

**GRAND JUNCTION PLANNING COMMISSION
JUNE 8, 1999 MINUTES
7:05 p.m. to 10:15 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:05 p.m. by Vice-Chairman Jeff Driscoll. The public hearing was held at Two Rivers Convention Center.

In attendance, representing the Planning Commission, were: Jeff Driscoll (Vice-Chairman), Joe Grout, Mark Fenn, Terri Binder, Nick Prinster and Paul Coleman. John Elmer was absent.

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Kathy Portner (Planning Manager), Mike Pelletier (Assoc. Planner) and Bill Nebeker (Sr. Planner).

Also present were John Shaver (Asst. City Attorney), Kerrie Ashbeck (Development Engineer) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 28 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of May 18, 1999.

MOTION: (Commissioner Coleman) "Mr. Chairman, I make a motion we accept the minutes May 18, 1999."

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

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Pulled from the agenda was item RZP-1999-119. Due to its expected length, item GPA-1999-121 was moved to the end of the agenda.

III. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

ANX-1999-120 ZONE OF ANNEXATION/REZONE/ODP—SPANISH TRAIL SUBDIVISION

A request for: 1) approval of the Zone of Annexation for approximately 29.67 acres from County PR-20 and City RSF-2 to City PR-7.2 (Planned Residential not to exceed a density of 7.2 units per acre, and 2) approval of an Outline Development Plan (ODP) for the Spanish Trail Subdivision consisting of 176 single family detached lots and 36 single family attached lots, for a total of 212 dwelling units.

**Petitioner: Reimer Development
Location: 719 – 24.5 Road
Representative: Development Concepts, Mike Joyce**

PETITIONER'S PRESENTATION

Mike Joyce, representing the petitioner, introduced Marc Maurer and Kevin Reimer. He presented an overhead transparency of the ODP and said that the current plan closely resembled a previous plan which had lapsed. Surrounding uses and zoning were noted. The site lies within the urban growth boundary and was uniquely located adjacent to the City's Canyon View Park. The plan complied with Growth Plan recommendations and Code criteria.

Marc Maurer, architect, briefly reviewed the project's design and phasing. Layout of dwelling units, open space, buffer areas, setbacks and sidewalk areas were noted. The project would be intensely landscaped to ensure compatibility with the adjacent park and water features were planned. Some reconfiguration of the proposed boulevard entrances would be required to comply with City standards. Discussions with adjacent church representatives regarding linkage of a pedestrian access across their property (location noted) were ongoing. Homes would utilize energy efficient materials.

Mr. Joyce completed his presentation by saying that he was in agreement with staff's comments and recommendations.

QUESTIONS

Commissioner Fenn wondered if any consideration had been given to providing a pedestrian link between the development and Canyon View Park. Mr. Joyce said that discussions to that end were underway; pedestrian access could be provided to link the project with the tennis court area. Such a connection would be supported by the Urban Trails Master Plan.

Mr. Prinster asked if the buffer area between the subdivision's property line and the park would be kept natural or landscaped. Mr. Joyce said that it depended on how the park developed in that area. The buffer area, he said, would be designed to provide a compatible transition between the two uses.

Commissioner Binder asked if additional street width had been provided for the proposed internal bike lane, to which Mr. Joyce replied affirmatively. Bike lanes were also planned for G and 24 Roads.

Vice-Chairman Driscoll wondered if the boulevard entrance spacing problems had been addressed. Mr. Joyce expressed a willingness to work with staff on that issue to ensure compliance with the City's standards.

STAFF'S PRESENTATION

Kathy Portner reviewed the June 1, 1999 staff report. She asked that planning commissioners consider establishing a minimum density requirement for the development to ensure that the site builds out at or near the proposed density. The petitioners had indicated a willingness to mitigate entrance concerns; she briefly elaborated on required bike and turn lanes. A drainage study would be required with submission of the Preliminary Plan. Staff recommended approval of the Zone of Annexation, the rezone and ODP, the latter with no conditions.

QUESTIONS

Commissioner Binder asked if any comments had been received from the school district, to which Ms. Portner responded negatively. Scott Harrington elaborated that in recent meetings school district representatives had indicated that their lack of response was due to staff shortages. Most schools, he said, were not presently at capacity.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER’S REBUTTAL

No rebuttal testimony was offered.

DISCUSSION

A brief discussion ensued over the minimum density requirement requested by staff. When asked, Ms. Portner suggested that the project develop at an overall density of no less than 6 units/acre. Mr. Joyce said that the petitioner was willing to comply with an established minimum since the submitted plan was not expected to change significantly.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item ANX-1999-120, I move we forward the request for PR-7.2 zoning on to City Council with a recommendation of approval with the one recommendation of a minimum of 6 units per acre.”

