

**GRAND JUNCTION PLANNING COMMISSION
Public Hearing -- December 4, 1990
7:35 p.m. - 10:10 p.m.**

The public hearing was called to order by Chairman Steve Love at 7:35 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission, were:

Steve Love, Chairman	John Elmer	Jim Bittel
Sheilah Renberger	Katie Worrall	

Ron Halsey was absent.

In attendance, representing the City Community Development Department, were David Thornton and Kathy Portner.

John Shaver, Assistant City Attorney; Marty Currie, Acting Community Development Director; and Don Newton, City Engineer were also present.

Bobbie Paulson was present to record the minutes.

There were 25 interested citizens present during the course of the meeting.

I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, I MOVE THAT THE NOVEMBER 6, 1990 MINUTES BE APPROVED AS SUBMITTED."

Commissioner Worrall seconded the motion.

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

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRE-SCHEDULED VISITORS

Chairman Love announced that the next Planning Commission meeting will be held on January 8, 1991 since the regular schedule falls on New Year's Day.

III. PUBLIC HEARING

1. #48-90 HORIZON PARK SUBDIVISION

A request for a Rezone from Planned Residential (PR-8) and Planned Business (PB) to Residential Single Family (RSF-8) and Highway Oriented (HO) Zones for the Horizon Park Subdivision, and a request for a Minor Subdivision with three lots on approximately 27 acres.

PETITIONER: Jeff Williams

LOCATION: 27 Road / Between G Road and Horizon Drive

Kathy Portner stated that it is staff's recommendation to table this item until next month so that some of the outstanding issues can be addressed.

Jeff Williams agreed to table this item.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #48-90, A REQUEST FOR A REZONE AND A MINOR SUBDIVISION, I MOVE THAT WE TABLE THIS ITEM UNTIL THE JANUARY 8, 1991 PLANNING COMMISSION HEARING."

Commissioner Renberger seconded the motion.

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

2. #47-90 MICAELA'S VILLAGE

A request for a rezone from Residential Single Family (RSF-8) to Planned Mobile Home (PMH) and a Preliminary Plat and Plan on approximately 9 acres.

PETITIONER: Wilson & Betty Dills

LOCATION: North side of UnawEEP Avenue and West of 27 Road, at 2694 UnawEEP Avenue.

PETITIONER'S PRESENTATION

Tom Logue, representative for Wilson and Betty Dills, gave a presentation of the proposed planned mobile home development. The request is to change the zoning from residential single family with a density of eight units per acre to a planned mobile home development. Because it is a planned zone, the petitioners are also requesting consideration of a preliminary plat and plan. The property consists of nine acres and is located on Orchard Mesa. The proposed development will have 37 single family sites suitable for the establishment of manufactured housing.

Mr. Logue referred to the criteria of the Zoning and Development Code. The criteria includes whether or not there is an error in the existing zoning at the time of the adoption; if there has been a change in the character of the neighborhood; if there is a need for this proposal; if the rezone request is compatible with the surrounding land uses; what will be gained by the community as a whole; does the proposal conform to the existing land use policies of Grand Junction; and if there are adequate facilities available to service the development?

One single family residence and six mobile homes are currently on this property. Four of the mobile homes are occupied. The mobile homes are nonconforming in the present Residential Single Family Zone (RSF-8).

The surrounding uses of land are, Lamplite Subdivision to the north; Columbus Elementary School to the west; Circle K, Dixon Manufacturing facility, Orchard Mesa Bowl and two churches to the south of the proposed development.

This development will be designated as a retirement community. The smallest lot size is 6,000 square feet. The density will be 4.1 dwelling units per acre. Some of the other features in addition to the single family lots are a R.V. parking area located in the northwest corner of the property, which adjoins an existing R.V. storage area of the Lamplite Park Subdivision, and the single family structure which will be renovated and utilized as a clubhouse facility for the resident's of the development. Parking will be provided at the clubhouse. Landscaping and buffering will be constructed along Unawep Avenue. The open space will be fully landscaped. The perimeter of the property (west, east, and north) will be screened with a combination of wood and masonry fencing.

