

**GRAND JUNCTION PLANNING COMMISSION
MARCH 28, 2006 MINUTES
7:00 p.m. to 10:05 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Roland Cole, Lynn Pavelka-Zarkesh, Tom Lowrey, Patrick Carlow, Bill Pitts, and Reggie Wall.

In attendance, representing the City's Community Development Department, were Cheryl Trent (Assistant to the City Manager), Kathy Portner (Assistant Community Development Director), Scott Peterson (Senior Planner), and Lisa Cox (Senior Planner).

Also present were Jamie Kreiling (Assistant City Attorney), and Eric Hahn and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

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

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the minutes of the February 28, 2006 public hearing.

MOTION: (Commissioner Cole) "Mr. Chairman, I move approval for the February 28 meeting minutes."

Commissioner Lowrey seconded the motion. A vote was called and the motion passed by a vote of 6-0, with Chairman Dibble abstaining.

III. CONSENT AGENDA

Available for consideration were items:

1. CDP-2005-307 (Condo Plat--Ridge Properties Condominiums)
2. PP-2005-209 (Preliminary Plan--Overlook Subdivision)
3. TAC-2006-063 (Text Amendment--SSID Manual Revisions)

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion. No objections or revisions were received from the audience or planning commissioners on any of the Consent items.

MOTION: (Commissioner Pitts) "Mr. Chairman, I move we approve the Consent Agenda as presented."

Commissioner Lowrey seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

IV. FULL HEARING

PP-2004-153 PRELIMINARY PLAT--RIDGEWOOD HEIGHTS

A rehearing of the denial of a Preliminary Plat consisting of 71 single family lots on 15.51 acres in an RMF-5 (Residential Multi-Family, 5 units/acre) zone district.

Petitioner: Loren Ennis, Ridgewood Heights LLC

Location: 585 28 1/4 Road

STAFF'S PRESENTATION

Lisa Cox gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Existing City and County Zoning Map; 4) Future Land Use Map; 5) background; 6) Preliminary Plat; 7) easement vacation exhibit; and 8) findings and conclusions. Surrounding zones and uses were noted. She pointed out a portion of the site on the Existing City and County Zoning Map which appeared to be zoned RMF-8 but was, in fact, zoned RMF-5. Access to the site would be derived via Rio Grande Drive to the north and Cumbres Drive to the east, connecting to 28 ¼ Road. Ms. Cox referenced a packet of information passed out to planning commissioners containing copies of the applicant's letter requesting the rehearing, a copy of the minutes from the January 24, 2006 hearing during which the item had originally been discussed, Code criteria pertaining to the rehearing process, and Code criteria regarding subdivision traffic circulation.

Ms. Cox read into the record Code section 6.7.E.1.a requiring the interconnectivity of lots, streets, trails, and infrastructure between subdivisions. The use of the word "shall" made this requirement compulsory and not optional. The applicant wanted planning commissioners to be aware of this specific point.

Planning commissioners had previously recommended approval to City Council of the vacation of the waterline easement and the roadway slope and borrow pit easement; however, since these elements were tied to approval of the Preliminary Plat, staff asked that if approval of the Preliminary Plat were granted, that it be conditioned upon City Council's approval of the vacation of the waterline easement and roadway slope and borrow pit easement.

QUESTIONS

Chairman Dibble remarked that while interconnectivity between neighborhoods had been mandated by the Code, it did not include connecting the applicant's property with the Mantey Heights Subdivision through existing ROW that was not constructed. He noted the presence of a dirt access that could potentially be used as an alternate access point. Ms. Cox noted the portion of Rio Grande Drive that had been constructed, but noted that although the ROW extended to the applicant's property line, the street improvements and asphalt did not. The City would not require the applicant to construct street improvements within the existing ROW that was located west of the applicant's property. When asked if there were any known plans to construct the right-of-way, Ms. Cox replied negatively.

Chairman Dibble asked how many structures currently existed along the portion of Rio Grande Drive that would be completed. Ms. Cox estimated there to be 6 or 7 structures present.

Chairman Dibble asked fellow planning commissioners how much information they wanted to hear during the rehearing. There was a general consensus to allow the presentation of all pertinent information.

Chairman Dibble asked the petitioner's representative to focus on those points he felt had been overlooked or misunderstood during the initial public hearing.

