

**GRAND JUNCTION PLANNING COMMISSION
Public Hearing -- January 8, 1991
7:30 p.m. - 9:10 p.m.**

The public hearing was called to order by Chairman Steve Love at 7:30 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission, were:

Steve Love, Chairman	John Elmer
Sheilah Renberger	Jim Bittel

Ron Halsey and Katie Worrall were absent.

In attendance, representing the City Community Development Department, was Kathy Portner.

John Shaver, Assistant City Attorney; Martyn Currie, Acting Community Development Director; and David Thornton, Planner, were also present.

Bobbie Paulson was present to record the minutes.

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

I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER BITTEL) "MR. CHAIRMAN, I MOVE THAT THE DECEMBER 4, 1990 MINUTES BE APPROVED AS SUBMITTED."

Commissioner Elmer seconded the motion.

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

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

Chairman Love expressed his appreciation to Martyn Currie, Interim Community Development Director, for his leadership while working in the Community Development Department and his willingness to jump in with both feet. The new director, Bennett Boeschstein, will be coming on board January 14, 1991.

III. PUBLIC HEARING

1. #51-90 RIGHT-OF-WAY VACATION

A request to vacate a portion of West Piazza.

PETITIONER: T.L. Benson

LOCATION: West Piazza in Crown Heights Subdivision 1st Filing.

PETITIONER'S PRESENTATION

Robert Scott, 2700 G Road, summarized the request for the right-of-way vacation. The right-of-way is 44 feet by 47 feet and is contiguous to the northern boundary of the petitioner's property. It is Mr. Scott's understanding that the right-of-way was originally part of Lot 2, Block 3 of the Crown Heights Subdivision. The right-of-way was dedicated from Lot 2 so that West Piazza could be extended to 27 1/2 Road. Because of the recent approval for the construction of the 1st Presbyterian Church, the road extension is no longer needed.

This particular piece of right-of-way is a no man's land, but if it were vacated it could be incorporated into the overall building and landscape plan on Lot 2. This would enhance that property and the neighborhood as well. If it remains an unused right-of-way, it will require upkeep and maintenance by the City and detract from the aesthetics of the adjoining properties and the neighborhood.

QUESTIONS

Commissioner Elmer asked if the right-of-way was included within Lot 2 prior to being dedicated?

Kathy Portner stated that the right-of-way was recorded with the Crown Heights Subdivision plat. The Crown Heights Subdivision was created and the right-of-way was dedicated all at the same time.

Chairman Love understood that when a right-of-way is vacated, half of the right-of-way would go, in this particular case, to the northerly property owner and the other half to the southerly property owner.

STAFF PRESENTATION

Kathy Portner, Planner II, gave a brief outline of the request for the right-of-way vacation. The proposed vacation of right-of-way is located at the west end of West Piazza. It was anticipated that the property west of South Piazza would be subdivided for residential lots, and West Piazza would continue through to 27 1/2 Road. Recently, a plan for the 1st Presbyterian Church was approved for construction on the northeast corner of Cortland Avenue and 27 1/2 Road; therefore, there is no need for West Piazza to be extended through to 27 1/2 Road. Additional

right-of-way was not dedicated when Ptarmigan Estates was platted; it was assumed that the right-of-way would not continue through to 27 1/2 Road. Additional right-of-way would have been required if this were not the case.

The improvements to the "circle" (Crown Heights common area) have been completed with the platting of Ptarmigan Estates. Curb and gutter exists along South Piazza where West Piazza would stub off. Some easements will need to be retained, which is not a problem.

The entire width of the right-of-way was dedicated from the Crown Heights Subdivision; therefore, staff assumed it would go back to the adjacent property in Crown Heights. After reviewing State Statutes, this may not be the case. When a right-of-way is vacated and recorded, the assessor's office interprets State Statute in order to decide who gets what portion of the vacated right-of-way. It is pretty much out of the City's hands at that point. Mr. Scott would acquire at least half.

