

**GRAND JUNCTION PLANNING COMMISSION
JUNE 28, 2011 MINUTES
6:00 p.m. to 7:20 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 Reggie Wall (Chair), Ebe Eslami, Rob Burnett, Lyn Benoit and Keith Leonard (Alternate). Commissioners Lynn Pavelka (Vice Chair), Pat Carlow and Mark Abbott were absent.

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), Scott Peterson (Senior Planner) and Senta Costello (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 13 interested citizens present during the course of the hearing.

Announcements, Presentations, and/or Prescheduled Visitors

Lisa Cox, Planning Manager, advised the Commission that there was an issue regarding the minutes on the agenda for approval. The agenda for June 14, 2011 showed the Commission would approve the minutes for the April 12th Planning Commission hearing; however, the minutes from April 26th were attached to the electronic agenda. She suggested that the minutes for April 26, 2011 remain on the agenda this evening and next month the minutes from the April 12th meeting would be attached and could be formally approved at that time.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the April 26, 2011 Regular Meeting.

2. Cobble Creek Subdivision – Preliminary Subdivision Plan

Request for an extension of the preliminary plan approval to develop 12 dwelling units on 3.002 acres in a PD (Planned Development) zone district.

FILE #: PP-2007-169
PETITIONER: Divine Guidance, LLC
LOCATION: 2524 F-1/2 Road
STAFF: Lori Bowers

3. Hatch Annexation – Zone of Annexation

Request a recommendation of approval to City Council to annex and zone 4.39 acres from County PUD (Planned Unit Development) to a City R-12 (Residential 12 du/ac) and B-1 (Neighborhood Business) zone district.

FILE #: ANX-2011-698
PETITIONER: Robert Hatch
LOCATION: 2063 South Broadway
STAFF: Scott Peterson

Chairman Wall pointed out that this item would pertain to the zone of annexation only and not the annexation as it had been annexed previously.

4. Hartnell Golf Fence – Special Permit

Request a recommendation of approval to City Council of a Special Permit for a 16' tall golf fence on 0.199 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: SPT-2011-850
PETITIONER: Bernie and Marti Hartnell
LOCATION: 2976 Fairway View Drive
STAFF: Senta Costello

5. Dorr Golf Fence – Special Permit

Request a recommendation of approval to City Council of a Special Permit for a 16' tall golf fence on 0.184 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: SPT-2011-851
PETITIONER: Philip and Kathleen Dorr
LOCATION: 2974 Fairway View Drive
STAFF: Senta Costello

6. Brickey Golf Fence – Special Permit

Request a recommendation of approval to City Council of a Special Permit for a 16' tall golf fence on 0.184 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: SPT-2011-852
PETITIONER: Karan Brickey and Barbara McGinnis
LOCATION: 2972 Fairway View Drive
STAFF: Senta Costello

7. Clow Golf Fence – Special Permit

Request a recommendation of approval to City Council of a Special Permit for an 18' tall golf fence on 0.289 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: SPT-2011-853
PETITIONER: Tory Clow

LOCATION: 2968 Fairway View Drive
STAFF: Senta Costello

Chairman Wall briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. Scott Peterson requested the Hatch Zone of Annexation be pulled for Full Hearing as there were some citizens in the audience who wanted to discuss that. Item 2 - Cobble Creek Subdivision – Preliminary Subdivision Plan - was pulled for a Full Hearing by a member of the public. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the remaining Consent Agenda items.

MOTION: (Commissioner Benoit) “Mr. Commissioner, I make a motion that we approve the remaining items on the agenda – Items 1, 4, 5, 6 and 7.”

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

Public Hearing Items

8. Off-Premise Sign (Billboard) Appeal – Appeal of Director’s Decision – Continued to August 9, 2011

Appeal of Director’s Decision pursuant to Section 21.02.210(c), Appeal of Final Action on Administrative Development Permits, regarding denial for an administrative permit to construct an off-premise sign (billboard) at 515 S. 7th Street.

FILE #: APL-2011-863
PETITIONER: Thomas Volkmann – Spiecker, Hanlon, Gormley and Volkmann
LOCATION: 515 South 7th Street
STAFF: Lisa Cox

9. Off-Premise Sign (Billboard) Appeal – Appeal of Director’s Decision – Continued to August 9, 2011

Appeal of Director’s Decision pursuant to Section 21.02.210(c), Appeal of Final Action on Administrative Development Permits, regarding denial for an administrative permit to construct an off-premise sign (billboard) at 610 W. Gunnison Avenue.

