

**GRAND JUNCTION PLANNING COMMISSION**  
**Public Hearing - November 14, 1995**  
**7:05 p.m. to 8:05 p.m.**

**I. CALL TO ORDER**

The regularly scheduled Planning Commission hearing was called to order at 7:05 p.m. in the City/County Auditorium by Chairman John Elmer.

In attendance, representing the Planning Commission, were: John Elmer (Chairman), Jeff Vogel, Ron Halsey, Bob Withers, Tom Whitaker and Paul Coleman.

In attendance, representing Planning Department staff, was Kathy Portner (Planning Supervisor).

Also present were John Shaver (Asst. City Attorney) and Larry Timm (Community Development Director).

Terri Troutner was present to record the minutes.

No audience was present.

**II. CONSIDERATION OF MINUTES**

No minutes were presented for consideration.

**III. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS**

Chairman Elmer announced that #SUP-95-136 had been pulled and would be heard at the December 5 hearing.

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

**TAC-95-161 TEXT AMENDMENT--ZONING AND DEVELOPMENT CODE**

**Request for a recommendation of approval of an amendment to the Zoning and Development Code to provide for land dedication and/or a fee in lieu of land dedication for school sites.**

**Petitioner: City of Grand Junction**

**Representative: Dan Wilson**

**STAFF PRESENTATION**

Assistant City Attorney John Shaver, representing the petitioner, highlighted various points in the proposal. He noted that various portions of the amendment were left open to later include verbiage which would be congruous to both the City and Mesa County. He introduced John Groves and David Price of School District #51 who continued with the testimony.

Mr. Groves continued by once again providing a history of the proposal and what it attempted to accomplish. He felt that the text addressed the School District's need while being equitable to both governmental entities.

### QUESTIONS

Questions which arose included why developers were given a choice as to when they might pay the fees; was the proposal fair to those who would be targeted for payment; what was the difference between the terms "platted" and "unplatted" as it pertained to payment of fees; would payment be required only for subdivided parcels versus for any dwelling unit; would the proposal provide for grandfathering parcels already platted; how would fees be collected; the legality of such a proposal; would City Council have the power to waive the fee in cases of hardship; and would the School District be willing to subject itself to an independent audit of funds collected.

Responses included clarification of the means by which monies would be collected; developers would be given the option of paying at the time of platting or when building permits were pulled. If fees were not paid at the time of platting, developers would be gambling that fees would not go up prior to the building permit stage of development; if fees increased, developers would be forced to pay at the higher rate. The option would require individuals who were not developers to also pay fees for construction of individual or multi-family dwelling units (not to include most additions or remodels). It was felt that current verbiage would require payment from anyone constructing additional *dwelling units*, regardless of whether or not the parcel was subdivided. The amendment would exempt commercial development and nursing homes from payment of fees.

The School District had requested the Board of County Commissioners disallow grandfathering of any previously platted non-developed parcels, regardless of when they had been platted. If approved by Council, the amendment would go into effect within 60 days following its approval. Mr. Groves said that the proposed amendment was based on a 20-year state statute, so that its legality had already been firmly established. Fees collected would go immediately to an escrow or other pre-established fund and must be spent within a 5-year timeframe (first monies in would be the first out). The School District would have to provide justification to either the City or County on how monies would be spent before being able to withdraw funds. An independent audit was felt by Mr. Price to be a good idea, and he suggested that it might be included as a part of the intergovernmental agreement between the City and County.

With regard to waiving fees in cases of hardship, Ms. Portner pointed out that the amendment would be contained within Section 5.4 of the Zoning and Development Code, the section which also provided for variances. Thus, the mechanism would be in place for City Council to consider requests for fee waivers.

### PUBLIC COMMENTS

No citizens were present for comment.

**MOTION: (Commissioner Withers) "Mr. Chairman, on item TAC-95-161, I move that we forward this on to City Council with the recommendation of approval with a further recommendation that units being constructed on unsubdivided or unplatted parcels shall not be excluded from the Code or the requirement (i.e., that the amendment would apply to all new dwelling units whether or not they are constructed on unsubdivided or unplatted parcels [as amended])."**

Commissioner Whitaker seconded the motion.

A brief discussion ensued over the intent of the motion. Chairman Elmer felt that clarification should be made to explain that impact was based on new dwelling units, regardless of what type land it's on. Commissioner Withers amended his motion to state "...that the amendment would apply to all new dwelling units whether or not they are constructed on unsubdivided or unplatted parcels."

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

## **V. GENERAL DISCUSSION**

Larry Timm indicated that City Council would soon be interviewing candidates for Mr. Volkmann's vacated position. The Planning Commission opted to hold elections for Chairman and Vice-Chairman.

Commissioner Vogel nominated Chairman Elmer to continue on as Chairman of the Commission. The nomination was seconded by Commissioner Whitaker. Chairman Elmer was elected by a vote of 5-0.

Commissioner Whitaker nominated Commissioner Vogel to serve as Vice-Chairman. Commissioner Withers seconded the nomination. Commissioner Vogel was elected by a vote of 5-0.

With no other business pending, the hearing was adjourned at 8:05 p.m.