

**GRAND JUNCTION PLANNING COMMISSION
AUGUST 10, 2004 MINUTES
7:00 p.m. to 9:48 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 (Vice-Chairman), John Evans, John Redifer, William Putnam, Bill Pitts and Tom Lowrey (alternate).

In attendance, representing the City's Community Development Department, were Bob Blanchard (Community Development Director), Pat Cecil (Development Services Supervisor), Scott Peterson (Associate Planner), Lori Bowers (Senior Planner), Lisa Cox (Senior Planner) and Ronnie Edwards (Associate Planner).

Also present were Jamie Kreiling (Assistant City Attorney) and Laura Lamberty (City Development Engineer).

Terri Troutner was present to record the minutes.

There were 23 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 from the July 13, 2004 public hearing.

MOTION: (Commissioner Coleman) "Mr. Chairman, I would move for approval as presented."

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

III. CONSENT AGENDA

Available for consideration were items PP-2004-088 (Preliminary Plan--Peregrine Estates Subdivision), CUP-2004-080 (Conditional Use Permit--Chick-Fil-A Restaurant), RZ-2004-125 (Rezone--Ice Rink Rezone) and ANX-2004-135 (Zone of Annexation--Castanha Annexation). At citizen request, item ANX-2004-135 was pulled and placed on the Full Hearing Agenda.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move for approval of the Consent Agenda as revised."

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

III. FULL HEARING

ANX-2004-135 ZONE OF ANNEXATION--CASTANHA ANNEXATION

A request for approval to zone approximately 2.43 acres from a County RSF-4 (Residential Single-Family, 4 units/acre) to a City RSF-2 (Residential Single-Family, 2 units/acre) zone district.

Petitioner: John Castanha

Location: 2250 Saddlehorn Road

STAFF'S PRESENTATION

Lori Bowers gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; and 4) an Existing City and County Zoning Map. She gave a brief history of the blanket RSF-4 zoning previously applied by Mesa County. Given that the surrounding zoning was primarily RSF-4, and that the Growth Plan recommended densities of between 2 and 4 units/acre, staff concluded that the requested RSF-2 zone district was appropriate. Approval was recommended.

PETITIONER'S PRESENTATION

Tom Dixon, representing the petitioner, referenced submitted documentation, pointing out that the RSF-2 zone actually represented the lowest density option offered by the Growth Plan. There was little annexation activity in the subject area with very little undeveloped land remaining. The subject property lay within an urban boundary and should therefore be included within the city limits.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Donnie Blaine (2240 Stagecoach Road, Grand Junction) said that while not necessarily opposed to development of the property, he strongly opposed the City's annexation of it.

Richard Livingston (no address given), representing various property owners in the area, said that his clients weren't necessarily opposed to the City's annexation of the property. They were opposed to the Zone of Annexation, which was the only item before the Planning Commission. Public safety, he said, was of paramount concern. The site was currently served by an undeveloped 22 1/2 Road, which did not meet the traffic standards necessary to accommodate even existing area traffic. As a condition of annexation, a flagpole access had been created. RSF-2 zoning would allow up to 4 dwelling units. With the new TCP, no offsite street improvements would be required. He noted a number of larger parcels in the area located along the bluff bounding the Colorado River. Had the request been for an RSF-1 zone district, which would allow up to 2 dwelling units, his clients would have withdrawn their opposition. With the possible addition of 3 new homes, the potential for significant street impacts to 22 1/2 Road and the Saddlehorn Road intersection was greatly increased. Property driveways located to the east would be impacted until such time as TCP payments reached a level conducive to the City's improvement of 22 1/2 Road.

Mr. Livingston felt that the problem with "blanket zoning" an area was that it did not provide for community evolution and the addressing of properties on a site-specific basis. Lots immediately bordering the subject property were at least an acre in size. As such, he and his clients felt that an RSF-1 zone district was more appropriate.

