

**GRAND JUNCTION PLANNING COMMISSION  
APRIL 23, 2002 MINUTES  
7:05 P.M. to 11:15 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:05 P.M. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were Paul Dibble (Chairman), Richard Blosser, John Evans, William Putnam and John Paulson (1<sup>st</sup> Alternate). John Redifer, Roland Cole and Bill Pitts were absent. One position is vacant (resignation of Terri Binder).

In attendance, representing the Community Development Department, were Community Development Director Bob Blanchard, Pat Cecil (Development Services Supervisor), Lisa Gerstenberger (Senior Planner), Bill Nebeker (Senior Planner), Kristen Ashbeck (Senior Planner), and Ronnie Edwards (Associate Planner).

Also present were John Shaver (Assistant City Attorney) and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 44 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes of the March 12 and March 26, 2002 Planning Commission public hearings.

Chairman Dibble noted that the minutes of March 12 reflected the presence of Commissioners Blosser and Pitts who were, in fact, absent. He also referenced a sentence on page 5 of the minutes which suggested that the hearing had been closed at 8:50 p.m. Since this was incorrect, he asked that this sentence be deleted altogether.

**MOTION: (Commissioner Evans) "I move that we approve the minutes of the March 12, 2002 Planning Commission hearing as amended."**

Commissioner Blosser seconded the motion. A vote was called and the motion passed by a vote of 2-0, with the Commissioners not in attendance at that public hearing abstaining.

**MOTION: (Commissioner Evans) "I move we approve the minutes of the March 26 Planning Commission hearing as submitted."**

Commissioner Blosser seconded the motion. A vote was called and the motion passed unanimously by a vote of 3-0, with Commissioners Putnam and Paulson abstaining.

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

Pulled from the agenda was item CUP-2002-055 (Conditional Use Permit—Colorado Health Assessment Center).

**III. CONSENT AGENDA**

Available for placement on the Consent Agenda were items ANX-2002-049 (Zone of Annexation—Isre [Cara’s] Annexation); FPP-2002-052 (Final Plat/Plan—Brookside Filing #3); PP-2002-050 (Preliminary Plan—Flora Subdivision); ANX-2002-054 (Zone of Annexation—Larson Subdivision); RZ-2002-051 (Rezone—Appleton Corner Rezone); CUP-2001-030 (Conditional Use Permit—Family Entertainment Center); and ANX-2002-053 (Zone of Annexation/Preliminary Plan—Zambrano Annexation).

At citizen request, the following items were pulled from Consent and placed on the Full Hearing Agenda: PP-2002-050, ANX-2002-054, RZ-2002-051, and ANX-2002-053.

**MOTION: (Commissioner Evans) “Mr. Chairman, I move that we approve the 1., 2., and 7. consent agenda items tonight [items ANX-2002-049, FPP-2002-052, and CUP-2002-030].”**

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**V. IV. FULL HEARING**

**PP-2002-050 PRELIMINARY PLAN—FLORA SUBDIVISION**

**A request for approval of a Preliminary Plan to develop 8 single-family lots on approximately 2.265 acres in an RMF-8 (Residential Multi-Family, 8 units/acre) zone district.**

**Petitioners: Leon B. and Flora M. Parkerson  
Location: 2302/2312 Orchard Avenue  
Representative: Vista Engineering Corp., Pat O’Connor**

**PETITIONER’S PRESENTATION**

Pat O’Connor, representing the petitioner, overviewed the request and indicated that it met both Code requirements and Growth Plan recommendations regarding density. Access was noted, and all utilities were available.

**STAFF’S PRESENTATION**

Pat Cecil offered a PowerPoint presentation, which depicted the existing zoning surrounding the property and the existence of a residence on lot 5, block 2. The property qualified for a density reduction under Code section 3.6.B.4.b. The locations of a proposed detention area (Tract A) and pedestrian walkway were noted on the Preliminary Plan. With no outstanding issues, staff recommended approval with no conditions.

**QUESTIONS**

Chairman Dibble asked for verification that RMF-8 was consistent and compatible with surrounding zoning, which was given. Mr. Cecil clarified, however, that only single-family, not multi-family, structures were proposed in conjunction with this development.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Ben Miera (2236 Orchard Avenue, Grand Junction) said that there were a number of easements on lots in that area (e.g., Tract A) which could pose problems for the development. He felt that this area should remain as open space. Referencing the address of the existing residence, he felt that there were addressing issues.

