

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

**OCTOBER 16, 1996**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 16th day of October, 1996 at 7:29 p.m. in the City/County Auditorium at City Hall. Those present were Jim Baughman, David Graham, R.T. Mantlo, Ron Maupin, Janet Terry, Reford Theobald, and President of the Council Linda Afman. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

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

**APPOINTMENTS TO THE GRAND JUNCTION PLANNING COMMISSION**

Upon motion by Councilmember Mantlo, seconded by Councilmember Terry and carried, Paul Coleman, Joe Grout and Robert E. Gordon were appointed to a four-year terms on the Grand Junction Planning Commission until October, 2000.

**CONSENT ITEMS**

Upon motion by Councilmember Baughman, seconded by Councilmember Terry and carried by roll call vote with Councilmember **GRAHAM** voting **NO** on Items 5 and 17, the following Consent Items #1-18 were approved:

1. **Advertising Contract with the Daily Sentinel**

Each year since 1988, the City has signed a bulk space advertising contract with the Daily Sentinel. The contract establishes our annual guaranteed minimum charge per column inch for City advertising. This contract does not include legal advertising where rates are set by State Statutes. The contract amount is \$15,767 and runs from October 1, 1996 through September 30, 1997.

*Action: Authorize the City Manager to Sign the Annual Bulk Space Advertising Contract with the Daily Sentinel in the Amount of \$15,767.*

2. **Advance Orders for Sewer Jetter and Two Dump Trucks**

Last summer, the City bid out a truck mounted sewer jetter, a 5-yard capacity dump truck, and a 10-yard capacity tandem-axle dump truck. In 1997, three identical units are scheduled for acquisition. The City has the opportunity to purchase the 1997 equipment under the same terms and conditions as the 1996 units if these advance orders are approved.

*Action: Authorize Advance Orders on a 1997 International/Aquatech (Truck Mounted) Sewer Jetter from Boyle Equipment Company for \$74,150 and Two Dump Trucks from Hanson Equipment Company for \$126,823*

3. **Police Patrol Agreement with Mesa State College**

Mesa State College has requested a police officer be assigned to the college campus in the evening/early morning hours during the academic year. The agreement, at Mesa State College's request, will continue for five years. The 1996/1997 agreement amount is \$48,702.

*Action: Authorize the City Manager to Sign an Agreement with Mesa State College to Provide a Police Officer to Patrol the College Campus Forty Hours a Week from September 1, 1996 through May 31, 1997.*

4. **LEAF Grant Contract with CDOT for DUI Patrol**

The Police Dept. submitted a grant request to CDOT to fund the cost of police officer overtime to augment normal patrol capabilities for the prevention of drunken driving and enforcement. The grant provided for 646 hours of patrol time at the police officer overtime rate. The City's match for the grant is \$9,743.

Resolution No. 102-96 - A Resolution Approving the Law Enforcement Assistance Fund (LEAF) Contract L-30-97

*Action: Adopt Resolution No. 102-96*

5. **Purchase of Parking Lot at 635 Grand Avenue**

The City has entered into a contract with Mesa National Bank to purchase a 2-lot parking lot located at 635 Grand Avenue. The City's obligation to proceed under the terms of the contract is contingent upon Council approval. Purchase price, including environmental audit and closing costs, is \$46,600.

Resolution No. 92-96 - A Resolution Authorizing the Purchase By the City of Grand Junction, Colorado of Certain Real Property; Ratifying Actions Heretofore Taken in Connection Therewith for Lots 9 and 10, inclusive, Block 83, City of Grand Junction

Action: Adopt Resolution No. 92-96

6. **Lease Extension for Parking Lot at 256 Main Street**

The proposed lease extension will allow the City to continue using the subject property for parking purposes through October 15, 1999. The rent shall be \$600 per year.

Resolution No. 93-96 - A Resolution Extending the Lease of the Ralph N. Schmidt Property Located at 256 Main Street

Action: Adopt Resolution No. 93-96

7. **Telecommunications Easement at 236 Main Street**

U.S. West Telecommunications has requested an easement to install an expanded pedestal cabinet at the northwest corner of the City property at 236 Main Street.

Resolution No. 94-96 - A Resolution Concerning the Granting of a Telecommunications Easement to U.S. West Communications, Inc. at 236 Main Street

Action: Adopt Resolution No. 94-96

8. **Utility Easement at Canyon View Park**

Public Service Company of Colorado requests an easement for the operation, maintenance, and repair of power lines installed across the City owned Canyon View Sports Complex.

Resolution No. 95-96 - A Resolution Concerning the Granting of a Utility Easement Across City Property (at Canyon View Park) to Public Service Company of Colorado

Action: Adopt Resolution No. 95-96

9. **Utility Easement on the Sommerville Ranch**

Grand Valley Rural Power Lines is requesting an easement to allow the installation of an underground power line to serve the Council for Public Television Transmitter Site on the City's Sommerville Ranch property.

Resolution No. 96-96 - A Resolution Concerning the Granting of a Non-Exclusive Easement to Grand Valley Rural Power Lines, Inc.

Action: Adopt Resolution No. 96-96

10. **Planning Fund Agreement**

This proposed 5-Year Planning Fund Agreement would fund the 1997 fiscal year's MPO FY97 UPWP (previously approved by the City and County) as well as additional UPWP's through FY2001 upon annual approvals by the City Council and Board of County Commissioners. Two sources of funding have now been combined into the one agreement: PL funds and Section 8 funds.

Action: Authorize the Mayor to Sign the Planning Fund Agreement Between the Grand Junction/Mesa County Metropolitan Planning Organization and the Colorado Department of Transportation on Behalf of the Metropolitan Planning Organization

11. **Setting a Hearing for Rezoning Ashmont Heights Subdivision at 1620 Canon Street** [File #RZP-96-195]

A request to rezone a .4 acre at 1620 Canon Street from Planned Business (PB) to RSF-8 in order to replat five lots into three single family residential lots.

Proposed Ordinance Rezoning a Parcel of Land Located on the Southeast Corner of Canon Street and Grand Mesa Avenue From Planned Business (PB) to Residential Single Family, 8 units Per Acre (RSF-8)

*Action: Adopt Proposed Ordinance and Set a Hearing for November 6, 1996*

12. **Setting a Hearing for Rezoning CLM Minor Subdivision at 2464 Patterson Road** [File #RZF-96-176]

The applicant requests to rezone a portion of proposed lot 2, CLM Minor Subdivision from Planned Residential (PR-17) to Planned Business (PB). A portion of the site is already zoned PB. A 12,244 square foot commercial building for retail and office is proposed. The Planning Commission has previously approved the site plan and subdivision for the site. The rezone is in conformance with the Growth Plan.

Proposed Ordinance Rezoning Property to be Known as Lot 2, CLM Minor Subdivision, Located on the North Side of Patterson Road, East of 24 1/2 Road From PR-17 to PB (2464 Patterson Road)

*Action: Adopt Proposed Ordinance and Set a Hearing for November 6, 1996*

13. **Intent to Annex the Airport West Enclave, North & South of H Road Between 27 Road and Falcon Way and Exercising Land Use Jurisdiction** [File #ANX-96-221]

This annexation consists of approximately 321 acres. It includes the Airport lands, an upholstery and dog kennel business, vacant and agricultural lands off H Road, as well as several residential parcels along 27 Road. This area will have been totally surrounded by City limits for three years on January 2, 1997, which is three days prior to the planned effective date. Colorado State Statues allow the City to annex an area that has been enclaved by the City for three years.

Resolution No. 97-96 - A Resolution of the City Council of the City of Grand Junction Giving Notice that a Tract of Land Known as the Airport West Enclave Located North and South of H Road Between the Airport and 27 Road at and Consisting of Approximately 321 Acres will be Considered for Annexation to the City

Action: Adopt Resolution No. 97-96

14. **Intent to Annex Bookcliff Country Club Enclave, Between I-70, G Road, Horizon Dr., and 27 Road, and Exercising Land Use Jurisdiction** [File #ANX-96-220] **Attach 14**

This annexation consists of 136.38 acres. It includes the Bookcliff Country Club and several residential parcels along 27 Road. This area will have been totally surrounded by City limits for 3 years on January 2, 1997, three days prior to the effective date. Colorado State Statutes allows the City to annex an area that has been enclaved by the City for three years.