Ms. Portner anticipates that the church site plan will be recorded sometime in the next few months.

QUESTIONS

Commissioner Bittel asked if there is an existing easement along the northern ten feet of Lot 2?

Ms. Portner replied that she was unsure. The Utility Coordinating Committee (UCC) will be reviewing this vacation and deciding exactly where the easements are needed.

When asked if there were any plans to build on the right-of-way, Mr. Scott replied that he has two building plans. The first plan incorporates part of the vacated right-of-way, the other does not. He added that he would not infringe on any easements regardless of what the plan is.

Commissioner Elmer asked if the City records the easement?

Ms. Portner stated that the easement would be part of the City's ordinance vacating the right-of-way.

Chairman Love asked Ms. Portner to elaborate on the procedures if the church decided to change their site plan. Would access off the circle be required?

Ms. Portner replied that if this right-of-way is vacated and subsequently needed in the future, the right-of-way would have to be re-acquired. If the right-of-way is not vacated and used for access, additional property will be required either to the north or south in order to accommodate a roadway.

Commissioner Elmer asked if the vacated right-of-way would have to be re-purchased at fair market value?

John Shaver replied affirmatively; it would be like any other right-of-way acquisition.

Commissioner Elmer asked if the ordinance could be written to stipulate that since the adjacent property owners acquired the right-of-way at no cost, they would, therefore, have to return it at no cost except to be compensated for any land improvements that may be destroyed?

Mr. Shaver reiterated that once the right-of-way is vacated, it would be treated the same as any other right-of-way acquisition.

Ms. Portner pointed out that there are two other existing rights-of-way that branch off of South Piazza which could be utilized for access into the church property.

When asked if the surrounding property was zoned RSF-4, Ms. Portner replied affirmatively.

PUBLIC COMMENT

There was no public comment either for or against this request.

Mr. Scott expressed his appreciation to the Community Development Department staff, in particular Kathy Portner, for her assistance throughout this right-of-way vacation process.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #51-90, A REQUEST TO VACATE A PORTION OF WEST PIAZZA, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO THE REVIEW SUMMARY SHEETS COMMENTS AND SUBJECT TO THE SITE PLAN FOR THE 1ST PRESBYTERIAN CHURCH BEING RECORDED BEFORE THIS RIGHT-OF-WAY CAN BE VACATED."

Commissioner Renberger seconded the motion.

Discussion ensued regarding the motion that the site plan for the 1st Presbyterian Church be recorded before the right-of-way is actually vacated.

Chairman Love wondered if it was necessary to require the site plan for the church to be recorded before the right-of-way is vacated? There are other accesses that could be utilized if needed.

Ms. Portner asked Mr. Scott when he planned to finalize the site design for his property?

Mr. Scott said construction would not start until Spring.

Ms. Portner stated that the church has nine more months to record their site plan which may hold up Mr. Scott's options. She added that this was certainly up to the Commission's discretion.

Chairman Love felt that the hardship out-weighed any benefits. He felt that this would create a hardship for Mr. Scott, especially since it is anticipated that this right-of-way is not needed and there are other ways to access this site.

AMENDED MOTION: (COMMISSIONER ELMER) "SINCE STAFF, THE CITY ENGINEER, AND THE CITY ATTORNEY HAVE NOT OBJECTED, I MOVE TO AMEND THE MOTION BY DELETING THE REQUIREMENT OF THE CHURCH FILING THEIR SITE PLAN."

Commissioner Renberger seconded the amendment.

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

2. #48-90 HORIZON PARK SUBDIVISION

A request for a Rezone from Planned Residential (PR-8) and Planned Business (PB) to Residential Single Family (RSF-8) and Highway Oriented (HO) Zones for the Horizon Park Subdivision, and a request for a Minor Subdivision with three lots on approximately 27 acres.

