





Dec. 16, 1993

Dear Members of the City Planning Commission;

I, and my wife Judith, are the owners of Watermark Spas & Pools, Inc., along with it's business location at 2491 Hwy 6 & 50. The business is in it's ninth year and we have been at this location for almost four years. We have 3 permanent, full time employees and may have up to 3 additional part-time employees. Last year we recongnized the need to enlarge our showroom, and in November (1992) applied for a building permit to do so with a 936 sq.ft. addition.

Recently, upon applying for planning clearance we were informed of Section 5-4-5-B of the Zoning and Development Code requiring connection to the public sanitation system prior to approval of any development. Our property is currently on septic system and public sewer is not available within 400 feet. We would like very much to connect into the sewer as soon as the line can be extended. In order to proceed with our project as quickly and economically as possible I would like to apply for a waiver of the ordinance, and request to meet with you during January 4th workshop. I've attached a site plan and location map to help clarify what we're trying to do and where we are.

Thank you for consideration of this issue. If you have any questions or need additional information prior to the meeting, please call me at 241-4133.

Sincerely,

A handwritten signature in black ink that reads "Hank Drake". The signature is written in a cursive, slightly slanted style.

Hank Drake

## 25 ROAD/INDEPENDENT AVENUE SERVICE AREA

### Public Sewer Feasibility Study

#### 1. SUMMARY OF FINDINGS

- a. The service area is located west of 25 Road, south of Highway 6 & 50 and north of Independent Avenue. There are 14 parcels in the block, 13 of which are without public sewer. The parcel located on the east end of the block, adjacent to 25 Road had service installed when Home Owners Realty building was constructed in 1982. There is a manhole at the intersection of 25 Road and Independent Avenue which would be convenient to tie into. (See Attachments)

The parcels range in size from 0.14 acres to approximately 2 1/2 acres. Usage is divided between commercial and residential with commercial usage fronting the Highway and residential usage fronting Independent Avenue. The commercial businesses include two trailer outlets, one 16 unit motel with liquor store (not operating at this time) and a flea market. The residential units are single family, 700 to 1500 square feet in size.

There are ten residential units, two of which are vacant at this time, located on seven parcels. The houses range in age from 15 to 50 years old. Some of the homes are close to the road while others are 75 to 100 feet back.

- b. There are two public sewers in the immediate proximity of the proposed service area. The closest and easiest to tie into would be the line which runs parallel to 25 Road and ties into the River Road Interceptor. There is a payback agreement on this portion of the sewer which amounts to \$2000 per hookup or \$4000 total to reimburse the original owner for construction costs.

The other line is the River Road Interceptor which runs down River Road, south of the D.&R.G.W. railroad. Tying into this line would necessitate going under the railroad tracks similar to what had to be done with the Paradise Hills Interceptor. The cost to bore and encase a line under the tracks could easily exceed \$5000.

#### 2. FACTORS INFLUENCING CONSTRUCTION

- a. The age of the homes in the service area would indicate that the septic systems are probably in need of repair. However, because of the age of the properties, it may be difficult to convince the homeowners to connect to a public sewer.

*Draft*

STAFF REVIEW

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FILE: #151-93

DATE: January 4, 1993

STAFF: Dave Thornton

**ACTION REQUESTED:** Request for a variance from Section 5-4-5.B of the Zoning and Development Code, requiring a public sanitary sewer collection system and treatment facility for all developments, to allow an addition.

LOCATION: 2491 Highway 6 & 50

APPLICANTS: Watermark Spas & Pools Inc/Hank Drake

**EXECUTIVE SUMMARY:** The petitioner is requesting a waiver on sewer hook-up for their proposed addition on the Watermark Spas & Pools Dealership at 2491 Hwy 6 & 50 as required by the Zoning and Development Code.

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EXISTING LAND USE: Commercial - Retail

PROPOSED LAND USE: No Change

SURROUNDING LAND USE:

- NORTH -- Commercial
- EAST -- Vacant Motel building
- SOUTH -- Residential
- WEST -- Commercial

EXISTING ZONING: C-1

PROPOSED ZONING: No Change

SURROUNDING ZONING:

- NORTH -- C-1
- EAST -- C-1
- SOUTH -- C-1
- WEST -- C-1

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RELATIONSHIP TO COMPREHENSIVE PLAN/POLICIES/GUIDELINES: No Plan exists for this area.

~~DRAFT~~

**STAFF ANALYSIS:**

This proposal consists of a 936 square foot addition to an existing commercial retail building. The new addition will be used for additional showroom area. This proposal is currently under Planning Clearance/Site Plan Review by Staff.

Section 5-4-5.B of the Zoning and Development Code states " A public sanitary sewer system and treatment facility shall be required for all developments". The nearest sewer line is in the 25 Road right-of-way approximately \_\_\_ feet to the west. Extending a sewer line from 25 Road to Watermark Pools & Spas will require a special improvements district to be formed so the entire corridor between 25 Road and 24 1/2 Road can be served.

Section 5-4-16 of the Zoning and Development Code lists the following criteria for considering variances to this section of the Code:

- A. There are exceptional topographic, soil, or other subsurface conditions, or other conditions peculiar to the site (e.g. viaducts, bridges and bluffs); and
- B. An undue hardship would be created by the strict application of the provisions of this section; and
- C. Such hardship is not created by an action of the applicant; and
- D. Such variance would not be detrimental to the public welfare or impair the intent and purpose of this section.

If an \_\_\_" line with manholes were constructed the line could serve properties north of the new line to the south side of Highway 6 & 50. The line would have to be extended \_\_\_ feet west at an estimated cost of \$\_\_\_\_\_ which includes a 10% contingency and 20% for engineering and contract administration. The Watermark Spas & Pools property comprises approximately \_\_\_% of the area that could be served by the extension. The actual service area potentially would be all properties along the south side of Hwy 6 & 50 between 25 Road and 24 1/2 Road.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request to not require Watermark Pools & Spa to hook onto sewer at this time subject to the following conditions:

1. Approval by the Mesa County Health Department to use the existing septic system.
2. The petitioner will be required to pay now for a percentage of the cost for future sewer extension to 25 Road (the amount to be determined by the Public Works Director).
3. The property owner will be required to sign a Power of Attorney for future Improvement District formation.

**SUGGESTED PLANNING COMMISSION MOTION:**

Mr. Chairman, on item #151-93, I move that we forward this on to City Council with the recommendation of approval subject to staff recommendation.

*St. James*

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SITE PLAN  
WATERMARK SPAS & POOLS  
2491 HWY. 6 & 50 INC  
SHOWROOM ADDITION

