

GRAND JUNCTION PLANNING COMMISSION
JUNE 24, 2008 MINUTES
6:00 p.m. to 7:28 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), Dr. Paul A. Dibble, William Putnam, Reggie Wall, Lynn Pavelka-Zarkesh and Bill Pitts.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Greg Moberg (Planning Services Supervisor), Scott Peterson (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 19 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

Action: Approve the minutes of the May 27, 2008 Regular Meeting.

2. Pioneer Meadows Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 9.18 acres from County RSF-R (Residential Single Family Rural) to a City R-8 (Residential 8 du/ac) zone district.

FILE #: ANX-2008-078

PETITIONER: Jason Young

LOCATION: 3126 E Road

STAFF: Ronnie Edwards, Associate Planner

Commissioner Putnam asked that the minutes of May 27, 2008 be corrected to change the word "plague" to "plaque".

Commissioner Dibble advised that he would abstain as he was absent from the May 27th hearing. Commissioner Pitts stated that he also was absent from that hearing. Chairman Cole asked legal counsel if it was necessary for Commissioners Dibble and Pitts to abstain from the Consent Agenda. Jamie Beard, Assistant City Attorney, said

that it was not necessary to abstain from the Consent Agenda for purposes of the minutes so long as they had an opportunity to review the minutes and are comfortable that the minutes were correct. Both Commissioners affirmed that they had read the minutes.

MOTION: (Commissioner Wall) “Mr. Chairman, I move that we approve the Consent Agenda.”

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

PUBLIC HEARING ITEMS

3. Lusk Growth Plan Amendment – Growth Plan Amendment

Request a recommendation of approval to City Council of a Growth Plan Amendment to change the Future Land Use Designation from Rural (5-35 ac/du) to RL (Residential Low – ½ - 2 ac/du) on 8.53 acres.

FILE #: GPA-2007-368

PETITIONER: Sierra Lusk

LOCATION: 2105 S Broadway

STAFF: David Thornton, Principle Planner / Greg Moberg, Planning Services Supervisor

STAFF’S PRESENTATION

Greg Moberg, Public Works and Planning Department, appeared on behalf of Dave Thornton, the project manager of this case. He said that currently there was a single-family residence and the site was also used agriculturally. According to Mr. Moberg, the existing land use designation for the property was Residential Rural and the existing County zoning was RSF-4, approximately 2 to 4 units per acre. He stated that surrounding lot sizes in a study area created by Project Manager Dave Thornton, ranged from one-half acre to more than 59 acres. With regard to whether an error existed such that projects or trends were not accounted for, it was found that approximately 46% of the parcels located within the study area were non-conforming with the minimum lot size for the Rural or Estate designations. Additionally, the entire Mesa County Zoning Map showed the entire area as RSF-4. Mr. Moberg said that the character of the Redlands area was and continues to develop at urban densities. Mr. Moberg stated that the amendment request was consistent with the various goals and policies of the Growth Plan. He also pointed out that the 1998 City and County Persigo Agreement defined urban development as supporting Residential Low whereas lots that were less than 2 acres by the Persigo Agreement would be considered urban. He concluded that the review criteria of the Zoning and Development Code had been met.

QUESTIONS

Commissioner Putnam asked how the study area was defined or decided upon. Greg Moberg stated that he did not know. Lisa Cox, Planning Manager, clarified that the study area included parcels that had a Rural or Estate land use designation which were in close proximity to the applicant’s parcel. Other parcels which had physical

constraints which limited their development potential or those parcels that were already developed were not included in the study area.

PETITIONER'S PRESENTATION

Attorney Tom Volkmann, representing applicant, stated that after a review of the City's staff report and recommendation, said that they agreed with the results of the analysis as well as the proposed recommendation of approval.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Mike Anton, 2111 Desert Hills Road, which is directly adjacent from this property, advised that when this application was originally filed it was filed in two parts – one for Lusk and one with Ed Arnoss, which application had been pulled. He asked how this application could go forward without an actual neighborhood meeting occurring prior to the filing of the application. Mr. Anton advised that the subject property was presently for sale. He added that there was no error in the Growth Plan and finally asked the Commission to deny this request.

