

GRAND JUNCTION PLANNING COMMISSION
MAY 18, 1999 MINUTES
7:10 p.m. to 11:45 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, Jeff Driscoll and Paul Coleman. There are two vacant positions.

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Kathy Portner (Planning Manager), Michael Drollinger (Development Services Supervisor), David Thornton (Sr. Planner), Mike Pelletier (Assoc. Planner) and Kristen Ashbeck (Sr. 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 22 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the March 9, April 13, and April 20, 1999 public hearings. Commissioner Driscoll asked that the word "adversely" be inserted before the word "affect" on page 5, second to last paragraph, of the April 13 minutes.

MOTION: (Commissioner Coleman) "Mr. Chairman, I make a motion that we accept the minutes from March 9."

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

MOTION: (Commissioner Driscoll) "Mr. Chairman, I make a motion to approve the minutes of April 13 with the correction that the second to last paragraph on page 5 include the adjective 'adversely' in front of the word 'affect.'"

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

MOTION: (Commissioner Coleman) "Mr. Chairman, I make a motion that we accept the minutes of April 20."

Commissioner Fenn seconded the motion. A vote was called and the motion passed by a vote of 4-0, with Commissioner Driscoll abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

Due to the potential for conflict of interest, Commissioner Grout withdrew from consideration of the following item.

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

A request for approval of a one-year extension of the Conditional Use Permit (CUP) 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

PETITIONER'S PRESENTATION

Ann Barrett, representing the petitioner, gave a brief history of the site and of the previously approved Outline Development Plan. Realizing that the Rezone/Preliminary Plan request would not make the December 1998 Planning Commission agenda, she concluded that the nursery could not open in time for spring 1999 planting. It would not be cost effective, she said, to open the offices without the nursery being operational. If the Rezone and Preliminary Plan were approved, the CUP would allow the nursery to open immediately. Extension of the CUP would allow additional time for construction of required improvements.

Ms. Barrett asked that the petitioner be allowed to operate an illuminated sign during business hours, citing hours which would exceed early darkness in winter months. She also asked for assurance that the nursery operation could continue once the zoning was changed.

STAFF'S PRESENTATION

Kristen Ashbeck said that the CUP would, if extended, still contain the same five conditions that were imposed at the time of its original approval. However, a sixth condition was added based on pending development applications for the property. The six conditions were as follows:

1. Use of the residential structure on the site for office and retail sales area shall be used as such only if the use is accessory to the nursery/greenhouse operation or business.
2. All public circulation and parking areas indicated on the applicant's Site Plan (including the entry drive) shall be resurfaced with gravel as noted on the Site Plan.
3. Prior to approval of a sign Permit(s) for the proposed freestanding signs, the existing freestanding sign in the public right-of-way shall be removed.
4. Two freestanding signs shall be allowed—one on each of the street frontages. Each sign shall not exceed 32 square feet in size and 6 feet in height and shall not be illuminated.
5. Exterior storage of non-packaged animal manure shall be prohibited on the site.
6. If pending land use and Site Plan proposals are approved subsequent to this extension of the Conditional Use Permit, all on-site improvements shown on the new approved plans shall be required to immediately be designed and guaranteed for construction with a standard City Development Improvements Agreement and Guarantee, including relocation of the site entrance(s),

pavement/improvements of the entry drives, parking and all interior circulation, additional landscaping, lighting, etc. Conditions of approval of this CUP shall be immediately void once a new approval is in place.

Ms. Ashbeck clarified that the intent of adding condition 6 was to provide for the continued operation of the nursery/greenhouse should the Rezone/Preliminary Plan be approved. However, completion of required improvements would be expected within a timely manner. Staff recommended approval of the extension request subject to the above conditions.

QUESTIONS

Commissioner Coleman asked for confirmation that an illuminated sign would be acceptable in a residential area Ms. Ashbeck said that the Code allowed illuminated signs within residential zones; staff was amenable to revising condition 4 to allow illumination of signs during business hours. After a moment of researching, she said that former minutes had mentioned exterior uplit signage but hadn't mentioned specific hours.

Chairman Elmer proposed the following verbiage for addition to condition 4: "Signs may be illuminated with indirect lighting only during business hours."

Chairman Elmer asked for clarification of staff condition 6, which was given.

Commissioner Fenn wondered what the term "immediately be designed," in condition 6 meant. Could some other reference be used to define the timeframe for completion of improvements? Ms. Ashbeck said that the intent had been to better define an improvements timeframe at the time of Preliminary Plan approval. She added that once the Preliminary Plan was approved, the CUP would no longer be necessary. John Shaver said that verbiage was needed to ensure continued progress on construction of improvements.

Ms. Barrett interjected that the CUP was just needed to cover the interim period between the ODP and Preliminary Plan approvals. Actual improvements would be specified in the Improvements Agreement.

Scott Harrington admitted that the request was unusual in that multiple development requests for the same site were generally presented simultaneously. After a brief explanation of staff's intent, he suggested leaving the word "immediately" out of the condition altogether or providing other verbiage which could satisfy the same intent.

Commissioner Coleman clarified for the audience that the only thing being considered with the current request was the CUP, not the Site Plan. Mr. Harrington concurred, adding that the Rezone/Preliminary Plan would be considered on June 1.

PUBLIC COMMENTS

FOR:

Bob Johnson (506 Tiara Rado Drive, Grand Junction), president of the Bank of Grand Junction, reiterated that the nursery/greenhouse had existed on the property for over 25 years and should be allowed to continue. He said that accusations he was intentionally stalling the project were false. Required improvements, he said, would be installed once the Rezone and Preliminary Plan were approved.

AGAINST:

Terry Brahmstead (2263 Broadway, Grand Junction) said that it sounded to him as if the continuation of the nursery/greenhouse was contingent upon approval of the Rezone and Preliminary Plan. He remarked that during the ODP hearing, Ms. Barrett had indicated the nursery/greenhouse could not operate and be viable on its own without other businesses being located on the property. He felt that there was a lack of consistency on the part of the petitioner and asked planning commissioners for assurance that, if approved, the conditions of the original CUP would be met.

Lyle Lewis (198 Easter Hill Drive, Grand Junction) said that he was not opposed to the CUP as long as there were no changes made to it. He stated that the site was presently being used as a “dumping ground” for gravel, mud, sod and landscaping materials and he asked that the petitioner be made to stop.

