

**GRAND JUNCTION PLANNING COMMISSION
OCTOBER 10, 2006 MINUTES
7:00 p.m. to 8:36 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, Patrick Carlow (1st alternate), Tom Lowrey, Lynn Pavelka-Zarkesh, Ken Sublett (2nd alternate), and Bill Pitts. Commissioners William Putnam and Reggie Wall were 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 Eric Hahn (Development Engineer).

Lynn Singer was present to record the minutes.

There were 26 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

There were no minutes available for consideration.

III. CONSENT AGENDA

Available for consideration were items:

1. PP-2005-291 (Preliminary Plan – Pear Park Place)

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 as presented.”

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

IV. PUBLIC HEARING ITEMS

ODP-2005-309 REZONE AND OUTLINE DEVELOPMENT PLAN – 1st and PATTERSON PLANNED DEVELOPMENT
Remanded from the September 26, 2006 hearing
Request approval of: 1) an Outline Development Plan (ODP) for a Mixed Use development on 20.7 acres, and 2) Request approval to rezone from RMF-12 (Residential Multi-Family-12 units/acre) to a PD (Planned Development) zone district

PETITIONER: Constructors West, Inc.
LOCATION: SW Corner of 1st Street and Patterson Road
STAFF: Kathy Portner

Commissioner Cole addressed the Commission stating that although not personally present at the September 26, 2006 hearing, he did view a CD of the public hearing and, as a result, is aware of the issues and concerns raised during that hearing.

STAFF’S PRESENTATION

Kathy Portner, Assistant Community Development Director, summarized the September 26th hearing which included Staff Presentation, Applicant’s Presentation and extensive public comment. However, prior to Applicant’s Rebuttal, a question was raised regarding an access issue which caused staff, after discussion, to request this matter be remanded in order to determine whether or not this request could go forward based primarily on the testimony of the Baughmanns.

After review, Ms. Portner stated that the request for rezone to Planned Development and approval of an Outline Development Plan can proceed. Therefore, for consideration by the Commission is intensity of uses that are being proposed as well as the proposed ranges of density for the residential development and general circulation. Further, if the ODP is approved, at the time of preliminary plan approval, applicant will have to show with specificity how the 25³/₄ Road alignment will work as well as the specifics regarding improvements on the 25³/₄ Road.

Ms. Portner stated that staff is recommending that the Commission proceed with consideration of this request. Furthermore, it is the recommendation of staff that if the Commission recommends approval of the rezone and the ODP that it be conditioned upon the following condition: “That the Preliminary Plan must provide the details of the proposed 25³/₄ Road as to right-of-way location, width and improvement, as well as provide for shared access for future development of the adjoining property to the west.”

QUESTIONS

Commissioner Cole raised a question pertaining to the access in the event the Baughmanns do not consent. Ms. Portner confirmed that the right-of-way would have to be shifted to the east to allow for a sufficient right-of-way on the development to provide for adequate access.

Commissioner Lowrey identified a concern with intensity of use in the commercial zone and in particular with the potential for increased traffic. Ms. Portner stated that the commercial growth plan designation allows for a range of zoning options, from residential office to neighborhood business to general commercial zone district. In this instance, applicant is proposing a planned development zone district with B-1 as the underlying zone district. Ms. Portner stated that applicant is requesting a deviation from the underlying B-1 zoning to allow for a drive-through pharmacy.

Commissioner Sublett inquired if there are any special requirements that can be placed on an applicant for an infill development that may alter some of the criteria they would have to meet. Kathy Portner stated that compatibility can be looked at in a number of ways, for instance, intensity, architecture, etc.

Chairman Dibble commented that he believes with an ODP it is premature to identify the specific retail establishment at this time. Commissioner Sublett requested clarification in that the traffic study is based on particular types of businesses, and specifically a drugstore. Ms. Portner stated that staff typically asks applicants to assess the worst-case scenario from a traffic standpoint. For consideration, however, is a mix of uses that would include retail-type users that may have a drive-through facility.

APPLICANT'S REBUTTAL

Applicant Bruce Milyard, 868 Quail Run, Grand Junction, next addressed the Commission. Mr. Milyard expounded on the 25³/₄ Road access issue. It was determined shortly after the hearing on September 26th that a TEDS exception would not be needed. However, prior to preliminary plan approval, access will need to be identified, engineered, designed and be in agreement as to placement. Mr. Milyard confirmed that at present there is no agreement with the Baughmann family.

Ted Ciavonne of Ciavonne, Roberts & Associates, spoke on behalf of applicant. Mr. Ciavonne addressed concerns and comment regarding the 49 foot building height.

Mr. Ciavonne summarized public comment from approximately 23 people. He stated that 9 spoke in favor of the proposal and 14 spoke against some aspect of the proposal. He also noted that many of those speaking against the proposal complimented either the developer or the plan.

Mr. Ciavonne stated that the current RMF-12 zoning district would allow for a density of 165 to 248 residential units. Applicant, however, is proposing a density of 70 to 111 residential units. With respect to the commercial development, applicant is proposing neighborhood business as the default underlying zoning.

With respect to the parking along Patterson, Mr. Ciavonne stated that this is a design issue and future plans will address this concern. It is applicant's desire to screen parking.

Furthermore, applicant is not seeking a deviation regarding the hours of operation, 5:00 a.m. to 11:00 p.m.

Regarding phasing, it is anticipated that the development will begin with commercial pods with residential being interjected. Mr. Ciavonne next addressed the concerns regarding the 1st Street and Patterson Road improvements.

