

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - September 10, 1996
7:05 p.m. to 9:35 p.m.

I. CALL TO ORDER

The regularly scheduled Planning Commission hearing was called to order at 7:05 p.m. in the City/County Auditorium by Chairman John Elmer.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Jeff Vogel, Jeff Driscoll, Ron Halsey, and Paul Coleman.

In attendance, representing Planning Department staff, were: Kathy Portner (Acting Director), Michael Drollinger (Sr. Planner) and Mike Pelletier (Associate Planner).

Also present were John Shaver (Asst. City Attorney).

Terri Troutner was present to record the minutes.

There were approximately 20 interested citizens present.

II. CONSIDERATION OF MINUTES

There were no minutes available for consideration.

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer stated that due to the interrelationship of items ANX-96-58 and RZP-96-177, both would be opened simultaneously for consideration.

IV. PUBLIC HEARING ITEMS FOR RECOMMENDATION TO CITY COUNCIL

Due to a potential conflict of interest, Commissioner Driscoll withdrew from consideration of the following two items.

ANX-96-58 ZONE OF ANNEXATION--HETZEL

Request to zone land consisting of approximately 29 acres currently being annexed to the City of Grand Junction to PR-3.5 (Planned Residential with a density not to exceed 3.5 units per acre).

Petitioner: Kenneth Hetzel

Location: East of 25th Road between Fth and F 1/4 Roads

RZP-96-177 REZONE AND PRELIMINARY PLAN--FALL VALLEY

Request to: 1) rezone from RSF-R (Residential Single Family with a density not to exceed 3.5 units per acre) and 2) Preliminary Plan approval for 134 single family units on approximately 37.93 acres of land.

Petitioner: John Davis

Location: Southeast corner of 25th and Fth Roads

Representative: Ward Scott, Remax 4000

STAFF PRESENTATION

Michael Drollinger began his presentation by distributing copies of a letter received from Robert Leachman (627 Braemer Circle, Grand Junction) who expressed opposition to both the rezone and Preliminary Plan for Fall Valley. The site and surrounding zonings were noted on maps provided. The

current proposal which calls for 3.5 units per acre is far less than the original proposal which requested a density of 7.6 units per acre. The current plan is consistent with the 3.3 to 3.8 density units discussed by City Council. The redesign eliminated all multi-family units, provided for two accesses onto 25th Road and two stub streets to the South. Lots on the eastern boundary are 50 percent larger than lots along the western boundary. Mr. Drollinger briefly discussed the four proposed phasings and commented that the center open space area would be better accessed via pedestrian access easements. Additional pedestrian easements were noted from Fall Valley Circle North to Fth Road and between Fall Valley Circle and Tumbleway Drive.

A significant issue involved the timing for completion of 25th Road improvements. Staff preferred that these be completed with Filing 2 while the petitioner requested that the improvements be deferred until Filing 4. The Public Works Department also recommended that Filing 2 be modified to include the second connection to 25th Road with that phase. As presently configured, no second access is proposed with any of the first three filings. Without the second access, the length of the proposed cul-de-sac (noted on the map) would be excessive and unacceptable by City standards. The request for half-street improvements to 25th Road in conjunction with Filing 2 was supported by the *Code*, and improvements would be credited to the petitioner*s traffic impact fee. Additional monies from the traffic impact fee fund would then be used to complete 25th Road in that area. Given current growth, this alternative was preferred over waiting for the capital improvements plan, which called for the completion of this section in the year 2003.

Staff recommended approval of the rezone and Preliminary Plan subject to the following conditions:

1. The completion of 25th Road improvements shall occur concurrent with the development of Filing 2 as shown on the Preliminary Plan, not Filing 4 as proposed by the petitioner and that Filing 2 be modified to show a second connection to 25th Road that occurs with that filing.
2. The petitioner shall be required to detail the amenities proposed for the open space areas at the time of Final Plat and Plan submittal.

QUESTIONS

Chairman Elmer asked if the current proposal is consistent with the City Council*s direction. Mr. Drollinger replied that the density was within the range recommended by City Council.

Chairman Elmer asked if the proposed open space would be private, for exclusive use of the homeowners, to which Mr. Drollinger replied affirmatively.

Chairman Elmer asked why no access had been proposed for connection to Fth Road. Mr. Drollinger said that studies indicated that between 90-95 percent of total trips headed South. Staff recommended that traffic be channeled accordingly to 25th Road and away from Fth Road.

