

**GRAND JUNCTION PLANNING COMMISSION
APRIL 20, 1999 MINUTES
7:10 p.m. to 10:12 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:10 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), Joe Grout, Mark Fenn and Paul Coleman. Jeff Driscoll was absent. There are two vacant positions.

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Mike Pelletier (Assoc. Planner), Bill Nebeker (Sr. Planner), and Kristen Ashbeck (Sr. Planner).

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

Terri Troutner was present to record the minutes.

There were approximately 16 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

CUP-1998-046 EXTENSION OF A CONDITIONAL USE PERMIT—MEADOWLARK GARDENS

A request for approval of a one year extension to the Conditional Use Permit for Meadowlark Gardens to allow the operation of a nursery/garden center in an RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) zone district.

**Petitioner: Bob Johnson
Location: 2259 Broadway
Representative: Ann Barrett**

Due to the potential for conflict of interest, Commissioner Grout withdrew from consideration of this item. As such, no quorum was present and the item was recommended for continuance to one of the May public hearing dates. The date is to be determined and announced.

VR-1999-065/SUP-1999-042 VACATION OF RIGHT-OF-WAY/REQUEST TO INCREASE MAXIMUM BUILDING HEIGHT—MESA COUNTY JUSTICE CENTER

A request for: 1) approval to vacate a portion of the right-of-way behind the curb on the north and south side of West Main from Spruce Street west to Crosby Avenue and on the west side of Spruce Street from White Avenue to Colorado Avenue and on the south side of White Avenue

from Spruce Street to Rice Street, and 2) approval to increase the maximum building height from 65 to 73 feet.

Petitioner: Mesa County Facilities and Parks Department
Location: West Main Street, Spruce Street and W. White Avenue
Representative: Charles Rose

PETITIONER'S PRESENTATION

Charles Rose, representing the petitioner, said that the request represented the most plausible solution to the County's current design dilemma. The vacation would facilitate proper alignment of sidewalks and maximize available parking area. Additional landscaping would be installed. The additional 8 feet in building height would allow construction of the courtroom as designed and still comply with the Code's maximum height criterion. The site, he said, contained sufficient area for future expansion.

QUESTIONS

Chairman Elmer asked if elevation drawings submitted to staff were accurate, to which Mr. Rose responded affirmatively. Only minor changes had been made in the building's façade.

Chairman Elmer asked if the current parking area was sufficient to handle future expansion of the Justice Center. Mr. Rose said that at the time of any expansion request, the parking issue would have to be revisited.

STAFF'S PRESENTATION

Kristen Ashbeck outlined the request as contained in the April 20, 1999 Staff Review. The vacation request was not expected to adversely impact existing rights-of-way since they were wider than were needed. Staff supported the vacation but recommended that all vacated rights-of-way be retained as multi-purpose easements. Ms. Ashbeck concurred that up to a 25 percent increase in height was allowed within the Public Zone; the expected 73-foot height due to the design of the courtrooms fell within that acceptable parameter. Written approval must be received by the Fire Marshall and Building Inspector verifying that the proposed structure meets all applicable public safety standards. Approval for both requests was recommended subject to staff recommendations.

PUBLIC COMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Coleman remarked that the project was being handled well, with everything falling into place.

Chairman Elmer added that the request met applicable Code criteria.

Commissioner Fenn agreed but said that if a private citizen came before the Planning Commission with a similar request, he hoped that the citizen would be treated similarly. Chairman Elmer said that regardless of who submitted the request, approval would be based on compliance with Code criteria.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item SUP-1999-042, a request to increase the maximum building height in a PZ zone from 65 feet to 73 feet, I move that we approve the request subject to staff's recommendation."

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item VR-1999-065, a request to vacate portions of the West Main Street, White Avenue, and Spruce Street rights-of-way, I move that we forward the request to City Council with a recommendation of approval subject to staff’s recommendation.”

