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**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

WEDNESDAY, APRIL 15, 2009, 7:00 P.M.

Call to Order

Pledge of Allegiance
Colors to be Presented by the Grand Valley Combined Honor Guard

Proclamations/Recognitions

Proclamation Recognizing the "Grand Valley Combined Honor Guard" in the City of Grand Junction

Recognition of Outgoing Councilmembers

*** Other Recognitions

*** **Certificate of Appointment**

To the Horizon Drive Association Business Improvement District

Citizen Comments

*** *Indicates New Item*

® *Requires Roll Call Vote*

REVISED

***** CONSENT CALENDAR ***®****1. Construction Contract for the 2009 Asphalt Overlay Project [Attach 1](#)**

The Project generally consists of 63,000 square yards of asphalt milling and a new 2" hot mix asphalt overlay on 14 streets throughout the City. The low bid was received from Elam Construction in the amount of \$1,521,522.00.

Action: Authorize the City Manager to Sign a Construction Contract with Elam Construction for the 2009 Asphalt Overlay Project in the Amount of \$1,521,522.00

Staff presentation: Tim Moore, Public Works and Planning Director

2. Construction Contract for the 2009 Alley Improvement District [Attach 2](#)

The project consists of construction of concrete pavement in five alleys and the removal and replacement of deteriorated sewer lines in four of those alleys. In conjunction with the sewer and concrete pavement construction, Xcel Energy will be replacing a single gas main and associated service lines within the east/west alley from 11th to 12th Street between Teller Avenue and Hill Avenue.

Action: Authorize the City Manager to Sign a Construction Contract for the 2009 Alley Improvement District with B.P.S. Concrete, Inc. in the Amount of \$438,874.84

Staff presentation: Tim Moore, Public Works and Planning Director

3. Purchase of Property at 2868 I-70 Business Loop for the 29 Road and I-70B Interchange Project [Attach 3](#)

The City has entered into a contract to purchase a portion of the property at 2868 I-70B from Marie Tipping and Grand Junction Concrete Pipe Company. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Resolution No. 43-09—A Resolution Authorizing the Purchase of Real Property at 2868 Highway 6 and 24 (I-70 Business Loop) from Marie Tipping and Grand Junction Concrete Pipe Company

®Action: Adopt Resolution No. 43-09

Staff presentation: Tim Moore, Public Works and Planning Director

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

4. **Public Hearing—Amendment to Clarify the Functions and Duties of a Police Dog** [Attach 4](#)

Chapter 6, Section 6-5 of Article I of the City Code of Ordinances regarding injuring or meddling with police dogs is unclear in its description of the particular law enforcement functions or duties that a law enforcement dog performs. Legal staff seeks clarification of the current ordinance to better interpret and apply the law in the City of Grand Junction and to promote efficient monitoring and investigation of cases involving meddling with police dogs.

Ordinance No. 4350—An Ordinance Amending Chapter 6, Section 6-5 of Article I of the Grand Junction Code of Ordinances Relating to Injuring or Meddling with Police Dogs

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4350

Staff presentation: Bill Gardner, Police Chief
John Shaver, City Attorney

5. **Public Hearing—Clarification of Speed Limit Zone Violations** [Attach 5](#)

The City Attorney recommends that an ordinance be adopted to clarify the specific violations that are covered in Section 1102 of the 2003 Model Traffic Code for Colorado, as adopted by the City of Grand Junction, regarding designated speed limits. Section 1102 grants authority to municipalities to reduce speed limits when reasonable under the traffic and road conditions without referencing the specific violations that may occur if the reduced limits are disregarded. This ordinance will connect Section 1102 to the relevant Model Traffic Code provisions where the specific violations are stated.

Ordinance No. 4351—An Ordinance Clarifying Speed Limit Zone Violations

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4351

Staff presentation: John Shaver, City Attorney

6. **Public Hearing—Vacating the North/South Alley Right-of-Way Located East of South 7th Street, North of Winters Avenue** [File #VR-2008-089] [Attach 6](#)

Applicant is requesting to vacate the north/south alley right-of-way located east of South 7th Street, north of Winters Avenue. The applicants own all of the properties adjacent to and are the primary users of the alley. The owners plan on using the additional land for additional parking for the business.

Ordinance No. 4352—An Ordinance Vacating Right-of-Way for the North/South Alley Located East of South 7th Street, North of Winters Avenue

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4352

Staff presentation: Senta L. Costello, Senior Planner

7. **Public Hearing—Vacating the 27 Road Public Right-of-Way, Located South of Caribbean Drive and North of H Road** [File #VR-2009-043] [Attach 7](#)

Applicant is requesting to vacate 0.62 acres of undeveloped 27 Road right-of-way located south of Caribbean Drive and north of H Road, which is unnecessary for future roadway circulation and will allow the adjacent property owners to use and maintain the property.

Ordinance No. 4353—An Ordinance Vacating a Portion of the 27 Road Right-of-Way Located South of Caribbean Drive and North of H Road

®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4353

Staff presentation: Greg Moberg, Planning Services Supervisor

8. **Appeal of a Planning Commission Decision on the Preliminary Development Plan, Phase II, Corner Square Apartments, Located at 1st and Patterson Road** [File #PP-2008-172] [Attach 8](#)

An appeal has been filed regarding the Planning Commission's decision to approve the Preliminary Development Plan for Corner Square Apartments – Phase II, located at 2535 Knollwood Drive. The proposed development is located on Lot 1, Block 3; Corner Square is in a PD (Planned Development) zone district. This appeal is pursuant to Section 2.18.E of the Zoning and Development Code, which specifies that the City Council is the appellate body of

the Planning Commission. According to Section 2.18.E.4.h, no new evidence or testimony may be presented, except City Staff may be asked to interpret materials contained in the record.

Action: Consider the Appeal

Staff presentation: Greg Moberg, Planning Services Supervisor

*** 9. **Construction of Improvements to 25 ¾ Road and the Relocation of the Adjoining Driveway Access** [File #PP-2008-172] [Attach 9](#)

The applicant is requesting approval that would allow the construction of improvements to 25 ¾ Road and relocation of the adjoining driveway access from Patterson Road to 25 ¾ Road.

Action: Consider the Request for Approval of the Construction of Improvements to 25 ¾ Road and the Relocation of the Adjoining Driveway Access

Staff presentation: Greg Moberg, Planning Services Supervisor

10. **Non-Scheduled Citizens & Visitors**

11. **Other Business**

12. **Adjournment**

**Attach 1
Construction Contract for the 2009 Asphalt Overlay Project
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	2009 Asphalt Overlay Project Contract Award		
File #	N/A		
Meeting Day, Date	Wednesday, April 15, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	April 6, 2009		
Author Name & Title	Justin Vensel, Project Manager		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The Project generally consists of 63,000 square yards of asphalt milling and a new 2" hot mix asphalt overlay on 14 streets throughout the City. The low bid was received from Elam Construction in the amount of \$1,521,522.00

Budget: \$1,850,000 is budgeted in 2009 for Contract Street Maintenance projects.

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract with **Elam Construction** for the **2009 Asphalt Overlay Project** in the amount of **\$1,521,522.00**.

Background Information: Bids were received on February 17 from the following:

Elam Construction	Grand Junction, CO	\$ 1,521,522.00
United Companies of Mesa County	Grand Junction, CO	\$ 1,741,855.00
Engineers Estimate		\$ 1,671,912.00

Elam Construction is a locally owned company located in Grand Junction since 1956. Elam has over 200 employees, approximately 115 employees residing in Mesa County. Elam Construction has completed multiple street improvement projects within the City and Mesa County. They have been awarded the City street overlay contract 4 times since 2001 totaling approximately \$5 million. Elam will supply sand and crushed aggregate for the hot mix asphalt required for this project. Liquid asphalt cement will be supplied by Suncor Energy located in Commerce City, CO Staff has no reservations regarding Elam's qualifications or capability to complete this contract.

The annual street maintenance project generally consists of resurfacing City streets with 2" of new asphalt pavement. Work items associated with the paving include: milling of existing asphalt pavement where needed, adjusting manhole lids and valve

covers to grade, and placing shoulder gravel on roads that do not have curb and gutter. Curb and gutter replacement and crack sealing will be completed ahead of the street overlay project. Various streets were selected for the 2009 overlay project using the following parameters: Traffic volume, pavement quality, structural adequacy and surface distress. The 2009 Overlay Project includes 64,000 square yards of asphalt milling and 12,230 tons of Hot Mix Asphalt.

The work will take place at fourteen different street locations throughout the City. The locations are:

1. B ½ Road – 29 Rd to 29 ½ Rd
2. 12th Street - North Ave to Bookcliff Ave
3. Orchard Ave- Cannel to 15th St
4. Rio Linda Lane - Redlands Parkway to end
5. 28 ½ Road – Elm Ave to Orchard
6. G Road – 27 Road to Horizon Dr
7. 22 Road – Bridge North to H Road
8. 24 ½ Road – G Road to Jack Creek Road
9. 8th Street – Belford to Teller
10. West Mesa Ct – 25 Road west to End
11. Blichman Ave - W Foresight Cir to Hollingsworth St
12. N Foresight Cir – Blichman Ave to Foresight Cir
13. E Foresight Cir – Foresight Cir to Hollingsworth St
14. Hollingsworth Street – E Foresight Cir to Blichman Ave

Due to the recent bridge replacement over Ranchman's ditch and the heavy volume of traffic on 22 Road, construction will begin April 27, 2009 and be completed May 1, 2009. The remaining contract will resume on June 22, 2009 and be completed on August 25, 2009.

Attach 2
Construction Contract for the 2009 Alley Improvement District
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Construction Contract for 2009 Alley Improvement District		
File #			
Meeting Day, Date	Wednesday, April 15, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	April 3, 2009		
Author Name & Title	Bill Frazier, Project Engineer		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The project consists of construction of concrete pavement in five alleys and the removal and replacement of deteriorated sewer lines in four of those alleys. In conjunction with the sewer and concrete pavement construction, Xcel Energy will be replacing a single gas main and associated service lines within the east/west alley from 11th to 12th Street between Teller Avenue and Hill Avenue.

Budget: The project costs will be shared by the Sales Tax CIP fund (\$285,334.09) and the Joint Sewer Fund (\$217,540.75). \$400,000 has been budgeted in the Sales Tax CIP Fund and \$350,000 has been budgeted in the Joint Sewer Fund for this project.

Action Requested/Recommendation: Authorize the City Manager to sign a Construction Contract for the **2009 Alley Improvement District** with **B.P.S. Concrete, Inc.** in the amount of **\$438,874.84**.

Attachments: None

Background Information: Bids were received on March 24, 2009, from the following:

Bidder	From	Bid Amount
B.P.S. Concrete, Inc.	1000 N. 9 th St. #Y1 Grand Junction, CO 81501	\$438,874.84
Reyes Construction Inc.	Fruita	\$468,847.25
Mays Concrete Inc.	Grand Junction	\$479,740.00
Vista Paving Corporation	Grand Junction	\$505,539.25
Engineer's Estimate		\$667,155.00

B.P.S. Concrete, Inc. is a locally owned company located in Grand Junction since 1997.

B.P.S. Concrete employs approximately 12 people that live in Mesa County and has been awarded 5 Alley Improvement District contracts in the past (2001, 2004, 2005, 2007 and 2008). In addition, they have performed numerous Curb, Gutter, and Sidewalk replacement projects for the City since 2001. Their material suppliers are all local for this project. The sanitary sewer subcontractor will be Haven Construction from Grand Junction.

This is the third consecutive year that B.P.S. Concrete, Inc. submitted the low bid for the Alley Improvement District. Staff has no reservations regarding capability or workmanship with this contractor.

The work will take place in five alleys. The locations are tabulated below:

East/West Alley from 3 rd to 4 th Street between Glenwood Ave. and Kennedy Ave.; sewer and pavement
East/West Alley from 9 th to 10 th Street between Main Street and Rood Ave.; sewer and pavement
East/West Alley from 17 th to 18 th Street between North Ave. and Glenwood Ave.; sewer and pavement
North/South Alley from North Ave. to Glenwood Ave. between 17 th and 18 th Streets; pavement only
East/West Alley from 11 th to 12 th Street between Teller Ave. and Hill Ave.; sewer and pavement

The project schedule is as follows:

2009 Alley Improvement District Construction Start
2009 Alley Improvement District Construction Complete

April 27, 2009
July 31, 2009

Attach 3
Purchase of Property at 2868 I-70 Business Loop
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Purchase of Property at 2868 I-70 Business Loop for the 29 Road & I-70B Interchange Project		
File #	N/A		
Meeting Day, Date	Wednesday, April 15, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	April 3, 2009		
Author Name & Title	D. Paul Jagim, Project Engineer		
Presenter Name & Title	Tim Moore, Public Works and Planning Director		

Summary: The City has entered into a contract to purchase a portion of the property at 2868 I-70B from Marie Tipping and Grand Junction Concrete Pipe Company. The City's offer to purchase this property is contingent upon City Council's ratification of the purchase contract.

Budget: The 29 Road & I-70B Interchange Project is being jointly funded by the City and Mesa County. The City funds are budgeted under Fund 201 for Program Years 2009 and 2010. Sufficient funds exist to complete the City's purchase of this property.

	City of Grand Junction's Share of Project Budget	Total Project Budget including City and County Funds
Project Right-of-Way Budget	\$ 1,800,000	\$ 3,600,000
Previous Right-of-Way Costs		
R-O-W Costs to Date in City of Grand Junction jurisdiction	\$ 716,838	\$ 1,433,675
R-O-W Costs to Date in Mesa County jurisdiction (approved as necessary by County Board of Commissioners)	\$ 345,052	\$ 690,104
Costs Related to this Property Purchase		
Purchase Price	\$ 55,571	\$ 111,142
Appraisal Fees	\$ 2,250	\$ 4,500
Moving & Relocation Costs	\$ 0	\$ 0
Closing Costs	\$ 500	\$ 1,000
Total Costs Related to This Request = \$ 116,642		
Remaining Funds in the Project Right-of-Way Budget	\$ 679,789	\$ 1,359,579

	City of Grand Junction's Share of Project Budget	Total Project Budget including City and County Funds
Overall Project Budget (Fund 201-F0028)	\$ 14,000,000	\$ 28,000,000
Previous Project Costs		
Preliminary Engineering/1601 Process (2005/2006)	\$ 479,129	\$ 958,258
Final Design (2007/2008)	\$ 556,766	\$ 1,113,533
Estimated Project Costs		
Right-of-Way & Easement Acquisition	\$ 1,800,000	\$ 3,600,000
Construction Engineering Services	\$ 575,000	\$ 1,150,000
City & County Administration	\$392,000	\$ 500,000
Street Lighting & Utility Undergrounding	\$ 150,000	\$ 300,000
Construction	\$ 10,000,000	\$ 20,000,000
Phase One Irrigation Package Construction Contract	\$ 184,404	\$ 368,807
Total Previous and Estimated Project Costs	\$ 13,995,299	\$ 27,990,598

Action Requested/Recommendation: Adopt a Resolution authorizing the purchase of property at 2868 Highway 6 & 24 (I-70B) from Marie Tipping and Grand Junction Concrete Pipe Company.

Attachments:

1. Proposed Resolution

Background Information: The 29 Rd and I-70B Interchange Project is a key component of the transportation network which will complete a critical link for 29 Road over the Union Pacific Railroad tracks. The project is currently estimated at \$28 million of which the City and the County are splitting the cost evenly. The City and County are currently contracting to purchase the necessary right-of-way and easements.

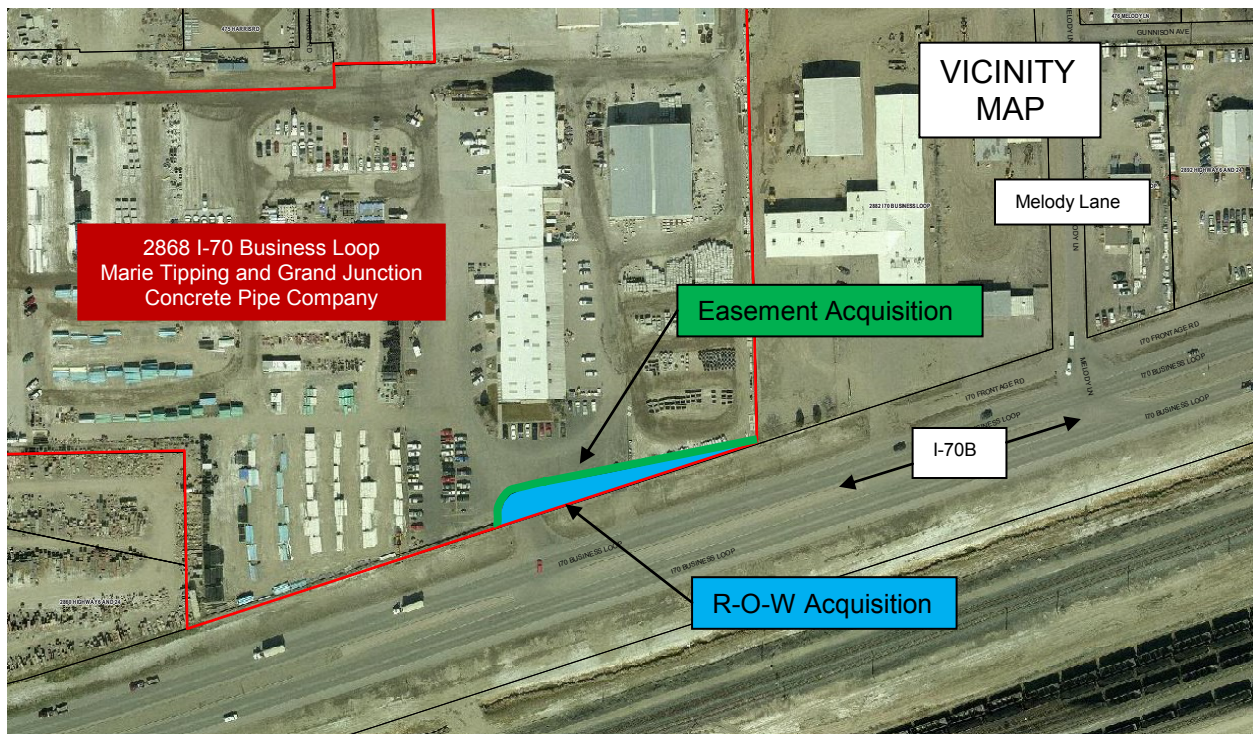
One aspect of the 29 Road & I-70B Interchange project is the reconstruction of the frontage road that runs on the north side of I-70B. Connections between the frontage road and I-70B are being consolidated to improve safety and create space for the new westbound acceleration lane from 29 Road. There are existing connections to I-70B at 29 Road, Melody Lane, the Wagner Equipment driveway, and the GJ Pipe driveway. These four connections will be consolidated into one by extending the frontage road west to GJ Pipe where a new connection to I-70B will be constructed. The new, full movement connection will be wider and have a new alignment that improves safety and accessibility.

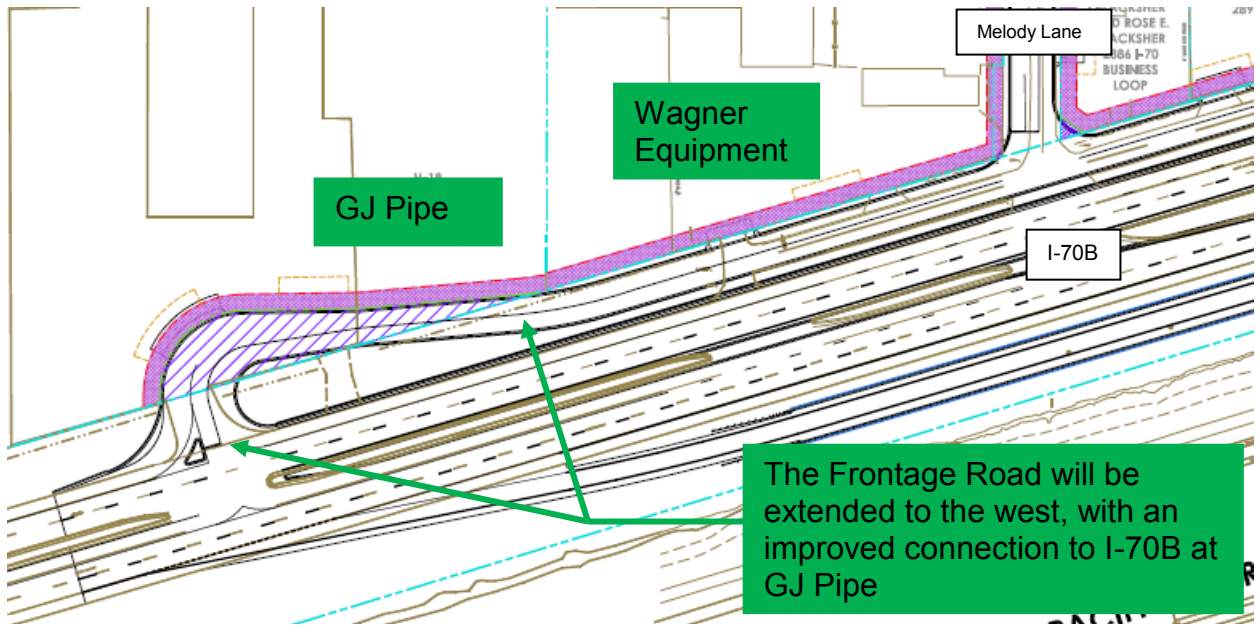
The property being acquired is located along the I-70 Business Loop, west of 29 Road. The project requires the acquisition of one right-of-way parcel in fee simple for the realignment and widening of the frontage road at its connection to I-70B. In addition, a multi-purpose easement extending along the I-70B frontage road is required for the relocation of public utilities. Two temporary easements are also required for construction activities. The parcel is zoned I-1 and contains a land area of 18.74 acres,

more or less. It is improved with three structures totaling 41,676 square feet, and a concrete manufacturing plant. The improvements are not within the areas to be acquired.

An appraisal was prepared for the City to determine the fair market value of the parcels to be acquired. The appraisal concluded a value of \$111,142 for the property and easements to be acquired. An offer to acquire in the amount of \$111,142, consistent with the City's approved appraisal, was presented to Marie Tipping and Grand Junction Concrete Pipe Company, on December 12, 2008. Mrs. Tipping has accepted the City's offer in the amount of \$111,142.

This settlement as proposed is reasonable, prudent, and necessary for the construction of the 29 Road project, and City Staff recommends its approval. Closing is scheduled to occur on or after April 15, 2009 contingent upon the Council's approval.





CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY
AT 2868 HIGHWAY 6 AND 24 (I-70 BUSINESS LOOP) FROM MARIE TIPPING AND
GRAND JUNCTION CONCRETE PIPE COMPANY**

Recitals.

A. The City of Grand Junction has entered into a contract with Marie Tipping and Grand Junction Concrete Pipe Company, for the purchase by the City of certain real property located within the proposed alignment of the 29 Road and I-70B Interchange.

Parcel #	Schedule #	Address	Zoned	Current Use	ROW Req'd (Sq ft)	Multi- Purpose Easement Req'd (Sq ft)	Temporary Easement Req'd (Sq ft)
H-18	2943-181-15-004	2868 I-70 Business Loop	I-1	Industrial	10,839		
H-18PE	2943-181-15-004	2868 I-70 Business Loop	I-1	Industrial		5,561	
H-18TE REV	2943-181-15-004	2868 I-70 Business Loop	I-1	Industrial			1,040
H-18TE2	2943-181-15-004	2868 I-70 Business Loop	I-1	Industrial			840
Total Sq Ft. =					10,839	5,561	1,880

B. The purchase contract provides that on or before April 15, 2009, the City Council must ratify the purchase and the allocation of funds for all expenses required to effectuate the purchase of the property.

C. Based on the advice and information provided by the City staff, the City Council finds that it is necessary and proper that the City purchase a portion of the property at 2868 Highway 6 & 24 (I-70 Business Loop).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, THAT:

1. The property described herein shall be purchased for a price of \$111,142. All actions heretofore taken by the officers, employees and agents of the City relating to the purchase of said property which are consistent with the provisions of the negotiated Contract to Buy and Sell Real Estate and this Resolution are hereby ratified, approved and confirmed.

2. The sum of \$111,142 is authorized to be paid at closing, in exchange for conveyance of the fee simple title to the described property.

3. The officers, employees and agents of the City are hereby authorized and directed to take all actions necessary or appropriate to complete the purchase of the described property. Specifically, City staff is directed to effectuate this Resolution and the Contract to Buy and Sell Real Estate, including the execution and delivery of such certificates and documents as may be necessary or desirable to complete the purchase for the stated price.

PASSED and ADOPTED this ____ day of _____, 2009.

Attest:

Gregg Palmer, President of the Council

Stephanie Tuin, City Clerk

Attach 4

**Public Hearing—Amendment to Clarify the Functions and Duties of a Police Dog
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Clarify the Functions and Duties of a Police Dog		
File #	N/A		
Meeting Day, Date	Wednesday, April 15, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	April 7, 2009		
Author Name & Title	DeLayne Merritt, Legal Staff		
Presenter Name & Title	Bill Gardner, Police Chief John Shaver, City Attorney		

Summary: Chapter 6, Section 6-5 of Article I of the City Code of Ordinances regarding injuring or meddling with police dogs is unclear in its description of the particular law enforcement functions or duties that a law enforcement dog performs. Legal staff seeks clarification of the current ordinance to better interpret and apply the law in the City of Grand Junction and to promote efficient monitoring and investigation of cases involving meddling with police dogs.

Budget: There will be no direct budget line impact; however, approval of the amendment to the Ordinance may slightly increase the Municipal Court cases per year which will increase the fines collected annually.

Action Requested/Recommendation: Hold a Public Hearing and consider final passage and publication of the Ordinance. First reading occurred on April 1, 2009.

Attachments: Proposed Ordinance with changes

Background Information: Currently, the Grand Junction Code of Ordinances describes unlawful actions against police dogs while the dog is performing law enforcement functions. The Code does not detail the specific duties of a police dog that may be protected.

Trained canine officers routinely utilize police dogs to perform duties inside and outside of a law enforcement vehicle. Police dogs are trained to watch and keep their attention on the officer while he/she is contacting person(s) during an investigation or stop. Officers have a remote door opener which will allow the officer, when necessary, to open the vehicle door and allow the dog to exit and be of assistance to the officer during the contact. Persons that are under investigation or bystanders present during a law enforcement contact should be prohibited from vocally or physically distracting a dog that is inside or outside of a police vehicle.

The proposed amendment will clarify the language of the current ordinance. It may increase the situations where officers may issue citations to individuals who are verbally or physically harassing police dogs both inside and outside of a law enforcement vehicle. This amendment will help law enforcement protect the health, safety and welfare of the citizens of Grand Junction.

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CHAPTER 6, SECTION 6-5 OF ARTICLE I
OF THE GRAND JUNCTION CODE OF ORDINANCES
RELATING TO INJURING OR MEDDLING WITH POLICE DOGS**

RECITALS:

The current City Code regarding injuring or meddling with police dogs is unclear in its description of the particular law enforcement functions or duties that a police dog performs. Clarification of the Code is needed for efficient prosecution of cases and administration of law by law enforcement officers.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GRAND JUNCTION THAT:**

Chapter 6, Section 6-5 of Article I of the City of Grand Junction, Colorado, Code of Ordinances is hereby amended to read as follows. (Additions are shown in underline; deletions are shown by strikethrough.)

Sec. 6-5 Injuring or meddling with police dogs.

It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, mutilate, injure, disable or kill any dog, including a guard dog, used by a law enforcement agency within the City in the performance of the functions and duties of such agency, or to unwarrantedly interfere or meddle with any such dog while being used by such agency or any member thereof in the performance of any of the functions or duties of such law enforcement agency or of such members.

Interference or meddling with a law enforcement dog includes yelling, barking at, or otherwise distracting by noise, whether yelling or speaking to the canine while he is located inside or outside the law enforcement vehicle. Unsolicited physical touching or throwing objects at or near the dog shall also be included. These examples are inclusive but not limitations.

**ALL OTHER PROVISIONS OF CHAPTER 6 SHALL REMAIN IN FULL FORCE AND
EFFECT.**

PASSED for first reading and ordered published by the City Council of the City of Grand Junction, Colorado the 1st day of April, 2009.

PASSED AND ADOPTED on second reading by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2009.

Gregg Palmer
President of the Council

Attest:

Stephanie Tuin
City Clerk

**Attach 5
Public Hearing—Clarification of Speed Limit Zone Violations
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Clarification of Speed Limit Zone Violations		
File #			
Meeting Day, Date	Wednesday, April 15, 2009		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	April 8, 2009		
Author Name & Title	DeLayne Merritt, Legal Staff		
Presenter Name & Title	John Shaver, City Attorney		

Summary: The City Attorney recommends that an ordinance be adopted to clarify the specific violations that are covered in Section 1102 of the 2003 Model Traffic Code for Colorado, as adopted by the City of Grand Junction, regarding designated speed limits. Section 1102 grants authority to municipalities to reduce speed limits when reasonable under the traffic and road conditions without referencing the specific violations that may occur if the reduced limits are disregarded. This ordinance will connect Section 1102 to the relevant Model Traffic Code provisions where the specific violations are stated.

Budget: There is no direct budget impact from adoption of the Ordinance.

Action Requested/Recommendation: Hold a Public Hearing and consider final passage and publication of the Ordinance. First reading occurred on April 1, 2009

Attachments: Proposed Ordinance

Background Information: The City of Grand Junction has adopted the 2003 Model Traffic Code for Colorado. Speed regulations are referenced in Part II, Sections 1101 thru 1105.

Section 1101 requires vehicles to travel certain speeds in certain areas or streets. The Code takes into consideration the condition of the roadway and the locations of business and residential districts, open and four-lane roadways.

Section 1102 grants the authority to municipalities to alter speed limits when local authorities determine through a basic traffic investigation or survey that a speed greater or less than authorized under Section 1101 is necessary to promote safe and reasonable travel under the road and traffic conditions. Such locations include construction and school zones. If local authorities determine that a reduced or

increased speed limit is warranted, it is mandatory that appropriate traffic control signs are posted in the area to notify traffic of the altered speed limit.

By this Ordinance it will be perfectly clear that the proper section to cite for violation of a speed limit in a construction or school zone is Section 1102.

By clarifying that Section 1102 authorizes citation of altered speed zone violations under the language of Section 1101(2)(h), law enforcement officers and legal staff may efficiently administer the law for Municipal Court speed violations.

ORDINANCE NO. _____

AN ORDINANCE CLARIFYING SPEED LIMIT ZONE VIOLATIONS

RECITALS:

Section 1102 of the 2003 Model Traffic Code for Colorado, as adopted by the City of Grand Junction, regulates speed limits. That section addresses specific locations or conditions including construction zones, school zones and other locations requiring speeds greater or less than other road and traffic conditions. The efforts of the Grand Junction Police Department to enforce these locations are ongoing. An ordinance clarifying the type of violations that may be cited for these locations will assist officers and legal staff in effectively prosecuting speed violations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Section 1102 in locations where the speed is altered because of road and traffic conditions is hereby amended. The new section shall read as follows:

When a reduced speed limit is authorized pursuant to Section 1102 of the 2003 Model Traffic Code, as adopted by the City of Grand Junction, a violation of the altered speed is a violation of the speed regulations in Section 1101(2)(h).

ALL OTHER PROVISIONS OF THE 2003 MODEL TRAFFIC CODE AS ADOPTED BY THE CITY OF GRAND JUNCTION SHALL REMAIN IN FULL FORCE AND EFFECT.

PASSED for first reading and ordered published by the City Council of the City of Grand Junction, Colorado the 1st day of April, 2009.

PASSED AND ADOPTED on second reading by the City Council of the City of Grand Junction, Colorado this _____ day of _____, 2009.

Gregg Palmer
President of the Council

Attest:

Stephanie Tuin
City Clerk
Attach 6

**Public Hearing—Vacating the North/South Alley Right-of-Way Located East of
South 7th Street, North of Winters Avenue
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Vacation of the North/South alley right-of-way located east of South 7 th Street, north of Winters Avenue		
File #	VR-2008-089		
Meeting Day, Date	Wednesday, April 15, 2009		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	March 18, 2009		
Author Name & Title	Senta L. Costello – Senior Planner		
Presenter Name & Title	Senta L. Costello – Senior Planner		

Summary: Applicant is requesting to vacate the north/south alley right-of-way located east of South 7th Street, north of Winters Avenue. The applicants own all of the properties adjacent to and are the primary users of the alley. The owners plan on using the additional land for additional parking for the business.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider final passage of the proposed Ordinance.

Background Information: See attached staff report

Attachments:

1. Staff Report
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City Zoning Map
4. Ordinance

BACKGROUND INFORMATION			
Location:		North/South alley, east of South 7 th Street, North of Winters Avenue	
Applicants:		Wynshp Enterprises, LLC – Deborah Shipley	
Existing Land Use:		Alley right-of-way	
Proposed Land Use:		Private parking for businesses	
Surrounding Land Use:	North	Commercial	
	South	Commercial/Industrial	
	East	Vacant Industrial	
	West	Commercial	
Existing Zoning:		Not Applicable	
Proposed Zoning:		C-2 (General Commercial) / I-1 (Light Industrial)	
Surrounding Zoning:	North	C-2 (General Commercial) / I-2 (General Industrial)	
	South	I-1 (Light Industrial)	
	East	I-1 (Light Industrial)	
	West	C-2 (General Commercial)	
Growth Plan Designation:		Commercial; Commercial/Industrial	
Zoning within density range?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Yes	No

Staff Analysis:

1. Background

The alley was created in 1913 as a part of the Benton Canon’s First Subdivision Amended Plat. The properties in the area have developed and redeveloped into a mix of vacant, residential, commercial, and industrial sites.

The applicant wishes to vacate the alley in order to use the land for a parking and loading area for the adjacent business, allowing for better customer and public access to the area.

2. Section 2.11.c of the Zoning and Development Code

The vacation of the right-of-way shall conform to the following:

- a. The Growth Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

Response: Granting the right-of-way vacation does not conflict with applicable Sections of the Growth Plan, major street plan and/or any other adopted plans and policies of the City

b. No parcel shall be landlocked as a result of the vacation.

Response: All adjacent properties have street frontage on either South 7th Street or Winters Avenue. Vacation of the alley will not land lock any parcels.

c. 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.

Response: All existing accesses for all properties will remain in the current configuration and will not be restricted.

d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

Response: The adjoining properties are the primary users of the alley proposed to be vacated and the vacation will cause no adverse impacts on the health, safety and/or welfare of the community. Public facilities and services will not be affected.

e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.

Response: The vacation does not affect public facilities and services.

f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Response: If the alley is vacated, alley maintenance will become the responsibility of the property owner's who receive the land,

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Wynshp Alley Vacation application, VR-2008-089 for the vacation of a public right-of-way, I make the following findings of fact and conclusions:

1. The requested right-of-way vacation is consistent with the Growth Plan.

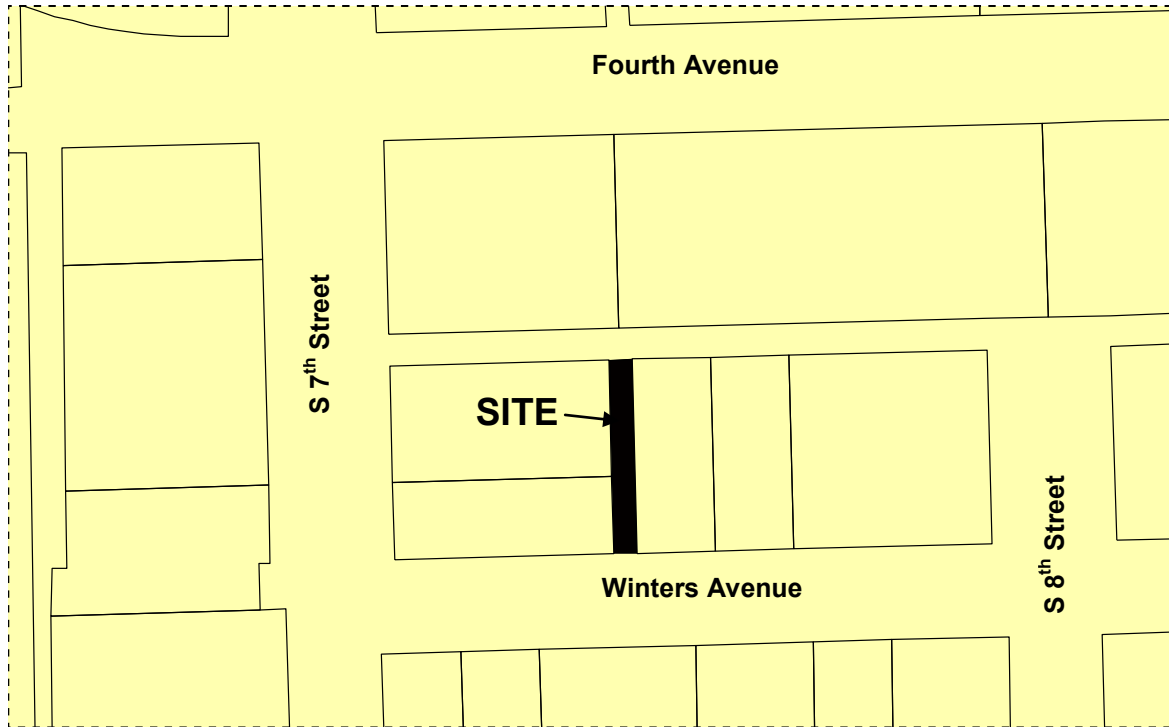
2. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission forwards a recommendation of approval to the City Council on the requested alley right-of-way vacation, with the findings and conclusions listed in the staff report.

Site Location Map

Figure 1



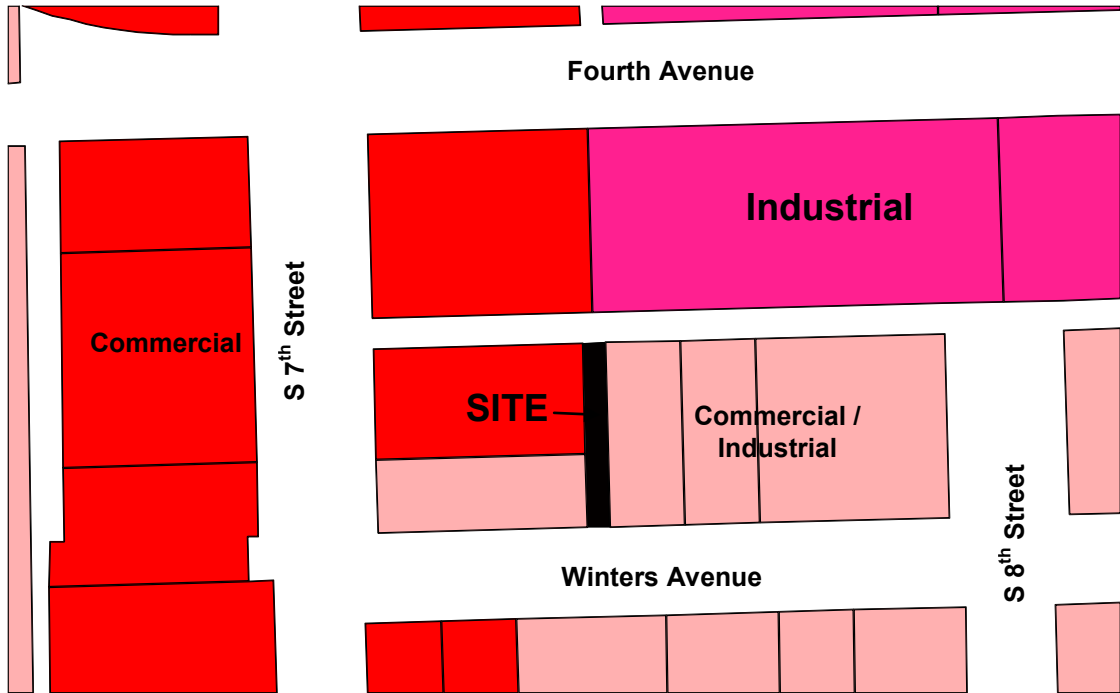
Aerial Photo Map

Figure 2



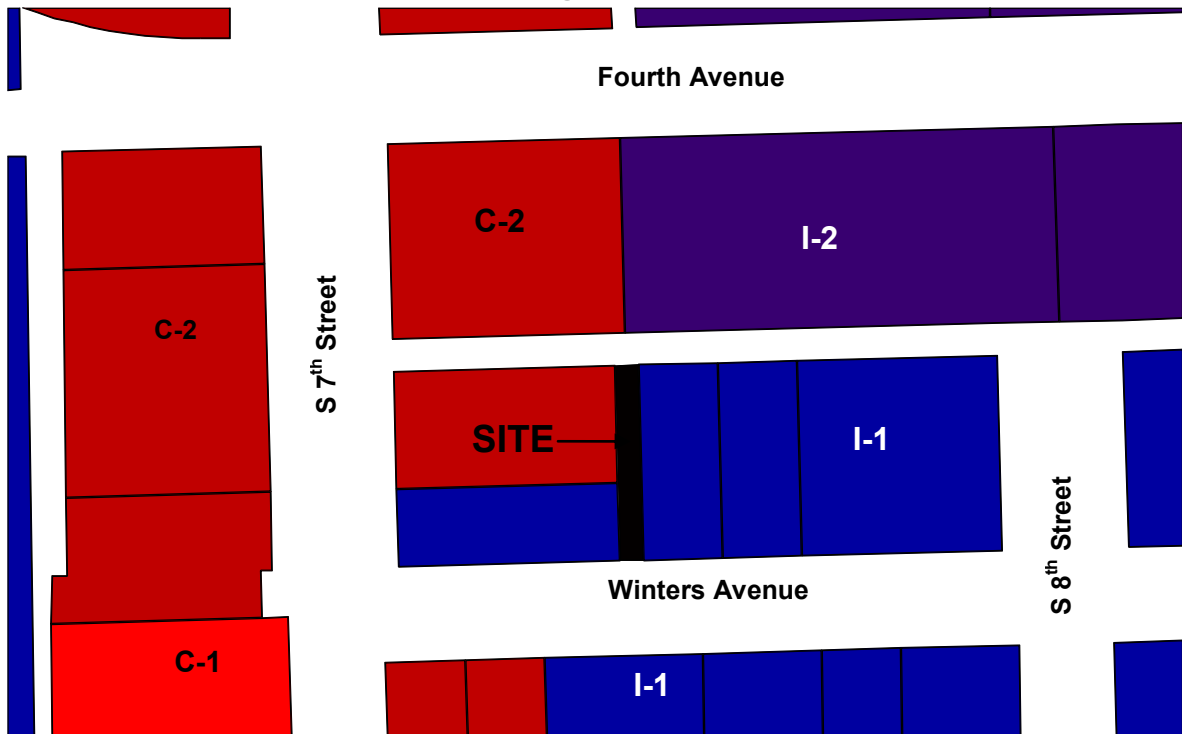
Future Land Use Map

Figure 3



Existing City Zoning Map

Figure 4



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE VACATING RIGHT-OF-WAY FOR THE NORTH/SOUTH ALLEY
LOCATED EAST OF SOUTH 7TH STREET, NORTH OF WINTERS AVENUE**

RECITALS:

A vacation of the dedicated right-of-way for has been requested by the adjoining property owners.

The City Council finds that the request is consistent with the Growth Plan, the Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described dedicated right-of-way for is hereby vacated subject to the listed conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.

The following right-of-way is shown on "Exhibit A" as part of this vacation of description.

Dedicated right-of-way to be vacated:

A portion of an alley situated in Block 2, Benton Canon's First Subdivision Amended to Grand Junction, CO in Section 23, Township 1 South, Range 1 West, Ute Meridian, Mesa County, Colorado, more particularly described as follows:

Beginning at the SE Corner of Lot 1, Block 2, Benton Canon's First Subdivision to Grand Junction, and considering the line between the Grand Junction City Monuments at the corner of the 4th Avenue and South 7th Street and 4th Avenue and South 8th Street to bear N89°56'15"E 456.53 feet and all bearings contained herein to be relative thereto; thence N00°04'10"W 124.03 feet to the NE Corner of Lot 5 of said Block 2; thence N89°59'02"E 15.00 feet to the NW Corner of Lot 28 of said Block 2; thence S00°04'10"E 124.04 feet to the SW Corner of said Lot 28; thence N89°58'10"W 15.00 feet to the point of beginning, containing 0.04 acres as described.

Introduced for first reading on this 1st day of April, 2009

PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

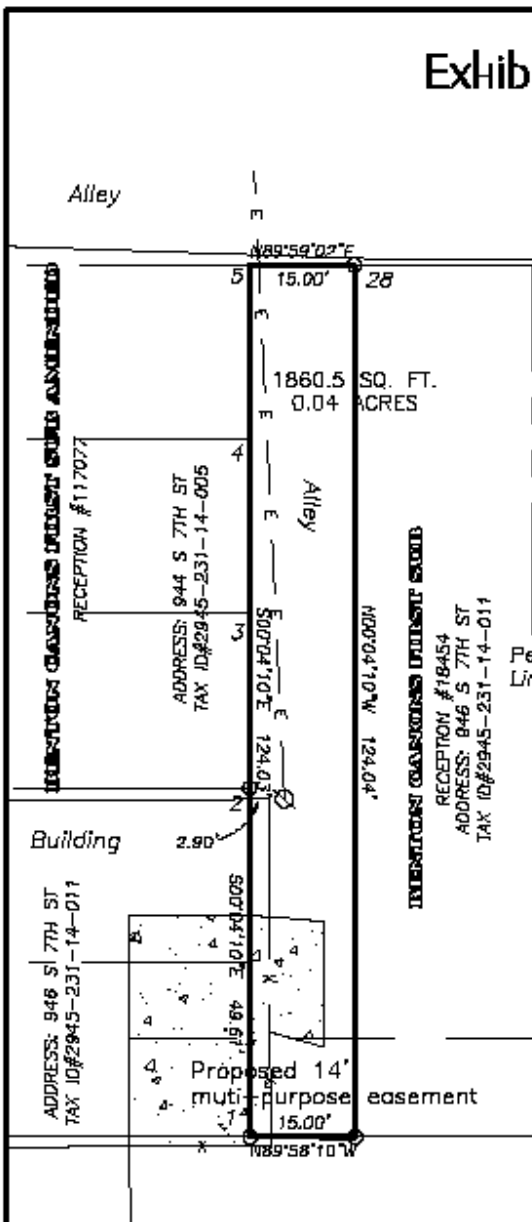
President of City Council

City Clerk

Exhibit "A"

DESCRIPTION

A portion of an alley situated in Block 2, Benton Canon's First Subdivision Amended to Grand Junction, CO in Section 23, Township 1 South, Range 1 West, Ute Meridian, Mesa County, Colorado, as recorded in Plat Bk. 1, Pg. 2 on May, 15, 1894.



Per Colorado Statute number 38-51-106(i) all Linear units on this plat are U.S. Survey feet.

NOTES:

1.) THIS EXHIBIT IS FOR THE PURPOSE OF GRAPHICALLY REPRESENTING A WRITTEN DESCRIPTION- IT DOES NOT REPRESENT A MONUMENTED BOUNDARY SURVEY

LEGEND

- NO.5 REBAR W/CAP L.S. 30111
- x — FENCE LINE
- w — WATER LINE
- e — OVERHEAD POWER LINE
- ⊗ TELEPHONE/POWER/SERVICE POLE
- ▣ CONCRETE

WINTERS AVENUE

Alley Vacation

SITUATED IN THE SW1/4 NE1/4 SECTION 23, T1S, R1W OF THE UTE MERIDIAN

FDR: LEE WYNNE	<p>Q.E.D. SURVEYING SYSTEMS, Inc. 1018 Colorado Ave Grand Junction, CO 81501-3521 (970) 241-2370 Fax: 241-7825</p>	SURVEYED BY: SB GP
ACAD ID: WYNSHP VAC		DRAWN BY: RM
SCALE: 1" = 20'		CHECKED BY: MEM
DATE: 9/05/08		SHEET NO.
		FILE: 2007-306.03

**Attach 7
Public Hearing—Vacating the 27 Road Public Right-of-Way
CITY OF GRAND JUNCTION**

CITY COUNCIL AGENDA			
Subject	Vacation of the 27 Road Public Right-of-Way located south of Caribbean Drive and north of H Road		
File #	VR-2009-043		
Meeting Day, Date	Wednesday, April 15, 2009		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	March 24, 2009		
Author Name & Title	Greg Moberg – Planning Services Supervisor		
Presenter Name & Title	Greg Moberg – Planning Services Supervisor		

Summary: Applicant is requesting to vacate 0.62 acres of undeveloped 27 Road right-of-way located south of Caribbean Drive and north of H Road, which is unnecessary for future roadway circulation and will allow the adjacent property owners to use and maintain the property.

Budget: N/A

Action Requested/Recommendation: Hold a public hearing and consider final passage of the Ordinance.

Attachments:

Figure 1: Site Location Map
 Figure 2: Aerial Photo Map
 Figure 3: Future Land Use Map
 Figure 4: Existing City Zoning Map
 Ordinance

Background Information: See attached report

BACKGROUND INFORMATION			
Location:		South of Caribbean Drive and north of H Road	
Applicants:		Applicant: Janice Jones	
Existing Land Use:		Undeveloped right-of-way	
Proposed Land Use:		Extension of the adjoining residential property to the west and additional property for the park	
Surrounding Land Use:	North	Single Family Residential	
	South	Single Family Residential	
	East	Single Family Residential/Public Park	
	West	Single Family Residential/Public Park	
Existing Zoning:		N/A	
Proposed Zoning:		R-1 (Residential 1 du/ac)	
Surrounding Zoning:	North	R-4 (Residential 4 du/ac)	
	South	R-1 (Residential 1 du/ac) and R-2 (Residential 2 du/ac)	
	East	R-1 (Residential 1 du/ac)	
	West	R-4 (Residential 4 du/ac) CSR (Community Services and Recreation)	
Growth Plan Designation:		N/A	
Zoning within density range?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No

ANALYSIS

1. Background

The subject right-of-way was annexed in 1994 as part of the 563.20 acre Paradise Hills Annexation. Over the last several decades the properties in the area have completely developed out in a mixture of low and medium density residential. The portion of 27 Road under review has never been improved and serves as a driveway for 821 27 Road and as land adjacent to Paradise Hills Park. Therefore there is no potential for additional development along this portion of 27 Road.

In 1979 the Mesa County Board of County Commissioners vacated the west 30 feet of 27 Road. The Applicant is requesting the vacation of the remaining eastern 30 feet. If the vacation is approved, the southern half of the right-of-way would be

incorporated into Lot 1, Paradise Hills Park and the northern half would be incorporated into Lot 2, Paradise Hills Park.

2. Section 2.11.C of the Zoning and Development Code

Requests to vacate any public right-of-way or easement must conform to all of the following:

- g. The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.*

Vacation of the undeveloped portion of 27 Road right-of-way does not impact the Grand Valley Circulation Plan or policies adopted by the City of Grand Junction. Current traffic and street patterns in this area provide for adequate circulation and connectivity to all existing lots and parcels and vacating the right-of-way will not inhibit any access.

This undeveloped portion of 27 Road is not shown on the Urban Trails Map. Therefore the vacation of this right-of-way will not affect the Urban Trails Plan.

- h. No parcel shall be landlocked as a result of the vacation.*

No parcel will be landlocked as a result of the vacation. All parcels abutting this right-of-way have other access to public streets.

- i. 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.*

Access will not be restricted to any parcel as a result of the vacation.

- j. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).*

The vacation will not cause any adverse impacts on the health, safety or welfare of the general community or the quality of public facilities.

Services provided to any parcel of land will not be reduced if this portion of 27 Road right-of-way is vacated. Existing utility easements and improvements are to remain.

- k. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of the Zoning and Development Code.*

Adequate public facilities and services will not be inhibited to any property.
All existing utility easements will be reserved and retained.

- I. *The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.*

The proposed vacation eliminates the need for any future maintenance requirements on the southern half of the right-of-way. The northern half will continue to be owned by the City and will be incorporated into Paradise Hills Park.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Jones Right-of-Way Vacation application, VR-2009-043 for the vacation of a public right-of-way, I make the following findings of fact and conclusions:

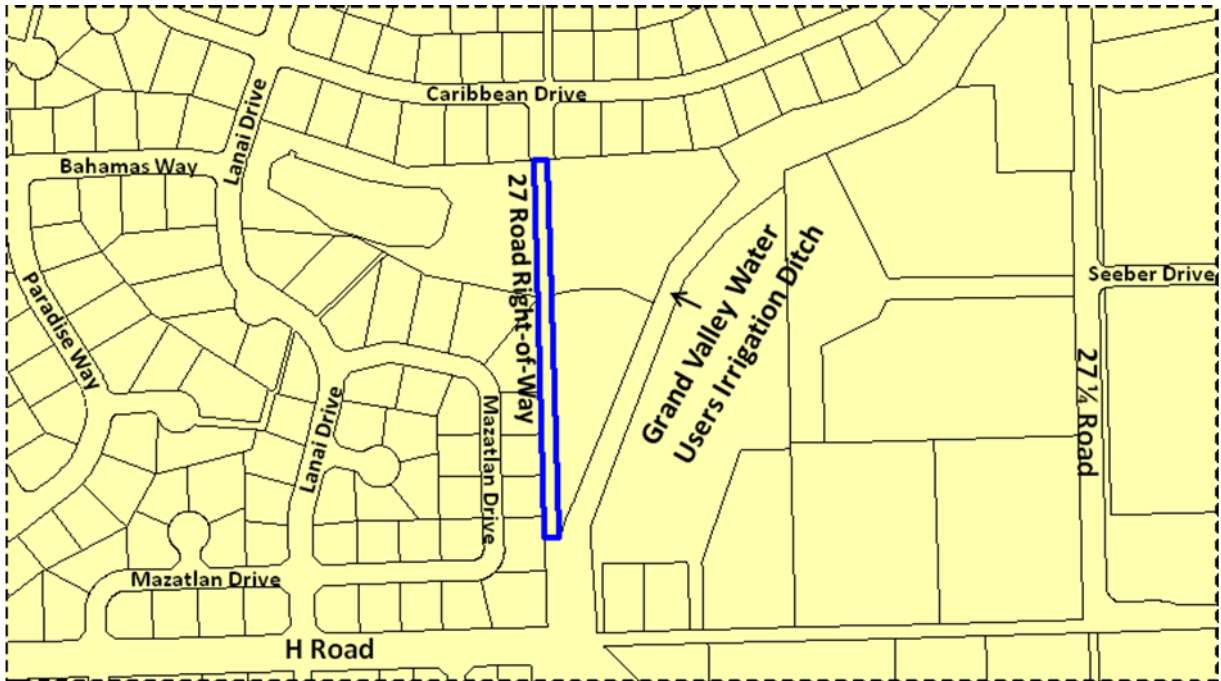
3. The requested right-of-way vacation is consistent with the Growth Plan.
4. The review criteria in Section 2.11.C of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

On April 14, 2009, the Planning Commission will review the requested right-of-way vacation, VR-2009-043, and will forward a recommendation to the City Council.

