



COUNCIL COMMUNICATION

DATE: March 5, 2010	AGENDA NO. VII, C, 1, b	SUBJECT: Request for change of zoning from Residential Medium Density (RM) to Residential High Density (RH)
Department Head: 	Public Works Don Koskelin	
City Manager: 	Nathan M. Cherpeski	
PRESENTED BY: Don Koskelin		

Recommendation: That the request for re-zoning of the subject property from RM to RH be denied per Planning Commission's recommendation.

Background: This property is directly north of the high school and west of the city owned storm water detention area. On the west it is bordered by Maroon Drive with undeveloped property further to the west. To the north is a 25 foot wide storm drainage and public utility easement then another parcel in the River Trece subdivision that is currently undeveloped but is zoned RH. The Planning Commission held their public hearing on this issue on February 24th and upon conclusion of the hearing they recommended that the request be denied. Copies of the planning commission packet and minutes of this meeting are attached.

Issue Before the Council: The council has the option of denying the request per the Planning Commission's recommendation, referring it to the Planning Commission for further consideration, directing staff to draft an ordinance on the re-zone and scheduling it for further consideration by council.

Fiscal Impact: NA

Legal Opinion: City Attorney will be present for comment.

Conclusion: The Planning Commission has recommended that this request be denied in accordance with Article IV, Chapter 21 of the Alamosa Code.

MEMO

To: Planning Commission Members
From: Don Koskelin
Subject: Request for Re-zone – a fraction of the North-east ¼ of the North-east ¼ of Section 5, Township 37, Range 10 East, City of Alamosa
Date: February 18, 2010

I have reviewed the attached application to re-zone the property in question from Residential Medium (RM) to Residential High Density (RH) and recommend that it be approved. This property is eligible for re-zone both because of its size (3.23 acres) and because it is adjacent to property which carries the same zoning which the applicant is seeking. The applicant is requesting this re-zone so that they can construct apartment units on this property. Such multi-family dwelling units are permitted by right in both the RM and RH zones, the difference being that in a RM zone the code allows for one unit per 3,000 sq. ft., in a RH zone the code allows one unit per 1,750 sq. ft. At 3.23 acres this parcel then contains approximately 140,700 sq. ft. With an RM zone 46 units would be allowed, zoned RH then 80 units could eventually be constructed. Lot coverage and setback limits would still apply to any development.

The adjacent property to the east is a storm drain detention parcel owned by the City, properties to the west and north are currently undeveloped and the high school occupies the property to the south. I suggest that the Planning Commission consider requiring that the applicant be required to grant a 15 foot public access easement adjacent to the north property line of this parcel adjacent to and south of the existing 25 foot public utility and drainage easement which currently exists along this property line. This will allow for the eventual construction of a foot/bike path from Craft Drive to Maroon Drive through the City owned storm drainage detention properties in this area. This wetland area has a large water fowl population and a trail would provide access to the area as well as a pedestrian access from the high school to the properties to the east and to Carroll Park. I further suggest that a 10 foot wide public utility easement be required along the west and south property lines of the property. These two utility easements are within the normal setback requirements and so should not impact future development but will allow for street lighting or other utility needs should they be necessary in the future. This issue would normally be addressed during subdivision. This parcel was created upon annexation when the Maroon Drive right of way and the storm drainage detention lot separate it from the other property so further subdivision may not happen.

**CITY OF ALAMOSA
APPLICATION FOR RE-ZONE**

1. Name(s) of property owner(s): Carroll Properties, LLC.

2. Mailing address of owner(s): 6075 Del Sol Drive
Alamosa, CO 81101

3. Phone number(s)/E-mail: jane.ajmartin@gmail.com

4. Application information if different from owner. Attach Power of Attorney.
Name: _____
Mailing Address: _____

- Phone Number: _____
5. Legal description of property: FR NE4NE4 5-37-10 3.23 AC M/L

6. Street address of property: Maroon Drive
Alamosa, CO 81101

7. Present zoning: Residential Medium

8. Proposed zoning: Residential High

9. Proposed use/reason for rezone request: Apartments

10. Attach a list of adjacent property owners and addresses for notification.
(Available at County Assessors Office)
11. Attach an application fee of \$75.00 non-refundable.
12. Location map with adjacent zoning indicated to be attached by staff.

OWNER(S)

Michael L. Porter
Signature(s)

Jane A Martin 2/8/2010
Print Name Date
by Michael L. Porter
Agent.

