

**GRAND JUNCTION PLANNING COMMISSION**  
**Public Hearing - April 4, 1995**  
**7:08 p.m. to 12:30 a.m.**

**I. CALL TO ORDER**

The regularly scheduled Planning Commission hearing was called to order at 7:08 p.m. in the City/County Auditorium by Chairman John Elmer.

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

In attendance, representing Planning Department staff, were: Kathy Portner, Tom Dixon, Michael Drollinger, and David Thornton.

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

Terri Troutner was present to record the minutes.

There were approximately 65 interested citizens present during the course of the hearing.

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**II. CONSIDERATION OF MINUTES**

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

Commissioner Vogel seconded the motion.

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

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

Chairman Elmer said that any citizen who was present to hear the Pomona Park Zone of Annexation and who needed to know if his/her property was included could check with Dave Thornton in the front lobby of the auditorium for verification.

**IV. PUBLIC HEARING ITEMS FOR FINAL CONSIDERATION**

**PP-95-29 PRELIMINARY PLAN -- WILLOW RIDGE SUBDIVISION**

**Request for approval of a Preliminary Plan for Willow Ridge Subdivision for 14 single family residential lots on a parcel of land consisting of approximately 4.6 acres for an overall density of 3.1 units per acre.**

**Petitioner: Oliver Frascona**  
**Location: Highway 340 & Redlands Canal**  
**Representative: Kenneth Schmohe, Design Affiliates**

## STAFF PRESENTATION

Tom Dixon said that this was now the third time this item had been reviewed and brought before the Commission for consideration. He recounted a brief history of the project, saying that the current submittal proposed 14 units, which would be allowed under the currently proposed PR-3.1 zoning. Mr. Dixon said that previous issues included access from Highway 340, carrying capacity of the site, the ratio of lot width to lot depth, and the overall character of the development. Staff felt that the current design, as proposed, was workable and recommended approval subject to inclusion and/or resolution of the following items:

1. The direction given by the City Council when they unanimously voted to deny the previous 16-lot subdivision proposal (#190-94) was to reduce the density on this site. The staff position has been that 12 to 13 lots were probably the maximum desirable density on this site unless greater density could be illustrated. Density limitation was based on constraints of topography, access, and compatible development with Mays Subdivision. As proposed, the 14 lots exceeds the discussed density but staff feels the 14 proposed lots demonstrates a workable project.
2. The proposal includes a number of attached “casitas” or guest accommodations. Uses will be restricted to temporary living quarters for guests. Limitations on use and length of stays will need to be specified in the Covenants, Conditions and Restrictions (CCRs).
3. The proposed street, Willow Ridge Court, is a cul-de-sac with an entry feature and a flared opening to a maximum of (as amended) 85 feet in width that tapers to a standard 44 feet in width prior to its terminus as a cul-de-sac.
4. A homeowners’ association is required with any final approval. The homeowners’ association will be responsible for the maintenance of all open space areas, the drainage detention area, and the entry feature in the middle of the proposed Willow Ridge Court. The entry feature will have to be identified as a tract at final platting since its maintenance will be the responsibility of the homeowners’ association and not the City.
5. The Petitioner supports a rezone from Mesa County PR-4 to City zoning PR3.1. Under a PR-3.1 zone, a maximum of 14 units would be allowed on the site. The zone of annexation is presently being considered by the City Council and second reading for a PR3.1 zone is scheduled for the April 5th City Council meeting.
6. The zero lot line setback remains a desired feature of the Petitioner’s design for this project. This manner of development must be accompanied by a corresponding 10-foot setback on the opposite side of the zero lot line boundary. In order for this development to both appear and function cohesively, the zero lot line development

pattern needs to be applied on all lots that are identified as such. A maintenance easement for all residences constructed with a zero lot line shall be required with the final platting.

7. In order to make the access to the site work, both acceleration and deceleration lanes will be required on Highway 340 (Broadway). These lanes must be shown on the plat when the final plan is proposed.
8. The setbacks and height limits recommended for any structure in this project are considered minimums and are as follows (as amended):

front yard minimum setback: 15 feet

rear yard setback: 25 feet

side yard setback: 0 feet (north side of all lots except lots 7, 8, and 9)

10 feet (south side of all lots except lots 7, 8, and 9)

garage setback: 20 feet

building height: 32 feet

9. All structures developed on the site shall be required to maintain a 25-foot setback from the bluff line. The bluff line shall be identified on the final plat.

## **QUESTIONS**

Commissioner Halsey questioned whether consideration of the proposal was premature, since no decision had yet been made by City Council on the PR-3.1 zone request. John Shaver responded by saying that any risk involved would be borne by the Petitioner. Chairman Elmer said that the current PR-3.1 zone request would affect only one lot, so that any risk to the petitioner would be minimal.

Commissioner Halsey asked how the ingress/egress, as designed, would impact the front lots, to which Mr. Dixon replied that the proposed design would provide good visual clearance. He said that staff would re-review the entrance open spaces at the Final Plan stage.

## **PETITIONER'S PRESENTATION**

Oliver Frasca clarified that the zero lot line design did not apply to lots 7, 8, and 9, located in the northernmost portion of the property. The "bulb" was designed to help eliminate traffic hazards and the entry feature would be used to separate traffic. He felt that the 85-foot proposed maximum for street width was preferable for circulation, even though it would cost more to construct. While he liked staff's idea of having homes located in front of the garage, he requested there be flexibility in this area. He felt that to require this of each unit would make the homes more expensive, would cut down on the usable square footage, and would impact views. Mr. Frasca was in agreement with all other staff comments and recommendations.

## **PUBLIC COMMENTS**

**FOR:**

Jim Nasalroad (416 E. Mayfield, Grand Junction) acknowledged that the Petitioner had come a long way in working with the May Subdivision residents and staff to come up with an equitable proposal. He felt that concerns had been satisfactorily addressed and urged approval.

