

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

November 15, 1995

The City Council of the City of Grand Junction, Colorado, convened into regular session the 15th day of November, 1995, at 7:36 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, David Graham, R.T. Mantlo, Janet Terry, Reford Theobald and President of the Council Ron Maupin. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and Deputy City Clerk Teddy Martinez.

Council President Maupin called the meeting to order and Councilmember Afman led in the Pledge of Allegiance. The audience remained standing during the invocation by Councilmember R. T. Mantlo.

PROCLAMATION DECLARING NOVEMBER 12-18, 1995, AS "AMERICAN EDUCATION WEEK" IN THE CITY OF GRAND JUNCTION

REAPPOINTMENT TO FORESTRY BOARD

Upon motion by Councilmember Afman, seconded by Councilmember Theobald and carried, Terry Hamm was reappointed to a three-year term on the Grand Junction Forestry Board.

CONSENT ITEMS

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO** on Items #8 and #10, Councilmember **GRAHAM ABSTAINING** on Item #5 and voting **NO** on Items #8, #9 and #10, and Mayor **MAUPIN ABSTAINING** on Item #3, the following Consent Items #1-10 were approved:

1. **Approving** the minutes of the Regular Meeting November 1, 1995
2. **Authorizing** the City Manager to Sign a Memorandum of Understanding Authorizing Customer Trades Among the City of Grand Junction, Ute Water Conservancy District and the First Fruitridge Water Company in the North 1st Street Area
3. *** Resolution No. 100-95** - A Resolution Designating the First Presbyterian Church, 600 White Avenue, in the City Register of Historic Sites, Structures, and Districts

Guy K. Washburn, owner of the First Presbyterian Church (White Hall), is requesting that the church be designated as a historic building in the City Register of Historic Sites, Structures and Districts.

4. *** Resolution No. 101-95** - A Resolution Issuing a Revocable Permit to the United States Postal Service [File #RVP-95-189]

Resolution authorizing the issuance of a Revocable Permit to allow encroachment into the 4th Street right-of-way by construction of a new stairway and railing, and accessible ramp at the Grand Junction Main Post Office.

5. **Proposed Ordinance** - An Ordinance Zoning the Loma Rio Annexation PR-1.86, PR-3.7 and RSF-4 [File #ANX-95-129]

City Council approved the Loma Rio Annexation on November 1, 1995. The City has to zone all property annexed into the City within 90 days of the annexation.

a. First Reading of Proposed Ordinance

6. *** Resolution No. 102-95** - A Resolution of the City Council of the City of Grand Junction Giving Notice That a Tract of Land Known as the B 1/2 Road Enclave, Approximately 8.06 Acres, Located at B 1/2 Road and 27 Road, South of Highway 50, Will Be Considered for Annexation to the City [File #ANX-95-195]

The B 1/2 Road Enclave consists of 8.06 acres of land located at the northeast corner of B 1/2 Road and 27 Road. This area is totally surrounded by City limits and is eligible for annexation under Colorado State Statutes.

7. **Authorizing** the Mayor to Sign the 1996 Animal Control Contract with Mesa County Health Department

The City of Grand Junction contracts with Mesa County (through the Mesa County Health Department) for delivery of animal control services within the City limits, and has done so on an annual basis since 1984.

The wording, agreements, stipulations and other facets of the 1996 Animal Control service contract with Mesa County are the same as those found in the 1995 Animal Control service contract. The only significant difference between the 1996 and 1995 contracts is the \$2,656 cost decrease which is due to the 1996 Animal Control Budget remaining near the same amount as the 1995 contract, and a one percent decrease in

the City's calls for service.

8. **Authorizing** the City Manager to Take Such Action Necessary to Release a Deed of Trust for GPD (General Production Devices)

The obligation of Lift Industries (General Production Devices) under the agreement with the MCEDC (and the City) was secured by a deed of trust filed against its property. Seven years have now passed, the MCEDC believes that agreement has been substantially fulfilled and the MCEDC has voted to release the deed of trust. Because of the agreement between the City and the MCEDC, it is appropriate to have the City's concurrence in the decision to release the deed of trust.

9. **Approving** a MCEDC Incentive for 3-D Systems

This company is a "high tech" industry, utilizing stereo-lithography technologies, involving the use of ultraviolet lasers, photosynthesized resins, and other leading edge technologies. As such, they maintain a very aggressive research and development program which might be co-located here in the future. In addition, the company plans to help recruit some of its suppliers to whatever community is fortunate enough to be selected.

10. **Approving** a MCEDC Incentive for DT Bike Technologies in the Amount of \$5,000

J.J. Johnston, MCEDC Director, is requesting City Council approval of a \$5,000 cash incentive for DT Bike Technologies to locate in Grand Junction.

Mayor Maupin thanked members of the MCEDC for their diligence in bringing 3-D Systems to Grand Junction. He felt the City will benefit for many years to come. Mr. Sam Suplizio thanked City Council for their help and cooperation given MCEDC. The job growth has exceeded the attrition experienced this year. Councilmember Afman stated 3-D Systems was impressed with the small town high quality of life level, and also with the expertise in the business world that the MCEDC presented.