**PETITIONER’S REBUTTAL**

Mr. O’Connor said that for clarification the address of the existing residence had been referenced at lot 5, block 2. He assured Mr. Miera that Tract A would remain open and free of any structural development.

**DISCUSSION**

Commissioner Blosser said that questions seemed to have been satisfactorily answered. Since the request met Code requirements and Growth Plan recommendations, he expressed support for its approval. This drew general assent from other planning commissioners.

**MOTION: (Commissioner Blosser) “Mr. Chairman, on the Preliminary Plan for the Flora Subdivision, PP-2002-050, I move that we approve the Preliminary Plan, with staff findings.”**

Commissioner Evans seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**ANX-2002-054 ZONE OF ANNEXATION—LARSON SUBDIVISION**

**A request for approval of a Zone of Annexation from County AFT to City RSF-4 (Residential Single-Family, 4 units/acre) zone district.**

**Petitioner: Rochell and Daryl Mitchell Larson**  
**Location: 2919/2921 B ½ Road**  
**Representative: Development Concepts, Mike Joyce**

**PETITIONER’S PRESENTATION**

Mike Joyce, representing the petitioner, began by saying that the development proposal was on hold; the only request under current consideration was the Zone of Annexation. However, when the development proposal was ready for commission review, it would propose development of 28 lots. The proposed zone was consistent with surrounding County zoning, and it fell within the density recommendations of both the Growth Plan and the Orchard Mesa Neighborhood Plan.

**QUESTIONS**

Chairman Dibble asked Mr. Joyce if he was currently working on the Preliminary Plan, to which Mr. Joyce replied affirmatively, adding that several issues were still outstanding.

**STAFF’S PRESENTATION**

Pat Cecil concurred that the RSF-4 zone district was consistent with the Code, the Growth Plan, and the Orchard Mesa Neighborhood Plan’s density recommendations. He referenced an overhead map, which indicated that the Zone of Annexation would affect three separate tax parcels. Staff recommended approval.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Rocky Moos (2894 B ½ Road, Grand Junction) noted the location of a piped irrigation ditch and contended that access into the proposed subdivision would cross that ditch. He expressed concern over possible impacts to irrigation water delivery and the existing delivery system.

Chairman Dibble said that this was a concern that would be more germane to the Preliminary Plan review. At this point, only the Zone of Annexation was under consideration.

Dr. Matthew Djos (2920 Kathy Jo Lane, Grand Junction) did not feel that the proposed zoning was consistent with the surrounding area. He and his neighbors were concerned over what they felt was “flagpole annexation,” and he questioned the City’s authority to effect such action. He felt that both the current zoning request and the petitioner’s proposed development to such a high density failed to consider the interests of the existing neighborhood.

Naomi Donney (2914 Four Corners Road, Grand Junction) said that the area was primarily agricultural. If developed to such a high density, likely there would be complaints about farm noises, odors, and farm vehicles traveling the roads. She noted the absence of sidewalks in the area and felt that vehicles traveling from 28 additional homes would pose safety hazards to pedestrians. She was especially concerned that the proposed access road on the preliminary plan would run right through her home!

Commissioner Blosser reiterated that the Preliminary Plan was not under current consideration. He suggested that questions concerning the actual development proposal be deferred until the Preliminary Plan review stage.

Edsel Bradshaw (2928 Kathy Jo Lane, Grand Junction) expressed concern over proposed easements, impacts to irrigation water delivery, the lack of existing sidewalks in the area, the proximity of proposed homes to his house, retention/detention pond placement, pedestrian safety, and school impacts.

Mr. Moos again came forward and asked how the City had the authority to annex this area. A brief explanation of the Persigo Agreement was provided by Mr. Shaver.

Marcella Trujillo (2615 B ½ Road, Grand Junction) agreed that the area was primarily agricultural, and that residents from an urbanized subdivision would likely complain about surrounding livestock. She also noted a lack of sidewalks in the area.

Larry Maska (2911 Four Corners Drive, Grand Junction) submitted a petition containing 36 signatures of residents who were opposed to the subdivision and the annexation. Points of concern outlined in the petition included: the narrowness of B ½ Road; school impacts; irrigation water delivery; price range and construction type of proposed homes; structure heights; easement placement; impacts to existing agricultural operations; insufficient law enforcement; density and street construction.

