

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - February 3, 1998
7:05 p.m. to 11:30 p.m.

I. CALL TO ORDER

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

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Mike Denner, Paul Coleman, Robert Gordon, Jeff Driscoll, Mark Fenn and Joe Grout.

In attendance, representing Community Development staff, were: Kathy Portner (Planning Manager), Michael Drollinger (Development Services Supervisor), Bill Nebeker (Senior Planner), and Mike Pelletier (Associate Planner).

Also present were John Shaver (Asst. City Attorney) and Kerrie Ashbeck (City Development Engineer). Terri Troutner was present to record the minutes.

There were approximately 51 interested citizens present.

II. CONSIDERATION OF MINUTES

Available for consideration were the minutes of the January 13 hearing.

MOTION: (Commissioner Coleman) "Mr. Chairman, I make a motion that we approve the minutes from the January 13 meeting."

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

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer noted that the following items had been pulled from the evening's agenda: PP-1998-016, RZ-1998-010 and GPA-1998-017.

IV. PUBLIC HEARING ITEMS FOR RECOMMENDATION TO CITY COUNCIL

Due to a conflict of interest, Commissioner Driscoll withdrew from consideration of the following item.

RZP-1998-012 REZONE/PRELIMINARY PLAN--WESTWOOD RANCH SUBDIVISION

A request to: 1) rezone from RSF-R (Residential Single Family--Rural with a density not to exceed 1 unit per 5 acres) to PR-4.6 (Planned Residential with a density not to exceed 4.6 unit per acre) and 2) approve a Preliminary Plan for Westwood Ranch consisting of 23 single family lots and 36 duplex (72 units) on 20.7 acres.

Petitioner: Sonshine Construction Company

Location: Northwest corner of 25 1/2 and F Roads

Representative: Banner Associates

PETITIONER'S PRESENTATION

Jana Bingham, representing the petitioner, reminded the Commission that this proposal had come before them a year prior. At that time issues were noted and recommendations had been made to redesign the project using the guidelines outlined by both staff and planning commissioners. Ms. Bingham said that she and the petitioner had complied and prepared a new plan with: a density which was more consistent with *Growth Plan* recommendations, a centralized park and taken measures to preserve an existing stand of cottonwood trees in the proposed native park area. Transparencies of the site were shown using an overhead projector. Photos were also circulated to planning commissioners. Single family lots would be located adjacent to the canal and Brenna Way and also along 25 1/2 Road to provide consistency with surrounding single family uses. Ms. Bingham noted proposed access points and trails, the centralized park, native park, detention area, and other site features. A 6-foot fence would be erected along F 1/2 and 25 1/2 Roads for screening. Ms. Bingham stated that the property line currently extended to the centerline of the canal; a 25-foot easement would be granted to the irrigation company. An additional 25-foot easement would be granted to the City for road right-of-way along 25 1/2 Road. The existing power poles along the west side of the street would be relocated. The petitioner was in agreement with staff requirements for half-street improvements along 25 1/2 and F 1/2 Roads.

Ms. Bingham continued by showing slides depicting the type of housing which would be offered. She said that neighborhood input had been solicited, culminating in a neighborhood meeting. She said that while nearby residents wanted the proposal to include only single family homes, staff had encouraged a higher density for the development to comply with *Growth Plan* recommendations. The proposed density of 4.6 units per acre was at the low end of those recommendations. Ms. Bingham felt that the proposal represented the best compromise between neighborhood and staff recommendations.

David Chase, also representing the petitioner, said that traffic and density issues had been paramount concerns in the project's original submittal. With the subsequent approval of the Fall Valley Subdivision, completion of 25 1/2 Road would now be undertaken. This would help alleviate potential traffic concerns. Mr. Chase felt that the petitioner had complied with staff directives and requested approval of the project.

STAFF'S PRESENTATION

Michael Drollinger outlined the issues which had arisen during the project's initial submittal. The petitioner had indicated that there may be some problem with a few lots along Lariat Court meeting rear yard setback requirements; however, staff felt that this could be mitigated and asked planning commissioners for flexibility. Staff felt that the new proposal met both *Code* criteria and *Growth Plan* guidelines and recommended approval for both the rezone and Preliminary Plan.

