

**GRAND JUNCTION CITY COUNCIL  
MINUTES OF THE REGULAR MEETING**

**July 3, 1996**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 3rd day of July, 1996, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, David Graham, R.T. Mantlo, Ron Maupin, Janet Terry, Reford Theobold, and President of the Council Linda Afman. Also present were Assistant City Manager David Varley, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye.

Council President Afman called the meeting to order and Councilmember Jim Baughman led in the Pledge of Allegiance. The audience remained standing during the invocation by Councilmember R.T. Mantlo.

**REAPPOINTMENTS TO THE RIVERFRONT COMMISSION**

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried, Lynda Boody, Patrick Kennedy and Connie Bennett were reappointed to three-year terms on the Riverfront Commission, expiring July, 1999.

**APPOINTMENT TO THE COMMISSION ON ARTS & CULTURE**

Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried, Bill Whaley was appointed to serve a term on the Commission on Arts & Culture to expire February, 1998.

**CONSENT ITEMS**

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote with Councilmember **GRAHAM ABSTAINING** on Item 8 and Councilmember **TERRY ABSTAINING** on Item 7, the following Consent Items 1-9 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the minutes of the Regular Meeting June 19, 1996

2. **Authorizing the Movement of Platted Parcels in the Ridges Metropolitan District from Taxing District #2 to Taxing District #1**

The Ridges Metropolitan District Board established a separate taxing area, Ridges Metropolitan District #2 (District #2) for the unplatted property to provide for a different mill levy. Development has begun on some of the property in District #2. Certain properties have been platted and houses constructed. Even with the higher assessed valuation, the mill levy established in District #2 would result in an unfair tax burden on these few properties. The resolution will allow the Administrative Services Director, or his designee, to move properties from District #2 to District #1 by notification to the County Assessor of the parcel numbers as they are platted.

Resolution No. 68-96 - A Resolution Authorizing the Movement of Platted Properties to Which Water and/or Sanitation Services are Provided in Accordance with CRS 32-1-1006, within the Ridges Metropolitan District from Taxing District #2 to Taxing District #1

Action: Move for Adoption of Resolution No. 68-96

3. **Purchase of Backup NCR Fileserver**

This represents a reconditioned NCR 3450 model fileserver which matches the existing NCR 3450 computer system currently utilized for all of the City's financial data processing requirements. This system is to be utilized as a backup to the production system, should it fail, and as a development system to pre-test all system and program modifications prior to putting them into live production. It will also allow City Staff to pre-train in the use of new or updated software prior to actual conversion.

Action: Award Contract for Purchase of Backup NCR Fileserver to Computer Connections, Inc., in the Amount of \$20,650.00

4. **Replacement of Five Yard Dump Truck for the Street Grading Division**

The following bids were received:

Hanson Equipment (International), Grand Jct. \$54,850.00\*  
Transwest Trucks (Freightliner), Grand Jct. \$56,299.00  
Fuoco Motors (GMC), Grand Jct. \$57,483.53

\* Recommended Award

*Action: Award Contract for Purchase of Five Yard Dump Truck to Hanson Equipment in the Amount of \$54,850.00 \_*

5. **Rehabilitation of Tennis Courts at Lincoln Park**

The following bids were received on June 11, 1996:

United Companies of Mesa County	\$62,600*
Elam Construction, Grand Junction	\$66,579

\* Recommended Award

*Action: Award Contract for Rehabilitation of Tennis Courts at Lincoln Park to United Companies of Mesa County in the Amount of \$62,600*

6. **Granting Right-of-Way Parcels to the State of Colorado Department of Transportation for the Fifth Street Viaduct Replacement Project**

The Colorado Department of Transportation will be replacing the Fifth Street Viaduct commencing September 15, 1996. The two right-of-way parcels are necessary to accommodate the construction of an acceleration lane on the east side of 5th Street between Noland Avenue and Struthers Avenue. The State is constructing the acceleration lane at the City's request.

Resolution No. 69-96 - A Resolution Concerning the Granting of Two Right-of-Way Parcels to the State of Colorado Department of Transportation for the Fifth Street Viaduct Replacement Project.

*Action: Move for Adoption of Resolution No. 69-96*

7. **Setting a Hearing on Rezone of 1001 Patterson Road from B-1 to B-3** [File # RZ-96-112]

This is an appeal of a Planning Commission Denial of a rezone request the second reading of which will be on July 17, 1996.