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - ORDINANCE NO. 2875 - AN ORDINANCE ANNEXING TERRITORY IN A SERIES TO THE CITY OF GRAND JUNCTION, COLORADO - VILLA CORONADO ANNEXATIONS #1, #2 AND #3, APPROXIMATELY 26.37 ACRES, A PORTION OF AIRPORT LANDS NORTH OF INTERSTATE 70, A STRIP OF I-70 RIGHT-OF-WAY, EAST TO 32 ROAD RIGHT-OF-WAY, THEN SOUTH TO I-70 BUSINESS LOOP, THEN WEST TO VILLA STREET, INCLUSIVE OF LOTS 1-4, VILLA CORONADO, THEN ALONG THE I-70 BUSINESS LOOP RIGHT-OF-WAY TO THE EXISTING CITY LIMITS AT 29 ROAD [FILE #172-94]

AND

PUBLIC HEARING - ORDINANCE NO. 2876 - AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - EASTERN COMMERCIAL/FRUITWOOD SUBDIVISION, CONSISTING OF APPROXIMATELY 649 ACRES OF LAND, A SERIAL CONTINUING THE VILLA CORONADO #1, #2 AND #3 ANNEXATIONS, LYING TO THE EAST AND SOUTHEAST OF THE CITY OF GRAND JUNCTION [FILE #196-94]

All four property owners of Lots 1 through 4 of the Villa Coronado Subdivision have requested annexation into the City of Grand Junction. They have all signed Powers of Attorney for annexation. The annexation ordinance is now before Council for second reading.

The City also desires to annex lands east of the present City limits, Eastern Commercial/Fruitwood Subdivision. Powers of Attorney have been obtained for 237 acres of airport lands to the east of the current City limits and the 204-lot Fruitwood Subdivision filings 1-7. These POA's along with adjoining lands are being considered as part of the Eastern Commercial/Fruitwood Annexation.

Public hearings were combined on Ordinance No. 2875 and Ordinance No. 2876.

Mayor Maupin stated Council had received a letter from the Mesa County Commissioners requesting Council to take more time to consider these annexations. He felt Council should explore and determine where and how the tax dollars will be spent if annexation does result. He suggested Council direct Staff to submit a financial management strategy for Council approval, prepare reports on the status and conditions of the special districts serving these areas, Clifton Fire, Grand Valley Sanitation, and Clifton Water in particular. Council needs to understand these issues. He requested Staff and the Growth Committee submit for approval an annexation policy for the eastern

areas, allowing residents to understand when and if their areas would be annexed, in what order, and what would be required of the residents and the City. He also requested Staff to evaluate the savings Mesa County will receive, and what direction the County Commissioners plan to spend the monies that would be saved by the City's annexation of these areas.

Councilmember Afman asked if the requested data could be gathered within 30 days. City Manager Mark Achen felt the financial management strategy and special districts status report could be completed fairly soon. The annexation policies and plans could take longer. Mr. Achen was unsure about the response from Mesa County regarding their savings, but suggested that a meeting with the County could be scheduled within 30 days. The holidays could be a complicating factor. City Attorney Wilson interjected that a formal agreement with Clifton Fire could take 60-90 days.

Councilmember Theobald stated the County Commissioners have their own issues to wrestle with that are irrelevant to the annexations. He felt Council needs to be aware of these issues and try not to complicate them.

Councilmember Mantlo requested that if and when the area is annexed, some of the monies be set aside and earmarked for a park at 30 and F Roads. Services to be provided to these areas need to be identified so there is no misunderstanding.

It was moved by Councilmember Theobald and seconded by Councilmember Afman that the hearings on Ordinance No. 2875 and Ordinance No. 2876 be continued to December 20, 1995, at which time Council will consider the following:

1. A resolution dealing with the financial management of the escrow funds for the eastern annexation area;
2. A resolution or policy on services stating what will and will not be provided in the eastern annexation area; to clarify the intent of all involved;
3. A policy on residential annexations, stating in what context, in what time frame, upon what basis; parenthetically as opposed to is it going to be first come, first served, or a geographical order;
4. Arrange a meeting with appropriate parties affected by the annexation;

5. Information and, if possible, a meeting to discuss Mesa County's windfall from these annexations and how that might be spent to benefit the areas being annexed.

Councilmember Terry supported the motion to continue this hearing. She suggested Council take the time to convey the information appropriately to the citizens that are going to be affected if the annexation goes through. Land use of these areas is also a concern.

Councilmember Afman stated these annexations have been in the workings for a year. The annexations were prompted by residents from the Clifton area and the eastern part of the valley area requesting parks, better police protection, and other services. The best tool to work with them was through the annexation process. She complimented both entities involved in the incorporation conflict.

Councilmember Mantlo stated the November 7 election asked if the residents wanted to be incorporated into the Town of Clifton. They were not asked if they wanted to be annexed into the City of Grand Junction. A total of 3400 residents said they did not want to be incorporated into Clifton. He feels Council owes those 3400 residents something.

Councilmember Baughman felt the annexation should be delayed indefinitely. He felt the results of the November 7, 1995 vote reflected the residents of the Clifton area did not want to form a new city. He feels the overriding desire of the residents is that they want to be left alone, and remain Mesa County residents.

Councilmember Graham approved of the specified conditions of the motion. He felt the time is right for the County and the City to address, through the land use planning process, where the eastern boundary of the City will be located. He would like to see a definite boundary line on the map.

Councilmember Theobold felt a rural service provider, such as a county, should not approve urban densities in a county jurisdiction, whether it be DeBeque, Fruita, or Grand Junction. Creating urban densities outside a City's boundary does not help.

