

**GRAND JUNCTION PLANNING COMMISSION
JUNE 10, 2003 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 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, John Evans, John Redifer, John Paulson, Bill Pitts and Richard Blosser. William Putnam was absent.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Pat Cecil (Development Services Supervisor), Senta Costello (Associate Planner), Scott Peterson (Associate Planner), Lori Bowers (Senior Planner) and Ronnie Edwards (Associate Planner).

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

Terri Troutner was present to record the minutes.

There were approximately 17 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the April 22 and May 13, 2003 Planning Commission public hearings.

MOTION: (Commissioner Cole) "Mr. Chairman, I move approval [of the April 22, 2003 minutes as submitted]."

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

MOTION: (Commissioner Cole) "Mr. Chairman, I move approval [of the May 13, 2003 minutes as submitted]."

Commissioner Pitts seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Chairman Dibble and 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 VE-2003-054 (Vacation of Easement--Cox Easement Vacation); ANX-2003-080 (Zone of Annexation--Rold Annexation); ANX-2003-022 (Zone of Annexation--Unawep Heights Subdivision); ANX-2003-090 (Zone of Annexation--Sonrise Acres Subdivision); VE-2002-205 (Vacation of Easement--Cimarron Mesa Filing #1); and ANX-2003-068 (Zone of Annexation--O'Connor Subdivision). At citizen request, item ANX-2003-022 was pulled and placed on the Full Hearing Agenda.

MOTION: (Commissioner Blosser) "Mr. Chairman, I move that we approve the Consent Agenda as modified."

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

IV. FULL HEARING

ANX-2003-022 ZONE OF ANNEXATION--UNAWEEP HEIGHTS SUBDIVISION

A request for approval to zone the UnawEEP Heights Subdivision, consisting of 30.33 acres, to RSF-4 (Residential Single-Family with a density not to exceed 4 units per acre).

Petitioner: UnawEEP Heights, LLC

Location: 2857 UnawEEP Avenue

PETITIONER'S PRESENTATION

Doug Theis, representing the petitioner, briefly reviewed the request. He said that because the property is currently zoned County RSF-4, the City's RSF-4 zoning would be compatible. The requested zone is consistent with Growth Plan recommendations and Code requirements. Mr. Theis said that the Planning Commission would soon consider a Preliminary Plan consisting of 108 lots; however, he noted that the only item under current consideration tonight is the Zone of Annexation.

STAFF'S PRESENTATION

Lori Bowers reviewed the request as outlined in her June 10, 2003 staff report. Referencing an overhead map of the site, she noted that UnawEEP Avenue is undergoing realignment. The petitioner had delayed his request for annexation until the realignment was underway. Staff determined that the request met Growth Plan requirements and Code criteria and the RSF-4 land use designation would be consistent with the one previously applied by the County. Ms. Bowers also presented an aerial photo of the site, the City/County Zoning Map and the Future Land Use Map.

QUESTIONS

Chairman Dibble asked if the zoning on all sides of the subject parcel was RSF-4, to which Ms. Bowers responded affirmatively. She noted that the subject parcel was the only one in the immediate area that, once annexation was completed, would be situated within City limits.

Commissioner Cole asked how contiguity was established. Ms. Bowers pointed out an adjacent parcel and said that contiguity would be ensured from that parcel to B 3/4 Road.

Commissioner Blosser asked about the zoning to the north of the subject property; Ms. Bowers replied that the area to the north was zoned AFT.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Carlo Godel (2873 C Road, Grand Junction) said that actual densities of the surrounding area were closer to 1-2 units/acre. An increase in density to 4 units per acre would be incompatible; however, a zoning designation allowing 2-3 units per acre would be more acceptable. Mr. Godel indicated the location of his property on the aerial photo. Chairman Dibble reminded citizens that the only matter being considered was the Zone of Annexation. The Planning Commission had not seen any plan submitted for the property, so it was unclear at this point what the actual density of the proposed subdivision would be. The RSF-4, he continued, allowed for densities anywhere between 2 and 4 units per acre.

