

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - June 4, 1996
7:00 p.m. to 11:15 p.m.

I. CALL TO ORDER

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 Vogel, Jeff Driscoll, Ron Halsey, Paul Coleman, and Bob Withers. Commissioner Tom Whitaker arrived after the vote on the first agenda item.

In attendance, representing Planning Department staff, were: Kathy Portner (Planning Supervisor), Dave Thornton (Senior Planner), and Bill Nebeker (Senior Planner).

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

Terri Troutner was present to record the minutes.

There were approximately 41 citizens present.

II. CONSIDERATION OF MINUTES

Available for consideration were the minutes of the May 7 and May 14 Planning Commission hearings.

MOTION: (Commissioner Halsey) "Mr. Chairman, I move that we approve the minutes of May 7 as presented."

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

MOTION: (Commissioner Halsey) "Mr. Chairman, I move that we approve the minutes of May 14 as presented."

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

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer announced that items FPP-96-48, PDR-96-74 and PP-96-111 had been pulled from the evening's agenda.

IV. PUBLIC HEARING ITEMS FOR RECOMMENDATION TO CITY COUNCIL

PP-96-77 PRELIMINARY PLAN AND VARIANCE TO STREET STANDARDS--THE HACIENDA

1) Preliminary Plan approval for townhomes/apartments with mini-storage & retail shopping on approx. 30 acres zoned PB (Planned Business) & PR-17 (Planned Residential with a density not to exceed 17 units per acre); and 2) variance to City street standards to allow private streets.

Petitioner: William Ihrig, J.B.I. Associates

Location: Southeast corner of F 1/4 Road and 24 2 Road

STAFF PRESENTATION

Kathy Portner noted the location of the site on the maps provided. She also gave a brief history on the formerly approved plan which has been reverted. The current proposal also includes the 4.54 acre parcel along 24 2 Road which was zoned Planned Business in 1995 at the time of annexation. Ms. Portner detailed specifics of the proposal from the staff report, noting that the project would include improvements to 24 2 Road and F 1/4 Road for access to the property. Internal roads were proposed as 24-foot-wide private drives accessing parking lots for the apartments and parking pods and driveways for the townhomes.

She indicated that the project's plans for parking far exceeded *Code* requirements. Ms. Portner further elaborated on the proposed active recreation area, provision of open space, a walkway, landscaping and internal sidewalks. While staff expressed some concern over the amount of open space being provided, a proposed *Code* provision would allow for a waiver of up to 50 percent of the requirement if active recreation amenities are provided (e.g., pools, tennis courts or playgrounds). The petitioner's provision of an active recreation area combined with an additional 9,000 square foot area to the North would meet the proposed *Code* requirements.

Ms. Portner said that storage units were discouraged as a rule along Patterson Road; however, they would be acceptable for this project if accessible only from within the confines of the project, with no access available from Patterson Road and were for the sole use of the residents. A solid masonry wall would be required to buffer the storage units from the Patterson Road corridor and 24 2 Road and, for uniformity, should be constructed to look the same as the wall surrounding the residential development. Covenants for the entire development, including the commercial space, should include uniform design standards.

Staff recommended approval subject to the following conditions:

1. Final design of each phase must include adequate parking and landscaping for that phase.
2. Final design must include specific landscaping plans for all the common areas.
3. Improvements to F 1/4 Road and 24 2 Road will be as required by City Engineering.
4. The storage units shall be for the sole use of the residents, with access only through the development. The units will be screened from view on the East, West and South, and shall not be visible from Patterson Road or 24 2 Road.
5. The square footage of the proposed business uses will be dependent on adequate parking being provided in the final design with all required landscaping.
6. The proposed masonry fence shall include the entire perimeter of the residential development as well as the storage units.

7. The covenants for the entire development shall include strict design guidelines for the residential and commercial buildings to provide for uniformity.
8. An area between the wall and F 2 Road improvements shall be provided for landscaping, to be approved with the final design.

QUESTIONS

Commissioner Withers asked why staff's language concerning screening of the storage units was so strong. Ms. Portner responded that if the storage units were visible from either Patterson or 24 2 Road, other property owners who had, in the past, submitted requests for construction of storage units and had been denied may re-apply, using the current proposal as a precedent. The City's position, she continued, was that storage units along this portion of Patterson Road were inappropriate.

