

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

January 4, 1995

The City Council of the City of Grand Junction, Colorado, convened into regular session the 4th day of January, 1995, at 7:35 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, Ron Maupin, John Tomlinson, and President of the Council Pro Tem Reford Theobold. President of the Council R.T. Mantlo was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Pro Tem Theobold called the meeting to order and Councilmember Tomlinson led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. John E. Pruett, Monument Baptist Church.

UPDATE ON MAYOR R. T. MANTLO

President of the Council Pro Tem Theobold reported that Mayor R. T. Mantlo is still recovering from pneumonia. He is much better. His doctor is allowing him to be out of his home during the day, but not in the evening.

CONSENT ITEMS

Upon motion by Councilmember Maupin, seconded by Councilmember Bessinger and carried by roll call vote, the following Consent Items 1-8 were approved:

1. **Approving** the minutes of the Regular Meeting December 21, 1994
2. **Authorizing** a Sole Source Purchase of an AUTOSCOPE 2003 Video Vehicle Detection System from Western Signal, Inc., for \$36,185.00

Western Signal of Lakewood is the regional sales representative for Econolite Products. Econolite Control Products, Inc., is the sole manufacturer of a wide-area vehicle detection system which uses video imaging to replace inductive loops (imbedded) in multiple lanes and multiple directions of traffic. This system will be used to update equipment and enhance safety conditions at the intersection of 29 and F Roads.

3. *** Resolution No. 1-95** - A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings

In 1991, the Open Meetings Law was amended to include a

provision that requires that a "local public body" annually designate the location of the public place or places for posting notice of meetings and such designation shall occur at the first regular meeting of each calendar year (24-6-402(2)(c) C.R.S.). This resolution complies with the statutory requirement. The location designated is the glassed-in bulletin board outside the 520 Rood entrance of City Hall.

4. *** Resolution No. 2-95** - A Resolution Establishing a Fee for Applications for Change in Location for Retail Beer and Liquor Licenses

An application fee for a Change in Location of a retail liquor or beer outlet was not previously established. The State charges a \$100 fee. The same fee is being proposed for the City.

5. *** Resolution No. 3-95** - A Resolution Adjusting the Terms of the Interfund Loans from the General Fund to the Tiara Rado Golf Course Fund

Based on the current financial condition of the Tiara Rado Golf Course Fund, and the reduction of rounds played in 1994 and projected into the future, the Parks & Recreation Director has requested the extension of these loans at the same interest rate.

6. *** Resolution No. 4-95** - A Resolution Authorizing the Use of Undergrounding Funds for 28-1/4 Road from North Avenue to Orchard Avenue

28-1/4 Road from North Avenue to Orchard Avenue is to be reconstructed in 1995. Part of the project is to convert the overhead power facilities to underground. As required by the franchise agreement with PSCo, a Council resolution is required to utilize the undergrounding funds for this purpose.

7. *** Resolution No. 5-95** - A Resolution Establishing 1995 Fees and Charges Policy for the Grand Junction Parks and Recreation Department

The Parks and Recreation Department fees have been adjusted approximately 3%. The 1995 fees include notable modifications at Two Rivers Convention Center, Lincoln Park Auditorium and the Cemetery. A recommendation regarding golf

course fees and charges will be forwarded in the near future.

8. *** Resolution No. 6-95** - A Resolution Authorizing the Issuance of a Revocable Permit to Allow Installation of a Sewer Service Line across City-owned Property adjacent to the Property Located at 2980 F Road [File #221-94]

The leach field for the individual septic system on the property at 2980 F Road recently failed. The Health Department has given the owner, Helen Bowling, 30 days to resolve the matter. The property is within 400 feet of an existing sewer system, thus, by current law, the residence must be hooked up to the system. The least costly way of doing this is for the property owner to install a service line from the system in the Ox-Bow Subdivision to the west of her home. This will entail a crossing of the City-owned property adjacent to her (the future Burkey Park).

