

**GRAND JUNCTION PLANNING COMMISSION
MAY 29, 2007 MINUTES
7:00 p.m. to 10:20 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), Roland Cole (Vice-Chairman), Tom Lowrey, Bill Pitts, Reggie Wall, William Putnam and Ken Sublett (2nd alternate). Commissioner Lynn Pavelka-Zarkesh was absent.

In attendance, representing the City Public Works and Planning Department, were Lisa Cox (Planning Manager), Faye Hall (Associate Planner), Scott Peterson (Senior Planner), Ronnie Edwards (Associate Planner), Lori Bowers (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 approximately 37 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

There were no minutes available for consideration.

III. CONSENT AGENDA

Available for consideration were items:

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| 1. PP-2006-219 | PRELIMINARY SUBDIVISION PLAN – History Hill
Subdivision |
| 2. ANX-2007-085 | ZONE OF ANNEXATION – Sky View Annexation |
| 3. CUP-2006-242 | CONDITIONAL USE PERMIT – Metro Motors Car Sales |
| 4. VR-2006-284 | VACATION OF RIGHT-OF-WAY – Salogga/Axellson ROW
Vacation |

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. No objections or revisions were received from the audience or planning commissioners on any of the Consent Agenda items.

MOTION: (Commissioner Pitts) “Mr. Chairman, I move approval of Consent Agenda items numbered 1 through 4 as presented.”

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

IV. FULL HEARING

- 5. ANX-2007-107 ZONE OF ANNEXATION – Street Property Subdivision**
Request approval to zone 1.33 acres from a County RSF-4 (Residential Single Family-4 du/ac) to a City R-4 zone district.
PETITIONER: Jimmy Street
LOCATION: 623 29½ Road
STAFF: Faye Hall, Associate Planner

STAFF’S PRESENTATION

Faye Hall with the Public Works and Planning Department advised the Commission that she was just informed by applicant that they are requesting not to be annexed at this time. Ms. Hall stated that the City has taken land use jurisdiction.

Jamie Kreiling, Assistant City Attorney, advised the Commission that it should proceed with this request as there is land use jurisdiction. A recommendation is being made to City Council for the zone of annexation. If City Council allows the withdrawal of the application, applicant could withdraw even though the Planning Commission has made a recommendation to City Council.

Faye Hall stated that the property is directly east of the Forest Run Subdivision. The future land use designation is Residential Medium, 4 to 8 units per acre. The existing County zoning is RSF-4. Applicant is requesting R-4 but City staff believes R-5 is more appropriate.

QUESTIONS

Chairman Dibble asked for a precise definition of the differences between R-4 and R-5. Ms. Hall stated that R-4 zone district is residential and allows 4 units per acre. The R-5 zone district is residential and allows 5 units per acre.

Commissioner Pitts inquired why staff is recommending R-5 when applicant is requesting R-4. Faye Hall stated that staff feels the properties along 29½ Road that are zoned County RSF-4 have the ability to be further subdivided and the R-5 zone district is more compatible with the existing subdivisions.

PETITIONER'S PRESENTATION

Gloria Street, 623 29½ Road, addressed the Commission and asked that their petition be pulled due in large part to her husband's health. It was their intention to divide the property in order to build a home on the back of the subject property for a family member. They were not aware at the time that they would have to put in a fire line from F½ Road to their property at their expense. Therefore, they would prefer to remain in the County and not be annexed into the City.

QUESTIONS

Commissioner Lowrey asked if applicant has a preference for R-4 or R-5. Mrs. Street stated that she would prefer County R-4. However, after further questioning, Mrs. Street stated that she would prefer R-5.

DISCUSSION

Commissioner Pitts asked for clarification why this matter needs to proceed since applicant has requested that their petition be pulled. Jamie Kreiling advised that all that is before the Commission is the zone of annexation. City Council will make the final determination regarding annexation and the zone of annexation. Since the petition has gone to the City Council to be annexed into the City and the City has taken land use jurisdiction, it is now up to City Council to determine whether or not they will allow the withdrawal of the petition for annexation.

PUBLIC COMMENT

No one spoke in favor of or in opposition to this request.

MOTION: (Commissioner Cole) "Mr. Chairman, on the Street Property Zone of Annexation, #ANX-2007-107, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-4 (Residential, 4 units per acre) zone district for the Street Property Annexation with the facts and conclusions listed in the staff report."

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

MOTION: (Commissioner Cole) "Mr. Chairman, on the Street Property Zone of Annexation, #ANX-2007-107, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-5 (Residential, 5 units per acre) zone district for the Street Property Annexation with the facts and conclusions listed in the staff report."

