

GRAND JUNCTION PLANNING COMMISSION
Public Hearing Sept. 3 , 1991
7:29 p.m. - 8:40 p.m.

The public hearing was called to order by Chairman Ron Halsey at 7:29 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission, were:

Ron Halsey, Chairman	Jim Bittel	Craig Roberts
John Elmer	Jim Anderson	Steve Love

Commissioner Renberger was absent.

In attendance, representing the City Community Development Department, were Bennett Boeschstein, Director; and Karl Metzner, Planner.

John Shaver, Assistant City Attorney, was also present.

Judy Morehouse, of KLB Secretarial Services, was present to record the minutes.

There were 21 interested citizens present during the course of the meeting.

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I. CALL TO ORDER

II. APPROVAL OF MINUTES

MOTION: (COMMISSIONER LOVE) "MR. CHAIRMAN, I MOVE THAT WE APPROVE THE MINUTES OF THE AUGUST 6, 1991 MEETING."

The motion was seconded by Commissioner Anderson.

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

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRE-SCHEDULED VISITORS

There were no announcements, presentations and/or pre-scheduled visitors.

IV. HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

- 1. 9-91 ZONE OF ANNEXATION TO LIGHT COMMERCIAL (C-1)**
A request to zone 0.62 acres also known as Diamond Shamrock No. 2 Annexation to a Light Commercial (C-1) zone.
Petitioner: City of Grand Junction
Location: Southeast Corner of 29th and North Avenue
Consideration of a Zone of Annexation

STAFF PRESENTATION

Mr. Metzner explained that the property is a single parcel on the southeast corner of 29 1/2 Rd. The proposal is to zone the property light commercial. The existing zoning to the north and east is light commercial, and the previous county zoning was commercial. The Community Development Department feels the C-1 (Light Commercial) Zone is compatible with both the county's zone and with existing uses and zoning that is presently in the area.

There was no public comment on this item.

QUESTIONS

Commissioner Love asked if the annexation was complete and Mr. Metzner replied that it would be effective on September 8, 1991.

Commissioner Bittel had a question regarding the burden on the police department because of annexations. Mr. Metzner explained that this would be addressed by the City Council through their approvals of annexations and by their budget sessions. Whenever an annexation is done an impact statement is reported to the Council.

MOTION (COMMISSIONER LOVE) "MR. CHAIRMAN, ON ITEM #9-91, A REQUEST TO ZONE 0.62 ACRES ALSO KNOWN AS DIAMOND SHAMROCK NO.2 TO LIGHT COMMERCIAL (C-1), I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO THE REVIEW AGENCY SUMMARY SHEETS COMMENTS."

The motion was seconded by Commissioner Bittel.

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

2. **28-91 ZONE OF ANNEXATION TO PR-10, PB, RSF-4, AND RSF-R**
A request to zone 41.24 acres also known as 1st and Patterson Annexation to Planned Residential 10 units per acre (PR-10), Planned Business (PB) with allowances and restrictions per the Annexation Agreement, Residential single Family 4 units per acre (RSF-4), and Residential Single Family-Rural (RSF-R) zones.
Petitioner: City of Grand Junction
Location: North & South of Patterson Road & West of 1st Street
Consideration of a Zone of Annexation

STAFF PRESENTATION

Mr. Metzner explained that there are four separate zones proposed for this particular annexation. The portion of the map colored red is proposed for RSF-R which is residential single family rural. Originally it was proposed for RSF-5 and the property owners in that area have requested a more rural zone because of the existing rural character. The area on the map colored blue is proposed as planned residential and the green area is planned business; both of those are subject to the annexation agreement that the City Council has approved and adopted. The planned residential will have 10 units per acre which is the maximum, it won't necessarily be built to that.

The proposed planned business zone has a list of uses in the annexation agreement, which is generally limited to lighter type business uses similar to what you would find on a major arterial road. This property was zoned planned business in the County and in essence the City will be adopting the county zoning with the restrictions that were approved by the County at that time. The area colored black is proposed as RSF-4 which is the residential single family not to exceed four units per acre; this was also zoned residentially in the County. The area west of the proposed RSF-4 zone has current agricultural uses and the RSF-4 does allow some agriculture uses. The proposed RSF-R zone allows one large animal per 1/4 acre.

PUBLIC COMMENT

IN OPPOSITION:

Venice Carr of 2595 Fruitridge Drive, Grand Junction, owns a one acre parcel with a home to the right of the property in question. All other surrounding properties are on one and two acre lots. He wondered why there are businesses in the midst of the residential area when there are stores within a few blocks. The addition of businesses will depreciate the value of the existing one and two acre parcels with homes.

Mr. Metzner explained that this area is zoned planned business in the County at the present time. When the property owner was approached regarding annexation, he agreed to be annexed if the City allowed him to keep the planned business zone. If the property was not zoned planned business, the annexation would not occur and it would remain planned business in the County according to the annexation agreement.

