

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - December 3, 1996
7:05 p.m. to 10:28 p.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 Chairman John Elmer.

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

In attendance, representing Community Development staff, were: Kathy Portner (Acting Director), Bill Nebeker (Sr. Planner), Kristen Ashbeck (Sr. Planner) and Michael Drollinger (Acting Planning Supervisor).

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 40 interested citizens present.

II. CONSIDERATION OF MINUTES

At the last hearing, Commissioner Halsey had opted to abstain from voting on the September 10 minutes due to non-attendance. Amending this, he said that he had actually been present and could have voted.

MOTION: (Commissioner Halsey) Mr. Chairman, I move that the minutes (of November 5) stand approved as corrected.

Commissioner Vogel seconded the motion. A vote was called and the motion passed by a vote of 7-0.

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer said that item RZP-96-197 had been pulled. It was unclear whether the item would be resubmitted or when it might be heard.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

FPP-96-201 FINAL PLAT/PLAN--THE COTTAGES AT WELLINGTON, FILING #2
Request for approval of the Cottages at Wellington, Filing #2, for 13 single family residential lots in a PD-8 (Planned Development with a density not to exceed 8 units per acre) zone district, including vacation of a portion of an irrigation and drainage easement along the eastern site boundary.

Petitioner: Ron Abeloe, Wellington Partners LLC

Location: Southeast corner of 15th and Wellington

PETITIONER'S PRESENTATION

Ron Abeloe, petitioner, explained that the project's overall density was less than what would have been allowed. He briefly reviewed the proposal, adding that structure design for filing #2 would be similar to filing #1. Because units would be detached, specific setbacks for individual lots were requested, to include a 6-foot building separation. Mr. Abeloe asked that allowance be given to construct the private

path out of natural materials rather than the concrete or asphalt recommended by staff. He felt this would allow for a more natural blending with the proposed landscaping. In addition, he recommended rewording the staff condition regarding setbacks to indicate that setbacks would have to be worked out to an agreeable condition with staff.

QUESTIONS

Chairman Elmer asked if a graveled path would be preferable to the petitioner. Mr. Abeloe preferred this or other less harsh materials; however, if concrete was deemed by staff to be the best choice, he would comply. Chairman Elmer commented that a concrete path would make the canal more accessible to the disabled.

STAFF'S PRESENTATION

Kristen Ashbeck said that the Planning Commission could render a final decision on the petitioner's request to extinguish a portion of the irrigation easement located along the eastern boundary; the request would not have to go before City Council. She further explained that the petitioner would be submitting a separate request for vacation of a similar portion of the remaining easement in filing #1. With regard to the setbacks/building envelope conditions referred to by Mr. Abeloe and contained within the staff report, she suggested deleting current notes 1. and 2. on the plat and plan and substituting these with a revised note to read, "No structure, including covered and uncovered porches and decks, may extend into any easement." The third note on the plat and plan, was probably unnecessary but would serve to alert property owners not to place structures within easements. Staff preferred to see the path constructed to City standards which required either asphalt or concrete. Approval was recommended subject to the following conditions:

1. The private path be paved with asphalt or concrete.
2. The notes for building envelopes be changed as recommended in the staff report.

QUESTIONS

Chairman Elmer asked if staff's references and responses to building envelopes addressed the petitioner's concerns with setbacks, to which Ms. Ashbeck replied affirmatively.

Commissioner Driscoll asked if the irrigation easement would be reduced *by* 5 feet or reduced *to* 5 feet. Ms. Ashbeck clarified that it would be reduced *to* 5 feet.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioners Vogel, Halsey and Grout agreed that a hard-surfaced path was important and would inhibit weed growth. Commissioner Halsey recommended that concrete be used exclusively. Chairman Elmer suggested that some form of pavers could be considered along with concrete as an equivalent material.

Commissioner Vogel agreed to leave determining appropriate building envelopes to staff. Commissioner Driscoll agreed.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item FPP-96-201, the Final Plat and Plan for Filing #2 of the Cottages at Wellington, I move that we approve this subject to staff recommendations 1., that the private path be concrete, and 2., the notes for the building envelopes being changed as agreed with the staff."

