

**GRAND JUNCTION PLANNING COMMISSION
JUNE 22, 2004 MINUTES
7:00 P.M. to 9:04 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 P.M. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), John Evans, John Redifer, William Putnam and Tom Lowrey (alternate). Roland Cole, Bill Pitts and Travis Cox were absent.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Pat Cecil (Development Services Supervisor), Lori Bowers (Senior Planner), Scott Peterson (Associate Planner) and Senta Costello (Associate Planner).

Also present were Jamie Kreiling (Assistant City Attorney), and Rick Dorris and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

There were 21 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

No minutes were available for consideration.

III. CONSENT AGENDA

Available for consideration was item PP-203-239 (Preliminary Plan—Summer Glen Subdivision). No opposition was expressed by the citizenry, planning commissioners or staff.

MOTION: (Commissioner Evans) "Mr. Chairman, I'd like to say that we approve the Consent Agenda tonight."

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

III. FULL HEARING

PLN-2004-029 GRAND VALLEY CIRCULATION PLAN UPDATES

A request for approval of the amendment to the adopted Grand Valley Circulation Plan (formerly the Major Street Plan), changing the classification of various roads in the urban area.

PETITIONER: City of Grand Junction

STAFF'S PRESENTATION

Laura Lamberty gave a PowerPoint presentation containing the following slides: 1) overview; 2) Grand Valley Circulation Plan's Functional Classification Map; 3) district map; 4) history; and 5) explanations of street classifications and their uses. She overviewed the request and asked that planning commissioners approve the proposed updates.

QUESTIONS

Chairman Dibble asked if the updates were being proposed primarily as housekeeping measures. Ms. Lamberty answered that the majority of changes outlined in the amendment were to update the progress of actual street construction, correct errors, reflect changes to the Functional Classification Map, and to provide additional information on specific areas of focus (e.g., Riverside Parkway area).

Commissioner Putnam commented that the extension of Horizon Drive from 7th Street to 1st Street had been controversial for almost 35 years and had at one point even gone to the public for a vote. He felt that the extension should not be incorporated into the Functional Classification Map. There had also been past discussions over extending F 1/2 Road to 26 1/2 Road. That too, he felt, should be referenced. Ms. Lamberty said that many of the Map's street connections were conceptual in nature and were not intended to represent specific routes. As properties developed, the denoted connections would be required. The exact locations of those connections would be determined during development reviews. She added that a transportation study would soon be undertaken to review the alignment of Patterson Road at 25 Road to gauge the feasibility of pulling traffic from Patterson Road onto an F 1/2 Road parkway (location noted on the Functional Classification Map).

PUBLIC COMMENTS

Richard Wagner (3274 F 3/10 Road, Clifton) wondered why he and his neighbors hadn't been informed that a final decision on the plan amendment would be made this evening. Nor, he said, had he or his neighbors been invited to any of the City's planning meetings. Mr. Wagner pointed out that one of the proposed street connections was shown going through his farmland and driveway. He also felt there to be an existing traffic bottleneck on F 3/10 Road, which was apparently slated for future widening. If he subdivided and built even one more home on his property, would he be responsible for all F 3/10 Road widening costs? Mr. Wagner felt that the issue needed more discussion.

Ken Simms of the Mesa County Planning Organization, said that the same updated Functional Classification Map had just been adopted by the Mesa County Commissioners. He said that the one included with staff's Powerpoint presentation had been the "old" version. Mr. Simms said that a number of citizens attending the publicized open house at Clifton Hall had expressed concerns over three conceptual street connections: 1) F 1/2 Road between 33 Road and I-70B, 2) F 3/10 Road, and 3) the connection referenced by Mr. Wagner. Staff had wanted to include those street connections as a means of addressing future interconnectivity between new and existing neighborhoods. However, given the number and extent of expressed concerns, Mesa County had pulled those connections from consideration pending further review and discussion. He said that those attending the open house had been contacted and told that those connections were no longer a part of the current plan update. The connection referenced by Mr. Wagner was therefore not part of the request before the City's Planning Commission.

