

**GRAND JUNCTION PLANNING COMMISSION
JANUARY 11, 2005 MINUTES
7 p.m. to 8:14 p.m.**

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

In attendance, representing the City Planning Commission, were Paul Dibble (Chairman), Roland Cole, Tom Lowrey, John Redifer, Bill Pitts, Lynn Pavelka-Zarkesh, and Reginald Wall (alternate).

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director) and Kathy Portner (Planning Manager).

Also present was Jamie Kreiling (Asst. City Attorney) and Laura Lamberty (Development Engineer).

Terri Troutner was present to record the minutes.

There were 8 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 transcript (verbatim) portion of the November 9, 2004 public hearing minutes and the full set of minutes from the December 9, 2004 public hearing.

Mr. Blanchard said that the transcription portion of the November 9, 2004 minutes covered only one item; the summary portion of the minutes from that meeting would be brought before the Planning Commission at the next public hearing for consideration.

November 9, 2004 (Transcript Only)

MOTION: (Commissioner Cole) "Mr. Chairman, I move for approval of the transcript of the November 9th, that portion of the minutes."

Commissioner Pitts seconded the motion.

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

December 9, 2004 Minutes

MOTION: (Commissioner Pitts) "Mr. Chairman, I would move for the approval of the December 9 minutes as presented."

Commissioner Redifer seconded the motion.

A vote was called and the motion passed by a vote of 5-0, with Commissioners Pavelka-Zarkesh and Cole abstaining.

III. CONSENT AGENDA

Available for consideration were items PP-2004-018 (Preliminary Plan--Ki Subdivision) and VE-2004-226 (Vacation of Easement--Multi-Purpose Easement Vacation). No objections were received from the audience, planning commissioners, or staff on either of these items.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move for approval of the Consent Agenda as presented."

Commissioner Pitts seconded the motion.

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

IV. FULL HEARING

GPA-2004-191 GROWTH PLAN AMENDMENT--VISTA PEAK ANNEXATION

A request for approval of a Growth Plan Amendment to change the Future Land Use Map designation from Rural (1 unit per 5 acres) to Residential Medium-Low (2 to 4 units/acre).

Petitioner: Albert Fisher
Location: 104 29 3/4 Road

PETITIONER'S PRESENTATION

Robert Jones II, representing the petitioner, gave a Powerpoint presentation containing the following slides: 1) site description and background; 2) vicinity map and site location; 3) Future Land Use Map; 4) outline of the request; 5) development concept plan; 6) pre-development slope analysis; and 7) post-development slope analysis projection. The property was approximately 16 acres in size and currently zoned RSF-R. Surrounding zonings of RSF-R were noted; however, areas north and northwest of the site had been classified as Residential Medium-Low on the Future Land Use Map. Other properties to the west and south of the site were classified as Conservation and Public, respectively. Mr. Jones addressed Code criteria contained in section 2.5.C. He felt that there had been unprecedented growth occurring in the Orchard Mesa area, growth unforeseen by the Growth Plan and that would only increase with completion of the 29 Road extension. The Growth Plan based its assumptions on a 2 percent growth factor when actual growth figures were closer to 3 percent.

Mr. Jones maintained that the property was not suitable for any of the typical uses outlined in the Growth Plan for the Rural classification. The higher density was justified given the area's current rate of growth and the resultant changes to surrounding neighborhoods. Many new nearby subdivisions had either been completed or were currently under construction. He felt that the petitioner's request was consistent with the goals and policies of the Growth Plan, Code criteria, and the Orchard Mesa Neighborhood Plan. Reciting from the land use zoning action plans section of the Orchard Mesa Neighborhood Plan, he stated, "The zoning in the south neighborhood is primarily R2, Residential 3.5 units per net acre, and is within the County's Persigo Plan development overlay zone or the urbanizing area." The density of the petitioner's proposed development (not under current consideration) would be approximately 2.1 units/acre.

Mr. Jones disagreed with staff's assertions that Growth Plan policy sections 20 and 21 had not been met. A slope analysis had been undertaken to calculate percentages of various slopes on the site. Approximately 38 percent of the site had slopes greater than 30 percent (slope analysis data slide referenced). Other less steep slope areas on the site were also noted. Preliminary engineering work had been undertaken at staff's request to show how the site would be developed under the Residential Medium-Low land use classification, if approved. The development's concept plan projected development of 34 homes with an average lot size of 9,400 square feet. A planned park area and trail system had also been incorporated into the plan. A post-development slope analysis based on the concept plan had then been completed to ascertain impacts to those slopes greater than 30 percent. He stated that the actual area of land with slopes greater than 30 percent would be relatively small. The area most impacted would be that on which the road would be constructed for access to the upper lots. The remaining impacted areas would be preserved and retained as open space.

