

**GRAND JUNCTION PLANNING COMMISSION  
OCTOBER 28, 2003 MINUTES  
7:03 P.M. to 11:18 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:03 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), John Redifer, John Paulson, Richard Blosser, John Evans and Roland Cole. William Putnam and Bill Pitts were absent.

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Kathy Portner (Planning Manager), Dave Thornton (Principle Planner), Scott Peterson (Associate Planner), Ronnie Edwards (Associate Planner), and Lori Bowers (Senior Planner).

Also present were John Shaver (Assistant City Attorney), Rick Dorris and Eric Hahn (Development Engineers).

Terri Troutner was present to record the minutes.

There were 41 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes from the September 23, 2003 public hearing.

**MOTION: (Commissioner Cole) "Mr. Chairman, I move for approval of the minutes of September 23."**

Commissioner Redifer seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioners Cox and Paulson abstaining.

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

There were no announcements, presentations and/or visitors.

**III. CONSENT AGENDA**

Offered for placement on the Consent Agenda were items CUP-2003-081 (Conditional Use Permit--First National Bank of the Rockies), PFP-2003-148 (Preliminary/Final Plan--City Market Warehouse Subdivision), CUP-2003-185 (Conditional Use Permit--Krispy Kreme), and VR-2003-132 (Vacation of Right-of-Way--FMC Property). No objection was raised from the audience, planning commissioners or staff on any of these items.

**MOTION: (Commissioner Cole) "Mr. Chairman, I would move approval of the Consent Agenda as presented."**

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

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

##### **PP-2003-090 PRELIMINARY PLAN--SONRISE ACRES SUBDIVISION**

**A request for approval to develop 20 single-family lots on 6.288 acres in an RSF-4 (Residential Single-Family, 4 units/acre) zone district.**

**Petitioner: CPS, LLC--James Hughes**

**Location: 3068 F Road**

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

Lori Bowers offered 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; and 5) the Preliminary Plan. The site had been annexed in August of 2003. Access locations into the proposed subdivision were noted, and drainage runoff will be directed to Tract C near F Road. Ms. Bowers said that drainage mitigation had been the primary concern expressed by neighbors; the petitioner would be required to demonstrate during the Final Plan stage exactly how the proposed drainage swale would work. Fencing specifics would also be addressed during the final Plan stage. Letters had been received from Richard and Pamela Fults (3066 F Road, Grand Junction), dated June 6, 2003 and September 3, 2003. Their concerns included light and noise pollution, building heights, drainage and adverse impacts to wildlife. They requested construction of a 6-foot-high vinyl privacy fence adjacent to the proposed Barnwood Way cul-de-sac to extend approximately 300 feet from the cul-de-sac along Tract C to F Road. They also offered suggestions for drainage mitigation. The City, she said, could not require fencing along the perimeters of properties with similar uses; however, this may be something the petitioner should consider doing.

##### **QUESTIONS**

Commissioner Cox asked if the house currently located on the property would remain. Ms. Bowers responded affirmatively. When asked about setbacks of existing structures, Ms. Bowers said that the home met setback requirements; the garage structure is located on a separate lot. She was unsure how the petitioner intended to address the situation.

Commissioner Blosser wondered if staff knew what the school district intended to do with the adjacent property. Ms. Bowers replied negatively.

Commissioner Cole asked for confirmation and was given information that the petitioner would be required to mitigate drainage and grading concerns prior to final approval. Ms. Bowers said that additional details would be provided to staff during the next development stage.

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

Pat O'Connor, representing the petitioner, offered no additional testimony but availed himself for questions.

##### **QUESTIONS**

Chairman Dibble asked for the petitioner's feedback on the Fults' fencing request. Mr. O'Connor said that the petitioner intended to provide fencing along the eastern perimeter of Lots in Blocks One and Two, but no additional fencing had been planned. He would bring the issue before the petitioner for his consideration, but he could not make the decision without prior consultation.

Chairman Dibble asked how the petitioner intended to address the concern about wildlife. Mr. O'Connor said that he did not feel that the subdivision would generate more noise than what was already there. He noted that the concerns had originated from the neighbor directly west of the proposed subdivision; Mr. O'Connor said that the Fults' property would be "buffered" in a sense by street improvements. At Chairman Dibble's request, Mr. O'Connor clarified that the street would be constructed to wider than half-street improvements, with a 20-foot asphalt mat to allow for two-way traffic.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Albert Dotson (617 Lodgepole Street, Grand Junction) noted the location of his property. Mr. Dotson asked if the existing Lodgepole Street would remain the same or if the petitioner intended any modifications? Mr. Dotson said that his property extended into the area previously known as the old Price Ditch, which had since been buried. He said that his bedroom window faced that direction. He asked "what gave the petitioner the right to say that the area could be used for recreation?" The Price Ditch easement, he said, was routinely used for vehicular and pedestrian access, whether authorized or not. He expressed strong opposition to folks trespassing onto his property, and he asked that the petitioner make some provision to notify and prevent future lot owners from using his property for their recreational purposes.

