8 persons in attendance. Only one person had expressed any concern. The project, he felt, represented good infill development, and he requested approval.

STAFF'S PRESENTATION

Pat Cecil offered a Powerpoint presentation containing the following slides: 1) site location map; 2) aerial photo map; and 3) a Future Land Use Map. He noted that the surrounding zone districts indicated densities of between 4 and 8 units/acre. The proposed RSF-4 zone district was consistent with Code criteria and Growth Plan recommendations, and staff recommended approval.

QUESTIONS

Chairman Dibble said that given the various site constraints present on the property, he wondered if either staff or the petitioner had considered a planned zone for the property. Mr. Cecil said that there were additional requirements inherent to a planned zone. He was unsure if the petitioner had given that option any consideration, adding that no development proposal had yet been submitted.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Keith Mendenhall (no address given) said that the site's higher density would be inconsistent with the much lower density of the adjacent Estates Subdivision (built out at approximately 1 unit per 1 1/2 acres). Homes constructed in The Estates Subdivision were very high end (approximately \$700K). He expressed concern that the incompatibility of densities and housing types would drive down Estates Subdivision property values. The higher elevation of the petitioner's property would also mean that homeowners from that subdivision would be able to look down into the back yards of Estates property owners, impacting privacy and security.

Ted Martin (2580 G Road, Grand Junction) said that he was in the process of developing property in the area to an RSF-2 density, with access to be derived from Estates Boulevard. His project was currently on hold pending discussions with the City over vacating a portion of Elvira and the resolution of an alternate access into his property. He expected that the proposed higher density would greatly impact both The Estates Subdivision and his own development. He predicted that both G 1/2 and 26 Roads would be impacted by significant traffic increases as a result of higher density development. He felt that an RSF-2 zone district was more consistent with the surrounding area and urged denial of the request.

Doug Rock (710 Estates Boulevard, Grand Junction) agreed with previously stated comments. He was also concerned about traffic being routed through The Estates as a result of interconnectivity requirements. As a property owner in The Estates Subdivision, he was very concerned about adverse impacts to his property's value.

Mike Murray (720 Estates Boulevard, Grand Junction) concurred with previous comments. He said that given the surrounding densities, he'd built his home in The Estates Subdivision with a reasonable expectation that the densities of any new development would remain low.

PETITIONER'S REBUTTAL

Mr. Rolland felt that expressed concerns would be better addressed during the development stage. The property was situated within an urban area, with all City services available. Given site constraints and infrastructure requirements, he expected that coming up with an overall density of 2 units/acre would be "stretching it." The lower RSF-2 zone district was too restrictive with regard to lot size standards. Mr. Rolland noted that the

petitioner for The Estates Subdivision had petitioned for and received a Growth Plan Amendment (GPA) in order to secure a lower density for that property. Had the GPA request been denied, the petitioner for that project would also have had to develop to an RSF-4 density.

QUESTIONS

Chairman Dibble asked how much of the area south of the property's steep ridgeline was developable. Mr. Rolland said that all of it was developable; however, many areas would require significant earth moving, and lots located along ridgelines would be larger than those more internally situated. He reiterated that a bridge would be constructed over the Grand Valley Canal, and some utilities would require relocation. Water lines would be looped to ensure proper fire flows.

DISCUSSION

Commissioner Pitts said that after visiting the site he agreed that access would be an issue during the development phase. He felt that the concerns expressed by Estates Subdivision property owners were valid, and he asked the petitioner's representative to be mindful of them in the development's design. He agreed that the specifics of those concerns were better addressed during the development stage. Since the request met both Code criteria and Growth Plan recommendations, he could see no reason not to support it.

Chairman Dibble agreed that the petitioner's representative needed to carefully consider access and buffering in any submitted development design. He expressed support for the request.

Commissioner Cole agreed that since it met all City requirements he also favored approval.

MOTION: (Commissioner Blosser) "Mr. Chairman, on item RZ-2003-212, the rezone request for Blue Heron Meadows, I move that we make the findings of fact and conclusions listed in the staff report and recommend approval of the rezone to RSF-4 to the City Council."

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

VAR-2003-220 VARIANCE--BUFFER WALL REQUIREMENT

A request for approval of a variance to the requirement to provide a 6-foot masonry wall between a C-2 (General Commercial) and a PD (Planned Development) residential zoning district.

