

GRAND JUNCTION PLANNING COMMISSION
JUNE 1, 1999 MINUTES
7:05 p.m. to 12:40 p.m.

The specially scheduled Planning Commission hearing was called to order at 7:05 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, Mark Fenn, Jeff Driscoll, Terri Binder and Paul Coleman.

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Kathy Portner (Planning Manager), Kristen Ashbeck (Sr. Planner), and Mike Pelletier (Assoc. Planner).

Also present were John Shaver (Asst. City Attorney), Kerrie Ashbeck (Development Engineer), and Rick Dorris (Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 56 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. PUBLIC HEARING ON ITEMS FOR FINAL DECISION UNLESS APPEALED

Due to a potential for conflict of interest, Commissioner Coleman withdrew from consideration of the following item.

FP-1999-052 FINAL PLAN—OFFICE BUILDING

A request for approval to construct a 17,000 square-foot, three-story office building in a PB (Planned Business) zone district.

Petitioner: Twenty-four fifty-two LLC

Location: 2452 F Road

Representative: Superior Contracting, Paul Coleman

PETITIONER'S PRESENTATION

David Smuin, representing the petitioner, presented overhead transparencies of the Final Plan and site elevation. A brief history of the site was given and surrounding uses were noted. Mr. Smuin stated that access for both the existing and proposed buildings would be shared. Mr. Smuin took no issue with staff's requirements and recommendations.

QUESTIONS

Commissioner Binder wondered why the new building’s proposed architectural style did not match that of the existing building. Mr. Smuin said that a remodeling of the existing building was planned to match the style of the proposed building.

STAFF’S PRESENTATION

Mike Pelletier corrected the agenda to reflect a 17,000 square-foot building, not the 40,000 noted. The proposal also did not contain a request for a Zone of Annexation as had been mentioned in the May 20, 1999 staff report. Signage will conform to Code criteria and no outstanding issues were noted. Approval was recommended subject to the following conditions:

1. The petitioner shall take note of the remaining City Engineering items detailed in the staff analysis and incorporate those items into final approval documents.
2. The petitioner shall be permitted a wall sign allowance in accordance with section 5-7.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Driscoll felt the request to be straightforward; it “finished out” the previous plan.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item FP-1999-052, a request for Final Plan approval for a 17,000 square-foot office building located at 2452 F Road, I move that we approve the request subject to the conditions in the staff report dated May 20.”

Commissioner Fenn seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

Commissioner Coleman returned and was present for consideration of the remaining items.

MS-1999-082 MINOR SUBDIVISION—RATTLESNAKE MINOR SUBDIVISION

A request for approval of a Minor Subdivision of one duplex lot into two lots.

Petitioner: Claudia Gray, Terry Retherford and Patricia Lloyd

Location: 2342 A/B Rattlesnake Court

Representative: Claudia Gray

PETITIONER’S PRESENTATION

No presentation testimony was offered by the petitioner.

STAFF’S PRESENTATION

Mike Pelletier said that the request represented a simple lot division. Having found that the request met Code criteria, staff recommended approval with no conditions.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Coleman felt that the request was self-explanatory.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item MS-1999-082, I move that we approve the Minor Subdivision with no conditions.”

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

MS-1999-081 MINOR SUBDIVISION—STEVENSON MINOR SUBDIVISION

A request for approval of a two lot Minor Subdivision.

**Petitioner: G & R Builders, Randy Loggain
Location: 2767 B ½ Road
Representative: David Smuin, Hydro-Terra Environmental Consultants**

PETITIONER’S PRESENTATION

David Smuin, representing the petitioner, reviewed the request. He said that shared access easements were in place from B ½ Road and along the eastern edge of lot 2 for access into City Market’s driveway. Mr. Smuin agreed with staff’s recommendations.

QUESTIONS

Commissioner Driscoll wondered if a sufficient building envelope existed on Lot 2, given the location of the bisecting easement. Mr. Smuin said that the easement’s location would not create any construction problems.

STAFF’S PRESENTATION

Mike Pelletier said that all but one of the necessary easements had already been dedicated. The remaining easement soon would be. With no outstanding issues, staff recommended approval with no conditions.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Coleman noted that the request had met all of staff’s conditions.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item MS-1999-081, a request for Minor Subdivision, I move that we recommend approval of the Stevenson Minor Subdivision.”

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

IV. PUBLIC HEARING ITEMS FOR RECOMMENDATION TO CITY COUNCIL

GPA-1999-091 GROWTH PLAN AMENDMENT/ANNEXATION—DESERT HILLS SUBDIVISION

A request for an amendment to the Growth Plan to redesignate approximately 56 acres from the Rural (5 to 35 acres) category to the Estate (2 to 4.9 acres) category.

**Petitioner: Tierra Ventures, Inc.
Location: 2114 Desert Hills Road
Representative: LanDesign, Robert Katzenon**

PETITIONER’S PRESENTATION

Robert Katzenson, representing the petitioner, concurred with staff’s recommendation of approval. He presented overhead transparencies the Assessors Map, Zoning Map excerpts, a digital ortho photo, and the Future Land Use Map. Overhead transparencies of photos taken of the property from Riggs Hill denoted riparian and conservation areas as well as the area proposed for homesite development. The petitioner felt that the Growth Plan amendment was justified and gave the following reasons. First, the Future Land Use Map designation did not provide detailed information for individual properties. The ‘Rural’ designation was in error; the proposed ‘Estate’ designation would correct it. Second, the Persigo Agreement required all properties located within the Urban Growth Boundary area to develop at urban densities (greater than 1 unit/2 acres). Third, approval of the ‘Estate’ designation would ensure the upgrade of Desert Hills Road and allow for installation of a lift station to serve the project. And finally, the ‘Estate’ designation would allow for preservation of ridgelines, hilltops, riparian areas/corridors and drainage pathways.