Resolution No. 98-96 - A Resolution of the City Council of the City of Grand Junction Giving Notice that a Tract of Land Known as the Bookcliff Country Club Enclave Located Between I-70, G Road, Horizon Dr., and 27 Road and Consisting of Approximately 136.38 Acres will be Considered for Annexation to the City

Action: Adopt Resolution No. 98-96

15. **Setting a Hearing on the Matchett Park Annexation**  
[File #ANX-96-222]

The property owners have requested to join the City and have signed a petition for annexation. Staff requests that City Council approve the resolution for the referral of the petition for the 222 acres, and set a hearing for November 20, 1996.

Resolution No. 99-96 - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, and Setting a Hearing on Such Annexation - Matchett Park Annexation, Located Between F Road and I-70, 28 and 29 Roads

Action: Adopt Resolution No. 99-96

16. **Co-Sponsorship for Museum's Energy Impact Grant**

The Museum of Western Colorado is seeking a \$400,000 grant from the State's Energy Impact Funds. This grant is part of the Museum's \$6.5 million Capital Campaign to construct a 75,000 square-foot facility. These funds are to be used as

part of Phase II of this campaign. Phase II includes the construction of an elevator, stair and observation tower on the southwest corner of the CD Smith Building. It also includes the replacement of the boiler in the building.

Action: Approve Co-Sponsoring the Energy Impact Grant Application by the Museum of Western Colorado for the New Museum Project in the Amount of \$400,000

17. **Contract for Exterior Stone Work at Parks Building Addition**

In July, bids were requested for the completion of the stone facia on the Parks and Recreation Administration Office addition. No bids were received. Several firms were contacted and two quotes were received: Grasso Masonry - \$25,800 and First Choice Masonry - \$18,800.

Action: Award Contract for Installation of Exterior Stone Facia on the New Addition of the Parks and Recreation Administration Office to First Choice Masonry in the Amount of \$18,800

18. **VCB Contracts for Services with Lodging Properties Outside of City Limits**

Resolution No. 101-96 - A Resolution Authorizing the VCB to Enter into Contracts for its Services

Action: Adopt Resolution No. 101-96

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

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

Mayor Afman announced Council will be taking a break at 9:00 p.m. and 11:00 p.m. If it appears the meeting will be prolonged, she will check with Council to see if they wish to proceed, or extend over to the following evening. She reviewed the hearing process for the benefit of the audience.

**PUBLIC HEARING ON VACATING AN EASEMENT AT 778 JASMINE COURT -  
CONTINUED TO NOVEMBER 20, 1996, CITY COUNCIL MEETING**

[FILE #VE-96-172]

The applicant requests approval to vacate a utility and drainage easement where a retaining wall/fence has been partially constructed without a permit. The Planning Commission found that the wall/fence does not impede drainage and there are no utilities in the easement

A hearing was held after proper notice. Bill Nebeker, Community Development Department, reviewed this item. Mr. Engelder built a retaining wall with a fence on top of it, a portion of which was within a utility and drainage easement. The Planning Commission approved the vacation of the easement which is necessary because of the retaining wall. The Planning Commission denied a conditional use permit for an over-height fence. That has been appealed, but continued to the November 20, 1996, City Council Meeting because the applicant is working with the homeowners association to come to an agreement. Staff does wish to go ahead with the vacation of the easement. The homeowners are not appealing or opposing the vacation. Staff has found there are no utilities or drainage that are affected in this utility easement. Therefore, Staff is recommending approval of the ordinance vacating the easement.

Councilmember Theobald asked if the purpose of the request is to accommodate a fence that has been built in the easement? Mr. Nebeker said yes. The petitioner installed a 39" concrete retaining wall. His fence was existing along the property line at the edge of the easement. He removed the fence, constructed the 39" concrete wall, and then planned to place the fence on top of the retaining wall. He would then fill the back of his lot to make it more level. The Code allows the petitioner to place a wood fence in the easement because it can be easily removed. A concrete retaining wall cannot be easily removed when the easement needs to be accessed to service utilities. The petitioner is requesting to vacate the easement so the concrete wall can remain there. The height of the fence will be decided at the November 20, 1996 meeting, unless the applicant withdraws his appeal of the conditional use permit. The retaining wall currently exists in the easement.

Councilmember Graham asked what would be required of the petitioner if Council were to deny the vacation? Mr. Nebeker said it would require the petitioner to break up the concrete and remove the wall on the last 20 feet of his lot.



Mayor Afman asked if the Planning Commission agreed the retaining wall met the criteria for what is classified as a retaining wall, or is it classified as more of a fence? Mr. Nebeker said the Code states when measuring the height of a fence, if a retaining wall is installed with a fence on top of it, the retaining wall plus the fence measures the height. Staff felt the two really went together as one structure.

Mr. Richard Livingston, attorney representing Mr. and Mrs. Engelder. The easement in question appears to have been platted in error. It is a small piece and has never had any utility usage. The fence question has been deferred to November 20, 1996 because he has been working with the attorney for the homeowners association, Mr. Bryce Palo. A resolution has been discussed because of the dispute between both clients. The retaining wall that is in place occupies the area presently platted as an easement, thus is in violation. If it cannot be corrected, it will be an expensive proposition to tear out concrete. He requested approval of the vacation.

Councilmember Baughman said City Staff's commentary gave an explanation of the project which states the petitioner has some holes at the base of the concrete retaining wall, and has back-filled to the height of the retaining wall with gravel, thus allowing water to drain through the wall. Mr. Livingston understood that what Mr. Baughman has described is known as a french drain. Appropriate work has been done to insure all drainage stays within this property and does not exit the property and go to either of the neighbors' property or to the homeowners association's common area.

Councilmember Graham asked Mr. Livingston if Council grants the vacation, is it his client's intention to withdraw the appeal on the denial? Mr. Livingston said if the agreement can be reached with the attorney for the homeowners association, the appeal will be withdrawn. Councilmember Graham asked if it would prejudice the petitioner if Council were to defer its decision on the vacation of the easement until a clearer picture has been given on the rest of the request? Mr. Livingston said when he asked for the deferral, he was told it could only apply on the appeal. Since there was no appeal on the vacation of the easement, he felt they had no right to ask for a continuance.

Ms. Linda Schooley, 791 Jordana Road, lives in Alpine Meadows. She is on the architectural committee which was totally void of

any notification of this request. She said a retaining wall must retain something. There is nothing there to retain. This is an above ground level concrete wall. She felt the petitioner did not go through the proper procedures. She felt the petitioner is wrong. The homeowners association and the architectural committee told the petitioner and they tried to intercede during the construction of the wall and fence, asking the petitioner not to go forward until he had gone through the correct procedures. Rules mean nothing to this petitioner. She said it is a fence, not a retaining wall. She said they will work with the petitioner. They did not object to the variance, but they want the correct definitions. The retaining wall does not retain anything, and should be defined as a fence. The fence must meet the requirements of all fences in most of the areas of the City, which it should not be over eight feet. She said the petitioner is an engineer, although he said he had no plans because he could not draw them up.

Mayor Afman said she viewed the area personally and could not see the concrete wall. Ms. Schooley said the fence fronts Amber Way and is visible from the road and to all the residents that live on the north side of Amber Way.

Councilmember Maupin asked if there were covenants in the homeowners association for any type of fencing? Ms. Schooley said there are covenants on fencing.

Councilmember Graham said the City Code defines a retaining wall as "a manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site." It also describes height limitations without a conditional use permit. He asked Ms. Schooley if she were satisfied it was going to be used for one of the uses he just read, which he assumed would be stabilizing soil, if the petitioner follows through with the plan to fill with backfill in his back yard, technically, it could constitute a retaining wall as well. Ms. Schooley said the petitioner has a history of not following through on anything. She cannot answer because the "ifs" are so elusive and vague.

Ms. Schooley said she had no objection to the vacation.

Mayor Afman said it as important to keep the vacation and appeal separate at this time.

Ms. Janet Ridgeway, 775 Jade Lane, Alpine Meadows, said if Council denies the request her problems are over. Everyone living in Alpine Meadows, with the exception of 10 homeowners, does not want this structure there. Ms. Ridgeway submitted a petition signed by Alpine Meadows homeowners.

Councilmember Terry asked Mr. Livingston if the structure can be considered at a later date if Council does not act on the request tonight? Mr. Livingston said he did not believe it's a problem.

