

**GRAND JUNCTION PLANNING COMMISSION
Public Hearing - March 7, 1995
7:05 p.m. to 10:20 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), Tom Volkmann, Stephen Laiche, Jeff Vogel, Ron Halsey and Tom Whitaker.

In attendance, representing Planning Department staff, were: Kathy Portner, Tom Dixon, Michael Drollinger, Kristen Ashbeck and David Thornton.

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 50 interested citizens present during the course of the hearing.

II. CONSIDERATION OF MINUTES

MOTION: (Commissioner Volkmann) “Mr. Chairman, I move that we approve the minutes as submitted.”

Commissioner Whitaker seconded the motion.

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

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer announced that item #RZV-95-28 would be pulled from the evening’s agenda and may be heard at the April hearing.

Mr. Lou Grasso (798 - 25 3/4 Road, Grand Junction), former superintendent of School District #51, gave a brief presentation on the school district’s proposal to impose impact fees on new development, which fees would aid in land acquisition for schools. He stressed that the fees would be used solely for site acquisition and not school construction. Mr. Grasso felt that the fees were long overdue and would go far in helping to mitigate the increasing demand for new area-wide schools. He outlined the proposed fee structure which he said he would like to see implemented

throughout the school district. The fees, he stated, would be collected by the County at the time the building permit is issued. Mr. Grasso indicated that the proposal did not yet address development of mobile home parks and that this was still needed. As a good faith guarantee, he even proposed to refund development fees if funds were not used within a 5-year timeframe and the fund would be subjected to periodic audits. Mr. Grasso was unsure, however, how the passage of Amendment I would affect this proposal.

There was general discussion between Mr. Grasso and the commission which included questions on how the fee structure formulas were obtained, the disbursement of funds by the County after collection, estimated site acquisition had the fees been in place several years ago, etc.

Mr. Grasso stated that he just wanted the commission to be aware of what was coming up. Chairman Elmer gave his endorsement of the proposal.

IV. PUBLIC HEARING ITEMS FOR FINAL CONSIDERATION

#CUP -95-30 CONDITIONAL USE PERMIT - RIMROCK MARKET PLACE

Request for approval of a Conditional Use Permit for a 529,000 sq. ft. shopping center facility in a C-2 (Heavy Commercial) zone of 49.9 acres located at the southwest corner of 25 1/2 Road and Hwy 6 & 50.

Petitioner: Denver Holding, Inc.

Location: Southwest corner of 25 1/2 Road and Hwy 6 & 50

Representative: Tom Logue

Commissioner Volkmann withdrew from consideration of this item due to a potential conflict of interest.

STAFF PRESENTATION

Michael Drollinger presented an overview of the proposal wherein he outlined the various proposed access points, indicated that the frontage road would be relocated, signage, etc. Staff recommended approval subject to the following conditions:

1. The project is approved for a maximum of 550,000 square feet of retail space (not including the pad sites which will be limited in number by the ability to meet City Zoning Code requirements) to be constructed within the building envelopes identified on the attached site plan. If the proposal should exceed the size limit or the building envelopes proposed, the conditional use permit will be subject to reevaluation by the Planning Commission at the discretion of City staff.
2. The project signage will be subject to the attached signage guidelines which are based on those proposed by the petitioner and modified by staff.
3. The conditional use permit approval is subject to subsequent acceptance of a site plan and subdivision which meets all Zoning and Development Code requirements and are

subject to staff approval, review agency approval, and Planning Commission approval as required by Code.

4. Staff finds that the circulation improvements identified by the petitioner in the “General Project Report” and the “Traffic Impact Analysis for DHI Shopping Center” are necessary for the safe and efficient movement of vehicles to and from the site at acceptable levels of service (LOS). A condition of this approval is that the funding and construction of the identified improvements are the responsibility of the developer and that all circulation improvements are subject to review and approval by the City and CDOT and must meet all applicable requirements. Significant changes to the design and operation of the circulation network as proposed may require reevaluation of the conditional use permit by the Planning Commission at the discretion of City staff.
5. All pad site development is subject to the requirements of the Zoning and Development Code and the adopted signage guidelines for Rimrock marketplace. Development proposals for the pad sites require site plan review.

