

**GRAND JUNCTION PLANNING COMMISSION
FEBRUARY 16, 1999
MINUTES
7:03 PM – 10:22 PM**

The regularly scheduled Planning Commission hearing was called to order at 7:03 p.m. in the City/County auditorium by Chairman John Elmer.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Jeff Driscoll, Joe Grout, Mark Fenn and Paul Coleman. Robert Gordon was absent. One position is currently vacant.

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Kathy Portner (Planning Manager), Dave Thornton (Sr. Planner), Mike Pelletier (Assoc. Planner), Bill Nebeker (Sr. Planner), Lori Bowers (Assoc. Planner) and Kristen Ashbeck (Sr. Planner).

Also present was John Shaver (Asst. City Attorney).

Terri Troutner was present to record the minutes.

There were approximately 24 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

No minutes were available for consideration.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

ANX-1999-008 ZONE OF ANNEXATION/PRELIMINARY PLAN—DIAMOND RIDGE SUBDIVISION

A request for: 1) approval of the zone of annexation for approximately 14.87 acres from County AFT to City PR-4.2 (Planned Residential not to exceed a density of 4.2 units per acre), and 2) approval of the Preliminary Plan for Diamond Ridge Subdivision consisting of 30 single family detached lots and 15 single family attached lots for a total of 60 dwelling units.

**Petitioner: Castle, Inc.
Location: 2520 F ½ Road
Representative: Jana Gerow**

PETITIONER'S PRESENTATION

Jana Gerow, representing the petitioner, referenced the Preliminary Plan using an overhead transparency and briefly reviewed the request. Ms. Gerow said that the owners of Lot 5 in Block 4 had asked the petitioner to "break the lot off and sell it back to them." Access and open space/detention areas were also noted. She understood that right-of-way dedication and half-street improvements would be required for F ½ Road. The proposed density is in compliance with Growth Plan recommendations.

QUESTIONS

Commissioner Driscoll noticed that changes to the Plan from its initial submission included a slight density increase and changes in open space. He asked for further elaboration of these and any other changes made to the plan. Ms. Gerow explained that there had been a reconfiguration of the Tract B open space. She stated that staff had also requested play equipment but due to the hesitancy of Homeowners Associations to assume liability and maintenance responsibilities, the petitioner had agreed to provide permanent standards for soccer practice nets and a hard surface area with a basketball hoop. With regard to the bulk standards, Ms. Gerow summarized the staff’s position as preferring RSF-4 bulk standards. Ms. Gerow reminded the Commission that the applicant’s preference is RSF-5 bulk standards so there would be greater compatibility with Westwood Ranch. Ms. Gerow explained that a compromise had been reached with staff to allow setbacks of 7-foot side yard, 23-foot rear yard and 20-foot front yard.

When asked by Chairman Elmer if the petitioner was in agreement with staff’s approval conditions, Ms. Gerow responded affirmatively.

STAFF’S PRESENTATION

Kristen Ashbeck referred to the revised staff comments. She also mentioned that a letter of concern had been received from a neighbor. She clarified that the development actually contained 61 units if the existing home on lot 5 was included, giving the development an overall density of 4.2 units per acre. The proposed rezone met both Code requirements and Growth Plan recommendations, and the project was consistent with other developments in the area. Ms. Ashbeck recommended approval of the rezone to PR-4.2 and approval of the Preliminary Plan subject to the following conditions:

1. A landscape plan for Tract B shall be included with the Final Plan/Plat submittal for Filing 1. Tract B shall be a developed, active open space to include the recreation equipment specified by the developer in the response comments dated February 11, 1999 (large open area with permanent standards for soccer practice nets and a hard surface area with a basketball hoop).
2. Provide a landscape/development plan for Tracts A and C with the final plans for the respective filings.
3. Sewer plans for Filing 1 shall include a manhole at the stub-out at the eastern property line.

