

**GRAND JUNCTION PLANNING COMMISSION
AUGUST 11, 1998
MINUTES**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. in the City/County auditorium by Chairman John Elmer.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Jeff Driscoll, Joe Grout, Paul Coleman and Mark Fenn.

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Kristen Ashbeck (Sr. Planner), Michael Drollinger (Development Services Supervisor), Bill Nebeker (Sr. Planner), and Dave Thornton (Sr. Planner).

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

Terri Troutner was present to record the minutes.

I. APPROVAL OF MINUTES

There were approximately 74 interested citizens present during the course of the hearing. Available for consideration were the minutes of the July 14, 1998 Planning Commission public hearing.

Commissioner Driscoll stated that prior to consideration of FPP-1998-108, Independence Ranch Filing #4, there had been a brief discussion concerning his participation in the item. Following this discussion, planning commissioners determined that there was no conflict of interest present, and Mr. Driscoll was asked to remain. A notation regarding this discussion had been omitted from the July 14, 1998 minutes.

MOTION: (Commissioner Coleman) “Mr. Chairman, I make a motion that we approve the minutes with the clarification from Mr. Driscoll from July 14.”

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

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Chairman Elmer announced that item MS-1998-126 had been pulled and would not be heard.

III. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO THE CITY COUNCIL

RZ-1998-082 REZONE—CITY MARKET #144

A request to rezone 8.26 acres from RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) and PB (Planned Business) to B-3 (Retail Business) zone district.

Petitioner: City Market, Inc.

Location: Southeast corner of 12th Street and Patterson Road

Representative: Mike Shunk

STAFF'S PRESENTATION

Bill Nebeker asked that the item be rescheduled to give the petitioner time to prepare and submit the site plan for consideration. The rezone request would be heard at the same time, probably later in September.

QUESTIONS

Commissioner Coleman suggested that due to a possible conflict of interest, he offered to withdraw from the vote for continuance. After a brief discussion, he was asked to remain; however, the vote would reflect his abstention.

PETITIONER’S PRESENTATION

Mike Shunk, representing the petitioner, voiced his agreement with staff’s recommendation. More time, he said, was needed to address issues such as traffic, which had arisen. He expected to be ready by September 15.

QUESTIONS

Commissioner Driscoll asked if the Planning Commission should establish an outside window on the item. John Shaver outlined the various legal ramifications regarding this option and said that there was no specific need to continue the item to a date certain; re-advertising would be required on whatever was decided. He suggested that the deadline be left to the petitioner to avoid notification problems.

MOTION: (Commissioner Driscoll) “Mr. Chairman, I move that we reschedule item RZ-1998-082 to a later date, to be determined.”

Commissioner Grout seconded the motion. A vote was called and the motion passed by a vote of 4-0, with Commissioner Coleman abstaining.

PP-1998-110 PRELIMINARY PLAN/REQUEST FOR PRIVATE STREETS—ROCKWOOD ON THE RIDGES (continued from the July 8, 1998 hearing)

A request to 1) approve the Preliminary Plan for Rockwood on the Ridges Subdivision consisting of 15 single family attached and detached units on 2.2 acres in a PR-4 (Planned Residential with a density not to exceed 4 units per acre) zone district and 2) Waiver of the Public Street Standards (recommendation to City Council).

**Petitioner: Mike Stubbs
Location: Rana Court and Rana Road
Representative: Thompson-Langford**

PETITIONER’S PRESENTATION

Mike Stubbs, representing the petitioner, said that the original plan had been redesigned to address the concerns outlined in a previous hearing by planning commissioners and the public. An overhead transparency of the Preliminary Plan was presented. Changes included elimination of the Jeremy Drive access to Rana Court; the new design depicted Jeremy Drive as a hammer-head turnaround. Both the Fire and Sanitation Departments had approved the new design. The cul-de-sac at the end of Rockwood Lane would be enlarged to a 24-foot radius. With the elimination of Jeremy Drive, the petitioner proposed using district open space to accommodate an 8-foot pedestrian path. This path would be incorporated into the existing trails network.

He noted that site engineering would reduce stormwater runoff to approximately 18 percent of historical rates. The locations of drainage swales and on-site detention were noted.

Mr. Stubbs said that due to the differences in definition between the City’s height limitation of 32 feet and the Ridges 25-foot limitation, he asked that any approval reflect the City’s 32-foot reference. The 32 feet, he assured planning commissioners, was equal to the Ridges 25 feet in definition.

QUESTIONS

Commissioner Driscoll asked Mr. Stubbs for clarification on the differences in definition on height limitation. Mr. Stubbs reiterated that per the City's definition, the two references were similar.

Commissioner Driscoll asked if the plan's lot configuration remained the same after redesign. Mr. Stubbs pointed out on the transparency where minor changes in lot configuration had taken place to accommodate the larger cul-de-sac.

STAFF'S PRESENTATION

Bill Nebeker noted that the first six conditions of approval were carried over from the initial plan review. Three additional conditions were added. He noted the locations of the proposed pedestrian paths, one of which was to be paid for by the City and one would be paid for by the developer. He said that the turnaround would need to be marked as a "fire lane" and signed for "no parking." Mr. Nebeker confirmed that the 32 feet height limitation mentioned by Mr. Stubbs was deemed comparable to the Ridges 25 feet and was acceptable to staff. In a standard multi-family zone, structures could be built to 36 feet. He noted the locations of the drainage swales and a dry well. Staff recommended waiver of the public street standard and approval of the Preliminary Plan subject to the following conditions:

1. The setback on the Final Plat must differentiate between the front yard setback to the property line and the setback between the street and the garage.
2. Lot coverage shall not exceed 45 percent.
3. A formal easement and agreement for the shared use of the Cobblestone Ridges detention pond shall be submitted with the Final Plan/Plat application.
4. The 8-foot concrete pedestrian/bicycle trail shall be constructed by the applicant and paid for by the City. The path includes the handicap ramp on Rana Road.
5. The Final Plat/Plan shall comply with all draft private street standards at the time of Final Plat/Plan approval.
6. An entrance feature such as cobblestone paving or, at a minimum, a sign, shall be incorporated into the design of the private streets at their intersection with public streets, to mark the beginning and end of the public maintenance.
7. An 8-foot concrete pedestrian/bicycle trail shall be constructed by the applicant between Rana Court and Rockwood Court. This path may be located within district open space as shown on the Preliminary Plan.
8. Change the name of Rockwood Lane to Rockwood Court.
9. The hammerhead turnaround shall be clearly marked as a fire lane and signed for no parking.

QUESTIONS

Commissioner Driscoll asked if the additional parking spaces from the initial plan had been retained, to which Mr. Nebeker replied affirmatively (location noted).

Commissioner Grout asked for clarification on marking the turnaround as a fire lane. Mr. Nebeker said that private street standards required signing the entire street and turnaround for no parking. This would be with the exception of the two stalls located within the cul-de-sac and the five spaces located to the north of lots 2 and 3.

Chairman Elmer asked staff for clarification that the drainage proposal as submitted represented an improvement over the site's current drainage situation. Kerrie Ashbeck concurred, adding that the only areas that will continue to drain onto Rana Court would be the rear lots of the six lots adjoining the existing development. Therefore, the proposed dry well would collect runoff from the duplex lot. Ms. Ashbeck said that curb and gutter would be constructed along the existing home (location noted) on Rana Road to direct drainage flowing down Rockwood Lane to the Cobblestone detention pond.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Lee Cornell (402 Rana Court, Grand Junction) expressed concern over the design of the Jeremy Drive turnaround. If there was no landscape barrier planned, people would use the turnaround/pedestrian path to access the Rana Court cul-de-sac anyway.

