

GRAND JUNCTION PLANNING COMMISSION
Public Hearing - July 5, 1994
City Auditorium - 520 Rood Avenue
7:06 p.m. - 8:52 p.m.

I. CALL TO ORDER

The Public Hearing of the Grand Junction Planning Commission was called to order by Chairman Elmer at 7:06 p.m.

In attendance representing the Grand Junction Planning Commission were Chairman John Elmer, Ron Halsey, Steve Laiche and Jeff Vogel. Absent were Commissioners Tom Volkmann and Bob Withers.

In attendance representing the City Community Development Department were Larry Timm, Director; Kathy Portner, Planning Supervisor; Dave Thornton, Senior Planner; Michael Drollinger, Senior Planner; and Tom Dixon, Senior Planner.

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

Marcia Petering, Planning Technician, was present to record the minutes.

II. APPROVAL OF MINUTES

MOTION: (Commissioner Halsey) "Mr. Chairman, I move we approve the minutes of the June 7, 1994 meeting as submitted."

The motion was seconded by Commissioner Laiche.

A vote was called and the motion was unanimously approved by a vote of 4-0.

III. ANNOUNCEMENTS, PRESENTATIONS, AND/OR PRESCHEDULED VISITORS

Chairman Elmer announced the following:

- 1. Item #108-94, a variance for 650 Roundhill Drive, has been pulled from the agenda and will not be heard this evening.**
- 2. Item #96-94, the Orchard Mesa Master Plan, will not be heard tonight. This item will be continued until another meeting which will be held on July 13, 1994 at a joint meeting of the City and County Planning Commissions to be held at 6:00 p.m. in the County Auditorium located at 750 Main Street. At this meeting further public testimony will not be taken, the Commissions will be discussing the previous testimony and what direction the Commissions want to take before they give direction to Staff on rewriting the final plan.**
- 3. The order of tonight's Agenda will be changed. North Valley Subdivision Item #35-94(3) will be moved to the 3rd item on the agenda instead of 1st and item #78-94 will be moved up to the 4th item on the agenda; this will enable both North Valley Subdivision items to be heard one after the other.**

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION

1. #100-94 BOGGS MINOR SUBDIVISION

Request for approval of a three lot Minor Subdivision for property located on the North Side of the 600 Block of North Avenue.

PETITIONER: Terry Boggs

LOCATION: 604 North Avenue

CITY STAFF: Tom Dixon

Commissioner Laiche stated he had a conflict on this item as his firm represents the Bogg's family on legal matters so he removed himself for this portion of the meeting at 7:10 p.m.

STAFF PRESENTATION

Tom Dixon stated this request is for a three lot subdivision on North Avenue. There are three individual buildings located on one parcel of land. This subdivision will place each of these buildings on its own free-standing lot. Mr. Dixon stated that one of the issues is how to allocate parking so each lot will meet its parking requirement and to allow common shared access and circulation to occur. Staff recommends approval with conditions as stated in the staff report. The Petitioner has cleaned up the site, the properties have been striped for new parking, and common shared access will be provided on the plat.

Chairman Elmer asked if Public Service Company's request for an easement for the electric line has been addressed.

Terry Boggs said the easement has been taken care of.

PETITIONER'S PRESENTATION

Terry Boggs, Petitioner, had nothing further to add.

PUBLIC COMMENT

There was no comment either for or against the proposal.

QUESTIONS/DISCUSSION

Commissioner Halsey said the Petitioner has taken care of all the issues prior to this hearing and commended him for that.

Chairman Elmer said he was sure the Petitioner was aware that any change in use on the site for the warehouse building would not have the parking requirements necessary.

Mr. Dixon said that one of the conditions of approval is that a site plan review be required for use of the vacant warehouse building at which time the parking requirement would be determined by the use of the building.

MOTION: (Commissioner Halsey) "Mr. Chairman, on Item #100-94, a request for approval of three lot Minor Subdivision on the North side of the 600 block of North Avenue, I move that the application be approved subject to staff review comments."

