

**GRAND JUNCTION PLANNING COMMISSION**  
**Public Hearing - February 10, 1998**  
**7:00 p.m. to 10:29 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), Robert Gordon, Joe Grout, Paul Coleman, Mark Fenn, Mike Denner and Jeff Driscoll.

In attendance, representing Community Development staff, were: Scott Harrington (Community Development Director), Michael Drollinger (Development Services Supervisor), Kristen Ashbeck (Senior Planner), Bill Nebeker (Senior Planner) and Kathy Portner (Community Planning Manager).

Also present were John Shaver (Assistant City Attorney) and Kerrie Ashbeck (City Development Engineer).

Terri Troutner was present to record the minutes.

There were approximately nine interested citizens present.

**II. CONSIDERATION OF MINUTES**

No minutes were available for consideration.

**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**

**FPP-1998-013 FINAL PLAT/PLAN--MOONRIDGE FALLS FILING #4**

**A request for approval of the Final Plan/Plat for Moonridge Falls Filing #4 for 14 lots on approximately 6.5 acres with a zoning of PR-2.3 (Planned Residential with a density not to exceed 2.3 units per acre).**

**Petitioner: Walid Bou-Matar**

**Location: West of 25 1/2 Road, south of G Road**

**Representative: Rolland Engineering**

**PETITIONER'S PRESENTATION**

Rick Doris of Rolland Engineering, representing the petitioner, reviewed the proposal. As part of an agreement with staff, a triangular portion of property adjacent to and west of Atchee Lane had been purchased by the petitioner. This would allow extension of both the street and utilities. In exchange, staff has agreed to allow the addition of one lot to the original plan without requiring the petitioner to go through formal platting of the entire parcel or requiring a revised Preliminary Plan. Mr. Doris said that the only outstanding issue centered on access to lots 4 and 5 in the southwest corner of the filing. Staff was requiring the two lots contain two separate 20-foot flag accesses. The abutting accesses would total 40 feet in width and be

situated along the common boundary of lots 3 and 6. Mr. Doris contended that this was an excessive width for use by just two lots. Referencing an overhead transparency depicting an alternate design, he proposed placing a single 20-foot access between lots 3 and 6 to end in a concrete-paved common area between all four lots. Driveways from all four lots would access the common area. In this way, the number of driveways entering onto Falls View Circle would be reduced from three or four to only one. The proposed design demonstrated how both lots 4 and 5 would have ample backing room onto their respective driveways. He suggested drafting covenants limiting the type of fencing along the common area to either split rail or angled privacy fencing (drawn on overhead).

Mr. Doris felt that flag lots promoted a "tunnel effect," while the proposed alternative would leave the area open. Citing *Code* section 7.1.1(A), Mr. Doris reminded planning commissioners that planned developments encouraged innovative designing.

Commissioner Driscoll asked what the standard width of a two-lane road was, to which Mr. Doris replied 28 feet.

Chairman Elmer asked what the proposed driveway width would be, to which Mr. Doris replied that while 16 feet had originally been proposed, he would be willing to increase this to 20 feet.

Rich Krohn, legal representative for the petitioner, identified three issues tied to the new design. These included: 1) ownership, 2) easements and 3) maintenance. Suggested alternatives for ownership of the common area included: 1) having it owned jointly by all four lot owners in undivided shares; 2) having it owned by lots 4 and 5 with cross-easements for each of the four property owners; or 3) having it owned by the Homeowners Association. In all instances, restrictions on the easements would prohibit parking in the common area. Maintenance would be addressed in covenants and effected by the Homeowners Association (HOA). Benefits to this would be having the HOA determine what repairs or maintenance were necessary. Any such repairs or maintenance could then be billed to the four lot owners as a special assessment. Mr. Krohn said that turning the four homes so that garages faced away from Falls View Circle would be more aesthetically appealing.

Commissioner Driscoll wondered if the covenants would cover the initial driveway paving. Mr. Krohn said that initial paving would be completed by the developer.

