

GRAND JUNCTION PLANNING COMMISSION
JANUARY 12, 1999
MINUTES
7:00 p.m. to 10:10 p.m.

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. in the City/County auditorium by Chairman John Elmer.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Jeff Driscoll, Joe Grout, Mark Fenn and Robert Gordon. Paul Coleman was absent. (Mike Denner resigned.)

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Michael Drollinger (Development Services Supervisor), Bill Nebeker (Sr. Planner), Mike Pelletier (Assoc. Planner) and Kristen Ashbeck (Sr. Planner).

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

Terri Troutner was present to record the minutes.

There were approximately 24 interested citizens present during the course of the hearing.

0 APPROVAL OF MINUTES

Available for consideration were the December 8, 1998 and December 10, 1998 Planning Commission public hearing minutes. Commissioner Driscoll said that on page 8 of the December 8 minutes it was recorded as his having said that he supported a lower-end density. He did not remember making such a comment and asked that the minutes reflect his support for the Project's conformance with Growth Plan recommendations.

MOTION: (Commissioner Driscoll) "Mr. Chairman, I move that with that correction, we approve the December 8 minutes."

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

MOTION: (Commissioner Driscoll) "Mr. Chairman, I move we approve the December 10 minutes as drafted."

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

1 ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Chairman Elmer said that Mike Denner recently resigned from his position as planning commissioner. City Council would be advertising publicly to fill the vacancy should there be any citizens interested in the position.

Pulled from the agenda were items CUP-1998-172 and PP-1998-173. These items would not be heard.

2 PUBLIC HEARING ON ITEMS FOR FINAL DECISION UNLESS APPEALED

PLN-1998-189 MAJOR STREET PLAN (con't from December 8, 1998)

A request to approve the Major Street Plan which concerns the functional classification of streets. The Plan consists of an overall map as well as supporting goals, policies and principles.

Petitioner: City of Grand Junction

STAFF'S PRESENTATION

Jody Kliska, Cliff Davidson and Ken Simms availed themselves for questions.

QUESTIONS

Commissioner Fenn wondered why North Avenue had been designated as a Minor Arterial rather than a Principal Arterial. Ms. Kliska explained the differences between the two classifications and said that North Avenue better fit the classification of a Minor Arterial. Also, access was less restrictive for a Minor Arterial.

Chairman Elmer said that it was important for both City Council and Planning Commission members to read and employ the Street Plan's policy statements in conjunction with the Functional Classification Map. It would be unwise to reference the Map exclusively.

Scott Harrington explained that there were presently no concurrency standards for streets, only generally adopted policies. He reminded planning commissioners that policies were not "hard and fast" rules; other considerations included access management. It was possible that there would be some intersections or links that would exceed classification parameters; staff, he said, would monitor those. The Map could be revised at a later date at Planning Commission's discretion.

Ms. Kliska concurred that ADTs for various links would be revisited. Corresponding policies had been drafted more to support the Map.

Chairman Elmer cautioned that it was the Map and its corresponding policies that would make Planning Commission decisions on future development proposals defensible. Thus, a reasonable reflection of streets and their current/future carrying capacities was important.

Mr. Harrington said that the Map and its policies were only a single facet in the overall Street Plan. The TEDS manual is still in effect. The Planning Commission was being asked to adopt the Map as just one element in the overall Street Plan.

Chairman Elmer expressed concern that even after spending millions of dollars on street expansion, models indicated that those efforts would provide only minimal relief. It was crucial to find other long-term solutions to the area's traffic problems.

Commissioner Fenn wondered if the Map, once adopted, could be amended, to which Mr. Shaver responded affirmatively. Chairman Elmer said that amendments were generally rare; a re-write would probably be required in order to "amend" the Plan. Both Mr. Harrington and Mr. Shaver indicated that the Planning Commission could request an annual review of the Plan and request amendment as the need arose. A brief discussion ensued over the specifics of how this could occur.

Mr. Harrington added that the current Plan would replace what was already in place.

PUBLIC COMMENTS

There were no comments either for or against the request.

