

**GRAND JUNCTION PLANNING COMMISSION
SEPTEMBER 14, 2004 MINUTES
7:00 P.M. to 9:55 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, Bill Pitts, Roland Cole, Tom Lowrey and Lynn Pavelka-Zarkesh (alternate). William Putnam and John Redifer 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), Lisa Cox (Senior Planner), Senta Costello (Associate Planner) and Scott Peterson (Associate Planner).

Also present were John Shaver (City Attorney), and Eric Hahn and Laura Lamberty (City Development Engineers).

Terri Troutner was present to record the minutes.

There were 31 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

Available for consideration were the minutes from the August 10, 2004 public hearing.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move for acceptance of the August 10, 2004 minutes as presented."

Commissioner Evans seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioner Pavelka-Zarkesh abstaining.

Following the motion, Commissioner Cole pointed out a typo in his name reflected on page 1 of the August 10 minutes.

III. CONSENT AGENDA

Available for consideration were items GPA-2004-125 (Growth Plan Amendment--Ice Rink, Inc.), ANX-2004-137 (Zone of Annexation--Indian Road Annexation), PP-2004-068 (Preliminary Plan--Chipeta Glen Subdivision), RZ-2004-082 (Rezone--Laurel Rezone), PFP-2004-099 (Preliminary/Final Plan--White Willows Subdivision, Filing #2), PP-2003-186 (Preliminary Plan--Forrest Run Subdivision), and PP-2004-046 (Preliminary Plan--Blue Heron Meadow Subdivision). At citizen request, item PP-2004-046 was pulled and placed on the Full Hearing Agenda.

MOTION: (Commissioner Cole) "Mr. Chairman, I move approval of the Consent calendar."

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

IV. FULL HEARING

Chairman Dibble indicated that the petitioner for the first regularly scheduled agenda item, item PP-2004-018, had asked that it be continued to a date uncertain.

MOTION: (Commissioner Cole) "Mr. Chairman, on item PP-2004-018, I move that that item be continued [to a date uncertain]."

Commissioner Evans seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

PP-2004-046 PRELIMINARY PLAN--BLUE HERON MEADOW SUBDIVISION

A request for approval of the Preliminary Plan to develop 37 single-family lots on 18 acres in an RSF-4 (Residential Single-Family, 4 units/acre) zone district, and to consider a request to vacate an existing sewer easement located at 2587 G 1/2 Road.

Petitioner: Ebe Eslami

Location: 2587 G 1/2 Road

PETITIONER'S PRESENTATION

Tom Dixon, representing the petitioner, gave a Powerpoint presentation which contained the following slides: 1) background of the project, 2) surrounding zoning, 3) Zoning and Development Code criteria, 4) subdivision plat, and 5) photos of the site from various angles and locations. Mr. Dixon noted the presence of both a single-family home and modular home on the 17.7-acre property. Mr. Dixon said that the site's topography and the presence of both Leach Creek and the Grand Valley Canal limited the actual developable area to only 10.2 acres. The site is surrounded by RSF-2, PD and B-1 zoning. Trail easements along Leach Creek and the Grand Valley Canal would be dedicated to the City of Grand Junction. The site had all utilities available and represented a good infill project. The existing sewer line would be capped and a new sewer line installed at the petitioner's expense. Beaver Lodge Drive was planned to link with both The Estates Subdivision and G 1/2 Road.

Mr. Dixon referenced various photos of the area. He expressed hope that at some future time canal areas could be cleared of the Tamarisk and Russian Olives currently growing there in "profusion."

QUESTIONS

Commissioner Pitts asked and Mr. Dixon confirmed that access into the subdivision could be gained from both The Estates Subdivision and from G 1/2 Road, which was given.

Chairman Dibble wondered how Lot 1, Block 4 would gain its access because it appeared to be separated from the rest of the subdivision by Leach Creek. Mr. Dixon said that its access would be derived via a cul-de-sac located in the adjacent Wilson Ranch Subdivision.

