

GRAND JUNCTION PLANNING COMMISSION
Public Hearing May 4, 1993
7:05 p.m. - 12:25 a.m.

The public hearing was called to order by Chairman Ron Halsey at 7:05 p.m. in the City County Auditorium.

In attendance, representing the City Planning Commission, were Chairman Ron Halsey, Jim Anderson, Tom Volkmann, Gabe Harbin, and Larry Seese.

Commissioner John Elmer and Stephen Laiche were absent.

In attendance, representing the City Community Development Department, were Larry Timm, Director; Karl Metzner, Planner; and Dave Thornton, Planner.

John Shaver, Assistant City Attorney; Don Newton, City Engineer; and Gerald Williams, City Development Engineer were also present.

Judy Morehouse, of KLB Secretarial Services, was present to record the minutes.

There were 52 interested citizens present during the course of the meeting.

I. CALL TO ORDER

II. APPROVAL OF MINUTES

MOTION: (Commissioner Volkmann) "Mr. Chairman, I move that we approve the minutes of the April 6, 1993 meeting."

The motion was seconded by Commissioner Seese.

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

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRE-SCHEDULED VISITORS

There were no announcements, presentations and/or pre-scheduled visitors.

IV. GRAND JUNCTION PLANNING COMMISSION PUBLIC HEARING ITEMS FOR FINAL DECISION

1. #23-93 FINAL PLAN & PLAT - PTARMIGAN RIDGE NORTH, FILING #6.
Consideration of a request for approval of the Final Plan & Plat for Ptarmigan Ridge North, Filing #6 zoned Planned Residential, 4 units per acre (PR-4); includes both single and multi-family residential. This item was tabled at the April 6, 1993 Planning Commission meeting.
PETITIONER: Ptarmigan Investments, Inc.
REPRESENTATIVE: Lewis Hoffman

LOCATION: West of 27 1/2 Road at Cortland Avenue**STAFF PRESENTATION**

Mr. Thornton of the City Community Development Department gave an overview of the proposal. This proposal calls for 46 total units consisting of 16 single family and 30 multi-family units. Preliminary approval was given by Planning Commission on February 10, 1993, which included 46 total units consisting of 15 single family and 31 multi-family. The February 10, 1993 approval included the following conditions:

1. A pedestrian access be provided between North 15th Court and Cortland Court.
2. The drainage facilities be located in designated common open space to be maintained by the homeowners rather than in easements.
3. All structures on all lots must meet a minimum of a 20 ft. setback from front property line.

All review agency comments have been adequately addressed with the following clarification and exceptions:

1. Once the pedestrian path between Filings 4 and 6 is constructed to an acceptable City standard by the Petitioner, the City will accept the path for future maintenance. This applies only to the pedestrian path and not the entire 44 ft. wide easement the path is constructed in. Snow removal on the path will be the responsibility of the property owners (or the homeowners association) as well as maintenance of the 44 ft. easement. Notation on the plat shall reflect any conditions associated with the easement.
2. Staff supports and mutually agrees with the developer that the developer is responsible for improvements at the intersection of 27-1/2 Road and Cortland Avenue which will consist of three lanes of pavement, curb and gutter. Sidewalk will not be required along the Christensen property as part of this development.
3. The Petitioner has addressed through the restrictive covenants the issue of maintenance, but has not satisfactorily addressed the ownership of the drainage facilities. In the review comments, staff has noted that the drainage facilities should be located in common open space and it should be the responsibility of the homeowners association to maintain. In the covenants the Petitioner states that "the association shall maintain drainage facilities in accordance with City policy". In responding to the common open space requirement, the Petitioner has stated that "common space is not being proposed anywhere at Ptarmigan Ridge" which is contrary to what the Planning Commission approved through the preliminary plan.

Staff supports the request of allowing the drainage facility to be located in an easement so long as there is a restriction on the plat that notes the drainage facility is for drainage purposes only and lists

the restrictions of what can and can't be done with it and who maintains it.

4. The Petitioner has responded to the front yard setback requirement of 20 feet established at the preliminary plan approval with a request to take another look at the requirement and allow the townhouse development to have 14 ft. setbacks instead of 20 ft. in front with the stipulation that garages with a front entry would be required to meet a 20 ft. setback. The request further states that garages built with a side entry would be allowed to be build at the 14 ft. setback.
5. The deed for the additional right-of-way needed from the Christensen property for this filing is in the process of being signed by Ms. Christensen. This will be completed prior to recording the final plat/plan.
6. The pedestrian path construction detail as submitted April 27, 1993 is not acceptable. City standards require this path be made with four inches of concrete (not asphalt) with a four inch aggregate base. We recommend that it be a minimum of five feet wide. The Petitioner is proposing a four feet wide asphalt pedestrian path.
7. The existing drainage facility at 27 1/2 Road and Cortland Avenue is no longer needed as part of the overall drainage for this subdivision; therefore, it may be eliminated as part of the drainage facilities.
8. The Petitioner is proposing a privacy fence along the rear property line of the townhomes that will be adjacent to the west property line of the existing single family house on 27 1/2 Road to help alleviate some of the impact associated with having only a five ft. setback which they are requesting.
9. A pedestrian easement has been provided on the plat submitted April 27, 1993 that provides for public access on the pedestrian path located between North 15th Street Court and Cortland Court.

Staff recommends approval with the following conditions:

1. That a notation be required on the plat which includes restriction of the drainage facilities including a statement of what can or cannot be done with the drainage facility and easement and who is responsible for maintenance.
2. The setback requirement for the multi-family dwellings be the following:
 - a) Rear yard setback for all townhouses will be five feet. The rear property line of the townhouses adjacent to the west property line of the existing house on 27 1/2 Road shall be required to have a six ft. privacy fence.
 - b) Front yard setbacks for all townhouses will be 14 ft. including eaves except for front entry garages which shall be 20 ft. from property line. Garages with a side entry shall be allowed to be built with a 14 ft. setback so long as there is adequate driveway length to accommodate a parked

vehicle or vehicles on site.

- c) The distance between buildings be ten ft.
- 3. All technical requirements by the review agencies be completed or adequately addressed prior to recording the final plat which includes the escrow or guarantee of half-street improvements for 27 1/2 Road adjacent to Ptarmigan Ridge Subdivision.
- 4. A notation be required on the final plan which includes restrictions of (1) what can or cannot be done within the easement; and (2) who is responsible for maintenance of the 44 ft. utility/irrigation/drainage/pedestrian easement located between North 15th Street Court and Cortland Court.

Additional conditions respond to the resubmittal of the engineering plans and reports which were deficient at the last meeting these include:

- 1. Dedication language for the easements does not coincide with some of the easements shown on the plat. Easements for irrigation ditches, pipes and ponds should not be dedicated to the City. An irrigation easement is needed along the west side of Lot 1, Block 3.
- 2. The existing 15 inch cmp drainage pipe crossing Cortland Court does not meet City specification and will need to be replaced.
- 3. The Petitioner will need to submit a profile and details for the gravity overflow pipe between the irrigation pond and storm detention basin. Was this irrigation water historically routed to the detention pond location? If not how much additional irrigation water will be discharged to the detention pond and onto the property to the north?

Final plan and details for the irrigation system should be submitted for our review prior to construction.