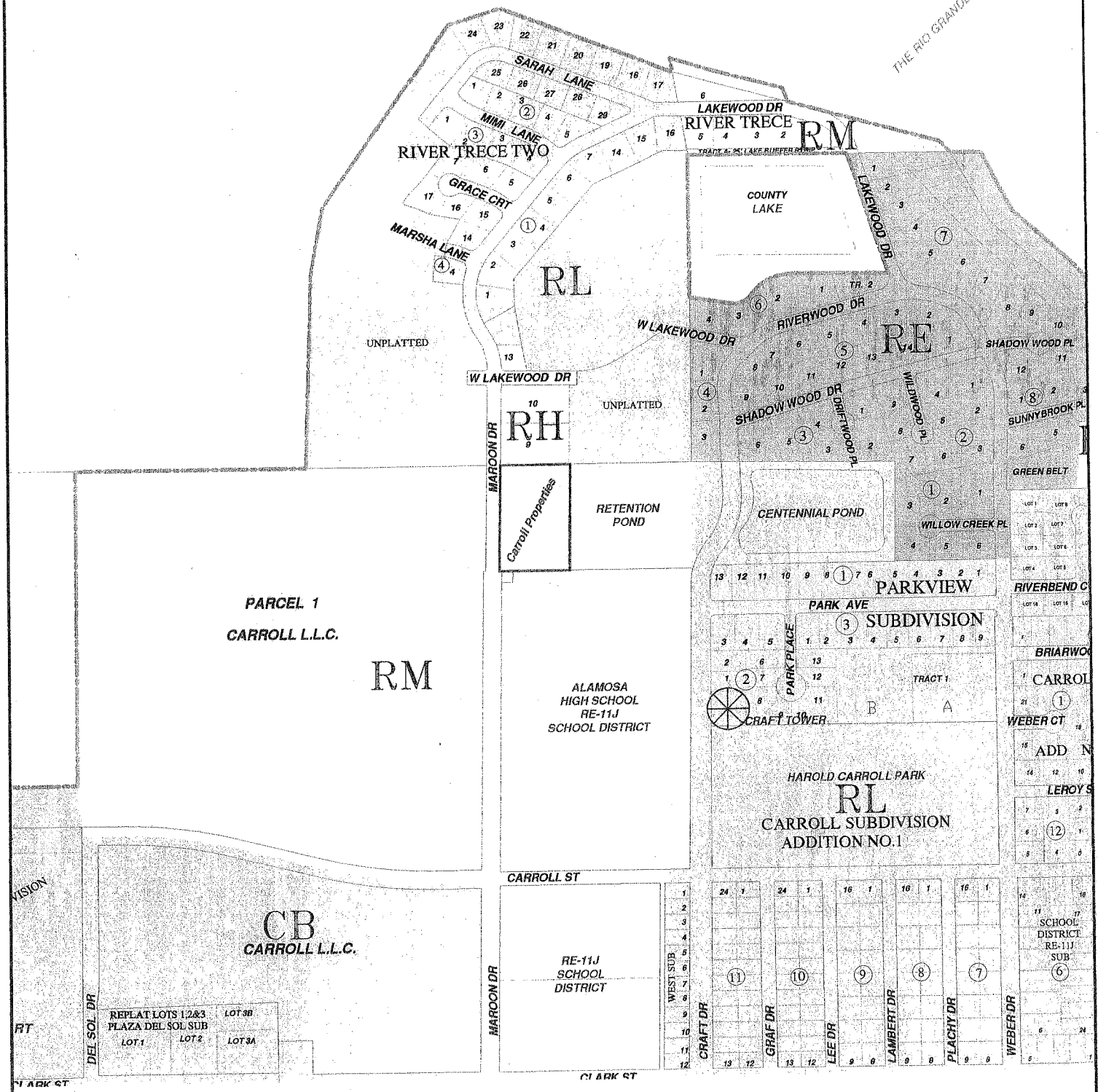
APPLICANT(S)

Signature(s)

Print Name

Date

THE RIO GRANDE



PARCEL 1
CARROLL L.L.C.

RM

CB
CARROLL L.L.C.

- Zoning Boundary**
- A = AGRICULTURE
 - RE = RESIDENTIAL ESTATE
 - RL = RESIDENTIAL LOW DENSITY
 - RM = RESIDENTIAL MEDIUM DENSITY
 - RH = RESIDENTIAL HIGH DENSITY
 - CL = COMMERCIAL LIGHT
 - CB = COMMERCIAL BUSINESS
 - I = INDUSTRIAL

See:
Article V. General District Zoning Regulations
Sec. 21-96. Establishment of districts: district categories.

