

**GRAND JUNCTION PLANNING COMMISSION**  
**January 23, 2018 MINUTES**  
**6:00 p.m. to 7:22 p.m.**

The meeting of the Planning Commission was called to order at 6:00 p.m. by Vice-Chairman Bill Wade. The hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

Also in attendance representing the City Planning Commission were, Jon Buschhorn, Kathy Deppe, Keith Ehlers, George Gatseos, Brian Rusche and Andrew Teske.

In attendance, representing the Community Development Department –Tamra Allen, (Community Development Director), Kathy Portner, (Community Services Manager) and Scott Peterson, (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lydia Reynolds was present to record the minutes.

There were 19 citizens in attendance during the hearing.

**\* \* \* CONSENT CALEDAR \* \* \***

**1. Minutes of Previous Meetings**

*Action: Approve the minutes from the December 12, 2017 meeting*

Vice-Chairman Wade briefly explained the Consent Agenda. Noting that only the minutes from the December 12th, 2017 meeting were on the Consent Agenda, Vice-Chairman Wade called for a motion to approve the Consent Agenda.

**MOTION: (Commissioner Deppe)** “Mister Vice-Chairman, I move approve the Consent Agenda.”

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

Vice-Chairman Wade reviewed a couple housekeeping items as it pertains to conducting the meeting as follows:

- 1) Examination of the application and a determination concerning the adequacy of notification.
- 2) Presentation, description and analysis of the application by the staff,
- 3) Opportunity for the applicant to present evidence and arguments concerning their position on the project

- 4) All other interested parties may then address the Commission, with comments limited to three minutes per speaker.
- 5) Planning Commission may ask questions from staff, applicant, or members of the Public after each presentation.

Vice-Chairman Wade concluded his description of the process to include Commissioner discussion and voting.

**\* \* \* INDIVIDUAL CONSIDERATION \* \* \***

**2. CMU Outline Development Plan Extension 29 Rd & Riverside Pkwy  
FILE # ODP-2008-154**

Consider a request for an extension of five (5) years for an approved Outline Development Plan for the 154.08-acre property located at the northwest corner of 29 Road and D Road.

*Action: Recommendation to City Council*

Applicant: Colorado Mesa University Real Estate Foundation - R Arnold Butler  
Location: 2899 D 1/2 RD  
Staff Presentation: Kathy Portner

Vice-Chairman Wade began by asking if the required public notice was given pursuant to the City's noticing requirements. Ms. Portner replied that notice had been provided as in accordance to the code.

**Staff Presentation**

Kathy Portner (Community Services Manager) stated that there were four exhibits entered into the record for this item.

- 1) Letter of Request dated November 1<sup>st</sup>, 2017
- 2) Staff report dated January 23, 2018
- 3) CMU Outline Development Plan – Ordinance 4314
- 4) Staff presentation dated January 23, 2018

Ms. Portner began her presentation by stating that this request is for a 5-year extension of the Outline Development Plan (ODP) for property located at 2899 D ½ Road.

Ms. Portner displayed an aerial photo of the 154-acre property and noted it was located at the northwest corner of Riverside Parkway and 29 Road. An Outline Development Plan for the property was originally approved in 2008 and has been approved for 2 extensions.

The next slide depicted the Future Land Use Designation for the area. Ms. Portner noted that the Planned Development zoning approved in 2008 established a default zone of Mixed Use. The subsequent 2010 Comprehensive Plan Future Land Use Map

designated this property as Village Center, Residential Medium High (8-12 u/a), Urban Residential Mixed Use (24+ u/a) and Commercial/Industrial, consistent with the Outline Development Plan approved for the property.

Ms. Portner displayed a slide of the plan and explained that the ODP allows multi-family residential, commercial and industrial uses within four pods as defined by Ordinance 4314. The ODP also establishes a general circulation plan for the property, including access points to 29 Road and Riverside Parkway. Design standards include the establishment of a Design Review Committee and unified site design and architecture.