Roll call vote was called on the motion with the following result:

AYE: GRAHAM, MANTLO, TERRY, THEOBOLD, AFMAN, MAUPIN
NO: BAUGHMAN

Councilmember Theobold stated April Pinkerton has been criticized for encompassing too large an area, with this being the reason the incorporation failed. He thought she attacked the problem very prudently and soundly in looking at what is a reasonable area of service for the City of Clifton. If she had selected a smaller area, it would have left a large urban "doughnut" around the new City of Clifton, that Clifton would have been financially unable to support. The City of Grand Junction would have been uninterested in trying to annex and support. There would have been an area without services that no one wanted. In the long term, areas with urban density and urban problems, with nothing but the County to provide rural services, would be a burden on all. He thought Ms. Pinkerton's decision and choice was very sound.

REQUEST FOR VARIANCES TO STREET STANDARDS AND PARKS AND OPEN SPACE FEE REQUIREMENTS OF THE ZONING AND DEVELOPMENT CODE FOR THE COBBLESTONE RIDGES [FILE #PP-95-178]

The developer of the Cobblestone Ridges, located in Filing #6 of the Ridges at the end of Rana Road, is requesting that the City accept land in lieu of Parks and Open Space Fees and approve a modified road standard along Rana Road. The developer is also proposing an exchange of small sections of existing open space surrounding the development for dedication of new open space.

Kathy Portner, Community Development Department, reviewed this item by using computer graphics. Cobblestone Ridges is a proposed development of some of the undeveloped portion of Filing #6 of the Ridges. The proposal is for 65 single family units on 23.86 acres and an Outline Development Plan for 48 attached units on the remaining 6.7 acres. The Planning Commission made recommendations on the following items:

1. Approve sections of what are now public open space areas that were originally platted for the Ridges for some new open space areas. The public open space areas were district open space at the time the City annexed. When they were annexed, they became City parks open space. The developer plans to get rid of the open space areas that no longer make sense for his development, which are interior to his lots, along with some narrow fingers of open space that went out into the larger open space areas, and replace it with a perimeter of open space that fits his lot design. The development would create 5.62 acres of open space and delete 1.273 acres of open space for a net gain of 3.99 acres of open space

(private open space).

2. Accept land in lieu of parks and open space fees. There is a net gain in the open space that is being created with this development. Of the 3.99 acres of open space being created, approximately .6 acres of the open space is a strip along Rana Road, and a .12 acre within the center island of a cul-de-sac, also a private park that consists of .323 acres of open space. Section 5.4.6.D of the Zoning and Development Code gives guidance in when the City Council can consider land in lieu of the parks and open space fees, stating "Private open spaces or recreation areas in planned developments shall not be substituted for the required fee or dedications." Private areas cannot be considered in lieu of the open space fee. The .72 acres which is the island in the cul-de-sac, and the strip along Rana Road that would be landscaped, and the private park space cannot be considered. The Code states you can consider the dedication of public open space in lieu of the fee. That section of the Code states "City Council may, after recommendation by the Planning Commission, waive or defer the provisions of this section, the parks and open space section. In considering such a waiver or deferment, the City Council shall use the criteria established in Section 10.1.(b)(2). The City Council may accept the dedication of public lands, parks and/or open spaces in lieu of payment. The fair market value of dedicated land shall not be less than the payment that would be required under (b) above." It does give Council the authority to accept those lands in lieu of the fee. The City Property Agent did an estimate of what he felt the land value was in this area. His estimated value was 55 cents per square foot. The value of the total net gain of public open space is \$78,342. Staff's analysis, with the input of the Parks Department, is that the public open space dedications do not supply a substantial useable open space, nor is the open space deemed to be necessary in the Park's Master Plan. The dedication of the open space certainly does enhance this development, and probably the Ridges open spaces as a whole. City Staff recommended against the land dedication in lieu of the fee. Planning Commission also recommended against that credit.
3. Modified street standard. The original proposal for the Cobblestone Ridges, as Staff coached the developer all along, is that he needed to meet City standards for his street designs, curb, gutter, and sidewalk. He was willing to do that. His proposal indicated curb, gutter and sidewalks on

all the streets with the exception of the north area of Rana Road, the northwest side, where he does not have lots fronting on that section of Rana Road. His goal was to have every lot surrounded by open space. The original request was that sidewalk not be required on that side of Rana Road.

Staff was willing to recommend in favor of that modification to the streets standard. Prior to the Planning Commission hearing, the developer talked with the Ridges Architectural Control Committee. Their comments expressed a major concern regarding having City standards in the Ridges, allowing sidewalks in this portion of the Ridges. To appease the Ridges ACCO, the developer developed the plan to construct a detached pathway system along Rana Road on the northwest side that would be asphalt similar to what is found in the Ridges.

Staff liked the path, but also wanted sidewalks or pathway access for all of the lots, so none of the residents had to walk out into the street to get from their home to somewhere else in the Ridges. The developer and Staff came up with a hybrid proposal that was a combination - it had the detached pathway system and also included sidewalks everywhere else. This increased the cost to the developer. The developer requested if that option is recommended to City Council that he be given credit toward his Transportation Capacity Payment and parks and open space fees to help with the cost difference. Council was provided with the cost estimates showing some of the cost differences. The issue of connecting this section with the existing pathway just beyond Prospector Point was discussed by Ms. Portner. The developer was willing to consider the connection, however in looking at building this additional section, he is prompted to request the City consider credits to help with the cost differences.

Ms. Portner felt the land value used in the developer's cost estimates are probably a developed lot value rather than the land value the City Property Agent was using for undeveloped land.

In response to a question by Councilmember Afman, Ms. Portner stated the current width of Rana Road is 36 feet. City standard is 28 feet for a local street section. The City standard for a residential collector is 36 feet.

