

**GRAND JUNCTION PLANNING COMMISSION  
JULY 11, 2006 MINUTES  
7:00 PM to 8:00 PM**

The regularly scheduled Planning Commission hearing was called to order at 7:00 PM by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Roland Cole, Lynn Pavelka-Zarlesh, Tom Lowrey, Bill Pitts, William Putnam, Ken Sublett (2<sup>nd</sup> Alternative), and William Putnam. Patrick Carlow and Reggie Wall were absent.

In attendance, representing the City's Community Development Department, were Sheryl Trent (Assistant to the City Manager), Kristen Ashbeck (Planner), Lori Bowers (Planner), and Senta Costello (Planner).

Also present was Jamie Kreiling (Assistant City Attorney), and Rick Dorris (Development Engineer).

Cherry Robinson was present to record the minutes.

There were 10 interested citizens present during the course of the hearing.

**I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**II. APPROVAL OF MINUTES**

Available for consideration were the minutes of the June 13, 2006 public hearing.

**MOTION: Chairman Dibble moved to approve the June 13, 2006 minutes.**

Commissioner Pitts seconded the motion. A vote was called, and the motion passed by a vote of 6-0, with Commissioner Putnam abstaining.

**III. CONSENT AGENDA**

Available for consideration were items:

1. PP-2005-151 (Preliminary Plan — Water's Edge Subdivision)
2. ANX-2006-139 (Zone of Annexation — Schroeder Annexation)

Chairman Dibble introduced the Consent Agenda. The Consent Agenda are items that are perceived to be non-controversial in nature and meet all the requirements in the codes and regulations, and the Applicant has acknowledged complete agreement with the recommended conditions. The Consent Agenda will be acted upon on one motion. We have two items this

evening. The Applicant, the public, and Staff can request an item be removed from the Consent Agenda if it will heard this evening as a full agenda item, and items removed from the Consent Agenda will be reviewed and be eligible for a full hearing or a rehearing.

PP-2005-151 — Water’s Edge Subdivision — Request approval of a preliminary plan to develop 48 residential condominium units on 6 acres in an RMF-8 (Residential Multi-Family, 8 units per acres zone district.)

ANX-2006-139 — Zone of Annexation — Schroeder Annexation — Request approval to zone first zone 1.52 acres from County RSF-4 to City RSF-4, and secondly to split the parcel into two single-family lots.

Chairman Dibble asked the public and staff members if they would like any of the Consent Agenda items pulled for a full hearing; there were no comments from the public or staff members; therefore, Chairman Dibble entertained a motion to receive the Consent Agenda:

**MOTION: (Commission Cole) “Mr. Chairman, I move to receive the Consent Agenda as presented.”**

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

#### **IV. FULL HEARING**

Chairman Pitts introduced the Public Hearing items and stated the Planning Commission would either make the final decision or a recommendation to City Council. If the public has an interest in the Full Hearing item, or wish to appeal an action taken by the Planning Commission, they are to call the Community Development Department or locate a staff member after the meeting to inquire about City Council scheduling.

**ANX-2006-105 (Request for a Rehearing — Zone of Annexation — Hamilton Annexation)  
Request approval for a rehearing to zone 8.1 acres from a County RSF-R  
(Residential Single Family Rural) to a City RMF-8 (Residential Multi-Family-8  
units per acre) zone district.**

**PETITIONER: Jenette Traynor  
LOCATION: 3124 D Road  
STAFF: Senta Costello**

**ANX-2006-105 (Rehearing for Zone of Annexation — Hamilton Annexation)  
Request approval to zone 8.1 acres from a County RSF-R  
(Residential Single Family Rural) to a City RMF-5 (Residential Multi-Family-5  
units per acre) zone district.**

**PETITIONER: Jenette Traynor  
LOCATION: 3124 D Road  
STAFF: Senta Costello**

Chairman Dibble entertained a motion for a rehearing regarding the above.

