

## GRAND JUNCTION PLANNING COMMISSION

November 17, 1998

Minutes

7:00 p.m. to 11:15 p.m.

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 and Paul Coleman. Mike Denner and Robert Gordon were absent.

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Bill Nebeker (Sr. Planner), Kristen Ashbeck (Sr. Planner), Lori Bowers (Associate Planner), Mike Pelletier (Associate Planner) and Michael Drollinger (Development Services Supervisor).

Also present were John Shaver (Asst. City of Grand Junction), Rick Dorris (Development Engineer) and Kerrie Ashbeck (Development Engineer).

Carole Collom was present to record the minutes.

There were approximately 70 interested citizens present during the course of the hearing.

### I. APPROVAL OF MINUTES

There were no minutes for consideration.

### II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations or visitors.

### III. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

**ANX-1998-155 ANNEXATION/REZONE/PRELIMINARY PLAN- VILLAGE PARK SUBDIVISION**  
**Request to 1) approve the annexation of approximately 18.8 acres, 2) rezone from County PB (Planned Business) and PR-16 (Planned Residential with a density not to exceed 16 units per acre) to City PB and PR-17.3 and 3) approve the Preliminary Plan for Village Park Subdivision consisting of residential and commercial uses.**

**Petitioner: Peak Properties & Development**  
**Location: NW corner F Road and 28 1/4 Road**  
**Representative: LanDesign**

Before opening the hearing Chairman Elmer asked the petitioner if the public notice sign for this proposal was posted continuously ten days before this hearing.

Brian Hart of LanDesign, 259 Grand Avenue, replied that he picked up the sign on Tuesday afternoon, November 3, at the Community Development office and posted it at the site. The posted location was approximately 200 feet West of the Southeast corner on the site, which is near the intersection of 28 1/4 and Patterson Roads. Mr. Hart stated that the sign fell down over the weekend. Mr. Hart said he re-posted it against a fence post. Mr. Hart

then said he received a call from the Community Development Department Monday afternoon because they had received a complaint that the sign was not up. Mr. Hart continued; planning staff drove out to the site but could not locate the sign. Mr. Hart said he quickly went out to the site and found the sign had fallen again.

Mr. Shaver referred to the section of the Code concerning public notification. Mr. Shaver added that given that the Planning Commission will be making a recommendation on the proposal and not making the final decision, he felt that substantial compliance had been achieved based on what Mr. Hart described. Mr. Shaver advised that if the Planning Commission was satisfied it could go ahead and open the hearing.

Chairman Elmer noted that the petitioner made an effort to meet the intent of the Code. He continued; there are three ways to notify the public of hearing items including an ad in the paper, a sign and notices mailed to property owners in the vicinity of the project. The petitioner showed diligence by putting the sign back up.

### **PETITIONER'S PRESENTATION**

Bob Walker (700 Hawthorne Avenue, Boulder, CO) stated that he received a copy of Growth Plan for City of Grand Junction which shows that this site is designed for high density residential not less than 12 units per acre nor more than 24 units per acre. Mr. Walker stated that the reason for higher densities is to encourage a bit of compactness, to offset urban sprawl, to facilitate some diversity in housing type and be compatible with existing land uses.

Phil McEvoy (1928 Pearl Street, Boulder, CO) gave an overview of the site design. Mr. McEvoy stated that the petitioner's goal is to annex the property, receive approval of the preliminary plan and to rezone the 18.8 acres at 28 1/4 and Patterson Road. The Southern end of the property is proposed to be 5.2 acres of B-3 uses. The B-3 uses would be neighborhood type commercial on three lots. Lot 1 is 1.06 acres and is proposed to include a convenience store and car wash, Lot 2 is 0.81 acres and is proposed to include a 6,000 square foot two-story drive-through bank and Lot 3, Block 1 is 3.3 acres and is proposed to have a 7,000 square foot one-story restaurant and a 22,800 square foot one-story strip center. The total square footage of buildings being proposed is 36,400. Mr. McEvoy stated that planning staff recommended that the commercial construction be limited to 40,000 square feet. Mr. McEvoy described the traffic access and the site design noting the ten foot landscape buffer around the entire retail acreage.

Mr. McEvoy continued stating that Block 5 is proposed for 21 single family dwellings; Block 4 is proposed for 24 townhomes as additional buffer. Senior housing is proposed in the internal area of the proposal that consists of 80 three-story structures. The three-story structures are proposed to be in the middle, with two-story and three-story structures along the outer portion of Block 5. These structures are proposed to be four feet taller than what is allowed for building height in a single family zone. The overall proposal has been designed with mixed use development and an adequate buffer to the single family density neighbor. The density overall is 17.3 which is consistent with the comprehensive plan that allows between 12 and 24 units per acre. The petitioner has also designed a mixed use commercial development that is as far removed from the single family neighbors as possible and will be accessed from two major streets.

### **STAFF'S PRESENTATION**

Bill Nebeker presented 220 letters from people opposing the project. Mr. Nebeker stated that the letters represent individuals not households. Mr. Nebeker gave an overview of the rezone and annexation request. He stated that the Growth Plan Map shows this area developing as commercial and residential high density, therefore the proposal is in conformance with the Growth Plan Map. Mr. Nebeker stated that this property was rezoned in Mesa County in 1982 from R-2 to PR-16 and PB (Planned Residential with density not to exceed 16 dwellings

per acre and Planned Business). An Official Development Plan for the Middlegate Subdivision was approved by Mesa County. Later the ODP expired but the zoning was not reverted. Mr. Nebeker continued; other proposals for this site were considered in 1994 and 1995 and were denied. The East parcel consisting of approximately 18 acres is owned by the World Harvest Church which plans to build a church there. In 1997 a development application was submitted requesting a rezone for a 50,000 square feet commercial area on about 4.7 acres and 261 dwellings. This proposal was denied by the Mesa County Commissioners and one of the issues was the compatibility between adjacent neighborhoods. There was no transition in residential dwellings between the existing single family neighborhood and what was proposed. This proposal had multi-family dwellings directly adjacent to the single family homes which was certainly a strong consideration on the recommendation for denial of this project.

Mr. Nebeker stated that the Growth Plan supports expansion of commercial when it's done in the Plan Development context and that has been done with this proposal. Mr. Nebeker stated that staff finds that this proposal is in conformance with the Growth Plan and with the proposed rezone meets the criteria established in Section 4-4-4 of the Zoning and Development Code. Mr. Nebeker discussed the traffic flow, parking conditions and landscaping requirements.

Mr. Nebeker stated that staff recommends approval of this plan with the following conditions:

1. The maximum density and total dwellings allowed on each parcel is governed by the matrix on the preliminary plan master layout not the Village Park density and bulk standard matrix. Substantial conformance to the layout, circulation and building placement in the commercial and multi-family parcels is required with final plan or revised preliminary plan is required.
2. Specific landscape requirements will be determined during final plan approval; however, Section 5-5-1.F regarding the landscaping of parking lots with greater than 50 spaces shall apply to Blocks 1, 2 and 3. That's the entire commercial site, multifamily site and senior housing site. In Block 1, a landscape buffer will also be required between all buildings and adjacent, non-commercial uses. A master landscape plan for the entire length of 28 1/4 Road will be required with the Phase I plan.
3. The commercial development shall not exceed 40,000 square feet.
4. A raised median, as shown on the site plan, is required to prevent left turns into or out of the commercial driveway on Patterson. A median is required between 28 1/4 Road and Rio Grand Drive. A 3/4 or full movement intersection in the median may be required for the middle driveway entrance on the South side of Patterson. Depending on the raised median configuration, it may be necessary to widen Patterson on the North side to match the principle arterial street section. If so, the developer is responsible for this construction and the cost may be credited to the TCP. The specifics of the median design and agreement from property owners on the South must be resolved prior to submission to final drawings. If all parties do not agree to the revised median design and all problems are not resolved prior to final plat submission, the entrance on Patterson shall be eliminated.
5. A maximum of two monument style signs shall be allowed on the commercial portion of the property. The signs shall be no greater than 105 square feet each with shared signage allowed for the entire center on each sign. Flush wall signage shall be determined at the time of final plan approval.

6. A 15 foot landscape set back is required for all structures in all blocks along 28 1/4 Road. A landscape set back of at least 10 feet is required along the interior perimeter of Block 1, which is the commercial portion of the site.
7. Block 3 is approved for 80 units of senior assisted living housing. Multi-family and townhomes are alternate approved uses in this block. If an alternative is selected it will require re-review at the preliminary plan stage before final plan may be approved. The bulk requirements of the multi-family or townhomes will then apply.
8. A dense landscape buffer to be determined at the time of final plan approval, shall be installed between lot 21, Block 5 and Block 2 of the multifamily site to buffer the multi-family from Dawn Subdivision.