The petitioner is requesting a rezone from B-1 to B-3 to permit a liquor store to be located in an existing building at 1001 Patterson Road. Staff is concerned with the limited area on-site for circulation and with the traffic increases

that would result from the retail use and is recommending denial of the rezone.

Proposed Ordinance Rezoning Land on Patterson Road West of 12th Street\_

Action: Adopt Proposed Ordinance on first reading and Set a Hearing for July 17, 1996

8. **Setting a Hearing on Rezoning a Portion of Fall Valley Subdivision and Zoning of Hetzel Annexation**

[File #ANX-95-58]

The property owner, Kenneth M. Hetzel and ETAL, is requesting to join the City as part of a residential development plan. The developer, John Davis, is seeking City approval of the proposed Fall Valley Subdivision which includes the land area in the Hetzel Annexation along with approximately 10 acres which is already in the City and is presently zoned RSF-R. Fall Valley Subdivision is proposed at a density of 7.6 units per acre. Planning Commission denied the proposed zoning of PR 7.6 and instead approved Residential Single Family - Rural (RSF-R), not to exceed 1 unit per 5 acres for the Hetzel Annexation. The Developer is appealing Planning Commission's recommendation of RSF-R. The appeal will be heard at second reading of the zoning ordinance on July 17, 1996.

Proposed Ordinance Zoning the Hetzel Annexation and a Parcel of Land Directly to the West to PR-7.6

Action: Adopt Proposed Ordinance on first reading and Set a Hearing for July 17, 1996

9. **Set User Agency Fee for Ambulance Providers through December 31, 1996**

Article III, Section 18-93 of the Code of Ordinances calls for the City Council to set a fee for ambulance service providers annually. A review of Fire Department records showed that the fee had not been set since 1994. The fee is based on a formula adopted by Resolution 46-92 which analyzes the relationship between the number of calls for service and the cost of manpower, services and equipment. Payment of the fee is necessary to pay costs incurred in dispatching ambulance services, administering the ambulance service

permitting program and in dispatching and providing emergency responder services. All users of dispatch services pay for the cost of dispatch service, ambulance service providers pay the cost as part of a permit fee. The Grand Junction ambulance permit fee is based on a model successfully implemented by other multi-jurisdictional agencies, especially the Las Vegas, Nevada metro fire service providers.

Resolution No. 70-96 Amending Resolution No. 105-94 Concerning and Establishing the Ambulance Service Permit Fee

Action: Move for Adoption of Resolution No. 70-96

\* \* \* END OF CONSENT CALENDAR \* \* \*

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\* \* \* ITEMS NEEDING INDIVIDUAL CONSIDERATION \* \* \*

**PUBLIC HEARING - REZONE OF 123 N. 7TH STREET FROM B-3 TO PB -  
ORDINANCE NO. 2936 REZONING PARCELS OF LAND LOCATED ON THE SOUTH/  
WEST CORNER OF ROOD AVENUE AND 7TH STREET FROM RETAIL BUSINESS (B-  
3) TO PLANNED BUSINESS (PB) [FILE #RZF-96-76]**

123 Group, represented by Ed Chamberlin, Chamberlin Architects, is requesting a rezone of the property on the southwest corner of 7th Street and Rood Avenue from Retail Business (B-3) to Planned Business (PB) in order to demolish an existing retail building, construct a parking lot and upgrade the building facade (Phase 1), and add two stories to an existing vacant building (Phase 2).

A hearing was held after proper notice. This item was reviewed by Kristen Ashbeck, Community Development Department. The first phase is to demolish the old Cycle Center building which is on the corner and construct a 26-space parking lot for public use. That phase would also include an upgrade of the facade of the remaining old Mountain Bell building. The second phase would add two stories and finish the interior of the old Mountain Bell building.

Existing zoning of the site is Retail Business (B-3) which would allow this type of development. However, the developer is proposing the Planned Business Zone because it gives more flexibility to work with the existing building (parking and landscaping, height). The recommended uses for the Planned Business zone are consistent with the development of the Downtown Commercial Core. The bulk requirements proposed for the planned zone are a height of 67 feet, front yard setback of 10 feet, and

the side and rear yard setbacks of 0 feet. The maximum height allowed in the current B-3 zone is 40 feet. Both Staff and the Planning Commission felt the proposed height of 67 feet seemed appropriate for this location and for the downtown. Signage for the proposal is limited to a single monument sign on the corner of 7th and Rood, to be no higher than 15 feet and no larger than 185 square feet. The Planning Commission found the proposal met the rezone criteria in Section 4-4-4 of the Zoning & Development Code and recommended approval of the rezone from B-3 to Planned Business with the three conditions stated in the Staff report which addressed the uses, the bulk requirements and signage.

