

GRAND JUNCTION PLANNING COMMI
Public Hearing -- July 10, 1990
7:30 p.m. - 11:45 p.m.

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The public hearing was called to order by Chairman Steve Love at 7:30 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission, were:

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| Steve Love, Chairman | Ron Halsey | Jim Bittel |
| Sheliah Renberger | Katie Worrall | John Elmer |

Commissioner Tyson was absent.

In attendance, representing the City Planning Department, were David Thornton and Karl Metzner.

John Shaver, Assistant City Attorney, Dan Wilson, City Attorney, and Don Newton, City Engineer were also present.

Bobbie Paulson was present to record the minutes.

There were approximately 42 interested citizens present during the course of the meeting.

I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER WORRALL) "MR. CHAIRMAN, I MAKE THE MOTION TO APPROVE THE MINUTES OF THE JUNE 5, 1990 MEETING."

Commissioner Renberger seconded the motion.

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

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

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

III. PUBLIC HEARING

1. **#27-90 REZONE AND FINAL PLAN FOR TACO BELL**
A request to change from Light Commercial (C-1) to Planned Business (PB) at 850 North Avenue and from Residential Single Family with a density of approximately 8 units per acre (RSF-8) to Planned Business (PB) at 845, 865, and 875 Glenwood Avenue and a final plan.
Petitioner: Moss Inc., Michael Saelens
Location: 850 North Ave & 845, 865, & 875 Glenwood Ave

PETITIONER'S PRESENTATION

Mike Saelens, representative for Moss Inc., gave a brief presentation of the proposal. The property located at 850 North Avenue is the location of the existing Taco Bell. In the Spring of 1991, plans are made to demolish the existing restaurant and build a new, larger, and more modern restaurant. The existing restaurant has been there for 18 years and seats approximately 26 people. The new restaurant will seat approximately 77 people. For the past 18 years, John Moss has leased the property at 850 North Avenue; he is now in the process of purchasing that property. Mr. Moss also has a contract interest in the three lots on Glenwood Avenue (845, 865 and 875 Glenwood Avenue). A proposed parking area on these lots will require a rezone.

Extensive landscaping will be done on both the existing Taco Bell property and the proposed parking lot area on Glenwood Avenue. Two neighborhood meetings were held to discuss the proposal. Originally, there were two exits onto Glenwood, but the neighbors did not want any exits. The City Engineer asked that at least one exit be left to alleviate some of the traffic on the alley way. The site plan has been amended to show one exit onto Glenwood. Also a "NO LEFT TURN" sign will be placed at this exit.

QUESTIONS

Commissioner Elmer asked if the new Taco Bell building would have an outside eating area.

Mr. Saelens replied that it depended on whether or not the proposed parking lot on Glenwood Avenue was approved. If not approved, there will not be enough parking spaces, according to the Zoning & Development Code, to put in a patio. If it is approved, a patio would be constructed on the southeast corner of the building which would seat approximately 26 people.

Commissioner Bittel was concerned of the possibility of the parking lot becoming another collection point for high school kids.

Mr. Saelens stated that it was also a real concern to the petitioner. Mr. Saelens felt that the managers and staff could be trained to handle this. He felt that they handled this problem well at their present location.

Commissioner Renberger asked about the landscaping on the proposed Glenwood parking lot.

Mr. Saelens stated there would be a combination of grass and shrubs, three picnic tables and a six foot high privacy fence on the west side of the proposed parking lot. The east side will be grassed and also have a six foot high privacy fence. Both the east and west sides of the parking lot will have a 12 foot wide buffer area. A 20 foot wide grassed area with a three foot berm will be put on the north side along Glenwood Avenue. The crest of the berm will be two feet wide with a two foot high hedge across the top. Four trees and perennial flowers will be planted on one side of the berm.

Commissioner Halsey asked why there was only one handicap parking space on the plan.

Mr. Saelens replied that since the parking lot and the side walk were even, this alleviated the problem of having only one handicap space. There are nine spaces beside of the handicap space which are all flush with the concrete sidewalk which can be used as handicap.

Commissioner Renberger asked if the Zoning and Development Code stipulated the number of handicap spaces that were required per total parking spaces.

Karl Metzner stated that staff is in the process of revising the parking regulations. Specifically, handicap parking will be addressed, but currently there are no requirements for handicap spaces.

Mr. Saelens stated that currently, Taco Bell employees are parking off the site. The proposed parking lot will have six or seven spaces designated for employee parking.

STAFF PRESENTATION

David Thornton, Planner I, stated that Taco Bell's proposed landscaping is in excess of what is normally required in a typical business zone. This is important since the proposed Glenwood parking lot is bordered on three sides by residential use. The North Avenue Corridor Guidelines allow this type of use on the south side of Glenwood Avenue. The petitioner has met all the requirements of the review agencies. A letter from Violet Owens has been received in support of the project.

Currently, Taco Bell's employees are parking along Glenwood or wherever they can find a place to park. The parking lot will provide a nice buffer area from North Avenue to the residences on Glenwood. Staff recommends approval subject to any review comments.

QUESTIONS

Chairman Love asked if there were any concerns regarding pedestrian traffic across the alley.

Don Newton stated that the alley is approximately three blocks long with no outlets except at the ends. With the proposed parking lot access onto Glenwood Avenue, Don felt there would not be enough traffic volume on the alley that would make it unsafe for pedestrians. Don requested that the petitioner install a crosswalk, which is shown on the plan. Don was also concerned that the majority of the traffic using the north parking lot will be utilizing the alley for access. He understood that the parking lot will be used more as an overflow at peak periods. Don reiterated that he felt it was important to have at least one access onto Glenwood Avenue.

