

**GRAND JUNCTION PLANNING COMMISSION**  
**March 26, 2019 MINUTES**  
**6:10 p.m.**

The meeting of the Planning Commission was called to order at 6:10 p.m. by Chair Reece.

Those present were Planning Commissioners; Christian Reece, Bill Wade, George Gatseos, Kathy Deppe, Sam Susuras, Keith Ehlers and Andrew Teske.

Also present were Community Development Department - Tamra Allen, (Community Development Director), Kathy Portner (Community Services Manager) and Andrew Gingerich, (Associate Planner).

Deputy City Attorney Jamie Beard and Secretary Lydia Reynolds.

There were approximately 90 citizens in attendance during the meeting.

**1. Minutes of Previous Meetings**

The Planning Commission reviewed the meeting minutes from the February 26, 2019 meeting.

Chair Reece asked for a motion to approve the minutes. Commissioner Wade moved to approve the minutes. Commissioner Gatseos seconded the motion.

The motion passed unanimously by a vote of 7-0.

**2. Horizon Drive BID Trail Network Plan – CONTINUED TO THE April 23, 2019 Planning Commission Hearing FILE # CPA-2019-110**

Consider a request to amend the Comprehensive Plan to include the Horizon Drive Business Improvement District (BID) Trail Network Plan as part of the Grand Junction Circulation Plan.

This item was continued to April 23, 2019.

**3. Maverik Estates Zone of Annexation FILE# ANX-2019-37**

Consider a request to zone 17.71 +/- acres from County AFT (Agricultural, Forestry, Transitional) to a City R-4 (Residential - 4 du/ac) zone district in anticipation of future residential subdivision development.

**Staff Presentation**

Kathy Portner, (Community Services Manager) gave a PowerPoint presentation of the proposed zoning of the Maverick Estates annexation.

**Commissioner Questions**

Commissioner Wade asked if there was a requirement for public notice for inclusion in the Persigo 201 boundary. Ms. Portner explained the notice requirement, which had been met.

Commissioner Susuras asked what the cost of the new housing would be or if it would be low-income housing. Ms. Portner explained that this is a zone of annexation request and that information is not known at this stage.

### **Applicant Presentation**

Richard Livingston stated he was present to represent the applicant. Mr. Livingston stated that change occurs in communities and it is expected. Mr. Livingston added that the code and plans do not allow him to speak to the details of the proposed development, but he must address only the zone of annexation. Mr. Livingston stated that the next step would be to submit a subdivision application. Mr. Livingston stated that the requested R-4 is consistent with the future land use plans for Grand Junction.

### **Questions for Applicant**

Commissioner Gatseos asked if the applicant was aware of the opposition to this zone and if so, what have they done to address those concerns.

Mr. Livingston noted that they started with the appropriate zone district for that site. Mr. Livingston stated that the market will dictate development, so even if they get the zone district of R-4, the development may not happen.

### **Public Comment**

Bob Fuoco stated he was representing several neighbors. Mr. Fuoco presented slides of the site, housing types and Mr. Fuoco stated that they would like to see R-E or R-1 zoning for this site. Mr. Fuoco asked why the City doesn't wait until the new Master Plan is done.

Commissioner Wade noted that the Future Land Use Master Planning will take 18 months and development will not stop during that time.

Mr. Ross stated he was speaking as an educator, parent and represented a core group of neighbors and expressed concerns about the impact on the schools.

Commissioner Ehlers noted that saying no to everything will not work. Mr. Ross asked for 1 unit per acre.

Diane Gallegos stated she was representing about 12 neighbors. Ms. Gallegos stated that they do not want tract homes. Ms. Gallegos stated that the developer knew the neighborhood did not want R-4 and they want to see R-1. Ms. Gallegos noted that there had been instances in the area that were downzoned even though the Comprehensive Plan had shown more intense zoning.

Cynthia Komlo stated that she moved to Grand Junction in 1981 and that she enjoys the natural space in the area. Ms. Komlo asked if Maverick owns the entrance to the site and

addressed her concerns about traffic and emergency response times. Ms. Komlo stated she was speaking for three neighbors.

LaNona Wyatt stated that her property borders the site and she was representing a neighbor as well. Ms. Wyatt stated that if the area is built out as planned they would need more police and higher fences. Ms. Wyatt addressed concerns about irrigation water, buffering and the schools.

Jane White stated her family runs a small cattle ranch and has been there 51 years. Ms. White noted that there is not enough lighting, sidewalks or trails in the new subdivisions in the area. Ms. White stated that there is a lot of traffic off of 25 Rd. and between F and H Rds. headed to the desert and stated that she has concerns about the amount of people that recreate in the desert.