Commissioner Lowery noted the "sharp bend" in G 1/2 Road and asked if sufficient sight distance existed between that bend and the subdivision's G 1/2 Road entrance. Mr. Dixon said that City engineering staff had not expressed any concerns over sight distance. He added that the project had had to overcome significant obstacles, but a lot of careful thought, planning, and discussion had gone into the plan's current design. He felt confident that staff and citizen concerns had been satisfactorily addressed.

STAFF'S PRESENTATION

Lori Bowers gave a Powerpoint presentation containing the following slides: 1) site location map, 2) aerial photo map, 3) Future Land Use Map, and 4) topographic map of the site. She provided a brief background of the site's annexation into the City. The project's density had been calculated at 3.9 units/acre, consistent with Growth Plan recommendations of Residential-Medium (4-8 units/acre). Improvements to G 1/2 Road were planned. Having determined that the submittal met both Growth Plan recommendations and Code criteria, staff supported approval of both the Preliminary Plan and Vacation requests.

QUESTIONS

Chairman Dibble referenced the lots along the eastern side of the site next to an existing pond. Chairman Dibble asked, because a lot of fill material would be required for that area, did staff anticipate any engineering problems? Mr. Hahn came forward and said that the issue had been brought up during review of the geotechnical report. Mr. Hahn added that the petitioner would be required to excavate the pond and fill it with structural fill material. The result was expected to provide a stable base for housing foundations.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Keith Mendenhall (705 Estates, Grand Junction), developer of and property owner in The Estates Subdivision, expressed concern over the additional traffic generated by the petitioner's higher density development. The Estates is an exclusive subdivision, and homes are "very high-end." Mr. Mendenhall said that so much additional traffic directed into The Estates subdivision could negatively impact property values. Had any thought been given to providing traffic calming devices along that street? He also noted the grading difference between the two subdivisions at the stub street location and felt that the privacy of Estates homeowners would be compromised, because some of the southern Blue Heron lots would be able to look down into the backyards of several Estates lots. He asked that trees or other vegetation be planted to buffer the two subdivisions and better ensure the privacy of Estates homeowners.

Mr. Mendenhall felt the project's proposed density to be incompatible with that of The Estates. He also wondered how relocation of the existing sewer line would be undertaken. He noted that the City had required him to dedicate 1,500 feet of trail easement; however, it didn't appear the current petitioner was being required to connect to it. Why was this and where would those trail segments go?

Doug Rock (710 Estates, Grand Junction) echoed concerns expressed by Mr. Mendenhall, adding that he was also concerned over the safety impacts that so much more traffic into the subdivision would bring.

PETITIONER'S PRESENTATION

Mr. Dixon said that the new sewer line would be constructed under Beaver Lodge Drive and traverse the property to its southern terminus. At that point it would extend west. Its connection would be with the Paradise Hills Interceptor. He again noted the location of the existing sewer easement and reiterated that all relocation costs would be borne by the petitioner. Given the high costs associated with developing the subdivision, homes would likely be in the \$400K to \$500K range, a range not likely to impact The Estates property values at all. No traffic calming was planned for Beaver Lodge Drive at its southern entrance; however, if the homeowners associations of both subdivisions felt that something was warranted, they could collectively petition the City. Mr. Dixon reiterated his request for approval.

QUESTIONS

Commissioner Cole asked the petitioner to address citizen requests for the buffering of southern lots. Mr. Dixon stated that the layout of lots "was what it was," and that only a couple of Estates lots were situated anywhere near Blue Heron's southern lots. A large amount of land in the subdivision had already been dedicated or was otherwise unbuildable. To ask for more land to be set aside and landscaped was unreasonable and would be difficult to accomplish. Mr. Dixon said that the developer of The Estates Subdivision had asked for and received a Growth Plan Amendment allowing him to lower the density of his development. The Estates' low density was the exception, not the rule, in an area primarily zoned RSF-4. He felt that the petitioner should not be penalized for a decision that Mr. Mendenhall chose to make for his development.

