

**GRAND JUNCTION PLANNING COMMISSION
SEPTEMBER 12, 2006 MINUTES
7:00 p.m. to 10:37 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Roland Cole, Tom Lowrey, Lynn Pavelka-Zarkesh, Patrick Carlow (1st alternate), William Putnam and Reggie Wall. Mr. Pitts was absent.

In attendance, representing the City's Community Development Department, was Kathy Portner (Assistant Community Development Director).

Also present were Jamie Kreiling (Assistant City Attorney) and Rick Dorris (Development Engineer).

Lynn Singer was present to record the minutes.

There were 28 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the minutes of the July 11, 2006 and July 25, 2006 public hearings.

The following items were identified for correction to the July 11, 2006 minutes:

- Page 2: The word "approve" should replace the word "receive". Therefore, The Motion should read as follows:
MOTION: (Commissioner Cole) "Mr. Chairman, I move to approve the Consent Agenda as presented."
- Page 7: The word "he" should replace the word "she" in the 6th paragraph.
- Page 1: Commissioner Putnam noted that he is listed as being in attendance twice.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move the minutes of July 11, 2006 be approved as corrected."

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

The following items were identified for correction to the July 25, 2006 minutes:

- Page 2: Delete the word “would” from both motions.
- Page 3: Replace “...we would recommend approval...” with “...I move to recommend approval...”.
- Page 2: As there were two abstentions, the second Motion should, in pertinent part, read as follows: “A vote was called and the motion passed by a vote of 5-0.”
- Page 1: The spelling of Commissioner Lynn Pavelka-Zarkesh’s name should be corrected to Z-A-R-K-E-S-H.
- Page 3: The spelling of Commissioner Lynn Pavelka-Zarkesh’s name should be corrected to Z-A-R-K-E-S-H.

MOTION: (Commissioner Cole) “Mr. Chairman, I would move the minutes of July 25, 2006 be approved as corrected.

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

III. CONSENT AGENDA

Available for consideration were items:

1. PP-2005-179 (Preliminary Plan – Erica Estates Subdivision) - PULLED
2. GPA-2005-188 (Zone of Annexation – Abeyta-Weaver Annexation)
3. ANX-2006-211 (Zone of Annexation – Pine E Road Commercial Annexation)
4. RZ-2006-161 (Rezone – Mirada Court Rezone)

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion. .

MOTION: (Commissioner Cole) “Mr. Chairman, I would move approval of the Consent Agenda, items 2, 3 and 4 as presented.”

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

IV. FULL HEARING

CUP-2006-199 CONDITIONAL USE PERMIT – RIVERSIDE CROSSING
Request approval of a Conditional Use Permit for a restaurant with a drive-thru window on 4.35 acres in a C-2 (General Commercial) zone district
PETITIONER: James Walker – WTN COEX II, LLC
LOCATION: 2504 Highway 6 & 50
STAFF: Pat Cecil

Ms. Kathy Portner requested this matter be continued to September 26, 2006.

MOTION: (Commissioner Cole) “Mr. Chairman, I would move to continue item 5, CUP-2006-199, to September 26, 2006.”

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

PP-2005-226 PRELIMINARY PLAN – PINNACLE RIDGE SUBDIVISION
Request approval of the Preliminary Plan to develop 71 homes on 45 acres in a
RSF-2 (Residential Single Family-2 units/acre) zone district
PETITIONER: Bob Jones – Two R&D, LLC
LOCATION: NE of Mariposa Drive & Monument Road
STAFF: Kathy Portner

STAFF’S PRESENTATION

Ms. Kathy Portner of the City Community Development Department made a presentation regarding the request for preliminary subdivision plan approval of the Pinnacle Ridge Subdivision located northeast of Monument Road and Mariposa Drive which enters into The Ridges and Redlands Mesa.

The subject property was annexed into the City in 2005 which annexation did not include an approximate 5-acre piece in the center of the site. The 5-acre parcel is not included in the proposal as it is separately owned. The Energy Center Subdivision was platted in 1955. The City at present does not consider this to be a valid plat as it was never built upon and the property is landlocked. The future land use designation for this property is Residential Low, ½ to 2 acres per unit. The surrounding future land use to the east is also Residential Low; to the south is public land, known as the Painted Bowl property; and to the west and the north is Residential Medium/Low, 2 to 4 units per acre. At the time of annexation, this property was zoned RSF-2. The surrounding zoning of The Ridges and the Redlands Mesa is Planned Development with a density not to exceed 4 units per acre.

The subject property has steep terrain and a ridgeline visible from Monument Road. Approximately 21% of the property has slopes of less than 10%; 24% of the property has slopes of 10 to 20%; 36% of the property has slopes of 20 to 30%; and the remaining 19% of the property has slopes of greater than 30%.

The Development Plan calls for 71 single family lots on the subject property with an access to Mariposa Drive that would cross a corner of the Painted Bowl property. City Council had agreed to negotiate with the property owner to provide access with the details of such access to be determined through the review and approval of a preliminary plan.