In response to a question by Mayor Maupin, the open space fee per lot is \$225.

Councilmember Graham asked Ms. Portner if Staff believes there are exceptional conditions creating an undue hardship which would support the grant of the land in lieu of the fees. Ms. Portner

responded she thinks that Option 3 is asking a lot of the developer. She would see that as unique and somewhat undue. Councilmember Graham also asked Ms. Portner if it was her opinion that without the land in lieu of the fees, the applicant would not be able to develop this property without the variance. The proposal states it would be enough of an increase that the developer could not do the project as planned. The project would have to be redesigned.

Applicant Mr. Steve Craven, Cobblestone Communities, Inc., P.O. Box 1168, Telluride, Colorado, stated his original request was for a fee credit against park fees on the original plan, which included City street standards, sidewalks, but no trail. The reason being they were creating extra open space and also some park spaces. The issue has now grown into one of credits for both TCP fees and park and open space predicated on some dramatically increased costs to build both sidewalks as per City standards and a trail system both on- and off-site. He has spent 6 months working closely with City Staff, and the position from the beginning was this is not consistent with what is in the Ridges. Staff's position was the City Council has directed them to have the developers in the Ridges build to City street standards. An extension of the trail system was not an issue at that time. Now the hybrid proposal requires both. The costs are fairly extreme.

Mr. Craven discussed the vacation of open space. This property was originally platted for over 200 units. He has proposed 113 units, much larger lots and an increase in open space. He needs to trade open space that was created under the old plat for different open space to make this plan work in its current configuration of nearly half the density and much larger lots. The old plat was designed to maximize density. Many of the lots were in unbuildable areas, on rock shelves, etc. The plat didn't work nor did the open space corridors, but they remained because they were deeded that way. When the plat was recorded, the little finger corridors stayed in place. These are the areas the developer is requesting to trade out.

Mr. Craven also discussed the City street standards. When Staff comments were received, the Ridges ACCO's position was very definite about not having sidewalks in the Ridges. They wanted paths only. The second plan came up with a compromise with the ACCO taking all the sidewalks off the cul-de-sacs. They are short cul-de-sacs and self-contained. The potential for conflict between pedestrian and vehicular traffic was much less than it would be on a through street as Rana Road will ultimately be. Instead of sidewalks on Rana Road, a trail was proposed down Rana

Road that would eventually be part of the Ridges Trail System. The ACCO feels this plan has a lot of merit. Mr. Craven stated any of the three plans would work for him, except for number 3, with cost being the issue. To build a path system that makes sense, Staff feels the following should take place:

1. Create a path system through the proposed project;
2. Build a connection to the existing path system.

To build both the sidewalks and the path system, both on- and off-site, adds approximately \$120,000 to the project. That is over and above building to City street standards (curb, gutter and sidewalk). The difference is from the original proposal to the hybrid. The original cost was approximately \$500 per lot. This equates to \$85,000, but there's approximately \$50,000 in fee credits available, making the net cost \$35,000. If he could get the fee credits, he would agree to go ahead and front the remainder of the deficit and build the system even though the costs were substantially higher when studied in more detail. He agrees the plan has merit, but it needs to be economically feasible. He would like to propose:

1. Fee credits be given for both parks and open space for the 65 lots proposed to be built;
2. In order to build the off-site path connection, another 2 acre parcel that he currently controls be will impacted. There is no other way. He would propose to dedicate the land required for that connection as well as build the path through that piece of property. In exchange, he would request the remainder of the required off-site path system needed to make this connection be paid for by the City. It is probably something that should have been done previously. He thinks TCP fees could be utilized to do this with an \$18,500 cost to the City. He would agree to build it, but would want some offset in costs for the portions that don't go through any of the properties he is involved with.
3. Since he is bringing the path through this piece of property, and putting the land into the trail system, he is requesting a credit for 10 units of this proposal once it is developed. He would like TCP credits and parks and open space fee credits for building a linear parkway with a pedestrian path in it.

Councilmember Theobold discussed the options listed for

Cobblestone Ridges. Option B was the ACCO's recommendation of asphalt paths (\$171,000) over concrete (\$180,000). Mr. Craven stated the on-site cost to add curb and gutter is very inexpensive versus building a path system. He noted that adding the off-site trail brings the total to approximately \$209,000.

City Attorney Wilson stated that the ACCO believes if the City approves sidewalks, the ACCO would have to appeal that standard. The original plan did not require sidewalks; therefore, this requirement would change that. The ACCO's recommendation is advisory only. The City's Law, the sidewalk requirement, supersedes any covenants and the recommendations of the ACCO. Mr. Craven stated the cost difference between building sidewalks and not building sidewalks would be approximately \$32,000. The fee credits would off-set that cost.

Councilmember Graham asked Mr. Craven if the 10 additional fee credits for future development was necessary for Mr. Craven to break even on his initial development. Mr. Craven stated he is giving extra land on-site as well as incurring extra cost through that parcel. He feels credits are due on that parcel. Councilmember Graham asked if a decision could be deferred for now, and give the fee credit for the other 65 lots. Mr. Craven stated it would bump his cost about \$50/lot.

Mr. Craven stated his workings with the ACCO did not include the linkage to the off-site path. That was a Staff recommendation. Councilmember Afman noted Council has spoken in the past of promoting linkages of path systems throughout various developments.

