

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - February 4, 1997
7:02 p.m. to 11:30 p.m.

I. CALL TO ORDER

The regularly scheduled Planning Commission hearing was called to order at 7:02 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, Jeff Driscoll, Joe Grout and Robert Gordon. Paul Coleman was absent.

In attendance, representing Community Development staff, were: Kathy Portner (Acting Director), Bill Nebeker (Senior Planner), Michael Drollinger (Planning Supervisor), Dave Thornton (Senior Planner), Mike Pelletier (Associate Planner) and Kristen Ashbeck (Senior 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 20 interested citizens present.

II. CONSIDERATION OF MINUTES

Available for consideration were the minutes of January 14, 1997.

MOTION: (Commissioner Halsey) Mr. Chairman, I move that we approve the January 14 minutes as presented.

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

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer announced that item ANX-1996-267 had been pulled from the evening*s agenda. The preliminary plan for Westwood Ranch would still be heard.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION

FPP-1996-240-2 FINAL PLAN/PLAT--THE GLEN AT HORIZON, FILINGS 2, 3, AND 4

A request for final plan/plat approval for filings 2, 3, and 4 of the Glen at Horizon, consisting of 44 units on approximately 6.2 acres located at the southeast corner of 7th Street and Horizon Drive and zoned PR-7.4.

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

PETITIONER*S PRESENTATION

Mac Cunningham, representing the petitioner, indicated that nothing had changed from the original submittal and availed himself for questions.

STAFF*S PRESENTATION

Michael Drollinger agreed that there were no outstanding issues with the project and recommended approval subject to the following condition:

1. Staff approval of the condominium plats prior to recordation.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Phil Bertrand (688 - 26 Road, Grand Junction), representing the Grand Valley Irrigation Company, (GVIC) reminded commissioners of the pending lawsuit filed against the City by the ditch company. The GVIC was opposed to this and any other projects which encouraged pedestrian use of the canal ditch banks as part of the City*s urban trail system.

PETITIONER*S REBUTTAL

Mr. Cunningham said that discussions with the ditch company were ongoing and minor issues were being worked out. The larger issue between the City and the GVIC did not involve the developer.

DISCUSSION

Commissioner Driscoll wondered what bearing the lawsuit would have, if any, on the Commission*s decision. Mr. Shaver said that the suit had only just been served and had arisen in response to a City Council decision. An injunction has not entered and as such, it would have no bearing on the Commission decision.

Commissioner Gordon asked if it might be prudent to table the item pending resolution of the suit. Mr. Shaver stated that such is within the discretion of the Planning Commission but is not warranted by the action filed by GVIC. Commissioner Halsey noted that all other pertinent issues had been resolved.

MOTION: (Commissioner Halsey) ¶ Mr. Chairman, on Horizon Glen, I move that we approve the final plan and plat for filings 2, 3 and 4 subject to the staff approval of the condominium plats prior to recordation. 2.

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

Due to potential conflict of interest, Commissioners Grout and Driscoll withdrew from consideration of the following item.

FP-1997-007 FINAL PLAT--VALLEY MEADOWS EAST, FILING #3

Request to approve the final plat for Valley Meadows East Subdivision, filing #3, consisting of 18 single family lots with open space on approximately 5.33 acres of land with zoning of PR-2.93 (Planned Residential, 2.93 units per acre).

Petitioner: John Davis

Location: East of 25.5 Road, between the Grand Valley Canal and G Road

Representative: Banner Associates

PETITIONER*S PRESENTATION

Tom Dixon, representing the petitioner, presented the proposal and noted the project*s location on maps provided. Although he did not feel there were any outstanding issues, he asked for the following: 1) clarification on when fence construction along the eastern property boundary would be required, and 2) consideration to construct a 12-foot-wide pedestrian path instead of an 8-foot path. With regard to the

easement, Mr. Dixon said that weeds in the 2-foot strips along the 8-foot pedestrian easement would be difficult to control. Concreting the entire 12-foot easement would eliminate the problem. To avoid potential damage to the fence located along the eastern boundary during home construction, Mr. Dixon preferred that the fence be erected after home construction was completed.

STAFF'S PRESENTATION

Mike Pelletier said that staff's preference was to see the eastern fence completed prior to home construction and asked that the commissioners make a recommendation on fencing type and materials. Mr. Pelletier deferred consideration of concreting the 12-foot easement to Kathy Portner, who offered no objection but pointed out that the additional concrete might create an aesthetic detraction. The fence, she added, would be included as part of the Development Improvements Agreement (DIA).

