

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

**AUGUST 17, 1994**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 17th day of August, 1994, at 7:31 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, Ron Maupin, Reford Theobold, John Tomlinson 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 Bessinger led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Rene Calderon, Crossroads United Methodist Church.

**APPOINTMENT TO THE PLANNING COMMISSION**

Upon motion by Councilmember Afman, seconded by Councilmember Theobold and carried, Thomas Whitaker was appointed to an unexpired term on the Grand Junction Planning Commission; said term to expire October, 1996.

**APPOINTMENT TO THE ZONING AND DEVELOPMENT CODE BOARD OF APPEALS**

Upon motion by Councilmember Afman, seconded by Councilmember Theobold and carried, Joseph Marie was appointed to an unexpired term on the Zoning and Development Code Board of Appeals; said term to expire October, 1995.

For future reference, Councilmember Afman stated that the review committee would like to hold the application by Larry Howe-Kerr to serve on the Housing Authority.

**CONSENT ITEMS**

Upon motion by Councilmember Maupin, seconded by Councilmember Theobold and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Item 19 and Councilmember **BESSINGER** voting **NO** on Items 6 and 21, the following Consent Items 1-22 were approved:

1. **Approval** of the minutes of the Regular Meeting August 3, 1994
2. **Approval** of Change Order No. 1 for 1994 Waterline Replacements Project

A final change order in the amount of \$24,015.99 is hereby recommended for the 1994 Water Line Replacement Project to cover the cost of the actual quantities of materials

installed at the contract unit prices and at negotiated prices for quantities not included in the original contract.

3. **Award of Bid** for 1994 Grand Avenue Landscape Improvements.  
Recommended Award: Clark & Company \$55,912.00

Bids received on August 10, 1994 are summarized as follows from lowest to highest:

Clark & Company	\$55,912.00*
Valley Grown Nursery	\$64,379.46

Landscape Architect's Estimate \$47,090.00

4. **\* Resolution No. 68-94** - A Resolution Adopting the Storm Water Management Manual (SWMM) [File #127-94]

In January, 1994, the City entered into an agreement with Williams Engineering to complete a new Storm Water Management Manual. The purpose of the manual is to establish policy, criteria and technical procedures to be used for estimating storm runoff and designing drainage facilities for new developments within the City.

5. **Award of Contract** - To Replace Several Storm Drainage Inlets in the Paradise Hills Subdivision - Recommended Award: Continental Pipeline Construction - \$21,168.78

Bids were opened August 3, 1994 for labor and materials to replace several storm drain inlets in the Paradise Hills Subdivision. The following bids were received:

Continental Pipeline Construction	\$21,168.78
M.A. Concrete Construction	\$26,599.00

6. **\* Resolution No. 75-94** - A Resolution Authorizing the City Manager to sign Grant Applications to the Colorado Historical Society in the amounts of \$45,000 and \$4,200

The Community Development Department is proposing to submit two applications to the Colorado Historical Society for grants through the State Historical Fund to conduct the following historic preservation projects: 1) Phase 2 of a Historic Resources Survey to include downtown residential areas, south downtown and Orchard Mesa to identify historic resources (total budget of \$80,000); and 2) Create Public Information in the form of a video presentation in order to inform the general public about historic preservation and its role and potential in the Grand Junction Community (total budget of \$7,000).

7. **\* Resolution No. 69-94** - A Resolution Authorizing the Lease of City Property at 545 Noland Avenue to Donald Fugate, DBA Don's Automotive

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Mr. Fugate has leased this property from the City since March 1, 1991. The current lease has expired and Mr. Fugate proposes to lease the property for an additional 5 years. Under the proposed lease, Mr. Fugate would pay \$250/month rent plus property taxes, liability insurance, utilities and building maintenance.

8. **\* Resolution No. 70-94** - A Resolution Authorizing the Sale of Surplus Property to Jack and Katherine Stout located in Spring Valley Filing No. 6

The Stouts have a lease and option to purchase this small tract of land for the sum of \$10,000.00. The Stout's have stated their intent to exercise their option to purchase when the lease expires on August 31, 1994.

