

GRAND JUNCTION PLANNING COMMISSION
JUNE 14, 2005 MINUTES
7:00 p.m. to 8:45 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 Dibble (Chairman), Roland Cole, Lynn Pavelka-Zarkesh, William Putnam, Bill Pitts, Tom Lowrey and John Redifer.

In attendance, representing the City's Community Development Department, were Pat Cecil (Development Services Supervisor), Lori Bowers (Senior Planner), Lisa Cox (Senior Planner), Senta Costello (Associate Planner) and Ronnie Edwards (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 approximately 29 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 May 10, 2005 public hearing.

MOTION: (Commissioner Lowrey) "I move we approve the May 10th minutes."

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

III. CONSENT AGENDA

Available for consideration were items:

1. ANX-2005-102 (Zone of Annexation--Career Center Annexation)
2. ANX-2005-076 (Zone of Annexation--Bookcliff Veterinary Hospital)
3. CUP-2005-069 (Conditional Use Permit--City Water Plant Cell Tower)
4. VR-2005-097 (Vacation of Right-of-Way--Toles Franklin Avenue Vacation)
5. VE-2005-077 (Vacation of Easement--Forrest Glen Subdivision)
6. PP-2004-219 (Preliminary Plan--The Glens at Canyon View)
7. CUP-2005-063 (Conditional Use Permit--Walgreen's on North Avenue)

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. Staff requested that items ANX-2005-076 and VR-2005-097 be pulled from the Consent Agenda, and that items ANX-2005-102 and PP-2004-219 be continued to the June 28, 2005 public hearing. Staff also requested that item VR-2005-067 (Vacation of Right-of-Way and Landscape Variance for Riverside School) be pulled from the Full Hearing Agenda and placed on the Consent Agenda. No objections were

received from the audience or planning commissioners on any of the requested changes, nor were there any objections raised by staff, planning commissioners, or the audience on any of the remaining items.

MOTION: (Commissioner Putnam) "Mr. Chairman, I move that we continue item 1, ANX-2005-102, and item 6, PP-2004-219, to the 28th of June's meeting."

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

MOTION: (Commissioner Cole) "Mr. Chairman, I would move approval for the Consent Agenda, including item 3, 5, 7, and 9 [CUP-2005-069, VE-2005-077, CUP-2005-063, and VR-2005-067]."

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

IV. FULL HEARING

ANX-2005-089 ZONE OF ANNEXATION--MUNKRES-BOYD ANNEXATION

A request for approval to zone 5.76 acres from a County RSF-4 (Residential Single-Family, 4 units/acre) zone district to a City RSF-4 (Residential Single-Family, 4 units/acre) zone district.

Petitioner: Ted Munkres, FreeStyle Design & Building

Location: 2866 A 3/4 Road

STAFF'S PRESENTATION

Senta Costello gave a PowerPoint presentation, which included the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; and 4) an Existing City and County Zoning Map. The total amount of land annexed by the City, including right-of-way, was 6.04 acres, of which, the petitioner owned approximately 5.76 acres. The site's location was noted as were surrounding uses and zoning. A single-family home was currently situated on the property and would remain, and the property had at one time been used for agricultural purposes. Since the Persigo Agreement provided for City-annexed parcels to be zoned to their closest County equivalent, the City's RSF-4 zone would be consistent with the Persigo Agreement, the Growth Plan, and the City's Zoning and Development Code. As such, staff recommended approval of the request.

QUESTIONS

Chairman Dibble asked staff to point out the contiguous City-owned property(ies) that linked the subject parcels. Ms. Costello said that contiguity had been achieved via the Highway 50 frontage road, from the parcel within City limits located at the intersection of 28 1/2 Road/Highway 50 to Part 1 of the serial annexation. Contiguity for Part 2 of the serial annexation had been achieved via the frontage road from Part 1 of the serial annexation.

Chairman Dibble asked for confirmation from staff that surrounding zonings were RSF-4, which was provided.

PETITIONER'S PRESENTATION

Bob Jasper, representing the petitioner, expressed support for staff's recommendation of approval. The petitioner had been aware of the property's underlying County zoning when he'd purchased the property. Mr. Jasper noted that agricultural operations had not been conducted on the property for quite some time. A neighborhood meeting had been held. The biggest concern expressed by residents attending that meeting had been traffic impacts to Rainbow Drive and the lack of a highway crossing at the intersection of Rainbow Drive/Highway 50. While there was a highway crossing located at the intersection of Dee

Vee Road/Highway 50, he hoped that the City and County could work together to resolve that area's overall transportation issues.

