

**GRAND JUNCTION PLANNING COMMISSION
NOVEMBER 10, 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, Mark Fenn, Mike Denner and Paul Coleman. Robert Gordon was absent.

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Dave Thornton (Sr. Planner), Bill Nebeker (Sr. Planner), and Kristen Ashbeck (Sr. Planner).

Also present were John Shaver (Asst. City Attorney) and Rick Dorris (Development Engineer).

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 October 13, 1998 Planning Commission public hearing minutes.

MOTION: (Commissioner Driscoll) “Mr. Chairman, I move that we approve the October 13, 1998 minutes as submitted.”

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

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Chairman Elmer announced that item RZP-1998-128 had been pulled from the evening’s agenda and would not be heard.

III. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

VE-1998-179 EASEMENT VACATION & FINAL PLAT/PLAN—ROCKWOOD ON THE RIDGES

A request to: 1) approve the vacation of a multi-purpose easement on the west boundary of lot 1A of Ridges Filing #6A, and 2) approve the Final Plat/Plan for Rockwood on the Ridges Subdivision consisting of 11 detached and 4 attached units on approximately 2.24 acres.

**Petitioner: Dynamic Investment
Location: Rana Court and Rana Road
Representative: Thompson-Langford**

PETITIONER’S PRESENTATION

Mike Stubbs, representing the petitioner, referred to the site plan on an overhead transparency. He said that concerns over access onto Rana Court expressed by both the Planning Commission and City Council had been addressed by locating detached dwellings on Lots 1 and 2 of Block 3 to face Rana Court. Drainage concerns were mitigated by attaching rain gutters on the attached dwellings for blocks 1 and 2

and connecting them to a 12-inch PVC storm drain to be buried along the project’s northwest boundary. Doing so, he said, would eliminate virtually all historical drainage from the site.

The petitioner asked that setbacks on Lot 2 of Block 1 be reduced from 18 feet to 15 feet due to the angled measurement of the lot. The setback from the garage to the property line is 20 feet. Mr. Stubbs said that staff had been receptive to this request. All other staff conditions of approval were acceptable. He clarified the structural height request as not exceeding 25 feet as defined by the amended plan for The Ridges, thus ensuring consistency with other Ridges structures, instead of the 32-foot height restriction imposed by the Code. Staff had expressed agreement with the height restriction proposal as well.

STAFF’S PRESENTATION

Bill Nebeker noted the site’s location on available exhibits. He briefly outlined the requests of the petitioner and overviewed the proposal as contained in the November 10, 1998 project review. He read into the record City Council’s requirements for additional drainage mitigation on Tract A and reiterated the petitioner’s proposal for addressing that issue. Staff recommended approval of all requests subject to the following conditions:

1. The entrance sign must state that the streets within the subdivision are private. The sign must be located entirely within the development.
2. The Development Improvements Agreement must include the cost of private park amenities and both bike paths.
3. Note on the landscape plan that an underground, pressurized irrigation system will be provided.
4. Front and interior side yard setbacks shall be changed on the site plan to read as follows:

Front: Block 1 -- 15 feet from face of garage to property line (as amended by staff)
 Block 4 -- 18 feet from face of garage to property line
 Rana Court and Rana Road (includes Block 3) – 20 feet from property line
 All other structures – 10 feet from property line (no eave overhang allowed in easements)

Side: Block 1 and 2 – 0 feet
 (interior) All others – 5 feet

The front setback on the plat shall be changed accordingly.

5. (deleted per staff; duplicate of condition 1)
6. Height, as defined in the Amended Final Plan for the Ridges, shall be less than 25 feet.

QUESTIONS

Chairman Elmer asked for clarification on where the PVC fence would be located, which was provided.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Alan Korbe (2365 ½ Rana Road, Grand Junction) wondered if the proposed drainage mitigation measures would adequately handle runoff. He felt that the development would still generate additional drainage from the site onto Rana Court and noted that there was already a drainage problem apparent in the area.

PETITIONER’S REBUTTAL

Mr. Stubbs reiterated previously stated drainage mitigation measures which, he said, would reduce runoff to less than historical rates. Kent Marsh, project engineer from Thompson-Langford, noted an area on the site plan adjacent to Rana Road where rip rap would be added to further reduce runoff and erosion.

