

**GRAND JUNCTION PLANNING COMMISSION**  
**JANUARY 16, 2001 MINUTES**  
**7:05 P.M. to 12:00 A.M.**

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

In attendance, representing the Planning Commission, were John Elmer (Chairman), Dr. Paul Dibble, Terri Binder, William Putnam, Nick Prinster, James Nall and Vickie Boutilier.

In attendance, representing the Community Development Department, were Kathy Portner (Planning Manager), Kristen Ashbeck (Senior Planner), Dave Thornton (Principle Planner), Tricia Parish (Associate Planner), Bill Nebeker (Senior Planner) and Lisa Gerstenberger (Senior Planner).

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

Terri Troutner was present to record the minutes.

There were approximately 35 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes from the December 12 and December 13, 2000 public hearings.

December 12, 2000 minutes: Chairman Elmer asked that CUP conditions denoted on page 9 of the minutes be moved so that they were referenced prior to the motion on page 8.

**MOTION: (Commissioner Binder) “Mr. Chairman, I move that we approve the minutes of December 12, 2000 as corrected.”**

Commissioner Prinster seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0, with Commissioners Putnam and Boutilier abstaining.

December 13, 2000 minutes: Chairman Elmer asked for additional clarification on the motion for item PDR-2000-196 referencing changes to conditions #'s 2 and 4 made by he and John Shaver. The were amended to read:

**MOTION: (Commissioner Prinster) “Mr. Chairman, on item PDR-2000-196, a request for approval of the updated 2000-2005 St. Mary’s Master Plan, I move that we approve subject to staff conditions, with the changes noted in the presentation to #2 [that the word ‘physical’ be added between the words ‘of’ and ‘improvements’] and #4 [that the applicant consider the progression and the various options, including use of the traffic light at the intersection of 7<sup>th</sup> and Wellington, considering that we, the City, may compromise progression of traffic for the benefit of pedestrian safety and a full movement intersection.]”**

With no other changes requested, the following motion was offered in consideration of the December 13, 2000 minutes:

**MOTION: (Commissioner Binder) “Mr. Chairman, I move that we approve the minutes of December 13, 2000 as amended.”**

Commissioner Dibble seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0, with Commissioner Nall 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 VE-2000-061 (Appeal of Administrative Denial - Mesa Village Marketplace), PP-2000-233 (Preliminary Plan-Summer Hill Development Schedule Extension), FPP-2000-230 (Final Plat/Plan - Shumaker Benefield Subdivision), SS-2000-181 (Simple Subdivision/Easement Vacation-Big T Properties Subdivision) and VE-2000-237 (Vacation of Easement - Fountain Greens). No objection or concerns were raised by either citizens or planning commissioners.

**MOTION: (Commissioner Binder) “Mr. Chairman, I move that we approve the Consent Agenda.”**

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

**IV. FULL PUBLIC HEARING**

**CUP-2000-231 CONDITIONAL USE PERMIT—OVERHEIGHT FENCE**

**A request for a Conditional Use Permit to allow a fence over 6 feet high on property line in a PD (Planned Development) zone district.**

**Petitioner: Keith Theyson**

**Location: 2061 Pannier Court**

**PETITIONER’S PRESENTATION**

Keith Theyson, petitioner, submitted copies of a letter in support of his request from adjacent neighbors, Mr. and Mrs. Marc Stuive (2065 Pannier Court, Grand Junction). Mr. Theyson said that he’d constructed his fence without prior knowledge of the City’s restrictions. The fence, he maintained, was unique in its design and not only provided an aesthetic addition to the neighborhood but added an attractive selling feature to his property. He noted the varying points where the fence deviated from the 6 foot maximum. Stucco columns approximately 7 feet high had been erected at approximate 16-foot intervals along the fenceline. Cedar pickets had been used, with cedar “banding” installed along the base to prevent rotting. Mr. Theyson said that the additional height would better screen his RV’s and provide he and his neighbors additional privacy. The fence, he said, does not block views nor obstruct sight distances; his only adjacent neighbor was supportive of the request. He briefly outlined plans to bring in soil and landscape along the fenceline. When completed, overall fence height would only be 6’2”. The fence and added berming would help facilitate drainage as well.

**QUESTIONS**

Commissioner Binder asked if the subdivision’s covenants also contained fencing restrictions. Mr. Theyson responded affirmatively. He acknowledged that he had not done sufficient research prior to

constructing his fence. The Homeowners Association president had been informed of the fence but height had not been discussed prior to its construction.

Commissioner Nall asked for elaboration on landscaping along the fenceline. Mr. Theyson explained that soils brought in would create an approximate 6-inch berm, making the fence's highest point approximately 6'2".

Commissioner Dibble asked if the stucco columns had been constructed to a 7-foot total height. Mr. Theyson replied affirmatively, adding that part of that overall height accommodated a "cap" on top of each column.

Chairman Elmer asked the petitioner when he had contacted the City. Mr. Theyson said that he had only been made aware of the fence permitting requirement after the fence had already been completed. He noted that he and three or four other neighbors had been cited by the City at the same time.

