

**GRAND JUNCTION PLANNING COMMISSION  
SEPTEMBER 19, 2000 MINUTES  
7:02 P.M. to 10:42 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 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), Joe Grout, Dr. Paul Dibble, Terri Binder, Vicki Boutilier (alternate), William Putnam (alternate) and Jerry Ainsworth (alternate). Jim Nall and Nick Prinster were absent.

In attendance, representing the Community Development Department, were Pat Cecil (Development Services Supervisor), Dave Thornton (Principal Planner), Lori Bowers (Associate Planner), Bill Nebeker (Senior Planner) and Lisa Gerstenberger (Senior Planner).

Also present were John Shaver (Asst. City Attorney), Kent Marsh and Rick Dorris (Development Engineers).

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

There were approximately 25 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes from the July 18, 2000 Planning Commission public hearing.

**MOTION: (Commissioner Dibble) "Mr. Chairman, I move that we approve the minutes as submitted."**

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

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**III. CONSENT AGENDA**

Offered for placement on the Consent Agenda were items VE-1998-179 Final Plat/Plan Rockwood on The Ridges Time Extension, FPP-1999-201 Extension Final Plan/Plat Camelot Gardens, and FPP-2000-141 Final Plat/Plan The Knolls Filing #4. Neither the citizenry nor planning commissioners raised any objection; however, due to the potential for perceived conflict of interest with item FPP-2000-141, Commissioners Putnam and Boutilier chose to abstain from voting on the Consent Agenda.

**MOTION: (Commissioner Grout) "Mr. Chairman, I move that we approve the Consent Agenda as modified tonight."**

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

#### **IV. FULL PUBLIC HEARING**

##### **PP-2000-125 PRELIMINARY PLAN—GRAND VISTA SUBDIVISION**

**A request for approval of a Preliminary Plan for Grand Vista Subdivision consisting of 117 single family lots on 38.91 acres in an RSF-4 (Residential Single Family not to exceed 4 units/acre) zone district.**

**Petitioner: Ruby E. Crowe**  
**Location: Southeast corner of I and 26 ½ Roads**  
**Representative: Doug Theis, dba Thompson-Langford**

##### **PETITIONER'S PRESENTATION**

Doug Theis, representing the petitioner, presented a brief history of the project. He corrected the agenda to reflect that 115 single-family lots are proposed. The overall density of the project would be 2.95 units/acre, consistent with both the RSF-4 zone criteria and Growth Plan recommendations. Surrounding uses and zoning were noted. Changes to the plan included a proposed secondary access to I Road. A joint access (Amber Spring Way) to Summer Hill Subdivision was included and represented cost-sharing for the Leach Creek connection. A street stub had also been provided for future extension to 26 ½ Road. Connections to the Summer Hill trails system were provided. Mr. Theis said that the petitioner did not object to providing intersection improvements to 26 ½ and H Roads if warranted by the Level of Service Analysis (LOS).

The project was proposed for development in two phases, the first to include 49 lots. Phase I would begin following final City approval. Lot size averages of approximately 12,000 square feet would be compatible with the Paradise Hills Subdivision and surrounding area.

##### **QUESTIONS**

Chairman Elmer asked if the petitioner was in agreement with the conditions as outlined in the staff report, to which Mr. Theis responded affirmatively.

Commissioner Ainsworth asked if additional soundproofing would be required for homes constructed within the 60-65 LDN noise contour lines. Mr. Theis said that while the airport's advisories for this zone were largely unenforceable, a plat note would be included to apprise affected lot buyers that their properties were located within the airport's Area of Influence and refer them to the CC&Rs for suggested mitigation measures. Mitigation could include the use of 5/8-inch drywall, extra insulation, etc.

##### **STAFF'S PRESENTATION**

Lisa Gerstenberger referenced several graphics of the site and said that the petitioner had addressed a number of issues that had been outstanding as of the September 12 public hearing. She reviewed the request as outlined in the September 19 staff report. A copy of an avigation easement had been received by staff. The airport had recommended implementation of noise mitigation measures for homes constructed between the 60-65 LDN contour lines. Additional detail would be submitted at Final.

Two flag lots had been proposed for the development (locations noted). The petitioner would be required to either construct those two driveways or escrow funds into a DIA because driveway length would be at least 100 feet. To address concerns of emergency vehicle access to those particular homes, construction of the two driveways must meet standards.

