

GRAND JUNCTION PLANNING COMMISSION
AUGUST 8, 2006 MINUTES
7:00 p.m. to 10:00 p.m.

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. 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, William Putnam, Reginald Wall, Thomas Lowrey, Lynn Pavelka-Zarkesh and Bill Pitts. Ken Sublett, 2nd alternate, was present in the audience.

In attendance, representing the City's Community Development Department, were Sheryl Trent (Interim Community Development Director), Kathy Portner (Assistant Community Development Director), Pat Cecil (Planning Services Supervisor), Lori Bowers (Senior Planner), Faye Hall (Associate Planner), Senta Costello (Associate Planner), Adam Olsen (Associate Planner), and Kristen Ashbeck (Senior Planner).

Rick Dorris, Eric Hahn and Laura Lamberty, Development Engineers, were present.

Also present was Jamie Kreiling (Assistant City Attorney).

Bobbie Paulson was present to record the minutes.

There were approximately 43 citizens present when the meeting was called to order.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the minutes from the July 26, 2006 public hearing. No additions or corrections were noted.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move to accept the minutes of the July 26, 2006 meeting as written."

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

III. CONSENT AGENDA

Available for consideration were items:

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| 1. ANX -2006-182 | Zone of Annexation | Baldwin Annexation |
| 2. PP-2006-008 | Preliminary Plan | Chipeta Heights Subdivision |
| 3. PP-2005-260 | Preliminary Plan | Dominguez Estates - <u>PULLED</u> |
| 4. CDP-2006-176 | Preliminary Plan | Fairmount Village Condominiums |
| 5. ANX-2006-175 | Zone of Annexation | CGVSD Annexation |
| 6. ANX-2006-210 | Zone of Annexation | Halliburton Annexation |
| 7. PP-2005-179 | Preliminary Plan | Erica Estates Subdivision |
| 8. PDA-2006-044 | Planned Development Amendment | Beehive Estates - <u>PULLED</u> |

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak out if they wanted one or more of the items pulled for additional discussion. Chairman Dibble stated that item number (3) PP-2005-260, Preliminary Plan for Dominguez Estates, and item number (8) PDA-2006-044, Planned Development Amendment for Beehive Estates, have been pulled from the agenda. After a brief discussion, the applicant for PP-2005-179, Erica Estates Subdivision, came forward to request this item be continued to the August 22, 2006 Planning Commission meeting. No other objections or revisions were received from the audience or planning commissioners on any of the remaining Consent Agenda items.

MOTION: (Commissioner Cole) “Mr. Chairman, I move to continue item number 7 on the Consent Agenda, PP-2005-179, to the August 22, 2006 planning commission hearing.”

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

MOTION: (Commissioner Cole) “Mr. Chairman, I would move to approve Consent Agenda items 1, 2, 4, 5, and 6.”

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

IV. NON-HEARING ITEMS

VAR-2006-099 REHEARING REQUEST – METRO MOTORS AUTO LOT

A request for rehearing of the denial of the variance from the landscape requirement on .66 acre in a C-1 (Light Commercial) zone district.

PETITIONER: Ken Shackles – Metro Motors

LOCATION: 2712 Highway 50

CITY STAFF: Faye Hall

Faye Hall with the City Community Development Department briefly outlined the request for rehearing for VAR-2006-099, Metro Motors landscape variance. This is a request of the Planning Commission’s decision from the June 27, 2006 hearing. The request was for approval of a variance to the 14-foot street frontage landscape requirement along Highway 50. If this request is approved, Ms. Hall requested this matter be scheduled for the September 12, 2006 Planning Commission meeting.

However, after discussion and as there was no motion brought forward by the Planning Commission, the request for rehearing was denied.

V. FULL HEARING ITEMS

ANX-2005-264 BELLHOUSE SUBDIVISION – continued from July 25, 2006

Request for approval of the Bellhouse Subdivision Final Plat, including a reduction of minimum lot width on Lot 3A and the setback for Lot 3B.