QUESTIONS

Chairman Elmer asked if any subdivision request for lot 4 would require a public hearing, to which Ms. Ashbeck responded affirmatively. Ms. Ashbeck indicated that a restriction preventing further subdivision of the lot could be imposed if the Planning Commission so chose.

PUBLIC COMMENTS

FOR: There were no comments for the request.

AGAINST:

Pete Woodbury (2582 Galley Lane, Grand Junction) remarked that the line of 6-foot privacy fencing along F ½ Road made the street seem like a tunnel. He hoped that this “tunnel effect” would not be perpetuated by the current proposal. He also complained that residents in the area are not using the new 25 Road connection as originally expected. Consequently, traffic is continuing to travel down Galley Lane and F ½ Road in larger numbers and at higher speeds. The proposed development, he said, would only exacerbate current traffic problems.

PETITIONER’S REBUTTAL

Ms. Gerow said that the only lot abutting F ½ Road to have 6-foot privacy fencing was lot 1. She was unsure what one development could do to mitigate traffic concerns for an entire area.

DISCUSSION

Commissioner Fenn felt that the request was straightforward, with density at the lower end of Growth Plan recommendations.

Commissioner Coleman said that since people had a right to privacy, fencing would be difficult to regulate. It didn’t seem fair to impose restrictions on the entire subdivision when only one lot would have its privacy fencing abut F ½ Road.

Chairman Elmer remarked that for other developments, options had included placing a landscaped strip between the fencing and right-of-way. However, since only one lot was affected, he agreed that any such requirement would be unreasonable. Ms. Ashbeck added that any landscape strip would have to be maintained by the HOA.

Chairman Elmer concurred with the petitioner’s concern over accepting liability for the use of playground equipment.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item ANX-1999-008, a zone of annexation of the property east of the northeast corner of 25 and F ½ Roads from County zone AFT to City zone PR-4.2, I move that we forward the item to City Council with a recommendation of approval.”

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item ANX-1999-008, a Preliminary Plan for the Diamond Ridge Subdivision, I move that we approve the project subject to staff recommendations.”

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

CUP-1998-172 LANDSCAPNG VARIANCE/CONDITIONAL USE PERMIT—OUTDOOR STORAGE

A request for: 1) a variance to section 4-2-15.C which requires development to install frontage landscaping, and 2) a request for a Conditional Use Permit to allow outdoor storage of recycled road materials in an I-1 (Light Industrial) zone district.

**Petitioner: M.A. Concrete
Location: Southeast corner of 23 and G Roads
Representative: Wally Downer**

PETITIONER’S PRESENTATION

Wally Downer, representing the petitioner, said that M.A. Concrete had been storing materials on the subject site over the last several years. The landscaping requirement, he said, was unreasonable because Ute Water had turned down his request for an irrigation tap. The petitioner agreed to install a screen fence and comply with all other staff conditions and requirements.

QUESTIONS

Commissioner Coleman understood there to be a water tap already located on the property. Mr. Downer replied affirmatively but elaborated that the “residential” tap delivered only potable water.

Chairman Elmer asked where the nearest irrigation water source was located. Mr. Downer thought that there was an irrigation line approximately 1 ½-2 miles from the site. He noted that no irrigation water rights came with the property.

Chairman Elmer asked for clarification on Ute’s policy regarding the delivery of irrigation water, which was provided by Scott Harrington. Mr. Harrington said that Ute could not prevent the use of potable water for other uses once the tap was installed; thus, the residential tap could be used to irrigate on-site vegetation. The City had initiated discussions with Ute Water to better refine Ute’s water policies, and regulations could be adopted to require the use of raw water where available.

A letter received from Ute Water outlining its policy on the provision of raw water was read into the record by Mr. Pelletier.

STAFF’S PRESENTATION

Mike Pelletier indicated that the CUP application had been prompted as a result of a complaint from a nearby resident. The petitioner had been storing road materials on the site for several years without knowing that a Conditional Use Permit (CUP) was necessary. Mr. Pelletier stated that a number of trees and shrubs were required with the CUP and they needed to be maintained by some type of irrigation system. Since the petitioner was unwilling to meet Code section 4-2-15-C regarding landscaping/irrigation, staff recommended denial of the request.