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

Councilmember Theobald found it difficult to separate the two issues and felt this item should be deferred to the November 20, 1996, City Council Meeting. He was quite uncomfortable in validating something which was done in error. If he were to vote tonight, he would vote no.

Councilmember Terry said as long as the petitioner has no problem with the deferral of this item, she would agree to continue it to November 20, 1996.

Upon motion by Councilmember Terry, seconded by Councilmember Baughman and carried by roll vote with Councilmember **MAUPIN** voting **NO**, this item was continued to the November 20, 1996, City Council Meeting.

**PUBLIC HEARING - ZONING 3D SYSTEMS ANNEXATION TO PI - ORDINANCE**  
**NO. 2947 (AS AMENDED) ZONING 3D SYSTEMS ANNEXATION TO PI**  
**[FILE #ANX-96-104]**

This item was continued from the October 2, 1996 Council Meeting. City Council gave Staff direction at the September 4th City Council meeting to explore a Planned Industrial (PI) zone district for zoning the 3D Systems Annexation. The Mesa County Economic Development Council, acting on behalf of 3D Systems and Industrial Development, Inc., and City Staff have developed a list of appropriate and acceptable land uses for the proposed PI zone for this annexation.

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department. The property is located at Falcon Way and H Road near the airport. 3D Systems, Inc., has recently built a facility on a site that is approximately 10 acres. The entire annexation is 20 acres. The

area is currently under review by the City for a 2-lot subdivision, 10 acres each. The southern 10 acres is 3D Systems facility property and the northern 10 acre parcel will eventually go back to IDI for future development proposals. In September, 1996, Council gave Staff direction to consider a proposal of zoning the area PI rather than a straight I-1 zone. Staff has been working with MCEDC as well as IDI on establishing a list of acceptable uses. Mr. Thornton reviewed the list of uses. IDI provided Staff a draft of their restrictive covenants for this site as well as the Bookcliff Technological Park. Only 16 out of the 40 proposed uses were allowed by the covenants.

Councilmember Graham said he was absent from the meeting where the decision was made to give direction to go from the I-1 to PI, and asked Mr. Thornton to comment on that direction. Mr. Thornton said the direction was to be more restrictive. Council was concerned that some uses in a straight I-1 zone are retail, and the desire is to zone this parcel compatible with Bookcliff Technological Park which is PI.

Mr. Thornton continued by saying Staff concurs with 15 of the 16 uses as compatible uses. The 16th category which is "outdoor building material and equipment storage and sales" is more retail and Staff was not comfortable with adding the use to its recommended list. Of the other 24 uses, there were 12 uses that would be appropriate for this area, light industrial business park types of uses. Items 28-40 includes the outdoor building and equipment storage and sales, plus 12 other uses, and Staff is not comfortable in adding those uses to the list of appropriate uses for the Planned Industrial zone. Some of the 13 uses are comparable to uses on Horizon Drive, for example, restaurants, cafes, hotels/motels and gasoline stations. This location on H Road is close to a densely populated area (Paradise Hills and Alpine Meadows). Adding additional lands that could be used for retail development did not appear to be in the best interest of that corridor. Staff sees the area as being more of a high tech industrial area.

Councilmember Graham asked what is meant by high tech? City Attorney Wilson said that is why the list is critical because it will define high tech. If it's not on the list tonight after Council's consideration, it is not high tech.

Councilmember Theobold said wholesale business associated with the high tech industry business is not well defined. City Attorney

Wilson said Items 1-5 sounds like high technology, late breaking technology. The balance of 6-15 some are high tech, but a helipad would not be considered high tech.

Councilmember Terry asked if Item 15, Helipad, is a conflict with the airport? Councilmember Graham said there is a no-flight area designated around the airport where helicopters could not pass without having an approved flight plan. Councilmember Theobald said the FAA would have some interest in what could or could not be done in the area.

Councilmember Baughman questioned Items 16-27 and how Staff determines those items are compatible with the high tech envisioned for this location? Mr. Thornton said none of them are high tech uses, but the uses could be next door to a high tech business and would not create an unfavorable environment. The list is taking into consideration the entire neighborhood, not just the 20 acres to be zoned tonight. The question is whether there are other uses that are not necessarily what all would agree upon as high tech, which are also compatible uses that would not be detrimental to the entire corridor? The Growth Plan suggests Industrial zoning for this area.

Councilmember Graham asked if some of the uncertainties in definitions were to be resolved through the conditional use permit progress? City Attorney Wilson said that is an option. The other option is for Council to review the site plan and uses. Councilmember Graham said he would be satisfied with the Planning Commission handling it with a conditional use permit.

Mayor Afman asked for Mr. Thornton's professional opinion as a planner, if he felt, knowing the direction of the Bookcliff Technological Park and its restrictive covenants, if the items he had outlined for Council are compatible for the high tech park plus the surrounding areas? Mr. Thornton said yes.

City Manager Achen asked if there is a conscious decision to limit the types of technologies that can be pursued on this site? He noted the list does not include automotive technology, robotics technology, geologic/mining technology, radiological technology unless it is associated with the medical industry, chemical, biological, or animal science technologies unless related to medical technologies. There may be some reasons why the applicant wishes to limit the kind of technologies there. He felt since the

whole business of technology is so broad, it is very difficult to specify certain technologies.

Mr. Thornton said as part of the restrictive covenants for this property, it addresses some performance standards and various requirements. Staff is suggesting in its recommendations that many of the covenants (setbacks, parking, fencing, landscaping, signage, etc.) be included in the approval, so the City has some regulatory powers over the site plan.

Councilmember Theobald asked who amends the covenants? Mr. Thornton said they are typically amended by the property owners. Ms. Diane Schwenke, 528 Greenbelt Court, representing the IDI, said Jim Fleming, the incoming chairman of IDI, was detained by weather. Council had previously been provided with a list put together by the MCEDC which was taken directly from their marketing plan. IDI wanted to have as much flexibility as possible because what happens with Bookcliff Technological Park and 3D Systems is going to determine what happens with the property in between. IDI wants to acknowledge its commitment to Council and MCEDC that the properties under control of the IDI are going to be developed for high tech uses. The list of 40 was developed by MCEDC, along with IDI, to include uses seen in other high tech business parks. She said there is no firm definition for "high tech" today, and if there was, it would not necessarily be valid tomorrow. Thus, IDI was looking for flexibility. Ms. Schwenke said IDI said the first 15 uses are acceptable and they have no problem with the building materials use being deleted. Advanced composites and electronic fabrication would probably be allowed under some of the categories. IDI is comfortable with the list of 15. However, she felt it was unfair to limit the adjacent properties to high tech only. She felt compatible uses should be allowed.

Councilmember Theobald asked Ms. Schwenke if she was comfortable with the 27 uses recommended by Staff? She said there is precedent, when considering business parks, for businesses such as cafes, expresso shops, etc. The Denver Tech Center allows such uses.

Councilmember Terry asked Ms. Schwenke if she felt the listed categories are all encompassing? Ms. Schwenke felt they were as all encompassing as possible at this point. She said it would be impossible to provide Council with a comprehensive list.

Mayor Afman said "Support Services" might allow the other uses. Ms. Schwenke concurred. She said in order to change IDI's covenants, it requires a favorable vote of at least two thirds of the property owners. This is stated in the covenants.

City Manager Achen said long term, IDI and MCEDC's role would expire. He asked if it would be desirable to retain that long term to encourage the facility, as turnover in ownership occurs, to retain the character that the City, IDI and MCEDC sought when purchasing the properties? Ms. Schwenke said it seemed logical. Mr. Achen said it would be a disappointment if a firm which was attracted in high tech served successfully for ten years, then, in a business decision, decided to sell out to some other business that did not purport to what the City was trying to achieve. Ms. Schwenke concurred.

Councilmember Graham asked if there were a catch all description to add onto the list of preferred uses that would give flexibility for moving into the future and trying to figure what could or could not be high tech? Ms. Schwenke said anything that would allow flexibility with regard to that definition would be helpful. Councilmember Graham suggested "any additional industrial, manufacturing, research or commercial use which is demonstrated to be based upon recently developed technology or technologies, and which may advance the level of scientific or technological understanding or achievement generally, or in any particular useful application." He asked if that definition is high tech? Ms. Schwenke said she liked it.