### **STAFF'S PRESENTATION**

Tricia Parish presented a brief history of the violation and subsequent permitting, adding that the entire fence was overheight. CUP criteria was read into the record. Ms. Parish noted that the property was not unique to the neighborhood. While the petitioner expected that additional landscaping would bring the fence into greater compliance, staff discouraged the use of berming to achieve this end. She recommended denial of the request since it failed to conform with CUP criteria.

### **QUESTIONS**

Commissioner Dibble asked if the fence permit denoted a berm with a 6-foot fence on top of it, to which Ms. Parish replied affirmatively.

Commissioner Binder asked how the subdivision's covenants addressed fencing height. Ms. Parish said that covenants stated that fences were subject both to the subdivision's Architectural Committee's review and the City's Code. Commissioner Binder understood that the City's fencing restrictions had been in place since the 1980s, which was confirmed by Ms. Parish.

Commissioner Putnam remarked that the petitioner appeared to have proceeded with construction of the fence even after being cited.

### **PUBLIC COMMENTS**

#### **FOR:**

Letter received from Mr. and Mrs. Marc Stuiwe (2065 Pannier Court, Grand Junction) who supported the request, stating that the fence beautified the neighborhood, provided needed privacy, and did not obstruct views.

#### **AGAINST:**

There were no comments against the request.

### **PETITIONER'S REBUTTAL**

Mr. Theyson contended that the fence had been completed prior to receipt of the citation. He had obtained the permit once he'd been made aware that one was needed. He noted other properties in the area which also seemed to be in violation and hoped he wasn't being singled out.

**QUESTIONS**

Commissioner Dibble asked for clarification of Mr. Theyson’s last remark about being singled out. Mr. Theyson presented the Planning Commission with a list of addresses where fences seemed higher than the City’s 6-foot maximum. He added that many people were unaware of the City’s requirement and wondered if there was a better way of informing them. When asked by Commissioner Dibble whose responsibility it was for researching this information, Mr. Theyson agreed that the property owner bore some responsibility but suggested that developers also be required to inform lot buyers. He suggested that the City could send its fence requirement in flyers to new property owners.

Commissioner Dibble read a section of the petitioner’s narrative, which stated that aesthetics should be viewed as being of greater importance than height. Mr. Theyson admitted that he had not done the necessary research to determine the City’s requirements but asked for leniency since the fence was both unique in its design and an aesthetic addition to his property and to the neighborhood.

Commissioner Boutilier asked if a copy of the covenants had been provided to the petitioner with his title papers. Mr. Theyson was unsure but acknowledged that he probably had been given a copy.

**DISCUSSION**

Commissioner Dibble asked for staff’s response on Mr. Theyson’s reference to other potential violations in the area. Ms. Parish referenced an e-mail received from Randy Keller, City Zoning Enforcement Officer, who said that all the properties mentioned had been inspected. Of those, only one property had an overheight fence and only by 2 inches. Violations at other addresses were currently being addressed.

Commissioner Dibble said that property owners are responsible for conducting their own research and reading any covenants pertaining to their neighborhoods. He noted that the petitioner was in violation of not only the City’s requirements but also of the subdivision’s covenants.

Chairman Elmer said that in one sense the fence met the specific CUP criteria in that it was both aesthetic and had little impact. He did not agree with the petitioner’s justification that additional banding height was essential to prevent fence rotting. Few overheight fence CUPs were granted and those that had been were because of very unique circumstances.

Commissioner Putnam did not feel that CUP criteria had been met by the petitioner.

Chairman Elmer felt that an exception could be made for the stucco columns since they had been erected more for aesthetics than for screening. Commissioner Nall concurred.

Commissioner Dibble said that the Code represented “the law” and had contained fencing regulations for quite some time. He reiterated that people had a responsibility to do their own research and secure the proper permits for construction of any structures on their properties. He was amenable to excluding the columns from the requirement as suggested by Chairman Elmer.

A brief discussion ensued over how best to frame the motion.

**MOTION: (Commissioner Nall) “Mr. Chairman, on item CUP-2000-231, I move that we deny the Conditional Use Permit for a fence in excess of 6 feet in height at 2061 Pannier Court due to non-compliance with the criteria and standards as set forth in Sections 2.13 and 4.1.J of the Zoning and Development Code, and I move that we approve the Conditional Use Permit for the 7-foot pillar columns at 16-foot centers at 2061 Pannier Court due to their being primarily for aesthetics.”**

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

**PFP-2000-197 PRELIMINARY/FINAL PLAT—RUMP SUBDIVISION**

**A request to approve subdivision of one lot into three lots in an RSF-R (Single Family Residential—Rural, not to exceed one unit per 5 acres) zone district.**

