

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

**January 19, 2000**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 19th day of January, 2000, at 7:30 p.m. at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Gene Kinsey. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and Deputy City Clerk Teddy Martinez.

Council President Kinsey called the meeting to order and Councilmember Scott led in the Pledge of Allegiance. The audience remained standing during the invocation by Rocky Shrable, Sunrise Church of God.

**APPOINTMENTS TO PLANNING COMMISSION BOARD OF APPEALS/ALTERNATES**

Upon motion by Councilmember Theobald, seconded by Councilmember Terry and carried, Jerry Ainsworth and Vicki Boutilier were appointed to the Planning Commission Board of Appeals for a two-year term until October, 2001 and designated them as first and second alternate respectively to the Planning Commission with concurrent terms.

**CITIZEN COMMENTS**

**Mesa County Substance Abuse Task Force**

Dr. John Bull and Ruth Michaels, Mesa County Substance Abuse Task Force, discussed statistics regarding substance abuse. They invited Council and the public to attend the upcoming Mesa County Substance Abuse Summit to be held on January 21, 2000, at Two Rivers Plaza, which will bring community leaders, law enforcement and the public together in a town meeting setting to learn about alcohol, tobacco and drug abuse problems in Mesa County, and the current prevention, intervention and treatment services available.

**CONSENT ITEMS**

Mayor Kinsey asked that Consent Item #5 be removed from the consent section for full discussion.

Upon motion by Councilmember Scott, seconded by Councilmember Payne and carried by roll call vote, the following Consent Items #1 through #4 were approved:

1. **Minutes of Previous Meetings**

*Action: Approve the Minutes of the Regular Meeting December 15, 1999 and Regular Meeting January 5, 2000*

2. **Setting a Hearing on Vacating a Portion of Right-of-Way on South Commercial Drive** [File #VR-1999-288]

The City of Grand Junction is requesting vacation of a 10' portion along the west side of a 60' right-of-way known as South Commercial Drive.

Proposed Ordinance Vacating a Portion of the Public Right-of-Way for South Commercial Drive between West Pinyon Avenue and Northgate Drive

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 16, 2000*

3. **Setting a Hearing on Rezoning the Northwest Corner of Patterson Road and 1st Street (Community Hospital Medical Park) to Amend the List of Permitted Uses in a Planned Business Zone District** [File #RZ-1999-278]

First reading of an ordinance to amend the list of permitted uses in the PB, Planned Business zone district, to allow hospitals.

Proposed Ordinance Amending the Permitted Uses in a PB Zone Located at the Northwest Corner of 1<sup>st</sup> Street and Patterson Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 16, 2000*

4. **Setting a Hearing on Zoning the Rump Property (Portions of the Desert Hills Annexation) to RSF-R, Located on South Broadway** [File #GPA-1999-275]

First reading for a Zone of Annexation of RSF-R for the Rump Property located on South Broadway. The Rump property consists of three parcels totaling 29.378 acres located on South Broadway, and was recently annexed by the City at its December 15, 1999 meeting as a part of the Desert Hills Estates Annexation.

Proposed Ordinance Zoning the Rump Property to RSF-R, 5 Acres per Unit

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 16, 2000*

**5. Defense of Officer John Kiesler - REMOVED FOR FULL DISCUSSION**

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

---

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

**DEFENSE OF OFFICER JOHN KIESLER**

City Attorney Dan Wilson explained the City has routinely tried to formally acknowledge that, when an officer is sued and has performed his job well, the City Council has said they will stand behind the employee. In this particular case, the allegations are real, yet frivolous, although the City doesn't take this case seriously. The officer acted appropriately and made an appropriate charge, and is now being sued for it. The message to all members of City employment and the Police Department is that the City will stand behind each employee. This resolution gives that direction from Council in a statement of support as has been done for the past ten years. Mr. Wilson believed the case will be dismissed as it appears to have no merit. The message will cause the officers to be diligent and they won't be afraid of having their personal assets attached.