Commissioner Coleman seconded the motion. Chairman Elmer asked if Commissioner Halsey wanted to limit the path material to strictly concrete, to which Commissioner Halsey replied affirmatively. A vote was called and the motion passed unanimously by a vote of 7-0.

MS-96-214 MINOR SUBDIVISION--TRINITY COMMERCIAL PARK

Request for approval of a three lot minor subdivision of approximately 4.31 acres of land in a C-2 (Heavy Commercial) zone district.

Petitioner: Nancy Kissner-Wilson

Location: 2540 Highway 6 & 50


Representative: Dennis Johnson, Landesign

PETITIONER*S PRESENTATION

Dennis Johnson, representing the petitioner, presented an overview of the proposal. Access to lots would be via Independent Avenue; no access would be available via Highway 6 and 50. The petitioner was amenable to all staff conditions and requested approval.

QUESTIONS

Chairman Elmer asked for clarification on condition 1(a) which was provided by Mr. Shaver.

Commissioner Grout said that, with regard to the DIA, he wondered what the status of the 25  Road dedications were. Had they been settled? Mr. Shaver replied affirmatively and elaborated briefly. Ms. Kliska was available to provide additional detail should the Commission so require.

STAFF*S PRESENTATION

Kristen Ashbeck said that the DIA*s direction was to allow for the City*s reconstruction of Independent Avenue in 1999. Uses for lots 2 and 3 in the proposed development were as yet undetermined. She said that should lot 1 be improved, the fencing requirement (or other traffic deterrent) would prevent uncontrolled access to the site via the vacant lots. Fencing would also prevent access to the lots from Highway 6 and 50. Staff recommended approval subject to the following conditions:

1. Staff approval of a Development Improvements Agreement and Guarantee to be executed with recording the Final Plat. The street improvements shall be constructed the earlier date of: (a) the site development of each lot, or (b) on the date the City of Grand Junction commences street improvement construction on Independent Avenue. Drainage improvements shall be constructed with platting with the standard performance period of one year.
2. In lieu of street and other site improvements, placement of improvements (e.g., fencing) to deter access to the undeveloped parcels at the time of platting.

QUESTIONS

Chairman Elmer asked if something as simple as a two-railed fence would be acceptable, to which Ms. Ashbeck replied affirmatively.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Halsey said that the proposal looked to be a good use of the property. He didn*t think lots would be improved prior to Independent Avenue improvements. Chairman Elmer concurred.

MOTION: (Commissioner Halsey) ¶Mr. Chairman, on item MS-96-214, I move that we approve the request for the three lot minor subdivision subject to staff recommendations.ⓧ

Commissioner Coleman seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

MS-96-239 MINOR SUBDIVISION--MURDOCK

Request for approval to subdivide approximately 21.24 acres of land in an I-1 (Light Industrial) zone district into two lots.

Petitioner: Scott Murdock
Location: 2173 River Road
Representative: Lewis Hoffman

PETITIONER*S PRESENTATION

Lewis Hoffman presented the proposal and said that the petitioner intended to use lot 1 and sell lot 2. The petitioner did not object to any of the staff or review agency comments or requirements.

STAFF*S PRESENTATION

Kristen Ashbeck said that with no outstanding issues, staff recommended approval with the condition that the language of the Surveyor*s Certificate be revised to read per the standard language or as otherwise approved by the City.

DISCUSSION

Commissioner Halsey felt the request to be straightforward.

MOTION: (Commissioner Halsey) ¶Mr. Chairman, on item MS-96-239, Murdock Minor Subdivision, I move that we approve the application subject to the staff*s recommendation.ⓧ

Commissioner Gordon seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

FPP-96-240 FINAL PLAT/PLAN--THE GLEN AT HORIZON SUBDIVISION

Request for Final Plan/Plat approval for 17 four-plex multi-family units (68 total) on approximately 9.2 acres of land with zoning of PR-7.4 (Planned Residential, 7.4 units per acre).

Petitioner: Cunningham Investments
Location: Southeast corner of Horizon Drive and North 7th Street
Representative: Mac Cunningham

PETITIONER*S PRESENTATION

Mac Cunningham, representing the petitioner, indicated the site*s layout on an overhead transparency. He briefly elaborated on the project*s history and noted that its density had been reduced from 72 units to the current 68 units. A deceleration lane has been included to address safety concerns even though it had not been made a requirement. An updated landscaping plan had been submitted to staff for consideration.

