

**GRAND JUNCTION PLANNING COMMISSION
MAY 26, 2009 MINUTES
6:00 p.m. to 7:54 p.m.**

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

In attendance, representing the City Planning Commission, were Roland Cole (Chairman), Lynn Pavelka-Zarkesh, Reggie Wall, Ebe Eslami, Mark Abbott, Rob Burnett (Alternate) and Richard Schoenrad (Alternate). Commissioners William Putnam (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), Scott Peterson (Senior Planner), Senta Costello (Senior Planner), Michelle Hoshide (Associate Planner) and Kent Harbert (Development Engineer).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 36 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. West Ridges Boulevard ROW Vacation – Vacation of Right-of-Way

Request a recommendation of approval to City Council to vacate excess right-of-way originally platted as West Ridges Boulevard.

FILE #: VR-2009-012

PETITIONERS: Martin Magdalenski, Daniel Olson, Joseph Raczak

LOCATION: 2335, 2335½ and 2337 Rattlesnake Court

STAFF: Michelle Hoshide

3. Mountain View Estates – Preliminary Subdivision Plan

Request approval of a Preliminary Subdivision Plan to develop 61 single family lots on 19.17 acres in an R-4 (Residential 4 du/ac) zone district.

FILE #: PP-2008-212
PETITIONER: Bill Ogle – Level III Development LLC
LOCATION: 2922 B 1/2 Road
STAFF: Senta Costello

4. Fiesta Guadalajara Expansion – Preliminary Development Plan

Request a recommendation of approval to City Council to zone 1.421 acres from a City C-1 (Light Commercial) and a City R-8 (Residential 8 du/ac) to a PD (Planned Development) zone with default zones of C-1 (Light Commercial) and R-8 (Residential 8 du/ac) and a recommendation of approval to City Council of a PDP (Preliminary Development Plan). Request a recommendation of approval to City Council to vacate a portion of the North/South alley east of North 7th Street, South of Glenwood Avenue.

FILE #: RZ-2009-037
PETITIONER: David Ortiz
LOCATION: 710, 748 North Avenue and 705, 727 Glenwood Avenue
STAFF: Senta Costello

Chairman Cole briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak if they wanted any item pulled for additional discussion. At public request, item number 2, West Ridges, was pulled for Full Hearing. Greg Moberg asked that item number 4, Fiesta Guadalajara Expansion, be continued indefinitely. After discussion, there were no objections or revisions received from the audience or Planning Commissioners on the remaining Consent Agenda item.

MOTION: (Commissioner Wall) “Mr. Chairman, I make a motion to continue item number 4 (I believe), the Fiesta Guadalajara, until a date uncertain.”

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

MOTION: (Commissioner Wall) “Mr. Chairman, I move that we approve the Consent Agenda which consists of item number 3 only.”

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

Public Hearing Items

2. West Ridges Boulevard ROW Vacation – Vacation of Right-of-Way

Request a recommendation of approval to City Council to vacate excess right-of-way originally platted as West Ridges Boulevard.

FILE #: VR-2009-012
PETITIONERS: Martin Magdalenski, Daniel Olson, Joseph Raczak

LOCATION: 2335, 2335 1/2 and 2337 Rattlesnake Court
STAFF: Michelle Hoshide

STAFF'S PRESENTATION

Michelle Hoshide with the Public Works and Planning Department addressed the Commission regarding the request for vacation of an undeveloped right-of-way. She said that the right-of-way was located north of the existing West Ridges Boulevard and west of the subject properties on Rattlesnake Court. She went on to state that a 10 foot utility easement would be reserved and retained on the eastern side of the right-of-way to ensure that existing electric, telephone and cable lines and other possible public facilities and services would not be inhibited. Ms. Hoshide also stated that the vacation would allow the recipients of the right-of-way to obtain responsibility of maintenance as well as to remove responsibility from the City. Ms. Hoshide said that the vacation met the pertinent criteria. Furthermore, she said that the City would not decide who was entitled to the right-of-way as the recipient of the land was dictated by state statute which provided that all right-of-way must go back to the adjoining properties from which it was originally dedicated from. Lastly, Ms. Hoshide stated that applicant had mentioned that negotiations for restrictions on the vacated land had been discussed between the applicants and Redlands Mesa.

PETITIONER'S PRESENTATION

Janet Raczak appeared along with members of the Olson and Magdalenski families. She said that she had met with a member of the Redlands Mesa executive board to solidify some items of concern to them and she confirmed that applicants had no objections to any of their concerns.

