

COMMUNITY DEVELOPMENT DEPARTMENT  
**PLANNING COMMISSION STAFF REPORT COVER SHEET**

PUBLIC HEARING DATE <b>June 29, 2020</b>	PROJECT NAME <b>Wehmeyer Boundary Adjustment and Rezone</b>	PROJECT STAFF <b>Dan Armentano, Planner II</b>
PROJECT NUMBER <b># 19-00105</b>	PROJECT TYPE <b>Preliminary Minor Subdivision, Rezone</b>	APPLICANT (PROPERTY OWNER) <b>Phillip Wehmeyer</b>
PROPERTY ADDRESS/LOCATION <b>915 &amp; 1000 Hidden Valley Circle</b>		

**PROJECT SUMMARY**  
 The applicant, Phillip Wehmeyer, has applied to move the common property line between 915 and 1000 Hidden Valley Circle 15 feet to the west. Mr. Wehmeyer intends to build a single bay garage attached to the western side of his home, and needs the additional space to accommodate this change. Although the Planning Commission does not need to make a decision on this matter, the proposed addition will need Alternative Compliance due to it's encroachment into the required 25' front setback. The two parcels are zoned differently, so the 15 foot strip of land being purchased by Mr. Wehmeyer will need to be rezoned from Rural Agricultural to EN-4C.



CURRENT ZONING <b>EN-4C/RA</b>	CURRENT LAND USE <b>Residential</b>	ADJACENT ZONING <b>EN-4C, RA, OS</b>	COMPREHENSIVE PLAN LAND USE DESIGNATION <b>Rural, Residential Low Density</b>	REQUIRED PUBLIC IMPROVEMENTS <b>None</b>
SIZE OF PROPERTY <b>8700 Sq. Ft. 10.37 Acres</b>	PROPOSED ZONING <b>EN-4C</b>	PROPOSED LAND USE <b>Residential</b>	PROPOSED DENSITY OR SIZE <b>10,148 Sq. Ft. 10.34 Acres</b>	UTILITIES <b>City of Durango</b>

<p><b>PROPERTY HISTORY</b>                  Both properties have relatively new homes, as the residence at 1000 Hidden Valley Circle was built in 2015 and 915 Hidden Valley home was built in 2013.</p> <p><b>COMPREHENSIVE PLAN COMPATIBILITY</b>                  The Future Land Use Map designation of 915 Hidden Valley Circle is Low Density Residential in 2017 Comprehensive Plan, and the property to the west is designated as Rural. The proposed subdivision density maintains compliance with these land use designations.</p>	<p><b>DESIGN GUIDELINES &amp; LUDC COMPLIANCE</b>                  In the judgement of staff, the proposal meets the applicable criteria for a Preliminary Minor Subdivision and a Rezone.</p>
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STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

CONTINUE

RECOMMENDED MOTION

**Move to recommend approval of the proposed Wehmeyer Preliminary Minor Subdivision and Rezone with the findings and conditions as outlined in the staff report.**

<b>ATTACHMENTS</b>	<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 type="checkbox"/> OTHER MAPS	<input type="checkbox"/> PUBLIC COMMENTS	<input type="checkbox"/> LUDC EXCERPTS	<input type="checkbox"/> OTHER: _____

## **BACKGROUND**

The owner of 915 Hidden Valley Circle, Phillip Wehmeyer, has reached an agreement with his neighbors to the west (Jeffrey Bork and Patricia Lavine of 1000 Hidden Valley Circle) to purchase a 15' wide strip of land totaling 1448 square feet. This strip will widen the 915 Hidden Valley Circle property and allow Mr. Wehmeyer room to construct an additional garage bay for his home. As the neighboring property is over ten acres, there is ample space for the Bork/Lavin property to provide this additional land to Mr. Wehmeyer. The Wehmeyer property will increase in size to 10,148 square feet, while the Bork/Lavin property will decrease in size from 10.37 to 10.34 acres.

