

**GRAND JUNCTION PLANNING COMMISSION
MARCH 25, 2008 MINUTES
6:00 p.m. to 9:37 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, Bill Pitts and Patrick Carlow (1st Alternate). Commissioner Reggie Wall was 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), Adam Olsen (Senior Planner), Eric Hahn and Rick Dorris (Development Engineers).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 65 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 the Previous Meetings**
Available for consideration were the minutes of the February 26, 2008 Planning Commission meeting.
- 2. Schuckman Annexation - Zone of Annexation**
Request a recommendation of approval to City Council to zone .483 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-8 (Residential 8 du/ac) zone district
- 3. ThreeP Development Annexation - Zone of Annexation**
Request a recommendation of approval to City Council to zone 1.279 Acres from County B-2 (Concentrated Business District) to a City B-1 (Neighborhood Business) zone district.
- 4. Summers Annexation - Zone of Annexation**
Request a recommendation of approval to City Council to zone .90 acres from County C-1 (Light Commercial) to a City B-1 (Neighborhood Business) zone district.

- 5. **Desert Breeze Subdivision - Preliminary Subdivision Plan**
Request approval for a Preliminary Subdivision Plan to develop 47 single family units/lots on 12.07 acres in an R-5 (Residential Single Family 5 du/ac) zone district.
- 6. **Trail Side Subdivision Rezone – Rezone**
Request a recommendation of approval to City Council to rezone 9.15 acres from an R-4 (Residential 4 du/ac) to an R-5 (Residential 5 du/ac) zone district.
- 7. **Links Subdivision - Preliminary Subdivision Plan**
Request approval of a Preliminary Subdivision Plan to develop three single family lots on 1.73 acres in an R-4 (Residential 4 du/ac) zone district.
- 8. **Sundance Village Subdivision - Final Subdivision Plan**
Request a recommendation of approval to City Council to vacate two sanitary sewer easements; three multi-purpose easements; and one drainage easement that were dedicated as part of the Glens at Canyon View Subdivision.

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. Commissioner Carlow asked to be abstained from Item No. 2 if pulled from the Consent Agenda for Full Hearing. The Schuckman Annexation was pulled for Full Hearing at public request. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the remaining Consent Agenda items

MOTION: (Commissioner Dibble) “Mr. Chairman, I move we approve the Consent Agenda as written and adjusted to exclude Item No. 2.”

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

FULL HEARING

Public Hearing Items

- 9. **Ashbury Heights Subdivision - Preliminary Subdivision Plan**
Request approval for a Preliminary Subdivision Plan to develop 107 single-family attached and detached dwelling units on 14.8 acres in an R-8 (Residential 8 du/ac) zone district; and a recommendation of approval to City Council of Vacation of Public Rights-of-Way on South Grand Falls Court and a portion of 28 1/2 Road; and Vacation of various easements.
FILE #: PP-2006-251
PETITIONER: Sidney Squirrel – Cache Properties, LLC
LOCATION: SE Corner 28 1/4 Road & Grand Falls Drive
STAFF: Scott Peterson, Senior Planner

STAFF'S PRESENTATION

Scott Peterson, Senior Planner with the Public Works and Planning Department, addressed the Commission regarding the request for a Preliminary Subdivision Plan, vacation of right-of-way and various easements for the proposed Ashbury Heights Subdivision. Mr. Peterson stated that the existing properties are located east of 28¹/₄ Road. He pointed out that the Falls Subdivision is located to the north and The Legends Subdivision is located to the east of the subject properties. He further pointed out that the properties are adjacent to current single family attached and detached residential development. The Future Land Use Map indicates this area to be 8 to 12 du/ac and current zoning is R-8. He stated that the proposed density for the subdivision is 7.2 du/ac. He said that some of the existing parcels were originally platted and designated as PD as part of the original Falls Subdivision; however, these parcels were never developed. He further stated that the developer has proposed 107 single-family attached and detached units with 14 tracts of land to be developed in one phase. Mr. Peterson pointed out that the proposed access is from Grand Falls Drive in two locations with a third access point from 28¹/₂ Road. He said that the subdivision includes open space trails that meander throughout the proposed subdivision and also along the Grand Valley Canal. According to Mr. Peterson, the applicant is also proposing the construction and dedication of two alley rights-of-way which would allow rear yard garage access. Applicant has also requested vacation of an existing public right-of-way which is a portion of 28¹/₂ Road located adjacent to the east property line of the subdivision. Mr. Peterson also stated that the second right-of-way vacation request is to vacate the platted, unimproved right-of-way of South Grand Falls Court. He said that an existing sanitary sewer line is presently located within the cul-de-sac; however, the sewer line would be relocated upon the development of the proposed subdivision. He indicated that there are several separate, miscellaneous easements that are being requested to be vacated which consist of multi-purpose, water, drainage, sanitary sewer, ingress, egress and general utility easements. All utility infrastructures that are located within these existing easements would be relocated prior to recording and development of the Ashbury Heights Subdivision Plat and appropriate new easements dedicated where necessary. The separate and miscellaneous easements and vacation of the two rights-of-way would be on the conditional approval and recording of the final plat for the Ashbury Heights Subdivision. Mr. Peterson also requested an amendment to the staff report to delete easements 1 through 4 and include certain blanket utility easements. He further stated that the proposed Preliminary Plan and right-of-way and easement vacations are consistent with the Growth Plan, the applicable review criteria of the Zoning and Development Code have been met and the vacation of the right-of-way and easements are on the conditional approval and recording of the Ashbury Heights Subdivision Plat and a rededication of all appropriate new easements where necessary. He recommended approval by the Planning Commission of the proposed Preliminary Subdivision Plan for Ashbury Heights and also recommended that the Planning Commission forward a recommendation of approval to the City Council for the requested right-of-way and easement vacations. Mr. Peterson stated that he had received a call this afternoon from a property owner on Hall Avenue who is against the proposed

