

**GRAND JUNCTION PLANNING COMMISSION  
DECEMBER 14, 2004 MINUTES  
7:02 p.m. to 8:42 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Paul Dibble (Chairman), Roland Cole, Tom Lowrey, John Redifer, Bill Pitts, Lynn Pavelka-Zarkesh, and Reginald Wall (alternate).

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Pat Cecil (Development Services Supervisor), Scott Peterson (Assoc. Planner), Lori Bowers (Sr. Planner) and Faye Hall (Planning Technician).

Also present was Jamie Kreiling (Asst. City Attorney), and Eric Hahn and Rick Dorris (Development Engineers).

Terri Troutner was present to record the minutes.

There were 16 interested citizens present during the course of the hearing.

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

There were no announcements, presentations and/or visitors.

**II. APPROVAL OF MINUTES**

No minutes were available for consideration.

**III. CONSENT AGENDA**

Available for consideration were items ANX-2004-254 (Zone of Annexation--Griffith Annexation), ANX-2004-256 (Zone of Annexation--Summit View Meadows Filing #2 Annexation), CUP-2004-100 (Conditional Use Permit--Quarry Court Fence), and ANX-2004-242 (Zone of Annexation--The Summit Annexation). At citizen request, item ANX-2004-242 was removed from Consent and placed on the Full Hearing Agenda. No objections were received from the audience, planning commissioners, or staff on any of the other remaining items.

**MOTION: (Commissioner Cole) "Mr. Chairman, I move for approval of the Consent Agenda, excluding item 4, ANX-2004-242."**

Commissioner Pitts seconded the motion.

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

#### IV. FULL HEARING

##### **ANX-2004-242 ZONE OF ANNEXATION--THE SUMMIT ANNEXATION**

**A request for approval to rezone 27.2 acres from a County RSF-4 (Residential Single-Family, 4 units/acre) zone district to a City RSF-4 zone district.**

**Petitioner: Stephen Nieslanik**

**Location: 280 29 Road**

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

Faye Hall gave a Powerpoint presentation which contained the following slides: 1) aerial photo map; 2) Future Land Use Map; 3) Existing City and County Zoning Map; and 4) site location map. She provided a brief overview of the request and indicated that the City's proposed zone district was equivalent to that which the property had in the County. The proposed zone would be compatible with surrounding zoning and met both Code criteria and Growth Plan recommendations. Staff recommended approval of the request.

##### **QUESTIONS**

Chairman Dibble asked if the area was primarily zoned RSF-4. Ms. Hall pointed out on an available map the large number of area parcels zoned RSF-4. When asked if the request was consistent with the Future Land Use Map, Ms. Hall responded affirmatively.

##### **PUBLIC COMMENTS**

###### **FOR:**

There were no comments for the request.

###### **AGAINST:**

George Decker (284 29 Road, Grand Junction) indicated the location of his property on the Future Land Use Map. He objected to the property owner's development of a 101-unit subdivision on the parcel and its likely impacts on him and his property. He didn't want his views impeded, nor did he want people coming up and petting his horses.

##### **DISCUSSION**

Commissioner Cole said that while he understood Mr. Decker's concerns, the request did meet established criteria and was for the Zone of Annexation only. Consideration for any development of the property would be given at a later date.

**MOTION: (Commissioner Cole) "Mr. Chairman, on Zone of Annexation ANX-2004-242, I move that the Planning Commission recommend to the City Council approval of the zoning designation of the Residential single-Family (4 du/ac, RSF-4) district for the Summit Annexation, with the facts and conclusions 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.

##### **PP-2004-102 PRELIMINARY PLAN--FLINT RIDGE III**

**A request for approval to develop 106 residential lots for primarily duplex homes on 18.85 acres in an RMF-8 (Residential Multi-Family, 8 units/acre) zone district.**

**Petitioner: Balario/Flores**

**Location: 2946, 2952 D Road**

**STAFF'S PRESENTATION**

Lori Bowers gave a Powerpoint presentation which contained the following slides: 1) photos of the site from various angles; 2) Future Land Use Map; 3) Existing City and County Zoning Map; and 4) Preliminary Site Plan. She explained that the RMF-8 zone had been applied to the property in conjunction with its annexation. During the annexation process, a number of neighbors had voiced their objections to the development. The property owners and neighbors had met on several occasions to try and resolve concerns. Given the lack of opposition present in the audience this evening, she said, those meetings had apparently resulted in successful mitigation of neighborhood issues. Access points and street stubs were noted on the Preliminary Site Plan. Ms. Bowers noted that while the project may appear dense, proposed units were now single-family instead of duplexes.