PETITIONER’S REBUTTAL

Ed Del Duca, also representing the petitioner, said that no one involved with the project had thought it would have taken so long to go through the approval process. He reiterated that the petitioner’s intent was to continue the nursery/greenhouse business on the site; an accessory office use had been approved during the ODP hearing.

DISCUSSION

Commissioner Driscoll said that for the most part, the CUP’s conditions were the same. CUP extension requests and approvals were not unusual, and both staff and planning commissioners tried to give petitioners ample time to develop their properties. He cited Rimrock Marketplace as an example.

Commissioner Fenn concurred and said that he would also support the request, provided that the conditions were the same. He felt that conditions 4 and 6 needed clarification as previously discussed.

Commissioner Coleman felt that condition 6 would be better addressed at the time of Preliminary Plan approval. Mr. Harrington indicated that the petitioners had been looking for some type of assurance that the nursery/greenhouse could continue until the required improvements were made, and condition 6 provided them with that assurance. He said that the Planning Commission could amend or delete the condition as it deemed appropriate.

Commissioner Coleman said that adding condition 6 seemed to combine the site’s two development proposals. He felt the CUP should be kept separate of the Rezone and Preliminary Plan requests.

After a brief discussion, Chairman Elmer suggested the following revised verbiage for condition 6: “6. If another land use and site plan proposal are approved subsequent to the extension of the CUP, the intent is to allow the nursery to continue as an allowed use until those plans are implemented.”

Commissioner Coleman restated verbiage originally proposed by Chairman Elmer for addition to condition 4. Condition 4 would then be amended to delete the following: “...and shall not be illuminated.” Substituted verbiage would be as follows: “Signs may be illuminated with indirect lighting only during business hours.”

For the benefit of the audience, Chairman Elmer stated that if the nursery was not opened, no improvements would be required unless the CUP lapsed or approval of the Preliminary Plan was given.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item CUP-1998-046, I move that we approve the one-year extension of the Conditional Use Permit for the Meadowlark Gardens Center to operate a nursery/greenhouse/garden center at 2259 Broadway subject to conditions of approval stated above with the changes in 4. and 6.”

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

Commissioner Grout returned and was present for the duration of the hearing.

FP-1999-095 FINAL PLAT—TRAILS WEST VILLAGE FILING #3

A request for approval of the Final Plat of Trails West Village Filing #3 consisting of 17 single family lots on approximately 10.3 acres in an RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) zone district.

Petitioner: Brian Stowell

Location: Southeast corner of South Camp Road and D ¼ Road line

Representative: Tony Perry

PETITIONER’S PRESENTATION

Pat O’Connor, representing the petitioner, recounted a brief history of the Preliminary Plan approval. Referencing an overhead transparency of the Final Plat, he said that it was almost identical to the Preliminary Plan, with the exception of a few minor changes which had been requested by staff. Additional information on grading and drainage had been submitted for lots 7 through 12 to address staff concerns over the buildability of those lots. Additional details had also been provided on stormwater management; no-build zones behind lots 7 through 12 had been better defined; the street name “Montero Court” had been changed to “Marada Court”; additional language was being added to CC&Rs; postal box units had been relocated; rock fall issues had been addressed, with the necessary report submitted to staff; and a landscaping plan had been provided. With regard to Tract E, he didn’t feel that the tract would suffer any disturbance at all.

QUESTIONS

Chairman Elmer asked for specifics on how drainage concerns had been mitigated. Mr. O’Connor said that the proposed subdivision would have its own independent stormwater management system. A detention pond would be located in Tract G, which would handle runoff from most of the site. He noted the location of a ridge between lots 7 and 8, which split the subdivision into two basins. Water from the small western basin would be undetained and travel down Marada Court. “Developed” flows, he projected, would be less than historic runoff from the entire site. The eastern basin above lot 8 would direct flows into the detention pond.

Commissioner Grout asked for additional information on trail design/construction planned for Tract C. Mr. O’Connor deferred response to Tony Perry. Mr. Perry noted an existing dedicated trail which led to the Grand Junction trails system. As an alternative to that steep trail segment, he proposed a trail which would criss-cross the general area for approximately 200-300 feet. A gravel path would then be constructed. He pointed out that Ute Water limited options by stating that no permanent structures could be constructed within their easement.

Commissioner Driscoll asked Mr. O’Connor if a drainage swale was still planned for the common border of side lot lines of lots 7 through 12. Mr. Driscoll questioned if side yard fencing was desired by homeowners, where would the fence be constructed? Mr. O’Connor referenced Sheets 7 and 8 which provided additional detail. He elaborated that fencing could be constructed on either side of the swale. It could also be installed in the middle of the swale without compromising the fence’s “hydraulic capacity.”

When asked, Mr. O'Connor acknowledged that if installed within the swale, fence height would be less than 6 feet.

Commissioner Driscoll asked how high the split rail fence along the no-build zone would be, to which Mr. O'Connor replied that it would be 40 inches.

STAFF'S PRESENTATION

Kristen Ashbeck concurred that the Final Plat was consistent with Preliminary Plan approval. Staff recommended approval subject to the following conditions (as amended during the presentation):

1. The Ute Water easement shall be legally reconveyed rather than "extinguished" by the Final Plat.
2. The original report concerning rockfall needs to be revised to: 1) state in the conclusions and depict on the accompanying drawing that two rocks and a block of Dakota Sandstone were identified as potential hazards that need to be mitigated, and 2) the letter from the consultant regarding mitigation needs to specifically state that the rockfall hazards identified in the original report have been "mitigated" rather than "significantly reduced."
3. The language provided by the developer, which is to augment the Design Control Committee guidelines, shall be revised as follows:

Under *General Site Grading and Drainage*: Keep the first sentence of the paragraph; replace the remainder to read:

A lot-specific grading plan shall be prepared and sealed by a Colorado licensed professional engineer. The grading plan shall meet the requirements shown on sheets 7 and 8 of the Trails West Village Filing 3 construction drawings prepared by Banner and Associates. Additionally, grading is required to meet the following conditions:

- Runoff shall be channeled to a swale in the drainage easement between the houses or to a swale totally within the lot being designed.
- The swales between the houses must retain their flow capacity and cannot be blocked.
- Runoff shall not flow from one lot to another lot.
- Grading design shall collect any off-site flow from uphill and convey it without damage to structures or retaining walls within the swales mentioned above to the street.

