

**GRAND JUNCTION PLANNING COMMISSION
MARCH 27, 2012 MINUTES
6:00 p.m. to 7:25 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 Mesa County Public Hearing Room.

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

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

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 3 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Lisa Cox, Planning Manager, welcomed the Planning Commission to the Mesa County Board of Commissioner's Public Hearing Room which will be the temporary meeting location for the next five Planning Commission meetings while the City Hall Auditorium is being renovated. She advised that there may be some adjustments and technical challenges using the equipment in the new location and asked for everyone's understanding and patience. Ms. Cox asked the Commissioners to let her know if they were experiencing any difficulties.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the February 14, 2012 regular meeting.

2. Hernandez Enclave Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 0.527 acres from County RSF-R (Residential Single-Family Rural) to a City R-8 (Residential 8 du/ac) zone district.

FILE #: ANX-2012-188
PETITIONER: City of Grand Junction
LOCATION: 2956 D Road
STAFF: Brian Rusche

3. St. Joseph Church Right-of-Way Vacation – Vacation

Request a recommendation of approval to City Council to vacate public right-of-way in the 300 block of White Avenue.

FILE #: VAC-2012-203
PETITIONER: Justin Stein – The Blythe Group
LOCATION: 300 block of White Avenue
STAFF: Lori Bowers

4. Area 1 Rezone – Rezone – PULLED FOR PUBLIC HEARING

Request a recommendation of approval to City Council to rezone two (2) parcels totaling 11.515 acres from a C-2 (General Commercial) to an I-1 (Light Industrial) zone district.

FILE #: RZN-2012-11
PETITIONER: City of Grand Junction
LOCATION: 2173 & 2175 River Road
STAFF: Brian Rusche

5. Area 8 Rezone – Rezone

Request a recommendation of approval to City Council to rezone one (1) parcel totaling 0.275 acres from an R-8 (Residential 8 du/ac) to a CSR (Community Services and Recreation) zone district.

FILE #: RZN-2012-27
PETITIONER: City of Grand Junction
LOCATION: Parcel number 2945-104-04-949
STAFF: Senta Costello

6. Area 14 Rezone – Rezone

Request a recommendation of approval to City Council to rezone one (1) parcel totaling 6.22 +/- acres from a C-1 (Light Commercial) to a C-2 (General Commercial) zone district.

FILE #: RZN-2012-29
PETITIONER: City of Grand Junction
LOCATION: 483 30 Road
STAFF: Scott Peterson

Chairman Wall briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. Item 4 was pulled at public request. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the remaining Consent Agenda items.

MOTION: (Commissioner Eslami) “Mr. Chairman, I move that we approve the Consent Agenda as read except number 4 to be as a public hearing.”

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

Public Hearing Items

4. Area 1 Rezone – Rezone

Request a recommendation of approval to City Council to rezone two (2) parcels totaling 11.515 acres from a C-2 (General Commercial) to an I-1 (Light Industrial) zone district.

FILE #: RZN-2012-11
PETITIONER: City of Grand Junction
LOCATION: 2173 & 2175 River Road
STAFF: Brian Rusche

STAFF’S PRESENTATION

Brian Rusche, Senior Planner, Public Works and Planning Department, made a PowerPoint presentation regarding the request to rezone two parcels from C-2 to I-1. The parcels, located at the west side of River Road under the I-70 underpass in the northwest quadrant of the City, were separated from Highway 6 & 50 by railroad tracks. Mr. Rusche noted that one parcel was developed while the other was undeveloped.

Both properties were annexed in 1992 as part of the Persigo No. 2 annexation which included the Persigo Wastewater Treatment Facility. The center property – Lot 1 of Murdoch Minor Subdivision – was developed in 1997 as farm implement sales under the I-1 zoning that was in place in 1996. The Comprehensive Plan, adopted in 2010, established an industrial designation for these two properties as well as other properties on the west side of River Road including the Persigo plant. Mr. Rusche said that this designation put the present C-2 zoning in conflict with the industrial designation. He stated that the C-2 zoning was of unknown origin. He went on to say that the I-1 zoning would permit the existing use – Murdoch Trailer Sales – classified as farm implement sales as originally approved in 1997.

Mr. Rusche said that the staff report included some concerns raised by Mr. Murdoch with respect to and preference for retaining the commercial zoning versus the proposed industrial zoning. He noted that in looking at the context of the neighborhood, the adjacent properties were zoned industrial. The access to the parcels was only through River Road and they did not have access to I-70. The nearest access points were three-quarters of a mile to the southeast at the railroad crossing and to the west at the Fruita city limits.