Trails plans were acceptable to the Urban Trails Committee. Ms. Gerstenberger noted that no comments had been received from the Army Corps of Engineers to date; however, comments would be required at Final. Staff recommended approval of the request subject to the following conditions:

1. Revise plans to clarify that the pedestrian easements are 15 feet wide and the concrete sidewalks are 10 feet wide.
2. The pedestrian path coming off of Brush Court should be designed so that the irrigation line is not located underneath the 10-foot sidewalk. Please revise plans accordingly.
3. Applicants response to comments dated September 15, 2000 concerning the pedestrian path connection from Foxen Court over to the Summer Hill development are acceptable. (Response to comments is based on staff's report dated September 12, 2000 to the Planning Commission.)
4. The noise mitigation and fair disclosure measures referenced in the applicant's response to comments dated September 15, 2000 were acceptable and will be finalized with the Final Plat/Plan review. (Response to comments is based on staff's report dated September 12, 2000 to the Planning Commission.)
5. Comments from the U.S. Army Corps of Engineers must be received by this office before the Planning Commission hearing for Final Plat/Plan approval. Applicant must demonstrate compliance with comments from the Corps of Engineers at that time.
6. Recording the Final Plat for Phase II of the proposed subdivision shall be contingent upon completion of the airport detention ponds, as suggested by the Grand Valley Stormwater Management Master Plan. If the proposed ponds were not in place prior to recording the Final Plat for Phase II, a No-Build Easement shall be shown on the Final Plat that depicts the limits of the existing 100-year floodplain (prior to construction of the proposed ponds.)
7. The applicant shall determine if development of this subdivision, assuming build-out of Summerhill Subdivision, will trigger the need for a four-way stop and left-turn lanes at all four approaches to the 26 ½ and I Roads intersection.
8. The developer shall continue to work with the Grand Valley Water Users Association (GVWUA) with regards to discharging post-developed stormwater into any GVWUA facility. The City of Grand Junction will not "authorize" the discharge of stormwater into said facilities; the City will only review the developer's engineering to ensure conformance with adopted standards and policies. Managing post-developed runoff from this property will continue to be the developer's responsibility.

### **QUESTIONS**

Commissioner Binder referenced two lots off of Trappers Court cul-de-sac abutting 26 ½ Road and asked if fencing would be provided along the rear lot lines of those properties. Ms. Gerstenberger said that the petitioner was not proposing to construct any fencing for the development. Since the site was within a straight zone under old Code regulations, staff could not make it a requirement. She added that for Lot 1, staff required the developer to designate front and rear lots since it had three frontages. The purchaser of this lot must be made aware that fencing could pose a problem.

Chairman Elmer asked where Summer Hill Subdivision was in its development process. Ms. Gerstenberger was unsure but conjectured that developers were in the process of constructing Phase I and II.

Commissioner Ainsworth asked if staff agreed with Mr. Theis' claim that the airport's advisories were unenforceable. Mr. Shaver said that since the City had not adopted a concurrent regulation with the old Code, the 60-65 LDN noise contour references is included as part of the City's new Code. Thus, references to soundproofing up to the 65 line are "advisory." At the 65 line things are different.

Commissioner Binder understood the advisory would put property owners on notice that additional soundproofing measures may be necessary; property owners could then pass along that information to their builders for incorporation (or not) into design plans. Ms. Gerstenberger said that soundproofing measures were strongly recommended by airport officials based on past experiences and resident complaints regarding noise and vibration. But, while recommended, the City was unable to require that such measures be undertaken.

Commissioner Dibble asked for clarification on the location of proposed trails in relation to Leach Creek, which was provided. He expressed some concern over the trail's proximity to Leach Creek without buffering or fencing to protect pedestrians from falling into the creek. Ms. Gerstenberger reiterated that the trail's configuration and location met with both staff and Urban Trails Committee approval.

### **PUBLIC COMMENTS**

#### **FOR:**

There were no comments for the proposal.

#### **AGAINST:**

Eric Plsek (872 – 26 ½ Road, Grand Junction) expressed concern over the potential for subdivision residents trespassing onto his property to harass his livestock. He asked that the developer fence off the property line adjacent to his property.

