

**GRAND JUNCTION PLANNING COMMISSION
DECEMBER 16, 2003 MINUTES
7:00 P.M. to 10:20 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), John Evans, William Putnam, Bill Pitts, Roland Cole, John Redifer and Richard Blosser.

In attendance, representing the City's Community Development Department, were Kathy Portner (Planning Manager), Pat Cecil (Development Services Supervisor), Lisa Cox (Senior Planner), Lori Bowers (Senior Planner), Senta Costello (Associate Planner) and Scott Peterson (Associate Planner).

Also present were John Shaver (Assistant City Attorney), and Eric Hahn and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

There were approximately 43 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the November 12, 2003 public hearing.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move that we approve the minutes as written for November 12."

Commissioner Evans seconded the motion. A vote was called and the motion passed by a vote of 6-0, with Commissioner Blosser abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. CONSENT AGENDA

Offered for placement on the Consent Agenda were items GPA-2003-183 (Zone of Annexation--Gowhari Annexation) and VR-2003-227 (Vacation of Right-of-Way/Files Right-of-Way). At citizen request, item GPA-2003-183 was removed from Consent and placed on the Full Hearing Agenda.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move for approval of the Consent Agenda as revised [consideration of item VR-2003-227 only]."

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

IV. FULL HEARING

GPA-2003-183 ZONE OF ANNEXATION--GOWHARI ANNEXATION

A request for approval to zone three parcels totaling 24.69 acres from County RSF-2 (Residential Single-Family, 2 units per acre) to City RSF-2 (Residential Single-Family, 2 units per acre).

Petitioner: Elizabeth Gowhari

Location: 563 20 1/2 Road

PETITIONER'S PRESENTATION

Karen Gookin, representing the petitioner, gave a Powerpoint presentation containing the following slides: 1) site location map, 2) project summary, 3) zoning and Code criteria and 4) Future Land Use Map. Ms. Gookin said that the petitioner had purchased the property with the County's RSF-2 zoning in place. She noted that the majority of the surrounding area was zoned similarly; The Preserve Subdivision is developed less densely than allowed. The new Redlands Fire Station would be built less than a mile from the site. While the petitioner had no immediate plans to further develop the property, the petitioner wanted to keep the options open. The City's RSF-2 zoning was consistent with the City's Growth Plan and Code criteria and approval of the request would simply allow the property to retain the zoning it currently had.

STAFF'S PRESENTATION

Senta Costello gave a PowerPoint presentation containing the following slides: 1) site location map, 2) aerial photo map, and 3) Future Land Use Map. She noted where a house had already been constructed on each of the three parcels. She agreed that the proposed City RSF-2 zoning would be consistent with its County equivalent, with the majority of the area zoned similarly. Staff recommended approval of the request.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Mark Luff (no address given), representing The Preserve Homeowners Association, said that the density allowed by the proposed RSF-2 zoning was inconsistent with the constructed density of The Preserve. Mr. Luff stated that if the petitioner developed her property to an RSF-2 density, significant impacts to wildlife and local infrastructure would result. He felt that either an RSF-E or RSF-1 zone district would be more appropriate. Citing language from the Code, he said that an RSF-1 zone was most appropriate for tracts that abut larger lots and that have existing single-family homes on them.

Brenda Molitor (no address given) said that she was in the process of building a home in The Preserve Subdivision and agreed with Mr. Luff's comments about wildlife and other impacts that would result from higher density development. The RSF-2 zone district, she said, would allow double the density currently there.

Dwayne Wegg (no address given), property owner in The Preserve Subdivision, concurred with statements made by both Mr. Luff and Ms. Molitor.

PETITIONER'S REBUTTAL

Ms. Gookin said that while she appreciated the concerns expressed by Preserve property owners, the petitioner had no immediate plans to develop the property. The requested RSF-2 zoning was nothing more than what was already on the property. With most of the area zoned similarly and with urban infrastructure already present, the RSF-2 zone made the most sense.

QUESTIONS

Commissioner Cole asked Ms. Gookin if she knew the density of the nearby Saddleback Subdivision. Ms. Gookin said that homes in that subdivision were located on half-acre lots.

DISCUSSION

Commissioner Blosser agreed that development of the property to an RSF-2 density would indeed impact area wildlife and infrastructure. He said the area was more rural in character and should remain that way; he favored a lower density zone district.

