

GRAND JUNCTION PLANNING COMMISSION
JANUARY 18, 2000 MINUTES
7:03 p.m. to 9:40 p.m.

The regularly scheduled Planning Commission hearing was called to order at 7:03 p.m. by Chairman John Elmer. The public hearing was held at Two Rivers Convention Center.

In attendance, representing the Planning Commission, were John Elmer (Chairman), Joe Grout, Terri Binder, James Nall, Dr. Paul Dibble, and Mark Fenn. Nick Prinster was absent.

In attendance, representing the Community Development Department, were Kathy Portner (Planning Manager), Joe Carter (Assoc. Planner), Kristen Ashbeck (Sr. Planner), and Bill Nebeker (Sr. Planner).

Also present were Dave Varley (Acting Community Development Director), John Shaver (Asst. City Attorney), and Kent Marsh (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 20 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.

III. CONSENT AGENDA

Offered for placement on the Consent Agenda were items RZO-1998-192, FP-1999-268 and FPP-1999-267. There was no public opposition to any item; however, Commissioner Binder asked for clarification of the Development Engineer's review agency response #5 for item FPP-1999-267. She asked what would prevent the owners of Lots 1-3, Block 2, from filling in the swale while landscaping their backyards? She cited a previous instance in a former filing where this had occurred.

John Thomas, representing the petitioner, said that the previous instance mentioned had been caught through due diligence. A restriction would be recorded with the plat, and the Homeowners Association would be charged with enforcement. The swale located in the current filing, he added, was not as large as the one for the previous filing had been.

Commissioner Binder said that property owners many times were not apprised of the easements which burdened their lots. Even if they were aware, they were often not given sufficient explanation of what those easements might mean to them with respect to usable lot area. Mr. Thomas said that easements were typically disclosed during "discovery," but the property had to bear some responsibility in reading the plat and their title commitment. Mr. Shaver said that since this was more of a policy question, he suggested that further discussion ensue outside the public hearing.

MOTION: (Commissioner Grout) "Mr. Chairman, I move that we approve the Consent Agenda."

Commissioner Fenn seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

IV. PUBLIC HEARING ITEMS ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

GPA-1999-270 GROWTH PLAN AMENDMENT/REZONE/JAMES GRADY

A request for: 1) approval to amend the Future Land Use Map of the Growth Plan to redesignate the parcel from Residential Medium-High Density (8-11.9 dwelling units par acre) to Commercial; and 2) approval of a rezone from RSF-R (Residential Single Family not to exceed 1 unit per 5 acres) to B-1 (Limited Business) to allow single, multi-family, or light business uses of the property.

**Petitioner: James Grady
Location: 640 – 24 ½ Road
Representative: Ron Sechrist, Bray & Company**

PETITIONER’S PRESENTATION

Jim Grady, petitioner, said that commercial-type uses would give development flexibility to a buyer. The B-1 zoning would allow conversion of an existing house to office space. Areas directly to the south and west were higher densities, and he felt the subject area had been designated “transitional” by the Growth Plan. He said that a veterinary hospital is currently located on the property.

STAFF’S PRESENTATION

Kristen Ashbeck briefly reviewed the request as contained in the January 11, 2000 Staff Report. She provided a history of the property and its annexation into the City. The Growth Plan recommended leaving the subject parcel residential. An overhead transparency of the site and surrounding area was presented. She outlined Growth Plan amendment criteria, which she said the request had failed to meet. As such, denial of both the Growth Plan amendment and rezone.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER’S REBUTTAL

Mr. Grady said that the increased flexibility of a commercial/business designation and rezone would help facilitate the moving of livestock. When asked by Chairman Elmer to clarify this point, Mr. Grady said that the veterinary hospital currently offered horse boarding as well. If other development options for the property were available, the veterinary operation could be relocated.

QUESTIONS

Commissioner Dibble wondered if the petitioner had an idea of what the land might be used for if a rezone were granted. Mr. Sechrist, representing the petitioner, felt that the parcel was too small to develop as a residential site, and that traffic volumes generated by a multi-family use could create problems. The existing house would be retained and converted to office space. He felt that there was a need for smaller-sized commercial properties, and he agreed that the zoning proposed by the petitioner would provide transition for the area.

DISCUSSION

Chairman Elmer reminded new planning commissioners that with straight zones there are a number of uses available. Since no plan had been received with the rezone request, any use currently listed under the Commercial and Light Business zone classifications would be allowed.

Commissioner Dibble said that the 24 Road Committee currently designated the west side of 24 ½ Road as residential. As such, he would need a compelling reason to override that recommendation. While the area could naturally transition into more commercial and/or business uses, the justification to change the zoning now wasn't there.

