

**GRAND JUNCTION PLANNING COMMISSION
SEPTEMBER 2, 1997
MINUTES**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. in the City/County Auditorium by Chairman John Elmer.

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

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Kristen Ashbeck (Sr. Planner), Kathy Portner (Planner Supervisor), Bill Nebeker (Sr. Planner), and Mike Pelletier (Assoc. Planner).

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

There were approximately 51 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of August 5, 1997.

MOTION: (Commissioner Halsey) "Mr. Chairman, I move that we approve the minutes of August 5, 1997 as presented."

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0. Commissioner Gordon abstained from voting due to his absence from the hearing.

II. ANNOUNCEMENTS AND/OR PRESENTATIONS

Chairman Elmer noted the items pulled from the evening's agenda. They are FPP-1997-142, FPP-1997-143, RZP-1997-148 and RZ-1997-151.

III. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

PP-1997-103 PRELIMINARY PLAN--FAIRCLOUD SUBDIVISION

A request for approval of 1) the preliminary plan for Faircloud Subdivision consisting of 57 single family lots on approximately 16.54 acres in an RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) zone district, and 2) special use permit for residential use within the airport critical zone.

Petitioner: J.P. White Construction

Location: Northeast corner of F 1/2 and 30 Roads

Representative: LanDesign/Mike Best

PETITIONER'S PRESENTATION

Chris Darnell of LanDesign, representing the petitioner, submitted photos of the site to planning commissioners and noted the site's location on the available map. He stated that the proposed density was compatible with both the RSF-4 zone district and Growth Plan recommendations. He then introduced the petitioner, Darlena White, president of J.P. White Construction.

Ms. White provided a brief history of her company and recalled other developments in the nearby area in which she had been involved. She said that the density of the Stonegate Subdivision was almost equal to the density of the proposed development.

QUESTIONS

Commissioner Halsey asked the petitioner if she'd considered any noise mitigation measures. Ms. White replied affirmatively, adding that she'd received guidelines from the airport and intended to follow its recommendations.

STAFF'S PRESENTATION

Kristen Ashbeck agreed that the project's density was within Code and Growth Plan recommendations. She said that the central issue was development of the approximately 21 lots within the airport's critical zone. All but one of the lots is within the 65 decibel or greater noise exposure contour and the remainder of the development is within the 60 decibel or greater noise contour. While the airport had expressed opposition to any construction within the critical zone, staff felt that a compromise of 2 units per acre (max.) was appropriate and would still be consistent with the Growth Plan's lower end density recommendation.

The petitioner needs to petition the Central Grand Valley Sanitation District for inclusion into its district. The Palisade Irrigation District and petitioner drafted an agreement to extinguish an existing irrigation ditch easement and establish a new easement along F 1/2 and 30 Roads. These matters must be finalized prior to the final plat stage of development. Recent City Council and Planning Commission direction prompted staff to also require the petitioner to provide usable, private open space. Staff suggested that the open space be located within the airport's critical zone; however, the petitioner contended that the detention area met the open space requirement for the subdivision.

Ms. Ashbeck noted the shallowness of some of the lots and said that it was probable homes on these lots would be constructed to setback limits. This limitation could create problems for accessory structure placement and may prompt future variance requests.

Staff recommended denial of the special use permit for the northern 21 lots lying within the airport's critical zone. Ms. Ashbeck stated that without the special use permit the preliminary plan as proposed could not be considered.

QUESTIONS

Commissioner Vogel asked for clarification on proposed plans for drainage. Ms. Ashbeck said that the Indian Joe drainage ditch would be piped and an easement for it granted. The agreement between the petitioner and the Palisade Irrigation District previously mentioned would have to be recorded prior to submission of the final plat.

Chairman Elmer observed that no attempt had been made by the petitioner to meet the special use criteria. Ms. Ashbeck agreed that neither the density issue nor any of the airport's concerns had been addressed.

Chairman Elmer asked if staff recommended denial for the preliminary plan as well. Ms. Ashbeck said that without the special use permit, there could be no consideration of the preliminary plan.

PUBLIC COMMENTS

FOR: Larry Dowd (2660 Paradise Drive, Grand Junction), owner of nearby property, said that staff's compromise recommendation of 2 units per acre would depreciate the property when zoning allowed a development density of up to 3.9 units per acre.

