

**GRAND JUNCTION PLANNING COMMISSION  
JANUARY 24, 2006 MINUTES  
7:00 p.m. to 10:10 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 Dibble (Chairman), Lynn Pavelka-Zarkesh, Tom Lowrey, Patrick Carlow, Bill Pitts, Roland Cole, and Reggie Wall. William Putnam was absent.

In attendance, representing the City's Community Development Department, were Kathy Portner (Assistant Community Development Director), Kristen Ashbeck (Senior Planner), Lisa Cox (Senior Planner), and Lori Bowers (Senior Planner).

Also present were Jamie Kreiling (Assistant City Attorney, and Eric Hahn and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

There were 39 interested citizens present during the course of the hearing.

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

Chairman Dibble indicated that item PP-2005-216 had been pulled from the evening's agenda, and a request had been made to continue item ANX-2005-264 to the February 14, 2006 public hearing. (The motion for continuance had originally been made at the end of the public hearing.)

**MOTION: (Commissioner Cole) "So moved [to continue item ANX-2005-264 to the February 14, 2006 public hearing."**

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

**II. APPROVAL OF MINUTES**

Available for consideration were the minutes from the December 13, 2005 public hearing.

**MOTION: (Commissioner Cole) "Mr. Chairman, I move [for] approval of the December 13th minutes as presented."**

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioners Lowrey and Pitts abstaining.

**III. CONSENT AGENDA**

Available for consideration were items:

1. PP-2004-153 (Preliminary Plat--Ridgewood Heights Subdivision)
2. PP-2005-145 (Preliminary Plat--Redlands Valley Subdivision)
3. RZ-2005-265 (Rezone--West Main Parking Lot)
4. GPC-2005-296 (Growth Plan Consistency Review-Gormley Planned Development)

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, items PP-2004-153 and GPC-2005-296 were 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 items.

**MOTION: (Commissioner Cole) "Mr. Chairman, I would move [for] approval of the Consent Agenda, items 2 and 3 [PP-2005-145 and RZ-2005-265]."**

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

#### **IV. FULL HEARING**

##### **PP-2004-153 PRELIMINARY PLAT--RIDGEWOOD HEIGHTS SUBDIVISION**

**A request for approval to 1) vacate an existing water line easement and an existing roadway slope and borrow pit easement, and 2) develop 71 single-family lots on 15.51 acres in an RMF-5 (Residential Multi-Family, 5 units/acre) zone district.**

**Petitioner: Lyle Arnet**

**Location: 585 28 1/4 Road**

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

Loren Ennis, representing the petitioner, overviewed the request. He felt that the proposed townhomes would improve a site that over the years had become an eyesore. Higher density clustering allowed for smaller lots; however, he felt that the subdivision's residents would be more community-oriented as a result. Also, approximately 30 percent of the parcel would be retained in open space. The water line vacation would allow for a more centrally located water line. The borrow pit easement vacation was more of a "housekeeping" measure resulting from improvements previously undertaken along 28 1/4 Road.

##### **QUESTIONS**

Chairman Dibble asked for specifics on the Patterson Road access. Mr. Ennis said that the City had required a connection to Patterson Road via Rio Grande Drive. Plans included resurfacing Rio Grande Drive. Although he expected the bulk of subdivision traffic to enter/exit via the 28 1/4 Road access, the Patterson Road connection had been required to address safety and interconnectivity.

##### **STAFF'S PRESENTATION**

Lisa Cox gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) background information, and 6) Preliminary Plat. Referencing the Existing City and County Zoning Map, she pointed out a parcel within the site's boundaries that, although the map indicated RMF-8 zoning, it was actually zoned RMF-5. The site's location and the locations of the canal, proposed detention pond, accesses, and open space areas were shown. A second access had been required to accommodate the number of lots proposed and to provide for neighborhood interconnectivity.