QUESTIONS

Lengthy discussion ensued over possible options available to the petitioner. Options included: 1) the Planning Commission approving the request subject to the landscaping requirement (which could prompt an appeal by the petitioner); 2) the petitioner trying again to secure raw water from Ute Water; 3) the petitioner utilizing the existing residential tap to water required vegetation; and 4) extending the timeline for compliance, which might allow for continued negotiations between the petitioner and Ute Water.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER’S REBUTTAL

Mr. Downer said that the property’s use for storage of the road materials was temporary until materials could be used for something else.

DISCUSSION

Commissioner Fenn did not feel that the landscaping requirement was unreasonable. There was no reason the petitioner could not use the residential tap to irrigate vegetation.

Commissioner Coleman noted that only the trees and shrubs would need watering; native grasses would probably not require the same care. Mr. Pelletier elaborated on the number of trees and shrubs required.

Chairman Elmer felt that while a big landscaping proponent, the requirement of immediate compliance for the temporary use seemed a little harsh. He proposed lengthening the compliance timeframe.

Commissioner Coleman agreed and suggested a 6-month extension, which drew support from Commissioner Grout.

Commissioner Driscoll also concurred, adding that the situation may have been different had there been no water tap on the site at all.

Chairman Elmer said that the use of the on-site water tap could necessitate the installation of a meter by Ute Water. Mr. Downer confirmed that a meter pit was already present.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item CUP-1998-172, I move that we approve the Conditional Use Permit with the condition that fill material is kept within 600 feet of the south boundary. Furthermore, we require landscaping to City requirements on 23 Road with a 6 month requirement from February 16, 1999 to have it put in, subject to all other staff conditions and requirements.”

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

RZ-1999-017 SPECIAL USE PERMIT/REZONE—SAINT MATTHEW’S EPISCOPAL CHURCH
A request for approval of: 1) a Special Use Permit to build a 13,780 square foot church, and 2) a rezone from PR-2 (Planned Residential not to exceed an overall density of 2 units per acre) to RSF-2 (Residential Single Family not to exceed a density of 2 units per acre).

Petitioner: St. Matthew’s Episcopal Church
Location: Southeast corner of 27 ½ Road and Cortland Avenue

PETITIONER’S PRESENTATION

William Frey, legal counsel for the petitioner, asked for a continuance of the request to the next public hearing or to a special hearing on March 2, 1999. Additional time was needed to resolve significant outstanding issues.

Mr. Shaver elaborated on some of the outstanding concerns. After a brief discussion, the item was continued to the March 9 public hearing.

MOTION: (Commissioner Driscoll) “Mr. Chairman, I move that we continue item RZ-1999-017 to the next regularly scheduled meeting on March 9.”

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

VE-1999-010 VACATION OF EASEMENT—MESA COUNTY JUSTICE CENTER

A request to approve an easement vacation in the former Rice Street right-of-way.

Petitioner: Mesa County
Location: Rice Street and West Main Street
Representative: Charles Rose

PETITIONER’S PRESENTATION

Charles Rose, representing the petitioner, said that the vacation would help facilitate further development of the Mesa County Justice Center. The existing U.S. West fiber optic communication line and 6-inch water line would be relocated in the new service road.

QUESTIONS

Chairman Elmer asked if the conceptual plan for the Justice Center had been approved, to which Mr. Rose responded affirmatively.

STAFF’S PRESENTATION

Lori Bowers said that the request met Code requirements for easement vacations. With no outstanding issues, staff recommended approval.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Driscoll said that the request seemed straightforward and met the criteria.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item VE-1999-010, I move we recommend approval to the City Council for the request to vacate the Rice Street easement located between West Main Street and Rood Avenue to accommodate development of the future Mesa County Justice Center.”