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

MOTION: (Commissioner Coleman) “Mr. Chairman, on item ANX-1999-120, I move we approve the Outline Development Plan as proposed.”

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

FP-1999-117 FINAL PLAT/VACATION OF RIGHT-OF-WAY—GRAND VIEW FILING #4

A request for approval of: 1) the Final Plat of Grand View Filing #4 consisting of 48 single family lots on approximately 15.55 acres in an RSF-5 (Residential Single Family with a density not to exceed 5 units per acre) zone district, and 2) vacate Boeing Street right-of-way located in Garfield View Subdivision.

**Petitioner: Donada, Inc.
Location: East of 28 Road and North of Ridge Drive
Representative: Atkins & Associates, Inc.**

PETITIONER’S PRESENTATION

Richard Atkins, representing the petitioner, said that the request represented an extension of Grand View Subdivision. Boeing Street right-of-way was not needed. He expressed agreement with staff’s conditions for approval.

STAFF’S PRESENTATION

Bill Nebeker presented an overhead transparency of the Final Plat. Staff viewed the vacation as acceptable but would retain a 14-foot-wide utility easement along 28 Road and another 10-foot-wide sewer easement (location noted). Having found that the request met Code requirements, staff recommended approval subject to the following conditions:

1. A 14-foot-wide utility easement shall be reserved along the west side of Boeing Street adjacent to 28 Road.
2. Place a note on lot 18, block 1, stating that access to this parcel is allowed on Pagosa Drive only.
3. The front, rear, and side yard setbacks on corner lots in this subdivision shall be designated on the plat.

4. The dedication statement on the plat shall be revised to include the drainage and sanitary sewer easement along the west property line.
5. An avigation easement will be required prior to plat recordation. If an avigation easement has been previously provided for this development, a recorded copy of that easement shall be made available to Airport and City staffs.

QUESTIONS

Commissioner Prinster asked for further clarification on the location of retained easements, which was given. When asked if there had been any access changes in the Final Plat, Mr. Nebeker responded negatively.

Commissioner Binder asked if bike lanes would be included along 28 Road, to which Mr. Nebeker answered affirmatively. She asked if Cortland Avenue would eventually be extended and bike lanes provided to the Matchett Park area. Mr. Nebeker replied affirmatively. The extension of Cortland Avenue, he said, would come at a later date and had not been included as part of the current proposal. A brief elaboration of extension plans was provided by Mr. Harrington and Kerrie Ashbeck.

PUBLIC COMMENTS

No comments were received either for or against the request.

PETITIONER'S REBUTTAL

No rebuttal testimony was offered.

DISCUSSION

Commissioner Coleman could see no reason why the request should not be approved since Code criteria would be met.

Vice-Chairman Driscoll added that the Final Plat conformed with the Preliminary Plan.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item FP-1999-117, I move that we approve Grand View Subdivision Filing #4 subject to staff's recommendation and forward a recommendation of approval to the City Council for the vacation of Boeing Street east of 28 Road subject to staff's recommendation."

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

VE-1999-118 EASEMENT VACATION—SPRINT EXPRESS

A request for approval to vacate 7.5 feet of a utility easement due to a portion of the building being located in the easement.

Petitioner: Kenneth and Corrine Erni
Location: 421 Glenwood Avenue
Representative: Banner Associates

PETITIONER'S PRESENTATION

Ken Erni, co-petitioner, said that during a survey of the property it had been discovered that a portion of the Sprint building encroached into an existing utility easement. The sewer line, however, had been rerouted and no utility lines were present within the easement.

STAFF’S PRESENTATION

Mike Pelletier agreed that no other utility lines lay within the easement. The petitioner had been asked to include the entire easement in the request. Having found that the request met Code requirements, staff recommended approval.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER’S REBUTTAL

No rebuttal testimony was offered.

DISCUSSION

Commissioner Prinster felt the request to be straightforward and noted the lack of opposition from neighbors.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item VE-1999-118, I move that we forward a recommendation of approval to City Council.”

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

GPA-1999-121 GROWTH PLAN AMENDMENT/ZONE OF ANNEXATION—KEESEE

A request for: 1) approval of the Zone of Annexation for approximately 20 acres from County R1B to City RSF-4, and 2) an amendment to the Growth Plan to redesignate approximately 20 acres from the Rural (5 to 35 acres) category to the Residential, Medium-Low (2 to 3.9 du/acres) land use category.

