

**GRAND JUNCTION PLANNING COMMISSION  
SEPTEMBER 12, 2000 MINUTES  
7:02 P.M. to 9:50 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 P.M. by Chairman John Elmer. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were John Elmer (Chairman), Joe Grout, Dr. Paul Dibble, Terri Binder, Nick Prinster, Vicki Boutilier (alternate), and William Putnam (alternate). Jim Nall and Jerry Ainsworth were absent.

In attendance, representing the Community Development Department, were Pat Cecil (Development Services Supervisor), Joe Carter (Associate Planner), Kathy Portner (Planning Manager/Acting Community Development Director), and Lisa Gerstenberger (Senior Planner).

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

Terri Troutner was present to record the minutes.

There were approximately 42 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes of the August 15, 2000 Planning Commission public hearing.

Commissioner Binder noted that on page 19, second paragraph, the words "...of hers..." should be deleted since the home which burned to the ground did not belong to her. She also noted the omission of a comment she'd made on cul-de-sacs, which should have been added after the third paragraph on page 16. She stated that "Cul-de-sacs funnel traffic out to other streets as this one would going onto G Road, adding to the congestion already on it."

**MOTION: (Commissioner Grout) "Mr. Chairman, I move that we approve the minutes as revised this evening."**

Commissioner Dibble seconded the motion. A vote was called and the motion passed by a vote of 4-0, with Chairman Elmer and Commissioners Prinster and Boutilier abstaining.

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

Items recommended for continuance included PP-2000-127 Preliminary Plan Desert Trails Condos (to the first public hearing in October) and PP-2000-125 Preliminary Plan Grand Vista Subdivision (to the September 19 public hearing). A brief discussion ensued over whether renotece was required for item PP-2000-127 Preliminary Plan Desert Trails Condos and whether items should be opened for public comment (on the continuances only). No public comment was received for either continuance. Mr. Shaver said that renotecing would be required for PP-2000-127 Preliminary Plan Desert Trails Condos as long as the continuance was to a date certain.

**MOTION: (Commissioner Grout) “Mr. Chairman, on item PP-2000-127, I propose a continuance of this item to the first meeting in October for this Planning Commission, to allow the petitioner to satisfy the rest of the issues outlined by staff with regard to this application.”**

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

**MOTION: (Commissioner Dibble) “Mr. Chairman, on item PP-2000-125, I recommend that we continue the Grand Vista Subdivision request until the September 19 meeting.**

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

**III. CONSENT AGENDA**

Offered for placement on the Consent Agenda were items ANX-2000-144 Annexation/Rezone Elam’s Gravel Pit, CUP-2000-138 Conditional Use Permit Jenkins Floral Greenhouse, FP-2000-128 Final Plat Garrett Estates and PP-2000-140 Preliminary Plan Monument View Ranch. At citizen request item CUP-2000-138 was pulled and placed on the Full Hearing agenda.

**MOTION: (Commissioner Grout) “Mr. Chairman, I move that we approve the Consent Agenda as revised this evening.”**

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

**IV. FULL PUBLIC HEARING**

**CUP-2000-138 CONDITIONAL USE PERMIT—JENKINS FLORAL GREENHOUSE**

**A request for approval to build a greenhouse for a floral business in an RMF-8 (Residential Multi-Family not to exceed 8 units/acre) zone district.**

**Petitioner: Mary Jenkins  
Location: 2806 Unaweep Avenue  
Representative: Rich Jenkins**

**PETITIONER’S PRESENTATION**

Rich Jenkins, co-petitioner, affirmed his request to construct a 45’ x 41.5’ greenhouse on the property. He stood for questions.

**QUESTIONS**

Commissioner Binder asked if the petitioner owned the property directly to the west of the greenhouse. Mr. Jenkins responded affirmatively. Commissioner Binder wondered why the addition could not be constructed there instead of behind the existing structure. Mr. Jenkins responded that the area to the west was smaller in size and used by the employees. He added that peonies were also grown on this tract and he preferred retaining the area for peony cultivation.

Chairman Elmer asked if it were possible to transfer and raise the flowers in the area behind the existing structure instead. Mr. Jenkins said that the area behind the existing structure was small and would restrict the number of peonies and other flowers which could be grown there; flowers grown on the western tract are cut and sold in the flower shop.

Mary Jenkins, co-petitioner, added that if dug out, the loss of established root growth would be substantial. She explained that it generally took five years of growth before peonies began to produce sellable flowers. A portion of the flowerbed had already been cut down to make room for the greenhouse.

