GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING

January 15, 1997

The City Council of the City of Grand Junction, Colorado, convened into regular session the 15th day of January, 1997, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were David Graham, R.T. Mantlo, Ron Maupin, Janet Terry, Reford Theobold, 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 David Graham.

APPOINTMENT OF COUNCILMEMBER, DISTRICT B

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried, Mike Sutherland was appointed as Councilmember to fill the vacancy in District B.

OATH OF OFFICE FOR NEW COUNCILMEMBER

City Clerk Stephanie Nye administered the Oath of Office to Mike Sutherland as Councilmember for District B.

PROCLAMATION DECLARING JANUARY 15, 1997, AS "JIM ROBB DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING JANUARY 26-31, 1997, AS "NATIONAL CATHOLIC SCHOOLS WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING JANUARY 26 THROUGH FEBRUARY 1, 1997, AS "TOBACCO FREE KIDS WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING JANUARY, 1997, AS "NATIONAL BOARD OF EDUCATION RECOGNITION MONTH"

SPECIAL RECOGNITION TO KATHIE PINSON FOR BEING NAMED TO THE 1996 ALL-STATE SCHOOL BOARD
PROCLAMATION DECLARING JANUARY 12-18, 1997, AS "JAYCEE WEEK" IN THE CITY OF GRAND JUNCTION

CONSENT ITEMS

Councilmember Graham requested Consent Items #10, #11 and #12 be removed from the Consent Agenda for full discussion.

Upon motion by Councilmember Mantlo, seconded by Councilmember Graham and carried by roll call vote with Councilmember **SUTHERLAND ABSTAINING**, and Items #10, #11 and #12 removed from the Consent Agenda, the remaining Consent Items #1-13 were approved:

1. **Minutes of Previous Meetings**

   Action: Approve the minutes of the Regular Meetings December 18, 1996 and December 23, 1996

2. **Annual Designation of the Location for the Posting of Meeting Notices, the 1997 City Council Meeting Schedule and the Special Meeting Procedure**

   State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Code of Ordinances, Sec. 2-26, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

   Resolution No. 1-97 - A Resolution Designating the Location for the Posting of Notices of Meetings, Establishing the 1997 City Council Meeting Schedule and the Procedure for Calling Special Meetings of the City Council

   Action: Adopt Resolution No. 1-97

3. **Purchase of Global Positioning System (GPS) Hardware and Software**

   The sole-source purchase is needed to maintain compatibility with existing Mesa County GPS land survey equipment used in the joint GIS Project. Equipment compatibility permits shared resources and survey data, ultimately resulting in a savings of both time and money.

   Action: Approve the Sole Source Purchase of Trimble GPS Land Surveying Equipment and Software from WestKarte Products Company, Salt Lake City, in the Amount of $86,830

4. **Renovation of Orchard Mesa Pool HVAC System**

The following bids were received:

Arrowhead Mechanical, Grand Junction	$102,000
Gatzke, Inc., Grand Junction	$119,235
Commercial Design Engineering, Grand Junction	$127,975

Action: Award Contract for Renovation of Orchard Mesa Pool HVAC System to Arrowhead Mechanical, Inc. in the Amount of $102,000

5. **Construction of New Skatepark at Westlake/Buthorn Drainage Area Near First Street and Orchard Avenue**

The following bids were received:

Contractor	Base Bid	Alt No. 1	Proj Total
Mays Concrete, Inc., G.J.	$154,289	$25,940	$180,229
M.A. Concrete Construction, G.J.	$176,000	$52,000	$228,000
McClure Construction, G.J.	$218,161	$76,900	$295,061

Action: Award Contract for Construction of New Skatepark at the Westlake/Buthorn Drainage Area Near First Street and Orchard Avenue to Mays Concrete, Inc., in the Amount of $180,229 and Approve a General Fund Contingency Transfer of $83,299 to Cover the Budget Shortfall

6. **Construction of Concrete Basketball Courts at Three City Parks**

The following bids were received:

Reyes Construction, G.J.	$39,510.00
Mays Concrete, G.J.	$43,812.00
Precision Paving, G.J.	$47,837.50
R.W. Jones Construction, G.J.	$56,482.00

Action: Award Contract for Construction of Concrete Basketball Courts at Three City Parks (Columbine, Darla Jean and Paradise Hills) to Reyes Construction in the Amount of $39,510

7. **Change Order #2 to Contract with Mays Concrete for 1996 Alley Improvements and Sewer Relocation**

The reconstruction of the Fifth Street viaduct has required the City to relocate an existing 8 inch sanitary sewer line along the east side of the viaduct from Fourth Avenue to the south in front of VanGundy's entrance. The sanitary sewer line is being relocated to the existing alley right-of-way from Fourth Avenue to Noland Avenue, east of Fifth Street. This work is being change ordered to the existing 1996 Alley Improvement District and Sewerline Replacement contract as the contractor has agreed to do the work at the same competitive unit prices.

Action: Approve Change Order #2 in the Amount of $37,513.75 to Contract with Mays Concrete for 1996 Alley Improvements and Sewer Relocation to Construct a Sewer Line Relocation on South Fifth Street

8. **Authorizing Issuance of a Revocable Permit for Landscaping, Irrigation System and Decorative Fencing in the Right-of-Way at 437 Pitkin Avenue** [File #SPR-96-269]

Resolution authorizing the issuance of a Revocable Permit to Scotty Investments to allow for landscaping, irrigation system and decorative fencing in the Pitkin Avenue right-of-way north of a proposed expansion of an existing building at 437 Pitkin Avenue.

Resolution No. 2-97 Authorizing the Issuance of a Revocable Permit to Allow for Landscaping, Irrigation System and Decorative Fencing in the Pitkin Avenue Right-of-Way North of a Proposed Expansion of an Existing Building at 437 Pitkin Avenue

Action: Adopt Resolution No. 2-97

9. **Setting a Hearing on Westwood Ranch Annexation, Located at the Northwest Corner of 25 1/2 Road and F 1/2 Road** [File #ANX-96-267]

The property owner and developer for Westwood Ranch Subdivision is requesting annexation of the parcel located at the northwest corner of 25 1/2 Road and F 1/2 Road. It is recommended that City Council approve the resolution for

the referral of the petition for the 22 acres and set a hearing for February 19, 1997.

