

**GRAND JUNCTION PLANNING COMMISSION
JANUARY 24, 2012 MINUTES
6:00 p.m. to 7:13 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Wall. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Reginald Wall (Chairman), Lynn Pavelka (Vice-Chairman), Pat Carlow, Ebe Eslami, Gregory Williams, Lyn Benoit and Keith Leonard.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Greg Moberg (Planning Services Supervisor), Lori Bowers (Senior Planner), Brian Rusche (Senior Planner), Scott Peterson (Senior Planner) and Senta Costello (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 6 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the December 13, 2011 Regular Meeting.

2. Suncor Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 27.559 acres from County PUD (Planned Unit Development) to a City I-1 (Light Industrial) zone district.

FILE #: ANX-2011-1328

PETITIONER: Douglas Pumphrey – Suncor Energy (USA) Inc.

LOCATION: 2200 Railroad Avenue

STAFF: Brian Rusche

MOTION: (Commissioner Pavelka) “I move we approve the Consent Agenda as read.”

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

Public Hearing Items

Lisa Cox, Planning Manager, provided a brief overview of the next four items and, more particularly, why the City was the applicant in the rezone applications and explained the public process involved in each application. The City and Mesa County jointly adopted the Comprehensive Plan in February 2010, a process which lasted over 30 months and included over 300 public meetings. Ms. Cox said that it was a very public process and they had gone through various tools to ensure the public was engaged in the adoption process.

As part of adoption of the Comprehensive Plan, a vision was identified and the concept of development in neighborhood and village centers was created. She said that in order to implement those new ideas and visions, there were new land use designations created to help bring the vision of the plan to life. However, when the plan was adopted and the new land use designations put in place, the City did not rezone property to be consistent with the new land use designations. Ms. Cox stated that the City had undertaken the effort on behalf of property owners to resolve the conflict between the zoning of the property and the vision of the Comprehensive Plan.

She next identified the steps involved in the public process which included the following: Each property owner was sent an individual letter which explained why the City was the applicant; why this process was being undertaken; and informed them of the City's intent to resolve the conflict. Notification cards were also sent out to residents who lived within 500 feet of an impact area or parcel to be rezoned. This gave those residents an opportunity to become involved in the process and to also submit their thoughts and comments. In addition, an open house was set up for citizens and/or property owners to learn more about the proposed rezones or an opportunity to express their comments and/or concerns. Additionally, there was a public comment period opened up.

Lastly, the neighbors were made aware that the rezone application would be processed through the Planning Commission wherein the Planning Commission would make a recommendation to City Council and City Council was the final decision-maker. Ms. Cox mentioned that there had been several property owners who questioned whether a rezone of their property would result in increased taxes. She said that they would not as a change in the zoning of a property would not increase property taxes but a change in the use would change taxes.

3. Blue Polygon – Area 15 Rezone – Rezone

Request a recommendation of approval to City Council to 1) rezone 15.454 acres from an R-R (Residential Rural) to an R-5 (Residential 5 du/ac) zone district AND 2) a recommendation of approval to City Council to zone 27.537 acres from an R-R (Residential Rural) and 2.769 acres from a C-1 (Light Commercial) all to a BP (Business Park) zone district.

FILE #: RZN-2011-1154
PETITIONER: City of Grand Junction
LOCATION: 690 29 1/2 Road and others
STAFF: Brian Rusche

STAFF'S PRESENTATION

Brian Rusche, Senior Planner, Public Works and Planning Department, addressed the Commission regarding Area 15 which encompassed two Subareas totaling 5 parcels. He identified Subarea 1 as being on 29 1/2 Road and the request was for an R-5 zoning; Subarea 2 was around the intersection of 29 Road and I-70 which consisted of 3 parcels from R-R and C-1 to a Business Park zone. He said that current land uses included agriculture, single-family uses, social service uses as well as undeveloped land.