Preliminary Plan approval as he felt there was too much traffic on 28¼ Road already and adding more than 100 more dwelling units would cause more conflict and more traffic problems on 28¼ Road.

QUESTIONS

Commissioner Lowrey asked for clarification regarding the amendment to the staff report. Mr. Peterson stated that easements 1 through 4 would be deleted as identified on the attached resolution.

Chairman Cole stated that he understood that there is a possible legal action to be taken on this application and asked legal counsel to make a comment regarding the Commission's ability to move forward with this application. Jamie Beard, Assistant City Attorney, said that there isn't actually a lawsuit to her understanding against this particular application but there is a lawsuit pending in regards to Tract E of the Falls 2004 Replat. She further stated that that lawsuit itself does not involve the City and advised the Commission to proceed.

APPLICANT'S PRESENTATION

Ted Ciavonne with Ciavonne, Roberts & Associates stated that he represents Ashbury Heights Cache, LLC. He reiterated that this was a difficult assemblage of land with over 5 parcels; one without access, an inherited property boundary dispute, all of which has been cleaned up. He stated that the requested approvals are to determine if the plan is consistent with the preliminary plan criteria of the Zoning and Development Code and to request vacation of specific right-of-ways and easements for the benefit of the proposed subdivision. He stated that the proposal is for 31 single family lots, 18 patio homes and 58 town home lots. Additionally, there is over 4 acres of open space which would be dedicated to the HOA, a park detention area which would be shared with the Falls Subdivision and a public trail that would go along the canal per the Urban Trails Plan. He next addressed the compatibility issue.

PUBLIC COMMENT

Attorney Michael Gratton stated that he represents Hills View Homeowners' Association, which is immediately north, and stated that the only issue they have has been addressed by staff. Easements 1 and 2 are not public but private in favor of his client and wanted to make sure that the resolution is adopted as amended in order to retain the easements until it has been worked out with Ashbury Heights.

Against:

Carl Mitchell, 582 Grand View Court, asked for an explanation why the map shown by Scott Peterson does not match the one shown by Mr. Ciavonne with regard to the R-8 zoning, and more specifically Lot E. Scott Peterson stated that the City gets all of their base map information from Mesa County; however, when this map was created, Mesa County had classified Tract E as a non-tax parcel because it is open space and owned by the HOA. He confirmed that City GIS staff is working with Mesa County to assure that the two entities are looking at the same property. He stated that the property is zoned R-8. Carl Mitchell stated that he believed there was a discrepancy in the plan

and what was presented regarding the number of rear load lots. Scott Peterson clarified that one of the alleys in question is not a City right-of-way and would be part of the open space which would be owned and maintained by the HOA. Mr. Mitchell said that he thought open space was for the use of the public. Mr. Peterson stated that it would be an access easement for the public. Carl Mitchell next addressed the ownership issue regarding Tract E. He said that that lot has been open space and approved by the City in 1979. He questioned if the City can now use that land for development.

Lynn Alexander, 589 Grand Cascade Way, stated that he would like to address Tract D and identified a portion of land that he was told would always be an easement or open space; however, in the current plan, applicant wants to put a flag lot and put a home right next to his house. He also said that he is not happy with 107 units but it is a decent plan and would like the section he mentioned earlier to remain as open space.