Resolution No. 3-97 - 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 - Westwood Ranch Annexation Located at the Northwest Corner of 25 1/2 Road and F 1/2 Road

Action: Adopt Resolution No. 3-97 and Set a Hearing for February 19, 1997

10. **Setting a Hearing on Tiara Rado Golf Course Annexation** [File #ANX-97-009] - **REMOVED FOR FULL DISCUSSION**

11. **Setting a Hearing on East Tiara Rado Golf Course No. 1 and No. 2 Annexations** [File #ANX-97-010] - **REMOVED FOR FULL DISCUSSION**

12. **Ratification of Country Club Park Amended and Dressel Drive Sewer Improvement Districts - REMOVED FOR FULL DISCUSSION**

13. **Broadcasting Equipment Change Order**

This change order is for additional equipment to be used when the City is broadcasting and taping its City Council and Planning Commission meetings. The main addition is for character generating capabilities which allow us to impose words on top of the video picture in order to clarify what is being discussed at the meeting.

Action: Approve Change Order to Increase the Bid Award to CEAVCO from $16,661 to $31,486 and Approve a Contingency Transfer of $12,362 to Cover this Amount

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

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

Councilmember Graham suggested Items #10 and #11 be moved for consideration to a position after Item 20 which is a generalized discussion of Redlands Annexation Policy, inasmuch as both Items #10 and #11 involve annexation on the Redlands, and inasmuch as Item #12 also has the residual effect of creating an enclave.

It was moved by Councilmember Graham and seconded by Councilmember Terry that the position of Items #10, #11 and #12 be moved to a location on the agenda after the Redlands Annexation Policy.

City Attorney Wilson explained this item is different from a normal annexation which comes before City Council. Typically, Council would first receive a petition and a hearing would be set. At the hearing City Staff would give testimony and the public would have the opportunity to give testimony to determine if the property is eligible for annexation. With the Tiara Rado Golf Course being wholly owned City property, there is an abbreviated process under the State Statute, therefore, the petition process does not apply. The process to annex wholly owned City property, if there is no other property, is simply the first and second reading of the annexation ordinance. The hearing and second reading on this item will be scheduled for February 5, 1997 when the merits of the annexation itself will be addressed by City Council.

Roll was called on the motion with the following result:

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

The motion failed.

SETTING A HEARING ON TIARA RADO GOLF COURSE ANNEXATION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, TIARA RADO GOLF COURSE ANNEXATION, APPROXIMATELY 99.29 ACRES LOCATED AT 2063 S. BROADWAY [FILE #ANX-97-009]

AND

SETTING A HEARING ON EAST TIARA RADO GOLF COURSE NO. 1 AND NO. 2 ANNEXATIONS - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, EAST TIARA RADO GOLF COURSE NO. 1 ANNEXATION, APPROXIMATELY 11.46 ACRES LOCATED AT THE NORTHEAST CORNER OF S. BROADWAY AND 20 1/2 ROAD - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, EAST TIARA RADO GOLF COURSE NO. 2 ANNEXATION, APPROXIMATELY 69.26 ACRES LOCATED AT THE NORTHEAST CORNER OF S. BROADWAY AND 20 1/2 ROAD [FILE #ANX-97-010]

The City desires to annex its Tiara Rado golf course property (99.29 acres at 2063 S. Broadway) and its property located on the northeast corner of South Broadway and 20 1/2 Road (80.72 acres east of Tiara Rado Golf Course). The undeveloped property has been set aside for either future expansion of the Tiara Rado Golf Course or as a City park. The City may annex these City-owned properties by annexing ordinances under Colorado State Statutes.

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote, hearings were scheduled for February 5, 1997, on the proposed ordinances regarding Items #10 and #11 (Tiara Rado Golf Course Annexation and East Tiara Rado Golf Course No. 1 and No. 2 Annexations).

RATIFICATION OF COUNTRY CLUB PARK AMENDED AND DRESSEL DRIVE SEWER IMPROVEMENT DISTRICTS - RESOLUTION NO. 4-97 RECREATING AND REESTABLISHING SANITARY SEWER IMPROVEMENT DISTRICTS NO. SS-38-95, AMENDED, AND NO. SS-39-95, WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO AUTHORIZING THE INSTALLATION OF SANITARY SEWER FACILITIES, ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE SAME AND PROVIDING FOR THE PAYMENT THEREOF (COUNTRY CLUB PARK AND DRESSEL DRIVE)

A petition signed by 73% of the owners of the property to be assessed has been submitted requesting an amended sanitary sewer improvement district for Country Club Park. Adoption of this resolution will formally add 2 lots to the original 20 lots of the Country Club Park District and reset the estimated cost per lot at $7,335 per lot for both the Country Club Park and Dressel Drive Districts.

Councilmember Graham questioned paragraph 4 in Resolution No. 4-97 which reads: "that the improvements in said District were duly ordered after notice duly given that all conditions precedent and all requirements of the Laws of the State of Colorado and said City in Ordinance No. 178, as amended, being Chapter 28 of the Code of Ordinances of the City have been complied with." He asked if this is an accurate statement of act as to all particulars. City Attorney Wilson said yes. Councilmember Graham felt it was important to get this statement on record inasmuch as there is an irregularity between the way this sewer district was originally proposed and the modifications that have been made.

Upon motion by Councilmember Graham, seconded by Councilmember Mantlo and carried by roll call vote, Resolution No. 4-97 was adopted.