Richard Fults (3066 F Road, Grand Junction) was glad that drainage mitigation would be addressed. He was also pleased with the presence of the Tract C detention area, which would help to buffer his property from the proposed subdivision. He reiterated his request for fencing, made in earlier correspondence, asking that it extend from a point adjacent to his property line along the Barnwood Way cul-de-sac to F Road. The additional fencing would further help to buffer his property.

**PETITIONER'S REBUTTAL**

Ms. Bowers said that with regard to the question raised about modifications to Lodgepole Street, she noted a point from whence the street would be constructed to meet City standards (curb, gutter and sidewalk), with the width to meet local street standards (28-foot-wide mat). Many complaints, she said, had been lodged regarding the unauthorized use of vehicular traffic within the Price Ditch easement. While it was the City's intention to acquire the easement for future pedestrian trails development, the City would address unauthorized vehicular use during Final Plan review. She added that the school district had dedicated a tract of land on its property to Thunder Mtn. Elementary School for use by students as a foot path.

Mr. O'Connor continued by saying that the only involvement the petitioner had with the Price Ditch easement was the City's requirement to dedicate it. Prevention and policing of unauthorized uses would be the City's responsibility. He reiterated that the petitioner currently did not have any plans to install additional fencing along the western property line but he would bring the matter before the petitioner for his consideration.

**QUESTIONS**

Commissioner Blosser noted that the acquisition of the Price Ditch easement actually provided the City with the means and authority to stop unauthorized use. Ms. Bowers agreed, noting that properties on either side were located within Unincorporated Mesa County.

Commissioner Cox asked if any additional street construction was planned within the Lodge Pole Subdivision. Ms. Bowers responded negatively. When asked if additional landscaping would be installed along the subdivision's F Road frontage, Ms. Bowers answered that the petitioner would not be required to install any additional landscaping along F Road since the existing house fronted on F Road. She added that the existing driveway, located directly south of the Barnwood Way cul-de-sac was slated for closure.

When asked by Commissioner Cox if the Planning Commission could require additional fencing, Ms. Bowers said that planning commissioners could recommend that the petitioner give the issue serious consideration.

Chairman Dibble asked if all the existing outbuildings currently on the property would remain. Ms. Bowers acknowledged that some would have to be moved/removed.

Commissioner Cox wondered if the Palisade Irrigation District would object to the erection of some kind of barrier within the Price Ditch easement to help discourage unauthorized traffic. Mr. O'Connor thought that the District might take issue because the presence of a barrier would also hinder its maintenance efforts.

Commissioner Blosser urged Mr. O'Connor to discuss the Fults' fencing request with the petitioner; Mr. O'Connor reiterated that he would do so.

### **DISCUSSION**

Commissioner Cole said that he was hesitant to ask for additional fencing when the City didn't require a developer to provide fencing between like uses. In the interest of good neighbor relations, however, he thought the petitioner would be well advised to consider the Fults' request. Commissioner Cole felt the plan to be a good one. The problem of unauthorized use of what would soon be a City easement was something the City's Zoning Enforcement Department could address. He remarked that the problem of unauthorized use of easements was occurring all across the valley. Commissioner Cole expressed support for the request.

Commissioner Cox was also hesitant to ask for additional fencing for the same reason stated by Commissioner Cole. While he encouraged the petitioner to discuss the issue further with Mr. Fults, Commissioner Cox didn't feel that erecting a fence along a street that would likely one day be built-out to full street standards made a lot of sense. He agreed that the plan was a good one, representing good infill; he expressed his support.

**MOTION: (Commissioner Blosser) "Mr. Chairman, on item #PP-2003-090, the Preliminary Plan for the Sunrise Acres Subdivision, I move that we find the project consistent with the Growth Plan, Section 2.8 of the Zoning and Development Code and adjacent property usage, and approve the Preliminary Plan, subject to the recommended conditions included in the staff report."**

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

### **PP-2003-168 PRELIMINARY PLAN/ROW VACATION--LINDEN AVENUE APARTMENTS**

**A request for approval for a three-lot subdivision and a request to vacate a portion of the right-of-way for Gary Drive and B 3/4 Road.**

**Petitioner: Grand Junction Housing Authority--Greg Hancock**

**Location: 276 Linden Avenue**

Chairman Dibble clarified for the benefit of the audience that tonight's discussion principally concerned the right-of-way vacations for Gary Drive and B 3/4 Road and the rerouting of B 3/4 Road. No specific details on the residential development plan were available for discussion.

