

**GRAND JUNCTION PLANNING COMMISSION
JANUARY 10, 2012 MINUTES
6:00 p.m. to 8:00 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Wall. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Reginald Wall (Chairman), Lynn Pavelka (Vice-Chairman), Pat Carlow, Ebe Eslami, Gregory Williams, Lyn Benoit and Keith Leonard.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Greg Moberg (Planning Services Supervisor), Lori Bowers (Senior Planner), Brian Rusche (Senior Planner), Senta Costello (Senior Planner), Scott Peterson (Senior Planner) and Rick Dorris, Development Engineer.

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 10 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

Consent Agenda

1. Minutes of Previous Meetings

Approve minutes of the September 27, 2011 Joint City and County Planning Commission Meeting.

2. McDonald's Addition CUP – Conditional Use Permit

Request approval to amend a previously approved Conditional Use Permit (CUP-2004-200) to allow for the expansion of an existing McDonald's restaurant on 0.894 acres in a C-1 (Light Commercial) zone district.

FILE #: CUP-2011-1281

PETITIONER: McDonald's

LOCATION: 1212 North Avenue

STAFF: Lori Bowers

3. Text Amendment to Section 21.08.020(b)(1) 20% expansion limit – Zoning Code Amendment

Text amendment to Section 21.08.020(b)(1) to eliminate the 20% limitation on expansion of nonconforming, nonresidential land uses.

FILE #: ZCA-2011-1313
PETITIONER: City of Grand Junction
LOCATION: Citywide
STAFF: Lisa Cox

4. Text Amendment to Section 21.06.010(f) – Zoning Code Amendment

Text amendment to Section 21.06.010(f) to eliminate a requirement that a developer underground existing overhead utilities along alleys and clarifies when a fee in lieu of construction can be paid for underground utilities.

FILE #: ZCA-2011-1315
PETITIONER: City of Grand Junction
LOCATION: Citywide
STAFF: Lisa Cox

MOTION: (Commissioner Pavelka) “I move we approve the Consent Agenda as read.”

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

Public Hearing Items

Lisa Cox, Planning Manager, stated that the next four items on the agenda were concerning proposed rezones of particular areas in the community. Ms. Cox stated that there would be a series of City initiated rezone applications to be brought forward in the next two months. She explained that in February 2010, the City and Mesa County adopted the Comprehensive Plan. As a part of that Plan, there were new land use designations created to implement the vision of the new Plan.

At the time that the Comprehensive Plan was adopted, the City did not rezone property to be consistent with the new land use designations which resulted in a conflict between the Comp Plan and the zoning of certain property. After working with the Plan for approximately 18 months City Council determined that the City should resolve the conflict between the Comprehensive Plan and the zoning of certain properties in the City. Resolving the conflict by amending the Comprehensive Plan or by rezoning property to support the Plan would support economic development in the community by eliminating the need for a public hearing process when the property is ready to develop.

Ms. Cox then provided an overview of the public process that each of the areas to be rezoned had gone through. For property to be rezoned, individual property owners were sent a letter explaining why the City was initiating a change of zoning for their property. Notification cards were mailed to residents living within 500 feet of property to be rezoned. An Open House was scheduled to provide an opportunity for citizens and property owners to learn more about the proposed rezones, provide comments or to ask questions of City staff. The letters and notification cards outlined the public participation

process and the proposed public hearing schedule and information regarding the proposed rezone areas was posted to the City's website.

QUESTIONS

Commissioner Eslami asked if the City process was not done, could the property owner themselves ask for the rezone. Ms. Cox said that was correct and confirmed that the City had undertaken the proposed rezones to facilitate development. She stated that there were no proposed development plans related to any of the areas or properties at this time and that the City was taking steps to resolve the conflicts now to avoid having to do it later.

Commissioner Benoit asked if there was a development planned would it receive a full review. Ms. Cox said it would.

Chairman Wall asked how the areas that were fully developed now would be impacted. Ms. Cox answered that by resolving the conflicts now with the proposed rezones, it could potentially give people more opportunity for development of their property.

Commissioner Carlow asked if this was something that simply reflected reality. Ms. Cox said in many cases property would be up-zoned so that the zoning supported the vision of the Comprehensive Plan.

A map which showed all of the various areas that would be rezoned was provided. Ms. Cox pointed out that only four of those areas would be considered this evening.

