



**CITY COUNCIL AGENDA  
CITY HALL AUDITORIUM, 250 NORTH 5<sup>TH</sup> STREET  
WEDNESDAY, SEPTEMBER 17, 2008, 7:00 P.M.**

**Call to Order**

Pledge of Allegiance

**Citizen Comments**

**\*\*\* CONSENT CALENDAR \*\*\***

**No Items on Consent Calendar**

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

1. **Public Hearing—Zoning the Sunshine of Delta Annexation, Located at 377 and 379 29 Road** [File #GPA-2008-074] [Attach 1](#)

Request to zone 4.30 acres, located at 377 and 379 29 Road to R-12 (Residential 12 du/ac).

Ordinance No. 4293—An Ordinance Zoning the Sunshine of Delta Annexation to R-12 (Residential 12 DU/Ac), Located at 377 and 379 29 Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4293*

Staff presentation: Greg Moberg, Planning Services Supervisor

\*\*\* Indicates New Item

® Requires Roll Call Vote

2. **Public Hearing—Zoning the Park Mesa Annexation, Located at the Northwest Corner of Rosevale Road and Little Park Road** [File #ANX-2008-065] [Attach 2](#)

Request to zone the 13.58 acre Park Mesa Annexation located at the northwest corner of Rosevale Road and Little Park Road in the Redlands to R-1, Residential – 1 unit/acre Zone District.

Ordinance No. 4294—An Ordinance Zoning the Park Mesa Annexation to R-1 (Residential - 1 unit/acre), Located at the Northwest Corner of Rosevale Road and Little Park Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4294*

Staff presentation: Scott D. Peterson, Senior Planner

3. **Public Hearing—Reconsideration of Zoning for the Brady South Annexation, Located at 347 and 348 27 ½ Road and 2757 C ½ Road** [File #GPA-2007-051] [Attach 3](#)

SLB Enterprises LLC, owners of the properties located at 347 and 348 27 ½ Road and 2757 C ½ Road are requesting zoning of the properties from County Heavy Industrial (I-2) to Light Industrial (I-1) and Industrial/Office Park (I-O).

Ordinance No. 4295—An Ordinance Zoning the Brady South Annexation to Industrial/Office Park (I-O) Zone District, Located at 347 and 348 27 ½ Road and 2757 C ½ Road

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4295*

Staff presentation: Kristen Ashbeck, Senior Planner

4. **Non-Scheduled Citizens & Visitors**

5. **Other Business**

6. **Adjournment**

**Attach 1**  
**Public Hearing—Zoning the Sunshine of Delta Annexation**  
**CITY OF GRAND JUNCTION**

| CITY COUNCIL AGENDA               |  |  |                            |
|-----------------------------------|--|--|----------------------------|
| <b>Subject</b>                    | Zoning the Sunshine of Delta Annexation – Located at 377 and 379 29 Road |  |                            |
| <b>File #</b>                     | GPA-2008-074   |  |                            |
| <b>Meeting Day, Date</b>          | Wednesday, September 17, 2008  |  |                            |
| <b>Placement on the Agenda</b>    | <b>Consent</b>   |  | <b>Individual</b> <b>X</b> |
| <b>Date Prepared</b>              | August 6, 2008   |  |                            |
| <b>Author Name &amp; Title</b>    | Greg Moberg – Planning Services Supervisor                               |  |                            |
| <b>Presenter Name &amp; Title</b> | Greg Moberg – Planning Services Supervisor                               |  |                            |

**Summary:** Request to zone 4.30 acres, located at 377 and 379 29 Road to R-12 (Residential 12 du/ac).

**Budget:** N/A

**Action Requested/Recommendation:** Hold a public hearing and consider final passage of the Zoning Ordinance.

**Attachments:**

1. Staff report/Background information
2. Site Location Map; Aerial Photo Map
3. Future Land Use Map; Existing City and County Zoning Map
4. Zoning Ordinance

**Background Information:** See attached Staff Report/Background Information

| STAFF REPORT / BACKGROUND INFORMATION |              |  |            |  |           |
|---------------------------------------|--------------|--|------------|--|-----------|
| <b>Location:</b>                      |              | 377 29 Road and 379 29 Road  |            |  |           |
| <b>Applicants:</b>                    |              | Owner: John T. Moir –Sunshine of Delta<br>Representative: Paul Johnson - Meadowlark Consulting |            |  |           |
| <b>Existing Land Use:</b>             |              | Vacant   |            |  |           |
| <b>Proposed Land Use:</b>             |              | Residential  |            |  |           |
| <b>Surrounding Land Use:</b>          | <b>North</b> | Vacant/Residential   |            |  |           |
|                                       | <b>South</b> | Residential  |            |  |           |
|                                       | <b>East</b>  | Agriculture  |            |  |           |
|                                       | <b>West</b>  | Vacant/Agriculture   |            |  |           |
| <b>Existing Zoning:</b>               |              | RSF-R (Residential Single Family Rural)  |            |  |           |
| <b>Proposed Zoning:</b>               |              | R-12 (Residential 12 du-ac)  |            |  |           |
| <b>Surrounding Zoning:</b>            | <b>North</b> | County RSF-R (Residential Single Family Rural)   |            |  |           |
|                                       | <b>South</b> | County RSF-R (Residential Single Family Rural)   |            |  |           |
|                                       | <b>East</b>  | County RSF-R (Residential Single Family Rural)   |            |  |           |
|                                       | <b>West</b>  | County RSF-R (Residential Single Family Rural) and County PUD.                                 |            |  |           |
| <b>Growth Plan Designation:</b>       |              | Residential Medium High (approved June 30, 2008)   |            |  |           |
| <b>Zoning within density range?</b>   |              | <b>X</b>   | <b>Yes</b> |  | <b>No</b> |

**STAFF ANALYSIS:**

1. Background:

The 4.30 acre Sunshine of Delta Annexation consists of two parcels located at 377 and 379 29 Road. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

The two parcels that are the subject of this request were recently part of a Growth Plan Amendment. The two parcels were originally designated as Residential Medium Low (2-4 du/ac). On June 30, 2008, the City Council approved a Growth Plan Amendment and annexed the two parcels. The parcels are now designated as Residential Medium High (8 – 12 du/ac).

3. Section 2.6.A.3 and 4 of the Zoning and Development Code:

Zone of Annexation: The requested zone of annexation to the R-12 (Residential 12 du-ac) district is consistent with the Growth Plan designation of Residential Medium High (8 – 12 du/ac). The existing County zoning is RSF-R (Residential Single Family Rural). Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3 and 4 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

The proposed R-12 zone district conforms to and furthers the goals and policies of the Growth Plan and the Pear Park Plan as the underlying Future Land Use designation is Residential Medium High. The character of this neighborhood has been and continues to be developing with urban land uses. With such changes occurring there is a greater need to transition from the commercial designated lands to the north and east and the lower density residential designated lands to the south and west. Furthermore, the completion of the 29 Road bridge to Orchard Mesa and the anticipated construction of a bridge over the railroad to North Avenue will transform this stretch of 29 Road into a major traffic corridor.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Adequate public facilities are currently available or can be made available and can address the impacts of any development consistent with a Residential Medium High designation. The property is located in the Central Grand Valley Sewer District. There is an 18" sewer line located in the 29 Road and C 3/4 Road right-of-ways. The property is also located in the Ute Water District. There is an 8" water line located in the 29 Road right-of-way and a 10" water line located in the C 3/4 Road right-of-way.

Alternatives: In addition to the zoning that the petitioner has requested, the following zone district would also be consistent with the Growth Plan designation for the subject property.

- a. R-8 (Residential 8 du/ac)

If the City Council chooses to recommend an alternative zone designation, specific alternative findings must be made as to why the City Council is recommending an alternative zone designation to the City Council.

#### FINDINGS OF FACT/CONCLUSIONS:

After reviewing the Sunshine of Delta application, GPA-2008-074, for a rezone to R-12 (Residential 12 du/ac), I make the following findings of fact and conclusions:

1. The requested R-12 zone is consistent with the goals and policies of the Growth Plan and the Pear Park Plan.
2. The review criteria in Section 2.6.A.3 and 4 of the Zoning and Development Code have all been met.

#### PLANNING COMMISSION RECOMMENDATION:

At their regularly scheduled meeting of August 12, 2008; the Planning Commission forwards a recommendation of approval to the City Council, for the requested zone to R-12 (Residential 12 du/ac), with the findings and conclusions as listed in the Staff Report.

