

GRAND JUNCTION PLANNING COMMISSION
APRIL 25, 2006 MINUTES
7:00 p.m. to 11:28 p.m.

The regularly scheduled Planning Commission hearing was called to order at 7 p.m. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul Dibble (Chairman), Roland Cole, Lynn Pavelka-Zarkesh, Tom Lowrey, Patrick Carlow, Bill Pitts, and Ken Sublett. William Putnam and Reggie Wall were absent

In attendance, representing the City's Community Development Department, were Sheryl Trent (Assistant to the City Manager), Kathy Portner (Assistant Community Development Director), Pat Cecil (Planning Services Supervisor), Scott Peterson (Senior Planner), and Ronnie Edwards (Associate Planner).

Also present were Jamie Kreiling (Assistant City Attorney), and Rick Dorris and Laura Lamberty (Development Engineers).

Terri Troutner was present to record the minutes.

There were 53 interested citizens present during the course of the hearing.

I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

II. APPROVAL OF MINUTES

Available for consideration were the minutes of the March 28, 2006 public hearing.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move approval of the minutes for March 28."

Commissioner Pitts seconded the motion. A vote was called and the motion passed by a vote of 6-0, with Commissioner Sublett abstaining.

III. CONSENT AGENDA

Available for consideration were items:

1. VR-2006-076 (Vacation of Right-of-Way, Meth Treatment)
2. PP-2005-043 (Preliminary Plat--Hawks Nest Subdivision)
3. RZ-2006-080 (Rezone--Capstone Village)
4. VR-2006-054 (Vacation of Right-of-Way, Franklin Avenue)
5. GPA-2006-065 (Growth Plan Amendment--GPD Global)
6. GPA-2006-061 (Growth Plan Amendment--Niblic Drive)
7. GPA-2006-059 (Growth Plan Amendment--Walcher River Road)
8. GPA-2006-060 (Growth Plan Amendment--Graff Dairy)

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted any of the items pulled for additional discussion. At citizen request,

item RZ-2006-080 was pulled and placed on the Full Hearing agenda. No objections or revisions were received from the audience or planning commissioners on any of the remaining Consent items.

Commissioner Pitts said that he would be abstaining from voting on item GPA-2006-061 since there could be a construed conflict of interest.

MOTION: (Commissioner Cole) "Mr. Chairman, I would move approval of the Consent Agenda, including items 1, 2, 4, 5, 6, 7, and 8 [VR-2006-076 (Vacation of Right-of-Way, Meth Treatment), PP-2005-043 (Preliminary Plat--Hawks Nest Subdivision), VR-2006-054 (Vacation of Right-of-Way, Franklin Avenue), GPA-2006-065 (Growth Plan Amendment--GPD Global), GPA-2006-061 (Growth Plan Amendment--Niblic Drive), GPA-2006-059 (Growth Plan Amendment--Walcher River Road), and GPA-2006-060 (Growth Plan Amendment--Graff Dairy)]."

Commissioner Sublett seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0 for items 1, 2, 4, 5, 7, and 8, and by a vote of 6-0 for item 6, with Commissioner Pitts abstaining.

IV. FULL HEARING

RZ-2006-080 REZONE--CAPSTONE VILLAGE

A request for approval to rezone 3.16 acres from an RMF-8 (Residential Multi-Family, 8 units/acre) to RMF-12 (Residential Multi-Family, 12 units/acre) zone district.

Petitioner: Intrepid Services, LLC

Location: 2809, 2811, 2813, and 2815 Elm Avenue

STAFF'S PRESENTATION

Scott Peterson gave a PowerPoint presentation containing the following slides: 1) overview of the request; 2) site location map; 3) aerial photo map; 4) Future Land Use Map; 5) Existing City and County Zoning Map; and 6) findings and conclusions. The Future Land Use Map designated the site as appropriate for Residential Medium-High zoning (8-12 du/acre), and the RMF-8 and RMF-12 zones were all possible zoning alternatives. However, with a B-1 zone and commercial uses to the east of the site, and a Residential-Medium zoned subdivision situated to the west, the RMF-12 would provide a good transition zone between the two uses. Commercial zoning lay directly to the south and southwest of the site as well. Having found that the request met Growth Plan recommendations and Code criteria, staff recommended approval of the rezone to RMF-12. Mr. Peterson said that one call in opposition had been received earlier in the day but that person had not elected to leave a name.

QUESTIONS

Chairman Dibble said that since this zoning would serve to transition the uses directly to the east and west of the site, would any walls or fences be required? Mr. Peterson said that solid fencing would be required to buffer the commercial B-1 use to the west. No walls or fences would be required to buffer the eastern property, since a fence already existed.

Commissioner Cole asked for the density of the eastern property. Mr. Peterson said that its density was approximately 7.7 du/acre.

PETITIONER'S PRESENTATION

Ted Ciavonne, representing the petitioner, said that a neighborhood meeting had been held on March 7, 2006. Seven people had attended the meeting, and no issues had been expressed at that time. Offering no additional testimony, he asked that his comments be deferred until the citizenry had a chance to speak.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Linda Gunberg (509 1/2 Eastgate Court, Grand Junction), treasurer for the Eastgate Village Homeowners Association, said that she appreciated the developer's handling of the neighborhood meeting and enjoyed meeting the principals involved. She pointed out the location of her property at the end of the Eastgate Court cul-de-sac directly adjacent to the site. If she walked out into her backyard and through her gate, only five steps lay between her property line and the curb and gutter of the developer's proposed street. Across that street would be high-density multi-family structures. Ms. Gunberg said that the area was very attractive, with triplexes, a lot of open area, and tree plantings. A lower density development would allow the developer to provide for more open space and vegetative plantings. She was concerned that two-story units would be constructed, resulting in a loss of privacy for her and her neighbors. While not necessarily against development of the site, she felt that a lower density zone would be more appropriate.

Commissioner Cole asked Ms. Gunberg if she was speaking for just herself or other Eastgate residents. Ms. Gunberg said that she spoke for herself and eight other neighbors.

Gerry Tucker (420 High Point, Grand Junction) noted the location of his property on the corner of 28 Road and Elm Avenue. He noted where the applicant's property extended out into the Elm Avenue right-of-way and wondered if Elm Avenue would receive only half-street improvements in that area. Mr. Peterson said that the portion of property currently jutting into the Elm Avenue right-of-way would be dedicated to the City by the applicant. A portion of the applicant's property to the south, in the Bunting Avenue right-of-way, would be dedicated to the City as well.