The purpose of the homeowners association will be twofold. The primary purpose is to ensure ongoing maintenance of the common open space, the R.V. parking, the clubhouse and the buffer strip along Unawep Avenue. The association will also be responsible for the maintenance of the irrigation delivery system. The covenants will require a minimum square footage of 1,000 square feet for the homes and that these homes will be manufactured "look-alike" units. A "look-alike" unit is a wood-sided manufactured home with asphalt shingles constructed on a permanent foundation. The homes look like conventional stick built single family homes. The covenants include landscaping standards in terms of when the landscaping will occur based on the time of occupancy of the lot.

All the lots in the development will be accessed from a proposed new dedicated City street from Unawep Avenue. Pedestrian access will be available to all of the units within the development, and access for pedestrians between the Lamplite Subdivision and this development is included.

All necessary utility services are located either on the property or adjacent to the property. There is sufficient water supplies in order to provide adequate fire protection and domestic use.

The rate at which Micaela's Village will be developed is largely dependent upon Grand Junction's future growth and retirement housing needs. Based on current building activity and demands, the proposal will be in two phases. In the first phase, the Spring of 1991, approximately eighteen lots will be developed. In the Spring of 1993 the second phase of construction will begin.

This request does not change the existing residential use. There has been a change in the character of the neighborhood, probably best demonstrated by the fully developed subdivision to the north, Lamplite Park. At the end of third quarter of 1990 statistics show that the average residential home is selling for \$62,000. This is more than 4 1/2 percent greater than the same home in 1989. There has also been a 19 percent decline in available homes for sale through the third quarter 1990 versus 1989. Between 1983 and 1987 the entire County population declined. During that same period of time the number of medicare enrollments continued to rise. This is an indication that the growing segment of the population is in the retirement age. It is compatible with the surrounding area. This request is decreasing the density from the current zoning. The current zone allows eight units per acre, this proposal has a 4.1 density. Lamplite's density is 5.8 dwelling units per acre. This proposal meets an obvious need for housing, particularly retirement housing. Finally there are adequate facilities for the utilities. A sewer line goes directly across the property, adequate water is available, gas, electric, and telephone lines are existing at the property.

QUESTIONS

Commissioner Renberger asked what the difference was between a manufactured home and a mobile home?

Mr. Logue said the manufactured homes are "look-alike" units, wood sided, asphalt roof, pitched roof, and attached to a permanent foundation.

Commissioner Renberger was concerned that these manufactured homes passed building and fire codes.

David Thornton addressed her concern that this would be determined by the Building Department.

Mr. Logue pointed out that a building permit, electrical inspections, and plumbing inspections would all be required.

Commissioner Renberger stated that many mobile homes do not meet the same building and fire standards that a regular home does. Some cities require mobile homes to have a certification that indicates they have passed a certain level of safety.

Commissioner Bittel stated that Mesa County has those standards.

Ms. Portner added that HUD has established standards for new manufactured homes which she believed went into effect in 1976. There are mobile home parks within the City that allow pre-1976 mobile homes. She added that this is an issue that can be addressed in the covenants.

Commissioner Bittel asked Mr. Logue to clarify his response to the review comments regarding the concern about the width of the entrance.

Mr. Logue pointed out that this is only a preliminary plan. He explained that the radius is currently 30 feet. The Transportation Engineer has requested the width be increased to 40 feet which will be accommodated.

Commissioner Elmer asked if this proposed development met the current City street standards?

Mr. Logue replied that the City Engineering Department is currently revising the residential street standards. This proposal is using the revised standards. If it is the Engineering Department's preference to abide by the current standard, the petitioner will widen the street to 32 feet.

Commissioner Elmer said because of the single car driveways, off-street parking will be unavoidable. In addition to that, the width of the street is less than what is required. Commissioner Elmer felt that this was being unrealistic.

Mr. Logue reiterated that they would follow the recommendations of the City Engineering Department for the street widths and parking.

Chairman Love asked Mr. Logue why a planned mobile home zone is requested?

Mr. Logue replied that the petitioner was encouraged by staff to designate it planned mobile home. The zone fits the manufactured home designation that will be put on the property. He suggested that maybe it should not be called planned development mobile home, rather it should be planned development manufactured homes.

Mr. Thornton stated that the Code only allows manufactured homes or mobile homes in designated planned mobile home parks. Mobile homes are not allowed in any residential single family zones.

Chairman Love asked what would preclude mobile homes with metal siding, metallic roofs, wheels and skirting as opposed to manufactured homes with wood siding, asphalt roofs, and permanent foundations from being put in this subdivision?

