

**GRAND JUNCTION PLANNING COMMISSION
APRIL 24, 2007 MINUTES
7:00 p.m. to 9:46 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

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

In attendance, representing the City's Community Development Department, was Lisa Cox (Planning Manager).

Also present were Jamie Kreiling (Assistant City Attorney), Lori Bowers, Kristen Ashbeck and Rick Dorris.

Lynn Singer was present to record the minutes.
There were 48 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the minutes of March 13, 2007.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move approval of the March 13, 2007 minutes as presented"

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioners Putnam and Sublett abstaining.

III. CONSENT AGENDA

Available for consideration were items:

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| 1. PP-2006-218 | PRELIMINARY SUBDIVISION PLAN – The Brickyard at Wellington |
| 2. RZ-2007-034 | REZONE – West Ouray Rezone |
| 3. PP-2007-109EX | PRELIMINARY PLAN – Summer Hill Filing 7 & 8 Extension |

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion. At staff request, item 1 was pulled for continuance to May 8, 2007 for Full Hearing. No objections or revisions were received from the audience or planning commissioners on the remaining Consent Agenda items.

MOTION: (Commissioner Pitts) “Mr. Chairman, I move we approve the rescheduling of item 1 to May 8, 2007.”

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

MOTION: (Commissioner Pitts) “Mr. Chairman, I move approval of Consent Agenda items 2 and 3 as presented.”

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

IV. FULL HEARING

4. GPA-2006-239 ANNEXATION/REZONE – Miller Annexation

A request for a Growth Plan Amendment to change the Future Land Use designation from Residential Rural (5 to 35 ac/du) to Residential Low (1/2 to 2 ac/du) for the Miller Annexation property located at 450 Wildwood Drive.

PETITIONER: Wylie Miller

LOCATION: 450 Wildwood Drive

STAFF: Kristen Ashbeck

STAFF’S PRESENTATION

Kristen Ashbeck with the City Planning Division addressed the Commission regarding the request for Growth Plan Amendment for the Miller Annexation. Ms. Ashbeck stated that the subject property is a 35-acre parcel located on the Redlands at 450 Wildwood Drive. Applicant is proposing to develop the property for residential use and the property is within ¼ mile of the existing City limits which requires annexation under the City/County Persigo Agreement. Ms. Ashbeck stated that City Council has already approved the first reading of the annexation and exercised land use jurisdiction with the second reading of the annexation scheduled for May 16, 2007.

She went on to state that the parcel is currently vacant except for a few outbuildings. An amendment to the Growth Plan Future Land Use Map is being requested from residential/rural to residential/low. “In this instance it appears that there may have been an error made at the time the land use category of rural/residential was applied to this policy.” According to the Redlands Plan, along the border of the Colorado National Monument new developments shall be limited to one unit per five acres and that no structure on any such parcels should be located within 1,000 feet of the national

monument. Presently the closest point to the Colorado National Monument is approximately 2,000 feet. Additionally, there are other existing conditions that are inconsistent with the Redlands Plan and the Future Land Use that was adopted with that plan. Those include parcels sizes, the properties in the area have been zoned for higher density since the 1960s. According to Ms. Ashbeck, if the Commission does not find that there was an error made in the plan, then the proposed Growth Plan Amendment must meet the remaining criteria of section 2.5.C of the Zoning and Development Code. In conclusion, Kristen stated that staff finds the proposed amendment is consistent with the purpose and intent of the Growth Plan and the Redlands Area Plan and the review criteria of the Zoning of the Development Code.

QUESTIONS

- Commissioner Putnam asked if the site is presently zoned RSF-2 under the County zoning system. Ms. Ashbeck stated that it is.
- Commissioner Putnam then asked if that designation pre-dated the Growth Plan. Ms. Ashbeck stated she had been told by the Long Range Planning Division at the County that the zoning has been in place since 1961.
- Commissioner Putnam pointed out that it appears that a portion of Wildwood Drive may be on BLM land. Ms. Ashbeck confirmed that there is a stretch that is not a dedicated right-of-way.
- Commissioner Sublett referenced a letter received which stated that the BLM land potentially will be given to the National Park Service to become part of the Colorado National Monument. Ms. Ashbeck stated that she has not spoken to anyone at the National Park Service with regard to an exchange.
- Commissioner Lowrey questioned Ms. Ashbeck about an inadequate supply and amount of land suitable for development. Kristen stated that some of the surrounding area is encumbered by wetlands or flood plain. She also stated that there are some areas with topography and/or infrastructure concerns.