PETITIONER'S PRESENTATION

Bruce Phillips, representing the petitioner, gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) model showing layout of homes, street configurations, trail location, and topography of site; 4) illustrations of sample patio homes; 5) illustrations of street design; 6) Preliminary Plan; 7) review criteria; 8) Future Land Use Map; 9) Existing City and County Zoning Map; 10) response to concerns; 11) median illustration; 12) Growth Plan criteria; 13) density map; and 14) current uses and zoning map. Mr. Phillips overviewed the request and said that the development's gross density would be 4.58 units/acre. He noted the significant elevation differences occurring between the development's site and Mantey Heights Subdivision. Development of the site as proposed would add an element of control over the erosion occurring with the hillside and provide the area with much needed infill housing. The amount of dedicated open space was approximately 30%; however, because the open space was unbuildable, he had not taken advantage of the density bonus provision allowed by the City's Development Code.

Mr. Phillips said that the two main concerns expressed during the prior public hearing had been over traffic safety and compatibility. He reiterated the point made by staff regarding the City's mandating of interconnectivity. Thus, there had been no choice but to provide a second access point into the subdivision. While both accesses had originally been proposed off of 28 1/4 Road, the second access point would have required a TEDS exemption. City engineering staff had instead required the second connection to be via Rio Grande Drive to the north, connecting the site with Patterson Road. To address the safety issue, he'd spoken with City and County engineering staff, who had been supportive of constructing a median in the center of Patterson Road at the Rio Grande entrance. A median would restrict traffic coming north, to permit only right turns. It would also prevent left turns onto Rio Grande Drive. He agreed that Rio Grande Drive would certainly direct more traffic to Patterson Road, which may result in additional traffic problems, but there didn't seem to be any other access alternative available.

Mr. Phillips said that planning commissioners should consider surrounding uses and densities. He pointed out that the project's density of 4.58 units/acre would provide a good transition to the higher density developments surrounding the Mantey Heights Subdivision. He added that Tract A would provide fairly substantial buffering to Mantey Heights residents.

He felt that the request met all Code criteria and Growth Plan recommendations. Staff had supported the project during the first public hearing, and with the clarification just provided, he hoped that planning commissioners would approve the request.

QUESTIONS

Chairman Dibble noted that clustering required that no lots be less than 4,000 square feet in size. The Preliminary Plat seemed to show five lots that were less than that in square footage. Jim Langford, the project's engineer, said that he'd checked all of the lots and none were less than the 4,000 square feet that he was aware of. Commissioner Wall referenced the Preliminary Plat and stated that lot 4 was only 3,700 square feet in size.

Ms. Cox said that clustering provisions allowed for preservation of hillsides, view corridors and/or natural resources. To accomplish those things, the cluster provisions of Chapter 6 permitted smaller lot

sizes. Adjacent open space could be taken and averaged with lot sizes. To ensure compliance with required setbacks, applicants with attached dwelling units were required to provide footprints of buildings. Staff had reviewed the Preliminary Plat for lot sizes, setbacks, open space, etc. and determined that the request complied with Code criteria. While some lots were less than 4,000 square feet in size, the provisions of Chapter 6 for attached housing allowed for adjacent open space to be included with minimum lot size calculations.

When Chairman Dibble asked if the project complied with Code sections 3 and 6, Ms. Cox replied affirmatively.

Commissioner Pitts noted that the applicant had originally proposed both accesses into the site to come off of 28 1/4 Road, with no Patterson Road access. Given safety concerns over traffic ingressing and egressing Rio Grande Drive, he wondered why that second access point off of 28 1/4 Road had been closed.

Chairman Dibble agreed that given the current and expected issues of traffic safety, originating the second access off of 28 1/4 Road seemed to make more sense.

Ms. Cox explained that planning staff's primary responsibility was to ensure that a submitted project complied with legal requirements and recommendations. Staff is not generally involved in the project's design process. She said that one access was required for a development of up to 30 units. For a development containing 100 units, a second access would be mandatory as long as it connected in the future to another street. The current project could theoretically be constructed with only one access; however, given the presence of a stub street to the north, the Code had required that point of connectivity.

Eric Hahn came forward and said that in the petitioner's first application, the two 28 1/4 Road access points had not met TEDS spacing requirements. A TEDS exemption had never been requested or formally processed because another access alternative had been available via Rio Grande Drive. Engineering staff considered the availability of other access alternatives when deciding whether or not to recommend or approve an exemption.

