

GRAND JUNCTION PLANNING COMMISSION
Public Hearing -- April 30, 1985
7:15 p.m. - 9:00 p.m.

The public hearing was called to order by Chairman Bill O'Dwyer at 7:15 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission were:

Susan Rush	Warren Stephens
Karen Madsen	Miland Dunivent
Bill O'Dwyer, Chairman	Ross Transmeier

In attendance, representing the City Planning Department were:

Bob Goldin	Mike Sutherland
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Terri Troutner was present to record the minutes.

There were approximately 17 interested citizens present during the course of the meeting.

Due to the fact that tonight's meeting was normally scheduled for 7:30 p.m. yet advertised to begin at 7:00 p.m., the meeting was officially begun at 7:15 p.m to compromise the difference.

I. APPROVAL OF MINUTES

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, I MOVE THAT THE MINUTES OF THE GRAND JUNCTION PLANNING COMMISSION ON MARCH 26/APRIL 2, 1985 BE APPROVED AS SUBMITTED."

Commissioner Transmeier seconded the motion.

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

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS.

There were no announcements, presentations and/or visitors.

III. FULL HEARING

1. #8-85 CONDITIONAL USE-TAVERN LIQUOR LICENSE

Petitioner: Larry D. Cowell
Location: 865 North Avenue

Consideration of a conditional use.

Before the petitioner's presentation, it was clarified that Gerald Perkins is actually the official owner of record since there was some confusion on that point.

PETITIONER'S PRESENTATION

Tim Foster, acting as the representative for the petitioner, began with an overview and outlined the intentions of Grand Junction Bowling Lanes to move from their present location near Grand Junction High School to the old City Market building at the 865 North Avenue location.

Tim felt that concerns expressed by the various review agencies has been addressed and that with regard to landscaping, discussion between the petitioner and the Planning Department was progressing well. He stated that since the parking area was so large and the landscaping requirements so extensive, the petitioner was requesting a staggered landscaping plan whereby an initial 1,100 sq. feet would be landscaped the first year with the balance being installed over the following two years. Landscaping would be provided along Belford Avenue acting as a buffer for those residents living adjacent to the Bowling Lanes.

Tim commented that a provisional deed had been given to the City from City Market stating that upon ceasing of operations by City Market, they would deed over 10' of right-of-way. The petitioner was requesting that a transference of this provisional deed be made so that a substitution of "Grand Junction Bowling Lanes" be inserted where it was originally stated "City Market." This was due to the necessity of Grand Junction Bowling Lanes to have the additional 10' for the operation of their business, and that without this provision, it would make the project unfeasible.

He continued that one of the two open driveways onto Belford Avenue would be closed and that, with regard to the broken curb and gutter, he did not think that this originally belonged to City Market and, therefore, repairs should not be the responsibility of Grand Junction Bowling Lanes.

QUESTIONS

Commissioner Transmeier asked if there would be extensive outer remodeling to the business.

Tim responded that there would not be.

Commissioner Dunivent questioned whether the location of the pin resetting room would be on the north side of the building.

Tim replied that it would be.

Commissioner Dunivent continued saying that if the 10' right-of-way was required of the business, it might create a real problem.

Gerald Perkins responded from the audience that the original request was to transfer the provisional deed to Grand Junction Bowling Lanes with the understanding that upon the termination of the business, this right-of-way would still be deeded over to the City.

Chairman O'Dwyer asked whether a decline by the City to approve this option would jeopardize the business being located there.

Gerald answered that due to the lane requirements and other operational requirements, if the right-of-way was deeded back to the City immediately, they would not be able to accommodate the total requirements of the business and would cause serious reconsideration of the proposal.

Commissioner Transmeier asked if there were any way the pin resetting room could be located south.

Gerald replied that this was not a practical alternative from their point of view.

