GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING

JUNE 1, 1994

The City Council of the City of Grand Junction, Colorado, convened into regular session on the 1st day of June, 1994, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, Ron Maupin, Dan Rosenthal, Reford Theobold, and President of the Council R.T. Mantlo. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Mantlo called the meeting to order and Councilmember Baughman led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Eldon Coffey, Evangelical Free Church.

PROCLAMATION DECLARING JUNE 12-18, 1994, AS "WESTERN WEAR WEEK" IN THE CITY OF GRAND JUNCTION

CONSENT ITEMS

Upon motion by Councilmember Maupin, seconded by Councilmember Bessinger and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Items 3 and 10, the following Consent Items 1-12, except Item 4, were approved:

1. **Approval** of the Minutes of the Regular Meeting May 18, 1994

2. **Award of Bid** for the 1994 Street Pavement Overlays - Recommended Award - United Companies of Mesa County - $597,959.50

   Bids were received on May 19, 1994 from the following Contractors. The bids are summarized from lowest to highest as shown below:

   United Companies of Mesa County
   $597,959.50
   Elam Construction, Inc.
   $649,915.75

   Engineer's Estimate
   $599,948.75

3. **Authorization** - For Change Order No. 3 to extend sewer trunk line an additional 1200 feet and perform other work on the South Camp Sewer Extension Project increasing the contract by $25,288.09

   Staff recommends that the South Camp Road Sewer Trunk Line

Extension be extended 1200 feet to provide sewer service to seven lots in Monument Village Filing #5 and that upgraded backfill be used for the lines crossing South Camp Road. M.A. Concrete Construction is the contractor.

4. *** Resolution No. 41-94** - A Resolution Adopting Section 4, System Expansion, of the Sewer Rules and Regulations Governing the Management and Operation of the Joint City-County Sewer System - **REMOVED FOR FULL DISCUSSION**

5. **Approval** of Change Order No. 2 for Army Corps of Engineers 404 Violation Area Remedial Work at a Net Cost of $34,200.00 - Blue Heron Riverfront Trail Project - M.A. Concrete Construction

   A stretch of the uncompleted riverfront trail required clean-up and bank restabilization as the area was in violation of the Federal Wetlands Protection Act. The remedial work will include removal of 6,000 cubic yards of rubble and restabilization of the riverbank. The rubble will be reburied in close proximity to the remediation site. The work is to be done by Phase A contractor M.A. Concrete Construction.

6. **Award of Contract** for the Expansion of the Stadium Parking Lot Along North Avenue next to new Locker Rooms - Recommended award - G & G Paving Construction - $25,066.05

   Bids were opened May 18, 1994:

G & G Paving Construction:	$25,066.05
United Companies:	$38,555.70
Skyline Contracting:	$42,386.37

   And

   Approve Change Order No. 1, adding a pavement overlay on existing lot increasing project cost to $29,267.13.

7. **Authorization** to proceed with expenditure of $23,593.00 for the replacement of playground equipment at Melrose Park - Recommended award - Recreation Plus

   Seven bids were received and evaluated by parks department personnel for replacement of a wood/steel modular play structure at Melrose Park. The total cost of equipment and delivery will be $23,593.00.

8. *** Resolution No. 42-94** - A Resolution Authorizing the Purchase by the City of Grand Junction, Colorado, of Certain Real Property; Ratifying Actions Heretofore Taken in Connection Therewith

Mr. Edwin M. Yeager owns 7 lots on the north side of Ute Avenue, located west of 6th Street and east of the bus depot, and has offered to sell this property to the City for $103,000.00 This property would be very useful for future expansions of Police and Fire Department laboratories, training facilities and parking.

9. *** Resolution No. 43-94** - A Resolution Concerning the Issuance of a Revocable Permit to Brandon S. Berguin [File #62-93(2)]

   A Resolution authorizing the issuance of a Revocable Permit to allow construction of landscaping in the right-of-way of 28 Road and Bunting Avenue adjacent to 2801 Bunting Avenue.

