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GRAND JUNCTION PLANNING COMMISSION
Public Hearing--October 4, 1988
7:30 p.m. - 10:47 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:

Jean Sewell	Jack Campbell
Dutch Afman	Karen Madsen
Steve Love, Chairman	

In attendance, representing the City Planning Department, were:

Mike Sutherland Kathy Portner

Terri Troutner was present to record the minutes.

There were approximately 113 interested citizens present during the course of the meeting.

I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, REGARDING THE MINUTES OF THE PLANNING COMMISSION ON SEPTEMBER 6, I MOVE THAT WE ACCEPT THEM AS SUBMITTED."

Commissioner Campbell seconded the motion.

A vote was called and the motion passed unanimously by a vote of 5-0.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

Due to the length of the agenda, Steve Love asked for group representation of public comment where possible.

III. PUBLIC MEETING

I. #36-88 CONDITIONAL USE - 3.2 BEER LICENSE

Petitioner: Sizzler Restaurant
Location: 2440 Hwy 6 & 50 (Mesa Mall)

Mike Sutherland, representing City Planning, said that the Sizzler had been approved for a special use earlier when the restaurant had wanted to build in its present location. At that

time all outstanding technical concerns had been resolved. No public comment had been received either for or against the proposal.

There were no questions presented on this item.

MOTION: (COMMISSIONER AFMAN) "MR. CHAIRMAN, ON ITEM #36-88, CONDITIONAL USE FOR A 3.2 BEER LICENSE, I MOVE THAT WE APPROVE THIS RECOMMENDATION."

Commissioner Madsen seconded the motion.

A vote was called and the motion passed unanimously by a vote of 5-0.

2. #40-88 DENVER AND RIO GRANDE WESTERN RAILROAD (D&RGW), FILING #3, FINAL PLAT

Petitioner: D&RGW Railroad, Tom Logue
Location: North of D Road and west of the extension of 12th Street.

Mike Sutherland presented a brief history of the D&RGW filings as they have been, and will be, presented before the Commission. Plats will be reviewed by the County Surveyor. No open space fees are required for this parcel.

QUESTIONS

Chairman Love asked if there was some question over a water line associated with this parcel.

Mike said that this question had been resolved, and the final plat will show the correction.

PETITIONER

Tom Logue, representing D&RGW, said that an easement was granted for the water line.

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, ON ITEM #40-88, THE DENVER AND RIO GRANDE WESTERN RAILROAD, FILING #3 FINAL PLAT, I MOVE THAT WE APPROVE IT."

Commissioner Campbell seconded the motion.

A vote was called and the motion passed unanimously by a vote of 5-0.

IV. PUBLIC HEARING

1. #33-88 ALLEY VACATION

Petitioner: Gaynell Lenderman
Location: The north/south alley between Grand and White
Avenues, west of North 1st Street.

Note: Commissioner Sewell excused herself from participating in the discussion of this item, due to a possible conflict of interest.

PETITIONER'S PRESENTATION

Burt Johnson, 679 26 1/2 Road, representing the petitioner, gave a history of the site and explained why the request was being sought. The building was located approximately 4 feet into the alley, and said that if the entire alley couldn't be vacated, the petitioner would be satisfied with a vacation of just that portion where the building sets.

QUESTIONS

Chairman Love asked where the sewer line was located near the property.

Mr. Johnson said that it ran on the other side of the building, along with the other utilities (water and electric).

STAFF PRESENTATION

Kathy Portner, representing the Planning Department, corrected Mr. Johnson, saying that the sewer line did, in fact, run under the addition. She gave additional background on the request. It had been heard and denied prior to this for the reason that no plan had been submitted. Gay Johnson's has now completed their remodel and are again asking for the vacation. She gave additional historical data relating to the prior moving of the alley in the early 60s.

While Public Works offered possible solutions to the alley encroachment problem, they recommended the vacation of just that portion under which the building sets. No public comments either for or against the proposal were received.

QUESTIONS

Commissioner Afman asked if Gay Johnson's was aware that they could not build to the west of their present location because of a fire hazard.

Kathy said that comments received from the Fire and Police Departments were that they had no problem with the entire alley being vacated unless there were additional buildings built to the west of what is the present alley.

Tim Woodmansee, representing the Engineering Department, concurred with the statements made by Kathy.

PUBLIC COMMENT

FOR:

Steve Fuoco, 579 29 3/8 Road, wanted to retain any easements. He clarified, when asked by Commissioner Afman, that he was not opposed to vacating that portion of the alley where the building now sets.

Gaynell Lenderman, 680 Step-A-Side Drive, (also petitioner), said that all easements will be retained.

AGAINST:

There were no comments against the proposal.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, ON ITEM #33-88 THE NORTH/SOUTH ALLEY VACATION BETWEEN GRAND AND WHITE AVENUES, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL TO VACATE ONLY THAT PORTION OF THE ALLEY WHERE THE BUILDING ENCROACHES INTO THE ALLEYWAY, PRESERVING ALL EXISTING UTILITIES (EASEMENTS), SUBJECT TO STAFF COMMENTS."

Commissioner Afman seconded the motion.

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

2. #34-88 UTILITY EASEMENT-VACATION

Petitioner: Leo and Joyce Little
Location: 2415 Apricot Court

Note: Due to the controversial nature of this item, all testimony will be recorded as closely verbatim as possible.

PETITIONER'S PRESENTATION

Leo Little: "Good evening. I'm Leo Little. I live at 2415 Apricot Court, and I'd like to introduce my wife, Joyce. We are here tonight to present a request for a utility easement vacation. I would like to briefly review the history and project narrative which I believe you all have read before we came to the

meeting. Joyce and I purchased the house in August of 1986. The house had been built in 1981, but it had been empty for about a year and a half, due to a foreclosure on that home. The residence was in quite a disarray, the backyard was in waist-high weeds, the swimming pool in the backyard was almost a cesspool. But, fortunately, our neighbors on Apricot Court on either side of the property had kept the front lawn watered, fertilized, and mowed during the time the house was vacant, so the front was in very good shape.

The house had great potential, and over the last two years, Joyce and I have been continuously improving and landscaping our home, since we planned for this to be our permanent residence here in Grand Junction, after 17 years moving around the United States. In August of 1987, over a year ago, we received our planning clearance from the City, with the stipulation that the Spring Valley Homeowners Association Architectural Committee approve our addition. Joyce had the Architect Committee come over to our house, walk the property, review the plans, review the plot plan, and received written approval from the Spring Valley Architect Committee on October 25, 1987--about a year ago.