QUESTIONS

Chairman Elmer asked if there would be a fee in-lieu required for drainage, to which Mr. Drollinger replied that if the petitioner did not have a detention site, a fee would be necessary.

Chairman Elmer also wondered if the frontage road in front of the property was really needed, to which Mr. Drollinger said that staff felt it would improve circulation and was needed to accommodate the expected service levels.

Commissioner Whitaker asked if any input had been received by the Corps of Engineers. Mr. Drollinger said that they'd indicated they had jurisdiction over one of the drainage ditches located on the property. A Department of the Army permit may be required but this would be addressed during the review process by staff.

PETITIONER'S PRESENTATION

Tom Logue began his presentation by identifying the other principals involved in the project. He indicated that they were looking for guidance from the planning commission on whether it saw the project as being viable or not. Mr. Logue offered himself for specific questions.

QUESTIONS

Chairman Elmer asked if architectural standards would be submitted, to which Mr. Logue replied that they would be submitted at the time of application for a building permit.

Chairman Elmer asked if the Hanson building would be removed, to which Mr. Logue responded affirmatively.

Chairman Elmer asked for further clarification on how the petitioner would mitigate the Corps of Engineers' concerns and on the drainage detention issue. Mr. Logue indicated that given the circumstances, the Corps felt that the petitioner may qualify for a nationwide permit. He added that due to the site's proximity to the river, the petitioner felt it best at the present time not to detain water on site.

Denny Granum (759 Horizon Drive, Grand Junction), one of the principals, outlined the various uses and businesses expected to occupy the shopping center.

Chairman Elmer asked if access would be provided to the corner lot (shown on map). Mr. Logue indicated affirmatively and detailed the access provision to the commission.

Commissioner Whitaker expressed concern over the rear service area and asked if the petitioner had considered the flow pattern of large delivery trucks. Mr. Logue did not see this as a problem.

PUBLIC COMMENTS

FOR:

James Fuoco (741 North 1st Street, Grand Junction) indicated that while he was in favor of the proposal, he still had concerns over traffic flow. He felt that the nearby property owners should have some input during review of the traffic study. He suggested placing a traffic light at the West Gunnison intersection.

AGAINST:

Marie Shaffer (929 Main Street, Grand Junction), representing Harold Woolard of the Corner Store, an adjacent property owner, expressed concerns over access to the Corner Store property which she felt was not adequately being provided for and over drainage. She wanted a written guarantee that drainage from the shopping center would not adversely impact Mr. Woolard. She indicated that the Corner Store site was considerably lower in elevation than the shopping center site, so that she felt this to be a serious concern.

Mr. Drollinger tried to allay Ms. Shaffer's concerns by indicating that the drainage issue would be carefully reviewed by staff.

Penny Heuscher (330 Mount View Court, Grand Junction) also expressed concerns over access and drainage.

PETITIONER'S REBUTTAL

Mr. Logue indicated that he would be meeting with representatives from the City's Development Department and CDOT. He extended an invitation to any interested property owners to attend initial meetings and said that he would notify them on dates and times. He indicated that the petitioner would maintain grading to the Corner Store property and that the driveway accessing the property would be retained. He said that CDOT would ensure that proper access was maintained.

DISCUSSION

Commissioner Halsey expressed approval for the current relocation plan of the frontage road.

Chairman Elmer asked if this project would fall under the new parking lot landscaping standards, to which Mr. Drollinger indicated that it would, that the plan submitted this evening would eventually be altered to show more landscaping in the parking lot area.

MOTION: (Commissioner Laiche) "Mr. Chairman, on item #95-30, I move that we approve the conditional use permit with the staff conditions 1-5."

Commissioner Halsey seconded the motion.

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

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

#ANX-94-149 ZONE OF ANNEXATION - WILLOW RIDGE

Request for a recommendation of approval zoning land currently being annexed to the City to Planned Residential (PR) with a density not to exceed 3 units per acre.