STAFF PRESENTATION

Mike Sutherland presented an overview of the request stating that because this was a change of use, there would be a few more code requirements of the business. Parking requirements computed were 102 and the proposal would actually provide for 125. He reiterated that the Planning Department has been working with the petitioner on the landscaping provisions and that the proposed phasing of landscaping was acceptable to the department.

With regard to the question of right-of-way, Mike stated that discussions with the City Attorney indicated that transference of the provisional deed should not be a problem and that the City does not anticipate a need for the 10' in the near future, nor should it be required before the usefulness of the building itself be completed.

Mike advised that only one of the two narrow driveways along Belford Avenue in question belonged to this property and will be closed. A vertical curb will then be installed in place of the curb cut. The broken curb and gutter referred to earlier is located on the southwest corner of 9th Street and North Avenue and is old and within the City's right-of-way. The Planning Department has recommended repair of this, but the City Council would have the option of waiving this requirement.

QUESTIONS

Commissioner Stephens expressed a concern over how the enforcement of the landscaping was to be maintained?

Mike replied that since this proposal is for a conditional use for a liquor license and that the license is subject to periodic renewal. If the landscaping requirements are not met, the petitioner would be putting the renewal of his liquor license in jeopardy since it may be revoked on the grounds of non-compliance.

Bob Goldin elaborated saying that because this was a request for a change in use, the City would have the authority to ensure the project is brought up to present code since City Market did not fulfill the code requirements.

Commissioner Stephens asked if the codes were excessive and if so, shouldn't they be changed.

Bob replied that these were minimum requirements for a front yard setback; this proposal happened to front along two streets which made the landscaping requirements somewhat abundant, but the Planning Department was working with the petitioner on this point to make it easier for them to comply.

Chairman O'Dwyer questioned whether the alley on the south was still an alley or had it been vacated.

Don Warner of the Planning Department stated that this had been vacated; there is an easement but no alley.

Commissioner Stephens asked for clarification from Planning on the right-of-way situation.

Bob verified earlier statements made by Mike on there being no apparent conflict in transference of the provisional deed into the name of Grand Junction Bowling Lanes. When or if the building was destroyed, the right-of-way would then be deeded over to the City.

PUBLIC COMMENTS

There were no comments either for or against the proposal made from the audience, however, Mike Sutherland stated that a phone call had been received from the owner of Sherwin Williams located across the street who was in favor of the proposal.

MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON FILE #8-85 A REQUEST FOR A CONDITIONAL USE FOR A TAVERN LIQUOR LICENSE, I RECOMMEND WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF APPROVAL SUBJECT TO STAFF COMMENTS, SPECIFICALLY A SPECIFIC OUTLINE AS TO THE TIMEFRAME OF THE LANDSCAPING TO BE COMPLETED AND THE QUIT CLAIM DEED BEING RECORDED SATISFACTORILY ACCORDING TO THE CITY ATTORNEY, AND THE SIDEWALK IN QUESTION BE REPAIRED, AS WELL AS OTHER STAFF COMMENTS."

Commissioner Dunivent seconded the motion.

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

1985 EXTENSION/REVERSION HEARING

Bob Goldin explained that the reason for the hearing was to reconsider, on an annual basis, those proposals which had exceeded their development schedule or violated some portion of the development code in order to determine whether the proposal is still considered to be viable. Bob continued that this year there was the added requirement of dedication of right-of-way to the City prior to approval of any extension request; that this was only for perimeter and major roads and not for internal roads. The reason for this was due to conflicts in the past regarding special improvement districts, and assessments for capital improvements in a specified area; this dedication would alleviate those conflicts in the future. Upon a verbal commitment to this requirement, a quit claim deed would be required dedicating the right-of-way prior to the proposal being heard by City Council.

#16-79: Crown Heights, Filing #2

Petitioner: Lloyd/Leland Unfred

Location: Northeast corner of 27 1/2 Road and Cortland

Bob Goldin stated that a letter was received from the Bank of Hotchkiss asking that the proposal be reverted, so reversion of the plan and zone was being requested.