As the Comprehensive Plan anticipated the need for additional dwelling units based on historic and projected population growth, the future land use assigned a designation of Residential Medium to areas south of G Road. Mr. Rusche said the requested rezone of the two properties included in Subarea 1 would bring the zoning into conformance with the Residential Medium designation. He then said that Subarea 2 included 3 unique parcels in which the Comprehensive Plan anticipated an opportunity for future development at the intersection of 29 Road and I-70 that would be triggered by the construction of an interchange. The Future Land Use Map assigned a new designation – Business Park Mixed Use – to all of the private acreage surrounding the future interchange. The requested rezone of these 3 properties would bring them into conformance with the designation as well as prepare them for potential development opportunities associated with an interstate interchange.

Mr. Rusche identified the current zoning of all but one of the properties as Residential Rural which reflected agricultural uses. All of the properties were brought into the City in 1999 as part of a significant enclave annexation and so the zoning assigned at the time reflected the use that was there. The Blended Map also indicated this area as Residential Medium.

Regarding Subarea 1, there were a few existing houses in the area but there had been proposed development along 29 1/2 Road that had not yet materialized which demonstrated the desirability in the area for additional residences. With regard to Subarea 2, the potential for an interstate interchange would be the last segment of a long planned transportation route.

The supply of land currently available was also addressed. Mr. Rusche noted that while there was still developable land in the area that had residential zoning, some of it was impeded by an airport critical zone which was one of the reasons the Comprehensive Plan anticipated higher densities up to G Road but not further to the east.

He next discussed 29 Road and I-70 and the parcels with current Planned Development zoning assigned and, if and when, those parcels were to develop they too could take advantage of the Business Park Mixed Use but at the present time, only the 3 parcels were the only ones in conflict. He, therefore, recommended a recommendation of approval be forwarded to City Council for Subarea 1 to be rezoned to R-5 and Subarea 2 to be rezoned to Business Park.

PUBLIC COMMENT

None.

DISCUSSION

Chairman Wall said that this was straightforward and made sense and he would be in favor of it.

MOTION: (Commissioner Pavelka) “Mr. Chairman, on Rezone RZN-2011-1154, I move the Planning Commission forward a recommendation of approval for the rezone of 15.54 acres in two parcels located at 690 and 694 29 1/2 Road from an R-R (Residential Rural) to an R-5 (Residential 5 dwelling units per acre) zone district. I also include in this a rezone of 27.537 acres in two parcels located at 2910 Highline Canal Road and 725 29 Road from R-R (Residential Rural) and 2.769 acres in one parcel located at 698 29 Road from a C-1 (Light Commercial) all to a BP (Business Park) zone district.”

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

4. Blue Polygon – Area 13 Rezone – Rezone

Request a recommendation of approval to City Council to rezone nine (9) City parcels: five (5) parcels from an R-5 (Residential 5 du/ac) to a B-1 (Neighborhood Business) zone district; one (1) parcel from an R-5 (Residential 5 du/ac) to an R-8 (Residential 8 du/ac) zone district; and three (3) parcels from an R-1 (Residential 1 du/ac) to an R-4 (Residential 4 du/ac) zone district.

FILE #: RZN-2011-1205
PETITIONER: City of Grand Junction
LOCATION: 2634 1/2 Patterson Road and others
STAFF: Lori Bowers

STAFF’S PRESENTATION

Lori Bowers, Senior Planner, Public Works and Planning Department, made a PowerPoint presentation regarding the proposed Area 13 rezone which consisted of 9 parcels located in and near Patterson Road and 26 1/2 Road. She identified the location of each of the parcels as follows: The first parcel, being one parcel, located at the end of North Ridge Drive; the next two parcels located at 632 and 642 26 1/2 Road; and six parcels accessed off of Patterson Road.

She divided the parcels into three Subareas. The first parcel discussed consisted of .881 acres in size and shown on the Comprehensive Plan as Residential Medium. The existing zoning for this site was R-1 and the first non-conformity was that any parcel zoned R-1 should be a minimum of one acre in size. Ms. Bowers continued that the surrounding zoning was R-4. The owner of the property, Dr. Merkel, provided comments which said that he was highly in favor of this rezone but he also mentioned some parcels that, according to Ms. Bowers, were not included in the rezone because they were not in conflict with the Comprehensive Plan.