Chairman Halsey stated that there was no actual change in the current zoning. Mr. Metzner agreed, it is going from a County zoning jurisdiction to a City zoning jurisdiction; the uses allowed and type of development that could occur will be the same.

Mr. Boeschenstein further added that the history for this parcel goes back to about 5-6 years ago when the property was first zoned. There was a court challenge; it went through the Colorado District Court,

it went to the Colorado State of Appeals, and the original decision to zone it was upheld by the State Court of Appeals. The residents of Meander Drive challenged the zone change at the time through the court system. It is a misnomer to say the whole thing is Planned Business, in fact there is a residential strip adjacent to Meander Drive. Adjacent to Mr. Carr's parcel is a residential strip; there is some buffering. The plan is only an ODP and has to come back through a full preliminary plan and the public hearing process. So the public will have another opportunity to view the plan. Hopefully it will be done better, and there will be more buffering. We will address these concerns at that time.

Commissioner Love asked Mr. Metzner about the Police Department's comments regarding acceleration and deceleration lanes; are they recommending one for this area?

Mr. Metzner explained that the comments pertain more to when an actual development is proposed. There is some disagreement between the Police Department and our Traffic Engineer as to the needs of accel/decel lanes. It boils down to proposed traffic counts, and that depends on the actual density that is proposed for the development. At this point we are zoning for a maximum of 10 because of annexation agreements that were incorporated and the existing zoning in the area. Once a particular development is proposed then it can be looked at to see if there is a need for accel/decel lanes, etc.

Commissioner Elmer questioned the zoning and wondered if the businesses could be built throughout the whole six lots?

Mr. Metzner said the approved County's Outline Development Plan included some residential uses along the north side which are compatible with the Planned Business zone.

Commissioner Elmer asked if part of the annexation agreement was for the City to adopt the County's plan?

Mr. Metzner stated that it is a sketch plan, it proposes these kind of uses generally in these areas. Part of the agreement was that it would be entered as an approved plan. They will have to come before the City Planning Commission for approval of the Preliminary and Final Plans for any changes.

MOTION (COMMISSIONER LOVE) "MR. CHAIRMAN, ON ITEM #28-91, A REQUEST TO ZONE 41.24 ACRES ALSO KNOWN AS 1ST AND PATTERSON ANNEXATION TO PLANNED RESIDENTIAL 10 UNITS PER ACRE (PR-10), PLANNED BUSINESS (PB) WITH ALLOWANCES AND RESTRICTION PER THE ANNEXATION AGREEMENT, RESIDENTIAL SINGLE FAMILY 4 UNITS PER ACRE (RSF-4) AND RESIDENTIAL SINGLE FAMILY-RURAL (RSF-R), I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO THE REVIEW AGENCY SUMMARY SHEET COMMENTS."

The motion was seconded by Commissioner Anderson.

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

3. #29-91 ZONE OF ANNEXATION TO PR-12 AND RSF-R
A request to zone 136.22 acres also known as Fountainhead Annexation to Planned Residential 12 units per acre (PR-12) and Residential Single Family-Rural (RSF-R) zones.
Petitioner: City of Grand Junction
Location: North of G Road Between 24 and 25 1/4 Roads
Consideration of a Zone of Annexation

STAFF PRESENTATION

Mr. Metzner pointed out the annexed area on the map; the area colored red is the proposed RSF-R (Residential Single Family-Rural), and the Planned Residential zone is colored blue. The proposed planned residential is the platted Fountainhead Subdivision. The RSF-R is low density platted parcels as well as some unplatted parcels. At the annexation hearing, a great deal of concern was expressed by property owners in the area about their ability to maintain a rural type lifestyle, keeping animals, and maintaining their agricultural uses. Due to these concerns the RSF-R zoning was proposed. This would allow large animals, one per 1/4 acre, and would also allow other typical small agriculture animals.

Mr. Metzner continued explaining that the planned residential zone is for maximum of 12 units per acre, which was previously approved in the County. The first filing was approved by the County at six units per acre.

PUBLIC COMMENT

IN OPPOSITION:

Carol Trainor of 749 29 3/4 Road, Grand Junction stated that her property lies directly north of the subdivision, and she did not feel it was necessary to add PR-12 zoning to this area. She feels it will ruin the integrity of the area for the existing rural family dwellings. She is not directly involved but will be impacted by the

possible large quantity of people if this becomes developed. She also questioned the ground water problem; the area in question lies below the mainline canal. She felt that it would be better to be developed as RSF-R rather than PR-12 because the ground water would cause problems with high density living. She also asked what plans were made for the road maintenance if this is to be changed from County to City maintenance?

