

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

**March 1, 2010**

The City Council of the City of Grand Junction convened into regular session on the 1<sup>st</sup> day of March 2010 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Sam Susuras, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Junior Girl Scout Troop 194 asked the audience to stand. The Troop posted the colors and then led in the Pledge of Allegiance.

Council President Hill called the meeting to order. Pastor Art Blankenship, Canyon West Worship Center came forward and offered the invocation.

Council President Hill asked the Scouts to come forward and introduce themselves.

**Proclamations/Recognitions**

Proclaiming March 7 – 13, 2010 as “Girl Scout Week” in the City of Grand Junction

Proclaiming March 8 – 12, 2010 as “Women in Construction Week” in the City of Grand Junction

**Council Comments**

There were none.

**Citizen Comments**

Carl Mitchell, 582 Grand View Court, addressed the City Council regarding HB 1191, relative to sales tax on candy and soda. He suggested that Council consider the health issues of the children today and that money spent for obesity and diabetes comes from the general fund. He suggested the City ask for the tax and use it for education on childhood obesity and related issues.

**CONSENT CALENDAR**

Councilmember Beckstein read the Consent Calendar and then moved to approve items #1 through #5. Councilmember Coons seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

*Action: Approve the Minutes of the February 17, 2010 Regular Meeting*

2. **Setting a Hearing on the KD Annexation, Located at 823 22 Road** [File # ANX-2010-006]

Request to annex 10.12 acres located at 823 22 Road. The KD Annexation consists of one parcel and is a serial annexation.

a. **Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 11-10—A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, KD Annexation, Located at 823 22 Road

*Action: Adopt Resolution No. 11-10*

b. **Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, KD Annexation, Approximately 10.12 Acres, Located at 823 22 Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for April 5, 2010*

3. **Continue Public Hearing—Sign Code Amendment** [File # TAC-2009-251] (Continued from February 1, 2010)

Proposed amendment to repeal Section 4.2B6 of the Zoning and Development Code regarding lighted, moving and changeable copy signs. City Staff is requesting an additional continuance to complete research and discussions with CDOT staff regarding the difference between City and State sign regulations and the potential impacts of said regulations.

Proposed Ordinance Repealing Section 4.2B6 of the City of Grand Junction Zoning and Development Code Regarding Lighted, Moving and Changeable Copy Signs

*Action: Continue Public Hearing to April 5, 2010*

4. **Somerville and Anderson Ranch Lease**

In an August 2009 City Council meeting the Council gave its authorization for City Staff to enter into negotiations with Howard and Janie Van Winkle on the leasing of the Somerville and Anderson ranches. A negotiated lease has been completed and is now ready for the City Manager to sign.

Resolution No. 12-10—A Resolution Authorizing a Ten-Year Lease of the City's Somerville and Anderson Ranch Properties to Howard and Janie Van Winkle

*Action: Adopt Resolution No. 12-10*

5. **Federal Aviation Administration Grant at the Grand Junction Regional Airport for the West Air Carrier Ramp Reconstruction**

This is a grant for the reconstruction of the West Air Carrier Ramp at the Grand Junction Regional Airport. Total funding for this project will be approximately \$5,000,000.00. Congress has approved a two part AIP program for 2010. The Supplemental Co-sponsorship Agreements are required by the FAA as part of the grant acceptance by the City.

*Action: Authorize the Mayor and City Attorney to Sign the FAA Grant Documents for West Air Carrier Ramp Reconstruction at the Grand Junction Regional Airport and Authorize the City Manager to Sign the Supplemental Co-sponsorship Agreements for the Grant Award*

### **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

#### **Funding Recommendations for Arts and Cultural Events and Projects and Presentation of Annual Report for 2009**

The Commission on Arts and Culture annually makes recommendations for grant awards to local non-profit organizations to support arts and cultural events, projects, and programs in Grand Junction, which are expected to reach an audience of over 250,000 citizens and visitors and help promote employment, education, exhibit, and sales opportunities for many artists, musicians, and non-profit sector employees in the community. The Commission also presents the annual State of the Arts report for 2009.

Rob Schoeber, Parks and Recreation Director, introduced this item. He advised that \$8,300 of the grant funding comes from the Colorado Council on the Arts. He lauded the work of the Commission. He then asked Allison Sarmo, Cultural Arts Coordinator, and Kat Rhein, Commission on Arts and Culture Chair, to present the details as well as the Annual Report for 2009.

