

**GRAND JUNCTION PLANNING COMMISSION
OCTOBER 7, 1997
MINUTES**

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), Robert Gordon, Jeff Vogel, Jeff Driscoll and Paul Coleman. Ron Halsey and Joe Grout were absent.

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Kristen Ashbeck (Senior Planner), Kathy Portner (Planning Supervisor), Bill Nebeker (Senior Planner), Michael Drollinger (Senior Planner) and Mike Pelletier (Associate Planner).

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

There were approximately 32 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of September 2, 1997.

MOTION: (Commissioner Coleman) "Mr. Chairman, I move that we approve the minutes of the September 2, 1997 meeting."

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

II. ANNOUNCEMENTS AND/OR PRESENTATIONS

Chairman Elmer stated that this would be his, Commissioner Vogel's and Commissioner Halsey's last official hearing. Terms for these planning commissioners had ended and none intended to reapply. Chairman Elmer said that both he and Commissioner Halsey would be available on a temporary basis to fill in until replacements were selected by City Council. He encouraged interested citizens to submit applications to City Council.

III. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

FP-1993-045-2 CORRECTION TO WILSON RANCH FILING #4 SUBDIVISION PLAT

A request for approval of a document to be recorded clarifying the purpose of the ingress/egress easement across lot 7, block 2, Wilson Ranch Subdivision, filing #4.

Petitioner: Kathy Portner

Location: 2574 Ranch Court

PETITIONER'S PRESENTATION

Using overhead transparencies which were received into the record, Kathy Portner provided a history of Wilson Ranch filing #3. Ms. Portner stated that the original filing had been later split into filings #3 and #4. The ingress/egress easement dedication language had been approved as part of the filing #3 preliminary plan even though the easement itself was located (after the filing was split) within filing #4. The easement provided the adjacent Lamm property to the east

with an alternative access. The owner of lot 7 was contesting the use of the access for through traffic. Staff recommended approval of the plat correction in accordance with the conditions of approval of the preliminary plan for Wilson Ranch Subdivision.

PUBLIC COMMENTS

FOR:

Tom Volkmann (655 North 12th Street, Grand Junction), attorney representing the Lamms, said that the access easement agreement had originally been drafted in 1980 between the Lamms and developer Skip Behrhorst. Since the access was never constructed, Planning Commission had agreed to honor the agreement by including it as a condition during the preliminary plan process for Wilson Ranch. The right-of-way would be constructed to city standards. Mr. Volkmann emphasized that the easement agreement had been in place for a number of years and did not represent a new request.

Dan Garrison (no address given), Wilson Ranch's developer, read portions of the agreement into the record. He agreed with Mr. Volkmann's assertion that the agreement had been in existence since 1980 and had been in place throughout the entire development of Wilson Ranch. It had also been noted on other legal documents as well, such as property insurance certificates. He acknowledged that the dedication language perhaps did not convey what had always been the intent and he apologized for any misunderstanding. Correcting the language would clarify that intent.

AGAINST:

Tony Pelletier (738 Ranch Road, Grand Junction) said that very few people residing along Ranch Court were aware of the easement's existence. They had purchased their properties thinking that Ranch Court provided limited access. He was concerned that if the Lamm property was developed, more traffic would be funneled onto Ranch Court. He also questioned whether the easement was wide enough to meet the standards for a city street. Mr. Pelletier asked that more information be obtained before approving the easement.

Leslie Skerl (2574 Ranch Court, Grand Junction), owner of lot 7, said that she had been told at closing that the easement in question was for utilities only. She said also that the title company had omitted the easement on her title insurance policy. She had never been made aware of the agreement between the Lamms and the subdivision's developer and development of the access would result in a road running through her front yard. Ms. Skerl expressed concern over the safety of her young daughter and the loss of her land. She stated that litigation was ongoing and any approval by the Planning Commission, she felt, would nullify her case.

PETITIONER'S REBUTTAL

Ms. Portner offered no further testimony but availed herself for questions.

QUESTIONS

Commissioner Gordon asked how the easement had originally been represented on the plat. Ms. Portner said that it had originally been labeled on the plat as a utility and ingress/egress

easement. But while the graphic description was clear, the dedication language was not so clear.

John Shaver read applicable portions of the original dedication language for clarification. That language provided that the easement for ingress/egress as well as for utilities.

Chairman Elmer observed that the language did not seem standard for a utility easement. Mr. Shaver concurred and said that the last two-plus lines of the original dedication language referred to the easement as a public access dedicated to the City of Grand Junction.

