

# RECORD OF PROCEEDINGS

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*Regular Planning Commission meeting– July 10, 2023*

The meeting of the Town of Meeker Planning Commission was called to order by Commissioner Joy at 7:01 p.m.

## **Pledge of Allegiance**

Commissioners Present: Greg Hanberg

Leif Joy

Michele Morgan

Staff Present:

Carly Thomson, Community Development/Planner

Mandi Etheridge, Town Administrator

Citizens Present:

Justin Grant, applicant

Stephanie and Lee Overton, applicants

Betty Kracht, applicants' agent

Amanda Smith

Paula Pfister

John Strate

Trudy Burri

Kay and Doug Weeldreyer

Dan Chinn

Dave and Jeni Morlan

## **Approval of Agenda**

Motion to approve agenda made by Commissioner Hanberg, second by Commissioner Morgan. All ayes, motion carried.

## **Approval of Minutes**

Motion to approve the minutes from the June 26, 2023 Planning Commission meeting made by Commissioner Morgan, second by Commissioner Hanberg. All ayes, motion carried.

## **Public Participation**

No public participation.

## **Public Hearing**

Commissioner Joy opened the public hearing at 7:03 p.m. for the consideration of a resubdivision request for lots 235 through 259 in the Sanderson Hills Subdivision.

Planner Thomson stated that prior to presenting the application she would like to open the public hearing by allowing any Planning Commission member to disclose any ex parte communication or other disclosures. Commissioner Hanberg disclosed that he resides at 1368 Juniper Road, that he did receive notice of the application, that he does not have any financial interest, and that he can be fair and impartial in the public hearing.

Planner Thomson then thanked applicants Justin Grant and Stephanie and Lee Overton, along with Betty Kracht, their authorized agent on this application for attending tonight's public hearing and being part of the public process.

## **Application and Site Information**

For the Grant/Overton Resubdivision application, the applicants have requested to resubdivide their adjacent properties located in the north Sanderson Hills Subdivision. The current plat contains 25 single family lots, the cul-de-sacs Russel Circle and Walbridge Circle and the street Sherry Street, of which none of this has been developed. The applicants propose to vacate the cul-de-sacs, maintain Sherry Street, and replat the subject property into 8 single family lots. The subject property is located south of the Sage Hill neighborhood and north of the

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Sanderson Hills neighborhood. To the east and west is vacant land owned by two separate individual parties. As of the most recent updated zoning map the subject property along with all the adjacent property is zoned Single Family Residential. The subject property was originally platted in 1978 as part of the Sanderson Hills Subdivision and was not included in the Sanderson Hills Resubdivision in 2006.

## **Analysis of the Municipal Code and Comprehensive Plan**

Included in the staff report is a summary of how the proposal does and does not align with Meeker Municipal Code and the Comprehensive Master Plan.

The general review criteria for resubdivision is referenced in section 17.1.109(b). For review criteria 17.1.109(b): 1, 3 through 7, and 9 through 12 it is staff finding that the proposal does meet these requirements. For items 17.1.109(b) 2 and 8 it is staff's finding that it does not align with these requirements. Review criteria #2 states that existing storm water drainage systems may be utilized and new storm water drainage infrastructure may not be required; Town of Meeker Public Works indicated that storm water drainage does exist along Robert Street connecting storm water drainage from Sage Hills Subdivision to Sanderson Hills Subdivision. The proposal should address connecting to existing storm water infrastructure through means of a professional engineer at a time that it becomes necessary. Review criteria # 8 states the proposal generally maintains the character of the original plat. Staff comment: while the proposal will maintain single family residential lots it varies from the original plat in the number of lots and size of the lots. The original plat contains 25 lots while the proposal will reduce this to 8.

As for the alignment to the Comprehensive Master Plan there are various goals in the areas of Growth, Planning and Design and Housing where this proposal is in conflict with that document. Specifically due to the fact that the proposal does not support growth, does not prioritize infill development nor makes an effort to address any local housing needs. The project does support goals in transportation and mobility because interconnected streets are included in the proposal.

## **Other Information**

The proposal as presented discourages development at a density that is consistent with surrounding neighborhoods. This graphic is included in the staff report but also presented here for the public record. For future planning and development, density should be a consideration. As the number of lots decrease the cost burden to the town and other special districts to provide services such as water, street maintenance, snowplowing and sewer increases per lot. While the applicants have stated that "no improvements are being proposed," this is a factor for future long-range planning.

The applicants have expressed interest in fencing lots together that are separated by Sherry Street. Town Code prohibits the vacation of Sherry Street as it is a through street, and Town Attorney Massih has advised against placing any obstructions within this area, as this street has been dedicated to the Town via a recorded plat and is Town property. C.R.S. § 31-23-107 states "Public property dedicated. All streets, parks, and other places designated or described as for public use on the map or plat of any city or town or of any addition made to such city or town are public property and the fee title thereto vested in such city or town."

