

GRAND JUNCTION PLANNING COMMISSION
APRIL 11, 2000 MINUTES
7:08 p.m. to 11:30 p.m.

The regularly scheduled Planning Commission hearing was called to order at 7:08 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, Dr. Paul Dibble, Nick Prinster, Jerry Ainsworth, William Putnam (alternate), and Vicki Boutiller (alternate). James Nall and Terri Binder were absent.

In attendance, representing the Community Development Department, were Kathy Portner (Planning Manager), Bill Nebeker (Sr. Planner), Lisa Gerstenberger (Sr. Planner), Lori Bowers (Assoc. Planner), Kristen Ashbeck (Sr. Planner), and Pat Cecil (Development Services Supervisor).

Also present were 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 62 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the March 14, 2000 Planning Commission public hearing and the February 22, February 23, and March 7, 2000 joint Planning Commission/City Council public hearings.

MOTION: (Commissioner Grout) "Mr. Chairman, I move that we approve the minutes of the joint hearings as written."

Commissioner Dibble seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioners Putnam and Boutiller abstaining.

MOTION: (Commissioner Grout) "Mr. Chairman, I move that we approve the Planning Commission minutes from March 14 as submitted."

Commissioner Ainsworth seconded the motion. A vote was called and the motion passed by a vote of 5-0, with Commissioners Putnam and Boutiller abstaining.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Pulled from the agenda was item GPA-2000-027. Chairman Elmer noted several changes in the order of items listed on the Agenda.

III. CONSENT AGENDA

Offered for placement on the Consent Agenda were items FP-2000-032, ANX-200-037, ANX-2000-028, FP-2000-031, and FPP-1999-274. Due to questions raised from the audience, items FP-2000-032, ANX-2000-037 and FP-1999-250 were pulled. No objection was raised on any of the other items; however, clarification was provided by staff on item ANX-2000-037. The agenda had incorrectly reflected the Zone of Annexation as C-2 (Heavy Commercial) even though staff's recommendation had been for I-1 (Light Industrial). The I-1 zone was consistent with its former County zoning.

Commissioner Grout said that due to the potential for conflict of interest, he would not be voting on item FPP-1999-274 only.

MOTION: (Commissioner Grout) "Mr. Chairman, I move that we approve the Consent Agenda [as amended]."

Commissioner Prinster seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0 for all items except FPP-1999-274, where the vote on that item was 6-0, with Commissioner Grout abstaining.

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

ANX-2000-018 ZONE OF ANNEXATION/PRELIMINARY PLAN/VACATION OF RIGHT-OF-WAY, WHITE WILLOWS

A request for: 1) Zone of Annexation approval for approximately 39.56 acres from County AFT to a City RSF-4 (Residential Single Family with a density not to exceed 4 units/acre) zone district, 2) Preliminary Plan approval for White Willows Subdivision consisting of 126 single family lots, and 3) vacation of a portion of Florida Street.

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

PETITIONER'S PRESENTATION

Pat O'Connor, representing the petitioner, contended that the project's density was consistent with *Growth Plan* recommendations of 2-4 units/acre. The vacation, he said, was a result of the City's request for realignment of street rights-of-way to better facilitate sewer line alignment. He recognized that the area had some major traffic issues along D Road, but he felt that those issues were region-wide. Mr. O'Connor suggested that the remedy would have to come via municipal or county capital improvement projects. The proposed development, he said, would have little impact on an already bad situation. As such, he felt that the City's request for an additional traffic study would serve no purpose. To deny the project would be to single out one development when so many others in the area had been recently approved. Mr. O'Connor reiterated that the request only asked for the density that the *Growth Plan* itself recommended.

QUESTIONS

Chairman Elmer asked Mr. O'Connor if he agreed that errors existed in the petitioner's original traffic study. Mr. O'Connor concurred, but felt that any errors or omissions could be addressed at Final.

Chairman Elmer felt that larger lots located along the west would better buffer the adjacent property. Mr. O'Connor felt that the entire subdivision offered a suitable transition between the higher eastern densities and lower western densities.

Chairman Elmer asked if the petitioner had considered or would consider installation of a fence along the western property line. Mr. O'Connor said that fencing would be a reasonable condition.

When asked by Commissioner Dibble if the Preliminary Plan was designed to match the Zone of Annexation request, Mr. O'Connor responded affirmatively.

STAFF'S PRESENTATION

Bill Nebeker said that based on the petitioner's failure to adequately respond to traffic concerns, staff could not recommend approval of the request. The Preliminary Plan development stage was the appropriate and only time to address traffic issues such as the need for a left-hand turn lane. However, not enough information had been received from the petitioner to determine whether traffic issues had been sufficiently addressed. Since the Persigo Agreement allows Zones of Annexation to be consistent with their County equivalents, the City recommended a zone of RSF-R. Denial of the Preliminary Plan was recommended because the plan does not meet bulk standards and other *Code* requirements. Mr. Nebeker said that the vacation of Florida Street had not been at the City's request. He suggested that if the petitioner preferred to have an easement for the sewer line separate of the right-of-way, the vacation request could be withdrawn.

QUESTIONS

Chairman Elmer asked if the RSF-R zone district was consistent with the direction of the *Persigo Agreement* since it was not in conformance with the *Growth Plan*. Mr. Shaver stated that since RSF-R was the closest City equivalent zone to the County's AFT, it complied with the *Persigo Agreement*.

