

**GRAND JUNCTION PLANNING COMMISSION
SEPTEMBER 21, 1999 MINUTES
7:02 p.m. to 9:28 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 p.m. by Vice-Chairman Jeff Driscoll. The public hearing was held at Two Rivers Convention Center.

In attendance, representing the Planning Commission, were: Jeff Driscoll (Vice-Chairman), Joe Grout, Terri Binder, Mark Fenn and Nick Prinster. John Elmer and Paul Coleman were absent.

In attendance, representing the Community Development Department, were: Kathy Portner (Planning Manager), Dave Thornton (Principal Planner), Kristen Ashbeck (Sr. Planner) and Lisa Gerstenberger (Sr. Planner).

Also present were John Shaver (Asst. City Attorney) and Kent Harbert (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 15 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 FINAL DECISION UNLESS APPEALED

Due to the potential for conflict of interest, Commissioner Fenn recused himself from deliberations on the following item.

FPP-1999-184 FINAL PLAT/PLAN—SUMMER HILL FILINGS #1 AND 2

A request for approval of the Final Plat/Plan of Summer Hill Filing #1 consisting of 25 single family attached lots on approximately 14.8 acres in a PR-2.5 (Planned Residential with a density not to exceed 2.5 units/acre) zone district. Also, a request for approval of the Final Plat/Plan of Summer Hill Filing #2 consisting of 12 single family detached lots on approximately 7.52 acres in a PR-2.5 (Planned Residential with a density not to exceed 2.5 units/acre) zone district.

**Petitioner: Paradise Hills Partnership
Location: East of 26.5 Road and H ½ Road
Representative: Jana Bingham-Gerow, DCS, Inc.**

PETITIONER'S PRESENTATION

Jana Bingham-Gerow, representing the petitioner, presented an overhead transparency of the Preliminary Plan and denoted the site's location. She said that neighborhood issues brought forth during Preliminary review had been addressed. Filing #1 would derive its access via 26 ½ Road; Filing #2 would receive access via Lanai Drive. She expressed agreement with staff comments and recommendations.

QUESTIONS

Vice-Chairman Driscoll asked for confirmation that the petitioner was in agreement with staff's conditions. Ms Bingham-Gerow represented that the petitioner was in agreement and also said that a modification to condition 4 had been proposed. She then introduced Robert Bray, co-petitioner, who requested the following modification of the last sentence in condition 4. After the words "...required to..." delete the word "construct" and add the words "...begin construction on..." After the words "...prior to..." delete the word "selling" and add the words "...closing on..." The remainder of the sentence would be kept as-is. Mr. Bray explained that at the onset of Phase II, if weather permitted, construction of homes could commence concurrently with infrastructure improvements. The DIA would protect the community and ensure completion of construction. Staff had expressed support for the modification.

STAFF'S PRESENTATION

Dave Thornton referenced Preliminary Plan approval conditions and said that the Leach Creek crossing, referenced in condition 1, would occur at a later development stage. Prior to the recording of any plat, a written agreement outlining plans for the crossing must be executed. A trail at the end of Spring Crossing would also occur in a future filing. Construction traffic would be prohibited from using Lanai and Catalina, using Summer Hill Way instead. Access to Filing 2 would be via a construction road. Mr. Thornton said that at the point that Filing 2 is completed and the roads accepted, the barricade between Paradise Hills Filing 7 and Filing 2 of Summer Hill would be removed. All other Preliminary Plan conditions had been met. Mr. Thornton said that the "third round" of review agency comments were part of the record and must be addressed prior to recordation of the plat. Mr. Thornton presented an overhead transparency of the project's landscaping plan. Street lighting had been planned for intersections only to lessen light pollution and protect night views. While deviating from City standards, staff supported the lighting plan. Staff recommended approval of the request subject to the following conditions:

1. All Preliminary Plan requirements established by the City of Grand Junction shall remain in full effect upon Filings 1 and 2, as well as the Annexation Agreement executed between the developer and the City of Grand Junction.
2. All review comments from round three (see exhibit) shall be adequately addressed by the petitioner prior to final sign-off.
3. The CC&R's shall be reviewed and approved by the City and recorded with the Final Plat.
4. Allow the petitioner to break Filing 1 into two phases with both phases included on the DIA and included in the guarantee. The developer will have two years following the effective date of the DIA to begin construction of Phase II of Filing 1 and 2 ½ years from the effective date of the DIA to complete those improvements. The developer shall be required to begin construction on Phase II improvements in Filing 1 prior to closing on any lots located in Phase II (as amended).

