

GRAND JUNCTION PLANNING COMMISSION
JULY 8, 2008 MINUTES
6:00 p.m. to 7:29 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 Patrick Carlow (1st alternate). Commissioner Bill Pitts was absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Lisa Cox (Planning Manager), Brian Rusche (Senior Planner), Ronnie Edwards (Associate Planner), Senta Costello (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 36 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 June 10, 2008 Regular Meeting.

2. FedEx Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 4.3 acres from County PUD (Planned Unit Development) to a City I-1(Light Industrial) zone district.

FILE #: ANX-2008-091

PETITIONERS: Arleen Swanson

LOCATION: 788 22 Road & 2223 H Road

STAFF: Ronnie Edwards, Associate Planner

3. BLM Site Subdivision – Conditional Use Permit

Request approval for a Conditional Use Permit to allow outdoor storage on 6.23 acres in an I-O (Industrial Office) zone district.

FILE #: CUP-2008-066

PETITIONER: Brent Depointe – Bdew, LLC

LOCATION: 2785 & 2786 Printers Court

STAFF: Ronnie Edwards, Associate Planner

4. **Mesa Heights Subdivision – Preliminary Subdivision Plan**
 Request approval of the Preliminary Subdivision Plan to develop 14 single family lots on 3.86 acres in an R-4 (Residential 4 du/ac) zone district and request a recommendation of approval to City Council to vacate Right-of-Way.
FILE #: PP-2007-271
PETITIONER: Ted Martin – Wrights Mesa LLC
LOCATION: 2856 B 3/4 Road
STAFF: Greg Moberg, Planning Services Supervisor

5. **River’s Edge Subdivision – Preliminary Subdivision Plan**
 Request approval of the Preliminary Subdivision Plan to develop 35 lots on 8.26 acres in an R-5 (Residential 5 du/ac) zone district.
FILE #: PP-2007-183
PETITIONER: Jenette Stanley – 3124 D Road LLC
LOCATION: 3124 D Road
STAFF: Brian Rusche, Senior Planner

6. **Cal-Frac Well Service Facility – Conditional Use Permit**
 Request approval of the Conditional Use Permit for hazardous and/or explosive materials associated with the Cal-Frac Well Services operation.
FILE #: SPR-2008-061
PETITIONER: Beau Searle – Cal-Frac Well Service Corp
LOCATION: 489 30 Road
STAFF: Senta Costello, Senior Planner

7. **Grand View Care Lodge Rezone – Rezone**
 Request a recommendation of approval to City Council to rezone 1.9 acres from an R-1 (Residential 1 du/ac) zone district to an R-2 (Residential 2 du/ac) zone district.
FILE #: SPR-2008-144
PETITIONER: Paul & Korene Ewing
LOCATION: 815 26 1/2 Road
STAFF: Senta Costello, Senior Planner

8. **Fournier Annexation – Zone of Annexation**
 Request a recommendation of approval to City Council to zone 3.27 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-5 (Residential 5 du/ac) zone district.
FILE #: ANX-2008-111
PETITIONER: Kathleen M. Fournier
LOCATION: 2132 Rainbow Ranch Drive
STAFF: Senta Costello, Senior Planner

9. Level III Annexation-Mountain View Estates – Zone of Annexation

Request a recommendation of approval to City Council to zone 19.7 acres from County RSF-4 (Residential Single Family 4 du/ac) to City R-4 (Residential 4 du/ac) zone district.

FILE #: ANX-2008-147
PETITIONER: Level III Development LLC
LOCATION: 2922 B 1/2 Road
STAFF: Senta Costello, Senior Planner

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. Chairman Cole asked that item number 7 be removed from the Consent Agenda. Additionally, Senta Costello, Public Works and Planning Department, clarified that there was one letter received that evening for item number 7 and three letters regarding item number 8. Item number 8 was also pulled at public request. Commissioner Putnam asked if the legal department had examined the staff report on item number 4 as he had found it extremely confusing due to references to the Kirby Subdivision and the Mesa Heights Subdivision. Jamie Beard, Assistant City Attorney, stated that she had reviewed the staff reports and stated that the report needed to be clear for the Commissioners approving the project. The project could move forward as long as the report was clear to the decision makers. Lastly, Chairman Cole noted that there was a typographical error on page 6, item 12 of the June 10th minutes. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the remaining Consent Agenda items

MOTION: (Commissioner Lowrey) “Mr. Chairman, I move we approve the Consent Agenda items 1 through 6 and number 9.”