Petitioner: City of Grand Junction

Representative: Tom Dixon

Location: Northwest corner of Hwy 340 and Redlands Power Canal

STAFF PRESENTATION

Tom Dixon provided a brief history of the site, indicating that due to concerns expressed over traffic, carrying capacity of the site, and density, City Council had indicated that they would like to see no more than 12 units placed on the site. The proposed staff recommendation of PR-3 zoning would allow the petitioner to place up to 13 units on the site, which would be more consistent with City Council's direction than the 15 units currently being proposed by the petitioner. Staff's recommendation is for a PR-3 zone.

QUESTIONS

Chairman Elmer asked what the County zoning had been for the property, to which Mr. Dixon responded that it had been a PR-4. General discussion ensued over this among commissioners. Concerns expressed included the intention by the City to try and stay consistent with County zoning but commissioners realized that other issues had arisen over this development proposal which needed consideration.

PETITIONER'S PRESENTATION

Ken Schmone (2690 Ridge Drive, Boulder, CO) felt that past concerns had been addressed and said that a zone of PR-3.1 would allow for construction of the current proposed number of units which he had reduced to 14.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Jim Nasalroad (416 E. Mayfield, Grand Junction) said that the neighbors had met with the developer on the proposed 15 unit plan. He reemphasized that the property's configuration and topographic constraints allowed for only approximately 3 buildable acres. He reminded the commission of past denials of this proposal and the City Council's direction to limit the number of units to 12-13. He urged the zoning be limited to the PR-3 as proposed by staff which would allow no more than 13 units.

Lloyd Mayberry (412 E. Mayfield, Grand Junction) also expressed support for the PR-3 zoning and the limitation of no more than 12-13 units on the property.

PETITIONER'S REBUTTAL

Mr. Schmone felt that the Mayfield lots were large by comparison because under the County they had been required to provide septic tanks. He reminded neighbors that they still needed an easement across his property and strongly suggested that they limit their opposition to his proposal.

DISCUSSION

There was extensive discussion among commissioners concerning the County's vs. City's zoning, CDOT's limitation of units on the property, etc. Mr. Shaver, Asst. City Attorney, added that the City did not *guarantee* that they would follow County zoning exactly. He added that the City could zone at PR-3 now and later amend the zone when and if the commission deemed necessary during the plan review stage.

MOTION: (Commissioner Halsey) “Mr. Chairman, on item #94-149, I move that we recommend to the City Council a Zone of Annexation of PR-3.”

Commissioner Whitaker seconded the motion.

A vote was called and the motion was defeated by a vote of 2-4, with Chairman Elmer and Commissioners Laiche, Volkmann, and Vogel opposing.

MOTION: (Commissioner Laiche) “Mr. Chairman, on item #ANX-94-149, I move that we recommend to the City Council a Zone of Annexation of PR-3.1.”

The motion was seconded by Commissioner Volkmann.

A vote was called and the motion passed by a vote of 4-2, with Commissioners Whitaker and Halsey opposing.

#ANX-94-219 ZONE OF ANNEXATION - NORTHWEST ENCLAVE

Request for a recommendation of approval zoning land currently being annexed to the City to I-1 (Light Industrial), C-2 (Heavy Commercial), H.O. (Highway Oriented), PB (Planned Business), and RSF-R (Residential Single Family with a density not to exceed one unit per five acres).

**Petitioner: City of Grand Junction
Representative: Dave Thornton
Location: 23 to 25 Roads between F and G Roads**

PETITIONER’S PRESENTATION

Dave Thornton presented a detailed overview of the zone of annexation area and indicated locations of the five proposed zone districts on the map provided. He indicated that the City was undertaking a growth plan and the proposed zoning was not designed to reflect the goals of that plan, rather the proposed zoning conforms with the previous county zoning. Once the Growth Plan is completed and adopted, future rezones may occur to reflect goals of the plan. He added that in the PB zone district, staff wanted to limit the height of free-standing signs from 10 feet to 6 feet and recommended the use of monument signs.