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #16-79 SINCE WE HAVE A REQUEST FROM THE BANK OF HOTCHKISS REQUESTING A REVERSION, I MOVE THAT WE REVERT THIS PROJECT AND FORWARD TO CITY COUNCIL AS SUCH."

Commissioner Rush seconded the motion.

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

#17-80: Rezone RIC to PR-20.

Petitioner: W.B. Swisher/Hyland
Location: 2304 N. 17th Street

Bob stated that no response was received from the petitioner on this proposal either for reversion or extension. The petitioner was not present in the audience.

MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON FILE #17-80 THE SWISHER/HYLAND DEVELOPMENT, I MOVE THAT SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF REVERSION DUE TO THE LACK OF ANY REQUEST FOR EXTENSION AT THE TIME OF THE HEARING AND BECAUSE THE RIGHT-OF-WAY ISSUE HAS NOT YET BEEN RESOLVED (SEE ALSO PAGE 7)."

Commissioner Dunivent seconded the motion.

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

#30-80: Country Glen Apartments

Petitioner: Country Glen Associates
Location: 25 & F 1/2 Road

Steve Szymanski, Country Glen's representative, requested a one year extension and did commit to the right-of-way dedication requirements.

MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON PROJECT #30-80 COUNTRY GLEN APARTMENTS, I MAKE THE RECOMMENDATION WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION FOR EXTENSION FOR ONE YEAR (MAY 1, 1986) WITH THE COMPLETION OF THE RIGHT-OF-WAY ISSUE."

Commissioner Rush seconded the motion.

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

#35-81: The Park at Horizon Drive

Petitioner: Victorio Invest.

Location: North of Horizon Drive 600' east of 27 Road

Steve Szymanski, acting as representative, requested a one year extension.

MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON FILE #35-81 THE PARK AT HORIZON DRIVE, I MAKE THE MOTION WE SEND THIS TO CITY COUNCIL WITH EXTENSION OF THE DEVELOPMENT FOR ONE YEAR (MAY 1, 1986)."

Commissioner Rush seconded the motion.

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

#47-80: Singh Subdivision

Petitioner: Lalmani Singh

Location: G & 27 3/4 Road lines

Bob said that this item was pulled due to the petitioner not being present. As was the case with last year's extension request, Mr. Singh is working overseas, therefore, additional time was allotted so that he may be fully aware of the current status of his development proposal.

At this time W.B. Swisher came forward from the audience representing #17-80 (late arrival) and requested a one year's extension for this project.

Mike Sutherland stated that no response had been received from Mr. Swisher and that a letter had been sent out several weeks prior to the hearing and requested additional information from him which also was not received.

Mr. Swisher stated that he thought that the required information was not due until May 15th.

Mike reiterated that due dates and hearing dates were specified on the letter sent to him.

Since there had been an earlier motion to revert this project, Chairman Bill O'Dwyer told Mr. Swisher that he would still be able to request an extension from City Council on May 15th as this hearing was only to recommend a particular action. He also suggested that should the petitioner present the required information as well as agree to the Quit Claim deed for right-of-way, there should be no problem with City Council granting his project a one year extension.

Commissioner Transmeier requested wording be added to the #17-80 motion on why the project was being recommended for reversion so that City Council may be aware of any problems and if those concerns were addressed by the time of the City Council hearing, that extension of the project may be granted. (The motion was revised accordingly.)

#72-80: Professional Office Building

Petitioner: Larry Beckner
Location: 1499 N. 1st Street

Clay Tipping, who is the present owner of record, requested a one year extension.

Bob Goldin said that no right-of-way was required of this project.

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #72-80 THE PROPOSED OFFICE BUILDING AT 1499 NORTH 1ST STREET, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF A ONE YEAR EXTENSION (MAY 1, 1986)."

Commissioner Transmeier seconded the motion.

