



# City of Greenwood Village

6060 South Quebec Street  
Greenwood Village, CO  
80111

## Minutes - Final

### Planning and Zoning Commission

**HEARING IMPAIRED APPARATUS AVAILABLE**

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**ALL BOARD, COMMISSION AND COUNCIL MEETINGS ARE DIGITALLY  
RECORDED**

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Tuesday, September 6, 2016

6:00 PM

Council Chambers

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#### STUDY SESSION - 6:00 PM

- A. [ID# 16-268](#) Discussion of Orchard Station Subarea

#### REGULAR MEETING - 7:00 PM

##### 1. Call to Order

##### 2. Roll Call

**Present:** 8 - Jon Ekoniak, Brian Anderson, Steve Burns, Elizabeth Barnacle, Brian Strandes, Glenn Malloy, Henny Lasley and Steve Goldman

##### 3. Approval of Minutes

[ID# 16-247](#) July 19, 2016 Draft Minutes

**Commission Member Ekoniak moved, seconded by Commission Member Barnacle; the July 19, 2016, minutes be approved as submitted. The motion carried by the following vote:**

**Yes:** 8 - Commission Member Ekoniak, Commission Member Anderson, Commission Member Burns, Commission Member Barnacle, Commission Member Strandes, Commission Member Malloy, Commission Member Lasley and Commission Member Goldman

##### 4. Public Comment

##### 5. Public Hearings

- A. [Case No. 16-14-PP](#) Harrison Oaks; 4000 E. Belleview Avenue; Preliminary Plat

*Staff Presentation:*

*Ms. Ann Woods, Community Development Engineer presented the application. The property is located in the area between Belleview Avenue and vacated Willamette Lane. Notice of the hearing was mailed and posted pursuant to the Municipal Code at least 15 days prior to the hearing. She provided the Chair with the affidavits of posting and mailing.*

*PTRC Recommendation:*

*Engineer Woods noted that the application had been heard by the Parks, Trail and Recreation Commission (PTRC) on August 23, 2016, to provide a recommendation regarding two trail connections and the proposed at-grade bridge crossing of the High Line Canal. Staff had requested the two trail connections; the south trail easement along vacated Willamette Lane and an extension to the South Colorado Boulevard trail along the southern boundary of the High Line Canal. The PTRC had recommended approval of the trails. Since that date, the City Attorney had advised staff that the south trail easement was being removed from consideration. Based on the elimination of a reservation for a future trail connection to Willamette Lane, the Director of Parks, Trails, and Recreation withdrew the request for the South Colorado Boulevard extension trail connection. Justification for withdrawal was based on the diminished value that would be recognized for a trail that does not connect to any other trails. The PTRC did not recommend approval of the at-grade crossing.*

*Application:*

*The proposal was for a major subdivision which requires a Preliminary Plat and Final Plat and subdivision improvement agreement, a right-of-way vacation, and landscape plan (to be approved administratively). The request was to subdivide 32 acres of undeveloped land into 11 2.5-acre single family lots. The property is currently zoned R-2.5 and was to remain such. Access to the development will be off of Belleview Avenue via a new public road named South Jackson Place.*

*The applicant was requesting two exceptions from the Code; the first noting the existing home on the property would become a non-conforming structure with approval of the plat. If the home were to be redeveloped, it would be required to meet all current zone district standards. Access to the existing home from Belleview Avenue by vacated Colorado Boulevard would remain. The second Code exception was a request for stop signs for vehicular traffic on South Jackson Place at the High Line Canal. The use of stop signs was not customary for trail crossings and would require approval by Resolution from City Council.*

*Engineer Woods provided a history of the site which was originally platted in 1892 a part of South Denver Gardens and a home built north of the High Line Canal in*

1939. Willamette Lane between South Steele Street and Colorado Boulevard was vacated prior to incorporation of the City. A portion of Colorado Boulevard between Belleview Avenue and East Garden Avenue was vacated in 1956. These vacations resulted in the south parcel being left without public access. The northern parcels were subdivided into two 4.5-acre parcels in 1993. A right-of-way permit for access to the northern lots from Belleview Avenue was previously disapproved by CDOT so no access was constructed.