QUESTIONS

Commissioner Driscoll asked if the petitioner was in agreement with the five staff conditions, to which Mr. Cunningham replied affirmatively.

STAFF*S PRESENTATION

Michael Drollinger said that first phase construction would comprise lots 1 through 4 as well as lots 16 and 17. With no outstanding issues, staff recommended approval subject to the following conditions:

1. The final plans be revised to include additional pavement striping of the deceleration lane into the site on Horizon Drive as per the City Development Engineer.
2. A maintenance agreement for the private street shall be reviewed and approved by the City prior to platting.
3. In order to ensure all contractors bidding on this job are aware of the requirement, the following note should be added to the plans as per the City Utility Engineer:

Water meter pits and yokes will be supplied by City Inspector for installation by the contractor. Water services will be extended to the multi-purpose easement line and marked with a metal or wood post painted blue. Meter pits to be located 2 feet back of curb.
4. It is highly recommended that grade stabilization be provided outside of sidewalk section as previously recommended by City Utility Engineer as the City will NOT be responsible for damaged irrigation facilities or landscaping.
5. Additional minor changes to the plat are required as per the City Attorney.

QUESTIONS

Chairman Elmer asked if an avigation easement would be required. Mr. Drollinger responded that since the site was located outside the airport's zone of influence, an easement was optional but not required. The petitioner had chosen not to secure an easement.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Bob Showalter (606 - 26 Road, Grand Junction) expressed concerns over the safety of pedestrians and bicyclists traveling along 7th Street and the difficulty current traffic experienced accessing 7th Street from Horizon Drive.

PETITIONER'S REBUTTAL

Mr. Cunningham said safety concerns had been mitigated by the inclusion of a deceleration lane and the creation of a view plane triangle to increase sight distance at the project's entrance. These were not required but were included to promote a pedestrian-friendly environment in and around the project.

DISCUSSION

Commissioner Halsey acknowledged the petitioner's efforts to include more than the minimum requirements. He felt that safety concerns had been satisfactorily addressed.

Chairman Elmer thought that the larger problem was more the yield lane that went from 7th Street to Horizon Drive.

MOTION: (Commissioner Halsey) Mr. Chairman, on item FPP-96-240, a request for final plan approval for filing #1 of the Glen at Horizon, I move that we approve the application with the conditions in the staff report dated November 25.

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

PDR-96-245 PLANNED DEVELOPMENT REVIEW--MAYS CONCRETE

Request for approval of an amendment to an approved PI (Planned Industrial) zone district to allow expansion of Mays Concrete pouring pads and molds.

Petitioner: Clifton L. Mays, Sr.

Location: Southeast corner River Road and Redlands Parkway

Representative: Dan Roberts

PETITIONER*S PRESENTATION

Dan Roberts, representing the petitioner, said that the proposed use was low-impact. The petitioner was in agreement with staff*s conditions and recommended approval.

QUESTIONS

Commissioner Gordon noted that the petitioner had, in his response to staff, objected to the TCP payment. Mr. Roberts noted that he felt it was unnecessary. Chairman Elmer explained that the TCP payment was a standard requirement and briefly explained the procedure.

Chairman Elmer asked if the petitioner had requested reimbursement from the County on fencing of the riverfront trail. Mr. Roberts noted that staff suggested that since the City has no jurisdiction in the matter the petitioner would have to request reimbursement from the County and the Riverfront Commission.

STAFF*S PRESENTATION

Bill Nebeker said that with no outstanding issues, staff recommended approval subject to the following conditions:

1. Note on the site plan that allowable uses are concrete products manufacturing.
2. Paved parking for at least 29 spaces must be provided before a permit is issued for usage of the temporary office trailer.
3. A 6-foot-high year-round screen with a wood fence or vegetation shall be maintained along the west and south property lines. A 6-foot-high chain link fence with slats shall be maintained along the north property line.
4. TCP for the temporary office trailer is \$160.
5. A floodplain elevation certificate will be required of the temporary office and the permanent office which shows that the floor level is at least one foot above the base flood elevation.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Chairman Elmer and Commissioner Halsey felt the project to be straightforward.

