

GRAND JUNCTION PLANNING COMMISSION
April 24, 2018 MINUTES
6:04 p.m. to 8:58 p.m.

The meeting of the Planning Commission was called to order at 6:04 p.m. by Chairman Reece. The hearing was held in the City Hall Auditorium located at 250 N. 5th Street, Grand Junction, Colorado.

In attendance representing the City Planning Commission were; Christian Reece, Bill Wade, Jon Buschhorn, Kathy Deppe, George Gatseos, Brian Rusche, and Andrew Teske.

In attendance, representing the Community Development Department–Kathy Portner (Community Development Manager), Kristen Ashbeck (Senior Planner), Dave Thornton, Principal Planner.

Also present was John Shaver (City Attorney).

Lydia Reynolds was present to record the minutes.

There were 60 citizens in attendance during the hearing.

*** * * CONSENT CALEDAR * * ***

1. Minutes of Previous Meetings

There are no previous minutes to approve with this agenda.

Chairman Reece explained the purpose of the meeting and noted that there will be a written and video recording of the meeting. The order of the meeting will be 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.
- 6) The public comment section of the hearing may be closed after all public comment has been received.
- 7) The applicant will be given the opportunity to respond or give a rebuttal.
- 8) Staff may respond to any statement made by applicant, public or Planning Commission.
- 9) The Chair will close the public hearing and no further evidence will be accepted.

- 10) The evidentiary portion may be reopened only by a majority vote of the Planning Commission.
- 11) After the closure of the public hearing the Planning Commission will begin its deliberation which will end with a passage of a motion.

*** * * INDIVIDUAL CONSIDERATION * * ***

2. Freddy's Utility Easement Vacation FILE # VAC-2018-59

Consider a request to vacate a public utility easement.

Action: *Recommendation to City Council*

Applicant: N3 Real Estate - Mark Huonder

Location: 2489 HWY 6 AND 50

Staff Presentation: Kristen Ashbeck

Chairman Reece asked if the applicant was present. Kristen Ashbeck (Senior Planner) stated that the applicant was out of state and could not be present. Chairman Reece asked if there was required public notice given for the item. Ms. Ashbeck responded that notice was provided in accordance with the Zoning and Development Code.

Staff Presentation

Kristen Ashbeck (Senior Planner) stated that there were three exhibits entered into the record for this item.

- 1) Application provided by applicant
- 2) Staff report dated April 24th 2018
- 3) Staff presentation dated April 24, 2018

Ms. Ashbeck began her presentation by stating that this is a request to vacate a public utility easement located on the property at 2489 Highway 6 and 50. Ms. Ashbeck displayed an aerial photo of the site as it was before the construction of Freddy's Frozen Custard and Steakburgers that was completed in early 2017.

Ms. Ashbeck displayed an improvement survey and pointed out that a utilities easement that runs east-west across the site originally protected various dry utilities. Prior to construction of the building, all utilities were relocated elsewhere on the site so the east-west easement was no longer needed but it was not formally vacated at that time. The easement must be vacated in order for the owner to clear the property of the encumbrance and be able to perform a number of real estate activities, including the sale or refinance of the property.

Ms. Ashbeck's next slide was a detailed sketch of the easements and she explained that there is another easement that appears on the attached drawings that is perpendicular to the easement that is requested to be vacated and is also partially under the building. This easement was deeded specifically to Xcel and has been

extinguished via quit claim deed from Xcel to the current property owner. Thus, it is no longer an encumbrance to the property.

Ms. Ashbeck stated that the application was reviewed by all potentially-affected utilities and the only comment was from Ute Water. There is an additional easement on the west end of the utility easement that is requested to be vacated. This additional easement is specifically deeded to Ute Water. While the Ute Water easement slightly overlaps the utility easement, the requested vacation will not impact the Ute Water easement.

Ms. Ashbeck displayed a slide of the Vacation Criteria and explained that it was addressed in detail in the staff report. Regarding the criteria, Ms. Ashbeck stated that the requested vacation conforms with section 21.02.100 of the Zoning and Development Code in that:

- *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 existing Ute Water easement on the west end of the utility easement to be vacated will not be impacted.*
- *Vacation of this easement will provide benefit to the City by removing an encumbrance and allowing it to remain a viable commercially-developed property.*

Staff recommends approval of the request for Freddy's Easement Vacation finding that:

After reviewing VAC-2018-59, a request to vacate a utility easement on the property located at 2489 Highway 6 & 50, Staff finds that the proposal conforms with Section 21.02.100 (c) of the Grand Junction Zoning and Development Code.

Public Comment

Charles Michael Elliot asked how the building was built if there was an easement across it.

Questions for Staff

Commissioner Wade asked if he was correct in assuming that once they relocated the utilities, they did not find it necessary to vacate the easement at the time construction took place.

Ms. Ashbeck replied that she had spoken with the planner who initially reviewed the project and was told that this easement was never represented that it existed on the site plans that were reviewed. Ms. Ashbeck confirmed that the utilities were indeed

relocated. Chairman Reece asked if this was just a clean-up item. Ms. Ashbeck indicated that it was.

MOTION: (Commissioner Gatseos) “Madam Chairman, on the request to vacate a utility easement located on the property at 2489 Highway 6 & 50, file number VAC-2018-59, I move that the Planning Commission forward a recommendation of approval with the findings of fact listed in the staff report.”

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

3. Darla Jean Walkway Vacation

FILE # VAC-2018-44

Consider a request to vacate a platted Walkway located in the Darla Jean Subdivision.

Action: Recommendation to City Council

Applicant: Raquel Mollenkamp

Location: Darla Jean

Staff Presentation: Kristen Ashbeck

Chairman Reece asked if the applicant was present. Kristen Ashbeck (Senior Planner) stated that the applicant was present. Chairman Reece asked if there was required public notice given for the item. Ms. Ashbeck responded that notice was provided in accordance with the Zoning and Development Code.

Staff Presentation

Kristen Ashbeck (Senior Planner) stated that there were five exhibits entered into the record for this item.

- 1) Application provided by applicant
- 2) Staff report dated April 24th, 2018
- 3) Correspondence from citizens
- 4) A petition received
- 5) Staff presentation dated April 24, 2018

Chairman Reece asked if there were any other exhibits to add. Ms. Ashbeck stated there was one more that was received today:

- 6) An email from Mesa County Assessor, Ken Brownlee, to John Shaver, City Attorney dated today, April 24th, 2018.

