

**GRAND JUNCTION PLANNING COMMISSION
MARCH 14, 2000 MINUTES
7:03 p.m. to 11:18 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:03 p.m. by Chairman John Elmer. The public hearing was held at Two Rivers Convention Center.

In attendance, representing the Planning Commission, were John Elmer (Chairman), Joe Grout, Terri Binder, Dr. Paul Dibble, Nick Prinster, James Nall and Jerry Ainsworth (alternate).

In attendance, representing the Community Development Department, were Tricia Parish (Assoc. Planner), Bill Nebeker (Sr. Planner), Lisa Gerstenberger (Sr. Planner), and Pat Cecil (Development Services Supervisor).

Also present were Dave Varley (Acting Community Development Director), John Shaver (Asst. City Attorney), Rick Dorris (Development Engineer) and Kent Marsh (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 65 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the February 8, 2000 Planning Commission public hearing and the January 25, February 1, and February 10, 2000 joint Planning Commission/City Council public hearings.

MOTION: (Commissioner Grout) "Mr. Chairman, I move that we approve the minutes for February 8."-

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

MOTION: (Commissioner Grout) "Mr. Chairman, I move that we approve the joint hearing minutes for the City Council and Planning Commission for January 25, February 1, and February 10."

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

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Pulled from the agenda was item FPP-1999-274.

III. CONSENT AGENDA

Offered for placement on the Consent Agenda were items FP-1999-276-2, FP-2000-020, FPP-2000-019, and FPP-2000-023. No public or planning commissioner opposition was expressed for any of the aforementioned items. John Shaver acknowledged for the record that the petitioners for these items were in agreement with all of staff's recommendations and conditions.

MOTION: (Commissioner Binder) "Mr. Chairman, on the Consent Agenda I would recommend approval with the conditions of the staff for all four items."

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

IV. PUBLIC HEARING ITEMS ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

RZP-2000-007 REZONE/PRELIMINARY PLAN—RIDGE POINT FILING #2, RIDGE HEIGHTS

A request to: 1) rezone 44.05 acres (which is proposed lot 16) from PR-4 (Planned Residential with a density not to exceed 4 units per acre) to RSF-2 (Residential Single Family with a density not to exceed 2 units per acre) zone district; and 2) subdivide 4.3 acres into 15 single family lots zoned PR-4 (Planned Residential with a density not to exceed 4 units per acre).

Petitioner: Ted Munkres

Location: East of High Ridge Drive and north of Bella Pago

PETITIONER'S PRESENTATION

Ted Munkres, petitioner, provided a history of the property and noted the zoning of surrounding properties. Since submittal the Preliminary Plan had been reconfigured to include 15 lots, resulting in an overall density of 2.14 units/acre. Overhead transparencies of the site, along with a number of visual aids depicting architectural design of proposed homes, topography, landscaping/streetscaping plans and geological/topographical analysis were presented.

Mr. Munkres said that a shared driveway originating from the cul-de-sac would be utilized by Lots 6-9. He asked to deviate from City standards to reduce the mat to 40 feet and construct a sidewalk on only one side of the street. He added that Ridges residents were not supportive of even the one sidewalk and that there were no other sidewalks in the area with which to connect. It was unclear whether the Fire Department would approve the parking proposed for either side of the shared driveway.

Recognizing that slope conditions were of paramount concern, he provided a detailed interpretation of geologic survey drawings. Lot 11, he said, presented perhaps the greatest construction challenge. Mr. Munkres asked to be allowed to construct decks and patios in the 30+ percent slopes on the lots. The request would promote flexibility in construction of single story homes, protecting views and ensuring a more aesthetically pleasing streetscape. He expressed agreement with all of staff's conditions except condition 1; he said that he would comply with condition 1 if so directed.

QUESTIONS

Chairman Elmer asked the petitioner how he intended to mitigate disturbances within the 30 percent slope area and would include elevated patios with structural columns? Mr. Munkres said that disturbance mitigation, as outlined in covenants, included engineered foundations and compaction of soils. Lots would be revegetated to eliminate the potential for erosion and soils could not spill over the sides of slopes. All work would be supervised by a professional engineer. Mr. Munkres referred to two walk-out patio options, labeled Options A and B.