FILE #: APL-2011-864
PETITIONER: Tim Murray – CWOA Inc.
LOCATION: 610 West Gunnison Avenue
STAFF: Lisa Cox

MOTION: (Commissioner Burnett) “I make a motion that we continue Items 8 and 9 to the August 9th Planning Commission meeting.”

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

2. Cobble Creek Subdivision – Preliminary Subdivision Plan

Request for an extension of the preliminary plan approval to develop 12 dwelling units on 3.002 acres in a PD (Planned Development) zone district.

FILE #: PP-2007-169
PETITIONER: Divine Guidance, LLC
LOCATION: 2524 F-1/2 Road
STAFF: Lori Bowers

STAFF’S PRESENTATION

Lori Bowers, Senior Planner, Grand Junction Public Works and Planning Department, made a PowerPoint presentation regarding a request for an extension of an approved Planned Development. She presented a Site Location Map and an aerial photo of the parcel with regard to this project. The Future Land Use Map at the time of the passing of the Planned Development ordinance was Residential Medium, 4 to 8 dwelling units per acre, and the zoning at the time was RR; however, when the ordinance was adopted it was changed to PD. The Blended Map showed that this parcel should be developed at the Residential Medium category. She confirmed that applicant was requesting a three-year extension of the plan. Ms. Bowers noted that if the plan were to fail, it would revert to the default zoning of R-8. She addressed the setbacks which would be 15 feet in the rear of the houses with some houses having a 20-foot driveway while others may have a 15-foot driveway.

QUESTIONS

Commissioner Benoit asked what the standard setback for the driveway length would be. Lori Bowers stated it was 20 feet.

Chairman Wall asked if there were height limitations on the homes. Ms. Bowers said they were limited to a single-story; however, in the new R-8 zoning, they could have up to three stories – a 40-foot building height limit.

APPLICANT’S PRESENTATION

Jana Gerow, Development Construction Services, represented the owners of the subject property. She advised that as the economy has not been great, the owners were trying to hold and keep the subdivision because as a planned subdivision, they felt it was a good benefit to the neighbors. She reiterated that the houses were restricted to one story. As the lot was very tight, they tried to comply with the direction of the Code to provide as much density as they could. Applicant sought to leave a little bit of flexibility in design.

QUESTIONS

Chairman Wall asked if something was done with the width of the road. Jana Gerow said that parking would be available on only one side and an agreement had been reached with a neighbor pertaining to the flanged sidewalk.

Commissioner Eslami asked if there would be a sidewalk on both sides of the street. Ms. Gerow said that there was a sidewalk on one side and the other side would be landscaped.

Commissioner Eslami asked what the width of the street pavement was. Ms. Gerow stated it was a full two-lane section with curb and gutter on one side and advised that it was not a reduced width of street but a reduced width section without the sidewalk.

Commissioner Eslami asked if it was a full street or a three-quarter. Ms. Gerow said it was a full street but not the full section. She confirmed that the width was 28 feet plus the sidewalk.

Chairman Wall asked for clarification pertaining to the reason for the requested extension. Ms. Gerow said the economy wasn't making it possible to develop.

PUBLIC COMMENT

Ron Stoneburner said that he lived in Westwood Ranch and referenced the zoning layout that allowed walking and connecting with a trail access to Diamond Ridge. He said there were no trails and stated that the property called Dry Park or Alkali Park was private property. He could not see how applicant could say that it was open for access trails. It also bordered the canal and people were not allowed on the canal bank. He mentioned a portion of land that was in dispute. Mr. Stoneburner said it was their contention that there was no open space area given and believed the ownership issue needed to be resolved. Mr. Stoneburner asked that the extension not be granted until a resolution had been resolved about both the ownership of the disputed area and the trails.

Susan Hensel said she lived in Colonial Heights and raised some questions regarding the height of the homes. Chairman Wall confirmed that this was not a new proposal and was only an extension of what had been previously approved and the way it was approved the first time included that there would be only single-story homes. Ms. Hensel asked if there was any way that could be altered. Chairman Wall said that would be under a different zone and different planning; however, under this plan it was only single-story homes. Ms. Hensel asked if the plan that was approved and still being considered for an extension would still hold them to single-story homes. Chairman Wall confirmed that nothing would be changed and it was just a question of whether or not an extension would be granted. Commissioner Williams believed she was referring to the statement that if denied there was the potential for multiple family housing if it reverted back to the original R-8 zoning.