Patrick Page stated that he has concerns about the wildlife in the area. Dr. Page stated he grew up in downtown Grand Junction and now lives in the Appleton area. Dr. Page was concerned about the precedence that this density will set for the area.

Dave Zollner stated that the density does not fit the area. Mr. Zolner was concerned about the traffic capacity for the bridge.

Marcus Costopolous expressed concern about additional development that this may trigger and felt that the R-1 zoning would be more appropriate. Mr. Costopolous stated that in this day and age, public notification should be improved.

Jorden Leigh referred to the site map and pointed out a couple features that he felt was not correct.

Karen Keeter was concerned about the amount of traffic that this density will generate. Ms. Keeter stated that she grows hay and has animals and was concerned that new neighbors will complain.

Steve Hillard stated he moved here recently to enjoy a certain quality of life. Mr. Hillard stated he would like the project tabled until after the Comprehensive Plan is completed or see R-1 zoning density.

Glen Gallegos did not feel the project belongs at this location. Mr. Gallegos was concerned about government overreach.

Ron Abeloe stated that he supported the density and he understands that R-4 is a maximum and once streets and other features are laid out the density goes down. Mr. Abeloe has property that he plans to develop and wants to make sure his rights are protected as well. Mr. Abeloe noted that development needs to be thoughtful, however, more density is needed to urbanize the area.

Commissioner Gatseos asked if R-1 is not reasonable. Mr. Abeloe stated that more density is needed to make the necessary improvements.

Bret Pomrenke noted that he lives in the Appleton area and asked the Commission to recognize that the majority of the neighbors do not want an R-4 density.

Ms. Chizel was concerned about the schools, emergency services and the bridge.

Mr. Fuoco asked if Mr. Abeloe was a resident of the Appleton area as he claimed.

### **Applicant Rebuttal**

Mr. Livingston noted that North Ave. used to be the northern border. Over the years, properties changed from rural to urban and most likely neighbors were upset at the time. Mr. Livingston noted that the only thing constant is change.

### **Commissioner Discussion**

Commissioner Gatseos appealed to the public present to participate in the Comprehensive Planning process. Commissioner Gatseos reminded the audience that they are not the final say for the zoning, the City Council will decide.

Commissioner Deppe stated that she has been out to the site and does not feel that R-4 is appropriate. Commissioner Deppe felt there is a market for larger parcels and that she will be voting no tonight.

Commissioner Wade commented that there are school plans, infrastructure plans and other plans that are in place. Commissioner Wade reminded the audience that their duty is to make sure the criteria in the code is met and if it complies with the Comprehensive Plan. Commissioner Wade stated that he personally feels that this is not a good fit, however, it does comply with the evaluation criteria.

Commissioner Susuras stated that the proposed zoning meets the criteria and he will vote in favor of the project.

Commissioner Teske asked Commissioner Deppe why she would vote no if it meets the criteria. Commissioner Deppe stated that just because it looks one way on paper, does not make it right.

Commissioner Ehlers complimented the audience on their civility. He noted that there are constraints on many of the properties in the area to allow for the recommended density; however, he was concerned about urban sprawl and the costs of extending infrastructure. Commissioner Ehlers encouraged a diverse range of housing and stated that he looks at the whole city and if it is right for the community.

Chairman Reece stated that putting R-4 next to agriculture is not buffering. Chairman Reece stated that this is not feathering out as the Comprehensive Plan intended.

Chairman Reece stated that there are no balanced transportation systems in place other than having to drive on the rural road. Chairman Reece stated she is not in favor of this density.

Commissioner Ehlers asked Ms. Portner about the buffering. Ms. Portner responded that the Code provides for the consideration of buffering between different uses and densities through design, which might include varying lot sizes, as well as screening and buffering through the use of fencing and landscaping.

Chairman Reece stated that she did a Zillow search for ½ acre lots (with or without homes built) and there were none.

Commissioner Gatseos stated that he felt the item should go to a vote and send it on to City Council.

Commissioner Deppe stated that she is concerned with the criteria #2 that the services are not there as the staff report had indicated.

### **Motion and Vote**

Commissioner Ehlers made the following motion: Madam Chairman, on the Zone of Annexation for the Maverick Estates Annexation to R-4 (Residential – 4 du/ac), file number ANX-2019-37, 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 Susuras seconded the motion.

The motion carried by a vote of 5-2.

### **4. Corner Square Pod G ODP Amendment FILE #PLD-2019-84**

Consider a request to amend a Planned Development for Pod G of the Corner Square development to allow Group Living as a use, increase the maximum building size to 65,000 square feet and modify the phasing schedule.

