

GRAND JUNCTION PLANNING COMMISSION
Public Hearing November 2, 1993
7:02 p.m. - 10:10 p.m.

I. CALL TO ORDER

The public hearing was called to order by Chairman John Elmer at 7:02 p.m. in the City County Auditorium.

In attendance, representing the City Planning Commission, were Chairman John Elmer, Stephen Laiche, Ron Halsey, James Anderson, and Thomas Volkmann.

In attendance, representing the City Community Development Department, were Larry Timm, Director; Kathy Portner, Planning Supervisor; Dave Thornton, Senior Planner, and Kristen Ashbeck, Associate Planner.

John Shaver, Assistant City Attorney, and Gerald Williams, City Development Engineer, were also present.

There were 47 interested citizens present during the course of the meeting.

II. CONSIDERATION OF MINUTES

MOTION: (Commissioner Anderson) "Mr. Chairman, I request that we approve the minutes from the previous meeting."

The motion was seconded by Commissioner Volkmann.

A vote was called, and the motion passed unanimously by a vote of 5-0.

III. ANNOUNCEMENTS, PRESENTATIONS, AND/OR PRESCHEDULED VISITORS

Chairman Elmer announced that the following items would be pulled from the agenda: #119-93 FINAL PLAT/PLAN - PTARMIGAN RIDGE NORTH, Sumrall Corporation, petitioner; and #108-93 VARIANCE FROM 1/2 STREET IMPROVEMENTS REQUIREMENT, Munequita Allen, petitioner.

Chairman Elmer announced that the petitioners had requested the following items be tabled: #101-93 RESUBDIVISION - S&J SUBDIVISION; #103-93 REPLAT - LOT 66, BLOCK 13, THE RIDGES, FILING #6; and #82-93 VACATION OF EASEMENT - 487 28 1/4 ROAD. Chairman Elmer said he would entertain a motion to table the three items.

MOTION: (Commissioner Laiche) "Mr. Chairman, so moved." (To table Items #101-93, #103-93, and #82-93.)

The motion was seconded by Commissioner Halsey.

A vote was called, and the motion passed unanimously by a vote of 5-0.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION.

- #115-93 CONDITIONAL USE PERMIT - 270 HOLLY LANE**
A request for approval of a Conditional Use Permit to allow a mule to be kept on a parcel of land in excess of 1.5 acres in an RSF-8 (Residential Single Family, 8 units per acre) Zone District.
PETITIONER: Larry Hughes
LOCATION: 270 Holly Lane

STAFF PRESENTATION

Kristen Ashbeck gave an overview of the request to locate one mule on the petitioner's property. She said that the Code allows one large agricultural animal per half-acre. The petitioner would be able to meet the fencing requirement that requires fencing be 100' from any residential structure. Staff recommended approval.

PETITIONER'S PRESENTATION

The petitioner had no comment.

PUBLIC COMMENT

Rhonda Ingram, 326 Sherman Drive, said she lived on the parcel adjacent to the petitioner and felt that mules were "loud and obnoxious" and she did not want the petitioner to be allowed to have one on his property.

PETITIONER'S REBUTTAL

Mr. Hughes, in his rebuttal, pointed out that "all mules aren't the same." He said he'd been around this particular mule for 6 months and he "hardly ever brays," and that as long as a mule has company, it won't bray.

QUESTIONS/DISCUSSION

Commissioner Volkmann questioned the distinction of mules from other large agricultural animals. Kristen Ashbeck responded that mules, goats, burros, and pigs require a Conditional Use Permit.

Chairman Elmer asked if the 100' fencing setback would be physically measured. Kristen Ashbeck said that such a measurement would be a condition of approval. She said that the petitioner's own house would not have to meet the 100' setback.

MOTION: (Commissioner Halsey) "Mr. Chairman, I move that we approve item #115-93 to request a Conditional Use Permit for one mule located at 270 Holly Lane."

Commissioner Laiche seconded the motion.

