

**GRAND JUNCTION PLANNING COMMISSION
FEBRUARY 28, 2012 MINUTES
6:00 p.m. to 7:19 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), Pat Carlow, Ebe Eslami, Loren Couch (Alternate) and Jon Buschorn (Alternate). Commissioners Lynn Pavelka (Vice-Chairman), Greg Williams, Lyn Benoit and Keith Leonard were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Greg Moberg (Planning Services Supervisor), Brian Rusche (Senior Planner), Senta Costello (Senior Planner), and Scott Peterson (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 January 24, 2012 Regular Meeting.

2. Sturgeon Electric Enclave – Zone of Annexation

Request a recommendation of approval to City Council to annex 2.375 acres and zone the property from County I-2 (General Industrial) to a City I-1 (Light Industrial) zone district.

FILE #: ANX-2011-1314
PETITIONER: City of Grand Junction
LOCATION: 2775 Riverside Parkway
STAFF: Brian Rusche

MOTION: (Commissioner Eslami) “Mr. Chairman, I move that 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 5 - 0.

Public Hearing Items

Greg Moberg, Public Works and Planning Department, provided an update on the rezone process. He stated that the City and the County jointly adopted the Comprehensive Plan in 2010. Part of the process included approximately 300 public meetings and spanned over 30 months prior to the adoption of the Comprehensive Plan. That plan introduced new land use designations to implement the vision of the Plan which included the concept of growth in centers.

The three proposals on the agenda concerned zoning that was currently inconsistent with the Comprehensive Plan Future Land Use Map. The City had proposed zones that would make them consistent with the Plan. The change in zoning would not increase the taxes on properties. Mr. Moberg outlined the public process undertaken by the City which included individual letters which were sent to property owners that explained why the City had initiated the change of zone; notification cards that were mailed to all residents within 500 feet of the property to be rezoned; an Open House that was held which provided an opportunity for citizens to ask questions or make comments on what was being proposed; the public participation process was outlined in the notification cards; and the proposed public hearing schedule was provided.

Mr. Moberg added that the Planning Commission would make recommendation to City Council on each of the proposed rezones. He stated that there would be another opportunity for citizens to voice concerns either in favor of or against the proposals to City Council as that body would make the final decision.

3. Blue Polygon – Area 18 Rezone – Rezone

Request a recommendation of approval to City Council to rezone 4.846 acres from an R-2 (Residential 2 du/ac) to an R-8 (Residential 8 du/ac) zone district.

FILE #: RZN-2011-1152
PETITIONER: City of Grand Junction
LOCATION: 2170 Broadway
STAFF: Brian Rusche

STAFF’S PRESENTATION

Brian Rusche, Senior Planner with the Public Works and Planning Department, addressed the Commission on the proposed rezone from R-2 to R-8 on one property. The property was annexed in 2003 and at that time was designated Residential Medium Low. The Comprehensive Plan created several centers, one of which was centered around the Safeway on Broadway in the Redlands. He advised that the centers were locations for concentrated development and provided a mix of uses. This center existed along Broadway and incorporated the subject church-owned property.

Since the designation in 2010, Mr. Rusche pointed out that the current R-2 zoning was in conflict with the Future Land Use designation of Neighborhood Center. The goal of

the Neighborhood Center was to concentrate development and that necessitated a higher density for this property. The request – from R-2 to R-8 – would bring it into conformance with the Future Land Use designation. The present use of religious assembly would be permitted in the R-8 zone. He had been in contact with four citizens none of whom expressed opposition to this request.

Mr. Rusche said that the criteria for consideration of the rezone included things such as the potential for additional development, which would allow for more efficient use of City services and infrastructure. In addition, there were facilities available to continue to serve the property, including a nearby fire station and middle school along Broadway, which was a major thoroughfare. He recommended the Planning Commission recommend approval of an R-8 zone district for this property to the City Council.

QUESTIONS

Commissioner Couch asked what the nature of the phone call Mr. Rusche had received today with regard to this proposal. Mr. Rusche said the gentleman who called wanted to know what the request was about and more specifically how retail development might occur along Broadway. He explained to the citizen that the Neighborhood Center had been designated along Broadway; however, a majority of those properties were not presently within the City’s jurisdiction so each annexation would establish a zoning for those properties and at that time they would be evaluated whether or not they were appropriate in the context of the Neighborhood Center.

Chairman Wall wanted clarification that most of the properties surrounding the subject property were not in the City limits. Mr. Rusche confirmed that was correct.

