

**GRAND JUNCTION PLANNING COMMISSION
FEBRUARY 12, 2002 MINUTES
7:02 P.M. to 9:15 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 P.M. by Vice-Chairman Terri Binder. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were Terri Binder (Vice-Chairman), Richard Blosser, John Evans, William Putnam, John Redifer, Roland Cole, and new alternate Bill Pitts. Dr. Paul Dibble, Chairman and John Paulson (Alternate) were absent.

In attendance, representing the Community Development Department, were Planning Director Bob Blanchard, Pat Cecil (Development Services Supervisor), Lori Bowers (Associate Planner) and Senta Costello (Associate Planner).

Also present were John Shaver (Asst. City Attorney) and Eric Hahn (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 9 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the January 15 and January 22 public hearings. Commissioner Putnam questioned the intent of a sentence on the bottom of page 3 which carried over to the top of page 4, ending in the word "argument." Since it was unclear what this sentence meant, the recorder was asked to provide clarification.

MOTION: (Commissioner Cole) "Madam Chairman, I move that we approve the minutes of the January 15 public hearing with the corrections commenting against the appeal on page 3 and the minutes of the January 22 meeting as presented."

Commissioner Evans seconded the motion. A vote was called and the motion passed by a vote of 6-0, with Commissioner Pitts abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. CONSENT AGENDA

Available for placement on the Consent Agenda were items ANX-2002-014, VR-2002-009, and RZ-2002-015. At citizen request item VR-2002-009 was pulled.

MOTION: (Commissioner Cole) "Madam Chairman, I would move for approval of the Consent Agenda minus item #2 [VR-2002-009]."

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

V. IV. FULL HEARING

VR-2002-009 PRELIMINARY PLAN/VACATION OF RIGHT-OF-WAY, EAGLE SUBDIVISION
A request for approval of 1) a Preliminary Plan for Eagle Subdivision consisting of 30 single-family lots on approximately 7.17 acres in an RMF-5 (Residential Multi-Family, 5 units/acre) zone district, and 2) approval to vacate a portion of Cheyenne Drive and Vernon Lane right-of-way.

Petitioner: Earnest Martin
Location: 2757 Cheyenne Drive
Representative: Rolland Engineering, Trevor Brown

PETITIONER’S PRESENTATION

Trevor Brown, representing the petitioner, overviewed the request. The project’s density had been proposed at the low end of the zone district’s range; utilities were in, and a looped water line would be installed. The most difficult aspect of the development’s planning had been with regard to stormwater drainage; however, that problem, too, had been satisfactorily addressed. The subdivision’s layout was referenced using an overhead of the Preliminary Plan. Mr. Brown noted the location of a pedestrian access in the southern portion of the property connecting Laguna Circle to Cherry Lane, which had been provided at staff’s request. The portion of right-of-way at the northern entrance of Laguna Circle subject to the vacation request was also noted. Approval of the vacation would allow for better alignment of both the internal street and sidewalk.

QUESTIONS

Commissioner Cole referenced a petition just received from citizens opposing the request. It seemed that their primary objection centered around the proposed pedestrian bridge. Could the bridge be eliminated? Mr. Brown said that the pedestrian connection had been provided at staff’s request. If the Planning Commission eliminated the provision, he would offer no objection.

Vice-Chairman Binder asked if a neighborhood meeting had been held, to which Mr. Brown responded negatively.

STAFF’S PRESENTATION

Pat Cecil offered a PowerPoint presentation containing overheads of the Future Land Use Map, Existing Zoning Map, Preliminary Plan, photos of the site from various angles, vacation criteria, petitioner responses, and staff’s findings and recommendations. Staff determined that both the Preliminary Plan and vacation request met Code criteria. Mr. Cecil said that staff had originally considered requiring a full street extension from Laguna Circle to Cherry Lane but later decided to require only the pedestrian connection. Interconnectivity was felt to be a very important consideration because it brought both neighbors and neighborhoods together. He urged planning commissioners to retain that pedestrian bridge requirement. Staff recommended approval of both the vacation request and Preliminary Plan subject to the findings listed in the staff recommendation.

QUESTIONS

Commissioner Redifer asked if there had been any discussion concerning the safety aspects of the pedestrian crossing bridge. Mr. Cecil said that the bridge was only about 10 feet long. Fencing would be installed on both sides of the bridge for safety.

