

**GRAND JUNCTION PLANNING COMMISSION**  
**JULY 11, 2000 MINUTES**  
**7:03 p.m. to 10:15 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:03 p.m. by Vice-Chairman Joe Grout. The public hearing was held at Two Rivers Convention Center.

In attendance, representing the Planning Commission, were Joe Grout (Vice-Chairman), Dr. Paul Dibble, Nick Prinster, Terri Binder, James Nall, Jerry Ainsworth, and William Putnam (alternate). John Elmer was absent.

In attendance, representing the Community Development Department, were Kathy Portner (Acting Community Development Director), Lisa Gerstenberger (Senior Planner), Dave Thornton (Principle Planner), Pat Cecil (Development Services Supervisor), and Lori Bowers (Associate Planner).

Also present were John Shaver (Asst. City Attorney) and Kent Marsh (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 30 interested citizens present during the course of the hearing.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes from the June 13 and June 20 public hearings.

**MOTION: (Commissioner Binder) “Mr. Chairman, I move that we approve the minutes of June 13.”**

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

**MOTION: (Commissioner Prinster) “Mr. Chairman, I’d like to entertain a motion to approve the minutes of June 20.”**

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

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

Pulled from the agenda was item PP-2000-083 (Preliminary Plan - Windemere Heights Subdivision).

**III. CONSENT AGENDA**

The Consent Agenda included FP-2000-102 (Final Plat - Tiara West Estates, 541 20 ¼ Road), ANX-2000-108 (Zone of Annexation – Grand Valley Sheet Metal, 2980 Gunnison Avenue), FPP-1998-202 (Correction to Zoning – Cherryhill Subdivision, East side of 26 ½ Road, North of F ½ Road) and PP-2000-101 (Preliminary Plan – Marsh Lane Subdivision, 754 27 Road). As a result of public opposition, item FP-2000-102 (Final Plat – Tiara West Estates) was pulled from consent for full hearing.

Commissioner Putnam asked staff if a conflict existed on item FPP-1998-202 (Correction to Zoning – Cherryhill Subdivision) with regard to minimum development size. Ms. Portner replied negatively, elaborating that it had been brought through the planning process under the old Code, which did not require minimum densities.

**MOTION: (Commissioner Prinster) “Mr. Chairman, I’d like to propose that we approve the Consent Agenda with the exception of the Tiara West Estates, as stated in the agenda for July 11.”**

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

**IV. FULL PUBLIC HEARING**

**FP-2000-102 FINAL PLAT—TIARA WEST ESTATES**

**A request for approval of a Final Plat for Tiara West Estates Subdivision consisting of 11 single family lots on 7.71 acres in an RSF-2 (Residential Single Family with a density not to exceed 2 units to the acre) zone district.**

**Petitioner: Wylie and Carrie Miller**

**Location: 541 – 20 ¼ Road**

**PETITIONERS’ PRESENTATION**

Wylie Miller, co-petitioner and developer, was unsure why neighborhood opposition still existed since no changes had been made to the Preliminary Plan except those requested by the City. He asked to reserve comment until after hearing public testimony.

**STAFF’S PRESENTATION**

Lori Bowers reviewed the request as outlined in the July 6, 2000 Staff Report. The Final Plat request conformed to the Preliminary Plan and met Growth Plan recommendations and Code requirements. Staff recommended approval subject to the petitioners satisfactorily addressing Development Engineering comments as stated in Attachment A to the staff report.

Kent Marsh explained that a revised plan had been submitted earlier that morning; required revisions were minor and could be addressed easily.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Eileen O’Toole (2023 South Broadway, Grand Junction) expressed a number of concerns, which included: 1) property line location, 2) possible damage to existing trees when installing underground utilities, 3) relocation of old cedar posts, 4) potential flooding from the subdivision’s detention pond and 5) structure height.

