

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - August 6, 1996
7:05 p.m. to 10:10 p.m.

I. CALL TO ORDER

The regularly scheduled Planning Commission hearing was called to order at 7:05 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 and Paul Coleman.

In attendance, representing Planning Department staff, were: Michael Drollinger (Acting Planning Supervisor), Mike Pelletier (Associate Planner), Dave Thornton (Senior Planner) and Kristen Ashbeck (Associate 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 24 citizens present.

II. CONSIDERATION OF MINUTES

MOTION: (Commissioner Halsey) "Mr. Chairman, I move that we accept the minutes of the July 2 meeting as submitted."

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

Commissioner Driscoll said that on page 4, paragraph 5 of the July 9 minutes, it was Commissioner Halsey and not himself who had asked for Mr. Scanga to elaborate on his expertise.

MOTION (Commissioner Halsey) "Mr. Chairman, I move that we accept the minutes of July 9 as amended."

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

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer announced that items FP-96-160, RZP-96-157, and MS-96-158 had been pulled from the evening's agenda.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

CUP-96-152 CONDITIONAL USE PERMIT--PET KENNEL

Request for a Conditional Use Permit for a pet kennel and grooming house in an H.O. (Highway Oriented Commercial) zone district.

Petitioner: Charle Thibodeau

Location: 2708 Highway 50

STAFF PRESENTATION

Kristen Ashbeck briefly described the site and the remodeling which would occur. While the submitted plan would meet parking, landscaping, and other staff requirements, the petitioner still had not submitted a grading and drainage plan. This would be required and must be approved prior to issuance of a planning clearance and building permit. Ms. Ashbeck added that drainage would have to be retained on site. With no other outstanding issues, staff recommended approval subject to the approval of a grading and drainage plan for the site by the City Development Engineer prior to issuance of a planning clearance for a building permit.

PETITIONER'S PRESENTATION

Charle Thibodeau, petitioner, explained that drainage would be carried along the North side of the property to a retention pond located in the rear of the property. She agreed to submit detailed plans to staff for consideration.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Charlotte Schoonover (2706 Highway 50), owner of Orchard Mesa Liquors, expressed concerns that the retention pond would become a breeding ground for mosquitoes, that dogs held in the kennels would bark incessantly, that kennel customers would utilize the liquor store's access, that she might incur liability should the animals kept in the kennel somehow trespass onto her property and become injured and that the business' proximity to the highway would jeopardize the safety of the animals being kept there. She felt that the site was unsuitable for the type of business being proposed.

Ed Jones, owner of properties located at 2701 and 2703 Highway 50, submitted a petition containing 9 signatures of those who opposed the location of a kennel on the proposed site.

PETITIONER'S REBUTTAL

Ms. Thibodeau said that the kennel would be constructed using 8-inch concrete block as a noise buffer and individual runs would be separated by 6-inch block. The dogs, she said, would not be able to see each other, to further curb barking. She indicated that the three exercise runs (noted on the site plan) would be constructed to prevent escape and that dogs prone to jumping or digging would be tethered within the runs. Dogs housed in the grooming building would kept to the rear of the property with a separate run available for them. She felt that there would be more noise generated from traffic on Highway 50 than from the business. Ms. Thibodeau pointed out the location of her single access off of Highway 50 and noted that an 8-foot fence divided her property from the Orchard Mesa Liquors property; thus, she didn't foresee any problems with customers mistaking the former access from the latter.

QUESTIONS

Commissioner Halsey asked for clarification on the existence of the 8-foot fence dividing the site from the Orchard Mesa Liquors property, which was given. Ms. Thibodeau said that site drainage would be carried along this fence line, providing an additional barrier.

Commissioner Vogel noted on the site plan the location of a gate to the rear of the property. He asked for clarification on how this would be used, which was given.

Dennis Thibodeau, co-petitioner, provided specifics of the drainage plan which would be submitted to staff.

DISCUSSION

Commissioner Halsey felt that the petitioner had satisfied most of staff's concerns and that it was a good overall project.

Commissioner Coleman felt that the project would be a significant improvement over what existed currently on the site.

Chairman Elmer added that, if constructed correctly, the project could mitigate the neighbors' concerns.

Commissioner Vogel reminded citizens that City ordinances were in place to address animal nuisance concerns should problems arise.