APPLICANT'S REBUTTAL

Ted Ciavonne said that Hills View has a couple of private easements that have to do with the irrigation and believes that will get worked out. With regard to Mr. Mitchell's comments, he said that the ownership of that property will be worked out with legal counsel and the courts. He did agree with a comment made by Mr. Mitchell regarding the importance of open space. Although roughly an acre is required, they are providing over 4 acres of open space. He reiterated the requested approvals – to determine if the plan is consistent with the preliminary plan criteria in the Zoning and Development Code; and to request the vacation of those specific right-of-ways and easements that are in the public purveyance. He further stated that the plan is consistent with the Growth Plan and Zoning and Development Code, provides for a transition of density and lot size throughout the site that matches the neighboring communities, provides amenities to the surrounding area including parks and walking trails, and provides an excess of open space. Therefore, he requested the approval of the Preliminary Plan and the vacation of easements.

QUESTIONS

Commissioner Dibble asked Mr. Ciavonne to outline the boundaries of Tract E and whether or not they are projecting buildable units for it. Mr. Ciavonne outlined the boundary lines.

Commissioner Dibble asked for Mr. Ciavonne's rebuttal regarding non-buildable rights that occurred in 1977 according to Mr. Mitchell. Mr. Ciavonne, paraphrasing Mr. Shaver, stated that plans change and what happened 25 years ago in the County is not being held to the City.

Commissioner Dibble asked if a detention pond by description is a development or simply a ground cover that completes the open space. Ted Ciavonne questioned whether or not, in its present condition, it can be considered a development.

Commissioner Dibble asked what is being proposed for the development of that area. Mr. Ciavonne stated that they are proposing a park.

Commissioner Dibble next asked if a park would be considered a development by definition in his opinion. Mr. Ciavonne said that it would be an improvement.

Chairman Cole asked if they had a footprint of the home to be built on Tract D. Mr. Ciavonne said that that they do not but the R-8 setbacks would be used.

Commissioner Dibble next raised the discrepancy of number of homes raised by Mr. Mitchell. Ted Ciavonne said that it doesn't affect the number of town homes but does affect the numbers that are rear loaded from a public alley versus a private allowable access easement.

DISCUSSION

Commissioner Pavelka-Zarkesh said that based on the layout as presented, it meets the Code, it has a comfortable mix of housing types, and she would be in favor of the development.

Commissioner Putnam stated that having the alley in the back is a strong selling point to him and he thinks it is a good plan.

QUESTIONS

Commissioner Dibble asked staff what the capacity of 28 $\frac{1}{4}$ is now and will it be exceeded by adding these additional 107 lots. Rick Dorris, Development Engineer, said that the traffic on 28 $\frac{1}{4}$ Road has plenty of capacity to be able to handle the traffic that would be generated by this subdivision. He further said that a traffic study was not required on this project.

DISCUSSION

Commissioner Lowrey stated that he was in favor of the project.

Commissioner Pitts said that his only concern was that it would not interfere with Mr. Alexander's personal property and the setbacks would not be totally devastating. He also said that he would support it.

Chairman Cole stated that he believes this project will be beneficial both to the City and the neighborhood. He too stated that he would support the plan.

Jamie Beard, Assistant City Attorney, requested that the motion with regard to the vacation of the easements be voted on first. She also stated that there is an additional condition that should be included in the second motion.

MOTION: (Commissioner Pavelka-Zarkesh) "Mr. Chairman, I move that we forward a recommendation of conditional approval to the City Council making the findings of fact, conclusions and conditions of approval as stated for the requested public rights-of-way vacations and vacation of the following easements: (1) the blanket utility easements within Tract E, Block 5, Falls 2004

and those portions within Tract I, Block 4, and Tracts J and K, Block 6, The Falls filing No. 2 which were not incorporated into the Falls 2004; and (2) the easements presented this evening that are separate, miscellaneous easements, with the exception of Easements 1, 2, 3, 4, which are private easements, not dedicated to the public and will be vacated by separate instruments. The vacation of the rights-of-way and easements are conditioned upon the recording of a Final Plat for the Ashbury Heights Subdivision in conformance with a preliminary plan approved by the Commission with the rededication of all appropriate new easements, where applicable.

