

**GRAND JUNCTION PLANNING COMMISSION**  
**February 9, 2010 MINUTES**  
**6:00 p.m. to 6:57 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 6:00 p.m. by Chairman Wall. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Reginald Wall (Chairman), Patrick Carlow, Ebe Eslami, Mark Abbott, Rob Burnett, Lyn Benoit (Alternate) and Gregory Williams (Alternate). Commissioners Lynn Pavelka-Zarkesh (Vice-Chairman) and Richard Schoenrad were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Greg Moberg (Planning Services Supervisor), Scott Peterson (Senior Planner) and Rick Dorris (City Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 6 interested citizens present during the course of the hearing.

**ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**Consent Agenda**

1. **Minutes of Previous Meetings**  
Approve the minutes of the January 12, 2010 Joint Mesa County and Grand Junction Planning Commission Hearing.
  
2. **Park Mesa Subdivision – Preliminary Subdivision Plan**  
Request approval of the Preliminary Subdivision Plan to develop 8 residential lots and 3 tracts of land on 12.1 acres in an existing R-1 (Residential – 1 du/ac) zone district.  
**FILE #:** PFP-2008-065  
**PETITIONER:** Ken Scissors  
**LOCATION:** Little Park Road and Rosevale Road  
**STAFF:** Scott Peterson
  
3. **Rimrock Landing Apartment Community - Rezone**  
Request a recommendation of approval to City Council to rezone 14.6 +/- acres from R-12 (Residential 12 du/ac) to R-24 (Residential 24 du/ac) zone district.  
**FILE #:** GPA-2009-232

**PETITIONER:** Kim and Lynn Rindlisbacher – Scenic Development, Inc.  
**LOCATION:** 665, 667 24½ Road  
**STAFF:** Scott Peterson

Chairman Wall briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. Commissioner Abbott requested item number 2 be pulled for Full Hearing. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on either of the remaining Consent Agenda items.

**MOTION: (Commissioner Abbott) “Mr. Chairman, I move that we accept the Consent Agenda excepting item number 2 as stated.”**

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

**Public Hearing Items**

**2. Park Mesa Subdivision – Preliminary Subdivision Plan**

Request approval of the Preliminary Subdivision Plan to develop 8 residential lots and 3 tracts of land on 12.1 acres in an existing R-1 (Residential – 1 du/ac) zone district.

**FILE #:** PFP-2008-065  
**PETITIONER:** Ken Scissors  
**LOCATION:** Little Park Road and Rosevale Road  
**STAFF:** Scott Peterson

**STAFF’S PRESENTATION**

Scott Peterson, Senior Planner, Public Works and Planning Department, made a PowerPoint presentation regarding the request for subdivision plan approval for the Park Mesa Subdivision. He said that the subject property was currently vacant. In 2008 the City Council approved the Growth Plan Amendment and Annexation for the property’s current designations. Mr. Peterson said that the hillside development standards applied to the subject property due to the varying contours and hillside. The subdivision development plan indicated the percentage of slopes for the property and indicated that no building envelopes were proposed within the 30 percent slope areas. Mr. Peterson said that applicant had requested relief from certain standards relevant to a single-family building site that would be over 150 feet from a public street. He added that both the project manager and the City Fire Department were supportive of the request since the applicant had proposed a fire hydrant within 250 feet of all properties and an all-weather driving surface of either asphalt or concrete to that particular lot. Accordingly, the requirements of the Fire Department Access as well as the TEDS Manual would be met. The Future Land Use Map indicated this property to be Residential Low and the current zoning for the property was R-1. The proposed density would be approximately .66 dwelling units per acre which complied with the density requirements of the Zoning and Development Code.

The applicant proposed to develop the subdivision by utilization of the City's cluster provisions which were encouraged for the preservation of environmentally sensitive areas and open space and would allow for the approval of smaller lots. Applicant proposed over 4 acres of open space under the clustering provisions which would equate to a minimum lot size requirement of half an acre in size. Additionally, applicant proposed lot sizes ranging from 0.51 acres to over 2 acres for the subdivision. A minimum of 20 percent of the subdivision must be devoted to open space and in this particular instance over 33 percent had been proposed.

The proposed subdivision would take access from Little Park Road with no access permitted onto either South Redlands or Rosevale Road. Mr. Peterson said that a cul-de-sac would include access to 5 of the lots which was approved under the alternative street section of the TEDS Manual. The proposed right-of-way width for the cul-de-sac met the City standards. With regard to sanitary sewer, there was presently no sanitary sewer available to the property at this time. The applicant would install a dry sanitary sewer system to each lot in anticipation of future sewer connection. A waiver from the joint Persigo Board was approved for the applicant which permitted them to not hook onto sewer immediately for the subdivision. Also, a power of attorney document would be filed with the City that would commit the subdivision to connect to sewer when it became available. In the meantime, each individual property would be installing a private septic system.

