

**GRAND JUNCTION PLANNING COMMISSION
OCTOBER 12, 1999 MINUTES
7:05 p.m. to 10:10 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:05 p.m. by Chairman John Elmer. The public hearing was held at Two Rivers Convention Center.

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

In attendance, representing the Community Development Department, were: Dave Thornton (Principal Planner), Kristen Ashbeck (Sr. Planner), Lisa Gerstenberger (Sr. Planner), Tricia Parish (Assoc. Planner), and Pat Cecil (Development Services Supervisor).

Also present were John Shaver (Asst. City Attorney), Kent Harbert and Kent Marsh (Development Engineers). Terri Troutner was present to record the minutes.

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

I. APPROVAL OF MINUTES

Available for consideration were the minutes of the September 14 and September 21, 1999 public hearings.

Commissioner Grout noted that on the bottom of page 11 of the September 14 minutes, Commissioner Fenn was erroneously mentioned as having returned to the hearing room with Chairman Elmer. The reference should have named Commissioner Binder.

MOTION: (Commissioner Grout) “Mr. Chairman, I move that we approve the minutes as amended.”

Commissioner Driscoll seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioner Coleman abstaining.

MOTION: (Commissioner Grout) “Mr. Chairman, I move that we approve the minutes [of September 21] as written.”

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

ANX-1999-186 ZONE OF ANNEXATION/PRELIMINARY PLAN—SKYLER SUBDIVISION

A request for: 1) approval of the Zone of Annexation for approximately 10 acres from County PR-8 to City PR-4 (Residential Single Family not to exceed a density of 4 units per acre) and 2) approval of the Preliminary Plan for Skyler Subdivision consisting of 36 single family detached lots on 9.7 acres.

Petitioner: Darren Davidson

Location: 2871 D Road

Representative: Atkins & Associates, Richard Atkins

PETITIONER'S PRESENTATION

Ray Rickard, representing the petitioner, briefly reviewed the proposal. He said that the requested PR-4 zoning was consistent with Growth Plan recommendations. Open space would be developed as active space, with playground equipment provided. Negotiations were currently underway for an easement to the south to facilitate realignment of the sewer line and provide a possible drainageway. If the easement is secured, no retention area would be necessary instead, detention would be utilized and another one or two lots could be added. Mr. Rickard expressed general agreement with staff's comments.

STAFF'S PRESENTATION

Lisa Gerstenberger corrected the general report to reflect an intended zoning of the property to PR-4, not PR-8. She presented an overhead transparency of the Preliminary Plan and agreed that the zoning was consistent with Growth Plan recommendations. The 6 percent proposed common space would be developed in active uses. The rezone and Preliminary Plan complied with Code criteria. While the current proposed development consisted of 33 lots, if a drainage easement could be secured, that number could increase to 35; however, more likely the number would be 34. Staff recommended approval of the PR-4 Zone of Annexation and approval of the Preliminary Plan subject to the following conditions:

1. Change "Open Space" to read "Common Space" and state that the common space will be owned by the Homeowners Association (HOA). The common space is to be active, and a plan must be submitted with the final plans showing how the space will be designed for active use.
2. The general report must indicate a more specific development schedule with proposed beginning and ending timeframes for construction. The report should state that the HOA would construct the common space active area. The statement concerning density should be revised to accurately reflect the number of lots and actual density.
3. Recommend compliance with Development Engineer and Central Grand Valley Sanitation District comments.

QUESTIONS

Commissioner Driscoll asked if bulk requirements would be as stated in the report, to which Ms. Gerstenberger replied affirmatively. She elaborated that RSF-5 bulk requirements were being applied to the PR-4 zone.

Commissioner Grout asked for clarification on the common space requirement. Ms. Gerstenberger explained that the narrative report contained a typographical error, which failed to clearly indicate construction of the common space area by the HOA.

Commissioner Binder wondered why the HOA would be responsible for construction of common space since it had always been the City's policy to require completion of such improvements by the developer. Ms. Gerstenberger said that her requirement was only to clarify the developer's intent.

Commissioner Binder was opposed to leaving common space improvements to the HOA. Chairman Elmer concurred, adding that to do so was inconsistent with past development approvals. Ms. Gerstenberger agreed to amend her condition to reflect that the developer would be responsible for common space improvements concurrent with infrastructure construction; the area would then be dedicated to the HOA for subsequent maintenance.

John Shaver agreed that the initial condition was not consistent with past approvals. He felt that if the HOA were to remain developer-controlled, it may not make a difference; however, the added clarification was probably beneficial.

Commissioner Coleman said that if the HOA fell out of the control of the developer, without the clarification the burden would then fall to individual homeowners.

Commissioner Binder asked for clarification on how the 6 percent common space figure had been obtained. Ms. Gerstenberger said that no actual open space requirement existed for planned zones. While staff had recommended five percent, the developer agreed to exceed that amount.