**Petitioner: H. Kenneth Keesee
Location: Southeast corner of South Broadway and Desert Hills Road
Representative: Thomas Volkmann**

PETITIONER’S PRESENTATION

Thomas Volkmann, representing the petitioner, presented an overhead transparency of an aerial photo denoting the site’s location and surrounding zoning. He said that the County’s R1B zone district allowed for a density of 2 units/acre. He felt that the Growth Plan’s Rural Designation (5 to 35 acres) was in error. That conclusion, he said, had been supported by staff’s comments that perhaps higher densities were justified in the subject area. Mr. Volkmann then introduced co-petitioner Carol Keesee.

Ms. Keesee explained that when she’d purchased it, the property had been zoned R1B, which allowed a density of 2 units/acre. She had marketed the property as such but found out later that a zoning conflict existed with the Growth Plan. Since no conflict existed prior to the City’s annexation, she felt she should at least be allowed the same density that was attached to the property when she’d bought it.

Mr. Volkmann presented an overhead transparency of an excerpt from the Future Land Use Map. Noting the surrounding zoning, he felt that an RSF-4 designation would be a good transition zoning designation. He added that staff’s recommendation for delay pending further review of the entire area was inappropriate. The Growth Plan amendment process, he said, had been established by resolution to address just such instances, and further delay was not justified. The site had ample access and infrastructure, would not pose any impacts on wetlands or wildlife habitat, had no unique site constraints and was located within the urban growth boundary. He said that if sewer was recommended for the area, higher densities were needed for its support. While the higher RSF-4 zone, he felt, was justified, at the very least the property should be zoned equivalent to the County.

QUESTIONS

Commissioner Fenn asked why a higher zone designation was being sought. Mr. Volkmann said that given the property's location within the urban growth boundary and future growth expectations, a higher density seemed more appropriate.

STAFF'S PRESENTATION

Kathy Portner outlined Growth Plan amendment criteria. She agreed that a higher than Rural designation was warranted, but staff felt the RSF-4 designation was too high. A 2 to 5-acre, or perhaps, a ½ to 2-acre density seemed more appropriate for the area. If a zone designation compatible with the County's current zone were selected, no "findings of compliance" to amendment criteria would be needed. Ms. Portner said that a joint City/County meeting was tentatively scheduled for July to further review land use designations for the subject area as a whole. In the interim, staff suggested placing an RSF-R on the property. Having found that the request did not meet Growth Plan amendment criteria, staff recommended denial of the RSF-4 zone and recommended placement of an RSF-R zone on the property until such time as Growth Plan designations were reconsidered for the entire area.

QUESTIONS

Commissioner Binder asked for clarification of the density an RSF-4 zone would allow, which was given.

Commissioner Coleman asked if a firm date for the joint City/County meeting had been established, to which Ms. Portner responded negatively. She felt that more than one meeting could be required and staff reports would have to be generated prior to any meetings held. A September meeting date could be possible.

Commissioner Fenn wondered if the Growth Plan amendment resolution made it more feasible to decide the request now as opposed to delaying a decision. Mr. Shaver said that legally there were no requirements forcing the Planning Commission to decide now. He said that since it was more a policy issue, the Planning Commission had a number of available options. Mr. Harrington provided additional clarification of City Council's amendment resolution.

Commissioner Binder wondered if all properties along South Broadway would eventually fall within the City's jurisdiction. Ms. Portner said that developing properties would fall within the City's jurisdiction.

Commissioner Grout asked for clarification on staff's recommendation, which was given.

Commissioner Binder asked if the City intended to review the area's infrastructure along with the subject properties, to which Ms. Portner replied affirmatively, but only in a general sense.

Vice-Chairman Driscoll asked if consideration of a lower density would be appropriate. Mr. Shaver said that if a lower density were considered, no conflict with notification requirements would exist.

A brief recess was called at 8:35 p.m. The hearing reconvened at 8:50 p.m.

PUBLIC COMMENTS

FOR:

Steve Voytilla (3736 Christensen Court, Grand Junction), real estate agent, said that he'd sold the petitioner her property. When the property was sold, the R1B designation and associated density had been assigned by the County. That gave the buyer certain expectations as to its future developability. He

expressed concern over potential liability issues for realtors arising as a result of the City's annexation policy. The property owner, he said, had a right to develop the property to its highest and best use.

AGAINST:

Mike Anton (2111 Desert Hills Road, Grand Junction) said that ongoing traffic and safety problems made higher density development in the subject area inappropriate. He also felt that the rural character of the area needed to be preserved.

Vice-Chairman Driscoll asked how Mr. Anton felt about a lower zone designation, one more closely aligned with the County's designation. Mr. Anton opposed all but a Rural designation.

