

GRAND JUNCTION PLANNING COMMISSION
May 8, 2018 MINUTES
6:00 p.m. to 9:40 p.m.

The meeting of the Planning Commission was called to order at 6:04 p.m. by Chairman Reece. The hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

In attendance representing the City Planning Commission were; Christian Reece, Kathy Deppe, George Gatseos, Brian Rusche, Andrew Teske and Steve Toole.

In attendance, representing the Community Development Department–Tamra Allen, (Community Development Director) and, Scott Peterson (Senior Planner).

Also present was John Shaver (City Attorney) and Trent Prall (Public Works Director).

Lydia Reynolds was present to record the minutes.

There were 85 citizens in attendance during the hearing.

*** * * CONSENT CALEDAR * * ***

1. Election of Officers

Chairman Reece stated that they need to elect Planning Commission Officers. There will be openings for Commissioners at the end of the year. Chairman Reece invited anyone who may be interested to apply. She also mentioned that this is a volunteer position and they often participate in four meetings a month.

Chairman Reece asked for nominations for Vice Chairman of the Planning Commission.

MOTION: (Commissioner Toole) “Madam Chairman, I nominate Bill Wade to be Vice Chairman.”

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

Chairman Reece asked for nominations for Chairman of the Planning Commission.

MOTION: (Commissioner Wade) “Madam Chairman, I nominate Christian Reece for Chairman of the Planning Commission.”

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

2. Minutes of Previous Meetings

Action: Approve the minutes from the April 10, 2018 meeting

Chairman Reece called for a motion to approve the Minutes.

MOTION: (Commissioner Rusche) “Madam Chairman, I move approve the Minutes as written.”

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

Chairman Reece explained the purpose of the meeting and noted that there will be a written and video recording of the meeting. The order of the meeting will be as follows:

- 1) Examination of the application and a determination concerning the adequacy of notification.
- 2) Presentation, description and analysis of the application by the staff,
- 3) Opportunity for the applicant to present evidence and arguments concerning their position on the project
- 4) All other interested parties may then address the Commission, with comments limited to three minutes per speaker.
- 5) Planning Commission may ask questions from staff, applicant, or members of the Public after each presentation.
- 6) The public comment section of the hearing may be closed after all public comment has been received.
- 7) The applicant will be given the opportunity to respond or give a rebuttal.
- 8) Staff may respond to any statement made by applicant, public or Planning Commission.
- 9) The Chair will close the public hearing and no further evidence will be accepted.
- 10) The evidentiary portion may be reopened only by a majority vote of the Planning Commission.
- 11) After the closure of the public hearing the Planning Commission will begin its deliberation which will end with a passage of a motion.

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

3. St. Mary's Hospital Rezone and Master Plan Amendment

FILE # PLD-2018-113

Consider a request of an Outline Development Plan (ODP) to rezone only the northern half of the property located at 510 Bookcliff Drive from R-4 (Residential - 4 du/ac) and incorporate this portion of the property into the existing St. Mary's Hospital PD (Planned Development) zone district in anticipation of developing an additional parking lot for the hospital.

Action: Recommendation to City Council

Applicant: Sisters of Charity of Leavenworth Health System Inc.
Location: 510 Bookcliff Avenue
Staff Presentation: Scott Peterson

Chairman Reece briefly explained the project and asked the applicant to introduce themselves.

Dan Prinster, 679 Sperber Lane, GJ, stated he was the Vice President of Business Development at St. Mary's Hospital. Eric Sherder, 2638 New Orchard Ct, stated the was with Chamber Architects

Chairman Reece began the public hearing by asking if the required public notice was given pursuant to the City's noticing requirements. Mr. Peterson replied that notice had been provided as in accordance to the code.

Staff Presentation

Scott Peterson, Senior Planner, stated that this is a two-part request to 1) amend the existing Master Plan for St. Mary's Hospital and Environs approved in 2017 to incorporate the property located at 510 Bookcliff Avenue and, 2) consider a request to rezone a 0.95-acre portion of the 2.28-acre property at 510 Bookcliff Avenue to PD (Planned Development) with a default zone of B-1 (Neighborhood Business). The applicant for these two requests is the property owner, Sisters of Charity of Leavenworth Health System Inc.

Mr. Peterson presented a PowerPoint slide with the Site Location Map of the area. St. Mary's Hospital is located at the SW corner of N. 7th Street and Patterson Road. In May 2017, St. Mary's Hospital purchased the adjacent property located at 510 Bookcliff Avenue identified as "Site" on the slide. The Applicant now wishes to incorporate this property into the existing Master Plan 2017 for St. Mary's Hospital and Environs adopted by the City Council in January 2017 and also requests to rezone the northern portion of the property of 0.95 acres to PD (Planned Development) with a default zone of B-1 (Neighborhood Business) in anticipation of developing a parking lot on the northern portion of the property.

Mr. Peterson displayed a slide with a closer aerial photo of the area. Master Plan 2017 for St. Mary's Hospital identifies all properties that St. Mary's owned at the time of development of the plan and also outlined several construction projects the facility anticipated would be built within the next five (5) years at the hospital such as a 40,000 sq. ft. building addition for the Cardiac Center of Excellence and an additional 14,000 sq. ft. for the Hybrid Operating Room, both of which are currently under construction. In May 2017, St. Mary's purchased the property located at 510 Bookcliff Avenue with the intent to use a portion of the property for an expansion to their parking that would be more proximate to the expanded facilities. The existing neighborhood often refers to this property as the "Olson Property." Master Plan 2017 still remains relevant as a whole but

needs to be amended to incorporate this new property (510 Bookcliff Avenue) that was acquired by St. Mary's.

The property at 510 Bookcliff consists of 2.28 acres, contains a single-family detached home which is anticipated to remain for the near future and is currently being rented and utilized as a residence.

The next slide displayed was of the Comprehensive Plan Future Land Use Map that identified the St. Mary's campus and property located at 510 Bookcliff as Business Park Mixed Use.

A slide of the existing zoning of the property at 510 Bookcliff showed that it is R-4 (Residential – 4 du/acre). St. Mary's Hospital wishes to subdivide the property so that the northern portion of the property is subdivided from the balance of the property which contains the single-family house and has a pending application with the City for this division of land. That portion of property (0.95 acres) intended to be rezoned as PD and used as a parking lot is proposed to be incorporated into the larger St. Mary's property that contains the main hospital campus.

The following slide showed a conceptual drawing of what the new parking lot and zoning would like on the property. The rezone to PD and subdivision of the property at 510 Bookcliff Avenue will allow St. Mary's to develop the northern portion of the subject parcel into parking as a continuation of the existing west parking lot.

Mr. Peterson explained the conceptual plans for the parking lot currently indicates developing 87 parking spaces along with the required landscaping and a 6-foot tall solid fence to screen the new parking area from the surrounding neighborhood. No vehicular access will be provided from 510 Bookcliff Avenue to the St. Mary's campus. All access to the new parking lot will be from the internal ring road within the campus.

