

**GRAND JUNCTION PLANNING COMMISSION
FEBRUARY 26, 2008 MINUTES
6:00 p.m. to 8:21 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), Tom Lowrey (Vice-Chairman), Lynn Pavelka-Zarkesh, Dr. Paul A. Dibble, William Putnam, Patrick Carlow (1st Alternate) and Ken Sublett (2nd Alternate). Commissioners Reggie Wall and Bill Pitts were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Development Services Supervisor), Lisa Cox, (Planning Manager), Adam Olsen (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 38 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the corrected minutes of January 22, 2008.

MOTION: (Commissioner Lowrey) “Mr. Chairman, I move we approve the January 22nd, 2008 minutes.”

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

III. CONSENT AGENDA

Available for consideration were items:

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| 1. | CUP-2007-286 | CONDITIONAL USE PERMIT – KKCO Television Station |
| 2. | ANX-2007-373 | ZONE OF ANNEXATION – Below-Senatore-Stone Annexation |
| 3. | VR-2007-222 | VACATION OF RIGHT-OF-WAY – Main & 7th Alley Vacation |

- 4. **PP-2007-043** **PRELIMINARY SUBDIVISION PLAN – Cattail Creek Subdivision**
- 5. **ANX-2007-363** **ZONE OF ANNEXATION – Sage Hills Subdivision**
- 6. **PP-2007-303** **PRELIMINARY SUBDIVISION PLAN – Pepper Ridge Townhomes**

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any item pulled for additional discussion. With regard to item 6, Pepper Ridge Townhomes, Adam Olsen clarified that applicant is requesting to vacate various easements that would need to be done at the time of final plat and that Condition No. 3 was added to clarify when that would occur. Greg Moberg, Public Works and Planning Department, stated that he received a phone call today from a property owner that is adjacent to item no. 4, Cattail Creek, and that the property owner asked that he indicate to the Commission that he would like a fence placed on the southern boundary between his property and the subject property. Mr. Moberg went on to state that that is not a requirement of the Code nor is it a condition or recommendation by staff. Keith Ehlers with Ciavonne, Roberts & Associates, representing Blue Heron Development on the Cattail Creek property, stated that at this time the developer would not choose to put in a developer installed fence at that location. There was further discussion regarding whether or not Item No. 4 would need to be pulled. In light of the fact that the person making such a request of staff was not present as well as the timing of the request, several members of the Commission stated that it would be incorrect to pull an item presented as such. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the Consent Agenda items.

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

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

IV. FULL HEARING

- 7. **GPA-2008-011** **GROWTH PLAN AMENDMENT – Power Motive Land Addition**
Request a recommendation to City Council for approval for a Growth Plan Amendment to change the Future Land Use designation from Estate to Industrial and the zoning from an R-E (Residential Estate) to an I-1 (Light Industrial) zone district.
PETITIONER: Matt Binder
LOCATION: 763 23-½ Road
STAFF: Lori Bowers, Senior Planner

PETITIONER'S PRESENTATION

Jana Gerow with Development Construction Services, Inc., 2350 G Road, representing Power Motive for their Growth Plan Amendment and land addition. She clarified that only the Growth Plan Amendment portion is being heard this evening. Ms. Gerow stated that the property is located west of the intersection of I-70 and 24 Road. She stated that there is an existing house on the south portion of the subject property. Ms. Gerow said that they are in significant agreement with the language contained in the staff report; however, they do not believe that staff's recommendation to deny the request is consistent with significant portions of the analysis. According to Ms. Gerow, in 2000, the subject property was part of a larger parcel which was zoned PD with a condition that two additional housing units along 23 Road be added. The purpose of the housing was to maintain a buffer of residential use between the Industrial use and the established residences along the north side of 23-½ Road. A second Growth Plan Amendment was approved and the parcel was subsequently zoned RE. She said that Applicant is interested in purchasing the property and making it strictly a parking lot for some of their vehicles. She also said that applicant recognizes the need to preserve distinctions between neighborhoods and believe that 23-½ Road provides a major distinction and buffer between the Commercial Industrial and residential developments. Furthermore, approval of this request, which would revert back to the 2000 designation, would stabilize and secure true neighborhood distinctions. Additionally, she said that applicant recognizes the importance of buffers between differing uses. She further stated that the impact of the additional site would be slim as most of the access will come off the site from the site and will be basically storage for more equipment.

