

GRAND JUNCTION PLANNING COMMISSION

Public Hearing - April 1, 1997

7:02 p.m. to 11:28 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 Paul Coleman. Robert Gordon was absent.

In attendance, representing Community Development staff, were: Kathy Portner (Acting Director), Bill Nebeker (Sr. Planner), Kristen Ashbeck (Sr. Planner) and Mike Pelletier (Associate 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 24 interested citizens present.

II. CONSIDERATION OF MINUTES

Available for consideration were the minutes from the March 4 hearing.

MOTION: (Commissioner Halsey) "Mr. Chairman, I move that we approve the March 4 minutes as submitted."

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

There were no announcements, presentations and/or prescheduled visitors.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

FPP-1997-057 FINAL PLAN/PLAT--MOONRIDGE FALLS, FILING #3

Request for approval of Moonridge Falls Subdivision, Filing #3, consisting of 13 residential lots on approximately 6 acres in a PR-2.3 (Planned Residential, 2.3 units per acre) zone district.

Petitioner: Walid Bou-Matar

Location: South of G Road, west of 25 2 Road

Representative: Rolland Engineering

PETITIONER'S PRESENTATION

Rick Dorris, representing the petitioner, noted the site's location on maps provided. He briefly elaborated that the development would contain upscale homes in the \$160K to \$250K price range. Sewer service would be provided from the south through Valley Meadows. He offered to use an overhead transparency if additional detail was required by the Commission. Mr. Dorris stated that no changes had been made to the original plan and staff conditions were satisfactory.

STAFF'S PRESENTATION

Kristen Ashbeck stated that the final plan and plat for Filing 3 was consistent with the approved preliminary plan for Moonridge Falls. The petitioner had satisfactorily addressed all concerns with the exception of the requirement to secure a sewer easement to permit the Filing #3 sewer to be connected with an existing sewer line on Atchee Lane. The petitioner indicated that he was in the process of obtaining the easement. Staff recommended approval subject to the following conditions:

1. The petitioner shall be required to obtain a sewer easement (minimum width 20 feet) from Columbia Housing, LLC to accommodate the proposed sanitary sewer design.
2. A final review of the plat by the city property agent is required to ensure that the review comments have been satisfactorily addressed.
3. The proposed setbacks shall be indicated on the plat (including proposed building height).

PUBLIC COMMENT

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Halsey noted that the proposal was consistent with the development process thus far, adding that it was a cleanly done project.

MOTION: (Commissioner Halsey) "Mr. Chairman, on FPP-1997-057, a request for final plan and plat, I move we approve this subject to the staff recommendations 1 through 3."

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

PP-1997-060 PRELIMINARY PLAN--TRAILS WEST VILLAGE, FILING #3

Request for approval of the preliminary plan of Trails West Village, Filing #3, consisting of 16 single family lots on approximately 10.3 acres in an RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) zone district.

Petitioner: Camelot Investments

Location: East of South Camp Road, 2 mile south of South Broadway

Representative: Banner Associates

PETITIONER'S PRESENTATION

Brian Stowell, representing the petitioner, said that the original proposal had included developing lots above the active Redlands Canal. This has been abandoned. The current proposal includes development for that area between the active Redlands Canal and the abandoned canal, the flat area below the escarpment. The two features noted included a proposed trail access through Outlot C to the second lift canal and an open space area which will eventually provide picnic facilities for homeowners. Further clarification on this latter feature will be provided during the final development stage.

STAFF'S PRESENTATION

Kathy Portner briefly reviewed the request. With no outstanding issues, staff recommended approval subject to the following conditions:

1. The final design of the "open space" parcel must be submitted with the final plat, including all proposed landscaping and recreational facilities.
2. The final plan shall include trail access through Outlot C to the abandoned canal trail.

3. The final grading and drainage plan and geotechnical report might require modifications in lot layout and building sites.

QUESTIONS

Chairman Elmer asked whether changes arising from condition 3 could jeopardize the project. Ms. Portner responded that as long as those changes were not significant, and she didn't expect that they would be, the project could proceed as planned.

Chairman Elmer asked if further detail on the trails connection and its landscaping would be forthcoming. Ms. Portner replied affirmatively, adding that hard surfacing was not planned for the trails system.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Halsey said that it looked like a good project and acknowledged that the concerns raised in the petitioner's previous submittal had been addressed.

Chairman Elmer commented that it was consistent with the rest of the plan.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item PP-1997-060, I move we approve the preliminary plan subject to the staff recommendations 1 through 3."

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

FPP-1997-062 FINAL PLAT/PLAN--STASSEN FARMS SUBDIVISION, FILING #3

Request for approval of Stassen Farms Subdivision, Filing #3, consisting of 24 residential lots on approximately 11.67 acres with a zoning of PR-2.4 (Planned Residential, 2.4 units per acre).

Petitioner: Hans Brutsche

Location: 673 - 20 2 Road

Representative: Ciavonne and Associates

PETITIONER'S PRESENTATION

Hans Brutsche, petitioner, said that he'd worked closely with staff to resolve any issues. He expressed a willingness to comply with staff's recommendations.

QUESTIONS

Chairman Elmer observed that the petitioner had, in his rebuttal narrative, disagreed with staff about half-street right-of-way for 20 1/2 Road. Mr. Brutsche said that he was amenable to this condition, adding that a dedication statement would be placed on the plat with this filing.

STAFF'S PRESENTATION

Bill Nebeker outlined the lots contained within the first phase on an overhead transparency. With no outstanding issues, staff recommended approval subject to the following conditions:

1. A 30-foot half-street for 20 1/2 Road shall be dedicated with this filing.
2. A copy of engineering design plans for the leveling of the vertical curve on 20 1/2 Road shall be submitted to the City prior to plat recordation.
3. A vertical curb shall be required on F 3/4 Road.

4. An additional street name is required for Brown Swiss Drive on the south.
5. Change maximum building height to 32 feet.

