

GRAND JUNCTION PLANNING COMMISSION
Public Hearing January 4, 1994
7:04 p.m. - 9:40 p.m.

I. CALL TO ORDER

The public hearing was called to order by Vice Chairman Tom Volkmann at 7:04 p.m. in the City County Auditorium.

In attendance, representing the City Planning Commission, were Vice Chairman Tom Volkmann, Ron Halsey, Bob Withers, James Anderson, and Jeff Vogel. Chairman John Elmer and Commissioner Stephen Laiche were absent.

In attendance, representing the City Community Development Department, were Larry Timm, Director; Kathy Portner, Planning Supervisor; Dave Thornton, Senior Planner; and Kristen Ashbeck, Associate Planner.

Also present were John Shaver, Assistant City Attorney, and Jody Kliska, City Development Engineer.

There were 26 interested citizens present during the course of the meeting.

II. APPROVAL OF MINUTES

MOTION: (Commissioner Halsey) "Mr. Chairman, I move that we approve the minutes of the December public hearing as presented."

The motion was seconded by Commissioner Anderson.

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

III. ANNOUNCEMENTS, PRESENTATIONS, AND/OR PRE-SCHEDULED VISITORS

There were no announcements, presentations, or pre-scheduled visitors.

IV. GRAND JUNCTION PLANNING COMMISSION PUBLIC HEARING ITEMS FOR FINAL DECISION

1. #101-93 RESUBDIVISION-S & J SUBDIVISION, 1003 WINTERS AVE

A request for approval of a resubdivision of Lot 3, Winters Industrial Park, into 8 lots in an I-2 (Heavy Industrial) Zone District.

PETITIONER: Richard Sparkman

REPRESENTATIVE: Keith Mumby

LOCATION: 1003 Winters Avenue

STAFF PRESENTATION

Dave Thornton gave an overview of the request for the resubdivision of one lot into seven lots. He said the delay that the City had been dealing with for the last several months regarded a drainage easement that the City was trying to secure from an adjacent property owner. The easement would provide the opportunity for the subdivision to pay into the City drainage fee instead of providing for on-site retention/detention. He said the matter was still under negotiation, but rather than table the item again, staff felt that the matter could be dealt with administratively.

Mr. Thornton said that staff recommended approval of the subdivision request with the stipulation that all review agency comments and technical issues regarding the drainage and the plat be finalized administratively, and with the following conditions:

1. Sidewalk be required along the entire frontage of Kimball Avenue for Lots 4, 5, 6 and 7. The sidewalk should be constructed or included in an Improvements Agreement guaranteed prior to recording the plat.
2. A 14 foot utility easement be provided along the entire front lot line of each lot, instead of the 10 foot easement as proposed.
3. That the portion of Lot 3 previously conveyed by deed be included in this replat.
4. Drainage facilities designed and constructed or financially guaranteed to meet drainage requirements for the entire subdivision shall be required prior to recording the plat. A drainage facility for each individual lot at the time of development shall not be allowed, or, if the City can secure the necessary off-site easements for storm drainage at a reasonable cost, then a drainage fee for the entire subdivision shall be paid in lieu of constructing the on-site drainage facilities prior to recording the final plat. The drainage fee would be adjusted to include \$2,298 already paid as part of the site planning clearance approval for a building permit issued to the petitioner for 1103 Winters on September 27, 1993.
5. Fire code requirements shall be met.
6. All technical issues on the final plat be adequately addressed including denoting all easements.
7. Open space fees in the amount of \$3,800 shall be paid prior to recording the final plat.
8. The broken valley gutter must be removed and replaced on Winters Avenue prior to recording the plat or included in an Improvements Agreement Guarantee.
9. Submittal of a site plan showing all existing site features including structures, utility lines and railroad tracks.

Commissioner Withers asked what the status of the City's negotiations were for the drainage

easement. Mr. Thornton said the adjacent property owners were "dragging their feet" and that they were "out of town a lot." He said the City also wanted to secure the easement because there was an existing water line that did not have an easement. He said the owners were supposed to be in town "the end of this month" and expected the matter to be resolved at that time.