MOTION: (Commissioner Fenn) “Mr. Chairman, regarding PLN-1998-189, Major Street Plan, I move we adopt the Plan as submitted.”

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

CUP-1998-180 (EXTENSION REQUEST) CONDITIONAL USE PERMIT--RIMROCK MARKETPLACE

A request to amend the Conditional Use Permit for Rimrock Marketplace for a 430,000 square foot shopping center and pad sites on approximately 60.8 acres with zoning of C-1 (Light Commercial) and C-2 (Heavy Commercial)

Petitioner: THF Belleville Development LP

Location: Southwest corner of 25 ½ Road and Highway 6 & 50

Representative: Tom Volkmann

PETITIONER’S PRESENTATION

John Rubenstein, representing the petitioner, provided a brief history of the project’s original CUP approval. A one year extension (to December 18, 1999) would allow the petitioner additional time to secure key tenants for the site.

QUESTIONS

Commissioner Driscoll asked if the petitioner took any issue with the performance milestones outlined by staff. Mr. Rubenstein said that it was unrealistic to expect that a completed site plan would be ready for submission by the July 2, 1999 deadline.

Chairman Elmer said that if this was insufficient time for preparation of site plan drawings, he didn’t see how the petitioner could have the use established by December 18, 1999. It was important for staff and planning commissioners to have some type of schedule by which to gauge progress. Mr. Rubenstein said that without prior establishment of tenancies, it would be impossible for the petitioner to provide such a schedule.

When asked by Commissioner Fenn how far along tenancy discussions were, Mr. Rubenstein said that potential tenants had expressed a desire to remain anonymous until negotiations were finalized.

Commissioner Fenn asked if a subsequent extension request would be forthcoming if sufficient tenants could not be found by the December 18 expiration date. Mr. Rubenstein said that if a finite deadline was imposed, the petitioner would be forced to comply, but added that it was important that the project be done right.

Chairman Elmer noted the existence of several junk vehicles on the site, to which Mr. Rubenstein agreed and stated that they would be removed.

STAFF’S PRESENTATION

Michael Drollinger added further elaboration on the history of the project’s CUP approval. The current extension request represented the second one sought by the petitioner. He said that to date little progress had been made in further development of the site, and he noted several areas where the petitioner had not complied with prior schedule timelines. Staff recommended approval of the request conditioned upon

the petitioner meeting the following performance milestones. Failure to adhere to any single milestone would result in the immediate expiration of the CUP and would require reapplication.

1. The applicant must have a preapplication conference for the project with staff no later than February 26, 1999.
2. The applicant shall submit a complete application for site plan review (and any other review required by the Code for establishment of the development) no later than July 2, 1999.
3. City of Grand Junction and Colorado Department of Transportation (CDOT) final approvals must be obtained no later than October 15, 1999. A Development Improvements Agreement (DIA) and appropriate financial guarantees required for public improvements must also be in place by October 15, 1999.
4. The applicant must obtain a Planning Clearance for Phase I of the project no later than December 3, 1999.

Mr. Drollinger cautioned planning commissioners against granting an open-ended extension.

QUESTIONS

Commissioner Driscoll said that since the petitioner already indicated the second criterion could not be met, he wondered if it could be modified. Mr. Drollinger said that the timeline established by staff was derived by working backwards from the extension's expiration date. Dates mentioned as performance milestones were realistic in order to have an established use on the site by December 18, 1999. If the second criterion's deadline were extended, it would be unrealistic to assume that the use could be established prior to the CUP expiration date.

Chairman Elmer said that if the petitioner was required to reapply for another CUP subsequent to adoption of the new Code, he wondered which Code version would dictate compliance criteria. Mr. Shaver said that this could be a potential problem since there was no clear direction provided in the current Code to address the question. It was unlikely the petitioners would want to be bound to new Code criteria. Thus, a finite extension date would help alleviate this problem.

When asked for the petitioner's stance on the issue, Tom Volkmann, also representing the petitioner, felt that the current CUP request should be bound by existing Code criteria. Future development stages, he acknowledged, would be bound by whatever Code version was in place at the time of submittal.

