

GRAND JUNCTION PLANNING COMMISSION
Public Hearing --June 4, 1991
7:35 p.m. - 11:12 p.m.

The public hearing was called to order by Chairman Steve Love at 7:35 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission, were:

Steve Love, Chairman
Jim Bittel

Ron Halsey
John Elmer

Commissioners Craig Roberts and Sheilah Renberger were absent.

In attendance, representing the City Community Development Department, were Bennett Boeschstein, Director and David Thornton.

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

Nancy Martin, of KLB Secretarial Services, was present to record the minutes.

There were approximately 46 interested citizens present during the course of the meeting.

I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER HALSEY) "Mr. Chairman, I make a motion to approve the minutes of the May 7, 1991 Planning Commission as presented."

Commissioner Bittel seconded the motion.

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

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

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

III. MEETING ON ITEMS FOR FINAL DECISION

- 1. 31-91 INDIAN WASH SUBDIVISION PRELIMINARY AND FINAL PLANS:
A REQUEST FOR A REVISED FINAL PLAN AND PLAT FOR 14 UNITS ON 2.037
ACRES IN AN EXISTING PLANNED RESIDENTIAL 8.4 ZONE.
Petitioner: Fennern Construction, Inc.
Location: Northwest Corner of 29 and Patterson
Consideration of Final Plan**

STAFF PRESENTATION

Bennett Boeschstein gave a recap of the project. Indian Wash Subdivision is zoned Planned Residential with a density not to exceed 8.4 units per acre. The proposal is for seven duplex townhome structures totaling 14 dwelling units on 2.04 acres. A final plan and plat were approved for this property on March 17, 1982 but was never recorded. This proposal reduces the density from 8.4 units per acre to 6.9 unit per acres. Access to the subdivision will be via East Indian Creek Drive which is a county road. All review agency's comments indicate that there are no technical problems.

A petition objecting to this development was received by the Community Development Department prior to the petitioner's application of this proposal. Subsequent to application, no comments have been received from the neighborhood.

Mr. Boeschstein gave an overview of the review agency comments which are included with the file.

PETITIONER'S PRESENTATION

Ted Ciavonne, with Ciavonne and Associates representing the developer on the project, stated that the proposal for the Indian Wash Subdivision Filing 1, Phase 1 is a final plan which is a revision of an existing planned development proposal named Rusty Sun Subdivision. Fennern Construction, Incorporated purchased the property in May of 1983. In March of 1984 and April 1985 the City Planning Commission granted an extension of the plan and no further request for extension of the plan or reversion of the plan were requested since. This proposal is for a planned residential zone with a density of 8.4 units per acre and is Phase 1 of an existing 7.18 acre development. Phase one is 2.04 acres with 14 units or a developed density of 6.9 units per acre. The net result is an 18 percent reduction between what is being proposed and what is currently zoned. The proposed development will offer 1,100 to 1,400 square foot two and three bedroom, single level patio style homes with two-car garages. The garages can be entered from the side of the unit. A single color scheme shared by both units will help to reinforce a single unit appearance. The target market for this development will be the active retired person.

Directly impacted by this proposal is the Indian Village Subdivision; a single family subdivision of 98 lots most of which are developed. The most direct effect of this proposed development is the additional traffic generated. The Institute of Transportation Engineers Manual estimates that there will be 140 trips for this subdivision. However, the retired adult target market for this development has been shown to fall more in the range 4.3 average daily trips as opposed to the 10; therefore, reducing the potential traffic from 140 ADT down to 60.

The draft covenants that were attached to the appendix demonstrate the developer's commitment to building a strong association. The project will begin construction upon

approval by the City. The improvements required prior to issuance of building permit, such as underground utilities, will be constructed first. Construction will then proceed with the completion of the improvements and the first unit.

Two changes have been made since the time of submittal. The first change is the phasing of construction. It is difficult to obtain secondary financing until 50 percent of a phase has been built. For example, with the first phase, secondary financing is not available until the first seven units have been entirely constructed. By breaking a first phase into Phase a and b, it allows us to obtain secondary financing.

The second change is the condominium style ownership. There would be no change in style of units, plan, landscaping, or to anything that has been originally submitted other than the form of ownership. The original proposal was for townhome ownership, and now the proposal is for condominiums.

The petitioner's response to the review comments are as follows:

City Fire Department - The fire hydrant is where they want it.

Public Service - The easement is not necessary because it is a blanket easement covering all the open space.

US West - Negotiation concerning additional telephone facilities will be initiated following approval.

Ute Water - The discrepancy in the main size was changed.

City Utilities Engineer - Comments from Central Grand Valley were received and all discrepancies were resolved. City Water and Ute Water standards are both being followed. Erosion Control will be the same as that shown for storm basin D. The drain easement between units 8 and 9 has been added. It was decided that the easement between 4 and 5 was unnecessary. Palisade provides the irrigation water.

