

GRAND JUNCTION PLANNING COMMISSION
August 22, 2017 MINUTES
6:00 p.m. to 7:27 p.m.

The meeting of the Planning Commission was called to order at 6:00 p.m. by Chairman Christian Reece. The hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

Also in attendance representing the City Planning Commission were Jon Buschhorn, Kathy Deppe, George Gatseos, Steve Tolle and Bill Wade.

In attendance, representing the Community Development Department – Tamra Allen, (Community Development Director), Kathy Portner, (Planning Manager), Lori Bowers, (Senior Planner), Kristen Ashbeck (Senior Planner) and Scott Peterson (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 21 citizens in attendance during the hearing.

*****CONSENT CALENDAR*****

1. Minutes of Previous Meetings

Action: Approve the minutes from the June 27th and July 18th meetings.

2. Zoning Board of Appeals Code Text Amendment [File #ZCA-2017-365]

Request to amend Section 21.02.030 of the Zoning and Development Code regarding Zoning Board of Appeals Membership.

Action: Recommendation to City Council

Applicant: Director of Community Development
Location: N/A
Staff Presentation: Kathy Portner, Planning Manager

3. Industrial Properties Rezone [File# APL-2017-176]

Request by RJ Properties (703 23 2/10 Road) and ZYZ LLC (2350 G Road) to rezone properties from I-2: General Industrial to I-1: Light Industrial.

Action: Recommendation to City Council

Applicant: RJ Properties and ZZYZ LLC
Location: 1020 Grand Ave
Staff Presentation: Kristen Ashbeck, Sr. Planner

Chairman Reece briefly explained the Consent Agenda and added that the applicant for the Ridges Mesa Rezone had requested that the item be moved from individual consideration to the consent agenda. Chairman Reece invited the public, Planning Commissioners and staff to speak if they wanted an item pulled for a full hearing or had objection to the Ridges Mesa Rezone moving to the Consent Agenda.

With no other amendments to the Consent Agenda, Chairman Christian Reece called for a motion to approve the Consent Agenda.

MOTION: (Commissioner Wade) “Madam Chair, I move we approve the consent agenda as prepared and add to that agenda File# RZN-2017-361, Ridges Mesa Rezone.”

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

*****INDIVIDUAL CONSIDERATION*****

4. **Zone of Caballero Annexation** [File# ANX-2017-211]
Request by the Applicants Audel and Guadalupe Caballero to zone 4.89 acres from County RSF-R (Residential Single Family – Rural) to a City R-8 (Residential – 8 du/ac) zone district. The property is located at 3149 D ½ Road.

Action: Recommendation to City Council

Applicant: Audel and Guadalupe Caballero
Location: 3149 D ½ Road
Staff Presentation: Lori Bowers, Sr. Planner

Staff Presentation

Lori Bowers, Senior Planner, stated that this is a request to zone the Caballero Annexation to R-8 (Residential – 8 dwelling units per acre). The applicants requested annexation into the City to allow for an expansion of their existing in-home day care facility as well as future subdivision of the property.

Ms. Bowers explained that under the 1998 Persigo Agreement, development within the 201 service area boundary which require a public hearing or land use review, are subject to annexation into the City.

Ms. Bowers stated that a Neighborhood Meeting was held on July 6, with 7 members of the public in attendance. There were no major concerns expressed regarding the

rezone, and to date, no additional comments have been received.

Ms. Bowers displayed a slide of the City limits and the subject parcel and noted it is located at 3149 D ½ Road. The parcel gains direct access from D ½ Road and continues south to D 1/4 Road.

Ms. Bowers displayed an aerial map showing the surrounding homes and vacant lands and noted the parcel was 4.89 acres. The Future Land use designation is residential medium. Residential medium supports the zoning designations of R-4, R-5 and R-8 zoning districts.

