

GRAND JUNCTION PLANNING COMMISSION
JULY 14, 1998
MINUTES

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

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Jeff Driscoll, Joe Grout, Robert Gordon, Paul Coleman and Mark Fenn.

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Kathy Portner (Planning Manager), Michael Drollinger (Development Services Supervisor), Bill Nebeker (Sr. Planner), and Mike Pelletier (Assoc. Planner).

Also present were John Shaver (Asst. City Attorney) and Kerrie Ashbeck (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 30 interested citizens present during the course of the hearing.

0 APPROVAL OF MINUTES

Available for consideration were the minutes of the June 9, 1998 Planning Commission public hearing.

Commissioner Driscoll said that although there was a notation regarding his return following consideration of the item RZ-1998-085, he saw no notation referencing his initial departure. (Note: his departure was recorded on page 8 directly preceding the item; his return was noted on page 11 at the end of the item.)

MOTION: (Commissioner Coleman) "Mr. Chairman, I make a motion that we accept the minutes of the June 9 Planning Commission meeting, as corrected."

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

1 ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Scott Harrington announced that the Community Development Department would be hosting an open house beginning tomorrow afternoon and extending through Friday. Planning Commissioners and citizens alike were invited to attend.

III. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

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

FPP-1998-087 FINAL PLAT/PLAN—WESTWOOD RANCH FILING #1

A request to approve the Final Plat/Plan for Westwood Ranch Filing #1 consisting of 23 single family lots and 10 single family attached lots on 12.42 acres in a PR-4.3 (Planned Residential with a density not to exceed 4.3 units per acre) zone district.

Petitioner: Sonshine Construction
Location: Northwest corner of 25 ½ Road and F ½ Road
Representative: Banner Associates

PETITIONER’S PRESENTATION

Jana Bingham, representing the petitioner, outlined the following issues: 1) the petitioner requested that cobblestone be allowed as a surfacing treatment for the detention area in lieu of grass; 2) a 6-foot privacy fence was being requested along 25 ½ and F ½ Roads, similar to the fence erected for the nearby Kay Subdivision; the petitioner asked that the requirement for an additional 5-foot strip of open space along the outside of the privacy fence be eliminated; and 3) the petitioner asked for waiver of staff’s condition to provide play equipment for the park area.

With regard to the request for cobblestone, Ms. Bingham felt that staff took no issue with this request.

Staff was requiring that either a 48-inch open perimeter fence be erected, or if a 6-foot cedar privacy fence were constructed, that there also be an additional 5 feet of open space on the outside of the fence line. Ms. Bingham said that a lot of open space and park area had been proposed for the subdivision. Another 5 feet of open space would diminish lot sizes along the perimeter and be of no benefit to anyone. She argued that homeowners associations (HOA’s) typically did not want the added burden of maintaining unproductive open space areas. She felt that a privacy fence would more effectively screen the adjacent industrial use parking areas. It would also serve to keep children and pets in their respective yards and away from busy streets. She thought, she said, it is unfair that staff required the petitioner to pay for play equipment when there was already so much cost tied up in provided open space areas. All other staff conditions are acceptable.

QUESTIONS

Commissioner Gordon asked where the play equipment was mentioned in the staff conditions. The type, quantity and quality of equipment was noted on page 3 of the staff report although it had not been included initially in the staff conditions. The requirement included one swing set with two swings and one climbing apparatus and slide with an ADA approved playing surface.

STAFF’S PRESENTATION

Michael Drollinger provided a brief history of the Preliminary Plan and described its two conditions of approval. He agreed that cobblestone would be an acceptable alternative to grass and said that if this alternative was preferred, conditions 2 and 3 in the report could be eliminated. Active recreational equipment had been a requirement from the Preliminary Plan development stage. In response to review comments, the petitioner had said they intended to propose equipment similar to what was being used in the Fall Valley Project. He reiterated that the type, quantity and quality of play equipment outlined on page 3 of the staff report needed to be added as a condition of approval.

With regard to the privacy fence issue, staff had recommended either a 48-inch open fence or, if a solid cedar fence was preferred by the applicant, that an additional 5-foot strip of landscaped buffer be provided between the fence and property line. It was felt that the additional buffer would soften visual impacts along the property line.

Staff recommended approval of the project subject to the following conditions:

1. Subdivision perimeter fencing shall be provided in accordance with the specifications detailed in Exhibit 1.
2. The applicant must specify the method of establishing grass in the detention pond—soil prep., mulching, seed, hydroseed, etc. The applicant shall be required to provide temporary irrigation to the entire detention pond areas (Tract B) for a period of two years or until the vegetation in the area has been established to the satisfaction of the Development Engineer.
3. The applicant shall provide a financial guarantee using a Development Improvements Agreement (DIA) separate from the DIA for public improvements to include the costs for vegetation and temporary irrigation of the detention pond area (Tract B).
4. The pavement design must be submitted and is subject to review and approval by the Development Engineer. Response to comments only notes that the design will be provided.
5. Petitioner must provide the Rational Method calculations which the applicant has indicated were completed.
6. CMP pipe (as proposed along the south boundary) is not allowed; piping must meet City specifications.
7. Erosion protection must be provided at the pond outlet pipe; please indicate on plans.
8. Petitioner shall provide another design for a trash rack/grate structure over the outlet orifice to keep debris from plugging the two-year orifice. The mesh screen with gravel over the orifice is not acceptable. Needed is a more functional design and a substantial grate such as the one designed for the Fall Valley pond.
9. The Final Plat shall be revised to clearly identify the lots designated as “attached single family” residential lots. The bulk requirements table on the Final Plat shall be modified to include the lot coverage limits approved with the Preliminary Plan.
10. One swing set with two swings, and one climbing apparatus and slide with an ADA approved playing surface is required. The playground equipment shall: 1) be designed and warranted for public and commercial application; 2) meet the standards of ASTM and CPSC; and 3) be IPEMA certified; and 4) be professionally installed.

QUESTIONS

Commissioner Coleman asked if the 6-foot privacy fence with the 5-foot buffer should be added as another condition, to which Mr. Drollinger replied affirmatively.

With regard to the cobblestone option for the detention pond area, Commissioner Grout wondered what weed control measures were planned. Mr. Drollinger said that in selecting this option, the petitioner must provide a weed barrier or some other approved type of weed control/mitigation.

Commissioner Fenn remarked that if an additional 5 feet of buffer area were taken from lot 7, wouldn't the building envelope be compromised? He wondered what size home could then be placed on the lot? Mr. Drollinger said that lot 7 still had a 14 ½-foot multi-purpose easement along 25 ½ Road that would keep the home from encroaching into that area. The 5-feet would not further impact the lot nor the proposed building envelope.

Chairman Elmer asked if the 6-foot fence had been proposed during the Preliminary Plan stage. Mr. Drollinger replied negatively and clarified that it had been brought up during the current Final Plan stage and review.

