

**GRAND JUNCTION PLANNING COMMISSION
MARCH 12, 2002 MINUTES
7:02 P.M. to 10:30 P.M.**

The regularly scheduled Planning Commission hearing was called to order at 7:02 P.M. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Planning Commission, were Paul Dibble (Chairman), Terri Binder, Richard Blosser, John Evans, William Putnam, John Redifer, Roland Cole and 1st Alternate Bill Pitts. Richard Blosser and 2nd Alternate John Paulson were absent.

In attendance, representing the Community Development Department, were Bob Blanchard (Director), Pat Cecil (Development Services Supervisor) and Lisa Gerstenberger (Senior Planner).

Also present were John Shaver (Assistant City Attorney) and Rick Dorris (Development Engineer).

Patricia Bushman was present to record the minutes and Wendy Spurr transcribed the minutes.

There were approximately 35 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

No minutes were available for consideration.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. CONSENT AGENDA

Placed on the Consent Agenda were items ANX-2002-013 (Request approval for a Zone of Annexation from County Industrial (I) to City RSF-4 zone district), VAR-2002-026 (Request approval of a variance from a required side yard setback requirement of 15' to allow an 11'4" side yard setback), ANX-2001-011 (Request approval of a Zone of Annexation from County AFT to City RSF-4), VE-2002-025 (Request to vacate a 20' utility easement located in Lot 1, Rimrock Marketplace Subdivision), RZ-2002-024 (Request for approval to rezone from PD to RMF-8) and FP-2002-030 (Request for approval of 1) final plan for Marillac Clinic and 2) construction of 9,610 sq. ft. addition on two floors of existing 7,960 sq. ft. facility, providing space for dental, optical, pharmaceutical as well as expanding administrative offices and remodeling of existing office space for psychological services. This final project has been continued until the next meeting.

Commissioner Binder was recused from voting on item VAR-2002-026. Chairman Dibble explained that the Commission will vote on the individual item while Commissioner Binder is out, then when she returns, Commission will vote on all other items on the Consent Agenda.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move for approval of item VAR-2002-026 (side yard set back) of the Consent Agenda.

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously (5-0).

MOTION: (Commissioner Binder) "Mr. Chairman, I move for approval of the items on the Consent Agenda.

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

IV. FULL HEARING

RZP-2002-019 REZONE PRELIMINARY PLAN – VALLEY MEADOWS NORTH SUBDIVISION. A request for approval of 1) approval to rezone approximately 7.65 acres from RSF-4 (Residential Single Family not to exceed 4 units per acre), and 2) approval of the Preliminary Plan for Valley Meadows North Subdivision consisting of 26 single family lots.

Petitioner: Mike & Patricia Moran
Location: Near the end of Kapota Drive
Representative: LANDesign – Brian Hart

PETITIONER'S PRESENTATION

Richard Krohn introduced the various persons involved in this application. Mr. Krohn said that the property is owned by Just Companies, the applicant's engineer is Brian Hart of LanDesign and Ed Lenhart is the president of Just Companies.

Mr. Hart gave a presentation, which included a map showing the location of the property, which is north of F-1/2 Road, south of G Road, east of 25-1/2 Road. He stated that the plan is consistent with the growth plan designation of this area. Mr. Hart stated that the original layout, which was discussed at a neighborhood meeting, was higher density than what is being presented because of concerns by the surrounding neighbors. The original plans called for 30 lots; this site plan is for 26 which makes the lot size of each lot slightly larger.

Mr. Hart stated that the other major concern has been street capacity. He responded to the concern by saying that the number of units in this development would have the effect of generating two thirds of the capacity of the streets.

Ed Lenhart of Just Companies gave a short presentation, stating that this is an in-fill project with small parcels, with no irrigation water or open space available. He reminded the Commission that the developer is paying the open space fee required by the City. There will, he said, eventually be two street accesses as the surrounding area is developed and the present street will be only two-thirds of design capacity. There has been no objection from any of the emergency agencies.