Commissioner Blosser asked about utility impacts should the pedestrian easement be eliminated. Mr. Cecil said that no utilities were located within the easement. He reminded planning commissioners that if no easement were provided now, obtaining one in the future would be much more difficult.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Kelly Yurick (298 Boston Lane, Grand Junction) referenced a petitioner she'd submitted to the Planning Commission prior to the hearing. The petition contained 11 names of area residents opposed to the pedestrian connection. Ms. Yurick expressed concerns over the excessive foot traffic that would be generated from the proposed subdivision. Cherry Lane, she said, was not well lit at night, so neighborhood security was also an issue. Current problems of vandalism would only be exacerbated. She was also concerned about the safety of children who would be drawn to the ditch by the pedestrian crossing. Debris thrown into the ditch by pedestrians could create water delivery problems for residents of her neighborhood.

Heather Kennedy (315 Cherry Lane, Grand Junction) mirrored similar concerns but added that Cherry Lane offered no through access, so vehicles often turned around in her driveway. With the added foot traffic from this subdivision and its inherent security concerns, she felt she would be forced to close off her yard and driveway, leaving no way available for vehicles to turn around. They would be forced, then, to back up the entire length of Cherry Lane in order to exit. This would pose yet another safety concern, especially for vehicles backing up at night. She agreed that the pedestrian bridge would only attract kids to the ditch.

John Yurick (298 Boston Lane, Grand Junction) said that he owned the home at 315 Cherry Lane. He agreed that safety, security and maintenance were of paramount concern to existing neighborhood residents. Who would be responsible for maintaining the pedestrian path and bridge? Who would assume liability for accident or injury? He said that while residents were opposed to the pedestrian connection, if they had to choose between that and a street connection, the pedestrian connection was preferable.

PETITIONER'S REBUTTAL

Mr. Brown reiterated that with regard to the pedestrian connection, the petitioner would comply with whatever the City decided.

QUESTIONS

Commissioner Putnam wondered if the petitioner would be willing to construct a fence along the ditchbank. Mr. Brown said that whether or not fencing would be permitted along the ditchbank would be up to the Orchard Mesa Irrigation Company. No fencing had been proposed as part of the development. It was felt that this should be left up to homeowner discretion. He did not feel that the bridge would create the level of concern feared by Cherry Lane residents.

Commissioner Pitts asked for clarification on the location of the ditch and corresponding easement, which was provided.

When asked by Vice-Chairman Binder if covenants would be developed for the subdivision, Mr. Brown responded affirmatively.

Commissioner Cole asked if the pedestrian crossing location had been the only option available, to which Mr. Brown replied affirmatively.

DISCUSSION

Commissioner Cole expressed support for staff's findings and recommendations. He agreed with statements made regarding the importance of interconnectivity. He felt that children would be drawn to the ditch whether or not a bridge existed. What had been proposed for the current project was no more, really, than what already existed on the other side of the ditch.

Commissioner Putnam empathized with residents of the Cherry Lane neighborhood; however, interconnectivity was an important consideration. The pedestrian connection would help provide children with a way to get to school more quickly. Overall, the connection would benefit the neighborhood.

Commissioner Pitts said that his only concern was that some type of fencing (e.g., chain link) be provided along the span of the bridge on either side for safety.

Commissioner Redifer said that residents were probably more concerned over what might be only an inconvenience. He felt that any outstanding details regarding the connection could be addressed prior to final approval.

A brief discussion ensued over the maintenance/liability of the easement. Mr. Shaver clarified that staff was seeking “absolute dedication” of the easement, which would grant perpetual ownership to the City. The City would then be responsible for maintenance. However, in terms of liability, the Governmental Immunity Act held municipalities harmless unless a publicly-provided structure was deemed defective.

Commissioner Blosser said that while he, too, empathized with Cherry Lane residents, it was important to consider the long-term benefit of neighborhood interconnectivity. He didn’t feel that the connection would exacerbate current problems already being experienced by those residents. He expressed support for staff’s recommendation.

Vice-Chairman Binder asked staff if their recommendation included fencing on both sides of the bridge. Mr. Cecil said that probably something along the line of 4-foot cyclone fencing would be recommended to address safety concerns. Details would be determined by Final.

Vice-Chairman Binder also expressed support for staff’s findings and recommendation. Interconnectivity was an overall benefit to neighborhoods. She urged Cherry Lane residents to contact their local law enforcement officials if current problems of vandalism and trespass continued.