Commissioner Gordon asked if the Planning Commission had ever actually recommended the type of play equipment to be installed. Mr. Drollinger said that because of difficulty encountered with the Fall Valley project where equipment was to be provided but specifications weren't discussed with planning

commission, staff is bringing specifications forward; at this time no details had been discussed during the Preliminary Plan stage; rather, specific details were left to the Final Plan stage.

Commissioner Fenn wondered about the potential liability incurred by the Homeowners Association over the play equipment. Mr. Drollinger said that Ms. Bingham had expressed similar liability concerns, although specifics hadn't been discussed.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Walid Boumatar (667 – 25 ½ Road, Grand Junction) asked for clarification on the types of homes being proposed, which was provided. He felt that the attached housing was too dense for the parcel and was inconsistent with surrounding single family housing types.

PETITIONER'S REBUTTAL

Ms. Bingham said that the developer did not recall making specific promises to provide play equipment for the park area. She maintained that the higher grade equipment being required was very expensive. It was also doubtful that homeowners would want their fees increased to pay for liability insurance. She pointed out the amount of parks, open space, and trails being provided with the project and reiterated that the added expense of play equipment seemed unfair. With regard to the fence issue, it seemed that the best way to provide usable open space was to include it in homeowner yards. The additional 5-foot strip would likely provide maintenance issues and would serve no useful purpose. She reminded planning commissioners that the 6-foot cedar privacy fence would be consistent with the one in nearby Kay Subdivision.

DISCUSSION

Commissioner Fenn asked John Shaver to expound on the playground equipment liability issue. Mr. Shaver agreed that liability was a viable concern. However, given the grade of the equipment, its professional installation and its maintenance by the HOA, the risk of any lawsuit arising from its use should be minimized. Mr. Shaver also reminded the Commission that insurance is available but that he did not know the cost nor did the applicant refer to cost figures.

Commissioner Fenn wondered if the HOA could just decline involvement with the equipment. Mr. Shaver said that if made a condition of subdivision approval, its involvement would be mandatory and would be included in the subdivision's covenants.

Commissioner Fenn did not feel that the playground equipment and its inherent burden of liability on the HOA was necessary. Play equipment, he maintained, could be provided by individual homeowners in their backyards.

Commissioner Coleman suggested that given the number of multiple units involved, play equipment did not seem an unreasonable request. He asked for staff to clarify build-out units, to which Mr. Drollinger answered that 90 dwelling units would be present at the completion of build-out.

Chairman Elmer noted that the play equipment had been conditioned at the time of Preliminary Plan approval. The petitioner had chosen to move forward with the project knowing that the details of such equipment would be discussed during the Final Plan stage. He said that the project's zoning had been approved with the understanding that there would be an active park area within the project. The nearby

Canyon View Park would not be easily accessible by children; therefore, active areas were needed for residents of these higher density subdivisions.

Commissioner Fenn reiterated his previous points and said that most parents would not send their kids off to play in a park unsupervised. With regard to the fencing and 5-foot buffer strip, he felt that too much was being asked of HOA's.

Chairman Elmer said that erection of a 6-foot fence along F 1/2 Road would create a "tunnel effect" along that corridor. He suggested that the privacy fence be allowed on 25 1/2 Road and not on F 1/2 Road.

Commissioner Coleman said that to allow different fencing types along the two streets would create a "hodge podge" of fencing along those corridors.

Commissioner Fenn expressed concurrence with comments made by Chairman Elmer.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item RZP-1998-087, request for Final Plat and Plan approval for Westwood Ranch Subdivision Filing #1, I move that we approve the request subject to the conditions 4 through 9 in the staff report dated July 8, 1998. Cobblestone will be provided for the detention area and weed control measures will be provided. The playground equipment shall be included, [that it] shall be designed and warranted for public application, meet the standards of the ASTM and CPCS, be IPEMA certified and professionally installed, [to include] staff recommendations as far as the playground equipment goes. With regards to the fence, I would go along with the 6-foot fence installed on property lines with no setback along both F 1/2 Road and 25 1/2 Road."

Chairman Elmer asked for clarification on the term "ADA approved" which was provided.

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

At this time, Commissioner Driscoll returned and was present for deliberation on the remaining items.

FPP-1998-090 FINAL PLAT/PLAN—FAIRCLOUD FILING #1

A request to approve the Final; Plat/Plan for Faircloud Subdivision, Filing #1, consisting of 19 lots on 8.9 acres in a PR-3.4 (Planned Residential with a density not to exceed 3.4 units per acre) zone district.

**Petitioner: J.P. White Construction
Location: Northeast corner of F 1/2 Road and 30 Road
Representative: LanDesign**

PETITIONER'S PRESENTATION

Gayle Lyman, representing the petitioner, noted the site on an overhead transparency of the Preliminary Plan. A portion of the site fell within the airport critical zone, which had been the topic of much controversy during the Preliminary Plan stage. The detention, RV, and open space areas were noted. A single access would be provided with the first filing. Approximately 28 percent of the site would be retained as open space at build-out. A second access off of F 1/2 Road would be constructed with later filings. Tract A would contain green grass and concrete benches. A potential borrow area was identified. If deemed necessary, fill would be taken from the borrow area and used to level out the topography of the project site. Fencing and path construction details had been discussed with staff, and it was felt there were no issues involved in those development aspects. FAA guidelines for noise

mitigation would be followed, with additional insulation, double pane windows and solid-core doors provided for homes.

Mr. Lyman said that final calculations regarding drainage would be included in the final drainage report. The type of discharge orifice for the two-year event within the detention pond still needed to be resolved but would also be included in the final report due to staff. The petitioner also wanted to use 6- to 9-inch cobblestone in the detention pond area; a weed control barrier would be used. Mr. Lyman stated that this alternative seemed to be acceptable to staff.

He noted the location of lots abutting 30 Road and said that there had been numerous comments regarding the number of driveways accessing 30 Road. He said that both the petitioner and staff agreed to include common driveways up through lot 2 (locations noted). Common driveways would be recorded as an easement on the plat. Language included in the bulk requirements would also identify the lots designated for common driveways.

QUESTIONS

Commissioner Driscoll asked if the borrow area would be left as an open pit once fill was removed. Mr. Lyman said that it would be left as a depressed area, with excavation not to exceed 4 feet. Upon final build-out, the area would drain back to Faircloud Way without impacting the adjoining lots. The borrow area would be designed so as not to collect water.

Commissioner Driscoll asked about restoration plans intended for the borrow area, other than reseeded. Mr. Lyman said that plans included only reseeded and ground stabilization. During construction, erosion control measures would be incorporated.

Commissioner Driscoll asked for clarification on the lack of traffic calming elements along 30 Road. Mr. Lyman said that islands had been proposed for construction near the detention pond area and the entryway. City staff had determined, upon review, that such measures weren't warranted.

Kerrie Ashbeck said that initial discussion on traffic calming measures had come from Mesa County's traffic and engineering staff. After meeting with Mesa County's Traffic Services, it was determined that constructing the "bump-outs" were not warranted for the corridor and may have presented future striping problems.

