

GRAND JUNCTION PLANNING COMMISSION

August 3, 1993
7:05 p.m. - 9:45 p.m.

The regular meeting of the Grand Junction Planning Commission was called to order by Chairman John Elmer at 7:05 p.m. in the City auditorium.

In attendance representing the City Planning Commission were Jim Anderson, Chairman John Elmer, Ron Halsey, Gabe Harbin and Larry Seese.

Commissioners Stephen Laiche and Tom Volkmann were absent.

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

John Shaver, Assistant City Attorney and Gerald Williams, City Development Engineer were also present.

Marcia Petering from the City Community Development Department was present to record the minutes.

There were 42 interested citizens present during the course of the meeting.

I. CALL TO ORDER

II. APPROVAL OF MINUTES

MOTION: (COMMISSIONER HALSEY) "MR. CHAIRMAN, I MOVE THAT WE APPROVE THE MINUTES OF THE JULY 6, 1993 MEETING AS SUBMITTED."

Commissioner Harbin seconded the motion. The motion was unanimously approved.

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

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

Chairman Elmer announced the agenda will be changed to accommodate three items for which tabling has been requested. For the benefit of those in the audience who are here for those applications, action will be taken on those first.

#25-93 REZONE & FINAL PLAN/PLAT - V.O.A. ELDERLY HOUSING - NW corner of 1st Street and Independent

Chairman Elmer said the Petitioner has requested this application be tabled for another month.

MOTION: (COMMISSIONER ANDERSON) "Mr. Chairman, on Item #25-93, I move that we table this item until the next regularly scheduled Planning Commission meeting."

Commissioner Halsey seconded the motion. The motion was unanimously approved.

#71-93 REZONE AND OUTLINE DEVELOPMENT PLAN - BELLA VISTA ESTATES - NW corner of 27 Road and Kimberly Drive

Chairman Elmer said the Petitioner has pulled this application and it will not be heard.

#82-93 VACATION OF EASEMENT - 487 28 1/4 ROAD

Chairman Elmer said the Petitioner has requested that this item be tabled until the next meeting of the Planning Commission.

MOTION: (COMMISSIONER ANDERSON) "Mr. Chairman, on Item #82-93, a request for vacation of an easement, I move that it be tabled until the next regularly scheduled meeting of the Planning Commission."

Commissioner Halsey seconded the motion. The motion was unanimously approved.

IV. PUBLIC HEARING ITEMS FOR FINAL DECISION

#83-93 FINAL PLAT/PLAN - NORTH CREST VILLAGE SUBDIVISION

A presentation of a final plat/plan for the North Crest Village Subdivision, zoned Planned Residential with a density of two units per acre which is 20 single family lots on the 10 acres site.

PETITIONER: North Crest Development Company, Gregg Cranston

REPRESENTATIVE: Thomas Logue

LOCATION: NE corner of Hemlock Drive and 7th Street

STAFF PRESENTATION

Karl Metzner said the zoning of Planned Residential, 2 units per acre was approved approximately 3 months ago; the surrounding zoning is Residential Single Family, 2 units per acre. Through the review the City Development Engineer has determined that the response on technical items was inadequate, leaving numerous unresolved technical items which need to be worked out.

Mr. Metzner said this does meet the 7th Street corridor guidelines and normally an approval recommendation would be made; however, we have found when projects are approved subject to numerous conditions oftentimes some of those conditions seem to fall through the cracks. Because there are so many unresolved issues, staff is recommending that this item be tabled but that the full Public Hearing still take place.

Mr. Metzner said the items referred to are technical items having to do with infrastructure and do not seem to be insurmountable, however, they need to be addressed before final approval.

Mr. Metzner said the Petitioner is proposing that the plat not be recorded until all infrastructure is in place as the method of guaranteeing improvements. The Petitioner has also requested that they be allowed to

commence construction prior to this final approval if the City Development Engineer approves all construction drawings, plans and specification. Staff has no problem with this request so long as we receive, in writing, from the developer a signed statement that they accept full responsibility for the risk of construction before final approval.

PETITIONER'S PRESENTATION

Tom Logue said the plans have changed minimally from the Preliminary Plan approval and they have responded in length to the comments. Mr. Logue said the items still outstanding are very minor and they request conditional approval. Mr. Logue said he submitted revised drawings today, which staff has not had time to review.