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

#3-81: Tamerlane

Petitioner: Tamerlane Ltd.
Location: Northwest corner of F 1/4 & 27 1/4 Rds. (15th Street)

Bob Goldin stated that it was this project that initiated the City's right-of-way dedication requirement. He continued that Tamerlane had not originally been willing to dedicate the right-of-way, consequently, the City had to initiate purchasing the right-of-way at a revised price of single family development instead of a planned residential. No response has been received from Tamerlane to date on the extension/reversion request and therefore, the Planning Department is requesting reversion of both the plan and the zone.

MOTION: (COMMISSIONER STEPHENS) "MR. CHAIRMAN, ON ITEM #3-81 I MOVE THAT THE PLAN AND ZONE BE REVERTED DUE TO THE LACK OF NOTIFICATION BY THE PETITIONER AND RECOMMENDED TO CITY COUNCIL AS SUCH."

Commissioner Transmeier seconded the motion.

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

#33-81: Colony Park

Petitioner: Ted Straughan
Location: 2575 Patterson

Ted Straughan requested a one year extension. There would be no problem with dedication of right-of-way.

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #33-81 COLONY PARK AT 2575 PATTERSON ROAD, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF A ONE YEAR EXTENSION (MAY 1, 1986) SUBJECT TO THE RIGHT-OF-WAY BEING DEDICATED."

Commissioner Madsen seconded the motion.

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

#37-81: Guffey Rezone

Petitioner: Jo Guffey
Location: 845 Colorado Avenue

Bob stated that the petitioner had agreed to a reversion of this zone.

MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON ITEM #37-81 THE GUFFEY REZONE AT 845 COLORADO AVENUE, I MAKE A MOTION THAT WE REVERT THIS ZONE AND SEND TO CITY COUNCIL WITH THIS RECOMMENDATION."

Commissioner Rush seconded the motion.

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

#40-81: Horizon Planned Community

Petitioner: Horizon Development Group
Location: Northwest corner of 12th and Horizon Drive

Michael Licht, representing the petitioner, requested a one year extension.

Bob Goldin said that, with regard to the right-of-way dedication, the City has been in negotiations with the Horizon Development Group on obtaining the dedication. It was the City Attorney's impression that the City should request the right-of-way before any extension of the proposal were given.

Michael said that originally the petitioner was under the impression that the City would purchase the right-of-way and their

attorneys were in the process of lien releases in preparation for this. All of this was done at the expense of Horizon Development Group. It was felt that if the City were to require dedication of the right-of-way, those expenses incurred by Horizon Development Group on this particular item should be reimbursed.

Bob noted that this project was one of two which involved the City in negotiations and pointed out that the petitioner was not aware of the request for dedication before those negotiations had begun. He felt that due to the confusion involved, it should be something that the City Attorney and City Council should resolve.

MOTION: (COMMISSIONER TRANSMER) "MR. CHAIRMAN, ON ITEM #40-81 HORIZON PLANNED COMMUNITY/HORIZON DEVELOPMENT GROUP, I MAKE A RECOMMENDATION TO SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF REVERSION. THE ONLY REASON BEING THE FAILURE TO DEDICATE THE RIGHT-OF-WAY."

Commissioner Dunivent seconded the motion.

Chairman O'Dwyer told Mr. Licht that although this was the recommendation, he would still be able to plead his case before the City Council; they would make the final decision. As well, this would give him a chance to resolve this issue prior to the City Council hearing.

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

#49-81: Crossroads Motor Inn

Petitioner: G.J. Motor Hotel Ltd.
Location: East of 27 3/4 Rd. Sec. line; northwest of Horizon Drive

Tom Logue, representing the petitioner, requested a one year extension.

Bob indicated that there was no right-of-way dedication required of this project.

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #49-81 I RECOMMEND THAT THIS BE FORWARDED TO CITY COUNCIL WITH A RECOMMENDED ONE YEAR (MAY 1, 1986) EXTENSION."

Commissioner Stephens seconded the motion.

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

#79-81: Woodsmoke

Petitioner: John Kilpatrick
Location: West of 29 Rd. 1/4 mi. south of F Road

Tom Logue, representing the petitioner, requested a one year extension for this project.