A brief discussion ensued over the term "establishing a use." It was determined that the best definition would be the issuance of a Planning Clearance. Mr. Drollinger said that if the performance milestones were not adhered to, it would be unlikely that a Planning Clearance could be issued by the December 18 deadline.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER'S REBUTTAL

Mr. Rubenstein asked that the extension be granted to the December 18 deadline. At that time, the project's progress would determine the next step.

DISCUSSION

Commissioner Fenn remarked that if tenants weren't secured quickly, it was unlikely there would be site plan drawings available by July 2.

Chairman Elmer suggested having one performance milestone, that of having a Planning Clearance issued by December 17 (one day prior to expiration). Without a Planning Clearance, the CUP extension would automatically expire. Commissioners Fenn and Grout expressed support for that option. Chairman Elmer noted some of the unusual circumstances which had been involved with the project.

Mr. Shaver suggested omitting in a motion any reference to the CUP expiring; rather, he suggested the language reflect that the issuance of a Planning Clearance defined "the establishment of use."

Mr. Drollinger asked for the Planning Commission's position on a possible third extension request by the petitioner. Mr. Shaver advised against preventing the petitioner from making another extension request, citing Force Majeure, Acts of God etc. which could effectively delay the project.

Commissioner Fenn stated that there had better be very substantial progress made on the project before an additional extension request is made.

Mr. Harrington clarified that if Chairman Elmer's option was selected, it would in no way negate the petitioner's need for completion of the remaining steps. It just released the petitioner from compliance to interim timeframes.

MOTION: (Commissioner Fenn) "Mr. Chairman, regarding CUP-1996-180, I would move that we extend the Conditional Use Permit subject to the applicant obtaining a final Planning Clearance for Phase I of the project no later than December 17, 1999 with the understanding that the sense of the Commission is that we would like to see very substantial progress on this project and we would not look favorably on a further extension if we didn't."

Chairman Elmer asked if consideration should be given to the submission of a development schedule. Commissioner Fenn opted not to include this in his motion. Chairman Elmer asked if parameters should be set to further define "very substantial progress," but Commissioner Fenn felt that it should be left up to the Planning Commission to make that determination.

Mr. Shaver said that the motion provided direction to the petitioner should another extension request be contemplated by the petitioner. Mr. Harrington added that if the use was not established by December 18, 1999 and the petitioner failed to request another extension, the CUP would automatically expire.

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

FPP-1998-202 FINAL PLAT/PLAN—CHERRYHILL SUBDIVISION

A request to approve the Final Plat for Cherryhill Subdivision consisting of 24 lots on approximately 14.47 acres in an RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) zone district.

**Petitioner: Denver Cherry/Richard Witt
Location: 674 – 26 ½ Road
Representative: Thompson-Langford**

PETITIONER’S PRESENTATION

Doug Theis, representing the petitioner, presented an overhead transparency of the Plan and clarified that the total acreage was 14.32, not 14.47 as reflected on the agenda. Lots averaged 17,420 square feet—double the minimum size requirements for the zone. The landscaped entrance feature and other common area landscaping would be maintained by the Homeowners Association (HOA). Irrigation water would be provided to each lot via a pressurized irrigation system. The development, he felt, was compatible with surrounding uses and the Final Plan conformed to the conditions of Preliminary Plan approval.

QUESTIONS

Commissioner Driscoll asked if the petitioner took exception to any of staff’s approval conditions. Mr. Theis said that while the petitioner agreed to provide the 15-foot easement to the Stahl property, costs for sewer line engineering, materials and installation should be borne exclusively by Mr. Stahl since he was the direct beneficiary of the line. If the line was not installed prior to lot 23’s development, boring under fencing and/or landscaping may be required, which could significantly increase installation costs to Mr. Stahl.

When Chairman Elmer asked if the overall density reflected 1.7 units/acre, Mr. Theis responded affirmatively.