Chairman Dibble asked if staff knew for sure which streets would be constructed and where they would be located. Mr. Peterson said that staff was in possession of a preliminary drawing; however, nothing was certain at this point.

Chairman Dibble asked staff if the developer could actually build to a density of 12 du/acre. Mr. Peterson said that once the streets, infrastructure, and open space were deducted from calculations, the site's overall density would probably be more in the area of 10 du/acre.

Lester Miller (520 1/2 Eastgate Court, Grand Junction) said that Elm Avenue in that area was very narrow. He expressed concern over so much additional traffic being funneled onto that street.

PETITIONER'S REBUTTAL

Mr. Ciavonne said that it was typical for him to present an initial plan to folks attending his neighborhood meetings. However, no formal submission of any plan had yet been made. The property presented some unique challenges. He didn't feel he could address traffic issues at this point, but reiterated that the zoning request did meet the City's requirements. The height of proposed structures wouldn't be affected by the application of an RMF-8 or RMF-12 zone; in those zones, the building height restriction was the same. He maintained that the higher density zone provided a better transition between the uses situated directly to the east and west of the site.

QUESTIONS

Commissioner Carlow asked staff if the rear yard setback for proposed lots would change if the project's density were reduced. Kathy Portner said that rear yard setback requirements for RMF-8 through RMF-12 zones were the same.

Commissioner Pitts asked if a southern access to Bunting Avenue would be provided. Mr. Peterson said that no formal plan had been submitted. It was unclear at this point whether a Bunting Avenue connection would be possible.

Chairman Dibble asked about the street classifications of both Elm and Bunting Avenues. Mr. Peterson believed them both to be residential collector streets. When asked if build-out of the developer's project would adversely impact either street, Mr. Peterson said that traffic impacts were better addressed during the Preliminary Plan review stage.

Commissioner Pitts asked if constructed streets would include curb, gutter and sidewalk. Mr. Peterson noted the absence of sidewalks along Elm Avenue in the subject area. The developer would be required to meet City standards and construct curb, gutter and sidewalks on all internal streets as well as along the property's frontage of both Elm and Bunting Avenues.

Chairman Dibble remarked that actual development plans would be "fleshed out" during the Preliminary Plan stage. Mr. Peterson said that if the rezone received approval, the developer would then submit a Preliminary Plan. Property owners situated within the notification area would again be contacted.

DISCUSSION

Commissioner Cole noted staff's comments regarding the build-out of the project. Since it was unlikely the project would build out to an actual density of 12 du/acre, he felt he could support the request.

Commissioner Pitts didn't feel that the RMF-12 zone was compatible with the surrounding area; however, given the site's topography and the unlikelihood of it building out to a density of 12 du/acre, he too felt he could support the request.

Commissioners Lowrey and Sublett concurred.

Chairman Dibble felt that the RMF-12 zone provided a good buffer zone between the commercially zoned property to the west and the residentially zoned property to the east.

MOTION: (Commissioner Cole) "Mr. Chairman, on the Capstone Village rezone, RZ-2006-080, I move that the Planning Commission forward a recommendation of approval to the City Council on the request to rezone from RMF-8 to RMF-12 with the findings of fact and conclusions as listed in the staff report."

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

VAR-2005-299 VARIANCE--BOOKCLIFF MANUFACTURING, INC.

A request for approval of a variance to the landscaping requirements in an I-2 (General Industrial) zone district.

Petitioner: Bill Love, Bookcliff Mfg.

Location: 716 Arrowest Road

STAFF'S PRESENTATION

Scott Peterson gave a PowerPoint presentation containing the following slides: 1) overview of the request; 2) site location map; 3) aerial photo map; 4) Future Land Use Map; 5) Existing City Zoning Map; 6) landscaping plan. Mr. Peterson said that two variances were being requested; the first, to waive the landscaping requirements from the original landscaping plan approved in 2002 (file #SPR-2002-193) requiring a minimum 16% upgrade to the site, and second, to waive future landscaping requirements that would be triggered as part of City file #SPR-2005-221. The latter variance was in conjunction with a

requested 4,000 square foot building addition necessitating another 13% landscaping upgrade to the site. The applicant had entered into a Development Improvements Agreement (DIA) in 2002 and had posted a financial security at that time to ensure compliance; yet no landscaping had ever been installed. Future landscaping requirements were subject to the requirements of Code sections 3.8.B and 6.5.H.

Mr. Peterson outlined the variance criteria contained in the City's Development Code. Staff had concluded that the hardship was self-inflicted since there were no exceptional conditions specific to the site; that approval of the variance requests would confer a special privilege, since all properties within the same zoning district were subject to the same development requirements; and that other variance criteria either had not been met or were not applicable. Having determined that the requests did not meet Code criteria and were not consistent with Growth Plan recommendations, staff recommended denial of both requests. With regard to condition of approval #3 as contained in the April 25, 2006 staff report, Mr. Peterson said that because the City's Code Enforcement Department could monitor compliance administratively, if the variance requests were denied, that approval condition would be rendered unnecessary and could be deleted.

QUESTIONS

Commissioner Cole asked if any of the other adjacent industrial properties had been subject to the same landscaping requirements. Mr. Peterson was unsure, adding that surrounding industrial uses had been in place prior to the applicant's initial request for development. There was some measure of landscaping on those properties at present. If those businesses sought to expand, however, they would be subject to the same site improvements criteria as the applicant.

Commissioner Pitts asked if the second variance had been triggered as a result of the applicant's expansion request, to which Mr. Peterson replied affirmatively. At planning commissioner request, Mr. Peterson referenced the previously approved 2002 landscaping plan and noted the locations where plantings were to have occurred. He added that at the time, a re-review of landscaping requirements for industrial zones had been undertaken. As a result, a planning clearance had been issued to the applicant so that construction of the building could begin prior to completion of the re-review. The applicant signed a DIA guaranteeing the installation of those improvements pending the outcome of that re-review.

Commissioner Cole asked how the Code's requirements had been changed, if at all, as a result of staff's re-review of that landscaping section. Mr. Peterson said that in 2004 adopted changes necessitated installation of a 14-foot landscaping strip on the applicant's property adjacent to the right-of-way and a 6-foot-wide by 50-foot-long landscaping strip along the side property lines. Parking spaces directly adjacent to the building would also require landscaping.