AGAINST:

Virgil Parkhurst (3015 F 3/4 Road, Grand Junction) said that while not necessarily opposed to the proposal, he wanted a privacy fence constructed to buffer the development from his property. He also referenced a drain field under his home which needed to be connected.

Dennis Wiss, director of planning operations for Walker Field Airport, said that the airport had three areas of concern: 1) the site's location within the airport's area of influence, 2) the northern 21 lots which were located within the critical zone and 3) the lots' location within the 65 decibel noise contour. He said that due to the hazards inherent to aircraft take-offs and landings, the airport preferred not to have any construction at all occur within the critical zone. The airport would agree to the lower-end recommendations of staff, if necessary, but Mr. Wiss asked that noise mitigation measures be made mandatory.

Jeb Russell (665 - 30 Road, Grand Junction) said that the area was a wildlife refuge where many sage hens and deer dwelled. He expressed concern over the loss of this asset and the loss of what was presently an exceptional view. Mr. Russell urged planning commissioners to consider encouraging a more harmonious interaction between development and nature.

PETITIONER'S REBUTTAL

Mr. Darnell passed out handouts to planning commissioners which included colored excerpts from the Growth Plan map. He said that without a legal description denoting the exact critical zone boundary, the designation established on the area map was an approximation. He emphasized the infill status of the project and presented a map showing the site's location in relation to other nearby developments. He reiterated the project's compliance with RSF-4 zone district and Growth Plan recommendations and added that the Code did not require the petitioner to provide open space in straight zones. Mr. Darnell noted the proximity of the future Burkey Park site (one-quarter mile away) and listed some of the street, utility, and sewer line improvements which would occur with the proposed development.

Mr. Darnell said that the Code also did not require the petitioner to show building envelopes for accessory structures. Restricted size lots would incorporate creative floor plans. Mr. Parkhurst would be contacted concerning his underground drain field. Mr. Darnell said that the easement agreement with the Palisade Irrigation District had been executed and a copy had been forwarded to staff. (Mr. Shaver and Ms. Ashbeck interjected that this had not been received in either of their offices.) Mr. Darnell said that another copy would be forwarded.

Ms. White added that basket-weave fencing would be provided along the property's perimeter and for individual lots. She reiterated that the airport's noise mitigation recommendations would be followed. She felt that most people desired less yard to maintain and reiterated plans to incorporate creative floor plans to accommodate restricted size lots. Ms. White felt that in many cases, open space was ill maintained or left to become weed patches. Homeowners associations tended to breed discontent. She felt that Burkey Park was sufficient open space and near enough to the site to serve the entire subdivision.

QUESTIONS

Commissioner Driscoll asked about the general size of homes planned for the subdivision. Ms. White responded that homes would range in size between 1,300 and 2,800 square feet.

DISCUSSION

Commissioner Halsey said that he generally supported infill development but said that the airport's critical zone had not been factored into recommended Growth Plan densities. He felt that staff's recommendation of 2 units per acre was more reasonable for the area within the critical zone.

Commissioner Driscoll asked if there were any legal restrictions to building within the critical zone. Mr. Shaver replied negatively but added that to do so may affect the airport's federal funding. In addition, homeowners may also experience problems in securing financing for properties located within the zone.

Commissioner Driscoll asked if this was then a case of "buyer beware." Mr. Shaver said that when purchasing property, people may not always be aware of what to look for. Problems or restrictions may not always be apparent prior to the sale.

When asked by Commissioner Driscoll if a notation concerning the airport critical zone would be placed on the plat, Mr. Shaver responded affirmatively.

Chairman Elmer reemphasized the developer's failure to address the special use permit criteria, adding that there was more at issue than just soundproofing measures. He expressed opposition to the proposal as submitted and agreed that the density for the northern 21 lots needed to be lowered. He also felt that the provision of open space other than Burkey Park was an important consideration.

Commissioner Driscoll asked if a lower density would make the development more compatible with the airport's restrictions. Chairman Elmer said that the higher density was definitely incompatible. Mr. Shaver read from Code section 5-11-1 which addresses higher population concentrations. He said that this was one of the most important considerations in assessing development within airport zones.

