

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**

**October 12, 2015**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on October 12, 2015 at 6:30 p.m. Members present: Chairman Crescibene; and Commissioners Meyers, Molloy, Dowding, Forrest, Jersvig, and McFall. Members absent: Commissioners Ray and Middleton. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney.

*These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Development Services office.*

**CITIZEN REPORTS**

1. **Rick Ellengier**, 848 Rossum Drive, asked the commissioners to review all the development occurring between the county road and Namaqua Road and in general, consider post-flood recovery efforts, traffic issues and wildlife.
  - a. **Commissioner Meyers** asked Mr. Paulsen which department is handling the planning of the post-flood recovery work. **Robert Paulsen**, Current Planning Manager, noted that this is multi-departmental issue and is unable to provide details tonight; however, he would provide a more detailed response at a future meeting.

**STAFF MATTERS**

1. **Robert Paulsen**, Current Planning Manager, stated that the Fire Authority and training facility expansion update will be presented at a future meeting.
2. **Mr. Paulsen** noted that **Betsey Hale**, Director of Economic Development, is unable to attend the Planning Commission meeting tonight but has provided an update on current projects. **Ms. Hale** has accepted an out-of-state position and will soon be ending City employment; the City's interim Economic Development Director will be **Rod Wensing**, Assistant City Manager. The selection process for the new director will begin shortly.
3. **Mr. Paulsen** noted a correction to October 12th Planning Commission Agenda. The next Planning Commission meeting will be on October 26<sup>th</sup>, not October 27<sup>th</sup>. **Mr. Paulsen** reviewed the upcoming agenda items for the October 26<sup>th</sup> meeting.
4. **Mr. Paulsen** provided a copy of the *Development Review and Building Permitting – 2015 Mid-Year Update* and explained that this is a review of the permitting and review process performed by the Building and Planning Divisions over the past four years. **Mr. Paulsen** noted this can be discussed further at the October 26<sup>th</sup> Planning Commission meeting.

## **COMMITTEE REPORTS**

1. **Commissioner Dowding** noted that there was no ZBA activity.
2. **Commissioner Meyers** stated that the October Title 18 meeting had been canceled.

## **COMMISSIONER COMMENTS**

There were no comments.

## **APPROVAL OF THE MINUTES**

*Commissioner Molloy made a motion to approve the September 28, 2015 minutes. Commissioner Meyers requested additional details be provided regarding the solar project funding and FEMA reimbursement. Upon a second from Commissioner McFall, the minutes were unanimously approved.*

## **REGULAR AGENDA**

**Mr. Paulsen** recommended tabling the 287 Strategic Plan item due to the expected length of the hearing for the Mariana Butte 3<sup>rd</sup> rezoning item. **Mr. Paulsen** provided details regarding the agenda items on the October 26<sup>th</sup> Planning Commission meeting and the re-noticing requirements. **Greg George**, Development Services Director, recommended rescheduling the item to a date in the future in order to allow Development Services to rearrange their schedules and re-notice the item.

*Commissioner Dowding motioned to table the 287 Strategic Plan. Upon a second by Commissioner Molloy, the motion was unanimously approved.*

Upon further discussion pertaining to the date the 287 Strategic Plan would be reviewed by the Planning Commission, the commissioners agreed that the 287 Strategic Plan and the Create Loveland Study Session could be reviewed at the same meeting.

*Commissioner Jersvig moved to remove the previous motion from the table. Upon a second from Commissioner Molloy, the motion was unanimously removed from the table.*

*Commissioner Dowding motioned to continue Agenda Item Number 2: 287 Strategic Plan, to October 26<sup>th</sup>. Upon a second by Commissioner Molloy, the motion was unanimously approved.*

**Chair Crescibene called for at recess at 6:45 p.m.**

**Chair Crescibene called the meeting to order at 6:55 p.m.**

## 1. Mariana Butte 3rd – Rezoning

**Project Description:** This item was continued from the September 28, 2015 Planning Commission meeting. Since September 28<sup>th</sup>, the applicant has provided mailed notice to property owners within the notice area.