PETITIONER'S PRESENTATION

Bill Love, petitioner, said that he'd owned his company since 1985. He provided a brief history of how his business had been located on the property initially in 1997. When it failed, the property was then leased to Mesa Wireline. That business had been so successful that construction of an addition had been requested in 2002. A planning clearance had been issued to allow construction, but he'd never been in agreement with the landscaping requirements. He'd applied for a variance but staff then informed him of a pending re-review of the Code's landscaping provisions for industrial zones. He'd decided to sign the DIA so that Mesa Wireline could get its Certificate of Occupancy (CO). Nothing more was heard, and he hadn't pursued the matter after that.

In April of 2005, another 4,000-square-foot addition was requested, but this time the request was held up pending compliance with the first DIA as well as compliance with the additional landscaping triggered by the new expansion request. Mr. Love felt that the landscaping requirements created an undue hardship for his property. He noted the location of the building in relation to the adjacent cul-de-sac. Referencing the location of the building's loading doors, he said that the 6-foot-wide landscaping strip would pose a

safety hazard to delivery trucks and other Mesa Wireline vehicles since it would take up half the available space between the building and the loading doors. The building had been constructed right up to the property line. Reducing the width of the required landscaping strip to 3 feet would make more sense. Installation of landscaping in other areas would result in the destruction of part of an existing fence, which would be detrimental to the property.

Mr. Love felt that the hardship was as a result of the property's uniqueness. The rear portion of the property was not really used; thus, none of the landscaping required for that area would be seen. A drainage ditch was located near the rear property line, and no other streets existed or were proposed nearby. Landscaping could only be viewed from the cul-de-sac, and visitors to the wholesale business consisted primarily of employees and vendors. He would not be opposed to installing the landscaping if his property were fronting on Patterson Road or other major street. He was even willing to pay the City for improvements (appx. \$10K) if only they could be installed somewhere else. Installing so much landscaping on his property would hurt it, not help it. He did not feel that approval of the variances would confer a special privilege. The site, in its present condition, was compatible with surrounding businesses. Citing Code section 1.4, he felt that the Code provided for a measure of flexibility and he asked that that flexibility be applied in his circumstance.

QUESTIONS

Commissioner Carlow asked if any retail business was conducted on the site, to which Mr. Love responded negatively.

Commissioner Sublett asked for confirmation of the petitioner's statement that the area located on the northeast portion of the site (rear yard area) was unusable. Mr. Love said that it was usable, just not very valuable. Mesa Wireline used it primarily for parking. He added that Mesa Wireline's plans were to at some point move from the site.

Commissioner Sublett asked if he'd actually been involved in the building's construction, or had the building been there when he purchased the property. Mr. Love said that he'd purchased the property with the building already on it.

Chairman Dibble said that when the CO was issued in 2002, what had been the petitioner's understanding? Mr. Love said that he understood that without a CO there could be no occupancy of the building. He noted that a year had gone by without any further word from planning staff, and he'd been content to leave things as they were. When asked if he'd understood that the DIA required installation of the site's landscaping improvements, Mr. Love replied affirmatively. Staff had stated that the improvements mandated by the DIA were non-negotiable.

Chairman Dibble asked the applicant if he felt that the requirements should not apply to him and his property, how should staff determine to whom they applied? Mr. Love said that planning staff should look at each application individually. If properties were located on major arterials, or if they fronted along an interstate, then landscaping should be required. His property fronted neither type of street. The Code did not cover every situation, and all properties were different. If planning staff wanted his input in landscaping discussions, he'd be more than willing to oblige.

PUBLIC COMMENTS

There were no comments either for or against the request.

QUESTIONS

Mr. Peterson remarked that the applicant had given an accurate representation of how the current situation had progressed and its timeline.

Chairman Dibble asked if all industrially zoned properties had to adhere to the same Code requirements, to which Mr. Peterson responded affirmatively. The variance process was available should an applicant feel that their situation warranted special review or consideration.

Chairman Dibble asked staff if the ramifications of signing a DIA was fully explained to applicants, to which Mr. Peterson replied that it was standard policy to fully explain the specifics of any DIA to the applicant or a designated representative.

Chairman Dibble asked if anyone reading the conditions of the applicant's DIA would understand that issuance of the CO was subject to compliance with stated conditions. Mr. Peterson said that he had not been involved with the applicant's initial submittal in 2002; however, if the applicant entered into a DIA, there had been money set aside to cover the costs of required improvements. Anyone setting aside money for development improvements was well aware of what the situation was.

Chairman Dibble asked if the applicant had been given all pertinent Code information applicable to his situation, to which Mr. Peterson replied affirmatively.

Commissioner Lowrey asked staff about the level of landscaping the Code required of the applicant. Mr. Peterson reiterated that the Code required installation of a 14-foot landscaping strip on the applicant's property adjacent to the right-of-way and a 6-foot-wide by 50-foot-long landscaping strip along the side property lines. Parking spaces directly adjacent to the building would also require landscaping. He pointed out the landscaping islands that would be required to meet the parking space landscaping requirements.

Chairman Dibble asked for clarification on the level of landscaping requirements the applicant had agreed to install per the 2002 DIA. Mr. Peterson said that in 2002 the DIA required a 6-foot-wide landscaping strip along the northwest property line to buffer the parking spaces from the adjacent property. Before the City could approve a new application, compliance with the conditions of the 2002 application must first be met.

Commissioner Cole noted what appeared to be a right-of-way along the southeast portion of the property. Was a ditch located there? Mr. Peterson clarified that the referenced easement belonged to Grand Valley Irrigation Company; its canal was located there. When asked if the City had any plans to construct additional roadways in the immediate area, Mr. Peterson responded negatively.

Chairman Dibble asked if the landscaping plan approved in 2002 had been submitted by the applicant. Mr. Peterson replied that the plan had been submitted by the applicant's representative; the applicant was now asking for a waiver of the requirements indicated on that plan.

Commissioner Lowrey asked staff if, as the applicant had suggested, the landscaping nearest the loading doors would conflict with delivery vehicle movements. Mr. Peterson referenced the location of the bay doors. He was unsure of the exact measurement from the edge of the bay doors to the property line.

