

GRAND JUNCTION PLANNING COMMISSION
OCTOBER 13, 1998
MINUTES
(7:03 p.m. to 10:20 p.m.)

The regularly scheduled Planning Commission hearing was called to order at 7:03 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, Mark Fenn and Robert Gordon. Paul Coleman and Mike Denner were absent.

In attendance, representing the Community Development Department, were: Scott Harrington (Community Development Director), Dave Thornton (Sr. Planner), Bill Nebeker (Sr. Planner), Mike Pelletier (Assoc. Planner) and Kristen Ashbeck (Sr. Planner).

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

Bobbie Paulson was present to record the minutes. Transcription of the minutes was provided by Terri Troutner.

There were approximately 29 interested citizens present during the course of the hearing.

I. APPROVAL OF MINUTES

Available for consideration were the September 8, 1998 Planning Commission public hearing minutes.

MOTION: (Commissioner Driscoll) “Mr. Chairman, I move that we approve the September 8, 1998 minutes as written.”

Commissioner Fenn 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 items PP-1998-145 and PP-1998-111 had been pulled and would not be heard. John Shaver said that further information would be presented by staff on the latter item later in the hearing.

III. PUBLIC HEARING ON ITEMS FOR FINAL DECISION

PP-198-154 PRELIMINARY PLAN—CHERRYHILL SUBDIVISION

A request to approve the Preliminary Plan for Cherryhill Subdivision, consisting of 24 units on 14.32 acres in an RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) zone district.

Petitioner: Denver Cherry and Richard Witt
Location: 674 – 26 ½ Road
Representative: Thompson-Langford

PETITIONERS' PRESENTATION

Richard Witt, co-petitioner, said that the proposed density was consistent with the RSF-4 zone district. He expressed an intent to develop a quality subdivision with home prices starting at \$250K. Strict covenants would be developed, and homes in the proposed subdivision would be compatible with the surrounding neighborhood.

QUESTIONS

Chairman Elmer asked if the petitioners were in agreement with staff's conditions of approval, to which Mr. Witt responded affirmatively.

STAFF'S PRESENTATION

Bill Nebeker noted the location of the site on available exhibits and on an overhead transparency. He noted that the RSF-4 zone exceeded the recommended Growth Plan density of .5 to 1.9 units/acre; however, at 1.7 units/acre, the proposed subdivision was consistent with Growth Plan recommendations. A flag lot to the existing home off of 26 ½ Road would be retained for access both to the home and to the irrigation canal. Staff recommended approval subject to the following conditions:

1. Pedestrian access, dedicated to the Homeowners Association, will be required to Tract B.
2. The landscape medians must be dedicated as tracts and dedicated and maintained by the Homeowners Association.
3. Desired perimeter fencing along 26 ½ Road must be determined during Final Plat approval and may include a landscape buffer.
4. Front, side and rear yards for unconventionally-shaped lots shall be determined at the time of Final Plat approval.

Mr. Nebeker mentioned a letter received by Dennis Stahl which outlined additional issues to be addressed later by Mr. Stahl.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Larry Klauzer (665 Round Hill Drive, Grand Junction) felt that the proposal was not compatible with the surrounding neighborhood since surrounding properties were at least one acre in size. He also asked that a 6-foot solid wood fence be constructed to buffer the project from adjacent properties. Mr. Klauzer asked that new structures be limited in height to single stories only and that there be no multiple dwelling units allowed. He asked for further clarification on how the retaining basin would be maintained.

Dennis Stahl (676 – 26 ½ Road, Grand Junction) said that while not opposed to the project, he did oppose the construction of any privacy fencing as requested by Mr. Klauzer. He asked that the front yard setback for lots bounding 26 ½ Road be increased to 60 feet. He agreed that heights of any structures should be limited to single stories. He noted the location of an existing utility pole between his driveway and the project's north driveway. Following the dedication of an additional 10-feet of right-of-way, the pole would then be situated in his driveway, making turns difficult.