PUBLIC COMMENT

For:

Bob Casey, from Bright Star Golf, Redlands Mesa, owner of the golf course and some of the adjacent property, said that applicants had met with himself and some of the HOA members. He stated that there was concern regarding proximity of the future property line to one of the monument signs and he stated that applicants were willing to consider a deed restriction. He voiced a personal concern to assure that any approval given was subject to the deed restriction which was primarily for visibility purposes and to make it more homogenous with their community.

Against:

Mike Stubbs, 205 Little Park Road, stated that he represented Dynamic Investments, the successor and assignee of the original developer's rights – Ridges Development Corporation. He said that in general he did not have a problem with the vacation; however, he was concerned about the future use of the property. He was particularly concerned that there could be accessory buildings, structures, fences among other things while allowable under City Code were not allowable under the covenants but the covenants were not enforced. He would like to see some kind of restriction. He stated that he was under the assumption the right-of-way went back to the three property owners and questioned whether that was the valid conclusion.

DISCUSSION

Jamie Beard, Assistant City Attorney, stated that with regard to where the property went after vacation had not been determined by the City. There were different state statutes which would determine who was entitled to that. Additionally, the research had not been done to make it definite as to who the property would be returned to. Regarding the property discussed by Mr. Stubbs, it was the same conclusion at that time. Lastly, she said that it would be a final determination for the court to make as to who the property belonged to if there was any dispute between the parties. Ms. Beard confirmed that neither the Commission nor City Council had been requested to make any kind of determination regarding ownership.

Commissioner Wall said that it appeared that it met all criteria and saw no reason why it should not be approved. He asked if it was necessary to include language regarding the deed restriction. Ms. Beard said that the City was just made aware of the agreement that may have been worked out but there was no deed that would be granted at the end of this. When it was vacated, the right-of-way would be vacated and based on state statutes, a determination of who it went back to. With regard to enforcement of the condition and specifically what the agreement was, she said that enough specifics were not available at this time. She went on to state that the recommendation and motion should be based on the vacation itself.

MOTION: (Commissioner Wall) “Mr. Chairman, on the vacation of a portion of the West Ridges Boulevard right-of-way adjacent to 2335½, 2335 and 2337 Rattlesnake Court, VR-2009-012, I move that the Planning Commission forward a recommendation of approval to City Council with the facts and conclusions listed in the staff report.”

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

5. Homeless Shelter Expansion – Site Plan Review

Appeal of the Director’s Final Action on an Administrative Development Permit to approve the expansion of the existing shelter with a 5,345 sq ft 2-story addition.

FILE #: SPR-2008-008
PETITIONER: Sheryl Fitzgerald, Alan Sarkisan
LOCATION: 2853 North Avenue
STAFF: Senta Costello

Chairman Cole announced that the Commission would only consider the evidence presented to the director and any new evidence would not be considered.

APPELLANT’S PRESENTATION

Sheryl Fitzgerald as property manager and co-owner of the shopping mall located at 2851 North Avenue, which was next to the homeless shelter said that her father built the

shopping mall and her family personally maintained it. She, in collaboration with Alan Sarkisan, said that when the homeless shelter was approved in October 2001, they were concerned about the high concentration of transients in one building. She believed that the building was potentially a valuable taxable asset for the City.

She also raised issues pertaining to increased crime, intoxicated people and a concern that no records or names were kept by the shelter. Ms. Fitzgerald said that the neighboring homeowners and businesses felt that co-existing with a family only facility might be palatable. While sympathetic and understanding, she stated that approximately 20 to 30% of the people created problems which needed to be discussed. She said that that percentage had chosen homelessness as a lifestyle, many were alcoholics, criminals, users, drug pushers, rapists or child abusers. Also, she stated that those were the people causing problems on the streets, in the parks, at businesses and in the neighborhoods and did not respect themselves, private or public property. She raised issues of indecent exposure from lack of easily accessible homeless shelter bathrooms and went on to say that their unkempt appearance was intimidating to people wanting to shop, walk their dogs, or just go into their backyards. She added that those 20 to 30% of the homeless have caused customers to barely slow down as they drove by their North Avenue stores, had contributed to the closure of a child care center, and harass and panhandle the City Market store customers and employees.

