

**GRAND JUNCTION PLANNING COMMISSION**  
**APRIL 10, 2012 MINUTES**  
**6:05 p.m. to 6:58 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Acting Chairman Eslami. The public hearing was held in the Mesa County Public Hearing Room.

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

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Brian Rusche (Senior Planner), Senta Costello (Senior Planner), Scott Peterson (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 6 interested citizens present during the course of the hearing.

**Announcements, Presentations and/or Prescheduled Visitors**

Lisa Cox, Planning Manager, announced that because neither the Chair or Vice Chair were present for the hearing, Commissioner Eslami had agreed to act as Chair for the evening's meeting which was supported by the remaining Commissioners. Members of the public in attendance were asked which items they wanted pulled for a Full Hearing. The remainder of agenda items would proposed to be moved to the Consent Agenda. Citizens in attendance had requested a Full Hearing for Item 2 (Area 9 Rezone), Item 5 (3000 Patterson Rezone) and Item 6 (Area 6 Rezone). Staff suggested that Items 3 and 4 be moved to the Consent Agenda.

**(Commissioner Benoit) "I make a motion that we move Item Number 3 and Item Number 4 from Full Hearing to the Consent Agenda for a vote."**

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

**Consent Agenda**

**1. Minutes of Previous Meetings**

None available at this time.

**3. Area 3 Rezone – Rezone**

Request a recommendation of approval to City Council to rezone one (1) parcel totaling 0.996 acres from an I-2 (General Industrial) to an I-1 (Light Industrial) zone district.

**FILE #:** RZN-2012-82  
**APPLICANT:** City of Grand Junction  
**LOCATION:** 681 23 Road  
**STAFF:** Lori Bowers

**4. Area 10 Rezone – Rezone**

Request a recommendation of approval to City Council to rezone nine (9) parcels totaling 3.02 +/- acres from C-2 (General Commercial) and I-2 (General Industrial) to R-O (Residential Office) and I-1 (Light Industrial) zone district.

**FILE #:** RZN-2012-85  
**APPLICANT:** City of Grand Junction  
**LOCATION:** 492 Harris Road and 8 other parcels  
**STAFF:** Scott Peterson

**MOTION: (Commissioner Benoit) “Mr. Chairman, I make a motion that we approve the Consent Agenda as presented.”**

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

**Public Hearing Items**

Lisa Cox, Planning Manager, explained that we were experiencing some technical difficulties with some of the equipment this evening and believed they would be resolved shortly.

**2. Area 9 Rezone – Rezone**

Request a recommendation of approval to City Council to rezone one (1) parcel totaling 14.81 acres from an I-1 (Light Industrial) to a C-2 (General Commercial) zone district.

**FILE #:** RZN-2012-69  
**APPLICANT:** City of Grand Junction  
**LOCATION:** 140 Power 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 one parcel from Light Industrial to General Commercial. The subject property was generally located north of Broadway or Highway 340 and east of the Redlands Marketplace. The property was annexed into the City in 1967. Mr. Rusche said the majority of the properties to the east and south were within the City limits and the properties to the north and west were within unincorporated Mesa County.

In approximately 1980 a warehouse was added to the original building on this site and its current use was allowed within both the I-1 zoning as well as the proposed C-2 zoning. While no bottling currently occurs at the Pepsi Distribution facility, that would be an allowed use under the C-2 zoning should the company choose to do so.

Mr. Rusche advised that the purpose of the rezone request was to create conformity with the Comprehensive Plan adopted in 2010. The Comprehensive Plan Future Land Use designation for the area was Commercial and that designation had been on the property since the 1996 Growth Plan. He said that the Neighborhood Center was a new type of land use designation centered on the Redlands Marketplace and anticipated some mixed uses and some service activities that would serve a greater neighborhood.

A portion of the subject property as well as the majority of the property to the north was located in a flood plain and, therefore, designated for conservation uses. Mr. Rusche stated the proposed C-2 zone would bring the property into conformity with the Future Land Use designation and would permit the existing warehousing as well as bottling. He added that he had spoken to a few of the neighboring property owners and the majority of them inquired about future development of their properties, some of which were not presently within the City limits. He advised that he had not received any comments in opposition to this request.

After reviewing the request, he found that the proposed zone was consistent with the goals and policies of the Comprehensive Plan and the applicable review criteria of the Municipal Code had been met.

