

**GRAND JUNCTION PLANNING COMMISSION
DECEMBER 9, 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), Robert Gordon, Jeff Driscoll, Joe Grout, Mike Denner, Mark Fenn 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), Michael Drollinger (Sr. Planner) and Mike Pelletier (Assoc. Planner).

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

Terri Troutner was present to record the minutes.

There were approximately 15 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of November 4, 1997.

MOTION: (Commissioner Grout) "Mr. Chairman, I move that we approve the minutes of the November 4, 1997 meeting as written."

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

II. ANNOUNCEMENTS AND/OR PRESENTATIONS

Chairman Elmer noted the items which had been pulled from the evening's agenda. These items included SUP-1997-164, CUP-1997-187, RZP-1997-188 and RZP-1997-189.

Chairman Elmer welcomed new planning commissioners Mike Denner and Mark Fenn.

III. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

FPP-1997-126 FINAL PLAT/PLAN-PATTERSON PARKWEST

Request to approve the Final Plat/Plan for Phases 1 and 2 of Patterson Parkwest in a PC (Planned Commercial) zone district.

**Petitioner: Earl Waskowsky
Location: West of northwest corner of 25 and F Roads
Representative: Robert Gregg**

PETITIONER'S PRESENTATION

Robert Gregg, representing the petitioner, noted the location of the site on maps provided and briefly outlined the project. A 14,000+ square foot retail mall would be constructed in Phase 1, with an additional 4,000 square foot building to be constructed in Phase 2. Both buildings would be located on the site's 2 acre parcel. Access to the property would be via 25 Road and F Road.

QUESTIONS

Commissioner Driscoll asked about the size of proposed signage along F Road. Mr. Gregg said a condition of Preliminary Plan approval had been to limit the height of the sign fronting F Road to no more than 10 feet.

Commissioner Denner asked if Phase 3 would be affected by Phases 1 and 2. Mr. Gregg replied that a deeded access would be recorded across the property in the first two phases, providing access to phase 3.

STAFF'S PRESENTATION

Kristen Ashbeck said that the Final Plan was consistent with the Preliminary Plan. A drainage issue had been resolved with runoff to be discharged into the Ranchman's Ditch at historic rates. She reiterated that approval for signage along F Road limited the sign's height to no more than 10 feet. Staff recommended approval subject to the following conditions:

1. Final review by the Utility Coordinating Committee (UCC) of the Final Plat is required.
2. The Development Improvements Agreement (DIA) and Guarantee needs to include costs for city inspection fees, quality control testing, and construction surveying/staking for the work within the right-of-way.
3. The grading and drainage plans needs to show and label the proposed stabilization for the detention pond areas outside the parking lot (sod, seeding, rip-rap, etc.) The pond slopes that are 2:1 are required to be stabilized with rip-rap or cobble. The cross-sections need to show and specify the material to be used for stabilization. The detention pond along the north property line is shallow, so placement of rip-rap/cobble needs to be such that it will not impact the pond capacity. The cost of stabilization materials must also be included in the DIA.
4. The 25 Road striping plan needs revisions. Staff will redline a plan to give to the project engineer.
5. A property owners' association and covenants and/or an agreement must be created to address construction, maintenance, etc. of the shared facilities.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Driscoll concurred that the Final Plan was consistent with the Preliminary Plan. The Final Plan proposal seemed to be straightforward.

Chairman Elmer agreed, adding that it appeared all outstanding issues had been resolved.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item FPP-1997-126, the Final Plan for Phases 1 and 2 and the Final Plat for the Patterson Parkwest retail mall, I move that we approve the proposal subject to the staff recommendations.”

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

MS-1997-190 MINOR SUBDIVISION--VOSTATEK MINOR SUBDIVISION

Request for a two lot minor subdivision on approximately .77 acre in an RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) zone district.

Petitioner: Carl Vostatek

Location: 2558 F Road

PETITIONER’S PRESENTATION

Carl Vostatek, petitioner, noted the location of the parcel on maps provided. Each of the two lots met the requirements of the current RSF-8 zone. The house which was located on one of the lots had been significantly remodeled. There are currently no plans to build on the second lot; however, he felt the lot would be suitable for later construction of an affordable (\$75-\$100K) home.

QUESTIONS

Commissioner Fenn asked Mr. Vostatek when had he purchased the property and when had he talked to staff about the minor subdivision. Mr. Vostatek replied that it had been purchased in March of 1997 and he’d talked to staff about the minor subdivision during the same month.

Chairman Elmer asked the petitioner if he’d considered a higher density development proposal. Mr. Vostatek said that while it had been considered, the current, more modest proposal fit better within his financial means.