Commissioner Binder asked if maintenance of the retention pond would be the responsibility of the HOA, to which Kent Marsh responded affirmatively. He reiterated that if the referenced easement was secured, one of the retention ponds could be eliminated, with the other retention pond replaced by a detention basin.

Chairman Elmer asked that Mr. Shaver provide the public with an explanation of Zones of Annexation, which was given. Commissioner Driscoll noted that the Planning Commission did not make any determinations regarding actual annexation issues.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Dorothy Jensen (2881 D Road, Grand Junction), an adjacent property owner, expressed her opposition to the request due to expected conflicts between her farming operation and the proposed residential development. She was also opposed to the additional traffic impacts on D Road. Increased vehicular stacking at the railroad crossing could be expected. She felt that the developer cared little for existing residents and was only concerned about his own financial gain.

PETITIONER'S REBUTTAL

Mr. Rickard offered no additional rebuttal testimony but availed himself for questions.

QUESTIONS

Commissioner Driscoll asked Mr. Rickard if the developer intended to construct common space improvements, to which he responded affirmatively. The HOA, he said, would only be responsible for subsequent maintenance.

DISCUSSION

Commissioner Binder expressed concern that any retention/detention areas would not be properly maintained by an HOA. She asked what would be the City's recourse, if any, should those areas be abandoned or improperly maintained? Mr. Shaver explained that in some circumstances the City had dedicated rights to utilize a given facility; absent those rights maintenance falls to the Homeowner's Association. He continued by noting that some cities formed drainage or stormwater utility districts, which would charge homeowners a fee for maintenance. Currently, the City of Grand Junction did not have such a mechanism in place. He expected that retention/detention areas would experience some degradation and that the City will likely could be expected over time and that the City will asked to maintain the facilities. He noted that the City did not incur any legal liability for the lack of maintenance by an HOA. Weed control, under a separate ordinance, is enforced by the City.

Chairman Elmer noted the Plan's compliance to Code criteria and Growth Plan recommendations. The zone seemed appropriate even though lower than it's former County designation. With the petitioner's agreement to construct common space improvements and adhere to staff recommendations, he expressed support for the request.

Commissioner Prinster asked if the number of allowable lots should be established prior to any approval recommendation. Ms. Gerstenberger said that the original request had proposed 36 lots. At most, the petitioner could develop 35 lots, but she expected that even with the elimination of a retention pond, the number would probably not exceed 34.

Commissioner Coleman said that the zone would limit the number of allowable lots. The addition of one or two more lots would not be a major change to the plan. Mr. Shaver concurred and said that an accurate count would be available by Final. He advised that it was more important at this point for the Commission to note the intent of the petitioner to add another lot or two if possible than to have a final count.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item ANX-1999-186, I move that we forward the Zone of Annexation to City Council with the recommendation of PR-4 for the following reasons: 1) the PR-4 zone district meets the recommended land use categories as shown through the Growth Plan as well as the Growth Plan’s goals and policies, and 2) the PR-4 district meets the criteria found in sections 4-4-4 and 4-11 of the Zoning and Development Code.”

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

MOTION: (Commissioner Coleman) “Mr. Chairman, also on item ANX-1999-186, I move that we approve Preliminary Approval for the proposed Skyler Subdivision subject to the contingencies of staff.”

Commissioner Grout seconded the motion.

Commissioner Driscoll asked that the motion be amended to note that the petitioner would be responsible for installation of the active recreation equipment. Commissioner Coleman agreed to amend his motion accordingly. Commissioner Grout seconded the amendment.

Chairman Elmer noted the staff’s alteration requirement of the term “open space” to “common space.”

A vote was called and the motion passed unanimously by a vote of 6-0.

FPP-1999-201 FINAL PLAT/PLAN/EASEMENT VACATION—CAMELOT GARDENS

A request for: 1) approval of the Final Plat/Plan of Camelot Gardens consisting of 4 duplex lots and 1 triplex lot for a total of 11 residential units on approximately 1.6 acres in a PR-6.9 (Planned Residential with a density not to exceed 6.9 units per acre) zone district, 2) vacation of drainage utility and irrigation easements, and 3) request for revision of the bulk requirements in the PR-6.9 zone district.

**Petitioner: Tierra Ventures, LLC
Location: 2844 Kennedy Avenue
Representative: Brian Hart, LanDesign**

PETITIONER’S PRESENTATION

Rob Katzenson, representing the petitioner, referenced an overhead transparency of the Final Plat and said that Preliminary Plan approval conditions had been incorporated into the Final Plat/Plan. He asked that rear yard setbacks for Lots 6 and 7 of Block 2 be amended from 15 to 12 feet, and from 15 to 10 feet for Lots 1 and 2 of Block 2 to allow greater flexibility of design. Referencing staff’s conditions of approval, he expressed a preference for option b) under condition 2. He stated his intent to provide landscaping and railroad ties as a vehicular barrier at the end of the shared driveway mentioned in condition 9. He said that all other conditions were acceptable.

