

**GRAND JUNCTION PLANNING COMMISSION  
DECEMBER 11, 2007 MINUTES  
7:00 p.m. to 11:12 p.m.**

The regularly scheduled Planning Commission hearing was called to order at 7:00 p.m. by Chairman Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the City Planning Commission, were Dr. Paul A. Dibble (Chairman), Roland Cole (Vice-Chairman), Lynn Pavelka-Zarkesh, Reggie Wall, Tom Lowrey, William Putnam and Bill Pitts.

In attendance, representing the City's Public Works and Planning Department – Planning Division, were Dave Thornton (Principal Planner), Eric Hahn (Development Engineer), Lori Bowers (Senior Planner), Rick Dorris (Development Engineer) and Scott Peterson (Senior Planner).

Also present was Jamie Beard (Assistant City Attorney).

Lynn Singer was present to record the minutes.

There were 112 interested citizens present during the course of the hearing.

**I. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**II. APPROVAL OF MINUTES**

There were no minutes available for consideration.

**III. CONSENT AGENDA**

Available for consideration were items:

**1. ANX-2006-100 ZONE OF ANNEXATION – Gummin Annexation**

Chairman Dibble briefly explained the Consent Agenda and invited the public, planning commissioners, and staff to speak up if they wanted this item pulled for additional discussion. No objections or revisions were received from the audience or planning commissioners on the Consent Agenda item.

**MOTION: (Commissioner Cole) “Mr. Chairman, I move approval of the Consent Agenda as presented.”**

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

**IV. FULL HEARING**

- 2. MSC-2007-334 MISCELLANEOUS – Fox Run at the Estates Appeal**  
**Fox Run HOA has appealed the Administrative decision allowing the constructed retaining wall as modified under a minor change request for the Fox Run at the Estates Subdivision.**  
**PETITIONER: Roy Blythe – Blythe Group**  
**LOCATION: 2580 G Road**  
**STAFF: Dave Thornton, Principal Planner**

**PETITIONER’S PRESENTATION**

Roy Blythe, president, Fox Run at the Estates Subdivision HOA, addressed the Commission. According to Mr. Blythe the plans submitted to the Planning Department and designed by the developer’s engineer and approved by the Planning Department included boulder or rock retaining walls. However, the retaining walls that have been constructed are concrete walls, some of which are in excess of four feet. It is their understanding that any wall over four feet requires inspections. They have not been provided any documentation regarding inspection. Mr. Blythe stated that the majority of lot owners understood and expected boulder or rock retaining walls. He further stated there has already been some times where the dirt has eroded over the top of the walls. They are also concerned that the walls are not high enough considering the steepness of the slope. The HOA was aware that there was a submittal to the Planning Department that provided an engineering fix because the retaining walls were built like a house foundation wall and not designed to retain the earth. He went on to state that besides it being a less expensive wall than what was proposed and approved by the Planning Department as well as not meeting the lot owners’ expectations, feels that the City has an obligation to the lot owners who have purchased the lots. He said that the lot owners are simply asking for what they have paid for and what was submitted by the developer and approved. According to Mr. Blythe, they are also concerned that the walls as constructed and/or fixed may not drain properly. Additionally, the HOA has not been provided any documentation as to whether or not there was a building permit obtained when the walls were built.

**STAFF’S PRESENTATION**

Dave Thornton with the Public Works and Planning Department gave a brief background of the Fox Run at the Estates Subdivision. He stated that the subdivision borders G Road on the east side of the Estates Subdivision and consists of 8 lots. According to the Future Land Use Map, the area is Residential Low, ½ acre to 2 with zoning of R-2. He clarified that the appeal is for the construction of 3 retaining walls that occurred. Mr. Thornton stated that the plans were finalized on January 6, 2006. It was brought to the attention of the Public Works and Planning Department that what was built was not rock or boulder retaining walls but rather concrete walls that were later

stuccoed. As part of the process, it was determined that as constructed part of the walls were actually constructed in a portion of City right-of-way. Accordingly, formal action was required for a revocable permit for the walls to allow for the construction to remain in the right-of-way. City Council issued those revocable permits on October 18, 2006. The developer had to submit a plan that would be reviewed by City staff to determine if the construction drawings could be amended to allow for the stucco walls. On August 16, 2007, a letter was sent to the developer regarding some outstanding issues in the subdivision as well as the need for them to request a minor change if they wanted to keep the existing wall that they built. On September 4, 2007, the developer submitted a minor change request. After review, the minor change request was approved. An appeal was perfected by the HOA and received on October 1, 2007. Mr. Thornton outlined a timeline and procedures taken in accordance with the Code.