**AGAINST:**

There were no comments against the proposal.

**DISCUSSION**

Commissioner Withers did not have a problem with the bulb being constructed to 85 feet, since he'd seen them work in other subdivisions and felt they worked well. He recommended changing the verbiage to staff item 3. to delete "...of some..." prior to 85 feet and substitute with "...to a maximum of..." In addition, he suggested clarifying that the setback requirements were minimums and that the zero lot line setback requirement didn't include lots 7, 8, and 9.

Chairman Elmer felt that staff's recommendation of a 76-foot maximum street width was preferable, since the added width to the bulb may only serve to provide a "playground" area to children and may inadvertently encourage them to play in the street. He expressed support for the 14 lots at a PR-3.1 density.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item #PP-95-29, a Preliminary Plan/Plat for the 14 lot Willow Ridge Subdivision, I move that we approve the proposal as recommended by staff, with the exception that (a portion of) item 3. be deleted, thereby allowing a flared opening right-of-way of a maximum of 85 feet. I would also like to clarify that the setbacks in item 8. are minimums, and that the 10-foot side yard setbacks include (the exception of) lots 7, 8, and 9."**

Commissioner Vogel seconded the motion.

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

**MS-95-42 MINOR SUBDIVISION -- NORTH MALL**

**Request for approval of the North Mall Minor Subdivision, a re-subdivision of Lot 2, Fisher Subdivision into 5 lots on 6.5 acres with zoning of H.O. (Highway Oriented).**

**Petitioner: Richard Scariano**  
**Location: North of F Road across from the Mesa Mall**  
**Representative: Jim Langford, Thompson-Langford**

**STAFF PRESENTATION**

Tom Dixon presented an overview of the proposal, noting the modified plan which had been

submitted. He said that staff would like to see access points onto Patterson reduced from three to two, the west entrance being located to align with the north entry into Mesa Mall and the second entrance near the proposed lot 4 (away from the road bend). He recommended that parking be limited to the rear of the lots and listed several benefits to this design. Allowing parking in the front, he felt, would create stacking problems. The drainage plan would be subject to City approval, an improvements agreement would be required along with a 5% open space fee. Staff recommended approval subject to the following conditions:

1. Proposal must reduce the number of access points to Patterson Road from three to two, with one additional proposed ingress/egress at the east side of lot 5 to be recorded as shared with lot 4 of Fisher's Subdivision (as amended). The present 6.5 acre parcel is entitled to one access. The City does have the ability to control access connections in the subdivision process. The Patterson (F) Road Corridor Guidelines state the need for limiting and consolidating access points onto Patterson Road.
2. Deleted (as amended).
3. The proposed drainage from the site is subject to City Engineering approval.
4. The traffic demands generated by this proposal justify the requirement of additional turn lanes onto Patterson Road to safely serve the site. Improvements made in the public right-of-way can be credited toward the Transportation Capacity Payment (TCP).
5. A note to the plat shall be recorded, saying that "At site plan review, access, circulation, common access circulation, and parking arrangements will be reviewed and approved by City staff at that time" (as amended).
6. Open space fees are required to be paid at the time of platting. The fees are 5% of the fair market value of the unimproved land. The fair market value is to be determined by an accredited real estate appraiser not otherwise involved in the development.

Mr. Dixon read response comments from a letter he received from Richard Scariano, who opposed several staff recommendations.

## **QUESTIONS**

Commissioner Vogel referred to item 4., saying that no number of trips per day was mentioned. Mr. Dixon responded that without a submitted traffic plan, staff used the "worst case" scenario as its basis.

Jody Kliska added that there was nothing yet to evaluate since no design plan had yet been submitted. She added that a left-hand turn lane would be required and a right-hand turn lane may also be required.

Commissioner Withers noted that no mention was made of providing staging lanes. He suggested that further consideration may be needed for the entire road section in this area, to include turn and staging lanes.

Mr. Dixon indicated he was unsure if improvements of this scale were included in the City's capital improvements budget for the next ten years, to which Ms. Kliska said that it was not.

Commissioner Withers felt that a third access point would eliminate stacking problems since it would provide motorists with an additional access choice. He was in favor of retaining the three access points.

Chairman Elmer said that he didn't know if the commission had the authority to limit parking to just the rear portion of proposed lots. Mr. Dixon replied that the Patterson (F) Road Guidelines included guidance to straight zone developments.

### **PETITIONER'S PRESENTATION**

Jim Langford, representing both the Petitioner (developer) and Gertrude Smith (property owner), recounted a brief history of the property, adding that Ms. Smith had bought, paid for, and improved F Road between 24 and 24 1/2 Roads many years ago. As such, he felt she should be given credit for this improvement and not be forced to pay additional improvements and open space fees. Mr. Langford did not see the rationale for limiting access points to two and referred to the map submitted. He said that the third access point would be shared with Oil Express which would benefit both properties. He requested holding off site improvements until the lots were sold since he was unsure what types of businesses would be located there. Mr. Langford disagreed with staff's proposed parking requirement, adding that such a requirement would negatively impact the lots and may preclude their sale. He said that most retail businesses depend on exposure to the public and rely on their being visible to passing traffic; limiting the parking to the rear of the property would, he felt, discourage customer traffic and doom the business to failure.

In summary, Mr. Langford asked for waiver of the TCP fee; requested waiver of the requirement to widen Patterson (F) Road; requested waiver of the open space fee; requested the circulation plan and site plan improvements be deferred until such time as a business would want to locate on the property; and requested that the motion not include staff comments. He stated, however, that he would comply with review agency comments.

### **QUESTIONS**

Commissioner Withers asked if the petitioner had any plan for proposed pad sizes, etc. at this point, to which Mr. Langford said that at this time, nothing was planned because, again, it was unclear as to what businesses would want to move onto the property.