Chairman Reece asked the Planning Commissioners if there was interest in accepting the new exhibit into the record. Commissioner Wade requested that the Commissioners take a few moments to look over the exhibit, and perhaps have some discussion among the Commissioners before entering it into the record. Chairman Reece stated that they

will break for five minutes to consider the new exhibit. A short break was taken to read the exhibit.

After the break, Mr. Shaver stated he had some extra copies if the Commission wanted to make them available to the public. Mr. Shaver explained that he would like to characterize what Exhibit 6 is, and why the Commission may want to entertain either postponing the hearing or after further discussion, continuing with the hearing.

Mr. Shaver explained that Ms. Ashbeck had come to him about 4:30 pm after she had met with some of the County Assessor's staff regarding the Darla Jean vacation application, specifically in response to something in the Daily Sentinel. Ms. Ashbeck had mentioned that the property did not actually have an owner, either by dedication or some other conveyance of the walkway track to an owner. Mr. Shaver stated that they then contacted the Assessor's office to better understand their concerns.

Mr. Shaver explained the Exhibit 6 is an email response from the Ken Brownlee of the County Assessor's Office. Mr. Shaver added that the email states that there is in fact, an owner for the track, therefore it is taxable. The email states that in the coming days, they plan to assign it a parcel number and begin to tax the property.

Mr. Shaver explained to the Commissioners that the City application before them is for the vacation and the ownership is not in question. The application before them is for the vacation of the rights of the use of the property. Mr. Shaver explained the City is not disclaiming any ownership of the property, however the applicants may have an expectation, if the Vacation is approved by City Council, that they would vest some ownership interest of that tract. Mr. Shaver stated that if the position of the Assessor's Office is that that if there is an ownership interest that is outstanding, the Vacation may be kind of a hollow consideration if the applicants are truly looking to own the property. If the applicants are looking to have the rights of use, which the City Vacation process would extinguish, it doesn't convey the ownership. Because of the question of ownership, it may be proper for the Commission to entertain continuing the item. Mr. Shaver stated that it was his opinion that they have authority to continue if they so choose, based upon the narrow question of extinguishing the rights of the public use.

Ms. Ashbeck added that the Assessor's Office, after reading the article in the paper, researched the tract. Ms. Ashbeck added that currently a tract like that is dedicated on the plat, usually to a Homeowners Association or the City, and there would also be a deed recorded specifically describing the tract. In their research, they did not find evidence of a Homeowners Association, however they found covenants and restrictions that had been recorded but did not reference the walkway. Ms. Ashbeck reported that the Assessors conclusion and opinion was that the ownership, since it never transferred, should go back to the original developer.

Mr. Shaver explained that the subdivision was originally platted in 1975 in the County's jurisdiction and annexed into the City in 1994, therefore it has been a long-standing question. Mr. Shaver stated that it is important to resolve the underlying ownership,

however one of the problems is that with the passage of time, the original corporate owner, SEGO, is now a defunct corporation according to the records from the Secretary of State website. In addition, there is reason to believe that the two original owners are deceased now. Mr. Shaver added that the ownership question will not likely be answered anytime soon.

Commissioner Rusche asked who can petition to vacate the use rights since the owners are not a party to the application. Mr. Shaver responded that usually when the City entertains Vacations like this the ownership is clear, such as with streets or public rights-of-way where there will have been some type of conveyance of ownership with a recorded instrument. In this case, since there is none and the nature of the application is for the extinguishment of use rights, probably anyone could apply. Mr. Shaver stated that in this application, there are the four neighbors that have the expectation that if this is approved by Council, the land would go to them and they could fence it and use it as their property.

Commissioner Wade asked if the issue of the ownership (being undecided), was not determined for some time, would that impede the applicants from doing anything with the property even if the right-of-way was vacated. Mr. Shaver stated that he was correct, that the ownership would have to be resolved and that this process is a little out of sequence.

Commissioner Gatseos noted that there was an irrigation easement on the property and asked how the question of ownership would affect that easement. Mr. Shaver explained that those are private easements, so the City would only be vacating what has incidents of public use such as walking, access to and from streets and undersurface rights would not be affected. Ms. Ashbeck added that there are no additional easements, however, there is a utility line but it does not have an easement or dedication.

Commissioner Teske asked if it is the City's position is that there are public use rights in this area. Mr. Shaver answered that the City's position is by virtue of the failed dedication, there has to be some incidence of ownership. Therefore, in the absence of dedication, it is public.

Commissioner Buschhorn asked if they vacate the use access, but don't know who the owner is, who has the ability to prevent access. Mr. Shaver stated that it would likely be on a complaint basis, such as trespass.

Chairman Reece asked if the Planning Commission chose to continue the item, would they want to do that before they open the hearing to public comment or after they have heard from the applicant. Mr. Shaver suggested that if they continue the item, they would want to do that without testimony, however, they may want to hear from the applicants since they have invested time and money in bringing the application forward. Chairman Reece asked if they would hear from the applicants after staff presentation. Mr. Shaver suggested that the presentation would not be necessary at this point, but focus on one narrow question of what the applicants intend and whether or not if they

have questions about this specific procedural issue prior to engaging in any receipt of evidence or discussion of the application itself.

Applicants Response

George Freeman asked if the applicants could have a few minutes to look over the new Exhibit and discuss among themselves. Chairman Reece called for a five-minute recess.

Raquel Mollenkamp stated that the reason the applicants are bringing this before the Commission is accountability. There has been damage due to drainage and loitering on this walkway. Chairman Reece asked that the comments be limited to the ownership issue to determine if a continuance would be practical. Ms. Mollenkamp stated that they want to know who takes care of this property regarding the issues they are having.

Mr. Freeman asked about adverse possession. He stated that the neighbors have all been there many years and would qualify for adverse possession.

Brian Porter reiterated that they would like someone to spray for weeds, take care of issues they are having and if the owners are deceased, then they would like the City to look into adverse possession for the walkway.

Questions for Staff

Commissioner Wade asked Mr. Shaver what process would have to take place to determine if there is an owner. Mr. Shaver stated that it is not uncommon that this situation exists and there are many means available to research such as a lineage sites, birth and death records that may lead to an heir. The City has not done that because they do not claim ownership. Mr. Shaver stated that Mr. Brownlee's staff will need to research the ownership to see who will get the tax bill. The corporation is defunct and typically once they go, there are no successors, unless it's a stock corporation. Mr. Shaver did not believe that was the case here and most likely it was a closely held corporation that didn't issue stock other than to its individual stockholders.