Site Location Map

Figure 1



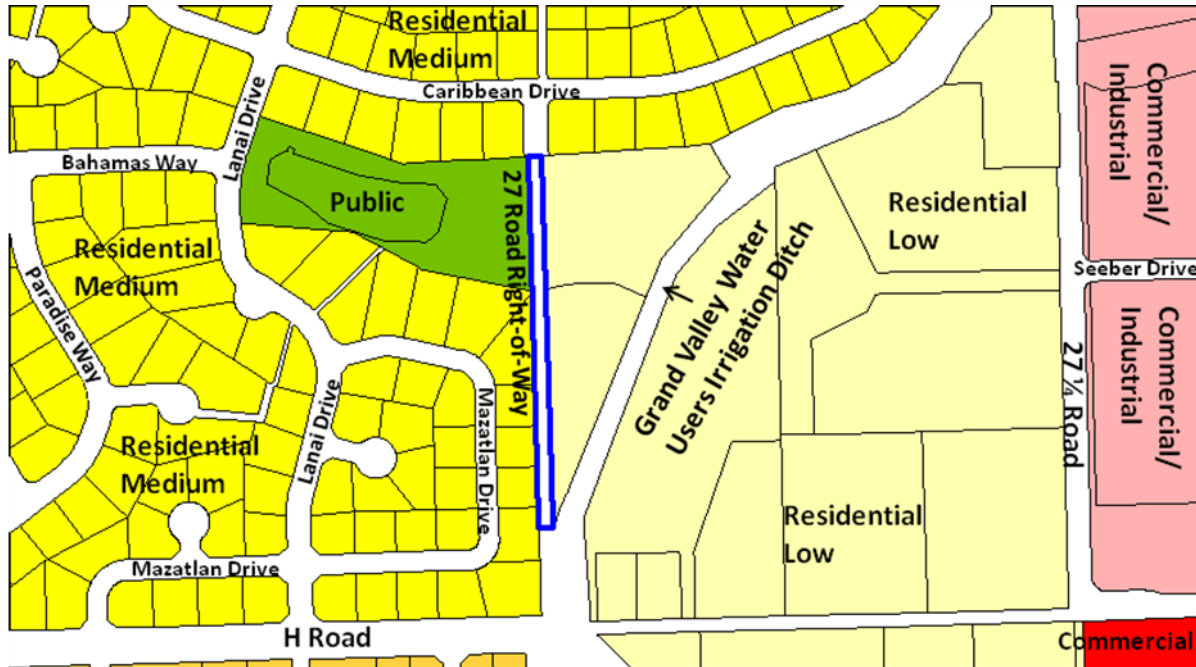
Aerial Photo Map

Figure 2



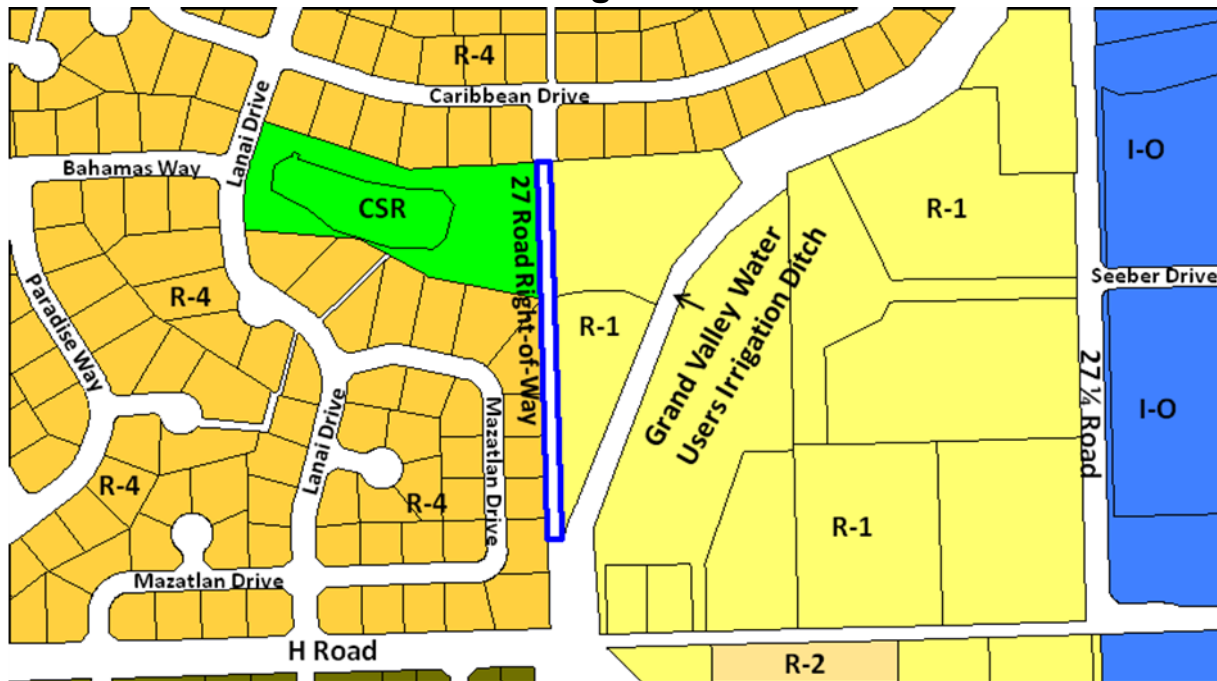
Future Land Use Map

Figure 3



Existing City Zoning

Figure 4



CITY OF GRAND JUNCTION

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF 27 ROAD RIGHT-OF-WAY LOCATED SOUTH OF CARIBBEAN DRIVE AND NORTH OF H ROAD

RECITALS:

A vacation of the dedicated right of way has been requested by the City of Grand Junction on behalf of an adjoining property owner. The City shall reserve and retain all existing utility easements on, along, over, under, through and across the entire area of the right-of-way to be vacated.

The City Council finds that the request is consistent with the Growth Plan, Grand Valley Circulation Plan and Section 2.11 of the Zoning and Development Code.

The Planning Commission, having heard and considered the request found the criteria of the Code to have been met, and recommends that the vacation be approved with the reservation of the utility easement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The following described right-of-way is hereby vacated:

The following 27 Road right-of-way is shown on Exhibit A as part of this Vacation description:

A certain parcel of land lying in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section 25, Township 1 North, Range 1 West of the Ute Principal Meridian, City of Grand Junction, County of Mesa, State of Colorado, being a portion of that certain 30.00 foot right of way for 27 Road, as described in Book 714, Page 534, Public Records of Mesa County, Colorado and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 2 of Paradise Hills Park, as same is recorded in Book 4634, Pages 413 and 414, Public Records of Mesa County, Colorado and assuming the West line of said Paradise Hills Park bears S 00°04'07" E with all other bearings mentioned herein in reference thereto; thence from said POINT OF BEGINNING, S 00°04'07" E along the West line of said Paradise Hills Park, a distance of 906.22 feet to a point being the Southwest corner of Lot 1, Paradise Hills Park; thence S 89°55'53" W, along a line perpendicular to the West line of the SW 1/4 SW 1/4 of said Section 25, a distance of 30.00 feet to a point on the West line of the SW 1/4 SW 1/4 of said Section 25; thence N 00°04'07" W along the West line of the SW 1/4 SW 1/4 of said Section 25, a distance of 905.18 feet, more or less, to a point on the

South line of Paradise Hills Filing No. Four, as same is recorded in Plat Book 11, Page 164, Public Records of Mesa County, Colorado; thence N 87°56'37" E along said South line, a distance of 30.02 feet, more or less, to the Point of Beginning.

CONTAINING 27,173 Square Feet or 0.62 Acres, more or less, as described.

Introduced for first reading on this 1st day of April, 2009

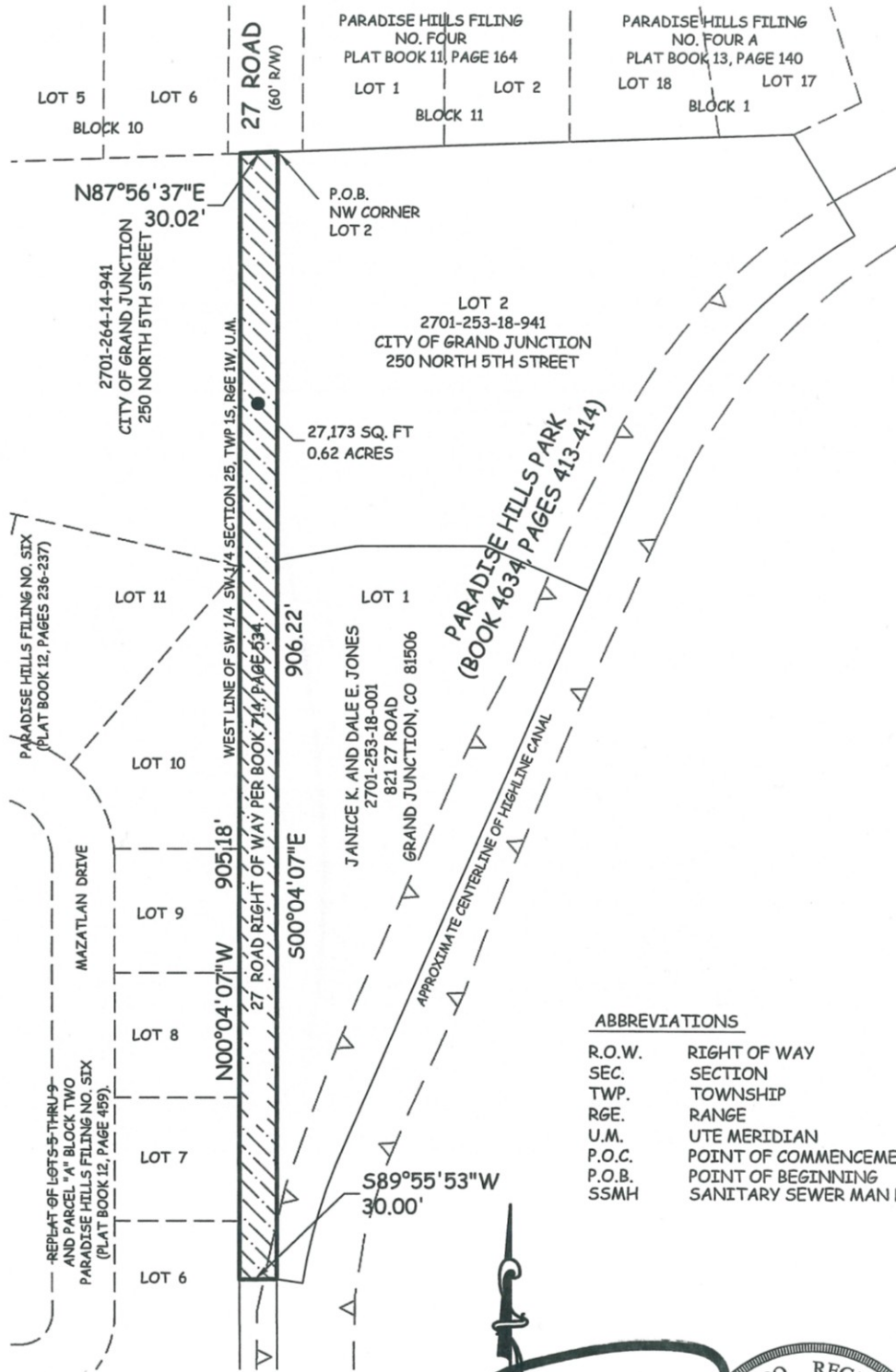
PASSED and ADOPTED this _____ day of _____, 2009.

ATTEST:

President of City Council

City Clerk

EXHIBIT "A"

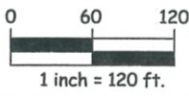


ABBREVIATIONS

R.O.W.	RIGHT OF WAY
SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE
U.M.	UTE MERIDIAN
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
SSMH	SANITARY SEWER MAN HOLE

THIS IS NOT A SURVEY

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.



LINEAL UNITS = US SURVEY FOOT



DRAWN BY: PTK
 DATE: 3-06-09
 SCALE: 1" = 120'
 APPR. BY: PTK

*27 ROAD RIGHT OF WAY VACATION
 WITHIN SW 1/4 SW 1/4 SECTION 25
 TWP 1 SOUTH, RGE 1 WEST, U.M.*



Attach 8

**Appeal of a Planning Commission Decision on the Preliminary Development Plan,
Phase II, Corner Square Apartments, Located at 1st and Patterson Road**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Appeal of the Planning Commission's Decision Regarding Approval of a Preliminary Development Plan for Corner Square Apartments – Phase II.		
File #	PP-2008-172		
Meeting Day, Date	Wednesday, April 15, 2009		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	April 6, 2009		
Author Name & Title	Greg Moberg – Planning Services Supervisor		
Presenter Name & Title	Greg Moberg – Planning Services Supervisor		

Summary: An appeal has been filed regarding the Planning Commission's decision to approve the Preliminary Development Plan for Corner Square Apartments – Phase II, located at 2535 Knollwood Drive. The proposed development is located on Lot 1, Block 3; Corner Square is in a PD (Planned Development) zone district. This appeal is pursuant to Section 2.18.E of the Zoning and Development Code, which specifies that the City Council is the appellate body of the Planning Commission. According to Section 2.18.E.4.h, no new evidence or testimony may be presented, except City Staff may be asked to interpret materials contained in the record.

Budget: N/A

Action Requested/Recommendation: Consider the appeal.

Attachments:

Background Information
Planning Commission Staff Report of March 10, 2009
Minutes of the Planning Commission meeting of March 10, 2009
Appeal letter
Applicants Response
Streaming video link

Background Information:

On November 1, 2006, the City Council approved Ordinance 3981 rezoning 20.7 acres, located at the southwest corner of 1st Street and Patterson Road, to Planned Development (PD) and approved the Outline Development Plan (ODP) for a mixed use development.

On June 26, 2007, the Planning Commission approved a Preliminary Development Plan (PDP) for Phase I, which included the four Pods along Patterson Road but did not include the multifamily Pods (Pods G and H) or the remaining commercial Pod (Pod E).

On December 17, 2007 the Final Plat was recorded. The Final Plat included all of the lots, tracts and right-of-way for the entire development.

On March 10, 2009, a public hearing was held by the Grand Junction Planning Commission. The Planning Commission was considering the second phase of the Planned Development. The Applicant requested approval of a PDP for Lot 1, Block 3; Corner Square. The proposal for the PDP (also known as Phase II PDP) is to construct four buildings containing 12 dwelling units each with parking located between the four buildings. Access to the parking lot is from both West Park Drive and Knollwood Drive. The center parking aisle will be covered and will contain small storage units for each dwelling unit. Landscaping is located throughout the site with a majority of the landscaping located on the lot perimeter. A modular block retaining wall will be constructed parallel to the west and a portion of the south property lines. This wall will be constructed due to the nine foot grade change that occurs along the west property line.

At the public hearing, the Planning Commission reviewed the contents of the written staff report, received a presentation by Greg Moberg, Planning Services Supervisor, heard a presentation by the developer's representative and entertained public testimony and comment. At completion of the evidence and following deliberations, the Planning Commission approved the Phase II PDP by a unanimous vote.¹

On March 20, 2009, an appeal of the Planning Commission's decision was filed with the Planning Division. This appeal is in accordance with Section 2.18.E of the Zoning and Development Code.

Under Section 2.18.E the City Council can affirm, reverse or remand the decision of the Planning Commission. In reversing or remanding the decision back to Planning Commission, the City Council must state the rationale for its decision. An affirmative

¹ The Planning Commission considered a second motion concerning the construction and use of 25 ³/₄ Road for public access to the development. The second motion is not a part of this appeal.

vote of four (4) members of the City Council is required to reverse the Planning Commission's action.

In granting an Appeal to the Planning Commission's action, the City Council must make the following findings:

- (1) The decision maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law; or
- (2) The decision maker may have made erroneous findings of fact based on the evidence and testimony on the record; or
- (3) The decision maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
- (4) The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; or
- (5) In addition to one (1) or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.

The Notice of Appeal states that the Planning Commission should not have approved the Phase II PDP without first requiring the Applicant to present a traffic study. The Applicant did provide a traffic study which is included as a part of the record. City Development Engineer Eric Hahn reviewed the Phase II plan with the traffic study and found that it meets all of the City's Transportation Engineering and Design Standards (TEDS). The Development Engineer's review of the Transportation Impact Study (TIS) showed that the accesses included in the Phase II PDP are sufficient and will not adversely affect the existing use and safety of the roads, intersections and traffic status.

An additional access onto Patterson Road is not required for the 48 proposed dwelling units proposed with the Phase II PDP. The Baughman's driveway access is not affected by the Phase II PDP approval.

AGENDA TOPIC: Corner Square Apartments - Phase II – PP-2008-172

ACTION REQUESTED: Approve a Planned Development Preliminary Development Plan & Recommendation to City Council to approve the opening and use of 25 ¾ Road for access to the development.

BACKGROUND INFORMATION			
Location:		2535 Knollwood Drive	
Applicants:		Owner: F & P Land, LLC Developer: Constructors West Representative: Ciavonne, Roberts & Associates	
Existing Land Use:		Vacant	
Proposed Land Use:		Multifamily Residential	
Surrounding Land Use:	North	Commercial	
	South	Single Family Residential/Agricultural	
	East	Vacant	
	West	Single Family Residential/Vacant	
Existing Zoning:		PD (Planned Development)	
Proposed Zoning:		PD (Planned Development)	
Surrounding Zoning:	North	PD (Planned Development)	
	South	R-5 (Residential 5 du/ac)	
	East	PD (Planned Development)	
	West	R-12 (Residential 12 du/ac)	
Growth Plan Designation:		Residential Medium High – RMH (8-12 du/ac) and Commercial	
Zoning within density range?		X	Yes
			No

PROJECT DESCRIPTION: Request approval of the Preliminary Development Plan for the Corner Square Apartments - Phase II on 3.3 acres within an approved PD (Planned Development) zone district. Separate from the Preliminary Development Plan approval, Developer is requesting the Planning Commission to make a recommendation to the City Council to approve the opening and use of 25 ¾ Road for access by the public to the development.

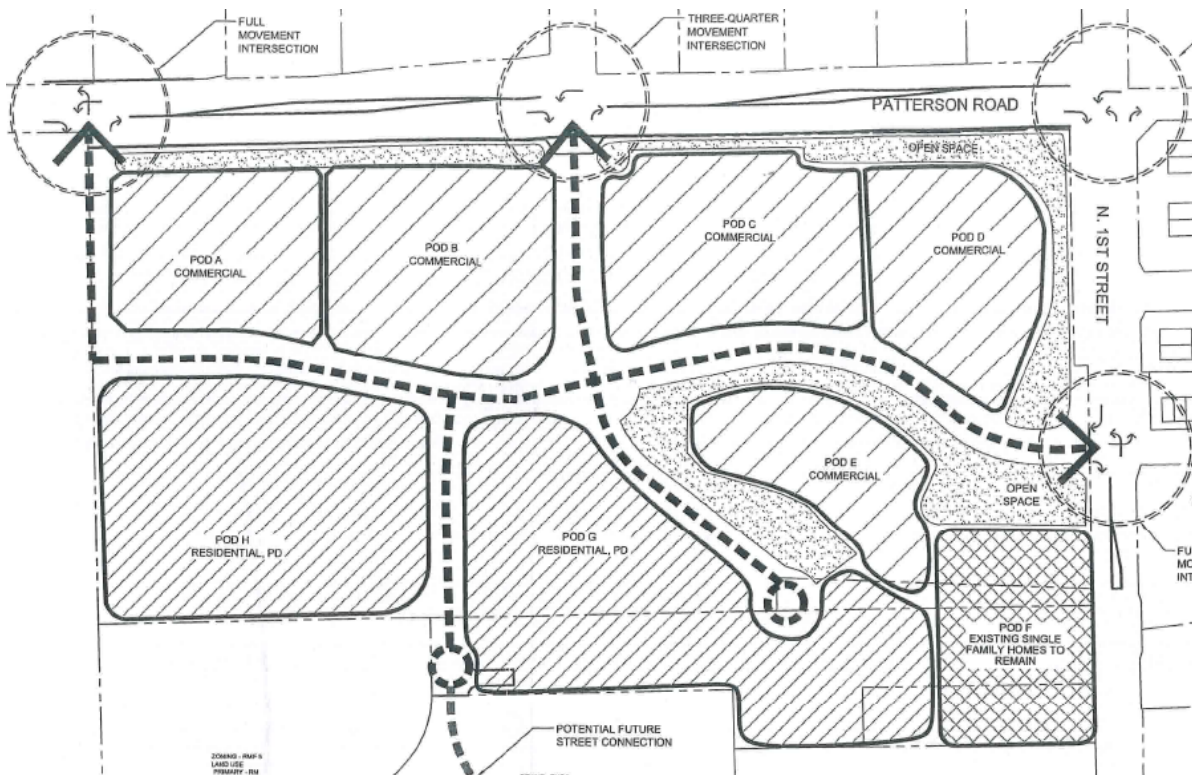
RECOMMENDATION: Staff recommends approval of the Preliminary Development Plan. Staff recommends denial of the Developer's request for a recommendation for the opening and use of 25 ¾ Road for access to the development.

ANALYSIS

1. Background

On November 1, 2006 the City Council approved Ordinance 3981 rezoning 20.7 acres, located at the southwest corner of 1st Street and Patterson Road, to PD (Planned Development) and approved the ODP (Outline Development Plan) for a mixed use development. The ODP was approved with the following default zones for each Pod:

- Pod A – B-1 (approved as part of Phase I)
- Pod B – B-1 (approved as part of Phase I)
- Pod C – B-1 (approved as part of Phase I)
- Pod D – B-1 (approved as part of Phase I)
- Pod E – B-1 (future phase)
- Pod F – R-4 (approved as part of Phase I)
- Pod G – R-12 (future phase)
- Pod H – R-12 (currently requesting approval as Phase II)



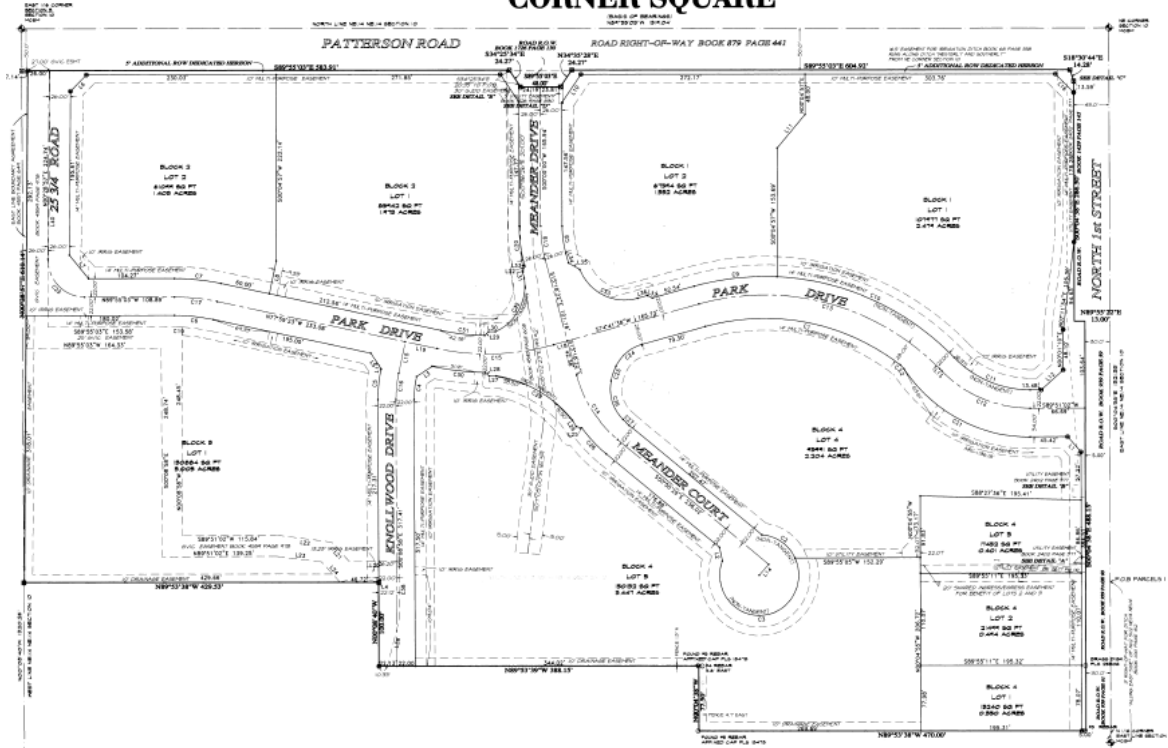
On June 26, 2007, the Planning Commission approved the PDP for Phase I which included the four Pods along Patterson Road. The approval did not include the multifamily Pods (Pods G and H) or the remaining commercial Pod (Pod E). Planning Commission must approve PDPs for each of the remaining Pods prior to staff approval of final development plans and issuance of planning clearances. Approval of a proposed PDP is to ensure consistency with the uses, density, bulk, performance and other standards of the approved ODP and Ordinance.

As part of the ODP approval, Pods F, G and H were approved with a density range between 70 and 111 dwelling units. Furthermore, the default zoning for Pod F is RMF-4 (R-4) and the default zoning for Pods G and H is RMF-12 (R-12) with deviations. Deviations to the bulk standards were approved and included deviations to the minimum lot area, width and street frontage, front and rear yard setbacks and maximum lot coverage and FAR.

On December 17, 2007 the Final Plat was recorded. The Final Plat included all of the lots, tracts and right-of-way for the entire development, including the right-of-way dedication for 25 $\frac{3}{4}$ Road. The Pods and default zoning depicted by the ODP relate to the following platted lots:

- Pod A – Lot 2, Block 2 – B-1
- Pod B – Lot 1, Block 2 – B-1
- Pod C – Lot 2, Block 1 – B-1
- Pod D – Lot 1, Block 1 – B-1
- Pod E – Lot 4, Block 4 – B-1
- Pod F – Lots 1, 2 and 3, Block 4 – R-4
- Pod G – Lot 5, Block 4 – R-12
- Pod H – Lot 1, Block 3 – R-12

CORNER SQUARE



The proposed Preliminary Development Plan for Corner Square – Phase II is only for Lot 1, Block 3 (Pod H). Lots 4 and 5, Block 4 (Pods E and G) will be reviewed by Planning Commission under future phases.

A component of this proposal separate from the approval of the preliminary development plan is for the construction, opening, and use of 25 $\frac{3}{4}$ Road by the public for access to the development. Staff has determined that it would not be safe to allow access from Patterson Road on to 25 $\frac{3}{4}$ Road due to the close proximity of a driveway on the property immediately west of the development. The adjacent driveway is approximately 20 feet from and runs parallel to 25 $\frac{3}{4}$ Road. The Transportation and Engineering Design Standards (TEDS) do not allow a road and a driveway to operate that close to each other due to safety reasons. The owner of that property has objected to the closing of the driveway and relocation of the driveway to the owner's property. The Developer is proposing to relocate the driveway access from Patterson Road to 25 $\frac{3}{4}$ Road.

Lot Layout

Four buildings are proposed containing 12 dwelling units each. Two buildings will be located on the east half of the lot and two buildings will be located on the west half of the lot. Parking will be located between the four buildings in the middle of the lot. The parking lot will be accessed from both West Park Drive and Knollwood Drive. The center parking isle will be covered and will contain small storage units for each dwelling unit. Landscaping is located throughout the site with a majority of the landscaping

located on the lot perimeter. A 1,988 square foot future Clubhouse will be located at the southwest corner of the lot. A modular block retaining wall will be constructed parallel to the west and a portion of the south property lines. This wall will be constructed due to the nine foot grade change that occurs along the west property line.

Density

The maximum residential density for the Corner Square development is 111 dwelling units. Currently there exist 3 dwelling units on Lots 1, 2, and 3, Block 4 (Pod F). A total of 48 dwelling units are being proposed as part of Phase II. If the PDP is approved, a maximum of 60 additional dwelling units would be allowed on Lot 5, Block 4 (Pod G).

Bulk Standards

The default zoning for this lot is R-12. The dimensional standards with approved deviations are as follows:

APPROVED DIMENSIONAL STANDARDS

Zoning District	Minimum Lot Size		Minimum Street Frontage (ft.)	Minimum Setbacks (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width (ft.)		Front (ft.)	Side (ft.)	Rear (ft.)			
R-12	1,500	20	N/A	15/20	5/3	5/3	N/A	N/A	40

The submitted site plan has been reviewed and meets or exceeds all of the minimum standards.

A concern has been raised by the adjoining property owner relating to the maximum height of the structure. This concern is due to the grade change that occurs along the west property line. The grade rises from the natural grade at Patterson Road to approximately nine (9) feet at the southwest corner of this Lot.

Chapter 9 defines height as: “The vertical distance from the grade to the highest point of any portion of a structure.” Grade is defined as: “The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet (5') from the building, the point between the building and a line five feet (5') from the building.”

The maximum height allowed for structures on this Lot is 40 feet. The proposed structures are 31 feet in height, measured from the finished grade. It should be noted that the finished grade extends nine (9) feet from the proposed structures thereby meeting the definition. Therefore the proposed structures are below the maximum height allowed for this Lot.

Access

The proposed development has two ingress/egress points, one access point provided from West Park Drive and one access point provided from Knollwood Drive.

To improve access to the development, the Developer is proposing that the construction of 25 ¾ Road along with the opening and use occur with the development of this Phase II. Construction of 25 ¾ Road would provide another point of access to the entire Development from Patterson Road. Currently there is only one access for the development from Patterson Road, Meander Drive.

Initially the Developer submitted a TEDS Exception requesting that the adjacent driveway and 25 ¾ Road be allowed to coexist (the existing driveway and right-of-way are separated by approximately 20 feet). A 150' separation is required from a street intersection and a driveway. Because of the separation requirement, Staff was unable to recommend approval of the TEDS Exception which would have allowed the construction of 25 ¾ Road while the driveway remained. On October 28, 2008 the TEDS Exception was denied by the TEDS Exception Committee.

The Developer has now proposed the construction of 25 ¾ Road and the relocation of the driveway from Patterson Road to 25 ¾ Road. The Development Engineer has reviewed the proposal and has found that this proposal meets all of the TEDS standards. However, upon review of the Transportation Impact Study, the Development Engineer found that an additional access onto Patterson Road (the construction of 25 ¾ Road) is not required for the 48 proposed dwelling units. Because the Traffic Impact Study does not support the need for 25 ¾ Road for Phase II, it is recommended that the opening and use of 25 ¾ Road not occur at this time.

Parking

Eighty-eight parking spaces, including four handicap spaces and 24 bicycle spaces will be provided meeting the requirements of the Zoning and Development Code.

Open Space

Other than the "outdoor living area" provided on the site, no open space or parkland is proposed for this proposal.

Landscaping

The development will be landscaped in accordance with Section 6.5 of the Zoning and Development Code which has been reviewed and approved as part of the submitted site plan.

Exhibit 6.5.C of the Zoning and Development Code dictates whether a landscape buffer is required between a development and adjoining property. If a landscape buffer is

required the Exhibit defines the width of the buffer and whether a wall of fence is required. The requirement is based on the zoning of the proposed development and the zoning of the adjacent property. Because the Exhibit does not include PD zoning, the default zoning is used. The default zoning of this property is R-12 and the adjoining property to the west is R-12 and to the south is R-5. Based on the default zoning and adjoining zoning, an eight (8) foot wide landscaped buffer with trees and shrubs and a six (6) solid fence are required.

The Developer is proposing a landscaped buffer of between twelve (12) and fourteen (14) feet and a six (6) foot ornamental steel fence along the west and south property lines. The Developer is requesting that the ornamental fence be allowed rather than the solid fence based on two reasons. First, the fence will be placed on top of a retaining wall which, if the required fence is solid, would have the appearance of up to a fifteen (15) foot solid barrier. Secondly, the Developer feels that an ornamental steel fence would have a more aesthetically pleasing appearance to the adjoining property owners and apartment occupants.

Based on these two reasons Staff would recommend approval of placing an ornamental steel fence along the west and south property lines rather than a solid fence.

2. Section 2.12.C.2 of the Zoning and Development Code

Requests for a Planned Development Preliminary Development Plan must demonstrate conformance with all of the following:

- a) The Outline Development Plan review criteria in Section 2.12.B of the Zoning and Development Code.

The proposed Preliminary Development Plan has been reviewed and is in conformance with and meets the requirements of the approved Outline Development Plan.

- b) The applicable preliminary plat criteria in Section 2.8.B of the Zoning and Development Code.

- 1) The Growth Plan, major street plan, Urban Trails Plan, and other adopted plans

The Future Land Use Map of the Growth Plan indicates this parcel as Residential Medium (4 – 8 du/ac) and Residential Medium High (8-12 du/ac). Based on the total acreage identified on the future Land Use Map the residential density would range from 74 to 131 dwelling units (2.8 acres – Residential Medium and 9.1 acres – Residential Medium High). The ODP was approved allowing a density range of 70 to 111 dwelling units on Pods F, G and H. Therefore the proposal is consistent with the Future Land Use Map designation.

2) The Subdivision standards (Chapter 6).

All of the subdivision standards contained within Section 6.7 of Chapter 6 have been met.

3) The Zoning standards (Chapter 3).

The proposed development has been reviewed using the dimensional and site specific standards contained in Chapter 3 for the R-12 zone district and the proposal has been found to meet the required standards.

4) Other standards and requirements of the Zoning and Development Code and other City policies and regulations.

Standards of the Zoning and Development Code have been met as well as the requirements for the Transportation Engineering Design Standards (TEDS).

5) Adequate public facilities and services will be available concurrent with the subdivision.

Adequate public facilities and services have been made available through approval of the subdivision.

6) The project will have little or no adverse or negative impacts upon the natural or social environment.

The project will have little or no unusual adverse or negative impacts upon the natural or social environment.

7) Compatibility with existing and proposed development on adjacent properties.

The proposed multifamily development is part of a larger approved multi-use development that will contain commercial and residential structures. The commercial structures are located along Patterson Road on the north half of the development and the residential is located on the south half of the development. The proposed multifamily residences will provide a transition between the adjacent single family residences to the south and the commercial uses to the north.

8) Adjacent agricultural property and land uses will not be harmed.

The agriculturally used property to the south will not be harmed by the proposed development as the development will have to adhere to the requirements of the Stormwater Management Manual.

9) Is neither piecemeal development nor premature development of agricultural land or other unique areas.

The proposed development is a part of the overall Corner Square development and is therefore neither piecemeal development nor premature development of agricultural land or other unique areas.

10) There is adequate land to dedicate for provision of public services

All required dedication of land occurred as part of the Final Plat.

c) The applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code.

1) Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plan

The Future Land Use Map of the Growth Plan indicates this parcel as Residential Medium (4 – 8 du/ac) and Residential Medium High (8-12 du/ac). Based on the total acreage identified on the future Land Use Map the residential density would range from 74 to 131 dwelling units (2.8 acres – Residential Medium and 9.1 acres – Residential Medium High). The ODP was approved allowing a density range of 70 to 111 dwelling units on Pods F, G and H. Therefore the proposal is consistent with the Future Land Use Map designation.

2) Conditions of any prior approvals.

The proposed PDP has been designed in accordance with the approved ODP and meets the requirements and restrictions of the ODP.

3) Other Code requirements including rules of the zoning district, applicable use specific standards of Chapter Three of the Zoning and Development Code and the design and improvement standards of Chapter Six of the Code.

The proposed landscape and parking plans have been reviewed and have been found to meet the standards contained under Section 6.5 and 6.6. The proposed structures meet the default zone district requirements (R-12) and use specific standards as defined in the ODP and Chapter 3.4.B of the Zoning and Development Code.

d) The approved ODP, if applicable

The proposed PDP has been designed in accordance with the ODP that was approved through Ordinance 3981 in November 2006.

e) The approved PD rezoning ordinance, if adopted with an ODP

The overall development was approved as part of the ODP that was approved through Ordinance 3981 in November 2006.

- f) An appropriate, specific density for all areas included in the preliminary plan approval.

The approved ODP allows a total residential density of 111 dwelling units. Currently there exist 3 dwelling units within Pod F (all of the dwelling units were existing single family dwellings on existing lots). The Developer is proposing 48 dwelling units on Pod H (Phase II). If the PDP is approved a maximum of 60 additional dwelling units would remain for Pod G.

- g) The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

The proposed PDP is part of an overall development that contains 20.7 acres.

FINDINGS OF FACT/CONCLUSIONS/CONDITIONS:

After reviewing the Corner Square Phase II application, PP-2008-172 for approval of a Preliminary Development Plan, I make the following findings of fact, conclusions and conditions:

5. The requested Preliminary Development Plan is consistent with the Growth Plan.
6. The review criteria in Section 2.12.C.2 of the Zoning and Development Code have all been met.
7. The review criteria in Section 2.8.B of the Zoning and Development Code have all been met.
8. The review criteria in Section 2.2.D.4 of the Zoning and Development Code have all been met.
9. Allow a six (6) foot ornamental steel fence in place of a six (6) foot solid fence along the west and south property lines.
10. Any indication on any of the Preliminary Plan documents showing the construction and or use of 25 ³/₄ Road with the approval of this Phase II is not included as a part of the approval for the Preliminary Development Plan.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the requested Corner Square Phase II, Preliminary Development Plan, PP-2008-172 with the findings, conclusions and conditions listed above.

FINDINGS OF FACT/CONCLUSIONS/CONDITIONS:

After reviewing the Corner Square Phase II application, PP-2008-172 for approval of a Preliminary Development Plan, I make the following findings of fact, conclusions and conditions regarding the recommendation for opening and use of 25 ¾ Road by the public:

1. The requested access is not necessary as a part of this Phase II development.
2. To allow the opening and use of 25 ¾ Road would require the closing and relocation of the driveway access to the neighboring property. The relocation of the driveway is not necessary at this time.

STAFF RECOMMENDATION:

I recommend that the Planning Commission deny the request to recommend to City Council that 25 ¾ Road be open for use by the public for access to the development based on the facts and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTIONS:

Mr. Chairman, I move that we approve the Preliminary Development Plan for Corner Square Phase II, PP-2008-172, with the findings, conclusions and conditions listed in the staff report.

Mr. Chairman, I move that we recommend to City Council that 25 ¾ Road be open for use by the public as access to the development based on the testimony provided by the Developer.

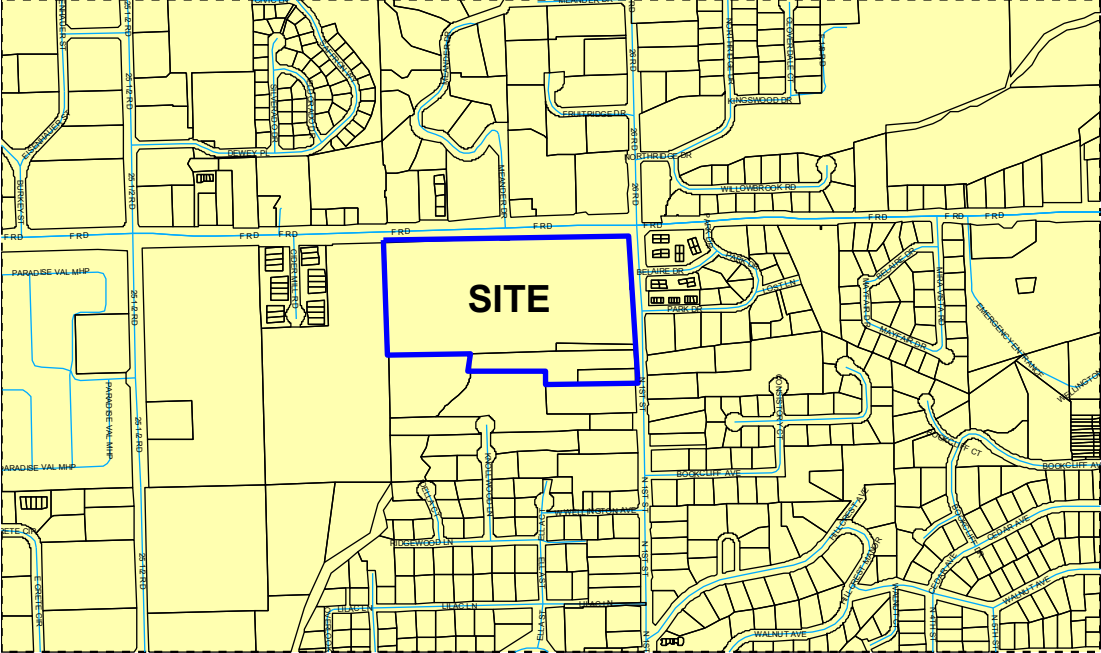
Attachments:

Site Location Map
Aerial Photo Map
Future Land Use Map
Existing City and County Zoning Map
Planned Development Rezone Ordinance
Outline Development Plan
Final Plat
Preliminary Development Plan/Landscape Plan

TEDS Exception
Letter and documents from Mr. Joseph Coleman

Site Location Map

Figure 1



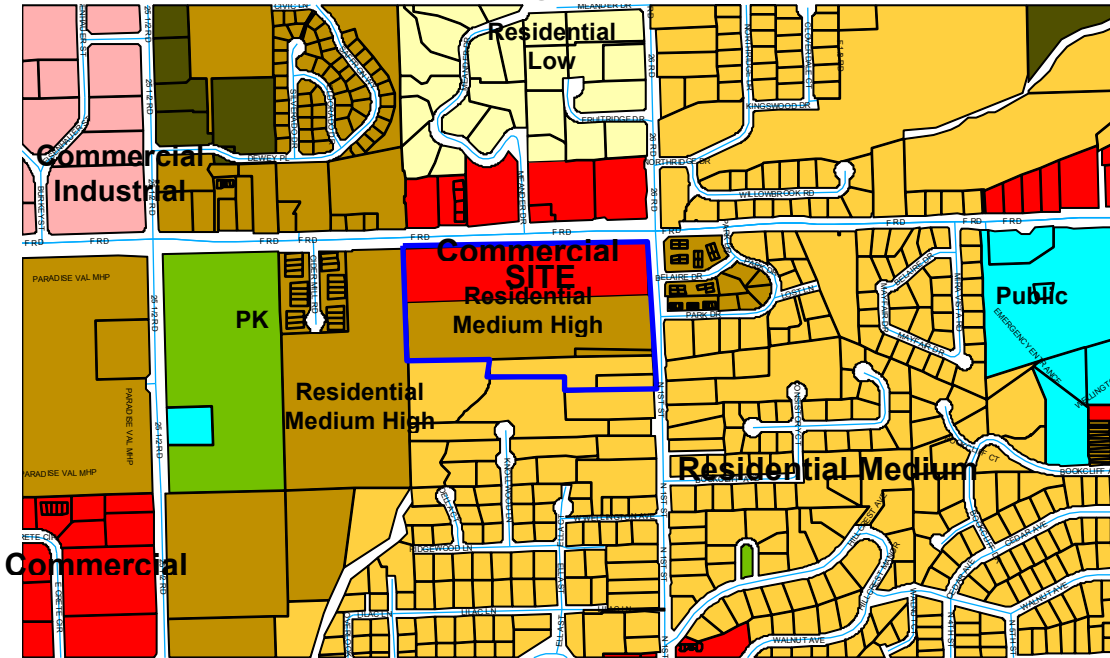
Aerial Photo Map

Figure 2



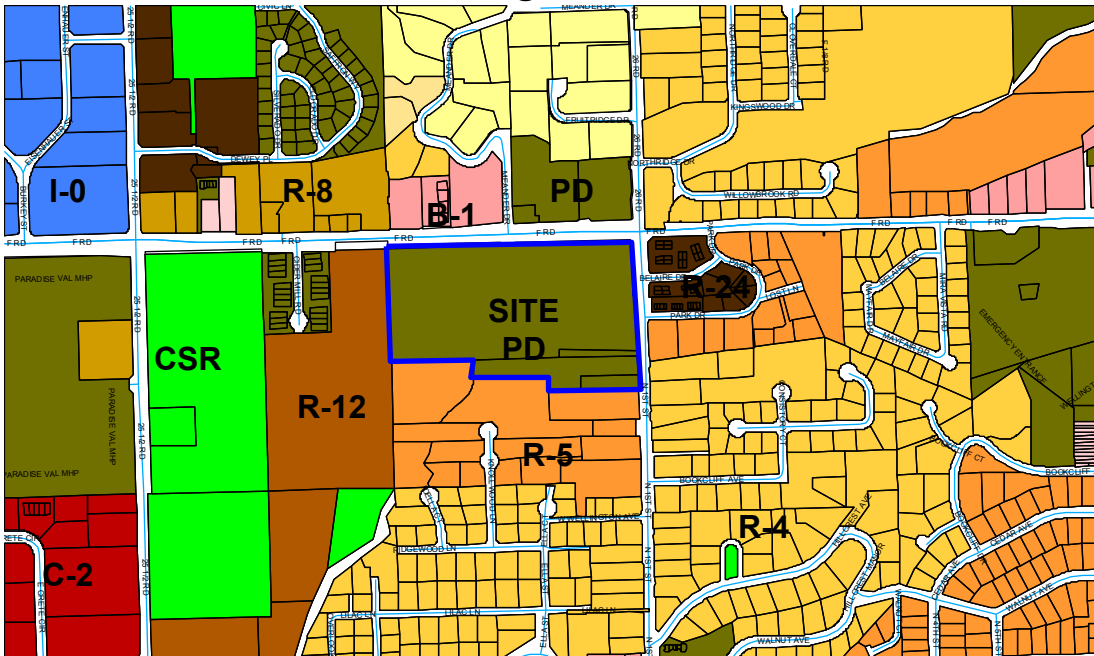
Future Land Use Map

Figure 3



Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 3981

AN ORDINANCE REZONING APPROXIMATELY 20.7 ACRES FROM RMF-12 TO PD
(PLANNED DEVELOPMENT)

THE 1ST AND PATTERSON PLANNED DEVELOPMENT
LOCATED AT THE SOUTHWEST CORNER OF 1ST STREET AND PATTERSON
ROAD

Recitals:

A request for a Rezone and Outline Development Plan approval has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 20.7 acres, located at the southwest corner of 1st Street and Patterson Road, be rezoned from RMF-12 (Residential Multifamily, 12 units per acre) to PD (Planned Development).

This PD zoning ordinance will establish the default zoning, including uses and deviations from the bulk standards. Specific design standards for site design, building design and signage will be established with the Preliminary Plan.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Rezone and Outline Development Plan approval and determined that it satisfied the criteria as set forth and established in Section 2.12.B.2 of the Zoning and Development Code and the proposed Rezone and Outline Development Plan is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REZONED FROM RMF-12 TO PD WITH THE FOLLOWING DEFAULT ZONES AND DEVIATIONS FROM THE DEFAULT ZONING:.

Property to be Rezoned:

Commencing at a BLM aluminum cap for the NW corner of the NE1/4 NE1/4 of Section 10, Township One South, Range 1 West of the Ute Meridian, from whence a Mesa County brass cap for the NE corner of said Section 10 bears S 89°57'24"E 1319.98 feet; Thence S 00°11'19"E on the west line of said NE1/4 NE1/4 Section 10 50.00 feet to the south right-of-way line of Patterson Road and the Point of Beginning; Thence S 89°57'24" E 591.25 feet; Thence S 34°27'55" E 24.27 feet; Thence 89°27'24" E 46.50 feet; Thence S 00°02'36" W 20.00 feet; Thence S 89°57'24" E 5.00 feet; Thence N 00°02'36" E 25.09 feet; Thence N 34°33'07" E 19.09 feet; Thence S 89°57'24" E 604.65 feet; Thence S 18°31'47"E on the west right-of-way line of North First Street 14.23 feet; Thence S 00°05'42"

E 286.50 feet; Thence S 89°54'28" E 13.00 feet; Thence S 00°05'42" E 487.65 feet; Thence leaving said west right-of-way line N 89°58'07" W 470.50 feet to a 5/8 inch rebar in concrete; Thence N 00°02'55" W 77.45 feet to a 5/8 inch rebar in concrete; Thence N 89°58'20" W 387.30 feet to the east line of the Baughman tract; Thence on the east line of said Baughman tract N 00°11'19" W 100.15 feet to the south line of the N1/2 NE1/4 NE1/4 of said Section 10; Thence N 89°57'47" W 430.00 feet to the west line of the NE1/4 NE1/4 of said Section 10; Thence N 00°11'19" W 610.30 feet to the beginning. Containing 20.74 acres, more or less.

PD Zoning Standards:

See Attached Exhibit A, Outline Development Plan

A. Default Zones by Pod

- Pod A—B-1
- Pod B—B-1
- Pod C—B-1
- Pod D—B-1
- Pod E—B-1
- Pod F—RSF-4
- Pod G—RMF-12
- Pod H—RMF-12

B. Deviation of Uses by Pod

Pods A, B, C, D and E are restricted to the uses allowed in the B-1 zone district with the following modifications:

The following uses are specifically not allowed:

- Drive up/through fast food uses
- Drive up/through liquor stores
- All other drive up/through uses
- Outdoor kennels and/or boarding
- Outdoor storage
- Community Correction Facilities
- Mental health uses
- Drug and alcohol rehabilitation uses
- Halfway houses
- Law Enforcement Rehabilitation Centers

The following uses are specifically allowed (in addition to the other B-1 uses and excluding those listed above):

- Drive up/through pharmacy
- Drive up/through dry cleaners
- Veterinary clinics with indoor kennels and/or indoor boarding
- Outdoor display with a temporary use permit

Pod F is restricted to the uses allowed in the RSF-4 zone, excluding duplex units.

Pods G and H are restricted to the uses allowed in the RMF-12 zone.

C. Deviations from Bulk Standards by Pods

Pods A, B, C, D, and E shall meet the bulk standards of the B-1 zone district with the following modifications:

- Non-residential uses require no minimum lot width.
- Non-residential uses require no minimum lot size.
- Maximum FAR shall be 0.7, excluding underground and/or under building parking garages.
- Maximum FAR shall be based on the individual Pod sizes.
- Minimum frontyard setbacks shall be 30' from the right-of-way for Patterson Road and 1st Street and 15' from all internal streets.
- Minimum rearyard setbacks shall be 0'.
- Maximum height shall be 35' for structures located in Pod E and 40' for Pods A, B, C and D, with the opportunity to request up to a 25% increase in height with Preliminary Plans. The height shall be measured from the finished grade of the adjoining parking lot.
- Maximum building size shall be 40,000 s.f. for office buildings, 20,000 s.f. for retail buildings and 45,000 s.f. for mixed use buildings.

Pods G and H shall meet the bulk standards of the RMF-12 zone district.

Pod F shall meet the bulk standards of the RSF-4 zone district with the following modifications:

- The lots cannot be further subdivided.

INTRODUCED on first reading on the 18th day of October, 2006 and ordered published.

ADOPTED on second reading this 1st day of November, 2006.

ATTEST:

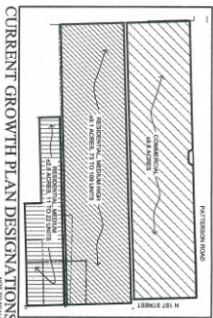
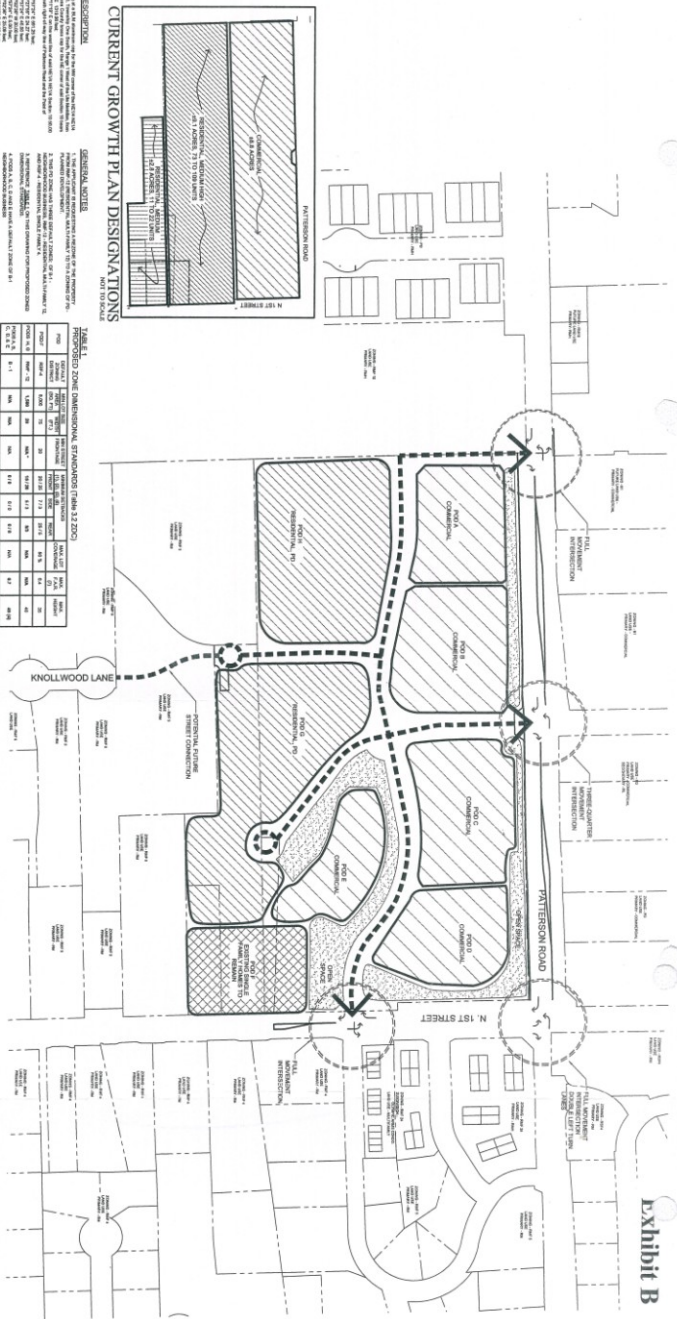
/s/ Jim Doody
President of Council

/s/ Stephanie Tuin
City Clerk



FIRST AND PATTERSON PLANNED DEVELOPMENT

Exhibit B

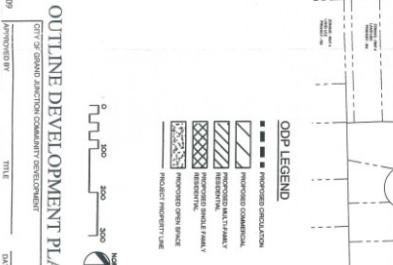


LOCAL DESCRIPTION
The site is located on the east side of Patterson Road, south of Knollwood Lane. The site is bounded by Knollwood Lane to the west, Patterson Road to the north and south, and N 1st Street to the east. The site is currently zoned as R-1 (Single-Family Residential). The proposed development consists of 10 lots, each containing a single-family residence with a detached garage. The lots are arranged in a grid pattern, with 5 lots on each of the two rows. The proposed development is consistent with the local comprehensive plan and zoning code.

