

**GRAND JUNCTION PLANNING COMMISSION  
OCTOBER 16, 2001 MINUTES  
7:02 P.M. to 9:05 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 P.M. by Vice-Chairman Dr. Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were Dr. Paul Dibble (Vice-Chairman), Richard Blosser, John Evans and Terri Binder. John Elmer and William Putnam were absent. One full-time position and the two alternate positions are vacant.

In attendance, representing the Community Development Department, were Community Development Planning Director Bob Blanchard, Pat Cecil (Development Services Supervisor), Bill Nebeker (Sr. Planner), and Ronnie Edwards (Assoc. 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 9 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

No minutes were available for consideration.

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

There were no announcements, presentations and/or visitors.

**NON-HEARING ITEM**

**GPA-2001-060 GROWTH PLAN AMENDMENT—BANK OF GRAND JUNCTION**

**A request for a rehearing of the Growth Plan Amendment from Residential Medium to Commercial for the Bank of Grand Junction.**

**Petitioner: Bank of Grand Junction**  
**Location: 601 – 27 ½ Road**  
**Representative: LANDesign, Robert Katzenon**

Dr. Dibble noted that before a rehearing can move forward, a motion must be made by a planning commissioner who was both in attendance at the public hearing when the request was first denied and who was part of the majority vote (Commissioners Binder or Evans).

The petitioner and/or his representative was asked to come forward and offer testimony specifically addressing why the item should be reheard.

**PETITIONER'S PRESENTATION**

Larry Beckner came forward and said that the basis for the rehearing request was the belief that Planning Commissioners hadn't adequately considered the overwhelming support the project had from the community. Referencing a petition and letters submitted at the original hearing containing over 650 signatures, Mr. Beckner said that not only had surrounding neighborhood residents been supportive, the potential residents of Hilltop's new assisted living facility (currently under construction) would also be supportive. Hilltop's staff felt that their clients would benefit from having a banking facility nearby.

When Vice-Chairman Dibble called for a motion on the rehearing, none was made. The request failed for lack of a motion.

#### **IV. CONSENT AGENDA**

Offered for placement on the Consent Agenda was item FPP-2000-157 (Time Extension—Village Park). No objection was expressed or given by the audience, planning commissioners or staff on this item.

**MOTION: (Commissioner Binder) “Mr. Chairman, on item FPP-2000-157, I move that we grant a six-month time extension request for the construction or plat recordation for Village Park Filing #1.”**

Commissioner Blosser seconded the motion. A vote was called and the motion was approved unanimously by a vote of 4-0.

#### **V. FULL PUBLIC HEARING**

##### **VAR-2001-180 VARIANCE—FRONT YARD SETBACK**

**A request to reduce the required front yard setback in a PD (Planned Development) zone district to allow a carport.**

**Petitioner: Donald & Patricia Turley**

**Location: 535 Willow Road**

##### **PETITIONERS' PRESENTATION**

Donald Turley, petitioner, explained that the small sizes of subdivision lots left very few, if any, options for placement of a carport.

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

Ronnie Edwards reviewed the request and said that while variance requests were typically heard by the Board of Appeals, the fact that this request was within a planned zone made it subject to Planning Commission review. She said that during the year 2000, the subdivision's zoning had been changed to PD, with the front yard setback adjusted from 20 feet to 14 feet to allow placement of larger modular homes on the smaller lots. This setback adjustment, however, applied only to the primary structure; it did not give the same allowance for accessory structures. The petitioners Ms. Edwards said had erected the carport without proper permitting. A complaint made by an adjacent neighbor had prompted Code Enforcement's involvement. The carport encroached significantly into the front yard setback. Ms. Edwards read the Code's variance criteria and noted a number of instances where the petitioners were non-compliant. Before a variance could be granted, she said, the Code stipulated that all variance criteria must be met. Based on Code criteria, staff felt the hardship is self-imposed and recommended denial of the variance request.

##### **QUESTIONS**

Commissioner Binder wondered how many other residents in the neighborhood had carports erected illegally. Ms. Edwards was unsure of the exact number but had observed a number of them throughout the subdivision. Code enforcement, however, was typically complaint-driven.

Commissioner Blosser asked for confirmation that when the rezone had occurred, the front yard setback adjustment had not affected accessory structures. Ms. Edwards confirmed his understanding.

Vice-Chairman Dibble asked for confirmation that the neighbor's complaint had triggered the current request. That was given.

