

GRAND JUNCTION PLANNING COMMISSION
January 26, 2010 MINUTES
6:00 p.m. to 7:51 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), Ebe Eslami, Mark Abbott, Richard Schoenrad , Rob Burnett, Lyn Benoit (Alternate) and Gregory Williams (Alternate). Commissioners Lynn Pavelka-Zarkesh (Vice-Chairman) and Patrick Carlow were absent.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Lisa Cox (Planning Manager), Greg Moberg (Planning Services Supervisor), Senta Costello (Senior Planner), Judith Rice (Associate Planner), Scott Peterson (Senior Planner), Lori Bowers (Senior Planner) and Rick Dorris, Development Engineer.

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 37 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

There were no minutes available at this time.

2. Pioneer Meadows Subdivision – Preliminary Subdivision Plan

Request approval of a Preliminary Subdivision Plan to develop 45 duplexes and 9 single family lots on 13.36 acres in an R-8 (Residential 8 du/ac) zone district.

FILE #: PP-2008-393

PETITIONER: Jason Young – Pioneer Meadows, LLC

LOCATION: 3126, 3134, 3136 E Road

STAFF: Senta Costello

3. Old Mill Subdivision – Vacation of Right-of-Way

Request a recommendation of approval to City Council to vacate a Mesa County Road Petition, 2.478 acres of public Right-of-Way and a water line easement.

FILE #: VR-2008-373

PETITIONER: Bryan Wiman – The Redstone Group
LOCATION: 1101 Kimball Avenue
STAFF: Senta Costello

4. Rimrock Landing Apartment Community – Growth Plan Amendment

Request a recommendation of approval to City Council of a Growth Plan Amendment to change the Future Land Use designation from RMH (Residential Medium High 8 – 12 du/ac) to RH (Residential High 12+ du/ac) on 14.6 +/- acres.

FILE #: GPA-2009-232

PETITIONER: Kim and Lynn Rindlisbacher – Scenic Development, Inc.

LOCATION: 665, 667 24½ Road

STAFF: Scott Peterson

5. Garnet Glen Subdivision – Preliminary Subdivision Plan

Request approval of the Preliminary Subdivision Plan to develop 25 single family attached lots on 3.2 +/- acres in an R-8 (Residential 8 du/ac) zone district.

FILE #: PP-2008-235

PETITIONER: Loren Ennis – Garnet Glen, LLC

LOCATION: 575 28¼ Road

STAFF: Scott Peterson

6. Mesa State Rezone – Outline Development Plan Rezone

Request a recommendation of approval to City Council of a two-year extension to the approved phasing for the Mesa State Outline Development Plan.

FILE #: ODP-2008-154

PETITIONER: Arnie Butler – Mesa State College, Real Estate Foundation

LOCATION: 2899 D½ Road

STAFF: Greg Moberg

7. Noland Avenue 5th to 7th – Vacation of Right-of-Way

Request a recommendation of approval to City Council to vacate remnant Right-of-Way areas, totaling 0.78 acres, associated with the Riverside Parkway development.

FILE #: VR-2009-225

PETITIONER: Mike Grizenko – City of Grand Junction

LOCATION: Noland Avenue Between 5th and 7th

STAFF: Judith Rice

8. Autumn Place Four-plex – Growth Plan Amendment

Request a recommendation of approval to City Council of a Growth Plan Amendment to change the Future Land Use Designation from Residential Medium (4 – 8 du/ac) to Residential High (12 + du/ac) on .275 acres. This request is to provide consistency between the Future Land Use Map and the existing zoning of R-16 (Residential – 16 units per acre).

FILE #: GPA-2009-236

PETITIONER: James Schroeder

LOCATION: 1309 North 16th Street (includes the entire block of Elm Avenue to Glenwood Avenue, between North 15th Street and North 16th Street)
STAFF: Lori Bowers

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. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on any of the Consent Agenda items.

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

Commissioner Schoenradt excused himself from voting on item number 2 of the Consent Agenda. Commissioner Burnett seconded the motion. A vote was called and the motion passed unanimously by a vote of 7 - 0.

Public Hearing Items

9. Sunlight Subdivision Annexation – Zone of Annexation

Request 1) a recommendation of approval to City Council to zone 11.21 acres to a PD (Planned Development – not to exceed 2.9 dwelling units per acre) with a default zone of R-4 (Residential 4 du/ac) and 2) a recommendation of approval to City Council of a Preliminary Development Plan to develop 33 lots on 11.21 acres in a PD (Planned Development) zone district.

