

**GRAND JUNCTION PLANNING COMMISSION**  
**Public Hearing May 3, 1994**  
**7:02 p.m. - 11:50 p.m.**

**I. CALL TO ORDER**

The public hearing was called to order by Vice Chairman Tom Volkmann at 7:02 p.m. in the City County Auditorium.

In attendance, representing the City Planning Commission, were Vice Chairman Tom Volkmann, Ron Halsey, Jim Anderson, Jeff Vogel and Bob Withers.

In attendance, representing the City Community Development Department, were Kathy Portner, Planning Supervisor; Dave Thornton, Senior Planner; Kristen Ashbeck, Associate Planner; and Michael Drollinger, Senior Planner.

Also present were John Shaver, Assistant City Attorney, and Jody Kliska, City Development Engineer.

There were 46 interested citizens present during the course of the meeting.

**II. CONSIDERATION OF MINUTES**

Commissioner Anderson requested that the minutes of the April 5, 1994 meeting be amended on Page 1, Consideration of Minutes. He requested that the motion read "Mr. Chairman, I move that we approve the minutes of the previous meeting."

**MOTION: (Commissioner Anderson) "Mr. Chairman, I move that we accept the minutes of the last meeting as presented."**

The motion was seconded by Commissioner Halsey.

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

**III. ANNOUNCEMENTS, PRESENTATIONS, AND/OR PRESCHEDULED VISITORS**

There were no announcements, presentations, or prescheduled visitors.

**IV. PUBLIC HEARING ITEMS FOR FINAL DECISION**

- 1. #35-94(2) PRELIMINARY PLAN - NORTH VALLEY SUBDIVISION**  
**Request for approval of a Preliminary Plan for North Valley Subdivision for 74 lots on a parcel of land of approximately 20 acres for an overall density of 3.7 units per**

**acre; current zoning is PR-12 (Planned Residential, 12 units per acre).**

**PETITIONER: G Road LLC**

**LOCATION: 24-3/4 Road; North of G Road**

**REPRESENTATIVE: Rolland Engineering**

**CITY STAFF: Kathy Portner**

**STAFF PRESENTATION**

Kathy Portner gave an overview of the request for approval of 74 lots on 20 acres for an overall density of 3.7 units per acre. She said that the property was not yet within the City limits and was zoned Planned Residential, not to exceed 12 units per acre. Lots would access directly onto 24-3/4 Road which was acceptable as a residential collector. Ms. Portner felt that allowing lots to front onto the road would improve the appearance of the corridor. She said that the site was originally part of the Fountainhead Subdivision.

Ms. Portner said that the Petitioner agreed to all staff requirements except for the following items.

The Petitioner and staff have agreed that improvements to 24-3/4 are to be phased with the recording of each plat.

The Petitioner objected to staff's requirement that the east/west through street align with Fountainhead Boulevard. Ms. Portner said that staff felt the east/west street should align with the existing platted right-of-way in Fountainhead Subdivision. She also said that the Petitioner had not yet committed to the location of the street stub to the north.

Ms. Portner said that staff recommends approval with the following conditions:

1. That the east/west street through the subdivision must align with the platted Fountainhead Boulevard at its intersection with 24-3/4 Road; that the alignment west of the intersection through the subdivision does not have to be a straight line; however, the right-of-way must be stubbed to the property to the west.
2. A right-of-way must be stubbed to the property to the north, preferably through lots 21-22.
3. All other review agency comments as noted in the file must be addressed with the final submittal.

Commissioner Withers asked if there were any requirements for traffic lights. Jody Kliska said that there was not enough traffic generated on 24-3/4 Road to warrant a traffic light.

Commissioner Anderson asked if staff cared where the street stub to the north was located. Kathy Portner said staff would like it to align with a north/south road going through the subdivision, either

through lots 21-22 or lot 24.

**PETITIONER'S PRESENTATION**

Tom Rolland, Rolland Engineering, 405 Ridges Blvd., representative for the Petitioner, said that the average lot size would be 9,000 square feet. He said protective covenants would establish homes between 1400-1600 square feet which would sell in the \$110,000-\$130,000 price range. He said utilities would be extended from G Road to the property. Mr. Rolland said that the north half of the property would drain into Mitchell Drain which intercepted the property, and the south half would drain into Leach Creek immediately to the south. He said staff had agreed to accept drainage fees in lieu of site detention.

Mr. Rolland said that the first phase would be less than 50% of the property and he wanted to be clear that improvements to 24-3/4 Road would correspond to the phasing. He said the Petitioner was willing to commit to a location for the stub street to the north.

Mr. Rolland said that the Petitioner's main concern was the alignment of the east/west street with Fountainhead Boulevard. He agreed that there needed to be a through-street but felt that such an alignment would create a "racetrack effect" to the detriment of both North Valley Subdivision and Fountainhead. He showed on a map how such an alignment would create a through-pattern between G Road and 25 Road which could divert collector traffic through a residential neighborhood, especially when the sports complex was in operation and generating traffic. The Petitioner preferred that the east/west street be offset from Fountainhead Boulevard at a location to be determined as phasing developed.

Mr. Rolland said that Fountainhead Subdivision was evolving and that the developer of that subdivision wasn't sure where their street would end up. He said that Fountainhead might want to change the location of their right-of-way and presented the Planning Commission with a letter from that developer stating such a position. Mr. Rolland suggested a location further north for an east/west street.

Vice Chairman Volkmann asked how much of Fountainhead Boulevard was currently constructed, and Mr. Rolland said it was "a long ways from getting over there."

**PUBLIC COMMENT**

There was no public comment in favor of the proposal.

The following area residents spoke in opposition to the proposal: Debbie and Carl Boydston, 562 Court Road; Bonnie Austin, 743 24-3/4 Road; George Euler, 720 24-3/4 Road; Carol Traynor, 749 24-3/4 Road; Adrian Bumgardner; Dan Gillespie, 712 24-3/4 Road; and Pete Roberson, 717 24-3/4 Road.

Although they appreciated the fact that the proposed density was less than originally planned, they expressed their concern over growth in the area and felt that the proposal would be setting "the

tempo" for the area. They were concerned about the increase in traffic on G Road, the impact on overcrowded schools in the area, and were opposed to an east/west connection that aligned with Fountainhead Boulevard.

Tom Rolland, in his rebuttal, said that the School District review projected an increase of 18 students at Appleton, 10 students at West, and 12 students at Grand Junction High School. However, Carol Traynor said that children in the subdivision would go to Fruita Middle School and Fruita Monument High School. Mr. Rolland said that Fountainhead Subdivision had an improvements agreement guarantee to improve the 25 and G Roads. He stressed that audience members were concerned about the increase in traffic and they, too, did not want the alignment with Fountainhead Boulevard.