At planning commission's request, Kerrie Ashbeck explained the status of the 25 1/2 Road extension.

QUESTIONS

Commissioner Fenn asked if improvements on 25 1/2 Road from F 1/4 to F 1/2 Road were scheduled for 1998, to which Ms. Ashbeck replied affirmatively.

Commissioner Grout asked if comments had been received from School District #51, to which Mr. Drollinger responded negatively.

Commissioner Gordon asked if the irrigation pump would be housed in the northwest corner of the property near the native park area. Mr. Drollinger clarified that the irrigation facility would be situated in the northeast corner of the property.

PUBLIC COMMENTS

FOR:

Bill Fitzgerald (556 - 25 Road, Grand Junction), owner of Castle Homes, said that he will be the primary builder for the subdivision; he represented that his home designs had been well received by the community. He stated that he had worked extensively with Jana Bingham to develop a good lot design, one which would be an asset to the community.

Commissioner Grout asked how large the living space for the individual duplex units would be. Mr. Fitzgerald answered that each unit would be approximately 1,200 square feet in size.

AGAINST:

Art Fader (672 Atchee Lane, Grand Junction) expressed opposition to the duplex units. The higher density multi-family units would not be consistent with surrounding single family uses. He was also concerned with the proposal's potential impact to schools, roads and property values.

James Bates (626 Fletcher Lane, Grand Junction) said that the proposed density of 4.6 units/acre was inconsistent with surrounding densities, citing Fall Valley Subdivision (2.9 units/acre) and Moonridge (2.3 units/acre). He, too, was concerned over potential traffic impacts.

Stan Forrest (2559 Westwood, Grand Junction) also opposed the inclusion of duplex units, the higher density and increased traffic.

Robert Leachman (627 Braemer Circle, Grand Junction) expressed opposition to any further development in the neighborhood until the following were accomplished: 1) 25 1/2 Road extended to F 1/2 Road; 2) widen F 1/2 Road between 25 and 26 Roads; 3) a pedestrian overpass constructed over F Road at the 25 1/2 Road intersection; and 4) pave Braemer Circle. He felt that the best use for the current site was that of a park. He asserted that it should be up to the community's residents to determine *Growth Plan* standards.

Herb Keisler (no address given) said that duplexes had a tendency to become rental units. Rentals, he said, typically bred increased criminal activity, a greater disregard for individual property maintenance, and they generally lowered surrounding property values.

Chris Madison (2586 Galley Lane, Grand Junction) noted a misprint in the paper which placed the property's location on F Road. He felt that there were insufficient public services available to serve the site and expressed concerns over impacts to F 1/2 Road, the lack of the project's compatibility with surrounding uses, density, school impacts and impacts to the quality of life in the area.

Charlie Gunther (no address given), manager of the Grand Valley Canal Company, expressed opposition to the canal easement being referred to as a multi-purpose easement. This, he said, was in violation of the canal company's prescriptive rights to exclusive use of the easement. He expected interference with water delivery and canal maintenance if this easement notation was not changed.

Mark Gardner (675 Atchee Lane, Grand Junction) also expressed opposition to the inclusion of duplex units.

Margaret Schultz (2580 Galley Lane, Grand Junction) opposed the duplex units and expressed concern over increased traffic in the area. She said that residents wanted to keep the area at a lower density.

Nick Martin (674 Atchee Lane, Grand Junction) was opposed to the duplex units and higher density of the project.

Pete Woodbury (2582 Galley Lane, Grand Junction) asked for clarification on how the gross density of the project was calculated, which was provided. He was opposed to the higher density and the inclusion of duplex units.

Gene Taylor (633 Fletcher Lane, Grand Junction) agreed with previous comments. He said that common sense should be employed, even if it went against *Growth Plan* directives. He indicated that crime in the area had already increased and added that duplexes would probably exacerbate the problem. The bridge over 25 1/2 Road should be expanded, he said, and 1st Street near F 1/2 Road also needed a new, lowered bridge.

Frank Bruce (674 Ignacio Court, Grand Junction) opposed multi-family development in the area. The proposed density, he felt, was too high and was incompatible with surrounding uses.