**Petitioners: Marilyn Schiveley**  
**Location: South Broadway**  
**Representative: LANDesign, Rob Katzenson**

**PETITIONER’S PRESENTATION**

Rob Katzenson, representing the petitioner, presented a powerpoint presentation which noted the site’s location and lot configurations. A brief history of the property and its zoning was given. Visuals presented for review included a history of planning actions; a sub-parcel information drawing, noting a small correction where a portion of the property had been deeded to the City; parcel #1 site information, denoting legal road access and topographic constraints; parcel #1 site conditions (rock roll-out report completed; trench construction area noted uphill of the appx. 4,705’ contour level, with the trench to be 10 feet deep); rock roll-out trench detail drawing; parcel #2 site conditions; parcel #2 site drawing; parcel #2 rock roll-out detail drawing (a second trench constructed above the appx. 4,723’ contour level, with the trench to be 5 feet deep); and parcel #3 site conditions drawing (7/10 acre building site and probable wetlands area noted; site development would be limited).

With regard to access/streets as referenced in the staff report on page 2, Mr. Katzenson said that Lot 1 was not currently landlocked. Escondido Circle had been platted, legal access was available to the property and the canal crossing had been constructed and accepted by Redlands Power and Canal Company. Thus, he asked that the last sentence of this staff report paragraph, “The petitioner has been advised...Lot 1 becoming landlocked.” be deleted.

With regard to staff condition 3 regarding the securing of a Corps of Engineers 404 Permit, he said that the building envelope and driveway for Lot 3 would be outside of wetland/drainage areas. He asked that this condition’s language be further refined to mention that the building envelope lay outside wetlands and jurisdictional areas.

**QUESTIONS**

Commissioner Prinster asked if CC&Rs in any way referenced the 200-foot setbacks and no-disturbance zones pertinent to Lot 3. He asked how would potential buyers know where these areas were located and what was meant by a no-build zone? Did CC&Rs mention that any disturbance of wetlands areas was prohibited? Mr. Katzenson said that the lot’s building envelope had been located as far west as possible to avoid any potential conflict with wetlands and jurisdictional areas. He added that a plat note had been added but further clarification to the note could be given if deemed necessary. Commissioner Prinster noted that Lot 3 also contained bentonite, necessitating an engineered foundation. Potential buyers should also be made aware of this and other site constraints. Mr. Katzenson had no objection to an additional plat note referencing site constraints.

Commissioner Nall asked if rockfall areas ran the entire lengths of Lots 1 and 2. He asked would runoff be a problem as a result of trench construction? Mr. Katzenson noted specific areas where two trenches would be constructed. He then introduced John Whithers, who answered that drainage would be better addressed once soil conditions were fully known. He’d not seen anything thus far to raise any concern.

Commissioner Binder asked if there was any way to make the trenches less invasive and more aesthetic. Mr. Withers said that both would be constructed at elevations higher than building envelopes, with berming and the use of existing boulders to further lessen their impacts. Other options had been considered but had been discounted as unfeasible.

Commissioner Prinster referenced the fire hydrant required for lot 3 included as staff condition 1. He asked had any thought been given to installing a hydrant on Lot 2 as well? Mr. Katzenson explained that a fire hydrant was already available to serve both Lots 1 and 2.

### **STAFF'S PRESENTATION**

Lisa Gerstenberger reviewed the request, noting that no new roads would be created as a result of the subdivision. Building envelope locations were pointed out and no further access concerns remained with Lot 1. With regard to staff condition 3 requiring a 404 Permit, she said that the permit would only be required if disturbance was expected to occur within a jurisdictional area. While none of the designated jurisdictional areas currently lay within building envelope designations, there was no guarantee that disturbance of those areas would not occur outside building envelopes. If planning commissioners so chose, additional clarification to condition 3 could be made.

Ms. Gerstenberger expressed concern that deletion of the requirement to forestall recording of the Final Plat until Escondido Circle could be constructed and accepted by the City could result in a buyer seeking a planning clearance for Lot 1 before suitable access was provided. She suggested that the sentence be revised to state, "No planning clearance will be issued for Lot 1 until Escondido Circle is first constructed and accepted by the City."

Staff recommended approval of the Preliminary/Final Plat subject to the following conditions:

1. Provision of a Development Improvements Agreement for the required fire hydrant for Lot 3.
2. Provision of the CC&Rs which include the setbacks for each lot, which have been modified from the standard RSF-R bulk standards due to the geographic and topographic constraints of each lot.
3. A U.S. Army Corps of Engineers 404 Permit shall be required prior to development of this property.

### **QUESTIONS**

Chairman Elmer solicited input from legal counsel on the modification of staff condition 3. Mr. Shaver suggested substituting the words "...prior to...this property" after the word "required" in condition 3 with the words "...in accordance with federal, state and local laws."

Commissioner Nall asked if an additional plat note cautioning potential buyers of possible site constraints would be practical. Mr. Shaver agreed that this represented the most conspicuous notification option. He offered the following verbiage, "This property may have jurisdictional wetlands. It may require a 404 Permit for any activity."

Commissioner Prinster asked if reference to soil conditions, especially as it pertained to the presence of bentonite, should be included as a separate plat note. Chairman Elmer thought it prudent to include this reference in the CC&Rs as well.