PUBLIC HEARING - APPEAL OF DENIAL OF CONDITIONAL USE PERMIT AND REQUEST TO VACATE AN EASEMENT AT 778 JASMINE COURT - ORDINANCE NO. 2971 VACATING A 15 FOOT UTILITY AND IRRIGATION EASEMENT LOCATED ON LOT 7, BLOCK 2, ALPINE MEADOWS SUBDIVISION, AT 778 JASMINE COURT, FOR THE CONSTRUCTION OF A FENCE/RETAINING WALL
[FILE #VE-96-172] CONTINUED FROM NOVEMBER 20, 1996 MEETING

The applicant requests to vacate a utility and drainage easement where a retaining wall/fence has been constructed. The applicant is negotiating with the Alpine Meadows Homeowner's Association on the placement and aesthetics of a fence to be located on top of the retaining wall. The applicant is requesting to modify the appeal of the denial of the Conditional Use Permit. The CUP is only needed for an 8' portion of the fence where it joins a neighboring fence. The remaining fence height will not exceed 6'. The Planning Commission recommended approval of the vacation and denial of the Conditional Use Permit.

A hearing was held after proper notice. This item was reviewed by Bill Nebeker, Community Development Department. This item concerns a fence that was built by the applicant who owns a lot in Alpine Meadows Subdivision. His lot abuts Tract C next to Amber Way. The applicant is requesting the vacation of a utility and drainage easement. The request was approved by the Planning Commission. There is no opposition to the vacation of the easement. There was also a Conditional Use Permit originally requested by the applicant for a 9' overheight fence. The neighbors opposed the request and the Planning Commission denied it. The applicant is appealing the Planning Commission decision. Mr. Nebeker said the applicant intends to amend his request and ask for a Conditional Use Permit for a 6' fence, except the end 8' will rise to 10' to tie in with an adjacent neighboring fence. Staff recommends approval of the Conditional Use Permit for that portion of the fence, along with the vacation of the easements.

Councilmember Graham asked if the applicant requested the vacation of the easements or a Conditional Use Permit before commencing actual construction on the property. Mr. Nebeker said the applicant did not. Councilmember Graham asked what adverse consequences to the City would entail if Council denies either request. Mr. Nebeker said the fence would go straight across

rather than up in an angle, and there would be no adverse affect on the City. Regarding the vacation, there are no utilities in the easement, and the fence does not impede drainage.

Councilmember Maupin asked if a permit was issued for the 10' high neighbor fence. Mr. Nebeker said there is no record of a permit.

Councilmember Sutherland asked if there was a vacation of the easement for the neighbor's retaining wall. Mr. Nebeker said no. It exists over an existing easement.

Mr. Richard Livingston, attorney representing Mr. and Mrs. Engelder, said the petitioner would like to formally request the Conditional Use Permit be amended from the original height to the dog-eared corner. The Alpine Homeowners Association approved the fence adjacent to the retaining wall on the basis that it be constructed so it aesthetically ties into the neighbor's fence. Mr. Livingston submitted for the record a settlement agreement between the applicant and the Alpine Meadows Homeowners Association which had been signed by all parties [attached].

Councilmember Sutherland asked if the dog ear on the fences is the reason for the Conditional Use Permit. Mr. Livingston said yes. The Homeowners Association wants the fence put back to physically appear exactly as it did before it was taken down and the wall was built. The original fence was 6' from the grade of the ground. The original Conditional Use Permit would have moved the fence to the top of the wall, and the compromise which was reached between the petitioner and the Homeowners Association took the fence off the wall, put it on the front face of the retaining wall, so that from ground level to top of fence, except for the dog ear, it will be at the 6' height restriction.

Mr. Gene Kinsey, 779 Jasmine Court, said not only did the petitioner not have a permit before he began constructing the wall, but before he poured the concrete, Mr. Kinsey informed him that he was violating the homeowners' covenants and he needed a permit from the City. The petitioner ignored the warning and poured the concrete anyway. Mr. Kinsey suggested the City may not want to give up its easement across the property. He was not convinced drainage problems will not occur with a 3' or 4' high concrete wall along a drainage area. Mr. Kinsey did not feel it was necessary to demand Mr. Engelder remove the wall, but perhaps the homeowners association should keep control of it. Mr. Kinsey

had no objection to the amended version of the Conditional Use Permit, the dog eared 8' section.

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

Councilmember Graham said the Conditional Use Permit, as amended, resolves the controversy with the homeowners' association. He suggested it may be unwise to set a precedent that an individual who begins a construction or improvement to his property without seeking the appropriate authorization, should be rewarded by granting him such a vacation of easement. He felt City Council has the fiduciary duty to the citizens to not only insure compliance with the City's applicable code, but also to seek some form of compensation for vacating the easement. He urged Council to deny the request for the vacation of the easement until such time as the petitioner comes forward with some offer of remuneration in exchange for that privilege.

It was moved by Councilmember Terry and seconded by Councilmember Maupin that the appeal be granted based upon the amended Conditional Use Permit that only extends the portion of the fence to 8' at the corner, and the vacation of the easements be granted by adopting Ordinance No. 2971 on second reading.

Councilmember Terry amended the motion to reflect the actions in two separate motions. Councilmember Maupin agreed to the amended motion.

Roll was called on the granting of the appeal with the following result:

AYE: MANTLO, MAUPIN, SUTHERLAND, TERRY, THEOBOLD, GRAHAM, AFMAN.
NO: NONE.

Motion carried.

Roll was called on Ordinance No. 2971 (vacation of the easement) with the following result:

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

Motion carried.

RECONSIDERATION OF REQUIRED STREET IMPROVEMENTS FOR SUNSET VILLAGE, LOCATED AT THE NORTHEAST CORNER OF 25 1/2 ROAD AND F 3/4 ROAD [FILE #FPP-96-246]

Reconsideration by City Council of a decision regarding Sunset Village Subdivision made at the December 18, 1996 hearing, regarding required street improvements to F 3/4 Road.

Mayor Afman excused herself from discussion and action on this item as her company (Bray & Co.) has entered into marketing strategy with the petitioner. Nothing has been consummated, but she felt in the best interests of the citizens she represents, she should excuse herself. She asked Mayor Pro Tem R.T. Mantlo to conduct the hearing on this item.