5. Rezone Area 14 – Rezone

Request a recommendation of approval to City Council to rezone two parcels totaling 5.939 acres from an R-2 (Residential 2 du/ac) to an R-4 (Residential 4 du/ac) zone district.

FILE #: RZN-2011-1148
PETITIONER: City of Grand Junction
LOCATION: 355 29 Road and 2892 River Street
STAFF: Brian Rusche

STAFF'S PRESENTATION

Brian Rusche, Senior Planner, Public Works and Planning Department, identified the area subject to this proposed rezone as Area 14 – 355 29 Road and 2892 River Street. The request was from an R-2 to R-4. He said the area was annexed into the City in 1999 and subdivided into 4 lots – known as the Weaver Miner Subdivision. Two of the lots were part of the request.

He said that at the time the property was annexed, the designation was Residential Medium Low. Current land uses on the site were single family and one lot is undeveloped. The Comprehensive Plan designated the properties as part of the Residential Medium category of 4 to 8 dwelling units per acre. The requested rezone would bring them into conformance with the Comprehensive Plan and noted that the R-4

designation was consistent with the previous designation of Residential Medium Low. He advised that the remaining properties outside the subdivision did not have City zoning as they have not yet been annexed but at the time of annexation zoning would be assigned consistent with the Comprehensive Plan.

Mr. Rusche next discussed some of the feedback received concerning this request. He said that an e-mail had been included in the packet which expressed concern over future development, specifically with respect to high voltage overhead lines. He outlined the criteria for rezoning and pointed out that the location of the property on 29 Road and the opening of the 29 Road Bridge provided an opportunity for additional housing in this portion of the City. The rezone of the property from R-2 to R-4 would provide an opportunity for additional density, an opportunity for additional development in an area that could be served by and would allow for the efficient use of City services. The rezone would also bring it into conformance with the Comprehensive Plan.

PUBLIC COMMENT

Bob Torbet, 2877 C½ Road, questioned the need for higher density in that area. He stated that quite often he had difficulty getting onto 29 Road off of C½ Road and believed it would get worse if it were to tie into I-70. He thought that if the density was to be increased, either a stop light or turn lanes should be considered to get back onto 29 Road.

QUESTIONS

Commissioner Carlow asked if the surrounding area was County. Mr. Rusche identified the four lots and stated the bulk of the area was still zoned Rural in Mesa County with the closest subdivision, White Willows, to be accessed off of D Road.

Commissioner Carlow asked if the expectation of the existing County property would eventually be City. Mr. Rusche said that was correct and stated that one of the citizens who attended the open house was on the east side of 29 Road and essentially asked when they would be included in this. He answered that it would be at the time of annexation.

PUBLIC COMMENT

(Chairman Wall re-opened the Public Comment portion of the hearing.)

Russell Jones, 2890 C½ Road, said the Comprehensive Plan was the City's projection of what should be done and said that he and others don't want that done. He said that it would affect their residential peace and believed there was not a need right now for residential growth but perhaps commercial growth. Chairman Wall said the plan was adopted as a City and this process was just to make the plan consistent. He said many areas were not zoned according to the Comprehensive Plan. He added that just because the zoning in this area may be R-4, that did not necessarily mean that now 4 buildings per acre would be built.

Chairman Wall stated that it was important as a City to be consistent so when people decided to do business here, there was a consistent process. He added that there were

no plans presently in place for the lots. Also, if a project were to come forward, it would be completely reviewed and it would have to be compatible with the neighborhood so there would still be a long process for someone to go through. Mr. Jones said that this explanation to him reiterated his concerns about the Comprehensive Plan.

Commissioner Wall advised that the Comprehensive Plan was a projection and a goal of how the City wanted things to be built or grow. Commissioner Pavelka added that the City had held numerous public meetings and exercises to get the input of the public which was reflected in the Comprehensive Plan. Russell Jones stated that the public input was very small and questioned how much the people had interacted on it.

Mr. Rusche added that the Comprehensive Plan was a 25-year plan adopted in 2010. The lead up to its adoption by both the City of Grand Junction as well as Mesa County included approximately 300 meetings and encompassed approximately 30 months of development of the plan. With respect to the zoning, in this particular case, the property was zoned prior to the Comprehensive Plan and under the previous Growth Plan; there were a large number of housing units anticipated based on both historic and projected growth. He said that the recommendation was to go up one step – from 2 dwelling units per acre to 4 dwelling units per acre, which would also be the maximum permitted on the property.