Previous comments not addressed on revised plans include:

- 1. On the road plans, handicap curb ramps are required and should be shown at street intersection. Horizontal curve data, including the beginning and ending stations and offsets (or coordinates), are required on the plans for all curves along the perimeter of the streets, including cul-de-sacs and intersection radii. This information is needed for layout and staking of the street improvements.
- 2. Vertical P.I.s and other points shown on the street profiles need to be labeled or otherwise identified. Gutter grades on Ren Court and Cortland Court should be increased above 0.5 percent where possible. The south half of the drainage cross-pan at station 9+11.19 is shown to be flat on the street profile (flowline elevation 4,719.74) and will not drain.

3. On the drainage plans, the inlet grate and frame specified is incorrect. The number should be Casting IFG-3246-CI. The type and class of PVC drainage pipe is not specified. The sidewalk thickness should be shown on section A-A. Provide details/literature for "Kerf" grating specified on top of drainage structure. Is the concrete box notched to hold grating in place?
4. The outlet pipe from the storm water detention pond discharges to the north into an existing channel. The pipe outlet shall be designed such that flows and velocities do not exceed historic conditions.

PETITIONER'S PRESENTATION

Mr. Lewis Hoffman was present to explain the proposal and answer questions. The Petitioner accepts all the conditions and recommendations proposed.

PUBLIC COMMENT

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

QUESTIONS

Chairman Halsey was opposed to the 14 ft. setbacks as were discussed at the April 6, 1993 meeting.

Commissioner Volkmann asked Staff if there were any code provisions relative to rear yard setback, especially in a case such as this with a separate owner involved.

Mr. Thornton explained that this is a planned zone and setbacks are looked at specifically for this plan. The zoning on the property to the east is a single family zone with a 30 ft. setback. With the six feet high privacy fence Staff felt there may be room for compatibility. Originally the proposal included a zero foot rear yard setback which Staff did not agree with.

Commissioner Volkmann asked the Petitioner if the units will be single story or two story units?

Mr. Hoffman stated that there may be a variety of single and two story units planned.

Commissioner Volkmann felt if they were two story units, the six feet high privacy fence would not provide much screening.

Commissioner Anderson felt a multi-level would encroach on the property to the east. Also, this subject of having a substandard lot and trying to construct something on it which required variances was discussed previously.

Mr. Hoffman explained the plan is to fit the new structures with the neighborhood; however, by adding more footage to the setback the size of the buildings is reduced and this will not be accomplished.

Commissioner Anderson asked the Petitioner if there were only three lots involved with the 14 ft. setback?

Mr. Hoffman explained it would be the townhome area.

Commissioner Volkmann asked the Petitioner to clarify the difference between the easement and setback.

Mr. Hoffman explained the Petitioner is using the 14 ft. easement for the setback.

Mr. Thornton further explained the road standards required a 14 ft. easement on both sides of the street and the Petitioner is requesting this be included as the setback area also.

Chairman Halsey asked the Petitioner about the building height of the proposed building next to the Brown property?

Mr. Gary Spomer, 676 29 1/2 Road, Grand Junction, CO. and the builder for the patio homes, explained the homes which back up against the Brown property will be single story dwellings. There will be two duplexes in this area.

Chairman Halsey asked the Petitioner if there was a problem in making it a stipulation that these are in fact built as single story units?

Mr. Spomer replied there was no problem having this stipulated.

Commissioner Volkmann asked Staff about the common open space not being proposed and the statement by Staff earlier regarding this is contrary to what was approved by Planning Commission for the preliminary plan? Would Staff explain this further?

Mr. Thornton explained one of the conditions of approval by Planning Commission in February was that drainage facilities be located in common open space and maintained by the homeowners association. The Petitioner states the homeowners association will maintain the drainage facilities, but they request these be in the easements. Open space would be the best alternative, but an easement is acceptable so long as it is clear on the plat and in the covenants who is responsible for maintenance.

Commissioner Volkmann asked if the drainage easement was the only context in which common open space was referred to?

Mr. Thornton stated the pedestrian pathway was the only other item brought up in regards to common open space.

Chairman Halsey asked if the open space for the drainage is in the same area the Petitioner is requesting for an easement for the drainage?

Mr. Thornton replied affirmatively. There is enough drainage with the previous filings so the existing drainage facility at 27 1/2 Road and Cortland will not be used as such, it will be used as an irrigation pond.

Therefore, the concern of a drainage facility for this filing would only apply to the proposed retention facility. The easement is on Lot 10 and Lot 11. For that reason, Staff requests specific language be included on the plat to explain the easement completely.

Commissioner Volkmann asked about the five foot width recommended versus the four foot width on the pedestrian path, what is the basis for this requirement?

Mr. Thornton explained Staff feels five feet should be the minimum required; the city standard for bicycle paths is eight feet. Due to the fact this is a unique situation Staff will agree to a minimum of five feet.

Commissioner Anderson did not like the 14 ft. setback as compared to the 20 ft. setback.

Chairman Halsey was surprised the item came back with the 14 ft. setbacks after discussion and opposition at the February 1993 meeting.

Mr. Thornton explained one reason for the 20 ft. setback is to accommodate the parking of a vehicle in front of the garage. With a side entry garage there is more flexibility to grant a 14 ft. setback for the remainder of the house.

Commissioner Anderson asked if the 14 ft. setback on a side entry garage allowed enough paved surface for vehicle parking?

Mr. Thornton explained it would depend on the design.

Commissioner Volkmann asked what the developer felt about a 20 ft. front yard setback and a 10 ft. back yard setback?

Mr. Hoffman explained that would not work at all.

MOTION: (Commissioner Volkmann) "Mr. Chairman on item #23-93, a request for approval of the Final Plan & Plat for Ptarmigan Ridge North, Filing #6 zoned Planned Residential, 4 units per acre (PR-4), I move that we deny the request based upon the inadequate setbacks both in front and in the rear of the townhome section of the proposal."

The motion was seconded by Commissioner Harbin.

A vote was called, and the motion passed by a vote of 4-1, with Commissioner Seese opposing.

- 2. # 38-93 PRELIMINARY PLAN - THE PEPPER TREE, FILING #4
A request for approval of a preliminary plan for The Pepper Tree, Filing #4.
PETITIONER: IBX, Inc.**

REPRESENTATIVE: Rolland Engineering
LOCATION: F Road and 29 Road

STAFF PRESENTATION

Mr. Thornton of the City Community Development Department gave an overview of the request. This proposal is a continuation of the existing Peppertree Subdivision which currently contains 43 townhomes on four acres (Filings 1, 2, and 3) developed in 1982. At that time a preliminary development plan was approved for the entire 8.3 acres for 89 attached dwelling units. The current proposal for Filing 4 is a modification of that original approval in the road alignment, an increase in the size of units and a decrease in the number of units. The number of units proposed was 37 units which has been modified to 33 units to comply with the water line Ordinance No. 2627. If Ordinance No. 2627 is modified prior to the Petitioners submitting a final plan/plat on the south end of the development, they may propose adding the four additional units at that time, provided it is allowed by the Ordinance. The proposed development continues the character established in Filings 1, 2, and 3.

Comments and issues for this proposal include:

An easement should be provided south from the cul-de-sac to the newly dedicated right-of-way for future water line extension and looping. The Petitioner has agreed to provide an easement.

The proposed roadway does not meet current standard for width; however, it is consistent with the roadway width through the existing filings of Peppertree. The City Engineer may require that the right-of-way have a "no parking" sign.

Required parking, as per the Zoning and Development Code, is two spaces per unit for all one family dwellings up to and including four family dwelling units. For all multi-family dwelling units, five and greater per structure, 1-1/2 spaces per dwelling unit is required, plus one additional space per every five spaces for recreational vehicles and/or visitor parking. The Petitioner has indicated that the proposed parking does meet the requirements.