Mr. Jones said that with the extension of a water main from the 29 3/4 Road/Highway 50 intersection, adequate public facilities and services would be available to serve the site. He maintained that the current site "was the only available piece of property to the applicant for development within the 201 and urban growth boundary in this area of Orchard Mesa"; no other site was available. Thus, he felt it met the criterion in Code section 2.5.C regarding an inadequate supply of suitably designated land. The site's development, he continued, would offer the area many amenities, including improved trails and open space areas. The development would also benefit the area by providing more owner-occupied housing units for the west and south Orchard Mesa areas and improve the aesthetics of the neighborhood. While recognizing the topographic constraints of the site, Mr. Jones felt that with additional engineering and planning, those issues could be satisfactorily mitigated.

In conclusion, Mr. Jones felt that the request met Code criteria, Growth Plan recommendations, and the policies outlined in the Orchard Mesa Neighborhood Plan. He asked for favorable consideration of the request to change the site's land use classification to Residential Medium-Low.

QUESTIONS

Chairman Dibble asked if the slope analyses had been based on the site's actual topography. Mr. Jones reiterated that both pre- and post-development slope analyses had been undertaken. The pre-development analysis had been based on actual topographic conditions. The post-development analysis had been based on the concept plan following construction.

Chairman Dibble asked about the amount of earthmoving that would be required to facilitate the proposed development. Also, what would be the anticipated street grades? Mr. Jones said that the majority of earthwork would be undertaken on the southeastern side of the site in conjunction with construction of the street leading to the upper lots. The street itself, beginning at 29 3/4 Road, would start out with a minor grade of 2 percent. As the street wrapped around the hillside, the grade would

increase to 4 percent, with a small portion at 12 percent. The grade would then "flatten out" again at the top at 4 percent.

Chairman Dibble asked for confirmation that most of the street's construction would occur along slopes that were presently greater than 30 percent, which was given. Mr. Jones also confirmed that construction of the development would require a lot of earthwork.

Commissioner Lowrey felt that the petitioner had misinterpreted the Code criterion pertaining to the availability of suitably designated land. The criterion applied to land availability within the community as a whole, not just land owned by the petitioner. The petitioner was contending that the criterion had been met when, in fact, he was basing his assertion on land that was available to him, land that he alone owned. Mr. Jones responded that he'd arrived at a different definition of "availability." While other land in the area may be available, it was not available to the petitioner. Mr. Jones added that, "The community doesn't go out and develop property, developers do. So in terms of availability, we have to look that this criteria as what is available to developers." Commissioner Lowrey pointed out that the petitioner always had the option of purchasing more suitably zoned property elsewhere in the community. Mr. Jones said that he was unaware of any other such property available for sale in that particular area.

Chairman Dibble asked if any accesses other than the one from 29 3/4 Road were planned. Mr. Jones said that there would likely be a stub street constructed to the eastern property line, but no additional through street would be available until such time as the property to the east developed. Another possibility included constructing a second connection from 29 3/4 Road; however, due to the natural barrier of the Orchard Mesa drainage canal, such a connection would be difficult. Chairman Dibble felt that given the number of homes proposed, there should be more than one access available.

Commissioner Cole referenced the petitioner's concept plan and remarked that there seemed to be more land shown on the south side of the property than what planning commissioners had available to them on their maps. Mr. Jones explained that the concept plan included a potential boundary line adjustment. If that didn't occur then the two adjacent properties (referenced on the concept plan) would be combined to make one lot.

STAFF'S PRESENTATION

Kathy Portner 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) contour map from the City's GIS system. Surrounding zonings and land use classifications were noted. The Mesa County landfill was located to the southeast of the site. The site plan had been presented because staff had required additional information from the petitioner to support the site's developability. Planning commissioners were asked not to consider the plan itself; rather, just the steep slopes as it pertained to the current GPA request. The property, she said, was currently going through the City's annexation process. Referencing the available contour map, she said that the most developable portion of the property was situated on top of the existing knoll; getting there, however, would be difficult.