PETITIONER: Carol Bellhouse

LOCATION: 2381 South San Miguel Drive

CITY STAFF: Lori Bowers

STAFF PRESENTATION

Lori Bowers, Community Development Department, gave a PowerPoint presentation for request for a simple subdivision. Staff recommends approval with conditions listed in staff report.

Lori Bowers stated that the applicant is requesting a Simple Subdivision of land located at 2381 South San Miguel Drive. In addition, as part of the review, staff is asking for the Commission’s approval to vary the minimum lot width as well as flag lot criteria. This site is located on an irregularly shaped lot approximately 1.04 acres in size.

It is located at the end of a cul-de-sac on South San Miguel Drive. An aerial photo of the site shows the Sycamore Creek Annexation area and Scenic Elementary. As shown in the photo, a pedestrian trail leads to Scenic Elementary and is owned by the School District. It also shows the cul-de-sac in front of the subject property and the existing house on the property. Another house exists directly north of the property and the land to the east is currently vacant. The existing pedestrian path runs along the east side and encroaches onto the Bellhouse property. The property owner has proposed to dedicate that portion of the trail that is located on their property to the School District to allow the path to remain in its current configuration.

Ms. Bowers clarified that her staff report says “easement” but the trail will actually be in a tract for dedication to the School District.

The Future Land Use Map shows that this area should be developed in the Residential Medium-Low category, or 2 to 4 dwelling units per acre. Upon annexation into the City in March of this year, the applicants requested the zoning designation of RSF-4, consistent with the existing County zoning and the Growth Plan. However, during the public hearing process, the Planning Commission recommended to City Council to approve a zoning designation of RSF-2, finding it more consistent with the existing neighborhood yet still in compliance with the Growth Plan. Subsequently, the City Council approved the RSF-2 zoning designation to the property.

Normally a lot split which meets the criteria of the Zoning and Development Code is accomplished as a Simple Subdivision with the Community Development Director acting as the decision-maker. However, in this case the Planning Commission is being asked to consider the code issues for this proposed subdivision. For example, this parcel is on a cul-de-sac and is irregularly shaped; therefore, section 3.2.C applies. The Planning Commission may vary the lot width on irregularly shaped lots such as the case with the subject property.

Ms. Bowers explained that the lot width is measured between the side lots lines along a line that is parallel to the front lot line located at the minimum front setback distance from the front lot line. It is often times difficult on a cul-de-sac to meet the front set back at the required 20 feet which is consistent with all residential zoning districts. Ms. Bowers presented the proposed site plan in her PowerPoint presentation pointing out the proposed lot line which would create a “Flag Lot” on Lot 3B. The minimum front yard setback of 100 feet cannot be met in this instance. RSF-2 requires that the minimum lot width be 100 feet at the front setback line. Minimum lot width vary with zoning designations. If this property were zoned RSF-4, it would require only a 75 foot minimum lot width at the front setback, but in this case the RSF-2 minimum lot width is 100 feet and is met at about 22 feet back from the edge of right-of-way and extends out to approximately 28 feet on the sides, resulting in a minimum lot width to be 40.95 feet on the cul-de-sac.

The minimum lot size in an RSF-2 Zoning District is 17,000 square feet. Both proposed lots exceed this requirement as Lot 3A is in excess of 20,000 square feet and 25,264 square feet for Lot 3B. Ms. Bowers illustrated on the drawing how the front setback can be met. The drawing also shows that the existing structure can meet the requirements of the RSF-2 zoning district in regards to side and rear setbacks. Side setbacks are a minimum of 15 feet and the rear setback is 30 feet in an RSF-2 zoning district.

As part of the simple subdivision request, the applicants propose the use of section 6.7.D.2 – “Flag lots”. In order to comply with the Flag Lot criteria, the Planning Commission may increase the setback for the flag portion of the flag lot to 100 feet back on the proposed new lot. This will bring the lot closer to compliance with section 6.7.D.2.d that states that driveways on flag lots shall be designed to allow vehicles to exit driving forward. As part of the TEDS review for any new construction, the Development Engineer shall determine that there is adequate turn-around space to allow for vehicles to exit driving forward. Furthermore, the Zoning and Development Code, Table 3.2 (2), requires the minimum street frontage to be 30 feet. The proposed Bellhouse Subdivision meets this criterion.

