

GRAND JUNCTION PLANNING COMMISSION
Public Hearing April 5, 1994
7:01 p.m. - 11:05 p.m.

I. CALL TO ORDER

The public hearing was called to order by Chairman John Elmer at 7:01 p.m. in the City County Auditorium.

In attendance, representing the City Planning Commission, were Chairman John Elmer, Stephen Laiche, Jeff Vogel, James Anderson, Bob Withers, and Thomas Volkmann.

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 Anderson) "Mr. Chairman, I move that we approve the minutes of the previous meeting."

The motion was seconded by Commissioner Laiche.

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

III. ANNOUNCEMENTS, PRESENTATIONS, AND/OR PRESCHEDULED VISITORS

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

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION

- 1. #33-94 ROLLER MINOR SUBDIVISION - 2818 ELM AVENUE**
Request for approval of a Minor Subdivision of a parcel of land located at 2818 Elm Avenue.
PETITIONER: Carl & Laura Roller
LOCATION: 2818 Elm Avenue
REPRESENTATIVE: Carl Roller

CITY STAFF: Kathy Portner

STAFF PRESENTATION

Kathy Portner gave an overview of the request to subdivide an existing parcel into two parcels. Ms. Portner said that the applicant wished to move a house onto the rear parcel which would have a flagpole access to Elm Avenue. The applicant has addressed all of staff comments and the subdivision does meet all of the bulk requirements of the zone. Ms. Portner said bulk requirements establish lot size, setbacks, frontage, etc. Ms. Portner said that the staff does not feel the proposal was consistent with the lot size and configuration of the surrounding properties and is concerned that the creation of a flaglot could set the stage for other lots in the area to request a similar design which would greatly change the character of the neighborhood. However, since the proposal does meet all zoning and Code requirements, staff does not feel there is a basis for denial. Ms. Portner said staff therefore recommends approval of the proposed subdivision with the following conditions:

1. Open space fee of \$225 for the one undeveloped lot will be required prior to recording the plat.
2. Additional right-of-way as required by the City Engineer shall be dedicated.
3. Half-street improvements to Elm Avenue along the entire frontage will be required.
4. All technical requirements of the plat must be met prior to recording of the plat.

QUESTIONS

Chairman Elmer asked about the 20 ft. frontage requirement in that zone. Kathy Portner said it might have been intended to allow flaglots. She said some zones only required a 15 ft. frontage.

Chairman Elmer said that it appeared the sewer line would only have 22" of cover near the home. Kathy Portner said that the building department would review the matter when it issued a building permit.

PETITIONER'S PRESENTATION

Carl Roller, 423 N. 18th Street, said he felt 22 inches of cover for the sewer line was adequate. He said he'd addressed all of staff's comments.

Commissioner Volkmann asked if there were any other lots in the area with the flaglot configuration. Mr. Roller presented the Planning Commission with photographs showing homes at 2811 and 2811-1/2 which had a similar arrangement. He said the house he was moving onto the property was currently 620 square feet and he planned to add a 8 ft. by 21 ft. addition to the house.

PUBLIC COMMENT

Owen Fenton, 2816 Elm, felt two houses on one lot would "degrade" the neighborhood. He questioned whether the property had been surveyed and felt the new home should be "to code."

Mr. Keifer, 2815-1/2 Texas Avenue, objected to an "increase in people" and felt the subdivision would be incompatible with the neighborhood. He said he had a property line dispute with the Petitioner.

Andy Cisneros, 2816 Elm, said he also had a property line dispute with the Petitioner. He wanted a shed moved and a privacy fence put up.

PETITIONER'S REBUTTAL

Carl Roller, in his rebuttal, said that the property had been surveyed and that he was prepared to meet all building department requirements. He said that the house to be moved onto the property would be upgraded to meet all current Code requirements for electrical, plumbing, etc.

QUESTIONS/DISCUSSION

Commissioner Withers pointed out that the Parks & Recreation Department had requested an open space fee for both lots. Kathy Portner said that the fee would be required on only the undeveloped lot and that Parks & Recreation was probably not aware that there was an existing house on one lot.