### **PETITIONER'S PRESENTATION**

Jim Langford, representing the petitioner, reviewed the request and said that the Grand Junction Housing Authority planned to construct 92 units of affordable housing on the site. He said that existing zoning required a minimum of 92 units and although many more units would have been permitted, only the minimum number was being requested. The City and the Colorado Department of Transportation (CDOT) had required modification of the original plan to include vacation of B 3/4 Road at the point where it currently intersects with Linden Avenue and Highway 50. That closure required a rerouting of the street through the site, to connect with both David Street and Linden Avenue. The request also included vacating a portion of Gary Drive. Mr. Langford said that the street vacations and rerouting were a detriment to the property and represented significant increases in expenses, expenses which included the construction of a bridge over a section of the Orchard Mesa Drainage Ditch. The bridge alone would cost approximately \$100K. A TEDS exception had been sought to permit development without these additional street/bridge requirements, but that request had been denied. Mr. Langford said that a 30-foot public access easement, in lieu of a public street, from the Linden Acres Subdivision through the current site had been provided to help alleviate neighbor

concerns over additional traffic coming through the neighborhood. Areas of proposed landscaping were noted, and privacy fencing would be installed along the property lines of lots abutting Linden Acres Subdivision.

**STAFF'S PRESENTATION**

Dave Thornton offered a PowerPoint presentation containing the following slides: 1) background; 2) site location map; and 3) aerial photo map. For a detailed explanation of the street vacations and rerouting, Mr. Thornton turned the presentation over to Development Engineer Rick Dorris.

Mr. Dorris explained that closure of the existing B 3/4 Road intersection at Highway 50/Linden Avenue and its rerouting was deemed necessary by both the City and CDOT because the current 5-point intersection was extremely dangerous and would only become more so with continued area-wide development. The B 3/4 Road vacation would also result in much improved sight distance. Although he expected the vacation to be contentious, safety is of paramount concern to the City and CDOT.

**QUESTIONS**

Chairman Dibble asked what traffic volume justified a signal light? Mr. Dorris said that signalization would never occur at the subject intersection because its location was inconsistent with progression standards. He provided a brief overview of applicable standards. He continued saying if any signalization occurred in the immediate area, it would likely occur at the Palmer Street/Highway 50 intersection.

Chairman Dibble asked if any rerouting of traffic on Linden Avenue perpendicular to Highway 50 was possible? Mr. Dorris replied negatively. In that case, he added, the "fix" would be worse than the problem.

Commissioner Redifer agreed that the intersection was a bad one. He asked if staff had any traffic accidents statistics available to support closure of the B 3/4 Road intersection. Mr. Dorris apologized for not having brought the information.

Commissioner Paulson asked if the B 3/4 Road vacation would result in traffic being rerouted through the nearby commercial area. He conjectured that traffic turning off of Highway 50 might be tempted to take "short cuts" through the commercial area in an attempt to bypass the vacated B 3/4 Road intersection. Mr. Dorris said that the raised median along the commercial area currently prevented left-turns and would continue to do so; however, the possibility did exist for northwest-bound traffic to use the commercial area as a detour.

Commissioner Cox asked for a brief explanation of the Linden Avenue right-of-way and its odd configuration. Mr. Dorris explained and said that straightening and/or widening the right-of-way to meet full local street standards would require the acquisition of additional right-of-way.

Commissioner Blosser asked if patrons who currently used B 3/4 as their primary access into area businesses would be redirected to Linden Avenue. Mr. Dorris replied affirmatively, adding that patrons would also be able to access those businesses via 27 Road.

Chairman Dibble asked for clarification on the Gary Drive vacation. The provision of a public access easement at the end of Gary Drive as it currently existed would satisfy Code requirements for neighborhood interconnectivity. Chairman Dibble asked if there was any likelihood of the easement serving as a short cut to Gary Drive. Mr. Dorris clarified and replied negatively to Chairman Dibble's question.

**STAFF'S PRESENTATION (continued)**

Mr. Thornton continued with his PowerPoint presentation and offered additional slides of the Future Land Use Map and an outline of the request before the Planning Commission. The vacation request, he said, is scheduled on the November 5, 2003 City Council agenda. Phone calls had been received by two property owners from the Linden Acres Subdivision. Mr. Thornton said that those callers expressed concerns over traffic impacts and building heights. Having found the request to be consistent with Code criteria and Growth Plan

recommendations, staff recommended approval of both the Preliminary Plat (for the 3 lot subdivision) and the vacation requests.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Connie Cass (266 27 1/2 Road, Grand Junction) suggested postponing the vacation request pending further discussion between staff, the petitioner and the public on other alternatives. She pointed out that the five-point intersection at B 3/4 Road and Highway 50 was just representative of an overall lack of street planning in the Orchard Mesa area. She urged the City to consider fixing this intersection in conjunction with broader area-wide street planning. Closing the B 3/4 Road intersection, she said, would greatly and negatively impact existing businesses located in that area. Referencing a coffee shop and a shipping outlet, she said that those businesses provided valued services to the residents of Orchard Mesa. The closure of the B 3/4 Road intersection would likely put them out of business, resulting in a broader impact to the Orchard Mesa community. Other businesses that would be greatly impacted by the intersection's closure included Ametek-Dixon and the Orchard Mesa Lanes bowling alley, both significant employers.