PETITIONER: Jeff Williams

LOCATION: 27 Road / Between G Road and Horizon Drive

PETITIONER'S PRESENTATION

Jeff Williams presented a brief overview of the proposal for Horizon Park Subdivision. Mr. Williams is currently an employee of Bray and Company Realtors. The petitioner, 1st Interstate Bank of Denver, and the prospective purchasers of Lots 1, -2 and 3 in Horizon Park all have long time roots in the Grand Junction area, hereby submit the proposal for Horizon Park Subdivision.

Horizon Park Subdivision consists of three lots on approximately 27 acres, and this area is one of the last undeveloped portions of Horizon Drive.

The petitioner requests that Lots 1 and 2 be rezoned to Planned Residential six units per acre (PR-6) and the remaining 17 acres, Lot 3, be rezoned Highway Oriented (HO). The PR-6 zone is decreasing the original density of PR-8 by two units per acre. The petitioner is agreeable to resubmit the application upon completion of the development plans for each lot allowing the City to review any development that may occur. The PR-6 zone is compatible with the surrounding area. This property has both adequate sewer and water available in G and 27 Roads.

Drainage reports, provided by Rolland Engineering, detail current drainage of this property. The petitioner will submit more detailed drainage plans upon the completion and submittal of preliminary development plats.

Mr. Williams stated that he has contacted Mr. Ken Johnson (Jacobson) from the Corps of Engineers regarding the wetland identification. Mr. Johnson (Jacobson) has agreed to review the property and prepare a written statement as to the area wetlands prior to the City Council meeting on January 16, 1991.

Chen and Associates, Consulting Geotechnical Engineers, prepared a preliminary soil investigation for the previous developer. They have agreed to recertify this report.

The petitioners request a two-year time period to submit a final development plan to the City.

Mr. Williams continued; the petitioner agrees to the payment of curb, gutter, and sidewalk fees; however, they request that the Planning Commission and City Council waive these fees until such time development occurs on the properties. This property is unique due to its frontage to four arterial streets. The petitioners are not trying to avoid payment of these fees, they are simply asking the Planning Commission to place a building permit hold on these properties or similar arrangements until these fees are paid. By forcing up-front payment of Road Improvement and Open Space fees the development of this and other properties are stifled. The petitioners will make every effort to adhere to all Planning Department recommendations. Mr. Williams added that he has responded to all of the review agencies comments in writing.

QUESTIONS

Chairman Love asked if there were any pending contracts on these parcels?

Mr. Williams replied affirmatively; there are contracts signed and back up offers.

Chairman Love asked how many acres were included in the area requested to be rezoned to Highway Oriented?

Mr. Williams replied that it is 17.6 acres. The property is currently one piece, totaling 27 plus acres.

Commissioner Bittel asked Mr. Williams what the intended development or uses were for this property?

Mr. Williams stated that single family units are proposed on Lot 1. There are no plans for Lot 2 at this time. A small retail center or a duplication of Horizon Towers on Lot 3 has been discussed. Regardless

of what will be proposed, the City will have the opportunity to review the plans.

STAFF PRESENTATION

Kathy Portner presented an overview of the project. In 1981, the entire 27 acres was zoned Planned Residential eight units per acre (PR-8) and Planned Business (PB). The Planned Residential area is pretty much what is shown as Lot 1 and 2 with some of it extending south to Horizon Drive from Lot 2. The remainder was zoned Planned Business with a mixed use development proposed. The plat was never recorded which means that this property has a planned zone without a plan.

As Mr. Williams mentioned, 1st Interstate Bank wants to sell the property. They have potential buyers if the subdivision is approved. Because this property has a planned zone, the petitioners could not subdivide without a plan. They were not prepared to submit a plan on the property nor did they want to be the developer of the property. Without a plan, the petitioners had to request a rezone to a comparable straight zone. This is why the original request was for a rezone from Planned Residential eight units per acre (PR-8) to Residential Single Family eight units per acre (RSF-8). The straight zone has very strict bulk requirements and criteria. A planned zone has more flexibility. The area currently zoned Planned Business is requested to be rezoned to Highway Oriented. Virtually everything along Horizon Drive out toward the airport is zoned Highway Oriented.

