

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - September 3, 1996
7:05 p.m. to 12:35 a.m.

I. CALL TO ORDER

The regularly scheduled Planning Commission hearing was called to order at 7:05 p.m. in the City/County Auditorium by Vice-Chairman Jeff Vogel.

In attendance, representing the Planning Commission, were: Jeff Vogel (Vice-Chairman), Jeff Driscoll, Ron Halsey and Paul Coleman.

In attendance, representing Planning Department staff, were: Kathy Portner (Acting Director), Kristen Ashbeck (Associate Planner) and Bill Nebeker (Sr. Planner).

Also present were John Shaver (Asst. City Attorney) and Jody Kliska (City Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 58 citizens present.

II. CONSIDERATION OF MINUTES

MOTION: (Commissioner Halsey) ☞Mr. Chairman, I move that we accept the minutes of the August meeting as submitted.☞

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

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Acting Chairman Vogel announced that item RZF-96-176 had been pulled from the evening*s agenda.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

PDR-96-173 PLANNED DEVELOPMENT REVIEW--PARKING LOT

Request for an amendment to an approved plan in a PC (Planned Commercial) zone district at 2892 North Avenue to expand a parking lot.

Petitioner: Jamie Richardson and Sharon Eiland

Location: 2892 North Avenue

STAFF PRESENTATION

Kristen Ashbeck provided a brief history of the property and noted the site*s location on maps provided. The petitioner is proposing to combine the two existing buildings on the eastern portion of the property to form one large building which would be used as a bingo hall. The change of use would require expansion of the existing parking area. The property is currently zoned C-1 and PC.

A 6-foot chain link fence with slats had been recently installed around the perimeter of the property. Landscaping consistent with previously approved plans will be installed. Parking lot lighting and a bicycle rack will also be included in the improvements. Drainage will be handled by on-site detention as outlined in a previously submitted drainage plan. The petitioner must demonstrate that the improvements already installed on the property were constructed according to this plan or a new drainage plan will be required.

A Transportation Capacity Payment (TCP) and Colorado Department of Transportation (CDOT) approval for a change of use for driveway permits on North Avenue must also be received. The second phase of seating will not be allowed to be added until all parking is constructed as proposed in the Final Plan.

Staff recommended approval subject to the petitioner demonstrating that drainage facilities for on-site detention have already been constructed or providing a new plan to be reviewed by the City Development Engineer.

PETITIONER*S PRESENTATION

Jamie Richardson, petitioner, said that he*d spoken with Jody Kliska, City Development Engineer, about the drainage improvements and that such improvements were both consistent with the previously submitted drainage plan, dated March 8, 1995, and met with her approval. The petitioner offered to submit photos to Commissioners as evidence. No photos were required by the Planning Commission.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Barry Patton (505 29 Road, Grand Junction) wondered if the parking lot would be paved. He also questioned the type of lighting that would be provided and felt that it should be kept low level. He said that surrounding residents had been promised landscaping along three sides of the property in a prior approval for storage units on the property but that nothing had ever been installed.

Charles Williams (133 Epps Drive, Grand Junction), an adjacent property owner, concurred with Mr. Patton on the previously promised landscaping and the need to keep any parking lot lighting low level. He said that the previously approved storage unit proposal had called for low-level lighting, however, a pole light had been installed instead, from which high intensity lighting spilled onto adjacent residential properties. He asked what the hours of use are and wondered why current plans only called for landscaping only half the property width along the northern boundary.

Carolyn Hill (512 Melody Lane, Grand Junction) said that the current floodlight was obnoxious. She expressed concern over increased traffic to the site, security and the possibility that the property might be used as a hang-out for kids.

PETITIONER*S REBUTTAL

Jamie Richardson said that his current involvement did not include the previous proposal or promises made. He emphasized his intent to comply with all staff and review agency requirements. He noted the locations of proposed directional pole lighting on the site plan.

Sharon Eiland, co-petitioner, added that typical hours for the bingo hall would be from about 7-7:30 p.m. to 11:30-12 midnight on weekends. Security would be provided on bingo nights. Ms. Eiland felt that the increased activity would lessen the possibility of kids using the empty parking lot as a hang-out.

Commissioner Halsey asked the petitioners to provide additional detail on landscaping plans. Mr. Richardson said that requirements called for one tree per 40 feet, adding that extra trees would be provided at the North end nearest to adjacent residents. An irrigation system would provide water to the trees, with the remaining landscape area to be in junipers and rock.

Commissioner Driscoll asked if the parking lot would be paved, to which Mr. Richardson replied affirmatively.

Commissioner Driscoll said that the petitioner*s hours of operation noted in their narrative specified up to 2 a.m. Ms. Eiland said that this was only to accommodate the possible departures of cleaning and non-profit organization personnel.

DISCUSSION

Commissioner Coleman asked if there were any enforcement mechanisms in place for previously approved improvements as noted by residents. Ms. Ashbeck said that those improvements had been tied specifically to the proposal for storage units which had never been constructed.

Commissioner Halsey felt it reasonable to restrict the hours of the bingo hall operations to 11 p.m. and asked for Mr. Shaver's legal opinion on this being included in the motion. Mr. Shaver said that with the property's split zoning, the bingo hall would be an allowed use in the C-1 zone; thus, even if suggested, there may be no way to enforce a restriction in hours.

Commissioner Driscoll asked staff if the proposed lighting met City requirements, to which Ms. Ashbeck replied affirmatively.

Commissioner Halsey asked if staff knew whether the existing pole lighting exceeded necessary intensity. Ms. Ashbeck said that it probably did, although she was unsure to what extent.

MOTION: (Commissioner Coleman) Mr. Chairman, on item PDR-96-173, I move that we approve the Final Plan with staff comment.

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

FPP-96-174 FINAL PLAT/PLAN--ENTRADA TOWNHOMES II

Request for approval of a Final Plat/Plan for Entrada Townhomes for 23 townhouse units on approximately 3.6 acres of land with PR-4 (Planned Residential, 4 units per acre) zoning.