Tracy Steel from 725 29 3/4 Road, Grand Junction, stated that her property is right across the road from the proposed PR-12 subdivision, and reinforced the concerns that it is a rural area. With this proposal it will become like Clifton and ruin the rural life for current residents.

Alvin Pettyjohn from 736 24 3/4 Road, Grand Junction, added that he also has concerns about the road. Local citizens paid for the road themselves and eventually the County began maintaining it. If it goes into the City and it isn't maintained (we know the City doesn't have enough equipment) it will become impassible in bad weather. He also objected to the high density housing as proposed; he added that the proposed RSF-R zone is acceptable.

Cliff Cole of 712 24 3/4 Road, Grand Junction, also opposed the high density Planned Residential in the area.

Mr. Metzner addressing the public comments and questions first replied to the PR-12 zoning. It is currently PR-12 in the County. It is shown on the map as PR-12 & was approved by the County, and is subject to an annexation agreement (if the PR-12 is not put on it by the City it will revert back to the County), it will not be annexed and will remain PR-12 in the County. The issue is not whether it will be PR-12 or not, it is whether it is in the City or County.

Chairman Halsey asked Mr. Metzner to explain to the visitors how to relate to the size of the PR-12 density. Mr. Metzner stated that it is more dense than an average downtown block (perhaps double) if its built out to the maximum density.

Commissioner Elmer asked what the actual density of the plan is? Mr. Metzner replied it was right at 12 units per acre with numerous town home and patio home type units as well as some large blocks for apartment buildings. The southeast corner was recently approved by the County for a replat and a revised plan and it came in at about seven units per acre.

Mr. Metzner continued answering the questions on the concerns for road improvements and stated that the City has plans to improve all the north/south streets from gravel to asphalt (if the streets are in the City). As far as snow removal, the City Council is working on the budget for this. There are no specific answers to snow removal at this time.

Commissioner Roberts asked the visitors if they understood that the zoning was not the question, it was whether or not it was County or City property.

Carol Trainor understood the zoning question, but again asked if they understood the ground water problem?

Mr. Metzner replied that since no specific development had been proposed the City Planning Department has not looked into that problem. A requirement is to do soils and ground water testing before approval of developments.

Carol Trainer also asked if it was zoned PR-12 prior to 1982, and if so perhaps the zoning should be reevaluated. Mr. Metzner agreed that it was zoned in the early 1980's, and the property has a vested right in that zoning regardless of what may change through time in the area. We will look at the technical requirements and be certain it is done in the best possible way; but down zoning is a problem, because someone would be liable to pick up the damages.

Tracy Steele questioned if it were to stay in the County, would they put in 1500 septic tanks?

Mr. Metzner explained that it wouldn't matter if it were City or County, the developer would have to follow guidelines and septic tanks would not be allowed.

Mr. Pettyjohn had concerns about the notification on the annexation, and the fact that his taxes went up due to the proposed annexation. Mr. Metzner explained the boundary of 500 feet for notification, and agreed to meet with Mr. Pettyjohn at the Assessors Office to be sure the tax rate was not due to the proposed annexation.

Commissioner Bittel continued to explain to the visitors that the assessed value of the property can be changed for a number of reasons; but the proposed annexation shouldn't have affected the property value. All of the property in the county have recently been reassessed.

Commissioner Anderson commented that the proposed annexation was done after the tax assessment was done, and probably has no affect on Mr. Pettyjohn's tax increase.

Commissioner Bittel added that the questions on snow removal and road maintenance would be issues that could be brought to the City Council's attention.

Commissioner Roberts asked Mr. Boeschenstein if this area had been looked at in relationship to the northwest study?

Mr. Boeschenstein replied that the density is much less than the

latest northwest study (6-8 units per acre) which is probably what the developer is going to do and that would be compatible.

Commissioner Roberts added that the market is tending to go towards single level not high density.

Commissioner Bittel asked Mr. Metzner about the issue Don Newton brought up about the roads not being put in the annexation?

Mr. Metzner replied that this problem has been corrected.

Commissioner Roberts asked if the property south of G Road was in the County?

Mr. Metzner replied that all of G Road within that stretch will be in the City and City maintained.

When asked if the entire 136.22 acres was proposed to be zoned PR-12, Mr. Metzner replied that the entire 136.22 acres has both zones in it.

Commissioner Bittel asked if the 1600 units was correct?

Mr. Metzner replied that it has approximately 45-50 acres as PR-12, the rest is RSF-R.

MOTION (COMMISSIONER LOVE) "MR. CHAIRMAN, ON ITEM #29-91, A REQUEST TO ZONE 136.22 ACRES ALSO KNOWN AS FOUNTAINHEAD ANNEXATION TO PLANNED RESIDENTIAL 12 UNITS PER ACRE (PR-12) AND RESIDENTIAL SINGLE FAMILY-RURAL (RSF-R), I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO THE REVIEW AGENCY SUMMARY SHEET COMMENTS."