Mr. Lee Garrett and Ms. Roxanne Lewis, the Ridges Architectural Control Committee board members, were present to answer questions of Council. Mr. Garrett stated the ACCO received notice of this plan approximately 10 days prior to the Planning Commission hearing. The Board immediately viewed it as another way of dividing The Ridges up from the plan for its original concept. The Eagles Crest development got past the ACCO without notice. Eagles Crest will have curbs, one sidewalk, gutters and pavement. That sets it apart from Prospectors Point and Rana Road. It won't look the same. No one is looking at the big picture, only individual developments. The traffic on Rana Road, from Saddleback Road to Ridges Boulevard was another concern of the ACCO. Mr. Garrett stated the ACCO would like to be a control committee that can look at plans and express to Planning, well ahead of time, its recommendations. They also want the Ridges, as a Planned Unit Development, to turn out as it was originally planned and not have three or four different areas, with different

types of streets and lighting. The ACCO opposes sidewalks in the Ridges. The path system in the Ridges was originally designed to follow Ridges Boulevard, up through Saddleback, Rana Road, and back around so there is a nice loop, and would function so everyone would get to that path. Sidewalks are going to cut it up further. Mr. Garrett has built homes in the Ridges and knows what happens to concrete in that area. He paid an engineer to look at the situation and asked for an opinion of asphalt over concrete for sidewalks. The engineer's opinion was concrete is not good. The soil in this area will swell and sidewalks will warp causing accidents. The ACCO would like to perpetuate the idea of a trail system. Sidewalks are of no help in that case.

Ms. Lewis, ACCO board member, was very concerned about the traffic on Rana Road. In order for children to get home over East Valley Circle, up on Prospector Point, and back to Rana Road, this trail system is necessary. She stated the Lincoln-DeVore geological report states what should be used and what will cause problems. She stated the current asphalt is easily repairable. A copy of the engineer's report was to be filed with Ms. Portner of the Community Development Department. Ms. Lewis stated Mr. Craven has been very flexible and cooperative in working with the ACCO and the City Staff. Ms. Lewis read from the ACCO covenants: "The Architectural Control Committee is charged with certain responsibilities and obligations under the Covenants, more specifically to approve or disapprove applications for any proposed change in the existing state of property, Article 11-1. The Article does plan to insure harmony and conformity and safety with existing developments so as to maintain a sense of neighborhood as intended by the original Overall Development Plan." Ms. Lewis stated the ACCO is meeting with the Urban Trails Commission to expand on the existing trails to hook up easily and provide a nice biking path consistent with the rest of the trails in the community. The City maintains these paths.

Mayor Maupin noted pedestrians in the area use the streets to walk on, and suggested perhaps installation of roadway shoulders. Ms. Lewis suggested installation of a bus stop at the corner of Rana Road and East Circle Drive, so as to not have to cross Rana Road.

Councilmember Afman would like to see Council direction that the ACCO and future developers can work with. The ACCO is struggling to retain the character and ambiance in The Ridges that has been previously established. Concrete is unsightly in the area. The safety issue is also important, and must be a point of consideration when setting policy. Councilmember Afman noted if Saddleback Road could be extended to connect with West Ridges

Boulevard it would cost the City \$26,620 to acquire the needed right-of-way, and \$33,245 to use asphalt with a total cost of \$59,865. The residents in this development would have the opportunity to take that road and connect on around with West Ridges Boulevard. This would result in harmony and flow of vehicular traffic as well as foot traffic.

Mr. Gary Stubin, 2374 Rana Road, representing some of his neighbors, opposed the development citing traffic concerns. He stated the traffic study showed an increase in the flow of traffic of 1100 cars per day. The traffic study mentioned Rana Road only one time in the entire study. His concern is vehicles being able to stop at the stop sign at Rana Road's intersection when it snows. He was also concerned with exiting his driveway onto Rana Road. These items were not addressed in the traffic study. Mr. Stubin felt an additional stop sign on Rana Road before it gets to the curve in the road would be helpful. Mr. Stubin is in favor of the path system. He likes the Ridges as it is now with no sidewalks. He feels a master plan is definitely needed, and thinks paths and striping alongside the roads is good. He feels there will be a lot of opposition when sidewalks are put in the residents' yards. A lot of expensive landscaping has been placed toward the ends of the lots, and the residents will not want to give up that right-of-way. If the proposal is denied, Mr. Stubin suggested another option. Another way to access Broadway would be through Blue Bell Court. It is an easier way to get to Broadway. He felt the City needs to be considering other routes to access Broadway.

Councilmember Afman reaffirmed the fact that Mr. Stubin understands The Ridges is going to grow, but wants Council to be very sensitive to the traffic pattern, and feels that if Council can work with the developer to have the trail, it will, in turn, help alleviate the traffic problem. Mr. Stubin noted the roads in The Ridges go up and down, and appear much differently on the map.

There were no others speaking in opposition to the plan.

Mr. Craven clarified the following:

1. Land value issue - developed versus undeveloped. The off-site land was valued as undeveloped land, within \$.02 a foot of what the City's property agent estimated. To gain the extra 25 feet, the cul-de-sac had to be moved back, so 25 feet was taken out of the back of the lots. There is a strong argument that this is developed land value, because he

is losing 25 feet out of his lots.

2. Traffic Study - Lee Scott & Cleary (Denver) was hired to do the study as they had performed other traffic studies for Mesa County and the City. The study was done at 155 single-family residences. Actually 65 single-family residences are proposed and 48 multi-family residences. The City formulas for ADT is between 155 single families and what he is proposing, the traffic is 60% of what the study was done at. The numbers are substantially less than 1100. The study states Rana Road is adequate for 155 single-family homes to be added and to deal with the entire build-out of The Ridges. He has reduced that by 40%. He cannot build less density and make the project work. The property is currently zoned for 143 units.