Chairman Elmer informed the audience that the Planning Commission was not the proper forum to discuss property line disputes.

Commissioner Anderson said that the frontage on Lot 2 was not inconsistent with other properties in the neighborhood and that only the depth was different. However, Chairman Elmer felt that such a lot configuration was not desirable from the neighbor's perspective and felt it was necessary to look at the intent of the frontage. Commissioner Volkmann felt that a flaglot was the only thing that could have been intended with such a small frontage requirement. Commissioner Anderson felt that the situation was "not the greatest" but didn't feel there were any grounds for denial and Commissioner Withers agreed that it met all of the codes and requirements currently in place.

MOTION: (Commissioner Volkmann) "Mr. Chairman, on item #33-94, a request for approval of a Minor Subdivision at 2818 Elm Avenue, I move we approve the request subject to staff recommendations."

The motion was seconded by Commissioner Withers.

A vote was called, and the motion passed by a vote of 5-1, with Chairman Elmer opposed.

2. **#36-94 CONDITIONAL USE PERMIT - 2430 ORCHARD AVENUE**
Request for approval of a Conditional Use Permit to allow for expansion of a Church in an RSF-8 (Residential Single Family, 8 units per acre) Zone District.
PETITIONER: J. McSpadden/Orchard Community Church
LOCATION: 2430 Orchard Avenue
REPRESENTATIVE: Denny Behrens
CITY STAFF: Kristen Ashbeck

STAFF PRESENTATION

Kristen Ashbeck gave an overview of the request for approval of a Conditional Use Permit to allow for the expansion of Orchard Community Church. She said that the existing church was a non-conforming use and in order for it to be expanded as proposed, the entire property must be brought into conformance. She said that the church was in conformance with the Orchard Avenue Corridor Guidelines and met general land use compatibility criteria by which conditional use permits are reviewed. Kristen Ashbeck said the site had historically been used as a church so the proposal would not "harm the current relationship," in fact design elements required through the permit process should improve the relationship with the neighborhood. She said that the only requirement the proposal did not meet was for a fire hydrant to be within 150 ft. of the building. She felt the outstanding technical issues could be addressed later in the building permit process.

Ms. Ashbeck stated that staff recommended approval subject to the following conditions:

1. Access points on Orchard Avenue should be consolidated and limited to one access.
2. An Improvements Agreement and Guarantee must be executed for site improvements, including pavement of the parking lot to be completed within two years of the date of the Planning Commission meeting, placement of a fire hydrant, fencing, landscaping, and the closure of all but one access drive on Orchard Avenue.
3. All other review agency requirements pertaining to technical requirements for a building permit must be resolved prior to issuing a planning clearance for a building permit.

Commissioner Volkmann asked about the guidelines concerning closing one of the accesses onto Orchard Avenue. Kristen Ashbeck said the guidelines specifically said curb cuts and access points should be limited and consolidated whenever possible.

Chairman Elmer questioned the paving proposal. Kristen Ashbeck said that the driveway would be paved immediately, and the remainder of the parking area would need to be paved within two years.

Chairman Elmer asked about a drainage plan. Kristen Ashbeck said that no drainage details had been submitted but there was a proposed detention berm shown on the plan. She said more

detailed information would be required on the berm, but felt it was a technical issue that could be

resolved by staff.

PETITIONER'S PRESENTATION

Denny Behrens, 482-1/2 Tracy Drive, Clifton, representative for the Petitioner, said that he had spoken to Bill Cheney about the matter of the fire hydrant and the church was in the process of looking into funding in order to provide the required fire hydrant. He agreed with the paving requirements but preferred that both accesses be left open onto Orchard Avenue for convenience sake. He said the landscape design assumes two accesses.

Commissioner Anderson asked if it made any difference which access was closed. Kristen Ashbeck said either access was acceptable to staff.

PUBLIC COMMENT

Larry Shepherd, 2507 Pinyon, asked what the use of the proposed building on the north side of the property would be.

