

GRAND JUNCTION PLANNING COMMISSION
Special Hearing: December 13, 1988
7:30 p.m. - 9:00 p.m.

The special hearing of the Grand Junction Planning Commission was called to order at 7:30 p.m. by Chairman Stephen Love.

Other Commission members attending the hearing included: Jack Campbell, Karen Madsen, Jim Tyson, Jean Sewell, Ron Halsey, and Dutch Afman.

Mike Sutherland was present from the Planning Department, and Kathy Portner was also present to record the minutes.

Approximately 45 interested citizens attended the hearing.

Chairman Love clarified to the audience that the special hearing had been called to reconsider item #38-88, consideration of rezone for filing four Northridge Estates PR-4 to PR38-88, and consideration of a revised preliminary plan and plat on filings four and five. The item had been sent back to Planning Commission by the City Council.

PETITIONER'S PRESENTATION

Pat Edwards (representing the petitioner) asked Steve Foster, one of the original developers of Northridge, to say a few words. Mr. Foster reminded everyone that the original filing four had been withdrawn from any more planning pending the outcome of the Horizon Drive saga. At that time it was assumed that Horizon Drive would come through that portion of Northridge.

Pat Edwards outlined the proposed changes on the revised preliminary plan. The changes are as a result of numerous meetings with the homeowners and their representatives. The neck area of the property is being proposed as single family housing, at a reduced density of what is currently approved. Therefore the total number of single family units has been reduced to 37.

The revised plan for the retirement center shows the building being rotated into an "S" shape away from the full view of the Northridge residents. The major activity area of the center is buffered by the location of the building. The parking area is at a considerably lower elevation than the closest houses with a 1.1 acre open space/landscaped buffer. The garden units have been moved farther down the hill away from existing houses. The number of retirement units has been reduced from 141 to 127, resulting in a density of approximately 12 to 12.5 units per acre.

The petitioners have resolved the easement issues with Mr. Jones. Mr. Henry will have access to his garage. The Northridge property

extending onto the south side of the Ranchman's Ditch will be quit-claimed to adjoining property owners. The entire property will be platted in one filing, but will still have phased development. There will be deed restrictions, reciprocal covenants, and guarantee of completion of certain sections of curb, gutter and streets up front.

QUESTIONS

There were none at this time.

STAFF PRESENTATION

Mike Sutherland restated that there would be a reduction of the total number of units and the density of the retirement units would be approximately 12.9 units per acre. The details of deed restrictions, reciprocal covenants, and road improvement guarantees would be required at the final plan and plat stage.

QUESTIONS

Mr. Edwards clarified for Chairman Love the phasing of street improvements.

PUBLIC COMMENT

FOR:

Harold Grosse. 3304 Music Lane. spoke in favor of the proposal. His property is directly adjacent to the proposed retirement center. He and his wife felt that the revised plan may be the best alternative for development there.

Warren Jones. 2624 F 1/8 Road. also adjoins the property in question. He and his wife also favor the proposal. All of their concerns have been addressed by the petitioner.

Mr. Edwards asked that a letter from the Putnam's, 627 Sage Court. in favor of the proposal be entered into the record. He noted that the letter was written prior to the proposed revision, but he has spoken to them and they are still in favor of the proposal with the addition of some landscaping.

AGAINST:

Fred Aldrich, 340 Music Lane, felt the revised plan is a result of meaningful thought given to the design. He contended that although the design may be acceptable, the use is not. He still felt this type of development does not make sense for this area. He felt that this was a risk to the value of the surrounding properties. He also felt that there was a risk if this proposal fails. What

else could the building be used for? He also described the character of the existing neighborhood as being family oriented and that was what the residents liked. In the long term this is not good for Grand Junction. It is not good planning. Residents bought in this neighborhood, relying on the existing zoning.

April Rarick, 3324 Music Lane, also spoke in opposition of the plan. She felt the retirement center would create an unacceptable increase in traffic for the Northridge area and offered some numbers to support her position.

Robert Ruggeri, 3314 Music Lane, opposed the petition. He was worried that promises would not be kept by the petitioner or future owners.

Russ Doran, 3350 Music Lane, spoke in opposition. He referenced a similar project in Colorado Springs, which he felt was successfully compatible with the surrounding area. It was constructed on an existing high traffic intersection, providing an appropriate buffer between commercial properties and residential. The Grand Junction proposal is not an appropriate transitional property.

Paul Reddin, 3010 Cloverdale Court, felt that this so called "bottom land" is good land and should be used for single family residential uses. The proposed large structure will look like "Hoover Dam" to those living in the lower area of the subdivision.

Danny Baldwin, 3010 Northridge Drive, concurred with other opposition and contended that this was spot zoning.

Joan Raser, 3343 Northridge Drive, also opposed the petition. She felt single family development in this area would be viable. She also reminded the Commission of the petition against the rezoning signed by about 100 people in the area.