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - ORDINANCE NO. 2791 - AN ORDINANCE SUBMITTING TO THE ELECTORATE OF THE CITY OF GRAND JUNCTION THE QUESTION OF SALE OR TRADE OF CERTAIN LANDS OWNED BY THE CITY

Council is being asked to declare certain City owned lands as surplus and not necessary for governmental purposes. The lands being considered consist of approximately 80 acres of vacant land commonly known as the Berry Park property located west of 24 Road and south of the Mainline of the Grand Valley Canal, approximately 471 acres of vacant land located south of Whitewater and west of U.S. Highway No. 50, and the property formerly used as Fire Substation No. 2 located at 1135 North 18th Street. If the ordinance passes, the City electorate will be asked to approve the sale or trade of these properties at the April 4, 1995 municipal election.

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Tomlinson, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2791 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2792 - AN ORDINANCE AMENDING ARTICLE IV, EMERGENCY MEDICAL SERVICES, SECTIONS 18-90 AND 18-94 OF THE CODE OF ORDINANCES

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Afman, seconded by Councilmember Tomlinson and carried by roll call vote, Ordinance No. 2792 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2793 - AN ORDINANCE VACATING A DRAINAGE RIGHT-OF-WAY BETWEEN 27 ROAD AND MOUNTAIN VIEW STREET NORTH OF SUNSHINE LANE [FILE #184-94]

A hearing was held after proper notice. Mr. Fred Kaufman, 747 Golfmore Drive, owner of the rental property (4 duplexes) on the north side of the drainage ditch, stated that if the right-of-way on the south side of the ditch is vacated, all the trespassing will cross his property causing problems for him and his tenants.

There are also students getting off the bus in that area and using the right-of-way.

Kristen Ashbeck, Community Development Department, stated that the foot traffic and motorized traffic has led to the petition to abandon the right-of-way. She does not feel the irrigation company would be opposed to fencing the ditch if there are gates installed for access by the irrigation company. Property owners along Sunshine Lane have signed a petition circulated by Jim Bonnell for the vacation.

Mr. Jim Bonnell, 2762 Sunshine Lane, was concerned about vandalism in the area, kids traveling up and down the right-of-way, causing dogs to bark late at night. His bedroom window has been shot out by BB guns, and he has replaced the glass three times. Gravel has been placed in gas tanks. Rocks have been thrown at dogs causing high veterinarian bills.

Mr. Bonnell stated that the right-of-way was plotted off of Cox Subdivision and off of Mountain View Subdivision as an easement for utility purposes. Mr. Bonnell wants to take control of the ditch and then post it as "private property" at each end.

President of the Council Pro Tem Theobald stated that the only option would be to give the property owners ownership of the land so they can take whatever steps necessary.

Mr. Kaufman stated that kids are still clearing the 4-1/2 foot fence to the east of his property. He cannot fence his property unless he fences off Redwood Court. It would help if access could be completely closed to the east.

City Attorney Dan Wilson stated that because the irrigation companies haven't asserted title interest, and the property owners attempted a dedication when the subdivision was filed, the assumption is that the City was the receiving entity of the dedication. Normally, dedicatory language will dedicate to a specific entity. He stated that short of formal vacation, would be granting the property owners permission to try to exercise ownership up to the centerline of the ditch through a revocable permit.

Councilmember Tomlinson suggested placing this property back into the hands of the property owners, and allowing those property owners as much flexibility as possible to collectively solve their problems. Until the property is deeded to someone or some entity, it will be difficult to solve the problems associated with this right-of-way.

City Attorney Dan Wilson stated that there was some discussion by Staff regarding a pedestrian linkage. The discussion took place before Staff was aware of the problems confronting the property owners. The conclusion by the Staff was that because it did not connect further east, it would not solve the problem. He stated that Staff was never aware of this issue until the area residents brought it to the attention of the City's Planning Staff.

There were no other comments. Upon motion by Councilmember Tomlinson, seconded by Councilmember Maupin and carried by roll call vote with Councilmembers **AFMAN** and **BESSINGER** voting **NO**, Ordinance No. 2793 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2794 - AN ORDINANCE AMENDING SECTION 5-10-3 OF THE ZONING AND DEVELOPMENT CODE PERTAINING TO AGRICULTURAL ANIMALS IN RESIDENTIAL ZONE DISTRICTS [FILE #1-94(V)]

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. 2794 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2795 - AN ORDINANCE AMENDING SECTION 10-1-1.D OF THE ZONING AND DEVELOPMENT CODE CLARIFYING REVIEW PERIOD AND HEARING SCHEDULING FOR THE BOARD OF APPEALS [FILE #1-94(W)]