Don stated that the 18 foot wide section of alley would accommodate two-way traffic. If the traffic volume became too great, it could become a hazardous situation. It will need to be observed to make sure the volume does not get too high.

Commissioner Bittel asked if this is approved, and the traffic volume becomes too great, what are the alternatives?

Don said the speed limit and turns could be restricted, and if necessary the alley could be designated one-way.

Commissioner Elmer asked for clarification of the benefits of having a comprehensive plan.

David stated that the North Avenue Corridor Guidelines allow certain light uses such as light business, multifamily dwellings, or parking lots on the south side of Glenwood Avenue. The north side of Glenwood would be protected by the guidelines that have been adopted by the City Council so that businesses do not encroach into their neighborhood.

PUBLIC COMMENTS

FOR:

Russell Perry, 835 Glenwood Avenue, stated he moved in to his home in 1973, and the vacant lots have been there since that time. Mr. Perry's original hope was that someone would buy the lot and build a home. Knowing that this was unlikely, he felt that this proposal was the best alternative. Mr. Perry stated he was very much in favor of the project for the following reasons; Taco Bell has been a good neighbor, the traffic problem exists even without the parking lot, and the dirt lots create a mess.

Stan Forrest, 814 Glenwood Avenue, expressed his preference for the development.

AGAINST:

Martin Winger, 1132 Cannell Avenue, stated that he was in favor of the project except for the access onto Glenwood. He felt this would increase the volume of traffic on Cannell Avenue. He added that 25% of the people driving to Cannell from Glenwood do not stop at the stop sign.

- Greg Joufflas, 1275 Cannell Avenue, expressed his concern that if this proposal were approved, it would create a serious addition to the traffic. He felt that this proposal did not keep with the residential character of the neighborhood. He was also concerned that kids would congregate on the lot, and felt that Taco Bell could not sufficiently police a parking lot across an alley.

Lisa Roberts, 866 Glenwood Avenue, lives directly across from 875 Glenwood Avenue. Her front yard will be directly across from the exit out of the parking lot. She was concerned with the increase in traffic volume and with Grand Junction High School kids speeding down Glenwood to Taco Bell during their 30 minute lunch. She pointed out that the Taco Bell employees have not been parking on Glenwood, rather they are parking on the dirt lots proposed for parking. She stated that she was not informed of any neighborhood meetings. She suggested closing the exit onto Glenwood and making the alley one-way from west to east.

Kirk Robinson, 911 Glenwood Avenue, also was concerned with potential increase in traffic. He asked Mr. Saelens if the buffer area could be made wider on the west and east sides of the parking lot.

Mr. Saelens explained that a six foot high privacy fence would be placed on the east property line along with a 12 foot buffer area. If that buffer area is increased any more, it would be senseless to build the parking lot.

Mr. Robinson was concerned about what would happen to his six foot wood fence and the trees planted along his property line when Taco Bell built their six foot privacy fence.

Mr. Saelens said that the petitioner's plans were to put the fence on the property line with the 12 feet of grass inside of the fence. If during construction Mr. Robinson's trees needed to be moved, it would be done; if the trees do not survive, new trees will be planted.

Mr. Robinson suggested that Taco Bell string up a chain after business hours to keep people from congregating in the parking lot.

Bill Ruppert, owner of property at 846 and 856 Glenwood Avenue, expressed is favoritism for the proposal. He stated that anything would be better than the dirt lots. He also was concerned about the exit onto Glenwood, but felt that traffic would not increase substantially. He commended Taco Bell for doing a remarkable job in policing their existing lot.

Barbara Forest, 814 Glenwood Avenue, had basically the same concerns as the rest of the neighbors. She didn't feel the high school traffic would be a problem because most of the kids walk. The traffic would not be significantly increased overall. She suggested putting in a "NO PARKING" sign on the south side of Glenwood Avenue from the parking lot exit to the corner. This would help lessen the impact of some of the college student traffic.

PETITIONER'S REBUTTAL

Mr. Saelens stated that stop signs will be installed at every exit at the alley, at Glenwood Avenue, and at the drive-thru onto North Avenue. The pedestrian crossing will be identified. Mr. Saelens felt that the traffic flow would have less of an impact in any one area with the additional exit onto Glenwood Avenue. Mr. Saelens predicted that after the new Taco Bell is constructed, 60% of Taco Bell's business would be drive-thru, which will exit onto North Avenue. There are 19 parking spaces located on the site. The parking lot on Glenwood Avenue will be used during peak times, approximately 4 hours a day, as an overflow. Comments have been made about kids congregating on the lot. If necessary Taco Bell will hire someone to control this problem. Mr. Saelens added that a chain or barrier could be put up after business hours. Currently, Taco Bell's employees are using the vacant lots to park, but if this proposal is not approved, the City says we can not continue parking there. The employees would have to park on Glenwood Avenue or elsewhere.

Chairman Love asked Don Newton about design of exit, traffic studies, impact on traffic on Cannell?

Don felt the increase of traffic on Glenwood due to the curb cut would be minimal. Currently, there are two curb cuts existing on this property onto Glenwood, so this plan is actually reducing the number of curb cuts. Don stated that a "NO PARKING" sign would be appropriate on the south side of Glenwood between the curbcut and Cannell Avenue as long as there is approval of both property owners that live there. He felt that it would improve the traffic flow on Glenwood Avenue.

Mr. Robinson stated that if the curb cut is left onto Glenwood, he would have no objections to the "NO PARKING" zone.

Discussion ensued on position of the curb cut and the exit on to Glenwood Avenue.

Commissioner Worrall asked if there were any speed bumps in the alley now.

Don stated that it is the City's policy not to put speed bumps in alleys because of maintenance problems and liabilities if accidents occur because of them.