### **QUESTIONS**

Commissioner Cole asked if, prior to the minor change, there was any change in the height of the wall. Dave Thornton stated that the height of the wall that was constructed was not the same height as what was initially proposed by the developer.

### **STAFF'S PRESENTATION**

Eric Hahn with the Public Works and Planning Department stated that he has been the engineer involved with this project for a number of years. Mr. Hahn provided the Commission with a timeline regarding this project:

- January 2006 – construction plans were approved;
- October 2006 (approximately) – revocable permit for the walls;
- Halfway during construction of this project, City staff became aware that the concrete retaining walls were built with no discussion with City staff regarding substitution. At that point, the walls were in place and back filled with no way to look into how the back fill was placed, no way to look at the subgrade drainage behind the walls. When they found out that the walls were put in place in a manner that was not consistent with the drawings, City staff also determined that portions of one of the walls was constructed in the right-of-way;
- As soon as the developer received a revocable permit, he had to demonstrate to City staff that the walls were equivalent, at least in terms of performance regarding holding back the retained earth, to what was approved in the drawings. An analysis was done on the walls as built. It was determined that they were not sufficient to hold up the amount of earth placed behind them.

### **QUESTIONS**

Chairman Dibble asked when the revocable permit was issued and by whom. Mr. Hahn stated that it was issued on October 18, 2006 by City Council which only gives the right to have a private structure on the right-of-way and does not address stability issues.

Chairman Dibble asked if the revocable permit addressed the building of the wall as a substitute for what was approved. Mr. Hahn stated that it does not.

Commissioner Wall asked if the wall as constructed is properly built for drainage and where does it drain to. Mr. Hahn said that the surface water will drain right across the top of the wall. He said that there is a significant amount of maintenance that will be required until the surface is finished.

Commissioner Wall asked if the wall is going to be sufficient enough to hold the earth without cracking or slanting. Mr. Hahn said that it will likely crack and possibly lean; however, it very likely would not fail.

Chairman Dibble asked if there was an inspection of the drainage system at the base of the wall. Mr. Hahn said that he was not aware of such an inspection.

Commissioner Cole asked for an explanation of the differences between what was submitted and what was ultimately approved. Mr. Hahn said that a boulder retaining wall was originally submitted and approved on the original plan. According to Mr. Hahn, it looks like a stack of large boulders holding back the earth behind it. The concrete retaining wall is significantly different – the vertical face of a concrete retaining wall requires that you account for significant forces at its base at the toe and at the heel from over-topping and from sliding and to keep from having actual failure of the structure. The wall that was constructed was more or less a foundation wall that was amended by piers that were drilled into the toe and tied into the toe of the wall itself.

Commissioner Pitts asked if that was an acceptable procedure. Mr. Hahn said that although extremely unorthodox, structurally after a considerable amount of review, there was no significant error of any kind that could be found.

Commissioner Lowrey asked if the present wall meets the Code. Mr. Hahn said that the Code does not specify any particular thing regarding walls other than to make sure that they are engineered to be reliably stable. To the best of the knowledge of the engineer that designed it, that is what there is now. Mr. Hahn reiterated that City staff has had to rely very heavily on the developer's engineer's analysis.

Commissioner Lowrey asked if a developer can make changes after submittal of a plan so long as they stay within the Code. Mr. Hahn stated that changes can be made provided they get an amendment.

Commissioner Lowrey asked for clarification that there was no violation of the Code. Mr. Hahn stated that there was no violation that they could determine.

Commissioner Putnam asked if the City is obliged to ensure that the wall designed and approved is actually constructed. Mr. Hahn stated that was an accurate assumption.

Commissioner Lowrey asked for clarification that the developer did ask for changes which are permissible for a developer to do.

Chairman Dibble asked if anyone was aware of the reason the developer changed it from a rock retaining wall to a concrete retaining wall. Mr. Hahn said that the question had not been asked and it was assumed that it was simply a cost-savings approach.