The next slide displayed contained the conditions that are in the Zoning and Development Code whereby the City may consider extensions to an Outline Development Plan. Extensions of the development schedule were granted in 2010 and 2013. The Applicant, in their letter dated November 1, 2017, requested an extension to the current ODP for a period of 5 more years to wait for market conditions to improve to the point that development of the property becomes feasible. The original effective period has not allowed for favorable market conditions for this site to develop.

**Staff recommends approval of the request for a five-year extension of the Colorado Mesa University Outline Development Plan finding that:**

- 1) The requested extension meets the criteria of Section 21.02.080(n)(2)(i) of the Zoning and Development Code in that Applicant has demonstrated why the original effective period or development phasing schedule was not sufficient and cannot be met.
- 2) The development regulations have not materially changed so as to render the project inconsistent with the regulations prevailing at the time the extension would expire.
- 3) The request for extension was submitted in writing to the Director prior to the expiration of the original approval.

**Applicant Presentation**

Derek Wagner, Colorado Mesa University, explained that he was standing in for Arnold Butler and was available to answer questions.

**Public Comment**

None

**Commissioner Discussion**

Commissioner Ehlers noted that lack of discussion was most likely due to the review of staff's assessment of the ODP and the current circumstances that have led to the extension. Commissioner Ehlers stated that he agrees with the extension.

**MOTION:** (Commissioner Deppe) "Mister Vice-Chairman, on the request for a five-year extension of the Colorado Mesa University Outline Development Plan, ODP-2008-154, I move that the Planning Commission forward a recommendation of approval for

the extension to expire December 15th, 2022 with the findings of fact as listed in the staff report.”

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

### **3. Cannell Ave ROW Vacation**

**FILE # VAC-2017-581**

Consider a request to vacate a portion of the Cannell Avenue Right-of-Way south of Orchard Avenue

*Action: Recommendation to City Council*

Applicant: Colorado Mesa University - Derek Wagner  
Location: Cannell Avenue  
Staff Presentation: Kathy Portner

Vice-Chairman Wade began by asking if the required public notice was given pursuant to the City’s noticing requirements. Ms. Portner replied that notice had been provided in accordance to the code.

#### **Staff Presentation**

Ms. Portner stated that there were five exhibits entered into the record for this item.

- 1) Application dated November, 2017
- 2) Staff report dated January 23, 2018
- 3) CMU Civic and Institutional Master Plan Map dated March, 2017
- 4) City of Grand Junction and Colorado Mesa University Utility Easement and Maintenance Agreement September 26, 2017
- 5) Staff presentation dated January 23, 2018

Ms. Portner began her presentation by stating that this request is to vacate a portion of the Cannell Street ROW south of Orchard Ave. A PowerPoint slide was presented displaying an aerial photo showing the location of the site.

Ms. Portner explained that as Colorado Mesa University has acquired properties for campus expansion, requests for ROW vacations have been made to consolidate CMU’s ownership. The section of Cannell Street under consideration is the remaining 109 ft. by 60 ft. section just south of Orchard Ave. CMU owns the adjacent properties as well as properties to the south where the Cannell Street ROW was vacated in 2015.

A slide with the 2017 West Campus Master Plan outlined over an aerial photo was displayed and Ms. Portner explained that in June of 2017, an Institutional and Civic Master Plan was approved that included an administrative process for future vacations of ROW interior to the campus once certain conditions were met.

However, the proposed boundary of the Master Plan and administrative review process does not include this portion of the Cannell Street ROW. Ms. Portner explained that this specific request is required to follow the codified process for the vacation of a right-of-way, including review and recommendation by Planning Commission and final decision by City Council.

Ms. Portner showed a slide of the proposed Cannell Street Vacation and pointed out the ROW to be vacated. Ms. Portner noted the highlighted areas show the properties currently owned by CMU, as well as the Cannel Street ROW to the south and the east end of Hall Avenue and the alleys to the north and south that were previously vacated. The Vacation request completes the vacation of Cannell Street to Orchard Avenue.