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

7. Grand View Care Lodge Rezone – Rezone

Request a recommendation of approval to City Council to rezone 1.9 acres from an R-1 (Residential 1 du/ac) zone district to an R-2 (Residential 2 du/ac) zone district.

FILE #: SPR-2008-144
PETITIONER: Paul & Korene Ewing
LOCATION: 815 26 1/2 Road
STAFF: Senta Costello, Senior Planner

STAFF’S PRESENTATION

Senta Costello, Public Works and Planning Department, made a PowerPoint presentation regarding the requested rezone. She said that the property was located across the street from the existing Paradise Hills Subdivision and north of H Road and the Holy Family Church. Ms. Costello advised that the property was currently vacant with large acre parcels located to the north, south and west. She stated that the Future Land Use

designation for the property was Residential Low, ½ to 2 acres per dwelling unit. Senta pointed out that the current zoning was R-1. She said that she did not believe there was an error created at the time the zoning was adopted; however, there have been changes in the character of the neighborhood due to development. She said that she believed it was compatible with the surrounding neighborhood. According to Ms. Costello, the R-2 zone district requested would fall within the designation of the Future Land Use Map and adequate public facilities were available to this site. She also stated that she believed the community would benefit from the proposed zone. She concluded that she recommended approval of the request for the R-2 zone district as it met the requirements of the Zoning and Development Code.

PETITIONER'S PRESENTATION

Rob Rowlands with Design Specialists, Architects and Planners, 917 Main Street, Grand Junction stated that his client wished to place his home and an assisted living facility on this property. He said that this was an allowed usage in both the R-1 and the R-2 zones. He pointed out that the site would consist of the applicant's home with the facility attached thereto.

QUESTIONS

Commissioner Wall asked for clarification that the residential unit would be attached to the home. Mr. Rowlands said that it would be attached via breezeway.

PUBLIC COMMENT

For:

Paul Ewing, 647 Round Hill Drive, Grand Junction, said that he was the owner along with his wife. He stated that they were trying to move to the area in order to expand to include a single-level ranch design.

QUESTIONS

Commissioner Dibble asked what would be the main reason for requesting an R-2 over an R-1. Mr. Ewing said that prior to purchasing the property, a small 8 person care facility would have been allowed according to the matrix. However, a year later, it was determined that because of density it would need to be zoned R-2.

Commissioner Dibble asked if the R-2 was granted would they put any more than 8 people in the facility. Mr. Ewing stated that they would not. He further said that the subject property was a two lot subdivision with covenants stating that it would be an 8 person care facility.

Commissioner Dibble asked for clarification that the zoning change would not add any additional numbers to the living quarters. Paul Ewing said that it would not.

PUBLIC COMMENT

Against:

Kamilee Rucker, 770 26 Road, said that she opposed the rezone as it would further break down the way of life that was established by the previous zone. She said that she

thought the zoning would continue. She stated that adding another layer of use was unnecessary in this area and would further encroach on their way of life. She would like the property to remain R-1.

Jane Clark, 2642 H Road, said that there were no covenants in the area nor were there any Commercial endeavors. She does not believe the care facility fits in the neighborhood. She said that both she and her husband were against it.

Rick Warren (2622 H Road) asked the City to have a heart and consider the residents. He said that the neighborhood meeting occurred last week and found it unfair that the City did not inform the residents of what was going on. He said that the residents were not consulted and believed it time to change the system and get residents involved in an appropriate time – at the very beginning.

QUESTIONS

Chairman Cole asked staff about the posting of the property and if all legal requirements were met. Lisa Cox, Planning Manager, recounted the process as follows: At the time a development application was received, notice cards would be mailed to the adjoining property owners within 500 feet or a registered HOA within 1,000 feet in order to advise property owners in the area that there was an application on file.

