

**GRAND JUNCTION PLANNING COMMISSION  
FEBRUARY 13, 2007 MINUTES  
7:00 p.m. to 11:38 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul A. Dibble (Chairman), Roland Cole (Vice-Chairman), William Putnam, Lynn Pavelka-Zarkesh, Tom Lowrey, Bill Pitts, and Reggie Wall.

In attendance, representing the City's Community Development Department, was Lisa Cox (Planning Manager).

Also present were Jamie Kreiling (Assistant City Attorney), Ken Kovalchik (Senior Planner) and Pat Cecil (Senior Planner).

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**

There were no announcements, presentations and/or visitors.

**II. APPROVAL OF MINUTES**

Available for consideration were the minutes of January 9, 2007.

**MOTION: (Commissioner Cole) "Mr. Chairman, I move approval of the January 9, 2007 minutes."**

Commissioner Pitts 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. GPA-2006-240 | ZONE OF ANNEXATION – Hall Property Annexation                 |
| 2. GPA-2006-249 | ZONE OF ANNEXATION – Kelley Annexation                        |
| 3. PFP-2006-289 | PRELIMINARY SUBDIVISION PLAN – Orchard Estates<br>Subdivision |
| 4. PFP-2006-296 | REZONE- Logan Creek Subdivision                               |
| 5. VR-2006-354  | VACATION OF RIGHT-OF-WAY – El Poso ROW Vacation               |

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion. At citizen request, Item 4, PFP-2006-296, Rezone – Logan Creek Subdivision, was pulled and placed on the Full Hearing agenda. No objections or revisions were received from the audience or planning commissioners on any of the remaining Consent Agenda items.

**MOTION: (Commissioner Pitts) “Mr. Chairman, I move approval of Consent Agenda items 1, 2, 3 and 5 as presented.”**

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

**IV. FULL HEARING**

- 4. PFP-2006-296 REZONE – Logan Creek Subdivision**  
 Request approval to rezone 7.47 acres from a RSF-1 (Residential Single Family-1 unit/acre) to a RSF-4 (Residential Single Family-4 units/acre) zone district  
**PETITIONER:** Mark Harris – International Church of Foursquare Gospel  
**LOCATION:** 641 Horizon Drive  
**STAFF:** Ken Kovalchik, Senior Planner

**STAFF’S PRESENTATION**

Ken Kovalchik, Senior Planner, made a PowerPoint presentation regarding the requested rezone of the Logan Creek Subdivision from a RSF-1 zone district to a RSF-4 zone district. Mr. Kovalchik stated that there is an existing church on the site; to the north and west is primarily vacant land or larger lot single family development; and to the south and east is multi-family development. The site currently is future land use planned as residential-medium which allows for 4 to 8 units per acre. He went on to state that there is a mix of different type of zoning surrounding this parcel. Staff recommends approval of the RSF-4 zone district with the findings of fact and conclusions as more fully set forth in the staff report.

**PETITIONER’S PRESENTATION**

Loren Ennis with Ennis Investments and Consultants, developer, appeared on behalf of the applicant. Mr. Ennis stated that it is the church’s intention to sell one acre to applicant which would then be divided into four lots. This acre would be on 26½ Road. He further stated that the church would maintain approximately 6½ acres. Mr. Ennis stated that it was the intention of applicant that this one-acre parcel act as a transition buffer.

### **QUESTIONS**

Commissioner Lowrey asked Mr. Ennis why applicant was not simply splitting off the one acre and only rezone the one acre to RSF-4. Mr. Ennis stated that if there is a mechanism to do that, applicant would be willing to only rezone the one-acre parcel. Commissioner Lowrey stated that he is reluctant to zone the entire parcel RSF-4; however, "I would have no problem zoning an acre of it and putting four houses in there but I wouldn't want to see the potential of 28 houses go in there. I think that's too much."

Commissioner Pitts asked for confirmation that the request is to rezone the entire parcel which includes the church. Mr. Ennis stated that the church would be in agreement with zoning only the one acre to RSF-4.