Ms. Portner stated that the requested vacation conforms with the criteria of section 21.02.100 of the Zoning and Development Code as follows:

- *The request does not impact the Grand Valley Circulation Plan and is consistent with the Comprehensive Plan.*
- *No private parcels will be landlocked.*
- *Access will not be restricted to any privately held parcels and reasonable access will be maintained to the east-west alley south of Orchard Avenue.*
- *There will be no adverse impacts on the health, safety and welfare of the community. Adequate general circulation and emergency access will be provided.*
- *Adequate public facilities and services will not be inhibited.*
- *Maintenance requirements for the City will be reduced as a result of the ROW vacation.*

**Staff recommends approval finding that the proposal conforms with Section 21.02.100 (c) of the Grand Junction Zoning and Development Code, provided the following conditions are met prior to recordation of the ordinance:**

- 1) *CMU shall plan for and provide circulation and emergency access to standards mutually acceptable and agreed to by the City and CMU, to establish and preserve public safety and legal access for both public and private users; and,*
- 2) *All City utilities shall be subject to the terms and conditions of the Colorado Mesa University and City of Grand Junction Utility Easement and Maintenance Agreement-CMU Main Campus; and,*
- 3) *CMU shall grant, as applicable, necessary utility easements to Xcel Energy.*

**Applicant's Presentation**

Derek Wagner, Colorado Mesa University, stated that he agrees with the staff recommendation and hopes the Commission approves the Vacation.

Mr. Wagner added that he had a brief update on a couple of projects that have concluded since the last time he presented before the Planning Commission. Mr. Wagner displayed a slide of the new CMU Health Sciences Center that recently had a

ribbon cutting and gave a brief overview of that building's use. The next slide showed the Maverick Stampede Field, which is the new home of the marching band that now is up to 150 students. Mr. Wagner pointed out that it is striped like a football field for practice drills and has a two story storage building on site. Mr. Wagner displayed a slide of the new Engineering Building that is now completed. Mr. Wagner added that the new Math and Science Center, now called the Eureka Science Museum, is taking up 14,000 feet of the first floor of this new building and will be a regional draw.

### **Public Comment**

Kenneth L. Harris, 1707 Cannell, stated that he was the lead person for the Mesa Rose Park Neighborhood Association and would like to read a letter he prepared into the record. Mr. Harris began reading his letter noting real estate deals and was interrupted by Ms. Beard. Ms. Beard (Assistant City Attorney) addressed the Vice-Chairman for a point of clarification. Ms. Beard stated that if the letter Mr. Harris is reading was the same one provided to Community Development and the City Manager earlier in the day, as it appears to sound like, she does not feel it is specific and/or relevant to the criteria the Commission is to consider for the vacation. Ms. Beard suggested to Vice-Chairman Wade that he asks Mr. Harris to keep his comments to ones that directly relate to the Vacation.

Mr. Harris stated that he disagrees that his comments are not relevant. Mr. Harris stated that CMU must show that there is a reason to vacate and they are still using it as a road when it is actually a 20-foot easement for emergency access. Mr. Harris stated that there is no drainage plan in place and he would like to know what they plan to do with the water that comes down the street. There are irrigation ditches in the area and utility easements. Mr. Harris stated that one of his concerns is that people will treat Cannell like a street even after it is vacated.

Commissioner Gatseos asked Mr. Harris about the grade of Cannell Ave. Mr. Harris stated that he is a drainage engineer and explained that everything drains south. Mr. Harris stated that in 2015, they had requested that CMU create a drainage plan as these vacations were being sought. He stated that without a detention/retention plan, all the water will drain onto North Ave.

### **Commissioner Questions for Staff**

Commissioner Rusche asked what the protocol is for removing street signs once the vacation is recorded. Ms. Portner, noted that the signs are still helpful as there are still portions of Cannell that are not yet vacated. Ms. Portner recommended that the signs are not removed until all the vacations on the street are completed and the street is no longer used as a street.

Vice-Chairman Wade asked if there has been any issue of drainage coming onto City property as a result of the previous vacations. Ms. Portner stated that she is not aware of any drainage issues have happened as a result of the vacations.

Ms. Portner explained that drainage can change when the property is modified. Ms. Portner noted that when buildings are built they need to deal with the resulting runoff. Ms. Portner stated that the building designs incorporate grassy areas and open space so there is often less impervious surface as a result of the development.