Patti Jescondi (659 Janice Drive, Grand Junction) concurred with previous comments.

PETITIONER'S REBUTTAL

Mr. Chase said that it was difficult to make everyone happy. Available planning documents, staff input, and neighbor preferences were all incorporated into the current plan. Benefits associated with the plan, he felt, included reducing urban sprawl. Ample public services were available to the site, and he reminded planning commissioners that growth was inevitable. He agreed that F 1/2 Road was too narrow but reiterated that traffic would be mitigated with the extension of 25 1/2 Road. Mr. Chase reiterated many of the points presented in his initial presentation, adding that if the proposal had been designed to a lesser density, it probably would not have received an approval recommendation by staff.

QUESTIONS

Commissioner Coleman wondered what percentage of the duplexes were expected to become rentals. Mr. Chase was unsure.

Commissioner Coleman asked if covenants had been or would be drafted to address the rental issue pertaining to the duplexes. Mr. Chase said that covenants had not yet been drafted; if the rental issue needed to be addressed in covenants, he felt that this could be accommodated.

Commissioner Gordon asked if duplexes had been proposed with the initial proposal, to which Mr. Chase responded negatively.

DISCUSSION

Commissioner Gordon asked if there were any legal ramifications to the project's location being advertised incorrectly. John Shaver said that with the legal notice, posting of the property with a sign, and individual property owner notification, there was sufficient due process to comply with legal requirements even though there was an error in the display ad. He reminded

planning commissioners that their motion would be as a recommendation only to City Council, not as a final decision.

A brief recess was called at 8:45 p.m. The hearing reconvened at 8:50 p.m.

Commissioner Coleman felt that the proposal would overly burden the neighborhood with higher density development. He agreed with resident statements that the duplexes did not fit in with the character of the area.

Commissioner Gordon agreed, noting that duplexes had not been included in the initial submittal.

Commissioner Denner said that in his visits to the area, it was very apparent that this was a single family home area. He did not support the inclusion of duplexes.

Commissioner Coleman suggested leaving the lot configurations the same but placing upon them single family homes rather than duplexes.

Commissioner Fenn asked for the densities of surrounding subdivisions. Mr. Drollinger answered that Kay Subdivision had a density of 3.8 units/acre; Valley Meadows East, 2.9 units/acre; and Valley Meadows, 2.8 units/acre.

Commissioner Gordon agreed that crime tended to increase and property maintenance tended to decrease with rentals.

Chairman Elmer asked legal counsel if a recommendation could be made for a lower density. Mr. Shaver cautioned against this because it would, in effect, redesign the project and create a planned zone without a plan. There were also a number of practical planning and engineering difficulties which could arise with such a recommendation.

Chairman Elmer asked if there would be any problem with keeping the lot configurations the same, substituting single family homes for the currently proposed duplex units. Mr. Shaver said that this type of recommendation would be within the Planning Commission's purview.

Chairman Elmer expressed support for a density closer to 4 units/acre. He also had concerns over traffic impacts to F 1/2 Road.

Commissioner Fenn asked if the duplexes were the petitioner's or staff's idea. Mr. Drollinger explained that staff had apprised the petitioner of the criteria and recommendations found in the various planning documents available. Given that information, the petitioner had put forth the current proposal as a means of meeting those various directives.

Commissioner Grout acknowledged that the stretch of F 1/2 Road to the east was a "bad situation." While not especially opposed to the proposed density per se, he opposed the introduction of duplexes into a single family area.

Commissioner Fenn observed that impacts from single family development would be the same as with duplexes, given similar densities.

Chairman Elmer noted the existence of available infrastructure to support the current proposal, but he felt it would be inappropriate to go below a density of 4 units/acre.

Commissioner Coleman reiterated his opposition to the inclusion of duplex units, adding that single family homes made for a better neighborhood.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item RZP-1998-012, a request for rezone/Preliminary Plan approval, I recommend denial.”

Commissioner Gordon seconded the motion. Chairman Elmer asked if the reasons for the denial recommendation were as stated during the previous discussion, to which Commissioner Coleman affirmed. A vote was called and the motion passed unanimously by a vote of 6-0.