Mr. Nebeker stated that staff recommends approval of the preliminary plan and the zone annexation.

### **QUESTIONS**

Chairman Elmer asked if a school site was proposed North of the site.

Mr. Nebeker pointed out the site where the school is proposed. He stated that he understands that the school has not firmed up their plans of exactly where the school would be placed on the site.

### **PUBLIC COMMENTS**

**FOR:** There were no comments for the proposal.

### **AGAINST:**

Judd Perry (2954 Beechwood Street, Grand Junction) asked about the Patterson Road Corridor Guidelines? He said the last time a proposal for this site was presented it was denied primarily because of those guidelines. The last time a plan was presented there was to be no ingress or egress on Patterson. If the ingress and egress is on 28 Road, the commercial would be routed that direction. The master plan also shows swales that provide drainage for Matchett Park which are not on this proposed plan. Mr. Perry continued; there were many reasons that the previous proposals were denied by the County. Mr. Perry said that Cortland is a Collector but cannot understand why it would be classified that way. Cortland dead-ends at 27 1/2 Rd and connects into a subdivision to the West; Cortland is one mile long extending from 27 1/2 Road to 28 1/2 Road. Mr. Perry stated that isn't much of a collector.

Mr. Nebeker replied that Cortland is proposed to be extended East from 28 Road.

Mr. Perry stated that he did not see a sign posted for this subdivision and felt that insufficient notice had been given to the surrounding neighborhoods.

Hans Kunz (3820 Applewood Street, Grand Junction) stated that a previous proposal was rejected based on several reasons including 1) the density was too high, i.e. 16 units/per acre, three person per unit which equals 78 persons with 1.5 cars per unit resulting in approximately 400 cars. Mr. Kunz questioned how traffic would be handled on Patterson and 28 1/2 Road. He continued stating that this proposal is for three-story high buildings which do not fit with existing subdivisions along 28 1/2 Road; 2) the commercial zone was rejected because it was not required in this area as commercial businesses already exist a few blocks South, East and West. Mr. Kunz asked the Commission to consider the findings of Mesa County Planning Commission and to review the letters in opposition of the project.

Steve Harrington (2811 Cottage Lane, Grand Junction) stated his opposition to this plan. He stated that the Mesa County Planning Commission and the Mesa County Commissioners denied a similar proposal at this site because of numerous issues. Mr. Harrington said he recognizes that this proposal is much more specific than the previous one but stated that there are similarities as well. This Plan proposes a high density residential zoning of 17.3 dwellings per acre. That is a total of 235 units. In comparison, last year's proposal was for 16 dwellings per acre which would have been a total of 261 units. Mr. Harrington noted why the County Commissioners denied the project last year. He stated that he would like to see a reasonable proposal with single family dwellings compatible to those that are existing.

Richard Proctor (500 South 10<sup>th</sup> Street, Grand Junction) manager of Grand Valley Water Users Association (GVWU) stated that he had provided a letter in the review process and also sent a letter to Bill Nebeker today. Grand Valley Water Users' concern is that there are irrigation and drainage facilities located in the Northeast corner of Lot 1. Mr. Proctor said that the right-of-way for irrigation delivery system is held by the Bureau of Reclamation and is not going to be easy to move. Another concern is the open drainage ditch also known as Drain D along the Northern boundary of this property. The property line between this proposed development and the Grand View Subdivision is at or near the center of the drain ditch. GVWU contends that it cannot give third party access to the property on the North side of the property line which would be the Grand View Homeowners Association and individual lot owners who own lots on the western side of that drain ditch. That drain ditch is in pipe on the northern edge of Dawn Subdivision and Grand View Subdivision. GVWU's is concerned with the easement and the issues of crossing the property line on privately owned lands if this ditch was to be piped. An additional concern of GVWU is that there is an open drainage ditch that goes through the middle of the property in a Southwest direction that GVWU is responsible for. Mr. Proctor stated that he couldn't tell from the site plan if it was included. Mr. Proctor stated that these are issues that need to be addressed up front which included the protection of the right-of-way for the drainage facilities and protection of irrigation facility in the Northeast corner of the property.

Mac McGinnis (2811 Hawthorne Avenue, Grand Junction) stated his concerns with existing problems and what the proposed development will do to his property including that his lawn is a lake, washing property away and the traffic impacts.

Ruth Michaels (2151 Hawthorne Avenue, Grand Junction) voiced her concerns regarding traffic flow and access onto Patterson from the Spring Valley Subdivision.

Brook Blaney (2805 Daybreak Avenue, Grand Junction) stated that he felt this plan is not compatible with the development that surrounds it. He quoted from the City's Staff Report, page 4 "staff finds the proposed rezone meets the criteria established in section 4-4-4 of the Grand Junction Zoning and Development Code as noted in Section A, B, D, and F." Based on this criteria he felt that the proposal is not in compliance with the Code or the City Master Plan. Mr. Blaney felt that County did the right thing by denying this project in 1997.

David Miller asked if the backside of the commercial would have access onto 28 Road between Phase 1 and Phase 2. Mr. Nebeker replied no. Mr. Miller also stated that maintaining property values is an important part of the zoning process and the proposed three-story apartment buildings are going to weaken these values.

Chairman Elmer closed the public testimony.

Mr. Shaver stated that he believed Mr. Nebeker's staff report referred to Section 4-4-4 which is the correct criteria but there is one other section that the Commission needs to be aware of and that is Section 4-11 which are

additional criteria for consideration of zones of annexation.

Mr. Nebeker added that Section 4-11 regarding zoning of annexations requires that the zone shall be evaluated by the following special criteria in addition to the general criteria for rezoning. The adverse impacts of the developed density of the established neighborhood shall be considered and the relationship of the property to the urban core area or to established subcores shall be considered. Section 4-4-4.D refers to the compatibility of the surrounding area. As far as relationship of the urban core area that is addressed quite a bit in the growth plan to discuss how the downtown area should be made more important and establish subcores are allowed to grow also. This area is a little larger than a neighborhood service area, and developed in the plan development context is appropriate for the Growth Plan. Mr. Nebeker felt that these two items have been covered.

### **PETITIONER'S REBUTTAL**

Mr. Bob Walker stated that the retail acreage may have increased over the previous plan but the total building area is 40,000 square feet, which is less than what was previously submitted to the County. Mr. Walker added that he is not the same property owner that submitted the previous proposal. He stated that he had meetings with neighboring subdivisions to discuss the proposal. Mr. Walker felt they had gone the extra mile by allocating 43% of residential land for that transitional use which are the patio homes (7 units per acre). The setbacks have been increased on the lots. Across the ditch along the Grand View Subdivision, according to the plat, there is a 35 foot drainage and irrigation easement which is nonexclusive for conveyance of irrigation water and installation of irrigation facilities. Lastly regarding the ditch that goes through the site, Mr. Walker stated that he would conform to any standards that the GVWU's feel are necessary for final plan approval.

Phil McEvoy stated that they began with a Master Plan that allowed for densities of 12 to 24 units per acre and commercial at the front. Commercial wasn't defined in acreage, so we tried to come up with, based on our 20 years of experience designing commercial properties, a safe shopping center. Mr. McEvoy stated that maybe some of the residents aren't aware of the Master Plan for this parcel which is 12 to 24 units per acre. The petitioner is trying to hit middle ground. We attempted to develop buffers and Mr. Walker has had two neighborhood meetings to get residents' comments. We have tried to comply and make reasonable revisions to the previous plans that we think the Planning Commission can support.

### **DISCUSSION**

Commissioner Driscoll asked Rick Dorris, City Development Engineer, to address the traffic issue and the impact of increased traffic this proposal will create.

Mr. Dorris responded that according to the traffic studies and volumes of traffic on Patterson, staff realizes that 28 1/4 Road is going to become a main corridor. Staff's major concern is the 'right in/right out' access onto Patterson. Staff does not want a poor movement intersection there for basically some of the same reasons the public has stated they can't or have a difficult time making a right turn onto Patterson or a left hand turn off of it. Mr. Dorris stated that it is expected that the access off 28 Road will be about 200 feet back from the intersection to allow proper stacking in each direction. Mr. Dorris stated that the amount of traffic that this development is going to add is relatively minor and does not increase the level of service or degrade it.

Chairman Elmer asked about the traffic impacts on Patterson with the additional residential.