Commissioner Vogel seconded the motion.

A vote was called for, and the motion was unanimously approved by a vote of 3-0.

Commissioner Laiche returned to the meeting at 7:16 p.m.

**2. #105-94 REVISED FINAL PLAN - 844 GRAND AVENUE
Request for approval of revisions to the Final Plan approved for 844 Grand Avenue which is zoned PB (Planned Business).**

**PETITIONER: Clavonne & Associates
LOCATION: 844 Grand Avenue
REPRESENTATIVE: Ted Clavonne
CITY STAFF: Kathy Portner**

STAFF PRESENTATION

Kathy Portner gave an overview of the request. In 1982, 838 and 844 Grand Avenue were rezoned to Planned Business. Originally the proposal was for a rezone for only 838 Grand and showed one way in from Grand Avenue and one way out through the alley. Through the hearing process the applicant was asked to go back and see if 844 Grand could be included so a two-way access into the property off of Grand Avenue could be provided and the access onto the alley eliminated. That change became one of the conditions of approval; the final site plan shows a privacy fence along the rear property line on the alley for these two properties with shared access onto Grand Avenue being required.

Ms. Portner said Clavonne & Associates recently purchased the building at 844 Grand Avenue and removed a section of the alley fence to provide ingress/egress to the alley. They were not aware of the condition of the PB zoning. A complaint was received about the alley access and Code Enforcement responded to that complaint. Since then Clavonne & Associates have blocked off that access pending the outcome of this request.

The property is within the boundaries of the Grand Avenue Corridor Guidelines and the Downtown Residential Neighborhood Guidelines. The Grand Avenue Guidelines discourage the use of alleyways as access to private parking lots and the Guidelines further state that non-residential development should not adversely affect existing residential neighborhoods by increasing traffic, on-street parking, lighting, noise, etc. There is no alley access from any of the other businesses along the north side of the 800 block of Grand Avenue with the exception of a property management business located along 8th Street which has a driveway access off the alley for one car. There are two multi-family structures which do access the alley. Of the 8 homes north of the alley within this block only one appears to have

multiple units in it. The one ingress/egress onto Grand Avenue appears to be sufficient for circulation for the two businesses located at 838 and 844 Grand.

Ms. Portner reviewed the comments received on the proposal. Staff recommends against allowing the access based upon the 1982 approval and the opposition at that time from adjoining residents; however, staff would not be opposed to a walk-through gate onto the alley.

Ciavonne & Associates is also proposing a free-standing, monument sign as part of the revised plan. The sign is appropriate for the Grand Avenue Corridor Guidelines.

Staff recommends denial of the request to allow vehicular alley access and recommends approval of the proposed sign.

PETITIONER'S PRESENTATION

Ted Ciavonne said the building was purchased in September, was remodeled in November, and the parking lot was repaved and restriped to beat the winter weather. At that same time access to the alleyway was opened up. Mr. Ciavonne said there was no plat note, no report on the title search, and no information was passed on by the previous owner which indicated the fence could not be removed. Code Enforcement informed the Petitioner that no access to the alley was allowed. Mr. Ciavonne stated that he would still be here making this request, but would not have taken the fence down first.

Mr. Ciavonne said the Public Works Department is in favor of the alley access; and the Downtown Development Authority does not object. With regard to the Police Department comment that this is for convenience, they are right, but safety is a bigger factor, and Mr. Ciavonne felt that one access would not deter crime.

Mr. Ciavonne said there are three multi-family units which access the alley and according to the ITE manual a 4 unit multi-family building generates the same amount of traffic that this building does.

Mr. Ciavonne went on to say that the existing plan of record is a 12 year old plan. It is now 12 years later and the plan warrants different consideration. The site can function with the one access off of Grand Avenue but this is unsafe today and will only get worse with time and moreover the traffic is there and is real - it is not excessive but when one approaches this building and has to circumnavigate other blocks to avoid the traffic hassles on Grand Avenue then the traffic is no longer in the alley, the traffic is on Ouray Avenue.