According to Ms. Fitzgerald, the City Council approved the North Avenue Corridor Plan over a year ago and committed to create a friendly, beautiful east entrance along a main street into the City. The City Council recognized that the downtown 7th Street, Colorado Avenue and 5th Street Bridge areas were not the only eyesores that needed rectifying. The North Avenue Corridor was discussed. She said that one main problem was noted in the Corridor Plans which said that it was the homeless shelter and its expansion that had held down or stopped the discussion of improvements to North Avenue.

Over the last 8 years she and others had watched the transients gather in front of the shelter waiting to be allowed in. Additionally, she believed that rules were liberally bent by the shelter by housing more people than allowed.

Ms. Fitzgerald next addressed the parking issue and said that it was considered a motel with a restaurant and as such it should have at least 75 parking spaces. She felt that if the building was a motel, it should follow motel zoning regulations and if the shelter was not a motel, then it should not be there at all. There needed to be additional space allowances for trailers, extra long pickups and station wagons.

Ultimately, she said that there should be a concern for their easement which was a 35 year, well established easement through the parking lot for large delivery trucks. She added that the truck drivers would have to cross 4 lanes of North Avenue traffic to get into and out of the parking area and they may refuse to deliver since backing into the roadways was unsafe. Their access was being compromised.

She added that there were numerous other items to be discussed such as yard maintenance, traffic safety, public safety, security patrol, bus access, sanitation, bike storage, waiting areas, bathroom access, and trash. She concluded that it was their hope that the Commission would correct past errors.

STAFF'S PRESENTATION

Senta Costello, Senior Planner with the Public Works and Planning Department, made a PowerPoint presentation regarding the appeal of the administrative decision for the homeless shelter. She said the property was located east and south of North Avenue and 28½ Road. The surrounding properties were a mix of Residential to the south; and Commercial, a variety of retail, some hotel/motel, rental type units as well as storage units and other Commercial type uses. The Future Land Use designation for the property was Commercial and the property to the south was Residential Medium High and the property was surrounded on the north, west and east by Commercial. Zoning for the property was Light Commercial and zoning to the north, east and west was also Light Commercial. She pointed out that the property directly to the south was zoned R-8 and on the north side of the residential area 4 properties were zoned R-O. Ms. Costello stated that this application was made early last year.

Originally the building was built in 1994 by the Knights of Columbus as a bingo hall and in 2001 the applicants, St. Matthew's Church, applied to convert the bingo hall into a homeless shelter. That request was approved at that time and appealed to the Board of Appeals which upheld the administrative decision.

According to Ms. Costello, the request was to add an additional 5,345 square feet, 2-story, to the existing 8,630 square foot homeless shelter to accommodate a total of 130 beds. In reviewing the project, she added that there were specific criteria required by the Zoning and Development Code that must be met. They first looked at conformance with the Growth Plan and this particular site, both the zoning and the use were consistent with the Commercial zone designation for the property. It also would use existing infrastructure and utilities as it was inside the urbanized area of the city as there were existing utilities, streets, sidewalks readily available and already constructed. Ms. Costello also discussed conformance with applicable corridor plans and in particular the North Avenue Corridor Plan which was approved in December 2007. She pointed out that some elements of the proposed plan did incorporate concepts that were listed within the North Avenue Corridor Plan. Those elements include parking location/orientation, detached sidewalks with street trees, a walk connection directly from the building and sidewalk access to the street itself, access points and new interior parking islands which would provide additional shade.

Ms. Costello advised that the shelter was cited as an allowed use within a C-1 zone district because the code classified a facility of its type as a hotel/motel. Furthermore, the plan for the North Avenue cited the shelter as a deterrent to redevelopment and called for one of the ways that they could help mitigate that issue by providing positive daytime activities for homeless shelter population such as job training, adult education, and a means for them to improve their situation.

She next addressed conformance with the Grand Valley Circulation Plan and pointed out that it met the requirement by elimination of the access point on the eastern end along North Avenue.

Ms. Costello said that they had also looked at the conditions of prior approvals and advised that all of the conditions of the change of use request that was done in 2001 had been met. She said that staff had also determined that bulk standards regarding such things as height, setbacks, minimum lot sizes, floor area ratio, intensity and density had been met, if not exceeded by applicant. Furthermore, there were no use specific standards and the design and improvements were looked at regarding landscaping, defensive landscaping and interior parking lot islands.

Also taken into consideration was parking and as there was no specific classification within the Zoning and Development for a homeless shelter, it is classified as a hotel/motel and the parking calculation was one space per room. Ms. Costello said that as the shelter did not have any rooms and many of the guests did not have vehicles, this calculation was difficult to implement based on the project. She added that 35 spaces shown on the approved plan adequately met the parking needs.