Mr. Rolland requested clarification that any stub street to the north would be right-of-way only and would not require improvement. Kathy Portner said that was correct.

**QUESTIONS/DISCUSSION**

Commissioner Anderson asked for staff's comments on the alignment issue. Kathy Portner said staff felt it was important to have intersections line up, rather than be offset, for traffic safety reasons. She said the road could vary within the parcel so that it was "not a straight shot," but felt it was important to line up with existing right-of-way. She said if this proposal was required to line up with Fountainhead Boulevard, then the developers of Fountainhead would not be able to vacate their right-of-way in the future.

Vice Chairman Volkmann asked what offset distance could be obtained between Fountainhead Boulevard and another east/west street in the proposal. Mr. Rolland said that the road could be offset 300' which was the minimum required distance.

Commissioner Withers said that the trend in larger cities throughout the country was to go back and put concrete barriers on streets of the type proposed by staff in order to eliminate through traffic. He felt the trend was to isolate subdivisions from vehicular traffic. Commissioner Halsey felt that traffic was already a concern in the area and that the more inlets created, the more traffic problems created. He felt the two roads should be aligned. But Vice Chairman Volkmann was concerned that if the Boydston's property to the west developed and tied a street into the proposed street, then traffic generated by the sports complex would go through the subdivisions.

**MOTION: (Commissioner Halsey) "Mr. Chairman, on item 35-94(2), Preliminary Plan for the North Valley Subdivision, I more we approve this subject to the staff recommendations as stated."**

**MOTION DIED** for lack of a second.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item 35-94(2), Preliminary Plan for North Valley Subdivision, I move we approve this subject to staff recommendations #2 and #3, but that we do not require an alignment with the platted Fountainhead Boulevard at its intersection with 24-3/4 Road."**

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed by a vote of 4-1, with Commissioner Halsey opposed.

2. **#61-94 FINAL PLAN - GRAND JUNCTION FEDERAL CREDIT UNION  
Request for approval of a Final Plan for the Grand Junction Federal Credit Union expansion and drive-up window.  
PETITIONER: Grand Junction Federal Credit Union  
LOCATION: 1150 Hill Avenue  
REPRESENTATIVE: Elaine Carpenter  
CITY STAFF: Kristen Ashbeck**

**STAFF PRESENTATION**

Kristen Ashbeck presented an overview of the request for approval of a final plan for the Grand Junction Federal Credit Union. She said the Credit Union proposed expansion onto an adjacent vacant parcel to the west. She said that last spring the City Council approved the ODP and rezone to Planned Business for the Credit Union subject to resolving a number of technical issues at the final plan stage. Ms. Ashbeck said the only outstanding issues were parking and landscaping. Staff recommended that the current parking spaces in the front yard be eliminated since only five spaces were required. A parallel space could be situated along the western boundary of the lot. Staff felt that landscaping instead of parking spaces would better conform with the streetscape of the residential block. Ms. Ashbeck said that on-site landscaping did not meet minimum Code requirements and that the intent of a planned zone was to provide more amenities than in a straight zone.

Ms. Ashbeck said that staff recommended approval subject to the following conditions being resolved prior to planning clearance for a building permit:

1. Staff comments on parking and landscaping discussed previously are addressed.
2. Payment of open space fees in the amount of \$1,000.
3. Payment of a drainage fee to be calculated based on a revised plan.

**PETITIONER'S PRESENTATION**

Elaine Carpenter, manager of the Credit Union, said that they planned to replace the lava rock in front of the building with grass and install the necessary irrigation. She said that the Credit Union needed the additional parking in front for when examiners and other support persons were at the office. She felt that the proposed landscaping was better than the business across the street which was all parking. She felt the area was more business than residential. She asked if at least one space could remain in the front.

**PUBLIC COMMENT**

There was no public comment either in favor or opposition.

**QUESTIONS/DISCUSSION**

Commissioner Halsey felt that it was important to maintain the integrity of the intent of the Downtown Plan since there had been so much encroachment in the past. Commissioner Withers said he understood the Petitioner's need for additional parking and asked if staff would be willing to accept one space. Kristen Ashbeck said that staff wanted landscaping to more closely resemble a residence but would be willing to compromise by allowing one space with landscaping on the side. She also suggested that screening be accomplished with plants rather than a fence. The Petitioner was agreeable to Ms. Ashbeck's suggestion. Commissioner Anderson felt such a compromise would preserve the integrity of the neighborhood.

**MOTION: (Commissioner Anderson) "Mr. Chairman, on item 61-94, Final Plan for the Grand Junction Federal Credit Union, I move that we approve this proposal with the changes in conditions that the planning staff and the applicant get together and decide the amount of landscaping necessary on the west side of the property with the possibility of eliminating part of that fencing; and the inclusion of one parking slot up there in front; and including other staff recommendations."**

The motion was seconded by Commissioner Halsey.

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

3. **#64-94 FINAL PLAT/PLAN - MOSES SUBDIVISION**  
**Request for approval of the Final Plat/Plan for the Moses Subdivision consisting of 11 single family lots on approximately 6.84 acres in an RSF-4 (Residential Single Family, 4 units per acre) Zone District.**  
**PETITIONER: Wilford Moses**  
**LOCATION: 26-1/2 Road & Paradise Drive**

**REPRESENTATIVE: Wilford Moses**  
**CITY STAFF: Dave Thornton**

Commissioner Vogel stated that he knew the applicant and that he had discussed the matter many months ago before he was a member of the Planning Commission. "I feel I have no bias but I wanted to make you aware that I do know the applicant."

**STAFF PRESENTATION**

Dave Thornton gave an overview of the request. He said the Commission reviewed the preliminary plan last October, prior to annexation of the area. He said that there had been no real changes since preliminary approval, other than changing the name of the street from Moses Court to Bermuda Court. Mr. Thornton informed the Planning Commission that the City Council had required sidewalks along Catalina although they waived the sidewalk along the cul-de-sac, and had required half-street road improvements to 26-1/2 Road. He said that there were only technical issues still outstanding and they were being taken care of.

Mr. Thornton said that staff recommended approval subject to the following:

1. That all technical issues regarding construction drawings and the plan/plat be adequately addressed.
2. Lots 1-3 show rear yard setbacks along 26-1/2 Road for structures and fencing. Vehicular access will not be allowed from 26-1/2 Road and shall be shown as a note on the final plat.
3. The restrictive covenants shall be approved by staff.
4. All existing structures on lot 11 shall meet current setbacks for the RSF-4 zone.

Dave Thornton said that item #4 was probably a moot point now, but at the time of preparing staff comments, there was some question as to whether or not the shed met setbacks.