Chairman Elmer agreed, in part, that traffic issues along D Road were regional and would not be mitigated by a single project or developer. He was unsure what benefit would be derived by an additional traffic study to include both the 9th Street and 30 Road intersections. Mr. Shaver explained that the question was degradation. Impacts from the proposed development were expected to exacerbate the situation, but without an accurate traffic study, one which included both intersections, the extent of those impacts were unclear. Mr. Shaver reiterated that an accurate traffic study was vital to staff's analysis.

Kent Marsh stated that staff needed to know how bad traffic issues actually were and to what extent the proposed development would contribute to those issues. He suggested requesting an additional fee over and above the normal TCP.

Commissioner Ainsworth asked for the zoning of the properties due west and east, to which Mr. Nebeker replied, R1B (2 units/acre) and PR-4 (4 units/acre), respectively. Mr. Nebeker clarified that although zoned R1B, the property to the west had actually developed to a lower density.

Mr. Marsh said that in his discussions with County staff, he learned that the 29 Road extension would initially be brought to D Road by the year 2004, adding more traffic to the area. The viaduct crossing the railroad was not scheduled for construction until 2007.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Jack Buford (386 Evergreen, Grand Junction) said that traffic problems along D Road are not limited to just the 9th Street intersection. It was very difficult, he said, accessing D Road from any adjoining street in the morning. With the recent approval of additional subdivisions, those trips would soon add to D Road's congestion. The County's Traffic Services Department had told him that the number of current trips per day were already over 7,300, at a current service level classification "D." That, he said, was only one step away from total gridlock. He reminded planning commissioners and staff that when construction on the 29 Road extension and viaduct were undertaken, construction and additional thru-traffic would be added to the area. Mr. Buford said that traffic at the 9th Street intersection was often backed up for several City blocks and it often took up to 15 minutes for motorists to get through the intersection.

Mark Fugere (382 Evergreen, Grand Junction) disagreed with the petitioner's contention that the subdivision was a compatible transition to the area. Lot sizes were inconsistent with adjacent subdivisions. He agreed with previous comments regarding the traffic situation along D Road and said that development along that corridor should be halted until problems could be addressed. He cited the difficulty that emergency vehicles had getting through currently congested intersections.

Donita Faust (390 Evergreen, Grand Junction) expressed her agreement with previous traffic concerns.

Darlene Castonia (395 Evergreen, Grand Junction) said that she was very concerned over the current and future difficulty that emergency vehicles have accessing the area.

Christine Britton (2858 C ½ Road, Grand Junction) agreed with previous comments regarding traffic issues. She also lamented the loss of the area's rural character with all the recently approved and recently proposed new development.

Rene Fugere (382 Evergreen, Grand Junction) noted that the petitioner had not included an accel/decel lane in the Preliminary Plan. Since people rarely adhered to the speed limit along D Road, the lack of turn lanes would only add to existing problems and make access onto D Road that much more difficult. She also objected to the lack of adequate notification for the Skyler Subdivision request.

PETITIONER'S REBUTTAL

Mr. O'Connor agreed that traffic problems exist along D Road, but he insisted that the current request complied with *Growth Plan* recommendations. He reiterated that little would be accomplished by the completion of a traffic study, that the proposed development was not the only one to affect traffic along D Road and that mitigation would be a regional undertaking. The petitioner had tried to standardize lot sizes for compatibility with surrounding properties. While he would consider adjusting lot sizes along the eastern and western borders, reducing the density would render the project unfeasible. Fencing along the western property line would provide a suitable buffer and the petitioner would agree to its provision. The petitioner had also agreed to pay for and construct half-street improvements to arterial standards the length of the property's frontage along D Road. This would result in 80 feet of right-of-way with 4 lanes for traffic. This, he said, was all that the *Code* required of the developer, a requirement that would not be altered by findings of another traffic study.

DISCUSSION

Mr. Shaver clarified that the staff's recommendation for Preliminary Plan denial did not represent a "moratorium" on development in the area. He reminded the Commission that a moratorium has a specific legal meaning that is not found here.

Commissioner Ainsworth wondered if there was a solution available to ease current and expected gridlock in the area. Mr. Shaver said that mitigation would be via adjusting the capital improvement program/public works projects; improvement projects currently planned for D Road and contained in the CIP budget could be elevated.

Commissioner Ainsworth asked if increases in the City's population had any effect on the area's traffic impacts, to which Mr. Shaver responded affirmatively. The City, he said, did not expect the solution to this problem to come from this petitioner; however, identification of development impacts on all affected infrastructure was a *Code* requirement and is supported by current law.

Mr. Marsh agreed that before any capital improvements project could be elevated over another, as much information as possible was needed so that an informed decision could be made.

Chairman Elmer explained that the City's *Code* did not require that infrastructure be in place prior to development occurring. Impacts from past developments, he recalled, often required off-site improvements as a means of mitigation. Again acknowledging that the problem was regional, he said that improvements to infrastructure would always follow development until the City Council changed its current policy. He felt that an RSF-2 Zone of Annexation was more reasonable; however, the Preliminary Plan would be rendered non-conforming, if the zoning was approved.

Mr. Shaver spoke about the concept of "concurrency."

Commissioner Putnam said that if development continued unabated in the area without remedy of traffic issues, quality of life would continue to diminish for the area's residents.

While acknowledging that one developer could not solve this issue, Commissioner Dibble said that approval of a high-density development would only serve to exacerbate the existing problem. He agreed that an accurate traffic study would provide staff with the information necessary to make informed decisions.

