

**CITY OF CAÑON CITY, COLORADO  
CITY HALL  
REGULAR CITY COUNCIL MEETING  
MONDAY, APRIL 5, 2010**

1. The meeting was called to order at 7:00 p.m. The invocation was offered by Benny Soto of the Mountain View Community Church and the pledge of allegiance was led by Mayor Greer.

Present: Mayor Tony Greer.

Council members Ron Bates, Jerry Gill, Kevin Grantham, Roger Parsons, Daryl Robinson and Jon Stone.

Excused: Council member Patricia Freda

Also present: City Administrator Steven G. Rabe, City Attorney John Havens, Finance Director Harry Patel, City Engineer Adam Lancaster, Community Development Director Glenn Hartmann, City Planner Mary Ann Nimmo, and City Clerk/Projects Administrator Becky Walker.

2. **MEETING MINUTES & COMMITTEE MINUTES APPROVED**

**Council member Gill moved and Council member Robinson seconded a motion to approve the minutes of the 03/15/2010 Regular Council meeting and the 03/17/2010 General Government Committee meeting, as presented. By a 6-0 vote, the Council approved the motion. Excused: Freda**

3. **COUNCIL MEMBERS ANNOUNCEMENTS**

There were no Council member announcements.

4. **AGENDA & CONSENT AGENDA ADOPTED**

*Pursuant to subsection 2.04.090(B) of the Cañon City Municipal Code, this agenda may be amended, by a majority of Council, by the addition of new items or otherwise, prior to the conduct of any formal business hereinafter listed.*

**Consent Agenda**

*All matters listed under Item 5, Consent Agenda, are considered to be routine and will be approved with one motion. Documents are approved substantially as drafted. There will be no separate discussion of these items unless a Council member or citizen so requests, in which case the items may be removed from the Consent Agenda and considered separately, at the discretion of Council.*

Administrator Rabe gave a detailed overview of Consent Agenda items.

**Council member Grantham moved and Council member Stone seconded a motion to adopt the Regular Agenda and Consent Agenda as presented. By a 6-0 vote, the Council approved the motion. Excused: Freda**

- a. Authorize City Administrator's signature on Change Order #1 to Ted Seipel Construction – Whitewater kayak recreational park construction additional work - \$110,000.00
- b. Authorize City Administrator's signature on Addendum and Change Order #1 to RiverRestoration.org – Whitewater kayak recreational park construction additional work - \$12,659.71
- c. Authorize City Administrator's signature on Addendum and Change Order #4 to Jacobs Engineering – Water treatment plant improvement project - \$20,362.00
- d. Resolution No. 3 – 2010: Changing the address of the old Harrison School from 485 North Cottonwood to 490 North Diamond
- e. Bids:
  - #28-10: Joey transcoder/receiver for the Police Department to Tactical Technologies, Inc., Holmes, PA; \$1,254.97 (Sole Source)
  - #38-10: Fifteen body armor vests for the Police Department to Arctic Shooting Supply, Pueblo; \$8,625.00
  - #51-10: 125 sign posts and bases for the Public Works Department/Streets Division to Cañon City Winnelson, Cañon City; \$3,446.28
  - #52-10: Storage server for the Police Department to Dell, Inc., Round Rock, TX; \$4,550.63 (State Bid)
  - #54-10: Graphic workstation for the Library/Museum Division to Dell, Inc., Round Rock, TX; \$1,254.97 (State Bid)
- f. List of Bills

5.

#### **ADMINISTRATOR'S REPORT**

Mr. Rabe:

- submitted a written report.
- reminded that there would be no General Government Committee meeting held on April 7, and no Public Works Committee meeting held on April 13.
- asked for a show of hands as to which Council members will ride in the Blossom Festival Parade.

6.

#### **CITIZEN'S REQUEST TO SPEAK**

There were no written requests to address the Council on items not on the agenda.

7.

#### **Ordinance No. 6 – 2010**

**First reading**

Amending the Model Traffic Code relative to careless driving and penalty assessments

Ordinance No. 6 – 2010 was read by title. **Council member Robinson moved and Council member Bates seconded a motion to adopt Ordinance No. 6, Series of 2010 as presented. By a 6-0 vote, the Council approved the motion. Excused: Freda.**

8.

**PUBLIC HEARING  
APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT  
FREMONT CENTER FOR THE ARTS  
BREW HA HA  
VETERANS PARK**

Mayor Greer opened the public hearing. Ms. Walker reported that notice of this public hearing was given by posting Veterans Park. She identified that this permit is requested to allow the Arts Center to conduct their annual Brew Ha Ha event on May 15 from 8am – 11pm. She informed that the Center had indicated that ID's will be checked at the gate, and wrist bands will be issued to each customer who is of legal drinking age, and that black X's will be placed on the hands of those who are not of age. This is the sixth time this event will be held, which will entail highlighting 30-35 micro-brewers from around the state in combination with stand-up comedy, live music, and food. Participating brewers, who will serve their own products, will be aware of the protocol, and gate attendants will be trained in the checking of ID's to insure legal drinking age. Many of the volunteers from the Center have attended volunteer server training, several others are scheduled to attend the training that is being offered during this week, and the Colorado Mounted Rangers will be on site for enforcement assistance around the perimeter and in patrolling the event. They, too, have been trained on the Liquor Code either through the 1-hour volunteer server course or the 4-hour establishment course. She identified that staff sees no reason to recommend against granting this application.

To questions posed, Event Coordinator Zack Reynolds indicated that they have volunteers who are trained through the City's training, and that those who have completed City training will be in charge of checking id's and serving drinks. He acknowledged the Center's responsibility to adhere to the liquor code and that failure to adhere may cause suspension or revocation of their license or denial of future special event permits.

Hearing no further comments, Mayor Greer closed the public hearing.

**Council member Grantham moved and Council member Bates seconded a motion to approve the application for a special event liquor license for the Fremont Center for the Arts Brew Ha Ha event on May 15 from 8am – 11pm in Veterans Park. By a 6-0 vote, the Council approved the motion. Excused: Freda.**

9.

