

**GRAND JUNCTION PLANNING COMMISSION  
JANUARY 22, 2008 MINUTES  
6:00 p.m. to 7:32 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), Tom Lowrey (Vice-Chairman), Lynn Pavelka-Zarkesh, Dr. Paul A. Dibble, Reggie Wall, William Putnam and Patrick Carlow (1<sup>st</sup> Alternate). Commissioner Bill Pitts was absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Development Services Supervisor), Scott Peterson (Senior Planner), Justin Kopfman (Associate Planner), Lori Bowers (Senior Planner) and Rick Dorris (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 35 interested citizens present during the course of the hearing.

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

Chairman Cole expressed the Commission's appreciation to Dr. Dibble's many years of service as chairman.

**II. APPROVAL OF MINUTES**

Available for consideration were the minutes of November 27, 2007.

Commissioner Putnam requested corrections to several paragraphs. After discussion, the following corrections were recommended:

1 – Page 5, second full paragraph from the bottom – the words "square feet" should be deleted.

2 – Page 5, next to the last paragraph from the bottom – the words "underlying zone" should be deleted.

3 – Page 6, second to the last paragraph from the bottom – when discussing the morning and evening peak hours, it should read "and are the highest hours".

**MOTION: (Commissioner Putnam) "Mr. Chairman, I move approval of the minutes as corrected."**

Commissioner Lowrey seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

### III. CONSENT AGENDA

Available for consideration were items:

1. **ANX-2007-279**      **ZONE OF ANNEXATION – Reigan/Patterson/TEK/Morario Annexation**
2. **ANX-2007-276**      **ZONE OF ANNEXATION – Sura Annexation**
3. **PP-2007-075**      **PRELIMINARY SUBDIVISION PLAN – Jones Gait Subdivision**
4. **ANX-2007-352**      **ZONE OF ANNEXATION – Pinson-Herigstad Annexation**
5. **ANX-2007-338**      **ZONE OF ANNEXATION – Garden Grove-Turley Annexation**

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any item pulled for additional discussion. At citizen request, items 3 and 5 were pulled for Full Hearing. No objections or revisions were received from the audience or planning commissioners on the remaining Consent Agenda items.

**MOTION: (Commissioner Lowrey) “Mr. Chairman, I move we approve items 1, 2 and 4 of the Consent Agenda.”**

Commissioner Wall seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

### IV. FULL HEARING

3. **PP-2007-075**      **PRELIMINARY SUBDIVISION PLAN – Jones Gait Subdivision**  
**Request approval of the Preliminary Subdivision Plan to develop 20 lots on 13.6 acres in an R-2 (Residential 2 du/ac) zone district.**  
**PETITIONER: Phoenix Properties, LLC**  
**LOCATION: 2591 G Road**  
**STAFF: Scott Peterson, Senior Planner**

#### **STAFF’S PRESENTATION**

Scott Peterson, Senior Planner, Public Works and Planning Department, made a PowerPoint presentation regarding the request for a Preliminary Subdivision Plan for the Jones Gait Subdivision. Mr. Peterson explained that the property is located south of G Road and west of 26 Road; the Estates Subdivision is to the northwest; and to the southwest is Valley Meadows North. He stated that the property is currently vacant and has historically been utilized as an irrigated pasture with horse corrals. He also stated

that the Grand Junction Drainage District has a drainage ditch that transverses the property. The Future Land Use Map indicates this area to be Residential Low at ½ to 2 acres per dwelling unit and current zoning is R-2. The proposed density for the subdivision, according to Mr. Peterson, would be approximately 1.47 dwelling units per acre which meets the density requirements of the Zoning and Development Code. He said that the developer has proposed 20 single-family detached lots and the proposed subdivision has one access point from G Road with a proposed stub street to the west that would be connected when that property would develop at some point in the future. There are 6 tracts of land that would be deeded to the HOA for ownership and maintenance responsibilities. Also, proposed Tracts B, C and D will also contain a canal trail easement that would be dedicated for public trail use along the canal in accordance with the Zoning and Development Code. Mr. Peterson also said that proposed Tract A would contain a 20 foot ingress/egress easement for the exclusive use of the property to the east. He further stated that the proposed residential development is in compliance with an R-2 zoning district with the exception of Lots 10 and 17 which do not meet the minimum lot width requirement of 100 feet at the front setback line. He stated that he is in support of applicant's request to vary the minimum lot width for these lots as there is an adequate building envelope. He said that the proposed Preliminary Subdivision Plan is consistent with the Growth Plan and the Future Land Use Map; meets the applicable review criteria; recommended a variance for Lots 10 and 17; and recommended approval of the proposed Jones Gait Subdivision Preliminary Subdivision Plan.