MOTION: (Commissioner Halsey) "Mr. Chairman, on CUP-96-152, I move that we approve the Conditional Use Permit for the kennel and grooming house located at 2708 Highway 50, subject to the staff's recommendation."

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

FP-96-114 FINAL PLAT--GRAND VIEW SUBDIVISION, FILING #2

Request for approval of Filing #2, Grand View Subdivision, for 36 single family lots on approximately 12.3 acres with zoning of RSF-5 (Residential Single Family with a density not to exceed 5 units per acre).

Petitioner: Donada, Inc.

Location: North of Hawthorne and east of 28 Road

Representative: Tom Logue

STAFF PRESENTATION

Michael Drollinger briefly outlined the request and noted the site's location on maps provided. He indicated that while all major issues related to the subdivision had been addressed, the City Development Engineer hadn't completed a final review of the latest plan set. Staff recommended approval subject to final review and acceptance of the latest plan set by the City Development Engineer.

PETITIONER'S PRESENTATION

Tom Logue, representing the petitioner, offered nothing further but availed himself for questions.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Coleman felt that the request was straightforward with no outstanding issues.

Commissioner Vogel asked if the detention/retention issue for Filing #1 had been resolved, to which Mr. Drollinger replied that it had.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item FP-96-114, a request for a final major subdivision approval for the Grand View Filing #2, I move that we approve this subdivision with the condition in the staff report dated July 31, 1996."

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

Due to the potential for conflict of interest, Commissioner Driscoll excused himself from consideration of the next item.

MS-96-156 MINOR SUBDIVISION--GAMBLE SUBDIVISION

Request to subdivide approximately 2.6 acres into 4 commercial lots in an area zoned C-2 (Heavy Commercial).

Petitioner: Mark Gamble

Location: 2473 Commerce Blvd.

Representative: Patrick O'Hearn, LanDesign, LLC

STAFF PRESENTATION

Michael Drollinger briefly described the request, noting the location on the map provided. A single structure exists on lot 2. If the proposed eastern lot line were moved approximately 8 feet to the east, no additional fire wall or other separation should be necessary between the existing structure and any other structure which may be built on lot 3. Since the petitioner was in agreement with this suggestion, Mr. Drollinger amended staff condition 1. to read, 'The east lot line on lot 2 shall be a minimum of 20 feet east of the existing structure.' Staff recommended approval subject to this revised condition.

QUESTIONS

Commissioner Halsey asked if street improvements would be borne by the individual buyers of the lots. Mr. Drollinger replied that no street improvements were required. Valley gutters are located on both sides of the street to handle stormwater runoff.

Chairman Elmer asked how the Commission would address the possibility that on-site improvements could increase drainage. Jody Kliska responded that one option would be to request that each lot provide on-site detention. Mr. Drollinger added that actual requirements would be evaluated on a case by case basis.

Chairman Elmer felt that the petitioner should still conduct a study of potential development to ascertain any problems which might arise.

PETITIONER'S PRESENTATION

Pat O'Hearn, representing the petitioner, said that the provision of additional setback, keeping the eastern lot line 20 feet from the structure, was acceptable and had already been noted on the plat. Each lot line had been adjusted to maintain the balance of size and area for each lot. The petitioner intended that the buyers of each lot would address their own site's drainage.

Chairman Elmer asked if the drainage fee would be paid at the time the building permit was issued, to which Mr. Drollinger replied that it would be required prior to release of the planning clearance.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Halsey felt that the proposal was straightforward, with the petitioner agreeing to meet staff's condition.

A brief discussion ensued over the rewording of the staff condition regarding the eastern lot line. Mr. Drollinger said that he would check with the Building Department to verify the 20-foot setback requirement.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item MS-96-156, I move that we approve the Gamble Commercial Subdivision subject to the staff recommendation as indicated and revised tonight, to meet the 20-foot (setback) or the Code, if the 20 feet varies from that."

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

Commissioner Driscoll returned for the remainder of the hearing.

PDR-96-74 PLANNED DEVELOPMENT REVIEW--REVISION OF A PLANNED BUSINESS ZONE Request for approval for a revision to a PB (Planned Business) zone district to allow a 756 square foot addition to an existing business.