**PUBLIC HEARING  
APPLICATION FOR A SPECIAL EVENT LIQUOR PERMITS  
FREMONT COMMUNITY FOUNDATION  
FLASHBACK ON MAIN STREET, HOLY SMOKE BBQ, WKRP EVENT**

Mayor Greer opened the public hearing. Ms. Walker reported that notice of this public hearing was given by posting the locations, namely 531 Main Street (Flashback), the old Abbey football field (Holy Smoke BBQ), and Veterans Park (WKRP). She identified that as this is the same organization, all three events will be discussed in one public hearing. Her report followed:

- Flashback on Main Street: This event is planned for May 21 from noon until midnight in the 500 and 600 blocks of Main Street. The event will begin at 5pm with music, dancing, food and classic cars, and end at 11pm.
- Holy Smoke BBQ: This event is scheduled for Friday and Saturday, June 11-12 on the old Abbey football field owned by Linder Chevrolet. Food and drink is available through the festival which pits professional and amateur barbeque teams in a “battle of the ribs.”
- WKRP event: This event is to be held in Veterans Park , with activities beginning at noon on June 25 and ending at 10pm, then at 8am on June 26 and ending at 10pm. Activities will be held in both Veterans and Centennial Parks, but alcohol sales will be limited to the fenced in area at Veterans Park.

Ms. Walker continued that, in all instance, the Foundation has identified that they will wrist band those of legal drinking age, and underage persons will have a contrasting color wrist band. Volunteers who will be serving alcoholic beverages from this organization have either attended the City’s volunteer server training in the past, or will attend that training offered this week. Gate attendants will be trained in the checking of ID’s to insure legal drinking age. The Colorado Mounted Rangers will also be on hand at all three events to assist in enforcement around the perimeter and in patrolling the event. She concluded her report that staff sees no reason to deny any of these event applications.

To questions posed, Event Coordinators Dan Brown, Jay Boughton and Kathy Toothacker indicated that they have volunteers who are trained through the City’s training, and that those who have completed City training will be in charge of checking id’s and serving drinks. They acknowledged their responsibility to adhere to the liquor code and that failure to adhere may cause suspension or revocation of their license or denial of future special event permits.

Hearing no further comments, Mayor Greer closed the public hearing.

**Council member Stone moved and Council member Bates seconded a motion to approve the applications for special event liquor licenses for the Fremont Community Foundation for the Flashback on Main Street event on May 21<sup>st</sup>, the Holy Smoke BBQ Event on June 11<sup>th</sup> and 12<sup>th</sup>, and the WKRP event on June 25-26 during the hours and at the locations indicated in the Clerk’s report. By a 6-0 vote, the Council approved the motion.** Excused: Freda.

10.

**PUBLIC HEARING  
APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT  
VMCCA CAR SHOW  
HOLY CROSS ABBEY**

Mayor Greer opened the public hearing. Ms. Walker reported that notice of this public hearing was given by posting the location at the Abbey. She identified that this permit is requested by the VMCCA car club for their annual car show to be held on the grounds of the Holy Cross Abbey on May 22, 2010. She added that this is the fifth application that we've seen in as many years from the VMCCA, and that there has never been any reported concerns or problems from this event. The area of service will be fenced off next to the Abbey Field House for the "beer garden" and control of the area will be with representatives of the Club. Wrist bands will be given to those individuals who have their ID checked and are of legal drinking age. Volunteers who are trained to check ID's will issue wrist bands. She added that four of the club's board members have attended the City's volunteer server training in the past, and three are registered for the courses this week. She concluded her report indicating that staff sees no reason to deny this special event liquor permit.

To questions posed, Event Coordinators Bev and Mickey Gann indicated that they have volunteers who are trained through the City's training, and that those who have completed City training will be in charge of checking id's and serving drinks. They acknowledged their responsibility to adhere to the liquor code and that failure to adhere may cause suspension or revocation of their license or denial of future special event permits.

Hearing no further comments, Mayor Greer closed the public hearing.

**Council member Gill moved and Council member Robinson seconded a motion to approve the application for a special event liquor license for the VMCCA Car Show on May 22<sup>nd</sup> from 8am – 5pm at the Abbey Field House. By a 6-0 vote, the Council approved the motion. Excused: Freda.**

11.

**PUBLIC HEARING  
APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT  
CAÑON CITY MUSIC AND BLOSSOM FESTIVAL CORPORATION  
MUSIC IN THE PARK  
CENTENNIAL PARK**

Mayor Greer opened the public hearing. Ms. Walker reported that notice of this public hearing was given by posting Centennial Park. She identified that this permit is requested to allow the Blossom Festival Corporation to conduct a concert in the park on Saturday, May 1 from 1pm until 10pm. She reported that the plan is to fence off a 60 x 80 tent where the

concerts will be held, and ID's will be checked at the single entry point. Individuals of legal age to consume alcohol will be banded, as will patrons who are not of age. Two event coordinators will be attending the City's volunteer server training this week, and Greg DiRito of DiRito's restaurant will utilize his trained service staff to assist with beer sales. The Colorado Mounted rangers, as well as trained volunteers as event security, will be on hand for crowd control and compliance checks. She concluded her report that staff sees no reason to recommend against granting this application.

To questions posed, Event Coordinators Mike Fry, Brian Konte, and Greg DiRito indicated that they have volunteers who are trained through the City's training, and that those who have completed City training will be in charge of checking id's and serving drinks. Mr. DiRito indicated that any volunteers who have not been through the City's training will be trained by him at a pre-event meeting. They indicated that there will be the likelihood of up to 600 people within the beer garden and concert tent. City Administrator Rabe informed them that there likely needed to be some follow up with the City relative to traffic control and parking for this event. The coordinators acknowledged their responsibility to adhere to the liquor code and that failure to adhere may cause suspension or revocation of their license or denial of future special event permits.

Hearing no further comments, Mayor Greer closed the public hearing.