The existing County zoning is RSF-R, (Residential single family Rural). This zoning designation is not in conformance with the Future Land Use Map. The requested zone of R-8 will be in conformance with the Future Land Use Map of the Comprehensive Plan and will allow for the existing structures to remain on one lot and further subdivision of the property will be allowed.

Ms. Bowers indicated that 9% of the City's area is zoned R-8 (1,8680.48 acres). Of that 9%, only 19% remains vacant. An estimated 32% of the R-8 zoned parcels are under-utilized (593.37 acres) therefore there is a need for more R-8 zoned parcels for future development.

Ms. Bowers explained that in this area of the City, R-5 zoning is the predominant zoning designation on either side of D ½ Road between 30 and 32 Road. There is some R-8 zoning across the street to the west along Duffy Drive, Summit View Meadows Subdivision, which is built out. Therefore, more R-8 zoning for this area is a desirable designation for land in this area.

Staff presented a recommendation of approval for the rezone request based on the following findings:

- The Applicant's request to rezone the property to R-8 fits the goals and policies of the Comprehensive plan.
- The Applicant will be able to expand their day care, which is an asset to this local community since a larger day care facility recently closed in this area.
- The Applicant will also be able to further subdivide the property for additional residential lots in the future.

Questions for Staff

Commissioner Buschhorn asked how this annexation will affect County properties to the north and west which will cause the properties to be surrounded by City properties.

Ms. Bowers explained that the PUD (Planned Unit Development) to the west would be an enclave. The County properties to the east would remain in the County. Commissioner Buschhorn inquired about the County property to the north. Ms. Bowers explained that if the City has acquired all of the right-of-way on D ½, then it would also

create an enclave for that property.

Commissioner Wade inquired how long a property owner has to annex into the City after they are in an enclave. Ms. Bowers stated that it is a minimum of three years and a maximum of five years before annexation is required. Chairman Reece asked if Ms. Bowers has heard from anyone in those subdivisions expressing concerns about being enclaved. Ms. Bowers stated she has not. Commissioner Wade asked if any of the residents were aware of the enclave and if any of those residents had attended the neighborhood meeting. Ms. Bowers explained that once City Council votes to annex a property, a letter goes out to those residents to notify them of the enclave.

MOTION: (Commissioner Gatseos) “Madam Chairman, on the Caballero Zone of Annexation, ANX-2017-211, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-8 (Residential -8 du/ac) zone district for the Caballero Annexation with the findings of fact listed in the staff report.

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

5. Fossil Trace Rezone

[File#RZN-2017-296]

Request by the Applicant, Fossil Trace LLC to rezone 8.41 +/- acres from R-R (Residential – Rural) to R-2 (Residential – 2 du/ac).

Action: Recommendation to City Council

Applicant: Fossil Trace LLC
Location: 465 Meadows Way
Staff Presentation: Scott Peterson, Sr. Planner

Staff Presentation

Scott Peterson, Senior Planner, presented a Powerpoint and stated that the applicant, Fossil Trace LLC, wishes to rezone 8.41 acres from R-R (Residential – Rural) to R-2 (Residential – 2 du/ac). A Site Location Map was displayed and Mr. Peterson noted that the property is located at 465 Meadows Way in the Redlands, adjacent to S. Broadway and across the road from Riggs Hill and is 8.41 acres in size. Peregrine Estates residential subdivision is located to the south and the Monument Meadows, a County subdivision is located to the east.

The next slide displayed was an aerial photo of the site. The property is currently vacant with portions of the property identified as wetlands and a portion within the floodplain in the western portion. The Applicant is requesting to rezone the property to R-2 from its current zoning of R-R (1 unit/5 acres). The Applicant is interested in developing a residential single-family detached subdivision to meet the R-2 zone district densities and may utilize the cluster provisions of the Zoning & Development Code to preserve the

environmentally sensitive and open space areas of the property.