Ms. Portner advised the Commission that many portions of the Code have to be considered when considering a preliminary plan as more fully set forth in the Staff Report. Review specific to this property includes:

- The Code section requires that the development be found to be consistent with the Growth Plan, the Grand Valley Circulation Plan, Urban Trails Plan and other adopted plans.
- The proposed density of this subdivision is 1.6 units per acre which is within the allowable density of the future land use designation of Residential/Low, the goals and policies of the Growth Plan and the Redlands Area Plan must be taken into consideration. Staff feels that this proposal is not in compliance with several of those goals and policies as follows:
 - Policy 20.7: The City will limit development on steep slopes, ridgelines and hilltops to promote public safety and preserve natural vistas of the Bookcliffs, Grand Mesa and the Colorado National Monument.
 - Policy 20.10: The City will limit cut and fill work along hillsides and areas where cut and fill is necessary to provide safe access to development. The City may require landscape improvements to reduce the visual impacts of such work.
 - Goal 21: To minimize the loss of life and property by avoiding inappropriate development in natural hazard areas.
 - Policy 21.2 – The City will prohibit development in or near natural hazard areas unless measures are undertaken to mitigate the risk of injury to persons and the loss of property. Development in floodplains and/or drainage areas, steep slope areas, geological fault areas and other dangerous or undesirable building areas will be controlled through the development regulations.
 - Redlands Plan Goal: To protect the foreground, middleground and background, visual, aesthetic character of the Redlands Planning.
 - Redlands Plan Policy: Development on prominent ridgelines along the major corridors of Highway 340, South Broadway, South Camp Road and Monument Road shall be minimized to maintain the unobstructed view of the skyline.
 - Redlands Plan Policy: The City will limit cut and fill work along hillsides. In areas where cut and fill is necessary to provide safe access to development, mitigation shall be required to reduce the visual impacts of the work.

Staff feels that this proposal is not consistent with those specific goals and policies.

Ms. Portner went on to state that the Applicant is proposing to use the cluster development provisions of the Code, Section 6.7.D.5. In order to be able to apply the cluster portion of the Code, a minimum of 20% of gross acreage must be provided as Open Space. This particular development includes 34.13% Open Space, which results in a minimum lot size of 8,297 square feet; however, the hillside provisions of the Code

further restricts minimum lot size based on average slope of lots, any of which are greater than 10%.

The Applicant received a TEDS exception in 2004 to exceed the maximum cul-de-sac length for the proposed Pinnacle Heights roadway as well as to allow a 6% grade through an intersection.

Private streets are proposed in Tracts G and H of the development and TEDS does require that private streets include pedestrian access. Applicant is proposing sidewalk on one side of both tracts. Private streets, however, must be approved by the City Council.

This plan does not provide for access to the separate parcel under separate ownership, which is required by the Code.

Access to the undeveloped property to the east is proposed at the northeast corner of Pinnacle Ridge. Tentative approval has been received by the Applicant from the adjoining property owner for a temporary turn-around easement on the adjoining property for the access point. This access point, however, goes up a steep grade with significant cut and crosses a slope of greater than 30% which also requires special consideration by the City Council.

This development is subject to Section 7.2.G of the Code which pertains to hillside development. Hillside development standards are applicable to hillside development and excavation of hillsides so that soil and slope instability and erosion is minimized. The adverse effects of grading, cut and fill operations are minimized. The character of the City's hillsides are preserved and the public's interest is protected. The provisions of the regulations are designed to minimize hazards, preserve natural features, encourage preservation of Open Space and provide for greater aesthetics by blending with the natural terrain, minimizing scarring and erosion caused by cutting, filling and grading and prohibit development of ridgelines. The proposed development includes 18 lots with average slopes of less than 10% which are not specifically regulated by the hillside section of the Code; 42 lots with average slopes of 10 to 20%; and 12 lots with average slopes of 20 to 30%.

Section 7.2.A.7, the street design section of the hillside development section of the Code, states as follows: "Streets, roads, driveways and other vehicular routes shall not traverse property having a slope greater than 30% unless, after review by the Planning Commission and approval by the City Council, it is determined that;

(1) appropriate engineering measures will be taken to minimize the impacts of cuts, fills, erosion and storm water runoff consistent with the purposes of this Section; and
(2) The Developer has taken reasonable steps to minimize the amount of hillside cuts through the use of landscaping and other mitigation measures acceptable to the Director."

There are several sections of roadway that cross greater than 30% slope. The proposed road access to the property to the east crosses an area of greater than 30%

slope. The City does have concerns with portions of the road sections. A retaining wall would be required which would prohibit access into the adjoining property. Staff is also concerned with the long term viability of the roadway and future maintenance costs to the City.

The proposed subdivision is also subject to Section 7.2.H of the Code – ridgeline development. The stated purpose of which is to preserve the character of the identified ridgelines and to minimize soil and slope instability and erosion. This development's ridgeline along Monument Road is one of those identified ridgelines. The ridgeline standards require that buildings, fences and walls shall be set back a minimum of 200 feet from the ridgeline. This setback could be lessened if the applicant shows that the proposed new structure will not be visible on the skyline as viewed from the centerline of the mapped roads or that mitigation will be provided. The applicant has done a ridgeline analysis which identifies 4 lots where the structures would be visible from Monument Road. Applicant is proposing to only meet the minimum 30 feet setback from the ridgeline and to provide certain mitigation. Such mitigation would include restricting the homes to one floor from the finished floor elevation and a maximum roof elevation, earthtone colors and vegetation.