A brief recess was called at 9:03 p.m. The hearing reconvened at 9:08 p.m. Chairman Elmer said that due to the length of the agenda and the time spent on the first item, some items would not be heard tonight. He proposed holding a second public hearing next Tuesday, February 10 at 7:00 p.m. Some petitioners volunteered to continue their items until the following week; others left during deliberations of the remaining items. Those items continued to February 10, 1998 included FPP-1998-013, MS-1998-011, RZ-1998-015 and VR-1998-007.

At this time, Commissioner Driscoll rejoined the hearing.

RZP-1997-204 REZONE & PRELIMINARY PLAN--INDEPENDENCE RANCH FILINGS #4-10
A request for approval of the Preliminary Plan for Independence Ranch Filings 4-10 consisting of 152 single family lots on 99.1 acres, and to rezone from RSF-2 (Residential Single Family with a density not to exceed 2 units per acre) to PR 1.7 (Planned Residential with a density of 1.7 units per acre).

Petitioner: Hans Brutsche
Location: Northeast corner of 20 1/2 Road and F 3/4 Road
Representative: Ciavonne & Associates

PETITIONER’S PRESENTATION

Hans Brutsche, petitioner, pointed out the riparian habitat located north of the property’s bluff line and acknowledged it as a special area. According to Mr. Brutsche this wildlife area would be left in its natural state in perpetuity with no development ever to occur within its boundaries. He elaborated that building lots would average 10,000 to 12,000 square feet in size, with over 40 percent of the site being retained in open space. The proposed density fell within *Growth Plan* recommendations and he agreed to comply with staff conditions. Mr. Brutsche asked for consideration of TCP credit towards the turn lanes which would have to be constructed on Highway 340. He said that he’d consulted with CDOT, the County’s traffic engineer, and had also hired an independent consultant to analyze the traffic situation along this stretch of roadway. A right-turn decel lane would be required with Filing 4; a left-turn lane would be required after construction of the 43rd lot.

QUESTIONS

Commissioner Driscoll asked for the total number of lots in the first three filings, to which Mr. Brutsche answered there were 66 lots on approximately 30 acres.

Commissioner Driscoll recalled that active recreational amenities had been planned for the first three filings. Mr. Brutsche said that a basketball court, playground equipment, concrete trails, picnic tables and park tables had all been planned.

Commissioner Driscoll asked if the amenities proposed with the first filings would serve the current filings as well. Mr. Brutsche answered affirmatively but added that the walkway would be extended and a retention pond would also be constructed with the current filings. While in general support of active recreation, he noted that build-out was not expected for at least ten years. As such, additional recreational amenities would be dependent upon resident preferences.

Commissioner Gordon asked the petitioner if he was in agreement with all of staff's conditions, to which Mr. Brutsche replied affirmatively.

Chairman Elmer lauded plans for active recreational areas but felt the development lacked any passive open space areas such as play fields for children. He suggested expanding the central park area to allow for additional field width. Mr. Brutsche said that he was open to further consideration of this suggestion. He added that the park area would be hydro-seeded and irrigated.

Commissioner Grout wondered who would be the recipient of the riparian area. Would this be turned over to a conservation agency? Mr. Brutsche said that the City didn't typically maintain this type of park. The DOW had recommended soft walking trails through this area with blinds. While he planned to follow DOW recommendations, there had been no conversations with DOW representatives on permanent dedication of this area.

STAFF'S PRESENTATION

Bill Nebeker briefly overviewed the proposal and concurred that a traffic study had been submitted by the petitioner. While TCP credits were usually given to improvements directly adjacent to subject properties, staff would be willing to review the credit request, given the community benefits derived from the turn lanes. He noted that some form of traffic calming devices may be needed along Roundup Drive. Staff recommended approval of the request subject to the following conditions:

1. The applicant shall obtain and comply with a state highway access permit for this subdivision.
2. A westbound right turn deceleration lane on Highway 340 must be constructed before the first filing of this subdivision is platted.
3. An eastbound left turn deceleration lane on Highway 340 must be constructed before the filing containing the 43rd home in the subdivision is platted.
4. Staff may require traffic calming measures to be incorporated into the final design of Roundup Drive to assist in reducing speeds on this street.
5. Improvements to the open space below the bluff line and the linear park shall be provided no later than the third filing. Improvements in the open space below the bluff line will follow the guidelines recommended by the Division of Wildlife (DOW).
6. Concurrent with the platting of the last phase of this subdivision, the applicant shall place a deed restriction or use some other appropriate mechanism to assure that the open space below the bluff line remains open and natural in perpetuity.

