

**GRAND JUNCTION PLANNING COMMISSION  
MAY 8, 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 (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 Buschhorn (Alternate). Commissioners Reginald Wall (Chairman), Lynn Pavelka (Vice-Chairman) and Gregory Williams were absent.

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

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 10 interested citizens present during the course of the hearing.

**ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**Consent Agenda**

Chairman Eslami asked if items listed for Public Hearing could be put on the Consent Agenda so that all items would be on the Consent Agenda. Acting Chairman Eslami briefly explained the Consent Agenda and invited the public, Planning Commissioners, and staff to speak if they wanted any item pulled for additional discussion. At public request, Item 3 was pulled for a Public Hearing. In addition, Commissioner Leonard requested Item 8 remain on the Public Hearing agenda. After discussion, it was clarified that Items 3, 4, 6 and 8 would be Public Hearings items and the Consent Agenda would consist of Items 1, 2 and 7.

**MOTION: (Commissioner Couch) “I make a motion that we move Items 5 and 7 to the Consent Agenda and move 3 from the Consent to the Public Hearing.”**

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

Jamie Beard, Assistant City Attorney, interjected that the motion had been made and passed to move items to the Consent Agenda, however, there hadn't been a motion to approve the Consent Agenda.

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

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

**1. Minutes of Previous Meetings**

Approve the minutes of the February 28 and March 13, 2012 regular meetings.

**2. North River MPE Vacation – Vacation of Easement**

Request a recommendation of approval to City Council to vacate a portion of a multipurpose easement between South 5th Street (US Highway 50) and the Riverside Parkway, which is no longer needed.

**FILE #:** VAC-2012-248

**PETITIONER:** City of Grand Junction

**LOCATION:** North Bound 5th Street off-ramp to Riverside Parkway

**STAFF:** Brian Rusche

**3. Mountain View Estates – Subdivision – Extension Request – PULLED FOR PUBLIC HEARING**

**4. Area 15 Rezone – Rezone – PULLED FOR PUBLIC HEARING**

**5. Area 21 – Comprehensive Plan Amendment – MOVED TO CONSENT AGENDA**

Request a recommendation of approval to City Council of a Comprehensive Plan Amendment to change the Future Land Use Designation from Downtown Mixed Use to Commercial on 3.5 acres.

**FILE #:** CPA-2012-178

**PETITIONER:** City of Grand Junction

**LOCATION:** 1301, 1315, 1321, 1331, 1345, 1351 Ute Avenue; 340 South 13<sup>th</sup> Street; 1203, 1227, 1315, 1346 Pitkin Avenue

**STAFF:** Greg Moberg

**7. Area 23 – Comprehensive Plan Amendment – MOVED TO CONSENT AGENDA**

Request a recommendation of approval to City Council for a Comprehensive Plan Amendment to change the Future Land Use Designation from Commercial/Industrial to Industrial on 44.308 acres.

**FILE #:** CPA-2012-210

**PETITIONER:** City of Grand Junction

**LOCATION:** 2259 River Road

**STAFF:** Lori Bowers

**Public Hearing Items**

**3. Mountain View Estates – Subdivision – Extension Request – PULLED FOR PUBLIC HEARING**

Request approval of a two-year extension to the Preliminary Subdivision Plan for Mountain View Subdivision, a 61 single-family lot subdivision, on 19.17 acres in an R-4 (Residential 4 du/ac) zone district.

**FILE #:** PP-2008-212  
**PETITIONER:** Bill Ogle – Level III LLC  
**LOCATION:** 2922 B 1/2 Road  
**STAFF:** Senta Costello

**STAFF’S PRESENTATION**

Senta Costello, Senior Planner, Public Works and Planning Department, addressed the Commission regarding Petitioner’s request for a two year extension to the Preliminary Plan approval for Mountain View Estates. The property, located north and east of 29 and B-1/2 Roads, currently had a single-family house and was largely used for agricultural purposes. The subject property was surrounded by other agricultural properties as well as single-family subdivisions.

Ms. Costello stated that the Comprehensive Plan designation was Residential Medium Low as were all of the surrounding properties and the zoning was R-4. The surrounding properties were either City R-4 or County RSF-4 designations with some RSF-R County properties further to the east. She pointed out that the Blended Map for this property was Residential Low which allowed up to a maximum of 5 dwelling units per acre.

Ms. Costello affirmed that the subdivision originally came before the Planning Commission in May 2009, was approved on May 26, 2009 by the Planning Commission but the developer did not turn in a final plan for approval by the end of the two-year allowance. Ms. Costello advised that the Code allowed for one administrative extension which the developer had taken advantage of and which extended their deadline to May 2012. The petitioner did submit this two-year extension request in April due in large part to the economics in the valley which had prohibited actual submission of the final plan and development of the subdivision.