Commissioner Anderson asked if the curb and gutter would be square along 26-1/2 Road to discourage access. Mr. Thornton said that the curb wouldn't be built for some time but he would anticipate vertical curbing. He said that the Petitioner was aware of the sight distance problems with the proposal and realized that it was in his best interest not to provide vehicular access along 26-1/2 Road.

**PETITIONER'S PRESENTATION**

Wilford Moses, 2666 Paradise Drive, Petitioner, said he had nothing further to add to staff comments.

**PUBLIC COMMENT**

There was no public comment in favor of the proposal.

Mr. Admire, 826 26-1/2 Road, questioned the improvement of 26-1/2 Road since there was a sewer line easement in the road. Dave Thornton explained that the developer would be required to pay a sum of money which would be put into City funds for the eventual improvement of the road. Mr. Admire also questioned the density. Dave Thornton explained that the existing zoning allowed 4 units per acre and that the proposal was less than that.

**QUESTIONS/DISCUSSION**

Vice Chairman Volkmann asked if staff was looking for anything specific in their review of the covenants. Dave Thornton explained that it would be a normal review. He said that the covenants had only recently been submitted and that staff hadn't had adequate time to review them.

**MOTION: (Commissioner Halsey) "Mr. Chairman, on item 64-94, Final Plat/Plan for Moses Subdivision, I move that we approve this subject to staff recommendations."**

The motion was seconded by Commissioner Withers.

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

**4. #67-94 MINOR SUBDIVISION - VISITOR'S & CONVENTION BUREAU / TACO BELL**

**Request for approval of the V.C.B. Minor Subdivision subdividing a parcel of land consisting of approximately 1.63 acres into two lots of approximately .78 acres (Visitor's & Convention Bureau) and .58 acres (Taco Bell).**

**PETITIONER: Visitor's & Convention Bureau  
Horizon Drive Enterprises**

**LOCATION: 736 & 740 Horizon Drive**

**REPRESENTATIVE: Tim Woodmansee**

**CITY STAFF: Dave Thornton**

**STAFF PRESENTATION**

Dave Thornton gave an overview of the request. He said that the property was owned by John Moss and that the Petitioner wished to divide the property into two lots, as well as create a public site and Tract A, which was where the free standing pole sign now exists. He said that all review comments had been addressed, but staff was requesting that language pertaining to signs be placed on the final plat. Mr. Thornton said that the total signage obtained by Taco Bell for the property as part of their Conditional Use Permit was 671 square feet. Taco Bell has currently used 517 square feet of the allowance and the Visitor's and Convention Bureau has used 35 square feet; therefore,



the property is left with 119 square feet remaining. Mr. Thornton said that only one pole sign would be allowed in Tract A and the VCB could put their sign on the pole if Taco Bell agreed.

Mr. Thornton said that staff recommended approval subject to the following conditions:

1. The following note be written on the plat: "One free standing sign shall be allowed along the state access frontage and shall be located within Tract A. Sign allowance allowed for this subdivision shall meet the requirements of the Taco Bell Conditional Use Permit and current sign code requirements. Future amendments to the sign code shall apply."

**PETITIONER'S PRESENTATION**

Jim Shanks, Public Works Director, said he had nothing to add to staff comments.

**PUBLIC COMMENT**

There was no public comment either for or against the proposal.

**QUESTIONS/DISCUSSION**

The Planning Commission had no questions or discussion.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item 67-94, I move that we approve this subject to staff recommendations."**

The motion was seconded by Commissioner Vogel.

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

Kathy Portner announced that item #63-94 should have been included on the agenda under Items for Final Decision and requested that the item be heard next,

5. **#63-94 EASEMENT VACATION & REPLAT - 2790 CHEYENNE DRIVE**  
**Request for a recommendation of approval of vacation/move of an irrigation easement and a replat of two existing lots in an RSF-8 (Residential Single Family, 8 units per acre) Zone District.**  
**PETITIONER: Donald & Joanne Topliss**  
**LOCATION: 2790 Cheyenne Drive**  
**REPRESENTATIVE: Donald Topliss**  
**CITY STAFF: Dave Thornton**

**STAFF PRESENTATION**

Dave Thornton gave an overview of the request. He said that the current irrigation easement on the property did not have a ditch in it. The Petitioner wished to vacate the easement so he could move

the lot line in order to construct an addition to the home. Mr. Thornton said the lot line could have been moved administratively, but since there was an easement involved, it

was necessary to bring the matter to public hearing. He said that the Petitioner would dedicate a new irrigation easement on the east side of lot 1 which is where the ditch actually exists.

Mr. Thornton said that staff recommended approval subject to the following:

1. If there are any outstanding technical issues regarding the plat, they be resolved prior to recording.

**PETITIONER'S PRESENTATION**

Don Topliss, 2790 Cheyenne Drive, Petitioner, said that he wanted to move his lot line 12 feet onto an adjacent vacant lot which he owned. He said the easement was probably placed on the property 35 years ago. He said he would dedicate an easement where the ditch was currently located.

**PUBLIC COMMENT**

There was no public comment either for or against the proposal.

**QUESTIONS/DISCUSSION**

There were no questions or comments.

**MOTION: (Commissioner Anderson) "Mr. Chairman, on item 63-94, I move that we approve this subject to staff recommendations."**

The motion was seconded by Commissioner Halsey.

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**

**1. VACATION OF ALLEY RIGHT-OF-WAY - NORTH SIDE OF 400 BLOCK OF GRAND**

**Request for a recommendation of approval for Vacation of the alley right-of-way on the North side of the 400 block of Grand Avenue.**

**PETITIONER: 1st Assembly of God**

**LOCATION: 400 Block of Grand Avenue**

**REPRESENTATIVE: David Crowley**

**CITY STAFF: Kristen Ashbeck**

**STAFF PRESENTATION**

Kristen Ashbeck gave an overview of the request. She said that 1st Assembly of God owned the entire 400 block of Grand Avenue and both sides of the alley. She said they wanted to incorporate the alley into their parking circulation and discourage through traffic between the one way 4th and

5th Streets. She said the request met the criteria set forth in the Zoning and Development Code. All of the utility providers had requested that the entire width be retained as a utility easement. Ms. Ashbeck said that the church was also processing a Special Use Permit to bring a new parking area and the entire site into conformance with the Code, and staff was in the process of working out a number of details on the SUP such as landscaping.

Ms. Ashbeck said that staff recommended approval with the condition that the vacation not proceed to final action by City Council until all issues are resolved on the Special Use Permit.

**PETITIONER'S PRESENTATION**

John Davis, 1023 24 Road, representative for the Petitioner, agreed to providing a utility easement and had no other comments.

**PUBLIC COMMENT**

There was no public comment either for or against the request.

**QUESTIONS/DISCUSSION**

Commissioner Anderson said that speed bumps had been installed in the alley which would help minimize traffic circulation. He said he "had a hard time giving away an alley because once it's gone, it's gone." He was concerned that if the church moved, the alley would be subject to other construction. He felt that the City Council usually did not like vacating such areas in the downtown area unless there was an alternative given. He said he would like to see landscaping on the parking lot area.

