

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

February 21, 1996

The City Council of the City of Grand Junction, Colorado, convened into regular session the 21st day of February, 1996, at 7:30 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 Theobold and President of the Council Ron Maupin. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

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

GRAND MESA YOUTH SOCCER ASSOCIATION PRESENTATION OF DONATION TO CITY COUNCIL

Mr. Ken Rabideaux introduced Blake Sillix. Blake, on behalf of the Grand Mesa Youth Soccer Association, presented to the City Council a check in the amount of \$10,000 for the construction of Canyon View Park. Blake said he is looking forward to playing soccer at the new park.

Mr. Rabideaux expressed his appreciation to Council for the hard work toward this park and also for the hard work through the Parks Task Force and the Parks and Recreation Department. The Grand Mesa Youth Soccer Association has a building fund and would like to use some of it for grant money toward the completion of the remaining three fields of the soccer field. That will be their goal over the next year. He will report back to Council on the progress.

Two soccer teams were present and were introduced by their coaches.

BOY SCOUT TROOP 388 WAS PRESENT AND RECOGNIZED BY CITY COUNCIL

RESIGNATION OF REFORD C. THEOBOLD FROM THE WALKER FIELD AIRPORT AUTHORITY BOARD - RESOLUTION NO. 21-96 APPOINTING COUNCILMEMBER DAVID C. GRAHAM TO THE WALKER FIELD AIRPORT AUTHORITY

Councilmember Reford C. Theobold read his letter of resignation from the Walker Field Airport Authority, effective February 21, 1996 (attached).

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried, Resolution No. 21-96 appointing Councilmember

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David C. Graham to the Walker Field Airport Authority was adopted.

Councilmember Theobold stated he would share some thoughts with the Airport Board, Staff, Tenants, County Commissioners and Council regarding where Council can go from here, and encourage a solution to the ongoing problems.

CONSENT ITEMS

Councilmember Graham asked that Item #7 be removed from the consent agenda. Councilmember Baughman asked that Item #11 be removed from the consent agenda.

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote with Councilmember **GRAHAM** voting **NO** on Item #2 and **ABSTAINING** on **Item #9**, the following Consent Items 1-6 and 8-10 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the minutes of the Regular Meeting February 7, 1996

2. **Award Contract for Construction of Canyon View Park**

The following bids were received on February 8, 1996:

M.A. Concrete, Grand Junction	\$5,567,000*
Phipps-Newell Construction, Grand Junction	\$5,718,000
Randall & Blake, Inc., Littleton	\$5,759,576
Valley Crest Landscaping, Inc., Parker	\$5,786,744
Alpine C.M., Inc., Grand Junction	\$5,874,282

* Recommended Award

Action: Award Contract for Construction of Canyon View Park to M.A. Concrete in the Amount of \$5,567,000

3. **Award Contract for Purchase of Bulk Gravel**

Bids were received on February 6, 1996 by the following local contractors:

Whitewater Building Materials	\$79,683.75*
United Companies of Mesa County	\$89,558.75
Grand Junction Redi Mix	\$91,937.50

* Recommended Award

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5,800 tons of 3/8" crushed aggregate
 3,000 tons of 2" base course gravel
 2,275 tons of 3/4" road base gravel
 1,000 tons of 3/4" washed rock
 850 tons of 1/2" gravel

Action: Award Contract for Purchase of Bulk Gravel to White-water Building Materials for Annual Supply Contract in the Amount of \$79,683.75

4. **Award Contract for 12 Vehicles**

The following bids were received:

	<u>WS Ford</u>	<u>WS Dodge</u>	<u>Hellman</u>	<u>FuocoBozarth</u>	
1/2 ton Pickup (3)	\$44,866	\$47,904	\$51,795	\$49,333	no bid
1 ton Dump (2)	\$50,204	no bid	\$50,544	\$53,068	no bid
Minivan (2)	\$33,830	no bid	\$34,126	\$38,864	\$37,891
3/4 ton Pickup (1)	\$19,653	\$21,345	\$19,878	\$20,563	
\$21,308					
Compact Pickup (3)	\$39,420	no bid	\$41,856	\$57,243	no bid
4WD Utility (1)	\$10,378*	no bid	\$19,795	\$17,239*	no bid
TOTAL	\$198,351**		\$217,994	\$236,310	

** Recommended Award
 * Bid with trade allowance

Action: Award Contract for Purchase of 12 Vehicles (Pickups, Van, Dump Truck and Utility Vehicle) to Western Slope Ford in the Amount of \$198,351

5. **Contract for Engineering Services for Design of the 1996 Alley Improvement District**

The following proposals were received on February 9, 1996:

<u>Engineering Firm</u>	<u>Design</u>	<u>Sewer Alley</u>	<u>Total</u>	<u>Lump</u>
	<u>Fee</u>	<u>Replace</u>	<u>Design</u>	<u>Sum</u>
	<u>Fee</u>	<u>Fee</u>	<u>Sum</u>	<u>Fee</u>
KLH Engineering, Grand Junction		\$6,150	\$16,860	
\$23,000				
Williams Engineering, Fruita		\$2,650	\$21,000	
\$23,650				
Chimney Rock Engineering, Montrose		\$ N/A	N/A	\$32,600
Banner Associates, Grand Junction	\$8,900		\$34,500	\$43,400

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Action: Authorize the City Manager to Execute an Engineering Service Agreement with Williams Engineering for the 1996 Alley Improvement District in the Amount of \$23,650

6. **Easement to U.S. West Across Jarvis Property**

At the City's request, U.S. West Communications has agreed to relocate an overhead telephone line located on the Jarvis property. This relocation is to assist the Department of Energy's removal of uranium mill tailings. The easement will authorize U.S. West to install and maintain the new telephone line.

Action: Adopt Resolution No. 16-96 - A Resolution Authorizing the Conveyance of a Telecommunications Easement to U.S. West

7. **Vacation of Alley Rights-of-Way at 631 S. 9th Street**
[File #VR-95-176] - REMOVED FOR FULL DISCUSSION

8. **Rezone for the Belford Apartments** [File #RZP-95-212]

The petitioner is proposing to rezone a vacant parcel of land on the northeast corner of Belford Avenue and 11th Street from Planned Business (PB) to Planned Residential 28 units per acre (PR-28) in order to develop an eight-unit apartment complex.

Action: Adopt a Proposed Ordinance Rezoning a Parcel of Land on the Northeast Corner of Belford Avenue and 11th Street from Planned Business (PB) to Planned Residential (PR) on first reading and order published

9. **Zoning of Villa Coronado Annexation #1, #2 and #3 to PR-5 and PAD** [File #ANX-94-172]

The Villa Coronado Annexation #1, #2 and #3 has been annexed into the City. The City is required to zone all property annexed into the City within 90 days of the annexation. Staff recommends approval of the proposed zoning of Planned Residential with a maximum of 5 units per acre (PR-5) for the four lots on Villa Street and Planned Airport Development (PAD) for the Walker Field Airport properties.

Action: Adopt a Proposed Ordinance Zoning Villa Coronado Annexation #1, #2 and #3 PR-5 and PAD on first reading and order published

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10. Zoning of Cascade Enclave Annexation to RSF-1 and RSF-2
[File #ANX-95-204]

Staff recommends zoning the Cascade Enclave Annexation with the most equivalent City zones to the previous County zones. The proposed zoning includes RSF-1 and RSF-2 (Residential Single Family with a density not to exceed 1 unit per acre and 2 units per acre).

Action: Adopt a Proposed Ordinance Zoning Cascade Enclave Annexation to RSF-1 and RSF-2 on first reading and order published

11. Purchase of Matchett Property - REMOVED FOR FULL DISCUSSION

* * * END OF CONSENT CALENDAR * * *
* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

VACATION OF ALLEY RIGHTS-OF-WAY AT 631 S. 9TH STREET - PROPOSED ORDINANCE VACATING ALLEYWAYS EAST OF SOUTH 9TH STREET AND SOUTH OF RAILROAD TRACKS PASSED ON FIRST READING [FILE #VR-95-176]

Conoco, Inc., is requesting vacation of four segments of alleyways within and adjacent to the existing tank terminal on South 9th Street.