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION

**FPA-1999-071 FINAL PLAN AMENDMENT—CIMARRON NORTH SUBDIVISION, FENCE
A request for approval of a Final Plan Amendment to allow 6-foot privacy fences along F ½ Road directly adjacent to the existing sidewalk.**

Petitioners: Mark and Michelle Angelo, Kenneth and Jennifer Peterson, David and Sharon Peterson, Stan Seligman

Location: 2563, 2565, 2571, 2573, 2575, and 2576 Trails End Court

Representative: Mark Angelo

Ms. Ashbeck passed out photos of the subject properties and erected fences to planning commissioners.

PETITIONERS’ PRESENTATION

Mark Angelo, co-petitioner, noted other similar instances in the area where homeowners had been allowed to vary the fencing requirement. He mentioned Fall Valley, Westwood Ranch and Kay Subdivisions had similar requests approved. While staff was requesting a buffer area be established between fencing and the sidewalk, subdivision covenants did not provide for its maintenance. Mr. Angelo said that to require a buffer area for this subdivision when one hadn’t been required for the adjacent Kay Subdivision was both unfair and would provide an incongruent fenceline along F ½ Road.

Dave Peterson, co-petitioner, added that he had been given permission by Stan Seligman (currently in charge of the subdivision’s Homeowners Association) to erect his fence in its proposed location and a permit had been secured. Denial of the current request, he said, would pose a significant hardship. He stressed that he and other homeowners had reviewed their covenants, contacted the Homeowners Association (HOA), and secured the necessary permits. Nothing and no one had, at any time, told them they could not erect their fences where they’d intended. Mr. Peterson also asked that homeowners be allowed to construct gates along F ½ Road. Gates would allow for periodic utilities maintenance and the occasional ingress/egress of recreational vehicles. Staff, he said, disallowed gates, calling them “driveway accesses,” which were prohibited along F ½ Road. He contended that the intended seasonal use of such gates should not define them as driveway accesses.

Mr. Peterson understood that F ½ Road had undergone a recent reclassification of the road from Collector status to Minor Collector. Since less right-of-way was necessary and less traffic utilized the road, he felt that neither the fencing variance nor gate allowance would adversely impact the corridor.

QUESTIONS

Chairman Elmer asked for clarification on where Mr. Peterson’s lot was located, which was given. When asked, Mr. Peterson said that he’d not yet erected his fence.

Chairman Elmer asked if Mr. Seligman had approved both Dave and Ken Peterson’s fencing requests. Ms. Ashbeck understood that permission had been given to Dave Peterson only.

Commissioner Grout read excerpts from the covenants into the record. He wondered why fencing had not been constructed as one unit as instructed in the covenants. Ms. Ashbeck said that a number of lots had been unsold at the time of Ken Peterson's fence request. All affected homeowners were required now to comply with the fencing requirement.

STAFF'S PRESENTATION

Kristen Ashbeck said that the subdivision had been approved as a planned zone. As such, fencing had been addressed and specific criteria had been included as part of the development's approval. Unlike other fencing variation, approval criteria for Cimarron North had specifically designated where fencing could be erected. The same criteria had been established for Michaela's Subdivision. She said that covenants had designated responsibility for landscape maintenance to the Homeowners Association. Staff asked that the requirements be upheld and recommended denial of the request. Ms. Ashbeck further asked that the action include the following stipulations to reaffirm the original approval:

1. Existing fences shall be relocated per the approved plat and covenants within 6 months of the date of this action.
2. The tree/shrub planting requirement for each property along F ½ Road shall be as follows:
 - 1 tree per property
 - 1 shrub per 20 linear feet of lot frontage or fraction thereof

The landscaping of each property shall be the responsibility of homeowners except that all trees shall be planted at one time. Tree/shrub species shall be of a low water use type and shall be chosen from *Plant Suggestions for Grand Valley Landscapes*, a recommended plant list available from the Community Development Department. The street trees may be planted by the City of Grand Junction through the Parks and Recreation Department Street Tree Program; however, it shall be the responsibility of homeowners to make arrangements for street tree planting.