Chairman Elmer felt that past improvements to Patterson Road had provided a benefit to Ms. Smith and her property. He clarified that if a road is moved as it was in Ms. Smith's case, the petitioner

typically pays for the full improvement costs associated with that relocation.

## **PUBLIC COMMENTS**

### **FOR:**

Wayne Fisher, owner of Fisher's Liquor Barn (2448 F Road, Grand Junction) and the property directly to the east of Ms. Smith's cited his business as an example of how adversely the rear parking requirement could affect a business since his parking was also located to the rear of his property. He said that not only did it create access problems for his customers, but the rear of his property was located such that ice built up on the parking lot in the winter, creating additional problems.

### **AGAINST:**

There were no comments against the proposal.

## **DISCUSSION**

Commissioner Halsey agreed with staff's recommendation to limit the number of accesses to two.

Mr. Dixon said that any waiver of open space fees and TCP fees would have to be considered by City Council.

Commissioner Vogel said that he, too, owned a business along Patterson Road and stated that City requirements were applied equally to all businesses.

Discussion ensued over the third access point, parking requirements, and the requirement for internal circulation plans at this stage of development. Ms. Kliska said that City Engineering would agree to the third access point if it was recorded as a shared access between the owner of lot 5 in Northmall Subdivision and the owner of lot 4 in Fisher's Subdivision. While commissioners expressed concern that consideration of internal circulation and parking at this stage of development may be difficult, Mr. Dixon felt that it was important to retain the intent, adding that the City did not want improvements to occur in a piecemeal fashion, nor did the City want to see improvements made for end lots with no circulation provision being made for center lots. He felt that without an improvements guarantee, these and additional problems could arise later which the City would be forced to mitigate.

Commissioner Withers asked staff how best to reword 5., to which Mr. Dixon said that, if reworded, verbiage contain the requirement that "At site plan review, access, circulation, common access circulation, and parking arrangements will be reviewed, and if acceptable, approved by City staff at that time." Mr. Dixon added that staff would use its professional judgment in determining requirements.

John Shaver suggested including staff's requirement as a plat note, to serve as notice to potential

buyers.

**MOTION: (Commissioner Vogel) “Mr. Chairman, on item MS-95-42, I move that we approve the proposed five lot Northmall Subdivision with issues 1. through 6. about to be stated: 1) Proposal must reduce the number of access points to Patterson Road from three to two, with one additional proposed ingress/egress at the east side of lot 5 to be recorded as shared with lot 4 of Fisher’s Subdivision, with the remainder of 1. to remain the same; 2) deleted; 3) to remain the same; 4) to remain the same; 5) a note to the plat shall be recorded saying that ‘At site plan review, access, circulation, common access circulation, and parking arrangements will be reviewed and, if acceptable, approved by City staff at that time.’; and 6) to remain the same.”**

Commissioner Withers seconded the motion.

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

## **V. PUBLIC HEARING ITEMS FOR RECOMMENDATION TO CITY COUNCIL**

### **FPP-94-135 REZONE AND FINAL PLAT/PLAN -- MICHAELA’S VILLAGE**

- 1. Request for a recommendation of approval rezoning land from PR-4.1 (Planned Residential with a density not to exceed 4.1 units per acre) to PR-4.7 (Planned Residential with a density not to exceed 4.7 units per acre).**
- 2. Approval of a Final Plat/Plan for 38 single family residential lots on approximately 8.24 acres for an overall density of 4.7 units per acre.**

**Petitioner: Mary Lou Kennedy**  
**Location: 2682 UnawEEP**  
**Representative: Dan Brown, QED Surveying**

### **STAFF PRESENTATION**

Tom Dixon briefly outlined the proposal. He noted that the development would occur in two phases and access to all lots would occur from Michaela’s Place, a looped public street. A 10-foot wide pedestrian and utility easement connection to Olson Avenue to the north would be constructed between lots 11 and 12 of Block 1. A rezone to PR-4.7 was requested to coincide with the proposed density. Mr. Dixon indicated that the biggest problem still existing concerned the mitigation of drainage. The Petitioner was proposing to run drainage along Santa Clara eastward to a drainage channel that begins where River Circle dead-ends and a nature drainageway flows northward toward the Colorado River. This proposed drainage route would require an easement from School District #51 since it crossed their property between Santa Clara and the river. The City’s preferred drainage pattern would be to cross UnawEEP Avenue and direct stormwater flow to the south along David Street to an existing drainage ditch. A Developments Improvement Agreement (DIA) and payment of open space fees would be required. Staff recommended approval subject to the following conditions:

Approval of the rezone from PR-4.1 to PR-4.7.



1. A “no access” restriction will apply to all lots with frontage on UnawEEP or Olson Avenues. A notation of this restriction must appear on the final plat to be recorded.
2. A Development Improvements Agreement (DIA) is required to ensure completion of public right-of-way improvements. The DIA shall be submitted for review and approval prior to the recording of the plat.
3. Parks and open space fees are \$225 per unit and are payable at the time of platting.
4. The pedestrian easement shall be improved with a minimum 8-foot wide concrete surface built to City standards and be located between lots 11 and 12 in Block 1, connecting Michaela’s Place to Olson Avenue (as amended).
5. Bacon Court needs to be renamed to avoid confusion with Bacon Street on the south side of UnawEEP Avenue.
6. The means of stormwater drainage shall be reviewed and approved by the City Engineer if the proposed manner is not possible due to easement or other constraints.

## **QUESTIONS**

Commissioner Withers asked for clarification of where the 8-foot concrete walkway would be constructed which was provided by Mr. Dixon and indicated on the map. Jody Kliska further clarified that the internal concrete walkways would be 6-foot wide, which had been a condition of the Preliminary Plan. Mr. Dixon stated that the 8-foot width would apply to the walkway located between lots 11 and 12 of Block one which connected Michaela’s Place with Olson Avenue.

Chairman Elmer asked about the water provider, to which Mr. Dixon responded that the City would provide water to the property. John Shaver concurred, adding that this issue had since been resolved.