The Design Control Committee (DCC) shall approve all lot-specific grading plans.

Under *Fencing*, change reference to the No Disturbance Easement to No Disturbance Zone as indicated on the Final Plat.

4. The applicant must demonstrate that the DCC has proper enforcement authority created by an approved and recorded addendum to the Trails West covenants.
5. The applicant must provide evidence that the proposed revisions to the DCC guidelines (condition 3 above) have been approved and adopted by the homeowners association and are a part of the standard DCC procedures and regulations.

6. Add items in bullets in condition 3 as notes to Sheet 8 of the final plans.
7. The Stormwater Management Plan (Sheet 2) shall be revised to indicate a silt fence about 5 feet behind the back of walk in front of lots 6 through 12 in order to minimize sedimentation of the streets during rainfall. The fence shall be installed by the developer and included in the Development Improvements Agreement and Guarantee. Gates shall be provided for home construction access. The silt fence shall be closed up after all home construction traffic has left each day or whenever sediment is washing into the streets. The silt fence should be left at the bottom of the swales until all of the lots are landscaped to mitigate the likelihood of sedimentation (as amended).
8. The final drainage report shall be revised to include an attachment showing the calculation for the volume provided in the proposed detention pond.
9. The final plans shall be revised to indicate that Tracts A, C, E and F shall not be disturbed during infrastructure or home construction. The plans shall show the type of fencing, which shall be a suitable construction fence (e.g., orange plastic) and shall be installed by the developer.
10. The developer's portions of the sewer line trunk extension fees shall be due and payable prior to recording the Final Plat unless other arrangements have been made at the time of platting. Written consent from the Utility Engineer is required prior to proceeding with recordation of the Final Plat.
11. Add a note to the Plat to read: "No fencing shall be allowed within the No Disturbance Zone except for a two-rail split fence on 10-foot centers along the lot perimeter (side and rear property lines).
12. Revise the final plans to show extension of V-pans in the detention basin to handle nuisance flows.

Mr. Harrington clarified that the Code permitted fences to have 4-inch gaps at the bottom for drainage purposes. Fence height was counted from the top of the gap. While the proposed drainage swale would only be 1 foot deep, he concurred that the effective height of any fence constructed within the swale would be less than the full 6 feet of the fence, although not considerably so.

QUESTIONS

Chairman Elmer wondered if it could be conditioned that the City receive a document from the DCC verifying that each subdivision lot had been checked and approved for acceptable grading and drainage, and that such documentation be submitted prior to any occupancy of homes. Mr. Shaver said that additional review by the City was normally not undertaken once a building permit was issued. At that point, private "enforcement" entities such as the DCC would take over and ensure compliance.

Chairman Elmer asked staff if there was a need to provide individual swales for each lot, to which Rick Dorris responded negatively. Mr. Dorris elaborated that extensive written controls had been incorporated into the DCC requirements and procedures. He said that swales could only be installed when a home was constructed on a lot. Chairman Elmer expressed concerns over leaving enforcement of drainage mitigation up to the DCC. Mr. Dorris provided planning commissioners with language contained in the DCC's requirements and procedures document. He said that the City did not have a process in place for inspection of lots prior to issuance of a C.O. Mr. Shaver said that the Planning Commission could condition the approval to require certification from the DCC verifying that grading and drainage were established; however, he reiterated that the City had no enforcement mechanism in place once the plan is approved.

Mr. Harrington noted that all three filings would have the same homeowners association. Chairman Elmer stated that he didn't want to create a legal expectation between the homeowner and the DCC.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Ken Kreft (2218 Mescalero Avenue, Grand Junction) disagreed with the petitioner's claim that Filing 3 would have its own independent drainage system. He asserted that over 40 percent of the property wouldn't drain into the provided system, and he expressed concern over potential impacts to Filings 1 and 2. He claimed the detention pond would also discharge water into Filings 1 and 2. Citing the Heck 2 Study undertaken in conjunction with the nearby Renaissance Development, he said that the petitioner did not accurately reflect historic runoff from the current site's basins and hillside (noted) nor did runoff "jump over" the Redlands Canal as implied by the petitioner. Mr. Kreft referenced photos submitted at the Preliminary Plan hearing and reiterated from his prior testimony how the drainage system for Filings 1 and 2 had been unable to handle 1998's flood events. He felt that the petitioner's "paid expert" was trying purposefully to mislead the Planning Commission and staff.

PETITIONER'S REBUTTAL

Mr. Perry said that he currently lived in Trails West Subdivision. He said that the issues mentioned by Mr. Kreft had been addressed during the Preliminary Plan hearing and were redundant. Mr. Kreft's subsequent appeal, he said, had also been denied. Mr. Perry expounded on the results that occurred with last year's flood events of which Mr. Kreft spoke. He said that the breaching of the Redlands Canal had exacerbated flood conditions. He contended that while flooding had exceeded 100-year events, the drainage system for Filings 1 and 2 had been able to handle the stormwater with no loss of life or damage to property. Experts and well as the City's own engineers, he said, had assured all those involved that stormwater events could and would be effectively handled.

QUESTIONS

Commissioner Coleman asked if the detention pond had been seeded, to which Mr. Perry replied affirmatively. Mr. Perry added that problems with the pressurized irrigation system had also been remedied and the system was both in place and fully operational.

Commissioner Coleman wondered if the previous breach in the Redlands Canal had been the cause of problems with the irrigation system. Mr. Perry answered that the breach in the Redlands Canal had helped to create unusual flood conditions. He reiterated that the existing drainage system had been able to accommodate those conditions.

A brief but detailed discussion ensued over the flood events referenced by Mr. Kreft. Mr. O'Connor said that the facts presented in the Preliminary Plan hearing were in part taken from an article appearing in the July 23rd edition of the Daily Sentinel. Chairman Elmer requested that a copy of that article be submitted to staff. Mr. O'Connor said that the HEC 2 Study did not apply to Filing 3. He stated that the developer had always been amenable to do whatever was necessary to stabilize the area and protect it from damaging erosion.