**QUESTIONS**

None.

**PUBLIC COMMENT**

Ron Wriston, 180 Dike Road, owned the property to the north and raised a concern that the property was incorrectly shown as CSR. He expressed a concern for what the area would become and Chairman Eslami pointed out that the area had to be zoned in conformance with the Comprehensive Plan. Brian Rusche confirmed that Mr. Wriston's property was zoned CSR, a Community Services and Recreation zone, and that zone did permit single-family development on five acre or larger lots. He added that the adjacent properties were not affected by this request.

**QUESTIONS**

Commissioner Couch asked if there was a discrepancy in the zoning who could Mr. Wriston talk to. Lisa Cox stated that Brian Rusche could help resolve those issues with Mr. Wriston.

Commissioner Carlow asked Mr. Rusche to clarify the basic differences including uses that were allowed and not allowed in the I-1 and C-2 zone districts. Mr. Rusche pointed out that there have been a couple of previous rezones throughout the city, with some that went from Industrial to Commercial while others went from Commercial to

Industrial. He said that the C-2 and I-1 zones had a lot of similarities and allowed things such as warehousing and indoor manufacturing, with the primary difference being retail. There would be less landscaping requirements and performance standards in an I-1 zone district. While the property was presently zoned industrial, it had evolved from manufacturing to warehousing.

**DISCUSSION**

None.

**MOTION: (Commissioner Benoit) “Mr. Chairman, on Rezone, RZN-2012-69, I move that the Planning Commission forward a recommendation of approval for the Yellow Area 9 Rezone from an I-1 (Light Industrial) to a C-2 (General Commercial) zone district with the findings of fact and conclusions listed in the staff report.**

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

**5. 3000 Patterson Rezone – Rezone**

Request a recommendation of approval to City Council to rezone 2.3 acres from R-O (Residential Office) to B-1 (Neighborhood Business) zone district.

**FILE #:** RZN-2012-193

**APPLICANT:** Jason Mathis – JDH Capital

**LOCATION:** 3000 Patterson Road (aka 3000 F Road)

**STAFF:** Senta Costello

**STAFF’S PRESENTATION**

Senta Costello, Senior Planner with the Public Works and Planning Department, said this was a request to amend the Comprehensive Plan designation from its current Residential Medium designation to Commercial. The property, at the northeast corner of 30 Road and Patterson Road, was surrounded to the north, south and east by single-family residential. The property, annexed in 2006, had a Residential Medium designation and noted that the current zoning was R-O. The majority of the surrounding properties were located outside of the City limits with County RSF-4 zoning.

As part of the Comprehensive Plan, property owners were allowed to request a change to their designation based on the adjacency rule which allowed a property owner to request a change to a designation that was similar to one that was on adjoining property. The adjacency rule stated that it qualified for that designation if it was within 100 feet of that property. Ms. Costello said that applicant had requested a change of their property to Commercial, similar to that of the Rite Aid property. If approved, the applicant would also like to rezone the property from the R-O designation to a B-1 designation.

She pointed out that a neighborhood meeting was held in December 2011 whereby several property owners attended and the general consensus of the property owners

was they preferred to maintain the R-O designation; however, if the property was to be rezoned, the B-1 designation was preferable to the other option of a Form Based district which would require that any development on the property be constructed lengthwise along Patterson Road with parking located behind it. Ms. Costello added that there were no buffering requirements between Form Based districts and residential, whereas with the B-1 zone district, it would allow the buildings to be oriented north and south along the eastern property line which the neighbors felt would be a better buffer. In addition, staff felt the B-1 zone district was a more appropriate zone than the Form Based zone district which was intended to create pedestrian friendly urban areas that would accommodate high foot traffic areas.

As the area was relatively well developed and did not have a lot of pedestrian traffic in the area, Ms. Costello concluded they had recommend approval of both the Comprehensive Plan Amendment as well as the rezone to the B-1 zone district.

**QUESTIONS**

Chairman Eslami asked if the properties to the east were within City limits. Ms. Costello confirmed that the four properties directly to the east were outside of the City limits.

**PUBLIC COMMENT**

Kevin Vig, 603 Ronlin Drive, voiced a concern for what would go in there especially with regard to his three children. He was also concerned with the possibility of a decrease in their property values. He asked that the applicant put something along the lines of a cinderblock wall for privacy.

