

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - November 5, 1996
7:05 p.m. to 10:28 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 Vogel, Jeff Driscoll, Ron Halsey, Joe Grout and Robert Gordon. Paul Coleman was absent.

In attendance, representing Community Development staff, were: Kathy Portner (Acting Director), Bill Nebeker (Sr. Planner), Kristen Ashbeck (Sr. Planner) and Mike Pelletier (Associate Planner).

Also present were John Shaver (Asst. City Attorney) and Jody Kliska (City Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately 85 interested citizens present.

II. CONSIDERATION OF MINUTES

MOTION: (Commissioner Vogel) §Mr. Chairman, on the minutes from the September 10 of the Joint City/County Planning Commission, I move that we accept the minutes as presented.☺

Commissioner Driscoll seconded the motion. A vote was called and the motion passed by a vote of 3-0, with Commissioners Halsey, Gordon and Grout abstaining due to their non-attendance at the aforementioned hearing.

MOTION: (Commissioner Vogel) §Mr. Chairman, I move that we accept the minutes (of the October 10 hearing) as presented.☺

Commissioner Driscoll seconded the motion. A vote was called and the motion passed by a vote of 3-0, with Commissioners Halsey, Gordon and Grout abstaining due to their non-attendance at the aforementioned hearing.

III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS

Chairman Elmer extended a welcome to the two new members of the Planning Commission--Joe Grout and Robert Gordon.

Items CUP-96-180, FPP-96-201, MS-96-211, MS-96-214, and PDR-96-212 had been pulled from the evening's agenda. A motion was sought to continue item RZP-96-197.

Commissioner Halsey suggested the petitioner for item RZP-96-197 pull the item and resubmit it after the plan could be finalized. He noted that the plan had been continued several times previously.

Chairman Elmer commented that the original request for continuance was to give the petitioner additional time to address staff comments.

MOTION: (Commissioner Halsey) §Mr. Chairman, on item RZP-96-197, I move that we table this to the December 3 meeting. 2

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

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION

Commissioner Gordon withdrew from consideration of the following item due to a conflict of interest.

Commissioner Halsey disclosed that last year he had worked with an agency to obtain funding for an individual involved with the vocational component of the OSI program. He said that his involvement had no bearing on the current proposal, had not resulted in any financial gain and did not include any direct contact with OSI.

SUP-96-215 SPECIAL USE PERMIT--OFFENDER SERVICES, INC.

Appeal of an administrative decision on a special use permit for a law enforcement/mental rehabilitation center in a B-1 zone district.

Petitioner: OSI

Location: 831 Colorado Avenue

PETITIONER'S PRESENTATION

Larry Beckner, representing the petitioner, said that the neighborhood's B-1 zoning allowed the use whereas most other zones did not. The single family residential character of the facility would be maintained. The facility would house two residents at any given time who would be under 24-hour care and have constant in-sight supervision. An alarm system would also be installed to prevent resident escape. He believed the use to be compatible with the surrounding neighborhood with no rezone or variance needed; he noted the safety record of the facility currently located in Fruita. Mr. Beckner felt that there was a demonstrated community need for this type of facility. He understood neighbor concerns but reiterated that, due to zoning restrictions, there were very few places a facility of this type could be located.

Jim Cheney, director of Offender Services, representing the petitioner, said that planning staff had been asked for direction on placement of the facility; OSI had proceeded in accordance with staff's recommendation.

Charlie Schmalz, Mesa County Probation Department, representing the petitioner, said that the facility satisfied a need not met by current correctional facilities.

Anita Pisciotte, Director of Mesa County Developmental Services, representing the petitioner, said that her agency contracted with OSI for services using state funding. She read into the record the state statute which allowed for the existence of such facilities. If this type of rehabilitation facility did not exist, the alternative may be no treatment and no supervision when the offenders were returned to society. She reiterated that the safety of surrounding residents would be assured.

Jeff Smith, care manager, representing the petitioner, said that in recognizing the need for supervision, he had included such supervision into his plan for the facility. The facility would also be monitored for compliance. No problems had ever been experienced with any other OSI facility.

QUESTIONS

Commissioner Driscoll noted that while the presentation indicated a maximum of two residents, the application had discussed three. Mr. Beckner said that he'd complied with staff's recommendation to limit the number of residents to two.

Commissioner Driscoll asked the petitioner to describe the expected nature of residents. Mr. Beckner replied that, generally, they would be developmentally disabled males who had committed crimes against other developmentally disabled offenders.