Commissioner Lowrey asked if this could be accomplished with a simple subdivision which would be a two-step process; divide the one acre off from the 7½ acres so that there would be two parcels – 1 acre and 6½ acres. Then applicant would request for a rezone of the one-acre parcel. Mr. Ennis stated that it is his understanding that there is no such thing as a simple subdivision according to the Code and additionally it would be a year-long process.

Commissioner Cole stated that if the entire parcel was rezoned to RSF-4, in the event the church would abandon that site, they would still have to come back to the Planning Commission for approval of a site plan. Mr. Ennis stated that it is well within the guidelines of what the City likes and is looking for. He stated that it is a transition from a lower density to a very high density which is right across the street.

### **STAFF'S REBUTTAL**

Ken Kovalchik stated that a simple subdivision could be done in this instance. He further stated that any future developer would have the option of RSF-4, RMF-5 or RMF-8 on this parcel.

Lisa Cox, Planning Manager, stated that a simple subdivision is an option. The current zoning is not consistent with the land use designation. RSF-4 does comply with the Growth Plan. She also stated that a simple subdivision is an administrative process and believes it could possibly be accomplished in 60 to 90 days.

### **QUESTIONS**

Commissioner Lowrey raised a concern with access to Horizon Drive if this one-acre parcel is developed as proposed. Mr. Ennis rebutted that at present there are two entrances onto Horizon Drive. Applicant is proposing to put a main road into the cul-de-sac. He further confirmed that the church and its daycare generate a substantial amount of traffic.

### **PUBLIC COMMENT**

**For:**

No one spoke in favor of this request.

**Against:**

Philip Roskowski (630 Sage Court, Grand Junction) stated that he is concerned with the RSF-4 zoning. He believes that this property is more suitable if it were zoned RSF-2.

Kent Webster (629 Sage Court, Grand Junction) is concerned with building houses along 7<sup>th</sup> Street where there is already an existing traffic problem. He also believes there will be increased traffic from the church and its daycare.

**PETITIONER'S REBUTTAL**

Loren Ennis addressed the issues raised by Messrs. Roskowski and Webster. Mr. Ennis stated that directly between the cul-de-sac and the church parking lot is a detention area. The church has requested that the applicant put in boulders which would restrict parishioners from using their street.

**QUESTIONS**

Commissioner Cole asked if it is applicant's opinion that less traffic would be generated from the four houses than what is presently generated by the church traffic. Mr. Ennis stated that is correct.

Commissioner Lowrey raised issues regarding piecemeal development of property and connectivity. Ken Kovalchik believed this to be a valid concern; however, he cautioned that these may be preliminary plan issues rather than rezone issues.

Lisa Cox interjected stating that the Commission needs to determine whether or not the zone district of RSF-4 is suitable and appropriate for this particular piece of property. She further stated that valid concerns such as traffic, infrastructure, utilities, among others need to be considered in making that determination. According to Ms. Cox, in the rezone criteria and in staff's review of a rezone request, details are not finalized and the Planning Commission is advised to consider a rezone request absent a specific plan.

Chairman Dibble inquired about surrounding zone districts and more particularly the zone district to the south of the subject parcel. Mr. Kovalchik stated that it is PD but was unsure as to exact build-outs.

Commissioner Putnam asked whether or not the requested zoning is intended as a buffer. Mr. Kovalchik stated that it could act as a buffer.

**DISCUSSION**

Commissioner Cole did not see the concern or the likelihood for future development of the remaining 6½ acres. "I believe that it meets the criteria, it conforms with the Growth Plan for the area and to me four houses are going to make even less traffic on 7<sup>th</sup> Street there than what is presently there and so I favor granting this application."

Commissioner Pitts felt that there were already buffers surrounding the subject property. "My perspective is to rezone the entire parcel from RSF-1 to RSF-4 is not in my view and I would not be in favor of the program as presented this evening."

Commissioner Putnam believed by this application the church is attempting to go into the real estate business. Additionally, he believed the Growth Plan is wrong. "It's not compatible with the neighborhood to rezone this and I do not see it as a buffer in any sense of the word....Clearly I oppose it."