Carroll Properties, LLC
Application for Re-Zoning
County Assessor
Parcel No. 5413050-00-039

FEB. 2010
1" = 600'

City of Alamosa
Planning Commission
Wednesday, February 24, 2010
6:00 p.m.
Minutes of the Meeting

The regular meeting of Planning Commission was called to order on the above date at 6:04 p.m. by Chair Mark Manzanares. Present were the following members: Debbie Clark, Don Martinez, Robert McWhirter and Shirley White. Excused: Don Thompson. A quorum was declared. Staff present: Don Koskelin, Jeff Rilling and Julie Scott.

Agenda Approval: M/S/C. White, Martinez. Motion was made to approve agenda as presented. (Unanimous).

Approval of the Minutes: M/S/C. McWhirter, Clark. Motion was made to approve the minutes of January 27, 2010 as submitted. (Unanimous)

Regular Business- Conduct Public Hearings

Zoning Issues: No applications received.

Planning Issues:

The request of Carroll Business Development Group for a rezone of property from Residential Medium (RM) to Residential High Density (RH). The property affected is a fraction of the NE1/4, NE1/4, Section 5, township 37 North, Range 10 East, lying generally north of Alamosa High School and east of Maroon Drive.

The public hearing opened at 6:07 p.m.

Manzanares: Is there someone here to speak on behalf of this proposal?

Porter: Preston Porter, 623 Country Club Circle, representing Porter Realty who is the agent for Carroll Business Development Group. I will answer questions from you and if we have further questions I can address them. We have a job and that is to sell real estate. We have had this property on the market for several years and it is as you know residential medium property. Our job is also to increase marketability and right now there is a certain set of things we can do on this property and there is a larger set of things we can do in residential high zoning. I'm here on behalf of the owner to increase the zoning to residential high for eventual development. This property is mostly like set up for multifamily housing. As you know, per Don's memo, currently we can do 46 units there as it's zoned. This rezone would increase our ability to put potentially 80 units there. We do have an interested party, but nothing is concrete on the sale. We don't have plans, renderings, we don't know exactly what's going in there. We are just asking for an increase in zoning. If the commission has any questions?

Manzanares: So you don't have any plans but a potential buyer?

Porter: Right, with financing you have appraisals, all these hurdles including zoning. As stated in the memo, the adjacent property to the north is already zoned RH. That property could be built on right now. It's not being marketed. If someone wanted to build high density multi family units, they could.

Manzanares: You were saying 80 units?

Porter: As per Don's memo, because of the size of this parcel, 3.32 acres, residential high density would allow up to 80 units. What that actual design would look like, you have setbacks and other issues to look at. There's no guarantee you could fit 80 units, just that the zoning would allow it.

White: The residential high property next to it is not owned by Carroll's?

Koskelin: That is correct.

White: How close is this to the retention pond?

Koskelin: It is adjoining.

White: It is owned by the City?

Koskelin: Yes.

Martinez: I am wondering about the impact on traffic in the area.

Manzanares: Is there anyone else that would like to speak on behalf of this proposal?
Against?

Taylor: Helen Taylor, 2509 Mimi Lane. I live right on the corner of Lakewood and Mimi, the high school students on that road drive excessively fast and it's not a road that you want a high density property on. All the property there are single family homes, we take pride in our property. This property is right on the borderline of the high school and I don't think we should have an apartment building adjacent to the practice field of the high school. It doesn't make any sense and doesn't fit in to the demeanor of the neighborhood as it is now.

Manzanares: Thank you. Anyone else?

Wueste: Richard Wueste, 2907 Sarah Lane. I have a memo from Sandra and Allan Wehe who live at 431 Lakewood Dr., speaking in opposition and Mark and Stephanie Parrish of 2913 Sarah Lane to let you know if they could be here they would be here to speak in opposition. The big question for our sensibilities is why now? Real estate is a speculative venture that is why you have zoning commissions and plans so you have a