### **Commissioner Discussion**

Commissioner Ehlers stated that as he looks at the criteria, it appears all the criteria has been met and he agrees with the staff recommendation.

Vice-Chairman Wade commented that he speaks for the Planning Commission when he states that he appreciates the fact that the communication between CMU, the Planning Commission and the City has gotten better over the past couple of years. Vice-Chairman Wade empathized with those who live in the area and may be reluctant to see CMU grow over the years, however it is in their Master Plan to expand and he feels they have met the review criteria for this Vacation.

Commissioner Gatseos concurred with Vice-Chairman Wade that he feels the criteria have been met and he indicated that he would vote in favor of the Vacation.

**MOTION: (Commissioner Buschhorn)** “Mister Vice-Chairman, on the request to vacate a portion of the Cannell Street right-of-way south of Orchard Avenue, VAC-2017-581, I move that the Planning Commission forward a recommendation of conditional approval with the findings of fact and conditions as listed in the staff report.”

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

### **4. 1st and W Main Street Alley Vacation**

**FILE # VAC-2017-566**

Consider a request to vacate the North/South alley Right-of-Way between 1st Street and Spruce Street, South of West Main Street.

*Action: Recommendation to City Council*

Applicant: CenterPointe Development Group - J Clint Jameson  
Location: 105 West Main Street  
Staff Presentation: Kathy Portner

Vice-Chairman Wade began by asking if the required public notice was given pursuant to the City’s noticing requirements. Ms. Portner replied that notice had been provided in accordance to the code.

### **Staff Presentation**

Ms. Portner stated that there were three exhibits entered into the record for this item.

- 1) Application dated November 17<sup>th</sup>, 2017
- 2) Staff report dated January 23, 2018

### 3) Staff presentation dated January 23, 2018

Ms. Portner began her presentation by stating that this is a request to vacate remaining alley ROW located at 105 W. Main Street. Ms. Portner's displayed a slide that depicted the site location on an aerial photo and stated that the applicant is requesting vacation of the remainder of the alleyway south of W. Main St., between Spruce St. and 1<sup>st</sup> St. in anticipation of development of the site. Previously, the west half of the southern portion of the alley had been vacated.

There are two areas as shown on the map that are included in this request, which will complete the vacation of all alleyways in this block. The only utilities located in the alley are overhead power lines owned by Xcel Energy. The applicant will grant an easement to Xcel for those lines prior to recording a plat for the consolidation of the property.

Ms. Portner stated that she will be asking for a condition of approval that granting of the easement occur prior to recording the vacation ordinance.

Ms. Portner next slide addressed the Vacation criteria and noted that the requested vacation conforms with the criteria of section 21.02.100 of the Zoning and Development Code as follows:

- *The request does not impact the Grand Valley Circulation Plan and is consistent with the Comprehensive Plan.*
- *No private parcels will be landlocked.*
- *Access will not be restricted to any privately held parcels*
- *There will be no adverse impacts on the health, safety and welfare of the community.*
- *Adequate public facilities and services will not be inhibited. An easement will be granted to Xcel Energy for the overhead utility lines prior to recordation of the plat to consolidate the properties.*
- *Maintenance requirements for the City will be reduced as a result of the ROW vacation.*

**Staff recommends approval for the request to vacate two areas of alley right-of-way within the north-south alley right-of-way of Block 7, Richard D. Mobley's First Sub-Division to the Town of Grand Junction.**

#### **Applicants Presentation**

Clint Jameson, CenterPointe Development Group stated that he agrees with the staff report and was available to answer any questions. Dan Prinster, 679 Sperber Lane, introduced himself and stated he was representing some of the land owners in the Prinster Family.

#### **Public Comment**

None



### **Commissioner Discussion**

Ms. Portner reminded the Commission that staff requests that they add the condition that the utility easement be granted prior to the recordation of the ordinance.

