

**GRAND JUNCTION PLANNING COMMISSION**  
**APRIL 13, 1999 MINUTES**  
**7 p.m. to 11:08 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7 p.m. by Chairman John Elmer. The public hearing was held at Two Rivers Convention Center.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Jeff Driscoll, Joe Grout, Mark Fenn and Paul Coleman. Two positions are currently vacant.

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

Also present were John Shaver (Asst. City Attorney), Kerrie Ashbeck (Development Engineer) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 57 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes of the March 16, 1999 public hearing.

**MOTION: (Commissioner Coleman ) “Mr. Chairman, I move that we accept the minutes of the March 16 meeting as presented.”**

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

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

There were no announcements, presentations and/or visitors.

**III. PUBLIC HEARING ITEMS FOR FINAL DECISION**

**RZP-1999-058 ZONE OF ANNEXATION/PRELIMINARY PLAN—VILLAGE PARK SUBDIVISION**

A request for: 1) approval to apply a zone of annexation to approximately 18.8 acres from County PB (Planned Business) and PR-16 (Planned Residential with a density not to exceed 16 units per acre) to City PB (Planned Business) and PR-15 (Planned Residential with a density not to exceed 15 units per acre; and 2) approval of the Preliminary Plan for Village Park Subdivision consisting of 237 units of single family attached housing, apartments and senior housing.

**Petitioner: Peak Properties & Development**

**Location: 605 – 28 ¼ Road**

**Representative: LanDesign, Brian Hart**

**PETITIONER'S PRESENTATION**

Bob Walker, representing the petitioner, briefly introduced other members of his development team. He recounted how the request had been originally presented before the Planning Commission in the fall of 1998. Suggestions from that hearing and those received from City Council members had been incorporated into the new design. Mr. Walker presented overhead transparencies of the new Revised Concept Site Plan and Preliminary Plan. The project, he said, represented good infill development and complied with Growth Plan recommendations for commercial and higher density residential development. Major changes included decreasing the commercial area to only 2.97 acres, with the remainder of the site to be retained as residential. The driveway on F Road and the median were also eliminated.

The proposed zoning, he said, was below the County's zone designation. Mr. Walker stated that senior housing units would have less than half the impact of regular apartment units; higher density residential units would serve to buffer the commercial area; three-story units would be located in the center of the project, with two-story units located closer to the perimeter; Block 5's design had been revised to make individual lots larger; and lot sizes nearest the Dawn Subdivision were 25 percent larger, with lots nearest Grand View Subdivision approximately 50 percent larger.

It is presently unclear how the ditch adjacent to Grand View Subdivision would be handled, whether piping would be the most appropriate option. Mr. Walker said that discussions with the Grand Valley Water Users Association (GVWUA) were ongoing. Fencing would be erected along the ditchline to the north and along the rear property lines of homes in Block 5. All homes in Block 5 would be limited to single stories. Adding three additional single family attached units further south along the western property line increased the buffer area adjacent to Dawn Subdivision. Mr. Walker presented slides of similarly designed projects. Covenants would be drafted to ensure maintenance of the project's character and an attractive entrance feature would be provided.

Mr. Walker reiterated that the project complied with Growth Plan recommendations and Code criteria. Design changes had also included Planning Commission and City Council suggestions. The diversity of housing types, he said, made for an interesting overall design.

**QUESTIONS**

Commissioner Driscoll asked for the distance between F Road and the turn-in to the commercial area, to which Mr. Walker responded 226 feet. (Note added by Staff: The scaled dimension on the site plan is approximately 190 feet.)

Commissioner Coleman wondered what type of fencing materials would be used in the rear yard fencing of Block 5 lots adjacent to Dawn Subdivision. Mr. Walker was unsure but said that whatever was used would be attractive. Clarification on fencing materials would be provided during the next development stage.

**STAFF'S PRESENTATION**

Bill Nebeker said that the request included a Zone of Annexation. The commercial area would be limited to 24,000 square feet in size and could only contain uses allowed in a B-3 zone; no uses which required Conditional Use Permits or Special Use Permits in the B-3 Zone would be allowed. The proposed commercial area did not abut any adjacent residential land use, and the project complied with Code criteria and Growth Plan recommendations. The commercial portion of the project conflicted with specific F Road Corridor Guidelines for this section; however, Growth Plan recommendations took precedence. Mr. Nebeker said that the Preliminary Plan had referenced a GVWUA easement to be vacated. That language would need modification to show that the easement may not be vacated. Depending on how the Grand View ditch was addressed, a slight movement of the road to the east could be required. Primary access into the site would be via 28 ¼ Road. Having found that the proposal

complied or could comply with Code requirements and Growth Plan guidelines, staff recommended approval of both the rezone and Preliminary Plan request subject to the following conditions:

1. The Preliminary Plan Mater Layout (sheet 3 of 5) is the controlling document for this development. The maximum density and total dwellings allowed on each parcel is governed by the matrix on the Master Layout, not the Village Park Density and Bulk Standards Matrix. Substantial conformance to the layout, circulation and building placement in the commercial and multi-family parcels is required with Final Plan or a revised Preliminary Plan approval is required.
2. Specific landscaping requirements will be determined during Final Plan approval; however, section 5-5-1F regarding the landscaping of parking lots with greater than 50 spaces shall apply to Blocks 1 and 2 (entire commercial and multi-family site). In Block 1, a landscaping buffer of at least 10 feet will be required between all buildings and adjacent non-commercial uses. A master landscape plan for the entire length of 28 ¼ Road will be required with the Phase I plan.
3. The commercial development shall not exceed 24,000 square feet.
4. An ingress-egress easement is required to the commercial uses that have no street frontage. The two-way drive aisle to the northeast of the restaurant shall be a minimum of 20 feet wide.
5. The Final Plan shall show that the commercial site is designed for pedestrian access with minimal conflicts with vehicular traffic.
6. A maximum of two monument-style signs shall be allowed on the commercial portion of the property. The signs shall be no greater than 105 square feet each, with shared signage allowed for the entire center on each sign. Flush wall signage shall be determined at the time of Final Plan approval.
7. Block 3 is approved for 60 units of assisted living housing. Zero lot line single family townhomes are an alternate approved use in this block. If an alternative is selected it will require re-review at the Preliminary Plan stage before a Final Plan may be approved. The bulk requirements of the townhome units will then apply.
8. An emergency access lane shall be provided at the end of the hammerhead turnaround in Block 4 to access through the assisted living parking lot. The access shall be designed at Final per Fire Department specifications.
9. The private street in Block 4 will require Council approval at final design if a private street standard has not been adopted by then.
10. Building setbacks are determined by setbacks, not building envelopes shown on the Preliminary Plan.
11. Proposed fences higher than 4 feet on corner lots shall include at least a 5-foot landscaped setback.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the proposal.

**AGAINST:**

Steve Harrington (2811 Cottage Lane, Grand Junction) said that the 238 residents of Dawn and other subdivisions who had signed the previous petition and submitted letters expressing opposition to the proposal were still opposed to the plan. The current project, he said, was incompatible with surrounding

uses, noting that Dawn Subdivision had been developed to a density of 4 units per acre. The three-story apartment units were also incompatible with surrounding single family detached housing and would negatively impact neighboring property values. The plan would be more acceptable if the three-story units were eliminated or reduced in height. No objection to the commercial area was expressed. Mr. Harrington said that the plan failed to comply with County Land Use Plan Policies 10.4, 11.1 and 12.3 as well as Goal 11.

A discussion ensued between legal staff and planning commissioners on the effect of the petition and letters of opposition referenced by Mr. Harrington since they were signed in opposition to the last plan, not this one. Chairman Elmer said that even though they had been submitted with the first proposal, strong neighborhood objection was still evident. As such, he agreed to accept them into the record.

Kelly Turner (2813 Daybreak Avenue, Grand Junction) confirmed that at a recent Homeowners Association meeting for Dawn Subdivision, there had been no support voiced for the current plan. She expressed concern over the transient nature of apartment renters, and she was also concerned over traffic increases to 28 Road, F Road and Hawthorne Drive. She expressed support for Mr. Harrington's comments and reiterated that the plan was incompatible with surrounding uses.

Rick Maxwell (718 Galaxy Drive, Grand Junction), pastor of the World Harvest Church, referenced the easement mentioned by staff. He wondered whether moving the easement would affect the existing road right-of-way. Mr. Nebeker suggested that the question be answered during the petitioner's rebuttal.

Brook Blaney (2805 Daybreak Avenue, Grand Junction) said that residents of the Grand View Subdivision had received no notice of the proposal. He said that if the currently proposed subdivision had been in place prior to development of the Dawn and Grand View Subdivisions, developers of those subdivisions probably would have reevaluated the market feasibility of those locations. At four times the density of surrounding neighborhoods, the current proposal was clearly incompatible with the area.

#### **PETITIONER'S REBUTTAL**

Mr. Walker said that the apartment units were considered "luxury apartments," catering to the young professional and senior resident. Not much of this type of housing, he said, had been built over the last 20 years, and there was a need for it.

Brian Hart, also representing the petitioner, said that he'd met with GVVUA and Bureau of Reclamation staffs, and there were no plans to move the road. The easement language on the plat was more for notification purposes.

Mr. Walker expressed frustration over the lack of neighborhood support. He noted the lack of an interneighborhood street connection, which would keep internal traffic flows away from abutting subdivisions. Approximately 40 percent of the overall land area, he said, had been allocated as buffering. With increased rear yard setbacks, the reduction in overall density, and the extension of attached single family units further south along the western property line, he could not understand why the plan did not garner more neighborhood support.