Kat Rhein, Chair of the Commission on Arts and Culture, thanked the City Council for recognizing the importance of their efforts by keeping their funding in place. This year more than any other, arts organizations and artists are feeling the stress of the economic times. Many have lost other sponsors and these small grants are crucial to their survival. The Commission added the preservation of jobs to the criteria for grant funding. Twenty-one non-profits will benefit from these small grants and she then listed the number of workers impacted and also the impact to the community. She detailed the benefits to the community and the citizens.

Councilmember Susuras inquired if all the organizations are local to which Ms. Rhein answered that is a requirement.

Chair Rhein noted that this is Ms. Sarmo's last time to appear before Council as she is retiring on April 1, 2010.

Councilmember Coons asked about the studies conducted by the VCB on the economic impact of the arts. Ms. Sarmo said she does not have those figures but the Arts Commission studied that impact and it amounted to \$27 million to the community. The Commission also won an award, the National Recreational Park Association and the Midwest Arts and Humanities Award was granted to the Arts Commission for their grant program.

Councilmember Beckstein moved to approve the recommendations from the Commission on Arts and Culture for grant funding. Councilmember Coons seconded the motion.

Councilmember Susuras thanked Allison Sarmo for all her work with the Commission and wished her well in her next endeavor.

Motion carried by roll call vote.

**Public Hearing—Petition for Exclusion from the Downtown Grand Junction Business Improvement District for Property Located at 337 South 1<sup>st</sup> Street (Pufferbelly Restaurant)**

On August 4, 2009, Mr. Arvan J. Leany filed a letter and the required deposit to initiate consideration of the exclusion of his property, located at 337 S. 1<sup>st</sup> Street (Pufferbelly Restaurant) from the Downtown Grand Junction Business Improvement District. On August 17, 2009, the City Council referred the matter to the Downtown Grand Junction Business Improvement District (DGJBID) Board. The DGJBID heard the request on October 22, 2009 and with a tied vote, the motion to grant the request was defeated. The result was taken back to City Council, who remanded the matter back to the

DGJBID Board. The DGJBID Board reheard the matter on January 28, 2010 and sent a recommendation for exclusion back to the City Council.

The public hearing was opened at 7:26 p.m.

John Shaver, City Attorney, presented this item. He explained the reason for the matter coming before City Council is exclusions are required to come before the governing body for approval or denial. He provided a history of the request including the recommendation from the Downtown Grand Junction Business improvement District to exclude the property. The decrease in assessment collected as a result of an exclusion would be \$1,058 per year. City Attorney Shaver noted that DDA Executive Director Heidi Ham was present to answer any questions.

The applicant (petitioner), Mr. Arvan Leany, was not present.

There were no public comments.

The public hearing was closed at 7:30 p.m.

Ordinance No. 4407—An Ordinance Excluding Property Owned by Arvin J. Leany from the Downtown Grand Junction Business Improvement District, Located at 337 South 1<sup>st</sup> Street (Pufferbelly Restaurant)

Councilmember Kenyon moved to adopt Ordinance No. 4407 and ordered it published. Councilmember Susuras seconded the motion. Motion carried by roll call vote with Councilmember Palmer voting NO.

**Public Hearing—Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority to Include 847, 851, and 861 Rood Avenue**

The DDA has been petitioned by Armstrong Consultants, Inc. and Corsi Ventures, LLC to include three properties into the DDA boundaries. Inclusion of these properties within the DDA boundaries will serve to promote community stability and prosperity by improving property values, assist in the development and redevelopment of the district and provide for the continuance of economic health in the community.

The public hearing was opened at 7:31 p.m.

John Shaver, City Attorney, explained the reason the request is coming before the City Council and why the matter must be considered by the governing body. This will bring three properties into the Downtown Development Authority boundaries. Heidi Ham, DDA Executive Director, was present to answer any questions. City Attorney Shaver said all statutory criteria have been met and he recommended approval.

Councilmember Kenyon asked if the matter went before the DDA. City Attorney Shaver said that it did.

Councilmember Beckstein asked if there were other properties adjacent that are in the DDA boundaries. City Attorney Shaver said the contiguity is to the south.

There were no public comments.

The public hearing was closed at 7:35 p.m.