Frank Bergamo (2249 Saddlehorn Road, Grand Junction) referenced covenants prohibiting further subdivision of properties in the neighborhood. His testimony seemed to suggest greater opposition to the adoption of the Persigo Agreement, which allowed for the annexation of Redlands properties.

Jerry Young (2239 Stagecoach Road, Grand Junction) said that the Saddlehorn Road/22 1/2 Road intersection "used to be a kind of stop sign area." Traffic didn't always stop at that intersection. Citing the presence of sheep and horses in the area, he expressed concern over continued urban growth in an area still very much rural in character. He asked for the City's reconsideration of annexing the property.

Jon Sink (597 Ravenwood Lane, Grand Junction) noted the presence of sidewalk and pedestrian paths that ended abruptly and seemed to go nowhere. He agreed that traffic and safety concerns should be carefully considered, as should drainage impacts from the construction of additional homes. A density of no more than one home per acre was more appropriate and consistent with the surrounding neighborhood.

PETITIONER'S REBUTTAL

Mr. Dixon said that while in the County's jurisdiction, no substantial improvements to 22 1/2 Road were ever made. If 22 1/2 Road were ever to be improved to the standards sought by neighborhood residents, it would only be done within the City's jurisdiction. The petitioner only intended to construct one additional home on the property; the Preliminary Plan would reflect that. He noted, however, that the simple subdivision would probably not come before the Planning Commission for review. Either an RSF-1 or RSF-2 zone would be fine with the petitioner, but since the request was for an RSF-2 zone district, he asked that the request stand on its own merits. If zoned RSF-1, he felt that the City risked blinding itself to the area's continued urban growth. The Growth Plan supported the RSF-2 zone district, and all Code criteria had been met. He noted that the RSF-2 zone would actually represent a downzoning since the surrounding area was zoned RSF-4.

John Castanha, petitioner, expressed appreciation for citizen input. He felt that the area was more suburban than urban. He reassured citizens and planning commissioners that his intent was only to build another single-family home on the site, with the newly created lot approximating an acre in size. He invited the citizenry to meet and talk with him if they wanted to know more about his plans.

QUESTIONS

Chairman Dibble asked Ms. Bowers for clarification on the request before the Planning Commission, which was provided. In response to the annexation concerns raised by the citizenry, Ms. Bowers said that the City currently had land use jurisdiction, although the actual annexation hadn't yet been finalized through City Council.

When asked by Chairman Dibble how many homes were within the Redlands Village Subdivision, Ms. Bowers was unsure but said that it was an older established subdivision. Chairman Dibble commented that while the petitioner might be allowed to construct up to 4 dwelling units in an RSF-2 zone, he had only indicated an interest in constructing one additional single-family unit. The RSF-2 zone district did represent a downzoning from the RSF-4 zoning so prevalent in the area. He reminded citizens that only the Zone of Annexation, not the plan, was before the Planning Commission for consideration.

When asked, Laura Lamberty came forward and clarified the City's revised TCP policy, which stated that access must meet the City's minimum standards. The section of 22 1/2 Road located north of the project may need improvement in order to meet both the TCP ordinance and the TEDs manual. That could include at least a 20-foot-wide mat, drainage improvements, alignment considerations, driveway realignment, etc.

Part of 22 1/2 Road, she continued, would still remain under County jurisdiction. She added that the City had no current plans to upgrade the area's local roadways, especially given that only a few properties in the area had been annexed and were under the City's jurisdiction.

Commissioner Cole asked if it were a City option that upon annexation a property's zone reflect its County equivalent. Ms. Bowers replied affirmatively, reiterating that in the current instance that would have been an RSF-4 zone district.

When asked if the petitioner's Preliminary Plan would be brought before Planning Commission, Ms. Bowers responded negatively. Simple Subdivisions were handled administratively.