The groundcover and irrigation for the landscape strip shall also be installed by homeowners at one time.

3. The fencing specifications shall be as follows:
 - 6-foot cedar privacy fencing
 - 6-inch-wide dog-eared pickets
 - 3 horizontal rails
 - pickets shall face F ½ Road
 - fence shall be installed with screws and shall be finished with a cedar-colored stain
4. The petitioners shall be responsible for providing a landscaping plan for staff review and approval prior to installation of any improvements.
5. Landscaping in the 8-foot strip in front of the fence on all properties along F ½ Road shall be completed no later than 2 years from the date of this action.

QUESTIONS

Chairman Elmer asked legal staff for an opinion on the gate issue. John Shaver said that the petitioners were asking for a legal interpretation of the term "driveway access." He suggested that the question be addressed outside of the current forum. He also said that the question may be moot depending on the decision rendered by the Commission.

Ms. Ashbeck read an excerpt from the petitioner's response to comments that included the County's original approval of the project expressly prohibited additional direct accesses from F ½ Road.

PUBLIC COMMENTS

FOR:

Sharon Peterson (2573 Trails End Court, Grand Junction), co-petitioner, said that when she'd first purchased her lot, survey pins had been placed near the sidewalk. No delineation of an 8-foot landscape strip had ever been made. She explained why she and her husband erected their fence ahead of other property owners, adding that she'd requested and received permission from Stan Seligman, who represented the HOA. Reducing her property line by 8 feet would result in a loss of 800 square feet of area. She continued that only six homes were affected and that allowing the variance would be consistent with fencing erected along F ½ Road for Kay Subdivision. Landscaping had already been installed on the inside of her newly erected fence. Tearing it out and moving her fence would pose a significant hardship. She asked for consideration of the request since homeowners had done everything thusfar in good faith.

Chairman Elmer asked if Mr. Seligman had mentioned to her anything regarding the landscape strip, to which Ms. Peterson replied negatively. She added that she'd informed him of her intent to construct the fence adjacent to the sidewalk, so he had known and still had not said anything.

Ken Peterson (2565 Trails End Court, Grand Junction) said that he'd also received a permit to erect his fence. The drawing submitted to staff depicted the fenceline directly adjacent to the sidewalk. He said that he'd been told the fenceline would be consistent with others in the area. He felt it unfair to take away 8 feet from each property owner when it had originally been staked as their property. He concurred with previous comments made by Mr. Angelo and the Petersons.

AGAINST:

There were no comments against the request.

PETITIONERS' REBUTTAL

Mr. Angelo asked about his gate. Mr. Shaver responded that gates are not at issue in the plan amendment and again advised that the question would have to be addressed with more information at another time. Mr. Angelo reiterated that to require adherence to original fencing conditions would result in an incongruity of fencelines along F ½ Road between Cimarron North and the adjacent Kay Subdivision.

DISCUSSION

Commissioner Coleman noted that the subdivision's covenants failed to mention the 8-foot landscape strip. Ms. Ashbeck agreed but said that it had been clearly indicated on the plat. The covenants, she said, mentioned only that there was a landscape strip next to the sidewalk.

Commissioner Coleman said that it was obvious the developer was more interested in selling the lots than in ensuring property owners knew "what was going on." It should have been up to the developer, he said, to make sure that property owners knew what they were getting and apprise them on any restrictions associated with their respective lots. Especially since, in this case, the developer was also in charge of the HOA. He spoke in support of the request.

Chairman Elmer asked for staff to elaborate on the reclassification of F ½ Road, which was provided by Kerrie Ashbeck. Ms. Ashbeck did not believe that the reclassification would result in the vacation of right-of-way but it was unclear what, if anything, would occur as a result.

Chairman Elmer asked for clarification on the type of fencing allowed for Fall Valley, which was given. No landscape strip had been required for that subdivision either.

