

GRAND JUNCTION PLANNING COMMISSION  
Public Hearing -- October 29, 1985  
7:30 p.m. - 9:15 p.m.

The public hearing was called to order by Chairman Bill O'Dwyer at 7:30 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission were:

Karen Madsen	Miland Dunivent
Warren Stephens	Ross Transmeier
Bill O'Dwyer, Chairman	Mike Dooley

In attendance, representing the City Planning Department were:

Bob Goldin	Karl Metzner
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Terri Troutner was present to record the minutes.

There was approximately 12 interested citizens present during the course of the meeting.

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**I. APPROVAL OF MINUTES**

**MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, I MAKE A MOTION THAT WE APPROVE THE MINUTES OF THE SEPTEMBER 24TH MEETING AS SENT TO US."**

Commissioner Dooley seconded the motion.

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

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

### **III. FULL HEARING**

#### **1. #27-85 EASEMENT VACATION**

Petitioner: Health Services Programs, Inc.

Location: Little Bookcliff Ave. and the Grand Valley Canal

Consideration of Easement Vacation.

#### **PETITIONER'S PRESENTATION**

Paul Malinowski of the Grand Junction Housing Authority and representing the petitioner gave a brief overview of the project. He said that with regard to the overlap of the drainage easement to the west of the property, this 20' easement would not need to be vacated. Neither would a 30' utility easement directly to the north need to be vacated (at the request of Public Service).

#### **QUESTIONS**

There were no questions at this time.

#### **STAFF PRESENTATION**

Bob Goldin stated that all staff and review agency comments had been addressed and since no adverse comments had been received, there were no further problems with the request.

#### **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ITEM #27-85 EASEMENT TO VACATE, I MOVE WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."**

Commissioner Dooley seconded the motion.

Before the vote was called, Commissioner Transmeier commented that although he had no problems with the request to vacate, he felt that the project was a exhorbitant waste of taxpayers' money since government funds to be used for building the new housing facilities could be used to purchase existing homes which are currently vacant in the Grand Junction area. Commissioner Transmeier added further that it was for this reason alone he intended to vote against the proposal.

A vote was then taken and the motion passed by a vote of 5-1, with Commissioner Transmeier opposing.

**2A. #28-85 VACATION OF PORTIONS OF GRAND JUNCTION TECH CENTER  
SUBDIVISION**

Petitioner: Grand Junction Tech Center, Inc. and Warren Jacobson  
Location: Northwest corner of 24 and G Roads.

Consideration of a Subdivision Vacation.

**PETITIONER'S PRESENTATION**

Daryl Shrum, representing the petitioner, gave a short outline of the request. He felt that all technical issues concerning this project had been resolved; however, he felt that certain policy issues still deserved clarification and presented each with further elucidation.

With regard to the Open Space Fees, the petitioner proposes to pay one third of the approximate \$37,000 total fee for the first filing up front with the recording of the plat and pay the remainder within one year.

The Covenants have been received back from the City after review by the City Attorney and both the City Building and Planning Departments. The petitioner will be going over these revisions and produce a final draft for consideration of acceptance by the City.

Daryl stated that the petitioner has agreed to pay for one half of the full street Improvements to G and 24 Roads. The only question which seemed to remain was the timing of when those improvements were to be performed. Funds will be escrowed when the design criteria is received from the City and County Engineering Departments.

The petitioner felt that the questions posed by the Grand Junction Drainage District were resolved in that agreements were made to tile the open ditches along G Road and those along the western property line. Improvements estimates were at \$82,000 which did not include the labor for tiling of the ditches. One issue which did remain, however, was with regard to a newly instituted policy by the Grand Junction Drainage District requiring a \$250 per lot assessment fee. Since the project incorporated 403 lots and a lot of money was at stake, the developer had his attorney review this ordinance and a flaw was suspected. It was suggested that the money be deposited with the court and when the decision was made, the money would then be dispersed according to that decision.

**QUESTIONS**

There were no questions at this time.

## **STAFF PRESENTATION**

Bob stated that no adverse comments were received, however, he recommended that when making the motion, if the vacation is recommended for approval, it be recorded with the final plat (if the plat is approved) to insure the continued access of easements, right-of-way etc.

## **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

## **QUESTIONS**

Commissioner Transmeier asked if whether this vacation was for Phase One only. Why didn't this include Phase Two?

Bob replied affirmatively to the first portion. He elaborated that the petitioner did not request vacation of Phase Two because they had felt it in their best interest not to do so even though they were advised that additional fees would be incurred when Phase Two was submitted.