City Attorney Wilson said City Council could reconsider this item without formally opening a hearing except on the one item of street improvements. Mr. Wilson has had a number of conversations recently with the adjoining property owners to the east as well as the petitioner's attorney dealing with the street improvements. The petitioner's representative would also like to discuss with Council the fence condition. If that takes place, it would be appropriate to conduct a hearing on the matter, since the scope is being broadened. New evidence would then be solicited from the petitioner.

Councilmember Graham asked if Council could open the hearing making it clear discussion will take place on only the street improvement and fence issues. City Attorney Wilson said it would be appropriate. It is specifically the street improvements on F 3/4 Road that had been previously discussed.

Upon motion by Councilmember Theobold, seconded by Councilmember Graham and carried, the required street improvements for Sunset Village and the fence requirement were reconsidered.

A hearing was held after proper notice. City Attorney Wilson reviewed prior discussions December 18, 1996, centering on what improvements to require on F 3/4 Road, the southern boundary of the petitioner's property. The issue was what access to provide to the adjoining properties to the east. Mr. Wilson said he believes Council's decision at the December 18 meeting was that F 3/4 Road would be constructed to a full City residential street standard which included curb, gutter and sidewalk on the north and south side, all the way from 25 1/2 Road east to the Moran

property boundary on the east. The petitioner objected to the requirement. It appeared the first motion allowed for the street improvements to be either entirely on the petitioner's land, or if he could work it out with the neighbor using their 15' easement. The second motion in the minutes of the December 18, 1996 meeting did not make it clear, and Council left it up to the petitioner to work out an arrangement with the adjoining property owners. Mr. Wilson said without the adjoining property owner's 15', the petitioner would have to reconfigure the lots, submit a new site plan, then there would be some Staff review and more process. To be built on the petitioner's property, the road would be 15' north of the plan presented on the 18th of December. The petitioner objected to that requirement as well as the additional expense of constructing the road all the way to the east property boundary. The adjoiners have declined to offer the additional 15'. Mr. Wilson said there are some considerations: (1) full City street on petitioner's property alone, requiring reconfiguration of the site plan and Staff analysis would be that the subdivision loses one lot. The essential element is that the petitioner would have to go back through the process and receive additional approval. (2) what access, if any, to give to the property to the east. The original proposal of the petitioner was to build a two thirds street on his property the full length of his southern boundary, all the way to the Moran property on the east. That was the petitioner's proposal at the December 18 meeting. That would eventually provide for public access to the adjoining property to the east, and possibly to other parcels to the east of the Morans. Staff will be recommending that proposal tonight because it will allow for a road to be built, the petitioner to proceed, and the Moran easement is not required as part of the solution. Another option is the petitioner could build a full City street (curb, gutter and sidewalk on both north and south) entirely on his property, but not dedicate an access east of Sunset Court to the Moran property. The disadvantage is future access to the Moran property and the property to the east is not provided. Some arrangement should be made for providing a dedication of a roadway. Staff recommendation is to go back to the 2/3 street option which would involve, on the petitioner's property only, a sidewalk on the north, curb and gutter, asphalt mat to the southern boundary in accordance with the plans presented at the December 18 hearing. Dedication of the right-of-way all the way to the Moran property for the full length of an eventual street would be required, but the construction would end at the east side of Sunset Terrace. This option provides for a mostly completed and safe street for the residents of Sunset Court, provides for

future access to the Moran property, and would require any future developer to the east to complete the south half curb, gutter and sidewalk. Given the circumstances and the lack of cooperation from the Morans, the 2/3 street option seemed to be the best practical solution which allows for eventual access to all of the properties to the east.

Councilmember Theobold felt Council is back to square one. He appreciated Staff's work on this item, and the frustrations involved. He wanted to either approve the plan as it is with the full street, the full width on the Moran property, as well as the petitioner's, to the edge of Sunset Court, and something to delineate the right-of-way on the north side so whoever lives on that corner knows that right-of-way is not his property whether it be a sidewalk or a fence. If there's no agreement possible between the developer and the Morans, it is a full width to the edge of the street only, on the petitioner's property only, and a new site plan. Going back to a partial street was not agreeable to Councilmember Theobold.

Councilmember Terry agreed with Councilmember Theobold's comments, but was concerned about landlocking the properties to the east. Councilmember Theobold said it is not landlocked because of the Valley Meadows access. The Moran property value will diminish by not having the 15' included. That is a choice on the part of the Morans as to what they want to do with the property in the future.

Mr. Nebeker, Community Development Department, presented some slides which depicted 28 1/2 Road south of F Road which is a 2/3 street. It is wide enough for two plus vehicles. This is a standard which is used throughout the City when a full street is unobtainable. A full street is preferred, but it is not always possible. A 2/3 street would have that much room in it until the Moran property develops. Public Works Manager Mark Relph said if the street is constructed properly with no traffic hitting the edge of the pavement, the street would last for a very long time with little corrosion (20 years). If vehicles hit the edge of the pavement on a continual basis, it would have a detrimental effect on the pavement. But if there is no driveway access to the street, the occasion of someone driving on the edge would be rare.

Councilmember Terry asked how many parcels to the east of the Moran property would be affected by the access on F 3/4 Road. Mr. Nebeker said approximately three properties would need access.

Councilmember Sutherland said he would rather see a 2/3 street that has a fairly high probability of being completed down the road than to shift further to the north. He felt the other parcels to the east will eventually want to extend the road.

Mr. Tom Volkman, 655 N. 12th Street, representing Atlantic Fidelity, the developer of this property, said the petitioner wants to resolve this matter so the development can begin. The developer would urge City Council adopt the 2/3 street option. The option that involved the construction only to the eastern end of Sunset Court would contemplate no further dedication to the east. It would cut off the prospects of the access not only to the Moran property, but also to the properties to the east. The full road without sidewalk would not fit within the parameters of what remains of the subdivision. That option would not work without affecting the detention pond that is contemplated there. He felt the engineering prospects would render that impossible. It leaves the 2/3 street that was proposed by the developer. He felt the street would function for the 13 lots, and would provide Council with the leeway relative to the development of the access to 25 1/2 Road for the eastern parcels.