City Engineer - The noted changes are being made regarding the sign and the garage configuration. Spaces in the backup lane meet the City parking lot standard.

Community Development Department - The dedication language has been changed to include the dimension indicators.

City Property Agent - The legal description has been adjusted as requested.

Review comments from County Planning and County Engineering were received this afternoon and have not been resolved.

Mr. Ciavonne continued; Planning wants Indian Wash to be taken over by the Homeowners Association or the City. The Indian Wash open spaces is not incorporated into this subdivision, so it is not within the homeowner's jurisdiction to take it over. County Engineering indicated problems with the curb cuts onto East Indian Creek. There are curb cuts to three units which are 30 feet from the intersection in East Indian Creek.

QUESTIONS

Commissioner Halsey asked if there was anything that would restrict the units from being two stories?

Mr. Ciavonne said he was unsure, but he thought that the Colorado Condominium Act would protect that type of thing.

Commissioner Elmer asked if Staff had reviewed the Covenants?

Mr. Boeschenstein replied that they had just received the revised Covenants, but they had reviewed the original Covenants.

Mr. Ciavonne said that the difference between the original Covenants submitted and the revised Covenants are that they are more strict because of the State Act Condominiums Association.

Commissioner Elmer asked if the Homeowners Association would take care of the grounds?

Mr. Ciavonne replied that he assumed it would be taken care of by contract.

Commissioner Elmer asked if they would build a pond?

Mr. Ciavonne answered that there is already an existing irrigation source from the irrigation supply system located at the northeast corner of the property and on the southwest corner provided by Palisade Irrigation. It will be a pumped automatic sprinkler system.

Commissioner Elmer asked if anyone had looked at the flood and drainage analysis of the wash?

Mr. Ciavonne said that ten years ago Indian Wash was in the flood plain. When the Corp of Engineers did their remedial work on the north side of the interstate and built the detention and retention it was taken out of the flood plain.

Commissioner Elmer asked if there were studies that show this?

Mr. Ciavonne said that the City Engineering Department has indicated that there is no longer a flood plain issue.

Commissioner Elmer stated that he had walked along the northeast corner of the property, and he noticed some cutting action from Indian Wash that indicated that there may be some erosion problems. He asked if there was a way to prevent cutting into someone's property?

Mr. Ciavonne replied that they had been in contact with the Mesa County Maintenance and Building Department regarding this. They have permission to go in and reduce the severity and increase the stability of the slopes which should take care of this.

Commissioner Elmer asked if there should be some provision to protect the City from having to go in there 10 years from now when there is major erosion five feet away from someone's house. Should that be City, County, or the Homeowners Association responsibility?

John Shaver said that under the present operational maintenance agreement, it would fall on the respective governmental entities. If the Wash is in the County, the County would have the responsibility for maintenance and operation.

Commissioner Elmer stated that the proposed fence looked satisfactory but wondered why the same style of fence around Indian Village was not being used.

Mr. Ciavonne replied that they were trying to create an identity and wanted something a little more elaborate than the fence around Indian Village.

Commissioner Elmer pointed out a concern with watering near the foundation that was noted in the soils report. He asked if the plants near the foundations were desert type plants and if they would be 5 to 10 feet away from the buildings?

Mr. Ciavonne replied that he did not know but would comply with what was recommended.

Commissioner Elmer asked if the Homeowners Association would be responsible for the maintenance of the driveways since they were located in the open space area?

Mr. Ciavonne replied that this is why the Condominium Style ownership was designated. Under a Condominium Association these parcels of land are identified.

Commissioner Elmer objected to splitting one of the duplexes in half in the first phase. Is there a reason why eight units cannot be part of first phase?

Mr. Ciavonne replied that because of the drainage issue, he felt that this was the logical place to split the phasing. He added that they would not be building that unit until they were ready to build the other because of the shared wall. The phasing is being done for financial reasons only.

Commissioner Elmer asked if the phasing would effect the improvements?

Mr. Ciavonne replied that the improvements agreement would be comprehensive for the entire development.

Chairman Love asked Mr. Ciavonne to address the drainage issue as far as water rights are concerned.

Mr. Ciavonne responded that because the current owner has continued to pay the fees and taxes over the years, it is assumed that the owner can also provide water. There are water rights tied to the land, and there are supply lines at two corners of the property.

Chairman Love asked if all the improvements would be completed once Phase 1a is finished.

Mr. Ciavonne answered Phase 1a includes all under ground improvements, stubs to the lots, street, curb, gutter, sidewalks, and a fire hydrant. It includes all the improvements excluding the two improvement agreements.

Chairman Love asked Mr. Boeschstein if he had reviewed this as far as it relates to the phasing aspect?

Mr. Boeschstein replied that the most current agreement has not been reviewed since it was only proposed today. He stated that he did understand that all the improvements would be done as one unit. They will have to present a new improvements agreement and guarantee which does not split the improvements into phases.

Mr. Ciavonne stated that the improvements would not be done in phases.