Eric Hahn pointed out that there is still one wall that has not been built. He further stated that as part of the close-out process where public infrastructure constructed by a private party is brought under City jurisdiction, none of the public infrastructure on this subdivision had been accepted by the City yet. Also, in the walk through they noted that the rock wall is not in place.

Chairman Dibble asked for Mr. Hahn's definition of "under compliance". Mr. Hahn said that it was clearly not brought into compliance under the original plan. The plan was amended, after the fact, in a sense to be compliant with what was in the field.

Chairman Dibble asked if it would be fair to say that at the time the decision was made to certify that it was being brought into compliance that all of the facts were not known as to whether there was sufficient drainage, whether the grade was in place, height and, therefore, a deficiency of information and possibility of an error in judgment being made based on deficiencies. Mr. Hahn said that was certainly possible in this case. Mr. Hahn reiterated that staff relied very heavily on the developer's professionals that submitted designs to the City.

Chairman Dibble asked if a plan was submitted for the design for the "foundational wall". Mr. Hahn said that plans, analysis and designs are on file from the developer's engineering team; however, there were no plans submitted for the wall that was rejected.

Commissioner Cole asked if an inspection was done to see that it was built according to what was finally approved. Mr. Hahn said that the City's inspection policy is more along the lines of a certification process by the developer's engineers. Any inspections done on that wall would have been done by the developer's engineering representative. Additionally, he stated that as far as they can tell there were no specific inspections specific to that wall during its construction.

Commissioner Lowrey asked, with regard to the wall that is there presently, if the City has plans which it inspected and approved. Mr. Hahn said that only the portion of the wall that was done after the fact could be inspected. He reiterated that since these walls are private structures, the City relies very heavily on private professionals in dealing with private structures.

Commissioner Lowrey asked if the City approved the wall. Mr. Hahn confirmed that the amended plan had been approved.

Jamie Beard, assistant city attorney, stated that applicant would now have an opportunity to come forward if they have any information that they would like to provide. Chairman Dibble questioned whether this proceeding was between the City and the

appellant and, therefore, any information added by applicant would not be pertinent for the appellate review. Ms. Beard advised that the appellant is the homeowners' association and the appellee is the applicant who would still be involved in the matter.

**APPLICANT/APPELLEE PRESENTATION**

Ted Martin, the developer, addressed the Commission and stated that the walls were designed, professionally engineered and approved by the City. He stated that this subdivision is not part of the Estates Subdivision. Access was redirected off of G Road and required the Estates to put an access through their road to access this subdivision. Mr. Martin confirmed that the walls have rebar in them, are properly designed and some additional engineering was required by the City which was done. He stated that the reason for the change was because of a change in engineers and it was never his intention to put in the rock walls. He was asked by the City to formally request the approvals, which he did.

**QUESTIONS**

Chairman Dibble asked Mr. Martin if he was aware that the rock walls were approved as part of the initial application package. Mr. Martin confirmed that he was aware of that and he was also told by his engineer that changes can be made along the way regarding issues such as walls. However, changes to road structure, etc. did require approval. He also stated that the walls were supposed to be simply for aesthetic looks off the sidewalks and not structural retaining walls.

Chairman Dibble asked if there was any insurability involved of the retaining wall doing its job. Mr. Martin stated that based on his engineer's designs, they feel very comfortable with the walls.

**PUBLIC COMMENT**

Mark Sills, president of the Estates Subdivision (721 Estate Boulevard), asked if the retaining wall would become the City's problem in the event of a break as it is on a city right-of-way. Jamie Beard stated that the wall is a private wall. The revocable permit allows them to have the wall within the right-of-way but the responsibility for the wall is still on the person or entity that the permit was issued to.

**QUESTIONS**

Commissioner Putnam asked for clarification regarding the appeal process. Jamie Beard stated that if any one of the four criteria is agreed with, the appeal would be granted. He then asked what the next step is if the appeal is granted. Ms. Beard said that if the appeal is granted, it would go back to the position where the applicant does not have an approval for the present wall but approval for the original wall. They would then either have to tear out the wall that is there or get an approval for some wall to be put in place of the original wall. She further stated that to grant the appeal, the existing wall would not have proper approval.