9. **\* Resolution No. 71-94** - A Resolution Authorizing the Purchase of Approximately 2.6 Acres from Jess and Georgia Haller for the Colorado River Levee Project

Jess and Georgia Haller own three separate tracts of land between Struthers Avenue and the Colorado River near South 9th Street. The acquisition of rights-of-ways and easements needed for the Colorado River Flood Control Levee Project will affect two of their properties. The Hallers feel that the ill-defined, irregular shaped remainders not required for the levee project will have no value or functional utility to them. They claim, and staff agrees, that the created remainders fit the definition for Uneconomic Remnants as provided by the Uniform Relocation and Property Acquisitions Act of 1986. As an explicit condition of accepting the City's offer to purchase the required project lands, the Hallers want the City to purchase the two remainders for their appraised value of \$30,500.

10. **\* Resolution No. 72-94** - A Resolution Stating the City Council's Intent to Create Alley Improvement District No. ST-1995

Petitions have been submitted requesting an improvement district to construct the following 8 alleys:

1. Cross alley 7th Street to 8th Street, Ouray Avenue to Chipeta Avenue;
2. Cross alley 7th Street to 8th Street, Chipeta Avenue to Gunnison Avenue;

3. 11th Street to 12th Street between Chipeta Avenue & Gunnison Avenue;
4. 2nd Street to 3rd Street between Grand Avenue & White Avenue;
5. 8th Street to Cannell Avenue between Orchard Avenue & Hall Avenue;

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6. 8th Street to 9th Street between Main Street & Colorado Avenue;
7. 9th Street to 10th Street between Hill Avenue & Teller Avenue;
8. 8th Street to 9th Street between Grand Avenue & White Avenue.

All petitions have been signed by more than 50% of the owners of the property to be assessed. The proposed resolution would state Council's intent to create an improvement district and give notice of a hearing to be held on September 21, 1994.

11. **\* Resolution No. 73-94** - A Resolution Stating the City Council's Intent to Create Sanitary Sewer Improvement District No. 37-94 along Highway 6 & 50 Between 24 1/2 Road and 25 1/4 Road

A Petition signed by 69% of the owners of the property to be assessed has been submitted requesting a sanitary sewer improvement district for the Highway 6 & 50 corridor between 24 1/2 Road and 25 1/4 Road. The proposed resolution would state Council's intent to create an improvement district and give notice of a hearing to be held on September 21, 1994.

12. **Proposed Ordinance** - An Ordinance Annexing Territory to the City of Grand Junction, Colorado - Climax Mill Enclave No. 1, Approximately 6.54 Acres Located South of Kimball Avenue Between 9th and 15th Streets [File #111-94]

The Climax Mill Enclave No. 1 is located south of Kimball Avenue between 9th and 15th Streets. This area is totally surrounded by the City and is eligible for annexation under State Statutes. This annexation only annexes the private property within the enclave. The remaining State of Colorado property will be annexed at a future date in accordance with an Intergovernmental Agreement between the City and Mesa County.

a. First Reading of proposed ordinance

13. **Proposed Ordinance** - An Ordinance Annexing Territory to the City of Grand Junction, Colorado - Holland Enclave, Approxi-

mately 7.60 Acres Located at 112 Power Road [File #112-94]

The Holland Enclave is located at 112 Power Road, just North of Colorado 340 (Broadway) across from Brachs Market. The area is totally surrounded by the City limits and is eligible for annexation under State Statutes.

a. First Reading of proposed ordinance

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14. **\* Resolution No. 74-94** - A Resolution Authorizing the City Manager to Sign the Plat Realigning and Relocating Open Space Access Adjacent to Lot 45, Block 9, Ridges Filing #6 [File #107-94]

Planning Commission approved the proposed replat. City Council is being asked to approve a resolution authorizing the City Manager to sign the plat for the City, as the owner of the open space, relocating the open space access approximately 100' east of the current access location.

15. **Proposed Ordinance** - An Ordinance Vacating a Right-of-Way in Northacres Road and a Portion of Sage Court Road [File #122-94]

On August 2, 1994, the Planning Commission approved the final re-plat of Northacres Subdivision. In order for that approved plan to be platted and developed, the vacation of previously dedicated rights-of way is necessary. The approved final re-plat will result in dedication of Northridge Drive which will provide access to all new lots and will connect with the remaining portion of Sage Court to the south of the site which has existing residences along it.