Commissioner Grout concurred with the RSF-2 zone recommendation and agreed that traffic issues along D Road represented a regional problem. Given that the Planning Commission had approved other developments in the area, he urged City Council members to come up with a viable solution.

When asked by Commissioner Ainsworth if the RSF-2 zone would comply with the *Persigo Agreement*, Chairman Elmer said that the *Agreement* required a City zone district most closely aligned with the County's, which would be RSF-R.

Mr. Nebeker said that he did not expect the RSF-R zone would remain indefinitely but that it would provide a sufficient "holding zone" for the parcel until traffic issues could be addressed. Comments and concerns from the City's Engineering Department must be addressed prior to any Preliminary Plan approval. Staff would support an RSF-2 zone recommendation, but the petitioner had not asked for that particular zone. The RSF-2 zone, he said, would lock the petitioner into certain lot sizes. He suggested that a planned zone could be a viable alternative. A higher zone could also be possible once additional traffic information was received.

Commissioner Dibble noted that the petitioner had already stated that any reduction in density from the requested RSF-4 zone would render the project unfeasible.

Mr. Shaver mentioned *Code* section 4-11 and said that adverse impacts should be given due consideration when assigning a Zone of Annexation.

Chairman Elmer reiterated his support for an RSF-2 zone and felt that the Preliminary Plan could be improved to achieve greater compatibility.

Commissioner Boutiller suggested allowing the RSF-4 zone designation but with a Preliminary Plan revision to place increased density along the east and reduce it in the western portion of the project. That, she said, could also achieve the goal of compatible transitioning.

Chairman Elmer expressed his discomfort with allowing a higher density without review of a plan justifying an increased density. Even at 3.2 units/acre, the current plan failed to justify a higher density because lot sizes were not transitional in size and because traffic issues had not been addressed.

MOTION: (Commissioner Grout) “Mr. Chairman, on item ANX-2000-018, I move that we forward a recommendation to City Council for a Zone of Annexation for White Willows Annexation from County AFT to City RSF-2, for the findings that I am in agreement with, Section 4-11 and Section 4-4-4.”

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

MOTION: (Commissioner Grout) “Mr. Grout, on item ANX-2000-018, I move that we deny the Preliminary Plan for White Willows based on the findings that it does not conform with Section 6-7 and also deny the request to vacate Florida Street, finding that the vacation did not conform with Section 8-3 of the *Code*.”

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

V. PUBLIC HEARING ITEMS FOR FINAL DECISION

FP-2000-032 FINAL PLAN—THE LEGENDS FILING #1

A request for approval of a Final Plan for The Vistas Filing #1, consisting of 18 single family lots on approximately 2.9 acres in a PR-6.5 (Residential Single Family with a density not to exceed 6.5 units per acre) zone district.

**Petitioner: Ron Abeloe, Abell Partners LLC
Location: 28 ½ and Patterson Roads
Representative: Mark Austin**

PETITIONER’S PRESENTATION

Mark Austin, representing the petitioner, presented an overhead transparency of the Final Plat. He noted the existing access and said that given sight distance concerns, and per discussions with staff, the recommendation was to eliminate the intersection with Patterson Road and replace it with a new intersection located approximately 600 feet to the east. Until the new intersection is constructed, he asked that the 28 ½ and Patterson Road intersection remain open. A stub street for the future extension of Grand Falls Drive had also been provided.

Grade changes for front yards of lots located along 28 ½ Road would be between 4-5 feet; pad sites for those lots would stairstep down the development. Driveways would have to be placed on the north sides of individual lot lines. Mr. Austin explained that lots were graded so that the first 20 feet would be pitched to drain towards 28 ½ Road. The back portions of lots would drain at a 5% slope to the rear of the lots. Sloped areas would then be placed in a drainage easement. Lot 1 would be utilized as an overall drainage easement. A natural retention area existed along the southern border of the property and would be used to accommodate runoff.

QUESTIONS

Chairman Elmer understood that the petitioner had recently submitted a new Preliminary Plan which planning commissioners had not yet had a chance to review. Chairman Elmer asked “how would the grading and drainage plans conform to the new Preliminary Plan?” Mr. Austin said that there really wasn’t any other option for grading lots along 28 ½ Road. Driveways would exit onto 28 ½ Road.

Commissioner Dibble wondered where driveways would exit once 28 ½ Road was closed. Mr. Austin said that Grand Falls Drive would be extended out to the east, with a new intersection then constructed at Patterson Road. He envisioned that some people would use Grand Falls Drive to get to 28 ¼ Road.

Commissioner Dibble asked about retention/detention of the site’s drainage. Mr. Austin said that one of the primary reasons for the revised Preliminary Plan had been to incorporate an 11-acre parcel to the south purchased by the petitioner for use as a permanent detention pond. Drainage from the pond would discharge into the Grand Valley Irrigation System. For the first filing, a natural retention area on the rear portion of lot 1 was sufficient to handle runoff. With future filings, the detention pond would be constructed and the retention area would be filled in.

Chairman Elmer commented that while the Preliminary Plan would be changing with subsequent filings, he agreed that the petitioner had little choice for drainage mitigation of lots abutting 28 ½ Road. Mr. Austin stated that the revised Preliminary Plan had been submitted to staff and would probably be heard by the Planning Commission within the next month or two. Chairman Elmer said that if the revised Preliminary Plan were denied, the petitioner would be bound to the conditions of the formerly approved Plan.

