

**GRAND JUNCTION PLANNING COMMISSION**  
**Public Hearing - August 5, 1997**  
**7:00 p.m. to 9:45 p.m.**

**I. CALL TO ORDER**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. in the City/County Auditorium by Chairman John Elmer.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Jeff Vogel, Joe Grout, Paul Coleman and Jeff Driscoll. Ron Halsey and Robert Gordon were absent.

In attendance, representing Community Development staff, were: Michael Drollinger (Sr. Planner), Kristen Ashbeck (Sr. Planner), Bill Nebeker (Sr. Planner), and Mike Pelletier (Associate Planner).

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

Terri Troutner was present to record the minutes.

There were approximately 38 interested citizens present.

**II. CONSIDERATION OF MINUTES**

The minutes of the July 1, 1997 hearing were available for consideration.

**MOTION: (Commissioner Coleman) "Mr. Chairman, I make a motion that we accept the minutes of the July 1, 1997 Planning Commission meeting."**

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS**

There were no announcements, presentations and/or prescheduled visitors.

**IV. PUBLIC HEARING ITEMS FOR FINAL DECISION UNLESS APPEALED**

**PDR-1997-109 PLANNED DEVELOPMENT REVIEW--ROSE HILL HOSPITALITY HOUSE**  
**Request for approval to remodel 1,800 square feet and add 4,500 square feet to an existing residence to provide temporary living space for patients' families.**

**Petitioner: St. Mary's Hospital**  
**Location: 625 - 26 1/2 Road**  
**Representative: Rob Jenkins**

**PETITIONER'S PRESENTATION**

Rob Jenkins, an architect representing the petitioner, said that the residence was intended to provide short-term living quarters for patient's families. He briefly outlined the number of units and amenities which would be provided, adding that such would be provided to the families free of charge. Currently, families

were housed at the Guest House or other nearby motels. With access seeming to be the major issue, he elaborated that easements had been secured for two accesses--one from 26 1/2 Road between this residence and the residence to the north, and another via the alley right-of-way between Western Orthopedics and the Cedar Square Shopping Center. Existing shrubs and trees would be removed and the site would be re-landscaped with a combination of deciduous and coniferous trees, grass, shrubs and a large quantity of roses.

**QUESTIONS**

Chairman Elmer asked if the proposed sign would be illuminated. Mr. Jenkins responded that there was one small illuminated monument sign proposed for the northeast corner of the site. Chairman Elmer asked if the illumination would impact neighbors to the east, to which Mr. Jenkins replied negatively. He explained that the site was elevated from the street and that light would be directed only to the north and south. No signage had been proposed for placement on the residence itself.

Commissioner Driscoll noted a previous restriction on the northern easement which limited access to passenger vehicles only. Mr. Jenkins said that this had been changed to include all types of vehicles.

Chairman Elmer asked if overflow parking would be handled by the St. Mary's parking lot, to which Mr. Jenkins replied affirmatively.

**STAFF'S PRESENTATION**

Mike Pelletier said that staff had received grants of easements only this evening and suggested that the easements still be included as conditions of approval. Since the request met *Code* criteria, staff recommended approval subject to the following conditions:

1. The access easement to the north be changed to allow ingress/egress for all vehicles.
2. The access easement to the south be secured and allow ingress/egress for all vehicles.

**QUESTIONS**

Chairman Elmer asked staff if they were in agreement with the sign as proposed. Mr. Pelletier responded affirmatively, adding that more detail would be received with the sign permit application.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the proposal.

**AGAINST:**

Bob Showalter (606 - 26 1/2 Road, Grand Junction) wondered why this proposal had been viewed as acceptable when previous attempts to convert the residence to doctors' offices had been thwarted. He wanted assurances that the illumination from the sign wouldn't negatively impact his and other neighbors' homes. He also suggested that landscaping include the type of trees that were less prone to disease and seed dispersal, i.e., no Elm and Cottonwood.

**PETITIONER'S REBUTTAL**

Mr. Jenkins reiterated that the sign would be placed so as to direct illumination to the north and south, away from nearby residents. Trees would consist primarily of Ash to avoid the problems mentioned by Mr. Showalter.

**DISCUSSION**

When asked by Chairman Elmer to expound on the differences between past proposed uses and the currently proposed use, Mr. Pelletier said that the current proposal conformed to the *Growth Plan's* recommendation for commercial uses on the site. Staff had deemed the use appropriate.

Commissioner Coleman commented that all questions seemed to have been answered.

**MOTION: (Commissioner Coleman) “Mr. Chairman, on item PDR-1997-109, I move that we approve changes to the planned zone with conditions as stated in the staff report dated August 5, 1997.”**

Commissioner Vogel seconded the motion.