Ms. Cox noted the area where the roadway borrow pit easement was located, which had facilitated improvements to 28 1/4 Road. Since improvements had long since been completed, the City's Public Works Department concluded that the easement was no longer needed. She also noted the locations of both the existing and proposed water line easements. Approximately 30 percent of the site would be left in open space, with most of the open space found in Tract A. Except for Tract I, open space would be landscaped and maintained by the subdivision's Homeowners Association (HOA) and include park

benches installed by the petitioner in Tracts B and C. At some point, Tract I would be dedicated to the Mantey Heights Rehabilitation Center. Since the tract was currently being used as a parking lot, the petitioner would be expected to comply with dust and weed control requirements. When Tract I is conveyed to the Rehabilitation Center, a rezoning of the tract would be required. A pedestrian trail was proposed for Tract A which would run through Tract A to Cumbres Court with another pedestrian easement north of the Grand Valley Canal and a third pedestrian easement from Rio Grande Drive to 28 1/4 Road. The pedestrian accesses would facilitate circulation from the internal subdivision streets to 28 1/4 Road. Retaining walls (locations noted) would be located either entirely within open space tracts that would be maintained by the HOA or within easements that allowed for maintenance by property owners. Final design details of the proposed walls would be completed in conjunction with the Final Plan/Plat review process. A discharge agreement with GVIC would be required before any stormwater could be discharged from the detention pond into the Grand Valley Canal.

Subdivision signage had not yet been identified. The development would be completed in a single phase. Staff offered no objection to the borrow pit vacation along 28 1/4 Road. With regard to the water line easement, staff recommended that it be conditioned upon a new easement dedicated with the final plat recordation of the subdivision. She asked that planning commissioners include that condition of approval in their motion. The subdivision's proposed overall density of 4.5 du/acre was consistent with Growth Plan goals and policies and Code criteria. Revised motions drafted by Assistant City Attorney Jamie Kreiling for the proposal were referenced; they differentiated from those found in staff's report and included requiring the petitioner to pay for all recording/documentation fees associated with the vacations. Approval of all three requests were recommended, but Ms. Cox asked that Mr. Hahn, City Development Engineer, be given an opportunity to speak on sewer-related issues.

Mr. Hahn came forward and said that the issues referenced by Ms. Cox pertained to the location of the sewer outfall. He noted the proposed location of the sewer line in the southeast corner of the property. A letter had been received very late from the Fruitvale Sanitation District, allowing the sewer line be moved into 28 1/4 Road. District representatives concluded that sufficient room existed to put the sewer main over the top of the existing culvert and still be under the asphalt pavement, with sufficient depth to serve all necessary needs. This represented a minor change and one that would not alter the subdivision's overall layout.

### **QUESTIONS**

Chairman Dibble wondered if sewer line installation would pose any interruption to traffic traveling along 28 1/4 Road. Mr. Hahn responded that some disruption would likely occur during construction. When asked if a pumping station would be required, Mr. Hahn replied negatively. He noted the City's plans to ultimately abandon an existing lift station (location noted) and said that anything designed in conjunction with the current project had to be low enough to accommodate the future abandonment of that lift station.

Commissioner Pitts asked if it were likely the petitioner would receive a discharge agreement from the owners of the Grand Valley Canal. Mr. Hahn replied affirmatively, adding that the process was moving forward without any apparent sticking points.

Commissioner Lowrey noted that several months prior in another public hearing on another subdivision proposal there had been significant discussions on limiting accesses onto Patterson Road in response to traffic and safety concerns. As one who drove by the Mantey Heights Subdivision every day, he was very concerned that the Patterson Road access via Rio Grande Drive would pose a real safety hazard. He felt that accesses onto Patterson Road should be limited to as few as possible. A single access into the proposed subdivision seemed sufficient, and he suggested eliminating the Patterson Road access altogether. Mr. Hahn said that the City was doing all it could do to limit accesses onto Patterson Road. However, a second access had been required not only because of the number of lots proposed and for

interconnectivity, but also because the Fire Department required two access points. He acknowledged that the Patterson Road access would clearly impact existing traffic patterns on Patterson Road. It was already difficult for Mantey Heights' residents to access Patterson Road via Rio Grande Drive, especially with regard to left-hand turns.

Commissioner Lowrey noted the presence of a fire station directly across from the subject property on the corner of Patterson and 28 1/4 Roads. Mr. Hahn pointed out that the City had no intention of routing traffic anywhere through Mantey Heights Subdivision except via Rio Grande Drive. He said that while traffic impacts from that intersection could be expected, they fell within acceptable parameters based on what streets could withstand.