Mr. Shaver explained that once the tax bill is sent, the recipients will have to decide if they will pay the taxes and/or claim ownership of the property. The recipients of the bill may choose not to pay and it could become a tax-sale parcel. The sale would create a clearer ownership but may take years to get to that point.

Chairman Reece asked if the lack of payment of taxes would trigger an investigation by City staff to see if they wanted to keep the property. Mr. Shaver stated that the City staff would not likely be involved any further as the application is specific to the vacation unless the City Council or City Manager requested that they further invest time and effort to this matter.

Mr. Shaver added that according to the Assessor's Office, this property has not been taxed before and it will be assigned a tax parcel number and a bill will be sent as soon as it is determined who to send the bill to. Mr. Shaver cautioned that that is just the

beginning of a longer process if the owners don't pay as there are no unpaid taxes at this point.

Chairman Reece asked if the City was to Vacate the use of the right-of-way, the question of who is responsible for the issues the neighbors are having would still be unresolved. Mr. Shaver explained that it would be neighbors who would likely call the City and the Parks Department and/or City Manager would need to evaluate and determine whether or not the City will have to be involved in any of the maintenance activities pending the resolution of the ownership. Mr. Shaver added that because it is, and has been, historically used as a public access there is a possibility that the City may become involved. Likewise, now that there is an open question as to who owns it, and whether or not there should be private accountability, the City may not choose to exercise those rights. Mr. Shaver stated that the City will have to do some research as to the practical side of this as well as the Assessor's Office doing research regarding the ownership side.

Commissioner Rusche asked what the City's involvement would be going forward if the Application is continued. Mr. Shaver responded that the Vacation request will either be continued or decided. If it is continued, then the applicants will have opportunity to provide input to the City relative to their concerns. Mr. Shaver stated that although he cannot commit to the outcome, the City is willing to listen and help when appropriate.

Commissioner Discussion

Commissioner Wade agreed with the need for accountability of a property, however he thinks they should continue the application until after they find out more about the ownership of the property.

Commissioner Gatseos agreed with Commissioner Wade and added that maintenance and the question of access to the water utility needed to be considered. Commissioner Gatseos stated that he would not want to vote without more information. Commissioner Deppe and Buschhorn agreed with the other Commissioners.

Commissioner Wade asked if it is advisable to put a time on the continuation. Mr. Shaver suggested that it would be reasonable to set a review date, such as 90 or 120 days.

MOTION: (Commissioner Wade) "Madam Chairman, on the request to vacate a walkway tract within the Darla Jean Subdivision, file number VAC-2018-44, I move that the Planning Commission defer action on this item and continue it for a period of 120 days until the issue of ownership can be more completely resolved."

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

4. Tallman Zone of Annexation

FILE #

ANX-2018-90

Consider a request to zone 5.20 acres of the proposed Tallman Annexation including 3.79 acres from County RSF-4 (Residential-Single Family - 4 units per acre) to a City C-2 (Heavy Commercial) zone district and 1.41 acres from County RSF-4 (Residential-Single Family - 4 units per acre) to a City R-8 (Residential 8 du/ac)

Action: Recommendation to City Council

Applicant: Joyce Luster

Location: 2734 B 1/4 RD

Staff Presentation: Dave Thornton

Chairman Reece asked the applicant to identify themselves and their team.

Mark Austin, Austin Civil Group, stated they he was representing the applicant Joyce Luster.

Chairman Reece asked if there was required public notice given for the item. Dave Thornton (Principal Planner) responded that notice was provided in accordance with the Zoning and Development Code.

Staff Presentation

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

- 1) Application submitted by applicant, February 5, 2018
- 2) Staff report dated April 24th, 2018
- 3) Staff presentation dated April 24, 2018

Mr. Thornton began his presentation by noting that the Tallman Annexation is running concurrently through the process with the City Council. Mr. Thornton explained that the Planning Commission does not review the annexation but they make a recommendation for the zoning of an annexation.

Mr. Thornton displayed a PowerPoint slide of the area highlighted on an aerial photo and explained that the property consists of 5.197 acres and is bounded by B ¼ Road on the south, and US Hwy 50 Frontage Road on the north. The property is located at 2734 B ¼ Road and 2723 Hwy 50 across the highway from the City Market Shopping area on Orchard Mesa. Mr. Thornton stated that it forms an enclave area that will be considered for annexation within 5 years. The applicant has requested annexation in anticipation of future development of the property. The adjacent properties to the south and west are already within the city limits.

Mr. Thornton displayed a closer slide of the property consists of 5.197 acres and is bounded by B ¼ Road on the south, and US Hwy 50 Frontage Road on the north. Mr. Thornton pointed out that the photos are a little dated as there is now a duplex on the

property located at 2723 Highway 50. In addition, on the property located at 2734 B ¼ there are 6 residential units.

The next slide displayed was the area with the Future Land Use map depicted. The future land use designation on the south half of the property is Residential Medium, which would allow for 4 to 8 dwelling units per acre with a mix of housing types, both single family and multi-family, and open space. The future land use designation on the north half of the property is Commercial which allows the Residential Office, Neighborhood Business, Light Commercial, Heavy Commercial and Mixed Use zone districts.

Mr. Thornton explained the properties are currently zoned RSF-4 in Mesa County. Properties to the north are in the City across the highway 50 corridor and are zoned C-1 and R-8. Properties to the west have a City zone of Planned Development (Western Hill Mobile Home Park) and County zoning of RSF-4 (Res. Single family, 4/acre). The property to the south was recently annexed and zoned R-8 in the City. Property to the west is part of the enclaved area and is zoned C-2 and RSF-4 in Mesa County.

Mr. Thornton noted that the applicant is proposing a R-8 zoning for the 1.41 acres at 2734 B ¼ Rd property and C-2 zoning for the 3.79 acres at 2723 Hwy 50. Mr. Thornton added that a Commercial zoning is appropriate in that there is an existing RV storage lot which would require a C-2 zoning to be conforming.

The next slide showed the photos of the property from the B ¼ Road street frontage. One photo shows the five existing residential buildings that include 4 single family detached dwelling units and one duplex for a total of 6 residential units.

The following slide showed photos of the property from US Highway 50 frontage Road frontage. One of the photos shows the existing duplex with vacant commercial property behind the fence. Further to the south and east is an existing RV Storage lot that is part of this L-shaped property.