Petitioner: Christopher Caruso, Entrada Townhouses Ltd.

Location: Northeast corner Rana Road and Ridge Circle Drive

Representative: Rolland Engineering

STAFF PRESENTATION

Kathy Portner outlined the proposal and reiterated previous conditions placed upon Preliminary Plan approval. She said that City Council had approved the Planning Commission's recommendation with the modification that City Engineering offer input on whether the path along Ridge Circle Drive should be required. The applicant proposed that the path along Ridge Circle Drive not be required and, instead, proposed that the bus stop located at Ridges Blvd. and Ridge Circle Drive be relocated to the North where the existing path intersects Ridges Blvd. The City supports the proposal but recommends that in lieu of a path along Ridge Circle Drive, the applicant construct an 8-foot wide detached path along Ridges Blvd. from the new bus stop to Ridge Circle Drive.

A 6-foot wide path will be provided along Rana Road, connecting Ridge Circle Drive to the existing path North of the property.

The private drives must be dedicated as ingress/egress easements for general public use to provide access to the trail system. Signage and possibly pavement markings, approved by the City, shall be provided along the private drives to direct pedestrian and bicycle traffic to the pathway.

The Homeowners Association shall establish an annual fund for maintenance of private streets.

Staff recommended approval with the following conditions:

1. An 8-foot wide, concrete, detached path shall be constructed along Ridges Blvd. from the relocated bus stop to Ridge Circle Drive.

2. A path connecting the housing clusters shall be provided.
3. The private drives shall be dedicated as ingress/egress easements for general public use to provide access to the trail system. Signage and possible pavement markings, approved by the City, shall be provided along the private drives to direct pedestrian and bicycle traffic to the pathways.

Ms. Portner suggested deleting condition 2. since topography prohibits the installation of this path.

QUESTIONS

Commissioner Driscoll asked if signage would contain markings similar to what was currently present in the area. Ms. Portner said that signage would be approved by the Engineering Department. She was unsure what the size or content of the signs would be.

Commissioner Halsey asked if the school district was in agreement with the school bus stop relocation plans, to which Ms. Portner replied affirmatively.

PETITIONER*S PRESENTATION

Christopher Caruso questioned whether the TCP should still be required when he didn*t view the project as a new or expanded use as outlined in *Code* requirements. The plat, he said, had already been approved and the project had been downsized. With regard to the third trail segment being requested by the City along Ridges Blvd., Mr. Caruso asked that the City participate in this cost since they were already providing a substantial trail network.

Ms. Portner clarified that the City*s TCP ordinance requires that payment be made from any new development project, regardless of the age of the plat. Commissioner Vogel asked staff if the petitioner would be given TCP credit towards construction of the trail segment from the bus stop, to which Ms. Portner replied affirmatively.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Todd Speece (392 Ridge Circle Drive, Grand Junction) expressed concern over increased traffic, school impacts and the density of the project. He felt there was a need for a traffic light at the entrance into the Ridges. He thought the pathway along Rana Road was an excellent idea.

PETITIONER*S REBUTTAL

The petitioner offered no rebuttal.

Ms. Portner clarified to the audience how the PR-4 zoning and density for the current project was derived.

DISCUSSION

Commissioner Coleman felt the project to be straightforward and the design a good one.

Commissioner Halsey agreed, adding that the petitioner had done a good job in mitigating concerns.

Commissioner Driscoll also concurred.

MOTION: (Commissioner Halsey) Mr. Chairman, on item FPP-96-174, I move that we approve the Final Plan and Plat subject to staff conditions 1. and 3.

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

RZF-96-116-2 FINAL PLAN--PUMPHOUSE SUBDIVISION

Request for approval of the Final Plan for Lot 1 of the Pumphouse Minor Subdivision.

Petitioner: Redlands Water and Power

Location: South Camp Road and South Broadway

STAFF PRESENTATION

Kathy Portner provided a brief history of the request. Grading, drainage and elevation maps were provided. City Council delayed a decision on the rezone pending Commission approval of the architectural design of the proposed structures. Staff felt the design met both Council and Commission requirements and recommended approval.

QUESTIONS

Acting Chairman Vogel asked if a color requirement had been discussed for the shop building. Ms. Portner said that it hadn't but could be addressed and made a condition of approval.

PETITIONER'S PRESENTATION

The petitioner offered no comment.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Larry Rattan (657 - 26 Road, Grand Junction) felt that the proposed commercial use was out of character with the surrounding residential uses and suggested that it was an example of urban sprawl. He said that he hadn't received any written notice.

Linda Rattan (657 - 26 Road, Grand Junction) said that an office building in a PR zone should serve the subdivision. This office building would not do so and thus was inconsistent with the PR guidelines. She felt that the petitioner was being allowed to circumvent established requirements.

PETITIONER'S REBUTTAL

The petitioner offered no rebuttal.

QUESTIONS

Commissioner Halsey asked the petitioner to address the intended color and style of the structures and asked if the two buildings would be developed similarly. Mr. Strong, petitioner, said that both structures would be the same earthtone color.

DISCUSSION

Commissioner Coleman asked if just the design were to be considered in the motion, to which Ms. Portner replied affirmatively. She added that the rezone decision would be left to City Council.

MOTION: (Commissioner Coleman) Mr. Chairman, on item RZF-96-116-2, I recommend that we approve the architectural design of the buildings with one condition, that they stay with earthtone colors on the buildings.

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

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

RZP-96-157 REZONE AND PRELIMINARY PLAN--HORIZON VILLAGE

Request for: 1) rezone from PR-6.15 (Planned Residential, 6.15 units per acre) to PR-7.39 (Planned Residential, 7.39 units per acre) and RSF-4 (Residential Single Family with a density not to exceed 4 units per acre); and 2) approval of a Preliminary Plan for 17 four-plex multi-family units (68 units total).