Petitioner: Larry Johnson

Location: 584 North Commercial Drive

STAFF'S PRESENTATION

Scott Peterson offered a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City Zoning Map; and 5) Code variance criteria. A masonry wall was required by the Code to separate commercial and residential uses. Staff concluded that variance criteria had not been met since the hardship was financial and therefore self-imposed. There was nothing unique about the property nor were there any physical barriers present to prevent construction of the wall. Approval of the waiver would convey a special privilege. Mr. Peterson noted that there was currently a wooden fence located along the property line belonging to the adjacent manufactured home park; however, the masonry wall and 8-foot-wide landscape requirement was triggered by commercial/industrial development and were the responsibility of the commercial developer, not the manufactured home park. Mr. Peterson explained the need for separating such dissimilar uses, although residents of the manufactured home park did not seem to object to the lack of more substantial buffering. Having determined that the Code's variance criteria had not been met, staff recommended denial of the request.

QUESTIONS

Commissioner Cole noted the other developed commercial lots along the same commercial/residential property line and wondered if any of the other commercial properties had masonry walls along their abutting residential borders. Mr. Peterson replied negatively but added that if any redevelopment of the existing commercial properties occurred, they too would be subject to the same Code requirements. He acknowledged that once constructed the petitioner's wall would be the only section present. Mr. Peterson noted that a letter from Paradise Valley Manufactured Home Park had been received by staff, copies of which were passed out to planning commissioners. The Park had expressed its support for the waiver request.

Commissioner Blosser referenced the Park's letter and said that it appeared the petitioner had offered to construct another type of fence along its residential property line, a 6-foot-high cedar privacy fence with steel posts, which the park favored. Mr. Peterson said that he was unaware of any alternative proposed by the petitioner; however, the Code expressly required the masonry wall and landscape strip as buffering.

PETITIONER'S PRESENTATION

Bruce Milyard, representing the petitioner, said that he both understood and respected the Code's requirements; however, the wall requirement seemed to defy common sense since it would result in a single wall along his property only, would not connect to anything nor serve any purpose, and represented a needless expense for no appreciable benefit. Not even the residents of the manufactured home park were in favor of it. He noted on the available aerial photo where both the existing commercial and manufactured home park had coexisted in peace for over 20 years. His request represented infill development within a well established urban area. Only two narrow lots remained undeveloped in the entire commercial park, and it was unlikely that any redevelopment would occur to existing and established businesses already located there. Further, the construction of a masonry wall and provision of an 8-foot landscaping buffer between it and the manufactured home park fence would create a number of maintenance issues.

Mr. Milyard noted Code section 6.5.F.1 which stated that "Nothing in this Code shall require the "back-to-back" placement of fences and/or walls. If an existing fence or wall substantially meets the requirements of this section, an additional fence on the adjacent developing property shall not be required." When he'd asked staff to interpret that reference, they seemed unsure of its interpretation. He contended that even though a fence currently existed along the residential property line, he'd offered to remove the existing fence and construct 100 feet of 6-foot-high wooden privacy fencing with steel posts, which should serve to "substantially meet the requirements of section 6.5.F.1." He also agreed to comply with the landscaping strip requirement even though no other commercial lots abutting the manufactured home park had been required to comply with the same provision.

QUESTIONS

Commissioner Cole asked if the metal posts of the alternate fence would be set in concrete, to which Mr. Milyard replied affirmatively. It was what the residents of the manufactured home park wanted, he said, combined with 6-foot-high dog-eared cedar pickets.

PUBLIC COMMENTS

FOR:

Randy Curat (no address given), owner of Cookie's Mechanical located across the street from the petitioner's lot, said that as a business owner who had been there for approximately 10 years, his was probably the first business in the commercial park to open in the morning and the last one to close at night. The commercial park as a whole generated very little noise. In fact, the manufactured home park probably generated more noise than did the entire commercial park. The existing residential fencing had only been there for 3 years. It was unfair to single out the petitioner for such extensive and cost-prohibitive improvements when there was no appreciable benefit to be gained by anyone. He urged approval of the waiver request.

AGAINST:

There were no comments against the request.

DISCUSSION

At Planning Commission's request, Mr. Shaver said that approval or denial of the request was based on a fact-specific determination. Staff had presented their rationale for recommending denial; the Planning Commission had the discretion of agreeing or disagreeing with their findings.

Commissioner Pitts expressed continued appreciation for all of staff's hard work and diligence in the interpretation and application of Code criteria. He also acknowledged that common sense and logic had to be present in the application of those criteria. Mandating construction of a masonry wall for a single property would result in an inconsistency with anything else "there or expected." He felt that the waiver in this case was justified and could be upheld by Code section 6.5.F.1.

Commissioner Blosser agreed and felt too that the waiver was supported by Code section 6.5.F.1. "In this case a 100-foot-long block wall will be sitting there not connected to anything." He expressed support for the request.

Commissioner Redifer concurred but wanted the petitioner to follow through with his construction of the alternate 6-foot-high cedar fencing with steel posts as previously offered. Compliance with section 6.5.F.1 depended upon the petitioner constructing a suitable alternative to the masonry wall. Mr. Peterson reiterated that the Code specifically addressed commercial/industrial uses abutting residential uses and said that the masonry wall requirement was specific to that situation. Section 6.5.F.1 was applicable in a more generalized development sense.