10. *** Resolution No. 44-94** - A Resolution Referring Petitions to the City Council for the Annexations of Land to be Accomplished in a Series to the City of Grand Junction, Colorado, and Setting a Hearing on Such Annexations - South Camp #1 and South Camp #2 Annexations, Located West of South Camp Road, and North and West of Buffalo Road and South Camp #3 Annexation, Located along South Camp Road, South Broadway to Seasons Subdivision

11. *** Resolution No. 45-94** - A Resolution Amending the Policy and Reaffirming the Rental Fees for the City-County Auditorium

    The City last updated this policy in March, 1990. This resolution reflects NO increase in fees. The purpose of this resolution is to include two additional statements of policy in effect but not in the previous policy and to adopt a new policy of a written reservation form.

12. **Authorization** for City Manager to release the Power of Attorney issued May 1, 1980, recorded at Book 1263, Page 345, by A. L. Partee and Louise Forester, acting for Homestead Subdivision.

    This release is requested because the improvements are in place and the purpose of the Power of Attorney has been fulfilled.

..... *** * * END OF CONSENT CALENDAR * * ***

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

RESOLUTION NO. 41-94 ADOPTING SECTION 4, SYSTEM EXPANSION, OF THE

SEWER RULES AND REGULATIONS GOVERNING THE MANAGEMENT AN OPERATION OF THE JOINT CITY-COUNTY SEWER SYSTEM

Adoption of Section 4 will require developers to meet City of Grand Junction Infrastructure Standards and earlier (in the process) submission of utility agreements for annexation (POA's).

City Attorney Dan Wilson reviewed this item. He advised that earlier this year City Council adopted regulations regarding

administration of the plant, that is the manner in which it is operated and managed by the City pursuant to the City/County Agreement including such subjects as the auditing and financing standards, etc. Section 4, "System Expansion", was reserved at that time. County Administration received copies of this proposal approximately one month ago. Mr. Wilson highlighted the following recent revisions:

1. Page 1, paragraph 2 - ended at "Safety", added "by facilitating the annexation of urban and urbanizing lands to the City....."

2. Page 2, full paragraph 1 - growth will be directed to where infrastructure can serve it. The last sentence is new, "As indicated in the adopted annexation plans of the City, the City's limits will be the same as the 201 service area boundaries over time."

3. Rule 4.1 - The City's infrastructure standards and development standards must be adhered to before you can connect to Persigo. The term "development standards" is not limited to infrastructure, namely street sections, sidewalks sections, water and sewer lines. Development standards is a broader term under the State Annexation Statute and includes such things as land use planning, zoning, subdivision rules and regulations. The Rule says all of the City's development standards apply to development in the 201 unless you are in one of those special districts as of May, 1980, when the City/County agreement was struck.

4. Page 5, Rule 4.7 - This Rule resulted from concerns of the property owners on Highway 6 & 50 West. It provides an equivalent to an improvement district. If the septic system is working and it literally costs too much to extend sewer, then the property owners will pay a pro rata share of what will eventually be a sewer extension along with a 6% fee in a formal improvement district. If a district is later formed, the property owners will get a credit. The Sewer Fund will bank those dollars and eventually be able to extend.

5. Page 7 - City/County Resolution, the trunk extension policy written and explained on how the public works staff actually implements the policy. It is not a change in policy, but is more explanatory, so that everyone can better understand how the system works.

6. Page 8 - sub-paragraph D - The original draft read "City Infrastucture Standards." This latest version adds the words "Development and Infrastructure Standards."

4.9 - now 4.9.1, deals specifically with infrastructure. 4.9.2 reads "and the other development standards of the City" apply as well.

4.10 is new language - The original Rule said "Sewer service outside the 201 area is prohibited." It has been years since the 201 boundaries have been adjusted. There are some areas that are built out under density, may not need sewer service, other areas that may logically need it. This Rule lists the steps that the City must go through to justify an amendment to the 201 boundaries.

a. It must be determined that it is going to be urban, urbanizing. Two acre lots and larger are not urban. That is the break point both in the County and City Codes. More dense than that fits the definition of urban.

b. The Manager each time will have to determine if there is still plant capacity. That is the issue that came up on Valle Vista and the concern that the City was allowing too much development without dealing with capacity.

c. Other infrastructure has to also be available. It is not only sewer. Roads, water, and other issues should be reviewed.

d. Allows the Manager to include an area in the service while going through the process of amending the 201 boundaries. There may be a time when the development proposal is going to come about, and the process of amending the 201 will take longer than there is time. You have to say it is reasonably likely, and it will be done seasonably (reasonably, based on resources).