The property would retain the zone designation of R-4 (Residential- 4 du/acre) on the southern portion of the property and will provide a buffer for the existing neighboring residents along Bookcliff Avenue from the hospital related uses. The current St. Mary's Hospital campus and other associated properties are zoned Planned Development (PD) and have been zoned PD for many years. In this situation, where the property contains an older PD zone district, the Master Plan document serves as the Outline Development Plan (ODP) in this instance and any potential changes or modifications requires review and approval by the City.

Mr. Peterson displayed a slide listing seven Long-Term Community Benefits as follows:

1. More effective infrastructure;
2. Reduced traffic demands;
3. A greater quality and quantity of public and/or private open space;
4. Other recreational amenities;
5. Needed housing types and/or mix;
6. Innovative designs;

7. Protection and/or preservation of natural resources, habitat areas and natural features; and/or Public art.

Mr. Peterson added that the intent and purpose of the PD zone is to provide flexibility not available through strict application and interpretation of the standards established in Section 21.03.040 of the Zoning and Development Code. The Zoning and Development Code also states that PD (Planned Development) zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Long-term benefits include, but are not limited to those benefits 1 thru 7, as was shown on the slide.

The St. Mary's Hospital campus is already designated as a Planned Development and as determined in the original PD, provides long-term community benefits by being a regional provider of health services for the community and area of western Colorado and eastern Utah. The Applicant's request is to only incorporate the proposed land area of the new parking lot into the existing Planned Development. The same long-term community benefits that were originally found in the zoning of the property as PD will continue with this amendment.

Mr. Peterson noted that the existing St. Mary's campus contains an open space area with a gazebo located directly to the east of the 510 Bookcliff Avenue property that is utilized by both patients and employees. This open space area contains an underground detention facility and walking path that connects the internal ring road with Bookcliff Avenue. The underground detention allows the surface to be utilized as active open space, therefore the Applicant continues to provide a greater quality and quantity of public and/or private open space as identified by item #3. The development of the open space area, gazebo, underground detention facility and walking path are all not required by Code.

Mr. Peterson explained that the St. Mary's campus is currently zoned PD, however, it was zoned PD prior to the City establishing today's system for adopting a PD with a relevant Outline Development Plan. In lieu of having an Outline Development Plan, the hospital campus has created and has been approved for an Institutional and Civic Facility Master Plan in accordance with Section 21.02.190 of the Code. Since this request proposed to both rezone a portion of 510 Bookcliff Avenue as well as modify/amend the approved Master Plan, Staff has provided analysis relevant both of these actions, as follows:

Pursuant to Section 21.02.150 (b) (2) of the Grand Junction Zoning and Development Code, requests for an Outline Development Plan (ODP) shall demonstrate conformance with all of the following:

- a) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;
- b) The rezoning criteria provided in Section 21.02.140 (a) of the Grand Junction Zoning and Development Code.
- c) The planned development requirements of Section 21.05.040 (f) of the Zoning

- and Development Code;
- d) The applicable corridor guidelines and other overlay districts.
 - e) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.
 - f) Adequate circulation and access shall be provided to serve all development pods/areas to be developed.
 - g) Appropriate screening and buffering of adjacent property and uses shall be provided;
 - h) An appropriate range of density for the entire property or for each development pod/area to be developed;
 - i) An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed.
 - j) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

Mr. Peterson explained that Pursuant to Section 21.02.190 of the Code, in reviewing a master plan (amendment to a master plan) the decision-making body shall consider the following:

- 1. Conformance with the Comprehensive Plan and other area, corridor or neighborhood plans;
- 2. Conformance with the Grand Valley Circulation Plan and general transportation planning requirements;
- 3. Adequate parking, adequate stormwater and drainage improvements, minimization of water, air or noise pollution, limited nighttime lighting and adequate screening and buffering potential;
- 4. Adequacy of public facilities and services; and
- 5. Community benefits from the proposal.

Staff recommends approval of the request for the amendment to the Master Plan and rezone of a portion of 510 Bookcliff to PD (Planned Development) with a default zone of B-1 (Neighborhood Business) finding that:

- 1. The Planned Development is in accordance with all of the applicable criteria in Section 21.02.150 (b) (2) of the Grand Junction Zoning and Development Code.
- 2. The Planned Development is consistent with the vision, goals and policies of the Comprehensive Plan.
- 3. The proposed Amendment to the St. Mary’s Hospital and Environs Master Plan 2017 is in accordance with Section 21.02.190 of the Code.

Applicants Presentation

Mr. Prinster displayed a slide of the services that St. Mary’s provides and noted that last year they had presented their 5-year Campus Development Plan. Part of that plan was the development of a Cardiac Center. Mr. Prinster stated that since that plan, they had an opportunity to purchase 510 Bookcliff Ave. that can be used for more parking as it would be a short walk of the new Cardiac Center.

Mr. Prinster displayed a PowerPoint slide of the site and stated they originally planned

to rezone 536 and 510 Bookcliff Ave, but after the neighborhood meeting, and hearing the concerns of the impact it may have on the neighborhood, they decided to altered the plan. The new design Mr. Prinster displayed only utilizes a portion of the 510 Bookcliff Ave. property.

Mr. Prinster noted that at the neighborhood meeting, there was concern about access off of Bookcliff Ave. Mr. Prinster noted that there will not be access off of Bookcliff Ave, and they now plan to extend privacy fence on the west side to separate the residential neighborhood from the parking lot. Mr. Prinster added that at the neighborhood meeting, it was suggested that they put up a sign to warn vehicles that there is no access to the hospital before they start up the drive at 510 Bookcliff Ave., so they will be putting up a sign there. Mr. Prinster's last slide was a summary of the concerns they have addressed and the public hearing process for changes.

Public Comments

Lenard Macleod, 448 Bookcliff Dr. stated that he was glad to see the plan amended however he did not feel that a six-foot fence was adequate. Mr. Macleod stated that although there was a sign put up, people still head up Bookcliff Ave. and turn around in his driveway, he would like to see better signage for people to know to continue on 7th as there is no access off of Bookcliff Ave. Mr. Macleod added that there is an open area of the fence that is right next to the hospital and it has increased foot traffic into the neighborhood.

Bill Wagner, 300 Cedar Ct. stated that he applauded St. Mary's for listening to the neighborhood at the required neighborhood meeting. Mr. Wagner said that St. Mary's does a Master Plan every 5 years with yearly amendments and it wears people down trying to protect their neighborhood. Mr. Wagner asked the Commission to not approve the rezone and allow time for the neighbors to meet with St. Mary's and get a long term commitment and plan from St. Mary's that will keep their neighborhood residential.

Victoria Patsantaras, 301 Bookcliff Ct. thanked the Commission for their volunteer service. Ms. Patsantaras felt that allowing a PD in a 59-year-old R-4 neighborhood is an extreme difference in use. Ms. Patsantaras urged that the growing pains St. Mary's has be addressed within their own properties and with similarly zoned properties adjacent to it.

