

**GRAND JUNCTION PLANNING COMMISSION
JANUARY 13, 2004 MINUTES
7:00 P.M. to 8:30 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 P.M. by Vice-Chairman Roland Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Roland Cole (Vice-Chairman), John Evans, William Putnam, Bill Pitts, John Redifer and John Paulson. Chairman Paul Dibble and Richard Blosser were absent.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Planning Manager), Pat Cecil (Development Services Supervisor), Lori Bowers (Senior Planner), and Senta Costello (Associate Planner).

Also present were John Shaver (Assistant City Attorney) and Eric Hahn, Rick Dorris, and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 48 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the November 25, 2003 meeting.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move for approval of the November 25th minutes as presented."

Commissioner Redifer seconded the motion. A vote was called and the motion passed by a vote of 5-1, with Commissioner Paulson abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. CONSENT AGENDA

Offered for placement on the Consent Agenda were items RZ-2003-231 (Rezone--Tom Foster Rezone), VR-2002-121 (Vacation of Right-of-Way/St. Mary's Vacation), ANX-2002-054 (Preliminary Plat--Larson Subdivision), ANX-2003-254 (Zone of Annexation--Bogart Annexation), ANX-2003-235 (Zone of Annexation--Tomkins Annexation) and TAC-2003-01.04 (Text Amendment--SSIDs Manual Update). At citizen request, item ANX-2003-235 was removed from Consent and placed on the Full Hearing Agenda.

Jeff Cook (564 22 1/2 Road, Grand Junction) came forward and asked if the Zone of Annexation pertaining to ANX-2003-254 would affect his property, to which Vice-Chairman Cole responded negatively.

A late letter of opposition was received from Tim Partsch (570 22 1/2 Road, Grand Junction) on item ANX-2003-254. He felt that approval of the request would open the door to additional unwanted development in the area.

Senta Costello corrected the agenda on ANX-2003-254. Ms. Costello said that the proposed zoning is RSF-2. The staff report accurately reflected the correct RSF-2 zone.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move for approval of the Consent Agenda, as amended, for items 1, 2, 3, 4 as amended, and item 6 [RZ-2003-231 (Rezone--Tom Foster Rezone), VR-2002-121 (Vacation of Right-of-Way/St. Mary's Vacation), ANX-2002-054 (Preliminary Plat--Larson Subdivision), ANX-2003-254 (Zone of Annexation--Bogart Annexation), and TAC-2003-01.04 (Text Amendment--SSIDs Manual Update)]."

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

IV. FULL HEARING

ANX-2003-235 ZONE OF ANNEXATION--TOMKINS ANNEXATION

A request for approval to zone 13.360 acres RMF-8 (Residential Multi-Family, 8 units/acre).

Petitioner: Kathleen Tomkins

Location: 2835, 2837 D Road

PETITIONER'S PRESENTATION

Jeff Crane, representing the petitioner, said that the request met Code requirements and was consistent with Growth Plan recommendations. Mr. Crane said that the area was in transition from agricultural to urban and all urban services and infrastructure are present. He added that the community is in need of affordable housing and both the size of the parcel and an RMF-8 zone would accommodate such development.

STAFF'S PRESENTATION

Lori Bowers offered a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; and 3) a Future Land Use Map. Primary access to the site was available via D Road; however, the possible extension of C 3/4 Road would provide a secondary access point. Ms. Bowers said that it is her understanding that the petitioner intends on developing the site to a density at the upper end of the RMF-8 zone district. A letter of opposition had been received from Julian and Ida Cordova (2843 North Forest Court, Grand Junction), too late to have been included in planning commissioner packets. Ms. Bowers reported that the Cordovas were primarily opposed to the higher densities that would be permitted within an RMF-8 zone. Staff concurred that the request met both Code and Growth Plan criteria and recommended approval of the request subject to the findings and conclusions outlined in the January 13, 2004 staff report.