QUESTIONS

Commissioner Whitaker asked if the property owners agreed with the current zone proposals, to which Mr. Thornton said that not all had expressed agreement. Mr. Thornton added that a letter of opposition had been received from Ms. Clarice O’Key (2109 Lakeshore Drive, Zapata, TX). Mr. Thornton indicated the area of her concern on the map provided.

PUBLIC COMMENTS

FOR:

Pamela Schnurr (677 - 24 1/2 Road, Grand Junction) expressed approval over the RSF-R designation for her property.

George Pavlakis (5670 E. Evanston, Denver, CO) also expressed support for the proposed zoning.

AGAINST:

Kirk Ryder (1050 Gunnison Avenue, Grand Junction), representing Paul Fees, owner of Mustang Broadcasting) wanted the sign height to remain at 10 feet; otherwise, he felt the B-3 zoning would be fine. He was concerned over possible problems in consolidation of radio towers on the site in the future and elaborated on these plans.

Kathy Portner, Planning Supervisor, said that to bring the consolidation as outlined by Mr. Ryder into compliance would require rezoning, which would constitute a spot zone. She felt that this may not even be allowed under the non-conforming section of the Code.

Joan Coonprom (631 - 24 1/2 Road, Grand Junction) indicated she had already begun the process of development approval with the County and indicated that the County was to have heard her request on March 16. With the City's annexation, she said that the County no longer intended to pursue her request and they had suggested she contact the City. Ms. Coonprom presented a packet of information to the commission and was upset that after all the work she had undergone at the County's request, she felt it unfair that the City should make her start all over again. She agreed with the H.O. zoning and asked if this zoning could be extended to include the property she was in the middle of purchasing. She also requested that the commission make allowances for her situation and allow her to present her request at the April hearing.

Richard Kirby (2494 F 1/4 Road, Grand Junction) indicated his property on the map provided. He said that there currently existed a large metal building (which didn't meet County setbacks) and a mobile home on the property. He wondered how the City's zoning would affect him should he want to build on the property. This was clarified by Mr. Thornton.

DISCUSSION

There was extensive discussion over Ms. Coonprom's situation and options available to staff and the commission. Mr. Thornton said that staff would have to review the plan before he could determine if the proposed use was compatible with an H.O. zone. With regard to the timing, although Ms. Coonprom indicated that property owners had been notified of the County's March 16 hearing date, City staff was unsure if review agencies had been contacted and comments received. This, too, would have to be considered since time had to be allowed for comments to be received. Mr. Thornton added that notice had been sent out last December advising residents of the pending annexation but added that no comments had been received by Ms. Coonprom at that time.

Commissioner Halsey felt that the 6 foot height requirement for signs was reasonable and expressed his support.

MOTION: (Commissioner Volkmann) “Mr. Chairman, on item #ANX-94-219, the Zones of Annexation for the Northwest Enclave annexation, I move that we forward this matter on to City Council with the recommendation of approval under the terms and conditions proposed by the City’s staff report dated March 1, 1995 and shown on the drawing that was included with our file as Exhibit A, with any conditions otherwise being followed, the signage requirements related to the Planned Business portions be reduced to 6 feet from the 10 feet (in height) that was originally noted in the staff report of March 1, 1995, and also with the attached recommendation to the City Council that they consider and act upon, if possible, an application to designate parcels 147 and 148 along 24 1/2 Road as additional portions of the H.O. zone area, provided that Ms. Coonprom submits information to the staff that allows them to review it and concur with that recommendation.”

Commissioner Laiche seconded the motion.

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

#ANX-95-16 ZONE OF ANNEXATION - NORTHRIDGE ADDITION

Request for a recommendation of approval zoning land currently being annexed to the City to RSF-4 (Residential Single Family with a density not to exceed 4 units per acre).

Petitioner: City of Grand Junction
Representative: Dave Thornton
Location: 412 Northridge Drive

Commissioner Halsey excused himself from the hearing and was not present for consideration of further items.

PETITIONER’S PRESENTATION

Mr. Thornton indicated the zone area on the map and gave a brief presentation. He indicated that the proposed zone was consistent with the rest of Northridge and that the property was seen as an extension of the Northridge subdivision.