Jane Findley, 412 Bookcliff Dr. wished to emphasize the residential and historic qualities of this neighborhood and feels the encroaching growth of St. Mary's compromises the flavor of the neighborhood. Ms. Findley was concerned with the additional lighting and the fencing.

Applicants Response

Mr. Prinster acknowledged the open panel in the fencing and stated it was temporary so they could access the property temporarily. The plan is to have a locked man-gate to allow their facilities people to maintain the landscaping they plan to add to each side of the fence.

Brian Davidson, President of St. Mary's stated they would be glad to look at options, such as signage, so that people knew they could not access the hospital from Bookcliff Ave. The six-foot privacy fence had been a concern voiced and he would be happy to look into that. Mr. Davidson stated that they own a number of houses that they keep as a buffer to keep the neighborhood feel. Mr. Davidson explained they chose to build on the west side, although it is constrained, because of the location of supporting departments for the cardiac center.

Mr. Davidson stated that they try to expand the existing building rather than tear down and build new ones in an effort to keep cost of healthcare in the community and country at tolerable levels.

Chairman Reece asked what the lighting for this lot will look like. Mr. Sherder responded that the tower was designed is a LEED compliant building which has a limitation on light trespass past the boundaries so they plan to continue that design throughout the expansion, with light being directed downward and inward to the property.

Questions for Staff

Commissioner Deppe asked if notice was given to neighbors around the property. Mr. Peterson stated that the neighbors were notified for the neighborhood meeting and it was a standing room only, with over 75 people in attendance. Notices were also sent when the application was made and a third notice went out for the Planning Commission meeting.

Commissioner Wade asked what could St. Mary's and the neighbors do if they agreed to a larger fence. Mr. Peterson stated the code requires a 6-foot solid fence as a buffer between a B-1 and residential district. If they wanted an 8 ft. fence it would require approval from City Council.

Commissioner Discussion

Commissioner Wade stated that a spirit of compromise is needed as the neighborhood has been there a long time and so has St. Mary's. Noting that Colorado Mesa University agreed to give regular updates to the Commission, Commissioner Wade asked the applicants to meet with them at least twice a year to discuss their plan. Commissioner Wade acknowledged that it was a big request, knowing that St. Mary's has a lot on their plate. Commissioner Wade stated that he was glad to hear that St. Mary's is willing to revisit the fence and they addressed lighting. Commissioner Wade feels the criteria has been met and he will be voting in favor of the rezone and amendment.

Commissioner Ehlers stated that the Commissioner's review is to look at a proposal and see if it meets the code and Future Land Use and benefits the community as a whole. Commissioner Ehlers did not want to diminish the concerns of the neighbors, but he agrees with Commissioner Wade in that it meets the review criteria.

Commissioner Ehlers pointed out that this parcel is currently zoned R-4 and has 2.28 acres, which could allow up to 9 homes. Commissioner Ehlers added that 9 homes,

theoretically generates 90 vehicle trips a day. Although the PD is only 1 acre, the impact to the neighborhood is much less than if it was to develop as R-4. Commissioner Ehlers explained that as a PD, the applicants would have to come back to the Planning Commission if they were to make changes in the plan. Looking at the benefits to the community as a whole, and being in accordance with the review criteria, Commissioner Ehlers stated that he will be voting in favor of the proposal.

Commissioner Teske feels the application fulfills the requirements of the code, and agrees with Commissioner Ehlers and Wade that this is good for the community as a whole and he will be voting in favor of the proposal.

MOTION: (Commissioner Wade) “Madam Chairman, on the Amendment to Master Plan 2017 for St. Mary’s Hospital and Environs for inclusion of the property located at 510 Bookcliff Avenue and also a Rezone to PD (Planned Development) with a Default Zone of B-1 (Neighborhood Business) for the northern portion of the property located at 510 Bookcliff Avenue, PLD-2018-113, I move that the Planning Commission forward a recommendation of approval to City Council with the findings of fact listed in the staff report.”

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

4. 26 Road LLC Rezone

FILE # RZN-2018-162

Consider a request to rezone 151.16 acres from PD (Planned Development) to R-2 (Residential - 2 du/ac) zone district.

Action: Recommendation to City Council

Applicant: 26 Road LLC
Location: Between 26 & 26 1/2 Roads, south of H 3/4 Road
Staff Presentation: Scott Peterson

Commissioner Teske stated that his law firm has been involved with this project therefore he will recuse himself from this item. Commissioner Teske then left the room.

Chairman Reece asked the applicants to introduce themselves.

Mike Russell, 200 Grand Ave, stated the is an attorney with Hoskin, Farina and Kampf and he will represent the applicants. Robert Jones II, Vortex Engineering, 2394 Patterson Rd. Suite 201 stated he was also here to represent the applicants.

The property is 151.18 acres in size, currently vacant, located between 26 Road and 26 1/2 Road, south of H 3/4 Road and north of H Road. Freedom Heights Subdivision is located to the south and the Summer Hill Subdivision is located further to the east.

Chairman Reece asked if there was required public notice given for the item. Scott Peterson (Senior Planner) responded that notice was provided in accordance with the Zoning and Development Code.

Staff Presentation

Scott Peterson (Senior Planner) stated that there were five exhibits entered into the record for this item.

- 1) Application provided by applicant dated March 19, 2018
- 2) Staff report dated May 8, 2018
- 3) Public correspondence received April 30, 2018
- 4) Letter to City Attorney from the law firm of Wagner, Scarbarough, Younge and Hocksmith LLP dated April 30, 2018
- 5) Ordinance #4174 dated 2008
- 6) PowerPoint presentation May 8, 2018
- 7) Additional public correspondence, two additional letters received May 8, 2018
- 8) Ordinance #2842 dated 1995
- 9) Saccomanno Girls Trust Agreement

The last three exhibits were email late in the afternoon on May, 8th 2018. Ms. Allan distributed hard copies to the Commissioners.

Chairman Reece asked if there was interest to enter these into the record. Commissioner Wade requested a five-minute recess to read them over. Chairman Reece called for a recess.

After a short recess, Chairman Reece called the meeting back to order.

MOTION: (Commissioner Wade) “Madam Chairman, I move we to add the additional exhibits to the information we have in front of us for consideration.”

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

Mr. Peterson began his presentation by showing a PowerPoint slide of the site location map and stated that the property is 151.18 acres in size, currently vacant, located between 26 Road and 26 1/2 Road, south of H 3/4 Road and north of H Road. Freedom Heights Subdivision is located to the south and the Summer Hill Subdivision is located further to the east.

The next slide shown was of the existing zoning map of the area. The property is currently zoned PD (Planned Development). A previously approved (2008) plan for the property, for a 362-dwelling unit/lot project has lapsed. In May 2017, the owner applied for a Planned Development zone district with a default zone of R-2 (Residential – 2 du/ac) proposing 303 lots or 2.00 dwelling units per acre; however on September 26, 2017, the Planning Commission recommended denial of that application. Mr. Peterson added that the request was ultimately withdrawn by the Applicant prior to City Council

review and decision.