Councilmembers discussed hearing this item at the same time as Conoco, Inc.'s other application, or thereafter.

Councilmember Graham referred to E-Mail directed to Council dated 2-20-96, 4:55 p.m. Upon motion by Councilmember Graham, seconded by Councilmember Afman and carried by roll call vote, the proposed ordinance was passed on first reading, and the hearing was set for April 17, 1996.

PURCHASE OF MATCHETT PROPERTY - RESOLUTION NO. 17-96 AUTHORIZING THE PURCHASE BY THE CITY OF THAT CERTAIN REAL PROPERTY KNOWN AS THE MATCHETT PROPERTY, INCLUDING WATER RIGHTS AND ALL IMPROVEMENTS SITUATED THEREON AND RIGHTS AND PRIVILEGES APPURTENANT THERETO; RATIFYING ACTIONS HERETOFORE TAKEN IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY BY APPROPRIATE OFFICIALS AND EMPLOYEES OF THE CITY OF DOCUMENTS AND PROVIDING FOR PERFORMANCE OF THE CITY'S OBLIGATIONS THEREUNDER; AND PROVIDING OTHER DETAILS IN CONNECTION WITH SAID PURCHASE

City Council has discussed purchasing the Matchett Farm for use as

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parcs and open space. This property is located north of Patterson Road at 28 1/4 Road and consists of 215 acres. The purchase price is \$2,007,000. Adoption of the Resolution will allow the City to proceed with purchase of this property.

Councilmember Baughman stated the initial concept was to purchase the Matchett property by a long-term lease purchase at a very low interest rate. The time frame has been drastically shortened. He feels the City should not incur debt to purchase the property. He had tried to offer some ideas for the City to purchase the property with a short term debt, or no debt at all. The majority of Council has not accepted his proposal for funding the purchase. He feels the property would be an asset to the City, but an additional \$800,000 interest expense to the taxpayer for the debt purchase is not warranted. He will therefore vote NO on this item.

Mayor Maupin explained Councilmember Baughman's proposal was not to do the reconstruction of First Street, and use the money from the First Street project toward the purchase of the Matchett property.

Councilmember Baughman stated another suggestion was to identify all the properties currently owned by the City of Grand Junction, and determine whether the properties are being used currently or anticipated to be used in the future. If not, identify which of the properties could be sold within six months, and use the funds to purchase the Matchett property.

Councilmember Terry clarified the City will be purchasing the property on a lease purchase, not a debt. Funds will be used from the sale of properties to help pay the lease purchase payments. Councilmember Baughman understood that if the City agreed to the lease purchase agreement, the City cannot buy itself out at a later date. It will continue throughout the term of the agreement. He is very uncomfortable with that position.

Ron Lappi, Administrative Services Director, has reviewed other lease purchases for open space and park land. The "Call Protection" in the "Certificates of Participation" is similar to what would be done with a bond issue, and were protected up to six years. During the first six year period the City could not pay off the debt early. There are ways to pay it off through a "Defeasance of Outstanding Debt" which allows funding of the debt if resources are available. He clarified there is no debt involved in the purchase. It is clearly a lease purchase subject to annual appropriations.

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Councilmember Graham was concerned that the \$800,000 financing cost is unnecessary. The lease purchase is set up to circumvent the spending requirements of the TABOR Amendment. It has disadvantages. The City will have no equity or redemption of the property in the event of default. He urged Council to vote against the purchase until such time as Council has better prioritized its spending requirements.

It was moved by Councilmember Theobold and seconded by Councilmember Afman that Resolution No. 17-96 Authorizing the Purchase of the Matchett Property be adopted.

City Attorney Dan Wilson discussed the contingency clause making clear the request will be made of Council to adopt a further resolution on May 15, 1996 that will actually obligate the City during the last few weeks before closing to complete the purchase. Until that point, the Council can look at all the options and then decide to close or not.

Councilmember Baughman elaborated on his offer to Council Monday night on how the purchase could be funded. Staff's summary reads: "Park Land Expansion Fund can make the entire annual payment the first three years at \$275,000 a year." That totals \$825,000. Two weeks ago the City decided to spend \$840,000 on a three-lane project on First Street. Councilmember Baughman suggested the project be scaled back to a two-lane project with paved shoulders at a cost of \$45,000, which would net an additional \$800,000. Additionally the sale of the Berry/Price property at approximately \$300,000 would net approximately \$1.9 million. It would leave the City short \$100,000 for the purchase of the property. He could not understand why Council would consider indebting the City an additional \$800,000 when such an option exists.

Councilmember Theobold realized Council has made its decision on First Street. He preferred Councilmember's suggestion over the current alternative. He suggested giving the residents on First Street an opportunity to get together as a community and decide what they want to do with First Street. It is still a divided neighborhood between the various issues and interests. He would like them to come to a decision that all can accept and live with rather than the City forcing a solution on them.

Councilmember Theobold amended the motion to include the City Attorney's addition to the contingency clause. The amendment was seconded by Councilmember Afman.

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Roll was called on the amended motion with the following result:

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

APPEAL OF DENIAL OF TRAILS WEST VILLAGE PRELIMINARY PLAN
[FILE #PP-95-157] - PRELIMINARY PLAN APPROVED WITH CONDITIONS

The developer of the proposed Trails West Subdivision has appealed the Planning Commission denial of the Preliminary Plan for 66 single family lots on approximately 40 acres.

This item was reviewed by Kathy Portner, Community Development Department. A revised version of Staff's conditions were discussed. Essentially, the conditions remain the same with some wording changed. The conditions that were changed are as follows:

The plat notations for the two out-lots that would remain when the preliminary plan is approved for Lots 1-39 below the active Redlands Canal. Paragraphs b. and c. explain:

- b. Proposed lots 40-53, the middle tier of lots between the active Redlands Canal and the inactive canal. Out-lot A is appropriate for development as long as all requirements of the City are met. The numbers of lots and the layout cannot be determined until preliminary plat approval has been granted by the City. Staff agrees the lots are developable, however, it does not feel it should accept the preliminary plan, as submitted, since it is unknown how the road is going to be constructed.
- c. Refers to the upper lots on the ridge line. The wording was changed to "was identified as Out-lot B." The proposed language on the plat would read: "This out-lot may not be developed until acceptable access is provided from Out-lot A or an alternative access is provided from the north and/or east. If this out-lot, or any portion, is to be developed, Staff recommends access be from the north or east, which would be from the top of the mesa. Single family homes, if approved, must be situated and constructed so that only a minimal portion of the roof lines will be visible to a person standing at any point on that portion of South Camp Road."

City Attorney Wilson discussed the road which cuts through the escarpment. If Council is uncomfortable with the proposition of allowing a road through the escarpment, because it will be visible, the words "until acceptable access is provided for Out-

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lot A" should be deleted. The original condition said it must have access only on the north and east. Mr. Stowell said he would like the right to come back in the future and have the City then make its judgement. Mr. Wilson said if Council is adamant that the visual degradation would be such that Council never wants to see a cut through the bluff, then the language could be deleted, and say "No, it must be done from the north and the east." Council could also defer the question to another time, another Council, another Planning Commission, and leave the language open. The wording is not granting permission for it now, but is leaving the door open for the petitioner to come back at a future date.

Petitioner Brian Stowell, 0090 Caballo Road, Carbondale, Colorado, stated he is satisfied with the proposal. He elaborated on his concerns with the present language in paragraph c. It was clear to him the road is the issue. Access to the top of the mesa must be safe, aesthetically pleasing, perhaps not even visible. The preliminary plan that was submitted had a road alignment that was based on the information he was able to gather, given the short time frame. He has established several other models that were not presented by computer at the last meeting due to time constraints.