Chairman Elmer asked staff if conditions of approval were consistent with the original recommendation of approval. Did there need to be additional clarification on the easements? Mr. Shaver indicated that easement/access requirements were addressed in the original conditions as stated. No amendment or additional condition was necessary.

A vote was called and the motion passed unanimously by a vote of 5-0.

On the following item, Commissioner Vogel indicated that he was a member of the church’s congregation and had prior knowledge of the request. This foreknowledge, he said, would not bias his decision in any way. Planning Commission assent was given for Commissioner Vogel to participate in deliberation of this item.

**MS-1997-124 MINOR SUBDIVISION--HOLY FAMILY MINOR SUBDIVISION**  
**Request for a two lot minor subdivision in an RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) zone district.**  
**Petitioner: Virginia Saccomanno**  
**Location: Southeast corner of H Road and 26 1/2 Road**  
**Representative: Mark Luff**

**STAFF’S PRESENTATION**

Mike Pelletier recommended tabling the item to allow the petitioner time to gather cost estimates on the provision of sewer.

**PETITIONER’S PRESENTATION**

Mark Luff, representing the Holy Family School/Immaculate Heart of Mary Church, asked that the request be considered without tabling and approved without the conditions of sewer and half-street improvements guarantee on lot 2. Mr. Luff said that Mrs. Saccomanno has offered to donate lot 1 to the church/school for a future school and possibly a church, both of which were allowed uses. When development is eminent, the church would apply for a Special Use Permit. Tabling, he said, would serve only to delay rather than answer the improvements guarantee question. He felt that given the special nature of the bequest and given the protections that the City and general public have to ensure future sewer improvements, the improvements guarantee was not needed at this point. Since development was not expected to occur for another 3 to 10 years, costs incurred for an annual letters of credit or other financial guarantees would impose an undue financial burden on the church. He felt that monies used to secure the guarantee would be better used on actual improvements when development occurred. Mr. Luff said that major fundraising efforts would be employed by the church before any development could be undertaken.

While staff had indicated to him that improvement guarantees were normally secured at the time of subdivision, Mr. Luff read section 4-4-B.1 of the *Code of Ordinances* which indicated that system

expansion (sewer development) in developing areas should occur "...at the time of subdivision or development approval." He interpreted this as meaning that improvements were not necessarily mandated at the time of subdivision. He said that only two lots were being created by the proposed subdivision and that both the benefactor and beneficiary were fully aware of the improvement requirements and would ascertain costs at the time of development. Mr. Luff said that the bequest contained a reverter clause which required commencement of church or school construction within 10 years from the date of the deed. If this did not occur, ownership of the property would revert back to the Saccomanno's. Another safeguard proposed by the church to ensure improvements would include a Subdivision Improvement Agreement. This would effect an agreement by Ms. Saccomanno that within 180 days following issuance of a building permit, she would ensure that construction of the sewer system would be completed. The Agreement would be recorded and put all prospective purchasers on notice that sewer improvements were required as part of the development process.

John Shaver interjected that perhaps Mr. Luff was providing more detail than was necessary in considering whether or not the item should be tabled.

Terry Farina, attorney representing Dr. and Ms. Saccomanno, felt that Mr. Luff's testimony was very relevant and necessary since it explained why the item should not be tabled and provided the Planning Commission with alternative guarantees which would be just as binding if the item were approved. He argued that even if cost estimates had been submitted to the Commission, they would be both unnecessary, since development wasn't expected to occur right away, and irrelevant because estimates would be based on 1997 dollars. New cost estimates would have to be obtained at the time of construction. He reiterated that in addition to the reverter clause and Subdivision Improvement Agreement, the Special Use Permit would also require constructing the improvements.

### **DISCUSSION**

Commissioner Driscoll asked staff why tabling was thought to be the appropriate action. Mr. Pelletier answered that cost was a very important factor in determining whether subdivision of the property was feasible. If costs were too high so as to preclude development, subdivision approval would knowingly create an unusable lot.

Mr. Shaver clarified that if the subdivision were approved and the church could not afford to develop it, a buildable parcel would be created. The *Code* requires that the parcel be serviced by sanitary sewer. The primary issue centers around the viability of extending sewer across I-70 or providing sewer via the line existing to the east in the Sedona Subdivision. Tabling would allow investigation of the various options available to the petitioner. The appropriateness of subdividing *now* is also at issue. He agreed that building permit holds had been utilized by the City and County in the past, although the City's *Code* does not currently allow such an action. If the lot was sold to an outside third party, that buyer may assume the lot met all City service requirements. To find out that this was not so would be an unpleasant revelation to the unsuspecting buyer.

Commissioner Driscoll asked if the sewer cost estimate requirement was consistent with requirements imposed on other petitioners. Mr. Shaver responded affirmatively but suggested posing the question to Michael Drollinger. Mr. Drollinger concurred with Mr. Shaver's statements, adding that it was the City's general policy to require either construction and acceptance of infrastructure prior to subdivision platting or a development improvements agreement with appropriate form of guarantee.