Mr. Dorris responded that the traffic impacts on Patterson were not reviewed. Mr. Dorris stated that Ridge Drive and Cortland are going to be extended to 28 1/4 Road in the future. Mr. Dorris stated that he thought, according to the major street plan, Cortland will be extended East of 28 Road and may join with 29 Road and Hawthorne

Avenue will connect as well. There could be traffic going North on 28 1/4 Road and West on Hawthorne; however, that is not the major route. The majority of traffic will go South and East.

Chairman Elmer asked if the extension of 28 1/4 Road would be tied to the school development. Mr. Dorris responded that the City owns a big chunk of land that is planned for a future park and recreation center. The school owns the piece of land Northeast of this site; however, the exact location of the school has not been determined. The City and the school have made an agreement that the school will be constructed on the most mutual beneficial location and the roads will certainly be coordinated with that.

Commissioner Coleman asked Mr. Harrington to explain the Growth Plan and how it has been amended in the past.

Mr. Harrington replied that there is no formal process in place to amend the plan. The plan provides some guidance and direction on how an amendment should be made but Mr. Harrington stated that the details of that amendment be worked out through the revised code process and through an intergovernmental agreement with the County, both of which are currently in process. This issue has come before Council a couple of different times and their most recent decision on the generic issue of amending plan is that anyone is welcome to bring forward a plan amendment and each will be considered essentially on a case by case basis. Mr. Harrington continued; it is correct that there is not a formal process at this time but that does not mean that amendments to the growth plan can not be considered or brought forward, in fact some have.

Chairman Elmer stated that in reference to guidance documents, the Patterson Road Corridor Guidelines have been mentioned which have not been updated in a long time. The staff report suggests that the growth plan might be more relevant because it's newer and more comprehensive. Mr. Elmer stated that there are some conflicts with the Corridor Guidelines and the plan for example state there shouldn't be any commercial development between 15<sup>th</sup> and 29 Road.

Mr. Nebeker stated that the existing County zone for this property is commercial. Mr. Nebeker felt that the general guidelines are in conformance with the Patterson Road Guidelines.

Chairman Elmer asked staff if the statement by the petitioner about the proposed commercial area being essentially the same amount of square feet as what was approved in the County zone is correct?

Mr. Nebeker answered that it is the same amount of square footage on the proposed plan that was most recently denied; however, the denial stated nothing about the amount of square footage that was acceptable and there wasn't any square footage proposed in the original 1982 approval.

Chairman Elmer stated that when the Growth Plan was developed, typically the approved zone was just copied and oftentimes without a lot of thought on individual parcels like this and the compatibility with the neighboring zones. "We weren't trying to take away what was already approved," he said.

Chairman Elmer said he did not agree with the increased density and the commercial acreage of the proposal. He stated that he does not feel the mixed use development is justified even though there are goals in the growth plan that support this adding that he doesn't feel the transition to protect the neighborhoods is sufficient. Chairman Elmer said it's definitely not what he would want in his back yard. He felt the petitioner could offer more without decreasing the density. Just because the Growth Plan gives a density range doesn't mean that it allows the right to increase density without proper justification.

Commissioner Coleman stated that he would like to see single family around the buffer. The commercial buffers the church land. The big issue besides the apartments is the buffer of the duplexes which is multi-family residential abutting single family residential. He felt single family residential along the border could be a possibility.

Commissioner Coleman, Commissioner Fenn and Chairman Elmer discussed the buffer, commercial and density issues. Commissioner Grout agreed with Chairman Elmer that the commercial area should be cut back and the buffer increased.

Commissioner Coleman felt that the proposal met the requirements of the Growth Plan although the commercial seems more excessive than what the Growth Plan calls for.

Chairman Elmer added that the allowable density range is being met.

The Commission continued their discussion regarding the proposed density.

Commissioner Fenn suggested reducing the commercial in half so that it doesn't cause the traffic flow problems.

Chairman Elmer stated that whatever size it is it will have to stay 220 feet from Patterson whether it is residential or commercial. Chairman Elmer asked staff that normally on a zone of annexation the Commission is required to make a recommendation on the proposed zoning; how does this request differ?

Mr. Shaver stated that in this particular application the Commission is considering the zone of annexation and the preliminary plan as a package because it's a proposed planned zone. In all likelihood, if in fact, as the discussion may indicate the project is not approved then maybe either a recommendation on a zoning would go forward or the Commission could consider the zoning in absence of a preliminary plan. Mr. Shaver continued stating that as you have seen on other projects, a recommendation from the staff whether it would be a straight zone or if it were to be a planned zone with possibly a list of uses of more general criteria than what's reflected in the preliminary plan you are looking at may be possible zoning. The unknown is what the applicant may do with the annexation. Once the petition is signed there is no withdrawal of that but because it is a 100%, the petitioner could choose to not continue with development/annexation at this time. Mr. Shaver suggested that if the project is not favorably considered by the Commission and if the annexation proceeds on to City Council, there should be enough time to consider a zone of annexation and deal with that issue. Mr. Shaver reminded the Commission that under the statute we have 90 days to zone the property.

Chairman Elmer asked for whether the petitioner could bring back another proposal?

Mr. Shaver replied that it would likely be staff working in conjunction with the petitioner because zoning is so closely tied to the preliminary plan. If another proposal were to be brought to the Commission, the Commission could evaluate it and decide on the merits or if there is a straight zone or a planned zone, develop a list of uses. Mr. Shaver noted there is a problem with a planned zone without a plan. Mr. Shaver stated that he did not have any conclusive advice for the Commission but did advise that there are some options and part of it is ultimately up to the applicant to decide how he would like to proceed.

Mr. Harrington added that staff would need to sit down and discuss with the applicant how they wish to proceed. The petitioner has the option, if the Commission were to recommend denial, to appeal this to City Council. Mr.



Harrington felt that staff and the petitioner would like to avoid having another hearing to assign some kind of zoning and then the petitioner come back soon thereafter with a new plan and go through another hearing. Under the terms of the recently signed Persigo Agreement, this property essentially can not be developed unless it is annexed. It's not an issue of whether this property will be annexed into the City.

**MOTION: (Commissioner Coleman) “Mr. Chairman, on item 1998-155 I move that we approve the Preliminary Plan for Village Park’s subject to staff recommendations and for the recommendation of approval to the City Council for the zone of annexation for Village Park from County PB (Planned Business) and PR-16 to City PB (Planned Business) and PR-17.3.”**

Commissioner Fenn seconded the motion. A vote was called and the motion was denied by a vote of 2-3. With Chairman Elmer, Commissioner Grout and Commissioner Driscoll in opposition.

**VR-1998-178 VACATION OF RIGHT-OF-WAY**

**Request for approval to vacate the east/west alley between 4<sup>th</sup> and 5<sup>th</sup> Street and Ouray and Grand Avenue to allow future expansion.**

**Petitioner: First Assembly of God Church**  
**Location: 402 Grand Avenue**  
**Representative: Banner Associates**

**PETITIONER’S PRESENTATION**

David Chase, with Banner Associates, (2777 Crossroads Boulevard, Grand Junction) representing First Assembly of God Church gave an overview of the proposal to vacate a right-of-way. Mr. Chase stated that the proposal is to vacate the East/West alley between 4<sup>th</sup> and 5<sup>th</sup> Street located between Grand Avenue and Ouray Avenue. The alley is on a block that is completely owned by the First Assembly of God Church and their reason for wanting to vacate this alley is so that they can make future improvements. This alley, as with most alleys that are in the City of Grand Junction, provide two uses: 1) it is a secondary access to parcels located along their link and 2) it is used for both underground and above ground utilities. At this time the alley right-of-way is only being vacated to change the ownership from City of Grand Junction back to the First Assembly of God Church. There aren't any improvements being proposed at this time. Physically the alley will remain, access will remain and the utility easement will be recorded which will enable access for utility maintenance and operation. During the review, it was requested that the petitioner respond to Section 8-3 of the Zoning and Development Code; our project report identifies each of those criteria and our response indicates how that criteria is being met. Regarding Section 8-3-1 (the proposal shall not landlock any parcel of land). Since this Block is entirely owned by the church there are no other parcels that could be landlocked and therefore this criteria has been met. In regards to Section 8-3-2 (the proposal shall not restrict access to any parcel that such access is unreasonable, economically prohibitive and reduces or devalues any property effected by the proposed vacation). Mr. Chase stated that since this Block is entirely owned by the church, no other properties are really affected or devalued so therefore this criteria has also been met. Section 8-3-3 (the proposal shall have no adverse impacts on health, safety and/or welfare of the general community and shall not reduce the quality of public services provided to any parcel of land, e.g. police, fire protection, utility service). Although the request is to vacate the alley right-of-way, a utility easement will remain which provides the health, safety and general welfare of the community. At some point in the future when the site plan is submitted for future improvements it will show how the utilities will be affected and rerouted. Therefore, Mr. Chase stated, this criteria has also been met. Section 8-3-4 (the proposal shall not conflict with adopted plans and policies). Mr. Chase said he was unaware of any adopted plans or policies that would be in conflict with this vacation right-of-way application. The last criteria Section 8-3-5 (the proposal shall provide benefits to the City, such as reduced maintenance requirements, improved traffic circulation, etc).