There are no uses by right under the Highway Oriented Zone. Any use that is proposed in this zone would have to go through either a Special Use review process which is an administrative review or a Conditional Use process which would go to public hearing. If the property owner wanted to sell portions of Lot 3, they would have to come back through a subdivision process.

Ms. Portner continued; discussion with the petitioners indicates that the potential buyer for Lot 1 is interested in constructing something other than conventional single family development; therefore, they have requested that the planned zone be retained on that property. In order to do this, they were willing to reduce the density to PR-6. Staff does not have a problem supporting a Planned Residential six units per acre (PR-6) for Lot 1.

As of today, a proposal was made to rezone Lot 2 to Planned Residential six units per acre (PR-6). Our more recent recommendation was that it be zoned RSF-5. Five units per acre was proposed because the straight zone jumps from five to eight units with nothing in between. The proposal to consider zoning Lot 2 PR-6 could be justified using the same criteria that was used for Lot 1. It is a planned zone without a plan; however, the City has more control in what goes in there and the neighboring property owners potentially have more input on the design of the property.

Chairman Love asked what the adjacent development, Vintage 70's, was zoned?

Ms. Portner said it has a density of approximately five to six units per acre. She added that County Planning's comments were that the existing surrounding area's density was six units per acre or less. By reducing the eight units per acre to six, it makes this lot more compatible with the surrounding area.

Commissioner Bittel asked if the Highway Oriented Zone was appropriate along 27 Road?

Ms. Portner replied that it depends upon what is proposed. There are ways of making the types of uses that can go into a Highway Oriented Zone compatible. There may be limited access onto 27 Road as there will be limited access onto Horizon Drive. Ms. Portner added that there are many constraints on this property because of the topography, drainage and soil.

Commissioner Bittel asked if the Highway Oriented Zone along Horizon Drive typically went as deep as this proposal?

Ms. Portner replied affirmatively. Staff would prefer to see a new overall plan on this property, but without such a plan certain conditions are recommended for the Planning Commission's consideration and approval. There are a couple of outstanding items from the review agency comments that were not adequately addressed. The Utility Engineer has a concern that Lot 2 can not gravity feed into the sewer. He asked how the lot would be serviced for sanitary sewer and commented that additional easements across Lot 3 may be required. The petitioner responded that there are some drainage easements shown on the plat that could also be used for the sewer. This needs to be addressed in more detail which is satisfactory to the Utility Engineer.

A request has been made that the Parks and Open space fees and the Road Improvement fees be deferred. Staff recommends that the fees be paid at the time the plat is recorded. The Planning Commission needs to make a separate recommendation for the fee deferral to City Council. The petitioner is required to pay for half-road improvements for all the perimeter roads including Horizon Drive, 27 Road, and G Road. There is a right-of-way that exists on the east side of Lot 2. Staff recommends that this right-of-way be retained, but that the road improvements fees do not need to be paid at this time because of the uncertainty regarding the future of that right-of-way.

Mr. Williams has responded to our concern of the presence of wetlands. Ms. Portner stated that a response from the petitioners prior to the City Council hearing would be acceptable.

A few other technical requirements need to be addressed, but these can be taken care of after the hearing process. In summary, Staff supports a rezone to PR-6 for Lots 1 and 2 and HO zone for Lot 3; however, the

burden is on the petitioner to show that they have met the criteria for rezoning as stated in the Zoning and Development Code.

