

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - April 2, 1996
7:05 p.m. to 10:30 p.m.

I. CALL TO ORDER

The regularly scheduled Planning Commission hearing was called to order at 7:05 p.m. in the City/County Auditorium by Chairman John Elmer.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Jeff Driscoll, Tom Whitaker, Ron Halsey, Jeff Vogel, and Paul Coleman. Bob Withers was absent.

In attendance, representing Planning Department staff, were: Kathy Portner (Planning Supervisor), Kristen Ashbeck (Associate Planner), Michael Drollingier (Senior Planner) and Bill Nebeker (Senior Planner).

Also present were John Shaver (Asst. City Attorney) and Jody Kliska (City Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 34 citizens present.

II. CONSIDERATION OF MINUTES

MOTION: (Commissioner Whitaker) "Mr. Chairman, I move that the minutes for the meeting of March 5 be approved as distributed."

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

MOTION: (Commissioner Halsey) "Mr. Chairman, I move that we approve the minutes of March 12 as submitted."

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

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer announced that items FP-96-55, FPP-96-48, and PP-96-54 had been pulled from the evening's agenda and would not be heard.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION

CUP-96-50 CONDITIONAL USE PERMIT--POINTE LOUNGE

Request for a Conditional Use Permit to expand an existing bar/lounge located in an H.O. (Highway Oriented Commercial) zone district.

Petitioner: Al Neal and Betty Higuera

Location: 3210 I-70 Business Loop

STAFF PRESENTATION

Kristen Ashbeck presented a brief overview of the proposal. She said that the expansion would not impact the existing on-site parking and that no new signage was proposed. With no outstanding issues, staff

recommended approval.

QUESTIONS

Commissioner Driscoll asked if the lounge was in the area of de-annexation, to which Ms. Ashbeck replied affirmatively. When asked if a Conditional Use Permit was required by the County for the expansion, Ms. Ashbeck again responded affirmatively.

PETITIONER'S PRESENTATION

No further comment was offered by the petitioner.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Both Chairman Elmer and Commissioner Halsey felt that the proposal was straightforward and took no issue with the proposal.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item CUP-96-50, I move that we approve the Conditional Use Permit for the Lounge located at 3210 I-70 Business Loop."

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

FPP-96-52 FINAL PLAT/PLAN--SOUTH RIM, FILING #5

Request to subdivide approximately 10.57 acres into 15 single family residential lots with zoning of PR-3.5 (Planned Residential with a density not to exceed 3.5 units per acre).

Petitioner: David Behrhorst, Lowe Development Corp.

Location: North and east of Filing #1, and north of Filing #3

Representative: Monty Stroup, Land Design, LLC

STAFF PRESENTATION

Michael Drollinger referred to the site location on maps provided and indicated that Filing 5 was the final filing in the South Rim Subdivision. The design for the proposed landscape island in the cul-de-sac had been approved by the Fire Department and the landscape plan was undergoing final review by staff. With no outstanding issues, staff recommended approval.

QUESTIONS

Commissioner Halsey asked if the landscape island would be maintained by the Homeowners Association (HOA), to which Mr. Drollinger replied that both the island in the cul-de-sac and the entrance feature would be maintained by the HOA.

Chairman Elmer asked for a quick clarification on the setbacks from the ridge line of the building envelopes, which was provided.

PETITIONER'S PRESENTATION

Monty Stroup, representing the petitioner, offered no additional comment but availed himself for questions.

Mr. Drollinger asked the petitioner, Mr. Behrhorst, if he intended to provide signage at the trailhead located at Pinnacle Court similar to what had been installed near the intersection of South Rim Drive. Concern over the visibility of the trailhead by the public had been expressed by a couple of City Council members at a

recent workshop, since the trailhead would tend to be hidden by a proposed planter. Mr. Behrhorst said that the South Rim Drive signage had been installed voluntarily and at his own expense. His plans also included construction of similar signage at Promontory Court in Filing #4. While he did not feel that additional signage at Pinnacle Court was necessary, he would agree to install one.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Halsey offered adding a condition to the motion requiring the trailhead signage at Pinnacle Court to be comparable to previous signage.