## **PETITIONER’S PRESENTATION**

Dan Brown, representing the Petitioner, reported that he had met with representatives of School District #51 and the Division of Wildlife. They had agreed to grant the necessary drainage easement which should be acceptable to all concerned. Other staff comments were satisfactory.

## **QUESTIONS**

Commissioner Halsey asked whether the City’s option for drainage delivery would be acceptable if no easement was given by the school district, to which Mr. Brown replied that everyone had expressed approval for granting the easement. He had no problem with routing drainage to the south if the northern option did not materialize.

## **PUBLIC COMMENTS**

### **FOR:**

There were no comments for the proposal.

### **AGAINST:**

Frank Green (1151 Santa Clara, Grand Junction) expressed his approval for the southern drainage option but wanted the line to be located on the north side of Santa Clara.

## **PETITIONER'S REBUTTAL**

Eric Marcus (751 Horizon Ct., #102, Grand Junction), representing the Petitioner, felt that there was not enough drop in topographic elevation to make the southern drainage option viable. He provided clarification on how the northern drainage plan would be effected, with water carried to the edge of Lamplite Subdivision and emptied out over a rip-rapped embankment.

## **DISCUSSION**

A brief discussion ensued over the placement of the walkway between Michaela's Place and Olson Avenue. Mr. Dixon said that the walkway did not have to be placed between lots 11 and 12, adding that the location had been proposed by the petitioner.

**MOTION: (Commissioner Halsey) "Mr. Chairman, on item FPP-94-135, I move that we approve the Final Plan and Plat for Michaela's Village Subdivision as recommended by staff and recommend to City Council approval for the proposed rezone from Planned Residential (PR-4.1) to Planned Residential (PR-4.7), with the modification of comment #4. to indicate that the pedestrian easement would be located between lots 11 and 12 in Block 1, connecting Michaela's Place to Olson Avenue."**

Commissioner Withers seconded the motion.

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

## **RZV-95-28 REZONE RMF-64, C-1 AND C-2 TO B-3 AND P/RIGHT-OF-WAY VACATION -- BLACK-EYED PEA RESTAURANT**

- 1. Request for a recommendation of approval to rezone land from RMF-64 (Residential Multi-Family with a density not to exceed 64 units per acre) to P (Parking) and land from C-1 and C-2 (Light and Heavy Commercial) to B-3 (Retail Business).**
- 2. Request for a recommendation of approval for a right-of-way vacation of the east 200 feet of the east-west alley separating the two parcels on 2nd Street between Ouray and Grand Avenues.**

**Petitioner: Shari Raso**

**Location:** Northwest corner of 2nd Street and Grand Avenue

### **STAFF PRESENTATION**

Michael Drollinger presented an overview of the proposal, noting the location of the lot and alley on the map provided. He clarified that no access from the restaurant would be available onto Ouray and Grand Avenues and that there would be no access onto the alley. Mr. Drollinger felt that the B-3 zoning would provide for a less intensive use than C-1 and C-2 and that the P zone would provide for parking, which was also appropriate for the north side of Ouray. He said that the old alley location would still be retained for its utility easement. Staff recommended approval subject to the Petitioner replatting the lots and right-of-way vacation/dedication prior to the effective date of the zoning.

### **PETITIONER'S PRESENTATION**

Shari Raso, Petitioner, passed around photos of other Black-Eyed Pea restaurants to show building design and layout. She had no further comments.

### **PUBLIC COMMENTS**

#### **FOR:**

Sid Squirrel (4339 Racquet Court, Grand Junction) concurred that the proposed zoning would be less intensive and urged approval.

#### **AGAINST:**

Rod Power (2575 I 1/2 Road, Grand Junction), owner of an office building at 444 North 1st Street spoke on behalf of Ms. Williams, who owned the property which would be adjacent to both the old and newly proposed alleyways. Mr. Power felt that to have two alleyways abutting Ms. Williams' property would be unfair and may significantly devalue her property. He also expressed opposition to the approval of any future liquor license which may be proposed by owners of the Black-Eyed Pea restaurant.

### **PETITIONER'S REBUTTAL**

Ms. Raso chose not to rebut comments made.

### **DISCUSSION**

Chairman Elmer asked if there was a fence located along Ms. Williams' property, to which Mr. Squirrel replied that she had at one time, but it was no longer there. Chairman Elmer felt that because restaurant access would be denied from the alleyways and because alleys were used primarily for service vehicles, there should be minimal traffic on them which should not adversely impact Ms. Williams' property.

**MOTION: (Commissioner Vogel) “Mr. Chairman, on item RSV-95-28, the request for rezone and right-of-way vacation, I make a motion that we forward this item on to City Council with recommendation of approval, with conditions detailed in the staff report.”**

Commissioner Halsey seconded the motion.

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

**ANX-95-12 ZONE OF ANNEXATION -- INTERSTATE ADDITION ENCLAVE  
Request for a recommendation of approval zoning lands recently annexed to the City to C-2 (Heavy Commercial)**

**Petitioner: City of Grand Junction**

**Location: Northeast corner of G ¼ Road and 23 Road**

#### **PETITIONER’S PRESENTATION**

David Thornton presented a brief overview of the proposal.

#### **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**MOTION: (Commissioner Withers) “Mr. Chairman, on item ANX-95-12, the Zone of Annexation for the Interstate Addition Enclave annexation, I move that we forward this on to City Council with the recommendation of Heavy Commercial (C-2).”**

Commissioner Halsey seconded the motion.