On October 29, 1987 we received from the City our building permit, #028971, which allowed our addition and our modifications to the property. After all our permits were obtained, the contractor did all the modifications and additions to the property. Joyce and I did all the finish work ourselves, which was quite a job. The main structure was completed in December of 1987, about 10 months ago, and all the major inside work was done by April of 1987. At no time during any of this period did we receive any comments from any neighbors about the addition.

On August the 9th, 1988, we received a letter from the City Planning Department informing us of a possible violation on the location of the addition on our property. What I'd like to do at this time is present, for your review, a letter from the City, the City's notice of violation. I'll give you a couple minutes to read the letter. (Recorder's note: The letter presented to board members was not the notice of violation, but the letter written by City Attorney, Dan Wilson, which determined the notice of violation of setbacks only as rescinded. It did not make a judgement on the question of easement encroachment, however.)

Okay, therefore, we are really here tonight just to apply for the utility vacation of easement, in order to clear up this issue. The area of encroachment is shown on the site plan, and I could mark it up there (Mike pointed out this area on the site plan). The area is approximately 7 square feet, where this corner of the property, this little corner right there is 7 square feet (indicated site plan) has gone onto the easement. Thank you.

Also, to clear up some other issues, I'd like to give you another letter that I wrote to the City Planning Department on October 26, 1988, which clarifies in this application that we're only asking for a 5 foot vacation of easement. Also, and I'd like to point out in the project narrative that the 7 square foot which was encroached on does not landlock any parcels of land, restrict access to parcels of land; there is no adverse impacts to the health, safety, and welfare of the community. It doesn't conflict with plans or policies, and the addition was approved by the Spring Valley Homeowners Association prior to construction. And it also addressed positive and negative benefits; the only benefit I can think of would be a positive benefit, because of increased taxes on the home, the Assessor's very efficient, as soon as we finished, they're out there and reassessed our property to make sure they have higher property taxes.

I would like to point out that in the 10 foot easement, there are no utilities located in the 10 foot easement on our side of the property. The utilities companies pointed out to me that it's on the other side, there's a 10 foot easement on the other property line on the other side, the utility trench is over there. Also, I think you have the review comments from the review agencies, and all of the review agencies did not have any objection to the vacation of this easement. I want to thank you for your attention, and again, we respectfully request your recommendation for approval of this easement. Thank you."

QUESTIONS

There were no questions at this time.

STAFF PRESENTATION

Mike Sutherland: "As Mr. Little pointed out, this is a request to vacate 5 feet of a 10-foot utility easement existing along the, one of the rear property lines. On this particular lot, there exists on both sides of their back fence a 10-foot easement. As it turns out, there are no utilities existing within this easement as shown on here (area pointed out on the site plan). There is an encroachment of approximately 3 3/4 feet into the easement; we suggested the vacation request be for 5 feet, just to be on the safe side. We suggested also that it not be an entire vacation, just the vacation of that portion, in the event that, at some point, one of the utilities might need the easement on this side of the fence. There is also an easement along the south property line.

The...part of the background on this, as Mr. Little pointed out, there were applications for a planning clearance issued, building permit, the normal routine. There may or may not have been an error on the part of the Planning Department or the Building Department, but it resulted in a failure to notify Mr. and Mrs.

Little that there was a required 25-foot setback in the rear, or that the responsibility of determining whether or not there is an easement existing on the property is the responsibility of the individual property owner. But, as I mentioned, in this particular case, there are no existing utilities in there, and none of the utility companies that may have rights have indicated opposition to it.

For the record, our department has received 7 letters of opposition or requesting that you deny it, generally, from neighbors in the surrounding area."

Chairman Love: "On what basis?"

Mike Sutherland: "Primarily, objections to the location of the building in relation to the side and rear property lines, being so close to those property lines. Neighbors have indicated that they feel like it either obstructs the view, increases their fire insurance, any number of reasons for the opposition. Basically, the fact that the new structure is so close to the property line."

Commissioner Madsen: "If it would have been appropriately built, it would be just 3 feet back, 3 1/2 feet from, this way, of the easement, right? Of where it is now? In other words, I'm just thinking that as a neighbor, he still could have built it, but it would be a little shorter this way, 3 feet."

Mike Sutherland: "With regard to the easement, it would not have violated the easement if it were 3 feet, 3 3/4 feet farther to the west. However, there's still the question of the setback, which as pointed out, the City Attorney wrote a letter regarding that. He did not feel that you could require a Board of Adjustment hearing, requiring a variance be established. City Council, and/or the City Attorney may determine what to do with regard to the setbacks. As far as the easement, yes, if it had been 3 3/4 feet farther to the west, there would have been no easement violation."

Commissioner Sewell: "But they still would have been in violation of the setback."

Mike Sutherland: "Yes."

Commissioner Madsen: "And how much in violation of the setback?"

Mike Sutherland: "There would normally have been a requirement for a 25-foot setback on the rear of the property. This particular property, there, since it's a five-sided lot, the rear-yard setback could have been either here or back here. We can speculate that at the time the building was constructed, the contractors chose this to be the rearyard setback, since the

corner of the building is approximately 28 feet. This does not meet the rearyard setback, but it does meet the sideyard setback (area shown on site plan). So this should have been determined to be the rearyard setback of 25 feet. As it is, it's approximately 17 feet farther to the east than would have been approved."

Commissioner Sewell: "The original building is...?"

Mike Sutherland: "No, the original building meets the setback, the addition encroaches."

Commissioner Sewell: "Just the garage."

Mike Sutherland: "There was some misunderstanding as well as a feeling on the part of the Littles that the building inspector had the authority to review setbacks; the building inspector did not tell them that they were within the setback, that it would have been a requirement; therefore, they proceeded under what they perceived to be good faith with the construction. It was not until quite a long time after the building was completed before we found out about it. That is part of the reason why the City Attorney feels that we don't have legal recourse to force them to request a variance on that. I might point out that your job tonight is to determine whether the easement should be vacated. The discussion regarding the setback and what should be done with regard to that will come in another form, essentially the City Council or City Attorney."