Mr. Austin said that he’d met with City staff in January to discuss the drainage/grading issues. It had been agreed that lots along 28 ½ Road would remain essentially unchanged with the new Preliminary Plan.

When Commissioner Grout asked how many filings were proposed with the development, Mr. Austin said that the project would contain 9 filings.

Commissioner Dibble asked how many of the driveways would be shared? Mr. Austin said that stairstepping would prevent the use of shared driveways for most of the lots. Driveways would be located on high sides of individual lots.

STAFF'S PRESENTATION

Pat Cecil reviewed the request and presented an overhead transparency of the approved Preliminary Plan. Lots along 28 ½ Road would not be as deep as on the preliminary, since the southerly portion of 28 ½ Road would be built to a higher road standard. Staff viewed the Final Plat/Plan as basically conforming to the existing Preliminary Plan. The only major deviation included the petitioner's request that on-site retention be approved with the current plan. Future filings would include a project-wide detention basin, which would discharge into the canal.

The petitioner's request to keep the intersection at 28 ½ Road open pending completion of the alternate access is supported by staff. A "No Left Turn" sign would be installed at the intersection of 28 ½ and Patterson Roads. Staff recommended approval subject to the following conditions:

1. The following note shall be placed on the Final Plat: Lots 1-4, Block 1, and Lots 4-11 of Block 2 have special grading and drainage requirements as indicated in the Final Grading and Drainage Plan provided in the submittal for Filing #1 to the Community Development Department of the City of Grand Junction. A lot-specific grading and drainage plan prepared and sealed by a Colorado-Registered Professional Engineer must be provided to the Community Development Department for review and approval of the Development Engineer prior to issuance of a Planning Clearance for home construction.
2. The Final Grading and Drainage Plan report shall be amended prior to plat recordation to add the following notes:
 - a. Proposed finished grade elevations at the corners of future buildings on Lots 1-4, Block 1, and Lots 4-11 of Block 2.
 - b. On Lots 1-4, Block 1, and Lots 4-11 of Block 2, a lot-specific grading and drainage plan shall be prepared and sealed by a Colorado-Registered Professional Engineer and submitted for review and approval prior to issuance of the Planning Clearance for new construction. This engineer shall also certify that the lot was constructed in accordance with the approved grading plan for the specific lot prior to issuance of a Certificate of Occupancy by the Mesa County Building Department.
 - c. All lot runoff shall be channeled to a swale formed between the houses or to a swale totally within the lot being designed. The swales between houses shall retain their flow capacity and shall not be blocked. Runoff shall not be permitted to flow from one lot to another.
3. The applicant shall supply and install a "No Left Turn" sign at the intersection of 28 ½ and Patterson Roads. This sign shall remain until the right-of-way at the intersection of 28 ½ and Patterson Roads is vacated and the road closed. The DIA for the project shall be amended to add the cost of this improvement.

QUESTIONS

Commissioner Dibble asked staff to point out the site's common areas. Mr. Cecil did so but advised that they would be changed somewhat with submission of the revised Preliminary Plan.

Commissioner Dibble asked if pedestrian paths would be provided to the canal. Mr. Cecil said that with the revised Preliminary Plan, they would be, even though none were indicated with the current plan.

Commissioner Dibble asked if neighborhoods to the west had been consulted regarding closure of 28 ½ Road, to which Mr. Cecil responded affirmatively, adding that many of the comments received from

residents regarding circulation patterns would be incorporated into conditions for the revised Preliminary Plan.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER’S REBUTTAL

No rebuttal testimony was offered.

QUESTIONS

Commissioner Dibble asked how many total lots were planned for the subdivision at build-out, to which Mr. Austin responded 178. He added that the project’s density would vary from north to south.

DISCUSSION

Chairman Elmer said that concerns had been duly noted, and thus the petitioner had been put on notice. The Final Plat/Plan appeared to conform to the approved Preliminary Plan and therefore met the condition for approval.

Commissioner Prinster expressed agreement, adding that he was satisfied with drainage mitigation plans.

MOTION: (Commissioner Grout) “Mr. Chairman, on item FPP-2000-032, the Final Plat and Plan for the Legends Filing #1, an 18 lot subdivision with a 20.58 acre remainder parcel, I move that we approve the Final Plat and Plan subject to the conditions as recommended by staff.”

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

FPP-2000-021 FINAL PLAT/PLAN—MEADOWLARK GARDENS

A request for approval of: 1) Final Plat for Meadowlark Gardens planned development for 7 lots, and 2) Final Plan approval for lot 5 of Meadowlark Gardens planned development and 3) request to allow administrative approval of future final plans for Lots 1-4, 6 and 7, except for subdivision of residential lots.

**Petitioner: Bob Johnson, Bank of Grand Junction
Location: Highway 340 and South Broadway
Representative: David Chase, Banner Associates**

PETITIONER’S PRESENTATION

David Chase, representing the petitioner, presented an overhead transparency depicting the site. A brief history of the project was given. Phase 1 consists of a new access off of Highway 340, to align with Kansas Avenue, construction of an 8-foot bike path along Highway 340 the length of the project’s entire frontage and connecting with an asphalt path directly to the west of the site, construction of the interior driveway from the intersection to the roundabout, improvements for lot 5 and construction of the north parking lot and construction of a detention pond.

During construction of the site’s permanent access, a temporary access into the site would be used (location noted). Staff had requested a traffic plan showing how that phasing would be completed. Since setback issues had been resolved with staff prior to the public hearing, Mr. Chase requested that condition 1 be dropped. All other conditions of approval were acceptable.