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Baughman, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2795 was

adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2796 - AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2718 ZONING PARADISE HILLS #7 RSF-5 [FILE #50-93]

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. 2796 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2797 - AN ORDINANCE ZONING LANDS RECENTLY ANNEXED TO THE CITY OF GRAND JUNCTION, CODY SUBDIVISION, TO PLANNED RESIDENTIAL (PR-4.4) FILE #201-94]

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Tomlinson, seconded by Councilmember Bessinger and carried by roll call vote, Ordinance No. 2797 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2798 - AN ORDINANCE ZONING LANDS RECENTLY ANNEXED TO THE CITY OF GRAND JUNCTION, NEW BEGINNINGS SUBDIVISION, TO PLANNED RESIDENTIAL (PR-3) [FILE #202-94]

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Baughman, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2798 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2799 - AN ORDINANCE ZONING LANDS RECENTLY ANNEXED TO THE CITY OF GRAND JUNCTION, SCOTT'S RUN SUBDIVISION, TO PLANNED RESIDENTIAL (PR-3.3) [FILE #203-94]

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. 2799 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2800 - AN ORDINANCE ZONING LANDS RECENTLY ANNEXED TO THE CITY OF GRAND JUNCTION, DEL MAR SUBDIVISION, TO PLANNED RESIDENTIAL (PR-3) [FILE #204-94]

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Afman, seconded by Councilmember Tomlinson and carried by roll call vote, Ordinance No. 2800 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2801 - AN ORDINANCE ZONING PORTIONS

OF THE DARLA JEAN ANNEXATIONS 1 AND 2 PAD, RSF-R, RSF-1, RSF-4, RSF-5, PB AND PZ [FILE #13-94]

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Baughman, seconded by Councilmember Afman and carried by roll call vote, Ordinance No. 2801 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2802 - AN ORDINANCE AMENDING ORDINANCE NO. 2765 CREATING SECTION 5-14, HISTORIC PRESERVATION, IN THE ZONING AND DEVELOPMENT CODE [FILE #1-94 AA]

This is an amendment to the Zoning and Development Code to revise the number of members appointed to the Historic Preservation Board.

A hearing was held after proper notice. It was explained that there are no other amendments to the ordinance other than membership. There were no other comments. Upon motion by Councilmember Maupin, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BESSINGER** voting **NO**, Ordinance No. 2802 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2803 - AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - GRISIER-RITTER ANNEXATION, APPROXIMATELY 12 ACRES, LOCATED AT 698 25-1/2 ROAD [FILE #183-94]

A hearing was held after proper notice. There were no comments. Upon motion by Councilmember Tomlinson, seconded by Councilmember Baughman and carried by roll call vote with Councilmember **BESSINGER** voting **NO**, Ordinance No. 2803 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2804 - AN ORDINANCE ZONING A PARCEL OF LAND KNOWN AS THE GRISIER-RITTER MINOR SUBDIVISION TO RSF-1 [FILE #183-94]

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 with Councilmember **BESSINGER** voting **NO**, Ordinance No. 2804 was adopted and ordered published.

PUBLIC HEARING - ORDINANCE NO. 2805 - AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - WILLOW RIDGE ANNEXATION, APPROXIMATELY 4.5 ACRES, LOCATED ON THE NORTH SIDE OF

HIGHWAY 340, SOUTH OF THE REDLANDS CANAL AND EAST OF MAY'S
SUBDIVISION [FILE #149-94]

A hearing was held after proper notice.

Mr. Craig Roberts, Ciavonne & Associate, 844 Grand Avenue, asked when the zoning would be applied. City Attorney Dan Wilson stated that it will be effective within 90 days of annexation according to the State Statutes.

There were no other comments. Upon motion by Councilmember Afman, seconded by Councilmember Maupin and carried by roll call vote with Councilmembers **BAUGHMAN** and **BESSINGER** voting **NO**, Ordinance No. 2805 was adopted and ordered published.