It was moved by Councilmember Theobald and seconded by Councilmember Scott that Resolution No. 14-00 be adopted, and he read the third paragraph of the recitals of the resolution: "Because the City Council finds that the police officer was acting appropriately and within the scope of his employment and also because to do otherwise would send a wrong message to the employees of the City (the City may be unwilling to stand behind them when such employees were being sued for the lawful performance of their duties), the City Council adopts this resolution; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION: The City Council hereby finds and determines at an open public meeting that it is in the public interest to defend Officer Kiesler against claims for punitive damages or to pay or to settle any punitive damage claims against him arising out of Case 99 CV 510."

Resolution No. 14-00 – A Resolution Acknowledging Defense of Officer John Kiesler in Civil Action No. 99 CV 510

The motion was carried by roll call vote, and Resolution No. 14-00 was adopted.

**PUBLIC HEARING – CREATING AND ESTABLISHING SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-43-99 (MARSH LANE) AND AWARDDING THE CONSTRUCTION CONTRACT**

The owners of real estate located in the vicinity of Marsh Lane, east of 27 Road, south of Interstate 70 and west of Bookcliff Country Club, have petitioned the City Council to create an improvement district for the installation of sanitary sewer facilities. The public hearing, proposed resolution and contract award are the final steps in the formal process required to create the proposed improvement district.

A hearing was held after proper notice.

Tim Woodmansee, City Real Estate Manager, reviewed this item. The petition was signed by 100% of the property owners, and all appear to be in favor of creating the district. The petition also includes four easements which were required to install facilities. All easements have been conveyed.

**a. Creating the District**

Resolution No. 08-00 – A Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-43-99 within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Installation of Sanitary Sewer Facilities, and Adopting Details, Plans and Specifications for the Same

**b. Award of Contract**

The following bids were received:

Continental Pipeline Construction	\$67,253.00
Skyline Construction	\$67,479.40
Bogue Construction	\$67,684.10
Engineer's Estimate	\$86,120.00

Mr. Larry VanHolt, 3925 Applewood Street, spoke in favor of the district. He thanked City Utilities Engineer Trent Prall, Project Engineer Bret Guillory and Tim Woodmansee for all their help.

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

Upon motion by Councilmember Theobald, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 08-00 was adopted and the Contract for the Construction of Sanitary Sewer Improvement District No. SS-43-99 was awarded to Continental Pipeline Construction in the Amount of \$67,253.

**PUBLIC HEARING - HIGH POINTE ESTATES ANNEXATION LOCATED AT 2462, 2462 1/2 AND 2464 BROADWAY [FILE #ANX-1999-228]**

The High Pointe Estates Annexation area consists of land owned solely by the applicant and a portion of Broadway right-of-way. The applicant has signed a petition for annexation.

A hearing was held after proper notice.

Lisa Gerstenberger, Senior Planner, Community Development Department, reviewed this item. The property is currently zoned County R-2. The Growth Plan designates this area as Residential Low. The proposal is consistent with the Growth Plan. The annexation petition meets the annexation criteria. The applicant is requesting annexation of their property consisting of approximately 17.21 acres. Staff recommends accepting the annexation petition and approval of the annexation ordinance.

Trevor Brown, Rolland Engineering, representing the petitioner, was present and had no comments.

There were no public comments. The hearing was closed.

**a. Resolution Accepting Petition**

Resolution No. 11-00 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as High Pointe Estates Annexation is Eligible for Annexation, Located at 2462, 2462 ½ and 2464 Broadway

**b. Annexation Ordinance**

Ordinance No. 3221 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, High Pointe Estates Annexation, Approximately 17.21 Acres, Located at 2462, 2462 ½ and 2464 Broadway

Upon motion by Councilmember Terry, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 11-00 was adopted and Ordinance No. 3221 was adopted on second reading and ordered published.

**PUBLIC HEARING – ZONING HIGH POINTE ESTATES ANNEXATION PR-2, LOCATED AT 2462, 2462 1/2 AND 2464 BROADWAY [FILE #ANX-1999-228]**

Request for a Zone of Annexation from County R-2 to City PR-2, Planned Residential with a density not to exceed 2 units per acre.

A hearing was held after proper notice.