The preliminary plans provide for the sewer infrastructure and do not adequately address the feasibility of design of the deep sewer proposed with sections as deep as 40 feet.

Staff feels that the subdivision as proposed will have adverse impacts on the environment. The extensive amounts of cuts and fills proposed will have an aesthetic impact on the property as viewed from adjoining properties and rights-of-way as will the ridgeline development that will be visible from Monument Road. Additionally, the proposed lots along the west property line with Pinnacle Ridge Drive and additional lots being cut into the adjoining hillside will have negative impacts visually to The Ridges. The extensive amount of earthwork including substantial cuts and fills will not be compatible with the adjoining development.

Staff also feels that as proposed the development would likely cause an undue burden on the City for maintenance of facilities as a result of the extensive cuts and fills, the crossing of steep slopes as proposed for the roadways, the expansive soils as well as the deep sewer that is proposed.

After reviewing the Pinnacle Ridges application, staff makes the following findings of fact and conclusions:

1. The proposed preliminary subdivision plan is not consistent with the Growth Plan, specifically Policy 20.7, Policy 20.10, Goal 21, Policy 21.2 as well as the Redlands Plan Goals and Policies to limit development on steep slopes, limit cut and fill and to preserve the visual aesthetic character of the Redlands and the Monument Road corridor.
2. The preliminary subdivision plan is not consistent with the purpose of Section 2.8 and does not meet the review criteria of Section 2.8.B.2 of the Zoning and

- Development Code, specifically the intent of Section 6.7, the fact that there is no access provided to the Foster property; there is no identification or protection of significant rock outcroppings that are present on the site; roads crossing greater than 30% slopes are proposed without adequate mitigation; significant cuts and fills and general disturbance as well as the ridgeline development without adequate mitigation and the 40 foot deep sewer.
3. The proposed subdivision will have adverse impacts upon the natural and social environment with the extensive disturbance and cuts and fills proposed and will not be compatible with surrounding development.
 4. As proposed the development will likely cause an undue burden on the City for maintenance of facilities due to the extensive cuts and fills proposed for the roadways, the presence of expansive soils and the deep sewer.

Therefore, Staff recommends that the Planning Commission deny the request for preliminary plan approval.

Ms. Portner provided the Commission with copies of two letters; one letter was from a resident of The Ridges that is opposed to the development; and the other is a letter from a property owner off of Bella Pago who is asking that if this subdivision is approved that he have the opportunity to work with the developer to get driveway access to the cul-de-sac.

PETITIONER'S PRESENTATION

Robert Jones II of Vortex Engineering, 255 Vista Valley Drive, Fruita, Colorado, made a presentation to the Commission in support of the application for preliminary plan approval of the Pinnacle Ridges Subdivision.

Mr. Jones addressed the first requirement of preliminary plan subdivision approval which is consistency with the Growth Plan, the Urban Trails Master Plan and the Grand Valley Circulation Plan. Mr. Jones feels that the plan does meet and is consistent with the Growth Plan as well as the subdivision regulations. The proposed density of approximately 1.58 units per acre is consistent with the Growth Plan and RSF-2 zoning.

The subdivision also conforms with the Grand Valley Circulation Plan and Trails Master Plan. An unpaved trails system exceeding 3,000 lineal feet is incorporated into the development with 4 separate connector points into the existing Ridges Trails system as well as a future trails system for the development to the east.

With regard to the Growth Plan, it is applicant's contention that the non-compliant policies referenced in the Staff Report were established to limit development on steep slopes. They were not meant to preclude development on steep slopes. Landscape improvements have been proposed in the form of Mechanically Stabilized Earth (MSE) retaining walls which would also limit the amount of cut and fill, visual examples of which were provided by applicant.

Mr. Jones contends that staff has incorrectly identified this site as a natural hazard area as no federal or state agency has identified this site as a natural hazard. Mr. Jones also addressed another element of the Staff Report regarding placement of the Pinnacle Heights access road.

Mr. John Withers, president of Geotechnical Engineering Group, addressed the Commission, and stated that several investigation studies have been conducted at the Pinnacle Ridges site specific to geologic hazards. Mr. Withers noted that the mapped geologic hazards are near the site; however, they are not on the site. Such hazards consist of the northeast facing slope facing Monument Road. The natural hazards that could exist at this site have been mitigated and he believes there is no reason why this site cannot be developed from a geotechnical or geologic standpoint. Regarding the preliminary subgrade investigation, several potential issues were identified that might warrant further study or engineering controls during the development. One such item that was identified on site was the potential for some rocks to roll on the site. After those were identified, the rocks were removed.

QUESTIONS

Chairman Dibble asked Mr. Withers about the earth in cases of torrential downpour. Mr. Withers stated that there should be storm water management that is a part of the development where the storm water is contained and moved to another location. He would not consider storm water to be a geologic hazard.