Commissioner Bittel stated that since the corridor guidelines allow this type of use on the south side of Glenwood, the curb cut would not be inconsistent with that. Streets are designed to handle traffic, more so than alleys are. He felt that this plan would increase pedestrian traffic in the alley, therefore did not want to also increase vehicular traffic by not having a curb cut onto Glenwood Avenue.

Commissioner Worrall stated that she was sympathetic to the residents, and felt they were opposed to this proposal because of the potential increase of traffic. She felt that it was important to preserve the older part of town.

Commissioner Halsey felt that one or two additional handicap parking spaces should be recommended.

MOTION: (COMMISSIONER HALSEY) "MR. CHAIRMAN, ON ITEM #27-90, A REQUEST TO REZONE THE PROPERTY LOCATED AT 850 NORTH AVENUE FROM C-1 TO PB AND THE PROPERTY AT 845, 865, AND 875 GLENWOOD AVENUE FROM RSF-8 TO PB, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO ALL REVIEW AGENCY SHEET COMMENTS."

Commissioner Renberger seconded the motion.

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

MOTION: (COMMISSIONER BITTEL) "MR. CHAIRMAN, ON ITEM #27-90, A REQUEST FOR APPROVAL OF A FINAL PLAN FOR A PLANNED BUSINESS LOCATED AT 850 NORTH AVENUE AND 845, 865, AND 875 GLENWOOD AVENUE, I MOVE THAT WE APPROVE THIS SUBJECT TO REVIEW AGENCY SHEET COMMENTS AND AT LEAST ONE MORE HANDICAP PARKING SPACE BE ADDED DIRECTLY EAST OF THE ENTRANCE, ADJACENT TO THE EXISTING PROPOSED HANDICAP SPACE."

Commissioner Halsey seconded the motion.

AMENDMENT: (COMMISSIONER RENBERGER) "MR. CHAIRMAN, I MOVE TO AMEND THE MOTION THAT THERE WILL BE NO CURB CUTS ONTO GLENWOOD."

Commissioner Worrall seconded the amendment.

Commissioner Elmer asked if this would be acceptable to the petitioner?

Mr. Saelens said if the parking area was approved without the exit onto Glenwood Avenue, the lots probably would not be developed by Moss Inc. Mr. Saelens stated that this is something that would need to be discussed with Mr. Moss before giving an answer. The exit onto Glenwood is critical. Mr. Saelens asked if the parking lot area was not developed, would the rezone still be valid for the existing Taco Bell site?

Chairman Love stated that the Planning Commission has recommended to City Council approval that the site be designated as Planned Business.

A vote was called on the amended motion, the motion was defeated by a vote of 2-4. Commissioner's Bittel, Elmer, and Halsey and Chairman Love opposing.

A vote was called on the original motion, the motion passed by a vote of 4-2. Commissioner's Worrall and Renberger opposing.

2. #28-90 REZONE AND A REVISED FINAL PLAN FOR COLORAMO FEDERAL CREDIT UNION

A request to change 144 North 9th Street from Residential Multifamily with a density of approximately 64 units per acre (RMF-64) to Planned Business (PB) for the purpose of a parking lot and a Revised Final Plan for an addition to the Coloramo Federal Credit Union located at 910 Main Street.

Petitioner: Coloramo Federal Credit Union, Marilyn Haller, President

Location: 144 North 9th Street and 910 Main Street

PETITIONER'S PRESENTATION

Marilyn Haller, Coloramo Federal Credit Union President, gave a brief overview of the proposal. Coloramo owns the property at 910 Main Street and 144 North 9th Street. Coloramo is requesting a rezone on 144 North 9th Street so that it can be used as a parking lot. There are existing trees west of the proposed parking lot; Coloramo will put in shrubbery and grass. Coloramo agrees to replace the curb and gutter in that area and part of the sidewalk. The alley is in need of repair so Coloramo has agreed to put money in escrow for the City to take care of this.

Ms. Haller continued; a privacy fence will be constructed on the north and east side of the proposed parking lot. The neighbor to the north has requested that a jog be put in the fence because their porch extends out to the property line. Coloramo has agreed to set their fence in three feet on their property line on the east end so that the neighbors porch does not abut the fence. The neighbors also requested access to the alley for trash pick-up. Coloramo has agreed to place a gate in the northeast corner of the fence for alley access.

Coloramo will install landscaping on the west side of the parking lot adjacent to the first parking space with curbing around it. Coloramo is proposing a 20' addition onto the east side of the existing building at 910 Main Street. A handicap space will also be put in. Currently, Coloramo has one drive-up, they are requesting two drive-ups to accommodate two members at a time. The second drive-up will be further to the north. There will be curbing installed along the east side of the drive-ups so that the traffic cannot back from the present parking lot into the drive-thru traffic. Public Service will be installing a light on the pole on the northeast corner for security in that area.

QUESTIONS

Commissioner Elmer asked the way the drive-up windows are set up there is no room to stack the cars, so why is there a need for two drive-ups?

Ms. Haller stated that the drive-up traffic normally doesn't take very long, and if there is a long transaction, they are asked to come inside the building.

Commissioner Elmer said that the curb will prevent anyone from pulling around.

Ms. Haller agreed that it might be a problem.

Commissioner Elmer asked if the three foot jog onto Coloramo's property should be made an easement.

Ms. Haller said she understood that if the property was ever sold and designed for some other use, it would have to be considered by the Planning Commission.

David Thornton explained that this proposal was planned business. The fence is part of the plan and is conditional on the continuation of the existing use.