Petitioner: Sidney Veale, Veale Insurance Agency

Location: 1406 North 7th Street

STAFF PRESENTATION

Michael Drollinger pointed out the site plan and provided a brief history of the site and business. The proposed addition would be 19 feet from the 7th Street property line, 19 feet from the Kennedy Avenue property line and 7 feet 1 inch from the side property line. While none of these setbacks conformed to the City's *Code*, staff felt that the 7 foot side yard setback along the north side of the property was acceptable. The 20-foot front yard setback along 7th Street must still be maintained. The 9 proposed parking spaces should be reduced to 7, with aisle widths decreased to 25 feet with the remaining area to include additional landscaping. The parking lot must include a 4-foot screen fence and/or landscaping along the North and East property lines. The bike rack must be relocated from the right-of-way to an area next to the building. Staff recommended approval subject to the following conditions:

1. The front yard setback along 7th Street be maintained at 20 feet. The setback from the North property line and South property line shall be as proposed at 7 feet 1 inch and 19 feet, respectively.
2. Sidewalk, if required by City Engineering, shall be provided along Kennedy Avenue. If required, the cost of the sidewalk shall be a credit to the required Transportation Capacity Payment.
3. The bike rack shall be moved out of the right-of-way to a location near the building, to be approved by staff.
4. A total of 7 parking spaces shall be provided and the aisle width shall be reduced to the required 25 feet. The additional area shall be landscaped, to be approved by staff.
5. All landscaping shall meet the sight distance triangle requirements.
6. A 4-foot fence and/or landscaping shall be provided along the East and North sides of the parking lot.
7. A Power of Attorney for future alley improvements shall be required.

QUESTIONS

Commissioner Halsey asked if the required sidewalk was to be detached. Ms. Kliska answered that it would just need to match whatever presently exists.

Chairman Elmer asked if staff had reviewed the plans. He wondered if there would be continuity of design. Mr. Drollinger replied affirmatively, passing out a copy of plans for Commission review.

Chairman Elmer asked staff if the additional paved parking area along Kennedy Avenue was unacceptable because it encroached into the right-of-way and required backing out onto Kennedy Avenue. Mr. Drollinger replied affirmatively, adding that it hadn't been included in the past plan approval.

PETITIONER'S PRESENTATION

Sid Veale, petitioner, did not foresee any problem in conforming to staff's requirement of a 20-foot front yard setback, but noted that none of the other area businesses conformed to setbacks. He argued that the sidewalk, if constructed, would not be continuous and would not match up with any other sidewalk. He wondered why this would be a requirement since it wouldn't serve any purpose.

QUESTIONS

Chairman Elmer asked if the change in setback requirements would alter building plans. Mr. Veale reiterated that this would not pose a problem.

Chairman Elmer asked if the tree located in the rear of the property would be saved. Mr. Veale said that tree would be eliminated and that it was half dead already.

Commissioner Halsey asked if the front door would be relocated to ground level with no ramp, to which Mr. Veale replied affirmatively. When asked, Mr. Veale added that a handicap-accessible restroom would also be installed on the ground floor.

Commissioner Halsey asked if reducing the number of parking spaces to 7 would create any hardship. Mr. Veale concurred with statements made by staff concerning problems experienced in backing out onto Kennedy Avenue. With only 1-2 clients at a time and 5 staff members, 7 total spaces would be plenty. He added that additional parking was always available along Kennedy Avenue and that the church had a lot available for "spillover" parking.

PUBLIC COMMENTS

FOR:

Pam Perry (1337 North 7th Street, Grand Junction) asked to see design drawings, which were shown. After a brief discussion over general details, she offered no objection to the proposal.

AGAINST:

There were no comments against the proposal.

DISCUSSION

Commissioner Halsey felt it important to retain the 20-foot front yard setback to maintain the residential character of the neighborhood. He agreed with staff's recommendation to reduce the number of parking spaces to 7 and increase landscaping.

Chairman Elmer concurred, reiterating that people could also park along Kennedy Avenue. He felt that the addition's design would maintain the residential character of the area.

Commissioner Vogel suggested adding a condition 8. to read, 'The architectural design of the addition shall be compatible with the existing structure, to maintain its residential appearance.' No objection was received from other Commissioners.

Commissioner Driscoll asked if there were any sidewalks located along the north side of Kennedy, to which Mr. Drollinger replied negatively. When asked to clarify why sidewalk was being required, Ms. Kliska said that it was a typical requirement and requested that the condition be retained. With the City's goal to provide sidewalk along at least one side of the street where children walk to school, she said that the City would probably provide the missing links at some future date. Commissioner Halsey and Chairman Elmer felt that all linkages were important. (This discussion implied that the statement in staff condition 2., '...if required by City Engineering...' would be deleted since City Engineering was asking that the sidewalk be a requirement.)