Karen Anton (2111 Desert Hills Road, Grand Junction) felt that the request was motivated by profit alone. She felt that there would be problems bringing sewer in to the area because of its elevation. She opposed any improvements made to Desert Hills Road and felt that the area's wildlife would be adversely impacted. Ms. Anton also wanted to see the area's rural character preserved.

Martha Haven (no address given) said that she'd originally owned the property prior to the Keesees. She supported the 2 units/acre designation but did not support the request for a higher density. She mirrored previous comments about traffic and safety concerns and said that the South Broadway/Desert Hills Road entrance was very dangerous. Motorists were constantly running through her fence in trying to negotiate that corner. She felt that there should be a moratorium on development in the area until improvements could be made to South Broadway and to the Desert Hills Road entrance.

Joan Rossman (482 Season Court, Grand Junction) cited traffic and safety concerns and felt that the site was unsuitable for higher density development.

Jerry Roberts (2090 South Broadway, Grand Junction) said that the Keesees knew their zoning restrictions when they'd purchased the property. They also should have been aware of the Growth Plan's existence. He asked that the Land Use Map's designation of Rural for the site be upheld. He opposed further development of the area as a whole and more especially higher density development.

Dawn Miyela (2112 Desert Hills Road, Grand Junction) said that the majority of parcels surrounding the subject site were zoned Rural. She expressed similar concerns over traffic and safety issues and wildlife impacts. Having seen lift stations fail, she questioned the viability of providing sewer to the area. The area did not have sufficient density to support urban improvements, nor did area residents want them. She felt that higher density development would also adversely impact property values. Since no changes in the area's character had taken place, no changes in zoning should be warranted.

Jean O'Dell (2084 South Broadway, Grand Junction) opposed the request citing traffic and safety concerns.

Deb Whiting (478 Seasons Court, Grand Junction) voiced similar concerns regarding traffic and safety. She also questioned the viability of a sewer lift station and wondered where the road leading into the new golf course driving range would be located. In response to the latter question, Ms. Portner was unsure where the golf course road would be located.

Michael Miyela (2112 Desert Hills Road, Grand Junction) said that the RSF-4 zone designation would allow an additional density of up to 80 more units in the area. Without improvements to South Broadway, additional traffic generated by such development would only exacerbate an already bad traffic situation. He agreed that since no changes had been made in the character of the area, the rezone was not

justified. He supported the Growth Plan's recommendation for a Rural designation in the area and asked that the property be zoned accordingly.

Maggie Unfred (2107 Desert Hills Road, Grand Junction) said that she and others in the area utilized their properties for agricultural enterprises. She didn't want to see a subdivision located next to her and felt that any development would result in use conflicts. She also cited traffic and safety concerns and added her support to the Rural Land Use Map designation.

Garrett McMillan (2076 South Broadway, Grand Junction) said that it was bad enough the City had approved another filing for The Seasons subdivision, adding another 60 homes to the area. He said that South Broadway currently had jurisdictional problems with law enforcement agencies. It seemed that City, County and State agencies could not decide who had authority in the area; consequently, the area was ill served by any agency. He urged the City to give greater priority to South Broadway improvements and to halt further development until such improvements were undertaken.

Floyd Unfred (2107 Desert Hills Road, Grand Junction) said that uses in the area were primarily rural. If the higher density were approved, it would drive current residents out. The golf course area served as additional wildlife habitat area, and he expressed concern over wildlife impacts resulting from added development. He thought that no benefit could be derived from any development of the site, and it would likely generate drainage problems. He urged keeping the area rural.

Warren Krisnook (no address given) cited traffic and safety problems along South Broadway and said that more traffic would mean a greater risk of accidents.

Dick Ennis (no address given) voiced similar concerns over traffic and safety problems. He urged a cessation of additional development until road improvements could be undertaken.

PETITIONER'S REBUTTAL

Mr. Volkmann said that because the only thing being considered was a Growth Plan amendment and not a development plan, comments made by the public were irrelevant since they pertained to impacts for a development not even proposed. At the time of development submittal, he felt that their comments would be more appropriate. Specific development concerns would be better addressed when a development proposal was submitted. At the very least, he said, the City should grant the equivalent City zone to the property commensurate with the County's zoning. As a point of clarification, he said that any reference to the "Haven property" came from sources outside of his office and not from his client. He disclaimed himself and his client from having anything to do with such references or implications made from the erroneous use of the Haven name.

