



Planning & Development Services

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Planning & Zoning Commission: Excerpt of Minutes

Hearing Date: April 11, 2016

Items: CAR16-00002, PUD16-00005, SUB16-00006

PUD16-00005 / DEVCO, LLC **MOTION ONLY**

LOCATION: 6781 E. WARM SPRINGS AVENUE

CONDITIONAL USE PERMIT FOR A 24-UNIT PLANNED RESIDENTIAL DEVELOPMENT ON 4.2 ACRES LOCATED IN A PROPOSED R-2D/DA (MEDIUM DENSITY RESIDENTIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT) AND R-1B/DA (SINGLE FAMILY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT) ZONES. SUSAN RIGGS

SUB16-00006 / BEN'S CROW INN SUBDIVISION - **MOTION ONLY**

LOCATION: 6781 E. WARM SPRINGS AVENUE

PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 24 BUILDABLE LOTS AND 1 COMMON LOT ON 4.2 ACRES LOCATED IN A PROPOSED R-2D/DA (MEDIUM DENSITY RESIDENTIAL WITH DESIGN REVIEW AND A DEVELOPMENT AGREEMENT) AND R-1B/DA (SINGLE FAMILY RESIDENTIAL WITH A DEVELOPMENT AGREEMENT) ZONES. SUSAN RIGGS

Chairman Demarest: Now we're going to go back to some old business that came up at our last meeting. These were, this is SUB16-00006 & PUD16-00005 6781 Warm Springs Ave. These two applications were deferred from the previous meeting as I said, PUD16-00005 & SUB16-00006. The public hearing was held in close and there was a final decision on the annexation that was deemed a recommendation for denial. There is presently a motion on the table for approval of the PUD and there has not been a motion for the SUB, so the Commission must now consider the PUD to a vote unless the motion is withdrawn, and that would come from the Commissioners. Commissioners, is there a motion to withdraw?

Commissioner Bradbury: Mr. Chairman?

Chairman Demarest: Commissioner Bradbury.

Commissioner Bradbury: Based on advice from Council and staff I withdraw my motion for approval of PUD16-00005.

Chairman Demarest: That is an order I don't think that needs any further action. Alright, that's off the table. I'll just wrap this one up, motion has been withdrawn. There is a question whether the Commission can proceed on the PUD and the SUB applications. After having received subsequent legal advice regarding the procedural and jurisdictional issues involved in the PUD and the SUB decision on annexed land, these applications are automatically, then, denied. The Commission does not have jurisdiction to hear these further applications, the staff will issue written decisions summarizing the basis for the denial. Following then our decision making tonight, then the normal appeal process is in effect, just to the City Council. I think we're done with that.

MOTION: **COMMISSIONER BRADBURY MOVED TO WITHDRAW THE MOTION TO APPROVE PUD16-00005.**
AUTOMATICALLY DENIED.