QUESTIONS

Commissioner Coleman wondered if there were any plans for fence construction along the southern property line. Mr. Katzenson said that the Grand Junction Drainage District had opposed the erection of any fence. He said that John Ballagh, representing the District, felt that fencing would restrict surface flows causing upstream problems. Commissioner Coleman said fencing would help keep children from playing near the drainage ditch and provide a more definitive separation of residential and commercial uses.

Commissioner Prinster asked for clarification on the type of barrier to be provided. Mr. Katzenson said that the proposed mixture of landscaping and railroad ties had been designed to prevent vehicular access along the detention pond area. It was felt that there would be sufficient barrier height to adequately prevent through traffic. Using the plat, he clarified the location of the fence if erected where Commissioner Coleman suggested.

STAFF'S PRESENTATION

Dave Thornton agreed that the Final Plat conformed to the Preliminary Plan. He noted that the fence issue had been brought up during Preliminary review, at which time 6-foot privacy fencing had been required to buffer residential uses to the north, west and east to Kennedy Avenue. At the centerline of Kennedy Avenue going both north and south the 6-foot fence height would be reduced to 30-inches to meet sight distance triangle requirements. The fence located adjacent to the end of the right-of-way would ultimately be removed concurrent upon any future extension of Kennedy Avenue to the east. Mr. Thornton elaborated briefly on the vacation of three previous easement locations and their rededication in more appropriate locations with the current proposal. He said that since either option a) or b) were available to the petitioner, staff had no problem with the petitioner's preference. Staff also supported the petitioner's request for setback variance on Lots 6 and 7 in Block 2 and Lots 1 and 2 in Block 2. Approval was recommended for the easement vacations and for the Final Plan subject to the following conditions:

1. Add plat language and monuments as per City surveyor's comments on Final Plat.
2. The water line shall be looped to Eastgate Shopping Center private water line. The petitioner shall survey, prepare, and acquire an easement from Eastgate Shopping Center for one of the following two alternatives:
 - a. The entire private water line from 28 ¼ Road easterly to the connection to Camelot Gardens, or
 - b. A 20-foot easement covering just the Camelot Gardens connection to the private main. This would serve primarily as just a secondary public feed to the private Eastgate system.
3. Show sidewalk easement modifications on the plat acceptable to affected utility companies. The dedication language will need to be reviewed and approved by the City of Grand Junction.
4. The parking spaces located at the ends of the hammerhead shall be included in Tract A on the plat.
5. Redesign the flowline profiles as requested in the review agency comments.
6. A 2-foot curb and gutter section is required as per the Preliminary Plan approval. The developer shall provide for and show the size and locations of the curb cuts for driveways on the plans since a vertical curb is being proposed. If the design is changed to a mountable curb and gutter, the curb and gutter width will need to be 30-inches.
7. The north gutter of the hammerhead shall be designated as a spill gutter. A detail shall be provided with the construction drawings.
8. The dumpster pad shall be adjacent to the sidewalk or additional concrete placed in the strip between the back of the sidewalk and the front of the pad.

9. A barricade or other appropriate barrier shall be placed across the end of the shared driveway to eliminate vehicular short-cuts to Eastgate through the detention pond.
10. Plat dedication language shall include the following language for dedications for utilities including the sewer: "...to the City of Grand Junction for the use and benefit of the City, the public utilities, and the Persigo 201 Sewer System..."
11. Dedication language for Tract A shall be dedicated to the HOA and shall state, "Tract A as a private street to the Camelot Gardens Homeowners Association, Inc. hereby platted as perpetual easement for the purpose for: 1) ingress and egress purposes for the common benefit and use of Camelot Gardens lot owners and their invitees, 2) the installation, operation, maintenance and repair of utilities, 3) use by public services, including, but not limited to, postal service, trash collection, fire, police and emergency vehicles, 4) use by the public utilities including the City of Grand Junction for the use and benefit of the City, the public utilities, and the Persigo 201 Sewer System, 5) drainage purposes for the conveyance of runoff water which originates within the area hereby platted and from upstream areas, through natural or man-made facilities above or below ground."
12. The shared 20-foot driveway shall be dedicated as an ingress/egress easement and dedicated to lots 1, 2, 3, and 4 of block 1, their successors and assigns forever, that real property which is labeled as Ingress and Egress Easement for the common benefit for ingress and egress purposes of the owner(s) of lot 1, lot 2, lot 3 and lot 4 of block 1 and their invitees. Also, the Final Plat shall dedicate the shared driveway as a drainage easement and irrigation easement to match what is shown on the Site Plan.

QUESTIONS

Commissioner Driscoll asked for staff's opinion on imposing a fence requirement along the southern perimeter of the property. Mr. Thornton acknowledged the drainage district's opposition and said that given the sizes of the lots, the building envelopes and the easement, there wasn't much room for a fence. Staff's position, he said, was that sufficient buffering had been provided.

Commissioner Coleman didn't think railroad ties would stop a four-wheel-drive vehicle from using the access as a short-cut into the Eastgate Shopping Center. Railroad ties, he said, weren't much of a deterrent; ballards would be more effective.

