

GRAND JUNCTION PLANNING COMMISSION
NOVEMBER 14, 2006 MINUTES
7:00 p.m. to 8:00 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 (Vice-Chairman), Lynn Pavelka-Zarkesh, Bill Pitts, Thomas Lowrey, Pat Carlow (1st alternate) and Ken Sublett (2nd alternate). Commissioner William Putnam and Reggie Wall were absent.

In attendance, representing the City's Community Development Department, were Kathy Portner (Assistant Community Development Director), Scott Peterson (Senior Planner) and Adam Olsen (Associate Planner).

Also present was Jamie Kreiling (Assistant City Attorney).

Nishi Aragon was present to record the minutes.

There were two citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcement, presentation and/or visitors

II. APPROVAL OF MINUTES

Available for consideration were the corrected minutes of June 27, 2006. Also available were the October 10, 2006 hearing minutes.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move approval of the minutes for June 27, 2006 as written."

Commissioner Pitts seconded the motion. A vote was called and the motion passed by a vote of 5-0 with Commissioners Carlow and Sublett abstaining.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move approval of the minutes for October 10, 2006 as written."

Commissioner Pitts 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:

1. ANX-2006-256 (Zone of Annexation - Becerra Annexation)
2. ANX-2006-260 (Zone of Annexation - Humphrey Annexation)
3. CUP-2006-131 (Conditional Use Permit - Knowles Enterprises)
4. RZ-2006-232 (Rezone - St. Mary's Hospital & Medical Center)

Chairman Dibble briefly explained the Consent Agenda and asked if any members of the public, planning commissioners, or staff wanted any of the items pulled for additional discussion.

Mr. John R. Byrnes requested item number ANX-2006-260 be pulled for a full hearing.

Scott Peterson, (Senior Planner) Community Development, requested that the Conditional Use Permit for Knowles Enterprises be continued to the December 12, 2006 Planning Commission meeting.

Cliff Anson, the applicant for the Humphrey Annexation, asked that the record show the County PUD is for 10.8 units per acre. It is important because the request is to down zone the property from its current existing zoning.

Chairman Dibble announced that item number three, Knowles Enterprises, will be pulled and rescheduled for the December 12, 2006 hearing. Item number two, the Humphrey Annexation, will also be pulled and will have a full hearing this evening.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move approval of the Consent Agendas items 1 and 4, 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

ANX-2006-260 Zone of Annexation - Humphrey Annexation
Request approval to zone 9.36 acres form County PD (Planned Development) to a City RMF-8 (Residential Multi-Family-8 units/acre) zone district.
PETITIONER: Robert Humphrey
LOCATION: 412 30 1/4 Rd
CITY STAFF: Adam Olsen, Associate Planner

STAFF'S PRESENTATION

Adam Olsen, (Associate Planner) Community Development, briefly described the request. The Humphrey Annexation is located at 412 30 1/4 Road. The applicant is requesting a zone of RMF-

8. This area consists of roughly 10.5 acres and the requested zone is consistent with the Future Land Use designation of Residential Medium which corresponds to 4-8 units/acre. Mr. Olsen displayed a PowerPoint which included an aerial photo of the site. The photo showed the surrounding development and the majority is located outside the City limits. The Future Land Use Map designates the area as Residential Medium 4 – 8 units/acre. The site is currently in the County and is zoned PD (Planned Development), approximately 10.8 units/acre. The proposed RMF-8 zone is compatible with the surrounding area. North of the site is zoned County PD 6.5 units/acre; to the East is PD 5.2 units/acre, to the South is PD 5.3 units/acre. A subdivision northwest of this site is zoned City RMF-8 and another property to the southeast is also zoned City RMF-8.

After reviewing this proposal, staff has made the following finding and facts of conclusions:

1. The requested zoning is consistent with the Growth Plan.
2. The review criteria of Section 2.6.a of the Zoning and Development Code have been met.

Staff recommends that Planning Commission forward a recommendation of approval of the RMF-8 zone district to the City Council, with the findings and conclusions listed in the staff report.

QUESTIONS

Commissioner Cole asked staff to explain how contiguity was achieved with this parcel?

Mr. Olsen replied that the contiguity was achieved by a City right-of-way that is included in this Annexation; which is the 30 ¼ Road right-of-way.

Commissioner Cole asked if more than one annexation would be required?

Adam Olsen explained that it would be a serial annexation.

Commissioner Cole asked for clarification; does the City limits come down 30 Road?

Adam Olsen replied that it comes down 30 1/4 Road on the west side of the property.

Chairman Dibble asked what the property to the Northwest was zoned?

Adam Olsen replied that he believed the current zoning is RSF-R.