Ms. Cass said that directing more traffic to the 27 Road corridor would result in increased safety concerns for pedestrians because children regularly traveled along 27 Road to get to and from school and there are no sidewalks. She noted that because significant drainage problems existed in the area, it almost made more sense to close off the Linden Avenue intersection. She felt that a traffic light would be wasted at the Palmer Street intersection; rather, it should be located where it was needed most, at the Linden Avenue intersection. She urged City staff to meet with CDOT to discuss other alternatives.

William Earnhear (3039 E Road, Grand Junction), owner of C&D Shipping (the business previously referenced by Ms. Cass) said that B 3/4 Road represented a major thoroughfare for businesses located in that area. Closure of that intersection would result in the loss of two-thirds of his business. He wondered why the City and CDOT thought that rerouting so much business traffic through the proposed residential area, an area that would likely contain large numbers of children, was preferable to the current street configuration. It seemed to him that the traffic hazard would only be relocated to the proposed housing development, and its relocation would result in significant and damaging impacts to existing businesses. Traffic would not want to go all the way to 27 Road and backtrack half a mile just to patronize his and other area businesses; patrons would instead opt to shop elsewhere. There had to be other options, and he encouraged the Planning Commission to postpone its decision pending further review and discussion. With regard to the Preliminary Plan, he thought that a density of closer to 60 units would be more feasible, especially given current access and traffic issues.

Raymond Vollender (2907 Shelly Drive, Grand Junction), (owner of the coffee shop previously referenced by Ms. Cass) said that when he'd opened his business at its current location, nothing had ever been said to him about the City's desire to close the B 3/4 Road intersection. Had he known, he said that he certainly wouldn't have opened a business there. Not only would he lose most of his business upon completion of road construction, he would be completely shut down during construction. He agreed that it didn't make sense to route so much business and other area traffic through a residential subdivision. He, too, felt that other alternatives were available and urged the Planning Commission to postpone its decision on the vacation portion of the current request.

Ann Mouer (228 28 1/2 Road, Grand Junction) said that she always takes B 3/4 traveling south on Highway 50 to get to area businesses. She said that it was likely that many people would opt to make U-turns at the 27 Road/Highway 50 intersection to backtrack to those affected businesses rather than take longer, more circuitous routes, some of which could include cutting through other business's parking lots. She asked "what about making B 3/4 Road at this intersection a one-way street?"

Robert Brown (2686 B 3/4 Road, Grand Junction) said that while he's seen accidents occur at the B 3/4 Road intersection, he's seen more of them occur east of 27 Road at other intersections. B 3/4 Road is one of the widest streets on Orchard Mesa, and as such, one of the most traveled. He strongly opposed closure of the intersection.

Jim Fraser (1931 Linden Avenue, Grand Junction) said that he'd driven along B 3/4 Road regularly over the last eight years. Most of the traffic on that street traveled eastbound from Highway 50; there wasn't that much westbound traffic. He didn't recall having seen too many accidents at the B 3/4 Road intersection. He opposed the intersection's closure and the rerouting of business and other area traffic through the proposed 92-unit residential subdivision. He agreed that many people would U-turn at the 27 Road/Highway 50 intersection and backtrack or cut through the parking lots of other businesses in their attempt to get to the businesses nearest the B 3/4 Road intersection. The City and CDOT, he said, were only replacing one hazardous situation for another and significant hardship for area-wide citizens and businesses would be created in the process.

Gloria McClenegan (2684 B 3/4 Road, Grand Junction) said that she'd lived on B 3/4 Road since 1956 and agreed that closure of the intersection would be a major hardship to those businesses and residents who used it regularly. She asked that it remain open and that the City and CDOT discuss other alternatives.

### **PETITIONER'S REBUTTAL**

Mr. Langford said that he understood and sympathized with the concerns expressed by the public. He reiterated that neither the City nor CDOT would have approved the originally submitted street configuration. The revised design was intended to mitigate an existing hazard and improve traffic safety. Mr. Langford availed himself for questions.

### **QUESTIONS**

Chairman Dibble asked how many similar intersections existed along Highway 50. Mr. Langford wasn't aware of any others along Highway 50 but said that the 1st Street/Grand Avenue intersection was another example of a multi-point intersection.