Commissioner Vogel asked how long the average stay would be, to which Mr. Beckner estimated between six and eight years.

Commissioner Halsey inquired about the type of activities residents would be involved in, to which Mr. Beckner elaborated that they would be involved in group therapy five times per week at another location, would generally be employed (with a staff person to watch over them), and recreation would generally be at the regional center.

Chairman Elmer asked if all residents would be convicted offenders, to which Mr. Beckner replied affirmatively.

STAFF PRESENTATION

Bill Nebeker noted the site's location and surrounding zoning on maps provided. He said that the petitioner's representatives had originally sought to locate in a C-2 (Heavy Commercial) zone but group homes were allowed only in B-1, B-3 and PZ zones. He elaborated briefly on parking and landscaping provisions of the plan. A letter had been received from representatives of Mesa County School District #51 who opposed the facility due to its proximity to Emerson School. Staff recommended approval subject to the following conditions:

1. The site shall be limited to two clients.
2. Parking for three vehicles shall be provided in the rear on an asphalt surface. A minimum five foot-wide landscaped buffer shall be maintained between the parking area and the property line to the west. Grass or shrubs and at least one tree shall be provided in this space.

QUESTIONS

Commissioner Halsey asked for clarification of the zoning map which was provided.

Commissioner Driscoll asked legal counsel for an opinion on the City's position with regard to the state statute. John Shaver said that the statute, which provided for group homes, did not specifically address the fact that residents would be both developmentally disabled and criminal offenders. He said that the City's *Code* addressed the law enforcement/rehabilitation aspect and allowed the use in the zones mentioned previously by staff.

Chairman Elmer acknowledged that while the *Code* recognized group homes as an allowed use in residential zones, in some ways it didn't recognize the state statute. Mr. Shaver concurred, adding that it was the residential use combined with the rehabilitative element that posed the problem.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Margaret (last name inaudible) (2345 Teller Court, #5, Grand Junction) spoke in opposition citing concerns over neighbor well-being, safety for the neighborhood's children, potentially inadequate supervision and security, and proximity of the facility to schools and churches. She felt that the use was inappropriate for a residential zone and suggested either placing the facility in a more suitable zone or formulating a new zone which specifically addressed the proposed rehabilitative use. She also suggested periodic re-review of the permit to ensure compliance and to allow for reconsideration should problems arise.

Luciano Gatto (835 Colorado Avenue, Grand Junction) also expressed concern over neighborhood and children's safety and the potential for property damage caused by the facility's residents.

Geraldine Dowdy (875 Main Street, #515, Grand Junction) submitted a petition containing 45 signatures of residents who were opposed to the proposal. She felt that the facility posed a physical and mental threat to the neighborhood and community. She wondered why not all neighbors had been told about the proposal.

Jeanette Mather (639 North 7th Street, Grand Junction) expressed concern over the criminal element and cited crimes which had received national notoriety. She felt that the facility threatened the safety and security of children and the neighborhood and should not be located in a residential zone. She urged the Commission to protect the safety of the community and urged denial of the request.

Mark Shafer (835 Colorado Avenue, Grand Junction) agreed that the use was dangerous for a residential neighborhood. Even OSI, he said, had acknowledged incompatibility by its initial request for non-residential zone placement of the facility. He felt that the nature of its residents was predatory and posed a serious community safety risk.

Ed Fordson (859 Ouray Avenue, Grand Junction) passed out a map of the affected neighborhood which depicted the locations of 13 facilities currently dealing with people who suffered from mental, physical, or other problems. He felt this to be a disproportionate share for one neighborhood and wondered why these facilities weren't more spread out. He also expressed concerns for neighborhood safety and security.

Jan Ertl (848 Colorado Avenue, Grand Junction) asked that his immediate neighbors opposing the request stand and be recognized. Those who did included: Nancy Doody (856 Colorado Avenue, Grand Junction); Nancy Earl (905 Colorado Avenue, Grand Junction); Barbara Valdez (848 Colorado Avenue, Grand Junction); Bruce Halder (905 Colorado Avenue, Grand Junction); Casey and Deana Sullivan (864 Colorado Avenue, Grand Junction), Terri Lawson (812 Colorado Avenue, Grand Junction); Sandra Ward (846 Colorado Avenue, Grand Junction); Barbara Whitten (836 Ute Avenue, Grand Junction); Cindy McCall (811 Colorado Avenue, Grand Junction); Russ Whitmore (811 Colorado Avenue, Grand Junction); Alice Davis (815 Colorado Avenue, Grand Junction); Jim Whelan (1244 Colorado Avenue,

Grand Junction); Tracy Wells (219 South 8th Street, Grand Junction); and Paul Wir (855 Colorado Avenue, Grand Junction); and Paul Pecotta (848 Colorado Avenue, Grand Junction).