When asked about curb cuts, Mr. Ciavonne replied there are three units that have garages that can be entered from the side. City standards require that those driveways not be closer than 30 feet from the intersection. County standard requires the driveways not be within 50 feet. He added that they would discuss this with the County.

Commissioner Halsey asked if any consideration was given to fencing the middle lot in the circle since it is surrounded by streets on all sides.

Mr. Ciavonne replied that this could be done if it weren't for the driveway cut. City Engineering also requested that there be no parking in the inside of that Circle. Mr. Ciavonne felt that landscaping would be a much nicer buffer than a fence.

Commissioner Bittel said he still was not comfortable with the irrigation; are the risers on the property?

Mr. Ciavonne replied they are shown on the architectural improvements survey.

Ken Chase, 608 West Indian Creek Drive, stated that the two risers are an extension of the Indian Village water system.

Mr. Boeschstein commented that the improvements agreement is in very rough form, but it needed to include landscaping. There is some confusion over the improvements agreements. There is one unified improvements agreement totaling \$75,612 and two separate improvements agreements one in the amount of \$38,615 and the other \$36,895. Neither of the agreements have completion dates.

PUBLIC COMMENTS

Joe Crocker, representing the Indian Village Homeowners Association, felt that the Indian Village homeowners had not been informed of this project and asked the Planning Commission to table or waive this project until the developers provide additional specific technical information to them.

Kent Chase, 608 West Indian Creek Drive and president of the Homeowners Association, stated that the two irrigation risers that were discussed were set aside for two more parcels with two single houses. He did not feel there was enough water in the irrigation system to supply the additional units. If too much water is drawn from the lower end, the people in the upper end of our subdivision will be short of water.

Chairman Love asked how is the water retained?

Mr. Chase replied that the system is underground with a gate valve on the end of two main lines that are at the lower end of the subdivision. The irrigation water flows to the upper end into a collector box with a overflow capacity when it is not being used. It flows into Indian Wash during peak usage. Water Stock Certificates have been issued to each homeowner and to his knowledge no one has tried to make contact for the use of this water.

Commissioner Halsey asked if it was Palisade or Grand Valley water?

It was agreed that it was Palisade Irrigation.

John Princell, 617 Arapahoe Drive, was concerned with the potential increase in traffic that would be coming off of F Road.

J.T. Krizman, 606 Arapahoe Drive, questioned the compatibility of this proposal to the subdivision. He did not feel the size of the units would be compatible with single family units.

Carol Keys, 606 1/2 East Indian Creek Drive, asked what the price of the units were and if the petitioner planned on renting or selling them?

Evan Richards, 604 East Indian Creek Drive, was concerned with the drainage and parking. He wanted to go on record that he was opposed to the project.

Brenda Sullivan, 609 East Indian Creek Drive, was concerned with how this project would effect the value of their homes.

Bob Wilson, Indian Village Homeowners Association secretary, requested that the Commission delay action on this project. He added that yesterday he was in the office of Dufford Waldeck talking to Stephen Schweissing. They called Karl Metzner, but Mr. Metzner was not in. Dufford Waldeck then received a call from the Dan Wilson, City Attorney, who told our attorney to back off. Bob Wilson stated that he felt that they had been sold out because their attorneys quit because of the insistence of the City. He stated that they resented it and felt it was unfair.

John Shaver said that Bob Wilson has suggested that there was some pressure exerted by the legal department against the firm of Dufford Waldeck who represented the City in other legal matters. By their representation of your Association, it created a potential conflict of interest for their continued representation of the City. That was the nature of the discussion, there was no pressure exerted.

John Jackson, 620 Arapahoe Drive, wanted it to go on record how many people came to represent the Association and asked that they stand. (Approximately 35 people stood.)

Chairman Love asked Mr. Ciavonne to address the concerns regarding the drainage and the parking.

Mr. Ciavonne replied that none of the drainage runs off-site to adjacent private property. In regard to the parking, the City has asked that parking be restricted on the inside of the horseshoe. We are required to provide four off-street parking spaces, and in some cases we have exceeded that.

Chairman Love asked if the smaller units would be priced around \$60,000.

Mr. Ciavonne replied that the 1,100 square foot homes would be priced between \$75,000 and \$85,000.

Discussion ensued regarding the wash, the open space, and the park.

Mr. Boeschenstein stated that the entire wash is labeled "Indian Wash Park open space Mesa County," so it is basically the County's.

PETITIONER'S REBUTTAL

Mr. Ciavonne stated that the covenants are in draft form. The petitioner has submitted the clarifications on that. He did not feel that there would be parking overflow problems other than what would be associated with any residential development. Regarding the compatibility of this project, he felt that they surpassed the requirement for landscaping. He added that the homes would also be architecturally compatible.