Chairman Dibble said that if the building had been constructed up to the property line as the applicant stated, the 6-foot-wide landscaping boundary would extend beyond the building wall to the inside of the building. Mr. Peterson confirmed the observation but added that in looking at available drawings, the bay door appeared to be more than 6 feet from the property line. Mr. Love amended that the bay door was actually 12 feet from the property line.

DISCUSSION

Commissioner Pitts commended planning staff on their ability to interpret Code criteria. He'd long taken issue with landscaping requirements for businesses in industrial zones. He felt that the requirement to install landscaping would create an undue hardship to the petitioner, and that a reasonable use of the property could not be derived if those requirements were imposed. He also felt that criterion f. regarding compatibility with surrounding uses had also been met. He expressed support for the variance requests.

Commissioner Cole concurred. Staff's position was that without the required landscaping there would be no separation of uses; however, in the current case, the surrounding uses were all industrial. He agreed that since there would be no one there to see the landscaping once installed, waiving the requirement made sense.

Jamie Kreiling said that the Planning Commission must find that all variance criteria had been met before a variance could be granted. If planning commissioners concluded that the criteria had been met, their findings must be stated for the record.

Commissioner Lowrey felt that there was more to the application of landscaping requirements than just to have it where people could see it. He did not feel that a hardship not of the petitioner's making existed, and other variance criteria had also not been met. He could support some flexibility in requiring less landscaping for the area nearest the bay doors, in the interest of safety and to better facilitate vehicle movements. Instead of a 6-foot-wide landscape strip, he would be more apt to favor a strip 3-4 feet wide, and perhaps taper that area so that it started at 3-4 feet at the entrance to the site and taper it to the required 6-foot width.

Commissioner Carlow felt that the property's characteristics were unique. As such, he felt he could support the variance requests.

Commissioner Pavelka-Zarkesh said that she'd visited the site recently. She agreed with the rationale to taper the landscaping nearest the bay doors and allow a reduced width in that area. She agreed that landscaping wasn't just about aesthetics. She didn't feel she could support the variance requests.

Commissioner Sublett concurred with Commissioner Lowrey's comments. Being somewhat familiar with the property, the entire area was "pretty rough." He felt that anything done to improve the appearance of properties in the area would be welcomed. He found it surprising that the applicant was objecting so strenuously to this minor amount of landscaping, especially when he had previously signed a DIA acknowledging the requirement. He too would agree to reducing the width of the landscape strip in the area of the bay doors but not waiving the other landscape requirements.

Chairman Dibble said that the Code was in place and applicable to all equally. The applicant acknowledged his understanding of the DIA he signed. He didn't feel that an undue hardship would be created, and he believed that approval of the variances would indeed convey a special privilege. The Planning Commission couldn't "cherry pick" Code criteria.

A brief discussion ensued over how to craft a motion that allowed for the deviation mentioned previously by Commissioner Lowrey.

MOTION: (Commissioner Cole) "Mr. Chairman, on item VAR-2005-299, I move that we approve the variance request to waive the landscaping requirements from the original approved landscaping plan for City file #SPR-2002-193, finding the request to be consistent with the Growth Plan and section 2.16.C.4 of the Zoning and Development Code."

Commissioner Pavelka-Zarkesh seconded the motion. A vote was called and the motion failed by a vote of 3-4, with Chairman Dibble and Commissioners Pavelka-Zarkesh, Lowrey, and Sublett opposing.

Additional discussion ensued on whether to amend the variance request to include the landscaping deviation at the bay door entrance. Ms. Kreiling suggested that planning commissioners first act on the applicant's request. If that request were denied, a condition couldn't be added to it. Since the petitioner's testimony included an alternate request to reduce the landscape width along the property line nearest the bay doors, the Planning Commission could make a third motion addressing that deviation; however, planning commissioners must find that variance criteria for any recommended deviation had been met.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on item VAR-2005-299, I move that we approve the request for a variance from sections 3.8.B and 6.5.H of the Zoning and Development Code for the proposed 13% landscaping upgrade to the site as part of the City file #SPR-2005-221, finding the request to be consistent with the Growth Plan and section 2.16.C.4 of the Zoning and Development Code."

Commissioner Sublett seconded the motion. A vote was called and the motion failed by a vote of 3-4, with Chairman Dibble and Commissioners Pavelka-Zarkesh, Lowrey, and Sublett opposing.

MOTION: (Commissioner Lowrey) "On item VAR-2005-299, I move that we approve the request for a variance from section 3.8.B and 6.5.H of the Zoning and Development Code for the proposed landscaping upgrade to the site, as part of the City file SPR-2005-221, that a variance be granted for the 50-foot-long strip on the very southwest corner of this property for landscaping, and that the variance allow instead of 6-foot-wide landscaping, that at the extreme southwest corner it start with 4-foot-wide landscaping and at the other end, the east end of that 50-foot-long strip, is 3-foot-wide landscaping, so it goes from a 4- to a 3-foot-wide landscaping as it moves east, and that is consistent with the Growth Plan and section 2.16.C.4 of the Zoning and Development Code, with all other criteria for landscaping to remain."

Mr. Peterson provided clarification of the motion to planning commissioners.

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

Chairman Dibble remarked that the conditions of the first application must be met before any current or future plans could move forward. Mr. Peterson affirmed that before a planning clearance could be issued for the new building addition, the landscaping requirements from the 2002 application must first be installed.

A brief recess was called at 8:50 p.m. The public hearing reconvened at 8:54 p.m.

Due to the potential for conflict of interest, Commissioner Carlow recused himself from participating in the next item.

RZ-2006-070 REZONE--JONES REZONE

A request for approval to rezone 13 acres from an RSF-1 (Residential Single-Family, 1 unit/acre) to an RSF-2 (Residential Single-Family, 2 units/acre) zone district.

Petitioner: Donald Jones

Location: 2591 G Road

STAFF'S PRESENTATION

Ronnie Edwards gave a PowerPoint presentation containing the following slides: 1) overview of the request; 2) site location map; 3) aerial photo map; 4) Future Land Use Map; 5) Existing City and County Zoning Map; and 6) findings and conclusions. A brief history of the property was provided. The Future Land Use Map's designation for the property was Residential-Low (1/2 du to 2 du/acre). Properties to the west and north had designations of Residential Medium Low (2-4 du/acre) and Residential Medium (4-8 du/acre). Subdivisions developing since the area's annexation in 2000 had zone districts ranging from RSF-2 to RMF-5. The majority of parcels surrounding the site were less than one acre in size, which meant that those parcels did not meet current RSF-1 zone district bulk standards. The Growth Plan allowed for any one of the following zones within the subject area: RSF-E, RSF-1 or RSF-2. The proposed RSF-2 zone district would be compatible with Growth Plan recommendations and provide a good transitional zone for the area. Ms. Edwards referenced the letters received by the public on the current item; she wanted the public to be assured that copies of all letters had been given to planning commissioners for their review.