Commissioner Coleman asked how far along the remodeling was on the existing residence. Mr. Vostatek said that it was nearing completion. He added that the house which had once been an eyesore was now an attractive asset to the property and the neighborhood.

STAFF’S PRESENTATION

Mike Pelletier noted the site’s location on maps provided. He said that while the proposal met the intent and requirements of the RSF-8 zone, the proposed density of 2.6 units/acre fell well below Growth Plan recommendations of 8 to 11.9 units/acre. In addition, proposed lot sizes would be much larger than the minimums required by the RSF-8 zone. The proposed subdivision, he said, would establish a low density pattern which would preclude development of the site to recommended Growth Plan densities and set a pattern for adjoining parcels. Mr. Pelletier noted City Council’s support for enforcement of Growth Plan recommendations. Having more people locate closer to the nearby Foresight Industrial Park, F Road, and Pamona Elementary School would decrease trip lengths and may increase opportunities for walking and biking. A higher density in this area would also better utilize streets, reduce traffic congestion and lower automobile operation and costs. For these reasons, staff recommended denial of the request.

QUESTIONS

Commissioner Driscoll noted the location of the existing house on lot 1. He wondered if it were feasible to develop lot 2 to the density recommended by the Growth Plan. Mr. Pelletier said that staff had considered only the proposal submitted by the petitioner. He asked that the Community Development Director be given the opportunity for additional input.

Scott Harrington concurred that only the proposal submitted had been reviewed. It was not within staff's purview to design the site for the petitioner. He said that there were a number of alternatives available to the petitioner which would better address Growth Plan recommendations. Mr. Harrington said that there was no prohibition on the petitioner's continuing to use the present home in its current configuration; however, to subdivide the parcel in the way proposed would preclude attaining the objectives of the Growth Plan.

Commissioner Gordon asked Mr. Harrington why he felt the opportunity to meet Growth Plan objectives would be lost. Mr. Harrington responded that once a property is subdivided, the ability to reaggregate it to a different density would be very difficult. In the case of the current proposal, should aggregation be sought in the future, there would be two separate lots with two separate home owners to deal with. The presence of single family homes on the two lots would increase land values and increase expenses.

Mr. Shaver clarified that from a practical standpoint, dealing with two separate parcels and two homeowners would make aggregation to a higher density difficult at best, if not impossible.

Commissioner Denner felt that perhaps Growth Plan recommendations didn't fit this particular property.

Mr. Harrington said that even if the property didn't meet the exact density recommendations of the Growth Plan, there were certainly opportunities to increase the density to something greater than what was currently being proposed. If the current proposal were approved, it would almost assuredly affect future development densities of adjacent properties. Lower densities for F Road frontage properties were out of character with the corridor in this area.

Commissioner Fenn asked Mr. Harrington if there were properties within Growth Plan areas which perhaps were not intended to meet its recommendations. Mr. Harrington agreed that the possibility existed, which was why the permanence of any currently existing structures needed to be evaluated as well. He reiterated that if the petitioner retained the current house in its present configuration, it would not necessarily preclude any long-term aggregation of the property.

Commissioner Coleman noted that the standard length between driveway cuts was 250 feet. If higher density development occurred on the property, wouldn't the number of driveway cuts onto F Road also increase? Mr. Harrington noted where an access easement had been requested so that both lots would share a single driveway.

Commissioner Fenn asked if this easement location effectively cut off a portion of the petitioner's property in the lower southwest corner. Mr. Harrington agreed with Mr. Fenn's conclusion under the current proposal. He reiterated that there were a number of alternatives which would both accommodate a higher density and better comply with Growth Plan recommendations.

Commissioner Fenn asked if a greater density could be achieved while retaining only one access onto F Road, to which Mr. Harrington replied affirmatively.

PUBLIC COMMENTS

FOR:

Richard Kirby (P.O. Box 4893, Grand Junction) said that he'd talked with the petitioner about the house prior to its purchase. Mr. Kirby briefly discussed the history of the property and pointed out that there was another single family home located directly behind the subject property. Thus, he felt that a proposal for single family lots was consistent to what was already there and suggested that perhaps Growth Plan guidelines were in error for this area.

Ken Haining (2554 1/2 F Road, Grand Junction) did not agree with staff's conclusions and recommendation. He noted that it was his property that had been referenced by Mr. Kirby. Development of the property to a density of 8-11.9 units/acre, he contended, would turn the neighborhood into a slum. He elaborated briefly on some of the traffic problems inherent to the nearby Community Center and said that traffic from this facility, the existing apartments and a higher density development would unduly congest the single access onto F Road.

AGAINST:

There were no comments against the proposal.

