CASE 029-25: REZONING

Mr. Kimble asked the applicant to step forward and state their name for the record.

Wayne Stephenson, GB Engineering, 302 S Sergeant. Mr. Stephenson stated he will defer to the previous case minutes for this case. Mr. Stephenson presented the site plan concept. They will provide fire protection and stormwater facilities. Mr. Stephenson explained the road connection and access points.

Mr. Bellairs stated that Mr. Stephenson had mentioned screening along the northern property, Mr. Bellairs stated that if he was correct, that was determined to be added after the site plan was created, so that revision is not reflected in the site plan presented.

Mr. Stephenson confirmed this.

Ms. Phillips mentioned that one of the protest petitions mentioned “blocking the view.” “We do not with the natural landscape to be out of our view for our house. - 4093 W Adobe.” She does not know which one that house is.

Mr. Bellairs stated that the property owners that protested were north of the site, the three owners along the north boundary.

Ms. Klue-Michael asked if there was a road separating these homes from the site.

Mr. Bellairs stated that there is a privately owned and privately maintained road separating the sites.

Dr. Rosenberg stated that the main entrance is from Country Club Rd. But there is a service road to the East heading South. He asked if this is an existing road or proposed.

Mr. Stephenson stated that this is an existing gravel service road that will be paved and improved.

Dr. Rosenberg asked if there will be two points of egress.

Mr. Stephenson stated that Fire code requires them to, yes.

Dr. Rosenberg asked Mr. Stephenson if they own all of that land.

Mr. Stephenson said his client does, yes.

Ms. Phillips asked if that detention pond is staying.

Mr. Stephenson said yes.

Ms. Phillips asked if the City will take over Adobe.

Mr. Bellairs stated that Adobe will not be annexed with this case, and that it remains in the County and private.

Ms. Phillips stated it kind of looks like it is.

Mr. Bellairs stated that these parcel lines are not accurate.

Dr. Rosenberg asked if Adobe was in the City.

Mr. Bellairs stated they were not.

Dr. Rosenberg asked if the people protesting were in the City.

Mr. Bellairs stated that they are not within City Limits.

Dr. Rosenberg asked if they are within 185 feet.

Mr. Bellairs stated that they were.

Dr. Rosenberg asked if they do not count towards the protest.

Mr. Bellairs stated that state statute requires notices be sent to all owners within 185 feet, whether in the City Limits or not. They still count towards the protest percentage. Mr. Bellairs added that screening is not required adjacent to properties outside of City Limits, so that is something that the developer is doing on their own.

Ms. Klue-Michael asked about the 60 foot setback in Section 2 of the Zoning Code text amendment and if that would apply here.

Mr. Bellairs stated that that refers to Out-Buildings on single-family residential properties, but that will not be applicable here.

Mr. Kimble asked if anyone would like to speak in favor or opposition.

Michael Teeter, 2802 Calloway Ridge, spoke in opposition. Mr. Teeter stated that they are in City Limits to the East and NE. They stated they bought property thinking it would be single-family residential and are worried about water run off and traffic.

Liz Macy, 4093 W Adobe, spoke in opposition. One of the protest petitions was there. The view of their front yard will go away. The fence would be nice, but their view will be gone. They are worried about water run-off. They are worried about a dip on their gravel road and that water runs down to the land they want to build on. She foresees water running down to the first apartment they want to build.

Mr. Kimble asked Mr. Bellairs to address water run-off.

Mr. Bellairs stated that any development in the city the developer is required to address storm water run-off in some form or another. Due to the size, the developer will be required to install a detention pond. Any development out in the county is not required to address stormwater, so run-off could be worse if they develop in the county. Mr. Bellairs stated he does not have the contours up but that the subject property is at a lower elevation than the properties to the north so the water will run south.

Mr. Stephenson confirmed this. They will have EPA water quality and detention requirements.

Mr. Kimble asked if this is built and next year there is run-off or erosion problems on Adobe, what are the next steps for the property owners.

Mr. Bellairs stated that would have to be discussed with public works and the stormwater engineer. But as part of the permit review, they would look at the detention area provided and ensure that it would capture the run-off based on the square footage of impervious area added.

Mr. Teeter stated that the pond will be in the county not the city. And that right now some of that water runs east to his property.

Mr. Kimble asked if the detention pond is in or outside city limits.

Mr. Stephenson said this is not a final design. The detention will be within city limits, which gives the City some authority as well.

Mr. Teeter stated that they voted to annex, but the proposed pond was not included with that.

Mr. Kimble stated that Mr. Stephens just stated that this will probably move. This is just a general layout. Mr. Kimble asked Mr. Benson to step forward.

Mr. Benson stated that the City requires the detention pond be in City Limits. The existing pond is fed from the Cedar Ridge subdivision. The additional run-off that will be created will be for whatever they generate with this development. There will be a minimal impact on additional water and it will all be within the City. Mr. Benson says he owns the “L” shape.

Ms. Phillips asked if the units on 32nd Street will be annexed.

Mr. Benson states it already is. These were constructed with an out of town sewer agreements.

Mr. Bellairs asked if Mr. Benson was referring to the Waterview apartments. He stated that he is not sure those are incorporated.

Mr. Benson stated that he thinks that there was a clerical error and the map may be wrong.

Dr. Rosenberg asked if “Cherry Hills” on the map is in the City.

Mr. Bellairs stated that this is not in the City.

DR. ROSENBERG MADE A MOTION TO APPROVE CASE 02 9-25. THIS MOTION WAS SECONDED BY MR SPRUCE. MOTION CARRIED. (7 IN FAVOR, 0 IN OPPOSITION)