MOTION: (Commissioner Halsey) "Mr. Chairman, on item PDR-96-74, I move that we approve the proposal for the revised final plan subject to the staff recommendations 1. through 7., with 2. as revised this evening, and adding 8. (to read), 'The architectural design of the addition shall be compatible with the existing structure to maintain its residential appearance.'"

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

RZV-95-122-2 FINAL PLAT--BLACK SHEEP FARM

Request for an extension of time (1 year) to file the final approved plat for Black Sheep Farm Subdivision.

Petitioner: Doug Morgan and Verna Cox

Location: 666 - 29 1/2 Road

STAFF PRESENTATION

Michael Drollinger briefly recalled the history of the property. Staff felt the extension request to be valid and recommended that the Commission amend the petitioner's approval to permit the final plat to be recorded no later than August 6, 1997. Changes to the plat to locate or eliminate irrigation easements are subject to staff approval. The conditions of original approval would still apply.

PETITIONER'S PRESENTATION

Verna Cox, petitioner, offered nothing further.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Halsey commented that the reason for the extension request seemed to be out of the petitioner's control. He felt the extension was reasonable. Chairman Elmer concurred.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item RZV-95-122-2, a request for an amendment to the final plat approval for Black Sheep Farm to extend the period for plat recordation to August 6, 1997, I move that we approve the extension request subject to the conditions of the original approval."

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

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

Due to the potential for conflict of interest, Commissioner Coleman withdrew from consideration of the following item.

PDR-96-159 PLANNED DEVELOPMENT REVIEW--7TH STREET PROFESSIONAL OFFICES

Request to: 1) rezone from RMF-32 (Residential Multi-family with a density not to exceed 32 units per acre) to PB (Planned Business); and 2) approval of a final plan for professional offices at this site.

Petitioner: P.C. Management, LLC

Location: 1301 and 1305 North 7th Street

Representative: David Smuin

STAFF PRESENTATION

Michael Drollinger detailed the proposal and pointed out the elevation map and site plan provided. Other surrounding uses and zonings were noted. The *Code's* rezone criteria were read as well as excerpts from the *7th Street Corridor Guidelines*. Staff did not feel the proposal met the rezone criteria nor did the site's design meet the compatibility guidelines of the *7th Street Corridor Guidelines*. Staff recommended denial of the rezone and plan based on these two failings.

QUESTIONS

Commissioner Driscoll asked if the zoning for the medical building across the street was Planned Business, to which Mr. Drollinger replied affirmatively. He asked for confirmation of the zoning for the Bank One building located one house away from the subject property, the commercial complex across the street from Bank One, and the mental health center located to the north. Mr. Drollinger thought that Bank One and the commercial complex to be either Planned Business or Commercial zoning; the mental health center would be Planned Business.

PETITIONER'S PRESENTATION

Joseph Coleman, representing the petitioner, felt that there was a reasonable basis for the rezone request, citing the proximity of the subject property to the Bank One building, commercial complex, mental health center which situated its parking in the front of the site and a nearby church with parking also located along 7th Street. He felt that the term 'neighborhood' should encompass a broader area than referred to by staff, and felt that the current mix of Planned Business and single family homes was working well. The RMF-32 zone, he argued, was an incompatible zone for the neighborhood and was inconsistent with both single family and Planned Business uses.

With much more than the required amount of landscaping being proposed, he felt that this would go far to make the site attractive and compatible with surrounding uses. Photos depicting Bank One, the mental health center and church were passed out to Commissioners for review.

Mr. Coleman said that he'd spoken with School District #51's attorney who had expressed concern on the Grand Junction High School's behalf, that if the site were approved for apartments, it would become a hangout, conducive to parties and undesirable elements.

Chairman Elmer asked if the petitioner was representing the School District's interests. Mr. Coleman said that the District's attorney indicated he would be speaking with Ms. Portner of the Community Development office. He added that Lou Grasso, representing the School District, had told him he would oppose any multi-family development proposed for the site.

With regard to staff issues, Mr. Coleman said that the project would be effectively destroyed if required to be moved forward on the property. The proposal called for parking in the front with alley access eliminated, which he felt: 1) was consistent with the 7th Street Corridor Guidelines; 2) would address the School District's concerns; and 3) would provide a safer access for vehicular traffic.