Harry Webster (629 Sage Court, Grand Junction) expressed concern over increased densities in the area. To preserve the character of the area, he asked that the project's density be reduced and that one acre minimums be retained for the entire area.

Patti Marshall (3825 Horizon Glen Court, Grand Junction) expressed a concern over wildlife impacts. She was opposed to construction of any 6-foot privacy fencing around the subdivision and asked that trees bordering her property and adjacent to the subdivision be preserved. She also felt that the project's density should be reduced.

PETITIONERS' REBUTTAL

Doug Theis, representing the petitioner, said that the type of fencing to be erected had not yet been discussed. He thought that the type of fencing along 26 ½ Road would probably consist of stucco or brick, depending on staff's recommendations. Mr. Theis offered to meet with Messrs. Klauzer and Stahl to further discuss fencing options. Height limitations and setbacks would also be reviewed during the Final Plan stage. Mr. Theis clarified that the "retention" area referenced previously was actually a "detention" pond. He clarified the purpose of a detention pond and said that the area would be maintained. He hoped that above-ground utilities would be buried at the time 7th Street was widened.

Mr. Nebeker said that widening of 7th Street along the project's frontage was expected in conjunction with the project's development. A brief discussion ensued over this issue between staff and the petitioners. Mr. Witt said that in discussions with City Development Engineer, Kerrie Ashbeck, it was determined that in addition to a TCP payment, the City may opt to collect the equivalent to half-street improvements for 7th Street. A credit could then be applied for the TCP payment. Details of any arrangement would be discussed further in the Final Plan stage.

Mr. Theis reiterated that the project's density was compatible with Growth Plan recommendations, which was less than the zone district would allow. He said that disturbance of the trees referenced by Ms. Marshall would be minimized as much as possible. This would also serve as the project's detention area and would require some maintenance to ensure functionality. The area was regarded as an amenity and efforts would be made to preserve its integrity.

DISCUSSION

Commissioner Driscoll asked legal counsel if the petitioners would have a right to develop the property in accordance with the zone district if so desired. Mr. Shaver replied affirmatively, stating that while the zone district conflicted with Growth Plan recommendations, the petitioners could have used the zone district's criteria to request a density higher than the one being proposed.

Chairman Elmer said that because the current zone represented "straight zoning," the Planning Commission could not dictate alternative setbacks and height restrictions unless the project was proposed for a planned zone. Mr. Shaver concurred with this conclusion.

Chairman Elmer suggested that the number of issues brought forth by the neighbors be addressed by the petitioners prior to the Final Plan stage.

Commissioner Driscoll agreed that the project did conform to Growth Plan recommendations, with the proposed density much less than what could have been allowed under existing zoning.

MOTION: (Commissioner Driscoll) "Mr. Chairman, on item PP-1998-154, I move that we approve the Preliminary Plan for Cherryhill Subdivision subject to staff's four recommendations."

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

CUP-1998-153 CONDITIONAL USE PERMIT – 10-FOOT RETAINING WALL

A request for a Conditional Use Permit to allow the construction of a 10-foot-high retaining wall in an RSF-5 (Residential Single Family with a density not to exceed 5 units per acre) zone district.

Petitioner: J.P. White Construction
Location: 2710 Eden Court
Representative: Banner & Associates

PETITIONER'S PRESENTATION

David Chase, representing the petitioner, said that the subject lot had substantial topographic variations across the length of its dimensions. The northern portion of the property was higher in elevation than the southern portion where access was given. The retaining wall was necessary in order to give the home any usable backyard space. The retaining wall would consist of compacted soil within tires stacked at a slight angle and finished with stucco. Mr. Chase referenced materials submitted to staff for review and felt that Conditional Use criteria had been satisfied.