#### **DISCUSSION**

Commissioner Driscoll asked staff if the City's zone recommendation was similar to the County's zone, to which Mr. Nebeker replied affirmatively.

Commissioner Driscoll asked for clarification on expected vehicle stacking into the commercial area. Mr. Dorris indicated that there was sufficient room for three vehicles. When asked if that was adequate, Mr. Dorris replied that it would be "tight."

Chairman Elmer asked staff if other measures could be taken to improve the buffering of apartment units. Mr. Nebeker suggested that planning commissioners could require that faster growing trees of a larger caliper be planted. Most of the apartment units, he added, were closer in proximity to the Church of the Nazarene than to residential.

Chairman Elmer asked if it was staff's professional opinion that there was sufficient transitioning of uses while meeting the intent of the Code. Mr. Nebeker said that single family attached units provided adequate buffering between uses. He noted, however, that to achieve the zone density being sought, he didn't know what more the petitioner could have done. The biggest objection from the neighbors, he said, was over the apartments themselves, not their placement on the site.

Scott Harrington said that the "transition area" between the apartments and Dawn Subdivision was equivalent to double the width of F Road. The approximately 240 feet of "buffer" area was measured from the rear property lines, not the backs of houses.

Chairman Elmer noted the four pad sites proposed for the commercial area and wondered if designating a single pad site would require revising the plan. Mr. Nebeker answered that it would.

When asked by Commissioner Driscoll if the petitioner had addressed all City Council concerns, Mr. Nebeker said that they had been for the most part. One which had not been incorporated included having retail located below and the apartments located above.

Commissioner Coleman asked if the property had been straight-zoned in the County. Mr. Nebeker said that the parcel had been a planned zone (PR-16) in the County. Mr. Harrington elaborated that generally the City affixed an equivalent zone to annexed property; however, properties were not necessarily "entitled" to the same zone. Mr. Shaver added that the County's former planned zone effectively represented a planned zone without a plan. He concurred with Mr. Harrington's statement that properties were not legally entitled to receive the same zone in the City. There were no vested rights under the prior County or existing City zoning. Mr. Shaver advised that since the former petition and letters of opposition were admitted as evidence, planning commissioners could determine how that evidence was to be weighed.

Chairman Elmer thought it clear that those opposing the first plan still opposed the revised plan. He left it up to individual commissioners as Mr. Shaver advised to determine how such evidence was to be weighed. The petitioner proposed less density than what the zone allowed. The intent of having higher density pockets within the City was to prevent urban sprawl elsewhere. The petitioner, he noted, had generally followed Planning Commission and City Council directives. If dramatic changes were made to the plan, it would be difficult to retain the higher densities recommended for that parcel by the Growth Plan. Chairman Elmer expressed support for the proposal.

Commissioner Driscoll stated that the Ridges represented a successful example of mixed-use housing types. Mixed uses did not necessarily denigrate the area where they were placed nor affect surrounding property values. He also supported the proposal.

Chairman Elmer said that the development's location was ideal since services were available to support the density proposed.

Commissioner Coleman wondered if there was any reason the entrance into the commercial area couldn't be moved further to the north to increase stacking room. Mr. Dorris said that he could see no reason why that couldn't be done. He clarified that traffic study figures had been based on full built-out of the project and surrounding area. Mr. Nebeker noted that if the road were moved, there would be some modification to the commercial layout. In that event, staff condition 1 would reference a Master Layout

document that would require alteration. Commissioner Coleman voiced his assent, adding that it was more important to address potential traffic problems before they became real problems. Mr. Shaver suggested referencing staff's "marked up" copy of the drawing showing the revised entrance location. In that way the petitioner and the record would have a graphic representation of the preferred alternative.

Chairman Elmer proposed the following verbiage be added as a condition 12: "The driveway into the commercial area must be moved to within 50 feet of the northern boundary of lot 4."

Commissioner Fenn expressed support for the project, saying that he'd considered the concerns voiced by surrounding neighbors, City Council directives, the Growth Plan, etc. He felt that adequate buffering between the proposed and surrounding uses was available.

**MOTION: (Commissioner Coleman) "Mr. Chairman, on item RZP-1999-058, I move that we approve the Preliminary Plan for Village Park Subdivision, subject to staff recommendations 1-12."**

**MOTION: (Commissioner Coleman) "Mr. Chairman, on item RZP-1999-058, I move that we forward a recommendation of approval to City Council for waiver of the public street standard for the private street in Block 4, and the Zone of Annexation for Village Park from County PB and PR-16 to City PB and PR-15."**

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

**PP-1999-026 PRELIMINARY PLAN—REDLANDS MESA SUBDIVISION AND GOLF COURSE**

**A request for approval of: 1) a Preliminary Plan for Redlands Mesa, Phase I, consisting of 117 single family lots in a PR-4 zone district and modify the zoning ordinance to establish bulk requirements, and 2) an 18-hole golf course on 494 acres.**