Richard Livingston (2808 North Avenue, Suite 400), representing Mr. and Mrs. Mark Dearth (884 – 26 ½ Road, Grand Junction), said that while not necessarily opposed to the development, they did request that property owners should, within one year of home construction, be obligated to install a 6-foot-high fence along rear property lines. The Dearth's also requested that a uniform fencing material be designated (they suggested the use of vinyl) and that these conditions be included in the subdivision's CC&Rs.

When asked the size of the Dearth's' property, Mr. Livingston conjectured it to be two acres. He elaborated to say its length included the entire distance of the first phase immediately south on 26 ½ Road. An open-wire fence to protect and contain livestock was currently installed.

Dan Reynolds and Barry Mancuso, representing the Walker Field Airport Authority (2828 Walker Field Drive), emphasized their comments to staff regarding soundproofing recommendations. The subdivision, Mr. Reynolds said, would definitely be impacted by airport noise and by perceived pollution and safety concerns.

### **PETITIONER'S REBUTTAL**

Mr. Theis said that the petitioner would be willing to include the Dearth's' suggestion to require fencing within one year of home construction and include the requirement in CC&Rs. He felt it reasonable but didn't want homeowners to be restricted to the exclusive use of vinyl fencing materials.

Commissioner Dibble asked Mr. Theis to provide specifics on the soundproofing measures to be undertaken for homes constructed between the 60-65 LDN contour. Mr. Theis reiterated his intent to

include a plat note with further recommendations included in the CC&Rs. He noted that neither he nor the current property owner would be building the homes themselves.

Commissioner Grout asked if there would be any objection to either escrowing monies towards the DIA for flag lot driveway construction as mentioned previously by staff, to which Mr. Theis responded negatively and that the developer was willing to comply with the Fire Department's requirements. He said that the petitioner would agree to adhere to whatever recommendations were made by the Fire Department at Final.

### **DISCUSSION**

Chairman Elmer noted similarities between this and other subdivisions developed close to the airport. The disclosure agreement seemed appropriate.

Commissioner Ainsworth asked if references to the old Code had changed the criteria governing the development. Mr. Shaver said that references related to the subdivision process only, with the only potential issue being fencing.

Commissioner Boutilier asked who would be responsible for enforcement of fencing construction once homes were built. Mr. Shaver said that if contained in the CC&Rs, enforcement would be up to the Homeowners Association (HOA). At times some CC&R's gave legal rights of enforcement to the City. Commissioner Boutilier thought it important that the subdivision have consistency in whatever fencing materials were used. Mr. Shaver said that the Planning Commissioners could require that covenants specify that when the first fence is built, subsequent fences must use the same fencing material to ensure consistency (the first fence setting the standard).

Chairman Elmer said that fencing should be of a privacy nature, which would exclude chain link.

Commissioner Dibble asked for clarification on half-street improvements along I Road, which was given. Ms. Gerstenberger said that improvements for 26 ½ Road would be escrowed and paid to the City because those improvements were not included in the City's 15-year CIP. Kent Marsh provided additional elaboration.

Commissioner Binder said that in the past the City had required 6-foot-high privacy fencing with a 5-foot landscape strip along collector roadways such as 26 ½ Road. Mr. Marsh said that 60 feet of right-of-way already existed for 26 ½ Road. Improvements would take up 58 feet, and one additional foot of right-of-way would be left over on each side. Mr. Gerstenberger said that staff had not addressed the 5-foot landscape strip since 26 ½ Road improvements were not planned for the foreseeable future. Mr. Marsh felt that provision of a landscape strip and additional fencing setback would better ensure sight distance at the 26 ½ and I Roads intersection.

Chairman Elmer said that fencing and landscape strip requirements were generally inherent to planned zones. Mr. Shaver said that the additional 5-foot fencing setback along 26 ½ Road may better ensure sufficient sight distance at that corners. Mr. Marsh said that even if a landscaping strip were required at the time of fence permitting, there was as yet no maintenance provision of the strip.

Commissioner Binder asked if the School District submitted review agency comments, to which Ms. Gerstenberger replied negatively.

Commissioner Ainsworth asked if Grand Vista Drive off of 26 ½ Road would be the subdivision's primary access, to which Ms. Gerstenberger responded affirmatively.

