

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

**March 17, 2004**

The City Council of the City of Grand Junction convened into regular session on the 17<sup>th</sup> day of March 2004, at 7:33 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Councilmember Cindy Enos-Martinez was absent. Also present were City Manager Kelly Arnold, Acting City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Jim Spehar called the meeting to order. Councilmember Butler led the pledge of allegiance. The audience remained standing for the invocation by Pastor Steve Koeppen, Central Orchard Mesa Community Church.

**PROCLAMATIONS**

PROCLAIMING MARCH 29, 2004 AS "SALUTE OUR TROOPS-REMEMBRANCE DAY" IN THE CITY OF GRAND JUNCTION

**APPOINTMENTS**

To the Riverview Technology Corporation

Councilmember Hill moved to appoint Mike Anton, Dale Beede, and Larry Hall and to reappoint Mike Bussey to the Riverview Technology Corporation to three-year terms expiring May 2007. Councilmember Kirtland seconded the motion. Motion carried.

**SCHEDULED CITIZEN COMMENTS**

There were none.

**CONSENT CALENDAR**

It was moved by Councilmember Hill, seconded by Councilmember McCurry, and carried, to approve Consent Calendar Items #1 through #9 with an adjustment being made to Item #7. Item #7, the hearing on text amendments to the SSID Manual (Submittal Standards for Improvements and Development) will be held on April 21, 2004.

**1. Minutes of Previous Meetings**

*Action: Approve the Summary of the March 1, 2004 Workshop and the Minutes of the March 3, 2004 Regular Meeting*

2. **Setting a Hearing on Reduction of Distance Restriction for Hotel and Restaurant Liquor Licenses to College Campus**

State law requires five hundred feet, using direct pedestrian access, from the property line of a school to the liquor-licensed premise; however, the law also allows local jurisdictions to reduce that distance for a certain class of license for one or more types of schools. In 1987, the Grand Junction City Council reduced the distance for full service restaurant licenses from college campuses to 300 feet. A property owner near Mesa State College has requested that City Council consider further reducing or eliminating the distance restriction for hotel/restaurant liquor licenses for principal college campuses.

Proposed Ordinance Amending Section 4-52 of the Grand Junction Code of Ordinances Reducing the Distance a Hotel and Restaurant Liquor Licensed Premise Must Be from the Principal Campus of a College or University in the City of Grand Junction

*Action: Introduction of Proposed Ordinance and Set a Hearing for April 21, 2004*

3. **Setting a Hearing to Amend Chapter 38, Utilities, of the Code of Ordinances**

Amending Chapter 38 of the City's Code of Ordinances ("Code"). The Industrial Pretreatment Program is audited by the Environmental Protection Agency ("EPA") on an annual basis. The results of the 2003 audit necessitate changes to Chapter 38, Article II, of the Code. The proposed amendments mainly concern defining terms pursuant to definitions of the same or similar terms used within the United States Code and with the Code of Federal Regulations. Changes are made throughout Article II to coincide with the changes to the defined terms. The changes to the definitions do not change the program's operational procedures. Additional changes have been made to Chapter 38 for clarification purposes.

Proposed Ordinance Amending Chapter 38, Utilities, of the Code of Ordinances by Implementing EPA's Recommended Changes to be Published in Pamphlet Form

*Action: Introduction of Proposed Ordinance and Set a Hearing for April 7, 2004*

4. **Purchase of Automated Refuse Trucks**

This purchase is being requested by the Fleet Services Division, for the replacement of three 1996 Mack trucks with Heil Rapid Rail automated side load refuse bodies. The trucks are currently scheduled for replacement in 2004 as identified by the annual review of the fleet replacement committee. Purchasing

received five bids for the requested units. It was determined that two bids were responsive and responsible.

*Action: Authorize the City Purchasing Manager to Purchase Three (3) Peterbilt Cab and Chassis, with Three (3), Heil, Rapid Rail Automated Side Load Refuse Bodies with the CP 300 Python Arm from Peterbilt, Fruita, CO for a Net Purchase Amount of \$469,132.00*

5. **Setting a Hearing on Amending the Zoning and Development Code for Undergrounding Existing Overhead Utilities on Perimeter Streets for New Developments**

Council will consider modifications to the Zoning Development Code related to undergrounding of existing overhead utilities adjacent to new developments. The modification would allow proposed developments with less than 700 feet of frontage to pay a cash-in-lieu of construction fee for the undergrounding of existing overhead utilities. Additionally, if half street improvements are not required as part of the development project, a cash-in-lieu fee will also be collected for those projects.