Commissioner Putnam asked Mr. Withers if he was aware of an environmental impact statement done prior to development of The Ridges which included opinions about the stability of the soils and the formations. Mr. Withers stated that a map of the Redlands area was prepared by Steven S. Hart in 1976 which identifies geologic hazards in the area. Such map was used as a reference in their study and does show the potential for the rock fall toward Monument Road which is outside the property boundary.

Commissioner Cole asked if development as proposed was taken into consideration during the development of this plan. Mr. Withers stated that it was. Commissioner Cole then asked if he was comfortable with it and Mr. Withers stated that he was.

Commissioner Lowrey finds, after viewing the site and reading the Staff Report, that there are a lot of abstractions. He is concerned that this may not be the right kind of development for this particular property. He does not question that the property can be developed in some way or fashion. His concern is, "What's a good way to develop it so that we don't have problems with the roads as staff has brought up where the City's going to be required to do future maintenance because of slides or whatever or unstable ground; that we don't have houses built on silhouette ridgelines and things. It doesn't mean it can't be developed but to develop it in a proper way." Commissioner Lowrey further stated that staff has identified a number of problems and he would like to see these issues concretely addressed.

PETITIONER'S PRESENTATION

Mr. Jones addressed the "natural hazard stigma" that was placed on the project by staff. Two of those policies dealt with natural hazard areas which is why he asked Mr. Withers to specifically address those items.

Mr. Withers went on to state that he does not see any potential for sliding on the site. He clarified that there were individual rocks, in his opinion, in precarious positions which had been removed. According to Mr. Withers, there is slope stability everywhere on the site.

QUESTIONS

Chairman Dibble stated that according to the Staff Report, extensive amounts of cuts and fills will be needed. He would like to know if applicant could give an approximate idea of how much of the land is going to have to be shifted, moved, or filled. In addressing this question, Mr. Jones stated that this property has approximately 34% Open Space, approximately 15½ acres, the majority of which won't be disturbed at all. Especially in those areas where there is a 20 to 30% slope, individual building envelopes will be carved out. In addition, to try to create compatibility with the environment and existing slopes, the bottom floors of some of the homes will be used as retaining walls and some will be walk-outs where the basements are used as retaining walls in order to minimize the amount of retaining walls and the elevation difference that the neighbors would see. He cannot, however, give an exact percentage.

Chairman Dibble asked if it was reasonable to assume that there would be a considerable amount of earth moving and considerable cutbacks into surrounding hillsides. Mr. Jones would not consider it to be a considerable amount when you take into consideration the size of the lots in comparison with the size of a home and driveway. In areas with less than a 10% slope, the amount of cut and fill will be minimal.

Chairman Dibble asked how the amount of instability could be measured due to earth moving. A lot of mitigation will be necessary just to create the project because of the amount of the moving of the earth. Mr. Jones advised the Commission that there will be constant monitoring from a qualified geotechnical engineer and consulting agencies.

Commissioner Putnam asked if any study had been made regarding the subsurface structure. Mr. Jones stated that test pits were completed as well as drilling. Mr. Withers stated that they "know what's there and there are some areas that we anticipate some tough excavation. These areas aren't different from areas recently in Redlands Mesa..." He has not seen anything on this site that would require blasting.

PETITIONER'S PRESENTATION

Mr. Jones next addressed the access issue with regard to the enclaved Foster Property. A stub connector to the already platted Foster lots has been provided. The tract separating the right-of-way and the Foster property was specifically required by the

Community Development Department during the preliminary plan review. Originally the right-of-way touched the Foster property on the plan submitted to the City. This was required by City staff because they did not want to maintain the retaining walls. Applicant believes a simple solution is for a revocable permit for this area which would allow the adjacent property owner to access and build a connecting road to Pinnacle Heights. The homeowner's association would be responsible for maintaining the retaining walls. The revocable permit could be made a condition of approval of the preliminary plan.

The section of Pinnacle Heights Road which exceeds a slope of greater than 30% is relatively small, 250 feet. MSE walls are planned to minimize the hillside cuts. The MSE walls will not exceed 6 feet in height and will be approximately 100 feet long on the north side of the road behind the curb and will be approximately 450 feet long on the south side of the road behind the sidewalk.

Staff has stated that they are uncomfortable with the road as proposed and recommended alternate routes which applicant does not believe are feasible. The location and alignment of the Pinnacle Heights Road was established at the beginning of this project. A TEDS exception was granted by the Public Works Department for this road. Mr. Jones enumerated the requirements of a TEDS exception. He compared this project to the recently approved Spyglass Ridge Development which required the road to traverse areas of slope greater than 30% in order to access lots at the top of the development. The applicant herein has agreed to provide an extended three year bond for that part of Pinnacle Heights Road which accesses the top lots as well as additional geotechnical quality assurance and quality control requirements.

This proposed subdivision is subject to the ridgeline development section of the Code. The Staff Report identified 4 out of 72 lots which would have small visual impacts from Monument Road. Applicant has completed a ridgeline analysis. The 4 lots will be mitigated as previously addressed by Ms. Portner. Accordingly, applicant feels that the Pinnacle Ridge Subdivision complies with the ridgeline protection ordinance.

