

Grand County Planning Commission Minutes

October 12, 2005

A regular meeting of the Grand County Planning Commission convened on the above date at 6:00 PM in the Council Chambers of the Grand County Courthouse.

Members Present: Chair D.L. Taylor, Marcus LaFrance, Dave Cozzens, Tom Shellenberger, Charley Every, and Susie Harrington.

County liaison - Judy Carmichael.

Others Present: Mary Hofhine and other concerned citizens.

The meeting was called to order at 6:00 PM by the Chairman, D.L. Taylor.

Approval of minutes: Dave Cozzens asked that his comment not allowing density calculations on slopes of 30% as discriminatory on the part of the County be included as his comment in the September 12th minutes. Marcus LaFrance moved to approve the September 12th minutes with Dave Cozzens addition, Dave Cozzens seconded and all voted in favor.

Public Hearing – For the record the Grand County Land Use Code and General Plan as amended to date are referenced.

This is the second time this applicant has been submitted to the Commission, there have been some land use changes and warrants a revisit of the application. This application is submitted by Gary & Jill Jacobson, and on behalf of Skip and Frankie Nightingale, Richard and Sharon McElhaney (Applicants). The subject property consists of approximately 32.4 acres, located between Highway 191 and Spanish Valley Drive. The application seeks to rezone that portion of the property currently zoned GB and RR district to MFR and HC district.

The application was tabled on March 9th, 2005 until a revision to the zone district and or area plan was established. The Council signed the revised MFR, multi-family residential zone district ordinance at the September 6th Council meeting.

The subject property currently has the following;

The McKnight Subdivision has approximately 26 acres and 15 tracts the applicant is proposing to rezone 9 lots in the current subdivision to MFR, Multi-family Residential, the 2 lots that front on Highway 191 to HC, Highway Commercial and the other 4 lots will remain GB.

Lots # 21, 22, are approximately 5 acres and currently zoned GB, General Business and the proposal is to rezone to HC, Highway Commercial.

Lot 22.1 is approximately 1 acre and zoned RR with an attached commercial building. The proposal is to rezone it to HC in order to bring it in to compliance.

The McKnight Subdivision was approved in 1980 and only 5 tracts have sold. The following businesses have constructed businesses; Synergy, the Federal Building, Sheri Griffith River Expeditions, Wink Eyewear and Bob Hawks Sanitation and those tracts will remain in the GB District.

Lots 21 and 22 front on Highway 191 and are currently zoned GB, lot 21.1 is currently zoned RR, Rural Residential and has a commercial building on it.

In making its determination, the Land Use Code requires that the Planning Commission and the County Council shall consider the recommendation of the Planning Commission, staff reports, and the written and oral testimony presented, and the criteria in Sec. 6.2.6.

Water and sewer service is to be provided by the Grand Water and Sewer Service Agency.

There is existing access from Highway 191 through to Spanish Valley Drive, but for the most part the internal roads are unfinished. Tracts BCF and D, Lots 21, 22, and 22.1 all have frontage on Highway 191. Drainage will need to be addressed at building permit; the LUC requires development of 5,000 square foot of impervious area provide a drainage plan.

Properties to the north are GB, General Business and south are zoned HC, Highway Commercial. Properties to the east is zoned LLR, Large Lot Residential. There are a number of uses allowed in the GB district that are not desirable adjacent to single-family dwellings and residential neighborhoods.

Grand County currently has an abundance of HC, Highway Commercial zoning. There are large, undeveloped areas of HC district zoning along both sides of Highway 191 South between City limits and Spanish Trail Road..

A more appropriate zoning for the subject property would be the MFR, Multi-family District, as the MFR district would serve as a "transition" between the HC district and the adjacent residential neighborhoods. Multi-family uses would be more compatibility with the LLR district uses than would the GB district uses.

It was asked why the commercial changes in the area, the applicant explained that they would like to make the zoning compliant with existing businesses and the highway section consistent with current zoning in the area.

The Chair opened the hearing for public comment.

Mike Jackson owner of Zeal Optics asked about the impact of residential properties in the existing commercial area and security of the business. They have a warehouse, office, and caretaker's residence on the property. When the property was purchased for Zeal Optic they purchased with the knowledge that it would stay commercial, they are not opposed to the rezoning they were just curious about the proposed rezone. Residential zoning brings with it impacts of increase traffic, children, and security. Also acknowledged was the email received from Mindy Cassingham an employee of Zeal Optic.