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

Jamie Beard recommended that the following language should be included in the second motion as follows: The private easements referred to as 1, 2, 3, and 4 in the staff report that they must also be released if necessary for the lots that they cross to be considered buildable and that any appropriate new easements be granted to conform with the Preliminary Subdivision Plan and requirements for Final Plat approval.

MOTION: (Commissioner Pitts): “Mr. Chairman, I move that we conditionally approve the Preliminary Subdivision Plan for Ashbury Heights, PP-2006-251, with the findings and conclusions listed in the staff report and with the condition that City Council approve the vacations of the requested public rights-of-way and easements as in 1, 2, 3 and 4 of the private easements as previously mentioned.”

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

8. Cobble Creek Subdivision - Preliminary Development Plan

Request a recommendation of approval to City Council to rezone from R-R (Residential Rural) to PD (Planned Development) with a default zone of R-8 and approval of a Preliminary Development Plan (PDP) for Cobble Creek Subdivision.

FILE #: PP-2007-169
PETITIONER: Jana Gerow – Divine Guidance, LLC
LOCATION: 2524 F 1/2 Road
STAFF: Lori Bowers, Senior Planner

PETITIONER’S PRESENTATION

Jana Gerow with Development Construction Services stated that she represents the ownership of Cobble Creek Subdivision which is Divine Guidance, LLC. She stated that the site is a very long narrow site. She then explained the surrounding properties and their densities. She explained that the proposed subdivision has 12 lots with the street to be located on the west side to allow for future development as needed. Ms. Gerow stated that there was some question for the ownership for some of the site as applicant was under the impression that applicant’s property went to the center of the canal right-of-way; however, in the approval process they were notified from the irrigation district

that they have a dispute with this land. The property in question was left as open space which leaves the dispute between the irrigation district and the City to resolve ownership of that land. She further stated that as the street was put next to the property line, it was necessary to get an easement on the adjacent property to make sure that they had the turn radius coming onto F½ Road. Next, Ms. Gerow explained why applicant chose to proceed with the R-8 rather than an R-5 which include the ability to achieve a lesser rear yard setback as well as a smaller minimum lot size. She further stated that in order to be more compatible with the adjacent developments, the higher density would not be used. Public benefits would include open space, a park bench and art work near the entrance coming in from the F½ Road side. A neighborhood meeting was held. Ms. Gerow stated that the concerns raised ranged from drainage issues to not wanting homes in their backyards as well as a concern for higher density. Additional research was also done with regard to seepage from the canal and water in crawlspaces. Therefore, she said that all of these homes would be built on slabs which are Type B lots which allow for the drainage to come around.

STAFF'S PRESENTATION

Lori Bowers with the Public Works and Planning Department made a PowerPoint presentation regarding the Cobble Creek Subdivision. She said that the property was annexed into the City in 2000 as part of the Clark Wilson enclave. The site is bounded on the west by Diamond Ridge Subdivision Filing No. 2 and on the east by Westwood Ranch Filing No. 2; Valley Meadows West is directly north and the property has direct access to F½ Road. The title in dispute is the northeastern portion of the site bordering the existing irrigation canal, referred to as Tract C. Ms. Bowers stated that this land is a classic infill project – the parcel is bordered on all sides by development that has occurred within the last 10 years and all utilities and street accesses are available immediately adjacent to the parcel. She further stated that due to the size and shape of the parcel and the fact that it is difficult to develop and still meet the minimum density requirements of the Growth Plan, a Planned Development zoning provides the best options for development of this property. The Future Land Use Map shows this area to redevelop in the Residential Medium of 4 to 8 dwelling units per acre and the existing zoning currently is Residential Rural which zoning is not in compliance with the Growth Plan. Ms. Bowers mentioned that two petitions were presented to the City Planning Department opposing a change in the zoning as well as letters in opposition to the project after the neighborhood meeting. Since then, numerous letters have been received stating opposition to the project. One letter was received in favor of the project. Ms. Bowers said that the density would be 4.3 dwelling units per acre, this plan meets the minimum requirements of the Growth Plan and with the default zone of R-8 allows them to deal with setbacks and the building site. An easement has been obtained for the additional right-of-way to get the curb return in to meet the TEDS requirements. She said that during the process, applicant requested 4 TEDS exceptions and of those 4, 3 of them were approved which pertained to the length of the cul-de-sac, reducing the spacing between subdivision entrances and access on the opposite side of F½ Road and reducing the spacing between subdivision entrance and adjacent access to the west. She concluded that the proposed development meets the review criteria of the Zoning and Development Code and is compatible with adjacent subdivisions as well as

meets the criteria for infill redevelopment. According to Ms. Bowers, applicant has stated that a more effective use of existing utilities, streets and sidewalks with an intensity of development similar to adjacent neighborhoods would be provided. A PD zoning would allow the applicant to commit to a site layout with single-family home lots that are compliant with the size and value of those adjacent subdivisions. Ms. Bowers stated that the proposed development meets the following long-term community benefits: More effective infrastructure, a greater quality and quantity of public and/or private open space, needed housing types and/or mix of and innovative design. Finally, the title in dispute area will need to be looked at and resolved at the final plat stages.