Jean Djos (2920 Kathy Jo Lane, Grand Junction) felt that the subject area was not suited to the density proposed by the development. She felt that the proposed density increase would severely impact the quality of life for existing residents.

Johnny Weiss (2909 B ½ Road, Grand Junction) opposed the annexation and said that he didn’t want to pay higher City sales taxes as a result of this action. Mr. Shaver explained that the only property being annexed belonged to the petitioner. Mr. Weiss’s property wasn’t included and wouldn’t be affected.

**PETITIONER’S REBUTTAL**

Mr. Joyce said that many of the expressed issues, such as drainage and irrigation water delivery, would be addressed during Preliminary Plan review. He noted that the subject property lay within the urban area and thus subject to urban development standards. The petitioner was abiding by the requirements of the Persigo Agreement, and the Zone of Annexation fell within the parameters of both the Growth Plan and the Orchard Mesa Plan, both of which had come under intense scrutiny during the course of their development. Four units per acre did not represent high density development. Bulk standards for that zone, he said, required 25-foot rear yard setbacks and limited structural heights to 35 feet. Referencing Ms. Donney’s comment regarding the street extension, he said that the extension as originally proposed probably would not occur, because she was correct. He noted that B ½ Road was on the County’s list of capital improvements projects; however, it was unlikely that the County’s improvement of the road

would occur in conjunction with development timeline of the subject property. Sidewalks will be constructed with the development, and he understood that a sidewalk system for the surrounding area would be developed by the County at some point.

**QUESTIONS**

Commissioner Blosser asked when the Preliminary Plan might be ready for review. Mr. Joyce conjectured that it could be as early as next month.

**DISCUSSION**

Commissioner Putnam remarked that there was always tension whenever more urban developments were proposed for transitioning agricultural areas. The area had been included within the designated urban growth boundary, so additional growth was inevitable. He felt that the zoning had been handled as well as it could have been, given the directions of both the Growth Plan and Orchard Mesa Neighborhood Plan.

Chairman Dibble said that the City always gave careful consideration to the surrounding zoning(s) of an area before recommending a zone application. The proposed RSF-4 zone was compatible with surrounding zoning. Other issues brought forward by the citizenry would be addressed during Preliminary Plan review. He reiterated that the only issue before the Planning Commission was the Zone of Annexation.

Commissioner Blosser expressed empathy for neighborhood residents but acknowledged that the request did meet the guidelines outlined in both the Growth Plan and the Orchard Mesa Neighborhood Plan. He expressed support for the proposed zone district and urged residents to participate in the Preliminary Plan review process, which would be forthcoming.

**MOTION: (Commissioner Putnam) “Mr. Chairman, on Zone of Annexation ANX-2002-054, I move that we forward a recommendation of approval of the Zone of Annexation to the City Council with the findings as listed in staff’s recommendation.”**

Commissioner Blosser seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**RZ-2002-051 REZONE—APPLETON CORNER REZONE**

**A request for approval of a rezone from RSF-R to B-1 (Neighborhood Business).**

**Petitioner: Richard Pennington**  
**Location: 797 24 Road**  
**Representative: Development Concepts, Mike Joyce**

**PETITIONER’S PRESENTATION**

Mike Joyce, representing the petitioner, offered a PowerPoint presentation containing the following overheads: overview of the rezone request; description of the subject property; denotation and photos of surrounding land uses; B-1 zone district approval criteria from the Zoning and Development Code and petitioner responses; Growth Plan goal outline and responses; and concluding comments. Mr. Joyce said that business uses had historically been located on the site, that the proposed rezone was consistent with the goals and recommendations of both the Growth Plan and North Central Valley Plan, and that the neighborhood would benefit from continued business uses on the subject property.

**STAFF’S PRESENTATION**

Lisa Gerstenberger offered a PowerPoint presentation which included: a site location map, zoning map, project background, verification of consistency with the North Central Valley Plan; rezoning criteria; and staff recommendations. She said that the North Central Valley Plan provided for neighborhood

commercial development at all four corners of the 24/H Road intersection. The City was currently developing design standards and guidelines for commercial development at this intersection, and any future development of this property would be subject to those standards. With no outstanding issues, staff recommended approval of the rezone, with the findings outlined in the April 3, 2002 staff report and the developer's adherence to pending design standards and guidelines.