### **Staff Presentation**

Ms. Portner presented the request. Commissioner Ehlers asked if the building increase was just for assisted living. Ms. Portner responded that it was.

### **Applicant Presentation**

Ted Ciavonne, representing the applicant, stated that this was a request to allow for an assisted living center that needs a larger footprint.

### **Public Comment**

Penny Frankhouser stated that nothing in this Planned Development has gone as planned. Ms. Frankhouser asked if this assisted living was market tested.

Commissioner Ehlers asked what she didn't like about the proposal. Ms. Frankhouser expressed concern about building without a plan and that other buildings have vacancies.

### **Applicant Response**

Mr. Ciavonne noted that the project started in 2007 and he is not aware of all the changes Ms. Frankhouser spoke of. Mr. Ciavonne feels the plan has followed the original plan over 12 years however there were some changes made due to the market.

### **Motion and Vote**

Commissioner Gatseos made the following motion: Madam Chairman, on the request to approve the request for a Planned Development ODP amendment as presented in file PLD-2019-84, I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report. Commissioner Susuras seconded the motion.

The motion passed unanimously by a vote of 7-0.

### **5. The Riverfront at Dos Rios Rezone to PD and ODP FILE #PLD-2019-115**

Consider a request to approve a rezone to Planned Development and an Outline Development Plan for the Riverfront at Dos Rios, located on the northeast bank of the Colorado River between Highway 50 and Hale Avenue.

### **Staff Presentation**

Ms. Portner presented the request.

### **Questions for Staff**

Chairman Reece noticed that some of the uses were somewhat intense and questioned if they were compatible. Ms. Portner stated that there are design standards required as well as a road separation.

### **Public Comments**

Jen Taylor expressed support for the development of this area and recognized the cultural and historic neighborhood.

### **Commissioner Discussion**

Commissioner Wade stated that the community would be more vibrant with this development.

Commissioner Gatseos noted that this is a perfect example of good development.

### **Motion and Vote**

Commissioner Wade made the following motion: Madam Chairman, on the Rezone to Planned Development (PD) with a BP (Business Park) default zone district and an Outline Development Plan for a mixed use development, file number PLD-2019-115, 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 Susuras seconded the motion.

The motion passed unanimously by a vote of 7-0.

#### **6. Halls Estates Filing 4 Rezone**

**FILE #RZN-2018-774**

Consider a request to rezone 5.12 acres from a City PD (Planned Development) zone district to a City R-12 (Residential - 12 DU/Acre) and a City R-16 (Residential - 16 DU/Acre) zone district.

#### **Staff Presentation**

Andrew Gingerich gave a PowerPoint presentation of the proposed rezone request.

#### **Applicant Presentation**

Jeffery Fleming stated he was representing the developer. Mr. Fleming gave a brief overview of the proposal.

#### **Questions for Staff**

Commissioner Wade asked about the comment regarding parking problems on F ¾. Mr. Gingerich stated he was made aware of it through the public comment.

#### **Motion and Vote**

Commissioner Deppe made the following motion: Madam Chairman, on the Rezone request RZN-2018-774, I move that the Planning Commission forward a recommendation of approval for the Rezone of Lot 113 of Brookwillow Village Filing III from an expired PD (Planned Development) zone district to an R-12 (Residential - 12 DU/Acre) zone district and an R-16 (Residential - 16 DU/Acre) zone district, with the findings of fact listed in the staff report. Commissioner Wade seconded the motion.

The motion passed unanimously by a vote of 7-0.

#### **7. Daughterly Easement Vacation**

**FILE #VAC-2019-88**

Consider a request to vacate a public easement, located at 2560 Corral Dr. which is no longer needed.

#### **Staff Presentation**

Andrew Gingerich presented the request.

#### **Questions for Staff**

Commissioner Gatseos asked about the 14-foot easement. Mr. Gingerich stated that was a city standard easement dedication.

#### **Motion and Vote**

Commissioner Gatseos made the following motion: Madam Chair, on the request to vacate a 10-foot wide public utility easement located on the property at 2560 Corral

Drive, file number VAC-2019-88, I move that the Planning Commission forward a recommendation of approval with the findings of fact listed in the staff report. Commissioner Susuras seconded the motion.

The motion passed unanimously by a vote of 7-0.

### **8. Impact Fees Text Amendment**

**FILE #ZCA-2019-116**

Consider a Request to Amendment the Zoning and Development Code concerning Infrastructure Standards, Transportation Capacity Payments Including Calculations Thereof, Credit and Approving Consumption-Based Calculation Methodologies.