FILE #: ANX-2006-348
PETITIONER: Ted Munkres – Freestyle Design & Building
LOCATION: 172, 174 Sunlight Drive
STAFF: Lori Bowers

STAFF’S PRESENTATION

Lori Bowers, Senior Planner, Public Works and Planning Department, made a PowerPoint presentation for the request for recommendation of approval to zone the subject property to Planned Development and for recommendation of approval of a Preliminary Development Plan for the Sunlight Subdivision. She said that the subject property consisted of two parcels and was bounded on the north by existing subdivisions and on the east, south and west by single-family residences on lots larger than 1 acre. She stated that the property was designated Residential Medium Low, 2 to 4 dwelling units per acre, according to the Future Land Use Map. The proposed density of 2.9 dwelling units was consistent with the Future Land Use Map of the Growth Plan and the draft Comprehensive Plan showed little change in the proposed area. Additionally, that the blended map showed this area as Residential Low (a range of Rural to 5 dwelling units per acre).

According to Ms. Bowers, the proposed rezone to Planned Development was compatible with the neighborhood and the default zoning of R-4 was consistent with the

existing County zoning of RSF-4 throughout the area. She went on to state that currently there was no zoning on the subject parcels. In 2005 an application was submitted to the City for annexation with the request to zone the property consistent with the existing RSF-4 County zoning. At that time, however, staff recommended an R-2 zoning based on an analysis of the topography of the site, the substandard road networks in the area and the transition between the RSF-4 densities to the north and even more topographically challenged properties to the south. That application was subsequently withdrawn and in February 2007 a new application was submitted for the subject property which was then annexed into the City. At that time the applicant requested deferral of the zoning in order to allow time to propose a Planned Development in conjunction with the Preliminary Development Plan. Ms. Bowers said that this density was consistent with the average density of the surrounding subdivisions.

She next discussed access to the proposed subdivision and further stated that all roads would be dedicated public right-of-ways. Glory View Drive would be extended into the subdivision as a pedestrian/bicycle path only and the residential lots would obtain access internally from River Divide Road. Also, she mentioned that there were two proposed cul-de-sacs within the subdivision. The applicants proposed walk-out basements which would create a single-story streetscape in appearance.

Ms. Bowers next discussed the two TEDS exceptions which were granted for this project – one to reduce street lighting and the other which would allow for shorter approach tangents. Ms. Bowers said that the detention/open space areas would be landscaped and subdivision entry signs would be provided. Signage for pedestrians to connect to Glory View Drive would show access to the Old Spanish Trail. She said that the lots met all of the dimensional standards for the R-4 default zone with the exception of those abutting the cul-de-sacs which resulted in irregularly shaped lots. She went on to state that relocation of an existing irrigation easement benefitting the Alpine Water Users' Group would be required at the time of final platting.

The applicants proposed to develop the subdivision in one phase; however, applicant requested that when approval was obtained that the Preliminary Development Plan be extended to a maximum time frame of ten years to complete the review of the final Development Plan and recordation of the Final Plat. While not a common request it was allowed by the Zoning and Development Code. She reiterated the intent and purpose of the Planned Development zone was to provide flexibility and should be used only when long-term community benefits which may be achieved through high quality planned development would be derived. She went through the various long-term community benefits which included among others innovative design, over 23,000 square feet of common open space for both passive and active recreational use, a pedestrian path and Old Spanish Trail connection, and improved storm drainage. She stated that the only deviation requested by applicants from the R-4 default zone was that 8 of the lots did not meet the minimum lot width requirements.

Ms. Bowers found that the requested Planned Development Preliminary Development Plan was consistent with the Growth Plan and the proposed blended map of the draft Comprehensive Plan and met the review criteria for Planned Development. Lastly, that the proposed phasing schedule to allow for 10 years was also acceptable within the Zoning and Development Code.

PETITIONER'S PRESENTATION

Bob Blanchard, appeared on behalf of Freestyle Development and Ted Munkres, showed, in particular, where the subject property was in relationship to the urban growth boundary. He also showed by way of an aerial map how the property and surrounding properties were developed. He said that the proposed development was for 33 lots with a request for Planned Development zoning with approval of a Preliminary Development Plan. He reiterated that Planned Developments were used when applicants typically requested design flexibility in order to develop a project that did not specifically comply with all of the bulk and design standards within the Zoning and Development Code. He stated that in effect with a favorable recommendation to City Council, this property would be designed with a specific zoning district unique to this particular property.