John Denison (2858 C Road, Grand Junction) noted a small portion of land located at the juncture of the "realigned" UnawEEP Avenue and C Road. He wondered what would become of that piece of ground. He

suggested that it be used for development of an irrigation system. In addition, he hoped that parks fees would be used to develop open space and parks in conjunction with the proposed subdivision and not be retained for development of parks in other areas of town. Chairman Dibble again stated that such concerns related to a plan not under current consideration by the Planning Commission.

Dr. K.D. Ashbrook-Nabity (2874 C Road, Grand Junction) agreed with previous comments regarding density. She said that parcels in the area are generally between 1 and 2 acres in size. The subject parcel was only entitled to a certain number of water shares, and she felt there wouldn't be a sufficient amount of irrigation water for the number of lots proposed. She wanted to see more open space in conjunction with the subdivision, and she expressed concern for the loss in quality of life if the higher density zone designation was approved. Dr. Ashbrook-Nabity added that C Road would continue as C Road east of the UnawEEP Avenue realignment juncture.

Mike Melgares (no address given) interjected that he and several others had missed their opportunity to have item ANX-2003-068 pulled from Consent and placed on the Full Hearing agenda. While out of order, he asked that this request be reconsidered. After a brief discussion among planning commissioners and legal counsel, it was decided that any reconsideration discussion should ensue following completion of the Full Hearing agenda.

Cindy Denison (2858 C Road, Grand Junction) expressed concern over the stability of soils near the Grand Junction Ditch Company's ditchbank and hoped that the developer would plant trees or incorporate xeriscaping near the ditchbank. She'd heard that parks fees were going to be allocated to a nearby school for improvements to its property. When she'd approached the school's administrative staff to confirm this, they'd not heard anything about it and were opposed to the development of its playground for more public use. She supported development of parks and open space within the proposed subdivision and urged the City to utilize parks fees to this end.

QUESTIONS

Chairman Dibble asked staff to clarify the process of collecting and distributing parks and open space fees. Bob Blanchard said that monies were not generally given to schools for improvements on their properties. Mr. Blanchard noted that comments regarding parks and open space had not yet been received from the City's park planner. Ms. Bowers recalled conversations with parks planner Shawn Cooper; however, she didn't believe that any firm recommendation had been made other than to require the developer to pay a fee in lieu of land dedication. She added that green space was proposed all along the UnawEEP Avenue alignment. She thought that the small portion of land referenced by Mr. Denison would be left as open space. Mr. Blanchard added that the petitioner's submittal had only gone through a single round of review; he would make sure that interested residents received notice of Preliminary Plan review.

Robert Lawrence (2895 Alta Vista, Grand Junction) asked for clarification on the area that would be affected by the current land use designation request, which was given.

Joc Meyers (2893 Alta Vista, Grand Junction) also supported a lower density classification. He said that higher densities afforded less space for people to park RV's and other vehicles, which would likely result in a lot of undesirable on-street parking.

PETITIONER'S REBUTTAL

Mr. Theis said that citizen concerns would be addressed during the Preliminary Plan review stage, and he expressed appreciation for comments made.

QUESTIONS

Chairman Dibble asked for clarification on the zoning of the property to the southwest. Ms. Bowers said that its zoning is also RSF-4. She reminded those in attendance that just because a property had a given zone density, it did not mean that a property owner would be permitted to develop at the highest end of that density range.

Commissioner Paulson wondered if staff knew the actual development densities of surrounding parcels. Pat Cecil said that surrounding properties were all developed under County jurisdiction and that the City did not have possession of the County's development files. He agreed that even though the surrounding zoning designations were generally RSF-4, properties may actually have been developed at the lower end of that density range.

Mr. Blanchard said that the City considered properties situated within its jurisdiction and whether they were developing according to Growth Plan recommendations.

DISCUSSION

Commissioner Cole felt that because the subject parcel was County-zoned RSF-4 and not AFT, it must have gone through a review process for it to have received that designation. He'd heard no compelling reason why the City should not apply its most compatible zone, which is RSF-4. He stated further that even if the property were not being annexed to the City and instead was developing in the County RSF-4 zone is still applicable; the property owner would still be able to develop within the 2-4 units/acre density range. He expressed support for the request.

Commissioner Pitts said that it appeared that residents were hoping for a lower density development. He hoped that the developer would give their comments due consideration.