long range vision of what should happen in a town and so when people buy land, they know what the rules are. There should be a very good reason for changing the rules other than we think we could sell it. This is a situation where you have a very small parcel that is probably improperly zoned as high density, the moment you open up this parcel you set up the slippery slope, more room so they won't do 80 units, they will do 100 units. You and I both know we do not have high level, high class apartment buildings in Alamosa. They look for the most part, like cheap two story motels. It works, and there's plenty of land for those buildings to be on. What we have is a very nice neighborhood where the neighbors care a lot. We have children at the high school. Adding 80-100 units and believe me if we go into this it will be more and more. Traffic will increase dramatically and create a dangerous situation for the children and the neighborhood. Most important though is, why now? It's been there 7 ½ yrs and they haven't sold it. Do we need to have that land sold? I understand that people want to make money, but the quality of life in our City should not be at the mercy of wanting to make money. At any such time that there is a real buyer, with a real plan and something you can look at that makes sense, they can come forward, your processes aren't that slow. There is absolutely no reason to act now and if you do the answer has to be no, it's not good for the community, the neighborhood, it adds no value.

Newman: Paul Newman, 2903 Sarah Lane. On behalf of myself and my wife Patty, we are against rezoning this parcel. Our biggest concern is traffic and if you live in that area, it's virtually impossible to get out of Maroon Dr., four times a day, eight months of the year. To increase the number of cars trying to get to work or home from work at that particular time seems to be an issue. Secondly, is property valuation that is a issue that address often, one of the things was we purchased our land based upon the fact the this was single family dwellings and that was what the area was going to be for as long as we were living there or try to sell our home eventually. We would expect that whoever was going to sell that land, it was the burden of their responsibility that they show that our property values would remain the same. The third thing I'm concerned about is the slippery slope Mr. Wueste mentioned, so now we have 80 apartments, and then possible they will need a convenience store and gas station in that area. That's nothing something we are looking at for the future of our property. Thank you.

Bates: Karen Bates, 441 Lakewood Dr., again to speak against. Several issues come to mind. I lived on the front range when they built an apartment building next to the high school where I was teaching there was nothing positive that came from it. The student absenteeism went up, grade averages went down. We couldn't get the kids back from lunch because they were hanging out in the apartment complexes with kids whose parents worked during the day. From an academic standpoint, it was really bad. Eventually, we had enough issues that we were able to convince someone to take over and made it a senior housing project and that was much more conducive. It didn't create the same issues. We have infrastructure problems; we have road improvement problems in that area. It has not helped that the road is opened all the way up for the students to go through or anyone that drives. The other issue is that there will be a significant reduction probably in water pressure. Every time when they have built, when I came in 2004, just the few units built west of us and our water pressure has gone

down, which created a significant issue for us in trying to maintain our property. We've had significant expense to re do the sprinkler system and deal with other issue that come with overdevelopment.

Anderson: Hoyt Anderson, I have a Lot 2913 Lakewood Dr. and getting ready to build a house there. I've waited ten years and found the lot that I want to buy. The bigger picture of it, I think the community has done a phenomenal job, getting our schools attractive, attract doctors, great people to build our community and this would be a step backwards in regards to having an apartment building with college students, parties next to the school.

Garcia: Liz Garcia, 2906 Sarah Lane. We have lived there 13 yrs. We've seen this grow into a wonderful development. The school there has increased our traffic, but apartments there would be detrimental to the neighborhood.

Martini: Imelda Martini, 1320 Lakewood Dr., I'm new to this area when I purchased this property, I moved from Santa Rosa, Ca. If I had known you were going to change the zoning, it would just ruin this whole neighborhood. I would have never purchased the property. With the high school there the traffic is terrible already; I pick up trash every day, McDonalds' wrappers. It would increase with apartment units.

Manzanares: Anyone else that would like to speak? This is your opportunity. If not, we will close the public hearing.

The public hearing closed at 6:22 p.m.

For the record, all adjacent property owners were notified of the public hearing. Three letters opposing the rezone were received on the day of the public hearing.

Manzanares: Don, to the north it is already zoned residential high, to the west residential medium. Is there potential for apartments there as well.

Koskelin: The difference between Residential Medium and Residential High is, RH is 1,750 sq. ft. lot per dwelling unit, and RM is 3,000 sq. ft. They could, but not as many units per acre.

Manzanares: There aren't any areas for a convenience store?

Koskelin: Nothing zoned commercial out there.

McWhirter: The question of water pressure?

Koskelin: The utility lines in Maroon Dr. were sized to carry the RH north of there and would certainly be able to handle additional residential high zoned property.

Clark: Does it take the value of the houses down?

Koskelin: I would direct that question to Porter.

Porter: That's a matter of opinion to most people. There is undeveloped land; you have the potential of infrastructure, curb and gutter, sidewalks being put in.