7. No more than 100 lots may be developed with the subdivision until an additional improved through street is provided.
8. A pedestrian path will be required to be installed between Hackamore Court and Filing D.

At Planning Commission request, Ms. Ashbeck said that TCP credit for the type of improvements proposed would have to be consistent with *Code* criteria. Mr. Shaver added that a final determination would have to be rendered by the City's Public Works Director.

QUESTIONS

Chairman Elmer asked if the proposal complied with *Growth Plan* recommendations because of the dedication of so much open space, to which Mr. Nebeker responded affirmatively.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER'S REBUTTAL

Mr. Brutsche said only that he would try to do the best job possible.

DISCUSSION

Chairman Elmer felt the proposal to be a good one and commended the petitioner for providing so much open space. He also acknowledged the petitioner's efforts to preserve wildlife areas, which was also consistent with *Growth Plan* guidelines. He expressed a continued interest in further opening up the centralized park area so that it would be conducive to a play field.

Mr. Brutsche presented a map to planning commissioners depicting the site's topography. He noted an area where a play field could be developed.

Chairman Elmer wondered if any thought had been given to putting future homeowners on notice that the wastewater treatment plant was located nearby. Mr. Shaver said that since the plant was already in existence, lot buyers would in effect be "coming to the nuisance" versus the nuisance coming to them.

Mr. Brutsche agreed to notify all prospective buyers of the existence of the plant. He said that he'd never noticed any offensive odors coming from the facility, so he didn't think this would become an issue.

Chairman Elmer asked if a plat notation could be added as a condition. Mr. Shaver said that this was within the Planning Commission's purview, although the degree of nuisance would probably be difficult to quantify.

Chairman Elmer wondered if data could be collected by staff to determine the extent of the potential nuisance. Mr. Brutsche said that he would cooperate with staff in any way possible.

Commissioner Grout felt that it was unlikely the HOA would want to maintain the entire 40 acre open space area. He encouraged the petitioner to seek a conservation easement and dedicate the wildlife area to a conservancy agency.

Commissioner Fenn suggested that with so much open space currently being dedicated, it was unfair to require the petitioner to provide more. He felt that if the proposed park area were graded, it would provide an ample passive play area.

Commissioners Driscoll and Coleman agreed.

Commissioner Gordon asked if dedication of the wildlife area to a conservancy agency needed to be addressed as an additional condition. Mr. Nebeker said that this was somewhat addressed via condition 6.

MOTION: (Commissioner Driscoll) “Mr. Chairman, on item RZP-1997-204, I move that we approve the Preliminary Plan for Independence Ranch Filings 4-10 subject to staff recommendations with the addition of condition #9 that indicates that a plat note will be added to indicate that an odor may possibly emanate from the nearby treatment plant, and adding a condition 10 that requires the petitioner to provide widening and leveling of the passive open space for a playing field, required to be constructed in the third filing; and also forward a recommendation of approval to the City Council for the rezone from RSF-2 to PR 1.7.”

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

Chairman Elmer suggested forwarding a recommendation to the Public Works Director and staff to favorably consider the petitioner’s request for TCP credit towards off-site improvements. This suggestion received unanimous approval from all other planning commissioners.

FPA-1998-020 FINAL PLAN AMENDMENT--VALLEY MEADOWS EAST SUBDIVISION

A request to amend the Final Plan to allow 6-foot fences in the private open space area and along 25 1/2 Road.