# Site Location Map

Figure 1



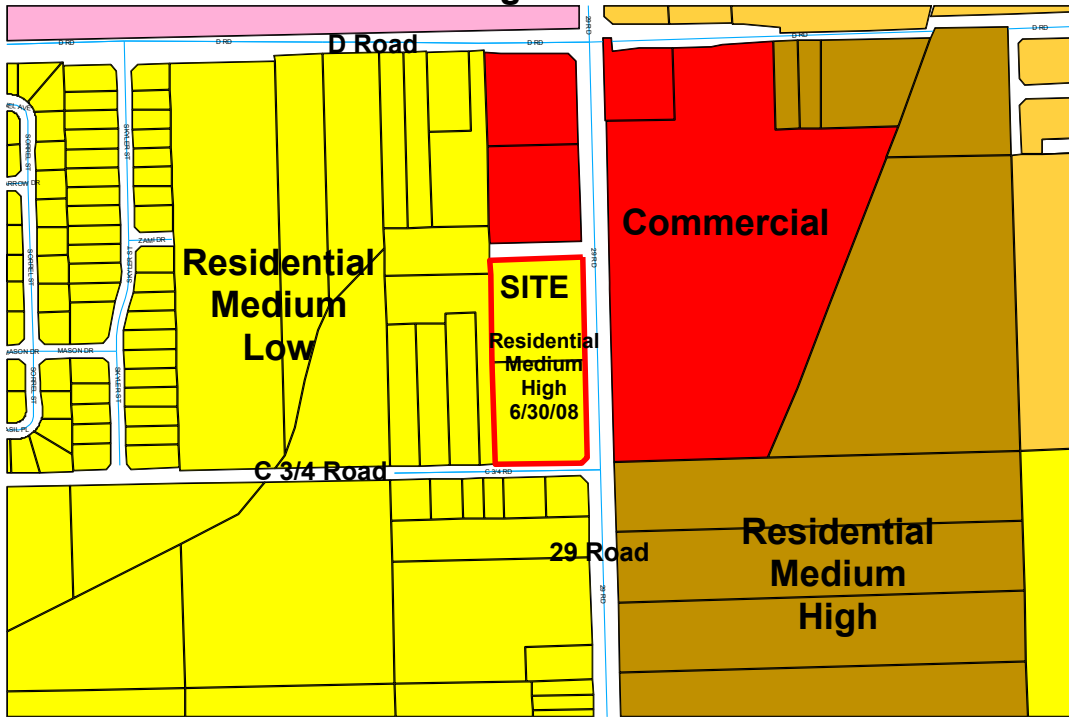
# Aerial Photo Map

Figure 2



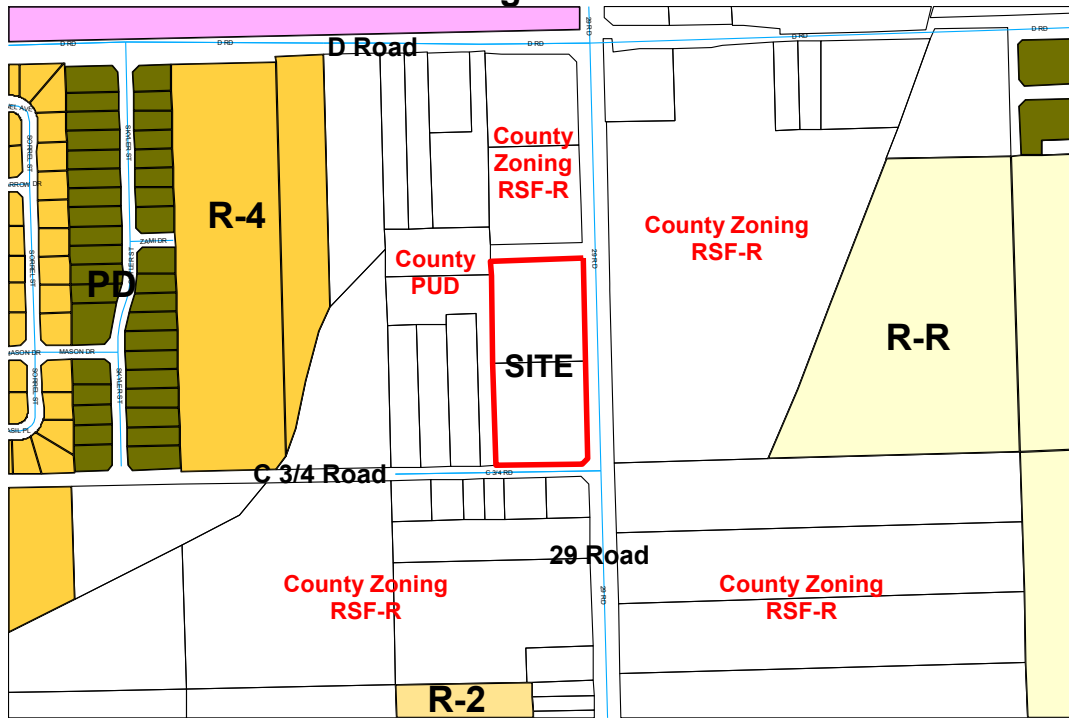
# Future Land Use Map

Figure 3



# Existing City and County Zoning Map

Figure 4





**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE SUNSHINE OF DELTA ANNEXATION TO  
R-12 (RESIDENTIAL 12 DU/AC)**

**LOCATED AT 377 AND 379 29 ROAD**

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Sunshine of Delta Annexation to the R-12 (Residential 12 du/ac) zone district finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-12 (Residential 12 du/ac) zone district is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION  
THAT:**

The following property be zoned R-12 (Residential 12 du/ac).

**SUNSHINE OF DELTA ANNEXATION**

Beginning at the Northeast corner of Lot 1 of Bevier Subdivision, as same is recorded in Plat Book 2, Page 9, public records of Mesa County, Colorado and assuming the South line of the NE 1/4 NE 1/4 of said Section 19 to bear N89°32'33"W with all bearings contained herein relative thereto; thence N89°32'33"W a distance of 300.59 feet along the North line of Lot 1 said of Bevier Subdivision; thence N00°08'05"E a distance of 683.98 feet along East line of Wallace Minor Subdivision, as same is recorded in Plat Book 13, Page 333, public records of Mesa County, Colorado; thence S89°36'49"E a distance of 330.24 feet along the South line of Sunshine-Moir Annexation, City of Grand Junction to a point on the East line of the NE 1/4 NE 1/4 of said Section 19, said point also being on the Westerly line of Ephemeral Annexation No. 2, Ordinance No. 3298, City of Grand Junction; thence along the Westerly line of said Ephemeral Annexation

No. 2 the following three (3) courses: (1) S00°06'22"W a distance of 580.00 feet along the East line of the NE 1/4 NE 1/4 of said Section 19; (2) S89°53'38"E a distance of 5.00 feet; (3) S00°06'22"W a distance of 104.42 feet along a line being 5.00 feet East and parallel with the East line of the NE 1/4 NE 1/4 of said Section 19; thence N89°32'33"W a distance of 35.00 feet to the Point of Beginning

Said parcel contains 4.30 acres, more or less, as described.

**INTRODUCED** on first reading the 3<sup>rd</sup> day of September, 2008 and ordered published.

**ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 2**  
**Public Hearing—Zoning the Park Mesa Annexation**  
**CITY OF GRAND JUNCTION**

| CITY COUNCIL AGENDA               |   |                          |   |
|-----------------------------------|---|--------------------------|---|
| <b>Subject</b>                    | Zoning the Park Mesa Annexation - Located at the northwest corner of Rosevale Road and Little Park Road |                          |   |
| <b>File #</b>                     | ANX-2008-065  |                          |   |
| <b>Meeting Day, Date</b>          | Wednesday, September 17, 2008   |                          |   |
| <b>Placement on the Agenda</b>    | <b>Consent</b>  | <input type="checkbox"/> | <b>Individual</b> <input checked="" type="checkbox"/> |
| <b>Date Prepared</b>              | September 5, 2008   |                          |   |
| <b>Author Name &amp; Title</b>    | Scott D.Peterson, Senior Planner  |                          |   |
| <b>Presenter Name &amp; Title</b> | Scott D. Peterson, Senior Planner   |                          |   |

**Summary:** Request to zone the 13.58 acre Park Mesa Annexation located at the northwest corner of Rosevale Road and Little Park Road in the Redlands to R-1, Residential – 1 unit/acre Zone District.

**Budget:** N/A.

**Action Requested/Recommendation:** Hold a Public Hearing and consider final passage of the Zoning Ordinance.

**Attachments:**

1. Staff Report / Background Information
2. Site Location Map / Aerial Photo Map
3. Future Land Use Map / Existing City and County Zoning Map
4. Zoning Ordinance

**Background Information:** See attached Staff Report/Background Information.

| STAFF REPORT / BACKGROUND INFORMATION |              |   |            |           |
|---------------------------------------|--------------|---|------------|-----------|
| <b>Location:</b>                      |              | Rosevale Road and Little Park Road  |            |           |
| <b>Applicants:</b>                    |              | Kenneth N. and Colleen E. Scissors, Owners  |            |           |
| <b>Existing Land Use:</b>             |              | Vacant land   |            |           |
| <b>Proposed Land Use:</b>             |              | Residential subdivision   |            |           |
| <b>Surrounding Land Use:</b>          | <b>North</b> | Single-family residential   |            |           |
|                                       | <b>South</b> | Single-family residential   |            |           |
|                                       | <b>East</b>  | Vacant land and Single-family residential   |            |           |
|                                       | <b>West</b>  | Single-family residential   |            |           |
| <b>Existing Zoning:</b>               |              | RSF-4, Residential Single-Family – 4 units/acre (County)  |            |           |
| <b>Proposed Zoning:</b>               |              | R-1, Residential – 1 unit/acre  |            |           |
| <b>Surrounding Zoning:</b>            | <b>North</b> | R-E, Residential – Estate (City) and RSF-4, Residential Single-Family – 4 units/acre (County)                   |            |           |
|                                       | <b>South</b> | RSF-4, Residential Single-Family – 4 units/acre (County) and RSF-E, Residential Single-Family – Estate (County) |            |           |
|                                       | <b>East</b>  | RSF-4, Residential Single-Family – 4 units/acre (County) and RSF-E, Residential Single-Family – Estate (County) |            |           |
|                                       | <b>West</b>  | RSF-4, Residential Single-Family – 4 units/acre (County)  |            |           |
| <b>Growth Plan Designation:</b>       |              | Residential Low (1/2 – 2 Ac./DU)  |            |           |
| <b>Zoning within density range?</b>   |              | <b>X</b>  | <b>Yes</b> | <b>No</b> |

**Background:**

The 13.58 acre Park Mesa Annexation consists of one parcel of land located at the northwest corner of Rosevale Road and Little Park Road in the Redlands. The property owners, Kenneth and Colleen Scissors, requested annexation into the City in anticipation of future residential development with the property recently being annexed by the City Council at their August 20, 2008 meeting. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City. A Growth Plan Amendment request to Residential Low (1/2 – 2 Ac./DU) for the property was recently approved by

the City Council at their July 16, 2008 meeting. The applicants are now requesting that the property be zoned in accordance with the approved Growth Plan designation.

Under the 1998 Persigo Agreement with Mesa County, the City shall zone newly annexed areas with a zone that is either identical to current County zoning or conforms to the City's Growth Plan Future Land Use Map. The proposed zoning of R-1, Residential – 1 unit/acre conforms to the Future Land Use Map, which has designated the property as Residential Low (1/2 – 2 Ac./DU).

**Section 2.6 A. 3 and 4 of the Zoning and Development Code:**

Zone of Annexation: The requested zone of annexation to the R-1, Residential – 1 unit/acre zoning district is consistent with the Growth Plan designation of Residential Low (1/2 – 2 Ac./DU). The existing County zoning is RSF-4, Residential Single-Family – 4 units/acre. Section 2.14 of the Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6 A. 3 and 4 as follows:

- **The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.**

The proposed R-1 zone district is compatible with the neighborhood and will not create adverse impacts as this existing property is adjacent to current single-family residential development of both large and small size properties (See Future Land Use Map). The existing, smaller parcels of land in the area (less than 2 acres in size), indicate that this property would be appropriate for residential development at a greater intensity than a current option under the Residential Low category which would be the R-E, Residential - Estate zoning district, which requires 2 acre minimum lot sizes. As Project Manager, I feel the third option under the Residential Low category, the R-2, Residential – 2 units/acre zoning district should not be considered due to topographic constraints of the property and lack of available sewer services currently in the area. The minimum acreage allowed to have a septic system is half an acre in size.

This area is in the Urban Growth Boundary which promotes areas of development that have or will have adequate public facilities. The Redlands Area Plan also supports high quality residential development in terms of site planning and architectural design.

In 1998, two years after adoption of the Growth Plan, the City and Mesa County entered into an Intergovernmental Agreement known as the Persigo Agreement. Section C, Implementation – Zoning – Master Plan, item #11 from this Agreement states that *the parties agree that any property within the 201 should eventually develop at an urban level of density. For this agreement, residential lot sizes of two acres gross or larger are deemed to not be “urban” while smaller parcel or lot sizes are deemed to be “urban.”* This intention is reaffirmed in the Redlands Area Plan (Page 32).

Therefore, the Planning Commission felt that the proposed R-1 zoning district most appropriately reflects the terms of the 1998 Persigo Agreement.