STAFF PRESENTATION

David Thornton stated that 910 Main Street is zoned Planned Business. The rezone will only encompass the 144 North 9th Street addition to the plan which will be used for employee parking. The revised plan is for the existing site at 910 Main Street; the original plan was approved in 1984. Since the plan was approved as is in 1984, staff felt that no other requirements for additional landscaping would be made at the original site. Because Coloramo abuts a residential area, they are required to install a six foot high privacy fence. The six foot privacy fence will extend across the northern and eastern boundary of the parking lot. 15 feet before it meets the alley, the fence will drop down to 30 inches for visibility in the alley. Coloramo has the option of staggering the fence so there is no abrupt drop. All review sheet comments have been addressed.

Commissioner Elmer stated that he observed a "LEFT TURN ONLY" sign on the utility pole in the alley. Since the parking lot won't line up anymore, is the sign still needed there or should it be moved?

Don Newton said it should be lined up with the aisle.

David said that probably 99% of the traffic will go left anyway and wondered if it was really needed.

Don recommended leaving the sign there because the alley is in poor condition, and this would help alleviate some of the traffic on the east end of the alley.

Commissioner Elmer stated that in the planning staff comments it states that the existing red brick didn't meet today's standards.

David reiterated that since the landscaping for this plan was approved in 1984, Coloramo would not be required to change it to meet the 1990 Code requirements.

PUBLIC COMMENT

Larry Peck, 631 Rushmore Drive, had owned 144 North 9th Street before selling it to Coloramo. He also owns the house to the north. Mr. Peck stated that he was in favor of the rezone. He wanted to be assured that Coloramo complied to put up the six foot fence and also make the three foot jog, so that his tenants would have access from their back porch.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #28-90, A REQUEST TO REZONE THE PROPERTY LOCATED AT 144 NORTH 9TH STREET FROM RMF-64 TO PB, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO THE REVIEW AGENCY SHEET COMMENTS."

Commissioner Renberger seconded the motion.

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

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #28-90, A REQUEST FOR APPROVAL OF THE REVISED FINAL PLAN LOCATED AT 910 MAIN STREET AND FINAL PLAN AT 144 NORTH 9TH STREET, I MOVE THAT WE APPROVE THIS SUBJECT TO THE REVIEW AGENCY SHEET COMMENTS."

Commissioner Worrall seconded the motion.

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

Chairman Love stated that item #20-90, Replat and Right-of-Way Vacation for Grace Commercial Subdivision, has been pulled by the petitioner.

3. **#30-90 SPECIAL USE FOR JAIL SITE**
A request for a Special Use Permit for a jail on approximately 12.5 acres in a Public Zone (PZ).
Petitioner: Mesa County, Andy Anderson
Location 215 Rice Street

Karl stated that due to a number of unresolved comments and reviews that have not been returned by review agencies and with the County's concurrence, we are asking that this item be table until the August 7th public hearing.

MOTION: (COMMISSIONER RENBERGER) "MR CHAIRMAN, ON ITEM #30-90, I MOVE THAT WE TABLE THIS ITEM UNTIL THE AUGUST 7, 1990 MEETING."

Commissioner Worrall seconded the motion.

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

A brief recess was called at 9:30 p.m. The meeting reconvened at 9:40 p.m.

4. #26-90 FINAL PLAT AND PLAN FOR NORTHRIDGE FILING #4 (ALSO KNOWN AS MESA VIEW II) AND A VACATION OF RIGHTS-OF-WAY AND EASEMENT.

A request to vacate North Bluff Drive, a portion of Horizon Place, and those unused utility easements along the south boundary of the Grosse and Gormley properties and a request for a final plat and plan for Northridge Estates Filing #4 on approximately 28.12 acres for a retirement center and 36 single family homes in a Planned Residential (PR-12.7) Zone.

Petitioner: Colson & Colson Construction Co, Pat Edwards

Location: Northeast corner of 1st St & Patterson Rd

PETITIONERS PRESENTATION

Pat Edwards, representative for Colson & Colson, gave an overview presentation of the proposal. Mr. Edwards described the proposal as a planned development on a 28 acre parcel of land with 41 lots and some tracts of land for the following uses. Proposed on Lot 1 is a 105 unit retirement facility, similar in nature and size of the existing Mesa View facility at 601 Horizon Place, and twelve retirement garden units. Proposed on Lots 9 and 10 are two four-unit retirement garden units. Two lots will be conveyed to adjoining property owners and 36 lots are platted for single family homes.

The building construction of the main facility and the garden units will be of wood frame with stucco and wood siding. The building interior design has common areas for dining, kitchen, multi-purpose rooms, beauty shop, crafts room, TV room, lounges, and exercise rooms. The main building is fully fire sprinkled. The site will be extensively landscaped. The landscaping will be done in conformance with the guidelines of the City of Grand Junction and also in conformance with the recommendations by the CU extension service. There will be 70 parking spaces for the facility on Lot 1. There are eight parking spaces on Lots 9 and 10 for the two four-unit retirement buildings.

Lot 19 will be purchased by Mr. Jones, who is the adjoining land owner to the north. That parcel will be merged with Mr. Jones existing parcel, and he will end up with one parcel. Once the Rose Terrace cul-de-sac is completed and accepted by the City, Mr. Jones will no longer use his current access that runs south from his southwest corner and connects into Kingswood Drive. Instead, he will access directly off the Rose Terrace cul-de-sac.

Lot 2, which is north of the open space and adjacent to the retirement center, will be purchased by Mr. Ruggeri. He will purchase that lot with the understanding that it is not a buildable parcel, and that it is subject to the easements that are shown on the final plat and plan.

The remaining 36 lots are to be developed as single family homesites. They will be covered with the same building restrictions as contained in the declaration of covenants, conditions, and restrictions that were included in the submittal. These are the basic covenants of Filing 3 of Northridge Estates.