STAFF'S PRESENTATION

Lisa Gerstenberger offered a PowerPoint presentation including maps showing the location of the site with current and future zoning. She pointed out the boundaries of the development, noting the surrounding area and the access to the development. The proposal, she said, is to develop in a single phase.

Regarding the rezoning Ms. Gerstenberger said that the area has changed in character due to installation of public facilities, there has been another zone change, new growth and development has eventuated. The proposed rezone, Ms. Gerstenberger said, is compatible with the neighborhood and will not create adverse impacts.

Ms. Gerstenberger continued by saying that there are adequate public facilities and services available for the development of this property as it is an in-fill project which will utilize or extend existing public facilities. Ms. Gerstenberger stated that the City will benefit from the development of this property and staff recommends approval of the request with two conditions;

- a. During final design, adjust the lot width on Lots 2,3,6 and 7, Block 3 to ensure that the minimum lot width is provided.
- b. Change Kapota Drive to Kapota Street.

QUESTIONS:

Commissioner Dibble stated that the retention pond seems to be quite close to another one and wondered if combining them had been discussed. Ms. Gerstenberger stated that they are relatively close. Rick Dorris, City Development Engineer, stated that to his knowledge there has not been any discussion of combining the retention ponds. The problem would be in the ownership by different Homeowners Associations. Commissioner Dibble then asked for clarification on the drainage. Mr. Dorris stated that there is a necessity for pumping water out of the pond, which will drain a large tract of land but he cautioned that the exact design has not been finalized. The pond holds water for 24/48 hours which is not enough time to charge the ground water. There is an emergency overflow which controls the water and keeps it out of the backyards should there be a 100 year or 500 year storm.

Brian Hart explained the location and function of the retention pond. Basically, he said that the entire site is drained through this pond. There is a 15" pipe in the southwest corner with an automatic pump that carries the water out of the pond in the event of significant storm conditions.

PUBLIC COMMENTS

There were no comments for the request.

AGAINST:

Ed Hartz, board member of the Moonridge Falls Homeowners Association, stated that his concern is that the irrigation pipe that goes under 25-1/2 Road and through the backyard of some of the Moonridge properties. He would like to make sure there would be no problems with that pipe. Otherwise he has no objections to the development.

Michael Lightfoot (667 Chama Lane, Grand Junction) President of the Valley Meadows East Homeowners Association. Mr. Lightfoot spoke on behalf of the homeowners of Valley Meadows East as this project will border their subdivision. The owners in the Valley Meadows East subdivision feel that the new project will severely downgrade their area as it is presently planned. Valley Meadows East is the only access to Valley Meadows North and therefore requires all residents, guests and service personnel of that subdivision to go through Valley Meadows East and therefore impacts every resident. Mr. Lightfoot stated that 93% of the residents of Valley Meadows East feel the traffic pattern is inefficient and unsafe. The homeowners feel that the F³/₄ Road access should be considered by the City Planners.

Helen Dunn (2557 Metcalf Avenue, Grand Junction) was very concerned about the potential for damage from the Valley Meadows North Subdivision from access, density and flooding. She cited parts of the zoning code which she felt supports the concerns of the Valley Meadows East residents. She also cited and handed out printed materials from City Council action which she feels supports the residents of Valley Meadows East in their opposition to this proposed project. Ms. Dunn stated that the hardship and inconvenience to the current residents should be considered by the City when deciding this issue. She also stated that it is the opinion of the residents of Valley Meadows East that the project being discussed will substantially reduce the property values of her subdivision.