QUESTIONS

There were no questions at this time.

PUBLIC COMMENT

FOR:

Aaron Long, 2405 Apricot Court: "My backyard is on the other side of the Littles. I'm here with my immediate family in favor of the request for the vacation of easement. I was very glad to see the Littles add on to their house, since four years ago I added about 1,200 square feet onto my house, and I felt very strongly that their addition added to the value of my house, since now they have the biggest house in the cul-de-sac and I didn't. And I feel that it will very strongly add to the resale value of my house if, in fact, I end up selling my house and moving. The addition is certainly in excellent taste, and blends in very well with the subdivision. The shingles all match and it looks very nice. As Leo's already mentioned, the house was vacant for about 18 months and I was one of the neighbors to help to water it and keep that lawn alive, although the skunks

like the grubs anyway. But we did keep the lawn alive and we were very happy to see somebody move in who cared as much as the Littles; they've done a lot of landscaping and then they went and built this very nice addition, and I would just like to say that I strongly request that you grant their request for vacation of the utility easement."

Robert Potter, 3425 Beechwood: "I'm here representing myself and my wife, Sally Ann. We're two blocks to the left of this. From our second story balcony on the south side of our property, we have a clear view of the rear area of all the homes to the south of our property, and that includes the view to the end of the addition you're discussing this evening. The Littles two-story addition was located such that it faces the south side of our property. I would just like to comment, like Dr. Long did, that the addition does blend in very well with our view of the neighborhood and the property, and our view will definitely be enhanced by the 20-foot aspen trees the Littles have planted adjacent to that addition. As Mr. Little reported this evening, that addition was constructed with the approval of the Spring Valley Homeowners Architectural Committee. It did meet all of the requirements and the necessary permits of the City of Grand Junction. And as it's been established tonight, the construction does not impede any of the existing utility lines. Therefore, my wife and I, just as we would support any of our other neighbors in a similar endeavor in similar circumstances, we fully support your vacating this utility easement on the Little's property."

Steve Hurd, 2425 Ridge Drive: "I'm here on behalf of myself and my wife, Carole. We live on the lot that's just north...and we have an excellent view of the exposure to the south of us. From my backyard, I can count five two-story homes from my view, from my backyard, and I feel that the way this addition was constructed, it's very compatible with the architecture of the neighborhood. I have no problem with the fact that this is another structure that's in a semi-circle all the way around my backyard. It's done very well, in very good taste. I feel it fits right in with the neighborhood. I support the statements that the two people before me have stated, so I don't want to repeat that, but I certainly support the addition."

William Jenkins, 2918 Pheasant Run: "I live in Spring Valley with my wife, Ann. Ann had a speech prepared for you, but she's too shy to deliver it, so I'm here to do it on her behalf. We're residents of Spring Valley and have been for a long time, and we've seen what they've done with this property since they started it. It's an incredible amount of personal effort that's gone into it. They did everything right; they went by the book; they sought every appeal of the laws, and followed the rules. Whatever objections the neighbors might have to the addition as a whole, your subject is just that 7 square feet, and I don't think it makes good sense to say that that sliver alone in and of

itself can cause any particular problems regarding fire insurance, or view, or anything of the kind. They've been good neighbors in the 17 different moves that they've made throughout his career, and they've gone very much out of their way to work with the neighbors who have problems here, up to and including bringing them flowers from their garden. So I strongly support their request for a utility easement vacation, and I hope you will look at it from the technical point of the 7 square feet, and what harm, if any, that it could cause. Thank you."

Helmer Johnson, 2310 Apricot Court: "We concur with the request that others have made ahead of us in that the Little's request be approved. They have done nothing but improve their own home as well as the area in general. Therefore, I suggest that you consider favorably."

AGAINST:

Dean Lindholm, 3325 Beechwood, (Recorder's note: Mr. Lindholm displayed several items on the overhead projector. Each item will be noted along with corresponding testimony.) (Photographs were presented showing the area of Spring Valley where the Little's property is located, as well as the rear portion of the Little's addition, as taken from the backyard of lot #28 and the Lindholm property.) "Our lot is immediately across the rear fence, lot #8. The closest point to the rear fence line of the Apricot Court addition, which you see in all of these three photographs, is the one being pointed to right now. Right there. That is approximately 6 feet from the rear property line. The 10-foot easement runs along this same rear property line that this fence crosses. The addition was built approximately 19 feet into the rear setback requirement of 25 feet. These photos were taken from lot #28. The backyard of my neighbor to the north, the (unclear), who are here tonight.

These two photos were taken from our backyard, property immediately the south of the Cassadys. And they're included to give you another birdseye view of what the addition looks like. It's a two-story addition. The principal residence was a rancher as was all the properties to the south, the properties to the east, and all properties to the north, were single story ranchers. I'd like here, to refer to the application which was made here by the Littles for the utility easement vacation (the Little's narrative letter outlining their request for vacation was presented on the overhead projector). Looking at the very first paragraph there, you read 'On August 25, 1987 we submitted an application with a sketch to the Planning Department which showed the location of our proposed addition and indicated all pertinent setbacks on our odd-sized five-sided lot.' I'd like to point your attention to the indicated all pertinent setbacks.

This is a copy of Mr. Little's planning clearance (shown on overhead projector) application for the addition. The procedure is explained in front. The front setback, the side setback, and the rear setback are requirements, and to the applicant, right to the end, and asks the applicant to sign that all requirements are to be complied with. Now this sketch was submitted as the second page of that two-page application to the Planning Department, asking for the setbacks. (Shown was sketch #1.) Now I think it's safe to assume that the dimension with the indication of 20 feet there would correspond to the setback of the front there, which you see. And I think it's safe to assume that the side setback, the figure 5 feet there, is meant to indicate the required 5-foot setback, and finally, I think it's safe to assume that the intention was to indicate a 26-foot setback on the sketch as that which would respond to the setback requirement of 25-feet on the application form which was signed by Mr. Little.

Now this is the application for building permit, made over in Mesa County offices. (Copy of actual building permit was shown on the overhead projector.) This form also asks for a sketch showing setbacks from property lines, you can see the vertical words on the side of that sketch. It says 'show all setbacks.' Now note that the only dimension showing the distance to the rear property line on this drawing (Sketch #2) shows 32 feet; that is the only dimension indicated on that drawing.