**Council member Robinson moved and Council member Gill seconded a motion to approve the application for a special event liquor license for the Music and Blossom Festival Corporation's event on May 1<sup>st</sup> from 1pm – 10pm at Centennial Park. By a 5-1 vote, the Council approved the motion. Excused: Freda. Voting No: Parsons.**

12.

**PUBLIC HEARING  
APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT  
ELKS LODGE  
BLOSSOM FESTIVAL EVENTS  
404 MACON AVENUE**

Mayor Greer opened the public hearing. Ms. Walker reported that notice of this public hearing was given by posting the lodge at 404 Macon Avenue. She identified that this permit is requested to allow the Elks to hold their three-day event to occur during Blossom Festival weekend on Friday, April 30 through Sunday, May 2. The events scheduled will occur within the building housing the Elks, as well as in the fenced in side yard on the east side of the building. On Friday, the Elks will be open to the public and serve food and have a band and dancing until midnight. On Saturday, there will be a BBQ before, during and after the parade, and a Shriners brunch is scheduled. Sunday they will be serving a breakfast. A horseshoe tournament will go on throughout the weekend. They have identified that they will carefully check ID's at the door, and those of legal drinking age will be given wrist

bands to so indicate. She continued that the Elk's have held special events such as these in the past with no resulting concerns. She concluded that three of the board members attended the four-hour training the City offers, fifteen of their members attended the volunteer training in the past, and that two employees are registered for the 4-hour course this week, while five volunteers are scheduled for volunteer training this week. She indicated that staff sees no reason to recommend against approving these special event permits.

To questions posed, Event Coordinator Lanny Owren indicated that they have volunteers who are trained through the City's training, and that those who have completed City training will be in charge of checking id's and serving drinks. He acknowledged the Elk's responsibility to adhere to the liquor code and that failure to adhere may cause suspension or revocation of their license or denial of future special event permits.

Hearing no further comments, Mayor Greer closed the public hearing.

**Council member Bates moved and Council member Stone seconded a motion to approve the application for special event liquor licenses for the Cañon City Elks Lodge on April 30 – May 2. By a 6-0 vote, the Council approved the motion. Excused: Freda.**

13.

**RESOLUTION NO. 2 - 2010  
INITIATING PUBLIC IMPROVEMENT DISTRICT 2010-01  
NORTH COTTONWOOD BETWEEN CENTRAL AVENUE  
AND  
ELIZABETH STREET**

City Engineer Adam Lancaster reported that petitions for the formation of this Public Improvement District had resulted in support for this project. He explained that CMAQ funds will be utilized for the paving, while property owners will pay for curb and gutter. To a question asked, Mr. Lancaster provided a history of this public improvement district, which was originally attempted years ago. At that time, the bids came in too high, and ultimately the plan was abandoned. He explained that the experience then had caused concern from many of the residents who remembered that incident, and that only through direct contact with many of the current residents was he able to have the opportunity to explain the different situation now. In the end, all "no" signatures on the petition were replaced with "yes" votes for this particular district.

There being no further comments, **Council member Grantham moved and Council member Gill seconded a motion to adopt Resolution No. 2 – 2010, Initiating Public Improvement District 2010-01. By a 6-0 vote, the Council approved the motion. Excused: Freda.**

14.

**BID NO. 48-10**  
**9<sup>TH</sup> STREET WATER DISTRIBUTION IMPROVEMENTS**  
**SCHEDULE A**  
**AWARDED TO LANGSTON CONCRETE, INC.**

City Engineer Adam Lancaster reported that, in preparation for the Department of Transportations plans to overlay south 9<sup>th</sup> Street this summer, the City bid out replacement of the water distribution lines at that location. The project was broken into two schedules: Schedule A for the replacement of water main from Water Street to Vine Street, and Schedule B for service line work from Sell Avenue to Bridge Street. He explained that five bids were received for this project, and that as a result of the bids, the budget does not allow for the award of both schedules. As Schedule A is the priority work, the Engineering Department is recommending the award of Schedule A to Langston Concrete, Inc., of Cañon City in the amount of \$134,154.78 with a 10% contingency of \$13,415.48 for a grand total of \$147,570.26.

**Council member Robinson moved and Council member Bates seconded a motion to award Bid #48-10 to Langston Concrete, Inc., for \$134,154.78 plus a 10% contingency of \$13,415.48 for a total award of \$147,570.26. By a 6-0 vote, the Council approved the motion.** Excused: Freda.

15a.

**PUBLIC HEARING**  
**COMPREHENSIVE ZONE CHANGE**  
**REZONING SELECTED PROPERTIES WITHIN THE CITY**  
**TO R-1A, LOW DENSITY SMALL LOT RESIDENTIAL AND**  
**R-L, RURAL LIVING RESIDENTIAL ZONE DISTRICTS**

Mayor Greer opened the public hearing. City Planner Mary Ann Nimmo identified that notice of this public hearing was published prior to this meeting as required by law. Her presentation was made from her report, attached hereto as Exhibit A. Council commended the staff and Planning Commission for their work in getting this zoning amended for the benefit of our residents. There were no questions or comments from the audience, and there being no further questions or comments from Council, Mayor Greer closed the public hearing.

15b. **ORDINANCE NO. 7 – 2010**

**First reading**

Rezoning selected properties within the City to R-1A and R-L

Ordinance No. 7, Series of 2010 was introduced by Council members Stone, Grantham and Bates, and was read by title. **Council member Stone moved and Council member**

**Grantham seconded a motion to approve Ordinance No. 7, Series of 2010 on first reading. By a 5-1 vote, the Council approved the motion. Excused: Freda; Voting No: Parsons**

16a.