A vote was called, and the motion passed by a vote of 3-2 with Chairman Elmer and Commissioner Anderson opposed.

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

1. **#107-93 VARIANCE - SUNDANCE MARINE, 2490 HIGHWAY 6 & 50**
Request for a variance from Section 5-4-5.B of the Zoning and Development Code, requiring a public sanitary sewer collection system and treatment facility for all developments, to allow for 2,000 square foot addition to be served by an on-site septic system.
PETITIONER: Michael & Linda McCallum
REPRESENTATIVE: Michael McCallum
LOCATION: 2490 Highway 6 & 50

STAFF PRESENTATION

Kathy Portner gave an overview of the request and said that the petitioner wished to add a 2,000 square foot addition to the existing 4,960 square foot building. The petitioner has agreed to extend the water line to provide adequate fire flow. The existing business is currently served by an on-site septic system. The Code requires that the petitioner hook into the public sanitary sewer system; however, the nearest sewer line is in 25 Road, approximately 320 feet from the northeast corner of the property. Extending the sewer line would require an easement across intervening property, which the owner would sell to the petitioner at a cost of \$20,000. The petitioner feels that the amount is unreasonable and requests a variance.

Kathy Portner quoted criteria that could be considered to allow variances to the Code. She said that staff agreed that an undue hardship would be created for the petitioner with a strict application of the provision given the lack of existing sewer service in the area. She said that the addition of a showroom would not significantly impact the existing septic system or be detrimental to the public welfare. Staff did feel that when sewer service became available, the petitioner should be required to hook in.

Staff recommended approval of the variance request subject to the following conditions:

- 1) Approval by the Mesa County Health Department to use the existing septic system for the addition.

- 2) The property owner will connect to the public sewer system when it becomes available to the property.
- 3) The petitioner will be required to pay now for a percentage of the cost for future sewer extension to the property, the amount to be determined by the Public Works Director.
- 4) The property owner will be required to sign a Power of Attorney for future improvement district formation.

QUESTIONS

Commissioner Anderson said he felt condition #2 should be changed from "when it becomes available" to "as soon as it becomes available." John Shaver, Assistant City Attorney, referred to Section 25-18 of the Code of Ordinances which states when sewer is abutting the property and within 400 feet, the property shall be connected. He felt referring to the City ordinance was probably the best way to handle the matter.

Chairman Elmer was concerned that the petitioner was being asked for both a Power of Attorney and to make payment now. He felt it should be "one or the other." Kathy Portner said that even if the money were paid now, the Power of Attorney would be necessary for the future when the improvement district was formed.

Commissioner Laiche asked how much money the petitioner would pay and who would decide the amount, and Kathy Portner said that the City Utility Engineer calculated the fee to be approximately \$12,000. John Shaver explained to the Planning Commission the reasons for obtaining the Power of Attorney.

Commissioner Volkmann asked if the Health Department had reviewed the request yet. Kathy Portner replied that Thomas Orr, Mesa County Health Department, had not reviewed the specifics of the case. He did note that it appeared the addition was not going to be built over the leach field. He said that if the additional plumbing was minimal and did not impact the existing system and if the existing system was functioning properly, the Health Department would probably approve it.

PETITIONER'S PRESENTATION

The petitioner was not present.

PUBLIC COMMENT

There was no public comment either in favor or opposition to the request.

QUESTIONS/DISCUSSION

Commissioner Volkmann asked if staff would prefer to see the sewer line extended at this time, if not for the cost of the easement. Kathy Portner said that the easement was not the best place for the sewer line and that, ideally, service should come down Highway 6 & 50 in order to service more properties.

Commissioner Anderson and Chairman Elmer agreed that staff's recommendations were probably the most expeditious way to handle the matter, especially since a showroom would have little impact on the sewer system.