Mr. Thornton explained the difference between modular homes, manufactured homes, and mobile homes. Modular homes are stick built homes. They are UBC approved like a normal single family home with a permanent foundation, and they are allowed in any single family zone. Manufactured homes or mobile homes are HUD approved. The Zoning and Development Code does not allow mobile homes in any single family residential neighborhood.

Chairman Love asked if there are any guarantees that the homes that are located in this development are manufactured (look-alike) and not mobile?

Mr. Thornton replied that this restriction can be stipulated in the subdivision's restrictive covenants.

Mr. Logue suggested that if the Commission granted approval, it could be subject to the understanding that the units within the development would be "look-alike" homes. This is acceptable to the applicant; it reinforces the covenants.

Chairman Love asked if the covenants would have the age restriction, or does the petitioner assume that the market and what is being offered will attract retirees.

Mr. Logue explained that the covenants will restrict the age of the residents to 50 years.

When asked if the development would be using City water, Mr. Logue replied affirmatively.

Commissioner Elmer was concerned that the drainage detention would be encroaching in the City right-of-way.

Mr. Logue replied that it would be on the petitioner's property.

Chairman Love asked what phasing the fencing around the perimeters and the entrance were in?

Mr. Logue replied that the entrance and the screening the balance of the property are all included in phase I.

STAFF PRESENTATION

David Thornton briefly highlighted a couple items. He reminded the Commission that this is the preliminary stage for a plan and plat. The rezone to Planned Mobile Home is necessary in order to approve the plan. The petitioner has been very willing to work with all the review agencies to resolve any problems.

Mr. Thornton continued; the Engineering Department requested that parking only be allowed on one side of the street because of the narrowness of the proposed street and the 90 degree turns. The petitioner has agreed to widen the radius of the corners to make them more functional for traffic. Public Work's intent is to keep the speed limit at a very minimum to improve traffic flow.

QUESTIONS

Commissioner Elmer asked why the rezone request was not PMH-4.1 rather than the PMH-8?

Mr. Thornton replied that if this were approved with a density of 4.1 and changes were made to the preliminary plan, ie. streets widened, etc., and the number of lots and density changed, the petitioners would have to come back through the process again and ask for another rezone.

EDITOR'S NOTE: The designation of PMH-4.1 and PMH-8 are both incorrect. The zoning designation, if approved, will be PMH 47-90. The 47-90 refers to the development file number. The City Council shall set the specific density during the preliminary process.

Commissioner Elmer felt that from a planning perspective, this development is considered residential housing, but most people perceive it as something different. Orchard Mesa has a variety of uses and zones. He asked staff if they felt this proposal was consistent with the surrounding residential areas?

Mr. Thornton pointed out that there is a planned mobile home park not far from this property, located at Highway 50 south of the 5th Street bridge. Lamplite Park, located north of this proposed development, is zoned Planned Residential PR-8. Although the housing is somewhat different, it is still residential.

Commissioner Elmer asked for clarification; does staff perceive this as spot zoning?

Mr. Thornton replied that because it is residential, he did not perceive it as spot zoning.

Commissioner Elmer asked the petitioner to address the attorney's review comments regarding the drainage problems in Lamplite. The report said most of the drainage will be directed south. Can the petitioner make sure all of it is?

Mr. Logue replied that when the property was used as a farming site, the drainage went to the south and west; this will be continued. A geologic and soils investigation is required for the final plat and plan. He felt that this would help reinforce the geologic hazards report that was submitted with the preliminary plan.

Commissioner Elmer asked the City Engineer to comment on the proposed street widths and the design of the entrance.

Don Newton stated that the proposed roadway width is 26 feet. The existing City standards require a six foot parking lane on both sides of the street and two ten-foot travel lanes, a total of 34 feet. The proposed standards, Mr. Logue has eluded to, have not been adopted to-date. The proposed standards would reduce the 34 feet to 32 feet for a typical residential street. The 26 foot wide street that is proposed for this development meets the requirements of a street that is 600 feet in length or less; therefore it does not apply to this application.

Mr. Newton expressed his concerns that trucks would have difficulty maneuvering around the 90 degree corners. In addition to this, if someone is driving a truck in one direction, exits onto Unawep and turns in the opposite direction, the 180 degree turn would also be very difficult. He requested that the entrance be widened and the radius of the 90 degree corners be increased.