PUBLIC COMMENTS

Don Fifield (412 Northridge Drive, Grand Junction) wanted to make the City aware that there was a drainage problem in the area which still needed to be addressed.

When asked, Ms. Kliska said that this would be looked into by engineering staff.

MOTION: (Commissioner Vogel) “Mr. Chairman, on item #ANX-95-16, Zone of Annexation for the Northridge Addition, I move we forward this on to City Council with recommendation of approval to Residential Single Family with a maximum of 4 units per acre (RSF-4).”

Commissioner Laiche seconded the motion.

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

#TAC-95-1.1 TEXT AMENDMENT - DEFINE BULK REQUIREMENTS

Request for a recommendation of approval to amend the organization of requirements with the Zone Districts as specified in Sections 4-2-1 through 4-2-19 of the Grand Junction Zoning and Development Code in order to better define bulk requirements for each zone.

Petitioner: City of Grand Junction

Representative: Kristen Ashbeck

PETITIONER’S PRESENTATION

Kristen Ashbeck indicated that the proposal would not change the content but merely the organization of the section on bulk requirements. She said that the text amendment would better define bulk requirements and address those items not considered as bulk requirements in another area. She felt that especially in addressing minimum lot area, variances had a tendency to compromise density requirements, so that this should be removed from the bulk requirements section.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (Commissioner Laiche) “Mr. Chairman, on item TAC-95-1.1, I move that we forward the text amendment to amend the organization of bulk requirements within the Zone Districts on to City Council with recommendation of approval.”

Commissioner Whitaker seconded the motion.

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

#TAC-95-1.2 TEXT AMENDMENT - VARIANCE CRITERIA

Request for a recommendation of approval to amend Section 10-1-1.B. of the Grand Junction Zoning and Development Code to add a criterion for deciding variance requests.

Petitioner: City of Grand Junction

Representative: Kathy Portner

PETITIONER'S PRESENTATION

Kathy Portner said that the amendment would give the City's Board of Appeals a broader discretion in considering a petitioner's demonstration of a unique hardship. She outlined the various aspects of the amendment but recommended approval of only the following revised amendments which pertain only to bulk requirements:

Amending the last sentence of Section 10-1-1.B.2 before the listed criteria to read: "The Board may grant a variance from the bulk requirements of the zoning districts, **Section 4-9 or for those regulations in Chapter 5 of the Code for which no specific appeal process is stated** only when the applicant establishes that all of the following criteria are satisfied:"

and

Adding a sentence after criterion e. in Section 10-1-1.B.2 to read as follows: "**In considering variance requests to the bulk requirements of the zone districts, if all of the criteria listed in this subsection are not met, yet the board finds that the variance request would harm no one and would be a general benefit to the neighborhood or community, a variance may be permitted.**"

Commissioners discussed the legalities of these amendments with Mr. Shaver. Chairman Elmer preferred to see additional limits set on the Board of Appeals. Commissioner Volkmann felt that the statement "...and harm *no one*..." may be negated by any single opposing view.

PUBLIC COMMENTS

FOR:

Jerry Miller (3320 Northridge Drive, Grand Junction) said that he'd been trying to obtain a setback variance since November 1994. He provided a brief history of his particular situation and said that he intended to come back before the Board of Appeals for further consideration. He felt that approval of the amendments would help facilitate his variance request.

AGAINST:

There were no comments against the proposal.

MOTION: (Commissioner Volkmann) "Mr. Chairman, on item #TAC-95-1.2, a request to amend Section 10-1-1.B. of the Zoning and Development Code as stated in the staff

recommendation (the two amendments as stated above and included in the minutes), I move we forward this on to City Council with a recommendation of approval.”

Commissioner Laiche seconded the motion.

Commissioner Vogel asked that clarification be added to the motion to reflect the two amendments recommended by staff, which was agreed upon and included.

A vote was called and the motion passed by a vote of 5-1, with Commissioner Whitaker opposing.

The hearing was adjourned at 10:20 p.m.