Mr. Chase stated that with the ownership reverting back to the church the City will be absolving itself of any further maintenance along the length of the alley, therefore this criteria has been met. Mr. Chase added that future improvements could conceivably reduce the number of access points onto busy streets, such as 4<sup>th</sup> Street and 5<sup>th</sup> Street, so traffic circulation may be improved in the future.

Mr. Chase continued stating that in discussions with the church, the timeframe for future improvements are not really fully known. Mr. Chase stated that a church representative told him that improvements are in a five year plan. So it may be a while before a site plan or application is submitted.

### **STAFF'S PRESENTATION**

Mike Pelletier stated that staff agrees that the vacation proposal meets all the criteria in Section 8-3 of the Zoning and Development Code and staff recommends approval.

### **QUESTIONS**

Commissioner Driscoll stated usually the Sanitation Department commented on these types of proposals but there weren't any comments from Sanitation. He asked if they should review this proposal?

Mike Pelletier replied that it will be looked at with any future construction on the site similar to any other site plan review where the trash truck has to have access to trash receptacles. If the Planning Commission would like proposals such as this to go directly to the Sanitation Department, staff can certainly do that.

Chairman Elmer replied affirmatively, adding that it is a definite benefit to incorporate in the designs ingress/egress movement across the property rather than forcing them to take their truck around on the public streets if they can avoid it.

### **PUBLIC COMMENTS**

**FOR:** There were no comments for the proposal.

### **AGAINST:**

Marshall Squires (392 Weeping Willow) stated he is representing Colorado West Mental Health. He stated that he is neither for or against this proposal, but asked for clarification of what the future improvements would be. Mr. Squires asked are the future improvements for commercial use or for the church itself?

### **PETITIONER'S REBUTTAL**

David Chase replied that the future expansion would be primarily for the church. He added that the alleys bisecting the block may create some constraints to how buildings can be located with parking and so forth.

This vacation will enable the petitioner to expand the building across what is now platted as alley right-of-way then re-route the utilities around that expansion. Mr. Chase said he will work with Sanitation in creating an onsite traffic route that is acceptable.

**MOTION: (Commissioner Coleman) "Mr. Chairman, on item VR-1998-178, I move that we recommend approval of the City Council."**

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

## **PUBLIC HEARING ITEMS FOR FINAL DECISION**

### **PP-1998-145 PRELIMINARY PLAN- RENAISSANCE IN THE REDLANDS**

**Request to approve the Preliminary Plan for the Renaissance in the Redlands Subdivision consisting of 78 single family lots on approximately 33 acres in a RSF-4 (Residential single Family with a density not to exceed 4 units per acre) Zone District.**

**Petitioner: Brent Pruett**

**Location: South Camp Road across from McKinley Drive**

**Representative: Mike Joyce**

### **PETITIONER'S PRESENTATION**

Mike Joyce (Allied Independent Consultants, 2956 North Avenue, Unit 1B Grand Junction) stated that he is representing Pruett Homes who is making this application for a major subdivision of 78 lots on 33 acres. The proposal is to do two filings each consisting of 39 lots. Mr. Joyce stated that a church is located to the North, Trails West Subdivision to the South and to the West are some other subdivisions. Mr. Joyce stated that when property was first acquired by Mr. Pruett we could see that there were some wetlands that needed to be delineated onto the site. There are wet lands that were determined by the Corps of Engineers to be in this location. To protect the wetlands some additional open space is proposed around the wetlands area. Mr. Joyce noted that it was not required to provide open space for this type of subdivision since it is a straight RSF zone but felt it would be their best interest to for a couple of reasons. One of those was, again, to preserve the wet lands. Another reason is to provide stormwater detention areas. This area has a lot of flow that comes through the Trails West area and through the wetlands area. Mr. Joyce said they would be required to do a Section 404 permit by the Corps of Engineers since they are crossing a portion of the wet lands. He said he has met with the Corps and has the paperwork to start working on that.

Mr. Joyce stated that staff brought to our attention an overall transportation plan that is being developed through The Ridges and other areas of the Redlands to try to take pressure off of South Camp and South Broadway. Staff requested that the developer provide a residential collector through this subdivision even though it will only generate about 745 trips a day. Mr. Joyce said that the petitioner would be willing to do that.

Mr. Joyce stated that the subdivision was redesigned which resulted in 5 fewer lots but it's going to work better for transportation. The main access is off of South Camp and a secondary access will be through Monterro Street to Trails West. The plan also provides a stub to the North and West property lines for future development. Mr. Joyce stated that the topography on the site is pretty flat. There is a large hill to the West which averages about 5% slope. The proposed lot size required by the Code is 8500 square feet, the proposed subdivision lots average about 8900 square feet. The Urban Growth Plan designates this area for 2 to 3.9 units per acre. The proposed density is about 2.4 units per acre so it is in conformance with the Growth Plan. All public utilities are available to the site. The sewer will go down Renaissance Boulevard. Mr. Joyce said he would work with the church on the sewer line and easement and indicated that the church was initially receptive to that.

### **QUESTIONS**

Chairman Elmer asked if the trail easement for future trail along the canal is just the portion on the Southeast corner of the property.

Mr. Joyce replied that the petitioner is agreeable with the trail easements but need to discuss the options with Redlands Water and Power. There has been some discussion about putting the City's easement over the Redlands Power easement. If the easement cannot be put outside Redlands Water and Power then it will be put over theirs, but that's the only area where it actually encroaches. There is an easement recorded for water lines for Ute Water. Mr. Joyce stated that Ute Water had no knowledge that they even had it. Ute Water is researching it now to determine any need for that easement and if not, the petitioner will be asking to vacate that easement in the final plan.

Chairman Elmer stated that staff has concerns in the Trails West Subdivision adjacent to the proposal where the canal has overflowed at times. Chairman Elmer asked Mr. Joyce to address the drainage plans and how this would be taken care of.

Mr. Joyce stated that the drainage report was redone to insure that if the canal overflows there is drainage between the lots to make sure the water can get out and doesn't come up and spill over into the houses. He stated that he was in total agreement with all the stipulations for approval that the City has recommended.

Chairman Elmer asked if the developer will put in the swales prior to approval of the drainage plan? Mr. Joyce replied affirmatively.

Chairman Elmer asked whether minimum elevations for the finished floors of the units will be dictated around the swale?

Mr. Joyce agreed that this should be done.

Mr. Rick Dorris stated that this would be a requirement on the final drainage plan.

#### **STAFF'S PRESENTATION**

Kristen Ashbeck stated that she did not have any additional comments other than staff's specific recommendations in terms of conditions of approval. The remaining concerns are mostly regarding the flood plain, the drainage and the trails. Staff's recommended conditions are

1. Address all items identified in the Development Engineer comments of October 6, 1998. Ms. Ashbeck noted that a lot of those items were addressed in the petitioner's presentation
2. Provide evidence of an approved 404 permit from the Army Corps of Engineers with submittal of the Final Plat for Filing 1. The petitioner has already showed an area where they can replace the wetlands that will be removed with the crossing of Renaissance Boulevard.
3. The City is requesting that a trail be dedicated on the canal road. The plat currently shows the trail to the East side of the active canal. It is not shown on the plans whether the inactive canal may impact the adjoining property so it needs to be determined where the inactive canal is. The condition is left open so that the petitioner dedicate easement along the canal road to correspond on both the active and the inactive canals wherever they impact the property. Also it has not been determined whether the canal easement would impact any of the lots in the Northeast corner of the site. That needs to be clarified during the final phase.

4. The applicant's response to comments did provide a staff requested pedestrian connection between the street system and the canal system. The current plan shows it as an easement. The pedestrian connection needs to be a separate tract to be improved with an eight-foot concrete path.
5. In terms of the open space the petitioner is proposing about 20% open space which staff supports as well as open space is provided on the steeper slopes around the canal area. Unless the petitioner can show that these areas aren't going to be disturbed they do need to provide landscape plans of how it will be revegetated, plans would be required with the subsequent Final Plats for Filing 1 and Filing 2.
6. Finally, staff required and the petitioner is proposing a sidewalk on South Camp Road that is detached from the curb by 10-feet. The petitioner will need to provide a landscape plan for the 10-foot strip between the sidewalk and the curb.