Steve Bedford (3269 1/2 F 3/10 Road, Clifton) said that he'd been to all of the Circulation Plan Update meetings of which he'd been informed; he'd not heard of the one at the Clifton Hall referenced by Mr. Simms. He asked that he and his neighbors be personally notified of the next meeting(s) scheduled for discussion on the now-excluded street sections.

Keith Owens (536 31 Road, Grand Junction) expressed similar complaints about the lack of citizen notification. He pointed out that there were 9 homes located along 31 Road, and only one of them had received meeting notification. Why had that notification card come from the City when the area was still within the County's jurisdiction? He asked to be notified of any additional Circulation Plan meetings. Mr. Simms said that distribution of notification cards had been a joint City-County effort. Referencing a mailing list, he noted that all of the homes mentioned by Mr. Owens had been included in the notification.

Michael Melgares (514 31 Road, Grand Junction) said that he'd heard 31 Road had been slated for extension across I-70B at some future date and asked if that were still planned. Mr. Simms said that a traffic study two years prior had been undertaken to determine whether extending 31 Road across I-70B would relieve traffic congestion. The conclusion had been to omit the extension from the current plan and revisit the issue in another 5-10 years.

QUESTIONS

Chairman Dibble asked when citizens might have access to the updated Functional Classification Map. Ms. Lamberty said that the map included in planning commissioner packets was in fact the updated version. It was also available for public review. Technical difficulties had prevented her from including it in her Powerpoint presentation.

Chairman Dibble asked for confirmation that the summary of proposed changes contained within planning commissioner packets was current and correct, except for the omission of the three street connections referenced by Mr. Simms. Ms. Lamberty said that the summary focused on changes proposed for areas within the 201 boundary. The street connections mentioned by Mr. Simms were not within that boundary. She added that the City had intentionally delayed the update request for public hearing pending Mesa County's decision on proposed changes within its own jurisdiction. Over 2,200 notification cards had been mailed out to area citizens.

DISCUSSION

Commissioner Redifer remarked that the main points of contention seemed to have been addressed. Remaining plan updates garnered little or no opposition. He felt he could support the request as presented.

Commissioner Putnam concurred and felt that he too could support the request.

MOTION: (Commissioner Evans) "Mr. Chairman, on item PLN-2004-029, I move that we recommend the City Council approve the proposed periodic update to the Grand Valley Circulation Plan."

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

VAR-2004-087 VARIANCE--JUST COMPANIES MASONRY WALL

A request for approval to waive the requirement to provide a six-foot-high masonry wall between a C-2 (General Commercial) and a PD (Planned Development) residential zoning district.

Petitioner: Ed Lenhart, Elsteph Investment Company, LLC

Location: 588 North Commercial Drive

STAFF'S PRESENTATION

Scott Peterson gave a PowerPoint presentation containing the following slides: 1) overview of the request; 2) site location map; 3) aerial photo map; 4) Future Land Use Map; 5) Existing City and County Zoning Map; 6) proposed site plan currently under review; and 7) outline of the Code's variance criteria.

Mr. Peterson said that a condition of the approval for the site plan was agreement by the petitioner to construct a 6-foot-high masonry wall as a buffer between the commercial and residential uses. Staff had concluded that the request failed to meet variance criteria since there were no extenuating circumstances or hardship demonstrated. The petitioner simply did not want to construct the wall. Approval of the variance would convey a special privilege; however, he noted where the requirement had been waived for another commercial property two lots away. Variances, he said, must be considered on their own individual merits. Waiver of the requirement for the one lot did not set a precedent for the current request. Mr. Peterson noted that, if constructed, the wall would be the only one in the area; however, as other commercial properties redeveloped, they too would fall under the same requirement. The petitioner had not provided staff with any other screening options. If the variance were approved, it would result in a lack of any separation between residential and commercial uses except for the existing Paradise Valley Park fence. He referenced a letter received from the manager of the mobile home park, addressing maintenance of the fence. Denial of the request was recommended.