TABLE 1: ZONE, DISTRICT, AND LOT DESIGNATIONS

LOT NO.	ZONE	DISTRICT	DESCRIPTION
1-5	R-1	RESIDENTIAL	SINGLE-FAMILY RESIDENTIAL
6-10	R-1	RESIDENTIAL	SINGLE-FAMILY RESIDENTIAL

GENERAL NOTES
1. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE LOCAL COMPREHENSIVE PLAN AND ZONING CODE.
2. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE CITY OF GRAND JUNCTION COMUNITY DEVELOPMENT PLAN.
3. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE CITY OF GRAND JUNCTION ZONING ORDINANCE.
4. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE CITY OF GRAND JUNCTION SUBDIVISION MAP.
5. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE CITY OF GRAND JUNCTION UTILITY MAP.
6. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE CITY OF GRAND JUNCTION WATER SUPPLY MAP.
7. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE CITY OF GRAND JUNCTION FLOOD HAZARD MAP.
8. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE CITY OF GRAND JUNCTION HISTORIC PRESERVATION MAP.
9. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE CITY OF GRAND JUNCTION LAND USE PLAN.
10. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE CITY OF GRAND JUNCTION TRANSPORTATION PLAN.



APPROVED BY: _____ **DATE:** _____

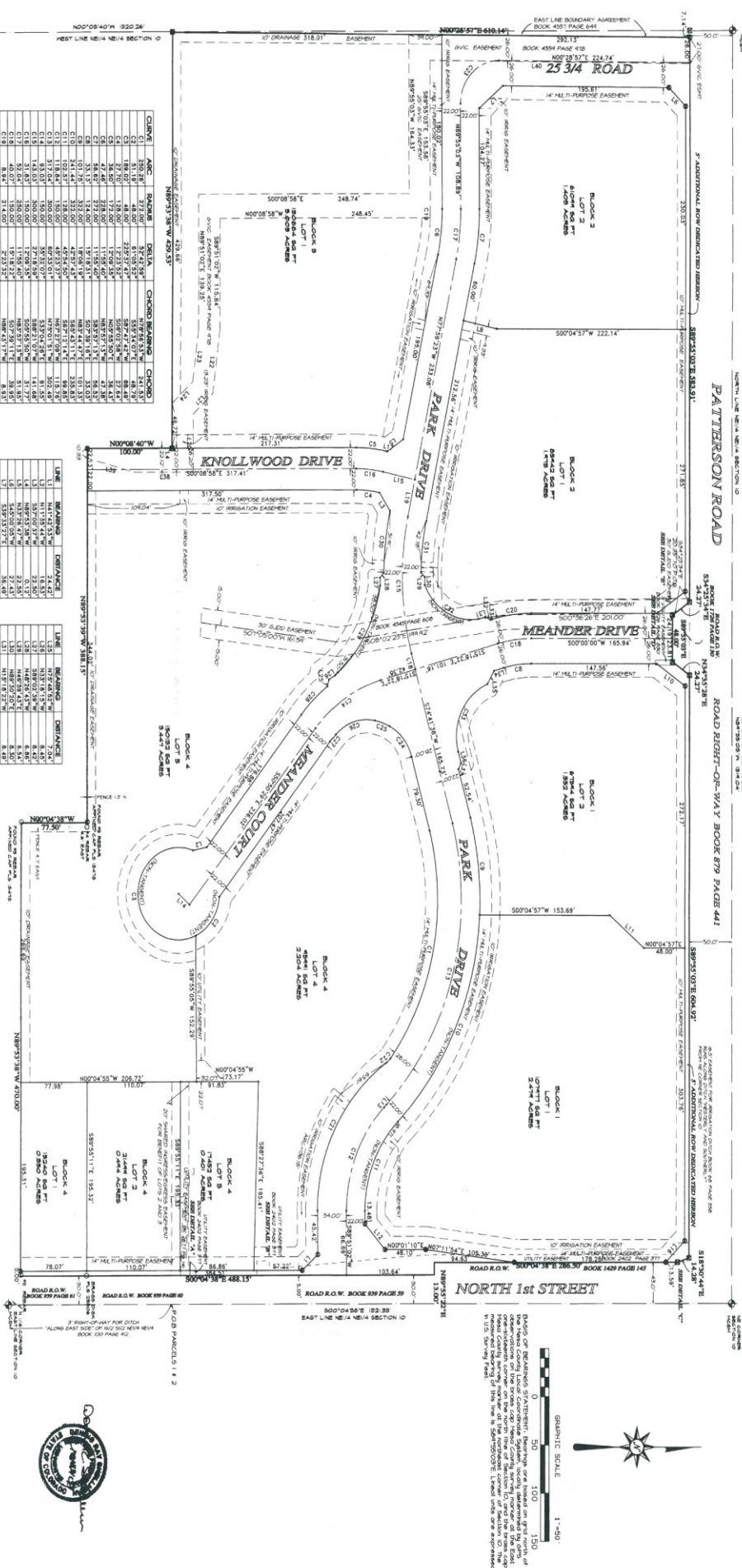
PROJECT NO.: _____

PROJECT NAME: FIRST AND PATTERSON PLANNED DEVELOPMENT

CITY OF GRAND JUNCTION COMMUNITY DEVELOPMENT

CORNER SQUARE

RECORDATION # 210000, REC 4571 PG 148 12/17/2007 REC 08120:40 AM, 2 OF 3, R
 5/15/2007 8:15 AM FROM CORNER SQUARE DEVELOPMENT, INC. TO SHERIFF AND SHERIFF'S
 DEPARTMENT



CHAINS	AMC	FOUNDER	DEVELOPER	CHORD (MIDWAY)	CHORD
C1	51.18	31.79	10.80	1.73	50.87
C2	51.18	31.79	10.80	1.73	50.87
C3	51.18	31.79	10.80	1.73	50.87
C4	51.18	31.79	10.80	1.73	50.87
C5	51.18	31.79	10.80	1.73	50.87
C6	51.18	31.79	10.80	1.73	50.87
C7	51.18	31.79	10.80	1.73	50.87
C8	51.18	31.79	10.80	1.73	50.87
C9	51.18	31.79	10.80	1.73	50.87
C10	51.18	31.79	10.80	1.73	50.87
C11	51.18	31.79	10.80	1.73	50.87
C12	51.18	31.79	10.80	1.73	50.87
C13	51.18	31.79	10.80	1.73	50.87
C14	51.18	31.79	10.80	1.73	50.87
C15	51.18	31.79	10.80	1.73	50.87
C16	51.18	31.79	10.80	1.73	50.87
C17	51.18	31.79	10.80	1.73	50.87
C18	51.18	31.79	10.80	1.73	50.87
C19	51.18	31.79	10.80	1.73	50.87
C20	51.18	31.79	10.80	1.73	50.87
C21	51.18	31.79	10.80	1.73	50.87
C22	51.18	31.79	10.80	1.73	50.87
C23	51.18	31.79	10.80	1.73	50.87
C24	51.18	31.79	10.80	1.73	50.87
C25	51.18	31.79	10.80	1.73	50.87
C26	51.18	31.79	10.80	1.73	50.87
C27	51.18	31.79	10.80	1.73	50.87
C28	51.18	31.79	10.80	1.73	50.87
C29	51.18	31.79	10.80	1.73	50.87
C30	51.18	31.79	10.80	1.73	50.87
C31	51.18	31.79	10.80	1.73	50.87
C32	51.18	31.79	10.80	1.73	50.87
C33	51.18	31.79	10.80	1.73	50.87
C34	51.18	31.79	10.80	1.73	50.87
C35	51.18	31.79	10.80	1.73	50.87
C36	51.18	31.79	10.80	1.73	50.87
C37	51.18	31.79	10.80	1.73	50.87
C38	51.18	31.79	10.80	1.73	50.87
C39	51.18	31.79	10.80	1.73	50.87
C40	51.18	31.79	10.80	1.73	50.87

LINE	MEASUREMENT	DISTANCE
L1	N89°53'35" W 119.33	119.33
L2	S89°53'35" E 119.33	119.33
L3	S0°00'00" E 119.33	119.33
L4	N11°17'27" E 119.33	119.33
L5	N11°17'27" E 119.33	119.33
L6	N89°53'35" W 119.33	119.33
L7	S89°53'35" E 119.33	119.33
L8	S0°00'00" E 119.33	119.33
L9	N11°17'27" E 119.33	119.33
L10	N11°17'27" E 119.33	119.33
L11	N89°53'35" W 119.33	119.33
L12	S89°53'35" E 119.33	119.33
L13	S0°00'00" E 119.33	119.33
L14	N11°17'27" E 119.33	119.33
L15	N11°17'27" E 119.33	119.33
L16	N89°53'35" W 119.33	119.33
L17	S89°53'35" E 119.33	119.33
L18	S0°00'00" E 119.33	119.33
L19	N11°17'27" E 119.33	119.33
L20	N11°17'27" E 119.33	119.33
L21	N89°53'35" W 119.33	119.33
L22	S89°53'35" E 119.33	119.33
L23	S0°00'00" E 119.33	119.33
L24	N11°17'27" E 119.33	119.33
L25	N11°17'27" E 119.33	119.33
L26	N89°53'35" W 119.33	119.33
L27	S89°53'35" E 119.33	119.33
L28	S0°00'00" E 119.33	119.33
L29	N11°17'27" E 119.33	119.33
L30	N11°17'27" E 119.33	119.33
L31	N89°53'35" W 119.33	119.33
L32	S89°53'35" E 119.33	119.33
L33	S0°00'00" E 119.33	119.33
L34	N11°17'27" E 119.33	119.33

- FOUNDER ALTHOUGH CAP B.L.M. SURVEY MANAGER
- FOUNDER DEVELOPER CAP B.L.M. SURVEY MANAGER
- FOUNDER SURVEY MANAGER AS NOTED
- SET TO NEADK MAINTAIN CAP "7.5" 04/10'
- FENCE LINE

NOTE: This plat was determined to be of sufficient clarity and weight to be approved by the State of Michigan. This plat is subject to the Michigan Surveying Board's rules and regulations. The State of Michigan is not responsible for the accuracy of the data provided herein. The State of Michigan is not responsible for the accuracy of the data provided herein.

CORNER SQUARE

F & P DEVELOPMENT, LLC

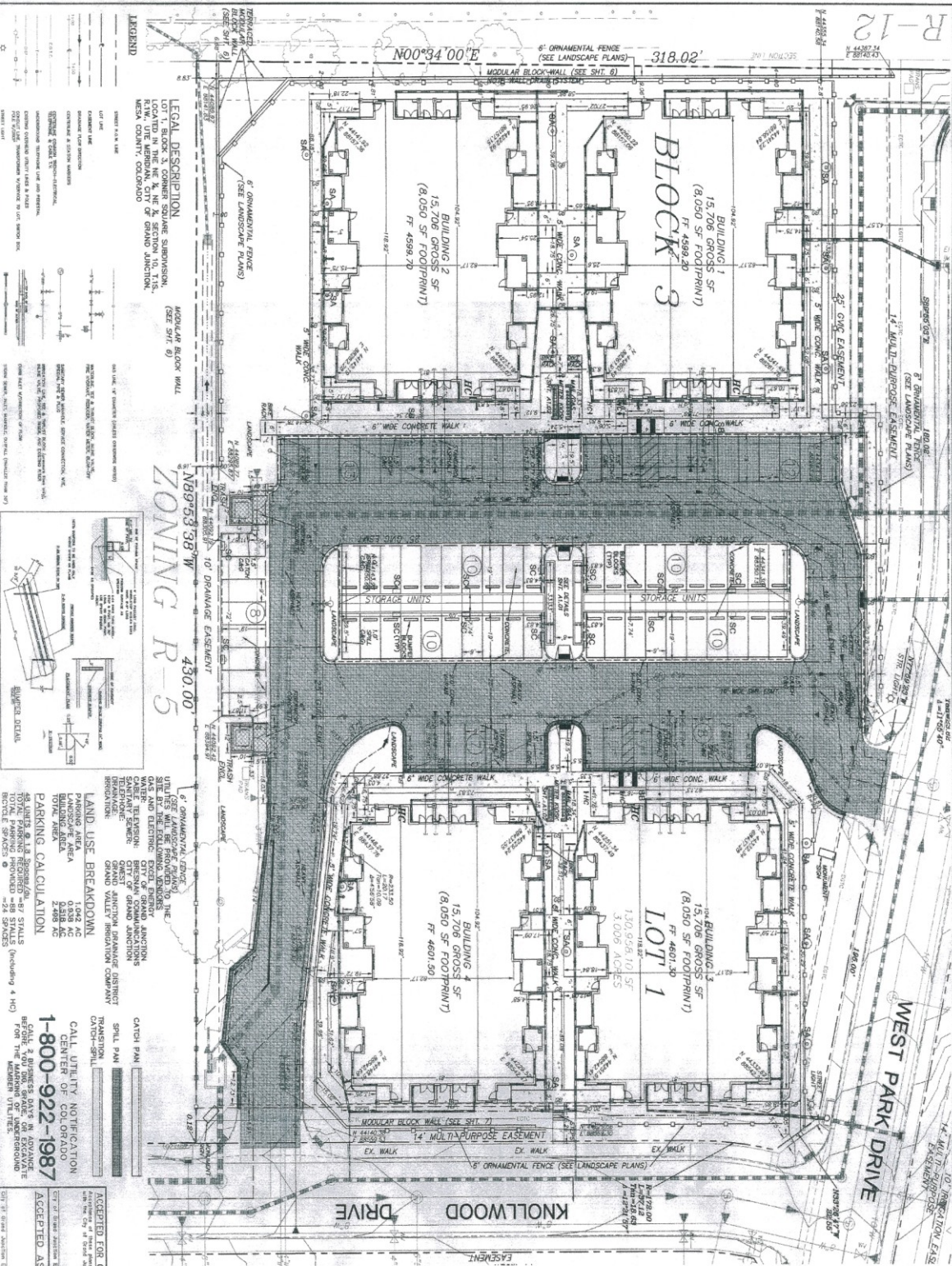
River City CONSULTANTS, INC.
 Registered Design Consultant

7440 University Court Suite 110
 Farmington Hills, Michigan 48334
 Phone: 924-8511 Fax: 924-8510
 Email: rivercity@rivercityinc.com

Date of Survey: FEB 2008
 Drawn Date: Checked: EST
 Surveyed: Drafted: DATE: 1.2007
 Scale: 1" = 110' 0.00'
 SHEET 2 OF 3

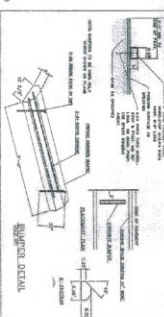
R-12

N 0°34'00" E
318.02'



LEGAL DESCRIPTION
 LOT 1, BLOCK 3, CORNER SQUARE SUBDIVISION,
 CITY OF GRAND JUNCTION,
 GRAND JUNCTION, COLORADO

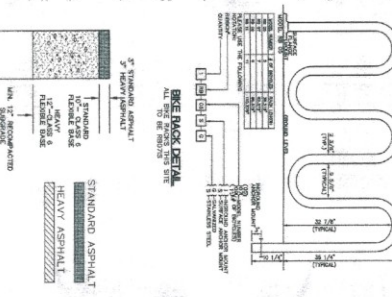
ZONING R-5
 430.00'
 10' DRAINAGE EASEMENT
 10' DRAINAGE EASEMENT



LAND USE BREAKDOWN
 48 UNITS @ 1.8 SQUARE FEET PER UNIT = 86.4 SQUARE FEET
 TOTAL PARKING REQUIRED = 87 STALLS (including 4 HOV)
 TOTAL AVAILABLE PARKING = 87 STALLS
 BALANCE = 0 STALLS

PARKING CALCULATION
 1-800-922-1987
 CALL UTILITY NOTIFICATION
 CENTER OF COLORADO
 2490 AC
 2490 AC

ACCEPTED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE
 ACCEPTED AS CONSTRUCTED



IMPORTANT CONSIDERATIONS
 OWNER'S RESPONSIBILITY: THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GRAND JUNCTION AND THE COLORADO DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION.

REVISIONS

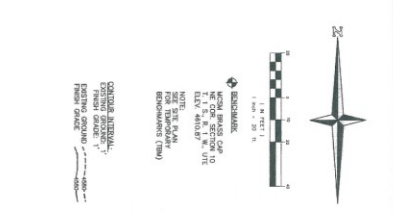
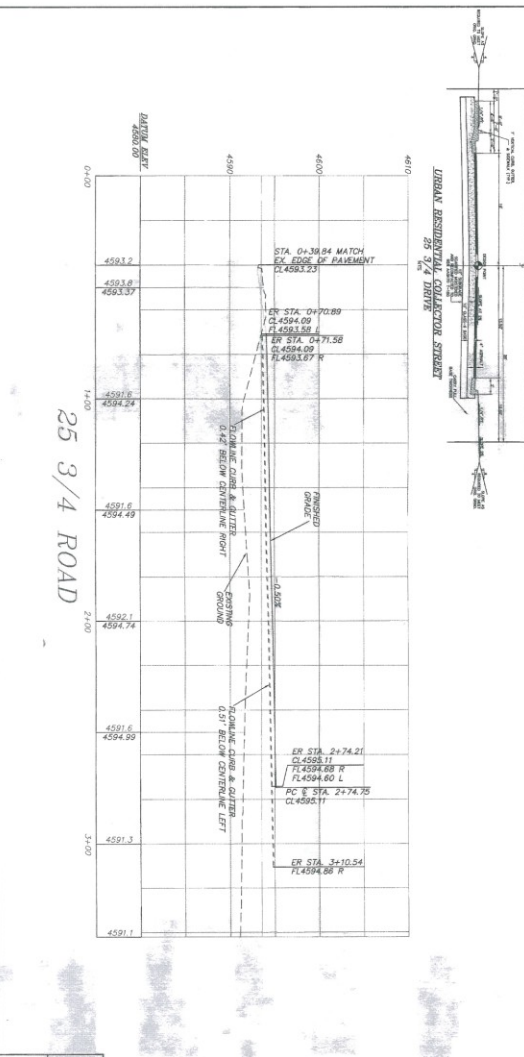
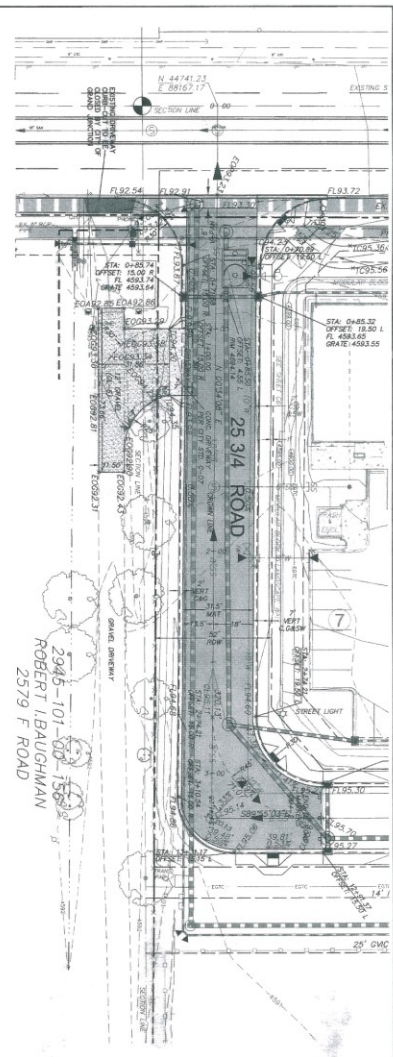
NO.	DATE	DESCRIPTION
1	09/13/08	REVISIONS PER CITY REVIEW COMMENTS (09/10/08)

DATE: 02/25/08
 DRAWN BY: LMS
 CHECKED BY: JEL
 SCALE: AS SHOWN

SOUDER, MILLER & ASSOCIATES
 539 26th Road, Ste. 1010,
 Grand Junction, Colorado, 81505
 Tel: 970-241-8987
 Fax: 970-241-2845
 www.soudermiller.com

CONSTRUCTOR'S WEST, INC.
 GRAND JUNCTION, CO.

CORNER SQUARE APARTMENTS SITE PLAN



ACCEPTED FOR CONSTRUCTION FOR ONE YEAR FROM THIS DATE
ACCEPTED AS CONSTRUCTED

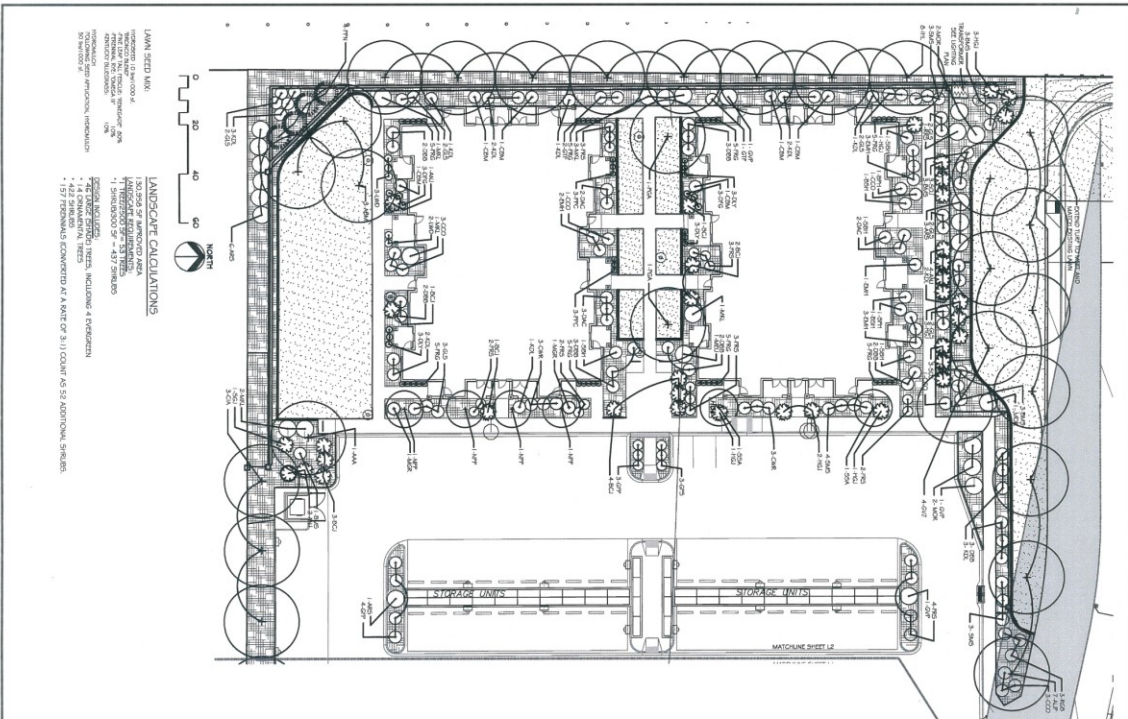
CALL UTILITY NOTIFICATION
1-800-922-1987

WESTERN CONSTRUCTORS, INC. GRAND JUNCTION, CO.

SOUDEK MILLER & ASSOCIATES
200 1/2 1st St. SW
Grand Junction, Colorado 81505
Tel: 970-243-6867
Fax: 970-241-2845
www.soudek.com

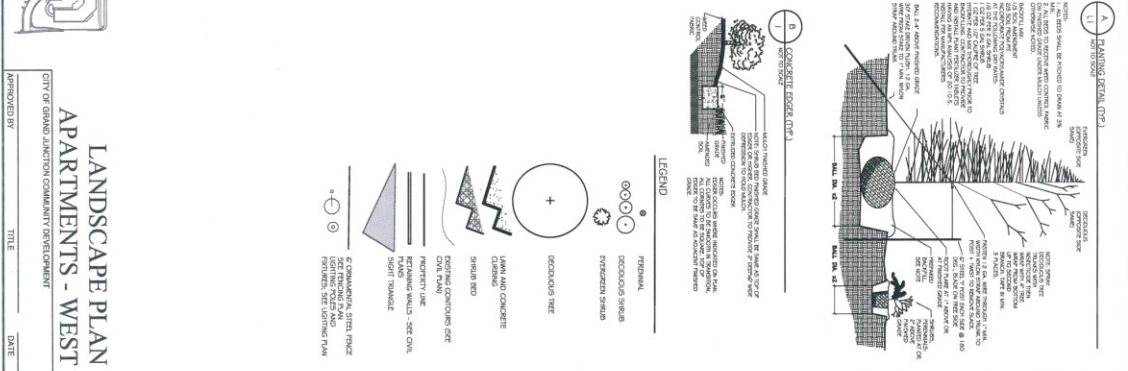
REVISION	DATE	DESCRIPTION	BY	APP'D
1	08/17/08	REVISED PER CITY COMMENTS	LMS	JEL
2	12/09/08	ADDED TEMPORARY BENCHMARKS	LMS	JEL
3	01/12/09	ADDED CURB CUT	LMS	JEL

DATE PLOTTED: 12/15/08
SCALE: AS SHOWN
DRAWN BY: JEL
CHECKED BY: JEL
DATE: 03/20/09
PROJECT NO: 08-001
SHEET NO: 1 OF 1
JOB NO: 08-001



PLANT LIST

Qty	Common Name	Scientific Name	Size	Height
1	Plant 1	...	...	...
2	Plant 2	...	...	...
3	Plant 3	...	...	...
4	Plant 4	...	...	...
5	Plant 5	...	...	...
6	Plant 6	...	...	...
7	Plant 7	...	...	...
8	Plant 8	...	...	...
9	Plant 9	...	...	...
10	Plant 10	...	...	...
11	Plant 11	...	...	...
12	Plant 12	...	...	...
13	Plant 13	...	...	...
14	Plant 14	...	...	...
15	Plant 15	...	...	...
16	Plant 16	...	...	...
17	Plant 17	...	...	...
18	Plant 18	...	...	...
19	Plant 19	...	...	...
20	Plant 20	...	...	...
21	Plant 21	...	...	...
22	Plant 22	...	...	...
23	Plant 23	...	...	...
24	Plant 24	...	...	...
25	Plant 25	...	...	...
26	Plant 26	...	...	...
27	Plant 27	...	...	...
28	Plant 28	...	...	...
29	Plant 29	...	...	...
30	Plant 30	...	...	...
31	Plant 31	...	...	...
32	Plant 32	...	...	...
33	Plant 33	...	...	...
34	Plant 34	...	...	...
35	Plant 35	...	...	...
36	Plant 36	...	...	...
37	Plant 37	...	...	...
38	Plant 38	...	...	...
39	Plant 39	...	...	...
40	Plant 40	...	...	...
41	Plant 41	...	...	...
42	Plant 42	...	...	...
43	Plant 43	...	...	...
44	Plant 44	...	...	...
45	Plant 45	...	...	...
46	Plant 46	...	...	...
47	Plant 47	...	...	...
48	Plant 48	...	...	...
49	Plant 49	...	...	...
50	Plant 50	...	...	...



KEY MAP
NOT TO SCALE

LANDSCAPE PLAN
APARTMENTS - WEST

APPROVED BY _____ **TITLE** _____ **DATE** _____

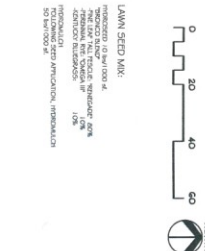
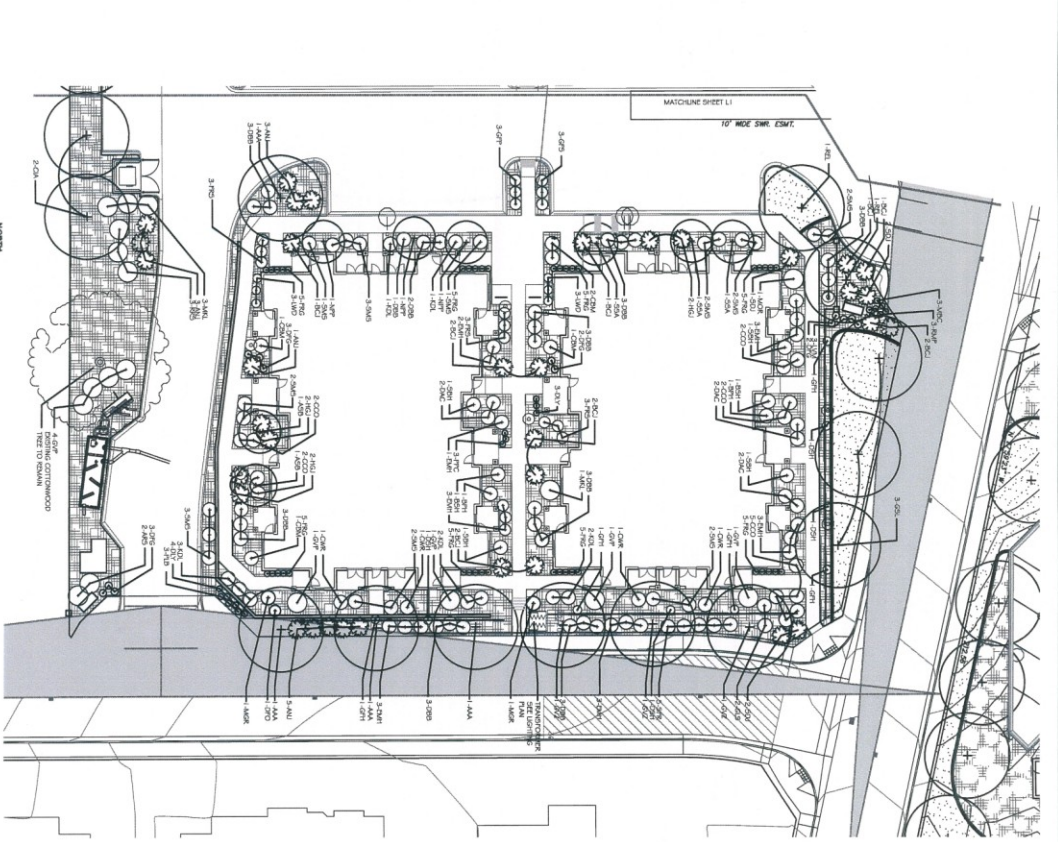
DRAWING JML
DESIGNED JLD/LLD
JOB NO. 0818
DATE PLOTTED 05/28/08
SCALE AS SHOWN
DEVELOPER COMMENTS

DRAWING NO. 0818-09-18-08-1
SHEET NO. 11

STATUS
 PREPARED
 REVISION
 CONSTRUCTION
 AS BUILT

CONVENE ASSOCIATES, INC.
LANDSCAPE ARCHITECTS
1000 17TH AVENUE, SUITE 100
DENVER, CO 80202
TEL: 303.733.0000
WWW.CONVENEASSOCIATES.COM

CORNER SQUARE GRAND JUNCTION, COLORADO



LAWN SEED MIX:
 1.000 lbs PER 1000 SQ FT OF LAWN
 1.000 lbs PER 1000 SQ FT OF LAWN
 1.000 lbs PER 1000 SQ FT OF LAWN
 1.000 lbs PER 1000 SQ FT OF LAWN
 1.000 lbs PER 1000 SQ FT OF LAWN

- PLANTING NOTES**
1. CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF ALL EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION.
 2. ALL UNDERCUTS AND RETENTION TO BE CONFORM TO CURRENT ASSOCIATED LANDSCAPE CONTRACTING OF COLORADO STANDARDS AND SPECIFICATIONS.
 3. ALL UNDERCUTS AND RETENTION TO BE CONFORM TO CURRENT ASSOCIATED LANDSCAPE CONTRACTING OF COLORADO STANDARDS AND SPECIFICATIONS.
 4. ALL SHRUB BEDS TO RECEIVE SOIL AMENDMENT, WEED FABRIC AND 3 INCH DEPTH OF MULCH.
 5. CONCRETE AND TRASH AND REMOVE FROM SITE. ALL LANDSCAPE AREAS TO RECEIVE 4" OF C-10 SOIL AMENDMENT TO BE CONSIST OF SOIL GROUND WITH ADOB MULCH, SOIL INFLY BEDS AND ADOB MULCH. AMENDMENT IS TO BE INCORPORATED WITH FERTILIZER BY TILLAGE AT 10" DEPTH.
 6. CONTRACTOR SHALL MAINTAIN EXISTING SHRUB BEDS WITH SPECIFIED AMENDED SOIL. ALL SHRUB BEDS TO BE FILLED TO A DEPTH OF 4" ABOVE ADJACENT FLOOR OR CURB, SHAVED TO FORM A FINISHED SURFACE. ALL SHRUB BEDS TO BE FINISHED WITH A 2" DEPTH OF MULCH FROM ADOB MULCH AND WEED FABRIC. ALL SHRUB BEDS TO BE FINISHED WITH A 2" DEPTH OF MULCH FROM ADOB MULCH AND WEED FABRIC.
 7. CONTRACTOR SHALL MAINTAIN EXISTING SHRUB BEDS WITH SPECIFIED AMENDED SOIL. ALL SHRUB BEDS TO BE FILLED TO A DEPTH OF 4" ABOVE ADJACENT FLOOR OR CURB, SHAVED TO FORM A FINISHED SURFACE. ALL SHRUB BEDS TO BE FINISHED WITH A 2" DEPTH OF MULCH FROM ADOB MULCH AND WEED FABRIC.
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 20. CONTRACTOR SHALL MAINTAIN EXISTING SHRUB BEDS WITH SPECIFIED AMENDED SOIL. ALL SHRUB BEDS TO BE FILLED TO A DEPTH OF 4" ABOVE ADJACENT FLOOR OR CURB, SHAVED TO FORM A FINISHED SURFACE. ALL SHRUB BEDS TO BE FINISHED WITH A 2" DEPTH OF MULCH FROM ADOB MULCH AND WEED FABRIC.

PLANT LIST (NO QUANTITIES)

Common Name	Scientific Name	Size	Height
Abutilon	Abutilon	2'	45-50"
Adiantum	Adiantum	2'	45-50"
Aster	Aster	2'	45-50"
Cornus	Cornus	2'	45-50"
Dracaena	Dracaena	2'	45-50"
Juniper	Juniper	2'	45-50"
Philadelphus	Philadelphus	2'	45-50"
Rosa	Rosa	2'	45-50"
Spiraea	Spiraea	2'	45-50"
Yucca	Yucca	2'	45-50"

Common Name	Scientific Name	Size	Height
Abutilon	Abutilon	2'	45-50"
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Juniper	Juniper	2'	45-50"
Philadelphus	Philadelphus	2'	45-50"
Rosa	Rosa	2'	45-50"
Spiraea	Spiraea	2'	45-50"
Yucca	Yucca	2'	45-50"



LANDSCAPE PLAN
APARTMENTS - EAST

CITY OF GRAND JUNCTION COMMUNITY DEVELOPMENT

APPROVED BY _____ DATE _____

CHAVONNE ROBERTS & ASSOC., INC.
 LANDSCAPE ARCHITECTS
 848 GRAND AVE.
 GRAND JUNCTION, CO 81501
 PHONE: 970-241-0785
 EMAIL: info@chavonne.com

CORNER SQUARE
GRAND JUNCTION, COLORADO

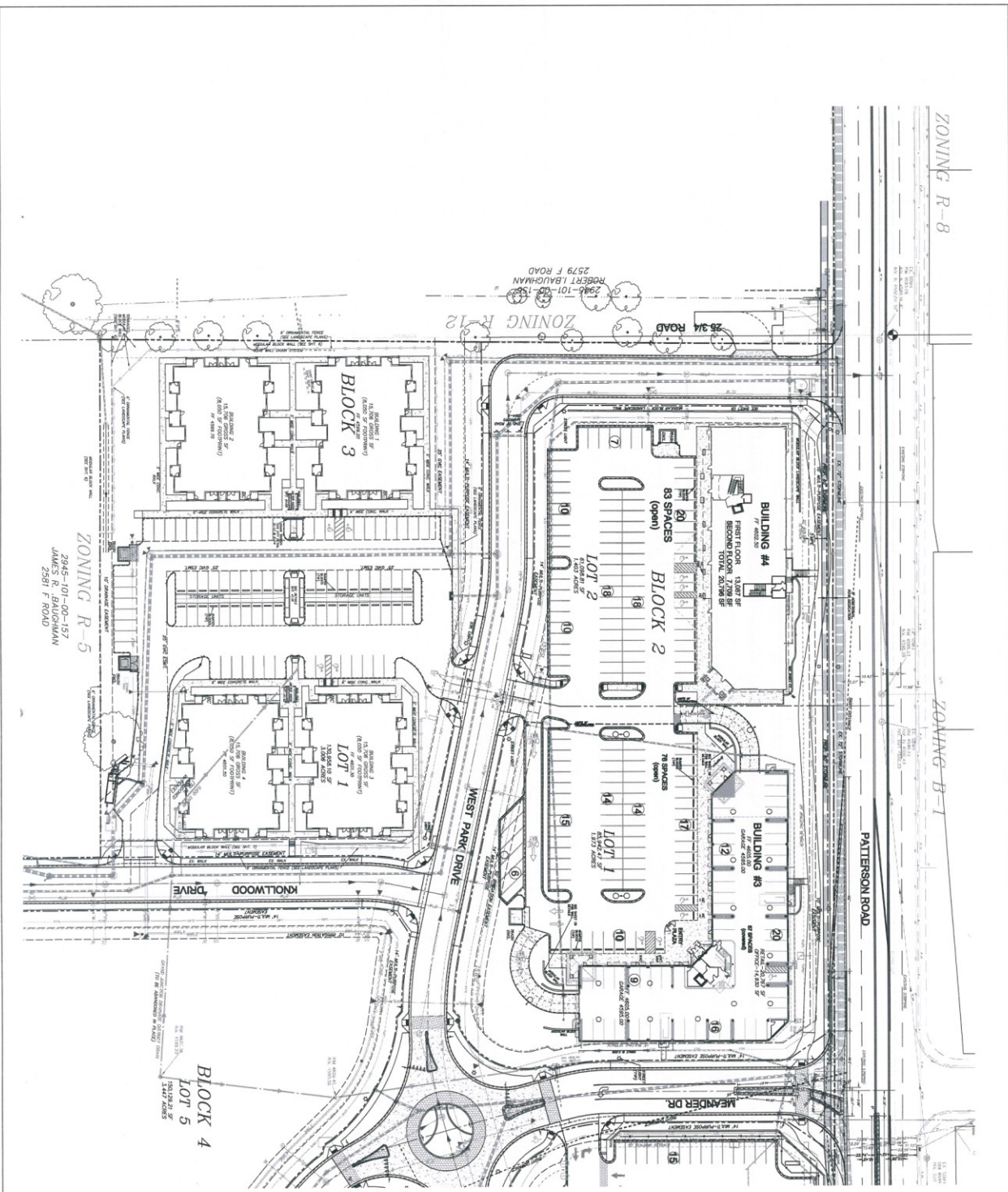
LEGEND

- PERENNIAL
- DECIDUOUS SHRUB
- EXPOSED SHRUB
- SHRUB
- LANE AND CONCRETE DRIVEWAY
- PROPERTY LINE
- RETAINING WALLS - SEE CIVIL
- SHORT TRUNCATE
- CONCRETE STEEL FINISH
- SEE FINISH PLAN
- UPHOLSTERED FINISH
- SEE FINISH PLAN

DRAWING NO. 0816-09-18-08.12

CHECKED: JLD/ML
DATE: 08/16/12
REVISIONS: 2/1/12
99-1248 COMMENTS
AS BUILT

SHEET NO. 12
STATUS: DRAFT
FINAL
CONSTRUCTION
AS BUILT



ZONING R-5
 2945-101-00-157
 JAMES R. BAUGHMAN
 2579 F ROAD

DATE: 02/10/2009	DRAWN BY: LMS	THOMPSON-LANGFORD CORP. ENGINEERS AND LAND SURVEYORS 589 25 1/2 RD, SUITE 2218 GRAND JUNCTION, COLORADO PH. (970) 243-6087 FAX (970) 241-2845 tic@tlcwest.com	WESTERN CONSTRUCTORS, INC.	GRAND JUNCTION, CO.	REVISION	DATE	DESCRIPTION	BY	CHKD
			CORNER SQUARE SITE PLAN EXHIBIT						
SCALE: 1" = 50'	CHECKED BY: JEL								
PROJECT NO: 187-04-0									
SHEET NO: 1 OF 1									

November 10, 2008

Joe Carter
Ciavonne, Roberts & Associates, Inc.
222 N. 7th Street
Grand Junction CO 81501

Re: TED-2008-317 Corner Square

The TED's Exception Committee denied your request to TEDS Section 4.1.3 – Corner Clearance.

If you have any questions, please feel free to contact the Development Engineer in charge of your project or Tim Moore, Public Works and Planning Director at 970.244.1557.

Sincerely,

COPY

Sue Mueller
Sr. Administrative Assistant

Cc: Eric Hahn, Development Engineer
Greg Moberg, Planning Supervisor
File

APPLICATION

Transportation Engineering Design Standards (TEDS) Exception Request

Attached are six (6) copies of this application and associated drawings. Use the instruction provided to fill out this form. Additional sheets are recommended; it is important to provide complete information.

Project: Corner Square
Site Address: Southwest Corner of 1st Street and Patterson Road
City File Number:
Applicant: Constructors West
Representative: Ciavonne, Roberts & Associates, Inc. c/o Joe Carter
Date: September 19, 2009

1. Referenced section in TEDS and a brief description of the request(s)

Request – TEDS 4.1.3 Corner Clearance – To allow 25 ¾ Road paving and access connection to Patterson Road.

2. Site Description

The Corner Square development is located on the southwest corner of the intersection of North 1st Street and Patterson Road. The project consists of a mix of commercial, residential and office uses. The surrounding land uses include commercial, medical, multi-family residential and single-family residential development. There are two access points into the subject property. These accesses are a full movement intersection at North 1st Street and West Park Drive and a three-quarter intersection at Meander Drive and Patterson Road. Dedicated right-of-way exists as an unpaved full movement intersection at 25 ¾ Road and Patterson Road.

Within the bounds of the property Phase 1 consists of the commercial development pad sites along Patterson Road. The Phase 2 portion of the development consists of 48 multi-family units in the southwest corner of the site and is currently going through the City of Grand Junction Development Review process.

Over the last four years, the Planning Commission and the City Council approved and then reaffirmed that a commercial designation is suitable for this property. In 2003, both the Planning Commission and City Council unanimously approved amending the Growth Plan to change the land use designation of this parcel from a straight residential use to a mix of commercial and residential uses.

Last year the commercial and residential land use designation layouts were reviewed and approved by both the Planning Commission and City Council under a Growth Plan Consistency Review application. Both the Planning Commission and City Council agreed with the applicant and staff that the plan as configured, and more importantly that the commercial designation as shown on the ODP, was consistent with the Growth Plan.

The applicant has worked with city staff on creating the safest and most viable access points for this property and surrounding undeveloped properties. Beginning with a Pre-Application meeting in 2005, the Preliminary Plan was amended and revised multiple times to best meet the access demands and traffic issues related to Phase 1 and the Patterson Road corridor. These revisions resulted in the dedication of 25 ¾ Road right-of-way although the road would remain unpaved through Phase 1 (commercial) build out. The project is now entering Phase 2 (residential) development and requesting that the 25 ¾ Road connection to Patterson Road be paved.

Through the months leading up to the Phase 1 approval Constructors West approached the Baughman Family about sharing the right-of-way width of 25 ¾ Road whereby ½ of the right-of-way would be constructed on each property thus giving each property full movement access onto Patterson Road. Constructors West offered to pay for the construction of 25 ¾ Road. Other options presented to the Baughman family included purchasing the northern three-hundred feet of the Baughman's property, constructing 25 ¾ Road completely on the Corner Square property and constructing a gated alternative driveway access off of 25 ¾ Road.

Through a cooperative effort with city staff and the applicant's first traffic engineer (Kimley-Horn) and current traffic engineer (Skip Hudson), the applicant maintains that the proposed TEDS exception promotes the least amount of adverse impact to surrounding traffic, provides the best access points along this section of Patterson Road, and provides the most direct access point for the Corner Square property and the future development of the 17 acres associated with the Baughman parcels.

REQUEST # 1

The applicant is requesting that a TEDS exception be granted to allow the connection of 25 ¾ Road to Patterson Road. The applicant would like to pave and use the 25 ¾ access point as a full movement intersection onto Patterson Road. This request requires an exception to TEDS Section 4.1.3 Corner Clearance. 25 ¾ Road can be paved without a right-turn deceleration lane because the number of right-turns do not warrant the construction of a right-turn lane. *See the attached TIS update provided by Turnkey Consultants, Inc.*

TEDS Section 4.1.3 Corner Clearance:

Corner Clearances are defined as the distance between a driveway and the nearest intersecting street. The clearance is necessary so that accesses do not interfere with street intersection operations and should provide drivers with adequate perception-reaction time to avoid potential conflicts. On corner lots, the access location shall be on the street of lowest functional classification".

A. Description

Why should this request be granted?

The connection of 25 ¾ Road to Patterson Road is a benefit to the tenants, site users motorists along Patterson Road, and North 1st Street and the majority of the neighbors in the vicinity of the project (North 1st Street Neighborhood.) The TEDS Exception should be granted because 25 ¾ Road is the most suitable intersection location to service both the Corner Square property and the 17 acre Baughman parcels. Since the Baughman parcel has limited access, 25 ¾ Road will ultimately serve as the primary, if not sole, access point for their parcels. The original Corner Square Phase 1 approval included the dedication of the 25 ¾ Road right-of-way. Corner Square Phase 2 has been submitted Within the Phase 2 development application, the applicant requested that the City allow the connection of 25 ¾ Road to Patterson Road. Per the attached analysis, no right-turn lane is warranted for Phase 1 or Phase 2 development of Corner Square.

The TEDS exception should be granted because direct single-family driveway access off of an arterial street is not desirable. The TEDS manual states in Section 4.1.3 *"Single-family access to arterial streets is not acceptable practice and will be permitted only in extremely hardship cases."* Improving this street right-of-way does not require the elimination of the existing Baughman driveway. The applicant continues to maintain that the Baughman family can take direct driveway access off of 25 ¾ Road, which is a lower order street. Connecting the Baughman driveway to 25 ¾ Road provides benefit to the Baughman family by allowing direct access to North 1st Street and its signalized intersection with Patterson Road. By allowing the paving and the secondary connection to 25 ¾ Road, the access to either driveway now becomes a choice of which access is easier to use for the single family driveway user.

The TEDS exception should be granted because the proposed condition is functioning at other locations throughout the City. The Shell Station at Horizon Drive and the west bound on-ramp for Interstate 70 is one such condition. See the attached TIS Update from Turnkey Consultants Inc.

What does the 25 ¾ Road connection do for this project?

Allowing the 25 ¾ Road connection gives the project a full movement intersection onto Patterson Road. The site traffic will function better with this improvement and lessen Phase 1 and Phase 2 impact on North 1st Street. It is agreed by all parties that 25 ¾ Road will serve the entire 37 acres associated with the Baughman parcels and the Corner Square development. It has also been agreed that 25 ¾ Road is the most suitable access location for a major intersection between 25 ½ Road and 26 Road. 25 ¾ Road exists ¼ mile equidistant between these two existing signalized intersections.

Describe problems created by not granting the TEDS exception.

The TEDS Section 3.2.2 states that *"If a property has frontage on more than one street, access will be permitted only on those street frontages where design and safety standards can be met. This primary access shall be on the lower-order street."* By granting the right-of-way for 25 ¼ Road, the Baughman Parcel has more than one street frontage and by definition should take driveway access of the lower order street. By not granting the TEDS exception the City is perpetuating an undesirable condition as described by the TEDS Manual.

The City of Grand Junction is denying the Corner Square property and the Baughman property an opportunity for better controlled access to arterial streets, more and varied access to arterial streets and placing undo hardship on traffic movements along North 1st Street. Providing a full movement paved access at the intersection of 25 ¼ Road and Patterson Road betters the traffic movements along this corridor and adjoining streets. Not granting the TEDS exception is ignoring the solution and embracing lesser service through this corridor.

Why can't the TEDS requirement be met?

The TEDS requirement cannot be met due to the corner clearance spacing between the existing driveway and the proposed flowline of 25 ¼ Road. The required spacing requirement is 150 feet. The existing separation between the right-of-way and the existing driveway is less than 20 feet (18.54 feet).

Describe benefits created by granting the TEDS exception.

As stated above, allowing the 25 ¼ Road connection would create better access for the Corner Square development, lessens traffic impacts to North 1st Street, create better access for the Baughman property and create a direct connection from the Baughman property to the closest signalized intersection.

B. Exception Considerations

- 1) How will the exception affect safety?
 - i. The exception will provide access off of a lower order street for a single-family driveway which is deemed desirable by the TEDS manual. The connection will also provide more opportunities for vehicles to access Patterson Road from the Corner Square development.
- 2) Have other alternatives been considered that would meet the standard?
 - i. Numerous access alternatives have been considered and rejected or denied as stated below.

Alternatives Considered

Multiple alternatives addressing site access have been considered by the applicant. These alternatives have considered principals of traffic engineering, site design, and the development potential of the 37 undeveloped acres in this quadrant of North First Street and Patterson Road. The alternatives considered are as follows:

Alternative 1 – Initial Plan

Proposed

The applicant and his representatives met with staff prior to the Pre-Application meeting to determine the most suitable access for the project. The site access was scoped at a full movement unsignalized intersection at Meander Drive and Patterson Road and a full movement unsignalized intersection with Park Drive and North First Street. Access was neither proposed, nor recommended by staff, at 25 ¼ Road. Street stubs were proposed to the western and southern property lines.

Alternative Dismissed Because

This plan was dismissed because the LOS (level of service) for northbound to westbound left turns at Meander Drive proved to be unacceptable. Another alternative for access needed to be found.

Alternative 2

Proposed

The applicant and his representatives revised the plan to create a ¾ movement intersection at Meander Drive and Patterson Road and a full movement unsignalized intersection with Park Drive and North First Street. Street stubs were proposed to the western and southern property lines.

Alternative 2 Dismissed Because

This alternative was dismissed due to adverse impact on LOS created at the Park Drive and North First Street intersection and the impact to the westbound to southbound left turn bay at North First Street and Patterson Road.

Alternative 3

Proposed

The applicant and his representatives revised the plan to create a ¾ movement intersection at Meander Drive and Patterson Road, a full movement unsignalized intersection with Park Drive and North First Street, and a connection to the south to Knollwood. A street stub was proposed to the western property line.

Alternative 3 Dismissed Because

This alternative was dismissed due to adverse impact on LOS created at the Park Drive and North First Street intersection and the impact to the westbound to southbound left turn bay at North First Street and Patterson Road. Also the single most important issue to the surrounding neighborhood was the potential connection to Knollwood. Staff agreed that this connection was not necessary at this time.

Alternative 4

Proposed

The applicant and his representatives reviewed the alternative of a 3/4 movement intersection at Meander Drive and Patterson Road, a full movement signalized intersection with 25 ¼ Road and Patterson and a full movement unsignalized intersection at Park Drive and North First Street. A street stub was proposed to the southern property line.

Alternative 4 Dismissed Because

This alternative is acceptable to the applicant due to short and long term acceptable LOS created at all impacted intersections. Per the TIS by Kimley Horn, the signalization of the 25 ¼ Road intersection also is the only alternative that provides "*adequate storage necessary to accommodate the northbound to westbound left turn storage demand at the intersection of First Street and Patterson Road in the near term 2007 horizon.*" A TEDS Exception was submitted seeking a signalized intersection at 25 ¼ Road, but City staff denied the application request.

Alternative 5

Proposed

The applicant and his representatives reviewed the alternative of a 3/4 movement intersection at Meander Drive and Patterson Road, a round-a-bout at the intersection of 25 ¼ Road and Patterson and a full movement unsignalized intersection at Park Drive and North First Street. A street stub was proposed to the southern property line.

Alternative 5 Dismissed Because

This alternative is acceptable due to short and long term acceptable LOS created at all impacted intersections. This alternative was dismissed due to potential costs of construction and right-of-way acquisition.

Alternative 6

Proposed

The applicant and his representatives revised the plan to create a ¼ movement intersection at Meander Drive and Patterson Road, a full movement unsignalized intersection with 25 ¼ Road and Patterson and a full movement unsignalized intersection at Park Drive and North First Street. A street stub was proposed to the southern property line.

Alternative 6 is Acceptable

This alternative was acceptable because it allowed for two full movement intersections to serve the property and the LOS for these intersections is above a LOS of F in the near term.

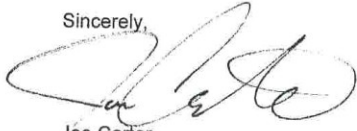
3. Has the proposed design been used in other areas?

- i. Directly north of the project site several existing driveways have been encroached upon by newly developed projects. None of these examples meets the minimum spacing requirements.

- ii. The car wash along Patterson Road east of the mall has two driveway cuts less than 90 feet apart.
- 4. Will the exception require CDOT or FHWA coordination?
 - i. No
- 5. Is this a one-time exception or a request to change the TEDS manual?
 - a. This is not a one-time extension request. This is a request to change the TEDS Manual. With the proposed changes to the comprehensive plan and the City of Grand Junction encouraging development within the Infill Boundary, these conflicts will become more common. As the City is placing an emphasis on protecting farm land and developing within the urban core, the City of Grand Junction development manuals (TEDS, Zoning and Development Code, etc) should be updated in anticipation of these problems.