He next discussed the landscaping buffer and stated that when utilizing the cluster provisions, the perimeter of a cluster development abutting a right-of-way shall be buffered to create a transition between one land use and another. However, the effect of buffering was already achieved by the design of the subdivision and natural topography and rural character of the area. Mr. Peterson said that the applicant proposed a residential subdivision adjacent to a minor collector road. He also discussed the requirement for a landscaping tract and either a fence or masonry wall. He added that the proposed tract of land would be dedicated to the homeowners' association for maintenance. Applicant had requested relief from the buffering requirement because of the proposed small development of the site and the location in a rural area. Mr. Peterson agreed that a landscape buffer in this semi-rural natural setting would not be of benefit to the public. Additionally, because of the design of the subdivision, topography and natural condition of the property, the installation of a landscaping buffer may require cutting into the hillside and a rerouting of natural drainage paths which would defeat the purpose. Therefore, he supported applicant's request not to provide the required landscaping buffer adjacent to Little Park Road and requested that the Planning Commission approve this request.

He concluded that the Preliminary Subdivision Plan was consistent with the goals and policies of the Growth Plan, the applicable review criteria of the Zoning and Development Code had been addressed and recommended that the Planning Commission approve the request as part of the Preliminary Plan application to allow for a single-family building site that would be over 150 feet from a public street and also

recommended Planning Commission's approval of the requested relief as part of the Preliminary Plan application to not provide the required landscaping buffer.

### **QUESTIONS**

Commissioner Abbott said that he was confused regarding the viability and reality of 4.1 acres of land that was a minimum of 20 to 30 percent grade and how that figured into being something that the City could use. Scott Peterson said that was allowed as part of the cluster provisions to provide open space. He added that the open space allowed for more wildlife habitat and also helped with the design of the subdivision. It included a pedestrian trail along the northern half of the tract to adjacent properties and believed the City would benefit by the use of that pedestrian trail.

Commissioner Abbott asked if realistically there was a value to the plan. Scott Peterson answered affirmatively that there was because it was natural open space that would be left in its natural habitat.

Commissioner Eslami asked if the City would maintain the open space and wanted assurance that it would not be a burden on the City. Scott Peterson said that it was a pedestrian easement that would allow public access and would not be a burden on the City.

Chairman Wall raised a question regarding the hillside development standards and quoted a section of the code that in summary said that any portion of a development which had a slope greater than 30 percent with an elevation change of 20 feet or greater should not be included in the calculation of the area. He asked for an explanation of what that would be. Scott Peterson said that a lot could not be created that was unusable so that calculation would not be used for a minimum lot size for a normal subdivision. He added that it was a developable piece of property and a building site with a 30 percent slope could not be used.

Chairman Wall asked how much of the 4 acres had a 30 percent or greater slope. Scott Peterson said that was not how they looked at open space. They go back to the limits of development. He said that the minimum requirement per the cluster provision was .5 acre.

Chairman Wall understood that how it can be clustered and how big the lot sizes would be determined on how much open space was given. Scott Peterson said the more open space provided the smaller the lot size could be.

Chairman Wall asked if there would be a difference in what their lot size would be if the proposed open space was 5 acres. Scott Peterson said that the lot sizes could be made smaller by providing more open space. However, the minimum lot size was 4,000 square feet and in this case, applicant had proposed .5 acre, or approximately 24,000 square feet.

Chairman Wall asked his understanding was correct that if it was 30 percent and the elevation increased 20 percent, that would not be included in the cluster development as far as how big the lot size could be. Scott Peterson said that was correct.

Chairman Wall asked if the property that met the 30 percent was taken out, how the proposed lot sizes would be affected. Scott Peterson said that the property would still be over .5 acre in size even taking out that 30 percent slope area.

Chairman Wall asked if that property were taken out if the proposed lot sizes would remain as proposed or would they have to be larger. Mr. Peterson said that the lot sizes could go down to a half acre; however, in this instance, half the proposed lots were half an acre and the other 4 lots were more than an acre.

Chairman Wall referenced the section of the code regarding minimum lot size of 23,958 square feet and believed there were proposed lots of 22,000 square feet. Scott said that 33 percent equated to the 0.50 minimum lot size.

Chairman Wall said that it was his interpretation of the Code that property could not be used that was 30 percent in grade and raised an elevation of 20 feet or more for open space dedication and, therefore, the lot sizes would not meet the standards if that property was taken out. Commissioner Abbott asked what percentage of the slope of Tract A was 30 percent or greater. Scott Peterson said that he did know what that percentage was.

Commissioner Abbott stated that he believed the Commission's concern was that within Tract A if either  $\frac{1}{2}$  or  $\frac{3}{4}$  was 30 percent or greater, then the amount of "open space" should be reduced and, therefore, the lots would be bigger. Scott Peterson said that it was his understanding that the open space provided did not include slopes. He said that he understood that the Code allowed open space and didn't matter about the slope.

Assistant City Attorney Jamie Beard clarified that anything up to 30 percent would not be considered but rather only those that were actually greater than 30 percent. In that case, it would then have to be determined if there was any elevation change within that area that was greater than 30 percent that was at least 20 feet or more. She suggested a recess in order to verify the figures.

A brief recess was taken from 6:26 p.m. to 6:34 p.m.