Commissioner Cole appreciated staff's clarification but noted the absence of any objection from any resident of the manufactured home park. In fact, the park had expressed support for both the waiver and the fence alternative proposed by the petitioner. Since residents of the park were the primary beneficiaries of any fencing erected, it seemed logical to take into consideration their preferences regarding fencing type.

He agreed too that it didn't make sense to require the petitioner to construct a masonry wall when no other abutting commercial lot had been required to do the same. He felt he could support the variance request provided that the petitioner constructed the 6-foot-high cedar fencing alternative and provide the landscape strip required by the Code.

Commissioner Putnam expressed his support for the request for the reasons previously stated.

Chairman Dibble favored approval of the request as well. While maintenance was a valid concern, the interests of the entire area had to be carefully considered. However, he noted that parties on both sides of the fence had come to a mutual agreement on fencing type, a solution that was satisfactory to all.

Commissioner Blosser suggested that any motion made include a provision to require construction by the petitioner of the 6-foot-high cedar privacy fence with steel posts and provide the 8-foot-wide landscaping strip required by the Code.

MOTION: (Commissioner Pitts) "Mr. Chairman, on item VAR-2003-220, I move that we approve the variance to waive the requirement to provide a 6-foot 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 Plan and Section 2.16.C.4 of the Zoning and Development Code with the additional recommendations that the 8-foot landscaping be provided and that the petitioner develop the fence [in the manner previously indicated] as well."

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

PLN-2003-247 PLAN--WESTSIDE DOWNTOWN REDEVELOPMENT PLAN

A request to adopt the Westside Downtown Redevelopment Plan for the area generally bounded by Main Street, 5th Street, and the railroad.

Petitioner: City of Grand Junction Community Development Department

Location: Area bounded by Main Street on the north, 5th Street on the east, and the railroad on the south and west.

STAFF'S PRESENTATION

Kathy Portner offered a PowerPoint presentation containing an aerial photo denoting the Westside Downtown Redevelopment Plan's boundaries. She provided a brief explanation of the Plan's goals, policies and implementation steps as outlined in the November 25, 2003 staff report. Transportation to and through the area would be ensured, and creative architectural design and streetscaping, along with the preservation and enhancement of existing historic structures, would help improve and maintain the downtown area's aesthetic appeal. A number of design charrettes and several public meetings had been held, each reporting good attendance and interest. Special focus had been given to the historic train depot. It was initially thought that it might become a multi-modal center, with the Greyhound bus station eventually relocating there. The bus station had since decided not to make that move.

The Riverside Parkway Project would help stabilize traffic along Ute and Pitkin Avenues; thus, both Ute and Pitkin Avenues may be brought together as a boulevard and potentially require only four lanes instead of the previously anticipated six lanes. However, if six lanes were ultimately needed, sufficient right-of-way would be available. Support of this element had been received by the Colorado Department of Transportation (CDOT).

Ms. Portner outlined short-term redevelopment plans and identified the five primary land uses within the plan's area. The Director of the Downtown Development Authority (DDA) had been concerned that the street plan reflected 4th and 5th Streets with 3 lanes each. Since it was unclear whether three lanes would be required for these streets in the future, and after talking with the City's Public Works Director, Ms. Portner recommended deletion of implementation step #1 under Transportation Goals, Policies and Implementation Steps, and a modification to implementation step #3 under that same section to read, "Conduct a more detailed traffic analysis of the area to determine needed intersection control and street cross-sections."

Harold Stalt, Executive Director of the Downtown Development Authority came forward, expressed his support for the redevelopment plan, and availed himself for questions; there were none.

PUBLIC COMMENTS

There were no public comments either for or against the request.

DISCUSSION

Commissioner Pitts commended the efforts and energies of all those involved in the redevelopment process. The plan as presented was both dynamic and visionary in its scope.

Chairman Dibble said that he was excited about the redevelopment plan and felt that it would enhance and revitalize the entire downtown area. He thanked staff and the DDA's director for all of their hard work.

Commissioner Blosser agreed that the downtown area was a valuable asset to the citizenry of Grand Junction. His only concerns were over how the redevelopment would be paid for and how long it would take to complete.

Commissioner Redifer thought the plan to be a great one, and he expressed his support.

MOTION: (Commissioner Cole) "I move that we adopt the Westside Downtown Redevelopment Plan, including the modifications as presented this evening [to delete implementation step #1 under Transportation Goals, Policies and Implementation Steps, and modify implementation step #3 under that same section to read, 'Conduct a more detailed traffic analysis of the area to determine needed intersection control and street cross-sections.']"

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

With no further business to discuss, the public hearing was adjourned at 8:50 P.M.