John Chapman (667 Kapota Street, Grand Junction) said that he is a retired professional engineer. Mr. Chapman continued by saying that he supports the views of both Mr. Lightfoot and Ms. Dunn. His further concern is about the retention pond, which is to be pumped out or otherwise drained after any storm. It is to be pumped through a 15" combination line which runs 10' from Valley Meadows East property and 38' from the backdoor of homes on McCook Avenue. Mr. Chapman said that these

properties are lower in elevation than the pond, which drains in their direction. In addition, he said that the proposed development is marsh-like during wet weather or high irrigation and drains a large irrigated area. This is in conflict with the drainage report contained in the developer's information. In 1997 and 1998 storms caused the corner of Kapota & Westwood to flood over the sidewalk with no inflow from the area that is presently being proposed. Mr. Chapman commented that the Valley Meadows North retention system is to have a 24-hour drain system which is to be operated and maintained by the homeowners association. Mr. Chapman feels that Valley Meadows East will suffer if there is poor design, poor operation or poor maintenance of this pond by that homeowners association. He said residents would like to see a larger retention pond which would hold a 100-year flood. Mr. Chapman urged careful attention by the City to access, density and drainage to enhance the neighborhood and not promote ill will or cause for future litigation.

Jim Griser (690 25½ Road, Grand Junction) Mr. Griser's property borders what will become Valley Meadows North. He stated that he is surprised to hear the comments of staff; He said that the staff was advocating for the project but that it should not. Mr. Griser stated that at past City Council meetings, various council members have questioned Moran regarding the intentions for the property and the restrictions that could be involved in its development, while the discussion of Valley Meadows East were taking place. Mr. Griser stated that during high water inflows in this area, there is a whole bunch of water coming onto the property. He is concerned about the optimism that the pump will take care of it, even if it is well maintained by the Homeowner's Association. Mr. Griser stated that during an earlier development proposal City Council required a five foot right of way for a path which was to go through both properties (Valley Meadows East and Valley Meadows North), and that he dedicated land for this path. He noted that the path is not addressed in this development plan. He would like to see it be required from the developer. He also stated he would like to see a requirement of the developer to prevent a variety of fencing materials.

Russ Wiseman (660 Kapota, Grand Junction) stated that he is the last house on the southeast and that it does get flooded during high water. He supports the request for a pond that would support a 100-year flood. He also stated that the water in the highline canal ditch is always at the top, and yet this is where the water from the detention pond will be pumped. He said that any additional water would produce flooding on someone's property. Mr. Wiseman also stated that it was his understanding when he purchased in Valley Meadows East that Kapota Street would never go through, which is what is now being proposed. Mr. Wiseman would like to suggest instead of approving this subdivision, postpone the development and do not rezone the property. He feels that the density on the property in question should be much lower than the current proposal because of the problems with the property.

Robin Mitchum's (664 Kapota Street, Grand Junction) concern is with open space. He stated that the developer stated that because of a lack of irrigation water, there was no allotment for open space. Mr. Mitchum suggested that open space does not have to be green and irrigated. He suggested it could be a playground with gravel.

Carol Bergman (628 Sage Court, Grand Junction) stated that although she doesn't live there now she is the daughter of the residents of 667 Kapota Street. Ms. Bergman's concerns were with the density and the overflow of water onto 25½ Road. She stated that any overflow of water in the Valley Meadows North subdivision would flow back into Valley Meadows East, by going down Westwood and flow onto the homes along the open space there. She stated that relying on someone in another subdivision to maintain the pump and prevent flooding in the neighboring subdivision isn't very comforting.

Barry Chamberlain (2553 McCook Avenue, Grand Junction) stated that he is very much in agreement with the other grievances expressed at this meeting. He stated he also is concerned about the lack of open space. He feels that the lot sizes are smaller than those of the surrounding developments, although he realizes that without the availability of irrigation water, maintaining larger lots will be a problem.

That is not the fault of Valley Meadows East residents and he recommended that it be solved before development proceeds. Mr. Chamberlain is also concerned with the style of houses that are to be built. He stated he would like to see the development guarantee all houses would be one story except those along the western border, which borders a subdivision that includes two story homes. He questioned the advisability of having only one access into both of these subdivisions.