Adjoining landowners to the east and west have also participated in discussion regarding options for their land including the process to vacate.

Notice of the application has been provided to mineral estate owners, neighboring landowners within 300 feet, public notification at the property and public notification in the Rio Blanco Herald Times. Since receiving the application and providing public notice staff has received the following public comments:

<u>1</u>	Negative/Against Comments
<u>0</u>	Positive/In Favor Comments
<u>6</u>	General Inquires

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There have been no written public comments received for this application.

Given the information provided from the application, analysis of the municipal code and comprehensive plan, input from referral and public notification, and assistance from Community Planning Strategies and Town Attorney Massih, staff recommends the following options:

1. Table the decision and direct staff to work with adjoining landowners to achieve a more comprehensive and viable municipal plan with the guidance of Community Planning Strategies.
2. Approve a modified plan with the following recommendations:
  - a. Proposed Lot 1 and Lot 2 are accepted as is; and
  - b. Proposed Lots 3 through 8 are either (see diagram on page 3 for illustrative purposes only);
    - i. Proposed Lot 3 and 4 are reclassified as "Parcel A" and Lot 5, 6, 7 and 8 are reclassified as "Parcel B", This will allow for development of lots on said parcels based on the needs and vision of the community at the time of development; or
    - ii. Proposed Lots 3 through 4 remain as currently platted and Lots 5 through 8 are reconfigured to maintain the same number of existing lots (may or may not include the vacate of Walbridge Drive).
  - c. Applicants sign a Development Agreement (produced with Town Attorney Massih and TJ Dlubac of Community Planning Strategies) in place of a Subdivision Improvement Agreement, in exchange the Town of Meeker will:
    - i. Allow the construction of one (1) accessory structure on the property prior to the construction of a primary structure.
  - d. Applicants obtain access easement through their primary lots to access their proposed lots.

In conclusion, staff recommendation is based on achieving balance between the goals and desires of the applicants and responsibility of government to oversee the long-range vision for the community through development opportunities and providing effective and efficient services.

Commissioner Joy invited the applicants to comment. Grant clarified the boundaries of ownership of the lots and stated his support for the first recommendation. Applicants shared their plans for the use of lots 1 & 2 with Overton stating he would like to add a garage, and Grant stating he would like to add a barn. Joy clarified that applicants wanted to consolidate lots 1 & 2 into their primary residence lots in Sage Hills and Planner Thomson shared that Attorney Massih is working to find out how to consolidate lots from two different subdivisions. Joy asked if the Home Owners' Covenants would still apply and there was discussion as to whether that was the case.

Paula Pfister at 1361 Robert Street shared her concerns about roads, specifically the proposal of Robert Street that connects Sage Hills and Sanderson. Pfister asked whether that road would ever be built and who would be responsible for maintaining that road. Another concern is for the state of the current Robert Street with excess mud coming from the temporary access to the applicants' property. Pfister's last concern was regarding snow removal at the end of Robert Street and how or whether that would change from previous years.

Grant explained that the dirt work on his property is over and that it did draw mud/dirt onto the Town street. Pfister asked about whether utilities would be installed and whether the neighborhood would be maintained. Grant shared that Robert Street was town property and if developed, would be maintained by the Town. At the question of land use, Planner Thomson clarified that the property is currently not zoned for commercial use but that if there were an application, a full public process would follow. Without a complete road and infrastructure there is no option for any building. Thomson also clarified that the owner and/or developer is responsible for putting in infrastructure so any road improvement would fall to the landowner, further clarifying that Robert Street responsibility would be on Grant and also adjoining property owner (Weeldreyer).

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Kay Weeldreyer asked about access to the property and Grant clarified that his purpose for purchase of the property was to keep it undeveloped. There was some discussion regarding the development of Robert Street, and Grant explained that the temporary access point to his property would still be used but would be cleaned up to accommodate the neighborhood. Commissioner Joy asked about the issue with snow plowing and confirmed that the Town would work with the neighborhood to make sure it would not become a problem.

Dan Chinn at 1330 Sage Ridge Road asked about Sanderson Hills covenants and whether they would still apply. Chinn then asked about how a lot consolidation/boundary adjustment would work between two separate subdivisions. Planner Thomson stated that Attorney Massih is currently reviewing the covenants of each subdivision in order to clarify the next steps. Chinn shared an additional concern regarding water pressure and whether development could sustain or would require new infrastructure, and Thomson clarified that the responsibility would be on the developer to ensure properly engineered and installed utility infrastructure.