The motion was seconded by Commissioner Roberts.

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

V. GENERAL DISCUSSION

Mr. Boeschstein discussed the status of annexations and what has been happening in the Development Department for the last six months. He announced that there will be a meeting October 7, 1991 with the City Council to discuss the northwest plan.

Chairman Halsey discussed with the Commissioners procedural changes of the meeting; he would like the public comment portion to be prior to the Commissioner's comments, and asked if there was a problem with changing the procedure?

Mr. Shaver stated that the requirements are for comments to be presented; but as far as actual procedural timing of who speaks first, there is no requirement. He will check to see if there is any ruling

but is not aware of any reason not to modify the procedure as long as due process is afforded.

Commissioner Elmer had concerns that after the public comment was closed then typically the Commissioner's discussion invites more comment. So if its formally closed, would it complicate the procedure by reopening discussion.

Mr. Shaver explained that it is basically a procedural issue. The Commission needs to be careful not to solicit additional testimony that had not been rebutted by all parties involved. I would suggest and recommend that if you do close the hearing for testimonial purposes that you only allow the Petitioner an opportunity for rebuttal or to specifically address your comments.

Commissioner Bittel asked if that would prevent the Commissioner's from questioning the public for clarification after the public comment portion of the meeting was closed?

Mr. Shaver suggested that the Commission may do that during the testimonial portion of the hearing, for the simple reason that it is testimony that you are asking about.

Commissioner Roberts added that he would like a free discussion with either the Petitioner or the general public on important points; and following these discussions the Petitioner could rebut those important points.

Mr. Shaver stated that procedural issues are basically within the discretion of the Commission and that the Chair may close the hearing or you may want to use your discretion if you feel the item is going to engender sufficient public comment, then you can go ahead and allow that comment. There are no hard and fast rules, the overriding rule is simply that you are allowed opportunity for confrontation of any testimony that is given and to preserve a record of your decision.

Chairman Halsey added that they want to avoid a debating society, which can happen.

Mr. Shaver recommended that the Commissioners think about whether or not the testimony is relevant to the issues at hand, and that it is in the Chairs discretion to cut someone off if you feel they are not on the subject.

Mr. Boeschenstein continued reporting on other items of interest. The Ridges public forum was a week ago; there was overwhelming support in the Ridges for annexation. The package they were given lowers their taxes, lowers their monthly fees, and still pays off their debt and the Colorado Water Conservation debt. Its a 20 year payoff plan that lowers their taxes. There is no debt assumption by the City; the City would take the debt and roll it over into an approximate 6% loan and reapply it to the Ridges. The benefits are that it adds a large area

of the Redlands into the City, giving the City control over the development in that area. Hopefully it will get the area growing again.

Commissioner Elmer asked Mr. Boeschstein if the City was honest about the actual costs that would be incurred by adding such a large area to the existing police, trash removal, road maintenance etc.

Mr. Boeschstein commented that the road costs are what is overwhelming, the estimate is \$300,000 over the next two years then \$50,000 per year. It is the first time in 10 years anything has been done to improve the roads in the Ridges. It won't hit the City real hard, it will be phased in. Regarding the police problem, the City and County Sheriff often respond jointly to border line areas anyway. They may need more police, and the costs could have been underestimated by the City. The City Parks Department is also going to take over their parks, and the Public Works is going to take over the irrigation system; basically the whole Ridges area will dissolve as a metro district.

Commissioner Bittel asked if the large metro district buildings will be also controlled by the City and Mr. Boeschstein replied that it would have to be rezoned. Plans are to sell it for a professional office building. The garage will be retained for maintenance.

Mr. Boeschstein continued on other items; the Master Plan of Parks interviews are next week. Commissioner Bittel will be on that board representing the Commission. Eight consultants will be interviewed next week and we will make a final decision on who will be the consultant for the Master Plan of Parks. We have also applied for 50% of the cost from the County lottery money to match the City money. It looks like a major opportunity to help redesign the City Parks for the next 10 years. The proposals all look very good; it will be hard to choose.

Also, this fall there will be discussion on other areas in the north and decisions will have to be made as to which subdivisions should be added to the City. It should be noted that it will change the prices in those subdivisions especially for new buildings because of sales tax. The City need to be careful that unfair competition doesn't occur among those subdivisions.

Commissioner Roberts asked if a total City Map could be made available when they are considering annexations. Mr. Metzner agreed to have those available.

Mr. Boeschstein stated that the downtown parking amendments have been tabled by the City Council, and there will be a workshop next Monday. Hopefully they will be approved with a few slight amendments.

There were no non-scheduled citizens and/or visitors.
The Meeting was adjourned at 8:40 p.m.