Commissioner Cox asked if other options had been considered. Mr. Langford said that his originally submitted plan proposed the subdivision's entrance to originate from B 3/4 Road; the City and CDOT were the ones who wanted the configuration changed to include closure of the B 3/4 Road intersection. The current configuration, he said, was probably the best alternative available if traffic had to be routed through the site.

Chairman Dibble asked engineering staff if this intersection's hazardous configuration was an isolated instance in the Orchard Mesa area. Mr. Dorris said that a similar hazard existed at a nearby B 1/2 Road intersection, where many accidents had also occurred. Of the two intersections identified, he said that the B 1/2 Road intersection was probably worse. The City and CDOT, he said, had to look at the bigger picture and consider future growth when making decisions. While closure of the B 3/4 Road intersection may inconvenience some of the area's businesses, the elimination of a traffic hazard would be achieved. Besides, none of the area's businesses would be without access, even after the intersection's closure.

Commissioner Cole referenced the public's suggestion that the request be delayed pending further study of the B 3/4 Road corridor. Commissioner Cole asked "why was the Planning Commission seeing the item now?" Mr. Dorris agreed that an overall traffic study of the entire Orchard Mesa area would be prudent and beneficial; however, the City's Engineering Department had to review affected streets and intersections in conjunction with development proposals at the time those proposals were submitted. The decisions made by the City and CDOT affecting the current proposal did not have anything to do with other areas of Orchard Mesa. He pointed out on an available overhead that the rerouting of B 3/4 Road in the immediate area would result in an approximate 600-foot detour.

Chairman Dibble again asked if other options had been considered. Mr. Dorris said that other options might include installation of a roundabout at the intersection similar to those found in Europe; however, he didn't feel that to be a practical alternative. Not closing the intersection would likely result in more serious and more frequent accidents.

Commissioner Cole agreed that much more traffic would be generated by the development, and safety had to be taken into consideration. While sympathizing with area businesses, he agreed that not closing the intersection would only result in a more hazardous situation.

Mr. Dorris remarked that businesses would still maintain their "right-in, right-out" accesses directly off of Highway 50. Only their southbound traffic would be affected by the B 3/4 Road intersection's closure. Even with the rerouting of B 3/4 Road traffic, both a front and rear entrance to area businesses would be maintained.

Mr. Shaver said that Mr. Dorris's comments were based on accepted engineering standards and practices. He reminded the Planning Commissioners that they must determine if the Code's criteria for a vacation had been met. Mr. Shaver said that staff concluded that they had been; planning commissioners could find differently.

Commissioner Redifer asked if there were any City plans to conduct an overall traffic study of the Orchard Mesa area. Mr. Dorris replied negatively, saying that traffic volumes didn't warrant the expenditure; per City Council's direction, there were higher priorities for budgeted dollars.

Commissioner Redifer said that every time the Planning Commission heard a development proposal for the Orchard Mesa area, access onto and off of Highway 50 became a central issue. Because City Council also actively encouraged business development in the Orchard Mesa area, he said that it seemed inconsistent that this board wouldn't find merit in an overall traffic study.

### **DISCUSSION**

Commissioner Blosser said that the B 1/2 Road and B 3/4 Road intersection comparisons were very different. After having driven through both, he concluded that the B 3/4 Road intersection wasn't nearly as bad. Although supportive of the Housing Authority's desire to provide the community with affordable housing, he found the concerns of established businesses to be valid. Further, he agreed with concerns expressed over purposefully routing business traffic through a residential subdivision, especially when so many children are likely to be present. With so many concerns still present and unanswered, he felt that there was justification for postponing a decision on the vacation request.

Commissioner Cox expressed agreement.

Commissioner Paulson said that the biggest issue was whether or not access into and out of existing businesses would be greatly impacted. It appeared that individual accesses into business properties would be maintained. While eastbound traffic to the rear of these businesses may be redirected, it wouldn't be prevented. The solution may not be perfect, but he felt that both staff and the petitioner had come up with a suitable solution. He agreed with staff's conclusion that all Code and Growth Plan criteria had been met, and he expressed support for both the Preliminary Plan and vacation requests.

Commissioner Redifer said that the plan was a good one, he disagreed with staff's conclusion that Code section 2.11.c had been met. The criterion read, "*Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation.*" Clearly, there was a substantial amount of public testimony to suggest that there would be a significant economic impact to businesses closest to the B 3/4 Road intersection. Further, there had been no tangible proof submitted by staff to substantiate the number of accidents purported to have occurred at that intersection. He suggested that staff have accident figures ready and available for the November 5 City Council hearing. While supportive of the plan, he felt he could not support the B 3/4 Road vacation request.



Mr. Blanchard said that if the B 3/4 Road vacation were not approved, there was still the issue of meeting TEDS requirements regarding access into the subdivision. The intersection's vacation and the site's internal street configuration were inseparable. Mr. Dorris agreed that the plan should not be approved without concurrent approval of the vacation request.

