

GRAND JUNCTION PLANNING COMMISSION
Public Hearing October 1, 1991
7:28 p.m. - 9:33 p.m.

The public hearing was called to order by Chairman Ron Halsey at 7:28 p.m. in the City County Auditorium.

In attendance, representing the City Planning Commission, were:

Ron Halsey, Chairman	Jim Bittel	Craig Roberts
John Elmer	Jim Anderson	Sheilah Renberger
Steve Love		

In attendance, representing the City Community Development Department, were Bennett Boeschstein, Director; Kathy Portner, Senior Planner; Karl Metzner, Planner; and Dave Thornton, Planner.

John Shaver, Assistant City Attorney, was also present.

Judy Morehouse, of KLB Secretarial Services, was present to record the minutes.

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

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I. CALL TO ORDER

II. APPROVAL OF MINUTES

MOTION: (COMMISSIONER LOVE) "MR. CHAIRMAN, I MOVE THAT WE APPROVE THE MINUTES OF THE SEPTEMBER 3, 1991 MEETING."

The motion was seconded by Commissioner Elmer.

A vote was called, and the motion passed unanimously by a vote of 7-0.

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

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

IV. MEETING ON ITEMS FOR FINAL DECISION

1. 60-91 CONDITIONAL USE

A request to construct a car wash in an existing Highway Oriented (HO) zone.

Petitioner: Larry V. Feather

Location: 723 Horizon Drive

Consideration of a Conditional Use

PETITIONER'S PRESENTATION

Larry Feather of 723 Horizon Drive stated that he has complied with everything that was requested and is willing to answer questions.

STAFF PRESENTATION

Mr. Metzner presented the site plan for the proposed car wash with an interior bay, equipment room, and exterior wash rack. He explained the main access to the car wash would be from the southwest.

He continued by adding that the review comments have been adequately addressed. The Fire Department will review the project at the time the building plans are submitted and noted that a fire hydrant will be required within 150 feet of all exterior portions of the building. The Fire Department will review the construction plans at the time they are submitted. This location will be served by Ute Water with an existing 8" water line in Horizon Drive. As per City regulations the sand and oil traps will be provided so that the inflow into the sewage system will be contained.

The City Engineer had noted that a drainage study would be required; however, the site is currently all paved, so there will be no change in the runoff and as of October 1, 1991 the City Engineer has rescinded his requirement for the drainage plan.

The Parks and Recreation Department stated that there will not be an open space fee required on this because the use is an accessory to the existing use of the convenience store. Because the car wash is an accessory use, it will not generate excessive traffic. The primary use is the existing convenience store; the car wash is only an adjunct to that use.

Mr. Metzner concluded by stating that all the review agencies are satisfied with the response of the Petitioner.

QUESTIONS

Commissioner Elmer questioned the requirements for fire hydrants.

Mr. Metzner explained that it is a Fire Department regulation, the Uniform Fire Code, that requires a fire hydrant to be within 150 feet of new buildings.

Mr. Feather commented that there are four existing fire hydrants ranging from 120 feet to 300 feet from the property. The new requirement being enforced is the 150 feet; the existing building does not qualify for that requirement. The cost for the fire hydrant will add about \$10,000 to the project cost.

Commissioner Elmer asked the petitioner what the building was going to be made out of?

Mr. Feather replied it will be built out of block and run with natural gas (i.e. no storage for propane will be needed).

Commissioner Love asked what the rationale was for this fire hydrant requirement?

Commissioner Roberts stated there seemed to be no rationale, the building will be block, with no walls; if there were a gas explosion the Fire Department could not get within 150 feet anyway.

Commissioner Anderson, Commissioner Roberts, Commissioner Elmer, and Commissioner Love all felt it was an extreme burden to enforce the new fire code in this instance.

Mr. Metzner explained that there was a code appeal process the Petitioner could consider. Also, if the opinion of the Planning Commission was that the fire hydrant requirement was excessive, it could be added in the motion. This may help if the appeal process was pursued.