Mr. O'Connor expressed opposition to staff's recommendation for a silt fence. He didn't feel it to be practical nor was he sure how to construct such a fence to meet SWMM manual specifications. The SWMM manual, he said, called for silt fences to be "permanent" structures, which would make compliance with staff's gate requirement difficult. Further, the geotechnical report indicated that expansive materials lay underneath the roadway for most of the site. The report strongly recommended

either keeping runoff away from the roadway altogether or directing runoff to the roadway and carrying it away as quickly as possible. He cautioned that water could be detained in the area of the silt fence, creating the potential for swelling in subsurface soils. Mr. O'Connor felt that the proposal better addressed sedimentation concerns in the provision of a silt fence downstream, a detention pond in Tract G, and a boulder located at the cul-de-sac near the swale leading into the detention pond.

In staff condition 9, Mr. O'Connor said that while the developer was willing to revegetate disturbed areas during initial construction of infrastructure or homes, he felt that the developer's responsibility should end once the homeowner took possession of the home. Contracts would be designed to transfer responsibility of revegetation to the homeowner following initial construction.

In staff condition 10 regarding "written consent," Mr. O'Connor said that the developer would like the option of paying normal fees without written consent and he asked that negotiations ensue between the developer and City to reduce the amount of imposed fees. He felt that written consent should be required only if a "variance" or "credit" were given to normal fees.

DISCUSSION

Commissioner Coleman asked staff why the silt fence had been proposed. Mr. Dorris explained that the silt fence would stop or significantly slow siltation upstream of the street. He said that a gate could be installed which could be removed and driven over. Another option included providing a berm of 10-15 feet to divert runoff from the silt fence. Mr. Dorris said that he would be willing to discuss various options with the developer.

Commissioner Coleman wondered if a silt fence would have alleviated some of the problems experienced with 1998's flooding. Mr. Dorris conjectured that it would have "helped tremendously." He clarified that a silt fence was only designed to trap silt, although it would slow water flows. He didn't perceive subgrade saturation of soils under the roadway as a problem.

Commissioner Grout asked if stormwater management numbers had been reviewed after last year's storm events. Mr. Dorris said that he'd confirmed statements made by Mr. Perry, adding that the Redlands Canal not only breached but had broken, which exacerbated flooding to an extent greater than a 100-year event. Had a silt fence been placed in front of lots under construction, he surmised that silt would have been retained behind the fence.

When asked by Commissioner Coleman if the proposed drainage plan was acceptable, Mr. Dorris responded affirmatively, adding that a great deal of analysis had been undertaken to prove the integrity of the system.

Commissioner Coleman asked if silt fences would be practical for each lot until such time as they were landscaped. Mr. Dorris agreed that it would be, especially for lots 6 through 12 due to the steep slopes.

Commissioner Fenn wondered if sedimentation measures had been designed to mitigate a 100-year event or a greater-than-100-year event. Mr. Dorris said that sedimentation problems could occur with 5- or 10-year events, depending on the site's topography. The silt fence would help minimize problems in all scenarios.

Chairman Elmer said the proposed plan presented some unusual drainage concerns not typically addressed in a Final Plat hearing. Given that all the engineers involved deemed the proposed drainage system to be sound, planning commissioners should give credence to their findings. He concurred with previous testimony that the system had worked for Filings 1 and 2.

Commissioner Driscoll acknowledged the concerns raised by Mr. Kreft; however, he concluded that staff had gone to great lengths to mitigate those concerns. He disagreed with the petitioner's request for revisions to the approval conditions.

After a brief discussion, Commissioner Driscoll suggested adding a DCC certification reference under condition 3.

Commissioner Fenn agreed with the petitioner on the subject of transferring responsibility for revegetation of disturbed areas to the homeowner once property ownership was transferred. Chairman Elmer agreed. Mr. Shaver said that Final Plat language designated No Disturbance zones; thus, whoever was responsible for the disturbance was also responsible for the remedy.

MOTION: (Commissioner Driscoll) "Mr. Chairman, on item FP-1999-095, I move that we approve the Final Plat for Trails West Village Filing 3 subject to staff's recommendations as modified; condition 3 modified to indicate that an engineer must certify that the lot was constructed in accordance with the Plan as far as specific grading is concerned; and under item 7, the last sentence would be modified to indicate that the silt fence shall remain at the bottom of the swales until each side has been landscaped."

Commissioner Grout 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-1999-090 ANNEXATION/REZONE/PRELIMINARY PLAN--CIMARRON EAST SUBDIVISION

A request for: 1) approval of the Zone of Annexation for approximately 10.63 acres from County PUD to City PR-3.2 (Planned Residential not to exceed a density of 3.2 units per acre), and 2) approve a Preliminary Plan for Cimarron East Subdivision consisting of 34 single family lots.

Petitioner: Ron Vincent
Location: 3060 D ½ Road
Representative: Monument Surveying, Cecil Castor

PETITIONER'S PRESENTATION

Ray Rickard, representing the petitioner, referenced an overhead transparency of the Preliminary and presented a brief history of the proposal, which had originally been heard by Mesa County's Planning Commission. He was in agreement with staff's recommendations and availed himself for questions.

QUESTIONS

Chairman Elmer asked if the subdivision continued further to the south. Mr. Rickard replied affirmatively and referenced a second overhead transparency of the site. He stated that the three southernmost lots would derive their access from D ½ Road. The double frontaged lots were configured as such to comply with drainage district requirements. Mr. Rickard said that he would deal with fencing during the Final Plat stage.

Commissioner Coleman cited recent problems experienced with fencing double-frontaged lots. He asked the petitioner if he would agree to install 6-foot-high fencing along rear yard frontages of double-frontaged lots, facing one direction, and include a 10-foot landscaping strip. Mr. Rickard expressed opposition, adding that 6-foot-high fences were not always maintained; he'd been thinking about installing a 30-inch-high fence along those frontages instead. Chairman Elmer said that people generally wanted higher fences; a 30-inch fence would not afford the homeowner any privacy.

Commissioner Grout didn't express a preference but said that one fencing type or the other needed to be installed prior to selling the lots. Mr. Rickard asked that he be given the option.

Commissioner Coleman said that fencing details should be included in the covenants as well.

Chairman Elmer said that he wouldn't be surprised if homeowners constructed their own 6-foot fences along the inside of any 30-inch fence erected.