PETITIONER*S PRESENTATION

Ward Scott, representing the petitioner, said that with regard to the 25th Road improvements, the first two filings represented less than half of the total lots. Traffic from these two filings was funneled to the South. He felt it more appropriate and more financially feasible to defer 25th Road improvements to filing 4. Mr. Scott asked the Commission to allow further discussion between himself and staff on this issue, with a condition of approval being that staff gives its final approval to any alternative proposal.

He noted that an error in the plan eliminated a lot which was to have been shown as lot 6 near the proposed northern open space area. He asked that he be allowed to correct this error and amend the plan to reflect 135, not 134 total lots. Mr. Scott said that he*d tried to address the density and compatibility concerns; he distributed photos of the property and surrounding uses to commissioners. Mr. Scott also

stated that he*d tried contacting opposing neighbors following the last hearing but was not entirely successful.

QUESTIONS

Commissioner Halsey asked how many units would access F 10 Road upon completion of filing 4. Mr. Scott replied that there would be no direct access onto F 10 Road. The traffic plan indicated that less than 10 percent of traffic would flow to the North and then disperse. The analysis concluded that while there may be some trips to F 10 Road, the majority of traffic would choose to take F Road to travel East/West.

Commissioner Vogel asked if the tower to be constructed by Mustang Broadcasting had been taken into consideration, to which Mr. Scott said that view impacts had been considered.

PUBLIC COMMENTS

FOR:

Kenneth Hetzel (514 Riverview Drive, Grand Junction), property owner, felt that the petitioner had made all of the necessary concessions and that approval should be granted.

Sharon Vaughn (2499 U.S. Hwy 6 & 50, Grand Junction), representing Frank and Jo Foraker, said that the retirement income was wrapped up in the subject property. She urged approval of the proposal.

Paul Fee (715 Horizon Drive, Ste. 430, Grand Junction), owner of Mustang Broadcasting, said that he had no objection to the development.

Chairman Elmer asked Mr. Fee if there were any reasons other than visual why neighbors might object to the tower. Mr. Fee replied that he couldn*t think of any.

AGAINST:

Robert Leachman (627 Braemer Circle, Grand Junction) complained that he hadn*t received any notice of the new proposal. Key points reiterated from his letter argued that the development was: not close in as suggested by planning staff, could be better accommodated in other parts of the valley, not consistent with the historic zoning of the area and incompatible with surrounding uses. Further, he said the project would contribute to the decline of the neighborhood*s present rural character, would bring about substantial increases in traffic, reduce current property values, diminish the amount of open space and fail to provide a benefit to the community as attested by the petitioner. Mr. Leachman felt that the proposal also failed to meet several of the rezone criteria as stated in *Code* section 4-4-4.

Gene Taylor (633 Fletcher Lane, Grand Junction) agreed with comments made by Mr. Leachman. He said that Mr. Scott had sent him a letter and new plat but that no further discussion on the project had taken place. He felt that no consideration had been given to the adjacent and nearby properties which were zoned substantially lower than the current proposal. Mr. Taylor said that the petitioner was counting on using the trees and brush on his property as a screen, but he asserted that the petitioner should be responsible for his own landscaping. Mr. Taylor also expressed concern over increases in traffic and the safety of pedestrians.

Chris Clark (615 Meander Lane, Grand Junction) agreed with previous comments, adding that the only proponents of the development seemed to be those with a purely financial interest. He reiterated that the development would have a significant impact on current neighbors and neighborhoods, surrounding infrastructure, schools and bring about increases in crime.

Robin Madison (2586 Galley Lane, Grand Junction) said that she*d attended the City Council hearing and thought that Mr. Baughman recommended a density closer to 2 units per acre. She reiterated

previous comments concerning impacts to schools (suggesting that over 200 children would be added to Pomona Elementary), safety, incompatibility and traffic.

Alan Workman (2589 F 11 Road, Grand Junction) concurred with previous statements, reiterating concerns over traffic, school impacts, density and noise.

Tony Perry (2558 Janece Drive, Grand Junction) also concurred with previous comments. He wondered who would maintain the detention pond areas and would they actually be used as parks. He felt the open space allocation for a development of this size was small. He reiterated previous concerns over density, school, infrastructure and traffic impacts.