An agreement between various parties to allow this new road alignment is presently in the works. A final signed agreement is expected but final street connection from Sage Court to Northridge Drive will not occur until the agreement is signed and accepted by the City Attorney.

a. First Reading of proposed ordinance

16. **Proposed Ordinance** - An Ordinance Amending the SSID Manual [File #53-93(2)]

Request for approval of various amendments to the SSID Manual, including requiring all plat and as-built information be provided on a computer disk and allowing future amendments to be made administratively.

a. First Reading of proposed ordinance

17. **Proposed Ordinance** - An Ordinance Rezoning Land Located at 2892 North Avenue from RSF-8 and C-1 to PC [File #120-94]

A proposed rezone from C-1 and RSF-8 to PC (Planned Commercial) at 2892 North Avenue to permit the future expansion of a warehouse and the construction of mini-storage units. The rear half of the 1.5 acre site is presently vacant while the front half along North Avenue is developed as a retail/warehouse use.

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a. First Reading of proposed ordinance

18. **Proposed Ordinance** - An Ordinance Amending Section 4-3-4 and Section 5-1-10B of the Zoning and Development Code, Business Residences [File #1-94(L)]

A proposed amendment to the Zoning and Development Code to permit business residences as allowed uses in the I-1 Light Industrial Zone.

a. First Reading of proposed ordinance

19. **Proposed Ordinance** - An Ordinance Amending Section 5-1-4 and Section 12 of the Zoning and Development Code, Vehicular Traffic Areas [File #1-94(M)]

A proposed amendment to the Zoning and Development Code to define paving requirements for vehicular traffic areas and to delete the definition of "Dust Free".

a. First Reading of proposed ordinance

20. **Proposed Ordinance** - An Ordinance Amending Ordinance No. 2509 Zoning Lands at 2482 F Road to Planned Commercial (PC) to Include Uses and Design Standards [File 124-94]

Request for approval of uses and design standards for a Planned Commercial zone located at 2482 F Road.

a. First Reading of proposed ordinance

21. **Approval** of Revisions to the 1994 VCB Special Events Policy Recommended by The Visitor and Convention Bureau Board of Directors

Two major revisions are recommended:

1. Applications would be accepted and reviewed twice a year

instead of once a year.

2. Up to 25% of VCB funds awarded to an event could be used for salaries.

22. **Authorization** for the City Manager to Sign a Pre-annexation agreement with the Saccomanno Girls Trust

**\* \* \* END OF CONSENT CALENDAR \* \***

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

**PUBLIC HEARING - REQUEST FOR VARIANCE OF CITY STREET STANDARDS TO ALLOW A MODIFIED STREET SECTION WITHOUT CURB, GUTTER AND SIDEWALK ON EAGLE CREST COURT - CONTINUED TO SEPTEMBER 7, 1994, MEETING**

This is a request for approval of a modified street section without curb, gutter or sidewalk to access up to 8 residential lots.

Kathy Portner, Community Development Department, reviewed this item. The proposal is the development off of Prospector Point in the Ridges. She referred to maps showing the original proposal that was made by the developer before the Planning Commission for Eagle Crest Subdivision. This site is identified on the original plat as a multi-family site. No other development guidance was given at the time of the original approval for the multi-family site. The overall density for the Ridges is 4 units per acre. The proposal for the 12 units on this parcel was just over 4 units per acre. The original proposal included approximately 35 units on the site. The developer dropped that to 12 units which was definitely more realistic for the site. Through the review process, Planning Staff recommended denial of the 12 units as shown on this site because of site constraints. There is limited width at the access point onto Prospector Point (26 feet wide) which does not come close to meeting the 44 foot standard for a street section. The denial was based on that restricted access, and the safety of getting cars for that number of units into and out of the site. Staff proposed at the Planning Commission hearing that 4 units on the site would be acceptable on a private drive, or a public road that was built to a lesser standard. The 4 units with limited traffic would make more sense, and it would be less likely to have conflicts at the access point on Prospector Point.

The Planning Commission recommended approval of the 12 units as

shown with the condition that the developer obtain additional right-of-way at the access point at Prospector Point to provide adequate width for a standard street section. The developer would have to go from 26 feet to 44 feet. The Planning Commission also recommended that if the right-of-way for the 12 units was impossible, that they would recommend approval of up to 8 units rather than the 4 units that Staff had recommended. This would be approved on a Ridges standard that is currently existing which would be a street section without curb, gutter and sidewalk. The developer is willing to live with eight units.

Tonight's request is for Council to consider this proposal for eight lots to actually vary the street section requirement for this development and not require curb, gutter and sidewalk, and require a lesser width of pavement. If Council chooses to approve this request, Planning Staff recommends the following conditions be included in the approval:

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1. That the modified standard would use the existing right-of-way to accommodate the minimum pavement width needed for safe ingress and egress from the site, with no curb, gutter or sidewalk on any of the street section.