He clarified that the standards for an R-4 zone did not permit apartments. The standards of the zoning category dictate how large the lots needed to be and how much separation between the homes and other developments were needed. He pointed out that the majority of properties zoned R-4 did not have 4 dwelling units per acre. Mr. Rusche said that with respect to the public process, all of the notifications were sent regardless of jurisdiction. Also, an open house was held and staff had also been available to discuss any concerns.

QUESTIONS

Commissioner Carlow asked if the nearby County property would eventually become City R-4. Mr. Rusche stated that R-4 zoning fit within the two categories that were north of C½ Road. He pointed out that on the east side of 29 Road, the configuration of the properties was a little different whereas all of those properties were very narrow and long but put together they had more direct access onto 29 Road. The Comprehensive Plan in this case envisioned that being an area for additional density most likely due to the configuration of the lots. He added that while this was the only site currently in the City limits, if those County properties were to annex and development proposed, they too would be zoned at a minimum of R-4.

Commissioner Leonard asked what the density allowance for County RSF-R was. Mr. Rusche believed that RSF-R was one unit per five acres. He added that many of the developments already exceeded the density within the RSF-R.

Commissioner Leonard asked if it was the County's policy to let individual property owners come in for a rezoning or annexation process. Mr. Rusche said that any

development of any significance would require annexation which went back to the agreement made between the City and the County in the Persigo Agreement. He said that the splitting of a property or requesting more development would require annexation.

PUBLIC COMMENT

Bob Torbet did not believe it fit in the neighborhood at all. He said that area was basically all rural and did not understand the need to have this one particular area in the middle zoned R-4 for future expansion. He added that there was no R-4 adjoining the two parcels.

Russell Jones asked if the streets and other infrastructure had been taken into consideration as it diminished the size of the lots. Chairman Wall said that was alluded to earlier and gave the example that while a parcel may be zoned 4 units per acre, often times that parcel can only be developed to only 2½ or 3. Mr. Jones advised that he had not received any invitation to an open house and the notice for this evening’s hearing was the first notification he had received.

DISCUSSION

Commissioner Benoit spoke to the Comprehensive Plan and said he was very pleased to see the extensive coverage and the public opportunity afforded County-wide. Furthermore, a lot of work had gone into it and it was a diagram or a roadmap that could be used for decades to help bring it together. He also assured that safety would be considered for any development which would occur in the future.

Commissioner Pavelka reiterated that as the Comprehensive Plan became implemented and as developments came forth, they still would have to come before the Planning Commission, through City Council and they would have to meet the standards set in the Code. She added that the process was in place which would allow people to speak again too.

Chairman Wall said that he appreciated all of the public comment. He said that this particular zoning for this area made sense and it met all of the criteria that had been set forth for approval.

MOTION: (Commissioner Pavelka) “Mr. Chairman, I recommend that the Planning Commission forward a recommendation of approval for the requested zone, RZN-2011-1148, to City Council with the findings and the conclusions listed above.”

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

6. Rezone Area 7 – Rezone

Request a recommendation of approval to City Council to rezone 4.753 acres from an R-8 (Residential 8 du/ac) to an R-24 (Residential 24 du/ac) zone district.

FILE #: RZN-2011-1157
PETITIONER: City of Grand Junction
LOCATION: 3032 North 15th Street
STAFF: Lori Bowers

STAFF’S PRESENTATION

Lori Bowers, Senior Planner, Public Works and Planning Department, addressed the Commission regarding the requested rezone of the property located at 3032 North 15th Street. She said the property was annexed into the City in 1972 as part of the 250 acre North Peach Annexation. The area was referred to as Nellie Bechtel Apartments. She added that there were 13 buildings on the site that contained 96 apartments and which was constructed in 1983.

The adopted Comprehensive Plan’s Future Land Use Map changed the designation of this property to Residential High Mixed Use – 16 to 24 dwelling units per acre. Ms. Bowers said that the existing zoning on this parcel of R-8 was not allowed in areas designated for Residential High Mixed Use. The Blended Residential Land Use Map also showed this area as Residential High. Ms. Bowers said that existing zoning of R-8 was not reflective of the density actually on the ground. The density was 19.35 dwelling units per acre and this rezone would be helpful for the landowners because if something drastic were to happen on the site, this product could not be rebuilt with the R-8 zoning.

