

**GRAND JUNCTION PLANNING COMMISSION
MARCH 10, 2009 MINUTES
6:00 p.m. to 7:56 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Cole. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), William Putnam (Vice-Chairman), Lynn Pavelka-Zarkesh, Reggie Wall, Patrick Carlow, Ebe Eslami and Mark Abbott.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Lisa Cox (Planning Manager), Michelle Hoshide (Associate Planner), Brian Rusche (Senior Planner) and Eric Hahn (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 52 interested citizens present during the course of the hearing.

ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

Consent Agenda

1. Minutes of Previous Meetings

Approve the minutes of the February 10, 2009 Regular Meeting.

2. Ajarian Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 17.87 acres from County I-2 (General Industrial) and RSF-R (Residential Single Family Rural) to a City R-8 (Residential 8 du/ac) zone district.

FILE #: ANX-2009-021

PETITIONERS: Menas Ajarian

LOCATION: 2954, 2950 D½ Road

STAFF: Michelle Hoshide

3. Parkway Complex Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 1.47 acres from County I-2 (General Industrial) to a City I-1 (Light Industrial) zone district.

FILE #: ANX-2009-018

PETITIONER: Thad Harris – TD Investments of Grand Junction, LLC

LOCATION: 2789 Riverside Parkway

STAFF: Michelle Hoshide

4. Pear Park Village – Preliminary Subdivision Plan

Request approval of a Preliminary Subdivision Plan to develop 21 residential lots for ten (10) two-family dwellings and one (1) single family dwelling on 3.46 acres in an R-8 (Residential 8 du/ac) zone district.

FILE #: PFP-2008-178
PETITIONER: Larry Sipes
LOCATION: 413, 415 30¼ Road and 416½ 30 Road
STAFF: Brian Rusche

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. At public request, item number 2 was pulled for Full Hearing. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the remaining Consent Agenda items.

MOTION: (Commissioner Wall) “Mr. Chairman, I move we approve the Consent Agenda absent number 2.”

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

Public Hearing Items

2. Ajarian Annexation – Zone of Annexation

Request a recommendation of approval to City Council to zone 17.87 acres from County I-2 (General Industrial) and RSF-R (Residential Single Family Rural) to a City R-8 (Residential 8 du/ac) zone district.

FILE #: ANX-2009-021
PETITIONERS: Menas Ajarian
LOCATION: 2954, 2950 D½ Road
STAFF: Michelle Hoshide

STAFF’S PRESENTATION

Michelle Hoshide, Associate Planner, representing the Planning Department, stated that a zoning of R-8 was designated to this site because of the Future Growth Plan which designated this area as Residential Medium (4 to 8 units per acre). She said that the area surrounding the subject property to the east and west were both becoming R-8.

PETITIONER’S PRESENTATION

Petitioner was present but elected not to add anything to Ms. Hoshide’s presentation.

PUBLIC COMMENT

For:

No one spoke in favor of this request.

Against:

No one spoke in opposition to this request.

The member of the audience who requested that this item be pulled stated off the record that his question had been answered.

MOTION: (Commissioner Wall) “Mr. Chairman, on the Ajarian Annexation, ANX-2009-021, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-8, Residential 8 dwelling units an acre, zone district for the Ajarian Annexation, with the facts and conclusions listed in the staff report.”

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

5. Corner Square, Phase II Apartments – Preliminary Subdivision Plan

Request approval of the Preliminary Development Plan to construct 48 multifamily dwelling units on 3.3 acres in a PD (Planned Development) zone district.

FILE #: PP-2008-172

PETITIONER: Bruce Milyard – F & P Development, LLC

LOCATION: 2535 Knollwood Drive

STAFF: Greg Moberg

Chairman Cole allowed Commissioner Ebe Eslami to be excused from this hearing due to a possible conflict of interest.

VERBATIM MINUTES

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 25³/₄ 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 25³/₄ 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 25¾ 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 25¾ 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 25¾ 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 25³/₄ 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 25³/₄ 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 25¾. 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 ³/₄ 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 25¾ 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 25¾ 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 25¾ 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 25¾ 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 25³/₄ Road an intersection?

MR. MOBERG: Yeah, 25³/₄ 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 25^{3/4} 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 25^{3/4} 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 25^{3/4} 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 25^{3/4} 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.

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

An unidentified male speaker asked how something could be voted on that was not on the agenda. Chairman Cole assured the gentleman that both items were in the

application before the Commission.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 7:56 p.m.