Commissioner Dibble asked for clarification on the density. Mr. Munkres responded that build-out would result in an overall density of 2.14 units/acre. The requested downzone from PR-4 to RSF-2 would result in a maximum density of 71 units for both phases; however, given the site's topography and traffic study findings, it was unlikely that 71 units could be constructed.

Chairman Elmer asked how many units had been approved for the parcel in the 1980s, to which Mr. Munkres replied that 214 units had been approved for the entire parcel, 48 of which had been slated for the current filing.

Commissioner Ainsworth asked for clarification on side yard setbacks; Mr. Munkres said that 5-foot setbacks had been proposed.

Chairman Elmer asked if the grading plan had been reviewed to ensure that home designs for Lots at the end of the cul-de-sac would work. Mr. Munkres said that not too much time had been spent on the site's architecture during Preliminary review. Housing designs could be modified, he said, to accommodate the site's topography, but he felt comfortable that homes of 1,500 square feet and up could be constructed on each lot. Covenants, he said, would mandate a minimum square footage of at least 1,500 square feet.

A brief discussion ensued over the differences between the City's 30 percent slope area building restriction and the 33 percent restriction established by the Uniform Building Code. Mr. Munkres felt that both numbers were arbitrary. Depending on the engineering that went into both the site and home construction, he said that homes could be built on much steeper slopes.

Commissioner Nall wondered if construction of the ridgeline homes would require retaining walls. Mr. Munkres said that Option A proposed a retaining wall and a deck, or footed posts with a deck constructed overhead.

STAFF'S PRESENTATION

Bill Nebeker explained that City Council had recently rezoned the subject property on the Zoning Map to RSF-2. The new zoning map was not yet in effect though so the recommendation was to still rezone proposed Lot 16 to RSF-2. Lot 16 could be rezoned at a later date to accommodate a planned development. The 30 percent slope area restriction in staff condition 1 is consistent with the Ridges Amended Plan. He noted that the survey submitted by the petitioner had not been undertaken by a licensed surveyor. The overall request, he said, was consistent with the Ridges Development Plan and staff recommended approval subject to the following conditions:

1. The Final Plat shall be modified to show a No Disturbance Zone on all areas of the property with 30 percent slopes or greater. This zone must be left in its natural state and contain no structures, patios, concrete slabs, walls, etc. The 30 percent slope line shall be determined by a Colorado Professional Licensed Surveyor. Lots found to contain buildable areas too small to match the character of other lots in the subdivision shall be platted as open space or incorporated into adjacent lots.
2. The applicant shall provide a site-specific grading, drainage and slope analysis plan at the time of submittal of the Final Plat to show how proposed construction complies with the Amended Standards for Ridges and recommendations in the geotechnical report.
3. All foundations and retaining structures, regardless of height, must be engineered by a Colorado Professional Licensed Engineer.
4. A copy of the traffic study, stamped by a Colorado Licensed Professional Engineer, is required prior to submittal of the Final Plat.
5. The shared driveway shall comply with all requirements of the City's Fire Code. Lots 5 and 10 shall be redrawn so that no portion of these Lots abut or touch any portion of the shared driveway.

Mr. Nebeker said that the petitioner also requested waiver of street standards to allow a 40-foot street width and construction of sidewalk on only one side of the street.

QUESTIONS

Commissioner Nall asked if there would be a reduction in density if the 30 percent slope restriction were enforced. Mr. Nebeker said that no loss in density would result; however, there would be less flexibility in home design.

Commissioner Prinster asked if all other Ridges homes complied with the 30 percent restriction. Mr. Nebeker said that as far as he knew, all other homes were in compliance.

Commissioner Dibble asked if there was any precedent for a shared driveway arrangement as proposed by the petitioner (i.e., additional parking alongside the driveway). Mr. Nebeker said that shared driveways required four off-site parking spaces per lot. While slightly different from what the Fire Code intended, generally staff considered the plan a good one. The proposed design allowed more buildable lot area without compromising safety.

Commissioner Dibble asked if there were any Code restrictions limiting the number of accesses onto a cul-de-sac, to which Mr. Nebeker replied negatively, provided that at least a 10-foot spacing between driveways existed.