Mr. Shaver suggested considering the Gary Drive vacation independent of the B 3/4 Road vacation.

Commissioner Redifer asked, if the plan were approved but the B 3/4 Road vacation denied, would there be sufficient time between now and the November 5 City Council hearing for alternatives to be considered and the details worked out? Mr. Shaver said that while it was possible, that course of action was not advisable.

Commissioner Cole reiterated the need to ensure traffic safety, and said that since additional development was likely in the area, the hazard of keeping the B 3/4 Road intersection open would only be compounded by additional growth.

Commissioner Blosser said that area business owners would lose a significant amount of their livelihood as a result of the B 3/4 Road intersection's closure, regardless of whether or not other access options were available to them. He agreed that people would likely shop somewhere else. If both the plan and the vacation had to be considered jointly, he would oppose both.

Mr. Shaver said that while the Planning Commission could pursue any of a number of available options, he suggested tabling the preliminary plan pending a final decision by City Council on the vacation request. If the Planning Commission tabled the item to its next regularly scheduled meeting, it would have the benefit of City Council's decision and direction. This suggestion seemed acceptable to planning commissioners. The decision was made to consider the vacation requests separately and then to table consideration of the plan to the next regularly scheduled Planning Commission meeting (November 12, 2003).

**MOTION: (Commissioner Blosser) "Mr. Chairman, on item PP-2003-168, Linden Avenue Apartments, a request to vacate a portion of the right-of-way for Gary Drive, I move that we forward a recommendation of approval to City Council, with the findings that the request is consistent with the goals and policies of the Growth Plan and applicable Section 2.11 of the Zoning Code."**

Commissioner Cox 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-2003-168, Linden Avenue Apartments, a request to vacate a portion of the right-of-way for B 3/4 Road, I move to forward a recommendation of approval to City Council, with the findings that the request is consistent with the goals and policies of the Growth Plan and applicable Section 2.11 of the Zoning Code."**

Commissioner Paulson seconded the motion. A vote was called and the motion failed by a vote of 2-5, with Chairman Dibble and Commissioners Redifer, Cox, Evans and Blosser opposing.

Commissioner Cox wondered if the Planning Commission would see the plan again if the vacation request were approved by City Council. Chairman Dibble said that he would like the plan to come back to the Planning Commission regardless of the vacation request outcome, given that the plan's design could change. He also wanted to see what City Council's direction would be.

Mr. Shaver responded to Commissioner Cox's query by saying that any vacation approval must have legal findings to support the request. Because Planning Commissioners had overwhelmingly voted down the request, their finding was that the request did NOT meet Code criteria. Any approval by City Council must include a finding to the contrary.

**MOTION: (Commissioner Cox) "Mr. Chairman, on item PP-2003-168, Linden Avenue Apartments Subdivision, a request for Preliminary Plan approval, I move that we continue this item to the next Planning Commission meeting [November 12, 2003]."**

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

A brief recess was called at 9:35 P.M. The public hearing reconvened at 9:42 P.M.

**GPA-2003-183 GOWHARI GROWTH PLAN AMENDMENT**

**A request for approval to change the Growth Plan Future Land Use Map from Rural (5 to 35 acres per dwelling unit) to Residential Low (1/2 to 2 acres per dwelling unit) for three parcels totaling 24.69 acres.**

**Petitioner: Elizabeth Gowhari**

**Location: 2026 South Broadway and 573 20 1/2 Road**

**PETITIONER'S PRESENTATION**

Karin Gookin, representing the petitioner, offered a PowerPoint presentation containing the following slides: 1) site location map; 2) project summary; 3) Tiara West Subdivision plat; 4) The Preserve Subdivision Plat; 5) Monument View Ranch Subdivision Plat; and 6) Future Land Use Map. Ms. Gookin felt that the request met all Growth Plan Amendment (GPA) criteria with the possible exception of criterion b.; however, given that their basis for the request was that the original land use classification had been changed in error, criterion b. should not even apply. The property, she said, already had a County zoning of RSF-2. The Growth Plan, however, indicated that those parcels should instead be Rural. Given the presence of so much nearby residential zoning and uses, the site's present zoning of RSF-2, and the existence of sewer available on three sides of the property, she felt that the Growth Plan was in error. Utilities and other urban infrastructure were all present and available to each parcel. Referencing the nearby subdivisions of Tiara West, Monument View and The Preserve, all had been developed at higher than rural densities. The Preserve had the lowest density classification of R1B, but that had been as a result of site constraints. The directly adjacent Saddleback Subdivision was also zoned RSF-2.

Ms. Gookin said that approval of the Growth Plan Amendment would allow the petitioner to keep the RSF-2 zoning she currently had on her property. If the RSF-2 land use designation could not be retained, she asked that consideration be given to other Residential Low zoning options (RSF-1 and RSF-E).

