

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

October 5, 1994

The City Council of the City of Grand Junction, Colorado, convened into regular session the 5th day of October, 1994, at 7:33 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 Theobold led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Bruce Crowell, First Congregational Church.

PROCLAMATION DECLARING OCTOBER 16-22, 1994, AS "NATIONAL BUSINESS WOMEN'S WEEK" IN THE CITY OF GRAND JUNCTION

CONSENT ITEMS

Upon motion by Councilmember Theobold, seconded by Councilmember Bessinger and carried by roll call vote with Councilmembers **BAUGHMAN** and **BESSINGER** voting **NO** on Item 11, the following Consent Items 1-11 were approved:

1. **Approval** of the minutes of the Regular Meeting September 21, 1994
2. *** Resolution No. 88-94** - A Resolution Creating the Growth Plan Steering Committee and Appointing Members Thereto

Creation of the Growth Plan Steering Committee as recommended by the Freilich team to help address several critical issues to be included in the City's Growth Plan.

3. **Award of Bid** for the Purchase of a Replacement Street Flusher Truck - Recommended Award: Power Motive, Inc. for \$76,468

The following bids were opened August 17th for the replacement purchase of a diesel powered Street Flusher Truck:

	GrossTrade in		Net
Power Motive, Inc.	\$94,468	\$18,000	\$76,468
Mountain States Ford	\$95,377	\$10,150	\$85,227
Faris Machinery	\$95,377	\$ 5,000	\$90,377

The current single axle truck is continually overloaded. To eliminate this condition, specifications required a tandem

axle truck with a minimum 34,000 lbs. GVW rating. The upgrade cost an additional \$14,000. The shortfall will be covered

with funds left over from an earlier purchase and additional monies from the equipment fund.

4. **Approval** of a Sole Source Purchase of Four (4) Liquid De-Icer Tanks with Digital Spreader Control from Bristol Company in the Amount of \$18,100

Bristol is the only manufacturer of a de-icer tank that is compatible with the Component Technology electronic distribution system now equipped on seven snow and ice control trucks.

5. **Approval** of Change Order No. 1 to 1994 Curb, Gutter, and Sidewalk Replacement Project in the Amount of \$55,815.62

The original contract was awarded May 6, 1994 in the amount of \$172,028.55 to Fred Cunningham Construction with approval of a change order not to exceed \$36,475 for additional curb, gutter, and sidewalk replacement work to be added to the scope of the project. Approval for an additional \$19,340.62 is being requested, bringing the total change order amount to \$55,815.62.

6. **Approval** of Change Order No. 2 for the Addition of 15th Street Improvements to the United Companies Contract for 1994 Street Pavement Overlays in the Amount of \$64,406.75

This Change Order includes the replacement of sections of concrete drainage pan, pre-leveling and overlaying 15th Street between Winters Avenue and D Road.

7. **Authorization** to Expend \$25,000 in CIP Contingency Funds for the Installation of a New Automatic Sprinkler System, Renovation and Sodding of the Grass Infield at Sam Suplizio Field

The current sprinkler system was installed in the 1970's, prior to the installation of the warning track and most of the seating areas. The coverage from the system is not uniform in many areas of the outfield, and nonexistent adjacent to the metal stands down first base line where manual watering is required. The infield renovation is being done to remove the existing bad grasses and to remove the

heavy clay base which compacts, and cannot be watered or drained adequately. Total cost of the project is \$50,000 with JUCO paying \$25,000.

- 8. **Authorization** for the City to Quit Claim the 30' X 42.4' Parcel Located in the Vicinity of Blue Heron Road and 24 1/4 Road to Dillon Real Estate Co./City Market, Inc.

In November, 1987, Blue Heron Investors deeded to the City of Grand Junction a parcel of land in the Blue Heron Industrial Park Filing No. 2 which had been previously deeded to City Market. The City's Property Manager finds no purpose in retaining the parcel - it is not necessary for the use or benefit of Blue Heron or other City needs.