Charlie Gunther, 687 Glen Carol Drive, addressed the Commission as a representative of the Grand Valley Irrigation Company. Mr. Gunther confirmed that the property was still in dispute. He further said that it was a water deed and they were willing to work with applicant regarding the extension in order to resolve this with the City.

QUESTIONS

In response to a question posed by Chairman Wall regarding ownership of the property in dispute, Jamie Beard, Assistant City Attorney, stated that she recalled that there was a review of the transfer in regards to that property over the years and after a review it was determined that the property was owned by Cobble Creek rather than by Grand Valley Irrigation Company. Ms. Beard said they were comfortable advising that the property could be included within the development with it later being quit claimed to the City of Grand Junction so that any disputes in the future could then be worked out between the Grand Valley Irrigation Company and the City. She stated that it was the City's position that it was Cobble Creek's property and part of the subdivision. Ms. Beard said that she saw no problem with the Commission approving the extension for purposes of the subdivision. She suspected it may become a real issue when the City would go to use it if Grand Valley Irrigation Company felt that it was against their rights and the use of the land.

Commissioner Eslami asked what the property would be used for. Jamie Beard believed the area in dispute included the open space area and also the trail area that was being granted.

Commissioner Eslami asked if the trail was over Grand Valley's easement. Lori Bowers pointed out the dedicated trail which was out of the area. The proposed trail was out of the Grand Valley Canal's easement.

Commissioner Eslami asked Ms. Bowers to point out the Grand Valley Canal and easement. Jamie Beard confirmed that the area in dispute was the water area and so the City would not plan on using it normally for any specific use. It would just be dedicated to the City.

Commissioner Benoit asked where access to the trail was. Jamie Beard said that technically they could access the trail from the end of the cul-de-sac and eventually the City anticipated that the trails would all meet up pursuant to the Master Plan in regards to trails. A requirement for a Planned Development was to include those areas where trails were wanted for future purposes so eventually everything would connect up.

Commissioner Benoit questioned whether private property would be crossed. Ms. Beard said that while unsure of all of the subdivisions to the west eventually when they came in to do some development on the subdivision that did not have a trail they could ask that the trail be dedicated at that time. In the alternative, at the time that the City was ready to connect all of the trails along there, the City could look at doing something with that landowner to be able to try to purchase the trail.

Commissioner Benoit asked if it was now a trail that led to nowhere. Ms. Beard said she believed that if people were to get on the trail in that subdivision, the subdivision to the east had trail easements along there. She went on to state that in most instances the City did not have ownership but was taken as an easement.

APPLICANT'S REBUTTAL

Jana Gerow responded that the trail was required as part of the Master Trails Plan. She identified where the open space was. Next, she pointed out that the sidewalk connection required by the city was provided; however, part of the property was within the irrigation company's long-term area of estimated width of the canal.

QUESTIONS

Commissioner Eslami raised a question regarding the 15-foot setback. He said that he had no problem with the 15-foot setback for the houses; however, he was concerned with the garage setback of 15 feet. He asked if there was any way that the garages could be moved to 20 feet. Ms. Gerow stated that if that was a restriction put on the applicant, that would be fine. She said that the main flexibility they wanted was on the houses. She clarified that it was very clear that if this expired, it would go to R-8.

After a review of the other plats to the north and to the west, it appeared that there were either easements or dedicated land for purposes of the trail to connect according to Jamie Beard.

DISCUSSION

Commissioner Eslami stated that if the setback for the garage was changed to 20 feet, he would have no problem extending this. He would like to have the garage set back 20 feet from the sidewalk. Chairman Wall asked if there was the ability to change what had been determined before without the necessity of a full hearing. Jamie Beard said that technically with an extension there could be a condition; however, the difficulty was that this was a Planned Development and the plan was a part of the zoning ordinance. If there was a conflict with the plan, it would have to go through a different process where it would go to City Council for final approval. She suggested that it be remanded back to staff to review for that purpose. Ms. Beard stated that the specifics in regards to this plan set minimum front yard setbacks at 15 feet so if the Commission wanted to change the minimum front yard setbacks then it would change the actual plan which would change the rezoning ordinance.

Chairman Wall asked if the Planned Development extension request was able to be approved and then remanded back to staff. Ms. Beard said that if the extension was approved, the plan would be approved as it was.