She added that last June a Conditional Use Permit was approved for a wall along the southern property line to help alleviate some of the issues raised by the neighbors to the south. They had also determined that the scale and orientation of structures was compatible with the existing structures in the area as well as what could be built in the future; and the height of the addition would be in conformance and character with what was existing as well as what potentially could be built.

After review, it was determined that the onsite parking met all requirements of the TEDS manual. The elimination of the eastern driveway and the shared access of the western entrance to the property to the west as well as the sidewalk connection to North Avenue from the building area met those requirements. Also discussed were access by emergency and utility vehicles, availability of public facilities and utilities. She said that there was a bus stop directly in front of the site and city water and sanitary sewer lines were available within the street and the property was already currently hooked up to those services. Regarding the delivery vehicles, the formalization of that cross access easement for the property to the west would be completed once the project was determined for approval. Finally, that the development engineer for the project reviewed the truck turning templates and found that the access to the site met those requirements and was not an issue.

QUESTIONS

Chairman Cole asked legal counsel for further instructions with regard to the appeal. Jamie Beard suggested the applicant have an opportunity to speak and questions in regards to decision making would then be appropriate. After that, the Commission would rely on the approval criteria for either approving or denying the appeal.

Commissioner Wall asked for clarification regarding the truck easement. Senta Costello said that basically appellants' concerns were that trucks entering the site would not be able to make safe and adequate turns without being encumbered in some way. The development engineer, by using turning templates, had determined that circulation in this instance would not be problematic as far as delivery trucks getting in and out.

Commissioner Eslami asked how many beds were in the shelter now. Ms. Costello said that there were 87 and that they were now asking for a total of 130.

Commissioner Schoenradt asked if the easement would be formal rather than prescriptive. Senta said that it would be if the project was approved. She went on to state that a document would be finalized and recorded which would be signed by the property owner granting it.

APPLICANT'S PRESENTATION

Darren Carei, 2571 I $\frac{1}{2}$ Road, stated that he was currently the board president at Homeward Bound, the servicing non-profit agency that operated the homeless shelter. He said that their clients were in dire need of their services as Grand Junction had a homeless clientele that was increasing. Their current capacity was 87 and this past winter multiple local churches were employed to take on the overflow which at its peak was 38 additional people. He said that the additional need at the highest peak of increasing population was the family unit. Mr. Carei further stated that there was a serious need in the community to address this in a compassionate, caring manner and stated that they had met or exceeded every request placed upon them and had met all requirements. Finally, he said that they had the space, the building and the right to add this addition.

APPELLANTS' REBUTTAL

Sheryl Fitzgerald said that she still had concerns regarding the inadequate number of parking spaces and lack of standards for North Avenue and lack of a bus pullout. She stated that they had appealed in 2001 and pointed out future problems. She said that according to Mr. Carei the total number of parking spaces presently being utilized by the homeless shelter was between 28 and 34 and that would be increased by 44%, or 12 more parking spaces should be in place. She then showed two photographs taken approximately 3 weeks ago which showed how the parking area was not being maintained. She said that while extensive plans for landscaping and maintenance plans were in place, she could not be optimistic for the future.

DISCUSSION

Commissioner Eslami said that he understood the problems with the appellants' concerns but the problem was already there and it was not going to get better. In his opinion, he thought by adding more room to the shelter some of the people that have to be sent out would be alleviated and they could be roomed there. He went on to state that the traffic problems still existed because the trucks had to come and go for existing businesses. He hoped that someday there could be a plan that would be

comprehensive but until that time this was what needed to be lived with. Ultimately, he said that he would have to go for a denial of the appeal.

Commissioner Schoenradt raised a question regarding the North Avenue Corridor Plan and how the Commission was allowed to use that plan in conjunction with the appeal of this application. Senta Costello said that basically when the North Avenue Corridor Plan was adopted, the idea behind it was that they come up with some policies, goals and objectives to what they wanted North Avenue to look like. In relation to this particular project, staff looked at the goals, guidelines and concepts and tried to make projects fit in to those as best as possible; however, there were no specific regulations at this time. Commissioner Schoenradt then confirmed with Ms. Costello that there was some subjectivity.

Commissioner Abbott said that he had not seen nor heard anything tonight that would indicate that the Director acted in a manner inconsistent with the provisions of the Code or any other applicable local, state or federal law or that he had made any erroneous findings of fact based on the evidence or testimony on the record or that he failed to fully consider the mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance or acted arbitrarily, capriciously or abused their discretion. He said that he was very sympathetic but believed that in reality adding more spaces would probably help their situation rather than create more problems and stated that he would vote against this measure.