Proposed Ordinance Amending Section 6.2.A.1.H. of the Grand Junction Zoning and Development Code by Addition of an Exception for Required Improvements Concerning the Placement of Utilities Underground

*Action: Introduction of Proposed Ordinance and Set a Hearing for April 7, 2004*

6. **Setting a Hearing on a Right-of-Way Vacation – Adjacent to Kia Drive** [File #VR-2003-263]

The City of Grand Junction proposes to vacate two pieces of right-of-way adjacent to Kia Drive between Brookwood Drive and Brookside Subdivision. The right-of-way vacation would be contingent upon dedication of 30 Road right-of-way. The Planning Commission recommended approval of the right-of-way vacation on March 9, 2004, making the Findings of Fact/Conclusion identified in the staff report.

Proposed Ordinance Vacating Two Pieces of Right-of-Way Located Adjacent to Kia Drive, Brookside Subdivision

*Action: Introduction of Proposed Ordinance and Set a Hearing for April 7, 2004*

7. **Setting a Hearing on Text Amendments to the SSID Manual (Submittal Standards for Improvements and Development)** [File # TAC-2003-01.04]

Staff recently completed needed changes to the SSID Manual that reflect changes in the Zoning and Development Code adopted in 2002. The manual pertains to all development activity as defined by the City of Grand Junction's Zoning and Development Code.

Proposed Ordinance Amending the City of Grand Junction's "Submittal Standards for Improvements and Development", SSID Manual, and Authorizing Publication of the Amendments by Pamphlet

*Action: Introduction of Proposed Ordinance and Set a Hearing for April 7, 2004 – changed to April 21, 2004*

8. **Setting a Hearing on Etter-Epstein Outline Development Plan (ODP) Request for Extension** [File #ODP-2000-058]

A mixed-use Outline Development Plan (ODP) and Planned Development (PD) zoning ordinance for the Etter-Epstein property on the southeast corner of Horizon Drive and G Road was approved by City Council on February 21, 2001. The ordinance stated that the ODP would expire three years from the date of approval. Due to development and market trends and the difficulty and expense to develop this property, the plan has not yet evolved to the next phase of development – submittal of a Preliminary Plan. Thus, the property owners are requesting an extension to the three-year expiration for another three-year period.

Proposed Ordinance Zoning Land Located Near the Southeast Corner of the Horizon Drive and G Road Intersection

*Action: Introduction of Proposed Ordinance and Set a Hearing for April 7, 2004*

9. **Setting a Hearing on Zoning the Landmark Baptist Church Annexation, Located at 3015 D Road** [File #ANX-2004-016]

Introduction of a proposed zoning ordinance to zone the Landmark Baptist Church Annexation to RSF-E (Residential Single Family – Estate 2 ac/du), located at 3015 D Road.

Proposed Ordinance Zoning the Landmark Baptist Church Annexation to RSF-E Located at 3015 D Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for April 7, 2004*

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

**Construction Contracts** (Items a and b may be awarded under one motion)

**a. Combined Sewer Elimination Project (CSEP) Basins 9, 13, and 14**

This is the last of six contracts associated with the Combined Sewer Elimination Project (CSEP). It consists of the installation of 21,200 feet of storm drainage pipes, 1900 feet of sanitary sewer, 2000 feet of water lines, two water quality ponds and the disconnection of various storm drain inlets from sanitary sewer lines and their reconnection to storm drainage lines. The low bid for this work was submitted on February 24, 2004, by Mendez, Inc. in the amount of \$4,422,757.19.

Public Works and Utilities Director Mark Relph reviewed this item. Besides reviewing the information stated above, he discussed the funding and additional work that would be added under this contract via a change order.

**b. Concrete Repairs for Street Overlays 2004**

The Concrete Repair for the Street Overlays project consists of the removal and replacement of off grade or broken sections of concrete curb, gutter, sidewalk, drainage pans, and fillets on streets that will get asphalt overlays later during this construction season. The work also includes installation of new sidewalk and curb ramps on these streets if needed.

Public Works and Utilities Director Mark Relph reviewed this item. He noted that four bids were received for this program and that it is an annual maintenance program. He explained the work which is done prior to the overlays.