QUESTIONS

Chairman Elmer noted that the petitioner had asked for credit towards his TCP payment. He wondered if this was because of the difference in street standards for F 3/4 Road. Jody Kliska said that improvements were off-site; credit would be consistent with similar proposals.

Commissioner Halsey said that the petitioner's previous submittal had generated a lot of public concern over safety and access onto Highway 340. He wondered if any new information had been obtained. Ms. Kliska said that a traffic study had been reviewed. No accidents had been recorded at the Highway 340 intersection during the past three years. The traffic study also stated that the intersection provided an acceptable level of service.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST: Lori Stone (2042 F 3/4 Road, Grand Junction) said that while she was not opposed to the subdivision itself, she was concerned about the potential traffic impacts to F 3/4 Road. Driveways of proposed home sites would back out onto F 3/4 Road, causing a safety hazard. She thought it better to direct traffic to collector streets and thought the petitioner should construct a fence to screen lots along F 3/4 Road. Ms. Stone was also concerned about the density of the project and its potential threat to the existing farm-type lifestyle of current homeowners and expressed additional concern over loss of views.

PETITIONER'S REBUTTAL

Mr. Brutsche said that he'd met with Ms. Stone in August/September 1996. At that time, she had specifically requested lots to front along F 3/4 due to increased front yard setbacks. To provide a sense of openness and address view concerns, she had requested that no fencing be constructed along F 3/4 Road. Mr. Brutsche said that he'd met with homeowners associations in the area and had tried working with them and individual homeowners to try and mitigate potential issues. He cited several other projects near the development site and said that the project design and its density were both compatible with the surrounding neighborhood. Mr. Brutsche said that construction traffic from Independence Valley and Country Meadows was being routed through F 3/4 Road to 20 1/2 Road. Citing traffic capacities of both 20 1/2 Road and Broadway, he said that ample capacity will still exist even after his development is completed.

DISCUSSION

Commissioner Vogel wondered why so much backing had been allowed to occur onto F 3/4 Road. Ms. Kliska said that both F 3/4 Road and 20 1/2 Road were classified as urban residential collector streets. There was no prohibition of backing onto streets with this classification.

Commissioner Halsey said that changes such as those requested by Ms. Stone would have been better addressed during the preliminary plan stage of development. Since the current configuration was consistent with the preliminary plan, he saw no reason not to approve the final plan. Commissioner Coleman agreed.

Chairman Elmer stated that during the final plan stage, planning commissioners look for conformance to the preliminary plan.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item FPP-1997-062, I move that we approve the final plat and plan for the Stassen Farms, Filing #1, subject to staff's recommendations 1 through 5."

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

PDR-1997-064 PLANNED DEVELOPMENT REVIEW--SEVENTH DAY ADVENTIST CHURCH EXPANSION

Request for approval of a 32 foot by 50 foot addition to the existing Seventh Day Adventist Community Service Center in a PR-16 (Planned Residential, 16 units per acre) zone district.

Petitioner: Myron Stanley
Location: 2554 Patterson Road
Representative: Robert Jenkins

PETITIONER'S PRESENTATION

Myron Stanley, petitioner, noted the site's location on maps provided. He said that the facility was currently used one day per week (Tuesday) to distribute clothing, bedding and food to the needy. Sundays were used to restock. He noted the parking area which would be paved and striped for 19 spaces. He agreed to keep the access easement open to allow ingress/egress to an adjacent property. A 4-foot screen fence would be constructed and its location was also noted. Mr. Stanley said that he was in agreement with staff recommendations.

STAFF'S PRESENTATION

Mike Pelletier explained the various issues which had arisen with the proposal. The initial development proposal had been approved with 7 parking spaces but the actual use seemed to necessitate all of the 19 spaces currently required. While the access easement was granted solely to the adjacent property owner to the north, the easement was often used by traffic originating from a nearby apartment complex. With no other access available to the adjacent property owner, the easement would have to remain open. Staff recommended approval subject to the conditions that all the spaces on the east side of the property, including the driveway, be paved; a sign be placed at the rear of the church's property identifying the access as a private drive only; and a 4-foot high screening fence be installed along the rear portion of the east, north and west property lines except for the area needed for the access easement area.

QUESTIONS

Chairman Elmer asked how large the property to the north was. Mr. Pelletier said that the property was approximately 1/4 acre in size.

Commissioner Coleman commented that the *Growth Plan* allowed for increased density on the northern property. Limiting access to just the one easement would also effectively limit the density on that property to the one existing dwelling unit. Mr. Pelletier said that the property owner would have to receive subdivision approval before he could subdivide; access requirements/options would be reviewed at that time.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Ken Haining (2554 1/2 F Road, Grand Junction) said that he is the owner of the property to the north. The church, he said, was a major business and the facility was in use each day, not the two days per week suggested by Mr. Stanley. The parking lot is full each day and contains approximately eight cars per day. He wondered if the drawing of the addition was to scale since he felt the addition would take up more area than the drawing suggested. He said that much of the excess traffic traveling through the access easement came from the nearby park and not the apartments. The facility, he continued, was similar to Goodwill Industries. He was concerned that the business and its patrons would utilize the easement that he'd paid for. A previous sign designating the access as a private drive had been knocked down and had not been replaced. It had been ineffective in discouraging through traffic. Mr. Haining objected to not having received notification of this public hearing and said that none of the adjacent neighbors had been notified either. There may have been others, he said, who would have wanted to speak out on this proposal had they known about it.

A brief discussion ensued on the legal requirements for notification. Mr. Haining acknowledged that a sign had been posted on the property.

Commissioner Coleman asked staff to read the wording of the deeded access. Mr. Pelletier read this into the record, an excerpt of which was as follows, "...together with a non-exclusive access and utility easement described as follows...". Mr. Coleman said that this gave Mr. Haining the right to use the access but Mr. Shaver clarified that the words "non-exclusive" did not give Mr. Haining an exclusive right to the access.