Commissioner Driscoll wondered if the petitioner would have taken the same position with the sewer line had the line been intended to serve more than one property. Mr. Theis indicated that a multi-use scenario may have changed the petitioner’s position.

STAFF’S PRESENTATION

Bill Nebeker reviewed the request briefly and said that the four Preliminary Plan conditions had been incorporated into the Final Plan. Staff determined that the request was in conformance with the Preliminary Plan and recommended approval subject to the following:

1. A 15-foot utility easement located between Dahlia Court and the north property line shall be dedicated on the plat between lots 21 and 22 or lots 22 and 23 to provide for future sanitary sewer service to the home at 676 – 26 ½ Road. Sewer plans shall be revised to depict a 4-inch PVC sewer service line to the back of the multi-purpose easement along the middle of this easement.
2. The applicant shall be required to provide temporary irrigation to the disturbed areas of the detention ponds (Tracts A and B) for a period of two years or until the vegetation in the area has been established to the satisfaction of the City.
3. The applicant shall provide a financial guarantee using a Development Improvements Agreement (DIA) separate from the DIA for public improvements to include the costs for vegetation and temporary irrigation of the detention pond area (Tract B).
4. The westernmost tree in Tract D shall be planted no closer than 25 feet to the flow line. All shrubs and the entry feature/sign shall not exceed 2.5 feet in height from the flow line elevation.
5. A note shall be placed on the plat and in the subdivision’s CC&R’s stating that no fencing will be allowed in the pedestrian easement. (The pedestrian easement to Tract B may be reduced to 12 feet in width.)
6. A 4-foot-high split face block, brick or natural stone and pillar-type fence, tapered at the intersection of Dahlia Court to avoid conflicts in the sight triangle, may be constructed on the property line along

26 ½ Road. No other fence will be allowed within 20 feet of the property line along 26 ½ Road. The subdivision's CC&R's shall be modified to allow this fence.

7. Provide recording information for the existing sanitary sewer easement in Tract B or dedicate a new easement.
8. Half-street improvement costs of \$20,833 must be paid prior to plat recordation. The entire TCP will be credited towards this payment.

Mr. Nebeker encouraged further discussion on condition 1. He elaborated that fencing materials mentioned in condition 6 could also include wrought-iron. Seventh Street would not require actual improvements with this project; however, half-street improvement costs must still be paid by the petitioner. Mr. Nebeker said that with regard to the sewer line extension, it was important that Mr. Stahl be aware of the costs involved in the extension and the increase in those costs which could be expected if boring was required.

QUESTIONS

Commissioner Fenn asked why only one home was being supplied with a sewer line extension. Rick Dorris explained that if located in an area near a sanitary sewer line, homes with septic systems were required to hook up to the sewer line if their septic systems failed.

Chairman Elmer asked if hooking up to a sewer line in the event of septic system failure was addressed in a City ordinance, to which Mr. Dorris replied affirmatively.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Larry Klauser (665 Round Hill, Grand Junction) felt that the project's density was too high and, thus, not compatible with the surrounding neighborhood.

Vince Grey (2669 Sperber Lane, Grand Junction) asked for clarification on height restrictions, fencing materials and the location of the detention pond, which was provided.

Denny Stahl (676 – 26 ½ Road, Grand Junction) said that while not necessarily opposed to the project, he did have some concerns. These included: 1) a request that no privacy fencing be allowed along 26 ½ Road; 2) a request for increased setbacks on the lot(s) abutting his property; 3) a request that building heights be limited to single stories to ensure compatibility with neighboring homes; and 4) a request that utilities along 26 ½ Road be buried at the same time as street improvements. He asked for clarification on when the property had been zoned RSF-4, which was given.

Chairman Elmer asked Mr. Stahl if it was his intention to work with the developer on the sewer line question. Mr. Stahl said that while he felt it fair that he should pay for extension costs of the line into his property, he didn't feel it fair that he should be made to bear the costs of bringing the line in off of 26 ½ Road. Staff clarified that the extension of the sewer line into Mr. Stahl's property would originate from Dahlia Court (location noted). Mr. Stahl said that he had no plans to extend the sewer line at the present time. There was a brief discussion on the costs associated with the extension and how much more it might be if boring were required. Mr. Stahl agreed to discuss the issue further with staff.