QUESTIONS

Vice-Chairman Driscoll wondered if there had been any further neighborhood comment regarding access subsequent to the petitioner's modifications, to which Mr. Thornton replied negatively. When asked if access modifications would be integrated into the CC&R's, Mr. Shaver said that the City had not yet addressed the issue. A draft of the CC&R's was forthcoming from the petitioner's legal representative. Mr. Shaver supported the recommendation and suggested that in the interim a notice be recorded indicating that all of the owners were obligated to have their construction traffic use the construction access road.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Richard Proctor (500 S. 10th Street, Grand Junction), manager of the Grand Valley Water Users Association (GVWUA), objected to the construction of a trail along the canalbank for liability reasons. He noted that detention ponds were often fenced to protect HOA's from incurring liability; yet, the City put GVWUA at risk by allowing unrestricted pedestrian access to canalbanks via its trail system. The GVWUA's review agency comments, he said, had included a request for subdivision fencing to prevent pedestrian access to the canal. The GVWUA took issue over the underlying land ownership of a portion of canal adjacent to the subdivision. At issue was interpretation of the language "south and west of the canal" versus "south and west of the right-of-way of the canal." Letters containing GVWUA's position on that issue would be drafted and sent to involved parties.

Mr. Thornton said that fencing along the canalbank would be left up to individual lot owners. Perimeter fencing had not been a condition of approval.

Mr. Proctor said that the large amount of available open space would attract "trespassers" to the canal, thus posing significant safety concerns. Mr. Shaver confirmed that the Code did not require the petitioner to provide fencing.

PETITIONER'S REBUTTAL

Ms. Bingham-Gerow said that owners of the single-family lots in Filing 2 would be responsible for their own fencing, with up to 6-foot privacy fencing allowed. With regard to GVWUA's concern over a disputed property line, the developer had agreed to move homes further away from the canalbank to avoid potential conflicts. She acknowledged the ongoing legal issue between the City and GVWUA but said that the developer was trying to honor both sides.

Vice-Chairman Driscoll asked whether the developer would be required to reconfigure the development should the GVWUA's property ownership assertions prove accurate.

Rich Krohn (744 Horizon Court, Grand Junction), legal counsel for the petitioner, clarified that the interest claimed by the canal company was over an easement, not a fee claim. Therefore, the claim would have no affect on the property's actual boundary line. The north and east boundary lines of the subdivision as shown on the Preliminary Plan, he said, were set so that they were at the greatest distance claimed by the canal company. Thus, even if proven accurate, the interest claim would not encroach onto those boundary lines. Any portion of land owned by the developer which lay beyond those property lines would be conveyed to the City. No trails were being proposed by the petitioner for that area nor had any been required by the City. Mr. Krohn clarified that the area dedicated to the City would be designated on the plat as Tract I.

Commissioner Binder wondered if trail construction was generally the obligation of a developer, to which Mr. Thornton replied negatively. The City just wanted the land to be available should a trail segment be constructed.

DISCUSSION

Vice-Chairman Driscoll asked if the street lighting issue needed to be addressed in the motion. Mr. Shaver said that its inclusion was at Planning Commission's discretion. Commissioners Prinster and Binder expressed their support for the deviation in street lighting standards.

Vice-Chairman Driscoll noted that the Final Plat/Plan conformed to the Preliminary Plan as well.

MOTION: (Commissioner Grout) “Mr. Chairman, on item FPP-1999-184, I move that we approve Summer Hill Subdivision Filings 1 and 2 subject to the staff recommendations as modified tonight on number 4, [the last sentence to read, ‘The developer shall be required to begin construction on Phase 2 improvements in Filing I prior to closing on any lots located in Phase 2,’ with the addition of number 5, which would allow the developer to reduce the street lighting according to his proposal.”