QUESTIONS

Commissioner Carlow asked for clarification regarding the area designated as open space and if that same area was the area in dispute. Lori Bowers pointed out the area of title in dispute which can be part of the dedicated open space.

Commissioner Pitts asked if the area in dispute is included in the open space to be allotted to the project. Ms. Bowers confirmed that it is being allowed to be included in the open space.

Chairman Cole asked if the area in dispute was not included, if the requirements for percentage of open space would be met. Ms. Bowers said that it would.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Ron Stoneburner, 653 Longhorn, said that he is on the east side of the planned subdivision. He stated that he was told that there would never be a development in that area. He also stated that they have had water problems in their subdivision. He said that one of his main concerns is compatibility with existing neighborhoods. He also mentioned landscaping and fencing. He also would like a commitment about the height of the homes.

Richard Bell stated that he is on the board of the Diamond Ridge Subdivision which is to the west of this property. He addressed issues with regard to compatibility, the landscaping strip, consistency with the neighborhood, the requirement for a minimum of 5 acres for a PD whereas this property totals 3 acres and the proposed density.

Brenda Prestangen, 2515 Onyx Drive, stated that she is also on the Diamond Ridge board of directors. She questioned how there can be reduced traffic demands with the addition of 12 lots on such a small parcel of land, asked for clarification regarding the public art component and what would be included as recreational amenities, and raised an issue regarding the non-compatibility of setbacks with Diamond Ridge or Westwood.

Al Ramaekers, 658 Miranda Street, raised the issue with regard to privacy fences, the

use of the right-of-way for open space, and the ability by a fire truck to go through, make the turn and come back out.

Kenneth Neal, 2513 Garnet Avenue, stated that he agrees with everyone who spoke before him and especially pointed out that a two-story would not be compatible.

Sue Love, 661 Longhorn Street, in the Westwood Ranch Subdivision, said that she is very opposed to two-story homes being put in 10 feet away from her back fence. She was told that this property would not be developed. She also said that drainage issues in their subdivision have been monumental.

Kelli Ward, 2533 Brenna Way in the Westwood Subdivision, raised a question about the trails. They have a private park that the HOA takes care of and asked if the residents of this subdivision would contribute for the upkeep of this park. Her other question pertained to the water issues.

Barb Kidder, 655 Longhorn, stated that she agrees with everything that has been said previously. The water issue is huge and believes that this subdivision would add to the problems with the streets. She also said that a two-story house would not be compatible.

Pete Tuckness, 2534 Shetland Drive, wanted to say that he was in complete agreement with the statements made by Mr. Stoneburner. He also said that the water problem is deplorable.

PETITIONER'S REBUTTAL

Jana Gerow advised that Clint Allen would speak regarding the design of the lots as well as some of the traffic issues.

Clint Allen, a licensed professional engineer, first addressed the drainage issues. He stated that a geotechnical study had been done to determine the level of groundwater as well as to determine the acceptability of the soils for building on the site. They have looked extensively at the drainage on this site because of the concerns raised by some of the neighboring property owners but more specifically because of the concerns raised within the geotechnical report. He said that as part of the drainage on the site, Type B drainage on the lots would be utilized.

QUESTIONS

Chairman Cole asked if sub-surface drainage would run the full length of the property. Mr. Allen said that was correct with the area in the back yards at the low point on each of the rear yards.

Commissioner Pitts asked Mr. Allen to explain the sub-surface drainage. Mr. Allen said that it would be a pipe system with area inlets located along the backs of the lots in the downhill corner. He further stated that the drainage would be picked up off of the entire lot and put into a subsurface pipe and piped along the back sides of the lots into the

drainage pond on the south side of the property. Drainage from the subdivision would be directed into that pond, go into a pipe which then would connect into a pipe located along F½ Road.

Commissioner Putnam asked if it was storm water drainage or canal seepage drainage. Mr. Allen said that he believes most of the concern with water in crawl spaces is probably a result of the canal seepage. To mitigate any potential for groundwater infiltration, the only thing that would be removed from the site for preparation for the home placement would be the upper layer of topsoil and the foundation would be built up from that point.