The petitioner felt that the 50-foot County right-of-way along Desert Hills Road was sufficient. A County floodplain permit and an Army Corps of Engineers general permit #14 for the proposed crossing of Lime Kiln Gulch at Desert Hills Road had been obtained. The petitioner was also attempting to secure emergency access to South Broadway via Redlands Water and Power easements. Emergency access points were currently available along the canal right-of-way and from the north via the Ute Water service road. None of the emergency accesses were full-width rights-of-way. The petitioner was open to further discussion with adjacent property owners regarding access options along Desert Hills Road.

Mr. Katzenson said that should the property be developed according to its current ‘Rural’ designation of 1 unit/5 acres, no preservation of the property’s natural features could be ensured. The ‘Estate’ designation would allow for clustering, habitat preservation and development management in sensitive areas. He disagreed with most of the opposing neighborhood comments but said that he was willing to conduct neighborhood meetings during the Preliminary Plan development phase to try and allay concerns.

QUESTIONS

Commissioner Driscoll noted the topographic constraints present on the property and wondered how much of the site was actually developable. Mr. Katzenson guessed that figure to be about 30 acres.

Commissioner Binder asked how many homes would be proposed for the site. Mr. Katzenson estimated between 18 and 23 homes would be proposed. He added that the current ‘Rural’ designation allowed for development of 11 homes.

STAFF’S PRESENTATION

Kathy Portner reminded planning commissioners that a Growth Plan amendment was not a rezone; if the amendment were approved, the petitioner would still be required to submit a rezone request. She briefly explained the amendment process and said that the current request met the intent of the Growth Plan and complied with assessment criteria (read from staff report). Sufficient area was available to facilitate clustering, which would help protect sensitive open space areas. She agreed that few protections would be available if the property were “carved up” into 5-acre lot sizes. Access was perhaps the biggest limiting factor, and the only access into the property currently available was via an extension of Desert Hills Road. Staff recommended approval of the Growth Plan amendment and recommended that all properties in the subject area be reconsidered in the upcoming Plan amendment process with Mesa County.

QUESTIONS

Commissioner Binder wondered if any widening of South Broadway was slated in the City's capital improvements plan, to which Ms. Portner responded negatively.

Commissioner Binder asked if the developer would be responsible for improvements to South Broadway. Ms. Portner briefly explained the City's roadway improvements evaluation process. The subject property did not have frontage along South Broadway so at this point, no improvements would be required.

When asked by Commissioner Binder if a traffic study would be required during the Preliminary Plan stage, Ms. Portner indicated that the Engineering Department would make that determination. She added that although South Broadway was classified as a collector street, it did not currently meet collector standards.

Chairman Elmer explained the City's TCP process to Commissioner Binder. He conjectured that Desert Hills Road would probably be paved when the subdivision developed. Chairman Elmer asked for confirmation from staff that the property had no frontage along South Broadway, which was given.

Scott Harrington noted that without a submitted development proposal it was unclear how many units would eventually be proposed or from whence access would come. If access came via South Broadway, some improvements could be required.

Commissioner Binder asked if Desert Hills Road was located within the City limits. Ms. Portner explained how portions of the road fell within City limits while other portions still lay within the County's jurisdiction.

Commissioner Binder remarked that amending the Growth Plan without first knowing what was planned for the property seemed inconsistent. Ms. Portner said that, when adopted, the Growth Plan had been intended as a "broad-brushed" view of current and future development patterns.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Mike Giantana (2111 Desert Hills Road, Grand Junction) noted the location of his property on the transparency of the Land Use Map excerpt. He expressed strong concern over impacts the development would have on wildlife. Referencing seven letters and a petition submitted to staff expressing opposition, he urged that Desert Hills Road not be extended into the site. Crossing over wetlands and wildlife areas, he said, would forever destroy those areas as habitat. Other access should be sought and he offered the following alternative access points: 1) South Broadway, 2) Mockingbird Lane or 3) near the Church of the Nativity off of Highway 340. He noted additional traffic and safety problems along Desert Hills Road, adding that the roadway was too narrow and curvy to be the subject property's only access. He said that the area was rural in character and should remain that way. The area was also flood prone.

Chairman Elmer asked Mr. Giantana if he agreed with the County's declaration of right-of-way extending to the subject property. Mr. Giantana said that the right-of-way was there before he moved to the area. While not opposing the roadway, he said that it would cross wetland and riparian areas, which supported a vast array of wildlife. Development of the road would force wildlife to seek other habitat.

Terri Bassett (434 Avenal Lane, Grand Junction) agreed that many different types of wildlife frequented the site's wetlands/riparian areas. She supported the petitioner's pursuit of alternative access points but said that accessing the site from anywhere along South Broadway was "an accident waiting to happen." South Broadway was not designed to handle even current traffic flows and frequent corners and hills made safety along that road a major concern. She felt that South Broadway should be improved before any additional development in the Redlands was allowed.

Clifford Masters (2161 S. Canyon View Drive, Grand Junction) concurred with previous comments.

Rhea Gavry (452 Wildwood Drive, Grand Junction) noted other parcels zoned 'Estate' and said that even though there were pockets of higher density zones in the area, those parcels had actually been developed at lower densities. She concurred with previous comments regarding wildlife impacts and the need for preserving their habitat. Flooding often overtook the bridge at Wildwood's entrance. She urged planning commissioners to consider what would be lost as a result of a few more homesites.

Karen Untine (2111 Desert Hills Road, Grand Junction) said that with all the development occurring in the area, soon the wildlife would have no where to go. She urged consideration of an alternate access point.