Chairman Dibble asked what the build out was for the area?

Adam Olsen said he was unsure what the built-out density is.

Chairman Dibble noted that it seemed that the lots were larger lots with fewer homes in that area.

Adam Olsen stated that those lots are slightly larger than the ones to the East with densities of 6.5, 5.2 and 5.3 units/acre.

Chairman Dibble stated that it seemed that most of the properties surrounding the site are build-out at 5.2 to 6.5 units per acre which is at the low end if the Growth Plan designation of residential medium.

Adam Olsen replied that the Land Use designation if Residential Medium allows for 4 to 8 units per acre, so RMF-5 and RSF-4 are both compatible zones within that designation. The existing subdivision to the Northeast is at the lower end, but is still above the RMF-5 and the RSF-4 densities.

Chairman Dibble stated that all three are Planned Developments, which means they can be sized with some open space and could be clustered together. He felt that appeared to be the answer and asked staff to point out some open spaces surrounding the site.

Adam Olsen identified two sites.

Chairman Dibble asked about a wedge shaped lot; whether it was open space or not?

Adam Olsen replied that it is a lot.

Chairman Dibble asked if there was a home built on the lot?

Adam Olsen replied affirmatively.

PETITIONER'S PRESENTATION

Keith Ehlers, Ciavonne Roberts & Associates, stated that he represented the applicants along with Cliff Anson. He first addressed the Growth Plan stating that the entire area shows Residential Medium 4 to 8 units per acre. The PUDs that exist are in that same density range. The Pear Park Neighborhood Plan, which this site is also within, is very clear that the Growth Plan should be used to determine build-out in the area. This piece of property is surrounded by County PUDs with densities of 5.2 to 6 with lots ranging in size from 4,655 square feet to 5,000 square feet.

Once the subdivision is laid out with the RMF-8, it will include rights-of-way, detention and open spaces. So the density actually ends up being around six units per acre. So while the zoning is RMF-8 what actually is built is approximately at 6 units per acre. The applicant took the Growth Plan, the Pear Park Neighborhood Plan and the existing development into consideration to come up with the RMF-8 zoning. The applicant also feels the request meets all of the goals and policies of the plans that are in place.

Chairman Dibble asked the applicant to display the County plat. The zoning on the county map shows 10.8 units per acre which is clearly more than the RMF-8. And as was mentioned earlier, the RMF-8 will actually be built out to something closer to 6 units per acre.

Chairman Dibble asked staff if they knew what the build out of Autumn Glen was.

Adam Olsen replied that its zoning designation is RMF-8 and that the actual build out was at a density of about 6 units/acre.

Chairman Dibble asked staff if this proposal would be compatible with the surrounding development.

Adam Olsen stated that he had not seen an actual plan until this evening.

Commissioner Lowrey asked Mr. Ehlers how many units were proposed for this site?

Keith Ehlers stated that they were looking at approximately 56 new units along with an existing home. He said the plan was only conceptual at this point and that staff hasn't reviewed it.

Commissioner Lowrey asked if the site is 10.4 acres or 9.4 acres?

Keith Ehlers replied that it is 9.36 acres which gives it a density of 6.01.

Commissioner Lowrey asked if the property were zoned RMF-5 rather than RMF-8, how many units could be built?

Keith Ehlers stated that it would be hard to develop under an RMF-5. With an RMF-8, the density would only be about six units per acre. There would be considerably less lots in an RMF-5 zone. With the price of land and the market the way it is, it would not be financially feasible to go with anything less than an RMF-8.

Chairman Dibble asked if they looked at the feasibility of the other zones?

Keith Ehlers replied that they were considered, but again felt that the RMF-8 was the best fit for this site. He noted that they had not done any in-depth planning in regards to the standards etc. for the other zones.

Commissioner Pitts asked the applicant if he could estimate the number of units if the property had an RMF-5 zone designation?

Keith Ehlers stated that with an RMF-5 zone, the minimum lot widths, the density and the lot square footages would drop the number of lots significantly. The minimum lot size in an RMF-5 is 6,500 square feet; an RMF-8 is 4,500. He said that they would not request high density but would like to use the standards in an RMF-8 zone. By going to the RMF-5 standards, there would be approximately 15-20 percent less lots.

Chairman Dibble stated that it appeared from the applicant's drawings that the lot sizes are a little larger than what is in the surrounding area. He also acknowledged that it could be deceiving. The density is approximately 6.5 to the North. The proposal for 6 would be in the middle, not the higher end of 4-8 Units per acre. It looks as though 6 is higher than the properties to the South and East, but less than the ones to the North.