### **PUBLIC COMMENTS**

**FOR:** There were no comments for the proposal.

### **AGAINST:**

Bruce Isaacson (429 South Camp Road, Grand Junction) stated that this proposal is directly across the road from the entrance to his property. He said he has lived at this location for approximately 25 years and has seen an unbelievable number of changes along South Camp Road none of which have been improvements. He felt that South Camp Road is an extremely dangerous road. The intersection of South Camp Road and South Broadway is marked every day with another set of skid marks. He said some kind of improvement such as a roundabout needs to be made. The speed limit on South Camp Road is 40 mph; it is less near Wingate School, but people do not drive the speed limit. There are a lot of bicyclists on that road. Mr. Isaacson stated that he felt bicycles, cement trucks, school buses and lumber trucks do not make a good mix. He suggested that this project be delayed until South Camp Road and South Broadway to the intersection of Broadway and the Redlands Parkway be improved. Mr. Isaacson added that as far as the wetlands area is concerned I can attest there is a wetlands and every year around Labor Day there is generally a good flood that comes down South Camp, a lot of it is water escaping the Monument and coming on down the road. Mr. Isaacson asked that the Commission to deny development along South Camp Road until the road is improved.

### **PETITIONER'S REBUTTAL**

Mike Joyce stated that the petitioner has had several discussions with the City Public Works Department and have come up with an acceptable traffic plan which includes dedication of an additional 20-feet on South Camp Road. Also provided is an off-street bike path. There are some gaps of improvements along South Camp but ultimately this development will have a street that will handle the capacity of all the traffic that is going to be using South Camp Road. Mr. Joyce stated that he has worked with the City in designing the subdivision to try and alleviate some of those problems.

Mr. Joyce continued saying that the detention has been looked at extensively. We have talked with the Corps about how to do detention outside of the wetlands area. The Corp liked this idea because it basically will allow the water to be pre-treated before it goes into the wetlands area, as it sits and precipitates down. There are some problems with the church's pipe in the driveway that acts as a natural dam at this point. There are some items we are working out with the church to correct the overall problem. Mr. Joyce stated that they are working towards making sure that they don't end up with drainage problems and traffic problems.

**DISCUSSION**

Commissioner Driscoll asked Mr. Dorris when South Camp Road would be improved.

Mr. Dorris replied that he did not know when South Camp Road would be improved. It wasn't included in the budget at this time. Mr. Dorris stated that the residential parcel that Mr. Isaacson referred to is located between Trails West Subdivision and Renaissance; it does not front on South Camp Road. South Camp Road is a three lane collector which should be built with 16-foot outside lanes, a 12-foot center lane, curb and gutter on each side and a detached sidewalk. The Master Trails Plan calls for detached walks on both sides and that is what staff would like to see done.

Chairman Elmer stated that the bottom line is that the developer conform to the Code and they will be doing the improvements adjacent to the subdivision and the transportation capacity payment will be made to offset any impacts of the development.

**MOTION: (Commissioner Coleman) "Mr. Chairman, on item PP-1998-145 I move that we approve the Preliminary Plan for the Renaissance in the Redlands Subdivision subject to Staff Recommendations."**

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

**MS-1998-126 MINOR SUBDIVISION - PARTNERS SUBDIVISION**

**Request to approve a three-lot minor subdivision on approximately 18 acres in an RSF-R (Residential Single Family with a density not to exceed one dwelling unit per 5 acres) Zone District.**

**Petitioner:** Larry Dowd/Warren Dettmer  
**Location:** NW corner of 30 Road and F 3/4 Road  
**Representative:** Mike Joyce

Commissioner Fenn excused himself from hearing this particular application because of a conflict of interest.

**PETITIONER'S PRESENTATION**

Mike Joyce (Allied Independent Consultants, 2956 North Avenue Unit 1B, Grand Junction) stated that this request is for a minor subdivision in an RSF-R zone with a density not to exceed one unit per 5 acres. Lots 1 and 2 will consist of 5 acres each and the remainder of eight acres will be Lot 3. The proposed subdivision meets all the requirements of the RSF-R zone. The topography of the parcel is very flat with about a 2% slope. The surface is vegetated with native grasses and weeds. The type of use that is proposed on this property, if it is approved for development, will be single family residential with accessory agriculture uses. The detention or retention is not proposed as a way of managing storm water on this parcel as the impact is minimal and there was no drainage report requested by the engineering staff. Access for the three lots will be from 30 Road. There will be an impact of about 10 trips per day for each lot. The petitioner has requested to not be required to do any frontage improvements on 30 Road and staff agrees with that request. The TCP fee has been paid. There is no additional traffic signage proposed on the property. All urban services are available to the property except for sanitary sewer. This property is in the urbanizing area and one of the requirements is to annex into the Central Grand Valley Sewer District.

Mr. Joyce stated that he will work with staff on how to provide sewer service to this property. There haven't been any other utility concerns brought up. This area is zoned residential 3.9 units per acre but one problem that came up during the review process was that the majority of the property is within the critical zone area of runway 1129 of Walker Field. That is why this subdivision is being proposed at the zoning that is allowed. This proposal mitigates the possibility of having too many houses in an area where there is quite a bit of aircraft traffic. We have applied for an aviation easement with Walker Field and will consummate with them, if we are approved. Mr. Joyce stated that in conclusion he agreed with all the staff recommendations for approval.

### **QUESTIONS**

Chairman Elmer asked if the critical zone and State guidance says no development in this area. There are obviously conflicts of both safety and noise. Chairman Elmer stated that it has been a historical problem in any community and questioned why this piece of land would be allowed to split?

Mr. Joyce replied that the owners of the property do have a right to develop their property at the density that is allowed. There are mitigating factors they have to provide such as increased insulation within the homes to deaden the sounds of air traffic. This proposal is for only three homes on 18 acres. The petitioner is proposing to use it at half the density that it is possible under the Growth Plan.

Commissioner Coleman asked if the petitioner tried to sell the property to Walker Field?

Mr. Joyce replied affirmatively, but Walker Field turned them down.

Chairman Elmer voiced his concern about a straight zone versus a planned zone and if someone builds a large house and then complains about the noise and other issues.

Mr. Joyce replied that as long as they follow what the aviation easement says and requirements to lessen the noise impact, they don't have much choice to rectify that any other way. The builder will need to follow the Code.

### **STAFF'S PRESENTATION**

Lori Bowers stated that this is probably the highest and best possible use for this property. There was a proposal for a church and school about a year ago. That request was denied administratively because of the critical zone. "When you take into account the critical zone factor and extensive correspondence that the Walker Field Airport authority provided us, it is a tough decision. Because this is something that does exist in a lot of communities that do have airports, there is a FFA report entitled Guidelines for Sound Insulation of Residences Exposed to Airport Operations and that is what we are suggesting that any potential development follow those guidelines," she said.

Ms. Bowers stated that staff recommends approval of the Partners Minor Subdivision to be located at the Northwest corner of 30 Road and F 3/4 Road with the following conditions:

1. That the Aviation Easement be finalized.
2. That all residential structures in this subdivision shall be constructed in accordance with the Noise Level Reduction factor of 25 decibels, consistent with recommendations contained in the FFA report entitled "Guidelines for Sound Insulation of Residences Exposed to Airport Operations" and shall be subject to staff review and approval prior to the issuance of a Special Use Permit and a planning clearance being

issued.

Commissioner Driscoll stated that as he recalled in the Fair Cloud Subdivision, the Commission excluded any residential development within the critical zone.

Mr. Harrington replied that about one-third of the Fair Cloud property was in the critical zone and because there was a larger area outside the critical zone, the staff recommendation and ultimately that of the Commission and City Council, was to direct all development out of that area but maintain the overall density that would have been allowed on the entire property, which was four units per acre. In order to do that, the petitioner had used a Planned Development zone so that they could cluster the development on one end of the property. The total number of units they got equaled the total number that would have essentially been allowed over the entire property. That was what was ultimately approved. With this property clustering is not an option as the majority of the property is in the critical zone. The zoning on this property is one unit per 5 acres and a special use permit is required. Mr. Harrington reminded the Commission that zoning is not necessarily a right, other considerations have to be taken into account. Staff felt that in this particular instance one unit per five acres was the maximum level of development that could be supported in light of the fact that Walker Field has refused to purchase the property. If Walker Field or some other agency is not willing to purchase the property then clearly there is some use that has to be permitted. Mr. Harrington stated that under land use law it's a really wide window and that one unit on 18 acres may not be upheld by the court. This department supports one unit per five acres.