**PUBLIC HEARING  
ZONING CODE AMENDMENT  
WATCHMANS' QUARTERS AS A SPECIAL REVIEW USE  
IN C, GENERAL COMMERCIAL AND I, INDUSTRIAL ZONE DISTRICTS**

Mayor Greer opened the public hearing. Ms. Nimmo reported that notice of this public hearing was given by publication. She identified that High Country Bank has applied to amend the zoning ordinance to allow the use of a "watchman's quarters" in the C, General Commercial and I, Industrial Zone Districts through Special Review. The bank has become the owner of the Dawson Ranch Stables on Mariposa Road. In their attempts to market the property, they have repeatedly been asked if it were possible to allow someone to live full-time at the stables to provide 24-hour care for the horses and security for the building. Currently, there is no zoning mechanism to allow for this. She reported on the steps that had been taken to identify the best fit and review criterion for watchman's quarters. She identified that there has been no response to the publication of this proposed change, and that this comes forward on recommendation from the Planning Commission. The Commissions' findings have been incorporated into the ordinance to be considered tonight.

Council member Grantham extended kudos to staff and High Country Bank for pursuing this change to the zoning code. The applicant waived the opportunity to speak. No members of the audience addressed this issue. Hearing no further comments, Mayor Greer closed the public hearing.

16b.

**ORDINANCE NO. 8 – 2010**

**First reading**

Allowing Watchmans Quarters to be added as a use permitted only through Special Review in the C, General Commercial and I, Industrial Zone Districts.

Ordinance No. 8, Series of 2010 was introduced by Council members Robinson, Gill and Stone, and was read by title. **Council member Robinson moved and Council member Grantham seconded a motion to approve Ordinance No. 8, Series of 2010 on first reading. By a 6-0 vote, the Council approved the motion. Excused: Freda**

17a.

**PUBLIC HEARING  
APPLICATION FOR SPECIAL REVIEW USE  
TRAINING FACILITY (ROCKY MOUNTAIN SHITO-RYU KARATE DO)  
IN THE CENTRAL BUSINESS DISTRICT  
(323 Main Street)**

Mayor Greer opened the public hearing. Ms. Nimmo reported that notice of this public hearing was given by publication and through posting the property. She identified that Jim White, owner of Rocky Mountain Shito-Ryu Karate Do, has applied for special review use to operate his karate studio out of 323 Main Street. She explained that the term “training facility” specifically includes martial arts and the use is permitted only through special review in the central business district. She reported that staff has reviewed the request, and has no major concerns with the proposed location for this business. The property is centrally located in downtown Cañon City, in an area of retail, restaurant, liquor, office and service businesses. On the same block are several second-hand stores, a dry cleaner’s, a café, two bars, and other commercial businesses. She identified other businesses of the same type that have operated in this district with no complaints. She explained that the applicant states their busiest hours are in the evening, with classes beginning at 5:30 pm, which would not conflict with the other nearby businesses who will generally be closed as the studio begins to get busy. Because there is low impact on the surrounding businesses, staff does not recommend imposing any additional conditions on approval, except to limit the approval to this specific business, or one closely related to it. The approval will terminate automatically if the use is abandoned for more than one year. Though 41 notices were mailed to surrounding property owners, there have been no responses received. Ms. Nimmo concluded that the Planning Commission reviewed this request and ultimately recommended approval subject to the conditions enumerated in the attached bill for Ordinance No. 9, Series of 2010.

The applicant waived the opportunity to speak. No members of the audience addressed this issue. Hearing no further comments, Mayor Greer closed the public hearing.

- 17b. **ORDINANCE NO. 9 – 2010** **First reading**  
Training Facility (Rocky Mountain Shito-Ryu Karate Do) in the Central Business District at 323 Main Street.

Before the ordinance was introduced, Council member Bates identified that he had held extensive conversations with the applicant and that, given the quasi-judicial nature of this public hearing, he requested to abstain from the vote on the Ordinance. By consensus, the Council approved his request.

Ordinance No. 9, Series of 2010 was introduced by Council members Grantham, Stone and Robinson, and was read by title. **Council member Grantham moved and Council member Stone seconded a motion to approve Ordinance No. 9, Series of 2010 on first reading. By a 5-0 vote, the Council approved the motion. Excused: Freda; Abstained: Bates.**

- 18 . **ORDINANCE NO. 10 – 2010** **First reading**  
Amending Water Rates.

Ordinance No. 10, Series of 2010, was introduced by Council members Bates, Grantham, and Stone, and was read by title. City Administrator Rabe first commended Cañon City Daily Record reporter Charlotte Burrous for her report on these rates. He reviewed the activities

that have taken place to result in the recommended water rates included in this ordinance, including the process of utilizing a third party consultant to review the various rates and make recommendations for residential and commercial, inside and outside city limits, and to advise on the three contracts that expire at the end of the month that include both golf courses and Cotter Corporation. He reported that Cotter will be moved to the non-residential rate (an increase of over 300%), while the two golf courses will ultimately move toward a non-residential rate but only with stepped increases over the next 6-8 years. Zone surcharges have been adjusted for pumping maintenance and electric charges, and he advised that these rates generally represent a 5% increase, with the anticipation that future rate adjustments can be held to COLA increases. He reported that the minimum has been reduced for some customers, which will likely result in a reduction to their water bills amounts, while large water users will pay elevated rates the more water they use. This rate schedule is created to provide for the enterprise to build its reserve to handle future capital improvements.

City Attorney Havens reviewed the ordinance, particularly highlighting Sections 4 and 5. Council member Gill complimented staff for their hard work on these new water rates, stating that he believes this new schedule to be more equitable for all customers. That sentiment was echoed by Mayor Greer.

There being no further discussion, **Council member Robinson moved and Council member Gill seconded a motion to approve Ordinance No. 10, Series of 2010 on first reading. By a 6-0 vote, the Council approved the motion. Excused: Freda.**

There being no further business, Mayor Greer adjourned the meeting at 8:13 p.m.