Commissioner Benoit stated that it seemed that there were a lot of issues due in part to the width of the street and the height that was changed. He believed that for the neighborhood they could now be looking at multiple versus single-family homes. Chairman Wall said that if it was denied and they did not get the extension, then it could revert back to the R-8. Lisa Cox, Planning Manager, confirmed that if the request was

denied then the property would revert back to R-8, its default zone district. Jamie Beard said that if the extension was granted, the approval would be for the plan just as it was. If the extension was granted with conditions, she suggested that it be remanded back to make sure that it was not a conflict with the plan. Commissioner Benoit went on to say that he was torn on this because the neighborhood was going to be affected and questioned if adequate notice was provided to the neighbors. Jamie Beard stated that basically the notice for the extension was the same notice normally given in regards to the neighborhood so everyone interested should have been aware that this extension was before the Commission at this time.

Commissioner Benoit asked if the extension was denied would the subdivision have to be resubmitted under a new plan with the potential for changes. Lisa Cox stated that was correct because that would represent the expiration of the current plan. She said that the option to consider conditions of approval attached to the extension as well as the length of the extension were available to the Commission.

Chairman Wall said that one of the criteria to be looked at was whether there was a good reason to grant this extension. He believed the economics played a large role and thought it was a good reason to grant the extension. He said that he was completely fine with the present plan. The trails were modified from the original plan due to questions related to the irrigation system, ownership of land and trails were meant to connect to other trails. The plan was designed to help with connectivity of neighborhoods and would provide a better place to live. Chairman Wall opined that it wouldn't make sense to make the developer start all over again because he thought the plan was good the way it set and he would, therefore, be in favor of granting the extension.

Commissioner Eslami stated that he was not saying that the extension should not be granted. He said that if it were remanded back to staff and have more information about adjustment on the setback, that would make him more comfortable and he would then be in favor of the extension. The only reason he wanted it remanded back to staff was to resolve the setback issue.

MOTION: (Commissioner Eslami) "Mr. Chairman, I make a motion that we remand Cobble Creek Subdivision, #PP-2007-169, back to the staff."

Jamie Beard clarified that Commissioner Eslami was interested in there being a front yard setback for the garage at 20 feet and the house could remain at 15 feet; however, where the garage was concerned, the Commissioner wanted it back 20 feet.

The motion failed for lack of a second.

MOTION: (Commissioner Burnett) "I make a motion we go ahead and approve it to be extended."

Commissioner Leonard suggested an amendment to the motion to include the number of years that this item would be extended. Chairman Wall asked that the motion be clarified to include the number of years for the extension.

(Commissioner Leonard) “I would make a friendly amendment to include a three-year extension.”

Commissioner Burnett seconded the motion.

MOTION: (Commissioner Leonard) “I’d like to make a motion for File No. PP-2007-169, Cobble Creek Subdivision, to extend the PD for another three years.”

Commissioner Burnett seconded the motion. A vote was called and the motion passed by a vote of 3 – 2 with Commissioners Benoit and Eslami opposed.

3. Hatch Annexation – Zone of Annexation

Request a recommendation of approval to City Council to annex and zone 4.39 acres from County PUD (Planned Unit Development) to a City R-12 (Residential 12 du/ac) and B-1 (Neighborhood Business) zone district.

FILE #: ANX-2011-698
PETITIONER: Robert Hatch
LOCATION: 2063 South Broadway
STAFF: Scott Peterson

STAFF’S PRESENTATION

Scott Peterson, Senior Planner, Public Works and Planning Department, addressed the Commission regarding the requested zone of annexation by applicants – Robert and Suzanne Hatch. He identified the proposed zones of annexation located adjacent to Tiara Rado Golf Course along South Broadway. The existing properties consisted of 5 parcels of land. According to Mr. Peterson, applicants proposed to develop the existing 5 parcels of land for a residential subdivision/condominium development that would consist of 39 dwelling units to be constructed in two phases. The first phase would total 5 buildings containing 10 dwelling units and the second phase would total 29 multi-family dwelling units. The applicant also proposed that the existing 5 parcels would become 2 platted parcels upon review and approval of the Simple Subdivision Plan applicant, the boundary of which would generally follow the existing Comprehensive Plan Future Land Use boundaries.

Mr. Peterson stated that applicants requested the Neighborhood Business zoning designation (B-1) for phase 2 in order to comply with the Comprehensive Plan Land Use Map designation of Commercial while accommodating their proposed use of multi-family residential development. He further stated that no Commercial development had been proposed by applicants at this time but the zoning proposed would leave that option as a possibility in the future. The purpose of the B-1 zone district was to provide small areas for office and professional services combined with limited retail uses designed in

scale with the surrounding residential uses. He added that the R-12 was proposed for phase 1. The Blended Residential Map showed the range of density that could be between 4 and 16 dwelling units to the acre for the residentially zoned properties. Furthermore, the proposed zoning districts conformed with the Future Land Use Map which designated the properties as Residential Medium High and also Commercial. Mr. Peterson concluded that the requested zones were consistent with the goals and policies of the Comprehensive Plan and the pertinent review criteria of the Zoning Code had been met.