Having determined that the request met both Code criteria and Growth Plan recommendations, staff recommended approval.

**QUESTIONS**

Chairman Dibble asked for a further clarification on interconnectivity plans. Ms. Bowers noted the site's primary access via D and 29 1/2 Roads. Street stubs would be constructed to the east and west sides of the property. Referencing the partial "hammerhead turnarounds" proposed for Bear Dance Drive, 29 1/2 Road, and Chert Drive at D 1/4 Road, she said that completion of those street connections would occur with development of adjacent properties.

Commissioner Cole observed that the canal seemed to bisect a portion of the D 1/4 Road right-of-way. Did D 1/4 Road actually extend beyond the canal? Eric Hahn came forward and explained that future canal crossings were planned but not in conjunction with the proposed development. Right-of-way was available to accommodate a D 1/4 Road extension but no street currently existed there. Under the new TCP ordinance, funds collected from developers of both the subject property and the adjacent properties would be used to construct the street at the time the adjacent properties developed. The adjacent property owners would be responsible for undertaking construction; the City would reimburse them using TCP funds. The developer of the currently proposed project would be responsible for constructing just the hammerhead turnarounds (noted on the Plan) at D 1/4 Road to meet Fire Department standards. He noted that handling a reverse curve on property not owned by the petitioner made it impractical for the petitioner to complete improvements at those turnaround points.

Chairman Dibble asked if a canal crossing would be constructed at 29 1/2 and D 1/4 Roads at some future time to provide interconnectivity to the north. Mr. Hahn replied affirmatively, adding that another canal crossing point existed further east adjacent to the Flint Ridge Filing 2. The developer had paid cash for a portion of that crossing in lieu of actually constructing the crossing. As with D 1/4 Road, funds would be collected by developers of both the Flint Ridge and adjacent properties, with construction of the actual crossing to occur in conjunction with development of those adjacent properties.

Commissioner Cole wondered why the street connections shown along the northern perimeter of the plat, connecting the turnarounds and ending at the east/west property lines, would not be developed in

conjunction with the current proposal. Mr. Hahn said that since the turnarounds met TEDS standards and met the needs of the subdivision, no additional connections would be necessary until such time as adjacent properties developed. He added that City staff were already engaged in discussions with adjacent property owners about development of their properties. Mr. Hahn expected that within a year the City would likely receive a development submittal from those adjacent property owners.

Commissioner Cole maintained that the developer of the currently proposed project should still be responsible for constructing half-street improvements on his property. Mr. Hahn explained that under the old TCP ordinance, actual construction or cash in lieu of construction would have been required. However, since the new TCP ordinance provided for the collection of additional fees for each lot as part of the developer's TCP payment, that criteria had changed.

Commissioner Pitts asked if there were two entrances into the site. Mr. Hahn answered that only one primary entrance had been proposed off of D Road; however, a second ancillary access existed via Red Cloud Lane to the east, connecting with Flint Ridge Filings 1 and 2.

### **PETITIONER'S PRESENTATION**

Loren Ennis, representing the petitioner, said that the main reason the City opted not to require half-street improvements at D 1/4 Road was because of D 1/4 Road's alignment. He said that as initially proposed, the subdivision had been comprised of all duplex units. As a result of so much neighborhood opposition to the duplex units, the Preliminary Plan had been changed to reflect just single-family units. In subsequent meetings with neighborhood residents, they seemed to be more comfortable with the proposal.

### **QUESTIONS**

Chairman Dibble asked if build-out density would be 5.62 units/acre, to which Mr. Ennis responded affirmatively. When asked what the units would look like, Duncan McArthur, representing the petitioner, came forward and presented drawings of proposed housing styles and elevations. Chairman Dibble asked if homes would be owner-occupied versus rental units. Mr. McArthur said that homes would be sold individually; he didn't anticipate many of them being sold for general investment purposes. A homeowners association would be formed to maintain the subdivision's proposed irrigation system, detention pond, and common open space areas.

Chairman Dibble asked if onsite management would be provided by the builder/developer. Mr. Ennis explained that onsite management had been provided in Flint Ridge Filings 1 and 2 because it had been developed as a rental community. Since the homes in Filing 3 would be single-family and sold individually, it was not expected that the same onsite management was needed. Certainly, if there were "any sales of that nature here, that would also be the case," so that "there would be consistent management. There wouldn't be absentee landlords; there would be onsite management." Mr. McArthur said that there would "still be architectural control, a working relationship with the builder to ensure that plans were consistent with what was being proposed."

