

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - December 5, 1995
7:05 p.m. to 11:30 p.m.

I. CALL TO ORDER

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

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Jeff Vogel, Ron Halsey, Tom Whitaker, and Paul Coleman. Commissioner Bob Withers was not present.

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

Also present were John Shaver (Assistant City Attorney), Larry Timm (Community Development Director), and Jody Kliska (City Development Engineer). Terri Troutner was present to record the minutes.

There were approximately 44 citizens present.

II. CONSIDERATION OF MINUTES

MOTION: (Commissioner Vogel) “Mr. Chairman, I move that we accept the minutes (of November 7 and 14) as presented.”

Commissioner Withers 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

Chairman Elmer announced that #MS-95-196 had been pulled. Chairman Elmer also noted that January’s hearing would be held on January 9.

IV. PUBLIC HEARING ITEMS FOR FINAL CONSIDERATION

CUP-95-197 CONDITIONAL USE PERMIT--OLD CHICAGO RESTAURANT

Request for a Conditional Use Permit for a restaurant/bar at 120 North Avenue

Petitioner: Rock Bottom Restaurants, Inc.

Location: 120 North Avenue

Representative: Wayne Gipp, Architect

STAFF PRESENTATION

Kristen Ashbeck presented an overview of the proposal. She indicated that the petitioner was proposing to add a patio and renovate landscaping. Parking and signage both seemed adequate. The Conditional Use Permit was needed prior to issuance of a liquor license. Staff recommended approval pending resolution of the following three issues pertaining to the site plan review: 1) payment of drainage fees; 2) dedication of approximately 10 feet of ROW along North Avenue so that the existing sidewalk would be located in a public ROW instead of on private property; and 3) approval of a revocable permit for the existing

freestanding sign and existing and proposed landscaping in the 2nd Street ROW.

QUESTIONS

Commissioner Whitaker asked if the petitioner had considered moving the existing sign out of the ROW, to which Ms. Ashbeck replied that he had but opted for the revocable permit application.

Chairman Elmer asked if Commission recommendation was necessary on a revocable permit, to which John Shaver replied that it wasn't.

PETITIONER PRESENTATION

Wayne Gipp, petitioner, declined further comment.

QUESTIONS

Chairman Elmer thought that on this site there had been a tendency by the public to "short cut" from the parking lot across the vacant area to the North in order to access Sherwood Drive. Mr. Gibb answered that plans included an additional parking area to the north; Ms. Ashbeck added that curbing would also be provided.

PUBLIC COMMENT

There were no comments either for or against the proposal.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item CUP-95-197, a request for a Conditional Use Permit for Old Chicago Restaurant at 120 North Avenue, I move that we approve the request subject to the review agency comments relevant to the site plan review being met prior to issuing a Planning Clearance for a building permit."

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

V. PUBLIC HEARING ITEMS FOR RECOMMENDATION TO CITY COUNCIL

VR-94-185 VACATION OF RIGHT-OF-WAY AND EASEMENT--G ROAD BETWEEN NIBLIC DRIVE AND 27 3/4 ROAD

Request to vacate the G Road ROW and easement between Niblic Drive and 27 3/4 Road.

Petitioner: Karl Fitzpatrick

Location: G Road between Niblic Drive and 27 3/4 Road

STAFF PRESENTATION

Kristen Ashbeck overviewed the proposal and indicated the location on maps provided. She elaborated that the easement in question had originally been for an irrigation line, which had been mistakenly installed in the G Road ROW. For the easement vacation, staff recommended approval subject to the following being provided prior to scheduling for a City Council hearing: 1) a legal description of the easement to be vacated prepared by a licensed surveyor; 2) a statement from a licensed surveyor stating that the irrigation system is not within the irrigation easement; and 3) approval by the Utility Coordinating Committee (earliest meeting December 13, 1995).

