

GRAND JUNCTION PLANNING COMMISSION
Public Hearing October 5, 1993
7:02 p.m. - 8:03 p.m.

I. CALL TO ORDER

The public hearing was called to order by Chairman John Elmer at 7:02 p.m. in the City County Auditorium.

In attendance, representing the City Planning Commission, were Chairman John Elmer, Vice Chairman Tom Volkmann, Ron Halsey, James Anderson, and Larry Seese. Commissioner Stephen Laiche was absent.

In attendance, representing the City Community Development Department, were Larry Timm, Director; Kathy Portner, Planning Supervisor; Dave Thornton, Senior Planner; Karl Metzner, Senior Planner; and Kristen Ashbeck, Associate Planner.

Also present were John Shaver, Assistant City Attorney, and Gerald Williams, City Development Engineer.

There were 26 interested citizens present during the course of the meeting.

II. APPROVAL OF MINUTES

MOTION: (Commissioner Anderson) "Mr. Chairman, I recommend that we approve the minutes of the previous meeting."

The motion was seconded by Commissioner Volkmann.

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

III. ANNOUNCEMENTS, PRESENTATIONS, AND/OR PRESCHEDULED VISITORS

Chairman Elmer announced that the petitioner for each of the following items had requested that the items be tabled:

- #101-93 S&J Subdivision (Re-Sub of Lot 3, Winters Industrial Park)
- #103-93 Re-plat - Lot 66A, Block 13, Ridges Filing #6
- #82-93 Vacation of Easement - 487 28-1/4 Road

MOTION: (Commissioner Volkmann) "Mr. Chairman, on Items #101-93, #103-93 and #82-93, I move that we table these items in accordance with the request of the petitioners."

The motion was seconded by Commissioner Seese.

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

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

1. #97-93 PRELIMINARY PLAN - MOSES SUBDIVISION

A request for approval of a Major Subdivision Preliminary Plan for Moses Subdivision, eleven lots on 7 acres zoned Residential Single Family with a density of 4 units per acre (RSF-4), located on the east side of 26-1/2 Road and South of Catalina Drive in Paradise Hills.

PETITIONER: Wilford Moses

REPRESENTATIVE: Lance Moses

LOCATION: E of 26-1/2 Road & S of Catalina Drive

STAFF PRESENTATION

Dave Thornton gave an overview of the request. He said that the lots range from 14,000 square feet to 61,500 square feet. He reminded the Planning Commission that this was a preliminary plan and would need to be resubmitted for final plat at a later date. He said the site was currently outside the City limits but would be part of the Paradise Hills annexation which would be accepted shortly. He said that three lots would access Paradise Drive and 8 lots would access a proposed cul-de-sac which accesses Catalina Drive, so there would be no direct access off of 26-1/2 Road.

Regarding fire protection, Mr. Thornton said there was a 6" water line in Catalina Drive which allowed a fire hydrant under the current fire code. However, Paradise Drive had only a 4" water line and that issue would need to be dealt with in the final plat. He said that there was one existing home on the site.

Mr. Thornton said that staff recommended approval of the preliminary plan with the conditions outlined in his October 5, 1993 memo:

- a) Drainage fee of approximately \$4,380.00 be paid prior to recording the plat or the petitioner shall provide an engineered drainage report, on-site detention, and a metered outlet facility to the drainage channel.
- b) Utilities shown in the right-of-way on the cul-de-sac on the preliminary plan, with the exception of water and sewer, shall be located in the 14 ft. multi-purpose easement as outlined on the City Street Standards.
- c) The proposed cul-de-sac shall meet current City construction standards.

- d) An additional fire hydrant is required on Paradise Drive. All lots shall be provided adequate fire flow as per the adopted fire code. A fire hydrant on a minimum 6 inch line is required within 250 ft of each property.
- e) Engineered plans will be required on final plat submittal along with an improvements agreement. Procedures in the "SSID" manual shall be followed.
- f) Open space fees will be due (\$225/dwelling unit) for the 10 vacant single family lots and shall be paid prior to recording the plat.
- g) Half street improvements in the form of a cash escrow will be required and paid prior to recording the plat for that portion of this subdivision frontage which is adjacent to 26-1/2 Road.
- h) All recording fees shall be paid by the petitioner.

