

**GRAND JUNCTION PLANNING COMMISSION
MAY 9, 2006 MINUTES
7:03 p.m. to 10:52 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:03 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 Dibble (Chairman), Roland Cole, Bill Pitts, William Putnam, Patrick Carlow, Ken Sublett, and Reginald Wall. Thomas Lowrey and Lynn Pavelka-Zarkesh were absent.

In attendance, representing the City's Community Development Department, were Sheryl Trent (Assistant to the City Manager), Kathy Portner (Assistant Community Development Director), Pat Cecil (Planning Services Supervisor), Dave Thornton (Principal Planner), Faye Hall (Associate Planner), Lori Bowers (Senior Planner) and Senta Costello (Associate Planner).

Also present were Jamie Kreiling (Assistant City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were 50 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 from the April 11, 2006 public hearing. No additions or corrections were noted.

MOTION: (Commissioner Carlow) "So moved. [...to accept the minutes of the March 14 minutes as written]."

Commissioner Pitts seconded the motion. A vote was called and the motion passed by a unanimous vote of 6-0, with Commissioner Putnam abstaining.

III. CONSENT AGENDA

Staff original sought to place Full Hearing item #ANX-2006-084 on the Consent Agenda; however, this drew objection from the citizenry and so remained on the Full Hearing Agenda.

Available for consideration were items:

1. VE-2006-098 (Vacation of Easement--Partial Easement Vacation)
2. ANX-2006-072 (Zone of Annexation--Thunder Hog Estates)
3. PP-2005-294 (Preliminary Plan --Redlands Vista in the Ridges)
4. CUP-2006-028 (Conditional Use Permit--Ace Hardware)
5. GPA-2006-062 (Annexation/GPA/Rezone--Charlesworth Annexation)
6. PP-2006-042 (Preliminary Plat--Orchard Park Subdivision)
7. CUP-2006-055 (Conditional Use Permit--Bud's Field on the Horizon)
8. GPC-2006-116 (Growth Plan Consistency--Fairway Villas)

9. ANX-2001-011 (Extension--Westland Preliminary Plat)

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted one or more of the items pulled for additional discussion. At citizen request, item GPA-2006-062 was pulled from Consent and moved to the Full Hearing Agenda. No objections or revisions were received from the audience or planning commissioners on any of the remaining Consent Agenda items.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move approval on the Consent Agenda, items 1-4 and 6-9 [VE-2006-098 (Vacation of Easement--Partial Easement Vacation), ANX-2006-072 (Zone of Annexation--Thunder Hog Estates), PP-2005-294 (Preliminary Plan --Redlands Vista in the Ridges), CUP-2006-028 (Conditional Use Permit--Ace Hardware), PP-2006-042 (Preliminary Plat--Orchard Park Subdivision), CUP-2006-055 (Conditional Use Permit--Bud's Field on the Horizon), GPC-2006-116 (Growth Plan Consistency--Fairway Villas), and ANX-2001-011 (Extension--Westland Preliminary Plat)]."

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

IV. FULL HEARING

GPA-2006-062 ANNEXATION/GPA/REZONE--CHARLESWORTH ANNEXATION

A request for approval to amend the Growth Plan to change the Future Land Use designation from Residential Medium-Low 2-4 du/acre) to Residential Medium (4-8 du/acre).

Petitioner: Darrell & Edond Charlesworth

Location: 248 28 Road

PETITIONER'S PRESENTATION

Ted Ciavonne, representing the petitioner, said that a neighborhood meeting had been held, which had gone well. The item had been on Consent until a letter of opposition was received by staff earlier in the day. He opted to defer additional testimony pending completion of the public comments portion of the public hearing.

STAFF'S PRESENTATION

Dave Thornton gave a PowerPoint presentation containing the following slides: 1) overview of the request; 2) site location map; 3) aerial photo map; 4) Future Land Use Map; 5) Existing City and County Zoning Map; 6) GPA criteria outline; and 7) findings and conclusions. Mr. Thornton referenced copies of the letter mentioned by Mr. Ciavonne and written by Duncan McArthur, Secretary for the Durango Acres Homeowners Association (P.O. Box 4173, Grand Junction). While no plan was available for review, access to the site would be provided via 28 Road and through a Durango Acres Subdivision stub street. One house was currently located on the property. Referencing the Future Land Use Map and Existing City and County Zoning Map, Mr. Thornton noted the commercially zoned property directly to the west and south of the site, and the Residential Medium zoning to the north, east and southeast of the site. The applicants' Residential Medium-Low designated property represented an enclave and was inconsistent with surrounding designations. The Residential Medium land use designation would provide a better transition to the commercially designated property. GPA criteria were read into the record and addressed. Staff determined that the site's initial land use classification of Residential Medium-Low was in error and that a higher density zone district would more accurately reflect the area's character. Approval of the request was recommended.