Mr. Nebeker clarified that homes were planned for construction in the area mentioned, and landscaping would follow. In addition, curb and gutter would be installed along Rockwood Court preventing vehicular access.

Allen Korbe (2365 ½ Rana Road, Grand Junction) (whose home is located near the proposed park area), said that he had been told by an investor to the petitioner's company that the area would develop as single family housing. He opposed the incorporation of duplexes into the design. He warned that if runoff from lots 1 and 2 created problems for him, he would seek legal remedy. The 32-foot height allowance, he said, would impact both views and his privacy, and he asked that shrubs be planted to help mitigate this problem. He said that traffic along Rana Road would dramatically increase, to be further exacerbated by expected future development in the area. He said that he'd spoken with Dr. Morgan Bridge on the traffic situation. Mr. Bridge had stated to him that within the 81503 area code, the average number of vehicles per household was three. Mr. Korbe asserted that, based on these figures, traffic calculations were misrepresented as being too low.

Jan Brooks (403 ½ Rana Court, Grand Junction) asked that more open space be maintained. An appraiser she'd spoken to told her that the subject site and much of the surrounding area was located within a floodplain. She noted the lack of a second access for the Ridges community and stressed the need for one. She expressed concern that the project would negatively impact her present quality of life.

Doug Barnett (2366 ½ Rana Road, Grand Junction) stated the same quality of life concerns as well as voicing his concerns for the safety of children. As the owner of a daycare near the proposed project, he noted that 15-20 children would be present near the site. Traffic was a big concern to area residents. Drainage was also a concern, and he stated that his yard had been flooded approximately 6 times in the last year. He concurred that more open space was needed in the area.

Bruce Hiteman (2367 Rana Road, Grand Junction) was opposed to the construction of duplexes. He also requested that the project conform to City street standards, contending that private streets destroyed a sense of community. He voiced the same concerns over increased traffic and safety hazards for children.

PETITIONER'S REBUTTAL

Mr. Stubbs was unaware of any statements made to Mr. Korbe regarding the not having multi-family units on the subject property. The lots, he said, were originally designated in the Ridges Master Plan as multi-family. Drainage was a typical concern of neighbors; as such, he said that problems would be addressed when/if they arose. He noted that it was the petitioner's intent to install a 6-foot privacy fence around the perimeter of the development. Mr. Stubbs noted that bedrooms for the duplex would face the front, away from Mr. Korbe's property; no windows would look out onto his property. He said that specific plans were available for review by Mr. Korbe if he desired to see them.

Mr. Stubbs noted that the proposed density for the project had been dramatically reduced from what would have been allowed. The corresponding number of trips per day had been reduced from 700 to 310.

Jim Langford, project engineer, elaborated in more detail on the flow of stormwater drainage, using the overhead transparency. He reiterated previous statements regarding the reduction of drainage onto adjacent properties and onto Rana Court.

Mr. Stubbs added that the project would actually improve the current drainage situation. He added that the Ridges already had 40 percent open space factored into its master plan.

QUESTIONS

Commissioner Driscoll wondered how the drainage would flow in relation to Mr. Korbe's property. Mr. Langford said that all of the historic drainage onto Mr. Korbe's property from the nearby hillside, drainage from the parking areas (noted), and the front yards of lots abutting the street (noted) would be diverted along the street so that it would drain down the curb/gutter system along Rockwood Lane to the Cobblestone project inlets.

Commissioner Coleman asked what the slope was, to which Mr. Langford replied that it was at a minimum one-half percent. He added that the roadway had been checked for flow capacity and had been deemed both acceptable and 100-year-event compliant.

Chairman Elmer asked if the dedicated open space area mentioned previously remained as such, to which Mr. Langford replied affirmatively.

DISCUSSION

Commissioner Coleman asked staff if the slope was satisfactory. Ms. Ashbeck said that the petitioner was required to use 100-year-event calculations and incorporate them into drainage design. With the Final Plan submittal, final drainage calculations and design would be submitted

More in-depth discussion ensued on the interpretation differences between the Ridges 25-foot height restriction and the City's 32-foot restriction. Mr. Nebeker reiterated that the two were compatible and consistent with other areas. Commissioner Coleman said that given the slope of area hillsides, structure height could vary by as much as 4-5 feet. Mr. Nebeker concurred. Mr. Shaver clarified that the two existing definitions were not measured from the same relative point, with reference to the structure. The 32-foot height limitation was based on the lot average.

Commissioner Driscoll noted that the project represented good infill and met the Ridges Master Plan guidelines. The density of this project was much less than what could have been allowed, and concerns had been addressed.

Commissioner Coleman observed that the petitioner had incorporated previous planning commissioner suggestions and public comment from the previous hearing.

Chairman Elmer briefly elaborated on the density calculations which were derived at the time the Ridges Master Plan was put in place. A lot of open space had been provided for the development; the current project did not impact planned open space areas.

Commissioner Driscoll said that because areas of the Ridges had remained undeveloped for so long a period, people became used to seeing the open space there.

Chairman Elmer recognized the improved drainage plan which would significantly reduce current impacts to adjoining properties.

Commissioner Coleman asked if the 32-foot height limitation should be included in the motion as a condition of approval. Mr. Nebeker said that this was at the Planning Commission's option.

Chairman Elmer wondered what specifics had been planned for the privacy fence mentioned previously. Mr. Nebeker said that specifics would be seen during the Final Plan stage.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item PP-1998-110, I move that we forward a recommendation of approval to City Council to waive the public street standards for Rockwood on the Ridges, and to approve the Preliminary Plan for Rockwood on the Ridges subject to staff recommendations 1 through 10, with the addition of 10, that the maximum height requirement will be 32 feet."

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

ODP-1998-124 REZONE/OUTLINE DEVELOPMENT PLAN-FOUNTAIN GREENS SUBDIVISION

A request to 1) rezone the undeveloped Fountainhead Subdivision (approximately 30 acres) from PR-12 to PR-9 (Planned Residential with a density of 9 units per acre) zone district, and 2) approve an Outline Development Plan (ODP) for 268 single- and multi-family units.

Petitioner: Fountain Greens, LLC

Location: North of the northwest corner of 25 and G Roads

Representative: LanDesign, c/o Brian Hart

PETITIONER'S PRESENTATION

Tony Bottagaro, representing the petitioner, began by saying that Fountain Greens, LLC was in no way affiliated with the Fountainhead Development Company. The current mixed-use plan, he said, not only complied with City requirements, but it would also be an attractive asset to the community. The ODP was noted on an overhead transparency. Mr. Bottagaro said that the plan would create an overall flow, and strong CC&Rs would be developed for the subdivision.

QUESTIONS

Chairman Elmer asked Mr. Bottagaro to explain the results of the neighborhood meeting. Mr. Bottagaro said that of the 54 invitations sent, only 2 people showed up. The only negative comments seemed to be that of traffic control along Fountainhead Blvd. and the current weed problem. He noted that the weeds would be cut down the following week. Relief was expressed by those present that the previously proposed density would not be perpetuated.

Commissioner Coleman asked if the subject area had been annexed into the City before or after the initial plan had been approved. Mr. Shaver said because the current ODP proposal was new and subject to review on its own merits, details of the previous plan were irrelevant.

Bill Nebeker noted that a copy of the previous plat had been included in planning commissioner packets.