MOTION: (Commissioner Halsey) “Mr. Chairman, on FPP-96-52, a request for Final Plan/Plat, I move that we approve this Filing #5 with the condition that a sign be installed at the trailhead for Pinnacle Court.”

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

FPP-96-56 FINAL PLAT/PLAN--HELENA SUBDIVISION

Request to subdivide approximately 4.6 acres of land into 20 single family residential lots with zoning of RSF-8 (Residential Single Family with a density not to exceed 8 units per acre).

Petitioner: Michael Queally

Location: 2776 and 2780 Unaweep Avenue

STAFF PRESENTATION

Bill Nebeker reviewed the proposal and indicated that the existing structures on the site would remain. He said that Tract A had not been properly designated on the plat and that the petitioner and his engineer needed to further “clean-up” descriptive language on the plat. Staff recommended approval subject to the four conditions noted in the staff recommendation and an additional three conditions submitted as an amendment to the staff report. These include:

1. Revise the plat to show a 10-foot wide pedestrian easement within a portion of Tract A, directly north of the north lot line of lot 1, not the entire tract. An 8-foot wide concrete sidewalk must be provided within the pedestrian easement from Acoma Street to the west property line. Improvement plans must include the cost of the sidewalk in the Development Improvements Agreement.
2. Label Tract A consistently on the plat, in the dedication statement and on improvement plans.
3. Submit evidence prior to plat recordation that shows that a Homeowners Association has been formed to maintain Tract A.
4. An open space fee of \$3,825 and a TCP of \$8,500 is required.
5. The applicant shall submit a letter from the Orchard Mesa Irrigation District approving the temporary pipe in the ditch along Unaweep Avenue and detailing the minimum acceptable pipe for a permanent installation.
6. Final plans for the intersection of Unaweep and Acoma, which detail the permanent structure over the ditch with approved roadway grades that match the design of the Unaweep reconstruction, shall be submitted for review and approved by the City Engineer.

7. The Improvements Agreement shall be submitted for this subdivision which guarantees completion of the intersection to its approved permanent design.

QUESTIONS

Chairman Elmer asked if there would be any conflicts encountered over the widening/improvements of Unawep Avenue and construction of the proposed subdivision. Mr. Nebeker did not expect there to be any problems.

PETITIONER'S PRESENTATION

No further comment was offered by the petitioner.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST: Michael VanSice (2782 Laguna, Grand Junction) asked for clarification on where Laguna accessed Acoma. Clarification was given. He expressed concern that the street through the subdivision, as proposed, was too straight and would become a thoroughfare. He requested that speed bumps be installed to slow traffic, similar to that which existed on 28 Road. He also expressed concern over increased traffic which would be generated so close to a school. Chairman Elmer said that the "speed bump" referred to by Mr. VanSice was actually a valley gutter. The petitioner interjected that there would be a similar gutter installed near lots 3 and 18. Mr. VanSice also asked about the proposed speed for the subdivision and about the type of housing to be built. Jody Kliska responded that the speed would be 35 mph.

PETITIONER'S REBUTTAL

In response to Mr. VanSice's question over the type of housing to be built, Michael Queally briefly outlined the type of home and price range which was expected for the subdivision.

DISCUSSION

Chairman Elmer felt that the proposal was straightforward and no opposition was expressed by other Commissioners.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item FPP-96-56, I move that we approve the Final Plat for 20 residential lots in Helena Subdivision to the conditions 1. through 7."

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

MS-96-53 MINOR SUBDIVISION--SAFEWAY--COTTONWOOD CENTRE

Request to subdivide approximately 10.625 acres into 5 commercial lots in a PB (Planned Business) zone district.

Petitioner: Safeway, Inc.