The second area per the Comprehensive Plan for the area was Residential Medium. The existing zoning was also R-1 with a suggested zone of R-4 to be consistent with the Comprehensive Plan.

Ms. Bowers identified the third Subarea as being off of Patterson Road and 26 1/2 Road. There were six parcels included in this area. The Comprehensive Plan showed this area to be Business Park Mixed Use with an existing zoning of R-5. It was suggested to change the existing zoning of R-5 to B-1 with the larger parcel going to R-8. A comment sheet was received from one of the property owners, Ms. VanDover, who wished to opt out of the rezone. Additionally, a letter was received today from Mr. Turman, a representative of Ms. VanDover's, which letter requested that they not be involved with the rezoning. At the open house, Ms. Bowers tried to explain to Mr. Turman that the property was being rezoned in order to bring it into conformance with the Comprehensive Plan and also tried to assure him that nothing would change as far as taxes went. She also spoke with Ms. VanDover on the phone who indicated that she did not want to be a part of this.

Ms. Bowers concluded that the requested zones were consistent with the goals and policies of the Comprehensive Plan and the applicable review criteria of the Code had been met. Lastly, she acknowledged that the Planning Commission could choose to exclude the VanDover property in its recommendation to City Council.

QUESTIONS

Commissioner Williams asked if the current building on the VanDover property supported the Business Park. Ms. Bowers said that residential was allowed in Business Park but it was generally more for a multi-family zone. As a result, it would be a legal non-conforming zone.

Commissioner Williams asked if the property was to change hands, would it be allowed to stay as a single-family residence. Ms. Bowers said that if nothing changed with the single-family residence, it could stay there as long as they wanted it to.

Commissioner Leonard asked if the house could be rebuilt if, for example, it was to burn down. Ms. Bowers said that it could be built as a single-family residence which would have to be reconstructed within a one-year period.

Commissioner Leonard asked if it would have any affect on insurance in that it was a legal non-conforming use. Ms. Bowers said that it had been her experience that the non-conformity could be stated in a letter to the insurance carrier and they have been in the past okay with it.

PUBLIC COMMENT

Jeff Turman clarified that he was not Ms. VanDover's legal representative. He said that Ms. VanDover asked him to write the letter to voice her belief that she saw no reason to rezone it. He also indicated that the small parcel pointed out earlier was actually the

driveway to the larger parcel. He asked if there was any reason why it would hurt to not rezone this. Chairman Wall assured him that as long as Ms. VanDover owned the property she would be able to use it any way that she wanted to regardless of its zoning. Chairman Wall advised that they wanted it to be in conformance with the Comprehensive Plan and it would not affect what her use was. Mr. Turman asked why the City was not rezoning the property directly to the north. He went on to say that neither Ms. VanDover nor her heirs had any intention of developing the property. Commissioner Eslami interposed that at this moment, if the zone went through, nothing would happen to the property. Mr. Turman said that he was told at the last meeting that this would make her property worth more money; however, it was Ms. VanDover's opinion that her property was fine like it was. Ms. Bowers said that Business Park Mixed Use did allow for R-8 and higher intensity residential zone district. In relation to the other two sites, the property being questioned by Mr. Turman was in conformance with the Comprehensive Plan and as such there was no rezone for it. Lisa Cox, Planning Manager, said that the Comprehensive Plan Land Use Map prepared for this parcel showed that the land use designation for the property to the north was Residential Medium and so the current zoning for that property was not in conflict with its land use designation. It was not being considered for rezoning because there was no discrepancy between the current zoning and the land use designation.

QUESTIONS

Chairman Wall asked why the big parcel currently zoned R-5 was being proposed to go to R-8 when the parcel above it and the one to the west of it were R-5. Ms. Bowers said that because in Business Park, R-8 was the lowest allowed residential zone. They felt because it was residential, the R-8 zone was more compatible and allowed greater flexibility for future development.

Chairman Wall asked for identification of a few differences between an R-5 and an R-8 as far as what could be built on each. Ms. Bowers stated the density and an R-8 zoning allowed for single-family, attached, detached, townhomes, a number of housing types but the Business Park did not allow for a density of R-5.