Chairman Cole asked what the timelines were with regard to posting and advertising. Lisa Cox said that when they realize that it would be a Planning Commission item, postcards are again sent out to people within 500 feet with the specific date, time and location of the public hearing given. In addition, a sign would be posted on the property with basic information. She said that the sign would have been posted 10 days before the public hearing meeting and advertised twice in the newspaper by way of a legal ad run in the legal section 7 days before the Planning Commission hearing as well as run as a display ad on the Friday before the Planning Commission meeting.

Commissioner Dibble asked if the time the applicant filed a request would trigger the notification to the homeowners' association as well as the 500 foot parameter. Lisa Cox said that the submission of a development application would trigger the notification.

Commissioner Dibble asked if submission to the HOA would cover all of the homeowners as it would then be the responsibility of the homeowners' association. Ms. Cox said that if there was a homeowners' association within 1,000 feet, that homeowners' association would be notified; however, registration for individual homeowners' associations with the City was voluntary. She said that a search of records was made and if there was anything within 1,000 feet that had been registered with the City, notification would be sent to the HOA and at that point it would be the responsibility of the HOA to notify its membership.

Commissioner Dibble asked if the Paradise Hills Subdivision was involved in this and if they were notified. Lisa Cox did not know. She said that according to Senta Costello, Filings I, II and III were on the mailing list.

Commissioner Dibble asked for approximate dates of notification. Lisa Cox said that they would have been notified for the first submission of an application 5 days after acceptance of that application for review and they would have been noticed 10 days prior to the public hearing this evening.

Commissioner Dibble asked if there was a date certain for this particular application. According to Ms. Cox, one notice card indicated a postmark of May 19, 2008 and the second indicated a postmark of June 27, 2008.

Chairman Cole asked Lisa Cox if it was her opinion that all legal requirements had been met. Lisa said that she believed the Code requirements for notification had been satisfied.

PUBLIC COMMENT

Betty Roy Pitts, 2626 H Road, mentioned that within 500 feet of this property would take care of about 6 or 7 pieces of property and they would be the only people to know about this rezoning.

PETITIONER'S REBUTTAL

Rob Rowlands pointed out that applicant intended to put two structures with a common connection to them on 1.9 acres.

DISCUSSION

Commissioner Putnam said that this was a prime example of spot zoning and it did not make sense.

QUESTIONS

Commissioner Carlow asked if they could apply for a variance to put 2 units on the subject property. Lisa Cox said that would be correct if they wanted to put 2 residential units on the property with an R-1 zoning; however, there would need to be more property in order to put 2 residential dwelling units in an R-1 zone district for this particular site.

Commissioner Dibble asked if it was a Commercial venture. Lisa Cox said that would be a fair statement.

Commissioner Dibble asked if this was an area of transition. Ms. Cox said that they consider the area in transition, but also that the very nature of the Growth Plan contemplates a range of uses. She further stated that so long as the proposed zone district was supported by the Future Land Use designation, that would not be considered spot zoning and the purpose of the land use designation was to accommodate a number of densities or development types. She said that there was evidence of development that would lead one to believe that greater development is occurring in this area and could be considered a transitional area.

DISCUSSION

Commissioner Dibble said that the Commission would have to determine if benefit and compatibility had been achieved in some fashion in order that all criteria had been fulfilled. He stated that the focus should be on the compatibility of the rezone.

Commissioner Lowrey said that he had no problem zoning this R-2. He stated that he believed this area would develop more intensely in the future as it was within the urban area. He stated that he believed an R-2 zone in this area was appropriate.

Commissioner Dibble stated that he believed notice was appropriately given at the right time. He further said that there was adequate notice to the public and that the public should bear some responsibility of asking and inquiring as to what might be taking place.

Commissioner Putnam said that it was up to the Commission to act in the interests of the entire City and that he did not feel that it would be in the best interests of the City to change the zoning in this case.

Commissioner Wall commented that he could reluctantly support R-2. He stated that he thought the correct zoning, based on the trend in the area, was R-4.

Commissioner Pavelka-Zarkesh agreed with Commissioner Wall.