DISCUSSION

Commissioner Coleman asked Rick Dorris if the City’s Engineering Department was satisfied with proposed drainage mitigation measures, to which Mr. Dorris responded affirmatively.

Chairman Elmer said that if there was an overall drainage problem in the area as Mr. Korbe had suggested, the Engineering Department should address it independent of the current proposal.

Commissioner Driscoll observed that the Final Plat proposal conformed to the Preliminary Plan and that issues had been sufficiently addressed.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item VE-1998-179 I move that we approve the Final Plan and Plat of Rockwood on the Ridges subject to staff recommendations with the change of condition 4, to read 15-foot front setback for Block 1; also approve the request to the Amended Preliminary Plan conditions of approval to allow heights to be measured according to the Amended Final Plan for the Ridges; and forward a recommendation of approval to City Council to vacate the 14-foot multi-purpose easement on lot 1A, the Ridges Filing 6A.”

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

RZP-1998-183 REZONE/PRELIMINARY PLAN—COUNTRY CROSSING

A request to: 1) approve a rezone of approximately 46.84 acres from PR-3.8 (Planned Residential with a density not to exceed 3.8 units per acre) to PR-4.4; and 2) approve the Preliminary Plan for Country Crossing Subdivision consisting of 135 single family lots, 14 attached single family units, and 48 townhome units.

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

PETITIONER’S PRESENTATION

Richard Livingston, attorney representing the petitioner, commented that on several occasions other, similar projects had been approved for the property. He said that upon approval, the existing townhome structure, which had fallen into disrepair, would be completed and be made habitable. The design, he said, sought an increase in density of only ½ unit per acre and rezone criteria had been met. The site is surrounded by residential uses. While there were no objections to staff comments, there had been some additional discussion concerning the provision of sewer service to Filing #5 of the Moonridge Subdivision. In order to provide sewer service to the east without Moonridge having to install a lift station, a sewer line would have to be brought under the Grand Valley Canal and tied into the Country Crossing sewer line. The petitioner had no objection to this and grades were felt to be conducive to this endeavor. He noted, however, that build-out to the east would not occur right away, so flexibility in

actual line location would be necessary. A dedicated easement for the public utility would be required in the tract of open space adjacent to the canal along the east border of the Country Crossing site. Expenses incurred in the dedication of such an easement, he felt, should be borne by Moonridge Subdivision since it would reap the sole benefit.

QUESTIONS

Chairman Elmer asked if the irrigation line easement running east-west through the property would be relocated or abandoned. Gayle Lyman, LanDesign consultant, said that the existing easement would be vacated and the irrigation line rerouted.

Chairman Elmer noted the point where a dike would be constructed in the northwest corner of the site along Leach Creek. Given the existing floodplain's location, he asked how did the dike elevation compare to both the 100-year flood elevation and the finished floors in the event that nothing occurred. Mr. Lyman said that FEMA maps denoted a floodplain elevation of 4,590 feet. Filings within that area would be a minimum of 1 foot above that elevation or at least 4,591 feet. Mr. Lyman said that further floodplain study would be undertaken; however, with or without revisions of the floodplain map, finished floors would be kept above the floodplain level.

Commissioner Coleman wondered if any thought had been given to moving the RV storage area to a location within Filing 5. Mr. Lyman said that the RV storage area's current location had been consistent throughout the submittal process. Mr. Livingston added that storage areas were typically regarded as better suited near higher traffic areas. Keeping it further away from residential uses would lessen noise, safety and aesthetic impacts. He felt that aesthetic concerns could be further mitigated via landscaping and berming.

Commissioner Denner thought there had been a concern over a substation location behind the storage area. Mr. Livingston had not heard about any specific concerns regarding such a facility.