Chairman Elmer noted that there was no legal requirement to state that the easement must be fully accessible. Any erected fence could be taken down and re-erected if necessary. Mr. Shaver said that the issue was more the expectation of the developer to encroach upon an easement when he had already been told he couldn't. Mr. Shaver recalled that during Preliminary review the stipulation had been that a fence would be required "if feasible or possible." The question over whether the fence was either feasible or possible was an issue for the Commission, given the drainage district's objection.

Chairman Elmer noted that the edge of the easement was also the edge of the building envelope, leaving no setback if fencing were constructed.

Commissioner Driscoll asked for confirmation from staff that there were no objections to the rear yard setback variance request for the four lots mentioned by the petitioner, which was given.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

John Hyatt (2843 Elm Avenue, Grand Junction) said that his father-in-law owned property along the east side of Kennedy. He objected to the erection of 30-inch fencing along the roadway and said that the reduced fence height would not deter people from trespassing onto his property. He didn't feel it fair that he should bear the cost of erecting a 6-foot fence on his property in order to keep out trespassers from Camelot Gardens. He suggested that a 6-foot privacy fence be erected the entire distance, with the understanding that it could be removed later if it proved to be a problem or when Kennedy Avenue was extended.

PETITIONER'S REBUTTAL

Mr. Katzenson said that with regard to the suggestion for ballards, landscaping materials would be erected high enough (appx. 18-inches) so that vehicular access would be sufficiently discouraged. He noted the elevated grade of the property near the detention basin. With regard to Mr. Hyatt's comments, he reiterated that Kennedy Avenue would eventually be extended easterly. He was bound to follow Code requirements regarding the preservation of sight distance.

QUESTIONS

Chairman Elmer noted the wording of the condition that required an "appropriate barrier." He suggested leaving final approval of the barrier type to staff. Mr. Thornton said that staff was open to planning commissioner suggestions. Kent Harbert noted the location of a detention pond south of Kennedy Avenue that sloped approximately 3 feet downward. Even a 4-wheel-drive vehicle would come to an abrupt halt at the bottom of such a severe decline. Since the subject access was a driveway and not a roadway, a less intrusive barricade had been deemed more appropriate.

Chairman Elmer asked Mr. Katzenson if he agreed with previous comments regarding placement of the fence along the edges of the building envelope and drainage easement. Mr. Katzenson said that the issue had been discussed at Preliminary review and he'd continued to have conversations with Mr. Ballagh on the issue. He felt that any requirement for fencing at this stage would place the petitioner in an adversarial relationship with the drainage district, which could stall the project.

Commissioner Coleman reiterated his point that commercial and residential areas needed to be clearly separated.

Commissioner Driscoll asked for clarification on the approval language from the Preliminary review on the fencing issue. Mr. Shaver recalled that Planning Commission direction at prelim had been that "if it were to be agreed or was agreeable with the drainage district, a fence would be required." He expressed concern over imposing a condition on the petitioner different from the one imposed at Preliminary. Mr. Shaver was unsure whether the easement was exclusive or non-exclusive; because he had not reviewed it. From a legal perspective, he said that the petitioner had an argument that it had done what the Planning Commission had directed. He read from Mr. Ballagh's comments dated September 13, 1999 where Mr. Ballagh mentioned an overland flow easement. While no detail on that easement was available, Mr. Shaver commented that a fence could interfere with historic flows.

Commissioner Driscoll asked Mr. Katzenson if a copy of the easement proposed by the drainage district for the development was in his possession. Mr. Katzenson responded negatively.

Chairman Elmer noted that there existed approximately 20 feet of parking lot between the property line and curb which allowed plenty of room for surface runoff. It was his opinion that a fence would do nothing to hinder flows.

DISCUSSION

Chairman Elmer recalled leaving the fencing requirement vague during Preliminary because it was unclear what position the drainage district would take.

Commissioner Coleman reiterated his position on separating commercial and residential uses.

Commissioner Prinster did not want to create a situation for the petitioner where he would be forced to encroach upon an existing easement.

Mr. Shaver offered several options to the Planning Commission on how to proceed.

Chairman Elmer suggested language that would “require a continuous 6-foot-high privacy fence along the entire southern property boundary located at least 5 feet south of the building envelope unless the petitioner could legally demonstrate that an exclusive right was held by the drainage district which would prohibit its placement.” He noted that it was common for construction to occur within easements, and there seemed to be plenty of room.

Commissioner Coleman was in agreement with the suggested verbiage.

Mr. Katzenson said that the property line shown on the plat was not the end of the easement (location shown). If the property were fenced, the fence would actually be located in the middle of the drainage district’s easement.

Chairman Elmer said that adding the 20 feet of easement to the 20 feet of open area adjacent to the easement (noted) would leave the drainage district with approximately 40 feet of maintenance area for a buried drain line, which was clearly excessive.