The following slide Mr. Peterson displayed was of the Comprehensive Plan Future Land Use Map. The current designation for the property is Estate (1 – 3 acres). The property was annexed into the City in 2000. During the annexation process, the property was zoned R-R which was in conformance with the Estate designation of the City's Growth Plan at the time.

Mr. Peterson exhibited a slide of the Blended Residential Map. In 2010, the City and County adopted the Comprehensive Plan's Future Land Use Map as well as the Blended Residential Land Use Categories Map or "Blended Map". The Blended Residential Land Use Map category identifies the property as Residential Low. The Residential Low designation allows for the application of the any one of the following zone districts (R-R, R-E, R-1, R-2, R-4 and R-5) to implement the Estate future land use category, resulting in an allowance of up to five dwelling units per acre.

Mr. Peterson explained that the overlap of zones allows for a mix of density for an area without being limited to a specific land use designation and does not create higher densities than what would be incompatible with adjacent development. The applicant is only requesting the rezone to R-2 to match the existing density of the adjacent subdivisions.

The next slide shown illustrated the current zoning in the area. City staff feels that the request to rezone to R-2 is both compatible and consistent with adjacent properties' zoning of R-2 within the City limits and Mesa County jurisdictions.

In looking further at the review criteria for a rezone, adequate public and community facilities and services are available to the property and are sufficient to serve the residential land uses allowed in the R-2 zone district and the requested zone district is compatible with the surrounding single family uses/densities and is consistent with the Comprehensive Plan.

Staff presented a recommendation of approval with the following findings:

- The requested zone is consistent with the goals and policies of the Comprehensive Plan.
- The review criteria in Section 21.02.140 of the Grand Junction Municipal Code have all been met or addressed.

Mr. Peterson noted that a Neighborhood Meeting regarding the proposed zone change and subdivision application was held on May 22, 2017. Approximately 16 citizens along with the Applicant, the Applicant's representatives and staff were in attendance. Area residents in attendance voiced concerns regarding existing drainage conditions in the area, expansive bentonite soils and increased traffic on Meadows Way and S. Broadway. Written correspondence was received and was included within the Staff

Report.

Questions for Staff

Commissioner Gatseos asked Mr. Peterson how much of the site is classified as Wetlands. Mr. Peterson stated that as part of the subdivision review, the applicant would have to submit documentation of the wetlands area. Generally speaking, Mr. Peterson indicated that just less than half of the site was developable due to the drainage channel, the floodplain and the wetlands in the western portion of the site.

Chairman Reece asked if the density would be greater than 5 units/acre under the “cluster” provision. Mr. Peterson stated that if the zoning was approved as R-2, the density still could not be exceeded. The “cluster” provision would allow for smaller lots, with smaller setbacks and increased open space.

Commissioner Wade inquired about the access to the subdivision. Mr. Peterson stated that the City would not allow access off of South Broadway. The subdivision would have to come off the lower-order street, which in this case is Meadows Way. Coming off of Meadows Way, the access to the subdivision would have to be as far south as possible. Mr. Peterson noted that the spacing would be too close and they would need a Transportation, Engineering and Design Standards (TEDs) exception.

Questions for Applicant

Tracy States, Project Coordinator for River City Consultants noted that Kevin Bray, the Developer was also present. Ms. States indicated that they are aware of the concerns regarding the property and plan to have all testing done on the site as the project moves forward. Ms. States noted that they are requesting a rezone only at this point in time.

Chairman Reece asked if the tests to be done on the site included water table studies. Ms. States stated that geotechnical and soils testing, traffic studies, wetlands studies etc. will all be required.

Commissioner Wade asked if there was a timeline for the project. Ms. States indicated that it is pretty late in the year so it is anticipated that spring of next year is when they will begin.

Commissioner Deppe noted that the staff report included a letter from one of the neighboring properties that stated that in 2007 there was a geotechnical survey done and it deemed the property as unbuildable. Ms. States stated that she is not aware of that study and if the project moves forward, she would get a copy of that study, however, they would be doing their own studies as well.