Chairman Love stated that Mr. Logue agreed to do this in his response to the review comments.

Mr. Logue verbally agreed.

Commissioner Bittel asked if moving vans would have problems negotiating these turns?

Mr. Logue felt that the roads in this subdivision did not need to be designed for something that was not a daily or even a weekly occurrence. Preference was to design the turns to accommodate delivery vehicles, postal service vehicles, trash removal trucks and emergency vehicles. He pointed out that moving-van driver's have the experience necessary to drive in and out of small apartment complexes.

Mr. Newton said that the City's minimum street standards are designed to accommodate moving vans and trucks moving mobile homes.

Commissioner Bittel asked if the requirement of a 30 foot wide street with parking on both sides would solve this problem? Isn't the angle of the corners really the problem?

Mr. Newton replied that the 40 foot radius to the center line on the corners is not adequate for turning. The speed limit should be set at 10 mph for safe negotiation around the corners.

Commissioner Elmer felt that by forcing parking on one side of the street, it would create an enforcement problem for the city.

Mr. Newton stated that "NO PARKING" signs would need to be installed to enforce parking on only one side of the street. The enforcement of this is another issue, especially when there are residential units on both sides of the streets.

Mr. Newton continued; the proposed street standards for a normal residential street is 32 feet wide with a six foot wide curb, gutter, and sidewalk on each side. The Fire Department has requested to have a minimum width of 20 feet open at all times, in order to get a fire truck and other emergency vehicles through.

Commissioner Elmer asked if there were plans to improve and expand Unawep Avenue in the five or ten year plan?

Mr. Newton replied that the expansion of Unawep Avenue was in the City's ten year plan. Although, as soon as funding becomes available Unawep Avenue will be expanded and improved with sidewalks, curbs and gutters on both sides.

Chairman Love asked if the expansion of Unawep Avenue conflicted with this proposal?

Mr. Thornton stated that the petitioner was dedicating right-of-way for the future expansion of Unawep Avenue. Thirty feet of right-of-way is required for a half a collector street standard.

Commissioner Elmer stated that it looked like Unawep Avenue had a jog in it at the intersection of Linden Avenue and Unawep Avenue. Will this be a problem when Unawep Avenue is expanded?

Mr. Newton said that when Unawep Avenue is improved, this jog should be straightened, although slight jogs can be accommodated.

Commissioner Elmer suggested to Mr. Logue that this be addressed before any subsequent plans are made.

Chairman Love stated that it has been his experience that subdivision covenants are somewhat loosely enforced. The zone does not put the restrictions on what type of mobile home is allowed. He was concerned that given time that what is approved in the plan may be different from what goes in this subdivision. He asked Mr. Shaver if the subdivision covenants would be sufficient to enforce these restrictions?

Mr. Shaver stated that once the covenants are recorded, they are tied to the property. The covenants remain in effect on transfer of the land or change of ownership or title. The question of enforcement is internal to the homeowner's association; everyone that lives in this community would be required to have similar home conditions under the covenants. The covenants can be written to preclude the metal-sided type of mobile homes.

Chairman Love asked what assurance could be made that the covenants are enforced and that the homeowners would be protected from the typical metal-sided mobile homes in this development?

Mr. Shaver stated that the covenants would require that the people who are implicated under them bring a cause of action for enforcement. Someone who has legally protected rights or interest has standing to file an action. It would be incumbent upon the people within the subdivision or effected by the covenants or effected by the aluminum structure to bring a cause of action. The homeowner's association or an individual can file an action to remedy the problem and enforce the covenants. If the Commission decides to approve this request, the approval can be contingent upon placement of manufactured housing with a minimum square footage and minimum design specification including siding, pitched roofs, etc. If this development were approved with this stipulation then the City could conceivably have some enforcement capabilities in addition to the private citizens.

Commissioner Elmer pointed out that these covenants could be amended by the homeowners association.

Mr. Shaver stated that depending upon the formation of the association and the formation of the covenants, covenants can run in perpetuity unaltered and unmodified or may be modified under specific conditions. It depends on the language and the homeowners association.

Commissioner Elmer asked if restrictions can be made on how the building will be built?