Chairman Elmer asked if noise from the greenhouse fan would be disruptive? He also inquired whether there would be any odor associated with the business? Mr. Jenkins said that the fan would be located on the south side between the flower shop and the greenhouse; no insecticides/herbicides would be used because a bug screen would be installed to keep insects out of the building. Mary Jenkins added that fan noise would be approximately 68 decibels. A written report verifying this information was available but the petitioners stated that they had not brought it with them.

Chairman Elmer asked if additional landscaping was planned to buffer neighbors to the north. Ms. Jenkins said that their neighbors already had shrubs, trees, and fencing which she felt to be sufficient. Ms. Jenkins corrected the agenda to reflect that the project only involved 2806 Unaweep Avenue; it did not include 2802 Unaweep Avenue.

### **STAFF'S PRESENTATION**

Joe Carter offered two corrections to the staff report: 1) the fan's location on the south side of the property, not the north; and 2) the size of the greenhouse addition had been reduced from 2,430 square feet to 1,845 square feet. The latter change did not affect the addition's proximity to the property line.

Mr. Carter presented an overhead visual of the Site Plan. Hours of operation would be from 8:00 A.M. to 6:00 P.M. The addition conformed with setback criteria and the height of the proposed structure would be 19'6". No additional parking would be required. A 6-foot wooden fence was already erected behind the greenhouse, with vegetation from a neighboring yard. Letters objecting to the request were received from 12 nearby residents. Objections included obstruction of views, opposition to construction of new commercial structures on the Jenkins' property, fan noise, and shading of backyards. He noted, however, that because complainants also had trees shading their backyards, the latter concern seemed contradictory. The decibel level cited by the petitioners would be at approximately 54 feet from the property line. Mr. Carter stated for comparison that a residential structure could be constructed to within 10 feet of the property line at an allowable height of 35 feet.

Having found that the request met Code criteria, staff recommended approval.

### **QUESTIONS**

Commissioner Binder asked if there were any size restrictions associated with accessory structures in an RMF-8 zone. Kathy Portner said that while the Code did not specify size restrictions for accessory structures, it presumed them to be smaller than principal structures.

Chairman Elmer remarked that zoning would allow construction of up to 20 single family residences on the same site. The CUP applied only to the current use. These statements were confirmed by Mr. Carter.

Commissioner Prinster asked if the 6-foot fence along the north extended along the entire property line. Mr. Carter replied negatively, indicating its placement on the Site Plan.

### **PUBLIC COMMENTS**

#### **FOR:**

There were no comments for the request.

**AGAINST:**

Dick Atkinson (309 W. Highland Drive, Grand Junction) expected greenhouse fans to be noisy and disruptive. He said that he'd just received the signature of an additional resident opposing the request.

**PETITIONER'S REBUTTAL**

Neither petitioner offered rebuttal testimony.

**DISCUSSION**

Commissioner Binder wondered if greenhouse fans would be running after 6:00 P.M. Mr. Carter replied affirmatively. He understood that fans were temperature sensitive and started automatically when temperatures warranted.

Commissioner Dibble referenced chain link fencing located along a diagonally-shaped portion of the property and asked if any appreciable benefit would be derived by weaving screening strips throughout the fence. Mr. Carter responded that only one residence existed on the other side of the chain link fence and did not know who owned the fence.

Chairman Elmer wondered if there was any way for staff to measure the expected noise impact of fans. Mr. Carter said that noise abated with distance; how much it dissipated before reaching adjacent residents was not known. He added that noise would be further reduced by the fan's installation on the south side of the greenhouse. The greenhouse itself would serve as a sound buffer.

Commissioner Dibble asked about the "north to south boundaries of the inside of the greenhouse." Mr. Carter replied that the north/south dimension was approximately 45 feet. The distance between the fan and Mr. Atkinson's residence would be approximately 100 feet; again, with the greenhouse present as a buffer.

Commissioner Binder wondered if staff knew how fans were typically installed. She thought that if pads were installed around the fan, vibration noise could be further diminished. Mr. Carter understood that the 36-inch fan was set inside the structure. Metal vents were closed to trap heat. As the fan began to suck air, vents opened to expel the warm air.

Commissioner Boutilier noted that the petitioners had met all Code requirements and Growth Plan recommendations.

Commissioner Binder felt satisfied that noise would be sufficiently abated with the fan's placement on the south side of the greenhouse.

Commissioner Dibble remarked that the height of the greenhouse was far lower than what would be allowed for typical residential structures. Thus, even the shading impact was less with the proposed use.

**MOTION: (Commissioner Grout) "Mr. Chairman, on Conditional Use Permit, CUP-2000-138, 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-2000-138."**

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

Due to the potential for conflict of interest, Commissioner Boutilier recused herself from consideration of the following item.