PETITIONER'S REBUTTAL

Mr. Vostatek disagreed that the opportunity to aggregate future densities would be forever lost. He said that a four-plex could easily fit on the second lot and would better meet Growth Plan recommendations. The triangular piece of property previously referenced by Commissioner Fenn would be landscaped. While staff's conclusions about the site's proximity to the nearby school, industrial park etc. were valid, he felt it would be some time before the smaller parcels in the area were ready for development to the densities proposed by the Growth Plan. In the meantime, the proposal met current Code specifications and was in keeping with the neighborhood in its present configuration. He noted that a similar two-home configuration existed on another nearby property.

DISCUSSION

Commissioner Driscoll asked if a rezone would be required for anything other than single family developments, to which Mr. Pelletier responded affirmatively.

Commissioner Driscoll asked staff if the future for this area held more residential or commercial development. Mr. Pelletier said that it was staff's directive to utilize Growth Plan recommendations in guiding development. Mr. Harrington interjected that commercial development was concentrated in nodes. The Growth Plan did not provide for expansion of commercial development in this area nor would it be encouraged by staff.

Chairman Elmer asked Mr. Shaver about the resultant conflict between the proposal's meeting current Code criteria versus its not meeting Growth Plan recommendations. He asked for a legal opinion on which took precedence. Mr. Shaver said that since the plan is a part of the Code, it is within the Planning Commission's purview to make that determination. The appropriateness of a given proposal is determined by the application of planning documents in place at the time. Planning Commission may take into account the recommendations of planning and other staff. The law, he said, would support

either approval or denial based upon its compliance with Code criteria or non-compliance with Growth Plan recommendations.

Commissioner Coleman recalled a prior denial of a project along F Road due to the project's non-conformance with higher density Growth Plan guidelines. He expressed support for staff's recommendation of denial.

Commissioner Fenn was unconvinced that lots could not be redesigned at some future point. He agreed that there existed a conflict between Code and Growth Plan recommendations. He was not sure that it was fair to force a rezone onto the petitioner in order to comply with Growth Plan recommendations.

Commissioner Gordon concurred. While having a great respect for the Growth Plan and all the work that went into its development, he could not foresee any problem with rezoning the parcels at some future date and approving the request as presented.

Commissioner Coleman reminded fellow planning commissioners that even if denied, nothing was being taken away from the petitioner. He could continue with his present use for as long as he saw fit.

Commissioner Gordon disagreed, saying that if not approved, the petitioner would not be allowed to construct a second house.

Commissioner Coleman said that if approved, the approval would open the door to similar requests, and the intent of the Growth Plan for this area would be lost.

Commissioner Fenn disagreed. He did not believe the parcel lent itself well to a multi-family development and a single access for so many units would create undue traffic congestion. If the present home were not already there, he said, a multi-family development may have been more feasible.

Kerrie Ashbeck did not foresee any problems resulting from more than one multi-family development using a shared access. This, she said, occurred in other developments and worked quite well. She said that the Major Street Plan showed a possible extension of Dewey Place. Should this be developed, it would provide the site with an additional access. She added that additional access options may be available in the future.

Chairman Elmer hoped that the new Development Code, once adopted, would better address conflicts arising between planning documents.

Commissioner Grout concurred with Commissioner Coleman's comments supporting denial of the proposal. He didn't feel that the petitioner had adequately investigated other alternatives available to him and thought that even a duplex or four-plex would be more practical than a single family dwelling.

Commissioner Denner asked if a decision of this type would set any precedent. Mr. Shaver said that Planning Commission's decision would probably set the tone for future development decisions in this area and provide direction to both staff and City Council but is not a binding precedent.

Commissioner Coleman commented that this portion of F Road was no longer suitable for single family development.

Chairman Elmer remarked that the more single family residences there were in an area, the greater the pressure from the community to leave it that way. An increase in the number of property owners would also make any consensus to aggregate more difficult.

Commissioner Driscoll agreed. He reiterated that allowing the split would preclude future development to a density recommended by the Growth Plan, especially given the extensive remodeling of the present structure.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item MS-1997-190, I move that we deny this minor subdivision, the main reason is that it just doesn’t meet the intent of the Growth Plan.”

Commissioner Denner seconded the motion. A vote was called and the motion passed by a vote of 5-2, with Commissioners Gordon and Fenn opposing.

FPP-1997-191 FINAL PLAT/PLAN--PAYTON II SUBDIVISION

Request to approve the Final Plat/Plan for Payton II Subdivision in an RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) zone district.