Keith Ehlers stated that with an RMF-5, the minimum lot size would be 5,000 square feet. He stated that the applicant would like to have some bigger lots and other amenities that are different from the other things you see out there. The RMF-5 zoning would normally work fine but when

you add some uniqueness and some diversity it doesn't have much flexibility. The RMF-8 would allow more diversity.

Chairman Dibble asked if there were examples of lots in the surrounding area that were 5,000 square feet or less in size.

Kathy Portner stated that the minimum lot size in an RMF-5 is actually 6,500 square feet.

Chairman Dibble asked staff what the lot size was in an RMF-8 zone?

Kathy Portner replied that it is 4,500 square feet.

Chairman Dibble asked if there were any lots in the area that are comparable to 4500 square feet?

Keith Ehlers replied that the lot directly to the North is 4,655 square feet; the lot to the west is 5,000 square feet and both are less than the RMF-5 standards by at least 1,500 square feet.

Cliff Anson stated that he has a contract with the Humphreys to purchase this property based on the outcome of tonight's meeting. The contract is based on getting an RMF-8 zone designation. Mr. Anson stated that the density of six units per acre was in line with the surrounding area. He stated that this proposal is for annexation and zoning, but a planning commission condition of approval for a limit of 6.2 units per acre would be acceptable. He also stated that a neighborhood meeting was held in regards to this proposal but no one showed up. He said, as far as he knew, no other comments were received by staff. He felt that this project would be welcomed by the neighborhood.

Chairman Dibble asked if single family or duplex units would be proposed?

Cliff Anson replied that it was his intention to build all single family lots.

Chairman Dibble asked if the drawing showed 56 units?

Cliff Anson replied that he believed that it was 57 units, an existing house plus 56 additional lots, on 9.36 acres which is 6.1 units per acre.

PUBLIC COMMENTS

AGAINST:

John R. Byrnes, 420 30 1/4 Rd, questioned whether 30 1/4 was a dead end street or not and asked about the different accesses into the subdivision.

Cliff Anson replied that there are two access points with a third access existing within a cul-de-sac.

Chairman Dibble clarified that the subdivision wasn't being proposed this evening, that the drawing they were looking at was just a sneak preview. He assured Mr. Byrnes that his access would not be disturbed.

Debra Tucker, 407 Bristol Ct, stated that she lives in Wedgewood Park Subdivision which is next to the Humphrey property. She said that she lives on a cul-de-sac and that she did not want that street continuing into a new subdivision.

QUESTIONS

Commissioner Lowrey stated that he originally thought he would recommend RMF-5 instead of RMF-8, because he felt it was more compatible with the surrounding areas but after seeing the plans felt that RMF-8 was appropriate. He did, however, say that he would be concerned if a proposal came forward with more than 56 lots on it which is around 6 units per acre. He would rather see more diversity than just a row of houses in an RMF-8 zone.

Jamie Kreiling, Assistant City Attorney, pointed out to the Commission that if they approve an RMF-8 zone that they have the understanding that it may be someone else that develops it and it could be developed to the RMF-8 standards. There is a possibility that this piece of property could sell to somebody else, or the sale that he has set up right now at this point and time with the owner could fall through. If the Planning Commission approves the RMF-8 zoning, the owner could come back and develop it to that zone. If the Commission wants to consider the RMF-5 and RSF-4, it would be based on the code criteria with no expectations of any particular plan. This plan may never come back through before you again.

Chairman Dibble stated that it would be inappropriate to assign a 6.2 ceiling on this property. He continued that the Commission is bound to recognize the upper and lower limits of the zone district that is approved.

Jamie Kreiling stated that technically, the Commission can condition some things, but legal counsel advises against conditioning a zone. Staff has not had an opportunity to look at this piece of property for possibilities of development. What has been seen is some conceptual information that has been put together by the applicant.

Commissioner Putnam said he prefers the RMF-8 zone. If the application comes in with a plan that shows very high density, it doesn't have to be approved.

Commissioner Pavelka-Zarkesh stated that based on the surrounding zoning, the proximity of the school in the area and the infrastructure that is already there, said she felt that the RMF-8 zone was appropriate.

Commissioner Cole agreed stating that with the RMF- 8 zone, the maximum density would be less than 8 with the infrastructure, etc.

Commissioner Pitts said his thoughts echoed what Mr. Lowrey stated and would be in favor of the RMF-8 zoning.

Commissioner Sublett concurred with the other members of the Planning Commission.

MOTION: (Commissioner Cole “Mr. Chairman, on Zone of Annexation ANX-2006-260, I would move that the Planning Commission forward to the City Council a recommendation of Approval of the RMF-8 (Residential Multi-Family, 8 units per acre) zone district for the Humphrey Annexation with the facts and conclusions listed on 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 8:00 p.m.