Commissioner Pavelka-Zarkesh concurred.

Commissioner Schoenradt commented that it seemed to him that the counts by both parties were 30 to 33 parking spaces maximum at one time with a current number of 35 and with the appellants' argument that 44% addition could increase that number significantly he asked where would those additional parking spaces would come from. Also, he believed that the building may likely never be able to be used for anything other than its use as it would not be saleable as any other use. He asked if that would fall into the long-term plan of the North Avenue Corridor and he opined that it did not. He said that he would vote to uphold the appeal.

Chairman Cole stated that he could appreciate the concerns of the neighbors; however, it was already there and it seemed to him that the decision by the director was consistent with the Codes and regulations and would vote to uphold the Director's decision.

Commissioner Abbott stated that he believed the motion needed to be fashioned in a way to accept the appeal. Ms. Beard said that normally a motion would be in the affirmative based on the request made and as the request was to grant the appeal, then the motion should be crafted to grant the appeal with the understanding that if the Commission chose to deny the appeal, then the Commission would be voting against the motion.

MOTION: (Commissioner Eslami): “I make the motion that we grant the appeal affirmatively for this project.”

Commissioner Pavelka-Zarkesh seconded the motion. A vote was taken and the appeal was denied by a vote of 2 to 5 with Chairman Cole and Commissioner Schoenrad in favor.

A recess was taken from 7:20 p.m. to 7:24 p.m. Commissioner Pavelka-Zarkesh was excused.

6. Reigan Growth Plan Amendment – Growth Plan Amendment

Request a recommendation of approval to City Council of a Growth Plan Amendment to change the Future Land Use Designation from Mixed Use to Commercial/Industrial on 12.00 acres.

FILE #: GPA-2009-069
PETITIONER: Robert Reigan
LOCATION: 2204, 2202 1/2, 2202 H Road
STAFF: Scott Peterson

STAFF’S PRESENTATION

Scott Peterson, Senior Planner with the Public Works and Planning Department made a PowerPoint presentation regarding the request for a Growth Plan Amendment for 3 properties from Mixed Use to Commercial/Industrial. He said the requested property was located north of H Road and east of 22 Road. According to Mr. Peterson, applicants requested a Growth Plan Amendment in order to market the properties as industrial lots. Presently, the 3 lots contain one single-family detached dwelling unit, vacant land and one private shop building with a modular home.

He went on to state that to the north and east was an existing single-family residential development on larger parcels of land and to the south were various Light Industrial developments and directly to the west was the approved H Road Northwest Area Plan Study Area and a Growth Plan Future Land Use Map designation of Commercial/Industrial. Mr. Peterson added that there were various Light Industrial properties currently under development along the 22 Road corridor in the vicinity of the subject property.

Also, in August 2007 these three properties along with two others were added into the Persigo 201 boundary and in December 2007 the three applicants, along with a fourth property owner directly to the north, applied for and received the City’s approval to change the Growth Plan Future Land Use Map from Rural to the Mixed Use land use designation. One of the reasons was for this change was to accommodate their desire to market the properties for more intense, non-residential land uses. Mr. Peterson said that the four properties were officially annexed into the City and zoned MU in February 2008. According to the current Land Use Map, he felt that the Mixed Use designation

remained appropriate for these properties as it provided a transition between the Industrial development to the west and south and the Residential land uses to the north and east.

Additionally, the natural geographic barriers of H and 22 Roads would be eroded by the introduction of Industrial zoning on the north side of H Road east of 22 Road. After a review of the criteria for a Growth Plan Amendment, Mr. Peterson commented that there was no error at the time of the adoption of the Growth Plan in 1996. In December 2007 City Council approved the Growth Plan Amendment for these properties from Rural to Mixed Use in order to provide a transition and buffer between existing and future Industrial land uses and the residential development.

Mr. Peterson opined that the proposed change did not meet with the applicable goals of the Growth Plan. While understanding that the area was experiencing a shortage of Industrial zoned properties, the Mixed Use category was approved in 2007 at applicants' request to provide them with more options for the sale and marketing of these properties. He added that neither the community nor the area would benefit from the proposed request and alternatively, applicants' request to change the Growth Plan and Future Land Use Map would exacerbate the problem and bring Industrial development closer to the existing Residential development. Mr. Peterson added that since the Growth Plan Amendment in 2007, there have been no significant changes to warrant another amendment to the Commercial/Industrial designation.