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

Commissioner Fenn returned and was present for deliberations on the remaining items.

FPP-1999-096 FINAL PLAT/PLAN/REVISED PRELIMINARY PLAN—COUNTRY CROSSING FILING #1

A request to: 1) revise the Preliminary Plan for Country Crossing Subdivision to reflect the realignment of Lillian Court and lots affected by the existing irrigation pipe on the north end of the property, and 2) approve the Final Plat/Plan for Country Crossings Filing #1, which consists of 18 single family lots, 6 attached single family units, and 48 townhomes on 11.02 acres in a PR-4.4 (Planned Residential not to exceed a density of 4.4 units per acre) zone district.

**Petitioner: Shadowfax Properties, Inc.
Location: Southeast corner of 25 and G Roads
Representative: LanDesign, Gayle Lyman**

PETITIONER’S PRESENTATION

Richard Livingston, legal counsel and representative for the petitioner, said that the only major issue which had arisen during Preliminary review had been over a buried irrigation line which served water to adjacent residents. To mitigate that concern, reconfiguration of the street and lot design near Lillian and Guido Courts had been effected to ensure continued and unrestricted flow of irrigation water through the existing line. The petitioner was in agreement with all of staff’s conditions.

QUESTIONS

Commissioner Prinster asked for clarification on the location of the existing irrigation line, which was given.

Commissioner Grout asked if the CC&R’s had been modified to address fencing modifications, to which Mr. Livingston replied affirmatively.

STAFF’S PRESENTATION

Kristen Ashbeck said that lot and street reconfiguration was minor and did not drastically alter the Preliminary Plan; however, the modified plan in its entirety had been incorporated into the record. The layout of the subdivision was noted using an overhead transparency. Since all conditions of the Preliminary Plan had been met, staff recommended approval of the request subject to just the second condition outlined in the Staff Report. The first condition on the Final Plan and Plat, she said, could be deleted since the fencing issue had been addressed in the CC&R’s.

1. Approval of the revised Preliminary Plan to include the home orientation and fencing information as submitted by the applicant on the sketches labeled as Exhibit A.

2. Approval of the Final Plat/Plan for Filing 1 subject to the following conditions being met prior to approval of the final construction plans and/or recording the Final Plat:
 - a. Provide for limitation of fencing on rear and side property lines abutting Tracts B and C to include open fencing with a maximum height of 48 inches. (deleted per staff presentation)
 - b. Address all remaining staff comments dated September 8, 1999.

QUESTIONS

Commissioner Binder wondered if a detention pond was planned for the project. Also, were berms required around irrigation ditches? She recalled a recent incident where her neighbors had not been apprised of an improvements easement on their property and were later surprised to find a large berm in their backyard. Was any mechanism in place to inform a property owner of pending improvements? Were realtors or the developer required to disclose such easements? Ms. Ashbeck agreed that often not all required improvements were completed prior to the property's sale. Mr. Shaver said that the recorded plat showed the type and location of any planned improvements and represented the property owner's principal means of notification. A copy of the recorded plat was always included with the title commitment, although he acknowledged that many people failed to review the documents they were given. Mr. Shaver said that disclosure rules were different for vacant ground than for residences and discussed the same with the Commission.

Commissioner Binder expressed her support for the provision of separate RV parking.

PUBLIC COMMENTS

FOR:

Rayleen Basinger (679 – 25 Road, Grand Junction) wondered if she would be required to notify lot buyers of the existence of the irrigation line.

AGAINST:

There were no comments against the request.

PETITIONER'S REBUTTAL

Mr. Livingston said that lot buyers would take title subject to recognized utility easements. However, recognizing that people didn't always read the documentation they were given, he urged communication between the irrigation line's users and new lot owners. Mr. Livingston said that it was doubtful the petitioner would serve as builder for the lots, with disclosure being made only to initial lot purchasers. Beyond that, no additional mandate could be effected.