PUBLIC COMMENTS

FOR:

Sam Suplizio (3210 Primrose Ct., Grand Junction) concurred with staff's assessment of the site's zoning and said that in most instances throughout the City, zoning transitioned from higher density to lower density. The current request would be consistent with the City's zoning policies. The applicants didn't intend to develop the property to its maximum density; rather, something more in the neighborhood of 5 units/acre would be proposed.

AGAINST:

Duncan McArthur (246 LaPlata Court, Grand Junction), representing the Durango Acres Homeowners Association, noted the site's proximity to the Mesa Estates and Granite Springs Subdivisions. He felt that a case could be made that the Mesa Estates Subdivision had been zoned in error. Granite Springs had a Residential Medium-Low land use classification and directly abutted the applicants' property. If the applicants' property were reclassified to a higher density, it would result in Granite Springs being an even smaller enclave. Mr. McArthur referenced his submitted letter of opposition and said that while not necessarily opposed to applicants' development of the property, the Association's position was that the density allowed by the proposed land use classification was too high, that routing traffic from the development through the Durango Acres Subdivision would negatively impact their neighborhood, and that the petitioner's proposed "affordable" housing would not be compatible with other area housing types. Mr. McArthur presented photographs of four homes located along the roundabout/stub street nearest the applicants' property. Those homes, he maintained, would be the most affected by the development's added traffic.

PETITIONER'S REBUTTAL

Mr. Ciavonne noted the irregular shape of the applicants' lot, making it difficult to develop. One of the reasons the he would be requesting an RMF-5 zone district was to better achieve an overall site density closer to 4 du/acre. Mr. Ciavonne referenced an overhead plat of Durango Acres Subdivision. The density of that subdivision was 44 lots on 9.9 acres, or 4.4 units/acre in an RFM-5 zone. The second filing of that subdivision had been developed to a density of 25 lots on 5.68 acres, or 4.4 units/acre. Development of the applicants' property would be consistent with those densities. He noted that approximately 20% of the Durango Acres lots failed to meet RSF-4 standards. He was unsure how that had occurred, but he pointed out that the Durango Acres Subdivision more closely approximated an RMF-5 zone versus an RMF-4 zone. Mr. Ciavonne said that at the neighborhood meeting, residents were shown that even within an RMF-5 zone district, a density of 4 units/acre was just barely achieved. He reiterated staff's remarks regarding the current site as being enclaved. He also noted that while property to the west was zoned Commercial, actual uses on those properties were more closely aligned with industrial. Thus, the Residential Medium land use classification would provide a more appropriate transition zone. The request met both Code criteria and Growth Plan recommendations, and he asked that approval be granted.

QUESTIONS

Chairman Dibble asked for clarification on the differences in lot size minimums between an RSF-4 and RSF-5 zoned lot. Mr. Ciavonne said that the RMF-4 zone required a minimum lot size of 8,000 square feet; the RMF-5 zone minimum lot size was 6,500 square feet. The RFM-5 zone, he said, would permit development of narrower lots.

Chairman Dibble asked about the number of lots that could reasonably be placed on the property if zoned RMF-4 versus RMF-5. Mr. Ciavonne estimated that 36-44 lots could be developed on the site with RMF-5 zoning. Given the lack of a plan, and without factoring in street connections and infrastructure, he couldn't be more specific. The site's overall density would be compatible with existing area densities.

DISCUSSION

Commissioner Cole expressed support for staff's recommendation. He concurred that the higher land use classification would be compatible with the surrounding neighborhood.

Commissioner Pitts concurred. The request met Code criteria and Growth Plan recommendations. He felt confident that the site's density would essentially be the same as other densities in the area.

Commissioners Sublett, Pitts and Carlow agreed.

Chairman Dibble felt that the proposed land use classification would provide a better transition between the more intense Commercial zone and the less intensive zones found to the north and east of the site.

MOTION: (Commissioner Cole) "Mr. Chairman, on item GPA-2006-062, I move that we forward this Growth Plan Amendment request for Residential Medium (4-8 du/acre) designation to City Council with a recommendation of approval, making the findings of fact 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.

ANX-2006-030 ZONE OF ANNEXATION--CR NEVADA ANNEXATION

A request for approval to zone 19.53 acres from a County RSF-4 (Residential Single-Family, 4 units/acre) to a City RSF-1 (Residential Single-Family, 1 units/acre) zone district.

Petitioner: Jay Cooke, CR Nevada Associates, LLC

Location: 22 1/4 Road and South Broadway Blvd.

PETITIONER'S PRESENTATION

Tom Logue, representing the petitioner, said that both the applicant and the project engineer were also present and available for questions. He disagreed with staff's recommendation of RSF-E zoning for the site and requested, instead, an RSF-1 zone district. He felt that the RSF-1 zone provided a better transition between the area's Rural and higher density zones. Mr. Logue gave a Powerpoint presentation containing the following slides: 1) justification for the RSF-1 zone; 2) excerpts from staff report; 3) rezone criteria; 4) aerial photo map of the site; 5) Growth Plan Goals 21 & 22 outlined; and 4) initial site plan layout.