Bob confirmed that the right-of-way had been dedicated on this project with recording of the final plat.

MOTION: (COMMISSIONER STEPHENS) "MR. CHAIRMAN, ON ITEM #79-81, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF A ONE YEAR EXTENSION (MAY 1, 1986)."

Commissioner Transmeier seconded the motion.

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

#85-81: Rusty Sun Subdivision, Filing #1

Petitioner: Jim Lindell
Location: Northeast corner of East Indian Creek & Patterson

Tom Logue, representing the petitioner, stated that Mr. Fennern was the new owner of record and he requested a one year extension of the project. Right-of-way dedication would be executed prior to the meeting of City Council.

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, REGARDING ITEM #85-81 RUSTY SUN SUBDIVISION FILING #1, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF EXTENSION FOR ONE YEAR (MAY 1, 1986) SUBJECT THE THE RIGHT-OF-WAY BEING DEDICATED."

Commissioner Stephens seconded the motion.

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

#92-81: Hawthorne Place at Crestview III

Petitioner: Todd Deutsch
Location: Northwest of F Rd. & 27 1/2 Rd.

Tom Logue, representing the petitioner, requested reversion of the project to the original zone. The property has been reacquired by the original owner with no immediate plans for development.

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #92-81, I RECOMMEND WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF REVERSION BACK TO THE ORIGINAL ZONE OF RSP-4"

DUE TO THE REQUEST OF THE PETITIONER."

Commissioner Transmeier seconded the motion.

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

#51-82: The Falls: Filing #4

Petitioner: Tom Logue (representative)
Location: East of 28 1/4 Rd, south of Patterson

Tom Logue, representing the petitioner, stated the property had been reacquired by Valley Federal Savings and Loan and requested a one year extension.

Bob commented that no right-of-way dedication was involved.

MOTION: (COMMISSIONER RUSH) "MR. CHAIRMAN, REGARDING ITEM #51-82 I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF EXTENSION (MAY 1, 1986)."

Commissioner Madsen seconded the motion.

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

#65-82: Houston Heights

Petitioner: Colex Ltd.
Location: Northeast corner of 15th and Wellington

Tom Logue, representing the petitioner, requested a one year extension.

Bob stated that the right-of-way had been previously dedicated.

MOTION: (COMMISSIONER RUSH) "MR. CHAIRMAN, REGARDING ITEM #65-82 I MOVE THAT WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF A ONE YEAR EXTENSION (MAY 1, 1986)."

Commissioner Dunivent seconded the motion.

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

#53-81: French Quarter (Walden Office Bldg.)

Petitioner: Walter Thoms
Location: Southwest corner of 1st & W. Mesa Avenue

Victor Daniels, representing the petitioner and an owner of the property, requested a one year extension. He expressed a willingness to dedicate the necessary right-of-way.

Bob stated that the First Street Corridor was in the process of being revised and that a copy of this would go out to the property owners when completed.

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #53-81, MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF A ONE YEAR EXTENSION (MAY 1, 1986) WITH THE PROVISION THAT THE RIGHT-OF-WAY IS DEDICATED."

Commissioner Rush seconded the motion.

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

#61-81: Atrisco-Office Bldg.

Petitioner: Levi Lucero
Location: East of 28 1/2 Rd. appx. 500' north of North Avenue

There were no representatives for Atrisco present at the hearing.

Bob clarified that the rezone should read PB and PR, two requests under the same file. No word has been received from the petitioner and staff was requesting reversion of both zones. Bob continued that there would be a major right-of-way dedication involved with the project.

MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON FILE #61-81 THE ATRISCO-OFFICE BUILDING AND PLANNED RESIDENTIAL, I RECOMMEND WE SEND THIS TO CITY COUNCIL WITH THE RECOMMENDATION FOR REVERSION FOR THE FOLLOWING REASONS: LACK OF DEDICATED ROAD, LACK OF RESPONSE OR THE REQUEST FOR EXTENSION AND FOR BEING AN ILL-CONCEIVED PROJECT TO BEGIN WITH."