If this proposal is approved, staff requests the following conditions be placed upon the approval:

1. A subsurface soils report, sufficient to comply with the Section 5-6-2 of the Grand Junction zoning and Development Code must be completed prior to May 1, 1991 and development limitations as indicated by the report noted or referenced on the plat. The report that Mr. Williams referenced was completed in 1981. The report indicated some major concerns for future development on the property; however, so long as certain precautions were taken development could happen. Staff requests that this be noted on the plat and that the 1981 report or a similar report be updated and recertified.
2. Wetlands, as designated by the Corps of Engineers, must be identified on the plat and development limitations noted.
3. Funds for half-road improvements (based on costs current as of recording of plat), up to collector standards, for the portions of G Road, 27 Road and Horizon Drive adjacent to this property must be guaranteed prior to recording of the plat. The 27 1/4 Road right-of-way must be retained; however, road improvements will not be required at this time.
4. Parks and Open Space fees, in effect at the time of recording the plat, must be paid prior to recording of the plat.
5. No use or development is allowed on these lots at present. Before any uses are approved, a detailed grading and drainage plan must be approved for the development. Staff requests that this notation be on the plat.
6. No rezoning can occur until the applicant can show that the criteria, as set forth in Section 4-4-4 of the Zoning and Development Code, have been satisfied.
7. An acceptable plan to sewer Lot 2 with appropriate easements must be reviewed and accepted by the Utility Engineer.

Mr. Shaver requested a brief recess to discuss with Chairman Love a potential conflict of interest.

A brief recess was called at 8:15 p.m. The meeting reconvened at 8:20 p.m.

Chairman Love announced that a potential conflict of interest has been brought to his attention. He asked Commissioner Bittel to address for the record any reason he would feel his association with the petitioner, Jeff Williams, would or would not create a conflict of interest.

Commissioner Bittel stated that he and Mr. Williams are both employees of Bray and Company Realty; although, they are both independent contractors. Mr. Williams is employed in the downtown office; Commissioner Bittel in the Redland's office. Commissioner Bittel explained that he briefly considered whether this constituted a conflict, but since he had no financial interest in this transaction either as an agent for the sellers or as a facilitator for any potential buyers he did not feel there was a conflict of interest. He added that he was not even aware that the property was on the market until he saw this proposal.

Mr. Shaver felt comfortable that Commissioner Bittel had no pecuniary or monetary interest in this transaction or any affiliation with the transaction in anyway. Mr. Shaver asked Commissioner Bittel if he would have any reason to be involved with this particular transaction in the future?

Commissioner Bittel reiterated that both he and Mr. Williams are independent contractors. By some stretch of the imagination, he could be involved in a subsequent transaction down the road. For example, if Mr. Williams sells the parcels, and the buyers subsequently decide to re-sell, he could possibly be involved at that point.

Mr. Shaver asked Commissioner Bittel if he anticipated any dealings with this particular parcel or Mr. Williams within the next 90 days?

Commissioner Bittel replied none what-so-ever.

Commissioner Elmer asked that if a development were proposed for Lot 3 that required a Special Use Permit, could a stipulation be made that the petitioners be required to come before the Planning Commission?

Mr. Shaver replied that the Highway Oriented Zone has inherent limitations. The Highway Oriented zone allows for no uses by right. All developments, except for a single family residence, will have to be reviewed either administratively or through the public hearing process.

Commissioner Elmer pointed out that the Special Use permit process would not require a public hearing. Because there are no plans at this time, preference would be that all future development plans come through the hearing process.

Mr. Shaver replied that this would not be in conformance with the Zoning and Development Code.

Ms. Portner stated that any future subdivision of Lot 3 would require a public hearing.

Commissioner Elmer asked if a water supplier issue was anticipated on this property? He added that the City Utilities Engineer did not comment on this.

Mr. Shaver said that it is fair to anticipate a question but not necessarily a problem.

Chairman Love asked what the benefits were to have a planned zone without a plan?

Ms. Portner replied that if a straight zone were approved on Lots 1 and 2, the potential developer would be required to submit a subdivision plat and come back through a public hearing; however, if all the bulk requirements were met in a straight zone and all the requirements of the subdivision were met, not much could be said on the overall site design. With a planned zone, both sides are allowed more latitude.

