

**GRAND JUNCTION PLANNING COMMISSION**  
**Public Hearing - December 13, 1994**  
**7:05 p.m. to 11:07 p.m.**

**I. CALL TO ORDER**

The regularly scheduled Planning Commission hearing was called to order at 7:05 p.m. in the City/County Auditorium by Chairman John Elmer.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Jeff Vogel, Bob Withers, Tom Volkmann, Steven Laiche, Tom Whitaker, and Ron Halsey.

In attendance, representing Planning Department staff, were: Kristen Ashbeck and Tom Dixon.

Also present were Asst. City Attorney John Shaver and City Development Engineer Jody Kliska.

Terri Troutner was present to record the minutes.

There were approximately 26 interested citizens present during the course of the hearing.

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**II. CONSIDERATION OF MINUTES**

Since the evening's hearing was a continuation of the December 6 hearing, no minutes were available for consideration.

**III. ANNOUNCEMENTS, PRESENTATIONS, AND/OR PRESCHEDULED VISITORS**

Chairman Elmer indicated that item #191-94 had been pulled and would be considered at a later date.

**IV. FULL HEARING/FINAL DECISION**

**#163-94 PRELIMINARY PLAN - WELLINGTON AT 15TH**

**Request for approval of a Preliminary Plan for Wellington at 15th consisting of 34 attached units on approximately 4.8 acres with a zoning of Planned Residential not to exceed 8 units per acre (PR-8).**

**Petitioner: Chaparral West, Inc.**  
**Location: SE corner of 15th and Wellington**  
**Representative: Tom Coit**

**STAFF PRESENTATION**

Kristen Ashbeck referred to a revised staff report submitted to planning commissioners prior to the hearing. She said that the private, dead-end drives shown on the plan would be acceptable if they met the City's criteria as set forth in the staff analysis. Ms. Ashbeck indicated that the referenced criteria had not yet been adopted by the City but that they would be submitted formally in early 1995 for consideration. These criteria stated that the private drives must: 1) have no more than 6 units accessing them; 2) be 20 feet wide with 20 feet of parking space in front of each unit; 3) be designed so the pavement may be differentiated from a public street and can withstand reasonable traffic loads (6-inch concrete minimum); 4) provide space at the end for trash pick-up, as sanitation vehicles will not enter private drives; 5) provide an additional 4 off-street spaces for each drive which has more than 4 units for visitor parking; and 6) have provisions in the covenants for maintenance by a homeowners association or other private entity. Ms. Ashbeck said that the petitioner had complied with this criteria except for the southeast corner where 7 units were shown to access a single drive.

Other issues included the sewer line alignment, which would have to be reviewed and approved by the City's Utility Engineer prior to submitting the final plan. Also, the City was requesting a 25-foot easement be dedicated along the canal for pedestrian circulation and a pedestrian easement or right-of-way connection from the end of the cul-de-sac to the canal trail.

Staff recommended denial unless the applicant agreed to address the following concerns at the final plat/plan phase:

1. Redesign the access drive in the southeast corner to have only 6 rather than 7 units accessing the drive.
2. Align sewer line to 15th Street so it is not under proposed units.
3. Provide pedestrian easement along canal and between end of cul-de-sac and canal.
4. Meet all other submittal requirements of the final plan/plat phase.

## **QUESTIONS**

Commissioner Volkmann asked how the 6 units per drive figure was reached. Ms. Ashbeck deferred response to Tom Dixon, who provided clarification. Mr. Dixon felt that the 6 unit limit was comparable to requirements imposed by other jurisdictions.

Chairman Elmer asked staff to elaborate on the potential benefit of the sidewalk into the cul-de-sac, since the subdivision was so small. Ms. Ashbeck felt that the users within the subdivision would be the primary beneficiaries, but added that it would also provide access to the canal trail.

## **PETITIONER'S PRESENTATION**

Ron Abeloe (626 - 32 Road, Clifton), the petitioner, stated the following: 1) he would like to eliminate the 6-inch concrete minimum for the private drives and include verbiage stating that they would be designed adequately to handle residential loads and the occasional use of the Fire Department (per discussions with Mark Relph); 2) with regard to the 7 units accessing the drive, this could be corrected, but he felt that the design was effective as shown; 3) he wanted to go with the previously approved minimum of 23% landscaping to allow for some flexibility in the possible alteration of plan design before the final plat phase; 4) he would like to use natural materials instead of concrete for the pedestrian trail; 5) he did not want the liability for the trail easement requested by the City and suggested the City provide him with a document absolving him of future liability. Mr. Abeloe also wanted to avoid any potential conflicts with the canal company.