Commissioner Pitts asked about side yard setbacks. Mr. McArthur explained that side yard setbacks had to be at least 5 feet; however, some homes had as much as 11-foot side yard setbacks. Homes would range in size from approximately 1,400 to 1,600 square feet and primarily have three bedrooms.

### **PUBLIC COMMENTS**

**FOR:**

Mike Queally (no address given), expressed support for the project but, as one of the principal owners of property adjacent to the current project, he was concerned about how D 1/4 Road improvements would be handled. Those improvements, along with the canal crossing, would be expensive. He wanted to make sure that he would be responsible for only his fair share of improvements costs. Would TCP funds collected from the current petitioners truly cover all of the costs associated with development of their portion of D 1/4 Road and the canal crossing? Mr. Queally remarked that he was unsure why D 1/4 Road had been aligned to curve the way it did. He also wondered if Grand Valley Irrigation Company (GVIC) had agreed to allow the canal crossings, noting that the company was generally very protective of its interests. He was just trying to ensure that when he submitted his development proposal to the City there wouldn't be any major issues outstanding.

**PETITIONER'S REBUTTAL**

Jim Langford, representing the petitioner, said that he was responsible for engineering on the current subdivision as well as for planning on Mr. Queally's project. The curve in the D 1/4 Road alignment, he said, was so that D 1/4 Road would meet up with the street alignment directly east. With regard to the canal crossing issue, he'd found GVIC to be very cooperative with past projects. While recognizing that discussions would have to be undertaken, he had no reason to believe that the crossing would be disallowed.

**DISCUSSION**

Chairman Dibble asked Mr. Hahn to come forward and elaborate briefly on street connection and crossing comments made by Mr. Queally and the petitioner's representative. Mr. Hahn confirmed that the D 1/4 Road alignment had been designed to meet up with an existing right-of-way to the east. The eastern right-of-way had been dedicated as part of a previous subdivision request and took into consideration a portion of park land dedicated in conjunction with Flint Ridge Filing 2. The curves and radii met City standards. Granted, agreements with GVIC were sometimes difficult to obtain; however, in most cases they were amenable to working with the City and developers. Should negotiations with them fail, he said, other options were available.

When Commissioner Lowrey asked about collection of adequate TCP funds, Mr. Hahn said that there would be consistency in the application of the new TCP policy. The requirements placed on the current developer would be extended to Mr. Queally as well. The developer(s) of the adjacent properties would be responsible for constructing improvements; however, all costs, including design costs, would be eligible for TCP reimbursement.

Commissioner Lowrey asked if the City could exercise its right of condemnation to ensure construction of the canal crossing if prohibited by GVIC. Ms. Kreiling said that condemnation wasn't typically available as a means of remedying development concerns. Condemnation was reserved as a last resort to remedy situations that benefitted the public at large. Developers were responsible for all costs associated with development of their properties, including, if required, a canal crossing. She was unclear whether GVIC actually owned the right-of-way along the canal or if it was just an easement. As a non-exclusive easement holder, they would have some rights to protect their interests against unreasonable interference. Whether or not a canal crossing was deemed an "unreasonable interference" could be determined by a court of law.

Commissioner Lowrey asked if the City retained the right to ensure interconnectivity and available infrastructure. Ms. Kreiling said that if the City determined that the public at large would benefit from a

canal crossing, it could consider condemnation. In the current situation, however, the extension was necessitated by the development itself and was thus the developer's responsibility.

Mr. Hahn agreed that while desirable to have the street connection built, the City did not view it as something that had to occur in order for the area to receive adequate traffic circulation.

Ms. Kreiling reminded planning commissioners that the only development under current consideration was that of Flint Ridge Filing 3. Without submission of a plan from adjacent developers, it was unclear what would or would not work.

Chairman Dibble acknowledged and commended the petitioner's efforts to resolve neighborhood issues.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item PP-2004-102, the request for Preliminary Plat approval for the Flint Ridge 3 Subdivision, I move that the Planning Commission make the findings of fact and conclusions listed in the staff report and approve the Preliminary Plan."**

Commissioner Redifer seconded the motion.