It makes no sense to have curb, gutter and sidewalk on only a portion of it.

2. That additional improvements, which can be accommodated within the existing right-of-way of Prospector Point, may be required for adequate turning radii into and out of the site.

There might be additional right-of-way along the Prospector Point right-of-way where Prospector Point could actually be widened at this intersection so that turning maneuvers could take place into and out of the site.

3. On-street parking restrictions will apply on those sections of the street that do not meet the standard width.
4. A separate improved pathway system down the steep slope would not be required for the 8 units.

Staff was recommending that one not be required for 4 units, but with 12 units, if approved with a street section without sidewalk.

Staff was recommending a separate paved path system down the slope that would connect into the main pathway system in the Ridges. There are concerns as to what that will do aesthetic-ally to that slope. It is steep. With 8 units, Staff would support not having an improved pathway system, but perhaps an easement provided to access to the open space.



5. All building envelopes must maintain a 20-foot setback from the bluff line and the right-of-way.
6. Utility easements must be provided to Prospector Point Drive in an alignment acceptable to all utility providers.
7. An alternative means of dealing with the storm drainage must be proposed and considered rather than a drainage pipe through the open space;

The proposal with the 12 units was to pipe the drainage down the steep slope to Ridges Boulevard where the major drainage system for the Ridges exists. Staff has concerns as to how that will look. If the pipe is buried it will be on a very steep slope. There is rock that would have to be blasted through. Mitigating and restoring that will be very difficult. It will be a scar on the hillside. If the pipe is above ground, it will be very noticeable from the main City

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entrance of the Ridges. With the reduced number of units the developer may have more room for some on-site detention. The developer's representative was proposing other modified designs that might be used, or perhaps following an existing roadway system that is there, something that will disturb as little ground as possible. Alternatives will be coming back to Planning Commission with the final plan. Before the plan is submitted, Staff would like to explore other alternatives with the developer. If the pipeline must be buried, Staff recommends that they incorporate a trail system in with it.

8. A final plat and plan must be submitted for review and approval through the Planning Commission, incorporating all of the above conditions.

Mark Relph, Public Works Manager, stated that it is difficult to assess the real impact when none of the roads meet any real engineering standard. As far as he is concerned, they are all sub-standard, and when additional development takes place, there is a real concern about how well the street system is going to be able to handle the development. He has concerns about additional development beyond Rana Road, and a lot of the area that is not platted. When it is developed in the future, he questioned how the City will manage the traffic on Rana Road, Prospector Point, and all the way to Ridges Boulevard. Presently, the street system in the area is functional, but there is room for much improvement including widening, curb and gutter. Correction of the past construction would be an enormous expense to the City.

City Manager Mark Achen stated that the Staff review of this

proposal has been trying to balance this desire for adequate facilities (traffic, drainage and pedestrian ways), with a sense that there is private ownership of the property, and trying to provide some opportunity for an economic use of the property, as opposed to saying it is not feasible to allow any development. He felt this may lead Staff, in development of the unfiled areas, to recommend that Council demand an alternative access to the Ridges to alleviate the pressure on the existing road system which is inadequate for the current state of development. He felt developers should be warned of such a requirement, that this investment needs to be made up front rather than allowing additional new filings to come in and have to be served solely by this road system.

Public Works Manager Mark Relph stated that Rana Road is a good example of areas that have been zoned for multi-family purposes that are not realistic based on the type of improvements that were constructed in the area. Staff has some serious concerns about the long term development along Rana Road. That may be an area where alternative access may be explored.

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For the record, City Attorney Dan Wilson requested Mr. Relph's credentials. Mr. Relph replied that he has a bachelor's degree in Civil Engineering. He is a Registered Professional Civil Engineer in the State of Colorado.

Mr. Relph stated that in the past, 24 feet of pavement width has been considered adequate road section. That allows two 12' lanes, two lanes of traffic in opposite directions. The recommendation is a result of the City's experience in dealing with traffic analysis, the way cars move. City Manager Achen asked why 24 feet will not work in this case. Mr. Relph stated that 24 feet is not an adopted City standard. It does not allow for on-street parking. The City standard for a residential section is 44 feet of right-of-way, 28 feet from curb face to curb face. In this particular instance Mr. Relph felt that if the site distance problems (intersection on a curve), could be overcome, vertically and horizontally, it must be designed so that when a car exits onto the intersection, an adequate distance can be seen in each direction in order to turn safely onto the street. This configuration has a potential for such problems.