Commissioner Driscoll asked if the City is willing to adopt a policy that if Walker Field won't purchase a property then the City will favorably consider a development on it?

Mr. Shaver replied that the City cannot and should not adopt such a policy.

Mr. Harrington stated his department doesn't set policy; the Community Development Department follows the policies as established by this Commission and the City Council. A clear policy direction on this whole issue has not been developed. Staff is currently in the process of redefining what will be permitted in the critical zones.

Commissioner Driscoll asked how the new code addresses a situation like this?

Mr. Harrington replied that in the draft Code, one unit per five acres would be the maximum permitted in a critical zone. There were a fair number of people from the public who attended the meeting on this subject. Staff received public input but not policy direction. The critical zone issues will be resolved in the draft Code review and adoption process.

Chairman Elmer asked if in Mr. Harrington's opinion if that number is more of a reflection of private property rights in some underlying zone versus the direction from the FAA and Walker Field.

Mr. Shaver cautioned the Commission about reading too much into any particular application based on the draft code. Mr. Shaver suggested that Michael Drollinger may be able to comment on the FAA guidance and the statistical probability of crashes, noises and other factual data and urged the Commission to consider the application based on the current Code and testimony presented. Mr. Shaver noted that the use compatibility matrix in the current Code shows that any land use that's less than 4 units per acre in the critical zone requires a special use permit and anything that is 4 to 8 units per acre is deemed to be incompatible.

Michael Drollinger, Development Services Supervisor of the Community Development Department, stated that in



preparation of the draft Code for critical zones two things were considered: 1) the FAA recommendations, which are just that. As the Commission is aware from past applications and discussions, the FAA has no land use jurisdiction. The FAA has done studies and made recommendations as to what they would consider compatible uses in noise impacted areas. In the case of this particular subdivision it being in the 65 to 70 noise contour, their recommendation is that there be no residential development in that zone, however, the FAA recognizes that certain communities will make policy decisions where they may allow a higher threshold than zero. If that is the community's preference, the FAA goes further to recommend that there be a minimum amount of sound insulation and noise abatement methods that are used in the construction of the residential homes. The Commission has in the documents provided by staff some guidance from the FAA on the compatibility of residential development in noise impacted areas. As you see in those documents its really up to the community and to the policy makers to determine where that threshold is, if it is one unit per five acres or higher or lower. Staff's recommendations in the draft Land Use Regulations around Airports is one unit per five acres, which again was used as a baseline threshold. Mr. Drollinger added that certainly when the Commission has further discussions on those sections of the draft Code it may find that this number should go down or go up.

Chairman Elmer stated that the State Land Use Bill also stipulates no residential development in the critical zone. He asked how that pertains legally to what the Commission decides?

Mr. Shaver replied that if you are referring to House Bill 1041 and 1041 Powers, traditionally those are County powers and the genesis of that Bill was in the absence of adopted Codes 1041 supplements Codes in the Counties. 1041 is simply guidance and it is not conclusive on the City.

Mr. Drollinger added that certainly in the development of the current Code, the recommendations from House Bill 1041 were used.

#### **PUBLIC COMMENTS**

There were no comments for or against the proposal.

#### **PETITIONER'S REBUTTAL**

There was no rebuttal.

#### **DISCUSSION**

Commissioner Coleman stated that he did not feel it was a problem to allow one per 5 acres.

Commissioner Driscoll concurred with Staff's comments that the Growth Plan recommendation for density is inappropriate in that area. He said he thinks that petitioner's proposal of 1 unit per 5 acres takes those issues into consideration and is a pretty fair compromise.

**MOTION: (Commissioner Coleman) "Mr. Chairman, I recommend approval of Partners Minor Subdivision being located at the NW corner of 30 Road and F 3/4 Road with the following conditions: that the avigation easement be finalized, that all residential structures in the subdivision shall be constructed in accordance with the noise level reduction factor of 25 decibels, consistent with the recommendations contained in the FAA report entitled 'Guidelines for the Sound Insulation of Residence Exposed to Airport Operation ADA 258032,' and shall be subject to the staff review and approval prior to issuance of special use permit and the planning clearance."**

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

0.

**PDR-1998-175 PLANNED DEVELOPMENT REVIEW - ST. MARY'S AMBULATORY CENTER  
Request for approval of a Planned Development consisting of an ambulatory healthcare facility and surgery center on approximately 9.13 acres in a PB (Planned Business) Zone District.**

**Petitioner:** St. Mary's Hospital  
**Location:** NE corner 7<sup>th</sup> Street and Wellington Avenue  
**Representative:** Boulder Associates

**PETITIONER'S PRESENTATION**

Tim Boers (Boulder Associates Architects, 4747 Table Mesa, Suite 202, Boulder CO) stated that in 1995 the Hospital Campus Master Plan was approved as part of the Preliminary approval on this site. He stated that this project is in conformance with that Master Plan in terms of type of use and the location on the site. This facility is the first phase in the creation of an ambulatory care campus for St. Mary's on the East side of 7<sup>th</sup> Street. There will be a relocation of outpatient services from the Hospital campus on the West side of 7<sup>th</sup> to the East side separating outpatient from inpatient functions which will actually spread out parking requirements and traffic. Mr. Boers stated that the hospital is currently negotiating the purchase of the Holy Family property immediately South of this site. Once the purchase is completed the hospital will begin a new Master Plan effort with the City to update the current Master Plan. The hospital's commitment is based on current progress being made on the purchase that they would start this process in January 1999. This process would take from 6 to 8 months next year. As progress goes along the Commission will be updated and City Planning Staff will be an integral part of that process. The current proposal has been studied carefully to ensure that it will fit into a variety of options which will be explored during that Master Plan process.

Mr. Boers stated that the City staff report discusses the surrounding land uses which are mixed, including the hospital, medical offices, a church, a school and some residential to the North of Patterson. Access points to the site will be on Wellington and Patterson. Initial staff comments have been addressed in detail and corrections have been made to the site plan and copies reflect the changes made based on the City's comments. After our resubmittal of those changes, staff has had several other comments that are outlined in the report tonight and we are committed to addressing all those. Our engineers have talked with City engineers on a number of those issues and have reached agreement on those and made corrections. There are a couple of details on retaining walls that will be worked out before final plans are approved.

**QUESTIONS**

Commissioner Coleman asked if a sky bridge was discussed.

Tim Boers replied that the sky bridge will be resolved during the Master Planning process next year. Looking at how much pedestrian traffic we will be able to anticipate over time as hospital uses and the ambulatory uses are separated there is some thinking the bridge may not be as necessary.

Commissioner Coleman asked Mr. Boers if he has stood on the corner of 7<sup>th</sup> and Patterson.

Mr. Boers replied that he has and that there is a great deal of traffic and pedestrian movement during shift change. As the campus develops the outpatient uses will be moved to the East side of 7<sup>th</sup> Street. Staff for those functions will move over to that side and that's where they are parking now. This change will move some of the visitor and patient parking that is associated with those outpatient services to the East side of 7<sup>th</sup> and that will open some parking on the West side of 7<sup>th</sup> for more of the staff to park on that side of the street. St. Mary's looked for a number of options during the Master Planning Process and the hospital has retained a parking

consultant to look specifically at the parking issues so we can get a good understanding of where parking needs to be so we minimize the amount of pedestrian traffic.

Commissioner Grout asked Mr. Boers if he had an approximate idea of how many staff will be moved over to this facility.

Mr. Boers replied that he did not know at this time. The hospital will look at all departments and see what departments will move across the street and the number will change over time as that campus develops.

Chairman Elmer said that one of the issues of the Master Plan was the height of this building and whether it could accommodate a walkway per ADA type design requirements. "Are you going to have that built in flexibility so that long-range it will be possible to build a pedestrian walkway?" he asked

Mr. Boers replied affirmatively. The hospital has looked at the placement of the building to make sure that where the building is located allows for a bridge in at least two locations, so there is flexibility on what it connects to on the hospital side of the campus. There will be development on that side of the street as well in the future. As far as the height, we have a two story building at the South end of the building. The second floor would most likely not connect directly across the street but rather need to go to a third level. The other end of the building would be higher yet. Those are considerations that would have to be looked at. In the two-story building there are elevators which can be extended to another floor if need be for future connection.

Chairman Elmer asked for clarification, "in the design of the building design are you are looking at adding a third floor at some future date?"

Mr. Boers replied no not the building itself but that a structural component may be added adjacent to it.

Commissioner Fenn asked whether to accommodate a walkway the hospital will need to add a third floor?

Mr. Boers replied not to the building but to the bridge to give adequate clearance over the road. It depends on where the bridge is built because the street slants up hill and there is over 20 feet of grade change from Patterson down to Wellington. Depending on where it happens determines how high it would have to be.