**PETITIONER'S PRESENTATION**

Ted Ciavonne of Ciavonne, Roberts and Associates, stated that he represents applicant, Phoenix Properties, LLC. He said that this project proposes 20 lots, ranging in size within the bulk standards (low of 17,000 square feet and a high of 26,000 square feet). He further stated that this project has a significant amount of green and open space through the middle of the project.

**PUBLIC COMMENT**

**For:**

Todd Rowell, 2593 G Road, stated that from the beginning the developer has kept him apprised of the development as well as any changes being proposed. He said that he was definitely in favor of this development.

**Against:**

Nancy Hackett said that she borders the property to the west and raised some questions regarding landscaping, green space, the large cottonwood tree and density considering the surrounding properties.

Caroline Dohm, 2588 G Road, stated that she too is resigned to the development but has concerns with traffic.

Judy Golden stated that there is a recognized wildlife habitat which borders the subdivision and would also like the Commission to take into consideration fence lines and lighting.

**PETITIONER'S REBUTTAL**

In response to some of the concerns raised, Ted Ciavonne stated that they would have the ability to irrigate the entire open space under the HOA as well as provide irrigation water to the individual lots. He further stated that the trail would go from G Road down through the site and will be soft surface. He said that the old cottonwood tree would not be able to be kept. Also with regard to the lot width on Lots 10 and 17, he mentioned that it was not a lot size issue but rather a request for reduction in the lot frontage where it meets the street. With regard to traffic, he stated that a traffic study was not required by the City on this project. They did, however, have to be able to display that the landscape and lots would accommodate the future modifications to the road. Mr. Ciavonne also stated that some green belt has been provided along the west edge and there will be a drainage along the back edge. Mr. Ciavonne next read into the record a letter in support of this project from John Burnell of 2575 G Road.

**QUESTIONS**

Chairman Cole asked how much green area is being proposed. Mr. Ciavonne stated that it was 1.64 acres.

**STAFF'S REBUTTAL**

Rick Dorris, Development Engineer, addressed the traffic issue. He said that G Road has the classification where the City builds that road and the developer is not responsible to do the improvements to that road. Transportation capacity funds would be used to widen and rebuild the road at some point in the future. Also, he said that a traffic study was not required because it is only 20 lots.

**DISCUSSION**

Commissioner Lowrey said that he thinks it is a fine project and can approve it.

Commissioner Wall agreed.

Commissioner Dibble stated that he thinks it is well designed and takes into consideration the natural environment and conditions of the drainage area. He further said that he thinks it is well thought through.

Chairman Cole said that it looks like a good project and would be in favor of it.

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on item PP-2007-075, I move that we approve the Preliminary Subdivision Plan for the Jones Gait Subdivision, with the findings and conclusions listed in the staff report, including reducing the required 100' lot width at the front setback line for Lots 10 and 17 in accordance with Section 3.2.C.2 of the Zoning and Development Code."**

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 – 0.

- 5. ANX-2007-338 ZONE OF ANNEXATION – Garden Grove-Turley Annexation**  
**Request approval to zone 19.63 acres from a County RSF-R (Residential Single Family Rural) to a City R-4 (Residential 4 du/ac) zone district.**  
**PETITIONER: Richard Turley – Garden Grove LLC**  
**LOCATION: 2962 A½ Road**  
**STAFF: Justin Kopfman, Associate Planner**

**STAFF’S PRESENTATION**

Justin Kopfman, Associate Planner, made a PowerPoint presentation regarding the Garden Grove Annexation. He said that the four parcels as requested are consistent with the Growth Plan Amendment and fall within the Zoning and Development Code standards.

**PETITIONER’S PRESENTATION**

Ray Rickard, owner of Garden Grove LLC, stated that they are asking to be annexed to the City with a zone of R-4.

**PUBLIC COMMENT**

**For:**

No one spoke in favor of the proposed request.

**Against:**

Virginia Brown asked if the surrounding neighborhood would be zoned City; how the groundwater will be handled; if the canal would be for walking; and how will it affect the neighborhood around it. Chairman Cole explained that only the zone of annexation was being considered this evening.