**Petitioner: Redlands Mesa LLC  
Location: South of West Ridges Blvd. in the Ridges  
Representative: Thompson-Langford, Doug Theis**

**PETITIONER'S PRESENTATION**

Ronald Austin, co-petitioner, introduced other members of his design team. Susan Wade, project planner, reviewed the project. She said that the project's image and character would be developed in the first phase. Design features of the first phase would include a community entry, extension of West Ridges Blvd. with a detached sidewalk along that street and the golf course/club facility. Lot size variation would be incorporated to attract a variety of buyers. Using a specially-modified aerial photo, she denoted the trail connections to be provided. She briefly explained the unique topography of each parcel and said natural textures and colors would be perpetuated throughout the project.

**QUESTIONS**

Chairman Elmer asked for further clarification on the location of trail segments, which was provided.

Commissioner Grout wondered why the petitioner felt the single track trail section behind lots 7 through 9 was unfeasible. Doug Theis, also representing the petitioner, said that the topography behind these lots was very steep; safety was of paramount concern.

**STAFF'S PRESENTATION**

Kathy Portner began by correcting the agenda to read that the request proposed 118 single family lots, not 117 lots. She outlined the various points covered in the April 7, 1999 Project Review. Growth Plan

policies applicable to the project were read into the record as contained in the Project Review, and she briefly covered the ODP conditions of approval. The rough grading of Mariposa Drive to Monument Road would be required in conjunction with Phase I; the completion of the road would be required either when ADTs from the remainder of the project exceeded those from the golf course or when ADTs along Ridges Blvd. exceeded 8,000. The water line must be looped, as conditioned in the ODP; an outline of the project was provided. Staff asked that trail segments between housing pods be improved, while the remaining trail segments could be unimproved. If, by paving trail segments between pods, ADA requirements were exceeded with regard to slope, gravel, rather than paving, would be allowed. It would be up to the petitioner to demonstrate the unfeasibility of a trail segment behind lots 7 through 9. Although not requiring an east-west connection through Red Canyon Wash, a trail connection to the Dynamic Investments property would link neighborhoods and provide an alternative access to the Wingate School and future adjoining park.

Due to the large area that would be disturbed during construction of the golf course, the Development Improvements Agreement (DIA) would need to include provisions for reclamation, including restabilization and revegetation of the golf course in the event the project was undertaken but not completed. Additional technical issues would need to be addressed by the petitioner during Final.

Staff recommended approval of both the Preliminary Plan and zoning for Phase I subject to the following conditions:

1. The looping of the water system on Mariposa Drive and Monument Road shall be a part of the first filing submittal. The cost of it will be included in the applicant's Development Improvements Agreement (as amended).
2. The developer shall take note of all staff requirements for final submittal contained in the staff report and staff's comments and incorporate those items into the final design plans.

### **QUESTIONS**

Chairman Elmer wondered if staff would be looking more closely at setbacks during Final with regard to the topography of individual lots. Ms. Portner responded affirmatively, adding that "problem lots" had been identified at the Preliminary stage.

Chairman Elmer asked if potential traffic impacts to Rana Road had been considered. Were traffic-calming devices warranted with the project? Kerrie Ashbeck explained that in discussions with the petitioner's engineering staff, the current project would only take Rana Road to the north end of parcel 5. A connection to Rana Road wouldn't be developed until completion of the last phase of Cobblestone Subdivision. Projected traffic volumes from the project onto Rana Road would still fall within acceptable volumes for a typical residential street.

Chairman Elmer noted that with construction of a second Ridges access, traffic congestion on Rana Road could be greatly alleviated. Ms. Ashbeck concurred with that assessment.

### **PUBLIC COMMENTS**

#### **FOR:**

Greg Hoskin (411 Rio Vista, Grand Junction) complimented the developers on their proposed design, professional attitudes and responsiveness. Development of the parcel as a whole, he said, would provide for better care of the land and would hopefully result in eliminating the illegal trespass of 4-wheel drive vehicles.

Debbie Richardson (2387 W. Plateau Court, Grand Junction) also felt the design was good and lauded the extensive trail system proposed by the developers. She expressed some concern over disturbance of

the golf course area and wanted some assurance that reclamation of the site would occur even if the project was not completed. She asked that the Planning Commission determine how much time would define “abandonment”?

**AGAINST:**

Mike Stubbs (2408 Hidden Valley Drive, Grand Junction) was generally in favor of the project but had the following concerns: 1) feasibility of trail segments on north and south ends of the property (copies of a map and written comments were submitted to planning commissioners); 2) that all trail segments should be improved; 3) the unimproved single track trail segment in parcel 5 seemed inappropriate; 4) given the short range of the practice tee area. He said that errant balls were sure to pose a safety hazard to nearby homes, pedestrians and motorists. He suggested moving the 18<sup>th</sup> hole further to the north. Mr. Stubbs stated that his adjacent property was currently landlocked. He asked that consideration be given to extending an access from the proposed project to his property line.

