

**GRAND JUNCTION PLANNING COMMISSION  
AUGUST 12, 2003 MINUTES  
7:00 P.M. TO 8:55 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), John Redifer, Richard Blosser, William Putnam, Bill Pitts, Travis Cox (alternate) and John Paulson (alternate). Roland Cole and John Evans were absent.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Pat Cecil (Development Services Supervisor), Ronnie Edwards (Associate Planner), Senta Costello (Associate Planner), and Scott Peterson (Associate Planner).

Also present was Dan Wilson (City Attorney) as well as Eric Hahn and Rick Dorris (Development Engineers).

Terri Troutner was present to record the minutes,

There were approximately nine interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes from the July 8, 2003 public hearing.

**MOTION: (Commissioner Pitts) "Mr. Chairman, I move we approve the minutes of July 8, 2003 as written.**

Commissioner Blosser seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioners Paulson and Cox abstaining.

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

There were no announcements, presentations and/or visitors.

**III. CONSENT AGENDA**

The proposed Consent Agenda items were read: RZ-2003-096 (Rezone--Lutheran Church Rezone), FPP-1999- 184EX (Summer Hill Extension), RZ-2003-106 (Rezone--Village Park Amendment to PD), CUP-2003-029 (Conditional Use Permit--Hughes Triplex) and TAC-2003-01.03 (Text Amendment--TEDS Manual Update). At planning commissioner request, item RZ-2003-096 was pulled from Consent and placed on the Full Hearing Agenda.

Pat Cecil requested that item PP-2003-067 (Preliminary Plan--Forrest Glen Subdivision), originally placed on the Consent Agenda, be continued to the next regularly scheduled Planning Commission public hearing (August 26, 2003).

**MOTION: (Commissioner Blosser) "Mr. Chairman, I move that we approve the Consent Agenda as modified."**

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

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

Due to the potential for conflict of interest, Commissioner Cox recused himself from consideration of the following item.

#### **RZ-2003-096 REZONE--LUTHERAN CHURCH REZONE**

**A request for approval to rezone 2.37 acres currently zoned PD and RSF -I (Planned Development and Residential Single Family, 1 unit/acre) to a zoning of RO (Residential Office).**

**Petitioner: St. Paul Evangelical Lutheran Church, Jim West**

**Location: 628 26 1/2 Road**

#### **PETITIONER'S PRESENTATION**

Jim West, representing the petitioner, noted on an overhead map that portion of the property to which the RO zoning request applied. The RO zone, he said, was fairly restrictive and required that any proposed non-residential use reflect residential characteristics (*e.g.*, limitations in building size, residential design) and be consistent in design with other buildings along a street. Approval of the rezone would permit construction of an office building. The St. Paul Evangelical Lutheran Church and a parking lot currently existed on the site. The parking lot would be expanded and shared by both uses.

#### **QUESTIONS**

Commissioner Putnam asked for clarification on the present zoning of the parcel, which was given.

Chairman Dibble asked if the church intended to use any portion of the office building for expansion, to which Mr. West replied negatively. He added that only the parking area would be jointly used.

Commissioner Putnam asked if there were any plans to construct residences on the property, to which Mr. West replied negatively. Mr. West said that the RO zone was transitional, and given the mixed uses of the area, he felt it to be an appropriate zone for the property. He added that the RO zone restricted the size of the office building to no more than 10,000 square feet.

Mike Joyce, also representing the petitioner, read the Code's criteria for an RO zone into the record and explained that it had been selected because of the changing character of the area, with higher intensity uses having been developed near to and along the Horizon Drive corridor (*e.g.*,

The Glen Subdivision, Safeway, and Mesa View). The RO zone would permit construction of an office building while preserving the residential character of the area. The zone further restricted the use to exclude outdoor storage, limit business hours, and prohibit retail sales.

Commissioner Putnam observed that while the use would look residential, it wouldn't be residential. He noted that with the exception of Cedar Square, everything on both sides of 7th Street from F Road to G Road was residential. Mr. Joyce said that the exception to this, in his opinion, was Mesa View which, while residential in character, was in business to make money. The RO zone, he said, was permitted within residential zones to both provide for the type of use being proposed and to provide a transition between residential and higher intensity uses. Commissioner Putnam noted that the Safeway store was located to the east of 12th Street almost a half-mile away from the subject parcel and should not be used to justify the current proposal.