Mr. Bruce Currier, 2760 H Road, said he has an operation in the area that is very rudimentary as far as facilities is concerned, but he would consider it high tech. He operates a cattle feeding and headquartering for desert range operation. He would like to keep the operation going as long as economics permit. He is not very comfortable with the proposed PI zone. It seemed too restrictive. He would like to retain the AFT zone for his property.

Councilmember Baughman said Mr. Currier's property is not involved in this proposal. Councilmember Theobald clarified that eventually Mr. Currier's land will be part of this same type of use in the future. Mr. Currier felt it will be many years before his land will be part of it.

Mr. Greg Cranston, 308 Willowbrook Road, representing Kay Scott, the adjacent property owner to the west, said they are not part of the proposal, but will be influenced by it. His only concern was the term "shall include" in the proposed ordinance. He suggested some language that says "generally shall include, but not necessarily limited thereto" at the discretion of the Planning Commission when the time comes. He said getting too definitive will build a box that will have to be dealt with in the future. He has been directed by Mrs. Scott to initiate annexation. They are anticipating working with IDI and MCEDC in developing sites for advanced industries. An ability needs to be built in for the Staff and Planning Commission and future Councils to react to situations that have not yet been anticipated.

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

Councilmember Baughman wished to add Councilmember Graham's suggestion as Item 28 to the list as it is very evident there is no way to determine what "high tech" will be in the future.

Councilmember Terry wished to clarify some of the identified uses such as "associated with high tech industry." She suggested deleting "associated with high tech" and adding some other wording in its place.

Councilmember Graham offered to amend a motion with the language he used earlier.

City Manager Achen asked Council if it wanted to alter the preamble language to the list of uses in the ordinance. The preamble language says "the list shall generally be as follows."

Upon motion by Councilmember Terry, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No 2947 was adopted on second reading as presented to Council tonight, with an amendment to the Staff recommendations that rather than define some of the categories as associated with "high tech industry" to generally say "any of those associated with the land use categories listed in the ordinance." Further, the ordinance is to read "shall include" and not say "shall be" nonexclusive, and shall include "any additional industrial, manufacturing, research or commercial use or process which is demonstrated to be based on recently developed or developing technology or technologies, and which may advance the level of scientific or technological



understanding or achievement, generally, or in any particular useful application". The Ordinance was ordered published.

RECESS

Mayor Afman declared a ten-minute recess at 8:50 p.m. Upon reconvening, all members of Council were present.

APPEAL OF PLANNING COMMISSION APPROVAL OF THE FINAL PLAT AND PLAN FOR 61 TOWNHOMES AND PUBLIC HEARINGS ON VACATING A RIGHT-OF-WAY AND REZONING FROM PR-4.4 TO PB FOR WILSON RANCH TOWNHOMES - FINAL PLAT AND PLAN DENIED [FILE #FP-96-160]

An appeal of Planning Commission's decision to approve the final plat/plan for a 61 unit townhome development on 7.67 acres, constituting the final phase of Wilson Ranch Planned Development. Also the applicant requests a street vacation and rezoning to accommodate the townhome development. G 1/2 Road adjacent to the site will be vacated and realigned to provide a straighter and wider road. The realignment isolates a parcel in the northeast corner of the site from the remainder of the development. The rezoning of this parcel from PR-4.4 to Planned Business allows it to be swapped to Bookcliff Gardens Nursery for landscaping materials to be planted along G 1/2 Road and in the interior of this site.

A hearing was held after proper notice. Bill Nebeker, Community Development Department, reviewed this item. This is a request by Dan Garrison, GNT Development Corp. G 1/2 Road cuts through the site and the applicant is proposing that the road be moved up adjacent but parallel to Interstate 70. A new urban collector would be constructed there. The preliminary development plan was approved by the Mesa County Commissioners in 1980. Mr. Nebeker explained Staff's formula for determining density for a PR zone. When a Planned Residential is requested, Staff looks at the entire site owned by the applicant which is to be developed. The applicant's number of proposed units is divided by the acreage of the property resulting in an average density. In this case, the average density of Wilson Ranch is 4.4 units/acre. The density in the townhomes is close to 8 units/acre, thus the density of the single-family homes are closer to 2 or 3 units/acre. At the time the property is rezoned, the applicant must also present a plan to show how the densities are allocated. The original plan had no garages. It had carports and open parking spaces. G 1/2 Road was proposed to be vacated and relocated, which has always been a part

of the plan. Staff supports the vacation of G 1/2 Road. It straightens out the road considerably and makes it more developable. There has been no opposition to the vacation and relocation of G 1/2 Road. It will be rededicated and built entirely at the applicant's expense. It will be built as an urban collector with a capacity up to 8,000 vehicles. G 1/2 Road on either side was built to a residential collector which can handle up to 3,000 cars/day. There will be a total of 165 homes in Wilson Ranch using G 1/2 Road with an average usage of 1,650 cars/day. A residential collector is designed to handle up to 3,000 cars/day. G 3/8 Road can also be used to exit the development, and Staff feels the traffic impact is not a factor. Staff does not oppose the request to rezone the dedicated open space to a Commercial zone, and trade it to Bookcliff Gardens. Bookcliff Gardens must present a plan to Planning Commission showing the use of this piece of property. The use on that property is limited to uses associated with the landscape/nursery business. Regarding the site plan, Planning Commission discussed the open space. The plan originally indicated a pool and clubhouse which is no longer in the plan. Staff is requiring some type of amenities in the open space area. Planning Commission said it would not approve Phase #4 of this development until it was decided what type of amenities would be placed in the open space, thus allowing the homeowners association some input. Staff was also concerned with parking. The applicant removed four units and added 15 parking spaces, which is agreeable with Staff. Mr. Nebeker said the plan includes detached garages, originally proposed by the applicant to be platted individually so they could be leased or sold to persons owning the townhomes. The homeowners association would have control of the garages and it would have a mechanism for obtaining funds for maintenance of the facility. Staff was concerned that the garages could be purchased and used for storage by residents as well as those outside the development. Planning Commission finally decided not to plat any of the garages. The applicant has since added more garages. The petitioner has 20 spaces more than required, so Staff recommends only 20 of the garages be platted. The garages would be one car garages with closing doors. The petitioner, Mr. Garrison, will discuss the garage issue. Staff also recommends a change to the Planning Commission recommendation which is requiring the petitioner to complete the first phase by December 31, 1997, rather than December, 31, 1996. The first phase is the realignment of G 1/2 Road.

Councilmember Theobold asked how the pool and clubhouse was required to be built? Mr. Nebeker said it was shown on the original plans by the developer that there would be a pool and clubhouse. Councilmember Theobold asked if the petitioner is obligated to build those amenities? Mr. Nebeker said between the preliminary and final approval, Mr. Garrison proposed not to construct the pool and clubhouse, and it was not required during final approval by the Planning Commission. It was included in the 1980 approved preliminary plan. Mr. Garrison filed a revised preliminary plan without the pool and clubhouse which has been approved by the City.

Petitioner W. D. "Dan" Garrison, president of GNT Development Corp, said the preliminary approval was given in 1980. In 1982 a final approval was given for Wilson Ranch Filing #1 for 44 units which he again refiled in 1990. In January, 1991, he built the 44 units, and did Filing #2. Subsequently, he did Filings #3 and #4.

As a part of the original approval, the pool, clubhouse, tennis courts, etc. was discussed. Mr. Garrison quoted Skip Berhorst, representing Destination Properties, Inc., who were the developers of South Rim, when questioned about the tennis courts, swimming pool and amenities, as saying "the amenities will be built if the market develops, if there is a desire by the residents, and if we make enough money." That is what Mr. Garrison considered final when he purchased Wilson Ranch December, 1990. He had nothing to do with the final approval of Filing #1 of Wilson Ranch. The proposal for the multi-family units goes back to the original PR-4.4 zoning based upon 41.37 acres. On that basis, the approval was given by the Mesa County Planning Commission for 105 single family homes to be built south of the canal, and 76 multi-family homes to be built north of the canal. Through some revisions south of the canal, Mr. Garrison did not build 105 units. He platted 94 single family lots for homes. There are four vacant lots at this time. He has plans to develop the area north of the canal as a multi-family area. He has gone through five designs for this parcel. He gave up over an acre of the property to the canal company for maintenance, which was necessary. After providing the one acre of the 7.6 acres, it was impossible and impractical to build the 76 units that were allowed. The 76 units were divided among townhomes and condominiums. There was much less open space than currently exists. The townhomes are 850 square feet. Mr. Garrison felt a better use of the land was for a better quality product. The quality product he has proposed are townhomes which would vary from 1000 to 1400 square feet. The original plan had no garages, and he has no obligation to build garages. He has an obligation to provide parking. He asked to

plat the garages separately because some people might want to buy one. Deed restrictions can be made when the purchase takes place.