Councilmember Kirtland moved to authorize the City Manager to execute a contract with Mendez, Inc. for the Combined Sewer Elimination Project (CSEP) Basins 9, 13, and 14 for \$4,422,757.19, and to authorize the City Manager to execute a construction contract for the concrete repairs for street overlays 2004 with Reyes Construction, Inc., for \$160,515.50. Councilmember Palmer seconded the motion. Motion carried.

**Request to Apply for Energy Impact Assistance Grant for the El Poso Street I.D.**

A City Council Resolution authorizing the submission of a grant application in the amount of \$500,000 to assist in the funding of the construction of a proposed street improvement district in the El Poso neighborhood.

Public Works and Utilities Director Mark Relph reviewed this item. He explained Staff is looking for grant funding to subsidize the \$3.6 million project. He said currently no addi-

tional construction is planned, but if the grant is awarded, the funds will help offset the costs to be assessed to the property owners and reduce those assessed costs to be paid by them.

Resolution No. 21-04 – A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Construction of Street and Drainage Improvements Within the El Poso Neighborhood Area

Councilmember Butler moved to adopt Resolution No. 21-04. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

### **Property Purchase for Riverside Parkway – 919 Kimball Avenue**

The City has entered into a contract to purchase the property at 919 Kimball Avenue for the Riverside Parkway Project. The City's obligation to purchase the property is contingent upon Council's ratification of the contract.

Public Works and Utilities Director Mark Relph reviewed this item. He explained that a decision has not been made regarding the alignment of the Riverside Parkway. He said this property might be needed for the project because of its proximity to Los Colonias Park. He told Council that Staff believes it is prudent to purchase the property now because if the property is needed later, in addition to the purchase price, the City might also have to pay relocation costs. Mr. Relph said the purchase price is based on the current market value or below. He pointed out that if the property is not needed for the Riverside Parkway, the City could either sell the property later or perhaps use it for other purposes.

Councilmember Palmer asked for confirmation that there would be no restrictions on disposing of the property if the property was not needed. Acting City Attorney Shaver confirmed Councilmember Palmer's question.

Resolution No. 22-04 – A Resolution Authorizing the Purchase of Real Property Located at 919 Kimball Avenue

Councilmember Kirtland moved to adopt Resolution No. 22-04. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

### **Easement Deed and Agreement with Walker Field Airport Authority for Detention Facilities**

A City Council approval to submit an Easement Deed and Agreement (Agreement) to Walker Field, Colorado, Public Airport Authority (WFAA). Submission by the City and approval by WFAA is required to allow the City to proceed with construction of dual detention basins on Ranchman's Ditch and a single detention basin on Leech Creek, all of

which are to be constructed on land owned and operated by WFAA. Construction of the detention basins is necessary to provide flood control on lower portions of the two drainages in developed areas within the city limits.

Public Works and Utilities Director Mark Relph reviewed this item. He explained that Staff has been working on this agreement for some time. He said the purpose is to build detention facilities to capture storm drainage before it reaches the Independent Ranchman's Ditch. He pointed out that even with these facilities in place, the storm drainage issue will not be completely resolved, which is the reason for the "Big Pipe" project that will carry storm water away from the Mall.

Mr. Relph said the flood plain requirements being imposed upon the City by FEMA are that these easements for the detention facilities be maintained in perpetuity. He told Council the Walker Field Airport Authority and the FAA were concerned about not being in control over those easements and therefore included language in the agreement for a mediator if there is any dispute. Mr. Relph said the FAA's primary concern is that wildlife might be attracted to the detention facilities and then possibly interfere with air traffic. The FAA therefore maintains that the City must address any such concerns should they arise.

Councilmember Kirtland asked where the pipes would be installed. Mr. Relph advised Council the pipes would be installed underneath the ditch to capture the storm water.

Mr. Relph said the contract for the construction of the facilities would be presented later for Council's approval.

Councilmember Palmer moved to authorize the City Manager to sign and submit the Easement Deed and Agreement with the Walker Field Airport Authority for the construction and maintenance of the detention basins along the Independent Ranchman's Ditch and the Leach Creek drainage systems. Councilmember McCurry seconded the motion. Motion carried.

### **Public Hearing – Rezoning the Geske Property Located at 2656 Patterson Road**

[File #RZ-2003-233]

Request to rezone 2656 Patterson Road, comprised of two lots containing a total of 2.068-acres, from RSF-4 (Residential Single Family with a density not to exceed 4 units per acre) to RO (Residential Office). Planning Commission recommended denial at its February 10, 2004 meeting.