Mr. Peterson stated that the Property was annexed in 1995 by City Ordinance 2842 with a Planned Residential-2 zoning but without a specific plan; instead the property was generally planned to locate higher density toward the eastern edge and lower density toward the western edge of the Property.

Mr. Peterson explained that the 1995 annexation and zoning agreement (with the Saccomanno Girls Trust) was not a development agreement; it did not dictate specific bulk standards; neither did it require a specific effective density for the development of the property nor did it obligate the development of the property in any manner (other than as Planned Residential with an approximate density of 2 du/ac.). The agreement was simply for zoning which existed on the property for over 12 years. Neither the annexation agreement nor Ordinance 2842 restricted the City Council or the property owner from rezoning the property at a later date.

Mr. Peterson added that in 2008 a preliminary development plan amending the PR-2 zoning was approved by Ordinance 4174. After extensive staff review, the City found that the development plan complied with the applicable density restrictions because the applicant applied under Section 3.6 of the Zoning and Development Code at the time for a 20% density bonus and because the plan proposed clustered development within an R-4 default zone district. The approved density of the 2008 plan was 2.39 du/ac.

Mr. Peterson expounded that after the 2008 approval of Ordinance 4174, the project has been dormant and has now lapsed according to Section 21.02.150(f) of the Code. Because of the lapse of the 2008 PD and the fact that the 1995 PR-2 had no specifically defined development requirements or characteristics, the property presently exists as a “planned zone without a plan” and must be zoned as determined by the governing body, to conform to the Comprehensive Plan and current standards of the Code.

Mr. Peterson informed the Commission that the current request to rezone to R-2 is consistent with the Comprehensive Plan Future Land Use designation of Residential Medium Low (2 - 4 du/ac). Although not required, the rezone is also consistent with the 1995 annexation. The requested zone of R-2, has no minimum density and allows up to a maximum density of 2 dwelling units per acre. The R-2 zone district allows for detached single-family, two-family dwellings as well as civic land uses. The request at this time is only for zoning and is not requesting a review of a specific subdivision plan, lot layout, lot size or other subdivision design characteristics, which if the zoning is approved would be in accordance with the Code. The requested density of R-2 is at the lower range of that prescribed by the Comprehensive Plan.

The next slide displayed was a Google Map Image of Site and the Surrounding Area to give a perspective of the existing development within the area. Mr. Peterson explained that other developments in the area include the Summer Hill Subdivision that exists further to the east but has been developing since approval in 1999 and has added additional filings in 2015 and 2016 at a density of 2.20 dwelling units to the acre overall

for the subdivision. Grand Vista Subdivision to the east was developed in 2002 and has an overall residential density of 2.90 dwelling units to the acre. The Paradise Hills Subdivision directly abutting the property was developed in the 1970s to the east, is zoned R-4 and developed at a density consistent with its zoning of over 2 dwelling units an acre. Garfield Estates further to the northeast is at density of 2.97 dwelling units an acre.

The next slide displayed was of the Comprehensive Plan Future Land Use Map. Mr. Peterson stated that adjacent properties to the north and west are not in the City limits and are also located outside of the Persigo 201 sewer boundary as well as outside of the adopted Urban Growth Boundary. The properties are zoned County AFT (Agricultural, Forestry & Transitional) that allows up to 1 dwelling unit per 5 to 35 acres, RSF-E (Residential Single Family – Estate) that allows up to 1 dwelling unit per 1 to 3 acres and PUD (Planned Unit Development) that have been developed at densities ranging from 1 dwelling unit per 4 acres. Properties to the south and east are inside the City limits and zoned R-1 (Residential – 1 du/ac), R-4 (Residential – 4 du/ac) and R-5 (Residential – 5 du/ac). Also to the east is a 27.46-acre property that is located in the County and zoned RSF-R (Residential Single Family – Rural).

Mr. Peterson stated that the applicant is only requesting to rezone the property to two (2) dwelling units per acre from a planned zone for the same or similar density, which is at the lowest range for the allowable density as identified with the Comprehensive Plan Future Land Use Map designation of Residential Medium Low (2 – 4 du/ac).

Mr. Peterson stated that pursuant to Section 21.02.140 (a) of the Zoning and Development Code, requests for a Rezone shall demonstrate conformance with the following criteria:

1. Subsequent events have invalidated the original premises and findings; and/or
2. The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or
3. Public and community facilities are adequate to serve the type and scope of land use proposed; and/or
4. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or
5. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

City Staff has found the following 3 of the 5 review criteria to have been met:

Criteria #3 Ute Water is located within the 26, 26 ½ and H ¾ Road rights-of-way and City sanitary sewer is presently stubbed to the property from the adjacent Freedom Heights Subdivision to the south. The property can also be served by Grand Valley Power (electric) and Xcel Energy (natural gas).

Regarding Transportation: Both the City and County, through the adoption of the Comprehensive Plan, have planned for this property to develop as a residential

subdivision with a density ranging between two (2) and four (4) dwelling units per acre. This planned development will impact roadways and specific intersections in the area; however, the City has planned for these impacts and has several policy documents including the City's 5-year CIP (Capital Improvements Plan), Urban Trails Master Plan, and 2040 Regional Transportation Plan that have recognized the need for both vehicular and active transportation improvements in the area with or without development of the property.

The City's Transportation Capacity Payment (TCP) ordinance provides, that a developer does not have direct obligations, other than payment of TCP fees, to improve any portion of the major roadway system. The Applicant will pay all owed TCP fees and the city has already begun planning additional safety and capacity improvements to roadways in the area.

However, fire and emergency medical facilities in this area are not currently meeting City targeted response times and as such, the City is currently in the planning stage to develop a temporary ambulance station followed by a permanent facility in the nearby area. As estimated by the Grand Junction Fire Department, residential development of this property will have little impact on current and future call volume for emergency response and service. St. Mary's Hospital is located a little over two miles directly to the south on 26 ½ Road.

The property is also near commercial centers and services. The Horizon Drive commercial center includes general offices, grocery store, banks, restaurants, convenience stores and car wash, etc. is located 2 miles from the property. Therefore, staff finds the public and community facilities regarding utilities and access to services are or will be adequate to serve the type and scope for the future residential land use.

Criteria #4. The property is a large undeveloped parcel that is adjacent to all existing utility infrastructure and is ready for development. Because of the lapse of the 2008 ODP, the request to rezone the property is necessary for development. Presently, the R-2 zone district only comprises 5% or 1,102 acres. of the total 22,039 acres within the City limits. There is also limited R-2 zoning within this area of the community.

Criteria #5 The community will derive benefits from rezoning the property; rezoning the property will allow development in accordance with the City/County adopted Comprehensive Plan; as the R-2 designation implements the Residential Medium Low (2 – 4 du/ac) category and is viewed by staff as compatible with existing zoning and densities in the area.