STAFF'S PRESENTATION

Kristen Ashbeck noted the two access points into the property from G Road and 25 Road, both requiring half-street improvements. She suggested that the petitioner apply for floodplain map modifications in conjunction with Filing 1 instead of waiting for Filing 2. A further overview was provided as outlined in the November 10, 1998 staff report. Staff determined that the proposal met rezone criteria and Growth Plan recommendations. Approval of the rezone request was recommended subject to the bulk requirements illustrated on the Preliminary Plan and outlined in the staff report. Approval of the Preliminary Plan was also recommended subject to the following conditions:

1. Permit(s) from the Corps of Engineers and the Colorado Department of Health for stormwater discharge into Leach Creek shall be submitted with the Final Plan/Plat for Filing 1.
2. The applicant shall prepare, submit for review and have approved the CLOMAR mentioned in the Preliminary Drainage Report prior to Final Plan/Plat submittal for any development in the existing floodplain.
3. A landscape plan for Tract C shall be included with the Final Plan/Plat submittal for Filing 1. Tract C shall be a developed, active open space to include playground equipment comparable to the following equipment specification (see information attached to staff report):

Primetime Swing Set #12583 2 ea.
Swing Belt Set #2955 4 ea.
Climber—Eagle’s Perch #657 2 ea.
Slide—Oval Tube #CH4010 2 ea.

4. Improvement with a standard 8-foot concrete path of the pedestrian connections within Tracts E and G shall be required with Final Plats/Plans for filings 3 and 5.
5. Perimeter landscaping along 25 Road is required and shall include a landscape strip between the sidewalk and the recreational vehicle storage area.
6. The entire property shall be platted with Final Plat/Plan for Filing 1 and shall include dedication of the canal easement to the City of Grand Junction at that time.
7. The Final Plat/Plan for Filing 1 shall also include dedication of a sanitary sewer easement from the limits of Filing 1 along the future right-of-way alignment to the eastern property line within Tract G to allow for gravity flow sewer service to be constructed to Moonridge Falls Filing 5.
8. An easement *under the canal* be dedicated to the City prior to platting to allow the developer of Moonridge Filing 5 to begin construction of the sewer line under the canal (as added by staff).

Ms. Ashbeck suggested attaching a date for completion to condition 8; staff recommended a January 1, 1999 deadline.

QUESTIONS

Chairman Elmer wondered if condition 8 was necessary given that the easement was mentioned previously in condition 6. Ms. Ashbeck clarified that condition 8 addressed just that portion of easement under the canal connecting Filing 1 sewer to Moonridge Filing 5. It was not necessary to dedicate the entire canal easement at the same time.

Commissioner Fenn wondered if the City could pinpoint the location under the canal where the Moonridge sewer line would connect to the one from Country Crossings. Ms. Ashbeck responded affirmatively, adding a brief elaboration. Mr. Livingston again stressed that it should be the Moonridge Subdivision’s developer that paid for easement costs.

Commissioner Driscoll asked John Shaver if such costs could be assigned by the Planning Commission to a non-applicant. Mr. Shaver said that the Planning Commission should limit itself to the request for easement dedication without addressing the assessment of any costs. A brief discussion ensued over the easement and related rights.

Chairman Elmer expressed a concern over lot 5 in Filing 2 as being potentially unbuildable due to setback constraints. He advised closer scrutiny of this and other individual lots during the Final Plan stage to ensure their buildability.

Chairman Elmer asked Mr. Shaver if the Planning Commission could require that irrigation water be provided via a pressurized system to each lot. Mr. Shaver said that the provision of irrigation water was not addressed in the Code. He said that the expectation of “be provided” would need to be defined; there could be some difficulty if not enough shares were owned by, or available to, the petitioner. If the water were available, the Planning Commission could require a pressurized system to deliver it as a condition of the approval but there are a number of issues as well as the possibility of legal challenge.

Commissioner Coleman said that to effect such a requirement could set a precedent. A brief discussion ensued with legal counsel over the difference between a legal and a policy precedent. Chairman Elmer said that specific conditions were both expected and given with approval of planned zones.

Commissioner Fenn said that if sufficient irrigation water was unavailable, he would oppose any irrigation requirement.