The final plat/plan will require the vacation of the existing right-of-way that is to be realigned. A right-of-way vacation requires a recommendation by Planning Commission and an ordinance by City Council.

Development and maintenance of the common open space must be addressed with the final plat/plan submittal.

The Final Plan submittal must also address the following:

- 1) storm water conveyance swales at the west, east, and south sides of the subdivision need to be provided;
- 2) scales on drawings need to be provided; and
- 3) the tri-plex appears to be beyond the 150 ft. radius fire protection limit.

Parks and Open Space fees will be due prior to recording any of the plats for the number of units included in that filing.

The revised site plan submitted in response to review comments shows a five ft. setback along the east and west property lines. The original proposal was for a ten ft. setback. The ten foot setback should be required.

The Petitioner is proposing to use the existing irrigation system for the proposed development. The existing facilities should be adequate to service the new area. Details on that system will be provided with the final submittals.

All other review agency comments have been addressed or will be addressed at final plan/plat stage.

Staff recommends approval of the Preliminary Plan subject to any outstanding agency comments being addressed with the final submittals and with the condition that the setbacks along the east and west property lines be ten feet instead of five feet as proposed.

PETITIONER'S PRESENTATION

Mr. Tom Rolland of Rolland Engineering was present to explain the proposal and answer any questions. The original proposal was for 46 units, which is 11 units per acre; the developed portion is 43 units, which is 10.5 units per acre. The current proposal for 34 units, is 8.1 units per acre. The development is a townhome community with off-street parking and fully maintained exterior units. The units in Filing 1, 2, and 3 range from 760 to 1,150 square feet, and are currently selling in the mid \$40,000 to the low \$50,000 range. The new proposal will have larger units of approximately 1,350 square feet, in one- and two-story units, which will market in the mid-\$60,000 range.

The streets are nonstandard; however, they are the same as in the first filing. There will be a two foot curb and gutter on each with a detached four ft. sidewalk. On-street parking will be prohibited.

The original proposal includes a 14 ft. easement on the east and west side and 10 feet of this is encroached upon with removable decks. The original proposal intended to maintain the continuity of these decks. Staff is not in favor of having decks in the easements; therefore the submittal includes a 10 ft. easement on the east and west side. Public service is requesting 14 ft. easements. The easements were then brought to the front of the lots and this is a five ft. easement not a setback.

Drainage is conveyed to the south property line to a ditch and is further conveyed to Indian Wash. Storm water will be handled in conjunction with the requirements, and discharge will be detained in the storm water detention site and in the parking lot.

PUBLIC COMMENT

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

QUESTIONS

Chairman Halsey asked if the setback is 10 ft. beyond the 14 ft. easement?

Mr. Thornton explained the 14 foot rear setback was a request by Public Service. There is not an existing 14 ft. easement on the road area; the easement begins with the new road section. Staff discourages having structures over the easements.

Mr. Rolland explained that the ten foot setback does not cause problems on all the units, only the 1st unit on the right and the units on the east side.

Commissioner Anderson noted there are three buildings on the 14 ft. setback. Are the eaves hanging over the easement?

Mr. Harry Mavrakis explained the design could be made so that the eve did not go over the easement. The existing subdivision only has easements down the outside of the property, those were ten ft. easements for all utilities and irrigation. This proposal was designed to conform to the existing subdivision. The revision of this plan includes a 14 ft. easement on the street frontages.

Commissioner Anderson asked Staff about the request for a ten ft. setback on the east and west property lines; on the previous item a five ft. setback was acceptable, please explain?

Mr. Thornton replied consideration was given as to continuity to Filings 1, 2, and 3 of Peppertree.

Mr. Rolland explained the Petitioner would accept a ten ft. setback on the east and west if there were also a ten ft. easement allowed.

Commissioner Anderson and Commissioner Volkmann disagreed with that type of proposal.

Mr. Mavrakis explained the road configuration originally was different and the Outline Development Plan was for 46 units; however, the City has adopted new street standards. Therefore the old street could not be maintained and still meet the new fire protection requirements, this causes the Petitioner a loss of 13 units due to the new requirements.

When asked if the design is going to remain consistent with the first filings, Mr. Mavrakis replied affirmatively.

Commissioner Seese asked if there will be street side parking?

Mr. Mavrakis replied there is no restriction on street side parking on the existing portion. The agreement on this section is that there will be no street side parking.

Commissioner Anderson had concerns about the roadway which is less than the accepted norm now, but complies with the original requirement. Will a posted no parking area be enforced?

Mr. Thornton explained it will be enforced as much as any no parking zone in the City is normally enforced.

Mr. Rolland explained this area will have a parking lot which should eliminate any on street parking.

MOTION: (Commissioner Anderson) "Mr. Chairman on item #38-93, a request for approval of a preliminary plan for The Pepper Tree, Filing #4, I move that we approve this subject to Staff recommendations and comments with a ten ft. setback except as noted: the second five-plex on the east and the two four-plexes on the west should both have five ft. setbacks as stated in the plans."

The motion was seconded by Commissioner Seese.

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

3. **#40-93 FINAL PLAT AND PLAN - SEDONA SUBDIVISION, FILINGS 1 AND 2**
A request for approval of a Final Plan and Plat for Sedona Subdivision, Filings 1 & 2 for 22 single family units on 11.6 acres with a zoning of PR-4.2 (Planned Residential, 4.2 units per acre).
PETITIONER: T.L. Benson and Sedona Partnership
REPRESENTATIVE: Thomas A. Logue
LOCATION: SW corner of 12th Street & H Road; west of Alpine Meadows.

STAFF PRESENTATION

Dave Thornton gave an overview of the proposal. This request is the same that was approved by Planning Commission in March except that there are now two filings instead of one, and the improvements agreement has been divided between the two filings to allow the development in separate phases. The first filing would consist of seven lots, the remaining 15 lots would be in Filing 2. Improvements guarantees will be filed independently with each plat. Issues and Comments include:

1. Revision of the drainage report remains a requirement prior to recording either plat.
2. The wording arrangement on the Filing 2 plat for tract "A" may result in a misunderstanding. This will need to be worked out.
3. The method for maintenance of sewer service during the relocation of the existing lift station has been submitted by the Petitioner, but some questions have arisen and details must still be worked out.

Staff recommends approval subject to all previous conditions of approval by Planning Commission for the

Sedona Subdivision as approved on March 9, 1993, as well as compliance with all technical issues raised by the review agencies, mainly dealing with the two plats.

PETITIONER'S PRESENTATION

Mr. Thomas Logue further explained there are two sets of development agreements due to the original ownership by two parties. Filing 1 is guaranteeing the construction of the drainage structure which will be in Filing 2. The review agency comments have been agreed to. All previous conditions and stipulations of approval will apply.

PUBLIC COMMENT

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

QUESTIONS

There were no questions by the Commissioners.

MOTION: (Commissioner Volkmann) "Mr. Chairman on item #40-93, a request for approval of a Final Plan and Plat for Sedona Subdivision, Filings 1 & 2, I move we approve this request subject to Staff recommendations."

The motion was seconded by Commissioner Anderson.

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

4. #43-93 REZONE & PRELIMINARY PLAN - NORTHCREST VILLAGE SUBDIVISION

A request for approval of a rezone from RSF-2 (Residential Single Family, two units per acre) to PR-2 (Planned Residential, two units per acre); and approval of a Preliminary Plan.

PETITIONER: Kay Scott, c/o Gregg Cranston

REPRESENTATIVE: Thomas A. Logue

LOCATION: Northeast of Hemlock Drive & 7th Street

Commissioner Volkmann excused himself for this item due to a potential conflict of interest.