Staff recommends approval of the request for 26 Road LLC Rezone finding that:

After reviewing the 26 Road, LLC Rezone, a request to rezone from PD (Planned Development) to R-2 (Residential - 2 du/acre) for 151.18 acres, located between 26 Road and 26 1/2 Road, south of H 3/4 Road, the following findings of fact have been made:

- The requested Rezone is consistent with the goals and policies of the Comprehensive Plan.
- More than one of the applicable review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.

Mr. Peterson stated that a Neighborhood Meeting regarding the proposed Rezone was held on March 26, 2018. The Applicant's representative and City Planning staff were in attendance along with over 75 interested citizens. Comments and concerns expressed by the attendees at the meeting included the proposed density for the rezone, the Saccomanno Girls Trust Agreement, and increased traffic on existing road networks and capacity. City staff has received written comments on the proposed rezone, which were attached to the Staff Report.

Questions for Staff

Chairman Reece asked what the future transportation plans are to accommodate the future development in this area and how soon will upgrades be made. Mr. Peterson deferred the question to Trent Prall, Public Works Director. Mr. Prall displayed a slide of an aerial photo of the area and the various future transportation improvements highlighted. Mr. Prall explained that for the most part, as a community develops there is curb, gutter, sidewalk added to each lot at time of development. The corridor along G Rd. and H Rd, between 26, 26 ½, and 27 Rd., most of the urban infrastructure is to the south. Mr. Prall stated they plan to address transportation needs as they arise. Mr. Prall stated that with or without this development, they are proposing improvements along the G Rd. corridor. It is anticipated that H Rd. may get as busy in the next 15 to 20 years.

Mr. Prall reported that there are roundabouts on G Rd. at 24 1/2 and 25 Rds. There are improvements proposed for 2020 to the intersection of G Rd. and 24 Rd., mainly due to Community Hospital going in to the west. At 26 Rd. and 26 ½ Rd. there are roundabouts proposed in the Capital Improvement Program for 2021 and 2022 regardless if this development goes in. Mr. Prall stated that when they do overlays, they try to push out the footprint to make a bike lane until they can create a more permanent solution.

Chairman Reece asked if the City or the developers pays for the curb, gutter, sidewalks. Mr. Prall explained that as new lots are sold, they pay a Transportation Impact Fee. Those fees are used to enhance transportation capacity throughout the community.

Ms. Allan added that the Growth Management and Streets Policy obligates the City to make those streets, gutter, sidewalk improvements when those roads are shown on the circulation plan and not a local street.

Commissioner Wade asked Mr. Prall to confirm that the money collected from the TCP fee does not necessarily go to the project that is being developed and that it goes into a general transportation fund that can be used to make improvements community wide. Mr. Prall confirmed that he was correct.

Commission Ehlert asked if the Master Plan influences how the City plans or budgets for the following; infrastructure capacity and budgets such as sewer, water and traffic.

Mr. Prall answered that they do look to the Master Plans to identify the assumptions that were made and how they can accommodate. There is a 2040 Regional Transportation Plan that identifies key corridors throughout the community.

Commission Ehlert asked if Emergency Services are under Public Works as far as where they put their stations etc. Mr. Prall informed the Commission that they help calculate response times, however they use consultants to identify where to place stations and then the Public Works Dept. is involved in the construction and site development.

Commission Ehlert asked if the Future Land Use Map and Comprehensive Plans are used to identify, and plan for, where schools may be located. Ms. Allan responded that the City's role is collect a School Impact Fee for new development on behalf of the school district so that they can plan for future school sites.

Commission Ehlert asked if the Master Plan is used to address urban sprawl and the agricultural impact it can have to the valley. Ms. Allen responded that the City's Comprehensive Plan, that the County also adopted, identifies a suitable urban development boundary and part of that is to assign appropriate densities that accommodate growth they anticipate.

Chairman Reece asked where the G Rd. improvements fall on the list of needed transportation improvements. Mr. Prall stated that they have a balanced budget for the next five years in terms of anticipated expenses against the revenue they anticipate from TCP fees and the $\frac{3}{4}$ percent sales tax. Mr. Prall reported that the improvements to G Rd. and 24, 26 and 26 $\frac{1}{2}$ Rds. are scheduled in those next five years.

Commissioner Wade asked Mr. Prall to explain the 26 $\frac{1}{2}$ Rd and H Rd. notation that was presented on the slide. Mr. Prall explained that under the premise of the proposed density, about 300 homes, the number of trips in the PM peak hour will increase by 178 or 29%. Currently it is estimated that there are 600 PM peak hour trips at that intersection.

Commissioner Wade asked if the intersections of H and 26 Rd. 26 $\frac{1}{2}$ Rd. and 27 Rd. were outside of the five-year plan. Mr. Prall stated that those improvements were out to about 2025 or beyond. Ms. Allan added that the slide illustrates what the maximum buildout would be with the R2 zoning. Ms. Alan stated that the rezone is being considered, however there is not a development proposal submitted at this time.

Applicants Presentation

Mr. Russell stated that after considering the comments made, he hears the neighbors asking "why are we doing this again, we thought we resolved all this". Mr. Russell explained there was a unique set of circumstances at the time of annexation in 1995 in that the property received a customized designation, not a zone district. The code requires that there is a zone district attached. The property had a PR with a RSF-2 equivalency. Nobody ever adopted or developed under that plan. The applicants bought

the property in 2005 and in 2008 they sought an amendment and got approved. The new zoning was a PD that got approved for 302 units with an R-4 default. When that plan lapsed, the property was left without a zone. The owner has a right to have a zone and some predictability, but as of now, they could not develop or sell the property without a zone district assigned. Mr. Russell stated it is not relevant to ask about the impact of a certain amount of homes on that property, because they are only considering the rezone at this time.

Mr. Jones requested to enter his PowerPoint into the record. Chairman Reece asked the Commissioners if they wish to enter the presentation as exhibit #10.

MOTION: (Commissioner Wade) “Madam Chairman, I move we accept the PowerPoint into the record”.

Commissioner Rushe seconded the motion. A vote was called and the motion passed by a vote of 5-1.

Mr. Jones stated that they are only going to address the rezoning criteria in the Zoning and Development Code. Questions related to the future development site will be addressed through a separate application as is required by the Zoning and Development Code.

Mr. Jones stated that the applicant is requesting a rezone as the property currently has no zoning. The property presently exists as a planned zone without zoning and it needs to obtain a zoning designation to conform to the Comprehensive Plan and the Zoning and Development Code.

Mr. Jones cautioned the Commission that they will hear comments considering a plan, when the item requested is to rezone only at this time and not a development plan. The Comprehensive Plans Future Land Use Map designates this property as Residential Medium-Low (2-4 units/acre). Mr. Jones noted that a “Neighborhood Center” is anticipated around the intersection of H and 26 ½ which is south of the subject property. Neighborhood Centers are defined as areas with convenient access to goods and services, while reducing the need for cross-city traffic.

Mr. Jones explained that the properties to the north and west of the subject property are outside the 201 Persigo Sewer Service Area and are not expected to be developed at urban densities or with urban services such as sewer. The properties to the east are developed with urban standards. The rezone request is to be able to provide housing between these two areas with densities at the low end of the range.