Also addressed in the Staff Report was an issue with respect to fire flow due to the heights of some of the lots on the upper sections. A fire flow analysis was completed for the fire department. A home of greater than 3,600 square feet built on the upper portion of the development would need to be sprinklered. According to Mr. Jones, all fire department comments have been adequately addressed.

Also, various neighborhood meetings have been held regarding this proposal. Of great concern is the issue of drainage off of the site. Mr. Jones stated that the drainage discharge will be improved by as much as 35%. This will be accomplished by over-detaining. The developer, at the request of the City's engineering department, maximized the size of the basins to provide for over-detention.

"Staff has tried to utilize various arbitrary goals and policies to show how this site does not meet the goals and policies of the Growth Plan and the subdivision regulations." Mr.

Jones stated that only 12% of the site has slopes greater than 30% which are predominantly located around the large plateau and which is being preserved as Open Space. "The actual impact to the slopes greater than 30% is minimal at best and these impacts will be mitigated with the decoratively landscaped retaining walls. This project has been designed, re-designed and analyzed by what we feel is nearly ever possible angle. We do feel that this subdivision will be a very nice addition to The Ridges area and we do feel it meets all the applicable Growth Plan and subdivision regulations..." Applicant requests approval of the preliminary plan subdivision as presented.

QUESTIONS

Commissioner Putnam commented on Mr. Jones' statement regarding arbitrary goals and policies. Mr. Jones stated that his "point in the statement was that the types of goals and policies that were being applied to this development we feel were not accurate."

Commissioner Pavelka-Zarkesh had several questions regarding the retaining walls. More particularly, she inquired about the height, the cutback and the distance from the face of the wall to the curb. Mr. Jones stated that the majority of the walls will be beneath 6 feet and the cutback would be a 4:1 slope. He further stated that it would extend out 6½ feet.

Chairman Dibble stated that there were several sections of the proposed roadway that crossed greater than 30% slope. He asked Mr. Jones to identify the road cuts. Mr. Jones identified 2 instances where this would apply; one would be 100 feet and the other 350 feet.

Commissioner Cole raised an issue regarding a comment by staff that the area being proposed as a road is deemed unbuildable as a road. "That's an interesting comment that goes back to what I was saying. I'm not really certain...some of these comments in the Staff Report have not been displayed in any of the comments from the engineering department that we've seen to date. Obviously we feel it's buildable...."

Commissioner Cole voiced his concern that in the event of approval that it would force a certain type of access for the adjacent property.

Chairman Dibble raised the issue of the sewer. Mr. Jones stated that they are presently in negotiation with an adjacent property owner to obtain easements to eliminate the 40-foot sewer. In that event the sewer would be discharged to the north into the existing sewer system of The Ridges. Chairman Dibble confirmed that this issue has not been resolved in the preliminary plan. Mr. Jones stated that the sewer as proposed is feasible; however, not desirable. Additionally, alternatives, such as lift stations, were discussed with staff. Chairman Dibble then inquired of Mr. Jones who would be responsible for maintaining a 40-foot sewer in the future. Mr. Jones stated that he has discussed this with Mr. Dorris and believe they have come up with some solutions and that "maintenance could be accommodated in an adequate manner."

Commissioner Lowrey stated that according to staff, "There's too much earth movement, there's too many cuts, there's some houses being built too close to ridgeline silhouettes..." While, on the other hand, applicant is saying that it is workable. He wanted to know if there were alternatives that would result in the same number of houses but with less earth-cutting, and, therefore, a safer plan. He went on to state that he is not concerned with the density. Mr. Jones discussed the fact that this project, originally in the County, was platted in 1955 as the Energy Center Subdivision. Mr. Jones noted that staff has raised some concerns regarding the layout but believes those concerns can be mitigated. This development is limited by its topography and its steep slopes. Alternatives have been looked at. "We feel that this is the best plan in terms of density and the horizontal location, vertical locations of the roads."

Commissioner Lowrey is concerned with the Pinnacle Heights Road. He stated that there is a one-lane dirt road that follows the contour lines around the Foster property but provides a gradual ascent and gradual descent. He wanted to know if a similar one-way, one lane road would be viable in this instance. He further stated that he would like to hear from staff regarding possible alternatives.

Chairman Dibble wanted to know if applicant could refute the statement by staff regarding the extensive amount of earthwork, including substantial cuts and fills, that will not be compatible with adjoining development. Mr. Jones does not agree with that statement. Mr. Jones stated that the corridors were designed with the alternating elevations of the homes. In addition, the retaining walls would also minimize the cut fills. "I don't think it's correct to state that it is going to be...it's going to have a negative aesthetic impact. On the contrary, I think this is going to be a premier subdivision that's going to have a very positive affect on the surrounding subdivision, both to the north and west and the future planned subdivision to the east."

Commissioner Lowrey stated this is a challenging area to develop because of topography. He is concerned about the severe slopes, the stability, the cuts, the soil. He would like to know if there is a way to mitigate the cuts. In addressing Commissioner Lowrey's concerns, Mr. Jones discussed several alternatives that had been looked at and believes that "this is the best design and it's the best design particularly for accessing the top..."