Tom Rolland, also representing the petitioner, added that with regard to the buffering issue, there would be some grading done in the area to facilitate the Beaver Lodge street connection, so current grading differences were expected to be reduced from 15-20 feet to the property line. Likely, homeowners would install landscaping on their own properties to serve as buffering. When asked about fencing, he replied that fencing would be erected at homeowner discretion and expense.

Commissioner Pitts asked about the trail dedication mentioned previously by Mr. Mendenhall. He asked if Estates trail segments connect to Blue Heron's trail dedications? Ms. Bowers explained that trail segments from both developments would connect along Leach Creek as planned. The Estates trail easement along its northern perimeter, connecting Leach Creek to the Grand Valley Canal, would remain as an undeveloped trail easement. Likewise, the 20-foot easement along the eastern perimeter of the Blue Heron Subdivision, extending from the southern Estates junction near the Grand Valley Canal northward, would also remain undeveloped. Topographic constraints made development of those two easements unfeasible.

A brief discussion ensued over whether trail easement could be dedicated at all along the Grand Valley Canal, given canal company concerns. Mr. Shaver said that while the canal company may not like it, if the easement was owned and dedicated by a property owner, the easement could be used by the City for the purposes for which it is dedicated.

Commissioner Lowrey wondered if the petitioner would consider reducing the number of southern lots (lots 8-12) by one, to four instead of five. Mr. Dixon reiterated that the petitioner should not be penalized when the developer of The Estates Subdivision, willingly and with forethought, sought to lower the density of his own development. Mr. Dixon said that the proposed density for the Blue Heron Subdivision is already at the low end of the Growth Plan's land use classification range.

Chairman Dibble felt the project represented good infill, and houses would be of high quality. The Estates stub street had always been intended to extend beyond its current point to facilitate interconnectivity. He expressed support for the project.

MOTION: (Commissioner Cole) "Mr. Chairman, on item #PP-2004-046, the request for Preliminary Plat approval for the Blue Heron Meadow Subdivision, I move that the Planning Commission make the findings of fact and conclusions listed in the staff report and approve the Preliminary Plan."

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 6-0.

MOTION: (Commissioner Cole) "Mr. Chairman, on item #PP-2004-046, I move that the Planning Commission recommend approval to the City Council of the request to vacate the easement for the portion of the Paradise Hills Interceptor line that crosses the property, with the findings of fact and conclusions in the staff report and conditional upon the plat for the subdivision not being recorded until a new sewer line is constructed in a new location to the satisfaction and approval of City staff and dedication of a new equivalent easement."

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

A brief recess was called at 8:12 P.M. The public hearing reconvened at 8:15 P.M.

PFP-2004-123 PRELIMINARY/FINAL PLAN--VALLEY MEADOWS NORTH

A request for Preliminary and Final Plan approval to develop 22 lots on 7.65 acres in an RSF-4 (Residential Single-Family, 4 units/acre) zone district.

Petitioner: Ed Lenhart--EDKA Land Company, LLC

Location: North end of Kapota Street

PETITIONER'S PRESENTATION

Brian Hart, representing the petitioner, expressed agreement on behalf of his client with staff's report. He reviewed the request. The subdivision's single access point and stub street location to the east were noted. Mr. Hart said that a final drainage report had been submitted.

STAFF'S PRESENTATION

Lisa Cox gave a Powerpoint presentation containing the following slides: 1) site location map, 2) aerial photo/map, 3) Future Land Use Map, 4) Existing City and County Zoning Map, 5) Final Plat, 6) background, and 7) Findings and Conclusions. Tract A's location was noted; access to the project will be derived via Kapota Street to 25 1/2 Road. The project had been submitted as a request for Preliminary and Final approval, contained complete and final engineering design and detail and were therefore reviewed as final plans. Staff and other review agencies had completed the plan review process and found the plans to be compliant with City design standards, regulations, and other adopted plans and policies. Letters of opposition have been received prior to the public hearing, or were delivered during the meeting from neighborhood residents, Ms. Helen Dunn and Mr. John Chapman.