Lastly, he found that the proposed Growth Plan Amendment was not consistent with the purpose and intent of the Growth Plan and that the pertinent Zoning and Development Code review criteria had not all been met and recommended that the Planning Commission forward a recommendation of denial of the requested Growth Plan to the City Council. He said that he attended a neighborhood meeting wherein two property owners voiced their concern regarding the proposed designation and also that he had received a phone call from an adjacent property owner voicing his opposition to the proposed change.

APPLICANTS' PRESENTATION

Robert Reigan addressed the Commission together with his wife, Marie, and Jerry Patterson and the manager of TEK Leasing, LLC. He addressed the issues in opposition to their request. He listed the major objections to be that the property served as a transitional property and buffer. He said that the only residential properties that could be affected were the Lynwood Subdivision to the north and the larger parcel to the direct east of the Morario property. He advised that they had more distance separating their properties from the residential properties than what had already been expanded along the south side of H Road and the west side of 22 Road.

Regarding the rezone in 2007, they had been trying to market their property as residential property for more than two years and were not successful due to the expansion of Industrial to the south. After speaking with the Planning Department, it was suggested to go to MU. However, with the expansion of Industrial to the east, on

the south side of H Road and its expansion to the north on 22 Road on the west side, that had negated their property as a buffer. Mr. Reigan stated that all of the properties along H Road on the west side of 22 Road were previously agricultural properties as well as those to the north of H Road on the west side of 22 Road. Those have subsequently been rezoned to Commercial and Industrial properties and questioned why the criteria would be any different.

He identified what he believed to be a lot of changes since their application for the Mixed Use zoning. With respect to the neighborhood meeting, he added that there were only two property owners who voiced any concerns and added that after an explanation regarding an expansion of Commercial and Industrial properties that their use as a buffer had been negated because of that expansion. He said that those two property owners stated that while they did not like the requested relief, they understood why they were asking for it and would likely do the same thing if they were in applicants' position.

He also addressed the marketing of their property; first as Residential, then as Mixed Use to which they have had no success. He asked that the Commission have due diligence in consideration of their proposal to a Commercial and Industrial zoning of those properties because of the expansion in that area as well as there were other properties to provide the necessary buffer. Finally, he said that there was no opposition from the property owner directly to the east and asked for approval of the Commercial and Industrial zoning.

Marie Reigan, 2204 H Road, said that they purchased the property 18 years ago and they were now not able to provide a good, safe home for their children. She said that a zoning of Industrial was the only way that they would be able to sell the property as the property was not designed for Mixed Use. According to Ms. Reigan, they had asked for Commercial in 2007; however, they were told that the best they could do at the time was multi-use.

PUBLIC COMMENT

For:

Marcie Johnson along with Jerry Patterson, owner of 2202 H Road, said that there was now a three acre building directly across the street. She said that they received approximately 25 calls a week and those callers were no longer interested when advised of the MU zoning. She agreed with Ms. Reigan that it was dangerous as they were surrounded by Commercial.

Jerry Patterson said that he spoke with a person interested in their property who identified how they would like to use the property only to be told that while it was allowed right across the street, it was not allowed on his property.

Marcie Johnson said that it was no longer Mixed Use.

Julie Butherus with ReMax 4000 spoke on behalf of Glen Larsen (2202½ H Road) and advised that she had been trying to market his property for over 400 days. While there have been many, many calls the criteria required for an MU zone district made it unsalable.

Chairman Cole excused himself from hearing the remainder of this item. Commissioner Wall resumed the hearing as chairman.

Glen Larsen said that he was in favor of changing the Growth Plan to Commercial/Industrial.

Against:

No one spoke in opposition to this request.

DISCUSSION

Commissioner Abbott said that he was unsure as to how he would vote as there were valid arguments from both sides.

Commissioner Eslami said that he thought this site should be left alone because of the buffering and he supported staff regarding this request.

Acting Chairman Wall said that his belief was that if a zone was changed based on sales, there would be a hodgepodge and based on the staff report, and feathering of zoning, he thought a Mixed Use was the appropriate zone.

MOTION: (Commissioner Abbott) “Mr. Chairman, I move that the Planning Commission forward a recommendation of approval of the Reigan Growth Plan Amendment request, GPA-2009-069, to the City Council.”

Commissioner Eslami seconded the motion. A vote was called and the motion failed by a vote of 0 - 5.

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 7:54 p.m.