Commissioner Driscoll asked if the HOA would have responsibility for repairs and maintenance even if the common area were jointly owned by the four lot owners. Mr. Krohn replied affirmatively.

Ron Sechrist, Realtor representing the petitioner, said that flag lots were less desirable to buyers as a general rule and forcing the petitioner to create flag accesses would impact the salability of lots 4 and 5. He noted the success of, and care given to, the subdivision and felt that the common area would be well maintained.

### **STAFF'S PRESENTATION**

Bill Nebeker said that staff's concern with the access alternative was that lots 4 and 5 would have no relationship to the rest of the subdivision and Falls View Circle. The front yards for lots 4 and 5 would be, in effect, the back yards of lots 3 and 6. The "tunnel effect" referenced previously by the petitioner would be greater with the proposed alternative. Mr. Nebeker cautioned against the design of special fencing lest it become another Valley Meadows East.

Scott Harrington, Community Development Director, said that the 40-foot flag access to lots 4 and 5 would better connect these two lots to the rest of the subdivision. While planned zone criteria allows for flexibility, that flexibility should be reserved for better design alternatives. If the proposed alternative were to be approved, he recommended the following conditions and considerations apply:

1. Twenty-four-foot-wide paving of all driveways to ensure adequate backing movement.
2. Twenty-foot setbacks for garages would be required for lots 3 and 6, with driveways at least 20 feet long.
3. Specific language to address fencing of lots 3 and 6 would have to be included in subdivision covenants.
4. Specific language to address the maintenance of the common area would have to be included in subdivision covenants.
5. Would garages from lots 3 and 6 be required to face the common area or would they face Falls View Circle? If so, the covenants should specify this as well.
6. The Development Improvements Agreement must specify that both the common area and driveways for all four lots are to be installed by the developer.
7. How will parking on the common tract be addressed? If no parking will be allowed, where will guests park? How will parking restrictions be enforced and who will enforce those restrictions?

Mr. Harrington said that with staff's proposal of a 40-foot flag access, open area and many of the same goals would still be accomplished.

### **QUESTIONS**

Commissioner Coleman noted that with the flag access proposal, there could potentially be 140 feet of fencing along both sides of the access. Mr. Harrington said that even if both lot owners fenced along the access, 40 feet would provide sufficient open area to preclude the "tunnel effect" referenced by the petitioner. Mr. Harrington added that while he preferred the two front lot owners not install fencing along the access, if they did, it should not pose any problems.

Commissioner Driscoll asked for clarification on staff's access proposal, which was provided. Commissioner Driscoll asked whether the 24-foot pavement requirement would apply only to the petitioner's alternative, to which Mr. Harrington responded affirmatively.

### **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

### **PETITIONER'S REBUTTAL**

Mr. Rolland, also representing the petitioner, reiterated that a 40-foot-wide access for only two lots was excessive and may create future problems. Covenants could address this unique grouping of lots regardless of which design was chosen. He disagreed with staff that lots 4 and 5 would be disconnected from the subdivision and added that the increased seclusion would be a benefit for, not a detriment to, the two lots.

## **QUESTIONS**

Commissioner Driscoll asked if the 24-foot pavement and 20-foot garage setback requirements would be acceptable, to which Mr. Rolland replied affirmatively. Commissioner Driscoll concurred that a 40-foot width for just two lots seemed excessive.

Mr. Doris said that much could be done with the fencing design to prevent a “tunnel effect. Mr. Rolland elaborated that the type of fencing from the fronts of homes to the street would be restricted to 36-inch-high split-rail. Privacy fencing would not extend past the rear corner of the garage or house.

Commissioner Denner asked if the split-rail fencing could be moved back to the driveways instead of the house so as not to create a small “box” in the front yards (shown on overhead transparency). Mr. Rolland was amenable to this suggestion.

Mr. Nebeker said that if the proposed design alternative was being seriously considered by planning commissioners, he suggested the request be tabled to give the petitioner and staff time to work out specific details.