Commissioner Fenn acknowledged that only six lots would be affected; thus, setting back the fenceline along F ½ Road for just six lots would have no appreciable effect in reducing any “canyon effect” staff was trying to prevent. He also supported the request.

Commissioner Grout agreed and expressed his disappointment in the developer’s lack of communication with property owners and in his absence from the public hearing. He was unsure how the matter would be dealt with in the future, since a growing number of property owners were asking for the same thing.

Commissioner Coleman stressed that it was a developer’s responsibility to better inform property owners on the rights and restrictions associated with their purchases. In this case, property owners trusted the developer/HOA representative to give them accurate information, which hadn’t occurred.

Chairman Elmer agreed that buyers should be made more aware. He suggested that to avoid future problems, staff require landscape strips to be dedicated to respective Homeowners Associations prior to lot sales. Scott Harrington concurred with the suggestion and elaborated that staff would be doing additional research and would formulate standard language for new subdivision fencing. He said that it was likely staff would also require the developer to construct perimeter fencing at one time to ensure consistency and prevent similar problems.

Mr. Shaver reminded the Commission that just because a fence permit is issued, property owners are still bound to conform to subdivision approval criteria and established covenants.

Chairman Elmer noticed that homes had been constructed to the edges of accepted building envelopes, so there wasn’t much yard left to accommodate an 8-foot setback.

Commissioner Coleman asked for additional construction detail on the Petersons fence, which was given. Ms. Ashbeck said that planning commissioners could enforce fence specifications. She mentioned that specifications were outlined in the original subdivision approval. Mr. Shaver agreed that the more detail, the better if the Commission was to fashion a plan amendment. Ms. Ashbeck suggested that covenants also be amended to include fence specifications. Mr. Shaver concurred with that suggestion and said that covenants also needed to reference the amended plan. He didn’t feel that any plat amendment was necessary; however, the amended plan should be attached to the plat. The HOA, he continued, should be notified that the plan was modified and covenants should be changed accordingly.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item FPA-1999-071, I move that we allow the request to amend the final plat and plan for the Cimarron North Subdivision, to allow for a 6-foot fence along the property line on the south side of the development, and to give notice to the Homeowners Association that there has been a change in the Final Plan.”

Commissioner Fenn seconded the motion.

Mr. Harrington suggested that the motion be subject to staff condition 3 and that the Planning Commission’s decision be recorded. He reiterated that the covenants should then be amended to reflect the Planning Commission’s decision.

Ms. Ashbeck wondered if the last two conditions would be required prior to issuance of the next fence permit. Chairman Elmer said that enforcement of subdivision covenants was outside the City’s purview. He preferred placing the burden with the Homeowners Association.

Commissioner Grout asked if responsibility for the Homeowners Association had been transferred from the developer. Mr. Angelo said that this was still in a state of transition.

Chairman Elmer said that even if approved by the City, if fences were erected without first changing the covenants, a conflict would still exist. Neither Commissioners Coleman nor Fenn disagreed with changing the covenants prior to issuance of additional fence permits. Chairman Elmer clarified the revised verbiage for the motion as follows (as accepted by Commissioner Coleman):

MOTION: (Commissioner Coleman) “Mr. Chairman, on item FPA-1999-071, I make a motion that we approve the request to amend the Final Plat and Plan for Cimarron North Subdivision, to allow a 6-foot-high privacy fence be constructed along the F ½ Road right-of-way line at a zero setback with the conditions stated, #3 of the staff recommendation that discusses fencing specifications, that a record of decision be recorded documenting the change in the Plan, and that the covenants for the Homeowners Association be changed to reflect the amended Plan prior to the issuance of any further City fence permits (as amended).”

Commissioner Grout said that allowing the 6-foot privacy fence for all lots could compromise the sight distance triangle for lot 1. He suggested amending the motion to allow for the special circumstances of that lot. Proposed verbiage included, “...zero foot setback except where sight distance triangles needed to be honored...”