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

**ANX-95-31 ZONE OF ANNEXATION -- COUNTRY CLUB PARK WEST  
Request for a recommendation of approval zoning lands currently being annexed to the City RSF-4 (Residential Single Family not to exceed 4 units per acre).**

**Petitioner: City of Grand Junction**

**Location: 401 to 408 Dressel Drive and 313 to 413 Country Club Park Road**

#### **PETITIONER’S PRESENTATION**

Dave Thornton outlined the proposed zone of annexation, saying that covenants which were currently in place for the subdivision required more restrictive setbacks than those required in the straight RSF-4 zone. Thus, staff recommended approval of the RSF-2 zone which would be more in keeping with the covenants. If an RSF-2 zone were approved, four lots would be made non-conforming as to minimum lot size.

## **PUBLIC COMMENTS**

### **FOR:**

Tom Rookledge (317 Country Club Park, Grand Junction) was in favor of the City's going with the most appropriate designation.

### **AGAINST:**

There were no comments against the proposal.

## **DISCUSSION**

Chairman Elmer concurred that the RSF-2 zone seemed more consistent and, thus, was in favor of proposing that over the originally proposed RSF-4 zone.

**MOTION: (Chairman Withers) "Mr. Chairman, on item ANX-95-31, the Zone of Annexation for the Country Club Park West annexation, I move that we forward this on to City Council with the recommendation of RSF-2."**

Commissioner Halsey seconded the motion.

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

A recess was called at 9:50 p.m. with the hearing reconvening at 9:55 p.m.

Commissioner Halsey excused himself from consideration of the remaining proposals.

### **ANX-95-17 ZONE OF ANNEXATION -- POMONA PARK**

**Request for a recommendation of approval zoning lands currently being annexed to the City RSF-R (Residential Single Family not to exceed 1 unit per 5 acres), RSF-2 (Residential Single Family not to exceed 2 units per acre), PZ (Public Zone), PB (Planned Business), PR-4.1 (Planned Residential with a density not to exceed 4.1 units per acre), PR-7.8 (Planned Residential with a density not to exceed 7.8 units per acre) and PR-9.9 (Planned Residential with a density not to exceed 9.9 units per acre).**

**Petitioner: City of Grand Junction**

**Location: Between 24 3/4 Road and 26 1/2 Road, and F 1/4 Road and H 3/4 Road**

## **STAFF PRESENTATION**

Dave Thornton indicated the annexed area on the map provided and gave a detailed overview of the proposal. He indicated that all proposed zones, with the exception of North Valley Subdivision and the 151 acre Saccomanno Girls Trust property seemed to be aligned closely to previous County zones. North Valley Subdivision had been County zoned PR-12 to accommodate 36 proposed lots; the City was proposing PR-4.1. The current property owner would like to keep the current PR-12

zone density. Mr. Thornton said that during the property's Preliminary Plan process, many of the adjacent property owners had expressed concern over the County's PR-12 zone density but had expressed approval for the PR-4.1 zoning which had been part of the Preliminary Plan. The City has recommended PR-4.1 zoning, consistent with the original Preliminary Plan proposal. Mr. Thornton said that at issue was whether to allow a density three times that which the Preliminary Plan called for. In regard to the 151 acre Saccomanno property, the previous County zoning was AFT which allows a density of 1 unit per five acres. The proposed City zone is RSF-2, which allows 2 units per acre. The RSF-2 zone district is being recommended because of an annexation agreement which was entered into by the City with the property owners. The annexation agreement states that the owners may request from the City a density of not more than 2 units per acre for the 151 acre property.

## **PUBLIC COMMENTS**

### **FOR:**

There were no comments for the proposal.

### **AGAINST:**

Kay West (2627 H 3/4 Road, Grand Junction) said that with regard to the Saccomanno property, the topographic restrictions limit the usability of the land. She would like to see a minimum lot size of two acres.

Chris Onya (847 - 26 Road, Grand Junction) would also like two to five acre lot sizes.

Bill Scott (823 - 26 Road, Grand Junction) said that with regard to the Saccomanno property, he agreed with Ms. West and felt that 10 time the existing units per acre zone density was incompatible with present zoning.

Lou Grasso (798 - 23 3/4 Road, Grand Junction) felt that annexation had occurred without giving residents the opportunity to voice concerns. He asked when this had been done, which was clarified by Mr. Shaver. Mr. Grasso questioned why the City would seek to implement zones of annexation at this point when it was presently undertaking a growth plan.

Bill Pitts (2626 H Road, Grand Junction) was in favor of lower densities, approximately one unit per 5 acres.

David McDaniel (2610 Kelly Drive, Grand Junction) owned two lots on Kelly Drive which were less than three acres. He wanted to keep the density "as-is."

Mike McArthur (877 - 26 Road, Grand Junction) opposed any raising of density on agricultural lands. He complained that he had not received notice and noted impacts to traffic, schools, and sewer.

Chris Cameron (2605 Kelly Drive, Grand Junction) also opposed a density increase.

Carol Murphy (2679 Paradise Way, Grand Junction) would like the RSF-4 zone but would accept an RSF-2 zone.

Denny Hartshorn (818 - 26 Road, Grand Junction) said that he'd been told the "annexation deal was already done." He felt that if this were the case, wishes of the residents would be ignored.

Ron Rucker (770 - 26 Road, Grand Junction) expressed concerns that there were no provisions in the RSF-R zone for livestock operations. Thus, he would be required to obtain a conditional use permit for any expansion he might effect and felt this to be unfair.

Chris Carnes (2682 Paradise Way, Grand Junction) felt that the proposed zoning threatened existing lifestyles. He is the developer of the North Valley Subdivision located north of G Road on 24 3/4 Road, and he stated that the proposed zoning of 4.1 (Planned Residential) was not right since the existing County zoning is Planned Residential, 12 units per acre. He stated that it was his understanding that at the time of the preliminary plan approval for North Valley by City Planning Commission that his PR-12 zone would remain at the time of annexation.

Jay Jefferson (2599 H Road, Grand Junction) agreed with Mr. Carnes' comment that the proposed zoning threatened existing lifestyles.