Denny Behrens said that the proposed building was a one-story study area but that the exact location could change somewhat in the future. Kristen Ashbeck said staff had asked that any future proposals on the property be shown on the plan, and that any major variation would require an amendment of the permit.

QUESTIONS/DISCUSSION

Commissioner Withers asked about the size and type of kitchen facilities since he was concerned that a grease trap might be needed. Mr. Behrens said the kitchen would be 20 ft. by 11-1/2 ft. with standard kitchen equipment such as a stove, refrigerator, etc. He said that the church used the kitchen mainly for pot lucks and re-heating food.

Chairman Elmer felt the plan would benefit the neighborhood by providing screening and a paved parking lot, and felt that only one curb cut on Orchard Avenue should be allowed. Commissioner Anderson agreed. Commissioner Withers felt staff should follow-up on the grease trap issue. Kristen Ashbeck said that Bill Cheney's comments appeared to waive the requirement for a grease trap, but that she would investigate the matter.

MOTION: (Commissioner Withers) "Mr. Chairman, on item #36-94, a request for a Conditional Use Permit for a church in an RSF-8 zone, I move that we approve the item subject to conditions as recommended by staff."

The motion was seconded by Commissioner Anderson.

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

3. **#37-94 FINAL PLAT/PLAN - VISTA DEL NOR'TE SUBDIVISION**
Request for approval of the Final Plat & Plan for Vista Del Nor'te Subdivision, a parcel of land of approximately 13 acres with zoning of PR-2 (Planned Residential, 2 units per acre).
PETITIONER: Dale Cole
LOCATION: 27 3/4 Road & G Road
REPRESENTATIVE: Rolland Engineering
CITY STAFF: Kristen Ashbeck

STAFF PRESENTATION

Kristen Ashbeck gave an overview of the request for approval of the final plat and plan for Vista Del Nor'te Subdivision. She said that the City Council had previously given approval of the PR-2 zoning but tabled the vacation of G Road so that it could coincide with the final plat process. Conditions of the preliminary approval were:

1. A homeowner's association be established.
2. Lot A and access to it and a site detention area be dedicated to the homeowner's association.
3. Determine the correct property boundary and provide a 20 ft. easement at a location worked out between City staff and the developer.
4. Provide a temporary cul-de-sac between the two phases.
5. Specifically designate the lots to be used for attached, zero lot line single family units as such.
6. Allow side yard setbacks of a minimum of 5 ft. on all the other lots.

Ms. Ashbeck said all technical issues had been addressed and that the trail easement was the only outstanding issue. She said that the Petitioner represented that he owned the area to the centerline of the canal, and that the Petitioner proposed to convey Tract B in fee simple to some public entity. Tract A would be conveyed to the Grand Valley Water User's Association. She said that the Bureau of Reclamation indicated that if they ultimately end up owning Tract B, there was authority to encumber the property with an easement for the purposes of recreational access and they planned to pursue that. She said that the Petitioner had dedicated a pedestrian easement within the Grand Valley Rural Power easement along the southern and western boundaries of the parcel, as well as a pedestrian easement between G Road and the canal property.

Ms. Ashbeck said that staff recommended approval subject to the following conditions:

1. City Council approval of the G Road right-of-way vacation.
2. Revised final plan that corresponds to revisions made to the final plat.
3. Tract B be deeded in fee simple to a specified public entity.

4. All outstanding technical deficiencies of the plat and plan cited by review agencies be corrected.
5. Payment of open space fees in the amount of \$5,850.
6. Requirement of a pedestrian/bicycle access from G Road to the canal area tract.
7. Execution and recordation of an Improvements Agreement and Guarantee.
8. Execution and recordation of an avigation easement.

Chairman Elmer asked about Airport Authority recommendations of noise abatement measures. Dale Cole, Petitioner, stated that the subdivision covenants would require either 30-year shingles or concrete tile for roofing materials.

Chairman Elmer questioned why it was necessary to have two pedestrian easements to the canal area. Kristen Ashbeck said that dedicating two easements had always been the Petitioner's intention.