Mr. Abeloe indicated that additional length should be given to a looped drive. He felt that 6 units accessing a drive was too conservative and felt that 8 was probably more realistic. With regard to the required 4 off-street parking spaces per drive with more than 4 units, he felt the requirement to be excessive and requested that the original 2 spaces allocated per 6 units and located at the end of the drive be retained.

## **QUESTIONS**

Chairman Elmer inquired into proposed plans for irrigation. Mr. Abeloe indicated that 4 1/2 shares of water were owned but he was unsure of the actual delivery. He agreed to do additional review and admitted that he may have to omit irrigation water usage and resort to using potable water for irrigation purposes.

Commissioner Volkmann requested clarification on the petitioner's request for waiver of the 29% landscaping requirement. Mr. Abeloe indicated that staff had wanted to maintain 29% although the minimum requirement was only 23%. While he would like to incorporate as much landscaping as possible, he requested some flexibility from the City on this point.

Chairman Elmer asked staff if they had any problem with varying the 6-inch concrete requirement. Ms. Ashbeck indicated that concrete required less maintenance.

Chairman Elmer asked Mr. Shaver to clarify the liability issue concerning the easement. Mr. Shaver said that the dedication of the easement converted it to public use, but no additional liability would be incurred by the homeowner through that dedication. He also indicated that the City did not have the authority to indemnify the property owner nor the Homeowners Association.

Mr. Abeloe reiterated his willingness to dedicate the cul-de-sac/canal trail right-of-way to the City.

## **PUBLIC COMMENTS**

### **FOR:**

Dick Keeler (2208 Crestline Ct., Grand Junction), principal for the development team, felt that the design was good and would appeal to retirees.

Dick Fulton (1556 Wellington, Grand Junction) felt that the single story nature of the development was good, but he expressed some concern over water availability. Also, he indicated a willingness to participate in the cost of a culvert to help mitigate drainage flowing through the property.

### **AGAINST:**

David Bell (1500 Block of Bookcliff, Grand Junction) felt that the development would obstruct his view. He also thought there should be a traffic light at 15th and Patterson.

## **PETITIONER'S REBUTTAL**

Mr. Abeloe reiterated previous points, adding that he would like the cul-de-sac/canal pathway to be a private pathway and not a public easement.

## **DISCUSSION**

Chairman Elmer felt that since the criteria used in determining the 6 unit limitation had not yet been adopted, 7 units seemed acceptable.

Commissioner Withers suggested allowing the landscaping requirement to vary from 23% to 29%, subject to final review, to which Ms. Ashbeck said that that would be acceptable to staff.

Commissioner Halsey wanted to know if the requested easement to the canal was consistent with other developments. Ms. Ashbeck said that it was consistent with more recent subdivisions.

Commissioner Withers asked if there would be objection to making the pathway to the canal trail private and allowing the use of natural materials in its construction. Ms. Ashbeck said that because it connected to a public trail, materials used should conform to City standards for consistency.

Additional discussion ensued over whether to make the pathway a private or public accessway.

Chairman Elmer said that since the petitioner was providing for a total of 10 off-street parking spaces when only 8 were needed, he felt that some flexibility could be given in the location of those spaces.

**MOTION: (Commissioner Withers) “Mr. Chairman, on item #163-94, I move that we approve the preliminary plan for the Wellington at 15th subdivision subject to the staff comments and requirements with the following exceptions: 1) the requirement for a 6-inch thick concrete private driveway be deleted and that the public street be proven to staff that it will withstand reasonable traffic loads, with the rest of the staff requirement remaining the same; 2) that the applicant be given the option, subject to staff approval, to deed the 25-foot easement along the canal to the City or keep it as a non-exclusive easement; 3) the quantity of off-site parking spaces remain as shown per the revised drawing that we received today; 4) the requirement for a public easement or right-of-way off the cul-de-sac to the 25-foot easement or dedicated area next to the canal be eliminated and a private trail be required; 5) we do want to keep the maximum amount of landscaping area we can in the subdivision and we’d like to get it as close to 29% as possible, but the actual percentage should be determined at final plat review and subject to staff recommendations;**

Commissioner Laiche seconded the motion.