QUESTIONS

Commissioner Gordon wondered if the seasonal expansion and contraction of the tires would compromise the integrity of the stucco. Mr. Chase said that some minor movement and minor cracking could be expected. A drain would be located behind the wall to allow for drainage from its base. Weep holes would be incorporated.

Commissioner Driscoll noted the difference in elevation between the subject home and adjacent homes to the north and east. Mr. Chase said that the wall would be highest at the northeast corner; at that point the wall would be approximately 8.2 feet high. The wall would then slope to approximately 4 feet in height.

Commissioner Driscoll asked if the 8.2 feet height would be from the neighbor's grade. Mr. Chase explained that from the neighbor's grade it dropped down to the 8.2 feet elevation since the subject home was lower in elevation than neighboring homes. Mr. Chase said that the neighbors wouldn't see the wall itself; rather, they would see over it to the roof of the subject home.

Commissioner Driscoll referenced another white stucco wall erected along a neighbor's rear yard to the north (location noted) and asked if the proposed wall would be constructed to an equal height, to which Mr. Chase responded negatively.

Commissioner Grout asked for clarification on the materials used for the drainage swale. Mr. Chase said that native materials would be used to blend into the neighbors' landscaping. Additional discussions were needed to finalize details.

STAFF'S PRESENTATION

Mike Pelletier noted that the existing excavation cut was deteriorating to the point of being unsafe. Thus, staff deemed that a retaining wall was necessary. The stucco finish (similar to that applied to homes) should make the proposed wall compatible with the area and be non-obtrusive. Drainage issues had been satisfactorily addressed.

Staff recommended approval subject to the condition that the applicant's engineer certify the wall as having been built per the site plan, and that the wall is accepted by the (City's) Public Works Department upon completion.

QUESTIONS

Commissioner Grout wondered if there would be any problems with the having the wall there should the neighbors want to build a fence above it. Mr. Pelletier said that if such a fence were constructed, it would likely be on the neighbor's property and stepped back several feet.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Brad Hilken (2712 Eden Court, Grand Junction) agreed that some type of fence was needed. He asked for clarification on the drainage swale, which was given. Mr. Hilken expressed concern over the integrity of the wall and how it would affect his home which was located only 5 feet from the subject property.

Commissioner Gordon asked Mr. Hilken if he had any type of wall on his property. Mr. Hilken replied that he was in the process of constructing a 4-foot wall to help shore up the hillside.

Jim Harris (2715 Eden Court, Grand Junction) expressed support for the wall and asked that the request be granted quickly. He said that the term “retaining wall” was a misnomer, since it was actually a structural wall necessary for holding up the property owner’s home. He wasn’t sure, however, that a wall made of tires would provide the amount of support needed, and he wondered what type of research had been done to support the viability of the materials proposed.

Mr. Harrington elaborated briefly on the definition of a retaining wall.

PETITIONER’S PRESENTATION

Mr. Chase said that the area of influence that the surrounding structures had did not fall within the limits of where the wall would be located. Based on survey information, the top and toe of the wall would be only four feet in height. A 4-foot wall could be constructed of any material the homeowner chose and would not have to come before the Planning Commission. While walls of any material were subject to seasonal expansion/contraction, the proposed wall was designed to withstand any overturning. He said that nowhere on the site was he aware of any undermining of structures or fences. Mr. Chase said that he was in agreement with staff’s condition, adding that compliance would mean constant monitoring of the wall’s construction. This should afford neighbors with the protection they sought.

QUESTIONS

Chairman Elmer referenced a handout distributed by staff and asked Mr. Chase from what manual the design and construction criteria had been gleaned. Mr. Chase said that there hadn’t been a design manual; rather, the wall had been designed and would be built according to similar projects (several examples were cited). The utilization of tires as retaining wall material was a new approach; the current design had been modified to accommodate the unique needs of the property.

