

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - January 14, 1997
7:03 p.m. to 9:15 p.m.

I. CALL TO ORDER

The regularly scheduled Planning Commission hearing was called to order at 7:03 p.m. in the City/County Auditorium by Chairman John Elmer.

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

In attendance, representing Community Development staff, were: Kathy Portner (Acting Director), Bill Nebeker (Sr. Planner), Dave Thornton (Sr. Planner), and Kristen Ashbeck (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 18 interested citizens present.

II. CONSIDERATION OF MINUTES

Available for consideration were the minutes of December 3, 1996.

MOTION: (Commissioner Halsey) Mr. Chairman, I move that we approve the minutes of the December 3 meeting as submitted.

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

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer announced that item TAC-96-1.14 had been pulled from the evening's agenda.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION

FPP-96-260 FINAL PLAT/PLAN--THE HACIENDA

Request for approval of the final plat of the Hacienda Subdivision and final plan approval for lot 1, consisting of 112 condominium units on 9.42 acres with zoning of PR-17 (Planned Residential with a density not to exceed 17 units per acre).

Petitioner: J.B.I. Associates

Location: Southeast corner of 24th and F 1/4 Roads

Representative: Bill Ihrig

PETITIONER'S PRESENTATION

Bill Ihrig, representing the petitioner, said that he'd incorporated some unique ideas into the subdivision proposal and felt it to be a good one. He took no issue with staff or review agency comments, although he asked that the Commission reconsider the type of materials used for fencing the south side of the property. Due to the close proximity of the southern property line to the detention pond and stream, a masonry fence would degrade in wet soils, cracking and becoming unsightly. Mr. Ihrig presented a section of PVC-type fencing which, he said, would be both attractive and hold up in wet soils. The proposed fencing was approximately 5 feet 8 inches in height and posts would be set in concrete.

QUESTIONS

Commissioner Driscoll asked if the proposed fencing would be used along just the south side of the property with masonry on the remaining three sides, to which Mr. Ihrig responded affirmatively.

Chairman Elmer asked if landscaping was still planned for the area north of the southern fence, to which Mr. Ihrig replied affirmatively.

Commissioner Vogel asked if the proposed fence would be the sandy color presented before the Commission. Commissioner Grout wondered if the masonry fence would be the same color as the PVC fence. Mr. Ihrig replied affirmatively to both questions, adding that the colors of the masonry and PVC fence would be so close as to be indistinguishable from a distance.

Commissioner Gordon wondered why the PVC fence couldn't be used for the entire perimeter of the property. Mr. Ihrig said that his plans for ~~slump block~~ masonry fencing would be more in keeping with the southwestern character of the subdivision.

STAFF'S PRESENTATION

Kathy Portner overviewed the proposal. She said that the three separate lots would be tied together via covenants and final approval applied to lot 1 only. She outlined the petitioner's plans for phasing and his provision for open space areas. She made a minor correction to the staff report and indicated that the proposal *did* conform to the *Growth Plan*. The proposed fence, she said, would not detract from the overall appearance of the project and staff did not oppose the substitution. Ms. Portner recommended approval subject to the following conditions:

1. The sewer shall be stubbed out to the northern boundary of the property and the easement modified accordingly, as required by the Utility Engineer.
2. All technical requirements of the plat shall be met.
3. The proposed condominium plats shall require administrative review and approval by the City.
4. The final Declaration of Covenants, Conditions and Restrictions and Easements for Hacienda Subdivision and the Design Guidelines must receive final staff review prior to recording the plat and/or commencing construction.
5. All recommendations of the Colorado Geological Survey, as outlined in its letter of January 6, 1997, shall be followed and a note shall be added to the final plat stating that each building site shall have an individual site-specific soils and foundation investigation.

QUESTIONS

Commissioner Halsey asked the development engineer if she concurred with the petitioner's claim that a masonry fence would be difficult to maintain along the southern boundary. Jody Kliska agreed that the petitioner was probably correct.

Chairman Elmer asked if the detention pond would be completed with phase 1 of the project. Mr. Ihrig said that the main drainage plans coincided with phase 3. No large quantity of water was expected from phase 1 of the project. Ms. Kliska added that the detention pond was guaranteed via the Improvements Agreement; the petitioner planned to construct a culvert running from phase 1 to the north to phase 3 in the south which would ultimately empty into the detention pond. There was also an existing ditch which was capable of handling runoff.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Jim Grady (640 -24 1/2 Road, Grand Junction) expressed concern that the project may adversely impact his wastewater ditch. Ms. Kliska replied that the subject ditch traversing the F 1/4 Road alignment would be maintained.