Commissioner Pavelka-Zarkesh also believed buffers such as the canal, 7<sup>th</sup> Street and Horizon Drive already existed. She concurred with what is in the Future Land Use plan and believed that the RSF-4 is a reasonable use.

Commissioner Wall agreed with Commissioner Pavelka-Zarkesh that it was compatible with the area. "I would agree with the plan as put forth and I would agree with the RSF-4."

Chairman Dibble believed it was consistent with the Growth Plan and with the purposes intended for that.

Commissioner Lowrey was uncomfortable with rezoning the entire parcel rather than simply rezoning the one acre. He also stated that by allowing a development of this piecemeal, and by rezoning the entire parcel to RSF-4 is an invitation to the church to sell the property for development at its highest and best use. "I just think we're not doing a good job of planning just by what we're doing so I would say no."

On the other hand, Commissioner Wall believed that by looking at this parcel as one piece was good planning. Commissioner Pavelka-Zarkesh concurred and stated that there were two natural barriers on the site right now.

Chairman Dibble stated that the parcel now is not in conformance with the Growth Plan. By this rezoning, the whole area would be brought into conformance with the Growth Plan.

Commissioner Cole stated that he believes what is before the Commission is compatible.

**MOTION: (Commissioner Cole) "Mr. Chairman, on Rezone, PFP-2006-296 I move that the Planning Commission forward the rezone to City Council with the recommendation of the RSF-4 (Residential Single-Family – 4) district for the Logan Creek Subdivision Rezone with the facts and conclusions listed in the staff report."**

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed by a vote of 4-3 with Commissioners Pitts, Putnam and Lowrey opposing.

**6. GPA-2006-248 REQUEST FOR REHEARING – Pacheco-Woodring Annexation**

Request approval for a rehearing of the decision by Planning Commission on January 23, 2007 on this project

**PETITIONER:** Lillian Pacheco and Howard Woodring

**LOCATION:** 2814 C<sup>3</sup>/<sub>4</sub> Road

**STAFF:** Ken Kovalchik, Senior Planner

**STAFF'S PRESENTATION**

Ken Kovalchik, Senior Planner, addressed the Commission regarding the request for rehearing. Mr. Kovalchik explained that this item had been on the agenda for the January 23, 2007 public hearing. However, due to miscommunication between staff and the applicant, the applicant did not appear at the rescheduled hearing on January 23, 2007. Mr. Kovalchik confirmed that this application was on the agenda for the January 9, 2007 hearing; however, shortly before the January 9<sup>th</sup> hearing, the applicant was advised that staff was recommending denial of the application and, the applicant then requested a continuance. He also stated that he did not believe that the applicant was present at the January 9, 2007 hearing.

**APPELLANT'S PRESENTATION**

Mr. Rob Rowlands, Design Specialists, 917 Main Street, Grand Junction, appeared on behalf of Appellant/Petitioner. Mr. Rowlands explained that it was his understanding that the original application was to be placed on the January 9, 2007 consent agenda. However, upon a phone call from staff, Mr. Rowlands had been told that the application had been pulled from the Consent Agenda because the Planning Commission wanted more information with regard to the application. Upon receipt of an e-mail on Monday, January 8, 2007, he had been advised that the City was recommending denial of this application. He further explained that he was told by staff that one of the reasons for the denial was the fact that applicant had not addressed a certain section of the Code. Therefore, Mr. Rowlands, at that time, asked to withdraw from the January 9, 2007 hearing and present at a later date. Staff agreed and the applicant resubmitted. He was told by staff that they would try to put this matter on the January 23, 2007 agenda. However, applicant was not notified that this matter was in fact on the agenda for January 23<sup>rd</sup>. Mr. Rowlands also confirmed that they were not present at the January 9<sup>th</sup> hearing because of the request for a continuance.

**DISCUSSION**

Chairman Dibble itemized the criteria necessary for granting a request: (1) The applicant was not in attendance at the January 23, 2007 Planning Commission hearing; (2) the request for rehearing was received in a timely manner; and (3) the Planning Commission failed to consider the application.