DISCUSSION

Commissioner Fenn acknowledged the petitioner's addressing of the irrigation line issue and noted that the Final Plat met the conditions of Preliminary Plan approval. Commissioners Grout and Binder concurred.

MOTION: (Commissioner Grout) "Mr. Chairman, on item FPP-1999-096, I move that we approve the Revised Preliminary Plan and the Final Plat/Plan for Filing 1 for the Country Crossing Subdivision subject to staff's recommendations with the deletion of item a. in number 2."

Commissioner Fenn seconded. 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-1999-163 ZONE OF ANNEXATION—HIDDEN LAKE ANNEXATION

A request for approval of the Zone of Annexation for approximately 4.86 acres from County C to City RSF-2.

Petitioner: Dan and Vicque Clark
Location: 422 Rosevale Road
Representative: Hydro Terra Environmental, David Smuin

PETITIONERS' PRESENTATION

David Smuin, representing the petitioner, said that the property lay within the Persigo 201 annexation area. Annexation had been required as a result of the petitioners' attempt to retain a temporary residence on site as a permanent residence.

QUESTIONS

Vice-Chairman Driscoll observed that the petitioners had first requested an RSF-4 zone. Mr. Smuin said that the RSF-2 zone had been recommended by staff since the lower zone classification was more consistent with area densities.

Commissioner Prinster asked if the land was currently vacant, to which Mr. Smuin replied negatively. He briefly elaborated that the existing manufactured home had been allowed by the County but only as a temporary residence. The petitioners were seeking to make the structure's status permanent. The mobile home's status, he said, could go before an appeal court for resolution. Mr. Shaver confirmed Mr. Smuin's statements and said that the only Planning Commission issue was over the appropriateness of the proposed zone.

STAFF'S PRESENTATION

Lisa Gerstenberger outlined the history of the property and the manufactured home as contained in the September 1, 1999 Staff Report. Staff felt that the original RSF-4 zoning was in error and did not accurately reflect surrounding densities. She confirmed that the proposed RSF-2 zone was more consistent with surrounding densities and more accurately reflected Growth Plan recommendations. If the manufactured home were allowed to stay, a fire hydrant or in-home sprinkler system would be required for fire protection. Having found that the request met Code criteria for rezoning, staff recommended approval of the RSF-2 zone designation.

QUESTIONS

Vice-Chairman Driscoll asked for confirmation from staff that the RSF-2 zone was more appropriate than its former RSF-4 designation, which was given.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Dee Roberts (2527 D Road, Grand Junction) asked for clarification on the amount of total area being annexed. She wondered why the annexation area included more than just the petitioners' property. Ms. Gerstenberger outlined the area to be annexed and explained the City's rationale. Mr. Shaver said that if Ms. Roberts still had any questions over the annexation itself, she could appear at the public hearing scheduled for that item.

PETITIONERS' REBUTTAL

Mr. Smuin said that he'd spoken with Norm Noble of the City's Fire Department, who said that the department would be willing to accept a "dry" fire hydrant as another fire protection alternative should the existing home be allowed to stay.

DISCUSSION

Commissioner Prinster agreed that the request was consistent with surrounding densities.

Commissioner Grout concurred but added that if the temporary home were allowed to stay it must meet City setback requirements. He supported retention of the existing 6-foot fence surrounding the property, even though it was non-conforming by City standards.

When planning commissioners asked if the manufactured home's status should be addressed in any motion made, Mr. Shaver said that the issue would be handled by others. The Planning Commission had no jurisdiction.

MOTION: (Commissioner Grout) "Mr. Chairman, on item FPP-1999-163, I move that we forward the Zone of Annexation to City Council with the recommendation of RSF-2 for the following reasons: 1) RSF-2 zone district meets the recommended land use categories as shown through the amended Growth Plan Amendment and meets the Growth Plan's goals and policies; 2) RSF-2 zone district meets the criteria found in section 4-4-4 and 4-11 of the Zoning and Development Code."