Ms. Edwards read the rezone criteria into the record. Having determined that the request met both Growth Plan recommendations and Code criteria, approval of the request was recommended.

PETITIONER'S PRESENTATION

Ted Ciavonne, representing the petitioner, felt that staff had done a good job of overviewing the project. A neighborhood meeting had been held on February 15, 2006, and it had been well attended. With nothing further to add at the present time, he availed himself for questions.

QUESTIONS

Chairman Dibble noted that some of the public's comments pertained to the actual plan, which was not before the Planning Commission for consideration. That discussion would occur at a later date.

PUBLIC COMMENTS

FOR:

Don Jones, petitioner, said that he'd owned the property for 41 years and it represented his and his wife's retirement fund. He and his family had very deep roots in the community. Mr. Ciavonne was working on what he felt was a very nice plan, even though it was not up for discussion. He hoped the Planning Commission would approve the rezone request.

Todd Rowell (2593 G Road, Grand Junction) said that he supported both the RSF-2 rezone request and the developer's plan for the property.

Commissioner Lowrey asked how large Mr. Rowell's property was, to which he responded that his property was a little over an acre in size.

Sharon Walker (687 1/2 26 Road, Grand Junction) felt that the developer had presented a very nice plan. Looking at other zone districts in the area, she felt much more comfortable with RSF-2 zoning than some of the other higher density alternatives.

John Burnell (2575 G Road, Grand Junction) said that his property directly abutted the applicant's and had perhaps the greatest amount of abutting area of any parcel surrounding the site. He too expressed support for the rezone request.

Susan Crawford (687 26 Road, Grand Junction) also supported the rezone request. She'd seen the plan and thought it excellent.

Erwin K. (695 26 Road, Grand Junction) expressed his support for the request as well.

Petty Fennell (699 26 Road, Grand Junction) agreed that the proposed density was far better than a higher density alternative.

AGAINST:

Nancy Hackett (2573 G Road, Grand Junction) said that her lot was approximately 2.16 acres in size. She recognized the applicant's right to develop his property but she felt that the RSF-2 zone district was too high and incompatible with the surrounding area. The developer's request stated that his property was currently zoned RSF-E; she thought that it was actually RSF-R. There were a number of concerns expressed at the developer's neighborhood meeting; however, she didn't see where those had been reflected in the minutes of that meeting. If 26 homes were constructed on the applicant's property, that density would be inconsistent with the surrounding neighborhood. An RSF-1 zone district would be much more in keeping with the area. She'd contacted the applicant's representative hoping to come to some sort of compromise. The only compromise offered included constructing a fence and planting a few more trees. Ms. Hackett expressed a concern that the developer would try to put as many houses as possible on the site. She'd asked that additional green space be integrated into the plan. In response, she'd been told that there would be a detention pond location on the property, and a landscaping strip would be installed along the site's G Road frontage. She felt that so dense a development would negatively impact the area and result in a loss of privacy for existing area residents. She was concerned about the level of traffic generated by the development and the safety issues that would arise as a result.

David Turner (300 Main Street, Grand Junction), legal counsel for Mr. and Mrs. Hackett referenced a handout submitted previously to planning commissioners and cited Code section 2.6.A. He contended that the current zoning of the applicant's property was not in error. The RSF-1 zone was the appropriate zone.

Commissioner Pitts asked if Mr. Turner's presentation included the same facts outlined previously by Ms. Hackett. In response, Mr. Turner said that the RSF-2 zone was a higher density zone, one inconsistent with surrounding zoning and the current area trend towards low-density development. The area was not filled with 17,000 square-foot lots, which was what the developer was proposing.

Mr. Turner said also that the request also failed to meet rezone criterion 4 as outlined in the staff report. The area's infrastructure was based on RSF-1 zoning. His clients had concerns about increases in traffic and safety. He didn't feel that the applicant had sufficiently demonstrated how the RSF-2 zone would benefit the community. Mr. Turner said that there was no reason why the RSF-1 zone couldn't be supported and allowed to continue. There were also several unresolved title issues: 1) encroachment of a fence on the west side of the property; 2) encroachment of a road located on the west side of the property; and 3) the Beehive Drain, a part of which lay outside of its dedicated easement. Those were very important issues and ones that should be resolved prior to the request moving forward.

Brian Mahoney (2567 G Road, Grand Junction) said that he had been a member of the Northwest Task Force on zoning in 1976. At that time, the task force realized that there would be a lot of development activity from First Street west. Further north, there would be more open areas and green space. The applicant's property was very beautiful with a lot of open green space, a waterway, and wildlife in evidence. In some ways he felt conflicted. While he felt he couldn't support the proposed RSF-2 zone district, he wondered if that might represent some "lesser evil." Referencing the development of property across the street and to the north, that parcel had originally been projected by City staff to be RSF-4. Fortunately, the developers had asked for a less dense zone district, which had been granted. Another property directly north of that one had been projected to develop at an RSF-4 density but the developer reduced the density of that parcel as well. A large hill and Leach Creek separated the applicant's property from other properties to the east, so there were topographical considerations. The densities of both Valley Meadows East and Moonridge Subdivisions had both been reduced. Mr. Mahoney felt that

the site was better suited for something in the neighborhood of 20 homes. He also hoped that such a reduced density would result in added open green space. He said that because there was no plan, the only thing up for discussion was whether to go with RSF-1 or RSF-2 zoning. He felt that RSF-2 zoning would be more palatable if the overall site density was less than the 26 lots currently being proposed.

