

**GRAND JUNCTION PLANNING COMMISSION
MARCH 26, 2002 MINUTES
7:05 P.M. to 8:40 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:05 P.M. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

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

In attendance, representing the Community Development Department, were Community Development Director Bob Blanchard, Pat Cecil (Development Services Supervisor), Lisa Gerstenberger (Senior Planner), Bill Nebeker (Senior Planner), and Ronnie Edwards (Associate Planner).

Also present were John Shaver (Asst. City Attorney) and Rick Dorris and Eric Hahn (Development Engineers).

The minutes were recorded by Bobbie Paulson and transcribed by Terri Troutner.

There were approximately 16 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of the February 12 and February 19, 2002 Planning Commission public hearings.

MOTION: (Commissioner Binder) "I move to approve the minutes of the February 12, 2002 Planning Commission meeting."

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

MOTION: (Commissioner Binder) "I move to approve the minutes of the February 19, 2002 Planning Commission meeting with the following change: 'The meeting was called to order by Chairman Dibble, not Vice-Chairman Binder.'"

Commissioner Cole seconded the motion. A vote was called and the motion was approved 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

Placed on the Consent Agenda were items VE-2002-012 (Vacation of Easement and Conditional Use Permit for Kinderhaus Daycare), VE-2002-008 (Vacation of Easement and Amended Preliminary Plan/Final Plat and Plan for Independence Ranch Filing #9), FPP-2002-029 (Final Plan and Plan and Vacation of Easement for Fountain Greens Filing #3), ANX-2002-028 (Zone of Annexation and Conditional Use Permit for Staton Annexation), and ANX-2002-027 (Zone of Annexation and Preliminary Plan for Durango Acres Subdivision).

Due to a conflict of interest, Commissioner Blosser recused himself from item VE-2002-008.

MOTION: (Commissioner Binder) “Mr. Chairman, I would move for approval of item VE-2002-008 of the Consent Agenda.”

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

MOTION: (Commissioner Cole) “Mr. Chairman, I move for approval of the remainder of items on the Consent Agenda.”

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

Pat Cecil said that item GPA-2002-178 was not being approved but was being continued to the April 9, 2002 public hearing.

V. IV. FULL HEARING

FP-2002-007 FINAL PLAN—VILLAGE PARK FILING #2

A request for approval of a Final Plat/Plan for Village Park Filing #2, consisting of 27 single-family attached and detached dwelling units on 3.4 acres in a PD (Planned Development) zone district.

**Petitioner: Parkerson Construction, Alan Parkerson
Location: Northwest corner of 28.25 and F Roads
Representative: LanDesign, Brian Hart**

PETITIONER’S PRESENTATION

Brian Hart, representing the petitioner, stated that the application is straightforward with all concerns having been addressed. He expressed agreement with staff’s recommendation and approval condition.

STAFF’S PRESENTATION

Bill Nebeker reviewed the request using a PowerPoint presentation. Mr. Nebeker stated that he determined that the request conformed to Code criteria and Growth Plan recommendations. He recommended approval subject to the developer installing a 4-foot open fence along 28 ¼ Road.

QUESTIONS

Commissioner Cole asked if the City had any plans for development of 28 ¼ Road beyond this property. Mr. Nebeker answered that the Major Street Plan projected extension of 28 ¼ Road through the subject property and further north, ultimately connecting with Cortland Avenue, which would extend from 28 Road to 29 Road.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Richard Proctor (1147 – 24 Road, Grand Junction), speaking for the Grand Valley Water Users Association (GVWUA), said that irrigation and drainage facilities are located on the property. Referring to a lateral located in the northeast corner of the subject property, a drainage ditch located on the north side of the property, ground facilities and an open drainage in the center of the property, Mr. Proctor said that there are a number of irrigation/drainage concerns as yet unresolved with the project. Discussions were proceeding but no formal agreement had been reached. He asked that approval be postponed until an agreement was in place. He cited Colorado law precluding a property owner from altering a ditch belonging to someone else without prior written consent.

QUESTIONS

Commissioner Blosser asked if the drainage ditch located in proposed Filing #2 crossed 28 1/4 Road. Mr. Proctor replied affirmatively. He provided a brief history of the ditch and emphasized the need for its protection. Current discussions, he said, included relocating and piping the ditch, but as yet no agreement had been finalized.

Chairman Dibble asked for and received clarification of where the easement crossed to the east of 28 1/4 Road. Mr. Proctor said that when the Patterson Road Minor Subdivision had been originally surveyed in 1996, the plat failed to include drainage ditches and laterals on the property. Mr. Proctor said that this omission was serving to fuel the petitioner's contention that the GVWUA had no legal basis to retain and protect its interests on the subject property.

Commissioner Binder asked when the ditches would have to be moved. Mr. Proctor said that if relocation were to occur, it had to be in conjunction with the current filing.

Commissioner Cole wondered how long it would take to resolve the remaining issues with the developer. Mr. Proctor was unsure but reiterated the importance of resolving these issues prior to any home construction.