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

ANX-1999-185 ZONE OF ANNEXATION/MINOR SUBDIVISION/PRELIMINARY PLAN—TIMM MINOR SUBDIVISION/SUMMIT VIEW RANCH II

A request for: 1) approval of the Zone of Annexation for approximately 15 acres from County R-1-C to City RSF-5 (Residential Single Family not to exceed a density of 5 units/acre); 2) approve the two lot Timm Minor Subdivision; and 3) approve the Preliminary Plan for Summit View Ranch II Subdivision consisting of 48 single family detached lots on approximately 10.5 acres.

**Petitioner: Casa Tiara Development
Location: 3121 E Road
Representative: Development Concepts, Mike Joyce**

PETITIONER'S PRESENTATION

Mike Joyce, representing the petitioner, presented an overhead transparency of the Plat, with the site's location noted. The RSF-5 zone designation closely approximated the County's R-1-C zone. The minor subdivision would separate the existing residence from the remaining property, which would then be subdivided and platted into the 48 proposed lots. Access would be provided via the extension of Evans Avenue from Summit View Ranch to the west and via the extension of D ¾ Road from Meadowood Subdivision to the east. Both street extensions would be constructed during the first filing. Mr. Joyce summarized former discussions with the County over a possible stub street requirement to the north,

saying that in order to minimize the number of access points onto E Road, no stub street had been required.

While in agreement with staff conditions of approval, Mr. Joyce asked for Planning Commission direction on how to handle lots 6, 7, 11 and 12 in block 2 of Filing 2. The lots were located on the curved portions of Cattle Drive and had narrow frontages with unusually-shaped building envelopes. An overhead transparency of a plot plan depicting a proven home design was presented. Mr. Joyce asked that the Planning Commission consider approval of the present lot configuration given the viability of the proposed home design. He added that the design had been successfully implemented for other County projects. He drew a comparison with lots on curved corners to cul-de-sacs; however, if cul-de-sacs were constructed as suggested by staff, they would pose additional problems. He noted a few minor changes to the overall drainage plan, saying that stormwater would be directed to Lewis Wash where it would discharge at historic rates. Mr. Joyce noted the concerns of Grand Valley Sanitation District (GVSD) with brown water. Prior to construction of Filing 2, an agreement between GVSD and the petitioner would be submitted showing mitigation of the problem. The agreement, he said, would be in place prior to Final approval.

With regard to staff condition 1, he said that prior to Final a determination would be made on who would bear financial responsibility for construction of the drainage swale. Mr. Joyce again asked for Planning Commission direction on staff condition 3 pertaining to the reconfiguration of the four lots previously mentioned.

QUESTIONS

Commissioner Binder asked if Summit View I had already been constructed. If so, how many homes had been constructed? Mr. Joyce said that Filing 1 had been approved for 84 homes; 40 of those were under construction.

Commissioner Binder asked if access to the currently proposed subdivision would be routed through Summit View I, to which Mr. Joyce responded affirmatively. Commissioner Binder expressed her concern over increased traffic being routed through neighborhoods, impacting existing homeowners. She felt strongly that access onto a major street should have been provided by the developer.

Commissioner Binder wondered if drainage from both Summit View I and II would be routed onto Tract A. Steve Sharp, representing the petitioner, clarified that only drainage from Summit View II would be routed to the detention pond on Tract A. He noted a high topographical point in the land separating the two filings. Drainage would be routed along internal streets, with a piped system constructed up to Tract A.

STAFF'S PRESENTATION

Kathy Portner outlined the request and confirmed that the recommended RSF-5 zone district complied with Code criteria and met the intent of the Growth Plan. The request also complied with Code criteria regarding a minor subdivision. No street improvements would be required for E Road unless additional development occurred. She noted the difficulty in dealing with the four proposed lots on the curved section of Cattle Drive and also asked for Planning Commission direction on how best to deal with them. With the current development request, the developer would also be the builder. Since the builder had proffered a workable home design for the lots, which would still meet setbacks, staff was receptive to consideration of the design.