**MOTION: (Commissioner Rusche)** “Mister Vice-Chairman, on the request to vacate the remaining portions of alley and relinquish any public access rights to the alleyway of Block 7, Richard D. Mobley’s First Subdivision Town of Grand Junction Plat, file number VAC-2017-566, I move that the Planning Commission forward a recommendation of approval with the findings of fact as listed in the staff report and including the following condition to be met prior to recordation of the ordinance; the applicant shall grant a utility easement to Xcel Energy for the existing overhead lines.”

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

### **5. Adams Annexation Zoning**

**FILE # ANX-2017-451**

Consider a request to zone 13.3 acres from County RSF-4 (Residential Single-Family – 4 du/ac) to a City R-8 (Residential - 8 du/ac) zone district.

*Action: Recommendation to City Council*

Applicant: Paul Adams  
Location: Adjacent to B 1/4 Road, No designated address  
Staff Presentation: Scott Peterson

Vice-Chairman Wade began by asking if the required public notice was given pursuant to the City’s noticing requirements. Mr. Peterson replied that notice had been provided in accordance to the code.

### **Staff Presentation**

Mr. Peterson stated that there were three exhibits entered into the record for this item.

- 1) Application dated September 19<sup>th</sup>, 2017
- 2) Staff report dated January 23, 2018
- 3) Written public comment with the additional of an email that was received 1/22/18. The emailed letter was distributed to the Commissioners via email earlier in the day and a paper copy has been provided to Commissioners at this meeting.
- 4) Staff presentation dated January 23, 2018

Scott Peterson, Senior Planner, stated that this item is a request for a zone of annexation for a property zoned RSF-4 in the County to R-8 in the City. The applicant for this request is the property owner, Paul Adams.

Mr. Peterson displayed an aerial photo of the area with the site and City properties highlighted. The property is located just west of the Mesa County Fairgrounds, south of

Hwy. 50 and east of 27 Road in Orchard Mesa and is currently undeveloped, 13.1 acres in size.

The next slide Mr. Peterson presented was a closer aerial photo of the site and explained that the property is currently vacant, but contains an Orchard Mesa Irrigation District drainage ditch adjacent to B ¼ Road. The Applicant would like to annex and then market and sell the property for future residential subdivision development. The request for annexation will be considered separately by the City Council.

Mr. Peterson went on to explain that though there is not a pending development application, should the Applicant or future owner want to develop they would be subject to annexation as compelled by the 1998 Persigo Agreement with Mesa County. This agreement requires all future residential development that is considered annexable development be annexed zoned and reviewed by the City of Grand Junction.

The next slide displayed showed the Comprehensive Plan Future Land Use Map for the area. The current designation for the property is Residential Medium (4 – 8 du/ac). The proposed zoning of R-8 implements this Comprehensive Plan Future Land Use Map designation. The property is currently zoned RSF-4 (Residential Single Family – 4 du/acre) in the County.

Adjacent properties to the south, west and east are single-family detached homes on properties ranging in size from 0.56 to 5.45 acres which are zoned 4 dwelling units to the acre in a mixture of both City and County zoning. To the north are also single-family homes zoned RSF-4 in the County along with a commercial property (City zoned C-2) which contains Humphrey RV's sales lot.

City staff is supportive of the requested R-8 zone district as it will provide a feathering and transition zone district from the commercial zoning adjacent to Hwy 50 and the R-4 and R-2 zoned properties to the southwest.

Mr. Peterson explained that in Orchard Mesa and south of Highway 50, there is no R-8 zoning. The lack of supply for this zone type impedes the ability to provide a diverse supply of housing types; a key principle in the Comprehensive Plan. Because of this lack of supply in this part of the community, staff has found there exists an inadequate supply of suitably designated land available and therefore is supportive of the requested R-8 zone designation

Mr. Peterson noted that the next slide was taken from Google maps and shows B ¼ Road and the applicant's vacant, undeveloped 13.1-acre property. Mr. Peterson pointed out the existing Orchard Mesa Irrigation ditch in the photo.

The following slide indicated the current zoning in the area. Mr. Peterson stated that the property owner has petitioned for annexation into the City limits with a requested zoning district of R-8 which is compatible with the existing Comprehensive Plan Future Land Use Map designation of Residential Medium (4 – 8 du/ac).