With regard to the G Road ROW vacation, Ms. Ashbeck said that various utility lines were located in the

ROW, both above and below ground. Also, she noted that several property improvements encroached into the southern portion of the ROW approximately 30 feet. The property owner on the far southeastern end had a revocable permit for fencing and an apple orchard. Residents were requesting that portions of ROW be retained as extensions of Bunker, Brassie and Niblic Drives in order for property owners on the south side to have access to the rear portions of their lots. Turnarounds were requested at the ends of Bunker, Brassie, and Niblic Drives for emergency and City service vehicle usage. Staff did not feel that vacation of ROW to create three dead-end streets was prudent planning.

Both staff and representatives from the Urban Trails Committee (UTC) requested retaining the G Road as pedestrian access from the G Road alignment northeast to the canal, pending completion of a trails feasibility study for the area. The Parks and Police Departments felt that measures could be undertaken to discourage undesirable vehicular traffic while allowing for periodic access by residents for yard maintenance or other purposes. While the petitioner felt that other canal access points were available and would create less impact to the neighborhood, staff did not feel that giving up an assured access (G Road) before another access could be secured was reasonable. For these reasons staff recommended denial of the G Road ROW vacation.

Shawn Cooper, Parks Department Planner, presented a map depicting current and future multi-modal plans. He supported the City's recommendation for denial of the ROW vacation request, adding that G Road could be used in the future as a trails connection point.

QUESTIONS

Commissioner Halsey asked if there had been any attempts to make the access less accessible by vehicles, to which Mr. Cooper replied that one barricade had been installed.

Chairman Elmer asked how much easement was considered essential. Mr. Cooper responded that 20 feet was essential but asked for as much as possible.

Ms. Ashbeck added that the entire section was reviewed. With requests for turnarounds and additional access to rear lots, she said that not much ROW would be left to vacate. She felt that the vacation request was premature, especially in view of as-yet unknown trails plans for the area.

PETITIONER'S PRESENTATION

Karl Fitzpatrick, petitioner, expressed opposition to G Road being used as a trails connection in any sense. He felt that the proximity of the connection to adjacent homes would threaten security and privacy and may invite unwanted crime, additional littering and vandalism. He also expressed concern over the lack of a suitable parking area for persons who wanted to access the trail from this point. This, he contended, would create parking and access problems for neighborhood residents. Mr. Fitzpatrick felt that the intersection of 27 1/2 Road and G Road was unsafe and the problem would only be exacerbated with expected increases in traffic.

He pointed out what he felt were other access point options on a map (copies of which were circulated to Commissioners).

Discussion ensued over the former vacation of G Road at 27 3/4 Road for the Vista del Norte Subdivision to the east. Since it had been vacated, no extension of G Road to the east would be possible. It was Mr. Fitzpatrick's assertion that because of the Vista del Norte vacation, the G Road section in the Partee Heights Subdivision was no longer an essential element to an extension that would never occur.

Mr. Fitzpatrick asked if others could obtain revocable permits. Ms. Ashbeck said that they may be obtainable, but reminded the petitioner that they were "revocable."

Arnie Butler (4060 Ptarmigan Piazza), also a petitioner, added that the irrigation line located in the middle of the ROW had only 2 to 3 inches of overburden covering it. If the ROW was opened up to vehicular or increased pedestrian traffic, he felt it would compromise the irrigation line. He said that due to the already elevated grade, no additional overburden could be added to protect the line. He thought that the canal trail ended at the Matchett's property (28 Road). Further, he stated that the proposed pedestrian access would run right in front of Bill Wheeler's (2757 G Road) front door. Mr. Butler said that the new fences there now were replacements of portions of an old agricultural fence, and that encroachments into the ROW were as a result of a pre-existing use. He didn't feel that the turnarounds were a major issue, but reiterated that the goal was to keep both pedestrian and vehicular traffic off of the ROW.

PUBLIC COMMENTS

FOR:

Bill Price (703 Brassie Drive, Grand Junction) expressed concerns over resident safety, the lack of available parking area, traffic hazards, negative impacts to property values and the lack of any clear-cut trails plan.