PUBLIC COMMENT

None.

DISCUSSION

Chairman Wall said that this project seemed pretty straightforward, made sense and he would vote for it.

MOTION: (Commissioner Eslami) “Mr. Chairman, on Rezone, RZN-2011-1152, I move that the Planning Commission forward a recommendation of the approval for Area 18 Rezone from R-2 (Residential 2 dwelling units/acre) to an R-8 (Residential 8 dwelling units/acre) with the findings of fact and conclusions listed in the staff report.”

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

4. Blue Polygon – Area 17 Rezone – Rezone

Request a recommendation of approval to City Council to rezone 4 parcels totaling 26.28 +/- acres from an M-U (Mixed Use) to an MXG-3 (Mixed Use General) zone district.

FILE #: RZN-2011-1215
PETITIONER: City of Grand Junction
LOCATION: 824 22 Road, 2202, 2202 1/2 & 2204 H Road
STAFF: Scott Peterson

STAFF’S PRESENTATION

Scott Peterson, Senior Planner, Public Works and Planning Department, made a PowerPoint presentation regarding the request to rezone 4 properties from M-U to a new Form-Based zone district of Mixed Use General 3. The Future Land Use Map identified Area 17 as being in the northwest quadrant of the City.

With the adoption of the Comprehensive Plan in 2010, these properties were designated as a Neighborhood Center on the Future Land Use Map. These properties, presently zoned Mixed Use, were inconsistent with the Comprehensive Plan Future Land Use Map designation of Neighborhood Center. Mr. Peterson said that the Comprehensive Plan described a Neighborhood Center Mixed Use as an area that included limited employment, residential, open space and limited retail and focused on uses that provided convenience items to the immediate neighborhood.

He went on to state that residential uses were encouraged to integrate with the commercial uses in the Mixed Use General category. Land uses, such as manufacturing and production, industrial services, indoor operations and storage, contractors and trade shops, indoor operations and storage, warehouse and freight movement with indoor operations and storage and wholesale sales with no flammable materials or liquids, were allowed in the Mixed Use zone district; however, none of those uses were deemed appropriate. Therefore, the City proposed that these properties be rezoned to the MXG-3 category.

Mr. Peterson next discussed the Comprehensive Plan Neighborhood Center designation as it would implement up to a maximum of 3 story in height buildings or zone districts. He added that the Village Center designation was implemented with 3 to 5 story districts and the Downtown Mixed Use designation was implemented with 3, 5 and 8 Form-Based districts. There had only been 2 requests to date for the MXG-3 zone district which promoted buildings to be constructed near the front property line with parking lots in the rear of the property. The Mixed Use 3 category would allow multi-family residential development with no maximum density as well as commercial development with the exception of commercial parking and the recreation and entertainment indoor use categories on the land use matrix.

The Form-Based districts were new zone districts which were intended to implement the Neighborhood Center, Village Center, Downtown Mixed Use and the Mixed Use Opportunity Corridors of the Comprehensive Plan. The Form-Based districts were intended to create pedestrian friendly urban areas where higher density and mixed uses and mixed general types promoted less dependence on automobiles. They were intended to be used in combination to create mixed use centers which centers were intended to transition scale to existing neighborhoods.

Mr. Peterson added that the proposed rezone would also bring the zoning and the properties into compliance with the Comprehensive Plan Future Land Use Map and would bring existing single-family homes into conformity with the zoning. He pointed out that presently single-family detached was not an allowed land use in the Mixed Use zoning district; however, single-family detached would be an allowed land use within the new zone district. Furthermore, the Blended Map indicated acceptable maximum residential densities to the north and east, 4 to 16 dwelling units per acre to the north; and rural to 5 to the east.

Property owners were notified of the proposed zone change and also invited to an open house conducted on December 14, 2011, to discuss any issues, concerns, suggestions or support for the requested rezone. He had contact with only one affected property owner who was in favor of the proposed zone change. Two other adjacent property owners also voiced their support of the proposed zone change so long as the properties remained in a transition area and did not allow the encroachment of industrial development across 22 Road and H Road into this area.

Mr. Peterson concluded that the proposed Area 17 Rezone was consistent with the goals and policies of the Comprehensive Plan and the applicable review criteria had been met. He added that the proposed rezone to the Mixed Use general category would also continue to provide the opportunity to transition and buffer future development from the existing industrial land uses to the south and west from existing residential properties to the north and east.