Harry Easton (930 Ute Avenue, Grand Junction), principal for Broadway and Emerson Elementary Schools, referred to a letter of opposition written by him and Judy Thomberg, Executive Instructional Director, and sent to staff. He restated his opposition due to the facility's proximity to Emerson Elementary School.

Jim Brunswick (1018 White Avenue, Grand Junction), owner of property at 812 Colorado Avenue, wondered how one facility staff person could adequately supervise two residents. He suggested that OSI enlarge its existing Fruita facility to accommodate new residents. He expressed concern over the predatory nature of residents, the potential for neighborhood decline, and objected to the neighborhood not being notified beforehand that such a use was being considered.

Mary Shehan (1230 Ouray Avenue, Grand Junction) agreed with Mr. Fordson's comments and felt that the law enforcement/rehabilitative use should be removed from current residential zoning.

Dwayne Mattlock (568 North 26th Street, Grand Junction) said that his mother lived at 742 Ute Avenue. He expressed concern for her safety and that of other senior citizens.

Les Hixson (901 Ouray Avenue, Grand Junction) also agreed with Mr. Fordson's comments. He said that there were day care providers also located within the neighborhood. Such a use would pose a risk to those facilities and its children.

Jim Whelan (1244 Colorado Avenue, Grand Junction) said that growth would necessitate more uses of this type. He wondered how many more facilities the neighborhood would be forced to bear.

Leslie McWhorter (811 Colorado Avenue, Grand Junction) felt that the facility did nothing to promote good neighbor relationships.

Cathy Weber (624 North 9th Street, Grand Junction), principal of Columbine Elementary School, also felt the facility's location in a residential neighborhood to be inappropriate and expressed concerns for the safety of children and the neighborhood.

PETITIONER'S REBUTTAL

Mr. Beckner said that the public process was chosen to solicit public input. He reiterated that the zoning limited where the correctional facility could be located and the structure was one of only two available for sale in the appropriate zone.

DISCUSSION

Mr. Nebeker explained the notification process to citizens present.

Commissioner Halsey acknowledged the main concern to be over safety, especially with regard to children. If facility residents were always under supervision, even while attending jobs, the risk should be negligible. He added that had residents not been offenders, the group homes would have been allowed to locate in residential neighborhoods.

Commissioner Vogel expressed concern over the definition of "line-of-sight" or "in-sight" supervision and was not convinced that the supervision proposed was sufficient.

Chairman Elmer did not view the use as appropriate for any residential zones under any circumstances. He believed many of the downtown areas inappropriately zoned and concurred that the correctional aspect of the use warranted a more suitable zone.

Commissioner Vogel suggested this specific use be addressed in the new *Code* rewrite and be taken out of residential neighborhoods.

Commissioner Halsey agreed that some areas warranted rezoning but said that the commission's decision should be based on what was currently in place.

MOTION: (Commissioner Halsey) "Mr. Chairman, on SUP-96-215, I move that we approve the special use permit subject to the restrictions placed in the staff review comments."

Commissioner Driscoll seconded the motion. A vote was called and the motion failed by a vote of 3-2, with Chairman Elmer and Commissioners Grout and Vogel opposing.

Commissioner Gordon rejoined the Commission for the remaining items.

V. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED

CUP-96-213 CONDITIONAL USE PERMIT--BRANDING IRON TAVERN Request for approval of a conditional use permit for a bar in an HO (Highway Oriented) zone district.

Petitioner: Loren Pogue

Location: 2693 Highway 50

Representative: R.B. Sims (PA/DS Design Partnership)

PETITIONER'S PRESENTATION

Brian Sims, representing the petitioner, said that approval of the request would allow the relocation of the existing business to a more suitable location ½ block away from its current site. He agreed to comply with staff requirements and review agency comments.

QUESTIONS

Commissioner Vogel asked if the bar would host live music. Mr. Sims replied affirmatively but added that it would typically be limited to occasional weekend performances inside the building; no patio concerts would be held.