Bob Arcieri (867 25 Road, Grand Junction) felt there to be a fine line between the current zoning request and a Site Plan review. The presence of the hill mentioned previously created sight distance problems. Given that the developer was likely to give the City a TCP payment in lieu of mitigating the problem, he didn't want the hill's presence to be viewed as a non-issue. The developer shouldn't be let off the hook that easily, he said. However, if the hill were lowered at all, it would result in impacting driveways and cutting off irrigation flows to area properties. The presence of the Beehive Drain traversing the property was also an issue since it went to the site's carrying capacity. The existing drain was likely to be piped, buried and covered up by asphalt. The nearby Estates Subdivision was zoned RSF-2 and had an overall density of approximately 1.78 du/acre. The developer of that property had lowered the number of units by almost half, yet provided an abundance of open space, pedestrian trails, water features and other amenities. The City offered a density bonus provision that the developer could take advantage of if the RSF-1 zoning were left in place. Why give density away without creating a public benefit? Mr. Arcieri said that he'd met with reputable real estate broker and developer and asked them if integrating such amenities into a plan was feasible. Their responses had been that there were more ways to make a project profitable than by just increasing its density. They suggested that perhaps it would result in a paradigm shift to a different market. He'd seen the developer's proposed plan, and while comments on it were not appropriate at this time, he felt that the plan could be better if those previously mentioned elements were integrated into it. He hoped that one day, people driving by the site would look at it and be pleased with the outcome.

Judy Golden (671 26 Road, Grand Junction) said that she was also representing her sister and her sister's husband, who lived adjacent to the petitioner's property. She urged planning commissioners to maintain the existing integrity of the area and consider the quality of life enjoyed by residents currently living there. Right now there was a lot of wildlife in the area; the loss of that amenity to over-development would really be a shame. Children should be able to see and enjoy nature.

PETITIONER'S REBUTTAL

Mr. Ciavonne reminded planning commissioners that the current request concerned just the property's zoning, not the development plan. He'd met with the Hacketts once or twice to talk with them about their concerns. With regard to the RSF-R versus RSF-E zoning, that was essentially the same zoning; the only difference was that one zone was City, the other was County. While there was much discussion about a compromise, no promises could really be made at a zoning hearing. With an RSF-1 zoning, there might be a maximum 10 or 11 lots that could be developed on the site. He was unsure at this point whether open green space areas would be proposed. Traffic always increased with any new development, and the City's Code required interconnectivity of neighborhoods. He had to rely on staff's feedback to determine whether applicable Code sections had been met. With regard to the title issues mentioned by Mr. Turner, staff had just taken the position that they needed to be addressed prior to Preliminary Plan review.

Mr. Ciavonne said that the minimum lot size for lots within an RSF-2 zone was 17,000 square feet, with a maximum of 26,000 square feet permitted. That didn't mean that all lots would be one size or the other. Mr. Arcieri had made some assertions about the hillside and Beehive Drain that he didn't feel he could respond to at this point. With regard to his comments about taking advantage of the City's density bonus provision, that would only result in one or two additional lots (13 lots versus 11). Mr. Arcieri was correct in stating that to do as he suggested would result in a paradigm shift to another market. Lots could only be afforded by the wealthy, but that wasn't consistent with the applicant's plans for the property. Mr. Ciavonne noted the presence of RSF-2 zoning to the north. Higher densities were located throughout the area and had been for quite some time. The Growth Plan was designed to put density in

areas where the infrastructure was present to support it. He maintained that the currently requested RSF-2 zone was appropriate and did provide a good transitional density for the area. He noted staff's comments, stating that in the area between 25 and 27 Roads, from F to G 1/2 Roads, subdivisions developed in that area since 2000 had zonings of between RSF-2 and RSF-5. Ms. Edwards also noted the presence of many parcels in the area that were less than an acre in size; consequently, it would be difficult for those properties to ever meet Code or Growth Plan requirements. The current request met all Code and Growth Plan criteria, and it provided benefits to the community by providing housing, provided opportunities to reduce commuting distances, reduced the demand for urban sprawl, etc. Having already received support from City staff, he felt it deserved favorable consideration from the Planning Commission as well.

DISCUSSION

Commissioner Pitts said that since he lived out in the area, he'd driven by that property for more than 40 years. He was seeing a trend where people in the area were remodeling their older homes and not subdividing. He agreed that the site posed some topographic challenges. With regard to traffic, he agreed that any new development brought with it increases in traffic. He recalled similar challenges inherent to The Estates property. In that instance, Elvira Drive had been eliminated to help alleviate the traffic problems on G Road. There was a lot of open space in that area. Given the amount of property in the area zoned RSF-1, he felt he could not support the higher density of RSF-2 zoning.

Commissioner Cole said that based on the testimony given regarding drainage issues and topographic constraints, he felt that the plan would ultimately be submitted with a lesser density. He felt he could support the RSF-2 zone, although the legal issues mentioned previously should be addressed.

Commissioner Lowrey did not feel that RSF-2 zoning was compatible with the surrounding neighborhood, even if it did meet Code and Growth Plan requirements. He supported leaving the RSF-1 zoning in place.

Commissioner Sublett said he had no trouble supporting the petitioner's request for RSF-2 zoning.

Commissioner Pavelka-Zarkesh said that given the site's topography and drainage concerns, there were some ecological issues that needed to be taken into account. While a believer in transition zones, she felt that in this case the RSF-1 zone was more appropriate.

Chairman Dibble could see no compelling reason to change the site's zoning. This was a natural resource area, with features more inherent to a rural setting. In his review of Code criteria, he could draw the same conclusions for support of the RSF-1 zone that staff had drawn in support of the RSF-2 zone. He didn't feel the developer had complied with rezone criteria 3 and 7. Given the site's topography and the character of the area, the site would be more compatible with the existing area if the RSF-1 zone district were retained.

MOTION: (Commissioner Lowrey) "Mr. Chairman, on the Jones rezone, #RZ-2006-070, I move we forward a recommendation of approval to City Council on the request to rezone from RSF-1 (Residential Single-Family with a density not to exceed 1 unit per acre) zone district to RSF-2 (Residential Single-Family with a density not to exceed 2 units per acre) zone district, with the findings and conclusions listed in the staff report."

Commissioner Cole seconded the motion. A vote was called and the motion failed by a vote of 2-4, with all but Commissioners Cole and Sublett opposing.

Commissioner Carlow returned and was present for deliberations on the next item.

PP-2005-130 PRELIMINARY PLAT--RED TAIL RIDGE II

A request for approval of the Preliminary Plat to develop 53 lots on 19.77 acres in an RSF-4 (Residential Single-Family, 4 units/acre) zone district.

Petitioner: Jay Kee Jacobson, La Cima I, Inc.