Petitioner: Barbara Forrest

Location: 25 1/2 and F 1/2 Roads

Representative: Bonnie Lightfoot

PETITIONER'S PRESENTATION

Bonnie Lightfoot, representing the petitioner, said that the rear yard fences were needed to secure children and pets and better ensure individual privacy. She said that there was a lot of confusion surrounding the fence issue and as a result, several homeowners had been issued fence permits only to have the City rescind those permits after their fences had been erected.

QUESTIONS

Commissioner Driscoll asked if fencing was addressed in the covenants. Ms. Lightfoot replied affirmatively, but said that verbiage was very confusing.

Chairman Elmer asked if there had been any opposition to the request. Ms. Lightfoot said that of the three-quarters of all homeowners contacted, no opposition had been raised. Not all homeowners could be reached.

STAFF'S PRESENTATION

Kathy Portner briefly explained the history of the Valley Meadows East approval. The prohibition of fencing along the park had been a City Council condition of approval and was designed to prevent a "walling in" of the park area and to encourage visual security. Staff would support rear yard privacy fencing if limited to no more than four feet in height. The petitioner also requested that homes backing onto 25 1/2 Road be allowed to have six-foot privacy fencing, graduating to four feet perpendicular to the picket fencing along 25 1/2 Road. This portion of the request was acceptable to staff.

QUESTIONS

Commissioner Grout asked staff if the elevation of the property had been taken into account. Ms. Portner replied negatively but added that four-foot fencing would allow for greater visual security of the park.

Chairman Elmer asked if the open space had been reserved for the exclusive use of the homeowners, to which Ms. Portner responded affirmatively.

PUBLIC COMMENTS

FOR:

Barbara Forrest (2559 Westwood Drive, Grand Junction), petitioner and president of the Homeowners Association, emphasized that the request was supported by 100 percent of homeowners contacted. The covenants, she said, were ambiguous, and she reiterated that some homeowners had already received permits from the City and had already erected their fences. She said that even if fenced, the park would still be maintained by a landscaping company which had been contracted. Bollards had been installed at entrances to keep unauthorized vehicles out. New playground equipment was budgeted for in 1998. If not approved for all homeowners, she asked that at a minimum, approval should be granted for those homeowners who, in good faith, had already erected their fencing.

Those speaking in support of the request included Tammy Rabota (667 Capota, Grand Junction), Mac Rush (2556 Westwood Drive, Grand Junction) and Dave Fallon (666 Chama Lane, Grand Junction).

Jana Bingham (no address given), representing Sundance Properties, said that John Davis had not been the original developer of the property, adding that there had been some misunderstanding in the transfer of documents. Ms. Bingham stated that because the open space was for the exclusive use of the homeowners, they should have a say in whether or not the park should be fenced. It is a quality of life issue for the homeowners, she said, adding that even with 6-foot fences, property elevations would still allow for visual security.

AGAINST:

There were no comments against the request.

DISCUSSION

Commissioner Driscoll wondered if, when City Council members had reconfigured the subdivision, the open space been specifically set aside for the exclusive use of the homeowners, to which Ms. Portner responded affirmatively.

Chairman Elmer acknowledged the unanimous support of the homeowners and expressed his own support for the request. He said that because it was their subdivision and their park, there should be some flexibility on this type of requirement. He noted that security didn't seem to be an issue, and he also expressed support for the fencing proposed along 25 1/2 Road.

Mr. Shaver suggested that if approved, the covenants should be amended to reflect any changes.

Ms. Forrest said that amendment of the covenants had already been discussed with homeowners and all were in agreement.

MOTION: (Commissioner Driscoll) "Mr. Chairman, on item FPA-1998-020, I move that we approve the request as recommended by staff with the modification that the homeowners can erect a six-foot privacy fence as opposed to a four-foot privacy fence; otherwise, the recommendation will remain the same; and add a condition that the homeowners are required to amend the covenants to conform to the fencing as approved with this recommendation."

Commissioner Grout seconded the motion.

Chairman Elmer asked for confirmation from staff that they will forego prosecution of those homeowners who received notices of violation pending amendment of the covenants. Both Mr. Shaver and Ms. Portner indicated that this would not be a problem.

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

CUP-1997-200 CONDITIONAL USE PERMIT--GRAVEL PIT EXPANSION

A request for a Conditional Use Permit to allow a gravel pit expansion in an I-1 (Light Industrial) zone district.