Commissioner Halsey asked why the petitioner objected to locating the business closer to the highway. Mr. Sims responded that consideration had been given to an existing on-site drainage easement whereupon no construction could occur. Setting the building back from the highway, he said, also allowed for additional parking area.

Chairman Elmer asked if the use would be primarily a bar versus a club with nightly entertainment. Mr. Sims reiterated that there may be entertainment on Friday and Saturday evenings. He added that the new kitchen may facilitate an expansion of food services.

STAFF'S PRESENTATION

Bill Nebeker noted the site's location on maps provided. Staff felt that the site plan could be modified to address minor technical concerns and recommended approval subject to the following:

1. Decrease width of driveway to 35 feet per CDOT standards.
2. Provide a minimum of 40 feet stacking distance for the driveway entrance onto Hwy 50.
3. The shared access easement between adjacent Mesa National Bank and this use must be formalized and recorded.
4. Site plan must meet landscaping requirements for parking areas with over 50 spaces; refer to section 5-5-1.F. for detailed information.
5. A drainage report and grading and drainage plan, prepared by a licensed engineer in accordance with SSID, will be required.

QUESTIONS

Commissioner Vogel asked if staff was satisfied with the petitioner's provision for parking. Mr. Nebeker responded affirmatively, adding that landscaping would also be increased but wasn't reflected on the current site plan.

PUBLIC COMMENTS

Ed Jones (2995 Highway 50, Grand Junction), owner of the building currently housing the bar said that a liquor license had been in place at the current site for the last 30 years. He still planned to maintain a license, which meant there would be three bars located within one mile of each other.

PETITIONER'S REBUTTAL

Mr. Sims did not foresee any problems with the added competition referenced by Mr. Jones.

DISCUSSION

Commissioner Vogel asked if the liquor license would belong to the business or to the site. Mr. Shaver explained the license transfer process.

Chairman Elmer commented that the request seemed straightforward, to which Commissioner Halsey agreed. Chairman Elmer added that the site provided ample buffering between it and adjacent uses.

MOTION: (Commissioner Halsey) Mr. Chairman, on CUP-96-213, I move that we approve this subject to the staff review comments 1. through 5.

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

MS-96-158 MINOR SUBDIVISION--3D SYSTEMS

Request to subdivide approximately 20 acres of land into two commercial lots with zoning of PI (Planned Industrial).

Petitioner: Mesa County Economic Development Council

Location: Northwest corner of H Road and Falcon Way

Representative: Banner Associates

PETITIONER'S PRESENTATION

David Chase, representing the petitioner, briefly described the request. He said that the required easement for Falcon Way had been obtained from the Airport Authority; Falcon Way would provide access to lot 2 from H Road.

STAFF'S PRESENTATION

Mike Pelletier said that the petitioner had agreed to meet all staff concerns and requirements and that only minor changes to the plat were required. Staff recommended approval with no additional conditions.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Halsey felt the request to be straightforward.

Chairman Elmer hoped the referenced easement would provide for future access.

MOTION: (Commissioner Halsey) "Mr. Chairman, on MS-96-158, I move that we approve this item subject to staff review comments."

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

A brief recess was called at 8:45 p.m. The hearing reconvened at 8:52 p.m.

VI. PUBLIC HEARING ITEMS FOR RECOMMENDATION TO CITY COUNCIL

RZF-96-194 REZONE AND FINAL PLAT--JOHNSON MINOR SUBDIVISION Request to rezone from RSF-R (Residential Single Family with a density not to exceed one unit per five acres) to RSF-4 (Residential Single Family with a density not to exceed four units per acre) and to subdivide approximately 2.19 acres into two single family lots.

Petitioner: Gary and Vicki Johnson

Location: South of the Southwest corner of 25 and G Roads

Representative: Paul Kochevar

PETITIONER'S PRESENTATION

Mike Kochevar, representing the petitioner, said that the minor subdivision would allow for construction of another single family residence. Staff requirements had been met.

QUESTIONS

Chairman Elmer noted that due to the configurations of the two lots, access problems could arise if the petitioners sought to further subdivide. Mr. Kochevar replied that they were cognizant of this.