A petition was being circulated when this project was first proposed. Mr. Ciavonne said he contacted Mr. Bob Wilson, the Secretary of the Indian Creek Village Homeowners Association, at that time. The petitioner requested to be allowed to discuss this project with the Homeowners Association. They did not respond to this request. The petition was submitted on April 29, 1991, two days before the petitioner submitted the package to the City. The claim in the petition that there would be a reduction in the adjacent property value is erroneous especially prior to review of the plan. This petition was not initiated because of the plan; it was initiated because of the density.

Commissioner Bittel stated that the irrigation water was still a concern. He felt that they have water rights since they were paying taxes, but he did question that they have an appropriate delivery system. It may be a real problem or expense.

Mr. Ciavonne replied that the landscaping is a significant part of this project, and if irrigation water was not available, domestic water would be used.

Commissioner Bittel asked Mr. Boeschstein if that would modify the proposal if they were to use domestic water?

Mr. Boeschstein said they would need more detail, and the plan would have to reflect that in the improvements.

Chairman Love felt that the responses from the County needed to be addressed.

Commissioner Elmer was disappointed that the Indian Village Homeowners did not have a chance to review the proposal, especially since the petitioner made an effort to meet with them. He felt that the covenants should be reviewed by Indian Village Homeowners.

Commissioner Bittel suggested tabling this item for a month to give the petitioner and the homeowners an opportunity to address these questions and problems.

Mr. Ciavonne replied that he would prefer that the Commission construct a motion that would address the problems.

MOTION: (COMMISSIONER ELMER) "Mr. Chairman, on item #31-91, a request for Final Plat for 14 units on 2.037 acres in an existing Planned Residential Zone, I move that we approve this subject to the review agency summary sheet comments and also that the Covenants be structured to be as strict aesthetically as existing Indian Village Subdivision Covenants, that there is an improved irrigation plan, that the improvements agreement be updated to include landscaping and irrigation because the final plan is an improvement over the existing plan and because of the landscaping and reduced density."

Commissioner Halsey seconded the motion.

A vote was called, and the motion was passed by a vote of 3-1 with Chairman Love opposing.

MOTION: (COMMISSIONER ELMER) "Mr. Chairman, on item #31-91, a request for a Final Plan for 14 units on 2.037 acres in an existing Planned Residential Zone, I move that we approve this subject to the review agency summary sheet comments and also that the Covenants be structured to be as strict aesthetically as existing Indian Village Subdivision Covenants, that there is an improved irrigation plan, that the improvements agreement be updated to include landscaping and irrigation and that the final plan is an improvement over the existing plan because of the landscaping and reduced density."

Commissioner Bittel seconded the motion.

A vote was called and the motion was passed by a vote of 3-1, with Chairman Love opposing.

IV. HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

1. #5-91 TEXT AMENDMENTS FOR 1991

This item was tabled until the July 2, 1991 Planning Commission Hearing.

2. 34-91 REZONE FROM HIGHWAY ORIENTED (HO) TO RESIDENTIAL SINGLE FAMILY 8 UNITS PER ACRE (RSF-8), A request to change zoning on eight properties from Highway Oriented (HO) to the Residential Single Family 8 units per acre (RSF-8).

Petitioner: City of Grand Junction

Location: 2001, 2009/2011, 2015, 2031, 2012, 2020, 2026/2026 1/2 and 2030 Aspen Street.

Consideration of a Change of Zone from HO to RSF-8

STAFF PRESENTATION

Mr. Thornton gave a brief overview of the rezone request for Aspen Street from Highway Oriented (HO) to Residential Single Family not to exceed 8 units per acre (RSF-8). The rezone was initiated by the Community Development Department upon written request by each property owner. There are eight properties involved; single family residences are on five of the properties, a duplex on one, two homes on one and a mobile home on one. After researching, it was determined that when this existing neighborhood was annexed in 1973 the HO Zone was given to the above mentioned properties. Community Development staff concurs with the property owners in that the neighborhood should be restored to a residential zone.

If one of the homes were destroyed by more than 50 percent, it could not be rebuilt because a residential structure is nonconforming in a HO Zone. This neighborhood has been in existence and was platted in the 1940's. Many of the residences have been there for many years. If the zone is changed to RSF-8, all the single family homes would be allowed to remain as a use by right. However, the duplex and the mobile home would remain nonconforming but could remain there under the grandfather clause.

The area impacted to the west is currently zoned PMH, HO to the north and east and R-2 (residential) to the south. City staff held a meeting with the neighborhood to address any concerns and/or questions they may have. The neighborhood consensus was that even though this zone did not fit all the existing uses, it would be a step in the right direction. RMF-16 Zone was considered, but it did not seem appropriate for this neighborhood since five of the eight lots had single family homes on them and the higher density might encourage multi-family dwellings.