Ordinance No. 4408—An Ordinance Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority to Include 847, 851, and 861 Rood Avenue

Councilmember Kenyon moved to adopt Ordinance No. 4408 and ordered it published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

**Public Hearing—Zoning the Sunlight Subdivision Planned Development and Approval of the Preliminary Development Plan, Located at 172 and 174 Sunlight Drive** [File #ANX-2006-348 and PP-2008-051]

A request to zone 11.21 acres to PD (Planned Development) with a default zone of R-4 (Residential – 4 units per acre) and consideration of a Preliminary Development Plan (PDP) for Sunlight Subdivision.

The public hearing was opened at 7:36 p.m.

Greg Moberg, Planning Services Supervisor, presented this item. He described the site, the location and request. The requested zone is compatible with the designation on the Comprehensive Plan. He reviewed the history of the development application. It was annexed but the developer had requested that the zoning be deferred. A site plan was developed which showed the requested zoning was reasonable.

Mr. Moberg described all the density and lot sizes to the west which are the same as what is being proposed. There are larger properties to the south and east. The applicant is proposing 33 detached home lots. Two TEDS exceptions were granted to the site, one for street lighting and one for a shorter approach to the intersection of 28 ½ Road and the proposed River Divide Road. All the lots meet the requirements except for some irregular lots along the cul-de-sac. That was reviewed and approved by the Planning Commission. The applicant asked for a ten-year vesting of the plat to allow some time for the plan to go forward. Planning Commission recommended approval of that request. The request does meet the criteria of the Zoning and Development Code. The Planning Commission recommended approval.

Councilmember Pitts asked if the topography precludes connectivity to the south, thus the cul-de-sacs. Mr. Moberg said there is connectivity to the south through Sunlight Drive.

Councilmember Kenyon asked about the pedestrian trail and the connection to the Old Spanish Trail. Mr. Moberg said it is an easement and will be maintained by the homeowners association. It is assumed that the trail goes along Sunlight Drive.

Councilmember Coons asked how this Planned Development will buffer against the two larger properties to the south. Mr. Moberg said the density will likely be lower to the south due to the topography and that will serve as a buffer from the higher density to the north.

Councilmember Coons asked what the process is and the changes are for the ten year vesting request. Mr. Moberg said minor changes would not stop the final plat from going through but any major changes would have to go back through the process of the Planning Commission and the City Council.

Councilmember Coons asked for confirmation that the Old Spanish Trail will not be blocked due to this development. Mr. Moberg said that it will not be blocked due to this development.

Councilmember Palmer asked what happened to change the recommendation from zoning R-2 to R-4. Mr. Moberg explained that Staff was concerned about R-4 due to the topography. However, with a Planned Development, the Preliminary Development Plan must be submitted so Staff could then see how the topography could be addressed.

Councilmember Palmer asked if the street will be standard width and built in compliance with City requirements. Mr. Moberg said they will be in compliance.

Councilmember Palmer asked about the eight lots that do not meet City requirements. Mr. Moberg said that due to the request being a Planned Zone, the City Council can approve those as they are irregular lots along the cul-de-sac.

Bob Blanchard, representing the applicant Ted Munkres, Freestyle Development, stated that the engineer, Jeff Oder, is also present for questions. He described in more detail the surrounding uses, zoning, and densities and how the area is being developed at urban densities. Their proposal is a 33 lot subdivision with lots ranging from 8,000 to 21,000 square feet. The proposal has many topographical challenges. The development is designed to take advantage of those constraints. The design allows for walk out basements but the structure will appear as a single story structure. Old Glory

View Drive will not be a roadway extension but an alternative access to the Old Spanish Trail.

Mr. Blanchard explained the reason for the request for the Planned Zone District which includes the allowance for flexibility, however the applicant must provide additional benefits in order to qualify for such a zone district. He listed the benefits which are to minimize visual impact, providing over 23,000 square feet of common open space for passive recreation areas, an additional access to the Old Spanish Trail along with signage, use of low water grasses in the detention areas, and covenants that will encourage xeriscape.

Mr. Blanchard then explained the review criteria and how the proposal meets that criteria. He explained the reason for the ten-year vesting request and how it is an option that the City Council can consider.