Chairman Elmer stated that keeping the bridge level under a height that is important would require a variance. Seventh Street may be a major North/South arterial connected to the interstate someday that will need to accommodate trucks so there was concern about granting a variance that would keep this walkway level. That's is one of my concerns as far as being flexible with the building and being able to match it for a bridge at some future day.

Mr. Boers stated that during the Master Planning process next spring he will look at the need for a bridge and if so, where it would best connect.

### **STAFF'S PRESENTATION**

Lori Bowers stated that the site plan proposal was reviewed for compliance with the approved Master Plan from 1995 and it was found that it was. Staff also reviewed it to see if it was in compliance with the current development Code and found that it was. There are seven remaining issues that are included in the staff report. The issues are mostly engineering concerns that need to be added to the construction documents so a planning clearance can be issued. Staff recommends approval of the final site plan review for St. Mary's Ambulatory

Healthcare Facility file PDR-1998-175 with the conditions as numbered 1 through 7 of the staff report. These items need to be addressed to staff's satisfaction prior to the planning clearance being issued.

**PUBLIC COMMENTS**

There were no comments for or against the proposal.

**PETITIONER'S REBUTTAL**

There was no rebuttal.

**DISCUSSION**

Chairman Elmer stated that Phase 3 of the Master Plan doesn't list an order of improvements. The ambulatory care center and the walkway are both listed but they weren't tied to any specific timing requirements. Chairman Elmer suggested that as part of the motion, before there are any other major improvements on the St. Mary's campus that either the pedestrian bridge is constructed next or shown by the master plan that it is no longer needed.

Commissioner Coleman stated he concurred with this.

Commissioner Fenn stated that one other issue that had been discussed are current deficiencies in some work that has already been done. He wondered whether the Commission should discuss as to whether to proceed with this or if those deficiencies can be made a condition of any kind of motion.

Mr. Shaver advised that it not be a condition of the motion. Mr. Shaver stated that the Commission's review for purposes of determining conformance with the adopted plan. Mr. Shaver noted that Commissioner Fenn was referring to is the improvement to the parking lot south of the main campus on the West side of 7<sup>th</sup> Street which were accomplished without benefit of a permit. Mr. Shaver said he thought this violation had been referred to Code Enforcement. Mr. Shaver stated, that if a violation did occur it could result in a criminal citation. Mr. Shaver advised the Commission that this was in a different realm than what the Commission is considering tonight.

Mr. Drollinger also added that there are concerns that the Commissioners may have heard or were discussed at a workshop relating to parking that's taking place on some graveled/unimproved areas and improvements completed without a permit. Mr. Drollinger stated that he spoke with hospital staff and they presently have done a couple of things: the gravel parking areas have been closed off and are not being used. City Staff has monitored the parking areas and the use of the lots have ceased. On the issue of completing improvements without final plan approval, the hospital has acknowledged that has been done and have come to talk to us. We are forwarding documents to hospital staff for them to come back through an approval process and we can check conformance with the St. Mary's master plan and with City requirements. The Commission will be seeing that application since with the approval of the original master plan, the Planning Commission reserved the ability to review final plans.

Commissioner Fenn asked if there was an explanation of why they continued the improvements without permits?

Mr. Drollinger suggested the Commission discuss that with the applicants directly. There appears to have been some confusion as to when the Hospital needed to get final plan approval for certain items. Staff has clarified those items with the hospital staff and will be working with them on coming back through the approval process for the improvements that were done.

**MOTION: (Commissioner Coleman) “Mr. Chairman, on item PDR-1998-175 request for final site plan approval of St. Mary’s Ambulatory Healthcare facility I move that we approve the request subject to the seven (7) conditions listed in the Staff Report dated November 4, 1998 to staff’s satisfaction prior to the Planning Clearance being issued and the revised added eight (8) condition regarding the pedestrian bridge be constructed before any other major improvements as shown in the Master Site Plan unless St. Mary’s can show through the proper approvals of the City through a revised Master Plan that the pedestrian bridge is not required.”**

Mr. Shaver stated that for purposes of clarification the Commission may want to discuss whether it’s to the Commission’s satisfaction or to staff’s satisfaction. Mr. Shaver added that the commission has heard from the applicant that they will be amending the Plan and if you want to specifically have jurisdiction over that item the Commission may want to change the motion to the Commission’s satisfaction.

Chairman Elmer stated that he assumed the amended plan would be seen by the Planning Commission.

Mr. Shaver stated the plan will come back to the Planning Commission but that the additional clarification is beneficial.

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

**FPP-1998-174                      FINAL PLAT/PLAN - SEQUOIA SUBDIVISION**  
**Request approval of the Final Plat/Plan for Sequoia Subdivision consisting of 5 residential lots on approximately 2.6 acres in a PR-5 (Planned Residential with a density not to exceed 5 units per acres & RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) Zone District.**  
**Petitioner:                              Ben Hill**  
**Location:                                 SE corner of 27 1/2 Road and Redwood Court**  
**Representative:                        Cecil Castor**

**PETITIONER’S PRESENTATION**

Bill Nebeker stated that the applicant is not present for this hearing but he asked that the Commission hear the item anyway. Mr. Nebeker added that the applicant is willing to abide by any decision the Commission makes.

**STAFF’S PRESENTATION**

Bill Nebeker stated that as far as the staff report goes, staff’s preliminary comments were heard a few months ago when this Sequoia Subdivision was rezoned to PR-5 on the East half and RSF-8 on the West half. The applicant has complied with the private street standards in this Planned Development on the East half. The intent is to divide the lots for nonconforming duplexes which are all on one lot into four lots. Staff is recommending approval with three conditions

1.            Through the design of the final plan, the development shall show compliance with the City’s guidelines for private streets.
2.            Tract B, private drive, must be dedicated per standard city dedication language.

3. A 3” water line shall be installed in Branch Court to serve this development. At least one meter shall be installed for each duplex.

**PUBLIC COMMENTS**

There were no comments for or against the proposal.

**PETITIONER’S REBUTTAL**

There was no rebuttal.

**DISCUSSION**

Commissioner Coleman wanted to know if the petitioner had to be present and Mr. Shaver replied that the Code does not require they be present. Mr. Shaver added that he assumed Mr. Nebeker’s introductory comments concerning the applicant came from the applicant or his representative. Mr. Nebeker clarified that the applicant had told him that he agreed.

**MOTION: (Commissioner Coleman) “Mr. Chairman, on item FPP-1998-174 I move that we approve the Final Plat/Plan for Sequoia Subdivision subject to staff recommendations.”**

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

**FPP-1998-176 FINAL PLAT/PLAN - MOONRIDGE FALLS FILING #5**  
**Request for approval of the Final Plat/Plan of Moonridge Falls Filing #5 consisting of 13 single family lots on approximately 4.96 acres in a PR-2.3 (Planned Residential with a density not to exceed 2.3 units per acre) Zone District.**

**Petitioner: Walid Bou-Matar**  
**Location: SW of G Road and 25 1/2 Road**  
**Representative: Rolland Engineering**

Commissioner Fenn and Chairman Elmer both excused themselves due to a conflict of interest.

**PETITIONER’S PRESENTATION**

Tom Rolland (Rolland Engineering, 405 Ridges Blvd, Grand Junction) stated that he would be representing the petitioner, Walid Bou-Matar, for Moonridge Falls Filing #5. One issue is the City’s requirements for an out lot and a 12-foot wide pedestrian easement. Mr. Rolland stated that there is a 10-foot wide pedestrian trail currently in place. Mr. Rolland stated that the Plan submitted for Filing #5 meets the Preliminary Plan with a couple of exceptions, this being one of them. Mr. Rolland stated that this connection and pedestrian access was never a requirement or part of the Preliminary Plan. Through Filings #1, #2, and #3 there had never been any discussion about providing a pedestrian connection through Moonridge Falls to the West to the canal. It came up with Filing #4. The petitioner purchased approximately a 1 1/2 acre piece of property down in the extreme Southwest corner that had originally belonged to Country Crossing on the other side of the canal. There was a formal agreement reached between Mr. Bou-Matar and the City pertaining to the purchase of that property and the right-of-way. Mr. Rolland said that the petitioner agreed that in the future filing there would be a 10-foot access between a couple of lots that would connect Moonridge Falls to the trail. It was understood at that meeting that improvements would not be required of the developer. The petitioner would like to live up to his commitment, but reiterated that the easement wasn’t required as part of the Preliminary Plan. When the City took it over that was one of the things that was a condition of their acceptance was that feature to provide that. Mr. Rolland asked

“if we build the improvements do they need to be built to the City’s standards or do we have to request a variance

from City Council?" Mr. Rolland said if we don't build the improvements, I don't see why it has to built by the City's standards?