Lisa Gerstenberger, Senior Planner, Community Development Department, reviewed this item. She noted the planned district bulk standards are very similar to the RSF-2 straight zone standard. The Growth Plan designates this area as residential low which would require a half acre to two acres per residential unit. The proposal is for a subdivision of 24 single-family residential lots. The petitioner has provided approximately 7.5% open space in three tracts distributed throughout the proposed subdivision. The applicant, in the application for the PR-2 zone district, did not specifically mention a maximum height for structures nor a maximum lot coverage. The proposal meets the criteria of Sections 4-4-4 and 4-11 of the Zoning & Development Code. Staff and the Planning Commission has recommended the maximum height of structures to be 32 feet and a maximum coverage of lots of not more than 25%.

Trevor Brown, Rolland Engineering, representing the petitioner, was present and had no comment.

There were no comments. The hearing was closed.

Ordinance No. 3222 – An Ordinance Zoning High Pointe Estates Annexation PR-2

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3222 was adopted on second reading and ordered published.

**PUBLIC HEARING – COVENTRY CLUB ANNEXATIONS NO. 1, NO. 2 AND NO. 3, LOCATED ON ARLINGTON DRIVE, NORTH OF QUINCY LANE** [FILE #MS-1999-247]

The 4.32 acre Coventry Club Annexation consists of one parcel of land, approximately 2.86 acres, subdivided into 50 separate existing townhouse lots. Also included is a small portion (.06 acres) of right-of-way obtained from B ½ Road and a portion of Arlington Drive (.31 acres). This subdivision is located on Arlington Drive, north of Quincy Lane.

A hearing was held after proper notice.

Lori Bowers, Associate Planner, Community Development Department, reviewed this item. Staff recommends approval of the annexation petition.

The petitioner was present and had no comment.

There were no public comments. The hearing was closed.

**a. Resolution Accepting Petitions**

Resolution No. 12-00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Coventry Club Annexations No. 1, No. 2 and No. 3 is Eligible for Annexation, Located at the Northeast Corner of Quincy Lane and Arlington Drive

**b. Annexation Ordinances**

(1) Ordinance No. 3223 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Coventry Club Annexation No. 1, Approximately .06 Acres, Located 50 Feet along B ½ Road to Arlington Drive

(2) Ordinance No. 3224 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Coventry Club Annexation No. 2, Approximately .31 Acres, Located along the East and West Right-of-Way of Arlington Drive

(3) Ordinance No. 3225 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Coventry Club Annexation No. 3, Approximately 3.95 Acres Located along a Portion of the Width of the Right-of-Way of Quincy Lane, Including the Existing Coventry Club Subdivision

Upon motion by Councilmember Theobald, seconded by Councilmember Enos-Martinez and carried by roll call vote, Resolution No. 12-00 was adopted, and Ordinances No. 3223, 3224 and 3225 were adopted on second reading and ordered published.

**PUBLIC HEARING - ZONING COVENTRY CLUB ANNEXATION TO PR-17.83, LOCATED AT ARLINGTON DRIVE, NORTH OF QUINCY LANE [FILE #MS-1999-247]**

The 4.32-acre Coventry Club Annexation area consists of one parcel of land (2.86 acres); the entire right-of-way of Oxford Avenue, a distance of 810 feet; and Quincy Lane from Arlington Drive to the pedestrian path on Quincy Lane, about 450 feet. The subdivision currently provides 50 townhomes and one clubhouse. The request for the minor subdivision comes from the homeowners association to convert the clubhouse into a residential unit, therefore increasing the number of units to 51. The requested zoning is PR. This is a similar zoning designation of PD-8, which Mesa County has applied to this property. Staff recommends the zone of PR-17.83.

A hearing was held after proper notice.

Patrick Green, LanDesign, 259 Grand Avenue, representing the Homeowners Association, introduced himself saying he would defer to Ms. Bowers and answer any questions later.

Lori Bowers, Associate Planner, Community Development Department, reviewed this item. She stated the Homeowners Association no longer needs the clubhouse. The request is to convert the clubhouse into a single-family residential unit. The approval of this minor subdivision results in an actual density of 17.83 units per acre. It is part of a larger, overall subdivision that was approved in Mesa County in 1982. The overall density of the development was a PD-8 zoning in Mesa County. Staff's position that a 17.83 zoning should apply is in compliance with Chapter 4, Section 4-11 of the Zoning & Development Code, by encouraging the most appropriate use of land throughout the City and to assure the logical and orderly growth and development of the physical elements of the City. The proposal protects and maintains the integrity and character of the established residential area and meets the intent of Section 4-11 and complies with Section 4-4-4 of the Zoning & Development Code. The Planning Commission recommends the zone of PR-17.83 for the Coventry Club Annexation.