QUESTIONS

Chairman Wall asked for clarification that 22 Road and H Road was the barrier not to be crossed with industrial. Mr. Peterson said that was correct and added that primarily it was commercial industrial on the west side of 22 Road with rural residential on the east side.

PUBLIC COMMENT

None.

DISCUSSION

Chairman Wall said that it made sense.

MOTION: (Commissioner Eslami) “Mr. Chairman, on Rezone, RZN-2011-1215, I move that the Planning Commission forward a recommendation of the approval for the Area 17 Rezone from M-U, (Mixed Use) to MXG-3, (Mixed Use General) with the findings of fact and conclusions listed in the staff report.”

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

5. Blue Polygon – Area 12 Rezone – Rezone

Request a recommendation of approval to City Council to rezone 92 parcels totaling 13 acres from an R-8 (Residential 8 du/ac) to an R-O (Residential Office) zone district.

FILE #: RZN-2011-1221
PETITIONER: City of Grand Junction
LOCATION: 1402 Main Street and 91 other parcels
STAFF: Senta Costello

STAFF’S PRESENTATION

Senta Costello, Senior Planner with the Public Works and Planning Department, spoke to the Commission on the requested rezone for 92 properties located generally in the east-southeastern area of the downtown area. All properties, within the City limits, were located between North 12th Street and west of North 17th Street, on both sides of Main Street and between 12th Street and South 15th Street on the north side of Colorado Avenue.

Ms. Costello said that an aerial view showed that a large number of the properties were either existing single-family, existing multi-family with a few home businesses and small offices in the area. The Future Land Use Map showed the properties as Urban Residential Mixed Use with a current zoning of R-8. She said the proposed rezone to R-O (Residential Office) would facilitate the potential for property owners to add additional density. She added that all of the existing single-family homes would remain conforming uses and the homes with existing home occupations would give those owners the potential for expanded uses if desired which would have minimal impacts to the neighborhood.

According to Ms. Costello, the Residential Office zone district had very specific architectural standards and any new structure or remodels to existing structures would have to remain residential in character with any parking associated with any commercial or office-type uses must be in the rear of the property. In addition, the Residential Office zone district had very strict hours of operation to help minimize the impacts to the neighbors.

She said that staff had recommended approval of the requested zone district. She advised that she had heard from a few property owners in the area – three of whom were opposed to the proposal; two were in favor; and one phone call had been received from a property owner just outside of the boundary who was also in support of the proposal.

QUESTIONS

Commissioner Carlow asked if a residential property owner sold to someone who wanted to maintain it as a residence, would the buyer have to go through a process to rezone or obtain a special use permit. Ms. Costello said existing single-family homes could remain so as long as they wanted to and if there was a vacant lot, a new single-family home could be built on the property with only a simple permit much like a traditional subdivision within the City.

Commissioner Eslami asked if someone bought an existing residence and that buyer wanted to make it an office, would that use be allowed. Ms. Costello said that would potentially be allowed; however, they would need to go through the review process and such things as parking, remodel, etc. would have to be conducive with the residential character of the neighborhood.

Commissioner Eslami raised the point that the surrounding area was zoned R-8 and asked why was this R-O. Ms. Costello said the proposed area was determined due to the area of the Future Land Use Map and the only properties in conflict were those within the boundary.

Commissioner Eslami asked if it would be easier to amend the Comprehensive Plan. Ms. Costello said that option was considered; however, as there were already a number of home occupations in the area, it would provide property owners with the potential of converting over to a full office without making the existing uses on the property non-conforming.

PUBLIC COMMENT

Alice Betts, 1260 Main Street, said that she was opposed to the change in the zoning as it was not a business area but rather a residential neighborhood. She pointed out that the houses were very close together, and she would also be opposed to having a parking lot next to her backyard. She was very opposed to seeing her neighborhood changed into a business-type area and she felt it was a residential neighborhood. Chairman Wall asked if she could be more specific and asked if the character of the neighborhood stayed the same with businesses there, would that change how she felt about the rezone. Ms. Betts said that she would still be opposed to it because the feel of the neighborhood was as a family neighborhood and was not a business area and did not think the area was set up at this point to be rezoned as a place that could have businesses.

Gordon Fellman, 1259 Main Street, said he had lived in the same house for 74 years, and was inclined to agree with Ms. Betts that it was a residential zone and did not think all of the change was necessary. He asked what the advantages and disadvantages to the property owners were. Chairman Wall advised that those would be addressed by staff. Mr. Fellman said he believed there was ample area for businesses rather than taking advantage of the residential areas.