Mr. Jones pointed out that a straight rezone provides more predictable development than a planned development that can have deviations from bulk standards. Mr. Jones stated that request to rezone meets a number of the goals and policies of the Comprehensive Plan. Mr. Jones showed several slides regarding the approval criteria and explained how the criteria has been met. Mr. Jones stated that there is an

inadequate supply of suitably zoned land for home construction within a mile of the property, particularly near an area that is identified for a neighborhood center.

Chairman Reece called for a five-minute recess before the public comment portion of this item. A break was taken and Chairman Reece reconvened the meeting and went over a few rules for public comment.

Public Comment

Bill Scott, 823 26 Rd., stated he has been living there since the time of the Saccomanno compromise and as far as he is concerned, it is still in effect. Mr. Scott thanked the Commissioners for their volunteer service to the community. Mr. Scott wanted to remind the Commission that they voted against 310 houses a couple of months ago. Mr. Scott stated that the Saccomanno Ordinance was a huge undertaking, very complicated with much discussion among all the parties. They came to a compromise that feathered the development with less density to the west and more density to the east with a total of about 210 houses.

Jacqueline Anderson, 206 Liberty Ln. (Freedom Heights) stated that she lives south of the sight. Ms. Anderson stated that she does not have the history that her neighbors bring since she had been gone for 30 years. Ms. Anderson stated that Freedom Heights is zoned R-1 and she does not see why the only options is an R-2 to R-4 range. Ms. Anderson stated that although only the rezone is being considered, the result can effect what can be allowed for development. Ms. Anderson would like to see the property rezoned to R-1.

Rich Warren, 2622 H Rd., stated he lives below the development plan. Mr. Warren showed a slide of the previous plan that had been presented. Mr. Warren felt the proposed development was a sore thumb in a predominately agricultural area. Commissioner Ehlers stated that they are not looking at a development plan and requested that he keep his comments to the overall density of the area that is under review. Mr. Warren stated that he was presenting the previous plan, the least egregious of three previous plans, for comparison purposes. Mr. Warren felt the ordinance is clear and still stands.

Lois Dunn, 2680 Capra Way, commended the Commission on sticking to the code when reviewing the Tiaro Rado rezone. She stated that she has seen Summerhill build out and there was no outcry with the additional phases as it was well planned and she would like to see that replicated here. Ms. Dunn stated she had gone to many of the Comp Plan meetings and the only consensus at the time was that development should only occur north of the interstate and east of 29 Rd. Ms. Dunn believes that no owner of a property owes it to the community to provide open space and supports development at an R-2 density so that this property owner can move forward.

Mike Stahl, 2599 Kayden Ct. stated that he feels this is a back door approach to get what they didn't get last time with the planned development. Mr. Stahl stated that one of their biggest concerns is that once the property is zoned R2, the site plan is

administrative and does not come back before the Planning Commission. Mr. Stahl would like them to look at R-1 zoning and feels the R-2 is not compatible. What he hears is that there are no significant transportation improvements scheduled in the next 10 years' capital plan for significant improvements in the immediate area. Mr. Stahl stated that St. Mary's appears to be better neighbors than this neighborhood process has been. They have not met with the owner and were not given an opportunity for compromise.

Virginia Brown, stated that she grew up in Grand Junction and requests that they honor the right of private property ownership and the dream of affordable home ownership. Ms. Brown noted the lack of first-time or starter homes available and supports the rezone to residential medium low density.

Sandra Nesbitt, 2616 H Rd. stated that she and her neighbors along Leach Creek are concerned about the density proposed for this property that is to the north of them.

DonnaMarie, 2616 H $\frac{3}{4}$ Rd., stated she would like to see the property zoned RSF-R farming/agriculture but she doubts that is going to happen. Ms. DonnaMarie stated that if there are 300 homes and each home has three drivers and three cars, it will add 900 cars to the two-lane rural roads. Ms. DonnaMarie expressed her concern for biker and pedestrian safety. Ms. DonnaMarie added that people are coming here from California and Denver to escape high densities so she doesn't understand why we would create the same thing they are leaving. She also added that property values will decline.

Lynn Wilson stated that she and her husband are in the process of building a home at 2694 Amber Spring Ct. in Summerhill. Ms. Wilson stated their biggest concerns are traffic and infrastructure. Ms. Wilson stated she heard tonight that the planned improvements were focused on the G Rd. corridor and they have more concerns regarding the H Rd. and 26 and 26 $\frac{1}{2}$ Rd. area. Ms. Wilson stated that the H Rd corridor improvements were not in the five-year plan as they are in a plan that is 7 to 10 years out. She wanted to know if those plans were funded or budgeted.

Regarding Mr. Russell's comments that this request is for rezoning only and that there is no plan, Ms. Wilson stated she was sent a copy of a proposed development plan several months ago by Mr. Peterson and there was no open space. Ms. Wilson stated that she was later told the plan had been withdrawn by the developer. Ms. Wilson stated that the citizens and the Planning Commissioners will not be able to see the plan when it is submitted as it is approved administratively and she does not think that is right.

Ms. Wilson would like to know the dollar fee for the TCP fees and the last time the rates were reviewed. Ms. Wilson would like to know if the TCP fees paid in connection with the development are actually used for improvements in that development.

Robert Foster, 925 25 $\frac{3}{4}$ Rd. stated he lives northwest of this area and was unable to attend the neighborhood meeting. Mr. Foster hoped the Comprehensive Plan is flexible. Mr. Foster stated the areas to the west and north are much larger, and the development

to the South is R-1. Mr. Foster would like to see R-1 zoning at the most.

Joe Breman, 2611 Vista Way, stated he live north of the development. Mr. Breman stated that this development has been discussed for 20 years. Mr. Breman wanted to point out that there are wetlands in this area, so the density will be even more intense. Mr. Breman pointed out that many of the bike races held in the valley go right by this area. Mr. Breman recognizes that this area will be developed, but he feels the Saccomanno Agreement should be upheld.

June Colosimo, 2618 H Rd. questioned if Grand Junction needs all these houses. Ms. Colosimo stated this used to be a horse-riding area. This land should be regarded as a prime location for open space. Ms. Colosimo is concerned about business in the area closing and at the same time, we are building houses.

Jan Warren, 2622 H Rd., stated that in the beginning there were three parties; Dr. Saccomanno, the City and the community. They spent a lot of time and created a good agreement. Ms. Warren stated that Dr. Saccomanno received his benefit from the deal, the City received theirs, and the surrounding community has not benefited. Ms. Warren stated that if the rezone goes through, it will rescind the 1995 ordinance and their protection will be gone. Ms. Warren added that the developer wants to build more houses than what he bought the property for. Ms. Warren noted that at the meeting in November, the developer's representative stated that they need to build more houses to make enough money to provide infrastructure. Ms. Warren believes the developer knew what they were getting into when they bought the property and she does not support the rezone.