DISCUSSION

Commissioner Cole observed that the majority of citizen concerns surrounded the annexation itself, not the zone district. Annexation decisions fell within the purview of the City Council and were not subject to Planning Commission input. The requested density was only half of what it could be under an RSF-4 zone. Since it still complied with Growth Plan recommendations and met Code criteria, he felt that support for the request was warranted.

Commissioner Putnam said that a lot of time, energy and input had gone into development of the Growth Plan. If residents in the area collectively felt that the RSF-4 zone was in error, they should seek remedy via a Growth Plan amendment. As an urbanized area, the Redlands warranted urban services. He too expressed support for the request.

Commissioner Evans agreed that the request met Code and Growth Plan requirements, and he expressed support for the request.

Commissioner Pitts said his only hesitation had been in whether the request met the Code requirement regarding neighborhood compatibility. Everything that he'd heard supported the requested RSF-2 zone district.

MOTION: (Commissioner Cole) "Mr. Chairman, on item number ANX-2004-135, I move that the Planning Commission recommend to the City Council the zoning designation of RSF-2 (Residential Single-Family, not to exceed 2 units per acre) for the Zone of Annexation of the Castanha Annexation located at 2250 Saddlehorn Road, making the findings and conclusions listed above in the staff report."

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

CUP-2004-113 CONDITIONAL USE PERMIT--WENGREN FENCE CUP

A request for approval to retain an 8-foot-tall fence in the rear yard located at 632 Hunter Creek Drive.

Petitioners: Jon and Cathy Wengren

Location: 632 Hunter Creek Drive

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) photos depicting the fencing violation from various angles; and 6) findings and conclusions. The petitioners had neither applied for a fence permit for the approximately 2-foot-high extension, nor had they gotten a building permit, the latter required for any fence exceeding 6 feet in height. The extension was also in direct violation of the subdivision's covenants, although the City didn't enforce covenants.

The petitioners had stated that they needed the additional height to shield themselves and their property from excessive night lighting, and for privacy. Referencing the garage lighting shown in a photo taken from a neighbor's property, he said that it was just a typical back porch lighting fixture. Photos depicted the fence extension as raw cedar. The original fence, permitted and erected in 1998, had been stained. Staff felt that other screening options were available to the petitioner, ones which didn't need a CUP permit. Having found that the fence was in violation of Code criteria and the subdivision's covenants, staff recommended denial of the CUP permit request.

QUESTIONS

Commissioner Putnam reiterated that it was not within the City's purview to enforce subdivision covenants. Mr. Peterson agreed, saying that he'd pointed out the violation only to demonstrate the extension's non-compliance on multiple levels.

When asked to clarify the height of the original fence, Mr. Peterson said that it measured approximately 5.5 feet high. With the extension, the total overall fence height was approximately 7.5 feet. He added that the original fence height could have been extended another six inches and still comply with Code requirements.

PETITIONERS' PRESENTATION

Jon and Cathy Wengren offered additional photos of the fence from various angles, its height in relation to themselves, and a visual perspective from a neighbor's property into their backyard. They'd submitted their request to the then-sitting Homeowners Association board (Board) and had been told they could have the extension. The "current" Board had then come back and rescinded that approval, but only after the extension's construction had been completed. Referencing photos of other fence extensions in violation, they felt it unfair to be singled out when three other fences nearby were also in violation, two of which were owned by Board officers. Ms. Wengren explained how the additional height helped shield their home from neighbor lighting, which was often left on all night, and screen their bedroom from view. They had not known they were in violation of City regulations, nor had they been aware that a building permit had been required. They'd thought that all they needed was Board approval, which they'd initially got. When they were informed of the violation, they'd tried to do the right thing by proceeding with the CUP request.

QUESTIONS

Chairman Dibble said that if the original fence had been permitted, why didn't the petitioners know that another permit would be required for the extension. Ms. Wengren's response gave the impression that they'd moved into the home after 1998. She reiterated that all she had been made aware to do was seek Board approval, which she and her husband had done.