Mike Holland (2398 Mariposa Drive, Grand Junction) was not expressly opposed to the project. He wondered if, in lieu of a Mariposa Drive extension, another access onto Broadway could be developed. He suggested that it originate near parcel 4 and extend northward. He complained that too much traffic was being generated near his property.

**PETITIONER’S REBUTTAL**

Mr. Austin began by saying that Mr. Stubbs had originally spoken in support of the project. He was in agreement with staff’s comments regarding trail segments and connections and said that plans for the practice tee area would be submitted to staff for further review. Safety concerns would be addressed.

**DISCUSSION**

Chairman Elmer asked staff to clarify the revegetation and bonding provisions, which was given. Ms. Portner elaborated that a typical timeframe established for DIAs was 12-18 months. Further consideration could be given by staff to the question of a revegetation guarantee during Final.

Chairman Elmer asked staff about extending an access into Mr. Stubbs’ property. Ms. Portner said that several access options were available to Mr. Stubbs and she briefly outlined each. Staff viewed the best alternative as extending an access into the property from 23 Road. However, another property would have to be traversed. No Stubbs property extension was currently proposed with the project, and staff felt that mandating an extension would be inappropriate. Ms. Ashbeck concurred with Ms. Portner’s assessment. Mr. Shaver added that there was no legal obligation for the petitioner to provide an access to the adjacent property given that Stubbs’ property was landlocked when it was required.

Commissioner Fenn remarked that if the practice area were deemed unsafe, the petitioners could be bound to reconfigure it. He agreed with public comments and said that 300 yards between the practice tees and Mr. Stubbs’ home was not a great distance.

Chairman Elmer said that when compared with the ODP, there had been a number of positive comments received. The request met Code requirements and gave the Ridges the added benefits of a second extension and a looped water line. He spoke in favor of the proposal.

**MOTION: (Commissioner Driscoll) “Mr. Chairman, on item #PP-1999-026, Redlands Mesa Phase I, I move we forward the zoning onto City Council with the proposed uses and approve the Preliminary Plan subject to staff conditions as modified by Kathy this evening.”**

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



A brief recess was called at 9:15 p.m. The hearing reconvened at 9:26 p.m.

**FPA-1999-057 FINAL PLAN AMENDMENT—PHEASANT RIDGE ESTATES FENCE**

**A request to amend the Final Plan for Pheasant Ridge Estates allowing 6-foot fences abutting Springside Court**

**Petitioner: Linda Wiltse**

**Location: 2430 to 2490 Pheasant Trail Court**

**PETITIONER’S PRESENTATION**

Linda Wiltse, petitioner, clarified that approval of the request would allow the continued existence of her fence which had been erected to screen her back yard. She said that the subdivision’s covenants stated that any fencing erected had to be “6-foot-high privacy fencing.” She needed the fence to contain her pets and provide for her children’s safety. She had planted vines along her fenceline to soften the visual effect. “Good fences,” she said, “made for good neighbors.”

**QUESTIONS**

Chairman Elmer noted that if disallowed the covenants would have to be changed.

**STAFF’S PRESENTATION**

Lori Bowers said that five additional letters of objection to the fence had been received by staff. Goal 13 of the Growth Plan was read into the record, and she said that staff was concerned over the appearance of the solid six-foot-high cedar fence, which created a “canyon wall effect” along the street. She noted that fencing had not been addressed at the time of development submittal, and a Final Plan amendment was being sought by the applicant. Ms. Bowers reviewed the request as outlined in the April 7, 1999 Project Review and presented overhead transparencies depicting the fence along Ms. Wiltse’s property and along the street at various angles, with the fence currently abutting the sidewalk. She noted that due to small rear yards, there was no room from the sidewalk to construct a landscape buffer to soften visual impacts of the fence. She also pointed out the impairment of the sight triangle adjacent to Lot 5 in Block 2. Staff recommended a height of no more than 4 feet for street fencing; however, Ms. Bowers acknowledged that since some sections of existing fencing were acceptable at 6-foot heights, the resultant effect could appear odd.

Staff recommended approval of the Final Plan amendment subject to the following conditions:

1. All fencing along Springside Court shall be of the same type and material and shall be maintained in good condition.
2. All fencing along Springside Court shall be a maximum of four feet in height.
3. Allow the continuation of the subdivision fencing along the eastern edge of the Pheasant Ridge Estates at a height of 6 feet.
4. Correct the front yard fencing on lot 1, block 2, to meet the Code requirements.
5. The required sight triangle on lot 5, block 2, will remain free of fencing, and any future landscaping will meet the sight triangle requirements.

**QUESTIONS**

Commissioner Driscoll commented that the request was unique in that it only affected five lots. Ms. Bowers concurred with that assessment.