MOTION: (Commissioner Anderson) "Mr. Chairman, on item #107-93 a request for the variance of Section 5-4-5.B of the Zoning and Development Code, I move that we forward this request to the City Council with a recommendation for approval subject to the following conditions, i.e. the staff recommendations Items 1-4, with the notation that Item 2 reference the City Ordinance with regard to sewer connection."

The motion was seconded by Commissioner Halsey.

A vote was called, and the motion passed unanimously by a vote of 5-0.

- 2. **#116-93 CONDITIONAL USE PERMIT AND REZONE - 1525 NORTH 1ST STREET**
Request for approval of a Conditional Use Permit to allow an office use in a B-2 (Neighborhood Convenience Business) Zone District and rezone of the property from B-2 to PB (Planned Business)
PETITIONER: Robert LeBaron
LOCATION: 1525 North 1st Street

STAFF PRESENTATION

Kristen Ashbeck gave an overview of the request, stating that the petitioner wished to locate his insurance office on the property. The property is currently zoned B-2 and the Code states that a professional office is a Conditional Use in this zone. Staff recommended that the petitioner also initiate a rezone since the B-2 Zone has stringent conditions and limitations which can not be met at the site, and staff feels the current zoning is inappropriate.

Kristen Ashbeck said that the petitioner has ample parking space and the site is well landscaped. The petitioner is being required to dedicate 10' of right-of-way on 1st Street. Ms. Ashbeck said that staff was concerned about the possibility of a lighted sign and suggested that a lighted sign not be

allowed.

Staff recommends approval of both the Conditional Use and the Rezone subject to the following conditions:

- 1) Revocable permit is obtained for the sign.
- 2) The proposed sign will not be lighted.
- 3) Dedication of 10' of right-of-way for 1st Street.
- 4) Shrubs are removed as indicated on the plan.
- 5) Payment of open space fees in the amount of \$1,250.

PETITIONER'S PRESENTATION

Robert LeBaron, petitioner, 972 17-1/2 Road, said that his office did most of its business by telephone and would create a low amount of traffic. He said that the sign would be a principal means of advertising and he requested that the sign be lighted.

PUBLIC COMMENT

There was no public comment either for or against the proposal.

QUESTIONS/DISCUSSION

The Planning Commission questioned Mr. LeBaron on the matter of a lighted sign. Mr. LeBaron said that the sign would probably be on a timer to shut off at approximately 10:00 or 11:00 p.m. as his business was not open in the evening. The sign would not be internally lit, with lighting at or below ground level.

Commissioner Volkmann asked if it would be appropriate to require the lighting to be turned off at a particular time. John Shaver said that such a requirement could be a condition of the zone but felt it would be more appropriate to allow the petitioner to work out any problems with his neighbors if they were to arise.

Chairman Elmer said he felt the rezone met the character of the neighborhood and the intent of the First Street Corridor guidelines.

MOTION: (Commissioner Halsey) "Mr. Chairman, I move that we approve item #116-93, a request for a Conditional Use Permit for a professional office in a B-2 zone, subject to the following conditions:

- 1) a revocable permit is obtained for the proposed sign;
- 2) dedication of 10 feet of the 1st Street right-of-way;
- 3) shrubs are removed as indicated; and
- 4) payment for open space fees is in the amount of \$1,250.

The motion was seconded by Commissioner Laiche.

MOTION AMENDED: (Commissioner Halsey) "The sign is allowed as proposed by the petitioner."

The amendment was seconded by Commissioner Laiche.

A vote was called, and the amended motion passed unanimously by a vote of 5-0.

MOTION: (Commissioner Halsey) "Mr. Chairman, I move that we forward item #116-93, a request to rezone a parcel located at 1525 North 1st Street from B-2 to Planned Business, on to City Council with a recommendation for approval, subject to the same conditions as the Conditional Use Permit."

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed unanimously by a vote of 5-0.