Commissioner Coleman wondered if the easement issue would jeopardize any potential expansion Mr. Haining might want to propose in the future. Mr. Shaver reiterated the applicability of the subdivision/development review process.

Discussion ensued over the history of Mr. Haining's access. Mr. Haining said that access to his property was originally to have been provided through Dewey Court, but that at some time since 1981 Dewey Court was vacated without notification to surrounding neighbors.

PETITIONER'S REBUTTAL

Mr. Stanley said that he'd spoken to Mr. Haining previously about the request so that ample notification had been given. He said that a list of property owners had been received from the assessor's office and given to staff for notification. He said that the access easement would be retained as requested. Mr. Stanley clarified that actual use by the facility was two days per week but that it was used occasionally at other times when needed.

Robert Pendelton (3023 F 3/4 Road, Grand Junction) added that twice a year other trucks visited the facility and that pick-up and drop-off of clothes occurred on Mondays, Wednesdays and Fridays.

Chairman Elmer asked for clarification on all the times the facility was in use, the number of employees expected and the hours of operation. Mr. Pendelton and Mr. Stanley reiterated that Mondays, Wednesdays and Fridays were clothing pick-up and drop-offs which occurred at approximately 9:30 a.m. and lasted less than a half hour. On Tuesdays, clothing and food was distributed from 9 a.m. to 12 p.m. and again from 1 p.m. to 3 p.m. During that time, 6-10 workers were there on site for the duration of the giveaways and arrived up to an hour prior to actual distribution. On Sundays, a staff of between 2 and 4 persons sorted food and clothing received from weekly drop-offs between 8 a.m. and 11 a.m. The facility was also used on Saturdays once every 6 weeks for a study group. Tuesdays were the only distribution days unless an emergency arose and then the emergency was generally limited to food.

Chairman Elmer asked if more than hours of operation should be addressed? Mr. Shaver suggested that all issues of concern to the Commission be addressed to its satisfaction.

DISCUSSION

Commissioner Vogel preferred a taller screening fence to lessen the visual impacts to adjacent neighbors. Mr. Pelletier said that a taller fence would not be very effective. The *Code* suggested a 4-foot height but this was subject to Planning Commission discretion.

Commissioner Halsey suggested establishing the hours of operation to avoid future changes. He suggested that business hours be limited to between 8 a.m. and 5 p.m., 7 days per week, with the exception of emergencies as mentioned previously by the petitioner.

Chairman Elmer noted that paving was an important element to the proposal. He suggested that staff look into the specifics of the Dewey Court vacation.

Commissioner Coleman agreed that the Dewey Court vacation affected this project and Mr. Haining and possibly others. Notification should have been given with any vacation request.

Mr. Pelletier agreed to check into this. He would also enlist the assistance of the assessor's office.

Chairman Elmer noted that the use of the subject property would remain the same.

MOTION: (Commissioner Driscoll) "Mr. Chairman, on item PDR-1997-064, I move that we approve the changes to the site plan with the conditions that all the spaces on the east side of the property, including the driveway, be paved; a sign be placed at the rear of the church's property identifying the access as a private drive only; and a 4-foot high screening fence be installed along the rear portion of the east, north and west property lines except for the area needed for the access easement area, and that the hours of operation be restricted to 8 a.m. to 5 p.m., 7 days a week, except for emergencies."

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

**PDR-1997-065 PLANNED DEVELOPMENT REVIEW--HERITAGE HOMES BUILDING #3
Request for approval of Heritage Homes Building #3, consisting of 24 bedroom suites for alternate care home for the elderly in a PR-8 (Planned Residential, 8 units per acre) zone district.**

**Petitioner: Bill Ihrig
Location: 2835 Patterson Road**

PETITIONER'S PRESENTATION

Bill Ihrig, petitioner, said that the plan had originally been approved in 1992 and included three total buildings. At that time, the market dictated a need for only two of the three to be built. The third building was now warranted and would be constructed according to the previously approved plan.

STAFF'S PRESENTATION

Mike Pelletier said that while staff's concerns had been addressed, minor corrections were needed to the site plan. These included providing a detailed elevation drawing for the wall on the southwest corner of the building, providing more detail on how the slopes of the retention area would be stabilized, parking lot labeling corrections, etc. In addition, the Central Grand Valley Sanitation District requested that a grease trap be installed in the new building. Staff recommended approval.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Halsey said that the request seemed straightforward. Chairman Elmer agreed.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item PDR-1997-065, I move that we approve the changes to the final site plan subject to staff recommendations."

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

Chairman Elmer clarified that staff recommended changes included the grease trap installation and clearance from Central Grand Valley Sanitation and comments included in staff's presentation.

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

**VE-1997-051 VACATION OF STORM SEWER EASEMENT--TRAILS WEST VILLAGE
Request to vacate the west 3 feet 6 inches of an existing 10-foot utility/drainage easement located in lot 7, block 2, Filing #1 of Trails West Village due to a residence being built in the wrong location.**

Petitioner: Bradley Harrell

Location: 2225 Mescalero Avenue

PETITIONER'S PRESENTATION

Bradley Harrell said that the vacation was needed for the existing homeowner.

STAFF'S PRESENTATION

Kristen Ashbeck said that the home had been recently completed and the encroachment was found when the title work was performed. The only utility found in the easement was a storm drainage line which was located in the west 10 feet of the easement. A formal letter of authorization from the Trails West Homeowners Association (HOA) would be needed but no impacts were expected from the vacation. The request seemed to meet the *Code* criteria for vacations. Staff recommended approval contingent upon receiving the HOA letter of authorization.

QUESTIONS

Chairman Elmer asked if staff had received any drawings depicting the size and depth of the storm drainage line. Ms. Ashbeck said that the petitioner had said that line was approximately 16 inches wide but no as-built drawings were submitted to staff. Depth of the line was not known.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item VE-1997-051, I move that we forward this on to City Council with recommendation of approval with the condition that a formal letter of authorization from the Trails West Homeowners Association be provided."