Dave Zollner (2545 Canaan Way, Grand Junction) submitted a petition containing 30 signatures from residents who opposed the current rezoning. Those residents, he said, requested that zoning be made to reflect a preferred density of one unit per two acres.

Cindy Kempers (819 - 26 1/2 Road, Grand Junction) concurred with Mr. Zollner's comments.

Ron Stoneburner (794 25 3/4 Road, Grand Junction) felt that the City should have been more specific in its notification.

Tom Rolland (870 Gambel's Road, Grand Junction) felt that there was a lot of missing information and that the annexation process was done without any citizen input.

## **DISCUSSION**

Mr. Shaver briefly explained the rezoning process, saying that a Planning Commission recommendation could legally differ from what City Council suggested, reminding the Planning Commission that this is a recommendation item. Mr. Shaver also stated that the process this evening is the process that the law provides for receipt of testimony and public input on zoning the annexed area.

Dave Thornton said that the commission's rezoning recommendations would be heard May 3, 1995. When asked, he read the section of the annexation agreement pertaining to the Saccomanno property (paragraph 9).

Chairman Elmer said he tended to agree with comments made by Mr. Grasso on the growth management plan. Mr. Thornton said that the growth plan would guide the zoning for the area.

Chairman Elmer said that there were other subdivisions in the area with a higher density (e.g., Wilson Ranch, Paradise Hills, etc.). He wondered where the City was in the annexation timeline. Mr. Thornton replied that there was still some time available, but said that a decision was needed by May's Planning Commission hearing. He added that North Valley and Saccomanno seemed to be the major sources of contention.

Chairman Elmer felt that there was insufficient information to make a decision on such drastic density changes. He recommended an RSF-R zone for the Saccomanno property and keep the currently zoned AFT lands agricultural by also rezoning to RSF-R.

General discussion ensued over the minutes of July 5, 1994 wherein the North Valley Subdivision was originally considered.

Chairman Elmer felt that the City should try and rezone as close to the County's as possible.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item ANX-95-17, the Zone of Annexation for the Pomona Park annexation, I move that we forward this on to the City Council with the recommendation as recommended in City staff report dated March 28, 1995, with the exception that the Saccomanno Girls Trust property, tax #2701-262-00-150 be zoned RSF-R."**

Commissioner Vogel seconded the motion.

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

#### **ANX-95-49 ZONE OF ANNEXATION -- MOONRIDGE FALLS SUBDIVISION**

- 1. Request for a recommendation of approval zoning lands currently being annexed to the City PR-2.3 (Planned Residential with a density not to exceed 2.3 units per acre).**
- 2. Approval of acceptance of the County Outline Development Plan as a Preliminary Plan for 66 lots on 29 acres.**

**Petitioner: City of Grand Junction**

**Location: Southwest corner of G Road and 25 1/2 Road**

#### **PETITIONER'S PRESENTATION**

Kathy Portner briefly outlined the proposal and history of the County's Outline Development Plan (ODP) approval. The County's conditions of ODP approval were as follows:

1. Designation of an interconnector to allow interaction between and a safe development of this property and the parcel to the south.



2. Consideration of redesign of the looped road in future phases.
3. Minor revisions to the covenants.
4. Submittal of an acceptable irrigation plan.
5. A soil test should be performed for each phase by a professional engineer and submitted with the preliminary/final plans.
6. An improved width of 25 1/2 Road of 36 feet with no curb, gutter and sidewalk and an acceptable drainage plan for 25 1/2 Road.
7. All other review agency comments.

The City would, however, require all internal streets, including those in Filing #1, to have sidewalk on both sides of the streets. The additional sidewalk that was not a part of the original Mesa County approval would be installed and paid for as per a separate agreement between the City and the developer. The City will collect the full \$500 TCP on all lots. Design and construction of open space and trails will be as approved by Mesa County but drainage facilities for each phase must meet City of Grand Junction standards. Staff recommends approval of the PR-2.3 zone and acceptance of the Mesa County approval of the ODP as stated above with the following additions and modifications:

1. The County ODP will be accepted as a Preliminary Plan.
2. Sidewalks shall be installed on both sides of all internal streets, including the existing filings if sufficient right-of-way exists. The installation and cost will be as per a separate agreement the terms of which will be negotiated between the City and the developer. The City will collect the full \$500 TCP on all lots.
3. All drainage facilities shall meet the City of Grand Junction standards.
4. Future filings of the subdivision will require review and approval through the City's Final Plan/Plat process.
5. Failure to submit the next filing of the subdivision for review within two (as amended) years of the Planning Commission approval will result in the Preliminary Plan approval lapsing. Subsequent filings of the subdivision must be submitted for review within one year of the previous filing approval to maintain the Preliminary Plan approval.

## **PUBLIC COMMENTS**

**FOR:**

Tom Rolland and Harry Mavrakis, representing the developer, concurred with the staff recommendation, including the two year time period for submittal of the next filing. Mr. Mavrakis also clarified that the covenants recorded with filing #1 would cover all future filings.

**AGAINST:**

There was no public comment against the proposal.

**MOTION: (Commissioner Vogel) “Mr. Chairman, on item ANX-95-49, I move that we forward this on to City Council with a recommendation of approval of a zoning of Planned Residential with a density not to exceed 2.3 units per acre and that we approve the ODP as a Preliminary Plan subject to the conditions as stated in staff’s recommendation.”**

Commissioner Withers seconded the motion.