She said that one person showed up at the neighborhood meeting who was not in favor of the rezone. The main concern was that if Hilltop Properties bought the property, they would rebuild another large assisted living facility. The property owners also submitted a letter which stated that they were very much in favor of this rezone as it would eliminate the non-conformity of their existing site.

She concluded that the requested zone of R-24 was consistent with the goals and policies of the Comprehensive Plan and the pertinent review criteria of the Grand Junction Municipal Code had been met.

QUESTIONS

Commissioner Carlow asked if this property were to change hands and something of the same density was built, would they have to apply for a Special Use Permit. Lori Bowers said it would come in through a site plan review.

Commissioner Carlow asked if there were uses allowed in an R-24 that were not allowed in an R-8. Lori said that with this Residential High Mixed Use, the allowed zoning designations were R-16, R-24, R-O and B-1. There could be a modest amount of service-oriented businesses allowed in the R-24 which could not exceed 10% of the development.

Chairman Wall asked if the request to rezone this to R-24 was simply to match what was already built there. Ms. Bowers confirmed that was correct.

PUBLIC COMMENT

John Ballagh, 620 Orange Grove Way, said that he was employed by a friend of Mr. Wheeler, the owner of the facility. He confirmed that they had received notification and had responded in writing with support. He added that the apartments were a viable project right now and they understood that without a doubt if there was a change to the configuration, it would have to come before the Planning Commission. He added the proposal was consistent with the adopted community-wide plan which conversely would prove that it was presently zoned in error.

DISCUSSION

Commissioner Carlow said that he could see no better reason to bring it into conformance than this particular item.

Chairman Wall agreed that this made complete sense to zone as it had already been built.

MOTION: (Commissioner Pavelka) “Mr. Chairman, I recommend that the Planning Commission forward a recommendation of approval for the requested rezone, RZN-2011-1157, to City Council with the findings and conclusions listed above.”

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

7. Rezone Area 3 – Rezone

Request a recommendation of approval to City Council to rezone three parcels totaling 6.79 +/- acres from an R-R (Residential – Rural) to an R-4 (Residential 4 du/ac) zone district and one parcel totaling 1.15 +/- acres from an R-R (Residential Rural) to an R-8 (Residential 8 du/ac) zone district.

FILE #: RZN-2011-1188

PETITIONER: City of Grand Junction

LOCATION: 708 25 1/2 Road, 2522 F 1/2 Road and 2543 G Road

STAFF: Scott Peterson

STAFF’S PRESENTATION

Scott Peterson, Senior Planner, Public Works and Planning Department, made a PowerPoint presentation on the rezone from R-R and R-4 and R-8, respectively, for 3 properties. The proposed rezones were located in the vicinity of 25 1/2 Road, G Road and F 1/2 Road with the current properties each containing a single-family detached house comprising a total area of 7.88 acres.

Mr. Peterson said that the Comprehensive Plan anticipated the need for additional dwelling units based on historic and projected population growth. The Comprehensive Plan Future Land Use Map kept the designation of the subject area as Residential Medium at 4 to 8 dwelling units per acre. After the adoption of the Comprehensive Plan,

it became apparent that the zoning of many properties were in conflict with the new Future Land Use designation. These conflicts were created because the zoning did not match the Future Land Use designation.

He advised that the 3 property owners were notified of the proposed rezone via mail and also invited to an open house conducted on November 9, 2011 to discuss any issues, concerns or support for the proposed request. Mr. Peterson advised that he had heard from the 3 property owners who gave verbal recommendation that they were fine with the proposed rezone. He added that two adjacent property owners had submitted a letter and email in opposition to the proposed rezone and a few individuals contacted staff voicing a concern that the rezone would result in increased traffic and/or density in the area.

Mr. Peterson said the Comprehensive Plan Future Land Use designation for 708 25 1/2 Road identified the property as Residential Medium with a Residential Low category to the east of that property. The existing zoning for that lot was R-R and adjacent properties were R-4 with R-2 to the east.

He next discussed the property located at 2543 G Road which showed the Residential Medium category on 3 sides with current zoning of Rural Residential with R-4 to the north and west and R-5 to the south.