*Access - Access has been a challenge to developing the southern parcel. Engineer Woods discussed the range of possibilities to access the southern portion of the site, including directly from Belleview Avenue by use of a bridge over the High Line Canal, South Steele Street to Willamette Lane and from Colorado Boulevard at East Garden Avenue north. Willamette Lane is a private road and would require easements as would Colorado Boulevard. Additional options include the City acquiring the property as open space.*

*The Greenwood Village Comprehensive Plan discourages street extensions which allow traffic to traverse rural areas. The Land Development Code requires that lots have a guaranteed public access. The proposal was to provide access to the southern parcels via South Jackson Place with an at-grade bridge over the High Line Canal. Numerous bridge options were reviewed based on balancing safety and aesthetics, maintaining the character of the existing neighborhood and mitigating any adverse impacts to the natural environment. Engineer Woods noted a bridge over the High Line Canal would require the City to obtain a license agreement from Denver Water.*

*There are currently five existing at-grade crossing and two undercrossings of the Canal within the Village. Three crossings are at-grade crossings with flashing beacon lights (two on Orchard Road and one at Long Road), two crossings have pedestrian crossing signs (South Franklin Street and Green Oaks Drive), and the two undercrossings are maintained by CDOT (University Boulevard and Belleview Avenue). The highest volume at-grade crossing was located at Orchard Road, west of University Boulevard with an average of 854 trail users per day and 9,000 vehicle trips per day. The lowest volume at-grade crossing was at Green Oaks Drive with 854 trail users and 420 vehicle trips per day. Engineer Woods noted the Harrison Oaks crossing would serve six homes for an estimated 96 vehicle trips per day. It was staff's position that the at-grade crossing was expected to comply with acceptable safety standards.*

*Engineer Woods provided a comparison of the possible bridge types, including a bridge over the trail and canal, a bridge over the canal and trail with the trail*

lowered by two feet, and an at-grade bridge. The bridge over the canal and trail would have a larger impact area and would require retaining walls which would impact the views of the trail users. The bridge over the canal and reduced trail elevation would require a tunnel under the road with retaining walls on either side of the trail and was not characteristic of the rural area and required additional maintenance to maintain a safe and clean trail. Denver Water had reviewed each of the proposed types and noted the undercrossing were not preferred due to icing in winter, debris and safety concerns. They also noted a larger disturbance area had a larger potential impact on the integrity of the Canal. The at-grade crossing was selected due to the limited number of vehicles crossing the Canal, a low visual impact on the rural area and maintaining the trail user experience.

The applicant would provide additional features to enhance the safety of the at-grade crossing. A rendering was presented of the proposed at-grade crossing at the High Line Canal trail. The applicant proposed the following enhancements; a raised speed table, stop signs for vehicular traffic, narrow travel lanes at the bridge, signs along the Canal trail in advance of the crossing; and placement of a construction flagger during all construction activity on the southern parcels.

The entrance from Bellevue Avenue onto South Jackson Place would be a three-quarter movement with a right-out only from the development onto Bellevue Avenue. Westbound Bellevue Avenue would include a left turn lane and median break and eastbound Bellevue Avenue would include a deceleration right turn lane into the development. Snow and ice control on South Jackson Place will be provided by the City when improvements are made (at the applicant's expense) to City standard. The new South Jackson Place will be a 24-foot wide paved asphalt road and drainage pans and mountable curb with a 5 foot crusher fines trail on one side. Engineer Woods noted new gravel roads are prohibited.

She reviewed the drainage of the site, noting the majority of the property drains to Greenwood Gulch. Two drainage channels are proposed to carry potential overflow from the Canal to Greenwood Gulch and Bellevue Avenue. Three of the lots will require on-site detention ponds. Denver Water requires that only historical volumes of the same quantity and quality of stormwater can enter the Canal. Developed flows will be captured in a new drainage ditch along the Canal to intercept the additional water and cross under the Canal to drain to a new detention water quality pond in the northeast corner of the site.

Engineer Woods noted a noise study was conducted which indicated berms and noise mitigation techniques would be inadequate to reduce the noise from Bellevue Avenue and it would be the responsibility of the lot owners at the time of

construction to mitigate noise.