Commissioner Cole noted that The Preserve Subdivision was also zoned RSF-2 even though it wasn't being constructed to the maximum allowable density. He asked legal counsel if Preserve homeowners could elect to increase the density of their subdivision if they so chose. Mr. Shaver said that while theoretically possible, he surmised that the subdivision's covenants adequately guarded against it.

Commissioner Pitts asked if the properties directly south and east of the site were developable. Ms. Costello noted the referenced properties on an aerial photo. With the exception of the Monument Presbyterian Church site currently under construction, all other properties had homes on them. Given the sizes of those parcels, however, the possibility of future development could not be ruled out.

Commissioner Redifer asked if the Planning Commission had any latitude to deny the request if it met all legal requirements. He asked "could the board arbitrarily assign a lower density if it felt a lower density was more appropriate?" Mr. Shaver responded affirmatively, saying that there are various ways to create developability. Mr. Shaver continued saying that if the Planning Commission felt that another zone was more appropriate, it would have to find that the request did not meet the criteria established for an RSF-2 zone.

Commissioner Putnam felt there was insufficient basis for a denial because he concluded that the request did meet all legal criteria.

Chairman Dibble agreed, adding that he'd seen higher than RSF-2 densities on farmland. The petitioner was only asking for the property's zoning to remain status quo. If a denial were given, the Planning Commission would be accountable to the Code and other criteria.

A brief discussion ensued over various rezone criteria.

Commissioner Redifer said that it was impossible to know what kind of wildlife or infrastructure impacts might exist without the submission of a development plan.

Commissioner Cole expressed support for the petitioner's request. The property had been purchased with the RSF-2 zoning already in place. Likely there was a reasonable expectation by the property owner that upon its annexation into the City, the property would at least be allowed to retain its present zoning. Personal preference was not a sufficiently adequate reason to change the property's zoning.

Commissioners Pitts and Evans concurred, saying that the request met all legal criteria.

Commissioner Blosser felt that the City should consider areas as a whole and preserve its open spaces. He would support either an RSF-E or RSF-1 zone district but still could not support the current request.

MOTION: (Commissioner Cole) "Mr. Chairman, on Zone of Annexation GPA-2003-183, I move that the Planning Commission forward the Zone of Annexation to City Council with the recommendation of the Residential Single-Family, 2 units/acre (RSF-2) zone districts for the Gowhari Annexation with the facts and conclusions listed in the staff report."

Commissioner Redifer seconded the motion. A vote was called and the motion passed by a vote of 6-1, with Commissioner Blosser opposing.

RZP-2003-153 REZONE--VALLEY MEADOWS NORTH REZONE

A request for approval to rezone 7.65 acres presently zoned RSF-R (Residential Single-Family Rural) to RSF-4 (Residential Single-Family, 4 units/acre).

Petitioner: EDKA Land Company, LLC, Ed Lenhart

Location: End of Kapota Street

PETITIONER'S PRESENTATION

Richard Livingston, legal counsel representing the petitioner, said that the current request had been before the Planning Commission and City Council six times prior. While he acknowledged that the residents of Valley Meadows East had legitimate and serious concerns over what might be developed on the property, no development plan had yet been submitted. It was more appropriate to address specific concerns during the Preliminary Plan stage; however, the petitioner couldn't move forward on that until the rezone issue was settled. Mr. Livingston said that four years had passed since the property's annexation into the City and still it did not have a zone. While he had only recently been retained as legal counsel for the petitioner, he understood that the petitioner had filed a lawsuit against the City over the issue. In an effort to settle the lawsuit and satisfy neighbor concerns, he offered to submit a court document attesting that the property would never be developed to a density higher than 2.8 units/acre. The petitioner respected the concerns of the neighbors; however, without a plan, those specific issues were unknown variables and should have no bearing on the rezone request. The petitioner was in agreement with the conditions outlined in staff's report.

STAFF'S PRESENTATION

Lisa Cox offered a PowerPoint presentation containing the following slides: 1) site location map, 2) aerial photo map, 3) Future Land Use Map, 4) Existing City and County Zoning Map, 5) background, and 6) findings of fact and conclusions. Ms. Cox said that the property is located within a developing area. The Growth Plan recommended densities of between 2 and 4 units/acre; the RSF-4 zone district represented the upper end of that density range. Ms. Cox explained that the property had been annexed with the understanding that rezoning would occur in conjunction with the development submittal. Because the rezone request was consistent with Growth Plan recommendations and it complied with Code criteria, staff had recommended approval. Ms. Cox stated that only the rezone request was under consideration. If the rezone was approved by City Council then the Preliminary Plan would come before the Planning Commission approval.