Commissioner Halsey expressed opposition to making the path leading to the canal trail to private and recommended amending the motion to reflect that it should be kept a public access.

The amendment failed for lack of a second.

Chairman Elmer recommended amending the motion to reflect making the right-of-way subject to staff approval. Commissioner Withers said that this was his original intent and clarified that portion of the motion.

A vote was called and the motion passed by a vote of 6-1, with Commissioner Halsey opposing.

**#186-94 CONDITIONAL USE PERMIT - TCBY DRIVE-THROUGH**

**Request for approval of a Conditional Use permit to allow a drive-through window for TCBY located at 1145 North Avenue.**

**Petitioner: Jon Goodson**

**Location: 1145 North Avenue**

**Representative: Francis Constructors**

**STAFF PRESENTATION**

Kristen Ashbeck presented an overview of the project, noting that the petitioner would have to eliminate some of the eastern parking already in existence in order to accommodate the drive-through. Staff was requesting additional on-site parking, parking to be re-striped, and curbing along the southern boundary of the property abutting the alley to prevent traffic access off of the alley.

Staff recommended approval subject to the following:

1. The site is striped to allow for and indicate adequate geometry for the drive-through lane.

2. There is some guarantee that permanent curbing will be installed along the entire southern boundary.
3. The area along the eastern boundary is appropriately signed for “no parking.”

## **QUESTIONS**

Commissioner Laiche asked staff if there were any concerns over pedestrian traffic crossing from the western parking area to access the building entrance. Ms. Ashbeck indicated that the petitioner needed all available parking and that the eastern entrance would be eliminated.

Commissioner Whitaker asked why permanent curbing was being requested. Ms. Ashbeck responded that staff felt there was a need to block off the alley and use the area for additional parking.

## **PETITIONER PRESENTATION**

Joe of Francis Constructors (507 Fruitvale Court, Grand Junction), representing the petitioner, requested that the three parking spaces located at the curb site be eliminated and that the additional parking be located in the area where a shed now stands in the southwest corner of the property. The shed would be eliminated, if necessary, to accommodate the extra parking. He said that the alley access needed to be maintained for deliveries.

Jon Goodson reiterated the points made by his representative and emphasized the importance of maintaining the alley access. He felt that alley access was a safer alternative for customers than accessing to and from North Avenue, adding that delivery trucks could not back in off of North Avenue to make deliveries.

## **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

## **DISCUSSION**

Discussion continued over the issue of parking and the curbing requirements. Ms. Ashbeck felt that the parking requirement may be satisfied if the shed was removed. Jody Kliska said that she would need revised plans submitted to her before she could approve any revisions to the original plan.

Commissioner Whitaker asked Mr. Goodson how many deliveries were made in a week, to which Mr. Goodson responded that he received approximately four trucks each week.

Chairman Elmer asked staff if they needed more review time. Ms. Ashbeck indicated that consideration for approval was for the conditional use only. She added that the details of that

conditional use could be worked out with the petitioner later.

**MOTION (Commissioner Volkmann) “Mr. Chairman, on item #186-94, I move that we approve the conditional use permit for a drive-through at the TCBY located at 1145 North Avenue subject to the following two concerns outlined in the staff recommendations being resolved prior to the issuance of a planning clearance: 1) that the site be striped to allow for and indicate an adequate geometry for the drive-through; and 2) that the area along the eastern boundary be signed “no parking.”**

Commissioner Laiche seconded the motion.

A vote was called and the motion passed by a vote of 6-1, with Chairman Elmer opposing.

Additional discussion ensued over the content of the motion with Asst. City Attorney John Shaver.