Fred Sperber (2665 Sperber Lane, Grand Junction) felt that the density was too high and lot sizes were too small to be compatible with the rest of the neighborhood. He also supported a height restriction.

Bill Ekstrand (667 Round Hill, Grand Junction) also expressed concerns over lot sizes, density and compatibility. He concurred with previous comments regarding imposing a height restriction on the subdivision. He asked that detailed infrastructure be made available to nearby residents and expressed the following infrastructure concerns: 1) odor problems coming from the nearby sanitary sewer; 2) the need for an interceptor to handle surface drainage; and 3) impacts from the subdivision on existing irrigation water availability and delivery.

Martin O'Boyle (3720 Horizon Glen Court, Grand Junction) expressed similar concerns on irrigation water impacts. He also wanted assurances that the wetlands area near his subdivision would not be adversely impacted by the development.

PETITIONER'S REBUTTAL

Mr. Theis reiterated that proposed lot sizes exceeded zone requirements. He noted the existence of other RSF-4 zoned properties in the area. He again urged Mr. Stahl to consider installation of the sewer line extension prior to development of lot 23 to avoid the additional costs of boring. Regarding height restrictions, the zone allowed for two story homes; the petitioner did not want to relinquish this allowance.

Mr. Theis said that lots 23 and 24, which abutted Mr. Stahl's property, already had 60-foot rear yard setbacks. He noted that due to the costs of utilities and driveways, people were more inclined to construct their homes closer to the street. Drainage concerns, he said, were unfounded as drainage would not affect surrounding property owners. Sufficient irrigation water shares were owned to provide irrigation water to each lot via a pressurized system.

With regard to wetlands concerns, Mr. Theis said that as many trees and as much vegetation as possible would be left intact on Tract B. No concerns had been expressed by the Corps of Engineers. Any odors emitting from the sewer line, he said, were probably as a result of low flows. He suggested that the proposed subdivision could even sufficiently mitigate that problem.

Mr. Dorris concurred with statements made regarding low flows within the sewer line and agreed that additional movement within the line may help remedy any existing odor problem.

QUESTIONS

Chairman Elmer asked if the subdivision's covenants followed the setbacks, height etc. set forth by the zone's requirements, to which Mr. Theis responded affirmatively.

DISCUSSION

Commissioner Driscoll asked legal counsel if there would be any basis for denial of the Final Plan if the petitioner met all the requirements imposed by the straight zone, to which Mr. Shaver replied negatively.

Chairman Elmer noted that the Planning Commission did not review nor enforce covenants. Mr. Shaver clarified the review process for covenants, adding that covenants for a straight zone development were limited. He added that the Code did not mandate the provision of irrigation water for subdivisions.

Chairman Elmer said that the purpose of a Final Plan review was primarily to ensure compliance with the Preliminary Plan and the proposal did conform to Preliminary Plan and Code requirements. He suggested that staff condition 1 be amended to add the following, "If the sewer line is not installed before

the respective lot is improved, the sewer line shall be placed by boring unless the lot owner approves open trenching.”

Commissioner Driscoll concurred and elaborated that the requirement would help eliminate the potential adverse impact to the development’s fences, trees, etc.

A brief discussion ensued between planning commissioners and Mr. Shaver on the merits of boring and the legal ramifications of and liability associated with open trenching. Mr. Shaver suggested replacing any reference to development of the lot with “the alienation or the transfer from the owner or the developer to any other person of the lots, that the line may be installed before that occurs.” Such verbiage would establish a timeframe.

Chairman Elmer preferred tying the requirement to the issuance of the Certificate of Occupancy (C.O.).

Mr. Nebeker noted that there was already a home on lot 22. He asked Mr. Theis where the easement would be located. Mr. Theis responded that it would be placed directly between lots 22 and 23 and would be dedicated to the City.