PUBLIC COMMENTS

FOR:

Bertie Deering (2868 A 3/4 Road, Grand Junction) said that while not necessarily opposed to the petitioner's project, she felt that there were some significant issues that required mitigation. She felt that the 4 units/acre density allowed by an RSF-4 zone district was too high and incompatible with surrounding neighborhood densities. She also felt that traffic issues should be addressed prior to approval of any zone of annexation. Traffic from the petitioner's parcels would likely travel along A 3/4 Road to Rainbow Drive and exit at the Rainbow Drive/Highway 50 intersection. She noted the location of a steep hill and retaining wall along Rainbow Drive that effectively limited sight distance, creating a dangerous situation. Also, there were no sidewalks for pedestrians along A 3/4 Road. During irrigation season, children were forced to walk further out into the streets to avoid water flows. Additional traffic along Rainbow Drive and A 3/4 Road would increase safety concerns.

AGAINST:

Jess McElroy (186 Rainbow Drive, Grand Junction) stated that the RSF-4 zone district permitted too high a density for the area and would be incompatible with the surrounding neighborhood. He felt that approval of the RSF-4 zone district would negatively affect the area's quality of life and urged consideration of an RSF-2 zone district instead.

Joseph Hayes (185 Rainbow Drive, Grand Junction) said that Sharon Heights was a delightful place to live, with most of it having been developed in the 1950s. Neighbors were friendly, and the area was safe enough that their kids could play in the streets. Most of the area's lots were at least a half-acre in size, with some lots as large as 10 acres in size. Sharon Heights' zoning had been RSF-2 since the 1940s. Since the petitioner's parcels had once been a part of the Sharon Heights Subdivision, they too should be zoned RSF-2. He felt that the neighborhood had historical significance given its age, and he pointed out that a trailhead to the Old Spanish Trail was located nearby. He added his concerns regarding traffic and safety issues to those expressed by Ms. Deering, reiterating the lack of sidewalks along both Rainbow Drive and A 3/4 Road. While there were signs posting speeds of no more than 20 mph, people routinely exceeded that speed along both roads. Approval of an RSF-4 zone district would negatively impact the character of the area, and he urged consideration of an RSF-2 zone instead. Mr. Hayes said that when he'd approached staff about the appropriateness of RSF-2 zoning for the two subject parcels, even Ms. Costello seemed to agree that a lesser density would be more compatible with the surrounding area.

Kevin Elisha (2865 A 3/4 Road, Grand Junction) said that he owned two lots directly adjacent to the subject parcels. He, too, was most concerned about the traffic impacts that would be associated with an RSF-4 zone district. The area's roads had been developed to County standards. At what point would streets be brought up to City standards? He felt that 28 1/2 Road was already overburdened with traffic, and the area's streets and intersections were substandard. Mr. Elisha felt that the City should address the area's overall transportation issues before it was completely built out. He said that CDOT owned the frontage road along Highway 50, but because it didn't have the interest or funds to develop it properly, CDOT would entertain the possibility of donating it to the City and/or County for development. If that were accomplished, he felt that the subject parcels could derive access via the frontage road with no impact to either A 3/4 Road or Rainbow Drive. A 3/4 Road, he felt, was just too narrow to accommodate the additional traffic expected from the petitioner's development. Approval of an RSF-4 zone district for the subject parcels would jeopardize the safety of the people currently living in the area.

Bud Franz (145 Landsdown Road, Grand Junction) said that CDOT representatives had told him that traffic from the subject parcels and from other area development(s) would likely be routed to the west

along A 3/4 Road to Rainbow Drive. That, he said, would affect traffic patterns for the entire area. Additional traffic from the petitioner's development would only exacerbate traffic issues already experienced by area residents. The density allowed by the RSF-4 zone district would be incompatible with surrounding densities. Approval of that zone district, and development of the subject property to a density of 4 units/acre would be an intrusion into the area's way of life.