Thank you for the opportunity to submit this TEDS exception request and we look forward to a positive recommendation from staff so we can move forward on the 25 ¾ Road connection.

Sincerely,



Joe Carter
Ciavonne, Roberts & Associates, Inc.

**TEDS EXCEPTION SUBMITTAL
DISTRIBUTION LIST**

Parent project
PP- 2008-172

Site location: Corner Square SW corner of 1st Street and
Patterson Rd.

DATE of submittal October 9, 2008

File #: TED - 2008-317

Public Works & Planning Development Engineer Eric Hahn

Public Works & Planning Director Tim Moore

Public Works & Planning Manager Lisa Cox

Fire Department Chuck Mathis

Transportation Engineer Jody Kliska

Other: (Planner) Greg Moberg

Date and Time of Development Review Meeting: _____

To be scheduled at least seven days after review packet distribution date.

Place: Conference Room 135, Planning Division, City Hall, 250 N. 5th Street

Committee Meeting: Oct 28th Development Review

**Attendance is expected of all agencies involved with the TEDS Exception
process**



PUBLIC WORKS & PLANNING DEPARTMENT
PLANNING DIVISION

Transportation Engineering Design Standards (TEDS) Exception Recommendation Form

Date: Oct. 28, 2008

To: TEDS Review Committee

From: Eric Hahn, Development Engineer

Project Number: TED- 2008-317

Project Location: SW corner - 1st Street & Patterson Rd.

Parent Project:

Name: Corner Square

File No.: PP-2008-172

Planner: Greg Moberg

TEDS Exception Request #1: TEDS Section 4.1.3 – Corner clearance

Comments:

The applicant proposes to construct a new public street intersection (25 $\frac{3}{4}$ Road) approximately 20' east (measured from nearest edge of access to nearest edge of street) of an existing private driveway on Patterson Road. TEDS Section 4.1.3 requires that private driveways on Major Arterials be located at least 150' away from an adjacent intersection.

The applicant argues that the construction of 25 $\frac{3}{4}$ Road will improve access patterns to the Corner Square site and benefit the overall circulation patterns for the surrounding area. The Traffic Impact Study prepared by the applicant's engineer implies that allowing this full-movement access on Patterson Road will provide a slight reduction of vehicle trips on 1st Street, while also providing opportunity for safer access to the Baughman property.

However, the construction of the 25 $\frac{3}{4}$ Road intersection within 20' of the existing Baughman driveway will create a situation where ingress and egress onto Patterson Road from the driveway and the new street will be in direct conflict. Such conflict will eventually cause blockage of the turning maneuvers, which will immediately reduce traffic capacity on Patterson Road and may cause traffic on Patterson Road to become completely blocked.

Although 25 $\frac{3}{4}$ Road may benefit the entire area, the construction of the intersection within 20' of the existing Baughman driveway will create an unsafe situation that cannot be allowed, and therefore staff recommends denial of this TEDS Exception Request.

Recommendation:

- Approve as requested.
- Approve with the following modification(s):
- Deny.
- Hold until the following additional information is submitted and reviewed:

As discussed above, staff cannot recommend approval of this TEDS Exception. However, it should be clearly understood that 25³/₄ Road will eventually be constructed, and at that time it will be necessary to remove the existing Baughman driveway cut on Patterson Road, and provide a new access for the Baughman driveway onto 25³/₄ Road. Such a configuration meets all TEDS requirements, and would provide an access to the Baughman property that is safer than the current access location. **Staff recommends that the Corner Square developer be allowed to build 25³/₄ Road, with the condition that, as part of such construction, the Baughman driveway cut on Patterson be removed and a new driveway access be provided on 25³/₄ Road.**

**Transportation Engineering Design Standards (TEDS) Exception
Approval / Denial Form**

Project Number: TED- 2008-317
Site Location: SW corner - 1st Street & Patterson Rd.
Applicant: Constructors West
Representative: Ciavonne, Roberts & Associates, Inc.
Development Engr.: Eric Hahn, PE
Parent Project:
Name: Corner Square
File No.: PP-2008-172
Planner: Greg Moberg

TEDS Exception Request #1: TEDS Section 4.1.3 – Corner clearance

- Approved as requested.
 Approved with the following modification(s):
 Denied.
 The following additional information is required before a decision can be made:

TEDS Review Committee:

Public Works: Tom Mow Date: 10/28/08
Planning Division: Risa E Cox Date: 10/28/08
Fire Department: Charles Martin Date: 10/28/08

**COLEMAN WILLIAMS & WILSON
ATTORNEYS AT LAW**

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Telephone
(970)242-3311
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Whitman Robinson

January 23, 2009

Greg Moberg, Planner
City of Grand Junction
250 North Fifth Street
Grand Junction, CO 81501

Re: Corner Square Project

Dear Mr. Moberg:

This office represents the Baughman family, adjoining neighbors of the project now known as Corner Square. For many decades the Baughman family has maintained homes on the property adjacent to the project. Long before Patterson Road became a thoroughfare for urban Grand Junction, the Baughmans were accessing their homes via the tree-lined driveway from Patterson Road. This tree-lined driveway is the westerly boundary of the property now known as the Corner Square development.

I. BACKGROUND.

Past Corner Square development applications and traffic engineer's reports have attempted to infringe upon the Baughmans' historical private drive. Fortunately, these efforts failed because City Management, City Council and Planning & Engineering Department have rejected the developer's desire to effectively condemn the Baughman driveway to accommodate the private interest of Corner Square. In February 2008, the City actually committed that it would not allow condemnation of the Baughman property to aid further development of the Corner Square project.

The Baughmans have relied on the honesty of the commitment. However, recent activity within the City suggests that others might believe that maximizing Corner Square's private profits should prompt the City to create a dangerous access on Patterson, plus foreseeably destroy the Baughmans' access to Patterson Road from their private, tree-lined driveway. The developers of Corner Square seem intent to create a traffic situation on Patterson Road so as to mandate construction of 25 ¾ Road to remedy unsafe conditions created by Corner Square. If the City adheres to its own TEDS rules, if the City adheres to its representation that it will not condemn Baughman's historic access rights, if the City protects the safety of users of Patterson Road and the Baughman historic driveway over Corner Square's profit motive, the City will stop giving Corner Square special treatment.

Although the greatest concern lies with the access to Patterson Road at a yet-to-be 25 $\frac{3}{4}$ Road, this letter will also document the Baughman family concerns with respect to other Code requirements and City development standards. Consideration need be given to all requirements that the City uniformly applies to all developers. One purpose of this letter is to advise that my goal is to shed light on each step of the Corner Square development. This development, if it is to be an asset to the City, must comply with the Code and development standards. Moreover, if City staff is being encouraged to “look the other way” when it comes to respecting the City’s representation that it will not force closure of Baughman’s historic driveway, then it is my job to shed light on this conduct. If anyone proceeds with plans that create an adjacent and unsafe proximity of a 25 $\frac{3}{4}$ Road access to Corner Square and an existing, historic and legal private driveway, such conduct should be stopped in its tracks.

II. 25 $\frac{3}{4}$ ROAD

On July 17, 2004, with the adoption of the Grand Valley Circulation Plan (Appendix 1), Patterson Road received the official functional classification of ‘principal arterial’ road. This designation was established three years in advance of the Corner Square application for planned development zoning and the submittal of an outline development application. Corner Square’s application and development has increased value because of its Patterson Road location but Corner Square simultaneously must comply (for safety reasons) with the principal arterial designation.

Planning a development with the proposed density and intensity of Corner Square required foresight in planning internal site circulation and access to arterials such as Patterson Road and North First Street. This led to late 2006 developer discussions with the Baughmans concerning the neighboring driveway access. Corner Square recognized both community safety and Baughman’s established rights. Corner Square wrote:

“I would like to reinstate discussion of the options we started to identify before dialogue was discontinued, those being the following
....Purchasing property for the 25 $\frac{3}{4}$ right-of-way and a decel lane.”

Appendix 2: Letter from Bruce Milyard to the Baughman Family
RE: 25 $\frac{3}{4}$ Road Access Options
Date: November 21, 2006

Rather than successfully completing the discussions with Baughman or decreasing the proposed density for the site (to reduce traffic impact because of the absence of a decel lane or any other agreement with Baughmans), Corner Square forged ahead with a full density proposal involving creation of 25 $\frac{3}{4}$ Road. By early 2007, Corner Square was moving forward, although it still acknowledged the safety need for a decel lane so as to avoid interference with Patterson Road traffic movement.

“The traffic study states a decel lane is needed at 25 ¼ Rd and it is the developer’s responsibility to secure right-a-way for the decel lane.”

“...Kimley-Horn has been retained to re-evaluate the 25 ¼ Rd access point relative to the decel lane.” “...to determine what portion of the project, if any, could be developed without the installation of the decel lane. Based on this information the developer will determine if it is feasible to proceed...”

“If it is determined the project can proceed without the decel lane the developer would construct 25 ¼ Rd improvements in conjunction with the other infrastructure. It would be the City’s responsibility to inform the Baughmans the two driveways could not coexist and inform them they need to enter our road system at a designated point.”

Appendix 3: Letter Bruce Milyard to Mark Relph, City Public Works and Utilities Director, January 22, 2007

One wonders who in the City suggested to Corner Square that, as part of the profit driven private Corner Square development, “it was the City’s responsibility to inform the Baughmans that two driveways could not co-exist and inform them they need to enter our [Corner Square] road system at a designated point.” Such City conduct, if pursued, would constitute the use of City condemnation power (to take Baughman’s private drive) to benefit Corner Square. Why would anyone within the City planning or traffic departments even momentarily entertain the idea that the City would or should condemn Baughman’s rights simply to help Corner Square to maximize the intensity and density of the Corner Square development; using City condemnation (directly or even indirectly through inverse condemnation), just to increase Corner Square’s private profits, is a radical departure from City practices and breaches City representations that such conduct would not and should not ever occur.

The developer’s decision to maximize the development was apparently condoned by certain City agents, resulting in the dedication of 25 ¼ Road, allowing a curb cut for access to Patterson Road, and the creation of contradicting traffic studies and recommendations relative to 25 ¼ Road deceleration lane. Such conduct is an initial step toward breaching a promise from the City of Grand Junction that it will not allow the City condemnation (direct or inverse condemnation) of the Baughman property to aid the further development of Corner Square. These contradicting positions cannot be allowed to continue.

III. 25 ¾ ROAD DECELERATION LANE

The Corner Square traffic engineer has taken the following, alternating position:

“The Traffic Impact Study Addendum for the First and Patterson Planned Development stated that an eastbound to southbound right turn lane **would be warranted at this proposed project access driveway based on traffic volume projections.** **However,** based on further clarification of warrants with City staff as contained within the City of Grand Junction Transportation Engineering Design Standards (TEDS) Manual **it is believed that this right turn deceleration lane is not warranted.**”

Appendix 4: Letter from Elizabeth Goodremont, Kimley-Horn and Associates, Inc. (for Corner Square) to Jody Kliska, City of Grand Junction Transportation Engineer
RE: Traffic Impact Study, Right Turn Lane Threshold at 25 ¾ Road and Patterson Road
Date: January 25, 2007

Common sense and the right turn lanes required of less intense development on Patterson Road (west of Corner Square) confirm that proper application of TEDS does require the right turn lane, as Corner Square initially admitted (and only denied after deciding that Baughman’s treasured their historic property rights more than they felt compelled to increase profits for Corner Square).

The City traffic engineer’s response to Corner Square seemed to correctly disagree with the attempt to suddenly abandon a right turn lane:

“Based on your traffic study projected volumes for 2025, the eastbound volume of 1700 vehicles would yield more than 900 vehicles in the adjacent lane. The traffic study estimates 102 right turning vehicles in the p.m. peak hour. **This more than meets the criteria for a right turn lane.**”

Appendix 5: Letter from Jody Kliska, City of Grand Junction Transportation Engineer to Elizabeth Goodremont, Kimley-Horn and Associates, Inc.
RE: Right Turn Lane at 25 ¾ Road and Patterson Road
Date: January 29, 2007

Rather than the Corner Square permanently decreasing its development density or otherwise suggesting a long term solution to the right turn lane issue, Corner Square simply phased its development to avoid the problem for the time being. See February 14,

2007 General Project Report for Corner Square Planned Development, Preliminary Plan Submittal, page 8, Appendix 6:

“The applicant’s traffic engineer and the City of Grand Junction Traffic Engineer are in correspondence regarding the deceleration lane at 25 ¼ Road and Patterson Road. The need for the deceleration lane is based on the volume of traffic in the lane adjacent to the deceleration lane. Per the applicant’s traffic engineer, **the deceleration lane is not needed for the uses or intensity of development associated with the Phase I construction** in the near term design horizon. A deceleration lane has not been included in the design of the Phase I plans.”

The conclusion of the City of Grand Junction Planning Commission creates the expectation that 25 ¼ Road will be developed, and that it will require a deceleration lane due to the traffic generated. See agenda outline for June 26, 2007, page 3, Appendix 7:

“At complete build-out of this development a deceleration lane will be required to access 25 ¼ Road, due to the traffic generated. With the proposed Phase I development a deceleration lane is not required. As future Phases develop the deceleration lane will be warranted.”

The right turn lane issue was also the subject of a promise from the City Manager to Baughmans:

“I assure you that while I am City Manager neither I nor any City staff will pursue or present to City Council a proposal to condemn your property for the construction of a turn lane to aid further development of the Corner Square project.” “...I presented this letter to City Council for its review and approval.” (Ratified by City Council March 5, 2008.)

“If the Project (Ranchmen’s Ditch Flood Control Project) proceeds with your consent the City will not claim any right to the surface of the land that you own and supply to the Project for any purpose unrelated to the Project.”

Appendix 8: Letter to Frances Baughman From Laurie Kadrich, Grand Junction City Manager, Re: Ranchmen’s Ditch Flood Control Project, Phase II, February 22, 2008.

This letter was given by the City after ratification by City Council, to provide Baughmans with written assurance that the City would not cooperate in taking Baughman’s rights to afford favorable TEDS application to Corner Square. The City Manager, with Council ratification, went of record that public safety of Patterson Road users and Baughmans’ private property rights would not be ignored just for the private profit of Corner Square.

Shortly after the City letter, the June 3, 2008 General Project Report for Corner Square's Phase II Apartments, Appendix 9, page 4, concluded:

“Overall the traffic had minimal impact on the surrounding street network. The overall project proposes an access point at 25 ¾ Road and Patterson Road which establishes a shared access point for this project and future development to the west. Per the TIS (Traffic Impact Study), this access point is not required at this time; however, it is included in this construction application...”

“The intersection of 25 ¾ Road and Patterson Road can function acceptably as a full movement unsignalized intersection in the short and long term horizon even without a deceleration lane.”

What is going on? Everyone recognized the need for a deceleration lane and suddenly, without any downsizing of the project, the safety and traffic flow benefit of a deceleration lane is sacrificed to advance the developer's private profit.

The Developer's design for Corner Square, Preliminary Composite Site Plan – NW, June 26, 2007, Appendix 10, shows the Meander Drive access requires a 50 foot long right turn lane. Why then is a right turn lane at 25 ¾ Road not required?

The TEDS manual, 6.2.5.2 states that right turn lane warrants are based on the peak hourly through traffic in the lane nearest the turn lane and on the projected volume of traffic projected to make turns into the development. Baughmans seek City enforcement of all applicable TEDS standards (including but not limited to Chapter 3, Access management and Chapter 4, Access Design and Site Circulation) and City Codes for development (including street development standards, 5.4.F.7.)

Baughmans fear the contradictions in the developer's reports and the City's decisions will work to the detriment of public safety and will most assuredly create an unsafe condition for Baughman's adjacent driveway access.

In September 2008 the developer sought a modification to the City's design manual for traffic access, the Transportation Engineering & Design Manual (TEDS). The desired result was to allow access to Patterson Road via a creation of 25 ¾ Road immediately adjacent to the Baughman driveway. The modification was fortunately denied, but the City hedged its denial with a statement that provides little hope to the private property owner who stands in the way of the proposed road improvement.

IV. TEDS EXCEPTION FOR 25 ¾ ROAD

The Developer submitted a September 19, 2008 request for exception to the City's Transportation Engineering Design Standards (TEDS) that explained (Appendix 11):

“...the Preliminary Plan was amended and revised multiple times to best meet the access demands and traffic issues related to Phase 1 and the Patterson Road corridor. These revisions resulted in the dedication of 25 ¾ Road right-of-way although the road would remain unpaved through Phase I (commercial) build out. The project is now entering Phase 2 (residential) development and requesting that the 25 ¾ Road connection to Patterson Road be paved.” p.2.

“The applicant is requesting that a TEDS exception be granted to allow the connection of 25 ¾ Road to Patterson Road. The applicant would like to pave and use the 25 ¾ access point as a full movement intersection onto Patterson Road. This request requires an exception to TEDS Section 4.1.3. Corner Clearance. p.2.

“This is not a one-time exception request. This is a request to change the TEDS Manual.” “... With...the city of Grand Junction encouraging development within the Infill Boundary, these conflicts will become more common. ...the City of Grand Junction Development manuals (TEDS, Zoning and Development Code, etc.) should be updated in anticipation of these problems.” p.7.

“25 ¾ Road can be paved without a right-turn deceleration lane because the number of right-turns do not warrant the construction of a right-turn lane. See the attached TIS update provided by Turnkey Consultants, Inc.”

“Per the attached analysis, no right-turn lane is warranted for Phase 1 or Phase 2 development of Corner Square.”

The Transportation Engineering Design Standards (TEDS) Review Committee offered its opinion regarding Corner Square’s application for Exception on October 28, 2008:

“The construction of the 25 ¾ Road intersection within 20’ of the existing Baughman driveway will create a situation where ingress and egress onto Patterson Road from the driveway will be in direct conflict.” ...

“Although 25 ¾ Road may benefit the entire area, the construction of the intersection within 20’ of the existing Baughman driveway will create an unsafe situation that cannot be allowed, and therefore staff recommends denial of the TEDS Exception Request.” p.1.

“However, it should be clearly understood that 25 ¾ Road will eventually be constructed, and at that time it will be necessary to remove the existing

Baughman driveway cut on Patterson Road, and provide a new access for the Baughman driveway onto 25 ¾ Road.” p.2.

“Staff recommends that the Corner Square developer be allowed to build 25 ¾ Road, with the condition that, as part of such construction, the Baughman driveway cut on Patterson be removed and a new driveway access be provided on 25 ¾ Road.” p.2.

If the City adheres to staff recommendations that Baughmans’ 100 year access driveway “be removed” and Baughmans be forced by City decision to access their property from another, less desirable point, the City has embarked on the path of helping one developer maximize private profit at the known expense of an innocent neighbor. Furthermore, in the apparent “rush” of City staff to help Corner Square achieve the highest density and intensity of development of its property, the safety of Patterson Road travelers has been forgotten. A full service movement intersection at 25 ¾ Road with no deceleration lane ignores past City conclusions and effectively delegates critical safety issues to a private “consultant,” hired by Corner Square. Is anyone surprised that Corner Square’s paid consultants take positions favorable to the developer and ignore the long term impact on users of Patterson Road?

The Developer’s personal traffic engineer updated the traffic studies for the Corner Square development project to evaluate the impact of **not constructing 25 ¾ Road**. The conclusions of Turn Key Consulting, LLC’s December 1, 2008 Traffic Study, Appendix 12, follows:

“In summary, the 25 ¾ Road connection to Patterson Road should be included as part of Project Phase 3 construction. This would prevent unsafe traffic conditions from occurring at the Intersection of 1st Street/Park Avenue, and from occurring within the Project.” p.3.

If 25 ¾ Road is not built this study states by 2015, the intersection of Patterson and 1st Street will fail to operate well because the westbound left turn lane will have exceeded its capacity at peak hour traffic conditions.

The study further maintains that by 2009 (with traffic from 3 Project Phases) the intersection of 1st Street and Park Avenue “fails to operate well” because: 1) the lack of capacity in the eastbound left turn lane causes unsafe conditions within the Project and 2) because of inadequate gaps in the 1st Street stream of traffic to accommodate the number of vehicles turning out of the Project which leads to unsafe conditions on 1st Street.

Baughmans appeared at City Council hearing for Phase 1 and advised that absent revision of the Corner Square project, the Patterson and 1st Street intersection would fail.

However, Corner Square argued to the contrary. Now that Corner Square has created the problem, Corner Square wants to solve its self-inflicted problem by having the City commit to an unsafe 25 ¾ Road proposal. It is about time that Corner Square resolves the problem. Corner Square must cease pursuing future phases, until Corner Square can avoid “side by side” driveways at 25 ¾ Road and can provide the deceleration lane.

The facts can be summarized as follows: (1) The developer has not formulated access alternatives and has persisted in progressive development of the site, such that the developer’s proposed density will create a “failure” of the North First Street and Park Avenue intersection by 2009, and North First Street and Patterson Road intersection by 2015¹. (2) The City has committed that it will not require the Baughmans to relinquish their driveway. (3) The incompatible nature of 25 ¾ Road existing next to the Baughmans driveway establishes that TEDS and Code requirements cannot be met relative to future Phases of Corner Square. The City must require the developer to delay phases that will create the traffic impact or altogether deny the proposed density.

There is absolutely no policy or legal justification for the public and neighbors to suffer the future impact to the intersections at North First Street or to expect Baughmans to relinquish historic rights, so that the Corner Square development may intensify. If a property cannot currently handle the proposed density, limit the density until solutions are found. Do not intentionally create a safety hazard and then spend public funds condemning land to solve a private developer’s problems.

Corner Square developers have long been aware of access limitations associated with Patterson Road and the City Code’s spacing requirements. Corner Square should have designed the internal site circulation and density to accommodate the reality of Baughmans’ existing, historic access and reduced its site expectations and density to reflect the access it could legally create from its own site.

V. GRADING

No mention of an elevated grading plan was ever discussed in the Corner Square Phase 1 Planning Commission narrative or public hearing of June 26, 2007. However, considerable time (due to public concern) was devoted to building height and the request for an exception to exceed the 40’ building height limit established by the default zone of B-1. Subsequent to Phase 1 approval, the Corner Square developer used earth moving equipment to completely re-grade the entire site, thus increasing “surface” elevations and thus increasing the ultimate building height.

Finished grade within Corner Square is 8-9 feet greater than the existing grade along the west property line shared with the Baughman property. This elevation change reaches its maximum within 15 horizontal feet of the west property line. The increased elevation

¹ Traffic Analysis, Corner Square Mixed Use Development, December 1, 2008, TurnKey Consulting, LLC.

created by Corner Square did not meet the disclosure and design expectations set forth in the Grand Junction City SSID manual, nor does it meet the terms of Section 6.5.F.2.a. of the City of Grand Junction Zoning and Development Code.

Section 6.5.F.2.a. Landscape, Buffering and Screening Standards – Fences, Walls, and Berms. Minimum requirements for berms are as follows: “Maximum slope of three to one (3:1) shrub beds.”

City of Grand Junction Submittal Standards for Improvement and Development (SSID manual), Section V. Drawing and Graphic Standards, provides:

Drawing Standards Checklist – Grading Plan

- Item 2: “Existing contours extending offsite to indicate offsite grading patterns and elevations and grading conform.”
- Item 9: “Show existing contours on adjacent property as necessary to demonstrate how the site grade matches at the property line.”

Several very established trees have the misfortune of existing next to the grading area and have been severely impacted by the grading and elevation changes. The grading changes have not only altered the water supply to root systems that the established trees have relied upon for growth, but the impounding of storm drainage near the driveway boundary has an unsightly and damaging result. I have attached a photograph of the historic tree lined driveway which Baughmans have sought to protect as Appendix 13. Construction of 25 ¼ Road into Corner Square not only creates the unsafe condition discussed above, but the current fill and any ultimate road construction adjacent to the trees will kill the trees.

Baughmans request the City investigate the grading that exists at the west side of the Corner Square development and advise the City’s course of action for remedying the difference in slopes and contours created by the Developer, the fact that the grades do not “match” and the effect of the slopes and drainage changes upon the surrounding Baughman property. The City rightfully respects an owner’s right to develop its own property, provided the owner does not impose undue detriment onto the health, safety and finances of City residents and provided the owner’s use of its land does not damage the neighbors land. City adherence to this simple policy would allow reasonable growth without sacrificing the rights of the public or neighbors.

VI. FENCING/SCREENING

The City Code sets forth basic development standards for "Planned Development" such as Corner Square. Section 5.4.F requires that planned development provide "uniform perimeter fencing" in accordance with the Code, Chapter 6. Additionally, Section 6.5.F. and Table 6.5.C. and D requires the higher density (Corner Square) be responsible for constructing a buffer fence and landscape strip to protect the lower density (Baughman) zone.

As discussed in the 25 ¾ Road section above, 25 ¾ Road within Corner Square is currently dedicated street right-of-way to the City of Grand Junction. According to the development standards, landscaping should be established along street sections.

Fencing and buffering have not been created to protect the Baughman properties on the south and west sides of the Corner Square development. Baughmans understand that the Code requires compliance with the development standards during all phases of development. The construction of a fence and landscaping should not be delayed pending the outcome of the status of 25 ¾ Road. Moreover, the landscaping plan should give critical importance to saving the currently existing trees lining Baughmans' driveway. Maintaining old growth trees of a majestic size is preferable to expending money to install small trees which, in total, will entail far less vegetation than a single one of the current trees.

Baughmans request the City require immediate action on the part of the developer to provide fencing and buffering along the south and west sides of the development, in compliance with the City Codes, and that the City advise Baughman concerning the planned design, material to be used and proposed start dates.

VII TREES

The City Code, Chapter 6.5.B.8. encourages "preservation of Significant Landscape Features."

"Existing landscape features such as...large or old trees... shall be identified by the Director as part of the development review process."

"No person shall kill or damage a landscape feature required to be preserved by this Section." p.21

"The developer shall protect trees from compaction under the canopy drip line of the tree unless the City Forester says otherwise." p.21

"No vehicles or equipment shall be driven or parked nor shall any materials be piled within the canopy drip line of any tree to be preserved." p.22

The Code further requires that “all landscaped areas shall be protected from vehicles through the use of concrete curbing, large rocks, or other similar obstructions. (Section 6.5.B.9.) and Section 6.5.B.14:

“Tree canopies may overlap by up to twenty percent (20%) of the diameter of the tree at maturity.”

The Baughman property on the west side of the Corner Square development has a mix of established trees lining the driveway, including mature Cottonwood trees on the north end and 15 year old Maple trees on the south. The Developer and the City have a duty and obligation to protect these trees.

However, according to Curtis Swift, PhD, Area Extension Agent Horticulture (Appendix 14, November 9, 2007):

“The trees on the east side of the drive have been severely impacted by activities on the neighboring property. These include soil compaction, the addition of soil over the root systems and the severing of roots during the process of trenching. At least 50% of the root system of these trees is currently dead or will die due to these activities.”

And H.D. “Dutch” Afman, I.S.A., of Arboricultural Evaluation Services:

“Volumes of landfill and compaction has taken place commencing some 5 feet over the rootbase of your trees on the easterly portion of a row of Cottonwood/ Mulberry/ Catalpa and Maple trees. It is my opinion, that these trees cannot possibly survive this damage due to suffocation of oxygen and nutrient uptake. Sadly to say this could have been circumvented.”

It is too late to reverse the damage done to the trees by the addition of soil over the rootbase (extending horizontally from the trunk a distance at least equal to the trees height). Any effort to remove soil that has been built up over the root zone would be unproductive in restoring health to the trees or extend their longevity with the possible exception of the younger (Maple) trees.

Construction of retaining wall and required footing by the developer adjacent to Maple trees planted on Baughman property further eliminates any successful outcome for these trees. [As shown by Developer of Corner Square, Sheet 6, Wall M, Corner Square Apartments (Phase II Corner Square Development), Revised 9/13/2008.]

Appendix 15. Letter of July 31, 2008, and summary of telephone conversation dated December 12, 2008.

Baughmans have reviewed the Developer's planned landscape in the area of the Apartments (Phase II) and believes that the proposed planting of Imperial Honeylocust will interfere (>20%) with established plantings of Maple trees on the Baughman property. [Corner Square Landscape Plan-West, Corner Square Apartments (Phase II) 9/13/2008.] The City should require the developer to move the proposed landscape trees sufficiently away from the Baughman trees to give full effect to the provisions of the Code, and to allow the extended life of the existing, established trees.

Baughmans believe that the proposed 25 ¾ Road directly violates the Code, as a good portion of the proposed road will be constructed underneath the canopy drip line of the 100+ year old trees. Additionally, should the Baughman driveway be forced to access 25 ¾ Road at any point, further damage to some of the trees would occur due to additional soil being placed over the root zone along the property line for the driveway to match the grade of 25 ¾ Road.

Baughmans request that the City request the City Forester evaluate the established trees and provide a report regarding the anticipated impact of the compaction for the construction of 25 ¾ Road. Additionally, Baughmans request that the City require its staff and the developer of Corner Square to create a proposal that will give full effect to the Code provision encouraging the retention of established trees along the property line between Baughman and Corner Square. Once such a proposal is received, Baughmans can evaluate the full extent of the damages they will incur as a result of the lost trees. The damage and loss of the trees will be estimated by Mr. Afman, in a similar method to that used in his July 31, 2008 letter (Appendix 15) calculating the value of the Baughman driveway trees.

Thank you for your time and consideration of this letter. Please provide me with any response you deem necessary via email to joe@cwvlaw.com, and please copy Victoria Patsantaras, victoria@symbiosisllc.com.

COLEMAN, WILLIAMS & WILSON



Joseph Coleman

xc: Baughman family
Corner Square representative, Joe Carter, Ciavonne, Roberts & Assoc.
John Shaver, City Attorney

Appendix 1

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 1

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman



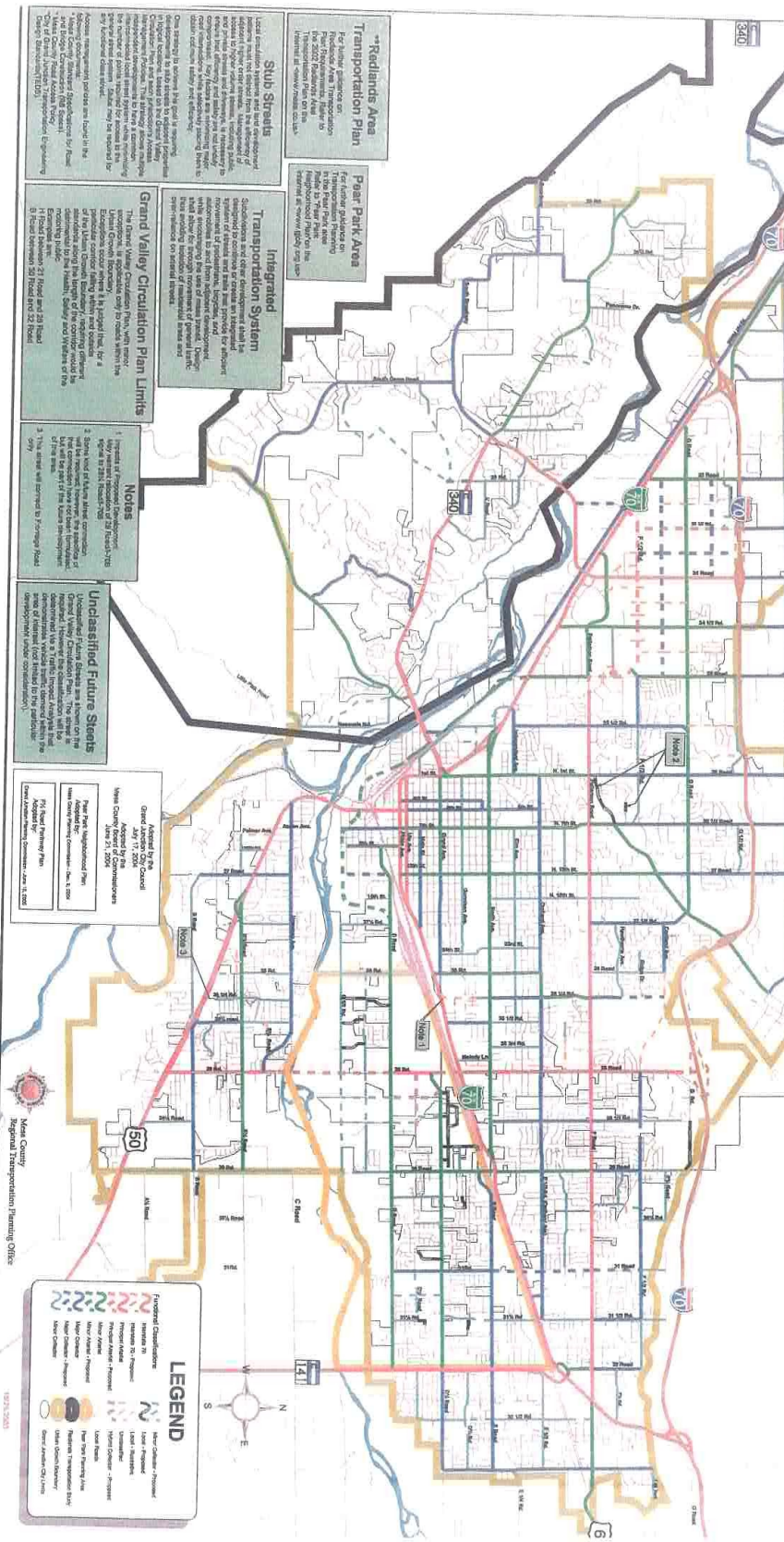
Grand Valley Circulation Plan

Grand Junction / Mesa County Urban Area



Figure 4-3

Functional Classification Map



Redlands Area Transportation Plan
 For future guidance on the 2022 Redlands Area Transportation Plan, please refer to the document at www.redlands.org.

Peer Park Area Transportation Plan
 For future guidance on the 2022 Peer Park Area Transportation Plan, please refer to the document at www.peerpark.com.

Stub Streets
 Stub streets are streets that do not connect to a major thoroughfare. They are typically used for local access and are often found in residential areas. Stub streets are shown in blue on the map.

Integrated Transportation System
 The Integrated Transportation System is a network of roads and transit routes that provide for efficient movement of people and goods. It includes major thoroughfares, local streets, and transit routes. The system is shown in orange on the map.

Grand Valley Circulation Plan Limits
 The Grand Valley Circulation Plan Limits are the boundaries of the plan area. They are shown in green on the map.

Notes
 1. Instead of proposed development, the map shows the existing street network and the proposed future street network. The map shows the existing street network in blue and the proposed future street network in orange. The map also shows the Grand Valley Circulation Plan Limits in green.

Unclassified Future Streets
 Unclassified future streets are shown on the map in yellow. They are streets that are planned for future development but have not yet been classified. They are shown in yellow on the map.

Legend
 The legend identifies the various functional classes of streets shown on the map. It includes Major Thoroughfare, Major Collector, Minor Collector, Local Street, and Street. Each class is represented by a different color and line style.

Map County Regional Transportation Planning Office

10/17/2020

Appendix 2

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 2

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

CONSTRUCTORS WEST, INC

DEVELOPER/BUILDER

514 28¹/₄ ROAD, SUITE 5

GRAND JUNCTION, CO 81501

PHONE (970) 241-5457 • FAX (970) 241-5510

November 21, 2006

Baughman Family
2579 F RD
Grand Junction, CO 81505

Dear Kent,

Even though this letter is addressed to you it is intended for the entire Baughman family, especially your mother. After talking with you yesterday it became apparent it is unfair of me to expect you to convey my message to the entire family.

I want the Baughman family to understand that my intent, from the first two meetings that you and Jim had with me at Ted Ciavonne's office, has been to make the 25 ³/₄ Road access issue a win, win situation for both parties. I feel strongly that if all parties can get past the adversity to change, a new access, can not only enhance the value and be of great financial benefit to the Baughman property, but also make it a much safer access than there is presently.

I would like to reinstate discussion of the options we started to identify before dialogue was discontinued, those being the following:

1. Designing the 25 ³/₄ Road access totally on the Gormley side.
2. Designing the 25 ³/₄ Road access partially on the Baughman property with a center median which would preserve the majority of the trees.
3. Purchasing the front two acres if you desire to sell.
4. Purchasing property for the 25 ³/₄ right-of-way and a Decel Lane.

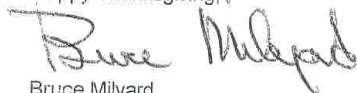
As I have previously proposed, all the cost for land and construction would be borne by me, including moving of driveway pillars and installing an electric gate to protect your privacy if you desire. To jointly plan this access point will assure both parties that our independent needs are being addressed.

Also, Jim has mentioned he has some other concerns regarding setbacks, landscaping, irrigation, and other issues related to this development and his adjacent property. Now that we have completed the concept stage of the project, more detailed issues can be addressed. I would like to meet with Jim to better understand his concerns.

In conclusion I sincerely hope the Baughman family accepts my desire to open constructive dialogue and identify all the options and find solutions for the 25 ³/₄ Road access.

I look forward to hearing from you soon.

Happy Thanksgiving,



Bruce Milyard

Appendix 3

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 3

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

CONSTRUCTORS WEST, INC

DEVELOPER/BUILDER

514 28¹/₄ ROAD, SUITE 5

GRAND JUNCTION, CO 81501

PHONE (970) 241-5457 • FAX (970) 241-5510

January 22, 2007

Mr. Mark Relph
City of Grand Junction
Public Works and Utilities Director
250 N. 5th Street
Grand Junction, CO 81501

1/30/07

TO: T.M.M.

HANDING IT OFF TO YOU.

MARK

Dear Mr. Relph:

The purpose of this letter is to put in writing my understanding of the meeting held on January 9, 2007 with city staff, Pat & John Gormley, and myself regarding the 1st & Patterson project, and more specifically, the 25 ³/₄ Rd access. My understanding is as follows:

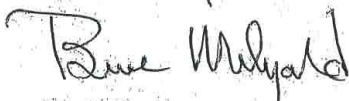
1. The 25 ³/₄ Rd access point is the preferred access point on the west side of the project.
2. The traffic study states a decel lane is needed at 25 ³/₄ Rd and it is the developer's responsibility to secure right-a-way for the decel lane.
3. We have contacted Kimley-Horn, the traffic consultant, and engaged their services to determine what portion of the project, if any, could be developed without the installation of the decel lane. Based on this information the developer will determine if it is feasible to proceed based on the findings of Kimley-Horn.
4. If it is determined the project can proceed without the decel lane the developer would construct 25 ³/₄ Rd improvements in conjunction with the other infrastructure. It would be the city's responsibility to inform the Baughman's the two driveways could not coexist and inform them they need to enter our road system at a designated point.

We are currently talking with the Baughman family in an attempt to make this a win/win situation for all parties. As mentioned previously, Kimley-Horn has been retained to re-evaluate the 25 ³/₄ Rd access point relative to the decel lane. We will be forwarding the information to you once we receive it.

If the above does not accurately represent the conversation of the meeting I respectfully request an immediate response with your interpretation.

Thank you for your assistance in helping me move this project forward.

Respectfully,



Bruce Milyard

CC: David Varley, Tim Moore, Sheryl Trent, Kathy Portner, and John Shaver

Appendix 4

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 4

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman



Kimley-Horn
and Associates, Inc.

January 25, 2007

Jody Kliska, P.E.
City of Grand Junction – Transportation Engineering Division
2553 River Road
Grand Junction, Colorado 81505

■
Suite 1050
950 Seventeenth Street
Denver, Colorado
80202

Re: 1st & Patterson Planned Development Traffic Impact Study
Right Turn Lane Threshold at 25 ¾ Road & Patterson Road

Dear Ms. Kliska:

This letter has been prepared to summarize the results of a turn lane warrant analysis for the eastbound to southbound right turn lane at the 25 ¾ Road & Patterson Road intersection. The Traffic Impact Study Addendum for the First and Patterson Planned Development stated that an eastbound to southbound right turn lane would be warranted at this proposed project access driveway based on traffic volume projections. However, based on further clarification of warrants with City staff as contained within the City of Grand Junction Transportation Engineering Design Standards (TEDS) Manual it is believed that this right turn lane is not warranted. The TEDS Manual provides warrants for right turn deceleration lanes based on two lane and four lane roadways, posted speed limit of roadway, volume of vehicles using the through lane adjacent to which the right turn lane is to be constructed, and the number of peak hour turning vehicles.

An initial recommendation was made for a right turn lane based on the total number of vehicles traveling eastbound along Patterson Road adjacent to the right turn lane (approximately 1,400 vehicles). However, it is estimated that these vehicles will be distributed equally between the two existing eastbound through lanes along Patterson Road resulting in approximately 700 vehicles in the through lane adjacent to which the right turn lane is to be constructed. Using interpolation of this table, the minimum peak hour turning volume corresponding to the 40 mile per hour posted speed limit and the approximate 700 eastbound through vehicles in 2007 is 115 vehicles per hour. Project traffic is anticipated to add approximately 80 turning vehicles to this movement. Therefore, a right turn deceleration lane is not believed to be warranted at the proposed 25 ¾ Road access based on traffic volume projections.

If you have any questions regarding this analysis, please feel free to contact me at (303) 228-2308.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.


Elizabeth Goodremont, P.E.
Project Manager



■
TEL 303 228 2300
FAX 303 446 8678

Appendix 5

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 5

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman



PUBLIC WORKS & UTILITIES
Transportation Engineering

January 29, 2007

Elizabeth Goodremont, P.E.
Kimley-Horn and Associates, Inc.
950 17th St., Suite 1050
Denver, CO 80202

RE: 1st & Patterson Planned Development Right Turn Lane 25 $\frac{3}{4}$ Road

Dear Ms. Goodremont:

In response to your letter dated January 25, 2007, City staff has the following comments:

The table for right turn lane warrants in section 6.2.5.2 of the TEDS Manual is based on the directional design hour volumes of vehicles in the lane adjacent to the proposed turn lane. Perhaps we need to better define the design hour in the manual, but our intent is to look at the design year volume. Our hourly counts in 2005 indicated that 55% of the traffic on Patterson Road uses the outside lane (approximately 750 of the 1380 counted).

Based on your traffic study projected volumes for 2025, the eastbound volume of 1700 vehicles would yield more than 900 vehicles in the adjacent lane. The traffic study estimates 102 right turning vehicles in the p.m. peak hour. This more than meets the criteria for a right turn lane.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jody Kliska".

Jody Kliska, P.E.
Transportation Engineer

Appendix 6

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 6

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

GENERAL PROJECT REPORT
For
CORNER SQUARE PLANNED DEVELOPMENT
Preliminary Plan Submittal
February 14, 2007

Project Overview

The applicant/developer, Constructors West, is proposing the development of 20.7 acres of land zoned Planned Development on the southwest corner of N. 1st Street and Patterson Road. The Phase 1 development scope includes the Preliminary Plans for the four commercial lots along the Patterson Road frontage and the total infrastructure for the site. Building No. 1, 3, and 4 are mixed use buildings where office and retail uses are combined. Typically, the separation of uses occurs vertically whereby the office space exists on the second floor and retail uses occur on the ground floor (surface parking lot level).

The development plans and subdivision plans conform to the recently approved First and Patterson Planned Development Outline Development Plan (ODP.) When referencing the ODP, the proposed development occurs within Pods A, B, C, and D. The development standards for this application are per City of Grand Junction Ordinance No. 3981 and the default zone standards. The *default zone* for Pod A, B, C and D is B-1, Neighborhood Business.

In Phase 1, the applicant/developer will construct all roads and utility infrastructure for the entire development, and the commercial buildings on Pods A, B, and D. The building on Pod C will be constructed by separate entity. Pods E, G, and H will be developed in later phases. Pod F will remain as single family detached dwellings with a *default zone* of RSF-4 (Residential Single Family 4 du/acre.)

This application incorporates Alternate Road Sections and a proposed TEDS Exception for access into the southern most entrance into Lot 2, Block 1. This application assumes these modifications are acceptable, but has not received confirmation from staff. A request for approval of the Alternative Road Sections and for the TEDS Exception was submitted to staff in December 2006.

Additional project related information addressing staff's Pre-Application Meeting comments can be found at the end of this General Project Report.

A. Project Description

Location and Site Features

- The project is located in the southwest corner of N. 1st Street and Patterson Road in Grand Junction.

- The property includes three single family homes that front on N. 1st Street. These three existing homes can generally be described as being on the top of a hill that extends through the southeast corner of the property, northwesterly towards the center of the property. This hill is a distinguishing characteristic of the property although it encompasses only a few acres; the remainder of the site generally slopes to the north and west.

Existing Zoning

- The property is zoned Planned Development per Ordinance No 3981. The subject property has three default zones:
 - B-1 (Neighborhood Business)
 - RMF-12 (Residential Multi-family 12 du/acre)
 - RSF-4 (Residential Single Family 4 du/acre)

Please refer to the approved ODP for the applicable default zoning per Pod

Proposed Use

- The proposed uses on Lot 1, Block 1 and Lots 1 and 2, Block 2 are a mix of uses composed of office, retail, service and possibly restaurant. All uses are allowed under Ordinance 3981. Lot 2, Block 1 will be a retail use with a pharmacy. There are two drive through windows located on the south side of the building which will serve the pharmacy.

B. Public Benefit

Corner Square Planned Development will create a mixed use project that meets standards established in the Outline Development Plan, the intent of the Growth Plan, the development requirements of the default zones, and the expectations of the neighbors. Public benefits include:

Infrastructure and Utilities

- Collaboration with the City of Grand Junction on the donation of right-of-way for a right turn lane from Patterson Road onto N 1st Street;
- A 35' wide utility easement (paralleling and abutting Patterson Road) for under-grounding of the Ranchman's Ditch and the existing overhead power;
- Participation in the under-grounding of the overhead utility lines that encumber this property.
- The construction of detached sidewalks and landscaping within the easements that parallel both Patterson Road and N. 1st Street.

Site Amenities and Landscaping

- Large landscaped open space areas along the N 1st Street frontage;
- Site amenity or community feature at the corner of N 1st Street and Patterson Road;
- Preservation of the topographic landscape hill feature through terracing and landscape design.

Development Character

- In order to retain the existing fabric of the N. 1st Street neighborhood, the project retains the existing single family residences which front along N 1st Street.
- The applicant commits to architectural standards that prohibit prefabricated or metal buildings, and requires pre-approved finishes consistent with a definitive development theme.

Site Development

- The creation of a Design Review Committee consisting of one landscape architect, one architect, and a representative from the applicant's office, that reviews submittals prior to the City.
- The creation of limited design guidelines for development in the commercial pods.
- The creation of limited design guidelines for development in the residential pods.
- Commercial area site planning where the majority of the parking does not front on N. 1st Street and Patterson Road. Buildings will assist in screening parking lots.
- The creation of Business Owners Association for the commercial pods.
- The creation of a Home Owners Association for the multi-family residential pods.
- Vehicular cross access will be required within all commercial development pods.
- Incorporation of underground parking to eliminate the some of the negative visual impacts of surface parking.

Buildings, Architecture, and other Structural Features

- The creation of design guidelines for commercial buildings.
- The creation of design guidelines for residential buildings.
- Limit the height of the uses in the commercial pods to two stories.
- The development will require equal attention to architectural detailing, building materials, plane projections, recesses, and roof forms on all sides of non-residential buildings. The applicant will not require that window, door, canopy and other overhang treatments be equal on all sides of non-residential buildings.
- The development will require trash enclosures and loading areas to be screened with walls made of materials identical to the building materials of the primary building in keeping with the architectural development theme.
- A height restriction of all buildings (residential and non-residential) on top of the 'hill' to be no higher than 35' above parking lot level.

Signage

- Freestanding Signage (Primary and Secondary)
 - The applicant limits the freestanding signage to one freestanding sign along the N. 1st Street frontage for the entire development.
 - The applicant limits the freestanding signage to one freestanding sign along the Patterson Road frontage for the entire development.
 - Secondary monumentation will be allowed along these frontages. Secondary monumentation will not used as individual business signage. Secondary monuments will be used for the overall development name and / or logo only.
 - Tertiary / minor directional signage will be allowed on the streets internal to the development.
- Wall Mounted Signage
 - Wall mounted signage will be more strictly regulated than City Code standards. Limitations will be set to limit wall signage size.

B. Neighborhood Meeting

Two neighborhood meetings have been held for this project during the Outline Development Plan process. Per the Grand Junction Zoning and Development Code a neighborhood meeting is not required for a Preliminary Plan in a Planned Development zone. The neighborhood meeting minutes of each meeting of the previous meetings are been included in this application. The neighborhood meetings were held on February 23, 2006 and September 11, 2006. Both meetings were held in the cafeteria at West Middle School.

C. Project Compliance, Compatibility, And Impact

1. Adopted Plans and/or Policies

The proposed development density will meet the requirements set forth in the approved ODP.

2. Surrounding Land Use

The surrounding land uses are as follows:

- North: B-1 uses including – Vet Clinic, Retail, service, office use
- East: High Density Multi-family and Single Family Detached residential
- South: Single Family Detached Residential
- West: Agriculture / undeveloped land

3. Site Access and Traffic

Three access points will serve the site upon completion of this Phase 1 construction. The access points are as follows:



- A full movement unsignalized intersection at approximately 25 ¾ Road and Patterson Road
- A three-quarter movement intersection at Meander Drive and Patterson Road
- A full movement unsignalized intersection at Park Drive and North 1st Street

On-site circulation generally occurs by the use of cross-connectivity in parking lots and accessing the internal street network. A pedestrian network of sidewalks have also been established which connect the residential areas to the commercial areas and the perimeter arterial streets.

4. Availability of Utilities

Sanitary Sewer:

Sanitary sewer is available in the adjacent arterial streets. Please see the Composite/Site Plan for more detail.

The subject property will use City of Grand Junction water.



5. Special or Unusual Demands

Storm Water:



Per the City of Grand Junction Public Works department, the storm water will be directly discharged into the proposed storm system associated with the Ranchman's Ditch project. No on-site detention is required or proposed.

6. Effects On Public Facilities

The addition of more commercial development along the Patterson Road corridor will have expected, but not unusual impacts, on the fire department and police department. A detailed and lengthy process occurred to review the impacts of project related traffic to the street network. Overall the traffic had minimal impact on the surrounding street network. The project proposes an access point at 25 ¼ Road and Patterson Road which establishes a shared access point for this project and future development to the west. This intersection will function as a full movement unsignalized intersection initially, but a signal can be added to this intersection without negatively impacting the progression of Patterson Road.



7. Site Soils

A Geotechnical Report has been included with this submittal for your review on site soils.

8. Site Geology and Geologic Hazards

No unusual or unexpected geologic hazards are present at the proposed site.

There are no jurisdictional wetlands on the property (*see attached letter from Rare Earth*)

9. Hours of Operation

All businesses within this development are subject to the hours of operation associated with the default zone of B-1, Neighborhood Business. These hours are 5am to 11pm.

10. Number of Employees

The number of employees per building and or per use is not known at this time. Parking per the Grand Junction Zoning and Development Code has been provided.

11. Signage Plans

Preliminary signage plans have been submitted with this submittal detailing Primary and Secondary signage. These are in conformance with the general standards established in the approved ODP. The Primary and Secondary signage locations, identified as star shaped icons, have been shown on the Preliminary Landscape Plan.

Additional signage will be displayed on the exterior of the buildings in the form of 'wall-mounted' signs per the Zoning and Development Code. The applicant will work with staff on the details of the wall mounted signage during the review of the Preliminary Plan.



D. Development Schedule and Phasing

Phase 1 of the development will be beginning as soon as Final Plan approval. Subsequent phases are required for submittal within one year of approved Final Plans for Phase 1.

F. Additional

Review Criteria (Development Code Section 2.8.B)

1. The proposed plan is in conformance with the Growth Plan (as recently amended), major street plan, Urban Trails Plan, and other adopted plans.
2. The proposed plan meets the subdivision standards in Ch. 6.
3. The proposed subdivision meets the zoning standards of the approved Outline Development Plan, the Planned Development standards in Chapter 5, and the zone district standards established in Chapter 3 of the Zoning and Development Code. The default zone for the Pods associated with Phase 1 is B-1 – Neighborhood Business.
 - a. At the time of ODP approval, the overall height of each building could be increase by 25% by the City Council. This allows the applicant to provide elevations of each building when requesting additional height.
 - b. An increase in height will be applied for at the time of Planning Commission and City Council hearing. The bulk/mass of the proposed commercial buildings is less than 40' in height. Architectural 'towers' are provided on each building to add character and interest to the buildings. These tower elements exceed the 40' height limit established by the default zone, but do qualify for an exception by the Planning Commission and City Council. These tower elements do not exceed a height that is 25% greater than the height established by the default zone.
4. The proposed subdivision meets the standards established by the approved ODP – Outline Development Plan.
5. Adequate public facilities and services will be available concurrent with the subdivision.
6. The project will have no unusual impacts associated with development.
7. The project is compatible with existing and proposed development on adjacent properties.
8. Adjacent agricultural land use will not be harmed by the proposed subdivision.
9. The proposed project is neither piecemeal development nor premature development of agricultural land or other unique areas.
10. There is adequate land to dedicate for provision of public services and will not cause an undue burden on the City of Grand Junction for maintenance or improvement of land an/or facilities.






Review Criteria (Development Code Section 5.4.F)

Development Standards


Planned development shall meet the development standards of the default zone or the following, whichever is more restrictive. Exceptions may be allowed only in accordance with this Section.

1. **Setback Standards.** Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that:

- 
- 
- 
- a. Buildings can be safely designed and that the design is compatible with lesser setbacks. Compatibility shall be evaluated under the Uniform Fire Code and any other applicable life, health or safety codes;
 - b. Reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space;
 - c. Reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural features.
2. **Open Space.** All planned developments shall comply with the minimum open space standards established in Chapter Six or the open space requirements of the default zone, whichever is greater. The ODP requires a minimum of 1.8 acres of open space for the entire project. A substantial portion of this open space occurs within easements along the Patterson Road and N. 1st Street frontages.
 3. **Fencing/Screening.** No fencing or screening is proposed within this Phase 1 development.
 4. **Compatibility.** Nonresidential design and construction shall be compatible with adjacent residential development.
 5. **Landscaping.** Landscaping shall meet or exceed the requirements of Chapter Six of this Code.
 6. **Parking.** Off-street parking shall be provided in accordance with Chapter Six of this Code.
 7. **Street Development Standards.** Streets, alleys and easements shall be designed and constructed in accordance with TEDS and Chapter Six of this Code. The applicant has applied for *Alternate road standards and a TEDS Exception*.