Commissioner Driscoll asked if any other legal documents substantiating the access easement were available at the County Clerk and Recorder's office. Were there any recorded documents available which put the homeowners on notice? Ms. Portner said that the agreement itself was recorded but she was unsure how it had been tracked through the sales of Wilson Ranch lots. Mr. Shaver affirmed that notification via the recorded agreement and the plat had been available to homeowners.

DISCUSSION

Chairman Elmer said that the intent of the easement had been very clear at the time of its inception. The legal agreement was already in place when Wilson Ranch's lots were sold. It was unfortunate that not all homeowners knew of its existence. He clarified that Planning Commission's responsibility included upholding the agreement's original intent and he felt the request for clarification to be appropriate.

Commissioner Gordon concurred.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item FP-1993-045-2, I move that we approve the plat correction as recommended by staff."

Commissioner Gordon seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

FP-1997-142 FINAL PLAT/PLAN--SYLVAN MINOR SUBDIVISION

A request for approval of the Final Plat/Plan for Sylvan Minor Subdivision in a PB (Planned Business) zone district to allow construction of two new office buildings.

Petitioners: David Durham/Kerry Murdock

Location: 1635 North 1st Street

Representative: Hydro Terra/David Smuin

PETITIONER'S PRESENTATION

David Smuin, representing the petitioner, reviewed the request and noted the zoning and uses surrounding the property. The request was consistent with the intent of the *Growth Plan* which recommended continued business development in the subject area. The petitioners intended to subdivide the property into two lots; the PB zone request would apply to both lots. The proposed common parking areas would have two shared access points, two curb cuts would be eliminated, and two shared driveways would be constructed. A left-hand turn lane and restriping of 1st Street would be undertaken by the City. A 6-foot privacy fence was proposed

along the western property line. A portion of expected stormwater was expected to drain onto Mesa Avenue and North 1st Street. Remaining runoff would be retained on site. Reconstruction of the sidewalk along 1st Street would be required, but street improvements may be credited to TCP payments.

Mr. Smuin noted the ample buffering areas and said that mature trees along the western boundary would be saved. A neighborhood meeting had been held in late August with 7 neighbors attending. Neighbors supported the request and the only concern expressed had been over possible drainage impacts of the retention pond to the adjacent insurance company. He did not believe that any impacts were likely to occur. Mr. Smuin provided a brief description of the school and said that it would close each day by 7 p.m. Student pickup and delivery would occur alongside the building. There would be a maximum of 13 employees and employee parking would be provided. The Nickel Want Ads would close at 5 p.m. each day. It proposed a maximum of 12 employees and traffic to that business was generally light.

Mr. Smuin said that the petitioners were in general agreement with staff's conditions; however, he requested two amendments. The staff report had erroneously placed the Nickel Want Ads on lot 1 and the Sylvan Learning Center on lot 2. He said that this should be reversed. Also, the Sylvan Learning Center requested that it be allowed to retain and use its present 48-square-foot illuminated wall sign on the new building. In exchange, the Nickel Want Ads would drop its request for an illuminated sign.

QUESTIONS

Commissioner Gordon asked how overflow of the drainage basin would be handled. Had there been any escape route planned? Mr. Smuin replied negatively, adding that the basin may overflow only in a 500-year flood event. In that case, excess water would travel out the southwest corner of the lot along the west lot line onto 1st Street.

Commissioner Driscoll asked if the exterior design included stucco, to which Mr. Smuin responded affirmatively.

Commissioner Driscoll asked if the sign issue was the only outstanding concern, to which Mr. Smuin answered affirmatively. When asked if the sign could be re-timed to turn off by 9 p.m., Mr. Smuin indicated that would be agreeable.

STAFF'S PRESENTATION

Kristen Ashbeck said that signage recommendations contained in the project review had been based on typical signage allowed in residential areas. If Planning Commission chose to approve the illuminated sign, she suggested that the dimensions of the sign be limited to the sign's present 48 square feet. Staff recommended approval of the request subject to the following conditions:

1. Revisions to the signage proposed for the site as outlined in the staff report.
2. Address all remaining staff comments dated October 1, 1997 prior to issuing a planning clearance for a building permit and/or prior to recording the Final Plat.

3. Architectural design of both buildings shall be residential in character with roof pitch/shape, exterior materials, and building height (single story) similar to the conceptual drawings provided with the submittal package dated September 12, 1997.

QUESTIONS

Commissioner Gordon asked Kerrie Ashbeck if she'd reviewed drainage plans for the site. Ms. Ashbeck said that the City required mitigation of drainage up to a 100-year flood event. The current proposal met this criterion.