The Clifton Fire Department had requested a minimum 15 feet of side yard separation between structures. Since the Code only required 5-foot side yard setbacks in the RSF-5 zone, only a 10-foot separation would be achieved. When Ms. Portner spoke to Fire Department officials about that, they

indicated that their request had been a recommendation only. Ms. Portner felt that the drainage system could be designed to meet City requirements and that issues between the petitioner and the GVSD could be resolved. Staff recommended approval of the RSF-5 zone district, approval of the Minor Subdivision request, and approval of the Preliminary Plan subject to the following conditions:

1. An agreement must be submitted with the Final Plat for Filing 1 of Summit View Ranch from the owner of lot 1 of the Timm Minor Subdivision verifying that the proposed drainage swale across the southern end of his property is acceptable to him and that he will construct it within a specified timeframe or allow the developer of Summit View Ranch to construct it.
2. The final solution to the sewer capacity issue must be reviewed and approved with the Final Plat of Filing 1.
3. Lots 6, 7, 11 and 12 of Filing 2 shall be reconfigured to meet the 60-foot width requirement at the required front yard setback.

QUESTIONS

Commissioner Prinster noted that lots 5 and 13 in Filing 2 also seemed to have frontages less than 60 feet. Ms. Portner said that if measured from front yard setbacks, the 60-foot requirement would be met.

Commissioner Binder wondered if all drainage water would be directed to storm sewers, which would carry it to the detention pond. Kent Marsh indicated that during Final street capacity would come under further review. Only if the street capacity exceeded 100-year flows would storm sewers be required. Street conveyance of stormwater, he said, was typical.

Commissioner Binder asked if there was any Code requirement limiting the number of subdivisions utilizing inter-neighborhood streets as primary accesses, to which Ms. Portner replied negatively. She qualified her response by saying that street carrying capacities were reviewed, and as long as those capacities were not exceeded, there was no Code requirement disallowing continued extension. Commissioner Binder wondered if the Planning Commission could make a requirement limiting street extensions. Ms. Portner said that planning commissioners could make recommendations on additional or alternative access points, if deemed necessary. In the current instance, staff felt access to be adequate, with limited impact on adjoining subdivisions. Mr. Shaver said that the City's Major Street Plan addressed the question of inter-neighborhood and area circulation in greater detail. The proposal's current street design, he said, seemed to incorporate many of the Major Street Plan's statutory concepts.

Commissioner Prinster referenced the question over the four lots and wondered how similar situations had been handled by staff. Ms. Portner said that in the past it had been left up to the developer to prove developability of the lots. In the current instance, the developer had building plans to fit the proposed lot configuration.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER'S REBUTTAL

Mr. Joyce briefly explained the history behind how the current street design had been developed.

DISCUSSION

Vice-Chairman Driscoll asked if the decision on the Minor Subdivision would be final, to which Mr. Shaver responded affirmatively.

Commissioner Grout said that if the developer's proposed home design could meet bulk requirements and setbacks, he had no problem with supporting it.

Commissioner Fenn agreed, adding that he'd seen similarly designed homes in other neighborhoods, which worked just fine.

Commissioner Prinster asked for clarification on lot setbacks, which was given. He also expressed support for the developer's home design for the four lots and added that the proposed RSF-5 zone met Code criteria.

Vice-Chairman Driscoll concurred. He said that if a builder could demonstrate developability of a lot, then flexibility in lot configuration may be warranted. He felt that the petitioner's proposed design was a better alternative than constructing two cul-de-sacs on the corners of Cattle Drive and would better facilitate traffic flows. He directed staff to keep their current standards in place but allow for flexibility to vary those standards.

Commissioner Binder agreed with comments regarding the proposed zone district and the lot configuration issue. However, she reiterated her concern with the continued extension of inter-neighborhood streets and opposed the routing of more traffic in front of homes. She said that even if the carrying capacity were not exceeded, the perception of homeowners would be that there was a lot of traffic on their street.

MOTION: (Commissioner Grout) "Mr. Chairman, on item ANX-1999-185, I move we forward the request for a Zone of Annexation of RSF-5 on to the 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 Grout) "Mr. Chairman, on item ANX-1999-185, I move we approve the Timm Minor Subdivision."