Commissioner Grout asked for the timing on when the detention area cobblestone would be installed. If installed early in the project, would erosion and silt control measures be undertaken during construction? Mr. Lyman said that an erosion control plan had been submitted to staff. It included providing hay bales etc. to control the amount of silt draining into the detention pond, the Price/Thayer Drain, and the Indian Joe Drain.

STAFF'S PRESENTATION

Michael Drollinger said that the borrow area had been addressed in staff's conditions of approval. Pedestrian path construction would be postponed until Filing #2. Mr. Drollinger passed out copies of a table taken from FAA noise mitigation guidelines. He noted that the R-values of insulation proposed met or exceeded FAA recommendations. Doors and windows also complied with FAA guidelines. Cobblestone was an acceptable alternative for the detention pond, and Mr. Drollinger suggested deleting conditions 9 and 10 since they applied to the initial recommendation for a grassed area. Staff recommended approval subject to the following conditions:

1. The borrow area shall not exceed a depth of four feet nor exceed the limits detailed on Exhibit A in the staff report.
2. Side slopes on all sides of the borrow area shall not exceed 4:1.
3. During excavation of the material, the limits of the borrow area shall be fenced to prevent disturbance of adjacent lots.
4. Restoration of the borrow area shall involve reconstruction of the gravel trail and reseeded with the native grass mix described on sheet 25 of 25 (Erosion Control Detail) of the Final Plan set. The applicant will be required to provide irrigation to the borrow area for a period of two years or until the vegetation in the area has been reestablished to the satisfaction of the Community Development Department.
5. The applicant shall provide a financial guarantee using a Development Improvements Agreement (DIA) separate from the DIA for public improvements to include cost for the reestablishment of the vegetation, gravel trail, and temporary irrigation system.
6. The applicant shall provide soundproofing for all homes in the subdivision consistent with recommendations contained in the FAA report entitled *Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations (ADA 258 032)*.
7. The applicant shall provide, prior to approval of final construction drawings, a final drainage report compiling the final calculations used for sizing the stormwater detention facility and a final design for the two year release outlet structure.
8. The width and type of material proposed for the access drive along the stormwater detention facility shall be detailed on the plans.
9. The applicant is proposing to vegetate the detention pond using a native grass mix. The applicant shall be required to provide temporary irrigation to the entire detention pond area (Tract A) for a period of two years or until the vegetation in the area has been established to the satisfaction of the City.
10. The applicant shall provide a financial guarantee using a Development Improvements Agreement (DIA) separate from the DIA for public improvements to include the costs for vegetation and temporary irrigation of the detention pond area (Tract A).
11. The Final Plat shall be revised to clearly identify the ten lots designated as “attached single family” residential lots.
12. Specifications for the proposed park benches shall be provided with the construction plan set. The benches shall be designed and warranted for public and commercial application.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

PETITIONER'S REBUTTAL

Darlana White, petitioner, just wanted to remind planning commissioners that 28 percent of the site was being given up to open space. She said that the borrow area would not be excavated unless deemed absolutely necessary. She said that the project would be a nice one.

DISCUSSION

Commissioner Coleman said that it appeared the Final Plan complied with the conditions of the Preliminary Plan and that no major changes had been effected.

Chairman Elmer said that he would support utilizing the borrow area for fill so long as drainage was properly mitigated.

Commissioner Driscoll noted that the Final Plan conformed closely with the Preliminary Plan.

Commissioner Grout remarked that staff should ensure that revegetation of the borrow area occurs.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item FPP-1998-090, a request for Final Plat/Plan approval for Faircloud Subdivision, Filing #1, I move that we approve the request subject to the conditions in the staff report dated July 8, 1998, less condition numbers 9 and 10. The detention area shall use cobblestone with a weed control barrier.”

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

FPP-1998-108 FINAL PLAT/PLAN—INDEPENDENCE RANCH FILING #4

A request to approve a Revised Preliminary Plan for Independence Ranch Filings 4-9 and to approve the Final Plat/Plan for Independence Ranch Filing #4 consisting of 24 single family lots on 9.72 acres in a PR-1.7 (Planned Residential with a density not to exceed 1.7 units per acre) zone district.

**Petitioner: Hans Brutsche
Location: Northeast corner of 20 ½ Road and F ¾ Road
Representative: Ciavonne & Associates**

PETITIONER’S PRESENTATION

Hans Brutsche, representing the petitioner, said that the Preliminary Plan included the increase of an additional six lots. He noted the site’s layout on an overhead transparency and pointed out the location of the open space area in the southwest corner of the property. Irrigation of the lots would be provided via 24 shares of Redlands Water. He was unsure whether the irrigation pond would be needed since ample water shares were being provided. Thus, he asked that establishment of the pond be deferred until shown that it was needed. Landscaping of the subdivision’s entrance would commence immediately. The only issue, he said, was the requirement that a note on the plat advising potential homeowners of the possibility of odor emanating from the Persigo Wastewater Treatment Plan. He maintained that never had he noticed any evidence of odor on the site. The plat note would have a negative connotation and could needlessly frighten away prospective lot buyers.

STAFF’S PRESENTATION

Bill Nebeker presented a brief history of the proposal and said that four changes had been made to the Preliminary Plan. These included the addition of six lots, changes in the phasing plan, stormwater discharge versus direct discharge to detention, and the elimination of the irrigation pond. He noted the locations of each of the new proposed lots. The overall density of 1.6 units/acre was still in compliance with zone criteria. Since there was some question over whether lots 11 and 12 were buildable, the petitioner will, in Filing #5, have to demonstrate that they are buildable without impacting public safety and the detention pond below.

Build-out would occur from south to north. An additional access was planned with development of Filing #7. No development of Filings #8 and #9 will be allowed until the second access is constructed. Because the petitioner was successful in securing a drainage easement between lots 11 and 12, stormwater will be directed into the gully located between those two lots. With the elimination of the irrigation pond, the petitioner would have to come back before the Planning Commission with a revised plan should the pond be needed in the future. Staff recommended approval of the request with the following conditions:

1. The applicant shall obtain and comply with a state highway access permit for this subdivision.

2. A westbound right-turn deceleration lane on Highway 340 must be constructed before the first filing of this subdivision is platted. (This lane has already been constructed.)
3. An eastbound left-turn deceleration lane on Highway 340 must be constructed before the filing containing the 43rd home in the subdivision is platted.
4. Staff may require traffic calming measures to be incorporated into the final design of Roundup Drive to assist in reducing speeds on this street.
5. Improvements to the open space below the bluff line and the linear park shall be provided no later than the third phase (Filing 6). Improvements in the open space below the bluff line will follow the guidelines recommended by the Division of Wildlife.
6. Concurrent with the platting of the last phase of this subdivision, the applicant shall place a deed restriction or use some other appropriate mechanism to assure that the open space below the bluff line remains open and natural in perpetuity.
7. No more than 100 lots may be developed with the subdivision until an additional improved through street is provided.
8. A pedestrian path will be required to be installed between Hackamore Court and Filing D.
9. A note shall be added to the Final Plat indicating that an odor may possibly emanate from the nearby wastewater treatment plant.
10. Expand the amount of passive open space provided in Phase 3 (Filing 6) to provide a level area for a playing field. (The exact wording on this condition will be refined during Final Plat approval for Filing #6.)
11. During the review of Filing #5, the applicant will be required to demonstrate that lots 11 and 12, block 2, are buildable without jeopardizing public safety and the function and design of the detention pond located in the tract below.
12. The detention pond shall be shown as a tract on the Preliminary Plan.