Mr. Volkman discussed the fencing requirement along 25 1/2 Road. The fencing issue came up in the context of one of the conditions of the Planning Commission. The Planning Commission said the developer could put up a 6' privacy fence provided he maintains views at the site triangles of the intersection. He felt the requirement to build a 6' privacy fence the length of the development along 25 1/2 Road is unique, and recommended the developer put in his covenants that in the event any fence is to be constructed along 25 1/2 Road, it meets certain specifications. Those specifications can be whatever works for everyone involved to provide uniformity the length of this development. He would also like to have the fencing requirement reconsidered.

City Attorney Wilson clarified the 2/3 road being addressed begins on the west at 25 1/2 Road, and continues to the Moran property on the east. The part that is not meeting city standards is on the southern boundary. The developer is willing to build the 2/3 street the full length of his subdivision.

Mr. Volkman was concerned with the City's authority to require the additional dedication, as it creates an economic burden to the developer to give up one lot. City Attorney Wilson said that may be an unfair burden to place on this developer because it benefits

only the adjoiner. However, the police power, planning, general public welfare would allow the City to require the dedication. He suggested a payback agreement with two funding scenarios: (1) require the developer to build the street and when the Morans develop, they would reimburse the developer for the construction costs of that portion east of Sunset Court; or (2) the City pays the developer to extend the roadway, and the City recoups the money if and when the property to the east develops. The second option removes any reasonable basis for any constitutional claim by the developer against the City.

Councilmember Theobold suggested making a condition of approval requiring that the roadway align with the existing Moonridge Drive, eliminating traffic problems with the off-set roads up and down 25 1/2 Road. Bill Nebeker said under the developer's original proposal, the developer was required to build the street all the way through as a necessity because the Moran property was essentially landlocked. This was before Valley Meadows East and there was no other access to the Moran, Burnell and Veale properties. All the traffic for the other three subdivisions would be filing through this area creating a bottleneck at the intersection of the two cul-de-sacs. That was one problem. Another problem was cul-de-sacs make a very tight building site as there are double frontage lots all along 25 1/2 Road. There are front yard setbacks on both sides of the street, Sunset Court and on 25 1/2 Road. This plan eliminates one of the cul-de-sacs, and puts the traffic to the south instead of through the middle of the subdivision. It takes the traffic impact for the eastern parcels away from Sunset Village. Mr. Nebeker said Staff is concerned that if F 3/4 Road does not go all the way past Sunset Village and tie into the Moran parcel, all of the development on the Moran, Burnell and Veale parcels will funnel through the Valley Meadows East Subdivision.

Councilmember Theobold said realigning the road is a real possibility. Council approved a road using the Moran's 15' easement. That option is not likely at this time. The choice is to build a partial road and hope the Moran property will be developed and the road will be completed at some time in the future, or realign the access, whether it be F 3/4 Road into Sunset, or the double cul-de-sac extension of Moonridge.

Mr. Volkman said he was unfamiliar with the drawing of the original proposal that was just reviewed. He felt there will be a problem relative to the development of the road, and probably the

dedication of the road beyond the T. It did not represent a solution that Mr. Volkman could confirm.

Councilmember Graham said that on December 18, 1996, Mr. Volkman filed an action in U.S. District Court requesting monetary damages based on the Council's decision on this item. Mr. Volkman confirmed that action. Notwithstanding the fence requirement, Councilmember Graham asked how much of Mr. Volkman's client's damages is attributable to the 2/3 versus full street issue. Mr. Volkman did not feel such an analysis would be relevant because if it can be resolved to the 2/3 street requirement, along with the fencing issue, the lawsuit will probably be dismissed. Councilmember Graham said Council needs to know the amount of damages dependent on each part of the reconsideration. Mr. Volkman said the fence is not identified in the $2.5 million litigation.

Mr. Patrick Moran, 623 26 Road, referred to his son's letter to City Council dated January 13, 1997. No circumstances have changed since December 18, 1996. The improvements required for Sunset Village are going to benefit the residents of that development. He felt it was unfortunate Mr. Seligman was unable to reach a resolution with Mr. Moran's son on the 15' right-of-way. He recommended City Council uphold its December 18, 1996 decision. Mr. Moran felt the developer is obligated to provide a full road to his development. Mr. Moran was not willing to help pay for the improvements at this time.

Councilmember Terry said one of Council's concerns at the December 18 meeting was over access to the Moran property, hoping the proposal would resolve that issue. Since there was no negotiation accomplished on the Moran property, it left Council in a bind because now Council can only do so much and ask so much of the developer. It gives Council no leeway. Hoping there could have been some negotiation, which did not occur, between the Morans and Mr. Seligman, Council is being asked to make the only decision it can, or spend taxpayer dollars to litigate the issue. Mr. Moran said his son attempted to meet with Mr. Wilson and Mr. Volkman to resolve the issue. No resolution came about. Councilmember Terry said Council could legally require a full street improvement, but it would only go to Sunset Court, which, in effect, restricts access to the Moran property and all the properties to the east. Mr. Moran said there is still a 15' access available for purchase by the developer. At the December 18 meeting, the 15' was offered

as a dedication to the City for completion of road. That offer has now been removed.

Ms. Jackie Moran, 623 26 Road, said a meeting took place between her son and daughter with Dan Wilson. Mr. Seligman did not attend the meeting. At that time, the two Moran representatives wanted to give away their land, and the City requirement was that Mr. Seligman proceed. Mr. Seligman did not pursue Council's requirement. The offer was withdrawn because no action had taken place by Mr. Seligman until this meeting.

City Attorney Wilson concurred the meeting took place. Mr. Wilson then had follow-up conversations with Mike Moran who said there was a family concern that the owner of the corner lot would eventually use this dedicated but unbuilt street as a back yard. When the property was eventually developed, the Morans would have political concerns with the lot owner, so they requested the developer continue the sidewalk on the south side of Lot 14 to the Moran property line. That would delineate the right-of-way which was dedicated, but unimproved, from the lot. Mr. Wilson relayed that information to the developer who responded negatively saying he would have to spend more money for the benefit of the Morans and the Morans would have to spend less money on a sidewalk. Mr. Wilson and the developer discussed the concern and discussed a fence. He felt delineation by means of a fence could be accomplished as a cheaper alternative than constructing a sidewalk. When Mr. Wilson reported that conversation back to Mike Moran by telephone, it ended up resulting in the letter which has been included in Council's packet that says there has been no resolution reached given the two parties' respective positions.