Kristen Ashbeck pointed out that the alley was vacated two blocks to the west and also a portion of the alley to the east at the library was vacated.

Jim Shanks, Public Works Director, said that typically alleys were used for local services to the development on the block and use by through traffic from block to block was discouraged. He said the City didn't use alleys for ingress/egress and that the City supported the vacation. He said that if the property were ever sold by the church, any new development would come before the City for approval and possibly re-dedication of an alley.

Vice Chairman Volkmann questioned the fire departments comment regarding maintaining access for emergency vehicles. Kristen Ashbeck said that an ingress/egress easement should be included in the motion as well as a utilities easement.

**MOTION:** (Commissioner Withers: "Mr. Chairman, on item 32-94, a request for vacation of the east/west alley on the 400 block of Grand Avenue, I move that we forward this item to City Council with a recommendation for approval, subject to staff recommendations, which are the approval of the right-of-way vacation subject to the alley being retained as a utility, drainage and fire lane easement, and subject to the resolution of the details of the Special Use Permit review process being resolved prior to final action on the vacation by City Council."

The motion was seconded by Commissioner Halsey.

Commissioner Anderson said he withdrew his objection on the basis of Mr. Shanks' clarification.

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

- 2. #62-94 VACATION OF EASEMENT - 487 28-1/4 ROAD**  
**Request for a recommendation of approval of vacation of utility and access easements on Lot 2, Woodland Subdivision.**  
**PETITIONER: Hilltop Foundation**  
**LOCATION: 487 28-1/4 Road**  
**REPRESENTATIVE: Pat Edwards**  
**CITY STAFF: Kristen Ashbeck**

**STAFF PRESENTATION**

Kristen Ashbeck gave an overview of the request. She said that the Petitioner wished to vacate the interior and some perimeter utility and ingress/egress easements in order to create a more developable parcel for resale. She said that the access easement had been necessary to provide access to Lot 1 of Woodland Subdivision directly to the north. Ms. Ashbeck explained that currently the only access to Lot 1, a miniature golf course, was a 12' access off of 28-1/4 Road and traffic did exit the lot along that easement. She said that the Petitioner would rededicate a 25' ingress/egress and utility easement along the northern, western and southern boundaries of the site in order to provide the necessary access to Lot 1. Public Service also requested a 20' utility easement along 28-1/2 Road.

Ms. Ashbeck said staff recommended approval subject to the dedication of the easements as shown on the plat.

**PETITIONER'S PRESENTATION**

Pat Edwards, 511 Rado Drive, #B, said he had nothing further to add to staff's comments.

**PUBLIC COMMENT**

No one spoke in favor of the request.

Jim Hudson, 2344 Tyler Ct., #2, said he was the owner of Home Appliance at 493 28-1/4 Road. He had been concerned about access to the miniature golf course but upon hearing staff's explanation about the new location of the easement, he had no further objections.

**QUESTIONS/DISCUSSION**

The Planning Commission had no questions and there was no discussion.

**MOTION: (Commissioner Anderson) "Mr. Chairman, on item 62-94, a request for an easement vacation at 487 28-1/4 Road, I move that we forward this item to City Council with recommendation for approval."**

The motion was seconded by Commissioner Withers.

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

- 3. **#65-94 REZONE & OUTLINE DEVELOPMENT PLAN - 2845 TEXAS AVENUE**  
**Request for a recommendation of approval for rezone of a parcel of land of approximately .47 acres from RSF-8 (Residential Single Family, 8 units per acre) to PR (Planned Residential with a density of 10.6 units per acre) and approval of an Outline Development Plan for multi-family residential.**  
**PETITIONER: Dewey Family Trust**  
**LOCATION: 2845 Texas Avenue**  
**REPRESENTATIVE: Tom Logue**  
**CITY STAFF: Kathy Portner**

**STAFF PRESENTATION**

Kathy Portner gave an overview of the request. She said that the lot currently had a triplex on it which was a non-conforming use. She said that although it did fit with the density of the RSF-8 zone, it was not a single family structure. The addition of a duplex to the rear of the triplex would result in a total of 5 units on the site which would increase the density to just under 11 units per acre. She said that the uses immediately surrounding the property were single family, 8 units per acre, although there are some existing multi-family uses and zones along Elm Avenue and 28-1/2 Road.

Mr. Portner said that given the densities immediately surrounding the property and in the absence of a plan, staff could not support an increase in the density over the existing 8 units per acre. Staff would, however, support the rezone to Planned Residential, 8 units per acre, in order to bring the existing triplex into conformance. Ms. Portner outlined the criteria which needed to be considered

for a rezoning request and density increase and stated that staff felt the request did not meet any of the criteria except for the existence of adequate facilities.

If the Planning Commission chose to approve the request, staff offered the following comments:

1. The parking lot stalls should not extend into the required 20' front yard setback.
2. Parking lots should be screened from adjacent property with a privacy fence or landscaping.
3. The proposed 10' rear yard setback is not adequate.
4. Open space fees of \$225 per unit would be required for the two additional units.

Ms. Portner said that staff recommended denial of the request to rezone to Planned Residential with a density not to exceed 11 units per acre and denial of the Outline Development Plan for an additional duplex on the property. Staff recommended approval of the request to rezone to Planned Residential with a density not to exceed 8 units per acre with the condition that the rezone not be effective until the property is platted and the plat is recorded. Ms. Portner said that if the Commissioner chose to approve the rezone and the outline development plan as proposed by the duplex, staff recommended the conditions as stated previously be included in the motion.

#### **PETITIONER'S PRESENTATION**

Tom Logue, representative for the Petitioner, said he felt all of staff's comments could be addressed in the next step if the request were approved.

Regarding the criteria used to determine a rezone, Mr. Logue felt that the existing zoning was in error since there had been a triplex on the property since 1974. He said there were other sites in the neighborhood which were also non-conforming and exceeded the RSF-8 zone density.

Mr. Logue also felt that there had been a "dramatic" change in the character of the neighborhood since the zone was applied. He showed a map which identified a number of public sites in the area and multi-family properties, such as the Nisley apartment complex, Elm Circle apartments, Creekside apartments and Briargate and Eastgate townhome complexes. He said there had been a decrease of 15% in the number of single family homes in the area and an increase of 15% in multi-family uses since 1974. He said the Petitioner felt there was a need for more multi-family housing in the area and that the triplex was always occupied. He felt the parking, fencing, height, setbacks and landscaping design of the proposal was compatible with the area.

