

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - May 7, 1996
7:05 p.m. to 10:35 p.m.

I. CALL TO ORDER

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

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

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

Also present were Larry Timm (Community Development Director), John Shaver (Asst. City Attorney) and Jody Kliska (City Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 21 citizens present.

II. CONSIDERATION OF MINUTES

Consideration of the minutes was deferred to the next hearing on May 14.

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer announced that items PDR-96-74, FP-95-133(2), and PP-96-77 had been pulled from the evening's agenda and would not be heard.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION

MS-96-75 MINOR SUBDIVISION--HENDERSON MINOR SUBDIVISION

Request to subdivide approximately 11 acres into two lots with existing zoning of I-1 (Light Industrial).

Petitioner: Cliff Henderson

Location: 785 - 22 Road

Representative: Lewis Hoffman

STAFF PRESENTATION

Bill Nebeker provided an overview of the proposal and noted the site location on the maps provided. Specifics included moving the lot line on the smaller parcel to the south 7 feet to assure adequate *Building Code* separation. A private sewer line easement would be provided between lots 1 and 2 as well as over the service line to the public main over the southwest corner of the site. A draft joint sewer agreement for maintenance of the line had been submitted to staff. The building on lot 2 was still on septic and any future divisions or development would require hookup to sewer. Mr. Nebeker indicated that condition 3. in the staff report requiring a 15-foot dedicated utility easement was no longer necessary; thus, he suggested deletion of this requirement. With no outstanding issues, staff recommended approval subject to the

following conditions:

1. The sanitary sewer easement dedicated to the owner of lot 2 shall be extended over the sewer line to the southwest corner of lot 1. The dedication may be to lots 1 and 2 to the intersection of the lines.
2. A maintenance agreement addressing the responsibilities for maintenance of the joint service line, reviewed and approved by the City of Grand Junction, shall be recorded prior to, or concurrent with, the recording of this plat.
3. The 15-foot dedicated utility easement shall be redrawn to include the existing electric line from the power pole on 22 Road (deleted).
4. A revocable permit will be required for the planter that will be in the right-of-way after dedication of 22 Road.

PETITIONER'S PRESENTATION

Lewis Hoffman, petitioner, pointed out that the County zoning across the street was Planned Industrial. He agreed to comply with all staff requirements.

QUESTIONS

Chairman Elmer asked the petitioner if the sewer easement would be based on a metes and bounds description? Mr. Hoffman said that the easement would allow for 5 feet on each side of the actual line, for a 10-foot-wide easement.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (Commissioner Vogel) "Mr. Chairman, on item MS-96-75, I move we approve the Henderson Minor Subdivision based upon staff's recommendations 1., 2., and 4., deleting 3."

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

PDR-96-74 PRELIMINARY PLAN--MONUMENT HEIGHTS PATIO HOMES

Request for approval to construct 8 patio homes on lots 4, 5 and 6 in Block 4 of the Monument Heights Subdivision

Petitioner: Darryl Hayden

Location: North and west of Franklin and Juniper Streets

Representative: Q.E.D.

STAFF PRESENTATION

Bill Nebeker outlined the proposal and noted the site location on maps provided. The proposal would replat lots 4 through 7 to allow single story townhomes. Eighteen feet has been divided from the lots to the south and attached as open space and to meet setback requirements for the lots to the north. Resulting parcels (lots 9, 10, 11 and 12) would be larger than their current size of 774 square feet.

The three southern lots proposed for replatting into 8 attached patio homes would have no common open space. Section 6-7-3 of the *Zoning and Development Code* allows for development of this parcel without platting into individual lots; thus, the petitioner may construct the homes prior to final platting. Mr. Nebeker said that the single story nature of the homes along Franklin Avenue would be more consistent with the single family detached homes across the street and that the proposal was less dense than what would have been allowed under the zone.

Staff recommended approval of the Preliminary Plat subject to the following conditions:

1. The Final Plat should designate Tract A as Tract C to avoid confusion with the existing Tract A in the Monument Heights Townhomes plat. Tract(s), lots and utilities must be clearly delineated.
2. Tract A shall be dedicated to the owners of lots 9-12 in Monument Heights Patio Homes (the proposed plat) as well as the owners of lots 1-3 and 8-10 of the Monument Heights Townhomes (the original plat).
3. A drainage fee may be imposed at the time of Final Plat approval as an option to providing on-site detention.