Chairman Elmer pointed out the “neck” area of the proposed park and wondered why it had been configured thusly. Since it seemed unusable as park area, he wondered if the open space area could be reallocated to adjacent lots. Ms. Ashbeck was unsure of the petitioner’s intent with the park area in question.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Radine Basinger (679 – 25 Road, Grand Junction) said that as part owner of the irrigation line mentioned previously, she was concerned over the petitioner’s intent to relocate. She expressed opposition to any rerouting of the line, saying that to do so would increase the build-up of sediments making clean-out/flushing more difficult, increase maintenance costs, and possibly hinder water delivery. Ms. Basinger also opposed any increase in density.

Walid BouMatar (677 – 25 ½ Road, Grand Junction) concurred that the sewer line easement was needed for the Moonridge Subdivision and said that he was working with Country Crossing’s engineer to achieve that end.

Commissioner Fenn asked Mr. BouMatar if he had any objection to covering the costs associated with the easement’s surveying, etc. Mr. BouMatar felt that the City should bear some financial responsibility since it was the one requiring the easement. He would continue to work with the petitioner on securing the easement.

Robert Vohs (677 – 25 Road, Grand Junction) agreed with Ms. Basinger’s comments regarding relocation of the existing irrigation line and expressed the same concerns. He wondered if the subject property had sufficient water rights to provide irrigation water to each lot. Mr. Vohs was concerned over increases in traffic along 25 Road, and he felt the project was incompatible with the surrounding neighborhood. The 30-foot-high roof lines, he said, would impact his views, and the project would also impact existing wildlife habitat.

PETITIONER’S REBUTTAL

Mr. Livingston said that legally the petitioner was obligated to provide the same quality and quantity of water after relocation of the line as was being provided currently. He said that because sufficient shares of water were unavailable (a brief historic explanation was provided), the decision had been made not to provide irrigation water to individual lots. If homeowners wanted to irrigate their properties, they could do so using potable water supplied by domestic water providers. Mr. Livingston said that building heights would be limited to two stories and the project’s architect had said that all lots would be buildable. Building envelope constraints may, however, restrict the type of structure that could be placed within them. He agreed to discuss it further with the project’s engineer and architect. He felt that staff’s fencing condition was reasonable. Mr. Livingston said that the application met both rezone criteria and the intent of the Growth Plan, and the project reflected changing densities in the area.

QUESTIONS

Commissioner Coleman said that doubling the irrigation line through rerouting would indeed increase maintenance time, labor and costs for clean-out. Mr. Livingston said that an increase in the size of pipe could make clean-out easier. The petitioner acknowledged that residents to the west would have to be happy with any changes and that water delivery must be the same or better than it was currently. A greater distance, he said, would not automatically mean additional cleaning time and expense.

Commissioner Coleman wondered what percentage of open space would be maintained, to which Mr. Livingston replied all 12 acres would be maintained; however not all 12 acres would necessarily be irrigated.

Commissioner Fenn asked for confirmation that the petitioner intended to continue working with Mr. BouMatar on implementation of the sewer easement. Mr. Livingston replied affirmatively, adding that any expenses incurred would be minor and would probably not exceed \$200.

DISCUSSION

Chairman Elmer asked for a legal opinion on the irrigation pipeline. Was Mr. Livingston correct in statements made? Mr. Shaver agreed and said that "satisfaction" of the rights could be a significant issue; the issue wasn't just over water quality. Easements, he said, gave their owners/users certain rights and if satisfaction was not derived, vacation may not be possible by the petitioner.

Commissioner Coleman asked if the irrigation line question could be included as another approval condition. Ms. Ashbeck said that the line had not been addressed to any degree by staff.

Commissioner Coleman asked if it was necessary for the Planning Commission to deal with the sewer easement issue, to which Mr. Shaver responded negatively, adding that it was up to the petitioner to work out the details. He agreed that costs to identify and record the easement should be minimal. He understood that Moonridge Subdivision's developer had been given the option of either installing a lift station or, if an off-site easement could be acquired, the preference would be to have gravity-fed sewer. If, in fact, the easement had been a City sewer requirement, the City may participate in a portion of any expenses incurred. Mr. Shaver stated that setting a date as staff suggested was a good idea. After a brief discussion, the petitioner and Mr. BouMatar agreed that a January 1, 1999 date was acceptable.