The proposal meets the criteria for a rezone. The existing zone of HO was an error at the time of adoption because the use is residential not highway commercial. There has not been a major change in this residential neighborhood. There is not a need for the HO Zone. There is an area need for the rezone because all property owners within the area considered are requesting the rezone. The proposed rezone is compatible with the surrounding area. The benefits derived by the neighborhood by granting the rezone will allow the neighborhood to stay intact and grant them the option and the ability to improve and maintain their single family homes. This proposal conforms with policies and requirements of the Zoning and Development Code. All services are available and currently serving this neighborhood.

Commissioner Elmer asked if the City should require, pavement, curb, gutter and sidewalk?

Mr. Thornton said in 1977 the neighborhood petitioned the City to make street improvements. The curb, gutter and sidewalk were not included with the pavement section. For the past 10 years, they have been paying into a special improvements district fund for their neighborhood.

Don Newton, City Engineer, stated that the residential property owner could get their street paved through the special improvement district. This was done to eliminate gravel streets through out the City. It was in these established neighborhoods that pavement improvements were started. The neighborhood installed the sewer line at their cost.

MOTION: (COMMISSIONER HALSEY) "Mr. Chairman on item #34-91, a request for a rezone from Highway Oriented (HO) to Residential Single Family not to exceed eight units per acre (RSF-8), I move that we forward this to the City Council with the recommendation of approval subject to the review agency summary sheet comments and for the following reasons:

1. the existing zone of HO was an error at the time of adoption;
2. there has not been a major change in this residential neighborhood;
3. there is an area need for the rezone which will allow the existing land uses to be brought into closer compliance with the type of usage;
4. the proposed rezone is compatible with the surrounding area;
5. all services are available and currently serving this neighborhood;
6. and that no improvements will be required to upgrade the subject area to meet today's code standards."

Commissioner Bittel seconded the motion.

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

3. **#33-91 EASEMENT VACATION.** A request for an easement vacation in an RSF-8 zone.

Petitioner: Jeanie Vaughn

Location: 268 West Parkview Drive

Consideration of an Easement Vacation

STAFF PRESENTATION

David Thornton gave a brief overview of the proposal. Mrs. Vaughn, the owner of the property at 268 West Parkview Drive, requested that a portion of the utility easement across her property be vacated. A corner of her existing garage encroaches onto the easement. Currently, there are no underground utilities within the easement. The original plat of Parkview Subdivision dated March 24, 1946 shows a 10 foot easement on the lot north of 268 West Parkview. Originally there was an easement which was on Lot 19 and about three months later a replat was done which flip flopped the easement onto Lot 17. In order to

meet the Zoning and Development Code requirements, there needs to be an easement somewhere. The owner of Lot 19 has submitted a letter stating he would grant an easement along his property. As far as drawing up the deed or instrument, that has not been done. The petitioner is having some difficulty obtaining title insurance because the garage sits over the easement. Staff recommends approval of the easement vacation if an alternate easement is dedicated across Lot 19 which would accommodate the existing irrigation line and overhead lines.

MOTIONS: (COMMISSIONER BITTEL) "Mr. Chairman, on item #33-91, a request for an easement vacation in RSF-8 Zone, I move that we forward this on to City Council with the recommendation of approval subject to the condition that an alternate easement across Lot 19, Block 6 of the Amended Plat of Parkview Subdivision be dedicated."

Commissioner Elmer seconded the motion.

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

4. **32-92 HORIZON GLEN SUBDIVISION, A request for a Final Plat and Final Plan for request for a revised Outline Development Plan for Phase 1 for 17 single family lots on 9.7 acres; a request for a revised outline Development Plan for Phase 2 for 20 residential units on 4.7 acres; a request for a change of zone from Residential Single Family 4 units per acre (RSF-4) to Planned Residential (PR); and a request for zone of annexation of Lot B, Replat Lot 2 Foster Subdivision to PR.**
Petitioner: S.L. Ventures, Inc.
Location: Northwest Corner of 12th and Horizon Drive
Consideration of Final Plat Phase 1
Consideration of Final Plan Phase 1
Consideration of Outline Development Plan Phase 2
Consideration of Zone Change from RSF-4 to PR
Consideration of Zone of Annexation to PR

Commissioner Bittel requested to be excused in participating in this item because of a potential professional conflict of interest.

Chairman Love stated that so long as the meeting begins with a quorum, it continues with a quorum.

PETITIONER'S REPRESENTATION

Tom Logue, representative for S.L. Ventures, Inc., introduced Mr. Bill Foster who is the President of S.L. Ventures. Part of the proposal lies within the County's jurisdiction. We have submitted and are in the process of replatting a lot in Mesa County which will become part of the Horizon Glen Subdivision. Filing 1 represents all the property that currently lies

within the City of Grand Junction. Filing 2 represents the property that lies within the current jurisdiction of Mesa County. The proposal includes the annexation of this piece of property and platting it Filing 2. There is a City process for the Final Plat and Plan, a City process for annexation along with the County process and none of them seem to coincide in terms of timing. Therefore any consideration the Planning Commission gives for Filing 2 would be conditional upon the County's acceptance of the replat of Lot 2 of Foster Subdivision.

