

**GRAND JUNCTION PLANNING COMMISSION  
SEPTEMBER 11, 2012 MINUTES  
6:00 p.m. to 6:47 p.m.**

Planning Manger Lisa Cox stated that the Commission needed to select a Commissioner to act as Chairman and Ebe Eslami volunteered. A motion was not necessary because the Commission agreed to have Commissioner Eslami serve as Acting Chairman. The regularly scheduled Planning Commission hearing was then called to order at 6:00 p.m. by Acting Chairman Eslami. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Pat Carlow, Ebe Eslami, Keith Leonard, Loren Couch and Jon Buschhorn. 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), Lori Bowers (Senior Planner) and Rick Dorris (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 11 interested citizens present during the course of the hearing.

**ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

Lisa Cox reminded the Planning Commission and the general public that on September 18<sup>th</sup> there would be an Open House for the North Avenue Overlay Corridor being held at A Taste of Heaven Catering, 2817 North Avenue, from 4:00 p.m. to 6:30 p.m. The purpose of the Open House was to get feedback on the proposed overlay standards and to learn more about development opportunities along the corridor.

**Consent Agenda**

**1. Minutes of Previous Meetings**

None available at this time.

**2. Rohner Annexation – Zone of Annexation**

Request a recommendation of approval to City Council to zone .44 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-4 (Residential 4 du/ac) zone district for jurisdiction to replat a Condo to a Simple Subdivision per the Persigo Agreement.

**FILE #:** ANX-2012-374

**APPLICANT:** Jo Ann Rohner and Goode Family Trust

**LOCATION:** 249 Abraham Avenue #1 and #2

**STAFF:** Lori Bowers

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. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the Consent Agenda.

**MOTION: (Commissioner Carlow) “Mr. Chairman, I move we accept the Consent Agenda as read.”**

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

**Public Hearing Items**

**3. Grand Junction Regional Airport Master Plan – Institutional & Civic Facilities Master Plan**

Request a recommendation of approval to City Council of an Institutional and Civic Facility Master Plan for the Grand Junction Regional Airport.

**FILE #:** FMP-2012-255  
**PETITIONER:** Rex Tippetts – Grand Junction Regional Airport Authority  
**LOCATION:** 2810 H Road  
**STAFF:** Lori Bowers

Jamie Beard, Assistant City Attorney, said that it had come to her attention that someone from the public, specifically from the Grand Junction Airport Users and Tenants Association, had indicated to staff that they were interested in requesting this item be continued. Additionally, they wanted an opportunity to address the Commissioners before proceeding with the full hearing. Acting Chairman Eslami granted the request to address the Commission.

**PUBLIC COMMENT**

David Shepard appeared as President of the Grand Junction Regional Airport Users and Tenants Association, a Colorado non-profit corporation, registered at 455 Escondido Circle, Grand Junction, and said that a member of the Board of Directors, Guy Parker, was also present. Mr. Shepard stated that their organization included approximately 200 individuals and businesses that have used or were tenants of the airport. He outlined the two reasons for the existence of the association – to promote aviation for the benefit of all citizens of the Grand Valley and secondly, to promote high standards for performance, transparency and ethical conduct in the management of the airport.

Mr. Shepard stated that their organization had significant problems with the authority’s request for a favorable recommendation. He said that their members had very legitimate reasons for approaching any request by the authority with caution and a certain amount of unease. This, according to Mr. Shepard, was based on the authority’s completion of a \$5 million construction project which consisted of fencing and

gates allegedly to control wildlife. The project was executed in bulk without review or permitting by the Planning Department. A statement made to the City Council by the director of aviation on September 14, 2009, that the fence and gate system were required by the FAA was misleading and inaccurate in their opinion. He went on to say that a review of the public record revealed a recommendation made by the FAA for coordination and consultation with local planning officials for a wildlife study but not a fence. As a result, they opined that an unpermitted project was built that did not control wildlife but rather cut off access which had significant and negative consequences for the public and their members.

In their request for a continuance of the application, they stated they were unable to discern what the master plan was talking about. Mr. Shepard identified two master plans which he referred to as master plan A and master plan B. If this application was based on master plan A, their organization would object based on too many blanks. It was his understanding, through a discussion with City Attorney John Shaver, that the airport had made additional submissions recently and now believed an additional document existed which he referenced as master plan B. An inference made by their organization was that the application and notice were tied to master plan A and stated that they had not seen plan B. According to Mr. Shepard, they were unaware of what they were being asked to comment on and were also unclear of what portion of the master plan was up for review.