3. **#117-93 VACATION OF RIGHT-OF-WAY AND EASEMENT VACATION - PTARMIGAN COURT SOUTH**
Request for approval of vacation of a portion of Ptarmigan Court South located in Ptarmigan Ridge, Filing #2 and a portion of the Utility, Irrigation and Drainage Easement.
PETITIONER: John Siegfried
REPRESENTATIVE: Lewis Hoffman
LOCATION: Ptarmigan Court South, Ptarmigan Ridge Filing #2

STAFF PRESENTATION

Kristen Ashbeck gave an overview of the request. She said that originally the right-of-way was platted to provide access to the lots in Ptarmigan Ridge Filing #2 and in Spomer Subdivision. It has been determined that the right-of-way is not needed to serve properties to the east. Ptarmigan Court

South has been developed as a cul-de-sac and the proposal is to vacate the portion east of the cul-de-sac. The petitioner would be rededicating an easement for utility purposes for existing and potential lines. Staff recommended approval subject to the following conditions:

- 1) Dedication of a utility and drainage easement across the vacated area to the parcel to the east.
- 2) Approval by the Utility Coordinating Committee.

QUESTIONS

Chairman Elmer asked if adjacent property owners realized their easement would be vacated, and Ms. Ashbeck said she had received no comments from those property owners.

PETITIONER'S PRESENTATION

Lewis Hoffman, representative for the petitioner, PO Box 9088, Grand Junction, said that he agreed with staff's conditions. He said that the owner of property to the south and north of the easement is a builder who is seeking the right-of-way vacation in order to make the lots "more buildable."

PUBLIC COMMENT

There was no public comment either for or against the proposal.

QUESTIONS/DISCUSSION

Chairman Elmer and Commissioner Anderson stated they "had no problem" with the request. Chairman Elmer said that when staff made such requests it was "usually prudent planning."

MOTION: (Commissioner Volkmann) "Mr. Chairman, I move that we forward item #117-93, a right-of-way vacation for a portion of Ptarmigan Court South on to City Council with a recommendation of approval subject to the following conditions:

- 1) dedication of the utility and drainage easement across the vacated area to the parcel to the east; and**
- 2) approval by the Utility Coordinating Committee.**

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed unanimously by a vote of 5-0.

4. **#118-93 REZONE - 1060 GRAND AVENUE**
Request for approval of a rezone of a parcel of land located at 1060 Grand Avenue from RMF-64 (Residential Multi-family, 64 units per acre) to PB (Planned Business).
PETITIONER: Judy Smith
LOCATION: 1060 Grand Avenue

STAFF PRESENTATION

Kathy Portner gave an overview of the request. She said that the applicant has been operating an interior design business at the site as a home occupation and now would like to expand the business to have an employee and a sign. This would not be allowed under the current zoning. Ms. Portner said the structure has been renovated and retains a residential appearance compatible with the surrounding area. The structure originally had seven apartment units and now has four apartments and the proposed business. The rezone request is in conformance with the Grand Avenue Corridor Guidelines which states that light businesses are appropriate. Ms. Portner said that the proposal would decrease the required parking spaces from 13 to 11. Five percent of the appraised land value would be required to be paid into the Parks and Open Space Fund.

Kathy Portner cited the criteria to be considered for a rezone. She said that there had been a change in the character of the Grand Avenue Corridor from residential to business, the proposal would be compatible with the surrounding area, and is in conformance with the Grand Avenue Corridor Guidelines. Therefore, staff recommended approval of the rezone and final plan with the following conditions:

- 1) The parking area must be graveled or paved and maintained in dust free condition.
- 2) Parking blocks must be provided along the alley.
- 3) A Power of Attorney for future alley improvements must be signed by the property owner.
- 4) All building and fire code requirements must be complied with.
- 5) The allowed signage will be a non-illuminated monument-style sign not to exceed 30 square feet.
- 6) The proposed use is determined to be included in professional/government offices which are appropriate under the corridor guidelines.

Chairman Elmer asked if such an old structure could be current with the Codes. Kathy Portner said that the Building Department and Fire Department did a walk-through of the building and informed the petitioner of problem areas such as restroom facilities and poor access.