Councilmember Theobald asked about the current height of the building? Ms. Ashbeck said the building is close to 30 feet which is equivalent to 2 1/2 stories.

Councilmember Graham asked if the surrounding properties are expected to be rezoned to allow higher buildings, or is the project unique in that it requires a building of 67 feet in height? Ms. Ashbeck said there are downtown buildings such as the Alpine Bank building, some historic buildings on Main Street, Ratekin Towers, etc. that exceed this height. Ms. Ashbeck said the TCP would be assessed at Phase II. Councilmember Graham asked if eventual improvements along 7th Street would be related to this project? Ms. Ashbeck said the Planning Commission considered that possibility as part of the preliminary plan. The final plan will come back to the Planning Commission for final approval. The Planning Commission required the developer do the plan and guarantee the improvements at Phase I. When they go in to do the parking lot, the developer is to have a final plan, including landscaping, whether or not it corresponds with the 7th Street Plan. The developer might be given a couple of years to post the guarantee.

Councilmember Baughman asked if the DDA's request for restriction regarding public parking during evening and weekend hours is on the deed? Ms. Ashbeck said not at present. This is to be worked out by the developer with the DDA. The City is not making that requirement. The DDA is making that a condition of their participation in the project. A deed restriction as previously proposed will not work.

Assistant City Attorney John Shaver said a deed restriction normally would be effective only upon alienation of a property. It was legal advice that this may need to be revisited to make a

practical control on the parking lot. Some other mechanism will be needed to make the contingency work. Councilmember Baughman asked if the City's legal Staff is going to work with the DDA for a binding document? Mr. Shaver said it was discussed at the Planning Commission. It is up to the DDA to protect its rights, it is offering the money. If, in exchange for the money they expect parking, it is ultimately up to the DDA to make sure it is adequately protected. Legal Staff would offer consultation or assistance if requested.

Councilmember Maupin asked about improvements to the alley to the west. Ms. Ashbeck said the petitioner has suggested that they may request a vacation of the alley to try to upgrade it. Councilmember Maupin would like to see some beautification accomplished in the alley eventually.

Mr. Ed Chamberlin, Chamberlin Architects, 437 Main Street, was present to answer questions of Council. He said the property has been vacant since approximately 1975. The reason for two more floors is because the current structure (foundation and pilings) would support two additional stories. The commitment to adding the two floors will be determined by the market. He estimated Phase II would be completed as soon as early 1998. The first phase is for cleanup purposes. With regard to the 7th Street Improvement Plan, Mr. Chamberlin is waiting for a design for 7th Street Improvement so improvements will match the rest of the development.

There were no other comments. The hearing was closed.

Councilmember Graham commended the project, but was concerned with such a small parcel being surrounding on all sides with a different zoning, resulting in spot-zoning. Councilmember Terry said she would be concerned if the spot-zoning was so adverse to the other existing zoning, but she felt it was very compatible. Mayor Afman said the Planned Zone gives more flexibility.

Upon motion by Councilmember Theobald, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2936 was adopted on second reading and ordered published.

**PUBLIC HEARING - TEXT AMENDMENT, CODE SECTION 5-15, REGARDING MINING ACTIVITIES - ORDINANCE NO. 2937 (AMENDED) ADDING SECTION 5-15 MINERAL EXTRACTION, WASHING, CRUSHING, CEMENT BATCH PLANTS AND**

**ASPHALT PLANTS TO THE ZONING AND DEVELOPMENT CODE OF THE CITY OF GRAND JUNCTION** [FILE #TAC-96-1.10]

Amending the Zoning and Development Code to include a section 5-15, Mineral Extraction, Washing, Crushing, Cement Batch Plants and Asphalt Plants. The purpose of this section is to establish reasonable and uniform limitations, safeguards, and controls in order to achieve conservation and wise utilization of natural resources and rehabilitation of extracted land.