Commissioner Lowrey asked if planning commissioners had the authority to waive the second access requirement based on safety concerns. Mr. Hahn said that waiver of the requirement would take an agreement from the Fire Department; however, it was unlikely that one would be given. The Fire Code stated that no two points of access should be so closely located that they would both be impacted by a single event. As it so happened, the property was sufficiently sized and located to accommodate a second access off of 28 1/4 Road without requiring a TEDS exception.

Chairman Dibble noted that if it were so difficult for residents of the proposed subdivision to get out onto Patterson Road via Rio Grande Drive, even the owners of the lots nearest Rio Grand Drive might opt to traverse the subdivision and exit out onto 28 1/4 Road because that intersection had a traffic light at the intersection with Patterson. Mr. Hahn agreed that that was a distinct possibility since people generally took the path of least resistance.

Chairman Dibble asked for 28 1/4 Road's current traffic counts, if known. Mr. Hahn responded that traffic counts were currently much lower than the expected build-out capacity of 18,000 average daily trips (ADTs). That figure represented the upper end of a standard 3-lane section; thus, the street may be restriped to accommodate three lanes with a turn lane. That possibility may be more likely if both access points from the proposed subdivision originated from 28 1/4 Road. Mr. Hahn said that the City recognized the difficulty in turning onto Patterson Road. A number of options had been discussed to mitigate the problem, including prohibiting left-hand turns altogether or installing medians down large stretches of Patterson Road.

Chairman Dibble asked if Mantey Heights' residents received their access solely from Patterson Road, to which Mr. Hahn responded affirmatively, adding that there was also the possibility of those residents using Rio Grande Drive access through the new subdivision as a shortcut to 28 1/4 Road.

Chairman Dibble noted the presence of many landlocked parcels in the area. Mr. Hahn referenced the site location map and noted those parcels that were currently landlocked. The City required the petitioner to provide those property owners with an access easement along the Grand Valley Canal; however, since the City did not want a street located there, it was unlikely that an actual street section would ever be constructed.

**PUBLIC COMMENTS asylum**

**FOR:**

There were no comments for the request.

**AGAINST:**

Todd Pace (122 Santa Fe Drive, Grand Junction) said that he had a number of concerns. He felt that Mantey Heights Subdivision had a unique character, with nice older homes. With the exception of the Rehabilitation Center, the entire subdivision consisted of single-family dwellings. The proposed

development was incompatible with the surrounding area, and its density would be double or triple that of the Mantey Heights Subdivision. Such an increase in density would destroy the character of Mantey Heights Subdivision, diminish property values, and impact current residents' quality of life.

Mr. Pace also pointed out that while geothermal energy had been proposed for the new subdivision, his research cited the Colorado Geological Survey, the Department of Natural Services and CSU, who stated that there were no viable geothermal energy sources in Mesa County. Nor were there any technologies that could safely and appropriately utilize those sources, even if they did exist. Yet, the petitioner was proposing to use such technologies for his proposed development.

With regard to safety, Mr. Pace pointed out that there had been a number of Patterson Road traffic studies conducted. Last year, 43 percent of all fatal accidents occurred within five blocks of the Rio Grande access. How could the City justify routing another 300 cars through that "tiny" access onto Patterson Road, especially with its limited sight distance? City Ordinance 3641, he said, had a provision that permitted collection of additional fees from developers whose projects dramatically impacted the surrounding area, which this one would do. There were three schools located within a block of the intersection and two handicap nursing homes within a block of the intersection. Everyone, including City staff, acknowledged the safety and traffic impacts that would result from routing more traffic to this intersection. He felt that the City must address it as a serious issue or face the likelihood of even more fatalities in the area as a result. The proximity of the subdivision to the canal posed another safety issue. The children from all those new homes would be especially at risk.

Mr. Pace said that the one of the goals outlined in the City's Master Plan was to preserve the quality of life for existing residents by preserving the integrity of existing land uses. Mantey Heights existed prior to most other subdivisions in the area. The integrity of that neighborhood should be respected and preserved. He suggested the developer come back with a much less dense proposal, one that addressed safety concerns by eliminating the Rio Grande access point. He also asked that Mantey Heights' residents be kept informed on the progress of the developer's proposal.

Kitty Nicholasan (109 Santa Fe Drive, Grand Junction) came forward to concur with Mr. Pace's comments.