PETITIONER*S REBUTTAL

Mr. Scott said that a landscaping plan would be submitted, would be installed by the developer, and would be maintained by the Homeowners Association. He didn*t feel that a single development could solve the overall problem of school overcrowding. With regard to density, Mr. Scott said that the adjacent Valley Meadows Subdivision was the same approximate density as the current proposal with its 2.9 units per acre. He said that adjacent to the Valley Meadows Subdivision was the Public Service property, a commercial development, which he thought was zoned PR-18.

QUESTIONS

Chairman Elmer asked for the proposed setbacks of the development. Mr. Scott responded that front yard setbacks would be 20 feet; on the larger lots rear yard setbacks would be 20 feet and 15 feet for smaller lots; side yard setbacks on larger lots would be 5 and 10 feet minimum, with 5 feet minimum on the smaller lots.

DISCUSSION

Commissioner Halsey felt the project to be a good one and suggested the Commission follow staff*s recommendations. This included the addition of a second access to 25 11 Road with filing 2 and keeping the density at 134 not 135 total units. Impacts to F 11 Road, he thought, would be minimal.

Chairman Elmer said that questions over lot 6 and phasing could be worked out with staff before the Final Plan stage. He felt the 25 11 Road improvements should be installed whenever impacts warranted them. He concurred that without an access to F 11 Road, impacts to that road should be minimal. He preferred that traffic be routed to a lighted intersection. With a large major park development so close to the project, he questioned the necessity of the developer proposing so much open space. He wondered if it would make more sense to delete the center park area and making the proposed lots larger. Chairman Elmer felt that the design misused the planned residential concept but the *Code* specifics didn*t provide enough reason for denial. He noted comments on school impacts, saying that the School District estimated that there would be 35 school children going to Pomona Elementary as a result of this project.

Commissioner Halsey added that at a previous hearing several months prior, School District Facilities Manager Lou Grasso indicated that the school district could handle 25-30 percent more students if year-round scheduling was instituted.

Commissioner Coleman asked for the minimum size for lots within the City. Mr. Drollinger used comparisons of an RSF-5 zone (6,500 square feet) and an RSF-8 zone (4,000 square feet).

Commissioner Coleman asked if the developer met the minimum open space requirements, to which Mr. Drollinger said that the *Code* didn*t specify just how much open space was actually required; thus, it was at the Commission*s discretion.

Commissioner Vogel asked if Council*s discussion focused primarily on density and not lot size, to which Mr. Drollinger replied affirmatively.

Chairman Elmer felt that the development was compatible with surrounding zones. He noted that if more open space were provided, lot sizes would diminish.

Chairman Elmer asked if the property to the South was currently landlocked. Mr. Drollinger replied affirmatively, adding that access options included Dewey Place. The stub streets would provide additional access options to that property.

Commissioner Halsey asked if the stub streets would actually be put in or remain as easements. Mr. Drollinger said that the streets would be constructed.

Commissioner Vogel expressed concern that if smaller lots were approved for the development, it may set a precedent for future proposals.

Chairman Elmer indicated that the current proposal was actually lower than what was suggested by the *Growth Plan*. Mr. Drollinger elaborated that factors such as access and appropriateness of design must also be considered.

MOTION: (Commissioner Halsey) §Mr. Chairman, on item ANX-96-58, I move that we forward this to City Council with recommendation of approval to Planned Residential, 3.5 units per acre.✕

Commissioner Coleman seconded the motion. A vote was called and the motion passed by a vote of 3-1, with Commissioner Vogel opposing.

MOTION: (Commissioner Halsey) §Mr. Chairman, on item RZP-96-177, a request to rezone, I move that we forward this application to City Council with recommendation of approval.✕

Commissioner Coleman seconded the motion. A vote was called and the motion passed by a vote of 3-1, with Commissioner Vogel opposing.

MOTION: (Commissioner Halsey) §Mr. Chairman, on item RZP-96-177, a request for a Preliminary Plan, I move that we approve this application subject to conditions 1. and 2. of the staff report dated August 28 and amended this evening. That includes the additional stub street requested by Public Works and item 1.✕

Commissioner Coleman seconded the motion. A vote was called and the motion passed by a vote of 3-1, with Commissioner Vogel opposing.

ANX-96-163 ZONE OF ANNEXATION--FLORAL

Request for approval to zone a parcel of land of approximately 2.91 acres currently being annexed to the City to RSF-4 (Residential Single Family with a density not to exceed 4 units per acre).