A road standard has been established and approved by City Council due to the nature of this project which is largely effected by the identified wetlands. As the plan was being refined, the one-way loop has been shortened to the satisfaction of the Fire Department. In the preliminary plan, we indicated a need to construct some retaining walls. As the street grades were redesigned, we were able to eliminate some of the sections of the retaining wall. The overall density and the size and configuration of the lots remain the same.

One of the other conditions of approval was refinement and re-submittal of a revised outline development plan. The conditions of approval indicated the need for a second access through the property. We feel that we have addressed some of those technical concerns.

QUESTIONS

Commissioner Elmer asked what street standard the City Council approved?

Mr. Logue replied that the entrance consists of a 26 foot wide paved asphalt surface with two lanes of paving and parking on one side. On the right hand side approaching the one-way looped portion of the subdivision, there is a four foot sidewalk on the left side, a two foot barrier curb at grade, and a one-way loop which includes a total improved width of 20 feet from the outside of the sidewalk to the inside of the barrier curbs. There is a four foot wide pedestrian walkway on the outside of the entire right-of-way. All of the roadways are sloped so that they drain towards the drainage channel.

Commissioner Elmer asked if they were putting sidewalks and curb all around?

Mr. Logue replied affirmatively.

Commissioner Elmer asked if the private drive sections shown are only driveways.

Mr. Logue replied affirmatively; one driveway will be servicing two lots and two locations. The maximum length of the longest driveway is 120 feet.

Commissioner Elmer asked Mr. Logue to address the plans for irrigation water.

Mr. Logue replied that at the time of the original application, they were and still are in negotiation with some adjoining property owners for the construction of a pond to retain the

irrigation water. We are in the process of acquiring rights on water and providing a centralized pressurized system. If we are unable to obtain that right, then our only recourse is to utilize domestic water sources for the landscaped areas along with modifying the covenants so that they encourage drought resistant landscaping. He suggested that these negotiations would be resolved within the next two weeks or so.

Commissioner Elmer said if a pond is built, it should be on a separate lot owned by the Homeowners Association.

Mr. Logue said that they would include an irrigation easement. The area that was selected for the pond is not suitable for construction and is identified on the development plan as a specific envelope. He added that they failed to indicate an irrigation easement on the balance of the lot.

Commissioner Elmer then asked if a dam was in the plans?

Mr. Logue replied affirmatively; the dam would be around 6 1/2 feet high.

Commissioner Elmer asked how the F 1/2 Road cul-de-sac was being addressed?

Mr. Logue stated that when the City Council reviewed the preliminary plans, it was felt that even though the plans did not totally meet the Fire Department's requests some turning movements could be facilitated within the right-of-way. Because of the landscaping and lot improvements within the right-of-way, it was felt that constructing a cul-de-sac would not be appropriate. This information was transmitted to the Mesa County Engineering Department, and we are showing some alternative turning movements. There has been testimony at both the Planning Commission and City Council Hearings from property owners that did not have a problem with the emergency access. Service vehicles such as mail and trash trucks have been maneuvering through there.

Mr. Logue stated that the sole purpose of the triangular piece of land shown on the final development plan is to provide access to the metes and bounds parcel located immediately south of the property. Its current access is limited to Horizon Drive, however, being that Horizon Drive is an arterial it is probably not appropriate to encourage additional driveways. He added that they would create an outlet and convey that property to the owners.

Commissioner Elmer asked for clarification, will they have access to F 1/2 Road?

Mr. Logue replied that an existing gravel driveway lies within an easement that was granted in the 1970's to others across this property. The Petitioner really doesn't have the right to remove that easement. If the City or the County can find the means to block that off possibly with the alternative access, we don't have a problem with that.

Commissioner Elmer stated that he noticed two of the backyard setbacks were 10 feet and asked Mr. Logue if he was agreeing to change them?

Mr. Logue replied that he was.

Commissioner Elmer was concerned with the enforcement of the covenants regarding the wetlands. What type of enforcement action or capabilities will be included in the covenants?

Mr. Logue replied that the covenants will include a architectural control committee reviews. Those wetland areas have been identified as being a integral part of the development. It is our understanding that enforcement will come from the Army Corps of Engineers.

Commissioner Elmer asked if the homeowners or the City would have enforcement capabilities?

John Shaver said that essentially it would remain vested property of the homeowners and the Homeowners Association. It can be deeded to the Homeowners Association for purpose of maintenance and open space. By virtue of the deed, they would ultimately have discretion as to how the property was managed. The federal government is interested in the property by virtue of the Army Corp of Engineers. From a legal stand point, it would be advisable to at least have maintenance and preservation of the wetlands a condition of the covenants and restrictions.

The discussion continued regarding the wetlands. The wetlands should be addressed in the covenants. Notification should be given to future residents in Horizon Glen that there is an identified wetlands for preservation and subject to regulation mandated by the Army Corps of Engineers and any activities in those wetlands will be regulated.