Chairman Elmer asked if the proposal included only the two uses mentioned. Ms. Ashbeck replied affirmatively, adding that the Planning Commission could expand the list of allowable uses if it so chose. She clarified that no rezoning was being requested nor was it required.

Commissioner Vogel asked if the request was consistent with the *1st Street Corridor Guidelines*. Ms. Ashbeck said that the Guidelines encouraged this portion of the corridor to remain residential; however, a Planned Business zone had been approved for the site and the *Growth Plan* recommended retention of that zone.

Chairman Elmer asked if the proposed uses were consistent with the zone's definition of "professional office building." Ms. Ashbeck felt that the intent was clear and would omit the inclusion of other more intense uses such as retail. Mr. Shaver elaborated that the currently proposed uses legally represented the plan which would run with the site's planned zone and the petitioner was bound to those two uses. Before any expansion of those uses could occur an amendment to the plan would be required.

PUBLIC COMMENTS

FOR:

Harvey Steffens (1626 Spruce Court, Grand Junction) felt that the site would be greatly improved by the businesses and that they were already assets to the community.

Robert LeBaron (1525 North 1st Street, Grand Junction), owner of the adjacent insurance business, said that the petitioners and developer had addressed the drainage issue with him. He offered to give them permission to extend a pipe into the irrigation ditch to handle any overflow.

AGAINST:

There were no comments against the request.

DISCUSSION

Commissioner Gordon appreciated Mr. LeBaron's willingness to work with the petitioners on the drainage issue.

Chairman Elmer remarked that even without further mitigation the petitioners already met the City's drainage requirements.

Commissioner Vogel noted staff's willingness to compromise on the illuminated sign and wondered if specifics should be left up to staff and the petitioners. Mr. Shaver said that this option was at Planning Commission's discretion.

Chairman Elmer had no problem with approving use of the existing sign but suggested that it be conditioned so that illumination would cease at 9 p.m. He commented that 1st Street was a busy street and not representative of a typical residential neighborhood. An illuminated sign directed onto 1st Street did not seem to be an unreasonable request.

Commissioner Vogel agreed.

Commissioner Driscoll also agreed with this conclusion. He wondered if the hours of business also needed to be restricted since doing so was typical for Planned Business zones. He suggested coordinating the hours of operation with the hours of sign illumination.

Petitioner David Durham interjected that by 8 p.m. all daily business would be completed. Restricting sign illumination and hours of operation to 9 p.m. was satisfactory.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item FPP-1997-142, the Sylvan Minor Subdivision, I move that we approve the Final Plat and the Final Plan subject to staff’s recommendations 1 through 4. (Item) 4 would be setting times of working hours to 9 p.m., the illuminated sign to be off by 9 p.m., and the east facade sign for the Sylvan Learning Center be 48 square feet.”

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

Commissioner Gordon excused himself from the remainder of the hearing.

FPP-1997-157 FINAL PLAT/PLAN--INDEPENDENCE RANCH FILING #2

A request for approval of the Final Plat/Plan for Independence Ranch filing #2 consisting of 17 single family lots on approximately 7.66 acres with a zoning of PR-2.4 (Planned Residential with a density not to exceed 2.4 units per acre) zone district.

Petitioner: Independence Ranch LLC

Location: Southwest corner of 20 1/2 Road and F 3/4 Road

Representative: Ciavonne and Associates

STAFF’S PRESENTATION

Hans Brutsche, representing the petitioner, said that the request represented the second of three planned filings. The request is consistent with *Growth Plan* density recommendations and closely matched the approved Preliminary Plan. He noted the staff condition of approval for an off-site storm sewer outfall easement and said that the easement would have to be secured from Leatha Jean Stassen. Ms. Stassen is willing to grant the easement but the exact location would be deferred until the half-mile of off-site sewer line to the northeast was installed. Mr. Brutsche elaborated briefly on the park, pedestrian walkway and planned open space amenities.

STAFF’S PRESENTATION

Bill Nebeker said that the project's density was less than what would have been allowed by the *Growth Plan*. With no outstanding issues, staff recommended approval subject to the following condition:

1. An off-site easement for the storm sewer outfall shall be provided prior to plat recordation.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Lori Stone (2042 F 3/4 Road, Grand Junction) said that the filing #2 lots were even smaller than those in filing #1. She objected to the placement of 11 homes along F 3/4 Road such that individual driveways would access directly onto F 3/4 Road. She felt that these homes should have been routed to an internal subdivision street. She stated that the petitioner's assertion that she had requested the present configuration was untrue. She continued to believe that residential development was incompatible with the agricultural operations occurring on her adjacent 10 acres and she objects to the project's density. Ms. Stone said that a portion of F 3/4 Road along its northern boundary had been ripped out to install utilities. As a result, the banks of the adjacent ditchbank were no longer distinct and subsequent flooding had occurred. She asked that the ditchbanks be returned to their original condition.