Site Development Issues per the Pre-Application Meeting Notes from Staff:

Pedestrian Connectivity



At Staff's request a sidewalk will provide that connects the southern end of Meander Court to the walk along the south side of Park Drive at the N. 1st Street intersection. This is not shown on the plan because this Phase of development does not cover this Pod. The proposed walk will provide connectivity from the commercial portion of the site to Pod E, from the residential portion to Pod E, and a walk from the commercial portion of the development to the future residential portion. Currently no sidewalk is proposed along the west side of 25 ³/₄ Road.

Utilities

The applicant will continue to seek financial assistance from the City of Grand Junction on the burial of the overhead utility lines. The applicant maintains that the overhead utilities will need to be moved for the construction of the Ranchman's Ditch Project and the deceleration lane at Patterson Road and North 1st Street. It is assumed that there is a cost associated with the moving of these overhead utilities in the budgets of each project. These moneys along with the use of infill dollars should be applied to the burial of these overhead utilities along the Patterson Road frontage of the Corner Square project.

Traffic

There is a proposed median and a pair of deflection islands at the intersection of Meander Drive and Patterson Road. A copy of these drawings was submitted to the City of Grand Junction Development Engineer and the City of Grand Junction Traffic Engineer at the time of the Pre-Application meeting in December 2006.

The south-bound left turn lane from Meander Drive into Lot 2, Block 1 was mentioned as a comment by staff. To address staff's concern, the applicant's engineer moved the proposed roundabout further south to increase the distance between the flowline of the driveway entrance and the closest roundabout flowline. The distance was increased to a 50' separation.

The applicant's traffic engineer and the City of Grand Junction Traffic Engineer are in correspondence regarding the deceleration lane at 25 3/4 Road and Patterson Road. The need for the deceleration lane is based on the volume of traffic in the lane adjacent to the deceleration lane. Per the applicant's traffic engineer, the deceleration lane is not needed for the uses or intensity of development associated with the Phase 1 construction in the near term design horizon. A deceleration lane has not been included in the design of the Phase 1 plans. Correspondence between the applicant's Traffic Engineer and the City of Grand Junction Traffic Engineer are attached to this General Project Report

* *
2cel Lane

Preliminary Plan and the Planned Development Ordinance

For Phase 1, the applicant is proposing the construction of all road infrastructure improvements and the construction of the four mixed use buildings along Patterson Road. The area defined as Phase 1 has a default zone of B-1, Neighborhood Business. The site plans for these four buildings are included in the Preliminary Plan submittal dated February 14, 2007.

Ordinance No. 3981 allows the applicant to apply for a height increase up to 25% greater than the standard allowed in the default zone. The default zone of B-1 Neighborhood Business, allows for an overall maximum building height of 40'. Under the allowance of a 25% increase, the applicant can apply for a building height up to 50'. The applicant is proposing an increase in height. Please reference the architectural elevations included in the applications for building heights.

Response to City of Grand Junction Review Comments

Date: 4-05-2007

Comment Round No. 1

Page No.

Project Name: Corner Square

File No: PP-2007-064

Project Location:

Check appropriate if comments were mailed, emailed, and/or picked up

RECEIVED

Property Owner(s): Patrick A. Gormley
 Mailing Address: 2433 N. 1st St., Grand Junction, CO 81501
 Email:
 Date Picked Up: _____ Telephone: _____
Signature: _____

MAY 01 2007

COMMUNITY DEVELOPMENT
DEPT.

Representative(s): Ciavonne, Roberts & Associates
 Mailing Address: 844 Grand Avenue, Grand Junction, CO 81501
 Email: joe@ciavonne.com Telephone: 241-0745
 Date Picked Up: _____ Signature: _____

Developer(s): Constructors West
 Mailing Address: 514 28 1/4 Road, Grand Junction, CO 81501
 Email: Telephone: 241-5457
 Date Picked Up: _____ Signature: _____

CITY CONTACTS

Project Manager: Ken Kovalchik
Email: kenk@gjcity.org

Telephone: 256-4058

Back up Planner:
Email:

Telephone:

Development Engineer: Eric Hahn

Telephone: 244-1443

CORNER SQUARE RESPONSE TO COMMENTS

Responses to be sent to the following agencies:

Public Works and Planning
City Development Engineer
City Fire Department
City Surveyor
City Addressing
Resman Communications
Skel Energy
Grand Valley Irrigation Company

PUBLIC WORKS AND PLANNING

Comment:

The General Project report states a detached sidewalk will be constructed along Patterson Road and N. 1st Street. The Landscape Plans and Site Plans indicate a detached sidewalk along Patterson Road, but not along N. 1st Street. Please indicate a detached sidewalk along N. 1st Street on the plans.

Applicant's Response: *The General Project Report was incorrect. An attached sidewalk will be provided along the N. 1st Street frontage. The proposed portions of the attached walk will connect to an existing attached walk along this frontage.*

Comment:

The General Project Report states a site amenity or community feature will be placed at the SW corner of Patterson Road and N. 1st Street. The plans do not depict what is proposed in this area. As this amenity is proposed to meet a "Community Benefit" within the PD, staff requires that this amenity be indicated on the plans.

Applicant's Response: *The community generally refers to this property as "sheep hill." In keeping with this theme, the applicant proposes a sculptural element on site that carries this theme. The applicant proposes placing sculpture on the corner of 1st and Patterson as a community feature.*

Comment:

Terraced structural walls are proposed at the corner of Meander Court and Park Drive. Staff requires the walls to be decorative and that landscaping be placed in the terraced section for each wall section.

Applicant's Response: *The terraced structural walls will be covered with material similar to the building facades. Landscaping will also be used to soften these walls as noted in staff's comment above.*

Comment:

It appears a modular block wall is proposed at the entrance from N. 1st Street and that this wall will be terraced. Staff requires the wall to be decorative and that landscaping is placed in the terraced section of the wall.

Applicant's Response: *The wall located at the intersection of N. 1st Street and Park is terraced towards the interior of the site and is probably not overly visible from the street. The applicant would prefer to utilize modular block in this location. Please let us know if is possible.*

Comment:

The TEDS exception for the entrance to Block 1 was denied and 50' for vehicular queuing is required at this ingress/egress point. It appears the design, as submitted, creates a conflict point in this area. Vehicles exiting the Walgreen's drive-thru and vehicles exiting the one-way area south of the drive-thru will create a conflict in this 50' queuing area. Please revise the plans to show adequate queuing in this area.

Applicant's Response: *The entrance has been reconfigured using a single drive-thru and single/one-way lane beside the drive-thru. This has resulted in a distance from the flowline of Park Street to the flowline of the rough lane of over 30' whereas Eric Hahn indicated that a minimum of 25' was necessary.*

Comment:

The vehicular flow of traffic south of the proposed Walgreen's site appears it may cause conflicts. Are two drive-thrus necessary? Could one be eliminated to allow for two-way traffic? Along with the queuing issue in this area, it appears the building footprint may have to be altered to allow for adequate vehicular movement. Please consider alternatives with the layout to allow for a smoother flow of traffic.

Applicant's Response: *The drawing has been redone based on our discussions with staff at an April 17th meeting with the City, using a single drive-thru. In addition, the parking has been changed to angle to emphasize the fact that this is a one-way corridor. The queuing issues have been resolved. Please see the response to the comment above.*

Comment:

The submitted 413 parking spaces are proposed where 440 parking spaces are required.

10,000 square feet of office space – 185 parking spaces required

10,990 square feet of retail space – 228 parking spaces required

There is some flexibility in your site design as you can lose parking spaces if you should have to revise building layouts, such as the Walgreen's.

X

Applicant's Response: Although the plan exceeds the minimum number of parking spaces specified in the Zoning and Development Code, the applicant would like to retain as many spaces as possible. The applicant is also proposing a pocket of parallel parking spaces (13 spaces) along Park Drive to increase the parking count. While on-street parking was not initially anticipated, the applicant sees a need for additional parking in this quadrant of the site. On-street parking should also assist in reducing vehicle speeds along this stretch of road. Lastly, a sidewalk was added to the south side of the street (adjacent to the proposed parallel parking) to provide a safe zone for pedestrians.

Comment:

Two of the benefits listed as a "Community Benefit" in section 5.1.A is recreational amenities and public and/or private open space. Staff recommends including seating areas throughout the development and include design elements, such as benches and tables and public art, and possibly designing "courtyard areas" at the entrances of the "L" shaped retail/office buildings on Block 1 Lot 1 and Block 2 Lot 1. Staff also finds that seating areas could be included in the designs at the south side of each of these buildings.

Applicant's Response: The applicant recognizes the need for outdoor seating at the entrances of the buildings and the concept plan for these areas is provided on the Landscape Plan. Additional seating may be distributed throughout the site as the details of the pedestrian areas are further defined through our design process. The applicant is working with his architect and landscape architect on these details.

Comment: Alternate Street Section requests for Street A and Street C have not been approved (see engineering comments) and the site plans will have to address this.

Applicant's Response: Understood. Please see the response to comments for Street A and Street C below in the Development Engineer's comment response section.

Comment: In Block 2 Lot 1, the entrance to the parking area from Meander Drive does not meet TEDS requirements. The nine parking spaces located to the east of this entrance are not required, as the number of parking spaces proposed exceeds the minimum requirements. Staff recommends removing the nine parking spaces and redesigning this entrance area.

Applicant's Response: The nine parking spaces have been converted to six angle spaces to emphasize the fact that this is one-way corridor.

CITY DEVELOPMENT ENGINEER

GENERAL COMMENTS

Comment: The Summary of Findings letter from the environmental consultant indicates that the ESA "revealed no evidence of recognized environmental conditions in connection with this property." No further action is required.

Applicant's Response: Understood. Thank you.

ALTERNATE STREET STANDARDS COMMENTS

Comment: The proposed Alternate Street Standards were reviewed and discussed by the City Planner, the City Transportation Engineer, the City Development Engineer, and a representative from the Fire Dept. The discussion resulted in the following comments and/or requirements:

Street Section A - This street section does not provide adequate pedestrian facilities along the east side of Meander Court. Specifically, staff requires that, at a minimum, there be a pedestrian connection from the cul-de-sac of Meander Court to the east end of Park Drive. To accomplish this, staff highly recommends a detached concrete path running more-or-less parallel to the east side of Meander Court and the south side of Park Drive. This path could run along the base of the proposed retaining walls or along the top of the retaining walls adjacent to the future restaurant site. The street section is NOT APPROVED as currently proposed.

Applicant's Response: Per our meeting of April 17th, we looked at making an ADA compliant path from Meander Dr. thru the restaurant site and down to Park Drive. Due to the steep slopes on the Park Drive side of the restaurant parking lot, we ended the path at the restaurant site, but added sidewalk all the way around the roll on both Meander and Park.

b) Street Section B - This street section will be considered as a temporary "partial" street section, and will not be reviewed as an alternate street section. Any comments pertaining to this street will be included with the rest of the "streets" comments.

Applicant's Response: *Understood. Thank you.*

c) Street Section C - According to the TIS, this street section will convey approximately 7000vpd. The proposed narrow street section would have the capacity to convey this traffic volume, but it does not allow for the accommodation of the need for left-turn lanes at proposed internal accesses. Of particular concern is the proposed access to the future restaurant site. The access is currently shown to be only 100' feet from the adjacent flowline of 1st Street, causing potential for vehicles trying to turn left into the restaurant to block incoming traffic on Park Drive to stack up and overflow into 1st Street. Additional analysis may be necessary, but at a minimum, it appears that a three-lane width (36' of pavement) will be necessary from 1st Street to the restaurant access. The three lane width will allow the construction of back-to-back left-turn lanes in this length of street; a left-turn lane for westbound traffic into the restaurant site, and a left-turn lane to accommodate eastbound traffic to make left turns onto northbound 1st Street. Further, the left-turn lane design requirements in TEDS Section 6.2.5.3 indicate that the restaurant access must be moved west to allow two 50' left-turn storage lengths and the necessary 60' reverse curve striping between the two turn lanes. This should be closely coordinated with the City Development Engineer and City Transportation Engineer. The issue regarding pedestrian connection discussed in reference to Street Section A also applies to this street section. The street section is NOT APPROVED as currently proposed.

Applicant's Response: *This was coordinated with the City Development Engineer in the April 17th meeting at Community Development. A left turn lane for the restaurant area has been added as well as dedicated turn lanes both left and right onto 1st Street.*

STREETS & TRAFFIC COMMENTS

Comment: Comments are not yet available from the City Transportation Engineer. These comments will be forwarded to the applicant when they are available.

Applicant's Response: *Per a meeting with staff on April 18, 2007, the City Transportation Engineer confirmed that the 25 $\frac{3}{4}$ Road could be constructed for the Phase 1 improvements without a deceleration lane. A deceleration lane is still warranted at Meander Drive. The City Transportation Engineer and staff also confirmed that 25 $\frac{3}{4}$ Road could be constructed as proposed on the Preliminary Plan. This plan retains the existing private driveway access from Patterson Road to the Baughman parcel in its current location.*

Comment: The median in Patterson and the deflection island at the Meander intersection are being reviewed by the City Transportation Engineer, Jody Kliska. Earlier discussions with Jody indicate that the City may require that the Patterson median be extended from Meander to the left-turn lane at 1st Street. Also, the deflection island at Meander may need to be modified to improve the right-turn approach angle to Patterson, while maintaining sufficient median overlap to block left turns. This can be resolved in detail at Preliminary or Final Plan.

Applicant's Response: *The issues with the Patterson/Meander intersection were discussed with Jody Kliska earlier. Exhibits of the modifications to the deflection island and the radius of the turn lane were provided to Jody Kliska at that previous time. We believe that at the April 17th meeting Jody Kliska confirmed that our current plan was acceptable.*

Comment: The south-bound left-turn lane from Meander into the Walgreen's site must be clearly separated from the north approach to the roundabout. This may require additional striping or a splitter island at the approach to the roundabout.

Applicant's Response: *A splitter island has been added.*

Comment: The existing medians in 1st Street may require some modification to facilitate left turns out of the project site onto 1st Street.

Applicant's Response: *The islands have been modified on the attached plans.*

Comment: The roundabout design should be modified to eliminate the slight weaving motion that would be required to make a right-turn on any leg of the intersection.

Applicant's Response: *The weaving curb lines have been eliminated.*

Comment: Must show the required striping and median changes that must be made on the north and south legs of the 1st and Patterson intersection.

Applicant's Response: *We were told that for now, no changes to either leg would be required.*

Comment: Must show the striping for the 16' ingress lane, 12' egress left, and 12' egress right, at the 1st & Meander intersection. This comment is closely related to the review comment regarding Alt. Street Section C.

Applicant's Response: *We believe you meant 1st and Park. The striping has been shown.*

Comment: The TEDS Exception Request to allow the current configuration at the Walgreen's access off Park Drive was denied. This access must be redesigned to meet standards.

Applicant's Response: *The entrance off Park Drive has been redesigned per our discussions in our meeting of April 17th.*

Comment: The access from Park Drive into the parking lot for Lots 1 and 2, Block 2 does not meet TEDS standards for vehicle stacking length. Further, the one-way circulation aisle on the east side of this access causes more problems than it solves. It is highly recommended that the 9 parking spaces being served by the one-way aisle be eliminated.

Applicant's Response: *This was reviewed in our April 17th meeting. It was decided that if we angled the parking so that the corridor was clearly a one-way access, then it would not affect the stacking at the intersection and thus would be acceptable. Angle parking has been shown.*

Comment: Since it is unlikely that Knollwood Drive will ever be extended further south into the adjacent neighborhood, it is recommended that an offset cul-de-sac be constructed at the far south end of this street stub, rather than the cumbersome hammerhead currently shown.

Applicant's Response: *We brought up in our meeting of April 17th that the owner of the property to the south had sent Bruce Milyard a letter stating that he wanted street access and utilities to his north line. It is important to us as well to eventually have the waterline connected through his property to the 8-inch line in Knollwood. We feel that since the road must go through, the temporary hammerhead is adequate.*

GRADING & DRAINAGE COMMENTS

Comment: Direct discharge of un-detained stormwater runoff from this site into the Ranchman's Ditch pipe project will be allowed, provided the final drainage analysis of the site concurs with the results of the Williams report dated October, 2005. Verification of this analysis will be conducted by the Ranchman's Ditch project engineer, Dave Donohue (244-1558). Review comments from Dave Donohue regarding the Preliminary Drainage Report will be forwarded to the applicant when they are available.

Applicant's Response: *Understood. Thank you. When the Preliminary Plan is approved, we will have Gerald Williams perform the final drainage analysis.*

UTILITY COMMENTS

Comment: The Ranchman's Ditch pipe project will not include under-grounding of the overhead utilities. It is not clear whether the City will be able to assist the developer in placing these utilities underground. Regardless, the utilities must be placed underground as part of the subdivision project. The developer is encouraged to continue these discussions with the City Engineer and the Public Works Manager.

Applicant's Response: *The developer will continue the discussions with the City. The developer also met with Xcel Energy, Friday April 20th to pursue under-grounding of the line. These drawings have been furnished to Xcel Energy so that further design and cost estimating can be performed.*

Comment: At Final, any buried utility crossings must be made at an angle of 45-degrees or greater. Also, all water mains must maintain a 10' horizontal separation from all sewer and storm mains.

Applicant's Response: *We are assuming that this comment is driven by the utility companies. Following final approval and initiation of a contract with the utility providers, it is our policy to place the conduits wherever they request.*

CITY SURVEYOR

Comment: A revocable permit will be required for all irrigation lines crossing public right of way.

Applicant's Response: *Understood. Thank you.*

Comment: Additional comments will follow once the subdivision plat is submitted.

Applicant's Response: *Understood. Thank you.*

CITY FIRE DEPARTMENT

Comment: The Fire Flow Form you submitted shows an average fire flow of 1586 gpm. Since this is only marginally above the minimum fire flow of 1500 gpm for commercial buildings and you are proposing a dead-end fire line into your development, the Fire Department will require a water supply analysis from your engineer showing the estimated fire flows at the most demanding fire hydrants. Also, we will require you to complete a flow test of the nearest hydrant along 1st street as a baseline for this study. The Fire Department must be called to witness this flow test.

Applicant's Response: *Flow tests were conducted and witnessed by the GJFD 4/24/07. We are awaiting results before we can begin our analysis.*

Comment: Submit a site plan/utility composite showing the location and size of the underground fire line for the fire sprinkler system required for each building. Also show the location of the FDC for each building.

Applicant's Response: *Site specific site plans will be prepared for each building following approval of this Preliminary Plan.*

Comment: The proposed alternative street standards were reviewed and approved by this office on 12/6/06. See comments for PRE-2006-331. However, in reviewing sheets C7 and C8 of the current submittal, there appear to be two locations that do not meet the Fire Department minimum turn radius requirements: 1) The right turn lane from Meander Drive to Patterson Road; 2) The south entrance to Lot 1, Block 1 requires a sharp right turn and then a sharp left turn to reach the main entrance area of the building-it appears that a fire truck cannot negotiate those turns. Submit a revised drawing showing a fire truck turn radius overlay for these two areas.

Applicant's Response: *The standard City driveway sections have been changed to typical street intersection radii such that the turning radii of a typical fire or service vehicle can be more easily achieved. The interior islands have been modified for circulation through the parking areas.*

Comment: I am assuming that the roundabout design at the intersection of Meander Court and Park Drive incorporates a drive over curb area for fire trucks. Submit a design detail sheet confirming this. Call the Fire Department at 244-1414, should you have questions.

Applicant's Response: *The roundabout will incorporate a drive over curb. The design details will be provided at Final.*

CITY ADDRESSING

Suggestion: Subdivision name is fine as well as the street names. The only suggestion I have is if we can get a plat that clearly defines the new lots so when I address them I know where the lots are.

Applicant's Response: *The applicant's planner submitted a plan defining the lot layout to staff in mid April. If this plan is not sufficient, another plan can be forwarded to staff for addressing purposes. The plat will be provided at Final Plan.*

OUTSIDE REVIEW AGENCY COMMENTS

(Non-City Agencies)

Review Agency: Bresnan Communications

Contact Name: Scott Wright

Email / Telephone Number: 263-2313

Comment: We require the developers to provide, at no charge to Bresnan Communications, an open trench for cable and Internet service where underground service is needed and when a roadbore is required, the developer too must provide that. The trench may be the same one used by other utilities however; the roadbore must have a 4" conduit for the sole use of cable TV.

Applicant's Response: *Understood. Thank you.*

Comment: We require developers to provide, at no charge to Bresnan Communications, fill-in of the trench once the cables has been installed in the trench, as well as the areas around all pedestal locations.

Applicant's Response: *Understood. Thank you.*

Comment: We require developers to provide, at no charge to Bresnan Communications, a 4" PVC conduit at all utility road crossings where the cable lines will be installed. The cable TV crossings will be in the same locations as the power and telephone crossings. If the conduit is not installed, we will be unable to place our lines until one is installed. This 4" conduit will be for the sole use of cable TV.

Applicant's Response: *Understood. Thank you.*

Comment: Should your subdivision contain cul-de-sacs the driveways and property lines (pins) must be clearly marked prior to the installation of underground cable. Any need to relocate pedestals or lines will be billed directly back to your company.

Applicant's Response: *Understood. Thank you.*

Comment: Bresnan Communications will provide service to your subdivision so long as it is within the normal cable TV and Internet service area. Subdivisions that are out of the existing cable TV and Internet service area may require a construction assist charge; paid by the developer, to Bresnan Communications in order to extend the cable TV service to that subdivision.

Applicant's Response: *Understood. Thank you.*

Comment: Should Bresnan Communications be required to perform work on any of its existing aerial or underground cable facilities as part of the construction process to provide service to the subdivision, Bresnan Communications may require a construction assist charge, to be paid for by the developer.

Applicant's Response: *Understood. Thank you.*

Comment: Due to excessive damage in previous developments any damage incurred to cable facilities during backfill of trenches will be charged back to the developer. The cost for this will cover replacing entire cable span at \$8.70/foot

Applicant's Response: *Understood. Thank you.*

Review Agency: Xcel Energy

Contact Name: John Basford

Email / Telephone Number: 244-2630

Comment: No Objections; Undergrounding of the existing overhead feeder lines will require extensive engineering and construction lead times. Applicant will need to contact Xcel Energy's Engineering Department to request a formal design for the project. Additional utility easements may be required dependent on the final utility design layout. Engineering lead times for design estimates typically run approximately 4-6 weeks or more. Initiation through completion of this City/County approval process does not constitute an application with Xcel Energy. Relocation of existing facilities at owners expense.

Applicant's Response: *The applicant and his representative met with Xcel on Friday April 20th to discuss the design and costs. Xcel is working on both items and will provide these to the applicant when ready.*

Review Agency: Grand Valley Irrigation

Contact Name: Phil Bertrand

Email / Telephone Number:

Comment: See previous review sheets dated 1/25/06 and 12/11/06

Applicant's Response: *Understood. Thank you.*

Comment: Need formal written agreement before final approval can be granted for modification, altering or moving the GVIC canal delivery system. This includes any direct or indirect impact or burden on related laterals to the GVIC system.

Applicant's Response: *Written agreements will be processed as required by GVIC.*

Comment: Need more detailed specifications, elevations, etc., on all inlet to or from the new proposed 24" irrigation line.

Applicant's Response: *Details will be worked out in cooperation with GVIC during the final design process.*

Comment: Need specific details of the proposed 8" or 10" irrigation line that will feed water users on 25 Road and 24 1/2 Road.

Applicant's Response: *Dave Donohue with the City of Grand Junction is supposed to handle these designs.*

Comment: Need specific details of how the Baughman property is going to be served by irrigation water for this new proposed development.

Applicant's Response: *Dave Donohue with the City of Grand Junction will take care of this as well.*

Comment: How is and need specific details of how the development is going to be serviced with irrigation water.

Applicant's Response: *Details of the irrigation supply for the project will be coordinated with GVIC during final design.*

Comment: Need to sign Discharge Agreement.

Applicant's Response: *The developer will contact GVIC concerning the discharge agreement.*

ADDITIONAL NOTES REGARDING THIS APPLICATION

1. *Per a meeting with City staff on April 17, 2007, staff approved the location of 25 ¼ Road as depicted on the Preliminary Plan.*
2. *Per a meeting with City staff on April 17, 2007, staff approved the construction of 25 ¼ Road without a deceleration lane as depicted on the Preliminary Plan.*
3. *Per a meeting with City staff on April 17, 2007, City staff agreed that they would contact adjacent property owners regarding driveway access to Patterson Road.*
4. *The applicant has agreed to provide driveway access from the western most adjacent property to the flowline of 25 ¼ Road.*

The Petitioner is required to submit 8 Packets, labeled as "Response to Comments" for the following agencies:

Public Works and Planning
City Development Engineer
City Fire Department
City Surveyor
City Addressing
Bresnan Communications
Xcel Energy
Grand Valley Irrigation

Date due: July 5, 2007

Please provide a written response for each comment and, for any changes made to other plans or documents indicate specifically where the change was made.

I certify that all of the changes noted above have been made to the appropriate documents and plans and there are no other changes other than those noted in the response.



Applicant's Signature

5/01/07

Date

Appendix 7

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 7

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

X

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CITY OF GRAND JUNCTION
PLANNING COMMISSION

MEETING DATE: June 12, 2007
STAFF PRESENTATION: Ken Kovalchik

AGENDA TOPIC: PP-2007-064 Corner Square Phase I Planned Development

ACTION REQUESTED: Approve a Planned Development Preliminary
Development Plan

BACKGROUND INFORMATION			
Location:		2503 North 1 st Street	
Applicants:		Owner: Patrick A. Gormley Developer: Constructors West Representative: Ciavonne, Roberts & Associates	
Existing Land Use:		Vacant	
Proposed Land Use:		Commercial/Residential	
Surrounding Land Use:	North	Commercial	
	South	Residential	
	East	Residential	
	West	Residential	
Existing Zoning:		PD	
Proposed Zoning:		PD	
Surrounding Zoning:	North	B-1 and PD	
	South	R-5	
	East	R-5 and R-24	
	West	R-12	
Growth Plan Designation:		Residential Medium High – RMH (8-12 du/ac) and Commercial	
Zoning within density range?		X	Yes
			No

NO

PROJECT DESCRIPTION: Request approval of the Preliminary Subdivision Plan for the Corner Square Planned Development Phase I on 20.7 acres in a PD (Planned Development) zone district.

RECOMMENDATION: Staff recommends approval of the Preliminary Subdivision Plan for the Corner Square Planned Development Phase I.

Jody K.
Eric H.
Jim M.

X

ANALYSIS

1. Background

On November 1, 2006 the City Council approved Ordinance 3981 rezoning 20.7 acres, located at the southwest corner of 1st Street and Patterson Road to PD (Planned Development) and approved the ODP (Outline Development Plan) for a mixed use development.

The ODP was approved with the following default zones by Pod:

- Pod A – B-1
- Pod B – B-1
- Pod C – B-1
- Pod D – B-1
- Pod E – B-1
- Pod F – R-4 (existing single-family)
- Pod G – R-12
- Pod H – R-12

As part of the ODP approval Pods A, B, C, D, and E shall meet the bulk standards of the B-1 zone district with the following modifications:

- Non-residential uses require no minimum lot width.
- Non-residential uses require no minimum lot size.
- Maximum FAR shall be 0.7, excluding underground and/or under building parking garages.
- Maximum FAR shall be based on the individual Pod sizes.
- Minimum front yard setbacks shall be 30' from the right-of-way for Patterson Road and 1st Street and 15' from all internal streets.
- Minimum rear yard setbacks shall be 0'.
- Maximum height shall be 35' for structures located in Pod E and 49' for Pods A, B, C, D and H. The height shall be measured from the finished grade of the adjoining parking lot.
- Maximum building size shall be 20,000 square feet for retail buildings and 40,000 square feet for all other buildings, excluding parking garage square footage.

NO, must apply for 25 variance

The Preliminary Plan for Corner Square Planned Development Phase I development scope includes the four lots along the Patterson Road frontage and the total infrastructure for the site. Building Number 1, 3, and 4 are mixed use buildings where office and retail uses are combined. In Phase I the developer will construct all roads and utility infrastructure for the entire development, and the commercial buildings on Pods A, B, and D. The building on Pod C will be constructed by separate entity. Pods E, G, and H will be developed in future phases. Pod F contains three single family dwellings located in the R-4 (4 du/ac) zone district. All three single family dwellings located in Pod F front 1st Street and will remain as part of the development.

— Roads & utility infrastructure for entire project

X

The proposed development has three (3) ingress/egress points, with two (2) access points provided from Patterson Road and one (1) access point provided from 1st Street. Streets internal to the development will be constructed according to the following classifications: Meander Drive and 25 ¾ Road – Urban Residential Collector; Knollwood Drive, Meander Court and Park Drive West – Urban Residential; Park Drive East – Hybrid Residential. At complete build-out of this development a deceleration lane will be required to access 25 ¾ Road, due to the traffic generated. With the proposed Phase I development a deceleration lane is not required. As future Phases develop the deceleration lane will be warranted. A pedestrian network of sidewalks has been designed as part of the development and will connect the residential areas to the commercial areas and the perimeter streets.

Baughm
Propose
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Lane

Vehicular movement internal to the development will be designed in a manner to decrease vehicle trips between Buildings 1 and 2 located in Block 1 and Buildings 3 and 4 located in Block 2. Cross access between the parking lots is allowed and the system of sidewalks, crosswalks, and aesthetics of the landscaping should encourage people to walk throughout this development and not drive. In addition, the entry plazas in front of Buildings 1 and 3 are designed in a manner containing elements of seating areas, landscape plantings and maintain the pedestrian circulation found throughout the development.

The square footage for each of the buildings to be constructed in Phase I is as follows: Building 1 – 30,000 square feet of office and 10,000 square feet of retail; Building 2 – 14,490 square feet of retail; Building 3 – 20,000 square feet of retail and 18,000 square feet of office; and Building 4 – 12,500 square feet of retail and 7,500 square feet of office. A below grade parking garage will be constructed beneath Buildings 1 and 3. The total number of parking spaces required for this phase of development is 413 parking spaces and the applicant is proposing to construct 441 parking spaces.

Section 5.1.A of the Zoning and Development Code states that Planned Development zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. Examples of specific benefits which can be applied are listed in this section of the Code. The applicant is proposing to incorporate the following community benefits in the Corner Square Planned Development:

Infrastructure and Utilities

- Collaboration with the City of grand Junction on the donation of right-of-way for a right turn lane from Patterson Road onto North 1st Street.
- A 35' wide utility easement (paralleling and abutting Patterson Road) for under-grounding of the Ranchman's Ditch and the existing overhead power.
- Participation in the under-grounding of the overhead utility lines that encumber this property.

- The construction of detached sidewalks and landscaping within the easements that parallel both Patterson Road and North 1st Street.

Site Amenities and Landscaping

- Large landscaped open space areas along the North 1st Street frontage.
- Site amenity or community feature at the corner of North 1st Street and Patterson Road.
- Preservation of the topographic landscape hill feature through terracing and landscape design.

Development Character

- In order to retain the existing fabric of the North 1st Street neighborhood, the project retains the existing single-family residences which front along North 1st Street.
- The applicant commits to architectural standards that prohibit prefabricated or metal buildings, and requires pre-approved finishes consistent with a definitive development theme.

Site Development

- The creation of a Design review Committee consisting of one landscape architect, one architect, and a representative from the applicant's office, that reviews submittals prior to the City.
- The creation of limited design guidelines for development in the commercial pods.
- The creation of limited design guidelines for development in the residential pods.
- Commercial area site planning where the majority of the parking does not front on North 1st Street and Patterson Road. Buildings will assist in screening parking lots.
- The creation of Business Owners Association for the commercial pods;
- The creation of a Home Owners Association for the multi-family residential pods.
- Vehicular cross access will be required within all commercial development pods.
- Incorporation of underground parking to eliminate some of the negative visual impacts of surface parking.

Buildings, Architecture, and other Structural Features

- The creation of design guidelines for commercial buildings.
- The creation of design guidelines for residential buildings.
- Limit the height of the uses in the commercial pods to two stories.
- The development will require equal attention to architectural detailing, building materials, plane projections, recesses, and roof forms on all sides of non-residential buildings. The applicant will not require that window, door, canopy and other overhang treatments be equal on all sides of non-residential buildings.

40 ft², 49₀

- The development will require trash enclosures and loading areas to be screened with walls made of materials identical to the building materials of the primary building in keeping with the architectural development theme.
- A height restriction of all buildings (residential and non-residential) on top of the 'hill' to be no higher than 35' above parking lot level.

Signage

- Freestanding Signage (Primary and Secondary)
 - The applicant limits the freestanding signage to one freestanding sign along the North 1st Street frontage for the entire development.
 - The applicant limits the freestanding signage to one freestanding sign along the Patterson Road frontage for the entire development.
 - Secondary monumentation will be allowed along these frontages. Secondary monumentation will not be used as individual business signage. Secondary monuments will be used for the overall development name and/or logo only.
 - Tertiary/minor directional signage will be allowed on the streets internal to the development.
- Wall Mounted Signage
 - Wall mounted signage will be more strictly regulated than City Code standards. Limitations will be set to limit wall signage size.

2. Consistency with the Growth Plan

The Future Land Use Map of the Growth Plan indicates this parcel as Residential Medium High (8-12 du/ac) and a secondary Future Land Use of Commercial. The 1st Phase of the proposed Corner Square Subdivision is the commercial element and is consistent with the Future Land Use Map designation.

3. Section 2.12.C.2 of the Zoning and Development Code

Requests for a Planned Development Preliminary Development Plan must demonstrate conformance with all of the following:

- a) The Outline Development Plan review criteria in Section 2.12.B of the Zoning and Development Code.

In November of 2006 the City Council approved the ODP for the proposed Corner Square Planned Development through Ordinance 3981.

- b) The applicable preliminary plat criteria in Section 2.8.B of the Zoning and Development Code.

1) *The Growth Plan, major street plan, Urban Trails Plan, and other adopted plans*

Applicant's Response: The proposed plan is in conformance with the Growth Plan (as recently amended), major street plan, Urban Trails Plan, and other adopted plans.

2) The Subdivision standards (Section 6.7).

Applicant's Response: The proposed plan meets the subdivision standards in Chapter 6.

3) The Zoning standards (Chapter 3).

Applicant's Response: The proposed subdivision meets the zoning standards of the approved Outline Development Plan, the Planned Development standards in Chapter 5, and the zone district standards established in Chapter 3 of the Zoning and Development Code. The default zone for the Pods associated with Phase I is B-1 – Neighborhood Business.

- a. At the time of ODP approval, the overall height of each building could be increased by 25% by the City Council. This allows the applicant to provide elevations of each building when requesting additional height.
- b. An increase in height will be applied for at the time of Planning Commission and City Council hearing. The bulk/mass of the proposed commercial buildings is less than 40 feet in height. Architectural 'towers' are provided on each building to add character and interest to the buildings. These tower elements exceed the 40 foot height limit established by the default zone, but do qualify for an exception by the Planning Commission and City Council. These tower elements do not exceed a height that is 25% greater than the height established by the default zone.

49 ft not yet approved

building right ———

4) Other standards and requirements of the Zoning and Development Code and other City policies and regulations.

Applicant's Response: The proposed subdivision meets the standards established by the approved ODP – Outline Development Plan.

5) Adequate public facilities and services will be available concurrent with the subdivision.

Applicant's Response: Adequate public facilities and services will be available concurrent with the subdivision.

6) The project will have little or no adverse or negative impacts upon the natural or social environment.

Applicant's Response: The project will have little or no unusual impacts associated with development.

7) Compatibility with existing and proposed development on adjacent properties.

Applicant's Response: The project is compatible with existing and proposed development on adjacent properties.

8) Adjacent agricultural property and land uses will not be harmed.

Applicant's Response: Adjacent agricultural land use will not be harmed by the proposed subdivision.

*Irrigation
water supp*

9) Is neither piecemeal development nor premature development of agricultural land or other unique areas.

Applicant's Response: The proposed project is neither piecemeal development nor premature development of agricultural land or other unique areas.

10) There is adequate land to dedicate for provision of public services

Applicant's Response: There is adequate land to dedicate for provision of public services and will not cause an undue burden on the City of Grand Junction for maintenance or improvement of land and/or facilities.

c) The applicable site plan review criteria in Section 2.2.D.4 of the Zoning and Development Code.

1) Adopted plans and policies such as the Growth Plan, applicable corridor or neighborhood plans, the major street plan, trails plan and the parks plan

Staff Response: The proposed plan is in conformance with the Growth Plan, Grand Valley Circulation Plan, Urban Trails Plan, and other adopted plans.

2) Conditions of any prior approvals.

Staff Response: The proposed Planned Development has been designed in accordance with the approved ODP.

3) Other Code requirements including rules of the zoning district, applicable use specific standards of Chapter Three of the Zoning and

Development Code and the design and improvement standards of Chapter Six of the Code.

Staff Response: Phase I of the Corner Square Planned Development meets the default zone district requirements (B-1) as defined in the Outline Development Plan (ODP) and Chapter 3.4.B of the Zoning and Development Code.

- d) The approved ODP, if applicable

Staff Response: The proposed Planned Development has been designed in accordance with the ODP that was approved through Ordinance 3981 in November 2006.

- e) The approved PD rezoning ordinance, if adopted with an ODP

Staff Response: The subject property was rezoned from RMF-12 (12 du/ac) to PD (Planned development) as part of the Outline Development Plan (ODP) that was approved through Ordinance 3981 in November 2006.

- f) An appropriate, specific density for all areas included in the preliminary plan approval.

Staff Response: Phase I of the Corner Square Planned Development meets the density requirements (B-1) as defined in the Outline Development Plan (ODP).

- g) The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.

Staff Response: The subject property is 20.7 acres in size.

FINDINGS OF FACT/CONCLUSIONS

After reviewing the Corner Square Phase I Subdivision application, PP-2007-064 for a Planned Development, Preliminary Development Plan, staff makes the following findings of fact and conclusions:

1. The requested Planned Development, Preliminary Development Plan is consistent with the Growth Plan.
2. The review criteria in Section 2.12.C.2 of the Zoning and Development Code have all been met.
3. The review criteria in Section 2.8.B of the Zoning and Development Code have all been met.
4. The review criteria in Section 2.2.D.4 of the Zoning and Development Code have all been met.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve the requested Corner Square Planned Development, Preliminary Development Plan, PP-2007-064 with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

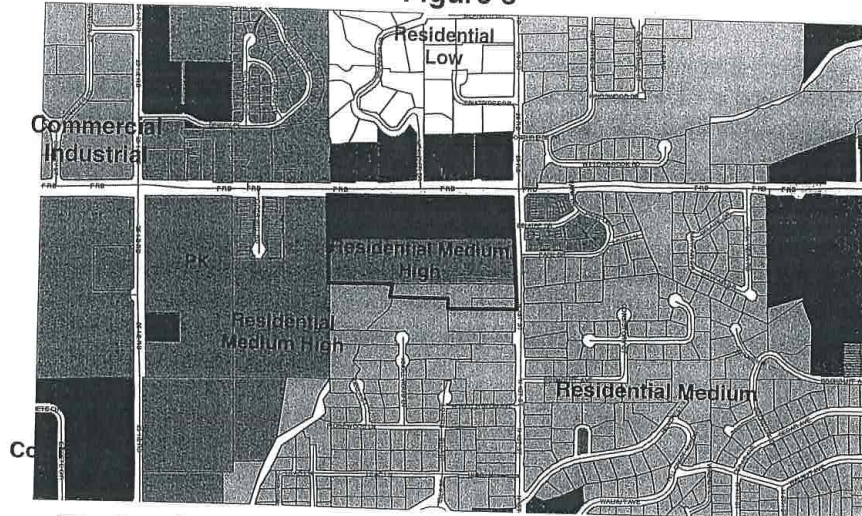
Mr. Chairman, I move that we approve the Preliminary Subdivision Plan for Corner Square Planned Development Phase I, PP-2007-064, with the findings and conclusions listed in the staff report.

Attachments:

Site Location Map
Aerial Photo Map
Future Land Use Map
Existing City and County Zoning Map
Exhibit A - Planned Development Rezone Ordinance
Exhibit B - Outline Development Plan
Exhibit C – Preliminary Plan/Landscape Plan
Exhibit D – Sign Detail

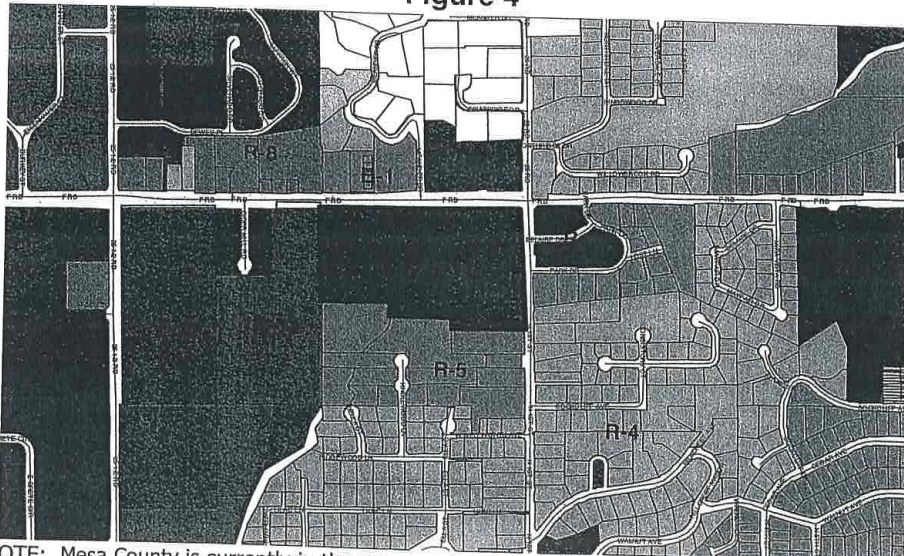
Future Land Use Map

Figure 3



Existing City and County Zoning

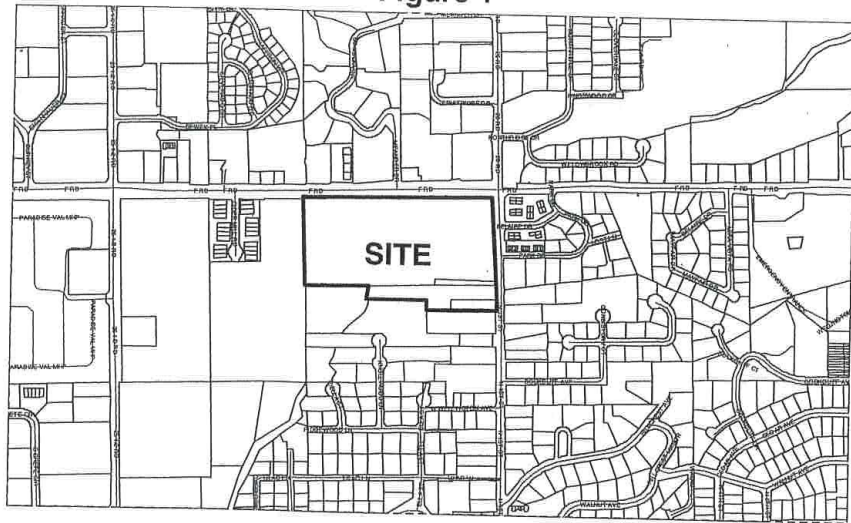
Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

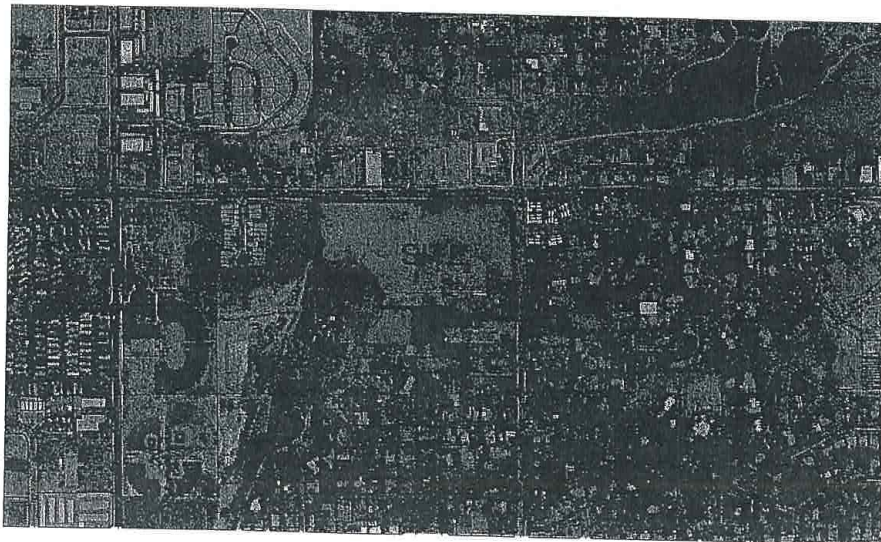
Site Location Map

Figure 1



Aerial Photo Map

Figure 2



CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 3981

AN ORDINANCE REZONING APPROXIMATELY 20.7 ACRES FROM RMF-12 TO PD
(PLANNED DEVELOPMENT)

THE 1ST AND PATTERSON PLANNED DEVELOPMENT
LOCATED AT THE SOUTHWEST CORNER OF 1ST STREET AND PATTERSON
ROAD

Recitals:

A request for a Rezone and Outline Development Plan approval has been submitted in accordance with the Zoning and Development Code. The applicant has requested that approximately 20.7 acres, located at the southwest corner of 1st Street and Patterson Road, be rezoned from RMF-12 (Residential Multifamily, 12 units per acre) to PD (Planned Development).

This PD zoning ordinance will establish the default zoning, including uses and deviations from the bulk standards. Specific design standards for site design, building design and signage will be established with the Preliminary Plan.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed Rezone and Outline Development Plan approval and determined that it satisfied the criteria as set forth and established in Section 2.12.B.2 of the Zoning and Development Code and the proposed Rezone and Outline Development Plan is consistent with the purpose and intent of the Growth Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE AREA DESCRIBED BELOW IS REZONED FROM RMF-12 TO PD WITH THE FOLLOWING DEFAULT ZONES AND DEVIATIONS FROM THE DEFAULT ZONING:.

Property to be Rezoned:

Commencing at a BLM aluminum cap for the NW corner of the NE1/4 NE1/4 of Section 10, Township One South, Range 1 West of the Ute Meridian, from whence a Mesa County brass cap for the NE corner of said Section 10 bears S 89°57'24"E 1319.98 feet; Thence S 00°11'19"E on the west line of said NE1/4 NE1/4 Section 10 50.00 feet to the south right-of-way line of Patterson Road and the Point of Beginning; Thence S 89°57'24" E 591.25 feet; Thence S 34°27'55" E 24.27 feet; Thence 89°27'24" E 46.50 feet; Thence S 00°02'36" W 20.00 feet; Thence S 89°57'24" E 5.00 feet; Thence N 00°02'36" E 25.09 feet; Thence N 34°33'07" E 19.09 feet; Thence S 89°57'24" E 604.65 feet; Thence S 18°31'47"E on the west right-of-way line of North First Street 14.23 feet; Thence S 00°05'42"

E 286.50 feet; Thence S 89°54'28" E 13.00 feet; Thence S 00°05'42" E 487.65 feet; Thence leaving said west right-of-way line N 89°58'07" W 470.50 feet to a 5/8 inch rebar in concrete; Thence N 00°02'55" W 77.45 feet to a 5/8 inch rebar in concrete; Thence N 89°58'20" W 387.30 feet to the east line of the Baughman tract; Thence on the east line of said Baughman tract N 00°11'19" W 100.15 feet to the south line of the N1/2 NE1/4 NE1/4 of said Section 10; Thence N 89°57'47" W 430.00 feet to the west line of the NE1/4 NE1/4 of said Section 10; Thence N 00°11'19" W 610.30 feet to the beginning. Containing 20.74 acres, more or less.

PD Zoning Standards:

See Attached Exhibit A, Outline Development Plan

D. Default Zones by Pod

- Pod A—B-1
- Pod B—B-1
- Pod C—B-1
- Pod D—B-1
- Pod E—B-1
- Pod F—RSF-4
- Pod G—RMF-12
- Pod H—RMF-12

E. Deviation of Uses by Pod

Pods A, B, C, D and E are restricted to the uses allowed in the B-1 zone district with the following modifications:

The following uses are specifically not allowed:

- Drive up/through fast food uses
- Drive up/through liquor stores
- All other drive up/through uses
- Outdoor kennels and/or boarding
- Outdoor storage
- Community Correction Facilities
- Mental health uses
- Drug and alcohol rehabilitation uses
- Halfway houses
- Law Enforcement Rehabilitation Centers

The following uses are specifically allowed (in addition to the other B-1 uses and excluding those listed above):

- Drive up/through pharmacy
- Drive up/through dry cleaners
- Veterinary clinics with indoor kennels and/or indoor boarding
- Outdoor display with a temporary use permit

Pod F is restricted to the uses allowed in the RSF-4 zone, excluding duplex units.

Pods G and H are restricted to the uses allowed in the RMF-12 zone.

F. Deviations from Bulk Standards by Pods

Pods A, B, C, D, and E shall meet the bulk standards of the B-1 zone district with the following modifications:

- Non-residential uses require no minimum lot width.
- Non-residential uses require no minimum lot size.
- Maximum FAR shall be 0.7, excluding underground and/or under building parking garages.
- Maximum FAR shall be based on the individual Pod sizes.
- Minimum frontyard setbacks shall be 30' from the right-of-way for Patterson Road and 1st Street and 15' from all internal streets.
- Minimum rearyard setbacks shall be 0'.
- Maximum height shall be 35' for structures located in Pod E and 40' for Pods A, B, C and D, with the opportunity to request up to a 25% increase in height with Preliminary Plans. The height shall be measured from the finished grade of the adjoining parking lot.
- Maximum building size shall be 40,000 s.f. for office buildings, 20,000 s.f. for retail buildings and 45,000 s.f. for mixed use buildings.

Pods G and H shall meet the bulk standards of the RMF-12 zone district.

Pod F shall meet the bulk standards of the RSF-4 zone district with the following modifications:

- The lots cannot be further subdivided.

INTRODUCED on first reading on the 18th day of October, 2006 and ordered published.

ADOPTED on second reading this 1st day of November, 2006.

ATTEST:

/s/ Jim Doody
President of Council

/s/ Stephanie Tuin
City Clerk



Appendix 8

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 8

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman



CITY MANAGER'S OFFICE

February 22, 2008

Mrs. Francis Baughman
2579 F Road
Grand Junction, CO 81501

Re: Ranchmen's Ditch Flood Control Project, Phase II

Dear Mrs. Baughman:

I want to thank you, Jim, Bruce and Kent for sharing your concerns about the Ranchman's Ditch Flood Control Project ("Project") as well as the Corner Square Project adjoining your property. You and your family have a beautiful property with a long and rich history. I appreciate the attachment that you have to the land, your memories and your way of life.

I am aware from conversations with Kent, Jim and my staff that your family is willing to facilitate the completion of the Project so long as you are assured that the City will not use a condemnation process to construct a turn lane into the adjoining development on property that you own. I assure you that while I am City Manager neither I nor any City staff will pursue or present to City Council a proposal to condemn your property for the construction of a turn lane to aid further development of the Corner Square project. Certainly any agreement that you may make with the developer, the City or any proposal that you may bring forward to develop your property will be separately considered.

As we discussed, I presented this letter to City Council for its review and approval. Based on authorization from a majority of Council I am sending this letter to you in hopes that you will agree in writing to allow the Project to proceed. If the Project proceeds with your consent the City will not claim any right to the surface of the land that you own and supply to the Project for any purpose unrelated to the Project. I can also assure you that the City will not use your consent to the Project against you.

Ratified by
Council
March 5
2008

It is my hope that with these assurances you may comfortably approve the access and easement documents necessary to proceed with the construction of the Ranchmen's Ditch Flood Control Project. As you know from our meeting, the construction needs to begin on your property on February 25th. Construction needs to be complete by the end of March to be able to deliver irrigation water to users such as yourself and others downstream.

Please let me know if you have any questions or if you would like to meet and discuss this or any other matter further. I would very much appreciate your calling me to arrange a mutually convenient time to meet for signature of the documents.



CITY MANAGER'S OFFICE

Sincerely,

A handwritten signature in black ink, appearing to read "Laurie Kadrach".

Laurie Kadrach
City Manager

pc: Jim Baughman
City Council
Joe Coleman

Appendix 9

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 9

Letter of January 21, 2008
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GENERAL PROJECT REPORT

CORNER SQUARE PHASE II APARTMENTS

June 3, 2008

Project Overview

The applicant/developer, Constructors West, is proposing the development of Corner Square Phase 2.

The 3.3 acre residential multi-family pad is in the southwest corner of the Corner Square development. The overall project consists of 20.7 acres of land zoned Planned Development on the southwest corner of N. 1st Street and Patterson Road. The Phase 1 development scope included the Preliminary Plans for the four commercial lots along the Patterson Road frontage and the total infrastructure for the site.

The development plans and subdivision plans conform to the approved First and Patterson Planned Development Outline Development Plan (ODP.) When referencing the ODP, the proposed Phase 1 development occurs within Pods A, B, C, and D. The Phase 2 development occurs on Pod H.

A. Project Description

Location and Site Features

- The project is located in the southwest corner of the Corner Square development. The proposal consist of 48 dwelling units on approximately 3.3 acres. The density of the development conforms to the approved lot count of the site established at the time of ODP. The minimum unit count of 71 and maximum unit count of 111 dwelling units is a requirement of the Corner Square development ODP.

Existing Zoning

- The property is zoned Planned Development per Ordinance No 3981. The subject property has a default zone of R-12 (Residential Multi-family 12 du/acre)

Proposed Use

- The proposed use of the property is multi-family. The properties will be rented as apartments in the near term and sold as condominiums in the future. The properties are to be constructed as condominiums.

B. Overall Public Benefit of the Corner Square Development

Corner Square Planned Development will created a mixed use project that meets the standards established in the Outline Development Plan, the intent of the Growth Plan, the development requirements of the default zones, and the expectations of the neighbors. Public benefits include:

Infrastructure and Utilities

- Collaboration with the City of Grand Junction on the donation of right-of-way for a right turn lane from Patterson Road onto N 1st Street;
- A 35' wide utility easement (paralleling and abutting Patterson Road) for under-grounding of the Ranchman's Ditch and the existing overhead

- power;
- o Participation in the under-grounding of the overhead utility lines that encumber this property.
- o The construction of detached sidewalks and landscaping within the easements that parallel both Patterson Road and N. 1st Street.