MOTION: (Commissioner Driscoll) ¶Mr. Chairman, on item PDR-96-245, I move that we approve Mays Concrete expansion plans on parcel 2 subject to staff*s recommendations 1. through 5.Ⓜ

Commissioner Gordon seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

CUP-96-180 CONDITIONAL USE PERMIT--RIMROCK MARKETPLACE

Request to amend the Conditional Use Permit for Rimrock Marketplace for a 430,000 square foot shopping center and pad sites on approximately 60.8 acres with a zoning of C-1 (Light Commercial) and C-2 (Heavy Commercial).

Petitioner: The Belleville Development LP

Location: Southwest corner of 25th Road and Highway 6 and 50

Representative: John Rubenstein

PETITIONER*S PRESENTATION

John Rubenstein, representing the petitioner, said that the current plan was similar to the original plan submitted in 1995. The petitioner was in agreement with all of staff*s recommendations.

QUESTIONS

Chairman Elmer asked if the petitioner was in agreement with all of staff*s 7 conditions, to which Mr. Rubenstein replied affirmatively.

Chairman Elmer asked if an agreement had been reached with Sam*s Club to purchase some of its property for intersection modifications. Mr. Rubenstein said that discussions with Sam*s Club representatives had ensued over the proposed configuration and results were positive. To his knowledge, no additional right-of-way was needed.

Commissioner Halsey asked if discussions had ensued with landowners along the frontage road to secure any needed rights-of-way. Mr. Rubenstein said that per discussions with staff and the Colorado Department of Transportation (CDOT), whatever land was not currently owned by CDOT, the petitioner would have to acquire to complete the project.

STAFF*S PRESENTATION

Michael Drollinger said that the amendment called for an additional 35,000 square feet of retail space, some redesign, and included the acquisition of additional property. Staff was working closely with the petitioner and representatives on the project, especially in the areas of design and circulation. With no major issues outstanding, staff recommended approval subject to the following conditions contained within staff report dated November 25, 1996:

1. The project is approved for a maximum of 430,000 square feet of retail space (not including the pad sites which will be limited in number by the ability to meet *City Zoning Code* requirements) to be constructed within the building envelopes identified on the attached site plan. If the proposal should exceed the size limit or the building envelopes proposed, the conditional use permit will be subject to reevaluation by the Planning Commission at the discretion of City staff.
2. The project*s signage will be subject to the attached signage guidelines which are based on those proposed by the petitioner and modified by staff.
3. The conditional use permit approval is subject to subsequent acceptance of a site plan and subdivision which meets all *Zoning and Development Code* requirements and are subject to staff approval, review agency approval, and Planning Commission approval as required by *Code*.
4. Staff finds that the circulation improvements identified by the petitioner in the *Traffic Impact Analysis for Rimrock Shopping Center* and the attached site plan are necessary for the safe and efficient movement of vehicles to and from the site at acceptable levels of service (LOS). A condition of this approval is that the funding and construction of the identified improvements are the responsibility of the developer and that all circulation improvements are subject to review and approval by the City and CDOT and must meet all applicable requirements.

Significant changes to the design and operation of the circulation network as proposed may require reevaluation of the conditional use permit by the Planning Commission at the discretion of City staff.

5. All pad site development is subject to the requirements of the *Zoning and Development Code* and the adopted signage guidelines for Rimrock Marketplace. Development proposals for the pad sites require site plan review or other permits as may be necessary, depending on the proposed use.
6. Roadway section B-B on the site plan must be modified to show sidewalks on both sides. In addition, all roadway sections must be modified to conform with City specifications.
7. The petitioner must supply information which is satisfactory to the Utility Engineer to demonstrate that the capacity of the sewer line has been maintained through the proposed relocation.

QUESTIONS

Commissioner Driscoll said that staff*s position had been to recommend denial. What had occurred to reverse this position? Mr. Drollinger said that the primary intersection had been reconfigured and a second access had been created between outlots 2 and 3. The second access would provide an additional ingress for east-bound traffic and another egress for traffic exiting the site, resulting in more acceptable levels of service.

