

**GRAND JUNCTION PLANNING COMMISSION  
JANUARY 15, 2002 MINUTES  
7:04 P.M. to 11:00 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:04 P.M. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were Dr. Paul Dibble (Chairman), Richard Blosser, John Evans, William Putnam, Terri Binder, and new planning commissioners John Redifer and Roland Cole. Bill Pitts (1<sup>st</sup> Alternate) was absent.

In attendance, representing the Community Development Department, were Planning Director Bob Blanchard, Pat Cecil (Development Services Supervisor), and Senta Costello (Assoc. Planner).

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

Terri Troutner was present to record the minutes.

There were approximately 19 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes from the December 11 and December 18, 2001 public hearings.

**MOTION: (Commissioner Blosser) “Mr. Chairman, I move we approve the minutes of December 11, 2001.”**

Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0, with Commissioners Redifer and Cole abstaining.

**MOTION: (Commissioner Binder) “Mr. Chairman, I move we approve the minutes of December 18.”**

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

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

There were no announcements, presentations and/or visitors.

**III. CONSENT AGENDA**

There were no items available for placement on the Consent Agenda.

**IV. NON-HEARING ITEM**

**RZ-2001-227 REZONE—MIDWEST COMMERCIAL SUBDIVISION**

**A request for a rehearing for approval of a rezone for the Midwest Commercial Subdivision from I-1 (Heavy Industrial) to I-1 (Light Industrial).**

**Petitioner: Prime Investments, Ltd. – Jack Terhar**  
**Location: 2295 Highway 6 & 50**  
**Representative: Jeffrey K. Williams**

Chairman Dibble read into the record the Code criteria pertaining to a rehearing request. He asked planning commissioners who were both present and who voted in the majority on this item if they felt a rehearing was warranted. Since no motion for rehearing was offered, the request failed. The petitioner was apprised of his appeal rights.

**V. FULL PUBLIC HEARING**

**SS-2001-197 SIMPLE SUBDIVISION—HOLIDAY INN EXPRESS**

**A request for approval of an appeal to an administrative decision for 1) a simple subdivision to relocate property lines, and 2) construction of a four-story, 88-room hotel in a C-2 (Heavy Commercial) zone district.**

**Petitioner: Budget Motel Management, Inc. – Jim Koehler**  
**Location: 629 – 24 Road**  
**Representative: Rhino Engineering, Jim Bell**

Because the item was brought before the Planning Commissioner at the request of two appellants, each was called forward to separately state their cases.

**APPELLANT #1 PRESENTATION**

Larry Feather (631 Rushmore Drive, Grand Junction), speaking as a partner for property located to the south of the subject site, withdrew his objection, saying that the differences between he and the petitioner over access had been sufficiently resolved.

**APPELLANT #2 PRESENTATION**

Charlie Doss (2388 F Road, Grand Junction) referenced his appeal letter dated December 28, 2001. He said that while there are a number of lesser questions he has over the project (none voiced in the public hearing), his primary concern was over the hardship that the alignment of Rae Lynn Street would pose. Its construction, he said, would make it difficult or impossible for him to sell and/or develop his property. Mr. Doss asserted that the street would take up too much of his small parcel to make development or sale viable. In addition, the street section would be placed entirely on his parcel, forcing him to bear the entire cost of its development. Mr. Doss showed his property’s location using an overhead of the site plan.

**QUESTIONS**

Commissioner Cole asked Mr. Doss what his current access is? Mr. Doss explained that a shared driveway along a common property line (location noted) was used for access into his property and that of Mr. Feather. He clarified that the centerline of the driveway represented his property line. Mr. Feather’s property, he noted, had been filled, elevating it for ease in drainage onto 24 Road.

Commissioner Evans asked if the shared driveway continued north beyond the Stop N Save? Mr. Doss replied negatively. Mr. Doss said that he was also concerned that compliance with setback requirements would further reduce the developable area of his property.

When asked about alternatives by Commissioner Cole, Mr. Doss was unable to offer any; however, he felt certain that if Rae Lynn Street continued northward, it would impact other property owners as well.

**STAFF'S PRESENTATION**

Senta Costello offered a PowerPoint presentation which outlined the project's description and history. She presented an aerial photo of the site, photos of the subject property from various angles and referenced the applicable portion of the Zoning Map. The property and surrounding parcels, she said, are all zoned C-2. She then presented an overhead of the subdivision plat, which had been approved administratively and an overhead depicting a portion of the Major Street Plan covering the subject area. She reiterated staff's recommendation for denial of the appeal.