Mr. Pelletier continued with his presentation and recommended approval subject to the following conditions:

1. Per Planning Commission's condition of approval, fencing on the eastern edge of the property must be built with the subdivision, not by each homeowner. Planning Commission should define, at this hearing, what types of fences are permissible.
2. Fencing along the entire perimeter of the common open area (outlot A1) shall be limited to a maximum of 4 feet in height and shall be ~~open-type~~ fencing such as split rail or picket fencing. All fencing shall be uniform in type and design, to be approved by the Community Development Department, and included in the covenants for the subdivision.
3. Revise the plat to show outlot E as 12 feet wide (minimum standard for pedestrian path). The improvement of an 8-foot-wide concrete path in outlot E is acceptable.
4. The final dedication language on the plats is subject to final approval by the Community Development Department.
5. The bulk requirements for the zone shall be as follows:

Principal Structure

Front yard setback: 20 feet
Rear yard setback: 20 feet (amended, was 30 feet)
Side yard setback: 10 feet (amended, was 15 feet)

Accessory Structure (on rear half of parcel)

Rear yard setback: 3 feet
Side yard setback: 3 feet

Maximum structure height: 32 feet

QUESTIONS

Chairman Elmer asked staff why the project's setbacks had been amended. Mr. Pelletier answered that the amended setbacks were consistent with the previous two filings.

PUBLIC COMMENTS

FOR:

Brian Mahoney (2567 G Road, Grand Junction), while neither in favor nor opposed to the project, clarified that outlot C, bordering the eastern edge of the property, was only 5 feet wide.

AGAINST:

Robert Leachman (627 Braemer Circle, Grand Junction) expressed concerns over future traffic impacts to F 25 Road. He argued that F 25 Road could not, in its current condition, support additional usage. He also asked for consideration of open space in the area and urged denial of the project.

Walid Boumatar (677 - 25 25 Road, Grand Junction) felt that the square footage proposed for homes in Valley Meadows was inconsistent with homes in the surrounding area. He requested that, if approved, fences be similar to those on adjacent properties.

Robin Madison (2586 Galley, Grand Junction) said that the eight pending or proposed subdivisions in the F 25 Road and 25 25 Road areas would bring approximately 374 new units to the area. Roads would be severely impacted. She felt that such an influx of new growth was contrary to the City's *Growth Plan*, threatened the character of the present neighborhood and eradicated the open spaces presently enjoyed.

Alan Sherman (2570 Young Court, Grand Junction) wondered if outlot C's 5-foot strip had been dedicated to the City as yet. He wondered, too, if the existing ditch would now be the City's responsibility to maintain. He understood from prior plan approval that the developer was to discuss the fence along 25 25 Road in greater detail with adjacent property owners. That, he said, had not been done. What materials were planned for the fence? He wondered if the size of the currently proposed lots were consistent with other lots in the area. Mr. Sherman expressed concern over school impacts and impacts to F 25 Road.

Chairman Elmer asked what type of fence Mr. Sherman preferred to see for the development, to which he responded that chain link or plastic would require the least amount of upkeep. Mr. Sherman said that the property had two distinct topographic levels. Fencing could be constructed to a 4-foot height in some places and a 6-foot height in others. He added that fencing should be installed prior to home construction.

Phil Bertrand (688 - 26 Road, Grand Junction) objected to the proposal because of what the GVIC perceived as a ~~taking~~ of canal right-of-way for pedestrian use. The issues brought forth in the suit, he said, had not been addressed and should be resolved prior to approving any project which included canal right-of-way.

PETITIONER'S REBUTTAL

Mr. Dixon agreed to provide whatever type of fence was preferred but had presumed a wooden fence would be more aesthetically appealing. In responding to staff's comment regarding the 12-foot-wide path as too excessive, he suggested that the size of the easement might also be excessive in terms of long-term maintenance.

Commissioner Vogel suggested that the 2-foot strips on either side of the 8-foot path be filled with colored aggregate. Mr. Dixon expressed agreement with the suggestion.

Mr. Dixon said that traffic in the area would be mitigated through the City's Capital Improvements Plan. School impacts were presently being mitigated through development fees and the newly passed bond issue. He personally supported the City's efforts to acquire trail segments as part of its urban trails/multi-modal efforts and felt that dedication of the 5-foot strip along the canal right-of-way was appropriate.

QUESTIONS

Commissioner Gordon wondered if plastic fencing might be more appropriate for the subdivision. Mr. Dixon was unsure of any long-term maintenance advantages to using plastic.

Chairman Elmer wondered why maintenance of a wood fence could not be made a Homeowners Association responsibility. Mr. Dixon provided several examples of potential problems which could arise as a result. Mr. Shaver added that, if included at this point, it would require a re-write of the covenants and approval by subdivision homeowners to implement.

Commissioner Vogel asked about the fencing along 25th Road referred to by Mr. Sherman. Ms. Portner responded that fencing along 25th Road had been included in the DIA for the first filing, was to be consistent with other fencing for Valley Meadows, and had been constructed using plastic materials.

Mr. Dixon interjected that the DIA required eventual fence installation. There were drainage concerns, he said, if the fence was installed too soon.

DISCUSSION

Mr. Shaver noted that the ownership is in fee simple. He disagreed with the GVIC that a taking was involved, since the canal company's use was still preserved. Conveyance would not significantly affect the GVIC's use and no surfacing nor improvements are involved.