On behalf of the Grand Junction Airport Users and Tenants Association, he requested this matter be continued so that the applicant could more fully communicate with the public with clarity as to the nature and scope of their submission prior to asking for approval. This should include making material available and definition of the mechanism for the public so that the public could make an informed decision and comment. He suggested the applicant hold another set of public meetings on master plan B and clearly point out all changes from master plan A before asking for a favorable report from City Planning. He added they were acutely aware that master plan A had a number of significant insertions pertaining to security and inferred that there may have been a number of deletions from the public whereby the airport claimed some security exclusion from public review and comment. Their organization strenuously objected as it was improper for any applicant to define the scope of material put before the public. Next, he asked if the airport's submission had any statement related to redactions or omitted materials because of security that there would have to be a finder of fact as it was a matter of law and encouraged deferment to counsel.

Jamie Beard, Assistant City Attorney, stated that as there was an opportunity for those requesting a continuance to speak, the applicant would be allowed the opportunity to respond. She requested that the focus be on the request for the continuance. She believed part of the confusion with this item was that there was an airport master plan; however, the airport master plan was not necessarily the master plan that was before the Commission. She clarified that a civic master plan was before the Commission required by the Zoning and Development Code.

**APPLICANT'S RESPONSE**

Tim Malloy, an airport representative, confirmed that there were two different master plans. The application submitted included several attachments, which included among other documents, the Airport Master Plan Update, approved and submitted to the FAA in December 2009, and which provided the bulk of the background information related to facilities proposed at the airport and the rationale for why those facilities had been proposed. He added that that document was the subject of a neighborhood meeting conducted on February 10, 2010 in preparation for submission for civic master plan review. It was determined by staff and applicant that it made sense not to pursue the civic master plan application based on the master plan update alone but to combine the terminal area work that was being done with the master plan and come back with one combined application.

Mr. Malloy pointed out that the Terminal Area Plan was the second key supporting document for the civic master plan. The terminal area plan was specific to the details related to the terminal area and its potential remodel and some potential relocation of facilities. He noted that the civic master plan would consist of two documents – an update to an ordinance that already existed - Ordinance 3679 - the ordinance that governed development at the airport. A very minor change to that ordinance had been proposed and would provide a clearer map that was more legible and also to change the review requirements to be more consistent with an amendment to the Land Use Code. The second piece was the adoption of the master plan and added that all of the documentation provided for review had been made available as well as the submission of additional supplemental information.

Mr. Malloy pointed out that in addition to the neighborhood meeting held with regard to the master plan, a neighborhood meeting was also conducted for both the terminal area plan and the master plan on October 17, 2011 with submission of the application being made on April 5, 2012. He pointed out that they had conducted the requisite neighborhood meeting for both the terminal area plan and the master plan. This evening's meeting was a noticed public hearing and the required posting was made as well. He found this to be a legally noticed public hearing and affirmed that another public hearing before the City Council would be held in the future. He argued that there had been ample opportunity for public review of the documents and that all noticing requirements were legal and in place.

**QUESTIONS**

Commissioner Carlow asked the applicant if they were under any legal obligation to provide data to Mr. Shepard's organization. Mr. Malloy confirmed that the information they had provided was public information and reiterated that the Master Plan Update was available on the airport's website. In addition, the terminal area plan along with all of the other documentation submitted were available both digitally and hard copy.

Commissioner Leonard asked when the electronic versions were made available on the website. Mr. Malloy believed the master plan update was posted to the airport's website shortly after it had been sent to the FAA – either December 2009 or January 2010.

Commissioner Leonard asked if any significant changes had been made to that. Mr. Malloy stated that no changes at all had been made to the Airport Master Plan Update.

Commissioner Couch brought up an issue about security matters raised earlier by Mr. Shepard and asked if anything in the application had anything to do with the security of people who used the airport. Jamie Beard, Assistant City Attorney, cautioned that they had to keep more to the civic master plan and pointed out that the civic master plan would not deal with security issues for the most part other than how they would affect matters. Mr. Malloy spoke to a belief that there may have been some aspects of the document which had been either blanked out or redacted because of security reasons, and they were entirely unaware of any redactions for any reason in any of the submitted documents.