PETITIONER'S PRESENTATION

Wylie Miller spoke in support of the requested Growth Plan Amendment. According to Mr. Miller, this is an infill development and believes this would be a good development for the area.

PUBLIC COMMENTS

For:

Sierra Lusk, 21055 Broadway, stated that she is in favor of this because no one on her block is in compliance with current zoning.

Against:

Tom Volkmann, 225 North 5th Street, Grand Junction, stated that he has been engaged by several of the nearby property owners. He first addressed whether or not there was an error in the designation under the Growth Plan Amendment. He stated that there has been no evidence presented to support the argument that the rural designation bears any relationship to the proximity to the Colorado National Monument or to the Redlands Plan provision that requires 5 acre parcels within 1,000 feet of the monument.

He went on to state that neither the County nor the City has enforced the 1,000 foot strip. He next addressed the remaining criteria of section 2.5.C of the Zoning and Development Code. He argued that Wildwood Drive has not been a public road, does not extend to South Broadway and may not be able to serve as the basis and primary access for this development. "This property we submit fails to meet essentially any and all of the criteria required to support a Growth Plan Amendment. There is no adequate evidence of an error. The other six we've talked about in detail and it literally supports no aspect of the criteria and, therefore, we recommend that you in turn recommend to the City Council that this Growth Plan Amendment be denied and that this project if it's going to develop, develop in accordance with the Growth Plan designation it presently has."

Mike Anton (2111 Desert Hills Road) stated that his property is directly across the street from the site. Mr. Anton stated that he would be able to support this development with a designation of RSF-E. He does not believe that there is an error with the Growth Plan.

Paul Brown of 2067 E $\frac{1}{2}$ Road, Grand Junction, appeared on behalf of his parents who live at 552 20 $\frac{1}{2}$ Road. Mr. Brown stated that it is their hope to keep the area RSF-E.

Steve Voytilla, 2099 Desert Hills Road, stated that he had been assured by County Planning officials several years ago that the area had a zoning designation of R-2. However, approximately a year later when they tried to develop the property, they were told that this was an area that would allow one home per two to five acres. "I think there needs to be a precedent and I think we need to live with that from here forward."

Fred Aldrich, 601A 28 $\frac{1}{4}$ Road, Grand Junction, spoke on behalf of several property owners. He wanted to emphasize that the property owners that he represents are trying to preserve the Growth Plan. He pointed out that the adjacent area is rural in nature – very low density, open space, open ponds, wildlife. He further argued that the possibility of an error does not lead to the conclusion of an error. "So on behalf of the people I represent, we would like the Planning Commission to find that there was no error and that none of the other criteria have even been close to being met and make a recommendation to the City Council to deny the application."

Alice Smith (467 Wildwood Drive) stated that her concerns are with regard to Wildwood Drive as she has been paying taxes on it for more than 30 years, the possible need for additional lift stations and increased traffic.

Francis Raley of 444 Wildwood Drive stated that, "I must say that I find it very disingenuous on the part of the planning staff to suggest that there's error because there's not error." He further stated that he can only support the development in the context of the plan that has been set forth and that should be adhered to.

Terry Dixon (423 Wildwood Drive) stated that with regard to the BLM parcel, it was the understanding of the Wildwood Drive residents that when the Wildwood Trailhead was established, the intent was for a land exchange between the National Park Service and

BLM. Ms. Dixon stated that she was told by a County representative that they are aware of the traffic problem on South Broadway and a traffic study would be required should this development occur.

Paul Cooper (2095 Wildwood Court) said that he bought his property because of the rural character of the area. He went on to state that this development as proposed would completely change the character for the worst.

Anne Morrison, 452 Wildwood, stated, "...and I just hope that you will stick with the Growth Plan as they intended."

Don Desroschi, 455 Wildwood, stated that he believes this property should not be developed.

Enver Mehmedbasich (450 Wildwood) said that he wants to support his neighbors and keep it as it is. He further listed the various types of wildlife on his property.

Bill Milios of 445 Wildwood stated that he supports his neighbors.

Leland Cofer, 446 Wildwood, stated that this development would change the entire area.

Dennis Moser of 2110 Wildwood Court declared that he believes the development would change the feel and the structure of the area and would also impact the habitat.