PETITIONER'S PRESENTATION

Judy Smith, petitioner, 1060 Grand Avenue, said that she recently renovated the building, and "completely changed the outlook on the corner." The structure and lot were badly deteriorated and the neighbors were pleased with the changes she had made. She put up a fence that has helped stop unauthorized access to the area. She said that the fire department "found the property in very good shape." She said that the sign would be professional and not detract from the neighborhood.

PUBLIC COMMENT

There was no public comment either for or against the proposal.

QUESTIONS/DISCUSSION

Chairman Elmer said that the rezone fit the Corridor Guidelines and felt it was an improvement to the area. He felt the rezone was more compatible than the RMF-64 so it could be said that the current zoning was in error.

Commissioner Anderson said "anything that gets rid of that RMF-64 is good."

MOTION: (Commissioner Laiche) "Mr. Chairman, on item #118-93, a request by Mrs. Smith for a rezone from RMF-64 to Planned Business, I move that we forward this on to City Council with a recommendation for approval, with the approved use being Professional and Governmental offices."

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed unanimously by a vote of 5-0.

MOTION: (Commissioner Anderson) "Mr. Chairman, on item #118-93, a request for a Final Plan for the property located at 1060 Grand Avenue, I move that we approve this subject to staff recommendations #1-5."

The motion was seconded by Commissioner Halsey.

Commissioner Volkmann questioned condition #3 regarding the requirement for a Power of Attorney and said that he preferred the language to read "A Power of Attorney allowing for the formation of an Alley Improvement District for the purpose of future alley improvements must be signed by the property owner." He felt that otherwise "This reads like a carte-blanche. They could

improve the alley and ding her for the whole thing."

John Shaver said that there was a provision in the Zoning and Development Code that suggests the Power of Attorney in lieu of the actual alley improvements. He said he would defer to the Commissioners if they felt it was important.

Commissioner Volkmann said he would defer to Mr. Shaver's analysis and withdrew his amendment.

A vote was called, and the motion passed unanimously by a vote of 5-0.

5. **#121-93 REZONE - LANDS IN ORCHARD MESA**
Request for approval of a rezone of various parcels of land located in Orchard Mesa from RSF-8 (Residential Single Family, 8 units per acre) to RSF-5 (Residential Single Family, 5 units per acre).
PETITIONER: Property Owners
REPRESENTATIVE: Pauline Heuscher
LOCATION: That area of the City of Grand Junction that is bounded by the Colorado River on the north, the west boundary of the Reservation Subdivision on the east, the east boundary of Bookcliff View Subdivision on the west, and the south boundary of Kelly Subdivision and Easter Subdivision on the south, and excluding the Habitat Subdivision.

STAFF PRESENTATION

Dave Thornton gave an overview of the proposal. He said that a group of area property owners wished to reduce the number of new dwelling units that could be built in the area. Currently there is no adopted master plan for Orchard Mesa. He said that it was staff's opinion that, even at current zoning, build-out would not develop at 8 units per acre. Mr. Thornton said that at the current zoning of RSF-8, 110 additional units could be constructed on the entire subject area of approximately 33 acres; while a zoning of RSF-5 would result in 90 units.

Mr. Thornton said that staff would support the request since the neighbors have signed a petition asking for the rezone. He stated that Mr. Fred Nelson, who owns 7-1/2 acres in the subject area, did not sign the petition. Mr. Thornton stated that Mr. Nelson was hesitant to sign the petition since the property is for sale and he didn't know what plans a potential purchaser would have for the parcel. Mr. Nelson's property would have a small impact on the number of possible units in the area, with only 12 additional units allowed if the zoning remained at RSF-8.

Staff recommended approval, but requested that the Planning Commission consider Mr. Nelson's testimony if he attended the hearing and make boundary adjustments to the rezone area, if

appropriate.