Councilmember Maupin reiterated that Mr. Volkman said the petitioner will build the 2/3 street with two sidewalks, completing the north side improvements all the way to the Moran property line.

Mr. Jim Grisier, 690 25 1/2 Road, explained his view and reason for the fence requirement. He worked with Mark Laird in the early development of this proposal. Mr. Laird told him the street was moved so an additional lot could be included in the development. Since there are similar 4-corner intersections in surrounding subdivisions, the same configuration can be used in Sunset Village. He requested Council approve a street with the radius completed on both sides of the street. Mr. Grisier said the reason the fence was required was to keep it uniform with the

existing fences on 25 1/2 Road. Other fences have been required in this area, so this is not an isolated requirement.

Mr. Walid Boumatar, 677 25 1/2 Road, requested Council uphold its original decision made at the December 18, 1996 meeting. Councilmember Theobold reminded Mr. Boumatar that the decision made at the December 18 meeting is no longer feasible because the Morans and Mr. Seligman were unable to reach an agreement.

Ms. Margy Blair, 2545 Moonridge Drive, said it is in the best interest of the community to require Mr. Seligman to move the right-of-way into a full road on his own property. She was concerned that the street will never be finished. The fence was also a concern.

Councilmember Theobold reminded the audience testimony has been given tonight that another option would be to require the full width road be built on the petitioner's property and move the drainage pond to the other side of the street where the street right-of-way would have been otherwise. The Morans have said that as long as the drainage pond is constructed properly, it is a viable option.

Mr. Tom Volkman said the concerns related to the fence on 25 1/2 Road being constructed of various materials can be resolved with covenant specifications. He suggested Council could require that no amendments to the covenants occur without Council's approval. He said that way the fence will be uniform in material and height.

Councilmember Sutherland asked Mr. Volkman if he would agree to provide the specifications in the CCR's prior to the filing of the plat. Mr. Volkman said yes. City Attorney Wilson agreed, and requested a provision which would be standard and says this particular item in the CCR's could not be amended or revoked without City consent.

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

Councilmember Theobold said the Burnell property has its own access already and is not landlocked - it is not developable, but that cannot be addressed tonight. The Veale parcel is to the other side of Morans, not necessarily landlocked because of family ownership, and also cannot be addressed by Council tonight. He did not wish to change the fence requirements. He could see a lot of reasons for not building the fence, but the neighborhood has

requested the fence. He is willing to require a certain type of fence as part of the development.

Upon motion by Councilmember Theobold, seconded by Councilmember Graham and carried by roll call vote with Councilmember **SUTHERLAND** voting **NO**, Sunset Village was approved with the requirement for full street improvement on the petitioner's property, in essence Sunset Court will be an L-shaped street, allowing the detention pond to be shifted to the southeast corner of the property, retaining the same number of lots, and the fence along 25 1/2 Road was required to be cedar 4" dog-eared, 6' in height.

RECESS

Mayor Pro Tem R.T. Mantlo declared a ten-minute recess. Upon reconvening, all members of Council were present. Mayor Afman resumed her seat on Council at this time and presided over the balance of the meeting.

PUBLIC HEARING - REZONING COMMUNITY HOSPITAL PARKING LOT TO PB, NORTHWEST CORNER OF 12TH AND ORCHARD - ORDINANCE NO. 2972 REZONING LAND LOCATED AT 12TH STREET AND ORCHARD AVENUE TO PB
[File #PDR-96-241]

Community Hospital is requesting a rezone from RMF-64 to PB for a parking facility located at the northwest corner of 12th Street and Orchard Avenue. Staff recommends approval of the application. Planning Commission recommended approval of the rezone and approved the final plan with conditions for the parking facility at their December 10, 1996 meeting.

A hearing was held after proper notice. This item was reviewed by Kathy Portner, Acting Community Development Director. The proposal is for Community Hospital to convert the corner of 12th and Orchard into a parking lot for their facility, as part of their Master Plan for expansion. The current zoning is RMF-64 with a proposed zoning of PB which is consistent with the rest of the hospital facility. It is in conformance with the recently adopted City Growth Plan. Staff finds it complies with the rezone criteria of the Zoning & Development Code.

Councilmember Maupin asked how much landscaping is required for the lot. Ms. Portner said under the PB zone, the landscaping requirement is not defined. But the proposal exceeds what is

required in a straight zone. The proposal includes a very nice landscaping plan.

Mr. Mark Young, MDY Consulting Engineers, 742 Horizon Court, representing Community Hospital, said the proposal is in full compliance with the Zoning Code. He felt this rezone will be a very nice improvement to the City. Councilmember Maupin was pleased with the landscape design, and felt it will be a nice amenity to the hospital.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 2972 was adopted on second reading and ordered published.

VACATING A PORTION OF SHORT LANE BETWEEN F 1/2 ROAD AND MIDWAY AVENUE AND RENAMING SHORT LANE TO DEER VIEW LANE - ORDINANCE NO. 2973 VACATING A PORTION OF SHORT LANE BETWEEN F 1/2 ROAD AND MIDWAY AVENUE, RETAINING THE ENTIRE RIGHT-OF-WAY AS A MULTI-PURPOSE EASEMENT - RESOLUTION NO. 5-97 CHANGING THE NAME OF SHORT LANE BETWEEN F 1/2 ROAD AND MIDWAY AVENUE WITHIN THE O'NAN SUBDIVISION TO DEER VIEW LANE [FILE #MS-96-211]

The applicant proposes to vacate a portion of Short Lane in conjunction with the previously approved two lot Taylor Minor Subdivision. Short Lane has never been improved and adjacent property owners on both sides of the street do not wish the street to be opened in the future. The vacated street will not leave any lots landlocked. The remainder of the unvacated street will be renamed Deer View Lane. At its December 10, 1996 hearing, the Planning Commission recommended approval of the street vacation.

