

GRAND JUNCTION PLANNING COMMISSION
Public Hearing March 1, 1994
7:00 p.m. - 10:30 p.m.

I. CALL TO ORDER

The public hearing was called to order by Chairman John Elmer at 7:00 p.m. in the City County Auditorium.

In attendance, representing the City Planning Commission, were Chairman John Elmer, Vice Chairman Thomas Volkmann, Ron Halsey, Jeff Vogel, James Anderson, Bob Withers (who arrived at 7:20 p.m.), and Stephen Laiche (who left at 9:25 p.m.).

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; Don Newton, City Engineer; and Jody Kliska, City Development Engineer.

There were 36 interested citizens present during the course of the meeting.

II. CONSIDERATION OF MINUTES

MOTION: (Commissioner Volkmann) "Mr. Chairman, I move that we approve the minutes of the February 1, 1994 meeting as presented."

The motion was seconded by Commissioner Laiche.

A vote was called, and the motion passed unanimously by a vote of 6-0. Commissioner Withers was not present for this vote.

III. ANNOUNCEMENTS, PRESENTATIONS, AND/OR PRESCHEDULED VISITORS

Chairman Elmer announced that the following items were pulled from the agenda:

1. #12-94 Outline Development Plan - Matchett Farm
2. #20-94 Preliminary Plan - Eagle Crest
3. #21-94 Final Plat/Plan - Country Club Estates
4. #16-94 Rezone From 1-1 to HO - 601, 615 & 635 Pitkin Avenue & Conditional Use Permit - 601 Pitkin Avenue
5. #72-93 Amendment to the Ridges Plan
6. #1-94(A) Text Amendment - Resubdivision & Property Line Adjustment
7. #1-94(B) Text Amendment - Temporary Use

8. #1-94(D) Text Amendment - Non-Conforming Uses

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION

1. **#17-94 MINOR SUBDIVISION - D&RGW DEPOT Request for approval of the D&RGW Minor Subdivision located at 1st Street and South Avenue to enable the sale of the old Railroad Depot.**

PETITIONER: Southern Pacific Transportation Company

LOCATION: Lt 1, Filing #7, D&RGW Railroad

REPRESENTATIVE: Roger Wilcox

CITY STAFF: Kristen Ashbeck

STAFF PRESENTATION

Kristen Ashbeck gave an overview of the request for approval of a minor subdivision. The subdivision is requested in order to facilitate the sale of the D&RGW Railroad Depot to a private investor. She said there were no outstanding issues and all staff comments had been addressed by the Petitioner. Staff recommended approval of the request with the condition that any future filings would require a preliminary plan be done first, in order to avoid "piecemeal, lot by lot subdivision."

Chairman Elmer pointed out that the railroad owned quite a bit of land in the downtown area and recommended that preliminary plans should be split into sections, such as east/west of 5th Street and north/south of the railroad tracks. Kristen Ashbeck said that would be appropriate.

PETITIONER'S PRESENTATION

Wallace Beedle, Banner Associates, representative for the Petitioner, said he had nothing to add to staff's comments.

Chairman Elmer pointed out that parking could limit the use of the area and asked for the Petitioner's feelings on the matter. Mr. Beedle said he couldn't address the issue and he didn't know what the future use of the property would be.

PUBLIC COMMENT

There was no public comment either for or against the proposal.

QUESTIONS/DISCUSSION

Chairman Elmer felt it was "pretty straightforward" but said it could be a parking problem in the future for someone. There was no further discussion.

MOTION: (Commissioner Halsey) "Mr. Chairman, on item #17-94, I move that we

approve this subject to staff review comments."

The motion was seconded by Commissioner Volkmann.

Commissioner Anderson asked Ms. Ashbeck if she would prefer the motion to include wording as to a request for the submittal of a preliminary plan for further development. Ms. Ashbeck said she would.

AMENDED MOTION: (Commissioner Halsey) "I will amend my Motion to that effect."

The amended motion was seconded by Commissioner Volkmann.

A vote was called, and the motion passed unanimously by a vote of 6-0. Commissioner Withers was not present for the vote.