He suggested the purchaser must be a Wilson Ranch resident, and no resident can own or lease more than one garage. It cuts approximately \$6,000 from the cost of a home to eliminate the garage. He felt more people can qualify and have a nice residence if they don't have to buy a garage. He felt the garages add to the quality of the project, but did not wish to belabor the issue.

Staff recommends Mr. Garrison be allowed to build 20 garages out of the 50. He agreed with the amendment to Phase #4 and accepts Staff recommendation on it. Mr. Garrison said a great deal of landscaping is planned for the project, as he believed landscaping makes a subdivision. He said the G 1/2 Road corridor is proposed to City standards in terms of an urban collector. It has curb and gutter on both sides with a 10 foot wide landscape strip on the south. To the south of the landscape strip there is a five-foot wide detached sidewalk. The landscape strip is designed to buffer the entire development against traffic on G 1/2 Road and traffic from I-70. The agreement with Bookcliff Gardens was that Mr. Garrison would give Bookcliff Gardens the land (4.3 acres) at fair market value in exchange for Bookcliff Gardens' landscape material at retail. He intends to preserve the best tree on the property which is a 85-90 year old cottonwood tree. The rest of the trees on the property are trash trees (elms that throw seeds, etc.) His plans for the canal include a three rail, split rail fence, welded wire on the outside, two rows of barbed wire on the top, to be planted heavily with dense shrubs to prevent any access between the canal right-of-way and the homes, making it safe and salable as well. The total number of units is now 60. The value of a density unit in the north area of Grand Junction is approximately \$10,000/density unit. Mr. Garrison pointed out that on July 3, 1993, he petitioned for annexation to the City. Provisions of that petition were that the City accept all of the preliminary plans which had been approved by the County. Unless minor changes for technical or engineering reasons were necessary, the preliminary plan would stand approved. If it were anything other than minor or technical, he would go back through the preliminary process. He also pointed out overhead fire protective sprinklers will be installed in each unit as a result of fire flow tests. The tests indicated a flow of 970 gallons per minute. He felt a good project has been designed. It is a composite of the original plan and what he felt is the best he could do. He felt it is a good use of the zoning which exists in the area. He requested Council's approval of the plan.

Councilmember Graham asked what the per unit price for the townhomes will be? Mr. Garrison estimated the \$100,000 range.

Councilmember Terry asked who would be responsible for the garage units should they be built and not sold? Mr. Garrison said they would be his responsibility as the owner.

Mr. Garrison said there is a half road dedication on the east side of 25 1/2 Road and goes from G 3/8 Road to the bottom of Wilson Ranch. The west side has never been dedicated. G 1/2 Road goes from 25 Road to 26 Road, it exists for one mile.

Mayor Afman asked Mr. Garrison about his other projects. Mr. Garrison listed several projects in the valley in which he has been involved.

Councilmember Maupin asked why Mr. Garrison has not planned a project with attached garages which seems to be in demand? Mr. Garrison said he felt the condos would attract retirees and first time homeowners. He felt the combination of families and retirees makes for a good community.

Councilmember Theobald asked Mr. Garrison how he conveyed to people buying in the first phases of Wilson Ranch what was going to be happening in the final phases across the canal? Mr. Garrison said the houses were sold by a variety of realtors. The plans have been on the books for a long time. On July 12, 1996, Mr. Garrison sent a letter to every homeowner in Wilson Ranch inviting them to a gathering at the Ramada Inn where he presented the plans and said he would be happy to talk to the owners about the plans.

Mr. Garrison said one of the points of contention between Staff and the developer has been the active versus passive recreation area. He said 48% of the entire site (7.76 acres), after dropping the Bookcliff Gardens land, is open space and landscaped. He does not know what type of amenities the residents will want.

Councilmember Theobald asked if the easement is an exclusive easement or can anything else be done with that property? Mr. Garrison said he has been requested by Staff to write the easement in such a manner that there is an opportunity for the City to have a walking path within the easement area as well. In terms of Mr. Garrison or any resident being able to do anything with that area, Mr. Garrison said no.

Public comments were taken at this time.

Ms. Jo Holcomb, 2554 S. Corral Dr., Wilson Ranch Subdivision, spoke to Council representing the Wilson Ranch Homeowners Association. She asked the members of the Association who were present at the meeting to stand. She said the Association is not opposed to the development, but is opposed to the site plan, as drafted, and is concerned with the very components the Planning Commission uses to assess developments as a whole, namely, quality of services, and benefits to City or County. Ms. Holcomb stated a background of inconsistencies with the request. The original density presentation of the development to several Wilson Ranch homeowners was outlined to be approximately 15-20 luxury townhouses, 2000 square feet, brick construction, attached double car garage, including plans for a clubhouse and a pool. All units were stated to be single family dwellings. Rather, the actual density was 76 units, now down to 61 units, and ultimately 60 units with on-street parking and none of the aforementioned amenities. A presentation on the new developments which was given in July, 1996, at which time Wilson Ranch homeowner, Ray Segura, in disbelief, questioned these changes. The developer's response was the offer to purchase Mr. Segura's house and property. Other homeowners reacted similarly. Misrepresentation was the immediate thought in the minds of many of the homeowners. Many inconsistencies were brought to light at the September 3, 1996, Planning Commission meeting because the existing elevation of the townhouse subdivision is ten feet higher than the Wilson Ranch Subdivision, and because the canal border of the townhouse subdivision allows the greatest number of units within the seven acres. It was explicitly stated at the September 3 meeting that the construction of the 36 units were to be single level dwellings for the sole purpose of providing privacy to the Wilson Ranch homeowners. Instead, 24 of the dwellings are double story units. Other issues which have been readdressed include a provision of a recreational area. To date, this has not taken place. The subdivision plans show a 51% open area, however, this is inclusive of the property to be deeded to Bookcliff Gardens and Grand Valley Irrigation easement rights, neither of which is useable to future townhouse users. The sole reason for scaling down the townhouses from 76 to 60 was because of easement and space constraints. 76 units simply were not possible.

Ms. Holcomb addressed the concerns of the homeowners association:

1. Garages - The lack of attached garages per unit and the proposed seven unattached garage buildings present a number of issues.

a. The mechanism for garage ownership has not been defined. Lease versus purchase of these spaces is a significant concern. These sentiments were also shared and discussed by City Attorney John Shaver and Planning Commissioner Jeff Vogel. Definition of who may purchase or lease the number of units purchased by a single individual, actual use of the units, be it parking versus storage versus sub-letting, enforcement of determined use, collection of fees and distribution of said fees is too tenuous nor is clarification easily secured. Enforcement of determined use will be a large issue. If a garage is purchased, the homeowner would have the ability to sell only this structure while retaining ownership of the living unit. This would suggest the creation of storage units. A living unit may be sold while original ownership of the garage is maintained, which could reduce the number of parking spaces assured each homeowner per the covenants. Ownership of multiple garage spaces could also reduce the number of parking spaces assured each homeowner. Likewise, if garages were leased, it would suggest commercial enterprise.

b. Unattached garages, heights and security issues - One must access vehicles in remote locations and personal safety can be at risk.

c. Lack of attached garages is contradictory to the marketing description of high-end, luxury townhouses.

2. Crime - Secondary to the high density of this area, an invitation to an increased crime rate is offered. This, in conjunction with uncovered, unattached parking can promote increased vandalism. This is not in the best interest of the planned community who has the right to expect the same quality of living afforded to like subdivisions in the area. This is not in the best interests of the entire north area, and certainly not in the best interests of Grand Junction as a marketable community.

3. Safety -

a. Regarding the split rail fence along the canal, the association is aware of the attraction of canals in children, and fear for the safety of children as well as disoriented elders with such a low barrier. Future residents should expect and demand

effective safety structures. Will fencing be built as each phase is completed, or pending completion of all phases? As much as one year between phases could mean much of the canal would remain open despite existing occupancy.

b. Ms. Holcomb said the provision of a fire sprinkling system within each unit was a requirement rather than a quality addition. She introduced Mr. Ray Segura, an expert hydraulics and fire inspector, designer and installer of fire safety sprinkling equipment for a detailed explanation.