He said that after reviewing the request, he found that the proposed change would be consistent with the goals and policies of the Comprehensive Plan, specifically to bring them into conformance with the Future Land Use Map and the applicable review criteria of the Municipal Code had been met.

QUESTIONS

None.

PUBLIC COMMENT

Scott Murdoch said that he owned the property at 2173 River Road. Historically that property had been operated as a trailer sales retail outlet and they were licensed as a motor vehicle dealer. His primary concern was that by limiting the zoning designation it might jeopardize his motor vehicle dealership designation and he believed that in order to have a motor vehicle dealership it had to be consistent with the zoning. He said that if the zoning was changed, his future may be jeopardized. Mr. Murdoch thought that this change may have a severe economic impact to himself as the dynamics of his business might change. He noted the potential impact on his employees and on City and state tax revenues. They have been in business there for 15 years and he did not have any plans in the immediate future to develop his parcel. He next discussed access and said that the business had low traffic volume and that visibility from the freeway was essential; he believed that people would find his business regardless of the access. With regard to future development, Mr. Murdoch argued that by changing the zoning, future endeavors might be restricted and adversely impact his business. He said that he was unaware of any change in the subject property that would require them to have a zoning change. It seemed to him that as this business had been there for 15 years to come in and change the designation at this point in time might jeopardize his economic livelihood. Mr. Murdoch said that he was not interested in future development. He requested the Commission find in his favor.

QUESTIONS

Chairman Wall asked Mr. Murdoch if his business was able to operate without issue, would the change of zone be an issue. Mr. Murdoch said as long as the zoning was compliant with him being a motor vehicle dealer. The I-1 zoning was for farm implements which generally were not titled vehicles. He voiced his need to be licensed with the state as a motor vehicle dealer and did not think the I-1 zoning designation extended to motor vehicle sales.

STAFF'S REBUTTAL

Brian Rusche said that he was not sure how the state classified some of the uses and noted that within the City's zoning matrix, farm implement sales, which included trailers, was an allowable use in the I-1 zone. Although Mr. Murdoch indicated that he was licensed to do motor vehicle sales, Mr. Rusche was unaware of any actual motor vehicle sales that had taken place within the last 15 years. The matrix identified General Retail Sales, Outdoor as requiring a Conditional Use Permit, and though there was not a specific category for motor vehicle sales, they are grouped under the general retail category. Mr. Rusche said that in some instances the location of the vehicles for sale on the property would also require a CUP.

QUESTIONS

Commissioner Couch asked if it was germane to the discussion whether or not he had sold a motorized vehicle if he had a permit to do so and intended to have that business. Jamie Beard, Assistant City Attorney, said that at this point in time, he did not have

approval on his property to be able to operate as a motor vehicle dealership. She added that he could do the sales as he was doing now but if he wanted to sell motor vehicles, he would have to come through and try to get a Conditional Use Permit. Ms. Beard referenced the Grand Junction requirements under the City Code and did not refer to his motor vehicle license, adding that he did not have approval so he would not be able to do it regardless. However, even if he had a license from the state, he would still be required to meet the land use code requirements.

Commissioner Leonard asked if a Conditional Use Permit would be required in both an I-1 and the C-2 zoning districts. Ms. Beard said that it had been indicated that it would only be an allowed use in the C-2 and was not available without a conditional use permit in the I-1.

Lisa Cox, Planning Manager, addressed Mr. Murdoch's question of why the City had undertaken this rezone and reiterated that there currently was a conflict between the current zoning of the property and the Comprehensive land use designation of Industrial. She pointed out that C-2 did not implement the Industrial land use designation and that the I-1 zone district was the least intensive zone district that implemented the Industrial land use designation. The Comprehensive Plan identified this area for industrial type development as opposed to retail.

Brian Rusche added that within the zone matrix, farm implement and equipment sales and service was permitted in the C-1, C-2, I-1 and I-2 zones. A General Retail, Outdoor Operations Display or Storage category was allowed in the C-1, C-2, Mixed Use and required a Conditional Use Permit in the I-1 zone. In other words, if the proposed request to I-1 was approved, a Conditional Use Permit would be necessary to sell other than farm implements.