Floyd Unfred (2107 Desert Hills Road, Grand Junction) said that deer were prolific in the area. Increased traffic along Desert Hills Road and over Lime Kiln Gulch would force them to leave. He felt that the development threatened the rural character of the area. He asked that the 'Rural' designation be retained and said that other properties in the area with the same designation were also appropriately zoned. Golf courses, he said, were usually found in rural settings. Future homeowners would have to travel a half-mile just to get to the end of Desert Hills Road. With 18 homes, he estimated that the development would generate 170 ADTs.

Dick Ennis (2110 Desert Hills Road, Grand Junction) expressed similar concerns over impacts to the wetland area and the loss of the area's rural character. Development of the Four Seasons and the City's golf course, he said, were forcing wildlife to seek other habitat. Traffic was a major concern, and he noted the location of a 60-degree bend in the road, which currently posed a safety hazard. He expected that Desert Hills Road would become a short-cut for those people wanting to get to the golf course. Mr. Ennis stated that the area had flooded three times in 1986 and occasionally since then. He wondered how the sewer system would hold up in times of flood and expressed concern that a breach of the system would send raw sewage down Desert Hills Road.

Ed Arnos (2102 South Broadway, Grand Junction) concurred with previous comments. He said that at least twice a year his fence was destroyed by motorists who failed to negotiate the corner near his home. The curve was dangerous even for existing traffic. Traffic volume increases would only make exiting Desert Hills Road onto South Broadway that much more dangerous. Mr. Arnos said that the Future Land Use Map gave residents a reasonable expectation of how areas would be developed or retained. He felt that changing the land use designation was contrary to that intent.

Dave Ennis (2110 Desert Hills Road, Grand Junction) reiterated previous comments regarding wildlife concerns. The community needed to protect that valuable resource, he said, and think in broader terms. He concurred with traffic comments made and said that the development would bring added traffic down South Camp Road as well. He agreed that road improvements should be undertaken before more development was allowed.

Michael Myela (2112 Desert Hills Road, Grand Junction) expressed concern over development impacts in general. He concurred with previous comments and said that the access was a major issue. The

developer, he said, should address neighbor concerns before any approval was given by the City. Wildlife impacts should not be ignored. Corps permits should be re-reviewed in terms of how any proposed access would affect wildlife and wetland areas.

Brad Forster (2020 Broadview Court, Grand Junction) also expressed concerns over wildlife impacts. The type of development proposed was out of character with the area. Development, he said, needed to take into consideration the area as a whole. Paving this property and building houses, he stated, would add nothing to the area.

Dawn Myela (2112 Desert Hills Road, Grand Junction) stressed the rural character of the area and said that the current 'Rural' designation gave residents an expectation of a certain use. All neighbors were opposed to the proposed Growth Plan amendment and development of the subject property to a higher density. She mirrored concerns over wildlife and wetland impacts, saying that clustering would not protect those areas. Ms. Myela said that she had been forbidden by the Corps to erect a storage shed on the back of their property in consideration of wildlife impacts. How then could the developer receive permission to build a road through those same sensitive areas? Access and safety should be addressed prior to the City's approving any more development in the area. She agreed that flooding was a problem. She urged the City to consider other access alternatives.

PETITIONER'S REBUTTAL

Richard Livingston, attorney representing the petitioner, acknowledged the legitimacy of expressed concerns but felt they were premature and legally irrelevant; the request only involved a Growth Plan amendment, not a Preliminary Plan. Before any plan could be submitted, it was necessary to know to what density the property could be built. He referenced the various planning controls in place and said that if divided into 5-acre parcels, future development of the property may not be able to address many of the concerns expressed by the public. He agreed with staff's analysis and said that the area would be best served by the higher 'Estate' density. He noted that the petitioner owned no other property in the area. Mr. Livingston, on behalf of his client, was amenable to holding neighborhood meetings once a plan was developed. He felt it was necessary to balance property owner rights with neighborhood concerns.

QUESTIONS

Chairman Elmer asked for confirmation from Mr. Livingston that none of the property had frontage along South Broadway, which was given. Mr. Livingston acknowledged the geological constraints inherent to Desert Hills Road.

Commissioner Fenn said that if the amendment were approved, a Planned Unit Development (PUD) request would better ensure protection of wildlife areas. When asked if he could commit to seeking a PUD, Mr. Livingston assented to that request.

DISCUSSION

Chairman Elmer asked staff if the Corps would allow the road only if wildlife impacts were mitigated. Ms. Portner responded that Corps representatives had indicated that the petitioner would be required to first review other access alternatives before considering encroachment into wetlands. Mr. Shaver said that the Corps was primarily interested in the mitigation issue. Ms. Portner said that mitigation might not be required, depending on the size of the disturbed area.

Chairman Elmer asked if ridgeline/slope development would be restricted at a staff level. Ms. Portner said that a geotechnical report would be required, which would address the hazards associated with the steep slope.

Chairman Elmer asked for the number of buildable lots that could be obtained in the 'Rural' designation versus the 'Estate' designation. Ms. Portner was unsure without submission of a plan but said that it was likely that 11 five acres lots could be created with buildable areas.

Commissioner Driscoll asked for a legal opinion on binding the petitioner to a PUD. Mr. Shaver said that legally the Planning Commission had no authority to condition approval of a Growth Plan amendment on the petitioner's submission of a PUD request. Mr. Harrington said that it wouldn't matter anyway. Since there was no zone district for a density of 1 unit/2 acres if the applicant did not submit a petition within 90 days of that annexation, the City would assign a zoning district to it. In all likelihood, it would be RSF-R (1 unit/5 acres), whether or not the amendment is approved.

Commissioner Fenn asked whether the same 1 unit/5 acre designation would be assigned in the event that a PUD request failed, to which Mr. Harrington replied affirmatively.