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

RZP-1997-033 REZONE/PRELIMINARY PLAN--THE KNOLLS SUBDIVISION

Request to rezone from PR7.2 (Planned Residential, 7.2 units per acre) and RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) to PR2.7 (Planned Residential, 2.7 units per acre), PR2 (Planned Residential, 2 units per acre) and RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) and approval of a preliminary plan for the remaining filings.

Petitioner: O.P. Development

Location: Southeast corner of 27 1/2 Road and Cortland Avenue

Representative: Banner and Associates

PETITIONER'S PRESENTATION

David Chase, representing the petitioner, gave a brief history of the project. He said that the only change included the addition of the south 29 acres. He felt that any outstanding issues had been resolved and was amenable to staff recommendations.

QUESTIONS

Chairman Elmer asked if the open space along the southern edge was to provide for the ditch road, to which Mr. Chase responded affirmatively.

Commissioner Halsey asked what access had been provided to the single homeowner (location noted on map, a.k.a. the Days parcel). Mr. Chase explained that originally an ingress/egress easement had been proposed from the center street (a.k.a. Willow Glen Drive) near the ponds. Since there was some question over whether the property would undergo future development, staff determined that an access should be provided from the interior property rather than to provide another access from 27 1/2 Road. Rather than splitting the open space tract located to the east, an access was being provided to the southern boundary. This would keep the open space intact.

Chairman Elmer asked staff to point out where the trail would be located to connect 27 1/2 Road to Ridge Drive, which was done.

Chairman Elmer asked if the trail would be constructed in its entirety with Filing #2, to which Mr. Chase replied affirmatively.

Mr. Nebeker added that planned phasing would include construction of the townhomes at the same time as single family residences, thus lessening the impact of the perception of townhomes next to single family homes.

STAFF'S PRESENTATION

Bill Nebeker said that the proposal required a rezone to three zones. He pointed out the location of the southern access and briefly outlined the request. Cortland improvements would be constructed with Filing #2. With each filing, 27 1/2 improvements would be reassessed to determine if they were needed prior to the City's capital improvements plan for construction. The open space provided was in a good central location. Recreational amenities will be further explored. Some street names will need to be redone and an avigation easement will be required. Staff recommended approval of the rezone and preliminary plan subject to the following conditions:

1. Cortland Avenue improvements, including the portion in front of the church, shall be constructed during Filing #2.
2. Improvements to 27 1/2 Road shall be determined during each phase of final review.
3. Private streets require City Council approval and shall comply with administrative guidelines for private streets.
4. Recreational amenities for the active open space area shall be detailed during final plan approval for the phase containing the park.
5. Street names will be approved as each phase develops. Willow Glen Drive shall be renamed to avoid confusion with other streets with the "Willow" name.
6. An avigation easement shall be required prior to plat recordation.

Note: The following condition was approved as part of the Special Use Permit approval and must be detailed during final plan approval for that portion of the site located within the Airport Critical Zone:

"Soundproofing measures shall be taken on the residential structures in Filings 2-4 located in the Airport Critical Zone to include additional sound-deadening insulation and planned landscaping in order to help mitigate noise level perceptions. A note shall be placed on the final plat in the development's CC&Rs showing this requirement."

QUESTIONS

Commissioner Driscoll said that the subject area was recommended for higher densities in the City's *Growth Plan*. He wondered why staff's recommendations were for a lesser zoning density. Mr. Nebeker said that the proposal was considered as submitted, even though staff recognized that the proposed density was less than what was recommended by the *Growth Plan*.

Commissioner Driscoll asked if it was necessary to rezone the southern portion of the property to a lesser density in order to make the project work. As proposed, would the density for the southern property be in conformance with the zone designation?

Chairman Elmer said that it would be in conformance but added that in planned zones, normally the commission tried matching the density to the actual plan.

Mr. Shaver asked if there were any unique site characteristics that would require the 2.7 zone designation. Mr. Nebeker noted the existence of a slope but was unsure if this would necessitate the 2.7 designation.

Commissioner Coleman wondered if the southern portion could be rezoned at a later date. He expressed a concern that requests for lesser densities in areas targeted by the *Growth Plan* for higher densities would effectively eliminate the higher density developments in areas where they were warranted.

Mr. Nebeker said that the plan could not be approved without designating a zone. If the Commission determined that the project was not dense enough, it could opt to deny the plan.

Commissioner Grout asked where the Airport's Critical Zone line lay. Mr. Nebeker noted this location, adding that proposed densities were under the 4 units/acre maximum allowed for properties located within this airport zone overlay.

Chairman Elmer asked if the avigation easement would be required only for Filings 1, 2 and 3. Mr. Nebeker said that the easement would be required for the entire subdivision since all of the lots would at least fall within the airports area of influence.

Commissioner Coleman asked for clarification on the location of the airport's area of influence, which was given.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

PETITIONER'S REBUTTAL

Mr. Chase responded to questions over density in the southern portion. He said that a distinct bluff was located in what would be Filing 5, which represented an approximately 15-20 foot difference in elevation from the lots located in the southern portion of Filing 7 and lots located in the northern portion of Filing #5. Thus, site topography did impact density in this portion of the property. Also taken into consideration were the geometrics of the parcel. The property was an infill area and he did not feel the proposed density was unreasonable. Requesting a higher density would probably create more controversy and result in increased opposition by neighbors.

DISCUSSION

Commissioner Coleman asked staff if the existing zoning was in error at the time of adoption. Mr. Nebeker said that the existing zoning of PR7.2 didn't take the airport into consideration. No error had been made in the RSF-4 zone designation.

Commissioner Coleman reemphasized his concern over the growing number of requested downzones. He didn't want to see the elimination of higher density development nor of areas suitable for that type of development.