Location: Southeast corner of 29 and Patterson Roads

Representative: Monty Stroup, Land Design, LLC

STAFF PRESENTATION

Michael Drollinger clarified that the Commission would be considering the Minor Subdivision only and not the site plan. Due to the zone of annexation, the site plan would be addressed through administrative review with no formal hearing required. The site location was shown on maps provided. Mr. Drollinger said that the Minor Subdivision would allow for the creation of 5 pad sites; right-of-way and utility easements would be dedicated. Staff recommended approval of the Minor Subdivision subject to the following condition:

1. Site plan review approval for the shopping center development and an Improvements Agreement and Guarantee in an amount sufficient to cover the cost of required public improvements will be

required prior to recording of the plat.

QUESTIONS

Chairman Elmer queried if the Final Plan and Plat would be considered for approval by staff, to which Mr. Drollinger explained that as a part of the zone of annexation process, uses for the site had been pre-approved by the Commission. Thus, any Final Plan would be considered at an administrative level. Chairman Elmer asked Mr. Drollinger to recall the list of approved uses, which was provided.

PETITIONER'S PRESENTATION

Gary Harrison (Concepts West, Colorado Springs, CO) representing the petitioner, offered no further comment but availed himself and other Safeway representatives present for questions.

QUESTIONS

Commissioner Driscoll asked the petitioner if he took issue with staff's condition, to which Mr. Harrison said that this would not pose a problem.

Chairman Elmer expressed concern over the blanket easement which would be granted for ingress/egress. He felt that landscaping and similar improvements should not be included in such an easement and suggested that under such an easement, persons could destroy established landscaping in an effort to leave the premises and be within their rights to do so. Mr. Drollinger said that language could be altered on the plat but that it would make the plat more complex. Mr. Harrison added that the blanket easement was needed because it was unclear at this point what uses would end up on the site. John Shaver suggested that the language could be further reviewed.

Chairman Elmer felt that the wood fence proposed as a buffer between the site and adjacent residential uses was ineffective and suggested that a masonry fence would be more acceptable and effective. Mr. Drollinger agreed and said that staff would work with the petitioner to ensure adequate buffering.

Chairman Elmer asked if the site would be limited to monument signage, to which Mr. Drollinger said that the zone of annexation provided for monument and wall signage, with no free-standing signs allowed.

Commissioner Whitaker asked how the site plan had been tied to the zone of annexation. Mr. Shaver elaborated that at the time of zoning the Commission approved a planned zone with B-3 uses; thus, with zoning approval came approval for the type of uses allowed for the zone.

Commissioners expressed extreme concern that they had inadvertently waived their rights to consider the site plan for this property. Commissioner Halsey said that he did not realize that they had voted away their rights for review and felt that the current situation was certainly a learning process. Chairman Elmer agreed and felt that there were some real areas of concern which needed to be addressed in a proposal of this magnitude such as hours of operation, buffering, noise, etc. There was also concern expressed over the fact that the public would not be allowed to participate in the planning process.

Mr. Drollinger assured Commissioners that adequate buffering would be addressed, but added that the only guideline available to staff for the restriction of hours was the general noise ordinance.

PUBLIC COMMENTS:

FOR: Joe Pace (1722 N. 20th Street, Grand Junction), real estate agent, provided a brief history of the property going back to the early 1980s. He said that the proposed uses were consistent with zoning originally proposed for the site.

AGAINST: Don Klitzke (2910 ½ F Road, Grand Junction) expressed concerns over the increased traffic such uses would generate. He felt that the intensity of those uses would exacerbate the hazards already present at the 29 and Patterson Roads intersection. He opposed the plan in its entirety.

Lisa Ono. (2910 F Road, Grand Junction), residing across the street from the site, perceived the plan as already having been approved, regardless of public comment. Her concerns included: 1) traffic generated to and from the site would run right in front of her home and create additional safety hazards at the 29 and F Roads intersection; 2) Safeway's record showed closure of three of its stores already in the Grand Junction area. She felt that even its remaining store didn't do the volume of business that City Market did; thus, she wondered why they would want to open another store at the proposed location. She also expressed concern that if the proposed store ended up closing, residents would be left with an unsightly development in their neighborhood; 3) references on the site plan to fast-food restaurants for pads 1 and 3. She said that fast-food restaurants bring increased traffic and longer hours of operation which she opposed; 4) she did not feel that with other similar stores already in existence nearby, there was no need for another shopping center of the size being proposed; and 5) she felt that the proposal went against the direction of the growth plan currently under consideration which she understood discouraged new businesses along Patterson Road.