Mr. Shaver stated that the Fair Housing Act specifies various types of housing discrimination that is prohibited. He was not certain whether or not this Act has been subjected to constitutional challenge in the State of Colorado. The federal government is becoming more and more involved in local housing issues and recently there have been amendments to the Federal Fair Housing Act, most specifically in 1988 there were modifications regarding age discrimination or discrimination on the basis of familial status.

Commissioner Elmer felt that because of what was being proposed, certain restrictions based on the type of use and type of population would have to be made.

Mr. Shaver stated that it can be legally appropriate to make restrictions because of the age population or the narrower streets, etc.

PUBLIC COMMENT

Cindy Denison, 2858 UnawEEP Avenue, spoke on behalf of the Orchard Mesa Four Corner's Neighborhood Association. She explained that this association is nonprofit and has been in existence since 1979 when the 29 Road Bridge project was being proposed.

Ms. Denison continued; the association recognizes the unique blend of residential and agricultural in Orchard Mesa. Initial impressions of Orchard Mesa are somewhat negative because of the spot zoning that has developed. Once off the main highway, there are many very lovely residential areas mixed with agriculture. The mobile home park on Highway 50 south of the river is a good mile and a half from this proposed planned mobile home development. It is so geographically different that the two are not connected. The existing mobile home parks along the highway are not exactly attractive, but they are located in wooded areas which keeps them from being unsightly. This proposed development is in an open alfalfa field. The trees on the plan are lovely, but they are sketches of 10 or 20 year old trees and are usually the last to go in.

Ms. Denison stated that the association is opposed to the rezone because of the traffic impacts. Many school children walk along Unawep. She suggested that if this proposal is approved, that Unawep Avenue be upgraded and sidewalks put in. Since this proposal is for elderly people, they will need ambulance service and fire service. They won't be moving themselves, so they will need moving vans. The impact on the already over-crowded schools have not been addressed. She felt that property values would drop on homes in the immediate area of this development. She also felt that there should be a fence along Unawep Avenue in front of this development.

Commissioner Bittel asked what geographical area was included in the Four Corners Association?

Ms. Denison said that it includes basically anyone in the Orchard Mesa area who wanted to be a member.

Candy Clark, 331 Acoma Court, expressed her opposition to the proposal and stated that her concerns were the safety of children walking to school along Unawep Avenue. She felt that Orchard Mesa has been the orphan child of the City for a long time. She would like to see this area upgraded and was concerned that this would be just another eyesore. She felt that the covenants would not control what type of housing was allowed in this development. In her subdivision, a gentlemen put in a swimming pool even though the covenants restricted swimming pools. She was also concerned about lack of parking in the development. The age limitation would not eliminate children; she explained that when she turns fifty her son will be 15.

Linda Pace, 1075 Unawep Avenue, has lived in Orchard Mesa for 13 years. She had concerns with the high volume of traffic and the lack of street improvements. She did not feel that the covenants could be enforced satisfactorily.

Ms. Pace continued; there are several mobile home parks within a mile of this proposal that have room for a number of mobile homes; therefore, she did not see the need for another mobile home development. Ms. Pace also pointed out that when she turns fifty, her child will be twelve. She felt that no matter what the intent is, this subdivision would devalue the homes in the vicinity.

Ms. Pace asked why would a retired person want to live near a school? Don't they want to get away from schools and high traffic areas? She stated that she and several other neighbors did not receive a notice regarding this hearing.

Mr. Thornton stated that the Code requires that property owners within 200 feet not including the width of the rights-of-way of the proposed development be notified by mail. The petitioner obtains the mailing addresses from the assessor's office. He added that several cards had been returned because of expired addresses, etc.

Chairman Love said that a public notice sign is also posted on the property to notify the residents in the area of the hearing for the proposed development.

Commissioner Elmer felt that if the petitioner failed to notify the majority of residents, then staff may need to recommend a re-hearing of this item.

John Denison, 2858 Unawep Avenue, asked how many cards were returned?

Chairman Love stated that twelve notices had been returned. The majority of the returned cards had addresses in the Lamplite Subdivision. Empty homes and other related problems in that subdivisions may be the reason there were so many returns.

Mr. Denison felt that this alone was basis for rescheduling a hearing. He opposed the development because of the traffic concerns pointed out earlier. With 40 proposed trailers, at least two person per trailer, there would be at least 80 more cars driving on Unawep.