Commissioner Coleman seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

RP-1998-213 REPLAT/VACATION OF EASEMENT,MOONRIDGE FALLS SUBDIVISION, LOT 5A

A request for approval to vacate a drainage easement between lots 5 and 6, block 3, Moonridge Falls Filing #4.

**Petitioner: Max and Mary Harris
Location: 2525 Falls View Circle
Representative: Rolland Engineering**

PETITIONER’S PRESENTATION

Tom Rolland, representing the petitioner, referenced the proposed replat using an overhead transparency. He briefly explained why the drainage easement had initially been necessary. Grading and construction had been completed, negating a further need for the easement. Stormwater currently flowed onto a concrete driveway and directed out into the street. The request, he said, was a “housekeeping” measure.

STAFF’S PRESENTATION

Bill Nebeker said that a home and tennis court would be constructed on the two lots. While the drainage easement would be vacated, the irrigation easement would remain. The tennis court would continue to encroach into the irrigation easement approximately 3.5 feet. The petitioners understood that the encroachment could potentially cause a problem if the irrigation line under the tennis court had to be excavated for maintenance purposes. Staff recommended approval of the request.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Driscoll remarked that the request seemed workable. Chairman Elmer commented that it seemed fairly straightforward and met vacation criteria.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item RP-1998-213, I move that we forward a recommendation of approval to the City Council to vacate the drainage easement between lots 5 and 6, block 3, Moonridge Falls Subdivision, Filing #4, subject to staff’s recommendations.”

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

ANX-1999-015 ZONE OF ANNEXATION/MINOR SUBDIVISION—WEAVER MINOR SUBDIVISION

A request for: 1) approval of the zone of annexation for approximately 9.75 acres from County AFT to City RSF-2 (Residential Single Family not to exceed a density of 2 units per acre), and 2) approval of Weaver Minor Subdivision consisting of four single family lots.

**Petitioner: Merle Weaver
Location: 355 – 29 Road
Representative: QED, Dan Brown**

PETITIONER’S PRESENTATION

Dan Brown, representing the petitioner, said that agriculture had been the traditional use in the subject area. The petitioner was in agreement with all of staff’s requirements and recommendations, utilities were provided to the site, and the proposed density complied with Growth Plan recommendations.

QUESTIONS

Commissioner Coleman wondered if the on-site pond had a dual use. Mr. Brown thought that it was being used to supply irrigation water to the property.

Chairman Elmer wondered why no easement to the pond had been provided across lot 2. Mr. Elmer remarked that without one, the pond would be of no benefit to anyone other than the owner of lot 2.

Merle Weaver, petitioner, began initially by saying that the pond was just a pond and not intended for irrigation water storage. He later added that it was also intended to supply irrigation water to lot 2. Mr. Weaver owned 16 shares of irrigation water, which he felt would be sufficient for all remaining lots.

When Chairman Elmer pointed out the benefits to having the pond accessible to other lot owners, Mr. Weaver agreed to provide an easement across lot 2.

Chairman Elmer remarked on the amount of equipment and other miscellaneous items that seemed to be stored on the property. Mr. Weaver said that items would all be removed once the property was subdivided.

Chairman Elmer wondered if there was any other use intended for the existing garage structure, to which Mr. Weaver replied negatively.

STAFF’S PRESENTATION

Dave Thornton acknowledged the two-part nature of the request. The RSF-2 zone would serve as a transition zone between large-lot residential land uses to the east and south and the expected higher density future land uses to the west and north. With regard to the Minor Subdivision request, Mr. Thornton said that lot 4 could be resubdivided. Its particular access was from C ½ Road. Lots 2 and 3 were within the 100-year floodplain, and a floodplain permit would be required before construction on those two lots could commence. Having found that both portions of the request met or could meet Code requirements, staff recommended approval of the Zone of Annexation to RSF-2 and approval of the Final Plat subject to the plat meeting all City requirements.

QUESTIONS

Commissioner Driscoll asked staff to point out the site's location on the Future Land Use Map and further explain the rationale for the RSF-2 zone, which was given.