- #2-93 CHANGE TO APPROVED PLAN - HORIZON PARK EAST Request for approval to delete the requirement for the golf cart path in the Horizon Park East Subdivision.**

PETITIONER: W.R. Bray

LOCATION: G Road & 15th Street REPRESENTATIVE: W.R. Bray CITY

STAFF: Kathy Portner

STAFF PRESENTATION

Kathy Portner presented an overview of the request. She said that the original plans and approval of Horizon Park East Subdivision required a golf cart path easement through the subdivision, connecting to the undeveloped lot to the west (proposed Country Club Estates). The blueline copies of plats contained in the original file all include the golf cart easement along the 20 ft. strip of property connecting to Lot 1 of Horizon Park Subdivision. Staff comments dated June 18, 1993 questioned maintenance of the golf cart easement and the Petitioner's written response to review comments stated the easement would be graveled and Lots 16 and 17 would have golf carts going along their driveways. Staff comments presented at the Planning Commission hearing stated, "It should be made clear who is responsible for the development and maintenance of the golf cart easement." At the July 6, 1993 hearing, Planning Commission approved the final plat and plan for Horizon Park East "subject to review agency comments," which would include all references to the golf cart easement. It is the City's opinion that the easement's dedication and placement was a condition of approval of the plan and plat. The proposed Country Club Estates showed a connection to the path. Ms. Portner said staff was recommending that the easement be dedicated for both golf carts and pedestrians. Ms. Portner said staff felt it was important to minimize golf cart access along 12th Street and G Road and to provide pedestrian links between subdivisions.

Staff recommended denial of the request to delete the requirement of the golf cart easement; recommended that the easement be required for both golf carts and pedestrians; recommended that the developer of Horizon Park East be responsible for providing at least a gravel surface for the pathway as was indicated in their response to review comments; and that the easement not be blocked by a fence or gate from either subdivision.

Chairman Elmer asked if the easement was dedicated in the final plat and Ms. Portner said the final plat which was actually recorded did not show the easement but that it was a requirement.

PETITIONER'S PRESENTATION

W.R. Bray, 702 Golfmore Drive, Petitioner, said he wasn't "privy" to the early negotiations with the City regarding the golf path. When he purchased the property he spoke with the original owners of the property to the west about the easement and they thought it would be a good idea, but when the property to the west sold, the new owners said they were not interested in connecting golf cart paths and so it was removed from the plat for Horizon Park East. He said he felt the "thing was sort of blown out of proportion. " Mr. Bray said there was a privacy fence around the development and he would need a locked gate for the path. He didn't feel golfers would go to the trouble of unlocking and relocking the gate, but, instead, would choose to travel on 12th Street since golf carts are licensed for street use in the area.

Mr. Bray said that staff has "assumed we're looking at 22 golf carts in that 22 lot subdivision going back and forth down G Road." He said Vintage 70 has 52 units and only five golf carts, or ten percent. Ten percent of 22 lots would be two or three golf carts. He said the Bookcliff Country Club had no memberships available and a long waiting list so new residents of the subdivision would not be able to join the Country Club and golf there. He said the Country Club charges a \$400 golf cart fee which has reduced the number of members using carts. Mr. Bray said the cost of constructing the path would be "horrendous" to only provide for two or three golf carts.

PUBLIC COMMENT

Ray Meacham, 702 Golfmore, said he agreed with Mr. Bray that golf cart use of the path would be low. He said the subdivision was not being built for the convenience of Bookcliff Country Club and shouldn't be "held hostage to the tune of about \$38,000 which is four percent of our total revenue."

Jeffrey Williams, Petitioner for Country Club Estates, said he would prefer to use Westcliff Drive rather than have problems with the homeowners "bickering over who's going to maintain these cart paths." He agreed that cart usage would be low and felt it would be a "waste of money" for the developers of both subdivisions.

QUESTIONS/DISCUSSION

Commissioner Halsey said he was concerned about golf carts being on 12th Street and felt it posed a serious safety issue. He was concerned about eliminating the easement if the easement was going to be in place in Country Club Estates.