STAFF'S PRESENTATION

Bill Nebeker said that a master plan, CC&Rs, drainage plan, traffic study, etc. would be submitted in later development stages. Staff suggested that a rezone recommendation be deferred until a Preliminary Plan was submitted. Planning Commission's decision on the current proposal would be for the ODP only, to include the direction that the petitioner meet the minimum density within the Growth Plan (8 dwelling units per acre averaged over the entire site). Mr. Nebeker noted that the internal areas of single family dwellings would serve as a buffer to surrounding single family uses. He cautioned against development of the single family units first, only to have owners of those properties object to the inclusion of multi-family development. Staff recommended approval of the proposal subject to the following condition:

1. Build-out of the Fountain Greens ODP shall not be less than 8 dwellings per acre.

QUESTIONS

Since ODP's were relatively unique to the City, Commissioner Driscoll asked staff to provide further clarification on both the specifics and the intent of an ODP. Mr. Nebeker said that in an ODP, the overall concept and density is given consideration.

Chairman Elmer wondered if traffic-calming devices would be installed along Fountainhead Blvd. Kerrie Ashbeck said that Fountainhead Blvd. had been designed as a collector street. Traffic-calming elements could be reviewed.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Sherry Price (702 E. Harbor Circle, Grand Junction) wondered why Fountainhead Blvd. was being extended to serve the proposed subdivision when the original plan was not being developed. She said that children often played in the street where Fountainhead Blvd. currently dead-ended at the subject property. Extending the street, she felt, would have a significant impact on current residents. She also wondered if the new subdivision would be subject to existing CC&Rs or would new CC&Rs be drafted? Ms. Price said that she had not received an invitation to the neighborhood meeting held by the petitioner.

Carol Cortney (727 – 25 Road, Grand Junction) also said that she did not receive notice of the neighborhood meeting. She expressed concern over the soil conditions and groundwater in the area. Much of the area had a very high water table, which could result in excavation and foundation problems. She noted that a court document gave her right-of-way from her property into Fountain Greens. The right-of-way wasn't currently constructed, and she wondered how this would be handled by the developer. She offered to submit a copy of the document to staff and/or the developer if requested.

Harry Renter (no address given) said that the area was currently both quiet and secluded. He wondered why the extension of Fountainhead Boulevard is needed at all when there is already an access into the proposed subdivision via 25 Road.

Chairman Elmer asked staff if the Fountainhead Blvd. extension had been platted with the original plan, to which Mr. Nebeker responded affirmatively.

Mary Hollingswood (729 – 25 Road, Grand Junction) expressed concern over the potential height of buildings, high groundwater, safety of children and traffic impacts. She felt that even a density of PR-9 was too dense and she expressed opposition to multi-family units.

Calvin Pierson (723 ½ - 24 ¾ Road, Grand Junction) said that he did not receive notice of the neighborhood meeting either. He also expressed concern over the proposed density, adding that it was inconsistent with surrounding uses. He felt that the project would negatively impact the quality of life for current residents.

Virgil Kilgore (no address given) expressed concerns over density, construction traffic, high groundwater and dust generation. He asked that a 6-foot privacy fence separate the current and proposed developments. A fence, he felt, would keep children from the new development away from the pond present in the existing development. Mr. Kilgore did not feel that there was a community need for the type of housing being proposed. He advised building up (filling) the parcel prior to construction.

PETITIONER'S REBUTTAL

Mr. Bottagaro said that he'd worked with Coldwell-Banker on the notification list. The list had been based on the City's notification area. He apologized to those who had not received an invitation. He concurred that the extension of Fountainhead Blvd. had already been platted; it had merely been "inherited" and incorporated into the current ODP. He noted that any developer could pull a permit and construct 141 townhomes today based on previous plan approval. The current plan would incorporate its own single family buffering for multi-family units. Mr. Bottagaro was unsure what the court document referenced by Ms. Cortney contained, but he said that he would address any issues brought forth by the document. Soils testing would be performed. Mr. Bottagaro noted that the proposed development would also contain a pond; therefore, fencing off the two developments would not lessen hazards of either pond. He gave assurances that the project would be a good one and would be an asset to the area.

Brian Hart of LanDesign, also representing the petitioner, briefly elaborated that the City's notification area of 200 feet had actually been expanded to 250 feet. He said that there would be both a Homeowners Association and an Architectural Control Committee. Soils concerns would be addressed during the Preliminary Plan stage, and traffic-calming elements could be reviewed at that time as well.

DISCUSSION

Commissioner Fenn noted that the current proposal met the density requirements of the Growth Plan. Other elements such as drainage would have to wait for the Preliminary Plan stage before they could be considered. He could see no reason not to approve the ODP as presented.

Commissioner Coleman wondered if there was any chance a cul-de-sac could be placed at the southern end of Fountainhead Blvd. to effectively divide the two developments. Access to the proposed development would still be available via both 25 and 24 ¾ Roads. Ms. Ashbeck said that the City encouraged inter-neighborhood connections as a means of diverting traffic, reducing impacts to surrounding streets, and providing neighborhoods with access alternatives. She indicated that while staff

would not likely support complete separation of the two neighborhoods, a realignment or alternate configuration for a collector street through the two subdivisions could be considered.

Commissioner Driscoll said that the Growth Plan process determined the areas best suited for growth, of which this area was one. He concurred that the current proposal met Growth Plan guidelines.

Chairman Elmer remarked that the proposal also fit the current zoning and he supported the use of single family units to buffer the multi-family units. He urged further review of traffic-calming devices.

Commissioner Grout agreed but added that the type of phasing proposed would be closely scrutinized. He concurred with staff’s assessment that if single family development went in first, there would likely be significant opposition to multi-family development.

Commissioner Coleman suggested that the 25 Road access be constructed first and be used for the bulk of construction traffic.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item ODP-1998-124, I move that we approve the Fountain Greens Outline Development Plan subject to staff’s recommendations.”

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

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

PP-1998-111 PRELIMINARY PLAN—CEDAR BLUFFS SUBDIVISION

A request to approve the Preliminary Plan for Cedar Bluffs Subdivision consisting of 13 single family lots on 6.3 acres in an RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) zone district.

**Petitioner: Bookcliff Builders
Location: 315 and 316 Cedar Street
Representative: Mike Joyce**

PETITIONER’S PRESENTATION

Mike Joyce, representing the petitioner, said that the current proposal represented infill development. The limited size of the parcel did not offer a lot in the way of design flexibility. He noted the second access off of Santa Clara Avenue and said that no western connection was possible. At 2.82 overall units/acre, the project’s density fell below guidelines of both the Growth Plan (4-7.9 units/acre) and the Orchard Mesa Neighborhood Plan (8 units/acre); however, Mr. Joyce said that only 4.5 of the 6.3 acres was develop-able. The project would include continuation of a water line along Cedar Street. Public Service review agency comments indicated that there would be no problem providing electricity to the entire site. No agricultural lands would be depleted, and only stick-built homes would be permitted. A 15-foot walkway was being proposed from the end of the cul-de-sac, to connect to a proposed 15-foot pedestrian trail located along the bluff of Orchard Mesa accessing West Middle School and the future Eagle Rim Park to the east, eventually connecting to Columbus Elementary School to the west.

Mr. Joyce said that, currently, 15 homes accessed Cedar street, for a total of 150 trips/day. The current proposal would only increase the amount of trips per day to 300, well below the 1,000 trips/day allowed for an urban residential street. Drainage would discharge directly into the Colorado River. He acknowledged that Mr. Miller, located south of lot 1, had presented staff with a deed entitling him to a 50-foot access easement from Cedar Street through to the river. While the easement had not shown up in

a title search, it coincidentally fell right in line with the proposed street extension and cul-de-sac and had been noted on the Preliminary Plan. Current irrigation flows and lines would not be impeded in any way.