Mr. Shaver commented that since the code has been adopted, this is not the Planning Commission's decision. You can make a recommendation, but the Code will control.

Mr. Feather asked about the appeal process and Mr. Metzner said he would help him get in touch with the Fire Marshall and get started on it.

Commissioner Roberts asked if there would be additional landscaping?

Mr. Metzner explained it was not required, but it was at the Commissioner's discretion if more landscaping was needed.

Mr. Feather stated that a planter was in the plans to the north which would cover that.

MOTION: (COMMISSIONER LOVE) "MR. CHAIRMAN ON ITEM #60-91, A REQUEST TO CONSTRUCT A CAR WASH IN AN EXISTING HIGHWAY ORIENTED (HO) ZONE, I MOVE THAT WE APPROVE THIS SUBJECT TO THE REVIEW AGENCY SUMMARY SHEET COMMENTS NOTING AS IT RELATES TO THE CITY FIRE DEPARTMENT THE COMMISSION MIGHT CONTEND THAT ANOTHER FIRE HYDRANT IS SOMEWHAT OF AN OVER-KILL."

The motion was seconded by Commissioner Bittel.

A vote was called, and the motion passed unanimously by a vote of 7-0.

2. 61-91 CONDITIONAL USE

**A request to allow a 12-foot high fence in an existing Residential Single Family eight units per acre (RSF-8) zone.
Petitioner: Stephen C. Love
Location: 1921 North 17th Street
Consideration of a Conditional Use**

Commissioner Love removed himself from the Commission for this item.

PETITIONER'S PRESENTATION

Mr. Love explained that he needed the 12-foot fence to better utilize his back yard for basketball and other sports for his children. Initially it will be covered with enviroscreen; he plans to add foliage later.

He disagreed with the \$420.00 conditional use permit fee. He felt it was excessive for a project that cost \$1,750 and added that if the fence were moved three feet to the east it would cost \$100 to \$200. He knows the Planning Commission does not waive fees but would like it on record that perhaps the fee is excessive considering the overall cost of the project.

STAFF PRESENTATION

Ms. Portner stated that according to the Zoning and Development Code fences within a required setback area exceeding six feet in height require a Conditional Use Permit. This 12 foot high fence was built within the 3 foot rear yard setback for accessory structures; therefore it requires the permit. Structures over six feet in height also require a planning clearance and a building permit rather than a fence permit. The Code does not have special provisions for taller fences for playing fields. There have been conditional use permits granted in the past for tennis court fences.

Of the criteria listed in the Zoning & Development Code for reviewing conditional use permits only Section 4-9-1 A. seems to be applicable. It states that the proposed use must be compatible with adjacent uses in terms of appearance and site design. Because of the configuration of the lots, the fence is only visible from the adjoining property's back yard. The enviroscreen and proposed natural vegetation will further reduce the visual impact.

Ms. Portner also asked the Petitioner if he was asking for a fee waiver or for a fee reduction? The Planning Commission needs to make a recommendation to City Council on one or the other.

Mr. Love stated that he was asking for a reduction.

QUESTIONS

Chairman Halsey had a concern about the neighbor's view of this project.

Mr. Love explained that the property to the north would have the most visual impact, and they have a garage and a boat shelter facing the proposed fence. The properties to the west look across the garage before they view the fence. He doesn't feel from visiting with neighbors that it is any problem to them.

Commissioner Roberts asked about the three foot difference; the difference between conditional use and the regular fencing permit (i.e. the additional cost) is because of the 3 foot encroachment, not the fact that it is 12 foot high.

Mr. Love replied the three foot difference was the reason for the additional cost, and he didn't want to remove sprinkler lines and shorten the basket ball court so it was extended beyond the 3 foot limit.

Commissioner Elmer asked what the value of the fence is, adding that the fee waver should be based on this value, since you are asking for a variance on the fence not the whole basket ball court.