**QUESTIONS**

Commissioner Putnam asked if staff's comment regarding the conformance to pending design standards should be included as a condition in any motion made. Ms. Gerstenberger said that it was more a point of clarification to planning commissioners. Mr. Shaver recommended that it be included in the motion because it established an expectation and put the developer on alert.

Mr. Joyce said that he and the petitioner were aware that design standards and guidelines were currently being developed for the intersection's four corners. Inclusion of this reference would be acceptable in any motion made.

**PUBLIC COMMENTS**

**FOR:**

Brian Baldwin (796 24 Road, Grand Junction) confirmed that the subject property had a history of commercial uses. He expressed support for the request.

Glen Baxter (724 Kings Lane, Green River, Utah), speaking for his daughter who lived in the area, also expressed support. A neighborhood business use at this corner would be a benefit to those living nearby.

**AGAINST:**

Joe Crocker (806 24 Road, Grand Junction) said that he'd attended many of the North Central Valley Plan meetings but didn't recall a recommendation of commercial uses for all four corners of this intersection. A B-1 zone district would permit convenience stores and all the traffic and noise inherent to that use. He felt that a Planned Development zone district would be more appropriate since it would give neighbors and staff a chance to more closely scrutinize any development proposed for the site. The extension of sewer to the area and surrounding zoning, by themselves, shouldn't be the determining factors of whether commercial uses were appropriate for a given site. He felt that the request failed to meet a number of goals and zoning criteria and urged denial.

Toby Tuftwiler (2391 H Road, Grand Junction) objected to any convenience store or commercial zoning being located right next to his property.

**PETITIONER'S REBUTTAL**

Mr. Joyce presented an overhead of the City's Future Land Use Map and said that while working for the County's Planning Department, the North Central Valley Plan had been approved with the recommendation that all four corners of the 24/H Road intersection be designated for commercial uses. The type of use foreseen for the subject property would be consistent with historical uses, which didn't include a convenience store. Any proposed development would also have to consider the limited size of the property and the City's design standards and guidelines. The only lower commercial use available, he said, was R.O. (Residential Office).

**DISCUSSION**

Commissioner Blosser noted that the request met Code criteria and the recommendations of both the Growth Plan and the North Central Valley Plan, and he expressed his support.

Chairman Dibble agreed, adding that a small, neighborhood-oriented business would be a benefit to the area. He also expressed support for the request, as did the remaining planning commissioners.

**MOTION: (Commissioner Putnam) “Mr. Chairman, on item RZ-2002-051, a request to rezone from Residential Single-Family Rural (RSF-R) zone district to Neighborhood Business (B-1), I move that we forward the request to City Council with a recommendation to approve, with the findings that the request is consistent with the North Central Valley Plan and Section 2.6.A of the Zoning and Development Code. Further, the potential developer should be on notice that a design plan, or design code, is under development, and it will need to be adhered to when the time comes for development.”**

Commissioner Evans seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

Chairman Dibble commented that development of the design standards and guidelines would be a public process, one where public input would be solicited. Mr. Blanchard said that they would also be brought before planning commissioners for their review and consideration.

A brief recess was called at 8:48 P.M. The public hearing reconvened at 8:54 P.M.

Due to the potential for conflict of interest, Commissioner Blosser recused himself from consideration of the following item.

**ANX-2002-053 ZONE OF ANNEXATION/PRELIMINARY PLAN-ZAMBRANO ANNEXATION**  
**A request for approval of a Zone of Annexation from County RSF-4 to City RSF-4 (Residential Single-Family, 4 units/acre) and the Preliminary Plan for Zambrano Subdivision, consisting of 22 single-family lots on 11.28 acres.**

**Petitioners: John and Janice Zambrano**  
**Location: 657 20 ½ Road**  
**Representative: Brian Hart**

**PETITIONER’S PRESENTATION**

Rich Krohn, legal counsel for the petitioners, asked that his presentation be deferred until after staff had finished with their presentation.

**STAFF’S PRESENTATION**

Bill Nebeker offered a PowerPoint presentation which included: an aerial map showing site location; the Growth Plan’s Future Land Use Map; annexation findings; Preliminary Plan; and proposed Final Plat.