PETITIONER'S REBUTTAL

Clint Allen next addressed the issue regarding the easement which would be dedicated as a right-of-way to the City upon approval of the final plat. Also, the trail located along the north side of the property would not be included in the portion of the property that is title in dispute.

QUESTIONS

Chairman Cole asked if the detention pond was located at the south end of the property next to F½ Road. Clint Allen stated that was correct. He further stated that the detention pond is planned to be a grass detention pond with irrigation.

PETITIONER'S REBUTTAL

Jana Gerow clarified that the open space totals .74 acres. She also stated that the trail is not a part of the area in dispute with the irrigation company. Once the area was defined as in dispute, they went back and created extra trail space so that should the City's continuous effort to connect the trail system through this development go forward, those subdivisions could be connected. She also addressed the issue regarding compatibility. She agreed that this development has a lesser setback in the back than some and the height of the homes would be restricted by the Code. Ms. Gerow also addressed the concerns raised regarding the fencing, the landscape strip and public art.

QUESTIONS

Commissioner Putnam asked if the bulk requirements for the PD would be the bulk requirements of R-8. Jana Gerow identified the requirements of the R-8 as the underlying zoning.

Commissioner Putnam noted that the building height was not mentioned. Ms. Gerow stated that it was not addressed as it is not part of the PD covenants at this point.

PETITIONER'S REBUTTAL

Jana Gerow also stated that they showed in the purchase of the property that they owned all of the land to the center of the irrigation canal. Furthermore, at the worst case, Ms. Gerow stated that applicant would be willing to make it a condition that if the dispute of the land is not clarified and not considered part of the open space, they would give up one of the lots in order to create additional open space rather than see the

whole project turned down.

QUESTIONS

Commissioner Dibble asked if there would be trees lining the west side of the open space. Ms. Gerow stated that a final landscape plan has not been made yet. She said that one of the concerns is that it is a shared drainage. She said it would be grass with a slight swale but they could consider trees where appropriate.

Commissioner Pitts asked if there would be a sidewalk on the west side. Jana Gerow said there was not a sidewalk on the west side because they were trying to allow for the green space.

Commissioner Lowrey asked whether that buffer area was 6 or 10 feet. According to the map, that area is 6 feet.

Commissioner Lowrey asked if they had considered taking either 5 or 10 feet from the front yard setback and increasing the rear yard setback by the same number of feet since the street is in the front and, therefore, has a much greater buffer area. Ms. Gerow said that in a Planned Development there is a little more flexibility; however, the 20 foot setback is designed in part for room to park a vehicle off of the street.

Chairman Cole asked Lori Bowers to address the minimum area of 5 acres for a PD. Lori Bowers said that the Planning Commission could recommend and the City Council could find that a smaller site is appropriate for the development or redevelopment as a PD.

Commissioner Dibble asked what, if anything, could be done with regard to the private park. Ms. Bowers said that she was not sure.

Commissioner Dibble asked if that would be enforceable by Code. Lori Bowers said that there are parks within the City that are primarily for the HOA members but she was unsure how effective that was.

Commissioner Dibble asked if in due diligence if the fire and other service facilities were checked to make sure that the streets were compatible not only for access but for their turnaround. Ms. Bowers said that as part of the TEDS exception on the length of the cul-de-sac, fire is part of the TEDS exception committee and accordingly did have a chance to comment on that.

Commissioner Pitts asked if a recommendation could be made to decrease the PD size. Ms. Bowers said that she believes that one of the purposes of the PD is to make specific recommendations.

STAFF'S REBUTTAL

Lori Bowers raised the possibility that the buildings could be designed for the site in such a way that would allow for a 20 foot driveway by moving the house forward. She

also mentioned that the maximum height in this zone district is 35 feet.

QUESTIONS

Chairman Cole asked if this project would be coming back to the Commission. Ms. Bowers said that it would only if the Commission requested it.

Commissioner Dibble asked for confirmation that the right to see the final plat development could be reserved. Lori Bowers stated that was correct.

DISCUSSION

Commissioner Pitts stated that he does not like the PD on an area less than 5 acres. He also does not think two-story homes are compatible with the neighborhood. As presented, he stated that he cannot support it but he stated that he can support some change if it could be reserved to review the final plat.

Commissioner Carlow concurred. He stated that he has some reservations regarding the open space and setbacks and access among other things. He further said that he was not satisfied with what has been presented.