Chairman Dibble asked about any alternatives that might be available to help mitigate traffic safety concerns. Mr. Hahn said that the most obvious solution was the installation of a median in the center of Patterson Road at the Rio Grande entrance. The median would address left turn issues to and from Patterson Road. Since no problems were expected with right turns into and out of Rio Grande Drive, there would be no need for turn lanes, at least at this point. He noted that all Patterson Road improvements would be constructed by the City, so costs for the median would not be borne by the applicant.

Chairman Dibble asked if a right-turn-only sign at the entrance of Rio Grande Drive would provide an effective alternative. Mr. Hahn said that the City's traffic engineer found that people generally ignored such signage, and installing such signage would likely create a situation where people were more willing to break the law.

When Chairman Dibble asked about the installation of a pork chop, Mr. Hahn said that the City had had mixed results with them. While some people complied and used them as intended, others opted to go around them, creating an even more unsafe situation.

Chairman Dibble said that traffic safety at the Rio Grande entrance was a big concern. Patterson Road was dangerous, but the City's interconnectivity requirements were an important consideration. Was there any way to determine expected ADT's from traffic at both the 28 1/4 Road and Patterson Road entrances? Mr. Hahn said that a traffic study could be undertaken to show probable distribution of traffic but he felt

that may "take it further than necessary." He reiterated that right turns would not pose any problems, though that was not the case for left turns.

Commissioner Lowrey said it appeared that the Rio Grande connection had been a requirement at the onset, and the City had determined that the 28 1/4 Road connection would function better if aligned with Grand Falls Drive. Given the City's interconnectivity requirements, it didn't appear that there was any discretion in altering those two access points. That conclusion was confirmed by Mr. Hahn.

Chairman Dibble asked if the site's grade had any bearing on discussions. The site had a 30% grade in some areas. Ms. Cox said that the Planning Commission could discuss the site's grading; however, the petitioner understood that Chapter 7 prevented any building from occurring on slopes with a 30% or greater grade. No building was proposed within Tract A, and the tract would be maintained by the Homeowners Association.

Chairman Dibble asked if dirt on the slopes of the hillside within Tract A would be disturbed. Ms. Cox said that there were no plans to disturb any of the hillside slopes. She noted the location of a proposed soft surface pedestrian trail within Tract A near the rear yards of many westernmost lots. Other than the trail, no other disturbance of Tract A was planned. Ms. Cox said that the Colorado Geologic Service (CGS) received information on all subdivisions during the Preliminary Plat review stage, and they generally commented on subdivisions containing steep slopes or where soil conditions merited special review. The CGS had reviewed and commented on the current request, and their findings had been included in the project file. She added that all final engineering details would be submitted during Final Plan review.

Commissioner Pitts said that safety concerns at the Rio Grande entrance kept arising. Could the Planning Commission make a recommendation in its motion to require installation of the Patterson Road median? Mr. Hahn said that the City intended to construct the median. Not making it a part of the formal motion would allow the City additional latitude should additional mitigation be necessary.

Chairman Dibble felt that staff had sufficiently explored the applicant's compliance with "natural" environmental criteria. However, the Code also required compliance with "social" criteria. What kind of negative social impacts could be expected with the current request? Ms. Cox interpreted the criteria as pertaining to things like project density and the proximity of a proposed development with existing adjacent developments. Staff felt that the current project's density would provide a good transition, so no negative social impacts were expected. When asked to provide an example of a negative social impact, Kathy Portner responded that social environmental criteria pertained to anything not included as natural environmental criteria. Traffic impacts could be perceived as a negative social impact. Another example would be with regard to density. If you had a high-density zone directly abutting a low-density zone, that too would be perceived as a negative social impact. Compatibility could also be perceived as a negative social impact although that was more difficult to define given that one person's definition of "incompatible" may be at odds with another person's definition. Chairman Dibble agreed that the definition of "compatible" was often subjective.

Ms. Cox added that existing neighborhoods often viewed compatibility in terms of a project being the "same as" theirs, and that wasn't necessarily the case. Compatibility is defined in other ways.

Chairman Dibble asked how many homes in the Mantey Heights Subdivision would overlook the project. Ms. Cox was unsure but she thought that there had to be at least two.