Dick Proctor (478 Gunnison Way, Grand Junction), manager of the Grand Valley Water Users Association (GVWUA), opposed the pedestrian easement, alleging that to allow it would violate an agreement made previously with the developer of an adjoining property. He maintained that this was one of several conditions required prior to GVWUA acceptance of stormwater runoff from the Vista del Norte Subdivision into its ditches. Mr. Proctor opposed the trail feasibility study, asserting that canal roads and easements were established for maintenance only and not for pedestrian traffic.

Chairman Elmer asked if Tract A of Vista del Norte had been dedicated to the GVWUA, to which Ms. Ashbeck replied that it had, adding that Tract B was still to be dedicated to the Bureau of Reclamation.

Marilyn Stanley (708 Bunker Drive, Grand Junction) expressed concerns over safety and security if not vacated.

When asked by Mr. Fitzpatrick how many other residents were in favor of the vacation, eight persons raised their hands.

AGAINST:

Bob Cron (310 Dakota Drive, Grand Junction) and Pat Kennedy (2296 S. Arriba Circle, Grand Junction), co-chairs of the UTC both spoke in opposition to the vacation.

Chairman Elmer asked why this extension of G Road was needed. Mr. Kennedy reiterated the committee's undertaking of the feasibility study. He acknowledged that not all of the elements (e.g., crime, traffic, etc.) had been taken into account but felt that vacating G Road at this point was premature.

DISCUSSION

Extensive discussion ensued over whether persons who wanted to access the trail could park at the Visitor's Bureau; where bicycle traffic would originate from; the possibility of having to move the irrigation line if the easement was vacated, etc.

Chairman Elmer asked when the feasibility study would be completed, to which Mr. Cron replied that it would be completed for this area by July 1996. Chairman Elmer asked if the feasibility study was not favorable nor conducive to the pedestrian access and trails extension, could this item be re-reviewed. John Shaver said that this would be an option of the Commission but reminded commissioners that if re-reviewed, the City would then be the named petitioner for this application which might be awkward.

Chairman Elmer felt that denial of the vacation seemed appropriate at this point but felt that the Commission should recommend that City Council re-visit the issue when the feasibility study is complete. If the feasibility study warrants a trail, Chairman Elmer recommended that only that which is needed for the trail (30 feet) should be dedicated.

MOTION: (Commissioner Coleman) “Mr. Chairman, on item VR-94-185, a request to vacate a portion of G Road right-of-way, I move that we deny the vacation request.”

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

MOTION: (Commissioner Halsey) “Mr. Chairman, on item VR-94-185, a request to vacate portions of an irrigation easement along the northern boundary of the Ptarmigan Estates Subdivision, I move that we forward this request to City Council with the recommendation of approval subject to the staff recommendations.”

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

PLN-95-203 PLAN--2015 REGIONAL TRANSPORTATION PLAN

Presentation of the finalized 2015 Regional Transportation Plan by a representative of the Grand Junction/Mesa County Metropolitan Planning Organization.

Petitioner: City of Grand Junction/Mesa County

Representative: Cliff Davidson, MPO Administrator

STAFF PRESENTATION

Cliff Davidson presented a brief history of the formulation of the 2015 Plan. He outlined key elements and presented a traffic analysis map depicting projected traffic problem areas over the next 20 years. He felt that the City/County approach under the “financially constrained” scenario would provide for necessary improvements without raising taxes. He added that the study was a requirement by the federal government as a condition of further funding. Mr. Davidson felt that the study was collaborative and gave recognition to Mr. Bennett Boeschstein and Joe Crocker for their input.

QUESTIONS

Chairman Elmer asked if there were any plans for a railroad overpass in the South 9th Street area. Mr. Davidson replied that specifics for an overpass in that area could be further explored.

Chairman Elmer asked why a bike path had been proposed along 1st Street, to which Mr. Cooper of the Parks Department replied that it was more conceptual at this point. Ms. Kliska added that bicyclists tended to prefer routes where there were fewer stops.

PUBLIC COMMENTS

FOR: There were no comments for the proposal.