QUESTIONS

Commissioner Lowrey asked how far the north end of the site is from the interstate. Jana Gerow stated that she believes it to be less than half a mile.

STAFF'S PRESENTATION

Lori Bowers, Public Works and Planning Department, addressed the Commission on the requested Growth Plan Amendment. She said that the Future Land Use Map currently shows this site to develop or stay in the Estate designation and existing City and County zoning is RE with I-1 to the west and the south and County RSF-R to the north and east. Ms. Bowers also provided a brief history of the property. According to Ms. Bowers, after considering the goals and policies of the Growth Plan, as well as the North Central Valley Plan and the intent of the subdivision, the Future Land Use Map should not be converted back to Commercial Industrial. She concluded that the proposed amendment is not consistent with the purpose and intent of the Growth Plan, does not meet the applicable review criteria of the Zoning and Development Code and the North Central Valley Plan clearly shows this area to remain Estate.

QUESTIONS

Commissioner Dibble asked about existing buffers. Lori Bowers identified the existing buffers.

Commissioner Dibble asked if it was ever established that buffers should have been put in place. Ms. Bowers said that they probably should have been at some point. She said that subdivision does not trigger improvements to a property, but rather the actual development and redevelopment of a site triggers improvements. Furthermore, the subdivision plat was recorded prior to any buffer being provided in the area.

Commissioner Lowrey asked if the buffer would have to be 25' wide. Ms. Bowers confirmed that it would have to be 25' with a wall.

Commissioner Lowrey asked how many linear feet the subject property is. Lori Bowers said that the whole site is 2 acres.

Commissioner Lowrey asked for clarification that roughly one-third of an acre out of 2 acres would be required for buffer property.

PUBLIC COMMENT

For:

Bob Hanson, representing H&L, the owner of the property adjacent to the west of the subject property, stated that he has no problem with the requested amendment.

Kathy Tompkins, 2327 H Road, said that she has no problem with this being rezoned to Light Industrial.

Toni Heiden-Moran stated that she is in favor of this for several different reasons. She said that there are some misconceptions which have instilled fear in a lot of the surrounding property owners.

Douglas Murphy said that he lives directly across the street from the subject property. He said that with the buffer and with the equipment along 23-½ Road it will block his view as well as others' and he disagrees with the amendment.

Bob Colony, a realtor involved in this transaction, said that this will not really impact the area. He provided the Commission with a letter from the property owner to the north who is in favor of this amendment. He also believes that putting a buffer along 23-½ Road will not affect anyone.

Against:

Dick Pennington, 780 23-7/10 Road, said that he wanted to correct some things presented by applicant. He said that the subject property was bordered on only 2 sides by Industrial or Commercial – on the west and the south – with 5 houses directly across from the 2 acres. He said that if this is changed to I-1 it would really affect all of the neighbors. Mr. Pennington also provided a background regarding the subject property. He disagreed with a statement made by Mr. Colony that this type zoning would in fact decrease the value of the homes.

Frances Hayes said that 23-½ Road is a very narrow road and does not agree with using 23-½ Road as a buffer.

Dave Lacy, 2379 H Road, stated that he too is opposed to this amendment.

Ron Gray, 2369 H Road, said that he is also opposed to this amendment.

Alan Pennington (782 23-7/10 Road) stated that he is opposed to this. He said that he has two houses across from this property and he would like it to remain a buffer.

Barbara Justice, 792 23-7/10 Road, said that she is against this and would like the area to be preserved as a buffer zone.

PETITIONER'S REBUTTAL

Jana Gerow states that there are some complications with this site. It is in a transitional area – Industrial, right next to Residential. She confirmed that applicant will not be adding any additional structures to the site, only a slight increase in traffic is anticipated and there would be no impacts to the schools or to the house recently built. Ms. Gerow once again urged the Commission to approve the Growth Plan Amendment because it suits the property for the existing developer who will put in appropriate buffers for the adjacent properties.