Petitioner: Mac Cunningham, Cunningham Investments

Location: Southeast corner of 7th Street and Horizon Drive

Representative: Brian Hart, LanDesign

Kathy Portner said that the petitioner would be giving his presentation first, with staff presentation to follow.

PETITIONER*S PRESENTATION

Mac Cunningham, petitioner, introduced the property owners, et al. He presented various maps and distributed photos depicting similarly designed units in another area. His intent, he said, was to foster a feeling of community and that design of the homes was very single family in appearance. An auto court would be created to keep vehicles off the street; no parking of cars, boats, or trailers would be allowed on the streets. Units would be set back to create the impression of space. Trees would line the street, with irrigation provided.

The development would be buffered from traffic along Horizon Drive with by extensive greenbelt area. A deceleration lane would be constructed along the downhill slope from Patterson to the development*s entrance, with the entrance being moved as far north as possible. This was not required by the City, he said, but was viewed as necessary to the development.

QUESTIONS

Commissioner Halsey asked if internal roads would be private, to which Mr. Cunningham replied affirmatively, but added that gating the entrance was not being requested at this time.

Commissioner Vogel asked if all utilities issues had been addressed, to which Mr. Cunningham replied affirmatively, adding that they would be significantly upgrading the existing sewer line.

STAFF PRESENTATION

Kathy Portner read the rezone criteria from the staff report, indicating that it supported the request. The private street request and gate would be subject to City Council approval with the Final Plan request. Since no vehicular/non-vehicular linkages would be adversely effected by the private street request, staff expressed support for the request. Staff recommended approval subject to the following condition: the petitioner shall submit a revised traffic study with the Final Plan/Plat request which addresses the remaining concerns identified by the City Development Engineer.

QUESTIONS

Commissioner Driscoll asked about the specifics of the drainage plan for this low lying area. Jody Kliska, City Development Engineer, said that drainage would track the historic drainage to the Ranchman*s Ditch.

PUBLIC COMMENTS

FOR:

Dan Garrison (795 Garrison Court, Grand Junction) felt the development was appropriate for the site and that it would be quality built.

AGAINST:

Robert L. Hoover (636 Horizon Drive, Grand Junction), adjacent property owner to the East, posed the following questions: 1) would the landscaping proposed to the North of the Ranchman*s Ditch actually be made a requirement (what about access to the open space area); 2) what is the difference between open space and common area; 3) would the petitioner actually build according to the plat (the spacing between units

seemed narrow, and what about garages); 4) would the deceleration lane actually be built or was this just proposed; and 5) the density calculations that take the entire property into account and not just the developable acreage were misleading.

William Putnam (627 Sage Court, Grand Junction) agreed with Mr. Hoover's comments, adding concerns over increased traffic, the allowance of private drives and the development's conformance to the Growth Plan. He wondered if the Homeowners Association (HOA) would be responsible for maintenance of landscaping and neighborhood appearance.

Cela Bursen (2131 North 6th Street, Grand Junction) wondered what justified the need for the development.

PETITIONER'S REBUTTAL

Mr. Cunningham said that the property had been studied very carefully to determine an appropriate density. He said that the dirt from pad sites would be moved to the northern open space area, to be used as a growing medium for trees and other landscaping. Sufficient irrigation water was available for maintenance of this area and he agreed to make this a condition. Mr. Cunningham indicated that significant open space existed around the property with 2.2 acres located in the northern portion. He felt this development represented appropriate infill. A significant separation would exist between garages, and parking would be prohibited in some areas. The proposed widening of access to buildings 7 and 8 would allow for emergency vehicle turning. The deceleration lane would be installed for safety reasons and a revised traffic study would be submitted. The widened entrance would improve sight distance. The HOA would actually be a Condominium Association (CA) responsible for the irrigation water, maintenance of green space, etc.

Ms. Portner added that the development's density did meet the direction of the Growth Plan. The term developable could be argued by both staff and petitioners, she said. Therefore, basing the density calculations on gross acreage was more uniform. Internal roads, although private, would still have to meet City standards and the CA would have to demonstrate its ability to handle maintenance.

Mr. Cunningham added that a footbridge would be added across the Ranchman's Ditch to access the northern open space area. This would be included in the Final Plan/Plat stage.

DISCUSSION

Commissioner Halsey felt that this was a good infill project, although he expressed opposition over the allowance of private roads. He elaborated that during the final stage, landscaping specifics would be shown.

Commissioner Coleman had no objection to the private roads in this situation because none of the roads could be extended. He felt that if the CA could maintain them and they provided security for residents, he saw no reason not to allow them.

Acting Chairman Vogel asked staff for the process of making a public road into a private road, which was explained by Ms. Portner.

Acting Chairman Vogel asked if the cost of the decel lane would be borne by the petitioner. Commissioner Coleman asked if credit for its construction would be given to the petitioner. Ms. Portner replied that the Public Works Director would make that determination, depending on whether the lane provided a benefit to the public overall or just to the development.

MOTION: (Commissioner Coleman) Mr. Chairman, on item RZP-96-157, request for rezone from PR-6.15 to PR-7.4 RSF-4, I move that we forward the rezone request to City Council with the recommendation of approval.

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

MOTION: (Commissioner Halsey) ☞Mr. Chairman, on RZP-96-157, a request for a Preliminary Plan approval for the Horizon Village, I move that we approve the application subject to the condition in the staff report and in keeping that a public road.☞

The motion died for lack of a second.

MOTION: (Commissioner Coleman) ☞Mr. Chairman on RZP-96-157, a request for Preliminary Plan approval for Horizon Village, I move that we approve the application with the conditions of the staff report dated August 28, 1996.☞

Commissioner Driscoll seconded the motion. A vote was called and the motion passed by a vote of 3-1, with Commissioner Halsey opposing.

A brief recess was called at 8:55 p.m. The hearing reconvened at 9:00 p.m.