Chairman Elmer questioned if the no-build zone under the power lines included fences. Ms. Ashbeck said that fences would not be allowed but that a trail would be allowed.

Commissioner Withers questioned the recommendations of the soils report. Ms. Ashbeck said that there would be a note on the plat requiring engineered foundations.

PETITIONER'S PRESENTATION

Tom Rolland, Rolland Engineering, 405 Ridges Blvd., representative for the Petitioner, explained that there had been some changes to the plan since the preliminary plan was submitted. He said that the detention area originally located in Lot 1, Block 1 would no longer be needed. He said that negotiations with the Grand Valley Water Users Association had resulted in the subdivision being allowed to use GVVUA's drainage ditch along the canal for drainage in return for giving Tract A to the Association.

Regarding the trails issue, Mr. Rolland said that originally the Petitioner had planned no trails, but that staff had asked for a trail along the canal. The Petitioner had objected to that trail since it would constrain the lot configuration, and had suggested a path along the south and west boundary of the parcel. The Petitioner met with Don Hobbs, City Parks and Recreation Department, who said the City wanted a trail along the canal bank itself. Mr. Rolland said a compromise was reached whereby the Petitioner would deed Tract B, from the centerline of the canal, to the United States of America if it would accept the property. He said the intent was not to encumber the tract with an easement. Mr. Rolland said the Petitioner was not opposed to a trail on the canal bank, but did not want to be caught in the middle of a "long, lengthy battle between the Grand Valley Water Users Association and the City." He presented the Planning Commission with his preferred wording of a recommendation concerning the disposal of Tract B. (The recommendation stated that if Tract B were not accepted by the United States of America by the date of recording of the plat, then the

Petitioner would deed the property to the GVVUA.) Mr. Rolland said the GVVUA would be willing to accept the parcel. He said the GVVUA was "adamantly opposed" to a trail system on the canal bank. Mr. Rolland stressed that being allowed to use GVVUA's drainage ditch was critical to the Petitioner and that the Petitioner didn't want to do anything that would jeopardize that arrangement. He said the Petitioner was looking for "clear guidance" on the trail issue so that the proposal would not be delayed.

Chairman Elmer asked if the covenants covered the issue of maintenance of all of the easements. Mr. Rolland said that maintenance rested with the homeowners and he didn't feel it would be a problem.

John Williams, 2452 Patterson, attorney for the Petitioner, said that the canal right-of-way was created by federal statute in 1890. He said that it was a "floating easement" that was not defined but was wherever the federal government decided to build ditches and canals. He said the purpose of Tract B was for "corrective action" to make definite what the easement was along the canal so that the Petitioner's property was not "clouded." He said the Petitioner did not care which agency he deeded the property to, as long as the matter did not delay the project. He said that in his meeting with the GVVUA, the Association preferred that the property was deeded to them, but would not object to the property being deeded to the Bureau of Reclamation.

PUBLIC COMMENT

Bill Klapwyk, 2000 Overlook Drive, Grand Valley Water Users Association, said that the GVVUA had had a contract with the United States to operate and maintain the canal since 1949. He said the majority of the canal was currently in the name of the United States. He reiterated Mr. Williams' statement that GVVUA's would not oppose deeding the property to the United States as long as the matter was resolved and defined.

The following area residents spoke in opposition to the proposal: Ralph Knapp, 2368 E. Piazza Place; Tonya Sutcliff, 2360 E. Piazza; Carl McSpadden, 2441 Applewood Place; and Ron Scribner, 4031 Applewood, speaking also for Ray Palmer, 2402 Applewood St. They were concerned that the pedestrian path along the southern and western boundaries of the proposal might encourage trespassing on their property since they couldn't place a fence in the no-build zone. They were also concerned about dust and mud that would be brought onto the streets of Applecrest Subdivision during the construction phase of the proposal. Ms. Sutcliff asked if the City had any influence in getting the power lines in the easement put underground.

Chairman Elmer told the audience that the pedestrian easement would not be improved at this time. John Shaver said that the City did have dust abatement ordinances but no regulations concerning mud.