QUESTIONS

Commissioner Driscoll asked about the elevation of the roof, to which Mr. Coleman replied that it was approximately 15 feet. When asked by Commissioner Driscoll how this compared to the height of the medical complex building across the street, Mr. Coleman was unsure, adding that the height of the proposed building would not exceed a two-story home. He added that the site would also provide 6-foot cedar fencing on both sides of the property with heavy landscaping. Mr. Coleman noted that the height of the Bank One building was approximately 100 feet.

Commissioner Driscoll asked Mr. Coleman if he'd been inside either of the two homes which were currently on the site, to which Mr. Coleman replied negatively.

PUBLIC COMMENTS**FOR:**

Greg Vaughn (1305 North 7th Street, Grand Junction) acknowledged current problems with kids from the school loitering around his property and smoking and felt that the proposal was better than any multi-family development.

Teresa McKinney (1307 North 7th Street, Grand Junction) expressed strong opposition to any apartment complex being placed on the site. She didn't feel that apartments were a compatible use and that alley accesses

in this area were dangerous, citing near misses experienced by Bank One customers. As a long-time substitute teacher for the high school, she concurred with previous statements concerning the loitering of teens and agreed that any apartment complex parking lot would quickly become a teen hangout. She also felt that traffic along 7th Street was not conducive to families with young children who may occupy the apartments.

AGAINST:

Richard Dewey (2236 Tiffany Drive, Grand Junction), nearby property owner, was upset that neither Mr. Coleman nor the petitioner had spoken to him about the proposal. Having rented his property to college students, he didn't feel the problems with high school kids were as bad as purported. He said that the school's failure to maintain its own buildings along the alleyway seemed to promote deterioration.

He didn't feel the proposal was in keeping with other 7th Street buffers in the neighborhood; that the parking lot would be located too close to the front sidewalk; that the parking spaces themselves were too small; that signage may block sight distance along 7th Street; disagreed with the building's placement on the rear half of the property; and agreed that parking and access should be restricted to the rear of the property and to the alley, respectively.

Pamela Perry (1307 North 7th Street, Grand Junction) referred to previous photos circulated by Mr. Coleman. She said that a walkway located along one side of the mental health center's property prevented more extensive landscaping. She objected to the "closed-in" feel of the project's design. She wondered if there was to be fencing placed along 7th Street; if so, she expressed sight distance concerns. She felt that the number of parking spaces proposed was excessive, and that the business would detract from the neighborhood. She agreed that the RMF-32 zoning was too intense for the site but felt that a duplex would be appropriate. Ms. Perry wondered if the corridor might qualify under historical designation and she disagreed with previous statements that the area was a "party zone."

PETITIONER'S REBUTTAL

Mr. Coleman said that the School District's concern was that parties and problems would originate from a multi-family use. He said that the fencing would be set back from the road 40 feet, wouldn't be oppressive, and was promoted by the adjacent property owner. He apologized for not speaking with Mr. Dewey about the plan, adding that he didn't believe it would diminish any property values. He concurred with Ms. McKinney's comments concerning the safety issue of accessing the alleyway when often-speeding teenagers traveled down the same alley.

DISCUSSION

Michael Drollinger clarified the zoning of surrounding properties requested earlier. He said that Ms. Portner had not relayed to him any conversations which may have been held with the School District nor was there any letter in the file. Mr. Grasso had offered a "no comment" to review agency comment request. Mr. Drollinger said that a rear yard setback in an RMF-32 zone was 20 feet. The *Growth Plan*, he continued, recommended residential medium density zoning for the area (4-8 units/acre) which, he felt, was probably more consistent with uses already present.

Chairman Elmer asked if the intent of a Planned Business zone was to provide a buffer between commercial and residential, to which Mr. Drollinger replied affirmatively.

Chairman Elmer asked if Mr. Drollinger had experienced any problems with multi-family uses being placed next to schools, to which Mr. Drollinger said that he had not experienced any. He added that, if appropriately designed, they could work well.

Chairman Elmer asked if a rear parking lot could access 7th Street via a driveway. Mr. Drollinger said that staff would consider this option if the rezone was approved; however, it would mean reconfiguring the building.

Commissioner Halsey stated that the *7th Street Corridor Guidelines* specified developments which were more residential in character and felt that the proposal failed to meet this criterion. He commented that, based on the photos circulated earlier, the *Code's* parking and landscaping requirements should be upgraded. He felt that the project would be more suitable in another area.