Commissioner Pitts asked about the status of current negotiations. Mr. Proctor said that attorneys representing both the GVWUA and the developer had met to discuss the issues.

Commissioner Evans noted that the petitioners had already begun redesigning the ditch and putting in pipe and manhole covers. He asked "is this acceptable to the GVWUA given the lack of a current agreement?" Mr. Proctor said that the redesign could be undertaken up to the point that it reached existing ditches. He stated that GVWUA rights are superior to that of the landowner.

Commissioner Binder asked Mr. Proctor if he'd been present to give testimony during the Preliminary Plan stage of the proposal. Mr. Proctor replied that written comments had been sent to City staff and the petitioner during Preliminary review.

PETITIONER'S REBUTTAL

Richard Livingston, the petitioner's attorney, acknowledged that discussions are underway with the GVWUA, with a final legal document close to completion. No major conflict existed between any of the involved parties; however, there were a number of technical issues to address. He didn't feel that discussion of this issue was appropriate for this forum.

Commissioner Cole asked Mr. Shaver if approval of the request could be conditioned upon a satisfactory agreement with the GVWUA. Mr. Shaver said that he was satisfied with the progress being made by both parties in drafting a satisfactory agreement. He noted that failure by the petitioner to respect existing easement rights could result in injunctions and litigation, something the petitioner would likely want to avoid. Mr. Shaver said that without an agreement in place, the approved plat could never legally be developed.

Chairman Dibble said that in light of irrigation water being scheduled to flow very soon, he wondered if there was there some way to expedite completion of the agreement? Mr. Livingston reiterated that it was very close to being finalized.

MOTION: (Commissioner Blosser) “Mr. Chairman, on item FP-2002-007, I move that we approve the Final Plat and Plan for Village Park Filing #2 with a finding that it conforms with the Growth Plan and the approved Preliminary Plan, with the condition listed in staff’s recommendation.”

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

FP-2002-030 FINAL PLAN—MARILLAC CLINIC EXPANSION

A request for approval of: 1) a Final Plan for Marillac Clinic, and 2) construction of a 9,610 square-foot addition on two floors of an existing 7,960 square-foot facility to provide space for dental, optical, pharmaceutical, as well as expanded administrative offices, and remodeling of existing office space for psychological services.

**Petitioner: St. Mary’s Hospital, Keith Estridge
Location: 2333 North 6th Street
Representative: Robert Jenkins**

PETITIONER’S PRESENTATION

Rob Jenkins reviewed the request and described the services to be provided by the clinic.

QUESTIONS

Commissioner Binder asked if there would be a single access point into the parking area. Mr. Jenkins said that two accesses would be provided--the existing entrance on 6th and a second entrance off 6th and 7th Streets. He noted the changes to the intersection at Wellington Avenue and 7th Street and explained street grading differences.

STAFF’S PRESENTATION

Lisa Gerstenberger offered a PowerPoint presentation which included overheads depicting a site location map, zoning map, project request overview, project background, Final Plan, photos of the existing building and adjacent streets, phasing schedule, staff findings/conclusions and conditions of approval. Having found that the request met Code criteria and was consistent with St. Mary’s Master Plan, Ms. Gerstenberger recommended approval of the Final Plan subject to the following conditions:

1. Vacate 10-foot utility easement under proposed building expansion and dedicate new 10-foot utility easement prior to commencement of construction.
2. Finalize legal descriptions and dedicate easements and additional right-of-way on Center Avenue and 6th Street prior to commencement of construction.

QUESTIONS

Commissioner Binder asked for clarification on how staff parking would be provided. Mr. Jenkins said that a temporary shuttle system would be provided during construction to transport staff to the facility.

PUBLIC COMMENTS

John Wilcox (no address given) wondered if the vacation and relocation of utility easements would interrupt the flow of irrigation water. Mr. Jenkins responded that it would not. When asked about parking lot lighting, Mr. Jenkins said that lighting would be low-level to avoid impacting the adjacent residential area.

MOTION: (Commissioner Cole) “Mr. Chairman, on item FP-2002-030, request for Final Plan approval for a 9,610 square-foot expansion of the Marillac Clinic, I move that we approve subject to staff conditions with the findings as outlined by staff.”

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

V. GENERAL DISCUSSION

Rick Dorris provided a status report on the “exception procedure” contained in the TEDS manual. Mr. Dorris mentioned the following exception applications: 1) 7th Street and Wellington Avenue intersection; 2) Holiday Inn Express located at 24 and F Roads; 3) Canyon Rim Subdivision; 4) St. Mary’s Campus Expansion; 5) 1502 North 12th Street; 6) Fountain Greens Filing #3.

A discussion ensued over how “exceptions” were defined. Mr. Dorris asked the Planning Commission if they were satisfied with the process or had additional comments.

Chairman Dibble inquired about the number of approved exceptions; he asked "is it about 50 percent?" Mr. Dorris said that 50 percent is a good approximation.

When Chairman Dibble asked Mr. Dorris for his opinion on how the new process was working, Mr. Dorris stated it is working well.

With no further business to discuss, the meeting was adjourned at 8:40 P.M.