**MOTION: (Commissioner Dibble) “Mr. Chairman, on the Garden Grove-Turley Zone of Annexation, #ANX-2007-338, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-4 (Residential 4 du/ac) zone district for the Garden Grove-Turley Annexation with the facts and conclusions listed in the staff report.”**

Commissioner Wall seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 - 0.

- 6. PP-2006-251 REZONE – Ashbury Heights**  
**Request approval to rezone 10.3 acres from a PD (Planned Development) to an R-8 (Residential 8 du/ac) zone district.**  
**PETITIONER: Sidney Squirrel – Cache Properties, LLC**

**LOCATION: SE Corner 28-1/4 Road & Grand Falls Drive**  
**STAFF: Scott Peterson, Senior Planner**

**STAFF'S PRESENTATION**

Scott Peterson, Senior Planner with the Public Works and Planning Department, made a PowerPoint presentation which included a Site Location Map, an Aerial Photo, Future Land Use Map and City Zoning Map. He said that the request is for a rezone from PD to an R-8 zone district. He said that the Preliminary Plan is currently in the City review process. He explained that existing properties are currently vacant. The Future Land Use Map shows this area to be Residential Medium High at 8 to 12 dwelling units per acre and the proposed rezoning request to the R-8 zone district is within the specified Growth Plan range. He said that the current zoning is Planned Development with the R-8 district directly to the south. Mr. Peterson further stated that the subject parcels of land were originally platted and designated as PD as part of the original Falls Subdivision Planned Unit Development that was developed in the County and annexed to the City in 1978. He went on to state that these parcels of land were never developed during the phased construction of the original Master Plan for the Falls and have now expired. Furthermore, after discussion with applicant, it was believed that it would be easier for the proposed subdivision to move forward with a straight zone rather than a PD zone and, therefore, recommended the R-8 district. Mr. Peterson said that adequate public facilities are currently available or will be made available at the time of development to address the impacts associated with the R-8 district. He stated that he would like to modify a couple of the review criteria in the staff report as follows: The last sentence in paragraph b. should be modified as there has been a change in character in the neighborhood due to the recent and current growth trends in the Grand Valley these past few years due to the current energy-related boom and this area in particular has seen increased residential development. He stated that he would also like to modify the last sentence in review criteria e. because much of the R-8 designated properties in this area have already been developed as single-family home properties leaving little, if any, vacant land with this zoning designation of the R-8 zone district. Therefore, the supply of comparably zoned land in the surrounding area is inadequate to accommodate the community's need for higher density developments. He concluded that City staff finds that the requested zoning of R-8 is consistent with the Growth Plan and the applicable review criteria have been met.

**PETITIONER'S PRESENTATION**

Ted Ciavonne of Ciavonne, Roberts and Associates addressed the Commission on behalf of Ashbury Heights Cache, LLC. He stressed that the purpose of this hearing is for a rezone of approximately 10.3 acres of land previously zoned Planned Development. According to Mr. Ciavonne, this property was 5 pieces of property which would have been difficult to develop independently and included one without access. He also stated that the property was split by two sewer districts which have now been combined into a single sewer district.

**QUESTIONS**

Commissioner Putnam asked about a particular piece of property that appears to go between lots in the previous subdivision. Mr. Ciavonne explained that that parcel is referred to as Tract E which is a drainage basin and tract.

**PUBLIC COMMENT**

**For:**

No one spoke in favor of the rezone.

**Against:**

Ebe Eslami, 583 28½ Road, stated that Tract E is a sewer easement. He advised that a lawsuit regarding Tract E was recently filed as the validity of the deed and contract is in question. He also stated that property was designated as open space for Falls No. 1 Filing.

Carl Mitchell of 582 Grand View Court asked if the Planning Commission would set a precedent to rezone open space to R-8. He stated that he filed a lawsuit in the District Court, 2008-CV-28. He again asked if property that is open space or common elements can be rezoned to R-8.

Jamie Beard, Assistant City Attorney, confirmed that at this point in time, the open space or the use of the property is not being changed. It is only a request for a rezone from its present zone to a different zone.

Carl Mitchell further stated that to change the zoning from open space land to R-8 would be treading on very perilous ground.

Jim Lance, 2837 Grand Falls Circle, asked for clarification of the particular parcels that would be rezoned. He also stated that he thinks it would be twice the residential densities that surround the subject property. He stated that both he and his wife are against the increase in density.