### **Staff Presentation**

Trent Prall, Public Works Director, presented the request on behalf of the City. Ms. Allen noted that impact fees for other components such as parks, administration, etc. are being considered and are part of a pending consultant study. Ms. Allen stated that there has been public comment that requested that the item be tabled until the study of the other fees is completed.

### **Questions for Staff**

Commissioner Susuras asked if other fees were coming out. Mr. Prall stated that there is a June workshop that will address other fees. Commissioner Susuras asked if they considered a 4-year plan and why all the fees were not considered at the same time. Chairman Reece asked if a study was done to see if this increase will slow down development.

Commissioner Susuras asked if there was a review date as a result of this action to review to see if the city is losing construction business. Mr. Prall stated that it would be hard to separate the impact of one particular fee increase. Chairman Reece thought it was possible to use other communities that don't increase fees as benchmarks. Ms. Allen agreed with Mr. Prall that it would be difficult to compare to other communities.

Commissioner Ehlers asked if there were other options considered. Ms. Allen responded that the recommendations are based in a spirit of compromise. Ms. Allen stated that many options were considered.

Commissioner Gatseos asked how the roads would be affected if no increases were made. Mr. Prall explained the impact on the budget if no increases were made. Mr. Prall noted that the Riverside Parkway debt will be paid off in 2024 which was a major expansion project.

Commissioner Ehlers noted that road corridors have trails and other amenities that are costly.

### **Public Comments**

Rebekah Scarrow stated that the Grand Junction Chamber of Commerce was present earlier and she was representing them as well. They recommend that all the fees are

reviewed at the same time rather than this TCP fee now. Ms. Scarrow pointed out that the fees are not scheduled to increase until 2020, so waiting to review all the fees would be timely. Ms. Scarrow pointed out a few of the commercial fees that seemed extensive and the market will need time to absorb that.

Steve Voytilla stated that as a builder, he is not opposed to an increase, but he feels that it is fair not to raise the fees on projects in the works. The cost analysis was done with the expectation of certain fees.

Commissioner Teske asked if the “fee locking” feature was what he had a concern about. Mr. Voytilla stated that he anticipated a certain amount of fees as he entered the project and he feels it is fair to allow those projects to be completed with the old schedule.

Kelly Maves stated she and her husband are both in the development business. Ms. Maves stated that there is already an affordability issue with the local wages and housing prices. Appraisals will not support this increase.

Shawna Grieger stated she is the Executive Director of the Western Colorado Contractors Association. Ms. Grieger asked the Commission to realize that the fees need to be looked at comprehensively. She would like to see a community task force to study the fees.

Commissioner Ehlers asked Ms. Grieger what she thinks the solution is. Ms. Grieger stated that the contractor would like to see an economy of scale. Commissioner Ehlers asked Ms. Grieger to provide that information. Ms. Grieger said she could provide some information however many contractors don't have the time to work on this and tax dollars support studies like this. Ms. Grieger asked for a minimum of a 4-year lead for increases.

Kevin Bray noted that he participated in a round table discussion and he sees the value of the increase, however there are benchmarks that projects have that need to be considered. Developers look for predictability in growth.

Michael Maves stated he agreed with Mr. Bray. Mr. Maves gave an overview of non-fee increases he is faced with that adds up to \$20,000 on a \$400,000 home. Mr. Maves stated that they are bumping up against appraisals.

Ron Abeloe reminded the Commission that the City takes 10% off the top. Mr. Abeloe stated that he develops entry level housing and the fees are a large line item in his budget. Mr. Abeloe would like to see a task force of industry professionals to evaluate the fee structure. Mr. Abeloe pointed out that affordable housing is important to a lot of people and maybe more important than some of the transportation improvements.

Jeffery Fleming gave an overview of all the fees that are required.

### **Commissioner Discussion**

Commissioner Gatseos recommended that the item be tabled or go back to the drawing board. Chairman Reece said she has professional experience with the fees at a state

level and that a statewide solution for transportation needs to be part of the consideration. Commissioner Wade agreed that it would be best to table the item. Commissioner Deppe stated that she has been involved in the development of 10 neighborhoods and expressed concern about having standing housing stock because of the costs. Commissioner Deppe commented that the item should be tabled.

### **Motion and Vote**

Commissioner Wade made a motion to remand the item back to staff for additional information. Commissioner Susuras seconded the motion.

The motion passed unanimously by a vote of 7-0.

### **Item 9. Other Business**

There was no other business.

### **Adjournment**

The meeting was adjourned at 11:13 p.m.