Petitioner: Grand Junction Pipe & Supply

Location: 640 - 23 Road

Representative: Ed Settle

PETITIONER'S PRESENTATION

Ed Settle, petitioner, briefly outlined his intent to expand gravel extraction along the river at 23 Road. He also asked for permission to temporarily locate an asphalt plant on the site. A five-foot-high berm would be installed along the River Road portion of the property and also along that portion leading to the lake (appx. 600 feet). The berm would contain trees on 15-foot centers. The lower 600 feet of the property would contain trees at 50-foot centers.

QUESTIONS

Chairman Elmer asked for the expected hours of operation. Mr. Settle responded that the crusher would be operated from 7:00 a.m. to 5:00 p.m. General hours of operation would be 7:00 a.m. to 6:00 p.m.

Commissioner Grout asked if there would be any time when the crusher would be run overnight, to which Mr. Settle responded negatively.

Commissioner Grout asked if running the crusher from 6:00 a.m. to 6:00 p.m. would better allow for start-up and shut-down. Mr. Settle thought that was a good idea.

Commissioner Elmer thought the additional morning hour would interfere with neighbors' sleep.

STAFF'S PRESENTATION

Mike Pelletier clarified the petitioner's address, since it was noted incorrectly on the agenda. He stated that the petitioner intended to reclaim the southern portion of the site as well as install berms along the portions of the property previously noted. The proposal met CUP criteria and was subject to state approval. Staff recommended approval subject to staff receiving a copy of the 112 Construction Materials Reclamation Permit from the State Division of Minerals and Geology.

QUESTIONS

Chairman Elmer asked if the proposed hours of operation for this facility were consistent with other extraction facilities. Mr. Pelletier said that this had not been researched, that the hours proposed were what had been recommended by the *Code*.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Chairman Elmer supported the 7:00 a.m. to 6:00 p.m. hours of operation proposed by the petitioner.

Mr. Shaver said that many of the recommendations and criteria found in the City's *Code* covering extraction facilities were consistent with the Mesa County Code.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item CUP-1997-200, I move that we approve the Conditional Use Permit for mineral extraction, storage and processing at 640 - 23 Road with the condition that a copy of the approved permit from the Division of Minerals and Geology is provided."

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

CUP-1997-205 CONDITIONAL USE PERMIT--ESPRESSO DEPOT

A request for a Conditional Use Permit for a drive-thru espresso cafe in a C-1 (Light Commercial) zone district.

Petitioner: Scott Cunningham

Location: 705 Glenwood Avenue

PETITIONER'S PRESENTATION

Scott Cunningham, petitioner, noted the site's layout and proposed accesses using an overhead transparency. The applicant stated that the business would sell espresso as well as premade baked and packaged goods. Hours of operation would be from 6:30 a.m. to 6:00 p.m., with the bulk of traffic expected to be between 6:30 and 9:30 a.m. No conflicts were expected with other businesses and shared parking had been prearranged with Frontier Pies. The building would be portable and would be moved off site in the event the business was closed. The site would be landscaped. He'd received one letter from a resident living along Glenwood Avenue who'd questioned the availability of access. Mr. Cunningham pointed out the various points where traffic would be routed.

QUESTIONS

Commissioner Coleman observed that no plumbing had been proposed for the building. Mr. Cunningham said that Culligan water would be brought in for potable water needs. Restrooms would be shared with Frontier Pies and an agreement had been drafted and signed by both himself and the owner of Frontier Pies.

Commissioner Denner asked if power would be supplied to the building, to which Mr. Cunningham responded affirmatively.

Commissioner Denner asked about stacking. Mr. Cunningham answered that the maximum queue would be three cars, adding that no more than this were expected at any one time.

STAFF'S PRESENTATION

Michael Drollinger said that all drive-thru's required a CUP. Having found that the request had met the CUP criteria, staff recommended approval subject to the petitioner executing the access easement through the Cruiser's parking lot prior to issuance of the Conditional Use Permit.