Chairman Dibble asked the Wengrens if they felt the letters they'd received from the Board were in any way prejudicial. Did they feel that the Board was targeting them exclusively, or did the letters sent by the Board to go all subdivision homeowners? Ms. Wengren thought that she and her husband were the only ones to have received the April 26, 2004 and June 11, 2004 letters.

PUBLIC COMMENTS

FOR:

Les Wilkinson (630 Shadowood Court, Grand Junction), neighbor to the Wengrens', said he could see into their bedroom and living room from the den of his property, even from his wheelchair. He'd noticed that the fence extension owned by the current Board secretary had been erected after the Wengrens had been cited for violation and without his having received permission from anyone. The current Board's vice-president had also erected a fence extension. Mr. Wilkinson said that he'd been the one to present the Wengrens' request for the fence extension to the Board, and the Board had approved it. The Board had also approved an extension for a residence located off of 29 1/2 Road. He added that he knew everyone living on the street and only one person had objected to the fence; all others were in support of it.

Dennis Young (630 Hunter Creek Drive, Grand Junction) agreed that there had been a neighbor next to the Wengrens who'd kept his garage lighting on all night for security. Without the added fence height, that constant night lighting would be an annoyance. He supported the requested CUP.

Mark Wendland (628 Hunter Creek Drive, Grand Junction) had also been impacted by his neighbor's all-night lighting. He supported the petitioners' request and felt they should be allowed to keep their fence extension. They'd gotten approval from the Board and were trying to get approval from the City.

Darlene Wilkinson (630 Shadowood Court, Grand Junction) felt that the fence extension was less unsightly than the property abutting it. She felt it unfair that the Board would selectively choose to enforce the covenants' fencing covenant when so many other homeowners were in violation of other covenants (*e.g.*, tree plantings, yard maintenance, etc.). The petitioners, she felt, deserved their privacy.

Carol Powers (636 Gold Leaf Court, Grand Junction) said she had been the president on the Board at the time the Wengrens request had been received, reviewed, and ultimately approved. There were no minutes of that meeting, and she surmised that it was because the Board's secretary had decided to erect his own fence extension. She supported the Wengrens request then and now because she felt that the petitioners "lived in a fishbowl" and needed the additional screening to ensure their privacy.

Mary Kay Wendland (628 Hunter Creek Court, Grand Junction) said that she'd served on the subdivision's Board at its inception. By that time, however, so many homes, fences and landscaping had already been completed that enforcement of the covenants was difficult. She agreed that the Board could not pick and choose what aspects of the covenants it chose to enforce; there must be consistency. Having been in the Wengrens' backyard, she agreed that the added height was necessary and hoped that the Planning Commission would rule favorably on their request.

AGAINST:

Joseph Brueckman (2559 Forest Hills Avenue, Grand Junction) said that he opposed any deviation of the covenants. He agreed that other solutions were available to the petitioners and

they should be considered. He had a neighbor with a 12-foot-high security light, which often reacted to blowing winds. Yet, he was not compelled to erect fencing any higher than 6 feet. If everyone were allowed to do that, he maintained, the subdivision would be filled with 8-foot-high fences.

Scott Bordon (633 Silver Oak Drive, Grand Junction), current Board president, said that he had been the vice-president at the time the Wengrens had brought their request before them. While the issue had been discussed, there had been no vote. There were no minutes to reflect approval because none had been given. He added that if the president had given her approval without official sanction of the Board, that approval was not binding.

The covenants were applicable to all, and all were treated equally. The trellis erected by the vice-president had been removed. Admittedly, the secretary's fence was somewhat higher than 6 feet; however, cinderblocks had been placed under that fence to accommodate a sloping property grade. All other homeowners had been notified of the 6-foot-high fencing restriction and had been asked to remove anything extending beyond that point. The petitioners' fence was very visible to the public and interfered with the rights of other subdivision property owners. On behalf of the Board, he expressed opposition to the CUP request. Approval of the fencing extension would set an unwelcome precedent and be contrary to covenant restrictions. It would likely result in diminishing property values as well.