Chairman Wall asked if Mr. Murdoch's dealer license required him to be approved in the City's zoning code, would he have to apply for and be granted a Conditional Use Permit in the I-1 zone. Ms. Beard interjected that she did not believe he had to already be approved for it but rather Mr. Murdoch had indicated that it had to be an allowed use within the zone and technically it was an allowed use within the zone with a CUP. However, without seeing the specific language that Mr. Murdoch referred to that caused him to have a problem, she said that it appeared that it was a use that was allowed within the use with specific conditions.

PUBLIC COMMENT

Scott Murdoch said that it seemed that if he did come in under a Conditional Use Permit situation then he believed he would be where he was at presently with the exception that if he sold or went out of business, then the CUP would go away. To try to do something different than what was already being done, it seemed to him to be a circular way of getting around it. He added that after this amount of time, to let things be as they were was logical and he had a hard time to think the Commission would impact someone adversely in an area that was not dynamic at this time. He suspected that if at

some time in the future, that if the property were sold, then the rezoning could be done then. He did not think it was beneficial to his business.

QUESTIONS

Chairman Wall asked Mr. Murdoch how would this zoning change affect his business today and more particularly would he be able to continue his business without a Conditional Use Permit. Mr. Murdoch said that he understood that if it was an I-1 zone, he had to be a farm implement dealer which to him meant non-titled vehicles. For him to not be able to act in the capacity wherein they provide buyers with temporary titles and restricted him to non-title vehicles, they would no longer be a viable economic entity.

Chairman Wall asked that in his particular business as operated now, would he need a Conditional Use Permit (CUP) in an I-1 zone. Mr. Murdoch said the only way he would be able to sell what he sold was if it was designated as a farm implement. He stated that he did not sell farm implements, which are non-titled. He added that he had to give titles to trailers. Lisa Cox clarified that the descriptions in the Zoning Code tended to be broad categories and that as she understood the business that Mr. Murdoch conducted now would be fine under the proposed zone change. If Mr. Murdoch wanted to change his business to add vehicle sales which could be a change of use, that could possibly require a CUP. She understood that Mr. Rusche had reviewed the existing use and felt that what was being conducted right now would be permissible in the I-1 and that the zone change would not affect his business. Mr. Murdoch said that he wanted to be all encompassing because the dealer licensing provided that he could sell cars, trucks and/or snowmobiles.

Commissioner Eslami asked if Mr. Murdoch was permitted to sell cars and trucks under his current zoning. Ms. Cox did not believe there was an approved use for his property to sell cars but in the current zone district, if he wanted to sell passenger vehicles that would be an allowed use in the C-2. However, the C-2 was not consistent with the Comprehensive Plan's land use designation.

Commissioner Eslami asked if the zoning was changed to I-1, would he have to apply for a Conditional Use Permit in order to sell cars. Ms. Cox confirmed that was correct. Under C-2, it would be permissible if he were to come in and go through the review process. She went on to say that under the City zoning code, he was not currently approved to have a vehicle sales lot. It was an allowed use so long as one went through the review process. Under the C-2, he would have to go through a site plan approval process and if he complied with the provisions of the Zoning Code he could be approved.

Commissioner Eslami asked if it could it also be approved in the I-1 district. Ms. Cox said that he could be approved but the process would be different because it required a Conditional Use Permit in the I-1 district. She added that the difference the approval process in the I-1 was the Conditional Use Permit required a public hearing and there could be conditions placed upon it.

PUBLIC COMMENT

Scott Murdoch said that under his designation, to sell motor vehicles he would go through a review process. Chairman Wall confirmed that for site plan approval things such as setbacks and landscaping would be looked at.

QUESTIONS

Commissioner Carlow asked if it was an approved use or a use by right. Ms. Cox said it was an allowable use so long as the requirements of the review process had been met.

Commissioner Benoit asked if he were to start selling vehicles, would he have to go through a review process in either the C-2 or the I-1 zone. Ms. Cox confirmed that he would.

Commissioner Benoit asked if he was correct in that his current operation would not change until and unless he wanted to sell motor vehicles. Ms. Cox said that too was correct.

Commissioner Couch asked Brian Rusche if the current zoning was there by tradition and wanted to be sure that there hadn't been some recent change that now made this a commercial area. Mr. Rusche said that it appeared in 1997 when Mr. Murdoch began his business, it was zoned I-1. Sometime since that time, the zoning changed to C-2 and he suspected that was in about 2000 when large portions of the City had been rezoned by way of a collective update to the zoning throughout the City. He added that there had not been a specific applicant request with regard to the subject property.