Attached to the Little's petition for variance is one more sketch (Sketch #3 shown) that had been included in the initial application to the Building Department. The only dimension shown on this sketch to the rear property line reads 37 feet, yet another dimension. All of these dimensions, of course, are well over the 25 foot setback as was explained as a requirement.

When the addition was measured by the Planning Department, it was found that the addition was built to 6 feet, approximately, of the rear property line. Yet all of the sketches submitted with the application, every one of them, showed measurements over the required 25-foot minimum setback. Mr. Sutherland, I believe you measured the actual distance between the addition and the closest point on the rear property line. Am I correct, that there is approximately 6 feet from that point?"

Mike Sutherland: "I think they have it depicted as 6 1/4 feet, which is approximately what I measured."

Mr. Lindholm: "Thank you. Alright, returning now to this application for utility easement vacation (Little's letter was placed again on the overhead projector), it indicated again on approximately the third line of the first paragraph, I would like to now just repeat this point. The point was made that all pertinent setbacks were indicated on the application to Planning Commission. I would like to ask, also, where on any of the

application documentation does it say we (they) plan to build to 6 feet of the rear property line? Now the City's planning ordinances define setbacks, as you see in this visual (Definitions section of the Code was displayed on overhead projector, and he read the legal definition of 'setbacks'.) Now Mr. Little, I believe, is a graduate engineer, correct me if I'm wrong on that point, someone who has better than average knowledge of surveying. This is a drawing which was included as part of a radiation survey of my property (also shown on overhead projector). Mr. Little is the manager of the office in charge of making these residential surveys in our valley. I believe it was Mr. Potter who testified in favor of this petition was the chief contractor making these actual surveys.

This drawing, the Little's petition for easement vacation make reference to an odd-sized, odd-shaped lot. Please note that every cul-de-sac lot in Spring Valley has several odd-shaped lots; and the one above him and the one below him is also an odd-shaped lot. I believe it is safe to assume that at least 10% of all the lots in Spring Valley are odd-shaped lots, using this definition. Moving to another point, I would like to read paragraph 5 again on the application for utility easement for this property (letter of application again shown on overhead projector) which reads 'Also due to our odd-sized lot, Mr. Tex Tolman (one of the contractors with whom we were negotiating) had Mr. Howard Hetherington of the City Building Department come to our residence to again approve the proposed addition. Stakes and ropes were set out to clearly mark the proposed addition. Mr. Hetherington noted the odd-shaped lot, but said it was ok (sic) to construct the addition as laid out, and signed acceptance on the drawing October 28, 1987.' Now this is the review sheet that I recently obtained from the public files of the Planning Department. (A copy of the Review Agency Comment Sheet was shown on overhead projector.) Here, the Building Department says that 'Mr. Hetherington did not approve the location of the building addition. Mr. Hetherington did not approve the location of the building addition. (repeated twice)'

Now let's go back to the Little's petition and see what it said. (Shown) Referring again to paragraph 5, I will just shorten it by repeating what I consider the most important statement here. 'Mr. Hetherington noted the odd-shaped lot, but said it was ok (sic) to construct the addition as laid out and signed acceptance...' etc. Now I ask you, ladies and gentlemen, which statement is correct? I would like that determination made."

Chairman Love: "I don't think that's in our baliwick to decide which statement is correct. We're considering a vacation of this easement. That's really all we have the authority to do."

Mr. Lindholm: "As you will see, I'm continually referring to the petition for the vacation of easement in my presentation tonight. The petitioner has referred to these points, made these points, and I'm responding to them. And I'm trying to see that the facts are here. I have contacted, have talked to the City Attorney, and I've (unclear) to a Councilman, and each have told me that, either because of the postponement or cancellation of the hearing or the Board of Adjustments, that this meeting I would receive that hearing, because as of this day, this is the only public, I repeat, public, I feel a public meeting is very necessary in this particular consideration."

Chairman Love: "This is a public hearing regarding the vacation of easement at this point."

Mr. Lindholm: "I understand that."

Chairman Love: "You understand that there is a review process above and beyond this also?"

Mr. Lindholm: "I understand that."

Mr. Lindholm: "Alright, this is a copy of the Grand Junction variance regulations (shown on overhead projector). (Mr. Lindholm recited the criteria for variance). The reason I'm showing that...in discussing...this is a copy, first of all. Page 3 of the petition for variance for the addition. In discussing why the variance is not, in their opinion, injurious to adjacent properties, the Littles state 'We plan to plant tall evergreen trees along the east fence, here in the northeast corner, to diffuse our view of the neighbors' roof line, and theirs of ours.' Now I'd like to show you, finally, one last exhibit. And show you the result of that planting, the three aspen trees, we appreciate any vegetation to block our view, but the assertion that this will diffuse the neighbors's view 6 feet over their fence line of that major 750 foot two-story addition, you be the judge of that. Again, their plan was to diffuse the view with a tall row of beautiful evergreen trees. (Picture of plantings was shown on overhead projector.)

Now I have, in summary, let me say that I have tried to point out a few of the contradictions in this petition. The neighbors who are suffering from this violation of the zoning regulations deserve to have their rights upheld. I would ask that this Commission recommend denial of the application, and secondly, to recommend to City Council that our due process rights cannot be upheld unless the Board of Adjustments, which is supposed to act on petitions of variances, hears this matter in a public hearing. Thank you."

Wayne Hunt, 2630 Birch Court: "I'm here as the President of the Spring Valley Homeowners Association. As this structure apparently sits, it is in violation of the Spring Valley covenants. Being in violation of the City setback requirement makes it in violation of the City, or makes it in violation of the Spring Valley Homeowners Association covenants. And we, as an association, do not have any means, nor do we grant any variances to the covenants at any time. Furthermore, the Littles, as of this date, have not come before the Spring Valley Homeowners Association, for the record, to discuss this situation at all. Thank you."

Leonard Cassady, 3405 Beechwood: "I think it was nice of the folks that showed up for Mr. Little. But there was no (unclear) that has to look at this monstrosity from their backyard. It's 6 feet from my fence, or 6 3/4 feet. He knows it, he measured. (Unsure of who was referenced at this point.) That's all I have to say about it."

Chairman Love: "Can I ask you a question?"

Mr. Cassady: "Yes."

Chairman Love: "If I may, please, when was it apparent to you that this was a violation?"