Janet Grant (118 Mantey Heights Drive, Grand Junction) said that if an access easement were granted to the landlocked parcels as Mr. Hahn suggested, it would create a "back door" into the Mantey Heights Subdivision that could ultimately hurt their residents and create additional safety concerns.

Nancy Quintana (106 Santa Fe Drive, Grand Junction) agreed with previously stated comments and concerns. She also hoped that if standing water were permitted in the petitioner's proposed detention pond, some form of mosquito abatement be implemented. She also felt that site construction would force the movement of prairie dogs from the site into the Mantey Heights Subdivision. Since prairie dogs carried diseases such as bubonic plague, this represented a serious health concern. She supported the City's current position of never routing additional traffic into Mantey Heights, and pointed out that most of the neighborhood's homes were old enough to qualify the area as historically significant.

Jo Ann Ridder (137 Santa Fe Drive, Grand Junction) said that her biggest concern was with regard to traffic. Trying to get onto Patterson Road in the morning, she said, was a traumatic event, and she often waited at the Rio Grande intersection for five minutes. Vehicles traveling along Patterson Road actually seemed to speed up when an opening in front of her appeared. She said that she'd closely missed being involved in an accident at the 28 1/4 and Patterson Roads intersection. With so many more people potentially accessing Patterson Road from the new subdivision, perhaps the City should consider installing a traffic light at Rio Grand Drive.

Wayne Meeker (120 Santa Fe Drive, Grand Junction) agreed with the comments made previously by his neighbors.

Russ Conner (128 Santa Fe Drive, Grand Junction) said that a "big deal" had been made about the applicant's provision of so much open space. Referencing the aerial photo map, he noted the location of proposed Tract A and said that its steep topography made it all but unusable to anyone. He agreed that safety was a big concern, and he wondered if the property had been surveyed.

Karen Milbank (130 Carlitos, Grand Junction) suggested that the City require the developer to eliminate the Rio Grande access and reduce the project's overall density. She also agreed with neighbor comments.

Kitty Nicholasan (109 Santa Fe Drive, Grand Junction) came forward and added that it was highly unlikely the residents of Mantey Heights would ever use Rio Grande Drive through the new subdivision as a shortcut to 28 1/4 Road.

### **PETITIONER'S REBUTTAL**

Mr. Ennis appreciated the neighborhood's concerns, and he'd tried to address them as much as possible. He'd agreed to provide an easement to the landlocked parcels referenced previously by Mr. Hahn. He was unsure where the 300 car reference came from but only 170 people were expected to populate the new development. He noted the location of the proposed retaining walls and fencing along the property's southern perimeter, a measure designed to protect children and pedestrians from the canal. With regard to the referenced sewer issues, approximately 9 months and \$52K had gone into studies used to develop an appropriate and viable gravity-feed system from the new subdivision to Fruitvale Sanitation District's system. The District's letter had been prompted by another developer wanting to develop property in the same general area. The District felt that relocating the sewer line would better facilitate both the current and future developments.

With regard to density, he'd originally approached the City with a much more dense proposal because the zoning permitted it. The current proposal for 71 lots represented a reduction from that original request. This development, he said, would be upper scale and would not compromise area property values. Proposed homes would be stuccoed and would use upgraded roofing materials. A Homeowners Association would be formed to maintain landscaped open spaces. Much of the area in Tract A had been graded so that people from the subdivision would be able to benefit from it.

Mr. Ennis said that traffic had been an issue from the project's onset. Traffic along Patterson Road had steadily increased, but he felt that the City had been sensitive in their planning efforts. The Patterson Road access represented the most feasible second access point, one that would serve the greatest number of people. However, given the wait time at the Rio Grande entrance, he felt that new subdivision residents would choose to get to Patterson Road via 28 1/4 Road. He noted the lack of any evidence to suggest that prairie dogs inhabited the site. No actual prairie dogs nor any prairie dog holes had been discovered during the site's excavation. In response to the question regarding survey of the site, he said that the site had been surveyed probably a dozen times. He noted the locations on the site where he'd proposed to install fencing. He said that perhaps 125 feet would separate the subdivision from even the back yard of the nearest Mantey Heights resident.