7. Page 10, Paragraphs A and B - Makes public aware of the City's policy at the time of a pre-application.

Paragraph C - Sewer plans will not be reviewed until the Power of Attorney is received.

8. The last page is a severability clause in case of challenge of the City's ability to perform any one part.

Councilmember Afman questioned who set the boundaries for the 201. City Attorney Wilson stated that the City/County agreement says the City sets the boundaries. The Clean Water Act says that the Governor designates the person who makes the final decision. This document states that "any process must start through the Manager" so that the evaluation process can, at least, develop an adequate record.

Councilmember Afman asked how the original 201 boundaries were set. City Attorney Wilson stated that there was a large study that was federally funded. A public hearing process was required. He assumes someone from the Health Department signed off on it.

Councilmember Rosenthal questioned the definition of the term "reasonable future" in Paragraph 8.E.d. The City Attorney stated that it is deliberately not specific to a time line to give public works staff and the City Council the ability to evaluate that on a case by case basis. It will vary based on the size of the area. The time limit could range from 2 to 6 months. There are no guidelines proposed. This gives the City Council discretion.

Councilmember Baughman questioned the definition of "imminent domain." City Attorney Wilson explained that it is when any government formally takes the action of possessing someone's real property by filing an order with a judge to force a sale at a reasonable price.

Upon motion by Councilmember Theobold, seconded by Councilmember Rosenthal and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO,** Resolution No. 41-94 was adopted.

CONTINUATION OF PUBIC HEARING - AN APPEAL OF A PLANNING COMMISSION RECOMMENDATION FOR DENIAL OF A REQUEST TO VACATE THE SAGE COURT RIGHT-OF-WAY, SOUTH OF NORTHACRES ROAD - CONTINUED TO JUNE 15, 1994

Upon motion by Councilmember Maupin, seconded by Councilmember Afman and carried, this item was continued to June 15, 1994.

PUBLIC HEARING - REQUEST FOR APPROVAL OF A FINAL DEVELOPMENT PLAN FOR THE RIDGES TO CLARIFY DENSITIES, SETBACKS, AND OTHER REQUIREMENTS TO BE ENFORCED BY THE CITY OF GRAND JUNCTION

Kathy Portner, Community Development Department, reviewed this item. Staff is proposing an amended final plan for the Ridges to clarify zoning and density requirements in the Ridges, as well as to specify what elements of the covenants the City will enforce and what elements are the responsibility of the Architectural Control Committee and residents. Maximum densities for the remaining multi-family lots in filings 1 through 6 have also been calculated. The bulk of the proposed plan includes specific requirement for the existing filings 1 through 6 but also includes some general state-ments that will be used as guidelines for future proposals for the undeveloped portion of the Ridges.

The majority of the plan clarifies the setback, height and fencing requirements in the existing filings that the City will enforce. It also lists uses that will be considered in those areas designated as commercial sites in the existing filings.

The proposed plan also specifies a remaining density of 5.5 units per acre for the undeveloped lots in filings 1 through 6. Those lots include multi-family designated lots, the school site and two replatted large lots. The remaining density was based on an overall density of 4 units per acre for filings 1 through 6 and an inventory of the built and/or platted density. All "A" lots were counted as two units because under the covenants and the proposed plan, any "A" lot can have a duplex on it. There are "deeded" densities for some of the undeveloped lots in the Ridges which were not considered in the density designation. The proposed plan would allow density transfers within filings 1 through 6 if plans for all sites involved in the transfers are submitted, reviewed and approved at the same time.

General development standards and guidelines are also proposed for the undeveloped lots and remaining unplatted acreage within the Ridges. These are meant to preserve and enhance the amenities of the Ridges development and protect the natural resources of the area.

Councilmember Afman disclosed to Council that she lives in the Ridges and currently has two clients in the Ridges that have undeveloped land. Both of these parcels will not be affected by this change in policy.

Ms. Portner stated that the Staff met several times with the Ridges Architectural Control Committee to discuss the specifics on the setbacks and general zoning regulations for filings 1-6. A copy of the plan was mailed to every property owner in the Ridges. Public notice was given for the Planning Commission hearing.

The total acreage includes everything within the filing, the roads, the rights-of-way, etc. Shadow Lake would have been

included in the calculation if it is in filings 1-6.