Mr. Segura, 2575 Ranch Court, Wilson Ranch Subdivision, distributed a hand-out to Council. He said the subdivision is full of children. His job is life safety. He is a fire suppression contractor. He was asked to evaluate the project based on fire safety. He told Council the flow tests were conducted in March, 1996, which is the lowest demand time of the year and the test showed 919 gallons/minute. The rate would drop in the summer when water usage is high. He understood Mr. Garrison plans to take the water supply from Wilson Ranch Subdivision up to G 1/2 Road and continue east to feed the subdivision. If there's a fire within the subdivision, by the time the pumper truck taps are opened, the residual flow will drop to below minimum requirements. He felt there is insufficient fire flow for the proposed density. Mr. Segura said Hank Masterson of the City Fire Department was not happy with the plan either, but offered the installation of a sprinkler system as an alternative.

Mr. Segura said sprinkler systems are designed to get people out of a structure, not to save property. A sprinkler system will not take care of a garage fire, brush fire or attic fire. Hank Masterson had said because the two story units are stacked above the canal, fire can leap across the canal. Mr. Segura asked if Wilson Ranch homeowners get the water or if the townhomes get it?

He asked why the line is not going down and continuing to 26 Road, and looping back to G Road, so both subdivisions have adequate fire protection? He was told it's too expensive and cannot be done. If water cannot be provided for adequate fire protection, the size of the subdivision should be reduced. Mayor Afman asked Mr. Segura if he had worked with any other projects in the valley where this concern has been addressed? Mr. Segura said he has installed such systems in the past, but the 13B and 13R systems have just recently become cost effective. He is opposed to the site plan based on a fire hazard. He is not opposed to the realignment of G 1/2 Road. He is not opposed to the rezone of the parcel of land to be exchanged with Bookcliff Gardens.



Councilmember Mantlo, former Fire Chief, said the estimated response time for the area would be five to six minutes.

c. Ms. Jo Holcomb continued by saying another safety issue is the fact the cul-de-sac design does not follow recommended AASHTO (American Association of State Highway Transportation Officials) guidelines for access of emergency vehicles.

The trunkated cul-de-sac at the end of the western parking garages (the northwest section) does not have sufficient space to allow emergency vehicles or trash collection vehicles to turn, thus necessitating those vehicles to back up over a distance of approximately 170 feet. AASHTO guidelines for cul-de-sac design recommends a minimum of a 50' by 100' turning space. The affect of newly added garages in the southeast area is unknown at this time.

d. The emergency vehicle access is of concern. While no parking is to be allowed on the main thoroughfare, residents will surely park cars for short periods of time. The density of this project will dilute fire fighting efforts.

4. School Impact - Impact projections for the area's affected schools include an additional 40 students at Appleton Elementary, 20 at West Middle School, and 26 at Grand Junction High School. The homeowners association agrees with the Western Colorado Congress who stated "The State of Colorado empowers commissioners to deny land use proposals in order to protect the community's safety and welfare. When it is revealed at a public hearing that part of the infrastructure cannot handle more development, or that the quality of a public service is poor, and a proposed subdivision would exasperate the condition, officials have the ability to rule against or scale down a development to further prevent deterioration of the community."

5. Miscellaneous -

a. The parking spaces are 17.5 feet long which is inadequate for common passenger type vehicles. Will potential homeowners be excluded upon their vehicle type?

b. The Wilson Ranch Townhouse Subdivision is being marketed as luxury condos and said to range (stated at the last Planning Commission meeting) in the \$125,000 to \$175,000 bracket.

It is presumed those interested in purchasing these units would be comprised of those who possess expendable incomes. This further brings the expectation of recreational vehicles as well as multiple personal vehicles. The covenants are obscure when addressing RV's, boats, etc.

c. The common ground play area has been marginally addressed as its provision was originally resisted. Rectification of this is imperative. Children will use G 1/2 Road to access Wilson Ranch Park, presenting a significant safety hazard. The common ground area has been designated on the plat as the easterly tail of the subdivision which fronts the living units, and it is surprising that potential residents would define that area as a playground area.

d. The current soft real estate market as well as aesthetics concerning the development, and a sound barrier between the development and I-70.

Ms. Holcomb questioned the procedural issue regarding the development's approval. Customarily, preliminary approval with public comment precedes administrative final approval. In this instance the development was preliminarily approved administratively without public comment. Only now, for final approval, is public comment allowed. She questioned what has driven this change in protocol.

6. The homeowners association offers the following recommendations:

a. Council delay or reject the final approval of the townhouse development pending outcome of the school bond issue;

b. Downscale and/or redesign the development to include attached garages; the end result would be a responsible, well planned and safe community for the community at large;

c. Rectification of all the remaining safety issues;

d. Complete water loop for adequate fire protection;

e. At a minimum, be granted a deferral to have the opportunity to discuss any of these concerns with the developer which should cause no harm to the developer due to the completion date of December, 1997.

Ms. Holcomb realized the property was annexed into the City in 1992 with the conditional approval of the townhouse development as approved by the County. While the City approved this development based on County approval, they did not waive all rights. What the City did not waive is the City's police powers to promote and protect health, safety, or general welfare of the municipality of its inhabitants. The goal of the Homeowners Association is to make this and all developments responsible, reasonable and safe for the entire community.

Mayor Afman asked Ms. Holcomb if she attended the open house meeting conducted by Mr. Garrison for the homeowners. Ms. Holcomb said no, she was out of town.

Councilmember Terry questioned Ms. Holcomb's discussion on the change in process. Mr. Nebeker said there was some confusion when the preliminary plan was reviewed because of the annexation agreement. Based on the annexation agreement, Staff reviewed it preliminarily. After the preliminary approval, Staff looked to see what was done with other phases of Wilson Ranch, and found they did go to Planning Commission. So the final plan came before Planning Commission also. It would have been better if the preliminary plan had gone to Planning Commission, but because it was already approved, the final plan was taken to the Planning Commission and subsequently City Council.

Councilmember Baughman asked Ms. Holcomb if, at the time of purchase, was she was apprised of the extent of the development in the townhome portion of the Wilson Ranch Subdivision? She said she was not, and had no knowledge whatsoever. As homeowners were called to plan a meeting date for discussion, an informal survey was conducted which revealed less than 1/8 of the subdivision residents said they were aware of this prior to the purchase of their lot or home.

Councilmember Theobald asked Ms. Holcomb when she purchased her property? She said December, 1995. He asked Ms. Holcomb if the outcome of the school bond issue vote is successful, would she be in favor of the proposal? Ms. Holcomb answered not necessarily so.

Councilmember Graham asked Ms. Holcomb if she had information regarding the numbers of people living within the subdivision, also the mean fair market value of houses in the subdivision? Ms.

Holcomb said no. The homes on the east side are houses at a minimum of \$200,000 and exceed 2000 square feet. The lots alone start at \$40,000. Recent sales in the Wilson Ranch Subdivision are in the \$135,000 to \$140,000 range. Councilmember Graham asked Ms. Holcomb if she, on behalf of the homeowners association, felt it would depress real property values in her subdivision if Council approves the subdivision? Ms. Holcomb said yes.

Ms. Valerie Robison, 2555 G 3/8 Road, concurred with Ms. Holcomb's comments. She was concerned with use of the common areas listed in the covenants. The designation of the 51% of the open space area is not clear, and could include the parking. There is no provision in the covenants for insurance coverage to be secured by the homeowners association of the townhomes, and no provision for covenant enforcement. There are a lot of unknowns including whether there will be parking spaces or carports, whether there will be playgrounds, horseshoes, or swimming pools. Ms. Robison purchased her home in August, 1996, and was not aware of the plans. She was told there were townhomes that were going to be developed along 26 Road. She knew of the concept of townhomes, but did not know they would be across the street from her home.

Mr. Ned Pollard, 741 Wilson Court, purchased his home in December, 1992. He was not made aware of any townhomes at the time of purchase, although he did attend a homeowners association meeting at which time Mr. Garrison discussed future plans for this project. He was concerned with vehicles exiting Wilson Ranch using G 1/2 or G 3/8 Roads. There are blind spots on 25 Road in both directions. He was not opposed to the realignment of G 1/2 Road, but was concerned with providing safety at both intersections.