Commissioner Binder questioned the statement made in condition 5 requiring the redrawing of Lots 5 and 10 on the Preliminary Plan. Mr. Nebeker provided clarification on lot layout and said that, in fact, only Lot 10 was affected. He reiterated that the Fire Department may have some concerns over the petitioner's provision of additional parking along the shared driveway.

Commissioner Binder referenced maps depicting area waterways and wondered about erosion patterns occurring in heavy rainstorms. Rick Dorris said that runoff from the proposed development was not expected to increase because landscaping would be installed. The petitioner's drainage report, submitted a year ago, reflected similar findings. A new drainage report, he said, would be required with the final submission. When asked by Commissioner Binder if there was any danger of undercutting, Mr. Dorris responded negatively.

Commissioner Nall asked if a sufficient radius was available for vehicles backing out of the shared driveway, to which Mr. Nebeker replied affirmatively.

Commissioner Dibble asked for additional clarification of the parking area along the shared driveway. Mr. Nebeker said that the parking area would be asphalted and contain two parking spaces on either side. No on-street parking would be allowed within the cul-de-sac. Mr. Dorris added that the 41-foot diameter of the cul-de-sac was measured from the centerline to the gutter lip.

Chairman Elmer asked for a legal interpretation of the 30 percent requirement, which was provided by Mr. Shaver. He advised planning commissioners that a recommendation to City Council was required if deviation from the standard was deemed warranted.

Chairman Elmer wondered why no planned zone (PR-2.14) had been recommended for the current project. Mr. Nebeker said that different standards applied to the Ridges.

A brief discussion ensued over the 5-foot side yard setback standard. Mr. Nebeker said that other zones allowed 5-foot side yard setbacks, and they were consistent with other Ridges developments.

When asked by Commissioner Dibble if the proposed lots were considered "buildable" by staff, Mr. Nebeker said that it was the petitioner's responsibility to demonstrate the buildability of all lots. He added that some of the home designs appeared "awkward."

Commissioner Dibble wondered how the marketability of homes with walk-out lower levels would be affected. Mr. Nebeker said that staff did not involve themselves in market issues.

Commissioner Ainsworth wondered if a covering would be allowed over any approved patio. Could it be screened in? Mr. Shaver said that answers to those questions had not yet been determined but generally enclosing a porch makes it a structure. He said that if deviation from the 30 percent standard in The Ridges Plan is recommended, addressing those issues would be required.

Commissioner Binder said that builders had told her that home construction could occur on slopes of up to 100 percent. Mr. Shaver said that liability and the potential for lawsuits increased as the slope increased. He said that it is his understanding that anything could be engineered; the question was more over the amount of money people wanted to spend on site stabilization and whether a property owner is willing to assume the attendant risk.

Commissioner Binder asked if there could be some assurance from the petitioner that there wouldn't be slope issues. Mr. Dorris said that if structures and foundations were engineered correctly, he felt comfortable that risks would be minimized. He added that his observations noted no historic slide movement on the subject point.

Commissioner Ainsworth wondered if cantilevered decks would be an option for the first floors of structures. Mr. Dorris said that as long as the ground lay undisturbed, cantilevering could occur even off the upper story. Mr. Shaver added that occupation of "air space" above the 30 percent slope area was acceptable in The Ridges Plan as long as construction was consistent with Uniform Building Code practices.

Chairman Elmer asked staff if they supported elimination of the sidewalk. Mr. Dorris said that the asphalt mat on Hidden Valley Drive was wider, which gave pedestrians more area in which to walk. The Ridges also had a network of pedestrian paths in lieu of sidewalks. The proposed development offered walks on one side; some means of pedestrian conveyance was deemed necessary.

Commissioner Prinster thought that 15 additional homes would generate a lot of additional traffic onto Hidden Valley Drive. Mr. Dorris said that while a lot of discussion over projected ADTs had been undertaken, conclusions were that Hidden Valley could handle up to 3,000 ADTs.

When asked by Commissioner Binder if ADTs from the second phase of this development would utilize Hidden Valley Drive, Mr. Dorris responded affirmatively, adding that the asphalt on Hidden Valley Drive is as wide as a residential collector standard.

Commissioner Ainsworth asked if accessory structures were allowed within the 30 percent slope area, to which Mr. Nebeker replied negatively.