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

**ANX-95-50 ZONE OF ANNEXATION – VALLEY MEADOWS SUBDIVISION**

- 1. Request for a recommendation of approval zoning lands currently being annexed to the City PR-2.6 (Planned Residential with a density not to exceed 2.6 units per acre).**
- 2. Approval of acceptance of the County Outline Development Plan as a Preliminary Plan for 29 lots on 11.4 acres.**

**Petitioner: City of Grand Junction**

**Location: West of 25 1/2 Road and north of the Grand Valley Canal**

**PETITIONER’S PRESENTATION**

Kathy Portner briefly outlined the proposal and history of Mesa County’s approval of the Outline Development Plan (ODP). Mesa County’s conditions of ODP approval were:

1. Establish a maximum building height not to exceed 30 feet.
2. No direct driveway access onto 25 1/2 Road.
3. Complete road improvements including sidewalk, curb and gutter for a half-section urban collector for 25 1/2 Road.
4. Submit a landscaping plan for property along 25 1/2 Road.
5. The location of the interconnector to the north will have to be changed by working with the developer of Moonridge Falls and staff prior to the final plan submittal for Filing 2 of either subdivision.
6. If required by the U.S. Postal Service, the location of the common mail boxes must be approved by the Mesa County Traffic Division.

7. A subsurface soil investigation be conducted prior to the design and construction of foundations.
8. Provision for maintenance of the detention facility and a landscaping plan for this area must be submitted with the final plan submittal for Phase II.
9. The applicant submit a revised Improvements Agreement and Guarantee to cover all required improvements.
10. Review Agency comments with the exception of the Grand Junction requirement to construct sidewalks on cul-de-sacs.

The setbacks approved by the County were as follows: front yard, 20 feet; side yard, 10 feet; rear yard, 20 feet; and 25 1/2 Road, 30 feet. The maximum building height was approved for 30 feet.

Staff recommended approval of the zone of PR-2.8 (as amended) and acceptance of the Mesa County approval of the ODP as a Preliminary Plan with the following additions and modifications:

1. Sidewalks will be required on both sides of all internal streets in future filings.
2. The cost of the required improvements to 25 1/2 Road will be a credit to the TCP.
3. All drainage facilities for future phases must meet City of Grand Junction standards.
4. Future filings of the subdivision will require review and approval through the City's Final Plan/Plat process.
5. Failure to submit the next filing of the subdivision for review within one year of the Planning Commission approval will result in the preliminary Plan approval lapsing. Subsequent filings of the subdivision must be submitted for review within one year of the previous filing approval to maintain the Preliminary Plan approval.
6. For any future filings that abut the Canal, the City will work with the developer to obtain a trail easement along the Canal.

## **PUBLIC COMMENT**

### **FOR:**

Tom Rolland, representing the developer, concurred with the staff recommendation with the exception of the proposed density. He indicated the developer is looking at the option of adding two or three lots to the next filing and requested the zoning of 2.8 units per acre rather than 2.6 units per acre as originally proposed. Staff and Planning Commission concurred.

**AGAINST:**

There was no public comment against the proposal.

**MOTION: (Commissioner Withers) “Mr. Chairman, on item ANX-95-50, I move we forward this on to City Council with a recommendation of approval of a zoning of Planned Residential with a density not to exceed 2.8 units per acre and that we approve the ODP as a Preliminary Plan subject to the staff’s recommendation.”**

Commissioner Vogel seconded the motion.

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

**ANX-95-52 ZONE OF ANNEXATION – CIMARRON NORTH SUBDIVISION**

- 1. Request for a recommendation of approval zoning lands currently being annexed to the City PR-3.7 (Planned Residential with a density not to exceed 3.7 units per acre).**
- 2. Approval of acceptance of the County’s Outline Development Plan as a Preliminary Plan for 19 lots on 5.19 acres and approval of a Final Plan for 10 lots.**

**Petitioner: City of Grand Junction**

**Location: North of F 1/2 Road and east of 25 1/2 Road**

**PETITIONER’S PRESENTATION**

Kathy Portner presented a brief outline of the proposal and history of the County’s approval of the Outline Development Plan (ODP). Mesa County’s conditions of approval were as follows:

1. Establish a maximum building height not to exceed 30 feet.
2. Setbacks for the cluster homes are:
  - Principal building: Front yard 20 feet
  - Rear yard 20 feet and 30 feet on lots abutting F 1/2 Road
  - Side yard 10 feet (including corner lots or easement width)
  
  - Accessory building: Limited to the rear half of lot
  - Rear yard 5 feet
  - Side yard 5 feet or easement width

The side yard setback for principal buildings, where the garage and associated parking are proposed to have access from the side yard, be set back 20 feet for the garage portion of the principal structure, with the remaining portions of the principal structure meeting a 10-foot or easement width setback.

3. Minimum lot size shall be 4,981 square feet.

4. There shall not be any direct driveway access onto F 1/2 Road.
5. Road right-of-way and improvements to urban standards are required. Cimarron Court is required to have a 42-foot right-of-way with 26 feet of paving mat. Roll-over curb and gutter are required on Cimarron Court. The City of Grand Junction has requested that sidewalks be required on Cimarron Court as well due to the possible annexation of this subdivision. Road improvements, including sidewalks for a half-section urban collector for F 1/2 Road will be required. Road plans must be approved by the County Development Engineer.
6. Submit a landscaping plan for property along F 1/2 Road.
7. Neighborhood mailboxes be located at convenient locations throughout the subdivision rather than grouped together in one location. These units shall not be located in zones designated for sight distance, such as intersection corners with all neighborhood mailbox locations subject to approval of Mesa County Traffic Section.
8. That engineered foundations for each lot be accomplished due to the Geologic Hazard Survey indicating that there are severe soil limitations for local roads, streets and foundations.
9. The drainage and irrigation plan must be approved by the County Development Engineer.
10. This detention structure is proposed to be built on open space. A neighborhood association or other provision for the maintenance of this structure must be provided and must be addressed in the Restrictive Covenants.
11. An Improvements Agreement and Guarantee for each filing must be prepared with the cost estimates for any improvements to be completed.
12. Recording of the corrected and approved Official Development Plan and Development Permit with the Mesa County Clerk and Recorder within three months of approval and recording of the Final Plat/Plan step for Phase I within one year of approval.
13. Review agency comments consistent with these stipulations.