Mr. Thornton displayed a slide of the rezone criteria as follows:

Pursuant to Section 21.02.140 of the Zoning and Development Code, rezoning must be consistent with the Comprehensive Plan and meet one or more of the following criteria:

1. *Subsequent events have invalidated the original premises and findings;*
2. *The character and/or condition of the area has changed such that the amendment is consistent with the Plan;*
3. *Public and community facilities are adequate to serve the type and scope of land use proposed;*
4. *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or*
5. *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

Mr. Thornton stated that staff believes criterion 1,3,4 and 5 have been met.

Staff recommends approval of the request for the zoning of the Tallman Annexation finding that:

After reviewing the Zoning of the Tallman Annexation, ANX-2018-90, a request to zone the 5.197-acre annexation to the R-8 zone district (1.41 acres) and C-2 zone district (3.78 acres), the following findings of fact have been made:

- *The requested zone is consistent with the goals and policies of the Comprehensive Plan.*
- *More than one of the applicable review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.*
- *The applicable review criteria in Section 21.02.160(f) of the Grand Junction Municipal Code have been met.*

Questions for Staff

Commissioner Gatseos asked if an enclave automatically triggers annexation by City Council. Mr. Shaver replied that the statutory provision is that within three years of the creation of the enclave, it may be annexed to the City. However, by virtue of the Intergovernmental Agreement between Mesa County and the City of Grand Junction, the Persigo Agreement of 1998, the local jurisdictions have extended that to five years. In that interim time, the City will evaluate the proper time to bring that enclave into the City. Once that is determined, those property owners will be notified of the enclave and will be given opportunity to engage in any kind of review of their uses and determine the compatibility and suitability of their zoning. Typically, uses are grandfathered in unless they are illegal.

Commissioner Gatseos asked if the homeowners in that enclave are aware of the potential of being enclaved. Mr. Thornton stated that the property owners have been notified.

Noting Mr. Thornton's comment that there was an inadequate supply of this zoning in the City, Commissioner Buschhorn asked how that is determined. Mr. Thornton stated that it is subjective. Mr. Thornton added that much of the R-8 land is already developed. Commissioner Buschhorn inquired if there was a percentage goal. Mr. Thornton explained that the projected population growth is a factor that goes into how much housing will be needed in the future. Mr. Thornton added that the existing housing on the property as well as the abutting C-2, is reason to determine that R-8 would make the most sense.

Chairman Reece asked if the duplex on the property to be zoned C-2 would be non-conforming as a result of this zone district. Mr. Thornton stated that the duplex would become legal non-conforming, however the larger use is RV storage and the applicant hopes to expand the RV storage and use the duplex as an office/resident manager type use.

Applicants Presentation

Mark Austin, 123 N. 7th St. STE 30, stated that staff did a great job in the presentation and that he was available for questions. Commissioner Rusche asked if the applicant owns any adjacent properties and if so, why are they not being included. Mr. Austin explained that the applicant is not in a position to annex the properties at this time. Commissioner Rusche noted that a couple of the properties will eventually be annexed as they will be in the enclave.

Public Comment

Leslie Karschnik, 2715 B ¼ Rd. stated that he is not aware of what the applicant wants to do with the properties. Mr. Karschnik added that there have been multiple changes in the property lines over the past two or three years. Mr. Karschnik doesn't understand why the applicant is making more lots out of the properties she owns and would like to understand what the objective is. Mr. Karschnik asked for clarification of what Medium Residential density on the Land Use Map means. Mr. Karschnik is aware that this meeting is not addressing what he sees as future development.

Susan Clark, 2714 B ¼ Rd stated that she also lives in the area. Ms. Clark stated that she does not want to be annexed into the City. She likes her neighborhood and wants it to stay the same. Ms. Clark also expressed concerns that she does not know what future development will happen.

Applicants Rebuttal

Mr. Austin explained that this annexation has been a long process over the past three years. There were gap issues involved and it took some boundary line adjustments to clean them up.

Questions for Staff

Commissioner Wade asked what happens if the enclaved property owners do not annex in the five-year timeline. Mr. Shaver clarified that the five-year mark is the maximum time allowed, however it can occur any time in that period. Mr. Thornton added that historically the enclaves are annexed closer to five years than three.

Chairman Reece asked if Ms. Clark's property would be located in the enclave. Mr. Thornton confirmed that her property is not in the enclave that will be created if this annexation is approved.

Commissioner Rusche added that Mr. Karschnik's property is not in the enclave area as well. Commissioner Rusche asked Mr. Thornton to explain the Medium Residential designation for Mr. Karschnik. Mr. Thornton explained that the range of density would allow for densities of 4 du/ac to 8 du/ac.

Commissioners Discussion

Commissioner Rusche stated that the application meets one or more of the criteria and while creating one non-conformity it cleans up two non-conformities. Commissioner

Rusche added that he will be voting in favor of this application.

MOTION: (Commissioner Rusche) “Madam Chairman, on the Tallman Annexation Zoning application, ANX-2018-90, I move that the Planning Commission forward to the City Council a recommendation of approval of the R-8 and C-2 zone districts with the findings of facts as listed in the staff report.”

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

5. York Zone of Annexation

FILE #

ANX-2018-110

Consider a request to zone 5.93 acres of the proposed York Annexation from County RSF-R (Residential-Rural) to a City I-1 (Light Industrial) zone district.

Action: Recommendation to City Council

Applicant: Dale & Cindy York

Location: 2122 H RD

Staff Presentation: Kathy Portner

Chairman Reece asked if there was required public notice given for the item. Kathy Portner (Community Development Manager) responded that notice was provided in accordance with the Zoning and Development Code.

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

- 1) York Annexation Information submitted by the Applicant
- 2) Staff report dated April 24th, 2018
- 3) H Road North West Area Plan Memo
- 4) Power Point Presentation dated April 24th, 2018

Staff Presentation

Ms. Portner began her presentation with a PowerPoint slide of the site location map and pointed out that the 5.9-acre property is located at 2122 H Road. The property is currently being used as a large lot single-family residence. The owners have requested annexation in anticipation of future development of the property for outdoor storage.

The next slide presented showed the Future Land Use Map. Ms. Portner explained that the future land use designation for this property, as well as the surrounding properties is Commercial/Industrial, which would allow for heavy commercial, offices and light industrial uses with outdoor storage.