PETITIONER'S PRESENTATION

Lance Moses, 722 Hemlock Drive, representative for petitioner, said he was concerned about the requirement for a fire hydrant on Paradise Drive. He said there are already homes there in violation of the Code. He said that requiring the fire hydrant would cost approximately \$100,000 to \$180,000 and would "put the entire project out of our reach."

Mr. Moses was also concerned about the cost of street improvements required for 26-1/2 Road. He said the petitioner would like to be "relieved of the hardship" of escrowing funds for the improvement.

QUESTIONS

Chairman Elmer questioned the size of water line currently in Paradise Drive and Dave Thornton replied that the current line size was 4" and that the size required by the Fire Code is 6" for residential properties.

Commissioner Anderson asked where the closest fire hydrant on Paradise Drive was currently located. Mr. Moses said it was about 300' from the corner of Lot 11, and that Lots 9 and 10 would be further away.

Chairman Elmer asked how the Planning Commission could make a recommendation on the fire hydrant matter and Dave Thornton said that the petitioner would have to appeal any policy part of the requirement.

John Shaver, Assistant City Attorney, said that the petitioner could appeal the conditions to the City Council. He said that the Planning Commission could not vary any provisions of the general code of ordinances of the City of Grand Junction.

Commissioner Volkmann asked how the current line would be replaced, and Mr. Moses said that Ute Water had said a parallel line would be installed.

Chairman Elmer asked what petitioner's plans were for irrigation water and Mr. Moses said that petitioner was in the process of dealing with Paradise Hills to acquire water.

Chairman Elmer asked if petitioner had a problem with the size of Lot 1 after all of the easements were applied. Mr. Moses said that the boundaries could be adjusted to deal with the matter.

PUBLIC COMMENT

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

QUESTIONS/DISCUSSION

Commissioner Halsey asked when the annexation of the area would become effective. Dave Thornton said that it would become effective on January 2, 1994.

Commissioner Anderson asked when petitioner planned to begin construction and Mr. Moses answered by next summer.

Chairman Elmer said he felt it was a good plan. He asked John Shaver if petitioner's concerns could be taken up with the Council as part of the annexation agreement. John Shaver replied that this particular property was not subject to an annexation agreement and that it was simply encompassed in the overall Paradise Hills annexation.

Chairman Elmer said he would like it stated for the record that he was in favor of granting a variance on the water requirements, but not the 26-1/2 Road improvements.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item #97-93, I move that we approve this subject to Staff recommendations dated October 5, 1993."

Commissioner Anderson seconded the motion.

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

2. #11-93 CONDITIONAL USE PERMIT - RESIDENCE IN B-3 (819 ROOD AVENUE)

A request for a Conditional Use Permit to have a single family residence in a Retail Business (B-3) Zone.

PETITIONER: Mark Schelhaas

LOCATION: 819 Rood Avenue

STAFF PRESENTATION

Kristen Ashbeck explained that the petitioner wished to continue to use a single-family residence as such. Petitioner is trying to refinance the property. Since a single-family residence is not an allowed use by right in a B-3 Zone, in order to refinance, petitioner must comply either by rezone or by conditional use. Staff felt that a residence was within the character of the neighborhood right now, but since it was the only residence on that side of the street, staff did not feel that a rezone was appropriate.

Staff recommended approval of the conditional use permit.

PETITIONER'S PRESENTATION

Mark Schelhaas, 819 Rood Avenue, said that he was currently living in the residence. He pointed out that the boundary of the B-3 Zone was right at his property line and that his neighbor to the east was in a B-1 Zone in which a single-family residence was allowed.

PUBLIC COMMENT

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

QUESTIONS/DISCUSSION

Commissioner Halsey said several of these types of requests had come before the Planning Commission recently, and he asked if a rezone or a CUP was the easiest process for a petitioner to pursue. Kristen Ashbeck said that a CUP was the fastest process as a rezone would take another 60 days.

The Planning Commission discussed the matter and agreed that a conditional use permit was the appropriate way to handle petitioner's problem.

MOTION: (Commissioner Anderson) "Mr. Chairman, on item #110-93, a request for a Conditional Use Permit for a residence in a retail/business zone, I recommend that 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 5-0.