PETITIONER'S REBUTTAL

Dale Cole said that he could not guarantee to clean the streets on a daily basis and he could not control what other builder's did on the property, but that he would be responsible for cleaning up after any lots that he built.

Tom Rolland said he felt the mud would be worst during the installation of the infrastructure, rather than the homes themselves. Regarding the trail issue, Mr. Rolland said that Mr. Hobbs, Parks & Rec, had stressed to the Petitioner that the City did not want to end up with a recorded plat that allowed individual lot owners to retain rights to Tract B.

QUESTIONS/DISCUSSION

Commissioner Anderson asked if there was any way to keep the deeding of Tract B from encumbering construction of the project. John Shaver said that the G Road vacation would take a minimum of 60 days. He felt that some decision could be made on the matter within that 60-day time frame. He said that he planned to meet with the Bureau of Reclamation on Thursday morning. He said it was possible to record the plat showing Tract B as a separate tract and that the City would not require transferring of the Tract prior to recordation of the plat if the City held a deed to Tract B.

Chairman Elmer asked if there would need to be significant cuts to change the direction of the drainage on the property and if irrigation water was provided. Mr. Rolland said that the cuts would be minimal and that the property had no irrigation water.

Chairman Elmer questioned how trespassing onto Ptarmigan residents could be minimized. Kristen Ashbeck said that policing the area would be the only enforcement possible. Commissioner Volkmann pointed out that sidewalks angled through the subdivision parallel to the pedestrian path which people would probably prefer to use.

The Planning Commission discussed at length the issue of Tract B. Kristen Ashbeck said that the City would meet with the Bureau of Reclamation to see if the deed should be to the Bureau or to the City with a subsequent easement. The Planning Commission agreed that they did not want the Developer to be detained while the trail issue was decided among government agencies. The Petitioner stressed that it was crucial that he ended up with clear title to his property. He reiterated his position that if the United States would not take title at the time the plat was ready to be recorded, then he would deed the parcel to the GVVUA. Mr. Klapwyk said that the parcel should not be deeded to just any public entity and explained that the land should be retained for "project use" to keep "anybody in the world from asking to be a recipient of a quit claim deed." Mr. Shaver said that it was necessary to get the tract into public ownership for purposes of creating a pedestrian easement along the canal. He said that if the property went to the GVVUA, then there will not be a trail and stressed that a canal trail system was a City priority.

Mr. Shaver said that it was only recently that the Petitioner indicated he had ownership to the centerline of the canal so staff had only recently begun to work out many technical details. Mr. Cole expressed his objection to having his project used by the City to get a "toehold" on a canal path, and felt he was being "tossed back and forth." Mr. Rolland said the Petitioner was asking for clear direction as to who to make the deed to so that the matter would not come up again in the future. Mr. Williams said a deed to the City would not be appropriate because the 1890 Canal Act would still be a problem. Mr. Laiche felt that perhaps the Planning Commission should leave it up to the Petitioner to decide who to deed the property to, but Mr. Williams said that only certain entities could clear up the title problem and Chairman Elmer felt that it was necessary to give the Petitioner clear direction in the matter. Mr. Klapwyk said the GVWUA was ready to resort to legal action, if necessary, to protect its interests, even if the Bureau of Reclamation was deeded the property.

MOTION: (Commissioner Laiche) "Mr. Chairman, on item #37-94, final plat/plan for Vista Del Nor'te Subdivision, I move that we approve the request with conditions outlined in the staff recommendation but specifically eliminate #3."

The motion was seconded by Commissioner Withers.

Commissioner Volkmann asked if deeding Tract A to the GVWUA had any bearing on the trail issue. The Planning Commission felt it did not. Commissioner Volkmann was concerned about "whipsawing" the Petitioner between government organizations. Chairman Elmer felt it was important to give the City a chance to deal with the Bureau of Reclamation to try to work out the canal trail situation, but if something couldn't be worked out by the time the plat was ready to be recorded, then the Petitioner could deed the property to whomever it wished.