FP-96-160 FINAL PLAT/PLAN, VACATION OF RIGHT-OF-WAY AND REZONE--WILSON RANCH TOWNHOMES

Request for: 1) vacation of a portion of G ☞ Road; 2) approval of the Final Plat/Plan for 61 townhome units on approximately 7 acres; and 3) rezone of approximately .48 acres from PR-4.4 (Planned Residential, 4.4 units per acre) to PB (Planned Business).

Petitioner: Dan Garrison, GNT Development

Location: I-70 and 25 3/4 Road

Bill Nebeker indicated that the petitioner would be making his presentation first, with the staff presentation following thereafter.

PETITIONER*S PRESENTATION

Dan Garrison, petitioner, said that the vacation of a portion of G ☞ Road would allow its reconfiguration, thus eliminating a bad curve in the road. He provided a brief history of the project. The current proposal called for fewer amenities and the incorporation of private roads. Approximately 51 percent of the total acreage would be left in open space, with extensive landscaping included along G ☞ Road to buffer against noise from I-70. Mr. Garrison asked that all four filings be approved at once. Block 2 of lot 1, located in the Northeast corner of the site, once rezoned, would be conveyed to Bookcliff Gardens in exchange for landscaping materials which would then be used for the development. The road would be built to City standards with a 10-foot landscaping strip between the sidewalk and street.

Mr. Garrison proposed to include 38 garages which would be platted as separate lots. These would be sold or leased separately to homeowners only, with no subletting allowed. Options for maintenance of the garages included allocating 15 percent of lease fees to the HOA; the garages could also be sold to a private investor (or retained by himself) who could either sell or lease them. Mr. Garrison admitted that there were many open-ended questions on financing where the garages were concerned.

With regard to the requirements for active/passive recreation areas, he agreed to contribute funds towards this but felt the residents should decide on the type of recreational area to be provided. He didn*t think it feasible to construct an expensive ☞tot lot☞ when the bulk of residents could be professionals or retired persons. Mr. Garrison also questioned the practicality of a 20-foot pedestrian easement along the Grand Valley Irrigation canal since there were no opportunities to cross under the I-70 overpass nor proceed further to the east past the property since irrigation water was conveyed at that point across Leech Creek via a concrete flume. He also acknowledged the current controversy over allowing pedestrians to use the canal banks as pathways.

Mr. Garrison said that he'd held a neighborhood meeting and invited the residents of Wilson Ranch to come and voice concerns and make suggestions.

QUESTIONS

Commissioner Halsey wondered if the garages could be legally, if not physically, attached to the units when sold. Mr. Garrison was unsure and knew of no precedent.

Commissioner Coleman wondered if Mr. Garrison would be willing to carry the paper on the garages. Mr. Garrison said that this was certainly possible.

STAFF PRESENTATION

Bill Nebeker clarified that the rezone request was just for that portion of property which would ultimately be conveyed to Bookcliff Gardens. He said that the vacation request met criteria set forth in the *Code* and suggested that additional discussion ensue over recreational amenities and the petitioner's contribution to same. Mr. Nebeker said that other conditions were specified in the staff report.

The staff report recommended approval of the vacation and rededication of G Road; Wilson Ranch Townhomes site plan, Final Plat, filings 1-4, and rezone of proposed block 2, lot 1 from PR-4.4 to Planned Business, with the following conditions:

Rezone:

The uses on block 2, lot 1 shall be limited to those uses commonly associated with the landscape nursery business.

Vacation:

G Road shall not be vacated until filing 1 is recorded, dedicating the new street in its entirety. The road shall be constructed in the new alignment before the current alignment is closed.

Site Plan:

1. A detailed landscaping plan for the area between the sidewalk and G Road (in the public right-of-way) shall be submitted for review and approval by the City Forester prior to final approval of construction plans. Selected species shall comply with City recommended plantings. A revocable permit shall be required for this landscaping. All future maintenance of the landscaping shall be the developer or the HOA's responsibility.
2. A pavement design report for G Road must be reviewed and approved by the City Engineer prior to commencement of construction.
3. A discharge agreement with the Grand Valley Irrigation Company is required for any stormwater discharge into the canal. The agreement shall be executed and recorded prior to approval of construction plans.
4. A drainage fee to be calculated by the City Engineer shall be required for water discharged into Leach Creek.
5. The following changes shall be made to the site plan:
 - a. All private sidewalks in the development must be at least 4 feet wide.
 - b. All trash containers shall be screened with a 6-foot high solid fence or wall. Trash containers, maintenance building and/or parking spaces within 20 feet of the front lot line shall be heavily screened with a combination of landscaping, berms, walls or fencing.

- c. As directed by the Planning Commission, the applicant shall provide one or more active recreation areas with picnic tables, barbecue grills and/or recreation amenities such as children*s playground equipment, basketball/volleyball courts, or provide an equivalent amount of money to the HOA to install one or more of these amenities before filing 3 is completed.

Subdivision:

1. Platting of individual lots for parking garages shall be deleted.
2. Filing 2 shall include an easement within the boundaries of filing 3 for the sanitary sewer line serving the development.
3. The phasing schedule may proceed as proposed by the applicant, with each successive phase being completed within one year. The first phase shall be completed by December 31, 1996.

QUESTIONS

Commissioner Driscoll observed that the amounts suggested by both staff and the petitioner for recreational amenities seemed quite disparate. Mr. Nebeker said that it all depended upon what amenities were actually installed.

Mr. Garrison said that he would increase his contribution but reiterated that he wanted to see amenities installed that would actually be used by residents. Mr. Nebeker suggested increasing the petitioner*s original figure from \$1K to \$5K, to be required before recording of the Final Plat. Mr. Garrison, from the audience, expressed his agreement.

John Shaver said that staff was weighing the requirements for active versus passive recreational amenities and suggested that more input be allowed before agreeing to accept the blanket offer of \$5K since the preliminary plan included significant amenities.