A brief recess was called at 8:42 p.m. The public hearing reconvened at 8:48 p.m.

PUBLIC COMMENTS

FOR:

Linda Afman, 350 High Desert Drive, Grand Junction, asked the Planning Commission to approve the preliminary plan allowing the City and the developer to go forward. She further stated that the development would be compatible with the adjoining Redlands neighborhood, The Ridges. "Again, I would ask that the Planning Commission approve this development to go forward so City and the developer can address some of the issues."

Darren Davidson (Pinnacle Ridge) spoke on behalf of the subdivision. Mr. Davidson identified things done on site unique to this development, such as; removal of rock pile hazards; a full time geotechnical engineer will be available on site during the road construction; extended warranty to three years; staked out all of the roads, walked the entire site with the City; flows are equal to or less than what is leaving the area now; extensive traffic studies were done; approximately 40% of the project is dedicated Open Space; a fewer number of lots with the density; extensive studies on the ridgeline; half a mile of walking and/or biking trails; retaining walls to alleviate the steep slopes; currently working with two different landowners regarding easement.

Commissioner Lowrey asked Mr. Davidson who he was representing. Mr. Davidson stated that he is a property owner. Accordingly, he is commenting as an applicant rather than as a member of the public. Chairman Dibble stated that since he was shedding light on some of the issues raised, this line of comment would be allowed.

AGAINST:

Mike Holland, 2398 Mariposa Drive, Grand Junction, addressed the Commission. Mr. Holland had concerns with the water runoff and steepness of the project. Another concern was the amount of dirt that will be cut from the top of the hill on the southeast. He agrees with staff that the application should be declined. Mr. Holland further stated that when, and if this is approved, the lighting needs to be considered and he also feels that there are too many houses.

Don Goff, 2399 Ridgeway Court, Grand Junction, stated that this development will ruin the reason why he bought his property a little over a year ago. He is very much opposed to it.

Cinda Kerbein (2421 Hidden Valley Drive, Grand Junction) stated that her main concern is with the runoff. A couple of rains have brought a lot of silt and water into her garage. She is also concerned with the aesthetics. Ms. Kerbein also stated that the Open Space is not usable.

Rebecca Behrens, 2413 Hidden Valley Drive, Grand Junction, is concerned with a road coming up onto Hidden Valley Drive due in most part to children using the road. She does not want any more traffic on the road as there already is.

William Foster (2204 Rangeview Court, Grand Junction) stated that he has never seen the vacation of a road without a separate series of hearings. He was unaware that there was going to be retaining walls. This should be tabled or declined.

Rick Dorris, City Development Engineer, "The question is not, can you build it. The question is, should it be built." Mr. Dorris discussed the amount and severity of the cuts and slopes. With respect to the TEDS exception, the TEDS exception primarily has to do with horizontal geometry. Mr. Dorris had asked about the feasibility of a road coming off the ridge and going north onto Mr. Munkres' property. Mr. Dorris stated that he would like to see that option looked into but the applicant did not do this analysis.

Staff has required that applicant go into a lot more detail on this preliminary plan because of the challenges unique to this site. Mr. Dorris identified issues concerning access, sewer, water line, and drainage. He pointed out that there are portions that will be over-detained which will result in a decreased amount of runoff that will be released.

There are two items of major concern from an engineering standpoint. First, is the 40-foot sewer, and secondly, is the road and how to build the road so it doesn't move. With respect to the sewer, he would recommend that there not be contingent approval as it is too big of a contingency. "Either we approve it with the 40-foot deep sewer or we continue this to I don't know a month or two down the road when they can get the easement or some other option that either Kathy or Jamie comes up with." Mr. Dorris stated that representatives from the City have met with applicant and Geotechnical Engineering Group about how to build the road so that it doesn't move. According to Mr. Dorris, "It's not to say that it can't be done. The question is, is there a better plan for that than this one." Also with respect to the road, he is concerned about the possibility of taxpayer expense for long-term maintenance.

The City also does not recognize the plat and, therefore, did not go through a vacation process. At the same time, the City does not believe that the right-of-way was really dedicated to the public. Although there is a recorded plat, it is not recognized because it has never been constructed.

Furthermore, the grading and the streets will create a lot of disturbance of ground. Mr. Dorris next discussed the issue regarding the sewer. He would like to see it re-worked.

DISCUSSION

Commissioner Carlow had a question regarding shifting of dirt and road and has it affected sewer lines and water lines. Mr. Dorris was unsure but he is not aware of sewer blockage at this point.

Chairman Dibble had a question regarding road dedication/vacation. Mr. Dorris stated that the City did not recognize that plat so the lots were not recognized and, therefore, they did not recognize the presence of the right-of-way.

Commissioner Wall asked why the lots are not recognized. Mr. Dorris said that nothing was ever made to improve the ground. He further stated that, "There is no infrastructure, there's no water, there's no sewer, there's no paved road to get there. So in essence the plat wasn't validated because nothing was ever built there." It is Ms. Kreiling's understanding that when they were bringing this property in, it was with the clear understanding that the City did not recognize the plat and would not be recognizing the plat and, therefore, the dedication is not recognized.