Commissioner Dunivent seconded the motion.

A vote was called and the motion passed by a vote of 4-2 with Commissioners Rush and Stephens opposing.

#63-81: Persigo/Trolley Gate

Petitioner: Colex Ltd.
Location: Southeast corner 25 and G Roads

Sam Haupt, representing the petitioner, requested a one year extension.

Bob stated that the right-of-way has been dedicated.

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, REGARDING ITEM #63-81, I MOVE THAT WE SEND THAT TO CITY COUNCIL WITH THE RECOMMENDATION FOR A ONE YEAR EXTENSION (MAY 1, 1986)."

Commissioner Stephens seconded the motion.

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

#46-82: PDC Subdivision, Filing #2

Petitioner: PDC Investments
Location: 605 26 1/2 Road

Sam Haupt, representing the petitioner, requested a one year extension.

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #46-82, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF A ONE YEAR EXTENSION (MAY 1, 1986)."

Commissioner Transmeier seconded the motion.

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

#7-84: Suncrest Villas

Petitioner: F Road Development Corp.
Location: North of F Rd. appx. 650' west of 25 Rd.

Sam Haupt, representing the petitioner, requested a one year extension.

Bob Goldin asked Mr. Haupt if he still wanted to revert the PB zoning of the project back to planned residential; that may be done at this time.

Sam stated that for the time being, it should probably be left in planned business with the possibility of later reverting this zone. It was unsure what was to be done yet with this portion of the project.

There was some question on the right-of-way dedication on F 1/4 Rd. since this belonged to another party and until F Road Development Corp. picked up this option, it could not be deeded to the City.

Bob said that staff would verify the option situation with the City Attorney and decide the best route to take, saying that if that portion of the right-of-way was not received, that portion of the project may be reverted.

Commissioner Transmeier also noted that since this project would not be officially up for extension/reversion until July, 1985, the petitioner would have until that time to work out the details of the right-of-way dedication, and that the motion should contain wording as such.

Commissioner Transmeier asked if all of the right-of-way in question was located on the PR-17 zoned property.

Bob replied that it only involved a portion of the property located in the PR-17 zoned property, that in the northeast corner. There was no problem with the right-of-way located on F Road, only that which was located off of F 1/4 Road.

MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON ITEM #7-84 I RECOMMEND THAT WE REVERT THE PORTION OF THIS PROJECT WHICH IS ADJACENT TO F 1/4 ROAD IF RIGHT-OF-WAY IS NOT DEDICATED BY JULY, 1985 AND SHOWN TO THE CITY COUNCIL, AND THE BALANCE OF THE PROJECT BE APPROVED FOR A ONE YEAR EXTENSION SUBJECT TO THE DEDICATION OF RIGHT-OF-WAY ON F ROAD."

Commissioner Dunivent seconded the motion.

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

One final note was made that Mr. Haupt would not be required to attend the City Council meeting on May 15th, that a decision on the "reverted" portion of this project would be delayed until July, 1985.

#70-81: Orchard Grove

Petitioner: Robert Reese
Location: Southeast corner of 12th and Orchard Avenue

The petitioner was not present at the hearing, however, Bob Goldin of the Planning Department received a letter requesting a one year extension.

Chairman O'Dwyer moved this item to the end of the agenda to allow for the petitioner to show up at a later time.

#105-81: Hodges Addition

Petitioner: Eacel Hodges
Location: 2048 N. 12th St., northeast corner of 12th and Walnut

The petitioner was not present at the hearing due to an illness in his family, however, staff had received a letter though it was vague and did not actually ask for either an extension or reversion. Attempts were made to contact the petitioner prior to receipt of the letter. The petitioner was not very willing to dedicate the right-of-way and Bob explained to him that if the dedication were made, it would not preclude any development in this area. Again, no clarification of the petitioner's intent was received.

MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON ITEM #105-81 HODGES ADDITION, I MAKE THE RECOMMENDATION WE SEND THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF REVERSION FOR THE FOLLOWING TWO REASONS: 1) NO REQUEST FOR EXTENSION WAS RECEIVED AND 2) LACK OF DEDICATED RIGHT-OF-WAY. IF THESE TWO ITEMS WERE CORRECTED PRIOR TO THE CITY COUNCIL HEARING, I SEE NO REASON WHY WE CAN'T EXTEND IT."

Commissioner Stephens seconded the motion.

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

#12-82: Hotel Conditional Use

Petitioner: Penner-Frantz

Location: Northwest corner of H Road and Horizon Drive

This item was pulled at the request of the City Attorney.

#20-82: Edgewood Townhomes

Petitioner: John Combs

Location: West of 15th St., south of the Grand Valley Canal

John Combs requested a one year extension.

Bob commented that there was no right-of-way dedication involved.

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #20-82, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF A ONE YEAR EXTENSION (MAY 1, 1986)."

Commissioner Madsen seconded the motion.

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

#19-82: Dominion Heights

Petitioner: Fore Site Int'l

Location: South of North Ave. along 28 1/4 Rd.

Mike Sutherland said that he had received a call from Mr. Nacht, representing the petitioner, who had planned to attend but sickness kept him from being here. Mr. Nacht agreed to dedicate the right-of-way and requested a one year extension.

MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON ITEM #19-82D THE DOMINION HEIGHTS, I MAKE A MOTION TO SEND THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF EXTENSION (MAY 1, 1986) SUBJECT TO THE DEDICATION OF RIGHT-OF-WAY BEING AVAILABLE TO THE CITY COUNCIL BY THEIR MEETING IN MAY."

Commissioner Madsen seconded the motion.

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

#26-82: Conditional Use-1st Security Drive Up

Petitioner: 1st Security
Location: 2692 Hwy 50

Bob stated that no response was received from the petitioner on the project, therefore, reversion was being requested by staff. No right-of-way was required of this project.

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #26-82, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF REVERSION DUE TO NO RESPONSE FROM THE PETITIONER."

Commissioner Stephens seconded the motion.

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

#27-82: High Country Storage

Petitioner: John Bray
Location: Southeast of Cannon and Grand Mesa Avenue

Jack Whittiers, co-owner of the property, asked for a one year extension.

Bob said that no right-of-way was required of this project.

MOTION: (COMMISSIONER MADSEN) "MR. CHAIRMAN, REGARDING ITEM #27-82, I MOVE THAT WE SEND THIS TO CITY COUNCIL WITH RECOMMENDATION OF A ONE YEAR EXTENSION (MAY 1, 1986)."

Commissioner Dunivent seconded the motion.

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

#13-83: Development in HO-Office Building

Petitioner: Arix
Location: 760 Horizon Drive

John Elmer, representing the petitioner, asked for a one year extension.

Bob stated that last year the Planning Commission had given Arix a period of six months to either remove or make permanent a trailer

located on the Arix property. No action had yet been done, however, the Building Department has agreed to grant an extension for the temporary structure if the Commission feels this is in order. Bob noted that with most development projects involving temporary structures, the Planning staff has required them to fulfill their development schedules and remove the structure by a given time.

Commissioner Transmeier asked for clarification that by the building being there, it was a violation of the Building Code.

Bob responded affirmatively adding that because it has not been made permanent, there are provisions regarding temporary structures requiring for the structure to be moved.

John Elmer felt that if it was made a requirement that the trailer was to be moved, it may mean that there would be a decrease in the local staff of Arix.

Bob reiterated to the Planning Commission that Arix was informed one year ago to either remove the structure or make it permanent.

MOTION: (COMMISSIONER STEPHENS) "MR. CHAIRMAN, ON ITEM #13-83, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF REVERSION BECAUSE OF LACK OF COMPLIANCE WITH THE REMOVAL OF A TEMPORARY STRUCTURE."