The following slide showed the existing zoning and Ms. Portner stated that the property, as well as the properties to the east and west have a County zoning of RSF-R (Res. Single family, rural) and the properties to the south have a County zoning of RSF-R and C-2. All of the surrounding properties that are inside the City limits are zoned I-1. The

applicant is requesting the I-1 zone district, consistent with the Future Land Use designation of Commercial/Industrial.

The next slide was a photo showing the property looking north from H Road. The single family residence will remain and the proposed outdoor storage will be in the rear of the property.

Ms. Portner presented a slide of the rezone criteria and explained that pursuant to Section 21.02.140 of the Zoning and Development Code, rezoning must be consistent with the Comprehensive Plan and meet one or more of the following criteria:

1. *Subsequent events have invalidated the original premises and findings;*
2. *The character and/or condition of the area has changed such that the amendment is consistent with the Plan;*
3. *Public and community facilities are adequate to serve the type and scope of land use proposed;*
4. *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or*
5. *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

Ms. Portner pointed out how this proposal meets the criteria:

- 1) *that the future land use map adopted in 2010 has invalidated the County zoning of RSF-R.*
- 2) *The character of the area has changed as the surrounding properties have developed in a manner consistent with the commercial/industrial designation.*
- 3) *There is an inadequate supply of I-1 zoning in the area consistent with the Future Land Use designation of Commercial/Industrial.*
- 4) *The area and community will derive benefits from the proposed zoning as it would provide additional property to accommodate the needed commercial/industrial development for the community.*

In addition, the request to zone the property I-1 is consistent with the Comprehensive Plan

Staff recommends approval of the request for the zoning of the York Annexation finding that:

After reviewing the Zoning of the York Annexation, ANX-2018-110, a request to zone the 5.943-acre property to the I-1 zone district, the following findings of fact have been made:

- 1) The requested zone is consistent with the goals and policies of the Comprehensive Plan.
- 2) More than one of the applicable review criteria in Section 21.02.140 of the Grand Junction Municipal Code have been met.
- 3) The applicable review criteria in Section 21.02.160(f) of the Grand Junction Municipal Code have been met.

Applicants Presentation

Dale and Cindy York, Mesa Co, were present to answer any questions.

Public Comment

None

Commissioner Discussion

Commissioner Teske stated that he believes the criteria for the rezone has been met and he would support the proposal for that reason.

MOTION: (Commissioner Wade) “Madam Chairman, on the York Annexation Zoning application, ANX-2018-110, I move that the Planning Commission forward to the City Council a recommendation of approval of the I-1 zone district with the findings of facts 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.

Chairman Reece called for a five-minute break before the last item.

6. Tiara Rado East Subdivision

FILE #

CPA-2018-182

Consider a request for a Comprehensive Plan Amendment to change the Future Land Use Designation from Park to Estate on 37 acres and rezone the property from CSR (Community Services and Recreation) to R-2 (Residential 2 du/ac).

Action: Recommendation to City Council

Applicant: City of Grand Junction - Rob Schoeber

Location: 2064 S BROADWAY

Staff Presentation: Kathy Portner

Chairman Reece asked if the applicant was present. Ms. Portner stated that the applicant was the City. Chairman Reece asked if there was required public notice given for the item. Ms. Portner responded that notice was provided in accordance with the Zoning and Development Code.

Staff Presentation

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

- 1) Staff report dated April 24th, 2018
- 2) Compilation of Public Comment that were received through the neighborhood meeting both during and after.
- 3) PowerPoint presentation dated April 24, 2018.

4) Late email distributed at meeting. (not in the staff report)

Commissioner Wade recommended accepting the email into the record. The other Commissioners concurred. Chairman Reece stated the email from Ruth Ehlers will be entered into the record as Exhibit #4.

Ms. Portner displayed a PowerPoint slide of the Site Location Map and explained that this is a request for a Comprehensive Plan Amendment and Rezone to change the Future Land Use Designation to Estate and rezone to R-2 for the Tiara Rado East property. The City owns 80 acres at 2064 South Broadway, located north-east of South Broadway and Desert Hills Road. Approximately half of the property is being used for the existing driving range and irrigation ponds. The City intends to sell 37 acres of the unused property for purposes of future development.

The next slide depicted the Future Land Use map and The Comprehensive Plan Future Land Use map designates the entire 80 acres, as well as the Tiara Rado Golf Course as Park. The subject property was purchased through the golf enterprise fund for the anticipated expansion of the golf course, but that did not occur. Plans for this site have never included traditional community park development. The properties surrounding the 37 acres are designated Estate by the Comprehensive Plan Future Land Use map. Properties surrounding Tiara Rado golf course are designated Residential Medium Low (2-4 du/ac) and Residential Medium High (8-16 du/ac).

Ms. Portner displayed the Future Land Use Blended Map and explained that the Comprehensive Plan also includes a Blended Residential Land Use Categories Map with Low, Medium and High densities. The Blended Map provides flexibility and overlap of residential densities to accommodate market preferences and trends and to provide for a mix of housing types and zoning options. The area surrounding the 37 acres is designated as Residential Low, that allows for densities of up to 5 du/ac.

The following slide showed the existing zoning and Ms. Portner explained that the property is currently zoned CSR (Community Services and Recreation), as is all of the Tiara Rado golf property. The Zoning and Development Code defines uses in the CSR zone district to include parks, open space, schools, libraries and recreational facilities, as well as environmentally sensitive areas.

Because the intended use of the 37 acres is proposed to change, a rezone is being requested. Properties to the north and east are not in the City limits and have County zoning of RSF-4 (Residential Single Family, 4 du/ac). Properties to the south, across Desert Hills Road are in the City limits and are zoned R-E (Residential Estate, 1 du/acre). Zoning surrounding the golf course ranges in density from 4 du/ac to 12 du/ac.

Ms. Portner displayed a photo and stated that the first photo shows the property from Desert Hills Road looking west. The second photo is the east end of the property looking north along the irrigation canal. The 37 acres is densely vegetation, mainly with tamarisk and Russian olive.