Mr. Nebeker added that the petitioner would be going before the Board of Appeals to seek a variance on the parking requirement.

QUESTIONS

Chairman Elmer said that the proposal to include single family dwellings in an RMF-64 zone seemed inappropriate. He wondered why the petitioner didn't have to provide the minimum side yard setbacks as established in the bulk requirements for an RMF-64 zone. Mr. Nebeker said that the zone allowed for a zero side yard setback if the dwellings were attached.

Chairman Elmer observed that the plan called for multi-family structures; however, they seemed to be designed to single family standards (e.g., separate lots instead of common open space). Mr. Nebeker said that the project was viewed as multi-family; the petitioner could not do as he proposed under single family zoning.

There was additional discussion on the definition of single family vs. multi-family and the appropriate-ness of the project in the RMF-64 zone. Chairman Elmer wondered if the project should be rezoned to a Planned Development. Commissioner Whitaker asked for clarification of which lots would be affected, which was provided by Mr. Nebeker.

PETITIONER'S PRESENTATION

Darryl Hayden, petitioner, indicated that the two story multi-family units were not selling well and felt that the proposed single story structures would be more appealing to potential buyers. He said that lots 1 through 10 all had water and sewer available, and that the mid-section already had curb, gutter and sidewalk already constructed and the parking area black-topped.

QUESTIONS

Commissioner Halsey asked if there was any green space located in the fronts of the lower 8 lots. Mr. Hayden said that there was room available for landscaping. Mr. Nebeker added that the back portion of the lots would also be landscaped.

Chairman Elmer asked for clarification on average lot size, which was provided.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Halsey agreed with previous comments made by Chairman Elmer. He, too, felt that the single family structures in an RMF-64 zone were inappropriate.

Chairman Elmer suggested that approving the plan would allow variances to *Code* criteria.

Commissioner Withers said that he'd seen similar plans work well in other areas and felt that the proposal would allow for affordable home ownership.

Commissioner Driscoll noted that the proposal was less dense than what could be constructed on the parcel which might impact the neighborhood less.

Commissioner Halsey added that the Commission should not knowingly allow for variances to the *Code* without having the petitioner go through the proper channels.

Commissioner Withers asked Mr. Shaver for a legal opinion on the proposal. Mr. Shaver responded that while he had not previously been asked to advise staff on the proposal, the Commission could request that the petitioner return with another plan, even though it would most likely be at a higher density. He added that there was sufficient legal basis for the petitioner to do what was proposed and cited excerpts from Section 4-1-3 of the *Code* to substantiate the allowance of single family structures on a multi-family-zoned parcel.

Commissioner Halsey asked if patio homes differed in definition from a condo or townhouse, to which Mr. Nebeker replied that they did.

Chairman Elmer said that if the structures were single family, why weren't they being required to provide side yard setbacks? Mr. Nebeker said that straight multi-family zones allowed for zero side yard setbacks. He reiterated that the proposal met the guidelines of the *Code*.

Commissioner Whitaker asked what the variance was for, to which Mr. Nebeker replied that approval of the variance would allow parking within the front yard setback.

Chairman Elmer reiterated that he felt any approval would allow variance of the side yard setback requirements. He again suggested the petitioner apply for a rezone to a Planned zone. Commissioner Whitaker added that approval of a Planned zone may negate the need for a variance of the parking requirements as well.

Mr. Hayden could not understand why there should be any difference in the patio homes to the south and the townhomes to the north. He felt that the process for the southern lots would be similar to what had been approved for the northern lots.

Mr. Shaver suggested asking the petitioner if the northern lots provided for common ownership of open space.

Chairman Elmer noted that this was the primary difference in the patio homes and townhomes, that the

townhomes provided for the common ownership of open space while the patio homes provided for ownership of individual lots.

Discussion ensued over the possibility of having the petitioner return with a request for a Planned zone. Mr. Nebeker suggested continuing the proposal until the next hearing on May 14.

Mr. Shaver said that there was nothing in Section 4-1-3.B. of the *Code* to prohibit what the petitioner proposed; however, he acknowledged that the *Code* didn't go far enough to address the treatment of the actual lot created for a multi-family dwelling. Chairman Elmer said that was what concerned him, that the creation of a single family lot constituted a single family dwelling; yet, there would be no provision for corresponding setbacks. Mr. Shaver said that the Commission had the power to interpret this aspect and could render its own determination as to what the Code doesn't say.