Mr. Rolland said that if tabled, he asked that specific direction be given by the Planning Commission to prevent the petitioner from having to start all over again with staff.

Mr. Krohn added that the covenants could be written to safeguard their being changed with regard to the specifics of the design alternative. John Shaver commented that while not irrevocable, covenants written with these safeguards could go a long way in addressing staff’s concerns.

Mr. Harrington suggested that a final decision be tabled only to the end of the hearing to allow for discussion time between staff and the petitioner. He didn’t feel that tabling the item to another date was necessary.

## **DISCUSSION**

Commissioner Gordon supported widening the common area to 25 feet and amending the garage setback to reflect the 20 feet mentioned by staff.

Commissioner Fenn agreed that flag lots often promoted the “tunnel effect” mentioned by the petitioner. As a Realtor, he agreed that the seclusion of lots 4 and 5 would make them more desirable to buyers. The petitioner’s design would address more thoroughly the access maintenance issue. He supported widening the common area to 24 feet and include 20-foot garage setbacks.

Chairman Elmer said that because of problems inherent to flag lots, he typically did not support the creation of more such lots. The “tunnel effect” could be a problem with either option; however, he expressed a willingness to support the petitioner’s proposal if concerns raised were adequately addressed.

Commissioner Driscoll asked Mr. Shaver if the staff-proposed flag access would be the sole responsibility of the two rear lot owners, to which Mr. Shaver replied affirmatively.

Commissioner Driscoll also expressed support for the petitioner’s proposal. He agreed that the flag access would create more of a “tunnel effect” and that overall, the proposal was a good

one. He felt that covenants could be written to address outstanding concerns and supported having the HOA responsible for access maintenance.

**MOTION: (Commissioner Driscoll) “Mr. Chairman, on item FPP-1998-013, I move that we approve Moonridge Falls Filing #4 subject to the following conditions: 1) that the developer build in concrete a 24-foot-wide a common tract drive; 2) the owners of lots 3 and 6 will be restricted to a 3-foot split rail fence from the driveway to the street frontage; 3) the owners of lots 3 and 6 will be restricted to privacy fences going at a 45 degree angle from the corner of the building closest to the driveway to the back of the lot adjacent to the driveway; 4) ownership will be in undivided shares by the four lot owners or they will be as flag lots with cross easements between lots 4 and 5 which are owned by the Homeowners Association; 5) maintenance will be provided in the covenants so that the Homeowners Association controls repairs; and 6) alteration of those covenants will require a unanimous approval of the entire Homeowners Association.”**

Commissioner Coleman seconded the motion.

A brief discussion ensued over the verbiage for addressing the 20-foot setback issue. Commissioner Driscoll agreed to include the 20-foot setback requirement for garages.

Chairman Elmer also suggested imposing a 20-foot setback on the split rail fence as well. Commissioner Driscoll agreed to modify condition 3 to treat the side yards of lots 3 and 6 the same as front yards, with 20 foot setbacks.

Mr. Shaver required the petitioner leave the marked up version of the overhead transparency with staff as an exhibit to illustrate specific points discussed.

Commissioner Coleman seconded the amendments.

The amended motion would then be as follows:

**MOTION: (Commissioner Driscoll) “Mr. Chairman, on item FPP-1998-013, I move that we approve Moonridge Falls Filing #4 subject to the following conditions: 1) that the developer build in concrete a 24-foot-wide a common tract drive; 2) treat the side yards of lots 3 and 6 the same as front yards, with 20 foot setbacks; 3) ownership will be in undivided shares by the four lot owners or they will be as flag lots with cross easements between lots 4 and 5 which are owned by the Homeowners Association; 4) maintenance will be provided in the covenants so that the Homeowners Association controls repairs; 5) alteration of those covenants will require a unanimous approval of the entire Homeowners Association; and 6) include a 20-foot setback requirement for garages (as amended).”**

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

A brief recess was called at 8:10 p.m. The hearing reconvened at 8:13 p.m.