The next slide displayed listed the Comprehensive Plan Amendment and Rezone Criteria. Pursuant to Section 21.02.130 and 21.02.140 of the Zoning and Development Code, Plan amendments rezoning must be consistent with the Comprehensive Plan and meet one or more of the following criteria:

1. *Subsequent events have invalidated the original premises and findings;*
2. *The character and/or condition of the area has changed such that the amendment is consistent with the Plan;*
3. *Public and community facilities are adequate to serve the type and scope of land use proposed;*
4. *An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or*
5. *The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.*

Ms. Portner stated that Staff finds that the Comprehensive Plan amendment and rezone meets the following criteria of sections 21.02.130 and 140 of the Z & D Code:

- 1) *The park designation and CSR zoning was premised on the property being used for expansion of the golf course. The determination that the 37 acres will not be developed for public purposes and the adoption of the Blended Map in 2010 are subsequent events that have invalidated the original Future Land Use Designation and zoning of the property.*
- 2) *The character of the area has changed since the adoption of the Comprehensive Plan with significant development adjacent to the golf course, ranging in densities of 4-12 du/ac.*
- 3) *There are adequate services and facilities to serve development in the area.*
- 4) *The community will derive benefits from the proposed amendment and rezone with additional opportunities for residential development in an area of the Redlands that is near neighborhood centers and schools. The proposed R-2 zoning will provide a transition from the higher densities surrounding the golf course to the large lot development to the south and east.*
- 5) *The proposed amendment and rezone are consistent with the goals and policies of the Comprehensive Plan by providing additional housing opportunities in the Redlands.*

Staff recommends approval of the request for the Tiara Rado East Comprehensive Plan Amendment and Rezone finding that:

After reviewing the Tiara Rado East Comprehensive Plan Amendment and Rezone, CPA-2018-182 and RZN-2018-181, a request to change the Future Land Use Map designation to Estate and rezone to R-2, the following findings of fact have been made:

1. *The requested Comprehensive Plan Amendment and Rezone is consistent with the goals and policies of the Comprehensive Plan.*
2. *More than one of the applicable review criteria in §21.02.130 of the Grand Junction Municipal Code have been met.*

- 3. More than one of the applicable review criteria in §21.02.140 of the Grand Junction Municipal Code have been met.*

Questions for Staff

Commissioner Rusche wanted to clarify that the section that is at the Broadway curve and cross-hatched on the map, is not a part of this application. Ms. Portner confirmed that he was correct and stated that the City has prepared a subdivision plat to separate the 80 acres into three parcels. The parcel Commissioner Rusche pointed out is one of them that is about four acres. Ms. Portner added that the second parcel is the driving range and irrigation ponds that is about 40 acres and the third parcel is the 37 acres under consideration in this application.

Chairman Reece asked what year the property was acquired. Ms. Portner stated it was 1993. Chairman Reece asked if it was zoned CSR at that time. Ms. Portner answered that it may have been zoned PZ which was a public zone at that time. Chairman Reece asked if the needs of the golf course were met without using this piece of land and the City does not foresee needing it in the future. Ms. Portner confirmed that it has been determined that the property is not needed for public use. Ms. Portner mentioned that Trent Prall, the Public Works Director and Rob Schoeber, the Parks and Recreation Director were also present to answer questions.

Regarding this project meeting the rezone criteria requirements, Commissioner Buschhorn stated he has a problem with pretty much all of them, specifically schools. Commissioner Buschhorn stated that it is his understanding that the schools in the Redlands and other parts of Grand Junction are near capacity. Commissioner Bushhorn asked how rezoning from CSR to R-2 jives with an already nearly overcrowded school system in the Redlands. Ms. Portner stated that she could not answer definitively if the schools were overcrowded. Ms. Portner stated that as growth occurs, the school district looks at how they can shift their boundaries and expand to meet the needs of specific neighborhoods.

Commissioner Bushhorn stated that he had contacted the three elementary schools and their capacity is based on State guidelines of 30 students per classroom, or 1,100 students. Between the three elementary schools they are at 1,030. Commissioner Bushhorn stated that that leaves 70 spots before they are at capacity and there are three other developments in the works close to all of these schools; Granite Falls, which is 51 acres, Country Meadows, and Chaparral West. Commissioner Bushhorn feels that if they were to rezone from CSR to R-2 that would create a burden to the school system. Commissioner Bushhorn stated that for those reasons, he feels there is not adequate public facilities as reported.

Regarding #4, adequate supply of land, Commissioner Buschhorn feels there is not an adequate supply of CSR in the Redlands. Commissioner Bushhorn stated that he calculated that there are about 10,000 acres on the Redlands and if you take out the Fire Stations and drainage ditches which are CSR, you end up with about 3 percent of CSR. Commissioner Buschhorn feels we are doing a disservice if we are to be the "Best

City West of the Rockies” by giving up CSR and creating more housing. Therefore, he finds this inconsistent with the Comprehensive Plan and the Future Land Use Map.

Ms. Portner replied that the CSR district is very different than the other districts and there is a dated Parks and Recreation Plan that talks about the need for parks and park facilities. Ms. Portner reminded the Commissioners that only one of the criteria needs to be met. Chairman Reece asked why the City doesn't wait until after they complete an updated park plan before making this request. Ms. Portner replied that this is not park property in that it was purchased through the golf enterprise fund for the expansion of the golf course. If it was to be used for any other purpose, it would need to be purchased from the golf enterprise fund.

Rob Schoeber explained that the 37 acres was held by the golf fund solely for golf use and was never considered a “park amenity”. Mr. Schoeber added that the Master Plan from 2001 speaks very little about this piece of property other than if they were to utilize this property, they would need to acquire more property to make this useful for golf.

Public Comment

Mike Anton, 2111 Desert Hills Road, stated that he has lived there for 20 years. It was Mr. Anton's impression, that when looking at the zoning map, that in order to change something, something would have had to change. Mr. Anton stated that nothing has changed in 20 years and he wants to leave it the same way. Mr. Anton stated that there was a change of zoning to Residential Estate which had a density of one unit every 2-5 acres, not two units per acre. This property was set aside for park and the extension of the golf course. Mr. Anton stated he would like the land to go to a park zoning and asked where the supporting infrastructure is for housing development such as curbing, lighting, sidewalk, and sewer systems. Mr. Anton believes the cart has been put before the horse. Mr. Anton wanted to know if there are other properties that are attached to this for development or if there are land trades involved. Mr. Anton asked if this is developed would they cluster the development. Mr. Anton stated that he thinks the City should start meeting with the neighbors to see if they really want the master plan to change.

Steve Voytilla, 2099 Desert Hills Road stated that he went to a neighborhood meeting about a month ago to get the neighbors input and he counted about 70 people there, none of whom were in favor of this request. Mr. Voytilla stated that he is in the building business and Grand Junction is in a growth spurt with many people coming from Denver. Mr. Voytilla thinks it's silly to be selling off part of the golf course when it may be time to add onto it. Mr. Voytilla speculated that a developer would have to widen the road and put two or three miles of curb/gutter and sidewalk and road to make the site accessible.