Mr. Cassady: "I started calling, I don't know if it was just before Christmas or just after, and Linda was really busy and short on help; everybody was gone. But I'd called about once, oh, once maybe every three or four weeks. Then, finally, about the first of April, we finally got in the car and came downtown. Well, even after that, it was about six weeks before anybody came out. And I'd even mentioned that this building was going up, more money being spent, more money being spent. But when I really got excited was when they started putting another floor onto a two-story garage with a bathroom. I started getting excited about that time. I think it's just horrible that we have to put up with something like that. When the people can't get together and get up here and say, hey, you're wrong! That's all I have to say, thank you."

Brad Higginbotham, 3310 Beechwood: "The only recommendation I make is that you withhold any action on their petition, I believe this gentlemen indicated, pending consideration by the City Council and City Attorney about the easement, the setbacks that hadn't been considered, and therefore, any action you might take here might influence their decision. And I'd just recommend you postpone any activity 'til that's been cleared."

Commissioner Madsen: "Mr. Higginbotham, how, as a neighbor, do you feel?"

Mr. Higginbotham: "Well, I think you all saw the pictures, that it architecturally does not blend with the existing dwelling (unclear), and I can sympathize and empathize with the neighbors before you stating the objectivity they have to the way the building was structured, the location, and the impairment it has on their quality of life, and the serenity and quiet of their backyard. Most of us live in subdivisions and are quite aware of the effort that people put into screening the privacy they have-- shrubbery, fences. The comment's been made that Grand Junction looks like one giant stockade, people spend so many thousands of dollars building privacy fences to enjoy the privacy and serenity of their own property. And I would think that would be given some consideration. Again, I understand that the only point is the vacation of easement. Doing that would not be injurious to the City of Grand Junction or the utilities that are involved presently, but I would again recommend that you postpone any activity until a determination is made whether that structure is to stand.

The old saying is that once you get it built, they won't make you tear it down. That may be the stand here, but I ask that you postpone any activity."

Mike Sutherland: "Mr. Chairman, if I might, for my rec, referred to as far as getting it to City Council and the City Attorney, the proper channel would be for this easement vacation request to go on to City Council. Planning Commission makes a recommendation whether to approve or to deny. It is only a recommendation. City Council has a full hearing on the item and will make the determination, and that is where it will actually go to be brought before the public as far as discussion."

Mr. Higginbotham: "If that's the case, then I recommend you deny it, so that you don't influence adversely the petition made before you by the other people. "Thank you."

Lena Watson, 3135 Beechwood: "I'm also Vice-President of the Spring Valley Homeowners Association and Chairman of the Architectural Control Committee. I took over the position as of January, 1988. We meet on a monthly basis. Anyone has any structures or additions or whatever, or has questions, they do approach the Architectural Committee for approval. I believe, I forget your name, (unsure of who was referenced at this point) did come to our Architectural Committee when we first started it, when I was chairman, and she did review, as far as those things, easements, similar other things (unclear), when we first had the question about all this. This was approved, I guess, by the prior Architectural Committee Chairman. The plans were approved as described within the covenants. We then stamp it with Spring Valley Homeowners and then we take it down to the (unclear).

I'd like to have it be known that we did not approve, or he has not approached the Architectural Committee since there's been a problem. The neighbors have approached the Architectural Committee and questioned and asked what are you doing about this? So, I'm asking that (unclear)."

Commissioner Afman: "Do you feel that there has been major modifications since there was a previous approval by the Architectural Committee of Spring Valley?"

Ms. Watson: "Any modifications have not been approached by the Architectural Committee."

Commissioner Afman: "Has there been modifications?"

Ms. Watson: "I believe there has."

Commissioner Afman: "Architecturally?"

Ms. Watson: "Yes. I'd have to look at the structure, but I know that the structure that was apparently approved by the prior Chairman has been within the building codes; now since they built, I have not seen the structure, per se, but we've just been going according to what had been approved."

Commissioner Afman: "You don't know whether it's architectural or it's Code, I mean, is it part of the setbacks or because of the design?"

Ms. Watson: "Because of the setbacks."

PETITIONER'S REBUTTAL

Mr. Little: "Joyce and I are really, truly sorry about our neighbors' feelings which we have found out totally after the fact, six months after this was constructed. We went through all the process, all the Planning Departments as the sketches show, my sketches. I went through the Planning Department. As an extra check, when Mr. Tolman was out there, we did ask that Mr. Hetherington walk the property, and thought we had further approval. We went through the City Building Department and got all the approvals. We're really sorry about the neighbors' feelings.

As I said, we found out about it totally after the fact. To appease these feelings, we have accelerated our landscaping plans. This fall we spent over \$2,000 this fall on additional trees and pyracanthas bushes. And Joyce does think she does this well, she bought over 30 pyracanthas bushes to plant along the back fence, there. Because the nursery told us they would grow to 12-15 feet tall within a year or two years. That was the best we could get in there. We were considering to put evergreens

along there; again, we consulted the nursery to get their advice, and they advised we use the combination of the aspen/cottonwood. They had some 20-foot trees that were available, said that those were the fast growers to screen this, so we put over \$2,000 into landscaping, trying to appease this thing with the neighborhood. And I'm not sure we were successful. And in time, the neighbors will have a beautiful view of pyracanthas bushes along there.

I don't know what else I could've done, I went through all the checks the City gave us to go through. I had full approval of the Architectural Committee of Spring Valley. They came out, they walked the property (unclear). I don't know what else to say that hasn't already been said. Therefore, since the main structure was completed in December, oh, one other thing on the other part, Dan Wilson, our City Attorney, has concurred with this issue and as far as he's concerned, it's a closed issue for the City. So if they want to take that to the City, I guess that's up to our neighbors in the City.

The main structure was completed in December. All approvals were obtained prior to construction, and the City has cleared any setback conditions, and there are no utility trenches in that area. We're talking about one 7 square foot corner and that none of the reviewing agencies have had any objections to the 7 square foot easement. Therefore, again, I respectfully request your approval for this utility easement vacation. Thank you."

Chairman Love: "Sir, did I understand you to say that you've got the plans that were approved by the Building Department?"

Mr. Little: "Yes, I do."

Chairman Love: "May I look at them?"