PUBLIC COMMENT

The following residents spoke in opposition to the request:

Sally Cole - 841 Ouray; Ivan Cardenas - 844 Ouray; Arlene Johnson - 853 Ouray; Charles Cole - 841 Ouray; Janet Smith - 821 Ouray; and Josie Levo - 811 Ouray. Following is a summary of their concerns and opinions.

The original decision to fence off access to the alley was for traffic, safety, prevention of noise pollution from Grand Avenue and so that residents would not have to look at a parking lot. In a residential neighborhood there are children, dogs, elderly people, etc. and it is not the place for traffic from a business. Allowing this access onto the alley would be the beginning of the end as other businesses on Grand Avenue will want this same access and eventually the businesses would encroach onto Ouray Avenue as well. The residents moved to this neighborhood because they like the character and don't think of themselves as living on Grand Avenue - this access for a business will change this neighborhood character. There is already too much traffic in the alley and additional vehicular traffic will make it even harder for emergency vehicles to access. The only thing that protects the residential properties on Ouray Avenue from the businesses on Grand Avenue is the fences and if you do away with them the protection is gone.

REBUTTAL

Mr. Ciavonne pointed out that there are uses allowed in an RMF-32 Zone District which are not just residential. He stated he was willing to build a fence on the other side of the alley so the Coles would not be impacted and have to look at a parking lot. He said his business will not create a bigger impact on traffic.

Commissioner Laiche asked if Mr. Ciavonne's traffic comes and goes or stays all day. Mr. Ciavonne stated his traffic is about half and half and they are not a big traffic office. In fact Day House will create a bigger impact than his business will.

QUESTIONS/DISCUSSION

Commissioner Halsey said that the Grand Avenue Guidelines were developed for a purpose and was very concerned about making any variance from these guidelines. There is a need to buffer residential areas, especially in the downtown area where there is a lot of pressure for growth; also he was very concerned about setting a precedent along Grand Avenue.

Commissioner Vogel asked Ms. Portner how this condition on the Planned Business Zone should have been noted so Mr. Ciavonne would have been aware. Was this just something that fell through the cracks back in 1982?

Ms. Portner said she wasn't sure how items were handled back in 1982 but the procedure now when a specific plan is approved, is to record the plan.

Chairman Elmer said the petitioner is not at fault; the plan should have been part of the title. But that is not the issue, as Commissioner Halsey stated, the corridor guidelines were developed for a purpose with a recommendation to limit the amount of traffic in the alleys and that is what should be encouraged. Commissioner Halsey noted, however, this is the kind of business which has light traffic.

Commissioner Laiche said the sign hadn't been discussed. He wondered if it isn't much of an issue.

Ms. Portner said the sign, as proposed, is appropriate.

MOTION: (Commissioner Laiche) "Mr. Chairman, on Item #105-94 I move that we deny the request to allow the alley access and approve the request for the proposed sign."

Commissioner Halsey seconded the motion.

Ms. Portner requested the motion be clarified to vehicular alley access. As was mentioned there is currently a walk-through area that is not a problem and the neighbors have indicated is not a problem.

AMENDED MOTION: (Commissioner Laiche) "Mr. Chairman, on Item #105-94 I move that we deny the request to allow vehicular alley access and approve the request for the proposed sign."

Commissioner Halsey seconded the amended motion.

A vote was called for, and the motion was unanimously approved by a vote of 4-0.

3. #35-94(3) - NORTH VALLEY SUBDIVISION

Request for approval of the Final Plat/Plan for the North Valley Subdivision; a single family residential subdivision on 19+ acres with an overall density not to exceed 4.1 units per acre.