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

**PP-2004-083 PRELIMINARY PLAN--BELHAVEN SUBDIVISION**

**A request for approval to develop 57 townhouse lots on 9.57 acres in an RMF-8 (Residential Multi-Family, 8 units/acre) zone district.**

**Petitioner: John Slothower, Sonshine II Construction & Development, LLC**

**Location: 2889 F Road**

**STAFF'S PRESENTATION**

Scott Peterson gave a Powerpoint presentation which contained the following slides: 1) aerial photo map; 2) Existing City and County Zoning Map; 3) Preliminary Plan; and 4) findings and conclusions. The single-family home and outbuildings currently on the property would be removed prior to recording the subdivision plat. The southern end of the property contained a portion of Indian Wash, which would remain as open space, the ownership of which would be deeded to the proposed homeowners association. The development would receive its access via F Road at a point adjacent to Church of Christ property. A TEDS exception had been received for the F Road access in response to strong objection raised by Peppertree residents to the developer's routing traffic through their subdivision. The F Road access should help alleviate some of those concerns. A connection to the Peppertree Subdivision was still planned via Cascade Avenue, however, and a stub street was also planned to continue Cascade Avenue to the Church of Christ property.

Peppertree residents had also expressed opposition to the developer's original plan, which proposed development of 66 units. That number had since been reduced to 57 units, with an overall density of 5.96 dwelling units/acre. Having found that the request complied with Code criteria and Growth Plan recommendations, staff recommended approval.

**QUESTIONS**

Commissioner Cole asked if the Fire Department had had any comments about the stub street to the Church of Christ property. Mr. Peterson said that no objections had been received.

Chairman Dibble referenced the curb, gutter and sidewalk near the northern F Road entrance into the site and asked if it would be constructed on church property as well, as suggested on the Plan. Mr. Hahn came forward and said that improvements would not extend beyond the site onto church property.

Chairman Dibble asked if church visitors would also be allowed to use the development's F Road entrance to access church property, to which Mr. Hahn replied affirmatively. The use of that entrance by church visitors, he said, was actually preferred over their using any of the other three accesses currently available to them. If the church property developed, he continued, at least one of their current accesses would be closed. Another of their accesses, he pointed out, was already restricted to right turns only. The TEDS exception for Belhaven's F Road access had been granted as part of an overall access management concept for properties in that area.

Commissioner Cole asked if the City had engaged in discussions with church representatives about access alternatives, to which Mr. Hahn replied negatively. While those changes were not crucial in the short run, it was something the City was considering in its long-term approach to access mitigation in the area. Commissioner Cole wondered if there would be conflicts at Belhaven's F Road entrance given its close proximity to the church property's entrance. Mr. Hahn said that the street separation issue would be something more closely reviewed during Final. If deemed a problem, the City could require construction of some kind of separation structure, or perhaps staff would need to at that point engage in conversations with church representatives. Either way, a solution was possible. Commissioner Cole encouraged discussions between City staff or the developer and church representatives about that issue.

Chairman Dibble observed that given the lack of audience present, it appeared that most of the previous issues voiced by Peppertree residents had been mitigated. Mr. Peterson said that he'd not heard anything from those residents since May.

### **PETITIONER'S PRESENTATION**

Both Pat O'Connor and John Slothower came forward and introduced themselves. They'd undertaken discussions with church representatives over the access issue and at the present time the church was not interested in participating, at least on a cost-share basis. The church was apparently happy with the way things were and had plans to pave its parking lot early in the spring of 2005.

Mr. Slothower said that he'd tried to address concerns raised by neighboring Peppertree residents and felt that the F Road access the best possible solution.

### **QUESTIONS**

Commissioner Cole thought that perhaps an accident or two at the development's F Road entrance would emphasize to the church the need for additional access mitigation. Mr. O'Connor hoped that visitors would enter church property using accesses closer to 29 Road.

Mr. Hahn briefly explained the process by which the TEDS exception had been granted for Belhaven's F Road access. Peppertree residents had brought forth a compelling argument against routing traffic solely through their subdivision. West Indian Creek Drive was a substandard street and too narrow to accommodate increased traffic volumes. The F Road access could also, in the long run, address other area access issues and may ultimately result in the closure of W. Indian Creek Road altogether.

Commissioner Cole referenced the stub street to the church property and asked if jersey barriers or something similar would be erected there, to which Mr. Hahn replied affirmatively. Road markers, at a minimum, would be placed there.