Mr. Love stated it was \$1,047.

Commissioner Roberts asked if the basketball court was in the easement?

Mr. Love stated that the basketball court is in the easement and all the fences in the neighborhood are in the easement.

Ms. Portner pointed out that the utility companies reviewed this and had no comments.

Mr. Boeschenstein added that it is a zoning violation; if the Commission does not grant the Conditional Use the fence will have to be taken down and Mr. Love is aware of this.

Commissioner Renberger asked if the easement could be used for electrical lines in the future? She is concerned that the easements were blocked with fences.

Ms. Portner explained that U.S. West and Public Service were asked to comment and they had no problem with the fence. Normally fence permits are given within an easement with the understanding that the property owner, if a utility has to go through, is responsible to replace the fence at their expense.

MOTION: (COMMISSIONER BITTEL) "MR. CHAIRMAN, ON ITEM # 61-91, A REQUEST TO ALLOW A 12-FOOT HIGH FENCE IN AN EXISTING RESIDENTIAL SINGLE FAMILY NOT TO EXCEED EIGHT UNITS PER ACRE (RSF-8) ZONE, I MOVE THAT WE APPROVE THIS SUBJECT TO THE REVIEW AGENCY SUMMARY SHEET COMMENTS."

The motion was seconded by Commissioner Elmer.

A vote was called, and the motion passed unanimously by a vote of 7-0.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM # 61-91, A REQUEST TO ALLOW A 12-FOOT HIGH FENCE I MOVE THAT WE RECOMMEND REDUCTION OF THE APPLICATION FEE TO \$200.00 IN THAT IT IS EXCESSIVE FOR THE OVERALL VALUE OF THE PROJECT AND THAT IF THE PROJECT WAS MOVED OVER THREE FEET IT WOULD HAVE BEEN ALLOWED WITH NO NEED OF THE APPLICATION FEE."

The motion was seconded by Commissioner Bittel.

A vote was called, and the motion passed by a vote of 6-1, with Commissioner Roberts opposing.

3. **62-91 EASTGATE VILLAGE TOWNHOMES FILING 3**
A request for a Final Plan and Plat for 22 residences on 2.92 acres in an existing Planned Residential (PR) zone.
Petitioner: Robert L. Dorssey
Location: Elm Avenue and 28 1/4 Road
Consideration of a Final Plan and Plat

PETITIONER'S PRESENTATION

Mr. Mavrakis was present to represent Mr. Dorssey. He stated that Filing 3 is the same as the Preliminary. The changes were made because of requests by the Commissioners and Staff.

STAFF PRESENTATION

Mr. Metzner explained that in July the Planning Commission denied the project for the Preliminary on Filing 3 and the Final on Filing 2. The Petitioner appealed to City Council, and City Council approved the plan with some changes. The plan you see reflects the Preliminary approval by the Council with the changes they recommended. The changes having to do with the area previously designated as open space; those areas are now just shown as utilities easements. The lots go all the way back to the property lines. Tract A shown will be deeded to the Homeowners Association, that being the retention basin for the drainage. There is a walkway still shown which is a dedicated right-of-way for Bunting Avenue leading out to 28 1/4 Road.

The Grand Junction Drainage District had comments and concerns on the easements and access for maintenance. The Grand Junction Fire Department commented on fire hydrant locations; the Utilities Engineer

had comments on the orientation of pavement and grade, and drainage easements. The City Attorney had a comment which needs to be clarified regarding road improvements. The Code does not require any improvements because this project does not front on Elm Avenue. U.S. West had their standard comments requiring contracts for telephone facilities. Fruitvale Sewer District has a recorded easement by deed in Lots 20 & 21; there is a letter that the lots have been moved and no longer encroach into the easement. Open space fees will be required. The Community Development staff comments include the utilities composite correctly showed the alignment of the walkway coming down to Bunting; the plat itself shows it dead-ending into another property. The Petitioner will correct this and the easement will become an egress/ingress easement for that walkway.