Commissioner Cole inquired whether or not he would be eligible to vote on the request as he was not in attendance at the January 23<sup>rd</sup> hearing. Chairman Dibble, who was also absent for that hearing, confirmed that neither he nor Commissioner Cole would be

eligible to bring the motion for rehearing; however, they would be eligible to vote and/or second the motion.

Commissioner Lowrey inquired whether or not staff had sent out a notice after the January 9<sup>th</sup> hearing which would have put applicant on notice of the date certain. Mr. Kovalchik stated that it was his understanding that applicant was requesting a continuance to the next regularly scheduled Planning Commission hearing. Mr. Kovalchik confirmed that no written communication had been sent to applicant regarding the rescheduled hearing date.

**MOTION: (Commissioner Lowrey) “Mr. Chairman, on GPA-2006-248, Pacheco-Woodring Annexation, I move that we have a rehearing on this item.”**

Commissioner Pitts seconded the motion. A vote was called and the motion passed by a vote of 6-1.

- 7. GPA-2006-248      ZONE OF ANNEXTION – Pacheco-Woodring Annexation**  
 Request approval to zone 10.13 acres from a County RSF-R (Residential Single Family Rural) to a City M-U (Mixed Use) zoning district.  
**PETITIONER:** Lillian Pacheco and Howard Woodring  
**LOCATION:** 2814 C<sup>3</sup>/<sub>4</sub> Road  
**STAFF:** Ken Kovalchik, Senior Planner

**STAFF’S PRESENTATION**

Ken Kovalchik, Senior Planner, made a PowerPoint presentation regarding the proposed Pacheco-Woodring Annexation. The Commission was advised that the City Council annexed, without zoning, the subject property on December 6, 2006. Prior to being annexed into the City, it was zoned County RSF-R. The PowerPoint presentation included a Site Location Map; Aerial Photo Map; Future Land Use Map; and Existing City and County Zoning map. Mr. Kovalchik stated that four zone districts can be considered by the Commission: C-2; I-O; I-1 and M-U.

The applicant requested approval of the M-U zone district. Staff recommended denial of the M-U zone district because staff could not support any type of residential use on this parcel. Staff recommended approval of an I-O zone district. Mr. Kovalchik stated that there were four main reasons why staff could not support the M-U zone district, although M-U is an allowed use according to the Future Land Use map. Staff looked at the compatibility for the M-U zoning in addition to the surrounding land uses. The Pear Park Plan, adopted in December 2004, designated this area as Commercial-Industrial. Staff believed there would be incompatibility with some of the surrounding areas. Typically when there are residential developments coming in which would be adjacent to another residential development, the Code requires stub streets, however, the residential development located to the east of the subject property had not provided any stub streets.

Staff also looked at the precedent that could be set if the M-U zone district was allowed with the potential for multi-family development to the north and south. Also taken into consideration was the proximity to the existing juvenile detention facility and the animal shelter. Staff did not believe that multi-family development was an appropriate type of development for this parcel. Mr. Kovalchik reiterated staff's recommendation for approval of an I-O zone district.

### **PETITIONER'S PRESENTATION**

Rob Rowlands, Design Specialists, Architects and Planners, 917 Main Street, Grand Junction, addressed the Commission in support of the request to zone 10.13 acres from a County RSF-R (Residential Single Family Rural) to a City M-U (Mixed Use) zoning district. Mr. Rowlands stated that the M-U zone is an allowed usage under Industrial-Commercial in the Growth Plan. The M-U allows for multi-family development with a 12 unit per acre density. He further explained that a purpose for the M-U zone is to serve as a transition between residential and non-residential uses and in this instance would be a very gradual transition. The applicant contended that this is what the M-U zone district is meant to do.

Brian Simms of Design Specialists, Architects and Planners, 917 Main Street, Grand Junction, stated that the subject property is transitional, from residential to a commercial industrial zone district. Mr. Simms stated that his firm independently contacted a group in Denver, Genesis Marketing and Consulting, that specializes in market analysis as it concerns residential and commercial development. Mr. Simms discussed what he considered to be the highlights of the survey data. He pointed out that there is currently a strong growth in Mesa County driven by energy development. Mr. Simms also discussed the fact that it is possible that the Pear Park Plan is outdated due in large part to this growth. Additionally, there is an absence of multi-family development throughout the area. According to Mr. Simms, "Our whole feeling is that with the M-U zoning, you can provide a softer transition with the multi-family, moving into light commercial and then finally to heavy commercial."