PETITIONER'S PRESENTATION

Keith Mumby of Golden, Mumby, Summers and Livingston, representative for the petitioner, said he "wished the City well" in the on-going negotiations. He said "it was a frustrating piece of property" and illustrated that by pointing out that the railroad had removed the rail switch on the property and yet would not abandon the easement. He said the petitioner "had dealt with staff long enough that we could work out all the requirements" and that "none of them were a problem."

PUBLIC COMMENT

There were no public comments either for or against the proposal.

QUESTIONS/DISCUSSION

Commissioner Volkmann asked if the reference in staff comment #4 referring to the City being able to acquire the easement "at a reasonable cost" represented an assurance to the petitioner that the City was going to be able to obtain the easement. He asked if perhaps the wording should be changed to read, "if the City can secure the necessary off-site easements for storm drainage on terms and conditions acceptable to the City." He felt the language should be "softened." Dave Thornton felt that would be acceptable.

Commissioner Volkmann asked if the two options were available to the petitioner until such time as a building permit were obtained or if there was a "sunset" on the options. Dave Thornton said that it had been explained to the petitioner that at the time of issuance of the next building permit they would have to provide for on-site detention/retention if the City was still in "this limbo."

Commissioner Vogel asked if there was "adequate infrastructure" as far as fire and sewer were concerned. Mr. Thornton said the matter was still being researched by the petitioner.

MOTION: (Commissioner Vogel) "Mr. Chairman, on item #101-93, I move that we approve this subject to staff recommendations."

The motion was seconded by Commissioner Withers.

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

2. #145-93 PRELIMINARY PLAN-COUNTRY CLUB ESTATES - G RD & 27 RD

A request for approval of a preliminary plan for Country Club Estates for 21 single family lots on a parcel of land of approximately 5 acres with zoning of PR-6 (Planned

Residential, 6 units per acre.)

PETITIONER: Sid Gottlieb & Jeffrey Williams

REPRESENTATIVE: Jeffrey Williams

LOCATION: SE corner of G Road and 27 Road

Vice Chairman Volkmann advised the Commission that "in light of a relationship I have with one of the petitioner's on this one, I'm going to have to withdraw." Commissioner Halsey presided over the public hearing of the item.

STAFF PRESENTATION

Kathy Portner gave an overview of the request and said that the proposed density was 4.2 units per acre. She said that options for access to the property were discussed with the petitioner and described the three alternatives:

1. One access only onto 12th Street;
2. One access only onto G Road using the existing West Cliff Drive right-of-way;
3. A through access from G Road to 12th Street.

She said that any of the three options would be acceptable to staff. She pointed out that even though there was no access directly onto G Road through West Cliff Drive, the Zoning and Development Code did require that the petitioner pay for half-street improvements to West Cliff Drive as well as half-street improvements for frontage along 12th Street and G Road. Ms. Portner said that the petitioner had provided two design options for the proposed cul-de-sacs, and said that the rectangular cul-de-sac design did not provide adequate turning radii for emergency vehicles and street sweeping equipment. She said re-designed cul-de-sacs would require the re-positioning of fire hydrants which were to be placed at each intersection and spaced no greater than 500 feet apart.

Ms. Portner said that the land is Lot 1 of the three lot Horizon Park Subdivision which was platted several years ago. Horizon Park was to have a 20' wide easement for golf cart access through Lot 2 that connected to this property. She said that when the Horizon Park East plat was recorded, the golf cart easement was not on the plat. She said it was a condition of the approval, but it was "taken off the plat, and it wasn't caught before the plat was recorded." She said that if the petitioner were interested in having such an access, an easement would have to be dedicated by the owners of existing Lots 16 and 17 of Horizon Park East Subdivision, and that staff would work with the petitioner to pursue that dedication.

She said that staff did not feel that having the detention basin owned by a single property owner was acceptable and recommended that all drainage facilities to be located in a common tract of land to be maintained by all home owners.

Ms. Portner said that the proposed setbacks were not acceptable to staff and said the setbacks must be the same for all lots, or that individual building envelopes be shown for each lot, "so that we don't have to know what's going on on the lot next door each time we issue a planning clearance."

Ms. Portner said that in the petitioner's response to review comments, the petitioner agreed to the following:

1. All comments as made by the City Utility Engineer, U.S. West, and Public Service Company.
2. 25' setbacks along G Road and 12th Street, 20' setbacks on internal streets, 15' rear yard setbacks, and a maximum building height of 25'.
3. Any landscaped areas within the right-of-way will be designated as common open space to be maintained by the home owners.
4. Additional fencing details will be provided with the final plan and plat application.