Kevin Bray noted that they agree with the staff report and will be addressing the neighbors' concerns as the project moves forward.

Public Comment

Tim Donovan, 457 Feather Court, noted his concerns about the 2007 report that states the land unbuildable and also the "cluster" concept. Mr. Donovan does not believe the cluster style of homes does not fit into the density of the area and would affect their property values. Mr. Donovan expressed that he did not understand why the rezoning process would come before the design.

Commissioner Wade explained that the zoning comes before the subdivision plan.

Jerold Saef, 2162 Peregrine Ct. stated that his house is three years old. There were concerns about the water table at the time of the construction of his house as well as two other neighbors requiring redesign of the foundation. One of the homes required extensive redesign of the second floor. Lime Kiln Creek runs behind the houses of Peregrine Ct. and there has been a flash flood there every three to four years. The Creek runs year round and is not irrigation dependent. Mr. Saef's concern is that the development of the proposed property will obstruct the proper drainage of that flooded creek. Mr. Saef also noted that there are two undeveloped lots on Peregrine Ct. that will eventually be effected by the water table.

Mr. Saef also expressed concern about the potential of 16 additional houses that would access on Meadows Way and the congestion it would cause at the intersection of 24 Rd. and Redlands Parkway.

Commissioner Wade asked for the map to be displayed and Mr. Saef pointed out where his concerns are that he had discussed.

John Cassity, 2174 Peregrine Ct. stated that he is not against development in general, but he feels the proposed future development of this area will cause a drainage push-back effect and cause foundation problems in their homes. Mr. Cassity urged the Commissioners to take a walk through this area to see the gravity of the situation.

Mr. Cassity expressed concern about having the entryway to this subdivision at an already congested intersection. Mr. Cassity stated that the access point from Broadway to Meadows Way is less than 50 yards, and there is a bus stop at Dinosaur and Peregrine. He did not understand why the access would not be taken off Broadway to the West where there is a neighborhood near to Riggs Hill.

Mr. Cassity stated that he has spoken to the developers, and he believes their intentions are great, but he objects the effect of traffic from the proposed entryway and the drainage impact to their homes

Kim Gage, 460 Feather Ct., stated that they had moved from Denver four years ago and in buying a home on Feather Ct. they were trying to get away from the Denver housing where you have .10 or .12 acre lots. At the neighborhood meeting, it appeared that 1/3 of the site on the east side would be the developed area and the sites were between .10

or .12 acre lots which is very dense housing. She bought her house with RR zoning and feels 14 homes on 2.5 acres is too dense for the area.

Frank Nemanich, 441 Meadows Way, stated that he is a retired environmental scientist and has conducted environmental assessments on hundreds of properties in the valley. Mr. Nemanich pointed to the aerial photo and stated that this used to be a sewer plant for Meadows Way. Mr. Nemanich stated that he tried to get the map from the Corps of Engineers but he had to file a Freedom of Information Act and has not yet received the information.

Mr. Nemanich stated that he and his neighbors walk the area and is concerned about the potential traffic. In addition, Riggs Hill is a significant scientific site and there is already a problem with drainage at the site. Mr. Nemanich stated that there are people on the hill every day and it would be a shame to ruin their view. Mr. Nemanich added that there was soil drilling done last summer.

Dave Alstatt, 2188 Granite Ct. stated that he is the Vice-President of the homeowner's association at Monument Meadows. Mr. Alstatt noted that he worked for the engineering firm that did the 2007 geotechnical survey of the area. Mr. Alstatt added that he had worked in soils most of his career and realized you can build on anything if you have enough money. Building on Bentonite is very expensive and Mr. Alstatt knows the developers realizes that, but questions if the type of homes that will go in there will justify the type of foundations that will be required to go under the homes.