Chairman Elmer said that the Land Use Plan had always shown the subject area to be commercial in nature. Ms. Ondo understood, but added that there were commercial uses with less impact than those currently being proposed.

Chairman Elmer clarified that while certain uses were approved for the site, approval for a Safeway store, specifically, was not automatic.

PETITIONER'S REBUTTAL

Mike Wein (4760 Lariat Drive, Castle Rock, CO) felt that survey results showed a need for a store in the subject area. During a recent neighborhood meeting in which approximately 40 persons attended, he'd received only two negative comments. He said that other types of fencing/buffering would be considered.

DISCUSSION

Commissioner Halsey felt that the project was, in general, a good one but he again expressed concern that the Commission's right to consider the individual site plan was voted away. He suggested that staff consider previous comments and concerns expressed by Chairman Elmer and citizens regarding compatibility, traffic, buffering, etc.

Chairman Elmer said that without the parcel being subdivided, it would have the potential for strip development which was undesirable. He did not want to see fast-food restaurants approved for the site and wondered why they were referenced on the site plan. Mr. Drollinger clarified that the references to pads 1 and 3 were there to illustrate uses in general and did not represent specific proposals.

Chairman Elmer asked if the ingress/egress was being worked out with the City. Mr. Drollinger said that this was underway, adding that site plans were available for public review, and he encouraged citizens to do so, with any questions being addressed by planning staff.

Commissioner Halsey asked about the petitioner's timeline, to which Mr. Harrison replied that plans were expected to be submitted in the next week.

Commissioner Vogel asked if the right-of-way to be dedicated would be sufficient for the eventual widening of 29 Road, to which Mr. Drollinger replied that it was.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item MS-96-53, a request for a Minor Subdivision approval, I move that we approve the Cottonwood Centre Minor Subdivision subject to the one staff recommendation submitted this evening and with the strong suggestion that staff follow the concerns expressed this evening by this Commission."

Commissioner Coleman seconded the motion. A vote was called and the motion passed by a vote of 5-1,

with Commissioner Withers opposing.

PP-96-47 PRELIMINARY PLAN--DAWN SUBDIVISION

Request to subdivide approximately 8.7 acres into 34 single family lots with zoning of RSF-4 (Residential Single Family with a density not to exceed 4 units per acre).

Petitioner: John Davis

Location: North of the northeast corner of 28 and F Roads

Due to a potential conflict of interest, Commissioner Driscoll excused himself from consideration of this item.

STAFF PRESENTATION

Kristen Ashbeck outlined the staff report on the proposal and indicated the site location on maps provided. She said that a single access is proposed through the Grand View Subdivision to the north from Hawthorne Avenue and Grand View Drive. Completion of street improvements to the common property line would need to be worked out between the developers of the two subdivisions at the Final Plat phase for Dawn Subdivision. Full half-street improvements on 28 Road the length of Dawn Subdivision would be required at the final phase of development. Two letters of opposition were received, one from the developer of the Grand View Subdivision who opposed the single access. The single access was requested by staff as being preferable to having another access on 28 Road in the subject area.

With some of the lots having a depth of only 80 feet, there may be difficulties in building within the building envelopes and still meeting the RSF-4 setback requirements. Drainage would be detained on the City-owned property located adjacent to the proposed development, with details of construction and fees to be determined by the Public Works Department. A 12-foot pedestrian easement going south to the stormwater detention facility would provide a pedestrian connection to the possible development of a trail system along the edge of the property to what could be Matchett Park. Additional details on sewer line alignment are needed and the Utilities Engineer is requiring that a water line be stubbed out to the eastern side of the property to service future development with looped lines. Other issues and review agency comments could be addressed during the Final Plat phase of development. Staff recommended approval.