**STAFF'S PRESENTATION**

Scott Peterson explained that according to the hillside development standards, it was estimated that approximately 2 acres was 30 percent slope area that was taken out of the equation. As a result, the total area would then be 10 acres of development in an R-1 zoning designation. The minimum lot size in an R-1 was 1 acre. However, under the cluster provisions, 8 lots were proposed. According to the hillside development standards, the average slope of the development area averaged between 10 to 20 percent and would require a minimum lot size of 10,000 square feet. Therefore,

applicant was still over that 10,000 foot threshold. Mr. Peterson added that the open space had nothing to do with the minimum lot size as the cluster provision allowed the applicant to dedicate open space.

**QUESTIONS**

Commissioner Abbott asked if the 2 acres of “usable” space was what allowed the lot size to be reduced to .5 acre. He then asked for clarification and gave the example that if half of Tract A was not usable property so then 2 acres qualified for the hillside development, if those 2 acres were enough to allow the rest of the lots to be half acre lots. Scott Peterson confirmed that it was.

Commissioner Eslami asked how that was correct if one-third of the property was required as open space in order to downgrade from one acre to half an acre. Jamie Beard clarified that two different sections of the Code were being discussed. She said that based on the hillside regulations, they needed to determine whether or not there were any slopes greater than 30 percent, and, if so, did any of those exceed 20 feet. She said that they did not have more than 2½ acres overall of the 30 percent or greater. So by subtracting the 2½ acres from 12.1 acres, they then determined how many lots could be developed which appeared to be 9½ to 10 lots. So the total density for this particular area was 9½ to 10 lots based on hillside regulations. Then, based on the percentages of slopes, it was determined that the minimum lot size was 10,000 square feet. Next looked at was the cluster development that allowed the open space and as the whole development totaling 12.1 acres was looked at, with at least 30 percent, that allowed a minimum size lot. She confirmed that the 10.1 acres applied but it only applied when specifically looking at the hillside regulations and then the cluster development section all of the land was looked at.

Commissioner Benoit disclosed that he had previous business relationships with Rolland Engineering and advised that he did not have a direct money relationship with the firm. Ms. Beard stated that it was her understanding from Commissioner Benoit’s statements that he had a prior business relationship but that prior business relationship did not have anything at all to do with this particular application. She confirmed that as Rolland Engineering was not the actual applicant she did not see a conflict but asked the remaining commissioners to raise any questions or additional concerns they had. Commissioner Eslami disclosed a similar business relationship with the firm of Rolland Engineering. Ms. Beard confirmed with him that he did not have a present pending relationship nor was there any connection to this particular project other than the fact that there had been a prior business relationship with the firm. She did not see a conflict. There were no questions or concerns from the remaining Commissioners.

**PETITIONER’S PRESENTATION**

Eric Slivon with Rolland Consulting Engineers said that there had been a name change and change in ownership since the business relationships mentioned. He said that they were in agreement with the staff report and addressed applicant’s request for the waiver of the landscape buffer. He said that the topography inhibited a useful landscape buffer

because of either the steep hillsides or the existing drainage channel. With the design of the development, they were not looking to change the elevation of the ditch.

### **QUESTIONS**

Chairman Wall asked if they were proposing to leave where the buffer was supposed to be in its natural condition. Mr. Slivon confirmed that was correct.

### **PETITIONER'S PRESENTATION**

Applicant Ken Scissors added that he appreciated the work that had gone into this project. He said that he was really comfortable with the way that they had put this together as being a good balance between development and would maintain the character of the neighborhood. He said that it would enhance the neighborhood.

### **DISCUSSION**

Commissioner Abbott said that his only concern pertained to the 33 percent portion of the grade and whether or not that was viable for use; however, he yielded to Ms. Beard's conclusion and stated that he would support it.

Commissioner Eslami agreed and stated that he understood it with Jamie Beard's explanation.

Chairman Wall said that he too would support it and appreciated the fact that the City and the applicant took the time to get together to ensure that the Commission understood the Code as it was meant to be.

**MOTION: (Commissioner Abbott) "Mr. Chairman, with regard to City File Paul Frank Paul 2008-065, on the request to allow a single-family building site that would be over 150 feet from a public street for the proposed Lot 8, I move that we recommend the approval of the request making the findings of fact and conclusions as identified in the staff report."**

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

**MOTION: (Commissioner Abbott) "Mr. Chairman, on the same City File Paul Frank Paul 2008-065 item all called as 2008-065, on the request for a waiver not to provide the required 14 foot wide landscaping buffer adjacent to a minor collector road, I recommend that we approve the request making the findings of fact/conclusions as identified in the staff report."**

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

**MOTION: (Commissioner Abbott) "Mr. Chairman, I move that we approve the Preliminary Subdivision Plan for the Park Mesa Subdivision, City File Number**

**Paul Frank Paul 2008-065 with the findings and conclusions listed in the staff report.”**

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

**General Discussion/Other Business**

Commissioner Benoit made a formal notification that he had submitted his application for the District B Council seat.

**Nonscheduled Citizens and/or Visitors**

None.

**Adjournment**

With no objection and no further business, the Planning Commission meeting was adjourned at 6:57 p.m.