### **QUESTIONS**

Chairman Dibble inquired about the interconnectivity. Mr. Simms stated that there could be connection to the south but not to the east through the residential neighborhood.

Mr. Simms addressed the concern raised by Commissioner Pitts that although the entire parcel would be zoned M-U and could potentially be developed solely with multi-family development, the applicant is intending to develop 60% of the site with light commercial-industrial use and 40% with residential multi-family. Jamie Kreiling, Assistant City Attorney, stated that applicant can do a Planned Development with a mixed use and if their underlying zone would be Mixed Use, they can come in with a Planned Development.

Lisa Cox, Planning Manager, stated that with the Mixed Use zone, there are guidelines as to minimum/maximum densities and intensities for residential and non-residential, but there are no specific ratios or percentages for the mixed uses. A Planned



Development would be predicated on a final plan and applicant would select a default zone district with underlying development standards.

Commissioner Cole asked if there was a mechanism by which the applicant could be held to the 60/40 ratio. Lisa Cox stated that applicant could not be held to the 60/40 ratio with the M-U zone district.

Ms. Kreiling suggested a recess in order that staff and applicant could have an opportunity to discuss various options. A brief recess was called at 9:00 p.m. The public hearing reconvened at 9:05 p.m.

### **PETITIONER'S REBUTTAL**

Brian Simms stated that the concept of the Mixed Use zone was discussed with staff. Mr. Simms pointed out that the wording of the Code is contradictory in that under the M-U, the entire acreage could be strictly one use which defeats the whole idea of the Mixed-Use.

Terry Lawrence of Grace Homes addressed the Commission regarding the subject application. "I want to provide a product that the City needs as I have for the last 12 years I've been doing this – affordable housing. In that particular mixed use zoning, we can do something that hardly, hardly any developer in this City in years has been willing to do which is to build true multi-family affordable housing other than government-sponsored type groups in the community willing to do that. We're willing to do that in the private sector. We have an opportunity to do that here." He stated that he would, however, be willing to postpone in order to do a Planned Development.

Jamie Kreiling interjected that another option would be to continue this application to the next Planning Commission hearing in order to allow staff and the applicant an opportunity to discuss the option of doing a Planned Development. Lisa Cox stated that she believed it was reasonable to "return to the discussion table with the applicant and make sure that they feel that they have been adequately advised of what their options are."

Ken Kovalchik raised the issue that when the Pear Park Plan was updated, the City Council designated this as Commercial-Industrial for a specific reason.

Lisa Cox brought up a concern with regard to the zoning of a property which had recently been annexed. Such zoning needs to occur within 90 days of the date of annexation, which in this instance was December 6, 2006. An exception to this could be made with the written informed consent of the property owner that they are requesting a delay in the zoning process.

### **DISCUSSION**

Commissioner Lowrey raised a concern of going against the intent of the Pear Park Plan to not allow residential development on the subject property. Mr. Kovalchik stated that M-U is an allowed use in a Commercial-Industrial; however, due to a perceived

shortage of commercial-industrial type of properties, the intent of the Pear Park Plan was to not allow residential development in certain areas.

Commissioner Cole made a recommendation that this matter be continued to the next Planning Commission hearing. He stated that he believes the M-U needs to be considered as it is an allowed use but also feels the need for some restrictions similar to what the applicant has proposed.

Commissioner Pavelka-Zarkesh stated that “the Planned Development gives a developer an opportunity to potentially mesh and provide a softer border rather than a hard line between commercial-industrial, some type of mixed use and the residential.”

Commissioner Lowrey recommended denial of the M-U at this time, and to allow the applicant the opportunity to appeal it to City Council. “Because of the Pear Park Plan seems to intend, seems to contemplate, that this be Commercial-Industrial without residential in there, that’s what the Pear Park Plan seems to call for and that was just recently passed after a lot of work by everybody that I would not be willing to go somewhat against the Pear Park Plan.”