Mr. Boeschstein said the other possibility would be to deed it to a third party such as the Mesa County Land Trust.

Mr. Logue pointed out that this was why the open space has been separated in another tract so that it can be conveyed by deed and easily described as a parcel of land in the City of Grand Junction. The assessor's would assess the property and send the tax bill to the Homeowners Association.

When asked if there was a deceleration lane on Horizon Drive between Filings 1 and 2, Mr. Logue replied that there was not.

STAFF PRESENTATION

Mr. Boeschstein stated that the reviews were lengthy and requested that all the review agency's comments be incorporated into the record. Until the annexation is complete, the

City Attorney feels that the Commission can only approve Filing 1. However, the Commission can approve Filing 2 contingent on it being annexed. We do not have an improvements guarantee; the petitioners have been working with the City Attorney on this. The Corp of Engineers have issued a wetlands permit. The second entrance onto Horizon Drive was approved by the City Council, although Staff and the Planning Commission recommended against a second entrance. There should be a deeded access across Phase 2 so that there is deeded right-of-way. The water issues which appeared to be a major conflict between Ute Water and City utilities has now been resolved. The irrigation is still a major issue and needs clarification on whether a pond is going to be used or if it is going to be Ute Water used for irrigation.

The ODP on Phase 2 has been reviewed several times. Basically what the petitioner is doing is transferring their development rights. Since it is zoned RSF-4, they are entitled to build 20 units. They are clustering those 20 units on the far northwest corner and leaving the rest of the parcel open so that the wetlands that flow along Horizon Drive are being left intact. They are also proposing to build some of those units on what appears to be wetlands; therefore, we recommend that the Commission only give a contingent approval to that ODP based on further detailed Wetlands mapping and moving those units around depending on where the wetlands are. The height restriction on buildings needs to be clarified. In terms of sequencing, the County needs to record its plat first, then the City can record its plat rather than the other way around.

Commissioner Elmer asked how new buyers would be made aware that this is a planned development, referring to the ODP?

Mr. Boeschstein replied that is why staff is recommending that an ODP on Phase 2 be approved. If there was not a ODP on Phase 2, it could be a rude awakening for a new owner to suddenly find out that there are 20 units allowed on the 5 acres. By having a plan approved officially in the file, it should eliminate this.

PUBLIC COMMENTS:

Jack Ludwig, 667 Round Hill, asked what the results were regarding the cul-de-sac at the end of F 1/2 Road?

Mr. Boeschstein said the City Council decided that no cul-de-sac had to be built. The County Engineering Department is still requesting that a cul-de-sac be put in. Since the subdivision is in the City limits, the City has jurisdiction.

Mr. Ludwig asked if the residents of Round Hill should assume that there is not going to be a cul-de-sac and F 1/2 Road will not be extended?

Mr. Boeschstein said that this was the present plan. This could be changed by the Planning Commission tonight, or the City Council could reverse it tomorrow night.

Mr. Ludwig said he didn't feel the height restriction had been identified properly in the Covenants. There are several homes on Round Hill that boarder the back side of Horizon Glen subdivision that could be impacted by the height of a home built on the other side.

Mr. Boeschstein stated that Mr. Ludwig can make the request for a visual easement as an adjoining homeowner. We need a height restriction that we can administer.

Mr. Logue said the Covenants indicate that the maximum structure height would be limited to two stories. We will seek guidance from the City in terms of being specific as to where the two-story height is measured.

Chairman Love asked Mr. Boeschstein how he would propose the access to cross Filing 2?

Mr. Boeschstein replied that what is being requested is a surveyed deed that would be recorded with Filing 1.

John Shaver stated that there was a provision made for that access at the preliminary consideration of the plat. The Council's direction was that access would be appropriate by virtue of this development, the consideration being the adjoining parcel to the north that there be suitable access for that. If the property is deemed undevelopable, then the access issue is essentially moot. So the better approach is to establish the access now since we are in this process based on the Council's direction and to prevent the northern parcels from being potentially landlocked.

Mr. Foster said that the existing property north of the subdivision has a buildable secondary access, Cascade Drive, which the County intends to develop in about 10 years. We intend as we go through the process to grant a second access.

John Shaver said one of the concerns here is the creation of what may in fact be a landlocked parcel. Mr. Foster's comments eluded to Cascade and Homestead; those comments may in fact be accurate but those are not in place nor is he aware of any imminent approval for those. Since this is being considered, it may be appropriate to look into the future to require an access for the property to the north.

Chairman Love asked Mr. Foster what his concern was? Is it that you have a road right-of-way and somebody else may come in and develop it?

Mr. Foster replied there are a couple of concerns, one we don't know where we want to put that road right-of-way until a wetlands plan has been completed. In talking with the Army Corps of Engineers, the land owner may not approve or do anything that damages the wetlands. The difficulty with the Army Corp of Engineers is that the fines can run \$25,000 a day. If we put a 40 foot strip through today without a wetlands map and somebody comes in and builds on that road which is a road right-of-way, we cannot stop them. We

would be partially liable for that. Adjacent property owners are saying we want an access through here and we are willing to do that but we want to go through the process. The other concern is that there is currently another access that is just like what they are proposing.