### **QUESTIONS**

Commissioner Wall asked the petitioner's representative what he thought about both accesses originating off of 28 1/4 Road. Mr. Ennis said that to require a redesign of the development after investing so much money and more than two years of planning represented "cruel and unusual punishment." He also felt that eliminating the Rio Grande entrance altogether would hinder emergency vehicle access, which would be a detriment to people living on that side of the development.

Commissioner Lowrey asked staff how many dwelling units could be located off a single access, to which Mr. Hahn replied 30.

Commissioner Lowrey said that Mantey Heights' residents clearly didn't support interconnectivity. He felt strongly that the Patterson Road entrance, in the current instance, did not make sense and posed significant traffic and safety concerns. In this case, he said, safety was the presiding issue. He felt that a waiver from the City's Fire Department should be sought. Mr. Ennis said that he'd met many times with Fire Department officials and was doubtful that they would knowingly place that liability on the City. He suggested that the City consider better traffic control along Patterson Road instead.

Commissioner Pitts asked if the maintenance of Rio Grande Drive would be the petitioner's responsibility. Mr. Hahn said that the petitioner was required to provide a 20-foot-wide paved access. Actual street construction and maintenance would be undertaken by the City. He added that complying with the Fire Department's requirement to provide an emergency access was more important than providing neighborhood interconnectivity. If planning commissioners were adamantly opposed to the Rio Grande entrance, the only other alternative was to provide both accesses off of 28 1/4 Road. Yet, that would require redesigning the project, something the petitioner's representative had already stated would be a hardship.

Commissioner Lowrey reiterated his concerns over opening up yet another access onto Patterson Road. It seemed to him that other alternatives should be considered. Mr. Hahn said that it was within the Planning Commission's purview to request more information if additional data were required. When asked if the Rio Grande access could be limited to just emergency vehicle usage, Mr. Hahn said that the Code specifically stated that the second access point could not be "fire access only." Ms. Kreiling said that she knew of no waiver or variance procedure in the Fire Code; the City had to meet the terms of the Fire Code. She suggested returning the issue to City staff for re-review as a means of securing additional information.

Commissioner Cole said that while not necessarily germane to this evening's discussion, a question had been raised over the use of geothermal energy. Mr. Ennis said that hot water was not the only geothermal alternative available. Other geothermal sources, originating from the sun and the earth, were actively used on the Western Slope. None of them was toxic, and materials and equipment currently in use had a 50-year guarantee.

Commissioner Cole also expressed concern over putting more traffic onto Patterson Road. He routinely accessed Patterson Road from 28 Road and found it very difficult to do so. He agreed that the City had very definite traffic control issues along that corridor but was unsure how they could be addressed in the context of the current development proposal. He asked staff to provide an opinion on the traffic control issue along Patterson Road. Ms. Portner responded that if planning commissioners felt uncomfortable with the information presented to them, or if they felt that insufficient data had been provided, staff could re-review the issue and seek to provide them with additional information. That could include a review of the City's Fire Code or further investigate the alternative of placing both accesses on 28 1/4 Road. Commissioner Cole agreed with the need for two access points, but he continued to have concerns over putting additional traffic directly onto Patterson Road.

Chairman Dibble asked what the density of the site would be if open space were excluded. Ms. Cox replied that without open space, the build-out would be approximately 5.6 du/acre.

Commissioner Wall asked staff for the distance between the Rio Grande entrance and the intersection of 28 1/4 and Patterson Roads. Mr. Hahn estimated the distance to be somewhere between 600-700 feet.

**DISCUSSION**

Commissioner Pitts noted that 28 3/4 Road had been closed recently as a result of traffic issues. Although he didn't really want the petitioner to have to go back and redesign the subdivision, the traffic and safety issues associated with the Patterson Road entrance were predominate. In keeping with the suggestions made by counsel and staff, he would be inclined to deny the proposal in its entirety pending additional research into other access options.

Commissioner Cole felt that he could move forward with the vacation issues. He mirrored concerns with the Preliminary Plat because of the Patterson Road access. He agreed that the issue merited further review, with the hope that a solution could be found that would preclude the petitioner having to go back and redesign the project.

Commissioner Carlow concurred. Given the proximity of the Rio Grande Drive to the 28 1/4 Road intersection, he felt that approval of the plan as proposed would create a number of traffic and safety related problems.