Commissioner Williams asked if the state licensing would be affected by the zoning change and his ability to operate under that licensing. Mr. Rusche said that he did not believe the change would affect that at all. He added that he had not received any documents from the state requesting a zoning confirmation nor had any knowledge of an enforcement action. Mr. Rusche pointed out one of the main differences between the two types of sales pertained to the improvements to the property. Farm implements, trailers, and large equipment typically operated on gravel yards in contrast to automobiles where the standards required pavement. He went on to state that in 1997 there was approval for the sale of farm implements and, at that time, minimal improvements were made to the property. The bulk of the property was gravel. Regardless of the zoning, to make improvements to the property consistent with that of an auto dealership required paving, landscaping and other improvements.

DISCUSSION

Chairman Wall said this was interesting because the Commission did not want to do anything that would negatively affect a person's business. However, he believed that if the zoning was to change, his business would not change as far as how it was operated and what was done there. He thought this particular zoning change made sense due to the area, especially considering the lack of access to the area, and he would be in favor of the zoning change.

Commissioner Couch appreciated the various points raised by Mr. Murdoch related to the zoning and the zoning change may jeopardize Murdoch’s economic vitality. He hoped that the Commission had demonstrated that there was a remedy for that which was the Conditional Use Permit.

MOTION: (Commissioner Eslami) “Mr. Chairman, on Rezone RZN-2012-11, I move that the Planning Commission forward a recommendation of approval of the Yellow Area 1 Rezone from C-2 (General Commercial) to an I-1 (Light Industrial) 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 7 - 0.

7. Area 5 Rezone – Rezone

Request a recommendation of approval to City Council to rezone forty-two (42) parcels totaling approximately 3.6 acres from an R-24 (Residential 24 du/ac) to an R-16 (Residential 16 du/ac) zone district.

FILE #: RZN-2012-24
PETITIONER: City of Grand Junction
LOCATION: 2650 North 1st Street and 41 other parcels
STAFF: Brian Rusche

STAFF’S PRESENTATION

Brian Rusche, Senior Planner, Public Works and Planning Department, addressed the Commission regarding the proposed rezone containing 42 parcels and a number of dwelling units located generally east of North 1st Street and south of Patterson Road, north and west of Park Drive. The present zoning was R-24 and the requested zoning was R-16. According to Mr. Rusche, this area was annexed into the City in 1969 and was subdivided as Olympic Acres.

He said that all of the units were fourplexes built throughout the 1970s. The existing gross density of the neighborhood was approximately 12 dwelling units per acre based on 60 total units over 5 acres, which included portions of the public rights-of-way. A lot by lot calculation would be inaccurate due to the irregular boundaries. He added that the Comprehensive Plan designated the property as Residential Medium. At the time of the 1996 Growth Plan, the property was designated as Residential Medium High but the maximum gross density was 12 dwelling units per acre under that category.

The purpose of this request was to establish conformance with the Comprehensive Plan. The 2010 Comprehensive Plan established a Neighborhood Center on property known as Corner Square in addition to other properties on the north side of Patterson Road. Another new concept from the Comprehensive Plan was a Mixed Use opportunity corridor along Patterson. In addition, the Comprehensive Plan adopted a

Blended Residential Map which permitted under certain circumstances requests for zoning above the previous category of Residential Medium.

Mr. Rusche said that within the Blended Map, the range began at 4 and went up to 16 dwelling units per acre. The existing zoning of R-24 exceeded the Comprehensive Plan as well as the Blended Map. The surrounding areas were zoned either R-4 or R-5, which reflected the single-family character of those areas. The proposed R-16 zone district would bring the existing density and the Comprehensive Plan into conformance without denying substantial rights of the property owners. He pointed out that the only difference between the zones of R-24 and R-16, aside from the number of units, included maximum height as well as lot coverage.

After reviewing the request, Mr. Rusche determined that the request was consistent with the goals and policies of the Comprehensive Plan, specifically the Future Land Use Blended Map, as well as the pertinent review criteria of the Municipal Code had been met.

QUESTIONS

Chairman Wall asked what the zoning of the Planned Development across the street was. Mr. Rusche said that he did not know the density but he assured it was not more than 24 dwelling units per acre.

PUBLIC COMMENT

None.