**PUBLIC COMMENTS**

**FOR:**

Paul Goble (529 – 28 ½ Road, Grand Junction) said that the petitioners had one of the best-kept properties in the subdivision. Because others in the subdivision had carports, he felt the petitioners should be allowed to retain theirs.

**AGAINST:**

John Wood (533 Willowwood Road, Grand Junction) said that he'd filed the original complaint primarily because the petitioners' carport blocked his view to the north. He also complained that it impaired his sight distance when backing out of his driveway, creating an unsafe situation.

**PETITIONERS' REBUTTAL**

Mr. Turley referenced overhead photos of his and other properties in the neighborhood, both to show that sight distance was in no way impaired and to show that many other residents had erected similar carports. He felt that the hardship was inherent to the small lot sizes and layouts of the property. He said that a few of the lots were able to accommodate a carport to the sides of the modular homes, most could accommodate a carport only within the front yard setback. With 60 feet of a 72-foot lot taken up by the primary structure, this left only 12 inches (6 inches to either side).

Mr. Turley remarked that carports placed along the sides of modular homes would not meet setbacks by today's Code standards. He stated that a total of 63 residents within the subdivision had carports; of the 14 carport photos submitted to staff, 8 of them had been erected during the 1990s and 6 had been erected prior to that. The carport erected at 543 Glen Road for example had been erected to within 20 inches of the sidewalk. Mr. Turley asserted that carports added to the quality of life for subdivision residents, kept vehicles safe from the elements and prevented residents from having to scrape snow and ice off vehicle windshields in the winter. Mr. Turley found it difficult to understand Mr. Woods' complaint about the carport blocking his northern view. He said if removed, the only thing Mr. Woods would be able to see is through their bedroom window.

Referencing a petition submitted to staff, Mr. Turley noted the overwhelming support of his neighbors. Approximately 65 of the subdivision's residents had signed the petition in support of his carport. Carports, he said, added value and aesthetics to the subdivision's properties; thus, they were neither contrary to the public interest nor did they detract from neighborhood aesthetics. He didn't feel that the hardship was self-inflicted since there were no more suitable places on most of these lots to relocate or install carports.

**DISCUSSION**

Vice-Chairman Dibble asked staff if any permits had been found for the carports shown in the petitioners' photos. Ms. Edwards said that none had been found in Building Department records. The Building Department did uncover several other instances where permits had been requested by subdivision residents but had been turned down. A permit had been granted for the carport at 2844 ½ Texas Avenue in 1995; however, Ms. Edwards was unsure, without seeing the paperwork, whether setback compliance had been achieved.

Commissioner Binder asked if the County had original jurisdiction over the mobile home park? Ms. Edwards replied negatively; its initial zoning had been City RSF-8, which mandated 20-foot front yard setbacks.

Commissioner Blosser noted a reference in the subdivision's covenants which directed lot owners to comply with the City's zoning regulations. Ms. Edward said that copies of the covenants had been

provided to planning commissioners to show this reference; the City did not enforce subdivision covenants.

Commissioner Binder wondered what typically happened if homeowners associations dissolved and covenants were no longer binding. Mr. Shaver said that in no case were residents released from their obligations to comply with the law. Should owners of other non-compliant carports apply for permitting, they too would likely be turned down. Citing Code section 2.16.C.4, he reiterated that all approval criteria must be met prior to issuing a variance.

Vice-Chairman Dibble noted the strong support received by subdivision residents for the petitioner. Commissioner Binder added that staff's comments included references to letters and calls received in opposition as well. She surmised that residents probably knew they were going against City regulations and had opted to erect their carports anyway. Commissioner Evans concurred.

**MOTION: (Commissioner Blosser) "Mr. Chairman, on item VAR-2001-180, I move that we approve the request to reduce the front yard setback from the required 20 feet to 4 feet 2 inches, to allow an open carport in a PD zone district for the following reasons (attachments 1-7)."**

Commissioner Evans seconded the motion. A vote was called and the motion failed by a unanimous vote of 0-4.

**TAS-2001-05.01 ADOPTION OF THE TEDS MANUAL**  
**Adoption of the Transportation Engineering Design Standards.**  
**Petitioner: City of Grand Junction, Jody Kliska**

**PETITIONER'S PRESENTATION**

Rick Dorris, presenting for Jody Kliska, referenced copies of the TEDS manual and said that engineering staff referenced it often each day. Through a computer, he accessed an online copy of the manual and navigated through its Table of Contents demonstrating the document to the Planning Commissioners. The manual, Mr. Dorris noted, included an Exception Process, whereby developers could ask for waiver of an engineering requirement if they felt that the requirement was either unnecessary or not applicable; he stated that the manual's primary focus was safety.