Patti Milius, 445 Wildwood Drive, said that she was concerned with the safety and the situation that some of this infill without proper safety of roads was setting up a very dangerous situation. She said that this would make it more difficult to safely use South Broadway. She said that making South Broadway urban when it was a rural road was irresponsible.

Alice Eden Smith (467 Wildwood Drive) said that the recent increase in traffic was tremendous. She further stated that wildlife was disappearing and voiced her concerns regarding traffic and safety.

Terry Dixon said that she had e-mailed her comments on this development but posed a question as to when the neighborhood meeting was done, the petitioner had indicated her intention of staying there but that she could not maintain the 8 acres and wanted to affect a simple split. Regarding traffic ramifications and the integrity of the area, she said that she believed the existing conditions on South Broadway would be terribly compromised. She said that while recognizing growth happens, it must be done responsibly and also maintain the integrity of established areas.

Dennis Moser, 2110 Wildwood Court, said that this project would definitely affect the area and was opposed to having 14 houses directly behind his house.

Lee Moser, 2110 Wildwood Court, stated that it was her understanding that Grand Junction needed affordable housing and did not believe that the Redlands was an area that would accommodate affordable housing.

PETITIONER'S REBUTTAL

Tom Volkmann said that with regard to the statements of 14 units on this property were premature. He also said that they were not in a position to address concerns relative to

the traffic on South Broadway. He reiterated that the staff's analysis of the area itself and this particular application was in depth and accurate and requested recommendation of approval to City Council.

QUESTIONS

Chairman Cole asked Mr. Volkmann to discuss the statement made regarding the two-parcel application. Mr. Volkmann said that he initially submitted the application on behalf of both this property and the parcel immediately to the north across South Broadway and the parcel that wraps around it. He said that the owner of that property withdrew from this application.

Commissioner Putnam asked if the neighborhood meeting was held concerning both parcels. Mr. Volkmann confirmed that was correct.

Commissioner Putnam asked if there was any reason why another neighborhood meeting was necessary concerning just this property. Tom Volkmann said that he could not think of any and had spoken with Dave Thornton regarding this point. Furthermore, the substance of this application did not change by virtue of the other parcel not being included.

Commissioner Dibble stated that he would like to have a designation description of South Broadway.

Commissioner Dibble asked how the area would be described, and what would be looked at regarding transitional growth and existing designation of land size. Greg Moberg said that staff looked at the size of the lots surrounding the property and the Future Land Use designation that existed underneath those lots. Greg said that the existing designations would be Estate and Rural. Furthermore, staff looked at the area to see how many of those parcels were in conformance with the existing designations and approximately 26 of those parcels would not be in conformance with that designation

Commissioner Dibble asked what the designation was for less than 2 acres. Lisa Cox, Planning Manager, said that the land use classification for something less than 2 acres would likely be Residential Rural, 5 to 35 acres per dwelling unit, or Estate, 2 to 5 acres per dwelling unit.

Commissioner Dibble asked if they were urban lot designations. Lisa Cox stated they were and that the land uses that would support a variety of zone districts would be considered urbanized development and urbanized lot sizes.

Commissioner Dibble asked where the designation would be if this was zoned. Lisa Cox stated that the properties were non-conforming and could not become conforming because the land use classification did not fit with their existing size and hasn't since 1996.

Commissioner Dibble asked if this area was addressed in the Redlands overlay in 2002. Lisa Cox said that this issue was not addressed in that update of the plan.

Commissioner Dibble asked if that was considered to be an overlooking of that or an error. Ms. Cox said that she thought it could be viewed as an error as when the plan was updated this land use classification of this neighborhood was not addressed and, therefore, could be interpreted as an error. Jamie Beard said that when the original Growth Plan was done in 1996, in 1998 there was the Persigo Agreement and the references to urban development were references that come about mainly because the Persigo Agreement said that those areas to be developed were to be at urban development. The 1998 Persigo Agreement came into play before the Redlands Plan was looked at in 2002. They were not considered when the Redlands Plan went forward and so that could be part of the error that could be considered in determining whether or not that criteria was met for purposes of changing the Growth Plan Amendment.

Commissioner Dibble asked if it was within the Persigo Agreement's jurisdiction. Jamie Beard confirmed that the subject area was within the Persigo boundary.

Commissioner Dibble asked for a definition of the South Broadway configuration both from type of roadway as well as the nature of it. Rick Dorris, Development Engineer, said that it was classified on the Grand Valley Circulation Plan as a collector street.