Commissioner Withers acknowledged that this was a gray area and suggested that staff re-write this section to clarify this point. He reiterated his previous comments, although he felt the concerns expressed by other Commissioners were valid.

MOTION: (Commissioner Withers) "Mr. Chairman, on item PP-96-78, I move that we approve the Monument Heights patio homes based on staff recommendations 1. through 3."

Commissioner Coleman seconded the motion. A vote was called and the motion passed by a vote of 4-3, with Commissioners Halsey, Whitaker, and Chairman Elmer opposing.

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

PP-96-54 PRELIMINARY PLAN AND VARIANCE TO STREET STANDARDS--ENTRADA TOWNHOMES

Request to: 1) subdivide land consisting of approximately 3.6 acres into 23 single family townhome units in a PR-4 (Planned Residential with a density not to exceed 4 units per acre) zone district; and 2) vary City street standards to allow private streets.

Petitioner: Cristopher Caruso, The Fleisher Company

Location: Northeast corner of Rana Road and Ridge Circle Drive

Representative: Rolland Engineering

STAFF PRESENTATION

Kathy Portner provided a staff analysis of the proposal and noted the site location on maps provided. She clarified that there would be common ownership of the open space area by the homeowners. Two private drives were proposed for the project. Double car garages were proposed for the townhomes. An additional 10 parking spaces would be provided for the 13 lots off of one private drive, while another 6 parking spaces would be provided for the 10 units accessing the other private drive. Since the City did not provide for private streets, a variance is necessary to allow them for the project. A maintenance agreement, acceptable to the City, would have to be provided through the covenants and Homeowners Association. The private drives would be dedicated as common tracts and public utility and access easements.

Two access points to an existing trail north of the property were noted on the map. Staff felt that there should be a trail connection between the housing clusters and suggested that the petitioner either delete the west trail linkage to the existing trail and run a parallel trail to the east, south of the ditch, or create a short trail linkage from the turn-around by lot 5, block 2 to the private drive by lot 1, block 1.

Staff recommended approval subject to the Final Plan incorporating a trail connection between the housing clusters and that the trail linkages to the existing trail not exceeding an 8 percent grade. Staff also recommended approval of the request to allow private drives.

QUESTIONS

Commissioner Withers said that the parcel was located in an area typically congested with children and pedestrians. He suggested including a detached sidewalk to run parallel to Ridge Circle Drive along the front portion of the property.

Ms. Portner indicated that staff agreed with the petitioner that the bus stop, now located on Ridge Circle Drive, could be relocated so that the existing pathway system could be better used. Commissioner Withers noted that the pathways would still not provide access for children located to the south of Ridge Circle Drive. A sidewalk would provide greater access for all pedestrians. Ms. Portner said that if the Commission chose to include this alternative access to connect the two clusters, the intent would be met and it would be supported by staff.

Commissioner Driscoll asked if Rana Road could handle the additional traffic, to which Ms. Kliska said that as a residential collector street, Rana Road would be close to or at maximum capacity with the build-out of the development.

Chairman Elmer asked if the City differentiated between private drives and driveways. Ms. Portner said that the City did not have criteria in place currently to differentiate the two; however, she said that staff was currently working on guidelines which would address this question. Such guidelines would ensure that drainage, parking, long-term maintenance provisions, and specific construction standards were addressed. Staff felt that private drives should be associated with properties that have common open space.

PETITIONER'S PRESENTATION

Cris Caruso, representing the petitioner, pointed out that the proposal's density had been reduced by 7 units. He felt that clustering the homes provided for better aesthetics, adding that there would be significant attention given to landscaping.

Commissioner Withers asked Mr. Caruso if he had any opposition to including a sidewalk along Ridge Circle Drive. Mr. Caruso said that he did not necessarily oppose one but thought that the existing pathway system would go further in taking pedestrians away from traffic. He acknowledged that moving the bus stop and rerouting traffic (second access out of the Ridges) would better address the problem.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Mark Abbott (399 W. Valley Circle, Grand Junction) expressed concerns over traffic and felt that recent traffic survey results were skewed, based on survey locations. He felt the parking was inadequate and the density too high.

Chairman Elmer asked for clarification on how staff derived the density for the parcel which was provided by Ms. Portner.

David Koos (2365 Rana Road, Grand Junction) also expressed concerns over traffic and felt the development would adversely impact the quality of life. He requested that the density of the development be lowered.