AGAINST:

Phil LaLena (2851 B 1/2 Road, Grand Junction), member of the Four Corners Neighborhood Association on Orchard Mesa expressed opposition to the proposed North-South corridor concept (29 Road project). His concerns included the proposed lack of curb and gutter as deemed acceptable under the “financially constrained” criteria. Further, since the 27 1/2 Road to 30 Road corridor study was still underway, he felt it may conflict with the findings of the 2015 Plan. He also felt that financial estimates for this corridor under the 2015 Plan were inaccurate since it projected costs in 1995 dollars without a built-in escalation factor.

He alleged that it failed to include monies for ROW acquisition and included only actual construction estimates. He felt that this portion of the study needed further investigation and recommended deletion of the North-South corridor section of the plan pending the outcome of additional study.

Perry McGinnis (203 Ventura Drive, Grand Junction), also a member of the Four Corners Neighborhood Group, concurred with Mr. LaLena and urged further investigation into the North-South corridor.

PETITIONER'S REBUTTAL

Mr. Davidson clarified that the Plan did not specifically commit to a particular North-South corridor approach and that the Plan was conceptual in nature. He added that under the "financially constrained" criteria, no monies were available for public transportation even though there was a recognized need.

MOTION: (Commissioner Coleman) "Mr. Chairman, on item PLN-95-203, I move that we accept the 2015 Regional Transportation Plan and send it on to City Council with our acceptance."

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

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

RZP-95-199 REZONE, PRELIMINARY PLAN AND VACATION OF RIGHT-OF-WAY FOR JAMES PARK

Request to:

- 1. Vacate a portion of Gunnison Avenue, east of 28 1/4 Road.**
- 2. Rezone of approximately 8.25 acres from C-2 (Heavy Commercial) to PMH (Planned Manufactured Home Park).**
- 3. Approve a Preliminary Plan for a 56 space manufactured home park.**

Petitioner: John Davis

Location: 28 1/4 Road and North Avenue

Representative: Tom Cronk, Cronk Construction, Inc.

STAFF PRESENTATION

Bill Nebeker outlined the proposal and indicated that the potential for conflict existed between new residents of the development and the adjacent Cahoots nightclub. To buffer noise impacts, the petitioner proposed construction of a seven foot solid block wall. Staff recommended denial of the Gunnison Avenue vacation. The City's major street plan included the subject area and right-of-way was felt to be required for future use. The Fruitvale Sewer District also requested that Gunnison Avenue be retained for future use.

Staff recommended approval of the rezoning and preliminary plan approval, subject to the following conditions (as amended):

1. The preliminary plan will be modified to show Gunnison Avenue. (If Gunnison Avenue is vacated, an easement will be retained over the entire right-of-way for utilities.)
2. An increase in density greater than 10 percent will require re-review of the preliminary plan by the Planning Commission.
3. No vehicular access will be allowed to 28 1/4 Road except from the designated street.
4. Half-street improvements shall be constructed on 28 1/4 Road.

5. Open space fees equal to \$225 per mobile home space shall be required for this development.
6. The following standards are to be imposed as conditions of approval for the final plan:
 - a. The final plan shall show a “typical drawing” for each space, showing minimums (e.g., size and boundaries of each space, placement of carport with setbacks to street and other structures, location and dimensions of driveway, walks, storage sheds and proposed landscaping for each unit).
 - b. Two off-street parking spaces shall be provided for each dwelling. The “typical” drawing above should show where these spaces are to be located.
 - c. Show a numerical figure for minimum setbacks:
 - perimeter street setback: 15 feet
 - perimeter non-street setback: 12 feet
 - other setbacks:
 - carport to mobile home: 6 feet
 - mobile home to mobile home: 26 feet
 - mobile home to street (sidewalk): 10 feet
 - carport to street (sidewalk): to be determined
 - d. At least 10 feet of the perimeter street setback along 28 1/4 Road and Gunnison Avenue (unless vacated) shall be landscaped. A detailed landscape plan shall be submitted for review and approval prior to approval of the final plan for this site. The plan shall include trees spaced no further than 40 feet apart.
 - e. The perimeter of the storage area along 28 1/4 Road shall be screened with a 6-foot high sight-obscuring fence or wall. The fencing shall be set back at least 10 feet from 28 1/4 Road and the remainder of the area (to the road) landscaped.
 - f. More detail will be required for the park and community center. Parking areas for the community center shall be paved. Long-term parking within the storage area may be gravel. The community center may be moved to the park location.
 - g. Maximum height for any structure is 32 feet.
 - h. Maximum lot coverage is 50 percent.
 - i. Adequate street lighting shall be provided on interior streets.