Commissioner Wall felt that he too could proceed with the vacation requests. While he had similar concerns about the Patterson Road entrance, he didn't think that it would get that much use. He didn't want the petitioner put in a position of going back to the drawing board and spending more time and money in redesigning the project, and he thought that perhaps there would be additional traffic control measures implemented at some future point. For those reasons, he felt he could support the petitioner's plan as presented.

Commissioner Pitts amended his position to state that he would be in favor of moving forward on the petitioner's vacation requests.

Commissioner Pavelka-Zarkesh expressed support for the vacation requests but she shared the same concerns over the Patterson Road access. She agreed that two accesses were needed; however, it was unclear how much impact traffic from this subdivision would have on Patterson Road, and it seemed there were still questions over the expected traffic volumes from the subdivision on both 28 1/4 and Patterson Roads. While she would hate to see the petitioner have to go back and redesign the project, you couldn't put a price on someone's safety.

Chairman Dibble cited Code section 2.11.C and pondered the adverse impacts that could affect the surrounding area if the current proposal were approved. Using 28 1/4 Road as a demarcation line, it seemed to him that densities to the east of that roadway were higher than they were on the west. While the proposed Patterson Road access may not be heavily used, any additional use of it would create an adverse impact to traffic and safety. Based on the significance of those concerns, he felt that perhaps the plan should go back to the drawing board for redesign, even if it meant inconveniencing the petitioner. Had the developer shown both accesses off of 28 1/4 Road, he would have been more inclined to approve the plan. Because clustering would ultimately result in an even higher density project than was typical for an RMF-5 zone, resolution of the issues discussed became even more important. This project was very dense as proposed, and he felt it was out of character with the surrounding area. For these reasons, he felt he could not support the request for approval of the Preliminary Plat.

Commissioner Lowrey took no issue with the project's proposed density or the vacation requests. He noted that the steep topography of the open space area would serve to screen the project from the view of Mantey Heights' residents. He expressed similar concerns over the Patterson Road entrance but was unsure whether other alternatives were available or if the Fire Department's requirements trumped everything else. He was not necessarily interested in requiring the petitioner to redesign the project if other solutions were available.



Chairman Dibble asked if the water line easement request could move forward independent of the Preliminary Plat. Ms. Kreiling replied affirmatively. Even if the water line were relocated from where it was presently shown on the plat, the vacation of the existing easement would still be necessary. If approval were given to the vacation and the petitioner returned with a new plat proposal, as long as the location of the new water line received staff approval, the petitioner could still move forward with his revised plat.

Commissioner Lowrey asked staff if tabling the Preliminary Plat request would give all parties sufficient time to resolve traffic issues. Mr. Hahn thought that the suggestion might be worthwhile; however, the outcome was dependent upon the specific direction given. He could see no resolution to the current issues unless something "gave." The City required two points of access to accommodate the proposed density, and it was unlikely that the Fire Department would waive the requirement. That would force the developer to either downsize the development to a density of only 30 units or consider a second access off of 28 1/4 Road, with both options requiring a redesign of the project. There was also the possibility that staff could come back and conclude that there were no other viable options available. He noted that the petitioner had paid for a traffic study, but interpreting the findings of any traffic study was a "soft science" at best.

Commissioner Wall asked how long an analysis would take to complete. Mr. Hahn felt that a month would be sufficient time.

Chairman Dibble noted that 710 ADTs would be created, based on the project's current density (10 ADTs per household x 71 du). It was likely that some of that projected traffic would use the Patterson Road entrance but it was unclear just how much impact there would be. Given the City's goal to minimize the number of entrances directly onto Patterson Road and minimize associated impacts, there seemed sufficient justification to rethink the Patterson Road entrance. Mr. Hahn said that traffic analyses were typically black and white. Consequently, it might not be possible for him to come back with a "preferred" alternative since analysis results would only show only whether an alternative was "allowable" or not. He surmised that he would likely come back with the same findings as what had already been submitted.

Commissioner Cole said that given Mr. Hahn's comments, he felt he had no choice but to change his position regarding the Patterson Road access. While he didn't like the access being there, he didn't think it would overly adversely affect traffic on Patterson Road. He still felt that additional traffic controls were warranted but he felt he could support the petitioner's request for Preliminary Plat approval. He also agreed that the site's topography would serve to screen the project from Mantey Heights' residents.