QUESTIONS

Commissioner Halsey asked for the location of the Matchett Park property in relation to Dawn Subdivision, which was provided by Ward Scott, the petitioner's representative.

Chairman Elmer asked Mr. Shaver if the City had already purchased the Matchett property, to which Mr. Shaver said no; negotiations are continuing. When asked by Chairman Elmer how the park plans would affect this property, Ms. Kliska replied that she didn't think this project would impact it. She added that the City may consider downgrading 28 1/4 Road from a minor arterial to a collector street if warranted.

Chairman Elmer asked if there were any other outlets onto 28 Road from the Grand View Subdivision except for the one accessing Hawthorne Drive. Ms. Kliska said that another access is proposed at Ridge Drive.

PETITIONER'S PRESENTATION

Ward Scott, representing the petitioner, expressed his awareness over entrance concerns but said that staff had requested the single entrance from the onset of the project, so that no other design had been submitted. He felt that the project's density was compatible with the zoning and surrounding densities.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST: Tom Logue (1225 S. 7th Street, Grand Junction), representing Don Dela Motte, the developer

of Grand View Subdivision, presented a map depicting the subject area and street layouts and also passed out information on traffic speeds and sight distance requirements. Mr. Dela Motte was concerned over the routing of traffic solely through the Grand View Subdivision. He said that the stub street requested for Grand View Drive was to have been an inter-neighborhood connector only and not a primary access point for an adjoining subdivision. Had Mr. Dela Motte been aware of staff's intent regarding traffic circulation, he would have made some design modifications. Both Mr. Dela Motte and Mr. Logue felt that a second access onto 28 Road was necessary and should be required.

Denny Granum (759 Horizon Drive, Grand Junction), owner of 5 parcels in the Grand View Subdivision, also expressed concern over the lack of a 28 Road access from the Dawn Subdivision, and he did not think the current plan was compatible with adjacent neighborhoods. He also felt that some of the lots were very narrow; thus, there might be insufficient room for a building envelope.

Shirley McGuinness (2811 Hawthorne, Grand Junction) said that she'd just moved into the Grand View Subdivision from another development similar to the one being proposed. She said that there had been a lot of problems with the developer and expressed concern over this developer's follow-through. She was also concerned over the single access and urged a second access onto 28 Road.

Robert Ross (3046 E Road, Grand Junction), contractor in the subject area recalled pricing of currently available homes, adding that he felt it an obligation to keep the neighborhood upper scale. The entrance to Grand View Subdivision, he continued, was designed to make a statement. He also requested a second access onto 28 Road. A final concern was that there was an overflow ditch located to the north of the subject property. Since the ditch took up most of the required setback for the bordering lots, homes would be located only 10 feet from the ditch. Another ditch existed along 28 Road, which would create a similar situation. Mr. Ross requested that the density be lessened to allow for these elements.

PETITIONER'S REBUTTAL

Mr. Scott felt that a 28 Road access would be possible if he were allowed to abandon the proposed access to the north. He reiterated that a single access was felt to be sufficient, both from a development and City staff perspective, but added that traffic could also be routed to the east into the PR-16 zoned property. He reminded the Commission that the density was compatible with current zoning and stressed that the proposed density was needed to make the project viable. Dawn Subdivision, he added, would strive to blend with surrounding development. Mr. Scott said that the drainage ditch along 28 Road would be tiled and filled; with the second drainage ditch, he did not feel the building envelopes and setbacks would be compromised, so no tiling or filling was planned.

DISCUSSION

Commissioner Halsey wanted to know the rationale behind City proposed traffic patterns. Ms. Kliska said that Hawthorne Drive was a residential collector street and, as such, could handle more traffic than what was there now.

Commissioner Halsey asked what impact an access onto 28 Road would have, to which Ms. Kliska said that it would effectively change the developer's plan. She had not originally been asked to review an access onto 28 Road.