Commissioner Blosser said that the City's application of a land use designation was in conjunction with the requirements of the Persigo Agreement. He noted that interested citizens would have a chance to review and comment on the actual plan during the Preliminary Plan review stage, and he encouraged their participation.

MOTION: (Commissioner Cole) "Mr. Chairman, on item #ANX-2003-022, I move that the Planning Commission recommend to the City Council the zoning designation of RSF-4 (Residential Single-Family not to exceed 4 units per acre) for the Zone of Annexation of the UnawEEP Heights Annexation, located at 2857 UnawEEP Avenue, finding that the project is consistent with the Growth Plan, the Persigo Agreement, and Section 2.6 of the Zoning and Development Code."

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

RZ-2003-070 REZONE--YOUNG STREET REZONE

A request to rezone a 1.252 acre parcel from RSF-1 (Residential Single-Family with a density not to exceed one unit per acre) to RSF-2 (Residential Single-Family with a density not to exceed two units per acre).

Petitioner: Judith Marie

Location: 653 Young Street

PETITIONER'S PRESENTATION

Karl Clemons, representing the petitioner, presented an overhead map of the subject area. He said that the Grand Valley Canal bisects a portion of the petitioner's property, rendering the southern portion of it unusable and inaccessible. He noted that weeds and trash are collecting on the property. The petitioner's home was situated on the portion of property north of the canal, which would remain whether or not approval was given to the rezone request. Approval of the rezone would, however, allow the petitioner to subdivide and construct a

home on the portion of her property south of the canal. The canal, he added, made for a natural dividing line. The southern the portion of property “looked as though” it should be a part of the Cimarron North Subdivision located to the west. The current RSF-1 zone designation would not allow development of the southern property; thus, it was effectively landlocked. Mr. Clemmons also noted the existence of a drain easement bisecting the southern portion of property. After having talked with Grand Junction Drainage Ditch representatives, it was determined that the easement could be moved, with the addition of two manhole covers. Even without the easement's relocation, Mr. Clemmons said that there is sufficient area to build a 1,800 square foot home. He asked that the uniqueness of the property and the situation be considered and approval of the rezone request be granted.

STAFF'S PRESENTATION

Ronnie Edwards offered a PowerPoint presentation which contained the following slides: 1) site location map; 2) aerial photo of the site; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) annexation map; and 6) aerial photo depicting the site specific conditions. She provided a brief historical background of the property and its zoning. The original R1A zone, assigned in 1955, had become an RSF-1 zone in the year 2000, with the adoption of the Mesa County Zoning and Development Code. Staff determined upon review, that the request failed to meet the rezone criteria outlined in section 2.6.A of the Grand Junction Zoning and Development Code, finding that: 1) the existing RSF-1 zone had not been applied in error; 2) while there had been a change in character of the neighborhood, new development was consistent with Growth Plan recommendations; 3) the higher RSF-2 zone designation would not be compatible with the surrounding area; 4) there was a sufficient supply of land for development to the requested zone density; and 6) the proposed rezone would not benefit the neighborhood. Ms. Edwards recommended that the request be denied.

QUESTIONS

Commissioner Cole asked for confirmation from staff that there is sufficient area on the southern portion of property to build a home that would comply with development standards. Ms. Edwards said that there is sufficient area available; however, the petitioner would be required to work with the City's engineering department on the provision of access to the property.

Commissioner Blosser remarked that if the rezone were not approved, the petitioner could not do anything with the land; it would remain vacant, unused and unmaintained. Ms. Edwards responded that these observations were not part of the review criteria to which she had to adhere.

Chairman Dibble asked how staff concluded that there would be no benefit to the neighborhood. Ms. Edwards said that she based her conclusion on the history of the property and the area.

Mr. Blanchard remarked that the RSF-1 zone designation had also been perpetuated on the property following its annexation into the City in August of 2000. Ms. Edwards noted that there had been no subdivision plan submitted; thus, the property could technically be subdivided in a way other than what Mr. Clemons was suggesting if the rezone was granted.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Robert Hunt (2572 Young Court, Grand Junction) did not feel the higher zone designation would be compatible with the surrounding neighborhood. He also felt that access provision to the southern portion of the petitioner's property would pose a problem. Mr. Hunt was also concerned that approval of the request would set a precedent for future rezone requests.