Chairman Elmer said that given the shape of the tires, he wondered if the stuccoed surface would be flat and even. Mr. Chase stated that a stucco contractor would be involved in the process. He expected that foam and wire mesh would be needed to even out the surface and provide a sufficient base for the stucco material.

DISCUSSION

Commissioner Driscoll asked Rick Dorris if the City’s Engineering Department would be satisfied with the wall’s construction as proposed. Mr. Dorris said that as long as soils were compacted within tires to eliminate voids and that backfill was compacted behind the tires, the mass of the wall would resist overturning forces going against it. The drainage swale planned for the top of the wall should satisfactorily address drainage concerns. Mr. Dorris noted the “deadmen” built into the wall and said that he’d designed similar walls out of cinder block which had proven to be effective.

Commissioner Driscoll asked if the Planning Commission was responsible for addressing the large “hole” and grade differences inherent to the subject and surrounding properties in conjunction with the submitted proposal. Did the potential safety hazard to children need to be addressed? Mr. Shaver responded negatively and clarified both the Conditional Use Permit criteria and the City’s legal position on the safety issue. Chairman Elmer noted that several utilities had been exposed during the site’s excavation which could change the City’s legal position. Mr. Shaver urged staff to notify the proper utility authorities and have a site inspection performed.

Chairman Elmer noted that the Planning Commission could require, as a condition of the CUP, continuous maintenance of the wall to ensure its integrity. This would include stucco patching, drainage maintenance, etc. Mr. Shaver clarified that if the plan called for the wall to be stuccoed, the legal expectation would be that it be continuously stuccoed; the Planning Commission may not have legal authority over the color of the paint nor the degree of cracking, however, only if there was a failure.

Chairman Elmer expressed reserved support for the request. Structurally, he said, the wall should work. Since the plan implied continued maintenance, aesthetics should also be preserved.

Mr. Dorris clarified staff’s condition as it pertained to the Public Works Department and said that the Department would approve the certification letter only, not accept the wall per se.

Commissioner Driscoll agreed that the request prevented a worsening of an already bad situation.

Chairman Elmer commented that if he was a home buyer looking at the subject property, he would be concerned about the use of tires as a retaining wall when there were other proven materials available.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item CUP-1998-153, I move that we approve the Conditional Use Permit for a 10-foot-tall retaining wall at 2710 Eden Court subject to the condition that the developer’s engineer certify that the wall was built per the site plan and that that certification is accepted by the Public Works Department.”

Commissioner Gordon seconded the motion.

Chairman Elmer asked for confirmation from legal counsel that maintenance of the wall was inferred by the plan. Mr. Shaver said that the CUP was premised on the plan as submitted. The representations of the plan showed that it would be finished in stucco. In order to conform with the CUP, the wall would need to be maintained as shown on the plan.

Mr. Harrington suggested adding a condition to read, “Upon completion and thereafter, at no time shall any tire be exposed.” Mr. Shaver said that the latter condition would not quantify the degree of damage allowed before maintenance would be required; the question, if the condition were added, would be what does “exposed” mean. Mr. Shaver advised that the Commission require that the wall and the surface be continuously and completely stuccoed rather than adding conditions relating to exposure of tires.

Mr. Fenn wondered how the terms and conditions of the CUP would be passed on to subsequent property owners. Mr. Shaver said that the Code did not provide for the recordation of CUP’s; however, the Planning Commission could require such recordation, making it a part of the property’s chain of title.

Mr. Fenn asked if the CUP would show up during the pulling of a building permit, to which Mr. Shaver responded affirmatively, adding that notice would be given via the building permit and the planning clearance, and reference to the file would also be made.

Commissioner Driscoll offered to amend his motion to include a second condition, to require recordation of the Conditional Use Permit in the real property records. The amendment was seconded by Commissioner Gordon.