- **Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;**

Adequate public facilities and services are available or will be available in the future. Existing and proposed infrastructure facilities, right-of-way access and water availability are adequate to serve the proposed residential development. The property owners received a sewer variance in August 2005 from the Joint Persigo Board waiving the requirement of immediate sewer connection, but requiring the installation of dry lines for future sewer connection together with execution of a Power of Attorney guaranteeing participation of any and all future lots on the property in a local improvement district, if and when such a district is formed. Septic systems will be allowed in the meantime.

It is reasonable to request the R-1 designation in order to take advantage of this public infrastructure and to develop the property at a density that would correspond with the existing topography of the property and the adjacent residential development in the area in accordance with the Growth Plan and the Redlands Area Plan.

**Alternatives:** In addition to the zoning that the petitioners have requested, the following zone districts would also be consistent with the Growth Plan designation for the subject property.

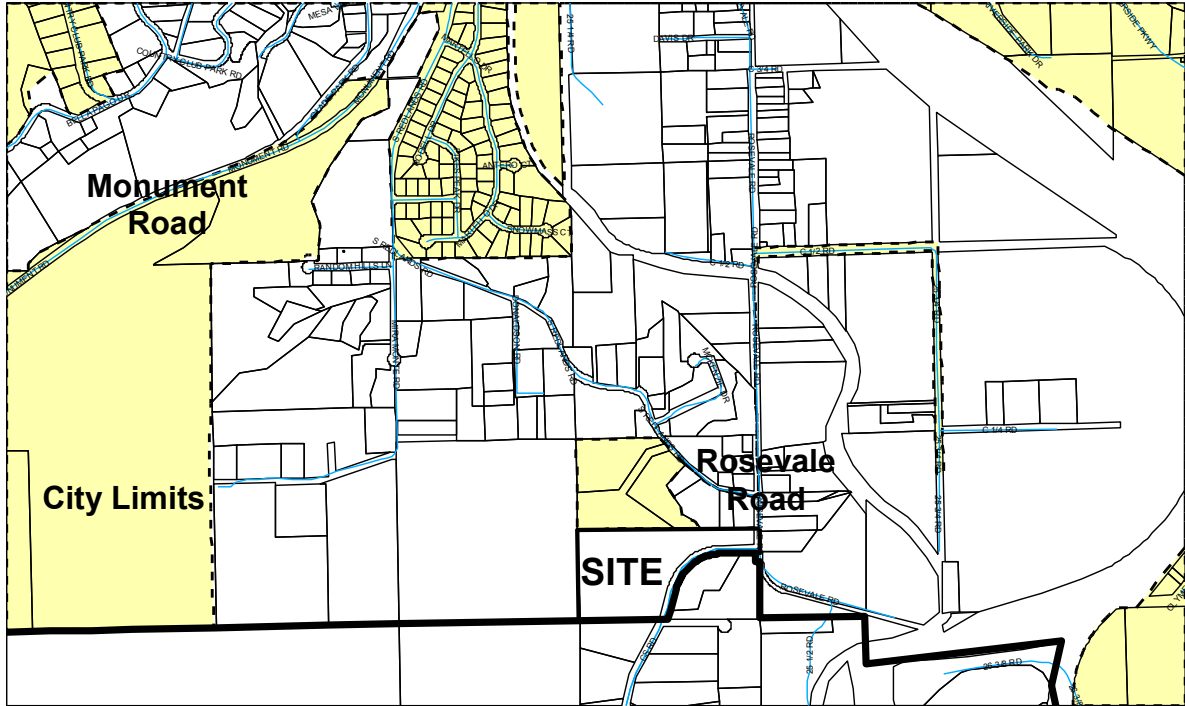
- b. R-E, Residential - Estate
- c. R-2, Residential – 2 units/acre

If the City Council chooses to recommend one of the alternative zone designations, specific alternative findings must be made.

**PLANNING COMMISSION RECOMMENDATION:** At its August 26, 2008 meeting, the Planning Commission recommended approval of the requested zone of annexation to the City Council, finding the zoning to the R-1, Residential – 1 unit/acre Zone District to be consistent with the Growth Plan and Sections 2.6 and 2.14 of the Zoning and Development Code.

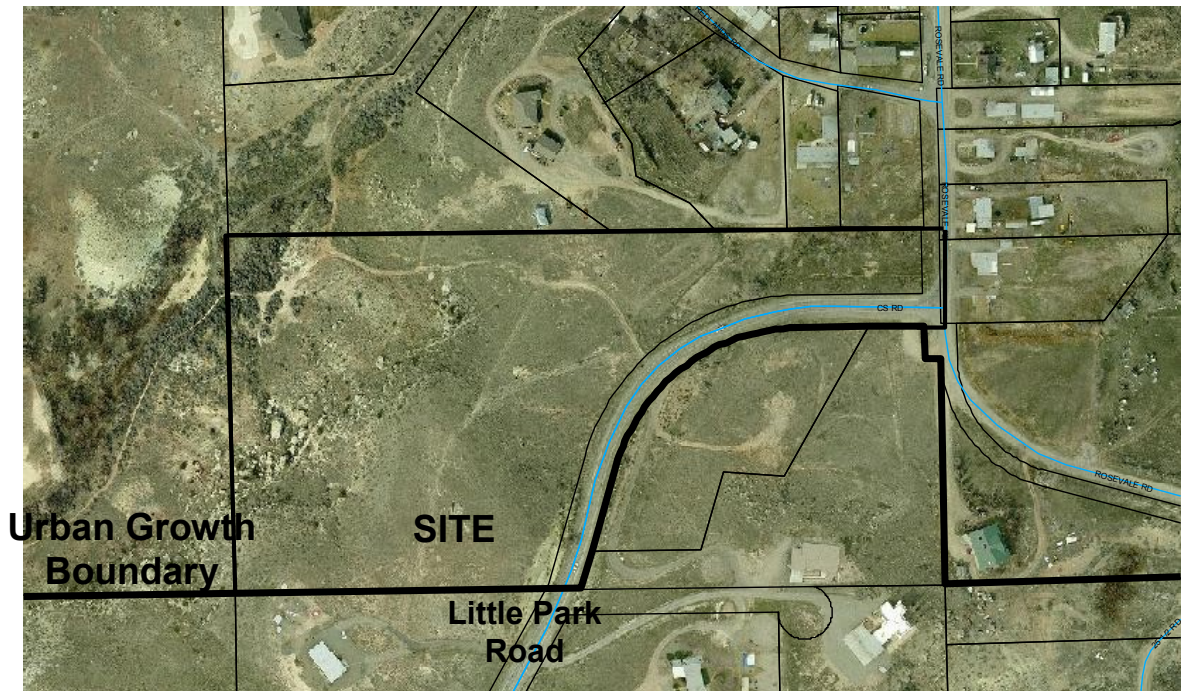
# Site Location Map

Figure 1



# Aerial Photo Map

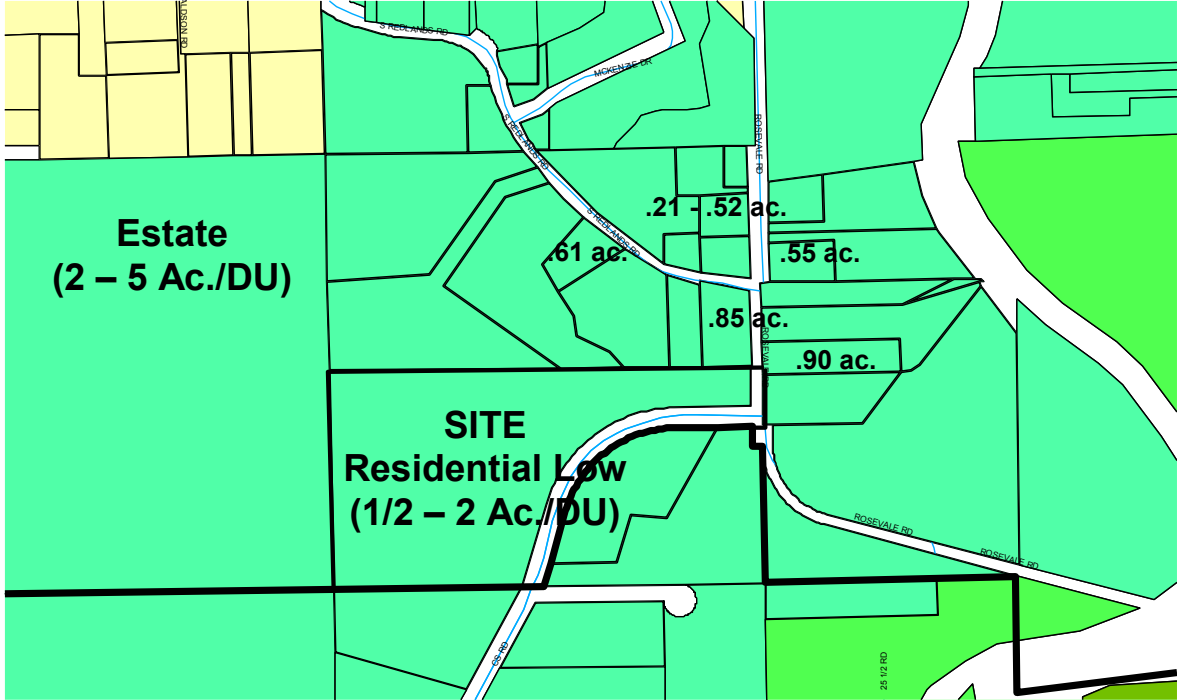
Figure 2





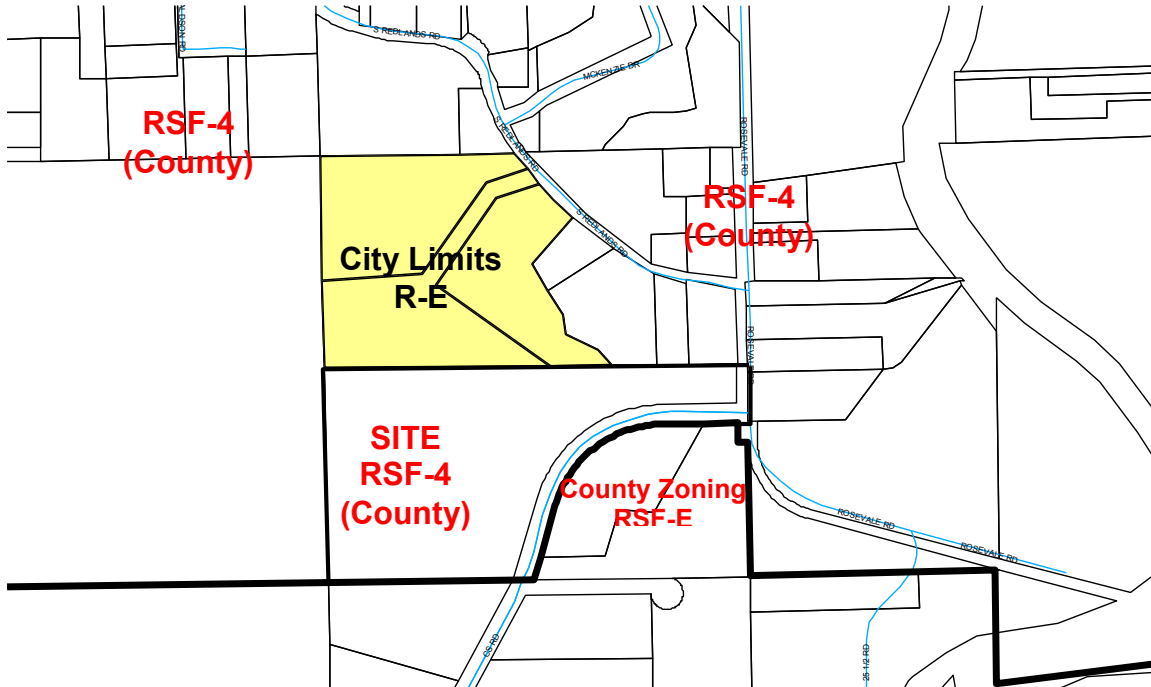
# Future Land Use Map

Figure 3



# Existing City and County Zoning

Figure 4



NOTE: Mesa County is currently in the process of updating their zoning map. Please contact Mesa County directly to determine parcels and the zoning thereof."