According to Mr. Blanchard, the PD zoning was appropriate because there were very specific development challenges due to the physical constraints of the property because of certain topographical issues on the site. However, in order to take advantage of the flexibility, some very specific public benefits were required of the applicant. He noted that there was over 23,000 square feet of common open space that could be designed for either passive or active recreational use combined with detention ponds and drainage ways. Also of note was the connecting access to the Old Spanish Trail through the extension of Glory View Drive. He stated that the extension would be a 10 foot pedestrian/bicycle path rather than a sidewalk. In addition, covenants would be specifically enforced by the HOA that would encourage the use of xeriscaping both in the common areas as well as on individual lots.

Mr. Blanchard said that the applicant had to comply with rezone requirements but they also had to comply with Outline Development Plan review requirements, the requirements for preliminary plats and also with requirements for site plan review. Additionally, there were minimum acreage requirements of 5 acres to be eligible for a Planned Development and applicant was subject to a very specific zone ordinance. He reiterated that applicant had requested for the allowance of minimal street lights, in addition to a technical TEDS exception that dealt with road tangents that was allowed because of the sight distance at the intersection.

He next mentioned the phasing request of 10 years while still recognizing that if the completion of the subdivision took some time that it was appropriate for re-review of the project at the time of final submittal and if there were substantive changes to the Zoning and Development Code that the applicant would be amenable to comply with any of the changes at that time.

Mr. Blanchard stated that there were two neighborhood meetings held and at which three major concerns were identified - the lots to the north of the site regarding surface drainage. To address that issue, Mr. Blanchard said that two detention ponds were placed at the northern side of the property and a conveyance system was designed so that if there was substantial onsite/offsite drainage flow that it would be intercepted through the conveyance system and taken either to the east or the west. The second concern was what if the detention ponds overflowed. Mr. Blanchard said that the western detention pond was designed with a pump system that would divert any overflow to the other system which was then designed to overflow into the interceptor and if that was at capacity, it would then go into the roadway and be taken to the south towards the canal. Lastly, there was concern regarding access to the Old Spanish Trail.

He next addressed concerns from homeowners in the Alpine Acres Subdivision with respect to the quality of their irrigation system. Mr. Blanchard explained that they have proposed that the existing headgate would be utilized, reconstructed if necessary, and that it would be an entirely piped system with a different alignment through the property. He also said that there would be manholes for better maintenance of the system. He requested the Planning Commission forward a recommendation of approval to City Council.

QUESTIONS

Chairman Wall asked why 10 years was necessary. Bob Blanchard said that the primary reason was because of the economic condition and the uncertainties that currently existed. He said that there were some issues with the engineering firm where there had been a lack of access to the drawings that were needed to proceed to final and requested some flexibility in order that that situation could be resolved.

PUBLIC COMMENT

For:

No one spoke in favor of this project.

Against:

Vicki Felmlee, 178 Glory View Drive, made a PowerPoint presentation. She said that she was vice president of the Alpine Acres Irrigation Users Group. She said that the neighborhood was asking for R-2 zoning for this property. This was based on topography, access from the existing non-conforming roadways into the development, drainage issues, the characteristic of the adjacent and surrounding area and conformance with recent zoning decisions on two nearby properties. She said that originally the city recommended R-2 zoning due in part to the steep terrain on this property. She added that it was between a 6 to 8 percent grade. Ms. Felmlee also mentioned that the existing Sunlight Drive pavement and the 28½ Road pavement would be integrated into this development. She added that access to the Old Spanish Trail had been used by the public for more than 20 years. She questioned how traffic would work. She also addressed issues regarding the completion of the pavement and who would be responsible for that and drainage. She pointed out that a nearby parcel was recently annexed with an R-2 zoning because of the topography, character of the

neighborhood and access issues. She believed that the subject property had similar topographical concerns and challenges and further that the character of the neighborhood had not changed. She pointed out that the vast majority of surrounding lots were one-half acre or larger in size. She also addressed the Orchard Mesa Plan. She reasoned that R-2 zoning would be more applicable because 8 of the lots, or 25 percent of the proposed lots, did not meet the minimum lot width requirement. She believed that an R-2 zoning would mitigate many of the concerns and there would be much less confusion and challenges regarding topography, drainage issues and access issues.