Commissioner Volkmann pointed out that there was no way to require golfers to use the cart path and that they would use the shortest and easiest route regardless if the path was there or not. Chairman Elmer agreed, saying that there was an ordinance that allowed golf carts on City streets within certain areas. John Shaver, Assistant City Attorney, said the City had a licensing process for golf carts which required an inspection and insurance. (Grand Junction Code of Ordinances §28-9)

Commissioner Anderson asked if the carts needed a license to use the path, and Mr. Shaver said if the cart crossed G Road then it would need to be licensed. Mr. Meacham said that the danger to carts would be in crossing G Road rather than traveling along it, so the proposed path would still present a danger.

Commissioner Vogel questioned the use of the path by pedestrians, and Kathy Portner said staff did not want the easement blocked by a locked fence or gate and wanted it dedicated as a pedestrian easement to allow an option to G Road for pedestrian traffic. Jeff Williams pointed out that these subdivisions were meant to be a "secured living environment for people that may travel to Arizona in the wintertime and to leave open gates kind of defeats our purpose." He also pointed out that Lot 3 of Horizon Park was zoned commercial, not residential. Mr. Bray said that he didn't feel people would walk to the Country Club, but would drive instead, and that it would only save 500 ft.-700 ft. to use the path.

Commissioner Volkmann felt the matter of the path needed to "go hand in hand" with Country Club Estates, since it didn't make sense to have a dead end path. He felt they were joint issues. Kathy Portner said that Country Club Estates had been pulled with no indication of when it would be resubmitted.

MOTION: (Commissioner Volkmann) "Mr. Chairman, on item #2-93(3), Change to Approved Plan - Horizon Park East, removing a cart path easement through the subdivision, I move that we approve the requested change."

The motion was seconded by Commissioner Laiche.

Commissioner Withers asked if Commissioner Volkmann wanted to make the motion contingent on what happens with Country Club Estates. Commissioner Volkmann replied that he did not, and

that he felt if golf carts on City streets were a problem, then the ordinance should be changed. He preferred the ordinance be dropped rather than to make developers provide golf cart paths.

A vote was called, and the motion passed by a vote of 4-3, with Commissioners Vogel, Volkmann, Laiche and Withers in favor; Chairman Elmer and Commissioners Halsey and Anderson opposed.

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

1. #117-93-2 VACATION OF EASEMENT - PTARMIGAN COURT SOUTH Request for Vacation of Utility, Irrigation and Drainage Easements located in Lot 3, Block 2, Ptarmigan Ridge Filing #2; 1515 Ptarmigan Court South.

PETITIONER: Peak Construction/Milo Johnson

LOCATION: Lot 3, Block 2, Ptarmigan Ridge Filing #2 REPRESENTATIVE: Milo Johnson

CITY STAFF: Kristen Ashbeck

STAFF'S PRESENTATION

Kristen Ashbeck said that last fall the Planning Commission approved the vacation of a portion of Ptarmigan Court South. At that time, the original intent of the Developer was to vacate the adjacent easements on adjacent parcels, but the easements weren't clearly described on the documents provided and were left out of the final ordinance. The subsequent buyer and builder on the property is requesting that the vacation occur now to unencumber the property. Ms. Ashbeck said the UCC has approved the request. Staff recommended approval of the vacation of easement.

PETITIONER'S PRESENTATION

Milo Johnson, Petitioner, said he had nothing further to add.

PUBLIC COMMENT

There was no public comment either in favor or against the proposal.

QUESTIONS/DISCUSSION

Chairman Elmer asked if there were any utilities currently in the easement, and Ms. Ashbeck said there were not.

MOTION: (Commissioner Anderson) "Mr. Chairman, on item #117-93-2, Vacation of Easement, I move that we forward this to the City Council with a recommendation for approval subject to any staff recommendations."

The motion was seconded by Commissioner Halsey.

Grand Junction Planning Commission Minutes

March 1, 1994

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

2. #14-94 VACATION OF RIGHT-OF-WAY - SAGE COURT Request for Vacation of Right-of-way for all of Sage Court located south of Northacres Road.