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE PARK MESA ANNEXATION  
TO R-1 RESIDENTIAL – 1 UNIT/ACRE**

**LOCATED AT THE NORTHWEST CORNER OF ROSEVALE ROAD  
AND LITTLE PARK ROAD**

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Park Mesa Annexation to the R-1, Residential – 1 unit/acre Zone District finding that it conforms with the recommended land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The zone district meets the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the R-1, Residential – 1 unit/acre Zone District is in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION  
THAT:**

The following property be zoned R-1, Residential – 1 unit/acre.

**PARK MESA ANNEXATION**

**PERIMETER BOUNDARY LEGAL DESCRIPTION**

A certain parcel of land located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 22, Township One South, Range One West of the Ute Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

Beginning at the Southwest corner of the SE 1/4 SW 1/4 of said Section 22 and assuming the West line of the SE 1/4 SW 1/4 of said Section 22 to bear N00°22'37"E with all bearings contained herein relative thereto; thence N00°22'37"E a distance of 659.59 feet to the Southwest corner of Leah Marie's Minor Subdivision, as same is recorded in Plat Book 17, Page 286, public records of Mesa County, Colorado, said

point also being the Southwest corner of Hill Annexation, Ordinance No. 3215, City of Grand Junction; thence S89°15'28"E a distance of 1310.69 feet along the south line of said Leah Marie's Minor Subdivision, said line also being the South line of said Hill Annexation to a point on the East line of Right of Way, as same as recorded in Book 2678, Page 597 of the Mesa County, Colorado public records; thence S00°25'56"W a distance of 182.17 feet along the East line of said Right of Way; thence along the Southeasterly line of Right of Way for Little Park Road, as same as recorded in Book 906, Page 193 of the Mesa County, Colorado public records the following three (3) courses: (1) N89°34'44"W a distance of 266.89 feet; (2) 445.50 feet along the arc of a 352.00 foot radius curve, concave Southeast, having a central angle of 72°30'57" and a chord bearing S54°09'46"W a distance of 416.36 feet; (3) S17°54'16"W a distance of 238.32 feet to a point on the South line of the SE 1/4 SW 1/4 of said Section 22; thence N89°15'53"W a distance of 635.91 feet along the South line of the SE 1/4 SW 1/4 of said Section 22, said line also being the North line of Bonnie Brae Subdivision, as same is recorded in Plat Book 10, Page 12, public records of Mesa County, Colorado to the Point of Beginning

Said parcel contains 13.58 acres (591,461.89 sq. ft.), more or less, as described.

**INTRODUCED** on first reading the 3<sup>rd</sup> day of September, 2008 and ordered published.

**ADOPTED** on second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk

**Attach 3  
Public Hearing—Reconsideration of Zoning for the Brady South Annexation  
CITY OF GRAND JUNCTION**

| CITY COUNCIL AGENDA               |   |  |                            |
|-----------------------------------|---|--|----------------------------|
| <b>Subject</b>                    | Brady South Zone of Annexation Located at 347 and 348 27 ½ Road and 2757 C ½ Road |  |                            |
| <b>File #</b>                     | GPA-2007-051  |  |                            |
| <b>Meeting Day, Date</b>          | Wednesday, September 17, 2008   |  |                            |
| <b>Placement on the Agenda</b>    | <b>Consent</b>  |  | <b>Individual</b> <b>X</b> |
| <b>Date Prepared</b>              | September 10, 2008  |  |                            |
| <b>Author Name &amp; Title</b>    | Kristen Ashbeck, Senior Planner   |  |                            |
| <b>Presenter Name &amp; Title</b> | Kristen Ashbeck, Senior Planner   |  |                            |

**Summary:** SLB Enterprises LLC, owners of the properties located at 347 and 348 27 ½ Road and 2757 C ½ Road are requesting zoning of the properties from County Heavy Industrial (I-2) to Light Industrial (I-1) and Industrial/Office Park (I-O).

**Budget:** NA

**Action Requested/Recommendation:** Conduct Public Hearing and adopt Zone of Annexation ordinance.

**Background:** Planning Commission heard the request at its September 11, 2007 meeting and recommended approval of the Industrial/Office Park (I-O) zoning for all three parcels. City Council heard this item at its June 16, 2008 meeting and, upon a tie vote, requested that the item be considered again at a later date. Staff has worked with the applicant towards a resolution of a proposed zone district that will be presented at the September 17, 2008 hearing.

**Attachments:**

- 1) Staff Report/Background Information
- 2) Site Location Map / Aerial Photo Map
- 3) Future Land Use Map / Existing City and County Zoning
- 4) Applicant's Requested Zoning Map
- 5) Minutes of Planning Commission Meeting
- 6) Minutes of June 16, 2008 City Council Meeting
- 7) Proposed Zoning Ordinance

**Background Information:** See attached Staff Report/Background Information

| STAFF REPORT / BACKGROUND INFORMATION |              |  |            |           |
|---------------------------------------|--------------|--|------------|-----------|
| <b>Location:</b>                      |              | 347 and 348 27-1/2 Road and 2757 C-1/2 Road  |            |           |
| <b>Applicants:</b>                    |              | SLB Enterprises LLC, Owners/Developers<br>Vortex Engineering, Robert Jones, Representative |            |           |
| <b>Existing Land Use:</b>             |              | Vacant – Abandoned Buildings   |            |           |
| <b>Proposed Land Use:</b>             |              | Industrial Office Park   |            |           |
| <b>Surrounding Land Use:</b>          | <b>North</b> | Vacant, Light Industrial and Las Colonias Park Site  |            |           |
|                                       | <b>South</b> | Colorado River and Single Family Residential and Park South of the River                   |            |           |
|                                       | <b>East</b>  | Large Lot Residential  |            |           |
|                                       | <b>West</b>  | Vacant – Las Colonias Park Site  |            |           |
| <b>Existing Zoning (Mesa Co):</b>     |              | I-2  |            |           |
| <b>Proposed Zoning:</b>               |              | I-O and I-1  |            |           |
| <b>Surrounding Zoning:</b>            | <b>North</b> | CSR and I-1  |            |           |
|                                       | <b>South</b> | R-5 and CSR (South of Colorado River)  |            |           |
|                                       | <b>East</b>  | RSF-R (County)   |            |           |
|                                       | <b>West</b>  | CSR  |            |           |
| <b>Growth Plan Designation:</b>       |              | Industrial and Commercial Industrial   |            |           |
| <b>Zoning within density range?</b>   |              | X  | <b>Yes</b> | <b>No</b> |

ANALYSIS:

2. Background:

The 12.62 acre Brady South Annexation consists of 3 parcels located at 347 and 348 27-1/2 Road and 2757 C-1/2 Road. The property owners have requested annexation into the City to allow for development of the property. Under the 1998 Persigo Agreement all proposed development within the Persigo Wastewater Treatment boundary requires annexation and processing in the City.

2. Consistency with the Growth Plan:

The requested zone districts are consistent with the Future Land Use designations of Industrial and Commercial Industrial.

3. Section 2.6.A.3 and 4 of the Zoning and Development Code:

Zone of Annexation: The requested zone of annexation to the I-1 and I-O districts is consistent with the Growth Plan designation of Industrial and Commercial Industrial respectively. The existing County zoning is I-2 on all 3 parcels. Section 2.14 of the

Zoning and Development Code states that the zoning of an annexation area shall be consistent with either the Growth Plan or the existing County zoning.

In order for the zoning to occur, the following questions must be answered and a finding of consistency with the Zoning and Development Code must be made per Section 2.6.A.3 and 4 as follows:

- The proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan and other adopted plans and policies, the requirements of this Code, and other City regulations.

Response: There are several zone district alternatives or combinations thereof that could be applied to the Brady South Annexation properties. These alternatives were presented and reviewed at the June 16, 2008 City Council meeting, including public testimony. It was concluded that the I-O zone district best fit the two easterly parcels but zoning for the westerly parcel was still in question. Council requested the hearing be reopened at a later date and additional information provided regarding the adjacent influences of the Las Colonias Park Plan. Since the June meeting, staff has been working with the applicant to arrive at a proposal for zoning that is acceptable to the City as well as the applicant and that will best meet the intent of this criterion.

- Adequate public facilities and services are available or will be made available concurrent with the projected impacts of development allowed by the proposed zoning;

Response: Adequate public facilities are available or will be supplied at the time of further development of the property.

#### LAS COLONIAS PARK MASTER PLAN:

As stated above, Council requested additional information regarding the Las Colonias Park Master Plan as depicted below. The Las Colonias Park Master Plan was adopted by City Council Resolution 88-07 on June 20, 2007.



Adoption of the Master Plan creates a vision for the future development of the park. It is a vision that can be used by the City to garner support and financial backing for the ultimate construction of the improvements and it provides assurance to the community and adjacent property owners regarding the expectations for the future uses within the park property. The goals of the park development are to:

- Create the “jewel” of the Riverfront Trail System
- Focus on the River, Civic and Passive Leisure-Time Activities
- Support Investment in Downtown Living and Redevelopment by Providing Quality Open Space and Park Experiences
- Utilize Public/Private Partnerships for Land Uses, Funding and Management

The Master Plan includes specific programming of elements to be included in the park as determined by a series of public meetings and other public input. Once the programming was established, the Master Plan was developed to best depict how the property could best develop to accommodate all of the desired elements which includes:

- Trail and Trailhead – 50 cars
- River Access – variety of uses
- Group and Family Picnic, Events and Passive Plan
  - Shelters of various sizes
  - Adjacent lawn area
  - Water feature / spray park and community playground
  - 2500-person multipurpose outdoor amphitheater
  - Disc golf if space allows
  - 500-1,000 parking spaces
- Services, Amenities and Lighting
  - Rentals, concessions, restrooms, drinking water

- Benches, picnic tables
- Low-level lighting
- Riverbank restoration – tamarisk removal
- Botanic Garden – Master Plan exists
- Festival Space – 5 acres of outdoor “commons” area
- Dog Park – 2-3 acres
- Land for Future Civic Structure(s)

#### PROPOSED CONDITIONS OF ZONING:

Given the adjacent influences of Las Colonias Park, the community’s desires to emphasize the Colorado River, the riverfront and the trail system along in this area, the eastern 2 properties could be zoned I-O and the westerly parcel zoned I-1 with the conditions listed below.