DISCUSSION

Commissioner Eslami said that it looked straightforward to him.

Chairman Wall thought it was the right thing to do.

MOTION: (Commissioner Eslami) “Mr. Chairman, on Rezone RZN-2012-24, I move that the Planning Commission forward a recommendation of approval for the Yellow Area 5 Rezone from R-24 (Residential 24 du/ac) to R-16 (Residential 16 du/ac) with the findings of facts and conclusions listed in the staff .”

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

8. Area 4 Rezone – Rezone

Request a recommendation of approval to City Council to rezone one (1) 4.18 acre parcel from R-12 (Residential 12 du/ac) to CSR (Community Services and Recreation) and one (1) 1.87 acre parcel from a CSR (Community Services and Recreation) to an R-12 (Residential 12 du/ac) zone district.

FILE #: RZN-2012-26
PETITIONER: City of Grand Junction
LOCATION: Parcel numbers 2945-101-00-158 and 976

STAFF: Senta Costello

STAFF'S PRESENTATION

Senta Costello, Public Works and Planning Department, clarified that the property was being rezoned from CSR to R-12; however, a change had been made that the proposed zoning was R-4 rather than R-12. She identified the properties' location as being directly east of the Monument Little League ball parks along 25½ Road and south of some vacant agricultural land on the south side of Patterson Road. She said the first property was currently zoned R-12 with a proposed change to CSR. A Comprehensive Plan Amendment had been brought forward that changed the designation from Residential Medium High to Park. The second parcel, east of the first parcel, was currently designated CSR and she identified some issues with this property such as there was no legal access to the property at this time as well as several steep slopes and it was also crossed by a drainage ditch.

Ms. Costello concluded that the requested rezones met the goals and policies of the Comprehensive Plan as well as the relevant requirements of the Municipal Code had been met.

QUESTIONS

Commissioner Benoit asked where the access to the smaller of the two parcels was. Ms. Costello advised that she had been unable to find anyway to actually get to the property, legal or otherwise.

PUBLIC COMMENT

None.

DISCUSSION

Chairman Wall commented that this item was pretty straightforward and made good common sense.

MOTION: (Commissioner Eslami) "Mr. Chairman, on Rezone RZN-2012-26, I move that the Planning Commission forward a recommendation of approval for the Yellow Area 4 Rezone of 4.18 acres from R-12 (Residential 12 du/ac) to CSR (Community Services and Recreation) and 1.87 acres from CSR (Community Services Recreation) to R-4 (Residential 4 du/ac) 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 7 - 0.

9. Area 2 Rezone – Rezone

Request a recommendation of approval to City Council to rezone one (1) parcel totaling 1.89 +/- acres from an R-E (Residential Estate) to an R-O (Residential Office) zone district.

FILE #: RZN-2012-28

PETITIONER: City of Grand Junction
LOCATION: 763 23-1/2 Road
STAFF: Scott Peterson

STAFF'S PRESENTATION

Scott Peterson, Senior Planner, Public Works and Planning Department, by way of a PowerPoint presentation, discussed the proposed rezone from R-E to R-O. The applicant, City of Grand Junction, showed that the subject property was located in the northwest quadrant of the City directly north of I-70. The Comprehensive Plan designated this property as Residential Medium (4 to 8 dwelling units per acre) on the Future Land Use Map and the property, however, was presently zoned Residential Estate which was inconsistent with the Comprehensive Plan designation.

In order to facilitate and encourage the types of development envisioned by the Comprehensive Plan, City staff recommended a change of zoning from Residential Estate to Residential Office to support the vision and goals of the Comprehensive Plan and to implement the Future Land Use designation of Residential Medium.

Mr. Peterson informed that the zoning change would not impact the existing single-family detached residence as that was an allowed land use within the R-O district and would also potentially allow the maximum opportunity to utilize or redevelop the property in the future. He pointed out that the property had undergone two previous Growth Plan Amendments. In 2000, the City changed the designation from Estate to Commercial / Industrial to accommodate a proposed light industrial use expansion by the then owner.

At that time, the subject property was part of a larger 20-acre parcel. The land was then zoned Planned Development with the condition that the then owner provided two additional housing units to serve as employee rental housing. Mr. Peterson pointed out that the purpose of this was to maintain a buffer of residential use between the industrial use and the established residential neighborhood to the north and east of 23½ Road. However, that owner never implemented the Planned Development and subsequently went out of business.