**SPR-2000-131 HEIGHT VARIANCE—MESA STATE COLLEGE FINE ARTS BUILDING**

**A request to allow an increase in building height from 40 feet to 50 feet in a CSR (Community Service and Recreation) zone district adjacent to residential zoning and uses. MSC representatives will also present an overview of the college’s expansion plans.**

**Petitioner: Mesa State College**  
**Location: 1002 Bunting Avenue**  
**Representative: Ron Gray**

**PETITIONER’S PRESENTATION**

John Fitzgibbon, representing the petitioner, noted that this was the 75<sup>th</sup> anniversary of the college. He presented a number of overhead visuals depicting the college’s history, continued growth patterns, and plans for future expansion. He briefly outlined the State’s onsite budgeted projects and projected that an additional 80 staff would be hired to accommodate expected growth. Mr. Fitzgibbon noted both the college’s positive economic impacts on the community and its plans to expand land area, building sizes, and technology base.

**QUESTIONS**

Commissioner Binder observed that the parking problem around the campus was worse than ever with its record enrollment. She asked what did the college plan to do to mitigate that concern? Mr. Fitzgibbon indicated that an increase in the fee for parking permits is in the works to provide funding for parking lots. Mr. Fitzgibbon said that the college had already striped crosswalks and had provided bright day-glow signage warning motorists of pedestrian traffic. Traffic would be monitored, although he acknowledged that pedestrian/vehicle accidents were still occurring. Tunnels and overhead conveyances were too expensive to construct. He added that additional parking had been available on the east side of 12<sup>th</sup> Street for quite some time.

Chairman Elmer asked if the college had formulated design plans for future construction to the west. Mr. Fitzgibbon replied negatively, adding that construction would occur over a 10-year timeframe. It was unclear what uses would be constructed on lands to the west, although additional green space and parking would be provided. The college’s target area would be along Houston Avenue, with parking to be located along its perimeter.

Chairman Elmer asked if additional parking would be required as a result of the request’s added building height, to which Mr. Fitzgibbon responded negatively. He said that most of the added height would be to accommodate the building’s architectural features. Chairman Elmer stated that even if architectural features were minimized, the overall building height would still exceed 40 feet. He remarked that the old Code had allowed for 65-foot building heights in PZ zones. Most residents in the area were already aware of the college’s plans for expansion. He asked if representatives would be willing to submit the college’s overall Master Plan to planning commissioners for review. Mr. Fitzgibbon agreed to provide copies of a two-volume Master Plan set but cautioned that it was subject to changes.

Commissioner Putnam wondered about the height of the Tomlinson Library. Ron Gray, corepresentative for the petitioner, answered that the library was approximately 45 feet in height. Mr. Fitzgibbon added that the height of the existing Sciences Building was approximately 65 feet.

**STAFF’S PRESENTATION**

Kathy Portner said that there were no provisions in the new Code designed to address the currently proposed facility. She concurred that portions of the increased height were to accommodate architectural features. The old PZ (Public Zone) allowed 65-foot building heights; the recently adopted CSR zoning allowed a maximum building height of 65 feet unless adjacent to residential in which case it was 40 feet. As with the old Code, the new Code allowed for a 25% variance if the request otherwise met criteria. Having found that the request complied with other Code criteria, staff recommended approval.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Sid Erickson (no address given) expressed concern about the current and future noise impacts of the college. The college, he said, didn't seem to be in any hurry to purchase surrounding properties, so residents were left dealing with the college's impacts. He urged college representatives and the City to work together to mitigate noise concerns.

Betty Newbauer (922 Bunting Avenue, Grand Junction) wondered why more attention was being given to the college's overall expansion plans than to the current height variance request. She observed that the State's plans seemed to override the City's Code and Growth Plan. She added that officials needed to realize that the residential uses in the area did not stop at Cannell Street. Granting the height variance would negatively impact surrounding residents. She wondered if there were any Code requirements for college parking based on student enrollment. If not, why not she asked?

Karen Peterson (890 Kennedy Avenue, Grand Junction) expressed concern over traffic and parking impacts. She didn't feel that the college was doing enough to mitigate the current parking problem, and it didn't sound as though they had sufficient plans for mitigating future problems either. She averaged nearly 15 calls/week to the Police Department complaining of parking violators who blocked her driveway. Responses from the Police Department suggested that dealing with parking violators in the vicinity of the college were not high on their list of priorities. She wondered why the college seemed exempt from any kind of City-imposed parking requirements.