Chairman Elmer agreed and stated that the proposal was too intense. Its large proposed parking area was not in keeping with the residential character of the neighborhood. He agreed with staff's conclusions.

Commissioner Vogel pointed out that the businesses at 12th and Grand and 12th and Gunnison utilized a very effective Victorian design; the businesses located there were not intrusive to the neighborhood. He felt that an office building at this location would be fine if designed to reflect a more residential character.

Commissioner Driscoll agreed with some of the residential character comments made by Commissioners; however, because of the close proximity of the site to other Planned Business uses, he felt approval would be consistent with what had already been approved for the area. He felt that it would be more inconsistent for the Commission to deny the project. He felt that the proposal met the rezone criteria, given the proximity of the site to other businesses and recognizing the RMF-32 zone as an inappropriate zone. Commissioner Halsey disagreed with this rationale, since former projects may have been approved prior to *Code* updates, corridor guidelines, the *Land Use Plan*, etc. He agreed that the RMF-32 zone was incorrect for the site and incompatible with the surrounding area.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item PDR-96-159, I move that we recommend denial of the request for rezone to Planned Business because the proposal does not meet the criteria for, as far as I can tell, a rezone ."

Commissioner Vogel seconded the motion. A vote was called and the motion passed by a vote of 3-1, with Commissioner Driscoll opposing.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item PDR-96-159, I move that we deny the request for the final plan and plat, the parking arrangement needing to have the parking to the rear with access to 7th Street and not onto the alley; the structure needs to be more residential in character versus a commercial-looking site."

Commissioner Vogel seconded the motion. A vote was called and the motion passed by a vote of 3-1, with Commissioner Driscoll opposing.

A brief recess was called at 9:20 p.m. The hearing reconvened at 9:30 p.m.

Commissioner Coleman returned for the remainder of the hearing.

VR-96-153 VACATION OF RIGHT-OF-WAY--27 1/4 ROAD

Request to vacate a portion of 27 1/4 Road north of H Road and west of the main runway at Walker Field Airport.

Petitioner: Walker Field Airport Authority
Location: 27 1/4 Road, north of H Road
Representative: Michael Sutherland, PDM Group

STAFF PRESENTATION

Mike Pelletier presented a brief overview of the request as contained within the staff report dated August 6, 1996. With no outstanding issues or concerns, staff recommended approval.

PETITIONER'S PRESENTATION

Michael Sutherland, representing the petitioner, offered nothing further but availed himself for questions.

PUBLIC COMMENTS

There were no citizens present for public comment on this item.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item VR-96-153, I move that we forward this on to City Council with a recommendation of approval."

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

ANX-96-104 ZONE OF ANNEXATION--3D SYSTEMS ANNEX

Request to zone a parcel of land consisting of approximately 20 acres which is currently being annexed to the City to I-1 (Light Industrial).

Petitioner: 3D Systems Corporation

Location: 508 Falcon Way

STAFF PRESENTATION

Mike Pelletier provided a brief overview of the request and indicated that while the City did not currently have a zone particularly well suited for a high tech industrial park, the I-1 zone would be the closest matching zone to the use. Staff recommended approval of the I-1 zone.

QUESTIONS

Chairman Elmer wondered if a planned zone would be more appropriate. Mr. Pelletier said that a planned zone could not be recommended without submission of a plan.

PETITIONER'S PRESENTATION

No petitioner was present to offer further comment.

PUBLIC COMMENTS

Michael Sutherland (336 Main Street, Grand Junction) urged consideration of a planned Industrial zone since the petitioner would later be requesting subdivision of the property.

Mr. Pelletier said that there would be technical problems involved in recommending a Planned zone. John Shaver pointed out that there was a difference between the Bookcliff Technological property and this property because of the overall planning elements included in the former. He touched briefly on aspects of the incentive grant awarded to 3D Systems, noted that this was the only use currently proposed for the 20-acre parcel, and reiterated the need for a plan before recommending a planned zone (no plan had yet been submitted). Chairman Elmer understood that there had been a site plan review done for 3D Systems and asked staff if a plan was on file. Mr. Pelletier said that a site plan had been submitted to Mesa County. Mr. Shaver clarified that 3D Systems only encompassed half of the subject property.

DISCUSSION

Chairman Elmer commented that while he understood the concern, the project was already built out. The property could be rezoned after the City had formulated a more appropriate zone for technology parks.