Patti Chamberlain (2073 South Broadway) stated that she supports her neighbors.

David Price, Chief Resource Manager for the Colorado National Monument and Acting Superintendent, stated that the process for the land exchange is ongoing.

A brief recess was taken at 8:40 p.m. The hearing reconvened at 8:49 p.m.

QUESTIONS

- Chairman Dibble asked Assistant City Attorney Jamie Kreiling to address the ingress/egress issue from South Broadway through Wildwood to this particular site. Ms. Kreiling stated that it is the City's understanding that Mesa County considers it a county road and based on the Persigo Agreement, it can be annexed in.

STAFF'S REBUTTAL

Rick Dorris, Development Engineer, stated that Broadway is classified on the Grand Valley Circulation Plan as a collector street. The intersection between the existing Wildwood Drive and Desert Hills Drive meets the spacing for two different intersections. Mr. Dorris confirmed that sewer service is available and no further lift stations would be necessary.

Commissioner Sublett raised a concern with regard to a site line problem due to elevation change. Mr. Dorris stated that he is not prepared to talk about elevations at this time as this question will be answered at the Preliminary Plan stage.

Kristen Ashbeck addressed some of the concerns raised by the public and Commission. Tierra Rado was developed in the County as a Planned Development. Later filings did finish up in the City. She further stated that the City adopted the plan as it was from the County. She went on to state that the previous Redlands Plan allowed smaller lots up against the Colorado National Monument. In response to a question posed by Commissioner Lowrey, she also stated that minutes of hearings regarding the Growth Plan and the Redlands Plan are likely available. Ms. Ashbeck also stated that the RSF-E is inconsistent with the Growth Plan.

PETITIONER'S REBUTTAL

Wylie Miller stated that he is required to come into the City to develop the property as he does not have the right to develop it in the County. Mr. Miller confirmed that this property is not prime farm ground. "This project that I'm suggesting is surrounded by growth on three sides and it's coming forward and it's moving towards this area."

DISCUSSION

Commissioner Carlow stated that a Growth Plan Amendment is a major step and would be uncomfortable if it is made based on the assumption that a mistake was made on the zoning map.

Commissioner Sublett stated that he is very familiar with the subject area and has recently read the Redlands Plan. He believes that the Redlands Plan is the controlling document. He further stated that it was the intention of the plan, as well as of the Redlands residents, to keep a rural character to the area. "I don't believe a mistake has been made here. I think it's right, therefore, I can't support this request."

Commissioner Lowrey stated that a planning commission functions as an adjudicative body, not a legislative body. He also stated that he does not believe any evidence has been presented to show that an error has been made. "I'm going to have to vote against the amendment to the Growth Plan but I do so reluctantly but I feel that our responsibility as a planning commission is we are adjudicative not legislative."

Commissioner Putnam believes that all that is before the Commission at this point is whether or not to recommend to the City Council that the Growth Plan be changed.

Commissioner Pavelka-Zarkesh stated that she is supportive of utilizing the existing infrastructure. However, based on the information presented and the Redlands Plan, believes that the density is appropriate and cannot support a Growth Plan Amendment.

Commissioner Pitts stated that he believes the rights of the people who have acquired property surrounding the subject parcel may have been invaded. Accordingly, he cannot support the proposed amendment.

Chairman Dibble stated, "I have a hard time reconciling the Growth Plan with the zoning that's established by the County. Regardless of when they changed it, for whatever reason, and we've heard no good solid reasons why. It just doesn't appear that they're compatible – the two concepts. So if you're going to have to choose and come down on the side of one or the other, I have to look at what is there, what the people expressed from their hearts as to what they want to have as an appearance of their connecting and adjunct properties, I would also have to say that the County zoning is not appropriate for this nor would be a change in the Growth Plan at this time."

Commissioner Putnam further stated that the inconsistency of the Growth Plan designation and the existing County zoning is prima facie evidence of error.

Commissioner Lowrey stated that he believes poor judgment was made five years ago.

MOTION: (Commissioner Sublett) "Mr. Chairman, on item GPA-2006-239, the Miller Annexation Growth Plan Amendment, I move the Planning Commission forward a recommendation of approval for the amendment from Residential Rural to Residential Low."

Commissioner Pitts seconded the motion. A vote was called and the motion failed by a vote of 1-6 with Commissioner Putnam voting in favor of the amendment.

With no objection, the public hearing was adjourned at 9:46 p.m.