Commissioner Binder asked if it was normal procedure to request a Growth Plan amendment without a plan. Mr. Harrington said that because the amendment process was so new, there really wasn't a "normal procedure" established. He said that City Council gave the petitioner the option of deciding whether or not to submit a plan with the amendment request.

Commissioner Binder asked what the zone would be if the amendment were approved. Mr. Harrington reiterated that the petitioner would still be required to submit a rezone request before an actual zone could be attached to the property. Commissioner Binder asked for clarification on the County's current zoning of the property, which was provided.

Commissioner Coleman noted that any plan proposed by the petitioner would still be brought before the Planning Commission for review.

Commissioner Binder preferred that the petitioner come back with a combination request for Growth Plan amendment, rezone and Preliminary Plan. Mr. Harrington said that that was certainly an option.

Mr. Harrington noted that the entire area bounded by South Broadway on the south and west would be the subject of a possible Growth Plan amendment initiated by City and County staffs. The County had agreed that densities of 2-5 acres/unit were appropriate for the area.

Chairman Elmer felt that the request should be denied pending further review of the entire area. With the subject parcel bounded by 'Rural' properties, he could not see where any change had been made in the area sufficient to warrant a Growth Plan amendment.

A brief discussion ensued over why single-property Growth Plan amendment requests were being heard. Commissioner Fenn said that the amendment process had been designed to address the current interim period. Commissioner Coleman asked staff for a reiteration of their recommendation, which was provided.

Chairman Elmer noted that the biggest issue was that of access into the property. Using a gravel road to access the site through a predominately rural area would be too great a negative impact to that area. Since access and services were deficient, he felt that amendment criteria had not been met.

Commissioner Binder concurred. She reiterated the need to review the amendment with the plan concurrently. She, too, could not see where any change had occurred in the area to warrant a designation change.

Commissioner Fenn asked if planning controls would still address the concerns expressed if the property were straight-zoned. Mr. Harrington said that the same Corps permits and review would be required, and Code criteria and Growth Plan recommendations would still require compliance. He said that more than bulk standards would have to be met. Issues such as access, utilities, services, wetlands issues, fire flow, etc. would also be reviewed.

Commissioner Binder said that the lack of an acceptable access meant that the amendment's infrastructure criterion could not be met.

Commissioner Grout agreed that the access issue did take precedence at the present time. This was not the best time to make a density determination without a plan.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item GPA-1999-091, I move that we forward this on to City Council with a recommendation of approval for the 'Estate' designation."

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

ANX-1999-107 ANNEXATION—SOUTHERN PACIFIC RAILROAD ANNEXATION

A request for approval of the Zone of Annexation for approximately 263.60 acres from County I, R-2, ILCA and PC to City I-1.

**Petitioner: Union Pacific Railroad
Location: 2790 D Road
Representative: Rolland Engineering, Trevor Brown**

STAFF'S PRESENTATION

Kathy Portner presented an overhead transparency of the annexation area. A brief explanation of the Zone of Annexation was given. Since this zone was appropriate and comparable to the County's Industrial zoning, staff recommended approval.

QUESTIONS

Commissioner Binder wondered how long an area was affected. Ms. Portner said that it was bounded by 28 Road on the west and 31 ½ Road on the east.

Commissioner Binder asked what had generated the annexation requirement. Ms. Portner said that the railroad intended to construct a 600- to 800-square-foot building on the property to house an existing on-site treatment facility.

Chairman Elmer asked if staff had reviewed the potential for individual parcel splits of railroad property. He asked whether the proposed zone is appropriate compared to a blanket zone for the entire corridor? Ms. Portner noted the most likely area for a parcel split but said that even there, it was doubtful that the railroad had any intentions of ever splitting the property.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Coleman asked for confirmation that the building of the storage structure had initiated the annexation action, which was given.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item ANX-1999-107, I move that we forward the Zone of Annexation to City Council with the recommendation of Light Industrial (I-1) zone district for the following reasons: the I-1 zone district meets the recommended land use category as shown on the Future Land Use Map of the Growth Plan and the goals and policies; also, the I-1 zone district meets the criteria found in section 4-4-4 and section 4-11 of the Zoning and Development Code.”

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

A brief recess was called at 9:20 p.m. The hearing reconvened at 9:33 p.m.

Due to the potential for conflict of interest, Commissioner Grout withdrew from deliberations on the following item and excused himself for the evening.

RZP-1998-182 REZONE/GROWTH PLAN AMENDMENT/PRELIM. PLAN—MEADOWLARK GARDENS

A request for: 1) an amendment to the Future Land Use Map of the Growth Plan from Residential Low Density (.5 to 1.9 units/acre) land use designation to a Commercial land use designation, 2) approval to rezone approximately 7.55 acres from RSF-4 (Residential Single Family with a density not to exceed 4 units/acre) to PB (Planned Business), and 3) approve the Preliminary Plan for Meadowlark Gardens commercial center to include a garden center, retail businesses, drive-through bank and restaurant.

Petitioner: Bob Johnson

Location: Southwest corner of Hwy 340 and the Redlands Parkway

Representative: Edward Del Duca

PETITIONER’S PRESENTATION

Ann Barrett, representing the petitioner, presented a number of overhead transparencies, which included: 1) a portion of Assessors Map depicting the site’s location, 2) brief background and history of the ODP, 3) site plan submitted during the ODP, and 4) Preliminary Plan. She briefly outlined the site layout and said that the Preliminary Plan was essentially identical to the ODP. She said that the existing terraces would be retained; 8,000 square feet of retail area would be available for the garden center; Lot 2 would contain a 100-seat, 9,600 square-foot café on two floors; Lot 3 would be available for offices; Lot 4 would be retained for retail sales/services; Lot 5 would be reserved for the 2,500 square-foot drive-through bank (3 drive lanes and one ATM machine), and Lots 6 and 7 would be retained for residential development at some future point.