PETITIONER: G Road LLC

LOCATION: 24 3/4 Road, North of G Road

REPRESENTATIVE: Rolland Engineering

CITY STAFF: Tom Dixon

STAFF PRESENTATION

Tom Dixon said this is a request for a final plat for a portion of the North Valley Subdivision consisting of 38 lots. Preliminary approval was for 74 single family lots on 19.19 acres with access from 24 3/4 Road. The request being heard tonight is for the southern half of that property which will be developed in two separate filings. The 1st filing will include 18 lots on the southern portion; the second filing will be directly north of filing 1 and will consist of 20 lots; what will remain is a large out-lot which is not part of either of these filings. The effective density of these 38 lots would be 4.1 units per acre. The zoned density of 4.1 units per acre, which is what is being requested to be attached to this final plat, is the next item on the agenda.

Staff has reviewed the final plat and finds it to be consistent with the preliminary plat approval with a few modifications. The applicant has proposed setbacks of 20'-front, 5'-side and 15'-rear. In reviewing these proposed setbacks, staff has some concerns. Property to the south is zoned PR-2 and has a rear yard setback of 30'; in order to provide consistency with development standards relative to adjacent property staff is suggesting that lots on the perimeter of the site to the south and to the west have a rear yard setback of 20' with the exception of Lot 7, Block 1 where one of the rear yard setbacks be

allowed to be 15'. Staff also recommends that lot coverage not exceed 35%.

Chairman Elmer asked if the questions on the soils report and their design had been resolved? Jody Kliska, Development Engineer, replied in the affirmative.

Chairman Elmer asked if this plan was originally approved in the County. Mr. Dixon said the preliminary went through the City process as well.

Chairman Elmer said the original density of 12 units per acre (PR-12) was from a County approval. Dave Thornton, Senior Planner, said the land has current County zoning of PR-12.

Chairman Elmer asked for clarification of where Filing #2 is located. Mr. Dixon pointed out the location on the map.

PETITIONER'S PRESENTATION

Tom Rolland of Rolland Engineering addressed the following:

- 1. Utilities - water will be provided by Ute Water by extending a 10" main along G Road to 24 3/4 Road then by an 8" line up 24 3/4 Road; sewer from the City with a main in G Road will require an extension up 24 3/4 Road to the site; power from Grand Valley Rural Power; phone from U.S. West; original plan for a storm sewer to manage storm water flow was to be an internal collection system then south on 24 3/4 Road to Leech Creek - this design could change.**
- 2. Open space fees would be paid at time of platting so the fee will be paid in phases.**
- 3. Structural section problems have been worked out and we have agreed to allow City Engineering to inspect the subgrade prior to placing any materials.**
- 4. Setbacks - we agree with what Mr. Dixon stated with the exception of accessory buildings on the rear half of the lot where the required setbacks would be 3' in the rear and 3' on the side; also on Lot 7, Block 1, we request the 15' setback be allowed on the south property line. Mr. Dixon said it is in the staff report to allow the accessory structure setbacks of 3' rear and side.**
- 5. Zoning, Densities & Effective Densities - the Petitioner has never requested a zoning change, has no need for a zoning change and doesn't want a zoning change.**

NOTE: At this point in the hearing Chairman Elmer, after agreement from John Shaver, Assistant City Attorney, opened item #78-94, Zone of Annexation for North Valley Subdivision, for hearing concurrent with item #35-94(3).

Chairman Elmer said testimony for both items would be heard at this time but two motions will need to be made. The motion on the Final Plan/Plat will be considered final, unless appealed and the motion on the Zone of Annexation will have to be a recommendation to City Council.

Mr. Rolland said the zoning request is strictly for that portion being annexed. The Petitioner has never requested a zoning change and doesn't understand why the change in zoning is now being proposed by staff. The intent has always been to retain the zoning and Mr. Rolland felt it was not appropriate to fix zoning on the northerly 10 acres as this is not even part of the proposal.

Chairman Elmer said he didn't understand why Mr. Rolland would object to zoning which matches the plan, which is what a planned zone should have; you don't want to start out with a mismatch; if you aren't committed to the plan presented in the Outline Development Plan, you shouldn't even be here tonight for final plan approval. One of the biggest problems in this City is mismatch of the use to the zoning of the land.