Section 6.7.D.2.c. further requires that the “flag” portion of the “flag lot” be 20% larger than the lot area of the non-flag lots located in the same filing of the subdivision. For purposes of the lot area calculation, the “pole” is not counted. This proposal meets this criterion. As shown on the Final Plat, the front yard setback on Lot 3B is

100 feet wide, which will allow for an adequate turning area so vehicles may turn-around and exit the lot driving forward.

As far as the technical portion of review of this subdivision, we may conclude that:

1. The proposed final subdivision plat shows the minimum Street Frontage for both lots, meeting the minimum frontage requirement of 30 feet on a cul-de-sac.
2. It also shows that the minimum setbacks can be met on Lot 3A.
3. It shows that the requirements of the Flag Lot have been met by providing the required front setback to be where the Lot is at least 100 feet wide. This will allow for vehicles to maneuver on site and leave the property driving forward and the flag portion of the lot is at least 20% larger than the other lot.
4. A separate utility easement granted to the Vallejo Subdivision Mutual Water Company has been drafted and this easement shall be recorded with the Final Plat upon its approval. The required 14-foot multi-purpose easement that runs across the front of the property is also provided on the plat.
5. Ute Water has no objections to the subdivision as long as compliance with the standard NFPA 13D is adhered to. As part of the subdivision review the Fire Chief allowed as an alternative to fire hydrants that a residential fire sprinkler system be installed in the new home. A plat note is required stating that Grand Junction Fire Department approval is required prior to a building permit being issued for the proposed Lot 3B.
6. Sanitary Sewer is provided in the Skyway Improvement District formed in 2002 and there is adequate capacity in this line.
7. The circle enlargement on the Final Plat shows the trail encroachment. A separate document will transfer ownership of that tract to the School District for continued trail access in this current position.

Ms. Bowers outlined the points of the final plat pointing out the property pin on the northernmost part of the property; the existing garage and the front of the house, the easternmost property pin and the proposed area that the newly created driveway to exit the property.

Ms. Bowers displayed a photo that shows the existing location of the school trail in relation to the front property. Also shown for illustrative purposes were a photo from a different angle which shows a bike rack to the left of the trail and the grate blocking the trail so bikes can't be taken on the trail; a PowerPoint slide to show the topography of the site highlighting the area of the trail leading to the school. Ms. Bowers pointed out that the area is steep as it drops away from the Bellhouse property.

Ms. Bowers stated that that the Planning Commission has, on a regular basis, approved flag lots on cul-de-sacs; increased the minimum setback on irregularly shaped lots and required trail connections on cul-de-sacs to other walkways. A recent example is the Unaweep Heights Subdivision in Orchard Mesa.

In conclusion, a Simple Subdivision Plat can be approved if the applicant demonstrates the following:

1. All lots comply with the Code including the density/intensity provisions in Section 3.6.B. These were discussed previously with the lot size and setback conditions, flag lot criteria, etc.
2. Any change to existing easements or right-of-ways have been completed in accordance with the Code or otherwise allowed by law. South San Miguel Drive is considered a local street and therefore is not addressed specifically in the Grand Valley Circulation Plan. The Urban trails Master Plan identifies the path as part of the School property and the owner is dedicating that Tract of land to the school district in order to leave the path in its current configuration.
3. The right-of-way shown on the Grand Valley Circulation Plan is not changed.
4. The character of the plat and neighborhood will not be negatively impacted. Vallejo Subdivision was platted in the 1950s creating 22 lots east of Tejon Drive. Lot sizes range from .322 acres to 2.3 acres. Since platting in 1959, one of the larger lots, Lot 5, was re-subdivided creating an additional lot consisting of .369 acres. Further building restrictions recorded in 1956 prohibited the re-subdivision of

lots, but excluded Lot 3, Block 3, the Bellhouse property. The Bellhouse property consists of 1.04 acres. The proposed subdivision will create two lots; .46 acres and .58 acres in size; the two adjacent lots to the north are similar in size, one at .388 acres and one at .459 acres.