In the event that a development more suited to a Light Industrial zone should be proposed for the remaining portion of the property prior to adoption of a new zone designation, Commissioner Vogel wondered how the Commission should address such a request. Chairman Elmer suggested that the Commission could ask that it

be phased in. Mr. Shaver indicated that any new zoning for a technological park would be compatible with the Light Industrial zone. Mr. Pelletier concurred with Mr. Shaver's statement.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item ANX-96-104, a zone of annexation for the 3D Systems Annex, I move that we forward this to the City Council with a recommendation of Light Industrial (I-1) zoning due to the fact that it does meet the criteria set forth in the zoning (i.e.,) it meets a community need, utilities are readily available to the site, it does meet the policies of the City Plan, and there would be a benefit to the community."

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

ANX-96-128 ZONE OF ANNEXATION--BOOKCLIFF TECHNOLOGICAL PARK

Request to zone lands consisting of approximately 55 acres which are currently being annexed to the City to PI (Planned Industrial).

Petitioner: City of Grand Junction

Location: Northeast corner of 27 1/4 and H Roads

STAFF PRESENTATION

Mike Pelletier noted the site location on a map which had been provided. The property had received Official Development Plan approval from Mesa County for a Planned Unit Development with commercial/light industrial uses. The proposed City zone is identical to the Planned Industrial zone for Mesa County. Staff recommended approval of the PI zone.

QUESTIONS

Chairman Elmer wondered why no one was present to speak on the item. Mr. Pelletier was unsure what may have transpired when the property was under County jurisdiction. He said that zones of annexation result in only the posting of a sign, without additional notification.

PUBLIC COMMENTS

There were no citizens present to comment on the item.

DISCUSSION

Chairman Elmer commented that he thought the plan to be a quality design but was surprised that no citizens showed up to comment. Mr. Pelletier added that he did not remember seeing negative public comments in the County's file on this item.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item ANX-96-128, a zone of annexation for the Bookcliff Technological Park Annexation, I move that we forward this to the City council with a recommendation of Planned Industrial zoning and acceptance of the Mesa County approved Official Development Plan to the City."

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

TAC-96-1.11 TEXT AMENDMENT--USE//ZONE MATRIX CHART

Request to amend the Use/Zone Matrix Chart, Section 4-3-4 of the *Zoning and Development Code*, to permit impound yards in certain zone districts and to amend Chapter 12 to add a definition of impound lot.

Petitioner: City of Grand Junction

STAFF PRESENTATION

Michael Drollinger overviewed the text amendment which would establish and define impound lots as a separate use. Staff recommended that impound lots be allowed uses in the C-2, I-1 and I-2 zones and as a special use in the PZ zone.

Commissioner Coleman asked if the Mesa County jail was zoned PZ, to which Mr. Drollinger replied affirmatively. Commissioner Coleman then asked if Mesa County would have to apply for a Special Use Permit for the jail's impound yard. Mr. Shaver said that a Special Use Permit had been issued at the time the jail facility was considered. A brief discussion ensued over the conditions of original approval.

Commissioner Driscoll asked for the corresponding time limit referenced by Colorado Statute 42-4-1806 C.R.S. Mr. Shaver explained current tow carrier regulations for vehicle owner notification. He said that the P.U.C. was currently considering changing this. By referencing just the statute, the *Code* definition would always reflect the current P.U.C. time limit.

PUBLIC COMMENTS

There were no citizens present to comment on this item.

DISCUSSION

Chairman Elmer commented that the item seemed straightforward but asked if the amendment helped River Road Truck and Equipment. Dave Thornton responded affirmatively, adding that the use would be changed from an accessory to an allowed use.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item TAC-96-1.11, I move that we forward this on to City Council with recommendation of approval."

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

VI. GENERAL DISCUSSION

Commissioner Vogel commented that talking with the petitioners out in front of the auditorium prior to the hearing gave the appearance of impropriety and suggested that Commissioners restrict discussions to the public hearing.

Mr. Thornton passed out copies of the last Growth Plan meeting minutes to Commissioners for review. He reminded Commissioner of the upcoming meeting on August 8. Chairman Elmer asked Mr. Shaver if questions should stay directed to staff, to which Mr. Shaver concurred. Should questions be directed to the public, the meeting would have to be opened up for general public comment. A brief discussion ensued on the format of the meeting and voting procedures.

The hearing was adjourned at 10:10 p.m.