Additional Filing #4 conditions:

1. Change lot maximum lot coverage to 35 percent.
2. Per Preliminary Plan approval, add the following note on the plat: "A note shall be added to the Final Plat indicating that an odor may possibly emanate from the nearby wastewater treatment plant."
3. The applicant shall be required to provide temporary irrigation to the entire detention pond area (Tract B) for a period of two years or until the vegetation in the area has been established to the satisfaction of the City.
4. The applicant shall provide a financial guarantee using a Development Improvements Agreement (DIA) separate from the DIA for public improvements to include the costs for vegetation and temporary irrigation of the detention pond area (Tract B).

Mr. Nebeker said that he contacted Jerry O'Brien from the wastewater treatment plant about the odor issue. Mr. O'Brien had stated that he had never received a complaint from people located along the south side of the river, and it was rare that complaints were received from those north of the wastewater treatment plant. Mr. Nebeker noted that there were very exclusive homes located directly west of the plant which apparently are unaffected by any odor. Mr. Shaver reminded planning commissioners, however, that the plant was currently operating at much less than capacity.

QUESTIONS

Commissioner Driscoll wondered why the plat note had been recommended in the first place. Mr. Nebeker said that the note was required by the Planning Commission at preliminary approval and served to put lot buyers on notice that there could be a potential problem, not that there necessarily is or would be.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Charlie Post (653 N. Terrace Drive, Grand Junction) asked for a clarification of the proposal, which was provided. He wondered why no larger buffer lots were being provided between the subject property and the adjacent Forest Hills subdivision, where lots were at least 1 acre in size. He noted the existence of access problems in the area. Mr. Post complained that he had not received sufficient notification of the proposal and rezone of the property. He said that there was an occasional odor noticeable to Forest Hills residents.

Mr. Nebeker stated for the record that the notification cards were not a legal requirement, only a courtesy to surrounding property owners.

Karen Rhodes (662 N. Terrace Drive, Grand Junction) agreed with comments made by Mr. Post. Her complaints included the lack of buffer lots or open space and the proposed density. She said that the odor from the treatment plant was noticeable at least two days of each week. She also expressed concern over the amount of irrigation water available to the site. She didn't feel that 80 shares were sufficient and cautioned that just because the petitioner had the shares, water wasn't always available from Redlands Water & Power.

PETITIONER'S REBUTTAL

Mr. Brutsche noted that hearings on the issues of density and buffer areas had already been held and did not bear on the current plan. He pointed out that the densities proposed in Filing #4 were similar to those in the first three filings. He felt that the project would be an asset to the area. Regarding the plat note, he maintained that he'd been out to the site hundreds of times and had not noticed any odor at all coming from the plant.

DISCUSSION

Commissioner Coleman agreed that placing the note on the plat when there seemed to be no problem placed an unfair burden on the developer.

Chairman Elmer wondered if there was any other way to put lot buyers on notice.

Mr. Shaver said that during Preliminary Plan hearing discussions, the Planning Commission's concern had been for the "most effective way" to put people on notice. The plat note, he said, would likely be the most effective means of notification.

Commissioner Coleman noted that the requirement had not been made of anyone else in the area. Mr. Shaver suggested that consideration be given to the plant's current capacity and the fact that the odor may be a bigger problem in the future.

Mr. Harrington also suggested that the language of the plat note could also be amended.

Commissioner Fenn remarked that since Mr. O'Brien had not experienced any complaints thusfar, he agreed that the note seemed like an unnecessary burden on the developer.

Commissioner Grout disagreed. He felt that the language was sufficient without being harsh.

Commissioner Fenn wondered if all the lots in the subject area were on public sewer. Clarification was given that some lots were on sewer, some on septic.

Chairman Elmer wondered what legal recourse property owners would have if they didn't get notification beforehand. Mr. Shaver briefly explained the differences between "express" or "actual" versus "implied" notice; express notice being the most defensible.

Chairman Elmer commented that the closer the plant got to capacity treatment, the greater the chance for odor problems.

Commissioner Coleman noted that the request met Preliminary Plan requirements.

Chairman Elmer agreed, adding that it also complied with Code requirements.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item FPP-1998-108, I move that we approve the revised Preliminary Plan for Independence Ranch, Filings 4-9, and the Final Plat and Plan for Filing 4, subject to staff recommendations."

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

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

PP-1998-109 PRELIMINARY PLAN—HACIENDA SUBDIVISION

A request to approve a Preliminary Plan for Hacienda Subdivision consisting of 368 townhome units and 40,000 square feet of commercial development on approximately 29 acres in a PR-17 (Planned Residential with a density not to exceed 17 units per acre) and PB (Planned Business) zone districts.

Petitioner: Cunningham Investments

Location: 24 ½ Road and F ¼ Road

PETITIONER'S PRESENTATION

Mac Cunningham, petitioner, presented a brief history of the proposal. The changes proposed for the revised Preliminary Plan would make the project more attractive and the streets safer. He noted the differences in street/lot configurations using an overhead transparency and said that the reduction in density would allow for more amenities. Mr. Cunningham submitted a display map showing elevations of the proposed commercial area. No three story structures would be permitted. Landscaping would be increased and existing irrigation ditches would be utilized. He passed out photos of a similar project located on the eastern slope. Photos depicted creekbeds, trees and creative landscape and streetscape design. Phasing would be minimized to lessen impacts to those already living in the area. RV parking would be provided, which would help minimize on-street parking. Kidsplex, currently under construction nearby, would add a valuable amenity to residents of the Hacienda Subdivision.

QUESTIONS

Chairman Elmer asked if the proposed storage area would be for residents of the subdivision or for public use. Mr. Cunningham replied that it would be reserved for residents' use.

Commissioner Coleman asked for clarification on where the subject property lay in relation to a nearby TV tower, which was provided.

Chairman Elmer suggested that there be additional buffering between the storage area and the south property line. Mr. Cunningham said that additional landscaping detail would be provided during the Final Plan stage.