Tricia Cleary (662 Kapota, Grand Junction) stated that she supports the previous speakers but wanted to add that there is already a traffic problem within Valley Meadows East and the additional traffic from the new development will make it even worse. She stated that cars are regularly parked on the street, which is 27 ft. wide. The width of an average vehicle is 6 ft wide. If you have two 6-foot cars trying to pass and one parked, there is not enough room. Ms. Cleary stated that she doesn't know if planners personally view the development or not but she would like to invite them out to this neighborhood to have a personal view of what the problems discussed here tonight are really like.

Norm Lincoln (674 Unitah Court, Grand Junction) represents the homeowner's association. He stated that the drain pipe at the end of Kapota Drive fills up with water 100 to 70 feet away from Kapota Drive, which means that the water backs up there and stops the flow. There is a gravity flow irrigation system which works. He would like to see all specifications of what is intended to be built on a typical site, to make sure of compliance, so that there is a working water system when all is said and done.

Eschol C. Hacker's (669 Chama Lane, Grand Junction) concern was with the heavy equipment. He asked what effect will they have on the finished roads? He also questioned the mud, dust and noise that is going to be created by this development. Mr. Hacker felt that these will be a hazard in addition to a nuisance.

Chairman Dibble asked if there were any others with comments. As no one came forward, he closed the public hearing at 8:50 P.M.

PETITIONER'S REBUTTAL

Mr. Hart spoke to the concerns brought to the Commission this evening. Mr. Hart said that he can find a solution to the questions with the retention pond flow which will comply with all City of Grand Junction regulations. He noted that the irrigation company is required to maintain the irrigation system and that the irrigation system bypasses this particular development. Mr. Hart stated that the issue of construction vehicles traveling on finished streets had come up at the neighborhood meeting and as he explained to those in attendance at that meeting, the developer has tried to find an alternative route for the construction trucks, but as of this time there has not been an alternative solution found.

Chairman Dibble asked Mr. Hart to speak to the earlier question about the storm water draining onto 25½ Road. Mr. Hart stated that this method of drainage is permitted by the City of Grand Junction, however it cannot drain onto Westwood Drive so if modeling shows that will occur, it will be necessary to come up with an alternative.

Chairman Dibble then asked about the density of the development. Mr. Hart stated that the question would be answered by Mr. Krohn.

Commissioner Binder asked numerous questions on the function of the retention pond. Mr. Hart stated that they have planned for every drop of water that will fall onto their subdivision, even the worst case scenario. He stated that at the present time water runoff from this property naturally goes into what will become the retention pond. He further stated that the only time water would flow down 25½ Road would be if there was enough moisture to cause the retention pond, Moonrise subdivision drainage and 25½ Road irrigation ditch tailwater to be full. Even then, only half street flow amounts should flow

down the street. He also stated that it would take the amount of water considered to be a 100-year storm before it would flow onto Kapota.

Commissioner Binder asked Mr. Hart what length of time is planned for completion of this development. Mr. Hart indicated that it is planned as one phase, probably a minimum of three months, possibly more like six months to complete all utilities and street improvements. He didn't know what the time frame would be to complete all structures.

Mr. Krohn spoke regarding some of the remaining issues. Mr. Krohn indicated that all of the discussion regarding the retention pond, potential drainage and irrigation problems and such would be ironed out between the City's engineers and the engineers on the staff of the developer. He indicated the developer is legally required to handle all possible drainage problems before the project is approved.

Regarding the density of this development, Mr. Krohn stated that it is well within the growth plan of 2-4 units/acre. The conversation about the 2.9 Units/Acre of Valley Meadows East is misleading. That figure includes the land set aside as open space by the developers of Valley Meadows East. Mr. Krohn said that the small lots in the proposed development are within 1% of the smallest lot in Valley Meadows East. The fee in lieu of open space is 10% of the total value of the raw land within the development. Mr. Krohn also stated that the developers would provide for a consistent style of dwelling to be built within the development. Also, he said fencing of the subdivision will be consistent.