Councilmember Afman asked Mr. Craven to recap the items that would be workable for him. Mr. Craven stated:

1. Plan A - City Street Standards. He is willing to build the project that way and bear all the expenses.
2. Plan B - No sidewalks on any cul-de-sacs and the trail system on-site only.
3. Plan C - Plan C is both of the above, trail system, sidewalks, plus an off-site trail system.

Mr. Craven is asking for some help when getting into the substantially increased cost to provide the trail system, with a reduction in both TCP and Open Space fees. Those fees will not cover the excess cost in Plan B or Plan C. He needs the fee credits. He feels there is a benefit to the City in that he must come up with the money up front. The majority of those credits are TCP credits which will not be seen until he applies for a building permit. He is willing to work with all the entities concerned. Mr. Craven said the Planning Commission recommends Plan C, and he is requesting fee credits for the 65 proposed lots along with fee credits for whatever is done on the two-acres used for a portion of off-site trail. He would like to see the City participate in that portion of the trail that is neither in the proposed or future development of the two acres.

Public Works Manager Mark Relph felt concrete should ultimately be used in The Ridges. The soils in The Ridges is no worse than many areas in the City. As long as drainage is managed, there is nothing wrong with concrete. The concrete could also be colored

to better blend with the surrounding terrain. Public Works will be recommending over time that the existing asphalt, for long term maintenance, be converted to concrete. Asphalt trails are difficult to maintain. It is more labor intensive. The City's current equipment is geared for typical street work. There is less maintenance with concrete when it is designed and built correctly. Mr. Relph stated it is more costly to create the exposed rock in the concrete than smooth concrete. The Street Standards say that if a pedestrian system can be designed so that each individual lot has access to the trail system, then the sidewalk that normally you would see next to the curb and gutter, is not required. The intent is to provide pedestrian access for all lots.

Mr. Relph discussed the Blue Bell access to Broadway. Staff is also concerned about future connections other than Ridges Boulevard. Mariposa is one that has been platted, and will have some affect on distributing the traffic more evenly. He also feels additional connections towards Highway 340 are needed. The City is going through a major street plan through the MPO process. The intent is trying to identify some corridors in The Ridges for this purpose. The traffic report showed the average daily traffic at Ridges Drive and Ridges Boulevard was approximately 3000 cars/day. The left hand turn movement and volume of traffic were considered. After the completion of this project, it will be pushing the upper limit of a residential street collector. The topography, alignment, construction, etc. are not ideal for how The Ridges was built. Mr. Relph felt a stop sign on Rana Road might have some real merit. Councilmember Afman noted the original ingress/egress was through Mariposa to handle the back portion of the development.

Councilmember Baughman asked how much of the potential build-out of The Ridges is currently built. Ms. Portner stated 640-650 units are currently built. The majority of the platted lots are close to being built-out. There is an additional 700 acres that were originally planned for a residential development in The Ridges, that are still a part of The Ridges Metropolitan District, and a part of the Planned Residential Development that was originally approved. There were approximately 580 households when The Ridges was annexed. Today there are approximately 650 households.

There were no other comments. The hearing was closed.

Councilmember Theobold stated he supports the ACCO in their view that sidewalks are not appropriate in The Ridges. He prefers Plan

B. He is reluctant to waive Parks and Open Space fees. They are artificially low to begin with because they have not been attended to for some time. He is also sympathetic to waiving the TCP fee. He is sympathetic with balancing the costs of infrastructure for a neighborhood versus what the City's standards would be and what the payments expected would be. The developer is requesting approximately \$73,000 in credits. Plan B would trim that cost by approximately \$33,000. One possibility would be to go half on the off-site trail connection. The petitioner would do \$20,000 worth of concrete and the City would do the remaining \$16,000 worth, bringing the City's contribution to \$67,000, which is short of the petitioner's request, yet generous.

Councilmember Terry felt the off-site trail should be paid in full by the City. She is not supportive of waiving the TCP or Parks and Open Space fees.

Upon motion by Councilmember Theobald, seconded by Councilmember Afman and carried by roll call vote with Councilmember **GRAHAM** voting **NO**, the request to exchange the existing open space for dedication of new open space was approved, the request to accept land in lieu of Parks and Open Space fees was denied, and the request for a modified street standard in this case was approved as outlined in the Staff report, Option B, detached concrete pathway, 8 feet wide, along the northwest side of Rana Road with no other sidewalks in the development, and further that the developer will put in the off-site trail connection to Prospector Point in its entirety in concrete, according to the ACCO's recommendation that the concrete be colored to blend with the surrounding area (developer to work with the ACCO on this), and the City will share the cost proportionately in the part that is not located in the development.

RECESS

The President of the Council declared a five-minute recess. Upon reconvening, all members of Council were present.

AGREEMENTS RELATING TO COUNTRY MEADOWS SUBDIVISION

The developer obtained ODP approval from Mesa County for the development of 132 lots on 48.9 acres. The first filing proposes 15 lots on 9 acres.

City Attorney Dan Wilson explained the County had gone through the final approval process of this development, and the next step was platting. City Staff discovered a portion of this development was

outside the 201 Boundary. Under the existing agreement with Mesa County, the City is not allowed to serve outside that boundary. Both the County and City Planning Staff agree the development is a good project. Public Works Director Jim Shanks has been discussing the standards with the developer for 6 to 8 months. Originally, this matter would have come before Council as a regular annexation agreement to approve the development. The 201 issue was discovered recently, and one of the issues in the County-filed lawsuit is which entity is allowed to amend the 201 boundary. Mr. Wilson requested Council continue the following Item a. until Staff is ready. Item b. is a necessary first step.