Commissioner Lowrey drew a comparison between current access issues and the access management plan recently brought forth in conjunction with the Pear Park Neighborhood Plan. He felt that the City had taken a more proactive approach to access management in the Pear Park Plan. Mr. Hahn agreed that the access management plan approved as part of the Pear Park Plan allowed more restrictive standards than those in the TEDS manual. However, that was possible primarily because so much of the Pear Park area was as yet undeveloped. In the current situation, the area surrounding the petitioner's property was to a large extent already developed so the City had to come up with the best solution possible.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Liz McClurg (590 W. Indian Creek Drive, #3, Grand Junction), president of the Peppertree Subdivision Homeowners Association, referenced Cascade Avenue in relation to her home. Her biggest concern, she said, was traffic traveling between the new development and Peppertree Subdivision via Cascade Avenue. Trash dumpsters were currently located at both ends of Cascade Avenue in Peppertree Subdivision. There was nowhere else to put them. With the extension of Cascade Avenue, Peppertree residents would be left with no alternative for placement of its trash dumpsters. She asked if stop signs or other traffic-calming measures would be installed at the Cascade Avenue intersection. She said that the Legends Subdivision was proposing to develop to the west of Peppertree, and they'd indicated an intention to utilize Cascade Avenue also as a secondary access point, which would only serve to route even more traffic into the Peppertree Subdivision. As mentioned previously, W. Indian Creek Road was substandard with barely enough width to accommodate on-street parking on one side of the street only. Ms. McClurg maintained there was insufficient street width to accommodate any additional traffic from either Belhaven or the Legends developments.

Ponds existed at both ends of W. Indian Creek Avenue and were used to help facilitate irrigation. Ms. McClurg wanted to make sure that there would be no interference by the new development to Peppertree's irrigation infrastructure. What kind of borders, if any, had been planned by the developer (e.g., fences, berms, trees, walls, etc.) to separate the two subdivisions? Would Belhaven have a homeowners association? Would they be single-family, owner-occupied homes?

**PETITIONER'S REBUTTAL**

Mr. O'Connor said that there was very little he could do little to mitigate existing conditions within the Peppertree Subdivision (e.g., dumpster placement, limited on-street parking, etc.). Cascade Avenue was a right-of-way that had been dedicated at the time of Peppertree's platting. The F Road access would alleviate many of the access issues. While not a perfect solution, it had been the best one available. Stop signs would be placed on both the east and west sides of the Cascade intersection at Indian Creek Drive. There would be no impacts to Peppertree's irrigation system; a separate irrigation system and water storage facility had been planned for Belhaven. A homeowners association would be created to oversee and manage the subdivision's open space landscaping and irrigation system.



Mr. Slothower added that each single-family unit would be approximately 1,300 square feet in size and grouped into single-story three-plexes and five-plexes. Each unit would have a single-car attached garage, and each unit would be constructed with firewalls to negate the need for sprinklers.

### **QUESTIONS**

Chairman Dibble asked if the developer had any plans to erect a retaining wall or other border along the Belhaven/Peppertree property line. Mr. O'Connor said that the City had required the developer to erect privacy fencing only along the property's F Road frontage; he was unaware of any other fencing or border requirements. Mr. Slothower added that a homeowners association would be formed as soon as there were enough property owners to do so. Where lots abutted the Peppertree property, they would draft covenants requiring lot buyers to erect fencing within 6 months or a year of their purchase. A landscaping plan would be prepared, and sod and other landscaping would be installed in accordance with City requirements.

Commissioner Lowrey said that for Belhaven residents living near Cascade Avenue and traveling eastbound on F Road, it would be quicker for them to access their properties via W. Indian Creek Drive. Since Mr. Hahn alluded to the possibility of closing off W. Indian Creek Road at F Road, Commissioner Lowrey wondered if that shouldn't be given additional consideration. To do so would reduce the amount of traffic flowing through Peppertree Subdivision and give Peppertree residents a place to store their trash dumpsters.

Chairman Dibble felt that if he were a Belhaven resident traveling eastbound on F Road and living near Cascade Avenue, he would be less likely to use W. Indian Creek Drive since it would be narrower and more congested. Commissioner Pitts concurred.

Mr. Slothower added that with regard to construction traffic, contractors would be told, and signs would be posted, restricting all construction traffic to using just the approved F Road access. Mr. Hahn confirmed that construction traffic would not be permitted to use W. Indian Creek Drive.

Mr. Hahn said that while interconnectivity would likely result in additional traffic through the Peppertree Subdivision, he predicted that the majority of traffic would use Belhaven's F Road access. City staff would continue to work with the petitioner to determine at Final if additional traffic-calming measures were warranted.

**MOTION: (Commissioner Pitts) "Mr. Chairman, on item PP-2004-083, request for Preliminary Plat approval for the Belhaven Subdivision, I move that we approve the Preliminary Plat subject to staff conditions, with the findings and conclusions as outlined by staff."**

Commissioner Lowrey seconded the motion.

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

With no further business to discuss, the public hearing was adjourned at 8:42 p.m.