QUESTIONS

Commissioner Cole asked if the petitioner had met all drainage requirements. Mr. Hahn replied affirmatively. He added that the proposed drainage design would actually result in over-detaining any stormwater runoff, including both onsite drainage and offsite flows onto the property. Mr. Hahn said that stormwater would be released at less than historic rates.

Commissioner Lowrey asked if the property directly to the east of Moran Drive had been developed. Mr. Hahn responded negatively. Extension of Moran Drive would not be required until that property developed. Mr. Hahn elaborated that when that eastern parcel and the two directly north of it developed, an extension to G Road would also likely be required. He said that without a stub street, no more than 30 lots could be proposed for a dead-end drive. He outlined the Fire Code section pertaining to emergency vehicles and single accesses. Mr. Hahn then introduced Chuck Mathis from the Grand Junction Fire Department to speak further on Fire Code criteria.

Mr. Mathis read into the record the Fire Code section applicable to the current project. He said that developments could not provide any more than 30 lots on any single dead-end street unless a stub street

that had a reasonable chance of future extension were provided. Mr. Mathis said that if a stub street were provided, the number of lots could be increased to 100. He said that some criterion had also been incorporated into the City's TEDs Manual. Mr. Mathis told the Commission that the Fire Department determined that given the presence of the Moran Drive stub street, the current proposal met both Fire Code and TEDs requirements for emergency vehicle access.

PUBLIC COMMENTS

FOR:

Hamilton MacOry (837 26 Road, Grand Junction) referenced the 15-foot irrigation/drainage easement extending along the southern perimeters of both the subject property and Moonrise East Subdivision. He suggested that the easement be developed as a one-lane emergency access road, to extend from Kapota Street to 25 1/2 Road.

AGAINST:

Helen Dunn (no address given) referenced her letter of opposition and the points she'd made within it. While she understood that a great deal of time and thought had gone into the design of the subdivision, she still felt that certain issues were unresolved. She disagreed that the proposal met International Fire Code and the City's Development Code criteria. Ms. Dunn said that provision of a second access was very important to ensure the safety of homeowners. She also noted the location of a large natural berm dividing the Valley Meadows East (VME) Subdivision from the proposed Valley Meadows North. A portion of the berm, she said, belonged to the VME Homeowners Association; thus, the petitioner should refrain from breaching the berm for the sake of extending Kapota Street. Ms. Dunn said that the berm continued to afford the residents of Valley Meadows East some measure of protection against stormwater flows and flood waters. The berm, she insisted, must be protected and kept intact to serve the residents of Valley Meadows East.

Carol Bergman (628 Sage Court, Grand Junction), speaking on behalf of her father, John Chapman, read a prepared statement, a copy of which was entered into the record. She agreed that the berm is a very important facet of the VME drainage plan. She presented photos of the subdivision after a breach in the canal (located at 26 and G Roads) resulted in flooded streets and yards. She maintained that the berm had held back additional waters that, if they'd been released, would have further devastated the subdivision. Ms. Bergman said that the developer should be required to design a system to accommodate flood waters in the event of another canal breach.

Ms. Bergman pointed out that no detention facility had been planned in the southeast corner of the Valley Meadows North (VMN) property and felt that one should be constructed. She said that an indemnification agreement had been required of the VME developer by the City, which she felt suggested that the City knew and had approved an inadequate drainage system for Valley Meadows East. The agreement, she said, makes VME homeowners solely responsible for handling drainage issues. Without the berm to aid them, the potential for disaster increased. Ms. Bergman said that any and all drainage flows originating from the VMN subdivision and draining onto VME property would be unacceptable. She asked the City to look out for the safety and welfare of VME residents and consider their concerns carefully before rendering a decision on the VMN proposal.

Robert Knight (673 Chama, Grand Junction), co-president of the VME Homeowners Association and resident of the subdivision, shared similar concerns over the proposed access, extension of Kapota Street, and modification of the existing berm. Emergency vehicles, he said, would have to make three right-hand turns just to get into and out of the subdivision. He understood the Fire Code to read that a stub street "*shall* be provided with a secondary access." Mr. Knight said the word "*shall*" seemed to imply more a requirement than a suggestion. Staff had assumed that the eastern and northeastern lots

previously mentioned would develop, but there was no guarantee that they would or the timeline for such development. He also expressed concern over the construction traffic that would impact VME residents.