Commissioner Halsey expressed concerns over pedestrian access, especially with the trail system. Ms. Kliska responded that Independent Avenue to the signal was designated a bike route in the *Multi-Modal Plan*. Pedestrians would be accommodated via a pathway along the existing frontage road.

Commissioner Driscoll asked if the second proposed access would sufficiently lessen the traffic impact to the main Independent Avenue intersection, to which Ms. Kliska replied affirmatively.

Commissioner Grout asked if the second access was restricted in any way. Ms. Kliska said that it was right turn in, right turn out only with a left turn in possible from westbound Highway 6 & 50.

Chairman Elmer asked if staff condition 1. referred to the 430,000 square foot number or the building envelopes. Mr. Drollinger said that this pertained to the 430,000 square footage number. Chairman Elmer said that even without this condition, the petitioner could not exceed the 430,000 number without coming back before the Planning Commission, to which Mr. Drollinger agreed. Mr. Drollinger said that the intent of the condition was to allow more flexibility of building configurations within a larger envelope.

Chairman Elmer asked for confirmation that no right-of-way was needed from Sam*s Club for intersection modifications. Did this mean that City approval should be contingent upon the petitioner receiving approval from Sam*s Club on its portion of the improvements? Mr. Drollinger said that approval from the City could be granted based on the design as submitted. If the equation changed, if Sam*s Club refused to participate, or if CDOT had concerns, any or all of the aforementioned could jeopardize the project as proposed. Mr. Drollinger said that no official approval was needed from Sam*s Club.

Chairman Elmer questioned whether all the necessary agreements and rights-of-way had been secured from landowners along the frontage road. Mr. Drollinger said that this element would be more closely scrutinized at the next stage of development.

Commissioner Grout asked if CDOT*s approval would have to be secured during the next development stage, to which Mr. Drollinger replied affirmatively.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Dave Turner (200 Grand Avenue, Grand Junction), attorney for Harold Woolard, owner of the Corner Store, located at 2541 U.S. Highway 6 and 50, Grand Junction said that the development would surround Mr. Woolard on three sides. He referenced a letter submitted to staff, dated August 21, 1996, outlining concerns. Of primary concern was what Mr. Woolard perceived as loss of access to his business. He said that the petitioner*s plan called for elimination of the frontage road access; large trucks would no longer have room to turn around. This, he said, was tantamount to the petitioner putting his client out of business. It seemed that each development stage brought with it more negative impacts to Mr. Woolard*s business, and none of the concerns expressed even with the ODP had been addressed. Mr. Turner observed that attention seemed to be more focused to Sam*s Club and its access. Why didn*t his client receive the same consideration? He reminded the Planning Commission that CDOT recognized the importance of the subject frontage road and would not let it be closed. He also expressed concern that with the raised elevation of the subject property, stormwater would be routed onto Mr. Woolard*s property.

Commissioner Driscoll asked if any study had been conducted by Mr. Woolard to gauge the frequency of large truck traffic to and from the site. Mr. Turner said that no study had been undertaken, but acknowledged that there was less truck traffic accessing the site than general traffic by patrons.

Commissioner Gordon asked if the petitioner intended to sue the City if the Planning Commission granted approval. Mr. Turner said that his client may seek first to appeal an approval before the City Council. Mr. Woolard*s actions would be dependent upon Planning Commission and/or City Council decisions.

PETITIONER*S REBUTTAL

Mr. Rubenstein reiterated that an additional 10 acres had been purchased to accommodate the increased square footage. He said that current drainage flowed away from Mr. Woolard*s property onto the petitioner*s property; thus, drainage had never been an issue. The petitioner had a history of investing in shopping centers and holding on to those investments; thus, there would be consistency of ownership.

QUESTIONS

Chairman Elmer asked Mr. Turner if any study had been undertaken by the petitioner to show that an equivalent entrance was being provided to the Corner Store. Mr. Turner noted the state right-of-way designations on the transparency and explained the amount of right-of-way available to the property line. He acknowledged that the ingress/egress points shown to the east of the Corner Store could be further refined; submitted plans were not final.