Commissioner Fenn asked for clarification on the term “sight triangle,” which was given.

**PUBLIC COMMENTS**

**FOR:**

Harlan Dalton (2440 Pheasant Trail, Grand Junction), owner of Lot 4, said that his back yard was only 12 feet deep. He concurred that the containment of pets and safety of children was important. He also felt that privacy should be the right of every homeowner. He said he'd been told he could erect a split rail fence, but that would be ineffective for a rear yard. A 6-foot-high fence would add to the value of his home, he said. At the time he'd purchased his home, he said he'd never been told that a 6-foot-high, solid fence couldn't be constructed, nor had anyone explained to him the meaning and restrictions of a double frontage lot.

Fred Schwartz (2450 Pheasant Trail, Grand Junction), owner of Lot 3, which also is a double frontage lot, said that he'd been told he could erect a 6-foot-high fence. He'd been issued a fence permit only to later have it pulled. He disagreed with staff's "canyon wall" comparison because of the street's curvilinear design.

**AGAINST:**

Raymond Bentz (2845 Pheasant Trail, Grand Junction) showed overhead transparencies of one section of the offending fence and said that he specifically objected to that portion of the petitioner's fence which abutted his front yard. The fence, he said, was constructed in violation of Code requirements, and the petitioner had chosen to leave it up even though she'd been told to remove it. Mr. Bentz asked that the fence either be set back or removed within 30 days.

Mary Ann Bentz (2845 Pheasant Trail, Grand Junction) concurred with her husband's comments and said that it had become a very emotional issue.

**PETITIONER'S REBUTTAL**

Ms. Wiltse said that City staff had told her not to do anything with the fence pending final resolution of the current request.

**DISCUSSION**

Chairman Elmer observed that allowing the fence without a permit would be a continued violation of Code requirements. Mr. Shaver said that the question for the Commission was whether or not to amend the Final Plan. He noted that the conflict between the Code and covenants over fencing was unfortunate but the Code controls unless and until the plan is amended.

Commissioner Driscoll asked for clarification on the various points where the fence was in violation of Code requirements, which was given. Mr. Harrington also clarified the definition of "front yards."

Commissioner Coleman remarked on the smallness of rear yards, but agreed that privacy and security issues were important to every homeowner. He supported the 6-foot height allowance.

Commissioner Fenn could see where reducing the fence height along the street by 2 feet wouldn't make an appreciable difference. A 6-foot-high solid fence would give homeowners a sense of privacy that they wouldn't get with a 4-foot-high fence.

Commissioner Driscoll agreed, adding that had more than five lots been affected, he may have felt differently.

Commissioner Grout said that if a potential buyer of lot 5 wasn't told beforehand about the sight triangle restriction, there could be a severe traffic concern at that corner. Commissioner Fenn agreed that homeowners should be given full disclosure on any property restrictions prior to sale.

Chairman Elmer observed that housing foundations were several feet above the sidewalk in elevation. Consequently, a 4-foot fence would not afford homeowners much privacy. In weighting aesthetics against privacy and security, he felt that privacy was more important. The fencing issue, he said, should have been better addressed at the subdivision's final development stage.

Commissioner Fenn asked how much time the applicant would need to secure a permit for the front yard fence. After a brief discussion, it was decided that 30 days would be reasonable.

**MOTION: (Commissioner Driscoll) "Mr. Chairman, on item FPA-1999-057, a request to amend the Final Plan regarding fencing along Springside Court, lots 1 through 5, block 2, Pheasant Ridge Estates Subdivision, I move that we approve the request subject to the five conditions as stated in the Staff Report dated April 7, 1999, as modified, that item 2 shall allow a maximum of 6 feet in height, and item 4, that the front yard fencing shall be corrected to meet Code requirements within 30 days of this evening, and finishing the motion, to allow the fencing to be a maximum of 6 feet in height."**

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

**MS-1999-048 MINOR SUBDIVISION—GLOTFELTY MINOR SUBDIVISION**

**A request for approval to subdivide 2.5 acres into two single family lots.**

**Petitioner: Molly Rae Glotfelty**  
**Location: 2839 Elm Avenue**  
**Representative: Joan Raser**

**PETITIONER'S PRESENTATION**

Joan Raser, representing the petitioner, said that the request met Code requirements. Offering no further testimony, she asked for approval of the request.

**STAFF'S PRESENTATION**

Mike Pelletier concurred that the request did meet Code requirements. Staff recommended approval subject to the following condition: The ditch in the southeastern portion of the property currently lies outside of the drainage easement. This must be corrected prior to recording the plat.

Mr. Pelletier said that prior to the public hearing, the petitioner demonstrated compliance with that condition.

**QUESTIONS**

Chairman Elmer wondered if there would be any future need for a Kennedy Avenue extension into lot 2 in the event it wasn't further subdivided. Mr. Pelletier said that significant interest had been shown in the property for further subdivision. He didn't expect that there would ever be just one single family home located on it.