PETITIONER: Property owners on Sage Court

LOCATION: Sage Court; south of Northacres Road

REPRESENTATIVE: William Putnam

CITY STAFF: Kristen Ashbeck

STAFF PRESENTATION

Kristen Ashbeck presented an overview of the request for vacation of the entire length of the right-of-way for Sage Court. She said that the platted right-of-way for Sage Court was located off of the proposed Northacres Road; however, the property owners who front the cul-de-sac of Sage Court have an ingress/egress easement deeded to each of them through properties to the east which they have historically used for access. The Petitioners wish to continue to use this historic easement rather than the platted Sage Court. Ms. Ashbeck said that last summer the City Council approved minimal maintenance, gravel and grading of the ingress/egress easement, but only until such time as the platted Sage Court was developed.

Ms. Ashbeck said that staff was opposed to the vacation of Sage Court right-of-way since it would leave a portion of Northacres Subdivision without legal access. She said it isn't clear if the 22 ft. wide easement had been granted to future heirs or future property owners. She said that vacating the platted easement would set a precedent for the City maintenance of private drives.

Ms. Ashbeck said that if the Commission denied the vacation, staff recommended that the City continue to maintain the gravel road until the platted Sage Court was developed by Northacres Subdivision and the City extended Sage Court to the cul-de-sac. She said the cost to the City would be approximately \$12,000.

Ms. Ashbeck said that if the Commission approved the vacation, staff recommended that the City stop doing any maintenance to the easement and have the property owners form an improvement district to pay for the maintenance of the private driveway. She said the City could also pursue condemning enough land to make the easement a public right-of-way and develop it as such.

Chairman Elmer asked for fire department comments concerning turning radii on the cul-de-sac, and Ms. Ashbeck said there was no comment although she felt there was sufficient turn-around room.

Chairman Elmer asked if the existing park would have to be removed or if a road could be looped around the park. Ms. Ashbeck said the park was located in the public right-of-way; Jody Kliska stated that she hadn't considered that option but would review it.

PETITIONER'S PRESENTATION

William Putnam, 627 Sage Court, said that all of the Petitioners were present and that the owner of Northacres Subdivision was also a Petitioner in the requested right-of-way vacation. He said all of the Petitioners wished to address different aspects of the application.

Harry K. Webster, 629 Sage Court, assured the Commission that the fire department could access the properties on the cul-de-sac as they had been to his home before. Regarding the question of legal access, he said the property owners had legal access from John Gordon and Mike Heuton. He quoted language on the deeds that stated that the right-of-way was to "...the heirs, successors, and assigns of any and all of the grantees..." and felt that left no doubt that the easement could be passed on to future property owners. He said the park had been privately maintained in the past and if the vacation was granted, the Petitioners would enter into a homeowner's agreement that would formalize park maintenance and use of the park area.

Mr. Webster said that the Petitioners didn't want to be viewed as "outlaws" when it came to zoning and planning. But he said he could see no public good being accomplished by building the platted Sage Court and no detriment to the City by leaving things as they were. He said putting in Sage Court and "ripping out the park" will cost a minimum of \$34,500. He said the City could "put a little gravel on the road and run a maintainer up it twice for 30 years at that price." He said he could see no public benefit of paving a road that served five homes.

Mr. Webster agreed that the current 20 ft. easement was a non-conforming access but said the easement had been there for 30 years before the property was annexed by the City. He said he didn't feel the easement was a threat to public safety. He said that planning codes were necessary for new developments but when the City annexed land already in use, then there needed to be "reasonable accommodation of historic and satisfactory use."

Gordon Gilbert, 628 Sage Court, told the Commission how much the Petitioners valued their current way of life and how the park enriched their quality of life. Mr. Gilbert asked the Commission not to "improve us," but to preserve the neighborhood's "charm" and the town's diversity.

Judy Heuton, 630 Sage Court, showed the Commission photographs of the park and said that the road around the cul-de-sac was "generous." She said the current easement was on her property and asked that staff's recommendation for widening the easement not be considered since she didn't want "40 feet of asphalt going through my backyard."

Victoria Gilbert, 628 Sage Court; Virginia Wilson, 627-1/2 Sage Court; and Wanda Putnam, 627

Sage Court, said they were concerned about the increased traffic that would be generated by developing the platted Sage Court.