The proposed zone district was the County’s equivalent. Proposed access points were noted. The primary issue for the petitioners and their representatives was over the extension and development of Conestoga Drive. Mr. Nebeker presented an overhead photo of a barn, which was located within the designated right-of-way for the adjacent Homestead Subdivision. Because there was a building permit hold on the entire property, the owner of the barn was prohibited by the County from relocating the barn anywhere else on his property because doing so would require a building permit. The City had only required development of two lanes of road through the Homestead Subdivision to 20 ½ Road, with future improvements of that street section deferred until such time as that subdivision developed. However, earlier in the afternoon, Mr. Krohn had received a letter from Valerie Robison of the Mesa County Attorney's Office, who said that full improvements to this extension of Conestoga Drive would be required as a condition of County approval (copy submitted to staff for the record).

Mr. Nebeker said that most of the people present to speak on this item, and others who have reviewed the plat, have assumed that both proposed accesses will be approved. Staff recommended that the developer construct the street to whatever standards the County required. However, Public Works and Fire

Department staff determined that the subdivision would work with only a single access point, Paint Pony Lane. If the Conestoga Drive access is not part of the approval, staff recommended that the following condition be added: "The applicant shall acquire a temporary access easement for construction of infrastructure improvements in the Zambrano Subdivision across the Homestead Subdivision or the Zambrano property directly to 20 ½ Road. No traffic for infrastructure construction purposes shall use Paint Pony Lane in the Independence Ranch Subdivision." This temporary easement would not be applicable to home construction. If Conestoga Drive were extended and constructed to County standards, the petitioner would be required to extend a sewer line through the Homestead Subdivision to 20 ½ Road. A recapture agreement could be drafted which would require the purchasers of Homestead Subdivision lots to repay the petitioners for the cost of extending that sewer line.

Mr. Nebeker noted that drainage would be routed to a detention pond in Tract A. Individual holding tanks were proposed for irrigation purposes. A pedestrian easement was proposed along the west property line, with an extension constructed through Tract D to the Goldstar Court cul-de-sac.

Staff recommended approval of the request as presented and as outlined in the April 23, 2002 staff report, or with the single access option and temporary construction easement as referenced above.

**PETITIONER'S PRESENTATION (continued)**

Mr. Krohn continued his presentation by reiterating that the primary sticking point in this request was extension and development of Conestoga Drive through the Homestead Subdivision property. Referencing a letter just received from Valerie Robison of the Mesa County Attorney's Office (copy submitted to staff for the record), allowance had been given to remove the barn from the right-of-way; however, the barn could not be relocated to any other place on the Homestead property. In discussions with the property owner, Michael Fisher, Mr. Fisher agreed to move the barn structure but implied that any costs for removal of the foundation would be at the petitioners' expense. The County refused to force Mr. Fisher to remove the barn, nor would the County, itself, remove the barn. The County also would not force the sale of any Homestead Subdivision lots to help recompense the petitioners for improvements made on behalf of this subdivision. Neither would the County take action to lapse the Homestead Subdivision plat. Further, the County refused to permit road improvements at less than its full and complete standards.

Mr. Krohn expressed surprise and dismay at the County's position and said that every available option to extend and construct Conestoga Drive through the Homestead Subdivision had been thwarted by Mesa County. It was unfair to expect the petitioner to pay for full street improvements and sewer line extension which benefited another subdivision, especially since the County had expressed non-support for any potential recapture agreement. For the street improvements he noted that current traffic counts, along with those expected by the proposed subdivision, would still fall far short of the 1,080 ADT capacity of Paint Pony Lane; thus, a second access was not critical to the development of this subdivision. No adverse City Engineering or Fire Department comments had been received in response to this single access option. He asked that consideration be given to approval of the subdivision with just the one access via Paint Pony Lane.

The temporary access option proposed by staff across lot 1, block 1 was impractical because it would be located too close to the Zambranos' home. Further, the Zambranos had a leach field located behind their home, which would be damaged and/or destroyed if construction traffic were allowed to cross over it. Initially, it was thought that sewer would be brought to the Zambranos at the time of subdivision development. If construction traffic were allowed to destroy the leachfield before infrastructure improvements were constructed, this would leave the Zambranos without sewer or a septic system. He also didn't think it legal for the City to prevent construction traffic from using Paint Pony Lane to access the property.