Mr. Relph feels that pedestrian access to Prospector Point needs to be addressed. Twenty-six feet is very narrow, even if 24 feet were allowed it does not allow anything functional as a sidewalk. He is concerned about people wanting to leave that area to walk some-place, Prospector Point being the only place you can walk, and having them being forced onto the driving surface. Perhaps the driving surface can be narrowed, but the pedestrian traffic has still been neglected. He sees no alternatives to alleviate that concern.

It was suggested that the developer come back with a revised plan and solution.

Mr. Tom Logue, Land Design Partnership, 200 N. 6th Street, Grand Junction, representing the property owner, was present. He stated that there is 26 feet right at the right-of-way line and for every foot that is moved back towards the inside of the property, the available width continues to increase. By the time you reach Lots 1 and 12 a City standard street section can be obtained. There is sufficient width in that vicinity. The drainage does drain away from Prospector Point. The original drainage proposal called for the creation of a low point at the end of the cul-de-sac, and the construction of a storm sewer between Lots 8 and 9, off of the hillside down to Ridges Boulevard. Consideration has been given to a combination between a pipeline on the upper terrace and an open drainage channel. He stated that Prospector Point, as measured, has 24 feet of existing pavement with a two to three foot gravel shoulder on each side. The developer is willing to concede and reduce the density to 8 from the original 35. An off-site trail system has been included connecting into an exiting asphalt pathway along Ridges Boulevard.

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It is possible to use the drainage discharge route, be it in pipe or ditch or open channel, or a combination of the two, as some sort of pathway. It would encourage people to use an off-system trail to Ridges Boulevard in lieu of walking out Eagle Crest Court to Prospector Point. Most trail grades do not exceed 9%. There are areas of the trail that approach 12% and 13%, assuming no switch-backs are put in the trail.

Councilmember Afman suggested that acquisition of additional right-of-way in this area would alleviate a lot of the problems.

City Manager Achen discussed the use of open space at the rear of Lots 16A and 18A. He asked if it would take a vote of the public to give up the open space for use by the developer. City Attorney Dan Wilson felt that the Charter probably would not require such a vote when accommodating a roadway.

Mr. Logue determined that approximately 38 feet of width would accommodate 24 feet of pavement and some sort of pedestrian access out to Prospector Point. Mr. Relph was more comfortable with the wider width and getting pedestrian access. He felt this to be a critical issue.

There is a curb, gutter and sidewalk policy in the Ridges for new development. Councilmember Theobald recalled a meeting a few months ago where Staff was asked to review the policy when a citizen stated that if new curb, sidewalk and gutter is required

in the new developments in the area, it diminishes the appearance of the older areas because of the inconsistency. He feels a policy needs to be pursued. Councilmember Afman felt the annexation agreement addressed this.

Kathy Portner, Community Development Department, stated that the issue is a waiver of street infrastructure standards, but the Planning Commission placed a cap on the number of lots that they felt comfortable with for that lesser standard. She questioned if City Council needs to consider a cap on the number of lots since Planning Commission passed that on with their recommendation.

City Attorney Wilson explained Staff is recommending 4 units, but with a City street that meets standards. Staff might consider 8 units, in effect, if there were 38 feet. That would leave room for the recommendation of Staff saying that 12 units is unacceptable under any circumstance. The Planning Commission apparently disagreed, and felt 12 units is acceptable with a wider road at the intersection. At this point, the developer, until a final plan is approved, has no approved plan. He noted that site constraints will determine the number of lots, not the zoning.

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Mr. Logue agreed to work on a 38 foot, or equivalent right-of-way, that Public Works Staff feels will work, at 8 units, and bring back a reconfigured preliminary plat that indicates the 8 lots. He is willing to talk to the landowner to the north and report back to Council with a plan of how it will work.

Upon motion by Councilmember Bessinger, seconded by Councilmember Maupin and carried with Councilmember **AFMAN ABSTAINING**, this item was continued to September 7, 1994, at which time the developer will report back to Council with a reconfigured preliminary plan and a plan for securing the required right-of-way, subject to approval of Public Works Department.