The revised motion is as follows:

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item CUP-1998-153, I move that we approve the Conditional Use Permit for a 10-foot-tall retaining wall at 2710 Eden Court subject to the condition that the developer’s engineer certify that the wall was built per the site plan and that that certification is accepted by the Public Works Department and that there be a second condition to require recordation of the Conditional Use Permit in the real property records (as amended).”

Chairman Elmer asked about including Mr. Harrington’s proffered condition. Commissioner Driscoll said that Mr. Shaver’s explanation of the plan’s inference of maintenance was sufficient. If the property owner didn’t comply, the CUP would be withdrawn.

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

A brief recess was called at 8:25 p.m. The hearing reconvened at 8:30 p.m.

**FPA-1998-157 FINAL PLAN AMENDMENT—VALLEY MEADOWS FENCE HEIGHT
A request to amend the Final Plan for Valley Meadows allowing fences abutting 25 ½ Road to be 6 feet in height and set back at least 8 feet from the east property line.**

**Petitioner: Valley Meadows Homeowners Association
Location: 668, 670, 672 and 674 Uintah and 2549 Westwood Drive
Representative: Doreen Lincoln**

PETITIONER’S PRESENTATION

Doreen Lincoln, representing the petitioner, provided a brief overview of the request. She noted that a similar request had been submitted by, and approved for, the Valley Meadows East Subdivision. Thus, the fences would be similar on both sides of 25 ½ Road.

QUESTIONS

Chairman Elmer asked if the fence running north-south would remain the same, to which Ms. Lincoln replied affirmatively.

STAFF’S PRESENTATION

Mike Pelletier said that the only difference between the current request and the request for Valley Meadows East was that the latter request specified side yard fences to be 4 feet in height. Since lots in the subject subdivision were slightly lower than those in Valley Meadows East, the 6-foot fence height would bring that fence level to the existing vinyl fence. The appearance on both sides of 25 ½ Road would be uniform. Staff recommended approval with no conditions.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Grout observed that the request was both straightforward and consistent with the Valley Meadows East request/approval. Commissioner Fenn agreed.

MOTION: (Commissioner Grout) “Mr. Chairman, on item FPA-1998-157, I move that we approve the amendment as outlined in the staff report dated October 13, 1998.”

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

PP-1998-111 PRELIMINARY PLAN – CEDAR BLUFFS SUBDIVISION (continued from the September 8, 1998 hearing)

Request to approve the preliminary plan for Cedar Bluffs Subdivision consisting of 13 single family lots on 6.3 acres in a RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) Zone District.

**Petitioner: Bookcliff Builders
Location: 315 & 316 Cedar Street
Representative: Mike Joyce
City Staff: Dave Thornton**

STAFF PRESENTATION

A brief report was given by Dave Thornton on item PP-1998-111. The petitioner had asked that the item be withdrawn from consideration. The petitioner was aware that once withdrawn, any future proposal would have to be resubmitted.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item PP-1998-111, I move that we approve the petitioner’s request to withdraw the Preliminary Plan for Cedar Bluffs Subdivision.”

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

IV. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

RZP-1998-112 REZONE/PRELIMINARY PLAN—THE PINES SUBDIVISION

A request to: 1) rezone 2.57 acres from RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) to PR-5.5 (Planned Residential with a density not to exceed 5.5 units per acre) and 2) approve the Preliminary Plan for The Pines Subdivision consisting of 14 units.

**Petitioner: GNT Development
Location: Northwest corner of 12th Street and G Road
Representative: Dan Garrison**

(Chairman Elmer noted for the record that the staff report indicated a density of 5.5 units/acre even though the item had been published at 5.9 units/acre. The latter density was also reflected in the public hearing agenda.)