PETITIONER'S REBUTTAL

The petitioner offered no rebuttal.

DISCUSSION

Commissioner Halsey said that he had originally been adamant about retaining the masonry fence along the south side of the property. In light of new information and presentation of the substitute before the Commission, he withdrew his opposition to the alternative fencing.

Chairman Elmer agreed, adding that no one would be able to tell the difference from Patterson Road.

Commissioner Gordon also concurred.

MOTION: (Commissioner Halsey) ¶Mr. Chairman, on FPP-96-260, I move that we approve the final plat for Hacienda Subdivision and final plan for lot 1, subject to staff conditions 1 through 5, adding the alternate fence that the petitioner had presented to us this evening at the height indicated tonight, to be allowed on the south side only, with masonry fencing to be used on the remaining sides. (as amended)¶

Commissioner Driscoll suggested clarifying the fencing alternative in the motion. Commissioner Halsey agreed to amend his motion accordingly.

Commissioner Gordon seconded the motion.

Mr. Shaver requested that the petitioner provide staff with a photograph of the proposed alternative fencing rather than admit the exhibit into the record. Chairman Elmer added that a company and product name would also be helpful. Mr. Ihrig agreed to comply.

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

FPP-96-263 FINAL PLAT--SPARKMAN SUBDIVISION

Request of approval to subdivide lots 1 and 2, block 2 of SWD Subdivision, containing 14.69 acres, into 7 lots, all with zoning of I-1 (Light Industrial).

**Petitioner: Richard Sparkman
Location: 726 and 740 Scarlet Drive
Representative: Keith Mumby**

PETITIONER'S PRESENTATION

Keith Mumby, representing the petitioner, indicated that the proposal would be a replat of the two existing lots. The only issue had been the on-site retention of drainage water. The current proposal provided for separate retention on each of the newly-created 7 lots. Mr. Mumby asserted that in an industrial area, property owners were very reluctant to accept responsibility for another property's drainage. Liability was just too high. Instead, they preferred to be responsible for their own drainage on-site. Mr. Mumby incorporated this preference into the proposal which he suggested meets with the development engineer's approval. Mr. Mumby also noted that the plat would contain a note indicating that ¶the drainage problem must be addressed¶ which would serve to alert potential buyers.

QUESTIONS

Commissioner Driscoll asked for reiteration that the primary reason for separate retention ponds was due to increased liability, to which Mr. Mumby reaffirmed.

Chairman Elmer asked if a soils percolation test had been completed for the property. Mr. Mumby said that one had been conducted for the property by Western Colorado Testing, Inc. (WCTI). Ms. Kliska said that she had not received the report but did have a letter from the petitioner's engineer, Jim Langford. Mr. Mumby indicated that the City Attorney had requested a new geologic report due to possible changes in soil status, but he'd received a letter from WCTI stating that soil status with regard to the perc test had not changed. The original percolation test had been performed by Armstrong Engineering.

STAFF'S PRESENTATION

Kristen Ashbeck concurred with the petitioner's rationale justifying individual retention ponds. With no remaining issues, staff recommended approval with no conditions.

QUESTIONS

Commissioner Driscoll wondered if a proposal for separate drainage provisions was consistent with other proposals. Ms. Ashbeck cited several examples of previous approvals.

Commissioner Halsey asked the development engineer if a central drainage facility was still the preferred choice. Ms. Kliska said that, ideally, it was the preferred alternative for residential subdivisions but different circumstances were involved with industrial properties. She reiterated that the separate retention pond proposal could be just as effective.

Chairman Elmer asked if documentation supporting the petitioner's assertion had been submitted. Ms. Kliska said that the property tended to slope to the southwest. She presumed that ponds would be located in the southwest corners of each lot.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Halsey expressed no opposition to the separate retention pond alternative.

Chairman Elmer agreed, but added that circumstances could change if the property was further subdivided.

Commissioner Grout also concurred.