Commissioner Vogel asked if the open space area would be developed with active recreational amenities. Mr. Nebeker replied that the larger, centrally-located open space area would contain such amenities; the smaller green areas would not.

Chairman Elmer agreed for the most part with Commissioner Coleman's comments but said that in Filings #5 and #8, site topography did limit density. He didn't see any benefit to adding another 10+ lots to the development strictly for the sake of increased density.

Commissioner Coleman said that his intent was to bring forth the question so that it might be reviewed and possible clustering options explored.

Chairman Elmer did not see the development as a downzone from the Spring Valley Subdivision. He was glad to see the mixture of townhomes with single family residences and concurred that building them simultaneously would lessen impacts.

MOTION: (Commissioner Halsey) “Mr. Chairman, on item RZP-1997-033, I move that we forward a recommendation of approval to the City Council for the rezone of the church from PR7.2 to PR2 and a portion of Filing #1 from PR7.2 to RSF-4 and the remainder of the subdivision from PR7.2 and RSF-4 to PR2.7.”

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

MOTION: (Commissioner Halsey) “Mr. Chairman, on item RZP-1997-033, I move that we approve the revised preliminary plan for the Knolls Subdivision subject to the staff recommendations 1 through 6.”

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

A brief recess was called at 8:57 p.m. The hearing reconvened at 9:07 p.m.

RZ-1997-056 REZONE--SPA RETAIL SALES OUTLET

Request to rezone 1320 North Avenue from PB (Planned Business) to C-1 (Light Commercial) to allow a spa retail sales outlet.

Petitioner: Pat Withers

Location: 1320 North Avenue

PETITIONER’S PRESENTATION

Pat Withers, petitioner, said that improvements to the existing building included a new roof and modifications to the existing entrance ramp per ADA requirements. He was in agreement with all staff requirements save that of taking out the existing 4-foot sidewalk and constructing a 6-foot sidewalk in its place. He said that if the property had been zoned appropriately in the beginning, this requirement would not now be necessary.

QUESTIONS

Commissioner Vogel asked that the location of the sidewalk be pointed out, which was done.

Commissioner Driscoll commented that the petitioner’s written narrative indicated he was opposed to the underground pressurized irrigation system required by staff. He asked the petitioner if he was still opposed to this requirement. Mr. Withers answered affirmatively, saying that a hose could reach all proposed landscaping. He said that portions of asphalt would have to be removed for its installation. Mr. Withers added that he still had concerns over the required tree in the front. After having spoken with a master gardener at Bookcliff Gardens and owners of the Garden Center on North Avenue, he was concerned that an in-ground planting would compromise the integrity of the asphalt and sidewalk as a result of drainage running under these improvements. He proposed that the tree, a flowering crabapple, be planted in an above-ground planter. The master gardener had told him that this tree species could be expected to thrive in the size planter proposed.

STAFF’S PRESENTATION

Mike Pelletier said that the Public Works Department had added two conditions to approval which were not included in the staff report. These were as follows:

1. A 6-foot sidewalk be installed along the entire frontage.
2. The existing west curb cut be removed.

Mr. Pelletier noted the parking modifications proposed and proposed landscaping. Staff recommended that the tree be planted in-ground and not in a planter as proposed by the petitioner. The current PB zoning allowed a restaurant as the only on-site use; the C-1 zoning was more general and would be consistent with the majority of businesses along North Avenue. Staff recommended approval subject to the above two conditions, that an underground pressurized irrigation system be installed, and that the tree be installed in-ground and not in an above-ground planter.

QUESTIONS

Commissioner Coleman asked if the existing 4-foot sidewalk and curb cut had been a requirement of the site's current zoning. Ms. Kliska said that current City standards required a 6-foot sidewalk be installed along all principal arterials, preferably detached. Citing several examples, she said it was customary to require businesses to pay for these improvements.

Commissioner Driscoll asked if the elimination of the curb cut was for safety reasons. Ms. Kliska replied affirmatively, adding that its existence didn't meet current City standards for driveways.

Commissioner Vogel asked if the sidewalk in front of McDonalds was detached with some grassed in area. Ms. Kliska said that parts of it near the turn lane were.

Commissioner Coleman agreed that the western curb cut could pose a safety hazard. Mr. Pelletier said that the southern location of the proposed landscaping would discourage traffic using the former parking area as a short-cut.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

PETITIONER'S REBUTTAL

Mr. Withers asked if sidewalk improvements were always paid for by the property owner, to which Ms. Kliska replied affirmatively. He felt that this was unfair, since property taxes should cover street improvements.

DISCUSSION

Commissioner Coleman saw the sidewalk requirement as fair if consistently required of all.

Chairman Elmer noted that in most cases, similar proposals would go through a site review process by staff and not be seen by the Planning Commission.

Commissioners Halsey and Grout agreed that the elimination of the curb cut was a good idea for safety reasons.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item RZ-1997-056, I move that we recommend approval to City Council with the conditions that an underground pressurized irrigation system is installed and that the 4-foot sidewalk be replaced to a 6-foot and the one curb cut, driveway cut be taken out. The planter to the east will be an in-ground planter; the planter to the west will be an above-ground planter (as amended).”

Commissioner Halsey seconded the motion.

Ms. Portner asked that some clarification be given on the landscaping requirement. Mr. Pelletier reiterated his recommendation that the tree be planted in-ground. The second planter, containing small shrubs and flowers, could be above-ground.

Chairman Elmer asked if this condition conformed to the requirements of the *Code*. Mr. Pelletier said that the *Code* did not address it either way. Mr. Shaver suggested asking the motion maker and second if the intention was to include staff requirements as stated. Commissioner Coleman amended his motion to reflect that the planter to the east would be an in-ground planter, with the planter to the west being an above-ground planter. Commissioner Halsey seconded this amendment.

Chairman Elmer clarified that the definition of in-ground meant below the asphalt grade.