Commissioner Cole asked if hearing items had been advertised for the hearing tonight. If was his recollection there were a quite a few of the neighbors at the last hearing, and they left with the feeling the Planning Commission had recommended the actions of that night. Did the neighbors have an opportunity to appear at the rehearing.

Chairman Dibble answered perhaps prudence would rule. If there is not a motion and a second, it fails rehearing. The rehearing is based on the fact that we are hearing some new evidence. Sheryl Trent answered it was advertised in anticipation of the rehearing and the appropriate notices were set forth.

Chairman Dibble entertained a motion for a rehearing.

**MOTION: (Commissioner Lowrey) “I move we have a rehearing on ANX-2006-105, Hamilton Annexation.”**

The motion was seconded by Commissioner Pitts.

Commissioner Cole spoke against the motion as there was a considerable amount of discussion on the night of the hearing. He had looked at the RMF-5, and with the testimony that was given that evening, he felt the Commission acted properly in rezoning it to RMF-4.

Commissioner Pitts also spoke against the motion. He was clear with the facts that were presented, so he would not be in favor of the rehearing.

Commissioner Lowrey agreed with Commissioners Cole and Pitts, but procedurally since the RMF-5 request was not before the Commission—technically we did not rule on it—and it should be ruled on by the Planning Commission before it goes to City Council, otherwise we leave a vacuum as to the RMF-5. It is more a procedural technicality to consider the RMF-5, and then when it goes to Council, there is thorough record.

Commissioner Pitt conceded in favor of rehearing.

Commissioner Cole stated he was still in opposition. At the previous hearing the Commission had the choice of zoning what was requested or a lesser zone, and the Commission chose to rezone to RMF-4 and given the testimony that was given that night, even though the request was for 8, we chose to rezone to 4.

Chairman Dibble called for a vote on the motion as presented and seconded. The vote was 6 in favor and 1 opposed by Commissioner Cole.

## **STAFF'S PRESENTATION**

Senta Costello gave a PowerPoint presentation and an overview of the request. City Staff made the request for the rehearing due to information could have been made clearer at the public hearing, as well as some information received from the Applicant due to further investigation into the zoning and development code requirements. The property is located at 3124 D Road, 8.33 acres in size. Currently there is agricultural and residential use on the property. The growth plan map designation for the site is Residential Medium, 4 to 8 dwelling units per acre. The surrounding zoning is all County zoning with the exception of when this map was originally done, this property has since been annexed and was zoned RMF-5. The Carpenter annexation was located north and east of the property on the maps that indicate County zoning PD 3.75, it's the property directly to the east of that, and it was RMF-5. County zoning directly to the east of this site was also RMF-5. The surrounding zoning to the north and west is County RSF-R. The Applicant has changed their request to be in agreement with the City's recommendation of the RMF-5 zone district. One of the concerns that Staff heard coming from the Planning Commission at the previous hearing was in relation to a concern of the neighbors regarding multi-family, or the potential of multi-family on this site. We wanted to clarify what exactly that multi-family designation for the RMF-5 means. On RSF-4 the minimum lot size is 8,000 sq. ft.; on RMF-5 it is 6,500 sq. ft. The only difference in the setbacks between the two zone districts is the side yard setback, which is 7 ft. in the RSF-4 and 5 ft. in the RMF-5. The uses that are actually allowed in the zone districts are virtually identical; the main difference being the RMF-5 allows townhomes, where the RSF-4 does not. The RSF-4 allows duplexes on corner lots, and it allows single-family attached homes, which on the ground, look like a duplex, which are also allowed in the RMF-5 zone district. The other main difference between is the two is the overall density which the maximum of 5 units per acre in the RMF-5 and 4 units per acre in the RSF-4. One of the other issues that was reiterated in the revised staff report received for this hearing calls out specifically some of the goals and policies of the growth plan; specifically the Pear Park plan. The Pear Park plan goal states it a goal to establish areas of higher density to allow for mix housing options, so we think RMF-5 better meets this goal than does the RSF-4.

## **QUESTIONS**

Chairman Dibble asked Ms. Costello to her best recollection was the Pear Park plan information available to the Planning Commission at the first hearing. Ms. Costello answered it was available. It wasn't actually called out specifically in the report as it is in the revised version.