The developer did host a couple of neighborhood meetings and tried to address the concerns voiced at those meetings. He listed some of those issues including drainage, the Old Spanish Trail access, the irrigation system, and the topography constraints to the south. Sunlight Drive does not continue to the south at this time. The engineer for the project can answer any questions on these issues and the developer is present to answer questions also.

Councilmember Susuras asked if there will be a fence to separate this property from the canal. Mr. Blanchard said that is not being proposed at this time

Councilmember Palmer asked how the detention ponds work. Mr. Blanchard briefly explained how they function but deferred to the engineer for specific answers.

Vicki Felmlee, 178 Old Glory View Drive, said she represents part of the neighborhood and some people over on 28 ½ Road as well. She asked the City Council to consider R-2 zoning. She stated Staff recommended R-2 five years ago due to the topography. Another issue is drainage, there are no issues with the drainage now but they fear there will be with the addition of 33 more rooftops. Her third concern is the characteristics of the adjacent and surrounding area. Ms. Felmlee then described some photos and viewpoints she had with her concern being the topography. There is an 8% grade. Ms. Felmlee asked Councilmember Susuras to recuse himself from this matter as he agreed with the R-4 zoning in his position on the Mesa County Planning Commission. Ms. Felmlee then described the surrounding zoning and densities and how different decisions were made in the past on nearby subdivisions. Next Ms. Felmlee addressed irrigation and how each lot will be allocated irrigation rights. She feels that will result in more irrigation and impact on the land that has not been irrigated in many years. She rebuked some things stated at the Planning Commission meeting that were untrue relative to the irrigation canal, one being that the statement at the Planning Commission



meeting that this was a wastewater ditch and flows towards I-70, which it does not. She concluded by asking the City Council to consider the R-2 zone.

Lisa Burns, 2841 Valley View Drive, north of the development, was concerned about the rerouting of the lateral (irrigation canal). She cannot get flood insurance to protect her against any failure of the irrigation system and she currently has some minor flooding. She said the R-2 zoning would allow a better re-routing of the irrigation pipe.

Dean DiCamillo, 177 28 ½ Road, is concerned with the pond development and the drainage. He thought there might be some overflow. The lateral has already flooded. He asked if there was a letter provided to the City Council from Kathy Laughton. (Staff will check on this.)

Brian Brinkerhoff, 172 28 ½ Road, east of the development, is concerned with the topography as there is a significant rise and how the development will affect his property with the increase in traffic.

There were no other public comments.

The public hearing was closed at 8:41 p.m.

Mr. Blanchard addressed some of the concerns brought up. There are developments on much higher slopes in the area. The ponds are designed to be overcapacity. The reason for the detention ponds is to prevent the drainage from exceeding any drainage over the historical drainage flows. The lateral will only be used in an extreme event. The default zone is R-4 for the standards, not necessarily the density. If there were an R-3 zone district, that would be the default zone. The proposal is less dense than the developments to the north, it is compatible with the neighborhood. Compatible does not mean the same. Drainage was designed for 100 year events. Another consideration is large lots would result in larger irrigated areas.

Councilmember Pitts inquired as to the location of Headgate 144.

Ted Munkres, 121 Chipeta, the developer of the project, replied Headgate 144 is off the map. Headgate 146 is on the southeast edge, 147 is to the south and supplies this property and the properties to the north. The splitter box for the irrigation is in front of Ms. Burns home and the plan is to mitigate that situation.

Jeff Oder, representing Gold Engineering, said the proposed location of the new system is to tie into the existing headgate, go north through the proposed subdivision to another offsite location, and then go into the detention/ irrigation pond. There will be junction box in front of Ms. Burns home.

Councilmember Coons asked if the discussion was about stormwater. Mr. Oder confirmed. She asked for further description of the new junction box at Ms. Burns home and the redesign of the lateral.

Mr. Oder said the location of the splitter box will remain but it is a different system. It is currently in an open ditch. The developer will provide a pipe into that same structure and there will be a headgate to allow more exact control to both directions. There will also be overflow controls which will ultimately flow into Pond B, if it gets plugged it will be captured in the drainage swell which diverts the water into the detention ponds. It would take a pretty significant circumstance to continue and get into the irrigation system downstream and flood out the neighbors.

Councilmember Coons asked if the control would be a manual control. Mr. Oder said yes, it would be controlled by the Irrigation Company. If they choose, it will automatically flow through the canal and not get used.