**QUESTIONS**

Commissioner Carlow asked if it was still petitioner’s intention to complete it all in one phase. Ms. Costello confirmed that was correct at this point.

Commissioner Couch asked if staff was recommending approval of this extension. Ms. Costello said they were given the economic situation and she clarified that if things were to turn around, they were not limited to waiting until the end of the two years to turn something in but they could turn it in anytime within that two-year time period.

**PUBLIC COMMENT**

David Crow said that he owned the property at 2932 B-1/2 Road and asked if the original plat would still hold which was a preliminary plat or would it go back before the Planning Commission. Chairman Eslami stated that it would hold the way it was. Mr.

Crow next asked if he was correct that the map showed one road entering into his 80 acres which would eventually be developed. Chairman Eslami confirmed that he was correct and that it would stay that way until he developed his property. Mr. Crow asked for clarification of who the developer of the property was.

Ms. Costello said that all of their records indicated that the property was owned by Level III Development LLC with the primary contact being William Ogle. She stated that the petitioner had a representative present at the hearing this evening.

**PETITIONER’S PRESENTATION**

Jim Joslyn, an employee of Austin Civil Group, confirmed that William Ogle was the owner of Sorter Construction, and together with several others were a part of the Level III Group.

**DISCUSSION**

Commissioner Couch stated that it seemed to him to be a straightforward request and extension of an existing request that was approved in 2009.

Chairman Eslami concurred with Commissioner Couch.

**MOTION: (Commissioner Leonard): “Mr. Chairman, I move we approve a two-year extension of the Preliminary Subdivision Plan approval for Mountain View Subdivision, file number PP-2008-212, 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 6 - 0.

**4. Area 15 Rezone – Rezone – PULLED FOR PUBLIC HEARING**

Request a recommendation of approval to City Council to rezone two (2) parcels totaling 9.629 acres from an R-R (Residential Rural) to an R-5 (Residential 5 du/ac) zone district.

**FILE #:** RZN-2012-70  
**PETITIONER:** City of Grand Junction  
**LOCATION:** 720 24 1/2 Road and the parcel directly to the south  
**STAFF:** Brian Rusche

**STAFF’S PRESENTATION**

Brian Rusche, Senior Planner, with the Public Works and Planning Department made a PowerPoint presentation on a City-initiated rezone for two parcels from Residential Rural to Residential 5 dwelling units per acre. The property was annexed into the City in 2000. An aerial photograph showed a single-family residence owned by Canyon View Vineyard Church and the larger parcel was the Caprock Academy.

The Comprehensive Plan adopted in 2010 designated the property as Residential Medium and Mr. Rusche advised that the City-initiated rezone requests were meant to

create conformance with the Comprehensive Plan. He said that the existing Residential Rural zoning was inconsistent with the Residential Medium land use designation and an R-5 zone would bring the property into conformance with the plan and would also be consistent with adjacent subdivisions. Mr. Rusche said the rezone would not affect the location of Caprock Academy.

He next addressed questions raised regarding construction at Caprock and advised that Caprock, as a school, was exempt from normal planning review. Mr. Rusche recommended that the Planning Commission consider and recommend to the City Council the requested rezone as they were consistent with the goals and policies of the Comprehensive Plan as well as the Municipal Code review criteria.

**QUESTIONS**

None

**PUBLIC COMMENT**

An unidentified male speaker from the audience stated that their questions had been answered.

**DISCUSSION**

Chairman Eslami stated that it seemed very easy and straightforward.

**MOTION: (Commissioner Benoit): “Mr. Chairman, I recommend that the Planning Commission forward a recommendation of approval of the request to zone RZN-2012-70 to the City Council with the findings and conclusions listed in the staff report.”**

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

Jamie Beard, Assistant City Attorney, said that it had been indicated to her by one of the Commissioners that he would prefer to not sit as a Commission member on the next item as there may be an appearance of a conflict. Commissioner Benoit was excused.

**6. Area 11 Rezone – Rezone**

Request a recommendation of approval to City Council to rezone seven (7) parcels totaling 1.676 acres from a C-2 (General Commercial) to a C-1(Light Commercial) zone district.