QUESTIONS

Commissioner Driscoll asked what the densities were for the adjacent subdivisions. Mr. Joyce said that adjacent subdivisions were also zoned RSF-8 but were developed to densities of between 3 and 4 units/acre. Larger parcels existed to the west that were both subdivided and unsubdivided.

Commissioner Fenn wondered how Mr. Miller's easement would be addressed. Mr. Joyce said that the easement was being developed with the right-of-way located over it. It also fell within the multi-purpose easements located on each side of the right-of-way. The easement would continue on to the north as was Mr. Miller's right; no fencing could occur within the easement. A hard surfaced trail would be provided to the irrigation ditch and trail system.

STAFF'S PRESENTATION

Dave Thornton said that the Parks Department recognized this as an excellent opportunity to provide pedestrian/bicycle access at the end of the street to the open space area and eventually to the proposed City park located northeast of the parcel. The pedestrian path located along the bluff must be a minimum 10 feet in width; the minimum width of the path linking the cul-de-sac with the bluff shall be 8 feet. Both shall be made of concrete. Staff requested that both paths be constructed during the Final Plan/Plat stage.

Staff recommended approval subject to the following conditions:

1. The developer shall construct both pedestrian paths at Final Plat. The paths shall be constructed of concrete and meet all City width and construction standards. The minimum width of the path along the bluff shall be 10 feet. The minimum width of the path linking the cul-de-sac with the bluff shall be 8 feet.
2. A 15-foot pedestrian easement for public use shall be dedicated for both 15-foot public pedestrian paths, which includes the pedestrian path along the bluff and the pedestrian path linking the cul-de-sac with the pedestrian path along the bluff.

QUESTIONS

Commissioner Driscoll asked about adjacent development densities. Mr. Thornton said that typical lot sizes along Cedar Street ranged from 8,100 to 16,000 square feet, with most lots approximately 12,000 to 14,000 square feet. The proposed lots 7 and 13 would be three-quarters of an acre in size; the smallest proposed lot (lot 11) would be approximately 6,000 square feet.

Commissioner Driscoll commented that it appeared that the area generally had not built out according to the RSF-8 zone. Mr. Thornton agreed, adding that most area lots are described using metes and bounds descriptions.

Chairman Elmer asked if Mr. Miller's easement would be considered "secondary" to the overlapping right-of-way. Mr. Shaver acknowledged that he had not seen the actual recorded easement; however, from a legal perspective, as long as access was provided, it should not matter whether said access was provided via an easement or right-of-way. Legal staff would review the document to ensure that nothing was contained therein to prevent the public from using the same access.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Karen Craig (327 Pine Street, Grand Junction) said that the 1.7 acre bluff line referenced by staff was more appropriately named a cliff. She said that if two of the lots were over three-quarters of an acre in size, the remaining parcel (approximately three acres) would contain all 11 of the dwellings. This was too dense. She wondered if access to Eagle Rim Park was expected via the ditchbank. She asked for further clarification on the irrigation water delivery system.

Harold Like (307 Cedar Street, Grand Junction) expressed concern that irrigation water delivery would be impacted. Additional traffic would also adversely impact the neighborhood, especially since the street was so narrow. He concurred that the project was too dense.

Leslie Miller (314 Cedar Street, Grand Junction) said that there were problems with utility provision in the area. He felt sure that a transformer would be necessary in order to provide electricity to the site. He noted the existence of a daycare and group home in the area. Additional traffic would create safety hazards for those businesses. Mr. Miller worried about impacts to neighborhood property values. With regard to the easement, he said that it should be retained all the way to the river as was his right. He did not need to justify its existence by use. He felt that there should be a second access into the subdivision. He was also concerned that delivery of irrigation water to his property would be impacted since, unlike other residents, he received his water via a private ditch. The proposed pressurized system, he felt, would eliminate his private water system and prevent all residents from getting water whenever they wanted to. He contended that the petitioner had already "messed up" portions of the existing irrigation ditch, and he asserted that the petitioner was taking irrigation water illegally. Mr. Miller wondered who would be responsible for maintenance of the new irrigation system. He also maintained that the area did not need the type of housing being proposed for the subdivision. He also said that the project failed to meet Goals 3 and 7 of the Orchard Mesa Plan.

James Jarnigan (314 Pinyon Avenue, Grand Junction) felt that the subdivision was inappropriate for the area and would adversely impact existing residents. He felt that the project would impact the existing quality of life, create traffic impacts, affect irrigation water delivery, and impact nearby agricultural operations. He agreed with previous comments that the project was too dense. Mr. Jarnigan elaborated that piping the existing ditch would result in a build-up of silt; other piped lines had already been dug up. Mr. Jarnigan threatened that, if the project were approved, he would not donate the portion of his land to trails development that the City was requesting. Mr. Allen, he said, would follow suit. He told planning commissioners that the easement currently being used by the ditch company belonged to him.

Richard Robbins (315 Cedar Street, Grand Junction) said that he was the real owner of the western half of the parcel being discussed. He said that although he had signed the application as he was directed by staff to do so, the petitioner did not own this portion of the land nor had the petitioner offered him any money for it. He said that he was willing to sell the parcel to the petitioner for \$45K, contingent upon there being a 6-foot privacy fence erected along the south side of the proposed Santa Clara extension (the north side of lot 13). He noted that the petitioner was currently going through bankruptcy proceedings and probably wouldn't be able to develop the property. He noted also that Cedar Street was currently a one-lane street.

Chairman Elmer questioned staff on Mr. Robbins' representation in the current project. Scott Harrington said that Mr. Robbins had come in and signed the application form.

Commissioner Grout asked Mr. Robbins why he had signed the form. Mr. Robbins said that Mr. Thornton had asked him to. When asked if he understood the consequences of his signing the application form, Mr. Robbins said that he had not.

Mr. Thornton said that Mr. Robbin's signature was needed, and he'd had a meeting with Mr. Robbins to discuss whether he was agreeable to the review of his property as a potential subdivision. During that meeting, Mr. Robbins had expressed a concern that he did not want to incur financial liability for development costs. He'd also mentioned at that time that he and Mr. Cook had a verbal agreement regarding the sale of the Robbins property for the \$45K mentioned previously. Before the sale could occur, the Planning Commission had to consider the proposal favorably. Mr. Thornton said that Mr. Robbins' signature merely acknowledged that he was the owner of 315 Cedar Street and he realized that his property had been made a part of the application. Mr. Robbins was then encouraged to attend the hearing.

Commissioner Driscoll asked Mr. Robbins if he was still willing to sell his property for the proposed development. Mr. Robbins said that he would be amenable, provided that he receive his asking price of \$45K and contingent upon construction of the privacy fence. Mr. Robbins corrected that the petitioner had never actually agreed to give him the \$45K being asked for the property.

When asked by Mr. Shaver if he wanted to move forward on the project and continue to be an applicant, Mr. Robbins replied affirmatively. Mr. Shaver rephrased and repeated the question to make sure Mr. Robbins understood the question being posed to him. Mr. Robbins again replied that he was willing to continue as a co-applicant.

Wyatt Miller (2752 Cheyenne Drive, Grand Junction) noted the location of his parents' property beyond the proposed cul-de-sac. He said that if the easement was not continued on past the cul-de-sac to the river, access to his parents' property would be lost. He urged further review of the irrigation water delivery system and stressed the importance of preserving water delivery.