Commissioner Coleman agreed to include the proposed verbiage in with his motion. The final amended motion is as follows:

MOTION: (Commissioner Coleman) “Mr. Chairman, on item FPA-1999-071, I make a motion that we approve the request to amend the Final Plat and Plan for Cimarron North Subdivision, to allow a 6-foot-high privacy fence be constructed along the F ½ Road right-of-way line at a zero-foot setback except where sight distance triangles needed to be honored, with the conditions stated, #3 of the staff recommendation that discusses fencing specifications, that a record of decision be recorded documenting the change in the Plan, and that the covenants for the Homeowners Association be changed to reflect the amended Plan prior to the issuance of any further City fence permits (as amended).”

Commissioner Fenn seconded the final amended motion. A vote was called and the final amended motion passed unanimously by a vote of 4-0.

PP-1999-027 PRELIMINARY PLAN—PEPPER TREE FILING #'S 4 AND 5

A request for approval of a Preliminary Plan for Pepper Tree Subdivision Filing #'s 4 and 5, consisting of 33 townhouse units on 3.56 acres.

**Petitioner: Pepper Tree Development, LLC
Location: South end of W. Indian Creek Drive on the south side of F Road
Representative: Rolland Engineering**

PETITIONER’S PRESENTATION

Trevor Brown, representing the petitioner, briefly recounted the history of the project. While having originally received approval, the developer had let the approval lapse. The current plan, he said, was the same one originally approved. He agreed to provide a drainage easement across Filing 5 to the Indian Wash outfall, which would be dedicated on the Final Plat for Filing 4. No issue was taken with any of staff’s recommendations, although he wondered if an existing 22-foot half-street, located along the south boundary of the property at the E ¾ alignment, was necessary since it didn’t seem as though a roadway

was either feasible or needed there. If found to be unnecessary, the area could be conducive to placement of a drainage swale or shallow detention pond.

STAFF'S PRESENTATION

Bill Nebeker addressed the 22-foot half-street question by agreeing that it was unclear whether the right-of-way would be needed. Staff preferred to give the issue additional analysis and make a determination at the onset of Filing 5. If not needed, the right-of-way would not be required at that time. With no additional issues, staff recommended approval subject to the following conditions:

1. The parking lots serving blocks 2 through 5 and blocks 6 through 7 shall be redesigned at Final Plan approval to provide adequate maneuvering area for vehicles backing out of spaces.
2. The Final Plat for Filing 4 shall include a drainage easement across Filing 5 to the Indian Wash outfall for conveyance of stormwater runoff from Filings 1, 2, 3, and 4.
3. The detention pond shall be completed with Filing 5 and shall be designed to detain runoff for the entire Pepper Tree development (Filings 1 through 5) in accordance with the criteria set forth in the City's SWMM manual.
4. The cul-de-sac in Filing 5 shall have an 84-foot diameter turnaround.

QUESTIONS

Chairman Elmer asked why the PR-20 zone was being retained. Mr. Nebeker acknowledged that the planned zone didn't reflect the development's actual density. He suggested that the correct zone density be reflected on the new zoning map. Mr. Harrington added that this was not the only planned zone not developed to its designated density. While the numbers should accurately reflect development densities, he noted that the numbers did not always "tell the whole story." He proposed having the petitioner rezone the entire project after build-out. Chairman Elmer stressed the importance of having the zone accurately reflect the project's density.

Following a brief discussion, Mr. Harrington suggested the petitioner go through the rezone process at build-out; staff would waive the processing fee.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER'S REBUTTAL

While no actual rebuttal testimony was offered, Chairman Elmer asked the petitioner if he was in agreement with the suggestion to rezone the entire project. Mr. Brown offered his assent.