Chairman Elmer believed that the basis of the GVIC's objection was over the dedication to the City for multiple use. Mr. Shaver concurred, adding that the GVIC believed that it had an exclusive right to use canal easements. Ownership rights, he maintained, superseded easement rights by law; thus, it was the City's position that canal companies did not hold exclusive rights to canal and ditch easements.

Commissioner Vogel felt that fencing should be completed in conjunction with filing 1 to screen construction from adjacent property owners and suggested amending staff condition 1 to establish a timeframe as well as material type. Chairman Elmer felt that timing would be better addressed by tying it to the DIA. Ms. Portner agreed that the latter suggestion was general procedure.

Chairman Elmer asked if fencing was to be provided for the western boundary of the property, to which Mr. Shaver replied affirmatively. Commissioner Halsey agreed that a low maintenance material should be used and proposed staying with either plastic or chain link. Chairman Elmer expressed his preference for wood fencing.

Commissioner Vogel reiterated his preference for an 8-foot pedestrian path with 2 feet of colored aggregate on either side. Chairman Elmer agreed that there were certainly other options available other than complete paving of the 12-foot easement.

Commissioner Gordon suggested leaving the type and timing of fencing up to staff. Chairman Elmer thought it best to leave the decision to the developer, since it was primarily a marketing decision.

MOTION: (Commissioner Vogel) Mr. Chairman, on item FP-1997-007, I move that we approve the final plat and plan for Valley Meadows East, filing 3, subject to staff conditions 1 through 5, as changed, with 1. to include the timing of the fence to be included with the Improvements Agreement, and the type of fence to be either wood or PVC, and 3. to be revised to include the 12-foot wide easement consist of an 8-foot wide gray concrete with 2 feet of colored concrete or other materials acceptable to staff on either side (as amended).

Commissioner Halsey seconded the motion.

Mr. Pelletier asked for clarification on the exact timing of fence construction preferred by the Commission. Ms. Portner answered that Commissioner Vogel's reference was sufficient. Mr. Shaver added that the typical timeframe for the DIA required completion of improvements within one year.

Commissioner Vogel also clarified the type of materials to be used to be limited to either wood or PVC.

Chairman Elmer suggested adding the verbiage "...other materials acceptable to staff." after "...colored concrete or..." as part of condition 3.

Commissioner Vogel agreed to amend his motion accordingly and Commissioner Halsey seconded the amendments.

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

FP-1997-008 FINAL PLAN--123 NORTH 7TH STREET

Request for approval of the final plan for 123 North 7th Street for approximately 15,000 square feet of office/retail space and a parking lot in a PB (Planned Business) zone district.

Petitioner: 123 Group, LLC
Location: 123 North 7th Street
Representative: Ed Chamberlin

PETITIONER'S PRESENTATION

Ed Chamberlin, representing the petitioner, noted several changes in the project. The scale, he said, was smaller and included only a remodeling of the existing building. A joint agreement with the Downtown Development Authority (DDA) had been formulated for retail space parking. Highlights of additional changes included a redesigning of rights-of-way, a brief description of streetscaping plans, a description of the revised plan for the parking lot and a detached sidewalk with the area between the sidewalk and curb to include tree plantings with surrounding iron grates and colored concrete.

A parking space had been deleted in the revised parking plan along the east to allow for 10-foot stall widths. The biggest problem, it seemed, were the three spaces closest to the building and just south of the entryway. At 15 feet 9 inches in length, the stalls were substandard but may be adequate for compact car parking. Options include combining and reducing the three spaces by one, making the two resultant stalls wider to allow more maneuverability. The 3-foot wide planting area with planter along the right-of-way would be consistent with the one proposed for the Avalon parking lot. He questioned the rationale of the Commission's previous requirement for screening the parking lot and hoped that a compromise in this landscaping requirement could be found.

Mr. Chamberlin said that staff's suggested 45 degree parking lot scheme was unworkable due to the parking lot's size constraints. He also argued that a "one-way" parking lot would not be feasible since it would not allow access onto 7th Street. In directing traffic westward down the alley, the configuration may also create conflicts between exiting traffic and large delivery trucks which frequently block the alley.

QUESTIONS

Commissioner Grout felt that angled parking made more sense and would prevent cars from backing into the building's entranceway. Mr. Chamberlin believed that the one-way parking lot scheme would create even more conflicts.

Commissioner Driscoll noted that in the petitioner's proposed parking lot scheme, access into the parking lot from 7th Street would be present, but traffic would still have to exit onto Rood Avenue and could not exit back onto 7th Street, to which Mr. Chamberlin concurred.

Commissioner Vogel asked if the agreement with the DDA was contingent upon the number of parking spaces presently proposed. Mr. Chamberlin replied negatively, adding that the agreement gave the Commission the right to alter the final number of spaces provided.

Chairman Elmer asked whether an elevator had been considered as part of remodeling efforts. Mr. Chamberlin said that this feature would prove too expensive, especially given the strength of the current building's construction materials. Design considerations would be given to aesthetically improve the east wall of the building.