(Recorder's note: Mr. Little approached the bench and presented a site plan to the Chairman of the Planning Commission. The site plan showed a portion of the Little's parcel with the footprint of the proposed addition. No rear setback dimensions were shown. The site plan was stamped and signed for approval by the President the Spring Valley Homeowners Association. Commissioners, planning staff, and several people from the audience approached and viewed the site plan.)

QUESTIONS

Commissioner Afman: "Have you contacted your neighbors about the problem?"

Mr. Little: "I wish I knew the exact date, it must have been about a month ago. After I received the notice from the City Planning Department, we talked to the neighbors and the Lindholms and the Cassadys were the ones who called the Planning Department."

Commissioner Afman: "Did the Homeowners Association contact you?"

Mr. Little: "Never. Not since the time we submitted the application for approval."

Commissioner Afman: "So the first objection that you heard about was a month ago?"

Mr. Little: "Approximately a month ago, I believe it was approximately a month ago, I can't remember the exact date, that I went to visit with (unclear) and it was the following Sunday I visited with Leonard Cassady to see what the problems were."

Commissioner Afman: "You attend the Homeowners meetings?"

Mr. Little: "No, I don't. I'm too busy refurbishing."

Commissioner Afman: "You pay your dues?"

Mr. Little: "I pay my dues, yes sir. Although I don't feel like I was represented for that dues paying tonight."

STAFF REBUTTAL

There were no additional comments from staff.

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, ON ITEM #34-88 THE UTILITY EASEMENT VACATION, I RECOMMEND THAT WE FORWARD THIS ON TO CITY COUNCIL WITH RECOMMENDATION OF DENIAL."

There was no second and the motion failed.

MOTION: (COMMISSIONER SEWELL) "MR. CHAIRMAN, ON ITEM #34-88 THE REQUEST TO VACATE THE UTILITY EASEMENT ON APRICOT COURT, I RECOMMEND THAT WE FORWARD THIS PROPOSAL ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL OF A 5 FOOT EASEMENT."

Commissioner Afman seconded the motion.

A vote was called and the motion passed by a vote of 4-1, with Commissioner Madsen opposing.

A recess was called at 8:55 p.m. and the hearing reconvened at 9:00 p.m.

3. #35-88 REZONE RMF-32 TO PB AND HOMETOWN REALTY-FINAL PLAN.

Petitioner: Virginia Edwards
Location: 704 Elm Avenue

PETITIONER'S PRESENTATION

Keith Fife, representing the petitioner, gave a brief overview of the proposal. Maximum number of employees for the real estate office would be 4. He felt that more parking had been provided than what was required. There currently exists a hedge to the east providing screening; the neighbor on the other side of the hedge has indicated that it is presently adequate. The petitioner will provide additional screening later if required. The 12' access easement, located to the east and accessing the garage north of this property, is no longer in use. Upon transference of the lot to Hometown Realty, the easement will be abandoned.

The City Engineer requested a section of sidewalk to the west be replaced; owners of Hometown Realty asked that this not be made a requirement, since it would be an unanticipated financial hardship.

QUESTIONS

Questions included those concerning driveway improvements, sign size and sign design.

Keith responded that the petitioner has agreed to improve the driveway to widen the driveway to 24 feet per Engineering's request. The size of the sign would be the same as Veale Insurance. (Some concern was expressed on the size of the sign.) Keith said that the sign could be made smaller, but that the petitioner preferred not to. Some discussion ensued about the possibility of placing a planter near the sign to lessen its visual impact.

STAFF PRESENTATION

Mike Sutherland said that the plan would be for a real estate office only. Any other use request would be subject to re-review. The request was in compliance with 7th Street Corridor Guidelines. If recommendation is for approval, Mike asked that staff comments be made a part of the motion. It would be up to the Planning Commission to decide if the portion of sidewalk would have to be replaced as a condition.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

QUESTIONS

Commissioner Afman asked whether it would be a hardship to the petitioner to put a planter around the sign rather than making the sign smaller.

Keith answered that there were several trees there presently, but that an additional planter would be preferred over making the sign smaller.

Commissioner Campbell asked about the runoff for the parking lot.

Keith said that when the driveway is widened, all drainage from the parking lot would be directed to the driveway and then to Elm.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, ON ITEM #35-88, THE PROPERTY LOCATED AT 704 ELM, I RECOMMEND WE FORWARD THIS ONTO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL SUBJECT TO THE COMMENT MADE ABOUT THE FENCE TO THE EAST, THAT ANY FUTURE DATE WHEN THE OWNER TO THE EAST WOULD LIKE TO HAVE A PRIVACY FENCE, THAT THEY (HOMETOWN REALTY) INSTALL SUCH A FENCE, THE SIDEWALKS BE UPGRADED TO CITY STANDARDS, A PLANTER OF LANDSCAPING BE INVOLVED WITH THE SIGN.

Commissioner Sewell seconded the motion.

Don Newton, City Engineer, clarified that it was not the sidewalks which were requested to be replaced, but the first section of curb and gutter west of the driveway which had failed and had sunk.

Chairman Love noted that this would be considered a part of the staff comments.

A vote was called and the motion passed unanimously by a vote of 5-0.

4. #37-88 REZONE C-2 TO RMF-64

Petitioner: James L. and Kraig S. Keltner
Location: 125 Ouray, a.k.a. 127 Ouray Avenue

PETITIONER'S PRESENTATION

Marilyn Hill, representing the Keltners and Ray and Ron Cordova (purchasers), said that the reason for the request was to secure financing; this could not be done while the property remained non-conforming in use. The house was presently being used as a residence.

STAFF PRESENTATION

Kathy Portner said that the property could have just as easily been zoned RMF-64, that the boundary adjustment would not impact the neighborhood either way.

QUESTIONS

There were no questions at this time.

PUBLIC COMMENTS

There were no comments either for or against this proposal.

MOTION: (COMMISSIONER AFMAN) "MR. CHAIRMAN, REGARDING ITEM #37-88 REZONE C-2 TO RMF-64 WITH REGARDS TO THE PETITIONERS JAMES L. AND KRAIG KELTNER, LOCATION 125 OURAY A.K.A. 127 OURAY, ALONG WITH THE COMMENTS OF STAFF, I WOULD RECOMMEND APPROVAL TO CITY COUNCIL FOR THIS PETITION.

Commissioner Campbell seconded the motion.