Commissioner Cole asked Ms. Kreiling, given that testimony has said that this plat was approved while it was in the County, should that have any bearing on the Commission's decision. Ms. Kreiling stated that the difficulty is that they couldn't develop in the County particularly because they had no access.

Ms. Portner addressed the Commission to comment on the natural hazards area and the applicant's contention that policy 21.2 does not apply simply because it is not a mapped natural hazard area. Ms. Portner assured the Commission that it does apply.

Commissioner Lowrey asked what other alternatives have been explored. Ms. Portner stated that alternatives have been looked at throughout the process. For example, the potential of single loading the road rather than double loading the road; the potential for smaller pods of development to access directly into the Ridges; clustering the housing product to maximize the number of units on the most developable area and minimizing the amount of infrastructure that will be put in. With regard to a site analysis, Ms. Portner stated, "It's typically a very good tool for determining, first of all, where to best put your density and, secondly, how to minimize the amount of infrastructure and the cost of actually building the development."

Chairman Dibble raised the issue of the amount of earthwork including substantial cuts and fills that may not be compatible with adjoining development. Ms. Portner feels that the amount of cut and fill is substantial in order to get the roads in, to get access to the lots that are coming off of those roads. She feels that cuts and fills do become an aesthetic issue and noted that also to be considered is the potential of future maintenance.

PETITIONER'S REBUTTAL

Tom Volkmann, 255 North 5th Street, Grand Junction, addressed the Commission on behalf of the Applicant. Mr. Volkmann felt it necessary to address the history of the property. He went on to state that the subject property was platted in 1955 in the County. He was told by City staff several years ago that the City will not recognize the plat. However, this plat can be found on the City's GIS map under subdivisions. It is his contention that the properties shown on the plat from 1955 were platted, taxed, purchased and sold as lots under a County plat. "We're trying to align an access road with an existing road on a plat that the City says I guess we should ignore."

Mr. Volkmann does not believe that the Goals and Policies of the Growth Plan need to be analyzed at this point. "So what we need to do is look away from these grossly generalized statements, our wish list of minimizing this and that and find out how we have implemented those Goals and Plans and Policies through the Code." Mr. Volkmann, focusing on the language in the footnote in 7.2.G, assured the Commission that appropriate engineering measures have been taken to try to minimize the impact of the cuts and fills. Mr. Volkmann feels that the same language applies with respect to street design in order to mitigate the aesthetic impact.

With regard to the ridgeline development and the required mitigation, Mr. Volkmann stated that applicant has applied the forms of mitigation itemized in the Code to the 4 lots that are on the ridgeline development.

Mr. Volkmann stated that there are references to the staff being very uncomfortable with the road that abuts the Foster property. He believes this to be a vague and baseless reference to increased maintenance cost to the citizens of Grand Junction. "The standard isn't, is this the best way. The standard is, were reasonable or appropriate measures employed on an engineering basis to minimize these things."

According to Mr. Volkmann, applicant is proposing that there be a right-of-way that goes all the way to the Foster property and the retaining wall would be within that right-of-way. Mr. Volkmann suggests that there may be compatibility issues if they went to the multi-family housing with connected houses. "Single family homes above single family homes, you know, in adjacent properties, I just don't view that as a compatibility issue."

Mr. Volkmann urged the Commission to consider the application in accordance with the standards and approve the same.

Mr. Jones once again addressed the Commission and specifically discussed Mr. Dorris' request for analysis of a road leading from the upper section through Mr. Munkres' property.

Next discussed was the issue regarding the deep sewer and Mr. Jones assured the Commission that they are working with adjacent property owners in an attempt to eliminate the 40-foot deep sewer.

With regard to the statement that a site analysis had not been done, Mr. Jones clarified that a fairly detailed site analysis had been done and discussed with staff. He noted that the primary constraint with this particular development is slopes.

Some of the comments of staff were incorporated into the design when they walked the property with City staff and found that to be very helpful. A few of the lots were reconfigured due to some of the slopes. Significant rock outcroppings have also been preserved. In sum, the site analysis was taken into consideration by applicant.

Mr. Jones requested the plat be submitted as an exhibit into the record.

DISCUSSION

Commissioner Lowrey, rephrasing Mr. Dorris' earlier statement, stated that, "Just because it can be built, doesn't mean it should be built." He acknowledged the hard work that applicant has done to fit this into the Code. He would like to see the extreme type of cutting eliminated. Commissioner Lowrey acknowledged that this is a challenging piece of property, albeit a beautiful piece of property. He further believes that development can be done on this property. He is not necessarily concerned with the proposed density. His concerns deal primarily with the locations of the roadways and the steepness of grades. Commissioner Lowrey thinks that there is a better way to do this. "If we don't do it in a better way, there's going to be tremendous costs to the City in the future, in sewer, and road, and maintenance that may not become apparent for a lot more than 3 years passed when this project will be built." Commissioner

Lowrey would not approve this map believing there is more work that needs to be done in conjunction with staff.