Tracts "A" through "H" are property line adjustments that are identified on the plat. The tracts are basically islands of property that lay between the Independent Ranchman's Ditch and the north boundary of Willowbrook Subdivision. The tract area has historically been landscaped by the homeowners of Willowbrook Subdivision. Colson & Colson is proposing to adjust the property boundaries of Northridge Filing #4 to the center line of the Independent Ranchman's Ditch and convey the area south of the Independent Ranchman's Ditch to the landowners in Willowbrook Subdivision. Tract "I" located at the northwest corner of the retirement area will be conveyed to Mr. Filener. Included in the conveyance documents, will be a statement that those tracts are not buildable parcels and will be subject to the existing and proposed easements that are shown on the final plat.

There are open space areas at the intersection of North 1st Street and Patterson Road, south of the school bus turnaround, and between Lot 1 and Lot 2. Those open space areas will be improved as they are shown on the site plan. Once they are improved by the developer, they will be maintained by the Filing 4 Homeowner's Association. Lot 1, the retirement facility, will be a member of the Homeowner's Association. Lots 19 and 2, and tracts "A" through "I" will not be included in the Filing 4 Homeowner's Association. There is open space area between the proposed Horizon Place and the waters edge of the main line to the Grand Valley Canal. This area falls within the right-of-way of the Grand Valley Canal. Grand Valley does not want and Colson & Colson do not propose any landscaping in that area.

The school bus turnaround in the southwest portion of the plan will be improved as shown on the final plan which includes signage relative to parking, a bench, and a trash receptacle. A fence will be constructed along the south boundary between the school bus turnaround and the Independent Ranchman's right-of-way. The bus turnaround from the sidewalk in, will be part of the street dedication to the City of Grand Junction, because school bus policy is to not enter onto private ground.

Mr. Edwards explained that the proposal will be done in two phases of construction. Phase I will be completed by the summer of 1991 and includes the following: construction of the main retirement residences, landscaping, parking areas, utility extensions along the existing Northridge Drive and Kingswood Drive, curb, gutter, and sidewalk along the existing Northridge Drive and Kingswood Drive, completion of the school bus turnaround, utility extensions and the extension of Horizon Place, and Horizon Lane, and the roadway extension of Horizon Place and Horizon Lane complete with curb, gutter, and sidewalk.

Phase 2 will be completed by 1992 and includes the following: construction of the retirement garden units on Lots 1, 9, and 10, completion of all the landscaping and parking areas in those three lots, completion of the utility extensions, including the looping of city water from North 7th Street to North 1st Street, completing the utilities extension and the roadway extension to Rose Terrace including curb, gutter, and sidewalk and completing the landscaping in the open space areas.

Mr. Jones's irrigation lines run from the northeast corner of his property and encroach upon the Gormley and Grosse properties before going north across the tract that is to be conveyed to Mr. Ruggeri. Mr. Jones's irrigation lines are to be vacated and relocated in the easement that runs across the north portion of Lot 1 in a direct line to the Grand Valley Canal. Mr. Jones will receive a new headgate and electrical source for his irrigation system. The retaining wall along the east and south boundaries of the Grosse property, will be rebuilt by Colson & Colson. Mr. Grosse and Mr. Ruggeri will be provided with a drain for their swimming pools to the sewer line.

Colson & Colson will construct a six foot high wood privacy fence with the finished side facing north from the southeast corner of Mr. Gormley's property going west to the Jones's east property line.

Any outdoor lighting for the walking areas, parking area, and retirement area will be placed in such a manner that it will not shine directly onto any of the area residents.

Additional testing for ground water and soil conditions in the neck of the property will be done. Currently, the drainage for the bulk of Northridge comes down Northridge Drive and empties into the neck of the property. At that point it puddles and seeps into the ground. This drainage will be directed to the retention pond proposed on the retirement center lot.

There are also indications that there is leaching and seeping at the Grand Valley Canal. First, this area will be drained and dried up, then tested for ground water and soil conditions. Until these tests are done, there is not an ultimate solution. All that Colson & Colson are committing to is that the area will be dried up and additional testing will be done as is required. The testing and any ultimate solution will be done in Phase I.

Dan Wilson, City Attorney, said that this was not part of the current estimate for improvement costs; therefore, it would not be part of the letter of credit or whatever the arrangement will be as far as the guarantee.

Mr. Edwards stated that it cannot be made a part of the agreement until it is determined whether or not a french drain system needs to be put in.

Mr. Edwards continued; North Bluff Drive will be vacated upon City requirement. There is not enough line of sight along North 1st Street to make it a useful ingress or egress off of North 1st Street. There are utilities in this right-of-way which belongs to Ute Water and Public Service. Ute Water will be provided with a right-of-way across the south 20 feet and Public Service will be provided a right-of-way across the north 20 feet.

A portion of Horizon Place, previously dedicated on the Mesa View parcel, will be vacated. There are no utilities or street improvements in this portion of Horizon Place. This right-of-way vacation property will become part of the Mesa View I property.

The legal description for the utility easements along the south boundary of the Gormley and Grosse properties, do not include the request for a vacation along the Filener property. There is a discrepancy in the narrative that includes the Filener property, but in meeting with Public Service and the Northridge Homeowner's Association, there is a need for those utility easements to continue on the east and west 10 feet of those two lots. It will be vacated except for the east and west 10 feet.

QUESTIONS

Dan asked if the Filing 4 Homeowner's Association has been created yet?

Mr. Edwards replied that the outline has been prepared.

Dan stated that normally a nonprofit corporation articles and bylaws would be filed.

Mr. Edwards concurred that this would be done.