Mayor Kinsey clarified that 17.83 currently exists and the action is a technical matter resulting from changing an existing clubhouse to a single-family residence.

Councilmember Theobald asked why a zone of 17.83. The numbers don't work out. He asked for an explanation.

Ms. Bowers said the area is a large planned development area which was part of the Village 9 Subdivision, and Coventry Club was actually a minor subdivision within that subdivision and another subdivision is being created within. The overall density of the entire area is approximately 8 units per acre, although the area that is being annexed works out to be the 17.83. Right-of-way is included as part of the 4.2 acres overall. Ms. Bowers said the area inside the perimeter rights-of-way, divided by the 51 units, results in a zone of 17.83 units per acre.

Councilmember Theobald was concerned that someone considering the zoning on this parcel will be misled as to what type of zoning exists for that area. He felt a note should be made so that people won't assume that 17.83 is what's expected in that area. He felt the rest of the area is now underzoned. It is still essentially an 8 units per acre neighborhood.



Mr. Green explained the clubhouse is not being used so instead of trying to maintain an uninhabited building, the Homeowners Association felt it would make sense to convert it to a townhome, then sell it and use the money to improve their complex.

Councilmember Theobald asked if the Growth Plan needs to be amended since Council will zone the property for 17.83 and the Growth Plan designates it 8-12 units per acre. City Attorney Wilson said the intent of the Persigo Agreement was either the existing zoning or the Growth Plan recommended zoning.

There were no other comments. The hearing was closed.

Ordinance No. 3226 – An Ordinance Zoning the Coventry Club Annexation to PR-17.83

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3226 was adopted on second reading and ordered published.

**PUBLIC HEARING - BROOME ANNEXATION LOCATED AT 3090 I-70 B**

[FILE #ANX-1999-263]

The 2.12 acre Broome Annexation area consists of two parcels of land, Lots 3 and 6, of the 31 Road Business Park Subdivision. The owners of the property have signed a petition for annexation.

A hearing was held after proper notice.

Lori Bowers, Associate Planner, Community Development Department, reviewed this item. The applicants are currently under a site plan review for a new 5,000 square foot building to house the C-1 use, allowing RV sales and service, which is the basis for this annexation. Staff recommends acceptance of the annexation petition.

There were no public comments. The hearing was closed.

**a. Resolution Accepting Petition**

Resolution No. 13-00 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Broome Annexation, Located at 3090 I-70 B, is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3227 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Broome Annexation, Approximately 2.12 Acres, Located at 3090 I-70 B

Upon motion by Councilmember Scott, seconded by Councilmember Payne and carried, Resolution No. 13-00 was adopted, and Ordinance No. 3227 was adopted on second reading and ordered published.

**PUBLIC HEARING – ZONING BROOME ANNEXATION TO C-1, LOCATED AT 3090 I-70B** [FILE #ANX-1999-263]

The Broome Annexation area consists of two parcels of land, Lots 3 and 6, 31 Road Business Park Subdivision, 2.12 acres in size. Owners of the property have signed a petition for annexation in accordance with the Persigo Agreement. The owners are requesting a C-1 zoning for this property. This zoning district will allow RV sales and service as an allowed use. The applicants are currently under site plan review for a new 5,000 square foot building to house this use.

A hearing was held after proper notice.

Petitioner Larry Herwick, 3074 Bookcliff Avenue, was present and requested the annexation be approved.

Lori Bowers, Associate Planner, Community Development Department, said the Dale Broome RV Sales and Service will require the zone of C-1 for this parcel. Staff supports the zoning designation and it is in compliance with the Growth Plan. It is also in compliance with Sections 4-11 and 4-4-4 of the Zoning & Development Code. The Planning Commission recommended the C-1 zone for the Broome Annexation be approved. Staff also recommends the C-1 zone.

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

Ordinance No. 3228 – An Ordinance Zoning the Broome Annexation to C-1 (Light Commercial)

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3228 was adopted on second reading and ordered published.