Commissioner Driscoll asked Mr. Shaver to address Mr. Hyatt’s concerns further. Mr. Shaver said that staff’s position was appropriate; however, a revocable permit may be an option for the adjacent owner to construct a 6 foot fence. He also noted that the adjacent property owner had the right to erect a fence on his own property without the revocable permit.

Commissioner Driscoll concurred with Commissioner Coleman’s comments that typically the Planning Commission had required a more definitive buffering of residential and commercial uses. Mr. Ballagh’s comments had not stated that the easement would be granted contingent only upon the absence of a fence. Thus, the proposed condition would only serve to elaborate on what had been approved during Preliminary.

Commissioner Binder noted that any fence would have to be constructed so that it didn’t hinder surface flows.

MOTION: (Commissioner Grout) “Mr. Chairman, on item FPP-1999-201, I move that we approve Camelot Gardens Subdivision subject to staff’s recommendation including conditions 1 through 12; and forward a recommendation of approval to City Council for the easement vacations and changes in setbacks for Lots 6 and 7, Block 2, from 15 feet to 12 feet and Lots 1 and 2, Block 2, from 15 feet to 10 feet, including the addition of condition 13 to read, ‘A continuous 6-foot-high privacy fence will be required along the entire southern property boundary located at least 5 feet south of the building envelope unless the petitioner can legally demonstrate that an exclusive right was owned by the drainage district which would prohibit its placement,’ and elimination of condition 2a.”

Commissioner Coleman seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

ANX-1999-210 ZONE OF ANNEXATION—NORTH GLENN/MATCHETT ENCLAVE

A request for approval of the Zone of Annexation for North Glenn/Matchett Enclave area consisting of 555.44 acres from AFT, R2, PC and PUD 3.6 (County zoning) to RSF-R (Residential Single Family with a density not to exceed 1 unit per 5 acres), RSF-5 (Residential Single Family with a density not to exceed 5 units per acre), PC (Planned Commercial) and PR-3.6 (Planned Residential with a density not to exceed 3.6 units per acre) zone districts.

Petitioner: City of Grand Junction

Location: Between 29 and 29 ½ Roads, north of F ¾ Road

STAFF'S PRESENTATION

Dave Thornton presented an overhead transparency of the subject area and reviewed the request. He indicated that a neighborhood meeting had been held for area residents. The RSF-R zone's limitation of growth within the airport's critical zone was consistent with the airport's Master Plan. While the City recommended keeping the PC zone for the commercial area and retaining designated uses, the outdoor storage allowance would be eliminated. He noted that any commercial development proposal in the area could be subject to development of the 29 Road interchange. All other recommended zoning was consistent with Growth Plan recommendations.

Chairman Elmer noted that commercial development south of I-70 could gain access via 29 Road without necessitating construction of the 29 Road interchange, to which Mr. Thornton concurred. Mr. Shaver said that traffic impacts from a given development would be evaluated as well as the capacity of the road and consistent with legal standards the analysis would determine what improvements would be required.

QUESTIONS

Commissioner Driscoll wondered if attendance at the neighborhood meeting had been good. He asked had there been many comments? Mr. Thornton said that the bulk of comments received regarded the area's annexation and sidewalk along 29 ½ Road. Property owners mainly wanted their current zoning respected.

Chairman Elmer noted that detailed discussion had ensued during the Growth Plan's development; the proposed zoning was consistent with Growth Plan recommendations.

PUBLIC COMMENTS

FOR:

John Marchen (2925 F ½ Road, Grand Junction) asked a more general question over why current zoning couldn't be left as-is. Noting the location of his property, he wondered how the Zone of Annexation would affect him. Mr. Elmer briefly explained the specifics of the Persigo Agreement. Mr. Marchen's property lay outside the current zone area; thus, proposed zoning changes would not affect him at all.

AGAINST:

Dave Miller (2938 W. Erica Court, Grand Junction) was upset over the recent annexation of his property and said that the Parks Department had never returned his calls. He had asked if the City could take over maintenance of the North Glenn Subdivision Park.

Mr. Thornton apologized that no one from the City had gotten back to Mr. Miller. He said that a determination had been made that the North Glenn park was too small and not suitable for public use.

Commissioner Binder commented on the expense of open space maintenance that often became cost prohibitive for homeowners.

DISCUSSION

Commissioner Coleman expressed support for the request. The zoning was consistent with previous County zoning and Growth Plan recommendations. Commissioner Driscoll concurred.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item ANX-1999-210, I move that we forward the Zone of Annexation to City council with the recommendation of zoning the North Glenn/Matchett Enclave Annexation as shown on the proposed zoning map for the reasons specified in the staff report.”

Commissioner Coleman seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

ANX-1999-221 ZONE OF ANNEXATION—INDIAN VILLAGE/THE VISTAS ENCLAVE

A request for approval of the Zone of Annexation for Indian Village/The Vistas Enclave area consisting of 109.03 acres from R2 (County zoning) to RSF-5 (Residential Single Family with a density not to exceed 5 units per acre), PR 6.5 (Planned Residential with a density not to exceed 6.5 units per acre) and RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) zone districts.