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**Becky Walker**  
**City Clerk/Projects Administrator**

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**Tony Greer**  
**Mayor**

Exhibit A – 9 pages

**STAFF REPORT**

**TO: CAÑON CITY COUNCIL**

**FROM: MARY ANN NIMMO, CITY PLANNER**

**DATE: APRIL 5, 2010**

**SUBJECT: PUBLIC HEARING – COMPREHENSIVE REZONINGS OF VARIOUS RESIDENTIAL PROPERTIES INTO EITHER THE R-1A, LOW DENSITY SMALL LOT OR THE R-L, RURAL LIVING ZONE DISTRICT**

**APPLICANT: ZONING ACTION INITIATED BY CITY OF CAÑON CITY**

**OWNERS, ADDRESSES AND LEGAL DESCRIPTIONS ARE AS SHOWN IN THE TABLE OF PROPERTIES ATTACHED TO THIS REPORT**

**PUBLIC NOTICE: NOTICE WAS PUBLISHED AT LEAST 15 DAYS PRIOR TO THIS MEETING, AS REQUIRED BY LAW. POSTING OF PROPERTIES IS NOT REQUIRED WITH A COMPREHENSIVE ZONE CHANGE.**

**OVERVIEW**

The R-1A, Low Density Small Lot zone district was adopted in December of 2008, in part to provide some relief for property owners in the older parts of the city, where lots are typically smaller. Rather than the 6,000 square foot minimum lot size, 60-foot minimum lot width and 45% maximum lot coverage currently required in the R-1 and R-2 districts, the R-1A requires a 3,500 square foot minimum lot size, 40-foot minimum lot width and 60% maximum lot coverage. Setbacks in the front and rear yards are only 15 feet, compared with 25 feet in the R-1 & R-2 districts. The uses permitted by right and through special review for the R-1A zone district are the same as in the R-1 zone district.

Following the adoption of the R-1A zone district, the Council directed staff and the Planning Commission to extend an opportunity for the owners of small lots to have their property rezoned into the new district. It was originally proposed that owners who didn't want to have their property rezoned would be given an opportunity to "opt-out" of a comprehensive rezoning of large areas of the city where small lots are common. But, ultimately, it was decided to rezone only those parcels whose owners had decided to "opt-in" to the rezoning by filing Consent to Rezoning forms. This was due, in part, to the fact that much of the area where small lots are common is zoned for higher density; owners would lose the right to a multi-unit structure, which exists within the current R-2, R-3 and R-4 zone districts.

At the same time, the Planning Commission and staff were directed to extend the invitation to owners of lots in excess of 15,000 square feet who may be interested in raising livestock or crops, to rezone to R-L, Rural Living. The R-L district was adopted in 1992 to accommodate more rural uses of land, but very few parcels of land have ever been zoned into the R-L district.

At the Planning Commission's Open House in December, property owners were given information about both the R-1A and R-L zone districts, and invited to sign up for rezoning before January 29<sup>th</sup> if they were interested. A total of 65 consent forms for the R-1A district and 20 consent forms for the R-L district were filed before the deadline. Those parcels are shown in red on the attached excerpts from the City' zoning map.

### **CONSISTENCY WITH COMPREHENSIVE PLAN**

In a typical zone change, the applicant must provide testimony to show that one of the three reasons for rezoning, as outlined in 17.40.040(A)(1,2 & 3) of the code, exists to justify the change. This is not required in the case of a rezoning that is incidental to a comprehensive revision of the City's zoning map (17.40.040(B) of the code).

The City's Comprehensive Plan has several identified Land Use and Housing goals related to maintaining stable and attractive neighborhoods and preserving the traditional town form and character. Some of the strategies listed to achieve these goals are:

- Evaluate existing zoning districts to insure compatibility with a traditional town theme and form.
- Review existing City ordinances to ensure that adequate neighborhood protection measures and/or standards are available.
- Identify and map residential areas within the community which have significant historic, environmental and cultural value.
- Consider the social, cultural and economic impact of zoning changes in downtown and older in-town neighborhoods.
- Encourage a mix of densities within subdivisions, and provide buffer zones between varying residential densities and types of housing.
- Re-evaluate the City's zoning ordinance in terms of zoning district classifications and land uses permitted, including residential density variations.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered the proposed comprehensive zone changes in a public hearing at their regular meeting on March 16, 2010. After receiving testimony from City staff and interested property owners, they found that the proposed comprehensive rezoning will be in the public interest, and will be consistent with the policies and goals of the City's Comprehensive Plan. They voted unanimously to recommend approval of the proposed zone changes for all properties enumerated in the staff report. A bill for Ordinance No. 7, Series of 2010 has been prepared for your consideration based upon their recommendation.

## **RESPONSES TO NOTICE**

Once all consent forms were turned in, written notice of the proposed rezoning action was sent to all affected owners, as well as all owners within 300 feet of those parcels, notifying them of the purpose, time and date of the March 16<sup>th</sup> Planning Commission meeting. Over 1,500 notices were mailed on February 19<sup>th</sup>, which generated many phone calls and personal visits to the Planner's office by people requesting more information about the R-1A and R-L zone districts, and hand-out information was provided. Two letters were received in opposition to the proposed R-L zoning of neighboring parcels, one regarding 412 & 414½ N. 15<sup>th</sup> Street and the other regarding 826 Beech Avenue. Both are in your packets.

Notice of this public hearing was published on March 19<sup>th</sup>. There have no further responses.

## **PACKET MATERIALS**

Included in your packets, please find the following:

- R-1A, Low Density Small Lot Zone District – Table of Property Owners, Addresses, Legal Descriptions and Current Zoning
- R-L, Rural Living Zone District – Table of Property Owners, Addresses, Legal Descriptions and Current Zoning
- Description of R-1A, Low Density Small Lot Zone District
- Description of R-L, Rural Living Zone District
- Excerpts from Zoning Map, sheets numbered 1 – 12, with parcels to be rezoned shown in red
- Letter dated March 1, 2010, from Julie Letourneau and Frank Rogenski
- Letter dated March 16, 2010 from William and Janet Jackson
- Letter dated March 16, 2010 from Norman and Johanna Harwig
- Excerpt from minutes of Planning Commission meeting held on March 16, 2010
- *Findings of Fact and Advisory Report for Comprehensive Zone Change forms*
- Bill for Ordinance No. 7, Series of 2010