**QUESTIONS**

Chairman Eslami asked if this property was to be developed, would they have to come before the Commission again. Senta Costello said that the applicant had actually proposed three different steps – if the rezone was approved, they proposed subdividing the property into two pieces with another review process and the actual site development. She advised that there would not be a public hearing for either the site development or the subdivision – as both would be administratively reviewed. Neighboring property owners would again be notified and there would also be an opportunity for an appeal of any decisions made.

Chairman Eslami asked if the developer could be required to put in a retaining wall as suggested. Ms. Costello said they could ask but it would not be required by Code. The current R-O zone district did not require either a wall or a fence but did require an 8' buffer strip; the MX zone district did not require a buffer at all; and the B-1 zone required an 8' buffer of landscaping as well as a 6' privacy fence. She added that they may request from the applicant that some kind of masonry wall be installed.

Commissioner Couch asked if he was correct that there would not be either a loading dock or truck traffic on the east side. Ms. Costello confirmed that was correct at this point; however, it would be possible that someone other than the applicant may develop this site.

Commissioner Benoit asked if an application had been made to split the property as it was presently for sale. Ms. Costello confirmed that it was for sale as one parcel.

Commissioner Leonard asked for clarification if there would be increased buffering requirements with a more intensive use backing up to residential. Senta Costello said that it depended on the zone district. She pointed out that the current R-O zone district did not have a buffer requirement as far as a fence or a wall but did require an 8' landscape strip; the B-1 required an 8' landscape strip and a fence; the MX didn't require anything. So it depended on what the two zone districts were as to what type of buffer was required.

Commissioner Leonard asked that when backing up to residentially zoned property, was there a current requirement in the Code to increase buffering. Ms. Costello said that was where the difference in the buffering requirements came in. If you had an R-O zone district adjacent to a residential zone district, an 8' landscape strip would be required. If you had a B-1 adjacent to a residential zone district, a 6' fence and a wall would be required. If you had a C-2 zone district adjacent to residential, an 8' buffer and a wall would be required. She confirmed that there were buffer requirements adjacent to residential depending on what the commercial or industrial uses were.

Lisa Cox interjected that she thought the reason was the differences between the zone districts and the allowed uses. In the R-O where only a landscape strip was between the two, that was meant to be a transitional zone district that would blend from residential to compatible uses within the neighborhood. With a B-1 zone district where different kinds of uses were allowed, with longer hours of operation or potentially negative impact on a residential development, more would be required. The buffering and the screening provisions got progressively more intense.

Commissioner Benoit asked if another way of saying that would be the proposed zoning change would require more buffering and screening than the current zone. Lisa Cox confirmed that was correct.

Commissioner Couch asked if a fence would be required. Ms. Cox said that a fence would be required in the B-1 and that there were more restrictive buffering and screening requirements in the B-1 than with the R-O.

Commissioner Couch asked if it mattered that the property to the east was not in the City in terms of the zone district. Ms. Cox said that she believed it was screened against a use not whether or not they were within City limits or not.

**PUBLIC COMMENT**

John Stephenson, 601 Ronlin Drive, shared with Mr. Vig the concerns of the buffer of the fence between the two properties. He also voiced a concern with this being a retail outlet that there would also be the potential of theft, crime and felt he had a valid concern about the security of his property bordering a retail location. Another concern

he had was typically the buffer area would become a break area for employees so there would be increased noise, and potentially trash. There was also the potential for trash dumpsters being placed against the property line. Mr. Stephenson said that while he promoted local business, he wanted to protect his property as well as its value. Lastly, Ronlin Drive was one block east of 30 Road and it received a limited amount of traffic now but he was afraid that with commercial activity that there would be more traffic and did not believe Ronlin Drive could accommodate an increase in the traffic.

### **QUESTIONS**

Commissioner Carlow asked where the access would be. Ms. Costello said the proposed access would be lined up with Rite Aid along 30 Road. No access would be allowed to Patterson Road and all onsite circulation would be at the access that lined up with the Rite Aid access point. There was no developmental proposal for the north end of the property.

Commissioner Benoit asked if the property was split, would it then be a shared access. Ms. Costello said that it would be a shared access and confirmed that they had discussed with the applicant the requirement for a shared access and they would need to grant a shared ingress-egress easement and cross-circulation easements for both pieces of property.