**QUESTIONS**

Mr. Shaver asked that the Homestead Subdivision be noted on an overhead map. He also asked that confirmation be given that a Development Improvements Agreement (DIA) had been drafted requiring Mr. Fisher to construct Conestoga Drive to County standards; such confirmation was given by Mr. Krohn. When asked if the DIA had ever recorded, Mr. Krohn was unsure but knew that the building permit hold had been recorded.

Mr. Shaver asked what improvements were planned for the street stub abutting the Homestead Subdivision if the second access wasn't developed. Mr. Krohn suggested that the street be "squared off" with a crash gate or similar barrier installed.

Mr. Shaver remarked, for the benefit of planning commissioners, that it seemed Mr. Krohn had done everything he was able to do to make this second access work. He had also demonstrated a willingness to comply with all City requirements; the County's restrictions, however, prevented him from doing so. He acknowledged that Mr. Krohn was correct that the City could not prevent construction traffic from using Paint Pony Lane.

Chairman Dibble wondered if construction equipment could be taken in once and left onsite until completion of infrastructure work. Ed Lenhart, an engineer representing the petitioners, said that infrastructure improvements generally involved 3-4 contractors, and each would leave its equipment onsite pending completion of its work. This would limit the amount of heavy traffic to and from the site, although workers would still come and go during the day.

Commissioner Putnam thought that during the street pavement stage there would be a number of asphalt trucks going into and out of the site. Mr. Lenhart agreed but said that their presence on a site was generally only for several days.

Mr. Shaver wondered about the distance between the edge of the barn structure and the far edge of the Conestoga right-of-way. Would there be adequate right-of-way available to allow construction traffic to pass this structure? Mr. Lenhart conjectured that there would be approximately 22 feet of available right-of-way. Mr. Krohn added that given the proximity and use of the barn structure, he did not feel that traffic could "safely" use this limited access option. He strongly urged planning commissioners not to consider this option as viable.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Tonja Werman (2034 Paint Pony Lane, Grand Junction) noted the location of her house on the available map. She said that a great deal of construction traffic had gone by her home over the last several years; she felt it unfair to subject her to more of it over another several years. She also felt that there were a lot of vehicles using Paint Pony Lane already; added traffic would impact the safety of children crossing the street or waiting for the school bus.

Judith M. (2049 Wrangler Way, Grand Junction) said that a lot of traffic also came down Wrangler Way. She hoped that some kind of cooperative agreement could be reached by all parties to allow construction of Conestoga Drive. She felt that this second access would be a significant benefit to the entire neighborhood.

Greg Kellam (2033 Stetson Court, Grand Junction) noted the location of his property, which abutted proposed block 2. He hoped the petitioner had made provisions to ensure that drainage flowed towards the street and away from the back yards of those located to the south of Stetson Court.

Beverly Marcus (2235 Wrangler Way, Grand Junction) added her opposition to added construction traffic traveling along Wrangler Way. She expressed concerns over pedestrian safety and also hoped that some agreement could be reached to ensure the construction of Conestoga Drive.

**PETITIONER'S REBUTTAL**

Brian Hart, design engineer representing the petitioner, gave assurances that drainage from lots bounding the Independence Ranch Subdivision would drain to the south into the street. No drainage problems should arise from any of the subdivision's proposed lots.

Mr. Lenhart reiterated that he and others associated with the project were willing to comply with City requirements; however, the County had imposed undue restrictions which prevented reasonable compliance. He had thought the Homestead Subdivision's DIA had originally been imposed on the property's former owner. Current owner, Michael Fisher, had not been interested in co-development of street improvements, and it was clear that the County didn't want to help.

Mr. Nebeker reiterated that even with approval of the single access point, there was still no resolution of the temporary access easement requested by staff.

Chairman Dibble asked how maintenance could be undertaken on Tract A without an access easement. Mr. Hart said that one would be provided.

**DISCUSSION**

Chairman Dibble asked Mr. Shaver what options were available to the City. Mr. Shaver agreed that many options had been explored by the petitioners' representatives, but those options had all been refuted by the County. The question that should be asked by the Planning Commission, he said, was whether the subdivision could adequately function with only one access? If additional expected ADTs did not exceed street capacity, and given the absence of engineering and Fire Department concerns, then perhaps one access would be sufficient. Legally, the City cannot restrict construction traffic from using Paint Pony Lane; thus, this may render the temporary access requirement moot. Mr. Shaver said that he would be checking into the barn's placement to determine whether a building permit had ever been issued for the structure.