AMENDED MOTION: (Commissioner Laiche) "I amend my motion to approve subject to staff recommendations but to amend the staff recommendation of paragraph 3 to read that: The Petitioner will deed Tract A to the Grand Valley Water Users Association; and will deed Tract B to the United States of America if the government will accept the property by date of recording of the plat. If this is not done, then Tract B will be deeded to the Grand Valley Water Users Association."

The amended motion was seconded by Commissioner Withers.

A vote was called, and the motion passed by a vote of 5-1, with Commissioner Volkmann opposed.

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

1. #38-94 VACATION OF RIGHT-OF-WAY, 4TH STREET SOUTH OF SOUTH AVENUE

Request for a recommendation of approval for vacation of a portion of the 4th Street Right-of-Way located South of South Avenue.

PETITIONER: Anna Company

LOCATION: 4th Street, South of South Avenue

REPRESENTATIVE: Frank Preuss

CITY STAFF: Dave Thornton

STAFF PRESENTATION

Dave Thornton gave an overview of the proposal for vacation of the westerly 10 ft. of the 4th Street right-of-way for the expansion of Central Distributing. City Council turned down a request for a 16 ft vacation two months ago. Mr. Thornton said the new building would extend into the right-of-way 9 to 10 ft. He said staff's main concern was with the 5th Street viaduct project. He said the Colorado Department of Transportation was going to be reconstructing the viaduct and would remove the northbound ramp. Such changes would create major changes in the traffic circulation for the area and 4th Street would become important as a transportation link to properties that could develop to the south. He said there would be a truck ramp that would require the backing of trucks is proposed. Although the Petitioner said there would only be two trucks a week using the ramp, Mr. Thornton felt there was no way to assure such a low usage in the future.

Mr. Thornton said staff recommended denial for the following reasons:

1. Adverse safety impacts due to backing trucks on 4th Street.
2. This request does not meet the Zoning and Development Code criteria for right-of-way vacations.
3. Reduction of this right-of-way for any reason at this time is premature due to the 5th Street viaduct design and its impacts on surrounding circulation patterns.

Commissioner Laiche asked the status of the master plan of the south downtown area. Dave Thornton said that the boundary of the south downtown plan had been reduced and this area was no longer located in it. He said that CDOT was no further along in its design. Commissioner Laiche asked how "reliable" CDOT's plans were. Dave Thornton said that considering the proposed width of the viaduct, "they're going to have to eliminate something" so the off ramps will have to come off. Commissioner Laiche asked if staff would approve any amount of vacation. Dave Thornton said staff would not and that the back-in ramps would be denied during the review process. He said there were other ramps for the building and that trucks actually drove through the inside of the building to load and unload.

PETITIONER'S PRESENTATION

Brian Simms, 917 Main Street, representative for the Petitioner, said he is the architect for the

project. He said that granting the easement would allow enough flexibility to install and access the ramps and "clean up the ramp issue." He said he felt 10 ft. was a reasonable compromise and that all other agencies had approved the vacation. Mr. Simms said the Petitioner would change the site plan if needed. He said the road width was capable of handling 8,000 ADT and there were roads in industrial areas with less road width.

Commissioner Laiche asked what the Petitioner would do if the easement were not granted, and Mr. Simms said denial would effect the Petitioner's efficiency, although the Petitioner would still build. He said the additional space would make for better circulation. Mr. Simms did not feel that two trucks a week backing into the docks would be a problem. He said that there was no 4th Street right-of-way past the railroad tracks, that it was railroad property and development in that area in the future was not assured.

PUBLIC COMMENT

There was no public comment, either in favor or opposition.

QUESTIONS/DISCUSSION

Brian Simms reiterated that the additional 10 ft. would help alleviate the ramp problem and provide additional maneuvering space. Dave Thornton said that more building area would simply create more setback problems and potential site distance problems. He felt that 4th Street wouldn't stay undeveloped forever. He said the issue was more than just the road width itself and it was the traffic corridor in its entirety that was being shrunk.