Chairman Elmer said that the only issues seemed to be over fencing and compatibility with adjacent uses.

Commissioner Dibble said that most of the issues brought forth in letters of opposition seemed to have been answered.

**MOTION: (Commissioner Grout) “Mr. Chairman, on item PP-2000-125, a request for Preliminary Plan approval for Grand Vista Subdivision, I move that we approve this subject to staff conditions, with the findings as outlined by staff above with the addition of condition 9, which would include 6-foot fencing along the perimeters to the south and the west of this subdivision that were consistent and of a privacy nature and to be included in the covenants.”**

Commissioner Dibble asked if material type should be specified. Commissioner Grout opted not to specify material type in his motion.

Chairman Elmer asked if fencing along 26 ½ Road should be included in the motion. Commissioner Grout preferred that the developer come back before Planning Commission at Final with a specific proposal, addressing height and that it be included in the covenants.

Commissioner Ainsworth seconded the motion.

Mr. Shaver clarified that the properties referenced with regard to fencing included those adjacent to 884 – 26 ½ Road, the Dearth property and the interior of the property line between the Plsek property and what was shown on the exhibit as Phase II.

Chairman Elmer added that previous discussions regarding the one-year construction of fencing were also applicable and binding. The petitioner was also required to address fencing along 26 ½ Road at Final.

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

A brief recess was called at 8:32 p.m. The hearing reconvened at 8:42 p.m.

**FPP-2000-142 FINAL PLAT/PLAN—FOUNTAIN GREENS FILING #2**

**A request for approval of 18 single-family detached dwellings, 2 single-family attached dwellings, 40 multi-family attached dwellings in four buildings on 9.26 acres in a PD (Planned Development not to exceed 8 units/acre) zone district.**

**Petitioner: Fountain Greens, Inc.  
Location: East side of 24 ¾ Road, 1,100 feet north of G Road  
Representative: LANDesign**

**PETITIONER’S PRESENTATION**

Brian Hart, representing the petitioner, presented a visual of the Site Plan and briefly outlined the layout of the second filing. Accesses were noted. Mr. Hart took no issue with staff conditions 3 and 4; however, he asked for additional consideration on conditions 1 and 2. The loss of 4 of the 6 dwellings mentioned in condition 1 came from the multi-family area. It was felt that based on density, aesthetic and livability aspects, the additional units could not be reasonably included. The additional 2 units came from the single-family area and it was felt that the design was too tight to accommodate them. He felt that the loss of 6 units, while lowering the overall density, resulted in a better overall plan. He asked that

the condition be deferred. When designing Filing 3, he would better be able to tell if the additional 6 units would fit without detriment or loss in aesthetics.

With regard to condition 2, he said that the park plan had been designed to provide passive open space. Adding active playground equipment would deter from its intended purpose. Canyon View Park was located only a mile away from the development. Since sales of the previous filing tended to appeal more towards empty-nesters and retirees, he predicted that the equipment would not be used and asked for waiver of this condition.

**QUESTIONS**

Commissioner Grout wondered why the 6 units couldn't be incorporated into a revised Preliminary Plan. Mr. Hart reiterated that elimination of the units was intended to create a better overall plan, one that would be more aesthetic to residents living there. From a planning perspective, he felt it had been the better choice.

Commissioner Binder wondered how many condos had thusfar been sold to the empty-nester/retiree group. Mr. Hart said that 15 of the first two units had been sold so far to that group. With regard to the single-family lots, 16 had been sold to empty-nesters.

**STAFF'S PRESENTATION**

Bill Nebeker explained that the density of the originally proposed development began at 7.9 units/acre. The ODP approval had required 8 units/acre; density at the Preliminary Plan stage had been reduced by 4 units when City Council required a larger buffer between the development and Pheasant Meadows Subdivision. He noted that the reduction of an additional 6 units/acre would still not bring the development any lower than 20 percent below the 8 units/acre, which was allowed by the Code. The biggest question was whether density ranked more highly than the subdivision's design and functionability. In order to meet the ODP condition of approval, condition 1 proposed retaining the overall density. However, enforcement of this condition on Filing 2 would require a revised Preliminary Plan and higher density dwellings located in Lot 5.