QUESTIONS

Chairman Elmer asked for clarification on the resolution of setback issues, which was provided.

Commissioner Dibble wondered what the grade for the shared parking area would be. Mr. Chase said that in Phase I, the grade for the entrance into the parking area would be at 7.8%. It then flattened out to 5% for the remainder of the parking area. A handicap parking space would be provided and graded to meet the 2% maximum required by ADA. There were some areas that would be 10% on the private driveway, but that is in Phase II.

Commissioner Dibble asked if the pedestrian access would be routed through the center of the parking lot. Mr. Chase said that it would be located behind the curb and gutter for the parking lot and extend along the east side of the parking area. Another sidewalk on the opposite side would also be constructed.

Chairman Elmer asked how the FAR ratio had been applied to each lot. Ed Delduca, developer for the project, answered that the FAR ratio for the Preliminary Plan had been .5, with square footage allocated throughout the project. Thus, while not every lot was at .5, the overall site was at .5. The 50% landscaped area excluded the nursery and sales area. Chairman Elmer expressed concern that, for example, 70% of the FAR could be taken for one lot while 20% could be taken for another lot. Mr. Delduca answered that each lot was allocated a specific square footage per use which couldn't be exceeded.

STAFF'S PRESENTATION

Lisa Gerstenberger outlined the project requests and reiterated staff's need for a traffic plan for closure of the existing driveway, as outlined in condition 2. With regard to setback compliance by Lots 1-5, she suggested changing the verbiage of condition 1 to indicate that "the bulk standards, as they described common access easements and the site plan, would alleviate the discrepancy they currently face." Mr. Shaver said that it appeared there was simply a discrepancy between the description in the planning document and the plat. Ms. Gerstenberger's proposed verbiage, he said, should address the problem satisfactorily. Staff was amenable to allowing the petitioner the option of allocating sign facing on a lot-by-lot basis, as long as the total sign allowance of 839 square feet was not exceeded. Ms. Gerstenberger referenced a Planning Commission-requested "analysis of compliance with the conditions of Preliminary approval" passed out prior to the public hearing and said that conditions had been met, had partially been met, or would be met when applicable. Staff recommended approval subject to the following conditions:

1. Resolution of the building setback requirements of the bulk standards for the PB zone district. The current Final Plat and Plan do not meet the bulk standards of the PB zone district. Staff recommends that either the Final Plat and Plan be revised to be compliant with the bulk standards of the PB zone district, or that the applicant request a rezone to change the bulk standards.
2. The Community Development Department shall approve the traffic plan, prior to the release of final plans for lot 5 or the construction of Phase I improvements, which demonstrates how the existing driveway from Highway 340 to Lot 1 will be closed and how traffic will safely enter the development site.
3. Total sign face allowance for the Meadowlark Gardens development shall not exceed 839 square feet. Sign face allocation on a lot-by-lot basis for the 7 lots is acceptable; however, in no case shall the total sign face allowance be exceeded.

4. Lot 1 (southwest portion in Phase II) shall show a revised side setback of 10 feet. The Final Plat currently shows a 7-foot side setback which is not compliant with the bulk standards of the PB zone district.
5. Label all general pedestrian easements on the Site Plan.
6. The comments of the Colorado Geological Survey (CGS) dated February 4, 2000. A note shall be placed on the Final Plat advising future property owners to review information in the project file located at the Community Development Department regarding soil conditions, specifically as noted in the geotechnical report and the findings of the CGS (see file FPP-2000-021). The developer shall abide by the minimal requirements stated in the recommendations from the CGS regarding building setbacks and foundations, or otherwise demonstrate that they have otherwise satisfied the requirements.
7. The comments of the Development Engineer as follows (these comments numbered according to the original comments):
 - 5) The phase lines on sheet 25 need to include the striping on Highway 340 for Phase I.
 - 13) The TCP for the bank is \$35,975. Staff will meet with the applicants to discuss their particular concerns on distribution of credits.
 - 45) Please call out on the Plan that this culvert should be removed or filled with flowfill. Removal is preferred. This also applies to the culvert for the Phase II improvements.
 - 49) The specific location of this curb and gutter must be agreed to prior to approval of plans. The curb and gutter shall be continuous up to and around the PCR onto Highway 340. Some minor additional asphalt widening is also required so northbound traffic is not directed at the raised median just after the Redlands Parkway entrance. The note has been added to the plans but THE LIMITS NEED TO BE SHOWN IN THE PLAN VIEW PRIOR TO APPROVAL OF PLANS.
 - 58) See comment 49 above.
 - 59) This bike path hump is unclear. This is a minor item to be resolved prior to plan approval.NEW COMMENT:
 - 1) Since engineering will still be required for street improvements on the Redlands Parkway in Phase II, please include a realistic amount of money in the DIA for design and engineering.
8. Compliance with the final comments of Trent Prall, City Utility Engineer; Stephanie Rubinstein, Staff City Attorney; Steve Pace, City Property Agent; and Cathy Crabb, Persigo Wastewater Treatment Plant.

QUESTIONS

Chairman Elmer asked if freestanding signage would still be restricted to a height of no more than 10 feet, to which Ms. Gerstenberger responded affirmatively.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Lyle Lewis (198 Easter Hill Drive, Grand Junction) asked for clarification on the temporary access and wondered how traffic would be routed when construction on the permanent access was begun. Mr. Dorris said that specifics regarding circulation would be detailed in the petitioner's traffic plan. He reiterated that as soon as construction of the new access was completed, the old access would be closed. Mr. Lewis thought that unless other provisions were made, routing pedestrians through the construction area would pose a safety hazard. He expressed concern that emergency vehicles may find access into the site difficult.