Commissioner Grout said that noise was a big concern in airport zones, noting that it was a problem even outside the airport zones.

Chairman Elmer said that the petitioner's reference to compatibility with nearby subdivisions shouldn't factor into consideration of the present request. Commissioner Halsey agreed.

Commissioner Vogel asked that noise mitigation measures be submitted to correlate with specific scientific data. Chairman Elmer said that data had already been given to the petitioner by the airport's representatives.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item PP-1997-103, I move that we deny the special use permit for the Faircloud Subdivision for residential use within the airport critical zone."

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

Chairman Elmer reiterated that because the special use permit was integral to consideration of the preliminary plan, no separate motion was needed denying the preliminary plan.

FPP-1997-141 FINAL PLAT/PLAN--CANYON VIEW SUBDIVISION FILING #6

A request for approval of the final plat/plan for Canyon View Filing #6 consisting of 23 single family lots on approximately 20.5 acres in a PR-2 (Planned Residential with a density not to exceed 2 units per acre) zone district.

Petitioner: Thomas and Sun, Inc./John Thomas

Location: 373 South Camp Road

Representative: Ciavonne and Associates/Craig Roberts

PETITIONER'S PRESENTATION

Craig Roberts, representing the petitioner, said that the current proposal represents the final filing in the Canyon View Subdivision. He noted the elimination of one lot from the preliminary plan proposal due to geologic constraints and to provide better access. The "floating" access easements for adjacent property owners would be eliminated and either gravel road improvements or a new access or would be incorporated.

QUESTIONS

Chairman Elmer asked if the petitioner was in agreement with staff's recommendations. Mr. Roberts said that the only issue to arise was the requirement for 24-inch culverts for driveway access to lots 3-6, block 1. This was an acceptable requirement.

STAFF'S PRESENTATION

Bill Nebeker said that the present filing closely conformed with the submitted preliminary plan. He clarified that the Colorado National Monument boundary did not directly abut the subdivision's property line as was previously represented. These boundaries were separated by 150-200 feet of open lands. He said that not only the access easements but also easements for a water line would be vacated in a separate submittal. Greater detail is needed on the plat map but that could be easily addressed. Staff recommended approval subject to the following conditions:

1. Redcliff Lane shall be renamed prior to plat recordation.
2. The applicant will be required to install 24-inch RCP culverts for driveway access to lots 3-6, block 1, as part of the improvements to this subdivision.
3. Sewer trunk line extension fees must be paid prior to plat recordation.
4. The plat must be revised to provide greater detail and specificity with some easements, particularly those near the intersection of Redcliff Lane and Outlot A.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Ray Riley (381 South Camp Road, Grand Junction) noted the location of two ponds on the map provided. He wondered if one was for irrigation water retention and the other for stormwater

detention, to which Mr. Nebeker responded affirmatively. Mr. Riley asked if the irrigation pond was lined, to which Mr. Nebeker answered that it was clay lined. Mr. Riley wondered how irrigation water would be gauged to ensure that water used would not exceed allowable rights. He thought that his system had been "losing" water and wondered if impacts were coming from Canyon View's irrigation pond. He also commented that debris which collected in the detention pond would need to be periodically cleaned out. He asked who would be responsible for this maintenance?

Jim Shea (438 Meadows Way, Grand Junction) said that additional homeowners would generate additional traffic along South Camp Road. He expressed concern over continued traffic impacts.

PETITIONER'S REBUTTAL

Jim Langford, project engineer, said that no extra water could be flowing past Mr. Riley's property into the irrigation pond because the pond had not held any water to date. He reiterated staff's statements regarding the pond's lining and said that a special outlet control structure containing a skimmer had been built on the pond. The skimmer would ensure that debris and contaminants stayed within the confines of the pond. The system would be maintained by the homeowners association. The petitioner, he said, was being very cooperative in addressing concerns which had arisen.

DISCUSSION

Commissioner Driscoll asked staff for the classification of South Camp Road. Mr. Nebeker replied that it was classified a collector. Commissioner Driscoll asked if traffic generated by the new filing would remain within collector designated volumes. Kerrie Ashbeck said that traffic volumes were not expected to trigger a requirement for new improvements. Mr. Nebeker added that the road had been widened along the length of the development and a pedestrian path had been constructed.