A brief recess was called at 8:18 p.m. The public hearing reconvened at 8:26 p.m.

PUBLIC COMMENTS

Chairman Dibble understood this to be an emotional issue but he asked citizens to try and present only facts.

Commissioner Lowrey said that Chairman Dibble had laid out a number of questions and concerns that citizens should specifically address.

FOR:

There were no comments for the request.

AGAINST:

Dennis Baker (743 Horizon Drive, Grand Junction), attorney representing several Mantey Heights homeowners, referenced the model presented earlier by Mr. Phillips. He expressed ongoing concerns over traffic safety at the Rio Grande entrance. How would homeowners located in that portion of the development access Patterson Road and proceed westbound if they were prevented from making left turns out of Rio Grande Drive? They and others would be forced to travel through the entire subdivision to the 28 1/4 Road entrance, turn left onto 28 1/4 Road crossing three lanes of traffic, and turn left again on Patterson Road. Or people may opt to take the undeveloped Rio Grande right-of-way through Mantey Heights and exit through that subdivision.

Chairman Dibble reiterated that there were no plans to construct the remaining Rio Grande right-of-way. Mr. Baker said that while not a legitimate access, people already used the right-of-way and likely they would continue to do so.

Mr. Baker felt that open space bonuses may have been used by the applicant to increase the development's density. The Tract A open space was unbuildable and should not be used in calculating density bonuses. He was also concerned about impacts to the site's soils. The project would end up with retaining walls, trenches, etc. He also noted that there were six homes that would overlook the project.

Tod Pace (122 Santa Fe Drive, Grand Junction) commended planning commissioners for their initial denial in January 2006. He referenced a 6-page document that he'd submitted to staff in support of his and his neighbors' opposition to the project. Of greatest concern was safety. Wherever traffic from 71 homes was routed, those streets would be severely impacted. He noted that several parcels of land nearby were already slated for development, adding another several hundred units and more than 2,000 additional ADTs to Patterson Road. He felt that Patterson Road had already reached its peak carrying capacity, and those 2,000 ADTs would originate within one block of Mantey Heights Subdivision. He felt that the project's density was too high and should be reduced. It made no sense to add more traffic to an already dangerous intersection (Rio Grande Drive).

Mr. Pace agreed that people were likely to use the Rio Grande right-of-way to access Santa Fe Drive in Mantey Heights. That would further impact their neighborhood and their own accesses onto Patterson Road. Even if a fence were erected, people were likely to remove the impediment. Compatibility, he felt, had been clearly defined by the City's Code as consistency of/with: 1) type or use; 2) density; 3) scale; and 4) adjacent uses. The Mantey Heights Subdivision had a less than 1 unit/acre density, so a project with a density of 4.8 units/acre was totally incompatible. Mr. Pace felt that Code section 1.8 clearly supported the argument for reducing the project's density. He added that the hillside in Tract A was unbuildable and should therefore not be considered open space or factored into density calculations. With so many people expected to move into the new subdivision, one could expect children and others to climb the hillside, disturbing the fragile soils and trespassing onto other properties.

Mr. Pace felt that the Planning Commission had made the right decision in January and urged denial of the request.

Riley Woolkot (134 El Corona, Grand Junction) said that there was only one person living in each home on El Corona, and most of those folks were retired. In any 71-unit project, one could expect a number of children. He agreed that those kids were likely to play on the hillside, which would be both dangerous for them and damaging to the hillside. He pointed out that the canal lay on the other side of the hill, and some of those kids could very well end up in the canal.

Wayne Meeker (120 Santa Fe Drive, Grand Junction) said that while staff had claimed that a soil survey had been undertaken, he had not been able to find one in the project file. He'd lived in his home for more than 30 years, and in that time several of the hillside homes had been flooded. With so many more new homes and streets, he wondered where drainage water from the hillside would go. How would stormwater runoff from the subdivision be conveyed? He said that he would really like to read the USGS report, if available. He also predicted problems for emergency vehicles should a median be installed at the Rio Grande entrance.

Lynn Woolkot (134 El Corona, Grand Junction) felt that construction of a median at the Rio Grande entrance would severely limit the ingress/egress of traffic and ultimately force people to take the more circuitous route through the subdivision to the 28 1/4 Road entrance, creating stacking problems at that intersection. She felt that little if any thought had been given to the impacts this subdivision would have on the Indian River School or nearby bus stops. She also felt that little consideration had been given to the compounded impacts that would arise with development of the Matchett and other properties on both the north and south sides of Patterson Road.