QUESTIONS

Commissioner Putnam referenced previous City Council minutes which mentioned the Moran property. He asked staff to note the location of that property. Ms. Cox indicated that the Valley Meadows North property was previously known as the Moran property.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Helen Dunn (2557 McCook Avenue, Grand Junction), speaking on behalf of the Valley Meadows East Homeowners Association, submitted copies of her presentation to planning commissioners. Her presentation included excerpts from the 2000 International Fire Code regarding Fire Department access. The petitioner's lack of providing two access points and the density allowed by the RSF-4 zoning with only one access point represented violations of the Fire Code. Citing various sections of the City's Development Code, she maintained that the rezone criteria had not been met because development of the property 1) would have adverse impacts on the surrounding infrastructure; 2) represented a hardship to existing neighbors; 3) would fail to meet Fire Code; 4) would lack adequate access/circulation. The only access point available to the property, she said, was via Kapota Street. Yet, a berm had been constructed at the end of Kapota Street to help mitigate serious and ongoing drainage issues. Removal of that berm, Mrs. Dunn said, would have disastrous consequences for the residents of Valley Meadows East.

Ms. Dunn referenced copies of excerpted City Council minutes which recounted discussions and concerns over potential impacts to F 3/4 Road. She noted that residents of Valley Meadows East had been forced to evacuate their homes during an intense flood in April of 2002. While not opposed to development of the petitioner's property, she strongly urged resolution of the major issues prior to any rezone approval.

When asked by Commissioner Putnam why City Council had turned down previous rezone requests, Ms. Dunn said that its denial had been based on expected impacts and damages to neighboring properties.

John Chapman (667 Kapota Street, Grand Junction), a self-avowed "Valley Meadows North Watchdog," said that approval of the current rezone request would be tantamount to the City's ignoring a very real and severe irrigation flooding problem, a problem personally observed by City Development Engineer Eric Hahn. Solutions to that and other issues should be submitted for consideration prior to any rezone request. After all, the zoning set the density and development impacts were directly tied to a project's density. Copies of his presentation were submitted into the record.

Robert Knight (673 Chama Lane, Grand Junction) noted the location of his property near what appeared to be an access road into the petitioner's property from Moonrise Court. He clarified that the apparent "access" was actually a ditch and what was left of a berm that had been destroyed during a previous flood event. Flooding was a real and recurring problem to residents of Valley Meadows East, one that should be taken seriously by City staff and planning commissioners.

Jim Grisier (no address given) concurred with previous citizen comments. His concerns were over putting a plan in place before the problems were first addressed. Mr. Livingston's offer to help settle the pending lawsuit against the City seemed like a veiled threat, one designed more to apply pressure to the City than to resolve neighbor concerns.

Carol Bergman (628 Sage Court, Grand Junction) noted that the petitioner's request had been before City Council six times and each time it had been defeated because City Council members recognized the severity of issues associated with development of the subject property. She did not appreciate Mr. Livingston's attempts to "threaten" the City into siding with the petitioner. The rezone went hand-in-hand with the development plan; the two were inseparable. She referenced a letter written by Mr. Hahn regarding the flooding issues and mitigation measures that would be required. (Planning commissioners did not have copies of Mr. Hahn's letter available for review.)

Craig Droskin (no address given), a resident of Moonrise Subdivision, again noted the lack of any available emergency access into the petitioner's property.

PETITIONER'S REBUTTAL

Mr. Livingston said that far from threatening the City, his offer to limit the site's density was intended to be a solution that would satisfy the City, address neighbor concerns and allow the petitioner to move forward with development of his property. The RSF-4 zone district would allow densities between 2 and 4 units/acre. The RSF-2 zone limited densities to a maximum of 2 units/acre. There was no "middle zone" available to permit a density of 2.8 units/acre; hence, the offer to legally limit the site's development density if given an RSF-4 zoning. The appropriate time to address specific issues, he said, was during the Preliminary Plan stage. The current rezone request met Code and Growth Plan criteria, and the application of a zone on the property was long overdue.

QUESTIONS

Commissioner Cole observed that showing what looked to be an access coming off of Moonrise Court was misleading. Mr. Livingston said that the 15-foot-wide flagpole strip shown on the aerial photo represented fee title ownership belonging to the petitioner; it was part of the subject parcel and legitimately reflected the property's boundary. While it would be addressed during the development process, it was not appropriate to

address it during a rezone request. He reiterated that technical issues were better addressed during development review.