Rick Dorris continued with a review of the Major Street Plan in the subject area, focusing on how the 24 Road corridor would be developed. Referencing an overhead of the project's site plan, he said that an interior street was a better way of connecting and providing access to both Lots 1 and 2 of the minor subdivision than routing traffic from both lots directly onto 24 Road. Rae Lynn Street, once fully developed, would eventually extend to F ½ Road. Mr. Dorris presented an overhead drawing of the proposed Rae Lynn Street/F Road intersection to show traffic movements. He said that many of the area's businesses and properties would be served by the new street. He added that the Major Street Plan gave legal authority to the City to designate potential locations of future street connections.

**QUESTIONS**

Chairman Dibble asked staff what the setbacks would be for Mr. Doss's property? Ms. Costello answered that the front yard setback was 15 feet; side yard setbacks, 0 feet; and rear yard setbacks, 10 feet. Any business constructed on Mr. Doss's property along Rae Lynn Street would be subject to two front yard setbacks: one along Rae Lynn Street and one along F Road. She noted that setbacks could accommodate a variety of development requirements such as parking, drainage, fencing and/or landscaping.

Chairman Dibble asked for the rationale on the "dog leg" from the Holiday Inn site (Lot 1) to Rae Lynn Street and wondered why Rae Lynn curved through the property. Mr. Dorris explained that the alignment was for the benefit of the Doss property.

When asked by Commissioner Cole why Rae Lynn had been placed entirely Mr. Doss's property and not on a mutual property line, Mr. Dorris prefaced by saying that the street had been deemed necessary as a result of a 24 Road corridor re-review. He noted that with so much development projected to occur in this area, additional access options were necessary; the Stop N' Save had been constructed to its property line, so there was no other choice but to put the street entirely on Mr. Doss's property.

Chairman Binder asked for an estimate of how much developable acreage would remain after street construction. Mr. Dorris said that approximately 2.2 acres would remain. He added that if both of Mr. Doss's lots sold together, no F Road access would be permitted. If they sold separately, the City may have no other choice but to provide F Road access to the west lot.

**PUBLIC COMMENTS**  
**FOR THE APPEAL:**

There were no public comments in favor of the appeal.

**AGAINST THE APPEAL:**

Jim Koehler (Aberdeen, S.D.), developer of the Holiday Inn site, said that the Holiday Inn property had incurred three to four times the overall loss of square footage that would be borne by Mr. Doss because of the access location/agreement. Construction of necessary infrastructure was part of business and

added value to the property. He conjectured that the only reason Mr. Doss had not yet sold his property was that his asking price was higher than what people were currently willing to pay. He added that the presence of the hotel would attract other businesses to the area, which could facilitate the sale of Mr. Doss's property. He didn't believe that Mr. Doss would incur a loss as a result of the street's construction.

David Caldwell (753 Centauri Drive, Grand Junction), owner of property to the south of F Road and also representing Bud and Peggy Himes, urged the City to consider the extension of Rae Lynn Street south of F Road. He noted a 60-foot easement along his property line along approximately the same alignment.

### **APPELLANT'S REBUTTAL**

Mr. Doss commented that the price of his property should not factor into current proceedings.

### **DISCUSSION**

Commissioner Cole said that while he sympathized with the appellant, it didn't appear that another more suitable street location option was available. He expressed support for staff's recommendation of denial.

Commissioner Blosser said that while some square footage may be lost with the street's construction, given the 24 Road Corridor Guidelines, zoning and direction of the Major Street Plan, it would be difficult to rationalize overturning staff's recommendation of denial.

Commissioner Binder agreed, noting the benefit of the street to not only Mr. Doss's property but many others in the area as well. She concurred that the property would become more valuable once improvements were constructed.

Commissioner Evans agreed that the road would benefit a great many in the area and would likely add to the value of Mr. Doss's property. He also acknowledged that the City should ensure proper alignment of Rae Lynn to the south of F Road, when extended in that direction.

Commissioner Redifer also expressed support for staff's recommendation of denial. No one, he said, could accurately predict what the street's impact would ultimately be on the property, but likely it would become more valuable and attractive to those businesses wishing to locate in that area.

