

Grand County Planning Commission Minutes

February 27, 2008

A regular meeting of the Grand County Planning Commission convened on the above date at 6:00 PM in the Council Chambers of the Grand County Courthouse.

Members Present: Chairman Marcus LaFrance, Jean Binyon, Chris Baird, Dave Cozzens, D.L. Taylor and Ed Bridges. Charley Everly was absent.
County liaison – Gene Ciarus

Others Present: County Staff Mark Wright and Mary Hofhine applicants and other concerned citizens. Krissie Killoy was absent.

The Chair asked that all cell phones be turned off; if one goes off during the meeting you will be asked to leave. Please if you need to have a conversation with persons in the room other than when called on step outside the chambers.

The Chair gave a brief explanation of the process the Commission uses for the public hearing process.

The Chair asked the Commission if there were any conflicts of interest that needed to be disclosed on any of the agenda items; there were none.

The Chair opened the public hearing for the rezone request from RR, Rural Residential to HC, Highway Commercial.

Public Hearing - Rezone request from RR, Rural Residential to HC, Highway Commercial. Joe Kingsley applicant Staff read into the record the General Plan as amended to date the Land Use Code as amended to date and staff's report of today's date.

This application is jointly submitted by Ben Byrd and Joe Kingsley (Applicants). The subject property consists of approximately one acre, located on Overlook Road. The application seeks to rezone that portion of the property currently zoned RR, Rural Residential to HC, Highway Commercial.

The property currently has a split zone of HC, Highway Commercial and RR, Rural Residential Zoning. Adjacent properties are: South and West HC, Highway Commercial, East is zone RR, Rural Residential.

The Grand County General Plan is the official guide to zoning and rezoning. The decision to rezone is discretionary to the County; and, burden of proof is on the developer to demonstrate that the site specific development plan is consistent with the standard rezoning criteria of Land Use Code, Sec. 7.2., and the General Plan (4.2.14).

The applicant suggests that the property was rezoned in error, actually staff presumes that it was "not" rezoned in error. When the County zoned the valley in 1978 they essentially zoned properties as they were being used. This particular property was being used as a "tank farm" and refinery in 1978, but was not zoned as the use. This parcel of land should have been rezoned to commercial in 1978 and was in staffs opinion inadvertently left out.

The Commission should review the applicants request and make your decision based on the issues for consideration, including the General Plan criteria.

The Chair opened the public hearing – with no public comment the Chair closed the public hearing and called for a motion by the Commission.

Dave Cozzens moved to recommend approval to the Council finding that the current zone of RR, Rural Residential was implemented in error. Ed Bridges seconded.

The Chair asked if the Commission had questions or comment

Jean Binyon recommended that the staff report be corrected before going to Council.

The Chair called for a vote on the motion – all voted in favor.

Acceptance of Minutes – The January 9th 2008 minutes were accepted with changes, Mr. Baird had requested the remarks from Commission and staff be included in the minutes. Staff will include the discussion by striking the original section in the minutes and including Mr. Baird's changes. The February 13, minutes will be reviewed at the next meeting.

The Chair stated the Council had adopted the Land Use Code amendment. The Chair further extended a personal thanks to Richard Grice and Mary Hofhine for their work on the amendment; and would also like to give his appreciation for all the work that Richard has provided the County for the last 15 years.

Adjournment: The meeting was adjourned at 6:18 PM

Marcus LaFrance, Chairman