Council President Hill said the Council understands that the City Staff will not allow any development to add to any drainage flows onto anyone else's property.

Mr. Oder then described the size of the ponds, Pond A has 36% excess capacity. Pond B is more than double than what is required and Pond C is also 36% oversized than what is required.

Councilmember Beckstein asked City Attorney Shaver if there is still a lot of work as this is just the Preliminary Plan. City Attorney Shaver said that is correct, this is not the final design or final conceptual plans.

Councilmember Beckstein asked Tim Moore, Public Works and Planning Director, if considering the uniqueness of the area, will there be any vagueness in the Final Plan? Mr. Moore confirmed that there will be no vagueness at Final Plan.

Councilmember Palmer asked about Ms. Felmlee's request that one of the Councilmembers should be recused. City Attorney Shaver did not understand her concern as the reference was to a previous request and consideration. Prior consideration and decision does not disqualify Councilmember Susuras. Councilmember Susuras has not expressed a pre-judgement or pre-consideration of this item but that was not what Ms. Felmlee expressed. Additional inquiry can be made of Ms. Felmlee.

Council President Hill asked Councilmember Susuras if he was comfortable with the City Attorney's assessment. Councilmember Susuras said he was and, in fact, he has written comments that show he reread and reconsidered the matter completely.

Councilmember Palmer asked how far out of compliance the lot deviations are and is this unprecedented? Mr. Moberg said many times this occurs and is allowed under a Planned Development. The zoning and the Code allows those deviations to be approved. It is normal for lots along cul-de-sacs, which are typically pie-shaped, to not meet the required width in the Code.

Councilmember Kenyon asked if every subdivision that has a cul-de-sac has a deviation. Mr. Moberg answered yes to subdivisions that have irregular lots and those are approved by the Planning Commission.

City Attorney Shaver said the letter referred to previously is in the record and with the City Clerk, although Council was not specifically provided copies.

Ordinance No. 4409—An Ordinance Zoning the Sunlight Subdivision Annexation to PD (Planned Development) Zone, by Approving a Preliminary Development Plan with a Default Zoning of R-4 (Residential – 4 Units Per Acre), Located at 172 and 174 Sunlight Drive

Councilmember Kenyon moved to adopt Ordinance No. 4409 and ordered it published. Councilmember Beckstein seconded the motion.

Councilmember Palmer stated he initially had some concerns as there were a number of issues. It is to Staff's credit that these things were worked through. It is a difficult parcel but it is clear that a lot of thought has gone into this Plan and the review.

Councilmember Coons agreed there are challenges to this property but she is comfortable that those questions are being addressed.

Motion carried by roll call vote.

Council President Hill called a recess at 9:15 p.m.

The meeting reconvened at 9:22 p.m.

**Public Hearing—Old Mill Vacation of Rights-Of-Way, Located at 1101 Kimball Avenue** [File #VR-2008-373]

Applicant is requesting to vacate two existing, unimproved rights-of-way and an unused water line easement. The applicant would like to further develop the property in the future and vacation of these rights-of-way and the easement will remove unnecessary encumbrances on the site.

The public hearing was opened at 9:23 p.m.

Senta L. Costello, Senior Planner, presented this item. She described the site, the location, and the request. She asked that the Staff Report and attachments be entered into the record. The vacation requests meet the criteria of the Zoning and Development Code and the Planning Commission did forward a recommendation of approval. The applicant is no longer present.

There were no public comments.

The public hearing was closed at 9:25 p.m.

Resolution No. 13-10—A Resolution Vacating a Water Line Easement Located at 1101 Kimball Avenue

Ordinance No. 4410—An Ordinance Vacating Road Petition for 27 Road Alignment Located Approximately Between Kimball Avenue and Unawep Avenue

Ordinance No. 4411—An Ordinance Vacating Right-of-Way for South 12<sup>th</sup> Street Located Between Kimball Avenue and the Colorado River

Councilmember Coons moved to adopt Resolution No. 13-10 and Ordinance Nos. 4410 and 4411 and ordered them published. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

**Public Hearing—Noland Avenue Right-of-Way Vacations Located at Noland Avenue South of the Riverside Parkway** [File #VR-2009-225]

This is a request by the City of Grand Junction to vacate three surplus right-of-way areas totaling 0.78 acres. These remnants have been rendered impractical as right-of-way because of the alignment of the Riverside Parkway through the area.