A hearing was held after proper notice. Bill Nebeker, Community Development Department, reviewed this item. He said Short Lane is located on the north side of F 1/2 Road, east of 12th Street. This street was never constructed and is overgrown with weeds, trees and vegetation. Mr. Taylor owns Lots 1 and 2 and wishes to divide it in half. The City requested the street be vacated at the same time. A portion is being vacated with a multi-purpose easement being retained. The neighborhood is in support of the proposal. Staff recommends approval of the street vacation, retaining the easement and changing the street name to Deer View Lane. Mr. Nebeker explained a multi-purpose easement is an

easement which covers all the existing utilities. In Mr. Nebeker's professional opinion, the vacation complies with the requirements of Section 8-3 of the Zoning & Development Code. There are no plans to connect Deer View Lane with Midway Lane.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Maupin, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 2973 was adopted on second reading and ordered published, and Resolution No. 5-97 was adopted.

PUBLIC HEARING - REZONING THE 7TH STREET PROFESSIONAL OFFICES FROM RMF-32 TO PB, LOCATED AT 1301 AND 1305 N. 7TH STREET - ORDINANCE NO. 2974 REZONING PROPERTY LOCATED AT 1301 AND 1305 N. 7TH STREET FROM RMF-32 TO PB (PLANNED BUSINESS)[FILE #RZF-96-244]

An appeal of a Planning Commission denial of a request for rezone from RMF-32 to PB and final plan for a professional office at 1301 and 1305 N. 7th Street.

A hearing was held after proper notice. This item was reviewed by Kathy Portner, Acting Community Development Director. A proposal was heard for these properties by City Council several months ago. Direction was given to the applicant to redesign the proposal. The applicant has completed the redesign. There are currently two older single-family homes on the property which are to be demolished and replaced with an office building and parking lot. Staff does not support the rezone. The Planning Commission denied the rezone with a tie vote at their hearing. Review of the rezone criteria is as follows:

1. Was the existing zone in error at the time of adoption - Staff feels there is no evidence it was in error at the time of adoption. The surrounding zone is also RMF-32.

2. Has there been a change of character in the area due to installation of public facilities, other zone changes, etc. - The applicant argues there has been a change in character due to the increased traffic on 7th Street, the deterioration of some of the homes, and other zone changes along 7th Street. However, there is still a substantial number of single family homes along the 7th Street Corridor. There have been some rezonings to convert existing residential structures into offices.

3. Is there an area of community need for the proposed rezone - Staff does not concur there is an area of need for this rezone.

4. Is the rezone compatible with the surrounding area or will there be adverse impact - There is a substantial number of single family residential homes in this section. Staff feels the proposed rezone is not compatible with the surrounding residential uses. The proposed building does not meet the setback requirements of the underlying zone of RMF-32 which would be required for any residential structure built within that zone. The proposed building is 15' from the front property line; 20' would be required in the existing zoning. The proposed building is 2 to 3 feet from the rear property line. The current zoning would require 20'. If the residential structures are maintained on either side of the proposal, Staff feels the setback differences make it incompatible with that surrounding area.

6. Staff does not feel there will be benefits derived by the community or area by granting the proposed rezone.

7. Is the proposed rezone in conformance with policies, intents and requirements of the Code, city maps or plans, etc. - The proposed rezone is not in compliance with the recently adopted Growth Plan. The Growth Plan identifies this area for residential, 4 to 7.9 units/acre. The applicant argues the proposed office building (design and landscaping) is better than what could be built in the RMF-32 zoning. However Staff contends those are not the only two options.

8. Are adequate facilities available to serve the development - They are available or could be extended.

Ms. Portner said Staff finds the proposal does not meet the rezone criteria, and therefore recommends denial.

Councilmember Theobold asked about the Behavioral Science building in the area. Ms. Portner said the design of that building is similar to this proposal. She felt it does not fit in with the area either. The Behavioral Science building was built at least 12 years ago.

Councilmember Graham asked if there were any particular hazards with the narrow setbacks in the suggested configuration. Ms. Portner said no. Councilmember Graham said in the previous consideration of this item there was some concern regarding

vandalism to the back of the property. Ms. Portner said the plan calls for some windows on the west elevation that should help alleviate that concern.

Ms. Portner said the 7th Street Corridor Guidelines refer to this area as being in transition, but rezones to PB should maintain the character of the corridor. Mayor Afman read from the Guidelines: "South of Orchard to Bunting Avenue is appropriate for cultural and educational facilities and professional offices, retaining the single-family residential scale for all new development. South of Bunting Avenue to Belford Avenue is appropriate for Business and Commercial development within the existing zoning. Encroachment into the adjacent residential areas is discouraged to prevent additional long term residential impacts of increased activities, noise and traffic." Referencing the alleys, "... when existing circumstances are shown to make this type of access more appropriate than other alternatives in reference to using the alleys." Ms. Portner said the adopted Growth Plan is not specific as it relates to the corridor guidelines which were read by the Mayor. Ms. Portner said Public Works has started some work on alley improvements in the area. The School District also has a group of students that would like to work on improvements to this particular alley.