**#187-94 CONDITIONAL USE PERMIT - BURGER KING DRIVE-THROUGH**  
**Request for approval of a Conditional Use permit to allow a drive-through window for a new Burger King Restaurant to be located on Highway 50.**

**Petitioner: L&R of Grand Junction**  
**Location: Highway 50, west of City Market**  
**Representative: David Chase**

#### **STAFF PRESENTATION**

Kristen Ashbeck referenced a revised staff review in her overview of the proposal. The Colorado Dept. of Transportation (CDOT) requested a revised access location off of Highway 50 (shown on the map). The second access through the City Market parking lot required a recorded easement. A variance would be required for proposed oversized signage, and an easement would be needed for drainage which proposes to cross private property.

Staff recommended approval subject to resolution of the following issues and design details. The petitioner must:

1. Provide a site design that is in compliance with CDOT access permit requirements. If the circulation or building location on the revised plan is significantly changed due to compliance with the CDOT access permit, a resubmittal for a revised Conditional Use permit shall be required.
2. Provide recorded easements for access across City market parcel and for storm drain across property to the north.
3. Revise plan to better designate the drive-through with painted arrows and striping.
4. Payment of the TCP, open space fees, and drainage fees.

5. Revise plan to indicate all proposed signage.
6. Revise plan to address staff comments on landscape plan.

## QUESTIONS

Chairman Elmer asked if the access easement from City Market was necessary before the petitioner could utilize the City Market parking lot as an access point, to which Ms. Ashbeck replied that a written and recorded easement was necessary. She thought that negotiations between City Market and the petitioner were still in progress.

## PETITIONER'S PRESENTATION

David Chase with Banner Associates (2777 Crossroads Boulevard, Grand Junction), representing the petitioner, began by clarifying the restaurant's location, adding that the frontage road access was the only access required. He added that he'd received a verbal commitment from City Market to grant an easement. Mr. Chase continued that he had not received CDOT's comments nor had any concerns been expressed by review agencies.

## PUBLIC COMMENT

There was no public comment either for or against the proposal.

## DISCUSSION

Ms. Ashbeck said that while the City Market access was not mandatory, if the access was made a part of the plan, an easement would be required. Access would be contingent upon CDOT approval.

**MOTION: (Commissioner Laiche) "Mr. Chairman, on item #187-94, I move that we approve the conditional use permit for a drive-through fast food restaurant to be located west of City Market on U.S. Highway 50 subject to the applicant resolving the issues stated in the staff recommendation, that being the six that we discussed, (adding after the word *parcel* in item #2 the words '...if one is to exist and at the discretion of the developer', as amended."**

Commissioner Halsey seconded the motion.

Commissioner Volkmann said that item #2 required the City Market easement. Since it was unclear whether the access would be used and that it would be at the discretion of the developer, he suggested adding the amended verbiage after the word *parcel* to say "...if one is to exist and at the discretion of the developer."

Commissioner Halsey seconded the amendment.



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

**#188-94 PLANNED DEVELOPMENT REVIEW - COMMUNITY CARE**

**Request for approval of amendment to a Planned Development to allow for addition and remodel of the Community Care of America facility located at 2825 Patterson Road.**

**Petitioner: Community Care of America**

**Location: 2825 Patterson Road**

**Representative: Gregory Robson**

**STAFF PRESENTATION**

Tom Dixon outlined the proposal (shown on map). He indicated that an existing parking lot located to the south of the site was to have been paved per the conditions of the facility's original approval in 1989. He pointed out that the northeast access would be closed off, creating a single access point. Other outstanding issues included: 1) that an existing sign in the right-of-way needed to be relocated to the facility's own property; 2) that a portion of sidewalk along the south side of Patterson Road and full sidewalk improvements along 28 1/4 Road needed to be completed; and 3) the previous approval condition of paving the southern parking lot needed to be satisfied. Based on the two latter issues, staff had originally recommended denial. However, Mr. Dixon met with the petitioners and later received a letter, dated December 13, from Robert Campion, Jr., petitioner's representative. Mr. Dixon stated that the Development Agreement called for approximately \$13,000 to complete the southern parking lot, but this figure had yet to be verified.

Since the letter indicated a willingness to comply with previously stated requirements, staff was now recommending approval, based on the content of the letter.

**QUESTIONS**

Chairman Elmer asked when the improvements would have to be completed, to which Mr. Dixon replied that a six-month period had been specified, but urged commissioners to include that timeframe within the motion if the motion was for approval.