STAFF'S PRESENTATION

Bill Nebeker indicated that a flagpole strip of land would be deeded to lot 2 for access to 25 Road. The petitioner was also requesting a variance to allow for an on-site septic system in lieu of city sewer because sewer is not available within 400 feet of the proposed subdivision. Staff recommended approval of the minor subdivision subject to the following:

1. Lot 2 shall be reconfigured to have a 28.5-foot-wide flagpole to 25 Road.
2. A fire hydrant shall be installed along 25 Road within 250 feet of both lot frontages. The minimum fire line size shall be six inches. A revised utility composite map shall be submitted showing the location of the hydrant. The hydrant must be installed prior to recordation of the plat unless a development improvements agreement has been approved guaranteeing installation of the hydrant prior to obtaining a building permit.
3. A note shall be placed on the plat stating that future subdivision of either of these lots will require the dedication and construction of a street with appropriate turnaround and extension of the sewer line. A note shall also be placed on the plat stating that both lots shall connect to city sewer within 120 days of its extension to within 400 feet of the subdivision (exact wording to be determined by staff prior to plat recordation).
4. A \$225 open space fee is required at the time of platting.

Staff also suggested to the Commission that it recommend approval of the variance to allow for an on-site septic system in lieu of city sewer.

QUESTIONS

Commissioner Vogel asked for clarification on the location of the six-inch water line for the fire hydrant; explanation was provided by Mr. Nebeker.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Halsey felt the request to be straightforward.

Chairman Elmer expressed some concern over approving a low density request in an area of higher density uses. Although acknowledging the petitioners' right to do so, he noted that it could create future conflicts.

Commissioner Halsey felt that access concerns had been adequately addressed by the flagpole extension.

MOTION: (Commissioner Halsey) ¶Mr. Chairman, on item RZF-96-194, I move that we recommend to City Council the zoning of the site to RSF-4 and that we recommend a variance to allow a septic sewer. ☞

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

MOTION: (Commissioner Halsey) §Mr. Chairman, on item RZF-96-194, I move that we approve the Johnson Minor Subdivision subject to staff recommendations 1. through 4.☒

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

VR-96-73 VACATION OF RIGHT-OF-WAY--BUNTING AVENUE AT 29 ROAD

Request to vacate the 30 feet of right-of-way that was originally designated as an extension of Bunting Avenue west of 29 Road in order to replat two existing residential lots.

Petitioner: George and Jessie Fults

Location: Bunting Avenue West of 29 Road

Representative: Larry Beckner

PETITIONER'S PRESENTATION

Larry Beckner, representing the petitioner, noted the site on maps provided. The 30-foot road right-of-way, he said, had never been needed to serve any properties and Elm trees were growing at one end of it.

An additional 10-foot alley right-of-way would also be vacated; however, an easement for utilities would be retained. The two existing parcels would be combined into one and replatted.

STAFF'S PRESENTATION

Kristen Ashbeck briefly described the request and reminded commissioners that consideration should be given to the vacation request only; the plat was subject to administrative review. Neither right-of-way was necessary and both are dead-ends. Staff recommended approval of both vacations.

QUESTIONS

Chairman Elmer asked if staff foresees any problem with giving all of the vacated property back to just one property owner. Ms. Ashbeck said that records showed both rights-of-way had originally been deeded from the Fults' property; thus, it was appropriate to deed them back to the same property. Mr. Shaver concurred with this conclusion.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Commissioner Vogel stated that the petitioners had addressed all of the issues.

Chairman Elmer noted that the request met all of the *Code* criteria for vacations.

MOTION: (Commissioner Vogel) ☞Mr. Chairman, on VR-96-73, a request for vacation of a 30-foot right-of-way and a 10-foot North/South alleyway right-of-way in the vicinity of the extension of Bunting Avenue West of 29 Road, I move that we forward the request to City Council with the recommendation of approval.☞

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

PDR-96-217 PLANNED DEVELOPMENT REVIEW--THE KNOLLS

Request for: 1) rezone from PR-7.2 (Planned Residential, 7.2 units per acre) to PR-2.2 (Planned Residential, 2.2 units per acre); 2) approval of a revised Preliminary Plan for 51 single family lots, 23 patio lots and one church site on approximately 4.8 acres of land; 3) approval of Filing #1 for 9 single family lots; and 4) approval of a special use permit for a church and residential development in an airport critical zone.

Petitioner: Robert Knapple, d.b.a. O.P. Development Company, LLC

Location: Southeast corner of Cortland Avenue and 27 ☞ Road

Representative: David Chase, Banner Associates, Inc.