PETITIONER'S REBUTTAL

Mr. Chase said that a traffic plan would be submitted to staff which would outline how new and existing accesses would be handled. Barriers would be erected during construction to keep pedestrians away from construction areas. He acknowledged that there would be some on-site areas at a 10% grade but none near the handicap parking space.

QUESTIONS

Commissioner Dibble asked if the road from the Redlands Parkway into the site would be used strictly for deliveries, to which Mr. Chase responded affirmatively. He added that the entrance would be signed for delivery use only, but said that trash trucks would probably use the access as well. He acknowledged, however, that no one would be retained to patrol the access to ensure exclusive use by delivery and trash vehicles.

Commissioner Prinster asked for clarification on how the motion for administrative approval should be framed, which was given.

DISCUSSION

Chairman Elmer felt that the issues had been satisfactorily resolved, and that the Final Plat/Plan conformed to the Preliminary Plan. He agreed with the need to revise condition 1.

Mr. Shaver offered the following verbiage for condition 1: "The Final Plat and Plan shall be consistent with the bulk standards as described in the Planned Business zone district."

MOTION: (Commissioner Grout) "Mr. Chairman, on item FPP-2000-021, Final Plat and Plan approval, I move that we approve subject to the conditions of staff as modified tonight."

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

MOTION: (Commissioner Grout) "Mr. Chairman, on item FPP-2000-021, request to allow administrative approval of future final plans for lots 1-4, 6 and 7, except for subdivision of residential lots, I move that we approve the request."

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

A recess was called at 9:02 p.m. The hearing reconvened at 9:12 p.m.

VI. CONTINUATION OF PUBLIC HEARING ITEMS ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

ANX-2000-037 MILLER ZONE OF ANNEXATION

A request for a Zone of Annexation from County Industrial to City I-1 (Light Industrial)

Petitioner: Dave Miller
Location: 2978 Gunnison Avenue
Representative: Brian Russell

PETITIONER'S PRESENTATION

David Miller, petitioner, said that the constructed building would be used as a gymnastics studio. The use, he said, was appropriate for the zone and he felt that there was a need for this type of business in the area. Generally, the facility would be open approximately one hour in the mornings and a couple of hours in the afternoon.

STAFF'S PRESENTATION

Lori Bowers referenced an overhead transparency of the site and said that the I-1 zone designation was a good match for the use and the petitioner was in agreement. Since the Zone of Annexation met *Code* criteria, staff recommended an I-1 zone designation.

QUESTIONS

Chairman Elmer asked if the Zone of Annexation had been triggered by a change in use. Ms. Bowers said that it had been triggered only by the petitioner's desire to erect a building on the site. The property, she said, was within the Persigo 201 boundary and subject to annexation.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Glen Brach (553 Grand Valley Drive, Grand Junction) did not feel the use was compatible with other industrial uses located in the area and thought that the safety of visiting children may be compromised.

Jay Murdock (608 Starlight Drive, Grand Junction) said that as the owner of a sandblasting operation in the subject area, he too was concerned over the safety of children visiting the gymnastics studio. He felt that the use was incompatible with other, heavier industrial uses.

Dan Conditt (2942 Otero Road, Grand Junction), representing Dan's Generator Service and Placement, said that he opposed the request if it would result in any restriction of use the existing businesses were now entitled to.

Steve Edmunds (553 Eastbrook, Grand Junction) said that there were no utilities located in the street; thus, property owners had been required to give up portions of their property for a utility easement. This easement now traversed the fronts of properties where outdoor storage was kept. "Would their rights for outdoor storage be impacted?" he wondered. Also, he expressed concern that the volume of heavy truck traffic along the street would present a safety hazard to those visiting the gymnastics studio. For those reasons, he felt that the proposed use was incompatible with existing uses.

PETITIONER'S REBUTTAL

Mr. Miller said that the site would not contain an outdoor playground. The business would be solely conducted inside and neighbors would rarely even see the children attending classes. He reiterated that the business would only be conducted a few hours each day, with little traffic generated as a result. In addition, some children would be picked up at local schools by a company-owned 12-passenger van, which would reduce traffic volumes even further.

DISCUSSION

Chairman Elmer agreed that the use was appropriate for the zone, since a business of that type typically needed a larger building from which to conduct business. The Industrial zone, he said, allowed quite a variety of uses, and he noted that a Special Use Permit would also be required for the business.

Commissioner Grout concurred, adding that with the Special Use Permit, the use was not wholly incompatible.

When asked by Commissioner Prinster if the City zone were consistent with its County counterpart, Ms. Bowers replied affirmatively. Commissioner Prinster didn't feel that a gymnastics studio would impact other business in the area.

MOTION: (Commissioner Grout) "Mr. Chairman, on item ANX-2000-037, a request for zoning of the Miller Annexation, I move that we recommend the zoning designation of I-1 to City Council."

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

ANX-2000-030 ZONE OF ANNEXATION—REINKING PRELIMINARY PLAN

A request for: 1) Zone of Annexation approval for approximately 7.71 acres from County R-1-B to City RSF-2 (Residential Single Family with a density not to exceed 2 units/acre), and 2) Preliminary Plan approval for Reinking Preliminary Plan consisting of 11 single family lots.