He asked for permission to come back and go through the rigorous Planning Commission process and the Council decision on whether or not any of the proposals are acceptable. He did not want to preclude that. He was willing to seek alternate accesses to the north and east, but it is presently beyond his control. He will do his best, but if that fails, he would like the opportunity to come back with some existing guidelines that can be considered. If he fails, Council can deny the project. He did not want to be told, at this stage, he could never come back again and try to put a road up there. He does believe it could be done safely and with minimal visible impacts. He has been able to model an alignment that does not take out a big chunk that had the largest cut and fill section that would actually come up and T into the top road with very little visibility from South Camp and would shorten the diagonal cut that would be seen. Once homes are built in the lower lots, the lower part of the road would not be seen. A very short segment would be visible. He would like City Council to hear more from his expert, Ed Morris, and see more models, but he is willing to say that today, it is not appropriate.

City Manager Mark Achen suggested adding a sentence after the sentence that had the "acceptable access" in it, where it ends "and/or east": "Access must be both safe and only minimally visible."

City Attorney Dan Wilson suggested the wording read: "Access must

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be safe, aesthetically pleasing, and minimally visible."

Councilmember Baughman said he went out and looked at the site and walked on the site. The steepness of the slope was not near the steepness he had envisioned by the presentation at the last meeting. It was comparable to other slopes in The Ridges. He felt a functional road could be constructed. The entire area on the top of the bluff, between Mr. Stowell's property and The Ridges is approximately three-fourths of a mile. It would be advantageous to have an access not only to the east and north, but also one to the west down through South Camp Road.

Mayor Maupin felt it is impossible to save some aesthetics of the area. There are houses being built everywhere. The housing on the Redlands will be on the ridges and hilltops.

Councilmember Terry said she has been contacted by a resident of Monument Meadows concerned with traffic. Ms. Portner stated only one person spoke at the Planning Commission meeting concerned with trails and street lights.

Edward Lippoth, 2246 Knollwood Lane, stated he and his wife own five acres in the vicinity of this development. They did not receive a notice of the first Planning Commission meeting. Mr. Lippoth's brother-in-law, who lives in Illinois, received a notice. His brother-in-law's property borders the east side of the development. Mr. Lippoth's property borders his brother-in-law's property. Mr. Lippoth visited the property and was quite enlightened. He is in favor of the proposal.

Shawn Cooney, 409 1/2 Prospector Point, The Ridges, said he had gone to see the property on Sunday. He found the view to be spectacular. He is anxious to see the development get started. He is in favor of the proposal.

There was no one speaking in opposition to the proposal.

There were no other comments. The hearing was closed.

Councilmember Baughman stated development on the plateau will help alleviate the use of some of the agricultural lands in the valley.

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried by roll call vote, the Trails West Village preliminary plan was approved with Staff's recommendations as presented this evening: Items a, b and c, with Item a listing 1-8 with the changes in Item c to reflect the access to be safe,

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pleasing, and a minimum visibility.

PROPOSED MULTI-FAMILY DEVELOPMENT AT 12TH STREET AND BOOKCLIFF AVENUE [FILE #SPR-95-113] - APPROVED WITH CONDITION ON PARKING

As permitted in Section 2-2-2.C.4 of the Zoning & Development Code this item has been forwarded by a City Council member to the Council for consideration. Planning Commission, at their February 6, 1996 meeting, denied the petitioner's appeal of an administrative denial of the project. The petitioner is requesting approval for a 92 unit "dorm-style" multifamily development located on 1.72 acres at the southeast corner of 12th Street and Bookcliff Avenue.

Based on Staff's review of the site design and supporting reports and based on the analysis of the site plan review criteria contained in the Zoning & Development Code, Staff recommends denial of the project due to a deficiency in the site design which does not permit parking to be provided in conformance with Code requirements.

Michael Drollinger, Community Development Department, reviewed this item. The item was heard at the February 6, 1996, Planning Commission meeting. The Planning Commission denied the petitioner's appeal of an administrative denial of this project. The location is the southeast corner of 12th Street and Bookcliff Avenue. It is presently zoned RMF-64 (Residential Multifamily 64 unit per acre density). The proposal is in conformance with the RMF-64 zoning, and the density is within what is permitted by Code. Surrounding areas are zoned for medical offices and multi family residences. The units are "dorm-style" meaning individual units, each will have a bathroom, two beds. There will be no kitchen facility for each unit. It will be a common facility located at the end of each floor. The proposed parking is on the eastern and southern portions of the property. The buildings are located on the northwest portion of the property. There is provision for storm water detention on the western side adjacent to 12th Street. The parking requirement for this use is one space per two beds (1 space per unit). There are 92 units which require 92 parking spaces. The petitioner is proposing 84 spaces of which 42 spaces (50%) are proposed as compact spaces. Staff has indicated that up to 20% of the spaces can be compact. The petitioner is proposing in excess of what Staff will accept for compact parking. The City has been using the Transportation Engineering Design Standards Manual which permits some compact parking. In this case the Public Works Department felt 20% was an appropriate number to commit as a maximum for this type of use. Making all the spaces compact would add another four to six spaces. A compact space is 8 1/2' wide x 18' deep. The City's

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Code lists the smallest parking space for this use is 9' x 18'.

This application is not being pursued as a parking variance. Staff believes this is not a situation where a variance is appropriate. By definition a variance involves hardship and unique circumstances or conditions such as an unusual shape of a property or unique topography that may be grounds for varying the City's requirements. The applicant's parking deficiency is due to the site design in which adequate parking cannot be provided. Staff has recommended to the petitioner that a 3-story design would free up a significant amount of land to provide the additional parking. Rearrangement of the building may allow for more parking. One of the Planning Commissioners suggested using underground parking. Staff feels it is an inherent deficiency on the site plan in the way the project is configured, which was the basis for Staff's denial of the site plan. Again, the variance situation is being created by the applicant based on the site design.

Given the present configuration, adequate parking cannot be provided. One of Staff's concerns is a lack of adequate parking may adversely impact the surrounding area resulting in vehicles from the site using on-street parking and causing congestion; also potentially using private parking from either adjacent residential or business uses. Staff has indicated to the petitioner that a maximum of 20% of the required parking may be compact parking. To date, the petitioner has not provided Staff with information to justify the proposed deficiency in the required number of parking spaces. Based on Staff's inquiries, Mesa State College has no data on the percentage of students with cars that could be used to evaluate this proposal, nor does the college have data indicating the percent of students driving compact cars. Presently, the college does not restrict students living on campus from having a car.

Section 4-14-4 of the Zoning & Development Code specifies criteria used to evaluate all uses requiring site plan review. There are five criteria:

1. The site plan layout shall satisfy all development standards of the underlying zone unless the variance is concurrently considered and approved with the review. The application does not meet the parking requirement. Up to this point, no parking variance has been requested or approved with this review.
2. The proposed development or change of use will meet required

City standards for development improvements such as drainage, water, sewer, traffic and other public services. Again, parking is the essential issue. Staff is concerned with the potential impact of overflow parking from the site to adjoining or adjacent uses. Currently there is very limited on-street parking capacity. No parking is permitted on 12th Street. Parking is permitted on Bookcliff, although there is limited space available because of a number of curb cuts. A lot of the on-street parking space adjacent to this site which is available appears to be filled during the day. Adjoining medical offices have expressed concern for potential overflow, parking using their lots, etc.

3. The proposal is consistent with any adopted corridor guidelines. There are 12th Street Corridor Guidelines. There are, however, no recommendations specific to the subject parcel. The general corridor area is identified as an area of transition from residential to medical and commercial uses, educational and commercial uses. The proposal is in general conformance with the intent of the guidelines. The Guidelines recognize that a lot of the area is still zoned residential.
4. The proposal is conformance with any adopted elements of the City's Comprehensive Plan and/or with any adopted neighborhood plans. There are no adopted neighborhood plans or an adopted Comprehensive Plan.
5. The proposal sufficiently addresses and satisfies any issues discussed at the pre-application conference or in the review comments, and adheres to basic land use design and City Planning principles.

Again, Staff recommended to the petitioner that an alternative design be considered to address the parking deficiency to make the site function properly. This has been repeatedly identified as a significant design issue. There were other issues regarding drainage and landscaping that the petitioner has satisfactorily addressed. Staff has allowed some adjustment of the landscaping requirement to allow the present configuration. The intent of the landscaping requirements still met with the present design.