Mr. Alstatt, stated that he has the same concerns that everyone else has expressed. Commissioner Wade asked if Mr. Alstatt if he had a copy of the 2007 Geotechnical Survey that was done. Mr. Alstatt replied that he did not. Mr. Nemanich added that he had a soils report in his hand that indicated the types of soils present and they are not conducive to build on.

John Flanagan, 456 Feather Ct. stated that he echoed all the concerns that have been expressed. Mr. Flanagan wanted to emphasize the safety concern he has about the cars coming down Broadway. He stated that it is already difficult some mornings to take a left onto Broadway because of the line of site and the speed of the traffic.

Janey Wilding, 2172 Peregrine Ct. stated that you cannot tell the topography of the area from the map. Ms. Wilding indicated that the third house in the subdivision settled a few years ago and she believes it cost the homebuilder over \$100,000 to rebuild the piers and fix the foundation due to water and drainage problems. Ms. Wilding stated that she spoke to someone at the neighborhood meeting and asked who was responsible if, as an unintended consequence, floods her yard and raises her water table that causes her home to settle. Ms. Wilding stated that the response she got was "the HOAs can battle it out, or you can sue the City." Ms. Wilding stated that she has three small children and a small business and doesn't want to be in litigation and have to fight for that. Ms. Wilding stated that a few homes would be ok, but 14 is too dense.

Chris Taggart, 452 Feather Ct., echoed the concerns his neighbors had. Mr. Taggart feels the intersection will become unsafe and has concerns about the bus stop.

Andy Smith, 2175 Peregrine Ct. stated that his concern is the access to the proposed development. Mr. Smith noted that at the neighborhood meeting in May, it was mentioned that the Army Corp of Engineers would be studying the wetlands to determine the outreach of them and his concern is that the study has not been completed at this time. Mr. Smith feels the results may show that reasonable access to the subdivision off Meadow Way would not be feasible.

Valerie Samii, 2168 Peregrine Ct. stated that she has been there two years. Ms. Samii noted that when they purchased the land there was a covenant that all the houses on the west side would need to have a full basement because the lots sloped down. Ms. Samii stated that when they excavated they had a large pool of water. Ms. Samii noted that her builder said he can mitigate it by putting in pilings for \$50,000 or they could do a half basement or crawl space. Ms. Samii added that since most of the houses on that side of the street had some type of water issue, they were allowed to put in a crawl space. Ms. Samii informed the Commission that not only is there a creek in the back, there are springs that flow under all those houses on that side of the street.

Mr. Tim Donovan came back to the podium and noted that the photos don't do justice to the conditions and asked the Commissioners if they ever do walkthroughs of a project area. Most of the Commissioners indicated that they had been out there.

Applicant's Rebuttal

Kevin Bray, stated that as part of the development process, he will be required to provide a detailed drainage report that indicates that the water flowing off his development will not negatively affect another property. Mr. Bray stated that since water is an existing problem in that subdivision, they would want to discuss that with them to see if there are any opportunities that could help alleviate their current problem.

Mr. Bray stated that the City has access standards and they will have to provide some type of traffic study to make sure they have safe vehicle access to the subdivision.

Mr. Bray noted that he had not heard of a past sewer plant being located at the site. He added that it was good information and requested that Mr. Nemanich provide the information to his office or to City Planning.

Mr. Bray stated that there was a comment made by a member of the public that claimed that he had made a comment saying that the "HOAs can battle it out or sue the City". Mr. Bray stated that it was not something he would say and maybe that is just one person's interpretation of what may have been said. Mr. Bray stated that he has customers that he is providing a service to and reputation matters, therefore they take great care in what they build.

Mr. Bray concluded that they purchased the property for the views, the amenity of Riggs Hills, and the Redlands area is a desirable area. Mr. Bray felt that the fear of the unknown is an issue at this point for the neighbors, but as they move forward in the process they will be able to address their concerns.