A new owner relocated to the site in 2005 and did not need all of the acreage and did not want to be in the housing business. Rather than amending the existing PD ordinance, a change to a straight zone was approved in 2005. A reversion to the original zoning designation of Residential Estate was requested in order that the house could be sold as a conforming use. Therefore, a second Growth Plan Amendment from Commercial / Industrial to Estate was approved and the parcel was subsequently rezoned to its present R-E zoning designation.

Mr. Peterson said that in 2008 the property owner to the south desired to obtain this property to expand their business and to remove the existing home. To allow this, the Future Land Use Map was requested to be changed back to the Commercial / Industrial designation. This application was ultimately denied by the Planning Commission and

City Council based on neighborhood input to maintain the buffer and transition area between the existing Light Industrial and single-family residential land uses.

The current Comprehensive Plan Future Land Use Map identified the properties as Residential Medium. Mr. Peterson advised that the current property owner was advised of the requested rezone change via mail and invited to an open house, along with adjacent property owners, which was held on January 25, 2012, to discuss the proposed application. To date, he had not heard from the property owner but the adjacent residential neighbors would still like to see the buffer between the Light Industrial and the existing residential maintained which was also one of the purposes of the Residential Office district. This would provide low intensity, non-retail neighborhood service and office uses that were compatible with adjacent residential neighborhoods.

The existing Zoning Map showed the proposed R-O zone district would allow more uses than what were currently allowed with the R-E zone district. Mr. Peterson provided some examples which included two family dwellings, multi-family developments, a group living facility, medical clinic, general office or a health club. No outside storage of materials would be allowed in the R-O zone district. The R-O zone district would also provide the necessary transition between the existing Light Industrial development to the south and west from existing large lot, single-family detached residences to the north and to the east.

Mr. Peterson stated that after a review of the Area 2 Rezone from R-E to R-O, it was found that the requested zone was consistent with the goals and policies of the Comprehensive Plan and the applicable review criteria of the Zoning Code had been met. The proposed rezone would provide the opportunity for future multi-family and/or general office development and also would continue to provide the opportunity to transition and buffer future development from the existing Industrial land uses. He opined that the proposed application also met the pertinent goals of the Comprehensive Plan.

QUESTIONS

None.

PUBLIC COMMENT

None.

DISCUSSION

Commissioner Carlow said that he thought it made sense because it maintained the buffer but was a more realistic zone for the surrounding areas.

Chairman Wall agreed and believed it made the best sense for the future.

MOTION: (Commissioner Williams) “Mr. Chairman, on Rezone RZN-2012-28, I move that the Planning Commission forward a recommendation of the approval

for the Area 2 Rezone from R-E (Residential Estate) to R-O (Residential Office) with the findings of fact and conclusions listed in the staff.”

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

10. Area 7 Rezone – Rezone

Request a recommendation of approval to City Council to rezone three (3) parcels totaling 0.66 acres from a C-1 (Light Commercial) to an R-5 (Residential 5 du/ac) zone district.

FILE #: RZN-2012-32
PETITIONER: City of Grand Junction
LOCATION: 1801 & 1815 Bass Street and 1810 Minnow Drive
STAFF: Lori Bowers

STAFF’S PRESENTATION

Lori Bowers, Senior Planner with the Public Works and Planning Department, made a PowerPoint presentation for the City-initiated rezone to rezone three parcels from a C-1 to an R-5 zone district.

The parcels were originally platted as part of the West Lake Park Subdivision in 1953 and in 1955 they were annexed into the City as part of the West Lake Park Annexation. In 1961 the subject parcels were zoned C-2 as part of a large rezone request to Commercial with the C-2 zoning still of record in 1998.

Ms. Bowers said that the properties were not rezoned at the time of the adoption of the Comprehensive Plan and were inconsistent with the land use designations. She understood that the subject parcels were part of the trailer park so the existing zoning was currently C-1 and they felt the zoning should be changed to R-5. She concluded that the requested zone was consistent with the goals and policies of the Comprehensive Plan and the applicable review criteria of the Grand Junction Municipal Code.

QUESTIONS

None.

PUBLIC COMMENT

None.

DISCUSSION

Commissioner Carlow asked if the access was residential access. Ms. Bowers confirmed that it was.

Ms. Bowers confirmed a question posed by Commissioner Benoit that the properties were elevated above the trailer park. Lisa Cox, Planning Manager, added that the current use of the three lots was single-family residential which was nonconforming in

C-1 so changing the zoning from C-1 to R-5 would make those conforming legal uses which in turn would benefit the property owners.