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

- 6. GPA-2007-076 GROWTH PLAN AMENDMENT – Three Sisters Growth Plan Amendment**
Request approval for a Growth Plan Amendment to change the Future Land Use Designation from Conservation to Residential Low ($\frac{1}{2}$ to 2 ac/du) on 101.7 acres.
PETITIONER: Darren Caldwell – Conquest Development
LOCATION: 2431 Monument Road
STAFF: Scott Peterson, Senior Planner

STAFF’S PRESENTATION

Scott Peterson, Senior Planner, made a PowerPoint presentation regarding the request for a Growth Plan Amendment from a designation of Conservation to Residential Low. Mr. Peterson advised that the subject property is adjacent to Monument Road, which is east of Mariposa Drive. The total acreage for the property is 128 acres. The requested acreage for the Growth Plan Amendment change is 101 acres. At present there is a request for annexation of the entire parcel. Mr. Peterson noted that the property is vacant and contains 3 distinct hills which are known locally as the Three Sisters. A portion of the property totaling approximately 27 acres located north of Monument Road is already designated as Residential Low. He went on to state that the Conservation designation for this portion of the property was to identify topographic and ridgeline constraints that some of this property has. According to the Redlands Area Plan, Monument Road has been identified as a visually important corridor on the Redlands as it is a gateway to the Colorado National Monument. The Conservation designation would allow one house to be built for every five acres and was the most appropriate designation for the property at the time due to existing topographic constraints. Mr. Peterson stated that current zoning for this area in the County is RSF-4. Increased residential development has occurred in the area since the adoption of the Growth Plan and the Redlands Area Plan. He further noted that existing and proposed infrastructure facilities, right-of-way access and water availability are adequate to serve the proposed development. Sewer service would have to be extended to the development along Monument Road from South Redlands Road.

QUESTIONS

Commissioner Pitts asked for clarification with regard to future development as a PD. Mr. Peterson stated that with a PD applicant would have to conform with whatever the Growth Plan would dictate.

Chairman Dibble asked for clarification of clustering. Scott Peterson stated that the cluster provisions would apply along with the hillside development standards. Mr. Peterson stated that technically you can have a cluster provision if you provide the corresponding percentage of open space in the development in order to lower the lot size. Mr. Peterson stated that the Three Sisters area would likely not be developed due to topographic constraints. That area would remain open space and applicant could take that acreage and cluster homes to either the east or west.

Chairman Dibble asked why this area was designated as a conservation district in 2002 and now believe it necessary to re-designate. Scott Peterson stated that a request to change it to residential was made; however, it wasn't studied in depth and there was neighborhood opposition to a change to residential and applicant withdrew the request. He further stated that the Conservation designation was appropriate at the time.

Commissioner Putnam raised a concern with the word "conservation" which to him implies "not doing anything" yet the conservation designation would allow limited development. Mr. Peterson stated that conservation is a future land use growth plan term.

PETITIONER'S PRESENTATION

Bob Blanchard, 706 Jasmine Lane, stated that he represents Conquest Development in their request to amend the Growth Plan from Conservation designation to Residential Low. Mr. Blanchard identified the criteria necessary for the Growth Plan Amendment, and in particular discussed the stand-alone criteria that if the Commission finds a mistake was made or that the designation was inappropriate, the Commission would not need to make findings on the rest of the review criteria. However, if the Commission does not find that a mistake was made or that the designation is inappropriate, then the remaining criteria have to be met cumulatively. It is applicant's contention that the Conservation designation was applied to this property inappropriately. Mr. Blanchard then quoted the definition of Conservation from the Growth Plan, placing emphasis on the word "reserved". Mr. Blanchard noted that there is no implication of any development allowed for in a Conservation designation in the Growth Plan. He further advised that this property is within the urban growth area. He then discussed each of the remaining six criteria and believes that the Commission can make findings on all criteria – whether as a stand-alone criteria that the Conservation designation was placed inappropriately or in error; or that each of the six criteria has been met.

Doug Theis, project engineer, stated that he is familiar with challenging sites and noted similarities to issues encountered in Redlands Mesa, such as site line, infrastructures, pump station, lift station and soils. Due diligence has been done to assure that this can be a workable project. A site analysis has been done which identified areas that are developable and those that aren't. Mr. Theis pointed out that they cannot develop on slopes greater than thirty percent.

QUESTIONS

Chairman Dibble asked Mr. Theis to explain the topography of the area projected to be developed. He stated that it was relatively flat – very gentle, rolling terrain - much like the high mesas on Redlands Mesa, with slopes of roughly one to five percent.

Commissioner Lowrey asked about average lot size. Mr. Theis stated that he envisions larger lots, the minimum being 17,000 square feet.

Chairman Dibble asked if they anticipate moving a substantial amount of dirt through the draw between the Three Sisters in order to put a road base in. Mr. Theis stated that

they will try to minimize the amount of dirt by using rock and natural retaining walls where possible.