Petitioner: City of Grand Junction

Location: 28 ¾ and F Roads, including the Indian Village Subdivision

STAFF’S PRESENTATION

Dave Thornton presented an overhead transparency of the subject area and briefly overviewed the request. He explained that while the PR-6.5 property had been rezoned in the County, a Preliminary Plan for the property would soon be submitted to the City for review. The City had been involved as a review agency during the County’s rezoning of the site. Having found that the request met Code criteria, staff recommended approval.

QUESTIONS

Commissioner Driscoll wondered why a straight zone hadn’t been proposed for the PR-6.5 property if no plan had been approved. Mr. Thornton said that the rezone was recent and that the petitioner had already engaged in discussions with the County over intended development. Since the petitioner was so close to submitting a Preliminary Plan, the City decided to honor the County’s planned zone designation. Mr. Shaver added that as a review agency, the City had been given a chance to review initial plans submitted by the petitioner. Staff’s approval recommendation had been based on the City’s understanding of the petitioner’s development intentions.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Chairman Elmer agreed that the request seemed straightforward; he concurred with staff’s rationale regarding the planned versus straight zone designation.

Commissioner Coleman expressed concern that rezones of infill properties seemed to be consistently at the lower end of Growth Plan recommendations. Chairman Elmer agreed but acknowledged that allowing higher densities in some areas would present conflicts with the City’s Major Street Plan.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item ANX-1999-221, I move that we forward the Zone of Annexation to City Council with the recommendation of zoning the Indian Village/The Vistas Enclave Annexation as shown on the proposed zoning map for the reasons specified in the staff report.”

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

ANX-1999-214 ZONE OF ANNEXATION—U-HAUL STORAGE FACILITY

A request for approval for: 1) the Zone of Annexation for approximately 2.6 acres from County zoning of C (Commercial) to City zoning of C-1 (Light Commercial), and 2) Site Plan review to construct 224 storage units.

Petitioner: Americo Real Estate Company

Location: 2951 North Avenue

STAFF’S PRESENTATION

Tricia Parish corrected the agenda to reflect that the Site Plan review would be undertaken administratively without the need for Planning Commission involvement. An overhead transparency of the area was presented and Ms. Parish stated that the request met Code criteria and North Avenue Corridor guidelines. With no outstanding issues, staff recommended approval.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Chairman Elmer and Commissioner Driscoll noted that the request seemed straightforward.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item ANX-1999-214, I move that we forward the Zone of Annexation to City Council with the recommendation of Light Commercial for the reasons specified in the staff report.”

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

A brief recess was called at 9:02 p.m. The hearing reconvened at 9:06 p.m.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

Due to the potential for conflict of interest, Commissioner Driscoll excused himself from the following item.

CUP-1999-202 CONDITIONAL USE PERMIT—OVERHEIGHT FENCE

A request for approval of an existing 6’10” stucco fence on property line in an PR-2.4 (Planned Residential with a density not to exceed 2.4 units per acre) zone district.

Petitioner: Jerry Ainsworth

Location: 2041 Wrangler Court

PETITIONER’S PRESENTATION

Jerry Ainsworth, petitioner, passed out photos of the subject fence, which had already been erected. He explained that he had attempted to comply with legal requirements and had obtained the necessary construction approvals from both the Architectural Control Committee (ACC) and the City. But while the fence itself was only 6 feet in height, he had placed it on a retaining wall, not realizing that the wall factored into the overall height calculation. The retaining wall, he said, had been necessary because of the sloping on his property. The wall and “fill dirt” leveled out the property so that his wife was better able to garden. He felt the fence to be an attractive addition to his home and the neighborhood and noted that it didn’t impede anyone’s views or sight distance.

QUESTIONS

Commissioner Coleman wondered who had first noted the discrepancy. Mr. Ainsworth said that the City’s own Code Enforcement Officer had brought it to his attention.

Commissioner Grout asked the petitioner if he’d checked with the CC&R’s to see if a fence of that height would be allowed. Mr. Ainsworth responded affirmatively, noting that the ACC had told him to go ahead and construct the fence, that it would be inspected afterwards.

Chairman Elmer observed that approvals had been given based upon a 6' fence height, not a 6'10" height. Mr. Ainsworth said that he had no idea the retaining wall would be factored into overall height calculations. He had made a sincere attempt, he said, to comply with ACC and the City's requirements.

Chairman Elmer said that even if City-approved, the fence might still pose a problem for the ACC. Mr. Ainsworth said that no neighbor opposition had been voiced; rather, several of his neighbors were present to support his request.

STAFF'S PRESENTATION

Tricia Parish noted that only an 8-foot section of fence was out of compliance. The 6-foot fence transitioned into a 4-foot split-rail fence along the sides and back of the property. Since the same geologic conditions existed on other properties in the subdivision, staff did not feel that the retaining wall should be factored into overall fence height calculations. Given the unique geologic conditions of the site and because it didn't block views or sight distance, staff recommended approval.