Commissioner Coleman asked if there was any reason why the half-street issue couldn't be deferred for consideration with a later filing. Mr. Brown said that deferment of the issue would pose no problems for the development of Filing 4. Mr. Nebeker said that he expected the right-of-way to be ultimately not needed.

DISCUSSION

Chairman Elmer proposed adding a condition 5 to staff's recommendations to read, "By the time the petitioner submits the Final Plan for Filing 5, the petitioner must also submit a rezone application for the entire subdivision, to correct the zoning to reflect what's actually there."

Commissioner Coleman said that the project looked good, provided that staff conditions 1-5 were met.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item PP-1999-027, I move that we approve the Preliminary Plan for Pepper Tree Subdivision, subject to staff recommendations 1-5.”

Commissioner Fenn seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

FPP-1999-054 FINAL PLAT/PLAN—INDEPENDENCE RANCH SUBDIVISION, FILING #5

A request for approval of the Final Plat/Plan of Independence Ranch Filing #5, consisting of 30 single family lots on approximately 10.8 acres in a PR-1.7 (Planned Residential with a density not to exceed 1.7 units per acre) zone district.

Petitioner: Hans Brutsche

Location: Northeast corner of F ¾ Road and 20 ½ Road

Representative: Craig Roberts, Ciavonne & Associates

PETITIONER’S PRESENTATION

Craig Roberts, representing the petitioner, presented a brief overview of the request. Lots would be approximately 12,000 square feet in size with a 95-foot average lot width. Setbacks would be consistent with previous filings. He noted areas of proposed undeveloped open space, which included ridgelines and slopes to the Colorado River. The intersection of 23 ½ Road and Highway 340 had already been improved and included a right-hand turn deceleration lane. Concurrent with the proposed filing, a left-hand deceleration lane would also be constructed on eastbound Highway 340. Since accessory structures had heretofore not been addressed, he said that a note keeping them out of front yards would be included on the plat. The split rail fence, he said, was a covenants, rather than a planning, issue.

Mr. Roberts stated that a slope easement had been requested by staff for several of the lots; the appropriate notation would be placed on the plat. He also elaborated on the difficulty in securing trail easement the entire length of the wash and asked staff if the trail issue had been dropped. Mr. Nebeker said that the issue had merely been deferred to a later filing to allow more time for staff analysis. Mr. Harrington added that a neighboring property owner had wanted to take possession of a portion of the same area. That decision had also been deferred pending additional investigation.

QUESTIONS

Chairman Elmer asked if staff’s language regarding the turn lane was acceptable, to which Mr. Roberts replied affirmatively.

STAFF’S PRESENTATION

Mr. Nebeker acknowledged that the issues had been fairly well covered by Mr. Roberts. Staff recommended approval subject to the following conditions:

1. An eastbound left-turn deceleration lane on Highway 340 must be constructed to CDOT’s specifications prior to submittal of the subdivision plat for Filing 6. The lane shall be designed to CDOT” specifications and its cost included in the Development Improvements Agreement for Filing 5.
2. A slope easement on lots 11 and 12, block 2, and lot 11, block 1, shall be dedicated on the plat to protect the 4:1 slope behind the public sidewalk on the Stagecoach Court cul-de-sac. The easement shall protect this area from changes to grade and other disturbances.
3. Place a note on the plat which states the following: “All accessory structures 6 feet or less in height are not allowed in front yard setbacks or within 3 feet of any lot line.”

4. The rear and side yard setbacks shall be designated on the plat for lot 10, block 1, and lots 2, 9 11, 12, and 16, block 2. If the applicant desires not to show the setbacks on the plat, a separate site plan with setbacks shall be recorded with the plat.
5. Sanitary sewer easements shall be 20 feet wide, rather than 15 feet.

QUESTIONS

Chairman Elmer asked for clarification on the petitioner’s increased setbacks near the open space area, which was provided.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Coleman remarked that the request looked good and conformed well with the Preliminary Plan.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item FPP-199-054, I move that we approve the Final Plan and Plat for Independence Ranch Filing 5, subject to staff’s recommendations.”