## Comprehensive Rezoning to R-1A, Low Density Small Lot Zone District

Owner	Site Address	Legal Description	Current Zone
Betty L. & John E. Hutchinson	508 Fairview Avenue	E 21 ft Lot 18 & all Lot 19, Block 24, Earle & Raynolds Addition	R-1
Andres Barrera Jr. & Maria A. Abalos	419 N. 7th Street	N 40 ft Lots 15 & 16, Block 36, Cañon City	R-2
Lowell L. & Winifred D. Soester	628 Fairview Avenue	E 7 ft Lot 26, all Lot 27, W 18 ft Lot 28, Block 23, Earle & Raynolds Addition	R-1
Jon D. Harvey	314 Rudd Avenue	Lot 11, Block 33, Cañon City	R-2
Helen Tennant	1019 Rudd Avenue	Lot 4, Block 12, T. Macon's Addition	R-2
Chelby Douglas	503 Woodlawn Avenue	Lots 14 & 15, Block 24, Earle & Raynolds Addition	R-1
Lawrence P. Jones & Carol King	301 Harrison Avenue	Lot 8, Block 33, Cañon City	R-2
Janice Calkins	849 S. 7th Street	Lots 18 & 19, Block 2, Milsom's Addition	R-2
Kenneth O. & Tamera I. Taylor	112 Greenwood Avenue	Lot 11, Block 19, Cañon City	R-3
Ray Weaver	921 Ohio Avenue	W 22 ft Lot 3 and all Lot 4, Block 23, Harding's Second Addition	R-1
Garry A. & Patsy J. Smith	107 Weaver Lane	Lot 9, Weaver Lane Subdivision	R-2
Karen M. Javernick Living Trust	906 Clover Avenue	N 74 ft Lots 18, 19 & 20, Block 23, Harding's 2nd Addition	R-1
Steven D. & Vida M. Geiger	519 N. 4th Street	N 41.5 ft of S 80 ft of Lots 15 & 16, Block 40, Rudd's Addition	R-2
Steven D. & Vida M. Geiger	623 Burrage Avenue	Lots 3 & 4, Block 16, Earle & Raynolds Addition	R-1
Earnest P. & Rose E. Lindley	1017 N. 5th Street	S ½ Lots 14 - 16, Block 7, Earle & Raynolds Addition	R-1
DeAnna L. Griffiths	918 Rudd Avenue	Lot 13, Block 10, T. Macon's Addition	R-2
LeRoy S. & Judy C. Weyenberg	718 Harrison Avenue	Lot 13, Block 2, T. Macon's Addition	R-3
Anna V. & John M. Shaffer	910 Rudd Avenue	Lot 11, except 8 ft for alley, Block 10, T. Macon's Addition	R-2
Rex L. Taylor	424 Pike Avenue	Lot 14, Block 46, H & A Rudd's Addition	R-2
Douglas Wade Morgan & Peggy M. States	905 Whipple Avenue	Lot 11 & E 16 ft Lot 12, Block 7, Harding's Addition	R-2
Mitchell D. Hiatt	922 Rudd Avenue	Lot 14, Block 10, T. Macon's Addition	R-2
John E. & Esperanza M. O'Donnell	431 Pike Avenue	Lot 1, Block 53, H & A Rudd's Addition	R-2
Lance David & Gina L. Tomar	417 N. 7th Street	S 40 ft of N 80 ft of Lots 15 & 16, Block 36, Cañon City	R-2
Carole L. Brown Revocable Living Trust	609 Harrison Avenue	Lot 6, Block 36, Cañon City	R-3
Coleen M. Stevenson	515 Woodlawn Avenue	Lots 7 & 8, Block 24, Earle & Raynolds Addition	R-1
Bette L. Busch	125 Macon Avenue	E 4 ft Lot 3 & W 36 ft Lot 2, Block 19, Cañon City	R-3
Norman E. & Nancy L. Howey	608 Rudd Avenue	Lot 10 & E 2 ft of S 35 ft of Lot 9, except W 4 ft of N 85 ft of Lot 10, Block 36, Cañon City	R-2

## Comprehensive Rezoning to R-1A, Low Density Small Lot Zone District

Risa Karen Richardson	826 Harrison Avenue	W 40 ft Lot 15, Block 7, T. Macon's Add.	R-2
Robert W. & Renee T. Bergin	506 Cooper Avenue	Lot 10, Block 52, H & A Rudd's Addition	R-2
Cora M. Whisenhunt	302 Greenwood Avenue	Lot 9, Block 21, Cañon City	R-3
Paula Appleton	823 Greenwood Avenue	Lot 3, Block 7, T. Macon's Addition	R-2
Sylvia J. & Albert L. Nicholas	1303 Harrison Avenue	Fractional Lots 11 – 14, Block 9, PG & M's Addition, together with 10 ft strip of vacated 13th Street on W side of Lot 14	R-1
Monte L. & Doris J. Cloninger	731 Clover Avenue	Lot 1 & E 6 ft Lot 2, Block 28, Harding's Second Addition	R-1
Karolyn G. Ellis	612 Allison Avenue	Lots 22 & 23, Block 17, Earle & Raynolds Addition	R-1
Doyle D. & Elizabeth K. Bailey	924 Whipple Avenue	Portion of Lots 25, 26, 27 & 28, Block 2, Harding's Addition lying NW'ly of ditch	R-2
Timothy & Lorrie S. Phillips	823 Rudd Avenue	Lot 3, Block 5, T. Macon's Addition	R-2
Patricia A. Kant	618 Pike Avenue	Lot 13, Block 48, H & A Rudd's Addition	R-2
Richard N. Foster	1019 Harrison Avenue	Lot 4, Block 13, T. Macon's Addition	R-2
Russell C. Crawford & Wendy L. Marquiss	607 Harrison Avenue	Lot 7, Block 36, Cañon City	R-3
Matthew G. vonHobe	1025 Harrison Avenue	Lot 2, Block 13, T. Macon's Addition	R-2
Matthew G. vonHobe	1031 Harrison Avenue	Lot 1, Block 13, T. Macon's Addition	R-2
Mark & Betsy Campbell	214 N. 4th Street	S½ Lot 9 & W½ S½ Lot 10, Block 22, Cañon City	R-3
Mary Ann Webb, Patricia Hargrove, and Cynthia Gallegos	616 Allison Avenue	Lots 24 & 25, Block 17, Earle & Raynolds Addition	R-1
Philip V. & Coralyn W. Wilder	215 N. 3rd. Street	S 53 ft Lots 15 & 16, Block 20, Cañon City	R-3
Clara M. Guffy	725 Greenwood Avenue	Lot 2, Block 2, T. Macon's Addition	R-3
Mary J. & Robert W. Conway Trust	731 Greenwood Avenue	Lot 1, Block 2, T. Macon's Addition	R-3
Robert Louis & Cindy Pryor	825 Rudd Avenue	Lot 2, Block 5, T. Macon's Addition	R-2
Deanna Ray Pennington	840 S. 6th Street	Lots 17 & 18, Block 1, Felton's Addition	R-2
Mary E. Eaves	732 Harrison Avenue	Lot 16, Block 2, T. Macon's Addition	R-3
Marvele I. Cina	418 Pike Avenue	Lot 12, Block 46, H & A Rudd's Add.	R-2
Anthony R. Heslop	511 Griffin Avenue	In SE¼ SE¼ of Section 32, T18S, R70 W, beginning 1025 ft N and 560 ft W of SE corner, thence N 85°40' E, 50 ft; thence N 10° W, 88.5 ft; thence S 85°40' W, 50 ft; thence S 10° E, 88.5 ft to point of beginning	R-1
William C. & Pamela J. Christensen	Vacant land in 400 block of Whipple Avenue	Lots 9, 10 & W 3.84 ft Lot 11, Block 14, Earle & Raynolds Addition	R-1
Deborah A. Dew	515 Forest Avenue	Lots 7 & 8, Block 12, Earle & Raynolds Addition	R-1