The City Development Department recommended that Tract C which was 2 feet wide along Bunting Avenue be dedicated as a right-of-way instead of a Tract; the City Engineer agreed.

The Department received a letter from the Grand Junction Fire Department indicating the fire hydrants were installed and met code. The Drainage District also replied they are satisfied with the arrangements for the easements and maintenance obligations.

The City Engineer had conveyed to Mr. Metzner that his previous concerns had been addressed; the drainage is under construction.

QUESTIONS

Commissioner Bittel asked about the fact that Filing 2 & 3 do not front on Elm Avenue but Filing 1 did. He feels there is impact to Elm because of these filings, but no impact fee will be imposed.

Mr. Metzner stated that frontage is what is used for the criteria for impact and it should also address the number of units; he added that there are inequities in the system. In the future there will be changes made on this criteria; however, currently the Code has no requirement for this project.

Commissioner Elmer commented about the sewer which goes through Tract A and asked if the whole Tract is an easement?

Mr. Mavrakis replied that the latest map does say utility easement.

Mr. Metzner added that it is a utility easement for that Tract.

Commissioner Elmer commented that the Utility Engineer had requested a 15 foot easement for the sewer line and wondered if it would be centered.

Mr. Mavrakis replied it would be five feet on the building side.

Commissioner Elmer asked if the plans had all been approved and Mr. Metzner replied affirmatively.

Commissioner Elmer commented that landscaping had been an issue on the Preliminary Plan and asked the Petitioner if any landscaping had been provided?

Mr. Mavrakis stated that all of the front yards will be grass and have ~~trees~~ and it will be the responsibility of the Homeowners Association for maintenance and upkeep.

Commissioner Elmer asked about fences on the wedge shaped lots, and Mr. Mavrakis replied it would all be open, no fences will be allowed. Their idea is to serve the basic needs for retirement individuals with Homeowners Association being responsible for the front yards.

Commissioner Elmer asked about RV parking since the market was for retirement individuals?

Mr. Mavrakis stated that none of his current customers had RV's.

When asked if there were parking restrictions, Mr. Mavrakis replied RV's were restricted from parking in the area.

Commissioner Roberts asked about the four space off-street parking per unit requirement.

Mr. Metzner replied it was a two space requirement.

Commissioner Roberts added that it would be difficult in the cul-de-sac area to comply with the off-street parking per unit.

Mr. Boeschstein stated that the Planning Commission has approved a text amendment which requires four parking spaces for single family, two for multi-family, and one for visitors. However, the old standard is still in effect which requires two for single family and 1 1/2 for multi-family. The text amendments and new road standards never got through City Council. Council has been approving narrower roads, but the standard itself has not been approved. This project has narrower roads.

Commissioner Elmer was concerned that there was not sufficient off-street parking.

Mr. Mavrakis stated that if the City Engineer felt it was a problem he would have addressed it.

Commissioner Bittel added that since the text amendment has not been adopted yet it is a problem.

Mr. Mavrakis stated that it is a Planned Residential Zone. This allows the project to be approved without having to maintain every issue; that is the purpose of a Planned Development.

Commissioner Roberts was concerned also about conservation, conveyance and efficient use of open space and recreation for residents (with a pond that is not accessible to anyone). These issues are not being addressed here, there is a density of 10 units per acre which is tight and no additional land for open space. The combined use for such a dense development is important.

Mr. Mavrakis stated that 1) the pond is only a retention pond for excess surface water, so there is not an assigned use; it will be totally fenced and secure and 2) on the open space, there is a public park within less than 1/8 mile from this project that can be utilized.

Commissioner Roberts stated if there were improved sidewalks, we would be completely satisfied with this option. However, there are no sidewalks on Elm Avenue and 28 1/4 Road, so the accessibility is extremely limited. That goes back to the road improvement policy; we are creating additional residents in the area that will be pressuring the use of that park and there is no safe way to get there.