STAFF'S PRESENTATION

Michael Drollinger said that the rezone and Preliminary Plan requests met Code criteria and bulk requirements. Rear yard setbacks were enlarged to 25 feet. A couple of remaining items needed to be addressed with regard to stormwater management (noted in the Project Review). The Code would allow 6-foot fences for rear and side yards; staff requested that any specific requirements for the four double-frontaged lots be indicated, so that details could be incorporated into the final project design. Mr. Drollinger suggested various fencing options. Approval was recommended for both requests subject to the following conditions:

1. The bulk standards in the "lot configuration/bulk requirements" section be adopted with the project.
2. While the applicant has indicated that he has a purchase agreement for the land to the north of Cimarron East Subdivision and are able to obtain easements for water line looping and a temporary cul-de-sac, the applicant will be required to provide easement agreements or the executed easement documents with the Final Plan submittal for the project. If such easements cannot be obtained, the applicant shall be required to provide alternative designs acceptable to the City for both items.
3. The developer shall take note of all staff requirements for Final Plan submittal contained in the Staff Report and incorporate those items into the final design plans for the project.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Grout noted that the triple-frontaged lot had not been designated with a lot number on the Preliminary Plan. Mr. Drollinger assigned lot "15" to that lot; previously designated lots "15" and "16" would then be known as "16" and "17," respectively. Commissioner Grout expected there to be sight distance problems associated with the triple-frontaged lot and suggested that front and rear yards be designated on the plat. Mr. Drollinger concurred and said that that would be required at the time of Final Plat submittal.

Commissioner Coleman asked if the Planning Commission could give the petitioner specific detail on fencing. Chairman Elmer suggested giving the petitioner the option of fencing height. The following verbiage was recommended as an addition to staff's conditions of approval:

"4. That the petitioner address the fence issue at his option, whether he chooses a 6-foot privacy fence or the option of a 30-inch fence, with a landscaped buffer, and with the understanding that he will be required to install the fence on the four double-frontaged lots, lots 4, 15, 16, and 17. On the unnumbered lot, the petitioner shall choose an orientation for that home, also."

MOTION: (Commissioner Coleman) "Mr. Chairman, on item ANX-1999-090, Zone of Annexation for the Cimarron East Subdivision, I move that we forward this item to City Council with our recommendation of approval."

Commissioner Fenn seconded the motion.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item ANX-1999-090, a request for Preliminary Plan for Cimarron East Subdivision, I move that we approve the request subject to the conditions in the staff report dated May 13, 1999, items 1 through 4.”

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

RZP-1999-088 REZONE/PRELIMINARY PLAN—INDIAN WASH II

A request for: 1) approval to rezone approximately 5.12 acres from PR-8.4 (Planned Residential with a density not to exceed 8.4 units per acre) to PR-2.9 (Planned Residential with a density not to exceed 2.9 units per acre), and 2) approval of the Preliminary Plan for Indian Wash II Subdivision consisting of 15 single family lots.

**Petitioner: Fennern Construction, Inc., Joel Fennern
Location: North of the northwest corner of 29 and F Roads
Representative: Genesis Designs, Marc Maurer**

PETITIONER’S PRESENTATION

Marc Maurer, representing the petitioner, referenced an overhead transparency of the Site Plan and said that additional color-coded materials had been submitted to planning commissioners for review. Surrounding land uses were noted on Exhibit A. Diagram B, depicting land uses, was also referenced. He felt that given surrounding development densities and site constraints, a project density of 2.9 units/acre would make a good transition zone. A private street (Bonito Circle) was proposed and waiver of street standards was requested. The street would be maintained by the homeowners association. Lots 10 through 12, block 1 would receive access via a “flagpole” off of Bonito Circle. Three house plans were selected for the site, and none of the designs was expected to fully encompass designated building envelopes. He noted that zero lot lines were proposed for lots 8 and 9 of block 1. Homes would be compatible with others in the neighborhood.

Mr. Maurer said that while the project’s density did not meet Growth Plan recommendations, the surrounding area had not built out to the Growth Plan’s recommended 4-7.9 units per acre. A 15-foot rear yard setback was requested to allow for maximum flexibility of building design. Fencing along 29 Road was proposed to be either a 48-inch fence with open design (described in Exhibit 1) or a 6-foot fence with 5-foot landscaped buffer. The shorter fence was preferable.

Mr. Maurer asked that staff condition 1 be amended to allow for 15-foot rear yard setbacks on lots 10 through 12 along 29 Road and for zero lot lines on lots 8 and 9. He also asked that condition 2, requiring the combination of lots 8 and 9 be deleted and that recognition be given to the preservation of the wash as open space, which would normally have been part of the rear yard area.

QUESTIONS

Commissioner Driscoll asked about the build-out density of the development to the north of the subject property. Mr. Maurer was unsure but said that lot sizes were very similar.

Chairman Elmer wondered if any maintenance easement or access had been provided for lots 8 and 9 between the rear property lines and rip-rap. Mr. Maurer said that access to any of the rip-rapped areas could be achieved via Tract A. He added that Mesa County was amenable to the slope being rip-rapped.

Commissioner Grout asked about the slope of the wash at the rip-rap point. Jim Langford, project engineer also representing the petitioner, answered that the bank had a slope of 2.5:1 in the larger area (noted) with the smaller area being 1.5:1 (also noted). Commissioner Grout said that with zero lot lines on lots 8 and 9, it did not appear that any access to the rip-rap would be provided. Mr. Langford explained that rip-rap would be installed to the top of the bank. Since very little, if any, flooding occurred there, the necessity for maintenance would be minimal at best.

Chairman Elmer asked if the rip-rap would “survive” a 100-year flood event without requiring maintenance. Mr. Langford said that 100-year events were usually short in duration. Once the rip-rap was stabilized, a flood event should not affect it.

Mr. Drollinger asked the petitioner how much lot coverage home designs would require. Mr. Maurer said that the median home would be approximately 1,900 square feet, or 27 percent. He said that bulk requirements allowed 35 percent lot coverage.

STAFF’S PRESENTATION

Mr. Drollinger agreed that a lower density would fit in better with the surrounding area and better accommodate the parcel’s size. As long as lot coverage standards were not exceeded, staff was amenable to allowing rear yard setback flexibility on lots 10 through 12. However, the rear yards of lots 8 and 9 were very limited, with lot 9 the most severely constrained. Combining the two lots still seemed the best alternative. Staff recommended approval of the rezone and waiver of public street standards for Bonito Circle. Approval of the Preliminary Plan was also recommended subject to the following conditions:

1. The bulk standards in the “lot configuration/bulk requirements” section be adopted with the project.
2. Lots 8 and 9, block 1 be combined to allow for sufficient area to provide for adequate yards and to permit development of a house in conformance to the bulk requirements.
3. The developer shall take note of all staff requirements for Final Plan submittal contained in the staff report and incorporate those items into the final design plans for the project.
4. Perimeter fencing for the project shall be designed in accordance with one of two options detailed in the “fencing” section (see also Exhibit 1).