With the petitioners’ dedication of the additional 12 feet of right-of-way, Ms. O’Toole said that her driveway would effectively be reduced in length by that same amount. She wondered if existing trees would be destroyed during installation of underground utilities. Noting the existence of many old cedar posts along the road, she wondered if the petitioners would relocate them at their expense. Ms. O’Toole said that if the detention pond flooded, this would directly impact her property. She asked to see the

written results of the water table investigation undertaken by the petitioners. Ms. O'Toole expressed concern over the potential loss of her views and wondered how high homes would be constructed.

Peggy Haubold (2019 South Broadway, Grand Junction) said that the petitioners intended hooking up to an irrigation system she'd installed over 20 years prior. Mr. Miller had never contacted her about this, and she was concerned that her rightful water shares and those of her neighbor would be adversely impacted. She wanted written assurances that neither the quantity nor the quality of water currently being delivered would be impacted. She also felt that the 10-foot easement noted on the petitioner's plan was too narrow and would not allow her sufficient access to the sump pump for cleaning and maintenance. She objected to the petitioners' allowance of fencing along Lots 4, 5 and 6 since fencing would interfere with access for system maintenance. Ms. Haubold said that the petitioners' reference on their plan to a 6-inch water line was incorrect; her line was, in fact, only 4 inches wide.

### **PETITIONERS' REBUTTAL**

Mr. Miller acknowledged plans to hook up to the existing irrigation line but said that the subdivision would not impact current water delivery. And while he had not met with the neighbors personally, his representative had. He intended to install a 6-inch pipe and extend it from the rear of the property to the front to help drain off excess storm and irrigation water. He'd already entered into a discharge agreement with Redlands Water & Power. He said that some of the roadside bushes would be taken out at the City's direction to accommodate the wider right-of-way. The road itself would be paved, but no shoulder would be provided. He'd not heard Ms. O'Toole's concerns before over the loss of length of her driveway, but he emphasized that the driveway was partially located within an existing right-of-way. Mr. Miller was unsure how many of the old cedar posts referenced by Ms. O'Toole could be saved, but he agreed to relocate as many as possible. With regard to the irrigation easement's width, the City had required 15 feet along the western property boundary, which had been noted on the revised plan. He also noted the existence of a gate used by Ms. Haubold to access her sump pump, which would not be disturbed.

### **QUESTIONS**

Commissioner Prinster asked for clarification from staff on the status of the irrigation system and easement. Mr. Marsh confirmed that while a 10-foot irrigation easement had been requested along all sides of the property, an additional 5 feet had been required along the western boundary of Lots 4 through 6. He briefly outlined the operation of Ms. Haubold's diversion box and said that the petitioner proposed to stub in a 6-inch water line at the diversion box, with everything else remaining intact. Since the diversion box was located in the southwest corner of Lot 6, if the owner of that lot constructed a fence in the back yard, he would be required to grant access to the diversion box via the easement. Mr. Shaver suggested that planning commissioners require the property owner to dedicate or deed right of access to Ms. Haubold; she would then have deeded legal access for maintenance of the irrigation system. Mr. Shaver said that if fencing were erected which conflicted with her legal access, she could exercise her right and remove it. The City could not prevent the property owner's encroachment upon that easement unless it was designated as a "no build" zone to be enforced by the City. Mr. Shaver counseled that it is best left to private enforcement.

Mr. Miller said that if the entire 15 feet were designated a no build zone, chances were good that it would revert to a weed patch 15 feet wide by 600 feet long. He felt that anyone who built within an easement should know that utility providers retained the right of access.

Commissioner Binder asked Mr. Shaver for a suggested remedy of the access situation. Mr. Shaver recommended that the dedication statement be amended to deed and dedicate it to the lot owners AND the beneficiary, Mrs. Haubold.

Mr. Miller said that he always intended that Ms. Haubold should have access to the irrigation system, and he agreed to comply with whatever means of conveyance the City deemed most appropriate.

When asked by Commissioner Ainsworth for additional clarification on how the irrigation system was configured, Mr. Miller explained that it didn't have an actual pump; rather, it was a gravity-fed system up to each lot. Pumps could then be installed by each homeowner.