*Cherry Creek School District required a mitigation fee for new students which would serve the northern portion of the property. Littleton Public Schools would serve the southern parcels and one parcel on the northern portion; mitigation would not be required.*

*Engineer Woods presented the landscape plan which addresses the improvements along the Belleview Avenue frontage including entry landscaping and the High Line Canal bridges. The landscape plan is not required as part of a major subdivision review but was being proposed to enhance the project and will be recorded and enforced by the City.*

*Staff Recommendation:*

*Staff recommends the Planning and Zoning Commission recommend approval of the Preliminary Plat to City Council.*

*Commission Questions/Responses:*

*Engineer Woods responded to questions from the Commission regarding the speed table, noting it would only be located on the north side of the bridge where the trail crosses the roadway to slow vehicles down. Community Development Director Heather Vidlock noted the narrower bridge will slow vehicles approaching from the other direction. Engineer Woods noted the bridge was 20 feet wide which is wide enough for two vehicles to be on the bridge at the same time.*

*Applicant Presentation:*

*Mr. Jack Forhan, 7887 East Belleview Avenue, Suite 1100, Englewood, representing the property owners of the north and south parcels presented the case on behalf of the applicant. He introduced his team, including Mr. Peter Wall CRL Associates, Mr. David Brim, Plan West, Mr. Jim Fitzmorris, JR Engineering, and Mr. Lyle DeVries, Felsburg, Holt and Ullevig (traffic consultant).*

*Mr. Forhan provided an additional history of the property noting it was owned by the Kim Magness Family Trust and has been part of their families ownership since 1987. After Mr. Magness' death in 2003, the family subdivided the property to sell portions of it. The owners had been in discussion with the City regarding access to the southern parcel. Mr. Forhan stated the 1956 ordinance which vacated a portion of South Colorado Boulevard indicated that it would "not leave any adjoining land without access to other public road", and felt this was based on an assumption that Belleview Avenue could be accessed through the north parcel via a bridge over the High Line Canal.*

*The owners had begun negotiations in 2008 to gain access to the southern parcel via Colorado Boulevard and in 2010 an agreement was recorded with an easement to gain access via Colorado Boulevard. Shortly after that time, a 350-foot strip north of Garden Avenue and a 30-foot wide strip of land owned by the City, was platted and dedicated to the City via Village Hills subdivision. Mr. Forhan noted access was not stated on the plat to be available to the Harrison Oaks property. The City had decided at that time the only way to grant access was to replat Village Hill Subdivision to remove the restriction note or add note with access to parcel. The owners had tried to re-plat Village Hill Subdivision and were unsuccessful. He stated the City indicated in 2013 it would consider a bridge over the Canal for access to the southern parcel. The property owners appeared at a joint study session with Planning and Zoning Commission and the City Council in 2013 to present a concept to subdivide and included a bridge. The bridge required the City to obtain an access permit off Belleview Avenue from CDOT and a license from Denver Water for the bridge crossing. There was a consensus the City would proceed to obtain the commitments from CDOT and Denver Water. A new plat was submitted in 2014 which included a proposal for a bridge over the Canal.*

*Mr. Forhan stated the application was heard before the Planning and Zoning Commission in 2015 which resulted in a split 2-2 vote and no recommendation was made to City Council. City Council disapproved the application by a 5-3 vote. The applicant noted an access via Willamette Lane was a challenge due to the road being private and would require agreements with 15 separate parcels to grant access. They felt the access was less direct and had a negative effect on the response time for emergency services. He noted they were able to contact nine of the 15 property owners and none of them were willing to grant access. The second option for access via Colorado Boulevard presented the same issues and would require approval from 10 properties to grant access. Of the nine the applicant had been able to contact, one property owner had indicated they would consider granting access. Mr. Forhan stated this was the least preferable option as it would affect the largest number of property owners and response time for emergency services would be even greater as access would be from Orchard Road, through the Preserve, along Colorado Boulevard and past Garden Avenue.*

*Mr. Forhan discussed the option the applicant held to pursue private condemnation of the lots to gain access to the southern parcels. He noted they felt they could meet the tests to pursue condemnation as a last resort. Because of these issues, the applicant felt access off Belleview Avenue with a bridge across the High Line Canal was the best option as it contains all traffic within the development, does not impact the Rural Homestead Planning Area and provides the shortest response*