Mr. Voytilla believes the zoning requested is too high and it should stay at the R-E (Residential Estate) zone district. Mr. Voytilla said he does not believe the infrastructure is available like the City staff says it is. Mr. Voytilla stated there is no high school around there and the schools are at capacity.

Tom Abbot, 2105 Desert Hills Road, stated that this is a unique piece of property in that there are wetlands and it is loaded with wildlife. Mr. Abbot stated there is a ditch in there with a right-of-way attached to it. Mr. Abbot speculated that about only one third of the property is developable, therefore he anticipates a cluster development. Mr. Abbot added that there is a lot of development going on now which will only increase the value and demand for park areas. Mr. Abbot felt that even though the Golf fund is different, the finances could be worked out. Mr. Abbot stated that the CSR designation was Community Services and Recreation. He thought any sale of recreation property had to go to a city-wide vote, but he was told in this case, it doesn't have to.

Cal Prochnow, 524 S Broadway, stated that his property overlooks the golf course and this property that is being reviewed. Mr. Prochnow stated he walks around that driving range every evening and sees grey fox, deer, raccoons, rabbits and squirrels and is like a sanctuary. Mr. Prochnow believes this is one of the few places in the Redlands with that much wildlife and he would hate to see that go away. Mr. Prochnow stated he is not in favor of the rezone.

Deanne Adamson, 499 Desert Hill Ct. stated she is on the corner lot of Desert Hills Rd. and S Broadway. Ms. Adamson stated she has witnessed multiple accidents over 15 years, mostly kids drifting the corner and they end up in her front yard. Ms. Adamson felt that putting more houses without major improvements to the curves is a mistake. Ms. Adamson stated that this area is not all Tamarisk or Russian Olives and it is one of the only wooded areas in the community. Ms. Adamson stated that in addition to the mammals mentioned, there are owls, pheasants, heron, and an occasional cougar and bear, and she would hate to see all that go away.

John Hansen, 498 Desert Hills Ct. stated that since Grand Junction is growing and people will be looking for property to develop to add onto the golf course. This will push people out to Palisade and Fruita instead of taking care of Grand Junction golf. Mr. Hansen believes more cars and houses will take away from the uniqueness of the Redlands.

Richard Innis, 2108 Desert Hills, stated that he is in support of the R-2 zoning and it will solve a lot of problems as long as the lift station is replaced with a gravity system. He stated the lift station is a health hazard and a problem for the City.

Commissioner Gatseos asked Mr. Innis to point out the area where he lives. Mr. Innis pointed out his properties on the map

Tom Abbot asked if there is another meeting where they can comment. Chairman Reece stated that if they make a recommendation for the request to move on to City Council, then citizens can voice their comments there too.

Ruth Ehlers, 551 W. Glenwood Dr. agreed with Mr. Innis in that she would be in favor of the R-2 zoning only if it came with sewer and street improvements.

Mr. Anton stated that they would like to see the sewer system improved. He believes all the infrastructure should come into play before developing this property. Mr. Anton stated that he is definitely against this zoning but may be able to accept R-E (Residential Estate) zoning. Mr. Anton stated there is a lot of wildlife that should be protected.

Applicants Rebuttal

Greg Caton, City Manager, stated that he would like to put into context how this came forward. Mr. Caton believes it is part of the staff's fiduciary responsibility to bring items such as this forward when the original purpose that the property was bought for is no longer intended for its use. Mr. Caton explained that capacity has expanded since the property was purchased and there are additional golfing opportunities and the market has changed. Mr. Caton stated that staff believes they will never be adding holes to the course at this site. Mr. Caton pointed out that the Tiara Rado golf course serves as an open space in that it is not a built environment and he expects it to remain a golf course into perpetuity.

Regarding the comments about schools, Mr. Caton stated that it is his understanding that District 51 can accommodate these types of changes in their system that has over 20,000 students.

Commissioner Questions

Chairman Reece asked when a golf course is constructed, do you bring in heavy equipment and change the elevations of the course. Mr. Caton replied that he has worked in 4 communities with golf courses in all of them and in the first one he worked in they built a golf course to spur economic growth. Mr. Caton explained that in the early days (1930s and 1940s) cities created golf courses to play golf. In later years, (1980s and 1990s) golf courses were built for the real estate as they had homes all around them. Developers would build a golf course with the intention of handing them off, while collecting \$20,000 to \$30,000 premiums for the surrounding residential lots.

Mr. Caton explained that when a golf course is built, depending on the design, there is significant disruption to the environment. Mr. Canton added that it was his understanding that the original plan was to build nine holes as well as residential development around them. Some golf courses do have riparian areas that are preserved and you can design around those or make those accommodations.

Chairman Reece asked if the development for additional holes for the golf course is currently an allowed use under the CSR zoning. Mr. Caton replied that it was. Chairman Reece stated that should the course be constructed, there could be the disruption of wildlife and additional traffic, as it is presently zoned.

Commissioner Deppe asked Ms. Portner if this property was developed, would they have to be on City sewer. Ms. Portner replied that any potential development of the site would have to provide all of the urban services such as sewer and water. Ms. Portner

added that they try to eliminate lift stations whenever they can, but gravity systems would have to be feasible. Additional development in the area could make it possible.

Chairman Reece asked how sewer issues would be considered as part of a development application. Ms. Portner replied that the developer would have to show how they could provide that service to all the properties they propose to develop. Chairman Reece asked Ms. Portner to walk her through how that happens. Ms. Portner answered that once a property is zoned, a developer will then know the framework they are working with regarding densities and the type of development they could do. They would then need to bring to the City how they would provide the infrastructure. Ms. Portner added that a major subdivision is reviewed at an administrative level which does not come through a public hearing process, but neighbors within 500 feet are notified of the application. The neighbors have the opportunity to look at what is being proposed and comment to staff. There is also a neighborhood meeting held.

Commissioner Gatseos asked if the proposed R-2 is a transition to the County RSF-4 to the north and east. Ms. Portner explained that the County properties have a zoning of RSF-4, however none of them are developed to that density. The properties surrounding the golf course are R-4 to R-12. The properties on the south side of Desert Hills Road are 1 to 2 acre sites, therefore the R-2 would be a transition between these. Commissioner Gatseos asked if there were 9 or 10 properties in the R-E zone south Desert Hill Road. It was determined there were 9.