DISCUSSION

Chairman Elmer asked if staff viewed the current access proposal to the Corner Store as equivalent to what was currently there. Mr. Drollinger replied that no specific analysis had been conducted on truck maneuvering. He felt that the current design could work but staff encouraged Mr. Woolard*s input in the development of a final design.

Chairman Elmer asked for Mr. Shaver*s legal opinion. Mr. Shaver said that since both the frontage road and Highway 6 and 50 were under CDOT jurisdiction, the ultimate determination on what would work and what would be required was theirs. He said that because of this, the Planning Commission was

charged with reviewing the general character of the impact as proposed. Mr. Shaver referred to sections of the *Code* regarding compatibility of the proposed use with adjacent uses. Mr. Shaver noted that the question for the Commission is the definition of "equivalent" versus "adequate" access. He also noted a reference regarding "protection of adjacent users" again reminding the Commission that this is part of the determination it must make.

Mr. Rubenstein interjected that CDOT had told him that before it would review any street plans, approval must first be received by the City. It seemed to him, then, that both entities wanted to condition their approvals upon the other's approval. He said that the area Mr. Woolard was trying to protect, the area that his trucks were using to maneuver in, was not located on private property but was right-of-way belonging to CDOT.

Chairman Elmer asked Ms. Kliska if CDOT would review the proposal. Ms. Kliska said that CDOT was obligated to review it. Mr. Shaver agreed but again pointed out that "adequate" access would be subject to CDOT's definition. He was unsure how any City approval would be perceived by CDOT since, legally, the City does not have jurisdiction over the subject roadways. Also subject to CDOT interpretation was how an adjacent property owners' access might be "protected."

Chairman Elmer expressed concern over the adequacy of CDOT's review. He felt that Mr. Woolard deserved an equivalent access and hoped that this would be taken into consideration by CDOT.

Commissioner Halsey said that without studies or additional information, it was difficult to determine just what impacts would be incurred by the Corner Store.

Commissioner Vogel said that, on the other hand, Mr. Woolard would most likely be increasing his customer base with all the additional traffic generated by the development.

Commissioner Gordon asked if staff had a chance to review Mr. Turner's letter which outlined Mr. Woolard's access concerns. Mr. Drollinger said that given the information available, it was staff's opinion that the current design provided the Corner Store with adequate access.

Mr. Turner said that up until several days prior to the hearing, he and his client understood that staff would be recommending denial. Thus, they had not been given sufficient time to adequately respond to staff's revised recommendation.

Chairman Elmer felt that another condition should be added to ensure that adequate access was provided to Mr. Woolard's property. Mr. Drollinger reiterated that staff's opinion was that adequate access was being provided in the current design. When asked by Chairman Elmer if any investigation of the Woolard property and on-site truck circulation had been conducted, both Ms. Kliska and Mr. Drollinger replied negatively.

Commissioner Driscoll said that if staff was comfortable with traffic and access to the site from Highway 6 and 50, he was satisfied. With regard to the Woolard property, he offered adding a condition 8. to read, "The petitioner will provide access to the Corner Store so as not to impede the accessibility presently enjoyed." Commissioner Gordon agreed to support the project with this condition included.

When asked by Chairman Elmer if this would be satisfactory, Mr. Turner said that it sounded fair.

Mr. Shaver said that given the nature of the condition, as stated, the project may find its way back to the Commission for reconsideration and clarification of the condition. He reiterated that the issue of "equivalency" versus "adequacy" of access is still subject to debate by the applicant and the opponent.

Chairman Elmer asked if drainage should also be discussed more thoroughly. Mr. Drollinger said that this would be addressed in greater detail during the next development stage. Mr. Turner said that as long as it was adequately addressed sometime during the process, this would be satisfactory.

Commissioner Halsey commented that the petitioner's earlier comments objected to the City's landscape requirements. He would have strong objections to any waiver of landscaping requirements. Mr. Drollinger said that the plan had been redesigned since those earlier objections; the new plan looks to meet the City's requirements.

A brief discussion ensued among planning commissioners on the wording of the motion.