Commissioner Sublett recalled at the previous hearing there was some concern by the public regarding multi-story buildings. Are there differences in high constructions between RSF-4 and RMF-5. Ms. Costello answered the requirements or restrictions in both zone districts for maximum height is 35 feet.

Chairman Dibble called for any questions of staff. There were no questions.

Chairman Dibble asked to hear from the Applicant.

## **PETITIONER'S PRESENTATION**

Jenette Traynor stated she would like to reiterate what Ms. Costello said, and it covered everything needed.

Chairman Dibble asked Ms. Traynor if she was aware of the Pear Park goals. Ms. Traynor answered in the affirmative.

Chairman Dibble asked for any questions of the Applicant.

### **PUBLIC COMMENT**

Chairman Dibble opened the hearing to the public for those in favor of the application. There were no members of the public who came forward in favor of the application.

Chairman Dibble opened the hearing to the public for those not in favor of the application to come forward.

### **AGAINST:**

Howard Walitt (416 W. Mallard Way, Grand Junction, CO 81504, 523-9563) Mr. Walitt lives on the street the closest to the east of the site in question. At community meeting that was held in March, the Petitioner, although she was asking for a multi-family zoning, said she would not consider multi-level, multi-family homes to be built there. Also, by her own admission, she said she is not going to be the builder, so anything you approve here now, despite any protestations from the Petitioner that there will be no multi-family, multi-level houses to the west, considering she sells that land to a developer or developers, they can do whatever this wish. The Planning Commission made a wise decision at the last meeting in zoning the site for RSF-4. Although Grove Creek is 5 per acre density, the size of the houses of in Grove Creek are smaller than could be fit on a similar plot in the site under consideration, because the side setback in Grove Creek are twice what you get with an RMF-5. Further, the Petitioner has brought nothing new to the Commission this evening. The PowerPoint given by the Petitioner last time showed a quasi Victorian style, two-story or three-story, two family home, and stated this was in keeping with the historic architecture of Pear Park area. In reality, there is nothing in the vicinity of the Hamilton annexation site that is multi-family, except all the way to the east on D Road, there is a subdivision that has duplexes; those are something that is not desirable, particularly with a 35 ft. height per structure. This is higher than the surrounding area, and this would be inconsistent and incompatible with the existing area. The zoning of Grove Creek is also a County multi-family 5 per acre. The builder built only single-family homes. Mr. Walitt petitioned the Commission to deny the RMF-5 and stand with the RSF-4. Mr. Walitt stated this is just a ploy by the Petitioner to try to swing one or two votes of the Commissioners with no new information; nothing has changed.

Rick March (3125 ½ North Teal Court, Grand Junction, CO 81504, 434-9760. Mr. March agreed with Mr. Walitt on the multi-family issue. Mr. March brought in mail he received regarding a home that went up for sale in the neighborhood to demonstrate the price of single-family homes in the area. [Flyer shown on the document viewer.] Grove Creek is one of the highest viewed areas by people in that income level for buying houses. It has something to do with Halliburton being located at the end of D road. People in that area are selling their houses in 30 to 48 hours. We do not want to jeopardize this.

Chairman Dibble asked Mr. Marsh if he would describe the example as a two story Victorian style. Mr. Marsh answered he would describe the example as a two story residential. Another Commissioner stated the example was a two story California style.

Mr. March stated his other issues were the setbacks. His residence is the in the second cul-de-sac on the west side, 3<sup>rd</sup> lot off of D Road. The lot is about 10,000 sq. ft. There is a public utility easement that is 20 to 25 ft. that is rock and landscaped, and there are irrigation lines running underneath the easement about 5 to ft. off the fence line. If houses are placed too close, they will not be able to work on the pipe if needed. The setbacks should be at least 25 ft. with no multi-family, at least along the west side of the Grove Creek. Multi-family on the inner streets would not bother anyone.