Developers have presented deeds that indicate they have deeded densities of 80 units for two acres. The City's files do not show that information. The Ridges covenants indicate that they could be assigned by deed. Research at a title company was performed, and all deeds that had the densities were pulled, and a file has been set up on them. They would deplete any remaining density for filings 1 through 6 if those deeded densities were honored. There would be sites in filings 1 through 6 that had no more density, and could not be developed.

The Ridges was originally developed as a planned unit development in Mesa County. There was a Title 32 special district called "The Ridges Metropolitan District" that was its government for a number of years until the City and Ridges Metropolitan entered into an annexation agreement, and an election was held whereby it came into the City. That is when the City's Planning Department had

authority and duties with regard to the zoning in the Ridges. The City's files reflect what was turned over by the Ridges Metropolitan District. The City also has Mesa County's development files. Neither of these files answers the question about this deed allocation. There is no tally sheet that shows what densities are left. The authority for these deeded densities is not known.

Ms. Portner clarified that the side yard setback should read from 0 feet to 10 feet.

Ms. Portner clarified that the City and the Architectural Control Committee are in charge of different things. The City acknowledges that the ACC serves a good function in the Ridges. If something meets the City's Code, it must be approved by the City even if the ACC chooses not to approve it. The ACC has at least been offered the opportunity to know what is going on, and to pursue it in their own way.

Councilmember Afman stated that the ACC was mainly concerned about the process of reviewing plans. They want to work with certain fence requirements, wood fences as opposed to chain link fences, some type of check and balance to the entire system. The ACC understands that the City is not the authority that is going to be enforcing the covenants. It cannot, by law.

A hearing was held after proper notice. Mr. Tom Logue, 227 S. 9th Street, spoke on behalf of Sid Gottlieb who is the owner of Lot 17 in Filing #5 of the Ridges. Mr. Gottlieb acquired the property at the first of the year and is beginning the development process. He obtained a letter last fall that indicated that the density

alloca-tion could be as high as 12 units/acre. Mr. Logue discussed Section A of the proposal which relates to the densities. He presented his rendition of density that was compiled by Bill Boll, Bill Stubbs and himself, as opposed to the City's. He did not use the same methology as the City staff. The City went through and counted lots within the individual filings. There have been a lot of replats, and he wasn't sure if he was getting a true count. He has determined that there are approximately 754 units available to be constructed on the balance of the undeveloped portion of the Ridges (approximately 84 acres). The overall density would be 9 dwelling units per acre. Mr. Logue stated that the proposal to utilize 5.5 as an absolute makes it extremely difficult on some of the sites to do a true multi-family development. He also discussed the practicality of density transfer restriction. Developers develop at their own independent rate, and there are very few instances where two plans can be processed simultaneously on the Ridges, given the fact that 3 or 4 multi-family sites are owned by different individuals.

Mr. Logue also presented a new chart showing current infrastruc-ture and related revenues. The tap fee on a lot is $4210/unit.

Councilmember Theobold stated that the sewer tap goes to the Sewer Fund, which is not City funds, and the water tap goes to the Metro District, which is bond funds, and the irrigation goes into the irrigation maintenance. None of the $4210 actually comes to the City for general fund use. Councilmember Afman stated the City does get a portion of the fees outlined.

Mr. Logue estimated an average revenue of $6,000 per unit to the City, Ute Water, and public entities. The additional density does require additional operation and maintenance. The City should consider more than simply revenue to the City's general fund, in deciding what density to allow. It is also important to look at the infrastructure that is presently in place, and how it is going to be paid for.

City Manager Mark Achen explained that Community Development has analyzed the density by assuming that the "A" lots have a legitimate density of 2 units, even though there may be single family homes on there, then all other platted lots treated as they are zoned. He explained that Mr. Logue is saying treat all lots based on the existing density, and ignore whatever zoning they may have and whatever potential they may have. Ms. Portner calculated using Mr. Logue's assumption and came up with a figure of 8.8. There was an intervening number where slightly different assumptions were made between the two extremes which was 7.3. Mr. Achen stated that Community Development used somewhat the same technique as Mr. Logue and came up with approximately the same number using Mr. Logue's approach. Council's policy decision is

which type of approach seems reasonable and appropriate.