Holly Shelton (174 Shamrock Drive) addressed the Commission on behalf of the Old Spanish Trail Association. She stated that she supported Ms. Felmlee's comments and added that she appreciated Mr. Munkres' consideration of the impact of the subdivision, plans for low impact lighting and plans for zeroscaping and the consideration of access to the Old Spanish Trail. She stated that she was concerned with the 10 foot width of the access trail in that horses, bicycles and pedestrians may require a little more room as it was being reduced from a 26 foot access.

PETITIONER'S REBUTTAL

Bob Blanchard stated that they were proposing an alternate access to the Old Spanish Trail and it was not a substitute from Sunlight. With regard to the completion of the pavement of 28½ Road, the City would be responsible once the City park was developed. He stated that the pond was a combination of detention pond and irrigation storage pond. He addressed the lots that did not meet the minimum lot width requirement and said that was not unique to a Planned Development nor to this particular application. Mr. Blanchard next stated that he wanted to put this property into context with the Urban Growth boundary and the Future Land Use Map as it was anticipated that possibly all of the surrounding vacant lots would possibly be developed at a density between 2 to 4 units per acre. Therefore, he stated that their project was consistent with the Future Land Use Plan and with the surrounding area and was consistent with all of the expectations within the Future Land Use element of the Growth Plan. Lastly, by using R-4 as the default zone, there would be only one bulk standard that was not complied with out of the entire Zoning Code and that pertained to the lot width for 8 lots.

QUESTIONS

Commissioner Abbott raised a question regarding the drainage facility to the east and the comments regarding overflow. Bob Blanchard said that as designed, if it reached the outlet it would flow into an interceptor canal. He added that Orchard Mesa Canal had a policy that they did not accept additional storm water drainage from developments.

Commissioner Eslami asked if the western pond was for irrigation or detention. Mr. Blanchard stated that it was designed for both. He said that if it approached overflow it was designed to go to the eastern pond. He said that some of the lots to the north

would have walk-out basements so part of the parcel would drain to the north and part would drain to the south into the roadway.

Commissioner Eslami asked if the pond was big enough for irrigation and overflow. Bob Blanchard said that it was designed that way. Ted Munkres clarified that there would be a pressurized system for the irrigation system. Also, there would be a gravity feed pipe to allow their shares of water to go to a reservoir and then pumped out.

STAFF'S REBUTTAL

Commissioner Schoenradt asked a question regarding where the drainage ended up from the east pond to the north. Rick Dorris, City Development Engineer, said there was a roadside ditch on the west side of 25½ Road that would handle quite a bit of water. He said that went north paralleling 25½ Road up to the Business Loop. He added that they had analyzed the ditch for capacity.

Commissioner Benoit asked if all of the lots drained the same direction or would the topography make it that some of them would drain toward the river. Rick Dorris explained how the various lots would drain and assured the Commission that it did meet all of the City Storm Water Management manual requirements as far as detention. He pointed out that it was a requirement by state law as well as the City Storm Water Management manual that there not be put forth a higher discharge rate off of the property in the developed condition than in the historic condition. Mr. Dorris pointed out that there were 3 detention facilities on the subject property. He opined that this would make the drainage situation better than the historic condition.

Chairman Wall asked for clarification regarding the history of the applications and in particular the suggested R-2 zoning due to topography reasons. He asked what, if anything, had changed between then and now as far as topography was concerned. Lori Bowers stated that the topography had not changed but rather it was her understanding that the R-2 zoning was previously suggested due to neighborhood concerns regarding the density of the project. She stated that staff supported the underlying zoning of R-4 and believed it was a matter of time that had shown that the grade was not insurmountable.

Rick Dorris interjected that the street on the west side of Sunlight Drive would have curb, gutter and sidewalk along the east side and would have at least 20 feet of asphalt pavement on it. The west side would be the responsibility of the property owner when and if they developed that property. He added that it met City access requirements.

Greg Moberg, Planning Services Supervisor, added that when the application was first brought in the R-2 was a straight R-2 zoning and it was staff's belief that R-4 would possibly be too dense for that topography. However, with this application there was a site plan in place and it was staff's opinion at this time that a density of 2.9 on that property would work with the topography.

DISCUSSION

Commissioner Schoenradt commented regarding the 10 year timeframe for recordation of the plat. He said that the Commission would be prudent by saying that it could be reviewed more frequently than every 10 years.

Commissioner Abbott stated that his concern dealt with the drainage issue; however, based on the statement that the drainage would improve for the neighbors, he intended on supporting this development.