Chairman Elmer wondered if the Planning Commission had the authority to waive the requirement if the *Code* mandated either construction or guarantee for necessary improvements. Mr. Shaver said that it would not necessarily be inappropriate to consider the item now as long as the issue was addressed.

Chairman Elmer asked the petitioner's representatives if they wanted to continue, given the discussion and *Code* requirements. Mr. Luff replied affirmatively and offered responses to some of the questions posed by planning and legal staff and the Planning Commission. He said that the property needed to be deeded over to the church before fundraising efforts could proceed and fundraising would take several years to complete. The Saccomanno's also preferred to transfer ownership of the property now to avoid any future problems with probate in the event of their demise. The deed could not be executed until the plat was approved. Mr. Luff said that the only type of guarantees currently accepted by the City involved monetary expenditures. He suggested that if the church could not afford to bring sewer into a gifted parcel, it was unlikely that a developer could afford to do so after first having to purchase the parcel. With the current request, he reiterated there would be no third party "surprise factor." He again mentioned the reverter clause, Subdivision Improvements Agreement and Special Use Permit requirements which would serve as alternative guarantees to ensure that sewer improvements would be constructed but would not impose the financial hardship inherent to letters of credit and other bank guarantees. Rigid adherence to a single interpretation of *Code* section, did not allow the flexibility necessary to consider the unusual circumstances of the Saccomannos' generous bequest.

Chairman Elmer again stated that the Planning Commission did not have the authority to vary the stated regulations. Mr. Luff agreed but pointed out that the Commission did have the authority to allow flexible interpretation of those regulations. Mr. Farina added that they were not asking the Commission to waive the improvements guarantee requirement, only that consideration be given to other guarantee options. Mr. Farina expressed concern that the Saccomannos' very generous charitable gift could be lost over the interpretation of 'what was an acceptable form of guarantee.'

Commissioner Driscoll wondered how tabling the item for a month would change the petitioner's position. Mr. Farina said that it wouldn't change the petitioner's position and submission of sewer cost estimates wouldn't be relevant to future development of the site. The crux of Mr. Luff's and Mr. Farina's argument centered around the interpretation of The *Code*.

Commissioner Vogel felt that the audience should be allowed to speak on the item. Chairman Elmer agreed and proposed moving forward on the request. After a brief discussion on legal protocol, the majority of planning commissioners agreed to consider the item without tabling.

Chairman Elmer asked the petitioner's representatives if they had anything further to offer as testimony. Mr. Luff stated only that the Subdivision Improvements Agreement would be signed by the church to guarantee that at the time of building permit or Special Use Permit, the construction of half-street and sewer improvements would occur within 180 days following issuance of those permits.

Commissioner Driscoll asked for clarification on the *Code* references made by the petitioner's representatives. Mr. Shaver said that the referenced section is from the *Code of Ordinances* which addressed sewer improvements and regulations - the cited section, and is in an appendix to the *Code*.

Chairman Elmer asked staff if they had any further comments on the project request. Mr. Pelletier said that staff's position remained the same. If approved, conditions of approval should be as follows:

1. The required 50 feet of half-street improvements on 26 1/2 Road adjacent to lot 2 must be guaranteed.
2. The design and construction of sewer to lot 1 must be guaranteed.

A brief discussion ensued over interpretation of the *Code* section. Many of the discussion points were stated previously; however, Mr. Shaver cautioned that any deviation from the standard interpretation could be construed as special treatment for religious institutions and could be susceptible to future challenge.

**PUBLIC COMMENTS**

**FOR:**

Father Jim Plough, church pastor for the Immaculate Heart of Mary parish, asked that the Planning Commission consider the special circumstances inherent to the request.

**AGAINST:**

There were no comments against the request.

**PETITIONER'S REBUTTAL**

The petitioner offered no further comments.

**DISCUSSION**

Chairman Elmer reiterated that although the *Code* required either the improvements or a guarantee for improvements were required, he acknowledged the special circumstances inherent to the request. He recalled past instances where the City Council had waived landscaping or paving requirements for churches or other charitable organizations.

Commissioner Coleman felt it important to keep decisions consistent.

Chairman Elmer asked legal staff if the Planning Commission could approve the item with another form of guarantee and defer that guarantee to the time of actual development. Mr. Shaver said that the Commission had the authority to make the recommendation but again cautioned that the lack of consistency could pose future problems. He stated that significant deviations from approved guarantee forms would have to be approved by City Council.

Commissioner Driscoll referenced *Zoning Code* section 5-4-11-D and asked if this section provided a means by which the petitioner could offer the guarantee alternatives discussed. Mr. Shaver concurred and suggested that the question be directed to Mr. Drollinger, who may be aware of exceptions made to the regularly accepted guarantee forms.