Chairman Elmer reworded his proposed condition 1as follows, “If the sewer line is not installed before the Certificate of Occupancy is issued for that respective lot, the line shall be placed by boring unless both affected lot owners approve open trenching.”

Commissioner Driscoll said that the C.O. was a moot point for lot 22 since there was already a house situated on the lot. Mr. Nebeker said that the C.O. was indicative of a Final Inspection and reference could be made to same.

When asked for his input, Mr. Stahl understood that only the one extension line from Dahlia Court was being considered. It may be possible, he said, to run multiple lines in one trench. The latter option could be discussed further with the developer.

A brief discussion ensued over the size of the line, where it would be located, and whom it would serve. Mr. Dorris clarified that there were no plans to provide a sewer stub to the north property line out in 26 ½ Road; rather, the line was stubbed to the intersection of Dahlia Court and 26 ½ Road. It may be possible to put in one single 8-inch line for future development of the front two lots (noted). Mr. Theis said that the 4-inch line would be of sufficient size to serve those two lots.

Commissioner Driscoll suggested replacing the words “...that respective lot...” for the words, “lot 23...” in Chairman Elmer’s amendment.

Chairman Elmer restated his amendment as follows: “If the sewer line is not installed before the Certificate of Occupancy is issued for lot 23, the line shall be placed by boring unless the owners of both lots 22 and 23 approve open trenching.”

Mr. Shaver suggested replacing the words “Certificate of Occupancy” for “Final Inspection,” to which Chairman Elmer agreed.

Commissioner Driscoll also suggested adding the word “public” before the word “utility” in condition 1, which also met with approval. He concurred with previous comments that the Planning Commission was charged with determining the consistency of the Final Plan with the Preliminary Plan, and in this case, it did.

The revised condition 1 would read as follows: “A 15-foot public utility easement located between Dahlia Court and the north property line shall be dedicated on the plat between lots 21 and 22 or lots 22 and 23 to provide for future sanitary sewer service to the home at 676 – 26 ½ Road. Sewer plans shall be revised to depict a 4-inch PVC sewer service line to the back of the multi-purpose easement along the middle of this easement. If the sewer line is not installed before the Final Inspection is issued for lot 23, the line shall be placed by boring unless the owners of both lots 22 and 23 approve open trenching (as amended).”

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item FPP-1998-202, I move that we approve the Final Plat for Cherryhill Subdivision subject to staff’s recommendation with the revisions to recommendation 1.”

Commissioner Grout seconded the motion.

Mr. Harrington asked for clarification on the Planning Commission’s position concerning the petitioner’s request for reimbursement of the sewer stub expense. Chairman Elmer said that since no verbiage was made to alter staff’s recommendation, the stub would be required with the expense borne by the petitioner.

A vote was called and the motion passed unanimously by a vote of 5-0.

A brief recess was called at 9:20 p.m. The hearing reconvened at 9:28 p.m.

3 PUBLIC HEARING ITEMS FOR RECOMMENDATION TO CITY COUNCIL

ANX-1998-152 ZONE OF ANNEXATION—RITE AID

A request to zone land which was recently being annexed into the City, consisting of approximately 2.5 acres, from County zoning PB to City zoning PB (Planned Business) zone district.

Petitioner: Thrifty Payless, Inc.

Location: 2992 F Road

STAFF’S PRESENTATION

Kristen Ashbeck indicated that the property had already been annexed into the City. The City’s zone was comparable to the County’s zone, and staff recommended approval of the request.

QUESTIONS

Chairman Elmer noted that the driving force behind the annexation was the Persigo Agreement.

Mr. Shaver said that the annexation also met Colorado’s statutory requirements.

Chairman Elmer asked if the drive-thru pharmacy met the City’s Code criteria. Mr. Shaver responded negatively since the City addressed drive-thru’s only in conjunction with restaurants. If the specific pharmacy use was discontinued, the drive-thru would not automatically be allowed for another use.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Driscoll observed that the request met the intent of the Growth Plan and was appropriate.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item ANX-1998-152, I move that we forward the Zone of Annexation to City Council with the recommendation to approve the Planned Business (PB) zone district Rite Aid located at 2992 F Road subject to the staff recommendation.”