Mr. Mavrakis said I understand what you are saying and agree; however, if you are inferring that the developer should generate those walks that makes a very undue hardship from an economic standpoint in trying to get a project complete.

Commissioner Roberts explained to the Petitioner that there are reasonable alternatives which were discussed in the past. There are odd shaped, huge yards in your proposed development which you have suggested should be fenced off and not used. Tract A is a pond and being fenced off which is exactly the opposite of what we are getting at. You would have to discriminate against having children because there is no on-site safe recreation area. The idea of the Planned Development is to allow that greater density for the more efficient use of the land including recreation space or open space and the idea of going before Planning Commission for a Planned Development is also so that we can make allowances for flexibility. These comments on the open space and parking are the very reasons the preliminary was denied. The only changes that were made are larger yards which are not dealt with by the developer, they are being left for the individuals.

With this kind of density there is no way to get within 12 feet of the back lot line of Lot 1. This would not be allowed in a zone with this density (20 foot back yard setbacks) you make these kind of concessions in order to benefit somewhere else in the property if this was going to a straight zone.

The grading plan shows less than a one-half percent of grade to bring the drainage down the east line. To allow the drainage, it has to be concrete .

Mr. Mavrakis responded by saying that the City Engineer approved that grade. If Mr. Newton says it is wrong, the Petitioner will comply with the changes on the grade.

Commissioner Bittel did not feel that this project fit the spirit of a Planned Development concept.

Commissioner Love questioned the lot lines of the preliminary plan.

Commissioner Elmer commented that the preliminary plan showed some open space in the back; some lots were cut off some were not. He asked what the City Council agreed to on the preliminary?

Mr. Metzner replied they agreed not to have any open space.

Mr. Mavrakis stated the City Council approved the plan that is shown here tonight.

Commissioner Anderson commented that the Council was short sighted on their approval for what the Planning Commissions intent was.

Commissioner Bittel added this Commission needs to keep in mind that its role is different from that of the City Council. The Planning Commission is to apply the Development Code to the proposed developments with a certain amount of latitude; but the latitude of the City Council is broader and they factor in political comments.

Commissioner Elmer commented on the procedural problem which exists here. The Planning Commission denied the Preliminary Plat, giving the petitioner the right to appeal to the City Council. Since the Preliminary Plat was changed shouldn't the petitioner have come back to the Planning Commission with the Preliminary again?

Mr. Metzner replied that this point was debated by City Council; the end result was that the changes addressed some of the Planning Commissions concerns and were not significant enough to send it back. Their vote was 6-1.

Commissioner Love agreed with Commissioner Roberts on the space utilization problem.

Commissioner Roberts added that by utilization of the open space it would be a selling point for the developer and a lost opportunity for the future residents if not done.

Commissioner Elmer asked Mr. Mavrakis if the project will be fenced and he replied that it would be.

Commissioner Anderson added that the different perspectives from various agencies are expected and that is why developers have to comply with the procedures.

Commissioner Renberger asked if there was a consensus by the Commission; is it legal to change the developers plan?

Mr. Shaver stated that given the fact that it is a Planned Residential zone, there are certain criteria that are established in the Code by which you should review. If the Planning Commission feels the plan is not appropriate or does not meet the criteria then the Commission can make recommendations as it sees fit.

Commissioner Elmer asked if the City Council approved this can the Planning Commission deny it?

Mr. Shaver commented that the Commissioners have the role to review the plan in light of the Code and interpret that Code as the Commission sees fit.

Commissioner Elmer commented that a question should be, does it conform to the Preliminary? Although the Commissioners did not approve this Preliminary the City Council did; however, this plan does not meet the Preliminary that the Commissioners saw.