**PUBLIC HEARING - REZONING GARRETT ESTATES FROM PR-21 TO RSF-8, LOCATED AT THE NORTHEAST CORNER OF 25 ROAD AND F 1/2 ROAD**  
[FILE #RZP-1999-252]

In conjunction with a request to subdivide two parcels totaling 12.16 acres into a 55-lot subdivision, the applicant requests to rezone the parcels from PR-21 to RSF-8. The proposed zoning is in conformance with the Growth Plan Future Land Use designation of Residential Medium Density (4-8 du/ac) and comparable densities in the approved subdivision to the east and north. At its December 21, 1999 hearing, the Planning Commission recommended approval of this request.

A hearing was held after proper notice.

Pat O'Connor, an engineer with Banner Associates, representing the petitioner, requested a 55-lot subdivision rezone to RSF-8. It is currently zoned PR-21. The new zone conforms to the Growth Plan and surrounding developments.

This item was reviewed by Bill Nebeker, Senior Planner, Community Development Department. The Growth Plan designates Residential 4-8 dwelling units/acre. The applicant is proposing RSF-8 with a developed density of approximately 4.5 dwelling units/acre, which is comparable to the zoning to the north and east of this parcel. The Planning Commission found this request conforms with Section 4-4-4 of the Zoning & Development Code and Staff recommends approval.

Mayor Kinsey asked if there is an existing plan. Mr. Nebeker said if there is a plan, it exists in the County, so the City probably has no plan.

Mayor Kinsey asked why a designation of RSF-5 wasn't made. Mr. Nebeker said the applicant went with RSF-8 because he needed more flexibility in the lot sizes and the setbacks than what RSF-5 would accommodate. Mayor Kinsey said if the parcel is zoned RSF-8, and the developer decides to forfeit his plan, he could go back and put 8 units per acre on the property. Mr. Nebeker said that is correct. It would be at the higher level of the Growth Plan which states 4-8. The subdivision to the east is more of a standard subdivision, whereas Country Crossings to the north is more of a mixed use development with some clustering. Tonight's zoning request is downzoning from 21 to 8 units per acre with the likelihood that something different that allowed a higher density than this proposal of 4.5. Councilmember Spehar said the higher density would still be within the Growth Plan designation.

Councilmember Terry said the 8 units is practically twice the surrounding zoning. Mr. Nebeker said approximately 7.5 units per acre could be obtained under the RSF-8 zone. Mr. Nebeker said developers advise that to develop at 7 or 8 units per acre, an attached structure would be required. That cannot be done in an RSF-8 zone, although it can be done in an RMF-8 zone. The straight zone (RMF) limits development to more of a standard subdivision unless a clustered development is used where a planned zone is required.

Mayor Kinsey asked what the zone designation would be. Mr. Nebeker said he assumed this would be rezoned to RMF-8 which allows clustering, although larger lot sizes are required for additional dwellings. He reminded Council this hearing is on the zoning request.

Councilmember Theobold asked for an explanation of why this is not a planned zone if the only obstacle to 5 units/acre is bulk requirements such as setbacks. He felt a planned zone of 5 or 4.53 makes sense, but to do an 8 zone with no conditions, could possibly become RMF-8 in a month or two, and have a use by right that is dramatically different than what Council and the neighborhood is expecting. This makes him quite uncomfortable.

Mr. Nebeker said parks and open space is required in planned zones. The applicant did not want to put any parks and open space and went to a straight zone to avoid the requirement. This parcel is on the corner of 25 and F ½ Roads, across the street from the Sheriff's Posse and a planned industrial area. The area directly to the west is designated 8-12 units/acre. Perhaps this location is more appropriate for the higher density if the developer did come back and want to do something different on it.

Councilmember Theobold said that point should have been brought up first, not last. The plat map does not give the Growth Plan proposed zoning. It only reads RSF-R as to all properties on the west.

Councilmember Payne said Council needs to look at the new zoning map as something in the future even though it is close to being adopted. He felt the zone could be considered when a plan is submitted. Councilmembers Theobold and Terry said Council won't see the plan if it's a straight zone. It will require Planning Commission approval only.

Bill Nebeker suggested adding a condition on the final plat stating if the plan is different, it must come before City Council for consideration.

Mayor Kinsey said Council is only looking for a justifiable reason for the RMF-8 zone.