The public hearing was opened at 8:04 p.m.

Acting City Attorney Shaver advised Council that because the Planning Commission recommends denial of this request, five affirmative votes are needed to approve the rezone request.

Mike Joyce, Development Concepts, 2764 Compass Drive, was representing the applicant. He identified the applicants as Grant, Eva, and Judith Geske. He explained that originally there were four lots in the application, but subsequently, Ms. Rutter and Gene Taylor withdrew their applications. He said the remaining properties are comprised of two lots totaling 2.07 acres. He explained one of the lots is vacant and a single-family home is on the other lot. He explained the Growth Plan designates the property's zoning as residential medium. Mr. Joyce described the surrounding land use designation and zonings. Mr. Joyce pointed out that the property is currently zoned as RSF-4. He described the RO zone district, what is permitted, the zoning requirement that the buildings must be complementary and in scale with the surrounding residential area, and the zoning designates non-retail use.

Councilmember Palmer asked if the applicant has a retail license. Mr. Joyce replied that they do have a retail license, which is needed for the accessory use of selling of glasses.

Mr. Joyce continued to describe the stringent design criteria. Regarding the rezone criteria, Mr. Joyce said there was no error on the existing zoning but the character of the neighborhood had changed, specifically when it came to medical uses. He felt the rezone request is consistent with the Growth Plan.

Councilmember Hill inquired about uses north of Patterson Road. Mr. Joyce said he would show slides later in his presentation regarding those uses. He displayed photos of surrounding properties. He stated the current zoning would allow eight dwelling units on the properties. Mr. Joyce next compared the trips that would be generated either by the eight dwellings or the proposed medical facility. He said the traffic impact of the proposal as presented by the applicant would only occur on Monday through Friday and the net impact for the rezone would be 28 ADT (Average Daily Trips). He said after the Planning Commission meeting and discussions with a City development engineer, access off of Patterson Road would be right in and right out only.

Councilmember Hill asked Mr. Joyce to limit his presentation to the rezone request and not to include the development plan. Mr. Joyce said he is only mentioning it because of the design consideration in the RO zone district but would return to discussing the rezone request. He rebuked the Planning Commission's finding that Patterson Road is a buffer between this area and the hospital. Mr. Joyce next displayed a map showing a large area of the surrounding parcels and identified their zoning designations.

Continuing with the rezone criteria, Mr. Joyce said the proposal is compatible with the surrounding area and public facilities are available to serve the property. He said there is not



an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. Mr. Joyce stated the request meets rezone criteria #7, and that the rezone would benefit the neighborhood, in that it is a transition zone.

Councilmember Hill referred to the Patterson Road Corridor Guidelines. Mr. Joyce replied that those guidelines were not brought to their attention during their review, but they were brought forward later. He stated that if the applicant had known about the Patterson Corridor Guidelines, they would have requested a Planned Development zone designation.

Ronnie Edwards, Associate Planner, then reviewed this item. She noted that Mr. Joyce had covered the project. She listed the items included in the Staff report. She too reviewed the surrounding Growth Plan designations and the existing zoning designations.

Councilmember Hill asked about applying an RO zone district in residential areas. Ms. Edwards said yes, an RO zone district could be approved in a residential area if the Future Land Use Map designates the property zoned as residential medium.

Community Development Director Bob Blanchard added that an RO zoning could always be requested, but that this zoning designation is intended to be used for a transition zone, so approval of an RO zoning request in the middle of a residential area would be unlikely.

Councilmember Kirtland referred to an earlier statement that seven more units could be built on the two properties and questioned if the site could support that kind of development. Ms. Edwards said in theory yes, but with the access and other issues, it is unlikely.

Councilmember Kirtland then asked about St. Mary's Master Plan and its plan to reduce the traffic impacts by internalizing its traffic patterns. Ms. Edwards acknowledged St. Mary's Master Plan and said such detailed questions need to be answered by an engineer. There was not an engineer present to answer the deferred questions.

Council President Spehar then opened the public hearing.

Mary McPherson, 2712 N. 8<sup>th</sup> Court, said the photos shown did not show the homes in the neighborhood. She said they are concerned about a parking lot being brought into their neighborhood. She disparaged the Geske's stewardship of their property. She noted the smell and the noise of the additional traffic. Delivery and UPS trucks would be a negative impact on the neighborhood. She reiterated the surrounding areas are special neighborhoods with beautiful lawns and well-maintained homes, with a mix of senior citizens, semi-retired people, and families.