PUBLIC COMMENT

Karl Metzner entered a letter of opposition from Anne Landsman, 686 Step A Side Drive, into the record. There were no other comments either for or against the petition.

COMMISSION QUESTIONS/DISCUSSION

Chairman Elmer asked Gerald Williams if there had been enough time to look at the revised drawing submitted today. Mr. Williams said he had not had time to review them yet. The Petitioner's request for conditional approval, rather than holding up construction for another month, will work so long as all the items are addressed, but they will still have to come back again next month for final approval.

Commissioner Anderson asked if staff was still requesting tabling of this item? Mr. Metzner said staff is recommending the item be tabled to be sure all technical issues are addressed, but the Petitioner has requested they be allowed to start construction of the infrastructure, at their own risk, after the City Engineer has approved the plans.

MOTION: (COMMISSIONER ANDERSON) "Mr. Chairman, on Item #83-93, the Final Plat/Plan for North Crest Village Subdivision, I move that we table this until the September Planning Commission meeting so staff has a chance to look at the revisions and make sure they are complying with the requirements; and that we allow commencement of construction subject to approval of staff, and in control of staff, as outlined in the Review Comments; and that the developer is solely responsible for any construction done on the site."

Commissioner Seese seconded the motion. The motion was unanimously approved.

#85-93 FINAL PLAN - THE ATRIUM OF GRAND VALLEY SUBDIVISION

A request for approval of a final plat for a two lot subdivision and approval of the final plan for Lot 1 of the Atrium of Grand Valley, 104 retirement units and 20 assisted living units on 6.21 acres. The property is zoned Planned Residential with a density of 21 units per acre.

PETITIONER: Hilltop

REPRESENTATIVE: Pat Edwards

LOCATION: SE corner of 12th Street and F 1/2 Road

STAFF PRESENTATION

Karl Metzner said the Commission has seen this development at the Outline Development Plan phase and when it was zoned 2 months ago. The Petitioners have responded adequately to all of the agency review comments. Mr. Metzner said one of the issues which was brought up at the last meeting has been about the effective height of the building; staff has confirmed that the elevation data submitted by the Petitioner is correct using the Bureau of Reclamation Orthotopography maps - the actual height to the ridge of the roof is 41'-9", except for the portion with the cupola, and the effective height to the 3-story portion is 27'-5" when considering the elevation drop with excavation.

Mr. Metzner indicated that the Commission has information submitted by John Bull which was received late this afternoon, which staff has not had a chance to review.

Mr. Metzner summarized that the Commission is considering the Final Plan for Lot 1 as well as approval of the two (2) lot subdivision.

Commissioner Anderson said receiving comments 15 minutes before the meeting was not sufficient time to consider the information. Commissioner Anderson asked if there was some way to communicate with the public to get these type of comments in before the packets are delivered so the Commission has time to consider their input.

Mr. Metzner said that perhaps the notification to adjacent property owner cards can be revised to request any written comments be submitted to our office one week prior to the meeting.

John Shaver said the risk a person takes when submitting information at a late date is that the information may possibly not be considered when the decision is made; if a person wishes to have their input considered it would be in their best interest to make sure such comment is submitted early enough to be reviewed.

Chairman Elmer said he had several questions to clarify some issues:

1. Is there sufficient parking as presented? Mr. Metzner said the parking meets code requirements.
2. Based upon the current traffic projections, the deceleration lane is not required by the City? Mr. Metzner said not at this phase, it will be required at Phase II.
3. Is the landscape plan in conformance? Mr. Metzner said the landscape plan submitted is quite extensive and well done.
4. Is the looping of the fire line still a current issue? Mr. Metzner said the looping of the fire line will occur when the garden units are constructed but the construction of F 1/2 Road will occur with this phase.

Commissioner Halsey asked if the landscaping design was such that it allowed for the construction of the deceleration lane in the future?

Mr. Metzner said yes; the right-of-way portion of the property is minimally treated in the landscaping plan.

Gerald Williams said when the additional units are done it may be that 12th Street is already widened and the City may not require the acceleration/deceleration lanes. This situation will be re-evaluated at the time they construct the additional units.