This is a public hearing to consider the rezoning of a vacant 4.7-acre site at the Southwest corner of West Eisenhower Boulevard and Rossum Drive from DR (Developing Resource District) to R3 (Developing High-Density Residential District). A portion of this site is owned by the Loveland Fire Authority which has determined that the site is not needed for a future fire station. This request is being made by the Villas, LLC to establish zoning that will allow development of an assisted/independent living facility. If the zoning is approved, the proposed development must undergo the Special Review process prior to development; this process requires a neighborhood meeting and additional opportunities for neighborhood input.

Upon conducting a public hearing, the Planning Commission must forward a recommendation on the zoning request to the City Council for final action. The Planning Commission's role on this matter is quasi-judicial in nature. Staff is recommending that the Planning Commission forward a recommendation of approval to the City Council.

**Troy Bliss**, Senior Planner, noted that copies of the following items were provided to the commissioners prior to the start of the meeting: (1) an email dated October 8, 2015 and (2) a letter dated October 12, 2015.

**Mr. Bliss** noted that this item was continued from September 28th and that the Staff Report provided for tonight's meeting included several changes from the 9/28/15 Staff Report.

**Mr. Bliss** reviewed the information provided in the updated Staff Report. City Staff is recommending the rezoning approval with several conditions.

- **Mr. Bliss** noted the following change from the 9/28/15 Staff Report: the previous Staff Report recommended a condition be placed on the zoning requiring a Special Review for all uses on the property. City Staff wants to remove this type of conditional zoning. Therefore, the 10/12/15 Staff Report has removed the zoning condition and included a condition that the applicant shall execute a development agreement with the City stipulating that all uses of the property will undergo Special Review.
- The property needs to be replatted. A minor subdivision application has already been submitted and reviewed by the city and is currently pending approval of the rezoning.

**Commissioner Meyers** asked **Mr. Bliss** to explain for the audience how the Special Review Process works and under what condition the Planning Commission would review the project.

- **Mr. Bliss** explained that through the development agreement, any use would have to go through the Special Review process, even uses typically allowed by right in the R3 zone. Approval through the Special Review process requires a detailed review by the city and includes a neighborhood meeting. The proposed use may be reviewed by the Planning Commission if City Staff is unable to make a determination on the findings or if anyone appeals the decision made by City Staff regarding the approval. **Mr. Paulsen** reiterated that if the zoning is approved the Special Review process requires

that proper notice is given for the neighborhood meeting, including a sign posted on the site, notice in the paper, and letters mailed to neighbors within a certain distance of the site.

**Commissioner Molloy** asked for clarification regarding the appeal process and who is allowed to appeal. **Mr. Bliss** noted that a party in interest can appeal, which includes anyone who received notice of the application, anyone who attended the neighborhood meeting, or members of Planning Commission or City Council.

**Commissioner Meyers** noted that the property to the east is located in Larimer County and is zoned Tourist but could eventually be rezoned. **Mr. Bliss** explained that the land use is earmarked for Commercial based on the Comprehensive Plan. However, the city cannot change the zoning unless the property is annexed into the city.

**Chair Crescibene** asked **Mr. Bliss** to explain the R3 zoning designation for the community members present.

- **Mr. Bliss** explained that R3 zoning accommodates higher density development, such as apartments, condos and townhomes. Less dense uses such as duplexes are also allowed, as are single family homes. R3 zoning offers limited opportunities for offices. The opportunity for an assisted living facility is available through the Special Review. The R3 zoning designation was selected by the applicant over the B-Developing Business zone which would allow a wide array of business uses.

**Mr. Bliss** introduced **Lee Martin** with Landmark Engineering. **Mr. Martin** thanked **Mr. Bliss** for the thorough presentation. **Mr. Martin** explained that in they considered several zoning designations for the property and decided that R3 would have the least impact on the surrounding neighborhood.

**Mr. Martin** discussed the concept site plan and noted that the Colorado Department of Transportation (CDOT) restrictions will not allow direct access to the site from Eisenhower. Therefore, Kelim Court will be utilized to access to the facility. Additionally, the site will need a second access on the southern point of the site. **Mr. Martin** also noted that there are three water lines running through the property. Therefore, the facility had to be divided into two buildings to avoid the easement. **Mr. Martin** noted that there is open space to the north and south of the facility and the applicant is willing to work with the Parks and Recreation department to create a trail through the property to connect these spaces. Currently, 60 feet of right-of way have been dedicated for Rossum Drive and the project will be adding an additional 10 feet of right-of-way. **Mr. Martin** noted that two buildings are proposed due to existing water lines not being located where they originally thought they were.