**Petitioner: Roger Reinking
Location: 541 – 20 ¼ Road
Representative: Mike Joyce, Development Concepts**

PETITIONER'S PRESENTATION

Mike Joyce, representing the petitioner, presented an overhead transparency denoting the site's location and surrounding uses. Access into the property would be via 20 ¼ Road. He noted the existing right-of-way constraints and said that additional right-of-way would be dedicated with the existing mat widened to the rural standard of 22 feet. A 4-foot graveled shoulder and ditch would be provided along the street the length of the site's frontage. Further off-site was a 200-foot area between the edge of the subdivision up to South Broadway with a constrained right-of-way. The petitioner agreed to remove the graveled shoulder along that section and widen the pavement mat to 22 feet. He noted an area where shrubs had been planted in the right-of-way and which would be removed; however, trees planted in this area were far enough from the right-of-way that they could be retained. Power poles would require removal, and discussions were underway to see if power lines could be placed underground. On-site retention of drainage would occur, and 8 shares of irrigation water were available to the site. Due to the site's high water table, construction of a retention facility had been recommended by Redlands Water & Power. The Preliminary Plan, he said, met both *Code* criteria and *Growth Plan* recommendations.

STAFF'S PRESENTATION

Lori Bowers entered into the record two letters of opposition, one from Eileen O'Toole and Peggy Haubold. With no outstanding issues, staff recommended approval of the request subject to the following conditions:

1. The Final Plan will show the entire right-of-way, north to South Broadway.
2. Plans for the irrigation system will be presented to Redlands Water & Power.
3. Road improvements for 20 ¼ Road will be brought up to the rural standard of an open section road with a 22-foot paving mat.

QUESTIONS

Commissioner Prinster asked if any street lighting were required. Mr. Marsh said that one light would be required at the intersection unless a waiver was requested. Street lighting was generally an issue addressed during Final.

Chairman Elmer noted that it would be the developer's responsibility to ensure continued flow of irrigation water through the property without interruption.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Eileen O'Toole (2023 South Broadway, Grand Junction) offered no objection to the removal of shrubs planted in the right-of-way near her property. She expressed concern, however, over increased traffic along 20 ¼ Road. She also opposed the construction of cul-de-sacs. She cautioned that any new irrigation system must be enclosed and suggested that hedges be used in lieu of wooden fences since they were much more aesthetically appealing as a buffer. Ms. O'Toole asked about building heights and wanted assurance that views would be protected. Finally, she asked that the density be lowered to achieve greater compatibility with the surrounding area.

Peggy Haubold (2019 South Broadway, Grand Junction) cautioned against any construction interfering with buried irrigation lines or her buried holding tank. Water flow, she said, should not be impacted and she suggested the petitioner meet and talk with her about the irrigation system. She agreed that the density should be lowered and views should be protected. Building heights should be restricted to single story homes. Ms. Haubold concurred with comments indicating a preference for hedges over wooden privacy fences and agreed that traffic impacts were a big concern. She expressed concern over drainage since the area's water table was high.

Ed Zeigler (2024 South Broadway, Grand Junction) also expressed concern over runoff. He asked for clarification from Mr. Joyce on what was being provided, which was given. Mr. Zeigler said that the high water table and runoff had resulted in a complete collapse of his root cellar. He wanted assurance that drainage would be adequately mitigated.

Jeff Stratton (2018 E ¼ Road, Grand Junction) wondered where the access to lots 9-11 would be located. He also asked for a reduction in density to better ensure compatibility.

Lois Jewel (533 – 20 ¼ road, Grand Junction) expressed agreement with previous comments and was very concerned about impacts to irrigation water delivery and traffic. She asked that a fence or vegetative buffer be constructed to separate the development from her property.

PETITIONER’S REBUTTAL

Mr. Joyce said that the Zone of Annexation was consistent with *Growth Plan* recommendations; he offered the following. A 32-foot height be allowed for homes; fencing had not yet been addressed; a cul-de-sac made the most sense for the type of development proposed; at 270 ADTs projected for the whole area, the street was underutilized; he would consider limiting homes to one story; this was the last large parcel available for development in the area along the 20 ¼ Road corridor. Mr. Joyce said that he would be happy to work with Ms. Haubold to resolve any outstanding irrigation system issues. The increased street width should improve safety along 20 ¼ Road while improving traffic flow. As requested by Redlands Water & Power, runoff would be retained on-site to prevent flooding. Lots 6, 7, and 11 were sized for compatibility with adjacent lots.

QUESTIONS

Chairman Elmer asked Mr. Joyce if he had reviewed the groundwater table for the area. Mr. Joyce agreed that perc testing was needed. He offered to submit results at Final with the final drainage plan. Mr. Marsh agreed that perc testing was generally a Final Plan/Plat requirement.

Commissioner Prinster remarked that engineered foundations could be required as a result of perc testing. He asked if the retention area would be grassed, to which Mr. Joyce responded affirmatively. Maintenance would be provided via the Homeowners Association.

DISCUSSION

Chairman Elmer felt that the zone designation was appropriate and consistent with the County’s zone. Overall, the density of the proposed development seemed consistent with the surrounding area. Road improvements would upgrade a currently substandard situation.

Commissioner Boutiller asked for clarification on ADT figures, which was provided.

Commissioner Grout expressed support for the request and felt the zoning to be appropriate, noting that road upgrades were much needed. Commissioner Prinster agreed.