Chairman Elmer pointed out the small portion of property located to the south and asked if it had yet been split off. Ms. Portner replied that this would be platted as a separate lot during the first filing.

PETITIONER'S PRESENTATION

Jerry Cooper, representing the petitioner, submitted additional copies of development plan specifics to Planning Commissioners and Ms. Portner. He outlined past projects undertaken by the petitioner and emphasized the quality of the current development proposal. He felt that the zoning was appropriate for the use proposed and that the only outstanding issue regarded the fence for the storage units. While the petitioner was not opposed to providing screening, there was some concern that the pouring of cement along a water course would jeopardize the integrity of the structure. Thus, the petitioner proposed construction of a solid steel fence and requested that the Planning Commission allow further discussions between the petitioner and staff on this issue. He elaborated briefly on the trees which would be planted along the north wall.

Mr. Cooper presented photos of similar projects. He said that moving the parking to the rear of the units allowed for more courtyard in the front. A preliminary drainage plan had been submitted which took into consideration substantial irrigation runoff originating from the northern portion of the property.

QUESTIONS

Mr. Withers asked for clarification on the petitioner's request for a steel fence. The petitioner, Mr. Ihrig, answered that it would be made of solid metal roofing material. He felt that over time, interior plantings would cover the fence. He emphasized concern over the integrity of footings placed in conjunction with a masonry fence.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Pam Fox (2517 I Road, Grand Junction), owner of property adjacent to the development site, did not feel the placement of a residential use near a business zone was appropriate. She expressed concerns over possible increases in crime and vandalism, and placed special emphasis on the impacts to local schools. She felt that the project was too dense and requested denial.

Chris Duffy (2489 H Road, Grand Junction) concurred with statements regarding school impacts and felt, too, that the project was too dense.

Commissioner Withers said that school impact figures had been submitted to staff by Lou Grasso of School District #51.

Kathy Jorgas (no address given), principal of Appleton Elementary School, said that with their current enrollment figures at 283 children, they were already 83 kids over capacity. She felt that the development would add further demand for space which wasn't available. She added that the school was already maximizing its facilities and that expansion was doubtful.

Chairman Elmer asked if some children were being bussed elsewhere, to which Ms. Jorgas replied that the only other schools not already at or exceeding their capacity were Wingate, Scenic and Broadway, but added that they were looking to handle their own area's needs.

PETITIONER'S REBUTTAL

Mr. Cooper empathized with the concerns expressed by the citizens and school district but said that growth in the valley was inevitable. He felt it unfair to penalize a single development for school impacts. He emphasized that total build-out would be over a five-year period and reminded the Commission that the zoning was compatible for the use proposed.

QUESTIONS

Commissioner Withers asked if there would be a specifically targeted age group for the development, to which Mr. Ihrig replied that it was likely that various age groups would be represented.

Mr. Cooper added that at 1,300 square feet per residential unit, they were not conducive to large families.

Lou Grasso (798 - 25 3/4 Road, Grand Junction), representing School District #51, arrived late but was allowed to speak for the school district on impacts. He said that Appleton Elementary was expected to be the hardest hit by such a development and that the school had already reached its limits for additional modular units. He stressed that core facilities such as the library and lunchroom were already at capacity and could not be expanded via modular units. The 40-child impact detailed in his report, he continued, is a very conservative estimate. Mr. Grasso added that West Middle School was at capacity and landlocked, so that it could not expand. He said that bussing and year-round schools were not preferred options due to related costs, teacher burn-out, day care considerations and parental objection.

DISCUSSION

Commissioner Halsey asked for staff opinion on the proposed alternative materials for the southern fence. Ms. Portner deferred response to Jody Kliska, who had no opinion without further review. Chairman Elmer felt that unless sufficiently demonstrated by the petitioner that a masonry fence would not work, staff's recommendation should be followed. Commissioner Withers thought that chain link would be preferable to solid steel. Commissioner Halsey said that masonry would provide the uniformity required by staff and be much more aesthetically pleasing.

Chairman Elmer acknowledged school impacts as a concern but admitted that the *Code* offered little in guiding Planning Commission decisions in that area. Commissioner Halsey said that only a moratorium on City/County building permits would sufficiently curtail school impacts. Commissioner Vogel asked

the Asst. City Attorney if planning should be tied to school capacities. Mr. Shaver said that the *Code* did not contemplate school impacts and that the Commission did not have the authority to base its decisions on that element. He reminded the Commission that its only consideration should be the plan itself since the

property is not be rezoned. Mr. Shaver added that developers helped pay a portion of school land acquisition through development fees.