- **Commissioner Dowding** noted that commissioners only received the color concept plan but thought it would be beneficial to receive the second black and white drawing because it shows the drainage patterns and existing topography.
- **Commissioner Molloy** asked how tall the buildings will be based on the slope of the site. **Mr. Martin** stated that the northeast corner of property is around a 72 or 73 elevation. The north building is around a 61 finished floor elevation and the south building is a few feet lower than that.

- **Commissioner Molloy** asked if the owners are local or if there are plans for the building to be sold. **Mr. Martin** was unable to speak to the intentions of the owners but noted that the applicants are local.

**Chair Crescibene opened the public hearing at 7:37 p.m.**

- **Randy Marsh**, 868 Rossum Drive, opposes rezoning based on the observation that traffic on Rossum drive has been increasing over the past year. The proposal of a 45-55 housing development and then the proposal of a high density tract of land on the corner of Rossum and Highway 34 would also increase traffic. Based on these three factors, Mr. Marsh stated the possibility for these potential scenarios: The ability to turn left off of Rossum into the new property and then make another left hand turn into the property would require a new turn lane; otherwise, this would create a bottleneck of traffic. Because of these bottlenecks, a stoplight at Highway 34 and Rossum would be needed. Plus an additional light just 50 yards south of Highway 34 on Rossum Drive into the site. The last necessity would be widening Highway 34 from Namaqua Drive to Rossum Drive.
- **Fred Newcomb**, requested permission to pass several pictures to the commissioners. Chair Crescibene granted permission. Mr. Newcomb referenced the May 19<sup>th</sup> City Council meeting and noted that when City Council approved sale of the City land, the proposal was for six duplex units and two single family units. The project has now changed from low density buildings to two high density buildings. Mr. Newcomb felt City Council was misled to gain favor in the selling of the property. Additionally, with the proposed development of 50-55 single family residences (further south on Rossum Drive, traffic will increase. Mr. Newcomb noted that one day he had to wait on 45 vehicles before he could make a turn and on another day he waited for 72 vehicles and two semis to pass. Mr. Newcomb referred to the pictures he distributed to the commissioners and noted the wildlife that would be affected. He also note that his wife, a stroke victim, is only able to sit in her recliner and watch TV and look out the window at wildlife. Mr. Newcomb noted that he has spent lots of money developing this property, including creating an opening in his fence to allow the wildlife to pass through his property without getting hurt. This proposed facility would impact the wildlife that travels through his property and his wife's view of the mountains. Mr. Newcomb will be very disappointed if Planning Commission doesn't take into consideration the impact this would have on the surrounding property owners, including the effects on wildlife and property values.
- **Mark DeGregorio**, 1231 Riverview Drive, stated he felt there was disconnect with the type of planning in this area and asked the commissioners what they want the west gateway into Loveland to look like. Based on what is allowed in R3 zoning, Mr. DeGregorio asked if commissioners want high-density residential to be the first thing people seeing coming into town. Based on the 2005 Comprehensive Plan, development areas should be planned to protect views of natural areas and lower density should be planned. The elevation of these proposed buildings will disrupt this and therefore high density is not appropriate in accordance with 2005 Comp Plan. Mr. DeGregorio noted that he is on the County Parks Advisory Board that there is discussion on how to connect

Devils Backbone with the Big Thompson corridor, including a possible underpass to connect with the natural areas on the north side of Eisenhower. The best possible site for this underpass is at the proposed site.