Mr. Peterson explained that annexation and zoning of the property will create consistent land use jurisdiction and allows for efficient provision of municipal services, as the property is located within the Persigo 201 boundary which requires eventual annexation of all developing properties.

In addition, the proposed annexation along with the rezone also provides additional larger acreage of undeveloped land that will, when developed provide additional housing opportunities and choices to meet the needs of a growing community. The community will also derive benefits from the proposed rezone of this property as it would add more residential density to this parcel and to the area in general. This will work to support commercial uses along the Highway 50 corridor and provide additional options for different housing types in this area. This principle is supported and encouraged by the Comprehensive Plan and furthers the plan's goal of promoting infill development.

**Staff recommends approval of the request to zone the property to R-8 (Residential - 8 dwelling units/acre) zone district; the following findings of fact and conclusions have been determined:**

- The requested zone of annexation is consistent with the goals and policies of the Comprehensive Plan.
- In accordance with Section 21.02.140 (a) of the Zoning & Development Code, application meets one or more of the rezone criteria.
- In accordance with Section 21.02.160 (f) of the Zoning & Development Code, application is consistent with the adopted Comprehensive Plan.

Mr. Peterson added that a neighborhood meeting was held August, 2017 and four neighbors attended along with the Applicant and Mr. Peterson. Area residents voiced concern regarding the anticipated subdivision and development of the property and for the potential increase in density. The City has received three emails from citizens who are not in favor of the proposed zoning because of the increase in density and they were included in the staff report.

**Questions for Applicant**

Commissioner Rusche asked Mr. Adams if this was the only property that he owned in the area. Mr. Adams responded that he also owns the property that is immediately to the west. Commissioner Rusche inquired if there was a reason that he did not include that property in the annexation request. Mr. Adams stated that he probably should have included it, but didn't. Commissioner Rusche asked Mr. Adams if he lives on the other property. Mr. Adams replied that he did.

Commissioner Deppe asked Mr. Adams what was the size of the parcel that he lives on. Mr. Adams responded that he lives on two acres.

### **Public Comment**

Tony Bates stated that he owns the two parcels due south of the site, up on a hillside that overlooks the property. Mr. Bates stated that all the surrounding properties were zoned R-4 and does not feel R-8 is appropriate in this rural area. Mr. Bates feels that his properties will lose value with any development, but with R-8, his property will lose value while Mr. Adams makes more money.

### **Questions for Staff**

Commissioner Ehlers noted a point that Commissioner Rusche had brought up that he was unaware of, and asked if there is a code regulation that if two contiguous properties are owned by the same person, that they be annexed in at the same time.

Ms. Beard, (Assistant City Attorney) stated that it is recommended that all properties that are owned by the same person be annexed at the same time. Ms. Beard stated that she would have to check the code, but there is some language that one could argue that says that it is required, but she does not have that section in front of her.

Commissioner Rusche added that there is a "letter of exclusion" that can be put forth by an owner of several properties that requests that certain properties be annexed and others not. Commissioner Rusche noted that the issue with this property seems to be the density of the proposed property. Commissioner Rusche stated that the proposed property has frontage onto B ¼ Rd. and the hillside properties to the south, although adjacent, have a different orientation therefore the properties aren't connected to each other. In addition, Commissioner Rusche noted that the property is not exactly "in the middle" of R-4 zoned properties as the Fairgrounds are to the east and there is Commercial properties to the north.

Commissioner Rusche asked if Gigax Lane, labeled on the map, is actually a private drive. Mr. Peterson replied that it was a private flag-lot that serves that property. Commissioner Rusche wanted to make note of that some of the people who wrote letters reside on that lane and wanted to clarify the it is not actually a street but a private access road they use.

After research, Ms. Beard clarified for Commissioner Ehlers that what they usually have relied on was the development definition that basically says that if someone owns more than one property that is contiguous and/or abutting, they should be annexed together as one development. Vice-Chair Wade asked if Ms. Beard advises that the Commission recommend to Mr. Adams that they continue this item and have Mr. Adams apply for both properties to be annexed. Ms. Beard stated that it appears that the Community Development Department has treated this differently because Mr. Adams lives on the other property and does not intend to develop it at this time.

