

**GRAND JUNCTION PLANNING COMMISSION
APRIL 14, 2009 MINUTES
6:01 p.m. to 6:47 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:01 p.m. by Vice-Chairman Putnam. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were William Putnam (Vice-Chairman), Lynn Pavelka-Zarkesh, Patrick Carlow, Ebe Eslami, Mark Abbott, Rob Burnett (Alternate) and Richard Schoenrad (Alternate). Commissioners Roland Cole (Chairman) and Reggie Wall were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Scott Peterson (Senior Planner), Lori Bowers (Senior Planner), Ronnie Edwards (Associate Planner), Judith Rice (Associate Planner) and Kent Harbert (Development Engineer).

Also present was John Shaver (City Attorney).

Lynn Singer was present to record the minutes.

There were 15 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the February 24, 2009 Regular Meeting.

2. Cell Hub Site – Conditional Use Permit

Request approval of a Conditional Use Permit of a site plan to locate antennas on an existing tower in a C-2 (General Commercial) zone district.

FILE #: CUP-2009-055

PETITIONER: Joe Rozanc – SBA Towers, LLC

LOCATION: 1600 Ute Avenue

STAFF: Ronnie Edwards

3. Lookout Point Subdivision – Preliminary Subdivision Plan

Request approval of the Preliminary Subdivision Plan to develop 5 single family lots on 1.82 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: PFP-2008-233

PETITIONER: Jay Kee Jacobson – Gemini Development, LLC

LOCATION: 2953 Highway 50

STAFF: Lori Bowers

4. North Commercial Drive Co-locate – Conditional Use Permit

Request approval of a Conditional Use Permit of a site plan to locate antennas on an existing tower in a C-2 (General Commercial) zone district.

FILE #: CUP-2009-059
PETITIONER: Joe Rozanc – SBA Towers, LLC
LOCATION: 587 North Commercial Drive
STAFF: Judith Rice

5. Jones Right-of-Way Vacation – Vacation of Right-of-Way

Request a recommendation of approval to City Council to vacate .62 acres of an undeveloped portion of 27 Road located south of Caribbean Drive and north of H Road.

FILE #: VR-2009-043
PETITIONER: Janice Jones
LOCATION: 821 27 Road
STAFF: Greg Moberg

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. An issue was raised by a member of the audience regarding item number 5 and whether or not the road that would be vacated would be in perpetuity. City Attorney John Shaver stated that once it was vacated, the City no longer had an interest in the right-of-of-way and it would revert to the adjoining property owners. It was also his understanding that those individual property owners had developed an agreement among themselves for access.

Commissioner Abbott moved that this item be removed for a full hearing. Commissioner Carlow stated that he would prefer to table the item for full hearing at a later time. Greg Moberg stated that there would be a City Council meeting on April 15, 2009 on this same agenda item which would give the adjoining property owners a little time to seek legal advice regarding this item. City Attorney Shaver added that there were ways for those individuals to protect their interests; however, from the City's perspective, once it was accomplished then it would be up to the property owners to resolve any open questions.

Vice-Chairman Putnam asked if the Consent Agenda as written was approved, would it go to City Council on their Consent Agenda. Mr. Shaver advised that it would be a hearing item.

Commissioner Pavelka-Zarkesh said that Planning Commission's vacation of the right-of-way would not have an impact on the personal agreements between the property owners and going through a full hearing would not give them the answers they were looking for and added that she did not think that a full hearing would accomplish anything. Vice-Chairman Putnam and Commissioner Eslami agreed.

Commissioner Abbott withdrew his request to pull this item from the Consent Agenda as the member of the audience who initially voiced concerns stated that they would work

things out with the landowner. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the Consent Agenda items.

MOTION: (Commissioner Pavelka-Zarkesh) “Mr. Chairman, I move we approve the Consent Agenda as read.”

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

Public Hearing Items

6. Country Squire II Subdivision and Vacation of Utility and Irrigation Easement – Preliminary Plan and Vacation of Easement

Request approval of the Preliminary Subdivision Plan to develop 45 lots on 17 acres in an R-4 (Residential 4 du/ac) zone district and request a recommendation of approval to City Council to vacate a Utility and Irrigation Easement.

FILE #: PP-2008-054

PETITIONER: Kenton Page

LOCATION: 2074 Broadway, 2076 Ferree Drive

STAFF: Scott Peterson

Scott Peterson, Senior Planner with the Public Works and Planning Department, made a PowerPoint presentation regarding a request for a Preliminary Plan approval and vacation of a utility and irrigation easement. According to the Site Location Map, the existing two properties were located east of 20½ Road and north of Broadway, Highway 340. The existing single-family residence located at 2074 Broadway is scheduled to be demolished in anticipation of this proposed subdivision while the existing single-family residence and shop building located at 2076 Ferree Drive is proposed to remain.