Based on Staff's review of the design, supporting reports, the analysis of the site plan review criteria and the requirements of the Zoning & Development Code, Staff recommends denial of the site plan review for this project based on the deficiency in the number and type of parking stalls provided.

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Mr. Drollinger answered several questions of Council. There is no additional parking requirement for visitors for this type of use. There is a height restriction, but three stories could easily be accommodated.

City Manager Mark Achen stated some colleges have attempted to solve the parking problem by restricting the number of parking permits issued. There is no way students can be prohibited from owning a vehicle and parking it on a public street or parking lot. The City's ability to control occupancy and the use of this development would be an extraordinary venture.

Mr. Drollinger stated Mesa State College provides the City with plans when it develops, but the review is advisory only in nature because there is a question to the City's jurisdiction and what it can require. City Attorney Wilson stated it has been Council policy and Staff direction that the City would defer to the opinion of Mesa State that the City has no jurisdiction.

Councilmember Afman stated jurisdiction was one of the conditions of the City's support of Mesa State in the future, that Mesa State meet and accept City Code regulations for all future buildings.

City Manager Mark Achen stated other municipalities are facing the same issue of the State entity taking this position.

Councilmember Graham asked if the City has any means to restrict the number of beds that could be put into the dorm, then only allow enough beds to be occupied in the facility subject to the number of parking spaces that were provided. City Attorney Wilson explained in a planned zone Council would have that type of discretion. But in a straight zone, Mr. Wilson felt it's going beyond the realm of where the Code contemplates the site plan review.

Mr. Drollinger stated the total number of units allowed in this zone would be 64 times the acreage which would equal approximately 110 units, although it is not suitable for this site because of parking limitations.

City Manager Achen stated he talked to the Mesa State College President today specifically asking him for data regarding the ratio of compact vehicles or the ratio of vehicles to dorm occupants because the City and the applicant had no success in obtaining specific data. The President could shed no light on either issue. Mr. Drollinger stated the ratio of students owning

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vehicles presumed by the Code is 50%.

Mr. Jerry Cooper, attorney, 225 N. 5th Street, was present to represent the petitioner Harley Jackson, whose business address is 2835 Patterson Road. He stated consideration was given to the possibility of three stories and subterranean parking, and they are not economically viable. After the denial by the Planning Commission, he thought the Board of Appeals would be the next step. A survey was conducted by the applicant in which the number of cars in parking lots in the area of the college were counted. There has been significant investment in this project. At one time the petitioner's proposal had 91 parking spaces. Mr. Jackson has invested \$45,000 in the project thus far. The project is also important to the college. He noted that City Council has been a strong supporter of Mesa State College. In June, 1995, Mesa State College President Ray Kieft made it known the desperate straits of the college with respect to limited dorm housing. Objections to parking and traffic were raised in response to Mesa State's ad regarding housing. Mr. Cooper felt a project such as this will actually reduce traffic in the area and improve the parking because over 190 students could live in this project and be within walking and biking distance of the college. Mr. Cooper read into the record two paragraphs from a letter from Ray Kieft as follows:

"Mesa State College has a critical shortage of student housing both on and off campus. The college estimates it will be unable to house over 300 students this fall. That number is expected to grow to over 450 by Fall, 1997. The solution to this problem requires the cooperation of the college and private developers such as Harley Jackson. The college enthusiastically supports Mr. Jackson's plan to build off-campus multi family housing for students. We plan to continue to work closely with Mr. Jackson on this project."

Mr. Cooper continued that the project is sizeable at a cost of approximately \$4 million, 51,000 square feet. At one time the parking was adequate, but some parking was lost when the architectural landscaping plan had to be redone. The existing zoning is residential multi family, 64 units per acre. Actually, the proposed density is lower than allowed. This zone is appropriate to the site and proximity to the college. Mr. Cooper distributed copies of a parking study conducted by the petitioner, and reviewed the report. Four separate surveys were performed at a various times over a two day period (February 12-13, 1996). Parking lots A-F were walked, vehicles were counted and categorized in two types, compact and standard. The classification of compact and standard cars was based on the

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Architectural Graphic Standards compiled by the American Institute of Architects. These standards have been generally accepted as a standard of acceptance for the industry. Compact cars represented an average of 60%. The remaining 40% of vehicles are standard size vehicles. Mr. Cooper requested the report be entered into the record. He requested Council approve the plan, as is, on the basis of 84 parking spaces. If the plan is unacceptable to Council, he would request the plan be reconfigured to maximize the parking by making up to 60% of the total parking the compact spots.

Councilmember Graham asked Mr. Cooper whether his client can or should apply for a variance? Mr. Cooper stated there were four criteria listed in the Zoning & Development Code for a variance. Mr. Cooper stated his opinion that if Council views this application as a site approval, it can be approved as such, incorporating the parking requirement. A second way was to go to the Board of Appeals and ask for a parking variance. Had he been granted the parking variance as a matter of right, his client would have had a right to a building permit. Either way would have been proper. He felt the preferred way would have been to approach the Board of Appeals for a variance. He said the Assistant City Attorney disagreed.

Councilmember Graham cited Sections 5-5-1, 5-4 and 5-4-16. Section 5-4-16 refers to variances from section 5-4, yet parking and loading standards are a part of Section 5-5. There is no portion of Section 5-5 which would allow for a variance. Assistant City Attorney John Shaver referred to Section 5-5-1(i). He said anything in Chapter 5 is appealable to the Board of Appeals. There is a general overriding provision saying that there is a Chapter 5 provision under which no specified appeal, falling under Chapter 5, goes to the Board of Appeals, and not to the Planning Commission. Mr. Shaver felt it truly was a site plan review instead of a variance issue.

Mr. Cooper referred to the four criteria on page 5.40, paragraph 5, "unusual circumstances", and "the administrator, itself, shall have the authority to vary the parking requirement if one of more of the following circumstances exist." Mr. Cooper stated subparagraph 1, "expected automobile ownership or use patterns of employees, tenants, other users varies from what is typical in the community or typical for the use." The use in this case being a student dormitory. He thought this was also applicable, found in subparagraph 3, "nature of operational aspects of use."

Councilmember Graham stated under Section 5-5-1(h)(18) the

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petitioner does not meet the variance requirements. If Council were to approve the request, it would need an exception to that Section. He asked Mr. Cooper if it was his assumption that Council has the authority to disregard any technical non-compliance with 5-5-1(h). He asked how Council can be consistent with the requirement of applying Section 5-5-1(h) and at the same time create an exception, whether it's a variance, or a functional equivalent of a variance as part of a site plan review. Mr. Cooper stated that subparagraph (i) gives the administrator the authority to make such a variance. He would assume that City Council is superior in its authority to the administrator function under its direction. If the administrator has the jurisdiction and authority to make that decision, then the Council should, under a site plan review, be able to make a determination. Mr. Cooper quoted Paragraph (j): "Appeals - The Board of Appeals, may after reviewing the appeal of an administrative decision, or the standards of this section according to the criteria listed in 5-5-1, authorize the variance from the provisions of Section 5-5-1." Mr. Cooper felt the language spoke very directly to the situation.

City Attorney Dan Wilson stated if it were before the Board of Appeals, the variance criteria in Chapter 10, subsection (d), would have to be met: "The applicant cannot derive a reasonable use of the property without a variance." The thinking was if they go to the Board of Appeals with a parking variance, they will have to be denied, because there are some uses to this property. It would be better to have City Council make the decision because only Criteria 1-4 apply and Chapter 10 does not have to be applied also. Section (i), 1-4 would be applied.

Mr. Cooper stated his client's property is under option, and every month it costs \$2000 to continue the project.

City Manager Mark Achen said Staff felt it had gone as far as it could in trying to make this project happen. Without evidence on which Staff could justify the variance, the difference between what was required and what was being proposed, was too great a difference for Staff to make a decision on the approval. Staff felt it was inappropriate for it to make that judgement, particularly when the neighbors were concerned about parking, as well. The applicant had no evidence that fewer and smaller parking spaces would work. Staff had no evidence to provide to the neighborhood that the parking will work which is why this plan is before City Council.