Commissioner Binder asked if the plat notes should reference specific lots. Mr. Shaver said that the notes were typically used to generate inquiry. He recommended against specificity because if too specific people may think that all that is of concern is what's listed in the note.

**PUBLIC COMMENTS**

**FOR:**

Larry Filener (2355 S. Rim Drive, Grand Junction) thought that the project would “fit in well” with Tierra Ventures. He supported the petitioner’s request.

**AGAINST:**

There were no comments against the request.

**PETITIONER’S REBUTTAL**

Mr. Katzenson said that Lot 3’s soil conditions and constraints were common knowledge. As such, he offered no objection to additional plat notes elaborating on those constraints; however, since Lots 1 and 2 did not have those same constraints, he felt that additional plat notes were unnecessary.

**DISCUSSION**

Commissioner Dibble asked for reiteration of the Escondido Circle construction requirement, which was given.

Both Chairman Elmer and Commissioner Prinster recommended that site constraint plat notes and CC&R references pertain to Lot 3 only. Mr. Shaver again cautioned against too much specificity and suggested a more general reference, *i.e.*, “Geotechnical review and investigation may be necessary.” This way, expansive soils, geotechnical concerns, etc. would all be included without risking specific omission.

A brief discussion on this point ensued. Chairman Elmer proposed a fifth condition which would change the existing plat note #3 to insert the words “...and other geotechnical conditions/constraints for all three lots, prior to issuance of planning clearances and building permits” after the words “...rockfall trenches on lots 1 and 2...”

Chairman Elmer recapped that condition 4 would include Ms. Gerstenberger’s recommendation that “No planning clearance will be issued for lot 1 until Escondido Circle is first constructed and accepted by the City.” Condition 3 would be revised to include the words stated previously by Mr. Shaver, substituting the words “...prior to...this property” after the word “required” in condition 3 with the words “...in accordance with federal, state, and local laws.”

Mr. Shaver said that Chairman Elmer’s change to condition 3 should sufficiently address Commissioner Prinster’s concern for wetlands/jurisdictional/site constraint notification unless further detail was preferred. Chairman Elmer preferred adding the words “...including wetlands and bentonite soils...” between the words “constraints” and “for” as a revision to condition 5.

**MOTION: (Commissioner Binder) “Mr. Chairman, on item PFP-2000-197, the Rump Subdivision, request for Preliminary/Final Plat approval, I move that we approve subject to the conditions as stated by Mr. Shaver, [including staff conditions 1 and 2 remaining as-is without modification; condition 3 to be revised to substitute the words ‘...prior to...this property’ after the word ‘required’ with the words ‘...in accordance with federal, state, and local laws’; condition 4 to read ‘no planning clearance will be issued for lot 1 until Escondido Circle is first constructed and accepted by the City’; and adding condition 5 to change the existing plat note #3 to insert the words ‘...and other geotechnical conditions/constraints, including wetlands and bentonite soils, for**

**all three lots, prior to issuance of planning clearances and building permits’ after the words ‘...rockfall trenches on lots 1 and 2...’], with the findings as outlined by staff.”**

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

A brief recess was called at 9:05 P.M. The hearing reconvened at 9:12 P.M.

**PP-2000-236 PRELIMINARY PLAN—REDLANDS MESA, PHASE 2**

**A request for approval of: 1) a Preliminary Plan for Redlands Mesa, Phase 2, consisting of 57 single-family lots and 20 courtyard homes in a PD (Planned Development) zone district; and 2) a revised zoning ordinance establishing allowed uses.**

**Petitioner: Redlands Mesa LLC, Dave Slemon**

**Location: South of the Ridges**

**Representative: Thompson-Langford, Doug Theis**

**PETITIONER’S PRESENTATION**

Ronald Austin, representing the petitioner, corrected the agenda by saying that the request should correctly reflect a total of 67 single-family homes, not 77. Preferring to reference this number as “single-family lots,” he said that if courtyard homes were incorporated into the plan, the plan would be amended at Final, with adjustments made to setbacks at that time. Mr. Austin presented a number of diagrams representing lots located along the ridgeline and various setback configurations. He asked that staff conditions 5 and 6 regarding these lots be deleted and, instead, that the Planning Commission provide definitive guidance, which would be incorporated into the Final Plat.

Mr. Austin then introduced Greg White, a community planner from Boulder, CO. Mr. White briefly discussed the proposed trail realignment along hole 4, noting its newly proposed alignment. Safety, he said, was of paramount concern. Staff had requested dedication of a tract and use easement to the Homeowners Association (locations noted). An additional easement to the west of the cart path would serve to separate the path from the trail. Mr. White presented a diagram denoting the entire length of trail proposed. Submitted into the record was a letter from James Engh of Engh Golf Design Group, Inc. (900 West Casteton Road, Suite 110, Castle Rock, CO 80104), who supported the trail segment’s realignment.