Slides shown included: 1) the location of the site taken from the air, 2) site plan, 3) photo of site taken from the adjacent intersection, 4) photo of another garden center similar to the one proposed, 5) water features, 6) café (as it could look when completed), 7) view of the Colorado National Monument from the site, and 8) samples of plantings. She emphasized the uniqueness of the design and said that in no way could it be compared to the average “strip commercial center.” The open feel and rural character of the site would be preserved. The proposal represented good infill development, and she stated that the nursery had operated on the site for approximately 25 years. Structures on the site would be relatively small, with architectural controls built in. The site would be lavishly landscaped using regional landscape materials and water features would be incorporated into the design.

The site would need significant regrading only along portions of the west and south sides of the greenhouse (areas noted). The loading dock would also require regrading; the office building would be

built into the existing hillside, forming a retaining wall; the parking lot on the northwest side of the property would be leveled, and the driveway behind the greenhouse would be graded to lessen the slope for delivery trucks and emergency vehicles. Ms. Barrett said that the project would significantly upgrade and beautify the site. She didn't feel that the Growth Plan's recommendation of low-density residential was appropriate given the site's topographic constraints, its proximity to a heavily traveled intersection, and current traffic volumes. She felt that the current proposal better utilized the site and that Growth Plan criteria had been met.

Ed Del Duca, also representing the petitioner, presented a number of additional overhead transparencies, which included: 1) Growth Plan amendment criteria, 2) Village Fair Shopping Center square footage comparison, 3) Neighborhood Commercial and Service Uses comparison, 4) planned development dimensional standards, 5) photo of adjacent residential use, 6) site depicting the impact of an allowed 30 residential units if developed to current RSF-4 zoning, 7) residential scale comparison of the greenhouse to a four-plex, 8) residential/commercial use breakdown, 9) selection of a preferred alternative for growth centers excerpted from the Growth Plan, 10) Exhibit IV.3 of the Urban/Core Outlying Growth Centers map excerpted from the Growth Plan, 11) excerpt from the Redlands Parkway Corridor Policy, 12) Redlands Village Centers map, 13) photo of 'Big Box' retail centers, 14) land use controls, 15) photo of adjacent business uses, and 16) a breakdown of specific uses which would be permitted/disallowed on the site.

Mr. Del Duca said that other retail/service business were essential to the nursery's viability since the nursery could not, by itself, compete with 'Big Box' retail centers. He referenced a petition submitted to staff containing 150 signatures of Redlands residents who supported the project. He conjectured that the site had never undergone review during the Growth Plan process because it had been assumed the use would remain commercial. He expected only minimal impacts to occur as a result of the development and the bulk of site visits would be from "pass-by" traffic. Mr. Del Duca outlined the many benefits that would be recognized to both the site and area as a result of the project and addressed in greater detail how the project had addressed Growth Plan criteria. He also went into additional detail on the type of uses which would be permitted/disallowed on the site. Tying specific uses to the zone, he felt, should allay staff concerns about more intensive uses locating on the site. He reiterated that the Preliminary Plan was almost identical to the ODP; thus, plan continuity was demonstrated.

QUESTIONS

Commissioner Binder asked about the number of parking spaces provided. Were there sufficient spaces available for proposed businesses? Mr. Del Duca said that the approximately 125 spaces would be shared by on-site businesses. He didn't expect any conflicts since the peak hours of one business would not coincide with peak hours of all businesses. When asked whether a dry cleaners would be an allowed use, Mr. Del Duca responded affirmatively.

Commissioner Binder asked for clarification on internal circulation patterns, especially in the drive-through bank area, which was provided.

Chairman Elmer asked if the petitioner's traffic analysis had included impacts at the site's entrances. Mr. Del Duca replied affirmatively, adding that adequate stacking room was available. The internal circulation design would discourage motorists from using the parking lot as a "short-cut."

Chairman Elmer referenced the Redlands commercial nodes mentioned in the Growth Plan and asked how the petitioner thought that those references applied to the subject site. Mr. Del Duca said that the Urban Core/Outlying Centers Alternative in the Growth Plan depicted the subject site as a commercial node. He noted the close proximity of other commercial enterprises. Ms. Barrett added that as a former

member of the Growth Plan Steering Committee, she said that continued commercial had been assumed for the site.

Commissioner Driscoll referenced the eastern portion of lot 7 and asked how steep the slopes were on that portion of the property. Ms. Barrett was unsure of the slope's measurement but acknowledged that it was steep. Mr. Del Duca stated that if developed for residential use, the site would have to be carefully designed.

Commissioner Binder asked if a day care would be a permitted use on the site, to which Mr. Del Duca responded affirmatively.

Ms. Barrett reiterated that out of the approximately 700 letters sent to Redlands residents regarding the project, she had received approximately 150 individual letters of support and another 150 signatures received on circulated petitions. She received 7 letters of opposition. A map showing approximate locations of respondents was shown.

STAFF'S PRESENTATION

Kristen Ashbeck presented an overhead transparency of the Preliminary Plan. She said that the southwestern area of Lot 7 and Lot 6 had been designated by the petitioner as residential; however, the entire site would be zoned Planned Business if approved as submitted. She acknowledged the work and detail provided by the petitioner and representatives. While a Commercial designation had been considered during the Growth Plan review process, it had been dismissed. She discouraged consideration of the Growth Plan amendment for the site alone; rather, she recommended that the entire Redlands area be re-reviewed to determine additional commercial needs. Ms. Ashbeck said that not all of the available commercial areas on the Redlands were being used. Staff felt that the uses proposed were too intense for the site. With regard to the shared parking element, no figures had been presented to show what, if any, overlap there might be. She cautioned against allowing a "flat" amount of parking spaces without first knowing intended use(s). Individual uses should be reviewed separately to ensure sufficient parking.