MOTION: (Commissioner Blosser) “Madam Chairman, on the vacation of right-of-way, VR-2002-009, I move that we recommend approval of the vacation of right-of-way to the City Council making the findings listing in the staff recommendation.”

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

MOTION: (Commissioner Cole) “Madam Chairman, on the Preliminary Plan for the Eagle Subdivision, I move that we approve the Preliminary Plan, making the findings listed in the staff recommendation.”

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

VAR-2002-010 VARIANCE—SETBACK VARIANCE IN A PLANNED ZONE

A request to reduce the required rear yard setbacks in a PD (Planned Development) zone district to allow an addition.

Petitioner: John Chapman

Location: 502 Dove Court

PETITIONER’S PRESENTATION

John Chapman, petitioner, said that he was in receipt of staff’s response and it seemed that staff’s only issue had been with Code section 2.16.C.4.D regarding reasonable use of the property. He believed that he had overlooked answering this section and explained that the requested addition to his home would give his growing children a place to entertain their friends. His family had outgrown the home in its present configuration. The site plan reflected the most logical place for building the addition; however, given the odd shape of the property, a portion of the addition would extend into existing setbacks. He asked that approval of the variance be granted.

STAFF’S PRESENTATION

Senta Costello offered a PowerPoint presentation which contained an aerial photo of the site’s location, project background, vicinity zoning map, variance criteria, project site plan denoting the proposed location of the addition, and photos of the property. The Code conditioned variance approval upon compliance with *all* established criteria. Since the petitioner could still derive reasonable use of his property without the variance, staff felt that criterion D had not been satisfied. Thus, denial of the variance request was recommended.

QUESTIONS

Commissioner Blosser noted that RSF-4 zoned property lay directly to the south. If developed sometime in the future, would that development be impacted by approval of this variance? Ms. Costello noted the one parcel to the south potentially subject to redevelopment. It was unlikely that granting the variance would negatively impact such redevelopment. Commissioner Cole noted the existence of an irrigation canal behind the rail fencing along the petitioner’s southern property line. The canal would provide an additional buffer between the petitioner’s property and any potential redevelopment of the southern parcel. Thus, it was unlikely any structure would be constructed within 30-40 feet of the addition.

Commissioner Redifer asked staff if they were satisfied with the petitioner’s response to item D, to which Ms. Costello responded negatively. The petitioner could still derive reasonable use from the property without the variance.

Vice-Chairman Binder asked if granting the variance would impact any utility easements. Ms. Costello said that as situated on the site plan, the addition would directly abut but not cross into any utility easements. She cautioned, however, that utility lines might not be entirely situated within the confines of the utility easement. Only a new survey could make this determination for sure.

Vice-Chairman Binder asked if the subdivision’s homeowners association (HOA) had been contacted about the request, to which Ms. Costello responded affirmatively. Neither the HOA nor the property owners in the County had responded.

Commissioner Cole remarked that from his perspective the petitioner’s argument that the addition was needed to maintain reasonable use of his property was valid.

Vice-Chairman Binder asked for clarification of the requirement that “all” variance criteria be satisfied prior to approval. Mr. Shaver explained that satisfaction of this requirement was open to Planning Commission interpretation. If satisfied that item D had been addressed, planning commissioners could find that approval was warranted. It was not essential that staff agree.

Vice-Chairman Binder wondered if approving the variance request would set a precedent for other requests in the neighborhood. Mr. Shaver said that it was highly unlikely that there would be another exact situation occurring with all the same variables. Thus, requests would still be heard on a case-by-

case basis. Mr. Blanchard asked that any motion made for approval contain a specific reference to the subject property.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER’S REBUTTAL

Mr. Chapman said that the addition would make his residence a little more like a “home” and less like a “structure.”

DISCUSSION

Commissioner Blosser acknowledged that he was torn in his position. While not liking to see established setbacks violated, in this instance it appeared that the variance would not result in any harmful impacts. The petitioner’s explanation was, in his view, sufficient to satisfy criteria D. In this case there seemed to be room for flexibility.

Commissioner Pitts noted the unique configuration of the lot. The addition would clearly make the home more livable for the petitioner’s family.

Commissioner Redifer felt that setbacks should be generally protected; however, he agreed that approval of the variance would not create any adverse impact. He was satisfied that all variance criteria had been met.

Commissioner Cole concurred that all variance criteria had been met. It was important, he said, that planning commissioners consider individual circumstances.

Commissioner Putnam concurred.

Vice-Chairman Binder also agreed but reiterated that the motion should contain specific reference to the subject property.