Mr. Peterson stated that he had met with Mr. Adams several years ago and at that time he could not require that both properties be annexed because Mr. Adams did not intend to develop the two acres he lived on. The 13-acre parcel that he is annexing is large

enough for a subdivision and Mr. Adams intends to sell the property and have someone else develop it.

Commissioner Ehlers clarified that it was not his intent, by asking a question about contiguous parcels, to add to the bureaucracy by having Mr. Adams go through another process. Commissioner Ehlers stated that he is confident that the criteria have been met and is comfortable with the explanation that Mr. Peterson gave as to how this came to be and does not feel that the requirement applies in this scenario.

Commissioner Rusche stated that he just discovered that the applicant owns both properties during the meeting. Commissioner Rusche stated that the intent of the requirement was so that properties that were being annexed are not piecemealed, as in the case of Orchard Mesa. Commissioner Rusche pointed out that the neighbors are currently looking at a field and are unsure about how it will be developed. The zoning that the parcel is given will dictate how that area develops. Commissioner Rusche stated that the R-8 zoning is one of the more flexible zones and allows for a wide variety of housing types. Commissioner Rusche noted that the property is not really in the middle of R-4 but on the edge, with Commercial to the north and stated that he would be in favor of the R-8 zoning.

Vice-Chair Wade stated that the Commission is restricted to looking at the criteria for this change in zoning. Vice-Chair Wade empathized with neighbors, adding that most neighbors will assume that the site will be developed at the maximum density that is allowed. Vice-Chair Wade added that there is no development plan in place at this time and the request fits the criteria, so therefore he is in favor of the request.

Commissioner Deppe stated that she too empathizes with the neighbors and she is personally in that same situation where she lives. Commissioner Deppe stated that it appears the criteria has been met, and that is how she will base her decision.

**MOTION:** (Commissioner Rushe) "Mister Vice-Chairman, on the Adams Zone of Annexation, ANX-2017-451, I move that the Planning Commission forward to the City Council a recommendation of approval of the Zone of Annexation from a County RSF-4 zone district to a City R-8 zone district with the findings of facts and conclusions listed in the staff report."

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

## **6. Patterson Pines Rezone**

**FILE # RZN-2017-553**

Consider a request to rezone 3.99 acres from R-4 (Residential - 4 du/ac) to R-8 (Residential - 8 du/ac) for the property located at 2920 E 7/8 Road.

*Action: Recommendation to City Council*

Applicant: James Cagle  
Location: 2920 E 7/8 Road  
Staff Presentation: Scott Peterson

Mr. Peterson stated that notice had been provided in accordance to the code.

### **Staff Presentation**

Mr. Peterson stated that there were four exhibits entered into the record for this item.

- 1) Application dated November 7th, 2017
- 2) Staff report dated January 23, 2018
- 3) Written public comment
- 4) Staff presentation dated January 23, 2018

Mr. Peterson began by stating that this request is to rezone a property from R-4 to R-8. The applicant for this request is the property owner, Jim Cagle.

Mr. Peterson showed a PowerPoint slide of the Site Location Map and explained that the vacant, undeveloped, property is located at 2920 E 7/8 Road, south of Patterson Road and east of 29 Road and is 3.99 acres in size. Directly to the northwest of the property is the Safeway commercial center along Patterson Road.

Mr. Peterson's next slide was an aerial photo of the site. The purpose of the request is to rezone the property to a higher density in anticipation of future single-family residential subdivision development. This property is proposed to be developed in conjunction with an existing vacant property to the south (4.39 +/- acres) located at 2921 E 7/8 Road which is presently zoned R-8 and is also owned by the applicant. The property owner is requesting the rezone prior to formal submittal of the subdivision application in order to determine overall density and lot layout.

The next slide presented showed the Comprehensive Plan Future Land Use Map. Current designation for the property is Residential Medium (4 – 8 du/ac) and the proposed zoning of R-8 implements this Comprehensive Plan Future Land Use Map designation.