Russ Connor (128 Santa Fe Drive, Grand Junction) continued to feel that the property had not been adequately surveyed or perhaps not surveyed at all. He agreed that the unbuildable Tract A should not be included in density calculations.

Janet Grant (118 Mantey Heights Drive, Grand Junction) said that she'd arrived late, missing the first part of the public hearing. She wondered what had become of the plan to place both subdivision entrances off of 28 1/4 Road, especially given the ongoing concerns over traffic safety.

PETITIONER'S REBUTTAL

Mr. Phillips said that the location of the pedestrian path had changed, which eliminated the need for any retaining walls. He reiterated that no construction of the Rio Grande right-of-way into Mantey Heights was proposed or planned.

When asked by Chairman Dibble if Mr. Phillips had any ideas about how traffic could be prevented from using that right-of-way as an access, Mr. Phillips felt confident that something could be worked out with the City's traffic engineer.

Mr. Phillips clarified that the project's overall density would be 4.58 units/acre, not the 4.8 units/acre purported by Mr. Pace. That density had been derived without using any density bonuses provided by the Code. While Mantey Heights was a beautiful subdivision, Grand Junction continued to grow. The Growth Plan called for area densities between 4-8 units/acre. Those discussions had taken two years to complete. The proposed development would provide a good transitional density, and Mantey Heights residents would be afforded adequate buffering via the hillside and the area contained in Tract A. He pointed out that the only buffering separating Mantey Heights Subdivision from its higher density neighbors to the west and north were streets. At the Preliminary review stage, there were strict criteria, one of which included a survey requirement. He assured planning commissioners that a survey of the property had been undertaken.

QUESTIONS

Commissioner Pitts asked about plans for stormwater conveyance. Mr. Langford came forward and said that drainage had been a major factor for the site. Prior to the site's initial leveling, there had been a sizable ridge traversing the center of the property. Leveling it significantly decreased the potential for runoff. Runoff used to drain into a ravine and then empty into the canal. Once the development is constructed, runoff will drain from the lots into the subdivision's streets and follow the street pattern, weaving through the subdivision to be collected midway by large inlets and diverted west to the retention pond. Specific calculations will be made in accordance with the City's Drainage Manual to ensure that runoff from the site will not exceed historic rates. The landscaping that homeowners were likely to install on their lots would also help with the absorption of runoff. He pointed out that the City would be provided with a report during Final review clearly demonstrating how drainage would be successfully mitigated.

Chairman Dibble asked if any water flows would be conveyed to the canal. Mr. Langford replied affirmatively, adding that calculations would also be made to insure that water going into the canal from the site would not exceed historic rates.

Mr. Hahn said that the developer had submitted an extensive geotechnical report to City staff from a very reputable firm. While the report had not been finalized, there had been an extensive amount of work undertaken in conjunction with the site's leveling.

Chairman Dibble asked if all the geotechnical work had been done within the confines of the site's boundary. Mr. Hahn responded that as far as he knew, it had been.

Chairman Dibble asked about the type of homes that would be built. Mr. Phillips said that homes would be stem-walled.

Chairman Dibble asked Mr. Phillips to address the 30% open space calculation issue raised by area residents. Mr. Phillips reiterated that absolutely no density bonuses had been taken as a result of providing the Tract A open space. Even without the open space, the project's 4.58 units/acre density would still have been achieved. Clustering techniques had been used to allow smaller lots but not to increase the project's density.

Commissioner Lowrey asked if it were appropriate to require the developer to install stanchions or some other device to prevent traffic from using the Rio Grande right-of-way into Mantey Heights. Mr. Hahn said that the request was reasonable and he could find no problem with it. He would, however, like to run it by the City's traffic engineer for her consideration.

Chairman Dibble observed that the developer had agreed to install something there, thus representing a reasonable and prudent effort to mitigate a potential problem. It might be wise to include it as a recommendation in the motion.

Jamie Kreiling said that while a recommendation might be appropriate, the final determination would still rest with the City's traffic engineer.