Commissioner Elmer pointed out that the proposed zone would be less of an impact on traffic than what it is currently zoned. With the current zone there could be possibly 72 lots without the Planning Commission's or City Council's review or approval.

Mr. Denison stated that when he applied for the mortgage on his home, the mortgage company was very concerned where the nearest trailers were. He said that they were not going to lend him money if there were any trailers within a 1/2 mile of the house he wanted to purchase. Trailers will decrease the property values of the existing homes in that neighborhood.

Chairman Love addressed the comments made about the mortgage company refusing to make a loan based on the vicinity of mobile homes. There is a fair housing issue that is at question here.

Ms. Pace stated that she asked a realtor what would happen if a mobile home park was developed. He told her that her property value would decrease. This has nothing to do with getting a loan, it has to do with trying to sell at a fair market value.

Kent Foster, 2676 UnawEEP Avenue, was concerned with the drainage problems. The land drains south in front of his home and into an agricultural drainage ditch. He stated that his other concerns were ditto on the rest of the comments and concerns.

Ms. Pace said she had talked with the principle at the Columbus Elementary School. He was not aware of this proposed rezone and stated that the school did not have room for additional children.

Chairman Love suggested that possibly the card that was sent to the School District went to their address on Grand Avenue, and they did not notify the principle at the Columbus School.

Mr. Thornton stated that with the restricted age of 50 years, the population would be less than if there were no restriction.

Chairman Love expressed his concern about how the property is currently maintained. He asked Mr. Logue if Mr. Dills owned the property at this time?

Mr. Logue replied affirmatively; Mr. Dills is the trustee in charge of an estate that was owned by Mrs. Craig. Mr. Dills and the other members of the estate felt that it was appropriate to redevelop the property.

Commissioner Elmer asked staff if this were approved, what would happen to the existing trailers on the lot?

Mr. Thornton replied that the petitioner will remove the trailers during phase two.

Mr. Logue added that the reason they are waiting until phase two is to give their tenants sufficient time and notice to relocate their trailers.

Chairman Love asked what impact this development would have as far as kids using that street walkway.

Mr. Newton stated that the petitioner would be required to escrow funds for the improvements for the frontage along UnawEEP Avenue. There is approximately 5,000 vehicles a day using UnawEEP at this time. Mr. Newton did not feel that this development would create a significant impact on traffic.

Commissioner Elmer asked if sidewalks could be constructed along the frontage along Unawep at the time this development goes in?

Mr. Newton explained that it would be difficult to construct a short section without having a grade established for the entire street. It is not an ideal situation, but it could be done.

Ms. Clark asked how the combination of foot traffic and vehicle traffic would be addressed at this development?

Mr. Newton replied that a stop sign will be installed at the entrance of the development on Unawep Avenue. A cross walk is generally painted on the pavement and a stop bar is painted behind that.

Jeffrey Meyer, 1175 Olson Circle, was concerned that his property value would decrease. The northern boundary of this development will be 10 to 15 feet from the back of his home. Because the deck is on the back upper level of his house, there would be no privacy. He felt that the developer or representative should have contacted the Lamplite Homeowners Association regarding this proposal. If more of the notices had reached the homeowners, Lamplite would have been better represented at this meeting.

Mr. Thornton commented that he had received several telephone calls from the Lamplite residents. He suggested that the majority of the residents who called are not at this meeting because after learning that it was a planned development with restrictions allowing only quality mobile homes, that was sufficient for them.

Elizabeth Anderson, 276 1/2 Pinon, asked what the projected selling price of these lots were?

Mr. Logue replied that they anticipated that the lots would probably be on the market in the mid \$20,000's.

Ms. Pace pointed out that if the lots sell for mid \$20,000, mobile homes cost \$40,000 to \$50,000, this is more than what the stick built homes are selling for in the area.

Chairman Love said an optimist would say that would improve the values of the homes in the area.

Commissioner Elmer felt that the low density zone was beneficial but referred to the Mesa View Retirement Center issue. The neighborhood's perception of that building and type of use was different even though it was considered a residential use. The neighbors perceive this proposal as something other than typical residential homes.

Commissioner Elmer stated that he did not feel there was an error in the existing zone. He also felt that if this were approved, it should meet the existing street standards with a 34 foot wide street with sidewalks on both sides.