PETITIONER'S PRESENTATION

Pat Edwards, the Petitioner's representative, made the following comments:

1. According to the Zoning Code the height of the cupola is excluded from the height requirements as it is an architectural feature.
2. Looping of the fire line is conditioned on 2 items: 1) looping of the fire line will be done when the garden units are completed and 2) the looping is conditional on adequate flow and capacity, to be determined by the City Engineering and Fire Departments.
3. F 1/2 Road Improvements - What has been discussed with the City Attorney, is an escrow agreement whereby the developer, in the initial stage, will put up their proportionate share of the agreed amount for the widening of F 1/2 Road; there will be an agreement whereby the Final Plat is held in escrow and not recorded until the developer has a Certificate of Occupancy on the first phase of 124 units and simultaneous with getting that Certificate of Occupancy, the Final Plat will be recorded and the improvements to F 1/2 Road will be paid. So, basically, the Petitioner is requesting deferment of the F 1/2 Road improvements during the construction period of the first phase.
4. The Petitioner has reserved the right to raise the finish floor elevation of the building by 2' because the sewer line extension into the property will be very deep at the crest of the hill, in excess of 15' and at that depth it is very extensive and there are safety features to consider which may make it necessary to vary the floor elevation. This would not increase the overall height of the building but would increase the effective height by this amount.

PUBLIC COMMENT

For:

Anne Gould, 3135 A Lakeside Drive, neighbor and Hilltop Board member, said she has watched as Mesa State College and St. Mary's Hospital have struggled through the years to expand and are both are running out of room. Ms. Gould said she has had a long-time vision for expansion of Hilltop which includes this possibility for an interesting vibrant intensity of life for retirement. It is possible, that in the future the present 20 acres could be expanded to allow consolidation of all Hilltop facilities with the exception of the Life Adjustment Center. Ms. Gould said everyone who lives around her is very much in favor of this project and she hoped the Board would act favorably upon the petition before them tonight and approve this application.

Against:

Brian Peterson, representing Lowell Peterson an adjacent property owner at 647 27 1/4 Road, said he was not objecting to the project but rather to the height of the building. He asked why does it have to be 3 stories? Mr. Peterson said he would like to see the design of the building changed so his view won't be

destroyed.

Chairman Elmer asked Brian Peterson where he lived. Mr. Peterson replied he lives in Price, Utah.

John Bull, 3150 North 12th Street, resides on the property on the south border of this development, read the letter which was presented to Planning Commission prior to the meeting (attached).

Dr. Bull said there was a wonderful job of public relations done on this building to sell it to the surrounding community which didn't tell the truth about the size of the building; information provided to the public was deliberately misleading. Dr. Bull said he was not opposed to the building but was very strongly opposed to this size building, which violates all the codes which are relevant to it and is a serious breach of the Community Development standards.

PETITIONER'S REBUTTAL

Pat Edwards made the following points in rebuttal:

1. The only building proposed along Mr. Petersons property line is 2 story.
2. To the south, adjacent to the Bulls', the sewer elevation pretty much dictates what the finished floor elevation will be; a 6' to 8' excavation is proposed along both the south and east property lines; we will be excavating and using a retaining wall. The building will be 41'-9" tall but this height will be starting out 6' to 8' below the elevation of the land.
3. The density of the parcel was set when the zoning was approved for the Planned Development a couple of months ago. Any changes to this density would require Planning Commission approval. The reason for the easement between the two lots is to protect the wetlands.
4. Page 42 of the Zoning and Development Code allows the Planning Commission to alter the height requirement by 25% in a straight zone and the allowable building height in a multi-family zone is 36'. In a Planned Zone the height is established by the approved plan so the height is not a violation of the code.

Commissioner Halsey asked if the base floor excavation of 6' to 8' would mean that the first floor would be lower than the present topography.

Mr. Edwards said that is correct as it relates to the south and east boundaries of the property; the Petitioner's have continued to offer screening, landscaping or fencing along other properties.

John Bull said the floor of the building will be above 12th Street and when you are coming down 12th Street one has a different sense of community with a 3-story building and it is important that this building fit in with residential standards.