Site Amenities and Landscaping

- o Large landscaped open space areas along the N 1st Street frontage;
- o Site amenity or community feature at the corner of N 1st Street and Patterson Road;
- o Preservation of the topographic landscape hill feature through terracing and landscape design.

Development Character

- o In order to retain the existing development patterns of the N. 1st Street neighborhood, the project retains the existing single family residences which front along N 1st Street.
- o The applicant commits to architectural standards that prohibit prefabricated or metal buildings, and requires pre-approved finishes consistent with a definitive development theme.

Site Development

- o The creation of a Design Review Committee consisting of one landscape architect, one architect, and a representative from the applicant's office, that reviews submittals prior to the City.
- o The creation of limited design guidelines for development in the commercial pods.
- o The creation of limited design guidelines for development in the residential pods.
- o Commercial area site planning where the majority of the parking does not front on N. 1st Street and Patterson Road. Buildings will assist in screening parking lots.
- o The creation of a Business Owners Association for the commercial pods.
- o The creation of a Home Owners Association for the multi-family residential pods.
- o Vehicular cross access will be required within all commercial development pods.
- o Incorporation of underground parking to eliminate some of the negative visual impacts of surface parking.

Buildings, Architecture, and other Structural Features

- o The creation of design guidelines for commercial buildings.
- o The creation of design guidelines for residential buildings.
- o Limit the height of the uses in the commercial pods to two stories.
- o The development will require equal attention to architectural detailing, building materials, plane projections, recesses, and roof forms on all sides of non-residential buildings. The applicant will not require that window, door, canopy and other overhang treatments be equal on all sides of non-residential buildings.
- o The development will require trash enclosures and loading areas to be screened with walls made of materials identical to the building materials

- of the primary building in keeping with the architectural development theme.
- o A height restriction of all buildings (residential and non-residential) on top of the 'hill' to be no higher than 35' above parking lot level.

Signage

- o Freestanding Signage (Primary and Secondary)
 - The applicant limits the freestanding signage to one freestanding sign along the N. 1st Street frontage for the entire development.
 - The applicant limits the freestanding signage to one freestanding sign along the Patterson Road frontage for the entire development.
 - Secondary monumentation will be allowed along these frontages. Secondary monumentation will not be used as individual business signage. Secondary monuments will be used for the overall development name and / or logo only.
 - Tertiary / minor directional signage will be allowed on the streets internal to the development.
- o Wall Mounted Signage
 - Wall mounted signage will be more strictly regulated than City Code standards. Limitations will be set to limit wall signage size.

B. Neighborhood Meeting

A neighborhood meeting was held on Tuesday April 15. Per the Grand Junction Zoning and Development Code a neighborhood meeting is required for a development consisting of more than 35 residential dwelling units.

Two additional neighborhood meetings were held on the project. The first was held on February 23, 2006 and the second was on September 11, 2006. Both meetings were held in the cafeteria at West Middle School.

C. Project Compliance, Compatibility, And Impact

1. Adopted Plans and/or Policies

The proposed development density will meet the requirements set forth in the approved ODP.

2. Surrounding Land Use

The surrounding land uses are as follows:

North: B-1 uses including – Vet Clinic, Retail, service, office use
 East: High Density Multi-family and Single Family Detached residential
 South: Single Family Detached Residential
 West: Agriculture / undeveloped land

3. Site Access and Traffic

There are two access points into the Phase II parcel. The primary access point is taken off of Park Drive. The secondary and probably lesser used access point is located in the southeast corner of the site off of Knollwood Lane.

4. Availability of Utilities

Sanitary Sewer:

Sanitary sewer is available in Park Drive.

The subject property will use City of Grand Junction water.

5. Special or Unusual Demands

Storm Water:

Per the City of Grand Junction Public Works department, the storm water will be directly discharged into the proposed storm system associated with the Ranchman's Ditch project. No on-site detention is required or proposed. Storm-ceptor water quality manholes were installed in the Corner Square development.

6. Effects On Public Facilities

The addition of more residential development along the Patterson Road corridor will have expected, but not unusual impacts, on the fire department and police department. A detailed and lengthy process occurred to review the impacts of project related traffic to the street network. Overall the traffic had minimal impact on the surrounding street network. The overall project proposes an access point at 25 ¾ Road and Patterson Road which establishes a shared access point for this project and future development to the west. Per the TIS, this access point is not required at this time; however, it is included in this construction application. The intersection of 25 ¾ Road and Patterson Road can function acceptably as a full movement unsignalized intersection in the short and long term horizon even without a deceleration lane.

7. Site Soils

A Geotechnical Report has been included with this submittal for your review on site soils.

8. Site Geology and Geologic Hazards

No unusual or unexpected geologic hazards are present at the proposed site.

There are no jurisdictional wetlands on the property.

9. Hours of Operation

Not Applicable to this application

10. Number of Employees

Not Applicable to this application

11. Signage Plans

A freestanding monument sign will be placed along Park Drive. Individual building numbers/letter and unit numbers will also be placed on the buildings.

D. Development Schedule and Phasing

Corner Square Planned Development
Phase II Preliminary / Final Plan Submittal

6/2/2008

page 4

Phase II will develop in a single phase.

F. Additional

Review Criteria (Development Code Section 2.8.B)

1. The proposed plan is in conformance with the Growth Plan (as recently amended), major street plan, Urban Trails Plan, and other adopted plans.
2. The proposed plan meets the subdivision standards in Ch. 6.
3. The proposed subdivision meets the zoning standards of the approved Outline Development Plan, the Planned Development standards in Chapter 5, and the zone district standards established in Chapter 3 of the Zoning and Development Code. The default zone for the Pod H is R-12.
 - a. The buildings are less than the maximum allowable height of 40 feet at 31' tall. Architectural Elevations have been provided.
4. The proposed subdivision meets the standards established by the approved ODP – Outline Development Plan.
5. Adequate public facilities and services will be available concurrent with the subdivision.
6. The project will have no unusual impacts associated with development.
7. The project is compatible with existing and proposed development on adjacent properties.
8. Adjacent agricultural land use will not be harmed by the proposed subdivision.
9. The proposed project is neither piecemeal development nor premature development of agricultural land or other unique areas.
10. There is adequate land to dedicate for provision of public services and will not cause an undue burden on the City of Grand Junction for maintenance or improvement of land an/or facilities.

Review Criteria (Development Code Section 5.4.F)

Development Standards

Planned development shall meet the development standards of the default zone or the following, whichever is more restrictive. Exceptions may be allowed only in accordance with this Section.

1. **Setback Standards.** Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that:
 - a. Buildings can be safely designed and that the design is compatible with lesser setbacks. Compatibility shall be evaluated under the Uniform Fire Code and any other applicable life, health or safety codes;
 - b. Reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space;
 - c. Reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural features.
2. **Open Space.** All planned developments shall comply with the minimum open space standards established in Chapter Six or the open space requirements of the default zone, whichever is greater. The Zoning and Development Code requires 600 square feet of Outdoor Living Area per multi-family unit. At 48 units, the project is required to have 28,800 square feet of Outdoor Living Area. The total Outdoor Living Area provided on the project site is

38,998 square feet with an additional 1,988 square feet proposed within a possible Club House. This calculation does not include the balconies and patios associated with each of the 48 units.

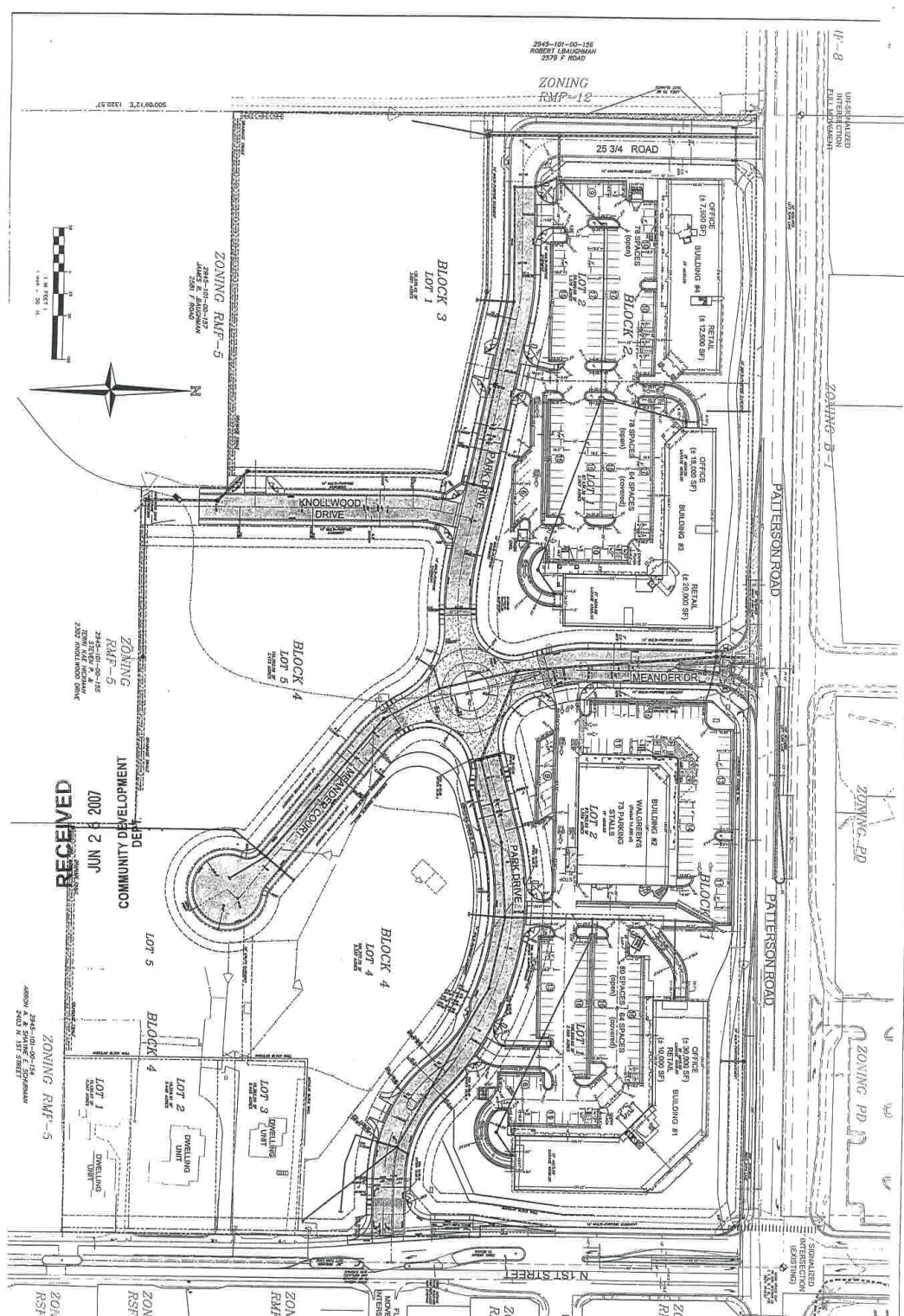
3. **Fencing/Screening.** A open wrought iron type fence is proposed along the western property boundary. A six-foot cedar fence and landscape buffer is proposed along the southern boundary of the property.
4. **Compatibility.** The project proposes this residential development adjacent to existing R-12 zone to the west. R-5 zoning exists to the south of the project and acts as a transition between the project and the Knollwood Lane single family detached housing.
5. **Landscaping.** Landscaping shall meet or exceed the requirements of Chapter Six of this Code.
6. **Parking.** Off-street parking shall be provided in accordance with Chapter Six of this Code.
7. **Street Development Standards.** Streets, alleys and easements shall be designed and constructed in accordance with TEDS and Chapter Six of this Code.

Appendix 10

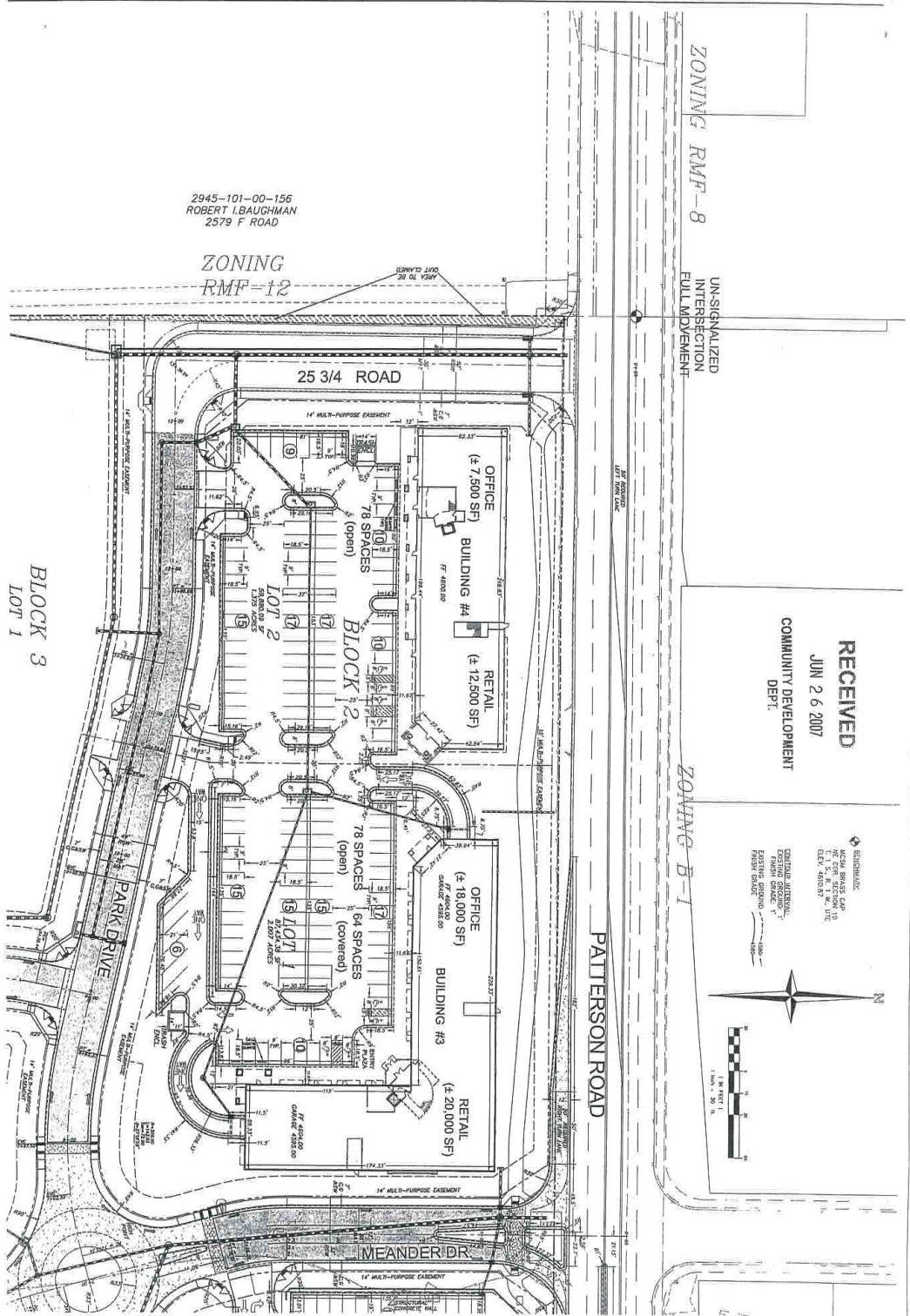
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Appendix 10

Letter of January 21, 2008
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DATE	2/21/07	SCALE	AS SHOWN
DRAWN BY	LMS	CHECKED BY	JEL
THOMPSON-LANGFORD CORP. ENGINEERS AND LAND SURVEYORS 529 25 1/2 RD., SUITE 2010 GRAND JUNCTION, COLORADO PH. (970) 241-1087 FAX (970) 241-2845 tlc@tlcwa1.com			
CONSTRUCTOR'S WEST, INC. GRAND JUNCTION, CO.		DESIGN DATE DESIGNER	REVISION BY DATE
CORNER SQUARE PRELIMINARY COMPOSITE SITE PLAN EXHIBIT			



2945-101-00-156
 ROBERT L. BAUGHMAN
 2579 F ROAD

ZONING
 RMF-12

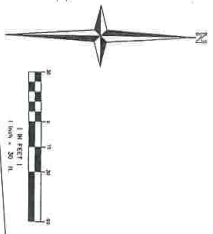
ZONING RMF-8

UN-SIGNALIZED
 INTERSECTION
 FULL MOVEMENT

RECEIVED
 JUN 26 2007
 COMMUNITY DEVELOPMENT
 DEPT.

BOUNDARIES:
 ACSU BRASS CURB
 1/2" COR. SECTION 1/8"
 CLEV. 4100.87

EXISTING GRADE:
 FINISH GRADE



DRAWN BY LMS CHECKED BY JEL		THOMPSON-LANGFORD CORP. ENGINEERS AND LAND SURVEYORS 522 1/2 S. 1/2, SUITE 210 GRAND JUNCTION, COLORADO PH: (970) 243-0087 FAX: (970) 243-0546 tl@tlwest.com	CONSTRUCTOR'S WEST, INC. GRAND JUNCTION, CO.	CORNER SQUARE PRELIMINARY COMPOSITE SITE PLAN - NW	REVISION 1 DATE 04/25/07 OCCUPATION REMOVAL FOR CITY MARKET CONVENTS (04/25/2007)	SHEET NO. 14 OF 15
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Appendix 11

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 11

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

November 10, 2008

Joe Carter
Ciavonne, Roberts & Associates, Inc.
222 N. 7th Street
Grand Junction CO 81501

Re: TED-2008-317 Corner Square

The TED's Exception Committee denied your request to TEDS Section 4.1.3 – Corner Clearance.

If you have any questions, please feel free to contact the Development Engineer in charge of your project or Tim Moore, Public Works and Planning Director at 970.244.1557.

Sincerely,

COPY

Sue Mueller
Sr. Administrative Assistant

Cc: Eric Hahn, Development Engineer
Greg Moberg, Planning Supervisor
File

APPLICATION

Transportation Engineering Design Standards (TEDS) Exception Request

Attached are six (6) copies of the application and associated drawings. Use the instructions provided to fill out this form. Additional sheets are recommended; it is important to provide complete information.

Project: Corner Square
Site Address: Southwest Corner of 1st Street and Patterson Road
City File Number:
Applicant: Constructors West
Representative: Ciavonne, Roberts & Associates, Inc. c/o Joe Carter
Date: September 19, 2009

1. Referenced section in TEDS and a brief description of the request(s)

Request – TEDS 4.1.3 Corner Clearance – To allow 25 ¾ Road paving and access connection to Patterson Road.

2. Site Description

The Corner Square development is located on the southwest corner of the intersection of North 1st Street and Patterson Road. The project consists of a mix of commercial, residential and office uses. The surrounding land uses include commercial, medical, multi-family residential and single-family residential development. There are two access points into the subject property. These accesses are a full movement intersection at North 1st Street and West Park Drive and a three-quarter intersection at Meander Drive and Patterson Road. Dedicated right-of-way exists as an unpaved full movement intersection at 25 ¾ Road and Patterson Road.

Within the bounds of the property Phase 1 consists of the commercial development pad sites along Patterson Road. The Phase 2 portion of the development consists of 48 multi-family units in the southwest corner of the site and is currently going through the City of Grand Junction Development Review process.

Over the last four years, the Planning Commission and the City Council approved and then reaffirmed that a commercial designation is suitable for this property. In 2003, both the Planning Commission and City Council unanimously approved amending the Growth Plan to change the land use designation of this parcel from a straight residential use to a mix of commercial and residential uses.

Last year the commercial and residential land use designation layouts were reviewed and approved by both the Planning Commission and City Council under a Growth Plan Consistency Review application. Both the Planning Commission and City Council agreed with the applicant and staff that the plan as configured, and more importantly that the commercial designation as shown on the ODP, was consistent with the Growth Plan.

The applicant has worked with city staff on creating the safest and most viable access points for this property and surrounding undeveloped properties. Beginning with a Pre-Application meeting in 2005, the Preliminary Plan was amended and revised multiple times to best meet the access demands and traffic issues related to Phase 1 and the Patterson Road corridor. These revisions resulted in the dedication of 25 ¼ Road right-of-way although the road would remain unpaved through Phase 1 (commercial) build out. The project is now entering Phase 2 (residential) development and requesting that the 25 ¼ Road connection to Patterson Road be paved.

Through the months leading up to the Phase 1 approval Constructors West approached the Baughman Family about sharing the right-of-way width of 25 ¼ Road whereby ½ of the right-of-way would be constructed on each property thus giving each property full movement access onto Patterson Road. Constructors West offered to pay for the construction of 25 ¼ Road. Other options presented to the Baughman family included purchasing the northern three-hundred feet of the Baughman's property, constructing 25 ¼ Road completely on the Corner Square property and constructing a gated alternative driveway access off of 25 ¼ Road.

Through a cooperative effort with city staff and the applicant's first traffic engineer (Kimley-Horn) and current traffic engineer (Skip Hudson), the applicant maintains that the proposed TEDS exception promotes the least amount of adverse impact to surrounding traffic, provides the best access points along this section of Patterson Road, and provides the most direct access point for the Corner Square property and the future development of the 17 acres associated with the Baughman parcels.

REQUEST # 1

The applicant is requesting that a TEDS exception be granted to allow the connection of 25 ¼ Road to Patterson Road. The applicant would like to pave and use the 25 ¼ access point as a full movement intersection onto Patterson Road. This request requires an exception to TEDS Section 4.1.3 Corner Clearance. 25 ¼ Road can be paved without a right-turn deceleration lane because the number of right-turns do not warrant the construction of a right-turn lane. See the attached TIS update provided by Turnkey Consultants, Inc.

TEDS Section 4.1.3 Corner Clearance:

Corner Clearances are defined as the distance between a driveway and the nearest intersecting street. The clearance is necessary so that accesses do not interfere with street intersection operations and should provide drivers with adequate perception-reaction time to avoid potential conflicts. On corner lots, the access location shall be on the street of lowest functional classification".

A. Description

Why should this request be granted?

The connection of 25 ¾ Road to Patterson Road is a benefit to the tenants, site users motorists along Patterson Road, and North 1st Street and the majority of the neighbors in the vicinity of the project (North 1st Street Neighborhood.) The TEDS Exception should be granted because 25 ¾ Road is the most suitable intersection location to service both the Corner Square property and the 17 acre Baughman parcels. Since the Baughman parcel has limited access, 25 ¾ Road will ultimately serve as the primary, if not sole, access point for their parcels. The original Corner Square Phase 1 approval included the dedication of the 25 ¾ Road right-of-way. Corner Square Phase 2 has been submitted Within the Phase 2 development application, the applicant requested that the City allow the connection of 25 ¾ Road to Patterson Road. Per the attached analysis, no right-turn lane is warranted for Phase 1 or Phase 2 development of Corner Square.

The TEDS exception should be granted because direct single-family driveway access off of an arterial street is not desirable. The TEDS manual states in Section 4.1.3 *"Single-family access to arterial streets is not acceptable practice and will be permitted only in extremely hardship cases."* Improving this street right-of-way does not require the elimination of the existing Baughman driveway. The applicant continues to maintain that the Baughman family can take direct driveway access off of 25 ¾ Road, which is a lower order street. Connecting the Baughman driveway to 25 ¾ Road provides benefit to the Baughman family by allowing direct access to North 1st Street and its signalized intersection with Patterson Road. By allowing the paving and the secondary connection to 25 ¾ Road, the access to either driveway now becomes a choice of which access is easier to use for the single family driveway user.

The TEDS exception should be granted because the proposed condition is functioning at other locations throughout the City. The Shell Station at Horizon Drive and the west bound on-ramp for Interstate 70 is one such condition. See the attached TIS Update from Turnkey Consultants Inc.

What does the 25 ¾ Road connection do for this project?

Allowing the 25 ¾ Road connection gives the project a full movement intersection onto Patterson Road. The site traffic will function better with this improvement and lessen Phase 1 and Phase 2 impact on North 1st Street. It is agreed by all parties that 25 ¾ Road will serve the entire 37 acres associated with the Baughman parcels and the Corner Square development. It has also been agreed that 25 ¾ Road is the most suitable access location for a major intersection between 25 ½ Road and 26 Road. 25 ¾ Road exists ¼ mile equidistant between these two existing signalized intersections.

Describe problems created by not granting the TEDS exception.

The TEDS Section 3.2.2 states that *"If a property has frontage on more than one street, access will be permitted only on those street frontages where design and safety standards can be met. This primary access shall be on the lower-order street."* By granting the right-of-way for 25 ¼ Road, the Baughman Parcel has more than one street frontage and by definition should take driveway access of the lower order street. By not granting the TEDS exception the City is perpetuating an undesirable condition as described by the TEDS Manual.

The City of Grand Junction is denying the Corner Square property and the Baughman property an opportunity for better controlled access to arterial streets, more and varied access to arterial streets and placing undo hardship on traffic movements along North 1st Street. Providing a full movement paved access at the intersection of 25 ¼ Road and Patterson Road betters the traffic movements along this corridor and adjoining streets. Not granting the TEDS exception is ignoring the solution and embracing lesser service through this corridor.

Why can't the TEDS requirement be met?

The TEDS requirement cannot be met due to the corner clearance spacing between the existing driveway and the proposed flowline of 25 ¼ Road. The required spacing requirement is 150 feet. The existing separation between the right-of-way and the existing driveway is less than 20 feet (18.54 feet).

Describe benefits created by granting the TEDS exception.

As stated above, allowing the 25 ¼ Road connection would create better access for the Corner Square development, lessens traffic impacts to North 1st Street, create better access for the Baughman property and create a direct connection from the Baughman property to the closest signalized intersection.

B. Exception Considerations

- 1) How will the exception affect safety?
 - i. The exception will provide access off of a lower order street for a single-family driveway which is deemed desirable by the TEDS manual. The connection will also provide more opportunities for vehicles to access Patterson Road from the Corner Square development.
- 2) Have other alternatives been considered that would meet the standard?
 - i. Numerous access alternatives have been considered and rejected or denied as stated below.

Alternatives Considered

Multiple alternatives addressing site access have been considered by the applicant. These alternatives have considered principals of traffic engineering, site design, and the development potential of the 37 undeveloped acres in this quadrant of North First Street and Patterson Road. The alternatives considered are as follows:

Alternative 1 – Initial Plan

Proposed

The applicant and his representatives met with staff prior to the Pre-Application meeting to determine the most suitable access for the project. The site access was scoped at a full movement unsignalized intersection at Meander Drive and Patterson Road and a full movement unsignalized intersection with Park Drive and North First Street. Access was neither proposed, nor recommended by staff, at 25 ¾ Road. Street stubs were proposed to the western and southern property lines.

Alternative Dismissed Because

This plan was dismissed because the LOS (level of service) for northbound to westbound left turns at Meander Drive proved to be unacceptable. Another alternative for access needed to be found.

Alternative 2

Proposed

The applicant and his representatives revised the plan to create a ¾ movement intersection at Meander Drive and Patterson Road and a full movement unsignalized intersection with Park Drive and North First Street. Street stubs were proposed to the western and southern property lines.

Alternative 2 Dismissed Because

This alternative was dismissed due to adverse impact on LOS created at the Park Drive and North First Street intersection and the impact to the westbound to southbound left turn bay at North First Street and Patterson Road.

Alternative 3

Proposed

The applicant and his representatives revised the plan to create a ¾ movement intersection at Meander Drive and Patterson Road, a full movement unsignalized intersection with Park Drive and North First Street, and a connection to the south to Knollwood. A street stub was proposed to the western property line.

Alternative 3 Dismissed Because

This alternative was dismissed due to adverse impact on LOS created at the Park Drive and North First Street intersection and the impact to the westbound to southbound left turn bay at North First Street and Patterson Road. Also the single most important issue to the surrounding neighborhood was the potential connection to Knollwood. Staff agreed that this connection was not necessary at this time.

Alternative 4

Proposed

The applicant and his representatives reviewed the alternative of a 3/4 movement intersection at Meander Drive and Patterson Road, a full movement signalized intersection with 25 ¾ Road and Patterson and a full movement unsignalized intersection at Park Drive and North First Street. A street stub was proposed to the southern property line.

Alternative 4 Dismissed Because

This alternative is acceptable to the applicant due to short and long term acceptable LOS created at all impacted intersections. Per the TIS by Kimley Horn, the signalization of the 25 ¾ Road intersection also is the only alternative that provides *"adequate storage necessary to accommodate the northbound to westbound left turn storage demand at the intersection of First Street and Patterson Road in the near term 2007 horizon."* A TEDS Exception was submitted seeking a signalized intersection at 25 ¾ Road, but City staff denied the application request.

Alternative 5

Proposed

The applicant and his representatives reviewed the alternative of a 3/4 movement intersection at Meander Drive and Patterson Road, a round-a-bout at the intersection of 25 ¾ Road and Patterson and a full movement unsignalized intersection at Park Drive and North First Street. A street stub was proposed to the southern property line.

Alternative 5 Dismissed Because

This alternative is acceptable due to short and long term acceptable LOS created at all impacted intersections. This alternative was dismissed due to potential costs of construction and right-of-way acquisition.

Alternative 6

Proposed

The applicant and his representatives revised the plan to create a ¾ movement intersection at Meander Drive and Patterson Road, a full movement unsignalized intersection with 25 ¾ Road and Patterson and a full movement unsignalized intersection at Park Drive and North First Street. A street stub was proposed to the southern property line.

Alternative 6 is Acceptable

This alternative was acceptable because it allowed for two full movement intersections to serve the property and the LOS for these intersections is above a LOS of F in the near term.

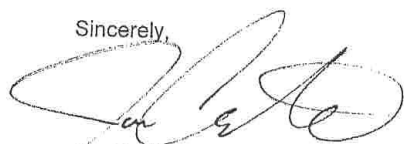
3. Has the proposed design been used in other areas?

- i. Directly north of the project site several existing driveways have been encroached upon by newly developed projects. None of these examples meets the minimum spacing requirements.

- ii. The car wash along Patterson Road east of the mall has two driveway cuts less than 90 feet apart.
- 4. Will the exception require CDOT or FHWA coordination?
 - i. No
- 5. Is this a one-time exception or a request to change the TEDS manual?
 - a. This is not a one-time extension request. This is a request to change the TEDS Manual. With the proposed changes to the comprehensive plan and the City of Grand Junction encouraging development within the Infill Boundary, these conflicts will become more common. As the City is placing an emphasis on protecting farm land and developing within the urban core, the City of Grand Junction development manuals (TEDS, Zoning and Development Code, etc) should be updated in anticipation of these problems.

Thank you for the opportunity to submit this TEDS exception request and we look forward to a positive recommendation from staff so we can move forward on the 25 ¼ Road connection.

Sincerely,



Joe Carter
Ciavonne, Roberts & Associates, Inc.

MAPS

Sheet C8

See File

**TEDS EXCEPTION SUBMITTAL
DISTRIBUTION LIST**

Parent project
PP- 2008-172

Site location: Corner Square SW Corner of 1st Street and
Patterson Rd.

DATE of submittal October 9, 2008

File #: TED - 2008-317

Public Works & Planning Development Engineer Eric Hahn

Public Works & Planning Director Tim Moore

Public Works & Planning Manager Lisa Cox

Fire Department Chuck Mathis

Transportation Engineer Jody Kliska

Other: (Planner) Greg Moberg

Date and Time of Development Review Meeting: _____

To be scheduled at least seven days after review packet distribution date.
Place: Conference Room 135, Planning Division, City Hall, 250 N. 5th Street

Committee Meeting: Oct 28th Development Review

**Attendance is expected of all agencies involved with the TEDS Exception
process**

Transportation Engineering Design Standards (TEDS) Exception Recommendation Form

Date: Oct. 28, 2008

To: TEDS Review Committee

From: Eric Hahn, Development Engineer

Project Number: TED- 2008-317

Project Location: SW corner - 1st Street & Patterson Rd.

Parent Project:

Name: Corner Square

File No.: PP-2008-172

Planner: Greg Moberg

TEDS Exception Request #1: TEDS Section 4.1.3 – Corner clearance

Comments:

The applicant proposes to construct a new public street intersection (25 $\frac{1}{4}$ Road) approximately 20' east (measured from nearest edge of access to nearest edge of street) of an existing private driveway on Patterson Road. TEDS Section 4.1.3 requires that private driveways on Major Arterials be located at least 150' away from an adjacent intersection.

The applicant argues that the construction of 25 $\frac{1}{4}$ Road will improve access patterns to the Corner Square site and benefit the overall circulation patterns for the surrounding area. The Traffic Impact Study prepared by the applicant's engineer implies that allowing this full-movement access on Patterson Road will provide a slight reduction of vehicle trips on 1st Street, while also providing opportunity for safer access to the Baughman property.

However, the construction of the 25 $\frac{1}{4}$ Road intersection within 20' of the existing Baughman driveway will create a situation where ingress and egress onto Patterson Road from the driveway and the new street will be in direct conflict. Such conflict will eventually cause blockage of the turning maneuvers, which will immediately reduce traffic capacity on Patterson Road and may cause traffic on Patterson Road to become completely blocked.

Although 25 $\frac{1}{4}$ Road may benefit the entire area, the construction of the intersection within 20' of the existing Baughman driveway will create an unsafe situation that cannot be allowed, and therefore staff recommends denial of this TEDS Exception Request.

Recommendation:

- Approve as requested.
- Approve with the following modification(s):
- Deny.
- Hold until the following additional information is submitted and reviewed:

As discussed above, staff cannot recommend approval of this TEDS Exception. However, it should be clearly understood that 25 $\frac{3}{4}$ Road will eventually be constructed, and at that time it will be necessary to remove the existing Baughman driveway cut on Patterson Road, and provide a new access for the Baughman driveway onto 25 $\frac{3}{4}$ Road. Such a configuration meets all TEDS requirements, and would provide an access to the Baughman property that is safer than the current access location. **Staff recommends that the Corner Square developer be allowed to build 25 $\frac{3}{4}$ Road, with the condition that, as part of such construction, the Baughman driveway cut on Patterson be removed and a new driveway access be provided on 25 $\frac{3}{4}$ Road.**



PUBLIC WORKS & PLANNING DEPARTMENT
PLANNING DIVISION

Transportation Engineering Design Standards (TEDS) Exception Approval / Denial Form

Project Number: TED- 2008-317

Site Location: SW corner - 1st Street & Patterson Rd.

Applicant: Constructors West

Representative: Ciavonne, Roberts & Associates, Inc.

Development Engr.: Eric Hahn, PE

Parent Project:

Name: Corner Square

File No.: PP-2008-172

Planner: Greg Moberg

TEDS Exception Request #1: TEDS Section 4.1.3 – Corner clearance

Approved as requested.

Approved with the following modification(s):

Denied.

The following additional information is required before a decision can be made:

TEDS Review Committee:

Public Works: Tom Moe

Date: 10/28/08

Planning Division: Risa Cox

Date: 10/28/08

Fire Department: Charles Martin

Date: 10/28/08

Appendix 12

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 12

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Traffic Analysis

Prepared For:

Corner Square Mixed Use Development

Study to Determine when the 25 $\frac{3}{4}$ Road
Connection to Patterson Road is Necessary

City of Grand Junction, Colorado



December 1, 2008

2478 Patterson Road, Suite 18
Grand Junction, CO 81505
970-985-4001

TurnKey
Consulting, LLC

TurnKey Consulting, LLC is an Equal Opportunity Employer

1 Introduction & Executive Summary

This report documents the supplemental traffic analysis for the proposed Corner Square Mixed Use Development (Project) in the City of Grand Junction. Figure 1 shows the Project Vicinity Map and Figure 2 shows the site plan concept. This traffic analysis (Study) was done in accordance with published guidelines provided by the City of Grand Junction. In addition, the Study was done in accordance with an approved Methodology dated 11/20/08 (see Appendix).

There have been numerous traffic studies for this Project, the latest being a report by TurnKey Consulting dated 8/8/08. The September report provided analysis of Project Phase 1 & 2, and it assumed that the Project access configuration would include a full movement connection to Patterson Road at the 25³/₄ Road alignment. However, the Phase 1 plan approval by the City included the following access configuration, which did not include a full-movement intersection anywhere on Patterson Road.

Access Configuration Approved for Project Phase 1

- 25³/₄ Road – no access to Patterson Road
- Meander Drive – ³/₄ movement unsignalized access to Patterson Road (outbound left turn prohibited from Project by raised concrete island in driveway)
- Park Drive – Full movement unsignalized access to 1st Street

This access configuration discrepancy prompted the City to issue the follow comment associated with the review of the TurnKey study dated 8/8/08.

“The Study assumes only one scenario; all intersections proposed are actually approved and constructed. It offers no analysis of the impacts to the existing intersections if 25³/₄ Road is not approved for construction. This comparative analysis is necessary to determine the relative necessity of the 25³/₄ Road intersection.”

This Study provides a respond to the City's comment and it focuses on the analysis of the impacts to two existing intersections. It answers the question, “what happens to the intersections of 1st Street/Patterson and 1st Street/Park Avenue if Project traffic cannot use 25³/₄ Road to access Patterson Road.”

This question was answered in terms of the AM and PM peak hour traffic conditions for various traffic scenarios. The first portion of the analysis focused on new project traffic by phase, in the years 2008 and 2009. Three distinct project traffic scenarios will be evaluated in these years without the 25³/₄ Road Access. The second portion of the analysis incrementally increased the time and background traffic volumes at each intersection to evaluate performance measures without the 25³/₄ Road Access. The following table summarizes the different analysis scenarios:

Corner Square Mixed Use Development – Timing of 25³/₄ Road Connection to Patterson Rd

Scenario Number	Year	Project Phases	Notes
1	2008	1 & 2	Current Condition
2	2009	1-3	If necessary
3	2009	All 4	If necessary
4	2012	All 4	If necessary
5	2015	All 4	If necessary
6	2018	All 4	If necessary
7	2021	All 4	If necessary

The approved Methodology included performance measures that were used to identify the definition of “failure.” This included two measures for the signalized intersection of 1st Street & Patterson Road, and two measures for the unsignalized intersection of 1st Street & Park Ave. This Study determined that the traffic operations at these two intersections would be unacceptable under the conditions described below.

1st Street & Patterson Road

This intersection fails to operate well by Scenario #5 (Year 2015 with traffic from all 4 Project Phases). The westbound left turn lane has 210-ft of vehicle storage and it would not have enough capacity to accommodate the amount of traffic making the left turn movement. By Scenario #5, the 90th percentile queue length for the westbound turn lane would exceed 210-ft. This would cause an unsafe condition for three reasons:

1. The westbound left turning traffic would spill back into the westbound through lane and block traffic. This segment of Patterson road is narrow and does not have a center turn lane.
2. Westbound traffic has limited sight distance due to a crest vertical curve on Patterson Road.
3. Both eastbound and westbound traffic have horizontal lane shifts in the narrow part of Patterson Road.

1st Street & Park Ave

This intersection fails to operate well by Scenario #2 (Year 2009 with traffic from 3 Project Phases). This conclusion is based on both of the performance measure that defined failure.

1. The eastbound left turn lane has 130-ft of vehicle storage before the first cross aisle, and it would not have enough capacity to accommodate the amount of traffic making the left turn movement. By Scenario #2, the 95th percentile queue length for the eastbound turn lane would exceed 130-ft. This would cause unsafe conditions within the Project, and would adversely affect internal traffic operations.

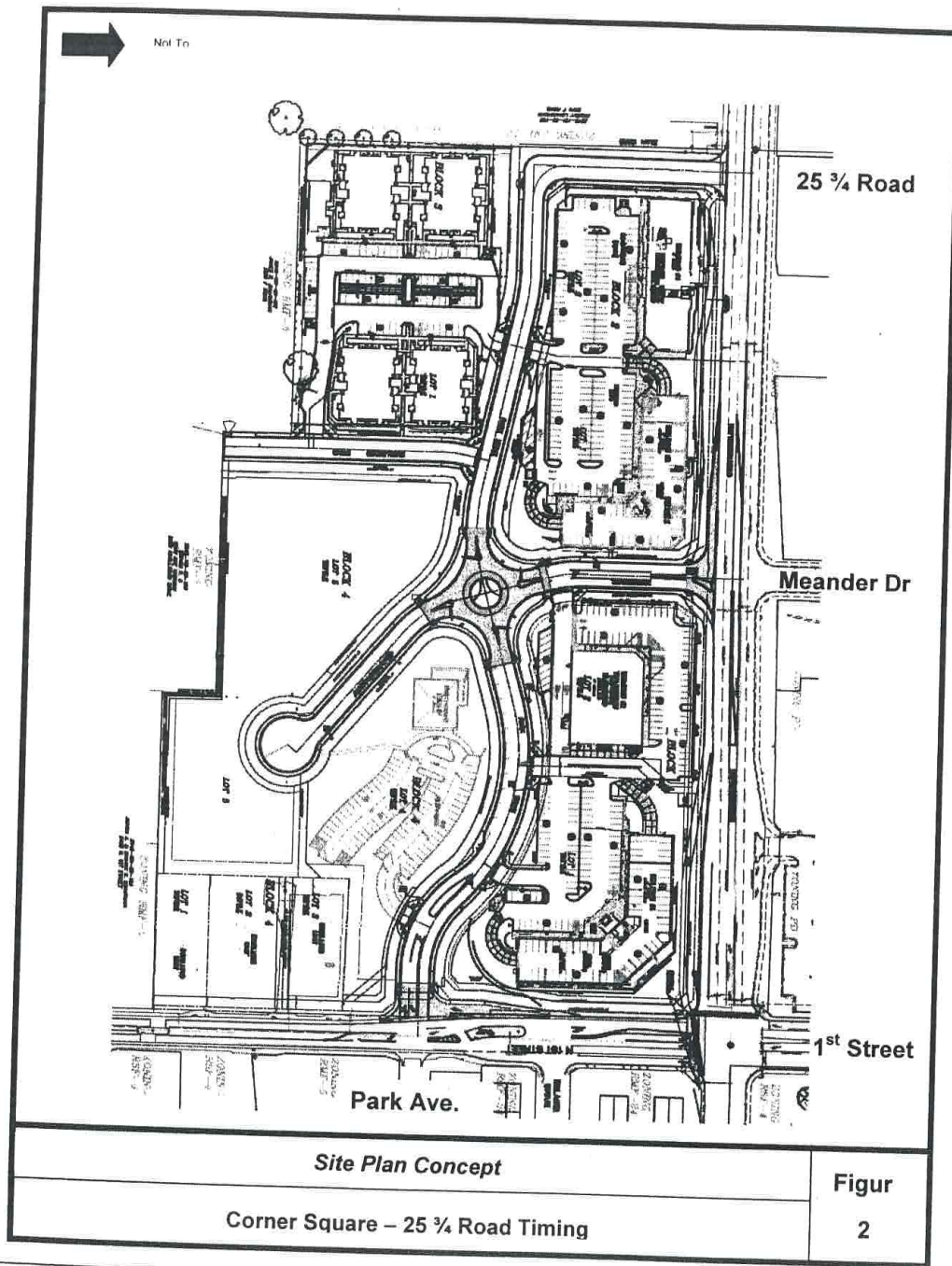
Corner Square Mixed Use Development – Timing of 25 $\frac{1}{4}$ Road Connection to Patterson Rd

2. By Scenario #2, there would not be enough adequate gaps in the 1st Street stream of traffic. This means that there would not be enough gaps to accommodate the number of vehicles that would turn out of the Project Site access at Park Ave. This would lead to unsafe conditions on 1st street. As drivers experience long delays, they begin to push there vehicles into smaller gaps. This eventually creates a situation where side road drivers with cut off vehicles traveling northbound and southbound on 1st Street.

As previously mentioned, TurnKey Consulting prepared a report in September that provided analysis of Project Phase 1 & 2. It assumed that the Project access configuration would include a full movement connection to Patterson Road at the 25 $\frac{1}{4}$ Road alignment. The September study shows that there would be an adequate number of acceptable gaps in 1st Street traffic if 25 $\frac{1}{4}$ Road was connected to Patterson Road. The September study also shows that the 2028 eastbound queues at the 1st Street/Park Avenue intersection would be less than 130-ft long. Therefore, the 25 $\frac{1}{4}$ Road connection to Patterson Road would solve both of the safety and operational issues.

In summary, the 25 $\frac{1}{4}$ Road connection to Patterson Road should be included as part of Project Phase 3 construction. This would prevent unsafe traffic conditions from occurring at the intersection of 1st Street/Park Ave, and from occurring within the Project.

Corner Square Mixed Use Development – Timing of 25³/₄ Road Connection to Patterson Rd



2 Project Trip Generation & Design Hour Volume

The following tables show Project trips for the various scenarios. This includes total trips at Project Access Points, which is based on consideration of internal site capture between uses. The tables also show new Project trips at external intersections, which are based on consideration of pass-by capture. The Appendix includes detailed trip generation calculations that describe the trip reduction assumptions for each use.

Scenario 1

Driveways		AM	PM
Enter (in)		135	141
Exit (out)		50	235
Off Site intersections (non-driveways)		AM	PM
Enter (in)		135	121
Exit (out)		50	211

Scenario 2

Driveways		AM	PM
Enter (in)		140	160
Exit (out)		72	244
Off Site intersections (non-driveways)		AM	PM
Enter (in)		140	140
Exit (out)		72	220

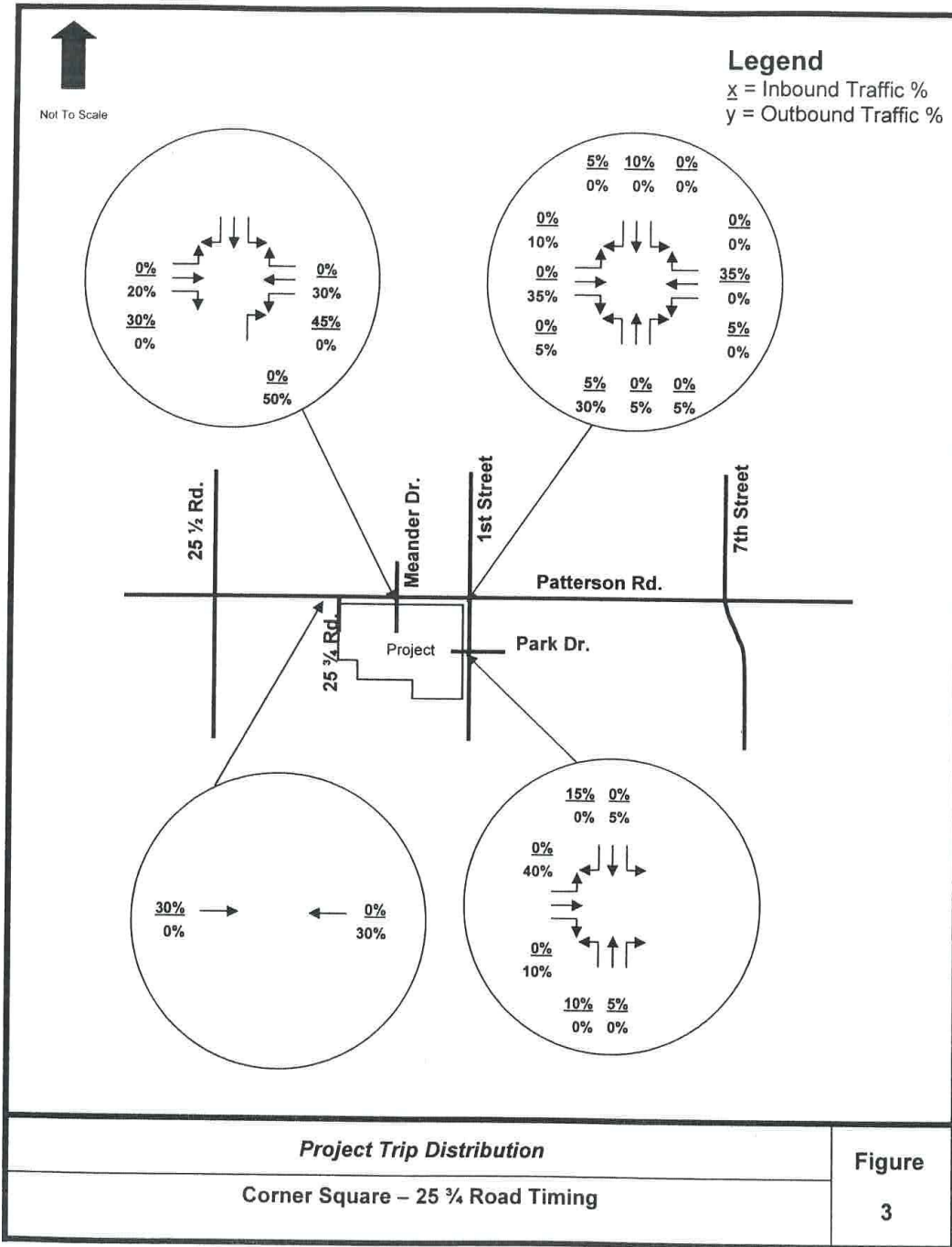
Scenario 3 and all other scenarios

Driveways		AM	PM
Enter (in)		140	195
Exit (out)		72	261
Off Site intersections (non-driveways)		AM	PM
Enter (in)		140	175
Exit (out)		72	237

3 Project Trip Distribution

Project trip distribution assumptions in this Study are based on the same assumptions in the original Kimley-Horne Traffic Study, with reassignment of traffic that was assumed to use 25¾ Road & Patterson Road. Figure 3 shows the revised Project Trip Distribution.

Corner Square Mixed Use Development – Timing of 25¼ Road Connection to Patterson Rd



4 Existing & Projected Traffic Volumes

Existing traffic volumes for the year 2008 were provided by the City of Grand Junction. Future background traffic volumes for each scenario were calculated based on an assumed annual average growth rate of 1.12%, per the original Kimley-Horne Study. Future total traffic is the sum of project trips and background traffic. The Appendix includes tables with trip calculations for each scenario.

5 Gap Analysis for 1st Street at Park Avenue

The purpose of the gap analysis was to determine if there are enough acceptable peak hour gaps in the traffic flow on 1st Street, when compared to the actual number of vehicles that would be turning out of the Project access at Park Avenue. It takes about 7 seconds to make an outbound left turn without affecting the mainline traffic stream. This is based on the Highway Capacity Manual (Table 17.5) and discussion with City staff. Therefore, an acceptable gap is defined as a gap of 8 seconds or more.

TurnKey Consulting conducted a field gap study in November 2008 to identify existing conditions (see Appendix for gap study data). For the future year scenarios, the number of future acceptable gaps was calculated by adjusting the number of acceptable 2008 gaps by a reduction factor. The reduction factor will be the inverse percentage of the increase in 2-way traffic volumes on the mainline. For example, a 10% increase in traffic volumes would create a gap reduction factor of 90% (future gaps = Number of acceptable 2008 gaps x 0.90).

There are enough acceptable gaps in the AM period, due to less traffic on 1st Street, and the inbound nature of most Project trips. For the PM period, there were 117 acceptable gaps in 2008 and there would be 118 vehicles trying to use the gaps in Scenario #1 (Project Phase 2 & 3). This means the gap capacity on 1st Street will be exceeded with the addition of traffic from Project Phase 3 (Scenario #2). The following table shows the results of the gap analysis for each of the various scenarios

Scenario Number	Outbound PM Volume at Park Ave. Access (vph)	First Street Traffic		Gaps		Volume to Gap Comparison
		Volume - NB & SB (vph)	% Increase in Traffic from Scenario #1	Gap Reduction Factor	Number of Acceptable Gaps	
1	118	1,119	n/a	n/a	117	-1
2	122	1,135	1%	99%	116	-6
3	130	1,142	2%	98%	115	-15
4	130	1,168	4%	96%	112	-18
5	130	1,209	8%	92%	108	-22
6	130	1,252	12%	88%	103	-27
7	130	1,307	17%	83%	97	-33

6 Peak Hour Traffic Operations Analysis

TurnKey Consulting used TEAPAC's Signal 2000 software to model traffic operations at Patterson Road and First Street. Signal 2000 utilizes the Highway Capacity Methodologies to analyze delay and capacity. The City of Grand Junction provided the Signal 2000 files for the AM and PM peak period at Patterson Road and First Street. The following table shows the results for each intersection for AM and PM peak conditions for all seven scenarios. The Highway Capacity Software (HCS) was used to model the unsignalized intersection of 1st Street & Park Drive. The configuration and width of median turn lanes on 1st Street does not allow a 2-stage left turn movement.

The project access at 25 ³/₄ would be necessary when the current access configuration causes a performance measure (to be defined) to not be met at two intersections within the study area, including:

- Patterson Road & First Street (signalized full movement)
- First Street & Park Drive/Site Access (unsignalized full movement)

Performance Measures at Signalized intersections:

Signal operations will remain the same as existing in order to maintain the coordinated progression of the Patterson Road (cycle length and phasing). Signal timing splits will be optimized. "Failure" to meet performance measures shall be defined when any of the following performance measures are not met:

- Critical movements shall have less than 56 seconds of delay;
- HCM 90th percentile worst lane queues (for northbound and southbound approaches) shall not obstruct upstream intersections or major driveways on Patterson Road or First Street.

Performance Measures at Unsignalized intersections:

"Failure" to meet performance measures shall be defined when any of the following performance measures are not met:

- 95th-percentile queue lengths shall be less than 130-ft
- The available number of acceptable gaps in the mainline traffic flow is less than the number of left turning vehicles.

Results at 1st Street & Patterson Road

As shown on the following table, this intersection fails to operate well by Scenario #5 (Year 2015 with traffic from all 4 Project Phases). The westbound left turn lane has 210-ft of vehicle storage and it would not have enough capacity to accommodate the amount of traffic making the left turn movement. By Scenario #5, the 90th percentile queue length for the westbound turn lane would exceed 210-ft. This would cause an unsafe condition for three reasons:

1. The westbound left turning traffic would spill back into the westbound through lane and block traffic. This segment of Patterson road is narrow and does not have a center turn lane.
2. Westbound traffic has limited sight distance due to a crest vertical curve on Patterson Road.
3. Both eastbound and westbound traffic have horizontal lane shifts in the narrow part of Patterson Road.

Results at 1st Street & Park Ave

As shown on the following table, this intersection fails to operate well by Scenario #2 (Year 2009 with traffic from 3 Project Phases). This conclusion is based on both of the performance measure that defined failure.