She said that review comments had not been received from Ute Water or Grand Valley Water Users, and that any comments from those agencies must be addressed with the final plat submittal.

Ms. Portner said that staff recommended approval of the preliminary plan with the following conditions:

1. Half street improvements will be required for West Cliff Drive, as well as 12th Street and G Road.
2. The cul-de-sacs be redesigned to meet City standards, including the re-positioning of fire hydrants.
3. All drainage facilities, including the detention basin and outlet control structure, must be located in a common open tract to be maintained by home owners.

4. The side yard setbacks for detached units must be the same for all lots or individual building envelopes be shown for each lot. Minimum building separation as a standard is not acceptable.
5. All revisions as required by the review agencies be incorporated into the final design.

Commissioner Halsey asked if the golf cart easement was still legally part of the Horizon Park Subdivision. John Shaver, Assistant City Attorney, said that any condition of approval placed by the Commission was a requirement even if it did not show up on the recorded plat. He suggested that staff contact the developer and "express displeasure" with the fact that the easement did not appear on the plat.

PETITIONER'S PRESENTATION

Tom Logue, representative for the petitioner, said that the rectangular cul-de-sacs were designed using a 30' wheel base to determine the turn-around radii, which was the normal design criteria. He said the rectangular cul-de-sacs were proposed for aesthetic reasons only in an effort to reduce the large expanses of unlandscaped pavement.

Regarding improvements to West Cliff Drive, Mr. Logue pointed out that the application did not access West Cliff Drive "in any manner" and was "completely screened off." Regarding the access alternatives, Mr. Logue said that the petitioner met with Vintage 70's residents and they indicated a "strong desire not to use G Road as primary access." He said that West Cliff Drive was an unimproved local street that provided access to four parcels. He felt it was "unfair" to require the improvement of a roadway that the subdivision would not be using and that it was a "double whammy" since the property was also situated on a corner lot.

Mr. Logue said that other staff comments could be addressed in subsequent submittals.

QUESTIONS

Commissioner Withers asked if parking would be allowed in the cul-de-sac, and Mr. Logue answered that there would be sufficient room on the "right hand side." He said the corner radii could be increased, if necessary, to accommodate street sweeping. Commissioner Withers asked if the fire department had commented on the rectangular design, and Kathy Portner said that the fire department had said they could not negotiate the turns. Jody Kliska concurred, adding that it was especially a problem if there was parking around the cul-de-sac.

Commissioner Anderson asked if there were any plans to develop West Cliff Drive and if it were likely to develop. Kathy Portner said that there were not any current plans, and that if the adjacent properties were developed, they would have to address the road issue at that time. Commissioner Anderson asked Mr. Logue who he felt should bear the burden of improving West Cliff Drive. Mr. Logue said "the responsibility of the improvements should be those individuals who are creating the traffic and utilizing that roadway." Commissioner Vogel said "they're going to contend they're only

going to do their half of it." Tom Logue said that if improvements to West Cliff Drive were required, then the petitioner would resubmit a plan that utilized West Cliff Drive as an access.

PUBLIC COMMENT

In Favor

Tillman Bishop, 2697 G Road, said he owned Krite Subdivision "across the street." He said he felt the plan and density were compatible with the area. He asked what were the long term plans for widening 12th Street and how it would effect his subdivision. Kathy Portner said that 12th Street and G Road were both classified as minor arterials that required 80 feet of right-of-way and that they eventually would be developed into four lanes of traffic with a center turn lane. Jody Kliska said that she was not sure if this development was currently in the City's Capital Improvements Plan.

Don Tyre, 694 West Cliff Drive, asked if property owners on West Cliff Drive could tap into the new sewer in the future, and asked if West Cliff Drive could become a private road if the proposed subdivision did not use it for access. Kathy Portner said that she would bring the matter of sewer easements up with the City Utility Engineer. She said that staff had discussed the matter of making West Cliff Drive a private drive but that zoning requirements would make it difficult because of frontage requirements for the parcels on West Cliff Drive.

Tom Rolland, Rolland Engineering, said he was involved with the Horizon Park East project and that the golf cart easement was not "taken off" the plat. He said it was the petitioner's understanding that the golf cart easement had not been a condition of approval by the Commission.