PETITIONER'S PRESENTATION

Ed Lenhart, petitioner, said that he hadn't realized staff would so vehemently oppose the waiver request. He said that the Code contained a section (no specifics given) that waived the requirement for additional fence construction if a fence already existed. He noted on the available aerial photo of the site where a long line of commercial properties abutted the mobile home park; yet, although most were developed, none had been required to construct a masonry wall. He felt that maintenance of such a wall on both sides would pose a hardship. He'd contacted the manager of the mobile home park and had proposed construction of a 6-foot-high wood privacy fence with steel posts for reinforcement in lieu of the masonry wall. Referencing the letter previously mentioned by Mr. Peterson, the park's manager supported the wooden fence option but opposed construction of the masonry wall. Maintenance would be shared by the property owners abutting both sides of the wooden fence.

Mr. Lenhart felt the request to be one of "reasonableness." His company intended to construct an attractive building on the property and install landscaping. He noted a proposed 8-foot-wide landscape strip which would provide additional buffering of the parking area.

QUESTIONS

Commissioner Redifer wondered how the proposed wooden fence would be maintained if it blew over. Mr. Lenhart said that the steel post reinforcements would make that scenario unlikely.

PUBLIC COMMENTS

There were no comments either for or against the request.

QUESTIONS

Commissioner Lowrey asked why no other commercial properties had been required to erect masonry walls along their residentially-abutting property lines. Mr. Peterson explained that the Code update adopted in 2000 had included the requirement. Thus, any commercial properties developing after adoption of the 2000 Code update would be subject to that criterion. The majority of properties along Commercial Drive had been developed prior to adoption of the update. When asked if this were the only development along that street to have come before the City for consideration since adoption of the 2000

Code update, Mr. Peterson replied affirmatively, along with the property located at 584 N. Commercial that was granted a variance in November 2003.

Commissioner Lowrey asked if construction of the 6-foot-high masonry walls would be a piecemeal endeavor. Was there any way to make all the adjacent properties comply with the same requirement? Mr. Peterson said that wall construction would have to occur in piecemeal fashion. Adjacent properties were grandfathered in and exempt from the requirement unless they were redeveloped.

Commissioner Lowrey observed that residents of the Paradise Valley Park didn't seem to care whether the wall was constructed or not. They seemed perfectly happy with their wooden fence. Mr. Peterson agreed that the letter received from the park's manager seemed to support that conclusion.

Commissioner Lowrey asked if commercial businesses in the area were typically closed in the evenings, to which Mr. Peterson responded affirmatively. He added that the commercial buildings were also fairly small.

Chairman Dibble asked if there were any buffering requirements other than the masonry wall. Mr. Peterson said that the City required an 8-foot-wide landscape buffer, containing trees and shrubs, which the petitioner had agreed to provide.

Chairman Dibble asked if any of the other commercial lots along that street had provided any landscaping or berming. Mr. Peterson said that landscaping was present on some of the properties.

DISCUSSION

Commissioner Evans noted that as the area developed, a wooden fence would not be a good separator of commercial and residential uses, especially if those commercial uses intensified. He expressed support for staff's recommendation of denial.

Commissioner Lowrey prefaced his position by saying that he didn't generally like granting variances because regulations were there for a reason. However, it was clear that most of the commercial properties along the street had already developed. The petitioner's development submittal had been the only one to come before the City in the four years since the Code update's adoption. He believed that tearing out the existing fence only to erect a single section of masonry wall represented a hardship. Making one business conform to the requirement while all others were exempt could also be viewed as a hardship. It was evident that no one, not even adjacent residents, wanted the wall. Commissioner Lowrey reiterated that the commercial uses seemed to be low-impact, did not have delivery vehicles arriving at all hours of the day and night, and were typically closed in the evenings. He felt there to be sufficient justification for waiving the requirement and expressed support for the request.