Craig Robillard, 848 Summer Sage Ct., asked the Commissioners if they have received enough information to support the claims that the criteria have been met. In addition, Mr. Robillard stated that there seems to be confusion of whether the 1995 ordinance is in effect and asked the Commission if they have asked the City Attorney about it. Mr. Robillard asked if the Commission has asked if there were alternative zoning available and why or why not those were picked. Mr. Robillard asked how the TCP fees can come close to addressing the infrastructure needs in the area.

Sandy Ramunno, 867 26 Rd. stated that she hears that the only choice for rezoning is to rezone to R2-R4, but she is not sure that is true. Ms. Ramunno stated that the surrounding properties are concerned about absorbing this much density, the infrastructure needs generated from the development, and their how this effects their property values. Ms. Ramunno stated they have the spirit of compromise, however, the compromise should be meeting somewhere in the middle. Ms. Ramunno urged the Commissioners to step back from the Comprehensive Plan and recognize the rural nature of the existing developments. Ms. Ramunno pointed out that when the road improvements are made and the road is widened, several properties along the corridor will have their properties decline in value and their quality of life will decrease.

Linda Afman, 636 Horizon Dr. stated she is a real estate broker and she is acquainted

with the applicant. Ms. Afman stated she feels the applicant does a fine job, the developments she has been involved with turned out beautiful and her clients who have bought this developers product, have been happy with it.

Ms. Afman stated she was on City Council in 1995 and remembers Dr. Saccomanno had a heart for Grand Junction. At the time, they did not go into zoning, but they thought the maximum would R-4 going down to R-2 with limitations that there is some land that is not buildable.

Ms. Afman stated that according to the MLS (realtor) system, dating from Jan. 2018 to today, there were 1800 properties available and to date, they have sold 1,245. Ms. Afman pointed out that building permits have risen 66% over last year which speaks to a tremendous need for housing, and she is in favor of the R-2 zone request.

Kristin Heumann, 809 Freedom Way, stated that the one acre lots were well received at a meeting. Ms. Heumann asked about CDOT's bridges that probably need to be repaired.

Applicants Rebuttal

Mr. Russell stated that the land owner would like to be able to develop at a medium to low density or sell to another developer. Mr. Russell stated that this property has always been envisioned for R-2 zoning. Mr. Russell pointed out that even if the Saccomanno agreement was still valid, the 210 homes proposed with that would still fit the R2 zoning. Mr. Russell stated that how many lots eventually get proposed is not under review, and that the R2 zoning supported by the Plans and is appropriate for this property.

Questions for Staff

Commissioner Ehlers stated he was not sure if the Saccomanno Girls Trust Agreement is the prevailing document or not, but when he reads the Ordinance #2842 dated 1995, the property was zoned PR with a density equivalent of R2, or 2 units/acre. Mr. Peterson stated that was correct.

Commissioner Deppe asked if there was a public hearing when they begin to do the development. Mr. Peterson confirmed that if they were to get rezoned and eventually move forward with a subdivision, it would be an administrative review. Mr. Peterson explained that it would not go back to Planning Commission or City Council but that surrounding property owners would be notified that there was an application submitted and they could go to Community Development and look at the plan. If the neighbors wanted to object, they could go through an appeal process.

Commissioner Ehlers asked if the public has the opportunity to review the plan and provide comments to staff. Mr. Peterson stated that he was correct and in addition, the applicant would have to have a neighborhood meeting before a formal submittal to the City as well.

Commissioner Wade asked Ms. Allan to explain the appeal process for the benefit of

the crowd. Ms. Allan explained that the subdivision process starts with a required neighborhood meeting before the project is submitted. In addition, the public has the opportunity to comment and the comments are considered during the review process. If the project was to get approval, the appeal process is limited to the criteria and a specific set of findings and the appeal would go before City Council.

Chairman Reece asked if there is an appeal, are the applicants limited to the information on record therefore, no new additional information can be considered. Ms. Alan replied that the record is the application, the staff report, the review and correspondence etc. The applicant is appealing the decision that was made regarding the information on record, and this is heard by the City Council.

Noting that the project is on the edge of the 201 Persigo Boundary, Commissioner Rusche asked Mr. Peterson to clarify for everyone, what the 201 Persigo Boundary is.

Mr. Peterson stated that the 201 Persigo Boundary, also known as the Urban Development Boundary, indicates the agreed upon service area of the Persigo Wastewater Treatment Plant. Everyone to the west would have to develop with septic, thus needed larger lots. Commissioner Rusche asked if the sewer service is gauged on potential build-out, has it been oversized if the land develops with less density.

Mr. Prall stated with regards to unrecovered investment, although the infrastructure is sized based on the Comprehensive Plan, this site is small in comparison to the big picture and would not be a concern if they were to develop at R-2 or R-4. Mr. Prall stated that for the most part, the sewer capacity is in great shape.

Commissioners Discussion

Commissioner Ehlers stated that he feels this proposal meets the current Comp Plan, the density of the 1995 Saccomanno Annexation Agreement, and he feels there has been sufficient information to access compliance to the approval criteria for the proposed rezone. Commissioner Ehlers stated that he looks at the community as a whole. He acknowledged that we know growth is coming, we have to anticipate a certain amount of growth, and we can't close the gates. Commissioner Ehlers stated we know there is a limit for urban growth and we set them with our 201 Persigo Boundary to discourage sprawl. Commissioner Ehlers stated that his generation is looking 30 or 40 years out. Commissioner Ehlers recapped that he will be in favor of the rezone as he feels it meets the criteria.

Commissioner Wade reminded the public that the Commissioners have a charge to look at the criteria and the code and see if a proposal complies. Although uncomfortable at times, Commissioner Wade stated that they cannot decide on a proposal for emotional reasons. Commissioner Wade stated that the proposal has to meet the Comprehensive Plan and at least one of the five criteria which he is confident it does.

Commissioner Wade reported that he did ask the City Attorney if the subsequent zoning invalidated the original Saccomanno Agreement and they said it did. Commissioner

Wade stated that the requested rezone density is actually the same density that the Saccomanno Agreement sought.

Commissioner Wade reminded the public that the City Council will consider the information from the Planning Commission meeting and have two readings of the proposed ordinance and consider public testimony before making the final decision. Commissioner Wade stated that after considering all the findings and facts, he will be voting in favor the rezone.

Commissioner Rusche stated that his decision is based on consistency with the Comprehensive Plan, consistency with an Agreement that was made over two decades ago and having sufficient information to be able to proceed. In addition, Commissioner Rusche pointed out that the developments to the east and south had at one time, leapfrogged over other developments and have developed at over 2 u/ac. Commissioner Rusche noted that the developments to the west and north are in a different situation in that they are not in the Urban Growth Boundary.

Commissioner Rusche acknowledged that change is difficult, but that the property needs a zone so that everyone knows the density to expect and he will be voting in favor of the rezone.

Commissioner Tolle agreed that growth is inevitable. Commissioner Tolle finds that all information points to the fact that the plan should be looked at again. Commissioner Tolle stated that he does not like the attitude of approving plans and make it work later. Commissioner Tolle stated that safety should never be compromised. Commissioner Tolle stated that he will vote against the rezone.