Referencing a Ridgeline Impact Mitigation diagram, Mr. White said that the best way to mitigate ridgeline impacts was to consider the following for each ridgeline lot: 1) building height, 2) setback, and 3) architectural treatment. Referencing a copy of the subdivision’s design guidelines, he reiterated the petitioner’s request for Planning Commission direction based on those three elements.

**QUESTIONS**

Commissioner Binder asked if the three elements mentioned would apply to all 9 ridgeline lots, to which Mr. White answered affirmatively. Design guidelines, he said, would be controlled/monitored by the subdivision’s Architectural Control Committee; property owners would be given ample notification and understanding.

Chairman Elmer asked if specific design proposals for those lots would then be brought back at Final for consideration, to which Mr. White responded affirmatively. Mr. Austin added that whatever might be approved during Final would then be recorded so that there would be no question or doubt.



Chairman Elmer wondered if setback adjustment and structural height control would satisfy concerns without the need for further mitigation. Mr. White said that adherence to setbacks and height alone would not address all potential problems expected with ridgeline development.

### **STAFF'S PRESENTATION**

Kathy Portner clarified that the zoning ordinance revision would allow for residential uses and establish a maximum number of units. This portion of the request would be forwarded on to City Council for its final decision. She concurred with the petitioner's count of 67 total single-family lots. The Preliminary Plan was very similar to the ODP. The petitioner's representatives were working on designing a water system. Although Ute Water had expressed a willingness to accept the new system, no final decision had been made. Pedestrian safety concerns had been satisfactorily addressed with realignment of the trail segment mentioned previously. Ms. Portner referenced an e-mail received from Jamie Lummis, co-chair for the Urban Trails Committee, who supported the trail alignment along Meridian Court. While the request had been submitted prior to adoption of the new Code, staff had discussed new Code criteria for ridgeline development with the petitioner's representatives, resulting in the mitigatory measures now being offered. She said that limiting setbacks and restricting building heights, by themselves, would address many ridgeline development concerns but not all. She suggested that elements such as roof pitch and color would also be important considerations. The petitioner was requesting a combination of staff conditions 5 and 6 to reflect that all lots subject to the ridgeline issue would not be approved until brought back before the Planning Commission at Final. At that time, specific measures for each lot could be reviewed for acceptability. Staff requested general direction to answer the question, how much of the house, if any, could be viewed from the ridgeline. Criteria adopted by the Planning Commission and reflected in plat notes on a lot-by-lot basis would then be enforceable by both the subdivision's covenants and the City.

Staff recommended approval of the revised zoning establishing residential uses as proposed on the site and approval of the Preliminary Plan subject to the following conditions:

1. The single track trail shown on the approved ODP between parcel 11 and hole 4 will be relocated to connect to a new alignment along the proposed Meridian Court in parcel 11 to a tract of land adjacent to and to the west of the golf cart path, between Lots 17 and 18. A tract of land for the trail will be dedicated to the HOA with a public access easement. The trail section in the tract shall be a gravel-type surface. The width of the tract and trail will be determined with the Final Plat.
2. An easement or separate tract of land will be required either along the eastern boundary of parcel 9 or the western boundary of the golf tract containing hole 2 to connect the single track into West Ridges Boulevard, as shown on the approved ODP.
3. A tract of land, dedicated to the HOA, shall be provided between two lots near the end of the cul-de-sac in parcel 10A to provide a trail access to the clubhouse area, as shown on the approved ODP. The trail shall be improved, meeting city standards.
4. A final water system design must be completed prior to submittal of the first filing.
5. Lots 13, 15, and 16 in parcel 11, Lot 12 in parcel 9, and Lots 7 through 11 in parcel 9 will not be approved unless at Final Plan the applicant shows specific mitigations to minimize the visual impact from Monument Road. Such mitigation might include increased setbacks from the bluff line, limited building height, and architectural design to lessen impact (as amended during staff's presentation).

6. The Final Plats shall include specific building envelopes for lots with physical constraints such as steep terrain, drainages, or natural features that are to be preserved.

### **QUESTIONS**

Chairman Elmer asked if the first filing mentioned in condition 4 pertained to this development phase, to which she answered affirmatively. Chairman Elmer suggested that this be amended in the motion.

Commissioner Dibble asked for confirmation that Planning Commission would be involved in the review of the Final Plat, which was given.

Commissioner Binder wondered if some sections of the existing trail were still present. She thought that even if not maintained, people would continue to use existing trails if they were used to doing so and if there was access. Ms. Portner said that some portions of the trail were still present. Hazardous portions of the current trail would be graded over to discourage use.

Chairman Elmer asked if the Ridges ridgeline guidelines applied in this instance since the view was from a gully. Ms. Portner said that the Ridges guidelines were designed to deal more with the internal portions of the Ridges, access into the open spaces, and drainages. When asked if the Redlands Area Plan applied to the Ridges area and to the subject site, Ms. Portner responded negatively.

### **PUBLIC COMMENTS**

#### **FOR:**

There were no comments for the request.