Councilmember Terry asked if any traffic studies had been conducted for the area. Mr. Drollinger stated the plan does not

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meet the traffic study threshold for multi family developments that is specified in the Transportation Design Manual, which is significantly higher than 100 units. It was the Development Engineer's determination that there didn't appear to be an existing capacity problem that would require a traffic study. Staff considered all the traffic issues, but did not feel the project was of a scope that might trigger the need for a traffic study.

Councilmember Terry asked if the unimproved condition of Bookcliff Avenue, relative to the width and ability to handle more traffic, especially at peak hours, was addressed? Mr. Drollinger said the distribution of traffic or traffic volumes was not addressed because Staff did not have the information. Staff has the ability to require that such information be provided via a traffic study which the petitioner could be required to do.

Councilmember Baughman asked if there is a provision that would assure this development would be used for college students only? Mr. Cooper stated unless there was some legal restriction placed of record, probably anyone could rent. The fact that the units are set up in a dormitory style would discourage others from renting. The units are not designed as apartments. Mr. Jackson intends to rent to students only.

Councilmember Theobald asked what changed in the parking for the project. Mr. Cooper had 92 spaces and 90 degree parking instead of angled parking. Discussion with the City's traffic engineer, Jody Kliska, centered around turn angles as one exits, and the necessary turn radius for a car coming away from a curb at 90 degrees is much greater and would tend to increase accidents. This plus the architectural landscaping change cost the project a total of 7 spaces.

Mr. Harley Jackson, 455 Wildwood, said originally there were 91 spaces. His engineer met with the City Traffic Engineer, Jody Kliska. His engineer understood the 91 spaces were approved, although some were straight in parking. There was one landscape island left. Staff requested diagonal parking and put in one more landscaped island, which reduced the parking by 7 (from 91 to 84).

There were no others speaking in favor of the proposal.

Ms. Jill Anderson, 393 1/2 Hillview Drive, co-owner of Columbine Animal Hospital, was present representing Columbine Animal Hospital and Dr. Huffaker who owns Mesa Otolaryngology. She has owned the veterinary hospital for six years. She discussed

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traffic and parking. There are no bike paths on 12th Street nor public transportation. That sets this project apart somewhat from off site dormitories in other college towns because those college students are able to use public transportation. It is a speculation that only 50% of the students will need cars. The distance between the dormitory project and the center of campus is .7 mile, a walking round trip distance of 1 1/2 mile. The campus will expand to the west meaning students will then have to walk even further or use bicycles. It is a serious defect as far as endangering traffic flow and students. The students will have many visitors. Ms. Anderson said it is difficult for traffic flow to move smoothly at 12th and Bookcliff now. The traffic considerations are as important as the parking considerations. It was at their request several years ago that the stop light at 12th and Bookcliff was installed. They have a track record as far as witnessing traffic at this intersection. Ms. Anderson stated uses are being mixed in a very intense degree when mixing the uses of 12th Street as a major corridor for Community Hospital, Mesa State and several elderly residential areas.

There were no others speaking in opposition to the proposal.

Mr. Cooper stated the project would be located 2 1/2 blocks north of Saunders Fieldhouse, and most students would walk to the campus.

Councilmember Baughman asked how long this property has been zoned RMF-64. Mr. Drollinger said it has been zoned RMF-64 for quite a while. The business zones have been appearing over time. City Attorney Wilson stated it was approximately 1973 when the Zoning Code went into effect.

Councilmember Afman asked if there are some alternatives to the landscape requirements that could accommodate more parking. Mr. Drollinger stated there is a minimum landscape requirement for the frontage, and an overall minimum landscape requirement for the site. There is an additional landscaping requirement for parking lots of 50 spaces and greater. The amount of landscaping was generated by the Engineering Department requirement so that there be enough distance between 12th Street and the first parking space allowing a vehicle to back out of the first few spaces, and not have a vehicle entering, thus blocking a travel lane on 12th Street. There is a minimum distance needed to allow a car turning off of 12th Street to stop without blocking a travel lane. Mr. Drollinger said setback requirements also interfere with additional parking.

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Mr. Drollinger said there are options in redesigning the site, not reconfiguring the parking. Reducing the number of units is a design option. There may be ways to reconfigure the building to gain additional space. The petitioner has not provided plans pursuing these options. There are a number of components to the parking lot landscaping requirements. There is a perimeter and interior requirement and along the street frontages. Staff has already allowed a variation along the southern property line to have the minimum buffer decreased to 5' which allows the present parking configuration. Along the east property line it is 10'. The landscape islands are required by the parking lot landscaping code. If there is a variation of those standards that impact the intent of the Code, then it is a significant variation of the Code requirement. Currently, the minimum requirement is being met in terms of the number of islands in the area, and the square footage that is permitted. Staff has already allowed some variation on the perimeter landscaping requirements.

Councilmember Theobald asked if the petitioner could obtain an easement from the adjoining property to put four spaces off site, but still off-street. Mr. Drollinger said the Code would permit the off site spaces. It would be potentially workable.

In reference to concerns about overflow parking in nearby private lots, Mr. Drollinger said Staff did not consider posting of signage ("no college parking, not available for student parking, etc.") as a potential option. Mayor Maupin said anywhere "private parking" is posted, a tow company can be called. It is also possible to limit on-street parking to two hours so businesses are not impacted.

There were no other public comments. The hearing was closed.

Councilmember Afman felt there is definitely a need for student housing. She said most students tend to drive a compact car since it is more economical. A lot of students will walk. A higher density apartment complex would have a greater impact on 12th Street traffic than this development.

Councilmember Baughman felt the compact car spaces can be increased over what is allowed by the City Code and not be detrimental to the project.

Councilmember Terry concurred with Councilmember Baughman. She felt the biggest issue is the possibility of on-street parking. It currently exists. By decreasing and allowing less number of parking spaces it would impact the neighbors even more. She could

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not approve that. She would like to see the parking lot retrofitted by redrawing a plan with more compact car parking spaces.

Councilmember Mantlo agreed with Councilmember Terry. He felt there had to be some way to provide more parking spaces.

Councilmember Baughman suggested a compromise on the landscape of the project for additional parking.

Mayor Maupin was willing to compromise on landscaping especially the small medians (two in the middle and one on the end) which would create maintenance problems for the landlord, and would not add to the aesthetic value of the property.

Regarding traffic concerns, Councilmember Terry stated the City is diligently considering improvements of Bookcliff Avenue between 7th and 12th in the future.

Councilmember Graham stated the project will generate more traffic, and off-street traffic problems. The surrounding uses seem compatible with the project. He is committed to allowing the highest and best use of the site for the maximum return on the investment of the owner. The project will impact the neighbors, and most people would rather not have a dormitory in their backyard. If Council approves the request, Councilmember Graham was sure Council will be hearing about it in the future.

Councilmember Theobald felt there is going to be a traffic impact. He cannot see a better use of this density than this proposal if the concern is the number of cars that are going to be put on the street. There is a potential density of 110 units. In the case of an apartment complex, units could have one to three bedrooms, could be a family of two to four persons, and have two cars per unit instead of one car per two units. A facility that is within walking and biking distance of the campus is going to improve parking around the campus. Currently the City is requesting 50% of the units per space and the petitioner is proposing 46%. He felt the City needs to give the petitioner the fair use of his land. He agreed with Mayor Maupin that under the circumstances he would prefer the exterior landscaping that buffers from the street than the interior parking lot landscaping. He suggested Council approve a number of parking spaces it is comfortable with and allow some changes within the interior to accommodate that number to give the petitioner some direction.

Upon motion by Councilmember Afman, seconded by Councilmember

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Graham and carried by roll call vote, the multi-family development at 12th Street and Bookcliff Avenue was approved with direction to Staff that the petitioner must have 90 parking spaces by eliminating interior landscaping for the addition of six parking spaces and/or changing to compact parking spaces up to 60%.

Staff was directed to address Council's concerns with on-street parking and restrictions on timed parking and coordinate it with the surrounding businesses.

RECESS

Mayor Maupin declared a ten-minute recess. Upon reconvening, all members of Council were present.