Mr. Drollinger understood that two issues were under current consideration-- the possible deferment of improvements completion until time of development and the form of guarantee required. He suggested that the latter issue could be eliminated altogether if the petitioner agreed to provide a financial guarantee acceptable and consistent with City policy at the time of Special Use Permit application. While deferment was an acceptable option, Mr. Drollinger asked that the guarantee forms remain intact to ensure consistency.

Mr. Shaver agreed that the condition tying the improvements guarantee to the Special Use Permit application would be an acceptable alternative. The petitioner's representatives also expressed support for this option.

Chairman Elmer asked if there was a need for a Subdivision Improvements Agreement if the deferment was approved. Mr. Shaver suggested leaving the specific wording of any agreements or guarantees to the legal representatives of the parties involved.

Commissioner Coleman wondered if a precedent might not be set for future speculators.

Chairman Elmer noted the largeness of the site and said that any third party would be aware of the need for utilities provision.

Commissioner Vogel suggested adding a third condition to require that a guarantee consistent with current practices for a sewer system be made at the time of the Special Use Permit application. Condition 2 would be changed to read, "Design and construction of sewer line. Sewer to lot 1 be guaranteed at the time of development by means of an additional agreement acceptable to staff. That additional agreement being what the gifter was willing to provide."

Mr. Shaver restated and clarified the intent of Mr. Drollinger's statement. He suggested that the Development Improvements Agreement be effected but the expressed financial guarantee would be triggered by the Special Use Permit application process.

Commissioner Driscoll understood that conditions 1 and 2 would remain the same, that only the format of the guarantee would change. Mr. Shaver concurred with this assessment.

Commissioner Coleman suggested leaving the conditions as stated in the staff report, with a final decision to be rendered by City Council.

Chairman Elmer was in agreement with the option to defer the financial commitment to the time of Special Use Permit application.

**MOTION: (Commissioner Vogel) "Mr. Chairman, on item MS-1997-124, I move that we approve the minor subdivision with conditions as stated in the staff report dated August 5, 1997, conditions 1 and 2, with the additional condition 3 stating, 'Payment or guarantee consistent with current practices for the sewer be made at the time of Special Use Permit application.'"**

Commissioner Driscoll suggesting rewording condition 3 to state, "The petitioner will enter into a current development improvement agreement but the agreement will allow deferment of the financial guarantee until the time of Special Use Permit application."

Commissioner Vogel agreed to amend his motion to include verbiage proposed by Commissioner Driscoll. The amended motion is restated as follows:

**MOTION: (Commissioner Vogel) "Mr. Chairman, on item MS-1997-124, I move that we approve the minor subdivision with conditions as stated in the staff report dated August 5, 1997, conditions 1 and 2, with the additional condition 3 stating, 'The petitioner will enter into a current development improvement agreement but the agreement will allow deferment of the financial guarantee until the time of Special Use Permit application.'"**

Commissioner Driscoll seconded the motion. A vote was called and the motion passed by a vote of 4-1, with Commissioner Coleman opposing.

**CUP-1997-127 CONDITIONAL USE PERMIT--HELIPORT**

**A request to approve a Conditional Use Permit for a heliport on approximately 3.5 acres in an I-1 (Light Industrial) zone district.**

**Petitioner: Warren Dettmer**

**Location: 2259 Logos Court**

**PETITIONER'S PRESENTATION**

Warren Dettmer, petitioner, said that he was in agreement with staff's analysis and conditions for approval. He felt the site to be conducive to heliport operations.

**QUESTIONS**

Chairman Elmer asked if the business would be restricted to certain hours of operation. Mr. Dettmer said that due to the possible search and rescue nature of his business and the need for emergency response, he asked that there be no limitation imposed on when he might fly. He expected very little need for nighttime flight.

Commissioner Coleman asked if many homes were located in the area. Mr. Dettmer replied that there were no homes located within a mile of the site.

Chairman Elmer asked if there would be any size restrictions to the helicopters using the landing pads. Mr. Dettmer explained that helicopter size would be limited to that currently used in St. Mary's Air Life program (412's) and smaller. Mr. Dettmer was amenable to including the size restriction as a condition of approval.

Chairman Elmer expressed concern over how the operation might affect the outlying area. Mr. Dettmer said that the area was rural in nature and noted the existence of a 100-foot drainage easement in the rear of the property. He said that the easement provided a natural flight path.

Commissioner Coleman asked the petitioner if he expected a future need for larger helicopters. Mr. Dettmer said that should that be the case, it was likely he would have to come back before the Planning Commission with an amendment to his Conditional Use Permit. He said it was likely that only Bell 214's would use the heliport.