- **Lori Coulter** lives right behind the proposed development site. She noted concerns with having open space to the north and south of the proposed site with a high density development in the middle that would block wildlife from traveling between these open spaces. Ms. Coulter recommend not changing the zoning so it can stay open to the animals. She stated that the size of this development has gone from low density to high density and this ruins the area by taking away views and open space coming into Loveland from the west. Ms. Coulter agreed with the previous speakers that traffic is already high volume and left hand turns are already difficult.
- **Craig Sugarman**, 1212 Riverview Drive, agreed with previous speakers regarding traffic concerns and the disruption of wildlife. Based on a Loveland history project he completed on Mariana Medina in 1965 or 1966, his understanding was that this property was supposed to be open space in perpetuity per Mr. Medina's Will. Mr. Sugarman has grown up in Loveland and recommended that the city leave this land vacant to have a barrier and open space for the animals.

**Chair Crescibene called for at recess at 8:00 p.m.**

**Chair Crescibene called the meeting to order at 8:10 p.m.**

- **Amy Cradosky**, Beaver Cove Court, concurs with the previous speakers regarding concerns with increased traffic and the effects on wildlife. She noted that the city has said that they do not plan on providing improvements at the intersection of Highway 34 and Rossum Drive. Additionally, the traffic impact study provided with the rezoning application was not completed during the high traffic season like summer. East bound traffic doesn't abide by the speed limit of 45 miles per hour making this a very dangerous intersection. Ms. Cradosky also noted concerns with the location of the proposed facility as this area was affected by the previous flood. Ms. Cradosky was also concerned with disrupting wildlife, as this neighborhood was built as a migratory path for animals. She noted that home owners in Marianna Butte are not allowed to build fences because it would inhibit the path of migratory animals. Her family chose to live here because it is quite and safe and feels this facility would destroy their quality of life.
- **Walt Walkowicz**, 836 Rossum Drive, stated that there are almost 400 homes in and around Mariana Butte and the only exit to Highway 34 is Rossum drive. It is already difficult to make a left hand turn onto Highway 34 from Rossum Drive. With more homes being built in the area, traffic will only get worse.
- **Kathy Curtis**, Deer Meadow Drive, noted that Rossum Drive was built based on residential width standards and not highway widths. Ms. Curtis recommended giving the proposed facility direct access to Highway 34 and eliminate the second access point to the facility on Rossum Drive. Ms. Curtis noted that she is not opposed to have development occur on this land but she would rather see residential than commercial;

however, this proposed facility is both. Ms. Curtis concurred with the previous speakers regarding concerns with increased traffic and the effects on wildlife. Additionally, she stated that the bottleneck on Highway 34 is created because there is no left turn lane into the business along the north side of the road.

- **Ken Morey**, 5415 Cedar Valley Drive, an original land owner and developer stated that he is in support of preserving the wildlife. The city is considering developing a trail under Highway 34 that would connect the north and south open space. Right now, there is no way for elk to get across Highway 34 and many animals are hit by cars. Although Mr. Morey is in support of having this property open space, he is concerned that designating it open space would negatively impact the animals if no safe access across Highway 34 is created. Therefore, development on this property may actually stop animals from moving across Highway 34. Mr. Morey doesn't want commercial development on this site as it would have too much impact. Mr. Morey felt an R2 zoning is preferable for this site. Mr. Morey stated that there should be a continuous turn lane from Rossum Drive to Morning Drive.
- **Ellen Giansiracusa**, 891 Eagle Ridge Court, stated that Mr. Holsapple (Mid Town Homes) is planning on building 50 new homes in this area. Additionally, the proposed assisted living facility has 137 units which would contribute approximately 100 people coming and going due to residents and staff. Both of these projects would greatly increase traffic. Additionally, the blind curve on Highway 34 is dangerous. Ms. Giansiracusa concurred with the previous speakers regarding concerns with increased traffic, business access on the north side of Highway 34, and the single access to Highway 34 from Rossum Drive.
- **Rick Ellengier**, 848 Rossum Drive, is concerned with the safety of residents wandering out of the facility. Additionally, residents will be exposed to noise pollution and environmental toxins due to the traffic on Highway 34. If a resident of the facility needs emergency care, the emergency vehicles will not be able to quickly or easily access the site as the nearest emergency response facility is a distance away. Mr. Ellengier noted that there is not a shortage of assisted living facilities near Loveland based on several facilities who currently have space available. Mr. Ellengier noted that instead of building this facility, this site can be used to for road improvements to make entering and exiting Rossum Drive safer and easier. Mr. Ellengier stated that because the city is an owner of the property, he felt the city shouldn't be deciding the specific use of the property. Instead, the city should be looking at the total area of all the land in this area and planning how it will be used, not just this property.
- **Larry Roos**, 5555 Cedar Valley Drive, expressed concerns that at the May 19<sup>th</sup> City Council meeting, duplexes were originally presented as the proposed use which has since been changed to an assisted living facility. Mr. Roos also expressed concerns with the rumor that the city is selling the property at a loss from what they paid for it in 2002. Mr. Roos noted that approximately four years ago he was on the Pedestrian Bicycle Advisory Study Committee and noted that where the corridor goes to 2 lanes is dangerous. The conceptual plan does not show that there needs to be sidewalks and bicycle lanes throughout this corridor. Additionally, that Highway 34 was poorly designed in this