- 9. *** Resolution No. 89-94** - A Resolution Amending Resolution No. 44-89 By Providing for a Councilmember as a Voting Member of the Grand Junction Commission on Arts and Culture

The City Council representative currently is not a voting member of the Commission. This proposed resolution will amend the original resolution in order to correct that.

- 10. *** Resolution No. 90-94** - A Resolution Authorizing the Lease of City Property at 538 Ute Avenue to Jack W. Bish

The City purchased this property from Mr. Edwin M. Yeager on August 31, 1994. Mr. Bish leased the property from Mr. Yeager for parking purposes at a rental fee of \$150 per month, and proposes to continue this lease arrangement with the City for a period from October 1, 1994 until June 30, 1995.

- 11. *** Resolution No. 91-94** - A Resolution of the Grand Junction City Council Supporting the Efforts of the Committee for the Museum District to Create a Cultural District

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

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

PUBLIC HEARING - APPEAL OF PLANNING COMMISSION DENIAL OF A REZONE REQUEST FOR GRAND VALLEY NATIONAL BANK AT 925 N. 7TH STREET FROM RMF-32 TO PB (PLANNED BUSINESS) - PROPOSED ORDINANCE - CONTINUED

TO OCTOBER 19, 1994

Upon motion by Councilmember Theobald, seconded by Councilmember Bessinger and carried, this item was continued to October 19, 1994 as the attorney for Grand Valley National Bank is out of town.

PUBLIC HEARING - ORDINANCE NO. 2775 VACATING A PORTION OF GLENWOOD AVENUE BETWEEN PALISADE AND PALMER STREETS

A hearing was held after proper notice. Kristen Ashbeck, Community Development Department, reviewed this item. She stated that this vacation is proposed by Habitat for Humanity, property owner of the northeast corner of Palmer and Glenwood. They would like to vacate that portion of Glenwood, the entire right-of-way width, between Palmer and Palisade Street on Orchard Mesa. It will create a more developable piece of land which is now constrained by a drainage way that crosses the northern one-third of the property. There have been no objections from the three other property owners that will obtain some property from this vacation. All of the utility companies have requested that the entire width be retained as a utility easement. A pedestrian easement path has also been retained. The Planning Commission recommends approval. The Public Works Department does not feel the right-of-way will be needed in the future.

There were no other comments. Upon motion by Councilmember Afman, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2775 was adopted, and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2776 AMENDING SECTIONS 2-1-1, 4-13 AND 9-2-1 OF THE ZONING AND DEVELOPMENT CODE PERTAINING TO SITE PLAN REVIEW

A hearing was held after proper notice. Tom Dixon, Community Development Department, reviewed this item. The amendment would add language to the Site Plan Review. Site Plan Reviews are required for any development in the City other than single-family residences. Change of uses also require Site Plan Review when the new use falls in a category different than the existing or previous use. They are required for site improvements. The Site Plan Review is part of the SSID manual. It is not currently a part of the Zoning and Development Code. The proposed language would clarify the Code as to when site plan reviews are required, important from the legal and administrative standpoint. The amendments are as follows:

1. Add Site Plan Reviews under Section 2-1-1, listing Site Plan

Reviews as a type of development approval requiring prior approval;

2. Add Site Plan Reviews to Chapter 4 of the Zoning and Development Code, specifying what is required for a submittal, any approval criteria associated with the review, and any standards that must be satisfied with an approval. Including the Site Plan Review in Chapter 4 would be consistent with the current layout of the Zoning and Development Code;
3. Reference to Site Plan Review to be added to Chapter 9, covering requirements for a building permit. It should be specified that Site Plan Reviews are required for all development with the exception of single-family residences. This can be achieved by adding language to the existing subsection 9-2-1A.

The Planning Commission and Staff recommends approval of the proposed language covered in the amendments.

Mr. Dixon stated that the current fee for a Site Plan Review is \$100, with a two-week review period. If a single-family residence is built in a single-family zone there are certain standards that must be met, set-backs, lot coverage, etc. This can be handled over the counter through a normal planning clearance system. Community Development would like the ability to review a proposal if it is anything more than a single-family residence. A single-family development, in any zone that allows it, would be exempt from a Site Plan Review. A single-family building on a multi-family zone would not require a Site Plan Review.