Mr. Logue presented the Commission with a copy of the Code regarding the RSF-8 zone and said there was a conflict since the property was larger than the 4,000 square foot lot size required for development. He said the configuration of the lot lent itself to redevelopment and that all utilities

were available. He submitted six letters from adjacent land owners stating that they "generally" had no objections.

**QUESTIONS**

Commissioner Halsey asked if the triplex had been placed on the site inappropriately, or if the zoning had changed later. Kathy Portner said that she had seen several cases such as this and felt that the zoning had been changed after the triplex was built.

Commissioner Withers questioned the proximity of the fire hydrant. Mr. Logue said that he had not personally made the measurements, that he would verify them, and that the Petitioner had no objection to putting in a fire hydrant if it were required.

**PUBLIC COMMENT**

Richard Dewey, the Petitioner's father, said he owned five rental properties in Grand Junction and felt there was a high demand for multi-family housing. He said placing the duplex to the rear of the triplex would minimize its impact to the neighborhood. He felt the neighborhood was in transition and that it was better to spread multi-family housing throughout the valley rather than concentrate it in one area.

Kathy Portner said she had received a letter from Mr. and Mrs. Thomas J. Franklin, 2843 Mesa, stating they objected to the request.

**QUESTIONS/DISCUSSION**

Commissioner Halsey felt it was appropriate to rezone the property to Planned Residential 8 units per acre in order to make it a conforming use, but didn't feel "we should compound problems that were initiated in 1974" by increasing the density. Commissioner Anderson agreed. Commissioner Withers was concerned that the parking would require backing out.

Vice Chairman Volkmann felt there were several high density areas in the neighborhood and felt spreading them out was probably a good idea. Commissioner Halsey pointed out that the request did not meet the criteria for a rezone. Commissioner Withers said that Orchard Avenue was a multi-family corridor and asked when the area would be looked at in the master plan. Kathy Portner said the entire master plan would take approximately 2 years and would start this summer.



**MOTION:** (Commissioner Vogel) "Mr. Chairman, on item 65-94, a request to rezone to PR-11 and an ODP for an additional duplex, I move we deny the request; and on item 65-94 a request to rezone to PR-8, I move we forward that to City Council with a recommendation of approval with the conditions that the rezone not be effective until the property is platted and recorded."

The motion was seconded by Commissioner Withers.

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

4. **#70-94 REZONE FROM PZ TO RSF-8 - 9TH AND HILL**  
**Request for a recommendation of approval for a rezone from PZ (Public Zone) to RSF-8 (Residential Single Family, 8 units per acre) for 4 lots located at the NE corner of 9th Street and Hill Avenue.**  
**PETITIONER:** City of Grand Junction  
**LOCATION:** 810 N. 9th Street & 906 Hill Avenue  
**REPRESENTATIVE:** Kathy Portner

#### **STAFF PRESENTATION**

Kathy Portner presented an overview of the request which she said was "to do a little housecleaning of our zoning map." She said the properties were across from East Middle School and were once owned by the School District with a zoning of PZ Public Zone. When the properties were sold, they should have been rezoned to the RSF-8 zone. She said the two homes built on the property met the bulk requirements of the RSF-8 zoning and it was compatible with the rest of the block. Ms. Portner said staff recommended approval of the request.

#### **PUBLIC COMMENT**

There was no public comment either in favor or opposition to the request.

#### **QUESTIONS/DISCUSSION**

The Commissioners had no questions and did not discuss the request.

**MOTION:** (Commissioner Withers) "Mr. Chairman, on item 70-94, a request for rezone from PZ to RSF-8, I move we forward this on to City Council with a recommendation for approval."

The motion was seconded by Commissioner Anderson.

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

**5. #68-94 TRANSPORTATION IMPACT FEES**

**Request for a recommendation of approval of a proposal which would replace the current requirement that developers pay half street improvements with a Transportation Impact Fee.**

**PETITIONER: City of Grand Junction**

**REPRESENTATIVE: Jim Shanks**

**CITY STAFF: Kathy Portner**

**STAFF/PETITIONER PRESENTATION**

Jim Shanks, Public Works Director, said the current City requirement that developers pay half street improvements created inequities since the fee was not always based on impact. He said that there were times when a development had large frontage but few lots and so little actual impact, and times when a larger development with greater traffic impact had little frontage and so paid less for street improvements.

Mr. Shanks said that City Council had requested staff to develop a more equitable system. He said the fee was based on the traffic generated by a proposal rather than proximity to a roadway. He said the methodology was similar to the fees assessed for water, sewer, etc. which were based on how much of the system one consumed. He said there were many nationally recognized standards to determine how much traffic was generated by different uses and the City had a lot of traffic data regarding trip length, etc.

He said that new developments paid taxes and so the calculation gave credit for taxes paid on construction and taxes paid by residents over a 20 year period. He said staff studied national ordinances used in Florida, the West Coast and the front range, and the consumption concept appeared to be the most easily understood and "easiest to defend." Mr. Shanks said staff worked closely with the Home Builders Association on the proposal. The formula would allow the Petitioner to provide customized traffic data that could be used to calculate the fee.

Mr. Shanks said that the proposal would give credit for developments that have paid fees or actually made improvements during the last 5 years up to what the impact fee would be. He said some uses would be exempt, such as expansion of a structure which did not generate additional traffic or if a structure were destroyed and rebuilt. He said that sometimes the improvements would be necessary, rather than a fee, and the proposal reserved the right to require the improvements. The developer could also request to build the improvements rather than pay the fee, although the City reserved the right to deny the request. The Board of Appeal would hear any appeals.

Mr. Shanks said the proposal was meant to replace the existing policy, not create new funds. He said the City currently spends \$2 million per year on "capacity kinds of improvements" and this fee would generate \$100,000-\$150,000 per year.

Vice Chairman Volkmann asked how plans already through preliminary approval would be affected by the proposal. Mr. Shanks said that the fee would be applicable to plats recorded at the date the ordinance went into effect.

**PUBLIC COMMENT**

No one spoke in favor of the proposal.

Dan Garrison, a local developer, said that he had platted 92 lots in the last three years. He objected to impact fees in general, feeling that impact fees were a means of circumventing increasing taxes. He said there were places in California where \$20/square foot of a building's cost were for impact fees. He said all residents of an area had an obligation to pay for benefits such as roads, schools, etc. and that new developments should not be forced to pay for public infrastructure. He said "we're hiding the cost of running a municipal government" by blaming all of the costs on growth. He said it was not logical to blame traffic problems on new growth.

Mr. Garrison also objected to specific language in the proposal such as including the 29 Road interchange in the 10 year capital improvements budget. He told the Commission that when the City annexed Paradise Hills, it waived road improvement fees resulting in a "half a million dollar gift." He said he found no language in the proposal stating that a credit would be given to developments over the last five years. He felt that the City was using County traffic figures in computing City fees. He objected to the "one-lane-one-mile cost" of \$50 and quoted from a cost estimate from United Gravel for \$54/lineal foot for two lanes. He did not feel there should be a credit given in the formula for taxes paid since entities such as Grand Valley Rural Power and U.S. West don't pay sales tax.