Commissioner Wall stated that he agreed with Commissioner Lowrey that, “It’s not for us to decide if what we’re wanting to build there tonight is appropriate, meaning residential or not. It’s for us to decide is residential, period, appropriate on this piece of property and that’s all we’re looking at as a Commission and that’s one of the main reasons why I think this is something that we can move on tonight.”

**MOTION: (Commissioner Cole) “Mr. Chairman, I move to continue item ANX-2006-248 to the next regular Planning Commission meeting on February 27, 2007.”**

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed by a vote of 4-3, with Commissioners Pitts, Lowrey and Wall opposing.

- 8. PP-2006-157 PRELIMINARY SUBDIVISION PLAN – Orchard Mesa Family Estates**  
Request approval of a Preliminary Plan to develop 11 single family lots on 5.7 acres in a RSF-2 (Residential Single Family-2 units/acre) zone district.  
**PETITIONER:** Rick Brown  
**LOCATION:** 2866 A¾ Road  
**STAFF:** Pat Cecil, Senior Planner

**STAFF’S PRESENTATION**

Pat Cecil, Senior Planner, addressed the Commission with regard to the request for Preliminary Subdivision Plan approval for the Orchard Mesa Family Estates Subdivision. The subject property is zoned RSF-2 which zoning was applied to the property as part of the zoning annexation. Originally the applicant had requested an

RSF-4 zoning. The Planning Commission had recommended to Council an RSF-4 zoning, however, after receiving public testimony regarding compatibility with the neighborhood and issues relating to speeding vehicles and sight distances at the intersection of A<sup>3</sup>/<sub>4</sub> Road and Rainbow Drive, Council decided that a zone district of RSF-2 would be more appropriate for the site. The applicant requested approval of an 11 lot subdivision on 5.7 acres which would be consistent with the RSF-2 zone district. The proposed lot sizes range from 17,000 square feet to 19,839 square feet. Mr. Cecil confirmed that irrigation water is available to all lots with the HOA responsible for irrigation improvements. Additionally, applicant requested approval to vary the lot width requirement with regard to Lots 4, 5, 6, 7 and 8.

Mr. Cecil stated that a number of letters in opposition to this project had been received. Those letters dealt primarily with compatibility with the existing neighborhood as well as safety issues. Mr. Cecil believed that the speeding vehicles was a traffic enforcement issue. There is also a retaining wall at that intersection which will be within the jurisdiction of Mesa County.

With regard to the sight distance issue and the speeding issues, the County has indicated that it can support the project if there was a condition that the County be given the opportunity to review and approve a final design for road improvements to assure that minimum safety requirements are met. Staff recommended that prior to approval of a final plat, the design improvements of Rainbow Drive and more particularly the intersection of Rainbow Drive and A<sup>3</sup>/<sub>4</sub> Road, be reviewed and approved by the Mesa County Regional Transportation Planning Office and the Mesa County Public Works Department.

Mr. Cecil identified the second issue which dealt with the noise issue relating to Highway 50. It was staff's recommendation to require a masonry wall along the Highway 50 frontage within a 14-foot landscape strip for noise attenuation. Staff also required a 6-foot high masonry wall along the state highway frontage for Lots 5, 6 and 7 to be located within a 14-foot landscape strip to be maintained by the HOA.

Mr. Cecil stated that staff recommended approval of this project finding that it is consistent with the Growth Plan and the Orchard Mesa neighborhood plan. He also stated that allowing for the reduction of the minimum lot width requirement is appropriate due to lot configuration and overall lot sizes.

### **PETITIONER'S PRESENTATION**

Keith Ehlers of Ciavonne, Roberts & Associates, addressed the Commission on behalf of applicant. He first discussed the RSF-2 zoning, as opposed to RSF-4 which was originally sought by applicant. Mr. Ehlers believed that the letters in opposition to this project were premised on the RSF-4 density. "RSF-2 was chosen mostly on the premise of conformity."

Mr. Ehlers stated that the applicant is proposing half-road improvements to be made to A<sup>3</sup>/<sub>4</sub> Road and 20,000 square feet of open space which is meant for detention. There is

an existing grove of trees which acts as a barrier or screening. A shrub bed will also enhance the grove. The applicant proposed a 6-foot fence behind the trees in lieu of a masonry wall.