**DISCUSSION**

Commissioner Pitts said that the proper permits were issued, the wall was built with approval and in looking at the four criteria, he cannot find that the director did anything wrong.

Commissioner Lowrey agreed with Commissioner Pitts. He said that the testimony was had been that the wall is within the Code and, therefore, stated that he believes the director acted consistently, had not made erroneous filings, had not acted arbitrarily or capriciously and had considered the mitigating measures. Therefore, according to the criteria, the appeal should not be granted.

Commissioner Putnam suggested that the developer, rather than the director, acted arbitrarily and capriciously and stated that the developer should have to build the wall as originally planned.

Commissioner Wall stated that he agrees with Commissioner Putnam. He said that the comments that the developer completed the paperwork after the fact bothered him. He stated that he would be in favor of granting the appeal. He stated that he understands that there is leniency to a point when someone can fix something and how it can be fixed but believes this to be blatant abuse of that policy.

Commissioner Cole agreed with Commissioner Lowrey in that he does not believe the director violated any of the four points. He furthered it by stating that the walls do meet the criteria and the director acted within his purview to grant the change.

Commissioner Pavelka-Zarkesh stated that regardless of the sequence of events, she does not believe that the director made an inappropriate decision. The engineers, to the satisfaction of the City, said that the wall is structurally sound and, therefore, would not be in favor of granting the appeal.

Chairman Dibble said that he was somewhat concerned about some of the issues that are not before the Commission such as drainage. He stated that the people that made the decision to approve this may not have had all the pertinent facts and understanding. He said that he thinks that rather than this was an erroneous finding it was an error in judgment that led to an erroneous finding. Chairman Dibble further stated that statements must be relied upon or drawings rendered that they should be taken at face value and does not believe that was done in this instance. He stated that he would have to grant the appeal.

**MOTION: (Commissioner Cole) “Mr. Chairman, I would move to uphold the Director’s decision.”**

Commissioner Lowrey seconded the motion. A vote was called and the motion to deny the appeal was 4 – 3 with Chairman Dibble and Commissioners Putnam and Wall in favor of the appeal.

A brief recess was taken from 8:28 p.m. to 8:35 p.m.

- 3. ODP-2006-358 OUTLINE DEVELOPMENT PLAN – Ridges Mesa Subdivision**  
**A request for approval of an Outline Development Plan to develop 51 acres as a Planned Development in a currently zoned R-2 (Residential 2 du/ac) zone district; retaining the R-2 zoning as the default zone.**  
**PETITIONER: Ted Munkres – Freestyle Design & Building**  
**LOCATION: East of Hidden Valley Drive & High Ridge Drive**  
**STAFF: Lori Bowers, Senior Planner**

**PETITIONER’S PRESENTATION**

Ted Munkres spoke regarding the proposed Outline Development Plan. He said that the property is approximately 51 acres. To the west of the subject property is the Ridges Subdivision and the Pinnacle Ridge Subdivision; to the east is Country Club Park; to the north is undeveloped property which separates this property from Broadway; and to the south is Bella Pago Subdivision. He further said that the density is consistent with underlying zoning. He advised that there have been neighborhood meetings and the submittal to the City has taken those concerns into consideration.

**QUESTIONS**

Chairman Dibble asked if this would be done in phases. Mr. Munkres confirmed that it would be done in three phases with the first phase to the west and north.

Chairman Dibble then asked if there was an entrance located that would tie into Hidden Valley Drive. Mr. Munkres stated that was correct with another entrance that would tie into the Pinnacle Ridge Subdivision.

Chairman Dibble asked if this would be developed under a Planned Development with clustering. Ted Munkres said that clustering is part of the plan.