**PUBLIC COMMENTS**

**FOR:**

Donna Vogel (2837 Elm Avenue, Grand Junction) asked for clarification of the request, which was given. She asked that privacy fencing be erected between the subject property and her lot.

**AGAINST:**

There were no comments against the request.

**PETITIONER’S REBUTTAL**

No rebuttal testimony was offered.

**DISCUSSION**

Commissioner Driscoll commented that the request seemed straightforward.

**MOTION: (Commissioner Driscoll) “Mr. Chairman, on item MS-1999-048, I move that we approve the Minor Subdivision.”**

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

**MS-1999-049 MINOR SUBDIVISION—SHADOWFAX PROPERTIES MINOR SUBDIVISION  
A request for approval to subdivide 6.7 acres into two parcels to be used for housing facilities for the elderly.**

**Petitioner: National Healthcare Association, Inc.  
Location: 565 – 28 ¼ Road  
Representative: Buckhorn Geotech**

**PETITIONER’S PRESENTATION**

Neil Wilson, representing the petitioner, said that the request was for financing purposes only. Lot 1 would contain duplex cottage units leased for independent living; lot 2 would contain an assisted living facility. The northern parcel, he said, would be privately financed, while the southern parcel would be financed through HUD.

**QUESTIONS**

Chairman Elmer asked if a prior plan for the property had been approved, to which Mr. Wilson responded negatively.

**STAFF’S PRESENTATION**

Kristen Ashbeck said that the request was straightforward and complied with Code criteria. With no outstanding issues, staff recommended approval subject to the following conditions:

1. The easement dedicated to the City must be revised so that it is located within the easement shown for the canal company.
2. The note on the plat regarding the 100-year floodplain shall be revised to read: “Any future development on the site will require an engineered analysis to determine the location and provide a delineation of the floodplain limits” and engineer the site and structure accordingly.
3. All remaining comments from review agencies regarding dedication language be addressed prior to recording the plat.

**QUESTIONS**

Chairman Elmer asked if, in a straight zone, a health care facility could be allowed on one lot and a single family residence located on another lot, to which Ms. Ashbeck replied affirmatively.

**PUBLIC COMMENTS**

**FOR:**

Phyllis Fentzel (no address given) spoke in favor of the proposal. She felt it would be a nice addition to the City.

Orville Updike (562 Francis, Grand Junction) also expressed support for the request. He felt the development would help clean up the property.

**AGAINST:**

There were no comments against the request.

**PETITIONER’S REBUTTAL**

No rebuttal testimony was offered.

**DISCUSSION**

Commissioner Driscoll agreed that the request was straightforward.

**MOTION: (Commissioner Driscoll) “Mr. Chairman, on item MS-1999-049, I move that we approve the Shadowfax Properties Minor Subdivision subject to the staff’s recommendation.”**

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

**MS-1999-060 MINOR SUBDIVISION—SEAMAN MINOR SUBDIVISION**

**A request for approval to subdivide .70 acre into two single family lots.**

**Petitioner: Rita Seaman  
Location: 310 Pine Street  
Representative: Tony Martinez**

**PETITIONER’S PRESENTATION**

Tony Martinez, representing the petitioner, offered no new testimony but availed himself for questions.

**STAFF’S PRESENTATION**

Dave Thornton said that review agency comments had been addressed. Several minor wording changes were necessary prior to final recordation. With no outstanding issues, staff recommended approval subject to the Final Plat reflecting all review agency comments.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Chairman Elmer commented that the request seemed straightforward.

**MOTION: (Commissioner Driscoll) “Mr. Chairman, on item MS-1999-060, I move that we approve the Final Plat for the Seaman Minor Subdivision subject to staff’s recommendation.”**

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

**IV. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL**

**ANX-1999-064 ZONE OF ANNEXATION—A STORAGE PLACE**

**A request for approval of the zone of annexation for approximately 6.36 acres from County B to City C-1.**

**Petitioner: A Storage Place, Darryl Flaming  
Location: 2980 North Avenue  
Representative: Thompson-Langford, Doug Theis**

**STAFF’S PRESENTATION**

Kathy Portner gave a brief overview of the request. The proposed C-1 zone was consistent with surrounding zoning and Growth Plan recommendations. The applicant concurred with the proposed zone.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Commissioner Driscoll noted that the request met Code requirements and Growth Plan recommendations.