PETITIONER'S REBUTTAL

Mr. Brutsche said that he was responsible for improvements along the southern half of F 3/4 Road only; he'd never effected any kind of construction or repair along the northern side of the road. Mr. Abeloe, developer of Country Meadows Subdivision, was responsible for improvements along the northern side of F 3/4 Road. He clarified that less than 6 inches of asphalt on the southern half of the northern half of F 3/4 Road had been cut to match the existing asphalt. He was, however, willing to meet with Ms. Stone to see if some mitigation of the ditchbanks could be accomplished. Mr. Brutsche explained that in addition to F 3/4 Road improvements, improvements to the eastern half of 20 1/2 Road would also be constructed.

DISCUSSION

Chairman Elmer asked if the lots were comparatively similar in this filing to those in the first filing. Mr. Nebeker said that some of the lots in filing #1 along the western boundary were larger only because they abutted the larger lots in Independence Valley Subdivision. The overall density remained constant and the current filing was consistent with the Preliminary Plan.

Commissioner Driscoll commented that Planning Commission's responsibility in a Final Plan/Plat development stage was only to ensure conformance with the Preliminary Plan. Mr. Shaver echoed this conclusion.

Chairman Elmer said that the request seemed to comply with the Preliminary Plan. If the petitioner was willing to work with Ms. Stone, it would be at his discretion. The Planning Commission could not make this a requirement.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item FPP-1997-157, I move that we approve the Final Plat and Plan for Independence Ranch Subdivision filing #2 subject to staff’s recommendations.”

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

A brief recess was called at 8:20 p.m. The hearing reconvened at 8:25 p.m.

Due to a potential for conflict of interest, Commissioner Driscoll withdrew from consideration of the following item.

FPP-1997-158 FINAL PLAT/PLAN--FALL VALLEY FILINGS #2 AND #3

A request for approval of the Final Plat/Plan for Fall Valley filings #2 and #3 consisting of 74 single family lots on approximately 20.4 acres with a zoning of PR-2.9 (Planned Residential with a density not to exceed 2.9 units per acre) zone district.

Petitioner: Sonshine Construction

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

Representative: Jana Bingham

PETITIONER’S PRESENTATION

David Chase, representing the petitioner, said that the current request represented the last two filings of the Fall Valley Subdivision. No modifications had been made to the Preliminary Plan and issues had been discussed and mitigated with staff. A proposal to complete full width improvements to 25 1/2 Road had been submitted to the City for its consideration. Half-street improvements had been required of the petitioner with filing #2; however, the City decided to participate in full width improvements. No construction of 25 1/2 Road or interior streets would take place before spring of 1998.

While in general agreement with staff conditions, Mr. Chase asked that consideration be given to the following: 1) a request that condition 7 be extended to allow for a 1 1/2 year timeframe for final plat recordation on filing #3 only, and 2) construction of the fence noted in condition 5 be waived (further detail provided by Ms. Bingham).

Jana Bingham, also representing the petitioner, felt that it was more reasonable to require homeowners to construct and maintain their own fences. She felt that requiring the petitioner to construct the entire fence was unreasonable and that both problems and discontent generally arose as a result of homeowners association (HOA) maintenance. She said that the covenants imposed a timeframe on homeowners which required fence construction to be completed within one year of occupancy. She said that this language requirement had been fairly successful in two other subdivisions. Ms. Bingham said that in order to meet condition 6, the fence would have to be moved onto the homeowners’ properties. The HOA would have to secure approval from individual homeowners in order to provide maintenance.

Commissioner Coleman asked if there would be standards imposed to ensure consistency in fencing materials and design. Ms. Bingham said that covenants specified 6-foot cedar fencing,

and while interpretation had never before been a problem, she would agree to include additional language to make the requirement more specific. She felt that if the homeowner owned the fence, there would be a greater sense of pride in its maintenance.

Commissioner Coleman disagreed since each property owner may have a different idea of when such maintenance would be warranted. He referenced Oxbow Subdivision where property owners along F Road has completely failed to maintain their fences, allowing them to fall into disrepair. An HOA would ensure continued maintenance along the entire fence length.

Ms. Bingham said that in cases where homeowners failed to properly care for their fences, the burden of maintenance was generally borne by all other homeowners. This seemed unfair. Commissioner Coleman again referenced Oxbow Subdivision and said that it represented one example where maintenance by individual homeowners had not worked.