Chairman Elmer wondered if consideration had been given to constructing an aesthetic wall to buffer the parking lot in lieu of the 3-foot-wide landscaping strip. Doing so would also increase the total parking area. Mr. Chamberlin said that at the height proposed by staff, it would not effectively screen parked vehicles. The planter, he felt, would combine landscaping with an elevated concrete fixture. It would have the added benefit of providing a surface on which to place the name of the building.

Commissioner Vogel acknowledged that the one-way configuration would route a large number of vehicles down the alley to exit onto 6th Street. He shared the petitioner's concerns over traffic impediments and inconvenience to drivers.

STAFF'S PRESENTATION

Kristen Ashbeck reiterated staff's preference for angled parking and one-way circulation.

Jody Kliska asked if one-way circulation was being recommended for the entire parking area. Ms. Ashbeck agreed that parking to the north could be two-way. The detached sidewalk configuration was consistent with the Avalon Theater.

Ms. Ashbeck clarified that signage approved with the PB zone indicated non-illumination. The petitioner proposed uplighted signage. While staff didn't see this as a problem, it should be addressed as a minor change to the development proposal. Staff recommended denial of the proposal unless the petitioner agreed to the following conditions:

1. Revise the site plan to indicate 45 degree angled parking spaces along the eastern boundary of the site (except for the accessible spaces) and against the east side of the building, and provide a minimum 12-foot, one-way southbound aisle between them (as shown in attachment A of the staff report).
2. Revise the site plan and DIA to include on-site signage indicating one-way circulation through the site and exit only to the west (the alley south of the property is one-way westbound).
3. Revise the site plan to match the landscape plan to indicate the curbing provided at the end of the parking stalls on the north side of the building.
4. Revise the landscape plan to indicate additional plantings in the triangular areas created by the angled parking.
5. Revise the PB zone to allow for uplighting of the sign as indicated on the final plan.

Commissioner Vogel asked if a condition 5 should be added to address the uplighting, to which Ms. Ashbeck replied affirmatively.

QUESTIONS

Commissioner Vogel asked for an engineering opinion on alley/traffic impacts if the parking lot were made into a one-way. Ms. Kliska suggested that general parking could be limited to the northern two-way parking area, with employee parking restricted to the one-way lot nearest the alley. Mr. Shaver suggested that with the concurrence of the traffic engineer, the one way circulation in the alley could begin at a point just beyond the southeast corner of the building.

Commissioner Grout asked if Attachment A could be amended to reflect two-way access for the northern parking area and the starting point of the one way access in the alley for the area to the south. Mr. Shaver said that the petitioner could meet and discuss this with the City's traffic engineer.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

PETITIONER'S REBUTTAL

Mr. Chamberlin clarified that the curbing to the north had been misdrawn on the landscape plan. Ms. Ashbeck suggested replacing the word "curbing" with "wheel stops" in staff condition 3, to which Mr. Chamberlin was amenable. He asked that parking assignment be left to tenants, if possible.

QUESTIONS

Commissioner Vogel asked if the petitioner had any comparisons of parking aisle widths available. Mr. Chamberlin provided several examples, none of which included the Mesa Mall parking area.

Commissioner Driscoll observed that the purpose of a landscape buffer would be defeated if cars were allowed to park up against it. Mr. Chamberlin said that low-lying landscaping (8 to 12 inches in height) would still provide an aesthetic barrier.

DISCUSSION

Commissioner Driscoll asked staff if an 8 to 12 inch height for landscaping was acceptable. Ms. Ashbeck answered that it would not meet the intent of the previously imposed condition for screening. A typical screening height would be approximately 2 1/2 feet, the average height of a hedge.

Commissioner Grout asked if this would be the same standard imposed for the Avalon Theater. Ms. Ashbeck said that design specifics for the Avalon Theater had not yet been submitted.

Commissioner Halsey felt that landscape screening was important and agreed with staff's recommendation for a revised parking configuration. He observed that the one-way requirement could affect only a very few actual spaces, so that impacts may not be as great as the petitioner expressed.

Commissioner Vogel noted that the petitioner's two-way parking and landscaping configuration would be more workable if the three compact car spaces nearest the building were eliminated and replaced with bicycle racks.

Commissioner Driscoll agreed that plantings of a reduced height could still meet the condition of the original approval.

Commissioner Gordon said that allowing cars to back into the entryway would pose a pedestrian safety issue.

Chairman Elmer felt that aisle widths were acceptable but that the circulation problem was a self-imposed hardship. He believed there were other options available which could be explored. Commissioner Halsey agreed.

MOTION: (Commissioner Halsey) Mr. Chairman, on item FP-1997-008, I move that we approve the final plan and revised one-way angled parking design for the property located at 123 North 7th Street, subject to staff review comments 1. through 4., changing the word curbing to wheel stops in condition 3, and changing the northern parking area to two-way access with the one-way access point to the alley beginning just beyond the southeastern corner of the building and the fifth one that was added this evening (as amended).