Chairman Elmer commented on the strange lot configuration and wondered why lot lines had not been placed concurrent with easements. Mr. Elmer commented that easements could interfere with building envelope placement, although he recognized the layout met the zone's bulk requirements. He reiterated the need for an easement to the pond.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Tom Richards (2873 C ½ Road, Grand Junction) said that a number of the area's residents received their irrigation water via the ditch that traversed the subdivision. He expressed concern over possible impacts to water delivery.

Lyle Mahaffee (2976 C ½ Road, Grand Junction) was concerned that children from the proposed subdivision would climb his property's fence and harass his animals and livestock. He did not want to incur liability for trespassers. The proposed density, he said, was incompatible with the rural character of the area. He questioned the stability of the structural fill brought in to the site and noted the high water table which made a "swamp" out some portions of the property. Mr. Mahaffee expressed opposition to any annexation of this or other properties in the area as it would result only in increased regulation of animals and higher taxes.

Kat Hunter (361 – 29 Road, Grand Junction) echoed concerns already stated regarding the stability of fill, loss of rural lifestyle and objection to any annexation. She submitted photos of the site to planning commissioners.

Lynn Freney (365 – 29 Road, Grand Junction) also voiced concerns over density and impact to the rural character of the area. She felt that dogs owned by new subdivision residents would harass existing livestock.

Jimmy Martinez (360 – 29 Road, Grand Junction) was also concerned over dogs harassing his livestock. He said that the pond was all that was left of what had originally been "swamp land." He expressed concerns over impacts to the area's rural lifestyle, fill stability and school overcrowding.

Shirley Jones (2890 C ½ Road, Grand Junction) stated that the Final Plat map submitted by the petitioner was inaccurate. She said she'd experienced periodic flooding from the petitioner's property. The irrigation pipe, she said, was insufficiently sized to deliver the amount of water residents were entitled to. Ms. Jones questioned the stability of fill and felt that the site was unsuitable for construction. She noted there was also a lot of junk located on the site.

Max Martinez (360 – 29 Road, Grand Junction) thought that the pond had been installed as a means of addressing water drainage from the nearby Colorado River. He expressed concerns over increased traffic and safety, harassment of livestock, stability of fill and annexation. Another subdivision would only exacerbate existing problems with the irrigation ditch. He wondered what type of homes were being proposed and how would they be situated on the site? Approval, he said, should be postponed until concerns were addressed.

Billy Foster (357 – 29 Road, Grand Junction) agreed with Mr. Martinez's suggestion that the petitioner address neighbor concerns prior to any approval of the Minor Subdivision.

Ray Lashley (2874 C ½ Road, Grand Junction) shared similar concerns expressed by Mr. Mahaffee regarding trespassers, density and incompatibility. He also did not want to be annexed into the City. He wondered if there were still plans to extend 29 Road across the Colorado River.

PETITIONER'S REBUTTAL

Mr. Brown said that with regard to Ms. Jones' property, the ditch was located at the northeast corner of her property but did not cross it. He agreed to work with Ms. Jones to mitigate any flooding problems, even if that included relocating a portion of the ditch. Irrigation water delivery would not be impeded. The site, he said, would be cleaned up and any remaining junk and debris would be removed. With regard to the potential resubdivision of lot 4, he said that any such proposal would require a public hearing. He mentioned the additional 25 feet of right-of-way dedicated for 29 Road and said that the pond would be left in as good as condition as possible. The proposed density was consistent with Growth Plan recommendations.

Merle Weaver felt that Ms. Jones presumed the ditch and fence to be located on her property; survey of the property proved otherwise. He concurred that a portion of the ditch could be realigned if it solved Ms. Jones' flooding problems. Cement rubble, he said, had been brought in to stabilize and raise the property, with approximately 4-5 feet of soil placed on top of fill material. Subdivision lots were larger than those typically found in the area. He thought that the property already lay within the City limits and agreed with staff's conclusion that RSF-2 was a good transition to the RSF-4 zoning found closer to 28 Road. Mr. Weaver stated that while he had not dumped junk on the property, he would remove whatever was there. He added that while only required to provide notification within 200 feet, he had opted to extend the notification area to 500 feet.