When asked by Chairman Elmer if the Growth Plan would make a difference in a final decision, Mr. Shaver responded that it may, and an argument could be made for postponement of this project due to the pending plan; however, he did not believe that such a consideration was applicable at this time.

Commissioner Withers said that developments such as the one being proposed may add sympathy to November's bond issue. He agreed with staff on the necessity of screening the storage units. He commented that no RV parking was being provided with the site plan.

Chairman Elmer reiterated his concerns for school impacts but acknowledged that there was very little the Planning Commission could do.

Commissioner Vogel concurred with Chairman Elmer's statements, adding that if the proposal had been for a rezone, the Commission may have been able to address the issue differently.

Chairman Elmer asked for clarification of staff recommendation #1, which was given.

Commissioner Driscoll noted that in staff condition #8, reference should be made to F 1/4 Road and not F 2 Road. Ms. Portner concurred with the correction.

Commissioner Withers felt that the question of fencing materials should be left up to staff, and he suggested leaving the item open to further discussion between staff and the petitioner.

MOTION: (Commissioner Withers) "Mr. Chairman, on item PP-96-77, I move we approve the Preliminary Plan for The Hacienda subject to staff recommendations and that we pass on to City Council the recommendation that the street standards be varied to allow for internal private streets. Also, on item #8, the reference should be F 1/4 Road and not F 2 Road."

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

(Note: Commissioner Whitaker arrived at this point and was present for the following items.)

FPP-96-110 FINAL PLAT/PLAN--TRAILS WEST VILLAGE, FILINGS #1 AND #2

Request for: 1) approval of Filings #1 and #2 of Trails West Village for 42 single family lots on approximately 17 acres with zoning of RSF-4 (Residential Single Family with a density not to exceed 4 units per acre); 2) for the City to accept lands in lieu of open space fees; and 3) approval of a site-specific development plan pursuant to Section 2-3-1 of the *Zoning and Development Code*.

Petitioner: Brian Stowell, Camelot Investments

Location: East of South Camp Road and south of South Broadway

Representative: Jeff Crane, Land Design, LLC

STAFF PRESENTATION

Kathy Portner provided a brief history of the proposal, noting that during the Preliminary Plan/Plat stage, City Council excluded Outlots A and B from its approval, due to severe topographic constraints. Ms. Portner outlined the conditions of Preliminary approval, noting the restrictions which had been placed on both of the outlots. The current proposal included three additional lots not included in the Preliminary. The additional lots were achieved by the modification of lot lines to create lots more uniform in size. The petitioner has addressed the conditions of approval for the Preliminary Plan/Plat.

The petitioner requested waiver of the open space fees in exchange for the dedication of 1.86 acres of linear open space for trails (.75 acre of this total consists of a 20-foot wide and 2,000 foot long trail along the abandoned Redlands Canal). The petitioner had submitted a list of comparable sales in the area along with his proposed valuation. This valuation differed from that derived by Tim Woodmansee, City Right-of-Way Agent but Ms. Portner said that the valuation itself was not a Planning Commission issue. Commissioners could, however, decide which portion of the dedication, if any, should be considered for credit to the open space fees. The City Parks Planner recommended that the credit only be applied for the dedication along the abandoned Redlands Canal and not the active canal section.

Ms. Portner briefly reiterated the petitioner's request for approval of a site-specific development plan for these filings as a step toward Vested Property Rights pursuant to Section 2-3 of the *Zoning and Development Code*. She said that this would be the first request of this type and briefly elaborated on the specifics of this section.

The City Fire Department commented that the utility composite be revised with the following changes incorporated:

1. Move the hydrant proposed at lot 1, block 2 of Filing 1 to the southwest corner of lot 1, block 1 of Filing 1.
2. Move the hydrant proposed at the north frontage of lot 9, block 1 of Filing 2 to the northwest corner of lot 10, block 1 of Filing 2.

The petitioner had requested a credit to the TCP for the cost of improvements to South Camp Road. The Public Works Director will make the decision on the credit. Ms. Portner said that the petitioner had addressed most concerns; the only issue still outstanding was the petitioner's request to attach rather than detach the 10-foot-wide bicycle path, citing drainage considerations as the primary reason.