He said the petitioner had proposed it but had later changed his mind because of questions such as maintenance and type of surface required. Mr. Rolland said that his presentation, in its final stage, did not show the golf cart easement and "it was definitely our intent to remove it."

Pat Bishop, 2697 G Road, asked for more information on the type of homes to be built and design features of the subdivision. Commissioner Halsey said that the petitioner was not required to show detailed drawings of homes, but that there would be notification of the final plan/plat process and that further design details would be provided at that time.

In Opposition

Ann Landman, 686 Step-Aside-Drive, said she felt half street improvements were necessary. She felt too much emphasis was placed on making the area "hospitable" to motorized traffic, and wanted to stress that attracting non-motorized travel was important. She said that she often walked in the area and felt providing clear, safe, pleasant pedestrian ways was important before development was approved.

PETITIONER'S REBUTTAL

Tom Logue said that covenants were being developed to "ensure ongoing maintenance and instill a

certain amount of value of the neighborhood." He said there would be four different housing types of approximately 2,000 square foot, each with a two-car garage. He said the subdivision would be screened around the perimeter.

Mr. Logue pointed out that there was currently no sewer service in West Cliff Drive and that the water line was undersized. He said those were good reasons not to improve the road at this time as there was no ordinance requirement to extend utilities that might lie underneath the road. He pointed out that when this parcel was part of the Horizon Park subdivision, there was no mention of improving West Cliff Drive.

Jeffrey Williams, petitioner, said that he had been involved in Horizon Park negotiations and that Vintage 70 residents had been assured that there would be no G Road access. He reiterated that during those negotiations, improving West Cliff Drive had never been mentioned. He said he felt the golf cart path had always been intended to be part of the original subdivision.

QUESTIONS/DISCUSSION

The Commissioners discussed the cul-de-sac issue and agreed that the matter could be worked out by staff.

The Commissioners then discussed the matter of half-street improvements to West Cliff Drive. Commissioner Anderson pointed out that there was no way for the Commission to waive the requirement, and if the Commission denied the request, the petitioner could appeal the decision to City Council. John Shaver reminded the Commission that this application is a preliminary plan and that additional effort will be required to resolve issues before final.

MOTION: (Commissioner Anderson) "Mr. Chairman, on item #145-93, a preliminary plan for Country Club Estates, I move that we approve this plan with the conditions as stated in staff recommendations dated 1/4/94."

The motion was seconded by Commissioner Vogel.

A vote was called, and the motion passed by a vote of 3-1, with Commissioner Anderson opposed. Commissioner Volkmann did not vote.

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

1. #144-93 REZONE/PRELIMINARY PLAN/RIGHT-OF-WAY VACATION - DEL NOR'TE SUBDIVISION - 27 3/4 ROAD & G ROAD

A request for approval of the following:

- 1. Rezone of a 13.34 acre site from current RSF-4 (Residential Single Family, 4 units per acre), PR-4.2 (Planned Residential, 4.2 units per acre) and PR-8 (Planned Residential, 8 units per acre) to PR-1.87 (Planned Residential 1.87 units per acre);**
- 2. Approval of a preliminary plan for 25 single family lots of varying sizes; and**
- 3. Approval of a right-of-way vacation for a portion of G Road east of 27 3/4 Road.**

PETITIONER: Dale Cole

REPRESENTATIVE: Rolland Engineering

LOCATION: 27 3/4 Road & G Road

Vice Chairman Volkmann conducted the remainder of the hearing.

STAFF PRESENTATION

Kristen Ashbeck gave an overview of the request for 25 lots on approximately 13 acres. She said that four of the 25 lots were to be for common wall units and that the density was 1.9 units per acre, which was less than the surrounding residential developments and less than the current zoning allowed. She said that staff had no objections to the vacation of G Road but said that the developer must still clarify with Public Service if all or just part of the right-of-way must be retained as easement. She said that sufficient access to the development was provided by E. Piazza Place and Applewood Drive.

Ms. Ashbeck said that zero lot lines would not be acceptable except on the lots proposed to have common wall units, and recommended a minimum setback of 5' for the other single family lots. She said that three acres were set aside on the northern portion of the site for open space and staff recommended that it be dedicated as private open space. She said staff would like to see access to that property from the north instead of west as the petitioner proposed, since property owners might fence the easement.