Ms. Ashbeck noted that in the first phase of the development, the developed portion of the driveway would only exist up to the cul-de-sac. The rest of the driveway would only be improved with roadbase, initially. Completion of the private driveway through the site would be triggered only when a specific amount of building square footage was constructed. Highway 340 improvements would be completed with Phase 1; Redlands Parkway improvements would be completed with Phase 2.

QUESTIONS

Commissioner Driscoll wondered why the Growth Plan amendment was being heard again by the Planning Commission when the board had already approved it once. Mr. Shaver explained that City Council determined that the request should be reheard after the amendment process was in place. Mr. Harrington added that the amendment criteria were the same; City Council had just recommended that the petitioner start over. When asked by Commissioner Driscoll if the previous approval still counted, Mr. Harrington said that when City Council refused to hear it, the request was effectively "killed."

Commissioner Fenn stated that ODP approval had been given in conjunction with Growth Plan amendment approval. Mr. Harrington said that since the rezone request had been denied, the ODP had no zoning affixed to it. Mr. Shaver added that an ODP was advisory only; it was conceptual and did not carry with it the same legal weight as a Preliminary Plan.

A brief discussion ensued over the previously approved ODP and Growth Plan amendment and the status of each.

Commissioner Driscoll referenced the hillside criteria contained in the new Code and wondered how much of the subject property would be deemed “undevelopable” by those standards. Ms. Ashbeck was unsure. Mr. Harrington stated that it was hard to tell because building envelopes would be fairly large.

Commissioner Binder referenced the entrance area near the drive-through bank and wondered how vehicles would be able to turn around. Ms. Ashbeck briefly explained the circulation pattern for that area.

PUBLIC COMMENTS

FOR:

Kirk Ryder (872 Quail Run Drive, Grand Junction) said that the petitioner was obviously dedicated to making the project a good one. As a former member of the Growth Plan Steering Committee, he said that not much attention had been given to the amendment process. He felt that staff was being unresponsive to any of the point-by-point mitigatory attempts presented by the petitioner’s representatives.

Robert Herney (2065 Ferree Drive, Grand Junction) said that he would personally benefit from being able to use three of the proposed uses. He knew the petitioner’s representatives personally and said that they had the integrity and experience to make the project successful. He noted the uniqueness of the proposal and said that the site would add greatly to the aesthetics of the area. He said that the petitioner had gone to great lengths to mitigate concerns and he cautioned planning commissioners against losing such a wonderful opportunity.

Bill Killgore (301 E. Dakota Drive, Grand Junction) said that the site had remained unoccupied and unsold for years. He conjectured that the reason the property had not been developed before as residential was its unsuitability for such a use. He felt it unfair to single out the proposal as unsuitable when staff approved ‘Big Box’ retail uses, which generated thousands of ADTs. The local community, he said, should be able to buy from a local business.

Steve Cline (1047 Gunnison Avenue, Grand Junction) also knew the petitioner’s representatives and said they were knowledgeable and qualified to operate the nursery. He noted the length of time it was taking for the petitioner to go through the development process. He wondered what could go on the site and be successful if not the currently proposed uses? He agreed that the site didn’t make sense for residential development. With all the proposed landscaping, water features and other amenities, he said that the site would be very beautiful and make a wonderful addition to the community. He felt that the petitioner complied with legal requirements

Ed Carpenter (2117 Saguaro Road, Grand Junction) felt that staff was being allowed to do what it wanted without regard for the community’s residents. He supported the project and said that he would patronize the businesses proposed.

Don Campbell (2171 Avenal Lane, Grand Junction) said that as an avid gardener, he was very interested in seeing the project approved. He, too, had been involved in the Growth Plan process and said that the current proposal represented the best use of the site and wouldn’t impact the area at all. Residential development of the site was inappropriate. The information necessary to render a decision was available, and he urged approval of the request.

Terri Benson (434 Avenal Lane, Grand Junction) said that the project proposed would greatly enhance the site and be an amenity for the area. She knew the petitioner and his representatives and said that they had no intention of changing the plan. She felt that Redlands residents deserved shopping options other than those currently there. She had visited some of the other commercial areas referenced by staff and said that a number of negative limitations were inherent to each site. She commended the unique design,

traffic mitigation measures, and landscaping plan. She said that having retail/services there would save her a number of daily trips into town. She'd supported the previous nursery when it was there.

Jeannie Killgore (301 E. Dakota Drive, Grand Junction) said that she'd originally been opposed to the project but admitted that she'd not had all the facts. Now in support of the project, she said that the proposed uses would be supported by Redlands residents. She'd supported the Grobette Nursery when it was there, and she could see where the nursery would need added uses to help make it viable. Ms. Killgore was very impressed with the project's design and said that the amount of thought and planning was very evident.

Rick Benson (434 Avenal Lane, Grand Junction) felt that staff "bent over backwards for 'Big Box' businesses" but were biased when it came to supporting small, local business ventures. He felt the project would employ Redlands residents and be an asset to the community. The only negative comments, he noted, had come from staff and he felt those comments to be unjustified.

John Sloan (545 Pinnacle Court, Grand Junction) felt that the petitioner and his representatives had done an excellent job with the project's design. By eliminating a number of trips into town, he thought that traffic impacts could ultimately be lessened.

Rhea Gavry (452 Wildwood Drive, Grand Junction) said that she'd always thought of the subject parcel as commercial. Any other use, she said, would be less attractive and would not give Redlands residents the services they needed. The landscaping design would greatly enhance the property and create a unique ambiance for its patrons. The site's designers well understood the arid Grand Junction climate, so plantings would be durable as well as aesthetic.