STAFF'S REBUTTAL

Ms. Costello identified several advantages to the R-O zone district such as: it was a low intensity type zone district; traffic counts had been looked at which showed that the traffic counts for most businesses that would facilitate work in this type of zone district typically had lower traffic counts than the standard single-family home; no retail was allowed; neighborhood type services would be allowed that could be walked to; residents would also be allowed to work completely out of the home; it was a good buffer between the more intense commercial zoning further to the south and the other residential further to the north; landscaping requirements would need to be met; the architectural standards would have to be maintained or met. She stated the only potential disadvantage would

be that there could be commercial-type uses. Furthermore, it increased the potential uses for the existing property owners as well as future property owners without changing what they were allowed to do currently. The existing uses on the property were still conforming uses and would give the opportunity for additional uses for the property if desired.

QUESTIONS

Commissioner Eslami asked if this was not approved would this stay as R-O in the Comprehensive Plan. Ms. Costello said that if it was not approved, it would go forward to City Council with a recommendation from Planning Commission of denial and then it would ultimately be up to City Council to determine whether the rezone would happen or not. If City Council decided to maintain the current zoning, then the direction staff would look for would be if the Comprehensive Plan should be changed or just left as it was with the understanding that the conflict existed.

Commissioner Eslami asked if it stayed as it was currently and someone bought a house and wanted to turn it into both a residence and office, could they apply for that. Ms. Costello said a rezone could be applied for.

Commissioner Couch asked whether the traffic count for this was lower than a normal residence. Ms Costello said that typically it was.

Commissioner Couch asked how the number of parking spaces would be decided upon. Ms. Costello said that parking for an office use was calculated on one space for every 400 square feet of the office. She gave the example that if one had a 1,200 square foot building, three parking spaces would be required with one of those being handicapped.

Commissioner Carlow asked for clarification that it was 400 square feet of building. Ms. Costello said that if a property had an unfinished basement, that would not be calculated into it.

Chairman Wall asked where the parking would be provided if three spaces were required. Ms. Costello said that typically most single-family homes by Code were required to have two spaces so one additional space would be required. That additional space could be off the alley; an existing garage could be counted; they were allowed to count the parking directly in front of their property; the driveway area behind or beside the building as long as it was not being blocked in. She pointed out that there were a variety of options employed. Lisa Cox, Planning Manager, said that in 2010 when the Zoning Code was amended to revise the standards, an alternative parking option was introduced so that if someone had a particular business plan and they thought the Code requirements for parking were more than what they realistically needed, they would have the ability to submit their alternate plan to the Director along with the basis for why it would be justified. The alternate parking plan would be based on the specific use and the Director has the authority to approve the plan. Ms. Cox pointed out that while there were basic formulas for the calculation of parking but there were also a number of other ways to accommodate

that parking need based on actual usage which would be considered during the review process for a proposed development.

Commissioner Couch asked if a business would need to have a dumpster. Ms. Costello said that she had never seen in the change-over conversion to R-O a need or a request for a dumpster.

Chairman Wall believed this had to be a lot more understandable to what R-O really meant with some assurance and wanted to make sure that with this particular zoning, besides having some office uses what things must stay. Ms. Costello said the hours of operation were very limited; no late night or early morning deliveries were allowed; traditional business hours; the character of the structure had to stay intact; similar roof pitches would need to be maintained; front porch type character; and similar type structure elements must be maintained.

Commissioner Eslami asked who controlled that. Ms. Costello said they would have to get approval from their office.

Commissioner Eslami asked if the same requirements would be used in the future. Ms. Costello confirmed the Residential Office architectural standards were detailed in the Code.

Chairman Wall asked if the standards were the Home Occupation standards. Ms. Costello said they were specific to the Residential Office zone district standards. The Home Occupation standards were what any existing Home Occupation had to adhere to. Lisa Cox, Planning Manager, advised that a requirement of the transitional zone district is for new development to have a residential. The zone district includes limitations on office hours, signage, building height, site design and architectural considerations.

Chairman Wall raised a question regarding signage. Ms. Costello said that was also very limited.

PUBLIC COMMENT

An unidentified male speaker raised questions concerning property taxes; water; telephone and electricity and asked if this was to be commercial property would they be charged for them. Chairman Wall confirmed they would remain the same and would only be charged for individual usage.