QUESTIONS

Vice-Chairman Cole asked if the adjacent commercial/industrial area was located within the City. Ms. Bowers said that the parcel was located and zoned within the County. She noted the few single-family residential uses present within the Commercial/Industrial zoned area.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Pete Weidman (386 Evergreen Road, Grand Junction) said that Mr. Crane had held a neighborhood meeting and all those attending had expressed their opposition to the RMF-8 zone. He noted that the petitioner's design included the extension and ultimate connection of both North and South Forest Courts to the site, which he and other residents in the Pine Estates Subdivision strongly opposed. Mr. Weidman said that homes in Pine Estates Subdivision were valued at over \$200K. The development of low-income housing, he said, would not represent a compatible use and would likely result in the devaluation of present homes. The proposed density, he

maintained, was incompatible with the surrounding area and high-density development would adversely impact the character of the area.

Bill Meyers (391 Evergreen Street, Grand Junction) agreed with Mr. Weidman's statements and added his voice in opposition to the request.

Brent Whitman (2839 North Forest Court, Grand Junction) also expressed concerns over density, traffic, and the safety of pedestrians walking along the Pine Estates streets. Given the lack of sidewalks and other infrastructure in the subdivision, routing so much additional traffic through that established 30-year-old neighborhood would pose safety hazards for their children and for the residents of the nearby Regional Center, who often took walks along those streets.

Robert Smith (378 Evergreen Street, Grand Junction) also expressed opposition to both the RMF-8 zone and to the connection of the site via North and South Forest Courts in Pine Estates.

James Cooper (no address given) said that his property directly abutted the subject site. While not opposed to development of the site, per se, he also believed that the proposed density was too high. Mr. Cooper said that there are only eight shares of water available to the petitioner's property, insufficient to support the number of people who would be living there. He expected that either there would be a lack of landscaping on the site or that whatever was planted would die due to a lack of available irrigation water. He feared that the development would become another Clifton Village. Traffic along D Road was already bad, he said, and it was difficult for him to get out of his driveway during certain times of the day. So much additional traffic from such a high-density development would only exacerbate the problem.

Janice Curtis (2840 North Forest Court, Grand Junction) said it appeared from the staff's Site Plan that the petitioner's property boundaries were different from those presented to area residents. She noted the presence of a group home in the neighborhood and expressed concern about the safety of those residents. She felt that traffic from the proposed development should be diverted away from Pine Estates; there should be no connection to the site via North and South Forest Courts.

Pam Weidman (386 Evergreen Drive, Grand Junction) agreed with the comments made by her neighbors. This was the first time she'd heard about the lack of irrigation water available to the site but felt that the deficiency posed a real problem. Ms. Weidman believed that impacts to the area and existing neighborhoods and streets from the higher-density development would be too great; she urged denial of the request.

Ken Campean (2842 South Forest Court, Grand Junction) said that emergency service vehicles would have a difficult time getting to the subdivision via 9th Street because of the existing train crossing. Higher density and lower-income developments tended to attract crime and other undesirable elements.

PETITIONER'S REBUTTAL

Mr. Crane said that following the neighborhood meeting the plan had been reworked to reflect a density of 5.7 units/acre and would include only single-family homes. He reiterated that the zone met both Code and Growth Plan criteria and the RMF-8 district would permit design flexibility. He said that the homes would be quality-constructed and priced between \$100K and \$130K, a price range similar to that of nearby White Willows Subdivision. The development would provide a good transition from the commercial property on the west to the lower-density residential uses located directly east. He observed that the City's beltway, once completed, would alleviate much of the existing traffic congestion along D Road. He was also working with property owners to the south to exchange additional buffering for permission to extend C 3/4 Road to the site. The eight shares of water available for the site, he felt, would be sufficient because lots in the development would be smaller. He would continue working with the neighbors to mitigate concerns and a more detailed plan would be brought before residents, staff and the Planning Commission during the Preliminary Plan stage.

DISCUSSION

When asked by Vice-Chairman Cole about the recommendation alternatives available to the Planning Commission, Mr. Blanchard said that planning commissioners could consider the request as submitted or consider applying either an RSF-4 or RMF-5 zone district to the site.