PETITIONER'S PRESENTATION

Penny Pauline Heuscher, representative for the petitioner, 330 Mountain View Court, said that originally area residents wanted a zoning of RSF-4 for the area and that 122 residents signed such a petition. (She presented the petition to the Planning Commission.) After consultation with City staff, the boundaries were revised and the rezone request was changed to RSF-5. She presented the Planning Commission with a petition signed by all property owners in the subject area. She said that she felt the new zone would provide for growth yet retain the character of the neighborhood. Ms. Heuscher pointed out that many petitioners had property that could be developed, yet they preferred to have the lower density.

PUBLIC COMMENT

Area residents that spoke in favor of the proposal were: Carl Zimmerman, 2744 Laguna Drive; Bill Sikler, 2747-1/2 Parkwood Drive; Ed Miller, 2752 Cheyenne Drive; and Mike Bradford, 318 Mountain View. They expressed the opinion that they wanted development that was compatible with the area and were concerned with the increased traffic and drainage problems that greater development would create.

There was no public comment against the proposal. Chairman Elmer determined that Mr. Nelson was not present at the hearing.

QUESTIONS/DISCUSSION

Commissioners Volkmann, Anderson and Elmer concurred that they were "troubled" by the prospect of including Mr. Nelson's property in the rezone since he hadn't signed the petition. Commissioner Volkmann commended the neighbors for their efforts but felt Mr. Nelson should give his express consent before rezoning his property.

John Shaver said that the Planning Commission has the authority to rezone Mr. Nelson's property without his signature if the criteria for a rezone had been met and demonstrated. Mr. Nelson has been notified of the proceedings and has had an opportunity to comment; therefore, it would be within the Planning Commission's purview to approve a rezone for the property if the criteria are demonstrated to the satisfaction of the Commission.

Commissioner Volkmann asked if the names on the petition had been checked to ensure they were the current owners. Dave Thornton said that staff identified the owners and compiled the list for the petitioner. He said that to staff's knowledge, it was an accurate list.

Chairman Elmer said he felt Mr. Nelson's property could be the buffer between the densities and

that the property had the flexibility to "go either way." He asked if the rezone would create non-conforming uses. Dave Thornton said that a visual site analysis showed no problems and it appeared that existing setbacks would meet the requirements of the RSF-5 zone. He said that the owners had been advised of the setback differences between the two zones.

MOTION: (Commissioner Volkmann) "Mr. Chairman, on item #121-93 I move that we forward this on to City Council with the recommendation of approval. This rezone request recommendation, however, includes all property listed in the rezone petition, except those properties owned by Mr. Frederick Nelson, and any parcel for which the current owner has not signed the petition submitted. This rezone request meets the rezone criteria as established by the Grand Junction Zoning and Development Code in the following ways:

- 1) **The change in character in the area has been minimal, but there is concern by the neighborhood that the current zoning would allow additional changes in the area if the existing zoning were allowed to remain.**
- 2) **The existing character of the area is closer to that of a RSF-5 zone than a RSF-8 zone.**
- 3) **The neighborhood believes there is a need for the proposed rezone and, in fact, the majority have signed the petition requesting the rezone.**
- 4) **The rezone is compatible with the surrounding area and no adverse impacts are anticipated.**
- 5) **The benefit derived by this rezone will be a decrease in the allowed density which the neighborhood is requesting.**
- 6) **This rezone proposal is in conformance with the intent and requirements of the Zoning and Development Code. There is currently no adopted master plan for this area, although one is currently being developed.**
- 7) **There are adequate facilities available."**

Commissioner Volkmann said the revision he made to staff's recommendations is due to his concern that in the event there have been transfers of property and the current owner is not on the petition, "then the current owners would fit into the same category as Mr. Nelson does." He also

felt it was inappropriate to state that the zoning as set was in error at the time of its adoption simply because it didn't develop that way.

The motion was seconded by Commissioner Halsey.

A vote was called, and the motion passed unanimously by a vote of 5-0.