PUBLIC HEARING - APPEAL OF DENIAL BY PLANNING COMMISSION FOR
PRELIMINARY PLAT AND PLAN REVIEW FOR 16-LOT SUBDIVISION (WILLOW
RIDGE) LOCATED ON THE NORTH SIDE OF HIGHWAY 340 BETWEEN EAST
MAYFIELD DRIVE AND THE REDLANDS CANAL [FILE #190-94]

The applicant is Kenneth L. Schmohe, the property owner is Oliver Frascona. Willow Ridge Subdivision was first reviewed before the Grand Junction Planning Commission in October, 1994. The proposal was a 19-lot detached, single-family residential subdivision. The Planning Commission voted to deny the proposal by a vote of 5-0, based on concerns over drainage, traffic safety onto and off of Highway 340, the proposed density, lot configurations, proposed setbacks (0 side yard on one side of each lot), the carrying capacity of the site, street circulation, and neighborhood compatibility with the May's Subdivision to the west.

The second proposal for Willow Ridge Subdivision was reviewed by the Planning Commission at its December, 1994, meeting. The second proposal was for a 16-lot subdivision with both attached and detached, single-family residential development. The Planning Commission vote was 3-3, based on continuing concerns over traffic safety onto and off of Highway 340 and the need for a deceleration lane, the proposed density, lot configurations that had disproportionate length to width ratios, and the carrying capacity of the site.

A hearing was held after proper notice. President of the Council Pro Tem Theobald announced that City staff will give an overview of the proposal and what the issues are, then a representative of the applicant will make a presentation, followed by anyone wishing to speak in support of the application, followed by anyone who would like to speak in opposition to the application, followed by

an opportunity for rebuttal by a single member of the applicant's proposal, then the hearing will be closed. He requested that testimony be concise and any duplication of opinions be restricted to a statement of "I agree with the previous comments", or "for" or "against," etc.

Tom Dixon, Community Development Department, stated that the site is approximately 4.5 acres in size with a proposal of a 16-lot subdivision. He referred to three plats showing three alternatives. Staff has identified the following issues as the basis for the Staff recommendation of denial:

Staff feels that the 16-lots proposed are a strain on the site. In 1987 the County approved 22 townhomes for this site. There was not adequate consideration at that time for the site to handle that type of development. The fact that it was never developed to that density speaks to some problem with that proposal. Staff feels, giving the site constraints, site configuration and other limitations, that somewhere between 10, 12 or even 13 lots could fit with a well configured subdivision. The 16 lots, as proposed, is not a good design, and is not supported by Staff. Lot configurations are a big concern. Most of the lots are very long and narrow. If this was developed, there would be a street scape that would have nothing but a series of driveways that would go back to connect with the houses, so the street scape would be barren of anything other than the asphalt and a series of driveways going back to service the residents. That is not conducive to developing a good neighborhood, especially in a situation where the area is fairly isolated. Something is needed to create cohesion for a neighborhood. Staff does not feel that the lot configurations, with the disparity between the lot depth and lot width ratios, is conducive to that type of neighborhood development. The adjacent Mays Subdivision is a good illustration of where lot width and lot depth ratio is very close to each other. Staff does not feel that the three alternatives for Willow Ridge Subdivision will promote that type of development.

Mr. Dixon continued that another issue is the zero side yard setbacks. The petitioners have argued extensively that they want this type of development. They think that the narrow lots, as proposed, are conducive to that type of development. Mr. Dixon countered with the fact that zero side yard setbacks are needed in this instance, and speaks to the fact that there is very poor layout on that ratio of lot depth to lot width. If more conventional types of lots were created in this situation there would be no need for a zero side yard setback. The petitioners argue that they want to create a zero side yard setback on one

side so they can take advantage of a corresponding greater side yard setback on the other side. There is sufficient area on this parcel where adequate open space in a back yard or even a side yard could be obtained using a conventional setback and not having to rely on zero side yard setbacks. Staff is also concerned that there may be issues involved such as maintenance conflicts between residents that could involve the City. Based on all of these reasons, Staff is not supportive in this instance of the zero side yard setback. Zero side yard setbacks do work in attached housing developments, but in this development, zero side yard setback cannot be supported by Staff.

Staff is also concerned with the slopes on the site. They reduce the site by 25% to 30% of buildable area. Staff believes that the carrying capacity of this particular property is not conducive to 16 lots, but more to 10-13 lots. The petitioners submitted a site plan at the second pre-application conference which showed 12 lots in a very nice configuration on this parcel.