Staff recommended approval of the proposal with the following conditions:

1. The 10-foot-wide path along South Camp Road shall be detached.
2. Hydrants must be relocated as indicated by the Fire Department.
3. The following comment must be added to the sewer sheets: "Maunder Street sewer stub-out shall be capped and plugged at development property line. Stub-out shall be identified with a steel fence post buried 1 foot below finished grade. As-built surveying of stub-out is required prior to backfill."

4. The following comments of the Development Engineer must be addressed: 1) size, type and location of storm drain inlets must be shown on the plans; 2) street name signs must be shown on the plans; 3) details for box culvert extension must be provided; and 4) the signage and striping plan must be revised as per the City Engineer's comments.
5. The credit for parks and open space fees shall only apply to that dedication along the abandoned canal section.

QUESTIONS

Commissioner Withers asked for a legal opinion on whether or not the Commission should consider the valuation of property. Mr. Shaver concurred with staff to defer this consideration to City Council for final determination.

Chairman Elmer asked for clarification on the site-specific development aspect of the proposal, which was provided by Mr. Shaver.

Chairman Elmer asked if there had been any calculations submitted on the 24-inch line which addressed mitigation of any breakage in the line. Ms. Portner said that nothing had been submitted to address this concern. Chairman Elmer commented that there was a potential for great liability if a line of that size should break.

Chairman Elmer asked for clarification on the language provided for the two outlots, which was given. He suggested changing the word "staff" in outlot recommendation 2. to "The City of Grand Junction," to which Ms. Portner concurred.

Commissioner Withers asked how far detached would the sidewalk be under staff's recommendation, to which Ms. Portner replied that the current City standard was 10 feet but something less than that might be acceptable.

PETITIONER'S PRESENTATION

Brian Stowell, petitioner, cited the reasons for the request of an attached path were the proliferation of weeds in the land space between the sidewalk and street on the opposite side of South Camp Road. He also felt there were limitations imposed by the location of a large drainage culvert which would be constructed to handle flows from the area. Mr. Stowell felt that the development's provision of trail easements should be considered in lieu of open space fees, or at least some credit should be given.

With regard to the City's estimate of valuation, he acknowledged that his figures were hastily derived in order to meet the City's deadline for submission. He would like to pursue discussions with the City further on this issue. He clarified the reason behind the petitioner's request for seeking vested rights under the site-specific development proposal.

Jeff Crane of Land Design, representing the petitioner, said that the drainage culvert was designed to hold water totaling 225 cfs. He said that there was no practical way of re-engineering the drainageway to accommodate the detached path. In response to Chairman Elmer's concerns, Mr. Crane said that the culvert along with the swales (designed to handle 100 cfs of water), would handle even the worst-case scenario of a water line break.

QUESTIONS

Commissioner Coleman asked if the culvert could be piped, to which Mr. Crane replied that it could but the result would be ugly and expensive. When asked by Commissioner Withers if it could be piped under the sidewalk, Mr. Crane reiterated the substantial expense involved, adding that this option would also pose maintenance problems.

Commissioner Halsey asked how much of the detached sidewalk would be effected by the drainage culvert. Mr. Crane estimated that about two-thirds of it would be effected.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Ed Carpenter (2117 Saguaro Road, Grand Junction), representing Redlands Water and Power Company, asked if staff was requesting a second easement along the canal bank. He expressed strong opposition to any second easement, adding that it may necessitate the fencing of the existing easement. Mr. Carpenter said that Redlands Water and Power had not received any information regarding the petitioner's easement requirement and requested both the information and time for review and comment.

PETITIONER'S REBUTTAL

Mr. Stowell recognized a potential dispute between the City and Redlands Water and Power over the proposed easement and suggested that any dispute be worked out between the two aforementioned parties without his involvement. He had agreed to dedicate the easement at the City's request. He reiterated his opposition to piping of drainage water due to the expense involved.

QUESTIONS

Commissioner Driscoll asked if the petitioner still sought credit for the land under the proposed easement. Mr. Stowell replied that staff had already indicated that any credit forthcoming would be only for the dedication along the abandoned Redlands Canal.

DISCUSSION

Chairman Elmer asked Ms. Kliska if she required any further information on the water line or water break calculations. Ms. Kliska indicated that the Utilities Engineer hadn't submitted any comments requiring additional information or calculations.

Commissioner Withers acknowledged that piping water underneath the sidewalks would pose a maintenance problem.