6. #1-93(F) TEXT AMENDMENT - RSF-R

Request for approval of a text amendment to: add a new Section 4-2-1 of the Grand Junction Zoning & Development Code adding a new zone category of RSF-R (Residential Single Family with an allowed density of 1 unit per 5 acres); to renumber existing Sections 4-2-1 through 4-2-18 to Section 4-2-2 through 4-2-19 and; to amend Section 4-3-4 Use/Zone Matrix, to add the new zone category of RSF-R with all use designations being the same as RSF-1.

PETITIONER: City of Grand Junction

REPRESENTATIVE: Kathy Portner

STAFF PRESENTATION

Kathy Portner gave an overview of the request and stated that the RSF-R zone would be similar to the County AFT zone requiring a minimum lot size of five acres. This was at the request of some of the property owners within the Paradise Hills annexation. The RSF-R zone would be identical to the AFT zone as far as bulk requirement and the proposed uses for the zone would be the same as those uses already identified for the City's RSF-1 zone. Staff recommended approval of the text amendment.

Commissioner Halsey asked if the change would have any tax benefits for property owners, and Kathy Portner said her understanding was that tax valuation was based on land use rather than zoning.

PUBLIC COMMENT

An unidentified audience member asked what changes would be made to allowed commercial uses. Kathy Portner responded that some commercial uses allowed in the County AFT zone would be excluded.

QUESTIONS/COMMENTS

Chairman Elmer questioned the matter of a "Fire/Police Station" being a special use and said he preferred to see it be a conditional use. Kathy Portner said that it was a special use in all zones and the City was trying to be consistent. He also questioned why "Parks, Lakes and

Reservoirs" was not an allowable use, and Kathy Portner said that it was a special use in all other zones and it would make sense to make it a special use in this zone as well.

Commissioner Anderson said he felt the new zone "filled a void". Chairman Elmer said he liked the fact that it was more restrictive than the County's zone.

MOTION: (Commissioner Anderson) "Mr. Chairman, I move that we recommend approval of item #1-93(F) Text Amendment to Grand Junction Zoning and Development Code to create a new RSF-R zone, with additional reference to Parks, Lakes and Reservoirs, that it fall under Special Use."

The motion was seconded by Commissioner Halsey.

A vote was called, and the motion passed unanimously by a vote of 5-0.

7. **#50-93 ZONE OF ANNEXATION - PARADISE HILLS**
Request for approval of the following zones for various lands currently being annexed to the City in the Paradise Hills area: RSF-R, RSF-1, RSF-4, PR, PAD, and PI.
PETITIONER: City of Grand Junction
REPRESENTATIVE: Larry Timm
LOCATION: Generally from 26-1/4 Road to 27-1/4 Road both north and south of H Road.

STAFF PRESENTATION

Larry Timm gave an overview of the request and said that the annexation process for Paradise Hills had begun with petitions for annexation accepted by City Council on October 6, 1993. The purpose of the hearing was to determine zoning, not the question of annexation. He felt the proposed zoning of the area best fit the current County zoning or was the zoning that the property owner requested of the City. Mr. Timm stated that Dr. Geno Saccomanno had requested that the property south of H Road and east of 26 Road be rezoned RSF-4 rather than the originally proposed RSF-1. Staff recommended approval of that request. Mr. Timm said that the owners of the property referred to as the "future Paradise Hills area" have requested a zone of RSF-5 rather than RSF-4. Staff supported this request as well. Mr. Timm said that the majority of the people in the area have agreed to the annexation either through petition or power of attorney.

PUBLIC COMMENT

The following area residents spoke in favor of the proposed zones. Geno Saccomanno, 778 26-1/2 Road, said he thought Paradise Hills was a beautiful subdivision and that it was necessary to have areas in the City to accommodate middle-income families. Richard Krohn, 225 North 5th Street, representing the developer for the "future Paradise Hills", stated that the RSF-5 zone was necessary to allow the appropriate lot size given topography and street requirements. Ann Landman, 686 Step-Aside Drive, made the comment that growth in the valley seemed uncontrolled and there were fewer places to walk and run. She felt that an RSF-R zone was a "stroke of genius" and urged the least possible density to preserve the north area. John Davenport, 2708 H Road, questioned the zoning of parcels already in the City and staff explained the zoning status to him.