Commissioner Dunivent seconded the motion.

A vote was called and the motion passed by a vote of 5-1 with Commissioner Transmeier opposing.

#37-83: CBW Office Condos

Petitioner: Crossroads Energy
Location: North of I-70 @ 27 1/4 Rd. line

Bob stated that a letter had been received by the petitioner requesting reversion of the plan.

MOTION: (COMMISSIONER DUNIVENT) "MR. CHAIRMAN, ON ITEM #37-83, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF REVERSION OF THE PLAN AT THE REQUEST OF THE PETITIONER."

Commissioner Transmeier seconded the motion.

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

#44-83: Crossroads Nautilus

Petitioner: Durfee Day
Location: 2770 Compass Drive

Bob said that no response was received from the petitioner on this project, therefore, reversion of the plan was being requested.

MOTION: (COMMISSIONER RUSH) "MR. CHAIRMAN, REGARDING ITEM #44-83, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF REVERSION DUE TO LACK OF RESPONSE."

Commissioner Stephens seconded the motion.

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

#45-83: Orthopedic Sports Medicine Center

Petitioner: M. Larry Copeland
Location: Southwest corner of 12th and Walnut

Rob Jenkins, representing the petitioner, asked for a one year extension.

MOTION: (COMMISSIONER RUSH) "MR. CHAIRMAN, REGARDING ITEM #45-83, I MOVE THAT WE FORWARD THIS TO CITY COUNCIL WITH RECOMMENDATION OF EXTENSION (MAY 1, 1986) SUBJECT TO THE RIGHT-OF-WAY."

Commissioner Madsen seconded the motion.

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

#56-83: Onion Hill

Petitioner: Onion Hill Ltd.
Location: Southeast corner of 27 1/2 Rd. and Cortland

Noel Welch, a partner of the project, requested a one year extension.

Bob stated that right-of-way was being required of this project but there seemed to be no problem. There was some question over an easement, but in conversing with the right-of-way department, if an easement was involved, it would be picked up. This would be verified by staff.

MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON ITEM #56-83 ONION HILL, I MAKE THE MOTION WE SEND THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF A ONE YEAR EXTENSION (MAY 1, 1986) SUBJECT TO THE DEDICATION OF RIGHT-OF-WAY."

Commissioner Madsen seconded the motion.

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

#70-81: Orchard Grove

Petitioner: Robert Reese

Location: Southeast corner of 12th and Orchard

This was a return to the project which was heard earlier. The petitioner still had not shown up. Bob reread the letter sent by the petitioner asking for the one year extension.

Bob stated that this area was recently discussed regarding the Tropical Ice business on 12th Street; because it was a temporary building, the right-of-way for Orchard Grove was not required for the approval of Tropical Ice. The right-of-way is required, however, at this time. No right-of-way was required off of 13th Street or Mesa Avenue, only 12th Street.

MOTION: (COMMISSIONER TRANSMEIER) "MR. CHAIRMAN, ON ITEM #70-81 I MAKE THE RECOMMENDATION WE SEND THIS TO CITY COUNCIL WITH THE RECOMMENDATION OF REVERSION; THE ONLY REASON BEING THE LACK OF DEDICATION OF RIGHT-OF-WAY. IF ADDRESSED BEFORE THE NEXT COUNCIL MEETING, THERE SHOULD BE NO FURTHER OBJECTIONS."

Commissioner Stephens seconded the motion.

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

IV. NON-SCHEDULED CITIZENS AND/OR VISITORS

Jack Ott and Frank Simonetti were announced as non-scheduled visitors and asked for clarification of the pulled items.

Bob Goldin said that with regard to #12-82, the petitioners were involved in a lawsuit and the City Attorney did not want to complicate the lawsuit; #4-84 had not yet fulfilled their requirements; and on #47-80, notice had not yet been received back from the petitioner on whether he received the certified notification.

The meeting was adjourned at 9:00 p.m.