Mr. Nebeker added that the setbacks in item 6c were to be considered advisory only with details being worked out at the final plan stage. Also if the vacation was denied, the petitioner would be required to revise the current plan.

Staff also suggested that an additional condition be added to require a seven foot block wall adjacent to Cahoots nightclub, but this condition was rejected for condition #7 as referred to in the motion.

QUESTIONS

Commissioner Halsey asked if the block wall would be located on both the south and east portions of the property, to which Mr. Nebeker replied affirmatively.

Chairman Elmer asked about ingress/egress easements for private drives, to which Mr. Nebeker responded that it would be addressed during the final approval stage.

PETITIONER'S PRESENTATION

Ward Scott, real estate broker representing the petitioner, didn't feel that Gunnison Avenue would be used in the subject area between 28 1/4 and 28 1/2 Road. He understood that off-street parking would have to be provided and agreed to comply with City street standards.

QUESTIONS

Chairman Elmer asked about possible noise issues which may arise from residents with Cahoots nightclub. Mr. Scott said that in addition to the construction of the solid block wall, tenants would also be "served notice" in rental agreements.

When Commissioner Coleman suggested that undue constraints may be imposed on the commercial use of Cahoots, Mr. Scott reminded commissioners that the Niagara Mobile Home Park was located directly across the street and they did not even have the advantage of a block wall to buffer noise.

Commissioner Vogel suggested reconfiguring lots 30 through 34 and including additional vegetative buffering in the northwest corner of the property. Mr. Scott did not feel that this would significantly alter noise levels.

PUBLIC COMMENTS

FOR: John Davis (1024 - 23 Road, Grand Junction), petitioner, said that his property ownership of the A & W Mobile Home Park occurred before Cahoots. He suggested the addition of styrofoam to the interior of the wall as added buffering.

AGAINST:

Larry Beckner (1241 Gunnison Avenue, Grand Junction), attorney representing Cahoots, felt there existed potentially serious concerns with new residents over noise, given the nature of the nightclub and extended early morning hours. He didn't feel that a single 6-foot high wall would be sufficient and he concurred with Commissioner Vogel's suggestion to reconfigure several of the Northwest lots and add vegetative buffering. He added that violations of the City's noise ordinance or continued complaints over noise may jeopardize Cahoots' liquor license renewal.

PETITIONER'S REBUTTAL

Mr. Scott asked commissioners to allow further dialog between himself, Cahoots management, and legal counsel to try and resolve the outstanding issues and concerns.

DISCUSSION

Commissioner Coleman felt that there was a potential for future problems with park residents over noise and didn't feel that proposed buffering along the northwest boundary was adequate.

Commissioner Halsey felt that perhaps Cahoots patrons were allowed to be louder than what they should be but agreed that some mitigation could be achieved through rental agreement notice and additional buffering.

Chairman Elmer suggested allowing lots 30 through 34 only if it could be demonstrated to staff that plans for sufficient buffering were workable.

Clarification was given on the advisory status given to setbacks.

MOTION: (Commissioner Vogel) "Mr. Chairman, on item RZP-95-199, I move to recommend

denial of the request to vacate Gunnison Avenue east of 28 1/4 Road.”

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

MOTION: (Commissioner Vogel) “Mr. Chairman, on item RZP-95-199, I move that we recommend approval of the request for rezone of the 8.23 acre parcel at the northeast corner of 28 1/4 Road and Gunnison Avenue from C-2 to PMH.”