Mr. Bordon added that the Board felt bad about the unofficial approval given by its past president and did accept some responsibility for that misunderstanding. As such, the Board was willing to help the Wengrens with the costs they'd incurred on the extension and to help them financially with installing a more suitable screening alternative. Fall Valley was a fairly high-density subdivision, and there were bound to be privacy, noise, lighting, and traffic concerns. However, each of its property owners chose to live there of their own free will and in doing so agree to abide by the covenants and City restrictions that were applicable to all.

Becky Goff (638 Gold Leaf Court, Grand Junction), treasurer of the Board, said that the subdivision was comprised of 109 homes on small lots. While a Board member, she was also a friend to the petitioners. Her testimony, she said, was merely to present facts and not to take a personal position. She said that the covenants contained a provision requiring submission of plans to the Board before commencing construction of any structure. The neighbor who'd kept his lights on all night had since moved, so she felt that that particular problem had been resolved. The Board typically tried talking to homeowners who were in violation of covenants before sending them written notices.

Newell Hoskin (675 Larkspur Lane, Grand Junction) said that developers of every subdivision should better address issues of homeowner privacy. Strategic placement of homes upon lots could go far towards this end. It was also important to make prospective homeowners aware of subdivision covenants and City regulations, especially when and where permits were required.

PETITIONERS' REBUTTAL

Jon and Cathy Wengren referenced photos of the Board vice-president's fence. There was no grade to that property, they maintained, and installation of the cinderblocks underneath extended that fence's height to 6' 8". There was no reason the Board officer could not lower his fence to be flush with the gravel. Ms. Wengren said that if that solution were satisfactory to the City, they too would install cinderblock underneath their fence to get the height they required.

The neighbors who'd left their lighting on all night, and the neighbors who'd moved in after them, had done so because their vehicles had been broken into. Police reports had been filed. Lowering their fence would once again subject them to their neighbor's lighting. She acknowledged that their neighbors had offered to install motion detectors, which could help somewhat. Ms. Wengren agreed that infractions of the covenants were evident throughout the subdivision; however, she and her husband were trying to do things correctly. She referenced letters received from eight homeowners in support of their request. She offered to stain the fence extension to approximate the color of the original fence to provide additional visual appeal.

DISCUSSION

Commissioner Cole sympathized with the petitioners' plight. He too lived in a subdivision which limited fencing heights to no more than 6 feet. However, it was not within the Planning Commission's purview to enforce or interpret subdivision covenants. The only thing Planning Commissioners could review and determine was the request and its compliance with City regulations. After carefully considering the testimony given, he did not feel that he could support the request as presented.

Commissioner Putnam agreed that night lighting could be annoying, and that the loss of privacy was almost to be expected when so many people lived closely together. Since the Planning Commission could only make its decision based on regulation compliance, he too could see no basis for supporting the request.

Commissioner Pitts said that the Planning Commission had granted variances to Code criteria in the past based on property grades. Since that appeared to be an issue for the petitioners, he felt he could support their request on that basis.

Commissioner Redifer said that fence issues always seemed to be the most contentious. He admonished those involved on both sides of the argument for not working harder to get along. Even if the Planning Commission were to approve the request, the petitioners would still be faced with potential civil litigation from the Homeowners Association. Property grade issues were not evident with the subject property. Since the current Board president was willing to work with the petitioners to remedy the problem, and since other alternatives were clearly available to the petitioners, he could not lend his support to the request.

Commissioner Lowrey agreed with staff that the Code's CUP criteria had not been met, nor did there seem to be sufficient justification even for granting the petitioners a variance. He expressed support for staff's recommendation of denial.

Commissioner Evans said that he lived in a subdivision with an active Homeowners Association. He personally had addressed his own privacy issues by planting vegetative screening.