PUBLIC COMMENT

Mark Abbott, 399 West Valley Circle, stated that his primary concern is that he believes that the area between the Three Sisters and the Monument will be too developed. He also expressed concern with ridgeline protection. "I'm concerned about changing from 20 home sites on this potential land to perhaps as many as 200."

Greg Joufflas (113 Mira Monte) stated that he believes the criteria for an amendment to the Growth Plan have not been met. He stated that the areas identified as relevant for purposes of the argument that there have been changes in the area since the Growth Plan was adopted were already developed and no significant changes have occurred to warrant the amendment. "What's being proposed with this amendment would be a drastic, dramatic change in the character of our neighborhood and we're very concerned about it." He asked what type of lighting would be used for in excess of 200 houses. He urged the Commission to deny the request.

David Mueller, 114 Mira Monte, stated that they are not interested into being annexed into the City. Because Mira Monte Road is a County right-of-way, he said, "There's no legal access along Mira Monte Road today nor will there be in the future." He asked that this be taken back to planning to fully evaluate access and traffic issues.

Britt Smith of 214 Mira Monte stated that he agrees with his neighbors. He believes the current designation is appropriate for the area.

Derrell Lindsey (165 East 4th, Palisade) said that the subject area is a hub for outdoor activities such as mountain biking, bouldering and ice climbing.

John Ayers, 111 Mira Monte, stated that he shares the concerns of his neighbors and opposes the development.

Bonnie Steele of 2499 Random Hills Lane supports the neighbors in their opposition. She stated that she had not received any notice with regard to this hearing. Ms. Steele also asked for clarification regarding sewer service.

Catherine Eicher (140 Mira Monte Road) stated that she is concerned with the density.

Kevin Sellers, 327 Mira Monte, has concerns regarding the noise that this development will create as well as the safety issues.

PETITIONER'S REBUTTAL

Bob Blanchard stated that, "We don't deny that there are extreme environmental values to this site. The issue about the Conservation designation is a blanket designation over a hundred acres as opposed to the opportunity to preserve those areas that make up those environmentally sensitive areas within a hundred acres within a development

plan.” No development is allowed in a Conservation designation according to the Growth Plan. Mr. Blanchard pointed out that development of this site will change the character of this property as it is not developed at all. The site is also subject to trespass for recreational activities. He next addressed the night sky provision. The Redlands Area Plan has a policy that recognizes the value of the night sky which discourages street lighting except those for public safety. Mr. Blanchard also discussed the issues regarding sewer service and access.

QUESTIONS

Commissioner Cole asked whether Redlands Mesa was in the process of being developed when the Conservation designation was placed on this property. Mr. Blanchard stated that it is his recollection that Redlands Mesa was approved in 1999 which was an approval after the Growth Plan adopted in 1996.

Commissioner Wall asked Mr. Blanchard if he feels that the Conservation designation is wrong due to the definition – the way it is worded. Mr. Blanchard stated that is correct as well as the lack of any reference to development potential under that designation.

PETITIONER'S REBUTTAL

J. D. Snodgrass, applicant's legal representative, stated that he believes under the circumstances that this may be considered a taking. “It seems to me that the option here is simply to allow the process to go forward with the Growth Plan Amendment and avoid the problem that we have by the apparent contradiction between this having been designated as Conservation and then some mechanism that might allow it to have development through the implementation process.” He also pointed out that the Persigo Agreement specifically anticipates that annexable properties, such as this, would be developed at the density being sought by applicant, if not a greater density.

QUESTIONS

Commissioner Wall asked for clarification of where applicant anticipates entrances and exits. Mr. Theis pointed out the proposed ingress and egress.

Commissioner Cole asked for an explanation of the notification process. Scott Peterson stated that state statute requires notification to adjacent property owners who are within 500 feet of the subject property. Additionally, the property is posted with a sign containing the file number and the telephone number for the City's Planning Department. Agenda items are also published in the newspaper a few days prior to each hearing.

DISCUSSION

Commissioner Wall stated that he is in agreement that the Conservation designation is inappropriate. “I think the definition is misleading and I think for that reason alone I would side with this amendment going forward.”

Commissioner Pitts stated that he does not believe an error was made when the Conservation designation was placed on this property. "To summarize it, I'm not in favor of the proposal."

Commissioner Lowrey stated that, "I think the zoning of conservation is inappropriate when you consider the definition of conservation in the Growth Plan which I think is a proper definition." He also stated that he believes the other six criteria have been met.

Commissioner Sublett stated that he does not find that applicant's arguments support a Growth Plan amendment. "I do not believe error was made and, therefore, I cannot support this."

Commissioner Putnam stated, "I should have recused myself and sincerely hope that the remaining members of this Commission can arrive at a decision without my vote."