Commissioner Deppe acknowledged that they are bound to a set of review criteria and the Code. Commissioner Deppe urged the public to stay involved if there is a development plan submitted. Commission Deppe reiterated that since they are bound by a set of review criteria for which this proposal meets, she feels no choice other than to vote in favor.

MOTION: (Commissioner Rusche) “Madam Chairman, on the request to Rezone the 26 Road LLC property as presented in City file #RZN-2018-162, I move that the Planning Commission forward a recommendation of approval for a Rezone from PD (Planned Development) to R-2 (Residential - 2 du/acre) for 151.18 acres, located between 26 Road and 26 1/2 Road, south of H 3/4 Road and north of H Road with the findings of fact as listed in the staff report.”

Commissioner Wade seconded the motion. A vote was called and the motion passed by a vote of 5-1.

5. Zoning and Development Code Amendment--Cluster Development

FILE # ZCA-2018-183

Consider a request to amend Section 21.03.060 of the Zoning and Development Code addressing Cluster Development

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: City wide
Staff Presentation: Tamra Allen

Commissioner Teske rejoined the meeting.

Chairman Reece began the public hearing by asking if the required public notice was given pursuant to the City's noticing requirements. Ms. Alan replied that notice was published in the newspaper in accordance to the code.

Staff Presentation

Tamra Alan, Community Development Director, began her presentation by stating that this is a request to amend text concerning cluster development in the Zoning and Development Code.

Ms. Alan stated that the City would like to amend section 21.03.060 of the Zoning and Development Code, specifically the purpose, buffering and screening (formally landscaping) and site layout.

Ms. Alan reported that the Planning Commission has been actively discussing the cluster development regulations of the City's land use code since concerns were expressed about the regulations in hearings before the City Council in November.

The City has maintained a Cluster Development provision in its Zoning and Development Code since at least 2000 and multiple developments have utilized this provision with little to no issue in the past.

Ms. Alan displayed a PowerPoint slide listing the applicability of the Cluster Developments. Ms. Alan noted that they were usually in the lower end of the zoning districts such as R-R, R-E, R-1, R-2, R-4 and R-5. Ms. Alan explained that the maximum overall density of the zone district still applies, but the lot sizes can be reduced and the corresponding bulk standards applied. In addition, the bulk standards that are applied are determined based on a formula that gives proportional benefit to a project based upon the amount of open space that will be preserved.

Ms. Alan displayed a slide showing the original language of the "purpose" statement and then the revised expanded proposed language. The new language added is as follows:

- ~~a) To preserve environmentally sensitive areas, open space and agricultural lands, cluster development is encouraged.~~

(a) The purpose of Cluster Developments is to encourage the preservation of environmentally sensitive areas, open space and agricultural lands, while providing the ability to develop at a density range supported by the Comprehensive Plan and those densities that are consistent with the property's zoning designation

Ms. Alan's following slide displayed the revisions to the buffering section. The section was broken into three sections as displayed below:

- 21.03.060(i) Landscaping Buffering.
- ~~(1) The perimeter of a cluster development which abuts a right-of-way shall be buffered. If the cluster development has the same zoning as the adjacent property, a perimeter enclosure in accordance with GJMC 21.06.040 may be required and/or some other form of buffering to be determined to be necessary to buffer the developed portion of the cluster from adjoining development. All, or a portion of, the open space shall be located between the clustered development and adjoining development.~~
- (1) A perimeter enclosure in accordance with GJMC 21.06.040 may be required to create a visual barrier between the cluster development and adjoining development.
- (2) The perimeter of a cluster development that abuts a right of way shall provide a buffer. The type of buffer shall take in to account the future road classification, right of way width, and type of current and future development on adjacent properties.
- (3) The project landscaping and buffer design shall be established as part of any preliminary subdivision plan approval.

Ms. Alan stated that the last section added addresses how a site is laid out as follows:

- 21.03.060(c)(6) Where clustering is used in areas that are not otherwise limited by topography or other natural features, lots shall generally be organized where lots are located near adjacent developments with similarly sized lots or should be planned where open space, buffering and/or other tools such as building envelopes and setbacks can help minimize impacts on existing adjacent development.

Ms. Alan suggested that there are tools provided in that section that address concerns that were brought up in workshops as to the context of the site evaluation.

Staff finds that the proposed amendments to the Zoning and Development Code assist in meeting the policy intent and goals of the City regarding the application of the Cluster Development provision.

Staff recommends approval of the request for the text amendment to the Zoning and Development Code regarding Cluster Development finding that:

Staff finds that the proposed amendments to the Zoning and Development Code assist in meeting the policy intent and goals of the City regarding the application of the Cluster Development provision.

Public Comment

Robert Jones II, stated that the language in the last section on site layout is of a concern to him. Mr. Jones asked who decides on what areas are limited by topography or other natural features. Mr. Jones stated that the way it is worded is somewhat vague and may have detrimental impacts as to what you are trying to do with clustering which is preservation of environmentally sensitive areas. Mr. Jones asked the Commissioners that this particular provision get more time for study and/or discussed.

Virginia Brown, stated that she thinks Cluster Development is an important option and we should continue to do it. Ms. Brown was concerned that the language may not be specific enough, but she is in favor of Cluster Development.

Questions for Staff

Commissioner Rusche asked if he was correct in that this change will not affect the process in which people may or may not request, or may or may not receive decisions on clustering. Ms. Alan stated that his understanding was correct.

Commissioner Ehlers stated he was unable to attend a workshop on this, however he shares Mr. Jones's pause. He asked what they were trying to accomplish with the language "Where clustering is used in areas that are not otherwise limited by topography or other natural features, lots shall generally be organized where lots are located near adjacent developments with similarly sized lots". Ms. Alan replied that there was a concern about compatibility among the Commissioners. Compatibility on how clustered lots abut adjacent developments. In the case where there are adjacent developments, the hope is that you can steer/guide or position the smaller lots to areas where abutting smaller lots exist.

Commissioner Ehlers made a minor suggestion to the alter the language that could clarify the context of the amendment. Ms. Alan did not see harm in making that change. Chairman Reece felt that they had discussed the language in depth and that it reflects a consensus that they came to.

Commissioner Wade asked for the proposed changes that Commissioner Ehlers suggested. Commissioner Ehlers suggested the following language changed:

*"Where clustering is used in areas that are not otherwise limited by topography or other natural features, lots shall generally be organized where lots ~~are~~ located near adjacent developments **are designed** with similarly sized lots" ...*

MOTION: (Commissioner Wade) “Madam Chairman, on the Zoning and Development Code Amendments, ZCA-2018-183, I move that the Planning Commission forward a recommendation of approval based on the changes made to 21.03.060 (c)(6) by Commissioner Ehlers, finding that the amendments assist in providing consistency and clarity to the Zoning and Development Code”

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

4. Other Business

None

5. Adjournment

The meeting was adjourned at 9:40 PM.