Mr. Nebeker asked that if modification was made to the condition requiring the fence, that verbiage should be added to require fence completion by the developer if homeowners failed to adhere to the one-year construction requirement.

Mr. Shaver said that HOA's frequently burdened property owners by virtue of covenant requirements. It is, as a matter of law, unreasonable or uncommon for an HOA to have access to properties for purposes of fence maintenance. Mr. Shaver said that the construction timeframe, materials and future maintenance were different issues and he suggested that planning commissioners address each one separately.

STAFF'S PRESENTATION

Bill Nebeker said that the request was consistent with the Preliminary Plan and Plat. He briefly reviewed the proposal and said that extending the recordation date another 6 months would pose no problem. He noted that a portion of the proposed pocket park, originally included with filing #3, would instead be completed with filing #2. The fencing condition was recommended to ensure consistency along the 25 1/2 Road corridor. Staff recommended approval subject to the following conditions:

1. The parkway strip on 25 1/2 Road between the detached sidewalk and the curb shall be landscaped with grass and watered with an underground pressurized irrigation system. A revocable permit shall be obtained for the irrigation system.
2. The subdivision's CC&R's shall be revised to state that the irrigation system and landscaping in the 25 1/2 Road right-of-way will be maintained by the homeowners association.
3. The entire park and the amenities within it shall be constructed during filing #2. The plats shall be revised to include all of the park in filing #2. Specific playground equipment proposed for the park shall be approved by staff prior to plat recordation.
4. The plat for filing #2 shall be amended to include the 20-foot utility easement in future Shadowood Court, within the plat boundaries.

5. A 6-foot-high cedar fence shall be required to be constructed by the developer adjacent to 25 1/2 Road and F 1/2 Road along with other improvements guaranteed through the subdivision's Development Improvements Agreement. This fence shall be maintained by the homeowners association. The covenants shall be amended accordingly to reflect this requirement.
6. The detached sidewalk along 25 1/2 Road shall be constructed adjacent to the property line to prevent the creation of a weed-filled strip between it and the subdivision's fence.
7. The subdivision plats for filings #2 and #3 shall be recorded within one year of Planning Commission approval.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Robin Madison (2586 Galley Lane, Grand Junction) wondered if the "pocket park" was the same thing as the "tot lot" referenced in a previous hearing. She said that recreational equipment was to be outlined during the final development stage. Where was the outlot located in the northwestern corner of the project and referenced previously? She also recommended that bike lane striping be provided along both sides of 25 1/2 Road due to the subdivision's proximity to Pomona School. Ms. Madison wondered about the price range of proposed homes and requested that any marketing advertisement be placed on F and not F 1/2 Road.

PETITIONER'S REBUTTAL

Mr. Chase confirmed that the tot lot discussed previously was the park space referenced by staff. A landscaping plan for the park had been submitted and he was currently working with staff, the developer, and the City Parks Department on the type of recreational equipment to be provided. When determined, this would be included as part of the landscaping plan. The outlot referenced by Ms. Madison had been platted as a part of filing #1. Bike lane striping was planned for both sides of 25 1/2 Road. Homes would be similar in design and price to those of Valley Meadows East Subdivision. Advertisement would most likely be placed near the two access points off of 25 1/2 Road.

Mr. Chase was unsure what the Oxbow Subdivision fence situation was, but offered to continue dialog after completion of the public hearing.

Chairman Elmer clarified that the referenced tot lot would be a private park maintained by the homeowners association. Mr. Chase said that this was correct.

DISCUSSION

Commissioner Coleman felt that condition 5 regarding the fencing should be left intact to ensure consistency of design and maintenance.

Commissioner Vogel agreed.

Commissioner Coleman did not see any reason not to grant the additional 6-month extension for plat recordation on filing #3. Mr. Shaver said that an 18-month timeframe was not an unusual variation of *Code* requirements.

Chairman Elmer asked if an easement description was needed to provide for HOA maintenance of the 25 1/2 Road fence. Mr. Shaver did not feel that this was necessary since it appeared that some modification to the covenants addressing the maintenance issue would be required. Once recorded, the covenants would create a legal condition which runs with the land. If properly written requirements that should be sufficient to allow access for maintenance. Mr. Shaver suggested that in lieu of a "first-responsibility" role for maintenance, an "owners provision" be created to give homeowners an opportunity to perform maintenance responsibilities themselves. If homeowners failed to maintain their fences, then the HOA could complete the maintenance and bill homeowners.