Staff recommends that the Planning Commission approve the final subdivision plat with the findings and conclusions as listed in the Staff Report provided.

QUESTIONS

Commissioner Pitts asked if the trail in BB Canyon is referred to as an encroachment on the subject property with the owner dedicating it to the School District. He also wanted to know who owned that property. Ms. Bowers replied that it is owned by School District 51.

Commissioner Pitts then asked if the trail will be fenced so it would not interfere with the driveway of the flag lot. Ms. Bowers replied that it is currently separated with mesh fencing. She suggested that the fence not be solid to prevent any visibility problems. Chairman Dibble asked how far the fencing extends. Ms. Bowers stated that she believes it extends back the length of the property.

Chairman Dibble also inquired if the Bellhouse property was the only property being allowed under current conditions to be subdivided. Ms. Bowers believes that is correct; however, went on to state that Ms. Bellhouse would know that from the title work.

PETITIONER'S PRESENTATION

Carol Bellhouse, 2381 South San Miguel Drive, commended Lori Bowers and the other planning staff for their professionalism throughout the process. Ms. Bellhouse also believes that a thorough investigation of all allegations from neighbors has been done and feels that everything that has been required of them as applicant has been done including annexation to the City. She also confirmed that the fence does go all the way along the path with the neighbor's fence continuing on from there. In other words, the entire path is wire-fenced on both sides all the way to the school. It is her understanding that the lot to the east belonging to Rich Perske is the only lot in the subdivision that is still buildable which is currently not annexed to the City. Ms. Bellhouse stated that Ms. Bowers' presentation reflects the research and analysis which has been done.

QUESTIONS

Chairman Dibble inquired if the large tree just adjacent to the path would remain. Ms. Bellhouse confirmed that it would stay.

PUBLIC COMMENT

For:

There were no comments for the request.

Against:

Richard Perske (502 Riverview Drive, Grand Junction) is the owner of the lot immediately adjacent to the subject property. Mr. Perske stated that he is currently the vice president of the Vallejo Subdivision homeowners association. In addition, he is a registered Colorado professional engineer. Mr. Perske stated that the principle reason for opposition to the project is a concern for path safety. Mr. Perske stated that the subdivision has been in existence for 50 years. There are a total of 33 lots in the subdivision. Thirty-two of those lots have frontage that exceeds 100 feet. The proposal this evening would reduce one lot to 40 feet of frontage, the other to 30 feet. The narrow lots would not be in keeping with the character of the subdivision. Mr. Perske reiterated that the primary objection is that the location of the substandard Flag Lot is immediately adjacent to a path. He quoted from a letter from Doug Levinson, Scenic School principal, regarding numerous complaints from the former owner of the property regarding conflicts with the school path use. Further stating from Mr. Levinson's letter, "The safety of this important school access must be adequately considered and addressed by any development proposal." In addition, a petition was also submitted by the Vallejo Subdivision containing over 46 signatures of homeowners and concerned parents with the principle theme being safety. Mr. Perske stated that the access driveway is

substandard in many respects. According to Mr. Perske, this is a rural subdivision and there are no curb and gutter, nor are there sidewalks. Mr. Perske also provided the Commission with some handouts. Mr. Perske went on to state that any compromise of the dimensions compromise safety. Next, Mr. Perske discussed applicant's proposed dedication; however, he went on to state that this dedication is unnecessary as a prescriptive easement already exists. He further stated that he was astonished that the staff report did not address safety of the path and contradicts the direction of TEDS. He urged the Commission to deny the request.

Gerald Heaton (2388 North San Miguel Drive, Grand Junction) which is approximately three properties to the north of the subject property. As stated earlier this evening, "The Code is the code." Mr. Heaton stated that safety is his primary concern. Additionally, Mr. Heaton advised the Commission that the path is used year-round. He also stated that there has been some miscommunication as to whether this was an RSF-4 annexation or an RSF-2 annexation. He wanted to reemphasize the prescriptive easement which was previously addressed by Mr. Perske. "When will the safety issues be dealt with, after it's a fact? I would strongly urge you again not to approve this subdivision remembering that the Code is the code."