Chairman Dibble expressed support for staff's recommendation and for the interconnectivity that construction of the street would provide.

**MOTION: (Commissioner Binder) "Mr. Chairman, I move that we deny the appeal of SS-2001-197, finding that the project is consistent with the Growth Plan, Sections 2.2.E.3 and 2.2.D.4 of the Zoning and Development Code, the Grand Valley Circulation Plan, and the 24 Road Corridor Design Standards and Guidelines."**

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

### **CUP-2001-242 CONDITIONAL USE PERMIT—UTE WATER TANK CO-LOCATE**

**A request for approval of 1) a Conditional Use Permit for a telecommunications tower and 2) a variance of the required setbacks for the telecommunications tower.**

**Petitioner: NTCH Colorado, Inc. – Renell Garcia**

**Location: 380 South Camp Road**

### **PETITIONER'S PRESENTATION**

Renell Garcia, representing Cleartalk, briefly outlined the benefits that would be derived if the request was granted. The tower, located behind the existing Ute Water tank had originally been constructed to

58 feet because that had been all the City would allow. Since that time, Cleartalk had been approached by other carriers who wanted to co-locate on its tower. In order to accomplish this, the tower's height would have to be extended to the 80 feet originally requested. Allowing this extension for co-location, Mr. Garcia said, could result in eliminating the need for additional towers to serve these carriers.

### **QUESTIONS**

Commissioner Binder asked if the original request had been for an 80-foot height? Ms. Garcia replied affirmatively.

Commissioner Evans asked if the current request was only for co-location? He also asked would any additional tower be constructed? Ms. Garcia said that approval of the request would allow extension of the existing tower to its originally-requested 80-foot height and would accommodate other carriers.

Commissioner Blosser wondered what the impact to the community would be if the request were not granted. Ms. Garcia reiterated that the other carriers could later approach the City with requests to construct towers elsewhere. She said that this tower primarily served the Redlands area.

Commissioner Binder asked if 80 feet represented the maximum height "ever to be requested" for this tower? Ms. Garcia replied affirmatively. When asked why Cleartalk would want to provide space on its towers for competitors, Ms. Garcia answered that as a small local provider, Cleartalk relied on the income generated from co-locations to help support its business.

Commissioner Binder asked why the 80-foot height had not been approved in the first place. Ms. Garcia understood that as a condition of approval a height of 58 feet had been allowed. She was unclear on the City's rationale.

### **STAFF'S PRESENTATION**

Senta Costello offered a PowerPoint presentation which reviewed the request. The variance, she said, must be considered first, since denial of the variance would render the CUP request moot. An aerial photo of the site was presented, because along with a vicinity zoning map, photos of the site from various locations and a site plan. Variance criteria were stated. If the variance were approved, Ms. Costello said that it would reduce setback requirements from 150 feet to 35 feet. Having found that the request did not meet variance criteria, denial is recommended.

### **QUESTIONS**

Commissioner Binder asked what the setbacks had been at the time of initial tower approval. Ms. Costello answered that they had been two times the height of the tower or 200 feet, whichever was greater. She added that setbacks for the tower had already effectively been varied to 35 feet in exchange for the communications tower being located behind the water tank and painted to match the tank. This approval was a "stealth" design.

Commissioner Binder asked if surrounding property owners had been notified of this request, to which Ms. Costello replied affirmatively. Commissioner Binder expressed concern that as a member of the Canyon View Homeowners Association (HOA), she had received no notice. Ms. Costello confirmed that the CVHOA was listed as a contact and that notification had been mailed out to the Board President's address.

Commissioner Putnam wondered how long the water tank had been in its present location. Ms. Costello was unsure but conjectured that it predated the Zoning and Development Code.

Commissioner Redifer said that it seemed a contradiction to have the City grant the variance in the first place only to come out later in opposition. Ms. Costello said that at the time of original approval

Emergency Ordinance #3184 had just gone into effect. Granting the variance along with the original request had been one way the City could ensure greater concealment of the tower.

Commissioner Evans asked if the water tank had been the City's choice for location of the tower. Ms. Costello said that the petitioner had been instructed to place the tower in such a way as to ensure maximum screening from the south and to place it as close to the water tank as possible. Compliance with that requirement subjected the petitioner to only administrative review.