MOTION: (Commissioner Driscoll) Mr. Chairman, on item CUP-96-180, a request for a conditional use permit for the Rimrock Marketplace retail center, I move that the application be approved with the conditions in the staff report dated November 25, 1996, being conditions 1. through 7. with the addition of condition 8. which was stated as Provide access to the Corner Store so as not to impede the accessibility presently enjoyed.*

Commissioner Gordon seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

A brief recess was called at 8:55 p.m. The hearing reconvened at 9:02 p.m.

Due to a prior commitment, Commissioner Coleman excused himself from consideration of the remaining items.

FPP-96-246 FINAL PLAT/PLAN--SUNSET VILLAGE SUBDIVISION

Request for final Plan/Plat approval for 13 single family residential lots on approximately 3.40 acres with zoning of RSF-4 (Residential Single Family with a density not to exceed 4 units per acre).

Petitioner: Atlantic Fidelity, Inc.

Location: Northeast corner of 25th and F 3/4 Roads

Representative: Barry Haag

PETITIONER'S PRESENTATION

Stan Seligman, representing the petitioner, said that five of the six conditions of Preliminary Plan approval had been met. Condition 4. regarding the 6-foot-high privacy fence was given as an option; the petitioner chose not to install it. The density of the proposal was within *Growth Plan* guidelines and current zoning. Access would be provided to the Moran property directly east via the F 3/4 Road extension; water and sewer stubs would also be provided to the Moran property. A drainage detention area would be provided and was noted as Tract A. Mr. Seligman said that the Morans had known of the project since its beginning; he felt they were trying to halt the project purely for their own financial gain. The petitioner was in agreement with staff's conditions and requested approval.

STAFF'S PRESENTATION

Bill Nebeker noted the site's location on maps provided. With regard to street improvements, he clarified that 22 feet of pavement and curb, gutter and sidewalk on the north half of F 3/4 Road and a portion of the south half, sufficient for two lanes of traffic, would be constructed. When the eastern parcel develops in the future, the remainder of the street would be constructed. The applicant would also construct half-street improvements for 25th Road adjacent to the subject parcel. A letter had been received from Mike Moran (1180 Magnolia Street, Denver, CO) who opposed the project based on the perception that the project deviated from *Code* requirements regarding street improvements. Staff recommended approval subject to the following conditions:

1. Prior to plat recordation, the applicant shall submit evidence that a Homeowners Association has been formed to maintain Tract A.
2. Open space fees of \$225 per lot are required.

QUESTIONS


Commissioner Driscoll asked staff if the half-street improvements requirement was consistent with past policies regarding similar subdivision approvals, to which Mr. Nebeker replied affirmatively.

Chairman Elmer asked if the 15 feet of adjoining easement and proposed right-of-way would equal 44 feet of total right-of-way, to which Mr. Nebeker again responded affirmatively.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.


AGAINST:

Brian Mahoney (2567 G Road, Grand Junction) was concerned about the impacts to traffic and schools that this and other projects were creating. The impacts, he said, were cumulative and the amount of new development in the area was steadily increasing. He felt that the current proposal's density was inconsistent with other developments in the area and urged construction of a full, rather than a half street. Walid Boumatar (677 - 25  Road, Grand Junction) said that City Council had brought down the density of a previous proposal to 2.9 units per acre. This, he felt, would be more in keeping with the current neighborhood.

Margie Blair (2545 Moonridge Drive, Grand Junction) agreed with Mr. Mahoney and Mr. Boumatar's comments. She also wanted to see the density of the project reduced.

Jackie Moran (623 - 26 Road, Grand Junction) said that, while she did not own the property referred to as the Moran property, her children did. Mr. Seligman had spoken with her only once about the project, and that was during the Preliminary Plan development stage. She wondered whether half a street would be sufficient for a subdivision containing 13 new homes and wondered how drainage would be mitigated.

Mary Oman (2547 Moonridge Drive, Grand Junction) agreed with previous comments and also urged lowering of the density.

Jim Grisier (690 - 25  Road, Grand Junction) said that the project was not in keeping with the neighborhood. He wondered if off-street parking was sufficient, wanted assurance that drainage was being mitigated, and said that the petitioner did not seem interested in maintaining the openness of the area.

Both Earl Ritter (2565 G Road, Grand Junction) and Judy Laughlin (675 Uintah Court, Grand Junction) felt the proposed density was too high.