Commissioner Binder asked about home heights. Mr. Miller responded that the maximum height allowance was 32 feet. No fill would be brought in to the site.

Commissioner Nall asked how Ms. O'Toole's driveway would be affected by the development. Mr. Marsh said that a portion of it was situated within County right-of-way. Many of the hedges and trees and the cedar posts mentioned by Ms. O'Toole were actually located within the right-of-way. To save the existing trees in front of Ms. O'Toole's home, the City decided not to ask for the 4-foot shoulder; however, a 22-foot mat and drainage ditch were still required. The driveway would be intact, only 12 feet shorter. A culvert would be installed so that Ms. O'Toole would be able to cross the ditch using her existing driveway. The ditch would carry excess water away from the property and a 6-foot drainage pan would be installed across 20 ¼ Road to further help with drainage across South Broadway.

Commissioner Binder asked if trees in the right-of-way would be damaged during construction. Mr. Shaver said that while a difficult problem, the trees were located within the right-of-way and there could potentially and lawfully be some mortality of the trees.

Commissioner Ainsworth asked if Ms. Haubold was entitled to a written guarantee regarding water delivery. Mr. Shaver said that the deeded easement should sufficiently address the access question. Delivery of adequate irrigation water was a private issue involving the water company and the other users and not within the purview of the Planning Commission.

Mr. Shaver added that with regard to Ms. O'Toole's question regarding flooding of the detention pond, such overflow would constitute private trespass. If that occurred, Ms. O'Toole and other affected neighbors could initiate legal action against the subdivision's homeowners association. Mr. Marsh said that the referenced water report actually pertained to a retention pond that was later replaced by the detention pond. He said that streets and foundations could be engineered to accommodate for a high water table if such were in existence.

### **DISCUSSION**

Vice-Chairman Grout observed that the Final Plat met Preliminary Plan conditions. He encouraged the petitioners to work with neighbors on remaining private issues. He supported the dedication of access rights within the existing easement to allow for irrigation system maintenance. Otherwise, he felt he could supported the project.

Commissioner Prinster agreed. He also supported the petitioners granting a deeded access for irrigation system maintenance.

Commissioner Dibble thought that Mr. Miller seemed amenable to working with neighbors to a mutually beneficial end. He hoped that the City's solution was satisfactory to neighborhood residents.

**MOTION: (Commissioner Prinster) "Mr. Chairman, on item FP-2000-102, final approval of the Tiara West Estates Subdivision, I move that we approve the subdivision, making the findings as**

**recommended by staff with the condition that the concerns of the Development Engineer are addressed prior to recording the Final Plat as stated in Attachment A, and also that the dedication of the easement or right-of-way as discussed in this proceeding.”**

Mr. Shaver suggested that specific verbiage be drafted between the petitioners and Ms. Haubold and presented to the City for consideration. Mr. Shaver noted that the condition must be met prior to recordation of the Final Plat.

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

The next two items were opened concurrently.

**ANX-2000-115 ZONE OF ANNEXATION—BOYDSTUN/CHAMBLEE ENCLAVE**

**A request for a Zone of Annexation from County to City RSF-R (Residential Single Family Rural—1 unit/5 acres) zone district.**

**Petitioner: City of Grand Junction**

**Location: 714 and 720 – 24 ½ Road**

**ANX-2000-114 ZONE OF ANNEXATION—G ROAD NORTH ENCLAVE**

**A request for a Zone of Annexation from County to City RSF-R (Residential Single Family Rural—1 unit/5 acres), RSF-2 (Residential Single Family, 2 units/acres), and PD (Planned Development) zone districts.**

**Petitioner: City of Grand Junction**

**Location: 25 ½ to 26 ½ Roads, north of G Road**

**STAFF’S PRESENTATION**

Dave Thornton noted the locations of both areas using an overhead transparency. Both areas are currently undergoing annexation into the City and both City zones are closest to their former County equivalents. He noted, however, that the RSF-R zone did not conform to the City’s Land Use Map. As such, property owners in this area could potentially come back with a request for a higher density zone.