Dan asked if the landowner would be responsible for the maintenance until the single family units sell to individual residents? Dan suggested that those lots and tract that are designated as unbuildable, be designated on the plat.

Commissioner Elmer asked if the street classification could also be designated on the plat.

Mr. Edwards agreed to make these notations on the plat.

Commissioner Elmer said since Mesa View is in the Filing 4 Homeowner's Association, will they have only one vote?

Mr. Joe Croker, Valley Plaza Building, Suite 601, 225 North 5th Street, representing Colson & Colson, stated that the retirement center would have a percentage of the vote based upon the lot distribution.

Commissioner Elmer asked if it would be five votes, since the retirement area takes up five lots.

Mr. Edwards stated that the intention is for the Retirement Center to not dominate the Association. There needs to be an equitable distribution based on land area.

Dan suggested that the Planning Commission review the Homeowner's articles and bylaws before they are imposed.

When asked who would be maintaining the trash receptacle at the bus stop, Mr. Edwards stated that he did not have an answer. He assumed that it would be the Homeowner's Association.

Commissioner Elmer asked what was proposed for the fencing along the ditch by the school bus turnaround. He was concerned that little kids would be congregating near the ditch.

Mr. Edwards stated that the fencing is to extend from Willowbrook Street to the lot line that adjoins the bus turnaround.

Commissioner Elmer asked for clarification of the phasing, does the improvements agreement guarantee both phases?

Dan explained that the petitioner will either put up cash, or letter of credit or equivalent instrument as to the dollar value of the improvements in Phase I. The City will not release those instruments or allow occupancy of the building until Don Newton acknowledges that Phase I is done. According to the City Code, the City Engineer has a year to make the final acceptance. The developer will have the choice on how they want to secure Phase II. In effect, they will be using the same security they used for Phase I. The proposal does not require a letter of credit for the sum of Phase I and Phase II up front.

Commissioner Elmer was concerned that the looping of the water lines would not be completed, since it was scheduled in Phase II.

Bob Vogurt, Mesa View's engineer, stated that the water and the sewer lines would be constructed in Phase I.

Commissioner Elmer asked whether the connection to 7th Street would be done in Phase I or Phase II.

Mr. Edwards stated that it would be done in Phase I. The utility and street improvements for Rose Terrace are in Phase II.

Commissioner Elmer stated that there was some confusion in the review comments of whether there is an irrigation system.

Mr. Edwards stated that there is a pressurized irrigation system. Colson & Colson will be acquiring approximately 50 shares of irrigation water. There will be two points of delivery, one will serve Lot 1 of the retirement facility and Mr. Jones, and a separate headgate will serve the balance of the single family lots.

Commissioner Elmer asked if the right-of-way along the Independent Ranchman's Ditch would be conveyed to the irrigation company?

Mr. Edwards answered affirmatively.

Commissioner Elmer stated that there has been some discussion with Colson & Colson's consultants and possibly with the Department of Health regarding the mill tailings along the sewer line that extends along the Independent Ranchman's Ditch. Has there been any further discussions regarding special provisions which would require radon vent systems or other precautions for Lots 38 through 41?

Mr. Edwards stated that it was his understanding that the latest agreement between the State Health Department and UNC is to remove the mill tailings to the midline of the sewer pipe, and then do further testing to see if any additional venting is required or if precautions need to be incorporated into the foundation design. Arix Engineering has done an environmental analysis over the entire 28 acres and will coordinate the testing after the removal is done.

Commissioner Elmer asked if the walking path between Kingswood Drive and Rose Terrace would be improved.

Mr. Edwards replied that the easement would be provided.

Commissioner Elmer asked why Colson & Colson did not want to improve the walkway?

Mr. Edwards stated that the purpose of the pedestrian easement is to provide access to those lots on Rose Terrace to the school bus turnaround. If public access was going to be granted along the Independent Ranchman's Ditch, those lots would have access to the school bus turnaround, and the pedestrian easement would not be required. The decision has now been made to grant the right-of-way along the Independent Ranchman's Ditch, which means a pedestrian easement is not needed between the two. Those decisions have been made since July 5th. There hasn't been time to discuss what improvements are necessary for that walkway. If appropriate, the walkway would be improved similarly to the existing walkway in Filing 3.

STAFF PRESENTATION

Karl Metzner, City Planner, stated that the response comments and revised plans have addressed all the review agency's concerns. Mesa County School District had some comments about the design of the school bus turnaround, and the petitioner will comply with those. The City Engineer and the City Utilities Engineer have reviewed all the revised plans, drainage reports, etc. and find them acceptable.

The Parks and Recreation Department noted 169 units in their comments, that is incorrect, it is 161 actual units for the total development for the open space fee. Public Service easements have been resolved. The Northridge Home Owner's Association comments have been complied with and are shown on the revised irrigation details. All their drain lines will be extended to the Ranchman's Ditch with valves for flushing and draining. The City Property Agent comments noted some dimension inconsistencies on the plat which have been resolved on the revised plats. All of the City Attorney's comments have been addressed; the final escrow agreement has been submitted.

Dan pointed out that escrow agreement has not been finalized but in light of the conversations tonight, it should be finalized tomorrow.

Karl continued; the fire hydrant spacing requirements have been complied with. Staff recommends that the easement between Rose Terrace and Kingswood as shown on the plat be improved to a standard acceptable to the City Engineer.

Mr. Edwards stated that this may need to be moved to Phase II.

Karl stated that the purpose is to provide access to Rose Terrace, so there is no problem with putting that in Phase II. All of the City Planning Comments have been complied with according to the petitioner's response to the review comments. The preliminary plan showed two cul-de-sacs on Kingswood Drive; the two lots that were accessing the cul-de-sac were turned into flaglots. No additional number of lots were added, but it did increase the size of those lots.