Elizabeth Baltzer, 2375 South San Miguel Drive, Grand Junction, which is immediately northwest of the subject property, advised the Commissioners that there are often times 30, 40 and 50 children using the path on any given day. These children are often times preoccupied and not paying attention, therefore, making safety a primary concern.

Bob Eggen (2379 South San Miguel Drive, Grand Junction) stated that his neighbors have already expressed in great detail most of his concerns. He wanted the Commission to recognize the number of items that they are being asked to compromise on and wants the Commission to look at the big picture. He is also concerned with the substandard lot width and asks that this variance be denied.

Walter Boigegrain (2389 South San Miguel Drive, Grand Junction) agrees with many of the things stated by Mr. Perske. He feels that too many of the original requirements are being violated. "We should not by any means proceed without a statement of safety of the project."

Merlin Schreiner (2387 South San Miguel Drive, Grand Junction) stated that it is very hard to describe adequately how many children and parents use the path on a daily basis but wants the Commission to take that into consideration. Mr. Schreiner stated that the path is a feeder used by approximately 100 families and does not compare to the illustration presented earlier by Ms. Bowers. Additionally, Mr. Schreiner raised the water line issue and also stated the need for provisions to upgrade the infrastructure.

Kathy Heaton (2388 North San Miguel Drive, Grand Junction) stated that she walks the path on a daily basis and does not believe that it would be safe to introduce any more vehicles in and out of the driveway in that area.

Doug Gray (134 Vista Grande, Grand Junction) lives just to the west of the subject property. He believes that he is not opposed to another house at the end of that lot but believes the setup is wrong. Mr. Gray again stated his concern for safety.

PETITIONER'S REBUTTAL

Carol Bellhouse stated that, "The safety issue has been paramount in the minds of the City Engineer and the City Surveyor and City Planning Department, the legal department. We've all been going over and over and over this." She concurs that everyone is concerned with children's safety. Ms. Bellhouse defers to the Planning Commission and City Engineer to address safety issues concerning the path.

Laura Lamberty, Development Engineer, addressed some of the issues raised this evening. The City Codes encourage the use of the pedestrian connections in residential neighborhoods. Ms. Lamberty stated that she has reviewed this proposal with the City Transportation Engineer and they have virtually no accident history in residential subdivisions due to the low speed, low volume and the recognition of the existence of children. While

appreciating the concern and recognizing the large volume of pedestrian traffic associated with the school and other recreational uses, someone exiting a driveway is going to be traveling at a very low speed. “We have to have some faith that people have the responsibility that goes with a driver’s license.”

QUESTIONS

Commissioner Lowrey suggested the use of “bubbles” as a demarcation and safety feature for both automobile drivers and pedestrians where the trail comes out on the street.

Commissioner Wall next asked for clarification of the requested variance regarding the lot width.

Chairman Dibble inquired regarding the paving width of the driveway as compared to the opening of the flag. Ms. Lamberty confirmed that the minimum driveway width needs to be 12’. There is a minimum dimension of 17’ on the flag as proposed.

Ms. Lamberty stated that section 3.2.2 requires that the minimum lot frontage on a cul-de-sac be 30’. The proposal provides for an increase of the Flag Pole width to 30’ to meet the minimum lot frontage for a cul-de-sac. Both lots, as proposed, have the 30-foot minimum lot frontage onto the cul-de-sac. Additionally, there are no variances being requested. The lot size report was submitted on July 11th.

Chairman Dibble asked whether a safety study had been done and what is required by TEDS. TEDS manual does not require a safety study. Staff did not find safety issues with this proposal. Chairman Dibble asked what the criteria would be if safety issues were looked at. Ms. Lamberty stated that she believes this proposal meets all of the City’s numerical and qualitative criteria, including traffic generation, residential street improvement warrants.

Ms. Lamberty confirmed that this one house would conform with the national average of 10 trips per day, or 5 entrances and 5 exits per day. Staff has no historical evidence to suggest that this is a conflict or a potential safety issue.