**PUBLIC COMMENTS**

**FOR:**

Jim Grisier (690 25 ½ Road, Grand Junction) asked for clarification on staff’s statement on the potential for higher densities within this area. When confirmed by Mr. Thornton, Mr. Grisier expressed his support.

Bob Sayer (no address given) asked if the RSF-R zoning would affect his property currently zoned RSF-2, to which Mr. Thornton replied negatively.

**DISCUSSION**

Commissioner Binder said that the request seems straightforward; other planning commissioners concurred.

Commissioner Putnam wondered how any future rezone request for this area would be affected upon passage of the Responsible Growth Initiative. Mr. Shaver said that if the initiative passed, the City would have to rethink many of its traditional practices, especially concerning future growth areas.

**MOTION: (Commissioner Prinster) “Mr. Chairman, on ANX-2000-115, Zone of Annexation for the Boydston/Chamblee Enclave, I recommend that we approve the annexation to RSF-R.”**

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

**MOTION: (Commissioner Prinster) “On ANX-2000-114, Zone of Annexation for G Road North Enclave, I recommend that we approve the annexation from County to City as stated in the presentation.”**

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

**GPA-2000-109 KOLLAO GROWTH PLAN AMENDMENT**

**A request to 1) amend the Growth Plan from Residential Medium (4-7.9 units/acre) to Residential Low (1/2-1.9 acres/unit), and 2) a Zone of Annexation from County AFT and RSF-2 to City RSF-2.**

**Petitioner: Kollao Development LLC**

**Location: 2570 G Road**

**Representative: Development Concepts, Inc., Mike Joyce**

**PETITIONER’S PRESENTATION**

Mike Joyce, representing the petitioner, noted the site’s location using an overhead transparency. It was felt by the owner that the downzoning of the area made more sense given the site’s topography and other natural constraints; the downzoning would prevent overdevelopment of the site. Similarly-sized parcels could be found nearby, so the request would be compatible with the surrounding area. The request also complied with both the rezone and Growth Plan Amendment criteria, and the petitioner was willing to work with City staff to provide trail easements in the area.

**QUESTIONS**

Commissioner Dibble asked if the original zoning had been an oversight; Mr. Joyce replied affirmatively. He added that not all properties within the original zoning area had been reviewed independently.

**STAFF’S PRESENTATION**

Lisa Gerstenberger asked that separate motions be made to address the Growth Plan Amendment and rezone request. She clarified that the GPA applied to both parcels (1 and 2) but the rezone request applied only to Parcel 2. She agreed that the request met both rezone and Growth Plan Amendment criteria and recommended approval of both requests.

**QUESTIONS**

Commissioner Ainsworth asked for clarification of the “exempted” area noted on the map, which was given.

Commissioner Prinster noted that the current request followed on the heels of the recommended approval for item ANX-2000-114. What would happen in the event City Council did not approve the former request? Mr. Shaver opined that the property owner was at risk in this instance and there was no public risk.

**PUBLIC COMMENTS**

**FOR:**

Nancy Hackett (2573 G Road, Grand Junction) said that she and her neighbor, Brian Mahoney, both supported the request. She felt that the site's topography better lent itself to a lower density development.

General support for the proposal was expressed by Ted Martin (G Road), Jim Grisier (690 25 ½ Road, Grand Junction) and Lowell Reeder (2565 G Road, Grand Junction). Mr. Reeder thought that there might be an access issue to G Road.

**AGAINST:**

There were no comments against the request.

**PETITIONER'S REBUTTAL**

The petitioner's representative offered no rebuttal testimony.

**DISCUSSION**

Vice-Chairman Grout and Commissioner Dibble expressed general support of the request.

Commissioner Binder said that it was nice to see a property owner/developer working with the site's topography.

Commissioner Prinster felt the request to be a good one and remarked that any access issue would be addressed during Preliminary Plan review.