#### West and North Boundaries:

- 25-foot landscape buffer with wall on inside of landscape area
- Plantings within required 25-foot landscape buffer shall meet Code requirements for number of plant materials (e.g. trees/shrubs per square footage) and groundcover.

#### East Boundary:

- 50-foot trail easement, wall and 8-foot landscape buffer outside wall per Code (assuming I-O zoning)
- 8-foot landscape buffer and wall may be placed within 50-foot trail easement subject to approval by City and Riverfront Commission

#### Along River:

- No fence or wall required
- 50-foot easement from property line along entire length (all 3 parcels) assuming property line is at the top of the bank
- Minimum 50-foot building setback (in lieu of 100-foot requirement) subject to provision of landscape buffer as below
- 25-foot landscape buffer (no wall or fence) between trail and site development along entire length (all 3 parcels)
- 25-foot landscape buffer may overlap with 50-foot trail easement subject to approval by City and Riverfront
- Plantings within required 25-foot landscape buffer shall meet Code requirements for number of plant materials (e.g. trees/shrubs per square footage) and groundcover

Trail Construction: Not Required by Applicant



Building Orientation: Buildings may have any orientation on site, provided they meet setbacks of the zone district

Grant of Trail Easement and Improvements Pertaining to Above Conditions:

- Entire trail easement (all 3 parcels) shall be dedicated upon development of the first parcel.
- Remainder of the improvements may be met incrementally as each property develops

FINDINGS OF FACT/CONCLUSIONS:

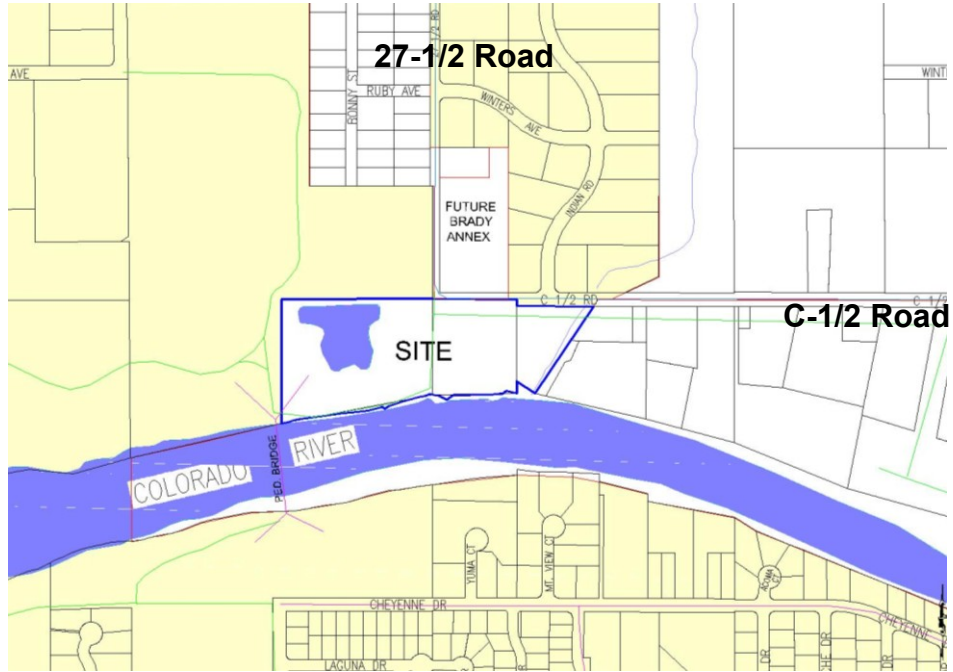
After reviewing the Brady South Annexation, GPA-2007-051, for a Zone of Annexation, Planning Commission made the following findings of fact and conclusions:

3. Planning Commission finds that the Industrial Office (I-O) zone district is consistent with the goals and policies of the Growth Plan.
4. The review criteria in Section 2.6.A.3 and 4 of the Zoning and Development Code have all been met.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission heard this request at its September 11, 2007 meeting and recommended approval of the Industrial/Office Park (I-O) zone district for all three parcels.