Referencing Code section 2.5.C, staff maintained that there had been no error made in determining whether the existing facts or trends had been considered; that while the character of the area had changed, it had been in accordance with the adopted Growth Plan; that the proposed change would not be consistent with the goals and policies of the Growth Plan or Orchard Mesa Neighborhood Plan; and that Growth Plan policy numbers 20.7, 20.9, 20.10, 21, 21.2, and 21.3 all supported the site's current Rural land use designation. In addition, needed infrastructure would have to be extended to serve the parcel. The City would be working with the Colorado Department of Transportation on an Access Management Plan for Highway 50 in the near future. Ms. Portner said that the much of the land on Orchard Mesa

currently designated Residential Medium-Low remained undeveloped. Staff concluded that no community benefits would be derived from the site's change in land use. The property would be difficult at best to develop at the proposed densities given the City's hillside development regulations.

Laura Lamberty came forward to further elaborate on grading, erosion, and related issues. She said that even if the centerline of the proposed road were at-grade, it would produce great cut and fill slopes, which would extend the amount of hillside disturbance. If approved, staff would be looking at requiring retaining walls; however, such significant slope disturbance would likely increase slope instability and increased drainage issues. No investigation had yet been undertaken to determine whether sufficient water pressures were available to serve homes located at the highest point of the knoll. Citing Code section 7.2.G.7, street design was restricted in areas where slopes exceeded 30 percent. In such cases, special approval was required. Staff had not seen any conclusive evidence to support the developability of the site to the density proposed and still be in compliance with the City's standards.

QUESTIONS

Commissioner Cole asked if the Growth Plan had been amended previously in the subject area. Neither Ms. Portner nor Ms. Lamberty could recall any Growth Plan Amendments having occurred in the area.

Commissioner Redifer asked if the Growth Plan had been periodically reviewed and updated, to which Ms. Portner replied affirmatively. She added that the Orchard Mesa Neighborhood Plan had also been updated. During the review periods of both plans, the City had reviewed them in terms of community-wide appropriateness given growth trends and other factors. The subject area had not identified as one requiring change.

Commissioner Redifer asked, even if left with its Rural land use designation, if someone wanted to build a home on top of the existing knoll, would the same criteria apply? Ms. Portner said that if serving a single home, the access may be viewed as a driveway and be subject to different development standards. If that same access served more than one home, it would likely be considered a street and be subject to the same criteria as that for the larger-scale development currently being discussed. Ms. Lamberty added that whether serving one home or more than one home, access feasibility still had to be addressed.

Ms. Portner said that the City as a whole was currently experiencing a growth rate of about 2.5 percent/year. Growth in the Orchard Mesa area was just beginning.

Chairman Dibble asked if there were any mining activities occurring in the subject area. Ms. Lamberty said that she was unaware of any.

Chairman Dibble asked if a sewer pumping station would be required to serve the proposed development. Ms. Lamberty did not think that a pumping station would be needed.

Chairman Dibble asked if consideration had been given to bringing in a secondary access via Whitehead Avenue to the north or from the area that appeared to be an easement in the northeastern corner of the property, connecting with Burns Drive. Ms. Lamberty said that crossing the existing canal in either of those areas would be difficult. The canal's location along the subject property's boundary defined a marked change in the area's topography, topography that arose significantly south of the canal. It was something both acknowledged by and factored into the Growth Plan.

When Chairman Dibble asked about the maximum allowable street grade, Ms. Lamberty responded that streets were limited to an 8 percent road centerline grade; however, in hilly areas (slopes greater than 10 percent), the City would permit grades of 12 percent but only for a maximum distance of 500 feet. She

added that a number of factors went into whether a 12 percent grade would be allowed (e.g., soil suitability, cul-de-sac length, curvature of corners, etc.). And even if a road could be constructed on the site that met TEDS requirements, the petitioner could still be faced with the challenge of providing suitable building pads next to it.

Commissioner Pitts observed that, from comments made thusfar and staff's report, the biggest issue with the current request was the site's steep topography. He felt that concerns were valid and he didn't want mudslides like those currently happening in California to happen here. Ms. Lamberty acknowledged the concern and said that the Code's criteria specifically addressed hillside development to avoid just those kinds of situations as well as to facilitate the City's maintenance of streets and drainageways.