Location: 29 3/4 Road and A 1/2 Road

STAFF'S PRESENTATION

Ronnie Edwards gave a PowerPoint presentation containing the following slides: 1) overview of the request; 2) aerial photo map; 3) Preliminary Plat; 4) Future Land Use Map; 5) Existing City and County Zoning Map; 6) overall area plan. Ms. Edwards said that the development would have an overall density of 2.68 units/acre. Tract A and the detention pond area were noted. A 6-foot-high perimeter privacy fence would be constructed along the north and west sides of the subdivision for screening. Drainage would be released via underground piping from the detention basin to the east and then northerly within a drainage easement to drain under Highway 50 to an existing channel at 29 1/2 Road. Access to the site would be provided via Circling Hawk Street and Great Plains Drive. A neighborhood meeting had been held on April 18, 2005.

The application before the planning commission is an appeal of an administrative decision regarding the proximity of agricultural animals next to an urban development. The interpretation stated that the fencing requirement for large agricultural animals applied only when adjoining residential structures predated the keeping of the animals. If a house was built on a parcel adjacent to existing fenced areas for the animals, the separation requirement was not applied, and the premise of "first in time shall be first in right" was applied. The appeal was denied and the director's interpretation had been upheld.

The request also included a variance to the lot widths of irregularly shaped lots 6-12, 18, 19, 32, 33, and 37-39. Staff concluded that the request met both Code criteria and Growth Plan recommendations. Approval of the Preliminary Plat and lot width variances, as previously stated, was recommended.

QUESTIONS

Chairman Dibble asked staff to point out where the proposed fencing would be installed, which was shown.

Commissioner Pitts asked if lots located in the northern portion of the site were higher in elevation, to which Ms. Edwards responded affirmatively. The grade difference between those lots and adjacent lots was approximately 10 feet. She was unsure at this point how the developer intended to address the elevation difference but she acknowledged that there were some topography issues inherent to the site.

PETITIONER'S PRESENTATION

Ted Ciavonne, representing the petitioner, referenced the Site Plan and said that varying lot widths on irregularly-shaped lots was not unusual, especially for lots situated along cul-de-sacs. He was confident that homes would all fit on all proposed lots. When the site's zoning was approved, comments had been made suggesting that the density should be closer to 3 du/acre than 4 du/acre. The density on the current project was only 2.68 du/acre. Comments had also been made requesting that larger lots be situated along the conservation lands to the south, which had been done.

PUBLIC COMMENTS

FOR:

There were no comments for the request.

AGAINST:

Alan Gibson (2959 Highway 50, Grand Junction) noted on the developer's Preliminary Plat the location of his property directly north of the developer's proposed lots 27 and 28. The terrain in that area was

steep. His primary concerns involved drainage. Homes on lots 27 and 28 would be built on property that was higher in elevation. Noting what he felt was a significant difference in elevations between his property and the petitioner's, he asked if retaining walls would be constructed to keep drainage from flowing downhill onto his property. How would stormwater and irrigation runoff be conveyed to the site's proposed detention pond? If the plan was to direct stormwater runoff from both the upper 10-acre parcel and the lower 10-acre parcel to the detention pond situated to the north, just how would that occur? The verbiage on the Preliminary Plat regarding drainage suggested that stormwater would be directed to the west and east sides of the LDS Church. He knew that would not be supported by the church. Any breach of the nearby canal would channel potentially huge amounts of water onto his property. Would the petitioner's detention pond contain that water in the event of such a breach? Mr. Gibson passed out copies of the January 11, 2006 Board of Appeals minutes pertaining to the appeal he'd filed against the petitioner. Mr. Ciavonne, the petitioner's representative, had stated for the record that a 15-foot landscaping strip and fencing would be installed to buffer the proposed development from his property. Yet, in the current request, he could find no mention of the 15-foot buffering provision. He asked that the minimum 25-foot rear yard setback for lots 27 and 28 be exceeded to provide added buffering.

Jerry Jones (2951 Highway 50, Grand Junction) noted the location of his property. He said that he'd been told by the applicant at the time Filing 1 was developed that drainage plans would completely mitigate stormwater runoff. The reality was that every time it rained, his property was flooded. The applicant had removed a 15-inch pipe from their spillway. Runoff from internal streets now flowed into a 6-inch pipe, which didn't make much sense. As he understood, the developer was now proposing to direct runoff through another pipe past the church, to dump out onto Highway 50. That would only make the current situation worse. His property was situated substantially lower in elevation than the applicant's. His basement could very easily be flooded. Mr. Jones was also concerned about all the added traffic that would be funneled to Buena Vista Drive and the frontage road. He didn't feel that the frontage road was capable of handling the additional traffic. That 29 1/2 Road/Highway 50 intersection was already very dangerous. The developer was also supposed to have taken measures to prevent trash from blowing onto his property from Filing 1, but he'd already had to call the City's code enforcement staff to complain. There were also issues with dust and trucks having uncovered loads traveling to and from the site. Those problems had yet to be mitigated by the developer. In addition, for two years, a huge pile of dirt had been placed across the street adjacent to Buena Vista Drive. When would that be removed? It seemed to him that the current request should not be allowed to move forward until the developer resolved the issues arising from development of the first filing.

David Reinertson (142 Larry Drive, Grand Junction) echoed the concerns expressed previously by Mr. Jones regarding traffic and drainage. What were the developer's plans for irrigation and how would those plans affect him and his neighbors?

Ed Gannon (140 Larry Drive, Grand Junction) said that traffic in the area was already very bad. He mirrored the concerns expressed by his neighbors.

PETITIONER'S REBUTTAL

Mr. Ciavonne referenced an elevation map and noted internal street configurations. Those streets, he said, had to meet certain grades. Grading would be kept on the property, and City staff would ensure compliance. Lots would drain into the streets. Drainage from lots 27 and 28 would be directed to the road. The detention pond was dug into the ground approximately 6 feet; however, surface grades were consistent with adjacent lots. The detention pond was not built up above adjacent lots or properties. The grades referenced by Mr. Gibson were based on old, erroneous information. Proper grading would be maintained. There was a difference in elevation between Mr. Gibson's property and lots 27 and 28 of about 6-8 feet.