COMMISSION QUESTIONS/DISCUSSION

Chairman Elmer asked for answers/clarification on the following items:

1. Is the section of the Code read by Mr. Edwards correct and if so, is he correct in his interpretation of the requirements for a planned zone? Karl Metzner said the section of the Code read was correct and the Commission does set the requirement for height, as well as other bulk requirements such as setbacks, for any planned zone.
2. The density approved was for the overall development, so if the developer moves this density around from lot to lot it is okay - is this correct? Mr. Metzner replied affirmatively.
3. Is the City agreeing to the concept outlined for the improvements to F 1/2 Road? John Shaver said he had not been privy to all the discussion but he believed the general recitation by Mr. Edwards is within the intent of the discussion has been between Dan Wilson and the developer.

Commissioner Anderson said this came up at the Outline Development Plan stage also. Mr. Metzner said that was correct and City Council did not approve waiving of the street improvements so the discussions continued and this is the latest proposed solution.

Commissioner Halsey said one issue this project brings up and is something which the City needs to address, is "view easements" which are not addressed this in the Code but needs to be with the increased development in the City.

Commissioner Anderson asked Gerald Williams to comment on the apparent difference in height interpretation on this project.

Mr. Williams said that the height of the building, minus the excavation, will be visible from the south; this excavation will help the view on the sides where it takes place, and; the full height of the building will be seen from 12th Street.

Chairman Elmer said this project does substantially impact a few people, however, it does fit into the 12th Street corridor appearance as we do have high density around it to the west and north; there are churches, Horizon Tower, Lakeside and it does fit into that general character. Mr. Elmer said he likes seeing higher densities on the major arteries so the impact is less on other neighborhoods.

MOTION: (COMMISSIONER ANDERSON) "Mr. Chairman, on Item #85-93, the Final Plan/Plat for a retirement center and a 2 lot subdivision, The Atrium of Grand Valley, I move that we approve subject to review agency comments."

Commissioner Harbin seconded the motion. The motion was unanimously approved.

V. PUBLIC HEARING ON ITEMS FOR RECOMMENDATION TO CITY COUNCIL

**#73-93 REQUEST FOR WAIVER/DEFERMENT OF HALF-STREET IMPROVEMENTS
- MIKE'S AUTO SALES**

A request to waive or defer half-street improvements for 25 1/2 Road as a condition of a Site Plan Review approval.

PETITIONER: Michael & Susan Gregg

LOCATION: 2559 Highway 6 & 50

STAFF PRESENTATION

Dave Thornton said the Petitioner is currently in the process of receiving site plan approval at this site in order to obtain a building permit to construct an automobile sales lot. Mr. Thornton said the Petitioner owns a large parcel of land on the south side of Highway 6 & 50. At this point 25 1/2 Road does not exist but the right-of-way does exist along the border of this property; traffic doesn't warrant construction of 25 1/2 Road now.

Mr. Thornton said Section 5-4-1 of the Zoning & Development Code states that with a building permit all adjacent roadways must be brought up to City standards. Mr. Thornton said staff supports a request for deferment, but not for waiver, of this requirement until there is future development on that site.

Chairman Elmer asked if there would be a land locked parcel behind this property? Mr. Thornton said no, 25 1/2 Road does exist further south and dead-ends.

Commissioner Anderson asked what guarantee we would have that 25 1/2 Road improvements would be done if further development occurs. Mr. Thornton replied that future building permits would trigger the requirement.

PETITIONER'S PRESENTATION

Mike Gregg said he had just purchased this land and 25 1/2 Road does not exist for 1/4 mile in any direction it seems ridiculous to even talk about improving this road now. Mr. Gregg said what he is requesting is a waiver not a deferment so he can sell the rest of his property; it will not be saleable if the buyer is going to have to pay road improvements.

PUBLIC COMMENT

There were no comments either for or against this petition.

COMMISSIONER QUESTIONS/DISCUSSION

Chairman Elmer said he agreed with the deferment but not the waiver because sooner or later it is very possible that this parcel will get subdivided and developed and they will need that access; there is clearly a hardship in this case and it would be unfair to require them to develop a road which doesn't go anywhere.

MOTION: (COMMISSIONER HALSEY) "Mr. Chairman, on Item #73-93, I move that we recommend to City Council approval of a deferment, rather than a waiver, of the required half-street improvements on this parcel of land until there is further development at a future date."

Commissioner Anderson seconded the motion. The motion was unanimously approved.