STAFF PRESENTATION

Karl Metzner of the City Community Development Department gave an overview of the request and reminded the Commissioners there was a previous denial due to a tied vote by the Planning Commission and that City Council also denied the request for an increase in density. The plan includes a cul-de-sac from 7th Street; the planned residential zone lets the Petitioner take advantage of some of the flexibility of the planned zone, therefore the lots vary in size. The basic concept remains the same with an on site detention facility located in the northwest corner of the site. This is proposed for an easement on a lot. The Petitioner has agreed the homeowners association will maintain that detention and outlet facilities. This is

the only common open space for this proposal. The two units per acre is in compliance with the 7th Street Corridor Guidelines for this area and Staff recommends approval.

PETITIONER'S PRESENTATION

Mr. Thomas Logue representing the Petitioner explained the 20 lot request has been proposed since the denial of the 29 lot request. The lot configuration has changed the access on 7th Street from two to one. The location of the cul-de-sac has been changed; the storm water management area remains in the same location. The easement across Lot 13 has been proposed with the maintenance of the piping the responsibility of the homeowners association; the maintenance of the grounds would be the responsibility of the lot owner. All review agency comments have been addressed.

PUBLIC COMMENT

FOR: There was no public comment for the proposal.

AGAINST:

Mr. E.L. Smith of 2651 Central Drive, Grand Junction, CO who lives at the northwest corner of the development objected to the proposal due to the lack of drainage in the area. Often the water covers yards and is a problem. Instead of a 12 inch pipe across the road, a 24 inch pipe would be necessary according to Mr. Smith. This development should address the current drainage problems and a pond would not be desirable due to the increase of mosquitos in the area.

Mr. Ted Street of 721 Galaxy, Grand Junction, CO asked what the difference is between planned residential and residential single family?

Mr. Metzner explained the planned residential allows the Petitioner to vary their lot size. Under the straight zone everything would have to be the same size.

Mr. Street asked if there would still only be two single family dwellings per acre?

Mr. Metzner replied affirmatively.

Ms. Carla Eden of 2660 East Central, Grand Junction, CO asked for details of the size of the lots.

Mr. Metzner pointed out the lots on the display map.

Ms. Eden asked if the backyards were still being matched as in the original proposal.

Mr. Metzner replied it does not appear the matching is going to take place.

Ms. Eden asked what size the homes will be; what is the price range; and will they be one- or two-story units?

PETITIONER'S REBUTTAL

Mr. Logue explained the drainage proposal was worked on extensively with the city crews. The City requirements for managing the drainage prohibits the developer from discharging more water than flows off the property historically. The proposal is to detain not retain the developed storm water flows in the event of a major storm. The only time any water would be in the storage basin would be in the event of a major storm generally this would occur for less than an hour. The proposal includes reconstruction of a new drainage pipe north to Central Drive.

The covenants include a clause which discusses a minimum dwelling size and there is a provision for two-story units. The one level homes will be a minimum of 1,600 square feet, multilevel homes at least 2,000 square feet; this is exclusive of any porches and garages.

QUESTIONS

Commissioner Harbin asked if the retention basin could be enlarged?

Mr. Logue explained there is a shallow depression and there is sufficient volume within the basin.

Commissioner Anderson asked if the discharge will flow onto Central Drive?

Mr. Logue replied it will be discharged to an existing storm/sewer inlet which will be on the southeast corner of 7th Street and Central Drive.

MOTION: (Commissioner Anderson) "Mr. Chairman on item #44-93 a request for approval of a rezone from RSF-2 (Residential Single Family, two units per acre) to PR-2 (Planned Residential, two units per acre); and approval of a Preliminary Plan, I move that we approve this request subject to Staff recommendations."

The motion was seconded by Commissioner Seese.

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

Commissioner Volkmann rejoined the Commission for the next item.

5. #52-93 AMENDMENT TO REAR YARD SETBACK -LOT 10, HORIZON GLEN SUBDIVISION

A request to amend the rear yard setback requirement from 20 feet to 10 feet for Lot 10, Horizon Glen Subdivision.

PETITIONER: George & Virginia Rice

REPRESENTATIVE: Mr. Thomas A. Logue

LOCATION: Lot 10, Horizon Glen Subdivision

STAFF PRESENTATION

Dave Thornton explained the request for an amendment of the subdivision plan to the rear yard setback from 20 feet to 10 feet. This type of appeal falls under section 7-5-6 of the Zoning and Development Code -- Amendments to the Final Plan. A minor change to the plan, such as a decrease in setbacks, so long as those changes will not impact adjacent properties or uses, can be considered and approved administratively. However, the adjoining property owner to the east has objected to the proposed change to the setback. The request for a minor change was therefore denied and has been appealed to the Planning Commission by the lot owner.

The original proposal for Horizon Glen Subdivision included 20 ft. rear yard setbacks for all lots except for two lots for which ten ft. was proposed. Staff comments were that those two lots should continue the 20 ft. rear yard setback as established for the rest of the lots. The developer agreed and recorded a site plan with the plat showing building envelopes for all lots which included 20 ft. rear yard setbacks. The covenants recorded with the plat (which are not enforceable by the City) indicate rear yard setbacks of ten ft. The current owner of Lot 10 believed the required setback was ten ft. instead of 20 ft. based on those covenants and designed their house accordingly. The lot is constrained by a large preservation easement in the front and steep slopes resulting in a relatively small building area. As proposed, only a corner of the house, approximately 328 square ft., would extend into the 20 ft. setback to within ten ft. of the property line. The visual impact to the adjacent property would be minimal. The adjacent property is zoned RSF-4 which requires a 30 ft. rear yard setback. Therefore, with the current zoning 40 ft. is the minimal distance between principal structures.

Staff received a letter from a Mr. Thomas Burleigh, owner of the property to the north who opposes the request because of the constraints of the lot and the encroachment into the setback. Staff recommends approval of the request to revise the rear yard setback from 20 feet to 10 feet to accommodate the proposed house.

PETITIONER'S PRESENTATION

Mr. Logue was present to explain the request and elaborated on some of the information. The request is based on the site plan which enhances and preserves the existing trees and eliminates a steep grade on the driveway. This change is minor, being less than 10 percent to the original setback requirement.

PUBLIC COMMENT

FOR:

Mr. Dwain Martin of 1712 Glenwood Avenue, Grand Junction, CO and the contractor for this development explained if the building was moved forward to accommodate the 20 ft. setback it would be more difficult for the foundation to be build because of the slope of the lot, also, the driveway would be steeper.

Dr. John Heideman of 3012 Poppy Street, Grand Junction, CO who owns Lot 8 of the Horizon Glen Subdivision felt the approach the Petitioner is taking as far as alignment of the house on the property (without the 20 ft. setback) is a very positive approach to the topography.

AGAINST:

Mr. Thomas Burleigh felt if the setback were changed the house would be moved to the top of the hill and

cause more of an obstruction of the view from his property.

Ms. Dorothy Espe also felt the building would obstruct the view if allowed to be moved ten feet.

Mr. Walt Dalby of 555 Pinyon, Grand Junction, CO pointed out issues he wanted the Commissioners to consider. The preliminary plan which was submitted in 1991 showed the following rear yard setbacks: all lots which abut the Round Hill Subdivision have 20 ft. setbacks; three other areas had 20 ft. side yard and rear yard setbacks. The only two lots in the preliminary and final plan which abut the Dalby property exclusively are the only lots that had only a 10 ft. rear yard setback proposed. The Community Development Department looked at the obvious inconsistency in the preliminary review and asked the developer to change it, which was done prior to final without protest. The rear yard setbacks were not an item of dispute during the entire time the plat/plan went through the preliminary and final hearings.