**STAFF’S PRESENTATION**

Lori Bowers, Public Works and Planning Department, gave a PowerPoint presentation of the proposed Ridges Mesa Subdivision. She said that according to the Future Land Use Map this area is to develop in the Residential Low, ½ to 2 acres per dwelling unit, with existing zoning of R-2. She further stated that an Outline Development Plan is an optional first step to an application for a Preliminary Development Plan for a parcel of land that is at least 20 acres in size. This parcel is a little over 50 acres. She went on to state that the purpose is to demonstrate conformance with the Growth Plan, compatibility of land use, and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to approval of a Preliminary Plan. In this instance, applicants have provided in their plan that there will be a public benefit to be obtained with creative design and a development that will work



with the existing topography and rock outcroppings in the area. Applicants have also committed to a trail system within the open space areas that will be available for public use. As the trail system is not currently shown on the Urban Trails Master Plan, it is above and beyond the requirements of the Code because the open space provided will exceed that required by the Code in a single-family residential development. Also, as mentioned by Mr. Munkres, the property was annexed into the City in 1992 as part of the Ridges Majority No. 3 annexation. She said that the ODP is to confirm that the underlying zoning will remain R-2 but will set the density, phasing, access points and availability of utilities for this area. Also applicant submitted a site analysis and it was determined by staff that the proposed ODP should work. It would come forward in three phases and each phase will be reviewed by the Planning Commission and City Council. Ms. Bowers stated that it is applicant's desire to begin Phase I immediately upon approval; Phase II in the fall of 2008; and Phase III in the fall of 2011. Ms. Bowers stated that she found the requested Planned Development, Outline Development Plan to be consistent with the Growth Plan, the applicable review criteria of the Zoning and Development Code and that all subsequent Preliminary Development Plans would require recommendation by the Planning Commission as well as approval by the City Council.

**QUESTIONS**

Chairman Dibble asked if the accuracy of the ingress/egress points would be determined at the time of the Preliminary Plan. Ms. Bowers confirmed that was correct.

**PUBLIC COMMENT**

Lee Steegen, 410 Country Club Park, asked where the main access to the property would be. Also, he asked that the proposed years for the phasing be repeated as well as how many homes are being proposed.

**STAFF'S PRESENTATION**

Rick Dorris, Development Engineer, pointed out the three proposed connection points - Hidden Valley Drive; Pinnacle Ridge; and Bella Pago.

**PUBLIC COMMENT**

Ken Scissors spoke in favor of the proposed development. He said that he was impressed with the developer's approach and sensitivity to the natural surroundings, adherence to the Growth Plan, and their concerns regarding traffic.

Stephanie Tuin, 205 Country Club Park, said that she had gone to the neighborhood meetings wherein Mr. Munkres stated that access onto Bella Pago Road would be for emergency vehicles only.

**APPLICANT'S REBUTTAL**

Mr. Ted Munkres stated that they had originally submitted emergency only access to Bella Pago; however, staff had reminded them that the development code requires inter-community circulation.

**QUESTIONS**

Commissioner Lowrey asked about the general concept on sewer and water. Mr. Munkres answered that they are in the process of working on that on various stages. The first phase would have water and sewer off of Hidden Valley Drive and High Ridge Drive and eventually it will connect to the Pinnacle Ridge Subdivision which will have additional water and sewer capability. Mr. Munkres also stated that there is a possibility that this subdivision could have a pump station on it.

Commissioner Lowrey asked, in the event they could not get access to the property to the north for a number of years, would the development of Phases II and III not occur for several years, or if the pump station is an alternative. Ted Munkres stated that a pump station is an alternative to that.

**DISCUSSION**

Commissioner Lowrey stated that he was in favor of the project.

Commissioner Cole also stated that he was in favor of it.

**MOTION: (Commissioner Cole) “Mr. Chairman, on item number ODP-2006-358, I move that the Planning Commission forward a recommendation of approval for the Ridges Mesa Planned Development, Outline Development Plan, with the facts and findings listed in the project report.”**

Commissioner Lowrey seconded the motion. A vote was called and the motion passed unanimously by a vote of 7-0.

- 4. GPA-2007-263      GROWTH PLAN AMENDMENT – Lime Kiln Creek Ranch Request approval for a Growth Plan Amendment to change the Future Land Use Designation from Estate (2 – 5 ac/du) to Residential Medium Low (2 – 4 du/ac).  
PETITIONER:    Mac Cunningham – Cunningham Investments Company, Inc.  
LOCATION:        2098 E ½ Road  
STAFF:           Scott Peterson, Senior Planner**