Mr. Shaver asked if the numeric references made with regard to the helicopters could be translated into weights. After a brief discussion and with input by Mr. Drollinger, it was agreed that there should be a weight restriction placed on the aircraft not to exceed 17,500 pounds. Mr. Dettmer said that if aircraft exceeded this size/weight, a larger pad would have to be constructed anyway.

Chairman Elmer asked if the guidelines contained in the publication "*Fly Neighborly*" should be made a condition of approval. Mr. Dettmer said that there were many guidelines contained in the publication which did not apply to his business. He said that he intended to comply with as many guidelines as did apply. Mr. Dettmer reminded planning commissioners that he'd operated a heliport in another location along 24 1/2 Road for the last two years without problems or neighbor complaint.

**STAFF'S PRESENTATION**

Mr. Drollinger began by clarifying that the CUP did not include Mr. Dettmer's request for storage of landscape materials and supplies as an interim use for the property. While an allowed use, materials storage should not be considered a part of the heliport application. A separate site plan review for allowed uses could be requested by the petitioner. Staff determined the request to be in compliance with current heliport guidelines. Final compliance of heliport design with obstacle clearance regulations would be determined as part of the site plan review reflected in the conditions of approval. Mr. Drollinger said that the primary issue involved infrastructure and he briefly recalled the history of Logos Court. Improvements which were to have been constructed in the early 1980s were never constructed. The burden of those improvements was then shifted to property owners. Mr. Dettmer would be responsible for road extension, built to City standards, from approximately 23 Road down Logos Court to the cul-de-sac. Improvements construction or an improvements guarantee would be required prior to issuance of a planning clearance. Mr. Drollinger said that it was possible that Mr. Dettmer could recoup some of this expense from other property owners.



Staff recommended approval subject to the following conditions:

1. The applicant is required to improve Logos Court to City standards in conjunction with the development of this proposal. The applicant is responsible for designing, constructing and providing a guarantee for all public improvements including streets, water and sanitary sewer.
2. A scaled detailed plan must be provided with the site plan review application indicating compliance with FAA Part 77, obstacle clearance standards.
3. The petitioner shall supply the City with documentation of FAA approval of this heliport and shall supply the City with copies of any notice(s) to the FAA of amendments to the proposal. Amendments to the approved approach/departure paths shall require amendment to the Conditional Use Permit.
4. The applicant is required to demonstrate during site plan review that the design of the heliport facilities are in conformance with the guidelines established by the FAA in Advisory Circular 150/5390-2 entitled "*Heliport Design*" (or the latest edition thereof).

Mr. Drollinger suggested adding the weight restriction as another condition of approval, adding that any change or amendment to that maximum gross weight would require amendment to the CUP. Condition 5 would read as follows:

5. The maximum aircraft weight shall not exceed 17,500 pounds.

Mr. Drollinger noted that no lighting was proposed for the site.

### **QUESTIONS**

Chairman Elmer wondered if Mr. Dettmer's plans for a 24-hour operation, as represented in the site plan, were consistent with his submittal to the FAA. Mr. Shaver said that the FAA required local land use approval prior to giving its approval. Any change or amendment to the CUP or the FAA submittal would trigger the need for approval by the other party.

Mr. Dettmer said that while lighting had not been proposed, he did plan night flights. However, as defined by the FAA, "night" was anytime after sunset, and there was often still quite a bit of light available for post-sunset flights.

Chairman Elmer asked if staff was familiar with the *Fly Neighborly* guidelines. Mr. Drollinger said that he was familiar with it, and many of the guidelines had been included in the heliport/helipad guidelines adopted by City Council.

Chairman Elmer asked if the City's noise ordinance would be applicable to Mr. Dettmer's operation. Mr. Shaver said that he'd never been called upon to prosecute any noise complaints relative to helicopter operations; however, the *Code* does provide a legal remedy. Chairman Elmer wanted to ensure that homeowners moving nearby had some form of protection against undue noise. Mr. Shaver said that under Colorado Statute, the state imposed noise limitations by decibels. Thus, a homeowner may have access to legal remedy from both local and state governments. As well there is a commonly accepted legal doctrine of "*Coming to a Nuisance*" which may be applicable.

### **PUBLIC COMMENTS**

There were no comments either for or against the request.