*time for emergency services.*

*He provided renderings of the options for grade-separated crossings of the High Line Canal. Both of the options had a large aesthetic impact for trail users and could be seen from further away. He noted their primary consideration for the bridge was to reduce the aesthetic impact for trail users and maintain the character of the rural area. The grade-separated bridges require higher abutments and walls to hold up the road and disturb a larger area of land. Mr. Fohan provided statistics of the size and height of the walls for both grade-separated options. The at-grade crossing required the shortest span and lowest walls and was, in their opinion more aesthetically pleasing.*

*The applicant felt the potential for conflict between vehicles and trail users was low based on the number of vehicle trips per day. He compared the percentages of encounters at the crossing at Orchard Road west of University Boulevard and the crossing at Bellevue Avenue, which had 32,000 to 36,000 vehicle trips per day. They felt that a 0.5 percent chance of a vehicle conflict per day did not justify an undercrossing. To further mitigate any safety concerns, they had provided numerous enhancements which were previously stated by Engineer Woods.*

*Mr. Forhan confirmed that the applicant supported the deletion of the south trail easements from the application as they felt they were unnecessary and initiated more concerns for trespassing. He noted they had held four public meetings with approximately 50 people in attendance, created a project website, and had discussed the project with trail users. He felt their application fairly balances the interest of the property owners, adjacent landowners and trail users. If not approved, he noted that they would begin pursuing condemnation to gain access to the property which they did not wish to pursue unless they had no other choice.*

*He asked that the Planning and Zoning Commission recommend approval to City Council as presented.*

*Chair Anderson called the meeting to recess at 8:21 p.m.*

*The meeting was reconvened and called to order at 8:30 p.m.*

*Public Comment:*

*Ms. Martha Potter-Goldstein, 2811 E. Willamette Lane, spoke in opposition to the at-grade bridge crossing. She asked why the undercrossing had not been explored further and she felt it was a good solution which allows safe passage for pedestrians, horses, bikes, strollers, etc. and can be well designed. In response to*

*staff's concerns regarding icing, she stated she did not believe a lot of people use the trails during ice and snow events anyway. She felt an undercrossing would avoid disharmony created within the community by threat of condemnation. She asked that the applicant further explore options for better design.*

*Chair Anderson polled the audience of who would be in favor of an undercrossing. Approximately 20 people were in favor.*

*Mr. Bob Stanley, 5200 S. Steele Street, noted he concurred with Ms. Potter-Goldstein and was in favor of a bridge crossing, but not an at-grade crossing. He noted he was not in favor of condemnation and did not want to grant access through his property for access.*

*Ms. Diane Writer, 3720 E. Willamette Lane, lives directly south of the property, spoke in favor of an at-grade crossing. She felt it was logical to enter the development from Bellevue Avenue and contain the traffic within the development. She felt all the necessary safety measures had been taken and that there are five existing at-grade crossing within the City without the extra safety measures that have no issues. She stated she knew many residents that like the undercrossing but felt Denver Water was unlikely to issue a license for the use of a culvert.*

*Chair Anderson polled the audience of who would be in favor of an at-grade crossing. Approximately 32 people were in favor.*

*Mr. Luke Towle, 3531 E. Willamette Lane, spoke noting he felt the developer had taken an offensive posture with threatening homeowners with condemnation so they would concede to an at-grade bridge. He felt this application was very similar to the application which had been previously denied and that they were taking their chances on the Commission and City Council having many new members for a different result. He stated he and his neighbors live in the area because of it's unique "country in the city" feel and greatly value the Canal.*

*Ms. Krista Towle, 3531 E. Willamette Lane spoke against extra traffic in her neighborhood and did not want to see any kind of crossing of the Canal. She felt the Canal was part of the lives of all who live in Greenwood Village for long term. She thought the applicants designed an ugly undercrossing as a option to favor the at-grade crossing. She noted she would be in favor of an attractive underpass.*

*Mr. Tim Sanford, 2707 E. Willamette Lane, stated he was a prior member of Littleton Planning Commission. He felt the Plat should be rejected because it does not provide access to all of the property. He spoke in favor of undercrossing as he*