**PUBLIC HEARING - ORDINANCE NO. 2765 CREATING SECTION 5-14, "HISTORIC PRESERVATION," IN THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE**

A hearing was held after proper notice. Kristen Ashbeck, Community Development Department, and Barbara Creasman, Downtown Development Authority Director, were present. There were no comments.

Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried by roll call vote with Councilmember **BESSINGER** voting **NO**, Ordinance No. 2765 was adopted, and ordered published.

**APPEAL OF A PLANNING COMMISSION DECISION TO DENY A REZONE REQUEST  
FOR LAND LOCATED AT 24 ROAD AND G ROAD FROM PRVR TO PHM -  
APPEAL DENIED**

A proposed rezone from PRVR (Planned Recreational Vehicle Resort) to PMH (Planned Mobile Home Park) for an approximately 32 acre parcel located at the northeast corner of 24 Road and G Road. The property is along the 24 Road corridor, which is expected to develop as the next gateway to the City. Staff recommends denial of the rezone request.

A hearing was held. Kathy Portner, Community Development Department, reviewed this item. The proposal is for a 230 unit manufactured home park on approximately 32 acres. The trend toward continued development both to the east and west of 24 Road indicates that there will be increased traffic along the corridor in the near future. There are plans for widening of 24 Road. Staff does not recommend a rezoning along the 24 Road corridor unless it was clear that it would be appropriate for the type of development that Staff expects along this corridor in the future.

Staff feels that residential development along the corridor is probably not the picture of the 24 Road corridor and recommends against the rezone. The Community Development Department, within the next year, will be embarking on a 24 Road corridor plan that will involve the property owners and the community in visualizing what this corridor may be in the future, how it should develop,

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coming up with the appropriate land uses, and some design standards so that the corridor is developed appropriately, similar to Horizon Drive. Staff feels the proposed rezone does not meet the rezoning criteria in that at this time no zoning changes should be made along the 24 Road corridor. Staff feels strongly that a rezoning to a manufactured home park or any other form of residential development is not appropriate for the corridor and, therefore, recommends denial. The Planning Commission also denied the request. The petitioner has appealed that denial. The current zone is a very specific zone for a specific proposal that was made approximately ten years ago for an RV park, with residents who live six months in this location and six months in another.

Ms. Portner stated that with 24 Road being a major connector from the interstate to the Mesa Mall commercial area, the traffic will increase. That type of traffic is not conducive to residential development. The traffic using that corridor will be tourists, business people using the interstate, people going to the regional park. Staff does not feel this area is a place for residential development. More residential development might be seen to the east of this corridor. The area west of 24 Road is more

industrial in nature and will continue to be so.

Those speaking in favor of the project were as follows:

1. Jeff Williams, representing the property owners, stated that their request is for the development of an upper class, seniors only (over 55), in accordance with the State and Federal regulations. He felt this change will address any concerns regarding overcrowding the area schools. This development will provide an appealing entrance to the 24 Road Corridor complete with city streets, sidewalks, landscaping and pedestrian pathways. This proposed park will have a recreational center for use and enjoyment of all the residents. It will have tennis courts, a spa area, an athletic workout area, and walking and jogging paths. There has been a significant change in the character of this area particularly due to the City's purchase of the Regional Park site. This proposed rezone would be compatible with the surrounding area. With commercial property bordering on the west, this development would act as a buffer and provide a visually appealing development. He felt this development would benefit low-income housing. This development does set a desired tone for development and will address issues extremely crucial to proper development such as access control, aesthetics, pedestrian/bicycle movement, and building setbacks, as well as half-road improvement agreements already in place for 24 and G Road. He feels a well developed site is much more appealing on the 24 Road Corridor than a commercial development. City Staff's recommendation to deny all zoning changes through 1995 seems unreasonable to the area property

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owners. Well-planned residential sites will be much more appealing than commercial development. There are currently enormous amounts of commercial property which is platted and vacant in this area. He felt quality residential developments, especially next to a city park, are much more compatible than commercial development, and therefore, requested City Council to reconsider this proposed rezone.

Council members stated that low-income housing is needed, but for families with children, not adult parks.

Councilmember Afman questioned the State and Federal regulations governing adult parks. She thought State and Federal laws prohibit discrimination by allowing inhabitants aged 55 and over only.