Leslie Shafer (430 ½ Prospector's Point, Grand Junction) expressed concerns over traffic and pedestrian safety and wondered if the survey could be redone, using different locations. She added that the Ridges did not want sidewalks.

Linda Crawford (393 W. Valley Circle, Grand Junction) also expressed concerns over traffic and felt there should be another access into the Ridges. She opposed any new high density development.

Gary Stubler (2374 Rana Road, Grand Junction) wondered what happened when a street met or exceeded the capacity of its classification. Did this justify the halting of any further development? He concurred that a second access was needed and suggested that one tie in to Bluebell Court. He opposed the development based on the additional traffic that it would generate.

Tom Bentley (2371 ½ Rana Road, Grand Junction) expressed concerns over increased traffic, adding that a sidewalk wouldn't help the children traveling west along Ridge Circle Drive.

Amy Tobbler (394 Valley View Way, Grand Junction) felt that increased density would bring about increases in crime and impacts to already overcrowded schools. She expressed concern that in the event of a fire, there was only one way for residents to exit the Ridges. She felt that the developers were putting profit over people and added that the City's annexation hadn't done anything for Ridges' residents.

Marilyn Forte (392 W. Valley Circle, Grand Junction) concurred with previously stated comments.

PETITIONER'S REBUTTAL

Mr. Caruso said that he was concerned about the residents and the traffic impacts, which was why the density of the proposal was less than what would have been allowed. He stressed the aesthetics which would be inherent to the project and the realignment of the streets to make them work better. He expressed surprise at comments made over the street survey but said that he was open to suggestions.

Chairman Elmer asked Ms. Kliska to clarify the survey results. Ms. Kliska said that the survey was used exclusively to measure speeds for sight distance calculations, noting that people routinely exceeded the speed limit set along Ridge Circle Drive. She added that street capacity designations were designed for to establish a "level of comfort" for projected use.

Commissioner Driscoll asked Mr. Shaver for a legal opinion on increased traffic, generated by a development, which causes the street to exceed its designated classification. Mr. Shaver said that the law addressed only "defective design" which liability could extend to the developer.

Chairman Elmer said that traffic increases would be a viable concern in a rezone but that it wasn't applicable in a replat. Mr. Shaver agreed, citing Dolan vs. Tigard, which stands for the proposition that a developer is generally only responsible for the impacts generated by his own development. Mr. Shaver said that with regard to speeding and other traffic safety concerns, residents could communicate with the Police Department.

Chairman Elmer suggested that if densities were approved for the Ridges in the Master Plan, the City should address alternative accesses into the development.

Commissioner Withers suggested that stop signs be placed at the intersections of the private roads and Ridge Circle Drive.

Commissioner Driscoll asked if the road itself was deemed "deficient," could the road itself be redone? Mr.

Shaver responded affirmatively, elaborating that such reconstruction could be covered by development fees in a special assessment district or the City could include it in its capital improvements plan.

Commissioner Vogel suggested requiring construction of a pathway along Ridge Circle Drive to include the portion of property bordering Rana Road to the west. Commissioner Halsey reiterated previous comments that the existing pathway system would route traffic away from the street.

Commissioner Withers thought it might be prudent to require the sidewalk and paths. Chairman Elmer disagreed with the additional sidewalk requirement, adding that it would provide a benefit to more than just the residents of the proposed development which may create legal problems.

There was general discussion over how wide a sidewalk should be and of what material should it be made. Commissioner Withers suggested a 6-foot width.

MOTION: (Commissioner Withers) “Mr. Chairman, on item PP-96-54, I move we approve the Preliminary Plan with the staff conditions and recommend approval of the variance to the City Street Standards to allow private drives. In addition, I recommend that we require a 6-foot hard-surfaced, separated walkway from Rana Court to the eastern end of the property, and that a stop sign be put at each exit from the subdivision onto Ridge Circle Drive.”

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

A brief recess was called at 8:50 p.m. The hearing reconvened at 8:55 p.m.

Due to a conflict of interest, Commissioner Driscoll excused himself from consideration of the items relating to the Dawn Subdivision and James Park.

PP-96-47(2) PRELIMINARY PLAN--DAWN SUBDIVISION

Request to reconsider a condition placed upon Dawn Subdivision by the Planning Commission when the Preliminary Plan was approved in April, 1996.