Mr. Peterson stated that the Future Land Use Map indicated this area to be Residential Medium Low at 2 to 4 dwelling units per acre and the current zoning for the properties was R-4. The proposed density for the subdivision would be approximately 2.63 dwelling units to the acre which meet the density requirements of the Zoning and Development Code. Applicant had proposed 45 single-family detached lots and 4 tracts of land to be developed in one phase. He added that at this time the proposed subdivision would take access from Ferree Drive north of the intersection with Broadway and additional proposed stub streets would be constructed to the north, east and west that would be connected when adjacent properties developed at some point in the future.

Mr. Peterson advised that applicant had received a TEDS exception for the requested site distance of 450 feet at the intersection of Ferree Drive and Broadway rather than the required 496 feet. He went on to state that the full site window at this intersection was not clear because of existing vegetation on the adjacent property to the east. Mr. Peterson said that the TEDS exception was approved based on the requirement that this area be cleared when the property to the east developed which would then achieve the required site distance.

According to the proposed subdivision lot layout, proposed Tract A would correspond with the required site distance at that intersection. He then added that all proposed tracts would be deeded to the HOA for ownership and maintenance responsibilities. He also stated that applicant had proposed to construct a 4 foot tall masonry wall and landscaping within Tract A which would serve as a visual buffer and mitigate noise and privacy issues between the subdivision and Broadway.

It was also applicant's desire to vacate an existing utility and irrigation easement for the benefit of the proposed subdivision. He stated that the easement did not contain any utilities and was dedicated in 1958. Mr. Peterson concluded that the proposed preliminary plan and easement vacation were consistent with the Growth Plan and the applicable review criteria of the Zoning and Development Code had been met for this project and recommended approval of the proposed Preliminary Plan and recommended that the Planning Commission forward a recommendation of approval of the proposed easement vacation to City Council.

QUESTIONS

Commissioner Schoenradt asked for clarification regarding the TEDS exception. Mr. Peterson stated that a tract would be deeded to the HOA and there would be no development within that tract.

Commissioner Schoenradt asked if the property owner next door was aware of this requirement. Scott Peterson said that the City had not contacted the property owner and was unsure whether or not the applicant or his representative had.

Commissioner Schoenradt asked that if the property was never developed, was the exception a conditional exception or an exception. Mr. Peterson said that the property to the east was not part of the developmental review process and accordingly the city could not require the removal of the trees.

Commissioner Schoenradt raised a concern regarding notification to the adjoining property owner of an exception granted to the developer and which was conditioned upon the adjacent property owner. Commissioner Abbott said that the TEDS exception allowed the property owner to the west to develop their subdivision without putting any conditions on the property owner to the east. Kent Harbert, City Development Engineer, said that the site distance was a requirement so if Country Squire did not develop and the property to the east did develop, they would technically have to provide that site distance through the west property. The distance was required based on the geometry of the intersection and the highway.

Commissioner Schoenradt was concerned that the property owner that had that burden be notified. Greg Moberg said that they were notified of the hearing and of the development but there was no notification for a site distance triangle or the need for them to at some point cut down their trees. That was not a condition of that property. John Shaver, City Attorney, clarified that there was no legal obligation on the adjoining owner at this time.

Commissioner Eslami asked where the entrances were. Scott Peterson said that it would be through Ferree Drive.

Commissioner Eslami said that he thought two entrances were required. Mr. Peterson said that for the number of lots proposed, only one entrance with stub streets was required.

PETITIONER'S PRESENTATION

Robert Jones, petitioner's representative, stated that he was available for questions and chose not to add anything to the presentation.

PUBLIC COMMENT

For:

Bob Caldwell, 651 Peony Drive, said that he was in favor of this subdivision. He asked for assurance that only the easement for Ellie Heights Subdivision was being requested and would not affect his agricultural property to the north. Additionally, regarding the 15 foot easement along the east boundary line, he stated that he would like to see a divider box for the irrigation of his property.

Against:

No one spoke in opposition to these requests.

STAFF'S REBUTTAL

Scott Peterson stated that the vacation of the utility and irrigation easement was only for part of Lot 19, Ellie Heights Subdivision. He added that upon submission of the final plan, details of how the irrigation water would be provided would be worked out.

DISCUSSION

There was no discussion by the Commission regarding these requests.

MOTION: (Commissioner Abbott): "Mr. Chairman, on the vacation of the utility and irrigation easement located at 2074 Broadway and 2076 Ferree Drive, I move that we recommend approval to the City Council for the vacation request making the findings of fact/conclusions as listed in City staff report."

Vice-Chairman Putnam confirmed that there was no discussion regarding this item. Commissioner Carlow seconded the motion. A vote was called and the motion passed by a vote of 6 – 1, with Commissioner Schoenradt opposed.

MOTION: (Commissioner Eslami): "Mr. Chairman, I move that we approve the Preliminary Subdivision Plan for the Country Squire II, PP-2008-054, with the findings and conclusions listed in the staff report."

Commissioner Abbott seconded the motion. A vote was called and the motion passed by a vote of 6 – 1, with Commissioner Schoenradt opposed.

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.