Commissioner Cole agrees with Commissioner Lowrey that there is a conflict with the Conservation designation and believes an error has been made with this zoning.

Chairman Dibble said that he does not see a compelling reason to change the Growth Plan. "I think we have made this decision a few times and left it as is and I would be also in favor of leaving this as a conservation area under the strict definition of the Growth Plan rather than wrestling tonight with the zoning rules."

MOTION: (Commissioner Sublett) "Mr. Chairman, on item GPA-2007-076, Three Sisters Growth Plan Amendment, I move that we forward a recommendation of approval of the amendment from Conservation to Residential Low (1/2 - 2 Ac./DU).

Commissioner Cole seconded the motion. A vote was called and the vote was 3 in favor (Commissioners Cole, Wall and Lowrey) and 3 opposed (Commissioners Pitts and Sublett and Chairman Dibble) with one abstention (Commissioner Putnam).

A recess was taken from 9:22 p.m. to 9:45 p.m. in order for Ms. Kreiling to research the tie vote with an abstention.

Jamie Kreiling, Assistant City Attorney, stated that she could not confirm if an abstention acts as a yes or a no vote. "So basically what we have at this point is a tie vote with an abstention and once I've been able to determine specifically whether an abstention would qualify as being in favor of the motion or against the motion, then we can determine how the recommendation is moving forward." Applicant, as well as any member of the audience wishing to be so notified, will be notified by staff upon final resolution.

- 7. **ANX-2007-074 ZONE OF ANNEXATION – Senatore Annexation**
 Request approval to zone 1.419 acres from County RSF-4 (Residential Single Family-4 du/ac) to a City R-4 zone district.
PETITIONER: Steven Below
LOCATION: 2302 E Road
STAFF: Lori Bowers, Senior Planner

STAFF’S PRESENTATION

Lori Bowers, Senior Planner, made a PowerPoint presentation regarding the Senatore Annexation. Ms. Bowers stated that the zoning of this parcel is part of a two-part annexation, the total area of which is approximately 3.07 acres. The Future Land Use Map shows this area to develop in the Residential Medium Low category which is 2 to 4 dwelling units per acre. Staff recognizes that the zoning designation of R-2 would be suitable for this area as it would be consistent with the Growth Plan and more consistent with the existing lot sizes in the area. Ms. Bowers stated that several adjacent and nearby property owners have stated that they believe the R-4 designation is too dense for the area. Ms. Bowers further stated that staff believes the R-2 designation would better match the existing lot sizes in the area. She stated that a short section of sanitary sewer main will need to be extended in order to provide service to the proposed subdivision. Domestic water will be provided by existing water lines located at 23 and E Roads. The existing water lines, however, are not large enough to provide for adequate fire flow protection. A water line extension is being proposed for this project from the Buffalo West Estates Subdivision to better serve this area. Overhead utility lines will be underground for the proposed subdivision. She concluded, “Staff can support the applicant’s request of R-4 zoning because it is consistent with the Growth Plan and the Persigo Agreement by honoring the existing County zoning. But staff feels that the R-2 zoning designation would better fit the existing neighborhood and is also consistent with the Growth Plan for this area and addresses the concerns of the neighbors who have opposed the R-4 zoning designation.”

PETITIONER’S PRESENTATION

Representing the applicant was Paco Larson of Vista Engineering. He pointed out that applicant is proposing 4 lots for an average density of 2.8 units per acre. The smallest lot would be 10,000 square feet with two other lots at 15,000 square feet and a third lot of almost 17,000 square feet. Mr. Larson stated that the R-4 is more appropriate.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

John Lafferty, 2310 E Road, stated that he is very concerned and opposes the R-4 zoning. He also advised the Commission that he had not been notified of this hearing.

Willard Pease, Jr., 2307 E Road, believes that R-2 zoning is more consistent with the neighborhood. "Consistency of the neighborhood is huge."

PETITIONER'S REBUTTAL

Paco Larson added that the proposed lot sizes would be large and the surrounding development fits with the density.

DISCUSSION

Commissioner Lowrey thinks that compatibility is the most important criteria in this matter because the subject property is surrounded by development. He believes R-2 is more compatible than R-4.

Commissioners Wall, Cole and Putnam stated that they agree with Commissioner Lowrey.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on the Senatore Zone of Annexation, #ANX-2007-074, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-4 (Residential, 4 units per acre) zone district for the Senatore 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 Lowrey) "Mr. Chairman, on the Senatore Zone of Annexation, #ANX-2007-074, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-2 (Residential, 2 units per acre) zone district for the Senatore Annexation with the facts and conclusions listed in the staff report."

Commissioner Wall seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-1 with Commissioner Pitts opposed.

With no objection, the public hearing was adjourned at 10:20 p.m.