PETITIONER'S PRESENTATION

David Chase, representing the petitioner, briefly explained the proposal. He noted the location of a large wetlands area and asked that this be used to satisfy open space requirements. Two ponds would be constructed for storage of irrigation water and to provide storm water runoff detention. A 10-foot-wide pedestrian trail would connect 27 ☞ Road with Ridge Drive just north of the open space area. A five-foot nature trail is also proposed with a nature overlook provided. Staff had expressed concern over the lack of a second access to the development; however, the petitioner currently has the parcel to the south under contract. Once acquired, a second access to the development will be constructed from the south.

QUESTIONS

Commissioner Vogel asked what type of surface the trails would have. Mr. Chase replied that the 10-foot-wide trail would be concrete; the smaller five-foot-wide trail would be an all-weather surface, probably cinder.

Commissioner Halsey asked for the rationale behind not providing street access to 27 ☞ Road. Mr. Chase said that the lack of planned access to 27 ☞ Road was in response to concerns over increased traffic within Spring Valley Subdivision and sight distance restrictions. He was trying to encourage people to walk rather than drive between neighborhoods.

Commissioner Gordon asked if the wetlands area presented any type of park atmosphere. Mr. Chase replied that the wetlands area would be cleaned up and left in its natural state as wildlife habitat. Due to Corps of Engineers restrictions, the area could not take on the appearance of a typical park. The nearest park, he said, was approximately 3/4 mile away in the Spring Valley Subdivision but added that the southern parcel currently under contract would include park facilities.

Commissioner Vogel asked for Mr. Chase's definition of ☞active open space.☞ Mr. Chase believed that the walking trails met the provision of active open space since they would be utilized by residents.

Commissioner Grout asked who would be responsible for maintenance of the open space and trails, to which Mr. Chase replied that this would be the responsibility of the Homeowners Association.

Commissioner Halsey said that planned zones typically provided more active open space areas; he did not feel comfortable foregoing this requirement. Mr. Chase said that the petitioner did not want to provide amenities which may not be used. The petitioner was limited by the unusable open space in what could be provided.

Commissioner Halsey asked for additional detail on the lot designated as a church site, which was provided.

Chairman Elmer asked for additional detail on the design of the North/South Knoll Circle, which was provided.

STAFF'S PRESENTATION

Bill Nebeker pointed out the site's location on maps provided and noted that a portion of the property is located within the airport's critical zone. The PR-2.6 rezone would apply to the residential portion of the site, and a zone designation of PR-2 would be given to the church site. The airport recommended additional soundproofing measures be taken for residential structures built in the subdivision to include sound-deadening insulation and planned landscaping to help mitigate noise level perceptions. Mr. Nebeker referred to staff condition 10. and said that after hearing the petitioner's presentation, it appeared that the developer intended on moving the open space established by this condition (lot 1, block 1, Filing 3) to the south. If the southern property was not procured, the condition would still be in place if the project were approved. The petitioner's intent to provide a second access to the development from the south would meet staff's requirements. Staff recommended approval subject to the following conditions:

Special Use Permit

1. Soundproofing measures shall be taken on the residential structures in Filings 2-4 located in the airport critical zone to include additional sound-deadening insulation and planned landscaping in order to help mitigate noise level perceptions. A note shall be placed on the final plat in the development's CC&Rs showing these requirements.
2. A special use Permit for the church to locate in the airport critical zone shall be filed at the time construction is planned for the church.

Final Plan

3. Construction plans shall be revised to show the size, length, cross-section, material and ramp connection for the pedestrian path in Tract A. The path shall be concrete, a minimum of 10 feet wide.
4. An updated geotechnical report with pavement design for Ridge Drive shall be required before construction plans are approved.

Preliminary Plan

5. Cortland Avenue improvements, including the portion in front of the church, shall be constructed during Filing #2.
6. A private ingress-egress easement shall be provided between Willow Glen Drive and lot 2, St. Matthew's Church Subdivision, to provide an alternate access for the home on this lot.

7. A pedestrian connection shall be made between the church site and the townhomes or Willow Glen Drive.
8. The townhome development shall comply with administrative guidelines for private streets.
9. Shared driveways in the townhome development shall be narrowed to reduce the expanse of asphalt in front of the homes.
10. Lot 1, block 1, Filing 3 shall be eliminated and this area used as a park for residents of The Knolls Subdivision.
11. A note shall be placed on the plat for Filings I and 2 notifying potential lot owners that the townhomes are proposed as part of this subdivision.
12. The airport critical zone boundary shall be correctly identified on the plat.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Commissioner Driscoll asked the petitioner if he was in agreement with staff condition 10. Mr. Chase said that as stated by staff, the condition was acceptable. His understanding was that if the contract for the southern property fell through, condition 10. would be binding; if park open space was provided in the southern parcel to the satisfaction of staff, the condition could be modified.