Marilyn Hammar, 606 Viewpoint Drive, pointed out her house to the north of the Geske property. She said there are times when it takes five minutes to access Patterson Road, and with additional traffic, there will be a greater chance of accidents in an already congested area. She said she listed her house, and received an affirmative contract within a few days, but then when the potential buyers heard of the pending rezone request they withdrew the contract. She said the rezone request has affected other property values too. She said families like the neighborhood because kids can play on the street and they are safe.

Robert Lubinski, 2709 N. 8<sup>th</sup> Court, said his property is directly north of the Geske property and he is adamantly opposed to the request. He said many people have expressed their opposition in a variety of ways. He said in 2001, the Geske's applied for a realignment of property lines, it was then they found out that an eye clinic was planned for this location. When talking to Bill Nebeker, former City Planner, he told them access would not be allowed for non-residential use off of Patterson and other statements were also made. Mr. Lubinski addressed whether the request meets the rezone criteria. He pointed out the Planning Commission unanimously felt that not all the criteria were met. He reiterated that all seven criteria must be met for approval and felt the character of the neighborhood has not changed. He said the statement that the rezone is compatible with the neighborhood is not true and he then gave several examples. He said a 'right turn out only' restriction would cause cars to then turn onto N. 8<sup>th</sup> Court in order to make a left hand turn. He said the Future Land Use Map designates the area as Residential Medium, the Residential Office designation is for a transitional corridor, and he questioned how those lots could be considered a transitional corridor, and how the project can comply with existing plans and guidelines.

Mr. Lubinski then referred to the Patterson Road Corridor Guidelines and noted many times that neither those guidelines nor the rezone criteria were met. He felt adequate public facilities and services are available for single-family residential uses but will be inadequate for this proposed development. He said he is concerned about potential traffic impacts on the area if the rezone is approved and then commercial traffic would be forced through an established neighborhood. He also disagreed with the applicant's claim that there is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs. Lastly, he said no benefits are provided to the neighborhood by the proposal. In fact, the historic home of Walter Walker would likely be torn down in the future if the rezone request was approved. He concluded asking Council to deny the rezone request.

Karen Troester and her husband Richard, 2714 N. 8<sup>th</sup> Court, showed some photos of the area. Mrs. Troester noted the traffic situation with accessing Patterson Road. She said she could not imagine a business coming into the neighborhood. She said when she purchased her home, the Geske property was beautifully landscaped. She felt the existing deer population would be diminished by the proposal. Mr. Troester added that people

on Viewpoint Drive have complained about the traffic the Wells Fargo ATM has generated. He said the lack of a deceleration lane to turn left on Patterson Road requires a right turn onto Patterson Road due to the heavy traffic. He said once the property is rezoned, a number of other businesses could go in there. He said he did not believe the proposal meets any of the rezone criteria.

Viki Bledsoe, 2719 N. 8<sup>th</sup> Court, said many years ago she received a ticket for turning left onto Patterson Road when using the center lane. She said an eye clinic would bring in more traffic and felt turning left onto Patterson Road is impossible. She said their cul-de-sac is unique and one of only a few left. She asked Council to deny the request.

The public hearing was closed at 9:10 p.m.

Mr. Joyce was allowed a rebuttal addressing property values and traffic issues. He said he had prepared a chart that compared property values in the area and the results did not show a decrease in property values adjacent to RO zone districts. He agreed traffic on Patterson Road is very busy and N. 8<sup>th</sup> Court is 300 plus feet from 7<sup>th</sup> Street, and not 100 feet as previously stated. He said access would have to be aligned with the new Advanced Pavilion access. He said the reason for the deteriorating landscape is the irrigation system, which is in disrepair. He said the Geskes lived there for a while but moved because of the proximity to Patterson Road. He said the house has 4,000 square feet and there are no plans to tear it down. He said other uses may be allowed on the property but due to the properties' sizes, it is unlikely something else would be built there.

Councilmember Hill asked Community Development Director Blanchard if someone wanted to establish a business or build apartments in an RO district, would a process be required. Mr. Blanchard said yes, a site plan review would be required.

Council President Spehar asked about the applicability of the Patterson Road Corridor Guidelines. Mr. Blanchard said the most recent adopted documents take precedence, however, these guidelines were not rescinded, and many of the guidelines within the document are in practice.