**MS-1998-011 MINOR SUBDIVISION--BENSLEY-BRISTOL MINOR SUBDIVISION**

**A request for a five lot minor subdivision in a PB (Planned Business) zone district to be developed for retail/office space.**

**Petitioner: Harlan & Alice Bensley and William & Majorie Bristol**  
**Location: 607 - 25 Road**  
**Representative: Greg Motz**

**PETITIONER’S PRESENTATION**

Greg Motz, representing the petitioner, noted the location of the site and surrounding zoning and uses on maps provided. The proposed use, he said, was consistent with current zoning. Using an overhead transparency, Mr. Motz noted the proposed lot configuration of the minor subdivision. A “Kids Plex” was proposed for lot 3, but it was unclear what other types of businesses would be located on the remaining four lots. A single access off of 25 Road was proposed for all five lots to end in front of lot 3. Mr. Motz said that further accesses onto individual lots as well as parking configurations would be deferred until the type of business was known, with all plans subject to the approval of the Property Owners Association and Architectural Control Committee. Landscaping, parking and architectural design would be uniform, with businesses sharing landscaping and parking. The single 25 Road access would be 30 feet wide with 24 feet of paving and 6 feet of landscaping as a buffer. Landscaping would be irrigated via an underground pressurized system. A single sidewalk would be constructed along the north side of the street to the east property line of lot 3. Two signs would be installed along the 25 Road frontage and serve all five lots. One of the two signs would serve to identify the business park, with individual business advertising placed on the other sign.

Outstanding issues according to Mr. Motz include the following:

Cul-de-Sac: Mr. Motz asked that the cul-de-sac required by staff at the entrance to lot 3 be eliminated in its entirety. This cul-de-sac would be acceptable if temporary only, improved as little as possible (gravel versus pavement), and with the understanding that eventually it would be eliminated. If lot 3 failed to develop as planned, the cul-de-sac could then be paved. Mr. Motz asked that there be specific “triggers” associated with an automatic right-of-way vacation. This could include the development completion of lots 3 and 4.

Sidewalk: Mr. Motz preferred a 4-foot width versus staff’s recommendation for 5 feet, stating that the access did not qualify as a business commercial street.

Service Access Road: Mr. Motz wanted to construct a service access road along the northern boundaries of lots 1 and 2 from 25 Road. No left-hand turn would be allowed onto 25 Road. Staff opposed this.

Signage: Mr. Motz clarified that signage would be lit, both internally and externally. He asked that consideration be given to allow an increase in sign height if later deemed appropriate for the area.

Traffic Study: Mr. Motz said that staff required the traffic study to use a “worst-case scenario” in determining street improvements. This was felt to be unfair, and he asked that more realistic averages be used in traffic calculations. Using a worst-case scenario may automatically require construction of accel/decel lanes when actual traffic flows may not warrant such construction.

### **QUESTIONS**

Commissioner Driscoll asked why the petitioner didn't want to pave the cul-de-sac, given that it appeared to encompass an area designated for parking anyway. Mr. Motz said that the site plan review process was very complicated, and it was unclear at this point exactly where the building would be located on lot 4.

Commissioner Gordon asked for clarification on why only a 4-foot sidewalk width was preferred. Was this because there were no retail outlets planned? Mr. Motz expected retail development to occur on lots 1 and 2, which was why the service drive had been requested. It was felt that a 4-foot-wide sidewalk was more than adequate to serve the five lots.

Commissioner Coleman asked for additional detail on the architectural characteristics of proposed buildings. Mr. Motz said that the only building proposed at present was for the “Kids Plex” on lot 3. This would be a 150-foot by 150-foot metal building, 20 feet high, with stucco applied to the east and south sides of the building as a facade to disguise the fact that the building is metal. A parapet would be placed along the top to disguise the metal roof. Metal buildings for other lots would be discouraged; however, if proposed for any of the lots, they too must include similar architectural features/treatment.