Loren Olsen (567 Rio Linda Lane, Grand Junction) said that the traffic problems along South Broadway and Highway 340 were already there. He commended the project's design.

Ed Lenhart (826 – 21 ½ Road, Grand Junction) said that Reford Theobald of the City Council had acknowledged publicly that the Growth Plan was not perfect and contained a number of errors. This was a perfect example of one of those errors, he said. The amendment process had been put into place to correct just this type of situation. He felt that the Redlands would be best served by approving the proposed plan. The artistic site rendering, presented as one of the overhead transparencies, could be construed as an accurate representation since it had been drawn by architectural designer Marc Maurer.

Lori Burroughs (433 N. 25th Street, Grand Junction) said that she would also patronize the services proposed for the site.

Nancy Johnson (705 Canyon Creek Drive, Grand Junction) said that she, too, had originally been opposed to the project but didn't fully realize at that time what was being proposed. She felt that the original ODP had been misrepresented in both size and scope. She expected that there were probably others who had opposed the ODP without fully understanding the proposal. She agreed that the project would enhance the site as well as be an asset to the neighborhood.

Julienne Stratton (2330 Wren, Grand Junction) said that she would use the services proposed, and she urged approval.

Eileen Jensen-Kercheval (2002 Bison Court, Grand Junction) noted that it was more difficult and took more time for residents to submit handwritten letters of support, and the petitioner had received 150 of them. She emphasized her support for the project.

Norm Cooper (2108 Yosemite, Grand Junction) expressed support for the project.

David Hayfer (440 Meadows Way, Grand Junction) thought that the site had always been commercial. He concurred that the project would be an asset to the community and to the Redlands. He only hoped that signage wouldn't be obtrusive.

Doug Monroe (452 Wildwood Drive, Grand Junction) said that most local commercial development occurred in cookie-cutter strip malls. The uniqueness of the project's design and its aesthetic appeal would truly be a development the community could be proud of.

Patti Johnson (506 Tiara Drive, Grand Junction), speaking on behalf of her entire family, expressed support for the project.

Cary Horton (304 E. Dakota Drive, Grand Junction) felt that the project was appropriate for both the site and the area and urged its approval.

Kent Diemer (106 Mesa Vista Road, Grand Junction) said that common sense had to be applied in the current situation. It was obvious residential development on the site was inappropriate, and he commended the project's unique design approach.

Bob Johnson (506 Tiara Drive, Grand Junction), petitioner, said that he was overwhelmed by the volume of community support. He noted that while people often came to public hearings to complain about a proposal, it was much more difficult to get them to appear in support of one. He'd looked at other commercially-zoned areas on the Redlands but none were suitable for the types of businesses proposed. The Preliminary Plan, he said, was essentially the same as the ODP, and a great effort had been made to address staff's concerns. The entire site, he said, would be landscaped, and he pointed out a proposed bike path location. Never had the community been presented with a project like this one. Additional land had been purchased for the bank site just to facilitate safety and circulation. Mr. Johnson pointed out that the bank's 2,500 square feet was less than the square footage of many Redlands homes.

Michael Swanson (12605 N. Pine Lane, Snowmass) said that he would be the nursery's manager and he promised a beautiful site with many amenities. With a degree in forestry and years of experience in the nursery/landscaping area, he could ensure a quality project and experienced management. He noted that the site was currently an eyesore.

Jeff Cyriaks (2170 Meadows Court, Grand Junction) said that the subject area had always been thought of as a commercial corridor. Residential development for the site was not appropriate due to the high volume of traffic and its proximity of the Redlands Parkway intersection. He concurred that the businesses would provide the community with jobs.

Nadine Clark (2119 Saguaro Court, Grand Junction) said that people passing by the site would be refreshed by its aesthetics once completed.

A brief recess was called at 10:37 p.m. The hearing reconvened at 10:42 p.m.

AGAINST:

Miles McCormick (103 N. Easter Hill Drive, Grand Junction) supported staff's recommendation of denial. He felt that the plan contained a lot of "loose ends." He felt that the bike path would require relocation and issues pertaining to grading, parking, etc. still needed to be addressed.

Cliff Mastenbrook (2161 S. Canyon View, Grand Junction) said that he rode his bicycle in the area quite often. He thought that the currently proposed location for the bike path would conflict with the turning movements of traffic accessing the site off of South Broadway. He wondered what the anticipated ADTs were for the property. Ms. Ashbeck answered that 3,600 ADTs were expected. Mr. Mastenbrook said that safety issues should be addressed more thoroughly.

Lyle Lewis (190 Easter Hill Drive, Grand Junction) presented a visual exhibit showing the locations of respondents to the petitioner's survey/ mailing. He said that 90 percent of the people supporting the bank lived in areas outside of the Redlands. His representation indicated that the greatest amount of opposition could be found in the area closest to the subject parcel.

Chris Durham (223 Pine Terrace Court, Grand Junction) agreed that the quality of work done by the petitioner and his representatives was substantial. However, he felt that Growth Plan recommendations should be upheld. He couldn't see where amendment criteria had been addressed. If approved, he felt that the project would set an unwelcome precedent.

Nick Bullock acknowledged that traffic along Highway 340 was a big problem. He submitted copies of an independent traffic study performed in the area to planning commissioners and staff. The study had taken place on May 13, 1999 and had been conducted between 7 a.m. and 6 p.m. Two people were present during those hours for two-hour shifts. Vehicle numbers and types were counted along with the number of pedestrians. He briefly recounted his findings and alleged that the petitioner's traffic study was inaccurate. His study had been affirmed and notarized. He wondered what use zoning was if it wasn't recognized or if it could be changed arbitrarily. He felt that a residential designation was appropriate for the site. Residential uses could be expanded to include condos, a retirement home, etc.