Commissioner Buschhorn asked if the airport tenants were provided notice of the neighborhood meetings. Mr. Malloy said that he did not actually have the mailing list with him but it was his understanding that the notice requirement was for everyone within a thousand feet of the airport boundaries as well as those on site.

Acting Chairman Eslami asked when the neighborhood meeting was held. Mr. Malloy stated that it was held on October 17, 2011.

Jamie Beard pointed out that procedurally she thought there was some confusion between the airport master plan and the civic master plan. Lori Bowers confirmed that they had received the application on April 5, 2012 in a pdf format; however, hard bound copies had been received via Federal Express on or about August 10, 2012. Those copies were provided to the Planning Department, City Clerk's office and the City Attorney's office.

Acting Chairman Eslami asked when the notification of the public hearing had been sent. Ms. Bowers said the first time the signs were posted was on June 27<sup>th</sup> for a scheduled hearing date of July 10<sup>th</sup> but that had been withdrawn; on August 3<sup>rd</sup>, they met informally and determined that they would try to move this forward to this date, and again on August 31<sup>st</sup> two more signs were picked up and posted.

Commissioner Buschhorn asked where the signs were posted. Ms. Bowers was unsure but confirmed they would have been placed on airport property.

Acting Chairman Eslami asked Mr. Shepard if the requested continuance was for more time to access the documents. Mr. Shepard stated that it was due in large part to confusion over the description provided. In addition, he believed this was highly unsatisfying to be told that the answers were all there on the airport's webpage but there was no identification made as to whether it was the airport's master plan or the civic master plan as it was undated. He added there was a fundamental question about the public's right to access information so that they could make an informed comment at a public hearing and furthermore, was dissatisfied that notice had been sent and/or

received on the Thursday before the public hearing the following Tuesday. Guy Parker, also on the board of the Grand Junction Users and Tenants Association, said that he had gone to the airport probably every other day for the last two years and he had not seen any Planning Commission sign posted. He added that he was on the airport board mailing list and he had not received notice. Mr. Parker pointed out that if there was a 1,000 foot notice requirement that there were really no residents nor businesses within 1,000 feet and effectively notice had not been given to anyone in their group.

Commissioner Carlow asked if the continuance was granted, would they then have access to those documents. Mr. Parker said that he had looked on the Planning Commission's website and he could not identify what they were talking about this evening. He did not believe the documents posted were specifically identified and there was no documentation about a civic application versus an airport application.

Commissioner Carlow asked Ms. Beard if the applicant was required to differentiate between the two. Ms. Beard said they were not required to put anything on their website with regards to Planning Commission's approval of a civic master plan. The City held the file and all of the information in the file and they could come to the City to review the plan. The difficulty in downloading was that it was such a big file and there could be no guarantee everyone would be able to download the file in its entirety. She indicated that the planner had taken the time to try and decipher in the documents provided the specific ones being recommended to the Commission for consideration of the actual civic master plan.

### **DISCUSSION**

After hearing the argument and rebuttal presented, Commissioner Carlow advised that he would be in favor of a continuance.

Commissioner Couch stated that he would not be inclined to agree to a continuance, except if there was time available on an upcoming agenda. He said that if time was available in the near future, a short continuance may be advisable.

Acting Chairman Eslami said that he would also agree to a continuance.

Commissioner Buschhorn said that he was rather opposed to the continuance as he believed proper notice was given and he did not think the City was required to guarantee receipt of the notice. He believed the standards for notification had been met and adequate time to review the application provided.

Commissioner Leonard asked if they had a list of those who had been notified. Lisa Cox said a mailing list would have been generated based on the Code requirements and would be in the file. Commissioner Leonard asked if the organization Mr. Shepard represented was notified. Ms. Cox said that Mr. Shepard had stated he had received a postcard.

**MOTION: (Commissioner Carlow) “Mr. Chairman, I move that we continue this item until October 23<sup>rd</sup>.”**

Commissioner Buschhorn seconded the motion. A vote was called and the motion passed by a vote of 3 – 2, with objection by Commissioners Couch and Buschhorn.

Commissioner Leonard asked if there was a way to make sure that it be made very clear what sections of the master plan were under consideration in order to avoid any further confusion. Lisa Cox confirmed that the only plan posted on the City website was the civic master plan.

**General Discussion/Other Business**

None.

**Nonscheduled Citizens and/or Visitors**

None.

**Adjournment**

With no objection and no further business, the Planning Commission meeting was adjourned at 6:47 p.m.