He went on to discuss the issue of safety at the intersection of Rainbow Drive and A<sup>3</sup>/<sub>4</sub> Road "...and it is solely the issue of speeding traffic." Mr. Ehlers explained that after a traffic study, the recommendation to Mesa County and the City of Grand Junction was a combination of signage and neck-downs at the intersection.

Keith Ehlers again discussed the issue concerning the requirement for a masonry wall, as opposed to a fence, as proposed by applicant. He explained that staff requires the wall for noise attenuation. However, the applicant believed that a masonry wall went against the open, rural atmosphere of the neighborhood and, therefore, believed the grove of trees with the fence was more appropriate. He next discussed applicant's request for waiver of the 75-foot lot width requirement.

### **QUESTIONS**

Commissioner Pitts inquired whether the applicant is proposing a 6-foot wooden fence rather than a 6-foot masonry wall. Mr. Ehlers stated that it is applicant's intent to utilize a wooden fence rather than a masonry wall.

Commissioner Cole asked what type of trees were contained within the grove of trees. Mr. Ehlers stated that the trees were predominantly Elms.

Commissioner Cole noted that only a few of the lots would be impacted by noise from Highway 50. Mr. Ehlers confirmed that the trees would provide a noise buffer in addition to the large open space.

Chairman Dibble also raised the likelihood of a similar request for elimination of a masonry wall by the developer of the property to the east. Mr. Ehlers stated that the grove of trees continued onto the existing Dee Vee Road right-of-way. Keith reiterated that the applicant believed a fence would be more conducive and appropriate.

### **PUBLIC COMMENTS**

#### **FOR:**

Allen Crim (184 Rainbow Drive, Grand Junction) addressed the Commission in support of the application. He first expressed his appreciation for the RSF-2 zoning as opposed to the RSF-4. His main concern is the intersection of A<sup>3</sup>/<sub>4</sub> Road and Rainbow Drive. He was hopeful that the City and the County could work together to try to mitigate the danger that exists at that intersection. He noted a concern with regard to irrigation on the west side of the property which he did not believe was adequately mitigated in the plan.

#### **AGAINST:**

Joseph Hayes (185 Rainbow Drive, Grand Junction) spoke in opposition to the application. Mr. Hayes stated that he was strongly against using the intersection of

Rainbow Drive and A<sup>3</sup>/<sub>4</sub> Road to access the proposed subdivision. Mr. Hayes noted his previous experience as a law enforcement officer with extensive training and experience in traffic accidents and traffic accident investigations. He believed the intersection to be very dangerous. He itemized what he believed to be the problems at that intersection as follows: "The sight distance at the intersection is severely compromised by the grade, the retaining wall and vegetation." With regard to proposed mitigation at the intersection as discussed previously, "In my view these are fluff mitigations which may help some but will do very little to solve the core problems that I have already identified." "In conclusion, I recommend that you not approve the application for this development as long as access is proposed via this dangerous intersection."

Brian Simms (160 Dee Vee Drive, Grand Junction) asked about the size of the building envelopes for the lots. Keith Ehlers addressed the inquiry by stating that all lots meet the required width of 100 feet for the RSF-2 zoning.

Kevin Elisha (2865 A<sup>3</sup>/<sub>4</sub> Road, Grand Junction) expressed his concern with the location of the subdivision entrance and stated that, "...so as the drivers come out of the proposed subdivision, they're going to drive into our front lawn or into our cars and where our kids play and stuff like that." He was also in favor of the masonry wall as opposed to the fence. Mr. Elisha stated that the trees do not provide an adequate sound barrier throughout the year when they lose their leaves. "We don't want to take away the rural flavor of Orchard Mesa but every time you put in a subdivision and we pack the houses together like this, you have destroyed the rural atmosphere of Orchard Mesa and you're continuing to do so all along, all over Orchard Mesa. It will no longer be a rural part of Mesa County. It will be a suburban, tightly packed huge subdivision when it's all finished."