#### **AGAINST:**

Lee Gelatt (320 Country Club Park Road, Grand Junction) expressed support for the City's efforts in trying to preserve the natural character of the area and ridgeline views. He felt that the best tool available to achieve this end was in controlling setbacks and recommended a 200' setback.

### **PETITIONER'S REBUTTAL**

Dave Slemon, co-petitioner, noted that only 50 percent of the total available acreage along the ridgeline was being developed. He noted that a large portion of land below the ridgeline had already been deeded to the City as further mitigation. He and others intended to keep their promises and provide planning commissioners with specific mitigatory measures at Final for consideration, which may also include use of natural landscaping.

### **DISCUSSION**

Commissioner Dibble expressed support for combining staff conditions 5 and 6 and Ms. Portner's proposed verbiage.

Chairman Elmer acknowledged the limitations of the old Code in guiding ridgeline development. Since the new Code provided for consideration of design alternatives, he too expressed support for review deferral until Final. He thought that natural landscaping, as mentioned by Mr. Slemon was an appropriate consideration. With regard to Lots 13, 15 and 16, he felt that there should be a stricter review, with perhaps no view of the home whatsoever.

Commissioner Binder disagreed with the need for stricter review of Lots 13, 15 and 16. She acknowledged the possibility that each ridgeline lot could be approved with a different setback. Design

considerations should include overhangs, shadows, roof pitch, colors to blend in with the natural surroundings, structure height, natural landscaping buffers and setbacks.

Commissioner Dibble suggested that alternative construction techniques may also prove useful and should be added to the design consideration “toolbox.”

Commissioner Nall expressed agreement with the need to better outline mitigation measures. He also supported the trail segment realignment as proposed by the petitioner.

Mr. Shaver suggested the following verbiage to address design concerns: “Design considerations may include, but are not limited to, overhangs, shadows, roof pitch, colors to blend in with the natural surroundings, structure height, alternative construction techniques, natural landscaping buffers and setbacks.”

Commissioner Prinster supported the petitioner’s realignment of trail segment since safety was of paramount concern. He also concurred with the need for design considerations and the verbiage proposed by Mr. Shaver.

**MOTION: (Commissioner Dibble) “Mr. Chairman, on item PP-2000-236, I move we recommend approval of the revised zoning to allow the residential uses as proposed and approve the Preliminary Plan subject to staff conditions 1 through 6, modifying 5 and 6 into one, and the additional redesigned 6; number 4 with the additional wording ‘...of this phase’ after the word ‘filing,’ number 5 to read ‘Lots 13, 15, and 16 in parcel 11, Lot 12 in parcel 9, and Lots 7 through 11 in parcel 9 will not be approved unless at Final Plan the applicant shows specific mitigations to minimize the visual impact from Monument Road. Design considerations may include, but are not limited to, overhangs, shadows, roof pitch, colors to blend in with the natural surroundings, structure height, alternative construction techniques, natural landscaping buffers, and setbacks’; and leave number 6 as-is.”**

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

**ODP-2000-058 OUTLINE DEVELOPMENT PLAN—ETTER/EPSTEIN**

**A request for approval of an Outline Development Plan for a Planned Development consisting of 1) business/commercial, residential, and open space uses; 2) City Council remand with instructions of an appeal of Planning Commission denial of the ODP; and 3) zoning.**

**Petitioner: Emanuel Epstein and Etter Estate  
Location: Southeast corner of G Road and Horizon Drive  
Representative: Elder & Phillips, Bruce Phillips**

**PETITIONER’S PRESENTATION**

Bruce Phillips, representing the petitioner, noted the location of the Etter residence. He provided a brief history of the property and recent planning actions. He agreed that the property was better placed within a planned zone. The three primary issues, he said, are 1) structure heights along 27 ½ Road; 2) density in area 5 and its compliance with Airport Critical Zone restrictions; and 3) uses within the planned commercial/business areas of the site. The current request would limit the density in area 5 to no more than 4 units/acre. Structure heights in areas 3 and 4 would not exceed 65 feet from Horizon Drive nor 35 feet from the north-south configuration of 27 ½ Road. He added that the 65-foot building height as measured from Horizon Drive would result in only a 30-foot height along 27 ½ Road, given the site’s topography. He said that bar/nightclub and retail alcohol sales uses would be eliminated from the list of

allowed uses unless deemed accessory uses to a hotel or motel; automotive repair and gas station uses would also be removed. This exclusion would affect area 4. Staff's request to limit the southern property line setbacks of area 5 adjacent to Ptarmigan Point to 25 feet is acceptable. Mr. Phillips felt that all other concerns had been satisfactorily addressed.

**QUESTIONS**

Commissioner Dibble asked what, if anything, had been planned for the small triangular piece of land off 27 ½ Road created by its recent realignment (location noted). Mr. Phillips said that this would be dedicated to the City.

Chairman Elmer noted that not all the uses listed were allowed uses; some required CUP approval. Mr. Phillips acknowledged this requirement.