Chairman Elmer asked if the sidewalks would be installed by the petitioners. Mr. Dixon said that the petitioner would be responsible for sidewalk construction to City standards.

**PETITIONER'S PRESENTATION**

Gregory Robson, representing the petitioner, reiterated the initial request for approval.

**PUBLIC COMMENT**

There were no comments either for or against the proposal.

## DISCUSSION

Commissioner Whitaker asked if a time limit had been placed on the completion of the sidewalk. Jody Kliska replied that the timeframe for the sidewalk would be tied in with the Improvements Agreement.

**MOTION: (Commissioner Withers) “Mr. Chairman, on item #188-94, a proposal to upgrade and expand the Community Care facility, I move that we approve the request, subject to staff conditions #1 through #3, the agreement letter received by staff today, and that the work included in items #2 and #3 be completed within 6 calendar months.”**

Commissioner Halsey seconded the motion.

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

A recess was called at 8:50 p.m.; the hearing reconvened at 8:55 p.m.

### **#189-94 PRELIMINARY PLAN FOR COUNTRY CROSSING SUBDIVISION; FINAL PLAN/PLAT FOR A PORTION OF COUNTRY CROSSING**

**Request for approval of a Preliminary Plan for Country Crossing Subdivision with a current zoning of PR-17 (Planned Residential not to exceed 17 units per acre) for 95 single family residences, 48 townhome units, and 31 duplex units for a total of 174 units on a parcel of land consisting of approximately 46.3 acres. Final Plan/Plat approval is also requested for up to five lots on the southwest portion of the site.**

**Petitioner: Denny Granum**  
**Location: SE corner of 25 Road and G Road**  
**Representative: Tom Logue, Land Design**

Commissioner Volkmann withdrew from consideration of the item due to a potential conflict of interest.

## STAFF PRESENTATION

Tom Dixon provided a brief history of the project from its original review as Persigo Village and an overview of the current proposal. He indicated that Phase I would get the project underway and would include the completion of an 8-plex which has been uninhabited for nearly 10 years. The remaining development would be completed in approximately 4-5 phases.

Staff issues included:

1. Public sidewalk connections need to be provided between the open space on the south side of the site and the property to the south and between the open space on the east side and the canal/public open space to the east.

2. The open space on the southeast portion of the site, which will contain the irrigation pond, should have a sidewalk connection passing through it, preferably over the outlet structure that leads to the storm sewer area.
3. The area between the townhome units and 25 Road should be bermed and landscaped in order to create a better separation. The townhomes should have at least a 40-foot setback from the 25 Road right-of-way.
4. The area proposed for recreational vehicles should be heavily screened from the public right-of-way with a continuous landscape edge. Berming along 25 Road would also be beneficial. In addition, an entry monument could be placed at the street corner that would help to hide and screen the use.
5. The 5.7-acre parcel along G Road, containing Leech Creek, has been offered as an area to be dedicated to the public for park purposes. The Parks and Recreation Department has no interest in this parcel for it has little functional value for trail or park use.
6. The 4.91-acre parcel containing a portion of the Grand Valley Canal is identified as an area to be dedicated to the public for trail use. This trail is identified as a proposed Off-Road Bike Pedestrian Route in the Multi-Modal Transportation Study for the Grand Junction/Mesa County Urbanized Area. This study was adopted by the City Council on July 21, 1993 as Resolution #46-93.
7. A maximum of five lots may be approved under preliminary/final plan review as Phase I. The platting of remaining lots will have to be delayed until final plat/plan approval for the entire project.
8. A Development Improvements Agreement is needed for the public street improvements.
9. Additional right-of-way dedication may be necessary along either 25 or G Roads, or both. The additional right-of-way is intended to benefit this property by creating turn lanes which will provide safer access conditions to the site.
10. Front yard building setbacks are proposed to be 20 feet. Reducing this to 15 feet for the residence and 20 feet for the garage is suggested. This would allow more utilization of the back yard, enhance the streetscape, and create more of a “neighborhood” character to the project. Duplexes on corner lots could be built with each unit having a different street frontage, thereby decreasing the appearance of higher density.
11. Proposed Lot 21, Block Six is landlocked. Correction of this lack of street frontage must be corrected in the appropriate phase of platting.
12. Proposed lots on the north side of the site (Phase V) should be reconfigured so that lot lines extend to Leech Creek or to G Road, since the parcel presently shown will not be

accepted as a dedication to the City.