Chairman Wall agreed that it made perfect sense.

MOTION: (Commissioner Williams) “Mr. Chairman, on Rezone RZN-2012-32, I move that the Planning Commission forward a recommendation of approval for the Area 7 Rezone from C-1 (Light Commercial) to R-5 (Residential 5 du/ac) with the findings of fact and conclusions listed in the staff.”

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

11. Area 13 Rezone – Rezone

Request a recommendation of approval to City Council to rezone one (1) parcel totaling 6.362 acres from a C-2 (General Commercial) to a C-1 (Light Commercial) zone district.

FILE #: RZN-2012-8
PETITIONER: City of Grand Junction
LOCATION: 510 29-1/2 Road
STAFF: Dave Thornton

STAFF’S PRESENTATION

Dave Thornton, Principal Planner with the Public Works and Planning Department, came before the Commission on the Area 13 Rezone proposed to change the zoning from C-2 to C-1. He said that much of the area around the east end of North Avenue was not currently in the City limits. Upon the adoption of the Comprehensive Plan, the area was identified as a Village Center, Mixed Use area and the zoning districts that implemented that designation did not include the General Commercial zone district and as a result the zoning on this property had been identified as a conflict area.

Mr. Thornton said the C-1 did implement the Village Center Mixed Use, high density residential up to 24 units per acre. Along North Avenue most of it was zoned County C-2 in Mesa County, but those areas that had been annexed into the City were zoned C-1. He advised that this property proposed to be rezoned to C-1 was owned by Mesa County and was completely developed out with either building or parking lot.

He next identified some general differences between the two zone districts such as multi-family residential is allowed in C-1 and not allowed in C-2; group living facilities are allowed in C-1 and not allowed in C-2; and some more intense Commercial-type uses are allowed in C-2 and not C-1. These more intense land uses are why the C-2 zone does not implement the Village Center Mixed Use land use designation with uses including outdoor manufacturing; warehouse freight with outdoor storage and loading; and wholesale business that would sell directly to other commercial, institutional or industrial businesses. With the residential land uses allowed in the C-1 zoning, the C-1 zone does implement the Village Center land use designation.

Mr. Thornton added that the existing office building was a conforming use so this rezone would not create a nonconformity. In his professional opinion, he felt the requested rezone met the goals and policies of the Comprehensive Plan and the Zoning Code criteria had been met. He formally added the staff report as part of the formal record of this public hearing.

QUESTIONS

None.

PUBLIC COMMENT

None.

DISCUSSION

Commissioner Couch said the building was known as the Community Services Building and invited all City employees to visit on behalf of Mesa County.

QUESTIONS

Commissioner Benoit asked if the County had any objections to the zoning change. Mr. Thornton said that early on and before the open house in January he had personally contacted the County's Planning Manager who in turn followed up with various people that she reported to amongst County Administration. He advised that he had not heard anything back and they were also aware of this process. He took their absence as no objection.

MOTION: (Commissioner Williams) "Mr. Chairman, on Rezone RZN-2012-8, I move that the Planning Commission forward a recommendation of the approval for the Area 13 Yellow Rezone from C-2 (General Commercial) to C-1 (Light 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.

General Discussion/Other Business

Lisa Cox reminded everyone that the next meeting would be held in the same location as this evening's meeting.

Nonscheduled Citizens and/or Visitors

Gordon Barker came forward on the Area 14 Rezone and did not see it on the agenda. Chairman Wall advised that it was on the Consent Agenda and the Area 14 Rezone was not pulled for a full hearing. Mr. Barker asked what the differences were between the C-1 and C-2 zone districts. Lisa Cox advised that the staff member assigned to that area could provide Mr. Barker with that explanation.

Scott Peterson, Senior Planner, Public Works and Planning Department then identified the main difference between the existing C-1 zone which was basically the City's retail

zoning district and the C-2 zone as the C-2 zone allowed some heavy Commercial or Light Industrial land uses. The adjacent area surrounding the property was currently designated either County I-2 or I-1 to the north. The existing church was located on the property and he said churches were allowed in the C-1 and C-2 zoning districts. Mr. Peterson confirmed for Mr. Barker that this was a City-initiated rezone and the church would still maintain its existence at this point in time so nothing on the ground would change physically.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 7:25 p.m.