Mr. Rolland said that Rolland Engineering submitted an ODP for the entire parcel because City Staff requested it consequently delaying it a month. The ODP shows 34 lots for the northerly 10 acres but if we want to change that and have it different we want to be able to do so. By asking for a recommendation of zoning of 4.1 units per acre you are limiting the uses on this portion of the land. If the Petitioner wants to do something different, then it will have to come back - it is inappropriate to zone that 10 acres.

Chairman Elmer asked Mr. Rolland if he was requesting to be able to shift the densities from the south portion to the north portion and keep the entire area at the PR-12 zoning.

Mr. Rolland said yes we want to keep the entire 20 acres at the PR-12 to allow for flexibility. Mr. Rolland then recapped what had occurred at prior meetings with various members of City Staff regarding the zoning of this land.

Richard Livingston, also representing the Petitioner, stated that if Mr. Carnes can get clarification from Staff and the Commission of the continuation of the PR-12 zoning on the north 10 acres, the petitioner is comfortable with a PR-4.1 zoning on the south 10 acres consistent with the plat which has been presented to the Commission.

Chairman Halsey asked if Mr. Livingston was stating that they want the PR-12 zoning for the north 10 acres, not 20 units, or more, per acre which a transfer of density would have allowed.

Mr. Livingston said that was correct.

John Shaver, Assistant City Attorney, reminded the Commission that the north portion is not within the City's jurisdiction, and the current application is not zoning or planning that portion of the land. Based on Mr. Livingston's representation of what the applicant has agreed to that being PR-4.1, which is an appropriate zone density, it is appropriate to consider the plan as submitted for the southern portion of this parcel.

Chairman Elmer asked if the Staff recommendation to make a recommendation of zoning for that parcel was inappropriate at this time?

Mr. Shaver said his understanding of Mr. Dixon's comments is that the zoning of the upper half should be consistent with the zoning of the lower half. For purposes of this application such is more or less an advisory comment. There is no binding effect that at this point as it is not within the jurisdiction of the City.

Chairman Elmer said his concern is that there is an approved Outline Development Plan which looked at the entire parcel; if something changes, then how the Commission looks at that ODP will change.

PUBLIC COMMENT

Carl Boydston, 562 Court Road, stated that he owns the property directly to the west of this subdivision. He spoke against the proposal on the following items:

- 1. At the preliminary meeting it appeared that the zoning issues had been resolved to the lower density. Whatever zoning is recommended for the north half will greatly affect what happens to his land development further down the road.**
- 2. He wants to make sure there is adequate utilities and road access. The road access through those areas with the proposed City recreational site going directly across the street on 24 1/2 Road is going to directly impact his property and access as to where people will come and go.**
- 3. The irrigation ditch needs to be taken care of. It is currently an open cement irrigation ditch. Mr. Boydston stated that he is not sure if this subdivision plans on irrigating, but there is a lot of irrigated farmland downstream from this area.**
- 4. He would like to see some type of fence or blockage of some sort between this subdivision and his land to prevent people crossing over onto his private property.**
- 5. There is a safety issue with an open irrigation ditch; it needs to be covered for safety there has already been one child drowned in that ditch in 1982. Mr. Boydston stated that when this many additional people, especially kids, are located near a ditch, the safety**

issue needs to be addressed.

Chairman Elmer asked if the proposed City park was directly across from his property. Mr. Boydston responded affirmatively.

REBUTTAL

Mr. Rolland responded:

- 1. No perimeter fencing is proposed around the outside of the subdivision; these are all medium sized residential lots backing up all along that irrigation ditch until you get half-way up.**
- 2. There is one access proposed. The only way anyone could get to Mr. Boydston's property is to walk through someone else's property.**
- 3. We are proposing irrigation water for the lots, but we are not proposing to cover the ditch. It is a typical irrigation ditch which only gets to a foot or foot and a half deep maximum. An irrigation plan has been submitted; the only lots utilizing the existing ditch would be those lots which back up to it.**

Mr. Rolland said he wanted to make sure the setbacks for accessory buildings in the rear half of the parcel is 3' both side and rear and that the 15' setback for Lot 7, Block 1 is on the south side of the lot.