Commissioner Anderson questioned when CDOT might start its project since it had already delayed the project to 1996. Dave Thornton said that it would definitely happen since "eventually the viaduct is going to fall down." Chairman Elmer felt that timing shouldn't be an issue, since once the property was given away, it was gone for good. Dave Thornton felt that the property on the other side of the street could also request a vacation and that this would set a precedent. Brian Simms said the 70 ft. right-of-way exceeded anything found in current industrial zones. Dave Thornton pointed out that there were 14 ft. multipurpose easements on each side of new industrial zone streets.

The owner of Central Distributing said that his company had existed there for 100 years. He said that until he brought it to the City's attention, the City hadn't even known it had a dirt street within the City limits, yet now "suddenly its an important artery to the City." Commissioner Anderson agreed that the street could have remained unchanged for another 100 years, but that CDOT had exacerbated the matter and made it a problem. Chairman Elmer pointed out that the railroad was working on a master plan for their properties in the area.

MOTION: (Commissioner Anderson) "Mr. Chairman, on item #38-94 right-of-way

vacation - 4th Street south of South Avenue, I recommend that we forward this to City Council with a recommendation of denial."

The motion was seconded by Commissioner Volkmann.

Commissioner Anderson said he recommended denial for three reasons:

1. Since the State's intentions for 5th Street are unknown, the right-of-way should be left open.
2. He was opposed to "giving away public right-of-way."
3. The proposal does not meet the zoning and development code criteria for right-of-way vacation.

A vote was called, and the motion passed by a vote of 4-2, with Commissioners Vogel and Laiche opposed.

Brian Simms stated he wished to appeal the matter to City Council.

2. **#1-94(F) TEXT AMENDMENT - ROOF SIGNS**
Request for a recommendation of approval of a text amendment amending Section 5-7-6.H.1, 5-7-7.B.5.b and 5-7-7.B.5.d of the Zoning and Development Code pertaining to Roof Signs.
PETITIONER: City of Grand Junction
REPRESENTATIVE: Kathy Portner

STAFF PRESENTATION

Kathy Portner gave an overview of a text amendment pertaining to roof signs. She said the amendment would clarify and simplify the requirements for the design of roof signs. Currently, the Code states that a roof sign must be designed in such a way as to appear as an architectural blade or penthouse and be finished in such a way that the visual appearance from all sides is that the sign appears to be a part of the building itself. She said there had been discrepancies in the past as to how the Code has been applied and that the standards were not well defined.

Ms. Portner said it was necessary to clarify the Code so that decisions could be made on a fair and consistent basis or else to eliminate the provision for roof signs completely. She said staff proposed to remove the unclear design standards rather than eliminating roof signs, however, the requirement for no visible guy wires, braces, or secondary support would remain in place. She said it was also necessary to clarify the sign allowance for roof signs. Currently the sign allowance for roof signs is the same as for flush wall signs, while the allowance for free-standing and projecting signs is less because they have two faces. Staff is proposing a clarification so that a roof sign would count both faces in determining the sign allowance.

Chairman Elmer questioned the 40 ft. above grade requirement, and asked if it would be better to limit the height above the roof. John Shaver said that it might be difficult to establish what the roof line was if such things as parapets and irregular roof lines were considered.

PUBLIC COMMENT

Mark Gamble, 292 W. Morrison Court, said that roof signs were traditionally built up from the line of the roof, and that it was structurally and economically infeasible to put a pole sign on top of a roof. He said that the sign industry had been operating under the current Code since 1976/77 and felt there was no problem interpreting the Code. He said the Code had always stated there would be no visible supports, but that it had not been enforced well. Mr. Gamble said the issue of signage reduction was significant. He said that staff was requiring one sign he had designed to be redesigned to meet the new Code and that it would cost him \$5,000.

Kathy Portner said that staff had decided it would be acceptable to allow the one sign in question to use the current interpretation. John Shaver said that the specific problem should be discussed at the staff level and not before the Planning Commission.

Mr. Gamble said he felt the industry could accept the new definition of a roof sign and could "live with" the signage reduction.