Mr. Shaver added that from a legal perspective, the requested RMF-8 zone district was defensible. Mr. Shaver advised that if a denial or alternate zone district were recommended, planning commissioners would need to find that the request did not meet legal criteria for the proposed zone. He agreed that there was indeed more design and density flexibility associated with an RMF-8 zone district (4-8 units/acre). An RSF-4 zone would permit a maximum of only 4 units/acre while an RMF-5 zone would restrict the density to no more than 5 units/acre.

Commissioner Pitts cited 2.6.A.7 of the review criteria, which asked if the rezone would provide a community or neighborhood benefit. In his opinion it would not and therefore the request failed to meet legal criteria. Given the lower residential densities in the area, he felt that the site's density should be limited to a maximum 4 units/acre.

Commissioner Putnam expressed his discomfort assigning a different zone district to the property. In his opinion, the request should be either approved as submitted or denied. Acknowledging the arguments for both, he was unsure how he would ultimately vote.

Commissioner Redifer felt that the request did comply with the City's legal requirements. He noted that only the zoning was under current consideration; further scrutiny of the plan would come later. The RMF-8 zone permitted densities as low as 4 units/acre and it was clear that the petitioner had no intention of developing the site to the maximum density allowed. He said that there was a negligible difference between the 5 units/acre of an RMF-5 zone and the 5.7 units/acre proposed by the petitioner in the requested RMF-8 zone.

Commissioner Paulson agreed with Commissioner Redifer's comments, adding that the provision of affordable housing would benefit the entire community.

Mr. Shaver asked staff to provide clarification on an apparent discrepancy in the site's location as questioned by Ms. Curtis. Ms. Bowers was unsure to which map Ms. Curtis was referring because the one presented before the Planning Commission was accurate. She said that the property lines were actually present under the site's computer-generated outline.

Vice-Chairman Cole also concurred with Commissioners Redifer and Paulson. The request met legal criteria and just because the zone district permitted a density of 8 units/acre, it didn't mean that the site would be developed to that density. He encouraged Mr. Crane to keep communicating with the neighbors and be receptive to mitigating their concerns.

MOTION: (Commissioner Paulson) "Mr. Chairman, on item #ANX-2003-235, a request for the Zone of Annexation to RMF-8, I move that the Planning Commission recommend to the City Council approval of the zoning designation of RMF-8 (Residential Multi-Family, not to exceed 8 units per acre) for the Tomkins Annexation, located at 2835 and 2837 D Road, with the findings of fact and conclusions listed above in the staff report."

Commissioner Redifer seconded the motion. A vote was called and the motion passed by a vote of 5-1, with Commissioner Pitts opposing.

Vice-Chairman Cole reminded citizens that a separate hearing would be held on the development design and he encouraged neighbors to participate in that process as well.

GPA-2003-184 ZONE OF ANNEXATION--GRAND BUD, LLC ANNEXATION

A request for approval to zone the Grand Bud Annexation RMF-8 (Residential Multi-Family, 8 units/acre).

Petitioner: Mike or Marc Cadez

Location: 28 1/2 Road and Highway 50

PETITIONER'S PRESENTATION

Fred Aldrich, legal counsel representing the petitioners, provided a brief history of the site. He said that approximately three months prior, a Commercial land use designation had been sought for the property but the request had ultimately been denied by both the Planning Commission and City Council. Mr. Aldrich offered a Powerpoint presentation containing the following slides: 1) site summary; 2) aerial photo map; 3) site history; 4) site recommendation as outlined in the 1995 Orchard Mesa Area Plan; 5) excerpt from the Growth Plan supporting the request; 6) aerial photo map showing surrounding land uses; 7) current zoning of the site and surrounding properties; 8) urban services present; 9) reasons supporting the RMF-8 zone district; 10) review criteria; and 11) compliance with Growth Plan policies and goals. Mr. Aldrich said that the property had originally been planned Public/Institutional to accommodate an expected high school. He compared that use to the current zone request, which he believed represented a much less intense use.