Mr. Garrison estimated that the loss of 15 units and 1 1/4 acres will already cost him over \$150K.

PUBLIC COMMENTS

FOR:

Greg Cranston (308 Willowbrook, Grand Junction) felt that the petitioner had or would comply with all City requirements and felt that the site would be unsuitable for single family housing.

AGAINST:

Kelly Gaud (2527 G █ Road, Grand Junction) felt that the proposed development was lesser in quality than the single family Wilson Ranch homes and, therefore, not compatible with Wilson Ranch. She didn*t think the buffering between G █ Road and I-70 was adequate.

Denise Hctor (727 Corral Drive, Grand Junction) expressed concern over school impacts and wondered how those impacts would be addressed if the bond issue failed in November.

Zane MacMahon (2533 G █ Road, Grand Junction) felt that the petitioner would be the only one to benefit from the current proposal and that it offered nothing to surrounding residents nor to the future residents of the development. He felt there were no aesthetics and that the design was poor. He also expressed opposition to the reconfiguration of G █ Road.

Larry Garwood (2577 G █ Road, Grand Junction) expressed concern over traffic increases into and out of Wilson Ranch. He felt that the current quality of life and rural atmosphere would be threatened and suggested a buffer between this project and the single family Wilson Ranch homes. He opposed the odd garage

arrangement and suggested that this further diminished the quality of the proposal. He also opposed the higher density of the development and felt it to be incompatible with surrounding uses.

Tony Cooper (2511 G ½ Road, Grand Junction) also opposed the higher density and reiterated comments concerning threats to the rural atmosphere.

Jo Holcum (2554 Corral Drive, Grand Junction) felt that the garages should be viewed as a major issue, adding that the lack of garages could very well define who moved into the development. She said that for the prices to be asked of the petitioner (\$175K per unit), residents should expect to receive a garage. She felt the development was incompatible with surrounding uses, wondered where cars would park, expressed concern over density and safety, and suggested that this was strictly a money-making venture for the petitioner, with no regard for existing or future residents. She wondered if buffering from I-70 could include a wall.

Grettle Doherty (750 Wilson Drive, Grand Junction) asked if the proposal would be heard by the City Council. Mr. Nebeker explained the appeal process. Ms. Doherty felt the proposal was too dense and thought that a decision on it should be delayed until the bond issue was decided. She felt that the City*s notification was inadequate and wanted to know why the petitioner was being allowed to back out of his original plan to install a pool.

Lyle Stout (738 Corral Drive, Grand Junction) said that instead of a planned community, the current proposal seemed more like a trailer park.

Frank Lamb (2587 G ½ Road, Grand Junction) distributed information to the Commission which included a contract of sale dated March 7, 1980. The contract called for a deeded access to the West which was to have been provided through Wilson Ranch via Wilson Ranch Court. At this time, he said, although a sign had been posted prohibiting trespass onto the access easement, the actual access (to City standards) had never been constructed. He felt that this original condition of sale should be enforced. He also felt the development was incompatible and requested that a looped water line be installed. Mr. Lamb suggested that the fencing of the wash should be addressed as well.

Richard Hocht (727 Corral Drive, Grand Junction) reiterated previous comments concerning density, incompatibility, parking, landscaping, school and traffic impacts.

Dennis Schaffers (2558 Ranch Road, Grand Junction) expressed concern over school and traffic impacts.

PETITIONER*S REBUTTAL

Mr. Garrison said that the project would be quality built with landscaping plans to be reviewed by the City and Bookcliff Gardens. He reiterated that 51 percent of the total acreage would be retained in open space. Approximately \$18K would be paid in school impact fees. The road would be planned and constructed to City standards and the proposed fence would eventually be covered in wild rose plantings.

With regard to Mr. Lamb*s comments, Mr. Garrison said that his surveyor had staked out the access located at the end of Ranch Court. The easement was dedicated and would be recorded as a part of filing 4. While no looped water line was proposed, sprinkler systems would be provided for all the townhomes.

DISCUSSION

Commissioner Halsey asked for Mr. Shaver*s legal opinion on the garage issue. Mr. Shaver responded that it would be better to plat the garages as a single tract rather than individually, but issues still would need to be addressed.

Commissioner Coleman asked if a covenant could be placed on the garages to prohibit their sale to other than another townhome resident, to which Mr. Shaver said that they could but that this posed legal complications and was not preferred. A detailed explanation was provided,

Commissioner Driscoll asked if the density of 4.4 units per acre was derived in a manner similar to that of the Entrada Townhomes. Mr. Nebeker replied affirmatively.

Commissioner Coleman asked if staff had any other suggestions for the open space area, to which Mr. Nebeker replied negatively.

Commissioner Halsey suggested that as a part of filing 4 an amount be set aside for active recreation, with consideration given to resident input from the three previous filings. If the cost of the improvements was more than what had been set aside, perhaps the homeowners could participate. Mr. Nebeker said that filing 4 would not be completed until sometime near the year 2000; thus, the Commission might want to consider adding an inflation factor.

Mr. Shaver said that there was also the question over liability and enforceability of the obligation to successors in interest.

Acting Chairman Vogel suggested that this money could be placed in escrow. Mr. Shaver agreed but said that without specific conditions in place beforehand, there could be disbursement problems.

Commissioner Halsey asked whether the petitioner or his successors should be required to install the active recreation amenities, to be determined by resident input rather than escrowing funds. Mr. Shaver said that the petitioner needed to be given an idea of cost and a method of tracking. With a Ⓢ to be determined, Ⓢ there was no method of control in place. If this issue was deferred, he suggested not approving all the filings at once.

Commissioner Driscoll asked about Mr. Lamb*s access. Mr. Shaver said that he could meet with Mr. Lamb to discuss this issue further.

Commissioner Coleman felt that \$5K for amenities was reasonable, given that this amount would be designated after trees and other landscaping had been paid for and installed.