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

VE-1997-059 EASEMENT VACATION--CHRISTENSEN RESIDENCE

Request to vacate the north 5 feet of the existing 10-foot utility easement on the south side of the property to allow conformance of an existing residence.

Petitioner: Brent and Zora Christensen

Location: 3530 Senna Way

PETITIONER’S PRESENTATION

Zora Christensen, petitioner, said that her 16-year-old home had been built on top of an existing utility easement but that no utilities existed within the easement. The error had only recently been discovered but her home was not saleable without the vacation.

QUESTIONS

Chairman Elmer asked why not all of the easement was requested for vacation. Ms. Ashbeck replied that all of it could probably be vacated given the age of the subdivision. Chairman Elmer noted that since the Planning Commission was not the only approving body, it was probably best to stay with the requested 5 feet.

STAFF’S PRESENTATION

Kristen Ashbeck said that the absence of utilities will be verified during a review by the Utility Coordinating Committee. The request met the requirements for vacations contained within the *Code* and staff recommended approval.

Chairman Elmer asked if any response had been received from the Spring Valley Homeowners Association. Ms. Ashbeck said that none had been received. Chairman Elmer said that his wife was on the Spring Valley HOA board but that no concerns had been expressed to them and that he had no conflict due to the fact that she was assigned to “colors.”

Commissioner Driscoll said the narrative stated that the home encroached into the easement by 10 feet but the map reflected an encroachment of only 5 feet. Ms. Ashbeck clarified that the encroachment was only five feet.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Chairman Elmer commented that the request seemed straightforward.

MOTION: (Commissioner Halsey) “Mr. Chairman, on item VE-1997-059, I move that we forward this with recommendation of approval to City Council.”

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

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

RZP-1997-061 REZONE/PRELIMINARY PLAN--FALL VALLEY SUBDIVISION

Request to rezone from AFT (Agricultural/Forestry Transitional) and RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) to PR2.9 (Planned Residential, 2.9 units per acre) and approval of a preliminary plan for approximately 37.9 acres.

Petitioner: Castle Homes, Inc.

Location: Southeast corner of F 1/2 and 25 1/2 Roads

Representative: Banner Associates

PETITIONER’S PRESENTATION

Tom Dixon, representing the petitioner, noted this as the fourth attempt to secure approval for the project. He outlined the preliminary plan using an overhead transparency. The *Growth Plan* recommended a density of 2 to 3.9 units per acre for the subject area; density for the proposal was calculated at 2.9 units per acre. The last submittal, which proposed a density of 3.7 units per acre, was denied, appealed to City Council, and again denied. Since the primary issue seemed to revolve around density, the initial plan was retained and the number of lots was reduced from 136 to 110.

Duplex/townhome units were eliminated. Larger lots were located along the northeast side of the property. The open space area was increased to approximately 4 acres and would serve as an effective buffer to eastern neighbors. Due to outstanding issues, the open space area will remain privately owned and will not be dedicated to the City.

Mr. Dixon reiterated that the proposed density conformed with the *Growth Plan* and the lowered density also mitigated many Planning Commission, City Council and neighbor concerns over compatibility. The project, he felt, represented good infill development with a transitioning that worked well for the area. The internal transition was viewed as being more workable.

When considering the project’s design, the petitioner followed the directives of both the Planning Commission and City Council. Traffic will be routed primarily to 25 1/2 Road which should minimize impacts to F 1/2 Road. The “self-contained neighborhood” concept will be followed with pedestrian/bicycle paths, open spaces and recreational amenities provided.

Mr. Dixon was amenable with the two staff requirements.

QUESTIONS

Commissioner Coleman wondered what the back yards of those lots proposed for the west side of Clearwater Court were oriented to 25 1/2 Road. Mr. Dixon said that the view was into the Foresight Industrial Park, adding that most of the buildings were set back approximately 200 feet from 25 1/2 Road.

Chairman Elmer referenced the open space located on the southeast corner and wondered if active amenities were planned for this area. Mr. Dixon said that discussions were ongoing but that it was probable that the perimeter would be bounded by pedestrian trails with play equipment installed to the north of the irrigation pond, leaving the area southern portion open. Mr. Dixon said that he was hesitant to commit to anything at this point and requested that specific detail be reserved for the final development stage.

STAFF'S PRESENTATION

Kathy Portner outlined the rezone criteria and said that the rezone request was supported by the *Code*. Staff recommended approval subject to the following conditions:

1. The petitioner shall be required to detail the amenities proposed for the open space areas at the time of final plat/plan submittal.
2. a. The rear yard setbacks shall be modified as follows:
Filings #1 and #2: minimum rear yard setback, 20 feet
Filing #3 (blocks 1-4): minimum rear yard setback, 20 feet
Filing #3 (block 5): minimum rear yard setback, 30 feet
- b. The maximum building height shall be 32 feet.

QUESTIONS

Chairman Elmer asked if the smaller open space areas were still necessary since the larger, more centrally-located park had been expanded. Ms. Portner said that these should still be retained as added amenities to the development.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Chris Clark (615 Meander Drive, Grand Junction) still felt that density was an issue. He expressed concern for the impact the development would have on existing neighborhoods. He stated that there is no mitigation proposed for impacts to infrastructure. He argued that the petitioner included streets in its density calculations; thus, the development's density was actually lower than what was being presented. He asked that more gradual phasing of densities be required. Mr. Clark wondered what was planned for the open space areas and wondered what type of structures were being proposed. He asked that consideration be given to surrounding residents and requested that the density be lowered further.

Robin Madison (2586 Galley Lane, Grand Junction) asked that consideration be given to the character of the existing neighborhood. She felt that too much development was occurring in the subject area and with it came huge impacts to existing infrastructure such as schools and streets. Safety issues were also of concern. The proposed development, she said, was incompatible with the surrounding neighborhood. She lamented that development in the area wasn't being regarded collectively, so that impacts seemed less to the governing bodies than is actually occurring. She said that the neighborhood had reached its saturation level for new development. Ms. Madison added that specific plans for proposed open spaces needed to be submitted.