Mr. Logue felt that there was sufficient justification for the RSF-1 zone in that: 1) there was a public demand for lots the size of which would be proposed; 2) the site was located within an urbanizing area; 3) adequate utilities were available to the site; 4) sufficient access was available to the property; 5) it would allow for infill development; 6) the site was located near public schools; 7) the property was situated within the Persigo 201 planning area; and 8) the request met Code requirements. Mr. Logue felt that an RSF-1 zone district would be consistent with the City's Future Land Use Map. He pointed out that Code section 2.14 required the zone of annexation to comply with either the Growth Plan or County zoning. He maintained that the character of the area had changed to a point that warranted the higher density zone. A fire station had been constructed nearby; Ute Water was in the process of constructing 12-inch water mains; sewer was being extended into the area; bike lanes were being provided along area streets; and new construction of public schools was occurring. Approximately 8 new subdivisions had been developed in the area since 1980, and upgrades had been made to Riggs Hill.

Mr. Logue referenced an aerial photo of the area and pointed out that the area's average subdivision density was .8 acre/du. The average overall density of area lands was .5 acre/du, and that was without inclusion of a large portion of land south of Broadway. That area had been excluded because of its topographic constraints. Rezoning the site to RSF-1, he said, would be compatible with surrounding densities. Mr. Logue said that Growth Plan Goals 21 and 22 most directly related to the property. He noted the property's steep, rocky topography and its absence of irrigation water; thus, the property wasn't suitable for agricultural uses. An important goal, one brought out in staff's report, was to avoid development of natural hazard areas. The State's geologist identified the site's steep slopes as a natural hazard area. All necessary services would be available to the site.

This parcel was the second largest in the area. There wasn't a lot of unsubdivided land available between South Broadway and Highway 340. The neighborhood benefits derived from RSF-1 zoning would be: increased property tax revenues to the City, increased employment opportunities, an opportunity to require quality housing for future residents, and the preservation of existing natural vistas.

Mr. Logue referenced the proposed site plan layout (informational only, not under current consideration) and identified the location of steep slope and rock fall areas. He felt that approximately 10 lots could be developed on the site, ranging in size from under 1 acre to 2 acres. He reiterated that the project's density would be consistent with other densities identified within the study area. The site plan layout, he said, illustrated the intensity of development proposed using an RSF-1 scenario. Access to the site would be via an adjacent property, which would soon be developed. A formal request from that property owner should soon be before the Planning Commission for consideration. Development of the applicant's property would require the mutual cooperation of both property owners.

QUESTIONS

Commissioner Putnam asked for clarification on the elevation measured by the red lines on the site plan. Mr. Logue said that each line represented approximately 2 feet in elevation.

Commissioner Cole noted that one of staff's primary reasons for recommending the RSF-E zone district was that the site was subject to the City's hillside and ridgeline regulations. He asked if the petitioner had retained an engineer to consider and address those specific concerns, to which Mr. Logue responded affirmatively. A no-build area had been identified on the site plan using a green line (noted).

Commissioner Carlow asked if proposed lots 5 and 8 would be flag lots, to which Mr. Logue replied affirmatively.

Chairman Dibble reminded planning commissioners that the site plan was hypothetical and not under current consideration; it had been presented to show the layout of buildable lots.

STAFF'S PRESENTATION

Senta Costello gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) slope analysis map; and 6) development potential summary. Surrounding land uses and zonings were noted. Referencing the slope analysis map, slope areas were identified as ranging from less than 12% to 12-20% in the north and middle areas, and 20% to 30% in the east and part of the southwest, and greater than 30% along the entire southern property boundary. Staff had asked the petitioner to complete a site analysis before a final determination would be made on a zone district recommendation. Based on that analysis, staff felt that the RSF-E zone was supported because the site was subject to hillside and ridgeline development criteria. Staff did not feel that the property could be developed to an RSF-1 density and still meet all of those requirements.

Ms. Costello said that both the RSF-E and RSF-1 zone districts implemented the future land use designation for the property; however, staff believed that the RSF-E zone district represented a better option given the topographic constraints of the site. That conclusion was supported by Growth Plan Goals 20 and 21. Ms. Costello suggested that planning commissioners render a decision on the applicant's request first. If the RSF-1 zone were found to be inappropriate for the site, the Planning Commission should then make an alternate recommendation.

QUESTIONS

Commissioner Cole said that he too was concerned about ridgeline development. He asked staff if they'd had an opportunity to review the petitioner's proposed site plan in the context of the current zoning request. Ms. Costello did not feel she could comment because no formal site plan had been submitted. Without formal submission, there was no grading information or other details on which to base a conclusion. Staff's recommendation had been based on both available topographic information and the site analysis provided by the petitioner. She reiterated that the petitioner's site analysis only served to reinforce the appropriateness of the RSF-E recommendation.

Commissioner Cole asked for confirmation that the County's zoning of RSF-4 was not supported by City staff, which was given. Ms. Costello said that when that zoning had been applied, it had been applied across a large area with no consideration given to a parcel's topographic constraints.