MOTION: (Commissioner Halsey) *Mr. Chairman, on item FPP-96-263, I move that we approve the final plat for the Sparkman Subdivision.*

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

FPP-96-265 FINAL PLAT/PLAN--CANYON VIEW SUBDIVISION, FILING #5**Request for final plat/plan approval for 18 single family lots on 16.16 acres with zoning of PR-2 (Planned Residential, density not to exceed 2 units per acre).****Petitioner: Thomas & Sun, Inc.****Location: West of South Camp Road at C Road****Representative: Ciavonne & Associates****PETITIONER*S PRESENTATION**

John Thomas, petitioner, presented a brief overview of the proposal before handing the presentation over to Craig Roberts of Ciavonne & Associates. Mr. Roberts said that the 2 acre lots located in filing 5 were designed to serve as a transition zone to the larger lots to the west and a buffer to the Colorado National Monument. Development was occurring more quickly than expected, with filing 5 addressing the bulk of drainage issues. Mr. Roberts elaborated on the handling of various utilities and their corresponding easements. The pedestrian easement along the First Lift Canal would continue.

STAFF*S PRESENTATION

Bill Nebeker noted the site*s location and pedestrian easement on maps provided. Mr. Nebeker explained that various properties (noted on map) had an access easement from South Camp Road which traversed the Canyon View Subdivision property. An agreement had been drafted between property owners and the petitioner that the easement could be extinguished as alternate accesses were given. Most of the former dirt road had been eliminated, with paved access being provided to a point noted on the map. A temporary access easement (location noted) was granted originally in phase 2 of the project. The City required assurances that the access would be noted on subsequent plats prior to recordation. Staff recommended approval subject to the following conditions:

1. The pedestrian easement shall be shown in the dedication statement on the plat cover sheet.
2. Sewer trunk line extension fees must be paid prior to plat recordation.
3. All of the ingress/egress easements on the property must be shown on the plat per the original easement agreement which was recorded with filing 2.

PUBLIC COMMENTS**FOR:** There were no comments for the proposal.**AGAINST:**

Berndt Holmes (200 North 6th Street, Grand Junction), attorney and representative for Raymond Riley, property owner to the north and west of the subject property, observed that Mr. and Mrs. McCallum, property owners in the same area, and Mr. Watson, representing the Schnickmans, were also present. Mr. Holmes said that all of the aforementioned property owners had a similar complaint with regard to the temporary access. The easement which crossed lot 6 in Filing #2 extended into the lot 6 property owner*s side yard. The road itself, he said, was only 9 feet in width, substantially less than City standards and less than what was called for in the terms of the easement agreement. As the easement continued westward, construction crews had torn up the existing gravel road and left it muddy and in disrepair. Mr. Holmes recommended withholding approval of the project pending resolution of the easement situation. He suggested that the Commission require the petitioner to construct that portion of road in phase 6 which would provide complete access to the aforementioned property owners.

Mr. Holmes pointed out problems with addressing in the subject area which have created problems with emergency vehicle access.

Buddy Bair (537 Kirby Drive, Grand Junction), represented Al and Leslie Viens, owners of lot 6 in phase 2. He said the Viens wanted to secure a timeframe for when the road in filing 6 would be completed. He clarified that when he went out to measure the road referred to by Mr. Holmes, the width was 15 feet, not the 9 ½ feet as originally stated.

Steve McCallum (379 S. Camp Road, Grand Junction) said that his measurement of the road was 9 ½ feet and didn't know where the discrepancy lay. He felt that current problems could be resolved with a little common courtesy and suggested the Commission require the petitioners to resurface the existing road and restore it to its former condition.

Dale Cole (2102 North 1st Street, Grand Junction) said that he had an option to purchase the Schnickman property. He said that without extension of Canyon View Drive or improvement of the current easement, his ability to develop the Schnickman property would be seriously hindered.

Mr. Nebeker clarified that the originally recorded agreement between property owners provided for development of the road to coincide with subdivision phasing.

Mr. Cole asserted that the easement was prescriptive and intended to benefit the McCallum, Schnickman and Riley properties. He didn't believe that a specific width had been attached to the access in the original agreement.