Commissioner Stephens asked if there were critical easements on the north half that, if approved later, would coincide with easements located in the south half.

John Ballagh, representative for the Grand Junction Drainage District spoke up from the audience saying that these easements would coincide and that there should be no problems.

Daryl elaborated further saying that the reason the petitioner chose to vacate one half and not the other was that certain utility easements needed to be kept as they are at present. These are mainly comprised of drainage and irrigation easements.

**MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON ITEM #28-85 2A, I MOVE WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION FOR APPROVAL SUBJECT TO RECORDING THIS AT THE TIME OF THE RECORDING OF THE FINAL PLAT."**

Commissioner Stephens seconded the motion.

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

**2B. #18-85 NEIGHBORS RV PARK - PRELIMINARY PLAN**

Petitioner: Grand Junction Tech Center, Inc. and Warren Jacobson  
Location: Northwest corner of 24 and G Roads.

Consideration of a Preliminary Plan.

**PETITIONER'S PRESENTATION**

(Due to the fact that this proposal was split into three sections, the petitioner and Planning Commission opted to forego the repetition of the Petitioner's Presentation at this time.)

**QUESTIONS**

Commissioner Transmeier asked if the streets within the project were private streets and would they be built to City standards.

Daryl replied that they would be private and Mr. Bruckner, structural engineer, and Western Technologies gave them "R" values and based on those factors, planned on a base of 19" with a "V-pan" in the middle.

Commissioner Stephens commented that the proposed thickness of the streets was at 2" but that City standards required 3". He asked for an explanation of that discrepancy.

Daryl said that he, Jerry Fossenier, Don Newton, and Bob Goldin had met and discussed the requirements but no one could find where it was specifically stated that 3" was mandatory. He said that Don Newton, Acting City Engineer, had told him since nothing in the City's regulations required a 3" thickness, that construction could proceed using the 2" thickness.

Commissioner Transmeier said that since these were large vehicles and trucks going over these streets, there was more of a concern. Also, if the Homeowners' Association should fail, who would be responsible for reconstruction of the streets?

Daryl reiterated that the City would not be held responsible for these streets and have stated such in their proposal. If this decision created further problems, the petitioner would meet once again with Don Newton for final resolution.

Commissioner Transmeier asked if the water and sewer utilities would also be private.

Daryl answered that the water would be through Ute Conservancy District and that plans regarding Ute were okayed by them. The sewer would be through a private system.

Commissioner Transmeier expressed concern over the location of the sewer and water lines.

Daryl stated that in discussions with developers in Arizona, it was unsure if lines in Grand Junction could be separated by only 6' as they were in Arizona since Grand Junction called for separation of the lines by at least 10'. He said also that Dick Bowman from the Colorado Department of Health had inferred the standard was set forth but not necessarily there to be followed since they no longer have jurisdiction in this area (it was taken over by the State Senate).

Tom Douville and Don Whetstone of the County Health Department looked through their regulations and found no problems although they did suggest talking to Andy Anderson of the Building Department which was then done. Andy went through the 1982 Universal Plumbing Code and could find no problems with the 6' separation. Daryl said that he didn't feel that there were any records within the State of Colorado where a sewer line broke contaminating a domestic water supply, so he didn't feel that there should be a concern expressed over this issue.

Commissioner Stephens asked for confirmation that for health and safety reasons, Dick Bowman indeed gave the "O.K." for only a 6' separation of the two lines.

Daryl reaffirmed that Dick had told him that from a health standpoint, there were no records of failure and therefore did not have a problem with it. Daryl said that Dick indicated that 10' was a design criterion set by the State of Colorado but municipalities are given allowances to set their own criteria.

Commissioner Stephens asked for a single example of any jurisdiction which does not use to 10' standard.

Daryl was unsure of this point, but said that the State of Arizona did not adhere firmly to this criterion.

Commissioner Stephens continued to question this point.

Commissioner Dooley also expressed this concern saying that there is a problem with unstable soils in this area and could create engineering problems. He asked the petitioner if there would be a single or separate trenches for the lines.

Daryl replied that the sewer line would be placed in the trench and then compacted. Then a separate trench would be dug later and the water line put into it and compacted.

Commissioner Stephens asked again if Don Newton specifically okayed the 6' line separation.

Daryl felt that after going over the proposal verbally and in written form, he had thought it approved.

Commissioner Madsen asked who Dick Bowman was.

Commissioner Stephens responded that he was the district representative to the State of Colorado Department of Health.

Jerome Fossenier, Professional Engineer spoke from the back of the audience saying that it seems that if neither local, County and State officials feel there is a concern, he does not understand why a concern should still remain.