Commissioner Whitaker asked if other plans submitted by the petitioner included a 28 Road access. Mr. Scott reiterated that staff had requested the single access via Grand View Drive from the onset. Ms. Ashbeck said that the Grand View Drive stub had initially been requested so that the Dawn Subdivision property would eventually be able to utilize the access.

Chairman Elmer understood that the single access was designed to discourage a proliferation of accesses onto 28 Road. He wondered if the accesses were changed, would the plan have to be changed and brought back before the Commission for consideration. Ms. Ashbeck did not feel that a second access would

drastically alter the layout of the lots.

Ms. Kliska said that the Engineering Department had several concerns: 1) the stub-out street and its possible vacation; 2) the tiling of the ditch along 28 Road; and 3) access onto 28 Road.

Chairman Elmer felt that two accesses were warranted in the current case and that it would not drastically impact 28 Road to have another access onto it. Mr. Davis, the petitioner, said that they would lose a lot if they were required to put in a second access.

Chairman Elmer asked if the petitioner intended to tile the second ditch to the north, to which Mr. Davis replied negatively. Chairman Elmer felt that there was a potential for having six unbuildable lots to the north if the ditch was not filled in as well as posing a safety hazard.

Commissioner Vogel suggested that perhaps the stub street could be scaled down to becoming a pedestrian access. Commissioner Halsey said that this might be difficult given that the stub street had been constructed to City standards. Commissioner Halsey recognized the dilemma concerning the benefits/detriments of adding a second access onto 28 Road.

MOTION: (Commissioner Halsey) “Mr. Chairman, on item PP-96-47, I move that we approve the Preliminary Plan of the Dawn Subdivision with the issues stated in the staff report being resolved before the Final Plat submittal and the recommendation that, as indicated by Chairman Elmer, the subdivision have two outlets, one going to 28 Road and that the infill be completed along the north ditch to make those lots buildable.”

Commissioner Whitaker seconded the motion. A vote was called and the motion passed by a vote of 3-2, with Commissioners Coleman and Vogel opposing.

A brief recess was called at 8:55 p.m. The hearing reconvened at 9:00 p.m.

PP-96-51 PRELIMINARY PLAN--HILL COURT SUBDIVISION

Request for Preliminary Plan approval for 16 duplex-style townhomes on approximately 2.26 acres in a PR-4 (Planned Residential) zone district.

Petitioner: GNT Development Corp.
Location: Hillview Drive, Ridges Filing #4
Representative: Dan Garrison

STAFF PRESENTATION

Kathy Porter noted the location of the site on maps provided. She provided a history of the subject property, indicating that with the original Planned Unit Development approved by the County, no maximum density had been approved for the multi-family site; thus, densities were established via deed transfers. This allowed for up to 80 units to be developed on the site, which the City found excessive. After annexation into the City, staff researched and recalculated densities based on the number of multi-family sites remaining and had come up with a revised density of 7.1 units per acre. She noted that the west side of the property was bordered by a natural rock wall 40-50 feet in height, most of which was located within a designated open space area. The Preliminary Geologic Report recommended a 25-foot setback from the west property line to accommodate the rock fall area. The number of total units might have to be reduced to meet those required setbacks. Staff recommended the elimination of some of the proposed hard surface driveway areas and the incorporation of shared driveways along with additional landscape strips. The attached sidewalk should be replaced with an 8-foot wide concrete path to run through the property from Hill View Drive to the property to the north, where a future path is proposed. The 4-foot pedestrian easement from the east should be continued along the south property line to Hillview Court.

Staff recommended approval subject to the following conditions, adding condition 6. as an amendment to

the staff report:

1. A minimum 25-foot setback shall be maintained from the west property line as recommended in the Preliminary Geologic Report.
2. A minimum 20-foot front yard setback shall be maintained for all garages.
3. The final design shall incorporate the use of more shared driveways and the addition of landscaped areas to break up the large areas of hard surface driveways.
4. In lieu of sidewalks along the cul-de-sac, an 8-foot wide concrete trail shall be provided through the property from Hill View Drive to the property to the north where a future path is proposed.
5. The 4-foot pedestrian easement from the east must be continued along the south property line of this development to Hill View Court.
6. The final design must show adequate on-site maneuvering for all driveways.