A hearing was held after proper notice. This item was reviewed by Mike Pelletier, Community Development. The text amendment is required due to the annexation of the River Road area. There are several gravel pits in the area that require the text amendment to handle the new use in the City. It is basically the same as that of the County. It lists procedures and information that must be provided by the applicant and includes operational standards regarding adjacent property (buffering required, routing plans for trucks, hours of operation, slopes, drainage, screening, etc.). Some minor changes have been recommended by the City Attorney, basically for readability. There are no substantive changes.

Councilmember Theobald asked if a gravel operation would see any change in their operation as a result of this amendment? Mr. Pelletier said since it is exactly the same as the County's, there would be no change.

Councilmember Graham asked if these new code sections should be construed as affecting related operations whether or not there is actually any extraction on site? Assistant City Attorney John Shaver explained the ordinance has been made applicable to all mining and mining related operations. If there were individual components of an operation that could function in isolation, it would be equally applicable to each individual component of that operation.

There were no public comments. The hearing was closed.

It was moved by Councilmember Baughman and seconded by Councilmember Terry that Ordinance No. 2937 be adopted on second reading and ordered published.

Councilmember Baughman amended the motion to include the version referred to by Mr. Pelletier. The amendment was acceptable by Councilmember Terry.



Roll was called on the amended motion with all members of Council voting AYE. The motion carried.

PUBLIC HEARING - REDLANDS WATER AND POWER REZONE OF SOUTH CAMP ROAD AND SOUTH BROADWAY [FILE #RZF-96-116]

A request for a rezone of approximately 40 acres from RSF-4 to PR-2 to allow for the development of a new office building and associated facilities for Redlands Water and Power on 5 acres.

A hearing was held after proper notice. Kathy Portner, Community Development Department, reviewed this item. Redlands Water and Power is proposing a 3-lot minor subdivision of 40 acres along South Broadway and South Camp Road. They are proposing a rezone to PR-2 to reduce the density from the existing zone of RSF-4 to bring it more in conformance with the proposed Growth Plan density and to allow for the relocation of their office facility on 5 acres of the 40 acres. They are also proposing a final plan for the 5 acres. The minor subdivision was considered by Planning Commission. The proposal includes a 5 acre lot to accommodate their facility, splitting it off from the rest (Lot 1). Lot 2 is approximately 28 acres which is adjacent to Lot 1, and Lot 3 is across South Broadway. The road going through the middle does not create a separate parcel until it is subdivided. Staff's concern with the minor subdivision was the topography of Lot 3. It is very steep with poor soils, and Staff recommends there be a prominent note on the plat that the property may be poorly suited for development. The note would put a future buyer on notice.

Ms. Portner said the applicant is proposing a rezone for the entire 40 acres to PR-2 which brings it more into conformance with the Growth Plan proposed densities for this area which are .5 acre to 1.9 acre lots. It will also give Staff better control when this does develop, especially for Lot 3. Staff will be able to consider all the components that go into developing that lot, and perhaps put some restrictions on it that might not have been as readily available with a straight zone. Section 7-2-1 of the Zoning & Development Code states: "Uses that can be considered in the Planned Residential Zoning include: public facilities such as, but not limited to, schools, recreational facilities, hospitals, churches, cultural buildings or structures essential to providing the public with electric power, gas, water, sanitation, etc." Redlands Water and Power fits that category. They are a major service provider in this area, serving the Redlands for irrigation water. By applying the Planned Residential Zone it

makes the zoning very specific to that utility provider and less likely that it will open the door for other commercial type uses in that location.

Ms. Portner reviewed the rezone criteria and the justification provided by the applicant on how they meet that criteria:

1. Was the existing zone an error at the time of adoption? The applicant's research shows Mesa County applied the R-2 zoning to the site in 1961. At the time it was zoned R-2, Redlands Water and Power had been utilizing the property for the operation and maintenance of its canals and facilities. There is a major pumping facility on the site. When it was annexed in 1995 the RSF-4 zoning was applied which is the City's most equivalent zone to the R-2.
2. Has there been a change of character to the area? The applicant notes the increasing urbanization of the Redlands has greatly changed their service demands and expectations for service from their customers, and feel they need the facility centrally located to better serve the shareholders.
3. Is there an area of community need? The applicant argues there is a need for them to be centrally located to their customers.
4. Is it compatible with the surrounding area or will there be adverse impacts? The applicant suggests that, if designed properly, it would not be incompatible with the surrounding area. Through the Planning Commission hearing, restrictions were placed on the type of building that could be constructed there and the types of things that could be stored on-site. Anything stored on-site could not be visible from the roadways.
5. Will there be benefits derived by the community? The shareholders will benefit in more efficient service.
6. Is the proposal in conformance with the policies, intents and adopted plans of the City? The City has no specific adopted plans for this area. Using the draft Growth Plan as guidance, Staff feels there is a benefit to reducing the zone density at this time to be more in conformance with the Growth Plan.