Chairman O'Dwyer explained that the City Council is a body of elected officials chosen to maintain the health, safety and welfare of the citizens of the City and since the Planning Commission is an extension of that entity, the Commission feels a responsibility to make sure that these elements are not threatened.

Daryl conceded that he would go back to Don Newton and those spoken with before and repeat the procedure previously taken.

Jerry Fossenier understood the Commission's stance on protecting the welfare of its citizens but noted that it was also the responsibility of the Commission to enforce the codes and guidelines set forth as direction for the City. He felt that if the Universal Plumbing Code allowed for variances in the standard, then those variances should be allowed in project construction.

Daryl added that the developers would comply if absolutely necessary.

Commissioner Stephens asked why they wouldn't want to comply with the 10' standard.

Daryl replied that they would but it would increase the cost of the sewer through extra compaction in the streets and the service laterals would be longer.

Commissioner Stephens questioned why couldn't they make the utility easement wider.

Commissioner Transmeier added that structures could be built over these easements because they were temporary structures. He asked for reaffirmation of the fact that these were, indeed, intended to be temporary structures.

Daryl commented that this was another viable alternative that may be investigated.

Chairman O'Dwyer said that the City Council expects the Planning Commission to address and resolve these concerns before they review it which is why it is coming under such close scrutiny.

Commissioner Madsen inquired about comments made by the State Highway concerning the entrance to the Park and there not being enough room for emergency vehicles to turn around or for stacking. She asked if this concern had been resolved.

Daryl thought that most of the concern revolved around the location of the gatehouse and after talking with the City Police and Fire Departments, that concern had been resolved.

Commissioner Transmeier asked what the minimum distance would be between inhabited structures.

Daryl responded that this would be 10', even if the units were back to back.

A discussion ensued over the drawings located behind the Planning Commission members showing typical layout of the vehicles locating in the park.

Commissioner Dooley asked for clarification of landscaping along the I-70 right-of-way; did the Colorado Highway Department had a problem with this intention?

Bob Goldin said that Chuck Dunn of the Colorado Department of Highways was adamant about not allowing landscaping in this right-of-way but that if a public entity performed the landscaping, this might be viewed with additional favor. Thus, an alternative might be to have the City pursue this angle with the State and the developers to get the screening installed. The State's main concern was inability to maintain the landscaping themselves.

Commissioner Stephens felt that Homeowners' Associations are typically very weak in this area. What would prevent this newly established Homeowners' Association from defaulting from its responsibilities?

Daryl responded that Arizona's Homeowners' Associations for these RV parks have done very well and he feels that because the Association involves older citizens, it should have a higher success rate than those families of a younger base age. He could not offer any guarantees, however.

Commissioner Stephens commented that if there was a chance of the Homeowners' Association failing, all internal improvements should be designed and built to City standards.

Daryl agreed but added that the covenants were strong and the project was strong and felt that the concern was probably unfounded.



Bob said that he talked to the City Attorney and supplied a copy of his responses to the attorney for the petitioner. Also discussed was the deed restriction possibility but that the City did not desire further intervention in the project. The City Attorney felt that if the covenants were strong and workable to all parties, this should cover the City's concerns. In addition, the future provision of an ordinance on RV parks by the City should also serve as an enforcement response. When owners buy lots, the covenants actually go with the land and owners would be bound by those covenants. A copy of the covenants would go along with the sale of the lots, so the owner would be aware of the requirements/restrictions.

Larry Beckner, attorney for the petitioner, stated that the covenants were received back from the City and there were few changes to be made. He reaffirmed that these covenants runs with the land and those purchasing the land would be as bound by these covenants as any City zoning requirement. The covenants and the bylaws of the Homeowners' Association were designed to be worded as closely together as possible.

Chairman O'Dwyer asked if the petitioner planned on irrigating with potable water. He felt that should another water shortage occur, this could be a real problem. Had the use of irrigation water been discussed?

Daryl replied that they would be irrigating with Ute's water. Using irrigation water had been discussed but cost estimates made use of irrigation water unfeasible because the building of a pump house and settling ponds would take up too much land. They were also dealing with a high water table in this area. Since there was little actual landscaping planned for this area, he didn't feel that water consumption would be a problem. Also, they would be buying bulk water from Ute and economically this is a much preferred alternative.

Chairman O'Dwyer also asked about the retention ponds for the runoff.

Daryl stated that all of that documentation had been submitted earlier.

Jerry Fossenier explained the locations of the retention ponds and their intended uses.