Mr. Shaver added that the Commission should not necessarily consider what the Council did or did not do. The Preliminary Plan has been approved, now the Final is here for your review. The best advice is to consider what is presented here tonight.

Commissioner Love asked if there were 37 units and what the sales costs would be?

Mr. Mavrakis replied that there were 33 in filing 2 and filing 3. There are 37 total. They will be priced at \$76,000 and \$78,000 with 1188 square feet and 1300 square feet all single-level.

Commissioner Elmer asked about fencing off the easement; it looks like Lot 13 is less than 10 feet from the fence?

Mr. Mavrakis replied that the agreement with the Drainage District was to provide a 10 foot easement and the fence would be put on the inside of the easement rather than on the property itself. There will be 10 feet outside of the fence that will be owned by the property owner, but will be used as an easement. The fence that will be built will be on the property line around the entire project except for the south end and the fence will be put on the inside of the 10 foot boundary so that the Drainage District has access along that ditch.

Commissioner Elmer stated that on Lot 13 it is less than 10 feet from the house to the fence.

Commissioner Renberger had concerns about the intent of open space, parking, and for older citizens who need side walk availability to the shopping center. She felt that the development was nice if these needs would have been addressed.

Mr. Mavrakis commented that there was a 4 foot surfaced walk that goes from the cul-de-sac to 28 1/4 Road. He wondered what Commissioner Renberger wanted to see.

Commissioner Love added that Mr. Dorssey has taken a risk and some of his past developments have been nicely done; however, this project seems to indicate that more could be done to improve these plans.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #62-91, A REQUEST FOR A FINAL PLAT FOR EASTGATE VILLAGE TOWNHOMES FILING 3, I MOVE THAT WE DENY THIS FOR THE FOLLOWING REASONS: IT DOES NOT MEET THE INTENT OF PLANNED ZONE REQUIREMENTS, THERE IS NO USABLE OPEN SPACE, AND PARKING IS A SERIOUS PROBLEM, WITH NO OFF-STREET PARKING AND ONLY SINGLE CAR GARAGES AND DRIVEWAYS."

The motion was seconded by Commissioner Anderson.

A vote was called, and the motion passed by a vote of 6-1, with Commissioner Love opposing.

The petitioner appealed the Planning Commission's decision.

V. HEARING ON ITEM FOR RECOMMENDATION TO CITY COUNCIL

1. 59-91 EASEMENT VACATION

A request to vacate a water line easement in an existing eight units per acre (RSF-8) zone.

Petitioner: City of Grand Junction

Location: 275 Holly Lane

Consideration of an Easement Vacation

PETITIONER'S PRESENTATION

Bill Cheney, City Utilities Engineer, explained the history of the situation on Orchard Mesa. In 1958 the Orchard Mesa Water District installed the water lines; subsequently, the City took over those lines along with the easements associated with those lines. The easements are recorded. One of the water lines ruptured approximately two years ago and the location of the break was on top of a garage which was build right on top of the easement. As a result of the water line break, there was a lot of damage to the garage. Because of the location of the break, the lines had to be shut off. For approximately two years there was no loop service in that area.

Different solutions have been worked on; one possible solution would be to move the garage which would be a cost of about \$5,000 to the

property owner. Since the current property owner is a secondary owner, we tried to find alternatives so that they would not have to move their garage. What we came up with is an alternative easement shown on the map which goes around the existing garage and still provides a loop service. This routing has been agreed upon, and the City has since constructed the water line at a cost to the homeowner of \$374. One of the conditions of the granting of the new easement would be that the City would vacate the now existing easement for the old water line.

Mr. Cheney continued by stating the City has no problem with vacating the old easement provided that the secondary easement would be conveyed with the vacation of the now existing easement. We recommend this solution and are satisfied as it serves to benefit both parties.

Sally Basham, 275 Holly Lane, owner of the property where the garage was built on the utilities easement commented that there was a permit purchased for the garage by a contractor and wondered if there was anything she could do to get compensation for the damages.