Ms. Peterson objected to the height variance, saying that the building would be directly adjacent to her property. She wondered when the college would purchase her property and noted that the college let its purchased properties and landscaping deteriorate. This continued to drive down the values of properties whose owners were still there.

Leonard Newbauer (922 Bunting Avenue, Grand Junction) focused on view impacts and said that the building's increased height would impact his enjoyment of the "sun marching across the sky."

**PETITIONER'S REBUTTAL**

Mr. Fitzgibbon said that parking had always been and would always be a problem for the college. While there was ample parking available at Saunders Fieldhouse, he surmised that students chose not to use it because of its distance to the main campus. He agreed that its location was not convenient, but it *was* available. He said that parking fees would be increased from \$28/yr to \$50/yr. Price increases would force more students to park away from the main campus area. He acknowledged that 800-1,000 additional parking spaces would be necessary over the next 10 years, but parking areas are not State funded. At present there are no funds available for construction of additional parking lots.

**QUESTIONS**

Commissioner Binder asked for a college representative to respond to allegations that college properties were left to deteriorate. Mr. Fitzgibbon said that some of the lots were both college and foundation owned. Some homes are rented and situations on those properties were outside the college's control. If the college intended to ultimately tear down the homes on those lots, it didn't make sense to invest a lot in maintenance.

Commissioner Prinster noted the college's purchase of two lots on Houston Avenue. He wondered what the Master Plan envisioned for that area. Mr. Fitzgibbon said that it would be considered "perimeter property." Additional parking for that area was planned along with green space; however, no plans for construction were being considered at the present time. Commissioner Prinster asked for confirmation that no money was available for parking lot development, which was given by Mr. Fitzgibbon.

### **DISCUSSION**

Chairman Elmer asked staff for the City's policy, if any, on parking restrictions along public streets. John Shaver said that options included requirement of parking permits and posting of signs prohibiting parking in certain areas within certain times. Both required increased levels of enforcement, which would expend additional City resources. City Council members are aware of the public's concerns over parking around the college. He briefly outlined a number of legal remedies available to citizens. He said that campus police may also be available to patrol affected areas if college representatives so agreed.

Chairman Elmer asked if "shadow impacts" were considered by staff, to which Ms. Portner replied negatively. Given the amount of setback available from the building to nearby residences, shadow impacts would be negligible. Mr. Shaver said that there is no law requiring the City to enforce "sunlight protection." He mentioned state law concerning access to sunlight for solar collection devices.

Commissioner Binder asked for further details on parking signage posting. Mr. Shaver said that some posting had already been undertaken.

Chairman Elmer reminded planning commissioners that the height variance was the only issue under consideration. Parking issues were not relative to the request.

Commissioner Dibble noted that building heights in the CSR zone generally allowed 65 feet. He felt that college needs should be considered, and he agreed that the college provided a great deal of benefit to the community. He expressed support for the request.

Commissioner Binder expressed concern over the college's continued failure to address the parking problem. She said that continually ignoring the public's complaints "was not a good thing." While the building height variance was the only issue at hand, she appreciated the public's participation in the process and their willingness to voice concerns. The college may be an asset as a whole, she said, but residents in the area still had to live there. While the City has no direct authority over the college, she urged the college and its representatives to be a better neighbor.

Chairman Elmer stated that this was the first time the Planning Commission had heard anything about an overall Master Plan for the college. He expressed his appreciation that additional discussion was warranted.

Commissioner Putnam remarked that the college's expansion was inevitable.

Chairman Elmer said that the college represented a major economic center for the City. This, as well as the college's expansion, were both acknowledged and encouraged in the City's Growth Plan. He noted

that the area surrounding the college was not a recognized view corridor. Transitioning from one use to another was very difficult. He expressed support for the request. He reiterated his request for copies of the Master Plan.

**MOTION: (Commissioner Putnam) “With regards to SPR-2000-131, Mesa State College Fine Arts Building height variance request, I move that we find that the criteria as listed in the staff report have been met and approve the request for a 25 percent increase in height.”**

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

## **V. GENERAL DISCUSSION**

Mr. Shaver offered to prepare a legal overview for presentation to planning commissioners explaining the relationship between the City and State with regard to Mesa College.

Commissioner Elmer stressed his interest in reviewing the college’s Master Plan. Mr. Fitzgibbon reiterated his willingness to not only provide the City with copies of this document but to meet with City representatives and go over it. He said that the Plan was a working document which had already undergone change prior to its printing. To Commissioner Binder, Mr. Fitzgibbon said that her comments would be taken to heart. He expected to have a neighborhood meeting sometime in the near future to solicit further public comment.

With no further business to discuss, the meeting was adjourned at 9:50 P.M.