Commissioner Gordon seconded the motion.

Chairman Elmer clarified that the motion included the revised one-way angled parking design. Ms. Ashbeck clarified that it also included changing the word curbing to wheel stops in condition 3. Commissioner Driscoll added the clarification that it also included changing the northern parking area to two-way access with the one-way access point to the alley beginning just beyond the southeastern corner of the building.

Commissioner Halsey agreed to amend his motion accordingly, and Commissioner Gordon seconded.

A vote was called and the motion passed by a vote of 4-2, with Commissioners Driscoll and Vogel opposing.

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

Due to a potential conflict of interest, Commissioners Driscoll and Grout withdrew from consideration of the following item.

PP-1996-264 PRELIMINARY PLAN--WESTWOOD RANCH

Request to subdivide approximately 20.77 acres of land into 69 single family residential lots with proposed zoning of PR-3.3 (Planned Residential with a density not to exceed 3.3 units per acre).

Petitioner: John Davis

Location: Northwest corner of 25 E and F E Roads

Representative: Banner Associates, Inc.

PETITIONER'S PRESENTATION

Tom Dixon, representing the petitioner, presented a transparency of the preliminary plan using the overhead projector. The site's location was noted on the assessor's map. Mr. Dixon began by saying that the project's density was less than the 4-7.9 du/ac density recommended by the *Growth Plan*. An open space/park area was noted in the northwest area near the Grand Valley Canal, the drainage detention area was noted in the southwest region of the property and an entry feature location was also indicated.

Mr. Dixon felt the project to be compatible with the surrounding area, with similar housing styles also proposed. The subdivision's layout, he said, was guided by drainage patterns. He felt the use of open space was creative and in keeping with the City's direction in trails planning, although the City disagreed and was recommending denial. He felt that the pocket park would be used by homeowners and would provide a welcomed stopping point for pedestrians using the trails system. The current design would preserve the existing trees in the northwest open space area. He reminded the Commission that the planned development section of the *Code* encouraged creative design and unique approaches and suggested that a link from the cul-de-sac to the trail could be provided.

QUESTIONS

Commissioner Gordon asked how large the northwest open space area was. David Chase, also representing the petitioner, said that total open space being provided was approximately 2.29 acres, with the total area of the northwest open space at approximately 1 1/4 to 3/4 acre.

Commissioner Halsey said that planned development zones typically encouraged active open space areas; he wondered what active recreational amenities were planned for the subdivision. Mr. Dixon said that this would be more clearly defined in the final planning stage of development and that staff would be consulted for input.

Commissioner Halsey asked if the northwest space could be enlarged to accommodate active amenities. Mr. Dixon said that it couldn't contain a ball field but may be an appropriate area for slides, swingsets, etc.

Chairman Elmer asked why 10-foot rear yard setbacks were being requested for lots. Bill Fitzgerald, also representing the petitioner, responded that it allowed for more flexibility in design.

Commissioner Gordon suggested enlarging the northwest open space area at the bend where Longhorn Drive became Lariat Drive. Mr. Dixon said that this could be done but it may be at the expense of lot lines becoming inconsistent with adjacent development to the north. Commissioner Gordon said that he would favor utilizing all of lot 1, block 1 for additional open space.

STAFF'S PRESENTATION

Michael Drollinger cited the planned development section of the *Code* which called for active recreational amenities. The open space provided for in the current plan was fragmented and not linked as required by *Code* provisions. Easy access and visibility of access was also important and not provided with the current plan. Quantity *and* quality, he said, were both important considerations. Since the project failed to meet the planned development intent for open space, staff recommended denial of the proposal.

QUESTIONS

Chairman Elmer asked if the area below the canal could be used as a trail, to which Mr. Drollinger agreed that the potential was there.

Chairman Elmer asked if the 10-foot rear yard setbacks were acceptable to staff, to which Mr. Drollinger offered no specific objection.

Commissioner Vogel wondered if proposed setbacks were consistent with a straight zone, specifically, with an RSF-4 zone district. Mr. Drollinger replied that the gain in the rear yard would be offset by a loss in side yard setbacks.

Commissioner Vogel wondered if there was a formula used in calculating bulk percentages for open space, to which Mr. Drollinger replied that the *Code* did not contain this provision.

Chairman Elmer felt that the County Planning Department's comments which suggested more curvature to internal streets was good and would result in reductions of traffic speeds.

Jody Kliska commented that the City's street standards did not currently address this aspect of street design.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Robert Leachman (627 Braemar Circle, Grand Junction) referred to a letter of opposition submitted to the Planning Commission dated February 4, 1997. A summary of his reasons for opposition included insufficient roadways, loss of neighborhood character, pedestrian safety, density too high for the area, incompatibility of the subdivision with the surrounding area, and an inadequate provision of open space. He said that people were already using Braemar Circle as a short-cut; yet, Braemar Circle was still a dirt roadway. He suggested the City purchase the property and convert the entire parcel into a park. Mr. Leachman requested denial of this and any other developments until the following were completed:

1. Extension of 25th Road from Patterson to Fth Road.
2. Widening of Fth Road its entire length from 25 Road to 26 Road, to City standards, with bike lanes and sidewalks included.
3. Public open space in the immediate area to fully accommodate the anticipated growth. (Canyon View Park is not in the immediate area and Dewey Park is only leased by the City.)
4. Pedestrian overpass over Patterson Road at 25th Road to allow safe crossing by school children.
5. Pave Braemar Circle.
6. Eliminate access to Fth Road from 26 Road and Braemar Circle. (This was suggested by a City traffic engineer at one of the Fall Valley hearings.)