1. The eastbound left turn lane has 130-ft of vehicle storage before the first cross aisle, and it would not have enough capacity to accommodate the amount of traffic making the left turn movement. By Scenario #2, the 95th percentile queue length for the eastbound turn lane would exceed 130-ft. This would cause an unsafe conditions within the Project, and would adversely affect internal traffic operations.
2. By Scenario #2, there would not be enough adequate gaps in the 1st Street stream of traffic. This means that there would not be enough gaps to accommodate the number of vehicles that would turn out of the Project Site access at Park Ave. This would lead to unsafe conditions on 1st street. As drivers experience long delays, they begin to push there vehicles into smaller gaps. This eventually creates a situation where side road drivers with cut off vehicles traveling northbound and southbound on 1st Street.

In summary, the 25¼ Road connection to Patterson Road should be included as part of Project Phase 3 construction. This would prevent unsafe traffic conditions from occurring at the intersection of 1st Street/Park Ave, and from occurring on internal Project roads.

Corner Square Mixed Use Development – Timing of 25¼ Road Connection to Patterson Rd

Criteria	Scenario 1 Year 2008		Scenario 2 Year 2009		Scenario 3 Year 2009		Scenario 4 Year 2012		Scenario 5 Year 2015		Scenario 6 Year 2018		Scenario 7 Year 2021	
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
SIGNALIZED 1st and Patterson														
Do critical movements have < 56 seconds of delay?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Is the HCM 90th percentile worst lane queues < the distance to the upstream intersections or major driveways on the north and south approaches? ¹														
North Approach Queue < 280'	234	236	237	241	237	248	244	253	256	265	260	280	272	293
South Approach Queue ² < 400'	162	217	166	221	166	222	169	227	178	238	182	255	189	267
Is the westbound left (WBL) turn HCM 90th percentile queues < the existing available left turn bay length? WBL Queues < 210'	189	195	194	200	194	202	202	207	212	218	220	224	232	235
UNSIGNALIZED 1st and Park														
Are the eastbound left turn HCM 95th percentile < 130'? (Assuming 25'/car, this equates to a queue length < 5.2 vehicles.)	0.2	5.0	0.4	6.00	0.4	7.50	0.4	8.6	0.4	10.9	0.4	13.1	0.4	15.9
Are the available number of acceptable gaps in the mainline traffic flow less than the number of left turning vehicles? Number shown = Outbound PM Volume at Park Access – Number of Acceptable Gaps		1		6		15		18		22		27		33
Appendix Information	1am	1pm	2am	2pm	3am	3pm	4am	4pm	5am	5pm	6am	6pm	7am	7pm

Notes:

Highlighted values do not meet criteria.

¹ Queues are given for the movement with the maximum queues (left, thru, or right).

² Protected-Permitted was assumed for all left-turns, except the south approach double left-turn, where the software program Signal 2000, is restricted to single-lane turn lane protected-permitted conditions. Therefore, queue lengths shown may be less for the south approach double left-turn due to this limitation.

7 Comparison to Conditions with 25³/₄ Road Connection to Patterson Road

As previously mentioned, TurnKey Consulting prepared a report in September that provided analysis of Project Phase 1 & 2. It assumed that the Project access configuration would include a full movement connection to Patterson Road at the 25³/₄ Road alignment. The results of the previous analysis can be used to determine if the 25³/₄ Road connection to Patterson Road would solve the operational and safety issues identified in this study.

The key location is the intersection of 1st Street/Park Avenue in the PM condition. From the September study, we know that the outbound PM traffic volume at this intersection would be 68 vph (for Project Phases 1 & 2). Assuming a 10% increase for additional traffic from Phases 3 & 4, the highest outbound volume would be 75 vph. The gap table on page 8 shows that there would be 97 acceptable gaps in the year 2021 (Scenario #7). This means that there would be an adequate number of acceptable gaps in 1st Street traffic if 25³/₄ Road was connected to Patterson Road.

The September study also shows that the 2028 eastbound queue at the 1st Street/Park Avenue intersection would be less than 130-ft long. Therefore, the 25³/₄ Road connection to Patterson Road would solve both of the safety and operational issues.

8 Summary & Conclusions

This report documents the supplemental traffic analysis for the proposed Corner Square Mixed Use Development (Project) in the City of Grand Junction. This Study provides a respond to the City's review comment on the TurnKey study dated 8/808, for Project Phases 1 & 2. The analysis is this Study focused on the analysis of the impacts to two existing intersections. It answers the question, "what happens to the intersections of 1st Street/Patterson and 1st Street/Park Avenue if Project traffic cannot use 25³/₄ Road to access Patterson Road."

This question was answered in terms of the AM and PM peak hour traffic conditions for various traffic scenarios. The approved Methodology included performance measures that were used to identify the definition of "failure." This included two measures for the signalized intersection of 1st Street & Patterson Road, and two measures for the unsignalized intersection of 1st Street & Park Ave. This Study determined that the traffic operations at these two intersections would be unacceptable under the conditions described below.

1st Street & Patterson Road

This intersection fails to operate well by Scenario #5 (Year 2015 with traffic from all 4 Project Phases). The westbound left turn lane has 210-ft of vehicle storage and it would not have enough capacity to accommodate the amount of traffic making the left turn movement. By Scenario #5, the 90th percentile queue length for the westbound turn lane

Corner Square Mixed Use Development – Timing of 25³/₄ Road Connection to Patterson Rd

would exceed 210-ft.

1st Street & Park Ave

This intersection fails to operate well by Scenario #2 (Year 2009 with traffic from 3 Project Phases). This conclusion is based on both of the performance measure that defined failure.

In addition, the September study shows that there would be an adequate number of acceptable gaps in 1st Street traffic if 25³/₄ Road was connected to Patterson Road. The September study also shows that the 2028 eastbound queues at the 1st Street/Park Avenue intersection would be less than 130-ft long. Therefore, the 25³/₄ Road connection to Patterson Road would solve both of the safety and operational issues.

In summary, the 25³/₄ Road connection to Patterson Road should be included as part of Project Phase 3 construction. This would prevent unsafe traffic conditions from occurring at the intersection of 1st Street/Park Ave, and from occurring within the Project.



2478 Patterson Road, Suite 18
Grand Junction, CO 81505
970-985-4001

MEMORANDUM

TO: Jody Kliska, City of Grand Junction Transportation Engineer
FROM: Skip Hudson
DATE: 11/20/08
RE: **Final Corner Square Traffic Study Methodology**
To determine the timing of the 25³/₄ Road connection to Patterson Road

The purpose of this round of analysis is to prepare a response to the City's review comment, "When will the 25³/₄ access to Patterson Road be necessary?" Believe it or not, none of the extensive traffic work to date has evaluated a site access scenario without 25³/₄ Road, beyond Project Phase 1 traffic. This study will include a few different land-use and background traffic scenarios to determine when 25³/₄ Road would be necessary.

Definition of Failure

The Project Access at 25³/₄ would be necessary when the current access configuration causes "failure" at two intersections in the study area, including:

- Patterson Road & First Street (signalized full movement)
- First Street & Park Drive/Site Access (unsignalized full movement)

The definition of failure will be based on the criteria in the City of Grand Junction's Traffic Engineering Design Standards (TEDS) Manual criteria. The criteria set forth in Chapter 2 will be used to assess intersection operational performance. Specifically, the concepts of Quality of Service (QOS) and delay were used as a basis for computing combinations of roadway operating conditions. By definition, six different QOS are used - A, B, C, D, E, and F - from the TEDS manual. QOS "A and B" represent a volume to capacity ration of 0.90 or less. In other words, 90% of the intersection's capacity is being utilized by vehicular traffic. QOS "F" represents the maximum capacity of an intersection or roadway, where delay and/or congestion are severe and occurs when the volume to capacity ratio is over 1.20. During this "F" condition, the intersection demand exceeds capacity by 20%. The TEDS manual states that intersections shall be evaluated by QOS and critical delay.

TEDS Excerpt

HCM delays and queues shall be calculated for signalized intersections using the latest version of the Highway Capacity Manual. The City of Grand Junction uses the TEAPAC signal analysis software and requires its usage and methodologies for design and analysis of signal timing. The HCM delay and queues shall be calculated for the identified peak hours for existing conditions, the projected traffic with build-out of the project, or at completion of phases of larger projects. An appropriate 15-minute peak hour factor shall be used. The performance evaluation of signalized intersections shall include the following:

Superior Project Leadership – Concept to Community

- Critical movements shall be identified and must meet or exceed the threshold requirement of 35 seconds of delay or less;
- No movements shall have an adverse effect on the coordinated progression of the street system as determined by an approved coordination model consistent with the methods of HCM;
- HCM 90th percentile worst lane queues shall be calculated and shall not obstruct upstream intersections or major driveways;
- The analysis of a signalized corridor must show a reasonable progression band, identified as a usable (unblocked) band for major traffic movements.

Unsignalized intersections shall be analyzed using the latest Highway Capacity Manual methods. In the performance evaluation of stop controlled intersections, measures of effectiveness to consider include the delay, volume/capacity ratios for individual movements, average queue lengths and 95th-percentile queue lengths to make appropriate traffic control recommendations. The Highway Capacity Manual recognizes that the delay equation used in the capacity analysis procedure will predict Quality of Service F for many urban intersections that allow minor-street left-turn movements, regardless of the volume of minor-street left-turning traffic. In recognition of this, the TIS should evaluate the results of the intersection capacity analysis in terms of all of the measures of effectiveness.

Failure at Signalized intersections

Signal operations will remain the same as existing in order to maintain the coordinated progression of the Patterson Road (cycle length and phasing). Signal timing splits will be optimized.

Failure shall be defined when any of the following performance measures are not met:

1. Critical movements shall have less than 56 seconds of delay;
2. HCM 90th percentile worst lane queues shall not obstruct upstream intersections or major driveways on Patterson Road or First Street

Failure at Unsignalized intersections

Failure shall be defined when any of the following performance measures are not met:

- 95th-percentile queue lengths shall be less than 130-ft
- The available number of acceptable gaps in the mainline traffic flow is less than the number of left turning vehicles.

It takes about 7 seconds to make an outbound left turn without affecting the mainline traffic stream. This is based on the Highway Capacity Manual (Table 17.5) and discussion with City staff. Therefore, an acceptable gap is defined as a gap of 8 seconds or more. For the 2009 analysis, the number of acceptable gaps will be the same as 2008 (based on field gap study). For the future year scenarios, the number of future acceptable gaps will be calculated by reducing the 2008 number of acceptable gaps by a reduction factor. The reduction factor will be the inverse percentage of the increase in 2-way traffic volumes on the mainline. For example, a 10% increase in traffic volumes would create a gap reduction factor of 90% (future gaps = Number of acceptable 2008 gaps x 0.90).

Assumptions for Operational Analysis

Please see the attached TIS base assumption form and attachments. In addition, there are several assumptions that will be used for the operational analysis.

- Speed limits remain the same as existing
- Truck Factor = 2%
- Peak Hour Factor = 0.90

Analysis Process

The first portion of the analysis process will focus on new project traffic by phase, in the year 2009. Three distinct project traffic scenarios will be evaluated in 2009 without the 25¼ Road Access. The second portion of the analysis (if necessary) will incrementally increase the time and background traffic volumes at each intersection to evaluate performance measures, without the 25¼ Access. The analysis will stop if a performance measure is not met. The following table summarizes the different analysis scenarios:

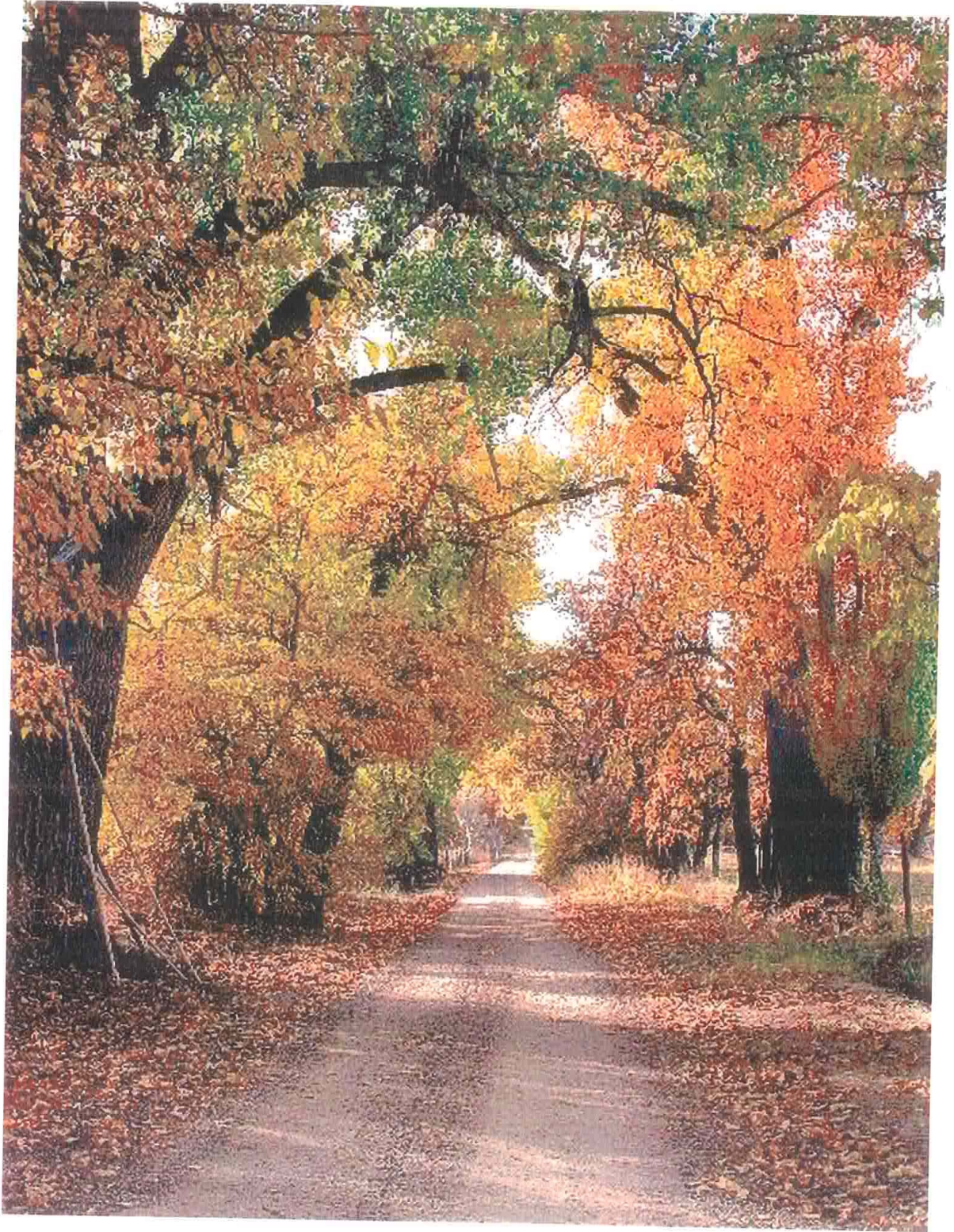
Scenario Number	Year	Project Phases	Notes
1	2008	1 & 2	Current Condition
2	2009	1-3	If necessary
3	2009	All 4	If necessary
4	2012	All 4	If necessary
5	2015	All 4	If necessary
6	2018	All 4	If necessary
7	2021	All 4	If necessary

Appendix 13

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 13

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman



Appendix 14

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 14

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman



09/11/2007

Mr. Bruce Baughman
2579 F Road
Grand Junction, CO 81505

Dear Mr. Baughman,

The following recommendations are based on the visit Susan Rose and I made to your home this afternoon. Our visit focused on the trees along the drive to your home and other trees that will be impacted by further construction.

The trees on the east side of the drive have been severely impacted by activities on the neighboring property. These include soil compaction, the addition of soil over the root systems and the severing of roots during the process of trenching. At least 50% of the root system of these trees is currently dead or will die due to these activities.

The trees along the drive should be evaluated as soon as possible to ascertain their value. A discussion with the contractor/owner should then proceed to determine how this situation should be handled. I would suggest you contact Dutch Afman at 243-9119 for this evaluation. If he is not available let me know and I'll provide another contact. Several trees needing immediate removal due to their internal rot were pointed out to you during our visit and should not be included in this evaluation.

The huge cottonwood partway down the drive while needing to be pruned to remove dead wood appears to be in fairly good condition. If you decide to leave this tree in place, it will need to be pruned every few years to remove any new deadwood that develops due to root damage. This tree has the capacity to live for many years using its stored water and food reserves. This tree, however, will most likely die within the next 10 to 15 years. If you do decide to save this tree, the soil should not be disturbed within a radius equal to one foot per inch of trunk diameter. See attached fact sheet number 7.420. This will severely reduce the area available for new plantings.

2775 Highway 50
P.O. Box 20,000-5028
Grand Junction, CO 81502-5028
(970) 244-1834

1001 North 2nd
Friendship Hall
Montrose, CO 81401
(970) 249-3935

525 Dodge Street
Delta, CO 81416
(970) 874-2195

Colorado State University, U.S. Department of Agriculture and Delta, Mesa, Montrose,
& Ouray Counties cooperating. Cooperative Extension programs are available to all without discrimination.

Baughman, page 2

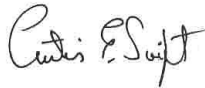
Once the trees along the drive are removed, the soil will need to be ripped, the root systems torn out, the soil amended with organic matter, new trees or shrubs planted and an irrigation system installed. These costs should be figured into the evaluation process.

The roots of the catalpa northwest end of the drive will be damaged when the proposed storm drain is installed. In addition, the drain system to be installed at the southwest corner of the neighboring property will damage additional trees. An evaluation of these trees should also be accomplished.

Due to the limited space available for root spread of replacements on the east side of the drive, I would suggest Siberian peashrub, lilac, upright junipers or small trees. See the enclosed fact sheets for further information.

Please let me know if you have further questions or needs.

Sincerely,



Curtis E. Swift, PhD
Area Extension Agent Horticulture
Voice: 970 244-1840; Cell Phone: 970 250-5586; Fax: 970 244-1700
Email address: Curtis.Swift@colostate.edu
Web Site: <http://WesternSlopeGardening.org>

cc: Dutch Afman

Encl:

Deciduous Shrubs 7.415

Small Deciduous Trees 7.418

Protecting Trees During Construction 7.420



2775 Highway 50
P.O. Box 20,000-5028
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Colorado State University, U.S. Department of Agriculture and Delta, Mesa, Montrose,
& Ouray Counties cooperating. Cooperative Extension programs are available to all without discrimination.

Appendix 15

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman

Appendix 15

Letter of January 21, 2008
Coleman to City Planner, Greg Moberg
Re: Corner Square & Baughman



AFMAN CONSULTING

ARBORICULTURAL EVALUATION SERVICES

WWW.AFMANCONSULTING.COM

July 31, 2008

Mr. Bruce Baughman
2579 F Road
Grand Junction, CO. 81505

Dear Mr. Baughman

Pursuant to your request, I have inspected and evaluated the trees located on the East side of your entrance lane to your residences @ 2579 F Road, Grand Junction, Colorado on July 29, 2008, and the following information is submitted for your perusal:

Volumes of landfill and compaction has taken place commencing some 5 feet over the rootbase of your trees on the Easterly portion of a row of Cottonwood/Mulberry/Catalpa and Maple trees. It is my opinion, that these trees can not possibly survive this damage due to suffocation of oxygen and nutrient uptake. Sadly to say that this could have been circumvented.

These damaged plants will have residual value as "firewood", however I have not attached any value for that. Taken in consideration are the health, placement, location and aesthetic values.

After due study of this situation, and evaluation, it is my opinion that the total value of your trees prior to the damages and demise is:

******TWELVE THOUSAND AND FOUR HUNDRED DOLLARS (\$12,400.00)******

My opinion as to the value of these plants, are based on formulas established in conformity with the *Guide for Plant Appraisal* (9th edition, 2000) authored by the Council of Tree and Landscape Appraisers. Furthermore, I certify that I have no prospective interest in the plant's replacement and my compensation is not contingent upon the predetermined value that favors the cause of the client.

Respectfully submitted,

H.D. "Dutch" Afman, DMG
Consultant. I.S.A.

TREE INVENTORY EVALUATION

BAUGHMAN – 2579 F. ROAD – GRAND JUNCTION, CO July 29/08

Commencing from the F. Road entrance to Baughmans properties going South in measured increments from units:

UNIT "A"

+/- 50' - Cluster (8 multistem) MULBERRY (*Morus*) 12" in diameter...Fair Condition-

Estimated Value	\$1,400.00
-----------------	------------

UNIT "B"

+ 38' - COTTONWOOD (*populus sargentii*), Good Condition - Good flare 72" in diameter.....

Estimated Value	\$4,400.00
-----------------	------------

UNIT "C"

+ 33' - MULBERRY (*morus*), Poor Condition with suckers – large stem 24" in diameter....

Estimated value	\$800.00
-----------------	----------

UNIT "D"

+ 47' - CATALPA (*catalpa speciosa*), Fair/- Condition - 17" diameter

Estimated Value	\$1,300.00
-----------------	------------

UNIT "E"

+ 78' – COTTONWOOD (*populus sargentii*), Poor Condition – (35% DAMAGE) - 53" in diameter.....

Estimated Value	\$1,500.00
-----------------	------------

UNIT "F"

+ 48' – 6- (six) MAPLES (*acer rubrum.spps*), Excellent Condition – Average 4 ½ -5" diameter....

Estimated Value	\$3,000.00
-----------------	------------

CHAIRMAN COLE: We have...we have new computers up here with a...a docking station and so this is our first night using them so if...if we look a little a...a dis-coordinated, why that's the reason. We're all...all getting used to it except Reggie who has worked with this for several years. Okay, Greg, go ahead.

MR. MOBERG: Thank you, Mr. Chairman, members of the Planning Commission, Greg Moberg with the Planning and ...Public Works and Planning Department. The request that's before you tonight is the Corner Square Apartments Phase II. As can be seen on your screen, this is the second phase of a planned development that is occurring on 1st Street and Patterson Road. The site that you'll be looking at tonight is the southwestern most lot within the development. Originally, a preliminary development plan was approved and a final development plan was approved for the four lots along Patterson Road. Those are all commercial. This is the first of the lots...the residential lots being brought before you for preliminary development plan approval.

As you can see with the aerial there is currently a lot of construction going on along or within those four lots. We have basically...all of those lots are being developed right now. This lot right here does have a...a building on it. It is occupied at this time. We also have a building that's occupied on the northwest corner. The Walgreen's is being built on this lot and this lot is currently just under construction.

Let me also point out that what we have surrounding this property, we do have another residential lot to the east. That lot is currently vacant and is not part of this request for a preliminary development plan. The parcel to the south contains a

single-family residence and the parcel to the west also contains a single-family residence. The future land use map for this property is medium or residential medium high. Commercial is located to the north, residential medium high to the east and residential medium to the south and also we've got residential medium high to the west. The existing zoning is P-D. That...an outline development plan was approved for this site. The properties again to the north have received a preliminary development plan and a final development plan. The property to the west is zoned R-12 and the property to the south is zoned R-5.

What I'm showing here is the outline development plan for the property. Again the four along Patterson have been approved for final and obviously are under construction. We do have two parcels, basically on the south half that are designated for residential development. You're looking at the parcel to the southwest. We also have an additional parcel located to the east of the two residential parcels and that currently is designated for a...for a restaurant. We do have a final plat for the property. The reason I bring this up is one of the questions that will be before you tonight is the improvements of 25³/₄.

The request that's before you tonight is for a preliminary development plan for 48 units on the southwest parcel. The units are located at four separate buildings. We have parking in the center. Within that parking area we also have covered parking that's in the center of the parking area and we also have storage units that are located within those...within that covered parking area. We also have an area to the southwest that is designated as a future club house. Currently that's not...it's not

going to be built immediately but the developer would like to propose that so that when that's appropriate he would like the ability to build that.

Twenty-five and three quarter Road is...what we have tonight are two requests that are before you. The first request is for a recommendation of approval for the preliminary development plan for Phase II of the apartments on Phase II and we also have a request for approval of improvements on 25³/₄. Currently 25³/₄ Road is dedicated full width. The applicant would like to improve it to its full width.

The issue that we have is that there is a driveway located approximately 20 feet to the west of...of the...the road...the dedicated right-of-way. We have a access for that driveway out onto Patterson Road. The applicant did apply for a TEDS exception due to the separation between the road – 25³/₄ and the driveway. There's a requirement for 50 feet of separation. Because they're only separated by 20 feet, the applicant did apply for a TEDS exception and that exception was denied and so the applicant has now proposed that he would like to complete the improvements for 25³/₄, he would like the driveway to be basically closed off from...to Patterson and relocated. This will give you a little better look at...this would be 25³/₄. This is the existing building that's located on the northwest lot. Currently this is the driveway that the...or, excuse me, the access of the driveway uses to get out onto Patterson. The applicant would like that closed off and would like that access relocated to 25³/₄ Road and so that's what's being proposed before you tonight as a recommendation. Again these are two separate recommendations – one for the preliminary development plan and one for the improvements on 25³/₄.

It gives you a little better look at how the site is currently situated with the existing improvements. This building right here is currently built and occupied. This building is currently under construction. We have West Park Drive that runs between these two lots and the lot that's before you tonight. This is the existing right-of-way. It is not improved at this point. The improvements to West Park Avenue exist up to this point and then we also have Knollwood Drive that runs to the south. The development has two access points – one to Knollwood Drive and one to West Park...West Park Drive.

I've also included some...some landscape plans so you can see how they're proposing to landscape the property. One of the issues that we do or that the adjoining property owner has is there is a grade change from Patterson to approximately this point where the grade raises about 9 feet. The applicant is proposing to place a retaining wall along this area. He'll be placing trees on...on the side of the applicant on the outside if you will of the retaining wall and then a ornamental fence will be placed on top of that retaining wall. That is one of the other requests that the applicant is asking for. Generally it's a solid fence that's required between these two uses. The applicant would like to put an ornamental fence on there rather than a solid wood fence or solid fence I should say. This would be the east half of the property. Again landscape - - all landscaping does meet our code and this is again a final picture of the planned development itself.

I would like to at this time indicate that again there are two recommendations that are before you. Staff is recommending approval of the first

recommendation which is approval of the preliminary development plan. We do find that it is consistent with the growth plan, that it does meet section 2.12.C.2 of the zoning code, 2...2.8.B. of the zoning code and 2.2.D.4. of the zoning code. We are also recommending that the 6 foot ornamental fence be allowed rather than a solid fence and we are also stating that any indication on any of the preliminary planned documents showing the construction or use of 25¾ Road with the approval of Phase II is not included as part of this preliminary development plan and we state that because we...it is our recommendation that...that we do not allow the improvement of 25¾ Road.

At this time I'd be more than happy to answer any questions.

CHAIRMAN COLE: Questions of Greg?

COMMISSIONER WALL: Greg, what was the grade again where the fence is going to go?

MR. MOBERG: It raises up to approximately 9 feet right about this location, then it drops down to zero out on Patterson.

CHAIRMAN COLE: Where does that grade start up there?

MR. MOBERG: I'm sorry.

CHAIRMAN COLE: Where does the grade start to...to climb?

MR. MOBERG: Well, the grade actually starts...this...this isn't a good picture. If you look at...maybe I can back up a little bit where we can see the two. There's actually a retaining wall on this side of the development also but that's inside the right-of-way that's already dedicated. So basically the grade starts at...at

approximately that north...northwest corner and then continues on up until that southwest corner. But it's not zero at that northwest corner either.

CHAIRMAN COLE: Okay. Any further questions?

COMMISSIONER PUTNAM: The...the grade that you're talking about is...is natural, it's not due to the construction activity down...

MR. MOBERG: It is due to construction. It is not natural. That grade was placed in there for many reasons - - one being to make sure that they had the fall for the sanitary sewer. They needed that grade...that increase of grade from this point to this point to be able to get that sewer, the fall that's required for the sewer.

COMMISSIONER PUTNAM: But there's a hill there.

MR. MOBERG: There was a lot of movement of dirt when they were constructing these four lots out front.

COMMISSIONER PUTNAM: Okay, thanks.

CHAIRMAN COLE: Further questions? Okay, thank you, Greg. Is the applicant present?

MR. CARTER: Yes. Mr. Chairman, members of the Commission. I'm Joe Carter with Ciavonne, Roberts and Associates here to represent Constructor's West and F and P Development LLC on the 1st and Patterson Corner Square Development, Phase II. I would like to address this grade issue just since it was a question and it's fresh in my mind. That grade is there because we had to get sewer over the top of the Ranchmen's Ditch pipe and in other words the sewer line existed north of the pipe, we came in with the sewer and tracked a minimum grade out all the

way back up into the development to serve this very last building which is just two and a half feet below the finish floor. So it was necessary to actually sewer via gravity. That's what led to the raise in elevation. You'll notice in that, as Greg pointed out, in that southwestern corner that is the highest point of the wall but the applicant's gone ahead and stepped that wall down and made a planter in that corner so that reveal...that 9 foot height is minimized in that location and then planted. So there was some effort there to minimize the impact of that 9 foot section.

Then...so I will go ahead and start my presentation. Again I'm Joe Carter with Ciavonne, Roberts and Associates. The rest of the consultant team is here as well except the architect. Civil engineering – Jim Langford's here if you have engineering questions; traffic engineer, Skip Hudson; and myself, certainly the applicant is here. The requested approvals – as Greg said, there's actually two approvals this evening. One is for approval of the preliminary development plan and then we were requesting you provide a recommendation of approval to City Council on connecting 25³/₄ Road to Patterson Road.

As Greg noted the location of the property is at 1st and Patterson. It's the southwest corner of the intersection but it's also the southwest corner of the site. It's approximately this location. The site map itself everything above the frontage of Patterson Road has been approved. It's primarily commercial. It's a sort of a mixed use. There's primarily retail on the bottom floor, some restaurant uses with offices on the second floor of...of these buildings and then we're currently working in Pod H. Pod G has yet to come before the Planning Commission. It's in its planning stages right

now; Pod E is in the same boat. That was the restaurant pad that Greg referred to. Below you'll see some of the existing architecture that is on site.

Prior approvals, as Greg mentioned – the process, now we've been doing this for quite awhile since February 15th in 2006 the...we came through with a growth plan consistency review making sure that the two land uses that were proposed on the property were consistent with the growth plan and the meandering of Park Drive. In October of '06...of 2006 this Planning Commission recommended approval of the ODP and the rezone of the property to planned development with the underlying zones of B-1, R-12 – it was RMF-12 at the time, and RSF-4. On November 1st of '06 City Council unanimously approved the ODP which is our driving, guiding document on density and intensity and the rezone to planned development and then the Planning Commission, you guys in June of 2007, approved the commercial development along...along the frontage of Patterson Road. And as this works now the apartment complex plan as approved through you and hopefully...hopefully approved and...and then stops and the recommendation then of 25³/₄ Road connectivity goes on to City Council.

Residential Pod H – the general land use properties of this...it is R-12. Now the staff reports says there are deviations. The code was actually changed and so no deviations were necessary. The R-12 zone or our Pod H is built under the standard R-2...R-12 dimensional standards and development standards of the Zoning and Development Code. The approximate area of the site's approximately three and a third acres. Again it is in the southwest corner of this property and one of the issues that's always come up throughout these hearings is is height and with the fill slope that's

proposed and the low profile buildings that the applicant is proposing the units do not exceed the 40 foot established standard of the R-12 zone. So we tried to be sensitive to that not taking the 9 foot fill and then adding a 40 foot building on top. We have approximately a 9 foot fill and a 31 foot building. If you'll note when you look at the architecture you'll note that the roof lines are...are very moderate. There's no peak; we've kind of left them flat-topped.

Requested approval – again preliminary plan. Tonight we're here to see if you'll approve our Phase II of the apartment plan. It is compatible with the existing ODP ordinance, the...the, excuse me, the planning...planned development ordinance of 38 91. It's consistent with the approved outline development plan and the Zoning and Development Code. As Greg noted, the site is well landscaped. We've got a considerable number of trees around the property where we could fit them. Greg noted that in this location there was a proposed club house and that has been eliminated at this point right now or will remain landscape area. Please note that buildings 1 and 2 were pushed as far forward as possible to maintain kind of an open area in this location. Again once a club house but no longer. There was screening provided in the south and west sides of the property to minimize the impact of that. It's well landscaped around the perimeter.

The parking has been located in the center in an attempt to utilize the buildings to screen the parking lots. The site sits up a little bit from the road but the tree canopy and the plantings along the front should help screen that as well. The parking is sufficient to meet the needs of the complex. It will be built as condominiums,

essentially sold at some point in the future individually but it will be used as apartments after construction.

Greg noted that there was security fencing. We do have a wall that goes around the perimeter of the property and it seemed a bit insensitive to have...build a wall and build a solid wood fence or a solid fence creating a...a very high profile screen along that frontage that could appear imposing. The applicant chose to go with an open, metal kind of a wrought iron look although it's I think it's powder coated aluminum but a black open type fence to give it a...a less of a compound feel and more of an open feel. The fencing does provide security. It does surround the properties for the most part. It does leave the driveways open. It's not a gated community.

As I noted earlier and you can see in this picture that the wall was angled and reduced in this corner to eliminate that...the overall appearance of a 9 foot high wall and then we've planted that corner. The wall is necessary to support the fills that I spoke about earlier which were necessary to actually get it to gravity drain to Patterson Road. Sites adjacent to this that are lower elevation will probably have to do the same thing in order to gravity drain to, if they need to, go to Patterson Road.

The last thing that I'd like to note is that this apartment complex plan, although we do want 25³/₄ Road paved, our traffic study notes that it's not essential for the approval of the plan. We don't need 25³/₄ Road. Our intersections and the surrounding intersections function acceptably without 25³/₄ Road but it leads me to 25³/₄ Road. We need 25³/₄ Road for future development and to serve the businesses that are existing there today. Certainly this is a construction project and we're in sensitive

times when we need to stimulate the economy. The...this we believe will help us make that project certainly more viable. The businesses along building 4 in the northwest corner of the project are clearly supportive of having additional access. It's...it's a construction project for the City of Grand Junction so it's...it's very important to us.

But one of the things that I'd like to discuss a little bit is the architecture that's gonna go on in the apartments themselves. As Greg noted there are 4 two-story buildings. The total heights of the building are approximately 31 feet. They're stucco and stone construction to match the character of the existing development. You'll note that there's a masonry component to each of the buildings that exist plus a stucco component. They have low roof lines for a lower profile so we don't exceed that 40 foot overall height. There are exterior balconies and patios and the breakdown of the units is one and two bedroom. This is an example of the architecture. It's an illustrative rendering. You'll note that the units have different plane projections so it's not a flat wall so you have some creative interest there. You've got wider eaves, you've got balconies and patios as noted and this even begins to show the fence how it does provide security. It does provide a perimeter but it's opaque, it's transparent so you can see through it and give it more of an open feel.

The second request that we're seeking this evening is the connection of 25³/₄ Road to Patterson Road certainly is to the benefit of the businesses that exist there. The 25³/₄ Road access allows left turns from the project onto Patterson Road. Currently the only way to access Patterson Road westbound is to go to the North 1st Street and Park Drive intersection, turn left on North 1st Street and then turn left on

Patterson Road. With this 25³/₄ Road opening, it lessens the project impact on North 1st Street. We now have the ability to access Patterson Road from 25³/₄ Road. It allows, actually with connectivity to 25³/₄ Road, it allows adjacent property owners not of this development to get to North 1st Street. Currently people needing to get to North 1st Street and that signal would need to get out on Patterson Road and turn right on North 1st Street and...and...and go southbound. 25³/₄ Road if constructed now does minimize future impact on Patterson Road by completing the construction.

Certainly traffic will only get greater as things go on and we'd like to finish construction now and ultimately 25³/₄ Road will be the major access point for all...for both properties. The yellow property here is the 20.7 acres of the Corner Square development, the red is the adjacent undeveloped 17 acres. The majority of this property is zoned R-12 or 12 units to the acre so it is anticipated at the time of development that that would come through 25³/₄ Road to access Patterson Road. Currently you see the parcel's landlocked. There isn't an additional access point at...at Knollwood Drive but the connection isn't as direct as going right to Patterson Road from 25³/₄ Road.

As Greg stated, the applicant has proposed that this adjacent driveway be closed and that a connection could feasibly be constructed and a curb cut provided at this location a suitable distance from Patterson Road up 25³/₄ Road – the lower order street as defined by TEDS – and the driveway access come off of 25³/₄ Road giving them access to Patterson Road and the ability to make a left turn or access up to North 1st Street.

That concludes my presentation. Are there any questions regarding the apartments or 25³/₄ Road?

CHAIRMAN COLE: Questions of the applicant?

COMMISSIONER WALL: I have a question. On...on the traffic study specifically, how...what justifies 25³/₄ being necessary and unnecessary? How many?

MR. CARTER: How many? I don't...I've got the traffic study to discuss that but ultimately the next phase of the project, Phase III, triggers the need for 25³/₄ Road. That's what we're coming to now. We recognize the need is apparent in our next phase. We recognize the need is...is desired by the property owners. We recognize the need that it would serve the overall development. What it does is it ultimately it lessens the impact off North 1st Street and that's what...I don't have the specific number, Commissioner Wall, but that...that's what triggers it is that when Phase III comes along, their impacts of North 1st Street and Park Drive intersection and it's relieved by opening 25³/₄ Road.

COMMISSIONER WALL: I...I...I don't know how pertinent it is but how...is there a time frame for Phase III?

MR. CARTER: It's...it's...

COMMISSIONER WALL: I mean just on the books whether it happens or not but I mean...

MR. CARTER: Yeah, I mean it's under design now so I'd like to think the application happens this year.

CHAIRMAN COLE: Further questions? You said the...there's going to be landscaping and eventually these will be sold as condominiums.

MR. CARTER: Correct.

CHAIRMAN COLE: In the meantime, who will maintain the...the landscaping?

MR. CARTER: The...there's a separate HOA. The developer will actually own in partnership all of the apartments as well as owning most, if not all, the buildings barring Walgreen's along the frontage so it's in his best interests to keep this looking good. The HOA is responsible for maintenance of the site. It's not individually owned and once it goes from apartments and the apartment HOA, probably actually just the actual ownership of the ground, it will be transferred to a condominium HOA and the condominium owners will be required to maintain that landscaping. It's irrigated off the master irrigation system for the entire project. It's on an automatic system and it would be maintained by the same people who are maintaining the commercial development portion – the same maintenance company.

CHAIRMAN COLE: Thank you.

MR. CARTER: You're welcome.

CHAIRMAN COLE: Any further questions?

COMMISSIONER PUTNAM: Yeah...yeah, the staff report included a declaration by a consultant that the...all or some of the trees along the driveway adjacent to this property had been mortally wounded. What's the status of...of

reparations for that deed and is it planned to replace them or just pay...pay for their death or what?

MR. CARTER: Well the applicant...well the City forester spoke up and...and he actually submitted a letter that said he believed they were damaged but not necessarily dead and so there's a dissenting opinion there. The applicant has agreed to some respect to say that he would if the trees die he would be happy to recover the cost as shown in the assessment by I believe Dutch Apfman but right now we don't believe the trees are dead. And certainly if they leaf out in the spring, they aren't. We...so it's...it's a...it's a kind of a...an unanswered question at this point. The trees could possibly be damaged. We don't believe they're dead. We've got examples of trees that have been impacted more severely than this and they survive today. If you'd like to see examples of those we can show you.

COMMISSIONER PUTNAM: That's okay. I just ask the question because one assumes that the...the presence or absence of those trees will have some bearing on the future negotiations about melding driveways.

MR. CARTER: Correct. Correct. What was interesting to note though is that there was a...a piece of property actually dedicated to the Baughmans from this parcel and that portion of the property that was dedicated recently that was the portion of the property that had the trees on it. So it's a little bit of a...a complicated issue certainly and hopefully that's something that can be resolved outside of this forum.

COMMISSIONER PUTNAM: Right.

CHAIRMAN COLE: Any further questions? Thank you.

MR. CARTER: Thank you very much.

CHAIRMAN COLE: With that, we will open the public hearing and again I would ask that if you are speaking that you limit your comments to around 3 minutes and we will proceed that way and if someone has already spoken and made the points that you would like to make, why you're certainly welcome to just say I agree with the previous speaker. So with that, we'll open it to those who would like to speak in favor of this project. Please give your name and...and address.

MS. DIXON: Okay. I'm Sharon Dixon and my business address is 480 West Park Drive, Suite 100.

CHAIRMAN COLE: Go ahead.

MS. DIXON: Alright. I am in favor...I am the regional manager for United Title Company. We occupy 6,000 square feet in the westernmost building and we currently employ 15 people. We service the real estate and lending communities. We chose this location because we needed a...the parking and access, ingress and egress. We are in favor of the project because I think it meets the infill challenges that we as a community have. We really want 25³/₄ Road approved as well and we'd love to have it now because we have customers that are exiting again on that 1st Street. We agree with the talking points of Joe Carter in reference to that additional traffic that's going out onto 1st Street.

CHAIRMAN COLE: Thank you. Someone else who'd like to speak in favor of the project?

MS. ZETMIER: Good evening. I'm Leann Zetmier, district manager, White and Reed Financial Services. Our address is 480 West Park, Suite 201. We occupy about 3,000 square feet of that building, have 9 employees in our office and service somewhere around 3,000 client households and businesses in our local area. We believe it's necessary to complete 25³/₄ Road. Currently our only choice if traveling west on Patterson is to exit on 1st Street. At times during the day we see that traffic is already congested. I think as the Corner Square project continues to develop that we will see even greater need for additional access allowing traffic to turn west on Patterson out of the complex. The proposed 25³/₄ Road will provide our clients easier access to our building. This is important to our clients and to our business.

Thank you.

CHAIRMAN COLE: If you have not signed in, I would appreciate if you would sign the...sign in back at the back. Yes, sir, go ahead.

MR. HIGGINBOTHAM: I am M. Bradley Higginbotham. I live at 664 Jubilee Court which is just off of North 7th Street and I want to thank you all for your service to our community. I...I travel through that intersection almost daily and in many days many times a day at 1st and Patterson. I wanted to remind you that the original proposal included the access that we're discussing tonight, primarily the 25³/₄ Road seems to be the issue point tonight. And after a lot of protestation the developer agreed to move the access entirely to his property, hence the trees and the property that they occupy having been given to the neighbors.

The original approval included this 25¾ Road access. The traffic studies that were in the original application and approval showed that the safety of the public called for this access. It's not in the applicant's interest that's called for its inclusion and anything less I think than the approval of the application would place the apartment residents, neighboring residents, the users of and occupants of the businesses and the development and the public at large at risk unnecessarily and I would say that no...no opposition however heartfelt or well intended nullifies any of those prior statements and that the wisdom of your approval of this application and in keeping the...the driveway that exists in place actually puts the neighbors at greater risk, the public at greater risk and unnecessarily. Thank you.

CHAIRMAN COLE: Thank you. Someone else would like to speak in favor?

MS. MENDELSON: Good evening. My name's Alicia Mendelson and I live at 2503 North 1st Street and I too am in favor of the 25¾ Road proposal tonight and I just would like to let you know that I think it's necessary and a very good idea for both the residents on 1st Street as well as the Corner Square development.

CHAIRMAN COLE: Thank you. Anyone else would like to speak in favor?

MR. FORD: Hi. My name is John Ford and my wife and I live at 2425 North 1st and we'd just like to agree with the previous speaker. We...we are in favor of the project and we see the need for 25¾ Road to be implemented.

CHAIRMAN COLE: Thank you. Someone else would like to speak in favor?

MS. MILYARD: Hi. My name is Toni Milyard. I office at 120 West Park. I'm the owner of Re/Max 4000. Of course I'm in favor of this but I also just wanted to mention that due to the traffic count that we have going on there now I have about 70 employees, our parking lots are full with that and I do think it's essential at this time we do or you approve 25 ¾ Road. Thank you.

CHAIRMAN COLE: Thank you. Anyone else would like to speak in favor?

MR. RICKARD: Good evening. I'm Ray Rickard, 2415 River Ranch Drive. I'm a local real estate broker. I do work at the Re/Max office and also a land developer of several infill projects here in the valley. I'm pretty much in favor of this project. It provides the needed manageable commercial and residential activities or densities here, has a lot of access to medical, schools and shopping and I do believe it's necessary that they complete 25 ¾ Road.

CHAIRMAN COLE: Thank you. Someone else would like to speak in favor? Seeing none, we'll move to those who would like to speak in opposition to this project.

MS. POTTS: I'm Susan Potts, excuse me, and it's kind of hard for me to listen to this because in 2006 we neighbors who live to the south of this complex told them this is what they were looking at. That they didn't have the access they needed. That they would be required...requiring 25¾ Road. They said oh no, they

could do fine with Park Drive. It was going to be access, they were going to have the double turn which is great. The density is going to kill that corner. They have left as you will notice the Knollwood Drive open, right now as 25³/₄. In the next...before the next phase they're going to ask for Knollwood Drive to be punched through to a neighborhood that cannot by any means support any more traffic.

Back in 1974 there was a huge discussion and all about it. (Inaudible) and even came out with fire trucks to make sure that they had access in and out of that neighborhood before they could build any more houses. Now we're looking at the very possibility because we told them about 25³/₄ they said oh no. Now they're back using the same things that we said two years ago to tell you that it's important that they do it and it leaves the people that live in that area the already existing residents taking the brunt of this.

He's a developer and he's done a beautiful job on the corner if you go look. Each and every one of you I'd like to see you table this, go up there, sit in the neighborhood for a little while, try and get out at West Wellington. Go down and do the Park Drive exit. They're gonna to put these residential in there. The neighborhood cannot support it and it will be pressed onto the neighbors within...before their Phase II is even finished. Everyone you've heard come up here tonight are new residents of the corner and they're asking for 25³/₄ Road because as new residents they already see it and we told them that over two years ago. Thank you very much.

CHAIRMAN COLE: Thank you. Someone else who'd like to speak in opposition? Pull that mic down in front of you there. There you go.

MS. BAUGHMAN: My name is Frances Baughman and I live at 2579 F Road. I own with my children the property directly west to the Corner Square development. My son, Jim Baughman, owns the property bordering the southwest corner of the Corner Square development. Our driveway is just off of Patterson Road. It's about a 800 hundred foot in length and it is the only access to our homes. Earlier in the planning stage of the Corner Square development, the developer in talking to two of my sons suggested he would be interested in using a portion of our driveway for an alternate access road to the Corner Square development. This access would then be designated as 25³/₄ Road with the intention that someday it would benefit our property in lieu of future development.

This driveway has been in existence for many years. It has served the Baughman Family for more than 80 years. The Hale family lived at this location prior to the Baughman family so this driveway has been in existence for well over a hundred years. I had recently lost my husband and I had other concerns. I was not ready to think of any development on our property. I did want to keep my driveway intact. I value the open space we have and the private driveway with its many old trees that go along the driveway and they provide the shade and the beauty to our entryway.

I declined the offer to share the access with the Corner Square developer and then it was introduced by the developer an entry roadway on his property with the plans that this would be eventually 25³/₄ Road. We are concerned that this will be an unsafe situation for us as well as the Patterson Road traffic because our driveway entrance and the developer's roadway are adjacent entryways. Although the city has

allowed us to keep our driveway at present we are concerned as the developer adds more dwellings to his project this will initiate more traffic and a need for an additional entryway and then possibly we could lose our driveway if that opens. To prevent this from occurring I urge you to carefully consider the density allowed on this project. The city has a moral obligation to also protect my property rights. We feel we have become the victims of this project due to the financial, emotional and physical stress that has resulted. Thank you.

CHAIRMAN COLE: Thank you. Someone else who'd like to speak.

MR. ASHER: Hello Commissioners. My name is Mike Asher. I am actually married to one of the Baughman daughters, Barbara Baughman, and I just wanted to...to basically address a couple real quick things. Our attorney, Mr. Coleman, I think wrote a fabulous letter and I don't know it was to Mr. Moberg and I'd like to give each one of you a copy of it. I don't know if you've seen it but it goes through and outlines all the stuff basically, well, I shouldn't say it this way but basically it addresses a lot of the issues it seems like they have changed constantly as it goes on and on and on and it just...I think it's great but I'd just like to give each one of you a copy.

COMMISSIONER PUTNAM: We have the letter.

CHAIRMAN COLE: We have the letter.

MR. ASHER: Oh, you have the letter?

CHAIRMAN COLE: Yes.

MR. ASHER: Okay. Another couple...okay, if you have the letter that's great but it just seems like there's a ton of issues in here that seem to get

changed. There's on Patterson Road there's a curb cut and I know we're talking about 25³/₄ but it looks like the city allowed a curb cut there already when they put in the drain and that was kind of interesting that you know, I mean it seems like it's jumping the gun a little bit on that issue as far as why they didn't put a straight curb in but I guess that was allowed and I don't know how that's done or whatever. I don't have any idea it just seems like it's already been, you know, put right into the curb. And there's a...the fence issue. I don't know exactly what the code says on that but the types of use obviously Jim's house is residential and it's just a regular single-family house but I know they're trying to do the wrought iron which I know is...is decorative and nice but it'd be nice if they had something that was actually a little bit more solid that can kind of separate the two uses because one's considerably more dense than his single-family house and I guess that's it. I appreciate it. Thank you very much.

CHAIRMAN COLE: Thank you. Someone else who'd like to speak in opposition? I hope you're not going to go through all those.

MR. JIM BAUGHMAN: I'll go through part of it, how's that? Is it possible there's some water I can...thank you. I apologize. I had to work until almost 6 o'clock and I'm just barely getting here. My name is Jim Baughman. I live at 2579 F Road. As has been mentioned I own the property south of this Corner Square development and my family...my mother owns the property on the west side. Our family has lived in this location since 1928 and that driveway has been in existence all the time that our family has owned that property since 1928.

It...prior to the ownership of our...my grandfather buying the property, it was owned by a gentleman named Moses Hale that had a dairy on the property and that driveway was also there for many years prior to 1928. I can't tell you exactly when it was built but I guarantee that it was there. It's...it's got to be at least almost a hundred years old and that's access for our...that's the sole access to our property.

As my brother-in-law, Mr. Mike Asher, has mentioned the letter that our attorney, Joe Coleman, has written and it I believe is included with your packet and I hope...hopefully each one of the Planning Commission members has had a chance to read that letter and compare the...the existing city codes and regulations that have been adopted by the city of Grand Junction in...in respect to this project and how we feel that and I think with...with even a minimum amount of review that it can be very well established that there is many that items that have not been followed and the city has not mandated the...the developer to follow their own regulations.

The proposed 25³/₄ Road is not shown on most...on the most current Grand Valley Circulation Plan. It serves only the private development of Corner Square. It does not meet the adopted Transportation Engineering Design Standards, TEDS, as it is located less than 20 feet from the existing Baughman...the existing Baughman driveway. The TEDS standard is a hundred and fifty feet. 25³/₄ Road does not meet the TEDS requirement for a right turn lane. As city traffic engineer, Jody Kliska, replied to the develop...the developer's traffic engineer, based on your traffic study projected volumes for 2025 the eastbound volume of 17 hundred vehicles would yield more than 900 vehicles in the adjacent lane. The traffic study estimates 102 right

turn vehicles in the peak p.m. hour. This more than meets the criteria for a right turn lane and 25³/₄ Road is not being proposed with a right turn lane. It's being proposed as a full movement intersection.

25³/₄ Road also does not meet TEDS section 5.1.5.1 which states at unsignalized intersections the maximum grade of the intersection shall be 4 percent and extend a minimum of 50 feet in each direction from the flow line of the intersecting street. The developer has built the level of the land up approximately 3 feet at the intersection of West Park Drive and 25³/₄ Road right-of-way. As West Park Drive is required to stub onto the Baughman property, the 3 foot elevation does not meet the TEDS requirement.

Chapter 3, section 3.2.5 of the TEDS manual describes the requirement of cross access corridor for the city streets. It states cross access corridors shall be designed to provide common access and circulation among parcels in order to assist in local movement. Cross access should be designated and include the following elements. There's four listed. I will read the last two. The third is stub out to the abutting properties that will be tied to provide cross access and the fourth, linkage to other cross access corridors in the area, if applicable. Whenever a cross access corridor is designated on a subdivision plat, site plan or other development application, the property owner shall grant and record an easement allowing cross access to and from other properties in this area. And so it's our contention that definitely that has to be stubbed to our property and it has to be stubbed at a level that we can tie onto at some point for future access whenever that might be.

Chapter 5 of the TEDS manual further states the minimum standards for geometric design of the residential and commercial streets. Section 5.1 states in the third sentence – street layouts shall continue streets in the adjoining subdivisions or the anticipated locations when adjoining properties...when adjoining property is not yet developed to provide interconnectivity.

Chapter 3, section 3.2.2, it's provision of access. This section of the TEDS manual states if a property has frontage on more than one street, access will be permitted only on the street frontage where design and safety standards can be met. The primary access shall be on the lower order street. Additional access points may be allowed based on traffic safety as determined by transportation engineering study.

Corner Square Park Drive access is a full movement intersection. Meander Drive access is a three-quarter movement intersection and the proposed 25³/₄ Road intersection is a full movement intersection. If 25³/₄ Road is approved, Corner Square will have two Patterson Road access points which will violate section 3.2.2 of the TEDS standards which requires that the primary access be on the lower order street and in this case that's North 1st Street.

In Chapter 6, section 6.2.F.6 – although specifications for a grading plan are not listed in the city of Grand Junction's Zoning and Development Code, section 6.2.F.6 requires a developer to provide on site grading and a drainage plan. Said specifications are contained in the supplemental standard for engineering design 2006 and section 5...or v.5 of this manual it lists 16 features of the required grading plan. Number 2 states - - existing contours extending off site to indicate off site grading

patterns and elevations and grading conform. Number 9 states - - show existing contours on adjacent properties as necessary to demonstrate how the site grade matches at the property line.

Is there a way that I could put a photo?

CHAIRMAN COLE: Lay it on the table there. I think you can.

MR. JIM BAUGHMAN: Okay. Okay if you could...oh, great. Okay, as you can see in the top right photograph I am standing next to the fence on the east side of our property next to the buildup of land that's been built up on the developer's property at some locations and then this is even according to the developer's own contour plan. That grade is about 9 feet...right at 9 feet higher than the grade of our property. It varies between 3 and 9 feet. As you can tell from the lower left picture also that...that is looking directly east. There again, that's visual evidence to the board here tonight that that grading plan has not been addressed according to the city's own standards. I believe that that grade, that elevation grade definitely needs to be moved, cut down and moved further to the east. Now I don't know exactly how far that would have to be moved to meet the standards but I guarantee that it does not meet the standards now because at our property line which is the fence line the grade of the developer's property starts directly up from that point.

