

**GRAND JUNCTION PLANNING COMMISSION  
AUGUST 13, 2002 MINUTES  
7:03 P.M. to 7:45 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:03 P.M. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were Paul Dibble (Chairman), John Evans, Richard Blosser, William Putnam, John Redifer and Bill Pitts.

In attendance, representing the Community Development Department, were Bob Blanchard (Community Services Director), Pat Cecil (Development Services Supervisor) and Ronnie Edwards (Associate Planner).

Also present were John Shaver (Asst. City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

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

**I. APPROVAL OF MINUTES**

No minutes were available for consideration.

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

At the petitioner's request, Pat Cecil asked that item VAR-2002-128 be continued to the next Planning Commission public hearing on August 27, 2002.

**MOTION: (Commissioner Redifer) "Mr. Chairman, I move that item VAR-2002-128, the Rehearing Request—The Estates Subdivision Variance, be rescheduled to the next meeting of August 27, 2002."**

Commissioner Blosser seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

**III. CONSENT AGENDA**

Available for placement on the Consent Agenda was item ANX-2002-136 (Annexation/Rezone—Gerick Subdivision Annexation); however, at citizen request, the item was pulled and placed on the Full Hearing agenda.

**V. IV. FULL HEARING**

**ANX-2002-136 ANNEXATION/REZONE—GERICK SUBDIVISION ANNEXATION**

**A request for approval of a Zone of Annexation from County RSF-4 to City RSF-1 (Single Family Residential not to exceed 1 unit per acre).**

**Petitioner: Edwin N. Gerick**

**Location: 324 Quail Drive**

**Representative: Dale Cole**

**PETITIONER’S PRESENTATION**

Dale Cole, representing the petitioner, referred to an annexation map of the area. He said that the Gericks wanted to split off their property and construct another one-story home on the newly created lot. No views would be obstructed and the Gericks were willing to place a deed restriction on their property prohibiting any further subdivision. The covenants, he said, permitted subdivision of this lot.

**QUESTIONS**

Commissioner Blosser understood that the covenants prohibited subdivision of lots to sizes less than 2 acres. The proposed subdivision would create a lot less than this 2-acre minimum. Mr. Cole said that the proposed split was in the most logical location on the property. The Gericks didn’t want a lot of maintenance associated with this proposed 1.3 acre lot.

Commissioner Redifer asked for the size of the parcel directly adjacent to the property. Mr. Cole was unsure since it was not a part of the subdivision.

John Shaver asked if Mr. Cole the exact paragraph in the covenants which permitted subdivision of this parcel. Mr. Cole clarified that the covenants only said that lots could be subdivided as long as they were at least 2 acres in size.

When asked how access would be provided, Mr. Cole said that a tract would be created from Quail Drive, which would serve as a “flag” access to both lots.

**STAFF’S PRESENTATION**

Ronnie Edwards reviewed the request using a PowerPoint presentation. Slides included: 1) an annexation map of the area; 2) staff analysis; 3) vicinity future land use map; and 4) the annexation utility map. The only thing under current consideration was the Zone of Annexation. The proposed RSF-1 was actually a downzone; however, the density associated with an RSF-1 zone would be consistent with those in the surrounding area. Having found the request to be consistent with the Growth Plan and section 2.6 of the Zoning and Development Code, staff recommended approval.

**QUESTIONS**

Commissioner Blosser asked for confirmation that the RSF-1 zone would be less intensive than the one previously imposed by the County, which was given.

Commissioner Evans asked for clarification on the location of the house currently on the property, which was provided.

Chairman Dibble wondered when the annexation had occurred. Ms. Edwards said that it was on City Council’s agenda for consideration on September 18.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Jack Casper (342 Quail Drive, Grand Junction) said that the subdivision request was inconsistent with the expectations of the surrounding neighborhood. People lived there and bought property in this established neighborhood with a clear understanding of what comprised that neighborhood. The petitioner was attempting to change that expectation. This issue, he said, centered around local control of growth. He and his neighbors opposed the proposed subdivision request.

**PETITIONER'S REBUTTAL**

No rebuttal testimony was given.

**DISCUSSION**

Commissioner Blosser asked Mr. Shaver for a legal opinion on the covenants. Mr. Shaver stated that the only issue before Planning Commission was the Zone of Annexation. He went on to say that the enforcement of covenants was a civil matter. If the petitioners elected to subdivide and were given approval, they may risk a lawsuit from the subdivision's Homeowners Association or the neighbors themselves. Mr. Shaver advised that the Planning Commissioners should limit their deliberation to whether the request met Code and Growth Plan criteria.

Chairman Dibble noted that given the lower densities, the County's RSF-4 zone seemed out of place and non-conforming to Growth Plan recommendations. Ms. Edwards clarified that the original RSF-4 zone had been applied by the County back in 1962.

When asked if any motion made should be tied to approval of the annexation request, Mr. Shaver said that it was unnecessary. He advised that if the annexation is denied, the Zone of Annexation request would be rendered moot.

Commissioner Redifer agreed with staff's determination that the request met both the intent of the Growth Plan and section 2.6 of the Zoning and Development Code. Other planning commissioners concurred.

**MOTION: (Commissioner Blosser) "Mr. Chairman, on Zone of Annexation ANX-2002-136, I move that the Planning Commission forward the Zone of Annexation to City Council with the recommendation of Residential Single Family with a density not to exceed one unit per acre (RSF-1) for the Gerick Annexation, with the findings listing in the staff recommendation."**

Commissioner Redifer seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

With no further business to discuss, the public hearing was adjourned at 7:45 P.M.