Chairman Dibble asked if there was a requirement that would require the person in Lot 3B driving forward to exit that property. Ms. Lamberty stated that the requirement for that physical maneuver space and for them to construct that space is contained in the Zoning and Development Code and will be applied upon the application for any future building permit on that lot.

Chairman Dibble confirmed with Ms. Lamberty that a specific TEDS study has not been done for this particular application. According to Ms. Lamberty, this proposal has been evaluated with respect to criteria and have found it to be in conformance.

Commissioner Lowrey raised the issue of a setback on the 17-foot part of the pole with a driveway. Ms. Lamberty stated that the criteria applied to single family driveways consists of two elements. First, the driveway has to be a minimum of 12’ and a maximum of 32’ in width and, secondly, that the driveway at the access to the public right of way shall be 5’ from the property line. According to Ms. Lamberty, this is routinely done on cul-de-sacs because of limited lot frontage at the right-of-way in order to prevent trespass.

DISCUSSION

Commissioner Pitts commented that the Planning Department, especially on this particular issue, has done an admirable job in assuring that the proposal meets the Codes and it appears that they have considered all of the facts that have been presented. He has visited the site personally from both the Scenic School side and the San Miguel side. After hearing the proposal and the argument, he believes that the neighborhood will be negatively impacted and is not supportive of this project.

Commissioner Wall, after inspecting the subject property on a number of occasions, was more concerned with the existing house as opposed to the proposed house. Even after listening to the public comments, he does not believe

that the driveway will be a safety issue if the house is built as proposed. Commissioner Wall believes that everything has been met with regard to this lot. Accordingly, he would vote in favor of this project.

Commissioner Cole agreed with Commissioner Wall. He did address an allegation made in one of the letters that stated no one had visited the site. He wanted to assure everyone that if the Commissioners are unfamiliar with a certain application, most of them will go out and take a look at the situation personally. Another letter commented on "money talking". He wanted to assure everyone that no one on the Commission receives any money from any application that comes before it. Also with respect to the taxes, "the City budget will not be altered based on what comes in from one house being built." After considering the application, he agrees that there is no safety issue and to grant this request would not be detrimental to the City or to the neighborhood.

Commissioner Putnam also agreed that this is not a safety issue. He finds it insulting to accuse someone exiting the proposed driveway to be in complete disregard for the neighborhood and believes the application should be approved.

Chairman Dibble stated that safety is an elusive thing. "A prudent and responsible person evaluating and examining a situation will determine in his own mind what a safe situation or an unsafe situation is on the merits of that particular area." A safety study has not been required. The criteria for a TEDS control of the situation has been met according to definition. The point has not been made of safety being an issue. Chairman Dibble would be in favor of granting the request.

MOTION: (Commissioner Putnam) "Mr. Chairman, on item number ANX-2005-264, a request for approval of the final plat for the Bellhouse Subdivision, designed with the reduced minimum lot width and the determined setback for the flag lot, I move for approval with the findings of fact and conclusions listed in the staff report."

Commissioner Cole seconded the motion. A vote was called and the vote was 6-1 with Commissioner Pitts voting against.

A brief recess was taken at 8:55 PM. The meeting reconvened at 9:05 PM.

TAC-2006-215 TEXT AMENDMENT/CODE – TEXT AMENDMENTS TO THE ZONING AND DEVELOPMENT CODE.

Request approval of revision to the Zoning and Development Code pertaining to multi-family development, including attached units.

PETITIONER: Ciavonne, Roberts & Associates, Inc

CITY STAFF: Kathy Portner

PETITIONER'S PRESENTATION

Ted Ciavonne (Ciavonne, Roberts & Associates, 844 Grand Avenue) went to staff because of an increase in higher density projects and running into problems with definitions, lot sizes, etc. They have experienced an increased interest from clients on higher density projects. A number of conflicts of the Development Code have been identified relating to the specific issue of density and lot size with regard to multi-family lots.

First addressed was common lot or multi-family projects. There was discussion regarding common lots versus fee simple lots and what is or is not allowed on each type.

By way of a PowerPoint presentation, Mr. Ciavonne illustrated the proposal.