Commissioner Evans did not think a single access point would be sufficient for the subdivision and would result in greater internal traffic impacts. He did not feel he could support the request without construction of Conestoga Drive.

Commissioner Putnam thought that a single access point would work, although it would perhaps be a hardship to the neighborhood.

Chairman Dibble felt it was unfair to penalize the developer for something that was clearly out of his control. It appeared the subdivision could work with only the one access point and there had been no adverse comments to the contrary. It was generally acknowledged that Conestoga Drive would be developed at some point. One benefit of having the single access point would be the resultant natural traffic calming. With regard to the temporary access recommendation, he agreed that construction traffic could not be penalized for using public rights-of-way. While he could support the use of Paint Pony Lane by construction traffic, he urged the developer to do his utmost to ensure that traffic to and from the site would be minimized.

Commissioner Paulson said that if the single access met City requirements, he could support the request. He hoped that all cautionary measures to ensure pedestrian and traffic safety along residential streets would be employed.

**MOTION: (Commissioner Putnam) “Mr. Chairman, on item ANX-2002-053, I move that we find the Zone of Annexation for the Zambrano Annexation to be consistent with the Growth Plan and section 2.6.A of the Zoning and Development Code and recommend approval to the City Council.”**

Commissioner Paulson seconded the motion. A vote was called and the motion passed by a vote of 3-1, with Commissioner Evans opposing.

**MOTION: (Commissioner Putnam) “[Mr. Chairman, on item ANX-2002-053, I move that we] find the Preliminary Plat for the Zambrano Annexation to be consistent with the Growth Plan and section 2.8.B of the Zoning and Development Code and approve the plat subject to staff’s recommendation.”**

Commissioner Paulson seconded the motion. A vote was called and the motion passed by a vote of 3-1, with Commissioner Evans opposing.

Mr. Shaver clarified that the intent of the motion to approve the Preliminary Plat was with the exclusion of the Conestoga Drive extension requirement through Homestead Subdivision. Neither the provision of the sewer line under that street extension nor the temporary access easement would be required. Commissioners Putnam and Paulson both acknowledged this understanding.

Commissioner Blosser returned and was present for the remainder of the public hearing.

**GPA-2001-178 REZONE—LEWIS PROPERTY**

**A request for approval of a rezone from RSF-4 (Residential Single-Family, 4 units/acre) and CSR (Community Services and Recreation) to B-1 (Neighborhood Business) and CSR.**

**Petitioner: Mikel and Roxanne Lewis  
Location: 2258 South Broadway  
Representative: Development Concepts, Mike Joyce**

**PETITIONER’S PRESENTATION**

Mike Joyce, representing the petitioners, offered a PowerPoint presentation which included: an overview of the rezone request; photos and an outline of the subject property; rezone criteria and petitioner responses; photos of traffic at adjacent Broadway intersection; and benefits of the proposed rezone and subsequent development. He recounted City Council’s support of the Growth Plan Amendment request that the Planning Commission had previously recommended for denial. City Council had determined that commercial land use designation for a .94-acre portion of the site was appropriate. The B-1 zone district request met a number of goals and policies as well as the Growth Plan’s Land Use Map. Mr. Joyce addressed rezone criteria as contained in the Code and felt that this criteria had been met. Development of a car wash on this site would visually enhance the property and provide Redlands residents with a needed service. The petitioners were in the process of reclaiming wetland areas.

**STAFF’S PRESENTATION**

Lisa Gerstenberger offered a PowerPoint presentation which included: a vicinity map showing the site’s location; photo of the property; a history of Planning Commission actions, and City Council’s overturning of the GPA denial; the Growth Plan’s Future Land Use Map; rezone request outline; proposed rezone area; photo of Broadway/Redlands Parkway intersection showing Meadowlark Gardens across the street; outline of how the request met rezone criteria; staff’s analysis; and staff’s recommendations of rezone approval to a B-1 zone district.