Commissioner Halsey seconded the motion. A vote was called and the motion passed by a vote of 3-2, with Commissioners Coleman and Whitaker opposing.

MOTION: (Commissioner Vogel) “Mr. Chairman, on item RZP-95-199, I move that we approve the preliminary plan for the James Park mobile home park, with staff and review agency comments, with the following changes: to include the addition of #7. ‘A block wall shall be engineered to provide adequate sound protection to the west and that a study to provide proof that the wall will work as intended be conducted, to be the burden of the petitioner, and the wall to be adjacent to the Cahoots nightclub on the south and east sides.’ and adding #8. ‘That a buffer zone on the northeast corner of spaces, 30 to 34, be provided and properly landscaped.’”

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

NOTE: Condition #6 of the original staff recommendation was deleted, hence there are only eight conditions rather than nine.

SUP-95-136 SPECIAL USE PERMIT--FELLOWSHIP OF EXCITEMENT CHURCH

- 1. Request for a Special Use Permit to allow a church and outdoor/indoor family activity center to be located on approximately 25.6 acres at 765 - 24 Road in an RSF-4 (Residential Single Family with a density not to exceed 1 unit per 5 acres) zone district.**
- 2. Request to vary Section 5-4-5.B of the *Zoning and Development Code* to allow an on-site septic system.**

Petitioner: Grand Junction Baptist Church
Location: Northwest corner of I-70 and 24 Road
Representative: Landesign, LLC

STAFF PRESENTATION

Kathy provided an overview of the proposal and explained the appeals process to the petitioner and audience present. She indicated the site location on the maps provided and said that the petitioner was proposing three phase construction. The three key areas of concern were: 1) traffic impacts; 2) noise impacts; and 3) the on-site septic system.

At this point Ms. Portner requested clarification of traffic concerns by Jody Kliska, City Development Engineer. Ms. Kliska’s testimony included current traffic counts, with the proposal doubling the traffic flow during the week and tripling the traffic flow on Sundays. It was felt that the submitted traffic study needed to provide additional detail and plans for various areas of improvement, including: 1) fill for the additional pavement width; 2) ROW required for fill slopes; 3) guard rail and slope stabilization; 4) pedestrian/bicycle access along 24 Road; 5) left-hand turns by traffic onto the frontage road and possible bridge widening; 6) location of irrigation ditch and power poles. The petitioner failed to provide cost estimates for improvements. CDOT identified the intersection of I-70 and 24 as a high accident area; thus, additional traffic might require widening of the bridge and reconfiguration and/or signalization of ramps.

No comments were received from CDOT nor did the petitioner make application with them for a permit.

Ms. Portner said that there were concerns over noise which would be generated from the proposed amphitheater and that no documentation or study had been conducted on this issue.

With regard to the proposed septic system, Ms. Portner said that such as system was inconsistent with *Code* requirements. She listed criteria under the Variance section of the *Code* and she felt that the project did not meet the conditions for a variance. Ms. Portner said that the proposed septic system was contrary to the direction of limiting the number of septic systems allowed and did not recommend approval. The petitioner had not demonstrated that a septic system could work for the site.

Ms. Portner said that the proposal was inconsistent with the Appleton/Mid-Valley Plan adopted by Mesa County and the project was out of scale with other uses in the area. Staff recommended denial.

QUESTIONS

Commissioner Halsey understood that a petition had been submitted opposing the project. He asked who initiated it. Ms. Portner said that it was a collaborative effort of the surrounding property owners and contained quite a few signatures.

Commissioner Whitaker asked if there was sufficient land area on the property to allow for leach fields. Ms. Portner said that not enough data had been submitted to make a determination. She clarified that under the conditions imposed by the Department of Health, leach fields must remain undeveloped and could not be used by accessory buildings, parking areas, or even the proposed ball park.