Commissioner Binder remembered that Emergency Ordinance #3184 dealt with the visual aesthetics of communications towers. She wondered if the towers were subject to ridgeline development criteria. Mr. Shaver clarified that only structures were subject to that criteria.

Commissioner Binder wondered if staff expected other tower requests should the extension request be denied. Ms. Costello said that while other co-locate requests were under current consideration, no recent tower requests had been received.

Chairman Dibble asked if staff's primary concern over granting the current variance request pertained to visual aesthetics, to which Ms. Costello replied affirmatively.

### **PUBLIC COMMENTS**

#### **FOR:**

Kevin Williams (761 – 23 ½ Road, Grand Junction) said that good cell service was essential to his business. He thought that co-location on an existing tower made much more sense than building other towers. The way the current communications tower was situated and painted, he said that any visual impact would be minimal. He urged approval of the variance request.

#### **AGAINST:**

There were no comments against the request.

### **PETITIONER'S REBUTTAL**

Gary Curry, operations manager for Cleartalk, reiterated that the original application had been for an 80-foot tower. He noted that Cleartalk generated income from constructing co-locatable towers. Given the height of the water tank, an 80-foot tower would allow three total carriers. The original 80-foot height had not been approved by the City. He said that the lower height satisfied Cleartalk's immediate need but didn't leave room for any additional carrier co-locates. If the tower extension request were approved, Cleartalk would remain where it was on the tower. He noted that carriers had different needs and they broadcast at different wavelengths. If denied, he noted that Cleartalk had a negotiated agreement with Ute Water for a second tower location on the site. If such a request were later denied by the City, cell service to the Redlands by other carriers would likely suffer. Mr. Curry said that he hadn't received any complaints about the existing tower and its presence was very unobtrusive. He affirmed that if the 80-foot height were granted, that would be the maximum height ever requested for that tower.

### **QUESTIONS**

Chairman Dibble asked for clarification on why the first variance request had been granted. Mr. Curry responded that it had been granted in conjunction with Cleartalk's compliance with "stealth" designing. Bob Blanchard interjected that the original variance had been granted administratively by the Community Development Director at the time.

Commissioner Binder wondered how many active carriers were present in the valley currently, to which Mr. Curry answered "5." Another two carriers—Voice Stream and Qwest—had received licenses but were not as yet active.

Commissioner Binder wondered if the Ute Water site would be attractive to other carriers when the slots on Cleartalk's tower were taken. Mr. Curry responded that it depended on how the carrier's network was designed. Mr. Blanchard stated that the only way any additional tower could be approved for the same site would be through the granting of a variance.

### **DISCUSSION**

Mr. Shaver cited Code Chapter 4, Section 10.C & D, which addressed setback requirements. He said that this section gave discretionary authority to the Director to vary established setbacks. The current Director disagreed with the former Director's approval; hence, the seeming contradiction in the City's position.

Commissioner Binder asked if precedent would be set if the Planning Commission approved the request? Mr. Shaver responded negatively. Variance requests, he said, are determined on a case-by-case basis. Community Development Staff's position at this point was that they didn't want to make the existing tower even more non-conforming than it already was.

Commissioner Blosser asked if the Planning Commission had the latitude to deviate from established variance criteria. Mr. Shaver said no, but because the tower was already there, the analysis of the criteria presents a different situation.

Commissioner Putnam acknowledged staff's position and recommendation; however, he noted that water tanks were not generally considered "things of beauty." The tower's height seemed irrelevant because very few would choose to live next door to a water tank anyway. He expressed general support for approval of the variance.

Commissioner Blosser said that with regard to aesthetics, the water tank was clearly visible to any and all in the area; however, he hadn't even noticed the tower next to it until this request brought it to his attention. He agreed that the added tower height would have little, if any, visual impact.

Commissioner Evans concurred and felt that the benefit of two additional co-locates on the same tower outweighed any minimal impact the extension might create. He asked for a legal opinion on how planning commissioners should justify that position with respect to the variance criteria. Mr. Shaver suggested that if the inclination was to approve the request, the motion should contain the Planning Commission's findings on why the criteria are met or are inapplicable.

Commissioner Cole understood staff's position but felt that because the tower was already there, it was a little different situation. Exclusive of the antenna, the tower would only be extended another approximately 14 feet, which seemed minimal and unlikely to pose a visual impact.