Petitioner: John Davis

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

STAFF PRESENTATION

Kristen Ashbeck began by saying that during the April 1996 hearing, the Commission had requested the drainage ditch located between Dawn Subdivision and Grand View Subdivision be filled in to provide for more usable space on the lots abutting the ditch. The ditch straddles the property line of the two developments. With the Grand View Subdivision drainage easement dedicated to its Homeowners Association, the petitioner would not be allowed to access the Grand View property and fill in their portion of the ditch. The developers of both subdivisions have met and an agreement has been reached although details have not yet been submitted to staff for review. Staff recommended tabling the request to allow for submission and subsequent review of the agreement.

PETITIONER'S PRESENTATION

Ward Scott, representing the petitioner, reiterated that because of the easement's dedication to the Grand View Homeowners Association, he would not be able to fill in the Grand View side of the drainage ditch. He didn't feel that the existence of the ditch posed any problem. Mr. Scott added that part of the drainage area needed by the Grand View Subdivision was location in the Dawn Subdivision. He asked for a continuance to try and mitigate these concerns.

A brief discussion ensued over the timing of the continuance. Commissioner Withers suggested that if the plan was not submitted by close of business on Friday, May 10, the request be tabled until the June hearing. If received by that date, the item could be continued to the May 14 meeting. The other Commissioners concurred with this suggestion and the petitioner also expressed agreement.

MOTION: (Commissioner Vogel) “Mr. Chairman, I move we table this item to the next May 14 meeting with the condition that we have the information to review by Friday evening, May 10.”

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

VR-96-88 VACATION OF RIGHT-OF-WAY--DAWN SUBDIVISION

Request for vacation of a portion of the 28 Road right-of-way adjacent to Dawn Subdivision.

Petitioner: John Davis

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

STAFF PRESENTATION

Kristen Ashbeck outlined the request and provided a brief history of the 28 Road right-of-way. Under the City’s designation of 28 Road as a collector, adequate right-of-way would exist to meet the City’s designation without the 10 feet requested for vacation. The only utility located within the 10-foot section of right-of-way is a ditch under Grand Valley Water Users jurisdiction. An easement will be dedicated on the Final Plat for the Dawn Subdivision; however, a multi-purpose and drainage easement must also be retained by the vacation ordinance in the event that the Dawn Subdivision plat is not recorded. With no other outstanding issues, staff recommended approval of the vacation.

Commissioner Withers wondered if the easement were retained, could the City come back later and put in a wider street? Ms. Ashbeck replied that there may be problems later with structures on lots adhering to setbacks.

PETITIONER’S PRESENTATION

The petitioner offered no further comment.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (Commissioner Halsey) “Mr. Chairman, on item VR-96-88, a request to vacate 10 feet of right-of-way for a portion of 28 Road north of the Patterson Road/28 Road intersection, I move that we forward the request to City Council with our recommendation of approval subject to the reservation of the multi-purpose and drainage easement.”

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

FP-96-55 FINAL PLAN--JAMES PARK

Request for Final Plan approval of a 55-unit mobile home park located on approximately 8 acres in a PMH (Planned Mobile Home Park) zone district.

Petitioner: John Davis

Location: Northeast corner of 28 1/4 Road and Gunnison Avenue

Representative: Ward Scott

STAFF PRESENTATION

Bill Nebeker noted the location of the site on the maps provided. He indicated that Gunnison Avenue was not slated for vacation or improvement, and that the petitioner's reconfigured street layout lost the development only one space. Mr. Nebeker handed out copies of an addendum to staff's recommendation to Commissioners. Staff recommended approval of the proposal subject to the following conditions in the staff report and the addendum:

1. **ORIGINAL RECOMMENDATION:** The noise wall shall be erected per submitted engineering plans (9.5 feet high, wood fence design) unless otherwise required by the Planning Commission. The wall shall be properly maintained by the owner of the mobile home park to provide an adequate noise barrier between Cahoots nightclub and the mobile home park. Maintenance shall include regular graffiti removal, if necessary. No homes shall be moved onto the site until the noise wall has been constructed.