Floyd Allen (311 Pinyon Street, Grand Junction) said that on some days, there was no water in the irrigation ditch to pull; water delivery was already unreliable. He also expressed concern over traffic impacts along Cedar Street.

PETITIONER'S REBUTTAL

Mr. Joyce said that due to the serious implications of many of the issues brought forth by the public—property ownership, easement, irrigation water delivery—he requested that the item be continued. He had been unaware that these problems existed and a continuance would give him the time needed to meet with the petitioner and receive clarification.

DISCUSSION

Commissioner Driscoll asked Mr. Shaver to clarify the density issue to the audience. Mr. Shaver said that the RSF-8 zoning was already in place and the project's density complied with density criteria. At issue with this application is the overall preliminary development plan; he briefly elaborated on what is reviewed in a Preliminary Plan submittal. He noted for the audience that the Zoning and Development Code does not address irrigation water and related delivery.

Mr. Shaver reminded the Commission that if the item is continued and new information is presented, the hearing would have to be reopened. If it remained closed, a decision would have to be rendered on the current proposal as submitted. Mr. Shaver said that it was conceivable that the petitioner could come forth with an entirely new plan based on the concerns expressed previously. A continuance, with the understanding that the hearing will be reopened, would allow the petitioner to come back under the current application, even though the plan may be changed.

Mr. Fenn did not feel there would be justification in forcing the petitioner to resubmit the application and bear additional costs and delays unless the plan was significantly altered. Chairman Elmer concurred.

Mr. Joyce interjected that he expected to receive clarification on existing irrigation rights. He did not anticipate that the plan’s design would change since the requirements of the RSF-8 zone had been met or exceeded. He also wanted to clarify where the trail system should go, since that seemed to be a primary concern.

Chairman Elmer asked Mr. Joyce what he thought would be an appropriate extension date. Mr. Joyce asked that the item be reheard during September’s public hearing.

MOTION: (Commissioner Driscoll) “Mr. Chairman, I move that we continue this to our next meeting on the second Tuesday in September, whatever that date that is.”

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

A brief recess was called at 9:55 p.m. The hearing reconvened at 10:10 p.m.

Due to the lateness of the hour and the length of the agenda, Chairman Elmer said that some of the items would have to be continued to a second public hearing next Tuesday, August 18. After a brief discussion, it was determined that only items FPP-1998-131 and GPA-1998-130 would be heard. Items continued were RZF-1998-127, RZ-1998-125, VE-1998-094 and VE-1998-123.

MOTION: (Commissioner Driscoll) “Mr. Chairman, I move that we continue the Del Mar Subdivision Filing #4, the Rite Aid Rezone/Vacation, the Sherwood Plaza Vacation of Easement, and the Alpine Bank Vacation of Easement to next Tuesday.”

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

FPP-1998-131 FINAL PLAT/PLAN—THE HACIENDA SUBDIVISION

A request to approve the Final Plat/Plan for the Hacienda Subdivision consisting of 368 townhome units on approximately 29 acres in a PR-17 (Planned Residential with a density not to exceed 17 units per acre) zone district.

Petitioner: Cunningham Investments
Location: Southeast corner of F ¼ and 24 ½ Roads
Representative: Mac Cunningham

PETITIONER’S PRESENTATION

Mac Cunningham, representing the petitioner, began by saying that the concerns expressed previously by staff and planning commissioners had been addressed. He did, however, ask for flexibility in the type of fencing materials to be used. The solid cedar fence requested by staff would tend to become unsightly and require more maintenance than other materials. He asked for the flexibility to use synthetic fencing materials instead. He mentioned that there would be some adjustment to the landscaping plan, with some areas requiring additional study. Mr. Cunningham said that phasing had been extended to six years instead of the original four years.

STAFF’S PRESENTATION

Michael Drollinger said that staff was willing to consider other fencing material options; the petitioner had expressed a preference for vinyl. He reiterated the phasing plan mentioned previously by Mr.

Cunningham and remarked that development of one phase per year seemed reasonable given the scope of the project. Mr. Drollinger said that the developer had already provided staff with a draft copy of the stand-alone plan sets required in condition 7. It was recognized that minor changes would probably occur, but changes would be addressed as they arose. Staff recommended approval subject to the following conditions:

1. A fence shall be provided to supplement the landscaping and provide additional buffering between the residential and commercial area (minimum height, 6 feet).
2. A six-foot cedar fence shall be provided between the garages and around the RV storage area as required per condition 4 of the Preliminary Plan approval (the five-foot fence proposed by the applicant is inadequate).
3. Final Plan approval for Phases 1-6 shall be valid no longer than the dates identified in the phasing schedule in this staff report.
4. Certificates of Occupancy (C.O.'s) for all residential buildings shall be subject to approval by the Community Development Department to ensure completion of all private improvements associated with each phase.
5. The applicant shall be required to provide certification for each phase from a Professional Engineer (P.E.) licensed in Colorado for all utility and drainage improvements associated with the development.
6. The lighting plan shall be revised to clearly indicate compliance with the requirements of Section 5-5-1F(2)i, minimum lighting intensity.
7. Stand-alone Final Plan sets, rather than a single plan set for all filings, shall be provided by the applicant for each phase, which includes all associated improvements.
8. The applicant shall address any final comments from the City Development Engineer. A list of remaining items will be provided to the applicant prior to the hearing.

QUESTIONS

Commissioner Grout asked what would happen if a given phase wasn't completed in accordance with the phasing schedule and no extension was requested. Would future phases be jeopardized? Mr. Drollinger answered affirmatively.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Driscoll noted that the Final Plan seemed to conform to Preliminary Plan requirements; however, further discussion should ensue on the type of fencing materials allowed.

Mr. Cunningham interjected that his materials preference would be for solid vinyl.

Chairman Elmer said that while cedar, masonry, and/or synthetic materials would be acceptable, chain link with slats would not be. Fencing height would be limited to no more than 6 feet.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item RZP-1998-087, a request for Final Plan approval for the Hacienda, I move that we approve the request subject to the conditions in the staff report dated August 6, 1998.”

Commissioner Fenn seconded the motion.

Chairman Elmer asked if the phasing schedule changes needed to be incorporated into the motion, to which Mr. Drollinger replied affirmatively.

Commissioner Driscoll amended his motion to include the August 11 revised development schedule.

Mr. Harrington also noted that condition 2 regarding the fence and fence materials needed to be amended if the Planning Commission wanted to allow flexibility in that area.

Commissioner Driscoll further amended his motion to include the applicant’s suggestion of solid synthetic fencing materials.

The revised motion is as follows:

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item RZP-1998-087, a request for Final Plan approval for the Hacienda, I move that we approve the request subject to the conditions in the staff report dated August 6, 1998, which includes the August 11 revised development schedule and includes the applicant’s suggestion of solid synthetic fencing materials (as amended).”

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

GPA-1998-130 GROWTH PLAN AMENDMENT/REZONE/OUTLINE DEVELOPMENT PLAN —MEADOWLARK GARDENS

A request to 1) amend the Growth Plan designation for this parcel, 2) rezone approximately 7.55 acres from RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) to PB (Planned Business), and 3) approve an Outline Development Plan (ODP) for Meadowlark Gardens.

**Petitioner: Bank of Grand Junction
Location: Southeast corner of Hwy 340 and Redlands Parkway
Representative: Ed Del Duca**

PETITIONER’S PRESENTATION

Ann Barrett, representing the petitioner, noted the ODP using an overhead transparency. The site as designed would contain five new buildings, all retaining the area’s residential character. Ms. Barrett presented slides of what she envisioned for the full-service nursery and cafe. She reiterated that the site had been both a business use and a nursery for the past 25 years, and she provided a brief history. Since nurseries often have to compete with large retail chain stores, the other on-site businesses would help support the nursery, making it both viable and competitive. Of the 123 written responses received from the public, only 9, she said, were unfavorable. Approximately 230 people had signed a circulated petition supporting the request.