Carol Ward (2860 Casimir Drive, Grand Junction) wondered if annexation of the property by the City had, in effect, "put the cart before the horse." She understood that there would be no traffic signal light installed at the intersection of Highway 50 and 29 Road, and she couldn't help but wonder what additional traffic concerns that might pose. She wondered if approval of the zone of annexation meant that the developer had a green light to move forward with development of the property. She felt that the property's annexation should be postponed until the area's traffic problems could be addressed.

Allen Crim (184 Rainbow Drive, Grand Junction) said that both he and his wife supported a lower density for the subject parcels. The area's existing infrastructure was ill equipped to handle additional traffic from high-density development. The safety concerns expressed by his neighbors were very real. The City needed to control growth so that safety for its residents could be ensured.

Dana Stilson (168 Rainbow Drive, Grand Junction) asked for clarification on the contiguity statements made by staff, which was provided by Ms. Costello.

When asked by Mr. Franz if annexation of the subject parcels represented "flagpole annexation," Chairman Dibble responded affirmatively, adding that such was permitted under the stipulations of the Persigo Agreement, provided that the annexation met the contiguity criteria outlined by staff.

PETITIONER'S REBUTTAL

Bob Jasper said that he had no desire to debate with the neighbors. He agreed that theirs was a nice neighborhood and they had every right to be proud of it. But this was not the 1940s, and the price of land was such that higher density developments were necessary in order to recoup development costs and still make a profit. The area was growing, and the extension of 29 Road into Orchard Mesa would bring even more growth. He understood that traffic concerns were probably more often expressed with infill development. Traffic counts along Rainbow Road did not suggest that the road was at or even near to its carrying capacity. He reiterated his hope that the City, County, and CDOT would work together to mitigate the transportation issues facing the area.

Mr. Jasper said that the Persigo Agreement required annexation of the property and the subsequent application of a zone district. Mr. Jasper said that the RSF-4 zone district met criteria outlined in the Persigo Agreement, the Orchard Mesa Neighborhood Plan, and the City's Growth Plan. It was also the exact equivalent to the County's zoning. He added that the developer was renowned for constructing quality affordable homes and any proposed development would incorporate quality standards.

QUESTIONS

Commissioner Lowrey asked if the developer would be opposed to development of a frontage road along the north side of the property. Mr. Jasper understood that CDOT owned a lot of right-of-way in the area but that it had no interest in constructing additional frontage roads. He added that the developer had undertaken a lot of research prior to purchasing the property. He'd complied with the City's regulations and had every right to expect that the RSF-4 zone district would be supported by the City upon its annexation of the property. The developer would do his best to mitigate outstanding concerns during the development review stage but he also had a right to make a profit on his investment.

Chairman Dibble asked staff to again explain the contiguity requirements involved in annexation, which was provided. Bob Blanchard reiterated that contiguity was achieved via the frontage road along Highway 50. Ms. Costello said that the current annexation would not affect other properties in the area until such time as they might be enclaved, which would likely be many years down the road.

Commissioner Putnam referenced Mr. Hayes' remark regarding the Sharon Heights Subdivision being zoned RSF-2. Since the staff report indicated that the County zoning was RSF-4, which was correct? Ms. Costello said that the City had obtained the property's current zoning from the County. It was unclear what the zoning for Sharon Heights had been back in the 1940s, but the area had been RSF-4 since at least the year 2000.

Commissioner Redifer asked for staff's response regarding the comment made to Mr. Hayes about the RSF-2 zone being more appropriate. Ms. Costello said that while, in her opinion, the less dense RSF-2 zone might be more appropriate, the only issue to be considered was whether the current request met City regulations and adopted policies and guidelines. In the current situation, both the RSF-2 and RSF-4 zone districts could be supported by the City's Growth Plan and Development Code. The RSF-4 zone district just happened to be the closest County equivalent.

Commissioner Redifer asked how staff had assessed traffic and safety impacts for the proposed RSF-4 zone. Ms. Costello said that if the property were built out to the maximum density allowed by the RSF-4 zone, engineering staff had concluded that traffic and safety issues could be satisfactorily mitigated.