**QUESTIONS**

Commissioner Binder asked about the horizon of traffic studies to be. Mr. Dorris answered 20 years.

With regard to street lighting, Commissioner Evans asked if citizens had any say in whether or not street lighting was part of a development. Mr. Dorris cited Canyon View Subdivision as an instance where the developer had initially requested waiver from the street lighting requirement and had been approved. In subsequent filings continuance of the waiver had been supported by residents of previous filings.

Vice-Chairman Dibble said that one of the comments he'd heard developers make over the years was the length of time it took to go through traffic engineering review (pertaining to traffic). Mr. Dorris referenced a form in Chapter 2 containing an engineering criteria checklist for traffic studies. Placing this responsibility with the developer was good in that it took some of the burden off City engineering staff. Also, because developers generally hired their own engineering consultants, there was a greater level of review because there was more review time available.

Commissioner Blosser was pleased that issues of "light pollution" had been addressed in the manual. Mr. Dorris remarked that while allowances could be made, engineering staff preferred having the lighting because it contributed to overall traffic safety.

Commissioner Binder commended engineering staff for their work and diligence in putting together such a valuable document. It had been a prudent move to seek input/examples from other communities. Mr. Dorris gave due credit to Ms. Kliska, who had been primarily responsible for gathering/compiling information for the manual.

When asked by Commissioner Binder how often updates to the manual would occur, Mr. Dorris said that updates could occur as often as was felt necessary (e.g., every 6 months, annually, etc.). He urged planning commissioners to direct their opinions regarding this to Ms. Kliska for consideration.

Commissioner Blosser asked if amendments would be brought before the Planning Commission for consideration. Mr. Shaver said that while there would be members of the public influenced by the manual, generally it was a tool used by City's engineering staff. Since most of the manual's content was very technical, amendments would likely occur on an administrative level.

Commissioner Blosser asked about the manual's review process. Mr. Dorris explained that this was a joint City/County effort; the compilation and review of this document had taken a couple of years to complete. He agreed with Mr. Shaver's comment that the document principally addresses engineering technicalities.

Vice-Chairman Dibble remarked on how user-friendly and well edited the document was. Credit was given to Mr. Shaver for his work to that end.

A review of the Exception Process flowchart was given. Mr. Shaver noted the staff report which asks Planning Commissioners for input on who the Commission felt should have design exception authority. Commissioner Binder expressed no objection to staff's making those decisions for smaller-scaled developments, but she felt that the Planning Commission should participate in the exception process for larger-scaled proposals such as shopping centers, St. Mary's Hospital, Mesa State College, etc.

Commissioner Blosser asked if exceptions were likely to be requested throughout the development process. Mr. Dorris said that they were typically requested during Preliminary Plan review. He expected that most exceptions would be very minor in scope, with some being both technical and complex.

A brief discussion ensued over how to define the threshold for exception review. Mr. Blanchard offered to compile a list of all approved exceptions for the next six months and bring that list before the Planning Commission for subsequent review. Planning commissioners may then be better able to determine the level of review required. This suggestion drew general assent from planning commissioners.

Commissioner Evans asked if consideration was ever given by engineering staff to limiting truck weights on City streets. Mr. Dorris replied affirmatively, citing an example on 23 Road whereby a traffic study had determined that additional overlay was required to handle expected loads. This was a greater issue in more metropolitan areas, he said (*i.e.*, Denver).

Mr. Dorris was unsure if the Planning Commission would be given the authority to appeal a decision made by the City's Public Works Department. Mr. Shaver said that as now written the Planning Commission would hear an appeal only in the event a decision made by the Public Works Department was appealed by a developer/petitioner.

### **PUBLIC COMMENTS**

There were no comments either for or against the request.

**MOTION: (Commissioner Evans) "Mr. Chairman, I move that we forward a recommendation of approval to the City Council for the revised TEDS manual, making the findings as listed above"**

**(attachments 1-2), with a designated staff panel consisting of the Public Works Director, Community Development Department Director and the County's counterparts, to be responsible for the review of design exceptions, with a 6-month review period and a report to the Planning Commission, thereafter. At that time a determination will be made [whether or not] to continue that procedure. The Planning Commission will be acceptable for hearing appeals from the panel."**

Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

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