

**MESA COUNTY PLANNING COMMISSION
MARCH 19, 1998
MINUTES**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. in the City/County Auditorium by Chairman Don Campbell.

In attendance, representing the Mesa County Planning Commissioner, were: Don Campbell (Chairman), Mary Fuller, Jean Moores, Bob Gobbo, Louise Wagner and Charlie Nystrom. Alternate Gary Hammacher joined the Planning Commission after the vote on Consent Agenda items.

In anticipation of a final vote for the *North Central Valley Neighborhood Plan*, members of the Grand Junction Planning Commission were also present, but voted on this item only. Representing the Planning Commission, were: John Elmer (Chairman), Mike Denner, Jeff Driscoll, Joe Grout and Mark Fenn.

In attendance, representing the Mesa County Current and Long-Range Planning Departments, were: Kathleen Sellman (Current Planning Department Director), Keith Fife (Long-Range Planning Department Director), and Sr. Planners Richard Goecke and Verna Cox.

Representing Grand Junction's Community Development Department was Sr. Planner Michael Drollinger.

Terri Troutner was present to record the minutes.

There were approximately 25 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of January 15 and February 12, 1998.

MOTION: (Commissioner Fuller) "Mr. Chairman, I make a motion that the minutes stand approved as written."

Commissioner Nystrom seconded the motion.

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

II. ANNOUNCEMENTS AND/OR PRESENTATIONS

Continued to March 26 was item C14-98.

MOTION: (Commissioner Nystrom) "Mr. Chairman, I would move that the item you just addressed, item C14-98 Conditional Use Permit for a Propane Storage and Refill Station, be continued to March 26."

Commissioner Moores seconded the motion.

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

III. CONSENT AGENDA

Available for consideration on the Consent Agenda were items C13-98 and C17-98. No objection was voiced from the audience on either of these items.

MOTION: (Commissioner Nystrom) “I move that the following items, C13-98 and item C17-98 that you previously read, be placed on the Consent Agenda and passed on to County Commissioners with review agency comments and staff recommendations.”

Commissioner Wagner seconded the motion.

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

IV. FULL HEARING

C2-98 PROPOSED NORTH CENTRAL VALLEY NEIGHBORHOOD PLAN (PLN-1998-019)

A request to adopt the *North Central Valley Neighborhood Plan* (NCVNP). The Mesa County Planning Commission will consider adoption of the *Plan* and a resolution certifying adoption to the Board of County Commissioners. The Grand Junction Planning Commission will consider a recommendation to the City Council to adopt the *Plan*.

OVERVIEW

Chairman Campbell presented a brief history of the NCVNP process. Planning Commissioners had held a workshop on March 5 to discuss specific issues associated with the *Plan*. No public testimony had been taken at that time, nor would any be solicited at tonight’s hearing. This item was opened only for discussion among planning commissioners. The only point from the March 5 workshop summary which drew significant discussion was item 12 regarding the neighborhood commercial zoning of the H and 24 Road intersection properties.

Commissioner Nystrom wanted the word “intersection” to be changed to “vicinity.”

Chairman Elmer said that limiting the number of properties which could be zoned Neighborhood Commercial would prevent a proliferation of commercial uses in the subject area.

Commissioner Fuller didn’t want to necessarily limit the use to just those properties located at the intersection.

Commissioner Gobbo wondered how the commercial use on the nearby Pond property would be affected. Mr. Fife clarified that regardless of the Plan’s contents, the current commercial use on the Pond property would be grandfathered.

Chairman Campbell remarked that if any past commercial operations could be documented for any of the nearby properties, those uses would be deemed historical and would be allowed. He clarified that the *Plan* would not automatically zone any property by its adoption; property owners would still have to request a rezone and be approved before the Neighborhood Commercial zone would apply. Only the land use classification would be changed.

Chairman Elmer said that the zone was intended to place and limit new commercial uses to where they had

been before. The grandfathering of existing uses was a different matter, one which was addressed by the zoning codes.

Mr. Fife referenced the Implementation section on page 44 of the *Plan*. He said that this section would help identify those properties where the zone would be applicable and determine the type of development most appropriate for them.

Chairman Campbell suggested adding the following verbiage after the word “uses” in item 12: “...as identified in the implementation actions 3, 4, and 5 on page 44.”