Acting Chairman Vogel expressed continued concern over the garage issue and didn*t feel that they should be counted towards meeting the minimum parking requirement.

Commissioner Coleman asked how the elimination of the garages would affect the petitioner*s ability to meet the minimum parking requirement. Mr. Nebeker said that without the garages, the petitioner would fall short of this requirement by approximately 34 spaces. Mr. Nebeker suggested requiring a garage be constructed for each unit. Commissioner Halsey asked if this would then require a new plan submission. Mr. Shaver said that it would be up to the Commission to decide if the change was significant enough to warrant a new plan submittal.

Commissioner Coleman suggested carports but Mr. Nebeker said that this would defeat the petitioner*s intent.

Mr. Shaver further elucidated on the problems associated with alienation of the garages.

Commissioner Halsey suggested the petitioner not plat the garages at all, as outlined in the staff report.

Acting Chairman Vogel said that if the garages were salable, the petitioner would fail to meet the minimum parking requirement.

Commissioner Driscoll said that not enough information had been received to decide the garage issue. Mr. Nebeker said that the garage issue by itself could be discussed by the Commission at a later date following the submission of additional information by the petitioner. Should the item be appealed, he continued, the petitioner may have provided enough information by then to the City Council for them to make a final determination.

Commissioner Driscoll asked for additional clarification on allowed uses for the portion of property to be rezoned which was provided by Mr. Nebeker.

MOTION: (Commissioner Driscoll) ☿Mr. Chairman, on item FP-96-160, I move that we forward a recommendation of approval to the City Council for the vacation of G ☐ Road and the rezone of proposed block 2, lot 1 from PR-4.4 to Planned Business, with conditions in staff*s recommendation.☿

Commissioner Halsey seconded the motion. A vote was called and the motion passed by a vote of 3-1, with Acting Chairman Vogel opposing.

MOTION: (Commissioner Driscoll) ☿Mr. Chairman, on item FP-96-160, I move that we approve the site plan filings 1 through 3 of the final plat with the conditions in staff*s recommendation and that staff condition 5.c. be amended to read that ☉Recreation shall be installed with the approval of filing 4 (as amended).*☿

Commissioner Coleman seconded the motion. Mr. Nebeker suggested clarifying that staff condition 5.c. be amended to read that ☉Recreation shall be installed with the approval of filing 4.* Commissioner Driscoll agreed to include this as an amendment to his motion, with Commissioner Coleman seconding the amendment. A vote was called and the motion passed by a vote of 3-1, with Acting Chairman Vogel opposing.

FPP-96-154 FINAL PLAT/PLAN, VACATION OF RIGHT-OF-WAY AND VACATION OF EASEMENT--PHEASANT RIDGE ESTATES

Request for: 1) vacation of right-of-way; 2) vacation of sewer easement; and 3) Final Plan/Plat approval for 24 single family detached units and 12 duplex units on approximately 6.35 acres with zoning of PD-8 (Planned Development, 8 units per acre).

Petitioner: Ed Lenhart, Just Companies

Location: West of Northwest corner of 28 and Patterson Roads

Representative: Marc Mauer, Genesis Designs

STAFF PRESENTATION

Kristen Ashbeck indicated that the original design plans approved at the Preliminary Phase for the project had been revised to reflect a lower density and detached, rather than attached, units. Primary access to Pheasant Ridge Estates would be from a single drive off Patterson Road and from Springside Court once the street is completed from 28 Road. The developer is requesting a vacation of the original alignment of Springside Court through this parcel in order to realign it for this proposal. Until it is completed through the vacant parcel to the east, a temporary cul-de-sac at the eastern end of Springside Court will be required. Most of the lots will front the two proposed public cul-de-sacs; however, two proposed private shared drives will access nine of the lots. No parking will be allowed on the shared private drives. With no other issues outstanding, staff recommended approval subject to the following conditions:

1. Address remaining staff comments dated August 28, 1996.
2. Provide a temporary cul-de-sac for the East end of Springside Court either on the Pheasant Ridge property or obtain easements for such from adjoining property owners. The cul-de-sac must be improved to specifications acceptable to the City Development Engineer and costs included in the Development Improvements Agreement and Guarantee.

PETITIONER*S PRESENTATION

Mark Mauer, representing the petitioner, suggested that instead of placing a cul-de-sac at the end of Springside Court, they weather surface or gravel the road to connect to the existing portion of Springside Court.

Ms. Ashbeck replied that this alternative was unacceptable as the Development Engineer preferred the cul-de-sac.

Jim Langford, project engineer, spoke up and asked why a connection through to 28 Road would not be a preferred alternative since 28 Road was only 100 feet away. Ms. Kliska responded that an inconsistency existed in that several copies of the design plan showed the cul-de-sac while other copies showed the road connection. The extension would have to be paved and the road connecting to this would have to be accepted by the City. The adjacent property owner had not completed necessary improvements to bring the portion of road up to City standards; thus, a cul-de-sac was preferred until the issue was resolved.

Mr. Mauer added that the adjacent property would be developed soon and a connection road would be important to both projects.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

PETITIONER*S REBUTTAL

Ed Lenhart, petitioner, said that he*d never received a copy of the City*s review agency comments. He reiterated Mr. Langford and Mr. Mauer*s comments, adding that the extension could also be viewed as temporary pending resolution of its more permanent status.

Acting Chairman Vogel said that the cul-de-sac would discourage through traffic, thus providing some benefit.

Commissioners Halsey and Coleman said that the Commission supported the decisions of Engineering staff.