#81-93 VACATION OF EASEMENT - 2454 HIGHWAY 6 & 50

A request to vacate a 10' water line easement on property located at 2454 Highway 6 & 50, zoned Highway Oriented (HO).

PETITIONER: Resolution Trust Corp. for Valley Federal Savings

REPRESENTATIVE: Janis Ann Breggin, Esq.
LOCATION: 2454 Highway 6 & 50

STAFF PRESENTATION

Kristen Ashbeck said the eastern end of the shopping center located at the intersection of 24 1/2 Road and Highway 6 & 50 was constructed over a water line easement. There is no water line in the easement and Ute Water has no intent to use the easement; the Petitioner is trying to vacate something that simply encumbers the property. Ms. Ashbeck said there are existing utility lines in the north/south easement along the eastern boundary of the property and those will not be affected by this vacation.

PETITIONER'S PRESENTATION

Mary Ann Novack of Bray & Company said the property is in the process of being sold. Ms. Novack said this has been a very long process and the property has been under contract for well over a year and this is the last step before the property can be sold.

PUBLIC COMMENT

For:

Linda Eller, 260 1/2 Nashua Lane, said she was speaking on behalf of the selling agent on this property and would appreciate a favorable recommendation on this vacation.

There were no other comments either for or against this petition.

COMMISSION QUESTIONS/DISCUSSION

Chairman Elmer asked if Ute Water had commented? Ms. Ashbeck said there had been no comment received from them but they were included in the original submittal from the Petitioner.

MOTION: (COMMISSIONER ANDERSON) "Mr. Chairman, on Item #81-93 a request for Vacation of an easement for property located at 2454 Highway 6 & 50, I move that we forward this on to City Council with a recommendation for approval subject to review agency comments."

Commissioner Halsey seconded the motion. The motion was unanimously approved.

#84-93 PRELIMINARY PLAN & RIGHT-OF-WAY VACATION - HERITAGE HILLS SUBDIVISION

A request for approval of a preliminary plan for the Heritage Hills Subdivision and approval of the vacation of the alley in Block 25 and 26 and the portion of Palisade Street that lies south of Highway 50.

PETITIONER: Orchard Mesa Venture
REPRESENTATIVE: Banner Associates, Inc.
LOCATION: South of Highway 50 and West of Linden Street

STAFF PRESENTATION

Karl Metzner pointed out the location of the property on the map. Most of this property is not currently in the City limits although a small portion, zoned HO, is in the City; the Petitioners are in the process of

negotiating a pre-annexation agreement with the City Attorney's office and subject to that being done the Council will then accept a petition for annexation; that would all have to happen before the final approval. Mr. Metzner said because of the proposed lot sizes, an RSF-8 Zone would be proposed for the single family lots, with an effective density of about 5 units per acre. The area proposed for business could be zoned either Highway Oriented or Planned Business.

Chairman Elmer asked why an RSF-8 zone rather than a PR-5? Mr. Metzner said there is RSF-8 zoning along Aspen and it seems to be compatible with what is existing.

Chairman Elmer asked what the density of the townhome development across Linden Street was? Mr. Metzner said he believed it is 21 units per acre.

PETITIONER'S PRESENTATION

David Chase stated the petitioner wanted RSF-8 instead of PR-5 because they feel the Planned Residential is unnecessary. Mr. Chase said the Petitioners feel there is a need in the City for this type of development. There is not a lot of affordable housing on the market; most of what is on the market is above what could be afforded by first time home buyers and young families.

Mr. Chase said the development would not be built all at once; it would be built in 4 phases starting on the east on Linden Street and proceeding to the West. The 1st Phase would incorporate the first cul-de-sac west of Linden, Fremont Court and incorporate approximately 19 lots. One phase every 1-2 years thereafter is proposed.

Mr. Chase said the open drainage ditch on the south boundary will be tiled and enclosed under the road. Mr. Chase said Orchard Mesa Irrigation does not have a problem with that. There is also another irrigation ditch on the west and north boundary between this parcel and Green Acres Trailer Park that will be left open without any improvements as an open space corridor.

Mr. Chase said one item which has posed somewhat of a concern is Aspen Street and the proposal to provide a cul-de-sac at the end. The City has said the developer might have to provide full-street improvements to Aspen Street which is being negotiated now. If this can't be worked out it is possible this cul-de-sac will not occur and access to those lots will occur from within the subdivision.