Commissioner Nystrom expressed concern that even the proposed amendment would not include all four corners of the H and 24 Roads intersection since one of the properties had historically always been residential. He wanted to make sure that all four corners of the intersection were included in the Neighborhood Commercial land use classification. He suggested that staff inventory those properties in the vicinity of the intersection which would qualify for the Neighborhood Commercial land use classification.

MOTION: (Commissioner Nystrom) “Mr. Chairman, I move that item 12 in the summary from the March 5 workshop be changed to read, ‘Neighborhood Commercial shall apply to all four properties at the intersection of H and 24 Roads and other properties that may be historical commercial uses as identified in the implementation items 3 and 4 on page 44 of the *North Central Valley Neighborhood Plan*.’”

Commissioner Wagner said that this motion did not sufficiently define the area to preclude properties located further away from the intersection, which otherwise might qualify for Neighborhood Commercial classification. She suggested the motion be amended to reflect a more localized area. She proposed the following amendment verbiage to be included after the words “24 Roads” and before the words “of the North”: “...plus any additional properties in the immediate vicinity of that intersection which may be identified as having historically been commercial uses as a result of the inventory process and the implementation schedule, items 3 and 4, on page 44...” Commissioner Nystrom agreed to amend his motion accordingly. The amended motion is as follows:

“Mr. Chairman, I move that item 12 in the summary from the March 5 workshop be changed to read, ‘Neighborhood Commercial shall apply to all four properties at the intersection of H and 24 Roads plus any additional properties in the immediate vicinity of that intersection which may be identified as having historically been commercial uses as a result of the inventory process and the implementation schedule, items 3 and 4, on page 44 of the *North Central Valley Neighborhood Plan*.’”

Commissioner Gobbo seconded the motion.

A vote by the Mesa County Planning Commission was called and the motion to amend this item passed by a vote of 7-0.

There was unanimous agreement from the Grand Junction Planning Commission to concur with the proposed change.

A brief discussion ensued over whether or not the *Plan* would be regulatory in nature, as referenced in item 2

of the March 5 summary. Michael Drollinger said that the *Plan* would be adopted by City Council via resolution, not ordinance. This would keep the *Plan* advisory and not regulatory, as stated in item 2.

Chairman Elmer said that pending formal adoption of both the City and County Development Codes, the *Plan* would, in the interim, be more regulatory in guiding development in the area. Since this was the case, he proposed taking the reference to its not being regulatory out of the paragraph.

Mr. Fife clarified that by itself the *Plan* was not regulatory in nature. Only if included in a Code as a compliance criterion would it then become indirectly regulatory. For this reason, the word “directing” was included to show that the *Plan* was not *directly* regulatory.

Chairman Campbell acknowledged the importance of adopting a plan in some form for the subject area. While not perfect, the overall concept and content were good. He expressed disappointment that the density performance criteria and point system had been deleted, and still maintained that more attention should have been given to addressing infrastructure issues. He thanked the public for their valuable input and urged continued suggestions for ways to implement the specifics of the *Plan*.

Chairman Elmer agreed that the *Plan* was a good overall product. He believed that too much importance was given to the *Land Use Map* when it was only a planning tool. While some residents may be upset with the estate zone classification, it was important to try and better utilize lands near urban services. The *Plan* would help in guiding future land use decisions.

Commissioner Nystrom noted the amount of work which had gone into the *Plan*. While agreeing that the *Plan* was not perfect, it could be reviewed annually and every five years.

Commissioner Moores agreed with comments made by Chairman Elmer. More focus should be given to the Plan’s goals, policies and implementation strategies, with less emphasis placed on the *Land Use Classification Map*.

MOTION: (Commissioner Nystrom) “Mr. Chairman, concerning item C2-98 (PLN-1998-019), the Proposed North Central Valley Neighborhood Plan, and Resolution #MCPC1-98, Adoption of the North Central Valley Neighborhood Plan as an amendment to the Mesa County Master Plan and certification of the North Central Valley Neighborhood Plan to the Board of Mesa County Commissioners, I would make a motion that we adopt that as written.”

Commissioner Hammacher seconded the motion.