The highest elevation of the Dalby property is the area directly behind Lot 10 and there are panoramic views and eventually there will be a single level home built on that site. This proposed setback change therefore would adversely affect the property more than just the view. The market value would be substantially reduced by having the back of a house sitting 10 ft. from the lot line when every other lot has 20 ft. rear yard setbacks. The quality of peaceful enjoyment will be adversely affected. Also, since both structures are likely to be of considerable value and due to the predominately west to east windstorm patterns this proposal compromises the safety to the Dalby structures.

In response to the statement by Staff that the Dalby property has 30 ft. rear yard setbacks; this is a comparison of a newly zoned property and one which has not gone into the development stage. It appears the first person to build gets the advantages and the last person to build is held by current zoning regardless of what is ultimately planned or what rezoning may occur.

Also, there is an undated letter to the Community Development Department requesting this setback change which claims the setback change is "necessary to allow construction of a house meeting the square footage requirements of the covenants of the subdivision". This statement is just not true. The covenants require 2,000 square feet for a one-story dwelling and only 1,500 square feet for the ground floor of a two-story dwelling. The Petitioner's proposed dwelling is to be 3,094 square feet plus an additional 566 square feet of garage. Petitioner's dwelling is 55 percent larger than the required minimum in the Horizon Glen Subdivision, so that is not an issue. If the petitioner rotates the dwelling 7⁰ it will fit into the building envelope provided by the final development plan. The building is the size, orientation and location because that is where the Petitioner wants it.

It is totally inappropriate for the City Planning Commission to entertain a change in a plat/plan to accommodate the personal desires of one property owner to the substantial detriment of another. The Petitioner was on notice of the requirement of the final development plan because that plan is recorded in the records of the Mesa County Clerk. Furthermore, the Planning Commission has no authority to grant this petition. Referring to Section 7-5-6 of the Zoning and Development Code item A allows "minor changes provided that those changes are required by circumstances not originally foreseen at the time the

plan was approved". The rear setbacks of the Horizon Glen lots abutting the Dalby property were changed by the developer to conform with the lots in the rest of the subdivision, there is clearly no rear yard setback circumstance that is "unforeseen". The Petitioners request also fails the minor change test of item A2, because it does alter the overall characteristics of the total plan by spot zoning a single zone in the subdivision. Further, substantial adverse impacts are created on adjacent uses, which is prohibited. The Petitioners request clearly fails the test of a "minor change".

As far as major changes, Section 7-5-6.B states there are only three reasons that lot amendments be approved for the final plan. One of these is that the development policy has changed; the policy of the community has not changed. The other two reasons are similar:

- 1) There must have been changes in conditions which occurred after the final plan was approved. No such changes have occurred and the 20 ft. setbacks were provided by the developer.
- 2) Conditions have arisen that were reasonably unforeseen at the time of the final plan approval. The Petitioner knew the size and the topography of the lot, and the recorded final development plan notified her of the setback requirements, the building envelope, and the preservation easement before she even bought the lot.

Therefore, the conditions the Petitioner finds herself in were not "reasonably unforeseen" at the time the final plan was approved, and the requested setback change does not meet the qualification of a major change under Section 7-5-6.B of the Code.

Mr. Dalby submitted that 1) changes in development policy of the community does not exist; and 2) the last two reasons cannot exist. Consequently, the requested plan cannot be granted under the legal standards under the Zoning and Development Code. For reasons for which the City Attorney, and the County Attorney are well aware, the City Planning Commission does not have the authority to amend the plan or plat.

Mr. Dalby requested the Planning Commission deny this request and consult with the staff of the City Attorney's office before proceeding further.

Also, Mr. Dalby requested the opportunity to be heard on this matter should this request be appealed on to City Council.

PETITIONER'S REBUTTAL

Mr. Logue explained the original application did call for 10 ft. setbacks; a considerable amount of study went into the decision for the 10 ft. setbacks. However due to the complicated matter of the application this was denied in order to pass the rest of the project. The fire department noted no problems with the 10 ft. setbacks. If the house is moved 10 ft., the elevation will not be changed much.

QUESTIONS

Commissioner Harbin asked as currently designed, what is the grade of the driveway?

Mr. Logue replied it is approximately 7 percent; if the house were moved it would be 10 to 12 percent grade.

Commissioner Anderson commented that is a minimal slope and it does not seem like an appreciable problem.

Commissioner Volkmann asked Mr. Logue when the problem first came to the Petitioner's attention?

Mr. Logue replied it was when they made application for a building permit.

Chairman Halsey felt that the covenants that were developed do not match what was legally established in the final plan and plat. Is there a mechanism to insure that covenants do match?

Mr. Thornton explained the Community Development Department tries to check the covenants; however, often they are revised by the owners within the subdivision and we are not kept up to date. The zoning has to be followed first.

Commissioner Volkmann felt if the covenants were in error, this did not warrant the error to rule the day. The problem should not be given to the adjacent property owner when misjudgments and errors have been made. The developer accepted the 20 ft. setback.

Commissioner Anderson asked the Petitioner if the house could be rotated so that it could fit on the lot?

Mr. Logue stated there would have to be additional construction work which would cost more, or eliminate some of the vegetation.

MOTION: (Commissioner Volkmann) "Mr. Chairman on item #52-93, a request to amend the rear yard setback requirement from 20 feet to 10 feet for lot 10, Horizon Glen Subdivision, I move that we deny the request."

The motion was seconded by Commissioner Anderson.

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

Chairman Halsey instructed Mr. Dalby to contact Mr. Shaver in regards to process of appeal, if in fact there is an appeal.

Mr. Shaver explained that he has discussed the matter with Mr. Krohn, legal counsel for Mr. Dalby; also Mr. Wilson and the Petitioner Virginia Rice have had a conversation. This item was pre-advertised in

anticipation of an appeal. It is not now mutually agreeable to the parties involved to be heard by the City Council tomorrow night and; therefore, if an appeal is perfected tonight, it will not be heard by the City Council on May 5, 1993.

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

1. # 25-93 REZONE & FINAL PLAN/PLAT - V.O.A. ELDERLY HOUSING

A request to change the zoning of a property from B-2 & P (Neighborhood Business and Parking) to PR-43.8 (Planned Residential with a density of 43.8 units per acre) and approval of a final plan/plat. This item was tabled at the April 6, 1993 Planning Commission meeting. The Petitioner requests this item be tabled for another month.

PETITIONER: Volunteers of America, Inc.

REPRESENTATIVE: Lantz-Boggio Architects, Inc.

LOCATION: NW corner of 1st Street & Independent Avenue

STAFF PRESENTATION

Karl Metzner requested that this item be tabled until the June meeting. Properties for adequate parking have still not been negotiated completely.

MOTION: (Commissioner Volkmann) "Mr. Chairman on item # 25-93, a request to change the zoning of a property from B-2 & P (Neighborhood Business and Parking) to PR-43.8 (Planned Residential with a density of 43.8 units per acre) and approval of a final plan/plat, I move that we table this item until the June meeting."

The motion was seconded by Commissioner Seese.

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

2. #4-93 WAIVER OF OPEN SPACE FEES - WILSON RANCH, FILING #2

A request for waiver of open space fee requirements for Wilson Ranch, Filing #2 - a 14 single family lot subdivision.