William Putnam gave the Commission examples of a number of non-conforming roads within the City and stated that he did not feel that they were setting an adverse precedent. He said that Lilac Lane was only 11 feet wide and was paved at City expense. He said the benefits of the vacation would be to preserve the character of an old neighborhood, its privacy and safety; to preserve green space and to save the tax payers money.

Mr. Putnam said the Petitioners were unanimous in not wanting a wider ingress/egress and not wanting an improvement district. He said the property owners had maintained the property for 50 years without any "bureaucracy. "

Commissioner Volkmann asked if the Petitioners wanted continued City maintenance of the existing easement; Mr. Putnam said he saw no reason why the City couldn't continue their twice-a-year maintenance. Mr. Putnam showed the Commission a letter from Public Works, dated September 20, 1993, outlining the City's maintenance schedule and he pointed out that that decision was not subject to whether or not the platted Sage Court was developed.

Commissioner Laiche asked for the Petitioners' response to a proposal of granting the vacation but recommending that the City not continue maintenance of the easement. Mr. Putnam contended that it was proper for the City to maintain the road as long as City vehicles used it, but said "if that's the big hangup, we've done it before and we can do it again. "

Commissioner Withers asked for the Petitioners' response to the possibility of condemning a strip along the existing easement and creating a public right-of-way. Mr. Putnam replied the owners of the property the easement crosses objected to that proposal.

PUBLIC COMMENT

Craig Roberts, 1320 Chipeta Avenue, representative for Northacres Subdivision, said he supported the vacation because he saw no reason to build the proposed Sage Court if no one would use it and likewise he saw no reason to spend tax payer's money on the extension. He said it "made sense from a planning standpoint" to put in the platted Sage Court, but there was no way to force the road to be used.

John Gordon, 629-1/2 26-1/2 Road, spoke in opposition to the proposal. He said that most of the 20 ft. road easement was on his property and split off a section that he could no longer use. He said he felt the residents of Northacres Subdivision would object to the dust created by the Sage Court easement currently in use. He said he "didn't intend to give up any more property. The City has a

dedicated right-of-way in there that is big enough to service the subdivision."

Sharon Gordon, 629-1/2 26-1/2 Road, said she was concerned about safety. She said that there were more and more roads accessing onto 7th Street and that the additional traffic was creating a safety hazard. She was also concerned about dust from the easement.

PETITIONER'S REBUTTAL

Mr. Putnam, in his rebuttal, said he was surprised by Mr. Gordon's concern about dust since several years ago he had ordered City crews off his property when they were trying to gravel the road. Mr. Putnam said that "nothing requires that asphalt come in 30 ft. strips only" and that Mr. Gordon could pave the road if he felt the dust was a problem. Mr. Putnam said traffic from his neighborhood generated only one car every nine minutes entering 7th Street, which he did not feel created a serious traffic problem. He listed several roads in the City which were closer together than the easement was from the proposed Northacres Road.

QUESTIONS/DISCUSSION

Chairman Elmer asked for an opinion on the issue of ownership of the easement by future property owners. John Shaver replied that if the deeds contained the "magic words" as Mr. Webster suggested, then that was sufficient to convey the easement to future owners. He said the specific question was whether or not the property owners could extend the authority to the City for purposes of use of that easement and whether it was an exclusive or non-exclusive easement. Commissioner Anderson asked how the matter could be clarified. Mr. Shaver replied only through litigation unless there could be a mutual agreement between the grantor and grantees as to the use of the easement. The City would need to be included as a party to that agreement with some kind of perpetual agreement being identified and dedicated to the City. Mr. Shaver said a big part of the concern is whether or not the City has sufficient legal basis to even minimally maintain the easement, none the less use it for municipal purposes.

Commissioner Laiche asked if it would be a problem for the City to obtain the necessary licenses or whatever it needed from the property owners. Mr. Shaver said property owners may have a legal right to grant the City access for maintenance purposes, but Mr. Gordon might have residual rights as grantor of the easement to preclude the City from using the easement for municipal purposes.