Chairman Wall said that he too had concerns with the 10 year timeframe. He thought it was a good thing that applicant would have to follow the rules at that time versus today. He said that he would feel comfortable because many of his concerns were answered satisfactorily and would vote in favor of this plan.

MOTION: (Commissioner Abbott) “Mr. Chairman, on item Apple Nancy X-Ray 2006-348, Zone of Annexation for Sunlight Subdivision, I move that the Planning Commission forward to the City Council a recommendation of approval of the Planned Development (PD) zone district for the Sunlight Subdivision with the facts 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.

MOTION: (Commissioner Abbott) “Mr. Chairman, on the item all called as 2008-051, I move that we forward to the City Council a recommendation of approval of the Planned Development Plan for Sunlight Subdivision Planned Development with the facts and conclusions listed in the staff report.”

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

10. University Village Apartments – Site Plan Review

An appeal of the administrative approval to construct 7 multi-family buildings totaling 60 dwelling units on 3.25 +/- acres in an R-24 (Residential 24 du/ac) zone district.

FILE #: SPR-2008-119
PETITIONER: Darren Davidson – Precision Construction
LOCATION: 2256, 2304 North 17th Street
STAFF: Scott Peterson

STAFF’S PRESENTATION

Scott Peterson, Senior Planner, Public Works and Planning Department, stated that this was an appeal of an administrative approval for a 60 unit multi-family apartment development. As shown on the Future Land Use Map this area was designated as Residential High, 12 plus dwelling units per acre, and current zoning was R-24. On April 16, 2008, applicant submitted a major site plan review and simple subdivision application. The project proposed a residential density of 18.4 dwelling units per acre.

The R-24 zoning required that all current development have a maximum density of 24 and a minimum density of 16 dwelling units per acre. Mr. Peterson said that applicant proposed 7 buildings with two ingress and egress locations off of 17th Street into the development with wrap-around parking.

After the City's review of the application based on the current zoning of R-24, it found the application to be in compliance with all applicable standards and met and/or exceeded the review criteria for a major site plan review and multi-family residential development as identified in the Zoning and Development Code. Mr. Peterson stated that on December 9, 2009 the application was reviewed and approved. On December 21, 2009 an appeal letter was received from Paul Rolland, the property owner at 2311 North 17th Circle. The applicant had also responded to the appeal letter by letter dated January 4, 2010.

Mr. Peterson discussed in detail the appeal process. He said that there were no proposed buildings on the eastern portion of the subject property. The applicant was proposing a trail connection from the development and the area would include a detention pond. He added that mitigating measures included increased tree plantings adjacent to North 17th Street and a 6 foot fence adjacent to the Grand Valley Canal. Three-story stucco combination buildings were proposed for the development with an overall height of 33 feet.

According to Mr. Peterson, the appellant's primary concerns pertained to density, traffic and the three-story buildings. He said that applicant's proposed density was within the allowable density range. The multi-family housing development to the south, Walnut Park, currently had 78 dwelling units at that site which was approximately 10.6 dwelling units per acre. However, the Housing Authority's long-term goal for Walnut Park was to develop an additional 20 units for a total of 98 units, or an overall density of 13.3.

He next addressed the traffic issue and said that North 17th Street was a dedicated 60 foot wide right-of-way with curb, gutter and sidewalk and was classified as a local street designed to carry 1,000 average daily trips per day. Taking into consideration the proposed additional 60 dwelling units, the street capacity was suitable for all current and proposed future single-family, multi-family development in the area. He said that existing properties were also close to the college, public schools and shopping which would make the proposed location convenient for all residents and also facilitated the City's goal in the promotion of infill development within the urban growth area.

With regard to the issue of three-story buildings, the R-12, R-16 and R-24 zoning districts allowed a maximum building height of 40 feet. Applicant proposed three-story buildings with a maximum building height of 33 feet which fell within the requirements for all residential zoning districts. Mr. Peterson concluded that this application was administratively approved according to the city's reasonable interpretation of all applicable laws and plans and the application was reviewed in accordance with all applicable review criteria. Mr. Peterson, therefore, as Project Manager, recommended that the Planning Commission deny this appeal.

QUESTIONS

Chairman Wall asked if the standards that this would be reviewed on would include new evidence or was it limited to the evidence that had been presented to the Commission. Jamie Beard, Assistant City Attorney, said that the Commission had the right to have a full evidentiary hearing; however, the Commission could limit what that evidence was. She advised that the Commission limit it to the record because it was being reviewed for purposes of the Director's decision and the information that the Director relied on.