Commissioner Redifer agreed with Commissioner Lowrey's assessment. The regulations did not always fit the situation, and he felt the current request to be a perfect example of that. The majority of the area had already been developed at the time of the 2000 Code update's adoption. Forcing all the area's commercial property owners to construct masonry walls was just as unfair as requiring only one property owner to comply. While he too disliked granting variances, he felt that supporting inconsistency was worse. He too felt that he could support the variance request.

Commissioner Putnam felt that approval of the variance request could be viewed as a continued "grandfathering" of what had been allowed prior to the 2000 Code update's adoption.

Chairman Dibble noted that one variance criterion specified that approval not create any precedents. Since each variance was considered on its own merits, approval would not violate that criterion. Also, he felt the area to be unique, and the adjacent mobile home park had expressed support for the alternative fencing proposed by the petitioner. Waiver of the requirement to construct a masonry wall would be both reasonable and practical.

MOTION: (Commissioner Redifer) "Mr. Chairman, on item VAR-2004-087, I move that we approve the variance to waive the requirement to provide a 6-foot[-high] masonry wall between a C-2, General Commercial, and a PD, Planned Development residential zoning district, finding the request to be consistent with the Growth Plan and Section 2.16.C.4 of the Zoning and Development Code."

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

ANX-2004-094 ZONE OF ANNEXATION--RED TAIL RIDGE II ANNEXATION

A request for approval to zone approximately 20 acres from a County RSF-R (Residential Single-Family, Rural) to a City RSF-4 (Residential Single-Family, 4 units/acre) zone district.

Petitioner: Jay Kee Jacobson

Location: South and west of Red Tail Ridge I

PETITIONER'S PRESENTATION

Ted Ciavonne, representing the petitioner, asked that his comments be deferred until after staff's presentation and citizen input.

STAFF'S PRESENTATION

Senta Costello gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) contour map; and 5) approved Preliminary Plan for Red Tail Ridge I. Single-family homes could be found to the west and east of the site, and nearby development densities were primarily 2-4 units/acre. The RSF-4 zoning would be consistent with Growth Plan recommendations and would meet Code criteria. Referencing a contour map, she said that there had been initial concerns over the recommended density due to steep slopes onsite; however, later discussions with the petitioner had allayed those concerns. Staff recommended approval of the recommended RSF-4 Zone of Annexation.

QUESTIONS

Chairman Dibble asked if there were any northern access connections to the property planned. Ms. Costello said that no development plan had yet been submitted, so it was unclear what connection points the petitioner had in mind. The only request before the Planning Commission was the Zone of Annexation.

Chairman Dibble asked Ms. Lamberty for her input on extension of what appeared to be an existing northern access from an adjacent property (noted on map). Ms. Lamberty said that the referenced right-of-way had been dedicated and did extend all the way to Lyle Drive. However, any extension of that right-of-way to the subject parcels would require redevelopment of parcels to the north and west. The petitioner would, however, be required to provide stub streets to northern parcels.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Tom Duke (2931 Lyle Drive, Grand Junction) said that the right-of-way referenced by Ms. Lamberty was actually designated for utilities only. He expressed concern for the people whose homes were located along Buena Vista Drive. It appeared they would have massive amounts of traffic directed from the petitioner's property through their neighborhood. He felt that the Orchard Mesa Irrigation District would experience substantial leakage problems in conjunction with the parcel's development and its undercutting an existing ditch. Mr. Duke also objected to what he perceived were erroneous statements made by the Code, suggesting that all criteria were met. Code criteria verbiage, he said, didn't ask whether the request was in compliance; rather, it seemed to state that it did by default. He also noted that surveyors working for the petitioner had frequently trespassed on his property to conduct their business without their even bothering to ask his permission.