2. Stan Konrad, real estate broker, representing the developers for this project, stated in response to Councilmember Afman's question, that on January 7, 1994, an amendment was made to

the basic Discrimination Law of 1989. There are two exemptions currently. One is for 62 and over, and one for 55 and over without children. They're allowing the exemption to the familial status law. It is being reviewed at this time. It has to do with facilities, etc. So it is acceptable. The developer would have to comply with the amendment. Covenants would definitely include these restrictions because this will be designed as a mobile home park for seniors 55 and older without children.

3. Chris Joufflas, part owner of the property, urged Council to approve this project with whatever necessary modifications required. He stated that this is a top scale development. These developers have a good track record in this field, they are well financed, and with a sensitivity for the valley's problems. He complimented the City on its purchase of the property at 24 and G Roads having precluded another Horizon Drive from ever forming in that area. He feels this is a realistic use of this particular parcel when the tax base that will be created is considered. A need for housing will be met. If properly done, the development will have a minimal impact on the school system, and a positive impact on the tax base, both property and sales. The property is currently in the city, thus no need for annexation procedures.

Those speaking in opposition to the project were as follows:

1. Warren Jacobsen, owner of property to the north of this project. He purchased the 80 acres in 1960. He has seen a lot of trailer parks in the past as a public health official. He has not seen many with walking paths or other amenities. The parks deteriorate and become very low income. He stated they have become drug infested centers in Eagle County.

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He does not feel there is any way legally to keep people with children out of this development just because the developer says he is going to. He stated there have been several deaths at 24 and G Road. People driving at high speeds down G Road and trucks coming down 24 Road are problems. He thinks this is a beautiful piece of property and feels this development is strictly an exploitation for money. He is definitely opposed.

2. Patty Cronk, 1129 24 Road, is opposed to this project because of the impact on Appleton Elementary School. The petitioner says this is for seniors only. She questioned how the City can actually enforce the restriction. She stated that most homeowners associations are defunct or inactive. What assurance can be given that this mobile home park will be for

seniors only. She has prepared minutes for the Grand Junction Planning Commission and the Mesa County Planning Commission for the past year and one half, and she has heard developers promise everything and anything to commissions and boards. She stated that these are California developers and they do not care about Appleton Elementary or its students. They care about selling their mobile homes. She requested that Council not be misled by thinking that this development will end up being for seniors only once the rezone has been approved. She feels City Council should begin considering schools just like any other infrastructure regardless of what entity is in charge of financing that infrastructure. She stated that John Elmer, the Chairman of the Grand Junction Planning Commission, when the commission recommended denying this rezone, stated "If it were a full sewer line we wouldn't be allowing this. If it's a full school, to me, we shouldn't be allowing it either, just based on that." She feels that school capacities should be considered sufficient reason for denying a proposal. Granting this petitioner what amounts to a favor of a rezone would be putting this developer's attempt to maximize his profits ahead of the educational needs of an entire segment of the Grand Valley. She asked that Council deny this rezone request along with City Staff and the City Planning Commission.

3. Anna Maria Fuoco, 2467 H Road, has children at Appleton Elementary School, Fruita Middle School, and Fruita High School. Appleton School is over capacity right now. She stated that the School District has stated that they will not invest money for expansion of the school because it is so old. The septic system is as old as the school itself. A high density development in this area is unaffordable. She also was concerned about assurance that this mobile home park would remain a seniors only park. She requested that Council take the children into consideration and not approve this rezone.

4. Jan Henwood, Interim Superintendent for School District 51, also agrees with the concerns expressed by others of what guarantee is there that the park will remain for seniors only even if that was the agreement that Council would make. She stated that Lou Grasso has worked on developments and spoken before the Council in the past. Mr. Grasso sent Council a letter dated August 10, 1994, in which he addressed the capacity of the schools which would be impacted by this development. Her understanding is that the trailer park would have 230 units. Mr. Grasso, in trying to assess the projections for enrollment, has looked at Appleton West and



Fruita as the schools that would be impacted the most, and somewhat with Fruita Middle School. The current enrollment at Appleton Elementary is 253 students with an estimated projection of an additional 59 students, totalling over 300 students at Appleton. Some of those students are already being bussed to other schools. She elaborated on other overcrowded conditions of schools in the district. She would support Council's denial of this rezone. She noted that most developments develop over a period of time whereas a mobile home park as proposed can be built and full within four months, creating a huge impact on the schools almost immediately.