The Growth Plan, he said, was intended to guide policy, not establish it. He reiterated that the Rural designation for the subject area was inappropriate, a position supported by City staff. The proposed RSF-4 zone would provide a good east-west transition. Ms. Keese needed to sell the parcel, and he felt it unfair to penalize her for having been annexed into the City. He asked that a decision be rendered now and not delayed until some ambiguous date in the future.

DISCUSSION

Vice-Chairman Driscoll asked staff to respond to the questions of the golf course entrance and sewer viability. Ms. Portner again stated that she was unsure where the entrance to the golf course driving range would be, but she expected traffic from the entrance to be light since it was only an extension to the main golf course. These comments were supported by Mr. Harrington, who provided additional detail on the driving range. With regard to the sewer, she said that during discussions with Trent Prall,

he had indicated that the area could be served. She said that a lift station would be required to serve the majority of homes located along Desert Hills Road.

Vice-Chairman Driscoll asked if a land use amendment would be required if a zone equivalent to the County's zone were recommended. Mr. Shaver said that in that instance, a land use amendment would not be mandatory. The Future Land Use Map designation was not always consistent with zoning and could remain inconsistent.

Commissioner Fenn asked why staff had recommended an RSF-R zone designation if the R1B designation was not in error. Ms. Portner explained that the RSF-R zone would be a temporary "holding zone" designation assigned until a final density determination was reached. She said that the petitioner had not demonstrated that the R1B zone was in error; thus, criteria justifying the increased RSF-4 zone density had not been met.

Vice-Chairman Driscoll said that the intent of the Future Land Use Map had been to direct growth to areas within the urban growth boundary. Why then did the Map reflect the subject area as Rural when it fell within the urban growth boundary? Ms. Portner elaborated that while she had not been involved in actual discussions, she understood that the Redlands Neighborhood Plan had been used to provide rural buffers for properties adjacent to the National Monument. In addition, site constraints had also been considered, which could preclude higher density development.

Commissioner Prinster said that the staff report suggested that none of those factors just mentioned pertained to the subject property, to which Ms. Portner agreed. It was for that reason staff supported a higher than Rural designation but not as high as the petitioner requested. An Estate designation or 2-acre to ½ acre designation could be deemed more appropriate.

Commissioner Binder agreed that when a person bought a piece of property, the assigned zoning meant something and provided that buyer with a reasonable expectation of what could be done with the property.

Commissioner Fenn said that as a realtor himself he understood the liability issues raised by Mr. Voytilla. It was important to guard against misrepresenting the property. While agreeing that improvements were needed for South Broadway, the current request was not a development application. Given the proximity of the driving range to the subject parcel, he was more inclined to support the higher RSF-4 zone designation. However, an RSF-2 designation would be consistent with the petitioner's purchase expectations and was the best equivalent zone to the County's R1B zone.

Commissioner Binder noted that if the property developed even to a density of 2 units/acre, the site could potentially generate an additional 400 ADTs. The infrastructure was not there to support such development. The next purchaser would assume the same development expectation as the current petitioner. She would be more supportive of an RSF-2 or RSF-4 density if the necessary infrastructure was in place. She felt that a decision should be made and not postponed.

Commissioner Coleman agreed that an RSF-2 zone designation was warranted for the reasons stated by Commissioner Fenn. He noted that staff would be recommending a higher than Rural designation for the property anyway.

Commissioner Grout concurred with Commissioners Coleman and Fenn. He didn't feel that a "holding zone" made much sense in the current situation. He supported the RSF-2 zone designation.

Commissioner Prinster agreed and said that it did not make sense to postpone a decision.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item GPA-1999-121, I move that we forward this on to City Council with recommendation of approval of the Residential (RSF-2) Low-Density designation.”

MOTION: (Commissioner Coleman) “Mr. Chairman, on item GPA-1999-121, I move that we forward this on to City Council with recommendation of approval with the RSF-2 zoning.”

Commissioner Fenn suggested removing the reference to RSF-2 from the first motion.

Ms. Portner clarified that since RSF-2 would be equivalent to the County’s R1B zone, a Zone of Annexation could be considered without Planning Commission action on the Growth Plan amendment. Both Messrs. Harrington and Shaver added further clarification on the options available to planning commissioners.

Commissioner Coleman agreed to amend the Growth Plan motion to delete the RSF-2 reference. The revised motion is as follows:

MOTION: (Commissioner Coleman) “Mr. Chairman, on item GPA-1999-121, I move that we forward this on to City Council with recommendation of approval of the Residential Low-Density designation.”

Both motions were retained. A vote was called and both motions passed by a vote of 5-1, with Commissioner Binder opposing.

With no further business, the hearing was adjourned at 10:15 p.m.