PETITIONER: G.N.T. Development

REPRESENTATIVE: Dan Garrison

LOCATION: 25 1/2 Road & G Road

STAFF PRESENTATION

Dave Thornton gave an overview of the request. The Petitioner is requesting that open space fees be waived for Filing 2 (final plat/plan has already been approved by Planning Commission on February 10, 1993). Preliminary plan approval was given by the County in 1982, Wilson Ranch was annexed into the City in 1992. The preliminary plan was also revised at the February 10, 1993 meeting. As a result of our

research into County files for Wilson Ranch little information has been found regarding the County waiving development impact fees for parks and open space and it is assumed that if fees were not collected by the County it applied only to Filing 1 and not for any future filings. The annexation agreement does not address the issue of open space fees. In the 1983 County files for Wilson Ranch the Petitioner states in their response to review agency comments that the County Parks Department was willing to waive development impact fees for parks in lieu of dedication, yet the County Parks Department states in a review comment that was issued late and after the Petitioner had responded to other review agency comments that \$9,000 was due for Filing 1. The County fees are \$225 per lot and since Filing 1 has 40 lots, \$9,000 was due to County Parks. The 1983 County files show no record of the \$9,000 being paid.

Grand Junction Parks and Recreation Department stated in their review comments dated April 8, 1993 the following: "We cannot recommend the waiver of fees in lieu of a 1.8 developed acre site and a 1.9 acre "natural" area. These are too small for neighborhood use. Indications are that they will remain private and available only to those within the subdivision. Open space fees are intended to be used for public purposes as is any land that might be accepted instead."

Staff recommends that open space fees not be waived for Filing 2.

PETITIONER'S PRESENTATION

Mr. Dan Garrison explained that the subdivision was originally filed in 1980 with a dedicated park site of 1.9 acres, which equals five percent of the total 42 acre subdivision. This was also filed with a 1.8 acre private open area, which constituted 4.7 percent of the total subdivision. This gave 9.7 percent designed as private open area or a park. Subsequently, the preliminary submissions in 1982 and 1983 modified these to some extent; the park on the corner of G 1/2 Road and Wilson Drive is now 1.6 acres, which is still more than five percent of Filing 1 which was a 14 acre site. The park consisted of over 10 percent of the land in Filing 1.

Mr. Garrison had a letter dated February 22, 1983 to Mr. Kirk Luhrs of the Planning Department from Robert Meyers who was in charge of Mesa County Parks. This letter states "please let it be recorded that this department is in agreement with the development at Wilson Ranch Subdivision to develop a private park as flagged at such time as 50 percent of the lots are sold. This is to be privately operated, park fees are waived contingent upon park development within five years of this date, and final approval of park plans by this department". The park was developed when only five homes were sold, out of the total possible 180 residents which Wilson Ranch is zoned for. The park has been graded and seeded and a privacy fence has been completed. This was done with the understanding that Wilson Ranch was exempt from the park fees because it had been approved in the County as being exempt from the park fees.

In March 1983, the Staff comment sheets has no reference to the open space fees. On April 8, 1983 there is a late comment from the County Parks Department which states \$9,000 park fees are due; however, there is no explanation of who wrote the comment and no accurate documentation or reason for this statement. During the City Planning Commission meeting there was no challenge to the park issue. At the County Commissioner's meeting which considered the preliminary plan and final plat, there was no ruling on the

open space fees.

In regard to the waiver of Filing 2 and 3, the Final Plat recording form indicates open space fees are in lieu for the entirety of the Wilson Ranch Subdivision. Also, when Wilson Ranch agreed to come into the City it was with the understanding Wilson Ranch was accepted as approved by the County.

PUBLIC COMMENT

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

QUESTIONS

Commissioner Volkmann felt the Commissioners were not given enough information prior to the meeting.

None of the documentation relative to the history of this item was provided; the County Commission meetings, or the agreement Mr. Garrison referred to. Also, if the Commissioners are to deny this because they do not have any authority to make the decision the exercise is absurd.

Chairman Halsey also felt if the Commissioners do not actually have the authority to make a decision it should have bypassed the proceedings this evening.

Mr. Shaver explained the fee waiver needs to be considered by this board; according to Code, it is true that this body does not have the authority to waive the fee, only make recommendations either affirmatively or negatively.

MOTION: (Commissioner Volkmann) "Mr. Chairman on item #4-93, a request for waiver of open space fee requirements for Wilson Ranch, Filing #2 - a 14 single family lot subdivision, I move that we forward this to the City Council and recommend denial."

The motion was seconded by Commissioner Seese.

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

Mr. Garrison stated he would like to appeal the item to City Council.

3. #41-93 REZONE AND OUTLINE DEVELOPMENT PLAN - GRAND JUNCTION FEDERAL CREDIT UNION

A request for approval of a rezone from B-3 and RSF-8 (Business and Residential Single Family, 8 units per acre) to PB (Planned Business) and approval of an Outline Development Plan.

PETITIONER: Grand Junction Federal Credit Union

REPRESENTATIVE: Elaine Carpenter

LOCATION: 1156 Hill Avenue

STAFF PRESENTATION

Karl Metzner gave an overview of the proposal. The current facility is located in a B-3 zone. The property to the west has been purchased for the expansion of the facility which is zoned residential. The request includes PB (Planned Business) for both properties so that there would be a single zoning for the entire development. The addition will include a drive-up window which allows for sufficient vehicle stacking room. Parking will be done per Code for professional office use. Proposed screening will be on the west side. There is a parking lot on the south, and commercial use to the east and residential to the west. All Review Agency Summary Sheet comments have been addressed. Staff recommends more landscaping for the front of the development to fit in with the residential character. Staff does not feel there is encroachment into the residential area due to the existing parking lots to the north and south.

PETITIONER'S PRESENTATION

Ms. Elaine Carpenter of 1420 18 Road, Fruita, CO explained that the Grand Junction Federal Credit Union had contacted neighbors and there was favorable comment for the project.

PUBLIC COMMENT

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

QUESTIONS

Commissioner Anderson asked Staff if the handicap parking was too far away from the structure? Are there specific guidelines?

Mr. Metzner explained there are no guidelines for distance. The Petitioner does state that the rear of the building is handicap accessible. There will be a rear access to the building which is fairly close to the parking area. Discussion did include handicap parking close to the building; however, this would cause traffic problems as the vehicles would have to go against the flow of the drive-up traffic.

Commissioner Volkmann asked Staff if there was a designated crosswalk across the drive-up traffic lane?

Mr. Metzner replied affirmatively.

Commissioner Volkmann asked if there would be curbing to indicate the drive-up lane versus the parking lot?

Mr. Metzner replied that at the Outline Development Plan stage, the proposal is only for striping; curbing could be required later.

MOTION: (Commissioner Anderson) "Mr. Chairman on item #41-93, a request for approval of a rezone from B-3 and RSF-8 (Business and Residential Single Family, 8 units per acre) to PB (Planned Business) and approval of an Outline Development Plan, I move that we forward this request to City Council with a recommendation for approval subject to Staff recommendations."

The motion was seconded by Commissioner Volkmann.

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

Commissioner Volkmann excused himself for the next item due to a potential conflict of interest.

4. #42-93 REZONE, AND OUTLINE DEVELOPMENT PLAN - THE ATRIUM OF GRAND VALLEY RESIDENTIAL VILLAGE.