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

FP-199-055 FINAL PLAN—HI-FASHION FABRICS ADDITION

A request for approval to construct a 90’x75’ addition for retail and storage area in a PB (Planned Business) zone district.

Petitioner: Jeff Vogel
Location: 2586 F Road
Representative: Kelly Ford, Ford Construction

Chairman Elmer acknowledged for the record that the petitioner had once been a Planning Commission member.

PETITIONER’S PRESENTATION

Jeff Vogel, petitioner, said that it was his intent to go “above and beyond” in providing screening along his property’s northern boundary and the dumpster area. He intended to plant between 10 and 17 trees and shrubs (Austrian Pine, Blue Spruce and Juniper), which exceeded the Code’s landscaping requirements. All minor technical and engineering issues had been resolved.

QUESTIONS

Commissioner Coleman asked the petitioner to briefly elaborate on the addition’s appearance, which was provided.

Chairman Elmer wondered why the driveway was being routed to the rear of the property. Mr. Vogel felt that it would facilitate traffic flows and divert some of the traffic from existing and future developments to the west onto Meander, away from F Road. Chairman Elmer said that if the easement was to be used by other parcels, an ingress/egress easement would be required to allow public access. Mr. Shaver concurred with that assessment and mentioned that the applicant needs to explore a reciprocal or cross access easement with the benefited properties as well.

Commissioner Coleman asked if there would be a conflict with the northern property owner in placing the driveway up against the northern property line. Mr. Vogel said that he'd stubbed out 10 feet to the south of the property line so that if the northern property owner ever wanted to hook up to it, he could by aligning with the stub. This also gave the northern property owner a 10-foot buffer between the road and his property line.

STAFF'S PRESENTATION

Mike Pelletier said that the vegetative screening proposed by the petitioner would provide a more effective buffer than the suggested 4-foot fence. A 6-foot-high fence would be placed around the dumpster for additional screening. No roadway easement was shown on the site plan; however, since it was optional, easement specifics could be worked out between the petitioner and surrounding property owners. Proposed parking also exceeded Code requirements. The petitioner was currently in the process of dedicating right-of-way along Meander Drive to facilitate required sidewalk construction. The existing drive into the property would be moved approximately 10 feet to the south to better accommodate tree plantings to the west.

QUESTIONS

Chairman Elmer said that if the property owner to the west wasn't required to hook-up to the rear driveway, it could end up being a driveway going nowhere. Mr. Pelletier said that since it wasn't a City requirement, the driveway access could be provided at the petitioner's discretion.

PUBLIC COMMENTS

FOR:

Brent Christiansen (603 Meander, Grand Junction), the adjacent property owner to the north, said that he was originally concerned about placement of the driveway so close to his property but was later pleased with the proposed 10-foot buffer strip. He commended the petitioner on his open communication and willingness to provide more buffering than was required. Mr. Christiansen hoped that he would receive the same consideration from the southern property owner when his property was developed. A brief discussion ensued over general landscape requirements contained within the Code.

AGAINST:

There were no comments against the request.

PETITIONER'S REBUTTAL

Mr. Vogel reiterated the type and quantity of trees and shrubbery he intended to plant for screening.

QUESTIONS

Chairman Elmer spoke with the petitioner again on the specifics of the intended easement. He urged dedication of the easement to the general public to avoid future complications. Mr. Shaver added again that it was also a good idea to make the easement reciprocal between property owners. Mr. Harrington offered assistance with drafting the easement dedication and suggested Mr. Vogel stop by the Community Development Department at his convenience.

DISCUSSION

Commissioner Coleman noted that most issues had been resolved.

Chairman Elmer remarked that the northern neighbor's concerns had also been addressed.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item FP-1999-055, I move that we approve the plan with the condition that the right-of-way be deeded to the City as proposed."