Alice Betts said that she did not buy a home in an office area. She did not like it and to her it was important that it remained a neighborhood. She believed it important to keep that one remaining part of Main Street be allowed to keep its residential character and residential charm.

DISCUSSION

Commissioner Couch said that he was swayed by the parking issue.

STAFF REBUTTAL

Lisa Cox, Planning Manager, interjected that the change was proposed because there was a conflict between the current zoning of the property and the Comprehensive Plan Land Use designation. The land use designation was based on the Plan that had a 30-year vision and it was meant to acknowledge a neighborhood that was already in transition and located between a commercial district and a residential district.

Ms. Cox stated that long-range planning for the greater good of the community required a long-range view and a long-range vision which the Comprehensive Plan took into account. While the concerns of the residents were appreciated, she said that in some respects it was desirable to have the buffers and transition areas between neighborhoods. Things such as hours of operation, lighting and traffic impacts are considered and help create buffers between neighborhoods. She emphasized the rezone was sought because there was a conflict between the current zoning and the Comprehensive Plan. The rezone was proposed to provide a zone district that implemented the goals and the vision of the Plan and yet protected the neighborhood and provided opportunity for it to continue as residential and/or transition into uses that supported the existing neighborhood. The proposed zone district had design standards either through architectural control elements or restrictions on business signage, lighting and hours of operation so that the impacts on the existing residential uses would be mitigated. The recommendation was being made to acknowledge that the community was changing and the anticipated growth needed to be planned for. The proposed rezone was based on the long-range planning view.

Commissioner Eslami said that this was a vision of the future and he did not think this would happen in the next few years. It also gave a diversified option to the people to operate businesses out of their homes and he believed the advantages far outweighed the disadvantages. He would be in favor of the rezone.

Chairman Wall said that items such as this were emotional and challenging as far as making it clear and really understood what was allowed in a neighborhood now and what would be allowed in the neighborhood if it were allowed to be changed and what was similar and what would be different. He found it interesting that such things as boarding houses, two-family dwellings, all home occupations, and group living homes were allowed. He pointed out that there were a lot of similarities in both. While Residential-Office promoted some things not allowed in an R-8, there were very few things that were not already allowed. With the R-O zone district, there may be some additional control in place and he believed that the changes were relatively few that would change the character of the neighborhood. He would, therefore, be in favor or recommending this to City Council.

MOTION: (Commissioner Eslami) "Mr. Chairman, on Rezone, RZN-2011-1221, I move that the Planning Commission forward a recommendation of the approval for the Area 12 Rezone from R-8 (Residential 8 du/ac) to an R-O (Residential Office) zone district with the findings of fact and conclusions listed in the staff report.

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

General Discussion/Other Business

Lisa Cox, Planning Manager requested that a member of the Planning Commission be appointed or volunteer to serve on the North Avenue Advisory Committee. She said the Committee was a stakeholder group that would be working with staff to develop guidelines and standards meant to implement the North Avenue Corridor Plan. She stated that representative Susuras would be acting as City Council's representative on the Committee in addition to business owners and property owners along the entire length of the corridor. There were 8 sections or neighborhoods along North Avenue and a person would be selected from each to represent that area. Meetings would likely be held over the next four to six months and open houses would be held with recommendations being made to Planning Commission for recommendation for actual guidelines to be adopted. Commissioner Eslami volunteered.

Nonscheduled Citizens and/or Visitors

Earl Stitt, 2303 Shiprock Road, Monument Valley, said that he did volunteer work in the City with Parks and Recreation on the trail as well as for the Police Department in a volunteer patrol. He voiced his concern with the transient issue and wanted to find out what the best venue to discuss how things could be improved. Chairman Wall said that there was a plan in place but City Council would have the final say and they would also have more ability on the transient issue as the Planning Commission was more of a recommending body of zoning and planning. Commissioner Eslami commended Mr. Stitt for coming forward and assured that he too thought about a solution day and night and he too would like to see a remedy for this heartbreaking problem from a personal standpoint. Earl Stitt said that he was also concerned with the children and the parks and non-enforcement issues. Commissioner Couch stated that through the Governor's office there was a Vulnerability Index where homeless people would be contacted to determine what their vulnerabilities were and see how they could be addressed particularly mental health issues, substance abuse and health issues. He thought in the County and the City some proactive things were trying to be done so that people could be in a more appropriate setting. Commissioner Couch stated that was a little more focused initiative about dealing with the needs of homeless people. Mr. Stitt said that he would like to see the trails be a place that were maintained and safe.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 7:19 p.m.