Rick Kennegy (2288 South Broadway, Grand Junction) wondered why the Redlands needed another bank. There was already one located about a mile away from the subject parcel. Since the only guaranteed uses were the bank and nursery, he felt that any other uses should be better defined. He felt that there would be significant sight distance problems at the bank's entrance and urged staff to look closer at safety issues.

Darryl Reynolds (2254 N. Easter Hill Drive, Grand Junction) felt that the property was very suitable for residential uses. He did not feel that a bank was necessary at its proposed location.

Terry Brahmstead (2263 Broadway, Grand Junction) agreed that the petitioner had done an excellent job with the design and that the site would truly be beautiful when completed. But that didn't mean that the uses should locate there. He felt that the request represented "spot zoning" and wasn't an appropriate place for commercial uses. He agreed that it would set an unwelcome precedent. Mr. Brahmstead also didn't feel that amendment criteria had been satisfied, and he concurred with staff's recommendation.

PETITIONER'S REBUTTAL

Mr. Del Duca disagreed with staff's recommendation for a re-review of the Redlands area; he said that the area had already been studied. He noted that commercial development typically lagged behind residential development. Referencing the overhead transparency of Village Fair Shopping Center, he drew comparisons between that project and the current proposal. Results showed where the current proposal comprised less area, less intense uses, fewer drive-through lanes and fewer ADTs. The traffic study submitted to staff, he said, had been undertaken by a professional and signed off by CDOT. It had been revised several times throughout the planning process to ensure the greatest degree of accuracy. He reiterated that both the Redlands and the community as a whole would benefit from such a unique and innovative project. Any residential development of the property would surely result in complaints by residents of the noise, traffic, etc. Mr. Del Duca said that he had been very strict with the bank and had

given representatives a list of criteria to follow before it could be included in the plan. The bank had expressed complete agreement with that criteria. He reiterated that the plan had been tied to specific uses that could be allowed and expressly listed those that would not be allowed. The plan, he said, was a good one and deserved a chance to succeed.

DISCUSSION

Commissioner Coleman offered no objection and agreed that the plan presented was essentially the same one submitted and discussed during the ODP.

Chairman Elmer referenced the Growth Plan and said that no where did it support commercial uses for the subject parcel. He didn't feel that 46,000 square feet of commercial area qualified as a "neighborhood commercial center." He wondered what would happen to the site if the nursery failed.

Commissioner Coleman stated that most of that 46,000 square feet would be taken up by the nursery.

Commissioner Fenn expressed his support for the project. He felt both that the Growth Plan was in error and that the petitioner had, for the most part, met amendment criteria. He said that since the amendment had been approved once already, its re-approval at this point seemed redundant. He concurred that the bulk of building area square footage would be utilized by the nursery.

Commissioner Fenn also came to staff's defense and said that staff did not "bend over backwards" to facilitate 'Big Box' development proposals as suggested. While he didn't always agree with staff findings, many of the public's comments tonight were unfair. Planning staff worked very hard to ensure that the community's best interests were served. Commissioner Coleman agreed.

Commissioner Driscoll said that he'd originally supported the amendment and ODP request. Since nothing new had really been presented with the Preliminary Plan, he could see no reason to change his position.

Commissioner Binder said that she drove by the site daily and agreed that the property was unkempt and unattractive in its present state. She appreciated the mixed-use concept proposed by the petitioner and agreed that Redlands residents deserved additional shopping choices. She felt that the project would provide a neighborhood amenity that could ultimately cut down on the number of vehicle miles traveled. Most issues had been addressed, and she agreed that residential zoning for the site was inappropriate because of noise levels, traffic volume, site topography, etc. She expressed support for the project.

Commissioner Coleman expected that the site would be visited primarily by Redlands residents.

Chairman Elmer suggested changing the Growth Plan designation and zoning on Lots 6 and 7 to represent the same commercial intent as the rest of the site. Ms. Ashbeck recommended consideration of the site as a whole.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item RZP-1998-182, I move that we forward the proposed Growth Plan amendment of the Meadowlark Planned Development to City Council with the recommendation of approval for a commercial use."

Commissioner Binder seconded the motion. A vote was called and the motion passed by a vote of 4-1, with Chairman Elmer opposing.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item RZP-1998-182, I move that we forward the proposed rezone from RSF-4 to Planned Business (PB) for the Meadowlark Planned Development to City Council with the recommendation of approval.”

Commissioner Fenn seconded the motion. A vote was called and the motion passed by a vote of 4-1, with Chairman Elmer opposing.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item RZP-1998-182, I move that we approve the Preliminary Plan for Meadowlark Planned Development.”

Commissioner Fenn seconded the motion.

A brief discussion ensued over what comprised the actual plan. Chairman Elmer suggested that verbiage be included in the motion to base approval on the information presented, including slides, drawings, representations, presentation information (both submitted and newly presented), etc. Mr. Shaver suggested referencing the existing file documents, testimony and documentary evidence received. He said that if any inconsistencies were found in that information, an amended plan could be submitted or those issues would be dealt with at Final. He asked that the 8 staff recommendations also be referenced in the motion. Commissioner Coleman agreed to incorporate suggestions into his motion. A revised motion was offered as follows:

MOTION: (Commissioner Coleman) “Mr. Chairman, on item RZP-1998-182, I move that we approve the Preliminary Plan for Meadowlark Planned Development based on the information presented, including slides, drawings, representations, presentation information (both submitted and newly presented), the existing file documents, testimony, and documentary evidence received, and including the 8 staff recommendations (as amended).”

Commissioner Fenn seconded the amended motion. A vote was called and the motion passed by a vote of 4-1, with Chairman Elmer opposing.

With no further business, the hearing was adjourned at 12:40 p.m.