Vacation #1: Alley right-of-way located within Block One of the South Fifth Street Subdivision, north of Noland Avenue and south of the Riverside Parkway.

Vacation #2: A portion of right-of-way located within Lot 20 of the South Fifth Street Subdivision, north of Noland Avenue acquired for the Riverside Parkway in Book 3973, Pages 628-631.

Vacation #3: A portion of Noland Avenue right-of-way located between 5<sup>th</sup> Street and 7<sup>th</sup> Street south of the Riverside Parkway and an alley right-of-way within Block 2 of the South Fifth Street Subdivision between Struthers and the Riverside Parkway.

The public hearing was opened at 9:25 p.m.

Greg Moberg, Planning Services Supervisor, presented this item. He described the locations, sites, and request. He then asked that the Staff Report and the attachments be entered into the record. The vacation meets the criteria of the Zoning and Development Code. The Planning Commission has recommended approval.

There were no public comments.

The public hearing was closed at 9:26 p.m.

Ordinance No. 4412—An Ordinance Vacating Alley Right-of-Way Located Within Block One of the South Fifth Street Subdivision North of Noland Avenue and South of the Riverside Parkway

Ordinance No. 4413—An Ordinance Vacating Right-of-Way Located within Lot 20 of the South Fifth Street Subdivision North of Noland Avenue Acquired for the Riverside Parkway in Book 3973, Pages 628-631

Ordinance No. 4414—An Ordinance Vacating a Portion of the Noland Avenue Right-of-Way Located between 5<sup>th</sup> Street and 7<sup>th</sup> Street South of the Riverside Parkway and an Alley Right-of-Way Located within Block 2 of the South Fifth Street Subdivision between Struthers and the Riverside Parkway

Councilmember Beckstein moved to adopt Ordinance Nos. 4412, 4413, and 4414 and ordered them published. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

**Public Hearing—TNG Rezone, Located at 29 Road and G Road** [File #RZ-2008-378]

Request to rezone 2.63 acres, from an R-5 (Residential 5 units/acre) to a C-1(Light Commercial) zone district.

The public hearing was opened at 9:28 p.m.

Greg Moberg, Planning Services Supervisor, presented this item. He described the request, location, and site. He asked that the Staff Report and attachments be entered into the record. The request does meet the criteria of the Zoning and Development Code. The Planning Commission recommended approval.

There were no public comments.

The public hearing was closed at 9:29 p.m.

Ordinance No. 4415—An Ordinance Rezoning One Parcel of Land from R-5 (Residential 5 Units Per Acre) to C-1 (Light Commercial), Located at 29 Road and G Road (TNG Rezone)

Councilmember Coons moved to adopt Ordinance No. 4415 and ordered it published. Councilmember Kenyon seconded the motion. Motion carried by roll call vote.

**Public Hearing—Rimrock Landing Apartment Community Rezone, Located at 665 and 667 24 ½ Road** [File #GPA-2009-232]

Request to rezone 14.6 +/- acres located at 665 and 667 24 ½ Road from R-12, (Residential – 12 du/ac) to R-24, (Residential – 24 du/ac).

The public hearing was opened at 9:30 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the request, location, and site. The City Council changed the Growth Plan to allow for this designation. The applicant is now asking for the corresponding zoning. Mr. Peterson asked that the Staff Report and attachments be entered into the record. The request meets the criteria of the Zoning and Development Code. The Planning Commission has recommended approval. He said the applicant is present if there are any questions.

The applicant did not wish to speak except to support the Staff recommendation.

There were no public comments.

The public hearing was closed at 9:32 p.m.

Ordinance No. 4416—An Ordinance Rezoning Property Known as the Rimrock Landing Apartment Community Rezone from R-12, (Residential – 12 DU/Ac) to R-24, (Residential – 24 DU/Ac) Located at 665 and 667 24 ½ Road

Councilmember Susuras moved to adopt Ordinance No. 4416 and ordered it published. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

Council President Hill asked, with the newly adopted Comprehensive Plan, will they shortly be seeing the Comprehensive Plan maps? Mr. Moberg said they will still see the Future Land Use Maps and Staff Reports have been amended to say Comprehensive Plan rather than Growth Plan.

**Adjournment**

The meeting was adjourned at 9:35 p.m.

Stephanie Tuin, MMC  
City Clerk