Mr. West remarked that traffic at the 7th Street/F Road intersection had greatly increased as a result of increased development in the area. That corner, he maintained, was unsuitable for single-family residential homes and noted that the rezone was only being proposed for that parcel located closest to the intersection.

Commissioner Putnam asked why so many parking spaces had been proposed. Mr. Joyce said that the number of spaces proposed were in response to Code requirements. He reiterated that the parking area would be shared by both the office and the church buildings. Mr. Joyce added that should the church wish to expand, the extra parking spaces would be needed.

### **STAFF'S PRESENTATION**

Senta Costello offered a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use map; and 4) Existing City and County Zoning map. She briefly overviewed the request and said that because the request met Code requirements and Growth Plan recommendations, staff recommended approval of the request.

### **QUESTIONS**

Chairman Dibble asked staff about the underlying zoning of the PD-zoned property. Ms. Costello was unsure but thought it may have been zoned PD-12 (Planned Development, 12 units/acre).

Commissioner Putnam asked if the 7th Street Corridor Plan was still in effect. He recalled that the Plan designated the entire 7th Street corridor between F and G Roads as strictly residential. Dan Wilson said that while he recalled the same restriction, the Growth Plan had replaced individual corridor plans. Thus, any decision on the current request should be based on Growth Plan recommendations.

### **PUBLIC COMMENTS**

Sharon Gordon (629 1/2\_26 1/2 Road, Grand Junction) objected in general to area-wide traffic increases but more specifically to the traffic increases in front of her home. Noting the close proximity of her home to the 7th Street/Horizon Drive intersection, she said that when 7th Street had been widened, no deceleration lane had been provided into her property. Since traffic did not typically expect to have to stop so quickly after an intersection to allow for turning vehicles,

several accidents had occurred at the entrance to her property. She said that if the current request were approved, she asked that the entrance be located off Horizon Drive as far to the east of 7th Street as possible. Either that or she wanted the City or developer to provide her with a safer access into her property.

### **PETITIONER'S REBUTTAL**

Commissioner Putnam disagreed with staff's assessment and recommendation. He felt that the petitioner had not met the Code's criterion 2.6.A.2 regarding the change in character of the area. Even though 7th Street had been widened and traffic had increased, the overall character of the area remained constant. Seventh Street from F Road to G Road was currently residential in character and he felt it should remain that way. Commissioner Putnam also disagreed with the "mixed use" reference made by Mr. West and clarified for the developer the concept of mixed-use development. He expressed strong opposition to the rezone request.

Commissioner Blosser said that good arguments could be made for either approval or denial. He agreed that traffic had been steadily increasing along Horizon Drive and at the 7th Street/Horizon Drive intersection, and he personally couldn't imagine single-family homes being constructed so close to that busy intersection.

Commissioner Pitts felt that given the significant increases in traffic along both 7th Street and Horizon Drive, the presence of the canal nearby, and the configuration and location of the subject parcel, a transitional use made sense. He felt that the RO zone was appropriate for the site, noting that the parcel's proximity to St. Mary's Hospital made it an ideal location for medical offices.

Chairman Dibble agreed that parcel would not be suitable for residential development given the high volume of traffic on both 7th Street and Horizon Drive. He expressed support for the rezone.

Commissioner Putnam clarified that multi-family residential development could be situated on the parcel; residential development didn't include just the construction of single-family homes.

Commissioner Redifer remarked that the only thing before the Planning Commission was the rezone request. No development proposal had yet been submitted. He agreed that the character of the area had changed, with significant increases in development and traffic having occurred. He agreed with staff's recommendation for approval.

Commissioner Paulson lived only a mile from the subject parcel and acknowledged that while there were still a number of older homes on larger lots in the area, newer residential development was recurring on smaller parcels and at higher densities. Traffic had increased substantially. He agreed that the RO zone would provide the area with a good transition.