A vote was called and the motion passed unanimously by a vote of 5-0.

5. #38-88 REZONE FILING FOUR NORTHRIDGE ESTATES RSF-4 TO PR-14 AND PRELIMINARY PLAN AND PLAT ON FILINGS FOUR AND FIVE.

Petitioner: Colson and Colson Construction
Location: East of North 1st Street, west of Horizon Court, north of the Independent Ranchman's Ditch.

A correction was made by Chairman Love; the rezone would be from PR-4 (not RSF-4) to PR-14. He further clarified that while the consideration of rezone was a hearing item, the consideration of preliminary plan and plat would be heard as a meeting item.

PETITIONER'S PRESENTATION

Pat Edwards, representing the petitioner, made the following points in his presentation. The petitioner agreed to pay for improvements to the curb and gutter along 1st Street and Patterson Road. North Bluff Drive will be vacated, subject to the relocation of some Ute Water lines into Northridge Drive. Mr. Warren Jones will be given access to his property from Kingswood Drive, which will be granted prior to the Final Plat. The petitioner will put in the second exit to Northridge Subdivision which will connect the existing dead-ended Northridge Drive to Horizon Place, providing the second exit to 7th Street.

A loop water system, currently in place for Northridge Subdivision, will also be used for the development. A change had been made in the garden units which originally were to be located in the uppermost portion of the property. Three of the garden apartment units would be moved to the lower eastern portion of the property (shown on site plan), and the newly vacated property would then be left for single family development. This would not affect the overall density of the development.

Filing #4 development of the retirement residence would be scheduled for completion by late spring of 1989. Upon submission of the final plat, the petitioner should have a definite schedule for filing #5. Regarding filing #5, it will remain single family. Access to the Waller and Vandover properties will be built at the time this filing is developed.

QUESTIONS

Commissioner Campbell asked if a soils test had been performed on the land located in the "neck" of the property.

Mr. Edwards replied that one had been done for filing #3 in Northridge and for the existing Mesa View Retirement Residence. A specific soils test had not yet been performed in the neck area, but it was felt that the land was very fragile. The area will probably require tiling due to the amount of drainage necessary.

Commissioner Madsen asked for clarification regarding the move of the garden apartments and the density of filing #5.

Mr. Edwards said that three of the garden apartment units would be relocated; filing #5 would remain single family (appx. 2.1 units/acre). He added that a suggestion to connect the dead end of Willowbrook into Kingswood Drive will also be considered.

Commissioner Afman asked if the neck area could be left as a greenbelt.

Mr. Edwards commented that that was an option, although the petitioner would still be bound to provide a second access from the property. Other options included bridging the canal, obtaining access which hasn't yet been acquired, etc.

Chairman Love wanted to know if the access to the Vandover/Waller properties shown on the site plan was a new change.

Mr. Edwards said that it was.

10-4-88

STAFF PRESENTATION

Mike Sutherland outlined the various considerations of the proposal--preliminary plat, plan and rezone. Filing #4 was revised to include the additional two lots for the relocation of the garden suites. Staff had no problem with this revision. Legal notice will be changed prior to City Council to reflect the addition of these lots. He reiterated portions of Mr. Edwards' statements. Access to the Vandover/Waller properties will not be a requirement with filing #4 development. Staff felt that the currently proposed access point from 7th Street will not become a thoroughfare, nor become the Horizon Drive extension which concerned many residents. Details to the plan will be resolved prior to the Final Plat stage.

QUESTIONS

Chairman Love asked why the second access was necessary.

Mike responded that the second access was made a requirement by the City for the original Northridge Subdivision approval.

PUBLIC COMMENTS

FOR:

There were no comments for the proposal.

AGAINST:

Fred Aldrich, 340 Music Lane, ad hoc representative for many of the Northridge residents presented the following concerns.

He presented a petition containing approximately 140 residents, representing 101 properties (not verified) of Northridge and Willowbrook. He acknowledged the change of PR-4 from RSF-4 in the description of the property.

Mr. Aldrich said that the petitioner did not address the key issue affecting the surrounding property owners, which was the impact the density of such a development will have on a low density, single family neighborhood. He contended that this was not a transitional neighborhood, and a retirement residence in this area would be a high density use dropped in the middle of a low density residential neighborhood. He felt that this development represented a major physical change in the character of the existing area. Besides the multiplexes (garden unit suites), the main structure would be a 104-unit complex, very large, very obtrusive.

Another concern involved this being a business use, not owner-occupied housing like surrounding properties. It should then be considered in the context of a business use being placed in the middle of a residential neighborhood, and would not be compatible in any way with existing residential uses. Mr. Aldrich felt that this was unprecedented in Grand Junction. They would be a separate entity, and since there would be no participation in the local Homeowners Association, there would also be no way of ensuring compliance with local quality of living standards already in place. Owners of the facility would not even live in Grand Junction.

He noted that other retirement residences front major arterials, and he felt that that was appropriate. Residents completely opposed a development of this sort dropped into a completely residential area. This would, in effect, create a transitional zone where before there was (is) none. He felt that it would greatly impair the marketability for remaining single family lots as proposed by the petitioners, since nobody would want their backyards abutting such an obtrusive structure.

He continued, saying that in no way could this development be designed to impact the neighborhood more. He felt that it constituted poor planning on the part of the petitioner. Regarding the Horizon Drive extension referral, he felt that the present access into Northridge was terrible. The present proposal access will only increase traffic congestion to an already overburdened intersection. Traffic will be increased not only by those residents of the facility who drive, but also staff and management, vendors, and visitors coming into and out of the facility. It had been noted that the existing Mesa View Retirement facility was already overburdened in its parking; parking was underestimated there, also. He did feel that this would be a "short-cut" off Horizon Drive to 1st Street.

Mr. Aldrich concluded by saying that there would be technical ways to mitigate these concerns, but the present proposal is considered completely unacceptable. The benefit of approving such a plan would be recognized solely by the petitioner; the established property values of the surrounding neighborhood will only serve to increase his own property value, while it will serve to lower the values of the adjacent homeowners. He recommended denial by the Planning Commission, saying that there was surely other property in Grand Junction more suitable to this kind of development.

Warren Jones, 2624 F 1/8 Road, felt that he would be the most impacted from this development. He contended that the building should be relocated to another area within the property or to another area altogether. As proposed, he said, the main complex would be located right behind his home and be glaringly obnoxious.