Mr. Ciavonne wanted to stress the difference is lot lines and the ability for ownership. Their proposal is to eliminate the minimum lot size and minimum lot width for attached housing in the RMF-8, 12, 16 and 24 zone districts; reduce the minimum lot size and minimum lot width for detached housing in those same zone districts; make the open space requirements consistent for attached housing in those same zone districts; improve and

clarify the Zoning Development Code definitions to better match the Building Code and planning terminology. He further pointed out that there is currently a square footage penalty for fee simple lots versus common multi-ownership lots; there is an inconsistent open space requirement for fee simple lots versus common multi-ownership lots; and there is a density and equity or the ability to achieve the density between these two types. There is currently an inconsistency between the open space requirements for common multi-ownership and fee simple lots. Fee simple lots have a minimum lot size requirement and the 10% open space dedication; common multi-ownership lots require 200 square feet per bedroom and no open space dedication. They are suggesting a requirement of 600 square feet of outdoor living area per unit for all single family attached, multi-family and stacked dwelling developments. Mr. Ciavonne identified outdoor living area as “any property or portion thereof which is permanently set aside for public or private use, is landscaped with living plant material and will not be further developed.”

Their proposal further provides for a 10% open space fee for all residential developments over 10 units and the parks and development fee would remain untouched.

Next discussed was minimum lot size which they believe is impractical for most densities.

In summary, the Development Code text amendment “eliminates the fee simple lot penalty. It balances the open space requirements. It makes densities between fee simple developments and common multi-ownership developments more equal, at least in most cases, and it’s doing this by eliminating minimum lot size and minimum lot width and relying solely on density for determining these products.”

QUESTIONS

Commissioner Pitts questioned Mr. Ciavonne regarding a difference in firewalls between fee simple and multi-ownership lots. Mr. Ciavonne stated that of the two types, fee simple is more restricted under the Code and requires a higher fire rating. Mr. Ciavonne went on to say that the proposed code amendment is specific to certain sections in the Development Code relative to density. According to Mr. Ciavonne, “Currently the Code encourages condominiums or the multi-family over the fee simple and it’s encouraging it because it takes up less space. It’s encouraging it because it doesn’t have an open space penalty.”

Commissioner Pitts asked without increasing the lot size, how would you attain 600 square feet of open space in a three or four story unit. Ms. Kathy Portner clarified that the 600 square feet open space requirement replaces the minimum lot size.

PETITIONER’S PRESENTATION

Joe Carter (Ciavonne, Roberts & Associates, 844 Grand Avenue) discussed amendments to footnotes to Table 3.2. The following items were discussed: Floor area ratio; front yard setback requirements; garage door width; compliance with emergency access standards; and minimum lot size and lot width for a duplex dwelling. Next discussed were definitions and, in particular, outdoor living area.

Mr. Carter then addressed proposed terminology changes. A suggested change is from the use of “single family attached” to “two family dwelling” which is “a single family dwelling attached to only one other single family dwelling unit with each dwelling unit located on a separate lot.” Duplex were described as “two single family dwellings on the same lot and separated totally from each other by an unpierced wall extending from ground to roof.” A multi-family development was described as “three units attached to each other”. A single family dwelling attached to two or more dwelling units with each dwelling unit located on a separate lot would be referred to as a single family attached. A multi-family dwelling is “a building or a portion thereof arranged, designed and intended to be used for occupancy by three or more families living independently of each other and containing three or more dwelling units on the same lot.” A stacked dwelling was described as a single family home on top of another single family home.

Mr. Carter believes that the Zoning and Development Code should be amendable and possibly reviewed as often as every six months. Applicant has taken their proposal to several entities to involve developer groups, utility companies, etc.

QUESTIONS

Commissioner Wall asked about the type of reaction that has been received. Mr. Carter stated that it has been a generally favorable response and have not received any negative comment.

Commissioner Lowrey asked if these changes were occurring now or if they were probable. Mr. Carter stated that "...some of the things that we're proposing in the higher density zone districts, the RMF-8, 12, 16 and 24, are just not achievable or not equitable." The difference being the way the land is owned.