### **STAFF'S PRESENTATION**

Kristen Ashbeck said that the complexity of issues was driven by the developer's desire to create landlocked parcels without an overall plan of development. She referenced staff conditions of approval from the staff report dated February 5, 1998 which included:

### **GENERAL**

1. Proof of formation of a property owners' association, articles of incorporation and CC&Rs acceptable to staff are required prior to recording the plat.
2. Obtain and show evidence of necessary sanitary sewer and drainage easements through the Parkwest property prior to recording the plat or prior to issuing a Planning Clearance for construction on the Bensley-Bristol property (easements have been provided but staff must review and verify legal descriptions).
3. Signage shall be as discussed in this staff report.
4. Provide trip generation, trip distribution and trip assignment information as requested by the City Development Engineer in comments dated January 16, 1998 prior to

recording the plat or prior to approval of a final site plan for development on the Bensley-Bristol property.

#### FINAL PLAT

1. The common entrance drive shall include a cul-de-sac with minimum dimensions and improvements as described below.
2. Add/revise/retain the following plat notes:
  - a. A single shared access serving all lots within the subdivision will be allowed on 25 Road. Lots 1 and 5 shall not have additional access drives onto 25 Road.
  - b. Each lot shall have only one access drive on the common driveway in addition to a shared drive between lots 1 and 2 and lots 4 and 5. Parking spaces shall not directly back onto the common access drive and there shall be no parking on the common drive.
  - c. Access to lots 1 and 5 from the common access drive shall be set back at least 120 feet from 25 Road to allow adequate stacking and ingress/egress of the common drive without disrupting traffic flow on 25 Road.
  - d. Landscaping requirement for lot lines fronting the common access drive shall be calculated the same as if the parcel frontage was along a public street

#### CONSTRUCTION PLANS/DIA

1. The radius of the cul-de-sac must be a minimum of 45 feet from midpoint to the edge of the gutter and must be entirely paved (a 90-foot diameter paved area, gravel is unacceptable) with a 5-foot sidewalk along one side to the east property line of lot 3. The easement depicted on the Final Plat shall follow the back of the walk and shall provide sufficient access to lot 3.
2. The plans shall indicate that the entire common drive be marked/signed as a fire lane to ensure enforcement of the "No Parking" requirement.
3. The Development Improvements Agreement and Guarantee shall include pavement of the cul-de-sac drive.
4. If landscaping along the private drive is to be installed at the time the drive is constructed, a landscape plan in accordance with sections 5.4.15 A. and H. and 2-12 C. of the *Zoning and Development Code* is required prior to recording the plat.
5. A list of remaining technical items on the plans will be forthcoming from the City Development Engineer.

Without the above-stated conditions, Ms. Ashbeck stated that the subdivision would not be viable. She cautioned against approval of "automatic" triggers for the deletion of the cul-de-sac since there was no guarantee that circulation for lots 3 and 4 would develop according to expectations. Without the cul-de-sac or any plans to provide circulation for the subdivision, there would be no way for traffic to turn around. Thus, staff reserves the option of determining when the cul-de-sac might be eliminated.



The 5-foot-wide sidewalk would provide a standard level of pedestrian service, especially necessary given the expected usage by children and traffic traveling to and from the "Kids Plex" building. Staff recommended against the additional service access road onto 25 Road. The request for illuminated signage was not perceived as a problem; no change in the height limitation for signs in the subject area is expected. Ms. Ashbeck passed out copies of the Development Engineer's latest comments regarding the traffic study and other remaining technical items.

Kerrie Ashbeck, Development Engineer, said that the 5-foot sidewalk requirement is consistent with a standard commercial street. Regarding the traffic study, without a plan for the other four lots, there was no way to gauge traffic impacts. In similar situations, using a "worst-case scenario" represented a standard means of traffic calculation. Although accel/decel lanes may be required, they would be dependent upon certain development triggers. Ms. Ashbeck wanted to go on record and put the petitioner on notice that additional right-of-way may be needed from lot 1 to create a southbound turn lane. Since half-street improvements to 25 Road would be a requirement anyway, the added "half-street" would allow for striping of a northbound left-turn lane without the need for additional right-of-way.