Commissioner Putnam mentioned a reference made in a copy of City Council minutes to the Seligman property and asked for clarification on the location of that property, which was given as the Moonrise East Subdivision.

Commissioner Cole asked if access alternatives other than Kapota Street had been investigated. Mr. Livingston said that he'd spoken with Mr. Grieser and with property owners to the north about purchasing access to the site but none seemed interested in selling. Given the current development patterns in the area, he thought it likely that access would come from the east.

DISCUSSION

Chairman Dibble asked legal counsel if development of the property could be prohibited if access was unavailable via Kapota Street. Mr. Shaver said that while the question was better answered by the City's Development Engineer, he suggested planning commissioners defer the question until development plan review. He said that rezone criteria dealt exclusively with "reciprocity of expectation." Mr. Shaver provided an explanation in which he said that rezone criteria did not include consideration of the more specific technical issues associated with a development plan. He suggested that, in the application of rezone criteria 2.6.A.3 and 5., planning commissioners consider "compatibility in type or character" when determining whether or not the rezone criteria had been met.

Commissioner Cole asked if the Preliminary Plan would be subject to Planning Commission scrutiny, to which Mr. Shaver replied affirmatively. At that point, the plan would already have undergone extensive review by City staff. Staff approval would only be recommended when all issues were satisfactorily addressed. Also, citizen comments would be more applicable since they would be directed toward specific aspects of a specific plan.

Commissioner Blosser agreed. Planning Commissioners, he said, could only consider the rezone request, and the development issues brought forth by the citizenry would have to be addressed during development review. Approval of the rezone request did not guarantee approval of the development plan. The RSF-4 zone district did meet both Growth Plan and Code criteria, so he felt he could support the rezone request; however, he agreed that the petitioner had a number of development challenges to overcome.

Commissioners Pitts, Evans and Cole concurred.

Commissioner Redifer also expressed support for the rezone request but noted the growing animosity of Valley Meadows East residents over development of the subject property. He hoped residents would set aside their anger and work with the developer to find mutually beneficial solutions to existing problems. He reiterated that no development plan could be approved until all the issues were addressed.

Chairman Dibble remarked that application of a zone was a legal requirement and the RSF-4 zone district met both Growth Plan and Code requirements. He too expressed his support for the rezone request.

MOTION: (Commissioner Blosser) "Mr. Chairman, on item RZP-2003-153, I move that we forward a recommendation of approval to City Council with the finding that the request is consistent with the goals and policies of the Growth Plan and all applicable sections of the Zoning and Development Code."

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

A brief recess was called at 8:55 P.M. The public hearing reconvened at 9:08 P.M.

ANX-2002-228 PRELIMINARY PLAN--SIENA VIEW ANNEXATION

A request for approval to develop 25 single-family lots on 4.32 acres in an RMF-8 (Residential Multi-Family, 8 units/acre) zone district.

Petitioner: GD Builders, Inc., Gerry Dalton

Location: 2945 D 1/2 Road

PETITIONER'S PRESENTATION

Jim Hathaway, representing the petitioner, said that in the interest of expediency, he would like to reserve his comments for the rebuttal portion of the public hearing.

STAFF'S PRESENTATION

Lori Bowers offered a PowerPoint presentation containing the following slides: 1) site location map, 2) aerial photo map, 3) Future Land Use Map, 4) Existing City and County Zoning Map and 5) Preliminary Plan. A modular home and shed currently situated on the property were in the process of being removed. Only Phase I of the development could be sewerred to D 1/2 Road; the sewerred of Phase II would be dependent upon future development, with sewer connections possibly extending to D Road or elsewhere. The proposed density for Phase I of the project was 5.7 units/acre, which was consistent with both Growth Plan and Code criteria. Access points, detention pond and future trail segments were noted. A Phase II (not to be confused with the project's phasing) environmental report had been requested after the required transaction screen process showed some unfavorable conditions on the site. Extensive fill had been brought in to help build up a portion of the site. Recommendations and a detailed plan would be required for handling the fill brought onto the site, and complete recommendations of the Phase II analysis for site remediation would be required at Final. Formation of a homeowners association would also be required. A letter had been received from Paul Bibeau, who expressed opposition to the project. Ms. Bowers felt that the project represented good infill and met all requirements for approval.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Rich Traver (2967 D 1/2 Road, Grand Junction) wondered why a 50-foot street section was being required for a residential street. He also noted the location of an irrigation line along D 1/2 Road and said that development activity would impact irrigation water flows and cause a lot of silting in the line. He asked if legal ownership of the canal bank was known and who would be responsible for paying for the canal crossing? Mr. Traver referenced two letters he would be submitting to staff with regard to these issues (authors not identified).