Chairman Elmer suggested adding a condition in the motion recommending staff look into the impacts of a potential water break further. Ms. Kliska thought this was a good idea.

Commissioner Halsey expressed approval for consideration of land in lieu of open space fees but agreed that the valuation should be established by the City Council. Commissioner Withers agreed with this statement, as well.

Chairman Elmer suggested that approval of the waiver could be contingent upon their being parity in the valuation of the land and open space fee requirement. He felt that the path should be detached where

possible and asked about the proposed barrier. Ms. Kliska said that the barrier "railing" was part of the proposal and would be constructed at steep locations along the pathway.

Commissioner Driscoll suggested specifying the land-in-lieu option as pertaining to only the northern canal.

MOTION: (Commissioner Withers) “Mr. Chairman, on item FPP-96-110, I move that we approve the Final Plat for Filings #1 and #2 and the site-specific development plan, subject to staff recommendations, with recommendation #1 revised to read: >The 10-foot-wide path along South Camp Road shall be detached 5 to 10 feet, where possible. Item #4 have an added comment: >Water break calculations must be furnished to the satisfaction of the City Engineer.”

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

MOTION: (Commissioner Withers) “Mr. Chairman, on item FPP-96-110, I move that we recommend approval of the request to accept land in lieu of parks and open space fees for that portion shown on the plat encompassing only the inactive canal, leaving the valuation and details up to City Council.”

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

A brief recess was called at 9:00 p.m. The hearing reconvened at 9:05 p.m.

Commissioner Withers indicated that he was currently engaged in discussions with Redlands Water and Power over the provision of trails/trail easements. He did not feel that this would influence his decision on the following item but offered to withdraw from consideration of the item if other Commissioners felt there to be a conflict of interest. With no opposition expressed by other Commissioners, the hearing continued with Commissioner Withers present.

RZF-96-116 REZONE AND FINAL PLAN--PUMPHOUSE SUBDIVISION

Request to: 1) rezone from RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) to PR-2 (Planned Residential with a density not to exceed 2 units per acre); 2) approval of a three lot Minor Subdivision; and 3) Final Plan approval for lot 1.

Petitioner: Redlands Water and Power

Location: South Camp Road and South Broadway

Representative: Rolland Engineering

STAFF PRESENTATION

Kathy Portner provided a brief history of the proposal which had been heard previously and denied due to conflicts arising from requesting a commercial zone in a residential area. It was felt that the proposed PR-2 zone was more compatible with the proposed Growth Plan density while allowing for construction of the proposed office facility. Also, the planned zone would make the zoning much more specific to the service provider. While staff would usually not support a planned zone without a plan, it was felt that the benefits of applying this zone now and reducing the density of the remainder of the site would be in conformance with the draft Growth Plan. Staff summarized how the request met the rezone criteria. As

indicated in the first submittal, staff recommended that the plat include a note putting potential future buyers of lot 3 on notice that the lot might not be developable.

The petitioner was proposing to construct the office facility out of metal sheeting; staff preferred that the

petitioner use alternate materials more in keeping with the residential character of the neighborhood. Ms. Portner suggested that Commissioners may want to discuss this further.

The petitioner had agreed to extend the bike/pedestrian trail along South Broadway the length of lot 1. A 20-foot trail easement shall also be provided through lot 1 (and a portion of lot 2, if necessary) accessing the abandoned third lift canal to the south via a section of the second lift canal as per the adopted multi-modal plan.

Staff recommended approval of the three lot Minor Subdivision subject to the following conditions:

1. All technical concerns of the review agencies, specific to the plat, must be addressed prior to recording the plat.
2. The plat shall contain a prominent note stating that lot 3, because of the steep terrain, might be difficult, if not impossible, to develop in a manner acceptable to the City.

Staff recommended approval of the rezone with the approved uses for lot 1 being limited to office and maintenance facilities of Redlands Water and Power as a service provider in the area and the approved uses for lots 2 and 3 being single family residential lots.

Staff recommended approval of the Preliminary Plan with the following conditions:

1. Final site review will be required for lot 1 for staff approval.
2. The approved signage for the site will not exceed a 16 square foot non-illuminated sign. Such signage can be on the building or a monument-style free-standing sign.
3. All concerns of the Grand Junction Fire Department, City Development Engineer, and Community Development must be addressed through the site plan review process.
4. All equipment and materials shall be effectively screened from view.
5. No buildings or structures shall have metal siding.
6. A 20-foot trail easement shall be required through lot 1 (and a portion of lot 2, if necessary) to access the abandoned third lift canal via a portion of the second lift canal.
7. The bike/pedestrian trail along South Broadway shall be extended the length of lot 1.