Chairman Dibble wished that people would take the time to respect the rights and privacy of others and learn to live in harmony. He agreed that the site's topography did not appear to be an issue. Chairman Dibble felt that the neighbor's offer to install a motion detector was a good one, and he commended the Board president for offering to assist the petitioners in finding a more suitable remedy to their screening issue. The Code established an "optimum" fencing height of 6 feet for a reason, and that criterion applied to all. He reiterated that the Planning Commission could not mitigate issues involving covenants and added his support for staff's recommendation of denial.

MOTION: (Commissioner Evans) "Mr. Chairman, on Conditional Use Permit CUP-2004-113, I move that we approve the Conditional Use Permit, with the findings of fact and conclusions listed above."

Commissioner Cole seconded the motion. A vote was called and the motion failed by a vote of 1-6, with all but Commissioner Pitts opposing.

A brief recess was called at 8:55 p.m. The public hearing reconvened at 9:05 p.m.

VAR-2004-114 VARIANCE--HOAK MEDIA VARIANCE

A request for approval for a variance to allow two new satellite antennae approximately 15 feet [in height] for an existing television studio facility in an RSF-4 (Single-Family Residential, 4 units/acre) zone district.

Petitioner: Don May, Hoak Media of Colorado, LLC

Location: 345 Hillcrest Avenue

STAFF'S PRESENTATION

Ronnie Edwards gave a PowerPoint presentation containing the following slides: 1) site location map; 2) aerial photo map; 3) Future Land Use Map; and 4) an Existing City and County Zoning Map. A brief history of the site and business use was provided. The request was prompted by Fox Media's conversion of its signal from analog to digital. The petitioners felt that approval of the request would allow them to continue, not expand, the station's current use. One letter of opposition had been received from Martha and Richard Arnold (418 Bookcliff Drive, Grand Junction). Staff determined that variance criteria had been met and recommended approval.

PETITIONER'S PRESENTATION

Robert Traylor, representing the petitioner, offered no additional testimony but availed himself for questions. He also introduced Don May and Dennis Atkins to planning commissioners.

QUESTIONS

Commissioner Lowrey understood that the provision of digital signalization by the year 2006 was a federal mandate. Mr. May clarified that the FCC provision was applicable to the top 100 markets across the U.S. Grand Junction did not fall within that parameter; however, Fox Media was in the process of changing not only its method of distribution (i.e., from analog to digital) but also changing its satellites. This required both the repositioning of satellite dishes and a different type of pointing antennae to receive signals.

Commissioner Lowrey asked if future technological improvements would eventually reduce the size and quantity of satellite dishes. He was trying to determine if it were practical to amend the request to include a caveat addressing future technological advances? Mr. May said that providing satellite dishes was expensive. If future advances required less equipment to provide equal or better service, the industry would respond accordingly. It would be in its best interest to do so. Technology, he added, would drive the market.

PUBLIC COMMENTS

FOR:

Jane Hoskin (675 Larkspur Lane, Grand Junction), representing her mother living at 116 Hillcrest Drive, did not necessarily oppose the request; however, she expressed concerns over the potential loss of her view to the green space located northeast of the television tower. Where would the new dishes be placed?

Will Hoskin (675 Larkspur Lane, Grand Junction) said that his father-in-law had originally built the television station, and he applauded the growth of KREX. He wished the station continued success and hoped that the City would approve the variance request.

AGAINST:

Richard and Martha Arnold (418 Bookcliff Drive, Grand Junction) referenced the letter they'd submitted to staff. Mr. Arnold noted a large park-like area to one side of the television tower. The station and tower were completely surrounded by single-family homes. The addition of two more satellite dishes would, in their opinion, expand an existing commercial use within a residential area. Mr. Arnold acknowledged that the station had to keep up with technology to be viable; however, perhaps it had outgrown its current location. The request included adding new structures, not just modifying existing ones. He suggested that, if approved, the dishes be screened with some kind of vegetative material. If the dishes were allowed, he asked that they not be installed on the east side of the television tower.