A vote by the Mesa County Planning Commission was called and the motion passed unanimously by a vote of 7-0.

MOTION: (Commissioner Driscoll) “Mr. Chairman, I move that we forward to the City Council a recommendation of approval on the *North Central Valley Plan* as amended on March 5 and as further amended this evening.”

Commissioner Grout seconded the motion.

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

A brief recess was called at 8:08 p.m. The hearing reconvened at 8:16 p.m. with just the Mesa County Planning Commission in attendance.

C52-95-4 FRIENDSHIP WOODS SUBDIVISION, A REPLAT OF THE ROCKING 6'S MOBILE HOME PARK

Petitioner: Jeanette Vandenberg
Location: 510 - 32 ½ Road, Clifton
Representative: LanDesign

A request to subdivide the existing 43-space mobile home park into 41 lots in a Planned Unit Development (PUD) zone. The mobile home park was previously approved and is not the subject of the application. If approved, each mobile home would be on a separate lot rather than on a rented space.

STAFF'S PRESENTATION

Verna Cox entered the project review dated march 11, 1998 into the record. She presented a brief overview and history of the property, and explained that the number of lots with the application would be reduced from 43 to 41. During the preapplication conference and as outlined in the project narrative and public notification, only the platting of lots had been addressed. The petitioner had not, at that time, requested a modification to setbacks or buffer areas. The request failed to meet setback and buffering criteria as contained in *Code* sections 3.22.2, 4.3.1, 5.1.4.A and 5.1.4.E. However, since only the platting of lots would be considered, those *Code* sections were not applicable to the current application. Ms. Cox referenced review agency comments and requirements. Staff recommended denial of the Final Plat because the request failed to meet the above-referenced *Code* sections; however, approval of the revised ODP was recommended subject to the following conditions:

1. A new Final Plat application shall be submitted and fee paid. The Final Plat shall be revised to:
 1. Number the lots consecutively from 1 to 41.
 2. Label the detention area as an outlot.
 3. Clearly depict the setbacks which apply to the development.
 4. State the correct address of the development.
 5. Clearly label common areas which are to be maintained by the Homeowners Association.
 6. State the age restrictions which apply to the development.
 7. Designate any areas where recreation vehicle parking is to be allowed.

8. Satisfactorily address the comments of the review agencies.

2. Include the following in the standards which apply to the PUD:
 1. Lot line fencing shall not exceed 3 feet in height within 20 feet of the back of the sidewalk or adjacent to any front yard setback.
 2. Fencing on the perimeter of the site shall be of a consistent style and height.
 3. Any landscaping or fencing required as part of the development by Mesa County shall be maintained.

Public input included Ivan Miracle (503 - 32 ½ Road, Grand Junction), who expressed concern over possible degradation of the park and increase in the proliferation of junk, junk vehicles, inappropriate uses and problems with dogs running loose. These concerns were also those of Doris Roddy, Ed Hokanson and Lorraine Frasier, nearby property owners.

QUESTIONS

Commissioner Gobbo wondered who would be responsible for landscape maintenance. Ms. Cox replied that this would be the responsibility of the Homeowners Association (HOA).

Commissioner Moores asked if it were legal to specify age requirements for the park, to which Ms. Cox replied affirmatively.

Commissioner Hammacher asked if Public Service had lines installed to the site. Ms. Cox again responded affirmatively, adding that easements were already in place.

Commissioner Wagner asked for clarification on the rationale behind the requirement for 3-foot-high fencing, which was provided by Ms. Cox.

PETITIONER'S PRESENTATION

Jan Vandenberg, petitioner, reiterated that her present request did not include any setback or buffering modifications. She understood that these would have to be considered in a separate application. She said that her request was in response to changing market conditions. She thought she would have better luck selling the lots than she'd had in trying to rent them. The HOA would take care of park maintenance. She felt that lot ownership versus rentership would lessen the chances of park degradation.

QUESTIONS

Commissioner Hammacher asked if covenants would be drafted. Ms. Vandenberg replied affirmatively, adding that she intended to remain a member of the HOA to ensure continued maintenance of the park.

Commissioner Hammacher asked if present renters complied with the age restriction, to which Ms. Vandenberg answered affirmatively.