Phil Bertrand (688 - 26 Road, Grand Junction) opposed the project since it provided for public use of the GVIC canal easement.

Sandra Day (2535 Westwood Drive, Grand Junction) expressed concerns over the loss in quality of life, oversaturation of housing in the subject area and safety issues at the intersection located at Fth and 26 Road. She pointed out that she had also seen bald eagles nesting in nearby Cottonwood trees.

Robin Madison (2586 Galley, Grand Junction) said that the northwest open space was located too close to the canal. Any placement of active recreational amenities (swings, slides, etc.) would draw children to the canal and thus pose a serious safety risk. She was also concerned about density and overbuilding and she lamented the loss of open space and quality of life now enjoyed.

Brian Mahoney (2567 G Road, Grand Junction), president of the Riverfront Commission, said that while pocket parks were good concepts, the current "pocket park" reference was a misnomer. The Riverfront Commission defined pocket parks as large areas such as Corn Lake. The current open space provision, he felt, was inadequate. He agreed that the area was becoming a "sea of houses," with the proposed plan being too dense. He suggested redesigning the plan to place greater emphasis on open space.

Jim Greiser (690 - 25th Road, Grand Junction) objected to the 10-foot rear yard setback. He did not feel that this was an adequate buffer area between houses. He believed that if the canal were taken from the total open space calculation, the overall density would probably be closer to 4 units/acre. Mr. Greiser asked staff to perform this calculation. He agreed that the proposal was too dense, that the open space provision was inadequate, and that increased traffic along 25th and Fth Roads was a concern. He recommended that no more than 58 total lots be approved.

Chris Clark (615 Meander Drive, Grand Junction) urged commissioners to consider the total cumulative impacts of all developments being proposed for the subject area. He believed that there was more to the *Growth Plan* than just establishing densities, that neighborhood preservation was not being acknowledged. He also noted that the costs of new development were borne by more than just new

subdivision homeowners and cited the recent water cost increases received from GVIC which it stated was as a result of new growth. He wondered why such unanimous neighborhood opposition was going unheeded. The *Growth Plan*, he said, was not taking into consideration the wishes of current residents.

Gene Taylor (633 Fletcher Lane, Grand Junction) expressed concerns over increased traffic, density, and insufficient infrastructure and open space.

PETITIONER*S REBUTTAL

Mr. Dixon said that the use of the canal in open space calculations was an acceptable practice since the canal was deemed an amenity. He disagreed that it was contrary to the *Code*s* definition of open space. He reiterated that the proposal was consistent with City Council*s direction for creative design techniques, consistent with the Growth Plan, and compatible with the surrounding area. He reminded those in attendance that industrial development was located directly to the south. The current proposal would also preserve existing Cottonwood trees. If the direction was to enlarge the northwest open space area, he asked for guidance. Mr. Dixon said that the market dictated a need for 69 units and reminded commissioners that through density averaging, the total density could be spread out over this and other proposals.

DISCUSSION

Mr. Drollinger completed the calculation for open space and said that if the canal area were omitted, the density would be approximately 3.5 units/acre.

Commissioner Halsey liked the idea of preserving the Cottonwood trees but agreed with staff*s position that the open space/park area be more centralized. He concurred that there would be a safety issue involved with directing children to an area so close to the canal, noting that it would be difficult for parents to supervise children.

Commissioner Vogel said that planned zones offered opportunities for compromise but that the current proposal failed to meet the intent of the planned residential zone. He felt the 10-foot rear yard setbacks were insufficient and that the strip of land near the canal should not be factored into open space calculations. Half-street improvements would be made eventually to F 25 and 25 25 Roads per the City*s CIP, and he suggested that Homeowners Associations consider buying up open space in order to preserve it.

Chairman Elmer acknowledged that the proposed density was below what the *Growth Plan* allowed and that street problems were not created by developers.

Ms. Kliska elaborated that scheduled improvements to 25 25 Road were moved up to coincide with completion of the Fall Valley project. This was as a result of comments made by Public Works Director Jim Shanks at a recent City Council hearing.

Chairman Elmer agreed that the City needed to start addressing street and infrastructure deficiencies. He also objected to 10-foot rear yard setbacks and suggested that 20-25 feet would be more appropriate. He didn*t like the fact that the *Code* didn*t provide guidance when calculating open space.

Commissioner Vogel felt that a 1-1/2 acre, centrally located parcel of open space would be more acceptable and suggested linking the open space to the trails network.