REVISED RECOMMENDATION: A twelve foot high noise barrier, designed and constructed in accordance with the specifications contained within the David L. Adams Associates recommendation, shall be built within six feet of the south and east property line of Cahoots Nightclub. The barrier shall be designed to meet requirements of the *Uniform Building Code* and the design shall be stamped by a professional engineer. Appropriate wind load and structural calculations shall be submitted with the plan. All wood used for the barrier shall be treated fir, redwood, or an approved equal. An approved equal must be approved prior to obtaining a building permit for the fence. The City may require the applicant to submit certification that verifies that the "approved equal" will be an acceptable alternative.

2. **ORIGINAL RECOMMENDATION:** Revise the site plan showing the vacation of the 15' utility and irrigation easement and 50' ditch easement along the southern portion of the site.

REVISED RECOMMENDATION: Original recommendation deleted. The applicant has shown that this easement will be vacated.

3. Change perimeter non-street setbacks to 15 feet.
4. Place a note on the site plan that states that no parking shall be allowed on either side of the streets. "NO PARKING" signs shall also be erected along the streets at various locations.
5. The dumpsters located in the cul-de-sacs shall be screened with a 6-foot high sight-obscuring fence.
6. Prior to Final Plan approval, submit a section drawing showing where the landscaping will be planted in relation to the Goodwill Drain, any other drainage facilities and utilities.
7. **ORIGINAL RECOMMENDATION:** Landscaping as shown on the approved landscape plan shall be installed within one year of construction of Gunnison Avenue.

REVISED RECOMMENDATION: An Improvements guarantee or some other type of acceptable guarantee such as a power of attorney, shall be submitted for the landscaping adjacent to Gunnison Avenue to guarantee its installation when Gunnison is improved.

8. The landscape plan shall be revised to include shrubs along the 28 1/4 and Gunnison rights-of-way. A species shall be selected that will provide a hedge-like effect and act as a buffer. The shrubs shall replace half of the proposed grass.
9. Per Preliminary approval, the lease agreements for all occupants of the mobile home park shall contain a notice that warns persons of the noise generated from Cahoots.
10. A plat or other appropriate instrument shall be prepared by the applicant for providing easements on the park roads for ingress/egress to the leasees of the park, their guests and invitees, and also for use by public services, including but not limited to, postal service, trash collection, fire, police, emergency vehicles, and the City of Grand Junction. The exact wording of the easement to be determined. The plat shall include an easement for Public Service Company to service the site with electric service. Wording of the easement to be determined.
11. ORIGINAL RECOMMENDATION: An equivalent amount of landscaping shall be planted at the entrance to the park in exchange for the landscaping lost where the southwest cul-de-sac is located in the 10-foot perimeter landscaping area.

REVISED RECOMMENDATION: An equivalent amount of landscaping shall be planted at the entrance to the park in exchange for the landscaping lost where the southwest cul-de-sac is located in the 10 foot perimeter landscaping area.
12. The grading and drainage plan for the site shall be reviewed and approved by the Grand Junction Drainage District prior to Final Plan approval.
13. A \$12,375.00 open space fee is due prior to final approval. Other fees may also apply.

Mr. Nebeker continued with his presentation and said that the 95-foot setback required as a buffer for the northwest corner of the property seemed adequate, adding that he walked the site when a band was playing at Cahoots. According to law, noise levels should not exceed 50 dBa at 25 feet from the property line. He continued that the wall may not be built directly on the property line due to drainage requirements. Placement of the fence slightly away from the property line would also help facilitate maintenance. Mr. Nebeker said that he'd spoken with a representative of the David L. Adams Company concerning the use of wood as a noise buffer. The representative replied that it had been used in the Denver area with success but that maintenance would be required.

QUESTIONS

Commissioner Withers asked staff to clarify the hours as stated in Mr. Scott's letter dated March 1, 1996 under 1.0, Noise Regulations. Mr. Nebeker said that it should reflect 7 p.m. to the next 7 a.m.

Chairman Elmer suggested changing the word "may" to "shall" in the last sentence of condition 8, which would require the shrubs.

Chairman Elmer asked if condition 12. was concerned more with the alignment of the Goodwill Drain, to which Mr. Nebeker replied affirmatively. He added that the Grand Junction Drainage District had commented that the drainage plan was fine, although they wanted to ensure that the trees weren't planted too close to the drain.

Chairman Elmer asked if the noise levels from Cahoots significantly increased when the front doors were opened. Mr. Nebeker said that he did not note any appreciable difference, adding that the noise tended to penetrate through the walls of the nightclub.