Commissioner Fuller wondered how the request could be considered without addressing setbacks

and buffer areas. Ms. Cox explained that with the current request, none of the setbacks or buffer areas would change. These would remain as had been previously approved.

Commissioner Gobbo asked how homeowners fees would be collected. Ms. Vandenberg said that this would be the responsibility of the HOA and the park's manager. This process would be in effect in perpetuity. When asked, she explained that she would be responsible for the renters' portion of homeowners fees. She would obtain these fees from new renters via increased rental fees.

PUBLIC COMMENTS

GENERAL:

Barbara Vaughn (510 - 32 ½ Road, #29, Grand Junction) said that she was currently renting a space in the subject park and didn't want to be forced to buy her lot. If she sold her mobile home, would a potential buyer be forced to buy the lot as well? She also wondered if she would be made to join the HOA and pay additional fees.

Matt Miles (no address given) said that as a developer of a nearby mobile home community, he had gone out of his way to provide aesthetic buffer and landscape areas and upgrade his project. He felt that the current request was being rushed and argued that any reduction of setbacks would make the park "tighter." The petitioner's private streets would also have to be maintained by the HOA, which placed a great deal of the maintenance burden onto the HOA.

Gayle Griffin (510 - 32 ½ Road, #5, Grand Junction) said that the age restriction was very important to her. She also wondered if some kind of sign could be placed at the park's entrance to discourage solicitation.

Lorraine Frasier (3159 D ½ Road, Grand Junction) said that while she had originally been one of most active opponents of Matt Miles' project, she was now one of his biggest supporters. She commended him on the beautification efforts and quality of his mobile home park, but observed that the current request had no plans for any such amenities. She expressed concern that the petitioner's mobile home park would deteriorate without strong enforcement of restrictive covenants and wondered what actual power the HOA would have.

PETITIONER'S REBUTTAL

Ms. Vandenberg said that renters would be placed into two groups. Present renters would not have to pay HOA fees; this would apply to new renters only. She intended to maintain the 55+ age restriction. Ms. Vandenberg was unsure whether she would require future renters to purchase their lots, but she wanted to keep this option open. She felt that Mr. Miles' comments were financially motivated and were intended to delay her project. She contended that the HOA would take an active role in park maintenance and enforcement of the covenants, reiterating that she also had an on-site park manager.

DISCUSSION

Commissioner Hammacher wondered if there were any requirements for greenbelts or open space. Ms. Cox said that at the time the subdivision was approved, so such requirements were in place. However, those requirements had been adopted prior to Matt Miles' application for Midlands

Village.

Commissioner Fuller wondered why the replat wouldn't be subject to current open space requirements. Ms. Cox answered that this was because the replat did not change the density, setbacks or buffering. The current proposal addressed only a change in lot ownership.

Commissioner Gobbo asked for clarification on water sources for both potable and irrigation water, which was given.

When asked for further clarification on the irrigation system, Ms. Vandenberg said that the present irrigation system was operational. Water was provided from two sources, with a potential for pumping it out of a drainage ditch in a third location. The amount of water available to the site was equivalent to two 4-inch diameter pipes. She had two pumps pumping water and intended to stagger irrigation depending on even/odd lot numbers.

Commissioner Gobbo wondered if lot owners were made aware of the tile ditch located beneath some of the lots. Ms. Vandenberg replied affirmatively. The ditch was located in the rear portions of some of the lots with corresponding easements. Homes would not encroach into any of the easements.

Chairman Campbell observed that the only change proposed was in home ownership. While uneasy about the request, the request met *Code* conditions and he could see no reason not to support it.

Commissioner Moores asked if the petitioner would be allowed to continue renting those lots which did not sell, to which Ms. Cox replied affirmatively.

MOTION: (Commissioner Nystrom) "Concerning item 9, C52-95-4, the Friendship Woods Subdivision, which is a replat of the Rocking 6's Mobile Home Park, I would move that we accept Verna Cox's recommendation, which is approval, and pass this on to the County Commissioners with review agency comments and staff recommendations, and denial of the Final Plat."

Commissioner Wagner seconded the motion.

A vote was called and the motion passed by a vote of 6-1, with Commissioner Fuller opposing.

With no further business, the hearing was adjourned at 9:20 p.m.