Chairman Dibble asked for confirmation that both the RSF-E and RSF-1 zone districts were allowable by the Future Land Use Map. Ms. Costello said that while either was allowed, staff felt that the RSF-E zone district was more appropriate.

Commissioner Putnam asked what the ramifications were if an RSF-1 zone district were approved but it turned out the petitioner could not meet the applicable requirements. Ms. Costello said that larger lots could be provided since the lower density zone districts did not have minimum lot sizes.

Commissioner Pitts asked for confirmation that the requirements for an RSF-E zone applied automatically even if an RSF-1 zone were approved, which was given.

Chairman Dibble asked about the requirements outlined as part of the hillside and ridgeline development criteria. Ms. Costello said that those regulations specified minimum lot size of buildable area, minimum lot width at building setback area, minimum setbacks from the ridgeline (typically 200 feet). The hillside and ridgeline development criteria were not zone specific; they applied to any properties where such natural hazard areas existed. Thus, regardless of which zone district was approved, the applicant would still have to comply with applicable criteria.

Kathy Portner added that the application of a zone district conferred certain expectations regardless of what the realities of site development might be.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Jim Weibel (1206 Adobe Court, Grand Junction) said that he was concerned about erosion problems occurring on the property. People often rode their motorcycles and other all-terrain vehicles up and down the property's slopes, which resulted in a lot of slope disturbance. As a result, whenever it rained, there was a lot of runoff, much of which ended up on his property. He often has to clear his backyard of runoff from the site and has helped a neighbor do the same thing. He felt that any slope disturbance occurring as a result of site development would only exacerbate the problem.

PETITIONER'S REBUTTAL

Mr. Logue said that development of the site would be subject to state and federal regulations as well as local regulations. A great deal of focus would be given on erosion control, and City staff had identified that as a concern as well. The Code said that the RSF-1 zone was intended to be transitional zoning, and the site was situated between rural and low-density residential uses. He noted that between 20 and 25 different agencies would have a chance to review any proposed development submittal.

DISCUSSION

Commissioner Pitts said that he'd visited the site and felt that there was sufficient justification for the RSF-E zone district. While he didn't really have a problem with the RSF-1 zone district, he acknowledged the guidelines and criteria used by staff in formulating their conclusion. It seemed that most of the rezone criteria did not apply in the current situation; only criterion #3 seemed applicable. Even though the petitioner felt he could meet the requirements of an RSF-1 zone, he was leaning towards approving an RSF-E zone, to give the latitude necessary for the project to move forward.

Commissioner Wall agreed. He too had visited the site and wasn't sure how the developer planned to build on it. With regard to comments made earlier about expectations in that area, the area was special, with many beautiful things inherent to it. He agreed with staff's conclusion that RSF-E represented a better transitional zone.

Commissioner Putnam noted that the site was bounded on three sides by lands classified as Residential Low. RSF-E was the very lowest City zone found in that area; RSF-1 was in the middle. He admitted he was still undecided.

Commissioner Cole said that the development would be required to meet all of the hillside and ridgeline criteria regardless of whether an RSF-E or RSF-1 zone were applied. If the RSF-1 zone were approved, it would give the petitioner a little more development latitude. Development of the site at any density would prove to be a challenge. He felt he could support the applicant's request for RSF-1 zoning.

Commissioner Sublett said that he'd visited the site as well and felt he could support staff's recommendation for RSF-E zoning. Application of RSF-1 zoning would not create a community benefit.

Chairman Dibble agreed that the developer would have to comply with the added hillside and ridgeline criteria, regardless. Both zones were compatible with the Future Land Use Map and Growth Plan. Other than criterion 3, he too concluded that most of the other rezone criteria were not applicable. He felt he could support the petitioner's request for RSF-1 zoning.

MOTION: (Commissioner Carlow) "Mr. Chairman, on zone of annexation ANX-2006-030, I move that the Planning Commission forward to the City Council a recommendation of approval of the RSF-1 (Residential Single-Family, 1 du/acre) zone district for the CR Nevada Annexation, finding it consistent with the Growth Plan and section 2.6.A of the Zoning and Development Code."

Commissioner Cole seconded the motion. A vote was called and the motion failed by a vote of 3-4, with Commissioners Pitts, Carlow, Sublett and Wall opposing.

MOTION: (Commissioner Wall) "Mr. Chairman, on zone of annexation ANX-2006-030, I move that the Planning Commission forward to the City Council a recommendation of approval of the RSF-E (Residential Single-Family, 2 ac/du) zone district for the CR Nevada Annexation, finding it consistent with the Growth Plan and section 2.6.A of the Zoning and Development Code."

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

A brief recess was called at 8:40 p.m. The public hearing reconvened at 8:46 p.m.

ANX-2006-084 ZONE OF ANNEXATION--KRESIN ANNEXATION

A request for approval to zone 7.86 acres from a County RSF-4 (Residential Single-Family, 4 units/acre) to a City RSF-4 zone district.