7. Are adequate facilities available? Adequate facilities are either in place or could be easily extended.

Ms. Portner continued by saying the petitioner is proposing a 1600 square foot office building and a fuel base slab on Lot 1, and a 1600 square foot covered shop building with a wash bay and storage shed for equipment. They indicate the bulk of the materials would still be stored at the power plant along the Audubon Trail, and would not be storing those at this location. They are proposing landscaping along the street frontage and any of the equipment that was on site would be screened from view from the adjoining roadways. The applicant has agreed to extend the bike/pedestrian trail that exists along South Broadway, the length of Lot 1 which Staff had recommended. The applicant has also agreed to provide up to a 20-foot wide trail easement. There is an existing trail that comes off the abandoned third lift canal. It is also a connection into Trails West development. The applicant is proposing, and Staff supports, providing the easement for the relocation of the trail down to where Redlands Water and Power will be building the facility, if approved.

At the June 5, 1996 hearing, the Planning Commission recommended approval of the rezone and the final plan and the subdivision. The Planning Commission recommendations for the 3-lot minor subdivision included conditions that all technical concerns be resolved prior to recording, and that the plat contain a prominent note stating the possible difficulties in developing Lot 3 in the future. The Planning Commission also recommended approval of the preliminary plan with the following conditions:

1. The final site plan review will require Staff approval for Lot 1;
2. The approved signage for the site will not exceed a 16 square foot non-illuminated sign. Such signage could be on the building or a monument type free-standing sign;
3. All concerns of the Grand Junction Fire Development, City Development Engineer, and Community Development be satisfactorily addressed through the site plan review process;
4. All equipment and materials shall be effectively screened from view from South Broadway;

5. All buildings or structures shall have architectural siding which shall not include corrugated or high-ribbed metal siding; (This requirement came from the builder that is a member of the Planning Commission.)
6. The maximum height to eave shall be 15 feet;
7. A 20-foot trail easement acceptable to the City or a maximum width of 20 feet shall be required through Lot 1 or Lot 2 to access the abandoned third lift canal;
8. The bike/pedestrian trail along South Broadway shall be extended the length of Lot 1.

Mayor Afman asked if Planning Commission specified any type of screening material for equipment and material from view of South

Broadway? Ms. Portner said Planning Commission gave no specific recommendations on what the screening should be.

Councilmember Terry referred to Lot 2 and asked if there was any discussion on the extension of the bike trail on South Broadway? Ms. Portner said it was acknowledged that it needs to be extended, but should happen at the time Lot 2 develops. The applicant has expressed no plans to develop the trail.

Councilmember Baughman asked for clarification regarding Lot 3. Ms. Portner stated Staff is requesting there be a note placed on the plat indicating there are geotechnical concerns with the property, and it may be difficult to meet all the requirements. Assistant City Attorney John Shaver said the language gives some protection for not only the City, but future buyers. He said when this is subdivided, it is a saleable lot which may not be valuable or developable. A conspicuous note must be placed on the plat to alert future buyers they must be very careful. Ms. Portner said the note would read: "Lot 3, because of steep terrain, might be difficult, if not impossible, to develop in a manner acceptable to the City."

Councilmember Graham asked if the number of buildings proposed would exceed the maximum of 4 units per gross acre with an RSF-4 zone? Ms. Portner said more units could be developed under the RSF-4 zone. The proposal for the office facility would not be allowed in the RSF-4 zone, which is very specific to single-family homes only.

Councilmember Theobold asked if the applicant were a private company would it be allowed in this zone? Ms. Portner said Staff would not recommend it as the general description under the Planned Residential Zoning is very broad. Staff felt a public facility providing a service to an area was considered somewhat different than a general commercial activity. Under a very large development such as The Ridges, there could be private commercial zoning under the PR zoning.