Consideration of the following requests:

- 1. Approval of a rezone from RSF-4 (Residential Single Family, 4 units per acre) to PR (Planned Residential) with a density of 21 units per acre.**
- 2. Approval of an Outline Development Plan for a retirement center and additional Assisted Care units and cottages.**
- 3. Approval of a request to defer payment of half-street improvements along the proposed Lot 2.**
- 4. Approval of a request to defer looping the water line until Phase II.**

PETITIONER: Hilltop Health Services Corp.

REPRESENTATIVE: Pat Edwards & Sally Schaefer

LOCATION: SE corner of 12th Street & F 1/2 Road

STAFF PRESENTATION

Karl Metzner stated that due to Review Agency's comments, the Commissioners should be considering this as a request for a rezone and Outline Development Plan only. This plan is for a main building with 104 unit retirement residence, 80 assisted living units, and 14 retirement cottages. The natural drainage through the site will be used as a detention pond and will separate the two lots. The rezoning RSF-4 to PR-21 is consistent with the 12th Street Corridor Guidelines. The PR-21 is proposed because each unit is considered a dwelling unit. The rezone does fit with the changes to the neighborhood, and 12th Street is a major arterial and the retirement center is compatible with surrounding uses and density. Sufficient utilities exist for the project as proposed.

A looped water line is required for any project in excess of 1,000 feet; therefore, Petitioners would ultimately be required to loop a water line through both phases of this development. The Petitioner is requesting this be deferred so that the loop system would be completed with the development of Lot 2. Staff recommends denial on the deferment due to the fact that no specific time has been set for the Phase 2 development, and Lot 2 may not be able to withstand the cost benefit ratio of this line based only on the development of that lot.

The Petitioner requests deferment of the half-street improvements for F 1/2 Road until Lot 2 is developed. Staff recommends denial on this item also because the development of Lot 2 may not be able to withstand

the cost benefit ratio of this street based only on the development of that lot.

PETITIONER'S PRESENTATION

Mr. Garth Brandon representing the petitioner explained Phase 1 will include 124 suites; 104 will be the independent retirement units and 20 of which will be assisted living units. This phase will be the three-story building area and Phase 2 to the east will be two-story. The residential area on the ends of the building will be one-story buildings. Phase 3 will be to the north and consist of one-story cottages for independent living.

The Petitioner is not in agreement with Staff on the looped water line requirement at this time, since it should be installed on the fire flow need basis. If Phase 2 was changed in the future this would not be necessary. Also, the Petitioner does not feel the burden of half-street improvements should be put onto Phase 1, and feel this should not be required until this portion is developed.

Ms. Sally Schaefer stated that the Petitioner has had several public and private meetings with the neighbors. There has been great interest in this project.

PUBLIC COMMENT

FOR: There was no public comment for the proposal.

AGAINST:

Mr. Floyd O'Nan of 1153 Bookcliff Avenue, Grand Junction, CO was present to represent his brother-in-law Mark Olderberg who owns property at F 1/2 and 12th Street. They are opposed to the project until F 1/2 is increased to a full street. The original agreement with the City for the subdivision included requirements for full street improvements prior to further development, at the time the land was given to the City for the right-of-way.

Commissioner Anderson asked Mr. O'Nan if there was record of this agreement?

Mr. O'Nan replied it is in the covenants.

Commissioner Anderson asked Mr. Shaver if these agreements are binding?

Mr. Shaver suggested further information should be obtained before that can be determined. If an agreement is represented in the subdivision covenants such are private rights only between the persons in the subdivision.

Dr. John Bull of 3150 North 12th Street, Grand Junction, CO owns the property immediately to the south of the development. The building height of the development exceeds the City requirement. The roof line and structure will be extremely imposing, even when the building drops to two-levels the roof line will remain the same height. Depending on the slope of the roadway the height will range from 42 feet to 55

feet. The City Code restricts these heights to 36 feet; therefore, Dr. Bull requested the height issue be considered.

Chairman Halsey stated Dr. Bull has submitted additional materials regarding his statements.

Ms. Mary Peterson-Crasno, trustee for the Peterson Family Estate, who owns property east of the building site was present to object to the development due to the height of the proposed building. She stated that this height would adversely affect the value of the adjoining properties.

PETITIONER'S REBUTTAL

Mr. Brandon explained the half-street improvements will be done in the future, and this does not need to be addressed in the Outline Development Plan. Also, this site is outside the subdivision which may or may not have those covenants. On the building height issue, the elevation for the main floor is consistent and the actual building height for the two-story portion which will be approximately 25 feet. The effective height from the south property would be essentially 17 feet.

Chairman Halsey asked the Petitioner what will the height of the roof be on the three-story portion?

Mr. Brandon replied approximately 35 feet.

Dr. Bull added statements by the Petitioner of 25 feet and 17 feet are not consistent with the topographic data.

QUESTIONS

Chairman Halsey explained to the citizens that this is an Outline Development Plan and some of the issues will be considered in the preliminary plan and final plan. The Commission encourages the

citizens to return so that their concerns are being addressed and questions answered when these plans are discussed.

Chairman Halsey asked the Petitioner to address the height restrictions in their final plans so that this issue is better understood.

MOTION: (Commissioner Anderson) "Mr. Chairman on item #42-93, a rezone from RSF-4 (Residential Single Family, 4 units per acre) to PR (Planned Residential) with a density of 21 units per acre, I move we forward this to City Council with the recommendation for approval subject to Staff recommendations."

The motion was seconded by Commissioner Harbin.

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

MOTION: (Commissioner Anderson) "Mr. Chairman on item #42-93, an Outline Development Plan for a retirement center and additional Assisted Care units and cottages, I move we approve this subject to Staff recommendations."

The motion was seconded by Commissioner Seese.

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

MOTION: (Commissioner Anderson) "Mr. Chairman on item #42-93, a request to defer payment of half-street improvements along the proposed Lot 2, I move we forward this to City Council with the recommendation for denial subject to Staff recommendations."

The motion was seconded by Commissioner Harbin.

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

MOTION: (Commissioner Anderson) "Mr. Chairman on item #42-93, a request to defer looping the water line until Phase II, I move we forward this to City Council with the recommendation for denial subject to Staff recommendations."

The motion was seconded by Commissioner Seese.

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

Commissioner Volkmann rejoined the Commission for the next item.

5. **53-93 "SUBMITTAL STANDARDS FOR IMPROVEMENT AND DEVELOPMENT"**
A request for approval and adoption of the document titled "Submittal Standards for Improvement and Development"
PETITIONER: City of Grand Junction
REPRESENTATIVE: Gerald Williams

PETITIONER'S PRESENTATION

Mr. Mark Ralph, Public Works Manager explained the importance of this document. The manual submitted will help the process become more efficient. Amendments will be added as required.

Mr. Williams explained that the Development Code is not presently adequate in regards to the development and improvement standards, this is why this document was initiated. Comments on this document were compiled and are available for the Commissioner's this evening. One concern which will be addressed is

the number of steps required in the construction phase. The most controversial issue is the proposal to clarify irrigation systems requirements and operations.

Since the irrigation issue is controversial, the City would like to have the manual as a whole be approved subject to Staff comment; and also have irrigation looked into as a sub-issue. This would include a decision on whether or not the City should become more involved than in the past. There are those that feel the irrigation systems often have not been installed correctly, and there are unrealistic expectations by landowners. The developers feel this is a private issue and the City should not be involved since they will not be maintaining the systems.

City Staff recommends the Standards for Improvement and Development Manual be approved as it is currently proposed.

PUBLIC COMMENT

FOR:

Mr. Ed Olson 2380 East Piazza Place, Grand Junction, CO felt it imperative the City become involved in the regulation of irrigation systems. These systems may be private, but they should be controlled. The licensed engineers who install the systems for the developers need to be checked on by someone to eliminate further faulty systems being installed. This manual will give the citizens some direction in case of problems, it will let us know who to talk to and guarantee there will be some control.