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

MOTION: (Commissioner Grout) "Mr. Chairman, on item ANX-1999-185, I move we approve the Preliminary Plan for Summit View Ranch II subject to staff conditions with the elimination of item 3."

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

A brief recess was called at 9:05 p.m. The hearing reconvened at 9:10 p.m.

ANX-1999-195 ZONE OF ANNEXATION—CHIPETA PINES

A request for approval of the Zone of Annexation for approximately 26.36 acres from County PUD to City PR-3.9 (Planned Residential with a density not to exceed 3.9 units per acre) zone district.

Petitioner: Ed Lenhart

Location: 2984 B Road

STAFF’S PRESENTATION

Dave Thornton said that the subdivision had originally received approval from Mesa County but was now being annexed into the City of Grand Junction. Mesa County’s planning staff had indicated that all conditions of subdivision approval had been met by the petitioner. The property’s “Park” classification noted in the Growth Plan was in error and would be remedied in a future Growth Plan amendment process. The proposed PR-3.9 zone is identical to Mesa County zoning, met Code criteria and better fit the proposed development.

Mr. Thornton briefly explained differences in the City and County development processes, saying that the developer would enter into a DIA with the City instead of Mesa County. The project’s construction would be monitored by the City, with inspections conducted by City staff. Staff recommended approval of the PR-3.9 zone designation and the incorporation of the Final Plan for Chipeta Pines PUD as approved by Mesa County.

QUESTIONS

Commissioner Binder asked if the City had inspectors to ascertain compliance of the development, to which Mr. Thornton responded affirmatively. He clarified, however, that compliance would be to County standards.

Commissioner Prinster asked if City and County setbacks were similar. Mr. Thornton said that setbacks had been proposed as part of the planned development.

When asked by Vice-Chairman Driscoll if only the Zone of Annexation was at issue, Mr. Shaver responded affirmatively.

Commissioner Binder asked for clarification on the landscaping of Phase 1 and 2. Mr. Thornton said that all landscaping would be completed with the first phase, which the City supported.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER’S REBUTTAL

Ed Lenhart, petitioner, said that the City had reviewed development plans through the County’s development process as a reviewing agency. Street lighting in the County was optional. He was unsure what the final commentary from Grand Valley Rural Power had been, but he supported having street lights.

DISCUSSION

Commissioner Fenn commented that the recommended zone was consistent with the development proposal. Commissioners Prinster and Grout agreed.

MOTION: (Commissioner Grout) “Mr. Chairman, on item ANX-1999-195, I move that we forward a Zone of Annexation to City Council with the recommendation of Planned Residential with a maximum density of 3.9 units per acre zone district, incorporating the same Final Plan as adopted by Mesa County for the following reasons: 1) PR-3.9 zone district is identical with the existing Mesa County zoning of PUD, and 2) PR-3.9 district meets the criteria found in section 4-4-4 and section 4-11 of the Zoning and Development Code.”

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

TAC-1999-01.01 TEXT AMENDMENT

Amending the Zoning and Development Code to add an RSF-E (Residential Single Family-Estate with a density not to exceed 1 unit per 2 acres) zone district.

Petitioner: City of Grand Junction

STAFF’S PRESENTATION

Kathy Portner overviewed the request as outlined in the September 7, 1999 Staff Report. She explained that City Council had directed the zone be created so it could be considered for the recently annexed Keesee property. Staff recommended approval.

QUESTIONS

Vice-Chairman Driscoll asked if the zone designation would apply to properties other than the Keesees, to which Ms. Portner replied affirmatively.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Vice-Chairman Driscoll said that it made sense as a good housekeeping measure. Commissioners Prinster and Grout concurred.

MOTION: (Commissioner Grout) “Mr. Chairman, on item TAC-1999-01.01, I move that we forward this on to City Council with a recommendation of approval.”

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

V. GENERAL DISCUSSION

Kathy Portner reminded planning commissioners of a Code review meeting scheduled for September 27, 1999 to be held at the Two Rivers Convention Center at 6:30 p.m.

With no further business, the hearing was adjourned at 9:28 p.m.