Mr. Shaver said that he had not seen the amended staff report nor had he reviewed any financial guarantee or power of attorney for future improvements. He also acknowledged that Planning staff's presentation regarding the noise from Cahoots did not represent any scientific or technical opinions. Finally, with reference to C.R.S. 25-12-103 regarding decibel references, he clarified that this measured noise in decibels on the A scale.

Staff's recommendation proposed something from the petitioner other than an improvements guarantee to ensure that landscaping would be installed. Mr. Shaver stated that he preferred receiving some form of actionable guarantee such as a letter of credit, cash, or equivalent financial assurance. Commissioner Halsey expressed his preference that the petitioner be responsible for installation of the landscaping now.

Chairman Elmer asked staff if the original deficiencies had been worked out, to which Mr. Nebeker replied that they had.

PETITIONER'S PRESENTATION

Ward Scott, representing the petitioner, said that he would requested a 6-foot setback allowance from the property line to allow for maintenance and drainage. He said that this request would not change the setback from the property boundary but applied only to the fence. With regard to condition 10., he wanted to make sure that whatever financial instrument was created be applicable for as long as the zoning existed for the property and not to be held in perpetuity.

QUESTIONS

Commissioner Halsey asked if the petitioner had any problems with installing landscaping along the Gunnison side of the property. Mr. Scott said he would not offer any objection if it were made a requirement.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Dave Anderson (594 Ravenwood, Grand Junction), part owner of Cahoots, requested that the City protect his business as much as possible from noise complaints. He preferred to see the noise wall made out of masonry rather than wood. The 50 dBA noise level referred to by staff, he continued, was a level between a whisper and normal conversation. He also expressed concern over the appearance of the noise wall, which he felt could depreciate his property's value if not adequately maintained. Mr. Nebeker suggested adding the last two sentences from his original staff report, to read: "Maintenance shall include regular graffiti removal, if necessary. No homes shall be moved onto the site until the noise wall has been constructed."

Mr. Anderson asked for the definition of a "large" tree required by the original submittal, which was provided.

Mr. Anderson said that he'd not seen any wording on any proposed lease agreement advising residents of potential noise concerns. Chairman Elmer asked Mr. Shaver if the lease agreement could be made available to Mr. Anderson for review, to which Mr. Shaver agreed. Chairman Elmer also noted that the storage area located in the northwest portion of the property would also serve as a buffer.

PETITIONER'S REBUTTAL

Mr. Scott said that with regard to materials used for the noise wall, wood would be less susceptible to structural problems. The design already exceeded state standards, and masonry would be very expensive to use. With regard to the dBa comparisons, he said that the figures were exponential and not linear.

Chairman Elmer asked how drainage would flow around the wall, to which Mr. Scott suggested that a berm could be constructed to divert runoff around the fence. He suggested changing the word "wall" to "barrier" to allow for the possible construction of an earthen berm.

Commissioner Halsey asked if the petitioner had researched using other fence materials which would require less maintenance, to which Mr. Scott said that the proposed fence would provide a 2-foot thick barrier--a better buffer, he felt, than one using other materials.

Commissioner Whitaker wondered why actual noise levels weren't incorporated into the David L. Adams report. Mr. Scott said that levels used were based on set standards. Chairman Elmer added that if the source strength isn't known, how could compliance be ensured. Mr. Scott indicated that engineers have used state statutes for design and they also restrict Cahoots from the amount of noise it can produce.

Mr. Anderson added that he'd used a decibel meter to gauge the sound levels for himself and recorded a 74-79 dBa at 95 feet from property line.

DISCUSSION

Commissioner Halsey asked if an earthen berm could effectively substitute as a portion of the 12-foot "barrier" requirement. Mr. Shaver indicated that subject to technical issues, legally it could. Commissioner Halsey suggested requiring the engineering data to show effective noise mitigation with whatever alternative the petitioner chose to submit.

Commissioner Coleman felt that if not properly mitigated, residents would surely complain about the noise.

Commissioner Whitaker expressed a preference to use poured concrete as a fence construction material and suggested amending condition 1. to specify only concrete or concrete masonry units shall be used in fence construction. He'd had experience in sound mitigation and acknowledged that soil provided a good sound barrier. While berming was acceptable, he felt the design should be well engineered to ensure adequate footings. He didn't feel that just advising residents of a potential problem was enough, adding that future residents needed to be protected.