### Comprehensive Rezoning to R-1A, Low Density Small Lot Zone District

Harold J. & Angela A. Darrow	1430 Harrison Avenue	Lots 27 & 28, Block 2, Chapman's Subdivision, less 3 ft to City	R-1
Marshall R. Butler	622 Allison Avenue	Lot 26 & 27, Block 17, Earle & Reynolds Addition	R-1
Steven Weiser	315 N. 4th Street	S'yly 40 ft Lots 15 & 16, Block 28, Cañon City	R-3
HUD (Homebuilding Educational Foundation, Inc. is buyer)	914 Whipple Avenue	Lots 21, 22, 23 & 24, Block 2, Harding's Addition	R-2
Stuart A. & Joan E. Parker	405 College Avenue	Lot 7, Block 46, Rudd's Addition	R-2
Brian LeDoux & Kristyn Econome	407 Greenwood Avenue	Lot 7, Block 27, Cañon City	R-3
Elizabeth Wied and Perry & Angela Mollan	305 E. Douglas Avenue	W 26.61 ft Lot 1 & E 21.8 ft Lot 2 less N 12 ft for alley, Block 1, Catlin's 2nd Add.	R-2
Elizabeth Wied (fka Elizabeth Stine)	612 Pike Avenue	Lot 11, Block 48, H & A Rudd's Add.	R-2
Elizabeth Wied	814 Greenwood Avenue	Lot 12, Block 8, T. Macon's Addition	R-3
Stephen G. & Judith I. Mitchell	116 Greenwood Avenue	Lot 12, Block 19, Cañon City	R-3
Stephen G. & Judith I. Mitchell	120 Greenwood Avenue	Lot 13, Block 19, Cañon City	R-3

## Comprehensive Rezoning to R-L Rural Living Zone District

Owner	Site Address	Legal Description	Current Zone
Lula N. Moody	2845 Central Avenue	Lot 7, Block 41, Fruitland Subdivision	MH-1
Gerald D. & Dorine J. Grasmick	545 N. Cottonwood Avenue	Beginning at a point on the E line Lot 1, Block 41, Fruitmere Subdivision, said point being 300 ft N of SE corner Lot 1, Block 41; thence W 205.11 ft; thence N 100 ft; thence E 205.11 ft to E line Lot 1, Block 41; thence S 100 ft along E line to beginning.	R-2
Edward James Galvez & Kathryn Bryan Barksdale Galvez	2632 Pear Street	A tract in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T18S, R70W, described as follows: Beginning at a point on the N line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, 132 ft W of NE corner; thence W along the N line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, 132 ft to the approximate center of Barrett Ave.; thence S 170.72 ft more or less to N line of Cañon City Hydraulic Ditch; thence E'ly along the N line of said ditch 132.15 ft to a point due S of the point of beginning; thence N to the point of beginning.	R-1
Charles & Jean Wallace	417 N. 19th Street	Lot 1, Tankersley Subdivision	R-1
Richard B. & Judy L. Shepard	281 Four Mile Lane	Lot 1, Lariat Estates	R-1 & R-L
R & J Land, LLC	87 Lariat Lane	Lot 2, Lariat Estates	R-1 & R-L
Richard B. & Judy L. Shepard	88 Lariat Lane	Lot 3, Lariat Estates	R-1
Richard B. & Judy L. Shepard	279 Four Mile Lane	Lot 4, Lariat Estates	R-1
William V. Yelton	2280 Fowler Street	Beginning at the NE corner Block 20, South Fruitmere Subdivision; thence S 400 ft to a point; thence W and parallel to N line of said Block 20, 110 ft; thence N 400 ft; thence E along N line said Block 20 110 ft to point of beginning, 1.01 acres	R-1
Carmel F. & Sharon L. Pacheco	2448 Central Avenue	Lot A, Graham Administrative Subdivision Waiver	R-2
Monte L. & Doris J. Cloninger	1890 Kountz Avenue	W $\frac{1}{2}$ Lot 25, Kountz & Reynolds Subdivision	R-1
David E. & Alta M. Northrop	826 Beech Avenue	Lots 24 through 28, Block 44, Harding's Second Addition	R-1
David E. & Alta M. Northrop	826 Beech Avenue	Lots 24 through 28, Block 44, Harding's Second Addition	R-1
Melody Rowland	2428 Central Avenue	A portion of Lot 3, Block 4, Park Center Subdivision, beginning 71.5 ft E of the NW corner of Lot 3; thence S 630 ft; thence E 93.5 ft; thence N 630 ft; thence W 93.5 ft to the point of beginning.	R-2
John G. & Darlene D. Andreis	533 N. Reynolds Avenue	A portion of Lot 23, Reynolds Subdivision, described as follows: Beginning at a point 148.64 ft N of SE corner of said Lot 23; thence N 100 ft along E line Lot 23; thence W 280.5 ft; thence S 100 ft; thence E 280.5 ft to point of beginning	R-2