Mr. Ralph Knapp of 2368 East Piazza Place, Grand Junction, CO felt the regulation of irrigation systems was necessary in this area.

Mr. Joe Harris of 2034 Sandlewood Court, Grand Junction, CO supported the manual in hopes this would help everyone who has water rights get what is entitled them.

Mr. Richard Nelson of 2351 East Piazza Place, Grand Junction, CO explained the irrigation problems are due to unfulfilled water rights on the part of the developer and this manual should be of great help on these matters.

Mr. Dan Garrison felt the concept of the manual was a positive step in clarifying what is needed.

AGAINST:

Mr. Dan Garrison stated it is more economical to use City water rather than irrigation water. Also, the regulation by the City will not solve all the problems involved with the use of irrigation water. The City is choosing to regulate something that does not belong to them. The residents do not read their covenants and rules for their systems and this is not caused by engineering problems. The Grand Junction Drainage District who has a special mill levy that is supposed to take care of all storm discharge is being taken care of by the City.

Mr. Tom Logue representing the regulatory committee for the Northwestern Association of Homeowners felt when the City starts mandating irrigation systems then the City should also accept the responsibility for the systems. The irrigation systems are extremely difficult to design for each development and the committee feels the City should set this portion aside until further discussion. Also, it is more expensive for the homeowner to use irrigation water rather than City water. Most of the problems in systems arise from lack of knowledge by the users not in problems with the construction. The committee requests some of the portions on the manual in regard to the irrigation systems be reviewed prior to approval.

Mr. Bill Healey of 2357 Fawn Ridge Court, Grand Junction, CO is an engineer and is in favor of the document as it will help add uniformity to the problem. However, comments in regards to engineers signing systems to satisfy the developer are totally in error. Engineers generally will not guarantee these systems will work for each individual due to lack of water.

QUESTIONS

Commissioner Volkmann commended the work done on the manual. The general concept does appear to help with the efficiency. There are concerns about the City taking on the irrigation problems, and having City Engineering approvals for all systems. The City is not the provider of the water, and should not make promises express or implied as to the functioning of the systems. The proper recourse would be to the developer, keeping the dispute between the homeowner and the developer in case of irrigation problems.

Mr. Williams commented that all interested parties have been given information on the manual, the date of this meeting, and have been informed this issue will be forwarded to City Council on May 19, 1993.

Chairman Halsey asked Mr. Williams if there will be changes prior to City Council receiving this manual?

Mr. Williams stated this is the draft which will be modified per the written responses prior to the May 19, 1993 City Council meeting. The request to the Commissioners this evening is for approval subject to the review comments and the responses. The irrigation issue is separate and decision needs to be made as to whether it be involved or not in the manual at this time.

MOTION: (Commissioner Volkmann) "Mr. Chairman on item #53-93, a request for approval and adoption of the document titled "Submittal Standards for Improvement and Development", I move that we forward this to City Council with a recommendation of approval subject to Staff recommendation and to the comments and with the proviso that the topic of the City's involvement in irrigation systems remain open to allow further public comment so that the concerns expressed this evening are adequately addressed."

The motion was seconded by Commissioner Anderson.

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

- 6. #54-93 REQUEST FOR WAIVER OF HALF-STREET IMPROVEMENTS**
A request to waive payment of half-street improvements for a proposed resubdivision of Lot 1, Payton Subdivision.
PETITIONER: Payton Roberson
LOCATION: 717 24 3/4 Road

STAFF PRESENTATION

Karl Metzner stated that this subdivision consists of four acres which will be divided into four lots. Standard subdivision half-street improvements apply. At the time the subdivision was annexed the road was coated, there is no curb, gutter or sidewalk.

PETITIONER'S PRESENTATION

Mr. Roberson explained he would like to subdivide the property. There is no curb gutter or sidewalk for over a mile in this area. The cost to install these is a large financial burden to the project, and the lands to the south is subdivided without road improvements required.

PUBLIC COMMENT

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

QUESTIONS

Commissioner Volkmann asked what the anticipated cost of the half-street improvements?

Mr. Metzner replied it would be approximately \$12,325.

Chairman Halsey asked Mr. Newton if there were plans to upgrade this road in the future?

Mr. Newton replied the City has no plans to improve this road. There is a lot of undeveloped land to the north which if subdivided could require half-street improvements. The current road is a rural road; it is not an urban setting.

Commissioner Seese asked Mr. Newton if the request for the subdivision was what prompted the half-street improvement requirement?

Mr. Newton replied the Code requires half-street improvements for subdivisions; however, it does not specify any differences between rural and urban settings.

Commissioner Volkmann asked Mr. Newton if the improvements were for the full City urban standard or for the rural standard?

Mr. Newton replied the requirements for this development are for the full City standards.

Commissioner Volkmann asked what kind of shape the road to the south was in?

Mr. Metzner replied it is all recycled asphalt in that area.

Commissioner Anderson asked if the Petitioner does install the curbs and gutters, with this type of roadway a rainstorm could erode what is installed because it does not conform to the rest of the area.

Mr. Newton stated this problem could occur, it is difficult to put short sections of curb & gutter in because the necessary tapering and drainage problems. This type of situation will take special considerations and engineering.

MOTION: (Commissioner Anderson) "Mr. Chairman on item #54-93, a request to waive payment of half-street improvements for a proposed resubdivision of Lot 1, Payton Subdivision, I move that we forward this request to City Council with a recommendation of approval because this is an isolated area and likely to remain as such, and it would seem to be out of place with the rural streets."

The motion was seconded by Commissioner Harbin.

A vote was called, and the motion passed by a vote of 3-2, with Commissioner Volkmann and Chairman Halsey opposing.

VII. GENERAL DISCUSSION

1. Selection of Chairperson and Vice-Chairperson of the Planning Commission

Discussion followed with Commissioner Elmer and Commissioner Volkmann being selected.

Chairman Halsey advised Commissioner Volkmann to discuss this with Commissioner Elmer and for them to decide which would take the Chairperson position.

Commissioner Volkmann agreed to discuss the matter and inform the Chairman of the decision.

2. Selection of monthly liaison to City Council

Commissioner Volkmann agreed to attend the May 19, 1993 meeting.

3. Selection of monthly liaison to County Planning Commission/Board of County Commissioners.

Mr. Metzner explained that the meetings will be May 18, 1993 and May 24, 1993.

Commissioner Anderson agreed to attend the May 18th meeting.

4. Planning Commissioner attendance at American Planning Association Planning Commission training to be held in Grand

Commissioner Seese stated that he would like to attend the July 16th Planning Association training.

5. MPO Multi-Transportation Plans

Mr. Timm explained the MPO would like input from the County and City Planning Commission. This will be done at a luncheon workshop. This will be held on either Thursday, May 20, 1993, Tuesday, May 25, 1993 or Wednesday, May 26, 1993. Besides the luncheon workshop there will be an additional hour for discussion on the proposal for a future land use and development plan.

Commissioner Anderson was able to attend any of the dates from 12:00 to 2:00 p.m.

Commissioner Volkmann was able to attend May 20th or May 26th from 12:00 to 2:00 p.m.

Commissioner Harbin was able to attend May 20th from 12:00 to 1:00.

VIII. NONSCHEDULED CITIZENS AND/OR VISITORS

There were no nonscheduled citizens and/or visitors.

The meeting was adjourned at 12:25 a.m.