corridor. Although this doesn't have to do with rezoning, the traffic design problems need to be resolved first.

- **Val Fischer-Pallansch**, 874 Eagle Ridge Court, expressed concerns with ambulance response time. There is a lot of traffic on Highway 34 and this site is far away from emergency help.
- **Robert George**, resident of Marina Butte, recommended that the area remain pristine and asked the Planning Commission to listen to the people not make a mistake.
- **Nathen Klein**, Loveland Commercial Broker, won a Request for Proposal (RFP) to represent the City of Loveland in the sale of this property. Mr. Klein stated that it is not true that duplexes were presented as the proposed use at the May 19<sup>th</sup> City Council. Mr. Klein stated that the proposed use was presented as an assisted living facility; however, an old Concept Review may have been referenced that included a six-duplex project. Mr. Klein noted that prior to this applicant coming forward with the proposed assisted living facility, Mr. Klein had recommend that the DR Zoning designation be changed to an appropriate zoning for this area.
  - **Commissioner Jersvig** asked how long the city owned land had been on the market and **Mr. Klein** responded three years.
  - **Commissioner Jersvig** asked what the original and current asking price was. **Mr. Klein** state that the original and current asking price is \$150,000 but the land is currently under contract for \$135,000.
  - **Commissioner Jersvig** asked if there had been any other parties interested in the property. **Mr. Klein** noted that there had been other interested parties but these parties had asked for help to bridge the gap of feasibility, including the city providing raw water or tap fee reduction. The city was unable to meet these requests. Mr. Klein noted that this site is difficult to develop because of the drainage that runs along the west boundary line. Therefore, it either requires a high density project to justify the needed improvements or a very low density project. Mr. Klein noted that there have been many conversation about how to zone this property as the B Zone fits the intent of the Comprehensive Plan; however, the applicant and City Staff felt that by zoning the site R3 it was more sensitive to the concerns of the neighborhood.
  - **Commissioner Jersvig** asked if **Mr. Klein** was aware of any economic incentives linked to the sale of the property and **Mr. Klein** noted that there are no economic incentives tied to the land sale. However, the sale is contingent on the rezoning of the property.
  - **Commissioner Meyers** stated that the Planning Commission recently saw a plan for this site proposing 6 duplexes and 2 residences. **Mr. Klein** stated that he cannot dispute what was presented to the Planning Commission but can confirm that the plan presented to City Council on May19<sup>th</sup>, as referenced earlier in the meeting, was for the assisted living facility.
- **Fred Newcomb** noted that he had a copy of the May 19<sup>th</sup> City Council Meeting Minutes stating that the sale of the property was contingent upon the rezoning and that the



preliminary plan includes 6 duplex units and 2 single family units. Mr. Newcomb provided a copy of the above reference document; however, Planning Commission Secretary, Jenell Cheever, noted that the document provided by Mr. Newcomb was a copy of the City of Loveland Council Meeting Agenda.

- **Rick Ellengier** asked if the Planning Commission would accept a back-up offer. **Commissioner Meyers** stated that financial decisions are conducted through the City Manager's office and the Planning Commission is not involved in these matters. **Mr. Ellengier** asked if the city is determined to build on the property. **Commissioner Meyers** stated that the city is not building on the property and **Commissioner Molloy** stated that **Mr. Ellengier** could take this issue to City Council.