**MOTION: (Commissioner Dibble) "Mr. Chairman, on item GPA-2000-109, the request for the Growth Plan Amendment to redesignate 2570 G Road from Residential Medium (4-7.9 units/acre) to Residential Low (1/2 to 1.9 acres/unit), I move that we forward the request to City Council with a recommendation to approve with the findings as outlined by the staff."**

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

**MOTION: (Commissioner Dibble) "Mr. Chairman, on item 2, I recommend on GPA-2000-109, the rezoning of the Residential Single Family RSF-2, I move that we forward to the City Council the request for recommendation to approve this with the findings as outlined by staff."**

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

A brief recess was called at 8:35 p.m. The hearing reconvened at 8:45 p.m.

**CUP-2000-099 CONDITIONAL USE PERMIT—8-FOOT FENCE**

**A request to construct an 8-foot cinderblock wall around the street side yard and back perimeter of the property.**

**Petitioner: Timothy and Allison Flynn**

**Location: 463 Gunnison Avenue**

**PETITIONERS' PRESENTATION**

Dr. Timothy Flynn, co-petitioner, said that the higher wall would help deflect road noise, allowing his family more enjoyment of their property. The wall would only be built along the street side of the home, so he didn't feel it would adversely affect surrounding neighbors. Dr. Flynn presented slides of his

home, the surrounding neighborhood and examples of cinderblock wall designs under consideration. He felt that the wall would be aesthetic because of its design and pigmentation.

**QUESTIONS**

Commissioner Ainsworth asked if the walls in Dr. Flynn's slide presentation had also been 8 feet high. Dr. Flynn said that several exceeded 6 feet in height. He cited a similar wall located at 520 Chipeta which he said easily exceeded 8 feet.

Commissioner Nall asked if the petitioner had any evidence that an 8-foot wall would be more effective in sound deflection than a 6-foot wall. Dr. Flynn responded negatively, but he felt it only stood to reason that a higher wall would provide additional buffering.

**STAFF'S PRESENTATION**

Pat Cecil distributed copies of a letter of opposition from Barbara Jones (624 N. 5<sup>th</sup> Street/825 N. 4<sup>th</sup> Street, Grand Junction) and a petition containing 46 signatures of residents who opposed the request. While in agreement that 5<sup>th</sup> Street was heavily traveled, staff determined that a wall of this height would be out of character. The wall would serve to bounce traffic noise from the petitioners' property onto the adjacent property owner. He noted that a 6-foot-high wall could be constructed with just a fence permit. Staff did not see any justification for constructing an 8-foot-high wall and recommended denial of the request.

**QUESTIONS**

Commissioner Binder wondered what would happen in the event someone built a non-conforming wall without benefit of a permit. Mr. Cecil said that the wall would be in violation of the Code and be subject to legal action up to and including its removal.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the request.

**AGAINST:**

Betty Fulton (634 North 5<sup>th</sup> Street, Grand Junction) said that while not opposed to a 6-foot-high wall, she felt that 8 feet was excessive. She agreed that a higher wall would deflect traffic noises onto her property and that of her neighbor. Examples of other walls presented in slides by the petitioner, she said, were located along major arterials or the highway, which were much more open areas.

Ashley Jordan (528 Gunnison Avenue, Grand Junction) agreed with previous comments and felt that 8 feet was too high and would detract from the character of the neighborhood.

**PETITIONERS' REBUTTAL**

Dr. Flynn said that he understood the neighbors' objections, but he felt that the architectural style of the wall he had in mind would be compatible with the neighborhood.

**DISCUSSION**

Commissioner Ainsworth observed that since only half of the petitioner's property would be buffered by the wall, he wondered how effective it would be. There seemed to be no justification for the additional height and he supported staff's recommendation for denial.

Vice-Chairman Grout agreed, noting that there were a lot of 6-foot fences along F Road. This was a busier corridor than 5<sup>th</sup> Street, yet residents seemed satisfied with the buffering of their properties along



this arterial. He agreed that an 8-foot-high fence would be out of character with the area and supported staff's recommendation.

Commissioner Prinster remembered only one over-height fence being approved in his tenure and that had been done with the unanimous support of surrounding neighbors. Generally, the Planning Commission upheld Code requirements with regard to overheight fences. In this instance, there was no compelling reason to deviate from those requirements.