John Gormley, 361 Music Lane, said that if the building were built, he would be located directly adjacent to the proposed parking lot. He noted that the roof peak would be still 15 feet above his upper deck level. All view would be deleted, decrease in property values would occur, and agreed that another location should be found for the actual complex. He recommended tabling the item until the building could be relocated; or deny it if possible.

April Rarick, 3324 Music Lane, said that many small children lived in this neighborhood. She expressed concern about the increased traffic generated by the facility. She thought the zone change would also affect the existing lifestyle of the neighborhood.

Terry Larson, 357 Music Lane, said that he would not be able to see over the roof of the proposed structure. Since lighting would be on all night, it will disrupt adjacent property owners. He continued that, as designed, the garden unit left in the neck of the property would be only 15 feet from the next property owner. He felt that this constituted poor and short-sighted planning on the part of the petitioner.

Russ Doran, 3350 Music Lane, felt that there should be protection for the existing zoning and use.

Lois Waller, 621 26 1/2 Road, expressed her concern over the access which was to have been provided to her and the Vandover's property. She felt that the access should be built along with the development of filing #4 and not wait until development of filing #5. She read a letter of proposal from then City Attorney, Gerald Ashby, which required the access be put in at the time of development of Northridge filing #4.

Mike Sutherland noted that the letter had been made a part of the original file.

Gerald Krebill, 3112 Cloverdale Court, expressed concerns over the elevation of the farthest west corner, which would be 4,628 feet. The same contour line would intersect his property. Less than 200 feet away, there would be 65 feet of altitude.

William Martin, 325 Northridge, also wanted to keep the area single family.

Chairman Love asked for a show of who was in favor and who was opposed to the project. 72 (+/-) indicated they were opposed to the development; 6 were in favor.

Nancy Aldrich, 340 Music Lane, said that regardless of what is said, retirees are not compatible with children. Children play, are often loud, ride their bicycles, etc. and this will all be considered disruptive to seniors.

PETITIONER'S REBUTTAL

Bart Colson of Colson and Colson Construction, 2741 12th Street, Salem, OR, said all 12 units which they've built in other areas are in the midst of residential areas. The residential character is desired for their facilities to provide the most appealing atmosphere for their residents. The location of the proposed development is considered ideal for them. He continued that the average turnover is 4 1/2 years. He maintained that, although many of the residents enjoyed the sounds of children, the facility would provide a haven for those who wanted to be away from them. The facility would, itself, act as a buffer between the seniors and the children.

It was estimated that 25% of the residents would have cars, and there would be 8 full-time and 4 part-time staff. He felt that traffic shouldn't even be a concern, and he provided traffic projections for the project to Commissioners. He contended that 8 developments in other areas did belong to Homeowners Associations.

He said that they currently have 65 people waiting for a spot in Mesa View Retirement Residence; if they could have been here tonight, they would have spoken in favor of this proposal.

Pat Edwards added that extensive signage plans had been discussed with Dave Tontoli of the Engineering Department. Plans would include reduced speed signs and signs which would direct most of the traffic toward 7th Street, away from 1st Street. He talked with School District #51 representatives, and they agreed to enter the Northridge Subdivision* to pick up children if Kingswood Drive were extended. To satisfy any expressed concerns that their planned single family lots will, at some point, be considered for multi-family development, the petitioner was willing to attach a deed restriction to the land during the final plat stage keeping any future development single family.

He addressed the height question which Mr. Gormley brought up. He said that he understood the concerns expressed by Northridge residents since they would have to live with it every day. He added that he, himself, would not, since he lived off the golf course.

QUESTIONS

Commissioner Sewell asked why the building wasn't placed closer to the existing Mesa View Retirement Residence.

Mr. Edwards responded that because, 1) they needed to provide access to Waller per the agreement, and 2) if they move the retirement residence further south, they might be impacting the Waller/Vandover properties even more.

Commissioner Afman asked if the plan was tabled, would the petitioner be able to work on a more acceptable arrangement which might better appease surrounding residents.

Mr. Colson replied that they would be willing to consider alternatives.

Commissioner Afman asked Mr. Aldrich if a revised plan might be considered by him and by other residents.

Mr. Aldrich responded that he thought the building an abomination; he did not think that any revised plan would be suitable, but that he would not be opposed to reviewing any changed plan. He pointed out that the petitioner should have talked with them before submission to the Planning Department. The residents resented having to hear about the proposal through reading the signs posted in their neighborhood.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, IN VIEW OF THE AUDIENCE WE HAVE HERE TONIGHT, AND WITH THE STATEMENTS THAT WERE JUST GIVEN BY BOTH SIDES, I FEEL THAT WE SHOULD TABLE THIS FOR A MONTH TO ALLOW THESE TWO PARTIES TO GET TOGETHER AND PERHAPS COME UP WITH A PLAN THAT MIGHT BE MORE COMPATIBLE."

Commissioner Madsen seconded the motion.

A vote was called and the motion passed by a vote of 4-1, with Commissioner Afman opposing.

6. #3-88 TEXT AMENDMENTS TO THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE (INCLUDING: A. AMENDING CHAPTER 7 REGARDING P.D. DESIGNATION, B. AMENDING SECTION 4-2-11D REGARDING LANDSCAPING REQUIREMENTS FOR FRONTYARD SETBACKS LESS THAN 5 FEET IN C-1 ZONES, AND C. ADDING PARAGRAPH 6-8-2A.1.t REQUIRING NAMES AND ADDRESSES OF ALL SURFACE OWNERS, MINERAL OWNERS, AND LESSEES OF MINERAL OWNERS.

Petitioner: Grand Junction Planning Department
Location: 250 North 5th Street

PETITIONER'S PRESENTATION

Kathy Portner presented a brief summary of the various text amendments being proposed.

QUESTIONS

There were no questions.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

MOTION: (COMMISSIONER AFMAN) "MR. CHAIRMAN, I MAKE THE MOTION WE APPROVE THESE TEXT AMENDMENTS AS SUBMITTED."

Commissioner Madsen seconded the motion.

A vote was called and the motion passed unanimously by a vote of 5-0.

V. NON-SCHEDULED CITIZENS AND/OR VISITORS

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

The meeting was adjourned at 10:47 p.m.