With regard to condition 2, he agreed that Canyon View Park was located nearby for use by older children and adults; however, no private active recreational areas were available for use by condo residents. Perhaps it made more sense to place active playground equipment within the confines of the condo area. Condition 1, he said, was consistent with similar staff recommendations made for other PD proposals.

**QUESTIONS**

Commissioner Ainsworth asked for locational clarification on the condo area referenced previously by Mr. Nebeker, which was given.

Commissioner Dibble wondered if moving playground equipment to the condo areas would adversely affect parking. Referencing the Site Plan, a brief discussion ensued over the layout of parking in proximity to alternative equipment placement. Mr. Nebeker said that having a small tot lot nearer to the condo units might provide for greater parental supervision.

Chairman Elmer asked how the overall density would be affected by the reduction of the 6 units. Mr. Nebeker said that it was still in the 7+ units/acre range; a 20 percent reduction would be 6.4 units/acre.

Commissioner Dibble wondered if the reduction would necessitate a rezoning of the property. Mr. Nebeker acknowledged that it could if deemed appropriate by the Planning Commission. It was

necessary to establish a threshold, since any further loss of dwellings would further diminish the project's overall density.

When asked for an opinion on the establishment of a minimum density, Mr. Shaver reaffirmed that the Code allowed for up to a 20 percent reduction; the Planning Commission may have to re-establish the definition of "minimum density" for this project if the lots are not added back.

Discussion ensued over the Code's 20 percent deviation allowance and the Planning Commission's authority to deviate from established minimum densities. Chairman Elmer noted that the deviation allowed for considerations such as design flexibility and market conditions.

### **PUBLIC COMMENTS**

There were no comments either for or against the request.

### **PETITIONER'S REBUTTAL**

Ed Lenhart, co-representative for the petitioner, said that the development was not located in an area of high density development. He said that he'd tried to make the project more compatible with the surrounding neighborhood. To further reduce impacts of the condo units, parking had been moved to the interior and attached garages were added. The design tried to incorporate the highest density possible while retaining quality of life. He didn't expect further density reduction in Filing 3.

With regard to placement of active playground equipment, he noted the location of a pocket park in Filing 3. He said that single-family lot owners typically located playground equipment in their own backyards. The passive open space area in Filing 2 would allow activities such as frisbee throwing, ball playing, etc., activities which require a larger, unencumbered open space. He reiterated previously mentioned sales figures of condos to non-child households and felt that placing active playground equipment in near the codos didn't make sense. If absolutely required, he felt it more practical to leave equipment in either the large park or move it to the pocket park in Filing 3.

Mr. Lenhart said that the project's revised density, following reduction of the 6 units, would be 7.6 units/acre, with a revised total of 230 units.

Terry Farina, legal counsel for the petitioner, suggested that the Planning Commission not lock itself into the 230-unit figure. If Filing 3 was more appropriately designed to a figure less than that, planning commissioners should wait until that time to make the decision. He supported the flexibility allowed by the Code's 20 percent reduction variance. He contended that it didn't make sense to place active playground equipment in an area where it wouldn't be used.

When asked about the size of the pocket park, Mr. Farina replied that it was three-quarters of an acre.

### **DISCUSSION**

Chairman Elmer remarked that the 20 percent variance allowed the reduction of 48 units. He agreed that some reduction was acceptable to achieve a higher quality product. He concurred that the ultimate density could be determined at a future date with Filing 3. With regard to playground equipment, since marketing did not preclude sales to families with children, planning could not exclude their consideration.

Commissioner Ainsworth agreed.



Commissioner Dibble felt that the playground equipment would be more appropriately placed in the pocket park as part of Filing 3. Mr. Shaver suggested that the preferences of planning commissioners should minimally indicate to the petitioner the planning for Filing 3.

Commissioner Dibble felt it appropriate to delete conditions 1 and 2.

Commissioner Binder said that just because a certain group of buyers was currently buying the lots/units did not mean that the character of the neighborhood wouldn't at some point change. Playground/park amenities were desired by the general public and children must be considered. She would be looking for the inclusion of active playground equipment in Filing 3.

Chairman Elmer suggested amending condition 2 to mention that equipment placement may be deferred to Filing 3 if not provided in Filing 2. Condition 1 could be revised to permit flexibility in the reduction of overall units as long as the number did not fall below 220. Mr. Shaver remarked that just because flexibility may be given to the petitioner, there was no guarantee of approval. He cautioned against the motion specifying an absolute number of lots.