**STAFF'S PRESENTATION**

Bill Nebeker stated this request is for Moonridge Falls Filing #5 which is the last of the phases for Moonridge. The applicant has agreed with conditions and that \$35,000 be included in the development improvements agreement to cover cost of construction of the sewer line under the canal connecting Country Crossing and Moonridge Falls Filing #5. Staff condition number 3 is "the final plans for the construction of the sewer line under canal shall be reviewed and approved by Staff prior to approval of final construction plans for the project." Condition 1 which states "an 8-foot wide concrete path, at least 6-inches thick, centered in a 12-foot wide outlot shall be constructed between Fall View Circle on the West property line" was a requirement of an agreement that was made between the applicant and the City for Filing #4. The agreement discusses how there would be a public benefit for access to the canal, it didn't specify where that be and it didn't specify the width. Mr. Nebeker said that he asked Dan Wilson what he knew about it; he didn't give me any specifics on verbal agreements that were made other than what was on the signed document. In Filing #4 the applicant was required to dedicate a portion of Filing #4 that is adjacent to the canal to the City. That entire area was dedicated to the City. Staff believes Section 5-4-1.E applies that streets, sidewalks, trails and bike paths (this is really a trail or bike path to the canal) be constructed in accordance with applicable City of Grand Junction standards which is on the local street standards exhibit B adopted by City Council resolution. A paved surface is required for maintenance purposes. Mr. Nebeker stated staff recommends approval of this item with conditions 1 and 3.

Chairman Elmer questioned if the sewer line is in this tract? Mr. Nebeker replied that it is.

Chairman Elmer stated that normally the City discourages putting in concrete surfaces over sewer lines.

Mr. Nebeker mentioned that also if this is recommended for a waiver the Commission must consider Section 5-14-16. Variances of Section 5-4 can only be approved by City Council. Mr. Nebeker stated that he doesn't believe there is any evidence to support the criteria in A through C, there is no exceptional topography condition or undue hardship. Mr. Nebeker stated that he felt such variance would not be detrimental to the public welfare or impair the intent and purposes of Section 5-14-16.D.

Commissioner Driscoll stated that there is a discrepancy between what the petitioner and the City understood regarding construction of the improvements.

Mr. Shaver stated that he was not familiar with the contract that Mr. Rolland described. There is a written contract that talks about the parcel Mr. Rolland described. Mr. Shaver said that to his knowledge, it does not say anything about the construction or surfacing. Mr. Nebeker suggests that the access be required and apparently the City and the petitioner agree on that. Mr. Shaver added that he was not sure that the contract answers the question

Commissioner Driscoll asked for clarification on whether developers are required to construct the improvements in other developments.

Mr. Nebeker replied affirmatively. He added that in all cases listed in the Staff Report where a pedestrian or bike path link was requested they weren't required to be paved with concrete, but surfacing wa required.



**PUBLIC COMMENTS**

There were no comments for or against the proposal.

**PETITIONER'S REBUTTAL**

Tom Rolland stated he knows the City does require construction of improvements referring to the North Valley development. We have issues in terms of drainage and right-of-way to work out with canal companies. He felt it doesn't need a variance from City Council if its not being built.

Commissioner Driscoll asked if the developer doesn't build the improvements, will the City or the homeowners association do it later?

Mr. Rolland replied that he thought the City is going to build it. He stated that he was not proposing that the homeowners do it.

**DISCUSSION**

The Commission discussed the issue of trails along canals.

Commissioners Grout and Coleman as well as Mr. Harrington discussed issues of the sewer line and easement.

Kerrie Ashbeck stated the City's standard trail calls for an 8-foot minimum trail width and a 10-foot typical. The standard easement required for a trail that is 12-feet and providing a one foot on either side for maintenance of the trail, so that there wouldn't be fences built right up against the 10-foot wide trail. While the standard trail width can vary from 8 to 10-feet the easement is required to be 12 feet. If an 8-foot wide trail was built there would be two feet on either side of it in a 12 foot easement. The easement width for the sewer is only required to be 10-feet. Ms. Ashbeck wasn't sure if allowing an 8 foot trail in a 10 foot easement would constitute a waiver of standards since the standard does specify a 12-foot easement.

Mr. Shaver answered that technically it is, however, by reason because of the contract and because the 10-feet was what was contracted for it would not be unreasonable for the Planning Commission to find the ten feet to be in compliance. He noted that if it was an express condition of the plan or the contract, a variance would not be required.

Mr. Harrington felt that if this tract is being provided to access the canal and be part of the trail system then it should meet the standard. If it is being provided mainly as a sewer easement then it's something else. He asked "are we requiring a trail connection here?" Once that decision is made then the standard is followed or the variance procedure is followed. "Does the Commission want a trail connection here?" If the Commission decides it wants one then this is what you're going to get or you will determine if they meet the variance criteria for that but with the City Council reserving the final decision on that. If the Commission wants a trail connection this is what is required.

**MOTION: (Commissioner Driscoll) "Mr. Chairman, on item FPP-1998-176 I move that we approve Moonridge Falls Final Filing #5 subject to Staff's three (3) recommendations."**

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

**FPA-1998-171 FINAL PLAN AMENDMENT - MERRILL LYNCH SIGN PLAN**

**Request to modify the signage plan in a PB (Planned Business) Zone District.**

**Petitioner:** 123 Group, LLC  
**Location:** 123 N. 7<sup>th</sup> Street  
**Representative:** Andrew Oh-Willeke

**PETITIONER'S PRESENTATION**

Andrew Oh-Willeke, Attorney (Younge and Hockensmith) stated that his law firm represents 123 Group, LLC who is the owner of the property. This property is located at 7<sup>th</sup> and Rood. It's a building that is virtually finished. The major tenant for the building will be Merrill Lynch. Merrill Lynch will be using a very substantial percentage of the square footage within the building. Part of the lease with Merrill Lynch provides that Merrill Lynch is entitled to name the building after itself. This will be the Merrill Lynch Building and as such they would like to identify the building in that way. The lease is for 10 years and is renewable. Merrill Lynch's reasons in doing this is to make a commitment to the downtown area and to show that this is a landmark building to really establish its presence there as opposed to having merely a generic office building. They would like to make the building easily identifiable. The drawings clearly show where the signs are going to be placed. The signage is very discreet and encaseable. This is a Planned Development rather than a straight zone development so it does not fall within the standards for the straight zone. At staff's request we have been asked to take into account the possibility that at some future point other tenants may desire to have some signage even though that is not in the current plan so that we do not have to come back to you with a request for a tenant wanting another sign. We have made provisions for two alternate locations for a possible directory sign. The DDA also note their support of this proposal.

**STAFF'S PRESENTATION**

Kristen Ashbeck stated this is a Planned Business Zone and the only signage approved at the same time was the existing sign on the corner of 7<sup>th</sup> and Rood that presently exists. It was the only exterior signage that the developer thought was needed at the time. They didn't contemplate a major tenant such as Merrill Lynch that would want to identify the building as its own. As Mr. Oh-Willeke stated staff encouraged them to try to think about other tenants that may want signage on the exterior and they did propose the 80 square foot free standing sign in front of the building not out on the street. The petitioner also talked about identifying parking spaces for each of the tenants; the Code doesn't recognize that as signage so it would be allowed. Staff is recommending approval of the signage proposed which includes the three flush-wall signs that total about 35 square feet and a free-standing directory sign. The petitioner has two alternative locations shown on their plans on where the free-standing sign could go.

**QUESTIONS**

Chairman Elmer and Ms. Ashbeck discussed the location of the free standing signs. If a different location was proposed, the petitioner would be required to come back to Planning Commission to request approval of the change.

**PUBLIC COMMENTS**

**FOR:**

Carol Todd (2096 I Road, Fruita CO) stated that she has been an employee of Merrill Lynch for 14 years and that she would love to see the Merrill Lynch name on the building.

**AGAINST:**

There were no comments against the proposal.

**PETITIONER'S REBUTTAL**

There was no rebuttal.

**DISCUSSION**

There was no further discussion.

**MOTION: (Commissioner Driscoll) "Mr. Chairman, on item FPA-1998-171 I move that we approve the amendment to the Final Plan for the project at 123 North 7<sup>th</sup> Street for additional signage to be sized and located as depicted on the drawings provided by the petitioner and stated in the staff report."**

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

Chairman Elmer inquired if there were any other items for discussion. The response was no.

With no further business, the hearing was adjourned at 11:15 p.m.