QUESTIONS

Commissioner Driscoll asked if the build-out of surrounding developments supported the proposal’s reduction in density, to which Mr. Drollinger replied affirmatively. Build-out approximations for other developments were given.

Chairman Elmer asked engineering staff how they viewed the lack of maintenance access to the rip-rapped area. Kerrie Ashbeck stated that enough area was needed to allow maintenance of fences and for equipment access behind the fence line.

Commissioner Driscoll asked if a fence could be constructed on a zero lot line, to which Ms. Ashbeck replied affirmatively. Mr. Drollinger added that a patio or structure could be constructed to the actual lot line if desired by the homeowner.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER'S REBUTTAL

Mr. Maurer clarified that rear yard setback flexibility was being requested for lots 1 through 3, block 2 as well as lots 10 through 12. He said that fence lines were typically placed on lot lines; thus, maintenance was usually via rights-of-way, easements, or through adjacent properties.

QUESTIONS

Commissioner Grout asked if the petitioner would be amenable to constructing the 29 Road fencing prior to sale of lots, to which Mr. Maurer answered affirmatively. Commissioner Grout expressed a preference for the 6-foot fence with a landscaped strip.

Commissioner Fenn asked if options had been explored to get lot 9's building envelope reduced so that a zero lot line would not be needed. Mr. Maurer said that every possible option had been explored. He admitted that a smaller house plan would probably be necessary for that lot.

Mr. Langford said that with regard to the zero lot lines on lots 8 and 9, he referenced another of his projects which was designed similarly. He said that homes on zero lot lines abutting scenic or wildlife areas were viewed by buyers as more desirable.

Mr. Drollinger said that the petitioner's narrative indicated a request for a 20-foot rear yard setback. Mr. Maurer clarified that the reference should have been to a 15-foot setback; drawings assumed a 15-foot setback.

DISCUSSION

Chairman Elmer asked about the detached sidewalk to the north along 29 Road. Ms. Ashbeck said that it had not been constructed to an arterial standard. Property lines were typically 1 foot from the back of the sidewalk.

Chairman Elmer also expressed concern about fencing along 29 Road. He felt that people generally desired 6-foot privacy fences. Given that 29 Road would be improved at some point as an arterial, it was more important to buffer homes against traffic noises. Commissioners Fenn and Grout agreed and both recommended that a condition be added to require the 6-foot privacy fence with landscaped buffer.

Commissioner Grout also expressed concern over zero lot lines and the lack of access to the rip-rapped area. He recommended that staff condition 2 be retained unless the petitioner could demonstrate a setback that would work. Commissioners Fenn and Coleman concurred with the suggestion that the petitioner demonstrate a workable setback, which would allow maintenance of the rip-rap without deleting the second lot.

Chairman Elmer said that if a 6-foot fence and landscaped strip were recommended along 29 Road, smaller setbacks would be necessary.

Commissioner Driscoll agreed that the project's design density better conformed to the built-out densities of the surrounding area. Deviation from the Growth Plan, he said, was supported in the current instance.

Mr. Drollinger said that if a 6-foot fence and 5-foot landscaped strip were recommended, the petitioner would be required to move property lines up 5 feet, making rear yard setbacks for affected lots 20 feet rather than 15 feet. Design drawings would need to reflect adjusted building envelopes. Mr. Maurer noted the existence of a multi-purpose easement in the same area. He cautioned against moving the setback so far up that no reasonable home development could occur on the site.

Mr. Drollinger explained that if disturbance of the landscaped strip was necessary for utility installation, etc., revegetation would bring the strip back to its original condition. Placing the landscaped strip within a multi-purpose easement was not an unusual occurrence.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item RZP-1999-088, a request for rezone and waiver of public street standards for Indian Wash II Subdivision, I move that we forward these items on to city Council with a recommendation of approval.”

Commissioner Fenn 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 RZP-1999-088, a request for Preliminary Plan approval for Indian Wash II, I move that we approve the request subject to the conditions in the staff report of May 13, 1999 as modified. Condition 1 concerning the bulk standards—the petitioner’s request for 15-foot setback along 29 Road for Block 1, lots 10, 11 and 12, and Block 2, lots 1, 2 and 3 be allowed. Condition 2 be modified that lots 8 and 9 of Block 1 do not need to be combined provided that the petitioner substantiates that there is sufficient building envelope that still takes into account any maintenance required for the Indian Wash behind those lots. Item 4 be modified to indicate that perimeter fencing for the project be 6-foot with a 5-foot landscaping strip as suggested by staff and to be installed by the developer.”

Commissioner Fenn seconded the motion.

Chairman Elmer clarified that the recommended modification to condition 2 required “some” setback. Commissioner Driscoll said that it would allow flexibility for site design to allow both the placement of a home and access to rip-rap.

When asked, Mr. Drollinger said that this was sufficient elaboration for staff review during the Final Plat stage.

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

RZP-1999-087 REZONE/PRELIMINARY PLAN—VALLEY MEADOWS WEST SUBDIVISION
A request for: 1) approval to rezone approximately 3 acres from PR-7.8 (Planned Residential with a density not to exceed 7.8 units per acre) to PR-2.7 (Planned Residential with a density not to exceed 2.7 units per acre), and 2) approval of the Preliminary Plan for Valley Meadows West Subdivision consisting of 8 single family lots.

Petitioner: VMW Development
Location: West end of Westwood Drive
Representative: Banner Associates, David Chase

PETITIONER’S PRESENTATION

David Hartman, representing the petitioner, felt that the request was straightforward in that it represented infill development, and its proposed density was consistent with surrounding development densities. He expressed agreement with staff’s conditions.

QUESTIONS

Chairman Elmer asked if the submittal represented another filing of Valley Meadows Subdivision, to which Mr. Hartman replied negatively. He provided a brief explanation and said that the Valley Meadows West Subdivision would have its own separate homeowners association.