Commissioner Dibble asked if this whole area was to develop at a low, half acre development configuration, what would that do to South Broadway. Rick Dorris said that just one parcel developing would not be an issue. However, he said that before he could answer that question, he would have to look at the numbers, the growth rate, development trends. He did opine that safety improvements would need to be made and widen it but that it could handle it until sometime in the future. He added that South Broadway was not set for any improvements right now.

Commissioner Dibble asked what would trigger those improvements. Rick Dorris said that one parcel would not trigger it and that it would take a significantly larger number of lots, in the hundreds, to make it unsafe and trigger improvements.

Commissioner Dibble asked if South Broadway was the only avenue for egress to this area of study. Mr. Dorris stated that it was.

Commissioner Lowrey asked if there was enough public right-of-way on South Broadway to widen that road in the future. Rick Dorris said that there was not, which was not uncommon.

Commissioner Lowrey asked if there was any point in the City requiring the right-of-way until more people live there. Mr. Dorris said that there was not. He added that at some point it would become an issue if safety was compromised, or anticipated that it could be, and then it would be put onto the capital improvements program.

DISCUSSION

Commissioner Putnam said that nothing could be done tonight until the infrastructure was improved.

Commissioner Pitts said that he was concerned with the safety issue on South Broadway. He also stated that he did not believe there was an error in either the Redlands Plan or the study area. He added that the proposed development was not consistent with the area or the neighborhood and could not support the proposition.

Commissioner Putnam added that a number of the properties were not in conformity. He stated that he could approve this proposal without considering all other factors because he believed the whole thing has been an error.

Commissioner Dibble said that the area was classified by the Persigo Agreement as an urban area and stated that it should be recognized as an urban area and should be brought into conformance. He stated that what was being asked for was a reasonable adjustment in the land use designation to allow this one particular section to go forward in an urban setting and stated that it should be approved.

Commissioner Lowrey said that things have changed since 1996 and private people have a right to develop their property as guaranteed by the United States and Colorado Constitutions. He stated that a reasonable density and what would fit the Growth Plan today and in light of the Persigo Agreement and the growth in the area, a house for every one-half to two acres was appropriate. Therefore, he said that he would approve the Growth Plan Amendment.

Commissioner Wall agreed and stated that he personally thought there was an error. He stated that he thought the half acre to 2 acre lots were appropriate for the area and agreed with this request.

Commissioner Pavelka-Zarkesh said that the Commission had a responsibility to use the infrastructure effectively. She further stated that she felt that a reasonable development could be put in there. She stated that it could be well done so that it would not impose on the rest of the residences in the area and would be in favor of this proposal.

Chairman Cole said that he too would favor approving the application.

MOTION: (Commissioner Putnam) “Mr. Chairman, I move that the Planning Commission forward this Growth Plan Amendment request, GPA-2007-368, for Residential Low (RL) designation to City Council with a recommendation of approval, making the findings and conclusions listed in the staff report.”

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 6 – 1 with Commissioner Pitts opposed.

4. Park Mesa Subdivision – Growth Plan Amendment

Request a recommendation of approval to City Council of a Growth Plan Amendment to change the Future Land Use Map Designation from Estate (2 – 5 ac/du) to RL (Residential Low – ½ - 2 ac/du) on 13.58 acres.

FILE #: GPA-2008-065

PETITIONER: Ken Scissors

LOCATION: Little Park Road & Rosevale Road

STAFF: Scott Peterson, Senior Planner

STAFF'S PRESENTATION

Scott Peterson, Senior Planner, Public Works and Planning Department, made a PowerPoint presentation regarding a request for a Growth Plan Amendment from the Estate designation to the Residential Low category. Mr. Peterson advised that this request was located at the northwest intersection of Rosevale Road and Little Park Road. He noted that this property was within the Persigo 201 sewer service boundary. According to that agreement, any property located within the 201 should eventually develop at an urban level of density. He said that applicants had requested this Growth Plan Amendment in anticipation of future residential development. He said that the property was currently in the process of being annexed into the City. The property is surrounded by the Estate designation on all sides. Scott said that the reaffirmation of the Estate designation in the Redlands Area Plan was an error because it did not appropriately reflect the terms of the 1998 Persigo Agreement. Additionally, current growth plans had not been taken into consideration when the Growth Plan Amendment was adopted in 1996. He stated that the minimum acreage allowed to have a septic system is one-half acre.