The Comprehensive Plan Future Land Use Map for 2522 F 1/2 Road was surrounded by the Residential Medium category and also to the south of F 1/2 Road was the Commercial Industrial category. Mr. Peterson said that existing zoning was PD, currently zoned R-R. He pointed out that surrounding subdivisions were the Westwood Ranch Subdivision to the east (a little more than 4 du/ac) and Diamond Ridge Subdivision (4.2 du/ac). The property directly to the east was currently vacant and not being developed at this time – the proposed Cobble Creek Subdivision with a density of a little over 6 du/ac. The proposal was for this lot to go to R-8 with the other two lots proposed at R-4.

He found the requested rezones to be consistent with the goals and policies of the Comprehensive Plan and the applicable criteria had been met and, therefore, he recommended approval of the proposed rezones as they would provide the opportunity to develop the 3 properties at a density which matched existing zoning designations.

QUESTIONS

Chairman Wall asked what the zone for the PD was. Scott said that it was a PD zone and to the east was the Westwood Ranch Subdivision with a density of a little over 4 dwelling units per acre. The Diamond Ridge Subdivision had a density of 4.2 dwelling units per acre.

Chairman Wall asked why R-8 had been proposed for that site. Scott said that it matched the subdivision to the west which had a designation of R-8. He added that if

the Cobble Creek Subdivision were to develop, it would be over 5. He agreed that 8 was at the high end of the Residential Medium category.

Lisa Cox, Planning Manager, interjected that part of the vision and the goal of the Comprehensive Plan was to provide a variety of housing types and by going with one zone district or another, there were different lot sizes, setbacks, and it would allow for a higher density as well as different housing products and different housing types. She said the R-8 supported the vision of providing different housing types for the growing population.

PUBLIC COMMENT

Ron Stewart, 708 25 1/2 Road. He said that as the owner of that property, he had mentioned to Mr. Peterson that he was against the rezone because the lot sat in a federal flood plain zone and his property backed up against The Estates which he believed most were 2 to 3 acres. He added that the City walkway was on his property line on the east side. He saw no reason to change the zoning on his property. Chairman Wall pointed out that the adjoining properties were zoned R-4 according to the Comprehensive Plan and this rezone was simply to match the Comprehensive Plan. Chairman Wall assured Mr. Stewart that the rezone would not change anything. Commissioner Eslami assured him that this rezone had nothing to do with taxes.

Richard Bell, the president of the Diamond Ridge Homeowner's Association, adjacent to the southernmost parcel of 2522 F 1/2 Road, stated that they had objected to the R-8 rezone. The HOA believed R-4 would be more in keeping with the neighborhood.

DISCUSSION

Commissioner Williams thought the rezones would help keep the plan consistent and would also maintain the surrounding character. Regarding the 708 25 1/2 Road, his understanding was that if there was any future development that roads would be required and upgraded from where they currently were. With regard to the F 1/2 Road property, he did not see the R-8 zone as being in issue there and would vote in favor of the rezones.

Commissioner Carlow said that we need to try to keep what might happen and what is happening tonight separate. We can sit here tonight and say what might be.

Chairman Wall commented that the two parcels from R-R to R-4 made sense. However, he questioned the 2522 F 1/2 Road property and with the exception of the proposed Cobble Creek Subdivision, other properties within close proximity were just a little over 4. He thought that particular site should be R-5 as that would be more consistent now.

Commissioner Benoit concurred with Chairman Wall's assessment and said it didn't necessarily stop the potential of having a higher density there by application.

Commissioner Pavelka said the R-5 would provide adequate opportunities for future development.

Commissioner Leonard also agreed with the 2522 F 1/2 Road as the R-8 seemed to be a little higher density than what he would feel comfortable with.

Lisa Cox mentioned that in the staff report there was one motion proposed and noted there could either be 3 motions to be voted on individually or there could be one new motion which was reworded. Chairman Wall reiterated that it appeared that there was a question on the F 1/2 Road parcel and would prefer to have one motion with a change in wording if proposed.

MOTION: (Commissioner Pavelka) “I recommend the Planning Commission forward a recommendation of approval of the requested rezone, RZN-2011-1188, to City Council with the following amendment: For the parcel located on F 1/2 Road, we recommend that it be rezoned from R-R to R-5. For the parcel located on 25 1/2 Road, we recommend that that parcel go from R-R to R-4. For the parcel located on G Road, we recommend that the rezone go from R-R to R-4.”