APPELLANT'S PRESENTATION

Paul Rolland, 2311 North 17th Circle, stated that he filed this appeal based on his belief that the Planning Department should not have approved the application at 16 units per acre. He said that the subject property was a closed circle drive. He described the area as being quiet with very little traffic. He said that he was objecting to building at this density level. He pointed out that as proposed, the buildings would be on less than what the actual acreage was. He stated that the property was surrounded by either R-8 or R-24 that was not developed at the minimum standard. Mr. Rolland reiterated that Walnut Park was a representation of R-24 property that was not developed at an R-24 level. He quoted a portion of the code that said that the site should be organized harmoniously and efficiently in relation to the character and site design of adjoining property and he submitted that it was not designed harmoniously or efficiently in relation to Walnut Park. Mr. Rolland also pointed out that there were no other comparable properties in the area built out at a density similar to this proposed project and he believed that the number of units allowed should be less than 60. He asked the Commission to consider limiting this project to a figure in the range of 32 to 40 units.

QUESTIONS

Chairman Wall asked Mr. Rolland if it was his belief that it did not fit in the neighborhood because others had not built out their developments to what they could build it out to. Mr. Rolland said that it was unlikely that Walnut Park would ever be built out to that level and stated that the traffic and elevation were more aesthetic concerns and were not grounds to either deny nor lower the amount of units. He thought since there were no comparable apartment properties in the neighborhood at this level that that was a reasonable cause to lower the number for this particular development.

Chairman Wall asked if he was more concerned about what possibly could go there. Paul Rolland said that he was fine with apartments in general because there have been apartments in the neighborhood since prior to him living there. He said the character of the apartments was less dense.

Chairman Wall asked for confirmation that there would not be public testimony. Jamie Beard said that if the Commission chose to limit it to the evidence that was included within the record, then applicant would have the opportunity to respond but it would not be opened up to the general public.

APPLICANT'S REBUTTAL

Jeffrey Fleming stated that he was the planner for the owner on this project and addressed some of Mr. Rolland's concerns as well as some of the other neighbors. He said that the current land use map adopted in 1996 showed the property to be zoned R-24. He advised that the property had already been zoned R-24 prior to Appellant moving into the neighborhood. Currently under the Zoning and Development Code the R-24 zoning had a minimum density of 16 units per acre. He also discussed the nearby Walnut Park development and stated that as it was currently built out would not meet current City code because it was less than minimally required by the Zoning and Development Code. However, even with their proposal to add additional units, density would be only 13.3 dwelling units per acre. Mr. Fleming addressed Mr. Rolland's suggested density which would be approximately 14 units per acre which would require a rezone.

He also addressed issues regarding elevation and stated that it was their belief that this development would add to the neighborhood as well as increase the property values of the whole neighborhood. He believed the type of people who would live in these buildings would be a mix of people representative of the community as a whole. According to Mr. Fleming, all zoning codes starting at the most rural and least dense codes up to R-8 had an allowable height of 35 feet and above R-8 had a 40 foot maximum height. He stated that their buildings at a height of 33 feet would fit in any zone under Zoning and Development Code standards.

He next addressed the proposed trails as well as the traffic issue raised by appellant. He said that 17th Street was platted and had a 60 foot width which provided an additional 16 feet for the street right-of-way so that there could be parking along both sides of the street and would still allow traffic to travel both ways. He stated that he went through the City and County's Comprehensive Plan and used its traffic study for the year 2035 which showed no congestion on local streets but immediate collector streets and minor arterials would not be congested and concluded that the streets could handle the development. Mr. Fleming concluded that their project met the Zoning and Development Code standards for density, traffic and elevation and thanked the staff for their work on this.

DISCUSSION

Commissioner Abbott said that in considering this appeal, he personally had not heard any statements that would lead him to believe that the director had violated any of the conditions which must be considered and stated he would vote against the appeal.

Commissioner Eslami agreed with Commissioner Abbott.

Chairman Wall also concurred.

MOTION: (Commissioner Abbott) "Mr. Chairman, I move that the Planning Commission grant the appeal of the Director's Administrative Approval for

University Village Apartments, 2256 and 2304 North 17th Street, City File Number Sam Paul Robert 2008-119.”

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

General Discussion/Other Business

None.

Nonscheduled Citizens and/or Visitors

None.

Adjournment

With no objection and no further business, the Planning Commission meeting was adjourned at 7:51 p.m.