The zoning is currently PR-4 under Mesa County. The petitioners are proposing a zoning of PR-3.5. Staff's opinion is that the PR-4 zoning under the county should not dictate the amount of density that is allowed on this site when Staff does not feel that the site has the ability to handle the density and development that is being proposed.

The petitioner had originally recommended 23-foot front yard setback. Staff recommended that those be moved up to 15 feet for the building itself, and 20 feet for the garage. The purpose is to bring the houses closer to the street encouraging a neighborhood concept.

The petitioner is interested in creating an entry feature. He would like a visual connection with Broadway (Highway 340). There will be some engineering work done on this area, upon approval.

Staff is very supportive of infill development. This is an example where Staff would like to see infill development. This site is close to the downtown, it is undeveloped, it can get services. On the other hand, infill development must be considered carefully at the expense of having quality development accompany it. That is why Staff is supporting a 12-lot development on this parcel.

The petitioner is requesting a Planned Residential development using the Planned Residential Zone, not a straight zone. Mr. Dixon stated that it comes down to the issue of when does infill

become an asset, as opposed to a liability. That is where the creation of good quality development is essential to future development.

Traffic along Highway 340 and how it would access any potential development on this site, as well as the Mays Subdivision, was also a concern. The Mays Subdivision has an acceleration lane coming off of the subdivision going east to the downtown area. The access from this subdivision would come out right where that acceleration lane ends along Highway 340. Mr. Dixon said a deceleration lane would be needed to access this property coming up the hill from the downtown area. Although the Colorado Department of Transportation did not require a deceleration lane in the permit for this parcel, they would support any City recommendation that a deceleration lane be imposed as a condition of approval.

Mr. Dixon still feels that neighborhood compatibility remains an issue. This is an excellent opportunity for the City to create a high quality type of development, very visible from Highway 340. It is going to be an area that is very prominent from the downtown area and other parts of the City. Any development there is going to make a statement for the City. He feels the City should expect a high quality development on that parcel.

Staff is recommending that Council support the Planning Commission denial of this petition, and hopes that the petitioner will come back with a redesign of the proposal with 12-13 lots that would be more fitting to the site and would meet many of the criteria that has been outlined, and will promote good development within the City.

Public Works and Utilities Director Jim Shanks is a professional engineer and has worked in the field of traffic for approximately twenty years. He addressed the volume of traffic on Highway 340, the speed, also the volume of turning traffic. Sixteen lots will produce approximately 160 trips per day, with 16 occurring at the peak hour (4:30 to 5:30 p.m.). Staff feels that a deceleration lane would be warranted for this site. The developer should bear the cost of acceleration and deceleration lanes.

Mr. Dixon stated that Staff had suggested that the petitioner talk to the residents of Mays Subdivision to see what they would support, what kind of density, the style of density, etc. That never occurred. As infill occurs, dialogue is necessary regarding the impact on surrounding neighbors.

Mr. Craig Roberts, Ciavonne & Associates, spoke in favor of the development, presented copies of the maps for the record, and discussed the slopes on the site. Mr. Roberts addressed the following Staff review comments and the basis for denial:

1. Density issue: The comments on the final Staff review on the initial proposal dated September 27, 1994, state "the actual development density is not as much an issue as the allocation of that density. The creation of 19 separate lots on 19 individual parcels is a strain on this site. A cluster development would alleviate many of these impacts." Mr. Roberts stated that the proposal at that time was denied, and they were told that density was not an issue, that it was the way that the units were applied to the site. It was Mr. Roberts' opinion that Staff preferred an attached unit, and was opposed to these detached units as proposed. The developer considered this as an option, and included four units that are attached, one on the east and one on the west at the cul-de-sac. The developer would prefer the detached units proposed for the following reasons:
 - a. The shared wall is detrimental to privacy due to sound transmission and is a major complaint in any attached housing scenario.
 - b. In terms of a shared wall and a mirrored floor plan, the shared wall forces the opposing wall to face the adjacent unit's windowed wall, forcing the use of a screening material, whether it be a fence or a shrub, or both, to provide privacy and to allow the use of a side yard.
 - c. With a two-story unit, the privacy is even more difficult.
 - d. The advantage to zero lot line detached units is the wall placed on the lot line is defined as a privacy wall facing the adjacent unit's windowed wall.
 - e. The petitioners are proposing that the units in any of the three alternatives have zero lot lines with a 15-foot side yard setback and not a shared wall. Mr. Roberts feels that City staff is arguing for a common wall development. He stated that the City proposed a common wall development when he had proposed 19 units in September. He came back with the 16 unit scenario, thinking he had addressed that, and still sees a

request for denial with the emphasis not being on the configuration of the units, but the emphasis now being on the density.