Chairman Wall asked why the little parcel to the west between the R-4 and the R-5 was not included. Ms. Bowers said that had been brought up at the meeting and confirmed that it was in conformance being zoned R-5 because the zoning on the lot was appropriate for Residential Medium land use.

Chairman Wall asked how the larger parcel was not in conformance. Ms. Bowers stated that Business Park Mixed Use did not allow R-5 but rather allowed R-8 and above. Ms. Cox interjected that the parcel to the north had a different land use than the larger piece and was Residential Medium and which was supported by R-4, R-5, R-8. The same thing applied to the parcel to the west as it was zoned R-5 but it had a Residential Medium land use classification so the zoning for both parcels was appropriate and supported the land use designation and were consistent with the Comprehensive Plan. Ms. Cox went on to say that the land use designation for the parcels outlined in this application was Business Park Mixed Use so the focus of that land use designation had more to do with a higher density mixed type of residential

development and business. The lowest density that supported that land use designation was R-8 and that was why it had been suggested to go from R-5 to R-8.

Commissioner Eslami asked what would happen if they wanted to develop at R-5 now. Ms. Cox said that the Zoning and Development Code required that developed property be consistent not only with the current zoning but also with the Comprehensive Plan. So if the property was to come in for development now, the property would be required to be up-zoned to be consistent with the plan. However, if the current property owner felt very strongly that they did not want the City to undertake this rezone on their behalf, it may be possible for the property owner to simply submit the request in writing and acknowledge their understanding that their current zoning was in conflict with the Comprehensive Plan and that a future owner or developer would have to go through this process in order to develop the property. She stated that was merely an option and ultimately City Council was the final decision maker. Ms. Cox reiterated that the whole reason for these proposed rezones by the City was to relieve property owners of the burden of having to go through this in the future or for a future property owner. The City was taking this on to remove the extra step in the development process.

PUBLIC COMMENT

Jeff Turman said that the explanation made perfect sense; however, the owner of the property does not want any change. He asked if not rezoning the property would hurt anyone. Commissioner Benoit said that if nothing changed and nothing was developed, nothing was lost; however, at some point in the future, if the property was to be developed, then they would have to go through a process which was what the City was trying to avoid for the current property owner as well as any future owner. As a result, there could be some cost associated with a change in the future. Mr. Turman then asked who changed the designation as he had just heard that the designation had changed. Chairman Wall explained that the change to Business Park Mixed Use was involved in the Comprehensive Plan and inside that designation there were certain zoning that applied and didn't apply. Commissioner Benoit explained that the Comprehensive Plan was designed to be a guidance document but also had some requirements associated with changing things in terms of future development as that development would have to be consistent with the requirements of the Comprehensive Plan. Commissioner Carlow advised that there was not a hidden agenda and assured that they were trying to present as smooth of a document as they could.

DISCUSSION

Commissioner Leonard said that as had been mentioned earlier that the lines weren't drawn in the sand but were within a half mile and asked if it could likewise be looked at that the Residential Medium category could be looked at for future land use map so that it could extend over the top of the Business Park area as well. In that case, the R-5 could be appropriate. Ms. Cox clarified that the land use designation lines were fluid to some extent. She went on to say that generally speaking, in a lot of areas they coincided with property lines. With regard to the mixed use opportunity corridor, village center, and neighborhood center, the language in the Comprehensive Plan allowed for those to move up to half a mile. She did not think it was a fair characterization to say that a land use designation on a particular piece of property had that same type of

flexibility. Ms. Cox was not sure that she would characterize the ability to move the Residential Medium land use classification one direction or another up to half a mile. She added that there were some provisions in the Comprehensive Plan and the Zoning Code that would allow for a property owner to come in and apply for a Comprehensive Plan Map Amendment based on their adjacency to a different land use classification.