Kerrie Ashbeck explained that the location of the proposed service access road would not meet the City's minimum separation requirements. As an alternative, Ms. Ashbeck said that she had suggested the petitioner provide a shared common access along the rear property lines of lots 4 and 5 with the southern property owner.

### **QUESTIONS**

Commissioner Coleman wondered how the provision of a service access road in this subdivision differed from the one provided in another nearby commercial park off of 25 Road. Kerrie Ashbeck answered that the character of the roadway south of F Road differed from that to the north. She briefly elaborated on other differences between the two proposals.

Chairman Elmer asked if privacy fencing would be required along the north side of the subdivision to encompass the subdivision. Kristen Ashbeck said that because the subdivision did not abut residential development, it was not a standard requirement of subdivision; however, staff could require fencing if, as lots 1 and 2 built out, it was deemed necessary.

### **PUBLIC COMMENTS**

There were no comments either for or against the proposal.

### **PETITIONER'S REBUTTAL**

Mr. Motz said that his goal was to have the subdivision take on the characteristics of a planned business park, with infrastructure, landscaping, parking, etc. addressed in individual site plan reviews. He reiterated his preference to have a temporary cul-de-sac and said that the suggested service access alternative proposed by Kerrie Ashbeck had been "unsupported" by Community Development staff. He emphasized the need for retail businesses to have a service access. Forcing delivery vehicles to use front yards and front entrances would create hazardous conditions for parked vehicles, pedestrians and other moving traffic. He suggested that, to satisfy staff's minimum separation requirements, there be a stipulation stating that if the property to the north ever developed, the proposed service access would then be eliminated. Mr. Motz restated his position that a 4-foot sidewalk should be sufficient for pedestrian traffic.

### **DISCUSSION**

Mr. Shaver apprised planning commissioners of a letter dated January 30, 1998 that he'd sent to the petitioner's legal counsel, Mr. Foster. He wanted to ensure that all dedications and grants of easements be reflected on the plat and not in the CC&Rs. Mr. Shaver said that the draft copy of the subdivision's CC&Rs had inappropriately contained this information. He added that verbiage was needed on the private access drive easement to state that "the easement would not be altered or in any way encumbered without the City's consent." Mr. Motz expressed agreement with these points.

Kerrie Ashbeck said that the traffic study should be a non-issue since it was more for informational purposes. Actual improvements would be tied to impacts determined through site plan review. She added that depending on the timing of recordation of the plat versus the site review of the "Kids Plex" facility, the plat may need revision if additional improvements were deemed necessary. Ms. Ashbeck said that it was difficult to make determinations without first knowing the types of businesses planned for the subdivision.

Chairman Elmer remarked that if the traffic study determined turn lanes were needed, they should be required as part of the development. He concurred with staff's comments and expressed his support for the cul-de-sac and its paving. The service road would only serve to complicate the overall access plan and restrict future development of the northern parcel. He could see no reason to deviate from the City's 5-foot sidewalk standard, adding that traffic studies were normal development requirements.

Commissioner Coleman agreed but asked staff to elaborate on Mr. Motz' statement that an access road along the southern property line had been discouraged. Kerrie Ashbeck responded that while staff encouraged the concept of a shared access with Parkwest Plaza, there would be some limitations how that access could occur.

Commissioner Driscoll also agreed with staff and comments made by Chairman Elmer.

Chairman Elmer asked Mr. Shaver if he wanted to see the specifics of the January 30 letter included as a condition of approval. Mr. Shaver responded affirmatively, adding that depending upon the decision made regarding the cul-de-sac, additional legal language may also be necessary.

Commissioner Fenn asked if staff preferred to have turn lane(s) constructed in conjunction with development of the subdivision. Kerrie Ashbeck said that this was preferable to ensure accurate representation of what ultimate improvements would be prior to recording the plat.

When Commissioner Fenn commented that any traffic study would only second guess street improvements for the site. Ms. Ashbeck agreed but added that calculated "best guesses" were often employed when gauging street improvements or the size of stormwater detention ponds.