**MOTION: (Commissioner Driscoll) “Mr. Chairman, on item ANX-1999-064, Zone of Annexation for A Storage Place, I move we forward this onto City Council with a recommendation of C-1 zoning.”**

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

**ANX-1999-072 ZONE OF ANNEXATION—WHEELING CORRUGATED ANNEXATION**

**A request for approval of the Zone of Annexation for approximately 8.98 acres from County C to City C-2.**

**Petitioner: Wheeling Corrugated Company  
Location: 2749 Highway 50  
Representative: Jeff Dunn, dba L.J. Lindauer, Inc.**

**STAFF’S PRESENTATION**

Lori Bowers briefly reviewed the request and said that the Zone of Annexation was triggered by the company’s expansion request. The applicant supported the C-2 zone designation, and the zone was consistent with area uses and Growth Plan recommendations. Staff recommended approval.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Commissioner Driscoll said that the request complied with staff comments.

**MOTION: (Commissioner Driscoll) “Mr. Chairman, on item ANX-1999-072, zoning for Wheeling Corrugated annexation, I move that we recommend to City Council the zoning designation of C-2.”**

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

**ANX-1999-056 ZONE OF ANNEXATION/MINOR SUBDIVISION/VARIANCE OF SEWER AND FIRE HYDRANT REQUIREMENTS—KRAUSE MINOR SUBDIVISION**

**A request for: 1) approval of the Zone of Annexation for approximately 11.8 acres from County R-2 to City RSF-2 (Residential Single Family not to exceed a density of two units per acre); 2) approval Krause Minor Subdivision consisting of two single family lots; and 3) approval of a variance request to waive the requirement for sewer and fire hydrants.**

**Petitioner: Barbara Krause  
Location: 506 Blevins Road  
Representative: Applied Earth Sciences, Bill Maurer**

**PETITIONER'S PRESENTATION**

Barbara Krause, petitioner, said that the parcel would be divided into one 2.8 acre lot and one 8 acre lot. Annexation had been required; however, no sewer was available to the property. No fire hydrants were available to the area either, and the Fire Department required a sprinkler system instead. A pedestrian easement would be dedicated along that portion of the Redlands Canal bordering her property, and a 10-foot utility easement would be dedicated from Blevins Street across lot 1.

**STAFF'S PRESENTATION**

Bill Nebeker said that the proposed zone designation conformed with Growth Plan recommendations and Code criteria. The minor subdivision did not comply with Growth Plan recommendations since the proposed density was less than what could be allowed. However, Lot 1 was large enough that it could be resubdivided at a later date, although staff recommended that no further subdivision occur until such time as utilities were available to support a higher density. The applicant would be required to hook up to sewer whenever it was available. He concurred that the Fire Department viewed a sprinkler system as acceptable since there was no fire hydrant nearby. Staff recommended approval of the Zone of Annexation and waiver of sewer and fire hydrant requirements subject to the following condition:

1. Minor changes required to the plat regarding dedication of the pedestrian easement along the Redlands Canal.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the proposal.

**AGAINST:**

Dick Mallard (503 – 22 ¼ Road, Grand Junction) wondered why Ute Water couldn't supply water to a fire hydrant. A fire hydrant was definitely needed for fire protection, he said. He also felt that the area was long overdue for sewer, and he said that he'd proposed a sewer district for the area years ago. He further objected to the request since the property owner had assured him the property would not be subdivided.

George Adams (507 – 22 ¼ Road, Grand Junction) said that while not opposed to the subdivision per se, he felt that a sprinkler system was inadequate fire protection. He wondered how the City could annex a property without supplying that property with necessary utilities and services.

Dave Haile (509 – 22 ¼ Road, Grand Junction) concurred with Mr. Adams' comments.

Paul Sechrist (2215 Dixon, Grand Junction) also concurred with previous comments.

**PETITIONER'S REBUTTAL**

Ms. Krause said that she would not be using artesian water for the sprinkler system since a reliable source was over 400 feet away. The Fire Department supported the waiver of the hydrant requirement. She said that her reason for the subdivision was so that she could construct a home on the property near her father. There were no plans to further subdivide.

**DISCUSSION**

Chairman Elmer asked if Ute's decision not to extend the water line had been purely financial, to which Mr. Nebeker answered affirmatively. Chairman Elmer noted the unusual nature of the request; however, it didn't appear that waiver of the sewer and hydrant requirements would make the existing problem worse. He cautioned the petitioner about developing without the benefits of sewer and adequate fire protection.

**MOTION: (Commissioner Coleman) “Mr. Chairman, on item ANX-1999-056, I move that we approve the Final Plat for Krause Subdivision subject to staff’s recommendation and forward a recommendation of approval to the City Council for the Zone of Annexation for Krause Subdivision from County R-2 to City RSF-2, and for the variance to sections 5-4-5 and 5-4-10 regarding sewer and fire hydrant installation.”**

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

## **V. GENERAL DISCUSSION**

Commissioner Grout said that he could potentially have a conflict of interest with the first item scheduled for next week’s public hearing. Since Commissioner Driscoll would be out of town for that hearing, a brief discussion ensued over whether there would be a quorum and how any deficiency would be handled.

With no further business, the hearing was adjourned at 11:08 p.m.