STAFF'S PRESENTATION

Michael Drollinger concurred that the storage area would be retained exclusively for subdivision residents' use. With no outstanding issues, staff recommended approval subject to the following conditions:

1. The garages located on the south part of the site shall be set back a sufficient distance (or an off-site easement obtained) to permit access to the garages for maintenance.
2. Additional buffering will be required between the commercial and residential areas of the Hacienda to provide the equivalent of a year-round solid screen between the uses. The additional buffering may be provided with the development of the commercial area, proposed as Phase 7.
3. The development of the south access to 24 ½ Road shall be provided with the development of Phase 7.

QUESTIONS

Chairman Elmer said that the adjacent business, Bishop Furniture, had been asked to retain existing landscaping along its northern property boundary. Mr. Drollinger reiterated that additional landscaping detail for the current project would be forthcoming.

Commissioner Grout wondered if comments had been received from School District #51 regarding development impacts. Mr. Drollinger said that no comments had been received on the current proposal, although comments from the first proposal were in the file. He reminded planning commissioners that the current proposal offered a significantly less dense project.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Bob Denner (1057 Lakeside Drive, Grand Junction), representing Bishop Furniture, asked for general clarification of the current plan, which was provided. He felt that the petitioner should be responsible for providing at least half of the buffering required along Bishops' northern/Hacienda's southern property line.

Mr. Cunningham said that landscaping "masses" were being proposed to break up structure placement.

DISCUSSION

Commissioner Coleman felt that Bishop Furniture had a legitimate complaint. The landscaping required of them had been based on the presumption that there was an existing fence on the Hacienda property line. This fence apparently did not exist at present.

Chairman Elmer asked if fencing was being proposed by the petitioner. Mr. Drollinger said that the current proposal attempted to buffer the site through building placement. The area between structures would offer the same kind of year-round buffering.

Commissioner Coleman stated that he would like to see decorative fencing added between the garages and the property line to buffer the uses. Mr. Drollinger said that staff would ensure that proper screening is achieved.

Both Chairman Elmer and Commissioner Driscoll concurred with Commissioner Coleman's comments. Chairman Elmer added that, overall, the project was a good one.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item PP-1998-109, request for Preliminary Plat and Plan approval for Hacienda, I move that we approve the request subject to the conditions in the staff report with the added condition, recommendation 4, to state the fact that the property to the south between the drive-ins should be constructed with some type of aesthetically-approved fence, basically to protect the commercial and residential areas from each other."

Chairman Elmer clarified that this would also surround the RV and storage area. Commissioner Coleman amended his motion to reflect that the erected fence should be situated along the entire southern perimeter.

Mr. Drollinger corrected that the motion should reflect *Preliminary* Plan and Plat, not *Final*.

The revised motion is as follows:

MOTION: (Commissioner Coleman) "Mr. Chairman, on item PP-1998-109, request for Preliminary Plat and Plan approval for Hacienda, I move that we approve the request subject to the conditions in the staff report with the added condition, recommendation 4, to state the fact that some type of aesthetically-approved fence be constructed along the entire southern perimeter of the property, basically to protect the commercial and residential areas from each other."

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

PP-1998-110 PRELIMINARY PLAN—ROCKWOOD ON THE RIDGES

A request to approve the Preliminary Plan for Rockwood on the Ridges Subdivision consisting of 15 single family units on 2.2 acres in a PR-4 (Planned Residential with a density not to exceed 4 units per acre) zone district.

**Petitioner: Mike Stubbs
Location: Rana Court and Rana Road
Representative: Thompson-Langford**

PETITIONER’S PRESENTATION

Mike Stubbs, petitioner, noted the site’s location on an overhead transparency of the Preliminary Plan. The project would be comprised of nine detached and six attached dwellings, which is consistent with surrounding uses. He pointed out that lot 1A had previously been zoned such that it would have allowed two duplexes. Both lots 1A and 2 were being replatted. Widening the ingress/egress, he felt, would make a better project, and the Jeremy Drive/Rana Court connection would serve to give residents an alternate access and help disperse traffic. The site was surrounded on three sides by open space (noted). Setbacks were close to the original 1A lot setbacks: front yard, 20 feet; side yard, 10 feet, and rear yard, 10 feet. A 15-foot rear yard setback would apply to lots 1A and 2. He noted the two parking spaces that would be moved, adding that the project exceeded minimum parking requirements. Stormwater will be carried to the Cobblestone Ridges detention pond, the pond having been constructed with the current development in mind. The preliminary drainage plan indicated that the pond had sufficient capacity to handle runoff.

Mr. Stubbs briefly described the units to be constructed. Colors were to be consistent with others in the area. Landscaping will be included in the fronts of garages, with maintenance to be provided by the HOA. The HOA would also be responsible for maintenance of the open space and private drive. He expressed general agreement with staff’s recommendations.

STAFF’S PRESENTATION

Bill Nebeker referred to the site on available maps. He indicated that the petitioner had complied with requirements with the exception of visitor parking, which needed to be located within 200 feet of the nearest unit. He concurred that two additional parking spaces had been requested for the Rockwood Lane cul-de-sac. No turnaround had been required at the end of Jeremy Drive. Staff recommended approval subject to the following conditions:

1. The setback on the Final Plat must differentiate between the front yard setback to the property line and the setback between the street and the garage.
2. Lot coverage shall not exceed 45 percent.
3. A formal easement and agreement for the shared use of the Cobblestone Ridges detention pond shall be submitted with the Final Plan/Plat application.
4. The applicant shall redesign the visitor parking area to provide at least a 24-foot backing area to back of curb. Two of the spaces shall be relocated closer to the southernmost dwellings.
5. The 8-foot concrete pedestrian/bicycle trail shall be constructed by the applicant and paid for by the City. The path includes the handicapped ramp on Rana Road.
6. The Final Plat/Plan shall comply with all draft private street standards at the time of Final Plat/Plan approval.
7. An entrance feature such as cobblestone paving or, at a minimum, a sign, shall be incorporated into the design of the private streets at their intersection with public streets, to mark the beginning and end of the public maintenance.

Staff also supported the petitioner’s request for private streets.

QUESTIONS

Commissioner Driscoll asked for Rana Road’s street classification, to which Ms. Ashbeck responded that it was considered a local street.

Commissioner Driscoll asked if the development would create traffic exceeding classification maximums. After a brief elaboration on trip generation, Ms. Ashbeck answered negatively.

Chairman Elmer asked for the reason behind the Jeremy Drive/Rana Court connection. Ms. Ashbeck said that it had been submitted initially by the petitioner. The only concern had been expressed by the Fire Department, who said that if the connection was not provided, a full-sized turnaround would be required at the end of Jeremy Drive. The City had neither required the connection nor did it consider the connection unacceptable.

Chairman Elmer asked for clarification on the type of homes that had originally been allowed on lots 1A and 2 per previous zoning. Mr. Nebeker said that the smaller lot was a duplex lot; the larger lot was designated for multi-family (noted).

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Lee Cornell (402 Rana Court, Grand Junction) said that he'd never seen a through street connect to a cul-de-sac. He expressed concerns over the amount of traffic that would be funneled into the Rana Court cul-de-sac, jeopardizing the safety of those living off the cul-de-sac. He could not see where Jeremy Drive should be needed at all.