Mr. Thornton pointed out there is a separate staff recommendation pertaining to the Zone of Annexation.

QUESTIONS/DISCUSSION

Chairman Elmer asked Mr. Dixon for clarification on the setbacks.

Mr. Dixon said the 3' setbacks for accessory structures is in the staff recommendation. He asked Mr. Rolland if they now preferred the 15' setback for Lot 7, Block 1 to now be on the south instead of the west. Mr. Rolland said yes.

Commissioner Halsey asked if there would be wording in the covenants to instruct residents on the proper use of irrigation water?

Chris Carnes, Petitioner, said irrigation water is still under discussion; at this point they are leaning towards not putting in an irrigation system.

Commissioner Vogel asked what constitutes an accessory structure? Mr. Dixon said sheds, storage buildings, or similar structures accessory to the principal use.

Mr. Rolland said the Petitioner would like to see item #4 under staff recommendations deleted - this refers to the zoning.

Mr. Dixon said item #4 needs to stay in place in the staff recommendation as it will act as a trigger to alert the City to changes if they are proposed.

Chairman Elmer said that with a preliminary plan in place which has been approved for the north half of this property that if any changes are proposed for this area the Petitioner would need to come back before the Planning Commission to have those changes approved.

Mr. Dixon said that the Petitioner got approval for 74 lots with the Preliminary Plan, as reviewed by the Planning Commission, and if in the future they wish to make changes in the density or layout they will need to come back to the Planning Commission and amend that plan.

Chairman Elmer asked how the code recognizes putting an accessory structure on an easement when the setback is less than the easement?

Mr. Dixon said construction can't occur on an easement, if the easement is more restrictive than the setback it will apply.

MOTION: (Commissioner Laiche) "Mr. Chairman, on Item #35-94(3), Final Plan/Plat for Filings #1 and #2 of the North Valley Subdivision, I move that we approve this subject to the staff recommendations in #1, 2, 3 and 5."

Commissioner Halsey seconded the motion.

Chairman Elmer requested the motion be modified so that item #2, in reference to Lot 7 Block 1, refers to the West of South property line.

AMENDED MOTION: (Commissioner Laiche) "Mr. Chairman, on Item #35-94(3), Final Plan/Plat for Filings #1 and #2 of the North Valley Subdivision, I move that we approve this subject to the staff recommendations in #1, 3 and 5 and #2 be amended to allow a setback of 15' on either the west or south property line."

Commissioner Halsey seconded the motion.

A vote was called for and the motion was unanimously approved by a vote of 4-0.

MOTION: (Commissioner Halsey) "Mr. Chairman, on Item #78-94, Zone of Annexation for North Valley Subdivision, I recommend that we forward this item on to City Council with a recommendation of zoning the North Valley Subdivision to Planned Residential with a maximum density of 4.1 units per acre (PR-4.1)."

Commissioner Laiche seconded the motion.

A vote was called for and the motion was unanimously approved by a vote of 4-0.

4. #99-94 REZONE FROM C-2 TO B-1 - PORTION OF UTE AVENUE

Request for a recommendation of approval of rezoning a portion of the north side of the 1000 block of Ute Avenue from C-2 (Heavy Commercial) to B-1 (Limited Business).

PETITIONER: Jerry Smith

LOCATION: portion of the N side of the 1000 block of Ute Avenue

CITY STAFF: Michael Drollinger

STAFF PRESENTATION

Michael Drollinger pointed to the property on the map. The property is located on the north side of Ute Avenue between 10th and 11th and includes lots 26 through 32. The area is presently zoned C-2 and is requested to be rezoned to B-1. The surrounding zoning is C-2 to the south and east; PZ to the west, which is the Emerson School; and B-1 to the north and further to the east. The parcels consist of five single family residential homes and more residential to the east and north. There is no plan for this area. Rezoning criteria support this request. A rezone to B-1, as the allowed uses are far less intensive than what is permitted in the C-2 Zone, is a good transition for residential neighborhoods and is more appropriate for Ute Avenue.