Commissioner Wall asked when, over the last 2 1/2 years, had the two-accesses-off-of-28 1/4-Road alternative been discussed. Mr. Hahn said that that had only been discovered two weeks ago. Ms. Kreiling remarked that the petitioner could have come up with the same alternative. It was not incumbent upon the City to make that determination. Mr. Hahn recounted a brief history of discussions with the petitioner's representative on he access issues.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item PP-2004-153, I move that the Planning Commission recommend conditional approval to the City Council of the request to vacate the roadway slope and borrow pit easement along the east portion of the property, with the findings of facts and conclusions in the staff report, with the condition that the applicant pay all recording/documentation fees for said vacation."**

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

**MOTION: (Commissioner Cole) "Mr. Chairman, on item PP-2004-153, I move that the Planning Commission recommend conditional approval to the City Council of the request to vacate the water line easement that crosses the northwest portion of the property, with the findings of facts and conclusions in the staff report and that the vacation be conditioned upon a new water line being constructed in a new location acceptable to staff, that the old water line be properly vacated, and that a plat for a new subdivision not be recorded until staff has approved the relocation and a proper dedication for a new water line easement is made to the City, and that the applicant pay all recording/documentation fees for said vacation."**

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

**MOTION: (Commissioner Cole) "Mr. Chairman, on item PP-2004-153, I move that the Planning Commission approve the Preliminary Plat, with the findings of fact and conclusions in the staff report, and condition the approval upon the roadway and borrow pit easement and the water line easement being vacated by City Council."**

Commissioner Wall seconded the motion. A vote was called and the motion failed by a vote of 2-5, with all but Commissioners Wall and Cole opposing.

A brief recess was called at 9:10 p.m. The public hearing reconvened at 9:16 p.m.

**GPC-2005-296 GROWTH PLAN CONSISTENCY REVIEW -- GORMLEY PLANNED DEVELOPMENT**

**A request for approval of the non-linear design of the Planned Development, which does not follow the linear designation of the Growth Plan's Future Land Use Map.**

**Petitioner: Patrick Gormley**

**Location: Southwest corner of 1st Street and Patterson Road**

**PETITIONER'S PRESENTATION**

Ted Ciavonne, representing the petitioner, availed himself for questions but asked to reserve comment until the rebuttal portion of the public hearing.

**STAFF'S PRESENTATION**

Kathy Portner clarified the request as being just the consideration of a Growth Plan Consistency Review to determine whether a Growth Plan Amendment (GPA) would be required of the petitioner. The petitioner's Outline Development Plan (ODP) was going through initial staff review but details would be presented at a later date. She gave a Powerpoint presentation, which contained the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) zoning map; 5) Growth Plan land use exhibit; and 6) summary of request. The property's current zoning was RMF-12. She noted that the petitioner's ODP included commercial uses in the northern half of the property and residential planned development (PD) in the southern half, in accordance with what was shown on the Growth Plan's current Future Land Use Map. If the Planning Commission found that the request was not consistent with Growth Plan recommendations, the petitioner would be required to obtain a Growth Plan Amendment before his ODP could be considered. The current proposal to vary the linear designation of the Future Land Use Map would allow a more creative development of the property using the site's natural topography. After careful review, staff concluded that the request did comply with Code criteria and Growth Plan recommendations as amended in 2003, and approval was recommended.

Ms. Portner asked that the motion reference the proposed Outline Development Plan as referenced in her presentation.

**QUESTIONS**

Commissioner Cole asked if the entire property was currently zoned RMF-12, to which Ms. Portner replied affirmatively. When asked for clarification on the current request, Ms. Portner reiterated that the request was to vary the linear designation in the 2005 amendment to the Future Land Use Map in accordance with the petitioner's submitted ODP.

Chairman Dibble remembered discussions in 2003 acknowledging that the contours of the property would determine the actual delineation of the two land uses when development occurred. Ms. Portner said that the number of acres contained in each of the two designations was very similar to what the current Future Land Use Map actually reflected.