Mr. Ed Carpenter, President of the Board of Directors of Redlands Water and Power Company, said the Board was pleased with the results of the Planning Commission meeting, and concurs. The board has one question regarding the width of the easement. He felt the Planning Commission was discussing 12 feet rather than 20 feet. The Board had no objection to the 20 feet as long as it's along their property line and doesn't interfere with some future development of the property. Mr. Carpenter said the Company has no plans for any other development other than on Lot 1.

Councilmember Terry asked if Redlands Water and Power Company intends to sell Lot 2? Mr. Carpenter said the Board has no plans for Lot 2. It has not been discussed at a board meeting.

Ms. Linda Rattan, 657 26 Road, said she owns two properties directly across the street from this property. She previously submitted a petition with four pages of signatures. She was concerned that if there are commercial properties across the street from her residential property that it will devalue her properties. She wondered how this application went through the Planning Commission and was denied, then the second time it is approved just because the wording is different. The plan is the same and there is no difference in what the applicant is planning to do. She voiced opposition to the proposed rezone and felt it is not good for the neighborhood as it is a residential neighborhood on the parkway. She is not in favor of spot-zoning (business). Ms. Rattan wants no commercial buildings in her area. She pointed out the City should not be spot-zoning in a residential district.

Mr. Larry Rattan, 657 26 Road, said Redlands Water and Power Company is a private company, but there is no difference between it and any other business. He felt granting the rezone would open up a Pandora's box. He felt the Company has not been a good neighbor in the past, and did not expect it to be a good neighbor

in the future. In the past they have piled all kinds of debris on the property, stored backhoes, machinery, pipe, and run a noisy pumphouse, etc. Mr. Rattan was also concerned with the additional traffic from Redlands Water and Power Company becoming a traffic hazard.

Mr. Ed Wolf, 2225 Redlands Parkway, owner of two acres of property adjacent to the property proposed to be rezoned, spoke in opposition to the rezone. He was concerned with the impact the rezone would have on his property value. He was concerned with noise, smell, storage, trash, tanks, and his lack of personal privacy. Mr. Wolf's property was in the County when he purchased it in 1975. The pumphouse was there, and there was also a flume that ran across the ditch. The flume is no longer there; it has been replaced by a siphon. He was concerned with the current appearance of the Redlands Water and Power property. He objected to the rezone.

Mr. Bob Sutton, 413 South Camp Road, member of the Board of Directors of the Redlands Water and Power Company, said he has talked to residents in the area and found no one in opposition to the proposal. The Board intends to do everything possible with the landscaping to make the property compatible with the surrounding area. Mayor Afman asked Mr. Sutton to address the concerns of residents regarding the storage of equipment on the site, etc. Mr. Sutton said the Company does not intend to store equipment on site. Regarding additional traffic, Mr. Sutton said one truck leaves in the morning and returns each evening. Mr. Carpenter said the company has a maximum of 6 employees on the site. There will be several pickups in and out of the gate and radio control for the ditch riders and pickups. They have to be able to take the equipment where it is needed. Mr. Carpenter said the company is a non-profit corporation, a mutual ditch company. It was never a public utility and should not have been classified as such. The company is owned by the stockholders. The company is now more an urban irrigation provider rather than agricultural.

Councilmember Theobald asked Mr. Carpenter if he clearly understood Condition #5 placed by the Planning Commission? Mr. Carpenter said the Planning Commission was disturbed by an imaginative, corrugated metal hut. The office building is going to be a concrete block building with brick facing and a slightly pitched roof. There will be landscaping all along the Redlands parkway (the frontage of Lot 1). Everything that is on their lot

will be screened. It will also be fenced (probably chain link) for security reasons, with shrubs in front of the fence.

Councilmember Theobald asked Mr. Carpenter how he would alleviate the concerns of the surrounding residents? Mr. Carpenter felt the concerns are somewhat exaggerated. There will be some increase in traffic generated from the property. He felt the screening will help alleviate any noise. He does not anticipate a lot of dust as the property will be used for parking equipment and the parking lot will be paved. The buildings, parking lot, etc. are estimated to cost \$100,000.

There were no other public comments. The hearing was closed.

Councilmember Terry asked Ms. Portner to define the types of uses allowed in PR-2. Ms. Portner said it is very broad. Commercial and business type uses can be integrated into an overall plan in a Planned Residential zone. The section has the specific provision for public utility providers, schools and recreational facilities. Because it is a Planned Zone rather than a commercial zone, anything that expands or changes from this will require coming back through the application process once again.