PETITIONER*S REBUTTAL

John Thomas, petitioner, clarified that the original agreement set forth a right of ingress/egress, and did not establish an easement. He said that while not opposed to staff condition 3 requiring the recordation of the right of ingress/egress, he said that its current location was temporary and would follow the path of development. He was unaware that the existing road had been so badly degraded but said that it would be restored to its original condition. He said that the current width of the road, whether 9 ½ feet or 15 feet, would be maintained. Mr. Thomas said that lot 6 had originally been withheld from the market due to the temporary easement which traversed it. When the planning department indicated that there was no restriction which would prohibit the sale of the property, it was sold. Full disclosure was made to the Viens with regard to the temporary access, with Mr. Thomas agreeing to pursue vacation of the easement as soon as was practicable. He said that he told the Viens that he could not commit to a timeline for vacation. The Viens wanted the lot anyway and paid more than full price to guarantee that the lot would not be sold to another.

Mr. Thomas expected that at the current rate the lots are selling, the project would be completed within the next two years, with all current issues being fully resolved by then. He said that if the temporary access on the Viens* property was moved ahead of time, it would create further confusion for mail delivery and emergency vehicle access. With regard to Mr. Cole*s issue, he understood that Mr. Cole had a three year option on the Schnickman property. He reiterated that at the current rate of lot sales, the subdivision would be completed well in advance of this timeline. Mr. Thomas felt that it would be unfair to require him to bring the road leading to the Schnickman property to City standards at the present time.

QUESTIONS

Commissioner Gordon asked for clarification on the location of the easement across lot 6 which was provided.

Chairman Elmer asked if the original easement agreement called for the road to be, specifically, 20 feet in width. Ms. Portner said that a specific width had not been mentioned but that the agreement had referred to the width already in place.

DISCUSSION

A brief discussion ensued over the location of access to the Schnickman property. Jim Langford (2110 Zion Road, Grand Junction), surveyor, provided additional clarification using the maps provided. Mr. Nebeker provided an aerial photo which depicted a clearer representation of property locations.

Chairman Elmer said that since access would be provided to the Schnickman property, City's requirements were met. Access, he continued, was always provided for via orderly phasing. He asked staff if there would be any disagreement with realigning the access in phase 5, to which Mr. Nebeker replied negatively. Mr. Nebeker added that it wouldn't be in effect until the Canyon View Drive circle had been paved up to that point (location noted) and some type of sturdy surface would have to be provided beyond. This, he said, went along with the terms of the original agreement for the parcel.

Chairman Elmer asked if specifying a surface type was within the Commission's purview. Mr. Shaver replied that surface type was never made a condition of approval in the original agreement although it may have been an implied condition with regard to the road's passability. Mr. Shaver said that the Commission could make its findings a part of the public record but he cautioned against the Commission's establishing the standard. He suggested asking the petitioner to make a commitment for the type and quality of the surface to be provided.

Commissioner Driscoll compared the current issue with that of another recent proposal. Mr. Shaver agreed, saying that while access was assured and provided, the question of comparable access still remained considering the access before it was placed on Lot 6 and after.

Mr. Thomas objected to what he felt was an impugning of his character. He said it was always his intent to maintain the existing access to its current standards, both in width and surface type. He reiterated that the degraded segment of road would be brought back to its original condition. The road could be realigned but doing so, he said, could create further problems for mail carriers and emergency vehicle access. His preference was to keep the road located within a road right-of-way or the nearest short-cut to minimize expense. He said that the access provided was intended to follow the letter of the original agreement and there had never been any intention to subvert the conditions of that agreement.

Mr. Shaver indicated that since the petitioner was already legally bound by its former agreement to certain requirements and standards, the Commission did not need to impose additional conditions nor should it sit in a judicial capacity by construing or interpreting the agreement and the commitments.

Commissioner Driscoll agreed with Mr. Shaver's comments.

Commissioner Vogel commented that it was in the petitioner's best interest to minimize the amount of mud generated by subdivision construction.

MOTION: (Commissioner Halsey) Mr. Chairman, on item FPP-96-265, I move that we approve the Canyon View Subdivision, phase 5, subject to staff conditions 1, 2 and 3. Condition 3 to read that all rights to private ingress/egress for phases 5 and 6 shall be shown on the final plat with similar wording as shown for phase 2, recorded in book 1300 page 131. (as amended)

Mr. Nebeker restated condition 3 as proposed. Commissioner Driscoll suggested referencing the original agreement in condition 3. Mr. Shaver added that a reference to its recorded book and page number would also be helpful. Commissioner Halsey agreed to amend his motion accordingly.