Mr. Peterson presented a map indicating the current zoning in the area. Adjacent properties to the east, north and west are single-family detached and are zoned R-4 and R-5 along with a commercial designation of Planned Development – Commercial for the existing Safeway grocery store and commercial center located along Patterson Road.

Mr. Peterson stated that to the south is vacant property owned by the Applicant and is currently zoned R-8. Further to the east is a PD zone district that has a residential density of 3.13 dwelling units to the acre (New Beginnings Subdivision). Existing County Zoning to the south is also at 8 dwelling units to the acre.

Mr. Peterson explained that in looking further at the review criteria for a rezone, adequate public and community facilities and services are available to the property and

are sufficient to serve residential land uses associated with the R-8 zone district. Also, zoning within approximately ½ mile of this area south of Patterson and east of 29 Road is predominately zoned R-5 or Planned Development with density of 3.13 du/ac.

Mr. Peterson added that the area, and community in general, would derive benefits from the proposed rezone of this property as it would add more residential density to this parcel and provide the community with more housing choices. This principle is supported and encouraged by the Comprehensive Plan and furthers the goal of promoting infill development.

Mr. Peterson's next slide was a photo taken from Google maps and shows the view of the vacant, undeveloped property from Wellington Avenue. The following slide, also taken from Google maps, showed an aerial view of the property from Redwing Lane.

**Staff recommends approval of the proposed rezone based on the following findings:**

1. The requested rezone is consistent with the goals and policies of the Comprehensive Plan.
2. In accordance with Section 21.02.140 of the Zoning and Development Code, the application meets one or more of the rezone criteria.

Mr. Peterson noted that a Neighborhood Meeting was held on November 6, 2017 consistent with the requirements of Section 21.02.080 (e) of the Zoning and Development Code. Nine citizens attended the meeting along with the applicant, applicant's representative and City Staff. The Applicant's representative discussed the proposed rezoning request and anticipated subdivision development and provided some additional background information and history.

Mr. Peterson stated that area residents did voice concern regarding the anticipated subdivision development of the property and the potential for an increase in traffic, residential density in the area and interconnectivity with existing streets. To date, the City has received one email from the public concerning the proposed subdivision development that has been included in the staff report for review.

**Questions for Staff**

Noting that it seemed familiar, Commissioner Buschhorn asked if this proposal had come before the Planning Commission previously. Mr. Peterson replied that approximately two years ago the property to the south was rezoned to R-8.

**Applicants Presentation**

Ted Ciavonne, with Ciavonne, Roberts and Associates, LLC stated he was the applicant's representative. Mr. Ciavonne added that he commends Mr. Peterson on his report. Mr. Ciavonne stated that although it is true that this property and the property to the south will be developed together as single family, the property to the south originally was rezoned with multifamily development in mind.

Mr. Ciavonne pointed out that although neighbors expressed concern about increased traffic, they also expressed relief that the property to the south would be developed as single family and not multifamily. Mr. Ciavonne went on to say that the rezone request is not so much for density, as it is for product type on both parcels. The product cannot be achieved under an R-4 or R-5 zoning.

**Public Comment**

None

**Commissioner Discussion**

Commissioner Rusche noted that this request illustrates what could have happened with the previous request. Commissioner Rusche stated that both of these properties were annexed at different times with different ideas. Both properties were annexed with lower density zoning most likely to overcome neighborhood opposition. Commissioner Rusche speculated that the owner and his consultants were gradually able to win over neighborhood opposition by showing what change could look like. Although it has been done piecemeal, it appears that there will be a unified, consistent type of development that does fit with the Comprehensive Plan and fits with the adjacent zoning although it is not the same as the adjacent zoning. Commissioner Rusche stated that he supports the request.

**MOTION: (Commissioner Deppe)** “Mister Vice-Chairman, on the Patterson Pines Rezone application, RZN-2017-553, I move that the Planning Commission forward to the City Council a recommendation of approval from R-4 to the R-8 zone district with the findings of facts as listed in the staff report.”

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

**Other Business**

None

**Adjournment**

The meeting was adjourned at 7:22