QUESTIONS

Commissioner Gordon asked if it was standard practice to approve a proposal of this type when no bathrooms were being provided. Mr. Drollinger said that the agreement letter between the petitioner and Frontier Pies allowing for the sharing of bathroom facilities had been received by staff. The Building Department, which was more involved with bathroom requirements, had expressed no opposition to the proposed arrangement.

Mr. Shaver said that it may be that the Mesa County Health Department would also need to approve the request.

Chairman Elmer wondered if the required removal of the building in the event of closure should be included as a condition of approval. Mr. Drollinger said that the CUP section of the *Code* already addressed this concern.

Commissioner Coleman wondered if landscaping would be irrigated, given the limited availability of water to the site. Mr. Drollinger replied that an underground irrigation system would serve the site.

Commissioner Driscoll asked if there would be any traffic problems associated with instances where more than three cars entered at once from 7th Street. Ms. Ashbeck said that because the restaurant was busiest in the evening and the proposed use would be busiest in the morning hours, no conflicts were expected.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

PETITIONER'S REBUTTAL

Mr. Cunningham clarified that while he was leasing the parking lot, the building would be his. If his business were to close, the building would be retained by him and moved off site.

QUESTIONS

Commissioner Coleman asked if the business would have a walk-up window, to which Mr. Cunningham replied affirmatively.

Commissioner Denner wondered how many employees the business would have. Mr. Cunningham responded that there would be a maximum of two.

DISCUSSION

Commissioner Coleman expressed his support of the request.

Chairman Elmer noted that it met CUP criteria, adding that landscaping would provide buffering between the business and adjacent homes.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item CUP-1997-205, a request for Conditional Use Permit approval, I move that we approve the permit with the conditions in the staff report dated January 28, 1998."

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

CUP-1998-009 CONDITIONAL USE PERMIT--SONIC DRIVE-IN RESTAURANT

A request to approve a Conditional Use Permit for a drive-thru fast food establishment on approximately 35,250 square feet in a C-2 (Heavy Commercial) zone district.

Petitioner: Sonic Restaurant

Location: 582 - 24 1/2 Road

Representative: Peter May

PETITIONER'S PRESENTATION

Peter May, petitioner, briefly overviewed his proposal. He stated that drive-in customers would be served by car hops on roller skates. No in-store dining was planned but a drive-thru window will be available.

STAFF'S PRESENTATION

Mike Pelletier noted the restaurant's site plan depicting access and stacking area. The proposal met both CUP and engineering criteria. Staff recommended approval with no conditions.

PUBLIC COMMENTS

FOR:

Pat Edwards (1401 North 1st Street, Grand Junction) expressed support for the request.

AGAINST:

There were no comments against the request.

DISCUSSION

Commissioner Driscoll acknowledged that the request met CUP criteria.

MOTION: (Commissioner Driscoll) "Mr. Chairman, on item CUP-1998-009, I move that we approve the Conditional Use Permit for a drive-thru restaurant at 582 - 24 1/2 Road."

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

V. GENERAL DISCUSSION

Scott Harrington reminded planning commissioners of the upcoming hearings on the *North Central Valley Area Plan* on February 5 and 19, 1998. When polled, all planning commissioners expected to be present at the two scheduled meetings.

Mr. Harrington proposed permanently changing the Planning Commission hearing date(s) for the second and possibly third Tuesdays of each month. Hearings would still begin at 7:00 p.m. If approved, the Bylaws would be amended accordingly.

MOTION: (Commissioner Coleman) "Mr. Chairman, I make a motion that we change our monthly meeting for the Planning Commission to the second Tuesday of the month, and if there's another meeting, go to the third Tuesday of the month."

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

Mr. Harrington also updated planning commissioners on continued discussions over the *Growth Plan's* interim period prior to the new *Code* adoption. As a result of increased pressure from the community, it was generally felt that a "no action" policy should be taken. He briefly explained the advantages and disadvantages of this.

Mr. Harrington also noted that a focus group meeting was scheduled for Friday, February 6, 1998 at the Pinon Grill. The breakfast meeting would commence at 7:30 a.m. and run through to 10:00 a.m.

With no further business, the hearing was adjourned at 11:30 p.m.