SPECIAL USE PERMIT AND VARIANCE REQUEST FOR FELLOWSHIP OF EXCITEMENT CHURCH [FILE #SUP-95-136]

The petitioner is requesting a Special Use Permit for a church and associated facilities on a 25.6 acre parcel located at the northwest corner of 24 Road and G Road zoned RSF-R (Residential Single Family Rural - one dwelling unit per five acres). Petitioner is also requesting a variance to Section 5-4-5.B of the Zoning & Development Code to allow an on-site septic system.

Kathy Portner, Community Development Department, reviewed this item. The revised proposal includes a 1,555-seat worship facility, a family center with church offices, recreational facilities, including a soft ball field, volley ball courts, basketball court and a soccer field. An outdoor stage area on the north end of the property had originally been proposed. It has since been deleted. The project does not lie within the 201 sewer service area. The petitioner had initially requested the extension of sewer to the site. They have since withdrawn the request, and now request to provide an on-site septic system to provide sewer service to the site. The closest sanitary sewer line is located on the south side of I-70 near Interstate Avenue, more than one half mile from the site. The Mid-Valley Appleton Plan, which is an adopted County plan, discusses this area essentially retaining its rural character and discourage activities and development which significantly increase traffic volume in the area. It states "The subject site should be no greater than one unit per five to ten acres." It identifies this site as an area of possible extension, but gives no give planning horizon for such an extension. The City Growth Plan that is currently underway identifies this area "to remain at rural densities, and not to be developed at urban intensities through

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the life of the Plan (2010)." However, the Land Use Plan is not completed nor adopted at this point. Current zoning for the parcel is RSF-R (one dwelling unit per five acres). The surrounding area is primarily zoned either RSF-R or County AFT (Agriculture/Forestry Transition), similar to the City RSF-R zone. Current zoning would permit approximately five single family homes on the subject parcel. Staff feels additional consideration should be given to what the zoning was prior to the annexation of the site. The Church had purchased the site and started conversations with Mesa County on the development of the site for their facilities prior to the annexation. Under the County AFT zone, churches are allowed uses. In discussions with Mesa County Staff, the indicated use would have been approved provided all the technical issues were met. An on-site septic system would have been allowed provided they had received approval from the Mesa County and State Health Departments.

Staff feels a key factor in the land use policy issue is whether or not this site can be served by an on-site septic system. If the applicant can demonstrate to the City's satisfaction that the project can adequately be served by an on-site sewage disposal system, the land use policy issue is resolved. Staff is concerned that if sewer is extended to the area, it opens up one side of the Interstate to urban intensity development.

The proposed project falls within the use category of churches. In the RSF-R zoning, it requires a special use permit. Normally, a special use permit can be reviewed and approved at Staff level. However, early on in the process, Staff received a petition from surrounding property owners stating their concerns with the proposal. It was therefore forwarded to Planning Commission for review.

The criteria for the special use permit is as follows:

1. The proposed use must be compatible with adjacent uses. The petitioner, through the review process, has proposed some major changes to the site to make it more compatible with the surrounding area. They have reduced the seating capacity from 2200 to 1550 and eliminated the outdoor stage area. In response to the petition filed by area residents, the church has worked with the property owners and has alleviated many of the concerns of the property owners. One property owner attended the Planning Commission hearing saying sewer should be extended to provide sewer service to the property.
2. The use shall be approved only if the design features of the

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site, such as service areas, pedestrian/vehicular circulation, safety provisions, accessory uses, access ways to and from, and site buffering are sufficient to protect adjacent uses. The initial information supplied by the petitioner regarding traffic concerns does address all concerns that were outlined in earlier reports. There were many concerns initially about how the traffic would be handled at this location. Many revisions were made to the Traffic Study and to the design of the traffic facilities. At this point, the City Development Engineer is satisfied that they can meet the requirements and build the facilities for safe traffic access.

3. Proposed accessory uses must demonstrate that they are necessary and desirable. The accessory uses (the recreational facilities) add to the site impact, but Staff feels the elimination of the outdoor stage area certainly reduces the impact.
4. Adequate public services are available without the reduction of services to other areas. The only outstanding issue is the sewer issue. The petitioner provided additional information, through the review process, as to how the on-site sewage disposal system would work.
5. In order to approve the proposal, City Council, under the Code, must grant a variance to Section 5-4-b of the Zoning & Development Code which requires all development to hook into the public sewer system. The request would also have to be approved by Mesa County and State Health Departments. Other uses complementary to and supportive of the proposed project shall be available, including schools, parks, hospitals, etc. The traffic concerns were addressed under Item 2.
6. The use shall conform to adopted Plans, Policies and Requirements for parking/loading signs and all applicable sections of the Code.

The scale and intensity of the proposed use is a concern, but Staff feels the provision of sewer service is the key issue to whether or not this proposal meets the intent of the direction of the Growth Plan at this point. If it is found that an on-site septic system can work, the land use issues will diminish. If the special use application is approved, the petitioner would have to meet all Code requirements in the final design element such as parking and landscaping standards. The petitioner understands

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that.

For the requested variance to Section 5-4-5.b. of the Zoning & Development Code to allow an on-site septic system, there are four criteria that must be considered:

- a. Their exceptional topographic soil or other sub-surface conditions or other conditions peculiar to the site such as viaducts, bridges and bluffs;
- b. An undue hardship would be created by the strict application of the provisions of this section;
- c. Such hardship is not created by an action of the applicant;
- d. Such variance would not be detrimental to the public welfare or impair the intent and purpose of this section.

Staff has asked the petitioner to address the criteria in their presentation.

Staff feels the petitioner has adequately addressed the concerns related to traffic circulation. Additional detail and approval by the Colorado Department of Transportation will be required with a final site design. Another traffic issue is the potential need for traffic signals at the frontage road intersection. The Colorado Department of Transportation is pursuing that, and the applicant will be required to pay a proportionate share toward the installation of the traffic signal. The issue of whether the site can be served by an on-site septic system must ultimately be decided by City Council and the Colorado Department of Health. Larger land use implications for this area are minimized if it can be served by an on-site system.

Staff recommends approval of the special use permit with the following conditions:

1. Final approval by the Colorado Department of Transportation;
2. Council approval of a variance to Section 5-4-5.b. of the Zoning & Development Code to waive the public sewer requirement;
3. Approval by Mesa County Health Department and the Colorado Department of Health for an on-site septic system;
4. Final site design must meet all requirements of the Zoning &

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Development Code, and final review will determine the required contribution toward a traffic signal.

The Planning Commission approved the special use permit at its January 16, 1996 hearing, subject to the Staff recommendation and recommended approval of the variance, Section 5-4-5.b. to waive the public sewer requirement.

Both items are being considered at this meeting because they are so intertwined, and Councilmember Terry requested the special use permit be forwarded to Council for consideration.

Ms. Portner stated she has talked with State Health Department representatives and feels they are waiting to see what direction City Council takes on the sewer issue. The State Health Department told the applicant it would not make a decision until there was an approved site plan for their approval. The State Health Department is concerned with whether or not major technical requirements of an on-site septic system can be met, whether there is a backup in case of failure. The State Health Department's purpose is to attempt to get everyone on the public sewer system and discourage single service septic systems. The Mesa County Health Department would also have to review and approve the septic system. Their review is purely technical. Ms. Portner stated the Appleton School has its own septic system, although she did not know what type it is.

Public Works Director Jim Shanks addressed the warrant for a traffic signal, which is due to the sight distance to the south on the bridge. The warrant says if there are five or more preventable accidents in one year, a signal is warranted. Both the church's and the City's anticipated traffic with Canyon View Park add to the volume of traffic. It is anticipated to be approximately 80% of the warrant. The past history warrants the signal at the west bound off ramp. Since the primary problem is the State's in the creation of the site distance problems because of how the bridge was designed, CDOT has agreed verbally with the State Traffic Engineer to provide the materials for the signal at this location. The City estimates the church's share would be approximately 15% to 18% of the cost. The City's share should be comparable, although a portion of the City's share will be in labor, and could be greater. If the State does not come to a final agreement, there will be no traffic signal. Mr. Shanks stated the traffic signal is warranted because of the accident rate, even if the church does not build in the area.