PETITIONER'S PRESENTATION

Dan Hooper, pastor and petitioner, outlined the various ministries offered by the church. He felt that the implied "green light" approval given them by the County for the proposed use was now being thwarted by the City. He expressed concern over what he perceived as continued delays by staff, incomplete direction on staff requirements and apparent prejudice against the construction of a church on the site, regardless of whether or not technical issues were addressed.

Phil Hart of Landesign and a representative of the petitioner, said that perc tests had been conducted on the property and that the land would support a septic system. He said that a letter had been drafted to the City during the initial proposal stage requesting extension of the 201 Plan area but the letter was later retracted when the City did not express an interest in extending the 201 Plan area.

Significant discussion ensued over the following question posed by both Mr. Hooper and Mr. Hart: "Would the City approve the use if the technical issues could be resolved?"

Commissioners explained that the land use and technical questions were interrelated and were considered concurrently. They explained that, as proposed, the project did not meet technical or land use requirements because so many major issues remained unresolved. More data was needed along with cost estimates and emphasis was made that CDOT input was essential.

John Shaver attempted clarification, saying that the current project did not reflect a typical church proposal. Due to the scale of what was being proposed and the number of accessory uses, the project had to be viewed for consideration of the Special Use Permit in the "totality of the proposal." He also suggested that the unique physical constraints of the property must be mitigated in accordance with the Code.

Mr. Hooper said that when the land was originally purchased, it was not within the City limits. He reiterated that County staff had indicated that "it was a good project." His perception was that the City was

busy throwing up roadblocks where the County had been encouraging and supportive. He stated that the septic system would be a temporary solution until sewer could be achieved. Commissioner Vogel reminded Mr. Hooper that sewer extension for the subject area was not expected for another 25 years.

PUBLIC COMMENTS

FOR:

Bill Kilgore (2014 Tiara Court, Grand Junction) began to speak in favor of the proposal but was interrupted by Mr. Hooper who requested closure of their presentation.

Chairman Elmer asked if this meant that the petitioner was pulling the proposal. Mr. Hooper wanted to know what options were open to him. Mr. Shaver said that if the proposal was tabled, additional notice would have to be given.

Mr. Hart requested additional clarification from staff on exactly what was required of them. Ms. Kliska said that the physical constraints would have to be addressed and that CDOT input was essential, which may mean that the petitioner would have to make application to them. She added that this could require the petitioner to actually design the infrastructure needed to mitigate traffic concerns.

With regard to septic/sewer concerns, Ms. Portner said that any proposed septic system would have to be designed and receive Department of Health approval. With regard to noise impacts, Ms. Portner suggested that data be submitted by a professional in acoustic engineering and that that person be present for questioning at any future hearings.

When asked by Mr. Hart if these requirements were typical for a church proposal, Ms. Portner emphasized that these requirements were necessary because of the size and scale of the project.

Mr. Hart said that he'd had no idea that the City considered so many issues unresolved. Brian Hart, also of Landesign, stated that staff comments received earlier in the day did not address sewer at all. This misunderstanding was clarified by staff.

Commissioner Halsey commented that acreage existed on the south side of I-70 in the same area which would be more conducive to such a project with regard to area, existing infrastructure, zoning, proximity to sewer, etc.

Mr. Hooper requested tabling the project for 30 days to allow for further design. Mr. Shaver said that he'd spoken to Mr. Younger, legal counsel for the church, in the hallway during previous testimony. Mr. Younger and the Petitioner indicated that tabling was in the best interest of the church and were requesting the delay; however, they stated that they did not feel that 30 days was sufficient time to mitigate the extensive issues facing the petitioner. Mr. Shaver indicated that 30 days would be a "check in" date for the Petitioner with the Commission and after that any continuances would be at the Commission's discretion.

When asked by Mr. Hooper if CDOT would respond to its request, Ms. Kliska said that if a formal application for an encroachment permit was applied for, they were required to respond.

Chairman Elmer reminded the petitioner and representatives that just because technical issues were addressed, it did not necessarily mean that land issues were also resolved.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item SUP-95-136, I move that we table this item for 30 days or until the next scheduled hearing."

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

The hearing was adjourned at 11:30 p.m.