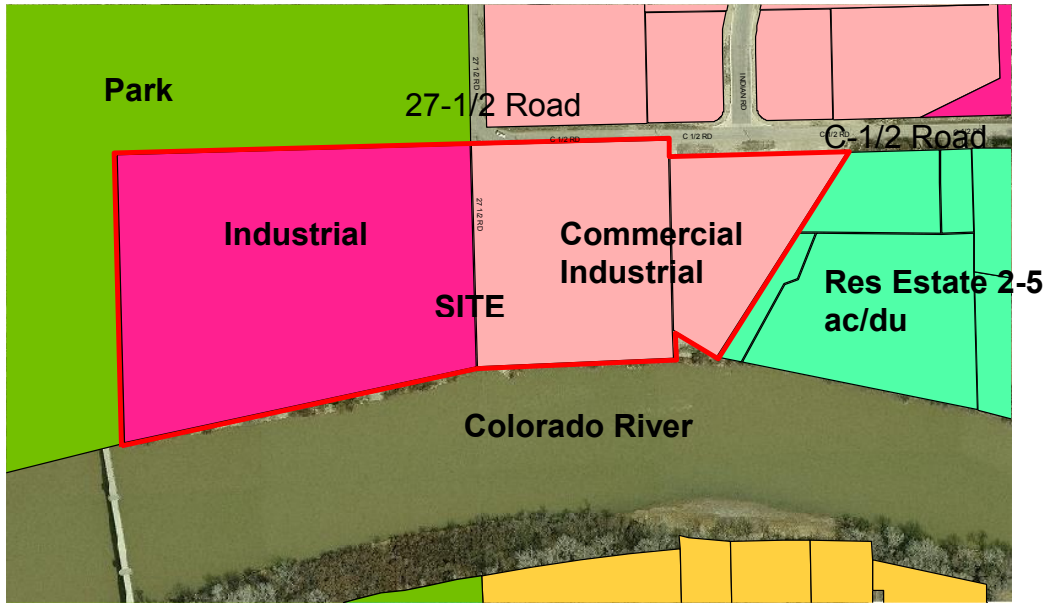
## Site Location Map



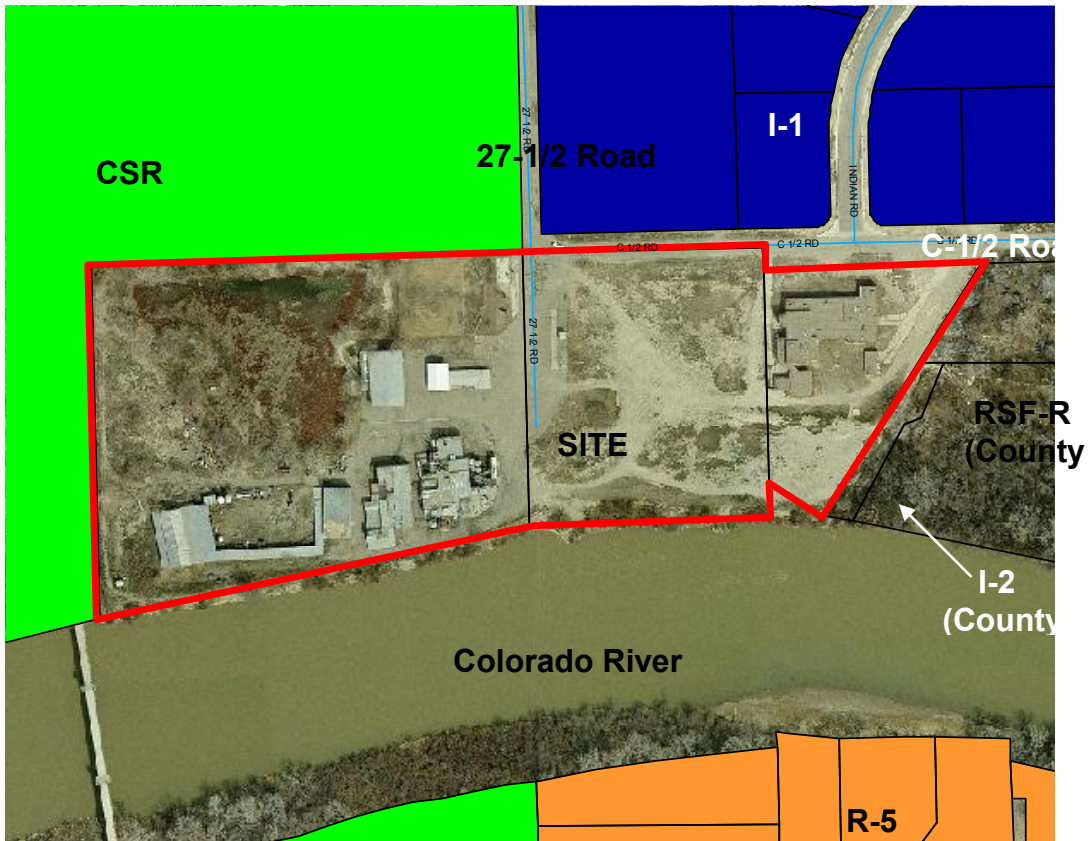
## Aerial Photo Map



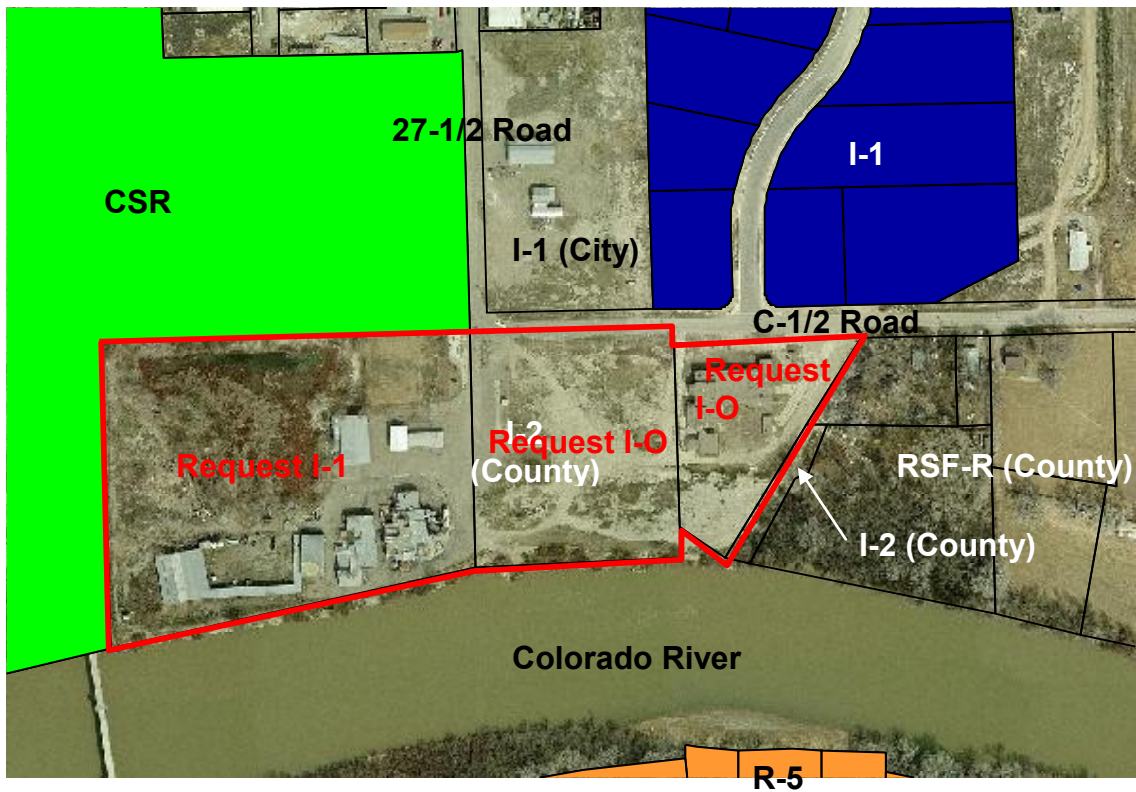
# Future Land Use Map



# Existing City/County Zoning



## Applicant's Requested Zoning



## **MINUTES FROM 9/11/2007 PLANNING COMMISSION MEETING**

### **11. GPA-2007-051      ZONE OF ANNEXATION – Brady South Annexation**

Recommendation to City Council on a Zone of Annexation for property located at 347 and 348 27½ Road and 2757 C½ Road from County Heavy Industrial (I-2) to City Light Industrial (I-1) and Industrial Office Park (I-O).

#### **PETITIONER'S PRESENTATION**

Robert Jones II of Vortex Engineering, 255 Vista Valley Drive, Fruita, Colorado, addressed the Commission as applicant's representative. Mr. Jones stated that applicant was requesting a zone of annexation of three parcels located directly south of the intersection of 27½ Road and C½ Road. The requested zoning is a combination of I-1 and I-O. Mr. Jones stated that the three parcels are approximately 12.6 acres in total size. He further stated that the existing zoning of the three parcels has been Heavy Industrial, I-2, for some time in unincorporated Mesa County. Applicant is requesting to zone the westernmost parcel I-1 and transition the zoning to I-O for the two parcels to the east. He went on to state that the proposed zone is compatible with the neighborhood, conforms to and furthers the goals and policies of the Growth Plan. He also advised that the Growth Plan designation for these parcels is Industrial on the westernmost parcel and Commercial-Industrial on the two parcels to the east. Additionally, Mr. Jones stated that adequate public facilities are available or will be supplied at the time of specific development. The proposed zoning combination would allow for an adequate buffer between the CSR zoned property to the north and west and the residential properties to the east.

#### **STAFF'S PRESENTATION**

Kristen Ashbeck, Senior Planner, of the Public Works and Planning Department made a PowerPoint presentation regarding the requested zone of annexation. Ms. Ashbeck confirmed that the annexation of the three parcels has been completed and the Growth Plan amendment was approved for the two easterly parcels in July 2007 by City Council. Kristen stated that the biggest difference between I-1 and I-O is that outdoor storage and display are allowed in I-1 much more so than they are in I-O as a CUP would be required in the I-O. Ms. Ashbeck stated that the zone districts conform with the Growth Plan Future Land Use Map and the proposed transition across the site as well as the natural buffers to the south and to the east will create the compatibility that the Code requires. She went on to state that public facilities and services are available or can be upgraded or supplied as the property develops in the future. Finding that the proposed Zone of Annexation request meets Code criteria, Ms. Ashbeck recommended approval of the I-1 and I-O Zone Districts as proposed by the applicant.

#### **QUESTIONS**

Commissioner Cole asked if the requested zoning is much less intense zoning than what is presently on the property. Ms. Ashbeck confirmed that the requested zoning represents a significant down zoning from the current I-2 zoning.

Commissioner Pitts raised a concern regarding the 100-year floodplain. Ms. Ashbeck confirmed that the westerly parcel is most impacted by the floodplain. The other two parcels are not impacted as much and can be developed more readily as there are no regulations in the 500-year flood plain.

Commissioner Lowrey asked if applicant could still make use of the land with the M-U. Ms. Ashbeck stated that there are viable uses allowed within the M-U zone district.



Chairman Dibble asked if the I-O zone district would allow more latitude in defining what is done on the property as well as floodplains and setbacks. Ms. Ashbeck confirmed that industrial uses or outdoor operations and storage require additional levels of review by the Planning Commission.

Chairman Dibble asked what the differences between the I-O designation and the M-U designation are. Ms. Ashbeck stated the M-U still does allow some outdoor storage and outdoor operation uses. She further stated that similar to the I-O and I-1 differences, in the M-U designation there are some uses that require a CUP wherein an I-O designation may not. The other major difference is that residential uses are allowed in the M-U Zone District.

Commissioner Sublett asked for clarification about buffering differences between the M-U and the I-O. Kristen Ashbeck stated that the I-O is very defined by the Code. However, in an M-U the buffers are to be built within the project and looked at specifically as the project develops.

### **PUBLIC COMMENT**

#### **For:**

Russ Justice, operations manager for Brady Trucking, stated that they have asked for this zoning because it is quite a bit less than what is on the property. He stated that there is already a natural buffer on the south side of the property. He stated that they intend to be friendly to the community and to the river. They believe that the lighter zoning will accommodate future development.

Dale Hart stated that he has been looking for some industrial zoning within the City limits. He believes that the M-U designation would not be a very good thing for the City. He requested approval as requested by applicant. He would also like to see the boat launch for emergency rescue services to be maintained.

Bill Wagner, 300 Cedar Court, requested that the Commission consider the Los Colonias project as well as the riverfront. He believes a buffer on the westernmost parcel is needed to transition from residential to industrial. He would also like to see the riverfront trail be continued to the east end of the property.

Terry Reynolds, 557 Sol Lane, stated that he is part owner of the video surveillance system suppliers that are working with applicant. He stated that approval of this project would be a positive thing for Grand Junction and Brady Trucking's business.

Clayton Brown, 552 Eastbrook, stated that Russ Brady can be taken by his word and applicant's zoning as applied for should be granted.

Robert Jones, 1880 K Road, Fruita, stated that approximately 12 years ago he was a general contractor for the City of Grand Junction and poured part of the Riverfront Trail that is west of the Botanical Gardens. He believes this should be approved especially considering that applicant is proposing to extend the Riverfront Trail.

#### **Against:**

Janet Magoon, 2752 Cheyenne Drive, made a PowerPoint presentation. She stated that she does not see the river as a natural buffer as it is not that wide. She further stated that the surrounding properties are primarily residential and park. Ms. Magoon stated that she is extremely concerned about noise, odor and lights. She stated that she finds the future use of the three Brady parcels on the riverbank to be of extreme importance from a visual and noise aspect for especially Eagle Rim Park. Furthermore, she stated that no amount of landscaping can obscure the view from Eagle Rim Park. She also believes that industrial zoning along the bank of the Colorado River, in a floodplain, a reckless and irresponsible proposal. Ms. Magoon would suggest zoning all three parcels as Mixed Use as it would be the least destructive to the environment and the most considerate to the neighboring residents and park users.

Bennett Boeschstein, a retired City planner, stated that he is also a former Community Development Director for the City of Fruita, prior to that he was Grand Junction's Community Development Director and

prior to that he was Mesa County Planning Director. As such, he is very aware of certain clean up projects along the river. He went on to the assessor's webpage and stated that he has found some parcels owned by the City which would be more suitable for Brady Trucking. He said that the total acreage that the City of Grand Junction owns that can be swapped for Brady Trucking's 16.15 acres is 31.75 acres. Mr. Boeschstein further stated that the industrial zoning is incompatible because to the north and west there is a park; there is residential, a park and a school across the river; and the only industrial that abuts the subject parcels is a small corner on the eastern edge. He too believes that the M-U zone would be the most appropriate because it has specific performance standards for nuisances such as noise, vibration, glare and hazardous materials and requires appropriate screening, buffering and open space and enhancement of natural features and limits outdoor storage. He also believes that the City's floodplain needs to be strictly adhered to. He suggested that if approved, staff needs to examine the plan of development so that there is a riverfront paved trail with landscaping along the river's edge, raising the structures one foot above the 100-year floodplain and/or flood proofing below the 100-year floodplain, establishing strict environmental standards to prevent noise, air and water pollution. He urged the Commission to think about what the community has done to clean up the riverfront and to be very careful about this zoning decision.

Penny Heuscher of 330 Mountain View Court addressed the Commission and stated that Judges Robb and Ela, among many others, led this community with government in formulating a vision for the riverfront. She further stated that industrial has been taken off the river and industrial zoning is not appropriate for sensitive areas. She believes that Mixed Use is the most appropriate zoning for this area because it is more protective of the flood plain and the endangered fish, it would be a better transition, and allows more restrictions on things like outdoor storage and would be more in agreement with the South Downtown Plan. Ms. Heuscher also stated that the river does not act as a buffer from noise but rather accentuates noise. Finally, she believes that Community Recreational zoning would be the ultimate best zoning and a land swap would be best for the river and the community.

Katie Sewalson, 1537 Grand, a Central High School science teacher, appeared on behalf of herself and some of her students. Furthermore, she is a truck driver in the United States Army Reserves and is aware of pollution caused by trucks,. She stated that her main concern is with the pollution as well as aesthetics. She submitted some letters written by some of her students.

Hannah Holm, 1800 North 3<sup>rd</sup> Street, stated that she is the water organizer for the Western Colorado Congress but spoke on behalf of herself and several residents. She stated that she opposes industrial zoning for these parcels, particularly the I-1 zoning, primarily on water quality grounds and because of the flood plain issues. She also said that industrial activities so close to the river raise the potential for impact to the water quality from spills and also from storm water runoff. Ms. Holm also stated that the Mixed Use zoning would likely have fewer impacts on water quality from hazardous materials and there would be higher performance standards associated with it. She also believes that the Mixed Use zoning would open up more opportunities for development that could complement rather than detract from the parks and the neighborhoods.