Leslie Renquist (141 Mizelle Drive, Grand Junction) supported Mr. Duke's comments and felt the recommended density to be too high. The area was generally rural, and the character of the area and quality of life should be both preserved and protected.

Karen Reinertsen (142 Larry Drive, Grand Junction) wondered if the petitioner had conducted a traffic study. She expressed concerns over the safety of children and pedestrians, especially at the Highway 50 frontage road access point.

Ron Bain (125 29 3/4 Road, Grand Junction) agreed that ingress and egress from Highway 50 would be difficult for both existing and future area residents. He hoped that planning commissioners would visit the area and conclude, as he had, that an RSF-4 density was just too high.

Virginia Shepman (139 Mizelle Drive, Grand Junction) agreed that traffic was a big concern, along with increases in pollution, noise, impacts to wildlife, and loss of rural lifestyle. She also felt there to be insufficient irrigation water available to serve so many expected new homes. The recommended density, she felt, was too high and out of character with the surrounding area. If a development were approved to that density, what kind of buffering could existing residents expect?

PETITIONER'S REBUTTAL

Mr. Ciavonne said that the majority of comments expressed by citizens could be better addressed during the Preliminary Plan review stage. Development planning had not yet commenced so he could not address specific concerns. Red Tail Ridge I had developed to a density of approximately 3.6 units/acre. Given the current site's topographic limitations, he expected that Red Tail Ridge II would develop to a lesser density. He did feel that a northern street connection was probably not feasible. Traffic would most likely be directed to the two existing streets in Red Tail Ridge I. He also said that street improvements would be required and be made to both Buena Vista Drive and A 1/4 Road as part of Red Tail I development.

Mr. Ciavonne referenced the Growth Plan's Future Land Use Map and said that densities for the majority of the area were 2-4 units/acre. Even the Orchard Mesa Neighborhood Plan recommended average densities of 3.5 units/acre. Thus, the requested RSF-4 density would be consistent with both adopted plans.

QUESTIONS

Referencing the large Conservation-designated parcel directly abutting to the west, Commissioner Lowrey asked if there were plans to locate lower densities closest to that parcel. Mr. Ciavonne said that the site's topography would dictate where lots would ultimately be situated. He reiterated that without a design plan, specific development-related questions could not be answered.

Chairman Dibble asked Ms. Lamberty for her input on traffic projections and water issues. Ms. Lamberty said that traffic studies were generally undertaken as part of the Preliminary Plan review. She agreed that ingress/egress at Highway 50 would pose a challenge, one that the petitioner must satisfactorily address prior to any recommendation of approval. With regard to water issues, the petitioner must demonstrate that sufficient fire flows existed before the Fire Department would support any development request. Pat Cecil came forward and added that the Orchard Mesa Irrigation District would also let staff know about any irrigation delivery concerns it had during Preliminary Plan review. Mr. Ciavonne interjected that prior to any plan submission, neighborhood meetings would be held to garner citizen input.

DISCUSSION

Commissioner Lowrey asked for clarification on the Conservation land use designation, which was provided.

Commissioner Lowrey asked how much latitude the Planning Commission had in guiding development design. Ms. Costello said that if the Planning Commission did not feel that established criteria were met, it could deny the request. The board could also approve with conditions. Bob Blanchard added that planning commissioners could consider compatibility with the surrounding area in its decision.

MOTION: (Commissioner Evans) "Mr. Chairman, on Zone of Annexation ANX-2004-094, I move that the Planning Commission forward the Zone of Annexation to City Council with the recommendation of the Residential Single-Family 4 du/ac (RSF-4) district for the Red Tail Ridge II annexation, with the facts and conclusions listed in the staff report."

Commissioner Redifer seconded the motion.

Commissioner Lowrey stated for the record that he would be looking specifically for the siting of lower densities (*e.g.*, 2 units/acre) closest to the Conservation-designated parcel. He would have difficulty supporting any development design not incorporating that element.

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

With no further business to discuss, the public hearing was adjourned at 9:04 P.M.