QUESTIONS

Commissioner Coleman asked if the County required a fill permit, to which Mr. Weaver responded affirmatively. Mr. Weaver said that the County supported the use of cement as fill with a soil overlay; County staff later came out to check and approve the site.

Commissioner Coleman asked if the petitioner would agree to provide notification to lot owners that their lots contained fill material. Mr. Weaver said that fill had only been placed on what would be lots 2 and 3; he agreed to include plat notification for those two lots.

DISCUSSION

Commissioner Driscoll asked staff how the property received its original zone designation. Mr. Thornton was unsure how it had been derived.

Commissioner Coleman asked for clarification on where the City limits lay, which was provided.

When asked by Chairman Elmer if the property qualified for annexation by virtue of the Persigo Agreement, Mr. Thornton responded affirmatively. Mr. Shaver further explained the conditions of the Persigo agreement for benefit of the audience. He also commented on City regulations concerning the keeping of animals and that those regulations were more liberal than the County's.

When asked to explain the City's position on irrigation water and its delivery, Mr. Shaver elaborated briefly. Impeding the flow of legally designated water would be a civil law problem subject to civil remedy. He suggested residents contact the petitioner on that issue and perhaps seek legal representation.

Mr. Thornton indicated that per discussions with the City's Development Engineer, no significant impacts were expected from the proposed subdivision, nor from additional homes which could be placed on lot 4.

Significant discussion ensued over issues brought forth by residents. Chairman Elmer said that there was no evidence to support the buildability of the lots; at the very least, a geotechnical report should be required to investigate and ensure the stability of structural fill. Other issues included the pond and the practicality of an access easement, floodplain concerns, the bisection of lots by a major overhead power easement and lot configuration. Mr. Shaver reminded the Commission of applicable sections of the Code.

With regard to drainage and flooding issues, Commissioner Coleman suggested the Development Engineer visit and assess the site. He felt the drainage issue should be addressed prior to granting any approval.

Commissioner Driscoll felt the subdivision as proposal failed to meet the requirements of Code section 6-1-1. It was necessary, he said, to safeguard public interests and restrict construction in areas poorly suited for building. He concurred with concerns expressed over the pond’s accessibility, drainage, easement placement and lot configuration, and suggested that additional work be undertaken by the petitioner to reconfigure lots and resolve outstanding issues.

There was general assent by all planning commissioners that approval of the Minor Subdivision as proposed was premature based on expressed concerns.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item ANX-1999-015, I move that we forward the Zone of Annexation to City Council with the recommendation of Residential Single Family with a maximum density of 2 units per acre (RSF-2) for the reasons as stated in the staff report on page 3.”

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item ANX-1999-015, I move that we deny the Final Plat for the Weaver Minor Subdivision the reasons being poor configuration of the subdivision, the lot layout of the major power line transecting lot 2 and basically bisecting it in half, the drainage and easement problems, and the structural fill.”

Commissioner Coleman seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

A brief recess was called at 9:35 p.m. The hearing reconvened at 9:40 p.m.

ANX-1999-018 ZONE OF ANNEXATION—FRUITVALE MEADOWS

A request for approval of the Zone of Annexation for approximately 13.03 acres from County R-1-C to City RSF-5.

**Petitioner: Ken Heitt
Location: 3076 D ½ Road
Representative: AIC**

PETITIONER’S PRESENTATION

Ken Heitt, petitioner, presented a brief history of the site and said that he was in agreement with staff’s recommendation.

STAFF’S PRESENTATION

Kathy Portner displayed the Fruitvale Annexation Map using on an overhead transparency. She said that the proposed RSF-5 zone most closely aligned to the County's R-1-C zone. Although the zone designation did not conform to the Land Use Map, the County felt that the Map was in error for this area. An amendment to the Map would be proposed by the County as soon as an amendment process was adopted. Staff recommended approval.