PETITIONER’S PRESENTATION

Dan Garrison, representing the petitioner, confirmed that the correct density of the project was closer to 5.5 units/acre. He noted the location of the site and surrounding uses. The type of housing to be built would include 1,500-square-foot townhomes built in a duplex style with zero lot lines. He felt that the use was compatible with the surrounding area. Buffering would be installed along the north/south property lines. The subdivision’s entrance was placed off of 27 Road, as far from the 27 and G Road intersection as possible. Mr. Garrison asked that consideration be given to increase the 45 percent maximum lot coverage bulk requirement to 60 percent for five of the proposed lots. Or, as an alternative, perhaps lot coverage averaging could be incorporated. He clarified that only 14 lots were proposed, not the 15 lots advertised. He drew a comparison of the current project to the Sandcliff project in the Ridges (handouts circulated to planning commissioners and made available for public review).

STAFF'S PRESENTATION

Kristen Ashbeck said that the proposed density of 5.5 units/acre complied with Growth Plan recommendations. The Public Works Director agreed to accept a TCP payment in lieu of improvements to 27 and G Roads. A single cul-de-sac access off of 27 Road would serve the entire subdivision. The Fire Department approved the design and the turning radius for the cul-de-sac. No parking around the cul-de-sac would be permitted; however, the petitioner would provide four additional parking spaces on the island located in the center of the cul-de-sac. Drainage concerns will need to be mitigated prior to Final Plan approval. Tract C in the northwest corner of the property will be used to contain irrigation water. Water will be pumped to each of the lots via a sump. Maintenance of the area will be the responsibility of the Homeowners Association; however, access to the irrigation site was still needed.

Ms. Ashbeck reviewed the proposed bulk requirements (as contained in the October 13, 1998 staff review). She indicated that while some compromise on total lot coverage could be made, the 60 percent requested by the petitioner was viewed as excessive and would not allow for sufficient open space. She said that discussions with Mr. Garrison had included an adjusted lot coverage figure of 50 percent. A 6-foot-high screening fence will be erected along the northern and southern property lines consisting of wood panels and stuccoed columns. Landscaping along the eastern property line should provide additional buffering. Staff recommended approval of the rezone and Preliminary Plan subject to the following conditions:

1. Bulk requirements of the Planned Residential zone shall be as shown on the Preliminary Plan and outlined in the staff report.
2. Provide access to Tract C for Homeowners Association.
3. Landscaping in the rights-of-way is required. A landscape plan shall be provided with the Final Plat/Plan.
4. The 6-foot landscape strip outside of the fence along G Road shall be a separate tract dedicated to the Homeowners Association (Tract D).
5. Reconfigure rear lot lines and/or detention basin such that they meet separation requirements of the SWMM.
6. A landscape plan for all private tracts (A through D) is required with the Final Plan/Plat.

QUESTIONS

Commissioner Driscoll asked if lot coverage averaging, suggested by Mr. Garrison, was a viable alternative. Ms. Ashbeck was unsure how such averaging would work, and it was possible that there could be areas of the site which, under that scenario, would exceed 60 percent. Mr. Harrington said that any averaging would be difficult to administer. Every time a homeowner wanted to construct a patio or any type of new addition, staff would have to recalculate the percentages. Staff preferred having either a specific overall percentage which applied to all lots or specific percentages which applied to designated lots.

Chairman Elmer observed that the drainage area would drain an area larger than just the proposed subdivision. Was this area considered an off-site tract? Kerrie Ashbeck said that the subdivision did not have to detain off-site flows, and the larger contributing basin had been identified. A pipe would be installed under the roadway leading to the pond which would take care of both on-site drainage and some off-site drainage from the north. No on-site detention of off-site water would be required.

Chairman Elmer remarked that the straight zone would allow for 10 separate structures. With the proposed zone, the duplex units would have the appearance of only 7 separate structures.

Commissioner Gordon asked for clarification on the proposed setbacks, which was provided.

PUBLIC COMMENTS

FOR:

Gregg Cranston (355 ½ School Ridge Drive, Grand Junction) expressed support for the project, stating that there was a demand for the type of homes proposed and that GNT Development was known for its quality home construction.