Commissioner Prinster asked if 6-foot fencing could be constructed in front of no-build zones, to which Mr. Nebeker responded affirmatively.

PUBLIC COMMENTS

FOR:

John Crawford (2408 Dogwood, Grand Junction), spoke highly of the petitioner's integrity. He felt that the plan was well thought out, with stylish homes designed to take advantage of unique views. He supported the proposal and felt that the development would be an asset to the community. Other projects, he said, utilized shared driveways with great success.

Vince Popish (964 – 20 ½ Road, Fruita), the petitioner's surveyor, said that the turnaround area for vehicles backing out of the shared driveway measured 30 feet. Only four lots would share the driveway. The survey, he said, was accurate, and slopes had been verified. There was little chance a structure would slide, given the site's good rock underbase.

AGAINST:

Dean Lees (388 High Ridge Drive, Grand Junction), representing himself and a neighbor, opposed the project. He wondered if septic systems would be utilized for the development. Mr. Nebeker answered that the site had access to the City's gravity-fed sewer system. Mr. Lees questioned the safety and practicality of constructing homes along such steep hillsides. Litigation, he said, was currently pending over a slide situation for a house located along Prospector Point. Traffic impacts were also of concern, and he supported the inclusion of either a sidewalk or pedestrian path.

Ron Kelley (401 Dressel Drive, Grand Junction) referenced his letter of opposition and said that canyons on the site were extremely deep and would attract children and pets. Increased foot traffic would promote erosion of the steep hillsides. The no-build areas were very fragile and should be protected. Mr. Kelley noted that House Bill 1041 protected wildlife movement corridors, of which this area was one. A wetlands area was also situated nearby. He wondered if the DOW had been contacted since wildlife would be greatly impacted by the development.

Laura Farnsworth (2421 Hidden Valley Drive, Grand Junction) felt that the density was still too high for the area and the site. Side yard setbacks, she said, would be inconsistent with neighboring lots. She wondered if any home buyer would expend the kind of money required to ensure the stability of such a small home without benefit of a rear yard. Larger lots would provide more buildable area and would be more attractive to a potential buyer. Traffic impacts from the development would be significant, and parking on both sides of Hidden Valley Drive already occurred. Increased traffic would make an already bad traffic situation worse.

Bill Hilti (396 High Ridge Drive, Grand Junction), representing himself and neighbors Jeff and Colli Mott (no address given), said that proposed lot sizes were smaller than those along Bella Pago Drive. He agreed that the project's proposed density was still too high and supported a density of no more than 11 units. The traffic study failed to address two blind curves nearby. He also supported the inclusion of a sidewalk or pedestrian path.

PETITIONER'S REBUTTAL

Mr. Munkres said that roads in the Ridges had been designed to carry large volumes of traffic. He reminded planning commissioners and the public that 214 units had originally been planned for the subject property. He reiterated his slope request, stressing that it would allow for lower profiled homes. Both the City's 30 percent figure and the Building Department's 33 percent figure, he said, were arbitrary and applied only to the Ridges. While the new Code adopted the 30 percent figure for general ridgeline development, it also provided for mitigating circumstances. If not allowed to extend into the 30 percent slope area, homes would be two stories and be placed closer to the road. If the request is granted, he guaranteed that homes will be single story. He disagreed with statements that there would be a lot of pedestrian traffic along hillsides. Mr. Munkres pointed out that he'd successfully built other subdivisions in Mesa County on ridgelines utilizing shared driveways. Less shared driveway width (18 feet proposed)

discouraged parking. At .36 acre average size, lots within the proposed subdivision were slightly larger than those to the west.

Referencing a proposed streetscaping plan, he suggested that creative designing would result in visual appeal. Mr. Munkres stated that the proposal represented infill within the City's urbanizing area and the plan offered a density less than what currently existed along both sides of Hidden Valley Drive. He noted that homes along both sides of Hidden Valley and High Ridge Drives also had side yard setbacks of only 5 feet. Lot 11 was the most constrained, yet he felt that the lot could still accommodate a 2,327-square-foot home. Thus, home sizes and design would be compatible with the surrounding neighborhood. He expressed an interest in protecting "critter corridors."