As to the issue of Kapota Street being the only entrance to both subdivisions, Mr. Krohn stated that the street is of adequate size to legally and structurally handle the traffic. When both subdivisions are fully built, the street will have 69% of its design capacity.

Commissioner Redifer asked where the money paid to the City in lieu of open space goes.

Assistant City Attorney John Shaver stated that the Code allows for the collecting of a development fee of \$225/lot as a generalized parks fee, other is a 10% open space fee which relates to open land park development and goes to the general fund account for the purpose of development of park lands. The reason this fund was developed is to regionalize parks because typically homeowner associations tire of maintaining the open space given them by the developer and often want to turn it over to the City for maintenance. This puts a burden on the parks department to maintain lots of small parks/open space so they use this fee money to build and maintain larger parks available to more than one subdivision.

Community Development Director Bob Blanchard stated that the fees collected from developers in lieu of developing open space, go into a general fund account administered by the Parks and Recreation Department specifically for the purchase and development of larger parks and open space areas consistent with the Parks and Recreation Master Plan within the City.

Commissioner Redifer then questioned the validity of contributing money to the City instead of developing open space in an area where adjoining subdivisions have private parks. Commissioner Redifer said that young children do not understand that they have to pass a private park in order to get to a public park. They'd rather just stop in the neighboring subdivision's private park. Mr. Krohn stated that a subdivision's park is private and for the people in that subdivision, a Parks & Recreation park is public. Some private parks are private but open to the public, others are fenced and locked. The Parks & Recreation Department can choose, if they want to, to use part of the money contributed by the developer to construct a public park on the same land the developer would have used. Commissioner Redifer stated that he feels that the developer might contribute something to help the neighboring subdivision feel better about this proposed development. He stated that law aside, developers should not have to suffer for planning decisions made in the past and neighboring subdivisions should not have to suffer for

development that follows and possibly something could be offered by the developer as an olive branch to the surrounding neighborhoods.

Ed Lenhart (826 21½ Road, Grand Junction) stated that he would like to give some information on the issues that have been discussed tonight. He said that his information is not technical or legal but just on the emotional level. Mr. Lenhart stated that after the neighborhood meeting, he took the information and tried to mitigate some of the concerns but had encountered restrictions in most of the cases. They did manage to reduce the number of lots from 30 to 26, which when the price of each lot is taken into consideration, is a substantial amount of money. He also stated that the developers tried to get another access into the area, but that the City had not allowed for the development of other streets. Mr. Lenhart then explained that in order to provide open space, 10% of the total land area must be donated which would make this parcel infeasible to develop.

On the subject of the retention pond, Mr. Lenhart stated the area of the pond is good because it holds water well and is the area that water naturally drains into. They will also install the pump system to be used to prevent the breeding of mosquitoes and to prevent any overflow in the event of unusually large amounts of water flowing into the pond.

Mr. Lenhart stated that at the first neighborhood meeting, fliers were handed out which demonstrated the style and size of the homes that are to be built in this development. He stated that they will be single story, 1800 to 2000 or more square feet, 2/3 car garages and stucco sided. He also stated that he would like to build them all, but could not guarantee that as it depends on how quickly they sell.

Commissioner Dibble asked how the heavy equipment traveling over the existing streets would affect the area and what the developer intends to do to maintain them in their present condition. Mr. Lenhart stated that building in muck and dirt is no more desirable than living in it. He stated that the heavy equipment would stay on site once it is there, as will the pipe contractor and the road builder. This is a one trip in and one trip out process. He also stated, when asked by Commissioner Dibble, that the only additional dirt required to be moved onto the site will be during the road building phase and that what is there will be used on-site.

Commissioner Binder asked Mr. Shaver when a subdivision is turned over to the Home Owners Association? Mr. Shaver stated that this is a function of the covenants; it depends, he said, on the number of lots sold and the point at which the association is no longer "developer dominate." He surmised that this one should be fairly quick because there are not a lot of common elements. He said that generally a subdivision is turned over at the 67 to 75 percent ownership level, however, it can be turned over sooner.