AGAINST:

Ted Coston (707 – 27 Road, Grand Junction) referenced a petition containing 72 signatures of nearby residents who opposed the proposed subdivision. Mr. Coston said that the project was not compatible with the surrounding area because its proposed density was much higher. He said that the area had developed at densities lower than what the Growth Plan map indicated was acceptable. Thus, he felt the map provided developers with incorrect information on development densities. He also noted that the 300-foot separation standard between intersections could not be met by the petitioner. Mr. Coston objected to the reduced setbacks proposed. He said that even home prices would not be compatible with others in the area.

Paul Coe (2690 Kimberly Drive, Grand Junction) objected to the density increases proposed by the petitioner. He submitted letters of objection from six additional property owners. He also expressed concern over the increased traffic and safety of pedestrians.

Terry Young (2679 Kimberly Drive, Grand Junction) also expressed concerns over the proposed density, drainage and impacts to property values. He thought that the detention area would be a breeding ground for mosquitoes.

Charles Brinkmann (2338 Promontory Court, Grand Junction) opposed the proposed density and agreed that the proposed 1,500-square-foot homes would not be compatible with surrounding homes of 2,000+ square feet. He felt that the 300-foot separation standard between intersections should be upheld.

W. Taft Moore (2679 Homestead Road, Grand Junction) felt that the project's incompatibility would adversely impact the area's property values. He felt that the four island parking spaces for visitors were inadequate and wondered where people would store their RVs. Mr. Moore also objected to increased noise and traffic.

Charles Reams (695 Cascade Drive, Grand Junction) expressed concern over wildlife impacts, especially to deer migration patterns.

Patrick Kiernan (696 Cascade Drive, Grand Junction) objected to the proposed density and the project's incompatibility with the surrounding area. He felt that a density of only 4 units per acre would be more appropriate.

Margaret Moore (2679 Homestead Road, Grand Junction) also opposed the incompatibility of the project. She urged consideration of additional open green spaces and recreational amenities in the area.

Ken Nelson (2676 G Road, Grand Junction) spoke against the project's incompatibility with the surrounding area, its increased density, traffic and wildlife impacts.

Warren Broderson (2680 Carol Place, Grand Junction) asked for clarification on the difference between zoning district densities and recommended Growth Plan densities, which was provided.

PETITIONER'S REBUTTAL

Mr. Garrison reviewed the process and intent of developing the Growth Plan. He said that as an infill project, the current proposal would help satisfy the residential needs of the community. Money was not the issue, since he could make nearly as much building 4 homes as 14. The Sandcliff development in the Ridges featured large trees and lush landscaping designed to preserve and enhance the quality of life for both residents and the neighborhood. He felt that if the right-of-way were eliminated from Vintage 70 across the street, its overall density would be similar to the current project. He said that he'd attempted to personally talk with the Costons, but they had not chosen to return his communiqués. In exchange for the additional 4 units, the City was given additional control over landscaping, buffering, lot coverage, etc.

QUESTIONS

Commissioner Gordon said that due to the appearance of a specific audience member, he felt that there was a conflict of interest that prevented him from participating in continued deliberations. He excused himself from the dais.

Commissioner Driscoll asked Mr. Garrison to explain how his project met each point of the rezone criteria. Mr. Garrison responded that the project represented the low end of Growth Plan recommendations; the neighborhood, he said, had been in constant change over a number of years; there was a demonstrated community need for the type of homes being proposed, and this was supported by the Growth Plan; the project was compatible with the adjacent Vintage 70 and Villas projects, with additional buffering being provided; a public benefit would be derived by utilizing the infill opportunity encouraged by the Growth Plan.