Chairman Cole stated that every property owner had the right to ask just as every one had the right to voice their opinion either for or against an application. He said that he did not think the application for a rezone to R-2 was incompatible with the rest of the nearby properties and would support it.

MOTION: (Commissioner Wall): “Mr. Chairman, on Rezone, SPR-2008-144 I move that the Planning Commission forward the rezone to City Council with the recommendation of the R-2 (Residential 2 du/ac) district for the Grand View Care Lodge Rezone with the facts 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 Putnam opposed.

8. Fournier Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 3.27 acres from County RSF-4 (Residential Single Family 4 du/ac) to a City R-5 (Residential 5 du/ac) zone district.

FILE #: ANX-2008-111
PETITIONER: Kathleen M. Fournier
LOCATION: 2132 Rainbow Ranch Drive
STAFF: Senta Costello, Senior Planner

STAFF'S PRESENTATION

Senta Costello with the Public Works and Planning Department addressed the Commission regarding the request to zone the Fournier Annexation. She stated that several additional letters were received this date regarding this request. She said that the subject property was across Highway 340 from Ace Hardware and the property currently was vacant and surrounded by lots ranging in size from approximately one-third of an acre up to 5 acres. She said that the existing future land use designation was 4 to 8 dwelling units per acre. Surrounding the property on the south side of Highway 340 was Residential Medium Low and across the street in the Monument Village Shopping Center was Commercial. According to Ms. Costello, the R-5 did fall within the future land use map designation of the Residential Medium. She added that the surrounding County zone district was RSF-4 on the south side of Highway 340 and the existing zoning of Monument Village Shopping Center was C-1 in the County and B-1 within the City limits with Monument Village Subdivision to the north of the shopping center as a PD at 3.4 dwelling units per acre. After a review of the zoning criteria, she found it to be compatible with the requirements of the Zoning and Development Code, the Growth Plan and the Redlands Plan and recommended approval of the request.

QUESTIONS

Commissioner Putnam asked if all of the square feet of Rainbow Ranch Drive and a significant portion of Highway 340 as shown on the site location map were included in the total land area used to determine the number of dwellings that could be put there. Senta Costello said that it was only the acreage of the site itself.

PETITIONER'S PRESENTATION

Anthony Viso from Meadowlark Consulting, 123 North 7th Street, Suite 130, Grand Junction, appeared on behalf of petitioner, Kathy Fournier. He said that they believe strongly that it should be zoned R-5. Mr. Viso said that there is much needed infill with the City. The future land use map showed the proposed zoning of RM, 4 to 8. He said that this project was originally proposed with a zoning of R-8; however, after research and discussions with the City and landowner, it was changed to R-5 as it was determined best for the surrounding area.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

Carl Roach (2131 Rainbow Ranch Drive) stated that he and his wife had watched past attempts to develop the subject property and they were concerned about the density. He said that he wanted to see this lot develop but thought that 6 or 7 single-family dwellings would still allow the developer to make a reasonable profit while maintaining the existing neighborhood. He said that if the maximum number of dwellings were allowed under this plan, up to 26 dwelling units, the development would allow 50 to 60 additional cars. Mr. Roach voiced his concern about the density and would like consideration of the lower requirements as a more compatible transition between zones. He also said that they

would like to see single-family structures rather than anything multi-story that would destroy their views.

Dennis Campbell (2135 Rainbow Ranch Drive) agreed with Mr. Roach's statements and pointed out that all of the other lots have one single-family dwelling on them. He also stated that this had been submitted for subdivision previously and was denied because there was no sewer together with the increased density of traffic and no turning lane on Broadway. He said that he was opposed to rezoning this to R-5.

Daniel Maier (2126 Rainbow Ranch Court) said that he was concerned that an R-5 would allow for multi-family dwellings which would be out of character for the area and the character of the community should be maintained. He said that they were mostly concerned with multi-family dwellings and very dense development.

Guy Stephens (2129 Rainbow Ranch Drive) said that he felt very strongly that it should not be rezoned from R-4 to R-5 because the R-5 would allow multi-family and much higher density. He added that he agreed with the people who spoke before him.