Chairman Elmer agreed. A transitional buffer between H.O. zoning and residential was fine, but it should not be undertaken on a piecemeal basis.

Commissioner Fenn concurred.

A parallel using the Sticks & Stones business was drawn, and a brief discussion ensued.

MOTION: (Commissioner Grout) “Mr. Chairman, on item GPA-1999-270, I move that we forward the request for the Growth Plan Amendment to the City Council with a recommendation of approval to a change of commercial designation.”

Commissioner Binder seconded the motion. A vote was called and the motion failed unanimously by a vote of 0-6.

Since the Growth Plan Amendment was defeated, the rezone question was rendered moot.

ANX-1999-277 ZONE OF ANNEXATION/GROWTH PLAN AMENDMENT/WEBB CRANE

A request for approval of the Zone of Annexation for approximately 20 acres from County PC/AFT to City I-1 (Light Industrial) and amend the Growth Plan to redesignate the future land use from Residential Estate (2-5 acres per unit) to Commercial.

Petitioner: Webb Crane

Location: 761 – 23 ½ Road

Representative: Mike Joyce, Development Concepts, Inc.

PETITIONER'S PRESENTATION

Mike Joyce, representing the petitioner, said that the petitioner was withdrawing the request for I-1 zoning at this time and asked that the Planning Commission only consider the Growth Plan amendment. The site and surrounding land use designations were noted on an overhead transparency. Currently, 4 ½-acres of a 13 acre parcel belonging to Webb Crane had a Conditional Use Permit to store heavy equipment. Approval of the Growth Plan amendment request be for storage of heavy equipment on all of the petitioner's property, to the northern property boundary. Mr. Joyce read Board of County Commissioners (BOCC) comments excerpted from the property's 1982 zoning approval of the southern parcel which supported not only the business's existence in its current location near the 24 Road interchange but future expansion of commercial uses along the 23 ½ Road corridor. He did not feel that sufficient research had been undertaken during consideration of the Appleton Plan, Growth Plan, and North Central Valley Plan; otherwise, the BOCC's prior direction would have been taken into account.

Lois Dunn, also representing the petitioner, said that she'd served on the Northwest Area Task Force and had been told by City officials that the recommendation was just that and that it didn't mean much. She also participated in the Appleton Plan process and said that most of the area's property owners had voted

against it. City staff and City Council had voted for it anyway. This left property owners with the perception that decisions are predetermined.

Mr. Joyce reiterated the BOCC's recognition that the area's commercial uses were destined for expansion; however, since the petitioner was landlocked by other businesses to the east and west, the only expansion option left was to the north where there were a lot of AFT-zoned properties. He noted the location of the Fellowship Church nearby and said that although the property was zoned residential, the church's size and scope reflected a more commercial character. He also pointed out the location of a commercial park directly west of the petitioner's property, which was still zoned AFT in the County. Thus, there seemed to be some precedent that the subject area's commercial uses between 23 and 24 Road should be allowed some northern expansion. He said that Webb Crane's owners have been very good about keeping as much traffic off of 23 1/2 Road as possible.

When the request had been first proposed, the petitioner had wanted to erect employee housing along 23 1/2 Road to serve as a buffer between residential and commercial uses; however, staff had indicated that if residential dwelling units were erected, they would fall within the Estate density classification and require parcel sizes of 2-5 acres per dwelling unit. This, he felt, would defeat the petitioner's intent for buffering. Mr. Joyce said that the employee housing would be used by crane operators, with ownership of the property to be retained by Webb Crane. Having on-site employees would provide an element of security for the site and equipment not presently available. Expansion of the business, he said, was vital to the company's survival. The petitioner sought direction from the Planning Commission. The petitioner acknowledged that it would return with a Planned Commercial zone request.

Kevin Williams, manager for Webb Crane, said that relocation of the business would be cost prohibitive. Very little activity occurred on the site since it was primarily used for equipment storage. Mr. Williams recounted some of the petitioner's contributions to the community and he felt that a show of in-kind support by the community was warranted. Neighborhood meetings had been held. He agreed that having employees living on site would provide an element of security not presently available.

QUESTIONS

Commissioner Fenn asked if the entire parcel was currently being used for storage, to which Mr. Williams responded that 4.5 acres of the northern parcel was being used. (examples of equipment types were noted). When asked if the current site would be large enough to satisfy future storage needs, Mr. Williams replied affirmatively.

Chairman Elmer asked for clarification on how the two on-site cranes that were erected were currently being used. Mr. Williams said that one would soon be relocated to a job site; the other was used for the unloading of other equipment.

Commissioner Binder asked if the business had a P.A. system installed, to which Mr. Williams replied negatively. The only business in the nearby area with a P.A. system was Colorado Kenworth.