Ms. Portner said that the trail referred to in condition #7 might be only a short section since the existing trail might already extend to the driveway in lot 1. Any extension of trail along South Broadway along lot 2 would be requested if and when lot 2 was proposed for development.

QUESTIONS

Commissioner Halsey asked for clarification of condition #4, which was given.

Commissioner Withers asked if the trail easement would be 20-feet in width vs. 10 feet. Ms. Portner replied that 20 feet was a standard for river trails since they provided linkages to open space areas.

Chairman Elmer asked if the City was going to consider this section of trail as a trail head, to which Ms. Portner responded that it was a continuation of existing trail only.

Commissioner Withers suggested that a 20-foot easement might invite unlawful parking. He also wondered why the City was so strongly opposed to metal siding. Ms. Portner acknowledged that some clarification from the Commission was needed. Staff just didn't want to see corrugated metal paneling used (giving the building a Quonset hut appearance).

Commissioner Driscoll suggested amending condition #1 under consideration of the Minor Subdivision to add the word "satisfactorily" before the word "addressed." Ms. Portner concurred with this suggestion.

Ms. Portner clarified that the trail's actual location would be flexible. The Parks Department just wanted to ensure that this final connection to South Broadway was provided.

PETITIONER'S PRESENTATION

Ed Carpenter, President of Redlands Water and Power Company, said that he guaranteed materials used in construction of the office facility would not include corrugated metal siding, adding that he wanted to see an attractive building. In addition, he said that there would be no auto repairs going on in the garage, that it would be for storage of machinery only. He committed to a maximum building eave height of 14 feet. Mr. Carpenter strongly opposed a trail easement which accessed the proposed development site. He said that he would gladly grant an easement further to the west, off of lot 2 at the western end of lot 1 and felt that something could be worked out with staff on the exact location. All other staff comments and conditions were acceptable.

QUESTIONS

Commissioner Withers asked for clarification of the term "view" used in Preliminary Plan condition #4. Mr. Carpenter replied that screen plantings would be placed along South Broadway to hide equipment and materials on the site. Commissioner Withers asked if there was any fencing being proposed, to which Mr. Carpenter replied that none was proposed.

Commissioner Withers asked for clarification on the type of storage that the site would provide, which was given.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

Commissioner Withers asked if surrounding homeowners were notified, to which Ms. Portner replied that notices had been sent to homeowners located within 200 feet of the development.

DISCUSSION

Commissioner Withers suggested rewording Preliminary Plan condition #5 to read: "All buildings or structures shall have architectural siding and shall be limited to an eave height of 15 feet." This would allow for use of an architectural metal siding (several types available) which would be more aesthetically pleasing. He recommended adding the words "...from South Broadway" after "view" in Preliminary Plan condition #4. He concurred with Commissioner Driscoll's inclusion of the word "satisfactorily" between "be" and "addressed" in condition #3. In condition #6, he recommended revising this to read: "A 20-foot trail easement shall be require through lot 1 or lot 2 as approved by staff to access the abandoned third lift canal via a portion of the second lift canal."

Chairman Elmer asked for clarification from the petitioner on the large, undeveloped portion of property to the west. Would this be left as open space? Mr. Carpenter replied that no further development was proposed for that location.

Chairman Elmer asked if the landscaping provisions were satisfactory to staff, to which Ms. Portner said that additional detail would be required during the Final development process. Chairman Elmer suggested that the aforementioned property to the west be noted as open space during the Final development stage.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item RZF-96-116, I move that we recommend to City Council approval of the rezone and that we approve the Final Plat and Preliminary Plans subject to staff recommendations 1. through 7., as revised by Mr. Withers and Chairman Elmer."

Commissioner Coleman seconded the motion.

Commissioner Withers reiterated changes as noted previously. Commissioner Driscoll suggested that the word "satisfactorily" should also be placed between the words "be" and "addressed" in condition #1 of the Minor Subdivision approval recommendation. Commissioner Withers added a condition #8 to read: "The Final Plan should be labeled 'open space' where it is open space." At the request of the petitioner and with the concurrence of the Commission, he suggested striking all wording in condition #6 after "...third lift canal."