MOTION: (Commissioner Halsey) ¶Mr. Chairman, on item FPP-96-154, a request for a vacation of a part of the Springside Court right-of-way, I move that we forward this to City Council with recommendation of approval.ⓧ

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

MOTION: (Commissioner Halsey) ¶Mr. Chairman, on item FPP-96-154, a request for vacation of sewer in the vicinity of the northwest corner of the 28 Road and Patterson Road intersection, I move that we forward this on to City Council with recommendation of approval.ⓧ

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

MOTION: (Commissioner Halsey) ¶Mr. Chairman, on item FPP-96-154, a Final Plan and Plat for Pheasant Ridge Estates, I move that we approve the Final Plan and Plat subject to staff*s recommendation.ⓧ

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

RZP-96-179 REZONE, AMENDED PRELIMINARY PLAN FOR PHASES 5 AND 6, AND FINAL PLAN FOR PHASE IV--CANYON VIEW SUBDIVISION

Request to: 1) rezone from RSF-4 (Residential single family with a density not to exceed 4 units per acre) to PR-2 (Planned Residential with a density not to exceed 2 units per acre for Phases 5 & 6); 2) approval of an amended Preliminary Plan for Phases 5 and 6; and 3) approval of the Final Plan/Plat for Phase 4 for 15 single family residential lots on approximately 7.74 acres of land.

Petitioner: John Thomas, Thomas and Sun, Inc.

Location: South Camp Road and Canyon View Drive

Representative: Ciavonne And Associates

STAFF PRESENTATION

Bill Nebeker provided a brief history and outline of the request and noted the site*s location on available maps. The revised Preliminary Plan added Phases 5 and 6, adjusting some lot boundaries due to the location of the Redlands Third Lift Canal. Since Redlands Water and Power limited the subdivision to one street crossing, a private drive easement was proposed to serve two adjacent landlocked parcels in Phase 6. The petitioner must redesign these and one other landlocked parcel to provide for street frontage. This could be accomplished with a flagpole extending from each lot to a public street, with a shared driveway located on the flagpole.

The petitioner is proposing 2.5 acre lots along the southwest portions of Phases 5 and 6, nearest the Colorado National Monument. While this conflicts with Mesa County*s policy prohibiting parcels less than 5 acres in size within 1,000 feet of the National Monument, the petitioner had submitted several examples where the policy had not been followed in other developments.

Mr. Nebeker said that the note located under Preliminary Plan staff condition 3. could be deleted and added a condition 4. to read, ☺Landlocked parcels shall be reconfigured to provide street frontage.*

With the resolution of other minor issues, staff recommended approval with the following conditions:

Revised Preliminary:

1. Submit as revised Preliminary Plan showing the new location of Tract B irrigation pond unless the plat and construction plans are revised, moving the pond.
2. The private drive easement over the large lots in Phase 6 must be extended to the property line for each existing private road.
3. A minimum 12-foot-wide pedestrian path will be required along the south boundary of the lots in Phase 5. At least one connection to this easement will be required from the cul-de-sac in Phase 5.
4. Landlocked parcels shall be reconfigured to provide street frontage.

Final Plan:

1. An 8-foot-wide concrete bicycle/pedestrian path shall be constructed within Tract A for access to the park. The path shall be constructed in a location not to conflict with the existing canal maintenance road.
2. An 8-foot-wide concrete path shall be constructed and located within a 12-foot-wide pedestrian easement between lots 8 and 9, block 2 for an alternate access to the park.
3. A 12-foot-wide pedestrian path shall be dedicated along the South boundary of this plat (approximately 1,276 feet).
4. The retention basin on the city park site shall be reconfigured to allow a walking area of at least 20 feet between the basin and rear lot line of the homes in Phase 4.
5. Show the 12-foot-wide pedestrian easement adjacent to the Redlands Canal that was dedicated on Canyon View filing 3.
6. Side setbacks shall include 20 feet on corner lots for garages.

PETITIONER*S PRESENTATION

Craig Roberts, representing the petitioner, agreed to change the location of the irrigation pond but said that its configuration depended on the lot configurations in Phase 6. The flagpole access requirement would pose no

significant problems. The easement mentioned in Final Plan staff condition 3. would create problems in that lot owners bordering the path would be encumbered with a pedestrian access along the back of their lots. In addition, a covenant in Canyon View restricts privacy fences to no more than 4 feet along lot perimeters. This would prevent homeowners from adequately screening their back yards from pedestrians traveling along the path. Since the path had no connection point to any other path system, he wondered why the path was necessary at all. Further, he argued that the petitioner had already dedicated 4.5 acres to the City for parks and open space and suggested that they had already provided more than their fair share of public amenities. Mr. Roberts suggested that in lieu of a 12-foot easement as a main access to the North into the park, he'd proposed widening the entrance into the park all the way to Red Cliff Drive to 45 feet. This, he felt, would provide a more substantial entrance into the park.

QUESTIONS

Commissioner Driscoll asked Mr. Roberts to clarify which of the staff comments he took issue with. Mr. Roberts' answer included 3. under the Revised Preliminary and 1., 2., 3., and 5. under the Final Plan.

Mr. Nebeker clarified that most of condition 5. would occur in Phase 6 and agreed that this could be deleted.

Acting Chairman Vogel asked for clarification on some previously approved cul-de-sacs (locations shown on map), which was provided by Mr. Nebeker.

PUBLIC COMMENTS

There were no comments either for or against the proposal. Commissioner Halsey noted that a letter had been received from the Superintendent of the Colorado National Monument. Mr. Nebeker elaborated that Colorado National Monument's position was that no parcels less than five acres should be allowed to abut the National Monument.

DISCUSSION

Commissioner Halsey concurred with the Superintendent's position that lots less than 5 acres in size should be prohibited to mitigate view and environmental concerns.

Commissioner Driscoll disagreed with this position but did agree with the petitioner that the pedestrian easements into the park as outlined in staff's conditions should be eliminated.

Acting Chairman Vogel concurred, saying that the easements would pose too many encumbrances to the lots.

General discussion ensued between commissioners and staff over which conditions to delete and potential ramifications.