Commissioner Driscoll asked if part of South Camp Road was located within County jurisdiction, to which Mr. Nebeker answered affirmatively. Commissioner Driscoll remarked that the submittal appeared to be in conformance to the preliminary plan.

Chairman Elmer noted the several off-street improvements which had been constructed with the development. He felt that the petitioner had gone above and beyond what was required for the development.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item FPP-1997-141, I move that we approve Canyon View Subdivision, phase 6, subject to staff recommendations."

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

IV. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

RZ-1997-144 REZONE--MALDONADO COMMERCIAL PARK

A request for a recommendation to 1) approve a proposed amendment to the Growth Plan, and 2) approve a rezone from RMF-64 (Residential Multi-Family with a density not to exceed 64 units per acre) to C-1 (Light Commercial) on approximately 2.39 acres.

Petitioner: GNT Development/Dan Garrison

Location: 531 Maldonado Street
Representative: Lewis Hoffman

PETITIONER'S PRESENTATION

Lewis Hoffman, representing the petitioner, noted that the Growth Plan recommended a density of between 4 and 7.9 units per acre. With adjacent properties to the north zoned commercial and the site's close proximity to the railroad tracks, it was felt that commercial use would be best for the property. He said that the site was currently undeveloped with a large number of weeds proliferating. Mr. Hoffman referenced an adjacent property and said that it had once been commercial with a large warehouse-type building located upon it.

STAFF'S PRESENTATION

Kristen Ashbeck agreed with Mr. Hoffman on the Growth Plan's recommended densities. She said that the El Poso neighborhood planning process had been completed prior to the commencement of the Growth Plan process. The Growth Plan then adopted the neighborhood recommendations which were to allow for low density multi-family residential development. Both plans also called for the vacation of Maldonado Street north of the east-west alley north of West Ouray Avenue, creation of a cul-de-sac where the street presently ends and the improvement of Maldonado Street between West Ouray and West Grand Avenues. Because a straight commercial zone would allow higher-end uses that could adversely impact the neighborhood, staff recommended denial of the amendment. She indicated that with denial of the amendment request, the rezone proposal would also be denied.

QUESTIONS

Commissioner Driscoll noted the site's proximity to the railroad tracks and asked staff if there was a realistic expectation that residential development would occur there. Ms. Ashbeck said that the petitioner had indicated that state and local housing authorities felt the site to be impractical for residential development. She said that the steep topography near Cosby Road would tend to buffer the site somewhat from the noise impacts and that throughout the city limits there were developments which had located in close proximity to railroad tracks and the airport.

Commissioner Driscoll asked if there had been much feedback from the neighbors on this proposal, to which Ms. Ashbeck replied negatively.

Commissioner Coleman did not feel the neighborhood was improving. Lots in the area are small and seemed suitable only for mobile homes. He noted the placement of a mobile home directly across the street from the current site.

PUBLIC COMMENTS

FOR: Dan Garrison, petitioner, originally thought the property suitable for low-cost housing. The market, he maintained, directed that this assumption was incorrect. He said that mobile homes were the only single family housing type to have appeal in the area. With so many commercial uses nearby and given the proximity of the railroad tracks, commercial seemed to be the only practical use for the property.

AGAINST:

Juanita Trujillo (319 W. Ouray Avenue, Grand Junction) indicated that the El Poso neighborhood was a very close-knit community. She disagreed with previous comments that the neighborhood was not improving, citing the construction of 6-8 new homes in the last two

years. Many of the neighbors were trying to improve their properties. She was concerned over the lack of public notification of the hearing.

Frank Jiminez (320 W. Grand Avenue, Grand Junction), vice-president of the El Poso community, disagreed with the assertion that a commercial building had at one time existed on property adjacent to the site. He said that he'd lived in the same place for 54 years and no commercial development had ever occurred on the site. He expressed concerns over increased traffic which would result with commercial development and said that better access was needed to the property.

John Trujillo (323 W. Ouray Avenue, Grand Junction) also expressed concern about traffic and said that people tended to speed down West Ouray. He urged planning commissioners to keep the area residential.

Ruby Varela (317 W. Ouray Avenue, Grand Junction) expressed traffic and safety concerns.