Chairman Dibble asked if drainage would be directed from those lots onto Mr. Gibson's property. Mr. Ciavonne replied that about 20 percent of total drainage would drain towards Mr. Gibson's property but that was far less than current historical drainage. Following development, approximately 20 feet of hillside would continue to slope towards Mr. Gibson's property; currently, the entire area sloped towards his property. The City mandated that historic drainage rates could not be exceeded. Slopes were at 4:1, so that the 8-foot difference in elevation occurred over approximately 24 feet. There was some thought to going to a 3:1 slope ratio but he emphasized that the difference in elevation was not as extreme as may have been presented. A 10-foot buffer had been provided, which would be maintained by the subdivision's homeowners association. There had never been any promise to provide a 15-foot buffer but he noted that the detention pond had been relocated to minimize the number of lots abutting Mr. Gibson's property. An additional buffer area had been volunteered along the rear yards of northern lots, not something required by the Code. A 6-foot-high fence had been proposed to further buffer Mr. Gibson's property.

Chairman Dibble asked about the type of fencing materials proposed for the 6-foot-high fence. Mr. Ciavonne said that it would be solid vinyl. There would be no need for a retaining wall.

Commissioner Sublett asked for clarification on the east-west drainage proposed near the church. Mr. Ciavonne set that he'd met with church representatives about that issue. The language previously referenced by Mr. Gibson was no longer current. Drainage would be conveyed along the east side of the church, and drainage improvements would be undertaken to the benefit of the church.

Commissioner Pitts asked if there was data to substantiate a reduction in historic drainage rates from the site. Mr. Ciavonne was unsure what the percentage was but he estimated it to be roughly 90 percent. John Kornfeld (1229 North 23rd Street, Grand Junction), an engineer representing the petitioner, came forward and said that nearly all of the existing drainage would be funneled into one of two proposed drainage basins.

Chairman Dibble asked about the drainage problems referenced by Mr. Jones. Mr. Kornfeld briefly described the existing drainage system. There was a lot of bare ground in that area so the runoff potential was very high. He concurred that there were indeed issues with flooding, including additional flooding further downstream. With development, runoff would increase but that runoff would be directed to the streets, conveyed to the detention basins, and released at less than historic rates.

Commissioner Carlow asked if the flooding problems expressed by Mr. Jones would in any way be mitigated with the current development. Mr. Kornfeld said that the 15-inch pipe running from the detention basin to Highway 50 was oversized and was never expected to fill. The water released from the detention pond through the outlet came through a 6-inch orifice. The 6-inch line had been installed by CDOT as a kind of underdrain.

Laura Lamberty came forward and added that the 6-inch line located along the frontage road had been intended to convey irrigation tailwater. While not what the City would have done, the frontage road belonged to CDOT and the City deferred to its judgment. She noted the location of a sizeable ditch alongside the road. In a heavy rain event, similar to the one experienced the year before, the ditch had filled but hadn't overflowed. While the City was aware of flooding complaints, no evidence had been submitted to substantiate flood damage or to show where water had left the right-of-way and encroached onto adjacent properties. While runoff from Filing 1 drained to Buena Vista and along the frontage road, to cross Highway 50, the drainage from that subdivision did not cross Mr. Jones' property. If there was flooding that originated from the hillside, it was naturally occurring and not as a result of development.

Chairman Dibble asked if Mr. Ciavonne's drainage mitigation figures of 90 percent were accurate. Mr. Kornfeld felt that mitigation would actually be improved in the area of Mr. Gibson's property more than 90 percent.

Mr. Ciavonne said that with regard to traffic generated by the development, a traffic study had been undertaken and reviewed by both the City and CDOT. Interconnectivity of the neighborhood should actually lessen traffic impacts.

Referencing what appeared to be a partially constructed access into Filing 1, Chairman Dibble asked if improvements would be made to that street section to bring it up to full street standards, to which Mr. Ciavonne replied affirmatively. Ms. Lamberty said that the A 1/4 Road right-of-way within the subdivision would be a 44-foot-wide street, with curb and gutter on both sides of the street. The connection from the boundary of the subdivision a quarter-mile over to 29 3/4 Road was currently a 22-foot-wide asphalt surface with drainage ditches and other utilities located within its 50-foot right-of-way. That provided a secondary access point.

Mr. Ciavonne said that irrigation water availability ran with the land. The applicant had participated in the costs of lining the ditch, which improved the soundness of the ditch and allowed it to contain more water. The proposed irrigation system to the subdivision would be an internal loop system. It originated from a headgate (shown) and looped around the subdivision. For the most part, where the irrigation water was not being used, it would stay in the ditch. There were some places, however, where the water kept flowing even if not in use (e.g., water provided to the church). As a result, he expected that less water would be used overall than what was available. The CCR's promoted the use of xeriscaping.

QUESTIONS

Chairman Dibble asked if lots 15, 16, and 17 were buildable since they appeared to be within a steep slope area. Mr. Ciavonne replied affirmatively, adding that the slopes in that area weren't as severe as they might seem on the elevation drawing. Ute Water had been contacted and there was sufficient pressure to provide water to those lots.

Mr. Gibson spoke up and contended that his issues did not appear to have been addressed. A brief summary of previous discussions was provided by Ms. Lamberty. Chairman Dibble said that planning commissioners relied upon the expertise of City staff to ensure the mitigation of all outstanding issues.

DISCUSSION

Commissioner Cole said that he was satisfied with the project's engineering. The site's zoning was appropriate for the type of development proposed, and as staff concluded, all City requirements had been met. He felt he could support the request.

Commissioner Pitts said that he'd visited the site and thought that the applicant had done an outstanding job mitigating the site's topographic challenges. The issues of trash and dirt on or near the road were code enforcement issues and not something that should affect the outcome of the current request. He expressed support.

Commissioners Carlow, Lowrey, Sublett and Pavelka-Zarkesh concurred.

Chairman Dibble remarked that this was a very difficult piece of property to develop. He appreciated that the project's overall density would be less than 3 du/acre, and he felt that the City's engineering staff would do a great job of ensuring that the concerns expressed by the citizenry were mitigated.

MOTION: (Commissioner Pitts) "Mr. Chairman, on item PP-2005-130, request for Preliminary Plat approval for the Red Tail Ridge Filing #2 Subdivision, I move that we approve, with the findings of fact and conclusions listed in the staff report."

Commissioner Cole noted that the findings of fact included the variances of lot widths as outlined previously by staff.

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

With no further business to discuss, the public hearing was adjourned at 11:28 p.m.