QUESTIONS

Commissioner Grout asked staff if she'd had a chance to review the subdivision's CC&R's to determine if there would still be a conflict even after City approval. Mr. Shaver said that the City does not enforce homeowner compliance with CC&R's. If a conflict existed, the ACC could opt to amend the CC&R's to specifically exclude the subject lot or otherwise address the problem but the City can't do additional enforcement.

PUBLIC COMMENTS

FOR:

Bob Crossman (2040 Wrangler Court, Grand Junction) said that as a neighbor living across the street, he felt that the fence added aesthetic value to the petitioner's property. He noted that the grade on many of the subdivision's lots was quite severe. He expressed support for the request.

Quinn Gustafson (2039 Wrangler Court, Grand Junction), next door neighbor, said that only a small portion of the overall fence was at issue. He also supported the request.

Brent Yulenberg (2038 Wrangler Court, Grand Junction) agreed that the fence was aesthetically pleasing and should be allowed to remain.

AGAINST:

There were no comments against the request.

PETITIONER'S REBUTTAL

Mr. Ainsworth said that he'd been sent a packet from the ACC following its inspection of his fence. No adverse comments had been received.

DISCUSSION

Commissioner Coleman noted the lack of opposition from the neighbors.

Chairman Elmer said that because only a small portion of the fence was at issue and because the property was so open, he had no problem with supporting the request. He added that in other overheight fence requests, sight distance and view concerns had been prevalent.

Commissioner Binder thought that the fence was appealing and offered her support as well.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item CUP-1999-202, I move that we approve the Conditional Use Permit for a 6'10" tall fence at 2041 Wrangler Court."

Commissioner Grout seconded the motion.

Chairman Elmer clarified that the approval affected only that portion of fence located on the east side of the property.

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

Commissioner Driscoll returned and was present for the remainder of the hearing.

FP-1999-203 FINAL PLAN—PATTERSON PARKWEST PLAZA

A request for approval of the Final Plan for a 10,000-square-foot retail building on approximately .92 acre in a PC (Planned Commercial) zone district.

Petitioner: Wylie Miller

Location: 2486 F Road

PETITIONER’S PRESENTATION

Robert Gregg, representing the petitioner, said only that the Final Plan incorporated staff’s comments.

QUESTIONS

Commissioner Coleman asked if the petitioner planned to erect any metal buildings on site, to which Mr. Gregg responded negatively. He briefly outlined the building design and said that it would have a stuccoed finish.

Chairman Elmer said that a freestanding sign would be allowed if it didn’t exceed the overall Sign Code allowance for the site. Mr. Gregg said that the petitioner wanted to use all of the sign allowance for flush-mounted signs instead; no freestanding signs were planned.

STAFF’S PRESENTATION

Kristen Ashbeck presented an overhead transparency of the site plan. She suggested that if no freestanding signage would be requested, a separate condition should be added to state as much. With no outstanding issues, staff recommended approval subject to the following conditions:

1. Review and approval of the deed granting additional right-of-way for F Road.
2. Address remaining comments attached to staff report (dated 10/1/99).

Kent Marsh added that drainage concerns for Phase II were being addressed.

QUESTIONS

Commissioner Coleman asked how high up from the ground the existing freestanding sign was, to which Ms. Ashbeck answered 10 feet.

Commissioner Binder asked if sidewalk was presently installed in front of the site for both Phases I and II, to which Ms. Ashbeck replied affirmatively.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER’S REBUTTAL

Mr. Gregg wondered how long it would take for the City to complete its review of the grading and drainage plan? Mr. Marsh responded that it should take no more than a day. He wanted time to review the concrete dumpster pad and contours for the retention basin.

DISCUSSION

Commissioner Driscoll asked the petitioner if he wanted to retain the flexibility of having a freestanding sign if he so chose. After a brief discussion, Mr. Miller opted to eliminate it as a signage option.

Commissioner Coleman asked for clarification on grading and drainage comments, which was provided by Mr. Marsh.

Chairman Elmer proposed the following verbiage for a third condition, “An additional freestanding sign will not be allowed for this phase. The allowed signage square footage will be appropriated only towards flush-mounted signage.”

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item FP-199-203, I move that we approve the Final Plan for Parkwest Plaza Phase II subject to staff recommendations 1 and 2, with the addition of recommendation 3 which will restrict the petitioner to utilizing only flush-mounted wall signs for the remainder of their signage allowance.”

Commissioner Binder seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

FPP-1999-206 FINAL PLAT/PLAN—REDLANDS MESA GOLF COURSE

A request for approval of the Final Plan of an 18-hole golf course on 201.87 acres in a PR (Planned Residential) zone district.

Petitioner: Redlands Mesa, LLC
Location: South and West Ridges Blvd. in the Ridges
Representative: Thompson-Langford

PETITIONER’S PRESENTATION

Ronald Austin, co-petitioner, introduced other members of his design team and expressed agreement with staff’s conditions of approval. He presented a diagram depicting the golf course’s layout and availed himself for questions.