**QUESTIONS**

Chairman Dibble asked about the commercial options available to the site. Ms. Gerstenberger said that C-1, B-1 and RO use designation all supported the commercial land.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Paul von Guerard (2290 Shane Court, Grand Junction) presented an overhead drawing of the adjacent subdivision and passed out copies of his handout to planning commissioners and staff. He said that the Kansas Avenue intersection at Broadway was nearing total failure. It wouldn't be long before no left turning movements would be possible from this intersection onto Broadway. He wondered what effect this failure would have on traffic traveling northbound on Kansas Avenue. Mr. von Guerard noted the absence of sidewalks throughout the Bluffs West Subdivision; thus the subdivision's residents often walked along the street to get where they needed to go. The substantially increased traffic that would be generated by a car wash would be routed through the subdivision, creating hazardous conditions for existing residents. To date, neither the City nor the petitioners had come up with any alternatives.

Mr. von Guerard was also concerned that once B-1 zoning was approved for the property, other uses such as a restaurant or liquor store could be situated there. He and other subdivision residents had tried on numerous occasions to get the City to acknowledge these concerns, but he felt that the City didn't really care what impacts were inflicted upon their neighborhood.

Doug Larson (2278 Windwood Court, Grand Junction), resident of the Bluffs West Subdivision and president of its homeowners association, wanted to make sure he was on record as opposing the current request and subsequent development. In a memo from Ms. Gerstenberger dated November 13, 2001 he read excerpts where she had agreed that the area was primarily residential in character. He reiterated that this development proposal would significantly impact neighborhood residents, especially on weekends when most of the car wash's customers were expected to frequent the business. He reminded planning commissioners that subdivision covenants still covered the portion of this property previously owned by Mesa County.

Mr. Shaver said that enforcement of covenants were a civil matter involving private rights. Any legal remedy sought by the homeowners association would be at its discretion and without City involvement.

**PETITIONER'S REBUTTAL**

Mr. Joyce agreed that the Kansas Avenue/Broadway intersection was close to failure but that the addition of a car wash would make little difference in that inevitability. Traffic from the car wash was expected to be only one-fourth that of a convenience store. He reminded planning commissioners that commercial

zoning was supported by the City Council, adding that the request met rezone requirements as well as a number of goals and policies. A Conditional Use Permit would be brought before the Planning Commission, which would provide additional detail. It was unlikely, he said, that anything proposed would satisfy Bluffs West residents.

### **QUESTIONS**

Commissioner Paulson asked if the car wash access would be off Kansas Avenue, to which Mr. Joyce responded affirmatively. Other options had been explored but were later discounted as not being practical.

Chairman Dibble wondered if other uses could be located on the site. Mr. Joyce confirmed that other uses could be situated on the site, but it was the petitioners' intent to construct a car wash. He'd tried initially to propose PD zoning; however, staff had discouraged this in favor of straight zoning.

Chairman Dibble remarked that even if a traffic study were undertaken, they were only "best guesses."

### **DISCUSSION**

Commissioner Blosser said that he'd voted against the GPA because C-1 had been too intense a zone district for the subject property; he felt he could, however, support the recommendation for B-1.

Commissioner Putnam said that the Planning Commission couldn't refrain from acting upon the request, especially given that there were only three zoning options available.

Commissioner Evans agreed that this development and resultant traffic increases would negatively impact the Bluffs West neighborhood. He felt that the majority of traffic would be coming into the site from Broadway, but they wouldn't necessarily be able to leave the same way. He agreed that the Planning Commission had been given little other option but to approve the request.

Commissioner Paulson wanted to stress the Planning Commission's sensitivity to neighborhood concerns. He noted, however, that the area appeared to be changing to accommodate the increased need for retail services. He hoped that the developer would address impacts more thoroughly during the Conditional Use Permit review.

Chairman Dibble agreed that of the three available zoning alternatives, B-1 was probably the most desirable. He agreed that the Planning Commission could not refuse to act. Clarification was given that the commercial zone would apply only to the .94-acre portion of the site.

**MOTION: (Commissioner Evans) "Mr. Chairman, on item GPA-2001-178, a request to rezone 1.83 acres from RSF-4 (Residential Single-Family, 4 units/acre) and Community Services and Recreation (CSR) to Neighborhood Business (B-1) and Community Services and Recreation (CSR), I move that we forward the request to City Council with a recommendation to approve, with the staff's findings."**

Commissioner Putnam seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

## **V. ELECTION OF OFFICERS**

The election of officers was postponed until added members of the Planning Commission could be present.

With no further business to discuss, the public hearing was adjourned at 11:15 P.M.