Acting City Attorney Shaver added that Council can look at the guidelines in the process, and they are admissible, the weight given to them is at Council's discretion.

Councilmember Hill noted he is very familiar with the neighborhood and it is obvious that the neighborhood with those homes on 8<sup>th</sup> Court and the adjacent area on Viewpoint Drive and Rico Way also feel as a part of that same neighborhood. He referred to the disclaimer in the Patterson Road Corridor Guidelines that existing single-family housing and neighborhoods should be respected and protected. He stated the hospital development was there and has been an on-going project. He said he supports the Planning Commission's recommendation to deny the rezoning request.

Councilmember Palmer noted that the Planning Commission relied on the Patterson Road Guidelines, but they are clearly outdated. He felt an RO designation does not fit in this case; the rezone criteria are not being met, and therefore will not support the request.

Councilmember McCurry agreed with Councilmember Palmer's and the Planning Commission's recommendation to deny the rezoning request.

Councilmember Butler agreed with the Planning Commission's recommendation and noted the access difficulties.

Councilmember Kirtland noted access around St. Mary's is difficult and the City has tried to make sure that St. Mary's continues to be a good neighbor. He stated one objective of the City was to require the hospital to design internal traffic patterns to maintain the surrounding residential feel. He said this particular neighborhood is older and has high quality homes and he would like to keep the character of the neighborhood and its uniqueness. He felt other properties were available and could be used for an eye clinic. He felt it is important for Council to keep the vision of the surrounding neighborhoods to the north in mind. He said he supports the Planning Commission's recommendation to deny the rezoning request.

Council President Spehar said he also supports the Planning Commission's recommendation due to compatibility, and felt the rezone criteria were not met.

Ordinance No. 3610 – An Ordinance Rezoning a Parcel of Land from Residential Single Family with a Density not to Exceed Four Units per Acre (RSF-4) to Residential Office (RO) Located at 2656 Patterson Road (Geske Property)

Councilmember Palmer moved to adopt Ordinance No. 3610 on Second Reading and ordered it published. Councilmember McCurry seconded the motion. Motion failed by roll call vote with all Councilmembers voting **NO**.

Council President Spehar called a recess at 9:30 p.m. The meeting was back in session at 9:37 p.m.

**Public Hearing – Summit View Estates Annexation and Zoning Located at 649 29 ½ Road** [File ANX-2003-271]

Hold a public hearing and consider final passage of a Resolution for acceptance of petition to annex and an annexation ordinance for the Summit View Estates Annexation located at 649 29 ½ Road. Also consider final passage of the zoning ordinance to zone the Summit View Estates Annexation Residential Multi-Family-8 (RMF-8), located at 649 29 ½ Road.

The public hearing was opened at 9:38 p.m.

Lisa Cox, Senior Planner, reviewed this item combining the annexation and the zoning requests. She described the property, the surrounding uses and zoning designations. She explained that portions of the right-of-ways were included in the annexation. She said the total annexation acreage is 10.495-acres, that the proposal meets all annexation and rezone criteria. She said the Planning Commission recommends approval of the requests.

She noted that the Staff Report submitted to the Planning Commission reported the current zoning of the property as RSF-R, when in fact it actually is RSF-4. She said after discussion with counsel, the legal advice given was that the error is immaterial and does not require the matter to be remanded to the Planning Commission.

Councilmember Hill asked if the surrounding zoning was RMF-5. Ms. Cox responded affirmatively.

Councilmember Palmer asked why an RMF-8 zoning designation was requested rather than an RMF-5 designation. Ms. Cox replied the RMF-8 designation was requested because of right-of-way dedications and because an RMF-8 designation requires the developer to build a minimum of four units per acre.

Rebecca Wilmarth, representing Casa Tiara Development of Fruita, reviewed the request and explained the reason for the RMF-8 zone request versus the RMF-5 zone. She displayed photos of some of their other developments. She said the RMF-8 zone designation does not mean the parcel would be developed as multi-family. She addressed some of the constraints on the property, i.e. the right-of-way dedication and a thirty-foot drainage easement. She noted a right-of-way dedication is required on two borders of the property plus five feet of landscaping is required along the frontages. She said the requested zone would allow the subdivision to connect to the stub streets into adjacent subdivisions. She explained the setback constraints in RMF-5 would be very restrictive and additional setbacks would be required when building the garage. She said more options are available to the developer under the RMF-8 zone designation. She said, in addition, the drainage easement must be left vacant and the developer would like to include a walking path on the easement.