Paul Bibeau (2941 D 1/2 Road, Grand Junction), owner of property adjacent to the development site, expressed opposition to the project's proposed density. He felt that there should be more than one proposed access for 25 lots and that the single internal street should not dead-end. He was also concerned about impacts to irrigation water delivery and damage to the system, the lack of privacy fencing to buffer adjacent properties and the safety of children with respect to the site's close proximity to the canal. Mr. Bibeau submitted additional letters he wrote to staff and the developer.

QUESTIONS

Laura Lamberty said that the street would be constructed to Residential Collector standards as required by the City's Circulation Plan. She understood that the canal crossing was privately owned by Victor and Linda Girardi. The costs of any improvements to the crossing would be borne by its owners upon future development of the property; irrigation flows must continue uninterrupted.

Chairman Dibble asked legal counsel if ownership of the canal bank should have any bearing on Planning Commission's decision. Mr. Shaver said that the City would take the issue under advisement; it should not affect any decision rendered on the Preliminary Plan but must be addressed before final.

Chairman Dibble asked how the petitioner intended to handle irrigation tailwater. Ms. Lamberty said that irrigation lines would be piped and underground piping grades consistent with street grades.

PETITIONER'S REBUTTAL

Mr. Hathaway said that the existing irrigation line would be relocated to a multi-purpose easement approximately 15 feet from its current location. Upon completion of the relocation, maintenance would be the responsibility of the homeowners association. The trail easement would be located adjacent to Grand Valley Irrigation's right-of-way. Because no portion of the canal crossing was situated on the petitioner's property, the costs to connect the trail to San Juan Street would be the responsibility of whomever developed the Girardi property. No fencing was currently proposed; however, any safety issues arising as a result of the development would be revisited. He added that there were only minor requirements associated with the Phase II environmental test, all of which would be mitigated.

DISCUSSION

Commissioner Pitts wondered why there would be an RMF-8 zoned property situated between two RSF-E zoned properties. Ms. Bowers said that at the time of rezone, the petitioners knew they wouldn't develop to the maximum density allowed by an RMF-8 zone but they wanted to take advantage of the zone district's generous setback allowance.

Chairman Dibble recalled that the site's land use classification had been a topic of discussion during the last Growth Plan Update public hearings.

Commissioner Cole said that because the rezone had already gone through the public hearing process, it should not now be an issue. Given that the request met Code and Growth Plan criteria, he felt he could support it.

Commissioner Redifer concurred, noting that any outstanding issues would have to be resolved during Final review.

Chairman Dibble felt that once the property built out, there would be multiple access points into the site. He too expressed support for the request.

MOTION: (Commissioner Cole) "Mr. Chairman, on item #ANX-2002-228, the request for Preliminary Plat approval for the Siena View Subdivision, I move that we make the findings of fact and conclusions listed in the staff report and approve the Preliminary Plan."

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

FP-2003-158 FINAL PLAT--D&K LUCAS SUBDIVISION

A request for approval to develop 13 lots on 3.7 acres in an RSF-4 (Residential Single-Family, 4 units/acre) zone district.

Petitioner: Peak Construction, Milo Johnson

Location: 2220 Broadway Boulevard

PETITIONER'S PRESENTATION

Brian Hart, representing the petitioner, said that the primary issue facing the development was the mitigation of drainage water at the end of Kingston Road. Currently, there was major flooding occurring at the end of Kingston Road, which was also the primary entrance into the development site. Concerns had been raised

during Preliminary Plan review over possible increases in flooding as a result of the site's development. Mr. Hart noted the location of proposed inlets, to be constructed at the site's entrance, which would carry drainage water to the retention pond. The retention pond was designed specifically to address the City's concerns, with all designs and data having been submitted to and reviewed by staff. City staff would be part of the retention pond's inspection process and the Development Improvements Agreement (DIA) had been increased to pay for that inspection. Staff's approval condition would allow for expansion of the design should site conditions warrant.

QUESTIONS

Chairman Dibble asked if the proposed drainage design would mitigate existing drainage problems at the end of Kingston Road, to which Mr. Hart responded negatively. A number of factors prevented further mitigation of existing conditions; however, the proposed design would unequivocally ensure that all drainage occurring onsite would stay onsite. No additional impacts would occur at the end of Kingston Road nor to the Vineyards property.