Mr. Shaver suggested addressing the issue to include clarification of the condition in the commission's motion, especially since no reference had been made in the plan to the acquisition or planning of the southern parcel.

Chairman Elmer commented that if the condition were left as stated, an amendment could be made to the final plan if the plan for the southern property provided for adequate open space. Mr. Nebeker concurred that this could be workable, but Mr. Shaver expressed concern over the contractual obligation with the implied expectation of releasing the petitioner from this requirement. The condition should not be tied to a proposal which had not been submitted for property that had not even been acquired, nonetheless planned or submitted for review.

Extensive discussion ensued over this issue. Commissioners and Jody Kliska agreed that a second access was needed. Ms. Kliska said that she had not received any evidence from the petitioner that sight distance was a problem on 27th Road. Points of discussion included concerns that access from the south may not prove to be the best option; whether the Commission should retain condition 10; and whether a decision should be made based on a plan not yet received.

Mr. Chase said that Jim Shanks, Public Works Director, had reviewed the proposal and determined that it could be developed without a second access.

Robert Knappe, petitioner, suggested approving the final plat for Filing I and holding off decisions on the remaining requests pending closure of the deal for the southern property. He felt that this should demonstrate his good faith.

Mr. Nebeker said that both the special use permit and the final plan could be approved. Mr. Shaver suggested that consideration of the preliminary plan could be either withdrawn, tabled or denied. Kathy Portner spoke against tabling the preliminary plan since it would be tied closely with any preliminary plan submitted for the southern property. The new plan submittal for the southern property would require going through the entire process and require a separate fee; however, no additional acreage fee would be necessary for the resubmission of the current preliminary plan.

After a brief discussion on a preferred alternative, Mr. Knapple elected to withdraw the rezone and preliminary plan portion of the proposal.

Additional discussion ensued over the wording of the motion and the conditions which should be included.

MOTION: (Commissioner Vogel) Mr. Chairman, on item PDR-96-217, I move that we approve The Knolls Filing #1 and the special use permit with staff recommendations 1. through 4.

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

RZF-96-216 REZONE AND FINAL PLAN--NORTH VALLEY, FILINGS 3 AND 4

Request for: 1) rezone from PR-12 (Planned Residential, 12 units per acre) to PR-3.8 (Planned Residential, 3.8 units per acre); and 2) approval of Filings 3 and 4 for 38 single family residential lots on approximately 10 acres.

Petitioner: Chris Carnes, G Road LLC

Location: West side of 24 3/4 Road, North of G Road

Representative: Rolland Engineering

PETITIONER'S PRESENTATION

Tom Rolland, representing the petitioner, presented a history and brief overview of the project. He noted the reconfiguration of lots and said that the trail requirement had been met. Staff had requested dedication of the trail to the City. In exchange, the petitioner is requesting a credit to parks and open space fees for Filings 3 and 4. He also requested the City construct the trail in conjunction with Filing 3.

Mr. Rolland on behalf of the petitioner represented that all other staff requirements and review agency comments would be met.

STAFF'S PRESENTATION

Kathy Portner clarified the negotiations which had taken place, adding that the Urban Trails Committee had determined the trail segment to be an important east-west link into the Canyon View Park and possibly to the Fountainhead property. Staff supported the petitioner's request for credit to parks and open space fees; the value and final credit amount for the trail segment was currently under review. Actual approval would be left to City Council. The Parks Department agreed that the trail should be constructed with Filing 3; however, the recommendation had to be made by the City Parks Board to the City Council. Staff recommended approval of the rezone, the final plan/plat, and the request to credit the parks and open space fees for Filings 3 and 4 for the land value of the trail right-of-way.


QUESTIONS

Chairman Elmer asked staff if it was typical to request dedication of a trail segment. Ms. Portner replied that due to its importance as an east-west link, the City felt it was warranted in this case.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Karl Boydson (714 - 24  Road, Grand Junction) expressed concern over the subdivision's lack of irrigation water. He said that the irrigation ditch running along Filings 1 and 2 was becoming an issue because homeowners were pumping water from it without having legal access. No irrigation plan for Filings 1 and 2 could be found. He said that water rights needed to be protected for those homeowners entitled to them, adding that if other homeowners could see the ditch, they may assume they have a right to it. Mr. Boydson was also concerned about the increased traffic along G Road, safety of children playing near the irrigation ditch, school bus access, loss of privacy and security resulting from persons traversing his property to access neighboring parks and perceived threats to his agricultural lifestyle. He asked if the drainage ditch located to the west of the property would be filled.