Commissioner Renberger asked for clarification; will the Commission have the opportunity to review the site plan in a planned zone?

Ms. Portner replied affirmatively; the petitioner would have to submit a preliminary and a final plan and plat.

Commissioner Bittel asked if the rezone request is to facilitate the buyers or the subdivision?

Ms. Portner stated that originally the rezone to a straight zone was proposed because a subdivision within a planned zone could not happen without a plan. Therefore to subdivide, the petitioners had to request a rezone to a straight zone. However, now the proposal is for a planned zone.

PUBLIC COMMENT

IN FAVOR OF THE PETITION:

Keith Mumby, 321 McFarland Court, representative for the potential purchasers of Lots 1 and 2, stated that initially his clients were only the potential buyers of Lot 1. The original proposal was to rezone Lot 3 to Highway Oriented and Lots 1 and 2 to straight zones. He did not feel this tract was suitable for single family development. After meeting with the City Engineer, Kathy Portner, Dan Wilson, and John Shaver it was agreed upon to reduce the planned units from eight to six, and that they would not be required to rezone to a straight zone. The intent is for a planned unit development. It seems only coherent to zone both Lot 1 and Lot 2 Planned Residential six units per acre. All the other criteria of the subdivision are the obligation of the seller.

Commissioner Bittel asked what the potential purchasers proposed for this property?

Mr. Mumby said that currently there is no plan. The intention is to construct a 20-30 unit development on the five acres, something similar to Vintage 70's, unless Bookcliff Country Club wants Lot 2 for expansion of their facility. Because of the expense of the road, curb, and gutter

they decided against the purchase. If the Bookcliff Country Club decides they want Lot 2, the PR-6 zone would not be suitable for what they would be proposing. It would be up to them to request a rezone. Because of the limited access on to G and 27 Roads and the limited impact of traffic, Mr. Mumby requested that City Council relieve the developer of the costs to widen the street.

OPPOSITION TO THE PETITION:

The was no opposition to this request.

Chairman Love asked Mr. Williams if he had any comments regarding Section 4-4-4 of the Zoning and Development Code which requires the criteria for the rezone be satisfied.

Mr. Williams felt that the criteria had been satisfied. First, the petitioner is asking for density that is less than is what exists now. Secondly, the proposed zones are compatible with the surrounding area. He added that the rezone was the recommendation of City Planning, not the petitioner.

He felt that the burden of requiring up-front Road Improvement and Open Space fees on this property stifles its development. He reiterated that the petitioners were not trying to avoid putting in the improvements; anyone who is going to have a worthwhile development is going to put those improvements in. He added that the \$227,000 in road improvements is almost more than what the property is worth.

When asked what the Country Club's plans were if they purchased Lot 2, Mr. Williams replied that he was not sure.

Commissioner Elmer asked Mr. Williams to clarify what the petitioner is requesting regarding the deferral of the Open Space and Improvement fees?

Mr. Williams felt that the Open Space fees should be paid at the time the actual development occurs or at the time the plan is submitted.

Commissioner Elmer asked; are you requesting that the subdivider not have to pay the Road or Open Space fees?

Mr. Williams replied no, the petitioners are not saying that they will not pay for the sidewalk and gutter fees, but they do not want to pay and will not pay for the road to be paved. The petitioner agrees to pay these when the preliminary development plans are submitted.

Commissioner Elmer clarified that the bank will not be submitting the development plans; therefore, the subdivider is asking for a deferral so that they do not have to pay those fees.

Mr. Williams stated that the three purchasers are agreeable to those terms.

Commissioner Elmer stated that this should be made clear in the contracts to the buyers.

Commissioner Renberger asked when the Road Improvement fees are required to be paid?

Ms. Portner replied that before the petitioner would be allowed to sell any of the lots, the plat has to be recorded and before this can be done the fees have to be paid.