Mr. Nebeker clarified the list of amendments to the Commission. They included: 1) to add the following two sentences at the end of condition 1., 'Maintenance shall include regular graffiti removal, if necessary. No homes shall be moved onto the site until the noise wall has been constructed'; 2) that reference to the noise 'wall' in condition 1. be amended to read 'barrier'; 3) construction materials as referenced in condition 1. be limited to concrete masonry or concrete; 4) that condition 2. be deleted; 5) deletion of condition 7.; 6) changing the word 'may' to 'shall' in the last sentence of condition 8.; and 7) to change the wording per the addendum to read, 'An equivalent amount of landscaping shall be planted at the entrance to the park in exchange for the landscaping lost where the southwest cul-de-sac is located in the 10-foot perimeter landscaping area'.

MOTION: (Commissioner Halsey) “Mr. Chairman, on item FP-96-55, I move that we approve the Final Plan of the James Park 55-space mobile home park within lot 2, Darwin Subdivision, with the conditions indicated in the staff report as amended this evening. They include: 1) to add the following two sentences at the end of condition 1., ‘Maintenance shall include regular graffiti removal, if necessary. No homes shall be moved onto the site until the noise wall has been constructed’; 2) that reference to the noise ‘wall’ in condition 1. be amended to read ‘barrier’; 3) construction materials as referenced in condition 1. be limited to concrete masonry or concrete; 4) that condition 2. be deleted; 5) deletion of condition 7.; 6) changing the word ‘may’ to ‘shall’ in the last sentence of condition 8.; and 7) to change the wording per the addendum to read, ‘An equivalent amount of landscaping shall be planted at the entrance to the park in exchange for the landscaping lost where the southwest cul-de-sac is located in the 10-foot perimeter landscaping area’.”

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

VE-96-89 VACATION OF EASEMENT--JAMES PARK

Request for vacation and relocation of a drainage easement, part of a utility easement and part of an irrigation easement in the James Park Mobile Home Park.

Petitioner: John Davis

Location: Northeast corner of 28 1/4 Road and Gunnison Avenue

Representative: Ward Scott

STAFF PRESENTATION

Bill Nebeker indicated that the vacation request is part of the Final Plan approval for the James Park Mobile Home Park. No utilities existed in the easement to be vacated. Public Service Company requested that an easement be provided to service homes located in the interior of the park; the easement would be relocated to the southeast portion of the site. The ditch would be relocated at the sole expense of the developer, with plans and specifications to be approved prior to relocation. A Development Improvements Agreement will be required to guarantee the relocation of the drain.

Staff recommended approval subject to the following two conditions:

1. The applicant shall submit plans for the relocation of the Goodwill Drain to the City and Grand Junction Drainage District for review and approval prior to vacation of the easement. A Development Improvements Agreement shall be filed, guaranteeing the relocation of the ditch prior to vacation.
2. The applicant shall submit deeds of conveyance for the relocation of the easements.

PETITIONER'S PRESENTATION

The petitioner offered no further comment.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (Commissioner Halsey) “Mr. Chairman, on item VE-96-89, I move that we recommend approval of the vacation of the 15-foot utility and irrigation easement and 50-foot drainage easement for James Park within lot 2, Darwin Subdivision, with the conditions stated in staff recommendations.”

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

VI. GENERAL DISCUSSION

No City Council liaison was chosen.

Larry Timm indicated that the joint steering committee for the City/County Land Use Plan is scheduled to meet on May 21. Any written or verbal comments from planning commissioners need to be submitted to Chairman Elmer as soon as possible for inclusion at the May 21 meeting. Chairman Elmer wanted to see more constancy involved with this process than what was undergone in the Orchard Mesa Plan approval process. Commissioner Vogel wanted to see concurrency addressed. Mr. Timm said that the concept was supported by the Action Plans.

Kathy Portner briefly outlined the items that went on to City Council and resultant actions taken by the Council.

Chairman Elmer noticed that City Council seemed to support the overall decisions of the Planning Commission. Mr. Shaver said that there were text amendments currently under discussion which would help eliminate some of the appeals by possibly requiring "standing," posting of a bond, imposing a filing fee, etc. General discussion ensued over the ramifications of this endeavor.

A brief discussion ensued over amending the public information sheets (agendas) to clarify the status of the Planning Commission. Mr. Shaver suggested verbalizing this to the audience but offered to draft something for inclusion in the agenda.

The hearing was adjourned at 10:35 p.m.