There was extensive discussion on the requirement for Site Plan Review in a Planned Residential Zone. Since some plans have expiration dates and some do not, proposals for development in those zone districts would have Site Plan Review determined on an individual basis.

There were no other comments. Upon motion by Councilmember Tomlinson, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2776 was adopted, and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2777 ZONING THE HOLLAND ENCLAVE ANNEXATION LOCATED AT 112 POWER ROAD TO C-1 (LIGHT COMMERCIAL)

A hearing was held after proper notice. This item was reviewed by Kathy Portner, Community Development Department. The property at 112 Power Road is surrounded by Commercial Zoning. Staff

recommends approval of this zoning. City Attorney Dan Wilson stated that the City can legally change a County zone on annexed property. In most cases the City zones such properties the same zone as when it was in the County.

There were no other comments. Upon motion by Councilmember Theobald, seconded by Councilman Baughman and carried by roll call vote, Ordinance No. 2777 was adopted, and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2778 REZONING FROM PR-17 TO PR-8.5 PROPERTY LOCATED AT 2245 NORTH 15TH STREET, CITY OF GRAND JUNCTION - REQUEST BY STEVE STAR FOR WAIVER OF DEVELOPMENT REVIEW FEES DENIED

Mr. Steve Star is requesting a refund of the \$740 fee he paid for the review and approval of his proposed triplex in a Planned Residential (PR-17) zone. He cites the unnecessary nature of the review since he is proposing density significantly less than what was approved in 1982 (10 individual lots).

A hearing was held after proper notice. This item was reviewed by Tom Dixon, Community Development Department. In 1982, this property was zoned RSF-8. A proposal came in for a 10-lot subdivision which was never platted, and has since become null and void. Staff recommends a zone of PR-7 which would allow the proposed triplex and a future fourth unit. In considering this zone, Staff considered how the development would fit on the site, and how additional units could fit on the site without compromising some of the elements of this property that the petitioner feels is very valuable:

1. The retention of existing trees;
2. The desire to keep low-level reduced density in the area;
3. Low scale building profiles.

The Planning Commission, in approving the triplex, would allow up to two additional units if the applicant or future property owner would go through a Site Plan Review process in the future. Staff is recommending that the property be rezoned from PR-17 to PR-7. The Planning Commission recommends a rezone to PR-8.5. The additional one unit would require a Site Plan Review in the future in order to evaluate how it would fit on the lot, setbacks, parking, etc.

Mr. Dixon continued that Staff is concerned with the possible

removal of trees, and also access to the property. There is a bridge on 15th Street, northeast of the property with a rise in the roadway at that location. There is a blind spot coming out onto 15th Street. An additional requirement was made that there be a common access agreement made between Mr. Star and the condominium units to the south for shared access. Mr. Dixon identified on the plat an undefined drainage easement, and an unrecorded easement for Grand Valley Canal.

The Planning Commission, Fire Department and the Traffic Engineers reviewed the map showing the shared driveway and found the width of the driveway to be acceptable. The driveway is to be shared by the three units and the property to the south.

Mr. Dixon explained that the difference between the PR-7 zone and a PR-8.5 is the PR-7 zone would allow the triplex plus one additional future unit. The PR-8.5 would allow two additional units. Staff feels that one additional unit would fit on the lot and still retain the trees, would be agreeable to the condominium to the south, and fit more into the character of the area. Staff feels that two units on the lot, in addition to the triplex, would begin compromising some of the amenities. Adding a second unit would result in a site with much more building than trees and other vegetation with a compromised site. The difference between PR-7 and PR-8.5 would be four units versus five units.

City Attorney Wilson stated that there have been situations where the City has said that a particular zone will work if site constraints will allow it to work. If trees on this lot are a site constraint, then the approval could be a zone of PR-8.5 depending on how creative the applicant is with the plan.

President of the Council Mantlo felt it was difficult to determine which zone is appropriate without a plan submitted that can be reviewed showing all the proposed units.