Alan Corby (2365 ½ Rana Road, Grand Junction) submitted a 3-page petition from residents who opposed the construction of duplexes in the area as well as the extension of Jeremy Drive into the Rana Court cul-de-sac. He wondered how the density for the project had been derived, adding that it seemed too high for the neighborhood. He noted the ongoing traffic issues in the area. He felt that the duplexes and Jeremy Drive extension would adversely impact property values.

Mr. Corby also expressed concerns over drainage and wondered who would be responsible if the development's runoff flooded nearby basements.

Ms. Ashbeck said that the City shared similar drainage concerns. The petitioner had indicated that the development would be designed such that runoff would be directed away from Rana Court. She understood that water would flow along the west side of Rockwood Lane and carried around the corner to the detention pond. She said that the City's comments had included runoff from the rear yards of lots to ensure that adjacent lots would not be affected.

Mr. Shaver remarked that any discharge over historic rates would constitute "trespass" and the petitioner would be subject to civil prosecution.

Mr. Corby asked for clarification on staff condition 2, which was provided. He stated that the project fell short of meeting criterion 2 for private streets; he wondered how this would be addressed. Ms. Ashbeck said that the separation denoted by the criterion was the proposed private drive. An intersection would be located on the opposite side of the road. The 150 feet of spacing was to accommodate stacking for the opposing left-turn movements. Given expected traffic volumes, it was felt that the development met this criterion.

Mr. Corby asked that the lot (noted on map) be mowed since high weeds made it a fire hazard. He also referenced his notification card and asked if the total acreage was 3.2 or 2.2 acres. On which figure was the density calculations based? Mr. Nebeker clarified that the total acreage was actually 2.2 and that the 6.7 units/acre calculation had been based on this acreage. Finally, he expressed concerns over impacts of additional children on the schools.

Mary Ellen Fern (2361 Rana Road, Grand Junction) said that she, too, was concerned about traffic impacts, drainage, duplexes and density. She said that based on a copy of a improvement location survey (copy shown to staff), there seemed to be some question over the location of Rockwood Lane in relation to her property.

After a brief review of the survey by both staff and planning commissioners, Chairman Elmer determined that it wasn't relative to the proposal.

Adrienne Hagen (405 Rana Court, Grand Junction) said that runoff had twice flooded her basement. The soils in the subject area, she said, were very unstable and added construction would only exacerbate the drainage problem. She said that trash and delivery trucks already had a difficult time turning around in Rana Court. Added traffic would compound that problem as well. She urged further review of the proposal.

John Mekacek (402 ½ Rana Court, Grand Junction) expressed opposition to the extension of Jeremy Drive into the cul-de-sac. The road extension would create added traffic and drainage problems. He agreed that the project needed further review.

Joe Stasney (400 Rana Road, Grand Junction) expressed agreement with the comments made by his neighbors. He mentioned the continuing need for a second access from the Ridges onto Broadway and wondered why the City did not require a park area with the proposal.

PETITIONER'S REBUTTAL

Mr. Stubbs said that a traffic study had not been a requirement for the project since it was determined that existing infrastructure was capable of handling development impacts.

Jim Langford reiterated Ms. Ashbeck's assessment of drainage plans. He noted where runoff would be diverted to the west side of Rockwood Lane and travel to Rana Road, ultimately emptying into the Cobblestone detention facility. The back halves of lots nearest Rana Court and a portion of Jeremy Drive would drain onto the Rana Court cul-de-sac, but the fronts of those lots would travel the same drainage course as the remaining lots. The open space areas would be covered with grass, having a lower runoff coefficient than what currently exists.

QUESTIONS

Commissioner Coleman wondered if there would be any problems with the ditch filling up with silt. Mr. Langford said that there would be more silt deposits from runoff occurring during construction; however, once landscaping and pavement were installed, silt deposits would be minimized.

Commissioner Coleman expressed discomfort with the Jeremy Road extension into the Rana Court cul-de-sac. Mr. Langford said that the extension would provide an access for the emergency and delivery vehicles referenced previously mentioned by Ms. Hagen. It would also provide Rana Court residents with an emergency access.

Mr. Stubbs added that there would be a "no parking restriction" placed on Jeremy Drive. He said that nothing was being requested outside what was legally allowed. He said that the survey mentioned by Ms. Fern placed her front yard in the open space area (noted).

DISCUSSION

Commissioner Driscoll asked staff to explain how density was calculated for the Ridges, which was provided.

Commissioner Driscoll also expressed reservations about a through street attached to a cul-de-sac. Ms. Ashbeck said that there was no criterion which said that it couldn't be done. The area was subject to low volume traffic and would provide an alternative access to emergency vehicles. She added that if Jeremy Drive were deleted, the Fire Department requested that a larger turnaround be placed at the end of the street.

Chairman Elmer remarked that the Ridges had been platted as a large residential area. It was only now beginning to build out. He could, however, see no value in connecting Jeremy Drive with Rana Court.

Commissioner Coleman asked for staff's impression on proposed drainage mitigation. Ms. Ashbeck said that, overall, plans would actually lessen drainage impacts to adjacent properties; however, curb and gutter could create additional problems which would require mitigation through erosion control.

Commissioner Driscoll commented that while the density met Code requirements, he did not see value to including the Jeremy Drive extension. While understanding residents' concerns about traffic increases, it appeared that the roads had been designed to handle current and expected carrying capacities.

Mr. Harrington said that if Jeremy Drive were deleted, it would impact design criteria because a cul-de-sac would have to be included at the end of the street. The cul-de-sac would have to be widened to a radius of 47 feet. If done, it may require the relocation of one of the duplex units. Staff would then request a pedestrian easement and path through to the cul-de-sac, which would serve to perpetuate the existing pedestrian path network in the Ridges.

Mr. Harrington suggested that the Planning Commission could request a continuance of the item to give the petitioner time to explore other options to the Jeremy Drive extension. Another alternative would be to approve the proposal with the Jeremy Drive direction, and wait until the Final Plan stage to see what details the petitioner was ready to present.

Mr. Fenn also expressed his lack of support for the Jeremy Drive extension. He noted that a pedestrian path could also create drainage problems.

A general discussion over possible options began to ensue; however, Chairman Elmer determined that the redesign should come from the petitioner, not the Planning Commission. Mr. Stubbs indicated a willingness to accept a recommendation for continuance.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item PP-1998-110, I move for a continuance of the hearing until August 11, 1998."

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 11:05 p.m. The hearing reconvened at 11:07 p.m.

Commissioner Fenn noted a potential conflict of interest but with the consent of the Planning Commission remained for the item.

CUP-1998-113 CONDITIONAL USE PERMIT—RESIDENTIAL USE IN A B-3 ZONE DISTRICT

A request to approve a Conditional Use Permit for two existing residences in a B-3 (Retail Business) zone district.