Ms. Arnold noted where the station's former owner had piled a lot of "industrial material" along and against the fence belonging to her and her husband. While the current owner had cleaned out most of the debris, the fence had been damaged and was leaning badly. She asked that the fence be repaired at the petitioner's expense.

Mr. Arnold continued by saying that the encroachment and additional noise from St. Mary's Hospital, combined with the expansion of the television station, seemed to be squeezing them out of their well-established residential neighborhood.

PETITIONER'S REBUTTAL

Dennis Atkins agreed that the station's ultimate goal was to move from its current site to a more suitable location. Mr. Traylor added that the positioning of the antennae was governed by physics. The new owners had taken possession of the station in 2003 and were trying to remedy past discrepancies. Referencing the debris next to the Arnold's fence, he said that it was being removed and only two pieces currently remained. The fence was old and may require repair. He hoped that there could be some cooperation between the station's owners and the Arnolds to achieve that end. He did not feel that the additional dishes would overload the site, but he could not say how many dishes were too many.

QUESTIONS

Commissioner Pitts asked if there were 10-foot-high dishes there presently onsite which were to be increased to 15 feet, or would just the new dishes be 15 feet in height? Mr. Traylor said that the two new dishes would be 15 feet in height measured from ground level. The other dishes, he did not believe, were that high. When asked if the dishes could be installed to be flush at or near ground level, Mr. Traylor was unsure if that technique were possible, given that physics dictated the positioning to catch the signal.

Ms. Arnold asked if the dishes could be located side by side instead of in a row. Mr. Atkins felt that doing so would create a greater visual impact than keeping the dishes in a row.

Chairman Dibble asked if any consideration had been given to vegetative screening. Mr. Traylor said that the petitioner was willing to provide reasonable vegetative cover to screen the Arnold's property. He hoped the City would not require buffering of the entire site.

Chairman Dibble asked if a neighborhood meeting had been held, to which Mr. Traylor replied negatively. Notification cards had been sent to surrounding property owners, however. Ms. Edwards clarified the City's 500-foot notification area requirement.

DISCUSSION

Commissioner Lowrey remarked that it appeared the Arnolds were the only ones, really, to be visually impacted by the request. Tree plantings would help screen the dishes from the Arnolds' sight.

Commissioner Pitts observed that the age of computers and satellite dishes had come after development of the area's homes. It appeared that over the last 50 years, the station's site had become a "field of dishes."

Commissioner Putnam asked for confirmation that the petitioner was willing to provide vegetative buffering to the Arnolds, which was given.

Mr. Blanchard asked planning commissioner to provide specific rationale for the vegetative buffering. Was it intended to screen, or to mitigate some of the "visual discomfort" of the dishes? Commissioner Lowrey clarified that it would be to mitigate the visual impacts of the new antennae on the Arnolds' property.

A brief discussion ensued over the type and height of vegetative options. Mr. Blanchard felt that staff could work with both parties to mutual satisfaction.

Commissioner Pitts expressed support for the request, provided that the petitioner provide the visual buffering discussed previously.

Commissioner Redifer said that the situation was unique in that there weren't too many residential neighborhoods with a television station as a neighbor. While he didn't want to see the station run out of business, he felt that at some point the station should seriously consider moving to a more suitable location. It seemed the petitioner and the Arnolds were willing to work together to a mutually satisfactory solution.

Commissioner Cole agreed with Commissioner Redifer's comments and expressed support for the request.

Commissioner Evans expressed his agreement with previous comments and felt that the request deserved approval.

Chairman Dibble hoped that the petitioner would also help the Arnolds with the repair of their fence.

MOTION: (Commissioner Cole) "Mr. Chairman, on item VAR-2004-114, I move that the Planning Commission approve the request to exceed the height of two ground-mounted satellite dishes from 10 feet to 15 feet, with the findings and conclusions listed in the staff report."

Commissioner Redifer 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 9:48 p.m.