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

8. Rezone Area 10 – Rezone

Request a recommendation of approval to City Council to rezone 281 parcels from an R-8 (Residential 8 du/ac) to an R-12 (Residential 12 du/ac) zone district located southeast of the North 12th Street and Orchard Avenue intersection.

FILE #: RZN-2011-1156

PETITIONER: City of Grand Junction

LOCATION: Numerous lots between North 12th Street and North 19th Street from Elm Avenue to Hall Avenue

STAFF: Senta Costello

STAFF’S PRESENTATION

Senta Costello, Senior Planner, Public Works and Planning Department made a PowerPoint presentation regarding the Area 10 rezone. The property generally located was south and east of the intersection of North 12th Street and Orchard Avenue. Roughly 65 acres of land was included in the area.

The development in the area consisted of a variety of uses – largely single-family homes; with a few multi-family homes and some larger apartment complexes, as well as some non-conforming properties along 15th Street, a church and an existing City park which area was excluded from the rezone. The uses within the area would either remain as their existing non-conforming status or remain conforming. She said the proposed rezone did not eliminate or change any of the status of the single-family homes and would give people more opportunity to increase the density on their properties.

Ms. Costello said this area was part of a change to the Comprehensive Plan earlier this year which went from a Residential High Mixed Use down to a Residential Medium High as it was felt that the Residential High Mixed Use was too intensive for the area which allowed for higher levels of Commercial zoning that was believed to be inappropriate. In addition, it was proposed to change the zoning up a little to a slightly higher zone district to get potential to the area for additional density.

To the north and east, she said the zoning was Residential Medium; south was Residential High Mixed Use; and the Albertson's Shopping Center to the northwest was designated as Commercial. The park site, designated as a Park, was not in conflict with the Comprehensive Plan as its zoning was CSR. Ms. Costello said that all of the properties were currently zoned R-8 which was not a zone district that implemented the Residential Medium High zone district. She went on to state that the property was surrounded on the north and east by R-8; the southwest area bordered by an R-16 designation; and the Albertson's Shopping Center was a C-1 zoning. According to the Blended Map, this area was shown as Residential Medium which allowed up to 16 dwelling units per acre.

Ms. Costello had received comment from a little less than 10% of the property owners with it being split three ways as far as support – against; undecided; or no opinion. The property owners in favor of the proposal saw the opportunity for future development of their property or additional density. Those opposed, were primarily happy with their neighborhoods and did not want to see an encroachment of higher densities that could potentially disrupt their existing neighborhoods.

QUESTIONS

Commissioner Williams asked for an explanation regarding the recent adjustment. Ms. Costello said that where it was at prior, they could have requested B-1 zonings which would have allowed for some level of retail and higher intensive-type uses. This designation would allow for an R-O zone district which would provide the potential of smaller office-type uses without going into the retail realm.

Chairman Wall asked when it was downgraded earlier, was the R-12 discussed or did it go directly to R-8. Ms. Costello confirmed that the Comprehensive Plan designation was changed and it had now come to light that there was a discrepancy.

Commissioner Benoit asked why the Comprehensive Plan identified this particular area as being appropriate for R-12. Ms. Costello said the R-12 designation was one of the zone districts that fell within the Residential Medium High designations for zone districts that implemented that. They were looking for the potential of higher densities that allowed the use of existing infrastructure and minimization of impacts to services and added cost for infrastructure for both the City and a developer. She advised that there were higher zone districts that could be requested; however, this was believed to be a mid-range compromise from the existing to what could be.

Commissioner Benoit asked if there was higher density in the surrounding area. Ms. Costello said the area to the south and west was designated as R-16 with more apartment buildings and multi-family in that area.

Commissioner Leonard raised a question regarding Mr. Harbottle's letter and whether or not there had been any conversation in response to his questions. Ms. Costello said that she had responded back to him and had not heard any further comments from him.

PUBLIC COMMENT

Palea Goemmel stated she lived north of Elm Avenue on 17th and south of the designated area. She said that east of 15th Street was strictly residential with possibly only one duplex within the area so she thought the increased density was relatively high for an area that had been single-family homes for over 30 years. She voiced her opposition to the expansion that far into a residential area that had not had any commercial changes since she had lived there.

Marlene Brantley, 1245 Mesa Avenue, said that she had attended some of the open houses and had tried to understand what the Comprehensive Plan was. She advised that she opposed the higher density because she was already highly impacted by Colorado Mesa University and she understood the Comprehensive Plan was to provide buffers between high intensity development and the residential areas. She would like to see a lower intensity and would like to see it stay at R-8.