Carol Ward (2860 Casimir Drive, Grand Junction) next addressed the Commission and voiced a concern with respect to the intersection. As stated in the traffic study, "The additional volume added by the proposed development does not change the existing safety problems of Rainbow Drive's vertical alignment and limited sight distance. It does, however, increase the frequency that intersection conflicts are likely to occur."

Cindy Simms (160 Dee Vee Drive, Grand Junction) stated that the trees are considered to be noxious weeds as determined by Mesa County. She requested the Commission revisit the proposed access to the subdivision. "We really don't want to see our neighborhood changed to the degree that this subdivision will change our neighborhood."

### **PETITIONER'S REBUTTAL**

Keith Ehlers first addressed the concerns raised regarding the landscape strip and the actual subdivision layout. As the entrance into the subdivision is directly across from an existing home, Mr. Ehlers pointed out that, "...the Code strictly states and applies in many cases that we have to judge our accesses based on driveways of other homes including entrances to other subdivisions and things of that nature. So really there isn't

a better place for this, and on top of it what that allows us to do is keep from having just a straight shot down to the cul-de-sac bulb.”

He believed that the applicant had met all of the concerns that were addressed in the annexation hearing and are adhering to RSF-2 zone standards. Mr. Ehlers stated that the irrigation issue had been addressed.

With respect to the main concern, the intersection, Mr. Ehlers stated that applicant is mitigating the intersection for impacts of this subdivision. “It’s very important to understand that it is a mitigation of our impacts, not a solving of the problem.”

Keith Ehlers advised that a portion of this site has been dedicated to the A<sup>3</sup>/<sub>4</sub> Road right-of-way. With respect to the grove of trees, Mr. Ehlers stated that, “This is a great screening system. It’s a barrier. It looks great. We do have a control set up on the landscape plan and how that landscape strip will be addressed and maintained by the HOA that’s going to make sure that it does stay clean and clear.”

The applicant, Richard Brown (2678 Casimir Drive, Grand Junction), clarified that initially Mesa County had verbally agreed to participate in a cost-sharing in the mitigation of Rainbow Drive. However, upon receipt of a written letter from Mesa County, he was informed that he would be solely responsible for the mitigation. “So at that point I neither agreed or disagreed with that assessment. My decision at that point was to continue working with the County to see what can be done.” Mr. Brown offered his assurance that this subdivision would enhance surrounding property values.

### **QUESTIONS**

Chairman Dibble asked whether it would be possible to put a three-way stop sign at the intersection of A<sup>3</sup>/<sub>4</sub> Road and Rainbow Drive in order to stop the speeding downhill. Keith Ehlers stated that because of the hill, a stop sign at that location is not deemed feasible by either Mesa County RTPO or applicant’s traffic engineer. “This intersection does work for the posted speed limit and it works for 10 miles an hour over the posted speed limit.”

### **DISCUSSION**

Commissioner Cole stated that by changing the zoning from RSF-4 to RSF-2 that a lot of the mitigation has been taken care of. He too expressed a concern about the intersection. He also stated that he does not see the necessity of the masonry wall due in large part to the distance from the highway. “I would be in favor of eliminating the wall and approving the subdivision as presented.”

Commissioner Pitts also voiced a concern of the safety issue. He stated that he would be in favor of the proposal with the recommendations of the Planning Department which does include the requirement of the masonry wall.

Commissioner Lowrey agreed with Commissioner Pitts and believes that the masonry wall should be a requirement.

Commissioner Putnam agreed and “I think we ought to go ahead and approve it.”

Chairman Dibble stated that he believed a fence, with everything else taken into consideration, would be sufficient.

**MOTION: (Commissioner Putnam) “Mr. Chairman, I move that we approve the Preliminary Subdivision Plan for Orchard Mesa Family Estates, PP-2006-157, with the findings, conclusions and conditions listed in the staff report.”**

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

Chairman Dibble suggested that Items 9 and 10, TAC-2007-006, Text Amendment – Code – Zoning and Development Code Text Amendments, be continued to the next scheduled hearing on February 27, 2007.

With no objection, the public hearing was adjourned at 11:38 p.m.