Since the frontage of the transferred strip of land runs along the curve of the cul-de-sac, the proposed garage addition will encroach slightly into the required front setback. Mr. Wehmeyer has applied for Alternative Compliance to the front setback requirements, and staff does not anticipate any major issues with the approval of this request.

Since the subject properties have different zoning designations, this boundary adjustment also requires a rezone. The transferred strip of land will need to be rezoned from Rural Agricultural to Established Neighborhood 4C.

This proposed boundary adjustment is required to follow the procedure for a Minor Subdivision Preliminary Plan as laid out in Section 6-3-6-3 of the LUDC. The transferred property must also be rezoned from Rural Agricultural to EN-4C. Both of these changes shall be reviewed by both Planning Commission and City Council. If approved by City Council, the final plat will be reviewed administratively by City staff. The applicant has already responded to the comments that staff has provided on the preliminary plat, and staff therefore expects any additional changes to the final plat to be minimal. Upon approval of the Final Plat, an ordinance rezoning the transferred property will be read by City Council.

## **STAFF ANALYSIS**

### **Preliminary Minor Subdivision**

The following criteria are listed in Sec. 6-3-6-3(D) of the LUDC for subdivision requests:

1. *The proposed subdivision is in conformance with adopted plans(s) and policies, and the standards of this LUDC.*

The proposed lot sizes are greater than the LUDC established minimums for their respective zones. The boundary adjustment does not create any new nonconformities and the two lots will remain in alignment with the Future Land Uses established by the Comprehensive Plan.

2. *The proposed subdivision is compatible with existing or approved development of adjacent properties under existing zoning.*

The proposed subdivision meets this requirement, as the existing uses will not change.

3. *The proposed streets are correctly named.*

This requirement does not apply.

4. *The proposed engineering solutions are sound for all of the major physical site features.*

The Engineering division has reviewed this proposal and found that no changes to the existing utility configuration are necessary.

5. *Public facilities will be available and adequate to serve the potential population of the proposed subdivision as it is occupied.*

The existing public facilities will remain adequate for the subject properties.

6. *The impacts of the subdivision do not materially compromise the safety or welfare of the public.*

The proposed subdivision meets this requirement.

In the judgement of staff, the proposal aligns with the LUDC criteria described above.

### **Rezone**

The criteria for evaluating a proposed rezone are found in Section 2-1-2-6 of the LUDC. In this case, the rezone is essentially a formality and many of these criteria do not apply. The proposed changes to the sizes of both lots will not impact their densities or Future Land Uses as established by the Comprehensive Plan, and the rezone will not adversely impact the surrounding area or the general public. The proposed rezone will not impact the public services available to either parcel or the neighborhood as a whole. Staff finds that this proposal meets the criteria for a rezone as established by the LUDC.

### **PUBLIC COMMENT**

Staff followed the standard public noticing requirements for a Preliminary Minor Subdivision and Rezone. No public comments were submitted as of the date of this staff report.

### **REVIEW SUMMARY**

Staff supports the proposed Minor Subdivision and Rezone. The boundary adjustment between the subject properties is minor, and both properties will maintain their alignment with the Comprehensive Plan. The proposal does not create any nonconformities.

### **ALTERNATIVE ACTIONS**

- A. Recommend approval of the Wehmeyer Preliminary Minor Subdivision and Rezone with findings that the proposal is in conformance with City plans, with the following conditions:
  1. Future submittals shall comply with all applicable requirements and standards of the Land Use and Development Code and shall address the comments provided by City Staff.
  2. All written, verbal and graphic representations of the applicant or his agent shall be deemed conditions of approval.
- B. Recommend denial of the proposed Twin Buttes Minor Subdivision Preliminary Plan with reasons and findings stated.
- C. Continue project consideration with direction to staff and/or the applicant.

### **RECOMMENDED ACTION**

By motion, Alternative Action A above.