**FILE #:** RZN-2012-126  
**PETITIONER:** City of Grand Junction  
**LOCATION:** 488, 490, 492 Melody Ln & 487, 489 1/2, 491 Sparn St + 1 other  
**STAFF:** Lori Bowers

**STAFF’S PRESENTATION**

Lori Bowers, Senior Planner, with the Public Works and Planning Department spoke to the Commission regarding the City-initiated request to rezone 7 parcels from C-2 to C-1

to bring them into conformance with the Comprehensive Plan. She said the 7 parcels were surrounded by Melody Lane on the west; Sparn Street on the east; Teller Avenue on the south; and North Avenue to the north. The area was annexed into the City in 1961 as part of the Central Fruitvale Annexation.

She went on to say that the Comprehensive Plan designated the area as Village Center on the Future Land Use Map. The property was presently zoned General Commercial which was inconsistent with the Comprehensive Plan's Future Land Use Map designation of Village Center. Ms. Bowers said that in order to facilitate and encourage the types of development envisioned by the Comprehensive Plan, a change of the zoning was recommended. A zoning of Light Commercial would support the vision and the goals of the Comprehensive Plan and would implement the Future Land Use designation of Village Center. The zoning change would not impact existing businesses or business residences but would provide maximum opportunity to utilize the redevelopment of the properties in the future.

Ms. Bowers identified the difference in purpose between the C-2 and the C-1 zone districts as the C-1 would provide indoor retail and service and office uses which required direct or indirect arterial street access. In addition, the C-1 zone district would permit multi-family residential and group living facilities as land uses where appropriate. C-2 zonings would provide for activities such as repair shops, wholesale businesses and warehousing and only a business residence was allowed as a housing opportunity under the C-2 zone. She identified certain land uses allowed in both zone districts. She advised that all existing uses were allowed under the C-1 zone and rezoning the properties would allow more opportunities for the redevelopment in line with the Village Center concept which encouraged employment, residential, service-oriented and retail uses.

According to Ms. Bowers, all property owners had been notified of the proposed rezone by mail and invited along with other property owners in the area to attend an open house that was held on March 7, 2012. Three property owners or their representatives had contacted the Planning staff prior to this meeting to request a separate meeting to explain the differences between the C-1 and the C-2 zoning designations and how that may impact their property. After the meeting, two citizens responded by e-mail that they were adamantly opposed and did not want the property rezoned. In addition, one neighboring property owner called to discuss the rezone and how it may impact their property.

Ms. Bowers concluded that the requested rezone was consistent with the goals and policies of the Comprehensive Plan and the applicable review criteria of the Grand Junction Municipal Code had been met regarding Code amendments and rezoning.

### **QUESTIONS**

Commissioner Couch asked what the result of the private meeting was. Ms. Bowers confirmed that she had met with three citizens and explained to them the reason for the rezone and the differences between C-1 and C-2 zoning.

**PUBLIC COMMENT**

Marie Ramstetter, 929 Main Street, said she was the managing partner of JVR – the southeast corner. She said she did not see any need for the rezone and cited some reasons for that – everything to the south was the same.

**QUESTIONS**

Commissioner Leonard asked Ms. Ramstetter if the adjacency rule had been explained to her. Ms. Ramstetter said that she did not recall that it was.

Commissioner Leonard asked City staff to explain the adjacency rule and wondered whether or not the adjacency rule would apply to this property. Ms. Bowers said the possibility could exist; however, they were trying to bring the zoning into conformance with the Comprehensive Plan. It would only be on further redevelopment of the property that the adjacency rule could be applied and she did not think it was appropriate at this time because there was no development planned. She added that they were only trying to prepare the properties for possible development in accordance with the Comprehensive Plan. Greg Moberg, Planning Supervisor, added that the adjacency rule was not being used to rezone this property and this property was already zoned C-2. He went on to say that if the zoning remained C-2, a Comprehensive Plan Amendment would have to occur because the C-2 zone is not consistent with the Village Center Future Land Use designation.

Commissioner Leonard asked that if by chance the Planning Commission approved the rezone, could the property owner come back to request a rezone at the same time as a Comprehensive Plan Amendment under the premise of the adjacency rule. Mr. Moberg said they certainly could. In addition, if City Council made the decision to rezone it, then the owners could use that rule to try to rezone it the other way.

Commissioner Leonard asked why this was being done if the property owners didn't want it. Mr. Moberg explained that currently the Comprehensive Plan designated this area as Village Center and the Land Use designation was in conflict with the C-2 zone. He pointed out that the allowed uses would be more limited because only the uses allowed in a C-1 and not the C-2 zone would be allowed unless there was a Comprehensive Plan Amendment. He added that one of two things needed to happen – the area needed to either be rezoned to conform with the Comprehensive Plan or the Comprehensive Plan needed to be amended. He pointed out that staff had recommended that the property be rezoned to C-1 rather than a Comprehensive Plan amendment.