Commissioner Coleman observed that if the petitioner had provided a clear plan for the remaining four lots, the traffic study would not have been such an issue.

**MOTION: (Commissioner Denner) "Mr. Chairman, on item MS-1998-011, the Final Plat for the Bensley-Bristol Minor Subdivision, I move that we approve the proposal subject to staff recommendations, to reflect the discussion."**

Commissioner Gordon seconded the motion.

Kristen Ashbeck said that no direction on the temporary cul-de-sac had been included in staff recommendations, nor had any automatic triggering criteria been referenced. She asked planning commissioners for further direction on this point in the motion.

After a brief discussion of options, the Planning Commission concluded that the final decision on when or if the cul-de-sac could be eliminated would be left to staff's discretion and handled at an administrative level. Commissioner Denner agreed to include this in his motion; the amendment was seconded by Commissioner Gordon.

The amended motion was as follows:

**MOTION: (Commissioner Denner) "Mr. Chairman, on item MS-1998-011, the Final Plat for the Bensley-Bristol Minor Subdivision, I move that we approve the proposal subject to staff recommendations, to reflect the discussion and that the final decision on when or if the cul-de-sac could be eliminated would be left to staff's discretion and handled at an administrative level (as amended)."**

Commissioner Gordon seconded the motion and amendment. A vote was called and the motion passed by a vote of 6-1, with Commissioner Fenn opposing.

A brief recess was called at 9:30 p.m. The hearing reconvened at 9:35 p.m.

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

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

##### **VR-1998-007 VACATION OF RIGHT-OF-WAY AND EASEMENT**

**A request to: 1) vacate a portion of the cul-de-sac right-of-way for Maldonado Street, and 2) to vacate a 10-foot utility easement along the west edge of lot 2.**

**Petitioner: Mark Gamble**

**Location: 610 West Gunnison Avenue**

### **PETITIONER'S PRESENTATION**

Jim Cagle, representing the petitioner, had no testimony to offer but availed himself to questions.

### **STAFF'S PRESENTATION**

Michael Drollinger presented a brief background of the request and said that the cul-de-sac had been constructed in anticipation of future extension of Maldonado Street. A mini-storage unit had been constructed so as to encroach upon the utility easement along Maldonado Street. No utilities were present within the easement and staff determined that future extension of Maldonado Street to the north was unlikely. Staff recommended approval and asked that the Planning Commission vacate both the east and west "bulb" areas of the cul-de-sac.

### **QUESTIONS**

Commissioner Coleman wondered if something could be done to improve the development's entrance, since it seemed that a lot of mud was being tracked onto the street. Mr. Drollinger said that specific improvement requirements did not fall within the context of the original development proposal; however, a suggestion for those improvements could be passed on to the petitioner.

### **PUBLIC COMMENTS**

There were no comments either for or against the request.

### **DISCUSSION**

Commissioner Coleman commented that the request seemed very straightforward.

**MOTION: (Commissioner Coleman) "Mr. Chairman, on item VR-1998-007, a request for vacation of a portion of the Maldonado Street right-of-way to include both sides of the cul-de-sac bulb and the 10-foot utility easement on the south side of the street, I move that we forward this item to City Council with a recommendation of approval."**

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

Commissioner Driscoll returned to participate in the final hearing item.

### **RZ-1998-015 REZONE--FUNERAL HOME AND SCHOOL**

**A request to rezone from RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) to B-1 (Limited Business) to permit a funeral home and school of mortuary science.**

**Petitioner: Kevin LaQuey**

**Location: 2708 Patterson Road**

### **PETITIONER'S PRESENTATION**

Kevin LaQuey, petitioner, provided a brief overview of the request. He stated that many of the school's students would come from outside the state or country. No chapel would be provided, so on-site traffic would be minimal.

## **QUESTIONS**

Commissioner Coleman asked if the petitioner was in agreement with staff's conditions, to which Mr. LaQuey responded affirmatively.