Gene Taylor (633 Fletcher Lane, Grand Junction) agreed with previous comments, adding that there were just too many houses in the area.

Connie Kelly (629 Fletcher Lane, Grand Junction) was unclear on what amenities would be provided with the development and was unclear on topographic references. She, too, felt that the density for the development was still too high and that it posed a threat to the existing character of the neighborhood. She emphasized a need for responsible growth.

PETITIONER'S REBUTTAL

Mr. Dixon said that the same arguments had been made in earlier submittals. He said it was easy for people to say they didn't like the plan, yet no suggestions for improvement had been offered by the opposition. He suggested that continued opposition could be viewed as a stall tactic. Mr. Dixon reiterated that the proposed plan was a good one, and not to approve it would leave the door open to other proposals which might not be as well designed. He cited comments made by the County's long-range planning director, Keith Fife, who recommended this type of infill. The density conformed to the recommendations of the *Growth Plan* and was calculated based upon the explicit formula outlined in the *Development Code*.

QUESTIONS

Chairman Elmer asked if the two properties to the north were part of the proposed project, to which Mr. Dixon replied that they were not.

DISCUSSION

Commissioner Halsey commented that the petitioner seemed to have satisfactorily addressed all of the outstanding issues. He was pleased with the sizes of lots to the east and felt they would provide a good buffer. Specific open space amenities would be addressed in the final stage of development.

Commissioner Coleman agreed. The project density fell within the lower range of *Growth Plan* recommendations. Resubmitting was costly for the developer, he said, yet he was glad to see a willingness by the petitioner to address concerns and comply with established requirements.

Commissioner Vogel felt that the project represented a good transition. He acknowledged that the developer had done the best he could with the direction given him.

Chairman Elmer agreed. The development, he said, offered more than what the *Code* required. He was pleased to see the larger open space area and that the development more than met the intent of the *Growth Plan*. Density calculations had been done in accordance with established *Code* specifications.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item RZP-1997-061, a request for preliminary plan approval, I move that we approve the preliminary plan with the conditions in the staff report dated March 26, 1997."

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

MOTION: (Commissioner Coleman) "Mr. Chairman, on item RZP-1997-061, request for rezone from AFT and RSF-4 to PR2.9, I move that we forward this item to City Council with recommendation of approval."

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

Commissioners Grout and Driscoll returned for consideration of the remaining items.

MSC-1997-071 AMENDING DDA PLAN OF DEVELOPMENT

A request to amend the DDA Plan of Development to expand the Authority's boundaries to include additional properties.

Petitioner: Downtown Development Authority

Representative: Barbara Creasman

PETITIONER'S PRESENTATION

Kathleen Killian, representing the petitioner, said that those properties within the expanded boundaries were included on a voluntary basis.

QUESTIONS

Chairman Elmer and Commissioner Driscoll asked for clarification on pattern designations depicted on the map which was provided.

PUBLIC COMMENTS

There were no public comments either for or against the request.

STAFF'S PRESENTATION

No staff presentation was given.

DISCUSSION

Mr. Shaver said that consideration of this item by the Planning Commission is consistent with the state statute with regard to the DDA's expansion authority.

MOTION: (Commissioner Driscoll) "Mr. Chairman, on item MSC-1997-071, I recommend that we forward a recommendation of approval to the City Council for expanded boundaries of the Downtown Development Authority consistent with the properties listed in the attachment listed as Exhibit A."

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

TAC-1997-001.1 TEXT AMENDMENT--CODE REVISION

Amending section 4-3-4 Use/Zone Matrix and chapter 12, Definitions of the Zoning and Development Code of the City of Grand Junction, allowing community corrections facilities in B-1, B-3, C-1, and C-2 zones with a special use permit.

Petitioner: City of Grand Junction

STAFF'S PRESENTATION

Kathy Portner said that the proposed verbiage replaced outdated terms contained within the *Code* and brought the *Code* more in line with state statutes on how State Law defined certain types of facilities. The amendment would then place those facilities within the correct zone districts. The term "law enforcement rehabilitation centers" would be replaced by the term "community corrections facility." A new corresponding definition would be incorporated in accordance with the state statute. She proposed amending the staff report to also include allowing community corrections facilities in PZ zones (while the zone existed) with a special use permit.

QUESTIONS

Commissioner Driscoll asked if the term "community corrections facility" (CCF) was broader in scope than the term "law enforcement rehabilitation centers" (LERC). Was it staff's intent to broaden the definition? The former definition would adequately describe a jail while the latter term would indicate that its primary purpose would be rehabilitative.

Ms. Portner said that a separate category existed for jails.

Mr. Shaver said that LERC's implied that they were managed by law enforcement agencies and, to his knowledge, there were no law enforcement agencies involved directly in the CCF's in Mesa County. Therefore, the CCF definition as proposed was modeled on the state statute; the proposed CCF is probably the closest to what was originally intended by LERC.

Ms. Portner said that by requiring a special use permit, staff could consider the wide range of corrections facilities that might be proposed and better determine which zone the facility would best fit into.

Mr. Shaver said that the trend towards privatization of correctional facilities brought forth its own unique considerations. He acknowledged that the field was changing rapidly, so that the current solution may not be a lasting one.

Commissioner Driscoll pointed out wording contained within the proposed text that seemed to suggest that being accused of a crime should better fall within the LERC terminology. Mr. Shaver responded that the difficulty there was defining whether the charge had to result in a conviction.

Commissioner Driscoll asked if the current terminology and definition would cross over into that of jails. Mr. Shaver said that the specific lock-down characteristic a jail typifies is addressed separately in the *Code*.