PETITIONER'S REBUTTAL

Mr. Hart referenced the first sheet past the Fire Code information provided in Ms. Dunn's packet, which was a copy of the plat from the Valley Meadows East Subdivision, Filing #3. The berm, he said, is not owned in any way by VME residents or its Homeowners Association. Referencing the VME, Filing #3 plat, he pointed out that the existing Kapota Street actually ended some distance from the VME property line, presumably in an effort to preserve the integrity of the berm. The portion of berm referenced by Ms. Dunn as being owned by the VME Homeowners Association is actually part of the dedicated City right-of-way for Kapota Street.

While the berm will be breached to extend Kapota Street, Mr. Hart emphasized the extensive engineering that had gone into the VMN drainage system design and said that there would be no drainage flows from the VMN subdivision into VME from any point on that property whatsoever. Drainage from individual lots would be directed onto the internal VMN street system and routed to the detention pond, where water would be detained and released at less than historic rates into the 25 1/2 Road storm sewer system. The system had also been designed to capture the historic flows of stormwater offsite from the northeast. Those flows would be captured via a swale and piping along the property's eastern border and carried to the site's detention pond. Mr. Hart noted the locations of proposed stormwater inlets at the southern portion of the property.

QUESTIONS

Chairman Dibble asked if there were any plans to mitigate drainage at the southeast corner of the property. Mr. Hart noted the location of an irrigation box in the southeast corner of the property. He said that a pipe exited the box and drained directly south. He presumed it to be an irrigation supply point for the VME Subdivision. Smaller storm events could potentially generate water that would flow in that direction and perhaps flood some backyards, but it wouldn't be water that originated from the VMN property.

When asked by Chairman Dibble if there were plans to replace any offsite drainage facilities to the west, Mr. Hart responded affirmatively. The subject property currently drained water via an open ditch to an overcapacity irrigation pipe. The new system would bypass that; from there, stormwater would be carried along 25 1/2 Road "to the same place." Stormwater would be accepted into VMN piping for a short duration before entering the canal.

Commissioner Pitts asked how drainage water from Lot 1 would be conveyed if it were in fact a low point on the property. Mr. Hart said that the site's "low point" was in the southwest, not the southeast, corner of the property. He clarified that the southeast corner represented the low point where offsite drainage would enter the VMN site, but then it would continue through the property to the west, ending up in the southwest corner. The new storm sewer and underground piping would help facilitate that conveyance.

Chairman Dibble asked if the new drainage system design would help abate any catastrophic events. Mr. Hart replied negatively; he said that the system is designed to capture and convey the 100-year storm event but not catastrophic events such as the canal break.

Chairman Dibble wondered what would happen to the remaining portion of the berm. Mr. Hart said that it would still be present on both sides of and at some distance away from Kapota Street. Another drainage feature proposed included a rear yard swale for Lots 11-13 that existed below the current

fenceline (*i.e.*, the top of the berm). Water from that swale would also be conveyed via underground pipe to the detention pond. When asked if there were plans to improve the aesthetic appearance of the berm, Mr. Hart said that nothing had been planned. There had been no desire to concern VME residents further with any additional disturbance of the berm. It would remain as a natural separation feature between the two subdivisions.

Mr. Hahn said that he'd commented in an earlier report that the capacity of the berm as a drainage control device needed to be replaced. The berm had historically caught drainage flows originating from the north and northeast, eventually conveying flow to the west, to a much neglected ditch. While the berm would be breached to accommodate the extension of Kapota Street, the new drainage system would capture and convey both onsite and offsite waters before it ever even reached that point. The drainage easement would be dedicated to the City so that the City could go onto the property if there were any problems and modify the system, if needed, ensuring that it continued to function as intended. He reiterated that the system was designed to accommodate a 100-year event.