Chairman Love stated his concern with the traffic and the safety of the school kids. He addressed the criteria in the Code. Is there an area need for the rezone? Yes, affordable housing is needed but will people spend \$75,000 for a mobile home and lot? Compatible with surrounding land uses? Maybe not, testimony tonight reflects that it is not necessarily compatible. Benefits derived by community or area? Potentially but maybe not if these other issues are not addressed. Conformance with policies and intents and requirements of this Code? The Code separates mobile homes and stick built homes. The "look-alike" housing is something in between and is being forced into the category of mobile homes. Staff may want to address a separate zone for this type of housing.

Commissioner Worrall felt the price was pretty high for the area.

Commissioner Bittel stated that he shared some of the same concerns, but unfortunately the Commission is unable to address some of them directly. One concern, is that basically the residents in this area feel that if this is approved it will alter the traditional character of the neighborhood. This area is presently a mixed bag of uses; this would add one more ingredient to the bag.

Commissioner Elmer felt that because this lot was only a block away from a grade school and walking distance from a junior high, it would be prime property for residential housing even though there are problems with the street and the schools are at full capacity. He wondered why the petitioner wanted to restrict the development to retirement age, he felt that it was more suitable for families with children.

Commissioner Renberger felt that all developments within the City should be required to conform to the City street standards. Why have the standards if they are not going to be enforced.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #47-90, A REQUEST TO REZONE THE PROPERTY LOCATED AT 2694 UNAWEEP AVENUE FROM RESIDENTIAL SINGLE FAMILY (RSF-8) TO PLANNED MOBILE HOME (PMH-8), I MOVE THAT WE DENY THIS FOR THE FOLLOWING REASONS:

- 1. THERE WAS NO ERROR IN THE EXISTING ZONE,**
- 2. THE REZONE WOULD BE ALTERING THE TRADITIONAL CHARACTER OF THE NEIGHBORHOOD,**
- 3. THE NEIGHBORHOOD HAS A PERCEPTION THAT IS UNFAVORABLE OF THE PROPOSED BUILDING TYPE, AND**
- 4. THE STREET LAYOUT IS UNACCEPTABLE.**

Commissioner Renberger seconded the motion.

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

Because the rezone was denied, the consideration of the plan and plat were not necessary.

Mr. Logue submitted a written appeal on the denial on behalf of the petitioners.

Chairman Love announced that the appeal of this item will be considered at the December 19, 1990 City Council hearing.

Commissioner Elmer was concerned that if this proposal had been approved by the Planning Commission that they would have made some other recommendations with the motion. He wanted to make sure that City Council was aware of the concerns discussed in this hearing if they deemed it appropriate to approve the rezone.

Mr. Shaver stated that essentially this item will have another hearing. The same residents are welcome to voice their concerns at the Council meeting. If the Commission has any recommendations, they can forward them on to the Council. Or as a Commissioner you can personally contact the Council. Once a denial is made, it goes on record as a denial.

Mr. Thornton pointed out that at least five members of the City Council would have to vote approval to overturn the Planning Commission's denial.

Commissioner Elmer reiterated that if the Commission would have approved this, the Commission's advice to the Council would have been different.

Mr. Shaver pointed out that the Commission's concerns will be indicated in the minutes.

Chairman Love read aloud the appeal from Mr. Logue.

3. #18-90 TEXT AMENDMENT 1990

A request to amend Section 5-11-3.A.4. the Use/Compatibility matrix under "Land Use" by removing churches from the line that includes "Schools, Churches, Hospitals, Libraries" and adding "Churches" as a separate category with the following designations:

	<u>Area of Influence</u>	<u>Critical Zone</u>	<u>Clear Zone</u>
Churches	C	S	I

Petitioner: City of Grand Junction

PETITIONER'S PRESENTATION

Kathy Portner briefly described the proposed text amendment. This change is to clear up an inconsistency in the Code. Based on the Assistant City Attorney's research, the section of the Code that states churches are an incompatible use in a Critical Zone is strictly put on as a local regulation and not a federal regulation through the FAA. At some point staff will probably look at the entire matrix to decide whether other modifications are needed, but at this point this amendment is to clear up that inconsistency.

MOTION: (COMMISSIONER BITTEL) "MR. CHAIRMAN, ON ITEM #18-90, A REQUEST TO AMEND SECTION 5-11-3.A.4. OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL."

The motion was seconded by Commissioner Worrall.

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

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