Marvin Maldonado (527 W. Ouray Avenue, Grand Junction) was opposed to any commercial development of the site.

Frank Cordova (401 W. Grand Avenue, Grand Junction) complained about the lack of sidewalks along W. Ouray and Crosby. Without sidewalks, people were forced to walk in the street. Increased traffic would pose a significant hazard to pedestrians.

Dolores Trujillo (321 W. Ouray Avenue, Grand Junction) also indicated her concern about traffic and pedestrian safety. She said that residents had gotten used to the noise from the trains. While opposed to commercial development of the site, she expressed support for continued residential development.

PETITIONER'S REBUTTAL

Mr. Hoffman said that presently there was no access to the site from West Ouray. He said that a large dirt barricade blocked off Maldonado. If Maldonado were extended and improved to its southern boundary, it would represent a 60-foot right-of-way which exceeded the 44 feet width of a local street. If the site were improved to its 64 units/acre zone designation, the traffic generated would equal approximately 1,200 average trips/day (ADT). On a 44-foot-wide local street, the traffic would be far worse than that generated by a light commercial use. Traffic could still be prevented from accessing W. Ouray by moving the existing barricade south another 150 feet.

Mr. Hoffman said that the type of commercial development expected to occur would be similar to what was already present in the area. He thought that the actual proposed use would have to be considered again before the Planning Commission but Chairman Elmer said that, if approved, any of the uses listed in a C-1 zone classification would be allowed. He noted that public notification had been per staff's 200-foot area requirement and a sign had been posted. He reiterated that there had been no interest generated on putting low-cost housing on the property.

QUESTIONS

Chairman Elmer asked if a planned commercial zone, defining specifically allowed uses, would be an option. Mr. Hoffman answered affirmatively, providing the petitioner didn't have to resubmit.

DISCUSSION

Commissioner Halsey acknowledged the efforts of the El Poso community in trying to guide future development of their neighborhood. If the site were allowed to become commercial, those efforts would be reversed. He preferred rezoning the site to a zone which would allow duplexes and more affordable housing. He agreed that the RMF-64 zone designation was inappropriate and concurred with staff recommendations.

Chairman Elmer disagreed that the site was suitable for residential development. He recalled the mobile home park which had been previously denied for the site. A planned commercial zone with limited uses could serve to buffer the straight commercial zoning to the north. It was unlikely that too many people would choose to live so close to the railroad tracks.

Commissioner Coleman agreed with this conclusion. He felt that the site would provide a good buffer to the more intense commercial uses.

Commissioner Driscoll also agreed, saying that he would support a planned commercial rezone request.

Chairman Elmer suggested formulating a list of allowed uses and passing them on to City Council with Planning Commission's recommendation for a planned commercial zone. Mr. Shaver urged caution lest the recommendation make everyone unhappy and be difficult to enforce. He asked, if the Commission chooses that course, that as much detail as possible be provided with any alternate recommendation. Ms. Ashbeck reminded planning commissioners that in planned zones other aspects such as setbacks, lighting, signage, circulation, etc. must also be considered.

Chairman Elmer asked if tabling was an option. Mr. Shaver said that in fairness to the petitioner it might be better to consider the request as submitted since it was likely the planned zone concept had already been considered by the petitioner.

Commissioner Driscoll asked if the subsequent application fee could be waived. Mr. Shaver said that a recommendation for waiver could be made, although City Council would make the final decision.

A brief discussion ensued over the merits of tabling the item versus considering it as submitted. Commissioner Halsey asserted that the item should be considered as it was submitted.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item RZ-1997-144, a request to amend the Growth Plan and rezone the property at 531 Maldonado Street from RMF-64 to C-1, I move that we forward the item to City Council with the recommendation of denial."

Commissioner Driscoll asked the petitioner for his preference on how the item should be considered. Mr. Garrison rejected the idea of tabling and opted to have the item considered as it had been submitted. He remarked that it would be just as difficult to sell a commercial site for an improper use in the area as it would be to sell a multi-family residential site. Mr. Garrison

stated that he would have no problem with going through the planned zone process to allow for additional public input.

Mr. Shaver noted that if denied, the request would not be forwarded to City Council unless appealed.