Chairman Dibble referenced Lots 1, 2 and 13 and asked if there would be a drainage pipe installed in the southeastern corner to convey water to the detention pond. Mr. Hahn understood there to be an irrigation, not drainage, pipe already installed at that location. He clarified that a number of VME Subdivision's current flooding problems were as a result of unintentional irrigation "accidents" and mismanagement. The irrigation pipe originating from the irrigation box currently conveyed water from the east to the west, with water ending up in a very poorly maintained ditch. When the ditch flooded, those waters flowed to the south, leaving standing water along the eastern VME property line. He surmised that such flooding occurred many times throughout the year. While a legitimate concern, the problem was in no way linked to development of the VMN property.

Mr. Hahn clarified that the indemnification agreement referenced previously had been requested not to condone a substandard drainage system design; rather, the agreement was required by the City any time a property planned to discharge water directly into the canal as was the case for the VME Subdivision. Mr. Shaver read paragraph 3 of the indemnification agreement into the record, which confirmed Mr. Hahn's statement.

Mr. Hahn said that residents of the VME Subdivision have a case for asking the City to re-review its drainage system, but the drainage problems they are experiencing would in his professional opinion not be exacerbated by development of the VMN property.

Commissioner Pitts asked staff if it would be practical to create a "bump" in Kapota street at the VME/VMN intersection to help further alleviate drainage concerns. Mr. Hahn said that such a bump had actually been included as part of the plan.

Chairman Dibble asked why no stub street had been required from the developer of Moonrise East Subdivision. Mr. Hahn said that one had originally been required; however, the owner of the VMN property had come before City Council during review of the Moonrise East project and had emphatically opposed the stub street, insisting that since he would never develop his property, no street extension would ever be necessary. While that stance had proven false, the City was ensuring that the same mistake wasn't made twice.

Commissioner Lowrey asked about apparent discrepancies in Fire Code interpretation. Mr. Shaver pointed out that the TEDs standard had not been included in planning commissioner packets. He said those are specific, locally adopted standards, and those would control to the extent of any inconsistency between the international standards. He was satisfied that the Fire Department's interpretation was

legally sufficient. He did note that the standard did use the more permissive term "will" instead of the more restrictive term "shall" when talking about the exception to lot numbers when a street stub was provided (excerpt read into the record). Mr. Mathis's interpretation, he reiterated, was reasonable in his professional opinion within the context of Colorado law.

DISCUSSION

Commissioner Cole commended the developer for going "above and beyond" in the provision of drainage mitigation, both onsite and offsite. He felt confident that drainage issues had been satisfactorily addressed. While not totally satisfied with the access issue, he was satisfied that what had been provided met Fire Code and Development Code criteria. While he understood the concerns of VME residents over a second catastrophic event, it was unfair to require such extreme design engineering for something that may never again occur. He expressed support for the proposal.

Commissioner Lowrey felt it unfortunate that access hadn't been provided via Moonrise East Subdivision when the chance had presented itself, but agreed that the same mistake shouldn't be made again. He was satisfied with the comments, interpretations, and conclusions made by City staff, and he felt that the eastern and northeastern properties would likely develop sooner rather than later. He too expressed support for the request.

Commissioner Pitts concurred and noted that the request met both Code criteria and Growth Plan recommendations. He felt the drainage issue to be sufficiently resolved.

Commissioners Evans and Pavelka-Zarkesh concurred and lent their support to the proposal as well.

Chairman Dibble felt that there had been sufficient discussion of the issues to allay the concerns of citizens. He said that construction traffic is always an inconvenience but is part of progress and noted that it always ended. He said that the project represented good infill. While somewhat concerned that the berm would be aesthetically unappealing, he hoped that perhaps VME and VMN Homeowners Associations could work together to make it something nice. He too supported the request.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on item PFP-2004-123, request for Preliminary Plan approval for the Valley Meadows North Subdivision, I move that we approve with the findings and conclusions as outlined by staff above."

Commissioner Cole seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

With no further business to discuss, the public hearing was adjourned at 9:55 P.M.