Jack Laughlin (675 Uintah Court, Grand Junction) was concerned that property values would be negatively impacted.

PETITIONER'S REBUTTAL

Mr. Seligman stated that the subject area was in transition. The project's density, he reiterated, was consistent with the RSF-4 zone standards and *Growth Plan* guidelines approved by City Council. Drainage would be mitigated via the detention area noted as Tract A and reiterated that many homes were being built in the subject area.

DISCUSSION

Commissioner Driscoll asked legal counsel if City Council had approved the RSF-4 zoning, to which Mr. Shaver replied affirmatively.

Commissioner Driscoll asked counsel to clarify the Final Plat/Plan process to the audience. Mr. Shaver clarified the process and added that a decision had already been rendered on the zoning and that RSF-4 was a straight zone opposed to a planned zone that some of the neighbors were familiar with; the review tonight is to confirm conformance with bulk requirements of the RSF-4 zone and the preliminary plan. He stated that some of the proposals referenced by the audience were located within planned zones where density could fluctuate according to the plan.

Commissioner Vogel asked if calculations of the detention area had been completed, to which Ms. Kliska replied affirmatively. She added that the detention pond was adequate for drainage mitigation.

Commissioner Gordon asked if the density was consistent with the *Growth Plan*, to which Chairman Elmer replied affirmatively.

Commissioner Gordon asked for clarification on the status of the proposed half street improvements. Ms. Kliska said that the proposed pavement width would be of sufficient width to accommodate two lanes of traffic. Mr. Shaver added that the term "half-street improvements" referred to curb, gutter, sidewalk and paving installed on only one side of the street, in this case, along the north.

Chairman Elmer reiterated Mr. Shaver's opinion that it was not within the Planning Commission's authority to alter the zone but rather to consider the merits of the Final Plat and Plan. He felt that the petitioner had demonstrated a willingness to comply with staff requirements. Commissioner Halsey agreed.

Commissioner Vogel added that the Planning Commission was only following the zoning prescribed during the area's annexation.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item FPP-96-246, I move that we approve the Sunset Village Final Plat subject to staff's recommendation."

Commissioner Grout seconded the motion. A vote was called and the motion passed by a vote of 5-1, with Commissioner Gordon opposing.

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

TAC-96-1.12 TEXT AMENDMENT--NON-CONFORMING USES

A request to amend Section 4-9-1.F of the *Zoning and Development Code* to allow for the reconstruction of a non-conforming single family residence.

Petitioner: City of Grand Junction

STAFF'S PRESENTATION

Kathy Portner briefly detailed the amendment and the existing City Code Section. Staff proposed expanding the exception contained within the Code to include all non-conforming single family residences, and not just those located within the H.O. zone, as those that could rebuild if destroyed. This would allow homeowners or future buyers to get financing for the affected properties. Staff recommended approval.

QUESTIONS

Commissioner Halsey asked if the revision would affect additions. Ms. Portner answered negatively, adding that restrictions still applied to additions for non-conforming structures (garages and bathrooms excluded).

PUBLIC COMMENTS

FOR: Thomas and Alice Fitzpatrick (2377 F Road, Grand Junction) raised their hands in support of the proposal.

AGAINST: There were no comments against the proposal.

DISCUSSION

Both Chairman Elmer and Commissioner Halsey felt that the proposal was fair and equitable, especially in light of recent annexations of former County-zoned properties.

MOTION: (Commissioner Halsey) Mr. Chairman, on item TAC-96-1.12, I move we forward this on to City Council with recommendation of approval.

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

V. GENERAL DISCUSSION

Kathy Portner distributed handouts on an upcoming audio conference.

In response to questions posed by commissioners, Ms. Portner provided an update on the status of item PDR-96-200, the proposed auto repair shop at 2699 Unawep Avenue.

A brief discussion ensued on current and proposed bike trails.

Brian Mahoney (2567 G Road, Grand Junction) lauded commissioners on their fine efforts in making difficult decisions. While he may have spoken in opposition to an earlier item, he acknowledged that the Commission's decision had been fair and logical.

The hearing was adjourned at 10:28 p.m.