Ms. Ashbeck said that staff was requesting an easement for public access along the northeastern boundary of the property for potential development of the canal trail system.

Ms. Ashbeck said that staff recommended:

Approval of the vacation subject to the petitioner providing a legal description of the right-of-way to be vacated, and the entire, or a portion, of the right-of-way being retained as a utility easement, depending on the requirements of the affected utility.

Approval of the rezone subject to the following being addressed at final plan:

1. Restriction of the use of Lots 18, 19, 20 and 21 to construction of duplex units only by a note on the plat and included in covenants for the subdivision.
2. Establish side yard setbacks at a minimum of 5' for Lots 1-17 and Lots 22-25.

Approval of the preliminary plan subject to the following being addressed at final plan/plat:

1. Provisions for a homeowner's association being established with appropriate covenants.
2. Lot A, any access to Lot A, and the site detention area be dedicated to the homeowner's association as private open space.
3. Determine the correct property boundary and provide a 20' easement along the entire length of the eastern property line for public access along the Highline Canal area.
4. Provide a temporary cul-de-sac on E. Piazza Place between Phase I and II.
5. Restriction of the use of Lots 18, 19, 20, and 21 to construction of duplex units only, by a note on the plat and included in covenants for the subdivision.
6. Establish the side yard setbacks at 5' for Lots 1-17 and Lots 22-25.

Commissioner Withers expressed his concerns that the duplex lots wouldn't have adequate space for off-site street parking.

PETITIONER'S PRESENTATION

Tom Rolland, Rolland Engineering, 405 Ridges Blvd., representative for the petitioner, clarified the matter of the duplex lots. He said the duplex lots were zero lot line lots and that one duplex would straddle two lots. He said the intended zero lot line lots were to be Lots 16-21, with one duplex on Lots 16 and 17, one duplex on Lots 17 and 18, etc. He said "they were not thinking of them as duplexes, we're thinking of them as zero lot line single-family residences." He said the petitioner intended to build 1,400-2,500 sq. ft. homes on 15,000 sq. ft. lots. Mr. Rolland said the rezone request was an attempt to "clean-up" the zoning and make it fit the proposal.

Regarding staff's request for a pedestrian easement along the canal, Mr. Rolland pointed out that the site is completely surrounded by large easements. He said the Government Highline Canal had already requested an easement of 90'-150' while Grand Valley Rural Power had a 40' wide easement completely around the property, 25' of which was a no-build zone. He said he was not opposed to pedestrian access, but said that the development would lose lots if the easement was placed on the

northeast side. Mr. Rolland pointed out that Mr. Klapwyck, Grand Valley Water Users Assoc., strenuously objected to pedestrian access to the drainage ditch. Mr. Rolland suggested that the pedestrian easement overlap the Grand Valley Rural Power easement already in place on the west and south sides of the property.

Mr. Rolland said that if G Road must be maintained as an easement or right-of-way, then three lots would be lost.

QUESTIONS

Commissioner Anderson asked if that portion of the canal was included in the Master Plan and if staff would object to Mr. Rolland's proposal to have the pedestrian easement be located on the west and south of the property. Kristen Ashbeck said that the canal was a part of the Master Plan but that staff was willing to look at alternatives. Commissioner Anderson said that the Commission did not want to create an "unconscionable hardship" on the developer.

PUBLIC COMMENT

In Favor

Dale Cole, petitioner, said that only the duplexes would be 1,400 sq. ft. and that the remainder of the homes would be 1,800-2,000 sq. ft. He said the homes would either be brick and "fake-shake" or stucco and tile, and that it would be an "upscale project" compatible with existing homes in the area.

In Opposition

The following area residents spoke in opposition to the proposal:

Ray Palmer, 2402 Applewood Circle, who spoke on behalf of the HOA of Applewood Subdivision; Carl McSpadden, 2441 Applewood; Charles Coe, 2440 Applewood; Ralph Knapp who lived on E. Piazza Place; Ken Mullen, 2303 E. Piazza Place; Ron Scribner, 4031 Applewood; and Tom Jordan, 2441 Applewood Circle.