Commissioner Putnam agrees with Commissioner Lowrey. He does not agree with Mr. Volkmann's representations regarding reasonable attempts to do the engineering work as required by the Code. Commissioner Putnam stated that he believes engineering is not an exact science, but an approximation at best. "It looks to me like what we have here is a situation in which one engineer says one thing and the other engineer says the opposite and since we are not professionals in that sense, we are not equipped to judge very accurately. It is incumbent on us when there is disagreement like that to send it back to the drawing board and wait until there is agreement." Commissioner Putnam stated that he would support either a postponement of a decision or a denial.

Commissioner Wall agrees. The biggest question Commissioner Wall has is the disagreement between the two sides. "The two sides really don't agree on anything and that's what surprises me. A lot of times you'll have a 50/50 basis but there's really not an agreement on anything in my opinion. So if there's not an agreement on anything on either side, then apparently something's wrong with the plan and it shouldn't go through until there's some consensus of what should really be there." Accordingly, Commissioner Wall stated that he would deny the plan.

Commissioner Lowrey added that he agrees with Commissioner Putnam that a continuance may be a viable alternative as opposed to a straight denial.

Commissioner Carlow stated that he is not necessarily concerned with the basic concept or the densities, "but there's a lot of loose ends. A lot of loose ends." Commissioner Carlow believes the project can be done but is not comfortable with what has been presented.

Commissioner Cole stated that he has leaned back and forth on this proposal, as did Commissioner Wall. He believes that, as proposed, it will be a costly project. Commissioner Cole agrees with his colleagues that there is a great deal of disagreement and a considerable amount of challenges inherent in this project. He further believes that perhaps these issues can be resolved in a better way. Commissioner Cole stated that he is unsure if a continuance is an option since this is the plan that has been brought before the Commission. He, too, would vote to deny the plan.

Commissioner Pavelka-Zarkesh, after considering the challenges on the site, would agree with her colleagues. She inquired if a continuance is appropriate. However, as it stands right now, she would not vote in favor of this subdivision.

Chairman Dibble stated that he "vacillated back and forth and listened to arguments on both sides of all of these issues." Chairman Dibble stated that he tried to pinpoint the issues relative to this project - (1) steep terrain; (2) mitigation of the ridgeline; (3) the

Code and Goals, including the Policies cannot be ignored; (4) the heavy grading and movement of earth in the area; and (5) the 40-foot sewer.

He does not believe that the development of this property in its present form and fashion as presented is reasonable and prudent and, accordingly, would disapprove of this project.

Commissioner Putnam raised the question of whether or not a continuance is appropriate. Ms. Kreiling stated that rather than an actual continuance, if the Commission feels there is additional information needed before a determination can be made as to whether or not all of the criteria have been met for approval, then the Commission can remand it back to staff and request that that additional information be gathered and be brought back at a later date to make a final determination. However, if the Commission does not believe that the information and evidence presented meets the criteria, then it can be denied. Or, if the Commission feels that it does meet the criteria, then there is the option to approve it or approve it with conditions. Ms. Kreiling clarified that if it was continued or remanded back to staff, staff would have to be advised of what additional information is necessary in order to meet the criteria. Ms. Portner further clarified that if it is continued that applicant would not present a new plan but rather would present this plan with additional information. According to Ms. Kreiling, "If you remanded it back for the additional information, that would be correct. But if in finding some of that additional information it's determined between the applicants and staff that there could be changes made to this plan, it wouldn't mean that the exact plan that came to you tonight would have to be what comes before you. With that additional information if it's determined that the plan should be modified to some degree, then the modified plan could come back before you." Chairman Dibble inquired if it would be an entirely new plan that would have to be considered on its merit. Ms. Kreiling stated that, "It wouldn't necessarily be an entirely new plan. It would be a plan based on the additional changes with the additional information." Commissioner Cole wanted to know, if denied, if there is a time period that would prevent them from submitting a new plan that addresses some of the Commission's concerns. According to Ms. Kreiling, they can come back with a new preliminary subdivision plan for approval. "It's just a new process, a new application."

Chairman Dibble raised the issue about the second part of submission to City Council regarding private streets. Ms. Kreiling confirmed "The second motion would be dependent upon whether or not you believe that the preliminary subdivision plan would work with the private streets. So if you're not going to approve the preliminary subdivision plan, then there isn't a reason to send the recommendation for private streets forward." Commissioner Lowrey stated that he does not believe a continuance is appropriate in this situation.

Ms. Kreiling addressed the issue of a revocable permit regarding a right-of-way access to the adjacent property. Commissioner Lowrey suggested that the revocable permit and the sewer issue be dealt with in a separate motion in the event the first motion is approved. Mr. Dorris stated that the plan as presented has the wall in a separate tract

to be dedicated to the homeowners' association and, as such, a revocable permit is not necessary.

MOTION: (Commissioner Wall) "Mr. Chairman, I move that we approve the Preliminary Subdivision Plan for Pinnacle Ridge, PP-2005-226, finding the proposal to be consistent with the Growth Plan and consistent with the purpose of Section 2.8 and Section 2.8.B.2 of the Zoning and Development Code and subject to the City Council approving the private streets and vehicular routes traversing greater than 30% slopes and the acquisition of necessary right-of-way for access to Mariposa Drive."

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

The meeting was adjourned at 10:37 p.m.