Colson & Colson is proposing to amend the setbacks for Lots 6, 7, and 8 from a 30' rear yard to a 20' rear yard set back.

Karl stated that there have been no objections to the right-of-way vacations or easement vacations. A letter in opposition of the proposal was received and signed by a number of residents from the Northridge Subdivision regarding the change in the rear yard setbacks, the elimination of the cul-de-sacs and some other technical concerns.

PUBLIC COMMENT

Russ Doran, 3350 Music Lane, stated that it was his understanding that the rezone approval was very specific, and that the requirements and conditions would be respected and followed. The adopted resolution identified the conditions as follows: Several promises, some in writing, and some made at the hearing before the Planning Commission and the City Council, are integral parts of this approval, ie: each and every promise made by the agent of the developer is made a condition of this rezoning approval and of the preliminary plan. Item 7 reads "The development of the balance of the property, approximately 18 acres, as detached single family dwelling units to a standard and quality equivalent to the existing Northridge Subdivision." Item 8 reads "Any lots that are not buildable due to drainage or ground water or similar technical constraints will be dedicated permanently to open space and maintained in perpetuity as open space."

The lot lines in the south section have been rearranged, Kingswood Drive has now been shortened, the two cul-de-sacs (Kings Court and Rose Court) that previously extended south of Kingswood Drive are eliminated and replaced by flag lots. The setbacks for three of the lots in the northern neck were reduced. Many homeowners expressed a specific concern regarding the developability of these three lots.

Mr. Doran was alarmed by the discussion of reducing the construction requirements for all or a portion of the homes to be constructed on Rose Terrace, and the improvements guarantee for Phase II will not be in a form of cash or else in escrow until Phase I is completed. Mr. Doran felt that the changes being requested are significant and material changes to the preliminary plan.

During this entire two year process the petitioner has continually represented the preliminary as what they intended to develop. Page 1 of the Declaration of Covenants state "The subdivision, identified more specifically on Exhibit "A" attached hereto and incorporated herein by reference, will comport with representations made to the City of Grand Junction and surrounding land owners pursuant to its petition for rezone in Case No. 48-89."

The petitioner represented that the only changes on the final development plan and plat were going to be the utility easements, designated and insignificant modifications necessary to meet Utility and City Engineer specifications or requirements so long as such will not change or modify the overall design, location, or characteristics of the improvement and designs shown on Exhibit "C". Exhibit "C" was the preliminary plan that was run in the Daily Sentinel for a week indicating their development intentions. The reason for these changes is an economic one and not a result of Utility and or City Engineer specifications or requirements.

The request put forth to the Planning Commission is that the petitioner be required to comply with conditions that were placed on the rezone approval and applied by the promises and representations made by the petitioner and to follow the preliminary plan. Does this final plan violate the conditions of City Council ordinance 2450?

Milt Henry, 3009 Cloverdale Court, felt the developer misrepresented the plan to the voters. Mr. Henry asked the Planning Commission to reconsider the promises that had previously been made by the petitioner.

Tim Mannion, 3038 Cloverdale Court, stated that the cul-de-sacs were a part of the preliminary plan, and Colson & Colson should be bound to put them in. There are no other flag lots in Northridge Subdivision. They are not attractive, they do not fit in the neighborhood.

Mr. Mannion continued; originally Colson & Colson guaranteed that all the open space, specifically the main part at 1st Street and Patterson Road, would be maintained by Colson & Colson. This is a stronger guarantee than what is now proposed which is it will be maintained by the Filing 4 Homeowner's Association. Mr. Mannion was concerned that Mesa View would dominate this Homeowner's Association. The petitioner agreed that if they could not build on Lots 6, 7, and 8, they would dedicate the lots as open space area.

Mr. Mannion stated that a neighbor who was out of town, Paul Reddin, wished to express his objection to the walk way which will run the length of his side property line. Mr. Mannion felt that it would be less objectional to Mr. Reddin if the cul-de-sacs were left, because the street would run further over and the walkway would empty into a street rather than running along the length of his house. Mr. Mannion asked can the Planning Commission consider this final plat, since it is not in conformance with the preliminary plat.

Dan asked Karl if the Fire Department looked at the issue of the cul-de-sac?

Karl stated that it was not mentioned in their comments at all.

Dan stated that Don Newton was not aware of cul-de-sac changes when he reviewed the final plat.

Don felt that if the plan was approved with the flag lots, the developer should be required to improve the pole to give access to the lot, otherwise there is potentially a significant cost to the homeowner.

Mrs. Henry, 3009 Cloverdale Court, stated that if the original proposal with the cul-de-sacs was what was voted on by the Council and by the people of the City of Grand Junction, then how can the plan be changed. Is this legal? If the petitioner is setting money aside for the first phase, will that money be there for the second phase?

Dan Wilson answered affirmatively.

PETITIONER'S REBUTTAL

Mr. Edwards quoted from page 106, Section 6-8-1.F of the Zoning and Development Code which reads "A final plat may be approved when it has been modified to reflect the improvements in design or changes which have occurred since the time of the preliminary plan review and approval." The original proposal for the area south of the retirement facility was to access all of those lots to North 1st Street. It was determined from traffic counts etc. that there was a need to reduce or limit the traffic at the intersection at North 1st Street and Northridge Drive. A change was made to the preliminary plan which showed that the two cul-de-sacs basically accessed eight lots. Some of those lots ended up having double fronting sides, and the two cul-de-sacs were within two hundred feet of each other. It did not make economic sense to do this.

Mr. Edwards stated that if it is required, the developer will include in the proposal the paving of those poles on the flag lots.