PETITIONER'S PRESENTATION

Dan Garrison, representing the petitioner, voiced no opposition to staff's requirements. He felt that pulling the units forward to meet the rock fall setback would require less driveway area, and he agreed to reduce the number of units proposed by two (total of 14). He acknowledged that drainage was of paramount concern to residents located to the east and felt that their concern was legitimate. He agreed to address this prior to the final stage of development, adding that xeriscaping would be the only form of landscaping allowed for the development. He expressed an interest in redesigning the road to make the radius tighter on the west, thereby reducing the amount of driveway in that corner of the property.

QUESTIONS

Chairman Elmer asked if the petitioner intended to design the back walls of homes to withstand a rock fall, to which Mr. Garrison said that there was no foolproof method of protecting against this type of hazard. He added that the rock face seemed to be in excellent condition but agreed to knock down any loose formations for added safety. Chairman Elmer suggested that the petitioner work with City staff to identify and mitigate those hazards.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST: Ken Karp (386 Hillview Drive, Grand Junction) expressed concerns over the following: 1) decreased property values; 2) increased traffic and related safety; 3) density, (feeling that even 7.1 units/acre was too dense); 4) compatibility with existing homes, adding that the City Manager had assured residents during the annexation process that no curb, gutter, or sidewalk would be required; 5) who would pay for the maintenance of the rock face; 6) he wanted to make sure that the square footage of proposed homes would conform to zone standards; and 7) drainage design. Mr. Karp felt that with regard to drainage, additional setback should be required at the base of the rock wall to absorb runoff from the rock face.

Joe Phillips (394 Ridge Circle Drive, #4, Grand Junction), owner of one of the Cluster homes and president of the Clusters' Homeowners Association, elaborated on the severity of the drainage problem experienced by residents in the Clusters development. He provided a brief history of the development and recurrent flooding problems. Mr. Phillips submitted copies of drainage studies to staff for review. The studies, he continued, recommended: 1) a French drain system with sump pumps in the first phase of mitigation and 2) a gunnite liner installed in the drainage ditch to control the subsurface water flow problem in the second stage of mitigation. Mr. Phillips said that all Clusters units had sump pumps which generally begin running in April/May. He recommended the petitioner install a French drain in the ditch along the east side of the

subject property. He was concerned that only one storm drain was proposed for the cul-de-sac. In addition, he felt that the drainage ditch was not designed to handle a tremendous amount of surface runoff. With additional flow, the Clusters development would suffer additional drainage flow problems. Mr. Phillips recommended that staff add a provision that any drainage collection system be collected into a lined system and accessed directly off the north side of the property.

Chairman Elmer said that City policies restricted drainage from development to no more than historical flows.

Ken Karp noted that lots 15 and 16 on the plat looked as though they were located in the ditch itself and felt that they would have to be eliminated.

Chairman Elmer asked if there were any regulations in place to regulate subsurface flows, to which Mr. Shaver replied that he knew of none. Neither Ms. Kliska nor Ms. Portner were aware of any such regulations.

Jill Anderson (393 1/2 Hillview Drive, Grand Junction) said that she had not been offered financial compensation for acquiring additional property for the development's right-of-way, traffic impacts, etc. She requested that the density of the project be lowered and that there be an increased buffer zone between her property and lots 3 and 4 to protect her privacy. She also expressed concerns over drainage and felt that additional hard surfaces would only exacerbate the problem.

Matt Griffith (397 Ridge Circle Drive, #1, Grand Junction) expressed his concerns over drainage.

Darrell Evans (397 Ridge Circle Drive, #2, Grand Junction) disagreed with the staff's comments that the topography was basically flat. He said that his sump pump was in operation approximately 20 hours per day and that most of the drainage came from irrigation water flowing from higher properties. He urged retention of drainage water on site and the monitoring of flows.