**PETITIONER'S REBUTTAL**

Jim Shanks, in his rebuttal, said the fee was not proposed to pay 100% of infrastructure and would, in fact, provide only 5%-7% of the necessary funds. The remainder of the money would come from sales tax just as it always had. He said that trip length was calculated using City figures and did not include the County. Mr. Shanks felt that the matter of Paradise Hills should be taken up with the City Council, not the Planning Commission, since that was the entity which negotiated the agreement. He said the matter of the 5 year credit for previous developments was included on the bottom of page 6 of the proposal, and that the budget figures included items on a "wish list" which were not actually included in the 10 Year Plan.

**QUESTIONS/DISCUSSION**

Vice Chairman Volkmann said he shared many of Mr. Garrison's concerns regarding impact fees; however, he felt the prior arrangement was "truly inequitable" and the proposal was closer to "something that would fall into that great, grey void known as equitable." He agreed that day-to-day road improvements would be necessary whether "we buy another person" or not, but didn't feel frontage was an appropriate basis for assessing cost.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item 68-94, the adoption of the Transportation Impact Fee, and amending the appropriate sections of the Zoning and Development Code pertaining to road improvements, I move we forward this on to City Council with a recommendation of approval."**

The motion was seconded by Commissioner Halsey.

A vote was called, and the motion passed by a vote of 4-0, with Commissioner Anderson abstaining.

**6. #72-93 AMENDMENT TO THE RIDGES PLAN**

**Request for approval of a Final Development Plan for Filings #1-6, the Ridges, to clarify densities, setbacks and other requirements to be enforced by the City of Grand Junction.**

**PETITIONER: City of Grand Junction**

**REPRESENTATIVE: Kathy Portner**

Vice Chairman Volkmann said that he would abstain from hearing the item due to attorney/client relationships. Commissioner Withers said he knew participants involved but didn't feel it would bias him in any way. Commissioner Halsey conducted the public hearing of the item.

**STAFF PRESENTATION**

Kathy Portner gave an overview of the request which included the platted Ridges, (Filing #1-6), as well as the undeveloped Ridges (700 acres to the south and west of the platted Ridges). She said the proposal was necessary to clarify the plan for the Ridges since the Ridges was developed outside the City limits and County files were incomplete. She said staff needed clear guidance as to what should be enforced regarding setbacks, height requirements, fencing requirements, etc. Ms. Portner said that the City had been relying on the covenants of the Ridges since annexation, but that the City normally does not enforce covenants.

Ms. Portner said the proposal clarified heights and setbacks within Filings #1-6 for the A, B and C lots. These would not apply to any of the undeveloped lots or the undeveloped, unplatted Ridges. She said that A lots had 0-10' side yard setbacks and that even though staff preferred an option of a 5' side yard setback, most A lots had already been developed and staff did not want to change the existing setbacks since it would create a number of non-conforming uses. The proposal recognizes requirements which the Ridges has pertaining to parking and fencing which the City would enforce. Staff also proposed a list of uses for commercial sites which were similar to the B-1 zone matrix. The proposal defined the process to vacate irrigation easements and setbacks for Columbine Village. The proposal also listed general development standards for the Ridges, both the undeveloped lots in Filing #1-6 and the unplatted Ridges. The standards include statements

regarding the preservation of the natural environment, setting aside land unsuitable for development, preserving the trail system, and maintaining view corridors. Ms. Portner said it might be appropriate to define what slope would be too steep for development. She said the proposal addressed geologic and transportation issues which would constrain density. She said density transfers between Filings #1-6 and the unplatted Ridges would not be allowed, and that the overall density for the Ridges was 4 units/acre.

Ms. Portner said that the main issue was the allocation of densities within Filings #1-6. She said there were no documents detailing how densities were allocated in the past within Filing #1-6, although the covenants said that densities would be allocated by deed by the developer. She said there had been no one keeping track of those deeds but that many of the deeds had densities of as high as 40 units per acre. Ms. Portner explained the formula staff used to decide on the density and said that commercial acreage was deleted from the overall acreage used. She said that all A lots were counted as 2 units since, under the proposal and existing covenants, A lots could have a duplex on them. The formula calculated the remaining number of units available for Filings #1-6 which were then evenly allocated between all of the undeveloped lots within Filings #1-6. An overall density of 5.5 units per acre was obtained.

Ms. Portner said the proposal suggested two options for density transfers within Filings #1-6: 1) to not allow density transfers; 2) allow density transfers if development plans for the sites involved in the density transfer are submitted, approved and recorded concurrently. Staff suggested that if an area is planned for less than what is allocated, then the density is lost and can not be reallocated. She noted that the maximum density approved may not be achieved because of constraints caused by geology, transportation, etc.

Ms. Portner said staff recommended approval of the proposed plan with the option that density transfer be allowed provided that sites involved in the transfers are planned, approved and recorded at the same time; and A lot side yard setbacks are left at the current 0'-10' with provisions that if one side is less than 10' then the other side must be at least 5'.

**PUBLIC COMMENT**

No one came forward to speak in favor of the proposal.

Mark Hermundstad, representing Professional Investment Properties (PIP) and Bill Boll, 383 Hill View Drive, said that PIP owned Lot 2 Block 13 Filing 4. He said that the plat designated the 2.26 acres as multi-family. He said that The Clusters, a multi-family development was to the east of Mr. Boll's property, with a density of 6.88 units/acre; the area to the south had a density of 6-7 lots/acre; and that Columbine Village and La Roche, both multi-family developments, were also nearby.

Mr. Hermundstad said that the Ridges was designed as a Planned Unit Development and that a PUD zoning was meant to provide maximum flexibility to the developer. He said that the statement on the plat of Mr. Bolls' property stated that the number of units/acre was variable and that the original deed indicated 35 units/acre. Mr. Hermundstad agreed that such a density "bordered on the ridiculous" but he felt that 5.5 units per acre was just as unreasonable. He said Mr. Boll's multi-family property was meant to be developed at a higher density than the rest of the Ridges.

Mr. Hermundstad pointed out several ways in which he felt staff's calculations were flawed. He objected to the assumption that all A lots had two units on them and objected to including the school site in the calculations. He said if those two factors were taken out of the analysis, a density of over 9 units/acre resulted. Mr. Hermundstad said that his client was proposing a density of 7-8 units/acre similar to the density of Columbine Village and LaRoche and that the density should be flexible depending on the proposed plan.

Tom Logue, representing Sid Gotlieb, owner of 2.8 acres in Lot 17, Filing 6, agreed with Mr. Hermundstad's analysis of staff's calculations and said that Mr. Gotlieb was requesting a density of 9 units/acre.