Commissioner Halsey agreed to include these amendments as part of the motion, which was seconded by Commissioner Coleman. A vote was called and the motion passed by a vote of 7-0.

TAC-96-1.7 TEXT AMENDMENT--CHURCHES

Request to amend the following sections of the *Zoning and Development Code* with regard to churches: 4-3-4 Use/Zone Matrix, Residential Zone Districts. And also, add Section 5-4-17 Churches in Residential Zone Districts.

Petitioner: City of Grand Junction

STAFF PRESENTATION

Bill Nebeker provided a brief history of the proposal as it was heard before by the Commission. The newly proposed wording requiring Special and Conditional Use Permits for churches with notice to the public rather than most churches as uses by right would, staff felt, address the Commission's concern for allowing churches in residential neighborhoods (copies of the City Council ordinance, with proposed

revisions, were passed out to Commissioners). The new ordinance would require only about 5 percent of the

churches being proposed to go through a special or conditional use process. In addition, should a use being annexed into the City require a Special or Conditional Use Permit, the use would be granted same upon annexation so that it didn't become non-conforming. This would preserve existing rights for churches annexed into the City.

Proposed changes and rationale for those changes was briefly outlined from the staff report. Staff suggested the Planning Commission forward a recommendation of approval for the text amendment to City Council.

QUESTIONS

Chairman Elmer asked if staff had examples of church sizes which had been approved in the past (per Section 5-4-17.A.1.). Mr. Nebeker referred to a list of churches and their seating capacities.

Commissioner Withers reemphasized concerns over the community's need to be protected from "pseudo-churches" whose legitimacy was questionable and who might exploit any loophole or lack of community notification requirement. He asked if there would be notification required in a special use process for churches. Mr. Nebeker said that written notices would be mailed. Commissioner Withers felt strongly that residents of a residential neighborhood deserved all three forms of notification (mail, property sign and legal ad).

PUBLIC COMMENTS

FOR:

Dan Wilkinson, representing Liberty Baptist Church (448 South Camp Road, Grand Junction) said that churches will tend to locate where they are allowed. He added that to be allowed in a residential neighborhood was preferred.

Win Miller (385 Ridge View Drive, Grand Junction) passed out copies of a letter to Planning Commissioners recalling a bad experience a church had in trying to locate in a Denver area community.

Mark Maurer (P.O. Box 1851, Grand Junction), a consultant working with Liberty Baptist, agreed that "unethical" ministries are a problem and give legitimate churches a bad name. He expressed concern over the possibility of having an anti-religious "neighborhood opposition" group prevent the location of a church based solely on prejudice and he emphasized the need to protect religious freedom. He didn't feel Special or Conditional Use Permits were appropriate in residential zones and suggested that churches were quasi-public entities. In addition, to disallow them may result in potential litigation over "takings" issue.

Chairman Elmer asked for clarification on Mr. Maurer's reference to the "takings" issue, and a brief discussion between the two ensued.

Harlan Arson, representing Pear Park Baptist (3102 E Road, Grand Junction) felt that the freedom of religion should supersede any approval process by a government entity.

Roger Ferguson, pastor of Clifton Christian Church (615 I-70, Clifton, CO) spoke in favor of allowing the grandfathering of churches upon annexation into the City. He emphasized that churches were a positive asset to a community and said that the ordinance would help them to exist.

AGAINST: There were no comments against the proposal.

DISCUSSION

Commissioner Withers clarified that the City was not preventing churches from locating anywhere. Special

and Conditional Use permits protected both the neighbors and the church itself.

Chairman Elmer asked if there was any legal definition of “churches” established by the Supreme Court, to which Mr. Shaver replied that the Supreme Court was purposefully ambiguous to avoid having to define “content.” The courts did, however, allow some regulation of churches, providing that the regulation was not excessive. Further detail was provided.

Commissioner Halsey said that in the past, churches had always been given more latitude than any other group. He added that no negative comments were ever received by him from individuals or groups who had gone through the approval process.

Chairman Elmer agreed, adding that public notification only provided a chance for mitigation of specific issues related to the development.

Commissioner Whitaker asked staff if anyone had compared the proposed ordinance to others adopted in other communities statewide. Mr. Nebeker said that this had not been addressed specifically, although a telephone survey of 10-15 other communities was undertaken for comparisons.