Councilmember Theobold suggested Staff note that this is not an RSF-8 that will automatically convert to RMF. Such an automatic conversion should not be made in this case.

Mayor Kinsey said this request seems to be playing with a system, and he was uncomfortable with the request.

Councilmember Theobold felt the entire effort is to avoid the open space requirement. The petitioner said the reason for the RSF-8 zone was to avoid the need for open space.

Councilmember Terry asked if the plan is ready. The petitioner said this is the current preliminary plan, and if the plan were to change, he would have to go back through the process. If approved, the developer would have the option of taking it through a final design process. The preliminary plan has been approved.

City Manager Mark Achen asked what options are available with this plan. Bill Nebeker said there is the option of rezoning to a planned zone with this being the preliminary plan which was approved by the Planning Commission on December 21, 1999. The RMF-8 zone would allow anything up to 8 dwellings per acre of multi-family.

City Manager Achen said Council's intent is that what is being proposed is probably acceptable, but the zoning classification seems to allow the potential that if this project didn't proceed for any reason, whether the developer chose not to or whether the economy turned and there was no market for it, etc., the proposed zoning could allow something significantly different in terms of density. There may be another issue about the open space or park land. Council is asking for a zoning that provides more assurance that the density will be closer to this proposed density than the proposed zoning would suggest.

Councilmember Terry said since the plan has been approved preliminarily, could Council put RSF-5 in place. Mr. Nebeker said the City governs the final plat based upon the zoning. Councilmember Terry said the same would hold true if a planned zone were put in place. Mr. Nebeker said if Council rezoned it to PR-4.5, the bulk standards are the RSF-8 zoning, except for density. It would be a planned zone with this plan, with the RSF-8 bulk standards, except for density.

Mayor Kinsey objected to that because planned zones are intended to be limited and intended to be a tradeoff because of development problems. In this case, the only reason to do a planned development would be because the bulk standards of the PR-5 don't work because the plan was not drawn up that way. It doesn't mean that piece of property can't be adequately developed under an RSF-5 zone. He could see no compelling reason to change the zoning to accommodate a particular plan.

Councilmember Terry said the plan has already been approved. She agreed with the principal of setting the zoning that is appropriate and not at the 8 just to accommodate. Mayor Kinsey said it was a decision made by the developer. He has drawn the plan a different way and is hoping for approval of a rezone.

Councilmember Theobald compared the projected map with the Zoning Map and asked for explanation. Bill Nebeker said the property to the east of this parcel is PZ. The new Code has a Planned Zone for all of the densities. If it were vacant property and had not been developed, it would probably receive an RSF-8 zone. The subject property is shown on the map as an RMF-8 on the proposed Zoning Map.

Councilmember Theobold said the fact that this parcel and most of the surrounding area is proposed to be RMF-8 made him more comfortable. He was still uncomfortable with putting a 5-unit density into an 8-unit zone to accommodate a higher density bulk requirement for a lower density development. But that is the developer's choice.

There were no public comments. The hearing was closed.

Ordinance No. 3229 – An Ordinance Rezoning Property to be Known as the Garrett Estates, Located at the Northeast Corner of 25 Road and F ½ Road, from PR-21 to RSF-8

Upon motion by Councilmember Theobold, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3229 was adopted on second reading and ordered published.

City Manager Achen said there are four zoning and land use descriptions for every parcel. There is the existing land use, the existing zoning, the Growth Plan designation and the proposed zoning map. He felt it would be beneficial to have requests presented in that order.

Councilmember Terry asked if the Master Growth Plan and the maps will be the same once the Code and maps are adopted. City Manager Achen said they expect to go back and amend the Growth Plan to fit with the Zoning Map. However, over time, that could get out of sync. After the new Zoning Map and the rezonings have occurred, it could be reduced to three categories, the existing land use of surrounding properties, the existing zoning of surrounding properties, and the Growth Plan. For quite a while it would be expected that the Growth Plan would be the same, but over time there will be changes.

City Attorney Wilson reminded Council that the theory was that you shall not rezone unless consistent with the Growth Plan. But there will be times when errors are noted and it will be a while before the Growth Plan catches up.

### **ADJOURNMENT**

The meeting was adjourned at 8:45 p.m.

Theresa F. Martinez, CMC  
Deputy City Clerk