Chairman Elmer strongly urged the petitioner to incorporate as much of the Valley Meadows covenant verbiage into Valley Meadows West covenants to ensure consistency.

STAFF’S PRESENTATION

Dave Thornton said that proposed setbacks met or exceeded Valley Meadows setbacks. With no outstanding issues, staff recommended approval of the rezone and approval of the Preliminary Plan subject to the following conditions:

1. A tract or easement along the canal, a minimum of 40 feet in width, shall be dedicated to the City for public access.
2. Prior to going to public hearing for the Final Plan and Plat, an Indemnification Agreement shall be executed between the property owner/developer and the City of Grand Junction.

QUESTIONS

Chairman Elmer suggested that another condition be added to ensure consistency between the covenants of Valley Meadows and Valley Meadows West.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER’S REBUTTAL

Mr. Hartman agreed to comply with the added condition regarding covenants. David Livingston, legal counsel for the petitioner, explained that covenants had been updated with the development of Valley Meadows *East*. He said that Valley Meadows West covenants would be identical to those for Valley Meadows East. Mr. Shaver stated that the requirement could be put in either the form of a motion or as direction to staff at the Commission’s option.

DISCUSSION

Chairman Elmer remarked that it appeared the original zone of PR 7.8 was in error since it did not conform to surrounding built-out development densities.

Commissioner Fenn commented that the proposal seemed to represent a logical extension of the current subdivision.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item RZP-1999-087, I move that we approve the Preliminary Plan with staff’s conditions, with the additional condition that the Covenants, Conditions and Restrictions of the subdivision be consistent with the CC&Rs of Valley Meadows East.”

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 the same item I move that we forward the rezone on to the City Council with the recommendation of rezoning to Planned Residential with a maximum density of 2.7 units per acre for the reasons stated in the staff report.”

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

RZ-1999-086 REZONE/VACATION OF RIGHT-OF-WAY, BRACH’S MARKET

A request for: 1) approval to rezone a portion of proposed subdivision from RSF-8 to C-1, and 2) approval to vacate an unimproved right-of-way located on proposed lot 2.

**Petitioner: Regency Realty Corp.
Location: 2516 Broadway
Representative: LanDesign, Gayle Lyman**

PETITIONER’S PRESENTATION

Will Damrath, representing the petitioner, presented an overhead transparency of the Site Plan. He briefly overviewed his request and said that utilities would remain in the existing right-of-way until the site was redeveloped. He took no issue with staff’s assessment of the request.

STAFF’S PRESENTATION

Kathy Portner said that the request complied with Code criteria. As such, staff recommended approval with no conditions.

QUESTIONS

Chairman Elmer wondered if parking for the riverfront trail trailhead would be provided with redevelopment of the site. Mr. Damrath was unsure what provisions would be made but surmised that something could probably be worked out when the subdivision request was submitted. It appeared to him that there would be enough parking area available.

Chairman Elmer asked if the Code would allow the Planning Commission to request parking for the trailhead in conjunction with the current request, to which Mr. Shaver replied negatively citing that such condition had no legal relationship to this application.

DISCUSSION

Chairman Elmer agreed that the request seemed straightforward and that the previous RSF-8 zone was in error.

Commissioner Coleman expressed support for the request.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item RZP-1999-086, I move that we forward a recommendation of approval to the City Council for the rezone of a portion of Brach’s Subdivision from RSF-8 to C-1 and vacate the right-of-way on the western lot.”

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

VR-1999-084 VACATION OF RIGHT-OF-WAY—HAWTHORN SUITES HOTEL

A request for approval to vacate the east/west alley between Main Street and Colorado Ave./2nd and 3rd Streets from the southwest corner of lot 1, block 120 to the southeast corner of lot 13, block 120.

**Petitioner: Reimer Development
Location: East/west alley between Main Street and Colorado Ave./2nd and 3rd Streets
Representative: Kevin Reimer**

PETITIONER’S PRESENTATION

Kevin Reimer, petitioner, overviewed his request and said that the vacation would allow more flexible site planning and better facilitate circulation and parking configurations. He was in agreement with staff’s conditions.

STAFF’S PRESENTATION

Scott Harrington said that the request complied with Code criteria. With no outstanding issues, staff recommended approval of the request subject to the following two conditions. Condition 3 contained in the staff report, he said, had already been met.

1. A 20-foot utility easement must be provided in the vacated alley.
2. An acceptable cross-access easement must be provided for the benefit of the applicant and the adjacent property owners.

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, I recommend approval to the City Council of the ordinance vacating the east/west alley right-of-way between 2nd and 3rd Streets and Colorado Avenue and Main Street, file number VR-1999-084, on the condition that a 20-foot utility easement be provided in the vacated alley and that an acceptable cross-access easement be provided for the benefit of the applicant and the adjacent property owners.”

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

VR-1999-083 VACATION OF RIGHT-OF-WAY—ENSTROM’S CANDIES

A request for approval to vacate the East/West and North/South alleys between South 7th and 8th Streets and Colorado and Ute Avenues

Petitioner: Enstrom Candies

Location: East/West and North/South alleys between South 7th and 8th Streets/Colorado and Ute Avenues

Representative: Douglas Simons

PETITIONER’S PRESENTATION

Douglas Simons, petitioner, said that he held ownership of the entire block save the two properties located along the northeastern corner of 8th Street and Colorado Avenue. He was attempting to purchase those properties but if unsuccessful, he agreed to provide the 70 feet of utility easement requested by staff. The vacation would allow continued expansion of the business in the downtown area.

STAFF’S PRESENTATION

Mike Pelletier said that the request complied with Code criteria. With no outstanding issues, staff recommended approval subject to the following conditions:

1. If the petitioner does not acquire the two remaining properties on the subject block, then the City will retain a utility easement across the easternmost 70 feet of the east/west alley. In addition, the petitioner must relocate the sewer manhole to the west end of this easement.
2. The petitioner must also relocate all other utility lines to the satisfaction of the proper utility provider before this vacation becomes effective.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Chairman Elmer commented that the request seemed straightforward and met Code criteria.

MOTION: (Commissioner Grout) “Mr. Chairman, on item VR-1999-083, I move that we forward a recommendation of approval on to the City Council with the conditions stated in the staff report dated May 18, 1999.”