Mr. Shaver cautioned commissioners against redesigning the plan and suggested that they consider only the plan which had been presented to them. Direction on redesign should be left to closing comments after a motion on the submitted plan.

MOTION: (Commissioner Vogel) §Mr. Chairman, on item PP-1996-264, a request for preliminary plan approval, I recommend that we approve the application.☺

Commissioner Halsey seconded the motion.

A brief discussion ensued between commissioners and Mr. Shaver on the merits of making all motions in the affirmative and when direction to the petitioner may be given.

Commissioner Vogel felt that his direction to the petitioner was clear.

Commissioner Halsey commented that he would be amenable to either a centralized park or the northwestern open space, if the latter was expanded and included both active amenities and other access options. The open space as proposed, he said, did not meet the intent of the PR zone. Commissioner Halsey felt that 10-foot rear yard setbacks were inadequate and indicated that they should be increased by another 5 to 10 feet.

A vote was called and the motion failed by a vote of 0-3, with Commissioner Gordon abstaining.

A brief recess was called at 10:28 p.m. The hearing was reconvened at 10:35 p.m.

ANX-1997-009 ZONE OF ANNEXATION--TIARA RADO GOLF COURSE

Request for a recommendation of approval to zone lands consisting of approximately 99.29 acres which is currently being annexed to the City to PZ (Public Zone).

Petitioner: City of Grand Junction

Location: 2063 South Broadway

STAFF*S PRESENTATION

Dave Thornton said that because the property was entirely City-owned, the zone of annexation was straightforward.

QUESTIONS

Commissioner Driscoll asked if the Public Zone application was consistent with other similar properties, to which Mr. Thornton replied affirmatively.

PUBLIC COMMENTS

There were no comments either for or against the request.

MOTION: (Commissioner Halsey) §Mr. Chairman, on item ANX-1997-009, I recommend that we forward this on to City Council with recommendation of approval for the zoning of Public Zone for the Tiara Rado Golf Course annexation.☺

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

ANX-1997-010 ZONE OF ANNEXATION--EAST TIARA RADO GOLF COURSE, #1 AND #2

Request for a recommendation of approval to zone lands consisting of approximately 80.72 acres which is currently being annexed to the City to PZ (Public Zone).

Petitioner: City of Grand Junction

Location: Northeast corner of South Broadway and 20.5 Road

STAFF*S PRESENTATION

Dave Thornton again stated that the subject property was entirely City-owned and the annexation straightforward.

QUESTIONS

Commissioner Vogel asked if the new *Code* would recognize Public Zones as such or would there be another category created. Mr. Thornton said that current discussions suggested that the Public Zone would be revamped. At that time, all current PZ-zoned properties would be scrutinized.

Chairman Elmer commented that the Public Zone would be established by actual use and not by property ownership. Mr. Thornton concurred with this assessment.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (Commissioner Halsey) ¶Mr. Chairman, on item ANX-1997-010, I recommend that we forward this on to City Council with the recommendation of approval for the zoning to be Public Zone for the East Tiara Rado Golf Course Annexations #1 and #2. ¶

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

PLN-1996-271 URBAN TRAILS PLAN

Request for a recommendation of approval for adoption of the Urban Trails Map as a part of the Multi-Modal Plan.

Petitioner: City of Grand Junction

STAFF*S PRESENTATION

Kathy Portner highlighted briefly the key points in the Urban Trails Map, then introduced Shawn Cooper, Parks Planner. Mr. Cooper indicated that the map was conceptual only but that it would give developers some idea as to the City*s intent for future trail locations. The new plan, he said, promoted and incorporated trail linkages between neighborhoods, a concept previously lacking.

Ms. Portner added that a note would be added to the map to indicate that ¶each route depicted within the above-mentioned drawings within this plan represents a concept beginning from one point to another rather than the exact position of each route. ¶

Mr. Cooper said that efforts were made to try and determine which trails would be ¶off-road¶ versus those which would utilize existing or future roadways. The City preferred to encourage more off-road trails as practical and possible.

PUBLIC COMMENTS

FOR:

Bob Cron (310 Dakota Drive, Grand Junction), co-chairman of the Urban Trails Council, spoke in favor of the plan, adding that it would better meet the needs of the community.

AGAINST:

Richard Proctor (500 South 10th Street, Grand Junction), president of the Grand Valley Water Users Association, opposed the plan since it promoted the use of canal easements as pedestrian trail segments. He said that pedestrian usage resulted in liability issues and would hinder the canal company*s maintenance operations. He submitted a copy of a letter from David Mutz of the U.S. Dept. of the Interior, Bureau of Reclamation, dated 12/17/96, who also opposed the use of canal easements as public trails. Mr. Mutz* letter asserted that canals and canal banks were not appropriate places to recreate.