**MOTION: (Commissioner Coleman) “Mr. Chairman, on item CUP-1997-127, a request for Conditional Use Permit approval, I move that we approve this with the (5) conditions in the staff report dated July 30, 1997.”**

Commissioner Driscoll seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**FPP-1997-091 FINAL PLAN/PLAT--THE KNOLLS FILING #2**

**A request for approval of the final plan/plat for The Knolls Filing #2 for 12 single family and 12 patio homes on approximately 10.5 acres with a zoning of PR-2.7 (Planned Residential with a density not to exceed 2.7 units per acre).**

**Petitioner: O.P. Development Company/Robert Knapple**  
**Location: Southeast corner of 27 1/2 Road and Cortland Avenue**  
**Representative: David Chase d.b.a. Banner Associates**

**PETITIONER’S PRESENTATION**

David Chase, representing the petitioner, said that several issues had been identified during the preliminary plan stage of development. These included improvements along Cortland and 27 1/2 Road, drainage/wetlands impacts and private drives. He said that improvement requirements for 27 1/2 Road had been somewhat vague and were to be determined during the final development stage. He said that City Council had required half-street improvements for that portion of the development fronting 27 1/2 Road. Future developments occurring after the improvement of 27 1/2 Road would be paid by the City with the petitioner paying the normal transportation capacity payment (TCP). The petitioner would be responsible for 363 feet of half-street improvements along 27 1/2 Road with the current filing.

Mr. Chase said that he’d consulted with a wetlands expert during the preliminary review and a subsequent report had been submitted to staff for review. The majority of the wetlands area would be protected. The approximately one-third acre which would be disturbed fell within the nationwide permit for disturbance. He noted the two water features (ponds) which would be used for irrigation water storage and stormwater detention. He said that the ponds would be surrounded by native grasses and irrigated.

Mr. Chase said that proposed private drives met City regulations and 7 off-street parking spaces were proposed. A 10-foot pedestrian path was proposed to link 27 1/2 Road to Piazza Way, leading ultimately to Ridge Drive located in Filing #1. An 8-foot pedestrian path was proposed to link with the 10-foot path, lead up through the patio homes and end at the southern property line of the church site (location noted). The latter path had not been required but had been included as an amenity. An attached sidewalk was proposed along Fernwood Court to supplement pedestrian access. A draft maintenance agreement had been submitted to the City for review and included the formula for determining how the patio home residents would be assessed.

**STAFF’S PRESENTATION**

Bill Nebeker pointed to an overhead transparency of the site plan. He noted an error in the staff report and clarified that the final plan/plat application closely conformed with the preliminary plan. Mr. Nebeker said that one single family lot had been eliminated and there had been addition of only two, not three, patio homes, resulting in a net gain of only one dwelling unit. He recommended dropping the soundproofing requirement for homes since this was no longer a concern of the Walker Field Airport. Private streets needed to be distinguished from public streets; therefore, an entrance design and decorative paving across the entrance to Fernwood at its intersection was required. A monument sign clearly designating the private

streets was also required. Mr. Nebeker clarified condition 9b and said that the 10-foot path must be placed in a public easement. All pedestrian walkways were to be constructed with Filing #2. St. Matthew's Episcopal Church had been contacted about the pedestrian path dead-ending at the church's property line. The church had requested a masonry fence be constructed between The Knolls and the church site. That issue will be left up to the two involved parties; however, if the fence is to be constructed, it needs to be included on the site plan and a minor amendment be made to the final plan/plat.

Staff recommended approval subject to the following conditions:

1. Prior to plat recordation, the applicant shall pay the pro rata share of City Engineering's estimate of half-street improvements for 27 1/2 Road for that portion of Filing #1 which abuts 27 1/2 Road.
2. "Piazza South" shall be changed on the final plat to "Piazza Way."
3. No on-street parking shall be allowed on the private streets. Appropriate signs shall be posted by the applicant that notify property owners of this restriction. The developer shall execute and record an irrevocable covenant running with the land granting the City the right and power to enter the street for the purpose of enforcing the parking restriction.
4. An entrance design shall be incorporated into the final plan that distinguishes the private streets from public streets. The plan shall include decorative paving across the entrance to Fernwood Court at its intersection with Piazza Way and a monument-type sign noting that these streets are private.
5. All paved pedestrian paths within the development shall be dedicated for public use.
6. A note shall be placed on the plat requiring the garages on lots 8, 9, and 10 within the patio home development to be set back at least 20 feet from the street.
7. A single homeowners association for all phases of the development shall be formed and filed with the County Clerk and Recorder's office prior to the recordation of the final plat. CC&R's for the plat shall be reviewed and approved by the City Attorney and must assure continued maintenance of the street.
8. The homeowner's association shall be responsible to maintain a zone clear of vegetation along the private street that is 20 feet in width (10 feet each side from the center of the street) and 13 feet 6 inches in height. This requirement shall be placed in the CC&R's for the development.
9. The final plat and plan shall be revised to incorporate the following:
  - a. The dedication for Tract C must include the statement that these are private streets dedicated to all homeowners accessing these streets.
  - b. The plat and all plans shall be revised to clearly show the limits of construction with this phase. All pedestrian sidewalks included on the site plan and landscape plan shall be constructed with this phase. The plat shall be revised if necessary to assure that the pedestrian paths are within public pedestrian easements.
  - c. The handicap ramps on Piazza Way for the 10-foot pedestrian path shall be shown on the site plan.