Chairman Dibble referenced variance criteria, stating that the hardship was not self-inflicted by the petitioner, especially considering the City's granting of the variance once before. Since it had been granted previously, granting it again would not be construed as a "special privilege." He recognized the benefits received by co-locating carriers on the existing tower versus constructing a second tower. Having the tower there provided a service benefit to the community.

Mr. Shaver stated that the variance criteria section pertaining to "reasonable use", could be read to mean "reasonable use" as deemed by the applicant. This drew general assent by Planning Commissioners. With regard to "compatibility", Mr. Shaver said that if the CUP were approved, such approval effectively satisfied that criterion.

Chairman Dibble added that the request was also in conformance with Growth Plan recommendations.

Commissioner Binder expressed concern over her involvement in voting on this item. Because she picked up the mail for the Canyon View Homeowners Association (HOA), and since no notification had been received, she felt that perhaps a conflict of interest existed. Mr. Shaver said that legally no conflict existed. Pat Cecil said that the mailed notice had been sent to the HOA president's home directly. Commissioner Binder continued to feel uncomfortable with her continued participation and asked if she could abstain from voting. Mr. Shaver answered affirmatively.

Commissioner Redifer observed that the petitioners seemed to have worked very closely with City staff on the original request. He said that likely, greater harm would result by not granting the variance request.

Mr. Shaver suggested that the motion reference to the variance criteria. He said that is necessary to provide testimony justifying the motion's findings of compliance.

Chairman Dibble agreed that the petitioner's definition of "reasonable use" satisfied that criterion.

Commissioner Evans acknowledged that each tower was judged on its own merits.

Commissioner Redifer reiterated that no special privilege would be given in granting the variance because the tower was already there. For this reason and in agreement with the advice given by Mr. Shaver; he felt that the variance request did conform with both the Code and Growth Plan. Commissioners Blosser and Evans concurred.

**MOTION: (Commissioner Cole) "Mr. Chairman, on the variance portion of CUP-2001-242, I move that we find the project consistent with the Growth Plan, section 2.16.C.4 of the Zoning and Development Code, and that we approve the variance portion of CUP-2001-242 subject to the recommended conditions as outlined in Attachment 'A,' and based on the findings outlined in our previous discussion."**

Commissioner Blosser seconded the motion. A vote was called and the motion passed by a vote of 5-1, with Chairman Dibble opposing and Commissioner Binder abstaining.

**MOTION: (Commissioner Blosser) "Mr. Chairman, on Conditional Use Permit CUP-2001-242, I move that we find the project consistent with the Growth Plan, section 2.13 of the Zoning and Development Code, and that we approve Conditional Use Permit CUP-2001-242 subject to the recommended conditions."**

Commissioner Cole seconded the motion. A vote was called and the motion passed by a vote of 5-1, with Chairman Dibble opposing and Commissioner Binder abstaining.

A brief recess was called at 9:35 p.m. The public hearing reconvened at 9:40 P.M.

**ANX-2000-158 ANNEXATION/REZONE/PRELIMINARY – WEBB CRANE**

**A request for approval of the Zone of Annexation for approximately 20 acres from County PC and AFT to City PD (Planned Development) and a Preliminary Plan for heavy equipment assembly, storage and contracting, and three residential units.**

**Petitioner: Webb Crane, Inc., Kevin Williams**

**Location: 761 – 23 ½ Road**

**Representative: Development Concepts, Inc. – Mike Joyce**

**PETITIONER'S PRESENTATION**

Mike Joyce, representing the petitioner, reviewed the request and noted the site's location and surrounding zoning/uses. The City had required annexation of the property in conjunction with the petitioner's request to expand the outdoor storage area. The Zone of Annexation had been deferred, however, pending submission of a Preliminary Plan. The two additional residential units, planned for construction along 23 ½ Road, would serve as a buffer for the business. They would provide employee housing and remain platted with the property so that no individual sales of the residences could occur. One dwelling unit already existed on the property.

The request would provide additional on-site outdoor storage area. No new commercial structures were proposed for the storage area and no additional outdoor storage lighting was proposed. A detention facility would be constructed and hours of operation would be confined to business hours consistent with the existing facility. Noise emissions would only be those normally associated with vehicle start-up, operation and repair and be similar to those normally associated with agricultural uses. No new access points were being proposed other than for the two additional residential structures along 23 ½ Road.