QUESTIONS

Commissioner Binder asked when Ridgepoint Filing 1 had been developed. Mr. Nebeker said that the plat had been recorded in May 1995. Commissioner Binder noted the existence of two adjacent lots which had been vacant for quite some time. She asked was this a statement regarding the lots' buildability? Mr. Munkres said that he owned one of the lots and knew the other lot's owner. Both had plans to develop later this summer, but neither's delay had anything to do with the site's topography.

DISCUSSION

Commissioner Binder asked who would be responsible in the event that structures or foundations were compromised. Mr. Shaver said that it depended largely on the circumstances and the contractors involved. A final determination could only be rendered by a court process. The City, however, would not be liable for simply approving the subdivision.

Commissioner Nall asked for clarification on how the amount of "developable land" had been determined, which was provided by Mr. Nebeker.

Chairman Elmer said that the current proposal utilized clustering techniques encouraged by the Code, which left much of the site in open space. Making the lots larger would still not increase the amount of developable area.

Commissioner Dibble wondered why City Council had opted to downzone the area on the Zoning Map. Mr. Nebeker explained that the site was an area with considerable constraints. It had been zoned as a planned development but was, in fact, without a corresponding plan. Lot 16 would be straight zoned as RSF-2. Mr. Shaver provided additional clarification.

Chairman Elmer provided a brief synopsis of the Ridges' annexation into the City. At that time, density and corresponding zoning for the entire Ridges area was formulated. Mr. Shaver explained that the overall average density for the Ridges was 4 units/acre; some areas developed higher and some areas lower.

Commissioner Dibble wondered how much weight the Planning Commission was expected to give to preserving amenity features. Mr. Shaver said that it is a question of balance.

Commissioner Binder wondered if further downzoning would be an option. Mr. Shaver cautioned against making special accommodations and urged consideration of the proposal as presented.

Commissioner Ainsworth asked if each lot would be subject to independent review if the 30 percent slope area variance were granted. Mr. Shaver explained that if the request were granted, staff would work with the petitioner to ensure that submitted final plans complied with Planning Commission direction and were feasible from planning and engineering perspectives. When asked if new Code criteria could be applied to the current proposal, Mr. Shaver advised no.

Commissioner Grout expressed support for the Preliminary Plan. He agreed that creative designing and the use of sound engineering principles would ensure a quality product. He hoped the petitioner would pursue the use of cantilevers instead of retaining structures.

Chairman Elmer recommended that, if approved, the request should apply only to those lots affected. He reiterated that the use of clustering techniques preserved additional on-site open space. Traffic impacts were still within acceptable parameters based on the City's standards.

Commissioner Prinster expressed support for the project and noted that the project's density would closely match the zone already deemed appropriate by City Council. It also seemed consistent with surrounding densities. He preferred the lower profile home design and supported the petitioner's request for the 30 percent slope area request. Benefits of the request also included view protection and greater aesthetic appeal for each lot. He proposed limiting the request to construction of decks and patios only, supported the use of cantilevering over retaining structures. He agreed that construction of any home encroaching into the 30 percent slope area be limited to a single story.

Commissioner Nall concurred. He felt that the request met Code criteria and that it was compatible with the surrounding neighborhood. He also preferred limiting encroaching homes to single stories, but felt that acceptable encroachment should include only decks, no porches or patios.

Commissioner Binder expressed reservations and felt that the project was too dense, especially given site constraints. The proposed development's appearance would be incompatible with the neighborhood. Traffic impacts, she said, would be significant and more acutely felt by residents living midway and towards the Ridges' entrance. She supported lower profile homes but wanted to see fewer units. She concurred with Commissioner Nall to allow only decks within the 30 percent slope area. She knew of many property owners who had built on hillsides who later regretted the decision.

A brief discussion ensued over whether the motion should include clarification of the lots affected by the variance. Chairman Elmer said that it would be up to the petitioner to do so at Final.

MOTION: (Commissioner Grout) "Mr. Chairman, on item RZP-2000-007, I move that we forward a recommendation of Planning Commission approval of the Preliminary Plan to City Council subject to staff's conditions with modification of number 1, that building in the 30 percent slope area will be restricted to the lots the developer defines and only with wooden-type columns or piers to support the structure or cantilevering, structures to be wooden only and the profile will be low enough to allow for only railings around the perimeters from a deck or patio."