They were concerned about the increase in traffic on Applewood Drive and preferred to see Applewood extended to the north to connect to G Road in order to use G Road for access to the subdivision. They were also concerned about access to their subdivision's irrigation pumps as the pumps were located at the "apex of G Road and 27-3/4 Road" with current access running along the site's west property line on top of Grand Valley Rural Power's easement. Mr. McSpadden asked where the subdivision would get its irrigation water? Mr. Cole responded that the property had no irrigation water available. Mr. Knapp and Mr. Mullen felt that the pedestrian trail should remain on the eastern side of the property. Mr. Scribner was concerned that his fencing on the site's south property line would block the proposed subdivision's access.

PETITIONER'S REBUTTAL

Mr. Rolland, in his rebuttal, said that curb and gutters would be "mountable" so that trucks could access the Applewood Subdivision's irrigation pumps. He said that even if everyone used Applewood for access, it would produce an ADT of 500 and that residential streets were designed to accommodate 1,000 ADT. He suggested that connecting to a G Road access would generate even more and faster traffic and said that Applewood had originally been stubbed out with the intent of access to develop the property.

QUESTIONS/DISCUSSION

Commissioner Withers said there seemed to be confusion about the duplexes and explained that a duplex was two living units on a single lot, while what the petitioner was proposing was two houses having a common exterior wall joined at the property line so that there was still one single family residence per lot. He proposed that the verbiage "zero lot line, common wall, single family residence" be used instead of duplex.

Commissioner Halsey questioned whether G Road would ever be built out. Kristen Ashbeck said that staff did not feel that G Road would ever go through and had discussed vacating even more of G Road to the west. Jody Kliska said because of the canal and I-70, it would be very difficult to ever extend G Road to the east.

Commissioner Volkmann asked what type of trail standards would be required for the pedestrian easement. Ms. Ashbeck said that an 8'-10' concrete path was standard although construction was being requested at this time. Commissioner Halsey pointed out that the Grand Valley Rural Power easement had a no-build restriction that might prohibit placing the path within it, although Mr. Rolland said it was a "no-structure" easement which might allow a path.

The Commissioners discussed the location of the pedestrian easement and the matter of canal usage. Commissioner Vogel questioned the intent of the Master Plan and Ms. Ashbeck responded that the Plan recognized that there was already "unauthorized use of the canals for recreational purposes" and that there was interest in promoting it as a legitimate use. Commissioners Volkmann, Withers and Halsey recognized the need to follow the Parks Master Plan but felt the pedestrian easement would be most appropriate in the power easement at this time. Commissioner Volkmann pointed out that if the canals eventually became part of the trails system then the matter would be settled and no one would use the south and west trail anyway, but Commissioner Anderson said there was a Master Plan that had been approved and should be followed. He said that "you have to start somewhere and somebody's got to bite the bullet." Kristen Ashbeck suggested that perhaps the Commission did not need to specify a location for the trail at this time, but could direct staff to work with the petitioner to locate the easement.

MOTION: (Commissioner Anderson) "Mr. Chairman, I move that we forward item #144-93, a request for a right-of-way vacation, on to the City Council with a recommendation of approval with conditions that:

- 1. All or part of the right-of-way be retained as a utility easement depending on the requirements of the affected utilities; and**
- 2. A legal description be provided prior to the first reading by the Council.**

Commissioner Halsey seconded the motion.

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

MOTION: (Commissioner Withers) "Mr. Chairman, I move that we forward item #144-93, a request for a rezone from PR-8, PR-4.2 and RSF-8 to PR 1.9 on to City Council with a recommendation for approval with the following conditions being met at the final plan/plat:

- 1. Restriction of the use of Lots 16/17, 18/19, and 20/21 for the construction of zero lot line, common wall, single family residences only; and**
- 2. Side yard setback of a minimum of 5' be established for Lots 1-15 and Lots 22-25.**

Commissioner Halsey seconded the motion.

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

MOTION: (Commissioner Anderson) "Mr. Chairman, I move that we approve item #144-93, a request for a preliminary plan for the Del Nor'te Subdivision, with the following conditions being met at the final plan and plat:

1. Provisions for a homeowner's association be established with appropriate covenants;
2. Lot A and any access to it and the site detention area be dedicated to the homeowner's association as a private open space;
3. Determine the correct property boundary and provide a 20' easement at a location that can be worked out amiably between City staff and the developer;
4. Provide a temporary cul-de-sac on E. Piazza Place between Phase I and II;
5. Restriction of the use of Lots 16, 17, 18, 19, 20 and 21 for the construction of zero lot line common wall single family residences only; and
6. Side yard setbacks of a minimum of 5' be established for Lots 1-15 and 22-25.