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

FP-83-41 FINAL PLAT--MESA VERDE ESTATES**Request for an action clarifying the purpose of a 20-foot access easement across lot 2 of the Mesa Verde Estates Subdivision.****Petitioner: Lynn and Ann Ensley****Location: North end of Pinyon Street, Orchard Mesa****PETITIONER*S PRESENTATION**

Lynn Ensley, petitioner, said that when the dedication was originally recorded, it was to have read "access and utility easement" but the word "access" was erroneously omitted. The current request would correct a clerical error.

QUESTIONS

Chairman Elmer asked the petitioner if he'd spoken with the property owner to the west. Could he access his property via a shared drive? Mr. Ensley replied negatively, saying that he had always assumed the easement currently under question to be his access into the property.

STAFF*S PRESENTATION

Kathy Portner provided a brief explanation and concurred that the intent of the access easement was to provide access to lot once since, without it, the parcel would be landlocked. Staff recommended approval.

QUESTIONS

Commissioner Grout asked for clarification on what side of the easement line the existing drainage ditch lay. Ms. Portner understood that a portion of the ditch was located within the 20-foot easement. The drainage ditch and existing utilities would be maintained.

Commissioner Driscoll asked if the dedicators needed to sign a corrective document. Mr. Shaver did not feel that this was necessary since the *Zoning and Development Code* provided corrective measures for minor errors. Mr. Shaver agreed that the intent of the easement was clear from the drawing.

Commissioner Driscoll noted that in the state of Colorado conveyance of a landlocked parcel would not be valid, to which Mr. Shaver concurred.

PUBLIC COMMENTS**FOR:**

Gary Hiltbrand (550 Grand Avenue, Grand Junction) submitted a copy of Mr. Erickson*s title commitment which stated that the easement was for access.

AGAINST:

Norbert Erickson (312 Pinyon Avenue, Grand Junction), owner of lot 2, said that his plat showed only a "utility easement." He added that the drainage ditch was 10 feet wide and was located within the utility easement.

Richard Robbins (315 Cedar Street, Grand Junction) thought that the drainage ditch would be located in the center of the easement and create conflicts if also used for access.

Randy Cook (316 Cedar Street, Grand Junction), owner of two lots to the east of the subject property, noted the existence of a number of landlocked parcels in the immediate area.

Floyd Allen (311 Pinyon Avenue, Grand Junction), believed that the drainage ditch was more than 10 feet wide and agreed with Mr. Robbins* claim that the ditch would create access conflicts.

PETITIONER*S REBUTTAL

Mr. Ensley agreed that the drainage ditch was probably 10 feet wide but encroached into the easement by only five feet, leaving 15 feet which was ample access to the property. He said that if conflicts occurred, the ditch could always be culverted; however, no conflicts had arisen thusfar.

DISCUSSION

Mr. Shaver mentioned to the Commission and the applicant that favorable consideration of the request by the Commission served only to clarify the plat*s language and correct a clerical error. It did not serve as an access guarantee.

Commissioner Halsey agreed that the intent was clear. He suggested that staff review that part of Orchard Mesa for similar errors.

Chairman Elmer agreed, adding that he hoped the petitioner would work with the property owner to the west to work out an access agreement to provide alternative access to the property.

MOTION: (Commissioner Halsey) §Mr. Chairman, on item FP-83-41, I move that we approve the document to be recorded clarifying the access to lot 1.ⓧ

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

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

ANX-96-257 ZONE OF ANNEXATION--HYTECH HYDRONICS SYSTEMS, INC.

Request for approval to zone a parcel of land of approximately .44 acres currently being annexed into the City to I-1 (Light Industrial).

Petitioner: Hytech Hydronics Systems, Inc.

Location: South of 2483 River Road along the Colorado River

STAFF*S PRESENTATION

Dave Thornton provided a minor correction to the agenda, noting the address as south of 2483 River Road. He said that the Light Industrial zoning was consistent with surrounding zoning and complied with the intent of the *Growth Plan*. Staff recommended approval of the proposed zone.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (Commissioner Vogel) §Mr. Chairman, on item ANX-96-257, I propose that the Planning Commission recommend to City Council Light Industrial (I-1) zoning for the Hytech Hydronics Systems, Inc. annexation.ⓧ

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

VI. GENERAL DISCUSSION

Kathy Portner updated commissioners on recent City Council decisions concerning Planning Commission items.

The hearing was adjourned at 9:15 p.m.