QUESTIONS

Commissioner Coleman asked if there had been any thought given to a reclamation plan for disturbed areas. Jim Engh, representing the petitioner, said that the natural character of the site would be preserved. The design sought to create corridors of golf within the natural character of the land. Disturbed areas not contained within the golf corridors would be reclaimed with natural vegetation. A perimeter irrigation system had been incorporated into the course’s design. In some areas, cart paths would be directed into the hills.

Chairman Elmer asked if corridor widths would be constructed to generally recognized standards. Mr. Engh said that the standard had been upgraded from 300 to 350 feet. The project would utilize the 350-foot standard.

Chairman Elmer asked if impacts from the driving range had been taken into account for neighboring homes. Mr. Engh noted various mitigatory measures on the design diagram but said that due to the varying degrees of golfer skill levels, he could not guarantee that an errant ball would not occasionally make its way to residential properties. The driving range, he said, had been condensed to a narrower area and target greens would be placed to encourage play within that area.

Chairman Elmer asked if the driving range was located lower than the adjacent parcel (location noted). Mr. Engh said that the driving range would contain undulating terrain.

Commissioner Binder wondered where the main access was into the site. Mr. Austin expected the bulk of traffic to access the site off of Mariposa. Mariposa would be constructed with an all-weather surface during construction of the site. A second access off of Highway 340 via The Ridges would also be available.

Commissioner Binder wondered if there were any projected figures for the number of people expected to use the site. Mr. Austin said that 30-35K people using the site would be ideal, but he expected that figure to be lower in the beginning. When asked for a completion date, Mr. Austin thought that the first phase should be completed by the spring of 2001.

Commissioner Binder asked if homesites off of Mariposa would be built concurrently with the golf course. Mr. Austin expected that homes would be completed prior to the golf course's opening. He said that the project's phasing allowed for some flexibility in construction. The paving of Mariposa Drive would be contingent upon certain density triggers being met.

Commissioner Binder said that if Mariposa Drive wasn't finished in conjunction with golf course construction, people would be directed to The Ridges entrance for primary access. Mr. Austin agreed with that conclusion.

Commissioner Binder asked Mr. Austin if he personally would be managing the golf course. Mr. Austin said that a management company would be selected, that responsibility would not be left to the City.

Chairman Elmer noted on the design diagram that golf traffic from holes 3 and 17 were going the wrong way. Mr. Engh indicated that golf cart circulation was via one-way paths to prevent conflict with golf carts moving from hole to hole and golfers on the fairways.

Commissioner Binder wondered if the golf course would be open 365 days per year, to which Mr. Austin replied affirmatively, given favorable weather conditions.

STAFF'S PRESENTATION

Pat Cecil said that the Final Plan conformed with the Preliminary Plan. With no outstanding issues, staff recommended approval subject to the following conditions:

1. A full staff review and approval of the final construction drawings will be required prior to commencing development of the golf course.
2. All requirements of the City Development Engineer and Utility Engineer must be addressed in the final submittal.
3. Final plans for the clubhouse area and maintenance facility must be submitted for Planning Commission review and approval prior to construction.

PUBLIC COMMENTS

FOR:

Mike Stubbs (2408 Hidden Valley Drive, Grand Junction), landowner adjacent to the driving range, said that the design team had consistently indicated a willingness to work with him to satisfy his concerns. It appeared that the current design achieved that end for the most part. He supported the project and thought that it would be a valuable asset to the community.

AGAINST:

There were no comments against the request.

PETITIONER'S REBUTTAL

The petitioner offered no rebuttal testimony.

DISCUSSION

Commissioner Binder expressed concern over the expected volumes of traffic traveling along Mariposa and Monument Roads. Without any plans to widen Monument Road nor any turn lanes planned, she expected that increased stacking combined with the hillside location and vehicle speeds would make for a very unsafe situation. She stressed the need for a turn lane at the Mariposa Drive entrance from Monument Road. She also felt that Mariposa would be used more as a secondary access, since the bulk of expected traffic would be coming from the City.

Commissioner Binder asked for a brief history of why the Tiara Rado Golf Course had transferred its ownership to the City of Grand Junction. Mr. Shaver and Commissioner Coleman attempted to respond.

Commissioners Driscoll and Grout commented that the Final Plan met the conditions of Preliminary Plan approval.

Chairman Elmer also noted that the standards for golf course design were also being met.

MOTION: (Commissioner Driscoll) "Mr. Chairman, on item FP-1999-206, I move to approve the Final Plan for the Redlands Mesa Golf Course subject to the staff conditions."

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

V. GENERAL DISCUSSION

Commissioner Coleman announced that this would be his last meeting before leaving for Washington state. He was thanked by Chairman Elmer and other planning commissioners for his efforts and participation.

Planning Commissioners were reminded of a Code workshop scheduled for Wednesday evening at 6:30 p.m.

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