President of the Council Pro Tem Theobald stated that the basis of the denial by Staff and Planning Commission seems to be based on density, acceleration and deceleration lanes, and setbacks, including front yard and side yard. These issues seem to be the real essence of the denial.

Mr. Roberts continued that Mr. Dixon is adamant that a zero lot line with a 15-foot side yard setback will not work. Mr. Roberts is trying to explain how it does work and it works in favor of the project.

2. Lot width to lot depth issue: Mr. Roberts stated that he is willing to move the rear lot line in to any acceptable lot depth that Mr. Dixon wishes. He has offered a fourth alternative that brings the lot depth down to 160 feet which gives a 3.55 lot width/lot depth ratio.

Mr. Oliver Frasca, 1910 Stoney Hill Road, Boulder, Colorado, owner of the subject property, also spoke in favor of the development. He addressed the concerns of the residents of Mayfair by conducting a demonstration with City Council participation. Mr. Frasca will have to bring the sewer a great distance to his property at significant cost. He must also bring an 8" water line to the property for fire protection. He must take this site and have all the units have the nicest possible yard with the least amount of disturbance to the neighbors as possible, with the maximum amount of view, and try to get every site a southern exposure, rather than some people being stuck with a northern exposure. He agreed that an acceleration/deceleration lane is needed for this project. All of these amenities are costly. He wants to build something that he can be proud of. He has tried to develop so that the houses would sit up with a nice view, there would be a greenbelt area that goes down a gentle slope. He does not plan to build houses on the edge of the steep slopes. He plans to build the houses as close to the front of the property as he can so there is a nice back yard that can be nicely fenced, and safe for everyone that lives there. He is hoping the Ute Water and the Mayfair residents will help pick up some of the costs of these amenities.

Mr. Frasca went to Planning Commission and 19 units did not work. He went to Planning Commission again with 16 units and

there was a tie vote of 3-3. He feels he cannot go with 12 units and make the site work economically. He would like to be able to develop the site and break even, and perhaps make some money on the houses, but he is not going to make any money on the ground. His lot cost, when finished, will exceed everything on the market. He would like to be able to build a house for \$120,000 to \$125,000.

Mr. Dale Cole, 2102 N. 1st Street, Grand Junction, real estate broker, stated he feels there will be no problem getting people to buy in this development. He feels that the planned architecture of this development will be aesthetically pleasing to the area.

Mr. Lloyd Mabrey, 412 E. Mayfield in May's Subdivision, spoke in opposition to this development. He stated that this is the third time he has met on this proposal. Mr. Mabrey submitted a news-letter for the record from the City of Grand Junction dated December, 1994, explaining annexation. Mr. Mabrey is totally in favor of Staff's recommendations. He feels Staff has brought out all of his points of concern, and has given the developer every opportunity to make this project work. He feels the developer is requesting that the City allow him to build, compromising quality, so he can make a profit. Many others have considered purchasing this piece of property and have found that it is not feasible because of its shape and topography. He feels this has been poor planning on the part of the petitioner. Mr. Mabrey stated that he has been fighting this zoning for 20 years, and now asks Council to support City Staff's recommendation, and that when this property is annexed to the City, that it be zoned for 10 single-family units only.

Mr. Jim Nasalroad, 416 E. Mayfield, whose property is adjacent to the proposed subdivision, spoke in opposition. He stated that the acceleration/deceleration lane is needed in both directions. This piece of land is difficult to build on because of its shape and other problems. It cannot be built on at the same rate as a perfectly flat piece of property. Since 1977, this property has been having difficulty being developed. He feels it is not a location for 16 units. He feels it is suitable for 10-12 units. He does not feel that Grand Junction is looking for the same type and style of development as is used in Boulder which the petitioner alluded to. Mr. Nasalroad stated that he has heard more information about this development tonight than he has heard at any of the previous hearings. The petitioner has not communicated with the residents of May's Subdivision. He agreed with the comments of Mr. Mabrey. He recommended that City Council support the recommenda-tion of City Staff and the Planning

Commission in denying this appeal.