**PETITIONER'S REBUTTAL**

Ted Ciavonne stated that the letter from the staff attorney adequately addresses the issue regarding ownership of Tract E. Mr. Ciavonne stated that the existing PD would allow for 16 units per acre and combined with the additional properties, could result in over 155 units if the PD zone remained. The Growth Plan designation of 8 to 12 allows for a range of 120 to 180 and applicant is asking for 120 which would be a decrease rather than increase in density. He further stated that the proposed rezone is supported by the Growth Plan, Zoning and Development Code and staff.

**QUESTIONS**

Commissioner Lowrey asked since a lawsuit has been filed which may create an issue with the ownership of Tract E if the Commission should still proceed with this request. Jamie Beard advised the Commission to proceed at this time. She said that if the

rezone is approved, it is possible that that decision may be reversed if the lawsuit determines that the ownership is other than the applicant.

**DISCUSSION**

Commissioner Dibble stated that he feels this site is more conforming to the Future Land Use Map and a straight zone is more desirable for development rather than a Planned Development.

Commissioners Lowrey and Pavelka-Zarkesh and Chairman Cole agreed with Commissioner Lowrey.

**MOTION: (Commissioner Lowrey) “Mr. Chairman, on Rezone, City file PP-2006-251, I move that the Planning Commission forward the rezone request to the City Council with the recommendation of the R-8, Residential – 8 units/acre Zoning District for the property located at the southeast corner of 28-1/4 Road and Grand Falls Drive (10.3 acres) with the facts and conclusions as identified in the staff report.”**

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 - 0.

- 7.     **SPR-2007-273     SITE PLAN REVIEW – Fellowship Church Expansion Request a variance from the required pedestrian lighting from the 24 Road Corridor standards.**  
**PETITIONER: Daniel Hooper – Fellowship of Excitement Church**  
**LOCATION:       765 24 Road**  
**STAFF:           Lori Bowers, Senior Planner**

**STAFF’S PRESENTATION**

Lori Bowers, Senior Planner, Public Works and Planning Department, addressed the Commission regarding a request to not apply the pedestrian lighting that is required for the 24 Road Corridor. She stated that Fellowship Church is located on the northwest corner of 24 Road and I-70 Frontage Road and comprises 26.715 acres of land. Ms. Bowers stated that the property fronts the I-70 Frontage Road and 24 Road is to the east. She further stated that there is vacant land across 24 Road to the east which is currently undergoing a Growth Plan Amendment and rezone of the property. There are residential uses directly north of the church property. According to Ms. Bowers, the Future Land Use Map shows this area in the Estate category. She further stated that the site plan for the original proposal was approved in 1998. The church is currently over 93,000 square feet in size and the new addition would add another 35,000 square feet of building. The site is within the 24 Road Corridor area and is subject to the 24 Road Corridor design, standards and guidelines. Furthermore, applicants have met all of the 24 Road standards with the exception of the pedestrian lighting requirement. Applicants have requested relief from that requirement. Ms. Bowers identified the criteria necessary for variances from the bulk and performance standards. She said



that it is for public safety and welfare that the requested lighting be installed. Furthermore, she stated that if the variance is granted it would conflict with the purpose of the 24 Road Corridor standards as well as several goals and policies of the Growth Plan would be in conflict. She recommended that the Planning Commission deny the requested variance as it is not consistent with the Growth Plan and the review criteria of the Zoning and Development Code have not been met.

**QUESTIONS**

Chairman Cole asked who owns the fence. Ms. Bowers stated that she was not sure.

Commissioner Dibble asked if Ms. Bowers could cite any other development where the intent of the Code is considered to promote greater pedestrian activity or to facilitate the safety of the pedestrians who are active on it. Ms. Bowers said that subdivision standards promote interconnectivity and safe pedestrian crossings.

Commissioner Dibble asked what the intent of the Code is for having lighting. Lori Bowers said it was to promote the safety of the community.

**PETITIONER'S PRESENTATION**

Dan Hooper, senior pastor of Fellowship Church, said that they are in total agreement with what Ms. Bowers has said. They too are very concerned with safety on 24 Road. He stated that he agrees with the need for the pedestrian lighting and, therefore, withdrew the request for a variance.

Dan Kirk of Ford Construction asked why Canyon View Park, a development on the east side of the interstate, does not have the lights and it is developed. Ms. Bowers said that the development was pre-2000, adoption of the 24 Road Corridor Plan. Mr. Kirk stated that there has been additional development to Canyon View after 2000. Greg Moberg interjected that he would research this issue and respond in writing to Mr. Kirk.

With no further business, the meeting was adjourned at 7:32 p.m.