Commissioner Putnam said that it is apparent that developing this site would change the drainage for the neighbors. He said that it is very tempting to approve an infill but he does not agree that this is the right kind of infill.

Commissioner Lowrey agreed and stated that he is concerned about the rear yard setback and would like that to be at least 15 feet. He also would like a requirement that the houses be single story.

Commissioner Dibble said that he is concerned with the drainage and with placing limitations on the houses. He suggested this project be deferred as there are too many issues at this time.

Commissioner Putnam said that he was uncomfortable with prohibiting an owner from developing a property as he would like.

Commissioner Dibble further stated that he believes this proposal meets the Code requirements. He said that he thinks quality is more of an issue than the size.

Commissioner Lowrey said that the intent and purpose of a PD zone is to provide flexibility. He said that he would be willing to put some reasonable restrictions on the development in order to protect the property owners to the east.

Commissioner Dibble asked if the standard bulk requirements for an R-8 were flexible enough to grant the Planned Development portion to adjust those. Jamie Beard said that is part of the portion of a Planned Development and said that the Commission can be flexible in regards to the bulk requirements and modifications can be made to those.

Chairman Cole asked if they could require that the final plat come back to the Commission for final approval. Ms. Beard stated that they could require the final plat but the issue is more of whether this should be remanded back for further consideration based on some of the questions and concerns so that more of that evidence could be brought forward before a final decision is made on a recommendation to City Council.

MOTION: (Commissioner Lowrey): “Mr. Chairman, I move that this be remanded back to staff for further considerations in light of the comments made by the Planning Commission this evening.”

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

A brief recess was taken. Commissioner Carlow asked to be excused as he was withdrawing from this particular item.

2. Schuckman Annexation - Zone of Annexation

Request a recommendation of approval to City Council to zone .483 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-8 (Residential 8 du/ac) zone district.

FILE #: ANX-2008-018
PETITIONER: Russell Schuckman
LOCATION: 231 28 1/2 Road
STAFF: Senta Costello, Associate Planner

STAFF’S PRESENTATION

Adam Olsen addressed the Commission regarding the Schuckman Annexation. He pointed out that the staff report says that the annexation consists of .87 acres which is correct because they are also including the right-of-way on 28½ Road in order to make that annexation happen. The parcel to be zoned this evening is .483 acres. Existing development surrounding the property is all Residential in nature. The Future Land Use Map designates this area as Residential Medium and the existing City and County Zoning Map illustrates zoning designations of R-8 and R-5 in the City to the west and south and County zoning of RSF-4 to the north and east of the subject property.

QUESTIONS

Commissioner Pitts asked if the adjoining property is being flagged. Adam Olsen stated that it is portions of the right-of-way to make it contiguous.

Commissioner Dibble asked what the property to the east is zoned. Mr. Olsen said that he believes it is County RSF-4.

Commissioner Lowrey asked how many lots would be put on the site if zoned R-8. Adam said that there is currently a duplex on the property and applicant is interested in putting another duplex on the property. The R-8 zone would allow them to do that.

Commissioner Pitts asked what is to the north. Adam Olsen said that to the north are duplexes as well.

Commissioner Lowrey asked if those duplexes to the north are non-conforming. Mr. Olsen said that they were built in the County.

Commissioner Lowrey asked what would be permissible if this property were zoned R-4. Mr. Olsen said that the existing duplex would still be allowed but another duplex would not. He further stated that applicant has not submitted for another duplex as yet.

Commissioner Lowrey asked how many duplexes are on the property to the north. Mr. Olsen said that they have one duplex consisting of two units. Mr. Olsen stated that applicant has been informed that if they can put another duplex on the property, they would have to meet requirements for open space, parking and landscaping.

PETITIONER'S PRESENTATION

Russ Schuckman stated that he and his wife own the property and see this as a modest infill project that would provide new construction for a new duplex. Their goal is to provide more affordable housing. He further stated that it is compatible with the neighborhood and meets the Growth Plan and urged the Commission to recommend approval to City Council.

QUESTIONS

Commissioner Pitts asked if there was the potential of putting a four-plex on the property. Adam Olsen said that one additional duplex, 4 total units, is all that this property could support.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Paula White, 231 28½ Road, said that she does not agree with it at all. She further stated that the property as is complements her licensed child care home and thinks it is a bad idea all together.

Edward Vanslayke, 2836 B 3/10 Road, said that he has gotten two conflicting letters in the last couple of months. He believes there will be an increase in drug activity, traffic, and crime.