DISCUSSION

Commissioner Cole felt that the request met the requirements of the Code. During the January public hearing, he'd expressed concern over the safety aspects of the Rio Grande intersection. He felt he could rely on the City's engineering staff to mitigate the problem, especially since they'd "signed off" on the access point to begin with. He wasn't sure that installing a median was the best alternative since it would affect other Patterson Road access points in the area, but again, he felt that engineering staff would work towards finding the best solution possible. With regard to compatibility, he felt that the site's topography

provided sufficient buffering between the project and Mantey Heights residents. A few properties may overlook the project but they would be located well above it. He felt he could support the request.

Commissioner Carlow said that he still had concerns over traffic entering and exiting at both the Patterson Road and 28 1/4 Road entrances. The project appeared to meet Code criteria up to a point but he felt it didn't really take into consideration the traffic bottlenecks that were likely to occur at subdivision entrances. He felt that there were still going to be traffic problems.

Commissioner Wall concurred with Commissioner Cole's position. He had supported the project in January and continued to support it.

Commissioner Pitts said that he'd been opposed to the project in January, but in light of new testimony and the facts presented regarding interconnectivity requirements, there seemed to be no other access alternative. The City was likely to continue approving projects for parcels located along Patterson Road, and at some point, the resultant impacts would have to be addressed. The current project did meet infill requirements, and drainage issues appeared to have been addressed. He felt that additional issues would be addressed during Final review.

Commissioner Lowrey said that his main concern continued to be over putting more traffic directly onto Patterson Road. Patterson Road was a dangerous arterial. Interconnectivity may be a City requirement but he didn't feel that the intent of the Code requirement was to connect a 71-unit subdivision with a 7-8 unit subdivision. If City Council was in a position to provide clarification of that criterion, he hoped they would. It was clear that the developer had been told by City staff where access points should be located, and City staff determined that the installation of a median at the Rio Grande entrance would be a good solution to expected traffic problems. It appeared to him that the long-term solution to access onto Patterson Road included making the arterial a boulevard-type street. He felt strongly that traffic from the subdivision must be prevented from illegally entering Mantey Heights from the Rio Grande right-of-way via the use of stanchions or other traffic control devices. If traffic from the subdivision is permitted to access Mantey Heights, he could not consider the project "compatible."

Commissioner Pavelka-Zarkesk agreed that the request met Code and TEDS requirements. The developer had provided sufficient buffering between the project and Mantey Heights residents, and it appeared that drainage and erosion issues had been addressed. She felt that the problems of traffic along Patterson Road needed to be addressed as a whole and not in part, since there were many other areas along Patterson Road facing the same safety issues.

Chairman Dibble said that at the January public hearing the developer had been asked to provide an alternate access plan. No alternate plan had been submitted since it appeared that none was available based on City staff testimony. He didn't feel that traffic problems along Patterson Road could be solved by a single subdivision developer. Infill projects were desirable, and the Growth Plan had been designed to deal with future development. It was unlikely that properties in the area would ever be developed with the low densities of Mantey Heights Subdivision given current zoning requirements and Growth Plan recommendations. Restricting the Rio Grande entrance to right turns only would not have any impact on Mantey Heights residents. He felt that people would get tired of fighting traffic at the Rio Grande entrance and choose instead to use the 28 1/4 Road entrance. The issue of bonus provisions and the question of a property survey all seem to have been addressed. He agreed that subdivision traffic should be prevented from using the Rio Grande right-of-way to access Mantey Heights.

MOTION: (Commissioner Cole) "Mr. Chairman, on item PP-2004-153, a request for Preliminary Plat approval for the Ridgewood Heights Subdivision, I move we approve subject to staff conditions with the findings that the request meets the goals and policies of the Growth Plan and section 2.8.B.2 of the Zoning and Development Code. This approval shall be subject to City Council approval of vacation of accompanying water line easement, roadway slope and borrow pit easement."

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

Another brief recess was called at 9:38 p.m. The public hearing reconvened at 9:43 p.m.

CUP-2006-007 CONDITIONAL USE PERMIT--TAVERN ON THE POINTE

A request for approval of a Conditional Use Permit to establish a tavern in Unit D (1,789 square feet) of Palace Pointe Marketplace.