Councilmember Theobald asked Ms. Henwood what the school district is doing to solve the overcrowding problem. Ms. Henwood stated that the School District's position on growth and development is a neutral position. The District is not against development. They have been working with the Home Builders Association on an impact fee in order to get site acquisition. They will be calling on the City Council and County Commissioners in terms of helping the District. Currently the District is discussing with the Board of Education of going with a bond. The District feels it cannot go for a bond election until the current bond is paid off which will be 1996. So at each school the District is trying to address the growth concerns as what is best for that site, to do the best it can with alternatives such as year-round, trimester schedules or split schedules, according to what the parents will support, until such time as the bond election can be passed. Recently, the two special elections went down in defeat, therefore, the District must be very cautious in how it plans a bond election. The board has not taken a public vote. The Site and Facilities Committee must address all of the impact throughout the district. It would not matter where this trailer park was located because there is no where that the schools could support this type of development and impact. It is impossible. She feels that the only way the issue can be addressed is to go for a bond election.

Councilmember Baughman stated that the local taxpayers will need to be convinced that a bond issue is necessary. With the construction that is going on and the new houses, each one carries additional

revenue for School District 51. Referring to his property tax bill, he estimated 62% of the total of his property tax goes to School District 51.

Ms. Henwood confirmed that the local taxes go to the schools. It is a county tax and it goes to all the county schools. She offered to meet with Councilmember Baughman and show him that taxes collected will not build new schools when talking about 70

million dollars that is needed for schools. Ms. Henwood stated that School District 51 is at the bottom of school districts across the State in State funding. The local property taxes certainly do not compete. It is not enough, in terms of local property taxes, to meet the needs of building and meeting the growth. That much money cannot be collected.

5. Barbara Justice, 792 23-3/4 Road, a teacher at Fruita Monument High School, stated that her school is extremely overcrowded. As of today their enrollment is 1310 students. She is opposed to this rezone.

There were no other opponents, letters or counterpetitions. The hearing was closed.

Ms. Portner stated that the corridor plan would be completed mid 1995. Some data collection would take place this fall, including good mapping of existing land use, existing zonings, traffic counts on 24 Road, environmental constraints, and also working toward getting public involvement.

Upon motion by Councilmember Afman, seconded by Councilmember Bessinger and carried, the Planning Commission's denial of a rezone for land located at 24 Road and G Road from PRVR to PHM was upheld by Council.

**CONTINUED NEGOTIATIONS WITH MESA COUNTY COMMISSIONERS AND ORCHARD MESA AND GRAND VALLEY SANITATION DISTRICTS**

President of the Council Mantlo requested approval for the City Manager to meet with the Orchard Mesa and Grand Valley Sanitation Districts to resolve the current problems with requirements of powers of attorney to hook onto City sewer, etc.

Councilmember Theobold stated that given the history of these districts' extreme animosity towards the City and their propensity to sue for any frivolous reason, he is not optimistic about such discussions.

City Manager Achen stated that the latest issue is integrally tied to Mesa County's lawsuit. Any discussion with the special districts would be fruitless. The County appears to be saying it is suing the City, partly at least, on behalf of the special

districts. The special districts have told the City, in writing, they also intend to sue the City. The City has indicated to the special districts that if they don't stop improper behavior under the contract, the City will probably sue them. He does not see a solution with the City dealing solely with the special districts. He feels the County and the special districts would have to be

committed to dealing with the issue.

Consensus of the balance of Council was that negotiations have taken place over several months, to no avail, and did not recommend further discussion with the County. Aside from that, they gave approval for the President of the Council, the City Manager, and the City Attorney to meet one last time with the County Commissioners and the special districts showing that the City is making a final effort to resolve the situation.

#### **CLIMAX MILL NO. 2**

City Manager Achen reported that the County has approved the Inter-governmental Agreement for granting the City land use control for the Climax Mill Site Enclave for all issues other than the Department of Energy's Conditional Use Permit. He recommended that the proposed Climax Mill Enclave No. 2 Annexation be suspended. Council agreed.

#### **KANNAH CREEK PICNIC**

City Manager Achen announced the Kannah Creek Picnic to be held on Saturday, August 20, 1994, at Carson Reservoir, with property owners and water users in that area.

#### **ADJOURN TO EXECUTIVE SESSION**

Upon motion by Councilmember Theobald, seconded by Councilmember Maupin and carried, the meeting was adjourned into executive session at 9:54 p.m. to discuss pending litigation.

Stephanie Nye, CMC  
City Clerk