Michael Burritt, 28½ Road, stated that he owns a one acre lot on the east side of the road adjacent to the proposed development. He said that one of his concerns is that the proposed property is within a homeowners' association and does not believe this meets the provisions of the homeowners' association. He said that parking is an issue. He questioned if it makes sense to have one .4 acre lot zoned in the City where everything else surrounding it is County. Furthermore, the current duplexes along the north side

were built with a one car garage per unit and asked that that it meet those historical standards if approved. He also addressed parking, traffic and safety. Mr. Burritt stated that higher density may impact the value of the one acre parcels to the east.

Robert Hamner, 217 Shoney Drive, stated that he was speaking on his own behalf as well as a member of the Granite Springs Board homeowners' association and stated that he strongly supports the opposition that has been expressed. He stated that this proposal is not compatible with housing that has developed and is developing in the area around it.

Jana Burritt, 228 28½ Road, said that she is afraid that this could really change the flavor of the neighborhood.

Chuck Beacham, 230 28½ Road, stated that he is right across the street from the subject property. He said that if applicant is allowed to do this, it will affect Granite Springs and Fox Run and Mesa Estates. He believes it is the wrong thing to do and does not think it will work.

Tiffany Wilson said that she is a resident at 231½ 28½ Road. She said that the front yard is not completely fenced and there is no irrigation water to take care of the back yard. She opposes it for the safety of her children.

Vernon Jones said that this has been his neighborhood for the past 48 or 49 years and the duplexes to the north are not well kept. He does not believe there is room on the site for parking and parking would have to be on the street. He said that this development does not fit. He urged the Commission to deny this.

Troy Sievers, 232 Beaver Street, said that for compatibility reasons this is not compatible with the current housing and concurred with everything that has been said. He said that parking is also an issue. He stated that he would like this area and the surrounding areas kept in good condition.

Valerie Stow (232½ Beaver Street) said that she agrees with all of the opposition and putting the one lot zoned City with the rest around it being County seems odd and not congruent. She said that quality versus quantity is really important.

Jackie Sievers, 232 Beaver Street, stated that she lives diagonally behind the property. She said that she is concerned with compatibility with the neighborhood and with the precedent it would set and the impact on property values.

Jana Burritt, 228 28½, said that the Commission also needs to consider that there is an 8 foot irrigation easement at the back of the subject property and the house behind them that she does not think is being considered.

Joel Wilson, 2866 Emily Drive, said that he does not think it is in the best interest of the City to annex this property. He also does not believe that putting a second dwelling on

the property is going to help anything other than the property owner and would not be in the best interests of the Commission to approve this plan.

Shirley Tate of 241 Arlington Drive said that she is concerned with the traffic.

PETITIONER'S REBUTTAL

Russ Schuckman said that they have owned the property for about 4½ years and said that he takes exception with his name being disparaged. He said that he believes that they have been very good landlords to their tenants.

DISCUSSION

Commissioner Pitts said that he is in favor of increased zoning and increased capacity but at this particular time he believes it would be a detriment to approve the annexation.

QUESTIONS

Chairman Cole asked whether or not this property has already been annexed. Adam Olsen said that it is in the process of being annexed. This is just assigning a zone district to it.

Chairman Cole asked if they had the option of zoning it something other than R-8 as applied for. Jamie Beard said that the Commission would have 3 options based on the Future Land Use Map and according to the staff report, it could be either R-4, R-5 or R-8.

DISCUSSION

Commissioner Dibble said that his personal opinion is that the whole area is in a transition toward the redevelopment of R-4 or R-5. He further said that he thinks this particular property is in a transition to redevelop to a type of property that is coming into the area. He said that he personally feels that an R-8 zone of annexation would not be in order.

Commissioner Pavelka-Zarkesh concurred.

Chairman Cole also concurred with Commissioner Dibble and said that he would not see the R-8 zoning as compatible with the neighborhood and would prefer an R-4 for this particular property at this time.

QUESTIONS

Commissioner Dibble asked legal counsel if the applicant does not concur with the zone of annexation if he has the ability to withdraw his annexation request. Jamie Beard stated that he has the ability to request to withdraw but it is up to City Council and whether City Council would allow him to withdraw.

MOTION: (Commissioner Dibble): "Mr. Chairman, I recommend the Planning Commission forward a recommendation of approval of R-4 (Residential 4 du/ac) zone district for the Schuckman Annexation, #ANX-2008-018, to the City Council

with the findings and conclusions discussed in Planning Commission and listed in the recommendations with the alternatives from the staff.”

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

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 9:37 p.m.