Commissioner Volkmann asked when the plat was recorded. Jody Kliska responded that it was recorded in 1965 or 1966. Mr. Webster said there was an earlier deed in 1956 for 14 feet of easement. He said that Mr. Gordon told the Petitioners he was going to refuse to recognize their right to use the easement and after legal negotiations Mr. Gordon granted an additional six feet of right-of-way in 1986 for a total width of 20 ft. Mr. Gordon said that the 14 ft. easement was a utility easement that was used as a road, but Mr. Webster showed the Commission a copy of the

original 14 ft. easement dedication and said it did include road use.

Commissioner Anderson questioned the need for widening the easement if the vacation was granted. Kristen Ashbeck said staff felt it was necessary for safety reasons and that the City should give up maintenance of it. Commissioner Anderson asked if there was a safety concern caused by the distance between the easement and Northacres Road. Jody Kliska said she didn't feel that was an issue as they were 210 ft. apart.

Chairman Elmer said he understood the Petitioners' wish to preserve the neighborhood but was concerned about the City maintaining a private driveway, especially one with a posted "no trespassing" sign. Mrs. Putnam said the sign was for the strip of land next to the road, not for the easement. Mrs. Gordon said she placed the sign to stop that strip of land from becoming a turnaround for traffic.

Commissioner Anderson questioned how much traffic would be added to the neighborhood since the platted Sage Court would be a "cul-de-sac off of a cul-de-sac. Commissioner Withers did feel there would be some additional traffic and sympathized with the Petitioners' wish to preserve their way of life.

Commissioner Volkmann said that if Northacres Subdivision had been heard by the Commission first and had requested vacation of the right-of-way, then the problem would have been taken care of for the Petitioners. Kathy Portner said that the current design for Northacres Subdivision did show Sage Court being built. Kristen Ashbeck told the Commission that if the vacation were granted, the lots themselves would become non-conforming since they would not have 20 ft. of frontage on a public right-of-way. In addition to the fact that access is nonconforming. These facts would cause restrictions to future improvements on the five lots.

Commissioner Vogel pointed out that the location of Sage Court had been platted since 1966 and any buyer of property in the area should have known that the road would go through eventually. But Commissioner Withers said that the Gordon's were also aware that an easement was being actively used for access when they purchased their property and that when a road was used for a period of time it became public domain.

Mr. Gordon said that he had proposed moving the easement to the edge of his property so he could use the "dead" strip of property created by the easement. He said the Petitioners' had objected to this. Mrs. Heuton said moving the easement would be very expensive. Craig Roberts said if everything was left as it was, then it was "clean, neat and legal" and that any changes would delay his project.

MOTION: (Commissioner Laiche) "Mr. Chairman, I move that we send this to City Council with a recommendation that we vacate the right-of-way with the condition that the City eliminate any public maintenance."

Motion died for lack of a second.

MOTION: (Commissioner Volkmann) "Mr. Chairman, on item #14-94, vacation of the right-of-way on Sage Court, I would move that we deny the requested vacation and also remove the easement from the City's maintenance roll."

The motion was seconded by Commissioner Halsey.

Mr. Shaver pointed out that if the motion to deny was sustained, the item would not go on to City Council as a recommendation; the Planning Commission minutes can reflect an advisory statement to the Council. Commissioner Volkmann agreed to those terms.

A vote was called, and the motion passed by a vote of 5-1-1, with Commissioner Vogel against and Commissioner Withers abstaining.

Mr. Putnam formally requested an appeal.

Commissioner Laiche excused himself from the remainder of the meeting.

- 3. #15-94 PRELIMINARY PLAN - REPLAT A PORTION OF NORTHACRES SUBDIVISION**
Request for approval of the Preliminary Plan for a Replat of a portion of Northacres Subdivision; proposal consists of nine single family lots on 3.5 acres with a zoning of RSF-4 (Residential Single Family, four units per acre).
PETITIONER: WDM Corporation
LOCATION: 26-1/2 Road and Northacres Road
REPRESENTATIVE: Ciavonne & Associates
CITY STAFF: Kathy Portner

STAFF PRESENTATION

Kathy Portner gave an overview of the proposal to re-subdivide three existing lots of Northacres Subdivision into nine lots. She said the Petitioner was not proposing a change to the RSF-4 zoning, the lots would be single family. Ms. Portner said the development would require halfstreet improvements to 7th Street; the construction of Northacres Road, with curb, gutter and sidewalk on one side; and the full improvement of the proposed realigned Sage Court for the depth of the

property with curb, gutter, sidewalk and full pavement width. The Petitioner proposed that the alignment of Sage Court be changed to straighten it in order to reduce the amount of pavement needed and to reconfigure lots.