**STAFF'S PRESENTATION**

Dave Thornton offered a PowerPoint presentation containing the following slides: 1) project description; 2) site location map; 3) aerial photo map; 4) Future Land Use Map; 5) photos of the site from various angles; and 6) Growth Plan Amendment criteria.

He agreed that the adjacent Saddleback Subdivision had County RSF-2 zoning, which allowed densities of 2-4 units/acre. In fact, he said, most of the surrounding area was zoned RSF-2. Sewer was currently available to all three sides of the subject property. Growth Plan Amendment criteria a, d, e and g had been met. Staff did not feel that criteria b and c had been satisfied, although he acknowledged that criterion b was often difficult to define. Since approval of a GPA was based on the satisfaction of ALL listed criteria, and because not all criteria had been met, staff recommended denial of the request.

**QUESTIONS**

Commissioner Cole asked if the extension of sewer to the parcels would satisfy criterion b. Mr. Thornton said that this was the petitioner's assertion. Staff considered the criterion more in area-wide terms.

Mr. Blanchard noted that all other parcels in the area had been developed in accordance with Growth Plan recommendations.

When asked by Commissioner Cox if there was anything in The Preserve development that would justify a Rural land use classification, Mr. Thornton responded negatively.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Leslie Marigold (546 Tiara Drive, Grand Junction) expressed concern over the wildlife impacts that would result from higher density development. She said taking away open space meant taking away habitat. Traffic from higher density residential development could jeopardize her safety and security and the safety of others in the area. Ms. Marigold also expressed concern over light pollution and the additional smog that came with higher density development and increases in traffic. She also did not want the City to annex her property.

Jeff Collins (557 20 1/2 Road, Grand Junction) also objected to higher density development and increased traffic. He said posted speed limits were often ignored. He also did not want his property to be annexed into the City.

**PETITIONER'S REBUTTAL**

Ms. Gookin said that access into the parcels was available from both South Broadway and 20 1/2 Road. She pointed out that the new Redlands Fire Station would be located within a mile of the subject property. She insisted that if the Growth Plan Amendment were denied, it would result in an isolated pocket of Rural among a sea of surrounding Residential Low. She felt that all GPA criteria had been satisfied, and criterion b. should not even apply.

**DISCUSSION**

Commissioner Blosser said that both the City and the County looked at individual properties during the Growth Plan Update process. He agreed with staff's findings that the character of the area had not changed nor had there been any subsequent events to substantiate satisfaction of sections b. and c. He did not feel he could support the request.

Chairman Dibble disagreed noting that all urban facilities were in place, and it represented logical infill for the Redlands. He expressed support.

Commissioner Cole agreed that the Residential Low land use classification was warranted. The parcels, he said, were already coming into the City with established RSF-2 zoning. All urban elements were present, and he thought that satisfaction of criterion b. was a "toss-up." He supported approval of the request.

Commissioner Cox also agreed that approval of the request was warranted, given that these properties were surrounded by Residential Low land uses. Approval of the request would not create sprawl, and higher than rural densities would be a better use of the land.

Commissioner Redifer agreed.

**MOTION: (Commissioner Cox) "Mr. Chairman, on item GPA-2003-183, I move that we forward this Growth Plan Amendment request for Residential Low to City Council with a recommendation of approval with the findings and conclusions as listed in the staff report, except for criterion b, which I find to be satisfied."**

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

Due to the potential for conflict of interest, Commissioner Cox recused himself from participating in the following item.

**GPA-2003-184 GRAND BUD, LLC GROWTH PLAN AMENDMENT**

**A request for approval to change the Growth Plan Future Land Use Map from Residential Medium (4-8 units/acre) to Commercial for approximately 10 acres of the 23.5-acre site.**

**Petitioner: Mike or Marc Cadez**

**Location: Northwest corner of 28 1/2 Road and Highway 50**

**PETITIONER'S PRESENTATION**

Mike Joyce, representing the petitioner, offered a PowerPoint presentation containing the following slides: 1) introduction; 2) proposed land uses; 3) surrounding land uses and zoning; 4) photos of the site; 5) aerial photo map; 6) Growth Plan/Orchard Mesa (OM) Plan land use designations; 7) Growth Plan Amendment criteria; 8) findings and conclusions; and 8) photos providing an example of the building that would be constructed on the site if the Amendment (GPA) were approved. A hard copy of Mr. Joyce's presentation was submitted for the record.

Mr. Joyce felt that because the site directly abutted property owned by Sorter Construction along Highway 50, a commercial land use designation was logical for the petitioner's property. Because residential development lay directly north of the parcel, 10 acres along the northern and eastern property lines would remain residential. The petitioner would not be the one to develop the residential property. Mr. Joyce asserted that GPA criteria had been satisfied. He noted that the property had previously been classified as Public/Institutional, and that the classification had later been changed to Residential-Medium. He believed that commercial uses were closely akin to public/institutional uses (e.g., schools and hospitals) as far as the intensity of use. Examples were given of other higher intensity uses present in the area. The petitioner's request would allow him to relocate his business, Central Distributing, from its present location. This use, he contended, would be less intense than a public or institutional use would have been, and representative of a less intense commercial use.