Mr. Bob Haggerty, 413 E. Mayfield, feels Council should consider Staff recommendations, and deny this appeal.

Mr. Russ Wiseman, 403 W. Mayfield, stated that tonight is the first time he has heard what the developer has planned. He would have liked to have been contacted regarding the plans.

Mr. Arthur Smith, 409 W. Mayfield, spoke supporting Staff's recommendation also, and strongly urged Council to follow that recommendation.

Mr. Lloyd Mabrey, 412 E. Mayfield, pointed out that at the last meeting the City Engineer brought up the fact that CDOT originally used their own numbers which are approximately 18-24 months behind the City's. The City actually recommended that a deceleration lane run up the hill as well as an acceleration lane, based on current numbers that were determined by the City in September, 1994.

Mr. Frasca does not feel that the concern of whether neighboring residents of his development were not contacted is an issue. He admits that the property is a remnant that has been considered by a lot of developers. He would still like to build a subdivision on it, and one that is quality oriented. He has not heard any discussion between 13 and 16 units that has anything to do with quality. He feels that the argument is the difference between a lot width of 45-feet and 54-feet width. He does not feel the development will do anything to devalue the Mayfield homes. His development and Mayfield are two completely separate developments with no common streets. Mr. Frasca feels his development will be a nice addition.

The hearing was closed by President of the Council Pro Tem Theobald. Tom Dixon answered questions from Council. He stated that there is a retention pond in the open space area, which was an issue in the initial hearing. The City Engineer has stated that the drainage could be retained on site. In response to an inquiry, he said the bike path ends at E. Mayfield.

Councilmember Maupin was concerned that the neighboring residents were not contacted by the owner as to his plans. He felt Council should not be considering the economic feasibility of this development. He believes the owner could sell 12 houses on this site.

Councilmember Afman was sensitive to the adjoining character of City neighborhoods, feeling that Council should protect and enhance surrounding areas. She was concerned with the traffic impact. She feels that even with acceleration/deceleration lanes there will continue to be problems with traffic. She felt that zero lot lines could work nicely.

Councilmember Baughman appreciated the developer's time and effort regarding this development. He stated it was regrettable that the developer did not communicate with the neighbors to the west.

President of the Council Pro Tem Theobald appreciated the positive attitude on growth. He also appreciated a lot of the design ideas that the owner came up with. He felt they are very creative. He noted that the Council is torn between trying to encourage infill development and getting the best use of land. Timing is an important element. The City cannot control what price is paid for properties. The owner has problems to deal with on this piece of property, the traffic on Highway 340, the slopes, the topography and configuration of a difficult dimension.

Councilmember Tomlinson stated that government does work in Grand Junction which has a Council that is concerned about the City and hearing all sides of issues.

President of the Council Pro Tem Theobald pointed out that those speaking tonight in opposition to the development were not City residents, and that fact has not influenced Council's consideration. Council wants to treat everybody as a part of the community on such issues as were discussed tonight.

It was moved by Councilmember Bessinger and seconded by Councilmember Baughman to approve the Preliminary Plat and Plan Review for a 16-lot subdivision (Willow Ridge) located on the north side of Highway 340 between East Mayfield Drive and the Redlands Canal. Upon roll call vote, all members of Council voted **NO**. The motion failed.

SCHEDULING OF INTERVIEWS FOR VISITOR & CONVENTION BUREAU VACANCIES

President of the Council Pro Tem Theobald announced that seven interviews for vacancies on the Visitors & Convention Bureau will be conducted on Thursday, January 12, 1995, beginning at 7:00 p.m.

PARKS DEVELOPMENT TASK FORCE

Councilmember Maupin feels that Council should meet with the Parks

Development Task Force soon.

ADJOURNMENT

Upon motion by Councilmember Tomlinson, seconded by Councilmember Maupin and carried, the meeting adjourned at 10:25 p.m.

Stephanie Nye, CMC
City Clerk