STAFF'S PRESENTATION

Kathy Portner offered a PowerPoint presentation containing 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 requested RMF-8 zone district was supported by both the Development Code's review criteria and Growth Plan recommendations. It would permit a variety of housing types and provide sufficient design flexibility to incorporate additional buffering, landscaping, ponds, etc. While no plan had yet been submitted, Ms. Portner said that approval of the zone district did not automatically guarantee approval of an 8 units/acre density. She anticipated that the petitioner would situate higher densities near the middle of the property, with less density and more buffering placed along the site's outer perimeter.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Lawrence Henderson (2855 Pinehurst, Grand Junction), resident of the adjacent Granite Springs Subdivision, said that the greatest expected impact from the site's development would be from added traffic. Such a high increase in area traffic would only make the 28 1/2 Road/Highway 50 intersection more dangerous.

John Kasper (214 Shoney Drive, Grand Junction) agreed that traffic from such a high-density development would create a number of traffic and safety problems. The density permitted by the RMF-8 zone, he said, was too high and incompatible with the surrounding area.

T.J. White (222 Shoney Drive, Grand Junction) agreed with prior comments regarding traffic impacts. There were already a significant number of accidents occurring in the area already. He was also concerned about possible adverse impacts to existing area property values.

Ann Morrow (228 28 1/2 Road, Grand Junction) said that her home had been for sale over five months. While several prospective buyers had expressed initial interest, their opinions had changed when they noticed the row of duplexes located across the street. She concluded that those homes are having a negative effect on her home's value and she's had to lower her asking price as a result. If the petitioner's property developed to a higher density, it would negatively impact others in the area whenever they tried to sell their homes. The vacant portion of Sorter Construction's property already served as an adequate buffer. She urged planning

commissioners to consider an alternate zone district, one that would limit development to no more than 4-5 units/acre. Ms. Morrow also agreed with previous comments regarding traffic impacts.

Larry Sherman (2856 Pinehurst, Grand Junction) agreed that a development density of no more than 4-5 units/acre was more compatible with the surrounding area.

Sandy Burkeel (221 Shoney Drive, Grand Junction) and Earl Harris (204 Round Rock Drive, Grand Junction) concurred with previous comments regarding traffic, density, property value impacts, and a preference to limit the development density to no more than 4-5 units/acre.

PETITIONER'S REBUTTAL

Mr. Aldrich remarked that there was no guarantee Sorter Construction would leave its vacant land as-is, so the requested zone district and the development design had to incorporate the presumption that at some point the Sorter parcel would build-out. This meant planning for additional buffering and varying the placement of homes and that required more design flexibility, something that could be achieved with an RMF-8 zone but not with RMF-4 or RMF-5 zones. While agreeing that traffic impacts represented a valid issue, impacts would still result from a development density of even 4-5 units/acre. Mitigation of expected impacts would be addressed during the Preliminary Plan development stage. He reiterated that the request met both Growth Plan and Code criteria and noted that the site was located within a transitional and mixed-use area.

DISCUSSION

Commissioner Redifer observed that traffic always seemed to be a major issue when considering land use issues in the subject area. He asked staff to comment.

Ms. Portner said that when staff considered appropriate zone district applications, they considered whether expected impacts arising from possible development densities could be satisfactorily mitigated. With regard to the current request, staff felt that any resultant traffic impacts could be adequately mitigated through turn lanes, street upgrades, etc.

Commissioner Pitts said that the site was unique and needed the design flexibility allowed by the RMF-8 zone district to make the project a good one. The requested zone would provide a suitable transition from the Commercial use on the west, Highway 50 to the south and the lower density residential directly east. He believed that the petitioner's final design would ultimately afford the residents of Granite Falls greater protection.

Commissioner Evans agreed.

Vice-Chairman Cole said that development of the site to any density would result in traffic increases. He noted that staff and planning commissioners would review potential impacts and remedies during the Preliminary Plan stage. He expressed support for staff's recommendation of approval.

MOTION: (Commissioner Evans) "Mr. Chairman, on item GPA-2003-184, a request to zone the Grand Bud Annexation RMF-8, I move we forward a recommendation of approval to the City Council with the findings and conclusions listed in the staff report."

Commissioner Redifer seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

With no further business to discuss, the public hearing was adjourned at 8:30 P.M.