The public hearing was closed. Susie Harrington asked that the applicant respond to the concerns of Mr. Jackson. Gary Jacobson explained that they are looking at multi-family housing, but haven't actually decided on anything specific. The Commission discussed the impacts of multi-family housing and the current commercial properties. At the time the Commission reviews the development plans many of the issues will be discussed and

Susie Harrington stated that although the MFR zone district change has gone through she's not any more comfortable with the rezone and second homes as a good choice, it does not protect rural character, or business, except during construction and sales, I'm opposed to it in terms of it not meeting the terms of the General Plan.

The Chair called for a motion.

Marcus LaFrance moved to send to the Council with a favorable recommendation for rezoning lots 21 and 22 to HC, lot 22.1 HC, Tracts BCF&D within the McKnight subdivision to CH, and 26.5 acres of the McKnight Subdivision to MFR 8, the rezone meets the criteria for rezoning including the general plan requirements. Dave Cozzens seconded, Charley Every, Marcus LaFrance, D.L. Taylor, Dave Cozzens, and Tom Shellenberger voted aye, Susie Harrington abstained.

Susie has concerns that we are approving residential motels and whether it is appropriate in the Valley, and where is the affordable housing element to the developments.

Sketch Plan for Estados Puentes Subdivision, Applicant is Ed Bridges - This application is submitted by Ed Bridges (Applicant), as a Sketch Plan. The subject property consists of approximately 6.32 acres on located on the corner of Spanish Valley Drive and Spanish Trail Road and is zoned RR, Rural Residential.

The Applicant proposes to develop the property with a total of 5 lots, each for single-family use, the lots range from 1.05 acres to 1.53 acres; the largest lot is currently fully developed with a house and accessory structures, a septic and well.

The RR district is a mandatory PUD district, and PUD is required unless the Planning Commission approves a PUD waive, which the applicant is requesting of the Planning Commission based on the allowance in the Land Use Code.

The terrain of the property is relatively level and the site does not (currently) include any cultivated agricultural, public drinking water supply watersheds; floodplains and riparian habitats; slopes in excess of 30 percent; significant geological, biological, and archeological sites.

At preliminary plat the applicant will need to provide a preliminary drainage plan.

Access to lot (1) one will be from Spanish Trail Road, Lot (4) four will be from Spanish Valley Drive, lot 2,3, and 5 will be from a private access easement accessing off of Spanish Trail Road. The private access shall meet all requirements of the LUC, Sec. 5.3.

Water and Sewer will be provided by Grand Water and Sewer Service Agency if this subdivision is approved by Grand County.

Power will be provided by UP&L, a letter has been provided stating they will provide power we will need a letter stating they are in conformance with easements needed for utilities.

Fire hydrants will be placed per directions of the Fire Chief; the Fire Chief has not provided a letter of acceptance.

Sketch plan submittal requirements from Land Use Code, Sec. 6.3, include: *(staff remarks in italics)*

Applicants shall provide 14 copies (neatly folded and ready for mailing) of the Subdivision Sketch Plan application submittal. The subdivision sketch plan shall include conceptual plans for the entire parcel. Such plan shall be accompanied by or show the following information:

- A. A preliminary title report from a licensed title company or attorney listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property. *(provided)*
- B. Conceptual drawing of the lot and street layout drawn at a scale of not less than 1 inch = 200 feet and including the following: *(provided)*
 1. Proposed number of lots and the approximate area of the individual lots; *(provided)*
 2. Topographic contours at 5 foot intervals and all easements or right-of-way necessary for drainage within or without the boundaries of the subdivision; *(provided)*
 3. Significant natural features of the site including streams, lakes, natural drainage lines, vegetation type, and other similar features; *(shown)*
 4. Man-made features such as existing buildings, irrigation ditches, utility lines and easements, bridges, culverts, drainage systems, mines or mine dumps; *(shown)*
 5. Zone district boundaries; *(not provided)*
 6. General land use divisions into residential types, commercial, industrial, community facilities, and open space including proposed boundaries of public use or common areas; parking area, total number of dwelling units and total square footage of non-residential space; *(staff assumes the applicant will ask to waive the PUD requirement)*
- C. Type and layout of water supply and sewage treatment system proposed; *(provided)*
- D. Acreage of the entire tract and the area to the nearest one-half acres and percent of total area to be devoted to open space; *(not provided)*
- E. The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions in sufficient detail to show actually the existing streets and alleys and other features that may influence the layout and development of the proposed subdivisions. Where adjacent land is not subdivided, the name of the owner of the adjacent tract shall be shown; *(provided)*
- F. A vicinity-topography map (which may be a USGS one (1) inch equals 2000 feet scale) shall locate the property relative to surrounding areas; *(provided)*
- G. A filing fee shall be submitted to cover the cost of review and processing with every subdivision sketch plan in accordance with the fee schedule adopted by resolution of the County Council. *(not provided)*

The Commission made the following comments and concerns;

- The private access easement will need to meet the Fire Department standards,
- The existing residence will need to hook up to the sewer do to a shallow water table.
- The Preliminary Plat submittal shall include all submittal requirements listed in Sec. 6.4.2 of the Grand County Land Use Code, including but not limited to;
 - a. Fully dimensioned roads;
 - b. Type and layout of public utilities, with signatures from utility companies stating that they accept the

easements on the plat;

c. A letter of commitment for sewer & water service from GWSSA for all the lots in the subdivision, including the needed easements on the plat;

d. Engineered preliminary drainage report; and

e. Written service commitment for all other utilities.

Marcus LaFrance moved to approve the sketch plan for Estados Puentes as submitted including the commission concerns, Dave Cozzens seconded and all voted in favor.

Lopez Minor Subdivision, This application is submitted by, Tina Lopes (Applicant). The Applicant is requesting approval of a 2-lot minor subdivision, pursuant to the *Grand County Land Use Code*, Sec. 6.9, Minor Subdivisions. The subject property includes about 1.23 acres and is located at 1452 Rocky Road. The lots are proposed as follows; Lot 1 contains 0.57 acre, and Lot 2 contains 0.53 acre.

The subject property is zoned LLR, Large Lot Residential, which has a minimum lot area of .50 of an acre and a minimum lot width of 100 feet. Minimum side setbacks are 15 feet. Both lots are already improved with single family dwellings. Conformance with the required setbacks is illustrated. The lots as drawn do not meet the definition of a zoning lot unless the Commission allows the flag shape lot allowance for lot 2.

Tom Shellenberger moved to approve the minor subdivision, Susie Harrington seconded, Charley Every asked if the plat notes should be a part of the motion, Tom Shellenberger amended the motion to include the drainage plat note and letters of commitment for all utilities the notice of easements, Susie Harrington seconded and all voted in favor.

Worksession

Mr. Fryer explained his plans for Red Cliff Lodge and why he needs more signage and lighting. They have expanded the horse training and boarding. He needs signs to let the traveling public know what is available on the property including horse rides, winery, restaurant, lodging, bike shop and repair, river rafting, temporary signs for special events, and the conference center. Signs are all at the entrance and are built out of wood and made to look rustic.

Susie Harrington brought in information regarding other jurisdiction's signage for wineries. Most signs requirement is for 35 square feet.

Charlie Every read from 4.5.3 signs in the agricultural area are exempt if advertising an agricultural use, specifically the Winery, but there are limitations.

Marcus LaFrance stated that it does not apply because Colin Fryer is a PUD, Destination Resort and there are two in the river corridor. The controlling document is the River Corridor Plan and the resolutions allowing the Redcliff Lodge PUD. A PUD is essentially a rezoning and the signage was a stipulation in your resolution as well as Sorrell River and the signage was the same. The Commission needs to read the River Corridor plan for guidance on what we are allowed to do.

To discuss the PUD Amendment for Redcliff Lodge it would need to go through the proper process, which is a public hearing needs to procedure.

The Commission discussed the need for Mr. Fryer to come into compliance with lighting and signage before any other building permits can be issued.

Mr. Fryer was advised to apply for an amendment to his PUD and go through the public process.

Adjournment: D.L. Taylor adjourned the meeting at 8:30 p.m.