QUESTIONS

Commissioner Carlow asked Lori Bowers when it changed from Estate to Commercial Industrial in 2000, when was the employee housing component added and by whom. Ms. Bowers stated that Webb Crane had a very narrow strip along I-70B frontage road. They then acquired another parcel to the north that they added to their site and that is where the residential house component came from. At that time it was Estate, zoned to a PUD. She confirmed that 1998 was when they acquired the additional land to the north and in 2000 it was annexed into the City and the PD zone.

Commissioner Carlow asked who initiated the PD request. Ms. Bowers confirmed that Webb Crane initiated the PD request. It was staff's suggestion that it be rezoned back to a straight zone because the PD for Webb Crane was very specific to use.

Commissioner Lowrey asked for confirmation that this property has only been something other than Residential for a few years and even then it was required to be used for employee housing. Lori Bowers stated that was correct.

Commissioner Lowrey asked what type of uses would be allowed with Light Industrial. Ms. Bowers mentioned some of the allowed uses such as food products, assembly, manufacturing, indoor operations and storage, indoor operations and outdoor storage including heavy vehicles, outdoor storage and operations, among others.

Commissioner Lowrey asked if this was zoned Light Industrial if conditions could be placed on it such as it would only be allowed for indoor or outdoor storage. Ms. Bowers stated that she does not believe that conditions could be placed on it.

DISCUSSION

Commissioner Dibble stated that there is an expectation that this would remain a buffer zone with houses. The agreement was for 3 houses under the PD; however, with this zoning designation only one house would be allowed. He was concerned that a change in ownership would allow for a change of use other than from outdoor storage. According to Commissioner Dibble, prudence would be to leave the existing zoning as is.

Commissioner Putnam said that the change would be consistent with what had been done in a nearby neighborhood to approve the application.

Commissioner Lowrey stated that he believes the change from Estate to Commercial Industrial is pretty drastic and it would have a significant impact to the people across the street.

Chairman Cole said to leave it as is would be to make it a useless piece of property. He said that he would be in favor of granting the application because as a residential use it is not a very feasible use for it - next to Industrial it would become useful.

Commissioner Lowrey stated that he would be in favor of granting the amendment particularly if the use could be controlled.

QUESTIONS

Commissioner Dibble asked for an opinion from legal counsel. Jamie Beard said that they strongly advise against conditional zoning. The difficulty with that is determining when conditions are specifically met or not met. The other difficulty is that the Planning Commission with Council has gone through and specifically set forth what zoning is that is allowed within the City in different areas.

Commissioner Lowrey asked what would be accomplished if the Growth Plan Amendment was approved. Jamie Beard stated that a recommendation would be made to City Council and if City Council would go along with the recommendation, the Future Land Use designation would be changed to Commercial Industrial. The zone would still continue as Residential Estate until the owner or the City would move forward to change the actual zone.

MOTION: (Commissioner Lowrey) “Mr. Chairman, on item GPA-2008-011, I move that we find for the growth plan amendment for the 2 acre lot; Lot 1, Hanson Subdivision, consistent with the goals and policies of the Growth Plan, and Section 2.5 of the Zoning and Development Code and the North Central Valley Plan.”

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion failed by a vote of 2 - 5.

A brief recess was taken at 7:44 p.m. The hearing reconvened at 7:50 p.m.

8 GPA-2007-283 GROWTH PLAN AMENDMENT – Apple Glen Growth Plan Amendment

Request a recommendation to City Council for approval of the Growth Plan Amendment to change the Future Lane Use Designation from Estate to Residential Medium Low (2 to 4 du/ac) on approx. 15 acres.