Chairman Elmer asked which height measurement would take precedence along 27 ½ Road--the 35 feet outlined in the petitioner's narrative or the 30 feet he'd just mentioned. Mr. Phillips said that the more restrictive of the two would take precedence.

**STAFF'S PRESENTATION**

Kristen Ashbeck said that staff was amenable to most of the proposed revisions; however, commercial use restrictions would also need to apply to areas 1 and the eastern portion of area 3 as well, not just to area 4. She briefly recounted how the 25-foot setback had been derived for the southern property line adjacent to Ptarmigan Point. Staff felt that additional landscaping could be used to effectively buffer the site's commercial use from adjacent residential uses. Copies of comments received from Development Engineer Rick Dorris regarding access were distributed to planning commissioners.

A letter received from Jerry and Tammy King (4300 – 27 ½ Road, Grand Junction) supported rezoning the upper portion of area 3 to Residential, with commercial uses restricted to the lower portion of the property along Horizon Drive was entered into the record.

Staff recommended approval of the request subject to the following conditions:

1. The uses excluded from area 4 are also excluded from area 1 and the eastern portion of area 3 shown on the plan as the "Etter Residence."
2. The rear or side yard setback as applicable in the residential area 5 shall be a minimum of 25 feet from the southern property line (common with Ptarmigan Ridge and Ptarmigan Point).

**QUESTIONS**

Chairman Elmer said that all uses proposed within the Airport Critical Zone would require a CUP, including a density of even 4 units/acre. Ms. Ashbeck agreed. A discussion on construction limitations within airport zones ensued.

Commissioner Binder asked for a definition of "personal services." She asked would that include adult bookstores? Ms. Ashbeck provided some examples of personal service businesses; adult bookstores were not included in that category.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Lowell Huscusson (1650 Cortland Court, Grand Junction) said that having been involved in the aviation field for the last 30 years, more attention was now being given to construction within airport zones than had been given in the past. He urged consideration of limiting building heights along Horizon Drive to no more than 45 feet. A larger building would require more parking and encompass more area; he didn't feel that the property lent itself well to a large hotel. He also suggested eliminating all commercial uses which required a liquor license. Further limitation of commercial uses would go far in mitigating impacts to surrounding residential uses.

Bob Smith (1546 Courtland Court, Grand Junction) said that all of the current issues involved aesthetics. Noting the location of his residence and given the area's topography, he said that a 65-foot building as measured from Horizon Drive would be a 45-foot building as viewed from his home. Even a 35-foot height seemed excessive. He also felt that a density of 4 units/acre within the Airport Critical Zone was too high.

Keith Koler (4224 – 27 ½ Road, Grand Junction) referenced a letter he'd sent previously to staff. He observed that no buffering of the site between commercial and residential uses had been proposed. He noted that following the realignment of 27 ½ Road, a small segment of the old 27 ½ Road alignment (location noted) remained and was currently being used by residences in the area. Based on available diagrams, it appeared that this small road segment would be utilized as a primary access into areas 3 and 4 as well, creating a tremendous traffic impact on both the road and surrounding residential areas. He strongly urged retention of the road segment for local residential traffic.

Tom Snow (4220 – 27 ½ Road, Grand Junction) concurred with Mr. Koler's comments regarding traffic impacts from areas 3 and 4 onto the "old" segment of 27 ½ Road.

Jerry King (4300 – 27 ½ Road, Grand Junction) agreed with previous resident comments. He stressed that the area was primarily residential along 27 ½ Road and should remain that way. Commercial uses along 27 ½ Road were inappropriate.

Marjorie Zimmerman (no address given) said that as a resident of a local retirement community living off of 27 ½ Road, she was very concerned over proposed densities and building heights.

Terry Brown (629 Maurine Lane, Grand Junction) said that he'd attended the City Council public hearing when this item had first been heard. He recalled that City Council's restriction on building height had been 60 feet as measured from Horizon Drive and 30 feet as measured from 27 ½ Road.

David Girard (1602 Courtland Court, Grand Junction) submitted photos taken of wildlife in the area. While not previously mentioned, wildlife would be greatly impacted by development of the subject property. He also thought that wetlands areas existed on the property along Horizon Drive. If so, additional permitting and/or mitigation may be required.

**PETITIONER'S REBUTTAL**

Mr. Phillips reiterated that his intent was to limit bar/nightclub and liquor sales to accessory uses only for a hotel/motel facility. His clients understood the limitations placed on development within the Airport Critical Zone.

**QUESTIONS**

Both Chairman Elmer and Commissioner Binder observed that primary access into areas 3 and 4 came from the old 27 ½ Road segment currently winding through a residential area. Mr. Phillips felt that access would be better addressed during a Preliminary Plan stage.

Commissioner Dibble asked what efforts would be made to buffer residential uses to the west. Chairman Elmer agreed with previous statements that buffering would be addressed in greater detail during Preliminary Plan review; however, measurement of height, he felt, was not as simple as had been stated, since topography varied on the site.