In addition to the above, Mr. Dixon added that the City Engineering Department had not received roadway plans. They will have to be submitted and approved by the City Engineering Department for approval. The dedication of the open space along the canal would be deferred until Phase II of the project. The Grand Junction Drainage District had a drainage ditch which ran parallel to the canal that they want to have protected via an easement. Mr. Dixon also received comments from the school district concerning school capacities. The District comments that Appleton Elementary and West Middle Schools are already over capacity. Also, a call was received from the Grand Valley Irrigation Company concerning a line they have running through the property. Although they were unsure of the exact location, they requested an easement be granted for this line.

Staff recommended approval subject to satisfaction of the following issues:

1. Concerns presented by the City Utility Engineer, the Parks and Recreation Department, the Fire Department, the Grand Valley Irrigation Company, the Mesa County Planning Department, the Development Engineer and Ute Water are adequately satisfied.
2. The 4.91-acre open space along the Grand Valley Canal, proposed by the petitioner to be dedicated to the City of Grand Junction for trail and park use purposes, be deeded to the City prior to or in conjunction with the Phase II approval and platting.
3. A development Improvements Agreement for Phase I which will guarantee the necessary public improvements that are needed for this project and which will directly benefit this project, shall be entered into between the petitioner and the City prior to the platting.

Mr. Dixon deferred any staff recommendation on final platting until clarification could be received for street improvements required for Phase I.

## **QUESTIONS**

Chairman Elmer asked about the amount of space the drainage ditch occupied. Would there still be enough room for a trail? Mr. Dixon said that he had walked the entire length and that sufficient room existed for a trail.

Commissioner Whitaker asked for an interpretation of the capacity information received by the school district. Mr. Dixon said that while the school district provided the information, they did not state any objections to the project. He added that the project as proposed was a downzone from the original plan.

## **PETITIONER'S PRESENTATION**

Denny Granum said that the project as proposed would retain a country atmosphere. He indicated that since the City did not want the Leech Creek area, it would be left in a natural state. Mr.

Granum felt that the future phasing would allow the time needed for the school capacity question to be resolved. He reiterated the project as being a downzoning and felt that the development would be an asset to the community.

## **QUESTIONS**

Chairman Elmer asked if there was a recorded canal easement. Mr. Granum replied that he thought there was. He added that an easement would be granted for the irrigation line but added that it may have to be moved in a future filing. He also noted that the irrigation line easement did not appear on any title work.

Chairman Elmer asked if the entire Leech Creek area would be dedicated to the homeowners, to which Mr. Granum replied that it would be dedicated to either the homeowners or to the City.

## **PUBLIC COMMENT**

### **FOR:**

Walid Bou-matar (2505 1/2 Weslo Ave., Grand Junction) was in favor of the project but wanted to know how the City would get to the southeast triangle near the canal. Mr. Dixon indicated on the map the crossing point at Leech Creek which would provide access to the southeast triangle. He emphasized that the portion of land in question was not good for any other type of use or development.

Brian Mahoney (2567 G Road, Grand Junction) provided a history of his participation on the Multi-Density Task Force in the late 1970s. While he did not express direct opposition to the project, he felt that any high density development would threaten the quality of life presently existing in the 25/G Road area. He appreciated that the project proposed preserving the Leech Creek corridor. He expressed approval for the development of an urban trail system and urged commissioners to keep trails development in mind. He felt that schools should participate more in guiding development issues which impact their enrollments.

Rae Deen Bessinger (679 - 25 Road, Grand Junction) presented to the commission a recorded irrigation easement dated in 1978 which prohibited any building over it. She emphasized that the line could not be altered or moved without prior consent. She also wanted to make sure that by dedicating the canal easement to the City, it did not preclude access to the irrigation headgate which was also located on the canal bank.

Jay Stanfield (685 1/2 - 26 Road, Grand Junction) reiterated the points mentioned by Mr. Mahoney, adding that the City needed to take into consideration the overall impact of proposed subdivisions.