Greg Motz (2398 E. Plateau Court, Grand Junction) noted on the map an area in the Redlands where his family had property. He said that the City had indicated a trail segment going through his property, for which he expressed concern. He said that while people were currently using their private property to hike on, such use had not been sanctioned by the family. Mr. Motz pointed out various topographic constraints which could pose safety hazards to hikers and create liability issues for the family. He preferred that his property be deleted from the map and urged the City to consider trail segments only as property development is defined.

Phil Bertrand (688 - 26 Road, Grand Junction) expressed opposition to the project since it promoted the use of canal easements as public trails. He felt that the canal companies had historic rights for exclusive use of the easements for their operations.

QUESTIONS

Commissioner Driscoll understood the plan to be conceptual only; by its adoption, did it foster any implied right? Mr. Shaver responded that legally it didn't, although he admitted that more reliance by the public may be created even though non-intended and that such reliance would not be justified.

Ms. Portner said that staff could draft wording to clarify this point as well.

Mr. Cooper agreed that a clarification note was a good idea. He commented that, as part of a coordinated effort between the City and County, recreational trails had been included on the map along with transportational trails.

Chairman Elmer said that if the map was conceptual only, it might confuse those who believed they could use the segments noted to access roadways and natural features, only to be told by property owners that their use was illegal.

Mr. Cooper agreed that certain trails were being used by the public without the permission of the property owners. He noted that an even larger number of lesser-used trails had been omitted from the map.

Mr. Cron said that members of the City Council had requested the Urban Trails Committee to inventory and review the use of the Redlands area referenced by Mr. Motz. He agreed that only the most heavily-used trails were incorporated into the map. Two public meetings had been held for input and property owners of record had been specifically contacted. He said that the Trails Committee was willing to work with property owners to advantageously incorporate trails into future development. Mr. Cron said that the Committee would back any wording which explained that certain noted trail segments were not presently authorized for public use.

Mr. Motz explained that people would likely continue to use the trails illegally, since it was his experience that "private property, no trespassing" signs generally went unheeded. He acknowledged that an open house had been held by the Trails Committee but that he hadn't received any follow-up contact. Mr. Motz said that his was the only large, privately-owned parcel which depicted trails running through it.

Chairman Elmer stated that actual trail locations would be determined as properties were developed, but that the City couldn't stop the illegal use of those trails beforehand.

Ms. Portner offered a suggestion from Ms. Kliska which included placing notes on the map for each trail segment of concern stating that locations of internal trails would be determined as the property developed. Arrows could be used to point out the area on the map.

Chairman Elmer felt that some combination of the aforementioned suggestions should be incorporated into the map for clarification purposes.

Commissioner Vogel observed that a bike lane was depicted on the map from 1st Street through Dewey Place to 25th, yet no streets existed along this route. Ms. Portner said that the City's intent was to show a future connection in that area but agreed to re-review the segment.

MOTION: (Commissioner Halsey) Mr. Chairman, on PLN-1996-271, I move that we forward this on to City Council with recommendation of approval with the attachment of the note that Kathy indicated this evening and incorporating Jody's concept of perhaps having that large, privately-owned area's trails deleted with an indication of trail systems noted in that area with an arrow into the area.

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

MSC-1997-019 PLANNING COMMISSION BYLAWS

Consideration of amendments to the bylaws of the Grand Junction Planning Commission.

Petitioner: City of Grand Junction

STAFF'S PRESENTATION

Kristen Ashbeck said that suggestions presented at the last Planning Commission workshop had been incorporated into the bylaws.

QUESTIONS

Chairman Elmer asked if the 3-minute rule was to be absolute. A brief discussion ensued between commissioners and Mr. Shaver on this point. The result was that discretion should be given to the Chairman as to the length of individual testimony. Since the first sentence of paragraph 5.g. addressed how lengthy or repetitive testimony may be limited, Mr. Shaver proposed eliminating the first sentence of the second paragraph in this section altogether. This suggestion met with general agreement among other commissioners and staff.

MOTION: (Commissioner Driscoll) Mr. Chairman, on item MSC-1997-019, amendments to the bylaws, I move that we forward that on to City Council with the recommendation of approval with the change to paragraph 5.g., the paragraph with the asterisk, eliminate the first sentence that begins with Statements in favor and/or in opposition...* on page 4.

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

TAC-1996-1.14 TEXT AMENDMENT--FLOOD DAMAGE PREVENTION

Request to approve amendments to certain parts of section 5-8, Flood Damage Prevention Regulation, of the Zoning and Development Code.

Petitioner: City of Grand Junction

STAFF'S PRESENTATION

Bill Nebeker summarized that the amendment would bring certain sections into conformance with state and federal laws regulating flood damage and flood hazard reduction. Staff recommended adoption.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (Commissioner Halsey) Mr. Chairman, on item TAC-1996-1.14, I move that we forward a recommendation of approval to the City Council regarding amended floodplain regulations.

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

VI. GENERAL DISCUSSION

Kathy Portner invited commissioners to a dinner with City Council at Two Rivers Plaza on Tuesday, February 11, at 6:30 p.m.

The hearing was adjourned at 11:30 p.m.