QUESTIONS

Commissioner Driscoll wondered if County staff had explained why they felt the Map was in error. Ms. Portner briefly recalled former incorporation attempts pertaining to the Clifton area and said that at one time the subject area had been perceived as a potential transition area between what could have been two cities.

PUBLIC COMMENTS

FOR: There were no comments for the request.

AGAINST:

Kathy Isles (3080 D ½ Road, Grand Junction) opposed the City's annexation of the area and said that citizens had been "sold out" by the Persigo Agreement. The majority of area residents, she said, were opposed to the City's annexation. She questioned the size of the subject parcel, since she knew the petitioner's property to be only about 7-8 acres in size. She expressed concerns over increased traffic in the area, possible problems with water availability, loss of the area's rural character, wildlife impacts and the incompatibility of the use. She asked that consideration be given to assigning a lower density designation to the property (max. 2-3 units/acre). She noted the existence of a copse of trees at one corner of her property and hoped the petitioner would not remove them.

Anna Elliott (3082 D ½ Road, Grand Junction) expressed opposition to the property's subdivision and the proposed annexation. She concurred that residents in the area did not want to be annexed into the City. She agreed with Ms. Isles' comments regarding incorrect representation of the parcel's total size and added her preference for a lower density zone designation.

PETITIONER'S REBUTTAL

Mr. Heitt agreed that his parcel only contained about 7-8 acres and was unsure how the 13.03 acre figure denoted by staff was derived. Ms. Portner said that the 13.03 acres included the entire area to be annexed, not just Mr. Heitt's property. Mr. Heitt expressed a willingness to preserve the copse of trees referenced by Ms. Isles.

DISCUSSION

Ms. Portner agreed to double-check the total acreage figure for accuracy.

Mr. Shaver again explained certain conditions of the Persigo Agreement and annexation.

Chairman Elmer said that to be fair, the City generally tried to apply the most compatible City zone to former County-zoned properties. He noted the higher densities located to the north, south and west of the subject parcel. Commissioners Coleman and Fenn concurred.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item ANX-1999-018, Zone of Annexation for Fruitvale Meadows, I move that we forward this on to City Council with the recommendation of approval for the RSF-5 zone."

Commissioner Fenn seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

ANX-1999-019 ZONE OF ANNEXATION—ELITE TOWING

A request for approval of the Zone of Annexation for approximately 1.97 acres from County Industrial (I) to City Heavy Industrial (I-2) zone.

Petitioner: Shane Daniels

Location: 2796 Winters Avenue

STAFF'S PRESENTATION

Lori Bowers said that the proposed City zone complied with Growth Plan recommendations and only one lot was affected. The property's use was compatible with surrounding uses and staff recommended approval.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Chairman Elmer remarked that the request seemed straightforward.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item ANX-1999-019, zoning for the Elite Towing Annexation located at 2796 Winters Avenue, I move that we recommend to City Council the zoning designation of I-2."

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

IV. GENERAL DISCUSSION

Mr. Harrington indicated that the next Zoning Map meeting was scheduled at the Adam's Mark Hotel on February 24, 1999 at 6:00 p.m. and would cover the northeast portion of the City.

When asked by Mr. Harrington whether a special meeting was needed to address the Redlands Mesa, Planning Commissioners asked that the item be presented during a regularly scheduled Planning Commission hearing. A brief outline of upcoming meetings over the next several months was given.

Commissioner Fenn again asked that consideration be given to the formation of a Consent Agenda. Discussion ensued on that item, and both Mr. Harrington and Mr. Shaver said that they would investigate this option further and bring a proposal before the Planning Commission during one of its workshops. Mr. Harrington remarked that it might be prudent to wait until the vacant planning commissioner's seat was filled. Mr. Shaver suggested that consideration also be given to giving staff more administrative control over certain proposals.

With no further business, the hearing was adjourned at 10:22 p.m.