STAFF'S PRESENTATION

Pat Cecil gave a PowerPoint presentation which contained the following slides: 1) site location map, 2) aerial photo map, 3) Existing City and County Zoning Map, 4) Final Plat, 5) Future Land Use Map, and 6) the site's drainage plan. Mr. Cecil said that while Final Plats were usually dealt with administratively, the Planning Commission had requested final approval authority to ensure that drainage concerns were adequately mitigated. He noted that a temporary construction easement had been granted to the site from Highway 340 by CDOT; however, upon completion of the project, that access would be closed. A proposed pedestrian path connecting Highway 340 with the Lucas Court cul-de-sac was noted. The retention pond tract would be landscaped. Mr. Cecil asked that Planning Commission reference staff's findings of fact and conclusions outlined in his December 16, 2003 staff report, which required that adequate facilities be developed to alleviate all drainage concerns. Final approval would be subject to final staff inspection of the facilities and staff's condition of approval, which read: "Field observations of the retention pond construction are required by the pond designer and City engineering staff during the construction of the retention pond. If the geotechnical engineer responsible for design of the pond, or City engineering staff observe ANY conditions indicative of future infiltration impedance, hydraulic conductivities smaller than design values, or other factors negatively impacting infiltration capacity, the petitioner will be directed to enlarge the infiltration ditch as per directions by the geotechnical engineer or City engineering staff. Failure to comply with this condition and any subsequent design modifications discussed here or otherwise associated with the retention pond will result in a hold being placed on all building permits until the deficiency is corrected."

One citizen letter had been received by Don Manning (no address given), copies of which had been distributed to planning commissioners during a regularly scheduled workshop.

Ms. Lamberty added that some surface flows from Highway 340 would also be captured by the development's drainage system. The high point at the site's entrance would direct flows to constructed inlets. The proposed retention pond seemed adequately sized to handle expected flows and its design had undergone intense review. While a number of test holes had been bored, if soils on the site did not turn out to be as expected, the drainage design would be expanded to ensure operational efficiency.

QUESTIONS

Chairman Dibble asked if any mitigation of the existing Kingston Road drainage problem were possible. Ms. Lamberty replied negatively. Homeowners at the end of that street were located within the County's jurisdiction and mitigation would require extensive and costly improvements.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Earl Fisk (14 Moselle Court, Grand Junction), representing the Vineyards Homeowners Association, said that while he was not opposed to the development, he just wanted some assurance that the pipe located along Broadway (Highway 340) used to handle irrigation and stormwater runoff would not be damaged or removed during the site's construction. Chairman Dibble asked Ms. Lamberty to follow up with the petitioner on Mr. Fisk's request.

Virginia and William Calver (2226 Village Court, Grand Junction) said that when construction crews removed trees located along the east side of the site near their home, they also damaged portions of their fence. He asked "did the petitioner intend to replace or repair their damaged fencing?" Ms. Calver also noted the existence of an irrigation line also located along the eastern border of the site. Did the petitioner intend to remove this line?

PETITIONER'S REBUTTAL

Mr. Hart said that the petitioner intended and was committed to erecting new privacy fencing along the entire length of the eastern property line, even though it wasn't mentioned in the current proposal nor required. The existing irrigation line referenced by Ms. Calver was not located on the petitioner's property and would not be touched except where it crossed Kingston Road. At that crossing point the existing line would be protected. A second line, wholly located on the project site, would be installed parallel to the existing line.

DISCUSSION

Commissioner Pitts said that because drainage concerns appeared to be mitigated, he expressed support for the request.

Commissioner Cole said that the Final Plan and the extensive redesigning of drainage facilities served as a testament to the responsiveness of officials to citizen concerns. He also supported approval of the request.

Commissioners Blosser, Redifer, Putnam and Evans concurred.

Chairman Dibble said that the project represented good infill. He felt that the site's drainage design may alleviate some of the existing drainage problems at the end of Kingston Road. It was unfortunate that owners of lots in the new subdivision would find themselves having to periodically drive through a "lake" to get to their homes.

MOTION: (Commissioner Evans) "Mr. Chairman, on the Final Plat for the D&K Lucas Subdivision (FP-2003-158), I move that we approve the Final Plat, making the finding of fact and conclusions as listed above, subject to the recommended condition."

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

With no further business to discuss, the public hearing was adjourned at 10:20 P.M.