Kathy Portner said staff recommended approval subject to the following conditions:

- 1) Open space fees due at the time of final platting will be \$225 for all nine lots unless the Petitioner can show that the fee has already been paid for the three existing lots.
- 2) Final sewer alignment must be approved by the City.
- 3) A right-of-way vacation will be required at final for the realigned Sage Court. Prior to that, a determination should be made as to whether the vacated portion of Sage Court that forms a triangle in the southwest corner of Lot 7 would revert to the owner of Lot 3 of the original plat.
- 4) Permanent improvements to the West end of Northacres Road must be guaranteed. Funds adequate for the extension of Northacres Road by bridge across the canal, or funds adequate for a permanent cul-de-sac if the development on the west side of the canal for some reason does not require the canal crossing, must be provided.
- 5) Review agency comments as noted in the file and agreed to by the Petitioner in their response dated February 17, 1994, must be satisfactorily addressed with the final submittal.

Chairman Elmer asked how much the Petitioner's share of the bridge would be since the bridge provided very little benefit to the subdivision. Kathy Portner said that matter had not been discussed yet. She said during preliminary discussions, the Petitioner was not going to be required to pay for any portion of the bridge construction, but after further discussion with Staff, City Community Development and Engineering, it was determined that the Petitioner should participate in the cost.

Chairman Elmer said he was curious as to how the Home Owners Association planned to enforce no trespassing on the canal. Kathy Portner said that Staff was not asking for access to the canal with this development as logical access was on the other side.

PETITIONER'S PRESENTATION

Craig Roberts, representative for the Petitioner, reminded the Commission that this was a replat of three existing lots. He said if improvements were provided, the lots could be built on tomorrow, but

the Petitioner wanted additional density that was closer to the current zoning. He said the realignment of Sage Court was done to straighten out curves that did not meet current curve radii standards. He felt escrowing funds for the cul-de-sac to be built was "the most that could be expected of this developer" and that a through road would be a detriment to this development as it simply added traffic. He said the bridge would only benefit the development on the other side of the canal. He requested that the Petitioner only be required to pay parks and open space fees on six lots, not the original three.

PUBLIC COMMENT

Chet Howard, 2719 H Road, representing Mr. Files, said Mr. Files had a lifetime estate in property immediately to the North of the proposed subdivision. He questioned whether Mr. Files would be required to improve the other half of the road in front of his property. Kathy Portner explained that improvements would not be required at this time unless Mr. Files' property developed as well.

Mr. Howard questioned how close the road would be to Mr. Files' fence. Craig Roberts said that the actual road would be twenty feet from the edge of the right-of-way so there would be an undisturbed band in front of Mr. Files' property. Don Newton said that the road would also have six foot gravel shoulders.

Mr. Howard asked if Mr. Files could be forced to improve the road some time in the future. Kathy Portner said that the City was not requiring an improvement district for the development so Mr. Files could not be pulled into such a district with this development.

Mr. Howard said that Mr. Files would like some type of buffer against the higher density; Commissioner Anderson explained that the proposal was within the current zoning density.

QUESTIONS/DISCUSSION

Chairman Elmer felt the cost of the bridge should be pro-rated on an acreage basis and Commissioner Halsey said he felt that escrowing funds for the cul-de-sac was more reasonable and that Northridge Subdivision should pay for the bridge.

Chairman Elmer asked if a recommendation regarding the bridge could be included in the motion. John Shaver said the road improvement would be required as a condition of final approval regardless of what happened with the bridge. Mr. Shaver recommended that the issue be phrased in the alternative stating "the Planning Commission has recommended the cul-de-sac improvements at this time rather than saying the Planning Commission is waiving or precluding consideration of the bridge in the future."

MOTION: (Commissioner Halsey) "Mr. Chairman, on item #15-94, I move that we

approve this item subject to staff review comments, recommending that escrowing of monies for the cul-de-sac."