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

GPA-1999-092 GROWTH PLAN AMENDMENT/REZONE/PLANNED DEVELOPMENT/FINAL—VOSTATEK

A request to: 1) amend the Growth Plan to redesignate approximately .38 acre from the Residential, Medium-High (8-11.9 units per acre) category to the Commercial land use category, 2) rezone the property from PR9.1 to PB for office uses, and 3) approval of a Final Plan.

Petitioner: Carl Vostatek

Location: 2558 F Road

PETITIONER’S PRESENTATION

Carl Vostatek, petitioner, presented a brief history of the property and past development requests. No one, he said, had expressed interest in the home as a residential property; however, he’d received many calls expressing interest in the property for commercial business use. He assured planning commissioners that the residential character of the structure would be maintained and additional parking

area would be provided. The only changes made would be those to convert the residential structure to office use.

Mr. Vostatek presented slides of the property taken from various angles. He noted that commercial businesses were already located nearby; the conversion of his property to commercial would only expand an existing commercial “node.” An office use, he said, made sense and would not adversely impact the area. The number of ADTs generated from an office use, he asserted, would be fewer than ADTs generated by a duplex. The newly proposed Zoning and Development Code’s R.O. zone should allow an office use at the current site.

STAFF’S PRESENTATION

Kathy Portner read into the record Growth Plan amendment, Rezone and Final Plan criteria as outlined in the May 11, 1999 staff report. Staff felt that the request failed to meet designated criteria and recommended denial of the request. The property would be more appropriately developed, she said, to the higher (8-11.9 units/acre) density. If the Rezone and Final Plan were approved, a transportation capacity payment would be required for the office use. Proposed signage for the site must also be approved with the planned zone. Staff recommended that the parcel be allowed one freestanding monument sign not to exceed 32 square feet and not to exceed 6 feet in height. In addition, building signage shall not exceed 24 square feet.

QUESTIONS

Commissioner Driscoll wondered what the northwest corner of 1st Street and Patterson Road was zoned. Ms. Portner answered that it was zoned Planned Business.

Commissioner Coleman asked for a brief synopsis of the parcel’s development request history, which was provided.

PUBLIC COMMENTS

Ed Lenhart (826 – 21 ½ Road, Grand Junction) said that this parcel was interlocked with the adjoining 5-plex. Homeowner association issues had not been addressed by the petitioner nor had the issue of the shared entry off of F Road. He wasn’t sure the entrance was wide enough to accommodate the constant ingress/egress of commercial traffic. What landscaping provisions were being proposed? He asked that, if approved, the square footage of the sign allowance be reduced. He strongly opposed any approval of night lighting and expressed concerns that aesthetics would be compromised.

PETITIONER’S REBUTTAL

Mr. Vostatek disagreed with staff’s assessment that there was no need for the type of office space which his property could provide. He noted the retail sales that were taking place in the adjacent church and argued that the request did not represent a separate and independent commercial area. He stressed that it was not financially viable to add additional residential units to the property, and no buffering between his single family residential home and the adjacent townhomes was present to make it attractive to a buyer. He said that he had not yet drafted covenants but, if approved, he would do so. He felt that any homeowners association and access issues could be worked out with Mr. Lenhart.

QUESTIONS

Commissioner Coleman noted that the front yard landscaping had not been finished. Mr. Vostatek said that he was in the process of completing required landscaping.

Chairman Elmer thought that items donated to the church were given away. Mr. Vostatek said that the church had vegetarian foodstuffs that were sold in the rear “store” area of the church. There was some question over whether that was an allowed use.

DISCUSSION

Commissioner Coleman observed that the properties in the subject area were tied together. A commercial use would not fit in well with the surrounding uses or densities.

Commissioner Driscoll asked for the zone classification of the property located across from Hi-Fashion Fabrics. Ms. Portner stated that it was zoned Residential.

Commissioner Fenn asked for the location of Saunders Hydraulic in relation to the subject property, which was given.

Chairman Elmer said that in looking at the strict interpretation of the Growth Plan, he concurred with staff's analysis of the property that no error in zoning had been made. Traffic patterns along Patterson Road was continuing as expected. He also expressed a concern that the amendment process had never been designed to "spot zone" small properties, and he disagreed with the petitioner's assertion that the church represented a commercial use.

Commissioner Coleman added that the access off of Patterson Road limited the use of the site as commercial.

Commissioner Driscoll felt that the area along Patterson Road could one day reflect increased commercial development; however, at the present time, he did not want to "lose" the high density residential zoning. It made sense, he said, for the block to develop with consistency.

Commissioner Grout said that now, as on past development requests, the Planning Commission consistently reinforced its preference to retain high density residential zoning on the property.

Commissioner Fenn sympathized with the petitioner but said that at the present time, the current zone was supported by Growth Plan recommendations and surrounding uses.

Chairman Elmer said that the amendment process had been designed as a means to review an area as a whole.

A brief discussion ensued over construction of the motion.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item GPA-1999-092, I move we forward the request for a Growth Plan amendment to allow commercial uses on to the City Council with a recommendation of denial."

Commissioner Fenn seconded the motion.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item GPA-1999-092, I move that we forward the request of a rezone to PB on to the City Council with the recommendation of denial."

Commissioner Grout seconded the motion.

Mr. Harrington asked that findings for denial be added to the motions in the event of an appeal.

Commissioner Coleman added the following to his two motions: "...based on the staff's report and the discussion on the Growth Plan and rezone criteria." Commissioners Fenn and Grout agreed to second the amendment.

Amended motions are as follows:

MOTION: (Commissioner Coleman) “Mr. Chairman, on item GPA-1999-092, I move we forward the request for a Growth Plan amendment to allow commercial uses on to the City Council with a recommendation of denial based on the staff’s report and the discussion on the Growth Plan and rezone criteria (as amended).”

MOTION: (Commissioner Coleman) “Mr. Chairman, on item GPA-1999-092, I move that we forward the request of a rezone to PB on to the City Council with the recommendation of denial based on the staff’s report and the discussion on the Growth Plan and rezone criteria (as amended).”

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

IV. GENERAL DISCUSSION

Mr. Harrington reminded planning commissioners of upcoming meetings scheduled for May 19 at 5:30 with City Council members, a luncheon scheduled for May 20 at noon, three additional Planning Commission hearings scheduled for May 25, May 27 and June 1, all beginning at 7:00 p.m.

With no further business, the hearing was adjourned at 11:45 p.m.