Bonnie Austin (743 - 24 3/4 Road, Grand Junction) commented that irrigation water should be provided, given the large number of proposed lots.

PETITIONER'S REBUTTAL

Mr. Rolland said that no irrigation water had been allocated for Filings 1 and 2 and no plan had been submitted for either filing. He could not prevent homeowners from securing their own shares, allowing legal access to irrigation water, but neither could he police homeowners to ensure that water was legally obtained. No irrigation water rights were available for any of the four filings.

QUESTIONS

Commissioner Halsey asked if the covenants specifically noted the lack of available irrigation water.

Chris Cames, petitioner, said that nothing was noted in the covenants either way. Covenants included only a fencing restriction, designed to keep the irrigation ditch outside of individual yards.

Chairman Elmer commented that there should be a note included to let homeowners know that they do not have access to the ditch. Mr. Rolland said that homeowners are told there are no water rights that go with the lots. Commissioner Halsey asked how they were informed. Mr. Shaver said that any water rights were typically disclosed in title work and in the contract to purchase.

DISCUSSION

Chairman Elmer asked if there were any City requirements for irrigation systems. Ms. Portner said that the City did not involve itself with irrigation systems, neither the provision of or their design.

A brief discussion ensued over legal remedies for illegal use of water. Mr. Shaver noted that ditch companies took various positions on where their responsibilities for the delivery of water ended. When asked about traffic to G Road, Ms. Kliska said that the City intended to widen G Road to include a 10-foot striped bicycle lane. This would be undertaken in the spring of 1997.

When asked by Commissioner Vogel whether the trail segment comprised only one link, Ms. Portner responded affirmatively, adding that additional easements will be needed for other segments.

Chairman Elmer acknowledged that the problems arising over irrigation water were not within the power of the Planning Commission to mitigate.

Commissioner Halsey commented that the plan conformed to *Code* requirements. Chairman Elmer concurred, noting that the project as proposed would be downzoned which would lessen impacts.

MOTION: (Commissioner Halsey) §Mr. Chairman, on RZF-96-216, I move that we recommend to the City Council a change in zoning from PR-12 to PR-3.8 on this parcel and that we recommend that the dedicated land be considered towards the parks and open space fee for waiving partial or all of the fees based on the value determined.☺

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

MOTION: (Commissioner Halsey) §Mr. Chairman, on RZF-96-216 I move that we approve the final plan and plat for North Valley Subdivision Filing 3 and 4.☺

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

ANX-96-220 ZONE OF ANNEXATION--BOOKCLIFF COUNTRY CLUB ENCLAVE
Request to zone approximately 136.38 acres of land, which is currently being annexed to the City, RSF-4 (Residential Single Family not to exceed 2 units/acre) and PR (Planned Residential).
Petitioner: City of Grand Junction
Location: Between 1-70, G Road, Horizon Drive and 27 Road

STAFF'S PRESENTATION

Mike Pelletier noted the areas affected and said that the proposed zones would be compatible with surrounding zones.

Mr. Shaver added that the plan for the planned zone defined the existing uses as already in place.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

Both Chairman Elmer and Commissioner Halsey felt the zoning was clear and agreed with staff's recommendations.

MOTION: (Commissioner Halsey) §Mr. Chairman, on ANX-96-220, I move that we recommend to City Council a change in the zoning to RSF-4 and PR.☺

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

ANX-96-222 ZONE OF ANNEXATION--MATCHETT PARK
Request to zone approximately 222 acres of land, which is currently being annexed to the City, PZ (Public Zone).
Petitioner: City of Grand Junction

Location: Between F Road and 1-70; 28 and 29 Roads

STAFF'S PRESENTATION

Mike Pelletier said that the public zone was most suitable to the park and future school site.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (Commissioner Vogel) §Mr. Chairman, on item ANX-96-222, a zone of annexation for Matchett Park Annexation, I move that we forward to City Council the recommendation of Public Zone (PZ) for the entire annexation.

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

With no further business, the hearing adjourned at 10:28 p.m.