Mr. Cheney stated that an oversight on the builder does not justify the construction of a garage over an easement. The fact that the easement dropped off the title policy by the time you purchased the property is merely an oversight on the part of the Title Insurance Company. We are having problems with the Title Company's picking up easements of record especially the utility easements.

Commissioner Roberts remarked that the Title Insurance Companies should be liable for the landowners expenses.

Mr. Cheney also noted that an improvement location certificate done by registered land surveyor indicated that the easement did not exist.

Mr. Shaver stated that there needs to be some cognizable damages, and proof that the damages occurred by virtue of the Land Surveyor or the Title Company failing to recognize the existence of the easement. In Ms. Basham's case there may not be such damages because she did not have to move the garage; consequently, the argument would be that they did not cause the damages of the floor caving in from the water line break. If she wanted to pursue damages she would have been better off to have moved the garage. The damages attributed to the surveyor or the Title Company are not direct damages and winning on these may be difficult.

Commissioner Elmer asked Mr. Cheney why a new easement was preferred over the old easement? Mr. Cheney replied that besides the garage there were large trees in the easement, a chicken coup, a shed, and an open irrigation ditch. Our discussion resulted in the conclusion

that this was a better routing and the property owner to the south would not give us an easement unless we gave them \$2,500.

Commissioner Elmer asked about the ditch; Mrs. Basham replied that it was the Orchard Mesa Irrigation ditch.

Chairman Halsey questioned Mr. Cheney if this consideration of an easement would effect the ditch easement? Mr. Cheney thought it was not restricting any other easements, but he will double check that issue.

Mr. Cheney added that public service has an easement on the south side of the fence. This easement was originally granted to the Orchard Mesa Water Company.

Mr. Thornton commented that Orchard Mesa Irrigation received a review packet from the City Planning Department, but they made no comment on this issue.

Mr. Boeschstein added that no response is an approval. This utilities easement vacation will be taken to the Utilities Coordinating Committee.

Mr. Cheney said he would look into the language of the easement that was granted to be sure it was exclusive for the Water Company and be sure there are no overriding factors that he was not aware of. We usually give the residents 30 days to move obstructions that are on an easement. We will need some direction for these polices in the future to know if this is acceptable policy.

MOTION: (COMMISSIONER LOVE) "MR. CHAIRMAN, ON ITEM #59-91, A REQUEST TO VACATE AN EASEMENT AT 275 HOLLY LANE, I MOVE THAT WE FORWARD THIS REQUEST TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL SUBJECT TO THE REVIEW AGENCY SUMMARY SHEET COMMENTS AND CLARIFICATION OF THE NEED OF THE EASEMENT FOR IRRIGATION TO BE VACATED."

The motion was seconded by Commissioner Bittel.

A vote was called, and the motion passed unanimously by a vote of 7-0.

VI. GENERAL DISCUSSION

Planning Commission / City Council Joint Meeting

Mr. Boeschstein noted that the special workshop was coming up Monday, October 7, 1991 at 6:30 at Two Rivers Plaza. The main items for discussion are the Northwest Area study, and special zoning. There is a lot of growth in this area, but about 70 percent is still vacant. This is an opportunity to comment on what the future growth will be as it becomes annexed. We might be able to have creative zoning that would encourage light industrial rather than just straight commercial zoning, and it is one of the few areas left that is not zoned residential where something could be done with the light industrial zoning. There will be four alternatives for you to

consider. You will be able to debate these issues with the City Council at the workshop. The Master Plan of Parks will also be discussed.

Another item for discussion will be the South downtown base maps. When the dike is built the flood plain will change and development can continue in that area, so building the dike is an important issue.

Commissioner Love asked about the timing on the dike.

Ms. Portner replied that it will be in 1993; it is in the City's and the Army Corp's budgets.

There were no non-scheduled citizens and/or visitors.

The meeting was adjourned at 9:33 p.m.