Petitioner: Bruce Kresin

Location: 530 South Broadway

STAFF'S PRESENTATION

Lori Bowers gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; and 4) Existing City and County Zoning Map. Staff supported the petitioner's request for RSF-4 zoning; however, RSF-2 was another available option.

PETITIONER'S PRESENTATION

Brynn Vasboe, representing the petitioner, concurred with staff's presentation and support for an RSF-4 zone district. No other testimony was offered.

PUBLIC COMMENTS

FOR:

There were no comments in favor of the request.

AGAINST:

Boyd Steele (539 20 1/2 Road, Grand Junction) noted on the site location map that South Broadway (aka 20 1/2 Road) had two 90-degree turns. Motorists often sped down that section of South Broadway heading northbound. He felt that the single access point being proposed by the developer into the site was insufficient and that two access points should be required, although he didn't want the second access point to originate from South Broadway. He also objected to so much more traffic, and he expected that the headlights from those vehicles would be directed into his home at night. He urged planning commissioners to go out and visit the site and travel down that stretch of South Broadway. He didn't feel that it could handle any more traffic. Mr. Steele said that no neighborhood meeting had been held by the developer; he'd heard about the current proposal from his neighbor. He also noted the lack of available sewer lines in the area and understood that the developer was proposing to install a sewer line through his front yard. How would so much sewage be conveyed? Mr. Steele also objected to the density that would be allowed with an RSF-4 zone district. He expressed concern over impacts to property values and felt that one or two homes per acre would be more reasonable.

Jeffrey Dutton (541 20 1/2 Road, Grand Junction) said that he'd heard about the applicant's request less than two weeks prior to the public hearing and had been very surprised. He and his neighbors would appreciate knowing the petitioner's plans for the site. He felt that the density proposed by the applicant was akin to placing a Wal-Mart in someone's backyard. That section of South Broadway was more like a side street in appearance.

Vicki Alsin (2074 Corral de Terre, Grand Junction) said that the density allowed by an RSF-4 zone had her greatly concerned. Area homes were located on lots of at least an acre in size. Corral de Terre homeowners had only one access into and out of their subdivision. South Broadway was just a two-laned road. There was also a wetlands area that would be impacted by development of the site. She noted that one of the Corral de Terre lots had failed to pass a perc test. Blasting may be required to get beneath some of the area's hard sandstone. The area's topography and other constraints placed limitations on bringing sewer into the area. She agreed with previous comments that sections of South Broadway were

already "a race track," and there were areas of limited sight distance. Corral de Terre was a 15-year-old subdivision and streets were already showing signs of wear; chip-sealing was needed. She didn't feel that their streets could handle the traffic expected with a higher density development. She agreed that a lower density of perhaps one to two homes per acre would be more acceptable.

Tom Boyt (536 S. Broadway, Grand Junction) said that his property was located to the north of the site. RSF-4 zoning was inconsistent with the densities already there on that side of South Broadway. He shared stated traffic concerns and confirmed the existence of a wetlands area. He pointed out that there were geotechnical issues related to the applicant's property, and getting sewer to the site would be a problem. He agreed that South Broadway was in bad shape. While he could support a lower density of one to two homes per acre, the proposed RSF-4 zoning was too dense.

Dennis Stark (524 South Broadway, Grand Junction) said that he'd spent four years as a land use planner for another municipality. The applicant had encountered a lot of resistance over a former land use submittal. He felt that this was the applicant's way of seeking vengeance on the area's residents.

Wills Stubbs (2073 Corral de Terre, Grand Junction) said that properties to the west of South Broadway were one-half to three-quarters of an acre in size. There was a lot of wildlife in the area. He feared that a higher density development would negatively impact neighborhood property values. He felt that access into the site should be limited to just South Broadway, with no extension of the Corral de Terre stub street. The site, he said, should be zoned RSF-1 to ensure compatibility with the surrounding area.

John Shumacher (540 South Broadway, Grand Junction) said that his property was approximately 2 acres in size. Most of the area's homes were on lots of one-half to one acre in size. The proposed density was too high and incompatible with the rest of the neighborhood. He expressed similar concerns about traffic and safety, and impacts to the wetlands area. He noted that there was a lot of sandstone in the area. He felt that a less dense zone district would be more appropriate. He also asked that more timely notification be given to area residents on the petitioner's future development submittals.

QUESTIONS

When Chairman Dibble suggested that City engineering staff come forward to speak, Mr. Dorris asked that the petitioner's representatives be given a chance to speak first. Chairman Dibble asked the petitioner's representative to address citizen concerns regarding sewer, safety and density.

PETITIONER'S REBUTTAL

Ms. Vasboe clarified that two accesses into the site were proposed. Roadways would be improved to meet City standards; however, there were no plans to improve South Broadway. There was a dry sewer line running along the Corral de Terre property line. Plans were to connect to that, construct a lift station in the cul-de-sac (not identified), and pump the sewage up to South Broadway. With regard to wetlands comments, a detention pond was proposed for the northeast portion of the site since that was the natural collection point for runoff.