The motion was seconded by Commissioner Withers.

A vote was called, and the motion passed unanimously by a vote of 6-0. Commissioner Laiche was not present for this vote.

- 4. #1-94(E) TEXT AMENDMENT - SIGN CODE Request for approval of a text amendment amending Section 5-7-7.B.5 of the Zoning and Development Code pertaining to Flush Wall Signs and Roof Signs.**
PETITIONER: City of Grand Junction
REPRESENTATIVE: Kathy Portner

STAFF PRESENTATION

Kathy Portner gave an overview of the request for an approval of a text amendment to the Sign Code. She said sign allowance is calculated on the basis of the building facade that faces a dedicated street and that each building facade has a separate sign allowance. She said that currently the Sign Code reads that a transfer of up to 25 percent of the sign allowance to another building facade that has no sign allowance, or a transfer 100 percent may occur. She said staff was not sure of the rationale behind choosing either 25 percent or 100 percent obviously "leaving a gap." She said staff proposed the Sign Code now allow any amount to be transferred to a facade that had no frontage. She said this would not increase the amount of sign allowance that a business has, but would allow distribution in a different way.

Commissioner Anderson asked if this would allow a single wall to be covered with signage. Kathy Portner said it might, but an applicant could only transfer the sign allowance to a side with no current allowance, so the Code would not allow an applicant to double the side sign allowance.

PUBLIC COMMENT

There was no public comment either for or against the proposal.

QUESTIONS/DISCUSSION

The Commission agreed that the current Code wording was arbitrary. Kathy Portner said it was rare that anyone would want to do such a transfer since it would transfer signage to a less visible facade.

MOTION: (Commissioner Anderson) "Mr. Chairman, on item #1-94(E), Text Amendment to the Section 5-7-7.B.5 of the Zoning and Development Code, I

move that we forward this to the City Council with a recommendation of approval.

The motion was seconded by Commissioner Withers.

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

VI. GENERAL DISCUSSION

Commissioner Halsey said that the County had a policy of not starting new items after 11:00 p.m. He said now that agendas are becoming longer, perhaps the Commission should consider such a proposal. Chairman Elmer pointed out that often people came from out of town to attend the County meetings and then were sent home without their item being heard. Chairman Elmer said that the current format was "loose" and that as meetings became longer he could control public comment better. Commissioner Halsey felt the format should be consistent from meeting to meeting as to how the public was dealt with. John Shaver said that the format could be discretionary depending on the type of item. He said if people were not being responsive to the chair, then "you want to gavel them down," but if they were interacting with the Planning Commission comment and discussion could be helpful. He said that with items for final decision it would be appropriate to guide the discussion more to make a record for the Commission's decision, while if the item was only for recommendation it might be appropriate to allow the public to participate more freely.

Larry Timm said the Commission could consider starting earlier, like at 6:00 p.m. John Shaver also said premeetings could be held to give the Board more information on technical issues. Larry Timm suggested that the meetings could start at 6:00 p.m. with a premeeting at 5:15 p.m. that could include sandwiches.

Regarding the monthly liaison to City Council, the Board decided staff could handle the matter without a liaison being appointed this month.

Commissioner Anderson volunteered to represent the Commission on the Land Use Plan Consultant Selection Committee. Larry Timm said it was decided to have one consultant for both the Land Use Plan and Zoning Ordinance revision project since the two issues had to be looked at together. He said it would be advantageous for Chairman Elmer to be on the committee since he was on the previous committee, but that it wasn't necessary. Chairman Elmer said it would be difficult for him to find the time.

Regarding the R.F.P. for the Land Use Plan, Larry Timm said it was decided to add a growth

management plan component. He said that the sub-plans would not be looked at now because the cost was getting so high and it would take too much time. Commissioner Anderson asked about the cost of the project and Mr. Timm said approximately **\$150,000.00** now that the growth management and zoning issues had been added to it.

Mr. Timm asked the Commissioners to let him know if there were any items they wanted added to the agenda of future City Council/Planning Commission meetings.

VIII. ADJOURNMENT

The meeting was adjourned at 10:30 p.m.