MOTION: (Commissioner Driscoll) Mr. Chairman, on item RZP-96-179, I move that we approve the Canyon View Subdivision, Phase 4, and Revised Preliminary for Phases 4, 5, and 6 subject to staff recommendations and staff review comments with the revision that under the Revised Preliminary comments, 3. be eliminated and under Final Plan comments, eliminate conditions 2., 3., and 5. and adding 4. (under Revised Preliminary) which would be the new 3.

Commissioner Coleman seconded the motion. A vote was called and the motion passed by a vote of 3-1, with Commissioner Halsey opposing.

MOTION: (Commissioner Driscoll) Mr. Chairman, on item RZP-96-179, I move that we forward a recommendation of approval to City Council for the rezone of Phases 5 and 6 from RSF-4 to PR-2.

Commissioner Coleman seconded the motion. A vote was called and the motion passed by a vote of 3-1, with Commissioner Halsey opposing.

VE-96-172 VACATION OF EASEMENT AND CONDITIONAL USE PERMIT--FENCE

Request for: 1) vacation of easement in order to locate a fence; and 2) a Conditional Use Permit to construct a 9-foot fence.

Petitioner: Richard Engelder

Location: 778 Jasmine Court

STAFF PRESENTATION

Bill Nebeker briefly outlined the proposal. No utilities exist in the easement requested for vacation. Based on staff review and review agency comments received, the proposed fence would not conflict with utilities or drainage, would not have any adverse impacts, would not conflict with adopted plans or policies and would enhance the overall view of the fence line from the street. Staff recommended approval with no conditions.

PETITIONER*S PRESENTATION

Richard Livingston, representing the petitioner, added that regardless of the Commission*s final decision, the petitioner would still have to go before the Alpine Meadows Architectural Control Committee (ACC) to petition for its approval.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Gene Kinsey (779 Desmond Court, Grand Junction), adjacent property owner, argued that the request did go against the established covenants of Alpine Meadows. Mr. Kinsey felt that the fence, originally removed by Mr. Engelder, was owned partially by him and that he*d tried to stop work crews from removing it. The work crews had been informed that the removal of the fence was prohibited by covenants and construction of other than a 6-foot-high fence was prohibited by the City, but crews ignored his warnings and tore the fence down anyway. Mr. Kinsey felt that Mr. Engelder should be bound by the same rules that governed other residents in the subdivision.

David Weldon (2684 Kintree Court, Grand Junction), president of the Alpine Meadows HOA, said that he*d spoken to the work crews referenced by Mr. Kinsey and had eventually located Mr. Engelder. Mr. Engelder was told to cease and desist any demolition or construction of a fence until approval was first received by the ACC. Mr. Engelder apparently ignored this warning and not only tore the existing fence down but proceeded to construct a concrete retaining wall. He said that the covenants were in place for all of the residents and should be followed.

Linda Schooley (791 Jordana Road, Grand Junction), a member of the ACC, said that both in her conversations with the petitioner and those engaged in by Mr. Weldon and Mr. Kinsey, it became clear to them that Mr. Engelder had every intention of disregarding the rules and building whatever he chose to build. She emphasized that there was no misunderstanding involved. To allow a variance of this measure would, she felt, be an affront to all other residents who have agreed to follow established covenants and restrictions.

Ted Albright (2690 Gentry, Grand Junction), past president of the Alpine Meadows HOA and currently vice-president, said that the 9 foot fence is actually a retaining wall to allow for additional backyard area. He felt the fence to be offensive and that it would create an undesirable precedent for the neighborhood.

Nancy Glee (2699 Dane Lane, Grand Junction), member of the ACC, submitted a petition containing approximately 22 signatures of neighborhood residents opposing the construction of the fence. She felt that if HOA rules could be flaunted at will by residents, what would be the point of having an HOA.

PETITIONER*S REBUTTAL

Mr. Livingston said that he'd spoken that afternoon with Mr. Bryce Palo, the attorney representing the Alpine Meadows HOA and requested that they all meet at a mutually convenient time and location to discuss the issue. The petitioner was attempting to acquire the necessary permits and meet with the HOA and ACC to try and reach an agreement on the fence. Mr. Livingston reminded the Commission that it did not have the authority to enforce covenants; that this resolution should be left up to the parties involved and ultimately, if necessary, the court system.

DISCUSSION

Commissioner Halsey concurred with Mr. Livingston's comments that the Commission did not have the authority to enforce covenants. He suggested they proceed with the permitting request and leave any mitigation of unresolved issues to the parties involved.

MOTION: (Commissioner Coleman) ☞Mr. Chairman, on item VE-96-172, I move that we deny the conditional use permit.☞

The motion died for lack of a second.

MOTION: (Commissioner Halsey) ☞Mr. Chairman, on item VE-96-172, I move that we approve the conditional use permit for an overheight fence not to exceed 9 feet and that we forward a recommendation of approval to the City Council for a utility and drainage easement vacations.☞

Commissioner Vogel seconded the motion. A vote was called and the motion failed as a result of a 2-2 tie vote, with Commissioner Coleman and Acting Chairman Vogel opposing.

Mr. Nebeker asked whether the vote would have been any different had the motion on the easement been separate from the Conditional Use Permit. Commissioners agreed that there would have been no difference in the resultant outcome.

Commissioner Halsey asked if the vacation was needed to allow a standard 6-foot fence, to which Mr. Nebeker replied that it was necessary where the fence encroached upon existing easements.

MOTION: (Commissioner Halsey) ☞Mr. Chairman, on item VE-96-172, I move that we forward a recommendation of approval to the City Council for the utility and drainage easement vacations.☞

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

VI. GENERAL DISCUSSION

Ms. Portner reminded Commissioners that next week's hearing would begin at 6 p.m. and would be a joint hearing with the Mesa County Planning Commission to reconsider one portion of the Growth Plan. Afterwards, Michael Lauer will be present to discuss proposals for the *Code* rewrite.

The hearing was adjourned at 12:35 a.m.