*envisioned aesthetic walls containing the Canal with artificial stone; something well designed. He stated the City needs to serve the needs of the entire community while balancing competing interests. He was opposed to an at-grade crossing.*

*Ms. Jacquie Hallenbeck, 3555 E. Willamette Lane, supported the at-grade crossing. As an avid runner, she has run miles on the trail and taken her horses, walked her dogs and ridden her bicycle. She noted she did not like undercrossings because of icing in winter and would prefer to cross busy streets like Bellevue Avenue rather than use them. She noted she was upset with the City and felt it was the fault of the City that the property had lost its public access in 1956. She felt it was the obligation to come to an agreement for access without the developer taking legal action.*

*Mr. Shaun Starbuck, 5340 S. Colorado Boulevard, spoke in favor of the at-grade crossing and the application, as submitted. He felt the proposed crossing could not be compared to existing at-grade crossing because of the large difference in number of users. He felt the tunnels of a culvert undercrossing would look much larger than people may expect and felt it put users at risk, including horses who may react poorly to activity in the tunnel. He felt they were dangerous and an at-grade crossing eliminates the risk.*

*Chair Anderson polled the audience of who was concerned with safety of trail users in a culvert-type approach to the undercrossing. 30-40 people expressed concern.*

*Mr. Carlton Jennings, 3601 E. Garden Avenue, representing Sierra Vista Homeowners association, supported the at-grade crossing and the development of the property. He stated they wanted a decision which was in the best interest of the residents and the City. He thought there was a very small number of incidents at existing at-grade bridges. He stated the design fits in well with the rural character of the neighborhood. He felt the previous application was not as well designed but that the developer had taken all of the comments into consideration. Sierra Vista supported the at-grade crossing and the development of the property.*

*Mr. Jim Schmidt, 3900 E. Garden Avenue, spoke regarding horses using the culvert tunnel and stated riders must know that their horse is comfortable with tunnels or it could be dangerous.*

*Ms. Carol Schmidt, 3900 E. Garden Avenue, spoke in support of an at-grade crossing.*

*Ms. Harriet Lamair, 16 Cherry Lane Drive, [Cherry Hills Village], representing the*

*High Line Canal Conservancy Group read a prepared statement. Their efforts focus on increasing opportunities for all people along the High Line Canal which is 71 miles long. Ten years ago, Denver Water estimated 350,000 live within a half mile of the Canal. High Line Canal Working Group is looking at ways to solve infrastructure and long term issues including vehicular crossings. They have an existing public outreach process which is not yet complete. They cannot provide a position but urged the City to think big; think of the long-term impacts.*

*Ms. Mary Forhan, 4491 E. Perry Parkway, lives within a half mile of the development. She noted she was baffled by the comments of people who wanted to reserve the character of this part of the Village but want concrete walls which block views and are prone to graffiti, snow, mud, etc. She stated she personally does not like going through tunnels. She noted she was in favor of an at-grade crossing and the entire plan. She also stated that denying the property owners access would be a miscarriage of justice.*

*Mr. Conrad Suszynski, 2700 E. Willamette Lane, echoed previous comments; noting he is pro-development and agreed that the south parcel should have access. He expressed concerns regarding ADA compliance and the need to keep the vehicles away from pedestrians. He felt an underpass would provide a better crossing than other existing undercrossings which are decades old and stated he would rather go through a tunnel. He stated he was disappointed with the lack of options provided by the applicant and felt there were better bridge designs possible.*

*Mr. John Woodward, 4241 E. Plum Court, noting he is building a house on Iris Court for Matt and Mandy Robertson who have access from Colorado Boulevard. He noted Denver Water would not support any plans for an underpassing of the High Line Canal. He noted his clients support the proposed bridge over the canal. He noted his clients had also worked with the applicant directly for the last two years. He weighed in on the implied or intentional threat of private condemnation noting it is a factual right and reiterated the applicant could pursue both accesses proposed or to move the bridge crossing. He voiced concerns about the access from Colorado Boulevard option as the proposal impacts a larger number of properties, including those in the Preserve neighborhood. He addressed Mr. Suszynski's comment regarding a proposed existing easement agreement with his clients for access to the south parcel across the bridge to Bellevue was incorrect; no such agreement exists.*