- d. Change the size of the evergreen trees on the landscape plan/plant list to 6 feet high rather than 6-inch caliper.
10. The following notes shall be placed on the final plat: “Interior side yard setbacks for patio homes shall be 5 feet minimum unless dwellings are attached.

Mr. Nebeker reminded planning commissioners that the motion on the private drive needed to be in the form of a recommendation to City Council.

**QUESTIONS**

Chairman Elmer asked if there was any way to encourage the public to use the pedestrian pathways. He felt that the public’s perception of the paths was that they were private. Mr. Nebeker said that the 10-foot pathway coming out of Filing #1 invited public use and would be included on the City’s Trail Map. The path located between Piazza Way and 27 1/2 Road would be used for maintenance of the pump house. A sign could be placed near the path prohibiting vehicular use and encouraging pedestrian usage. Mr. Knapple, petitioner, said that the public already uses the path to a great extent. He didn’t feel that a sign was necessary.

Commissioner Grout asked if a barrier could be placed across the path to discourage vehicular use, to which Mr. Knapple replied affirmatively, adding that he’d already had something in mind. Mr. Shaver clarified a previous reference made by Mr. Chase in his presentation on the 27 1/2 Road improvements. He said that City Council had required improvements for that portion of the property *adjacent* to the street, not fronting it.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Chairman Elmer felt the request to be straightforward but asked if the motion needed to include the condition for soundproofing that had been a part of the preliminary plan approval. Commissioner Driscoll asked if this was still an issue with the airport. Mr. Nebeker reiterated that soundproofing was no longer an issue and staff had recommended deleting the requirement. Chairman Elmer suggested leaving the option of whether or not to soundproof homes up to the petitioner.

**MOTION: (Commissioner Coleman) “Mr. Chairman, on item FPP-1997-091, I move that we forward a recommendation of approval to the City Council for the inclusion of private streets into the patio home portion of Filing #2 and that we approve the final plat and plan for The Knolls Filing #2 subject to staff recommendations.”**

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

Mr. Knapple approached the podium and lauded planning and engineering staff for the fine work they did on his project.

A brief recess was called at 9:10 p.m. The hearing reconvened at 9:15 p.m.

## **V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL**

**PDR-1997-125 PLANNED DEVELOPMENT REVIEW--PROFESSIONAL OFFICE BUILDING**  
**A request for recommendation of approval of a rezone from Planned Commercial (PC) to Planned Business (PB) and approval of a final plan in order to construct an 1,800 square foot office building on a site previously approved for only parking lot use.**

**Petitioner: Darin Carei**

**Location: Northwest corner of 3rd Street and Belford Avenue**

**Representative: Bryan Sims**

### **PETITIONER’S PRESENTATION**

Bryan Sims, an architect representing the petitioner, said that the residential-styled building would complement the neighborhood and enhance the now vacant corner. An adjacent car dealership was expected to use the building.

### **QUESTIONS**

Chairman Elmer asked if the elevation drawings were a close approximation. Mr. Sims said that the drawings were not to be taken literally. His intent was to make the building look residential in appearance, adding that it would be a single story only with gabled roof.

### **STAFF’S PRESENTATION**

Kristen Ashbeck said that the Planned Business zone had been recommended by staff, with the proposed office being the only allowed use for the site. She said that the building would be limited to 18 feet in height, and she noted the required setbacks. A 4-foot-high, 20-square-foot monument sign was proposed. She was unsure if the petitioner intended to illuminate the sign and suggested the question be directed to him for response.

Staff recommended approval of the request subject to the petitioner using the currently proposed architectural style as shown on the conceptual drawing and that the drawing be attached to the ordinance, the signage as proposed, and that details of the final plan be cleaned up. Conditions of approval as outlined in staff report dated August 4, 1997 are as follows:

1. The use allowed on site shall be limited to Professional/Government Office with the bulk requirements and signage allowance as outlined in the staff report.
2. All final comments from the City Community Development Department and Development Engineer dated August 4, 1997 be addressed prior to issuing a planning clearance.

3. The architectural style shall be residential with roof shape, materials, fenestration and other building details similar to the conceptual drawings provided with the developer's application.

**PUBLIC COMMENTS**

**FOR:**

There were no comments for the proposal.

**AGAINST:**

Ron Baynor (254 Belford Avenue, Grand Junction) asked for clarification on the dimensions on the proposed sign, which was provided.

**PETITIONER'S REBUTTAL**

Mr. Sims said that the proposed sign would not be internally illuminated but he asked to be allowed to install a ground light to shine up at the sign. All other comments and conditions of approval were acceptable.

**DISCUSSION**

Ms. Ashbeck said that the *Sign Code* allowed an uplighted sign for a residential apartment complex of the proposed size; staff had no problem with the request for uplighting.