Staff recommends approval of a rezone from C-2 to B-1.

Commissioner Laiche asked when this was rezoned from residential to commercial?

Mr. Drollinger said it was quite some time ago. The thought must have been that the area would change. The current zoning does not recognize the character of the neighborhood and the residential character has not changed.

Chairman Elmer asked if the Salvation Army is correctly zoned and would it have qualified as an allowed use if zoned B-1?

Mr. Drollinger said the Salvation Army is presently zoned C-2 which is appropriate for its use and said there are still two houses which separate the Salvation Army from the area applied for in this rezone application.

PETITIONER'S PRESENTATION

Jerry Smith stated that the main problem is that if any of these residences burn down over half way they can not be rebuilt as residences. Mr. Smith said he purchased 1002 Ute and really fixed it up and now can't sell it because no one will lend money on it because of the zoning of the property. The other property owners, most of whom have lived there all of their lives, weren't aware of this restriction and may want to rezone also.

Commissioner Laiche asked why 1028 and 1032 Ute Avenue are not included.

Mr. Smith said the owner of those properties said he would rather let whomever buys those two properties decide if they would want it rezoned or not.

Chairman Elmer said he assumed Community Development staff will be looking at these types of areas

in the Comprehensive Plan.

Larry Timm, Director, said yes the staff will be looking at this area the same as any other area in the City in terms of existing use and zoning and make recommendations for changes to the zoning. Right now we are, unfortunately, staff has to look at these on a case by case basis.

PUBLIC COMMENT

There was not public comment either for or against the petition.

QUESTIONS/DISCUSSION

There was no further questions or discussion.

MOTION: (Commissioner Laiche) "Mr. Chairman, on item #99-94, a request to rezone a portion of the north side of the 1000 Block of Ute Avenue from C-2 (Heavy Commercial) to B-1 (Limited Business) I move that we forward this item on to City Council with a recommendation of approval."

Commissioner Vogel seconded the motion.

A vote was called, and the motion was unanimously approved by a vote of 4-0.

IV. GENERAL DISCUSSION

Chairman Elmer asked if all of the information had been distributed, and received, by all of the Commissioners on the Orchard Mesa Master Plan.

Commissioner Laiche said he needs a copy of the minutes from the June meeting.

Mr. Thornton said he would make sure Commissioner Laiche got a copy.

Mr. Timm said the top three planning firms have been interviewed by the Consultant Selection Committee for the Growth Plan. Staff will be doing additional checking and the hopefully the Committee will be making a recommendation soon. *(NOTE: The Committee has since directed staff to negotiate a contract with the firm of Freilich, Leitner, & Carlisle. The proposed contract will then be taken to the City Council for approval and funding.)*

Commissioner Laiche asked the appointment of a 7th member to the Planning Commission was coming. Ms. Portner said the last she had heard only one application had been received.

Chairman Elmer asked if some of the applicants from last time couldn't be used. Mr. Shaver said the City Clerk is contacting those persons to see if they are still interested.

Commissioner Elmer asked Mr. Shaver about planned zones without a plan.

Mr. Shaver said the difficulty is that unless a specific policy exists to say there is no planned zone without a plan the default is recognize one or the other. There is an expectation that when a plan is approved it will stay in place until it is changed. There are no clean answers and the ultimate resolution will depend on adopting a specific rule.

Mr. Thornton pointed out that with Zones of Annexation the City is the Petitioner not the owner of the property. Mr. Rolland was misleading tonight when he stated that the Developer did not request the zone change. When property is annexed, the City has 90 days to zone it. In the North Valley applications staff was attempting to speed the process up for the Petitioner's sake.

ADJOURNMENT

The meeting adjourned at 8:52 p.m.