Commissioner Carlow asked if there was a difference in hours of operation. Ms. Costello said that the B-1 zone district hours of operation were restricted to between 5:00 a.m. and 11:00 p.m., with no onsite occupation of the property allowed outside of that timeframe.

Commissioner Couch believed they were at a disadvantage not knowing what the use would be. Ms. Cox pointed out that with any rezone, the Planning Commission should consider whether the request was appropriate irrespective of what the proposed use might be. The Commission should consider whether or not the request to rezone was consistent with the Comprehensive Plan. She added that the Commission's decision should not be based on who might develop the property but whether or not the proposed request was appropriate and whether or not the rezone criteria had been satisfied.

Commissioner Benoit asked if whatever might be proposed in the near or distant future would it have to go through a full review process. Ms. Cox said that it would but the process more than likely would be administrative; but if a Conditional Use Permit was required, then it would be brought before the Planning Commission. It would either go through a full administrative review process with notification or it would go through a public hearing process if appropriate.

**MOTION: (Commissioner Benoit) "Mr. Chairman, on Rezone, RZN-2012-193, I move that the Planning Commission forward a recommendation of the approval for the 3000 Patterson Road comprehensive plan future land use designation from Residential Medium to Commercial and Rezone from R-O (Residential**

**Office) to B-1 (Neighborhood Business) with the findings of fact, conclusions, and conditions listed in the staff report.”**

Commissioner Buschorn seconded the motion. A vote was called and the motion passed by a vote of 5 – 1, with Commissioner Leonard opposed.

**6. Area 6 Rezone – Rezone**

Request a recommendation of approval to City Council to rezone twenty-one (21) parcels totaling 12.5 acres from a C-2 (General Commercial) to a C-1 (Light Commercial) zone district.

**FILE #:** RZN-2012-76  
**APPLICANT:** City of Grand Junction  
**LOCATION:** 216 North Avenue and 20 other parcels  
**STAFF:** Dave Thornton

**STAFF’S PRESENTATION**

Dave Thornton, Principal Planner, City of Grand Junction Public Works and Planning Department, addressed the Commission on the proposed rezone of 21 properties located along North Avenue between 2<sup>nd</sup> and 5<sup>th</sup> Streets. The Comprehensive Plan showed the area as part of a larger Neighborhood Center and Mr. Thornton pointed out that the C-2 zone district was in conflict with the land use identified in the Comprehensive Plan’s designation of neighborhood center.

Mr. Thornton identified other zone districts as B-1 to the north; C-1 across the street on the south side of North Avenue as well as to the west and to the east. He said that the proposed rezone area was an island of C-2 with just about all of North Avenue being within the City limits zoned C-1. He officially entered the staff report into the record and pointed out the differences between the C-1 and C-2 as generally C-1 allowed multi-family residential and some group living facilities whereas C-2 did not. Some uses allowed in a C-2 are not allowed in the C-1 include outdoor manufacturing as well as some warehouse freight and wholesale business which sell strictly to commercial, industrial and institutional type land uses.

Mr. Thornton did not find any existing businesses in the proposed rezone area that would not be allowed in the C-1 zone district. This has not always been the case. Several uses previously not allowed have become allowed uses with the change of the Code over the years. He recommended that the Planning Commission forward a recommendation to City Council as that it met the goals and policies of the Comprehensive Plan as well as the requirements of the Municipal Code.

**QUESTIONS**

None.

**PUBLIC COMMENT**

None.

**DISCUSSION**

Commissioner Benoit said that it made a lot of sense to him especially in conjunction with the work being done along North Avenue.

Chairman Eslami said that it made a lot of sense to him as well.

**MOTION: (Commissioner Benoit) “Mr. Chairman, on Rezone, RZN-2012-76, I move that the Planning Commission forward a recommendation of the approval for the Area 6 (Yellow) Rezone from C-2 (General Commercial) to C-1 (Light Commercial) with the findings of fact, conclusions listed in the staff report.”**

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

**General Discussion/Other Business**

Lisa Cox reminded the Planning Commission that there would be no second meeting in April and the next Planning Commission hearing would be May 8<sup>th</sup>.

**Nonscheduled Citizens and/or Visitors**

None.

**Adjournment**

With no objection and no further business, the Planning Commission meeting was adjourned at 6:58 p.m.