Commissioner Leonard said that he viewed this as a very analogous situation to the rezone in which a property was recently rezoned whereby the Comprehensive Plan designation was ignored and he did not see much of a difference except the rezoning was being pushed by the City in compliance with the Comprehensive Plan. Mr. Moberg pointed out that the adjacency rule only applied to those properties that were directly adjacent to a zone.

Commissioner Couch asked if there was something about the C-1 zone that may negatively affect Ms. Ramstetter's use of the property. Ms. Ramstetter advised that it was the future use that she was worried about. She further stated that it was her experience with the City that was driving her desire for the property to stay just the way it was. She said that in this case she could see that it could possibly damage her position.

Commissioner Carlow asked for an explanation of a portion of the document that said that it would maximize the opportunity to utilize or redevelop the property in the future.

**PUBLIC COMMENT**

Michael Melgares said that he had two properties and could not see a reason at the present time that this needed to be changed to a different zone. He added that he had some interest in his property as C-2; however, the potential buyer's spirit had been dampened when he found out it may be changed to C-1. He said that he saw no reason a future owner could not change it to the desired or acceptable zoning in the area and objected to this rezone.

**QUESTIONS**

Chairman Eslami asked for clarification if they came to do something now with the C-2 zoning, could they do that now or would they have to apply for a zoning change. Mr. Moberg said that because of the conflict, any C-2 use that is not allowed under the C-1 zone would not be allowed on that property.

Commissioner Couch asked if the person interested in the Melgares' property had withdrawn his offer as a result of this change. Mr. Melgares said that as of now he had not because he had wanted to use it as a residence and as a business

Commissioner Buschhorn asked for clarification of the difference between a business residence and home occupation. Ms. Bowers said that a single-family residence was not allowed in C-2 zoning. There could be home occupations in most of the residential zone districts. In C-2, single-family residences were not allowed; business residences were appropriate. Mr. Moberg clarified that in a home occupation, the primary use of the property was single-family residential; in a business residence, the primary use of the property was the business and the secondary use would be the residence.

Commissioner Leonard asked if the list shown was an exhaustive list of the differences between the C-1 and the C-2. Ms. Bowers said that it was not but she had provided the complete zoning matrix to those people she had met with.

**PUBLIC COMMENT**

Maria Serafino said that she owned 492 Melody Lane and agreed with her neighbors and did not see the need for such a change.

**QUESTIONS**



Commissioner Carlow asked if there was a discrepancy in the operating hours. Jamie Beard, Assistant City Attorney, said the main difference between a business residence and a home occupation was that a home occupation was extremely limited as far as any type of clients going to the residence or deliveries. For a business residence, one could operate a business there. If you also resided on the property, the one who resided there would have to be specifically connected to the business. She added that uses allowed in a home occupation were very limited as far as clientele so it would appear that it was still a residence.

Commissioner Leonard asked for the definition of adjacent. Ms. Beard said that adjacency was normally based on the Code talking about something that was within 100 feet of a property; however, she understood that when the adjacency rule was connected to the Comprehensive Plan, it was really abutting properties whereby the properties that were next to that particular property and would still include properties just across the street.

Commissioner Leonard asked the property owner who owned property that abutted Teller Avenue could use the adjacency rule if the Planning Commission determined that they wanted to rezone the property tonight. Ms. Beard confirmed that it could be looked at. She added that a Village Center was a special area with the idea to create places where people could live and also work.

Commissioner Leonard asked if the lines on the Comprehensive Plan were set in stone or was there some variation where a different designation could be looked at. Ms. Beard said that in different areas there were different possibilities and that was one of the advantages of Village Centers. However, under special circumstances, they could be more specific to an actual parcel and what they wanted to do, so long as it still met the goals and purposes of the Comprehensive Plan. Without that additional information, it was difficult to make those decisions at this time. This rezoning was trying to get them into compliance for the most uses possible at this particular time.

### **DISCUSSION**

Commissioner Leonard said that he was not in favor of this rezoning.

Commissioner Couch said that he thought the Village Centers were a very good idea and he was not swayed by the vague objections but commented on Mr. Melgares' objection as it could complicate commerce.

Commissioner Buschhorn said that he was not comfortable changing the zoning to bring it in line with the Comprehensive Plan. He said that he did not feel it was the Commission's place to push the rezoning on them.

Chairman Eslami said that this made sense to him to rezone.