**DISCUSSION**

Commissioner Binder asked about the heights allowed for the property to the northwest across Horizon Drive. Ms. Ashbeck indicated that the Horizon Park Meadows approval included a 45-foot height for an on-site hotel, 40 feet for one of the lots abutting a residential use and 65 feet for the property directly abutting Horizon Drive. The property had all been zoned H.O. at the time.

Chairman Elmer asked if the maximum height for structures within an RSF-4 zone was still 35 feet, to which Ms. Ashbeck replied affirmatively. Ms. Ashbeck said that 35 feet would allow for two-story homes, although it was unusual to find two-story homes in the immediate area.

Chairman Elmer asked staff to address the access issue off of the old 27 ½ Road segment. Mr. Dorris referenced the ODP which denoted possible access points into the property. He said that there would be a conflict if an access into area 3 was proposed at the same location as the T-intersection proposed for area 2 off the new 27 ½ Road alignment. Construction of any access point would be dependent upon a traffic study which had not yet been undertaken. The intersection denoted on the old 27 ½ Road segment could be a secondary access point or it might possibly be relocated.

Commissioner Boutilier appreciated the petitioner's willingness to listen to and incorporate planning commission comments from the last meeting.

Chairman Elmer said that the use intensity of a large hotel would be much greater than several houses in the same area. He felt it more appropriate to limit the height along 27 ½ Road to 30 feet, lowering the height restriction for the rest of the property to 45 feet.

Commissioner Dibble felt that area 4 was better suited to more residential uses. He was not supportive of routing a lot of commercial traffic from areas 3 and 4 to the old segment of 27 ½ Road. He felt that Chairman Elmer's height restriction modification would ensure greater compatibility with the area and adjacent residential uses.

Commissioner Binder thought that routing commercial traffic through a residential area would create a number of problems; she urged careful review of this issue. She opposed utilizing the old segment of 27 ½ Road as a primary access point for commercial traffic ingressing or egressing areas 3 and 4. Buffering of any proposed commercial uses should be greatly scrutinized. She felt that a 40-foot height restriction along Horizon Drive would be more compatible with what had been approved for the property directly across Horizon Drive.

Commissioner Putnam concurred with comments made to further restrict building height, limit traffic along the old segment of 27 ½ Road, and further restrict commercial uses.

A brief discussion ensued over whether to further restrict uses in area 4 since access was a concern. Mr. Shaver cautioned against the Planning Commission taking the position of prohibiting commercial altogether or stating that area 4 can “only” be residential; he reemphasized that the heavy demarcation line “dividing” area 4 from area 3 was only to denote the Airport Critical Zone, not depicting the two areas as two separate parcels. Chairman Elmer felt it unlikely that much could or would be constructed in area 4 beyond a parking lot, swimming pool, etc., given the airport’s restrictions. Ms. Ashbeck said that only very low intensity uses would receive approval for construction within the zone.

With regard to use restrictions, Commissioner Binder felt that car washes should be excluded as well.

Chairman Elmer summarized the discussion by saying that the full list of uses would be allowed for area 2 and the west portion of area 3, with the restricted list applicable to areas 1, 4 and the east portion of area 3. He suggested that the motion include “Quick lubes, auto repair, gas station, car wash, bar/nightclub or retail liquor sales, unless an accessory use to a motel/hotel, are also excluded from area 1 and the eastern portion of area 3.” He also proposed limiting building heights to 40 feet as measured from Horizon Drive and 30 feet as measured from the old segment of 27 ½ Road, whichever was more restrictive. Commissioner Prinster noted that air conditioning units on tops of buildings were excluded from calculations but did add extra height.

Chairman Elmer agreed that buffering would be closely scrutinized with any Preliminary Plan. He also recommended “limiting the access from area 4 onto the old 27 ½ Road segment to that of a secondary access only.” Mr. Dorris said that even if the traffic study acknowledged it as a secondary access, the developer would have to construct it as such. Chairman Elmer offered to include the words “to minimize impacts” after the word “only.” Mr. Shaver cautioned that this could pose definition application challenges but the intent was clear.

A brief discussion ensued on the possibility of making the driveway access adjacent to the Mesa Inn the primary access into areas 3 and 4. Mr. Dorris said that a traffic study would help determine the feasibility of that option.

**MOTION: (Commissioner Binder) “Mr. Chairman, on item ODP-2000-058, I move that we forward the Etter-Epstein ODP and Planned Development zoning subject to the revisions as presented and staff’s conditions to City Council with a recommendation of approval, with the revised #1 [to read, Quick lubes, auto repair, gas station, car wash, bar/nightclub or retail liquor sales, unless an accessory use to a motel/hotel, are also excluded from area 1 and the eastern portion of area 3.]; #2 as-is; #3, restricting the height to 40 feet [as measured] from Horizon Drive and not to exceed 30 feet when measured along [the old segment of] 27 ½ Road, whichever is more restrictive; and #4, the use shall minimize traffic impacts to [the old segment of] 27 ½ Road.”**

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

With no further business to discuss, the meeting was adjourned at 12:00 A.M.