PETITIONER'S REBUTTAL

Mr. Clemmons said that a neighborhood meeting had been held, with only four people showing up. The two primary concerns expressed at that time had been over possible impacts resulting from the potential widening of F 1/2 Road and the type of house that would be constructed upon the newly created lot. He said that the property owner would agree to sign a document assuring residents that no mobile home would be placed on the property. The intention was to construct a nice home on the property, compatible with other homes in the area. He said that the neighborhood would benefit by having something nice constructed on the property. The property would be cleaned up and a homeowner would then be present to maintain it.

DISCUSSION

Commissioner Pitts said that he'd driven by the property and agreed that construction of a home on the property was preferable to allowing the property to remain unusable and retained as a weed patch. Someone, he said, needed to be responsible for the upkeep of the property. He expressed support for the rezone request.

Commissioner Blosser asked Rick Dorris if the building envelope on the southern portion of the property would be impacted if F 1/2 Road were widened. Mr. Dorris said that the question called for a hypothetical response; he said that he was unsure. He continued by saying that in a worst-case scenario, the City might have to consider purchasing right-of-way from the future property owner of the southern lot and the current owner of the property adjacent to that lot. The City may even be required to purchase the properties outright. In a more likely scenario, the alignment of F 1/2 Road would be adjusted further south, given that there was more open land available.

Commissioner Blosser said that he too had driven by the property and agreed with Commissioner Pitts' comments. Development of the property was preferable to having it lay unused and unmaintained.

Commissioner Evans disagreed. It was clear that the request failed to meet Code criteria and Growth Plan recommendations. "A line must be drawn," he said.

Chairman Dibble agreed with Commissioner Evans. If the Planning Commission based its decisions on Code regulations and Growth Plan recommendations, there was no justification for deviation.

Commissioner Cole felt that the Code criterion pertaining to neighborhood benefit had been satisfied, adding that staff's conclusion seemed to be subjective.

Commissioner Paulson asked for a legal opinion from counsel on whether or not approval of the request would establish a precedent. Mr. Shaver replied that no legal precedent would be created. He continued by saying that because of the uniqueness of the parcel it would be distinguishable from other rezone applications, even though the neighbors may view it differently.

Commissioner Pitts said that the assumption was that the petitioner would subdivide the property in the manner presented by her representative. He said that it didn't seem possible or practical to do it any other way.

Commissioner Cole agreed that the uniqueness of the property warranted more individual consideration. His support of the request was based on the method of subdivision outlined by Mr. Clemmons.

MOTION: (Commissioner Blosser) "Mr. Chairman, on the Young Street Rezone, #RZ-2003-070, I move that the Planning Commission forward a recommendation of approval to City Council on the request to rezone from RSF-1 (Residential Single-Family with a density not to exceed one unit per acre) to RSF-2 (Residential Single-Family with a density not to exceed two units per acre) with the findings and conditions listed in the staff report."

Commissioner Pitts seconded the motion.

A brief discussion ensued over whether "...with the findings and conditions listed in the staff report" should be retained in the motion. Mr. Shaver said that it is obvious by Commissioner Blosser's motion that he effectively is disagreeing with staff's conclusions and findings that don't support the motion and that the reference/motion as stated is not a problem.

A vote was called and the motion passed by a vote of 4-3, with Chairman Dibble and Commissioners Evans and Paulson opposing.

V. RECONSIDERATION REQUEST

In response to a citizen request to reconsider an item on the Consent Agenda, ANX-2003-068, Mr. Shaver said that the Planning Commission could let the previous action stand, with objectors making their objections known before City Council or it could reconsider and place the item on the Full Hearing Agenda. To do the latter, planning commissioners must first vote to reconsider the item placed on Consent and if that motion is successful then vote again to hear the item. Mr. Shaver also said that the item could be continued to another date certain once placed on the Full Hearing Agenda. Following discussion, and reiteration by Chairman Dibble to the requestor that there had been ample opportunity given to pull the item from Consent, planning commissioners chose to let the original action stand, given that there was no motion offered to the contrary.

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