The proposed default standards for the proposed PD zone would be a mix of commercial, industrial and residential uses. Approximately 17.9 acres of the 20-acre property was proposed for a default zone of Light Industrial (I-1). The remaining property was proposed for single-family (RSF-2).

Mr. Joyce said that the only outstanding matter is the requirement for construction of a 3-foot-high berm along the northern property line. The petitioner felt that there would be no benefit by placing a berm and landscaping or masonry wall along the boundary of an agricultural area (open hay field), which may ultimately have as high or higher intensity use. As an alternative, the petitioner proposed providing a landscaped berm along the area where the three homes would be situated and continue the berm along the northern property line (exhibit presented). This would provide screening to the existing homes along 23 ½ Road. In addition, the petitioner proposed providing a screening fence along the northern property line. Mr. Joyce pointed out that a 3-foot-high berm would do little to screen the heavy equipment which would be stored along the northern property line.

Mr. Williams said that as a result of comments received in a neighborhood meeting, surrounding residents felt that the provision of residential uses would provide them with the best possible buffering along 23 ½ Road. He affirmed that the homes would be used for employee housing and would not be split off from the rest of the property and sold. The alternate screening proposal would benefit the residences and the screen fence would provide a more logical alternative along the northern property line.

**QUESTIONS**

Chairman Dibble noted that the original approval for an expanded storage area had occurred two years prior. He asked had any improvements been constructed since then? Mr. Williams replied negatively. Mr. Joyce added that at the time of annexation, there had been some unresolved issues surrounding the PD zone. Additional time had been requested and granted.

Mr. Shaver said that normally a zone is applied within 90 days of annexation. He said that zone was intended to benefit the landowner. Because the landowner had no objection to not having the zone in place, a time extension was justified to allow planning of the PD.

Mr. Joyce said that the expansion request had been approved under the old Code. At that time, no residential uses had been permitted within industrial zones. While an industrial zone had been given consideration at that time, PD zoning just seemed to be the best alternative.

Commissioner Binder thought she remembered the Planning Commission considering a plan at the time the original request had been discussed. Mr. Joyce said that the only item brought before the Planning

Commission at that time had been the Growth Plan Amendment (GPA). While the plan had been referenced as an exhibit, it had been used only in the context of justifying and supporting the GPA request. During that original hearing, the rezone request was withdrawn.

Chairman Dibble said that if the plan had been submitted as an exhibit, Planning Commission and City Council approval would most likely have been made based on the berm. Mr. Joyce said that at the time the original plan was presented, the intent was to use the dirt from the then-designated detention pond area for the berm. After further investigation, it was discovered that due to the high water table, the detention pond would have to be relocated. Even with the alternative proposal, a lot of additional dirt would have to be imported; however, he reminded planning commissioners that the approval previously granted was given only to the GPA and not to the Preliminary Plan.

### **STAFF'S PRESENTATION**

Pat Cecil offered a PowerPoint presentation which denoted the site's location on the Zoning Map. A brief history of the site's recent development history was given. Because staff had not supported the I-1 zone designation at the time of annexation, granting the time extension to allow for development of the PD zone request had made sense.

The original submittal referenced the berm, so staff felt that it should remain as part of the current submittal. City Council had, in fact, accepted this as a commitment in lieu of the 6-foot-high wall and landscaping that would normally have been required to buffer industrial uses from residential uses. He acknowledged that the 3-foot-high berm may not be the best alternative nor would it effectively screen the heavy equipment stored on the site. Mr. Cecil said that it was within the Planning Commission's purview to decide if the petitioner's alternative was adequate. Staff supported the berm primarily because it had been referenced in the original submittal and had received consideration by the City Council. Overheads of the Future Land Use Map and Landscaping Plan were referenced. The landscaping plan denoted the location of the proposed berming.

Staff recommended approval of the Zone of Annexation to PD and approval of the Preliminary Plan subject to the conditions outlined in the proposed ordinance contained in the January 15, 2002 Staff Report.

### **QUESTIONS**

Commissioner Blosser asked how long the berm would extend as originally proposed, to which Mr. Joyce replied approximately 300-400 feet.

Commissioner Putnam said that planned zones usually involved "trade-offs" for greater community benefit. "What would the community gain by the Planning Commission's granting of the PD zone?" he asked. Mr. Cecil said that some benefit would be derived as a result of the mixed uses proposed. He reaffirmed that a planned zone for this property was better than imposing a straight zone on the residential uses. The project, in some ways, represented infill.