**Comprehensive Rezoning to R-L Rural Living Zone District**

<p>Jerry &amp; Diana Kossnar</p>	<p>1750 Forge Road</p>	<p>That portion of the NW¼ Section 8 and that portion of the NE¼ SW¼ Section 8, T19S, R70W, described as follows; Commencing at the SW corner of the NW¼ of said Section 8; thence N 00°33'25" W, said bearing and all others in this description being on the Colorado Coordinate System, and on the W line of said Section 8 a distance of 1361.03 ft to the NW corner of the SW¼ NW¼ said Section 8; thence N 88° 27'15" E on the N line of said SW¼ NW¼ a distance of 603.23 ft to the point of beginning of the tract herein described; thence N 12°37'29" W a distance of 229.88 ft; thence N 77°22'31" E a distance of 1692.33 ft; thence S 04°17'47" W a distance of 553.67 ft to the N line of the SE¼ NW¼ of said Section 8; thence N 88°27'15" E on said N line a distance of 330.63 ft to the W line of Forge Road as described in Book 542, Page 950; (the following 3 courses are on said W line) thence S 24°22'57" W a distance of 1526.99 ft; thence on the arc of a curve to the right which curve has a central angle of 23°42'58", a radius of 60.00 ft and an arc distance of 24.83 ft; thence S 48°05'55" W a distance of 195.11 ft to a point on the NE'ly line of a proposed road; (the following 2 courses are on said NE'ly line) thence N 41°54'05" W a distance of 73. 85 ft; thence on the arc of a curve to the left which curve has a central angle of 25°55'55", a radius of 640.00 ft and an arc distance of 289.66 ft; thence N 22°10'00" E non-tangent to the last mentioned curve a distance of 639.60 ft; thence N 03°19'26" W a distance of 376.33 ft; thence N 67°10'00" W a distance of 202 .95 ft; thence S 77°22'31" W a distance of 522.36 ft; thence N 65°00'00" W a distance of 324.08 ft; thence N 12°37'29" W a distance of 105.12 ft to the point of beginning, containing 40 acres more or less</p>	<p>Industrial</p>
<p>Herman A. &amp; Judith M. Lateer</p>	<p>604 N. 19th Street</p>	<p>A portion of the SE¼ NE¼ Section 28, T18S, R70W, commencing at a point from which the NE corner of Section 28 bears N 23°07'50" E a distance of 1692.09 ft; thence S 344.25 ft to the true point of beginning; thence S 170.25 ft to the N line of the Cañon City Hydraulic and Irrigating Company's main ditch; thence NE'ly along S line for the following 4 courses; (1) N 86°20'00" E, 50 ft; (2) N 76°20'00" E, 100 ft; (3) N 81°30'00" E 100 ft; (4) N 78°00'00" E, 55 ft; thence leaving said ditch line; N 117.21 ft; thence W 299.77 ft to the point of beginning</p>	<p>R-1</p>

**Comprehensive Rezoning to R-L Rural Living Zone District**

<p>Robert L. &amp; Cindy L. Pryor</p>	<p>215 Highland Avenue</p>	<p>A portion of the NW¼ NE¼ of Section 5, T19S, R70W, beginning at the NE corner of School Tract, which is S 78°13' W 570.1 ft from the intersection of the S line of Douglas Ave and the center of S. 3<sup>rd</sup> Street; thence S 10°47' E 469 ft more or less to S line South Cañon Ditch for point of beginning; thence S 10°47' E 785 ft; thence S 88°33' W 246.94 ft; thence N 12°12' W 723 ft; thence N 9°13' W 25 ft more or less to S bank South Cañon Ditch; thence NE'ly 247 ft more or less along the ditch to the point of beginning, 4.30 acres</p>	<p>R-2</p>
<p>William F. &amp; Janet L. Jackson</p>	<p>412 N. 15th Street</p>	<p>That part of Lot 3, in the Colorado Coal &amp; Iron Company's Cañon Gardens according to the plat thereof on file &amp; of record in the Clerk &amp; Recorder's Office of Fremont County, Colorado, which is bounded and described as follows: Beginning at a point on the W side of said Lot 3 which is 106 ft N of the SW corner thereof; thence N along the said W line 98 ft; thence E 378.37 ft parallel with the S line of said Lot 3 to the E line thereof; thence S along the said E line 98 ft; thence W 378.37 ft to the point of beginning</p>	<p>R-1</p>
<p>William F. &amp; Janet L. Jackson</p>	<p>414 1/2 N. 15th Street</p>	<p>That part of Lot 3, in the Colorado Coal &amp; Iron Company's Cañon Gardens according to the plat thereof on file and of record in the Clerk &amp; Recorder's Office of Fremont County, Colorado, which is bounded and described as follows: Beginning at a point on the W side of said Lot 3 which is 204 ft N of the SW corner of said Lot 3; thence E parallel with the S line of said Lot 3, 175.37 ft to the true point of beginning of the tract herein described; thence from said true point of beginning running E'ly parallel with the S'ly line of said Lot 3, 203 ft to the E line of said Lot 3; thence N along the E line of said Lot 3, 77 ft to a point located 281 ft N of the SE corner of said Lot 3; thence W parallel with the S'ly line of said Lot 3, 203 ft; thence S'ly 77 ft to the point of beginning</p>	<p>R-1</p>