Commissioner Anderson asked what was the intent of reducing the signage for a roof sign. Kathy Portner explained that projecting and freestanding signs have a lesser allowance than flush wall and roof signs. Larry Timm said the original concept was that a sign against a wall or roof would be less intrusive than a projecting sign.

Mark Gamble felt that roof sign footage allowance and projecting sign allowance should be the same. He said that the mounting process was what determined whether a sign was a roof sign, flush mounted wall sign, etc. Kathy Portner felt such a combining of allowances would greatly limit someone who wanted to put an extension of their front facade above the roof line. Chairman Elmer felt that any visible side should be included in the calculations.

Debra Hess, 147 3rd Street, Clifton, said she was a business owner and that she wanted to put up a roof sign. She said she didn't want to have to put on a new roof in order to have a roof sign and that's what the current Code seemed to require.

Mr. Gamble didn't feel that a height restriction should be placed without time for staff to discuss the matter with representatives from the sign industry. Commissioner Withers suggested that tabling the matter might be appropriate, but Kathy Portner reminded the Planning Commission that this was a recommendation to City Council and that staff would have time to discuss the matter with industry before City Council met.

MOTION: (Commissioner Vogel) "Mr. Chairman, on item #1-94(F), proposed text amendment for roof signs, I move that we forward this to City Council with recommendation of approval."

The motion was seconded by Commissioner Volkmann.

A vote was called, and the motion passed by a vote of 5-1, with Commissioner Laiche in opposition. Commissioner Laiche felt the matter should have been tabled.

Commissioner Withers felt the Planning Commission needed more time to study items #1-94(B) TEXT AMENDMENT - TEMPORARY USE and item #1-94(D) TEXT AMENDMENT -NON-CONFORMING USES.

MOTION: (Commissioner Laiche) "Mr. Chairman, in regard to items #1-94(B) and #1-94(D), I move that we table these for one month to be reevaluated at the next meeting."

The motion was seconded by Commissioner Anderson.

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

3. #1-94(A) TEXT AMENDMENT - RESUBDIVISION & PROPERTY LINE ADJUSTMENT

Request for a recommendation of approval of a text amendment amending Section 5-12 and 6-10 of the Zoning and Development Code clarifying the original intent of the Code and current administrative policy regarding "Resubdivision" and "Property Line Adjustment" procedures.

PETITIONER: City of Grand Junction

REPRESENTATIVE: Dave Thornton

STAFF PRESENTATION

Dave Thornton gave an overview of the request for a clarification of the Code regarding resubdivisions and boundary line adjustments. He said staff was trying to clarify current procedure and wanted to change the word "resubdivision" to "lot line adjustments." Boundary line adjustments and lot line adjustments are both administrative processes and would remain as such. Boundary line adjustments would occur whenever it involved moving a property line between two meets-and-bounds described parcels. Lot line adjustments would be used to move lines between two platted lots when no additional lots were created. Mr. Thornton said there had been a question in the past as to whether or not the number of lots could be increased, and this text amendment would make the Code specifically state that no new lot could be created by the above processes.

Commissioner Volkmann asked if it were possible to not create any new lots, but still have a subdivision. Dave Thornton said that there is a platting process for a meets-and-bounds parcel that would be considered a 1 lot subdivision.

PUBLIC COMMENT

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

QUESTIONS/DISCUSSION

The Planning Commission had no further questions for staff.

MOTION: (Commissioner Laiche) "Mr. Chairman, on item #1-94(A), I move that we forward this matter to City Council with 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

The Planning Commission did not feel it was necessary to appoint a liaison to City Council for their next meeting.

Dave Thornton announced that the Orchard Mesa Citizen's Advisory Committee wished to meet with the City and County Planning Commissions at a luncheon workshop on May 5, 1994 at Intermountain Veterans Memorial Park. He said they wished to have a joint public hearing on June 2, 1994 and it was necessary to have a quorum of the Planning Commission present at that hearing. Commissioners Elmer, Vogel, Anderson and Withers said they could attend the public hearing.

MEETING ADJOURNED at 11:05 p.m.