PUBLIC COMMENT

For: None

Against:

Margaret Hammond who lives at the intersection of Highway 50 & Linden Street, said the traffic currently backs up 5-6 cars down Linden coming out of Southgate Commons. Ms. Hammond said 5 roads come together at this intersection and RSF-8 will be too dense for this area; those of us living in the area do not want it this dense.

Sue Himes, 281 Gary Drive, said she was concerned about the number of children which would dump into Columbus Elementary School; it is already full. Ms. Himes said she is also concerned about the traffic on Linden Street; it is not wide enough now and there are already many accidents on it. She is also concerned

about pedestrians. Ms. Himes said she has been witness to both automobile and pedestrian accidents at this corner on more than one occasion. Ms. Himes said she was concerned that there are not enough people to fill up a subdivision of this size and that in a few years there will be vacant houses sitting there.

Vicki Felmly, Chairperson of the Orchard Mesa Citizens Review Committee, said they are in the process of trying to formulate a Master Plan for Orchard Mesa and are hoping to be presenting a draft document to the City and County by March of next year.

Ms. Felmly said that overall this development looks good and well-planned. The high density does concern the committee but they are aware that there is precedence for this density. Ms. Felmly said their main concern is Linden Street. Ms. Felmly said they met with the Highway Department a couple of weeks ago to talk about the streets in the area and Linden Street was talked about at that time. It is paramount to have Linden Street widened, a light installed and a turn lane onto Linden Street.

Maureen Himes, 329 Pine, asked if we are talking about "cracker-box, low-income" housing, that is going to be trashed in about a year; why is Orchard Mesa always the one that gets this stuff dumped on them? Ms. Himes said she hopes that isn't what it comes down to.

Jim Rooks, manager of Orchard Mesa Irrigation, said when the drainage ditch is covered by a street that Orchard Mesa Irrigation will no longer be responsible for maintenance. Mr. Rooks said irrigation for this parcel has not been addressed. This development will be required to put in a new supply line along with a headgate out of the canal and a measuring structure/trash cleaner and a piped system to each individual lot or something comparable. We will not sign off on this subdivision without these items being done. Mr. Rooks said they have no problem with piping in this subdivision as long as it is done to the District and City standards.

Mr. Rooks said there will need to be at least a 25' easement along the drain, which is the tail line from canal #1; this is the drain between the subdivision and Green Acres Trailer Park.

Chairman Elmer asked if Orchard Mesa Irrigation normally maintains the ditches?

Mr. Rooks said yes it is their responsibility to maintain the open drains, until there is piping or the ditch goes underground.

Commissioner Halsey asked if piping will provide adequate water and pressure for watering lawns?

Mr. Rooks said this parcel of ground will get the same amount of water as an agricultural use would as water is approved portioned by acreage not by number of units so they will receive somewhere between 5.5 and 8.5 gallons of water per minute, per acre or a proportionate share thereof. Mr. Rooks said they cannot guarantee there will always be water.

PETITIONER'S REBUTTAL

David Chase made the following comments in rebuttal:

1. The intent of this density is to provide a development with lots which will meet a certain price

range that is lacking in the market right now; what is on the market now is not affordable for most people.

2. Phasing of the project is being proposed because of the population impact on schools, traffic, etc. The developers are not responsible for capacities of the schools being met and hopefully the entities responsible will take care of the increases.
3. The Petitioner is aware that traffic problems currently exist and if the traffic study shows a signal is necessary something will be worked out with the City and area property owners.
4. Irrigation is proposed to each lot, whether it be by pipe, gravity or pump. The area between the subdivision and Green Acres Trailer Park with the open ditch is planned to be 50' wide.

COMMISSION QUESTIONS/COMMENTS

Chairman Elmer asked if the Petitioner would have to do improvements to Linden Street? Mr. Metzner said half-street improvements would be required along that portion which is abutting the property.

Chairman Elmer asked if we could require the improvements actually be done and not just escrowed? Mr. Metzner said typically if the City sees no benefit one way or the other it is the Petitioners choice, however, if the City sees a particular benefit to the improvements being installed now we could require that.

Mr. Chase said it is being proposed that the half-street improvements be done right away.