Commissioner Nall said that while pleased to see the petitioners' interest in upgrading their property, he could see no appreciable difference in benefit between the 6- and 8-foot fence heights.

Commissioner Dibble said that it was also important to note the overwhelming opposition by surrounding neighbors.

**MOTION: (Commissioner Binder) "Mr. Chairman, on Conditional Use Permit 2000-099, I move that we find the project inconsistent with the Growth Plan, Section 2.13 of the Zoning and Development Code and adjacent property usage, and deny the request for a Conditional Use Permit for an 8-foot masonry block wall at this location."**

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

**PP-2000-100 PRELIMINARY PLAN—MAJOR SUBDIVISION**

**A request for approval of a Preliminary Plan consisting of 29 single-family lots on 10.6 acres in an RMF-5 (Residential Multi-Family not to exceed 5 units/acre) zone district.**

**Petitioner: YYNVestments, LLC**

**Location: 220 G Road**

**PETITIONER'S PRESENTATION**

Ted Ciavonne, representing the petitioner, said that the project had recently been annexed into the City, with the request being considered under old Code criteria. Referencing an overhead transparency of the Preliminary Plan, he pointed out the two access points into the subdivision. He acknowledged that some drainage did occur onsite, but added that the property would soon receive an extension of the sewer's trunkline. The request also addressed engineering criteria. Mr. Ciavonne asked that further comments be deferred until the rebuttal portion of the hearing.

**STAFF'S PRESENTATION**

Pat Cecil reiterated that the project request fell under the old Code. As such, the Final Plat would be subject to review by the Planning Commission. Approximately 2.3 acres of open space had been provided with the request, with landscaping required for roadside open space tracts and the area around the detention pond. Trails were being required to be provided in both Tracts C and E, with a detention pond proposed for Tract C. The site did contain wetlands areas, with the majority found in Tracts C and E and Lots 4 and 5 of Block 1. An Army Corps of Engineers permit and extension of the sewer trunkline would be required prior to Final Plat review. With no major outstanding issues, staff recommended approval subject to the following conditions:

1. Prior to submittal of the Final Plat for review, the petitioners shall acquire an Army Corps of Engineers (COE) permit to disturb the existing wetland areas. Any mitigation measures of the permit shall be incorporated into the final project design. A copy of the COE permit shall be submitted with the Final Plat.

2. A tract shall be supplied for a fence with a 5-foot landscape strip along the G Road frontage, to be owned and maintained by a homeowners association. In addition, the tract areas immediately adjacent to Cloverdale Drive shall be landscaped. All landscaped areas shall be irrigated. A fencing and landscape plan shall be submitted with the application for Final Plat review.
3. All tract areas shall be owned and maintained by a homeowners association, to be created at the time of recording the Final Plat.
4. A 12-foot wide trail shall be dedicated on the Final Plat through Tracts C and E to provide future access to the canal located to the west of the project.

### **QUESTIONS**

Commissioner Binder asked for clarification of the stub street to the north accessing G Road, which was provided.

Commissioner Binder wondered if the sewer trunkline extension would eliminate the need for a lift station, to which Mr. Cecil responded affirmatively. When asked who would pay for the extension, Mr. Cecil said that costs could be borne by the petitioner, the City, and future area residents via an assessment district overlay.

Vice-Chairman Grout asked if lots 4 and 5 would be deleted if deemed unbuildable by the COE. Mr. Cecil said that the petitioner would be bound to comply with any COE mitigation required if they wanted to proceed with the project.