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

Chairman Elmer suggested that an advisory motion directing the petitioner towards either a Planned Business or Planned Commercial zone would be appropriate. He also advised the petitioner to meet with the neighbors prior to having the item heard.

Commissioner Driscoll didn't feel that a motion was needed since there had been such detailed discussion on the item.

When put to an informal vote, four planning commissioners were in favor of formalizing the recommendation. Commissioners Halsey, Gordon and Vogel were opposed.

Chairman Elmer commented that, if appealed, the petitioner might receive additional direction from City Council.

A brief recess was called at 9:10 p.m. The hearing reconvened at 9:16 p.m.

Commissioner Halsey excused himself from the hearing and was not present for consideration of the remaining items.

RZP-1997-145 REZONE & PRELIMINARY PLAN--HILLTOP ASSISTED LIVING COMMUNITY
A request for a recommendation to approve the rezone from PR-11 (Planned Residential with a density not to exceed 11 units per acre) to PR (Planned Residential) to allow a 74 unit building and 10 duplex cottages for an assisted living center.

Petitioner: Hilltop Community Resources

Location: Northwest corner of 15th Street and F 1/4 Road

Representative: Robert Jenkins

PETITIONER'S PRESENTATION

Rob Jenkins, representing the petitioner, presented an overhead transparency of the site plan. He said that the two story assisted living facility would be very similar in appearance to the Atrium but on a slightly smaller scale. The proposed cottages would be similar in appearance and size to those north of the Atrium. The site will be fully landscaped. The two story structure would be naturally buffered from Crestview Subdivision to the East by the hills and terrain of the site. The cottages will be compatible with the single story residential homes located to the south of F 1/4 Road. Access will be via 14th and 15th Street and the circulation pattern for the site plan was noted. Utilities will be directed off of 15th Street and the petitioner would work with the Grand Junction Parks Department on the continuance of the existing trail system.

Mr. Jenkins felt that the proposal would be an asset to the neighborhood and would be compatible with surrounding uses. The traffic analysis estimated 317 ADT generated by the site compared to the 1,100 ADT allowed by the current PR-11 zone.

QUESTIONS

Chairman Elmer asked Mr. Jenkins if he'd met with the neighbors, to which Mr. Jenkins responded affirmatively. Mr. Jenkins said that the primary concern had been over traffic impacts. After presenting the traffic analysis, the neighbors seemed to be supportive of the request.

Commissioner Driscoll asked if the findings contained within the traffic analysis were consistent with Hilltop's other facilities. Mr. Jenkins said that the traffic analysis was very conservative. He predicted fewer trips because a number of the project's residents would be Alzheimer patients and wouldn't drive at all. He said that most of the trips generated would be from employees and guests.

Commissioner Vogel asked for clarification on the location of the employee parking. Mr. Jenkins pointed to the northwest parking lot and said that the lot could be accessed via 14th or 15th Streets.

Chairman Elmer noted the petitioner's plans to landscape all open space areas. He wondered if trees and shrubbery would be planted right away in the northeast corner to lessen the view impact. Mr. Jenkins replied affirmatively, adding that the natural terrain and geologic contours would effectively screen the entire first floor of the center building from any of the homes to the East and in Crestview Subdivision. Mr. Jenkins added that Hilltop was opting to build out the development in a single phase.

STAFF'S PRESENTATION

Kristen Ashbeck said that the Growth Plan allows up to a 20 percent increase in the density recommended by the Growth Plan (4-7.9 du/ac) provided that certain criteria are met. Staff felt that the proposal met those criteria and that the proposed density of 9.4 units/acre was consistent with the 20 percent allowable increase. She reiterated the petitioner's willingness to work with the Parks Department to provide needed trail easement. Ms. Ashbeck suggested the petitioner consider redesigning access to the staff parking area so that it would more directly access 15th Street. Staff recommended approval of the rezone request to PR-9.4 and approval of the preliminary plan subject to the items noted in initial review comments and the recommendations of the staff report dated August 27, 1997 being met prior to submittal of the final plan.

Chairman Elmer asked if direct employee access to 15th Street was practical given the topography. Ms. Ashbeck said that it was difficult to interpret the topography but she thought it possible. Mr. Jenkins said that the initial plan included a more direct access. However, once topographic maps were consulted, it was determined that to avoid the steep ascent/descent which would result from a more direct route, the present configuration was developed. A stub street was being provided in the northwest corner to accommodate possible future expansion to the north.