Commissioner Anderson asked if State approval wouldn't be required for installation of a light? Mr. Metzner said yes it would.

Commissioner Halsey asked if there had been any discussion with the State about a light installation here? Mr. Chase said yes, but it is not in the State 5 year or 10 year plan so if a light is installed there it will be up to the City to do it; all the State will do is review the signalization plan and comment.

Commissioner Harbin said this proposal is for 74 single family lots, is there any chance this will change?

Mr. Chase said possibly by a few lots either way, like to 71 or 75.

Chairman Elmer asked if there will need to be improvements to Palmer Street and if the developer is willing to commit to that?

Mr. Chase said yes, half-street but not full street improvements.

Chairman Elmer said he has a problem with looking at the plan before the zone; he would prefer to see the 5 units per acre commitment to a lower density, which would better reflect the plan, rather than 8.

Commissioner Anderson asked how many trips are figured per day from a unit, four? Mr. Metzner said for residential single family, the standard is 10 trips per day, per unit; so 740 trips per day.

Chairman Elmer asked if the City has accepted responsibility of the pipe line.

Gerald Williams said the first he had heard of the responsibility was when Jim Rooks spoke tonight; it is not something the City would take on; it would be looked at as a private line.

Chairman Elmer asked if there were plans for a Homeowners Association? Mr. Chase said he believed there was.

Chairman Elmer asked if the traffic study shows that a deceleration lane is necessary could the Petitioner be required to construct one?

Gerald Williams said typically if a need is already there and someone adds further to the problem they would contribute a proportionate share; if it is not necessary prior and they do something it would impact it a little bit more.

Commissioner Halsey said he was really concerned about traffic and water and would like more information on these subjects.

Chairman Elmer said he has problems approving a plan without an approved zone.

Chairman Elmer asked staff what time frame they were looking at for the Orchard Mesa Master Plan?

Dave Thornton said some time between March and June, probably closer to May.

Commissioner Halsey asked if 2 separate motions are necessary? Karl Metzner said yes as one is a recommendation to City Council.

Karl Metzner said there is also a request for vacation of 2 alley rights-of-way and also a portion of Palisade Street which are out in the middle of a hay field right now; they have never been and never will be constructed. They come to the City limits line right now and dead-end. There is no need for those rights-of-way and no intent to ever do anything with them.

Chairman Elmer asked how we can take action when it is not in the City.

Karl Metzner said staff checked with legal staff and found out that we can look at, and make recommendations on, anything we want to but until the annexation petition is accepted it is of no effect.

John Shaver agreed and added that the law does allow the City to exercise some extra-territorial land use authority; there is no final decision being rendered and nothing is obligating the land or the parties. Mr. Shaver said it is essentially an exercise in anticipatory planning.

MOTION: (COMMISSIONER HALSEY) "Mr. Chairman, on Item #84-93, I move that we recommend to City Council approval of the rights-of-way vacation of the alleys in Blocks 25 and 26 and the portion of Palisade Street that lies south of Highway 50 in

Heritage Hills."

Commissioner Seese seconded the motion. The motion was unanimously approved.

MOTION: (COMMISSIONER HALSEY) "Mr. Chairman, on Item #84-93, Preliminary Plan for the Heritage Hills Subdivision, I move that we approve this subject to staff review comments."

(COMMISSIONER ANDERSON) "Mr. Chairman, I move that we amend the motion to include all review agency comments rather than just staff."

Commissioner Seese seconded the motion and the amendment. The motion was unanimously approved.

Chairman Elmer called a recess at 9:17 p.m.

The meeting reconvened at 9:25 p.m.

#1-93(C) TEXT AMENDMENT - SECTION 5-5-1, OFF STREET PARKING & CHAPTER 12, DEFINITIONS AND LIMITATIONS

A request for approval of a text amendment clarifying sections of the parking regulations, updating some existing standards and adding standards for uses which are not currently addressed.

PETITIONER: City of Grand Junction

REPRESENTATIVE: Kristen Ashbeck

STAFF/PETITIONER'S PRESENTATION

Kristen Ashbeck said a couple of months ago the Board of Appeals heard a variance request of the parking requirements for showroom sales, retail use; it appeared at that time that the parking requirements for that use were excessive. Upon approval of that variance request the Board of Appeals requested that staff re-examine that standard and try to rectify the situation. Ms. Ashbeck said rather than just amend that single standard, staff took the opportunity to look at that entire section of the Code.

