

PLANNING COMMISSION STAFF REPORT COVER SHEET

PUBLIC HEARING DATE June 29, 2020	PROJECT NAME Barker-Guiet Lot Consolidation/ Boundary Adjustment & Guiet Rezoning	PROJECT STAFF Craig Roser, AICP, Planner III
PROJECT NUMBER #20-083	PROJECT TYPE Minor Subdivision Preliminary Plan & Rezoning	APPLICANT (PROPERTY OWNER) Dan Burkhart Representing Carol & Daniel Guiet and Rod and Laurie Barker
PROPERTY ADDRESS/LOCATION 405 W. 28th Street (Guiet) and 7 Carol Drive (Barker)		

PROJECT SUMMARY

Considerations of a proposed lot consolidation and boundary adjustment re-platting between the Barker and Guiet properties located at 7 Carol Drive and 405 W 28th Street and rezoning of the Guiet property from RA, Rural Agriculture to EN4-B.



EXISTING COMPREHENSIVE PLAN LAND USE DESIGNATION Residential, Low Density	CURRENT LAND USE Residential	ADJACENT ZONING EN4-B	CURRENT ZONING EN4-B (Barker) RA (Guiet)	FUTURE ZONING EN-4B
EXISTING SIZE OF PROPERTY Barker Prop – 1.16 acres Guiet Prop – 7.78 acres & 1.083 acres	PROPOSED LAND USE Residential			

PROPERTY HISTORY

This proposal involves three (3) platted lots located in the single-family residential area of the community accessed off of Carol Drive, the private street off of W 28th Street leading up to the City's "Tanque Verde" water tank. The specific properties are Lot 4 of the Barker Subdivision which was platted in 1992 and owned by Rod and Laurie Barker and Lots 1 & 2 of the Sweringen Subdivision, owned by Daniel & Carol Guiet and also platted in 1992. The Barker property is zoned EN4-B and the Guiet properties are zoned RA, Rural Agriculture.

COMPREHENSIVE PLAN COMPATIBILITY

The Future Land Use Map designates these properties as Residential, Low Density. The proposed boundary adjustment re-platting and the rezoning are consistent with this Plan designation.

DESIGN GUIDELINES & LUDC COMPLIANCE

The project is subject to the Subdivision and Rezoning review criteria and City development standards of the Land Use and Development Code (LUDC).
In the judgement of staff, the application meets all the applicable criteria as described in greater detail in the staff report.

STAFF RECOMMENDATION

APPROVE
 APPROVE WITH CONDITIONS
 DENY
 CONTINUE

RECOMMENDED MOTION

Move to recommend approval of the proposed Guiet Rezoning and the Barker -Guiet Boundary Adjustment and Lot Consolidation with the finding that the proposal complies with the City of Durango Land Use and Development Code per presented testimony, submitted documentation and conditions out lined in the staff report.

ATTACHMENTS	<input checked="" type="checkbox"/> STAFF REPORT	<input checked="" type="checkbox"/> CONTEXT MAP, ZONING MAP & SITE AERIAL	<input checked="" type="checkbox"/> APPLICANT NARRATIVE	<input checked="" type="checkbox"/> SUBMITTED PLANS
	<input checked="" type="checkbox"/> OTHER MAPS	<input type="checkbox"/> PUBLIC COMMENTS	<input type="checkbox"/> LUDC EXCERPTS	<input type="checkbox"/> OTHER: _____

BACKGROUND



Project Description

This is a public hearing for the purpose of considering multiple requests from Carol and Daniel Guiet and the Roderick E. Barker Revocable Trust and the Laurie A. Barker Revocable Trust, all represented by Dan Burkhart of Burkhart Planning & Permitting. The proposals involve three (3) existing parcels (two (2) currently owned by the Guiets and one (1) owned by the Barkers). The subject properties are addressed as 405 W. 28th Street (Guiet) and 7 Carol Drive (Barker). Specific issues to be considered at the hearing include:

- Replatting the three parcels to consolidate the Guiet properties into a single parcel and to adjust the common boundary with the Barker property to add more area to the Barker parcel.
- Rezoning the Guiet properties from a current zoning of RA, Rural Agriculture to EN4-B to avoid a split zone situation on what will be the reconfigured Barker property and to make the zoning of the Guiet property consistent with the rest of the neighborhood and with the City's Comprehensive Plan land use designation.

A more detailed description of the project is provided in the project narrative and plat materials which are attached to this report.

Review Process

As indicated above, this project involves multiple considerations, specifically a lot consolidation and boundary adjustment platting which is handled as a minor subdivision in accordance with the subdivision provisions of the LUDC and a rezoning consideration to avoid a "split-zoned" situation resulting from the proposed boundary adjustment. Both considerations require public hearings before the Planning Commission and City Council. The current subdivision consideration is at the preliminary plan stage. Assuming approval, the subdivision final plan review and plat approval will be handled administratively at the staff level. The rezoning, if approved, will be implemented through City Council ordinance.

Both the boundary adjustment/lot consolidation and the rezoning are considered by staff to be straight forward and non-problematic and it is intended that both issues be considered in a single public hearing. This staff report will however provide a separate analysis of each issue and the Planning Commission (and Council) should take separate actions on each issue at the conclusion of the hearing.