Dennis Williams, co-petitioner, said that cranes were typically stored on site until they were needed for a job site. He concurred that the parcel was large enough to provide sufficient storage area.

When asked by Commissioner Binder if cranes would be stored at the company's site in Gypsum, Mr. Williams replied affirmatively.

Mr. Joyce said that the perception of AFT/RSF-R zoning was that those areas were suitable for agricultural uses; however, agricultural uses were often high impact and usually included dust, noise,

odors and pesticides. He said that Webb Crane, by comparison, is very low impact. He felt that the request met Growth Plan amendment criteria, and he felt that the Growth Plan had underestimated the area's growth. As well, many facts had not been taken into account in development of the North Central Valley Plan. Other nearby parcels had also been designated commercial, which further evidenced the changing character of the area. He asked that consideration be given to allowing employee housing on site without restricting it to minimum 2-5 acre parcel sizes.

Chairman Elmer asked for elaboration on the type of buffering proposed along the northern property line. Mr. Joyce said that berming and trees would be constructed, with "lay down" equipment stored more along this boundary.

Commissioner Nall asked how many units would be proposed for employee housing. Mr. Joyce said that one house existed now and two more would be added.

Commissioner Dibble asked staff to explain the difference between what had been allowed under the CUP and what would be allowed in a Planned Commercial zone. Ms. Portner and Mr. Shaver explained. Kevin Williams added that the current CUP only affected the northern 4.5 acres; a Planned Commercial zone would affect the entire property.

Commissioner Grout asked if any consideration had been given by the County Planning Commission to include the remaining property with the CUP request. Chairman Elmer said the County determined that the CUP for the 4 ½-acre parcel was only acceptable if there was a large buffer available. He referred to the CUP in the file.

When asked by Commissioner Dibble if there were additional CUP conditions the petitioner could live with to satisfy neighbor concerns, Kevin Williams said that no lighting of the site would be proposed. He reiterated that the only use requested for the property was storage.

STAFF'S PRESENTATION

Kathy Portner presented a background and history of the property and use. RSF-R does not allow the same range of uses that an AFT zone allows. Ms. Portner noted that the petitioner was requesting a delay on the zoning pending outcome of the Growth Plan Amendment. A straight commercial zone would not allow for the storage of heavy equipment, which had been the petitioner's main pursuit. Planning Commissioners needed to consider impacts along 23 ½ Road. A number of alternatives had been discussed with the petitioner, which would not require approval of a Growth Plan Amendment. She agreed that the character of the Fellowship Church was more commercial, but churches of any size were allowed uses within residential zones. Staff did not support extending industrial uses to the north along the 23 ½ Road corridor; however, application of an estate designation for the eastern portion of the property was a possibility. Letters of opposition had been received by Wade and Linda Bretey (771 – 23 ½ Road, Grand Junction), Paul and Janice Early (776 – 23 ½ Road, Grand Junction), Marilyn Scott and Alan Pennington (782 – 23 7/10 Road, Grand Junction), Norma Pennington (780 – 23 7/10 Road, Grand Junction), Harold and Marjorie Widegren (778 23 ½ Road, Grand Junction) and Douglas Murphy (no address given). Staff did not feel that amendment criteria had been met and recommended denial of the Growth Plan Amendment request.

QUESTIONS

Commissioner Nall asked for clarification on how many dwelling units would be allowed with the estate classification, which was given. Mr. Joyce said that the goal of providing additional storage would not be achieved with that option.

Commissioner Dibble asked if other buffering options besides housing had been considered. Mr. Joyce said that other options could be employed, but housing would provide the most suitable transitional buffer. He reiterated that employees would occupy the housing and provide security for the site.

Commissioner Binder asked if a similar mixed-use development such as the one suggested had been proposed for other areas. Ms. Portner said that the closest thing approved by the City included business residences, but nothing of a similar nature to that being discussed had been proposed.

A brief discussion ensued with Mr. Shaver over the nature of the petitioner's proposal and annexation requirements.

Ms. Portner said that if a planned zone were proposed, it would give the Planning Commission more design control.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER'S REBUTTAL

Dennis Williams said that the Estate designation was not practical and would not satisfy the need for more storage area. He reiterated the low impact nature of the business and the lack of on-site lighting, low traffic volumes and minimal impact. Equipment with reduced heights would be stored along the eastern end of the property, with taller equipment stored along the western boundary.

DISCUSSION

Commissioner Binder said that even if the petitioner were forced to move, the problem of "how do you hide a crane" still existed.

Chairman Elmer agreed. He noted that the business represented a preexisting impact and allowing expansion of a storage area probably wouldn't change that impact. Webb Crane was an existing business, which provided a useful service to the community. He supported residential uses along 23 ½ Road, buffering, and a defined storage area so that no expansion of the shop itself could occur. He supported consideration of the Growth Plan Amendment in conjunction with consideration of a planned zone request. Mr. Shaver added that employee housing could be proposed as an element of any planned development proposal.