Petitioner: Clara Warren
Location: 436 Belford Avenue
Representative: Kevin Cole

PETITIONER’S PRESENTATION

Kevin Cole, representing the petitioner, reviewed the proposal and said that the petitioner wanted to sell the property but buyers were unable to secure financing since the property was non-conforming. The bank would not lend unless a Conditional Use Permit allowing both dwellings was granted. Mr. Cole contended that since there was no change in use, and since the existing uses were grandfathered, he asked that the Conditional Use Permit be granted with no conditions.

STAFF’S PRESENTATION

Mike Pelletier said that two separate dwelling units existed on one parcel, making the use multi-family with a requirement for four parking spaces. The site currently has three legitimate parking spaces. This condition could possibly be met with the addition of another space in the front yard. In that case, a curb cut would be required. Staff recommended approval subject to the following condition:

1. The applicant shall provide one additional off-street parking space designed to Code requirements. A site plan shall be provided illustrating the design and location of the new parking space and shall be reviewed by staff prior to the issuance of the Conditional Use Permit for the site.

QUESTIONS

Commissioner Grout asked why the present use was not grandfathered. Mr. Pelletier said that while the existing use was grandfathered for the present owner, application for a Conditional Use Permit mandated compliance with section 5-5-1.H of the Zoning and Development Code which required the additional parking spaces.

When asked by Commissioner Fenn if there was enough room for a curb cut, Mr. Pelletier replied affirmatively.

Commissioner Fenn asked when the zoning had been made a B-3. Mr. Pelletier suggested that it may have been done in conjunction with approval of a nearby real estate office; however, without further research, he was unsure.

Commissioner Fenn asked if zone requirements could be waived as part of a CUP. Chairman Elmer understood that while conditions could be added, bulk requirements could not be deleted. This was confirmed by Mr. Shaver.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

PETITIONER’S REBUTTAL

Mr. Cole said he’d been told that a CUP was not generally denied if the use was already in existence. The current situation was preventing the petitioner from selling her home. He indicated that between both units, there were only three bedrooms and two baths.

DISCUSSION

Commissioner Coleman said that while he agreed that no additional impact would be created as a result of granting the CUP, the “Planning Commission’s hands were tied.”

Commissioner Fenn reiterated that bulk requirements mandated two additional parking spaces.

Mr. Harrington stated that the petitioner still had options available to her. He suggested the motion contain a general requirement for additional parking. He had the authority in instances such as these to determine the appropriate number.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item CUP-1998-113, I move that we approve the Conditional Use Permit for multi-family residential at 436 Belford Avenue with the condition contained in the staff report dated July 8, 1998.”

Chairman Elmer suggested amending the motion to read, “The petitioner will provide off-street parking spaces to meet the Code requirements.” Mr. Shaver said that this verbiage would be acceptable.

Commissioner Coleman agreed to amend his motion accordingly (as follows):

MOTION: (Commissioner Coleman) “Mr. Chairman, on item CUP-1998-113, I move that we approve the Conditional Use Permit for multi-family residential at 436 Belford Avenue with the condition that the petitioner will provide off-street parking spaces to meet the Code requirements.”

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

MC-1998-100 FINAL PLAN AMENDMENT—MICAELA’S VILLAGE SUBDIVISION

A request to construct a six-foot perimeter privacy fence along Unawep Avenue and David Street located in Micaela’s Village Subdivision.

**Petitioner: Micaela’s Village Homeowners Association
Location: Micaela’s Village Subdivision along Unawep Avenue and David Street
Representative: Chance Barfoot**

PETITIONER’S PRESENTATION

Chance Barfoot, representing the petitioner, said that the properties along Unawep Avenue and David Street in the Micaela’s Village Subdivision indicate two frontages. As such, they were required to reduce the height of any privacy fencing to a maximum of 30 inches, or 48 inches if an open-type fence. He felt that there were safety issues regarding children and pets with a 30-inch fence. In addition, more privacy was needed along the busy corridor since passersby routinely peered over into homes and yards. A higher fence would also allow for better screening of surrounding commercial uses.

Mr. Barfoot proposed using 6-foot-high cedar fencing with 6-inch dog-eared pickets, 3 horizontal rails on the backside, pickets to face Unawep Avenue and David Street. Installation would utilize screws, and cedar stain would be used. No vehicle access through the fencing to Unawep would be permitted. He requested that the City participate in landscaping costs since the area to be landscaped was City right-of-

way. The HOA would provide the labor. He detailed the landscaping materials to be provided and asked that shrubs be planted every 40 feet rather than the 20 feet requested by staff. Weed control measures were also outlined and would be installed by the HOA.

QUESTIONS

Chairman Elmer asked if there were any other issues besides requesting financial participation and a variance on the space between shrub plantings. Mr. Barfoot replied negatively. Chairman Elmer asked if the HOA had investigated the possibility of acquiring the trees through the City's Street Tree Program. Mr. Barfoot said that it had been discussed.

Commissioner Grout asked for clarification on who would assume responsibility for maintenance of the landscaped area. Mr. Barfoot said that the homeowners along Unawep Avenue agreed to be responsible for perpetual maintenance, separate of the HOA.

STAFF'S PRESENTATION

Michael Drollinger read excerpts from the staff report dated July 8, 1998. While the proposed privacy fence was viewed as acceptable, visual impacts must be mitigated via additional landscaping. Staff encouraged the petitioner to contact a representative from the City Street Tree Program about acquiring trees at no cost. Staff recommended approval of the request subject to the following conditions:

1. The tree/shrub planting requirement (species to be of a low water use type and shall be chosen from *Plant Suggestions for Grand Valley Landscapes*) for each property along Unawep Avenue shall be as follows:
 - one tree per property
 - one shrub per 20 linear feet of lot frontage (or fraction thereof).

The landscaping of each property shall be the responsibility of the homeowners except that all trees shall be planted at the same time. The street trees may be planted by the City of Grand Junction through the Parks Department's street tree planting program; however, it shall be the responsibility of the HOA to make such arrangements. The tree/shrub species chosen for this project shall be subject to Community Development approval.

2. The ground cover and irrigation for the landscape strip shall consist of cobble (as per the proposal contained in the petitioner's narrative) and shall be installed by the HOA at one time. The HOA shall make such arrangements as are necessary to provide for the perpetual maintenance of the landscape strip; the legal documents for such maintenance shall be reviewed and approved by the City prior to the installation of fencing or landscaping materials.
3. The fencing specifications shall be as follows:
 - 6-foot cedar privacy fence
 - 6-inch-wide dog-eared pickets
 - 3 horizontal rails
 - pickets shall face Unawep Avenue
 - fence shall be installed with screws and shall be finished with a cedar-colored stain
4. As per the original subdivision approval, no vehicular access shall be permitted to Unawep Avenue for lots abutting the street.

5. The petitioners shall be responsible for providing a fence/landscaping plan for staff review and approval prior to installation of any improvements.