PUBLIC COMMENTS

FOR: Dennis Stahl, representing the petitioner, said that about 20 residents had attended the neighborhood meeting. He felt that the facility would improve and beautify the property.

AGAINST: Mark Beedy (1520 Ptarmigan Road, Grand Junction) said that while not necessarily opposed to the request, he objected to never having been apprised of the neighborhood meeting. He agreed that the proposal fit in with the existing neighborhood but thought that any expansion to the north might be too much. He wondered how high the two story structure would be. Mr. Beedy reiterated that there needed to be more and better public notice.

PETITIONER'S REBUTTAL

Mr. Jenkins said that he used the submittal notification list (properties within 200 feet) to alert residents about the neighborhood meeting. He said that the roof of the two story building peaked at 30 feet off of grade. The grade for the finished floor would be at the 90 elevation level. He noted that the north property line was approximately 11 feet higher than the finished floor elevation. Thus, he expected that visually from the north, the building would appear similar to a single story structure in height.

QUESTIONS

Commissioner Vogel predicted that the bulk of the traffic would flow south down 14th Street to Hermosa Avenue. Those streets, he contended, were not designed to handle increased traffic and he suggested the petitioner provide a better circulation plan. Mr. Jenkins said that peak staff level would be about 18 people. The plan attempted to divide traffic flows between 14th and 15th Streets.

Ms. Ashbeck referenced the petitioner's traffic analysis completed by Rolland Engineering. She agreed that the traffic estimates were significantly less than those which would be generated by a project built out to PR-11.

Kerrie Ashbeck added that 250 ADT was the threshold used for planned residential developments. When trips exceeded this threshold, a second point of access was required.

Dennis Stahl clarified that property to the north of the site was not owned by Hilltop nor did it hold an easement for it. He said that Hilltop had tried to get an easement from the northern property owners to bring the road across from F 1/2 Road behind the Atrium project. Without the easement, this was not possible. Hilltop was utilizing the streets for which it had access.

DISCUSSION

Chairman Elmer expressed a similar concern for traffic flows down 14th Street; however, given the topography, the presence of a second access and the lack of concern expressed by the neighbors, expected flows were probably acceptable. He said that the total overall impact would be substantially less than a residential development as indicated in the traffic analysis.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item RZP-1997-145, I move that we forward the rezone for the Hilltop Assisted Living Community from PR-11 to PR-9.4 to City Council with a recommendation for approval."

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

MOTION: (Commissioner Coleman) “Mr. Chairman, on item RZP-1997-145, I move that we approve the preliminary plan for the Hilltop Assisted Living Community Subdivision subject to staff’s recommendation.”

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

VR-1997-146 RIGHT-OF-WAY VACATION--RIDGEWOOD LANE

A request for recommendation to approve the vacation of the north 5 feet of an existing utility easement along Ridgewood Lane and 10 feet of the right-of-way on Ridgewood Lane.

Petitioner: Susan and Kathy Olsen, Phyllis Coulter and Shirley Atchley

Location: 2206 Ella Court, 123 and 125 W. Wellington Avenue

Representative: Susan Potts

STAFF’S PRESENTATION

Mike Pelletier noted the location of the site on an available map and overviewed the request. The City was also asking to vacate an additional area of the Ridgewood Lane right-of-way east of Ella Court since it served as access to only one residence. The vacation of this additional right-of-way would help minimize the City’s potential maintenance costs. The remaining 20 feet would be retained as frontage for the Nelson property. Possible replatting had been discussed with Mr. Nelson but due to the cost involved, this option was not pursued. Adjacent property owners had been contacted and no objections had been received. A utility easement must be retained over the entire vacated right-of-way due to the current location of utilities. Staff recommended approval of the request.

QUESTIONS

Commissioner Driscoll asked what a replatting would cost. Mr. Pelletier was unsure but estimated the cost at approximately \$1,000.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST: Carl Nelson (436 Montgomery Road, Grand Junction) objected to the City-requested portion of the vacation request. He did not want to see his 110-foot frontage reduced to 20 feet and felt that this would depreciate his property.