Commissioner Driscoll asked if there would be viewing services. Mr. LaQuey said that such services would be available on a come-and-go basis for the most part.

Commissioner Driscoll asked what hours of operation had been proposed for the business. Would signage be illuminated? Mr. LaQuey answered that business hours would be from 9 a.m. to 4 p.m., Monday through Friday. Proposed signage would be illuminated.

Commissioner Driscoll asked the petitioner if he would be opposed to turning off signage illumination at 8 p.m. Mr. LaQuey said that the zone allowed for signage illumination up to 11 p.m. He preferred leaving the illumination on until the later time period.

Chairman Elmer asked if any parking conflicts would arise as a result of viewing services running coincidental to the school. Mr. LaQuey said that generally the school would be operated in the evenings. He noted a large on-site grassy area which could be utilized for overflow parking. In addition, the adjacent Bookcliff Baptist Church agreed to allow use of its parking facilities for funeral attendees, if needed.

## **STAFF'S PRESENTATION**

Bill Nebeker presented an overhead transparency of the area which depicted the location of the site and surrounding zoning. The request met rezone criteria and was consistent with *Growth Plan and Patterson Road Corridor Guidelines* as explained in the staff report. Mr. Nebeker recommended a B-1 zone and noted that the most plausible arrangement for overflow parking would be to utilize the church's parking lot. Staff recommended approval of the rezone to B-1 subject to the following conditions:

1. A 5-foot-wide landscaped strip with shrubbery and at least two trees meeting *Code* requirements shall be provided between the parking lot and sidewalk. A detailed site plan shall be submitted showing the proposed landscaping. An irrigation system to water landscaping shall also be required.
2. The handicapped parking space shall be increased to 13 feet wide. Label 90 degree parking as being 9 feet wide.
3. The use shall not commence until all site improvements per the approved site plan have been made or the owner has executed a Development Improvements Agreement with the City guaranteeing the future installation of required improvements.

## **QUESTIONS**

Commissioner Driscoll asked Mr. Nebeker if he took issue with the timing of signage illumination. Mr. Nebeker said that given the area and volume of other surrounding illuminated signage, this allowance would not create any negative impacts.

Commissioner Coleman asked if the grassy area would be acceptable for handling overflow parking. Mr. Nebeker said that if the business found that it required more parking area, it could convert some of the grassy area to paved parking.

## **PUBLIC COMMENTS**

There were no comments either for or against the request.

**PETITIONER'S REBUTTAL**

Mr. LaQuey thanked planning commissioners for their consideration of his request.

**DISCUSSION**

Commissioner Denner expressed satisfaction with the parking arrangements as presented.

Chairman Elmer commented that the zone seemed appropriate for the use and site.

**MOTION: (Commissioner Coleman) "Mr. Chairman, on item RZ-1998-015, I move that we forward a recommendation of approval to the City Council for the rezone of 2708 Patterson Road from RSF-8 to B-1."**

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

**V. GENERAL DISCUSSION**

As Kathy Portner distributed written copies of the Community Development's Work Program, Mr. Harrington elaborated briefly on its contents. He felt it impractical for staff to expect planning commissioners to attend every meeting and hearing scheduled. He asked only that planning commissioners review the Work Plan and determine which of the projects they were most interested in and let staff know which meetings/hearings they could attend.

Ms. Portner said that two major projects included the current *Code Re-Write* and upcoming review of the *Land Use Map*.

Commissioners Gordon, Fenn and Coleman volunteered to be on the committee to review the Code and Zoning Map.

Mr. Harrington said that City Council had decided to base its decisions on *Code* criteria and not on *Growth Plan* recommendations, at least pending review of the *Growth Plan* and *Land Use Map*. He reminded planning commissioners of the upcoming joint GJPC/MCPC hearing on the North Central Valley Plan scheduled for February 19, 1998 at 7:00 p.m. in the City/County Auditorium.

With no further business, the hearing was adjourned at 10:29 p.m.