QUESTIONS

Chairman Elmer asked staff how they felt about the HOA not being involved in the maintenance of the landscape strip. Mr. Drollinger said that both the HOA-maintained and homeowner-maintained options had been discussed. While the former was the preferred choice, the homeowners had given assurance of maintenance.

Mr. Harrington pointed out that it had been the homeowners, not the HOA, who had submitted the application.

Commissioner Coleman wondered if the homeowners could form a group of their own, independent of the HOA, which would be responsible for the care of the landscaping. Mr. Shaver said that to do so was possible. In that way, if the current homeowners moved on or changed their minds about maintaining the landscaping, the City would have an approachable entity with which to deal.

Commissioner Driscoll felt that the agreement should either be with the HOA or the HOA should include in its covenants the legal obligation for those lots located along Unawep Avenue and David Street. Mr. Shaver agreed that doing so would make the condition more enforceable; however, it would be up to the Planning Commission to determine the specifics of how this was to be done; certainly, Mr. Shaver added, the covenant needed to run with the land.

When asked if a member of the HOA was present, Mr. Barfoot replied that there had been, but she'd already left for the evening. He suggested imposing a requirement for something in writing from the HOA. The homeowners and the HOA would then work something out between them to the satisfaction of the City.

Commissioner Coleman reminded Mr. Barfoot that a perpetual irrigation system for the landscaping would have to be installed (e.g., drip system).

Mr. Barfoot also asked for consideration that fencing be erected by each homeowner at the time each could afford it and not all at once.

Chairman Elmer said that this option would pose problems of timing for installation of the landscaping. Mr. Barfoot suggested that a timeframe be imposed for completion of all improvements (e.g., 1 ½ to 2 years).

Mr. Harrington reemphasized the need to have a single entity with which to deal.

Mr. Shaver offered that another option would be to require a financial guarantee.

Chairman Elmer said that beyond participation by the City Parks Department on the tree costs, further participation would have to be approved by the City Council.

PUBLIC COMMENTS

FOR:

Kent Foster (2676 UnawEEP Avenue, Grand Junction) expressed his support for the fence, but cautioned against haphazard erection of it by individual homeowners. He pointed out a section along the eastern property line where the fencing had been badly installed which resulted in its having blown down. He recommended the use of four 2 x 4 rails.

Cody Kristofferson (no address given) reiterated the safety issue as it pertained to children and pets.

Jim Linus (793 Bacon Court, Grand Junction) said that he'd experienced vandalism and loitering by persons of all ages on his property. The higher privacy fencing was very much needed by homeowners and would be better constructed than the perimeter fencing had been.

Sean (no last name given) (1793 Lisa Court, Grand Junction) also expressed support for the fence.

Mr. Barfoot passed out photos of the property in its current state.

DISCUSSION

Commissioner Fenn recognized the need for the fence, especially given the improvements along UnawEEP Avenue.

Commissioner Grout agreed, but stressed that the HOA needed to be involved in maintenance of the landscaping.

Chairman Elmer asked Mr. Shaver for preferred verbiage. Mr. Shaver said that without having seen the subdivision covenants, he suggested that there be a requirement that the homeowners demonstrate, in writing to the staff, that a meeting was held with the HOA, that a vote was taken, and such vote was consistent with the covenants regarding the approval and acceptance of the landscape maintenance obligation.

Chairman Elmer suggested that the timeframe for installation of the landscaping be two years. He reminded homeowners that if the landscaping was not installed within that timeframe, the fences would all be non-conforming.

A brief discussion ensued over the spacing between shrubs.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item MC-1998-100, a request for an amendment to the Final Plan/Plat approval for the Michaela Village Subdivision, I move that we approve the request subject to the conditions in the staff report with the added number 6, that we will give two years to install the required landscaping."

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

2 PUBLIC HEARING ITEMS FOR RECOMMENDATION TO THE CITY COUNCIL

VR-1998-092 VACATION OF RIGHT-OF-WAY—MINI STORAGE UNITS

A request to vacate a portion of Maldonado Street and a utility easement located in a C-2 (Heavy Commercial) zone district in order to bring existing mini storage units within property lines.

Petitioner: Gary DeRush

Location: 602 W. Gunnison Avenue

PETITIONER’S PRESENTATION

Gary DeRush, petitioner, said that his purchase of the property had been delayed when it was discovered that a portion of the structure had been constructed within a utility easement. The easement had been vacated; however, when he wanted to add another 22 units to the facility, it was discovered that the preexisting structure had also encroached 6 inches into the City’s right-of-way. He passed out photos of the site which showed placement of the structure 36 inches back from the back of the sidewalk. Landscaping was present in the 36 inch strip which he maintained. No adverse comments were received from neighbors on the vacation.

STAFF’S PRESENTATION

Mike Pelletier said that upon further investigation, a portion of the utility easement had not been vacated due to an error in the legal description. With no foreseen need to widen the street, the request for vacation of both the portion of right-of-way and utility easement met Code requirements. Staff recommended approval.

QUESTIONS

Commissioner Coleman asked if the property was located in a C-1 or C-2 zone. Mr. Pelletier clarified that it was located within a C-2 zone.

PUBLIC COMMENTS

There were no comments either for or against the request.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item VR-1998-092, I move that we recommend approval of the vacation to the City Council.”

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

VR-1998-114 RIGHT-OF-WAY VACATION—FORESIGHT VILLAGE

A request to vacate one-half of the right-of-way on the north property line of Foresight Village.

Petitioner: JBI Associates

Location: East of 25 ½ Road on F ¼ Road

Representative: QED Surveying

PETITIONER’S PRESENTATION

Keith Mumby, representing the petitioner, said that with the platting of Fall Valley Subdivision, the right-of-way was no longer needed for access to adjoining properties.

STAFF'S PRESENTATION

Kathy Portner said that staff concurred with the petitioner's presentation, and the request met Code criteria for vacations. Staff recommended approval.

PUBLIC COMMENT

There were no comments either for or against the request.

DISCUSSION

Chairman Elmer and Commissioner Coleman commented that the request seemed straightforward and met the criteria. Other planning commissioners agreed.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item VR-1998-114, I move we forward this to the City Council with a recommendation of approval."

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

3 GENERAL DISCUSSION

Kathy Portner passed out copies of an agenda for an upcoming workshop with the Mesa County Planning Commission on August 13. The workshop will include on-site inspections of steep slopes and ridge lines. Mr. Munkres will avail his property in the Ridges for the inspection. Those interested in attending need to let staff know as soon as possible.

Commissioner Fenn wondered why the concept of a Consent Agenda could not be utilized by the City for non-controversial items. Mr. Harrington and Mr. Shaver said that the Planning Commission bylaws would have to be changed. More formal workshops may be required to ascertain the level of controversy and to allow a deliberative process.

Mr. Harrington suggested that this could be more formally discussed in a workshop or retreat.

With no further business, the hearing was adjourned at 12:30 a.m.