Mr. Joyce said that the incorporation of residential uses was not indicative of any attempt at subdivision.

When asked by Chairman Dibble what the underlying zoning(s) would be for the property, Mr. Cecil replied "RSF-2 for the residential units and I-1 for the business."

Commissioner Binder recalled concerns expressed by the public over screening during the original GPA request. She asked, "had notification of this current submittal gone out? Would residents be aware of the screening alternative proposed by the petitioner?" Mr. Cecil confirmed that notification cards had been mailed out, and that even more people had been included in that mailing as a result of the new Code's expansion of the notification area.

Mr. Joyce said that the alternative had been discussed with residents during the neighborhood meeting. The property owner directly to the north of Webb Crane and others had not wanted the berm and voiced their preferences for construction of the residential units and alternative screening instead.

Commissioner Binder remarked that greater flexibility in screening options was typically available with planned zones, which was confirmed by Mr. Cecil.

Commissioner Cole said that if the berm were required, how long would the petitioner have to construct it? Mr. Cecil said felt that 180 days (6 months) from passage of the ordinance represented a reasonable timeframe. Commissioner Putnam felt that this timeframe may pose a problem since the ordinance referenced an 18-month timeframe for construction of the residences. When asked if staff would take issue with using the same 18-month timeframe for construction of the berm, Mr. Cecil felt that to be reasonable.

### **PUBLIC COMMENTS**

#### **FOR:**

Sean Norris (778 – 23 Road, Grand Junction), an adjacent property owner, noted the location of his property and agreed that it made little sense to require so small a berm when it wouldn't sufficiently screen anything. Webb Crane, he said, had always been a good neighbor, and he expressed support for the petitioner's alternate screening proposal.

#### **AGAINST:**

There were no comments against the request.

### **PETITIONER'S REBUTTAL**

No rebuttal testimony was offered.

### **DISCUSSION**

Commissioner Binder said that planning commissioners were continually hearing "there's nothing there now" from applicants trying to justify lesser screening, yet this did not address future development realities. She said that it was important to consider the "bigger picture" of future development. She expressed mixed feelings about the requested alternative. Even a 6-foot-high wall did little to screen the salvage contained in an average junkyard. If an exception was given for this request, couldn't the same argument be made for salvage yard requests? She asked Mr. Shaver for his legal opinion. Mr. Shaver said that planned zones were, in effect, "contract zones"; expectations were established during deliberation, and the Planning Commission had very broad discretion when considering such zones.

Commissioner Redifer agreed that consideration of future development was important, although he wondered how far down the road Planning Commission should look. Consideration must also be given to existing land uses and conditions.

Commissioner Putnam said that the berm requirement would force substantial expense onto the property owner with no appreciable benefit. He was inclined to waive the original berm requirement and support the petitioner's alternative. The provision of mixed uses were a recognized benefit.

Commissioner Blosser agreed that provision of a berm to separate the business from an open hayfield yielded little if any benefit.

Commissioner Evans concurred, adding that he didn't see any need for a 6-foot-high fence there either.

Chairman Dibble agreed but acknowledged that any waiver/alternative presented to City Council could be viewed by that body as a contradiction. He supported the petitioner's alternate proposal but remarked that the change seemed financially-driven.

Commissioner Cole said that even so, he could not see any justifiable rationale to warrant that level of expense. A 3-foot-high berm, he said, wouldn't buffer much of anything, and he expressed support for the petitioner's alternative.

**MOTION: (Commissioner Putnam) "Mr. Chairman, on the Zone of Annexation, ANX-2000-158, I move that we forward a recommendation of approval of the Zone of Annexation to the City Council with the findings listed in the January 15, 2002 staff report."**

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

**MOTION: (Commissioner Blosser) "Mr. Chairman, on the Preliminary Plan for Zone of Annexation, ANX-2000-158, I move that we approve the Preliminary Plan with the findings listed in the January 15, 2002 staff report, excluding the original berming requirement and substituting the applicant's alternate landscaping plan, hereinafter referred to as Exhibit A-1, and to require completion of landscaping improvements no later than 18 months following the approval date of the ordinance."**

Commissioner Cole 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 meeting was adjourned at 11:00 P.M.