Mr. Logue stated that the owner and developer wants the option to propose a reasonable density and maximize the highest and best use out of the property.

Councilmember Afman was concerned that if the density is changed so the density is used up, how is the City going to respond to someone who owns a piece of property in the area and cannot build anything on it. Council acknowledged this concern.

Mr. Bill Stubbs, Dynamic Investments, is the developer and owner of most of the other properties that do not have a house or multi-family unit on them. He stated that he generally has no problem with the Community Development plan other than the subject of density, the transferring of density and maintaining that density for the maximization of realistic development in the Ridges. He has two or three of the multi-family sites that are deeded with the 40 unit/acre density. He feels it is ridiculous and there should be no intention of creating that kind of a density in the Ridges. There should be a fair and equitable distribution of that density based on an acreage rather than on these prior developer contracted and deeded densities. Most of the builders are not interested in

buying the 50 x 100 lots, "A" lots, because they are unable to put a single family house on them let alone a duplex. It has been a real deterrent, both in the quantity and in the price that can be obtained for single family lots. Most of the lots that Mr. Stubbs owns are designated "A" lots which means they could be duplexed. He felt it is important that the City maximize the development capability of the Ridges as long as it doesn't exceed the reasonable capability of the Ridges as a community with a quality lifestyle.

He suggested that Mr. Logue's numbers are reasonable and will work for the Ridges without negatively impacting the lifestyle of the people that are there. He urged Council to pass this development plan, but for the time being eliminate Section A and allow it to be revisited so that more intelligent planning can be accomplished in terms of the allocation and the transferring of the density in these sites. The second recommendation is to not arbitrarily reduce the potential development on the existing sites. There are no lots that do not have every utility in place at the lot line. It makes more sense to develop here than to develop an area where the infrastructure does not exist. Mr. Stubbs feels it will be a mistake to arbitrarily reduce the density when, in fact, he doesn't feel he is even going to approach it. For example, the 7.5 acres site, which under the City's calculations, would allow him to develop 35 or 40 multi-family units - he will probably only

put approximately 14 or 15 units on it. He is doing all the things that he feels is going to support minimizing the negative impacts in the Ridges development. The City Planning Department has the authority and the good common judgement to review each and every site plan so that density itself is not the controlling factor. It is the developer's responsibility to come up with a good site plan that is going to fit with the character of that particular neighborhood. The density itself does not drive the development in the Ridges. He requested that Council give him the flexibility to bring intelligent plans to the City planning process.

City Manager Mark Achen questioned Council. Is its objective to reduce the density of the Ridges and make it a much lower density, or does Council want to use the original concept that it makes sense to develop it at 4 units per acre on an average there? That decision will control the discussion about how it can be achieved in a practical way that does not cause excessively high density next to properties that are low density. That first policy decision must be made in terms of overall density.

Ms. Portner stated that of the 10 or so residents that appeared at the meetings or phoned her office, all felt the density was too high in the Ridges. She was concerned that the City does not have an overall plan, also valley-wide, in looking at where the higher densities should be. In the Ridges, she would be more comfortable if those sites could be assigned densities rather than allocating

the 5.5 over the entire undeveloped 84 acres. However, the Planning Department does not feel that it has the information right now to do that and be fair to all the property owners. She is also a little uncomfortable about how the pool of unused densities would work.

City Manager Achen questioned if it would be feasible to involve the 5 owners in attempting to identify the densities today. Mr. Stubbs reiterated that Dynamic Investments is the only land owner holding multiple properties. Every other land owner of a multi-family site is a one site owner.

Councilmember Afman suggested that Prospector Point and Columbine Village are two very good examples of high density on "A" lots. She feels that if Council would visit these sites they will see what Mr. Stubbs is talking about. She felt that Council should hold off on multi-family until they can get some background on it.

Mr. Stubbs stated that he would be available to take Council on a site tour of the Ridges to show them all of the multi-family sites and more particularly the areas that need to be down zoned, enabling Council to make the most accurate assessment of the situation.

City Manager Achen stated that the first policy issue is density, with the second being equity. There are properties replatted without any indication of density. Part of the Staff's objective is to make sure the City does not end up with properties with absolutely no density, thus valueless. There are a lot of "A" lot owners who conceive that they have some future density rights even though they are developed at 1 unit per lot now. There are people who have acquired deeds with densities assigned to them. No one knows if they paid a market value for that density or whether the trans-actions disregarded the density. Presumably, there is some feeling that when somebody buys a piece of land and it has a deed with a density on it they feel they have rights to develop it.