Rick Dorris came forward and referenced the aerial photo map. He reminded planning commissioners that since no development plan had been submitted, it was difficult to know what the developer's proposed density will be. With regard to traffic, the new transportation capacity payment (TCP) ordinance required developers to meet minimum access requirements to their parcels. For a residential development, that translated into a 20-foot asphalt mat. Curb, gutter, and sidewalk would not be required. Generally, the more narrow the road, the slower the traffic. If vehicles were speeding along area roads, citizens could report the problem to the County Sheriff's Department. He said that traffic counts near the Rainbow Drive/Highway 50 intersection were only 271 average daily trips (ADT), well below the established carrying capacity for residential streets. Even if the subject parcels developed out to a maximum density of 4 units/acre, the number of ADTs from the development still would not exceed the street's carrying capacity. While citizens may not like additional traffic along their streets, streets were constructed to handle specific traffic volumes. Mr. Dorris expected that a traffic signal light would eventually be installed at the Highway 50/29 Road intersection.

Chairman Dibble asked if staff foresaw the need for any traffic calming in conjunction with development of the petitioner's property. Mr. Dorris said that the installation of traffic calming devices often put the City between a rock and a hard place. He cited an example where speed bumps had been requested by citizens as a means of slowing traffic; however, because they had proven to be a hindrance to emergency vehicle access, removal of the speed bumps was later requested.

Chairman Dibble asked if there would be any street improvements required along the subject parcels' A 3/4 Road frontage. Mr. Dorris said that as long as the street met the minimum 20-foot mat width, no additional improvements would be required.

Commissioner Lowrey asked if the subject property would ever derive access from 29 Road. Mr. Dorris answered that such a connection would be unlikely.

DISCUSSION

Commissioner Putnam sympathized with the sentiments expressed by the area's residents. While he felt it important to maintain the integrity of the existing neighborhood, approval of the RSF-4 zone district did not automatically mean that the property would develop to the maximum 4 units/acre. Likely, the density would be somewhere in between the 2-4 unit/acre density range. The petitioner should consider himself "put on notice" that compatibility with the surrounding area would be a key criterion in any development plan review.

Commissioner Pitts concurred, adding that a development density of 4 units/acre would be too high and incompatible with the surrounding neighborhood. Only the zone of annexation, not the development plan, was before the Planning Commission for consideration. While unsure where the County's RSF-4 zone came from, it's what the property was currently zoned, and the City's RSF-4 zone was its closest equivalent. He urged the developer to consider the concerns expressed by neighborhood residents and work to ensure compatibility and preservation of the neighborhood's integrity.

Chairman Dibble said that when the City annexed a property, it was legally bound to assign a zone of annexation. The Planning Commission's responsibility in that process was fairly restricted to assigning the closest County equivalent. The final decision rested with the City Council.

Commissioner Cole also sympathized with resident concerns. He noted that some of the letters received from residents accused the developer of wanting to make money on the property. It was not wrong for an investor to try and make a profit off of his investment, he said, and the developer needed the property's RSF-4 zone to remain in order to make a return on that investment. He expressed confidence in the developer's integrity and felt that he could support the request.

Commissioner Pavelka-Zarkesh concurred.

Commissioner Putnam added that planning commissioners should not be considering finances; the focus should be on compatibility with the existing neighborhood.

Commissioner Lowrey expressed continued concern over traffic being routed along A 3/4 Road to Rainbow Drive. That, he felt, would be the developer's biggest development approval hurdle. While he could support the request for RSF-4 zoning, it was with some reservation. He wished there were other traffic alternatives available.

Chairman Dibble said that growth was occurring throughout the Valley at a rapid pace. The City's zone of annexation was based on the County's zone equivalent, and although it was unclear just when the County's RSF-4 zone had been applied, it had been in place for at least five years. He appreciated and empathized with citizen concerns but reiterated that the purview of the Planning Commission was fairly restricted. He expressed support for the request.

Commissioner Putnam reminded planning commissioners that they could opt for an RSF-2 zone district.

Commissioner Cole felt the request should be supported as submitted.

MOTION: (Commissioner Cole) "Mr. Chairman, on Zone of Annexation ANX-2005-089, I move that the Planning Commission forward the zone of annexation to City Council with the recommendation of the RSF-4 (Residential Single-Family, 4 du/acre) district for the Munkres-Boyd Annexation, with the facts and conclusions listed in the staff report."

Commissioner Redifer seconded the motion. A vote was called and the motion passed by a vote of 6-1, with Commissioner Putnam opposing.

With no further business to discuss, the public hearing was adjourned at 8:45 p.m.