Ms. Ashbeck said the amendment accomplishes three things: clarifies some sections of the parking regulations, updates some existing standards which don't seem to reflect the current parking patterns and types of uses and adds standards for uses which are typical of current and/or future development patterns.

Ms. Ashbeck said in doing so, rather than just pulling an arbitrary figure out of some other city's code, staff tried to apply what is being proposed to some existing or proposed uses in the City to make sure it would work.

Ms. Ashbeck said the City Attorney's office has not finished reviewing the amendment yet so staff requests that any approval be contingent upon the City Attorney's approval.

Chairman Elmer asked if the Downtown Development Authority has had a chance to review this?

Ms. Ashbeck said no, but there are no changes proposed to the downtown parking section.

John Shaver said he has reviewed this and is proposing just a few minor changes, nothing substantive.

Chairman Elmer asked what the basis was for #21, when there is an establishment with no seating isn't there still a need for employee parking? Ms. Ashbeck said there are provisions in the variance section whereby staff can administratively vary requirements if there is only a drive-up.

Chairman Elmer asked what the basis was for these changes, other codes? Ms. Ashbeck said the primary document was one put out by the Planning Advisory Service which is a survey of cities throughout the country on parking standards. When there were no standards in this document, other cities were contacted about their standards.

Commissioner Halsey asked Mr. Shaver if this proposal is consistent with ADA requirements?

John Shaver said there are no provisions that are required by the ADA for parking; this amendment does not talk about handicapped spaces. Mr. Shaver said the ADA is self-enforcing and each business is responsible for complying with the ADA.

Chairman Elmer asked if our present code conflicts with ADA requirements? Mr. Shaver said no.

Chairman Elmer asked if the City is looking at adopting a building code modeled off the ADA?

John Shaver said the chief building inspector, Tim Ryan, has taken the posture that the ADA is self-enforcing and he doesn't have sufficient inspection staff to take care of their normal functions let alone inspection for ADA compliance.

Commissioner Halsey said his official stance will need to be altered or formal action may be taken.

Chairman Elmer said he had a question about the provision about the lease agreement for a 5-year period; if the agreement becomes void then the land use becomes void also; is that an assumption?

John Shaver said he had made a similar statement in his comments.

Chairman Elmer said the amendment states the administrator has the ability to vary the requirements, which there is no problem with; but is the appeal an appeal of the requirements or of the administrative decision?

John Shaver said that also needs to be clarified.

Chairman Elmer said he was very impressed with this amendment; it is a very good job!

MOTION: (COMMISSIONER ANDERSON) "Mr. Chairman, on Item #1-93(C), I move we forward this to City Council with a recommendation of approval subject to any input that the City Attorney and/or others have not submitted yet as long as there are no

substantial changes."

Commissioner Halsey seconded the motion. The motion was unanimously approved.

VI. GENERAL DISCUSSION

Commissioner Halsey volunteered to attend the City Council meeting on August 18th.

Chairman Elmer asked John Shaver what he didn't like about the motion/decision made by Planning Commission on the North Crest Village Subdivision.

John Shaver said what he didn't like was what staff brought to the Commission; we made some deals we probably should not have made at a staff level; staff was remiss in the handling of this matter and should have not brought it to you in this way.

Chairman Elmer said it did seem to be unusual and we did seem to be setting some precedents there.

Mr. Shaver said the precedent is not as much the problem as what the net effect could be with what is done; even though this Commission will review this file again in September we still have given them a form of conditional final approval; the project is either complete for review or it isn't.

Chairman Elmer said Gabe Harbin is leaving us, Larry Seese will be leaving us in the Fall and Ron Halsey's term is up in the fall, so the Commission is back where it started and need to start advertising for members again.

Commissioner Anderson said the application for waiver of 1/2 street improvements really bothered him.

John Shaver said staff is proposing a text amendment so that requests of this type won't have to be heard by the Planning Commission.

VII. NONSCHEDULED CITIZENS AND/OR VISITORS

There were no nonscheduled citizens and/or visitors.

VIII. ADJOURN

The meeting adjourned at 9:46 p.m.