Chairman Elmer expressed mixed feelings on the fence issue since he'd seen examples where homeowner maintenance had worked and also where it hadn't. He agreed that HOA's generally had more control and could better ensure uniformity; however, he acknowledged the developer's willingness to provide parks, lower density and provide a quality development. He expressed overall support for the project.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item FPP-1997-158, I move that we approve the Final Plat and Plan for Fall Valley filings #2 and #3 subject to staff's recommendations, including changes to 7 that filing #3 be given a year-and-a half to record from today's date."

Commissioner Vogel seconded the motion. A vote was called and the motion passed unanimously by a vote of 3-0.

Commissioner Driscoll returned and was present for deliberations on the remaining items.

IV. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

RZP-1997-123 REZONE AND PRELIMINARY PLAN--PAYTON II SUBDIVISION

A request for approval of the Preliminary Plan for Payton II subdivision consisting of 11 single family lots on 3.565 acres and to rezone from RSF-2 (Residential Single Family with a density not to exceed 2 units per acre) to RSF-4 (Residential Single Family with a density not to exceed 4 units per acre).

Petitioner: Payton Roberson

Location: 717 - 24 3/4 Road

PETITIONER'S PRESENTATION

David Hartman, representing the petitioner, said that the request represented a resubmittal of a Preliminary Plan. Following the initial application, comments and recommendations had been

received and issues such as drainage were addressed. He acknowledged that staff's recommendation was denial for the Preliminary Plan due to density discrepancies of the plan with *Growth Plan* recommendations. Factors that had contributed to the proposed density included the petitioners already living on what would be lot 1. An irrigation line was situated in the middle of the proposed subdivision. Given the physical restrictions, it was not possible to add another 3 lots and still maintain the 75-foot minimum lot width required by the *Growth Plan*. The current configuration, he said, would serve to buffer the surrounding RSF-2 and RSF-4 lots. The request met zoning and rezone requirements and was lacking only in recommended density. He asked that the proposal be exempted from the literal interpretation of the *Growth Plan*.

STAFF'S PRESENTATION

Bill Nebeker said that the rezone request complied with *Growth Plan* guidelines which called for a density of 4-7.9 dwelling units per acre. While the rezone met the criteria, the Preliminary Plan did not meet the 4 dwelling unit/acre minimum. Staff acknowledged existence of the physical constraints mentioned by Mr. Hartman and said that mitigation might mean relocation of the existing home on lot 1, relocating the irrigation line and/or reconfiguration of the lots into a less desirable layout. Staff's denial recommendation for the Preliminary Plan was based on the *Growth Plan* map; however, approval of the rezone request was recommended.

If approval of the Preliminary Plan was recommended by Planning Commission, staff asked that the following conditions apply:

1. An additional one foot must be dedicated along 24 3/4 Road to accommodate the construction of half-street improvements by the developer for an urban residential collector street.
2. The owners of the existing home in the subdivision will be required to narrow their driveway at the time subdivision improvements are constructed to conform with city standards.

QUESTIONS

Commissioner Coleman said that while the *Growth Plan* represented a valuable planning tool, common sense dictated that it would not be reasonable to expect the petitioners to tear down their house. Nor is it reasonable to deny the proposal for the reasons stated. Mr. Nebeker concurred, stating that the Planning Commission could keep this in mind and make an alternate recommendation if it so chose.

Chairman Elmer asked if the plan otherwise met all bulk and setback requirements. Mr. Nebeker said that the proposal actually exceeded the requirements.

Commissioner Driscoll asked if the proposal would represent an "island" of high density if the guidelines of the *Growth Plan* were strictly adhered to. Mr. Nebeker replied negatively and added that a higher density could result in a less desirable lot layout.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Vogel said that when the *Growth Plan* was adopted, it was known at the time that there may be some inherent discrepancy in zone placement. He felt that this instance was one such case where common sense should dictate direction. He felt that the development would provide a good transition between the higher RSF-4 density to the north and the lower RSF-2 density to the south.

Chairman Elmer commented that since the project met bulk requirements, the *Code* didn't support a recommendation for denial, but such a recommendation did demonstrate a need to update the *Code* to more closely align with the *Growth Plan*.

Both Commissioners Coleman and Driscoll concurred with these comments.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item RZP-1997-123, I move that we forward a recommendation of approval to the City Council for the rezoning of the proposed Payton II Subdivision from RSF-2 to RSF-4."

Commissioner Driscoll 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-1997-123, I move that we approve the Preliminary Plan for the Payton II Subdivision subject to staff's recommendations."