Commissioner Rusche asked Mr. Schoeber when the land was purchased and what the plan was. Mr. Schoeber stated that the 80 acres of land was purchased in 1993. Mr. Schoeber stated that there have been a couple of plans contemplated for the property, but nothing was ever approved. In 1999, the driving range was constructed which took a little over half out of the mix. Mr. Schoeber stated that they couldn't construct another 9 holes with the remaining 37 acres.

Chairman Reece asked Mr. Shaver to explain the difference of this land being held by the Golf Fund and not having to go to a vote of the people. Mr. Shaver explained that the underlying ownership is the City of Grand Junction. The Golf Fund is an accounting fund, and by Enterprise Fund, that means it is a separate business. From a legal standpoint there is a degree of independence that is required under TABOR about the amount of money that can come from government in support of Enterprise activities. The land was not used, held or acquired for park or other governmental purposes as stated in the Charter. Mr. Shaver read the part of the City Charter that speaks to this issue. The Charter states that real property that is designated as park or other governmental purposes is subject to a vote however, those terms are very specific and do not apply in this instance. Given the history of when and why this property was purchased, it was never intended to be a park.

Commissioner Discussion

Commissioner Gatseos stated that when he looks at the rezone and the compatibility of the issue, he agrees with the staff report. Commissioner Gatseos feels the zoning fits

the intention of the Land Use Code.

Commissioner Rusche stated that the acquisition of the property in 1993, and the surrounding development at that time, there was an anticipation of how this property would be developed. Commissioner Rusche feels the Comprehensive Plan Amendment meets all the criteria. The area is still residential and in fact they will be removing one potential commercial use from the area. Regarding the comment about the cart coming before the horse, Commissioner Rusche explained that the Comprehensive Plan informs the zoning, which then informs how the property is developed which is the order it is supposed to go in.

Regarding Commissioner Buschhorn's comments about public facilities, Commissioner Rusche stated that if an actual development proposal had come before the Commission, those issues would have been addressed in more detail. Commissioner Rusche stated that he believes the criteria for a rezone and Comprehensive Plan Amendment have been met and he will be voting in favor.

Commissioner Deppe felt that the expectations of the public in attendance was that they did not foresee residential development on that property. Commissioner Deppe complimented Mr. Shaver in explaining why that property doesn't have to go to a vote. Commissioner Deppe stated that although sewer, traffic and school capacity is a concern to her, those are concerns all over Grand Junction and not just on the Redlands and not just at Tiara Rado. Commissioner Deppe stated that although she believes this proposal meets all the criteria, she does not feel it is a good fit for the area. She is inclined to vote against it, but she is willing to listen to the other Commissioner's input before she votes.

Chairman Reece stated that as the Planning Commission, they are tasked to evaluate a proposal against the criteria, and if it meets the criteria then according to the Charter, they are bound by law to vote in favor whether they like a proposal or not. Chairman Reece reminded the Commissioners that it only needs to meet one of the criteria.

Commissioner Buschhorn stated that he does not believe the proposal meets most of the requirements. The first requirement, "subsequent events invalidate the original premise and findings". Commissioner Buschhorn stated that although the property was originally intended for a golf course, and within the very narrow confines of traditional Scottish golf it may not work, however there are other forms of golf, such as disc golf, that have increased in popularity in recent years. Commissioner Buschhorn stated that he is not a disc golf player or promoting it, however in his opinion, the first requirement is not invalid anymore.

Regarding the notion that the character of the area has changed, Commissioner Buschhorn feels it is even more important to keep the area CSR as open space and not rezone it to residential. Commissioner Buschhorn stated that he does not feel there are adequate public facilities available. Commissioner Buschhorn stated that he feels there is a low supply of CSR in Grand Junction and specifically in the Redlands.

Commissioner Buschhorn added that he does not think the City will derive benefits as a result of changing CSR to R-2. Commissioner Bushhorn pointed out that the proposed changes need to meet the “intent and vision of the Comprehensive Plan” as well as at least one of the criteria. Commissioner Buschhorn stated he does not believe it meets the intent and vision of the Comprehensive Plan which is to be the most livable city west of the Rockies.

Commissioner Buschhorn stated that we cannot take R-2 and revert it back to CSR, however we can hold on to the CSR that we have. Commissioner Buschhorn suggested that the City could buy the property from the Enterprise Fund, or hold it until golf makes a rebound or a more appropriated use arises. Commissioner Buschhorn expressed empathy for those who live on Desert Hills Dr. who bought and built homes with the understanding the land was CSR. Commission Bushhorn stated that for those reasons, he does not feel it is appropriated to rezone to R-2 and he will not be voting in favor of it.

Commissioner Wade stated that he has spent a considerable amount of time driving and walking around this property the past week and thinks it is a remarkable piece of land. Commissioner Wade explained that they are to make their decisions based on the code and criteria. Commissioner Wade reminded the public that they are not the final decisions makers, as it will move up to the City Council. Commissioner Wade informed the public that they will be able to express their concerns at that meeting as well. Commissioner Wade stated that in his opinion, he feels this meets the minimum necessary criteria, therefore it should be approved. Commissioner Wade reminded everyone that there is not presently a development proposal and it could be another 20 years before it is developed. Commissioner Wade cautioned that the next proposal could be at a higher density than what is proposed now. Commissioner Wade stated that for those reasons, he will be voting in favor of the proposal.

MOTION: (Commissioner Wade) “Madam Chairman, on the request to amend the Comprehensive Plan as presented in file CPA-2018-182, I move that the Planning Commission forward a recommendation of approval for a Comprehensive Plan Amendment to change the Future Land Use Map designation from "Park" to "Estate" on the 37 acres located at 2064 South Broadway with the findings of fact as listed in the staff report.

Commissioner Rusche seconded the motion. A vote was called and the motion passed - by a vote of 5-2, with Commissioners Deppe and Buschhorn voting no.

MOTION: (Commissioner Wade) “Madam Chairman, on the request to Rezone the subject property as presented in file RZN-2018-181, I move that the Planning Commission forward a recommendation of approval for a Rezone from CSR (Community Services and Recreation) to R-2 (Residential, 2 du/acre) on the 37 acres located at 2064 South Broadway with the findings of fact as listed in the staff report. Commissioner Rusche seconded the motion. A vote was called and the motion passed by a vote of 5-2, with Commissioners Deppe and Buschhorn opposing.

4. Other Business

None

5. Adjournment

The meeting was adjourned at 8:58 p.m.