No mention of an elevated grading plan was ever mentioned in the Corner Square Phase I Planning Commission narrative or the public hearing of June 26, 2007...7. Subsequently, the Corner Square developer used huge earth moving equipment to completely re-grade the entire site. The grading plan elevations were

increased 8 to 9 feet along the western property line of the Corner Square development and the elevation change occurring...this elevation change occurring within 15 feet of the western property line. The increased elevation does not meet criteria number 2 or 9 of section B-5 of the grading plan of supplemental standards for engineering design.

CHAIRMAN COLE: Excuse me, sir.

MR. JIM BAUGHMAN: Yes.

CHAIRMAN COLE: Would you kind of wind down? You've been going about 10 minutes now. We asked you to go for 3 to 5 minutes so if you'd kind of wind it down. Sum it up if you can.

MR. JIM BAUGHMAN: Well I'm...I'm...I'm working on that. I would argue that the developer didn't have a time limit imposed upon him and he seemed to go on.

CHAIRMAN COLE: Wind it down if you would, please.

MR. JIM BAUGHMAN: I would also like to mention that the fencing and buffering standards and those are...those are listed in the letter that Mr. Joe Coleman has sent to the commission that they are required for all phases of this development. That has not been done for Phase I and now we're on Phase II and there should be a fence and a...a...a 6 foot high fence and a 8 foot buffer that should be adjacent to our property and installed and that has not been done and it has to be done also on this particular Phase II. I know the developer's trying to address that at this time.

Finally I would like to comment the...the development that was approved in Phase I, we had, excuse me, we had a gentleman, Brad Higginbotham, a bit ago talk about the Phase I approval of 25³/₄ Road. That approval if you would go back to the minutes of the...of the City Council meeting for 2006. I believe it was November 1st, 2006 when that was approved. It contained actually a couple of stipulations and those stipulations required the developer to site the exact location of 25³/₄ Road which that had not been done and subsequently it's been moved to the developer's property and also it was...it was shown at the the...the F ³/₄ Road...that F ³/₄ Road would ultimately serve both properties as...as development would occur.

The...the F ³/₄ Road was envisioned as a...as a...as a access to our property at the time that our property developed and it ultimately became by the developer's work with the city where...where that road would be opened up at the time of this subdivision at a future phase and it was not.

CHAIRMAN COLE: Don't you mean 23 ³/₄?

MR. JIM BAUGHMAN: No, 25³/₄.

CHAIRMAN COLE: Or 25³/₄ rather than F ³/₄?

MR. JIM BAUGHMAN: Yes, sir. Thank you – 25³/₄. And anyway, the...the project that was approved on Phase I, the...the density of Phase I was way higher than was allowed in B-1 zoning. And I...I believe that the B-1 zoning would allow 15,000 square feet for a retail business or 30,000 square feet for office buildings. The...the building 1 on...on Phase I is 30,000 square feet office and 10,000 square feet retail. Building 2 is within the 15,000 retail limit because it's 14 490. Building 3, 20,000

square feet retail; 18,000 square feet office; and Building 4 is 12,500 square feet retail and 15, or excuse me, 7500 square feet office.

There's a...there's a ratio that talks about floor area ratio of how much land is comprised of...of building versus lot. It's that F-A-R, floor area ratio, and that was approved at .7 instead of .5. My point is that the density of Phase I was dramatically increased the traffic impact for this development. And in Phase II what was approved in...in the outline development plan was a density range of 70 to 111 units and I request that...that the Planning Commission and the city work together and look at what density that...I don't know...I don't know what the number is between 70 and 111 but there is some point that that...that the number would require this F ¾ Road to be opened and we feel that that was not approved and that...that the development should have access that does not conflict the our existing driveway.

Up...up until the very highest number that the developer can put on there is fine. That's within...that's within the code but when...when the conflicts...conflicts where it takes our private property and our driveway that...that is not right and it's never been done in the history of the city of Grand Junction to take a adjoining neighbor, excuse me, adjoining neighbor's property and take access from an adjoining neighbor's property for the benefit of a private developer and I request that emphatically that this not be done at this time and thank you very much for your attention.

CHAIRMAN COLE: Thank you.

COMMISSIONER WALL: Can I ask a question, or no?

CHAIRMAN COLE: No. Someone else would like to speak in opposition?

MR. BRUCE BAUGHMAN: Good evening. I'm Bruce Baughman. I live at 2579 F Road. I have a few issues in opposition. I'd like to talk about the trees that are shown on his landscape plan for Phase II. Specifically on the west side it shows I think 8 trees and at maturity they would overlap the existing trees that are on our property by more than 20 percent and by code that cannot be. Also in...in regard to the tree analysis done by Dutch Affman, Curtis Swift from the CSU extension office also came out and each one of these gentlemen independently...it was an immediate reaction that these trees are gonna die. The trees don't die immediately. They're gonna bud out this year. They'll leaf out. The bigger trees will take longer to die because they have more reserves built up into their cambium, the bark, but they will die. And as far as the trees that were prior on the Gormley property before the boundary adjustment, there were only 2 trees and at most 20 to 30 percent of the diameter of the tree had been on the Gormley side before the boundary adjustment.

Also, okay, going into drainage – on the retaining wall that's on the western part of his property, I've seen a drawing and I don't know if it's current. I assume it is for a 4 inch drain that would collect water from...during the irrigation season and that is shown connecting to a 12 inch pipe that its historic use had been solely to catch runoff water from my brother Jim's pasture. It did not serve to collect any water from the Gormley property and now it is being used for part of the runoff from the development and that is wrong.

I would like to reiterate that there needs to be some kind of mitigation between a high density, R-12, and the low density, R-5, that Jim has and a wrought iron fence just doesn't give you the privacy that a solid fence would give you and I think that's the spirit of the code and that's what should be followed. I can foresee a lot of lights and noise pollution coming from the parking lot of this development and that'll come up our hill and it's...it's just below the hill from our residences. It'll be a big impact and it's not a big issue to have an open fence on the west side of our property but on the southern part of his property I think it is a major concern.

And I wanted to talk about traffic and unfortunately I didn't get a chance to distill it down into a format that wouldn't make your eyes glaze over but in going through those numerous iterations of traffic studies that were performed for the developer, I found inconsistencies that I think need to be addressed and I don't think that 25³/₄ Road should be opened at this time until a thorough understanding and handle is made on the...on the traffic for this development. In...in particular I guess I notice an inconsistencies for the traffic at Park Drive and 1st Street. The...the amount of volume of traffic that would back up based on the initial traffic study I believe was 125 left turning vehicles and for the latest study...let's see if I can find that quick...it was 94. And I think they're complaining and the 94 was without...without 25³/₄ Road being open and I think the complaint was made that the 94 is an unacceptable number at Park Drive. But yet at the initial traffic study it didn't seem to be a concern when the number was even higher. So those are just some of the issues on the traffic. That' I'd like to

reiterate that you not open 25³/₄ Road at this time. I think there's too many unanswered questions.

The city has been on record with the TEDS committee denial that the developer submitted for opening 25³/₄ Road and I think rightly so because it is an unsafe situation to have a city street be that close to a private driveway. It's...I was asked to show a picture of our driveway...the trees. This is looking towards our residence south (inaudible). But...the...back to traffic, what has been proposed by the developer also I can understand why he put it there because the grade allows him to do it. He's built up the grade so high that at any other location it becomes difficult to make an access from our driveway onto 25³/₄ Road. But being that close to Patterson with the traffic that would be turning in there making right turns. You know normally when you come to an intersection you're looking right and you're looking left, perpendicular to your motion of travel and in this case you're going to have to look over your shoulder to make sure incoming traffic isn't gonna clobber you. So I think there's some issues that haven't been thought out well enough to open up 25³/₄ Road at this time. Thank you.

CHAIRMAN COLE: Thank you. Someone else would like to speak in opposition? I am going to ask folks if you would try to condense your...your testimony a little bit. We've went a little over on some of them so if you'd try to condense it, I'd appreciate it.

MR. FRANKHOUSER: Yeah, I'll be brief. My name is Ken Frankhouser and I live at 2239 Knollwood Lane and it's...I started coming to meetings - - neighborhood meetings - - at West Middle School prior to any Planning Commission

meeting. I've subsequently been to every Planning Commission meeting, every City Council meeting, regarding this project. I find it a bit ironic that about 2 years ago it seems to me this room was packed with people that tried to point out that this was a traffic nightmare in waiting. Well, guess what? We got the nightmare coming to fruition.

Sounds to me like there's gonna be an approval of 48 units. I don't have a problem with that, you know, and I don't...I don't know about the issue of 25³/₄ Road but I just know that people that work in that facility now are already complaining that it's a traffic hassle and the...the condos aren't even built yet. Can you envision what this is gonna be like when all of those pods are approved and all the apartments are constructed? It's just gonna be unbelievable in terms of people trying to get in and out on 1st Street. Now that concerns me because I live directly to the south on a tucked away neighborhood street, a dead end street that nobody ever comes down unless they live there or they're delivering a newspaper or they're delivering a pizza or whatever.

People talked about their traffic studies. I did my own traffic study. I sat under a maple tree and counted the number of cars coming in and out of my neighborhood - - not very many cars during the course of a day. My concern is the same concern that was expressed earlier by Mrs. Potts that when all of these units are built and there's no access to Patterson Road, what are you gonna do? What's the city gonna do? My concern is they're gonna want to punch Knollwood Lane, Knollwood Drive...punch through Knollwood Lane to alleviate some of this traffic congestion and I'm here to express my radical disapproval of that plan because that neighborhood is an

existing neighborhood. It's very quiet. It's been in existence since the late 1960s and those roads – Knollwood Lane, Lilac Lane, Wellington Street, Lorie Drive – they are not capable of handling the kind of traffic that will come as a result of punching that street through. So I know that this might not be germane to the actual issue before you tonight but I just want the Planning Commission to know and the city people to know that the neighborhood on Knollwood Lane, Wellington Drive, Lilac Lane, Lorie Lane – those...those people don't want a bunch of traffic in an existing neighborhood that was never built to handle a lot of traffic. So that's...that's my comment.

CHAIRMAN COLE: Okay, thank you. Those...those items are not part of this application; however.

MR. FRANKHOUSER: I do understand that but it doesn't take a genius to figure out when traffic is so congested that nobody can get anywhere that the next...

CHAIRMAN COLE: We...we understand that, sir.

MR. FRANKHOUSER: Okay.

CHAIRMAN COLE: Someone else?

MS. NIELSEN: My name is Claudia Nielsen and I live at 2301...

CHAIRMAN COLE: Pull...pull the mic down in front of you.

MS. NIELSEN: I live at 2301 Knollwood Lane. I'm not gonna take your time except that, you know, that I support all of the opinions that have been given. From the very first I feel like we've kind of been deceived. They've...at

neighborhood meetings we were told they weren't gonna change the lay of the land. They were gonna maintain some of those trees, replacing...you can see...you can see by that photograph the beautiful trees at Baughman's driveway. You can't replace those. They have diameters of probably 10 feet, 12 feet. They can't be replaced with new little trees once they die. I would just like to let you know that the neighbors around there are being affected and they're going to continue to be affected as it gets busier and busier and we're kind of hoping that you will at least consider that in your decisions.

CHAIRMAN COLE: Thank you. Someone else?

UNIDENTIFIED FEMALE SPEAKER: (INAUDIBLE) just one quick comment.

CHAIRMAN COLE: You've already had a chance to speak, ma'am.

UNIDENTIFIED FEMALE SPEAKER: Okay. I just (inaudible) feel that this is germane. (INAUDIBLE)

CHAIRMAN COLE: Ma'am...ma'am, you're out of order.

MS. LIPPOTH: My name is Peggy Lippoth and I live at 2246 Knollwood Lane. I...I have a question that hasn't really been addressed tonight by the developer and that is is the city going to give approval for a stoplight at 25³/₄ Road because you're not gonna be making very many left turns out at 25³/₄ Road if there is no stoplight there.

CHAIRMAN COLE: At this point the city has recommended denial of that part of this application. I don't know how the commission will do but...so that's not part of the consideration this evening.

MS. LIPPOTH: Well then you better consider very carefully making 25³/₄ Road a...a...all...all way intersection unless you want a lot of accidents on there.

CHAIRMAN COLE: Thank you. Someone else? Seeing none...

COMMISSIONER PUTNAM: Let's have a recess before we rebut.

CHAIRMAN COLE: We will...I've been requested to have a recess so we'll take about a 5 to 10 minute recess so we can stretch our legs just a little bit and then we'll have the rebuttal from...from the applicant.

-- (R-E-C-E-S-S) --

CHAIRMAN COLE: We'll call the commission back. I think we'll reconvene the...the meeting. We are now ready for the applicant to come up and give his final comments.

MR. CARTER: Thank you. Joe Carter, Ciavonne, Roberts and Associates. The final comments on the...on the two items this evening. I'd just like to reiterate what we're here to decide this evening or what you all are here to decide this evening. If the Phase II preliminary plan is compatible with the approved ordinance, the ODP and the Zoning and Development Code and it is. Certainly the plan has been compliant throughout. That's why we have our review cycle. If there's been any issue of compliance, we've tried to address it at the time of...of comments prior to going to hearing and addressing it.

We're also here to talk about 25³/₄ Road and in our opinion why it should be paved and connected to Patterson Road. It certainly is a benefit to the development

and the development...and the businesses that exist adjacent to the development and relieving pressure off of North 1st Street. Certainly people this evening spoke of inconsistencies in the traffic studies but that's natural in a process where an ODP is involved. The ODP process is as I think Mr. Baughman quoted, it's a projection of what you're doing and as you move through the process as...as our plans become more clear to even us, we revise our traffic study and provide more detail. That's why you have inconsistencies. The most recent traffic study is the more accurate traffic study. At time of ODP it is a projection or a prediction of what we are attempting to do.

Phase II as I said complies with these components, the ordinance, the Zoning and Development Code and the ODP but it's also a good plan. Architecturally we've certainly done more than was required with the plan projections of leaving the height lower. The plan complies with the approved ODP and the overall density is still there. There were 70 to 111 units proposed in the development in the original ODP and that's our intention to maintain a number between that range. Architecturally the character's maintained. That's something we committed to at the time of the ODP.

The project is well fenced. It's well landscaped. It's fenced and secure. 25³/₄ Road again will allow Patterson Road...the development to access Patterson Road and to allow left turns. Somebody in the audience had brought up the fact that, I think it was Mrs. Lippoth, that said we'd have difficulty making left turns. Well because we've got signals on either end - - at 25¹/₂ and 26 Road - - they create natural gaps which allow left turns to exist or at least possibilities for left turns to exist between those two signal timings and that's why 25³/₄ Road works currently without a signal. At some

point in the future we'd love a signal but that's not what we're here to talk about this evening.

As I stated earlier 25³/₄ Road lessens the impact on North 1st Street. That's been a concern of ours from the beginning. That's why 25³/₄ Road is proposed. We realize we need it in the next phase. We'd like to go ahead and pave it now. 25³/₄ Road is the access point that will be used for both properties in the future. We'd attempted earlier on to try to share the right-of-way. We don't want to leave that right-of-way unmaintained and I don't think it's the city's interest to leave it undeveloped. So some time in the future, hopefully nearer rather than later we'll get 25³/₄ Road paved because it benefits both the Baughmans.

Somebody, I believe it was Mr. Jim Baughman or Mr. Bruce Baughman, brought up the location of the driveway connection from their driveway to 25³/₄ Road. That driveway can be moved at any location along Park Drive...along 25³/₄ Road. We just have to fill additionally to...to get it up to any location along that western property line. Mr. Baughman brought up the fact that a...a stub was required. Well as in the condition of Knollwood, and I do want to say that it's not our intention to connect Knollwood Drive up the hill. It's been our contention the whole time. As...as Knollwood exists, Knollwood is a straight street that's perpendicular to the property line and that would be considered a stub. In the condition of 25³/₄ Road, the western right-of-way of 25³/₄ Road touches the Baughman parcel, hence, they're available to access it at any point along there as long as it meets TEDS.

We've got their driveway location further north because it's a less of a fill but it certainly can be moved further south and accessed at any point along there. Again, as long as it meets intersection spacing. I believe that covers it. I did have my Knollwood queue here that said although we can't predict the future of Knollwood Drive, we are not requesting that connection. That always comes up and that's a sensitive issue because of the neighborhood that exists there. I'd be happy to answer any questions you have. As we go through this or even after the discussion is ongoing if you've got questions, certainly ask. I've got traffic and...and engineering and...and legal here if you all have questions of them as well.

CHAIRMAN COLE: Any further questions of the applicant?

COMMISSIONER WALL: I...go ahead.

COMMISSIONER PAVELKA-ZARKESH: Elevation.

COMMISSIONER WALL: Knock yourself out.

COMMISSIONER PAVELKA-ZARKESH: What's the...where the street comes through and adjoins to...to...intersects into the proposed 25³/₄ along the Bowman property? There was a statement that was made saying there's a 3 foot differential between the road and the property. Head north, please.

MR. CARTER: Well right through here?

COMMISSIONER PAVELKA-ZARKESH: Up the other way. The other direction where it just comes around and curves.

MR. CARTER: Oh, right here?

COMMISSIONER PAVELKA-ZARKESH: Yes. Right there. Saying that if it would be stubbed, it would be a problem because there's 3 feet. How would you make up the 3 feet?

MR. CARTER: You would need to fill on the Baughman property if you wanted to make that connection. As we had to fill on our site to maintain drainage and to maintain gravity flow of sewer downhill, they would need to fill to come up to that location.

COMMISSIONER PAVELKA-ZARKESH: So as you go along that property line as I recall the site, you would have to keep filling and that would be the 3 feet there and then as you head...head south, you'd be 4 feet, 5 feet...

MR. CARTER: Not for access. They could come up to 25³/₄ Road and come back down to their driveway if they wanted to do it in that manner. If...if...if they're running sewer, they would look at possibly other options.

COMMISSIONER PAVELKA-ZARKESH: Yeah. Okay.

COMMISSIONER WALL: That was pretty much my question.

MR. CARTER: Okay.

CHAIRMAN COLE: One...one question that I have – I think that it has been pretty well established that this...this 23 or 25³/₄ Road is not required because of traffic, et cetera for...for this phase of the project; however, when you get into the final two phases of the project it will be required and if...if this is not approved tonight will you...will you as the developer or...or the representative continue to work with the

Baughams to see if you can find a...a solution that maybe is not totally satisfactory but at least it's a compromise that you can meet there?

MR. CARTER: That's in the best interests of both parties I mean to...to maintain a spirit of cooperation. There was a meeting today that I think was leading to that conclusion that we would continue to work in any manner possible to come to resolution. Ideally in our opinion, 25³/₄ Road would be approved and we would pave it today. We understand that it's not necessary for our apartment complex but it certainly is good for business and we're all very sensitive to business concerns now, good for the economy at least the Corner Square economy and probably the greater economy of Grand Junction if we can generate more business, that's a good thing. But we would continue to work with them in any manner necessary to come to resolution. Ultimately it's in everybody's best interest.

CHAIRMAN COLE: Well, since...since whether this is approved or not approved tonight, since it is apparent that it's going to be necessary in the future, would you agree that it might be...might be to everyone's benefit to delay that...that opening of that tonight for the access there off of 25³/₄ and give you more time to...to attempt a reasonable solution between the...the parties?

MR. CARTER: We will...we...luckily it's a recommendation at this point and it'll give us some time between your recommendation to City Council and City Council's decision to work out those things but we'd like to continue on with the 25³/₄ Road item this evening. So...

CHAIRMAN COLE: Okay. Thank you.

MR. CARTER: Thank you.

CHAIRMAN COLE: Any further questions? Hearing none then, we'll close the public hearing. We'll bring it back to the Commission for...for discussion. Who would like to go first?

COMMISSIONER WALL: I'll go ahead. As far as the condo portion of it, I...I...is that what we're going to talk about first – is that it or the whole thing?

CHAIRMAN COLE: Go ahead and talk about the whole thing.

COMMISSIONER WALL: I think the development of the condo portion, it looks good. One thing I'm very impressed with as far as this development period is I think they've raised the bar on what a development should look like. I was very impressed when I went to the building for the first time and walked through it and I think that...that means something. I think the next phase makes sense. I'm...I'm in agreement with it.

As far as 25³/₄ Road, I...I know it's just a recommendation from...from us tonight and throughout a lot of these processes you hear about developments shouldn't happen because of the lack of infrastructure and now we have an opportunity to put the infrastructure in before it's absolutely needed and we don't want to do that. So I'm a little confused by that because it's opposite of all the arguments that I've heard the last four years and now we've got the opportunity to put it there but we're saying it's not necessary so let's not put it there when we know that we're gonna need it so why not put it there. So for me it makes sense to do 25³/₄ Road now.

I know there's a lot of other issues that need to be solved but for me I'm in agreement of doing 25³/₄ Road now versus waiting til we come back to do the next piece of the development and here we are sitting here talking about traffic. So for me I...I think 25³/₄ Road should be done right now.

CHAIRMAN COLE: Okay. Someone else?

COMMISSIONER PUTNAM: Mr. Chairman, the apartment part of the issue seems uncontroversial and pretty straight forward and I certainly have no hesitation to approve it. In a more general sense we never seem to quit talking about traffic. It is a fact of life in a growing community and it's not going to get any better. It's going to keep getting worse and there's nothing that can be done to prevent that. We...we more or less have to accept it as a fact of life as long as we can't put a fence around Grand Junction and put a keep out sign on it which probably we can't do.

It strikes me that we are in the position of wrestling with an issue - - a design issue if you will - - where to put the road. Where to put the driveway. Whether to meld them together or do something else or throw up our hands and run away or just what. It seems to me that we are faced with this question because of the obduracy of the neighbors to the west that have consistently refused to have any part of...of anything and just want it all to go away apparently.

I am not prepared to overturn the decision about the...from the TEDS manual about adjacent curb cuts on Patterson Road but there has to be a solution to this problem and the most obvious one that should have been worked out at the beginning has been made impossible and so we have to deal with what we can...can

do. I am of the opinion that we should recommend the approval of the apartment complex and also the construction of 25¾ Road and if the City Council does not see...see fit to accept that recommendation positively, so be it. I think it should happen.

CHAIRMAN COLE: Anyone else like to comment?

COMMISSIONER CARLOW: I have a question for staff concerning 25¾ Road.

CHAIRMAN COLE: Greg, why don't you or...or Eric, either one of you.

COMMISSIONER CARLOW: Whoever. It's a simple question.

MR. MOBERG: I'll try. Eric's a little...it's hard for him to get around.

COMMISSIONER CARLOW: In the...in the description here it says that they initially applied to elect the driveway and...and road code and that was turned down because of the separation. It says 150 foot separation is required from street or section of driveway. Are you calling 25¾ Road an intersection?

MR. MOBERG: Yeah, 25¾ and Patterson would be an intersection and I misstated earlier where it's a 50 foot. It is 150 foot separation between a driveway and an intersection on this type of road.

COMMISSIONER CARLOW: (Inaudible) both essentially driveways.

MR. MOBERG: Well, no the driveway would serve, in terms of our definition, serves a few...just a couple of residents or...or, you know, where this would

be a collector or, you know, where traffic would come through. So it is an intersection. It's two roads that intersect and a driveway that's adjacent to those.

COMMISSIONER CARLOW: Well, what I'm asking is until improvements are made on 25³/₄ Road, in essence it's a driveway right now. I mean it doesn't have a turn in or the turnouts or anything.

MR. MOBERG: Oh, you mean as it exists right now?

COMMISSIONER CARLOW: As it exists.

MR. MOBERG: As it exists right now there shouldn't be any traffic driving up and down it at all. We...one of the things raised was that the curb cut does currently exist and that was never approved by the city. It was put in by the developer. The city has not determined whether they're gonna require the developer to remove that existing curb cut but that was never approved and there shouldn't be any traffic driving up and down where the dedicated 25³/₄ Road exists.

CHAIRMAN COLE: It's blockaded.

COMMISSIONER CARLOW: It seems like kind of a moot point to argue it tonight.

CHAIRMAN COLE: Any further questions or...or comments?

COMMISSIONER PAVELKA-ZARKESH: I'd like to concur with the other commissioners. I mean we've...we've gone as Reggie said with respect to putting in the infrastructure and for development making things...you know making the site circulation safer, doing what we can for Patterson and 1st Street and this becomes a logical...a logical move despite the disagreement of the adjacent property owners. But

if we...we take a look at, you know, the...the overall impacts and the people along Patterson and such within the development and promoting business and a safe...a safe circulation pattern, it makes sense to put that...to put 25³/₄ in at this time.

COMMISSIONER ABBOTT: Mr. Chairman, I've had to use that 1st and Patterson intersection to access these businesses several different times. Quite frankly I don't consider there to be a whole lot of traffic accessing off of 1st Street as it is currently. Granted I'm not there everyday. From what I can tell of the infrastructure for 25³/₄ Road, you know, it doesn't look like it's gonna take but 20 minutes to pave that puppy. It's...it's pretty much in and ready to go. I don't see a need for 25³/₄ at this time. I do think that the condo section looks like a...a good project and I think we should approve that. Personally I...I just don't see a need for the extra street and the city to maintain it. Again from my own personal experience I don't see that much traffic entering 1st Street, so I will vote against that.

CHAIRMAN COLE: Anyone else like to comment? I guess everyone has except myself. I...I can see both...both sides of this issue. The first...first one that I see about this is we have the developer ready to...to go ahead and...and install 25³/₄ Road which is a benefit to the city to have them do that. However, given the disagreement that seems to be going on with the neighbors to the west, I think that everyone here will...would pretty well concede that the...eventually as the rest of this project develops that 25³/₄ is going to go in. So if we...if we don't approve that tonight, we're merely delaying the inevitable on getting that open. However, by delaying it, it gives...gives this developer as well as the neighbors to

the...to the west a chance...a further chance to continue negotiations and hopefully to reach an amicable solution to the...to the disagreement that they seem to have at this point. So I would...I would at this time vote no on the opening of 25³/₄ Road; however, the...the apartment development I...I think should go on.

I am somewhat concerned about a point that was raised earlier about the trees at full growth that they would overlap the trees on the adjoining property. Hopefully that can be mitigated. But I think the reasoning for raising the...the elevation here, having to do with the fall for the sewer from this project is...is a valid reason for...for changing the elevation and I would say probably in the...when the property at the west develops that some of that elevation may have to be changed as well. So those are my feelings - - in favor of the...the pod H development and in opposition to the 25³/₄ Road. With that I think we are ready for a...a motion. We'll have two motions this evening. One would be the preliminary development plan for the Corner Square Phase II and the other would be for the 25³/₄ Road recommendation.

COMMISSIONER WALL: Mr. Chairman, I move that we approve the preliminary development plan for Corner Square Phase II, PP-2008-172, with the findings, conclusions and conditions listed in the staff report.

COMMISSIONER CARLOW: Second.

CHAIRMAN COLE: Okay, we have a motion and a second. Any further discussion? All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN COLE: Opposed, no. Motion carried. We're ready for the second motion.

COMMISSIONER WALL: Mr. Chairman, I move that we recommend to City Council that 25³/₄ Road be opened for use by the public as access to the development based on the testimony provided by the developer.

CHAIRMAN COLE: Do I hear a second?

COMMISSIONER PUTNAM: Second.

CHAIRMAN COLE: Okay, we have a motion and a second. I think I'll ask that we raise our hands for voting on this one. All those in favor, raise your right hand. Opposed...

COMMISSIONER PAVELKA-ZARKESH: Sorry, wrong hand.

CHAIRMAN COLE: Okay, three...four. Those opposed, raise your right hand. We have a tie vote. Motion fails. So, Jamie, what do we do at this point? It goes without a recommendation, is that correct?

MS. BEARD: Correct. Jamie Beard, Assistant City Attorney. It means it will still go forward on to City Council or at least it can but it won't go forward with your recommendation.

CHAIRMAN COLE: Okay. Okay, with that is there anything else to come before the Commission this evening?

UNIDENTIFIED MALE SPEAKER: Can I ask one question, sir?

CHAIRMAN COLE: You can ask a question, go ahead.

UNIDENTIFIED MALE SPEAKER: You all just voted on something that was not on your agenda. How does that work?

CHAIRMAN COLE: It is on our agenda.

UNIDENTIFIED MALE SPEAKER: No, sir.

CHAIRMAN COLE: Yes it is.

UNIDENTIFIED MALE SPEAKER: (Inaudible) on the agenda was the 48 units. Not the 25³/₄ Road.

CHAIRMAN COLE: Both...both were in the application before us this evening.

UNIDENTIFIED MALE SPEAKER: It's not on your agenda, sir.

CHAIRMAN COLE: We are adjourned.

**COLEMAN WILLIAMS & WILSON
ATTORNEYS AT LAW**

Joseph Coleman
Dan E. Wilson

2454 Patterson Road, Suite 210
Grand Junction, CO 85105

Telephone
(970)242-3311
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(970)242-1893

Whitman Robinson

March 19, 2009

Via Facsimile (970) 256-4031
Greg Moberg
Planning Department
City of Grand Junction
250 North Fifth Street
Grand Junction, CO 81501

NOTICE OF APPEAL

Re: Corner Square, Phase II Apartments – Preliminary subdivision plan
Planning file: PP-2008-172
March 10, 2009 Planning Commission approval

Dear Mr. Moberg:

Please accept this letter as request for appeal, pursuant to Section 2.18.E of the City of Grand Junction's Zoning and Development Code, of the March 10, 2009 Planning Commission decision recommending approval of the Corner Square, Phase II Apartments – Preliminary subdivision plan. This appeal does not include the tie vote (which designates denial) of the request to open 25 ¾ Road, such denial being proper and consistent with code provisions.

This appeal is requested by my clients, Mrs. Frances Baughman, 2579 Patterson Road, Grand Junction, CO 81505 and Mr. Jim Baughman, 2581 Patterson Road, Grand Junction, CO 81505. The Baughmans own property and live adjacent to the planned subdivision. They are aggrieved and negatively impacted to the extent the Corner Square project creates unsafe traffic conditions in the area. Mrs. Baughman and Jim Baughman's signatures, confirming this request for appeal, are found on page 3 of this letter.

Mrs. Baughman and Jim Baughman, along with other Baughman family members, attended the March 10, 2009 hearing and offered comments in opposition to the proposed project. Also part of the Planning Commission's record is my letter and appendix thereto dated January 23, 2009, wherein I identified inconsistent actions and decisions on behalf of the developer and the City Staff that violate various Code provisions, TEDS guidelines and other standards promulgated by the City. Please consider both the live testimony of all Baughman family members on March 10, 2009 and my January 23, 2009 letter and

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appendix, and the Applicant's own traffic study as evidence in support of this Notice of Appeal.

Baughmans appeal the Planning Commission approval of the Apartment phase of the project because the Planning Commission should not have approved this application without first requiring Applicant to present a traffic study proving the existing roads, intersections and traffic status are adequate to serve the Corner Square development and the proposed added apartments, such that this phase and future phases will not adversely affect the existing use and safety of the roads, intersections and traffic status.

The Applicant's own traffic study proves that the project's proposed density **will cause a failure of the road system** at 1st Street and Park Avenue and at 1st Street and Patterson Road. Appendix 1 to this Notice is the relevant admission in the Traffic Analysis, Corner Square Mixed Use Development, December 1, 2008, TurnKey Consulting, LLC. Therefore, approval of Applicant's proposed density, which the Applicant's own traffic engineer admits will cause multiple intersection failures by 2009 and 2015 respectively, and which will inevitably lead to traffic accidents and public safety concerns at these intersections, cannot be allowed. The Planning Commission erred in either overlooking the anticipated intersection failures or in approving a project knowing of the resulting intersection failures and the resulting public safety problems.

Baughmans currently have a historic and single access to their properties. To the extent the Applicant advocates a project which will knowingly result in intersection failures; such failures will threaten the continued utility of Baughmans' historic driveway access. If the City knowingly approves a project which the City knows will result in intersection failures (one failure being at a major City intersection, 1st Street and Patterson), the City is effectively forcing itself into the position of having to condemn Baughmans' historic driveway simply to allow the Applicant to proceed with a development the City and Applicant know cannot be served by existing roads and intersections. Should Baughmans' driveway access hereafter be altered to "resolve" the intersection failure the City knows it is creating by approving this application, the City is effectively choosing a course of inverse condemnation of Baughmans' rights simply to help Applicant's private interests which cause the intersection failures. This appeal affords the City an opportunity to adhere to its Zoning and Development Code, prevent intersection failures and avoid the prospects of litigation over inverse condemnation issues. This appeal affords all parties with an opportunity to consider the consequences of the Planning Commission approving the Applicant's plan. With Applicant admitting intersection failures, the record from the Planning Commission will not support an approval of their decision. The City should not allow Applicant to create a problem which the City, at great expense, would have to resolve in the future by condemning Baughman's right to use their historic driveway access. Therefore, simply apply the Code per its terms and conditions and recognize that Applicant's admission of intersection failures prove that the application cannot be approved.

As an aside, I understand that you will be presenting to City Council on April 1, 2009 the matter of 25 ¼ Road. Thank you for your offer to forward to me a copy of your staff report prior to the hearing.

I enclose herewith a check in the amount of \$250.00, which you indicated is the appeal fee. As I understand you will be arranging for verbatim minutes of the March 10, 2009 hearing. Please let me know if you require fees in addition to the enclosed amount. Please direct all correspondence on this appeal to me at the email address or mailing address listed above. Thank you.

COLEMAN, WILLIAMS & WILSON

Joe Coleman by DEW

Joseph Coleman
joe@cwlaw.com

Joseph Coleman

Frances Baughman
Frances Baughman

James R. (Jim) Baughman
Jim Baughman

xc: Baughman family
Rich Livingston, attorney for Corner Square
John Shaver, City Attorney

7 Comparison to Conditions with 25³/₄ Road Connection to Patterson Road

As previously mentioned, TurnKey Consulting prepared a report in September that provided analysis of Project Phase 1 & 2. It assumed that the Project access configuration would include a full movement connection to Patterson Road at the 25³/₄ Road alignment. The results of the previous analysis can be used to determine if the 25³/₄ Road connection to Patterson Road would solve the operational and safety issues identified in this study.

The key location is the intersection of 1st Street/Park Avenue in the PM condition. From the September study, we know that the outbound PM traffic volume at this intersection would be 68 vph (for Project Phases 1 & 2). Assuming a 10% increase for additional traffic from Phases 3 & 4, the highest outbound volume would be 75 vph. The gap table on page 8 shows that there would be 97 acceptable gaps in the year 2021 (Scenario #7). This means that there would be an adequate number of acceptable gaps in 1st Street traffic if 25³/₄ Road was connected to Patterson Road.

The September study also shows that the 2028 eastbound queue at the 1st Street/Park Avenue intersection would be less than 130-ft long. Therefore, the 25³/₄ Road connection to Patterson Road would solve both of the safety and operational issues.

8 Summary & Conclusions

This report documents the supplemental traffic analysis for the proposed Corner Square Mixed Use Development (Project) in the City of Grand Junction. This Study provides a respond to the City's review comment on the TurnKey study dated 8/808, for Project Phases 1 & 2. The analysis is this Study focused on the analysis of the impacts to two existing intersections. It answers the question, "what happens to the intersections of 1st Street/Patterson and 1st Street/Park Avenue if Project traffic cannot use 25³/₄ Road to access Patterson Road."

This question was answered in terms of the AM and PM peak hour traffic conditions for various traffic scenarios. The approved Methodology included performance measures that were used to identify the definition of "failure." This included two measures for the signalized intersection of 1st Street & Patterson Road, and two measures for the unsignalized intersection of 1st Street & Park Ave. This Study determined that the traffic operations at these two intersections would be unacceptable under the conditions described below.

1st Street & Patterson Road

This intersection fails to operate well by Scenario #5 (Year 2015 with traffic from all 4 Project Phases). The westbound left turn lane has 210-ft of vehicle storage and it would not have enough capacity to accommodate the amount of traffic making the left turn movement. By Scenario #5, the 90th percentile queue length for the westbound turn lane

Corner Square Mixed Use Development – Timing of 25³/₄ Road Connection to Patterson Rd

would exceed 210-ft.

1st Street & Park Ave

This intersection fails to operate well by Scenario #2 (Year 2009 with traffic from 3 Project Phases). This conclusion is based on both of the performance measure that defined failure.

In addition, the September study shows that there would be an adequate number of acceptable gaps in 1st Street traffic if 25³/₄ Road was connected to Patterson Road. The September study also shows that the 2028 eastbound queues at the 1st Street/Park Avenue intersection would be less than 130-ft long. Therefore, the 25³/₄ Road connection to Patterson Road would solve both of the safety and operational issues.

In summary, the 25³/₄ Road connection to Patterson Road should be included as part of Project Phase 3 construction. This would prevent unsafe traffic conditions from occurring at the intersection of 1st Street/Park Ave, and from occurring within the Project.



Ciavonne,
Roberts &
Associates, Inc

LAND PLANNING AND
LANDSCAPE ARCHITECTURE

222 North 7th Street Grand Junction, CO 81501
PH 970-241-0745 FX 970-241-0765 www.ciavonne.com

April 7, 2009

City of Grand Junction
Public Works and Planning Department
Mr. Greg Moberg
250 N. 5th Street
Grand Junction, CO 81501

RE: Applicant Response to Corner Square Phase II Apartments Appeal

Dear Greg,

The applicant, F & P Development, LLC, sincerely appreciates the opportunity to comment on the Notice of Appeal submitted by Mrs. Frances Baughman and Mr. Jim Baughman. Per the Notice of Appeal, first paragraph, we understand that the Planning Commission recommendation to City Council on the 25 ¾ Road item was not included in the appeal. We also understand per statement by Assistant City Attorney Jamie Beard at the March 10, 2009 Planning Commission hearing that regardless of the tie vote on the recommendation, the 25 ¾ Road item can and will still be heard by the City Council. We agree that the 25 ¾ Road item can and should continue on to City Council with a tie decision by the Planning Commission and understand that it will be heard immediately following the appeal.

The applicant believes the Corner Square Phase 2 Apartments project is of great value to the community and hopes that the City Council acknowledges the benefits of this multifamily infill project. From the Outline Development Plan, approved in 2006, through the most recent application, the Corner Square development has been true to its goal of creating a viable mixed-use development. The residential component of the Corner Square development is a key to achieving the development's mixed-use promise. The project provides forty-eight 1 and 2 bedroom for-rent apartments in the southwest corner of the Corner Square development. The project is well landscaped, has interesting low profile architecture, and utilizes the building placement to screen the parking lot. The current developed accesses into and out of the project can accommodate the traffic generated by Phase 1 and Phase 2 for the long term horizon. The current access points are at N 1st Street and Park Drive and the intersection at Meander Drive and Patterson Road.

The Notice of Appeal submitted by a neighboring property owner incorrectly references the most recent addendum to the Corner Square traffic studies: Corner Square Mixed Use Development: Study to Determine when the 25 ¾ Road Connection to Patterson Road is Necessary. This recent addendum was requested by the City of Grand Junction to determine when the 25 ¾ Road connection to Patterson

Road is necessary. Previous traffic studies state that the roads are adequate for the current Phase 1 and Phase 2 condition. In short, the current addendum states that the 25 ¾ Road connection to Patterson Road will be necessary by the time the next project filing, Phase 3. The project is currently seeking Phase 2 approval.

Again, the applicant appreciates the opportunity to comment on the Notice of Appeal and looks forward to continued positive support from staff. Thank you and please feel free to contact us if there are any questions regarding this appeal or the Phase II project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Carter", is written over a horizontal line. The signature is stylized and cursive.

Joe Carter, RLA
Ciavonne, Roberts & Associates, Inc.

**Attach 9
Construction of Improvements to 25 ¾ Road and the Relocation of the Adjoining Driveway Access**

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Construction of improvements to 25 ¾ Road and the relocation of the adjoining driveway access.		
File #	PP-2008-172		
Meeting Day, Date	Wednesday, April 15, 2009		
Placement on the Agenda	Consent	<input type="checkbox"/>	Individual <input checked="" type="checkbox"/>
Date Prepared	April 6, 2009		
Author Name & Title	Greg Moberg – Planning Services Supervisor		
Presenter Name & Title	Greg Moberg – Planning Services Supervisor		

Summary: The Applicant is requesting approval that would allow the construction of improvements to 25 ¾ Road and relocation of the adjoining driveway access from Patterson Road to 25 ¾ Road.

Budget: N/A

Action Requested/Recommendation: Consider request for approval of the construction of improvements to 25 ¾ Road and the relocation of the adjoining driveway access.

Attachments:

Staff Report
 Site Location Map
 Aerial Photo Map
 Future Land Use Map
 Existing City Zoning Map
 Planned Development Rezone Ordinance
 Outline Development Plan
 Final Plat
 Preliminary Development Plan
 25 ¾ Road Plan and Profile
 Site Plan
 TEDS Exception
 Letter and documents from Mr. Joseph Coleman

BACKGROUND INFORMATION				
Location:		2535 Knollwood Drive		
Applicants:		Owner: F & P Land, LLC Developer: Constructors West Representative: Ciavonne, Roberts & Associates		
Existing Land Use:		Vacant		
Proposed Land Use:		Multifamily Residential		
Surrounding Land Use:	North	Commercial		
	South	Single Family Residential/Agricultural		
	East	Vacant		
	West	Single Family Residential/Vacant		
Existing Zoning:		PD (Planned Development)		
Proposed Zoning:		PD (Planned Development)		
Surrounding Zoning:	North	PD (Planned Development)		
	South	R-5 (Residential 5 du/ac)		
	East	PD (Planned Development)		
	West	R-12 (Residential 12 du/ac)		
Growth Plan Designation:		Residential Medium High – RMH (8-12 du/ac) and Commercial		
Zoning within density range?		X	Yes	No

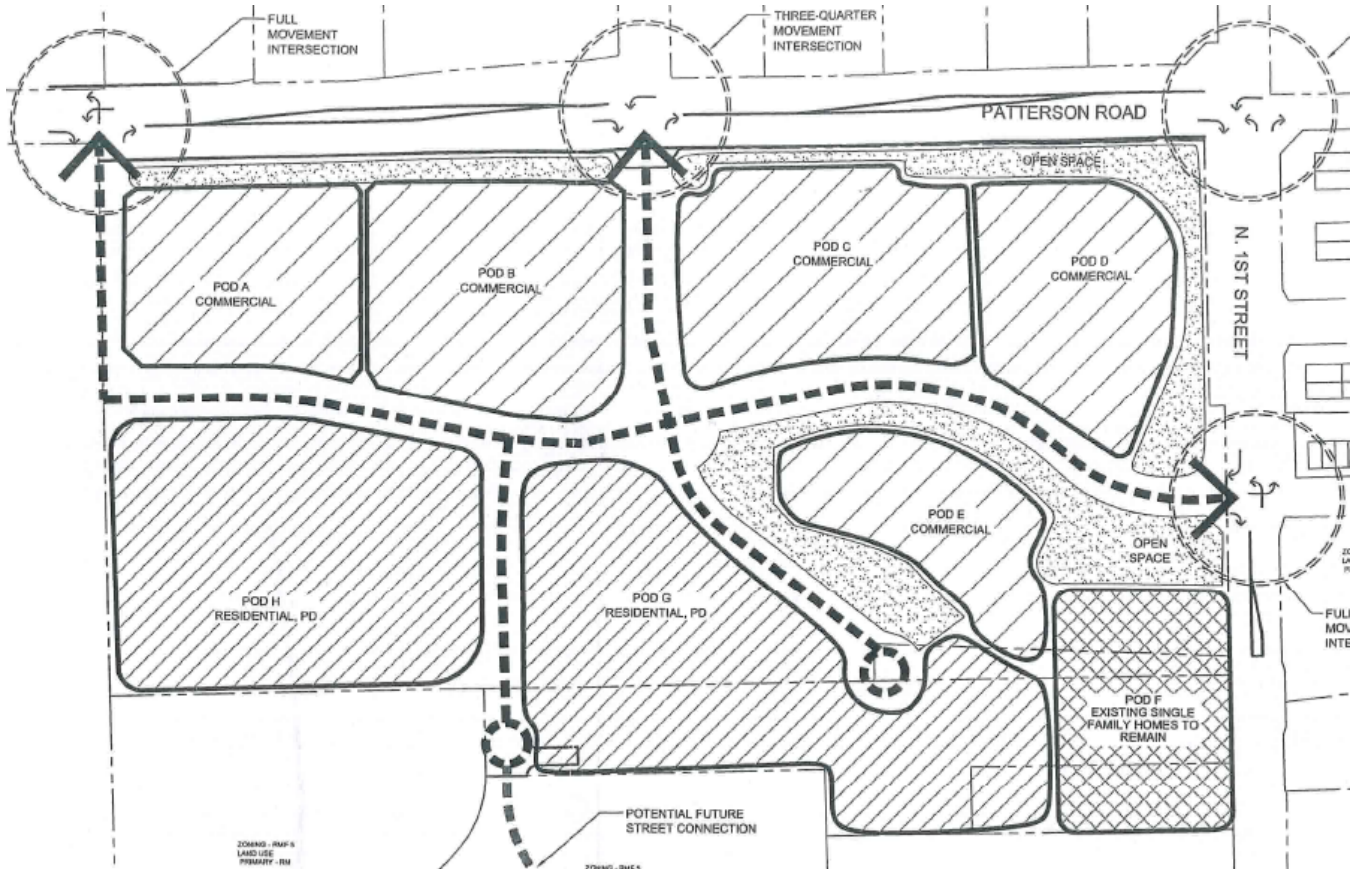
ANALYSIS

Background

On November 1, 2006 the City Council approved Ordinance 3981 rezoning 20.7 acres, located at the southwest corner of 1st Street and Patterson Road, to PD (Planned Development) and approved the ODP (Outline Development Plan) for a mixed use development. The ODP was approved with the following default zones for each Pod:

- Pod A – B-1 (approved as part of Phase I)
- Pod B – B-1 (approved as part of Phase I)
- Pod C – B-1 (approved as part of Phase I)
- Pod D – B-1 (approved as part of Phase I)
- Pod E – B-1 (future phase)
- Pod F – R-4 (approved as part of Phase I)
- Pod G – R-12 (future phase)
- Pod H – R-12 (currently requesting approval as Phase II)

Outline Development Plan



On June 26, 2007, the Planning Commission approved the PDP (Preliminary Development Plan) for Phase I which included the four Pods along Patterson Road. The approval did not include the multifamily Pods (Pods G and H) or the remaining commercial Pod (Pod E). Planning Commission must approve PDPs for each of the remaining Pods prior to staff approval of final development plans and issuance of planning clearances. Approval of a proposed PDP is to ensure consistency with the uses, density, bulk, performance and other standards of the approved ODP and Ordinance.

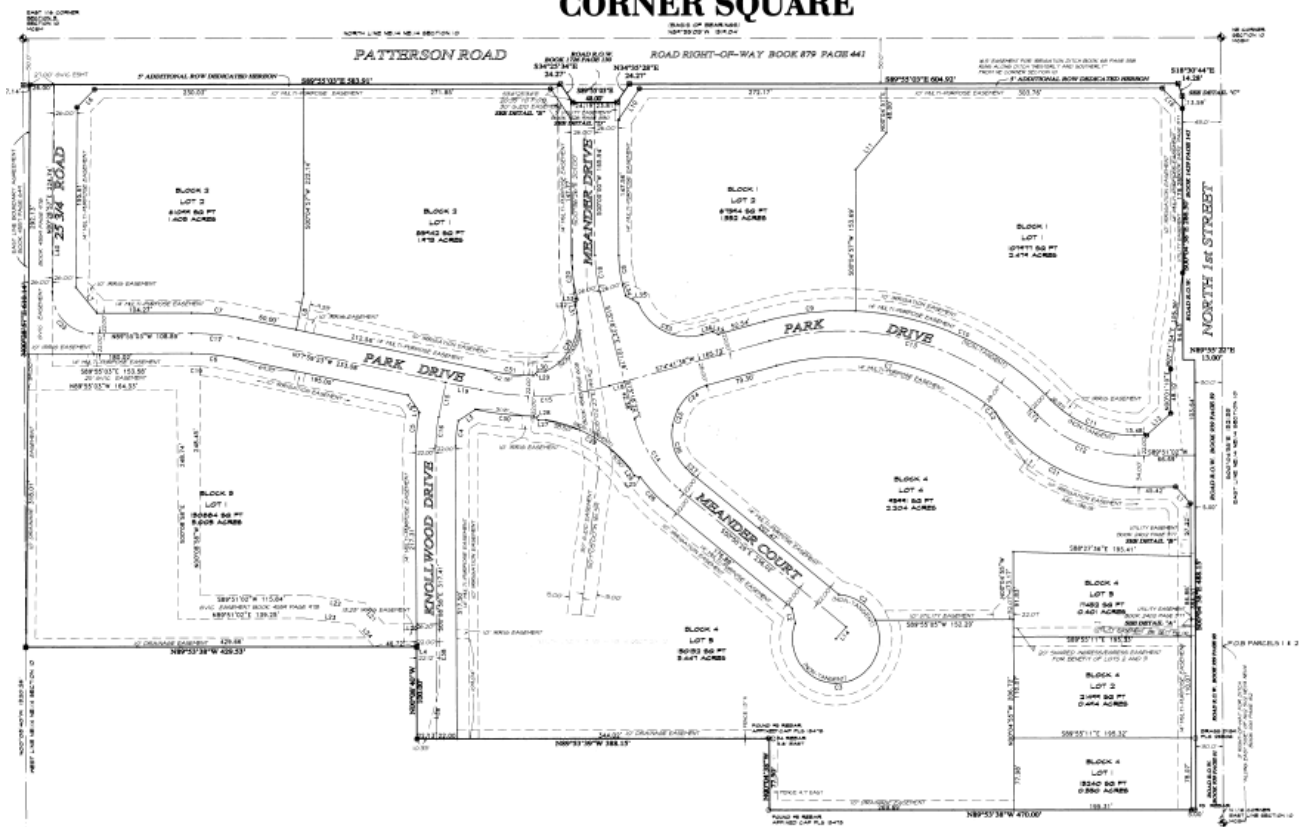
As part of the ODP approval, Pods F, G and H were approved with a density range between 70 and 111 dwelling units. Furthermore, the default zoning for Pod F is RMF-4 (R-4) and the default zoning for Pods G and H is RMF-12 (R-12) with deviations. Deviations to the bulk standards were approved and included deviations to the minimum lot area, width and street frontage, front and rear yard setbacks and maximum lot coverage and FAR.

On December 17, 2007 the Final Plat was recorded. The Final Plat included all of the lots, tracts and right-of-way for the entire development, including the right-of-way dedication for 25 3/4 Road. The Pods and default zoning depicted by the ODP relate to the following platted lots:

- Pod A – Lot 2, Block 2 – B-1
- Pod B – Lot 1, Block 2 – B-1
- Pod C – Lot 2, Block 1 – B-1
- Pod D – Lot 1, Block 1 – B-1
- Pod E – Lot 4, Block 4 – B-1
- Pod F – Lots 1, 2 and 3, Block 4 – R-4
- Pod G – Lot 5, Block 4 – R-12
- Pod H – Lot 1, Block 3 – R-12

Final Plat

CORNER SQUARE



On March 10, 2009, the Planning Commission approved the PDP for Phase II (Lot 1, Block 3). Four buildings were proposed containing 12 dwelling units each. Two

buildings are located on the east half of the lot and two buildings are located on the west half of the lot. Parking is located between the four buildings in the middle of the lot. The center parking isle will be covered and will contain small storage units for each dwelling unit. Landscaping is located throughout the site with a majority of the landscaping located on the lot perimeter. A modular block retaining wall will be constructed parallel to the west and south property lines. This wall will be constructed due to the nine foot grade change that occurs along the west property line.

The proposed development has two ingress/egress points, one access point provided from West Park Drive and one access point provided from Knollwood Drive.

A component of the Phase II proposal, separate from the approval of the preliminary development plan, was for the construction, opening, and use of 25 ³/₄ Road by the public for access to the development. Currently there is only one point of access, Meander Drive, for the development from Patterson Road. Construction of 25 ³/₄ Road would provide another point of access to the Development from Patterson Road. Staff determined that it would not be safe to allow access from Patterson Road on to 25 ³/₄ Road due to the close proximity of a driveway on the property immediately west of the development. The adjacent driveway is approximately 20 feet from and runs parallel to the 25 ³/₄ Road right-of-way.

Initially the Developer submitted a TEDS Exception requesting that the adjacent driveway and 25 ³/₄ Road be allowed to coexist (the existing driveway and right-of-way are separated by approximately 20 feet). A 150' separation is required from a street intersection and a driveway. Because of the separation requirement, Staff was unable to recommend approval of the TEDS Exception which would have allowed the construction of 25 ³/₄ Road while the driveway accessed remained in its current location. On October 28, 2008 the TEDS Exception was denied by the TEDS Exception Committee.

Due to the denial the Developer then proposed the construction of 25 ³/₄ Road and the relocation of the driveway access from Patterson Road to 25 ³/₄ Road. The Development Engineer reviewed the proposal and found that this proposal meets all of the TEDS standards. However, upon review of the Transportation Impact Study, the Development Engineer found that an additional access onto Patterson Road (the construction of 25 ³/₄ Road) is not required for the 48 proposed dwelling units. Because the Traffic Impact Study does not support the need for 25 ³/₄ Road for Phase II, it is recommended that the opening and use of 25 ³/₄ Road not occur at this time.

Planning Commission split their vote (3 to 3) on the recommendation to approve the construction of 25 ³/₄ Road and relocate the existing driveway.

FINDINGS OF FACT/CONCLUSIONS/CONDITIONS:

After reviewing the Corner Square Phase II application, PP-2008-172 for approval of a Preliminary Development Plan, I make the following findings of fact, conclusions and conditions regarding the recommendation for opening and use of 25 ³/₄ Road by the public:

3. The requested access is not necessary as a part of the Phase II development.
4. To allow the opening and use of 25 ³/₄ Road would require the closing and relocation of the driveway access to the neighboring property. The relocation of the driveway is not necessary at this time.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission forwards a no recommendation to the City Council on the request to allow the construction of 25 ³/₄ Road and the relocation of the adjoining driveway access from Patterson Road to 25 ³/₄ Road.