Ms. Barrett said that she had been on the Growth Plan steering committee. The proposed plan would preserve the rural character of both the site and the area and preserve the nursery, which had been there for so many years prior and had become a landmark in the Redlands. Exhibit IV.3, she noted from the Growth Plan, designated the site as appropriate for a neighborhood commercial center. For comparison,

she presented slides depicting other home-based, larger-scale businesses which were also located in the immediate area.

Ed Del Duca, representing the petitioner, said that only 7 people showed up at the neighborhood meeting that had been held. He and the petitioner had always made themselves available. He said that the original idea had been to master plan the entire site, to include a portion of land across Hwy 340; however, that approval had met with resistance from planning staff. Mr. Del Duca said that as zoned now, if the current plan were to be denied, a developer could come in and construct up to 32 homes on the site, with another 10 percent of the site used for business. This latter scenario, he said, would likely be met with little enthusiasm from area residents.

Mr. Del Duca presented a slide of the initial site plan sans the area across Hwy 340. He offered to limit allowed uses and prohibit undesirable uses such as bars, fast food, fuel sales, auto-related business, etc.

The site's landscaping plan, lighting plan and building design were discussed. Signage and aesthetics were also addressed in the plan. He felt that the current proposal met the intent of the Growth Plan, and he agreed with Ms. Barrett that it would also preserve the nursery business which had been located on the site for so many years. Traffic would always be a problem at the subject corner, he said, with or without the current proposal. Utilities are available to the site and hookup to the City's sewer system would occur.

STAFF'S PRESENTATION

Kristen Ashbeck offered to address the Growth Plan amendment issue separate of the ODP; however, planning commissioners asked that the entire request, with all of its elements, be addressed concurrently. Ms. Ashbeck stated that the current plan provided more information than an ODP and less information than a Preliminary Plan. Staff felt that the types of uses proposed for the PB zone were too broad. The current proposal contained only one scenario of what could ultimately be brought forth in a Preliminary Plan for review. Staff regarded the current proposal as spot zoning. The traffic study conducted addressed only those impacts of the uses proposed on the site specific plan. Traffic impacts from the worst-case scenario had not really been addressed and could result in a different, more intense combination of uses.

Staff felt that the petitioner failed to demonstrate the site's appropriateness for additional commercial development and thus failed to meet rezone criteria. It was also felt that the site could not be considered on a stand-alone basis for an amendment to the Growth Plan. A more comprehensive study of the commercial land needs in the Redlands must be completed before it could be determined whether the subject site was appropriate for additional commercial uses. The proposal also failed to comply with ODP criteria since the submitted plan was more specific than an ODP but less specific than a Preliminary Plan. For these reasons, staff recommended denial of the ODP, rezone and Growth Plan amendment.

QUESTIONS

Commissioner Driscoll asked if the bank drive-thru proposal, heard earlier in January, had been for just a portion of the subject property. Ms. Ashbeck said that that rezone had applied strictly to the bank-owned property. The entire parcel, she said, was zoned RSF-4.

Chairman Elmer asked if a traffic study had been submitted. Kerrie Ashbeck indicated that one had been submitted with the initial submittal and an update letter was later submitted. She confirmed that the study was specific to just the uses proposed with the current request and layout.

Chairman Elmer asked whether CDOT's or the City's standards would apply to street improvements. Kerrie Ashbeck responded that for Hwy 340, CDOT's standards would apply; for the Redlands Parkway, the City's would.

Chairman Elmer asked if current driveway proximities to the Redlands Parkway intersection met CDOT's standard. Kerrie Ashbeck replied that at the current development level, nothing specific had been received from the state to answer the question; it was unclear what physical improvements would be required by CDOT for the current proposal.

Commissioner Fenn asked for clarification on staff's statement that the ODP was too detailed, which was given. Mr. Harrington added a brief elaboration on the general intent of an ODP. He reminded planning commissioners that the proposed layout brought forth at the ODP stage may not necessarily be the one submitted during the Preliminary Plan stage. Commissioner Fenn observed that the petitioners seemed willing to bind themselves to specific uses on the property for purposes of the rezone. Mr. Harrington said that approval of the ODP would, in fact, bind the petitioner to the list of uses submitted only. It would not, however, bind the petitioners to the exact site plan submitted and being considered this evening.

Commissioner Fenn wondered why phasing was included with the current ODP when phasing for the Fountain Greens ODP had not been considered. Mr. Harrington clarified that in both cases, Preliminary Plans would be required for the entire project, to be submitted within one year of an ODP approval. The Preliminary Plan would then outline any planned filings.

Commissioner Grout indicated that there could be a possible conflict of interest in his continued participation of the item should certain public testimony be given. Mr. Shaver clarified that the conflict would exist only with regard to the individual giving the testimony, not the application.

PUBLIC COMMENTS

FOR:

Steve Cline (1047 Gunnison Avenue, Grand Junction) said that the petitioner and representatives had worked hard on the project's design, and he expected that they would continue to work hard to ensure a successful and aesthetic project. He expected the site to take on a park-like appearance, with buildings taking on a unified architectural style. The proposed plan would be far preferable to the housing option mentioned earlier by Mr. Del Duca. This was a rare opportunity, he said, to preserve the site; one which shouldn't be overlooked.

Dan Roberts (405A Sandcliff Court, Grand Junction) felt that the site lends itself to low impact commercial uses. The proposed uses, he agreed, were preferable to the homes referenced previously.

Lisa Mauser (no address given), felt that the site represented the most logical place on the Redlands for commercial development. She appreciated the petitioner's willingness to preserve the site and keep it green with vegetation.

Bob Johnson, president of the Bank of Grand Junction (no address given), said that the bank did not intend to make a profit on the site, adding that the bank's building would also retain a residential appearance. He concurred that the site was appropriate for low-end commercial uses, and said that the current proposal would enhance rather than be a detriment to the area. The current layout would be brought forth during the Preliminary Plan stage as well; no changes were expected. Mr. Johnson said that over 700 flyers were sent out to Redlands residents soliciting input. Almost all of the responses received were positive, and he felt that those who had expressed opposition did so because they had not

had the opportunity to see the plan for themselves. He reiterated that the site had always been a business; therefore, a request for the continuation of business uses should not be regarded as unreasonable.

Rhea Gavry (452 Wildwood Drive, Grand Junction) expressed surprise that the Growth Plan did not support the current proposed commercial uses and that planners had recommended denial. She felt that the plan had been beautifully designed and agreed that the project would enhance the site. With the combined knowledge and talents of both Ms. Barrett and Mr. Del Duca, the project could be nothing short of both successful and beautiful. The nursery, she said, would create a welcoming ambiance for all of its visitors. Alternative uses such as housing would definitely be undesirable.

Tom Folkstad (2456 Broadway, Grand Junction) reiterated that the subject corner had always been a business. He felt that the current proposal represented the best use of the site. As a former homebuilder, he agreed that constructing 30+ homes on the site would destroy its character and charm.

Don Teets (509 Tiara Rado Drive, Grand Junction) spoke in support of the Bank of Grand Junction. He also viewed comments to be made by the opposition regarding pedestrian safety as unfounded.

Dan Tannery (515 Kansas, Grand Junction) felt that the Redlands area was unique and that the current plan, if enforced, would preserve and enhance the site. He expressed support for both the overall site design and for the Bank of Grand Junction.