The modifications of the setbacks on the three lots on the east side of Horizon Place were made because the street is now classified as a residential collector which modifies the front line set back. It is tight in that area, the petitioner is requesting some flexibility. There are no modifications to the phasing or the guarantee of the improvements. The open space has always been indicated that it will be maintained by the Homeowner's Association and the retirement facility will be part of the Association.

QUESTIONS

Commissioner Elmer asked if the Planning Commission should review the Council's resolution before making a decision on the final plat and plan?

Dan stated that there are always changes from a preliminary plan to the final plan. The twist in this case is that there was a vote of the people and an ordinance that makes reference to a resolution. The Planning Commission needs to decide whether the final plan substantially complies with both the form and the content of that resolution. The safe position to take is to say no. Cul-de-sacs replaced by flag lots is a major change.

Commissioner Elmer stated that he has not reviewed the resolution and wondered if it was remiss at this point.

Mr. Wilson stated that the Council's resolution was related to the zoning issue. The issue before the Planning Commission is the plat and plan.

John Shaver, Assistant City Attorney, had a copy of the ballot. He said it specifically pertained to the rezone. There is no mention made of the plat or a description of the plat. So as Mr. Wilson has indicated, the Planning Commission needs to deal with the materiality of the changes that have been made.

Commissioner Renberger asked if the Homeowner's Association for Filing 4 would be separate from the rest of Northridge.

Mr. Edwards stated that it would be separate. Filing 4 will be responsible for maintaining its own irrigation system and open space area.

Commissioner Elmer asked how can the existing covenants be changed?

Mr. Edwards stated the covenants can only be changed with the consent of the adjoining Homeowner's of Northridge. Filing 4 cannot vote independently to change the covenants. He added that there is a provision in the covenants that discusses changes or additions to the retirement area which requires two thirds consent of the adjoining owners.

Commissioner Elmer stated that he may have a conflict of interest with this proposal. Arix is working for Colson & Colson and Commissioner Elmer is an employee of Arix. He stated that he actually works for UNC, but he was involved in a joint venture with Arix and has received paychecks from them. Commissioner Elmer added that he did not feel that there was a conflict, but if the rest of the Commission viewed it that way he would step down.

The rest of the Planning Commission members did not feel it was a conflict.

Dan asked Commissioner Elmer that in the course of your employee relationship, have you come across any of the information related to this project?

Commissioner Elmer replied affirmatively. While working at UNC, he has been involved with the mill tailings at the sewer line.

Dan asked Commissioner Elmer if that information would effect his judgement or influence his decision.

Commissioner Elmer answered no.

Dan felt that there was no conflict of interest.

Discussion ensued regarding changing the two flag lots with one cul-de-sac.

A brief recess was called at 11:20 p.m. to discuss the changes in the plat. The meeting reconvened at 11:30 p.m.

Karl stated that in talking with the City Engineer there is a possible alternative. Each of the poles of the flag lots are 25 feet wide which is the standard 50 foot width of a right-of-way. The lots line up with Cloverdale Court. The poles on the flags can be replaced with one cul-de-sac to provide public access to Lots 32 and 33. This would leave one flag lot, Lot 34, off of Rose Terrace. Karl suggested noting the various setbacks directly on the plat, that way if the street classification changed the setbacks would not.

Mr. Edwards stated that the Homeowner's Association would maintain the trash receptacle at the bus stop.

Commissioner Halsey pointed out that a resolution had not been made for Mr. Reddin, who opposed the walkway by his house.

Chairman Love asked Mr. Mannion why Mr. Reddin did not want the walkway by his property?

Mr. Mannion said he was not sure, probably because of the traffic, and kids throwing things over the fence.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #26-90, CONSIDERATION OF FINAL PLAN AND PLAT FOR NORTHRIDGE FILING 4, I MOVE THAT WE APPROVE THIS SUBJECT TO THE REVIEW AGENCY SHEET COMMENTS AND THE FOLLOWING AMENDMENTS: THE HOMEOWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR TAKING CARE OF THE TRASH CAN AT THE BUS STOP, THE FRONT YARD SETBACKS AND UNBUILDABLE LOTS WILL BE IDENTIFIED ON THE FINAL PLAT, A CUL-DE-SAC WILL BE PLACED FOR ACCESS INTO LOTS 32 AND 33, THE PLANNING COMMISSION WILL REVIEW AND APPROVE THE ARTICLES AND BY-LAWS OF THE HOMEOWNER'S ASSOCIATION AND AN IMPROVED WALKWAY BE PLACED IN THE PEDESTRIAN PATH EASEMENT BETWEEN ROSE TERRACE AND KINGSWOOD DRIVE AND THAT A ASPHALT OR CONCRETE DRIVEWAY SURFACE WILL BE PLACED INTO LOT 34."

Commissioner Renberger seconded the motion.

Dan suggested setting a time line for the review of the Homeowner's Articles and Bylaws by the next meeting. He added that the City Engineer would still have to review the changes that are being made.

Don said he would review the plans to make sure it was acceptable to City standards before he signs the plat.

Commissioner Elmer and Renberger allowed the amendments of the above be added to the motion.

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

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #26-90, CONSIDERATION OF EASEMENT VACATIONS FOR NORTHRIDGE FILING 4, I MOVE THAT WE APPROVE THIS SUBJECT TO THE REVIEW AGENCY SHEET COMMENTS."

Commissioner Renberger seconded the motion.

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

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #26-90, CONSIDERATION OF RIGHT-OF-WAY VACATIONS FOR NORTHRIDGE FILING 4, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL."

Commissioner Worrall seconded the motion.

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

Meeting was adjourned at 11:45 p.m.