If the City Manager is authorized to sign this agreement, the City can authorize sewer service to the development. The developer can then get his plat recorded in Mesa County and continue with his platting process. The City will continue to work on an annexation agreement for the balance of the property. It will come back to Council for approval on December 6, 1995. If it is not approved, the sewer service will have been authorized to the project. The developer is allowed to go forward without further delay. The Agreement acknowledges the developer is outside the Boundary for part of the project, both the City and County agree it should be served by the 201. It is currently in the Fruita 201 and informal discussions with the Fruita City Manager agrees it is not logically in the Fruita 201. It requires the developer to obtain Fruita's consent to add it to the Grand Junction 201. This sewer service and the 201 issue will not be used in the City/County lawsuit.

- a. **Authorizing** the City Manager to Sign An Annexation Agreement with Chaparral West, Inc. for Country Meadows Subdivision, Approximately 48.9 Acres Located Near F 3/4 and 20 1/2 Roads **This item was continued to the December 6, 1995, City Council Meeting.**
- b. **Ratification** of the City Manager's Signature on an Agreement between Mesa County and the City of Grand Junction Concerning the Pending Litigation Between Mesa County, the City and Country Meadows Subdivision

Councilmember Graham asked why the City would want to have an annexation agreement at all, in light of the usual practice of extracting a Power of Attorney for the sewer hookup which the petitioner is otherwise requesting. He asked why the City can't unilaterally acquire the right to annex the property without any conditions. City Attorney Wilson responded Staff felt the developer had been operating with the City over a 7 to 8 month period in good faith, and the City had no legal obligation. It

was probably a disadvantage for the City to enter into the annexation agreement because with the Power of Attorney the City would have unfettered discretion to make land use decisions. Because the agreement would mean the proposed plan would be approved by the City, the developer would gain the advantage of being able to finish the project once he was annexed. Because the developer had been open and forthright in working with the City, an annexation agreement was recommended. Councilmember Graham was concerned that the agreement creates in the applicant a veto power over the City's decision on how to rezone.

Councilmember Baughman asked who will pay for the sewer line extension to this project. City Attorney Wilson stated the developer will pay for the extension.

Upon motion by Councilmember Mantlo, seconded by Councilmember Theobald and carried with Councilmember **BAUGHMAN** voting **NO**, the City Manager's signature on an agreement between Mesa County and the City of Grand Junction concerning the pending litigation between Mesa County, the City and Country Meadows Subdivision was ratified.

PUBLIC HEARING - PATTERSON-SHOLES ENCLAVE ANNEXATION, LOCATED AT THE NORTHWEST CORNER OF 26 ROAD AND GALLEY LANE - Resolution No. 103-95 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE PATTERSON-SHOLES ENCLAVE ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, PATTERSON-SHOLES ANNEXATION, APPROXIMATELY 8.92 ACRES LOCATED AT THE NORTHWEST CORNER OF 26 ROAD AND GALLEY LANE - PROPOSED ORDINANCE ZONING THE PATTERSON-SHOLES ENCLAVE ANNEXATION TO RSF-1 [FILE #ANX-95-169]

The Patterson-Sholes Enclave consists of 8.92 acres of land located at the northwest corner of 26 Road and Galley Lane. This area is totally surrounded by the City limits and is eligible for annexation under State Statutes. Bill Patterson and John Sholes are requesting that the City annex their properties now rather than wait until their properties have been enclaved for three years.

Dave Thornton, Community Development Dept., reviewed this item. He explained this annexation is unique because it is within a larger enclaved area. Since it has been less than three years since it has been enclaved, it can be done by submitting a petition. Typically, in an enclave there would be no petition,

only an intent to annex. In this case the City has gone further and submitted the 100% petition. Mr. Patterson and Mr. Sholes are requesting the annexation because they plan to subdivide their property through the City's development review process. The petition does meet the Statutory requirements. Mr. Thornton stated the fiscal impact statement will be submitted at final reading.

There were no public comments. Upon motion by Councilmember Theobald, seconded by Councilmember Afman with Councilmember **BAUGHMAN** voting **NO** on all three items and Councilmember **GRAHAM ABSTAINING** on the proposed zoning ordinance, Resolution No. 103-95 was adopted and the proposed ordinances annexing Patterson-Sholes property and zoning it RSF-1 were approved on first reading, and ordered published.

PUBLIC HEARING - WAYMEYER-SCHULTZ ANNEXATION, LOCATED AT 589 29 ROAD AND PROPERTY ACROSS 29 ROAD TO THE EAST - RESOLUTION NO. 104-95 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS THE WAYMEYER-SCHULTZ ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, WAYMEYER-SCHULTZ ANNEXATION, APPROXIMATELY 1.21 ACRES LOCATED AT 589 29 ROAD AND PROPERTY ON THE EAST SIDE OF 29 ROAD - PROPOSED ORDINANCE ZONING THE WAYMEYER-SCHULTZ ANNEXATION TO RSF-4 AND PB [FILE #ANX-95-168]

Walter Waymeyer and Thomas Schultz have signed Powers of Attorney for annexation of their property. The Petition for Annexation is now being referred to City Council. Staff requests that City Council accept the annexation petition and approve on first reading the annexation petition for the Waymeyer-Schultz Annexation.