Regarding covenants, Thomson shared that the last adopted covenants for Sage Hills subdivision was recorded in 1998 and state that “they renew every 10 years unless they are voted out” and the interpretation is that the covenants have not been voted out and are therefore still in effect. There are some potential conflicts between the applicants’ proposed use for the resubdivision and the covenants, however any conflict with covenants would be a civil matter, not a land use code matter. Thomson clarified that the municipal code allows 2 livestock animals per lot, while Sage Hills covenants do not allow any. Chinn expressed concern for livestock on unirrigated land and Grant clarified he is thinking of building not so much a barn as a shop for storage. Overton asked whether his primary lot could be consolidated into Sanderson subdivision to avoid covenants, and Thomson then suggested allowing for an access easement in order to avoid consolidating lots and then using a Development Agreement to allow for a secondary structure to be built.

Planner Thomson went on to explain that while the proposed Development Agreement would create a variation from the Land Use Code, it was part of tonight’s public hearing process as a potential option for moving forward and was recommended by staff to maintain a balance between the applicants’ desires for their property and long range planning for the Town.

John Strate at 1316 Sage Ridge Road shared his concerns about property values in Sage Hills and the maintenance of the character of the neighborhood and keeping with the covenants. He also shared his concern for how limited public access to the property could affect its future value. Grant restated that the ideal scenario was to “go back to the drawing board” with adjoining property owners to vacate Sherry Street and create “something that actually works”.

Betty Kracht, applicants’ agent, commented that covenants only work if they are able to be enforced, which was followed by discussion regarding whether there was an active HOA in Sage Hills, the Sage Hills covenants, and whether they could be enforced.

Trudy Burri at 1153 Mimi Circle asked applicants about their intentions for the property and long-term plan; response is just to not have any development in their back yard. Burri has no objection to the specific proposal but does have a concern about the reduction of potential housing opportunities for the sake of economic development and growth in Meeker. Also, the dirt movement has stopped the illegal use of OHV/motorized use on that land, which is good.

Commissioner Joy thanked the public for being present and offered an opportunity for any additional comments from the applicants, and there were none.

With no further questions or comments, Commissioner Joy closed the public hearing at 7:43 p.m. and asked for comments from the Commission. Commissioner Hanberg said the discussion was important to get questions answered and have everyone on the same page. Commissioner Morgan stated that there seems to still be some

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questions about next steps so it might be best to table discussion. Hanberg followed up with whether all landowner parties should be involved in the discussion; Joy stated that it would fall back onto Town staff to include all parties moving forward. Joy asked what would trigger infrastructure improvement and Planner Thomson responded that the proposed Development Agreement would include triggers, for example the sale of a lot. Joy then asked for clarification on whether secondary structures would be considered development, thus requiring infrastructure improvements and Thomson stated that the proposed Development Agreement would clarify when infrastructure improvements would become required.

Joy commended the applicants for trying to enhance the property but emphasized that for the sake of community there needs to be clarification regarding what the requirements are for development. Joy continued that the Town needs to be equitable and consistent with development requirements and there should be infrastructure improvements if there is to be any development. Joy then suggested that there should be more clarification regarding the staff report statement "at the time it becomes necessary". Joy also confirmed that the zoning for the proposed resubdivision does not allow for any improvements other than a single-family residence which leaves the Planning Commission in a position to make an exception to the rule to what benefit? Planner Thomson stated that the recommendation would help maintain a balance between the applicants' goals with some acceptable future long-range planning for the Town; adding that while the proposed resubdivision does not support housing development or growth, the accommodation would help balance the density question for future use by creating parcels instead of lots to make it more flexible for future development. Commissioner Joy stated that the term "parcel" may not be applicable given subdivision definitions. Joy continued that a Subdivision Improvements Agreement should come back through Commission to allow comment prior to approval. Additionally, Joy felt that the issue of snow removal can easily be addressed through the Town, and that the applicants were well aware of keeping Robert Street clean.

Commissioner Joy asked for a motion; a motion to table the decision was made by Commissioner Hanberg, second by Commissioner Morgan. Overton asked about the timeline, stating that time was of the essence. Planner Thomson asked for clarification about the motion and confirmed that staff was being directed to work with other landowners and come back with more information, using the Planning Consultant (CPS) for objective assistance. Grant asked about how to move forward in the case that the neighboring landowners don't want to cooperate, with discussion regarding how to move forward and when. Commissioner Morgan asked whether the Planning Commission could be invited to future landowner discussion. Further discussion continued regarding intent of the property, the need for delineating lot vs. parcel, and access to proposed lots. The suggestion was made to hold a public meeting to discuss the project with all landowners.


Motion on the table to direct staff to work with landowners and CPS and to reconvene at a Planning Commission meeting on August 7<sup>th</sup>. All ayes, motion carries.

Planner Thomson shared with the Commission that a Housing Needs Assessment workshop would be held on July 20<sup>th</sup> at 5:00 pm with an invitation to come; the next PC meeting is on Monday, July 24<sup>th</sup>.

With nothing further, Commissioner Joy adjourned the meeting at 8:05 p.m.

  
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Leif Joy, Chairman

Attest:

  
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Mandi Etheridge, Town Administrator