Commissioner Binder asked if the Planning Commission can request elements in the covenants. Mr. Shaver stated that it depends on what is sought to be enforced; streets that the City might inherit or other public facilities are appropriate for the City to be involved in. An example would be where the homeowners did not maintain the streets, it would be cause for the City to do maintenance, which would then become a lien on the property. Mr. Shaver asked what she had in mind before commenting further. Commissioner Binder continued that she would like to see the properties on the southern boundary be only single story. Mr. Shaver indicated the City should only be concerned with the protection of public interest such as setbacks, lot coverage, structure height, structure separation, drainage facilities and such, not housing type.

Commissioner Binder then asked who is ultimately responsible for the pump. Mr. Shaver stated that without reading the covenants, he would expect it to be the Homeowners Association. He stated that covenants address among other things the common elements, the Covenants impose certain obligations and responsibilities on the homeowners. He said that knowing Mr. Krohn's work he would expect a well

written set of covenants with a high degree of specificity. Mr. Shaver commented that he would review the covenants to be sure that they were carefully tailored to clearly state the responsibilities.

Commissioner Binder then asked for clarification on the term "straight zoning". She asked if it requires that there be no open space. Mr. Shaver answered that the Code requires either open space or payment of a fee in lieu of open space; open space is not a function of zoning. Mr. Shaver stated that the Code gives the Community Development Department some discretion.

Commissioner Binder asked Ms. Gerstenberger to comment on possible future access into this and remaining undeveloped land to the east of this development and whether additional access is guaranteed. Ms. Gerstenberger stated that further access would be an issue in the future. She indicated that the only future access to the property to the east is a 15' wide flag strip and therefore additional land would need to be acquired before any further development would be possible. She also stated that the Fire Department would not approve additional development over and above what is proposed here without additional access. The Fire Department is comfortable with the access now because Moran will go east, but there is limitation on the number of homes that can be built with only one access.

Commissioner Dibble asked if there is a statute limiting the length of pavement that can be traveled within a subdivision before reaching a major arterial. Ms. Gerstenberger stated that the maximum is 1,000 feet. She asked Rick Dorris to give some clarification on this. Mr. Dorris noted that the limitation is a little ambiguous, because it depends on where the measurement is taken. Mr. Shaver asked Mr. Dorris to comment on the City's street plan.

Mr. Dorris responded by saying that the City revised the Grand Valley Circulation Plan, a plan for the development of streets to accommodate future growth. The Plan, he said, gives the City legal authority to require developers to build certain roads at certain locations. In other words, the City can require a developer to build a road out to G Road or not be able to develop a parcel. Mr. Dorris also stated that the Fire Department limits 100 homes on a single access street even if it is stubbed out for future connection.

Commissioner Binder asked Mr. Shaver how often the City takes over land from Homeowner Associations. Mr. Shaver stated that there have been a number of requests over the years. Especially for Parks and Recreation to take over parks in small subdivisions. He stated that he does not have an actual number, but there are a few. Commissioner Binder then asked if homeowners are responsible for any damage to another subdivision if they are not keeping up the maintenance on something required in their covenants. Mr. Shaver assured her they are responsible. Mr. Shaver further explained that when there is open space provided with a development, it is legally a part of each homeowners property and they are therefore responsible for what happens on that property.

Ms. Gerstenberger offered to clarify some of the Code requirements governing development of open space. She stated that the Code states that 10% of land is required for open space or that a fee of 10% of the value of the land be paid. The City will accept land dedication of at least three acres, but there must be at least 30 acres in a development site before land is considered.

Commissioner Dibble closed the public hearing at 10:05 P.M.