Commissioner Gordon seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

ANX-1998-201 ZONE OF ANNEXATION—SONRISE CHURCH #1 AND #2

A request to zone land which is currently being annexed into the City, consisting of 5.25 acres, from County AFT to C-2 (Heavy Commercial).

Petitioner: Sonrise Church of God

Location: 483 – 30 Road

Representative: B.D. Scroggins

STAFF’S PRESENTATION

Mike Pelletier said that the Growth Plan recommended commercial/industrial zoning for the parcel. Surrounding uses were noted on the Future Land Use Map. C-2 was a lighter zone and its effect on the surrounding area would be minimal. Staff recommended approval of the request.

PUBLIC COMMENTS

Mary Huber (580 ½ Melrose Court, Grand Junction) wondered if the site plan had been submitted. Mr. Pelletier replied negatively but added that any compatible development proposal would be considered administratively.

DISCUSSION

Commissioner Driscoll commented that this request was also appropriate and met established criteria.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item ANX-1998-201, I move that we recommend to the City Council that this annexation be zoned Heavy Commercial (C-2).”

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

ANX-1998-207 ZONE OF ANNEXATION/CONDITIONAL USE PERMIT—STEEL, INC.

A request to: 1) zone land which is currently being annexed to the City, consisting of approximately 2.66 acres, from County zoning PI to City zoning of I-1 (Light Industrial) zone district, and 2) approve a Conditional Use Permit for metal works in the I-1 zone.

Petitioner: 515 Animas, Inc.

Location: 2189 River Road

Scott Harrington asked planning commissioners to continue the item because staff was considering rezoning the property to I-2 (Heavy Industrial). The Zone of Annexation would need to be readvertised to comply with legal requirements.

Mr. Shaver added that in an I-2 zone, no CUP would be needed. He suggested continuance to the next regularly scheduled Planning Commission hearing.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item ANX-1998-207, I move that we continue this item to the next regularly scheduled hearing in February, possibly February 9.”

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

ANX-1998-208 ZONE OF ANNEXATION—WELLS

A request to zone land which is currently being annexed into the City, consisting of approximately one acre, from County zoning ILCB to City zoning of C-1 (Light Commercial) zone district.

Petitioner: James Wells

Location: 535 Hoover Drive

STAFF’S PRESENTATION

Mike Pelletier corrected the agenda to reflect a zone request of C-1 (Light Commercial), not C-2 (Heavy Commercial). Under the terms of the Persigo Agreement, this property was subject to annexation due to the petitioner's intent to expand his existing business use. Surrounding uses were noted on the Future Land Use Map. Staff deemed the zone comparable to the County’s zoning and recommended approval of the C-1 zone.

PUBLIC COMMENTS

Jacqueline and James Wells, co-petitioners, asked that support be given to the request for C-1 zoning. Ms. Wells expressed anger at having been forced into the annexation by the City, and added that no one from the City had notified them about what type of services they could expect to receive. Mr. Shaver and Mr. Harrington invited the Wellses to come in and talk with them at any time.

Mary Huber (580 ½ Melrose Court, Grand Junction) said that the sporadic annexation resulting from the Persigo Agreement would create little pockets of City spot zoning. She reminded staff and planning commissioners that 77 percent of those who voted were against any form of annexation in the subject area. She felt that the Persigo Agreement was questionable in its intent and was certainly contrary to the wishes of the citizenry. “The public,” she said, “has been duped.”

Chairman Elmer said that the Planning Commission had no input in the Agreement’s adoption.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item ANX-1998-208, I move that we recommend to the City Council that this annexation be zoned Light Commercial (C-1).”

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

4 GENERAL DISCUSSION (Election of Officers)

MOTION: (Commissioner Fenn) “I move we retain the status quo.”

Commissioner Gordon seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0. The vote retained John Elmer as Chairman and Jeff Driscoll as Vice-Chairman.

With no further business, the hearing was adjourned at 10:10 p.m.