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

PLN-1999-079 DISTRICT MAP OF MAJOR STREET PLAN—NORTH 12TH STREET (BONITO AVENUE TO F ½ ROAD)

A request for approval of a District Map of the Major Street Plan for properties located on the east side of North 12th Street between Bonito Avenue and F ½ Road

Petitioner: City of Grand Junction

Location: East side of North 12th Street between Bonito Avenue and F ½ Road

STAFF'S PRESENTATION

Rick Dorris briefly explained the District Map as outlined in the April 13, 1999 Staff Review. He noted that the Lakeside Drive/12th Street intersection failed to meet the distance requirement of the TEDS manual. However the TEDS manual separation is targeted at avoiding overlapping left turn stacking. Since the layout of these intersections avoids this condition staff supported the proposal and recommended approval.

QUESTIONS

Chairman Elmer asked if there had been any discussion regarding the need for a 13th Street connection. Mr. Dorris said that if one were proposed, significant public opposition could be expected. That connection, he said, had not been deemed necessary by the City.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item PLN-1999-079, I move that we approve the District Map of the adopted Major Street Plan for North 12th Street, Bonita Avenue to F ½ Road.”

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

PLN-1999-080 DISTRICT MAP OF MAJOR STREET PLAN—HORIZON PLACE

A request for approval of a District Map of the Major Street Plan for properties at the end of Horizon Place.

Petitioner: City of Grand Junction

Location: West of Horizon Place

STAFF'S PRESENTATION

Jody Kliska explained her portion of the District Map as outlined in the April 21, 1999 Staff Review. The map, she said, would help improve circulation and “connectivity” in the area.

Mr. Shaver presented a brief history of a condemnation situation which had prompted, in part, consideration of the current map.

When Chairman Elmer asked about prior approval of the Northacre Subdivision and how it would be affected, Ms. Kliska said that the Northacre plat had, to date, not been recorded.

Chairman Elmer asked if any groups or individuals had been notified regarding the District Map. Mr. Shaver said that the only notification had been via a legal ad published in the local paper. No posting of the property had been done, nor had there been any individualized notification.

Mr. Harrington said that the Map put property owners on notice that some kind of future street connection would be required for the subject area. The specifics of that connection had not been formulated, nor were they required at this time.

A brief discussion ensued regarding past attempts to secure street connections in the area.

Chairman Elmer emphasized that City Council members needed to recognize the sensitivity of the neighborhood. Any future street connection in that area was sure to generate a lot of controversy. He expressed general dissatisfaction with the City's lack of public notification.

Mr. Shaver reiterated that no specifics were being proposed at this time. The Map was designed to generate awareness for the owner, future developers and the community of the future needs.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item PLN-1999-080, I move that we approve the District Map of the adopted Major Street Plan for Horizon Place."

Commissioner Fenn seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

V. GENERAL DISCUSSION

Mr. Harrington said that a number of additional public hearings were scheduled for May/June. These include: May 18, May 25, May 27 and June 1. Items of expected controversy included City Market's proposal and the proposal for Meadowlark Gardens.

At least two workshops would be needed to cover agenda items. Planning Commissioners would be contacted later with dates, times and places for the workshops.

Commissioner Fenn suggested that on highly controversial items, individual public comment be limited to 3 minutes. A similar restriction seemed to work well for the County during its Planning Commission hearings. After a brief discussion, it was agreed that some type of restriction should probably be imposed.

A ULI debriefing meeting for planning commissioners and City Council members had been scheduled for Monday, April 26, at 6:00 p.m. and would be held at the now City Hall in Red Cliff Pointe.

Mr. Harrington reminded planning commissioners that City Hall would be closed on Friday, April 23, for its move into the Red Cliff building.

Chairman Elmer said that Daily Sentinel was planning on publishing an article on the City's Planning Commission; however, when asked, none of the planning commissioners other than Chairman Elmer said they had been contacted by the paper's staff.

With no further business, the hearing was adjourned at 10:12 p.m.