The 1995 Orchard Mesa Plan had designated the subject property as being within an area of transition. The petitioner believed that an error in the Growth Plan may have occurred by redesignating a portion of the subject property located in a transition area, which previous area plans designated a higher intensity land use, to a lower intensity land use (residential), which are adjacent to commercial land uses. Mr. Joyce contended that no significant events had occurred to invalidate the original findings and premises of the 1995 OM Plan. It was felt that traffic issues would be minimal in conjunction with the development. The petitioner also felt, based on his working with local realtors, that there were limited numbers of suitable 8-10 acre sites on which to relocate his business. Other reviewed sites would have required the petitioner to combine previously platted industrial park lots, rendering the relocation financially unfeasible.

**STAFF'S PRESENTATION**

Kathy Portner offered 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) site plan; and 6) findings and conclusions. Staff reviewed Growth Plan Amendments in a much broader sense. If the current request were approved, there was no guarantee what the zoning or uses would be, nor was there any guarantee that the current property owner would continue to own the property. A Commercial land use designation paved the way for commercial zoning, which would permit any number of commercial uses to locate on the site. The Zoning Code and Growth Plan both recognized the differences between public and commercial uses. She referenced a stub street from Arrowhead Acres, which was intended to provide access and interconnectivity to the subject parcel based on residential development of the site. Ms. Portner read from the Growth Plan's goals and policies

section. Staff did not feel that the petitioner satisfied any of the GPA criteria nor was the request consistent with the intent of the Growth Plan. Denial of the request was recommended.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Ann Mouer (228 28 1/2 Road, Grand Junction) said that the actual storage location of Sorter Construction's heavy equipment and business materials was located much farther from the subject parcel, so the comparison of a proposed commercial use to that of Sorter Construction was irrelevant. The petitioner's assertion that the request provided a 10-acre residential "buffer" was erroneous because, when the residential portion was built out, it would still mean that residential uses would directly abut commercial uses. She felt that access would be difficult via the 28 Road/Highway 50 frontage road, and it would only be exacerbated by expected increases in traffic along 28 Road. The parcel was designated residential for a good reason, she said, and it should remain residential. Ms. Mouer said that she was representing the opinions of several of her neighbors as well.

**PETITIONER'S REBUTTAL**

Mr. Joyce said that the petitioner's development plan had intended to incorporate the Arrowhead Acres street stub to ensure interconnectivity. The site's primary access would be via 28 Road. He felt that Sorter Construction's use represented a far more intense use than that of the petitioner. While their equipment location was currently further west of the site, Sorter did own the vacant parcel directly abutting the petitioner's property, and future expansion of Sorter's business into that currently vacant parcel was always a possibility. Use of the frontage road, he said, met CDOT requirements. The current request would be compatible with surrounding uses, and he reiterated that the request met OM Plan requirements and GPA criteria.

**QUESTIONS**

Commissioner Evans asked if the petitioner's building would be single story. Mr. Joyce presented photos of a building in Ft. Collins, one similar in design to the one constructed by the petitioner.

**DISCUSSION**

Commissioner Evans asked if staff had received any calls or letters from the public, to which Ms. Portner replied negatively.

Commissioner Cole felt that with the proposed residential buffer, he would have no difficulty approving the GPA if the use situated there was the one actually proposed. The proposed use could be an asset to the City.

Commissioner Evans agreed but expressed concern that if the request were approved, there was no guarantee that the entire parcel wouldn't be used for commercial development. Mr. Joyce explained that the approval was only applicable to the commercial portion of the property. The portion of property currently zoned and classified residential would remain residential.

Chairman Dibble did not feel that the residential land use designation had been applied in error. The Orchard Mesa Plan allowed for mixed uses within transition areas; however, those areas were usually identified in area plans as commercial nodes.

Commissioner Paulson agreed. He'd participated in the meetings that had designated the subject parcel Residential Medium, and it had been determined that the residential land use classification was the one most appropriate for the site. He agreed with staff's findings that the GPA criteria had not been met and expressed support for the recommendation of denial.

**MOTION: (Commissioner Cole) "Mr. Chairman, on item GPA-2003-184, a request to amend the Growth Plan, I move we forward a recommendation of approval to the City Council with the following findings."**

Commissioner Blosser seconded the motion. A vote was called and the motion failed by a tie vote of 3-3, with Chairman Dibble and Commissioners Redifer and Paulson opposing.

With no further business to discuss, the public hearing was adjourned at 11:18 P.M.