Commissioner Lowrey asked Mr. Marsh if he knew of any duplexes or townhomes in the subject area. Mr. March answered, "Zero, out of 400 homes; they are all single family."

John Boyum (3129 North Teal Court, Grand Junction, CO 81504, 523-4817) Mr. Boyum stated his biggest concern was decreasing property values. When he purchased his property at \$85,000, it is now listed at \$165,000, and he does not want to see his investment, or other people's investments, be lost that they have built all their lives.

Earla Jean Bailey-Roy (3122 D Road, Grand Junction, CO 81504, 523-1571) Ms. Bailey-Roy lives directly in front of the subject property. She has three main concerns: 1) Their irrigation water is received from the northeast corner of subject property, across the north part of the subject property to the west, then down the north side of the property to our property; she wants the irrigation water preserved. 2) Asked for a fence between their property and what is going to be a very busy intersection on D Road. 3) Think about the problems the difference between 5 per acre multiple dwellings and 4 per acre would make on that narrow strip coming onto D Road.

Chairman Dibble replied those questions will have to be answered at later date when the building project comes forward on our consideration agendas.

Howard Walitt reapproached regarding densities—5 per acre, 4 per acre—and traffic flows. In Grove Creek there are 4 entrances and exits: one at East Grove, one at 31 ½ Road, D ½ Road, eventually we'll connect to another subdivision that is being completed now. Problematically the subject site does not include the width required for a road to connect to D Road. Also, irrigation is at the end of a piece of D ¼ Road. The density of 4 per acre versus 5 per acre is going to have a great impact, because there is only one major entrance on D Road.

Commissioner Lowrey asked Mr. Walitt if he knew of any multi-family duplexes or townhomes in his neighborhood. Mr. Walitt answer the only duplexes are in a subdivision a couple hundred yards short of 32 Road in which he believes there some duplexes, but this does not abut Grove Creek. There are none in Grove Creek.

Chairman Dibble asked for any further public comment in reference to zoning.

The Applicant, Jenette Traynor, reapproached to state any multi-family dwellings that would be presented would have to be approved by this Commission.

Chairman Dibble asked Ms. Costello for any additional presentation.

Ms. Costello wanted to clarify and reiterate it was Staff that made the request for the rehearing; it did not come from the Applicant. Traditional multi-family—as far as apartment buildings, two story stacked units, that type of structure—are not allowed in this zone district. There are no multi-family units in Grove Creek, to her knowledge, nor to the north to the property to the north and east. However, on the south side of D Road is a subdivision called River Bend, and it is a mixed use community that does have some single-family homes, as well as some multi-family and townhomes.

Chairman Dibble asked if the Future Land Use Map referred to this parcel as a Medium and 4-8. Ms. Costello answered in the affirmative.

Chairman Dibble continued asking if they could get a zone permit up to 8 units. Ms. Costello answered this would be at Council's discretion. Planning Commission has already recommended against an RMF-8, and Staff and never recommended the RMF-8; I don't know where Council would go with this, but it would take a majority of Council to approve RMF-8. Where it's not even being requested, Ms. Costello would not see an RMF-8 as a possibility.

Chairman Dibble asked Ms. Costello if she was requesting instead of the RSF-4 that the Commission passed a couple of weeks ago, she is recommending to the Commission an RMF-5. Ms. Costello answered to get a clarification from the Commission.

Chairman Dibble asked if there were other questions of Staff.

The public meeting was closed.

Commissioner Pitt commented on the excellent Staff Report; but his position was to still recommend an RSF-4, because the recommended density does not conform to [inaudible].

Chairman Dibble asked of Jamie Kreiling for clarification if the Commission does not approve RMF-5, does the original RSF-4 stand when it is referred to City Council. Jamie answered it would stand as RSF-4.

Commissioner Pavelka-Zarkesh commented considering the differences in both the RSF-4 and the RMF-5 to permit attached and detached housing, the side setbacks are slightly different, the rear setbacks are the same, with 5 units on 8 acres, and 4 units on 8 acres, you would have an extra five units, and considering the goals of the Pear Park area, the RMF-5 would be a reasonable zone.