The following area residents spoke in opposition of the proposed zones. Tony Plsek, 772 26-1/2 Road, and Gordon Pillsbury, 2651 Paradise Court, felt RSF-4 was too dense for the area. Charlie Plsek, 771 27 Road, expressed his concerns about the mowing of highway right-of-ways in the area, the extension of sewer to the area, and felt the wording on the Notice of Meeting was illegal.

QUESTIONS/DISCUSSION

Chairman Elmer felt that the requested zoning for the "future Paradise Hills" was similar to the original ODP. Larry Timm said that an area zoned RSF-5 is typically built-out to less than that, and that the City was trying to honor the prior County approval.

MOTION: (Commissioner Volkmann) "Mr. Chairman, I move we recommend approval of item #50-93 Zone of Annexation for Paradise Hills Annexation #2 as submitted, including the RSF-4 zoning designation for the 29.28 acre site at the southeast corner of 26-1/2 and H Road, and the RSF-5 designation for the property north of the present Paradise Hills Subdivision, referred to as the future filings of Paradise Hills Subdivision located between the Highline Canal to the East and the drainage ditch to the west."

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed by a vote of 4-1, with Commissioner Laiche opposing.

VI. GENERAL DISCUSSION

Larry Timm said that he would like to have two workshops in November and the Planning Commission discussed appropriate dates. The matter of a Consent Agenda would be discussed at the second workshop.

The matter of a liaison to City Council was discussed. Chairman Elmer said he felt strongly about not rezoning the Nelson property and perhaps someone should be appointed to attend the City Council meeting on December 1.

Chairman Elmer expressed his concern about allowing a fire station as a special use, since not requiring a hearing for that type of use might cause the public perception that one City department was approving the plan from another City department. Kathy Portner said that there was an appeal process and that adjacent property owners are notified of a proposal requiring a Special Use Permit.

VII. NONSCHEDULED CITIZENS AND/OR VISITORS

Bob Withers, Construction Unlimited, 437 Prospectors Point, said that he was representing Justin Tate. He said that he had obtained verbal approval from Karl Metzner to allow Mr. Tate's covered porch to encroach in the 10 foot setback abutting an open green area in The Ridges, provided he received approval from the Ridges. He obtained said written approval from The Ridges Architectural Control Committee. After meeting the requirements specified by the planner, he was subsequently denied a planning clearance from the City. He stressed that a neighboring property encroached on the easement in a like manner. He asked the Commissioners what recourse Mr. Tate had now.

John Shaver pointed out that the Architectural Control Committee does not have the authority to grant a variance. He said that the Planning Commission could not resolve this matter tonight and that Mr. Tate should contact staff, particularly Larry Timm, about the matter.

Larry Timm said that a possible course of action would be to amend The Ridges' plan in order to change the setback requirements. He pointed out that such an amendment would require the appropriate notice and public meetings as neighbors might object to such a change.

Connie Badini, Mr. Tate's sister-in-law, expressed her strong objection to the length of time it would take to "go through the process" and said it would cost another \$2,000 to delay construction one more month. Bob Withers said that the location of the house could not be changed because of the "Dakota layer" on the property. They all expressed their dissatisfaction with the fact that they had been given verbal approval by the Community Development Department which was then not upheld.

The Commissioner's expressed their sympathy with Mr. Tate's plight but said that it was necessary to go through the approval process due to legal requirements for public notice. They suggested that Mr. Withers meet with Mr. Timm at the earliest possible time to discuss the matter.

(NOTE: This matter has since been resolved by the property owner's decision to locate the house within existing setback requirements.)

VIII. ADJOURNMENT

The meeting was adjourned at 10:10 p.m.