Petitioner: Payton Roberson
Location: 717 - 24 3/4 Road
Representative: Nichols Associates

PETITIONER’S PRESENTATION

David Hartman, representing the petitioner, noted the site’s location on maps provided. He said that while the proposal called for a density less than Growth Plan recommendations, the difference was far less than what had been proposed by Mr. Vostatek in his proposal. Mr. Hartman said that no issue was taken with any of the staff conditions.

STAFF’S PRESENTATION

Bill Nebeker said that the current Final Plan submittal almost identically matched the Preliminary Plan. As such, staff recommended approval subject to the following conditions:

1. Any portions of the existing wire fence on the parcel that does not conform with zoning regulations shall be removed prior to plat recordation.
2. Minor corrections to the plat and/or development plans will be required prior to plat recordation and/or construction of subdivision improvements.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Driscoll noted that the Final Plan conformed to Preliminary Plan criteria.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item FPP-1997-191, I move that we approve the Payton II Subdivision subject to staff recommendations.”

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

CUP-1996-180 EXTENSION REQUEST--CONDITIONAL USE PERMIT FOR RIMROCK MARKETPLACE

Request for an extension for the Conditional Use Permit for Rimrock Marketplace, a 430,000 square foot shopping center and pad sites on approximately 60.8 acres with a zoning of C-1 (Light Commercial) and C-2 (Heavy Commercial).

Petitioner: The Belleville Development LP
Location: Southwest corner of 25 1/2 Road and Highway 6 & 50
Representative: Thomas Volkmann

PETITIONER’S PRESENTATION

Thomas Volkmann, representing the petitioner, requested a one-year extension of the Conditional Use Permit (CUP) to December 18, 1998. All terms and conditions of approval would remain. Mr. Volkmann said that the project was progressing well but that coordination with the Colorado Department of Transportation (CDOT) was taking longer than originally anticipated. For a project of this size, he said, such a delay was not unusual.

QUESTIONS

Commissioner Driscoll asked if the petitioner took issue with any of the staff requirements, to which Mr. Volkmann responded negatively, adding that all previous conditions of approval would remain intact.

STAFF’S PRESENTATION

Michael Drollinger provided a brief history of the proposal. He said that a final site plan review would be required, with staff ensuring compliance with all approval conditions. Since all conditions of approval would remain intact, and with no outstanding issues, staff recommended approval of the extension request.

QUESTIONS

Commissioner Driscoll asked if the signage plan contained in planning commissioner packets was intended to be a condition of approval. Mr. Drollinger replied affirmatively but said that this was addressed in the original approval condition 2.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Driscoll agreed that for a project of this size and scope, it was not unusual to request additional time.

Chairman Elmer agreed.

Mr. Shaver asked that any motion contain the extension date of December 18, 1998; otherwise, approval might be misconstrued to imply today's date of December 9.

MOTION: (Commissioner Coleman) "Mr. Chairman, on the Rimrock Marketplace Conditional Use Permit, I make a motion that we grant the request for an extension of one year from the day City Council gave plan approval, December 18, 1998."

Commissioner Grout seconded the motion. Commissioner Driscoll suggested including the verbiage, "...and subject to the conditions listed in the report." Commissioner Coleman agreed to include this in his motion; Commissioner Grout seconded the amendment. The revised motion is as follows:

MOTION: (Commissioner Coleman) "Mr. Chairman, on the Rimrock Marketplace Conditional Use Permit, I make a motion that we grant the request for an extension of one year from the day City Council gave plan approval, December 18, 1998, and subject to the conditions listed in the report."

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

IV. GENERAL DISCUSSION

Election of Chairman: Commissioner Grout nominated Commissioner Driscoll to serve as chairman. Current chairman, John Elmer, said that while he didn't necessarily want to be retained as chairman, he would serve if elected. He reiterated that his term was concluded but offered to stay for approximately another six months.

Commissioner Coleman nominated Chairman Elmer to continue on as chairman until he left the board and nominated Commissioner Driscoll to continue as vice-chairman until that time as well. Commissioner Gordon seconded the nomination. A vote was called and the nomination carried unanimously by a vote of 7-0

Commissioner Denner noted that a North Central Valley Area Plan meeting was to take place tomorrow evening.

Chairman Elmer said that with regard to the Vostatek Minor Subdivision request, the Growth Plan was a valuable planning tool which gave staff and planning commissioners direction in guiding growth for the valley. He urged new and current Planning Commissioners to stick to their points of view if they felt strongly about an issue one way or another.

Chairman Elmer extended a special thanks to retiring Planning Commissioner Ron Halsey for 11 years of excellent service to the Planning Commission. Mr. Halsey's participation in making often difficult decisions provided invaluable assistance in guiding valley-wide growth and development. He will be missed.

With no further business, the hearing adjourned at 8:45 p.m.