*Mr. Len Goldstein, 2811 Willamette, explained to the commission that he is not at the section of Willamette that would be affected by condemnation, currently serves*

as a member of the Parks, Trails and Recreation Commission and had recused himself from this application when it came before the PTRC. He provided a brief overview of his use of the High Line Canal; denoting that at PTRC the developer had said 280,000 people per year use this trail, with 800 per day which also equated to 95 people per hour on the trail which gives rise to how traffic will get through on the bridge if trail users have the right-of-way. He noted he was disappointed the applicant did not provide the other two options for undercrossings at the neighborhood input meeting, the at-grade bridge and the grade separated crossing. He noted the alternatives provided by the developer include the costs of the yardage of concrete which should not be taken into consideration of safety. He voiced his support for a short tunnel or undercrossing versus an at-grade crossing.

Commissioner Malloy requested clarification from Mr. Goldstein if he disagreed with the developer's study noting there was 0.5 percent chance of vehicles meeting trail users. Mr. Goldstein provided a copy of an analysis of at-grade crossing to the Commission and noted he disagrees with the study.

Ms. Sally Russo, 5555 S. Steele Street, provided brief history of her time as a resident of the Village along with the changes she has observed taking place in the city, voicing concerns that some of the changes do not benefit the citizens but benefit of developers and not the City. There are additional users of the trail coming from around the south metro area to walk this section of the canal and there is an additional parking lot constructed to accomodate them. She welcomed the developer but does not want to be pressured by developer. She noted she is constantly flagging down services trucks who travel 40 mph on South Steele Street. She also mentioned a Study regarding people reactions and distractive driving which illustrated that people will not be paying attention to the proposed stop signs, they are focused on their destination. She also notes she agreed and supports Ms. Martha Potter- Goldstein's comments.

Ms. Connie Dines, 5205 S. Steele Street, provided photos of the underpassing of University Boulevard and other underpasses in the Village, noting they can be well designed. She did not think a 20-foot tunnel was scary and requested the Commission take into consideration for a safe underpass.

Mr. Matt Robertson, recent property owners of lots 247 and 248 south of Harrison Oaks property noted they would be impacted by all solutions and have access rights to their property from Colorado Boulevard. He noted he bought this property for the High Line Canal and will utilize it for pedestrian access and other uses. He noted he did not see an issue with the proposed bridge crossing as it would be the safest bridge over the canal. He noted no one was disputing the safety of the

bridge and would be the least amount of traffic at any at-grade crossing. He noted residents would take ownership of vehicle safety at the intersection and the solution keeps traffic contained on the property.

Mr. Paul Schmergel, 2860 E. Willamette Lane, wanted more details regarding the use of the traffic crossing guard during the construction.

Mr. Trey Rogers, of Lewis, Roca, Rothgerber and Christie, LLP, attorney representing Jimmy and Heather Mulvihill, expressed concern with the original proposal but noted the developer had alleviated previous concerns. The Mulvihills were in support of the newly designed at-grade bridge which is least impactful on trail users. They also supported the removal of the southern trail easements.

Mr. Peter Hession, 3701 E. Garden Avenue, spoke in support of the at-grade crossing noting it will have the least impact on trail users. He was supportive of the proposal, as submitted.

Mr. Joseph O'Dea, 5400 Colorado Boulevard, representing Village Hill Subdivision, stated they were in support of the at-grade bridge crossing. He stated he has not been threatened with condemnation but does not want the City to allow vehicular access via Colorado Boulevard. He noted they can see the property from their windows and would not approve of a tall raised bridge over the Canal.

Mr. Richard Russo, 5555 S. Steele Street, stated he felt people had not spoken against the development but rather the at-grade crossing. He felt the developer was looking for only the cheapest option and wanted to see a cost analysis provided for the options. He discussed the condemnation process. He spoke of the lack of incidents at the existing at-grade crossings of the Canal in the Village saying it was based on the pedestrians choosing not to cross when vehicles are present. He also questioned the adequacy of the posting notice along the High Line Canal and date selected by the applicant to conduct a trail-user count. He was not in favor of an at-grade crossing.

Ms. Tina Suszynski, 2700 E. Willamette Lane, felt the Chair over-simplified the issue when taking polls. She would like to see more research and other design options presented.