Commissioner Grout felt that no more than a 20 percent reduction should be allowed. He agreed with Chairman Elmer's suggested wording for condition 2.

A brief discussion ensued over motion verbiage.

**MOTION: (Commissioner Grout) "Mr. Chairman, on item FP-2000-142, I move that we find the Final Plat/Plan for Fountain Greens Filing #2 to be consistent with the Growth Plan, the approved Preliminary Plan, and Section 2.8 of the Zoning and Development Code, and approve the Plat subject to staff's recommendations and conditions with the changes to [condition] 1 that the reduction not exceed 10 percent of the density from the original ODP will be allowed for the overall density of the project, and on [condition] 2, the addition of a sentence basically stating that 'active recreation equipment, if not included in Filing 2, would be included in Filing 3 subject to review by this Commission'."**

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

**PLN-2000-171 DISTRICT MAP FOR MAJOR STREET PLAN**

**District map of adopted Major Street Plan for a north/south neighborhood street connection for the area between G and G ½ Roads and between 25 ½ and 26 Roads.**

**Petitioner: Rick Dorris, City of Grand Junction**

**PETITIONER'S PRESENTATION**

Rick Dorris noted the area included in the request. He provided a brief overview and rationale as outlined in the August 14, 2000 staff report.

**QUESTIONS**

Chairman Elmer asked if all affected landowners had agreed to the Street Plan. Mr. Dorris said that while he had not personally contacted them, the proposed street alignment was consistent with the access proposed in a Preliminary Plan just received for the Kollao properties. Mr. Shaver said that the Street Plan put property owners on notice that certain street configurations would be required at the time of land development.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Commissioner Grout felt the request to be straightforward.

**MOTION: (Commissioner Grout) “Mr. Chairman, on item PLN-2000-171, I move that we approve the District Map of the adopted Major Street Plan for G Road to G ½ Road between 25 ½ Road and 26 Road.”**

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

Commissioner Ainsworth expressed concern that since he lived in the Independence Ranch Subdivision, his participation in the next item may be construed as a conflict of interest. Mr. Shaver said that in prior discussion with Commissioner Ainsworth, Mr. Shaver found no preconception or bias. He advised the Commission that Commissioner Ainsworth’s participation would be appropriate.

**ANX-2000-143 ANNEXATION/REZONE/PRELIMINARY PLAN—INDEPENDENCE RANCH FILING #'S 7-13**

**A request for approval of: 1) a Zone of Annexation for a 10-acre parcel from County R-2 to City PD (Planned Development not to exceed a density of 1.7 units/acre) and 2) a Revised Preliminary Plan for 116 single-family lots on approximately 80 acres.**

**Petitioner: Hans and Juliana Brutsche  
Location: North of F ¾ Road at 20 ½ Road  
Representative: Ciavonne & Associates**

**PETITIONERS’ PRESENTATION**

Craig Roberts, representing the petitioners, said that Filings 4 and 5 had been completed and Filing 6 had been approved for construction. The purchase of an additional 10-acre parcel necessitated a revised Preliminary Plan. The additional 10 acres provided sufficient area for a street connection to Baseline Drive in the Country Meadows Subdivision. Thus, the two entrance requirement could be met sooner. As part of the revised Plan, the straightness had been taken out of Roundup Drive (a prior Planning Commission concern) and made to be more curvilinear. Additional connections were added to open space areas.

The petitioners took no issue with any of staff’s conditions for approval.

**STAFF’S PRESENTATION**

Bill Nebeker explained that the zoning request included all of the remaining Independence Ranch property. Having found that the project met Code criteria, staff recommended approval of the Zone of Annexation and approval of the Revised Preliminary Plan subject to the following conditions:

1. The applicant shall obtain and comply with a state highway access permit for this subdivision.
2. An eastbound left-turn deceleration lane on Highway 340 must be constructed in Filing 8.
3. In Filing 7 the applicant shall erect a bollard or some other permanent barrier in the road to the open space below the bluff line that effectively keeps vehicles out of this area. A “*No Pets Allowed*” sign shall be placed on or near the barrier. No other improvements to this open space shall be required of the developer.
4. Concurrent with the platting of the last phase of this subdivision, the applicant shall place a deed restriction or use some other appropriate mechanism to assure that the open space below the bluff line remains open and natural in perpetuity.
5. No more than 100 lots may be developed with the subdivision until an additional improved through street is provided.
6. A note shall be added to the Final Plat indicating that an odor may possibly emanate from the nearby wastewater treatment plant.
7. A drainage fee shall be required for each filing that utilizes direct discharge of stormwater.
8. At Final Plat approval for each phase that includes a portion of the bluff line above the Colorado River floodplain, the applicant shall be required to submit a revised geotechnical report that specifically studies the erosional characteristics and potential for failure of the bluff. Recommendations of the study as they pertain to setbacks from the bluff line and restrictions regarding excavation, structural fill, foundations, drainage and irrigation shall be incorporated into Final Plat approval with notes shown on the Final Plat and other recorded documents if necessary. Planning clearances for homes on lots along the bluff line shall be required to show compliance with geotechnical study recommendations.

### **PUBLIC COMMENTS**

There were no comments either for or against the request.

### **DISCUSSION**

Commissioner Dibble thought condition 3 a wise precaution but wondered if that would keep out dogs and stray animals. Mr. Roberts noted a single access point to the bluff area which might pose an appeal to pedestrian traffic. This would be the area signed with “No Pets Allowed.” No fencing would be erected along the perimeter of the bluff; however, the steep incline and thick vegetation would prevent easy access to the area.

Commissioner Dibble wondered if it made sense to install “bird watch blinds” to further discourage the potential construction of manmade structures along the bluffline. Hans Brutsche, co-petitioner, said that approximately four years ago, the Division of Wildlife had recommended passive viewing blinds and soft trails. Due to the profusion and variety of wildlife in the area, even a restricted and secluded walking path could adversely impact wildlife habitat. He personally did not recommend such a path.

Commissioner Grout suggested including in the CC&Rs a restriction precluding construction of a path down the bluff. Mr. Brutsche said that the additional land purchase had not yet closed. When it did, he expected to either donate the sensitive area to the HOA or place a service easement on it, restricting it in a very substantial way.

**DISCUSSION**

Chairman Elmer felt the request to be straightforward while still meeting the intent of the originally approved Preliminary Plan. Commissioner Grout concurred.

**MOTION: (Commissioner Dibble) “Mr. Chairman, on item ANX-2000-143, I move that we forward a recommendation of approval to the City Council for the Rezone and Preliminary Plan for Independence Ranch Filings 7-13 with a finding that the Rezone and Preliminary Plan are consistent with the Growth Plan and Sections 2.6 and 2.8 of the Zoning and Development Code, subject to staff conditions 1-8.”**

Commissioner Grout seconded the motion.

Chairman Elmer wondered if the motion for the rezone should be separate of the motion for the Preliminary Plan. Mr. Shaver explained that under the new Code, they both went to City Council for approval.

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

**V. NON-HEARING ITEMS**

The petitioner for item VE-2000-061 requested a continuance of that item to the December 12, 2000 public hearing.

**MOTION: (Commissioner Grout) “Mr. Chairman, I move that we continue the Planning Commission hearing for Mesa Village Marketplace to December 12, 2000.”**

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

Ted Munkres, petitioner for item CP-2000-156, requested withdrawal of this item because it had not transitioned well into the new Code. Explaining that he had been looking for some direction from both the Community Development Director and Planning Commission with the Concept Plan, he'd since submitted a new Preliminary Plan which he felt met new Code criteria. Mr. Shaver explained the parameters and intent of the Concept Plan as outlined in the new Code.

Mr. Nebeker confirmed that a Preliminary Plan had since been accepted into the process and that the current Concept Plan was being withdrawn. If the Concept Plan moved forward, the Preliminary Plan would be withdrawn and a new Preliminary Plan fee would then be required. Mr. Shaver said that presentation or withdrawal of the Concept Plan was at the discretion of the petitioner. After a brief discussion covering both alternatives, Mr. Munkres reaffirmed his request to formally withdraw item CP-2000-156 and proceed with the Preliminary Plan.

Commissioner Dibble asked for further explanation on the primary differences between Concept Plan and Preliminary Plan consideration, which was provided by Mr. Shaver.

With no further business to discuss, the meeting was adjourned at 10:42 P.M.