Then there is the multi-family acreage which is also presumably acquired with a notion that it had some kind of multi-family development potential. So the second issue that must be dealt with is equity, fairness among all these various property owners that may or may not think they have rights about what kind of density they have on their properties.

City Attorney Wilson explained that in order to assign density in the original proposal, the proposal should have had enough information on roads, on site constraints, etc. There is not enough information on some of the multi family sites to know what a good plan would be today. There has not been enough technical information. The danger that Staff feels is that someone could come in and state that they own a particular lot, they have "Y"

units that is a high density multi-family unit, and paid fair market value, yet the road is so poor that it is going to create a traffic hazard if the proposed multi-family sites are built at that density. Integrating some level of planning, some level of technical expertise with the decision to assign densities in 1994 makes a lot of sense.

Mr. Bill Boll, Professional Investment Properties, owner of a particular piece of multi-family zoned property consisting of 2.262 acres, was present. He holds a deed which states this is a multi-family lot and shall not exceed 80 units per acre. The 5.5 units per acre that has been proposed by the Planning Department would give him only 12 units as maximum density on the 2.25 acre parcel. That is only 15% usage of the original deed. This blanket density was unreasonable in Mr. Boll's opinion, with no balance of equities. He wants to either develop the land, or sell it for development. Because of its topography, the property lends itself beautifully to multi-family development. The 80 units at 2.25 acres is totally unreasonable. Twelve units on this particular property is also ridiculous. He felt a compromise was in order, and he wishes to work with the Planning Department. He wants to be able to market the property if he cannot develop it himself, but he must have some criteria, some standard to develop

it to make it a marketable property. The suggestion by Mr. Logue of 9 units per acre falls within the parameter of this particular property. He felt that would make a good equitable density. It would be good for the community.

Ms. Joan Chaffin, resident of the area, was concerned that the City is requiring the developers to provide curbs, gutters and sidewalks on all new developments in the Ridges. When the area was annexed into the City there were no such improvements existing. She feels it will look ridiculous to have some areas improved, and others unimproved. She was also concerned with the Ridges Architectural Control Committee regarding chain link fencing. Her neighbor has erected a chain link fence. It is against the covenants of the area. The committee told her they had no control. She was told by the committee that if she wanted to complain, she needed to go to the City. She felt that since the committee has no control, the word "control" should be deleted from the title of the committee. Perhaps it should be replaced with the word "advisory." She stated that she is not appearing tonight to discuss densities. She is concerned with enforcement by the Ridges Architectural Control Committee or the City.

City Attorney Wilson explained that this plan will become law from the City's perspective. If it is law, the City will enforce it. That is the City staff's job. If it says "chain link fences are not allowed", once this becomes law, the City Code Enforcement Division would enforce it. This isn't going to take care of Ms. Chaffin's problem now since the fence is already erected. Any fencing erected <u>after</u> this plan becomes law will be enforced.

Mr. Wilson continued that a covenant is not a law. A covenant is an agreement. It is an imposition that the original developer put on the entire Ridges that says "all of us who own property here are agreeing to abide by the following rules." It is called restric-tive covenants because you are restricting your options on the land. The mechanism to control that is either (1) Ms. Chaffin, as an owner, has the right to sue the offender in court, or (2) the Homeowners Association has a mechanism for enforcement like an assessment that the homeowners association uses to hire a lawyer or to do something to stop the offender from building the fence. The costs are spread out over the entire filing as opposed to Ms. Chaffin having to hire a lawyer to sue individually. The City has no ability to enforce Ms. Chaffin's agreement with her neighbor because when she purchased the property, it was purchased with a certain set of rules. If the Committee will not enforce, the City cannot because it does not have the power to enforce.

Mr. Achen stated that this is a problem all over the country. There are property owners associations that have authority to enforce covenants. Usually the neighbors are unwilling to pay fees sufficient for the property owners to have dollars to hire

attorneys, and they do not want to get involved in the neighbor against neighbor battle. It is up to the property owners to choose whether they enforce covenants, or not.