**STAFF’S PRESENTATION**

Scott Peterson, Senior Planner, Public Works and Planning Department, gave a PowerPoint presentation of the request for a Growth Plan Amendment for property located at 2098 E ½ Road. The request is from the Estate designation to Residential Medium Low. He stated that the proposed GPA request is located northeast of the Tiara Rado Golf Course; east of 20½ Road; and south of Broadway, Highway 340. Mr. Peterson stated that the total acreage for this property is slightly less than 28 acres. He further stated that there has been increased residential development and urban pressures, both in and around the Tiara Rado Golf Course and also the Redlands in general since adoption of the current Growth Plan in 1996. He said that this property is within the 201 Persigo Sewer Service Urban Boundaries and has access to both water

and sewer services. According to the Redlands Area Plan, new development is encouraged to locate on land least suitable for agricultural use. He further stated that the Redlands Area Plan supersedes the current Growth Plan. Mr. Peterson said that currently the parcel is vacant and is surrounded by single-family residential properties of various sizes. Existing and proposed infrastructure facilities are adequate to serve the proposed residential development. Mr. Peterson stated that it is anticipated that an additional 52,000 homes within the Grand Valley will be required within the next 20 to 30 years to accommodate the proposed growth projections. As a result, existing areas within the urban growth boundary that are currently designated as larger lot, lower density development will need to be evaluated for anticipated higher density development with adequate public facilities and infrastructure. According to the applicant's general project report, the character of the area is one of transition and urbanization. Mr. Peterson said that current County zoning for the area is RSF-2 and RSF-4. He added that it is reasonable to request a change in the Growth Plan to allow for higher densities to take advantage of public infrastructure and develop the property at a density that would correspond with the adjacent residential growth plan designations as are currently on two sides of the property. He added that the proposal is consistent with the goals and policies of the Growth Plan and also the Redlands Area Plan which promotes an increase in densities and development on land not suitable for agricultural use. He added that it is reasonable to recognize that public infrastructure is already in the area and properties that are currently undeveloped and have larger acreage to support increased densities should be considered. He also stated that he feels the community benefit by increasing densities in this area that already have adequate facilities and services rather than perpetuating sprawl to outlying areas meets the goals and policies of the Growth Plan and also the Redlands Area Plan. Also updated utility services such as sewer will benefit both this development as well as adjacent properties. Therefore, staff found that the requested Growth Plan Amendment is consistent with the purpose and intent of the Growth Plan and Redlands Area Plan and that the pertinent review criteria of the Zoning and Development Code have been met.

### **QUESTIONS**

Commissioner Putnam asked what the zoning of the property to the south is. Mr. Peterson stated that it is split zone between RSF-2 and RSF-4.

Chairman Dibble asked if the property has been annexed into the City. Scott Peterson said that City Council took land use jurisdiction at a recent meeting with a final determination on annexation coming up in January.

Commissioner Lowrey asked if the Growth Plan could be in error because of the growth since 1996. Mr. Peterson said that he does not think the Growth Plan was in error when it was adopted in 1996; however, conditions have changed in the past 11+ years.

### **PETITIONER'S PRESENTATION**

Mac Cunningham thanked the Commission for considering the Growth Plan Amendment. He also said that they appreciate staff's recommendation for approval and

their determination that all criteria necessary for approval have been met. He stated that applicant would be pursuing any future land use issues on this property in full compliance with the City's existing Codes and regulations. He advised that a major public misconception exists – this property has been zoned 2 to 4 homes per acre since 1961. The County had recently confirmed this zoning. He said that through the Growth Plan Amendment the underlying zoning should be respected as originally anticipated in the Persigo Agreement. He stated that relative to the surrounding Growth Plan designations, this property abuts Residential Medium Low on three sides. He suggested that the Redlands Area Plan is the primary document to gauge consistency of any amendment request. Mr. Cunningham stated that based on staff's findings of error relative to the original Growth Plan designation, they believe error does exist particularly in light of the 1998 Persigo Agreement and the 2002 Redlands Area Plan, both of which call for urban levels of density for this property. Furthermore, he said that given the current growth trends and needs of the community, an error in this property's designation exists. With regard to the earlier question raised regarding the split zoning, Mr. Cunningham said that it is because it is a section line.

### **PUBLIC COMMENT**

#### **For:**

Don Pettygrove (8 Moselle Court) stated that the intent of the 201 boundary is that anything within the boundary should be at urban densities, and, therefore, the Estate zoning would be an error.