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

Mr. Shaver advised the petitioner and planning commissioners that the Preliminary Plan approval was contingent upon the rezone request receiving final approval by City Council.

VE-1997-147 VACATION OF EASEMENT--5-FOOT UTILITY EASEMENT

A request to vacate a 5-foot utility easement to accommodate an existing residence.

Petitioner: John Caldwell
Location: 2806 3/4 Bookcliff Avenue
Representative: Ken Heitt

PETITIONER'S PRESENTATION

Ken Heitt, representing the petitioner, said that a small triangular portion of the home's garage encroached upon the existing utility easement. The builder of the home had believed the home to be in compliance with setbacks and outside of the utility easement. There was no anticipated need for the easement for future utilities placement. Without the vacation, the encroachment could make conventional financing of the home extremely difficult.

STAFF'S PRESENTATION

Mike Pelletier said that the petitioner had received Board of Appeals approval on September 10 to vary side yard setbacks from 5 feet to 4 feet. No opposition had been received from surrounding property owners. Staff recommended approval of the request.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Driscoll said that if the easement wasn't needed for utilities, the vacation made sense.

Commissioner Coleman agreed.

MOTION: (Commissioner Driscoll) "Mr. Chairman, on item VE-1997-147, I move that we recommend to City Council approval of this easement vacation."

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

RZ-1997-159 REZONE--BOOKCLIFF BAPTIST CHURCH PARKING LOT EXPANSION

A request to rezone from RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) to P (Parking, Off-Street) to allow for the construction of a paved parking area.

Petitioner: Bookcliff Baptist Church

Location: 2702 Patterson Road

Representative: Robert Jenkins

PETITIONER'S PRESENTATION

Robert Jenkins, representing the petitioner and St. Mary's Hospital, said that the site had been a parking lot for many years and would be utilized by both the church and St. Mary's Hospital. The expansion would provide an opportunity to improve the lot and that the proposed landscaping added a balance of visual color and texture. Mr. Jenkins objected to staff's requirement for more trees and said that the number and type of trees recommended would overwhelm the parking lot area. He felt that "more was not necessarily better." He said that the Grand Valley Water Users Association (GVWUA) had expressed its agreement to allow release of stormwater runoff from the detention area into its ditch.

STAFF'S PRESENTATION

Kristen Ashbeck said that the request was consistent with *Growth Plan* guidelines and it met the *Code's* rezone criteria. Improvement of the lot would also serve to mitigate long-standing *Code* enforcement complaints by neighbors concerning dust generation. Staff recommended approval subject to the following conditions:

1. All parking row end islands shall be a minimum of 9 feet in width for their entire length. Therefore, reconfiguration of those at the north end of the two middle parking rows and the south end of the easterly central row is required.

2. Replace all Austrian Pine and Aspen clumps located on interior parking islands with shade trees (e.g., Green Ash).
3. Prior to starting any work on the project, provide evidence of an agreement with GVWUA for discharge into ditch or provide revised engineering plans and construction details for piping discharge to existing inlet.

Ms. Ashbeck added that amendment to the landscaping plan was sought because it was felt that Aspen trees would not survive the heat generated by the parking lot. Austrian Pine trees posed visibility problems. Staff condition 2 addressed the species rather than the number of trees planted.

QUESTIONS

Chairman Elmer asked if the *Code* provided specifics on the species of trees. Ms. Ashbeck said that the *Code* only required the planting of "shade" trees. Aspens are generally not considered shade trees.

PUBLIC COMMENTS

FOR: Don Martin (1552 Pinyon Avenue, Grand Junction) said that the parking lot had always been considered a dust bowl by surrounding residents. He felt that improvements would provide a nice addition to the area.

AGAINST: There were no comments against the proposal.

PETITIONER'S REBUTTAL

Mr. Jenkins said that staff required the planting of 22 trees solely within parking lot islands. He suggested that such plantings would be out of scale with the lot when they matured. Also, no provision had been made for plantings along the lot's boundaries. The denseness of the landscaping would also hinder the function of the lighting which would also occupy the 6 islands.

QUESTIONS

Commissioner Coleman asked if the petitioner was willing to work with staff on the landscaping details, to which Mr. Jenkins agreed.

Chairman Elmer remarked that 22 trees did seem like a large number for the size of the lot. Ms. Ashbeck said that even with the recommended substitutions, there were only about 12 trees planted within the interior of the lot. Additional plantings could be relocated to the detention area and in the area near the school.

Mr. Jenkins said that there were already 20 trees planted on site, with staff requiring a total of 22 for just the interior of the lot.