Dave Thornton, Community Development Dept. reviewed this item. This area comprises approximately 1.0 acre total (vacant parcel). Both property owners have approached the City for annexation. The entire corner is being marketed for a neighborhood commercial center. The area to the north was annexed as part of the Darla Jean Annexation. Mr. Thornton noted the affidavit stating the conditions of the annexation have been complied with was filed with the City Clerk at an earlier date.

There were no public comments. Upon motion by Councilmember Mantlo, seconded by Councilmember Baughman and carried by roll call vote with Councilmember **GRAHAM ABSTAINING** on the proposed zoning ordinance, Resolution No. 104-95 was adopted and the

proposed ordinances annexing the Waymeyer-Schultz property and zoning the property to RSF-4 and PB were approved on first reading, and ordered published.

NON-SCHEDULED CITIZENS & VISITORS

Ms. Mary Huber, 580 1/2 Melrose Court, stated she was an interested citizen in the Clifton incorporation. She mentioned there was a gentleman in the audience earlier that wished to speak regarding the Clifton incorporation. He had spoken with City Attorney Dan Wilson off the record during the recess. She requested that conversation be made public record. City Attorney Wilson accommodated Ms. Huber by recapping his discussion (name of gentleman unknown). The gentleman told Mr. Wilson he was initially a member of the group to form Clifton and became convinced, after looking at the numbers, that the budget would be insufficient for a City of Clifton to function. The gentleman said "Though I am one of those who would like to remain as is, and not either be annexed nor be incorporated,"..... Mr. Wilson said the balance of the time was spent discussing current City thinking on how the area would be annexed if the Council annexes it. They discussed the concept of the City annexing the commercial area, banking those dollars, and over a period of up to 18 years from the annexation, using it to upgrade existing deficiencies, do park improvements or various other things. A couple of items were talked about that have been bandied about. Earlier in the meeting the City Manager indicated some options. One of the options he discussed with the gentleman was it might be a different kind of process that's been seen in the past. It might be where the Council says "You come talk to us. We're not going to come knocking on your door." If a neighborhood came in that had deficient streets and said they wanted to be annexed into Grand Junction because they wanted Police protection, the gentleman asked "Would that require a vote?" Mr. Wilson told him yes, if the City imposes conditions on the neighborhood, and says we'll only annex you if you do "x, y and z." Under the Statute, that is one of the unusual situations where a vote is required for that neighborhood to ask if they want to impose conditions on themselves. They discussed Mr. Wilson's view. Mr. Wilson felt at the end of their conversation the gentleman was agreeing. The gentleman's comment was that he moved out there because he wanted to maintain a rural lifestyle. Mr. Wilson suggested to him the reason he was feeling threatened in his rural lifestyle was because the County Commissioners were approving urban level subdivisions, and that he should talk to them if that was his concern, and that annexation by the City had no impact on development that was starting to fill in around his home site. Mr.

Wilson didn't think the gentleman had thought about that before and the gentleman may be talking to the Commissioners to say "I want a line drawn in the sand about urban development." They discussed City and County zoning rules. Mr. Wilson's conclusion in talking with the gentleman is his lifestyle will not have changed one bit if he is annexed. He will have increased Police protection and better road maintenance. The gentleman was not a golfer so he was not concerned about golf or discount fees, but was interested in parks and the City's parks program. The gentleman's comment was "I think I understand why annexation may work, and may be okay for me, but I don't like the idea that I don't have a right to vote." That was a central theme. They discussed that under the Colorado Constitution and the State Statutes, that is not part of the plan. The gentleman said "That's not right." Mr. Wilson said "My job is to tell you what's legal. Others have to decide what's right or wrong." The last thing... he's not even in the area the City's intending to annex. He lives in the original Clifton townsite where the post office and school are located. Once the gentleman realized that, it relieved him of any remaining concerns he may have had. Ms. Huber asked if Mr. Wilson knew the gentleman's name. Mr. Wilson knew his first name was Ron, and he had attended prior City Council meetings.

Ms. Huber was concerned about the interest Grand Junction has toward the west, and why Clifton appeals to the City so much, since everything Council is doing is west. This is not the first time she has heard The Ridges discussed at length. She felt when Clifton was considered, it was very closely timed. Councilmember Theobald stated Council tries to deal with different issues as they come up. Since the first meeting of May, everything Council has done takes longer. City Attorney Wilson stated the area from the I-70 Business Loop back towards Grand Junction is eventually going to be urbanized. It seems inevitable the way the approvals have been going. The City's assumption has been that the City is in the business of, and structurally under the Colorado laws, cities are better able to provide, police services, parks, roads, etc. Grand Junction thinks it is more cost effective, long term, to have one city rather than two or three cities competing.

As far as timing, Councilmember Terry stated for her, this particular petition had nothing to do with where it was. It was just that it was so complicated. That's why it took so long.

Councilmember Afman stated Council has spent a great deal of time discussing the Clifton annexation in organized meetings with Clifton people and the Eastern Valley people. A tremendous amount

of dialogue has already transpired.

Ms. Huber asked the names of the members of the Growth Committee. Councilmember Afman stated she, Councilmember Mantlo and Councilmember Theobold serve on that board. Councilmember Terry clarified the Growth Committee studies closely the issues, then brings the item to the full City Council for final decision.

ADJOURNMENT

Upon motion by Councilmember Mantlo, seconded by Councilmember Theobold and carried, the meeting was adjourned at 10:30 p.m.

Theresa F. Martinez, CMC
Deputy City Clerk