QUESTIONS

Commissioner Sublett asked if the previously referenced wetlands area had been formally recognized, or was it just a swampy area? Ms. Vasboe said that she did not know of any formal wetlands area on the property.

Chairman Dibble remarked that there was probably little the Planning Commission could do to mitigate the lighting coming from car headlights. He asked if the petitioner if a traffic study had been required. Ms. Vasboe responded negatively. With only 14-16 lots proposed, there would be no dramatic traffic increases.

Commissioner Pitts asked for clarification on the location of South Broadway and the curves previously referenced. This was provided by Ms. Vasboe.

Chairman Dibble asked where road improvements would occur. Mr. Dorris came forward and said that the petitioner would be responsible for road improvements along the Corral de Terre property frontage, to include curb, gutter and sidewalk. There may also be some asphalt widening. Traffic impacts were not expected to be a problem. Rural streets were designed to carry up to 1,000 ADTs. Corral de Terre streets were able to handle 1,000 ADTs. If built out to approximately 4 du/acre, the site could potentially put another 150 ADT's onto Corral de Terre streets, with the remaining traffic electing to exit the site via South Broadway. When asked about sewer, Mr. Dorris said that providing sewer to the site was perhaps the greatest challenge. Costs to construct the lift station would run in the neighborhood of \$80K. The City and taxpayers would then be obligated to maintain that lift station in perpetuity. To help defray those maintenance costs expected to occur over a period of 50 years, the petitioner would be assessed \$250K. That expense was likely the reason the petitioner was seeking a higher density development, to make the project more viable. It may be that a gravity system could be utilized at some future point, but he was unsure if or when that would occur. He added as an aside that all properties annexed into the City were required to connect to sewer lines.

Chairman Dibble asked engineering staff if there were any problems foreseen with constructing homes on the site. Mr. Dorris said that only the zoning was being considered tonight. The Mesa County Building Department would require engineered foundations. He added that no obstacles were insurmountable; the solutions were just expensive.

Commissioner Sublett asked staff to provide clarification on the City's notification policy, which was provided.

DISCUSSION

Commissioner Pitts said that he was quite familiar with the property. After having heard public testimony, and given the site's topographic challenges, he concurred with assertions that the smaller lots of an RSF-4 zone would be incompatible with surrounding lot sizes. As such, he felt that he could not support the request.

Commissioner Carlow concurred. RSF-1 would allow too few lots; however, he felt that an RSF-2 zone district would be more compatible with the area.

Commissioner Cole noted that the property had been zoned by Mesa County as RSF-4. Had the property not been within the Persigo 201 boundary, the petitioner could have developed to that density. He agreed that an RSF-2 zone district was more appropriate.

Commissioner Putnam commented that if planning commissioners felt the RSF-4 zone to be inappropriate, they could vote to deny the request; although Residential Medium-High and Residential Medium-Low land use classifications could also be found in the area.

Ms. Portner reminded planning commissioners that if the requested RSF-4 zone district were denied, an alternate zoning recommendation would be needed.

Commissioner Sublett said that he too was very familiar with the area. He agreed that the RSF-4 zone was inconsistent with the neighborhood on that side of South Broadway. He agreed that RSF-2 zoning would be more appropriate.

Commissioner Wall expressed his support for the RSF-2 zone and felt that it would serve the citizens in that area far better than RSF-4 zoning.

Chairman Dibble agreed with previous comments and expressed his support for the RSF-2 zone district.

MOTION: (Commissioner Cole) "Mr. Chairman, on zone of annexation ANX-2006-084, I move that the Planning Commission forward to the City Council a recommendation of approval of the RSF-4 (Residential Single-Family, 4 du/acre) zone district for the Kresin 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 unanimous vote of 0-7.

MOTION: (Commissioner Cole) "Mr. Chairman, on zone of annexation ANX-2006-084, I move that the Planning Commission forward to the City Council a recommendation of approval of the RSF-2 (Residential Single-Family, 2 du/acre) zone district for the Kresin Annexation, with the facts and conclusions listed in the staff report."

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

GPA-2006-064 GROWTH PLAN AMENDMENT (GPA)--MALLARD VIEW/ARBOGAST ANNEXATION

A request for approval to amend the Growth Plan to change the Future Land Use designation from Estate (2-5 du/acre) to Residential Medium-Low (2-4 du/acre).

Petitioner: Steve Arbogast

Location: 785 24 Road

PETITIONER'S PRESENTATION

Paul Johnson, representing the petitioner, noted the site's location on an overhead exhibit. He said that the site was surrounded by properties zoned Rural and Estate. Fellowship Church was located within a half-mile of the site; two new roundabouts were located nearby; and a number of RMF-8 and RSF-4 subdivisions were located just south of Interstate 70. The subject property was located within the Persigo 201 boundary. Mr. Johnson felt that the site's Estate zoning had been applied in error and that a Residential Medium-Low designation would be more appropriate. A neighborhood meeting had been held, with approximately 12 people in attendance. Most of those present had been opposed to the GPA request.