Commissioner Denner expressed support for the project, provided that the Planning Commission wasn't committing to those issues which were still a concern.

Chairman Elmer commented that the petitioner must show mitigation of those outstanding issues during the Final Plan/Plat stage. Since irrigation wasn't addressed in the Code, it may be overstepping to force the issue; however, the provision of irrigation water was an amenity which would better help sell the lots. Potable water used for irrigation would be an expensive proposition.

Commissioner Coleman proposed adding a condition 9 to read, "The petitioner is required to have an easement under canal filed by January 1, 1999." This met with general agreement by other planning commissioners.

(Note: Two separate motions were given. Commissioner Denner's second and subsequent vote applied to both motions.)

MOTION: (Commissioner Coleman) "Mr. Chairman, on item RZP-1998-183, a rezone of the property on the southeast corner of 25 and G Roads from PR 3.8 to PR 4.4, I move that we

forward this item to City Council with a recommendation of approval subject to the bulk requirements as illustrated on the Preliminary Plan and outlined in the staff report.”

MOTION: (Commissioner Coleman) “Mr. Chairman, on item RZP-1998-183, a Preliminary Plan for the Country Crossings Subdivision, I move that we approve this item subject to staff recommendations with the inclusion of recommendation ‘h’ (9) which would require the petitioner to have the sewer easement under the canal filed by January 1, 1999.”

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

RZ-1998-177 REZONE—COMMERCIAL DEVELOPMENT

A request to approval a rezone of approximately 4 acres from RSF-R (Residential Single Family Rural with a density not to exceed 1 unit per 5 acres) to H.O. (Highway Oriented) for future commercial development.

Petitioner: Tomichi Investments

Location: Northeast corner of 24 ½ and F ¼ Roads

PETITIONER’S PRESENTATION

Mike Bussey, co-petitioner, gave a brief history of the property. He said that there were no immediate plans to develop the property; however, rezoning it to H.O. would make it more salable. The new zone complied with rezone criteria and would be more consistent with Growth Plan guidelines.

QUESTIONS

Chairman Elmer asked the petitioner if he understood that, with the adoption of the new Code, the H.O. zone would become a commercial zone designation. Mr. Bussey replied affirmatively.

Commissioner Denner asked if there had been any neighbor opposition, to which Mr. Bussey responded negatively.

STAFF’S PRESENTATION

Dave Thornton noted the site’s location and surrounding zoning using an overhead transparency. The area, he said, was predominantly commercial. Having found that the request met both rezone criteria and the intent of the Growth Plan, staff recommended approval.

QUESTIONS

Commissioner Coleman wondered if 24 ½ Road would ever be four-laned. Mr. Thornton said that 24 ½ Road currently had “collector” status which meant that the road could be either 3 or 4 lanes. Mr. Dorris provided a brief clarification on this point.

Commissioner Driscoll asked staff for the land use designation on property located north of the site. Mr. Thornton answered that it was designated high density residential.

PUBLIC COMMENTS

There were no citizens remaining to comment on the item.

DISCUSSION

Commissioner Driscoll remarked that the request made sense, and it provided a balance in uses on both sides of 24 ½ Road. Chairman Elmer agreed.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item RZ-1998-177, I move that we forward it on to City Council with the recommendation of rezoning to H.O. (Highway Oriented) for the following reasons: 1) rezone to H.O. complies with the Growth Plan’s Future Land Use designation and the Plan’s goals and policies; and 2) rezone to H.O. complies with the rezone criteria found in Section 4-4-4 of the Grand Junction Zoning and Development Code.”

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

IV. GENERAL DISCUSSION

Scott Harrington said that the zoning map open house held earlier in the evening at Two Rivers Plaza had been very successful. A similar open house was scheduled for Thursday, November 12, from 3 p.m. to 7 p.m. also at Two Rivers Plaza. Several staff, City Council members and planning commissioners would be present for Thursday’s open house to answer questions posed by the public.

Five regional district meetings would also be scheduled throughout the City (times and dates to be determined).

With no further business, the hearing was adjourned at 9:02 p.m.