He said that before Mr. Gotlieb purchased the property he received a statement from the planning department stating the density was over 12 units/acre. Mr. Gotlieb relied on this statement and felt the current proposal was unfair and that some consideration should be given for purchasers in his situation. Mr. Logue said that he was involved in the original planning of the Ridges, and that the intent at that time was to allow the transferring of densities, and that transfer were allowed for commercial properties and the school site.

Mr. Logue said that the Metro Service Plan had been approved by the courts and that calculations to retire bonds assumed certain densities. He also felt that it was necessary to define such terms as steep, unstable, natural feature, and bluffline.

Bill Stubbs, 391-1/2 Hill View Drive, represented Dynamic Investment which he said owned the "vast majority" of the undeveloped property in the Ridges. He supported allowing multi-family lots to have a higher density. He said that Dynamic Investments owned the majority of the 16 A lots not yet developed and they would "be receptive to redesignating an A lot to a B lot in order to further reduce the possibility" of there being duplexes on those lots. He said that this new designation, plus counting the rest of A lots as only 1 unit/lot, "freed up about 100 additional units" that could be allocated. He said Dynamic Investment was also in the process of replatting two parcels in Filing 6 to single family which would "significantly" reduce the density in Filing 6. These changes would reduce another 50 units from the total density of the Ridges.

Mr. Stubbs felt that it was premature to forward such a proposal to City Council since such changes were being pursued. He felt that density matters on the Ridges were "working itself out." He didn't feel there was much market for multi-family development in the Valley. He felt that reducing the potential of 100 homes in the Ridges would be a financial blow to the City, and that repayment of the irrigation debt could be accomplished by keeping the higher density originally intended for the Ridges. Mr. Stubbs suggested tabling the proposal until more "homework" was done and until Dynamic Investment could finalize their plans which could mitigate some of staff's concerns regarding density.

Joan Chapman, 438 City View, objected to the City requiring new developments to have curb, gutter, and sidewalks, thereby making older areas look "tacky" and like "poor cousins." She said that the Ridges ACCO no longer had any control over the area.

Barbara Neil said she was a realtor who had sold three sites on the Ridges. She felt the matter should be tabled since the City was not fully aware of all of the problems involved with things like deeded densities. She said the City was "trying to change the whole nature of an area that was formed as its own entity." She felt these matters should have been addressed at the time of annexation so that investors would be aware of them.

Kathy Portner read a letter of objection into the record from Sid Gotlieb who felt that the proposal should not apply to developments which had already started the preliminary plan process. She also read letters from Stephen C. Ward, 395 Valley View Way and Lyn J. Ramsay, 2396 E. Plateau Court, who felt the density was too great for the area and objected to the small setback requirements. Diane Pocis, 2421 Hidden Valley Drive, felt that unsuitable land needed to be better defined and that "steep" should be defined as a slope in excess of 2.5:1. Ms. Portner said that Ken Bundy had delivered photographs to the department and had objected to the densities at Columbine Village.

**PETITIONER'S REBUTTAL**

Kathy Portner, in her rebuttal, said that the school site was included since the School District indicated they did not need the site. Since the site might be sold at some future time, staff felt it was important to retain density with the land. Staff felt that it was important to consider all A lots as duplexes since if a home were to burn down, staff would have to allow a duplex to be built on the lot if requested. Regarding the "spirit of the PUD concept," she said staff "did not feel comfortable in doing anything but applying density uniformly at this stage." She said there was no data to support anything else.

**QUESTIONS/DISCUSSION**

Commissioner Withers felt it was more appropriate to have side yard setbacks measured from exterior walls rather than foundations, since it was theoretically possible to have a 10' separation between foundations, but 0' clearance between buildings.

Commissioner Withers felt that it was important to consider deeded lots where purchasers relied on the density stated on the deed. He felt the matter should be tabled to allow further research. Commissioner Anderson felt a workshop might be needed. John Shaver stated that certain matters could be defined at City Council. Mr. Shaver suggested that a developer's reliance on deeded densities was irrelevant to the question of the amendment and was a separate issue from the general policy statement which the proposed plan amendment represented. He said there might be other alternatives to resolve the deed issue, and that it might be in the developers best interest to allow the plan to proceed so that the City would have the explicit authority to do a density transfer. Commissioner Halsey also felt that a conclusion should be reached.

Commissioner Anderson asked if matters such as defining slope could be defined more explicitly before the City Council meeting. Jody Kliska responded, "probably." Commissioner Halsey felt that it might be appropriate for the City Council to have a workshop on the matter, but not for the Planning Commission to have a workshop.

Commissioner Halsey asked staff about the audience member's concern regarding the Architectural Control Committee. Kathy Portner said that the problem was the ACCO did not have funds to proceed to court with violations.

Commissioner Vogel asked what would happen if "you went through and spot-zoned densities, first-come, first-served." Kathy Portner said it was conceivable you could end up with property with no density left if you kept borrowing from someplace else.

**MOTION: (Commissioner Anderson) "Mr. Chairman, on item 72-93, a proposed final plan for the Ridges, I move that we forward this to the City Council with our recommendation for approval, providing the ambiguities are more clearly defined before it reaches the Council's consideration such as slope, natural features, etc."**

The motion was seconded by Commissioner Vogel.

A vote was called, and the motion passed by a vote of 2-1, with Commissioner Withers opposed. Vice Chairman Volkmann did not vote and Jim Anderson Abstained.

7. **#1-94(C) TEXT AMENDMENT - MANUFACTURED HOUSING**  
**Request for a recommendation of approval of a text amendment to permit placement of manufactured residential units wherever single family residential units are permitted by the Code.**  
**PETITIONER: City of Grand Junction**  
**REPRESENTATIVE: Kristen Ashbeck**



**STAFF PRESENTATION**

Kristen Ashbeck gave an overview of the text amendment which will bring the Code into conformance with the Federal Manufactured Home Construction and Safety Standards Act. Currently the definition of manufactured housing and the use zone matrix as to where those units are allowed conflicts with the Act. Ms. Ashbeck said the text amendment redefined mobile home, mobile home park and manufactured housing. The text amendment will also allow for manufactured homes meeting federal safety standards to be placed wherever single family homes are allowed by Code. She said the amendment would require that the manufactured homes be placed on a permanent foundation, and provided engineering standards appropriate for such units. She said the foundation requirement would not apply to units placed in mobile home parks or where the lots are rental lots. Ms. Ashbeck said staff recommended approval.

**QUESTIONS**

Commissioner Withers questioned whether the foundation outlined in the amendment would be required or the minimum foundation required by the City/County Building Department. Kristen Ashbeck said that the more restrictive standards would apply.