DISCUSSION

Commissioner Redifer expressed his regret at bringing up the open space and somehow appeasing the neighboring subdivision. He said that he did not intend to extend the discussion for so long. He also stated that what the Planning Commission is really all about is both to protect citizens from "willy-nilly" development and to protect developers from neighborhoods who don't want further development. While

he sympathizes with the residents of Valley Meadows East about this development and for their inconvenience while it's being built, he feels that the applicant meets all of the legal requirements and that the development should be approved.

Commissioner Binder agreed with Commissioner Redifer. She also agreed that Mr. Lenhart has made some concession to the neighborhood by reducing the number of dwellings from his original plan. She stated that she was concerned about the access into these two subdivisions, but because the concern is somewhat after the fact, the only option is to monitor the area and make sure there is no further development without additional access. She stated that her main concern is the drainage. She stated that she would have a hard time approving development where the maintenance of the pump is left with the homeowners association, who may or may not perform well, to prevent water damage to a neighboring subdivision. She stated that although the developer seems to have legally met the requirements, the drainage issue does not meet with her satisfaction and there she can not vote to approve this development.

Commissioner Cole stated that he agrees with Mr. Redifer but has a couple of things to add to Ms. Binder's comments. He feels that the developer has met all of the legal requirements but is concerned about having only one access into/out of this subdivision. He added that the Commission will have to rely on Staff to monitor the situation.

Commissioner Pitts commented on the access problem. He stated that the density falls within the guidelines and that this development is in-fill about which the Commission has been concerned about. He stated that he is in favor of this proposal.

Commissioner Evans noted that he agrees and feels that the developer is trying to work with the community. He feels the developer has been very open and has met all of the legal requirements. He stated that he also supports this development.

Commissioner Redifer further commented on the pond and the pump, pointing out that there will only be a problem with the maintenance of the pump if there is a need to pump out the pond. Otherwise, the water remains in the pond and does not damage any property. Where the problem would come in would not be with pumping out the pond but if there were a drainage problem created by flood water from a 100 year flood situation. He stated that this approval is preliminary and that final approval will not be given until assurances are given that this issue has met with everyone's approval.

Chairman Dibble commented that while some may disagree with wanting the development to occur, they can not disagree with the legality of the plan for development. He feels that the access to this development is of concern, but within the technical confines of the Code it is legal and therefore he will give his assent to the development.

Commissioner Binder asked if she could clarify a item concerning the pond. She asked if the retention pond is developed to hold a 100-year flood? Mr. Dorris stated that this pond is a hybrid of a retention pond and a detention pond. He stated that this is a pond and is designed to accommodate the flow from a 100-year flood and hold it until it is pumped out, evaporates or infiltrates. The hybrid part is that the developer has installed a pump to pump the water out of the pond so that it will not be there long enough to evaporate or infiltrate. Mr. Dorris assured Commissioner Binder that this project would not have come to the Commission if they were not 100 percent convinced of the engineering they have done on this project. He stated that the purpose of a preliminary hearing, as this is, is to identify all of the problems and present viable options to each of them.

MOTION: (Commissioner Cole) "Mr. Chairman, on item RZP-2002-019, a request to Rezone from Residential Single Family Rural (RSFR) to Residential Single Family 4 (RSF-4), I move that we

forward the request to City Council with the recommendation to approve with the finding that the request is consistent with the goals and policies of the Growth Plan and meet the criteria of Section 2.4.A of the Zoning and Development Code.”

Commissioner Binder seconded the motion. A vote was called and the motion passed by a vote of 6-0.

MOTION: (Commissioner Cole) “Mr. Chairman, on item RZP-2002-019 a request for Preliminary Plan approval for Valley Meadows North Subdivision consisting of 26 single family lots, I move that we approve subject to Staff conditions with the findings that the request is consistent with the goals and policies of the Growth Plan and meets all applicable development standards and regulation of the Zoning and Development code.”

Commissioner Evans seconded the motion. A vote was called and the motion passed with a 5-1 vote with Commissioner Binder dissenting.

The meeting was adjourned at 10:30 P.M.