### **AGAINST:**

Letters of opposition were received by Joan Haberkorn (877 - 25 Road, Grand Junction) and Anne Landman (686 Step-A-Side Drive, Grand Junction). Their concerns were primarily over the school impacts and the general development of the area.

## **DISCUSSION**

Commissioner Halsey asked if the outstanding road improvement issues could be handled administratively.

Mr. Shaver said that the Code required road improvement documents to be submitted in support of the application for a final plat. Since they weren't and since the degree of improvements would be considered minor from an engineering perspective, he felt that the proposal could be approved with conditions. Ms. Kliska reiterated that she would need a set of construction plans prior to final approval.

Chairman Elmer felt that the irrigation issue could be resolved and all other outstanding issues were "workable."

**MOTION: (Commissioner Withers) "Mr. Chairman, on item #189-94, I move that we approve the preliminary plan for Country Crossing Subdivision and the final plan/plat for Phase I subject to staff recommendations, that an easement for the irrigation water line that currently exists on the property be shown on the final plan and plat for Country Crossing Subdivision, and all documents required by the City Engineer for street improvements be submitted and approved by staff prior to the recording of the final plan and plat (as amended)."**

Commissioner Laiche seconded the motion.

Mr. Shaver suggested deleting the reference made to the issuance of permits and substitute the following "...prior to the recording of the final plan and plat."

Commissioner Withers agreed to include this phrase as an amendment to his motion.

Commissioner Laiche seconded the amendment.

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

Commissioner Halsey excused himself from the hearing.

### **#190-94 PRELIMINARY PLAN - WILLOW RIDGE SUBDIVISION**

**Request for approval of a Preliminary Plan for Willow Ridge Subdivision for 16 single family residential lots on a parcel of land consisting of approximately 4.60 acres.**

**Petitioner: Oliver Frasca**

**Location: Highway 340 & Redlands Canal**

**Representative: Craig Roberts, Ciavonne & Associates**

## **STAFF PRESENTATION**

Tom Dixon presented a brief history of the project, noting that a proposal for 19 lots had originally been denied by the Planning Commission. The modified plan being considered tonight calls for 16 lots, which was the maximum allowed by CDOT access permit. Mr. Dixon said that unresolved issues included the layout of the property and the lot configurations which he still did not like. He felt that the lots, as proposed, were too long and narrow to be buildable, and many of the lots had width/depth ratios of 1:4-1:6 when the standard was 1:2.5-1:3. He felt that the narrowness of the lots did not provide for an attractive design, even with the utilization of the zero side yard setbacks. Mr. Dixon felt that while zero side yard setbacks worked well with attached structures, they did not always work well with other types of development.

Mr. Dixon still felt that the best number of lots for the parcel would be 12. He noted that the new plan eliminated the “bulb” at the entrance, and other substantial issues had been resolved. While the design is closer to becoming acceptable, staff recommended denial.

## **QUESTIONS**

Commissioner Withers asked if the garage setback as stated in staff comment 8) should be 20 feet instead of 18 feet. Mr. Dixon agreed that the setback should be 20 feet.

## **PETITIONER’S PRESENTATION**

Craig Roberts, representing the petitioner, passed out graphics which he felt supported the use of a zero lot line. He disagreed with Mr. Dixon’s comments concerning the lot configuration, adding that seven of the lots met the 1:3 criterion and only two lots exceeded the 1:4 ratio. He gave several examples where the zero lot line was used effectively.

Mr. Roberts said that Redlands Water and Power Company had asked for a “Hold Harmless” clause to protect them against possible pollution problems and a perimeter fence for safety. He felt all other issues had been satisfactorily addressed, but requested that the commission consider the inclusion of a median as an entrance feature.

## **QUESTIONS**

Commissioner Withers asked if there would be a problem in moving the median further down the street. Mr. Roberts explained why this was not workable.

Chairman Elmer inquired as to what the standard lot width was, to which Mr. Roberts replied that the average lot width was 45 feet.

Commissioner Volkmann wondered if the “Hold Harmless” clause requested by Redlands Water

and Power caused any problem for the petitioner. Mr. Roberts understood that it had been required from others as well. Commissioner Volkmann said that with the clause in place, the individual homeowners would be responsible for any pollution to the canal caused by the subdivision.