Petitioner: City of Grand Junction

Location: 264 - 26 1/4 Road

STAFF PRESENTATION

Mike Pelletier noted the site*s location and surrounding zoning on maps provided. He said that the current owners of the floral shop were liquidating and that the future use of the property would be residential. The RSF-4 zone was most compatible with surrounding zoning.

QUESTIONS

Chairman Elmer wondered if an RSF-2 zone might be more appropriate based on the setting and current road configuration. Mr. Pelletier said that the RSF-4 zone was in keeping with the *Orchard Mesa Plan* which called for 4 units per acre and the *Growth Plan* which called for 2-3.9 units per acre.

PUBLIC COMMENT

There were no citizens present to offer comment.

MOTION: (Commissioner Halsey) ¶Mr. Chairman, on item ANX-96-163, a zone of annexation--floral, I move that we forward this on to City Council with the recommendation of RSF-4 zoning.☒

Commissioner Coleman seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

A brief recess was called at 8:40 p.m. The hearing reconvened at 8:43 p.m.

VI. GENERAL DISCUSSION

General discussion ensued over aspects of the *Development Code* rewrite. Michael Lauer passed out copies of a table of amendments to commissioners. He said that tomorrow, September 11, he would be meeting with a focus group of 11 interested citizens to garner input. In October, a more detailed list would be provided to commissioners for initial review. Commission response and guidance would then be sought. In January 1997 a draft of *Code* revisions would be submitted for final review. Revisions would include eight categories: 1) consistency statements, 2) adaptability agreements, 3) procedural fine tunings, 4) approval expirations, 5) district standards and land use table adjustments, 6) design standards, 7) corridor guidelines and 8) graphic enhancements.

Chairman Elmer asked if vested rights would continue. Mr. Shaver responded affirmatively, but added that it would only apply if requested by a developer and accompanied by a site specific development plan.

Mr. Lauer stated that a specific land use category did not necessarily serve as a precursor to a corresponding zone. He posed the question of whether the categories should dictate minimum densities, e.g., should an RMF-16 zone require a minimum density of 16 units per acre. Chairman Elmer said that politically this was not feasible.

Mr. Lauer commented that lower densities encouraged urban sprawl and higher cost housing.

Mr. Shaver said that a majority of the City Council was currently interested in providing affordable housing and that minimum density is a method.

Chairman Elmer asked if transferring density rights was a feasible option, to which Mr. Lauer replied affirmatively, if structured.

Chairman Elmer said that most people have a negative view of higher density development. Mr. Lauer responded that lower density didn't always mean better quality.

A brief discussion ensued over workable density transfers and lot combinations, using Fall Valley as an example.

Mr. Shaver said that by placing the decision at a quasi-judicial level, inherent legal benefits could include solicitation and review of more specific plan criteria. He said that, typically, planning drives the zoning.

Mr. Lauer asked if there were any specific problems associated with home occupations. Chairman Elmer said that problems such as deliveries, advertising and employees were most inherent to home occupations but that such issues were infrequent and usually handled through the Board of Adjustment.

Kathy Portner said that at times, the restrictions seemed more strict than they should be but that neighbor complaints tended to support the harsher restrictions. She added that Mesa County's restrictions had been relaxed and that this would have to be addressed as the City annexed these areas.

Mr. Lauer said that more consideration should be given to the location of the home occupation, to which Mr. Shaver concurred.

Mr. Shaver suggested additional enforcement and possibly registering the use.

Chairman Elmer asked if *Code* revisions would address the setback questions raised with Fall Valley. Mr. Lauer said that these would be addressed through zoning criteria, which could include more intense landscaping or increased depth of individual lots.

Mr. Lauer said that the *Code* would also address what was appropriate in an H.O. zone, to include display of sales items and outdoor storage.

Commissioner Vogel wondered how the school impact issue should be regarded. Mr. Lauer said that the School District had available to them various options for mitigating impacts but that they had never expressed what they wanted.

Mr. Shaver recalled the Douglas County case and agreed with Mr. Lauer that the School District could be more aggressive.

Commissioner Vogel noted the number of citizens complaining over the lack of notification. He wondered if there were other avenues of notification which could be pursued. Mr. Lauer said that while the *Code* needed to be consistent with state statutes, the City could adopt additional processes for notification. Mr. Shaver added that once begun, those processes would have to continue and, he surmised, no matter what notice is provide, some people would still regard those efforts as not enough.

The hearing was adjourned at 9:35 p.m.