Councilmember Terry asked if the Planning Commission placed any additional requirements concerning landscaping? Mr. Portner said the Planning Commission recommended Staff be allowed to have the final approval of those details. Any storage area or equipment had to be screened from the adjacent roadway. Storage of materials was discussed with Redlands Water and Power Company who stated their materials would not be stored at this location.

Councilmember Graham asked Ms. Portner if she had a response to the challenge that the proposed rezone is spot-zoning? Ms. Portner said the designation of Planned Residential is looking at the area more as a whole with the benefit of reducing the density.

It would be a trade-off by allowing this under the Planned Residential Zone. Assistant City Attorney John Shaver stated "when the zone is not consistent with appropriate or adjacent uses, or is wholly antithetical to the reciprocity of expectations that are a result of zoning, that is when it becomes an illegal spot zone."

The answer is yes, it is a spot zone, but not illegal.

Councilmember Terry asked if landscaping was discussed at the Planning Commission? Ms. Portner said not at length. She said whether or not it can be screened from the surrounding property is difficult to determine because of the topography.

Councilmember Baughman asked if the property was zoned prior to the R-2 zone in 1961. Ms. Portner assumed 1961 is when zoning was applied County-wide, and therefore assumed there was no zoning prior to 1961.

Councilmember Maupin felt this rezone would be spot-zoning for a commercial business. The property owners bought their property as residential properties. They did not expect cars and trucks to come and go across the street, or a storage facility across the street. He felt the rezone would devalue the surrounding properties. There are other commercial areas in which Grand Valley Rural Power Company could be located which would be centrally located within the district.

Councilmember Graham was concerned that the building should blend into the surrounding area.

Councilmember Mantlo suggested building an office that would look like a residential home.

Councilmember Terry was concerned mostly with the screening and compatibility of the building with residential zones. Traffic was not a concern. She felt if the area remained RSF-4 (4 units per acre times 5 acres) there would be much more traffic with cars going in and out than a commercial business would generate. She did not feel this zone would be as encroaching in a residential area as other commercial uses.

Councilmember Theobald said there are ways to mitigate these concerns, and it can be made compatible.

Councilmember Baughman said the petitioner has addressed landscaping and screening. There are only six employees on the site and the operation will not increase in scope or size without going through another public hearing process. This property has been commercial property since 1905 and was never residential. He agreed the neighborhood should be assured of a compatible design for the building. He had no problem with the rezone.

It was moved by Councilmember Graham and seconded by Councilmember Theobald that Council neither grant or deny the request for a rezone, and refer the matter back to the Planning Commission directing the Planning Commission to obtain specific information concerning the design and appearance of all buildings and



structures to be constructed by the applicant on the premises, and with the charge to the Planning Commission that it insure that the design of all buildings and structures to be constructed is visually and aesthetically compatible with surrounding, existing residential properties and uses.

Councilmember Baughman asked if there is some way the public can review the final plans before the building is constructed? John Shaver, Assistant City Attorney, said there are two ways. City Council could specifically articulate at this meeting what the building is going to look like (brick, roof design, dimensions, etc.). Another way, as suggested by Councilmember Graham, is to actually have a plan presented to the Planning Commission for review and comment, allowing the surrounding property owners to see the plan, then bring the plan back to Council. The better way would be to defer the zoning approval.

Councilmember Graham said his suggestion was implicit in that:

1. He believes the Planning Commission has a particular expertise to insure the degree of compatibility; and
2. It gives Council that much more information to form its discretion when a recommendation is received from the Planning Commission.

Normally, Councilmember Graham would not want to run the application through the system so much, but in this case he felt Council has only to gain by doing so.

Assistant City Attorney John Shaver asked for a date certain for the deferment to Planning Commission. Ms. Portner felt it would depend on the applicant and when they could provide a plan.

Roll was called on the motion with the following result:

AYE: TERRY, THEOBOLD, BAUGHMAN, GRAHAM, AFMAN.  
NO: MANTLO, MAUPIN.

**ADJOURNMENT**

Upon motion by Councilmember Theobold, seconded by Councilmember Maupin and carried, the meeting was adjourned at 9:00 p.m.

Stephanie Nye, CMC/AAE  
City Clerk