Commissioner Volkmann asked Ms. Kliska if the median would pose a problem in its proposed location, to which she replied that the Engineering Department could work with it. Mr. Roberts added that it would become part of the open space and would be maintained by the Homeowners Association.

Chairman Elmer asked how home repair access would be guaranteed in a zero lot line configuration, and how the roof overhang would be handled. Mr. Roberts replied that both would be dealt with by providing an easement.

Chairman Elmer wondered why the plan included a mixture of combined and individual structures. Mr. Roberts said that grade and access restrictions forced the use of the combined structures but that individual structures were preferred.

## **PUBLIC COMMENTS**

### **FOR:**

Pat Mahoney (606 Agana Drive, Grand Junction), a Realtor, said that the petitioner never viewed the development as an extension of May Subdivision. She felt that zero lot line properties were very salable, and that reducing the number of lots to 12 as proposed by staff would make the price of the lots cost prohibitive.

### **AGAINST:**

Jim Nasalroad (416 E. Mayfield, Grand Junction) submitted a petition containing 36 signatures of homeowners in the May Subdivision who opposed the plan. His concerns included: 1) traffic hazards, 2) questions over the retention pond, 3) the stability of the soil for building, and 4) that the plan was not compatible with the surrounding neighborhood. He said that the petitioner had not contacted any of the homeowners to discuss possible solutions as suggested by commissioners during the last hearing, which he felt indicated a real disregard for neighbors and staff.

Boyd Mayberry (412 E. Mayfield, Grand Junction) still felt that a deceleration lane was critical in helping to mitigate traffic and safety concerns. He compared the lot configuration to what might be found in a trailer or mobile home court. Mr. Mayberry also thought that the petitioner demonstrated blatant disregard for surrounding residents.

Russell Wiseman (403 E. Mayfield, Grand Junction) indicated that there had been a previous plan for a church to be located where the current development was being proposed, and said that they'd been required to provide a deceleration lane. Since the proposed development would create more traffic, a deceleration lane should be required.



Leonard Russell (423 E. Mayfield, Grand Junction) reiterated previous points.

### **PETITIONER'S REBUTTAL**

Mr. Roberts explained the function and safety aspects of the detention pond to the audience. He said that the development was not seen as an extension of the May Subdivision; consequently, compatibility did not seem to be an issue. Mr. Roberts said that the reason they were not contacted was due to their preference for 12 lots versus the 16 wanted by the petitioner. He added that the soils were inspected by engineers and deemed to be suitable. With regard to the deceleration lane, Mr. Roberts said that an option would be to move the bike path inward approximately 30 feet, but this would be done only in front of the development.

### **DISCUSSION**

Mr. Dixon summarized the content of a letter written by Jody Kliska to CDOT. The letter requested CDOT's reconsideration of including a deceleration lane as part of the access permit.

Ms. Kliska said that the response she received from Charles Dunn of CDOT indicated that traffic volumes along Broadway did warrant a deceleration lane to the development site. Since the permit had already been issued, however, CDOT did not want to change it unless the deceleration lane was a condition required by the City. Mr. Dunn had warned that any change to the initial permit may be subject to appeal.

General discussion ensued over the deceleration lane, the individual cost of the lots, CDOT's comments, and overall aesthetics.

The commissioners were divided over the number of lots proposed. When asked by the Planning Commission, the petitioner indicated that the project was not workable with fewer than 16 lots.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item #190-94, Willow Ridge Subdivision, I move that we approve the proposal subject to the addition of the deceleration lane running uphill, relocating the bike path back approximately 25 feet, to be reviewed and approved by staff, and that the garage setback is 20 feet instead of 18 feet as noted in item 8), and as per the plan resubmitted as Alternate #2."**

Mr. Frasca, the petitioner, clarified that the relocation of the bike path referred to the portion of path located at the main entrance only and did not apply to the entire property frontage.

Commissioner Volkmann seconded the motion.

A vote was called and the motion failed by a tie vote of 3-3, with Commissioners Laiche, Elmer, and Vogel opposing.

The petitioner indicated his intention to appeal the decision to City Council.

General discussion between the commissioners ensued over the need for additional discussion on pedestrian links.

The hearing was adjourned at 11:07 p.m.