Manzanares: This is a question of zoning, not building plans. Would they have to come back here?

Koskelin: Not necessarily, as long as they are building within the existing zoning regulations and the setbacks, lot coverage. One difference is 35% lot coverage in RM, 40% in RH. One comment made that there is a lot of RH property that is not being developed. We do have an area south of Tremont, where the Farm Labor Housing is located, that is the only substantial block that is RH that is not developed. One other point that must be made, when you speak of right next door, is it 800 ft., 1,000 ft., one block which is typically 400 ft. There is some buffer there to the homes that are already built. What potential development will look like I would suspect it would be more than one building.

Manzanares: If you subdivide it?

Koskelin: You could for single family or have two or three lots for residential high development too.

Manzanares: What is required? Curb and gutter?

Koskelin: At the time they come in for development, building permit essentially, they would have to put in the curb and gutter, sidewalk and depending on whether we have adjacent development, they would have to put money in escrow to get the street paved. We're certainly not going to pave half a street.

Manzanares: Is there any need for a traffic study?

Koskelin: Not necessarily. The only time we need to do a traffic study, there is a couple different things that drive that. If there is a subdivision plan that have more than 6 units. The normal natural flow of traffic would be more to the south because of where the traffic generators are.

Manzanares: Our options are yes or no?

Koskelin: The recommendation to change or not to change the zoning. If you recommend approval to council, that recommendation would go to council with a draft ordinance for consideration. At that time council would either pass at the first reading and set another public hearing. If you recommend that it not be approved, there would not be a draft ordinance. If council chooses to not accept that recommendation, they have that option. You are making a recommendation to approve or disapprove.

Manzanares: In regard to property values, it is reminiscent of the discussion of solar panels at the school.

Koskelin: Your recommendation to City Council will be based on the testimony presented at this public hearing. If you want to continue the public hearing, to give either parties the opportunity to bring further testimony you can certainly do that. You're not required to make recommendations tonight, you have 30 days. Council has the option of turning it back to Planning for further public hearing and they will have public hearing themselves.

White: What about Fire Department? Will they need to put more fire hydrants in?

Koskelin: That is really a development issue, not zoning.

Further discussion included building heights (35 ft. in RM, 50 ft. in RH), density, lot coverage, construction costs and allowed uses in the surrounding area.

M/S/C: White, McWhirter. Motion made to recommend disapproval of the zoning request of Carroll Development Group for a rezone of property from Residential Medium to Residential High Density. The property affected is a fraction of the NE ¼, NE ¼, Section 5, township 37 North, Range 10 East, lying generally north of Alamosa High School and east of Maroon Drive. Four yeas, 1 nay.

Other Business:

Zoning in regards to medical marijuana dispensaries.

Staff supplied background information on the issue and maps of the proposed areas where dispensaries would be allowed. There are currently none located in the city limits. The current zoning code does not address these facilities. On the proposed map they would not be allowed within 1,000 ft. of schools or parks, 400 ft. from residential zoned property, or the Downtown Design Overlay. On the proposed zoning they would be allow only in Commercial Business or Industrial zones that are not within these restrictions.

The commercial area west along Hwy 160 corridor seemed to the Commission as best in terms of zoning for this type of facility. Licensing would not be a topic for Planning Commission. Signage would be discussed at the licensing level.

Commission discussed the proposed areas and options at length and made the following recommendation:

M/S/C. White, McWhirter. Motion made to recommend to allow medical marijuana dispensaries in Commercial Business zones only and as a Permitted Use by Special Review. (Unanimous)

Next item:

The zoning adjustment of properties from Commercial Business to Residential Medium.

This discussion item was driven by recommendation of the Urban Renewal Consultants. The area south of 8th St. was discussed in particular, with State Ave. being looked at separately. The areas north of Fourth St. would be less problematic. The Commission tabled the item until the next regular meeting. Staff was directed to survey the areas in question for commercial uses presently in operation.

Next item:

Review of Three Mile Annexation plan.

Updates have been made to the descriptions and map, including the recent annexations completed. The Commission discussed several areas, including East Alamosa.

M/S/C. McWhirter, Clark. Motion made to recommend approval of the three mile annexation update to the City Comprehensive Plan. (Unanimous)

The Commission questioned the installation of sidewalk by the Living Water Church, the landscape requirements to be completed by Sun Edison, and general practice in regards to public hearings.

After no further business, the meeting was adjourned at 7:41 p.m.

Respectfully submitted,

Julie Scott
Recording Secretary