George Clark (2119 Saguaro, Grand Junction) said that no other site design or commercial opportunity would provide as big an asset to the Redlands as the one being proposed.

Loren Olsen (2993 Walnut Avenue, Grand Junction), Norm Cooper (2108 Yosemite, Grand Junction) and Jim Cook (2147 Olympic, Grand Junction) offered their general support for the plan and the petitioners.

Jeff Serax (2170 Meadows Court, Grand Junction), a Bank of Grand Junction employee, felt that traffic would be generated by any use on the corner. He spoke in support of the project.

Bob Marquist (676 Canyon Creek Drive, Grand Junction), owner of a veterinary practice at 2245 Broadway, said that when he'd constructed his building in 1983, several problems had arisen that were unforeseen which included traffic. He said that the current proposal had the potential of diverting some of the traffic pressure away from both his business and the nearby elementary school.

AGAINST:

Chris Durham (2253 Pine Terrace, Grand Junction) submitted to planning commissioners a petition containing approximately 200 signatures of those who opposed the proposal, all nearby residents and neighbors. He said that the Growth Plan defined the character of the Redlands as "rural residential." In order to retain this status, commercial nodes were encouraged to remain as-is, with expansion to occur only at Monument Village. The assertion by the proponents that the site could develop to an RSF-4 was perhaps misleading, since the Land Use Plan (map) called for an RSF-2 or less density for the site. Having been present at the initial hearing concerning the rezone of the bank and nursery, he felt that the current submittal represented only good intentions by the petitioners but offered nothing more concrete than the bank and greenhouse itself, which had been turned down previously. He felt, ultimately, that money would be the driving force guiding the types of uses that would be proposed for the site, not residential character. He asserted that money was also the reason behind the Bank of Grand Junction's tenacity in getting the site developed. Mr. Durham maintained that no other use would be approved by the bank unless the bank itself was located somewhere on the property. Mr. Durham said that appropriate

commercial space was available in Monument Village. A banking node was also in existence at Mesa Mall, in close proximity to the Redlands and its residents.

Mr. Durham read into the record excerpts from a letter submitted to staff by Ed Del Duca on November 17, 1997. Mr. Del Duca had written against the initial bank/nursery proposal. Mr. Durham again emphasized that “residential in character” was not the same as “residential in use.” Commercial traffic generation would always be greater than traffic generated from a residential development. The “neighborhood commercial center” referenced by Ms. Barrett was not actually adopted as part of the Growth Plan but was shown as an alternative. He said that approval of the current Growth Plan amendment request would create a de facto approval amendment procedure for the Growth Plan, which would set a dangerous precedent.

Dick Bullock (no address given) expressed concerns over the amount of new traffic that would be generated at an already overburdened and congested intersection. Safety of children crossing the street was of paramount concern. Mr. Bullock maintained that low density residential development would be more in keeping with the surrounding area. If the proposed nursery should fail as Grobetter’s Nursery had, he wondered what type of business would replace it? He also questioned the integrity of Mr. Johnson’s previous comment regarding his not making any money on the site.

Lyle Lewis (498 Easter Hill Drive, Grand Junction) also expressed concerns over traffic and pedestrian safety. He referenced petitions of those in opposition which had been submitted previously to staff. He spoke in favor of low density residential development versus commercial development.

Daryl Reynolds (2254 Easter Hill Drive, Grand Junction) felt that the comparison of the commercial development to a park was ludicrous. The increased traffic would only exacerbate safety hazards for children wanting to cross the roads. The bank’s intrusion into a residential neighborhood was unwelcome and could invite additional crime to the area.

Brent Roberts (2296 South Broadway, Grand Junction) also opposed the increase in traffic which would be generated by the site and its proposed uses.

Jennie Boltman (2269 South Broadway, Grand Junction) concurred with Mr. Reynolds’ comments regarding the increase of crime. She said that her house was located only two lots away from the proposed site, yet she never received an invitation to any neighborhood meeting.

Miles McCormack (103 North Easter Hill Drive, Grand Junction) hoped that planning commissioners would follow staff’s recommendation for denial. He viewed the proposal as spot zoning and agreed that the entire Redlands area should be reviewed for commercial need before expansion occurred in any location other than Monument Village.

Rick Kennege (2288 South Broadway, Grand Junction) said that the site had been left in a state of disrepair. He spoke in favor of the nursery; however, he felt that to continue the use on this particular corner was inappropriate and unsafe. He hoped that discussions with CDOT would eventually result in improvement to South Broadway. He was also concerned over the safety of children and the possibility of increased crime in the neighborhood. Mr. Kennege also felt that the rezone constituted spot zoning. He hadn’t received any invitation to a neighborhood meeting nor had he been contacted by the petitioners for his opinion.

Harlan Woods (197 Easter Hill Drive, Grand Junction) expressed support for the Growth Plan and concern for increased traffic.

Linda Rattan (657 – 26 Road, Grand Junction) understood that a new shopping center would be constructed west of the Safeway store (location not noted). She suggested that new commercial uses be directed to that area as well.

PETITIONER’S REBUTTAL

Ann Barrett felt that she was being penalized for providing too much detail. If staff had wanted her to limit the type of uses or delete specific uses, they need only have indicated as much and she and the other co-petitioners would have complied. She said that the submitted ODP would be essentially unchanged when it went before the Planning Commission during the Preliminary Plan stage. She reiterated that other businesses were needed on site to make the nursery viable. Should the current plan fail, she intended to resubmit a residential plan consistent with the RSF-4 zoning. This would include the approximately 32 homes referenced by Mr. Del Duca previously.

With regard to traffic, she understood neighborhood concerns. As such, she felt that the intersection needed improvement; however, traffic problems exist with or without the current plan. She said that she’d had conversations with representatives from the state, city and county regarding the improvement of safety considerations at the intersection. All agreed that the intersection needed to be reconstructed to provide controlled turns, crosswalks and pedestrian signalization. Project development would require that the cost and construction of some of the turn lanes would be borne by the petitioners. Traffic to and from the site would be dispersed to two accesses instead of just one.

Ms. Barrett reiterated that she would be willing to commit to the plan as submitted, with the understanding that any changes would be minor. The square footage of the buildings, the sidewalks, etc. had been included to illustrate coverage and the floor area ratio. The bank, she said, would be willing to close the ATM at the same time the other businesses closed to ensure the safety of bank patrons. Comments from the Police Department indicated that the drive-thru ATM would probably be a safer alternative than the walk-up. She again noted the overwhelming support received from area residents. She also clarified that the intent of Mr. Johnson’s comment was that he would not be making any money off of the site as a developer.

DISCUSSION

Chairman Elmer asked planning commissioners if the Growth Plan amendment should be considered by itself or in conjunction with the rezone. He expressed support for the latter option.

Mr. Shaver said that the City Council has instructed the Community Development Department to consider Growth Plan amendments on a case-by-case basis. He also reminded the Commissioners that no Growth Plan amendment process was in place per se. While staff asked the petitioners to review the eight applicable Growth Plan amendment criteria contained within the draft Code, there was nothing legally to say that *that* was the criteria. Options for consideration included 1) evaluation of the amendment under the rezone criteria, or 2) consider the plan amendment using the eight criteria appearing in the draft Code. Either way, a detailed analysis should be undertaken by the Planning Commission.

There was general consensus among planning commissioners to tie the Growth Plan amendment to the rezone request.