Questions for Staff

Commissioner Gatseos asked for clarification of Estate and R-2 zoning. Mr. Peterson explained that Estate is one house/5 acres and R-2 is two units/acre.

Commissioner Wade asked why access could not be taken off of South Broadway. Mr. Peterson explained that the TEDS Manual requires that access be taken from the lower order street, which in this case would be Meadows Way. Commissioner Wade asked if there are exceptions. Mr. Peterson stated that there is a provision to allow for exceptions where they make sense, however it is highly unlikely that it would happen in this case due to the high volume and travel speeds on South Broadway.

Chairman Reece asked if there would need to be a TEDS exception for access off of Meadows Way, couldn't they ask for it to be off of South Broadway. Mr. Peterson stated that it would be up to the Engineering Department and Traffic Engineers to evaluate that once they had traffic study information that the applicant will be required to provide. Mr. Peterson speculated that a left turn lane may be considered to help mitigate the issue at the intersection. Chairman Reece asked if that would be included in a traffic study in the preliminary phase. Mr. Peterson explained that alternative options would be part of a traffic study.

Commissioner Buschhorn asked if Peregrine Estates, which is R-2, was brought in under a cluster provision. Mr. Peterson stated that although the lots are a little bigger, and there is an HOA tract of land to the north, he did not know if the subdivision was developed under the cluster provisions. Mr. Peterson added that the HOA tract does provide a little buffer to the proposed site.

Commissioner Discussion

Commissioner Deppe stated that although the criteria have been met from a textbook point of view, but from a practical view she questions whether the site should be left alone at this time. Commissioner Deppe stated that if it were not for the cluster provision she could see her way to the zoning change. Commissioner Deppe noted that she is aware that they are just voting on the zoning change, but has concerns about the door being left open for cluster development if the zoning is approved.

Commissioner Wade stated that they need to look at whether a zoning change meets the criteria of the Zoning Code which in this case it does. Commissioner Wade emphasized that as an advisory commission they cannot vote according to how they feel about the [future subdivision] proposal. Commissioner Wade stated he has concerns about the project as well, and urged the public that was present to become

involved in the process and express their concerns as it moves forward.

Commissioner Buschhorn noted that the R-2 requested zoning fits and brings it into line with what the surrounding properties are. Commissioner Buschhorn expressed concern about the subdivision that will be proposed, but they are not voting on that at this time.

Commissioner Tolle stated that he agrees that the proposed rezone meets the Code criteria, however, he urged the neighbors to stay involved in the process. Commissioner Tolle emphasized his biggest concern is always safety.

Chairman Reece stated that she has been to the area and observed the topography and feels the cost to develop the area will be high. Chairman Reece added that Mr. Bray had stated that the costs will be weighed against the feasibility of building this project. Chairman Reece noted that Bray has been around the area a long time and is in the business of making money with a high quality product. Chairman Reece stated that they are not approving a subdivision plan, but are voting on a rezone.

Commissioner Gatseos expressed appreciation for the points that were presented by the neighbors, however he also feels the rezone meets the criteria of the code.

MOTION: (Commissioner Wade) “Madam Chair, on the Rezone request RZN-2017-296, I move that the Planning Commission forward a recommendation of approval for the rezone of 465 Meadows Way from R-R (Residential – Rural) to R-2 (Residential – 2 du/ac) zone district with the findings of fact listed in the staff report.”

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

Item 6 (below) was moved to the Consent Agenda.

6. Ridges Mesa Rezone

[File#RZN-2017-361]

Request to revoke all previous approvals associated with the Ridges Mesa PD, and consider a zoning change on the lapsed PD to the previous R-2 zone district.

Action: Recommendation to City Council

Applicant: Community Development Director
Location: 382 and 384 High Ridge Drive
Staff Presentation: Kathy Portner, Planning Manager

7. Adjournment

The meeting was adjourned at 7:28 pm.