STAFF PRESENTATION

Kathy Portner, City Community Development Department, has allowed applicant to make the presentation as they had done the majority of the work on this. She believes that as projects start going through the process, some clarification will be necessary to insure the full intent. Ms. Portner confirmed that they have been experiencing problems. Staff has found that many sections of the Growth Plan are addressed by these amendments, which include "things like the City encouraging development that uses existing facilities and is compatible with existing development. That we're trying to achieve a mix of compatible housing types and densities disbursed throughout the community. We want to make sure that we have that opportunity. That we'd like to encourage the development of residential projects that compatibly integrate a mix of housing types and densities with desired amenities and that we facilitate development of a variety of housing types such as clustered units, zero lot line units and mixed density projects without requiring the planned development zone district." Staff is recommending approval.

PUBLIC COMMENT

Duncan McArthur (TML Enterprises, 240 La Plata Court, Grand Junction, 81503) excited about the text amendment. They would like the ability to sell the units as fee simple versus condominiums. A major benefit is the question on the market area that it opens up. A townhome is conducive to many first time homebuyers and the restrictions by the lenders limits that market. He believes this should open up more financing opportunities. He also wanted to commend applicants for undertaking this task. Mr. McArthur strongly supports and recommends approval.

Tom LaDuke (TML Enterprises, 2350 G Road, Grand Junction, 81503) very much in favor of this. Mr. LaDuke stated that they have built townhome units in Mesquite, Nevada which has experienced a similar growth to the growth that Grand Junction is experiencing. These townhome units have supplied affordable housing. Mr. LaDuke explained that when they build common walls, they use a wall that is used in elevator shafts to meet building code and fire code requirements.

Rebecca Zeck (Zeck Homes, 1950 Hwy 6 & 50, Fruita, 81521) stated that representatives from Zeck Homes have reviewed the proposed changes to the RMF-8, 12, 16 and 24 zoning designations. They wholeheartedly support and agree with the proposal as presented. It is their opinion that "this change will positively affect the community as a whole due to the ability to utilize the zoning designations more effectively." The proposed changes will generate more options for homebuyers through the use of creative design standards.

Ted Munkres (121 Chipeta Avenue, Grand Junction) is owner of Freestyle, a building company, and Chipeta Properties, a real estate company. Mr. Munkres stated that the real estate community has recognized the difficulty in financing and believes that the changes will "give a lot of people a lot of opportunity". He also works with the Grand Valley Housing Partnership. He believes "that this amendment will do a great thing for the affordability of housing in this community and that is a tremendous need." He sees this as a very positive thing for the community.

Mike Markus (Development Construction Services, 2350 G Road, Grand Junction) has reviewed the proposed amendment and supports the proposed changes. He stated that the proposal furthers several policies set forth in the Growth Plan and facilitates development of a variety of housing types without requiring the planned development process. "It makes the variety of housing types not only a reality in your Code but a reality for the development community. It makes it a reality for the finance community." Mr. Markes believes that overall it is a very strong and positive step in the right direction and also wanted to commend applicants for putting this together.

REBUTTAL

Mr. Ciavonne stated the reasons why they undertook this task. He thanked those people present who voiced their support.

DISCUSSION

Commissioner Cole wanted to thank Ciavonne and Associates for the work they have put in on this. He also acknowledged the positive comments. He is in agreement with recommending approval to City Council and believes this would further enhance the Codes and would highly recommend it.

Commissioner Pitts concurs with Commissioner Cole and also wanted to thank Mr. Ciavonne for the presentation. He supports the recommendation.

Commissioner Pavelka-Zarkesh concurs as well. She believes it will open up a lot of opportunities especially with regard to affordable housing within the community.

Chairman Dibble appreciates the public input and response shown. He also expressed his appreciation for the hard work.

MOTION: (Commissioner Cole) "Mr. Chairman, on item TAC-2006-215, a request for approval of revisions to the Zoning and Development Code pertaining to multi-family development including attached units, I move we forward the recommendation of approval onto the City Council with the findings and conclusions listed in the staff report."

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

With no further business to discuss, the public hearing was adjourned at 10:00 p.m.