Commissioner Cole stated he originally thought the RSF-4 would be more appropriate; however, as Commissioner Pavelka-Zarkesh pointed out there is not a lot of differences, so he would approve the RMF-5 zoning.

Chairman Dibble part of the rehearing process has to answer some pertinent questions, because information was not available to the Planning Commission caused us to misunderstand or misconside certain facts, so in our decision we can say we it is based on Pear Park concerns.

Commissioner Lowrey agreed with Commissioner Pitts. RSF-4 and RSF-5 would both fit within the growth plan. On the compatibility issue, there aren't any multi-family homes directly to the east, and that is a rather large development as far as the number of homes, so he leans toward the RSF-4.

Charmin Dibble stated the biggest difference is the lot size. The lot size is much less for RMF-5 than it is for RSF-4; a 20% difference. The traffic impact for another 5 units would not be that great. The footprints of the homes might be affected with the higher density.

Commissioner Putnam commented the word "multi" scares people into thinking it is a guaranteed slum development. I think we have adequate examples in Grand Junction that this is not a fair assumption. It has been stated over and over again that whatever plan is proposed for this site will come back before the Commission, so it is not an automatic thing if we include the word "multi" in this recommendation that it will turn out to be a disproportionately dense development. Commissioner Putnam stated he would approve the RMF-5.

Chairman Dibble asked Ms. Costello in going back to the issue of lot size of 6,500 sq. ft.; if this analysis is correct, it much the same as the surrounding areas as far as lot size; is this correct? Ms. Costello answered this lot size was in the range of others in the area. There are some of those lots at are actually over 10,000 sq. ft.

Commissioner Sublett stated his was inclined to support RMF 5. His primary support of RMF-5 is that we are going to have to increase densities in this town; we have no choice. This is a tiny increase in density. One of the major concerns is multi-story, and it will make no difference whether it is RSF-4 or RMF-5.

Chairman Dibble one thing that has been mentioned and he wished to state again; the proposals of what is being built—including fences, drainage, and traffic—all of this will be discussed at length by the Planning Commission. Once they bring forward the building project itself, we will have control over all those things.

Chairman Dibble called for additional questions of the Commission.

Mr. Walitt in the audience stated the Planning Department is being very disingenuous by saying that they called this rehearing, when I was told by the Planning Department that the Petitioner called for the rehearing.

Chairman Dibble stated, "Sire, it makes no difference. We have had a hearing on both sides. I allowed you to speak, and when I called for a finality of the public, I always pause. I allowed you a second go at it. Normally that's not allowed. I wanted to be a little bit open for that at this



evening. But once public meeting is closed, I won't tolerate anymore by the public. Thank you very much."

**MOTION: (Commissioner Cole) "Mr. Chairman, on zoning of Annexation ANX-2006-105, I move the Planning Commission forward to the City Council a recommendation of approval of the RMF-5, Residential Multi-Family, 5 dwelling units per acre zone district for the Hamilton Annexation, finding it consistent with the Growth Plan in Sections 2.6.A.3,4,5 of the Zoning and Development Code."**

Commissioner Sublet seconded the motion.

Ms. Kreiling: "Mr. Chairman, if I may, you had asked the question earlier if the RMF-5 was denied, then would it go forward with an RSF-4. What I want clear about is when you are voting on this, the majority is for the RMF-5, the actual recommendation that recommendation that will go forward is your RMF-5, and it won't be your RSF-4."

Chairman Dibble: It will revert back to the RSF-4 if RMF-5 is not approved. Ms. Kreiling: Correct.

Votes were as follows:

Commissioner Pitt—No

Commissioner Pavelka-Zarkesh—Yes

Commissioner Cole—Yes

Chairman Dibble—No

Commissioner Putnam—Yes

Commissioner Lowrey—No

Commissioner Sublet—Yes

RMF 5 zoning was approved for ANX-2006-105 by a vote of 4 in favor and 3 against.

The meeting was adjourned at 8:00 PM.