QUESTIONS

Chairman Cole asked if there was sewer service available to this property. Scott Peterson stated that there was not currently sewer available for this property. He said that applicant had received a waiver from the Persigo Board in 2005 to not sewer this property.

STAFF'S PRESENTATION

Scott Peterson said that County zoning for the area was RSF-4. He said that this was a large free-standing parcel that could sustain development as a stand alone parcel. Additionally, public infrastructure was available and sewer would be available to the property in future years. A dry line sewer line would be installed by applicant so that when the improvement district would be formed the proposed subdivision would connect those dry lines at that time. Existing smaller parcels in the area indicate that this area would be appropriate for residential development at a greater intensity than the current Estate designation. Mr. Peterson stated that the proposal was consistent with the goals and policies of the Growth Plan and the Redlands Area Plan. He said that this area was in the urban growth boundary which promotes areas of development that have or will have adequate public facilities. Additionally, the Redlands Area Plan also supports high quality residential development in terms of site planning and architectural design. The Redlands area plan designated this property as being subject to rock fall and flash flood hazards. Therefore, prior to any development being approved, applicable engineering

reports and design standards would be reviewed for compliance with all applicable City codes, suitability of the site for development and to determine any special design considerations. He said that the applicant had proposed the hazard areas be platted as open space for the development. Mr. Peterson said that approval of this Growth Plan Amendment would allow residential lot sizes between one-half to two acres per dwelling unit with existing adjacent unplatted properties of larger than 2 acres. He said that it was reasonable and advisable to recognize that where public infrastructure was available or planned in a given area undeveloped larger acreage parcels should be evaluated to support increased densities. He, therefore, felt that the requested Growth Plan Amendment was consistent with the purpose and intent of the Growth Plan and the Redlands Area Plan and that the applicable review criteria of the Zoning and Development Code had been met. Finally, he recommended that the Planning Commission forward a recommendation of approval of the requested Growth Plan Amendment to the City Council. He said that staff had received one e-mail prior to the neighborhood meeting from an adjacent property owner voicing opposition to the proposed request.

QUESTIONS

Commissioner Pitts asked if this was approved for a Growth Plan Amendment and low density was permitted, would a septic tank be permitted. Scott Peterson said that Mesa County would allow a septic system on a half acre.

Lisa Cox, Planning Manager, clarified that sewer service was available to this site; however, it was not currently available to the property at this time because it was not cost effective. She said that at some point in time it would be extended to this property.

Rick Dorris, Development Engineer, said that it was approximately 1,500 feet from the site to where the sewer left off. He said that with all the utilities in the road, and digging up asphalt and replacing at least half of the road, it would be very expensive. He said that those are the types of things that City Council or the Persigo Board took into consideration when the variance was granted. Also, in order for a septic system to be allowed on a lot, they would have to demonstrate that they could create the leach field that goes in service now and they would have room for another leach field when that one failed.

PETITIONER'S PRESENTATION

Colleen Scissors stated that she owns the land along with her husband, Kenneth, and had nothing to add to Mr. Peterson's presentation. She stated that they were going to put 8 lots close to downtown with nice views.

PUBLIC COMMENT

Randy Stouder, East Dakota Drive, said that he was curious under the grounds that the variance for the sewer was given. He asked if the variance was given under the grounds for future development on the site. Rick Dorris speculated that they would have had no reason to request a variance from the sewer if they had not wanted to develop the parcel.

DISCUSSION

Commissioner Lowrey said that he agreed with the staff report.

Commissioner Putnam also agreed.

Commissioner Dibble said that this was in an area of transition.

MOTION: (Commissioner Lowrey) “Mr. Chairman, on item GPA-2008-06, Park Mesa Subdivision Growth Plan Amendment, I move that we forward a recommendation of approval of the amendment from Estate (2 – 5 Ac./DU) to Residential Low (1/2 – 2 Ac./DU).

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

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

Randy Stowder, East Dakota Drive said that it seems that applicants always ask for the high end of the range of what fits into the neighborhood. He said that even if their intention was not to ask for the high end, they seem to be asking for more than what would seem appropriate.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 7:28 p.m.