Commissioner Vogel asked if the *Sign Code* also addressed hours of illumination. Ms. Ashbeck said that specific hours were not addressed in the *Code*.

Chairman Elmer said that he'd originally been concerned about commercial encroachment into a residential neighborhood; however, after hearing the request, he believed the building as proposed would be an improvement to the now empty lot. He also noted that the use would not encroach beyond Belford Avenue.

Commissioner Coleman agreed, and Commissioner Vogel commented that there was good traffic flow provided.

**MOTION: (Commissioner Coleman) "Mr. Chairman, on item PDR-1997-125, I move that we forward the rezone application from Planned Commercial (PC) to Planned Business (PB) for the property located at the northwest corner of 3rd Street and Belford Avenue to City Council with the recommendation of approval subject to the allowed use, bulk requirements, and architectural character conditions outlined in staff's recommendation."**

Commissioner Driscoll seconded the motion.

Chairman Elmer asked if the uplighting needed to be included in the motion. Ms. Ashbeck asked that it be addressed specifically.

Commissioner Coleman offered to amend his motion to include a condition 4 to read, "Ground illumination of the sign, in a design acceptable to staff, shall be permitted." (paraphrased for completeness)

Commissioner Driscoll seconded the amendment.

The amended motion is restated as follows:

**MOTION: (Commissioner Coleman) "Mr. Chairman, on item PDR-1997-125, I move that we forward the rezone application from Planned Commercial (PC) to Planned Business (PB) for the property located at the northwest corner of 3rd Street and Belford Avenue to City Council with the**

**recommendation of approval subject to the allowed use, bulk requirements, and architectural character conditions outlined in staff’s recommendation. And include a condition 4 to read, ‘Ground illumination of the sign, in a design acceptable to staff, shall be permitted.’”**

A vote was called and the motion passed unanimously by a vote of 5-0.

**MOTION: (Commissioner Coleman) “Mr. Chairman, on item PDR-1997-125, I move that we approve the final plan for the property located in the northwest corner of 3rd Street and Belford Avenue subject to staff’s final comments being satisfied prior to the issuing of a planning clearance.”**

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**VR-1997-128 RIGHT-OF-WAY VACATION--23 1/4 ROAD AND RIVER ROAD**

**A request for recommendation to approve the vacation of a portion of 23 1/4 Road south of River Road.**

**Petitioner: Paul McNew  
Location: 23 1/4 Road south of River Road  
Representative: Rick Delk**

**PETITIONER’S PRESENTATION**

Rick Delk, representing the petitioner, said that the petitioner had thought the right-of-way already vacated and had entered into a contract of sale with this understanding. When it was discovered that the vacation had not occurred, the sale was suspended.

**STAFF’S PRESENTATION**

Mike Pelletier noted the location of the site on maps provided. Mr. Pelletier stated that the request met vacation criteria although the Grand Junction Drainage District would like to retain an easement for maintenance of the Wilsea drainage ditch. No objection to the vacation was received from the property owner to the west and once vacated, 30 feet of the 60-foot right-of-way will revert back to them per state law.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Commissioner Driscoll felt the request to be straightforward.

**MOTION: (Commissioner Driscoll) “Mr. Chairman, on item VR-1997-128, I move that we recommend approval to City Council.”**

Commissioner Coleman seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**VE-1997-110 EASEMENT VACATION--MONUMENT HEIGHTS TOWNHOMES**

**A request for approval to vacate existing utility easement in a portion of Monument Heights Townhomes Subdivision.**

**Petitioner: Darryl Hayden**

**Location: 345 West Kennedy Avenue**  
**Representative: Chuck Holmes**

**STAFF'S PRESENTATION**

Bill Nebeker referred to an overhead transparency of the site and due to the non-controversial nature of the request, he'd also been asked to speak on behalf of the petitioner. Mr. Nebeker explained the rationale for the vacation and said that no utilities had been found in the easement. The request met vacation criteria and staff recommended approval with no conditions.

**PUBLIC COMMENTS**

There were no comments either for or against the request.

**DISCUSSION**

Chairman Elmer felt the request to be straightforward.

**MOTION: (Commissioner Coleman) "Mr. Chairman, on item VE-1997-110, a request for utility easement vacation, I move that we forward this item to City Council with recommendation of approval."**

Commissioner Grout seconded the motion. A vote was called and the motion passed unanimously by a vote of 5-0.

**VI. GENERAL DISCUSSION**

Mr. Drollinger reminded planning commissioners of the joint City/County Planning Commission workshop scheduled for August 12 and expected to run from 4:30 p.m. to 6 p.m.

Chairman Elmer said that there was also a joint City Council/Planning Commission meeting scheduled for August 14 to discuss current *Zoning and Development Code* changes. Dinner would be provided for this meeting.

The hearing was adjourned at 9:45 p.m.