Petitioners: Jim and Silvia Craig

Location: 2938 North Avenue, Unit D

STAFF'S PRESENTATION

Scott Peterson gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; 4) Existing City and County Zoning Map; 5) Palace Pointe Marketplace Condominium Plat; and 6) proposed floorplan. Staff had concluded that the request complied with Conditional Use Permit (CUP) criteria and Growth Plan recommendations. Approval was recommended subject to four conditions:

- Rear door located on the north side of the business, nearest the residential neighborhood shall remain closed during business hours.
- Removal of trash shall be during daylight hours only.
- Decibel level from television or music stations shall be set at an acceptable level for employees and patrons to carry on conversations within the building without the need for voices being raised to be heard over the background televisions or music. No live music with microphones or amplifiers shall be allowed.
- All door alarms, if installed, shall be silent.

Two letters of objection had been received prior to the last public hearing. Another letter of opposition had just been received. Staff concluded that the request met Code requirements, and approval was recommended subject to the above four conditions.

QUESTIONS

Commissioner Cole said that if approved with the four conditions listed, who would ensure the business's compliance with those criteria? Would violation of the CUP criteria also jeopardize the applicants' liquor license? Mr. Peterson said that the liquor license's approval had been subject to approval of the CUP. So violating the conditions of the CUP would also jeopardize the applicants' liquor license. The Police Department could be notified and apprised of the conditions of approval so that they would have them on file. Likely the Police Department would be notified first of any problems. If any follow-up were required, that would involve the City's Code Enforcement staff.

Chairman Dibble asked if the site's proximity to nearby schools had been considered. Mr. Peterson said that that had been reviewed during the applicants' liquor license hearing and was not a part of CUP review. There were no schools located within 500 feet of the proposed tavern.

PETITIONER'S PRESENTATION

James Craig, co-petitioner, noted the proposed location of the business's trash dumpster. He said that for safety reasons, he would not want his staff taking trash out to the dumpster in the dark. With regard to the noise and alarm issues, he read into the record a detailed outline of how he and his wife intended to remedy those concerns, a copy of which had been submitted for the project file. He expressed a willingness to comply with staff's conditions of approval.

The smaller size of the tavern limited its peak capacity to no more than 52 patrons. He and his wife wanted to promote a more intimate neighborhood tavern setting, one without the loud music and problems inherent to larger nightclubs. Their tavern would be nothing like the one located at 5th and North. In fact, their insurance would not permit a dance hall. Their insurance even prevented them from offering drink specials, something typically found in larger nightclubs.

Donald Connor, representing the petitioners, agreed that the tavern's insurance prevented a lot of the activities typically associated with the larger bars and nightclubs.

Silvia Craig, co-petitioner, added that they wanted their business to be more of a quiet social meeting place, a place where friends could meet and talk without yelling at each other over the music just to be heard.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Coleen Arnold (2941 Bunting Avenue, Grand Junction) expressed appreciation over Planning Commission's reconsideration of the item with conditions. While she felt that the conditions were good ones, and appreciated the petitioners' willingness to mitigate concerns, she still felt that the use was wrong for the neighborhood and that insufficient buffering existed between the nearest home and the business. She apologized for her prior comparison of the proposed business to the nightclub at 5th and North. She clarified that her intent had been to demonstrate that that business had also started out small but its operation had resulted in all kinds of problems for its neighbors. She asked that the request be denied.

Jan Kohles (2933-B Bunting Avenue, Grand Junction) concurred with the statements made by Ms. Arnold and voiced he opposition to the project as well.

DISCUSSION

Commissioner Pitts said that the applicants seemed willing to comply with staff's conditions of approval, so he had no problem with supporting the request.

Commissioner Lowrey concurred, adding that the approval conditions seemed reasonable and adequate.

Commissioner Carlow said that he'd supported the request during its initial review and continued to support it.

Chairman Dibble remarked that it was always a good idea to anticipate and address potential problems before they became problems. He trusted that the City would provide sufficient monitoring to ensure compliance with approval conditions.

MOTION: (Commissioner Pitts) "Mr. Chairman, on the request for a Conditional Use Permit for Tavern on the Pointe, to establish a tavern/bar in Unit D of Palace Pointe Marketplace in a C-1 (Light Commercial) zoning district located at 2938 North Avenue, file #CUP-2006-007, I move that the Planning Commission make the findings of fact/conclusions and conditions of approval listed above and approve the Conditional Use Permit."

Commissioner Lowrey seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

With no further business to discuss, the public hearing was adjourned at 10:05 p.m.