**Chair Crescibene closed the public hearing at 8:50 p.m. and asked the applicant's team to respond to issues raised by citizens.**

- **John Jaeger**, applicant, stated he has looked at this property in several different ways. However, they are proposing the assisted living facility because his mother needs this type of care and he is trying to build a facility that isn't available here.
- **Lee Martin** with Landmark Engineering noted that a majority of questions and concerns relate to traffic and introduced traffic engineer **Mike Delich** to address these questions.
- **Mr. Delich**, Delich Associates, noted that a traffic impact study is not required for a rezoning. However, a traffic study was conducted for this development. Mr. Delich noted that the counts on Rossum Drive and Highway 34 included the 50 dwelling units proposed within the Mariana Butte development. **Mr. Delich** noted that the City and CDOT have criteria for acceptable operations at intersections. Based on the finding of the traffic impact study, this intersection meets operational criteria for both the city and CDOT. **Mr. Delich** noted a need for a south bound turn lane and recommended that if this project moves forward it would need to have a southbound left turn lane.
  - **Commissioner McFall** asked what time of year the study was completed. **Mr. Delich** stated that the traffic counts were obtained during summer at high season and noted that it was performed two days after Labor Day (September 3, 2014) which is considered summer. **Mr. Delich** stated that the study was completed in one day which is customary and an industry standard. The study was performed for two hours in the morning (7 a.m. to 9 a.m.) and two hours in the afternoon (4 p.m. to 6 p.m.) during peak hours.
  - **Commissioner Molloy** asked how the trip rate averages for assisted living facilities compared to single family residential. Mr. Delich stated that the trip generation for a single family residential house is 10 trip ends per day (one end of the trip is at the house). For the independent living facility with 66 units, the trip generation is a little over 3 trip ends per unit. For the assisted living facility with 71 units, the trip rate is 2.74. Therefore, 137 potential clients would generate roughly 412 trip ends per day. **Commissioner Molloy** noted that this is approximately equal to trip rate of 16 to 17 single family homes.

- **Commissioner Molloy** asked what CDOT's intentions are for Highway 34. **Mr. Delich** stated that there are plans to widen Highway 34 to four lanes from Rossum Drive to Morning Drive. However, completion of this this depends on funding and currently Highway 34 doesn't meet the need for CDOT to make it a four lane road. Additionally, a center left turn lane exist at Highway 34 and Rossum Drive so the needs of this intersection are currently met. The majority of current traffic is to and from the east on Highway 34.
- **Mr. Martin** addressed citizen's concerns with flooding, density (the number of proposed units), building height, and wildlife. Mr. Martin noted the height will be somewhere between two and three stories. There are currently 137 proposed units but the final count will depend on the architecture. Parking is based on 137 units. Mr. Martin addressed flooding concerns and noted the site is well above the flood plain line. Finally, wildlife has to be dealt with every day and stated that he thought Mr. Bliss did a good job addressing this concern.

#### **COMMISSIONER COMMENTS:**

- **Commissioner Jersvig** asked **Mr. DeGregorio**, a Larimer County Parks Advisory Board member, about the tunnel connecting open lands to the north of Highway 34 down to this property. **Mr. DeGregorio** stated that the Loveland West plan, part of the Big Thompson River Corridor, shows proposed trails. There has been discussion between the county and the city where these trails will cross Highway 34 and to his knowledge it had not been definitely decided but one possibility is at the "cherry stem" located between the open lands and this property. **Mr. Bliss** confirmed that creating a trail tunnel under Highway 34 has been discussed by the Parks Department but is not definitive at this time. However, if this project moves forward with development, the Parks Department may ask for an easement to accommodate this.