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

- 1. #104-93 REZONE - FROM B1 TO RMF-64 - COLLEGE STATION APARTMENTS - 1104 WELLINGTON AVENUE
A request to rezone property east of 11th Street at Wellington Avenue from a Limited Business (B-1) Zone to a Residential Multi-family Zone with a density of 64 units per acre (RMF-64)**

PETITIONER: Fred Schumann
REPRESENTATIVE: Tom Burke
LOCATION: 1104 Wellington Avenue

STAFF PRESENTATION

Karl Metzner said that the existing B-1 zone did allow multi-family uses but they were limited to a maximum density of 16 units per acre, and that petitioner had indicated they wanted a greater density. He said since it was a straight zone request, staff did not have any site plans. He said the area was currently a mix of medical office and residential uses and the multi-family proposal would be consistent with the existing uses. The major concern was the condition of the existing street network in the area, particularly Bookcliff Avenue to 12th Street, the intersection of Wellington and 7th Street, and the intersection of 11th Street and Bookcliff Avenue. He said because of this concern, staff would prefer that any development be done in a Planned Zone context to allow more detailed review of the site design, access points, and traffic mitigation.

Mr. Metzner said that staff did a "sketchy" traffic analysis showing the difference between the traffic generation of a medical office building and a multi-family building. The theoretical maximum for medical buildings could be 7,425 trips per day. The theoretical maximum for a 64 unit/acre multi-family development would be 1,536 trips per day. He said that a multi-family development would be preferable in terms of trip generation.

Mr. Metzner said the proposal was for college housing, but that it was not a college sponsored project, and could not be limited to college housing. He passed out a petition signed by area residents expressing their concerns with the proposal.

Chairman Elmer asked what the other densities in the area were and Mr. Metzner said that they were in the range of approximately 30 units/acre. Commissioner Halsey asked if petitioner had considered reducing the density of the project, and Mr. Metzner said that since staff hadn't seen a site design he wasn't sure what petitioner proposed.

Staff recommended denial of the RMF-64 Zoning and encouraged petitioner to return with a request for Planned Residential Zoning and provide an acceptable plan that addressed the traffic issue and site design concerns.

PETITIONER'S PRESENTATION

Tom Burke, 336 Main Street, representative for petitioner, said that he had talked with several of the neighbors and listened to their concerns. He asked that the Planning Commission continue the item for up to 60 days in order to allow petitioner time to bring a more formal plan before the Planning Commission.

He explained that the venture was "quasi public/private" and would hopefully involve the college. He said that private development of student housing was not a "financially rewarding issue." By involving the college in the proposal, petitioner hoped to bring some disciplinary action to bear in order to avoid the problems that can happen with off-campus housing. He

hoped that petitioner could address the neighbors' concerns to make an enjoyable environment for everyone who lived in the area.

Mr. Burke said that "the problem already exists" as far as the street/traffic situation and he did not want to see the total infrastructure repairs fall on the neighbors and developers of the project. He reiterated that the traffic generated by more medical buildings in the area would be six times greater than what would be generated by apartment living.

Mr. Burke said that college housing is at a premium and the situation will only get worse. He said he was interested in listening to the neighbors' concerns.

Chairman Elmer asked if petitioner was formally requesting that the item be tabled and Mr. Burke replied in the affirmative. Chairman Elmer asked if petitioner planned to come back before the Planning Commission to ask for a Planned Zone and Mr. Burke replied in the affirmative.

QUESTIONS/DISCUSSION

The Planning Commission whether it was appropriate to allow the neighbors who were in the audience a chance to speak. John Shaver said that if the item were tabled, a vote would still need to be taken on the matter at some future time. If testimony were taken, the hearing would be opened and a vote should be taken to approve, approve with conditions or deny the application. It was decided that the appropriate course of action would be for petitioner to formally withdraw the request so that petitioner could resubmit a new proposal at a later date.

PETITIONER'S REBUTTAL

Tom Burke stressed that he would have liked to have given the audience members present a chance to be heard, but that petitioner would **WITHDRAW THE REQUEST** for rezone.