**MOTION: (Commissioner Redifer) "Mr. Chairman, on zone amendment RZ-2003-096, I move that we forward a recommendation of approval of the rezone request to the City Council with the findings and conclusions as listed in the staff report."**

Commissioner Pitts seconded the motion, Commissioner Putnam opposing. A vote was called and the motion passed by a vote of 5-1, with

Commissioner Cox returned and was present for deliberations on the remaining item

**CUP-2003-081 CONDITIONAL USE PERMIT/FENCE--BURKE/WARREN FENCE**

**A request for approval of a Conditional Use Permit in order to construct an 8-foot fence on the rear property line in an RSF-4 (Residential Single Family, 4 unit/acre) zone district.**

**Petitioners: Leo Warren and Michael Burke**

**Location: 2539 and 2579 Applewood Place**

**PETITIONER'S PRESENTATION**

Michael Burke, representing the petitioners, referenced an overhead plat of the subdivision and said that the request applied just to Lots 1 and 3 of Block 1. Lot 1 sloped along the rear of the property at an almost six percent grade. The top of the existing fence along the rear property line was only 36 inches in height from the patio pad. Mr. Burke presented photos of Lot 1 taken from various angles, both inside and outside of the home. Even with a 6-foot-high fence, the sloping surface of the lots and the fact that the fence had been constructed in a drainage swale resulted in a very minimal fenceline and little or no privacy. Referencing a photo taken of a chair placed on the patio slab at 2786 Cortland Avenue, he noted that anyone sitting in the chair could easily be seen by persons from the backyard of Lot 1. The existing fence did little to obstruct views into the windows of either home, and it did nothing to buffer the noise originating from Cortland Avenue. The same problems, he said, existed with Lot 3.

Mr. Burke said that he'd circulated a petition to each homeowner in the subdivision explaining his request for an 8-foot-high fence, and without exception, all had signed and had given their approval. He'd also presented his request before the homeowners association and Mr. Warren, all of whom were residents of the subdivision and/or property owners. Again, all were in agreement that an 8-foot-high fence was warranted for the subject properties. Moving the existing fence was not an option since backyards were already very small. He'd sent a letter to the Grand Valley Water Users Association requesting its permission to erect a raised foundation for the 8-foot fencing along the property line, which was given contingent upon the retention of the drainage swale and slope, and provided that the retaining wall foundation did not extend any further than eight inches on either side of the property line. The Association had even stated that the short retaining wall foundation would benefit them since it would facilitate the stacking of dirt necessitated as a result of repair work without damaging fencing materials.

**QUESTIONS**

Commissioner Paulson asked Mr. Burke if he was also representing the owner of Lot 2 in Block 1, to which Mr. Burke responded negatively. That homeowner's particular backyard view was towards the side yard property line of an adjacent property and he'd had a variety of vegetation planted and trellises erected as screening, so privacy was not as significant an issue for him. The homeowner also didn't want to go to the time and expense of removing his existing fence and constructing a new one. Mr. Burke added that he would be mindful of both City requirements and homeowner wishes in designing and constructing replacement fencing.

Commissioner Cox asked the developer if he intended to erect a 6-foot-high fence atop a 2-foot retaining wall, to which Mr. Burke replied affirmatively. He noted that because the existing fence had been constructed in a swale, its actual height from ground level was closer to 5 1/2 feet. If that same 6-foot fence were erected atop a 2-foot retaining wall, it would appear less than 8 feet high while providing homeowners with a greater level of privacy.

Chairman Dibble asked if homes were currently located on both Lots 1 and 3. Mr. Burke said that Lot 3 had not yet been sold; Mr. Warren still owned the property. He added that as a condition of sale he'd agreed to bring the fencing variance request before the Planning Commission on behalf of the owners of Lot 1. Chairman Dibble remarked that approving the request for just Lots 1 and 3, without including Lot 2, would result in a stair-stepped appearance of fencing along the rear property line. Mr. Burke said that the adjacent Leslee Minor Subdivision contained a number of fencing types. Fencing materials for the subject lots would be uniform in appearance (woven vinyl) and, because of the swale, appear comparable to the 6-foot-high fence of Lot 2.

Commissioner Blosser asked if a separate approval would be required from the subdivision's homeowners association. Mr. Burke said that all members of the homeowners' association board had signed his petition expressing their approval. He didn't expect any difficulty with drafting and securing approval for an amendment to the covenants.