Also with respect to the setback requirements, no deviation from the default standard is being requested.

Mr. Ciavonne stated that the most common issue as voiced by the neighbors concerns traffic.

Elizabeth Good Remont of Kimley-Horn next addressed the Commission concerning the traffic issues and concerns. Ms. Good Remont prepared the traffic study on behalf of applicant. Additionally, she provided the Commission with a packet of material which briefly summarized the traffic study.

QUESTIONS

Commissioner Cole asked if the levels of service include project traffic. Ms. Good Remont stated that the level of service is for the build-out horizon which does include project traffic.

Commissioner Sublett requested a verbal definition of level of service D for a signalized intersection. Ms. Good Remont stated that a level of service D in this instance is approximately 62 seconds of delay. Commissioner Sublett then read portions from the Highway Capacity Manual which define levels of service D and F.

Commissioner Sublett asked Ms. Good Remont if any adjustment had been made for pedestrians and bicyclists. Ms. Good Remont stated that no adjustments were made for pedestrians and bicyclists.

APPLICANT'S REBUTTAL

Ted Ciavonne next discussed certain neighborhood concerns and applicant's request for a TEDS exception with regard to the 25³/₄ Road intersection. Applicant was denied that request. However, the traffic study confirms the plan is still functional whether the 25³/₄ Road intersection is signalized or unsignalized.

Mr. Ciavonne stated that the rezone request should be approved because the plan is compatible with the Growth Plan and meets the criteria of sections 2.6 and 2.12.B.2 of the Zoning and Development Code. Mr. Ciavonne stated that the commercial development will act as a buffer between traffic along Patterson Road and the residential development. In addition, he noted that higher density residential development adjacent to commercial development reduces vehicle trips.

Mr. Ciavonne stated that the ODP should be approved because it meets the intent of the Growth Plan, is supported by staff and the ODP uses are compatible with the default zone standards of the B-1, RMF-12 and RSF-4 zone districts. The ODP addresses architectural control and site development standards. Traffic engineering issues were resolved with staff. He itemized certain community benefits associated with this proposal including, but not limited to, large open space landscaped areas; commercial development within walking distance of existing neighborhoods; a transition of densities.

QUESTIONS

Chairman Dibble raised a question with regard to the buffering to the south, and more particularly, the type of buffering, how much space is between the proposed development and the existing development to the south. Mr. Ciavonne stated that the buffering is a design question. He also stated that there will be open space to the south.

Commissioner Sublett inquired if under-building parking was being considered. Mr. Ciavonne stated that they are exploring "underground" parking while taking into consideration ventilation concerns.

Commissioner Sublett asked a question regarding the transition of level of service D to E to F. Jody Kliska, City Transportation Engineer, addressed the Commission and stated that a combination of dynamics would result in the transition.

Commissioner Sublett asked Ms. Kliska if levels of service were subjective. Ms. Kliska stated that the Highway Capacity Manual attempts to define levels of service both quantitatively and qualitatively.

DISCUSSION

Commissioner Cole commended both the developer, the planners and staff for the amount of work that has gone into such a thorough presentation. He also acknowledged the public input. Commissioner Cole stated that, "This is a project that can and should go forward."

Commissioner Pitts stated that he likes mixed use that is being proposed. He believes that the traffic is not a project problem but rather a City problem. Commissioner Pitts further stated that he is in favor of the project.

Commissioner Pavelka-Zarkesh, like Commissioners Cole and Pitts, is in favor of the project. She does have a slight concern with the height, particularly with respect to the residential areas. She thinks it is an appropriate use of the site.

Commissioner Carlow stated that he too is concerned with the height. He would prefer applicant to apply for a variance. Commissioner Carlow does not see a problem with this project.

Commissioner Lowrey agrees with Commissioners Pavelka-Zarkesh and Carlow regarding the height. He also is in agreement with staff regarding the extra conditions regarding the 25³/₄ Road. He further stated that the project complies with the Growth Plan. Commissioner Lowrey stated that he is also concerned with the intensity of use in the commercial development.

Commissioner Sublett stated that, "This is a great project. That's a simple way to say it and I commend everyone involved for it." However, he is concerned with the project and believes the timing of it is wrong. He believes the commercial development is significantly out of line with the commercial development that surrounds it. He also voiced his concern regarding the height. "My big concern is very simply the intensity and the traffic that results from that intensity." Therefore, Commissioner Sublett stated that he cannot support the project.

Chairman Dibble stated that he does not have any problems inherently with the project. He next discussed the height issue and noted that a 25% allowance to the 40 foot default would result in a building height of 50 feet. Additionally, the 25³/₄ Road access issue needs to be finalized. As far as he believes, this request does meet the criteria of the Growth Plan and the Code and would be supportive of the project.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on ODP-2005-309, a request for a Planned Development, Outline Development Plan, I move we forward a recommendation of approval to the City Council with the findings and conclusions listed in the staff report and specifically that the Preliminary Plan must provide the details of the proposed 25³/₄ Road as to right-of-way location, width and improvement, as well as provide for shared access for future development of the adjoining property to the west and that the maximum height shall be as zone B-1, 40 feet, but that the applicant will have the opportunity in the Preliminary Plan to ask for an additional 25%."

Commissioner Carlow seconded the motion. A vote was called and the motion passed by a vote of 6-1 with Commissioner Sublett opposing.

With no further business to discuss, the public hearing was adjourned at 8:36 p.m.