Commissioner Pavelka believed this was a tough decision. In an attempt to create consistencies within the planning and zoning documents, which were set out to benefit the public and the City overall, in the long run changing this particular parcel would not have any impact on the immediate future of that site. In other words, it could be retained as residential for as long as the owners wanted. Commissioner Pavelka went on to say that to make this consistent with the vision that the community had established for this area, she thought moving it to R-8 was reasonable. She further saw it as a slight up-zone to be consistent with the plan. She added that depending on the outcome of the Planning Commission's decision, there was still the recourse of going to City Council available to Ms. VanDover. She concluded that she would vote in favor of this.

Commissioner Williams commented that he thought the Comprehensive Plan designation in this area was a good designation. He agreed with staff and would vote in favor of the rezone as well.

Commissioner Eslami agreed with Commissioners Pavelka and Williams. He did not think it would affect anything in the near future but in the long run it would be beneficial to the City, to the community and everyone else and he too would be in favor of this.

Commissioner Benoit said that with regard to the zoning changes a line had to be drawn somewhere and he thought a lot of good faith and a lot of thought and work went into the decision on where the lines would be drawn. He was in favor of the zoning change in that it provided and promoted consistency City-wide but noted that there could still be the possibility of a change at some point.

Chairman Wall said that from a future and planning perspective in this particular instance, it made sense to him to have a higher density near where this was. He agreed with the plan, he agreed with the R-8 designation especially in relation to where the medical park was and it made perfect sense.

MOTION: (Commissioner Pavelka) "Mr. Chairman, on Rezone RZN-2011-1205, I move that the Planning Commission forward a recommendation of approval for Area 13 Rezones, three parcels from R-1 to R-4, five parcels from R-5 to B-1 and one parcel from R-5 to R-8, with the findings of fact, conclusions and conditions listed in the staff report."

Commissioner Eslami seconded the motion. A vote was called and the motion passed by a vote of 6 – 1, with Commissioner Leonard opposed.

5. Blue Polygon – Area 9 Rezone – Rezone

Request a recommendation of approval to City Council to rezone one parcel totaling 0.22 +/- acres from an R-16 (Residential 16 du/ac) to C-2 (General Commercial) zone district.

FILE #: RZN-2011-1207

PETITIONER: City of Grand Junction

LOCATION: 513 Independent Avenue

STAFF: Scott Peterson

STAFF'S PRESENTATION

Scott Peterson, Senior Planner, Public Works and Planning Department, spoke to the proposed Area 9 Rezone for one lot located within the City Center from R-16 to C-2. The property was currently vacant with current Future Land Use Map designation as Commercial. He said the property was presently zoned R-16 which did not match the Comprehensive Plan Land Use Map by having a residential zone in a commercially designated area. This rezone would bring the property into compliance with the Comprehensive Plan.

Mr. Peterson said that Area 9 previously included a total of 55 additional properties that were proposed to be rezoned from R-8 to R-16. Those properties were located to the east along Independent and West Kennedy Avenues; however, due to overwhelming neighborhood opposition, the City had decided to propose a Comprehensive Plan Future Land Use Map Amendment for those 55 properties. He added that the proposed map amendment would return the area back to the original classification of Residential Medium. As a result, this parcel was the only property that needed to be rezoned with the Area 9 Rezone. He said the proposed Future Land Use Map Amendment would come before the Planning Commission and City Council at a later date.

Notification was made to the property owner and the neighborhood was invited to an open house conducted on November 16, 2011. He indicated the current property owner had no opposition to the proposed rezone to C-2 for this lot and the neighborhood did not voice any opposition to the rezone. Mr. Peterson informed that the Comprehensive Plan Future Land Use Map showed this area as Commercial with the higher density residential high mixed use developed to the east with a density of 16 to 24 dwelling units per acre. Adjacent properties to the west, south and north were presently zoned C-2.

Mr. Peterson concluded that the requested zone was consistent with the goals and policies of the Comprehensive Plan and the relevant review criteria of the Zoning Code had been met and, therefore, recommended approval of the requested zone. It would bring this property into compliance with the Future Land Use Map designation of Commercial and it would also match the adjacent zoning on three sides to a C-2 zoning district.

PUBLIC COMMENT

None.