Commissioner Fenn asked if planning commissioners could act solely on the Growth Plan Amendment and defer consideration of the rezone request. Mr. Shaver noted the zoning practices associated with newly annexed properties. If no proposal was brought forth by the petitioner within 90 days, likely the property would be zoned according to the most equivalent City zone. Mr. Shaver discussed with the Commission the statutory requirement that an annexed property be zoned.

Chairman Elmer said that during discussions of the North Central Valley Plan, the biggest concern had been over the area further north. While the petitioner proposed the addition of housing to buffer the property to the east, he was concerned about impacts along the north property line as well.

A brief discussion ensued over the petitioner's risk if a development proposal wasn't submitted within the 90-day timeframe. Mr. Joyce said that he and the petitioner understood the risks involved as described by Mr. Shaver that the City could zone the property to RSF-R. Commissioner Grout felt that allowance of a storage area would have minimal impact. Commissioner Dibble appreciated that the petitioner was offering to give up some available storage area to provide buffering in the form of housing.

MOTION: (Commissioner Grout) "Mr. Chairman, on item ANX-1999-277, I move that we forward the request for a Growth Plan Amendment to change the land use designation for parcel 2 to Commercial/ Industrial on to the City Council with recommendation of approval."

Commissioner Fenn seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

2020 REGIONAL TRANSPORTATION PLAN

Mesa County Regional Transportation Planning Office (MPO) is requesting approval of an amendment to the adopted 2015 Regional Transportation Plan to extend the plan to the year 2020. Eligibility for Colorado and federal highway funding requires adoption of the plan amended by each government entity in Mesa County.

Petitioner: Ken Sims and Cliff Davidson

QUESTIONS

Chairman Elmer wondered how approval of Growth Plan Amendments would affect traffic modeling. He asked whether the MPO is included as a review agency for amendment requests with the potential for significant impact? Mr. Sims said that the MPO would like to be able to comment on significant amendment proposals.

Chairman Elmer asked if the policies and regulations of the TEDS manual went far enough in corridor preservation techniques recommended by the Plan. Mr. Sims said that the current version of the TEDS manual was deficient in that area; however, a consultant had been retained who was working with the City and County to rewrite the standard.

Commissioner Binder wondered if the MPO was asked to comment on ALL development proposals, to which Mr. Sims replied that the department was getting all of Mesa County's proposals; however, the MPO commented on very few. The City could opt to send all proposals to them as well, but likely they would receive the same selective input. Commissioner Binder said that in the instance of Ron Abeloe's development proposal at 28 ½ Road, MPO input would have been helpful to her. Mr. Sims said that in that instance, he'd had detailed discussions during that process with Mr. Abeloe and had requested a traffic study.

Mr. Davidson said that a goal for the year 2000 was to train staff to be more cognizant of transportation planning issues. A lot of interest in such training had been expressed region-wide.

Commissioner Binder asked if there were some modeling trigger in place to gauge what was actually happening (incl. Growth Plan Amendments) with what had been recommended on the Future Land Use Map. Mr. Sims said that in order to run modeling scenarios, actual figures and population counts would be required. He suggested factoring in all approved Growth Plan Amendments every 2-3 years and running a model incorporating those changes.

Chairman Elmer asked how practical it was to pursue or maintain Level C service levels. Mr. Sims said that pursuing or maintaining that particular level of service would be very expensive, since it essentially represented no congestion. Mr. Davidson said that the new Grand Valley Transit System should help alleviate some of the current and future congestion problems. A number of non-elderly and non-disabled residents had expressed an interest in utilizing the system. The system, however, was not expected to make an impact significant enough to be factored into transportation plan modeling.

Commissioner Binder lauded the efforts of both Mr. Sims and Mr. Davidson and noted the exceptional work done on both the 2020 Regional Transportation Plan and the Grand Valley Transit System. She said that the MPO had done with a staff of three what Denver had done with its staff of hundreds. These comments drew general assent by other planning commissioners.

MOTION: (Commissioner Grout) “Mr. Chairman, on the 2020 Regional Transportation Plan, I move that we forward a recommendation of approval to City Council.”

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

V. GENERAL DISCUSSION

A brief discussion ensued over the drainage swale issued brought up previously by Commissioner Binder.

Upcoming meeting dates were noted and included January 25 and February 1 for Planning Commission and City Council consideration on zoning maps and a February 15 meeting for final Code consideration by the Planning Commission and a February 23 for final Code consideration by the City Council.

With no further business, the hearing was adjourned at 9:40 p.m.