Mr. Joe Subialka, 2551 G 3/8 Road, Wilson Ranch, felt he will be most affected by the additional traffic as his home is the last one before leaving the subdivision on G 3/8 Road. The speed limit on G 3/8 Road is now 25 mph. Police monitoring revealed traffic consistently travels G 3/8 Road at a speed over 40 mph. He opposed realigning G 1/2 Road because the current curves force traffic to slow down somewhat. He felt the traffic speed would increase even more if G 1/2 Road were realigned. He felt that a successful bond issue will not alleviate the school crowding as it takes at least one to two years to construct new schools. Mr. Subialka purchased his home in March, 1994 from a local realtor, who informed him there were plans for future development to the north.

Mr. William Rohr, 2559 G 3/8 Road, was concerned with police protection. The stop sign in front of his home ( G 3/8 Road and Wilson Ranch Road) is run constantly by motorists. He has attempted in vain to get someone to patrol the area. As new homes and people are added, how will the traffic be controlled? As many as 23 cars have run the stop sign in one evening. Mr. Rohr purchased his property in February, 1992, and was aware of the townhomes, but not the density. He is in favor of the realignment of G 1/2 Road and the rezone. He was opposed to the density of the site. The traffic flow was his main concern.

Ms. Kathy Drogos, 2245 Rimrock Road, Principal of Appleton Elementary School, said her school is over capacity. Additions to Appleton Elementary cannot take place without the approved bond issue. She requested Council wait until after the November, 1996 election to make a decision. She felt it is very responsible to look at the needs of the children as planning and building proposals are considered. Councilmember Baughman asked Ms. Drogos at what point Appleton Elementary would be able to accept new students. Ms. Drogos said if the bond issue passes, it would be one to one and one half years.

Ms. Valerie Robison, 2555 G 3/8 Road, said she understood Phases I and II are both to be completed by December, 1997. Mayor Afman said Staff will clarify that.

Ms. Elsa Daugherty, 750 Wilson Drive, said she purchased her property in February, 1991. She knew about the townhome phase. She said Mr. Garrison assured her the project would be luxury townhomes that would fit in with the rest of the plan for the development. The bottom average price of the homes in the subdivision is \$135,000. The mean price in the subdivision seems to be approximately \$179,000. She said there is absolutely no space in Appleton Elementary, and described the overcrowded conditions. She requested Council delay a decision until after the bond issue.

Mr. Zane McMahan, 2533 G 1/2 Road, said the area has remained 4 units per acre all along the Interstate, between 25 and 26 Roads. He objected to the project because he does not want the road changed. The realignment will increase traffic and congestion. He felt it would cause property values in the area to drop. He requested Council deny the proposal. Mr. McMahan purchased his property 23 years ago. Councilmember Baughman asked Mr. McMahan if he objected to the original zoning of the property? Mr.

McMahan said all the area residents objected to the zoning and requested the County Commissioners reduce the zoning to 4 units per acre.

Mr. Frank Lamm, 2587 G 1/2 Road, a 23-year resident, owner of 18 acres located east of Wilson Ranch, requested that Mr. Garrison complete his commitment to Mr. Lamm in Filing #4 before moving on to another project. As a result of the February 10, 1993 and June 1, 1993 Planning Commission meetings, Planning Commissioner John Elmer made a condition on Filing #4 that Mr. Lamm would be granted access to his property meeting City standards. In 1980, he was concerned that he not be landlocked and would have an access other than crossing a bridge over the canal. At that time, part of the purchase agreement with David Berhorst, Destination Properties, Inc., regarding this property, was, in exchange in part for cash and the concession that this access would be guaranteed. The Planning Commission, at its February 10, 1993 meeting, told Mr. Garrison he could not have the cul-de-sac on County property, and it would have to be moved back into Wilson Ranch so it would be City property. Then Mr. Garrison could be granted his approval for Filing #4. Mr. Lamm referred to page 9 of the February 10, 1993, Planning Commission minutes. This property which was sold to Destination Properties, Inc., which is now under GTN Development, Dan Garrison, was in exchange, in part, for that cul-de-sac for access. Everything is completed in Phase 4 and Mr. Garrison is now asking for Filing #5. However, Mr. Lamm and his wife are out on a limb, along with the potential 18 acres that will be coming into the City, and the future tax base for the City. Instead of having access to the 18 acres, a family that owns Lot 7 adjacent to the Lamm property, has erected a "no trespassing" sign, which is to be Mr. Lamm's public access, and brought to City standards.

He does not have the access he paid for and was guaranteed by the City of Grand Junction. He was guaranteed by the City in 1980 and 1993 that the road is to be built to City standards. That does not mean an easement over someone's property; it means the City owns the land beneath the road. It is a contingency on Filing #4.

Filing #4 is before Council tonight. The agreement is not a part of the City's files. Mr. Garrison said on October 15, 1996 he would try to resolve the predicament, however an easement has been discussed. This is not an easement; the land needs to be owned by the City of Grand Junction. He and his wife cannot utilize their property until this is resolved. He felt Mr. Garrison should not be moving forward to use his property until Mr. and Mrs. Lamm can use their property. Mr. Lamm said when the City places a

contingency upon a developer, the City must follow through with enforcement.

Mr. Greg Cranston, 308 Willowbrook Road, realtor with Re-Max, said he has no interest in this project as an agent or principal. He said the plan is not bad. Mr. Garrison is a reputable builder in the area, and has gone through the entire process to plan this project, and is trying to accomplish it in a way that works for everyone concerned. Mr. Cranston asked Council to approve the plan. Councilmember Maupin asked if there is another townhouse development in the City that has no assigned parking near its gate or door? Mr. Cranston said yes, the Helm at Fountainhead Subdivision. It has no assigned parking, but has attached garages. Councilmember Maupin noted that a garage is assigned parking to a unit.

Mr. Garrison compared his project with Lakeside which is a combination of condos, townhouses, duplexes and single family homes with a variety of prices ranging from \$35,000 to \$250,000. It's called a community. All the units do not have attached garages or covered parking. He said Lakeside has some of the lowest crime statistics in the City. He thinks it's because the residents have taken pride in the development and maintained it. The square footage and cost are not determining factors. He said Attorney Richard Livingston drew the covenants for Wilson Ranch Townhomes, and Mr. Garrison felt they are pretty strict. Mr. Garrison did, indeed, offer to buy Ray Segura's house because Mr. Segura felt by building the townhomes, Mr. Garrison was going to devalue his property. He believes in the projects he builds. He builds with confidence and completeness, and does not walk away from projects. Mr. Garrison discussed fire and fire safety, and said the Fire Department has reviewed and approved the project. He said the AASHTO requirements for turn around for service vehicles in the cul-de-sac do not apply because it is not a street, it's a parking lot. The project has been designed in accordance with Code requirements for the City of Grand Junction. Each of the units will devote \$350 school impact fee. He cannot file his final plat until he completes the improvements consisting of paving, water, gas, sewer, etc. He cannot construct a house until the final plat has been approved and recorded. If all the improvements are completed by December, 1997, he estimated it would be summer to fall of 1998 before there will be inhabitants in the project. He said there are no recorded sales of \$200,000 in Wilson Ranch. The last sale in Wilson Ranch sold for \$138,500. His lots begin at \$25,000 and end at \$40,000. Regarding Mr.

Lamm's request, Mr. Garrison explained he called Attorney Rich Livingston last Thursday. Mr. Livingston could not meet with Mr. Garrison on Friday and the offices were closed on Monday, Columbus Day, so he had a 9:00 a.m. appointment with Mr. Livingston on Tuesday, October 15, 1996. Immediately preceding that meeting, Mr. Garrison met with City Staff and Assistant City Attorney John Shaver. Mr. Shaver said he understood Mr. Lamm was going to contact him again after the Planning Commission meeting, which did not occur. Mr. Garrison attempted to reach both Assistant City Attorney Shaver and City Attorney Wilson, but both were in a seminar. The verbiage on the recorded plat does not state exactly what was intended. He was not aware of the predicament until the "no trespassing" sign was placed, and he was contacted. He has since contacted several attorneys and is convinced it can be solved. The fact that it exists, is an inadvertent error. It is not intended to cause anyone a problem.

Councilmember Graham asked Mr. Garrison how he would respond to the contention that he had not honored his contractual obligation? Mr. Garrison said, to the best of his ability, has honored his obligation. Mr. Garrison said he installed water, sewer, gas, electricity, phone, cable TV to Mr. Lamm's property and stubbed it out beyond the fence so it would be there for Mr. Lamm's use. He would not have done this without the intention of granting ingress/egress for Mr. Lamm.