Ms. Ellen Balaguer, 4 Waring Lane, asked the Commission to think beyond only the neighboring property owners who were present and consider the entire Village in its process. She felt the users of the High Line Canal had lost their voice. She was supportive of the developers rights to develop their property but felt the bridge

*designs which were offered, reflect an agenda. She suggested a design challenge be used to solicit better bridge design by those with no stake in the process. She was not in favor of an at-grade bridge crossing.*

*Mr. Jonathan Buekelman, 3535 E. Willamette Lane, felt an at-grade crossing was dangerous and felt there were more options for a good below-grade crossing.*

*Applicant Response:*

*Mr. Jack Forhan responded to questions which included the commitment for the proposed flagger would be reflected on the Preliminary Plat, enforceable by the City and who would be on-site during all construction on the South Parcel. It may take five to ten years for these homes to be constructed but the flagger would be there.*

*In response to the concerns by Mr. Stanley, Mr. Forhan noted their Right-of-Way Negotiator had not been able to contact Mr. Stanley; however, they have made three attempts to contact with no responses.*

*Mr. Forhan noted in response to the comments regarding the right for private condemnation; he noted no threats had been made, they just wanted access to their property and they have engaged a Condemnation attorney to review the issue. If the second try at the bridge concept is denied, they would have the right to have condemnation.*

*Regarding the areas affected by retaining walls being limited, illustrations were shown. He clarified the underground culvert if constructed would be required to extend beyond the roadway to account for the change in grade, in addition to ramps to maintain ADA compliance.*

*In response Mr. Russo's concern regarding the timing of the trail user count, Mr. Forhan stated the weekend counts were performed between 7:00 a.m to 7:00 p.m., and was higher than other similar counts done nearby. He felt the numbers provided by Felsbur, Holt and Ullevig were accurate. The rate of 95 users per hour on the weekend would be spread out and not in a continuous stream.*

*Mr. Forhan responded to questions from the Commission regarding the cost differences for an at-grade bridge versus grade-separated, noting an at-grade bridge would cost approximately \$700,000 versus an undercrossing with bridge at \$1,050,000 to \$1.1 million.*

*It was clarified that if access were granted willingly by homeowners via Willamette*

*Lane, additional maintenance would be required for the additional traffic. Colorado Boulevard would have to be built as it currently ends at Village Hill Subdivision.*

*Chair Anderson closed the public hearing at 9:53 p.m.*

*Commissioner Deliberation:*

*The Commission deliberated and were in support of the application as proposed for the following reasons:*

- They heard no testimony against approval of the application or a crossing of the High Line Canal; the disagreement by the public was regarding what type of crossing would be appropriate (at-grade or grade-separated).*
- The crossing will serve only six properties and they felt safety would not be a significant issue with a less than one percent chance of trail users encountering vehicles.*
- The minimal traffic served by the Bridge did not justify an undercrossing.*
- Existing at-grade crossings of the High Line Canal in the Village have had little to no issues.*
- There need to be a balance for all users, property owners, developers and consider safety and future planning.*
- No one questioned the developers right to build.*
- It was clear no property owners wanted to grant access to the property via Willamette Lane or Colorado Boulevard.*
- Posting of the notice of hearing was adequate.*
- Several Commission members felt undercrossings had more potential for serious safety issues.*

*Commission Member Burns moved, seconded by Commission Member Ekoniak to extend the meeting past 10:00 p.m. by 15 minutes. The motion passed in a unanimous voice vote.*

**Commission Member Ekoniak moved, seconded by Commission Member Strandes; to recommend for approval to City Council; Case No. 16-14-PP Harrison Oaks; 4000 E. Bellevue Avenue; Preliminary Plat, as outlined in the Staff Report. The motion carried by the following vote:**

**Yes: 8 -** Commission Member Ekoniak, Commission Member Anderson, Commission Member Burns, Commission Member Barnacle, Commission Member Strandes, Commission Member Malloy, Commission Member Lasley and Commission Member Goldman

**6. Discussion Items**

**7. Adjournment**

**A motion was made by Commission Member Strandes, seconded by Commission Member Goldman; to adjourn the meeting at 10:07 p.m. The motion carried unanimously.**