**MOTION: (Commissioner Couch): "This is the Area 11 Rezone, I make a motion that we approve the requested recommendation for 7 parcels totaling 1.676 acres**

**from C-2 (General Commercial) to C-1 (Light Commercial), File No. RZN-2012-126 – the Petitioner is the City of Grand Junction.”**

Commissioner Buschhorn seconded the motion. A vote was called and the motion failed by a vote of 4 – 1 with Chairman Eslami in favor.

Commissioner Leonard asked if City staff could inform the audience when the City Council would hear this matter. Ms. Bowers announced that currently this was scheduled for first reading on June 6<sup>th</sup> – on the Consent Agenda; the second reading on July 18<sup>th</sup> – which would be the Public Hearing. Ms. Beard advised that on some occasions some items do get continued or set for different dates so they do have the opportunity to check in with the Planning Department or the City Clerk as well as the schedules and calendars on the City website.

Commissioner Buschhorn asked if it was appropriate to make the recommendation to change the Comprehensive Plan to align with the zoning. Mr. Moberg said that he would have requested that it was part of why the Commission voted against it but thought there had been enough discussion that it was clear that was what was wanted. Ms. Beard said it had been made clear what the Commission wanted and if the City Council did not approve the zone changes, then the expectation would be that staff would look at a change in the Comprehensive Plan.

**8. Area 22 – Comprehensive Plan Amendment**

Request a recommendation of approval to City Council for a Comprehensive Plan Amendment to change the Future Land Use Designation from Commercial to Commercial/Industrial on 3.908 acres.

**FILE #:** CPA-2012-208  
**PETITIONER:** City of Grand Junction  
**LOCATION:** 2892 & 2896 Hwy 6 and 24 and 2886 & 2898 I70 Business Loop  
**STAFF:** Senta Costello

**STAFF’S PRESENTATION**

Senta Costello, Senior Planner, addressed the Commission on the Area 22 City-initiated Comprehensive Plan Amendment that included four properties. The properties were located north of I-70 B and west of 29 Road – right below the new overpass over I-70 B from Highway 50 north to North Avenue. All four properties were developed and noted that the Comprehensive Plan for these properties was currently Commercial and surrounded to the north and east by Commercial; and to the south and west by Commercial/Industrial. The current zoning on the properties was I-1.

Ms. Costello said that an open house was held in March and had a discussion with two property owners before the open house and discussed what their properties were used for, what they looked for long-term and how their current sites functioned. Since the construction of the 29 Road overpass, the access and circulation around and to these properties had been drastically changed. She identified access from all four sides prior to the completion of the 29 Road overpass. Since that time, access was limited

primarily to the Frontage Road which ended in a cul-de-sac at the east end and going down either Melody or Sparn.

Ms. Costello said the uses were primarily contractor-type uses and were more destination-type uses. She said that by changing the Comprehensive Plan designation to Commercial/Industrial made more sense than changing the zoning to a C-2 designation. There was a conflict with these properties with current zoning and the current Commercial Future Land Use designation. She added that it would not prohibit any of the property owners in the future if they wanted to rezone to a C-2 zone district without the need for a Comprehensive Plan Amendment.

Next, she stated that she had received calls from the three property owners who were in complete support of the proposed amendment. Ms. Costello concluded that they had recommended approval of the amendment to the Comprehensive Plan designation from Commercial to Commercial/Industrial which would match the properties to the south and west.

### **QUESTIONS**

Commissioner Carlow asked if there were non-conforming residential on the property. Ms. Costello said there were none on these particular properties.

### **PUBLIC COMMENT**

Dennis Lucas, owner of 2892 and 2896 I-70 B, said that he as well as the other owners felt that with the amendment, it would work better for the property owners.

### **DISCUSSION**

Commissioner Leonard said that originally he did have some questions about the public input section as it referred to phone and e-mail discussions; however, the planner answered his questions.

**MOTION: (Commissioner Leonard): “Mr. Chairman, on File CPA-2012-208, Grand Junction Comprehensive Plan Future Land Use Map Amendment to Title 31 of the Grand Junction Municipal Code, I move that the Planning Commission forward a recommendation of approval of the proposed Amendment with the facts 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 6 - 0.

### **General Discussion/Other Business**

Greg Moberg said that he had handed out some information related to downloading pdf files that could be commented on by the Commissioners. He also reminded the Commissioners that there would be a meeting on May 22<sup>nd</sup> in the new City auditorium. He thanked the County for allowing the meetings to be held in their Public Hearing Room. Lastly, he reminded the Commission about the June 6<sup>th</sup> retreat at the Hospitality Suite at Stocker Stadium.

Commissioner Leonard thanked City staff for getting the Adobe set up and believed it would be a benefit to everyone.

**Nonscheduled Citizens and/or Visitors**

None

**Adjournment**

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