**Chair Crescibene called for at recess at 9:10 p.m.**

**Chair Crescibene called the meeting to order at 9:23 p.m.**

- **Commissioner Forrest** thanked the community for coming and noted concerns with approving the rezoning not knowing what will happen on property. **Commissioner Forrest** stated that it was important to determine what the zoning designation of this property will be to ensure that developments can move forward through the city's development process. **Commissioner Forrest** stated that she would like to hear other commissioners' input.
- **Commissioner Meyers** has looked at the preliminary plan and heard the sale proposal presented at the City Council meeting. Additionally, he has driven the area and understands the traffic concerns. **Commissioner Meyers** stated that he has been a proponent for having a strategic plan for this gateway into Loveland and feels that a 2-3 story building is not the right use for the land. **Commissioner Meyers** stated that more work needs to be done to determine the proper use and zoning and therefore will be voting against rezoning from DR to R3


- **Commissioner Molloy** noted that decisions are made not only on how a use impacts the town, but how it impacts the neighborhood and wildlife. This area is beautiful and wildlife used to thrive here; however, residents of Marina Butte pushed the wildlife around when they built their houses too. This project is a vast improvement over the previously proposed two family attached homes but is concerned that the residents of the facility would not be able to leave the facility due to the lack of trail systems. This would require them getting in their cars to leave the area. **Commissioner Molloy** is in favor of reducing the height to a single or two level facility. **Commissioner Molloy** feels that the zoning fits a retirement facility and is not sure what other use would fit for this property. Currently undecided at this point and is considering allowing the rezoning with a development agreement.
- **Commissioner Dowding** thanked the citizens for coming and presenting. She noted that many concerns are out of the control of the Planning Commission, for example: CDOT takes care of the roads and Highway 34 improvements. It is up to the Planning Commission to vote on the parcels of land. Commissioner Dowding stated she is considering voting to rezone to R3 as this is a more appropriate designation than the commercial corridor designated in the Comprehensive Plan. From personal experience, people of these types of facilities do not get visited enough. This would be a beautiful place for these people, just like Mr. Newcomb's wife enjoys. Commissioner Dowding agreed with several other commissioners that three stories is too high.
- **Commissioner Jersvig** thanked the community members and noted that their involvement is important. Commissioner Jersvig noted that based on the Comprehensive Plan, the findings cannot all be met as it states that the US 34 corridor should provide and aesthetic and pleasing views. Rezoning to R3 doesn't mean that the concept plan presented by the applicant will get built and something else that is not as aesthetically pleasing could be built under the proposed zoning. Additionally, the Comprehensive Plan sites a campus setting with low density. Instead, the proposed facility is high density. As a major entryway into city, this site should show a high quality image. **Commissioner Jersvig** noted that feathering is utilized in other areas of the city; however, this area would go from open lands straight to high density. **Commissioner Jersvig** stated that he would be voting no on the rezoning because the findings can't be met.
- **Commissioner McFall** thanked everyone being in attendance and thanked City Staff for their presentation of their consideration of the current residents of this area. Commissioner McFall agreed with several other commissioners that the business does not fit this area. He noted that a building three stories high would disrupt the views. Although he appreciates the traffic study, from experience he knows that making a left turn from Rossum onto Highway 34 is difficult. Based on these concerns, the zoning needs to be evaluated further and he will vote no on the rezoning.
- **Chair Crescibene** stated that he is going to vote no. The City owns one parcel and feels the city should buy the other parcel and make it all open space. The Comprehensive Plan states this area should convey a high quality image and there is nothing more pristine than open lands.
- **Commissioner Jersvig** noted that he likes the idea of a tunnel being built under Highway 34.

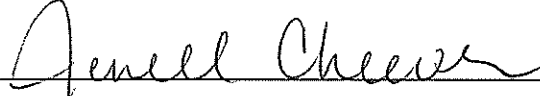
*Commissioner Meyers moved to make the findings listed in Section VIII of the Planning Commission staff report dated October 12, 2015, and, based on those findings, recommend that City Council rezone 4.7 acres from a portion of Tract Q – Mariana Third Addition to R3 – Developing High Density Residential subject to the conditions listed in Section IX, as amended on the record. Upon a seconded by Commissioner Molloy, the motion was defeated by five nays (Commissioners Meyers, McFall, Crescibene, Jersvig, and Forrest) and two ayes (Commissioners Molloy and Dowding).*

### **ADJOURNMENT**

**Commissioner Meyers**, made a motion to adjourn. Upon a second by **Commissioner Molloy**, the motion was unanimously adopted.

Chair Crescibene adjourned the meeting at 9:43 p.m.

Approved by:   
John Crescibene, Planning Commission Chair

  
Jenell Cheever, Planning Commission Secretary