Chairman Dibble remembered that just the Future Land Use Map had been addressed at the time. He didn't recall discussions regarding the property's actual zoning. Ms. Portner confirmed those recollections.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Chris Williams (568 34 Road, Grand Junction) asked how the commercially designated property would be accessed. Chairman Dibble said that specific site design questions would be best addressed during a future development stage.

Penny Frankhouser (2255 Knollwood Lane, Grand Junction) noted the discrepancies between the blue and white notification cards she'd received. The discrepancies made it unclear to surrounding residents just what was being considered. Ms. Portner clarified the discrepancy and remarked that the blue cards had been sent upon receipt of the ODP that was under review and the white cards were notification of the Growth Plan Consistency hearing.

Tom Smith (2301 Knollwood Lane, Grand Junction) asked if future notification would be given to property owners along 1st Street, since they would be impacted by any development of the subject property. He wondered when the next stage of development would occur. Ms. Portner said that the current request still had to go before City Council for final consideration. She anticipated the next development stage to occur within the next couple of months. She said that a sign would be posted on the property at that time, a legal ad would be published, and notification cards would be sent out to property owners situated within 500 feet of the proposed development site. Mr. Smith added that traffic problems along Patterson Road had already been identified. He felt that traffic from any high-density development of the petitioner's property would only exacerbate the problem.

Ms. Frankhouser added that any traffic studies conducted should include traffic counts beginning at 7 a.m.

Steve Sherwood (2256 Knollwood Lane, Grand Junction) said that he hadn't been notified of Growth Plan discussions in 2003. He expressed concerns over the density allowed by the site's land use designation. When he'd contacted City staff regarding the current request, he'd been shown plans for the property that included a Walgreen's store and multi-family dwelling units. He objected to not having had an opportunity to speak in 2003.

Chairman Dibble asked staff how long the RMF-12 land use designation had been in place. Ms. Portner said that the zoning had been adopted for the site in 2000 to comply with 1996 Growth Plan recommendations. She noted that many articles appeared in the local paper during 2003's Growth Plan

update. In addition, workshops and public meetings had been held, and a variety of legal notices published. Adoption of the 2003 Growth Plan update had not occurred in a vacuum. Chairman Dibble recalled that the Growth Plan review period had been a 4-5 month process.

Jim Baughman (2579 F Road, Grand Junction) felt that changing the residential boundary of the property to more closely follow the site's topography made sense; however, if a deviation was allowed for the commercial portion of the Gormley's property, he hoped the City would give his family the same consideration on their property to the north. Chairman Dibble commented that Mr. Baughman had the same right to submit a similar request to the City if he chose.

**PETITIONER'S REBUTTAL**

Mr. Ciavonne said that he was unable to answer specific design questions because the site design was not under current consideration. While he could have combined the current request with the ODP, he'd felt that this had been the better way to go. He said that a neighborhood meeting would be scheduled in the near future to solicit comments and input from surrounding residents on the development.

When asked by Chairman Dibble if there were any way to apprise folks outside of the normal 500-foot notification area of upcoming meetings, Mr. Ciavonne responded affirmatively.

**DISCUSSION**

Commissioner Cole expressed support for the request and felt that it made sense for the zoning to follow the site's natural topography.

Commissioner Pitts concurred and reiterated that the only thing before the Planning Commission was consideration of the Growth Plan consistency review.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item GPC-2005-296, I move that we forward a recommendation of approval to the City Council with the finding that the proposed commercial and residential medium-high land designations as shown on the Outline Development Plan for property located at 2503 North 1st Street are consistent with the Growth Plan as amended in 2003."**

Commissioner Pitts seconded the motion.

Ms. Kreiling asked that staff's suggestion to reference the proposed Outline Development Plan as referenced in the presentation. Commissioner Cole agreed to include the amendment. The revised motion is as follows:

**MOTION: (Commissioner Cole) "Mr. Chairman, on item GPC-2005-296, I move that we forward a recommendation of approval to the City Council with the finding that the proposed commercial and residential medium-high land designations as shown on the Outline Development Plan referenced in the presentation for property located at 2503 North 1st Street are consistent with the Growth Plan as amended in 2003."**

Commissioner Pitts seconded the amended motion. A vote was called and the motion passed by a vote of 6-1, with Commissioner Lowrey opposing.

With no further business to discuss, the public hearing was adjourned at 10:10 p.m.