Commissioner Dibble agreed and said that both aspects of the request met *Code* requirements and *Growth Plan* recommendations. He appreciated Mr. Joyce’s willingness to work with the neighbors to help allay their concerns.

MOTION: (Commissioner Grout) “Mr. Chairman, on ANX-2000-030, a request for a Zone of Annexation and Preliminary Plan approval for the Reinking Annexation, I move that we recommend the zoning designation of R-2 to the City Council and approve the Preliminary Plan with the conditions as stated in the staff report dated April 5, 2000.”

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

ANX-2000-010 HART ZONE OF ANNEXATION—CHALLINOR ESTATES PRELIMINARY PLAN

A request for: 1) Zone of Annexation approval for approximately 5.35 acres from County R2 to City RSF-4 (Residential Single Family with a density not to exceed 4 units/acre), and 2) to approve the Preliminary Plan for Challinor Estates consisting of 16 single family lots.

Petitioner: Maxwell Sneddon
Location: 3015 E ½ Road
Representative: Mark Young, MDY consulting Engineers

PETITIONER’S PRESENTATION

Mark Young, representing the petitioner, said that there existed only one major issue—insufficient frontage to accommodate the separation of intersections as outlined in the TEDS manual. An overhead transparency of the Preliminary Plan was presented. He asked that consideration be given to both the access issue and the alternative solutions provided by staff in the April 11 Staff Report. All other staff conditions were acceptable.

QUESTIONS

Chairman Elmer wondered why the access couldn’t be moved to align with Peachwood Street. Mr. Young said that the location of the Harts’ home in that area prevented consideration of this option. The two existing driveway access points for the existing Hart residence would be terminated upon completion of the temporary cul-de-sac and street improvements. To ensure termination of the existing driveway condition, a split-rail fence would be installed, equivalent to the fence currently in place along the western property line to E ½ Road, resulting in closing off any erroneous access possibility to that parcel.

Mr. Dorris clarified that the Public Works Manager had met with the Harts. The agreement resulting from that meeting was to allow the two driveway accesses for the Harts until a capital improvements project constructs E ½ Road (estimated within 5 years).

Chairman Elmer wondered if there was any idea when the property to the west would develop. Mr. Young was unsure as the parcel was not currently for sale. The use, he said, was agricultural.

STAFF’S PRESENTATION

Lisa Gerstenberger said that the County’s comments had noted the deficiency in spacing for the proposed driveway and had offered two options; the petitioner had chosen the second option, which created a temporary access until development of the western property occurred. Because the request did not meet standards as set forth in the TEDS manual, staff was unable to support the request. If approval is considered, staff recommended compliance with comments of the County’s Planning Department and Development Engineer as noted in the April 11 Staff Report. She added that a letter of opposition had been received from Diana Vera.

Mr. Dorris explained the intersection separation requirements for a “T” intersection.

QUESTIONS

Commissioner Prinster understood that there would not be, nor could there be, an immediate solution to the access dilemma for the subject property. He asked if his conclusion was correct, to which Mr. Dorris replied affirmatively. Commissioner Prinster suggested that the money for improvements could be requested now, with actual improvements done later.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Ginger Moser (543 Teco, Grand Junction) expressed traffic and safety concerns. She wondered if the petitioner planned any kind of fencing or buffering of the development. She opposed any potential impediment to the irrigation headgate serving area residents.

Ms. Crabtree (543 Teco, Grand Junction), speaking for herself and other neighbors, expressed concerns over traffic impacts and irrigation water delivery. She asked that privacy fencing be provided.

PETITIONER'S REBUTTAL

Glen Hart, petitioner, said that there were two headgates located in the northeast corner of the property. The one serving the subject property was completely independent of the one serving surrounding residents. He said that there seemed to be traffic congestion problems only in the mornings during school drop-off times, and even then, the problem was not that acute.

Mr. Young felt strongly that the temporary access, as proposed, would work. Any remaining neighbor concerns would be addressed.

DISCUSSION

Chairman Elmer felt that the zoning recommendation was consistent with the surrounding area and its County equivalent.

Commissioner Putnam agreed. He pointed out that there were a number of other subdivisions where accesses didn't comply with the 300-foot access separation requirement.

Chairman Elmer said that in this case, other options were available to the petitioner. The plan, he said, relied on another's access. The situation was made more dangerous due to its proximity to the high school and the number of student drivers in the area. He expressed opposition to the Preliminary Plan for those reasons.

Commissioner Grout concurred with Chairman Elmer's comments. While in support of the Zone of Annexation, he opposed the Preliminary Plan.

Commissioner Boutiller also expressed opposition since the Plan did not conform to TEDS manual requirements.

Commissioner Prinster said that making exceptions only perpetuated an existing problem. He too expressed support for the Zone of Annexation but opposition to the Preliminary Plan.

MOTION: (Commissioner Grout) "Mr. Chairman, on item ANX-2000-010, I move that we forward the Zone of Annexation to City Council with the recommendation of RSF-4 for the reasons stated in the Staff Report."

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

MOTION: (Commissioner Grout) “Mr. Chairman, on item ANX-2000-010, I move that we deny the Preliminary Plan for the proposed Challinor Estates for the reasons as stated regarding the location of the drive and it’s not conforming to the TEDS manual.”

Commissioner Dibble seconded the motion. A vote was called and the motion passed by a vote of 6-1, with Commissioner Putnam opposed.

With no further business, the hearing was adjourned at 11:30 p.m.