Councilmember Afman stated that it is her understanding through the annexation process that no curb, gutter and sidewalks would be in Filings 1 through 6 because of the existing roads. But in the future filings of the totally undeveloped land those areas had to fall under City requirements of curb, gutter, or sidewalk.

Ms. Portner stated that the interpretation of Community Development and Public Works is that new development of any of these large acreages within Filings 1 through 6 would meet current City standards.

Councilmember Maupin felt the Ridges should be developed at as high a density as is comfortable for the neighborhood. A mixed density exists presently.

Councilmember Afman agreed with the proposal except for more clari-fication on the multi-family areas.

Councilmember Bessinger requested clarification of the density pool method also.

Councilmember Theobold requested that staff review the annexation agreement for the Ridges on the curb, gutter and sidewalk issue, and revisit the issue. He felt the Architectural Control Committee needs to understand what their roles, rights and responsibilities are so that incorrect advice is not given. Two goals to be accomplished:

1. Protect, to a degree, what are reasonable property rights.

2. An equitable density.

Some suggestions made by Councilmember Theobold to address density:

1. The overall density of 9 units per acre in existing multi-family zones. He is talking about the big lots, not the "A" lots.

2. That any development at less than 9 units per acre will forfeit remaining density to the overall density of development (pool).

3. Any multi-family density higher than 9 units per acre would be based only on an acceptable plan, available services, topography, etc. It can be higher, but there has to be a plan that will rationally justify it.

4. Single family or "A" lots that are currently built out would forfeit that additional density totally.

5. As of 12-1-95, single family or "A" lots that are built in the future would also forfeit any remaining unused density, and the resulting loss in density would result in overall reduction of the pool (does not go into the pool).

6. Try to get all five major property owners to sign off on this plan, and lower the legal liability.

7. Assure all parcels have densities. Assume any parcels that are not identified multi-family are intended to be single-family. Go back to Staff's recommendation of 5.5 on the undeveloped, unplatted single-family.

City Attorney Wilson stated that both the developers and the Ridges residents, along with Staff, need to look at these changes to Section A before it goes to Planning Commission and before it comes back to the City Council.

Councilmember Baughman felt that the five property owners and City Development Department need to meet to work out a projected zoning plan instead of using the density pool idea.

In addition to examining and coming up with a recommendation on the curb, gutter and sidewalk issue, City Manager Achen reiterated Councilmember Theobold's goals:

1. To project reasonable property rights of the various owners who have may have some development potential in the future;

2. Some type of decline in the overall density from 4 units per acre on the average. It would be accomplished by designating the 43 acres that are identified as multi-family as having an overall density of 9 units per acre;

3. If any site is developed at a density less than 9 units per acre, there is no transfer or creation of a pool. It is just a decline in overall density in the Ridges;

4. If any multi-family site can be developed at a higher density, it must go through the normal rezoning process to demonstrate the wisdom of that, and to obtain the community commitment and acceptance of that.

5. All the "A" lots would forfeit any rights to density beyond what they are currently developed at as of 12-31-95. The forfeiting of any such density cannot be transferred and,

again, does not go into the pool.

6. The replatted, undeveloped 35 acres, and potentially the school site of 6 acres, would have an overall density of 5.5 units per acre. If it is developed at less density than 5.5 there is no transfer and no creation of a pool of density. It is just lost, and that will decrease the density. If the owners of those properties want to develop at a higher density they would go through a rezoning process as is normal to demonstrate that it is wise planning, that the services are available, and that it is acceptable to the community.

7. If at all possible, a policy is worked out that could be supported by the signatures of all groups of owners on this arrangement, providing protection to the City for contesting this arrangement.

8. Parcels are not to be created without value.

City Attorney Wilson stated that the development community does not have an answer on densities. Until staff goes through a process and brings it back there is no answer on Section A. He clarified that Council's motion tonight will not create a new Section A. It is not being rewritten. The motion is saying staff will come back with a revised Section A. When staff meets with the developers the public must have the opportunity to attend.

Upon motion by Councilmember Bessinger, seconded by Councilmember Theobold and carried, the plan (Sections B through M) was approved with the exception of Section A which is to be reviewed and brought back to Council at a later date.