Yoleta Trujillo (2127 Rainbow Ranch Drive) spoke on behalf of herself and her husband. She said that they felt like the previous speakers that it would be too much and asked that the Commission not make it R-5.

Bal and Trudy Santistevan (2126½ Rainbow Ranch Court) asked that the Commission consider not rezoning the property. She said that they were concerned that there was no turn lane and they don't want to lose the beauty if multi-family were allowed.

PETITIONER'S REBUTTAL

Anthony Viso said that a zone district of R-5 would allow for 15 units on roughly 3 acres. He said that at present there were no ideas for development of the site. With regard to the sewer, they were aware that they would be responsible for incurring that cost. He next addressed the lack of a turn lane onto Rainbow Ranch Drive and believed that would be taken care of by the City.

QUESTIONS

Commissioner Putnam stated that according to the staff report the site was 6.48 acres. Mr. Viso clarified that Rainbow Ranch Drive and a portion of Highway 340 were included but they would develop 3.27 acres.

Commissioner Dibble asked for clarification regarding the total acreage of the subject property. Senta Costello said that the property itself was 3.27 acres and the annexation area total was 6.48 acres and the additional area for the annexation was the additional right-of-way from Highway 340 and Rainbow Ranch Drive.

Commissioner Dibble asked how many homes, considering the infrastructure of the developable property, could be put in under R-5. Ms. Costello said that the maximum density that they could probably get on there would be 16. They would have to make

sure that the lots were all buildable and met the bulk standards for the R-5 zone district, among other things.

Commissioner Dibble asked for clarification regarding the availability of sewer. Senta said that there was sewer available at the fire station located southeast of the property and the developer would be required to bring that up to the property upon development.

Commissioner Dibble asked for the differential between R-4 and R-5 as to multi-family development. Senta Costello said that under the R-4 zone district, the only type of multi-family development that would be allowed would be duplexes which would only be allowed on corner lots while the R-5 would allow multi-family to a certain extent but they would still have to meet the minimum lot sizes and open space requirements.

Commissioner Dibble asked for confirmation that under either the R-4 or the R-5 zone districts multi-family units would be allowed. Ms. Costello said that different levels would be allowed on either with limitations.

DISCUSSION

Commissioner Carlow said that he would be more comfortable with an R-4.

QUESTIONS

Commissioner Lowrey asked if the City would propose a turn lane. Senta Costello said that to her knowledge there were no plans for construction of a turn lane. She said that if the site were developed, that would be looked at as far as whether it were necessary and potentially the developer would be required to install it.

Commissioner Dibble asked if some of the surrounding properties were to sell and the single-family dwelling on it demised, could they then put in an appropriate number of dwelling units under current Code. Senta said that potentially that could be done. She said that the main difference between the surrounding properties and this was that the highest density they could request was R-4 with the current future land use designation.

DISCUSSION

Chairman Cole said that he believed R-4 was more appropriate to the surrounding properties and would support an R-4.

Commissioner Putnam said that it was frustrating to try to apply City zoning, County zoning, and future land use designation in a rational manner. He could not support an R-5 but could support R-4 reluctantly.

There was discussion regarding whether two motions were necessary. Jamie Beard, Assistant City Attorney, said that as this was a zone of annexation, just one motion could be made as to the R-4; however, two motions were preferred so that it would be clear that the applicant's request was considered.

MOTION: (Commissioner Putnam): “Mr. Chairman, on the Fournier Zone of Annexation, # ANX-2008-111, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-5 (Residential 5 du/ac) zone district for the Fournier Annexation with the facts and conclusions listed in the staff report.”

Commissioner Wall seconded the motion. A vote was called and the motion failed by a vote of 0 - 7.

MOTION: (Commissioner Dibble): “Mr. Chairman, on the Fournier Zone of Annexation, # ANX-2008-111, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-4 (Residential 4 du/ac) zone district for the Fournier Annexation as discussed and presented by the Commission.”

Commissioner Wall seconded the motion. A vote was called and the motion passed by a vote of 6 – 1 with Commissioner Putnam 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 7:29 p.m.