DISCUSSION

Commissioner Driscoll asked staff if the property were developed under the straight RSF-4 zoning, would there be the same issue with the driveway location into the subdivision. Kerrie Ashbeck said that the entrance issue was separate of the density issue. She explained that the entrance was moved as far north as possible so that when signalization for the 27 and G Road intersection is installed, there would be stacking room for both the southbound left turn movement onto G Road, the southbound through movement and the northbound movement turning onto Pine Court. She said that a prior request by the petitioner to align the subdivision's entrance (Pine Court) with Vintage 70 was deemed unacceptable since it would move the alignment too close to the 27 and G Road intersection.

Chairman Elmer asked if the Growth Plan map indicated a region north of the proposed subdivision that provided for densities of 4-7.9 unit/acre. (The location of such an area was noted by Mr. Harrington.)

Commissioner Driscoll asked staff if, given how the area had developed, the Growth Plan designation was accurate and appropriate. Kristen Ashbeck noted that a nearby area zoned RSF-2 had developed to a density inconsistent with Growth Plan recommendations. Because there was another area directly to the north of the subject property also zoned RSF-4, the Growth Plan category of 4-7.9 units/acre was not far off.

Chairman Elmer said that while it might appear that the area to the north was inappropriately designated, during Growth Plan discussions, determinations were made to place higher densities closer to intersections.

Ms. Ashbeck said that the City was looking to provide higher densities on infill sites; however, there weren't that many opportunities remaining along busy corridors.

Commissioner Grout concurred with Chairman Elmer's comments. While having some reservations over the water situation, it appeared the petitioner had done a reasonably good job of addressing the issue.

Commissioner Fenn reiterated that the other option available to the petitioner would be to place 10 units on the site without the controls available with the planned zone. He agreed that higher density developments were characteristically located near busy intersections.

Chairman Elmer felt that it was more appropriate to use the boundaries established in the Growth Plan but acknowledged that higher density development should be reserved for the areas adjacent to the intersection. He said that in other projects it was proven that projects built to higher densities near intersections did not suffer diminished property values as a result. He felt that Mr. Garrison sufficiently addressed the rezone criteria, and he had no problem supporting the request.

Commissioner Driscoll asked if greater lot coverage should be allowed for the five lots denoted by the petitioner. Chairman Elmer suggested that there was time prior to the Final Plan stage to work out specific details. Mr. Shaver discussed options available to the Planning Commission but suggested that some type of recommendation be made. There was general support among planning commissioners to compromise on the lot coverage for just the five lots in question. Commissioner Fenn expressed his support for the 50 percent recommended by staff.

Mr. Garrison said that on the smallest of the lots (4,200 square feet) and lots 5, 6, 12 and 13 there may only be enough room to put 1,200-square-foot structures. He offered to continue working with staff to come up with suitable options.

Mr. Shaver suggested that the Planning Commission decide whether lot coverage would be based on structural coverage only or on the total amount of impervious surface area. He also suggested placing a total coverage limit on all of the lots, realizing that most of the lots would be at the 45 percent staff-recommended level.

Ms. Ashbeck said that some direction should be given at this juncture so that a specific zoning recommendation could be forwarded to City Council.

Mr. Harrington felt that while a 45 percent maximum allowable coverage was appropriate for the majority of lots, some flexibility was appropriate, especially for lots 2, 3, and 4. Options were available for the petitioner which could be worked out with staff prior to Final Plan submittal.

MOTION: (Commissioner Grout) "Mr. Chairman, on item RZP-1998-112, I move that we approve the Preliminary Plan for The Pines Subdivision subject to staff recommendations."

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

MOTION: (Commissioner Grout) "Mr. Chairman, on item RZP-1998-112, I move that we forward the rezone request for The Pines Subdivision to City Council with a recommendation of approval subject to the bulk requirements portrayed on the Preliminary Plan and outlined in the staff report."

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

V. GENERAL DISCUSSION

Mr. Harrington reminded planning commissioners of a meeting scheduled for Thursday, October 22, to discuss land uses around airports.

VI. ADJOURNMENT

With no further business, the hearing was adjourned at 10:20 p.m.