Chairman Love asked if the conditions Ms. Portner stated earlier were required before the recording of the plat?

Ms. Portner replied affirmatively. Several of the conditions will be noted on the plat itself.

Commissioner Bittel stated that he understands the need for the open space and the curb and gutter fees, but could not understand the requirement of fees to widen and improve the roads.

Ms. Portner said that the petitioner would be required to pay the fees for the road improvements based on collector standards which is a two-lane road even though the perimeter roads are classified as arterials.

Commissioner Bittel asked if the road width was an issue?

Ms. Portner replied that it was not as far as improvements go.

Commissioner Bittel clarified that curb, gutter, sidewalk and open space fees are really what will be collected or guaranteed.

Ms. Portner added that half-road improvement fees for a collector size road would also be collected or guaranteed.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #48-90, A REQUEST TO REZONE THE PROPERTY LOCATED AT 27 ROAD BETWEEN G ROAD AND HORIZON DRIVE FROM PLANNED RESIDENTIAL (PR-8) AND PLANNED BUSINESS (PB) TO PLANNED RESIDENTIAL (PR-6) ON LOTS 1 AND 2, AND HIGHWAY ORIENTED (HO) ON LOT 3 FOR THE HORIZON PARK SUBDIVISION, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL FOR THE FOLLOWING REASONS:

- 1. A DOWN ZONE IS BENEFICIAL TO THE COMMUNITY AND,**
- 2. THERE ARE ADEQUATE FACILITIES TO SERVE THIS SUBDIVISION."**

Commissioner Renberger seconded the motion.

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

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #48-90, A REQUEST FOR A MINOR SUBDIVISION, I MOVE THAT WE APPROVE THIS SUBJECT TO THE REVIEW SHEET SUMMARY COMMENTS AND THE FOLLOWING CONDITIONS: (summarized what Ms. Portner requested as the conditions of approval)

1. A SUBSURFACE SOILS REPORT IS REQUIRED ON THE PLAT.
2. WETLANDS WILL BE DESIGNATED ON THE PLAT.
3. FUNDS FOR HALF-ROAD IMPROVEMENTS ARE REQUIRED.
4. PARKS AND OPEN SPACE FEES ARE REQUIRED AT THE TIME THE PLAT IS RECORDED.
5. NO USE OR DEVELOPMENT IS ALLOWED ON THESE LOTS UNTIL A DEVELOPMENT PLAN IS IN PLACE AND A DRAINAGE PLAN IS APPROVED.
6. AN ACCEPTABLE PLAN FOR EASEMENT TO PROVIDE SEWER SERVICE TO LOT 2 MUST BE ACCEPTED BY THE CITY UTILITY ENGINEER.

THESE SIX CONDITIONS MUST BE FULFILLED PRIOR TO FILING OF THE PLAT."

Commissioner Renberger seconded the motion.

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

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, I WOULD LIKE TO MAKE A MOTION ON THE REQUEST BY THE PETITIONER TO WAIVE THE PARK AND OPEN SPACE FEES AND DEVELOPMENT FEES FOR HALF-ROAD IMPROVEMENTS, I MOVE THAT WE RECOMMEND THAT THESE FEES ARE NOT WAIVED, THAT THE PETITIONER/SUBDIVIDER BE REQUIRED TO PAY THESE FEES AS REQUIRED BY THE CODE BECAUSE I DO NOT FEEL THERE HAS BEEN NECESSARY HARDSHIP SHOWN TO PASS RECOMMENDATION FOR A WAIVER."

Commissioner Renberger seconded the motion.

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

GENERAL DISCUSSION

Chairman Love announced that the Planning Commission is still soliciting for another member.

Martyn Currie announced that Linda Weitzel, Planning Technician, has resigned from the Community Development Department. Her last day will be February 2, 1990. She will be going into counseling and the human services field.

The Commission members expressed their sorrow to see her leave the Community Development Staff.

The meeting was adjourned at 9:10 p.m.