Commissioner Withers seconded the motion.

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

Mr. Rolland questioned whether the intent of the right-of-way vacation motion was to locate the utility easement within the existing right-of-way and said he hoped the intent was simply to provide Public Service with an adequate easement. Vice Chairman Volkmann said the matter should be worked out with Public Service.

2. **#1-93(G) TEXT AMENDMENT - SECTION 5-4-1.E, DESIGN STANDARDS AND DEVELOPMENT REQUIREMENTS - STREETS, ALLEYS & EASEMENTS**
A request to amend Section 5-4-1.E of the Zoning and Development Code by deleting "(except for one single family house on a single parcel of land)".
PETITIONER: City of Grand Junction
REPRESENTATIVE: Kathy Portner

STAFF PRESENTATION

Kathy Portner said that it was unclear what the original intent of that portion of the ordinance was,

but thought it was included to deal with situations where someone wanted to infill with a single family home in certain areas of the City where there were streets but no curb, gutter or sidewalks. It was meant to keep them from having to bear the burden of putting in curb, gutter and sidewalk along just "their one little section." But she said that the phrase had been used in subdivisions where the road had never been built at all. She said that staff would adopt an administrative policy to deal with the situation that would give the Public Works Director "some latitude in deciding on a case by case basis what improvements are needed based on the character of the neighborhood and the type of development that is going in."

QUESTIONS

Commissioner Anderson felt such an administrative policy might place the Public Works Director in an awkward position where a developer might "bring pressure to him."

Commissioner Withers was concerned that the owners and developers wouldn't know what to expect when "going into it." Ms. Portner said the intent of the text amendment was to "close a loophole, quickly," and that there could be a longer text amendment in the future that would deal with the issue more specifically. She said the Public Works Director was comfortable with the proposal.

John Shaver said that staff had tried to clarify "with precision" the kinds of things that they were now asking the Public Works Director to do. He said it became an "unwieldy process" because of all of the different street situations that existed within the City. He said when it came to classifying "what we expected, we couldn't do it," and that it needed to be on a case-by-case basis.

Commissioner Anderson asked if it was to be a "stop-gap" measure and Mr. Shaver said it was.

PUBLIC COMMENT

There was no public comment either in favor or opposition.

QUESTIONS/DISCUSSION

Commissioner Withers asked if the developer could still appeal the Public Works Director's decision, and Kathy Portner said that it could be appealed to City Council. John Shaver said that the developer had the "affirmative obligation" to make his case as to why the improvements should not be made. Commissioner Withers expressed his concern that the text amendment made the process "vague" so that developers wouldn't know what to expect. John Shaver said that the "exceptions swallowed the rule" since there were so many circumstances that could be conceived of. He said that the text amendment didn't change the text requirement for construction of improvements.

MOTION: (Commissioner Anderson) "Mr. Chairman, on item #1-93(G), a request to amend section 5-4-1.E of the Zoning and Development Code by deleting the words "(except for one single family house on a single parcel of land)", I move

we forward this to the City Council with a recommendation for approval.

Commissioner Halsey seconded the motion.

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

VI. GENERAL DISCUSSION

1. Bob Withers was selected as the monthly liaison for the City Council's meeting on January 19.
2. Larry Timm said that eight consultants had expressed interest in the Zoning & Development Code project. He asked for a representative to serve on the Consultant Selection Committee. He said that the deadline for proposals was January 24 and that he anticipated interviews to be held on February 22. Vice Chairman Volkmann said that he would contact Chairman Elmer to see if he could serve. Vice Chairman Volkmann said that he would serve if Chairman Elmer could not.
3. Larry Timm said that a joint City/County Planning Commission work session to review and comment on the draft Request for Proposals for the land use plan project was scheduled for February 15, 1994 at 12:00 p.m. The Commissioners were not aware of any scheduling conflicts with that time.

VII. ADJOURNMENT

Vice Chairman Volkmann adjourned the meeting at 9:40 p.m.