Commissioner Withers felt that the Code would be in conflict with many covenants. Kristen Ashbeck felt that most manufactured homes would meet most covenant requirements. John Shaver said that covenants were private rights of enforcement between homeowners.

**PUBLIC COMMENT**

Ross Transmier, 108 Mesa View Drive, said that he had to move outside of the City limits in order to place his manufactured home. He showed the Commissioner photographs of his home. He felt the proposal would allow infill housing on older lots in the City.

Shawn Ruse, 3186 Nathan Ave., said he was in favor of the amendment and wanted to be sure that the homes were set permanently on engineered foundations.

There was no public comment in opposition to the proposal.

**DISCUSSION**

Kristen Ashbeck asked that 4-1-2-c be added to the motion.

**MOTION: (Commissioner Anderson) "Mr. Chairman, on item 1-94(C) Text Amendment to amend Section 4-3-4, Use/Zone Matrix, add Section 4-1-2-b and 4-1-2-c regarding single family residential zones and revised Chapter 12, Definitions and Limitations of the Grand Junction Housing and Development Code, I move that we forward this item to City Council with a recommendation of approval."**

The motion was seconded by Commissioner Withers.

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

**8. #1-94(B) TEXT AMENDMENT - TEMPORARY USE**

**Request for recommendation of approval of a text amendment amending Section 4-3-4 Use/Zone Matrix, Chapter 12, Definitions and Limitations, and add Section 4-13 to the Zoning and Development Code to define and permit certain Temporary Uses.**

**PETITIONER: City of Grand Junction**

**REPRESENTATIVE: Kristen Ashbeck**

**STAFF PRESENTATION**

Kristen Ashbeck presented an overview of the text amendment. She said that a definition of temporary uses was necessary as well as a process to permit those uses. She said staff was having difficulties "drawing the line" between what was a temporary use and what was a permanent use and when to require development improvements.

**PUBLIC COMMENT**

There was no public comment either for or against the proposal.

**QUESTIONS/DISCUSSION**

Commissioner Withers asked for the following changes:

1. Paragraph 4-13, last line, after the word "department": Add "with approval of police and fire departments."
2. Page 2, end of the first full paragraph of item b, end of the next to the last sentence: Strike "up to a year" and insert "with the option of an extension as and if approved by the administrator."
3. Page 3, end of second line: Same change as #2 above.
4. Page 3, next paragraph, second line: "After a building or grading permit has been issued."
5. Page 4, item c: "Regarding any type of traffic generated or impacted by a temporary structure."

Commissioner Vogel asked if this amendment would deal with a trailer being used for storage for an extended period of time. Kristen Ashbeck said that if a use was not specifically included as a temporary use, then it was not permitted.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item 1-94(B), Text Amendment to add Section 4-13 Temporary Uses and Structures to and revise Chapter 12, Definitions and Limitations, and Section 4-3-4 Use/Zone Matrix of the Grand Junction Zoning and Development Code, I move that we forward this item to City Council with recommendation of approval, as amended."**

The motion was seconded by Commissioner Halsey.

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

**9. #1-94(D) TEXT AMENDMENT - NON-CONFORMING USES**

**Request for a recommendation of approval of a text amendment amending Section 4-9 of the Zoning and Development Code pertaining to Non-Conforming Uses/Structures/Sites.**

**PETITIONER: City of Grand Junction**

**REPRESENTATIVE: Kathy Portner**

**STAFF PRESENTATION**

Kathy Portner gave an overview of the text amendment. She said the amendment would change the discontinuance time period for which a non-conforming use keeps its legal non-conforming status from 1 year to 90 days. The amendment would prohibit the expansion of non-conforming, non-residential uses. She said that currently commercial uses in the incorrect zone could expand up to 50% of the existing square footage and there was no limit on the number of times they may do so. Ms. Portner said the amendment clarified that single family homes that do not meet setbacks which are destroyed in some way may be rebuilt on the same foundation provided that no part of the footprint extends over an adjacent property line. The amendment also clarifies when parking and landscaping must be brought into conformance. Ms. Portner said that the amendment provided that a non-conforming home which was removed could not be replaced. The amendment also specified the time period allowed. Staff recommended approval of the text amendment.

**QUESTIONS/DISCUSSION**

Vice Chairman Volkmann asked how the amendment would address a seasonal non-conforming use, for example a tennis court being used every summer for a "makeshift country club." Kathy Portner said that staff had discussed the matter of temporary uses and decided that "once they're gone they lose their non-conforming status and they have to come into compliance the next season." John Shaver said that a seasonal use would be a temporary use, not a non-conforming use.

**PUBLIC COMMENT**

There was no public comment either in favor or opposition to the proposal.

**MOTION: (Commissioner Vogel) "Mr. Chairman, on item 1-94(D), a proposed text amendment to Section 4-9 of the Zoning and Development Code, I move that we forward this to City Council with a recommendation of approval."**

The motion was seconded by Commissioner Anderson.

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

- 10. #1-94(G) TEXT AMENDMENT - APARTMENTS IN A B-3 ZONE DISTRICT**  
**Request for a recommendation of approval of a text amendment amending Section 4-3-4, Use/Zone Matrix Non-Residential Zone Districts, of the Zoning & Development Code to allow residential uses as an allowed use for the 2nd story and above in the B-3 Zone District.**  
**PETITIONER: City of Grand Junction**  
**REPRESENTATIVE: Kathy Portner**

**STAFF PRESENTATION**

Kathy Portner gave an overview of the text amendment. She said that staff had been asked to encourage housing in the second story of Main Street buildings. The proposal would add a note to the Zone Matrix that residential uses in upper floors, second floor and above, shall be allowed in buildings existing as of the date of this ordinance in the B-3 Zone, provided all fire, building, and other applicable Codes are met. She said that if all fire and building codes are met, there was nothing else for staff to review since existing buildings Downtown are exempt from parking regulations. Ms. Portner said staff recommended approval.

**PUBLIC COMMENT**

There was no public comment either for or against the proposal.

**QUESTIONS/DISCUSSION**

The Planning Commission had no questions or discussion.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item 1-94(G), a request to amend the Zoning and Development Code to allow residential uses in the upper floors of buildings in the B-3 zone, I move we forward this on to City Council with a recommendation of approval."**

The motion was seconded by Commissioner Halsey.

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

**VI. GENERAL DISCUSSION**

Commissioner Anderson was appointed monthly liaison to City Council.

Kathy Portner introduced Michael Drollinger, a new staff planner.

Kathy Portner announced that a planning commissioner's workshop would be held in Denver on May 14. There was a meeting on May 5 to hear the draft of the Orchard Mesa Plan. On May 17, Robert Freilich, the "preeminent land use attorney in the United States" would be giving a presentation.

**MEETING ADJOURNED** at 11:50 p.m.