Mr. Shanks also addressed the septic system. Councilmember Graham

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asked if the current septic systems and/or leach fields in the area will be able to operate forever, or will they eventually fail? Mr. Shanks said it depends on the carrying capacity of the soil. There will be necessary repairs and maintenance over a period of time. Sometimes a tank has to be repaired or replaced. If a leach field fails it may have to be expanded. These are things that will be looked at very closely by the County and State Health Departments in their technical review. The church will have to make application that applies to the buildout of the entire site. It may not have to build it initially if it is going to phase the operation, but will have to get approval for the entire project.

Mayor Maupin asked for comment on the process if the 201 was to be amended and a sewer line was to be run to this location. Mr. Shanks said there is a 90 day period after publication in which a hearing is held and the City takes a look at the proposal, whether it's an addition or deletion to the 201 and other pertinent facts.

It is an action by the City to amend the 201 Sewer. Currently the 201 Boundary stops at I-70. An extension would come from the southwest. There is a sewer line in the vicinity of 23 1/2 Road and Interstate Avenue. That line would have to be extended north, then east along the southerly right-of-way line of I-70, then a bore underneath the interstate. The language in the City/County sewer agreement states the City and/or County must agree to the extension.

Dan Hooper, senior pastor of the Fellowship Church, stated the church is a fast growing church. It started with 19 people; last week there were 1968 attending services. He gave background information regarding the church. The subject property at 24 Road and I-70 was purchased by the church one year before the land was annexed into the City. Mr. Hooper referred to a letter from Kathy Portner dated December 22, 1995, "An additional consideration of the zoning of the site prior to the annexation and at the time of the purchase of the church, the site was zoned AFT. This County zoning classification allows churches as a use by right without the need of a special use permit regardless of the intensity of the activity." According to Linda Danenberg of the Mesa County Planning Department, the use would have been approved by Mesa County if all the technical concerns were addressed. When the church purchased the land, it had invested \$125,000 into the project by putting in a ball field, volley ball courts, purchased a security building that is 95% completed, and installed a County approved septic system. A pond has also been built on the northwest portion of the property, and a \$32,000 sprinkler system has been installed with a \$12,000 pump house. The church was

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moving forward with the project. When the City annexed the property, the church did not expect the 201 Sewer Boundary to be extended, nor did it desire an extension. When the site was purchased, the church knew it could be serviced with an on-site septic system because there is plenty of land to allow it. An on-site septic system will work for the church because it is not a restaurant, a 24-hour truck stop. The church holds services on Sunday morning and Wednesday night, resulting in plenty of leach time between Sunday and Wednesday. The church knew the 201 sewer was not available to the property when it was purchased, and knew the land could be developed into a useable site. That is why it was purchased. The church met with neighboring residents to discuss noise impacts. As a result, the outdoor stage area was eliminated. The auditorium seating was dropped from 2200 to 1500 to reduce the traffic flow. The church has worked very hard on the project and conducted itself in a professional manner. It is known that the area is going to be considered a gateway to the City, and the church will beautify the area. Pastor Hooper requested the variance be approved for the on-site septic system, and that Council approve the special use permit.

Councilmember Afman asked if the church intends to conduct tournaments on the ballfields with other churches at this location. Pastor Hooper said it is not in the church's five-year plan.

Councilmember Mantlo asked what measures the church would use in case the septic system failed. Pastor Hooper said on Phases I and II there has been land designated for three separate septic systems. The engineered septic system that has been designed by LanDesign will adequately handle the flow. If one fails, there are two other septic system sites that can be used. The church plans to service the system on a regular basis. If a problem arises, it will be fixed at any cost.

Councilmember Graham asked if there will people living on the premises. Pastor Hooper stated a 3-bedroom apartment is located on the property to house a full time maintenance and security employee. A Certificate of Occupancy should be issued on the building within one week. Behind that building is a large shop area that will store equipment. The neighbors were happy to learn there will be security for the property. The building was built first so someone would be available to oversee the facility.

Councilmember Graham asked if non-worshipers would have access to the facility. Pastor Hooper stated everything the church has is used as tool to encourage people to attend the church, although it

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would always be in conjunction with a church group. It would not be opened up for public use. The church's insurance liability clause does not allow such a use.

Councilmember Terry asked Ms. Portner to address landscaping. Ms. Portner stated if the petitioner were to receive approval of the special use permit, they would then proceed into the site plan review process at Staff level, and would have to meet the landscaping and parking requirements of the Code.

Mr. Bill Killgore, 2014 Tiara Court, is a recent member of the church. Mr. Killgore has found Pastor Hooper to be a refreshing and exciting minister of the Word of God. He has voluntarily helped plant 500 trees on the site. They had to be watered by hand for many months and they all lived. He felt this is an indication that this is the site God intends the church to have. He asked for Council's approval of the special use permit and the septic system.

There were no other public comments. The hearing was closed.

Councilmember Graham asked the other Council members if there have been any applicants that have been granted an exception to the requirement to hooking onto the City sewer. If so, how was it resolved? Is this case unique? Councilmember Theobold could not remember any exceptions to someone being required to hook onto sewer when they were within the required 400 feet of existing sewer (Mesa County Health Department requirement). That has not come up. In this case, the petitioner is not within 400 feet; they are within a half mile of the sewer. His understanding is when the Health Department approves a septic system, it expects there to be enough room for two leach fields in case of failure.

Upon motion by Councilmember Afman, seconded by Councilmember Baughman and carried by roll call vote, the special use permit was approved with Staff recommendations 1-4, and the variance request to Section 5-4-5.B. of the Zoning & Development to waive the public sewer requirements for Fellowship of Excitement Church was approved.

Councilmember Terry stated as the City continues to annex beyond the 201 Sewer Boundary, it is imperative that this dilemma be addressed. If development is going to be allowed outside the 201 boundary, the City's Code is not consistent.

Councilmember Theobold felt the Zoning & Development Code needs to be amended to create a zone allowing churches by right rather than

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by a special use permit. Councilmember Afman stated that item is scheduled for the March 4, 1996, Council Workshop. He also offered congratulations to the Pastor Hooper and the church on how well they have made this plan fit many challenging circumstances, and worked with the neighborhood to alleviate many concerns.

PUBLIC HEARING - ORDINANCE NO. 2892 AMENDING CHAPTER 38, UTILITIES, OF THE CODE OF ORDINANCES BY IMPLEMENTING EPA'S RECOMMENDED CHANGES AND BY CREATING A "TECHNICALLY BASED LOCAL LIMITS" PROGRAM

The majority of the changes are recommended for clarification purposes and will not change the program's operational procedures. The only exception is the implementation of "Technically Based Local Limits." This changes the City's measurements and limits from a milligrams per liter basis to a total pounds per year basis for each pollutant. These new limits will regulate the total amount of each pollutant the plant can accept each year. This is different from the current regulations which only limit the concentration of each pollutant.

A hearing was held after proper notice. Dan Tonello was present to answer questions of Council.

There were no comments. The hearing was closed.

Upon motion by Councilmember Terry, seconded by Councilmember Mantlo and carried by roll call vote, Ordinance No. 2892 was adopted and ordered published in pamphlet form on second reading.

PUBLIC HEARING - ORDINANCE NO. 2893 REZONING 2507 ORCHARD AVENUE FROM RSF-8 TO PR-8.7 - RESOLUTION NO. 18-96 AUTHORIZING THE CITY MANAGER TO SIGN A CONSENT TO VARY COVENANTS FOR MELROSE SUBDIVISION [FILE #RZ-95-222]

Request to rezone a parcel of land located at 2507 Orchard Avenue from RSF-8 (Residential Single Family with a density not to exceed 8 units per acre) to PR-8.7 (Planned Residential with a density of 8.7 units per acre) to allow a duplex.

As a property owner in Melrose Subdivision, the City is being asked to sign a consent to vary the covenants in the subdivision to allow for the duplex at 2507 Orchard Avenue and Melrose Park.

A hearing was held after proper notice. Kathy Portner, Community Development Department, was present to answer questions of

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Council.

Councilmember Graham asked if the rezone complies with the requirements of Section 4-4-4 of the Zoning & Development Code. Ms. Portner said it does.