Mr. Johnson felt that increasing the site's density to between 2 and 4 units/acre would serve the greater community good. If developed with Estate zoning, he conjectured that 95% of people wouldn't be able to afford the lots. He cited information pulled from the local Multiple Listing Service (MLS) to support his position. Mr. Johnson felt that the North Central Valley Plan had not foreseen the need for affordable housing in the subject area. Subsequent events (e.g., the influx of new retirees) invalidated the Plan's original premise. He maintained that \$250K lots could not be considered "affordable," and constructed homes in Estate zoned areas typically sold for over \$300K. He felt that the area's character had dramatically changed over the last few years and pointed out the new commercial development along 24 Road and Commercial zoning at 24 and H Roads.

Mr. Johnson felt that the higher density zone district met the goals and policies of the Growth Plan. He noted the existence of available urban services, and said there would be no sewer issues with the higher density zone district. His civil engineer had concluded that if the sewer line at 23 1/2 Road served 80 two-acre lots, it would only be at 10% capacity. Mr. Johnson referenced the 70+ acres at 25 Road his company was currently developing. The Future Land Use Map designated the property as 8-12 du/acre, although it was zoned for 4-8 du/acre. He was developing it at 6.5 du/acre (450-490 total units). That, he said, resulted in a net savings of approximately 210 dwelling units (du's) that would not require sewer

service, based on the Future Land Use Map designation. If the current subdivision were approved with RSF-4 zoning, approximately 40 units would be served. This would still result in a net savings of approximately 170 du's not needing to be served by sewer.

Mr. Johnson concluded by saying that the community would derive a benefit from the site's higher density since there was limited availability of lands so designated in the area. It was a site close to I-70; development to a higher density would represent a more efficient use of the 24 Road corridor; the site was near to schools; and a higher density in that location may prevent leapfrog development elsewhere.

QUESTIONS

Commissioner Cole asked Mr. Johnson to repeat his position regarding sewer capacity and the illustration drawn, which was done.

STAFF'S PRESENTATION

Dave Thornton gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; and 5) GPA criteria. The applicant's property was just under 18 acres and located in an area known also as Appleton. That area was covered by the 1998 North Central Valley Plan (NCVP). Mr. Thornton briefly recounted the development of the NCVP and noted that a number of the area's residents had attended the open houses and various meetings regarding the plan and had been quite vocal about what they did and did not want to happen in the area. They wanted to retain their area's unique character. Another developer had attempted to reclassify/rezone 150 acres as Residential Medium Low or Residential Low in 2003 but he'd been met with a resounding lack of support from the neighbors. That property had previously been reclassified as Estate based on NCVP recommendations and limited sewer capacity in 1998. Allowable zonings under the Estate classification include RSF-E and RSF-R. The Residential Medium Low designation allows either RSF-2 or RSF-4 zoning.

Staff concluded that there was no evidence to suggest that the 1998 NCVP was in error. Staff had reviewed the area again in 2003 and found that higher density classifications were still inappropriate. No change in the area had been evidenced. The applicant's request was inconsistent with the goals and policies of both the NCVP and Growth Plan. A number of letters opposing the request had been received. Mr. Thornton hoped that planning commissioners would consider that information carefully. Approval of the request could result in many more similar requests. If the Planning Commission felt that the area had undergone sufficient change to consider higher density land use classifications, he suggested that the Commission's focus be on the entire NCVP area, not individual parcels. Staff recommended denial of the request and asked that any reconsideration of the area be undertaken comprehensively, not a piece at a time.

QUESTIONS

Commissioner Cole asked staff to comment about the applicant's remarks regarding the limited availability of higher density lands in the area. Mr. Thornton said that the City designated developing areas as "infill." While the Grand Junction area might run out of available land one day, he wasn't so sure that today was the day. And while it may be true that staff needed to look at encouraging higher density areas to provide more affordable housing, that really wasn't the issue before the Planning Commission.

Rick Dorris came forward and referenced a Sewerage Basin Study Map undertaken by HDR Engineering in 1992. He noted the location of the applicant's site. He pointed out the basin area as outlined by HDR Engineering, an area comprising between 400 and 500 acres. Referencing the sewer line at 23 1/2 Road, he noted where it was 8-inches in diameter to 23 Road, then it widened to 10-inches up until the crossing under the Business Loop where it was again widened to 12 inches. There was a 54-inch interceptor along River Road. There was a lift station located in Railhead, which lifted sewage up to the Persigo

Wastewater Treatment Plant. If that area developed with .5 unit/acre lots, the 8-inch line would work fine. If developed to 1 unit/acre, the 8-inch line worked well to a certain point but then would require widening. At 4 units/acre, the sewer line would have to be 15-inches in diameter. While the current 8-inch line would accommodate the applicant's single site, it was unreasonable not to factor in the entire basin. Otherwise, the applicant's site would be utilizing capacity that everyone in the area was entitled to. Increasing a site's density to 4 units/acre would have a dramatic effect on the sewer line.