Mr. Dorris said that if the petitioner wanted to construct a deck on the upper story, the height limitation on the railing around the bottom story could pose a problem. Commissioner Grout said that the verbiage was intentional to prevent construction of decks on both levels. A deck could, however, be constructed on either level.

Commissioner Ainsworth suggested amending the motion to delete the reference to structures being wooden only. Chairman Elmer agreed and suggested the motion include the use of columns without dictating the material type.

Mr. Munkres suggested that planning commissioners eliminate Option A, which depicted a retaining wall.

Mr. Shaver recommended that the Planning Commission craft the motion without reference to specific engineering detail. The petitioner would then be required to demonstrate compliance with Code criteria.

Mr. Shaver also suggested mentioning the single story home requirement in the motion if the Commission desired it to be required. He also reminded the Commission to include other staff recommendations and conditions.

The motion was amended and restated as follows:

MOTION: (Commissioner Grout) “Mr. Chairman, on item RZP-2000-007, I move that we forward a recommendation of Planning Commission approval of the Preliminary Plan to City Council subject to staff’s conditions with modification of number 1, that building in the 30 percent slope area will be restricted to the lots defined by the developer and only piers or columns would be allowed to support that deck or patio, with railing around the perimeter in the area between 30 and 40 percent slope area of a natural height. The structure shall be limited to a single story as viewed from the street. All remaining staff recommendations and conditions would apply (as amended).”

Commissioner Binder elicited a brief discussion on imposing a height limitation on the structure. Mr. Shaver said that The Ridges Plan contained a height restriction of 25 feet.

Commissioner Prinster seconded the motion. A vote was called and the motion passed by a vote of 5-2, with Commissioners Dibble and Binder opposing.

MOTION: (Commissioner Grout) “Mr. Chairman, on item RZP-2000-007, I move that we forward a recommendation to City Council to retain the existing PR-4 zoning on the Preliminary Plan except rezone lot 16 to RSF-2, and to amend the residential street standard to allow for a 40-foot width and sidewalk on one side only.”

Commissioner Nall seconded the motion. A vote was called and the motion passed by a vote of 5-2, with Commissioners Dibble and Binder opposing.

A brief recess was called at 10:15 p.m. The hearing reconvened at 10:22 p.m.

ANX-2000-018 ZONE OF ANNEXATION—WHITE WILLOWS PRELIMINARY PLAN

A request for: 1) Zone of Annexation approval for approximately 39.56 acres from County AFT to City RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) and 2) Preliminary Plan approval for White Willow Subdivision consisting of 126 single family lots.

**Petitioner: Gene Patnode
Location: 2851 and 2863 D Road
Representative: David Hartmann, Banner Associates**

Chairman Elmer announced that the petitioner had opted to withdraw the Preliminary Plan from consideration due to a number of outstanding traffic issues. Significant discussion ensued over whether to continue with the hearing or table the item. At issue was whether the Zone of Annexation could or should be discussed independent of the Preliminary Plan.

PETITIONER’S PRESENTATION

David Hartmann, representing the petitioner, agreed with staff’s proposed RSF-4 Zone of Annexation. The zone would work well in conjunction with the Preliminary Plan. The Preliminary Plan had been pulled, he said, due to overwhelming concerns expressed by area residents and staff about traffic.

QUESTIONS

Chairman Elmer recognized that the Preliminary Plan was not open to consideration but asked what density had been proposed with the plan. Mr. Hartmann replied that the project proposed a density of 3.2 units/acre.

When asked if the petitioner was re-reviewing the traffic study, Mr. Hartmann responded affirmatively. He said that since the original study had been undertaken, a number of traffic issues had arisen which would require additional analysis.

STAFF'S PRESENTATION

Bill Nebeker said that the County's review agency comments had arrived late. Considering the number of traffic concerns along D Road, the request to vacate Florida Street had also been withdrawn. Staff had recommended approval of the RSF-4 zone, but recognized that the recommendation may be premature if not considered in conjunction with the Preliminary Plan. The surrounding area, he said, was primarily agricultural and rural in character.