Lee Gelatt, 320 Country Club Park, stated that he would like to encourage the Commission to be as restrictive as possible to the zoning. He represented that protecting the riverfront and its riparian habitat should be a high priority for the Grand Valley. Mr. Gelatt submitted a letter from Mr. Rich Levad.

Enno Heuscher, Mountain View Court, stated that he is a former vice president of the Audubon Society. He recommends that the Commission turn down the current zoning request of Industrial Office and Industrial-1. According to Mr. Heuscher, the Mixed Use zoning would provide the best flexibility for the planners to help the owner have appropriate and safe development of this particularly ecologically sensitive site. The M-U zoning would allow for someone to live on the site to protect the assets of the commercial enterprise and would allow for more requirements for conditional use to ensure reasonable hours of operation.

## **PETITIONER'S REBUTTAL**

Robert Jones II addressed the concerns raised. Mr. Jones stated that it is important to realize that the supply of larger parcels zoned industrial are short in the location of the downtown region and believes that the community will derive benefits from the proposed zoning. Additionally, he said that the City and Riverfront Commission had the chance to purchase the subject property but did not. He also stated that the I-1 district on the western parcel will provide for the maximum buffer to Los Colonias Park. Mr. Jones stated that they had met with representatives of the Riverfront Commission to specifically discuss the potential and plan for extending the riverfront trail along the south side of this property directly adjacent to the Colorado River and continuing north along the east side of the parcel in order to have a connection into C½ Road. Accordingly, the trail and buffer should provide for an acceptable mitigation to the Colorado River and the residential homes to the east and south. The trail along the river will be provided by the applicant at the time of site development.

## **QUESTIONS**

Chairman Dibble asked if it was Mr. Jones' understanding that both the I-O zone and M-U zone would allow outdoor storage. Mr. Jones stated that to some degree but there are many other uses not provided for in the M-U zone that are in the I-O.

Chairman Dibble asked if it was applicant's intention to include housing on any of the subject parcels. Mr. Jones said that it is not applicant's intent to place any residential units on this property.

Commissioner Cole asked whether or not the Riverfront Commission had the opportunity to buy this property. Mr. Jones said that it was his understanding that the Riverfront Commission had at one time approached the City to seek funding to purchase this property; however, it to his knowledge, that was denied.

Commissioner Pitts asked for clarification regarding outdoor storage. Kristen Ashbeck confirmed that industrial types of outdoor storage and operations are not allowed in an M-U; however, other kinds of outdoor storage are allowed.

Chairman Dibble asked Mr. Jones how applicant would deal with the floodplain issue on the western part of the property. Mr. Jones said that there are specific regulations and the present Storm Water Management Manual requires that non-habitable buildings have to be a minimum elevation above the 100-year floodplain. Also, no development in the flood way is permitted. He anticipates a fairly good size buffer on the south side of the property when you fit in some sort of trail and berm section coupled with the other regulations that are applied at the time of a site specific review, believes that would be adequate to mitigate the concerns raised.

Commissioner Sublett asked if either applicant or the Riverfront Commission has considered extending the trail directly west from the proposed I-1 property to meet the juncture of the trail with the portion coming off the pedestrian bridge across the river rather than going up to the part that already exists. Mr. Jones stated that would be the intent. He stated that the intent would be to provide for some sort of connection that would traverse the south side of the project and then come along and go along the east side and back out on C½ Road.

## **DISCUSSION**

Commissioner Carlow stated that he did not necessarily disagree with the long term goal involving the riverfront. He also said that he did not see much difference between the M-U and the I-O zone and would be in favor of approving the zoning as requested.

Commissioner Lowrey stated that although the majority of the property from 32 Road to Los Colonias Park on the north side of the river is Estate, Park or Conservation, he thought that as proposed the zoning request ended up being the most restrictive zoning considering the decisions that had already been made. He stated that he could reluctantly vote for the proposed zoning.



Commissioner Cole said that there are three options to be looked at: leave the property zoned as it is I-2; consider the M-U zone; or consider the I-1 and I-O as requested by applicant. It seemed to Commissioner Cole that the community would be much better served to grant this request and he would favor it.

Commissioner Pitts stated that from his standpoint, he was going to request that the Commission consider an M-U rather than the requested zoning.

Commissioner Sublett stated that he also really regretted that the City had gotten itself in this mess and that it was a mess because throughout the remainder of most of the country, great efforts had been going on for a considerable time period to clean up riverfronts and to make riverfronts into something that the public could actually use and be proud of." He said that he would reluctantly vote to support the applicant's request.

Chairman Dibble said that he believed requirements for screening and buffering were very different between the I-O, I-1 and M-U. Chairman Dibble also stated that Conditional Use Permits were allowed and must be required for some uses in the I-O district and also believed that there was more control associated with the I-O. Accordingly, he would be in favor of restricting the usage of all three parcels to an I-O zone.

Commissioners Pitts, Lowrey and Sublett concurred with Chairman Dibble for I-O zoning on all three parcels. After discussion of protocol and staff's recommendation, among other things, the following motion was made.

**MOTION: (Commissioner Lowrey) "Mr. Chairman, on the Brady South Zone of Annexation, GPA-2007-051, I move that the Planning Commission forward to the City Council a recommendation of approval of the I-O zone district on all three parcels for the Brady South Annexation with the facts listed in the staff report as previously stated."**

Commissioner Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 6-0.

With no objection and no further business, the public hearing was adjourned at 9:40 p.m.

## MINUTES FROM 6/16/2008 CITY COUNCIL MEETING

### **Public Hearing—Zoning the Brady South Annexation, Located at 347 and 348 27 ½ Road and 2757 C ½ Road [File #GPA-2007-051] Continued from June 4, 2008**

SLB Enterprises LLC, owners of the properties located at 347 and 348 27 ½ Road and 2757 C ½ Road are requesting zoning of the properties from County Heavy Industrial (I-2) to Light Industrial (I-1) and Industrial/Office Park (I-O).

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

Councilmember Hill recused himself as he has before due to any appearance or perception of a conflict.

Kathy Portner, Neighborhood Services Manager, reviewed this item. She described the parcels, including their location and their current uses. The Growth Plan Future Land Use Designation shows the easterly parcel as commercial industrial and the westerly parcel as industrial. The options for zoning include staying consistent with the Land Use Designation or applying the County zoning for the areas recently annexed. She described the zone designation being proposed.

Robert Jones II, Vortex Engineering, 255 Vista Valley Drive, Fruita, was representing the applicant. The applicant is requesting a combination of zones, I-1 on one parcel and I/O on two parcels. The existing zoning on the one parcel has been industrial in the County for a long period of time. Proposed zoning is compatible with the neighborhood and meets the criteria of the Growth Plan. He reviewed the history of the properties. He advised that the request meets the rezone criteria and the proposal meets the criteria for infill development. He asked for favorable consideration.

Council President Palmer asked that five in favor speak first and then against and continue alternating until all have been able to speak.

Maggie Robb, 2481 Canvasback Place, asked if the owner has said he would grant any easements along the property.

Laurie Kadrich, City Manager, advised that in early discussions with the applicant, he indicated a willingness to grant easements where there will be access and agreed to buffer the property.

Russ Justice, 601 Silverplum Drive, Fruita, said he has a petition with over 600 signatures for the zoning. He is not against screening the bike path. He purchased this property in 2006 and it was zoned I-2. At that time he asked the City if there would be a problem with industrial uses. He was told there would be no problem. He bought the property and spent over \$250,000 cleaning it up and the area around it. He has asked for zoning several times, but he has been delayed and pushed back. He is not asking for heavy industrial; he will be a good neighbor and won't create any pollution. There is access to the area and he restricts the truck routes. There is less screening and buffering required in an I-O zone. He intends to clean up area and be friendly to the area. People up on the hill don't want to look at it but they have been looking at it for 50 years. He believes I-1 would be better for screening and buffering. He has gone above and beyond to act as a good neighbor and displacing the criminal element. Industrial property is hard to find and he was willing to clean up the area.

Councilmember Todd asked about the zoning being requested. Mr. Justice said he would rather have I-1 on all of the parcels, but he was told he couldn't get I-1 on the two parcels.

Council President Palmer told Mr. Justice that Council received his copies of the petition.

Those in favor:

Wes Harpole, 295 Concord Lane, supported the request, noting the applicant is willing to provide an easement for a bike path, a buffer zone, and has cleaned up the property.

Those against:

Maggie Robb, 2481 Canvasback Place, asked about the property above, how is that zoned. Council President Palmer said I-1. Ms. Robb asked how easy is it to change from I-1 to I-2.

Councilmember Todd answered that it would have to come before the Council and have a public hearing.

City Attorney Shaver suggested Ms. Robb could call him and he could try to explain the Code criteria.

Ms. Robb then read a statement with a preference to the private property owner. She reviewed the history of the river, including astounding development in the last forty years. She compared the situation to the San Antonio Riverwalk which has attracted over 9 million tourists and she gave other examples. She referred to a pamphlet from 2004, noting the vision since 1967. She expressed that it is easier to find a place to put industrial operations rather than find another place by the river.

Lee Gelatt, 320 Country Club Park Road, said he is not a neighbor but lived here over 20 years. He applauded the planning efforts and urged the Council to continue the vision. He is a long time member of Grand Valley Audubon Society. This is not just another parcel; it is right on the river. The applicant is a good guy and has done a good job cleaning that property up, but he asked Council to think about the future generations and make it mixed use. He urged denial.

Helen Traylor, a member of the original Riverfront Commission, has a very special interest. The objective is to enable the citizens of Mesa County as well as visitors to have access to the Colorado River and enjoy its beauty. The uses have increased each year. She warned them not to forget how the river banks looked twenty years ago. She wanted to protect this precious resource. The Colorado River is one of the major rivers of the west.

Carl Zimmerman, 666 Tamarron Drive, is familiar with this property as he owns property nearby. He served on the Riverfront Commission two terms and served as chair on the Old Mill Bridge Committee. He read an editorial from 1997 that reviews the prior ten years of river clean up when the Old Mill Bridge was opened. He commended Maggie Robb, her husband Jim, and Helen Traylor as visionaries. He lives above the river in Orchard Mesa and looked down on rendering plant. He did not envision diesel trucks warming up on a cold winter morning blanketing the trail with diesel fumes.

Becky Zamora Van Sice, 2782 Laguna Drive, lives in Orchard Mesa, and lived through the smells of the rendering plant. Her ten year old son wanted to speak; he has asthma and received relief when the rendering plant closed. Now she is horrified to hear there will be a trucking firm there. She is looking for some positive change.

John McCarty, 234 Elberta Drive, said the community doesn't understand this company. They do a fantastic job; making sure things are done right.

Bennett Boeschstein, 1255 Ouray Ave., knows there has been an excellent effort on behalf of the City to try to relocate Brady Trucking. He would rather see Mixed Use zoning because it has specific performance standards. The property is within the 100 year floodplain so flooding should be mitigated.