Mr. Dorris said that he and another engineer had roughly estimated what it would cost to upgrade the line from the site to the interceptor. Assuming that the lift station had adequate capacity to handle the additional flows (unknown variable), approximately 2 miles of line upgrade would be required at approximately \$225/linear foot, or \$2.4 million. If changes to the area were going to occur, review of the entire area was needed, which would allow everyone to share in the overall costs of improvements upgrades.

Commissioner Sublett asked engineering staff what the practical capacity of a sewer line was. Mr. Dorris said that capacity depended on both the size of the pipe and the slope. He conjectured that the grade on the subject sewer line was approximately 0.40%. He was unsure what the actual flow rates were.

Commissioner Cole asked for confirmation that if the entire area was built out, HDR's conclusion was that the line would require widening. Mr. Dorris affirmed the Commissioner's conclusion.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Ron Gray (2369 H Road, Grand Junction) expressed support for staff's position. He'd attended the applicant's neighborhood meeting and all the residents attending had been opposed. He'd purchased his property with a certain expectation that the area would not be developed to any other density but Estate.

Dave Lacy (2379 H Road, Grand Junction) understood the applicant's desire for developing to a higher density but staff had stated many reasons why the increase was not a good idea. He was concerned about bringing increased density to the area and its resultant problems (e.g., traffic). He noted that Appleton Elementary School was already significantly over capacity. He too supported staff's recommendation of denial.

Dick Pennington (680 27 3/10 Road, Grand Junction) said that he represented Alan Pennington and Marilyn Scott as well as himself. He owned an approximately 30-acre farm in the area and felt that the area's Estate zoning should be preserved. If the site were zoned RSF-4, the applicant could potentially develop 70 lots. He didn't see how the existing Appleton lifestyle could be preserved if that happened. He read his letter into the record (a copy of which was submitted for the file). He also expressed concern over expected impacts to an abundant wildlife area and possible irrigation problems that might occur with a higher density development.

PETITIONER'S REBUTTAL

Mr. Johnson felt that waiting for the City to consider the area as a whole was a mistake since there were no plans to review the area on the immediate horizon. In two to five years, it would be too late. His company specialized in 2-4 du/acre developments and they were already having a hard time finding available land. They'd begun looking in Delta and Montrose. He appreciated neighbor concerns and said that he would be willing to erect fencing or participate in sewer upgrade costs, if required.

Pat O'Connor, a civil engineer representing the petitioner, said that he'd based his findings on a 160-acre area following the Persigo 201 boundary around the site. The 400-500 acre area referenced on the 1992 HDR Basin Study Map included lands outside of the 201 sewer boundary. He'd tried to be very conservative with his figures and said that even if all the land within that 160-acre area were to develop at 4 units/acre, his calculations showed that they would still not exceed the sewer line's capacity.

DISCUSSION

Commissioner Cole asked City engineering staff to address Mr. O'Connor's comments regarding the HDR Basin Study Map. Mr. Dorris said that Mr. O'Connor's comments were correct; the Basin Study Map did include lands outside of the current 201 boundary. However, history showed that the 201 boundary tended to expand northward. It followed, he said, that if development of 160 acres to a 4 unit/acre density maxed out an 8-inch line, then more than twice that boundary would require a significantly larger pipe. He suggested that planning commissioners use the HDR study as their official reference.

Commissioner Pitts agreed that sewer service was probably an issue. The request was inconsistent with the existing neighborhood and it didn't comply with the NCVP. He didn't feel he could support the request.

Commissioner Sublett concurred. The traffic and sewer issues were significant. To arbitrarily "invalidate" the NCVP would be a big mistake since many people had spent a lot of time and energy in developing it.

Commissioner Carlow felt that he could not support the request either. It didn't comply with Growth Plan recommendations.

Commissioner Cole said that he was reluctant to consider such significant changes to the area in piecemeal fashion. He too expressed opposition to the request.

Chairman Dibble said that the issue of providing affordable housing really wasn't germane to the issue before Planning Commission. The neighbors had presented a lot of evidence to support the incompatibility of the request with the existing neighborhood, and the NCVP supported their position as well. He felt that discussions concerning the sewer line's demarcation point really weren't applicable.

MOTION: (Commissioner Wall) "Mr. Chairman, on item GPA-2006-064, a request for a Growth Plan Amendment for Mallard View, I move we forward a recommendation of approval to change the Future Land Use designation from Estate to Residential Medium-Low, finding the proposed amendment to be consistent with the Growth Plan and section 2.5.C of the Zoning and Development Code."

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

V. GENERAL DISCUSSION

Sheryl Trent reminded planning commissioners that a special meeting had been scheduled for 7 p.m. on May 30, 2006 to hear the VanGundy Conditional Use Permit request. Planning commissioners present indicated that they would be able to attend on that date. Ms. Trent said that only the one item would be scheduled for that public hearing.

With no further business to discuss, the public hearing was adjourned at 10:52 p.m.