MOTION: (Commissioner Cole) “Madam Chairman, I would move that we grant the petitioner’s request on VAR-2002-014, rear yard setback with the address of 502 Dove Court, finding that it does meet the criteria and that it is unique to this particular piece of property.”

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

A brief recess was called at 8:30 P.M. The public hearing reconvened at 8:35 P.M.

VAR-2002-011 VARIANCE—NORTHWOODS CONDOMINIUMS VARIANCE

A request to reduce the required setbacks in a PD (Planned Development) zone district to construct carports over existing parking areas.

Petitioner: Northwoods Partnership, Julie Gilbert
Location: 3505 North 12th Street
Representative: Vista Engineering Corp - Pat O'Connor

PETITIONER’S PRESENTATION

Pat O’Connor, representing the petitioner, overviewed the request. The petitioner simply wanted the option of putting carports over the existing parking areas. He asked that consideration be given in waiving staff’s requirement to privatize the sewer main traversing the property. It was not clear whether

the petitioner would want to construct any of the carports, a portion of them, or all of them at once. Privatizing the sewer main would be forcing the petitioner to incur additional financial risk.

QUESTIONS

Commissioner Cole said that by his own admission, the project seemed somewhat speculative. Mr. O'Connor agreed that to some extent that was true.

Vice-Chairman Binder asked if carports would be open or enclosed. Mr. O'Connor said that the Fire Department would require construction of a firewall along one side of the carports erected closest to the property lines.

Vice-Chairman Binder asked about possible ice build-up as a result of shading in the winter. Mr. O'Connor agreed that there would probably be areas where this might occur.

STAFF'S PRESENTATION

Lori Bowers offered a PowerPoint presentation which outlined the history of the development. Photos of the site from various angles were also provided. Approval of the request would allow a zero lot line; however, no specific setbacks had been approved with the development, originally. Staff felt it important to require privatization of the sewer main, whether or not construction of the carports occurred. Staff had considered the request in its entirety. If the petitioner chose to construct the carports in phases, future site plan reviews would be required, and approvals would apply only to specific carport areas. Approval of the request as presented in its entirety was recommended subject to privatization of the sewer main, completion of which to occur within one year of the approval date.

QUESTIONS

Commissioner Cole asked what properties the sewer main serviced. Ms. Bowers said that this main served only the Northwoods property. No other properties were tied, or could tie, into this main.

Commissioner Redifer observed that the petitioner seemed to want to address privatization of the sewer main only when and if carport construction occurred. This observation was verified as accurate by staff. He believed that staff's recommendation was appropriate. Ms. Bowers said that approval of the variance would give the petitioner a year to think about whether or not she wanted to move forward with construction of the carports. Mr. Shaver provided a detailed explanation on the reconveyance of a public easement. He suggested asking the petitioner's representative if the petitioner would be willing to accept responsibility for the sewer main independent of the carport construction.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER'S REBUTTAL

Mr. O'Connor said that the petitioner had been hoping to avoid privatizing the main altogether because of the potential for future expense. However, if there were no other way to obtain the variance without that condition, he would withdraw his objection to the stipulation.

DISCUSSION

Commissioner Pitts remarked that the request hadn't drawn any neighborhood opposition. Since the petitioner was willing to concede to staff's condition, he supported staff's recommendation.

Commissioner Cole agreed with staff's recommendation but suggested that privatization of the sewer main be required whether or not the carports were ever constructed. Since the main served only the subject property, it was appropriate that responsibility for it fall to the property owner.

Mr. Shaver confirmed that the sample motion as contained in the staff report implied that approval of the variance included the privatization of the sewer main regardless of whether or not the carports were constructed. He suggested that the motion include a reference to the statement made by Mr. O'Connor, the petitioner's representative, confirming withdrawal of his former objection to staff's privatization stipulation if approval of the variance were granted.

MOTION: (Commissioner Cole) "Madam Chairman, on variance VAR-2002-011, Northwoods Condos setback, I move that we approve the project with the findings listed in the staff recommendation and including the privatization of the said sewer main regardless of whether or not construction takes place, with a one-year completion timeframe."

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

V. GENERAL DISCUSSION

Planning commissioners engaged in a general discussion regarding the change in public hearing scheduling. The general consensus was to move public hearings to Thursdays. Further discussion would ensue on this issue, with a final determination to be made soon.

With no further business to discuss, the meeting was adjourned at 9:15 P.M.