Chairman Elmer said that one of the primary considerations under the rezone criteria is that a request conform to established plans and policies. He pointed out that the “neighborhood commercial center” alternative mentioned by the petitioners had not in fact been adopted as part of the Growth Plan; rather, the adopted policy dictated that the site remain residential in use. Using this as a basis, he could see no reason to change the direction of the Growth Plan. Without looking at the entire Redlands area, he

concluded that the site represented spot zoning. In addition, many of the uses listed by the petitioners were inappropriate for the site.

Commissioner Fenn noted that one of the primary concerns expressed was for the safety of children at the intersection. Regardless of the outcome of the proposal, the hazard would remain. He concurred that improvement of the intersection was needed and long overdue. The project would bring about some of the needed improvements, *e.g.*, the construction of a bike path, turn lanes, etc. Given that the site had been a business use for so many years, he felt that the current zoning was a mistake; thus there was an error in the Growth Plan. He felt that the project represented a good use of the property; however, it was unfortunate that the ODP process could not better restrict the type of uses allowed. All of the uses mentioned in the current proposal were relatively low intensity and the site would incorporate a large amount of open space and vegetation. As a real estate professional, he said that the site was not well suited to low density residential development. He didn't feel that the sites would sell well.

Commissioner Coleman concurred with Commissioner Fenn's comments. He said that a Growth Plan amendment process should have been in place long ago; yet, there was still no process available.

Commissioner Grout agreed with Mr. Shaver's comments and said that there was no guarantee that the site plan as presented would ever happen. Traffic impacts had not been adequately addressed for what *could* happen on the parcel.

Chairman Elmer said that the proposed businesses would only increase traffic hazards. Commissioner Fenn said that there would be more hazards associated with the increase in children to the site should it become residential. How would those children cross the street safely en route to Broadway Elementary?

Chairman Elmer remarked that the traffic intensity would increase. Commissioner Fenn agreed that auto intensity would increase with the proposal; however, if residential, the pedestrian intensity and related hazards would increase. Chairman Elmer disagreed.

Commissioner Grout commented that traffic from a residential development would be approximately four times less than for a commercial development.

Chairman Elmer noted that one of the requirements for the Safeway store at 29 and Patterson Roads had been to redesign the intersection to mitigate traffic impacts.

Commissioner Driscoll acknowledged the amount of thought and effort that had gone into the creation of the Growth Plan. The document was not sacrosanct; all knew that it was subject to revision. He noted that the site had been historically a business use. He was more inclined to side with Commissioners Coleman and Fenn.

Chairman Elmer noted that the former business use had been grandfathered in as a low intensity use. The intensity of the current proposal was significantly higher and dramatically different in scope.

Commissioner Coleman stated that when the Conditional Use Permit for continuation of a nursery was granted, it further allowed the petitioner to utilize the existing residential structure as an accessory business use. Chairman Elmer countered that the overall use for the site still had not changed.

Mr. Harrington reiterated that two things were being acted upon: 1) the ODP, and 2) the request for an ordinance which would include the uses outlined on page 3 of the petitioners' report. There had been no discussion of the individual uses. If approved, the list of uses outlined on the report would also be approved along with the architectural standards etc. that was made a part of the report.

Commissioner Fenn said that there wasn't always general discussion on individual uses.

Mr. Harrington suggested that the following options be considered: 1) approve the ODP without ruling on the ordinance; 2) rule on the ODP and continue the ordinance, which would allow additional time for deliberation on the specific uses and bulk standards; or 3) rule on the entire request as presented.

Commissioner Driscoll asked if the Planning Commission "passed on it entirely," the petitioners would submit a Preliminary Plan which would incorporate the general conceptual plan of the ODP. Mr. Harrington replied affirmatively, adding that the rezoning ordinance would come at *that* time. Any modifications could be incorporated at that time as well.

Commissioner Driscoll expressed support for deferment of the ordinance until the Preliminary Plan stage. This option drew the support of Commissioner Coleman as well.

Both Mr. Harrington and Mr. Shaver explained the ramifications of available options and the benefits to deferring the ordinance to the Preliminary Plan stage.

Planning commissioners also discussed the ramifications of approving the ODP but denying the rezone. Mr. Harrington confirmed that it would not necessarily be inconsistent to approve the ODP while denying the rezone.

MOTION: (Commissioner Fenn) "Mr. Chairman, on item GPA-1998-130, I move that we approve the rezone request and the Outline Development Plan for Meadowlark Gardens planned development and approve an amendment to the Growth Plan to include a commercial land use designation on the southeast corner of Hwy 340 and Redlands Parkway."

Commissioner Coleman seconded the motion.

Chairman Elmer asked if the ODP was being tied to the bulk standards, the uses suggested and design standards. Commissioner Fenn responded affirmatively. The amended motion is as follows:

MOTION: (Commissioner Fenn) "Mr. Chairman, on item GPA-1998-130, I move that we approve the rezone request and the Outline Development Plan for Meadowlark Gardens planned development, tying the ODP to the bulk standards, the uses and design standards suggested, and approve an amendment to the Growth Plan to include a commercial land use designation on the southeast corner of Hwy 340 and Redlands Parkway (as amended)."

Commissioner Coleman seconded the amended motion. A vote was called and the motion failed by a vote of 2-3, with Chairman Elmer and Commissioners Driscoll and Grout opposing.

Commissioner Driscoll stated that he opted to vote against the proposal because it did not contain the specificity needed. He expressed the preference of having the rezone tied to a plan, just as all planned zones were considered. He objected to being placed in the current situation because, overall, he supported the petitioners' plan.

Mr. Shaver clarified that the motion and thus the request as a whole had been defeated. Chairman Elmer said that the petitioners could appeal to the City Council.

Mr. Harrington noted that the ODP could still be considered by itself if the Planning Commission if it so chose.

MOTION: (Commissioner Fenn) “Mr. Chairman, on item GPA-1998-130, I move that we approve the Outline Development Plan for Meadowlark Gardens planned development, tying the ODP to the bulk standards, the uses and design standards suggested, and including the applicant’s revised .20 FAR ratio.”

Mr. Harrington suggested that the applicant’s revised .20 FAR ratio be included in the motion. Commissioner Fenn agreed to add this to his motion.

Commissioner Coleman seconded the motion. A vote was called and the motion passed by a vote of 3-2, with Chairman Elmer and Commissioner Grout opposing.

Mr. Elmer said he thought it would be best for the applicant if the matter could go to Council before the applicant invests a lot of time and money in a preliminary plan.

Mr. Harrington said that the Planning Commission could decide on the Growth Plan portion of the request separately, which would be forwarded to the City Council. That would then be separate of the rezone unless the rezone request was appealed.

MOTION: (Commissioner Fenn) “Mr. Chairman, on GPA-1998-130, I move that we approve an amendment to the Growth Plan to include a commercial land use designation on the southeast corner of Hwy 340 and Redlands Parkway.”

Commissioner Coleman seconded the motion. A vote was called and the motion passed by a vote of 3-2, with Chairman Elmer and Commissioner Grout opposing.

Mr. Harrington clarified the outcome of the motions to the audience. Mr. Shaver noted that citizens as well as the petitioners had the right of appeal.

V. GENERAL DISCUSSION

Mr. Shaver said that during the break, Mr. Caldwell, representing City Market, spoke with him and indicated that he had thought the item would be continued to a date certain. He asked that a special meeting be set on or after September 15. Mr. Shaver noted that this was before the second hearing on August 18 was set. Mr. Shaver suggested that Mr. Caldwell be invited back on August 18 to address the Planning Commission with his concerns.

Chairman Elmer, on behalf of the Commission, agreed.

With no further business, the hearing was adjourned at 1:47 a.m.