Staff recommended approval of the PR zone with a density not to exceed 3.7 units per acre and acceptance of the Mesa County approval of the ODP as a Preliminary Plan for the entire subdivision with the addition of staff conditions as listed below:

1. All streets and drainage facilities must meet City standards.

2. The City will work with the developer for the dedication of a trail easement along the Canal.
3. All other City requirements and fees shall apply.
4. The Preliminary Plan approval will be valid for one year from the Planning Commission approval. Failure to submit a final plat for review and approval within a year will result in the lapse of the plan.
5. The City does not accept the County's approval of a final plat for 10 lots.

## **PUBLIC COMMENTS**

### **FOR:**

The developer, Clinton Sparks, indicated he concurred with staff recommendation and gave an overview of what had been approved by the County.

### **AGAINST:**

There were no public comments against the proposal.

**MOTION: (Commissioner Vogel) "Mr. Chairman, on item ANX-95-52, I move we forward this onto the City County with a recommendation of approval of the PR zone with a density not to exceed 3.7 units per acre and that we approve the preliminary plan as stated in the staff's recommendations."**

Commissioner Withers seconded the motion.

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

## **ANX-95-51 ZONE OF ANNEXATION -- KAY SUBDIVISION**

**Request for a recommendation of approval zoning lands currently being annexed to the City PR-3.8 (Planned Residential with a density not to exceed 3.8 units per acre).**

**Petitioner: City of Grand Junction**

**Location: Northeast corner of F 1/2 Road and 25 1/2 Road**

## **PETITIONER'S PRESENTATION**

Kathy Portner briefly outlined the proposal and recommended approval of the proposed zoning.

## **PUBLIC COMMENTS**

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

**MOTION: (Commissioner Withers) “Mr. Chairman, on item ANX-95-51, I move that we forward this on to City Council with a recommendation of approval for a zoning of PR with a density not to exceed 3.8 units per acre.”**

Commissioner Vogel seconded the motion.

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

**TAC-95-1.3 TEXT AMENDMENT -- SECTION 4-3-4 AND CHAPTER 12**

**Request for a recommendation of approval amending the City of Grand Junction Zoning and Development Code Use/Zone Matrix, Section 4-3-4, to add “Landscaping Materials” to the category “Nursery/Greenhouse” and definitions, Chapter 12, to expand the definition of “Nursery/Greenhouse.”**

**Petitioner: City of Grand Junction**

**PETITIONER’S PRESENTATION**

Kathy Portner outlined the proposal to add “Landscaping Material” to the use category Nursery/Greenhouse and indicated wording for Chapter 12, Definitions and Limitations would be as follows:

“A place where plants are raised, acquired and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch, and other materials determined by the Administrator to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.”

Staff recommended approval.

**PUBLIC COMMENTS**

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

**MOTION: (Commissioner Vogel) “Mr. Chairman, on item TAC-95-1.3, amending section 4-3-4 and Chapter 12, I move we forward this on to City Council with a recommendation of approval.**

Commissioner Withers seconded the motion.

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

**TAC-95-1.4 TEXT AMENDMENT -- SECTION 4-9-1.A**

**Request for a recommendation of approval amending the City of Grand Junction Zoning and Development Code, Section 4-9-1.A, to clarify the non-conforming status of lots not meeting**

**the minimum lot size of the zone.**

**Petitioner: City of Grand Junction**

### **PETITIONER'S PRESENTATION**

Kathy Portner indicated that the section as currently written does not clarify whether an existing lot that does not meet the minimum lot size can be built upon. Staff proposed the following wording to Section 4-9-1.A.:

“A lawful structure of parcel of land (existing as of the effective date of this amendment) which is non-conforming due solely to failure to meet the Bulk Requirements of the zone in which it is located may be used for any purposes permitted in the zone so long as the use is in conformance with the provisions of Section 4.9. A parcel of land with an area less than prescribed in the applicable zone may be used for any purpose permitted in the zone if 1) the owner is able to demonstrate to the satisfaction of the Director that the parcel was lawful at the time it was created; 2) no reasonable alternative exists to make the non-conforming lot conforming, such as the addition of adjoining land under the property owner's control; and 3) the use meets all other regulations prescribed for the zone prior to occupancy or use.”

Staff recommended approval.

### **PUBLIC COMMENTS**

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

**MOTION: (Commissioner Withers) “Mr. Chairman, on item TAC-95-1.4, amending section 4-9-1.A of the Zoning and Development Code, I move we forward this on to City Council with a recommendation of approval.”**

Commissioner Vogel seconded the motion.

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

### **TAC-95-1.5 TEXT AMENDMENT -- SECTIONS 5-10-3, 4-3-4 AND CHAPTER 12**

**Request for a recommendation of approval amending the City of Grand Junction Zoning and Development Code, Section 5-10-3, Agricultural Animals, Section 4-3-4, Residential Use/Zone Matrix, and Chapter 12, Definitions, to allow, with a Conditional Use Permit, more than the maximum of small and large agricultural animals in an RSF-R (Residential Single Family not to exceed 1 unit per 5 acres) zone district.**

**Petitioner: City of Grand Junction**

### **PETITIONER'S PRESENTATION**



Dave Thornton outlined the proposed changes and proposed to add a Section C to 5-10-3 to read as follows:

“In the RSF-R zone, the number of large and small agricultural animals allowed under sections 5-10-3A and 5-10-3B.3 may be exceeded with a Conditional Use Permit. If the Conditional Use application is approved, the permit shall state the maximum number of animals allowed by type and in the aggregate.”

Staff recommended approval.

### **PUBLIC COMMENTS**

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

**MOTION: (Commissioner Vogel) “Mr. Chairman, on item TAC-95-1.5, amending sections 5-10-3, 4-3-4 and Chapter 12 of the Zoning and Development Code, I move we forward this on to City Council with a recommendation of approval.”**

Commissioner Withers seconded the motion.

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

The hearing was adjourned at 12:30 a.m.