An unidentified audience member expressed her dissatisfaction with the notification procedure and Chairman Elmer explained the procedure and said that staff had met the legal requirements for notification.

2. **#105-93 VACATION OF R.O.W. - PEPPERTREE SUBDIVISION**

A request to vacate a portion of West Indian Creek Drive in the Peppertree Subdivision.

PETITIONER: IBX, Inc.

REPRESENTATIVE: Rolland Engineering

LOCATION: F Road & 29 Road

STAFF PRESENTATION

Kristen Ashbeck said that, due to a proposed realignment of Indian Creek Drive, petitioner wished to vacate an existing cul-de-sac so that a new one could be built. The existing one would be retained as an access and utility easement until such time as the new one was developed. Staff recommended approval subject to final approval by the UCC.

PETITIONER'S PRESENTATION

Petitioner was not present at the hearing.

PUBLIC COMMENT

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

QUESTIONS/DISCUSSION

Commissioners Seese and Anderson said they were pleased with the way petitioner had redesigned the subdivision and Kristen Ashbeck agreed that the new design provided for more usable space.

MOTION: (Commissioner Volkmann) "Mr. Chairman, on item #105-93, request for right-of-way vacation for a portion of West Indian Creek Drive, I move that we forward this on to City Council with a recommendation of approval subject to staff comments."

Commissioner Seese seconded the motion.

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

3. #106-93 REZONE FROM PB TO RMF-32 - 128 TELLER

A request to rezone a property at 128 Teller Ave from Planned Business (PB) Zone to a Residential Multi-family Zone with a density of 32 units per acre (RMF-32)

PETITIONER: Mark Vogt

REPRESENTATIVE: Kenneth Archuleta

LOCATION: 128 Teller Avenue

STAFF PRESENTATION

Karl Metzner said that the parcel was originally zoned Planned Business in 1982 to accommodate a small ceramic shop which couldn't meet the Home Occupation requirements. The property continued to be used as a residence after the ceramic shop went out of business. The rezone was being requested to facilitate financing the sale of the property as a residence. Most of the land use in the area is single-family. Mr. Metzner said that staff was looking at a work program for next year to study the zoning and land uses in the "north downtown area" and perhaps make some recommendations for changes to bring the zoning more in line with the existing and projected land use of those areas. He said that the recent number of rezone requests indicated that some zoning in the past had perhaps been inappropriately placed on properties.

Mr. Metzner said that the surrounding area was zoned RMF-32, and, although a zoning of single-family might be more appropriate, staff wanted to deal with the zoning problem as an entire area instead of a parcel-by-parcel, piece-meal approach.

Staff recommended approval of the rezone as it would bring the zoning back into a uniform

alignment.

PETITIONER'S PRESENTATION

Mark Vogt, 136 Teller, said that he wished to sell the property to his friend, Kenneth Archuleta, and that the zoning change was needed so Mr. Archuleta could facilitate financing for the property.

PUBLIC COMMENT

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

QUESTIONS/DISCUSSION

Chairman Elmer said he felt that it made sense to put the parcel in line with the rest of the zoning and deal with it later.

Commissioner Anderson said he had no objection to the proposal.

MOTION: (Commissioner Volkmann) "Mr. Chairman, on item #106-93, a rezone from Planned Business to RMF-32, I would move that we forward this on to City Council with a recommendation of approval."

Commissioner Anderson seconded the motion.

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

VI. GENERAL DISCUSSION

Larry Timm asked if the Planning Commission would like to have a workshop that would give an update on the Orchard Mesa Plan, the South Downtown Plan, discuss the idea of a Consent Agenda, and various other matters. Larry Timm said the meeting could be from 12:00 to 2:00 p.m. on either October 15, 19, 22 or 26. Chairman Elmer asked if it would be more appropriate to hold the workshop after the vacancies to the Planning Commission were filled.

Larry Timm said that the Council had set interviews for new Planning Commission members for October 21 and that he didn't want to wait until November to discuss the items.

NOTE: The workshop will be scheduled for November following Planning Commission appointments.

VII. NONSCHEDULED CITIZENS AND/OR VISITORS

There were no nonscheduled citizens and/or visitors.

The meeting was adjourned at 8:03 p.m.