It is difficult for Staff to know how much to leave undefined. City Manager Achen suggested making a PR-8.5 Zone subject to whatever Staff feels is important such as meeting some type of setback requirements, not removing certain trees.

Mr. Dixon explained that a normal requirement for a straight zone would be a 5 to 7 foot setback. The Planned Residential (PR) Zone provides no guidance. In some cases there are certain site constraints that would justify reducing the 5 to 7 foot requirement. Mr. Star is being allowed a setback of five feet to the north, two feet to the west. Mr. Dixon stated that Staff is

attempting to keep this item from going back through the process again, and to simplify and accommodate an infill project. Mr. Star will not have to come back for one additional unit.

Steve Star, 2824 Orchard Avenue, stated he is requesting a rezone of 8.5 on his property. He also addressed the issue of the trees on the property and the irrigation and drainage systems.

Upon motion by Councilmember Theobold, seconded by Councilmember Baughman and carried by roll call vote with Councilmember **BESSINGER** voting **NO**, Ordinance 2778 amended to approve the rezone from PR-17 to PR-8.5 for property located at 2245 North 15th Street, as per the recommendation of the Planning Commission, was adopted.

Request for Waiver of Development Review Fees from Steve Star

Tom Dixon, Community Development Department, did not recommend a reduction or waiver of the \$740 Site Plan Review fee as he did spend time on the site review, and felt it was unfair to other applicants who have paid the fee. Mr. Star was made aware of additional fees related to development such as the Open Space fee (\$225/unit), the TCP fee (\$400/unit for triplex), associated fees with sewer taps and water taps.

Councilmember Theobold felt that an incentive for infill development within the City could be a type of waiver reduction of the transportation fee or a tap fee. He feels Council needs to explore some options regarding infill incentives.

Councilmember Tomlinson felt this is a unique situation and suggested waiving one of the fees on the additional units that may or may not be built at a later date. City Manager Achen stated that the issue is how much Council wants to compromise fees. All fees have been calculated on a basis of what each user should contribute for that section of infrastructure. There is also a need to have a policy that is equitable between property owners.

Councilmember Tomlinson feels the site-plan review fee is an appropriate fee. He is looking for other places where an incentive can be provided for such infill development.

Councilmember Theobold suggested that the waiver of the review fee not be granted, but pursue the infill development incentive in the course of the other planning work that will be accomplished over the next twelve months.

Mr. Star stated that he is encouraged by Council's discussion of giving incentives to attract infills and downzoning projects.

Upon motion by Councilmember Tomlinson, seconded by Councilmember Bessinger and carried by roll call vote, the request from Steve Star for waiver of Development Review Fees was denied.

CONTINUATION OF PUBLIC HEARING ON ORDINANCE NO. 2772 AMENDING SECTION 5-1-4 AND SECTION 12 OF THE ZONING AND DEVELOPMENT CODE, CONCERNING THE SURFACING OF VEHICULAR TRAFFIC AREAS - CONTINUED TO OCTOBER 19, 1994

SCHOOL BUILDING IMPACT FEE

Councilmember Baughman discussed the status of a possible School Building Impact Fee. He is concerned that the only alternative to such an impact fee would be an increase in property taxes. Councilmember Maupin reported that on October 4 the School District presented to Mesa County a School Impact Fee. The use of that fee is for acquisition of land only. The amount of the fee is \$335 per residential unit and is not going to build schools, hire new teachers, or solve the school overcrowding problem.

Councilmember Baughman would like to see some figures showing the revenue that is received by the School District on new construction, along with the additional impact fee, in order to compare that amount to how much is needed to construct new schools.

PETITION REGARDING ANNEXATION (DARLA JEAN NO. 1 AND NO.2)

City Attorney Wilson stated that he has reviewed the petition for annexation election on Darla Jean No. 1 and No. 2 which was filed by John Davis on October 5, 1994. He said in his opinion it is of no legal import.

ADJOURNMENT

Upon motion by Councilmember Theobald, seconded by Councilmember Maupin and carried, the meeting was adjourned at 9:21 p.m.

Stephanie Nye, CMC
City Clerk