Mr. Pelletier reminded the Commission that the street only served the one residence; thus, no additional frontage (more than 20 ft.) was needed. Chairman Elmer said that normally there was agreement in a vacation request with all affected property owners. Mr. Pelletier explained the reversion process which would attach the vacated portion of land back to Mr. Nelson’s property. While the utility easement must remain, Mr. Nelson’s property size would effectively increase. Mr. Pelletier said that the property owner had originally been in agreement with the vacation request.

Mr. Nelson said that he was in agreement with the original request but didn’t favor vacating the additional right-of-way requested by the City.

Mr. Shaver explained the legal issues of vacation and reversion and what this would mean to Mr. Nelson.

Susan Potts (2206 Ella Court, Grand Junction) said that she was the one currently maintaining the easement which she described as an overgrown weed patch. She couldn't understand Mr. Nelson's objection since it would mean the conveyance of additional land into his ownership.

Steve Olson (125 W. Wellington Avenue, Grand Junction) agreed with Ms. Potts and said that Mr. Nelson was deriving benefit from 20 feet of additional property while adjacent residents were only acquiring an additional 10 feet.

Mr. Nelson reaffirmed his position and said that since nothing could be built on a utility easement, the added property was of no use to him.

DISCUSSION

Commissioner Driscoll wondered why the City didn't vacate the entire right-of-way and undergo a replat. Mr. Shaver said that there was no legal way to force a replat if the property owner didn't want it. The current proposal represented the best compromise. He referenced Code section 8-3-2 regarding the restriction of access and said that planning commissioners had to determine whether the provision of access had been sufficiently met. Mr. Shaver said that the City had a unilateral right to vacate its own rights-of-way without unanimous consent of the adjacent property owners, provided that section 8-3-2 criteria were satisfied.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item VR-1997-146, I move that we recommend approval to City Council that the proposed right-of-way be vacated subject to retaining a utility easement over its entirety. Also, that the northernmost 5 feet of the existing utility easement be vacated as proposed."

Commissioner Gordon seconded the motion.

Chairman Elmer asked whether the motion intended to include the entire vacation request as presented by staff, to which Commissioner Coleman responded affirmatively; it was his determination that the criteria set forth in section 8-3-2 had been met.

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

Chairman Elmer said that in his experience vacations had always been a more voluntary process. If Mr. Nelson perceived the 20-foot additional vacation as a hardship, it didn't seem right to force it on him. He recommended eliminating this portion of the vacation request and asked legal staff if reference could be made to the exhibit when making the motion. Mr. Shaver said that this would be acceptable.

MOTION: (Commissioner Vogel) "Mr. Chairman, on VR-1997-146, I move that we recommend approval to City Council that the right-of-way indicated on the exhibit in green be vacated and also the northernmost 5 feet indicated in brown of the existing utility easement be vacated also."

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

V. GENERAL DISCUSSION

MAJOR STREET PLAN (MSC-1997-154)

Cliff Davidson, MPO director, presented a briefing on the Major Street Plan. Due to technical difficulties, the slide show which was to have been presented was unavailable. Mr. Davidson's presentation included an update, a discussion of major street plan components and an explanation of why the plan was needed. Maps presented included "Draft Major Street Plan," "City/County Capital Investment Program (1997-2002)," "Sidewalk Inventory with Public Schools," "Transit Development Plan (1998-2002)," and the "Grand Junction/Mesa County MPO Area." Open houses, public information booths and public meeting had been held to solicit public input and involvement.

Mr. Davidson said that the Grand Junction area can expect a number of significant transportation problems by the year 2010. Even after investing \$100M in a computer-generated model, major traffic problems still existed. He said that with population figures expected to double, the number of daily trips is expected to triple. As a result, carpooling and vanpooling will become even more important. A mass-transit system cannot be expected to solve the congestion problem.

Mr. Davidson said that an executive summary along with additional handouts would be forthcoming to the Commission and would provide greater detail.

Commissioner Gordon wondered how much the transit system would cost in 20 years. Mr. Davidson said that a cost analysis was included in the executive summary.

MISCELLANEOUS DISCUSSION ITEM

Kathy Portner reminded planning commissioners of their meeting on September 3 to discuss the North Central Area Plan.

With no further business, the hearing was adjourned at 10:45 p.m.