QUESTIONS

Commissioner Nall noted the RSF-2 zoning of Pine Estates and wondered if there would be any transition between the RSF-2 and proposed RSF-4 zone districts. Mr. Nebeker said that, depending on how the subdivision were designed, the transition could include variation in lot sizes. Commissioner Nall noted that on the originally proposed Preliminary Plan, larger lots were located in the interior of the project while smaller lots had been placed along the project's perimeter. He suggested that the plan be modified to move larger lots to the perimeter.

A brief discussion ensued over whether the Planning Commission had to act on the Zone of Annexation; if not, how much time was available? Mr. Shaver said that state law provides that a property shall be zoned within 90 days of annexation. He continued saying that the 90-day provision was for the property owner's benefit. If a Preliminary Plan was pending, the property owner could opt to wait and submit both requests at the same time.

Commissioner Nall remarked that he had spoken to a resident about the project. He was questioned briefly by Mr. Shaver to ensure that no bias existed and was allowed to continue participating in deliberations.

At the point that a continuance seemed eminent, additional discussion ensued over whether to open the hearing to public comment. The consensus was to do so, but Chairman Elmer told citizens that the Zone of Annexation request would be continued to the April 11, 2000 public hearing for final decision. No testimony on the Preliminary Plan would be allowed tonight, given that the item had been pulled.

PUBLIC COMMENTS

Jack Buford (386 Evergreen, Grand Junction) asked for clarification on the City's annexation of the property, which was given. He said that the development would have a significant impact on the entire area since current traffic flows were heavily impacted by both the existence of the railroad and the lack of north-south corridors. He urged expansion of the notification area. Mr. Nebeker stated that Mr. Buford could submit a list of those wishing to be included on the notification list.

Mark Fugere (382 Evergreen, Grand Junction) said that the petitioner's traffic study was laden with errors. Traffic was often backed up from the 30 Road intersection to Ute Avenue. Zoning to a higher density or allowing further development in an area with deficient infrastructure did not make sense and would only make a bad situation worse. D Road, he said, was utilized as a primary corridor by residents of the entire area. Even if an underpass or overpass were to be constructed at 30 Road, detours to 9th

Street or 32 Road over the course of many months would result in “unbelievable gridlock.” He strongly urged a moratorium on all development until such time as problems with infrastructure were remedied.

Christine Britton (2858 C ½ Road, Grand Junction) urged preservation of the area’s current rural character. With approval of the Skyler Subdivision, and if the current request were also approved, she would be surrounded by high density development. She strongly opposed RSF-4 zoning.

Dick Bozel (2893 Florida Street, Grand Junction) also expressed concern regarding overall traffic impacts but more especially traffic impacts on Florida Street if vacated. Florida Street, he said, was not designed to handle high density traffic volumes. He also supported preservation of the rural character of the area and felt that the project’s proposed density was too high.

Narcissus Rome (2829 ½ Florida Street, Grand Junction) expressed opposition to the vacation of Florida Street. She said that the street was very narrow and had only been designed to handle the eight homes currently accessing it. She was very concerned that proposed widening of the street would all but eliminate her front yard. Ms. Rome was very concerned about overall traffic impacts as well and agreed that no further development should occur until infrastructure concerns were addressed.

PETITIONER’S REBUTTAL

Mr. Hartmann said that he had wanted to at least conclude the Zone of Annexation issue, even if consideration of the Preliminary Plan had to be deferred. He agreed that traffic problems were very real and that infrastructure was deficient, but the proposal was in compliance with Growth Plan recommendations and it didn’t seem likely that existing problems were going away anytime soon. Developers, he said, were placed in a “no-win” situation.

QUESTIONS

When asked by Commissioner Binder if D Road was included in either the City’s or County’s Capital Improvements Plan (CIP), Kent Marsh responded negatively. He added that joint City/County participation in bridge and viaduct construction over 29 Road was still 10 years away.

Chairman Elmer said that a revised traffic analysis would provide some additional answers.

MOTION: (Commissioner Grout) “Mr. Chairman, on item ANX-2000-018, I move that we continue the Zone of Annexation until April 11, 2000.”

Commissioner Nall seconded the motion.

Chairman Elmer noted that while scheduled for hearing on April 11, the item could be continued to an even later date, depending on the Preliminary Plan submission date.

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

With no further business, the hearing was adjourned at 11:18 p.m.