John Shaver stated that there are clearly equities that go both ways in terms of the argument. Staff's position is that we have a direction from the Council pertaining to the access on Horizon Drive through this parcel. By virtue of that direction now is the appropriate time to ensure that access would be in place.

Mr. Foster stated they did not want to be responsible or have anything to do with the road right-of-way until the wetlands map is done.

Mr. Boeschstein said there is no neighborhood circulation plan. There are lot of loose ends which we are trying to tie together, at least partially tonight, with this road going through this parcel. The vacation of Cascade is going through the County process so that will no longer be available to Fosters or the other property owners, leaving that whole north area without a good road circulation pattern.

Commissioner Elmer asked is there some way to work out an agreement with them short of dedicating where to put the right-of-way. Commissioner Elmer then asked what a preservation easement was that was shown on the plat?

Mr. Logue replied that it is defined on the development plan. It identifies that it is an area that no disturbance can occur except for routine maintenance.

Commissioner Elmer said that he would like to add something about the cul-de-sac, even against the Council's wishes. Roads that are dead ended are intended to be extended or cul-de-sac improved.

David Dardin, 698 Round Hill, commented the street being discussed was directly in front of his house. The pavement width is 45 feet and if the drive adjoining it is included, the width is 60 feet.

Commissioner Elmer asked if the City Staff had any response to the Council on this and asked Don Newton if there was anything that could be done?

Mr. Newton replied that there wasn't anything that could be done at this point. A decision was made, and the Council did not feel that there was enough traffic on this road to warrant the standard requirements.

Commissioner Elmer asked if there was a barrier or a dead end sign at the end of the road?

Mr. Logue said there is a split rail fence with vegetation grown over it. There is nothing at the end that would indicate that the street suddenly stops.

Commissioner Elmer asked if the petitioner would be willing to put up a dead-end sign?

Mr. Logue agreed to do this.

MOTION: (COMMISSIONER ELMER) "Mr. Chairman, on item #32-91, a request for a Final Plat for the Horizon Glen Subdivision Filing 1, I move that we approve this subject to the Review Agency Summary Sheet comments along with clarification in the Covenants for height restrictions, maintaining wetlands, an improved irrigation plan, an improvements guarantee and a preservation easement language is added to the plat. This is approved for the following reasons: the plat conforms to the intent of the Code.

Commissioner Halsey seconded the motion.

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

MOTION: (COMMISSIONER ELMER) "Mr. Chairman, on item #32-91, a request for a Final Plat for the Horizon Glen Subdivision Filing 1 and 2, I move that we approve this subject to the Review Agency Summary Sheet comments contingent upon the annexation of Filing 2 to the City of Grand Junction, along with clarification in the Covenants for height restrictions, maintaining wetlands, an improved irrigation plan, an improvements guarantee and a preservation easement language is added to the plat. This is approved for the following reasons: the plat conforms to the intent of the Code."

Commissioner Halsey seconded the motion.

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

MOTION: (COMMISSIONER ELMER) "Mr. Chairman, on item #32-91, a request for a Final Plan for the Horizon Glen Subdivision Filing 1 and 2, I move that we approve this subject to the Review Agency Summary Sheet comments and contingent upon the annexation of Filing 2 to the City of Grand Junction, along with clarification in the Covenants for height restrictions, maintaining wetlands, an improved irrigation plan, an improvements guarantee and preservation easement language is added to the plat. This is approved for the following reasons: the plat conforms to the intent of the Code."

Commissioner Halsey seconded the motion.

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

MOTION: (COMMISSIONER ELMER) "Mr. Chairman, on item #32-91, a request for an Outline Development Plan for the Horizon Glen Subdivision Phase 2, I move that we approve this subject to the Review Agency Summary Sheet comments, requiring further wetlands mapping and dedication plan and a provision made for a public road through the property to the north, that the provision be agreed upon by the Staff."

Commissioner Halsey seconded the motion.

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

MOTION: (COMMISSIONER ELMER) "Mr. Chairman, on item #32-91, a request to change the zone from RSF-4 to PR 4 units per acre in Phase 2, I move that we forward this on to City Council with the recommendation of approval contingent upon the annexation of Filing 2 to the City of Grand Junction."

Commissioner Halsey seconded the motion.

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

MOTION: (COMMISSIONER ELMER) "Mr. Chairman, on item #32-91, a request for a Zone of Annexation to PR-4, I move that we forward this on to City Council with the recommendation of approval contingent upon the annexation of Filing 2 to the City of Grand Junction."

Commissioner Halsey seconded the motion.

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

There were no non-scheduled citizens and/or visitors.

The meeting was adjourned at 11:12 p.m.