Ms. Wilmarth repeated some of Ms. Cox's earlier statements and reviewed their request and how it complied with the goals of the Growth Plan and the RMF-8 zone district by meeting the criteria in Section 2.6(A) of the Zoning and Development Code. She stated the following criteria as:

1. The existing zoning was in error at the time of adoption.

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.
3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting or other nuisances.
4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans and the policies, the requirements of the Code and other City regulations and guidelines.
5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development.
6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs.

Next Ms. Wilmarth read a statement from Mansel Zeck, President of Casa Tiara Development, into the record which reiterated the reasons for requesting an RMF-8 zoning. He advised that a developer is allowed more flexibility under that zoning when building 41 single-family homes on the site and can therefore easily meet all setback and right-of-way requirements.

Councilmember Hill asked for clarification of the options allowed, what could happen if the RMF-8 zone is approved, and if a development other than the one presented could be built on the property. Acting City Attorney Shaver said yes, but any development would still be subject to a development review.

Councilmember Hill next inquired about the Planned Development designation. Mr. Shaver said under the current code Planned Development is by contract, an allowed form of development, which must provide some benefit to the community.

Councilmember Kirtland expressed his opinion saying that to handle requests like this one in the future, an additional zone district should be created and added to the existing Code. Mr. Shaver said that possibility has been discussed at Staff level.

There were no public comments.

The public hearing was closed at 10:07 p.m.

**a. Accepting Petition**

Resolution No. 23-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Summit View Estates Annexation Located at 649 29 ½ Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3611 – An Ordinance Annexing Territory to the City of Grand Junction Colorado, Summit View Estates Annexation, Approximately 10.495 Acres Located at 649 29 ½ Road

**c. Zoning Ordinance**

Ordinance No. 3612 – An Ordinance Zoning the Summit View Estates Annexation to Residential Multi-Family-8 (RMF-8), Located at 649 29 1/2 Road

Councilmember Hill moved to adopt Resolution No. 23-04, Ordinances No. 3611 and No. 3612 on Second Reading and ordered them published. Councilmember Palmer seconded the motion. Motion carried by a roll call vote.

**Public Hearing – Pellam Annexation and Zoning Located at 3136 E Road** [File #ANX-2004-011]

Resolution for acceptance of petition to annex and to hold a public hearing and consider final passage of the annexation ordinance for the Pellam Annexation, located at 3136 E Road. The 4.808-acre annexation consists of one parcel of land and a portion of the E Road right-of-way. Also consider final passage of the zoning ordinance to zone the 4.808 acre Pellam Annexation to RMF-8 (Residential Multi-Family 8 du/ac), located at 3136 E Road.

The public hearing was opened at 10:10 p.m.

Senta Costello, Associate Planner, reviewed this item and the zoning request in one presentation. She described the property and noted the parcel is barely within the 201 Persigo boundaries. She identified the surrounding zone districts. She stated that since the proposal meets all criteria for annexation and zoning the Planning Commission recommends approval of the requests.

Councilmember Palmer asked if the reason for the zoning request is to meet setback requirements. Ms. Costello said the petitioners currently have no development plans for the property.

The petitioner was present but had nothing to add.

There were no public comments.

The public hearing was closed at 10:12 p.m.

**a. Accepting Petition**

Resolution No. 24-04 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Pellam Annexation Located at 3136 E Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 3613 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pellam Annexation, Approximately 4.808 Acres Located at 3136 E Road and Containing a Portion of E Road Right-of-Way

**c. Zoning Ordinance**

Ordinance No. 3614 – An Ordinance Zoning the Pellam Annexation to RMF-8 Located at 3136 E Road

Councilmember Kirtland moved to adopt Resolution No. 24-04, Ordinances No. 3613 and No. 3614 on Second Reading and ordered them published. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

**NON-SCHEDULED CITIZENS & VISITORS**

There were none.

**OTHER BUSINESS**

There was none.

**EXECUTIVE SESSION**

Councilmember Kirtland moved to go into executive session for a conference with legal counsel to receive legal advice concerning the contract with the Rural Fire Protection District under C.R.S. Section 24-6-402(4)(B) and that Council would not return to open session. Councilmember Hill seconded the motion. Motion carried.

**ADJOURNMENT**

The meeting adjourned to executive session at 10:15 p.m.

Stephanie Tuin, MMC  
City Clerk