Chairman Elmer acknowledged that individual review of each facility's proposal was good and would serve to define where it would best fit. He questioned whether a PZ zone was really appropriate for some types of facilities. Ms. Portner said that the PZ zone was being included to cover some existing County facilities, but added that, in all likelihood, the PZ zone would be eliminated as a zone district in the future.

PUBLIC COMMENTS

There were no citizens present to comment on the proposal.

MOTION: (Commissioner Driscoll) "Mr. Chairman, on item TAC-1997-001.1, I move that we forward a recommendation of approval to the City Council regarding community corrections facilities and that it be amended to include these facilities as a Special Use Permit in a Public Zone district."

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

TAC-1997-001.2 TEXT AMENDMENT--CODE REVISION

Amending various sections of the Zoning and Development Code of the City of Grand Junction, including 2-2-2.C, 2-2-2.D, 4-4-2.D, 7-5-4.C, and 7-5-5.B, to revise the process for appeals of Planning Commission decisions.

Petitioner: City of Grand Junction

STAFF'S PRESENTATION

Kathy Portner said that the handout distributed before the hearing differed from the one given to commissioners originally. The amendment "cleaned up" some of the language in the appeals process. She outlined the changes as described in the revised ordinance.

Discussions ensued on various points contained within the amendment. Following are summaries of those key points.

Sworn testimony: Mr. Shaver said that if City Council is expected to review appeals on the record without giving the objector(s) an opportunity to testify, it may be a good practice to require testimony to be under oath. This would emphasize to the proponent(s) and the objector(s) the importance of their testimony, elevate the procedural aspects before the Planning Commission and avoid the possibility of questions about truthfulness.

Chairman Elmer asked if one person gave testimony and a second person demonstrated that the first person was lying, would the second person's testimony negate that of the first person. Mr. Shaver said that credibility of the first person would be suspect and open the door for the Commission and Council to question the testimony.

Rules of evidence: Mr. Shaver noted that the text amendment as proposed requires said that all testimony shall be direct and not be based on hearsay.

Chairman Elmer said that many people offered opinions based upon what they believed, not necessarily on what they know as fact. Should this testimony be allowed? Mr. Shaver said that ideally testimony should be given by the one(s) who have the knowledge and expertise to be able to present evidence as fact. That may mean bringing in experts whose opinions are viewed as fact. Ms. Portner suggested that the Commission ask those giving testimony on technical issues what their credentials are. In that way, Council would be able to better ascertain whether the testimony given is credible.

Commissioner Driscoll said that in theory, the suggestion was a good one; however, he said that most people don't have any idea what the rules of evidence are. Mr. Shaver noted that if adopted as written, the rules would be in place should the Commission decide to use them. Commissioner Driscoll said that if put into place, they should be used consistently to avoid bias.

Commissioner Grout said that from a public standpoint, the public is generally only partially informed on a given issue. Mr. Shaver said that the public can be educated to testify to what they know as fact in part by applying rules and in part by sworn testimony.

Commissioner Driscoll asked if other planning commissions and proceeding such as bankruptcies and worker's compensation hearings adhere to the same standards with regard to the rules of evidence. Mr. Shaver replied affirmatively, adding that Grand Junction's Planning Commission is very casual by comparison. Ms. Portner said that other communities tend to become more formal especially after having been challenged a few times.

Number of days between hearings and appeals: No discussion ensued on this item.

Definition of the record: Chairman Elmer asked if a more detailed record will be required of the Planning Commission's secretary. Ms. Portner said that this was a possibility if deemed necessary. She added that soon the Commission hearings would be videotaped, with tapes being made available to Council members for additional review. Chairman Elmer wondered if review could be considered fair if one Council member had both written minutes and a video tape at his disposal while another Council member had only the written minutes. Mr. Shaver said that both mediums will be made available and if a video record is requested, tapes will be supplied to each member of the Council.

City Council requests for item review: Commissioner Driscoll suggested that this be amended to read that "Three members of the council agree to recommend..." Mr. Shaver thought this was a good idea. Staff and the remaining commissioners agreed with this recommendation.

Legal standing: No major discussion ensued on this item.

Filing the appeal: Commissioner Driscoll questioned the intent of paragraph 5 and wondered if it should read that the appeal must be *received* versus *filed* within 5 days. Mr. Shaver felt that this was also a good idea. Ms. Portner said that this 5 day standard would apply to all appeals, even those which formerly allowed 30 days for appeal.

Planning Commission as a finder of fact: No major discussion ensued on this item but Commissioner Driscoll thought that this paragraph brought forth a good point.

What the appeal hearing will be: Ms. Portner clarified the intent of this paragraph but no major discussion ensued on this item.

Final plans and plats: Ms. Portner asked for commissioner input since it seemed that this was an area where City Council had the most discussion. Planning Commissioners agreed that final plans and plats that had received preliminary approval should not have an appeal right.

Ms. Portner clarified various other sections contained within the amendment. No major discussion ensued on any of the remaining sections. Mr. Shaver said that hopefully the amendment would encourage more policy dialog and provide better direction for response from the Council.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item TAC-1997-001.2, amending various sections of the *Zoning and Development Code* to revise the process for appeals of Planning Commission decisions, I move that we forward this with recommendation of approval to the City Council with the changes to 4B, being three members of the City Council and with the clarification on paragraph 5 that the intent is that the appeal must be received within 5 days, and then the clarification on paragraph 8 in the last sentence, that the rationale for the decision includes overturning, amending or remanding.”

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

VI. GENERAL DISCUSSION

Chairman Elmer said that with regard to the pay raise for planning commissioners, his recommendation was to leave it at half the rate of City Council members. This recommendation was endorsed by the remaining commissioners.

Mr. Shaver asked if the pay question should be brought before City Council prior to elections on April 8. Chairman Elmer suggested waiting until after elections were held.

Chairman Elmer asked for additional clarification on the TCP question arising with the Stassen Farms item, which was given by Ms. Kliska.

The hearing was adjourned at 11:28 p.m.