#### **STAFF PRESENTATION**

Bob Goldin stated that all concerns were addressed with regard to the Preliminary stage of the plan.

## **PUBLIC COMMENTS**

Joe Crocker from the Mesa County Engineering Department expressed concern over the placement of the water line on G Road. If money is not available to aid in the construction of this water line, considerable damage may be done to G Road. The line is scheduled for installation on the south side of G Road. If the line goes in and G Road is not developed, the County will require a performance bond be posted to cover replacement one lane of G Road with the utility permit. He asked for a sewer line location on the drawings provided.

Jerry Fossenier clarified that the water line was put on the south side of the street because there was a large drainage ditch on the north. In discussions with the Grand Junction Drainage District, there was a possibility of closing up the drainage ditch on the north side and if this were done, it would allow the developers to move the water line to the north side of the road. He indicated the location of the sewer line to Mr. Crocker on the drawings provided.

## **QUESTIONS**

Commissioner Dunivent asked about the traffic count in the area. How did they arrive at their figures? He felt that the computations on traffic leaving the park were low.

Jerry responded that they used the figures provided by Mesa County who commissioned Paragon Engineering to design the road from Mesa Mall to the highway on 24 Road. They utilized that design and used those figures.

Daryl said that after talking to Charles Trainor, Transportation Planner for Mesa County, no figures could be found for RV parks and yet, even though they had figures for mobile home parks, this project was not a mobile home park. Figures were actually based on statistics gathered by the Arizona Department of Highways. The petitioner opted to raise those statistics as a "best guess" figure but was admittedly unsure of the actual number. He continued by stating that several vans would be furnished for transportation of park residents to various locations and that this would cut down the number of single automobiles entering and leaving the park.

## **STAFF REBUTTAL**

Bob referenced the City/County agreement made for this area when it was annexed into the City and cited that the County did have jurisdiction over administrative concerns such as utility permitting and easements, rights-of-way, etc. for the G Road area, and the City has jurisdiction over 24 Road. Therefore, if a performance bond was required, the County would be within its jurisdiction.

It was suggested that if the proposed payment schedule of the open space fees was acceptable, the deferral of the fees be made to the City Council.

It was requested that in the motion the covenants be agreed to be all parties and that they are supplied to the City before the recording of the final plat. The RV park resort ordinance will be heard at the City Council hearing on November 6th and will address maintenance aspects, allowed uses, etc., so it was suggested that the petitioner get with the City to go over these aspects to insure consistency in development.

Also requested for inclusion into the motion was the fact that the City would not be held liable for any of the internal utilities, or right-of-way. All other concerns were addressed and accommodated for.

#### QUESTIONS

Commissioner Transmeier questioned the use of a wire fence on the west property line. Will there be any screening on this side of the property? This area is zoned industrial and it is desirable to put some type of screening on this side of the property to help protect the tenants of the park from future industrial development.

Daryl felt that maybe additional property would be acquired next to the park for future expansion. As this couldn't be guaranteed, a short term alternative would be to install growing vines along the fence to provide the needed buffer.

Commissioner Transmeier asked if the petitioner would claim responsibility of screening from future developments should tenants request it in the future and not leave the screening requirement to these future developments.

Daryl did not see a problem with this request.

Commissioner Dooley commented that although the motion would acknowledge the streets and utilities as being private, he hoped the petitioner would realize and address the concerns expressed by the City regarding health, safety and welfare of the tenants.

Jerry Fossenier said that many local agencies have been contacted in the pursuit of this goal and that further investigation will be made into the water/sewer line issue.

**MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON ITEM #18-85 NEIGHBORS RV PARK - PRELIMINARY PLAN, I MAKE THE RECOMMENDATION WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL SUBJECT TO STAFF COMMENTS."**

Commissioner Dunivent seconded the motion.

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

**2C. #18-85 NEIGHBORS RV PARK - FINAL PLAT AND PLAN**

Petitioner: Grand Junction Tech Center, Inc. and Warren Jacobson  
Location: Northwest corner of 24 and G Roads

1. Consideration of Final Plat.
2. Consideration of Final Plan.

There was no additional petitioner's presentation and comments and questions were requested if any should remain.

**PUBLIC COMMENTS**

John Ballagh from the Grand Junction Drainage District had only the concern over certain species of trees being placed along G Road, i.e. Russian Olives and Willows. He felt that from a maintenance standpoint, these species were not desirable as they may encounter root problems.

**MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON ITEM #18-85 NEIGHBORS RV PARK - FINAL PLAT, I RECOMMEND WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL SUBJECT TO: 1) THE COVENANTS BE APPROVED BY THE CITY, THE DEVELOPER AND THE CITY ATTORNEY BEFORE THE FILING OF THE PLAT, 2) THE RV PARK FOLLOW THE YET TO BE INSTITUTED RV RESORT ORDINANCES THAT WILL BE FILED IN THE FUTURE, 3) THAT THERE IS TO BE NO PUBLIC RESPONSIBILITY FOR UTILITIES, STREETS OR PRIVATE IMPROVEMENTS COMPLETED INSIDE THE DEVELOPMENT, 4) THE LANDSCAPING BE SATISFACTORY TO THE CITY PARKS AND THE DRAINAGE DISTRICT, AND 5) STAFF COMMENTS."**

Commissioner Transmeier commented that the decision of open space fees and dollar amounts be deferred to the City Council for final determination.

Commissioner Dunivent seconded the motion.

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

**MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON ITEM #18-85 NEIGHBORS RV PARK - FINAL PLAN, I MAKE THE RECOMMENDATION WE SEND THIS TO CITY COUNCIL SUBJECT TO COMPLETION OF THE SPECIFICATIONS OF THE FINAL PLAT."**

Commissioner Dunivent seconded the motion.

A vote was called and the motion passed by a vote of 5-0 with Commissioner Stephens abstaining.

A recess was called at 8:55 p.m. and reconvened at 9:00 p.m.

**3. TEXT AMENDMENT TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE -- AMENDMENT**

Petitioner: Grand Junction Planning Department

Consideration of text amendment.

**PETITIONER'S PRESENTATION**

Karl Metzner presented an overview of the proposed changes to the Grand Junction Development Code and said that perhaps the change which involved the right-of-way dedication would be the only actual change; all others revisions would be considered as housecleaning measures.

The proposed change regarding right-of-way dedication at time of rezone or preliminary plan approval would, Karl felt, insure that the project was indeed a viable project and save future problems in obtaining the right-of-way dedication.

**QUESTIONS**

Commissioner Stephens asked if the right-of-way dedication question wasn't resolved during the extension/reversion process this last year.

Karl said that this text amendment change would insure compliance for all future projects in the dedication of right-of-way. That way, if the project is reviewed for possible extension/reversion, this issue will have already been resolved.

Commissioner Dooley asked if this right-of-way recommendation was per the request of the City Attorney or of some legal concern. Also, when would the requirement take effect?

Karl responded that it was to cover legal aspects as well as the expediting of the project. The requirement, if approved, would be in effect 45 days after the City Council hearing. There would not be any projects caught in this transition except perhaps the Neighbors RV Park.

Commissioner Dooley felt that it would be nice if any developments within the process were on the books prior to having a petitioner caught in a transition phase.

Karl replied that in situations such as this, those projects would be grandfathered in.

Commissioner Transmeier asked Karl, with regard to the second item, if the code had a definition for what a professional engineer was.

Commissioner Stephens wanted to add to this item that plans be performed, signed and sealed by a registered professional engineer of Colorado and put this into the motion.

#### **PUBLIC COMMENTS**

There were no comments either for or against this proposal.

**MOTION: (COMMISSIONER DOOLEY) "MR. CHAIRMAN, ON ITEM #5-85 TEXT AMENDMENT FOR THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE, I MOVE THAT WE ADOPT THE AMENDMENTS OF THE SECTIONS LISTED WITH THE ADDITION 1) THAT IN SECTIONS 5-6-4 AND 5-6-7, INCLUDE THAT PLANS BE PERFORMED, SIGNED AND SEALED BY A REGISTERED PROFESSIONAL ENGINEER OF COLORADO AND THAT WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."**

Commissioner Transmeier seconded the motion.

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

#### **4. #1-85 ZONE OF ANNEXATION IN 1985 TO THE CITY OF GRAND JUNCTION**

Petitioner: City of Grand Junction

#### **PETITIONER'S PRESENTATION**

Bob Goldin outlined the location of this zone of annexation on a small plat map and gave a brief overview of the City's intentions.

## QUESTIONS

Commissioner Transmeier asked if this area was mostly built out.

Bob replied affirmatively,

**MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #1-85 ZONE OF ANNEXATION IN 1985 TO THE CITY OF GRAND JUNCTION, REGARDING THE ZONE OF FAIRWAY PARK ANNEXATION #4 TO RSP-4 (RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE), I MOVE WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL."**

Commissioner Madsen seconded the motion.

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

## IV. NON-SCHEDULED CITIZENS AND/OR VISITORS

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

The meeting was adjourned at 9:15 p.m.