PETITIONER'S REBUTTAL

Pat Edwards contended that this request was not spot zoning because it would still be a residential zone. He also reminded the Commission that what is currently approved for the area includes townhomes.

Mr. Edwards quoted numbers supporting the idea that the retirement center would have less population and generate less traffic than single family homes in the same area. He also felt that this proposal would not negatively affect property values. He further noted that the existing Mesa View has been very successful and has a waiting list. Population projections for Grand Junction show the elderly population increasing at a relatively high rate. He submitted that this was the best use for the property and was in a po-

sition to provide the necessary improvements for development in the area.

QUESTIONS

Mr. Edwards clarified for Commissioner Sewell that the traffic generated by the facility would be directed toward Horizon Drive.

STAFF REBUTTAL

Mike confirmed that this type of facility, on an average, generates less traffic than single family development. He suggested that the City get current traffic counts for the area prior to final plat and plan. He clarified that if this proposal were approved, the zoning would be final but the final plat and plan would again come up for hearing for review and approval. Mike also clarified that this was not spot zoning since it would remain residential.

QUESTIONS

Chairman Love clarified that the letter from the Putnam's is a matter of record in the file.

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, ON ITEM #38-88, CONSIDERATION OF A REZONE FROM PR-4 TO PR38-88 FOR DENSITY OF APPROXIMATELY 12 UNITS PER ACRE ON FILING FOUR OF NORTH-RIDGE ESTATES, I RECOMMEND THAT WE FORWARD THIS ON TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."

Commissioner Afman seconded the motion.

A vote was called and the motion passed by a vote of 5-2 with Commissioners Love and Tyson opposed.

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, ON ITEM #38-88, CONSIDERATION OF PRELIMINARY PLAN AND PLAT FOR FILINGS FOUR AND FIVE OF NORTHRIDGE ESTATES, I RECOMMEND THAT WE APPROVE THE REQUEST SUBJECT TO DEED RESTRICTIONS, STREET IMPROVEMENTS AND RECIPROCAL COVENANTS AS OUTLINED AND SUBJECT TO COMMENTS ON REVIEW SUMMARY SHEET."

Commissioner Sewell seconded the motion.

A vote was called and the motion passed by a vote of 5-2 with Commissioners Love and Tyson opposed.

The meeting was adjourned at 9:00 p.m.



City of Grand Junction, Colorado
81501-2668
250 North Fifth Street

January 5, 1989

Fredric B. Butler
Attorney at Law
P.O. Box 960
Eagle, Colorado 81631

Re: Lot 55, Lamplite Park

Dear Fred:

Uniform Building Code Section 203 provides a basis for the building inspector to make a determination that a structure is not habitable because of structural problems. As you are aware, the house located at 1156 Santa Clara (Lot 55, Lamplite Park Subdivision, Filing No. 1) was declared to be unsafe for occupancy by Andy Anderson on August 20, 1984. Mr. Anderson informs me that since that date a number of conversations have been had with your client, Mr. Hasty, wherein Mr. Hasty has been informed that he may retain the services of a structural engineer to the goal that the foundation and/or drainage around the structure may be modified to make the property habitable. Mr. Hasty has apparently declined to pursue that remedy. The City has not, and at present does not intend to, initiated any court action which would constitute a formal "condemnation proceeding." Nor does the City intend at this point to initiate any action on its own to abate the structure since the "red tag" suffices, inasmuch as it prohibits the occupancy of the structure. Mr. Hasty has the option, if he determines not to engage services of an engineer, to simply remove the structure from the lot.

As it relates to the issue of whether or not the decision of the Building Inspector may be appealed, it is my position that the decision of the building inspector is not one which is appealable as contemplated by Section 204 of the 1985 edition of the Uniform Building Code. That Section 204 provides for an appellate review through a board of appeals only of "suitability of alternate materials and method of construction and to provide for reasonable interpretations of this code." I am of the opinion that any review of the Building Department's decision must be had by the District Court.

I am informed by the City Clerk that there are no rules of procedure promulgated by the Board of Appeals or the City; we will make reference only to the Building Code and to the City ordinances.

Fredric B. Butler
January 5, 1989
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With regard to the specific objections held by the Building Department regarding the safety of the subject residence, please contact Andy Anderson directly. His telephone number is 244-1655.

When we met in my office both you and Mr. Hasty indicated there was in your mind an issue of notice of the "red tag." Mr. Anderson informs me that Mr. Hasty was personally informed by Mr. Anderson prior to Mr. Hasty having acquired the property, that the property had been designated as uninhabitable. Therefore, the City believes that Mr. Hasty bought the home subject to all the defective conditions and subject to all the conditions of the "red tag."

If you have any questions please feel free to contact me.

Very truly,



Dan E. Wilson
City Attorney

DEW:tm

cc: Andy Anderson, Chief Building Inspector
Karl Metzner, Planning Director
Neva Lockhart, City Clerk