Candi Clark, 331 Acoma Court, gave a three minute powerpoint presentation depicting the orientation and proximity of Brady Trucking with the park property. She referred to air quality and she also had photos of Brady Trucking. She listed all the different birds that inhabit that area and noted the river has endangered fish (pike minnow) in that area. She supported Mixed Use zoning.

Hannah Holmes, 1800 N. 3rd St., said she is the water organizer for Western Colorado Water Congress. She focused on the differences in the zoning choices and the riverfront vision. The Mixed Use zoning provides the most opportunity. She had a zoning matrix to demonstrate the differences. She was concerned about flooding, especially residential except for flood proof structures and she encouraged a look forward with this decision.

Joseph Hayes, 185 Rainbow Drive, spoke about Jim Robb's vision for the riverfront reclamation. He supported that vision and gave several examples throughout the nation; he said the work is not yet done. He hopes the City Council will refuse to go back in time and hopes it honors Mr. Robb's vision.

Paul Didier, 2808 Laddie Way represented the Grand Valley Audubon Society as well as himself. He said he is not opposed to trucking and knows trucking is needed. He questioned how it can be considered to grant this zoning to a new company that is new to the area. The rights of the people need to be upheld. It is the desire of one company versus hundreds or thousands of citizens. The general public wants the waterfront to remain pristine so that the future picture will provide revenue for the City. The Riverfront Commission has worked diligently to transform the riverfront and he urged the Council to consider what the majority wants and zone it Mixed Use.

In Favor:

Mike Russell, 200 Grand Ave., is an attorney representing Brady Trucking. He really doesn't disagree that there were all valid points and everyone respects the work the Riverfront Commission has done. However, never before has the public asked private property owners to give up their use; that is different than purchasing property and redeveloping it. This is a huge shift in the way the City looks at it; taking their rights by downzoning. The use was available when the owner purchased it. This is a fundamental shift from the community and putting the burden on the private property owners. A case in Durango went to the Supreme Court and the court agreed it was a taking, sending it back to District Court. He believes it is the same situation here.

Against:

Katie Steele, 629 Rushmore Drive, noted there evidently has been some miscommunication with Mr. Justice and the City. However, the issue of the vision should be separate. City Council should look out to future for this community.

Harry Griff, 2636 Chestnut Drive, questioned how Mr. Justice could be surprised at the level of outcry. He has known of the level of opposition since day one. He knew he had to come before City Council to accomplish what he wanted to do. There were some eloquent comments in the South Downtown Plan hearing about having the Riverside Parkway be the buffer. This property is between the River and the Parkway. The City spent money on the Master Plan for Las Colonias Park just adjacent to the subject property. In the Plan, at the far east end, is a 2500 person amphitheatre and then next to that a community/recreation center. There was a previous Comprehensive Plan that identified different areas to strengthen Grand Junction's position as the hub of western Colorado and eastern Utah. The Plan called for support of a number of things including the preservation of the riverfront. Grand Junction has nothing on the riverfront for an event. Approval of Brady Transportation tonight will set back development of the riverfront.

Vicki Femlee, 678 Glory View Drive, president of Orchard Mesa Neighbors in Action Group, was chair of the group that developed Orchard Mesa Neighborhood Plan. At that time, the riverfront had a river back. She knew Jim Robb back in the late 1980's. Private property owners do have rights. Jim Robb was absolutely against mixing commercial industrial in the riverfront areas. If approved, it will be too late.

Terry Lindauer, 2207 Dakota Drive, representing the kids from the Bookcliff Middle School who have bought into the vision of the riverfront and maintained that vision for over twenty years.

Steve Thoms, 627 Rushmore, and DDA Board member, agreed with Mr. Griff's statements. There has to be another way; it might not even be on the table this evening. This cannot be a trucking company; they need to figure out another way. He urged the Council not to give up on trying.

There were no other public comments.

The public hearing was closed at 10:58 p.m.

Robert Jones II, Vortex Engineering 255 Valley Vista Fruita, representing the applicant. 2000 acres of industrial zoned property will be needed as per the Comprehensive Plan. Subsequent to the adoption of the Growth Plan, the Riverside Parkway had not been planned, and it is an arterial for trucks. They believe the community will derive some benefits from the proposed zoning. He showed what portions of the property are in and out of the floodplain. There is site specific review for development in the floodplain and this site will be required to go through that review. The Mixed Use was considered and discussed with Staff, primarily because it allows multifamily residential. The Mixed Use zone does not provide specific buffering requirements; I-1 requires the largest buffer. I-O requires an 8 foot buffer; Mixed Use was designed for the 24 Road corridor and may not be appropriate for this parcel so Staff recommended I-1 and I-O combination as requested. He asked what about the property owner's vision? There have been discussions with the Riverfront Commission specifically about it and having the riverfront trail go along this area. They are in support of continuing the trail along the property. There will need to be some sort of buffering along the river and they support Staff's recommendation. He requested approval.

Councilmember Thomason asked about the outdoor storage on the rear of the property, will that be the river side or the road frontage? Mr. Jones said the rear half will be towards the river side, but outdoor storage will have to be approved under a Conditional Use Permit.

Councilmember Thomason noted that, unlike other tough decisions they have made, in this case both sides are right. The landowner purchased in good faith and spent money improving site. Alternatives have been tried. This business doesn't have to be dirty, unsightly and a bad neighbor. Councilmember Thomason said he will support the request.

Councilmember Beckstein spoke of two extreme valid points, riverfront and nature and the right of the property owner to fulfill his vision. Mr. Justice didn't go into it blind; he checked with City, bought an eyesore and went through process. He compromised his desires in order to work with the City and is willing to work with City for the river trail. His intent is to be a good neighbor. Councilmember Beckstein will support the request.

Councilmember Coons appreciated Mr. Justice's efforts as the property was truly an eyesore and public hazard. However, community perspectives can change and perhaps is in a mode to remove industrial uses from the river. She is concerned about delaying as it will be more difficult when more money has been invested. Many people want industrial in that area but want that area south of the Parkway to be green to the river. She looked at the petitions submitted by Mr. Justice and read names and addresses. Many of the names on Mr. Justice's petitions were from out of the area. Future tenants may not be as good of citizens as Mr. Justice, so she is not in support of the zoning at this time.

Councilmember Todd pointed out Mr. Justice will put buffering there. He asked the questions, he followed process correctly, and the delays have been unfortunate. He is willing to give up heavy industrial zoning and is obviously a good neighbor. He is willing to be a partner for trails. Industrial is not a dirty word. She will be supporting the request.

Councilmember Doody said they have worked hard to work something out with the Land Trust, yet this fell through. There has been a huge investment in Las Colonias and the Botanical Gardens, and he supports the Planning Commission's recommendation for I-O.

Council President Palmer said to render a decision one must take the people and the emotion out of it and figure what the appropriate use is going forward. They need to look at the zoning. Industrial use is a giant step backward and Mixed Use is not a good use either along the river. He will honor the community's collective mindset and support Planning Commission's recommendation of I-O for both parcels.

Ordinance No. 4251—An Ordinance Zoning the Brady South Annexation to Industrial/Office Park (I-O) Zone District for the Properties Located at 348 27 ½ Road and 2757 C ½ Road and Light Industrial (I-1) for the Property Located at 347 27 ½ Road

Councilmember Thomason moved to adopt Ordinance No. 4251 and ordered it published.

Councilmember Todd seconded the motion. Motion failed by roll call vote.

Councilmembers Coons, Doody and Palmer voted NO.

Councilmember Coons moved to accept the Planning Commission's recommendation for zoning. Councilmember Doody seconded the motion. Motion failed by roll call vote.

Councilmembers Todd, Beckstein and Thomason voted NO.

City Manager Kadrich presented some options for Council.

Council President Palmer said it is unlikely to resolve with a six member Council. City Attorney Shaver said they could go forward on the parcel they do agree on, or continue the hearing for further information or deliberation. He noted the number of Council members available to participate will not change.

Council President Palmer asked to hear from the applicants.

City Attorney Shaver cautioned that the hearing was closed so to simply ask if he would like the Council to proceed.

The Attorney for the applicant asked for a break so they could confer.

Council President Palmer called a recess at 11:31 p.m.

The meeting reconvened at 11:37 p.m.

Robert Jones II, Vortex Engineering, stated the applicant would like to defer and zone all three parcels at once.

Council President Palmer would defer to applicant and make no decision or consider them individually.

Councilmember Todd agreed they should listen to the applicant and let him hold all three parcels for zoning.

Councilmember Beckstein agreed. Councilmember Coons would also agree; her only interest in separate consideration was to let the applicant move forward. However, she heeded to their wishes.

Councilmembers Doody and Thomason both agreed. Council President Palmer stated there is some wisdom to that and would move to next item.

City Attorney Shaver stated they could set a schedule or have consultation with the applicant and then schedule the matter before Council.

Council President Palmer would like to wait to schedule, not make a date certain at this time.

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO.**

**AN ORDINANCE ZONING THE BRADY SOUTH ANNEXATION TO  
INDUSTRIAL/OFFICE PARK (I-O) ZONE DISTRICT  
LOCATED AT 347 AND 348 27 ½ ROAD AND 2757 C ½ ROAD**

Recitals

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of zoning the Brady South Annexation to the Industrial/Office Park (I-O) zone district finding that it conforms with the land use category as shown on the future land use map of the Growth Plan and the Growth Plan's goals and policies and is generally compatible with land uses located in the surrounding area. The applicant has requested the zoning of the westerly parcel be I-1 and the easterly 2 parcels be I-O. The proposed zone district(s) meet(s) the criteria found in Section 2.6 of the Zoning and Development Code.

After public notice and public hearing before the Grand Junction City Council, City Council finds that the Light Industrial (I-1) and Industrial/Office Park (I-O) zone districts are in conformance with the stated criteria of Section 2.6 of the Grand Junction Zoning and Development Code.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION  
THAT:**

The following property be zoned Light Industrial (I-1): BRADY SOUTH ANNEXATION – 347 27-1/2 Road - All of GLO Lot 3 Section 24, T1S, R1W exc W 10CH

And the following properties be zoned Industrial/Office Park (I-O): BRADY SOUTH ANNEXATION – 348 27-1/2 Road and 2757 C-1/2 Road

W 367.65FT OF LOT 2 SEC 24 1S 1W W OF DN and a PARCEL OF LAND IN GLO LOT 2 SEC 24 1S 1W DESC ASFOLL BEG S 89DEG 53' E 367.65FT & S 30FT FR NW COR SDLOT 2 S 89DEG53' E 335.18FT TO C-LI OF DRN S 33DEG52'W ALG SD C-LI 457.11FT TO A PT 14FT N OF PRESENT LI OF COLO RIVER N 56DEG05' W & PARALLEL WITH SD RIVER 96.94FT N 326.15FT TO POB

Said parcels total 12.62 acres (549,691 square feet), more or less, as described.



**INTRODUCED** on first reading the 3<sup>rd</sup> day of September, 2008 and ordered published.

**ADOPTED** on second reading the \_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
City Clerk