DISCUSSION

Chairman Elmer said that landscaping needed to make sense for the project proposed. The intent of the *Code* was to provide a visual buffer within the "sea of asphalt" that would otherwise occur if landscaping were not provided.

Commissioner Driscoll expressed approval for the landscaping design as proposed by the petitioner. He wondered if there were safety concerns associated with Austrian Pines that should be considered.

Commissioner Vogel said that he didn't think the pines generally pose any problems until maturity, but even then, lower branches could be trimmed to retain visibility.

Commissioner Driscoll noted the locations of the Austrian Pine trees in proximity to nearby buildings.

Chairman Elmer asked if the Planning Commission had the authority to approve the landscaping plan as submitted by the petitioner. Mr. Shaver said that the issue was essentially a question of "substantial compliance." Given the minor difference between the petitioner's representation of 20 trees and staff's request for 22 trees, approval could be based on the Planning Commission finding substantial compliance with the *Code's* landscaping requirement.

Chairman Elmer expressed support for this rationale.

A brief discussion ensued over the proper wording of a motion. Mr. Shaver suggested making specific reference to "the plan" and find that particular document was in substantial compliance.

MOTION: (Commissioner Driscoll) "Mr. Chairman, on item RZ-1997-159, a request to rezone a portion of the property located on the northwest corner of 12th and Patterson from RSF-8 to Parking, Off-Street (P), I move that we forward the item to City Council with a recommendation of approval subject to staff's recommendations 1 through 3, with the change to condition 2 to indicate that the landscaping must be in conformance with the plan submitted with the proposal by the petitioner which indicates substantial compliance with the Code requirements."

Commissioner Coleman seconded the motion.

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

V. GENERAL DISCUSSION

Michael Drollinger reminded planning commissioners of the Northwest Area Plan meeting scheduled for October 14. Additional information would be forthcoming.

Commissioner Coleman asked when the next review of the *Growth Plan* was scheduled. Kathy Portner replied that the annual review would take place in the spring of 1998. Actual review dates would be included in the new *Code* rewrite.

Chairman Elmer said that City Council would want to address the problem areas which had arisen since adoption of the *Growth Plan*. Ms. Portner said that when dates were determined and included in the *Code*, those issues could be brought before City Council en masse.

With no further business, the hearing was adjourned at 9:45 p.m.

CORRECTION TO WILSON RANCH, FILING 4 SUBDIVISION PLAT
AS RECORDED IN PLAT BOOK 14, PAGE 297
MESA COUNTY CLERK AND RECORDER

1818156 10/28/97 1159AM
MONIKA TODD CLK&REC MESA COUNTY CO
REC FEE \$5.00 SURCHG \$1.00

In 1993 the Grand Junction Planning Commission approved the preliminary plan for Wilson Ranch Subdivision with several conditions, including the "granting of right-of-way for a street meeting City standards out to the property line to the east". Specifically this condition describes the extension of Ranch Court to provide access to the property owned by Marian Lamm (City development file #4-93). Also in 1993 the final plat for the proposed filing 3 was approved by Planning Commission, incorporating the conditions of the preliminary approval and other staff comments (City development file #45-93). The proposed filing 3 included 36 single family lots and an ingress/egress easement at the end of the Ranch Court dedicated to the owners of property located to the east. The proposed dedication was contiguous with Lot 4, Block 1.

Subsequent to the Planning Commission hearing, the applicant changed filing 3 into two filings, revised filing 3 and new filing 4. The revised filing 3 included 21 lots and the new filing 4 included 15 lots. The revised filing 3 plat included dedication language for the access, even though the ingress/egress easement was a part of new filing 4. The filing 4 dedication language was changed, for reasons not clear from the City's records, to read "all ingress/egress easements to the owners of lots or tracts specifically identified on the plat as perpetual easements for ingress and egress purposes for the use by said lot or tract owners, their guests, and invitees, and also for use by public services, including but not limited to, postal service, trash collection, fire, police, emergency vehicles, and the City of Grand Junction".

Summary of Planning Commission Action

The Grand Junction Planning Commission, on October 7, 1997 in open, public hearing, approved a correction to the Wilson Ranch, Filing 4 plat, which correction serves to dedicate the ingress/egress easement across lot 7, block 2 as a right-of-way to provide access to the property to the east in accordance with the conditions of approval of the preliminary plan for Wilson Ranch Subdivision.

This amendment to the Wilson Ranch, Filing 4 plat was duly approved and shall be recorded in the land records in and for Mesa County, Colorado.

John Elmer
John Elmer, Chairman
Grand Junction Planning Commission

10/7/97
Date