Steve Kessler said that he feels that there are issues of affordability to the community as well as spreading the growth and that the community would need to be considered next.

Paul Nelson spoke in favor of the Growth Plan Amendment. He further stated that the plan for this land is responsive to both the Growth Plan and the marketplace. He urged the Commission to approve the Growth Plan Amendment because it is in character with the neighborhood and represents intelligent use of a very finite resource, the land of Mesa County.

Matt Mayer said that while understanding the concerns of most of the people regarding this development, he believes there is a fundamental issue of fairness at stake. He further stated that he believes the plan as presented is consistent with the Redlands Area Plan and the Growth Plan and also urged the Commission to approve the amendment.

Richard Innis said that the negatives that people have can be cured with good multiple unit density. Also, traffic can be simplified with the planned unit development.

Ken Scissors (2073 Corral de Terra) said that he was led to believe that the Growth Plan is the Growth Plan and the zoning is the zoning. He said that he is partly in favor of the amendment and partly against the development. He said that his concern is that the site looks like an island of high density surrounded by low density and the actual

high density is more on the highway and in the area around the golf course. In general, he said that if changes are to be made to the Growth Plan, they should be done in a comprehensive sense.

Ed Ehlers said that he was in favor of the project and agreed that land needs to be used wisely.

**Against:**

Dave Brown stated that he does not believe the existing roads can handle any more density than there is right now. He said that the infrastructure will not support the proposed density and urged the denial of the amendment.

Fred Aldrich, attorney, (601A 28 1/4 Road) spoke on behalf of at least three property owners (Mike and Karen Anton; Paul Brown; and Steve Voytilla) as to certain specific issues. He addressed the effect of the Persigo Agreement and the 2002 Redlands Area Plan. He said that the Redlands Plan provides the foundation to refute what the applicant is seeking to do. He said that the plan was specifically adopted to overlay the existing zoning and future development was taken into account. Mr. Aldrich stated that the concept that there is a fundamental error in the Growth Plan is absolutely not true.

Colleen Scissors said that if approved, neighboring landowners will be requesting an amendment to their properties which will have a dramatic effect on this area. She said that the area should keep the rural character.

Lewis Levington commented that he has concerns with traffic, roads, egress and ingress in the area. He stated that with all of the proposed and anticipated future development there will be a lot of infrastructure problems to deal with.

Janet Winnig (1991½ South Broadway) asked who is going to pay for the needed infrastructure and if that infrastructure will be in place before beginning any development. She also asked if schooling issues have been considered.

Rod Asbury said that he represents the homeowners' association located behind the Safeway area. He stated that they are concerned with infrastructure and, more particularly, traffic, water and schooling.

Mike Anton said that neither the Growth Plan nor the Redlands Area Plan is in error. He said that if this goes through, there will be many problems with sewer, school and traffic. He urged the Commission to stay consistent with the Growth Plan, the Redlands Area Plan and what the neighbors are asking for.

Tom Fee (2082 E½ Road) said that he does not see where high density fits into the character of the neighborhood.

Chad Dragel (2113 Hodesha Way) said that there are two streams on this property which takes away from buildable property.

Kelly Doshier stated that she is concerned with the Growth Plan Amendment. She said that she was confused as to what is the controlling document – the Growth Plan, the Redlands Area Plan, Urban Plan, 201 Plan. She further said that she disagrees with the amendment and doesn't think it is consistent with the character of the neighborhood.

Paul Brown (2067 E½ Road) stated that Mr. Cunningham is on record testifying against an adjacent rezone.

Patricia Reeves Millias (445 Wildwood Drive) expressed concern with traffic on South Broadway specifically. She also asked what the next step is if this is approved.

Andrea Tanner (2084 Hodesha Court) begged the Commission not to change the character of the neighborhood.

Paula Armstrong (2133 Village Circle Court) stated that she hopes drainage water which comes down Lime Kiln Creek will be taken into consideration. Ms. Armstrong read a portion of the City's Mission Statement.

Carol Kissinger, president of the Seasons HOA, stated that they would like to see the density stay where it is at.

Robert Johnson (583 20 Road) said that he feels betrayed with the rezoning.