APPLICANT'S PRESENTATION

Les Crawford, Vortex Engineering, 2394 Patterson Road, Suite 201, Grand Junction, appeared on behalf of applicants. Mr. Crawford reiterated that the project met all the requirements for the requested rezone. As he understood there were questions or concerns from the public, he stated that he would be available to address those in rebuttal.

PUBLIC COMMENT

Carl Hyde, 505 Rado Drive, #6, said that he did not have an objection that they could give against the building of annexation plan. He did want it brought to the attention of the Commission that there would be a considerable increase in traffic on this road. He stated that the conditions at present were pretty unsafe and becoming more unsafe due to the number of cars, bicycles and joggers using the two-lane road. Mr. Hyde voiced his concern regarding the traffic and believed the ability to widen the road was severely limited. He hoped that the Commission would consider this concern.

APPLICANT'S REBUTTAL

Les Crawford stated that Turn Key Consultants had performed a level 2 traffic study on this proposal this spring which included traffic counts at the proposed intersection. In addition, City staff had done a preliminary proposal for a larger curve that would be developed in the future. The traffic study determined that phase 1 of this project would not trigger the traffic warrants needed to build the Broadway improvements. Therefore, the traffic impact fees that would be paid by the 5 structures would be put to use to pay for improvements in the future. Staff's current conceptual plan for that section of Broadway would be for a three-lane road with the center lane being a left-turn lane for use for the golf course and the proposed development. Mr. Crawford stated that the current staff plan included an access trail on both sides of Broadway up to the clubhouse from the driving range. The traffic study recommended moving the entrance to the east approximately 100 feet and also concluded that the left turn lanes would be warranted by phase 2 construction of the project and the City had already acquired all of the 80-foot right-of-way needed for those future improvements.

QUESTIONS

Commissioner Benoit asked for expansion with regards to the potential small Commercial development. Mr. Crawford said they were trying to keep the option open. As the Comprehensive Plan called for a Commercial use on this property, it was anticipated that it may possibly be an office or a coffee or sandwich shop. He

addressed their reasoning for not going with the C-1, C-2 or C-3 zones because they allowed without review vehicle repair, truck mechanical repair shops, truck stops, a travel plaza, tire recapping and storage as well as several Industrial uses.

Commissioner Benoit stated that he was just trying to get some sense of how much more traffic the Commercial development would generate. Les Crawford stated that it would likely be very light.

Chairman Wall asked if a B-1 allowed a bar. Scott Peterson answered that the B-1 zone would allow a bar/nightclub with a Conditional Use Permit application. Scott clarified that the B-1 zone acted like R-O except with retail. The hours of operation would be between 5 a.m. to 11 p.m. and a C-1 zone would be a 24 hour a day operation. The B-1 was the less intrusive of the Commercial zones that allowed a retail type of use.

Commissioner Leonard asked when and if applicant came before the Commission at a later date with an actual proposal, would there have to be another traffic study done that pertained directly to the proposal. Scott Peterson said that the applicant had a site plan review application currently being processed as well as a simple subdivision application which were both administrative reviews. Unless there was an appeal from the neighborhood about the Director's determination of approval, they would not be brought before the Planning Commission. As proposed now, the applicant was proposing just the 39 dwelling units and not the Commercial venture.

Commissioner Leonard asked if they decided to come back with a Commercial project, would the current traffic study submitted by Skip Hudson be appropriate for any Commercial use that came through. Lisa Cox clarified that there were certain uses that triggered traffic impact studies, so depending on what the proposal was would determine whether or not there was a need or a demand for a new traffic study. She said that depending on the intensity of the use it may or may not require a new traffic impact study. Scott Peterson stated that phase 2 of the project triggered a left-turn lane into the development so that would trigger some road improvements.

DISCUSSION

Chairman Wall said that this particular project was interesting. It was in an area that has had some challenges. He thought that it met the Comprehensive Plan, had Commercial there and thought it was a project that would enhance the area and compliment the Fairway Villas Subdivision along with the homes that had been built in that area along with the golf course and the driving range. He would be in favor of the project.

MOTION: (Commissioner Eslami) "Mr. Chairman, I make a motion that we approve Hatch Zone of Annexation, ANX-2011-698."

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

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 7:20 p.m.