DISCUSSION

Commissioner Williams said that it looked pretty clean and cut to him.

Chairman Wall agreed and said that it was pretty straightforward.

MOTION: (Commissioner Pavelka) “Mr. Chairman, on Rezone RZN-2011-1207, I move the Planning Commission forward a recommendation of approval for the Area 9 Rezone for one property totaling .22 acres located at 513 Independent Avenue from R-16 (Residential 16 dwelling units per acre) to C-2 (General Commercial) with the findings of fact and conclusions listed in the staff report.”

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

6. Blue Polygon – Rezone Area 8 – Rezone

Request a recommendation of approval to City Council to 1) rezone 4.888 acres consisting of 1 parcel from CSR (Community Service and Recreation) to an R-16 (Residential 16 du/ac) zone district and 2) 6.252 acres consisting of 6 parcels from an R-1 (Residential 1 du/ac) to an R-4 (Residential 4 du/ac) zone district.

FILE #: RZN-2011-1210
PETITIONER: City of Grand Junction
LOCATION: 632 26 Road and others
STAFF: Senta Costello

STAFF’S PRESENTATION

Senta Costello, Senior Planner, Public Works and Planning Department, addressed the Commission with regard to the Area 8 Rezone. This rezone consisted of two separate areas – 6 parcels were located north of Patterson Road on the east side of 26 Road; and another parcel located north and east of 25 1/2 Road and Patterson Road east of the Foresight Village Apartments. Ms. Costello said that the properties along 1st Street were surrounded by larger lot single-family as well as more suburban-type single-family and the site on the west side was surrounded by multi-family as well as single-family. She said that the properties along 26 Road all contained single-family homes. The site on 25 1/2 Road contained a radio tower.

The Comprehensive Plan designation for the properties along 26 Road was Residential Medium and the site off of 25 1/2 Road was designated as Residential Medium High. She said the surrounding areas were Residential Medium to the Medium Low to the north and Residential Medium High to the east; Residential High Mixed Use to the south for the western property and the eastern site was surrounded by the east and south by Residential Medium and to the west by Residential Low.

Ms. Costello said the properties along 26 Road were currently zoned R-1 which did not implement the Residential Medium zone district. The proposal for those properties was for a rezone to R-4. The property off of 25 1/2 Road was zoned CSR which also did not implement the Residential Medium High designation and the proposal for that site was for an R-16 rezone.

Ms. Costello addressed the comments received which included two property owners on

26 Road who were not in favor of the proposed rezone as they had lived there for a number of years and did not want to see the zoning change. She also heard from some of the surrounding property owners who did not believe those properties would ever develop to an R-4 density so they did not see a need for the change in zoning. She also heard from surrounding property owners for the CSR property and none of them had voiced any opposition to that proposal. The Blended Map for both sites was the Residential Medium designation which both the R-4 and the R-16 zone districts implemented that particular Blended Map designation. As a result, Ms. Costello recommended approval of both rezones.

QUESTIONS

Chairman Wall asked if the radio tower would present an issue going to R-16. Ms. Costello said that telecommunication facilities were allowed in all zone districts with a Conditional Use Permit and she assured that this particular property did have a Conditional Use Permit which would continue with the land even if the property was rezoned.

Commissioner Leonard asked what the notification procedure was as far as the decision reached this evening. Ms. Costello said that notification was not sent out by City Council for their public hearings. She agreed to notify those particular property owners of the decision made and would advise them when the next hearing date would be.

PUBLIC COMMENT

None.

DISCUSSION

Chairman Wall said that this too was pretty straightforward and thought it made sense.

MOTION: (Commissioner Pavelka) “Mr. Chairman, on Rezone RZN-2011-1210, I move the Planning Commission forward a recommendation of approval for the Area 8 Blue Rezone from R-1 (Residential 1 dwelling unit per acre) to R-4 (Residential 4 dwelling units per acre) and the CSR (Community Services and Recreation) to R-16 (Residential 16 dwelling units per acre) with the findings of fact, conclusions and conditions listed in the staff report.”

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

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 7:13 p.m.