Councilmember Theobald said he is uncomfortable with the non-conforming usage as it keeps cropping up when there is a lack of records.

Alex Mirrow, co-owner, stated he sent a letter to the homeowners in the neighboring subdivision and asked if they would agree to the rezone. There have been no objections. Everyone is happy to see the improvement. He submitted five petitions to the City Clerk which agree to allow the amendment to the covenants.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Baughman and carried by roll call vote, Ordinance No. 2893 was adopted and ordered published on second reading, and Resolution No. 18-96 was adopted.

PUBLIC HEARING - ORDINANCE NO. 2894 ZONING B 1/2 ROAD ENCLAVE TO H.O. [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 with three sides currently zoned Highway Oriented (HO) and one side Planned Mobile Home (PMH). The Orchard Mesa Neighborhood Plan recommends HO zoning for this area.

A hearing was held after proper notice. Dave Thornton, Community Development Department, was present to answer questions of Council. Mr. Thornton stated the zone complies with Section 4-4-4 of the Zoning & Development Code.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Terry, seconded by Councilmember Mantlo and carried by roll call vote, Ordinance No. 2894 was adopted and ordered published on second reading.

PUBLIC HEARING - ORDINANCE NO. 2895 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - SUNSET VILLAGE ANNEXATION, APPROXIMATELY 3.76 ACRES LOCATED AT 25 1/2 ROAD ACROSS FROM MOONRIDGE DRIVE, AND ORDINANCE NO. 2896 ZONING SUNSET VILLAGE [FILE #ANX-95-223]

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The property owner, Marc S. Laird, is requesting annexation of his property and plans to subdivide his 3.4 acre property into 13 lots. Staff requests that City Council approve the Sunset Village Annexation. Total area of the annexation (including right-of-way) is 3.76 acres.

The Sunset Village Annexation is being considered by City Council. The City is required to zone all property annexed into the City within 90 days of the annexation. Staff recommends approval of the proposed zoning of RSF-4 for this annexation because it is consistent with the preliminary subdivision plan approved by City Planning Commission and it is consistent with the preferred alternative of the City's proposed Growth Plan and the majority of surrounding land uses that have developed in the City.

A hearing was held after proper notice. Dave Thornton, Community Development Department, was present to answer questions of Council.

There were no comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Afman and carried by roll call vote, Ordinances No. 2895 and 2896 were adopted and ordered published on second reading.

PUBLIC HEARING - ANNEXING RIVER ROAD - RESOLUTION NO. 19-96 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS RIVER ROAD ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - RIVER ROAD ANNEXATION, APPROXIMATELY 390.48 ACRES LOCATED BETWEEN HIGHWAY 6 & 50 AND THE COLORADO RIVER, NORTH OF THE REDLANDS PARKWAY AND SOUTH OF RAILROAD AVENUE ON FIRST READING AND ORDER PUBLISHED [FILE #ANX-96-13]

A majority of the property owners north of the Redlands Parkway and south of the Railhead Industrial Park between River Road and the Colorado River have signed an annexation petition to be annexed into the City limits. Staff requests that City Council approve the Resolution accepting the petition and the Ordinance on first reading annexing the 390.48 acre River Road Annexation.

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. The River Road Annexation is a petition that was submitted to the City by more than 50% of the property owners in the area. He stated it was his professional opinion, based upon his review of the petition, that

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it met all statutory requirements. He submitted for the record a written statement indicating the statutory requirements have been met.

Mr. Dan Roberts, 2399 River Road, stated the area is commercial and industrial. He felt it is further enhanced by the fact it is in a controlled access area. There are projects on the drawing board at this point that will be presented for Council's consideration. He requested the annexation take place as quickly as possible.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Afman, seconded by Councilmember Mantlo and carried by roll call vote, Resolution No. 19-96 was adopted and the proposed ordinance was adopted on first reading and ordered published.

**PUBLIC HEARING - ALLEY IMPROVEMENT DISTRICT NO. ST-96, PHASE B
RESOLUTION NO. 20-96 CREATING AND ESTABLISHING WITHIN THE
CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO,
AUTHORIZING THE RECONSTRUCTION OF CERTAIN ALLEYS, ADOPTING
DETAILS, PLANS AND SPECIFICATIONS FOR THE PAVING THEREON AND
PROVIDING FOR THE PAYMENT THEREOF**

A petition has been submitted requesting a Local Improvement District to reconstruct the east-west alley from 12th Street to 13th Street between Grand Avenue and White Avenue. The petition was signed by 56% of the property owners to be assessed, representing 57% of the abutting footage.

A hearing was held after proper notice. Mr. Tim Woodmansee, City Property Agent, stated this district is one alley, the east/west alley from 12th Street to 13th Street between Grand Avenue and White Avenue. The cost is estimated at \$26,000, and falls within the City's current budget for 1996. The total cost to the owners will be \$4,800. The estimated cost to the City would be \$21,200. All the properties are zoned single family and are owner occupied. The assessment would be \$6/abutting foot. There were no counter-petitions or letters of opposition to the district.

The \$108,680 balance for alley improvements is for 1996 and includes the \$100,000 originally budgeted. Mr. Woodmansee stated there are currently eight petitions being circulated for alley improvements, and 18 requests for petitions. Council requested Mr. Woodmansee provide a report of upcoming improvement districts.

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There were no public comments. The hearing was closed.

Upon motion by Councilmember Theobald, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 20-96 was adopted.

**PUBLIC HEARING - SETTING THE ANNUAL SALARY OF THE CITY MANAGER -
ORDINANCE NO. 2897 AMENDING SECTION 3 OF ORDINANCE NO. 2883**

The City Council needs to establish the salary of the City Manager by ordinance for 1996. The Council recommendation was unavailable at the time of the appropriation ordinance adoption.

A hearing was held after proper notice. Administrative Services Director Ron Lappi was present to answer questions of Council.

There were no comments. Upon motion by Councilmember Terry, seconded by Councilmember and carried by roll call vote with Councilmembers **BAUGHMAN** and **GRAHAM** voting **NO**, Ordinance No. 2897 was adopted and ordered published on second reading.

NON-SCHEDULED CITIZENS & VISITORS

Ms. Mary Huber, 585 1/2 Melrose Court, asked if the Growth Committee is aware that the Steering Committee is working toward a valley-wide land use consideration? Mayor Maupin said the City is aware and is helping to pay for both plans. Ms. Huber stated there is a lot of dissension outside the City, and felt Council needs to consider the fact there is some wisdom outside City Council. Mayor Maupin said both the City and Mesa County have appointed representatives to serve on the growth plan committees.

Councilmember Terry stated periodically Staff, consultants and representatives of the Steering Committee as well as the Planning Commission have all come together for periodic updates. The last update was approximately one month ago. There is full disclosure between City Council and the Steering Committee. Council does not want to step in and give direction because it is supposed to be a grass roots effort. Council is asking for citizen input to bring the plan forward to Council, at the same time giving Council periodic updates so it is fully aware of how it is coming into play.

Ms. Huber said she knows there are bad feelings because the City is not holding off on land use agreements. She mentioned Mr.

Schneiger from Fruita was very upset.

Councilmember Terry said Council is aware of the annexation of I-70 and those concerns. Council talked with Fruita last week at a dinner meeting, and discussions will continue within the Growth Committee. The Growth Committee specifically stated there would be no annexation on the Redlands until further discussion with Fruita takes place.

Councilmember Theobold said better communication between the City of Grand Junction and the City of Fruita is needed.

ADJOURNMENT

Upon motion by Councilmember Terry, seconded by Councilmember Theobold and carried, the meeting adjourned at 11:40 p.m.

Stephanie Nye, CMC/AAE
City Clerk

February 21,

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Attachment

From: Reford C. Theobold
To: City Council Members

This letter will serve as notice of my desire to resign my seat on the Walker Field Airport Authority Board.

A combination of factors have prompted this decision. But generally speaking, while I believe the airport community (board/staff/tenants/etc.) has a window of opportunity to put all the trouble and controversies behind it, I remain convinced that it will not happen. I cannot endure such an atmosphere.

/s/ Reford C. Theobold

February 21, 1996