Commissioner Withers stated that he’d have no problem with allowing churches in residential zones, provided that the streets could sufficiently handle the additional traffic. He acknowledged that each case needed to be reviewed individually.

Commissioner Vogel observed that churches would then be placed in the same position as gravel pits if Conditional Use Permits were required for all of them.

Several Commissioners continued to express concern over the need for notification, especially where traffic impacts would be significant.

Chairman Elmer and Commissioner Halsey were satisfied with the changes proposed in the new ordinance.

Commissioner Vogel thought that the term “allowed use” may be misconstrued.

Commissioner Driscoll felt that the type/density of the residential neighborhood should be considered.

Mr. Nebeker responded that neighborhood impacts would be handled by staff at the time of review.

MOTION: (Commissioner Halsey) “Mr. Chairman, on item TAC-96-1.7, I move that we forward this onto City Council with a recommendation of approval for the text amendment for churches, with the deletion of ‘collector streets’ as mentioned in Section 5-4-17.A.1.”

Commissioner Vogel seconded the motion. A vote was called and the motion passed by a vote of 4-3, with Commissioners Driscoll, Coleman, and Withers opposing.

TAC-96-1.8 TEXT AMENDMENT--CODE--USE/ZONE MATRIX CHART

Request to amend the Use/Zone Matrix Chart for Non-Residential Zone District, Section 4-3-4 of the *Zoning and Development Code* to make: sand and gravel storage a Conditional Use in an I-1 Zone District; metal/stone/monument works a Conditional Use in an I-1 Zone District; concrete and asphalt plants a Conditional Use in I-1 and I-2 Zone Districts; and heavy equipment storage an Allowed Use in I-1, I-2, and PZ Zone Districts.

Petitioner: City of Grand Junction

STAFF PRESENTATION

Dave Thornton provided a brief overview of the proposal which had been heard the previous month by Commissioners. Mr. Thornton offered to elaborate on any of the points contained within the text amendment to Commissioners who were absent during last month's consideration of this item. Staff recommended approval of the text amendment.

Chairman Elmer asked if the amendments updated the *Code* to reflect the uses discussed, to which Mr. Thornton replied affirmatively.

Commissioner Withers noted that the proposed amendment seemed to be a common sense approach.

PUBLIC COMMENTS

FOR:

Jim Tuttle, owner of Memo's Auto Salvage (2315 River Road, Grand Junction) asked if his salvage operation would be grandfathered, to which Mr. Thornton replied affirmatively. He asked for clarification on the difference between being grandfathered and the requirements of a Conditional Use Permit, which was provided.

Dan Roberts (2399 River Road, Grand Junction) expressed approval for the text amendment.

AGAINST:

Sandra Muniz, who stated she was a co-owner in Memo's Auto Salvage (2315 River Road, Grand Junction), opposed grandfathering by the City, stating that they were primarily a salvage yard. She felt that by grandfathering the use, the City was viewing the use as non-conforming; thus, she felt that any plans to expand would be prohibited as a result.

DISCUSSION

Chairman Elmer asked if salvage yards were addressed in the *Code*, specifically. Mr. Thornton said that they were only considered allowed with a Conditional Use Permit in an I-2 zone. Memo's would be a grandfathered non-conforming use because of the proposed zoning.

A brief discussion ensued between Commissioners and staff over the definition of salvage vs. junk.

MOTION: (Commissioner Vogel) "Mr. Chairman, on item TAC-96-1.8, a text amendment amending Section 4-3-4 Use/Zone Matrix for the Zoning and Development Code to allow sand and gravel storage a Conditional Use in an I-1 Zone District; metal/stone/monument works a Conditional Use in an I-1 Zone District; concrete and asphalt plants a Conditional Use in I-1 and I-2 Zone Districts; and heavy equipment storage an Allowed Use in I-1, I-2, and PZ Zone Districts, I move that we forward this on to City Council with recommendation of approval."

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

V. GENERAL DISCUSSION

City Council liaison members chosen included Commissioners Driscoll and Vogel.

Ms. Portner passed out copies of a memo on upcoming Growth Plan meetings, scheduled for both the afternoons and evenings of July 30 and August 1, with a third meeting to be held on August 8. Commissioners should contact staff regarding a preference of afternoon or evening attendance.

The hearing was adjourned at 11:15 p.m.