PROJECT ANALYSIS

Guiet Rezoning

The Barker and the Guiet properties are currently zoned differently, with the Barker property being zoned EN4-B and the Guiet property being zoned RA, Rural Agriculture. The Barker EN4-B zoning reflects the historic low-density residential zoning of the neighborhood and is consistent with the Comprehensive Plan land use designation and the zoning of all other properties in the neighborhood except for the two Guiet properties. The current Guiet RA zoning is the result of a specific rezoning request made in 1989 following a City-wide re-designation of property zone districts in association with the 1989 adoption of the Land Use and Development Code. At that time, the Guiet's sought and were granted approval to retain an agricultural zoning on their properties which would allow them the potential to continue to keep exotic and agricultural animals beyond the normal allowance for household pets.

Because of the different zonings, the proposed boundary adjustment would result in an undesirable "split zone" situation on what will be the reconfigured Barker property unless the zoning is changed. Additionally, the Guiets no longer have the need for the agricultural zoning on their property and staff has requested that the property be rezoned to EN4-B as part of the boundary adjustment consideration. This rezoning will:

- Avoid an undesirable split zone situation on the resultant Barker property following the boundary adjustment
- Make the zoning of the Guiet property consistent/compatible with the rest of the neighborhood
- Make the zoning of the Guiet property compatible with the Durango Comprehensive Plan

LUDC Section 2-1-2-6, a copy of which is attached to this report, contains general standards to be considered in evaluating rezonings. It is the staff position that the current rezoning request can be found to meet these standards.

Boundary Adjustment/Lot Consolidation Subdivision Issues

Staff also considers the proposed boundary adjustment and lot consolidation platting to be very simple and without any major issues. The proposal is to adjust the common boundary to add more area to the Barker property and to consolidate the Guiet properties into a single parcel. The properties are currently developed and used for single-family residential purposes and this will not change with the boundary adjustment/lot consolidation re-platting. The resultant lots will meet all the dimensional requirement of the EN4-B zone and the general character of the properties will not change or impact the neighborhood. There are no public improvement requirements or City development fees identified in association with this proposal. Staff considers the proposal to be generally consistent with the pertinent subdivision requirements of the LUDC



As is typically the case at the preliminary plan review stage, there are several very minor modifications to the plat (easement dedications/clarifications, plat language modifications, etc.) that will need to be made prior to final plat approval and recording. These are not significant enough to delay the preliminary plan consideration and can easily be handled through conditions of approval to be addressed at the final plat stage. As previously indicated, the final plat review will be handled administratively at the staff level.

PUBLIC COMMENT

As required by the LUDC, notice of the Planning Commission hearing on this development was published in the Durango Herald, mailed to all property owners within 300-feet of the subject property and a hearing notice was posted on the property. As of the writing of this report, no public comments have been received regarding this project

SUMMARY

Staff considers both the rezoning and the boundary adjustment proposals to be very simple and straight forward. The rezoning will avoid an undesirable split zone situation, will bring the zoning of the Quiet property into compliance with the City's Comprehensive Plan and will be more consistent and compatible with the current EN4-B zoning of the surrounding properties. While there are minor plat issues identified that still need to be addressed, staff believes that they can be handled through conditions of approval and addressed by staff review of final plans prior to Final Plan approval.

As outlined below, the Planning Commission should take separate action on the rezoning and the proposed boundary adjustment/lot consolidation.

ALTERNATIVE ACTIONS

Rezoning

- A. **Recommend approval** of the Quiet Rezoning with findings that the rezoning will:
- o Avoid an undesirable spilt zone situation on the resultant Barker property following the boundary adjustment
 - o Make the zoning of the Quiet property consistent/compatible with the rest of the neighborhood
 - o Make the zoning of the Quiet property compatible with the Durango Comprehensive Plan
 - o Meet the rezoning review standards of the LUDC
- B. **Recommend denial** of the Quiet Rezoning with specific reasons and findings stated.
- C. **Continue** consideration of the Quiet Rezoning with specific directions to staff and/or the applicants.

Recommended Rezoning Action:

By motion, Alternative Action A above.

Boundary Adjustment/Lot Consolidation Preliminary Plan

- A. **Recommend approval** of the Barker-Guiet Boundary Adjustment and Lot Consolidation Preliminary Plan with the following findings:

Findings:

- The proposed boundary adjustment and lot consolidation is in general compliance with the pertinent subdivision standards of the City.
- The resultant lots will meet all the dimensional requirement of the EN4-B zone.
- The proposed boundary adjustment and lot consolidation will not alter the residential use of the properties and the general character of the properties will not change or impact the neighborhood.

Conditions :

1. A revised final plat addressing the preliminary plan review comment of City staff and reviewing agencies will be submitted for City staff review and must be approved by City staff prior to final PD approval and preparation of the final plat mylars for signatures and recording.
 2. All written, verbal and graphic representations made by the developer or representatives of the developer shall be deemed conditions of approval.
- B. **Recommend denial** of the Barker-Guiet Boundary Adjustment and Lot Consolidation Preliminary Plan with specific reasons and findings stated.
- C. **Continue** consideration of the Barker-Guiet Boundary Adjustment and Lot Consolidation Preliminary Plan with specific directions to staff and/or the applicants.

RECOMMENDED ACTION:



By motion, Alternative Action A above.