QUESTIONS

Commissioner Pavelka asked what the rough density of the area was now as it was built out. Ms. Costello said a fair assessment would be 6 to 8 dwelling units per acre.

DISCUSSION

Commissioner Carlow said that he was conflicted because it was already developed and it appeared to him that the only way it could get up to 12 would be if someone were to buy lots large enough to accommodate 12 units. He added that the existing setup did not lend itself to 12 units.

PUBLIC COMMENT

(Chairman Wall re-opened the Public Comment portion of the hearing.)

Palea Goemmel said another concern of hers was that if it went to R-12, many of the existing streets were limited and bounded and did not go through to North or Orchard Avenues. The access with a higher density would increase the traffic considerably.

DISCUSSION

Chairman Wall said he was in agreement with Commissioner Carlow and did not understand why if it was built out to 6 to 8, what would be the benefit in changing it to R-12. He thought that it should stay at R-8.

QUESTIONS

Commissioner Pavelka asked with the existing R-8, could someone go in and add a small unit to be rented out. Ms. Costello said that potentially a mother-in-law unit or an above the garage unit could be added which would qualify as an accessory dwelling unit under the code. That unit would be limited to the lesser of either a maximum of 700 square feet or one-half the size of the square footage of the existing residence. She said that she had heard favorable comments from owners that while they may not be able to get 12 units, they may be able to add 2 more units to their property which would increase their income potential as well as the value of their property. She pointed out that there would still be requirements that would need to be met but currently only the larger lots could get that additional true unit without having to meet the accessory dwelling standards.

Commissioner Pavelka asked for confirmation that this was not an option for everyone but only for those larger lots. Ms. Costello said that potentially that was the case or someone could buy a number of lots for an apartment building.

Commissioner Pavelka asked if you could have an apartment building in an R-8. Ms. Costello said that while allowed, it was more difficult from a financing standpoint with an R-8 density.

Lisa Cox, Planning Manager, provided some background concerning the Comprehensive Plan amendment. She said originally the area was designated to be Residential High Mixed Use because of the proximity to the college, Community Hospital, shopping on North Avenue and 12th Street up to Patterson Road. The original land use designation of Residential High Mixed Use called for a higher residential type of density, provided a broader range of housing types and encouraged development that could take advantage of the walk-ability of the neighborhood.

However, in discussions with City Council earlier this year, it was determined that Residential High Mixed Use would encourage a little too much intensity for this particular neighborhood, partially because it would allow retail sales. Council felt it was important to consider the residential character of the neighborhood and to take advantage of the infrastructure and the fact that it was a walk-able neighborhood. She added that this area would be very appropriate for an increase in residential development over time because of the range of services that were within walking distance.

Commissioner Benoit asked if there were any requests for development at this time. Ms. Costello said there were none at this time.

DISCUSSION

Commissioner Pavelka said that, after looking at what was in the area, existing infrastructure, walk-ability, what was practical to do and still being responsive to other parts of the community, even though it was a slight increase, she believed the R-12 would be a reasonable solution in this area.

Commissioner Williams concurred and agreed with what had been presented by staff. He appreciated the step down and did not believe it was a Residential High Mixed Use area but thought R-12 was something suitable for the future with the possible growth of Colorado Mesa University.

Chairman Wall said this was challenging for him as he did not envision the long-range plan. He felt the R-8 was applicable for the area and did not see the reward in an R-12 designation.

MOTION: (Commissioner Pavelka) “Mr. Chairman, I recommend that the Planning Commission forward a recommendation of approval of the requested rezone, RZN-2011-1156, to City Council with the findings and conclusions listed above.”

Commissioner Williams seconded the motion. A vote was called and the motion failed by a vote of 3 – 4, with Chairman Wall and Commissioners Benoit, Carlow and Leonard opposed.

Jamie Beard, Assistant City Attorney, clarified that if the Commission wanted to give further information to Council as to what it thought was appropriate for that particular area, then a motion could be fashioned which indicated what the recommendation would be. However, with the discussion, she held that there had been an indication as to what was believed to be appropriate and it could then go forward as a denial on the part of the Planning Commission. It would then be up to City Council whether or not they want to approve.

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 7:58 p.m.