Steve Voytilla (2099 Desert Hill Road) said that the proposed development is not compatible with the surrounding density. He stated that he does not believe there is a need for high density development.

Janet Bolton stated that this property is a wildlife sanctuary and the proposed density will change the Redlands forever. She urged the Commission to deny the amendment.

**PETITIONER'S REBUTTAL**

Mac Cunningham reiterated that there are significant misconceptions, such as the zoning on this property is 2 to 4 homes per acre. He stated that he too shares many of the same concerns regarding traffic and drainage as many others do. He stated that the underlying zoning was of great concern when the County Commissioners allowed the Persigo Agreement to move forward and annexation to be forced on property owners. Mr. Cunningham stated that the purpose is to move forward to eventually developing this property at residential development densities that are appropriate for the overall area. He said that the current growth patterns clearly trump the original Growth Plan.

**STAFF'S REBUTTAL**

Scott Peterson stated that the developer pays for development and whoever develops a subdivision pays for the infrastructure to include water, sewer and streets.

### **QUESTIONS**

Chairman Dibble asked about major arterials which are outside of the development itself. Scott Peterson said that TCP fees pay for upgrades to the road system.

### **STAFF'S REBUTTAL**

Scott Peterson stated that the Commission would make recommendation to City Council and the public would then have an opportunity to speak on this issue when it would proceed to City Council meeting. If City Council approved the proposed Growth Plan Amendment, the applicant would need to request a zoning designation. If the Growth Plan was approved, the zoning designation would either be an R-2 designation or an R-4 designation.

### **QUESTIONS**

Commissioner Lowrey asked if there would be interconnectivity onto Broadway. Mr. Cunningham stated that E $\frac{1}{2}$  Road was always a half road in the county plan. There are right-of-ways that exist up to 20-1/4 Road going to the west. Also, any development application coming forward would have to consider that plus any infrastructure requirements or improvements that may relate to future development.

### **STAFF'S REBUTTAL**

Scott Peterson stated that upon annexation and development, the appropriate amount of right-of-way would have to be dedicated to meet City standards.

### **DISCUSSION**

Commissioner Pitts stated that he believes a Growth Plan Amendment is an infringement on a way of life that was created by the zoning that was currently there and believes that space needs to be retained. He stated that he is not in favor of the proposal.

Commissioner Putnam said that both the Persigo Agreement and the Redlands Area Plan designate property within the urban growth boundary to be at an urban density. He said that the primary issue appears to be density. He further stated that he thinks there is adequate evidence to indicate that there needs to be more density all throughout the valley. Therefore, he said that he is prepared to support this proposition.

Commissioner Cole stated that the Growth Plan is simply that – a plan. He also stated that the Persigo Agreement addresses urban density and distribution of costs of infrastructure. Furthermore, he believes the proposal meets the criteria and would be in favor of approving it.

Commissioner Lowrey stated that he has concluded that the Growth Plan does not work as it was developed at a time when people did not project the growth that the area is experiencing. He stated that he was in favor of the Growth Plan Amendment.

Commissioner Wall stated that he believes the Growth Plan does work. He stated that he thinks this Growth Plan Amendment makes sense and would approve it.

Commissioner Pavelka-Zarkesh added that in order to preserve the farming areas, the orchards, some environmentally sensitive areas along the riverfront, and areas that have the infrastructure need to be taken advantage of and she would be in favor of this development.

Chairman Dibble stated that he believes the growth has outgrown the Growth Plan. He also stated that this development, by definition, is not high density. He stated that there have been subsequent events in the Growth Plan to warrant a Growth Plan Amendment.

**MOTION: (Commissioner Lowrey) “Mr. Chairman, on item GPA-2007-263, Lime Kiln Creek Ranch Growth Plan Amendment, I move that we forward a recommendation of approval of the amendment from Estate (2 – 5 Ac./DU) to Residential Medium Low (2 – 4 DU/Ac.) with the findings and conclusions as identified in the City Staff Report.”**

Commissioner Cole seconded the motion. A vote was called and the motion passed by a vote of 6 – 1 with Commissioner Pitts opposed.

Chairman Dibble announced that after the 1<sup>st</sup> of the year, meetings will begin at 6:00 p.m. With no objection and no further business, the public hearing was adjourned at 11:12 p.m.