PUBLIC HEARING - ORDINANCE NO. 2746 CREATING SECTION 4-13, TEMPORARY USES AND STRUCTURES, AND AMENDING CHAPTER 12, DEFINITIONS AND LIMITATIONS AND SECTION 4-3-4, USE/ZONE MATRIX OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Bessinger, seconded by Councilmember Afman and carried by roll call vote, Ordinance No. 2746 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2747 CREATING SECTIONS 4-1-2 B. AND C., SINGLE FAMILY RESIDENTIAL ZONES, AND AMENDING CHAPTER 12, DEFINITIONS AND LIMITATIONS, AND SECTION 4-3-4, USE/ZONE MATRIX, OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE TO ALLOW FOR THE PLACEMENT OF MANUFACTURED HOUSING UNITS WHEREVER SINGLE FAMILY RESIDENCES ARE ALLOWED BY CODE

A hearing was held after proper notice. Mr. Ross Transmeier, 108 Mesa View Avenue, was present to speak in favor of the Ordinance, and encouraged Council to adopt this Ordinance.

There were no other comments. Upon motion by Councilmember Bessinger, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2747 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2748 VACATING EXISTING AND DEDICATING NEW UTILITY AND INGRESS/EGRESS EASEMENTS ON LOT 2, WOODLAND SUBDIVISION

A hearing was held after proper notice. Kristen Ashbeck, Community Development Department, stated that there are no requirements for easements for trails across this property. There were no other comments. Upon motion by Councilmember Maupin, seconded by Councilmember Rosenthal and carried by roll call vote, Ordinance No. 2748 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2749 REZONING PROPERTY LOCATED AT 910 9TH STREET AND HILL AVENUE FROM PZ TO RSF-8

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Baughman, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2749 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2750 IMPOSING TRANSPORTATION CAPACITY PAYMENTS INCLUDING CALCULATIONS THEREOF, CREDITS AND APPROVED METHODOLOGIES IN LIEU OF THE REQUIREMENT FOR HALF-STREET IMPROVEMENTS

A hearing was held after proper notice. Mr. Rob Griffin, representing the Homebuilders Association, requested a clarifica-

tion on Article 7, subsection 8. Public Works Director Jim Shanks stated that his intent is not to require anything additional than what is being currently required. When the ordinance refers to "all" street improvements that does not mean both sides of the street. The intent was to track existing language dealing with the half street. It was not meant to expand on the current requirement. Language could read "something up to half of the abutting street to residential standard."

There were no other comments. Upon motion by Councilmember Theobold, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2750 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2751 AMENDING SECTION 4-9 OF THE ZONING AND DEVELOPMENT CODE REGARDING NON-CONFORMING USES/

STRUCTURES/SITES - TO BE RECONSIDERED ON JUNE 15, 1994

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Maupin, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2751 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2752 AMENDING SECTION 4-3-4 USE/ZONE MATRIX OF THE ZONING AND DEVELOPMENT CODE TO ALLOW RESIDENTIAL USES IN THE UPPER FLOORS IN THE B-3 ZONE DISTRICT

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2752 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2753 APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR ALLEY IMPROVEMENT DISTRICT NO. ST-93 IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Bessinger, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2753 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2754 APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR STREET IMPROVEMENT DISTRICT NO. ST-92, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICT; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Bessinger, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2754 was

adopted and ordered published.

RECONSIDERATION OF ORDINANCE NO. 2751

City Manager Mark Achen noted that City Council did not discuss the first point of the objectives for the modification of this ordinance which reduces the non-conforming status period from one year to 90 days. It is a substantial change. He was concerned that when this is adopted and the City begins implementing it, there may be a lot of complaints from people who have, for years and years, been under the assumption that one year was the time period for non-conforming status.

Kathy Portner, Community Development Department, stated that currently the Code deals with the issue of non-conforming residences in business or commercial zones that says they do not lose their non-conforming status until such time as they are actually changed to a different type of use. It would impact a business that is in a residential zone.

Upon motion by Councilmember Theobold, seconded by Councilmember Baughman and carried with Councilmember **BESSINGER** voting **NO**, reconsideration of Ordinance No. 2751 was continued to the June 13, 1994, City Council Workshop, and scheduled on the June 15, 1994 formal City Council agenda.

ADJOURNMENT

Upon motion by Councilmember Maupin, seconded and carried, the meeting was adjourned at 10:53 p.m.

Stephanie Nye, CMC
City Clerk