PETITIONER: Steven R. Heijl
LOCATION: 2366 H Road
STAFF: Adam Olsen

STAFF’S PRESENTATION

Adam Olsen with the Public Works and Planning Department made a PowerPoint presentation regarding the Apple Glen Growth Plan Amendment request. He stated that existing development in the area exists which includes Appleton Elementary School to the west of the site. The Future Land Use Map of the Growth Plan currently designates the area to be Estate and the request is to change the Growth Plan to Residential Medium Low. Mr. Olsen stated that surrounding zoning consists of RSF-R and AFT, all of which are in the County. The nearby City designations are B1, RE and RR. He further stated that the site lies wholly within the 201 urban growth boundary and is in the process of being annexed into the City. Mr. Olsen identified the criteria which allows for a Growth Plan Amendment. Mr. Olsen stated that there is an 8” sewer line located just to the south in H Road with the capacity to service approximately 750 homes. Currently, the use of this line is at less than 50%. The availability of infrastructure and the presumption of urban residential character of the area constitutes a change in the character and condition of the area to warrant the Growth Plan Amendment. He also stated that the proposal is consistent with the goals and policies of the Growth Plan and the North Central Valley Plan which promote areas of development that have adequate public facilities and efficient use of infrastructure. This amendment would allow a mix of housing types and densities between 2 and 4 units per acre and the existing larger lot densities that surround the subject parcel. Additionally, existing and proposed infrastructure facilities are adequate to serve the proposed residential development. Adam also said that the community would benefit by increased densities in areas that already have adequate facilities and services. Upgraded services are available and would benefit both this development and adjacent properties. Additional housing to accommodate the projected growth would provide a significant benefit. Accordingly, he recommended approval as the proposed amendment is consistent with the purpose and intent of the Growth Plan and the pertinent review criteria of the Zoning and Development Code have been met.

PETITIONER’S PRESENTATION

Eric Slavon with Rolland Engineering appeared on behalf of the owner, Steve Heijl.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Ron Gray, 2369 H Road, which is directly across the street from the subject property, stated that he is opposed to the Growth Plan Amendment because the City is in the process of coming up with a new Growth Plan and he thinks it is premature to change the character of an area by changing the Growth Plan until a new Growth Plan is developed. He also stated that he does not see any public benefit to this.

Dan Miller (2363 H Road) said that he has been watching the traffic patterns on H Road for approximately 28 years. He said that adding one more entrance with a multiple number of houses is going to cause more congestion, making the area more difficult to travel around and he also believes it premature to change the Growth Plan at this time.

Dave Lacy, 2379 H Road, stated that he concurs with everything that has been stated so far. He also wanted to emphasize the point of the future Growth Plan that would include this entire area. He also said that this is premature and the ultimate Growth Plan needs to be changed first.

PETITIONER'S REBUTTAL

Eric Slavon said that concerning the valley-wide look at growth, part of the process that is currently going on, he does not believe that all proposals should be put on hold for that time being. He next addressed the issue of pedestrian traffic that this would generate, and in particular that going to the school. According to Mr. Slavon, the site drains from the back to the front and the Appleton drain could cross right at that frontage. He also said that there is a good possibility that there would be a storm water detention pond near the front of the property.

QUESTIONS

Commissioner Sublett asked Lisa Cox when the Comprehensive Plan would be finalized. Lisa Cox, Planning Manager, gave the following update: On February 13th, the Persigo Board met to discuss the possibility of moving the Persigo 201 line. The Board, however, elected not to make a decision and take action to actually move the line. They instructed staff to conduct two small sub-area plans to create a Land Use Plan to provide an idea of what potential land uses would be available should the line move. This property is included in one of the small sub-areas. The sub-area study is to be completed no later than the end of April. It is anticipated that the Comprehensive Plan would be completed and adopted by the first quarter to the middle of 2009.

DISCUSSION

Commissioner Putnam raised the point that 2 acre or smaller sites are considered appropriate inside the urban growth boundary and, therefore, thinks that this is appropriate.

Commissioner Lowrey agreed.

Commissioner Dibble said that at this time he is not sure that the whole area is ready to be changed. He furthered that by saying that the location is separated from existing development and it is developed in the Estate and annexed into the City at 2 to 5 dwelling units per acre.

Commissioner Sublett said that he believes it would be wise to wait for a result of the sub-area study.

Chairman Cole stated that consideration needs to be given to the efficiency of delivering public services. He said that he would be in favor of the application.

MOTION: (Commissioner Lowrey) “Mr. Chairman, on item GPA-2007-283, Apple Glen Growth Plan Amendment, I move that we forward a recommendation of approval of the amendment from Estate (2-5 ac/du) to Residential Medium Low (2-4 du/ac) with the findings and conclusions as identified in the City Staff Report.”

Commissioner Dibble seconded the motion. A vote was called and the motion passed by a vote of 4 – 3 with Chairman Cole, Commissioners Lowrey, Pavelka-Zarkesh and Putnam in favor and Commissioners Sublett, Dibble and Carlow against.

With no objection and no further business, the public hearing was adjourned at 8:21 p.m.