Ron Smith (397 Ridge Circle Drive, #3, Grand Junction) said that all Cluster residents experienced problems with drainage and flooding because the development was built on a natural fault. He didn't feel that the sump pumps would be able to handle any additional runoff generated by the proposed development.

Susan Knudsen (385 1/2 Hillview Drive, Grand Junction) expressed concerns over increased traffic, safety, drainage, and also encouraged monitoring of the historical flows. She also recommended that the density be reduced to no more than 4 units per acre.

Chairman Elmer clarified that historical flows were measured based on published data.

Betty Smith (397 1/2 Hillview Drive, #3) recalled where she'd experienced flooding in her basement after a power outage had left her sump pump inoperable for only 4 hours.

PETITIONER'S REBUTTAL

Mr. Garrison reminded the Commission that the Clusters development was higher in density than was he was proposing and that the Clusters was all roof and hard surfaced except for two landscaped islands. He said that the Clusters had a 50-foot area of irrigated bluegrass located on site, so that residents created some of their own problems. He reiterated his intention to allow only xeriscaping and said that there was no evidence of erosion in the rock face to pose a threat to lots abutting it. By bringing units forward, it would allow for additional absorption area as requested by Mr. Karp. Mr. Garrison said that Transportation Capacity Payments would help pay for mitigation of traffic concerns and that there would be a Homeowners Association with covenants which should address many of the voiced concerns.

QUESTIONS

Chairman Elmer asked for clarification on the location of the rock wall, which was provided by both Ms. Portner and Mr. Garrison.

Chairman Elmer presumed that the petitioner would provide for a depression near the rock wall for drainage with overlot grading. Mr. Garrison said that proper grading would be accomplished.

Ms. Portner followed up on a public comment and asked if the units would have garages, to which Mr. Garrison replied that they would and accommodate two cars.

DISCUSSION

Commissioner Driscoll felt that the 25-foot easement from the rock face sufficiently addressed safety concerns. He asked for the name of the person who performed the geologic report, to which Ms. Portner replied that Mr. Wright, CPG, had conducted the study.

Commissioner Whitaker acknowledged the groundwater concerns expressed by residents.

Chairman Elmer felt that xeriscaping should be made a requirement of the Final Plan, and that retention/detention of water could only make the problem worse in an unlined pond. He asked staff if the ditch was also to be maintained by the Homeowners Association, to which Ms. Portner replied that it was.

Chairman Elmer asked for clarification on the deeding of density, which was explained by Mr. Shaver. Chairman Elmer felt that 14 units was a reasonable density for the development.

Commissioner Driscoll felt that drainage was the primary issue and wanted to see this addressed in the final stage of development.

MOTION: (Commissioner Halsey) “Mr. Chairman, on item PP-96-51, I move we approve the Preliminary Plan for Hillview Court Subdivision subject to the staff recommendations 1. through 6. and with the understanding that the number of units be limited to no more than 14.”

Commissioner Whitaker seconded the motion. Ms. Portner asked the Commission for direction on whether the petitioner should be required to drop the number of units to 14 as he had offered to do. Commissioner Halsey said that setbacks would determine the final density but agreed to include an amendment that the number of units not exceed 16. Commissioner Whitaker seconded the amendment.

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

V. GENERAL DISCUSSION

An informal discussion ensued over the earlier Safeway approval and continued concerns over the Commission's not reviewing the Final Plan for the property. Mr. Shaver explained that the use restrictions were originally designed to control the type of development which occurred on the site. He acknowledged the difficulty in approving a planned zone without benefit of a plan; thus, he acknowledged that the Safeway site plan was as close to being a “defacto” plan as was possible given the zoning considerations.

Chairman Elmer was very concerned over giving a carte blanche approval to a site with the intensity that the Safeway proposed. He said that until the plan was submitted, the Commission could not adequately address specific concerns nor issues.

Mr. Shaver said that in the future additional clarification should be given to Commissioners by the annexation planning staff to ensure full understanding.

VI. ADJOURNMENT

The hearing was adjourned at 10:30 p.m.