Commissioner Binder asked if turn lanes would be provided off G Road into the project. Mr. Marsh said that a center turn lane would be provided for left turns into the site. No decel lane had been warranted; however, more detail would be provided during Final review. Commissioner Binder wondered when turn lanes would be warranted along G Road. Would such capital improvements be borne by a single development when the City's "trigger" was reached? She hoped the City was considering the "big picture." Mr. Shaver said that the Metropolitan Planning Organization (MPO) considered the long view of road development via the Functional Classification Map. Engineering staff considered each proposal as they were submitted. Commissioner Binder didn't think it fair to expect a single developer to fix a problem that had been created over time by a number of prior developments. Mr. Shaver said that this was an ongoing policy debate in this and other communities across the nation. Mr. Marsh added that right-of-way would be secured from the current petitioner for future widening when deemed necessary.

Commissioner Nall asked if impact fees were assessed to address long-term impacts to roadways. Mr. Marsh said that this roadway happened to be included in the City's 15-year CIP budget; thus, the City was collecting a payment in lieu of constructed improvements (e.g., curb, gutter and sidewalk).

### **PUBLIC COMMENTS**

#### **FOR:**

There were no comments for the request.

#### **AGAINST:**

Roger Peck (705 Jasmine Lane, Grand Junction) felt that the proposed density was too high. G Road, he said, was becoming increasingly congested.

Harry Peck (719 26 Road, Grand Junction) and Tom Kukulan (698 Glen Caro Road, Grand Junction) echoed similar concerns over the project's density.

Millicent Peck (705 Jasmine Lane, Grand Junction) expressed concern over impacts to the wetland areas. She urged protection of this valuable wildlife habitat.

**PETITIONER'S REBUTTAL**

Mr. Ciavonne said that lots were comparable in size to those directly east. The project also met Growth Plan recommendations, which called for higher densities in the subject area. The current request, he said, actually proposed a density lower than what would have been allowed by the new Code. He noted the relatively large amount of open space being provided. The petitioners were obligated to pay both parks and traffic impact fees. Additional landscaping would be provided along roadways and around the detention pond, making it an aesthetic addition to the area.

With regard to staff's condition 4, he said that a 14-foot-wide utility easement along the roadway had been required. He felt that this would conflict with fencing and provision of the 5-foot landscape strip. Mr. Cecil said that the 14-foot utility easement was a basic Code requirement. There were no restrictions to erecting fencing within the easement. Mr. Ciavonne asked that the word "easement" be placed after the word "trail" for edification.

Mr. Ciavonne also questioned the viability of a 12-foot-wide pedestrian path cutting through acknowledged wetlands (Tract E). He felt that a 2-3-foot-wide path would be more reasonable and provide far less impact to wetlands.

**DISCUSSION**

When asked by Vice-Chairman Grout if engineering staff concurred with the reduction in size of the Tract E pedestrian path, Mr. Cecil suggested that the requirement for a pedestrian path in Tract E be eliminated altogether and that the width of the Tract C easement be reduced to 10 feet.

Commissioner Dibble wondered why the property had been zoned RMF-5 when other properties in the area were zoned to lower densities. Mr. Cecil said that the property's zoning had been assigned upon its annexation into the City. He acknowledged that only an RSF-2 zone had been requested but an RSF-4 zone had been assigned. With adoption of the new Code, this zone rolled over to an RMF-5. Actual density of the property, however, was only 2.9 units/acre, which lay at the lower end of the zone.

Commissioner Prinster noted that the request did not include a rezone; the zone had already been applied.

After a brief discussion, condition 4 was modified by staff as follows: "A 10-foot wide trail easement shall be dedicated on the Final Plat through Tract C to provide future access to the canal located to the west of the project." This included deletion of the easement through Tract E altogether.

Vice-Chairman Grout noted that the project met bulk standards and other Code criteria, and he expressed support for the request.

Commissioner Binder appreciated the amount of open space being provided, and she felt it would add to the aesthetics of the subdivision.

**MOTION: (Commissioner Nall) "Mr. Chairman, on Preliminary Plan 2000-100, 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 attached to the staff report and also as modified by staff tonight.”**

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

**V. GENERAL DISCUSSION**

Commissioner Binder commended the School District for its submission of comments for the preceding item. Mr. Cecil suggested that it might be beneficial for staff to begin tabulating the numbers received by the School District.

With no further business, the hearing was adjourned at 10:15 p.m.