### **STAFF'S PRESENTATION**

Ronnie Edwards offered a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use map; 4) Existing City and County Zoning map; and 5) findings and conclusions. Ms. Edwards said that the existing fencing had been erected in 1994 when the property had been under County jurisdiction, and no fence permit had been required at that time. She confirmed that the request had been prompted by privacy issues and the uneven grade of the property. She also confirmed that the Grand Valley Water Users Association had not objected to the request. Staff opposed the request because the varying heights of fencing along the rear property lines of the subject lots would not be representative of good site designing. Staff also felt that other alternatives were available which would result in additional privacy. Since Code criteria for a Conditional Use Permit had not been met, staff recommended denial.

### **QUESTIONS**

Commissioner Cox asked staff for some of the alternatives available to the petitioners. Ms. Edwards said that trellises could be erected and/or vegetation planted. It was also possible for the petitioners to work with the Grand Valley Water Users Association to adjust property grades while still accommodating drainage.

When asked by Commissioner Redifer if the main reason for staff's objection was in the visual appearance of the fencing once installed, Ms. Edwards replied affirmatively. He asked if any complaints had been received from surrounding property owners, to which Ms. Edwards responded negatively.

Chairman Dibble asked if there were already varying heights and styles of fencing present throughout the City, which was confirmed by staff.

**PUBLIC COMMENTS FOR:**

Leo Warren, co-petitioner, reiterated that homeowners have a reasonable expectation of privacy, and he urged approval of the request.

**AGAINST:**

There were no comments against the request.

**QUESTIONS**

A discussion ensued over whether an 8-foot-high fence would be sufficient to meet the privacy needs of property owners and whether a grade adjustment was a viable option. Mr. Burke said that the present grading was necessary to facilitate drainage, and the slope was the same on both sides of property lines. Since the fence would be constructed within the existing swale, the overall visual result would be an additional 2 1/2 feet of height. That would be enough to screen windows and provide additional privacy to backyards.

To clarify for planning commissioners, Mr. Blanchard said that while the overall height of the fence would be 8 feet, the presence of the swale would create the illusion of reduced height. He reiterated that staffs concern was over the consistency of design. Without the inclusion of Lot 2 in the proposal, the result would be a stair- stepped appearance in the fenceline.

Chairman Dibble said that the primary issue seemed to be whether privacy was more important than consistency of design. Mr. Blanchard said that privacy was one criterion of the CUP. Mr. Burke noted that there was a lack of consistency already present in the area's fencing. He added that the amendment to the covenants would allow for 8-foot-high fencing only along the rear property lines of subject lots.

**DISCUSSION**

Commissioner Blosser didn't feel that the additional fence height would harm anyone and the request seemed to be supported by both the property owners and the homeowners association. Any issue the homeowners association might have could be handled as a civil matter with the petitioners. He expressed support for the request.

Commissioner Pitts acknowledged staff concerns but he felt that CUP criteria had been met. He said he would have no problem approving the request.

Commissioner Redifer concurred. While he appreciated staffs review and position, there were already fencing inconsistencies evident in the area, and no objections had been received from any of the neighbors.

Commissioners Putnam and Paulson agreed with staff's position that other alternatives to achieving privacy were available. Commissioner Paulson added that while approval of the height variance might be appropriate in the current situation, he didn't feel that the request met the CUP criterion requiring consistency of design.

Commissioner Cox felt that given the differences in grade from Cortland Avenue and Applewood Place to the swale, likely there would be little visual difference between the 8-foot-high fencing and the fencing height of Lot 2.

Chairman Dibble agreed that while other alternatives might be effective, the present circumstances warranted the additional fence height. He too expressed support for the request.

**MOTION: (Commissioner Pitts) "Mr. Chairman, on Conditional Use Permit, CUP-2003-081, I move that we approve the Conditional Use Permit as presented finding that all of the review criteria in the Zoning Code have been met."**

Commissioner Cox seconded the motion. A vote was called and the motion passed by a vote of 6-1, with Commissioner Paulson opposing.

With no further business to discuss, the public hearing was adjourned at 8:55 P.M.