City Attorney Wilson said in Filing #3 the proper dedicatory language that made it clear that Mr. Lamm's access would be provided through this lot, happened. Filing #3 ended up being split into two phases. Filing #4 was eventually approved administratively, which is why Mr. Lamm was not present at the time. The recorded plat for Filing #4 had slightly different language that was done administratively. The owner of Lot 7 bought this lot knowing it was an easement only. The owner did not expect there would be thoroughfare to access Mr. Lamm's property. It is not known how to solve the problem right now because there is an intervening landowner whose desires are inconsistent with Mr. Garrison's and Mr. Lamm's.

Mr. Garrison said he has acted in good faith and will continue to act in good faith.

There were no other comments. The hearing was closed.



Councilmember Graham asked Fire Chief Rick Beaty to address Mr. Segura's concerns. Mayor Afman reopened the hearing for discussion by the Fire Chief.

Fire Chief Rick Beaty reminded Council that water supply was discussed when Wilson Ranch was first developed. Because of the situation with the development in trying to interconnect or loop back the water system, the City chose a dead end line for the development expecting it would provide adequate flow for that development, with the intent that when future development occurred in the area, the City or Ute Water would have the opportunity to loop back in another location, probably at 26 Road. That has been one of the plans all along. Regarding the amount of water needed for a large fire in the area, Chief Beaty felt there is an absolute risk of running out of water in a significantly large fire. The potential of a large fire in the area exists, but is not likely. Dead end lines are not the best avenue and Chief Beaty would prefer to have large diameter lines, frequent hydrants, and interconnected. The project meets the Fire Code requirement. Under the Fire Code, the Fire Chief, or designee, has the option of looking at options to fire flow, one option being sprinkler systems. The 13D system was a good concession as they keep fire in check, and enable response times to be longer than in other areas. Under the Fire Rating Schedule, the reduction in fire flow for sprinkler systems can be as much as 50% reduction. It was decided the sprinkler system was the most feasible action. Fire Chief Rick Beaty stated, in his professional opinion, that the risk involved in the proposed subdivision and the existing Wilson Ranch Subdivision can be adequately met by the 13D sprinkler system.

The hearing was closed.

Councilmember Terry did not realize the City was involved in covenants. City Attorney Wilson said he and the Assistant City Attorney routinely review covenants to make sure there is a viable homeowners association being created, provision for assessments, lien powers, etc.

Councilmember Maupin asked why Staff thought it could administratively change the plan that contained certain amenities after it was accepted by the Council? Councilmember Graham asked if the current zoning of Planned Residential is more an accident of taking this over from the County than some kind of principled review of the City's Chapter 7 of the Zoning & Development Code.

City Attorney Wilson said in 1991 the Planning Department did look at the plan and was comfortable at that point, with the recommendation that the plan was adequate to bring it into the City under the annexation. It was under that basis that the annexation agreement was written.

Councilmember Theobald said there is a degree of faith in the County's public process that created this zone when the City accepted it as an overall plan. City Attorney Wilson said this level of change should have had public comment. Councilmember Terry said it is incumbent upon Staff to realize annexation agreements do not preclude Council's normal review policy.

The hearing was opened once again to hear comments from Ms. Portner, Community Development Department. Ms. Portner said when this came to Staff as a preliminary plan, Staff had to decide if it was a large enough change to make it go back to hearing. It was a dilemma as to whether to allow the 71 units, or allow him to actually reduce the number with a little different plan. Staff chose to allow the petitioner to reduce the number. Substantial change had to be determined that would send it back through the hearing process.

The hearing was closed.

Councilmember Graham felt this is a very strong compatibility issue. This development will be more like apartments than homes, which are being grafted onto a residential single family neighborhood. In combination with the irregular, steep and broken topography, wedging the development between the highway and the canal, and stacking the units, the plan does not fit with the existing use.

Councilmember Maupin agreed with Councilmember Graham. He said Mr. Garrison has built many other quality projects, but was not happy with this plan. He thought Mr. Garrison could do a better project. He was also concerned with the school impact.

Councilmember Baughman said before additional filings can be considered for the property, the access to the property to the east (Lamm property) must be reconciled. The overcrowding of Appleton School was also a concern. Traffic impact in the area, fire protection, parking configuration, and clustering the maximum density at the edge of the property were also concerns. He felt the plan is not compatible with the existing Wilson Ranch development.

Councilmember Theobold saw problems with the future of clustering. He felt there needs to be some way to involve the public in such plans. He could see no solution for the impact on schools, other than a yes vote on the school bond issue. He said he trusted Staff's recommendations, as professionals and experts, regarding development and fire prevention. He was not sure to what degree Mr. Lamm's access issue is the City's responsibility, yet it needs to be resolved soon. The acreage computation was a concern to him. He did not feel this project is to Mr. Garrison's standards, and was uncomfortable with the plan.

Councilmember Mantlo agreed with the previous comments of Council. He felt Wilson Ranch is one of the showcases of the valley. He strongly encouraged a yes vote on the school bond issue. He had great confidence in the City's Fire Department, its equipment and firefighters.

Councilmember Terry felt the area is an opportune location for clustering as the section is secluded by natural barriers. The idea of clustering does work, but without the accompanying specified parking spaces or covered parking, she was not sure it would work. The unknowns regarding the open space was a real concern to Councilmember Terry, and should be determined before Filing #4 begins. She hoped the school bond issue will help the school impact issue. She recommended Council deny the plan and ask the developer to come back with a redesigned plan to confront some of tonight's issues.

Mayor Afman thanked the audience for its cooperation and presenting information in an orderly manner. She thanked Council for its dedication in spending the many hours this evening on this issue and others. She felt quality is the number one issue because of the rapid growth in the valley. She said Mr. Garrison is a quality builder, and felt the overall plan could be better. Council would welcome another site plan that would be more in harmony with the neighborhood.

Councilmember Theobold asked if the appeal is being denied, does it mean the vacation or the rezone should be withdrawn or defeated since a new proposal may not have the same alignment or the same plan for the exchange with Bookcliff Gardens? City Attorney Wilson said yes.

Upon motion by Councilmember Theobold, seconded by Councilmember Graham and carried by roll call vote, the final plat and plan for File #FP-996-160, Wilson Ranch Townhome Development, was denied, including denial of the vacation and rezone.

Mayor Afman directed Staff to check into Mr. Lamm's access situation and get it resolved, and report back to Council.

**PUBLIC HEARING - HIGH COUNTRY BUSINESS PARK ANNEXATION AND ZONING, LOCATED ON RIVER ROAD WEST OF HIGHWAY 340 - RESOLUTION NO. 100-96 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS HIGH COUNTRY BUSINESS PARK ANNEXATION, LOCATED ON RIVER ROAD WEST OF HIGHWAY 340, IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - HIGH COUNTRY BUSINESS PARK ANNEXATION, APPROXIMATELY 9.9 ACRES, LOCATED ON RIVER ROAD WEST OF HIGHWAY 340 - PROPOSED ORDINANCE ZONING HIGH COUNTRY BUSINESS PARK LIGHT INDUSTRIAL (I-1) AND PZ [FILE #ANX-96-192]**

The owners of the 7 lots surrounding High Country Court signed a power of attorney to join the City as part of a sewer service agreement in February of 1995. Staff requests that City Council approve the resolution for the referral of the petition for the 9.9 acre High Country Park Annexation, and set a hearing for second reading on November 6, 1996. the zoning being recommended by Staff is a light industrial zoning (I-1) for the seven privately owned parcels and a public zone (PZ) for the one City owned parcel being used for the riverfront trail.

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. The petition does meet statutory requirements. Mr. Thornton submitted a signed statement stating such to the City clerk.

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote with Councilmember **GRAHAM ABSTAINING** on the proposed zoning ordinance, Resolution No. 100-96 was adopted, and the proposed ordinances annexing and zoning High Country Park were passed on first reading, and a hearing was set for November 6, 1996.

**ADJOURNMENT**

Upon motion by Councilmember Maupin, seconded by Councilmember Baughman and carried, the meeting was adjourned into Executive Session at 12:42 a.m. on Thursday, October 17, 1996, to discuss pending litigation.

Stephanie Nye, CMC/AAE  
City Clerk