Chairman Dibble asked how much of the site's area had slopes greater than 30 percent. Ms. Portner replied that 37 percent of the site had slopes greater than 30 percent. That figure, she added, was based on the slope analysis undertaken by the petitioner using the City's GIS contour map.

Ms. Portner said that staff had received a late letter from Mr. Charles Ducray (174 31 Road, Grand Junction) who requested that if the item were approved, the petitioner be required to install a 6-foot chain link fence along the south, east and west sides of the subdivision property. (Copies of the letter were distributed to planning commissioners.)

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Fran Warford (2995 Burns Drive, Grand Junction) pointed out her home's location on an available map, which lay adjacent to and across the canal from the subject property. With the site's slopes rising so steeply behind her property, she was concerned over the loss of her privacy. She also noted that the subject ridgeline, which traversed the petitioner's property as well as the greater part of the Grand Valley, was protected as a natural visual resource for Mesa County. That protected status was recognized and incorporated into the Zoning and Development Code's June 2003 update. Ms. Warford noted the existence of a lot of property north of the canal that was for sale, property that would be better suited to the type of development proposed by the petitioner. She said that she and her neighbors had had to have their homes' foundations specially engineered and expected that the same would be required for homes located on the petitioner's property. She was very concerned that any irrigating done by homeowners would further undermine soils stability on the site.

Lloyd Warford (2995 Burns Drive, Grand Junction) said that he'd actually had to have two different engineered foundations constructed for his home. The first one had been torn out because it hadn't met Mesa County's standards which required a post-tension slab foundation based on the instability of soil conditions in that area. He pointed out other area homes that had been placed on caissons. Given the presence of lakes on the petitioner's property and the likelihood of irrigation, he felt that those elements would adversely affect soils stability. He feared that instability would eventually bring the hillside down into his backyard.

PETITIONER'S REBUTTAL

Mr. Jones clarified that the "lakes" referenced by Mr. Warford were actually stormwater detention basins that would be predominately dry. With no irrigation water rights available to the property, xeriscaping would be encouraged. The petitioner had already presumed that engineered foundations would be

required. With regard to Ms. Warford's comments regarding ridgeline protection, he wondered whether that protection extended to the actual ridgeline itself or just to the protection of views. If the latter, he pointed out on an available map the only existing home where he felt the views may be impacted (located in the southwest corner of the property). Citing Growth Plan policy 21.2 which prohibited "...development in or near natural hazards unless measures are undertaken to mitigate the risk of injury to persons and the loss of property," the petitioner was willing to undertake the additional planning and engineering necessary to meet that and other criteria. Just because a piece of property would be difficult to develop, he said, it should not be precluded from having its land use classification reconsidered.

DISCUSSION

Commissioner Lowrey referenced Code section 2.5.C and agreed with staff that the petitioner had not demonstrated compliance with stated criteria. He also felt that the request was inconsistent with Growth Plan recommendations. Referencing an available map, he pointed out that the only area to have been developed nearby at 2-4 units/acre densities lay to the north of the canal. The majority of the area south of the canal was still classified as Rural, Conservation, or Public. As such, lower densities were more appropriate. Evidence also suggested that there was an adequate supply of appropriately zoned land available elsewhere, and he suggested the petitioner consider other locations for his development. He did not feel he could support the petitioner's request.

Commissioner Pitts felt that the petitioner had failed to comply with Growth Plan policies 20.7, 20.9, 20.10, 21, 21.2 and 21.3. With regard to the property's description as outlined by the Natural Resource Conservation Service regarding the grade and soils consistency, he felt it would be ill-advised to construct such a high density development on such a fragile piece of ground. The area would be opened up to increased risk of runoff and water catastrophes, and that was not something that he could support.

Commissioner Cole concurred with previous planning commissioner comments. He saw no evidence to support the petitioner's claim that the Growth Plan was in error. As such, he could not support the request.

Chairman Dibble said that the Planning Commission had to examine the totality of each request. He expected an increased number of soil-related problems resulting from so much earthwork if the request were approved. Then there were the problems of road construction, ridgeline protection, and irrigation/drainage issues. Since the petitioner had clearly not met the GPA criteria set forth, Chairman Dibble did not feel he could support the request.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on item GPA-2004-191, a request for a Growth Plan Amendment for Vista Peak, I move we forward a recommendation of approval to change the Future Land Use designation from Rural to Residential Medium-Low."

Commissioner Pitts seconded the motion.

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

With no further business to discuss, the public hearing was adjourned at 8:14 p.m.