Mr. Joe Coleman, representing PC Management, the petitioner, said the project has been reconfigured and downsized. The policy on 7th Street is to discourage multiple curb cuts. This building consolidates two buildings, but does not increase the height of buildings in the area. It is half the size of what the City zoning has authorized for this area for a number of years. The landscaping has been increased three times over the City requirement. Mr. Coleman said Planning Staff has taken a very narrow view by suggesting this is not an area of transition. The neighborhood has decided it was in transition. He felt Staff is applying an unfair standard to this developer. The Planning Commission heard from the immediate neighbors. The neighbor to the north has always been supportive of the plan and believes it will improve her property and the neighborhood. The neighbor to the south stated at the Planning Commission he had no problem with the rezone. The immediate neighbors are in favor of the corridor policies for the rezone. Planning Staff takes the position that the criteria for a rezone is not satisfied. He discussed the criteria of the existing zoning being in error. Staff was asked by Council at the last hearing on this item if Staff believed the present zoning was proper for this site. The

answer was "the general consensus of Staff is the existing zoning, RMF-32, is in error." When the written comments are provided, the Planning Staff says the zoning is fine. This site is surrounded by commercial uses. This site is transitional and appropriate for a high quality commercial development (professional office buildings). Mr. Coleman presented some photos showing Grand Junction High School located to the west, and said it is compatible with a professional office building. The School District believes multi-family would be incompatible with their use. The bank building is located to the south and is compatible with the proposed professional office building. There is a nice rental house located between the proposed project and the bank. Mr. Dewey, the owner of the rental house, spoke at the Planning Commission stating the new plan met with his approval. There are all commercial businesses to the east, and this proposal would be compatible. He said this project did not make the neighborhood transitional. It was transitional years ago when the corridor policy was adopted, and is still transitional.

Mr. Coleman said Planning has admitted the existing zoning is not what it would defend. Mr. Coleman believes evidence shows it is in error under the present circumstances.

Mr. Coleman spoke regarding community need. Recent professional offices have been built on Horizon Drive, and future offices will be constructed near Mesa Mall. Professional offices allow a highly landscaped area that will be attractive. He feels there is a need for professional offices in the historic downtown area of Grand Junction.

Mr. Coleman said the petitioner attempted to comply with the portion of the corridor guidelines that states "the range that is appropriate for cultural and educational facilities and professional offices." He feels the petitioner has complied with those guidelines. At this point the area is still governed by the existing zoning because it has never been rezoned. He is also governed by the corridor policies which state "Planned Business is appropriate." It is actually encouraged in this area.

Mr. Coleman said there is a 17' setback on the front, not 15'. He felt the lack of an additional 3' in the front setback to meet the 20' setback requirement is not incompatible.

Mr. Coleman said his brother's developments have been quality projects, and have been compatible with the existing areas.

By approving this rezone, Council will eliminate the possibility of a project with a density of RMF-32. If Council denies the rezone, goals of the Planning Staff, the developer, neighbors and the School District will have been denied. He felt this plan is a good solution. Mr. Coleman requested Council approve the improved plan.

Mr. Coleman said the Corridor Policy says "professional office building, but preserving the residential scale" implies two things: (1) they anticipate there will be a new building there because it wouldn't be preserving a residential scale if it were preserving the actual residences; and (2) parking is required. Council discussed roof lines and compatibility also being defined in the type of use for the structure. Mr. Coleman said the type of tenants in the professional office buildings are accountants, lawyers, bankers, stock brokers and doctors.

The size of the two existing buildings is 800 to 900 square feet. Councilmember Sutherland said when considering compatibility, the parking must also be considered. He asked if 12 parking spaces are comparable to a residential scale of 6 parking spaces/unit. Mr. Coleman said it's impossible to construct an office building requiring a certain amount of parking, saying it's compatible with the driveway for a house and garage. If this use goes to a high density rental project, in order to attract people to rent in the area, one must lower the rent thus lowering the amount of money available for maintenance. Within 2 to 5 years, cars will be parked all over the property.

Mr. Richard Dewey, 2236 Tiffany Court, owns the property south of this project. He thought the project was a great change over the original plan. He liked the design of the project with the exception of the lack of a 20' setback from the alley.

Ms. Teresa McKinney, the property owner to the north of the project, supported the PB zone over the multi-family zone. She was comfortable with the downsized building design.

Mr. Coleman said the developer has done all that is possible to preserve the front setback (17'), although the rear setback is modest (3'). It was dictated by downsizing the building. They felt the front and side were the most important setbacks.

There were no other comments. The hearing was closed.

Councilmember Terry said the petitioner has done what Council has requested. There is no doubt about this area being transitional. The guidelines offer the ability for professional offices to be located in this area. She felt some of the concerns on the alleyway behind the building have been alleviated. Councilmember Maupin concurred. He was encouraged by the landscaping buffer around the property. The project is more compatible than a multi-family use.

Councilmember Theobold said the approval of the plan by the School District is favorable to the plan. It is a transitional area and the corridor guidelines allow for it.

Councilmember Mantlo was pleased to know the alley is going to be improved and the existing buildings are going to be demolished.

Councilmember Graham felt the new plan was a definite improvement over the original plan, but was concerned with the 3' rear setback. He was concerned with maintenance of the trees, etc. He noted that weeds could become a problem. However, he felt the application should be approved.

Councilmember Theobold said some rear setbacks on business and commercial properties can be as little as zero. He felt the setback on this building is acceptable.

Mayor Afman was encouraged by Mr. Coleman's comments regarding the preservation of the downtown area by locating professional offices closer to the downtown core. She felt 7th Street is in transition. She personally talked to residents across the street from this property and they all favored the office building as opposed to multi-family units.

Upon motion by Councilmember Terry, seconded by Councilmember Maupin and carried by roll call vote, the appeal was granted, and Ordinance No. 2974 was adopted on second reading and ordered published.

HEARING - ZONING OF THE AIRPORT WEST ENCLAVE ANNEXATION TO RSF-2, H.O., PAD, PI AND RSF-R, LOCATED NORTH OF I-70, EAST OF 27 ROAD, SOUTH OF LANDING VIEW LANE AND WEST OF HORIZON DRIVE - ORDINANCE

NO. 2975 ZONING THE AIRPORT WEST ENCLAVE ANNEXATION TO RSF-R, RSF-2, PI, HO AND PAD [FILE #ANX-96-221]

The Airport West Enclave Annexation must receive a City zone within 90 days of annexation. It is recommended that City Council approve the zones of annexation of RSF-R, RSF-2, PI, HO, and PAD for the Airport West Enclave Annexation.

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. There are two properties in the northwest corner of the annexation which are owned by the Airport Authority and being proposed for a PAD zone. In addition, there is a privately owned property being proposed as PAD. The property is owned by Mr. Hall and his property was zoned Commercial in the County. Mr. Hall's plans for future development are airport related businesses. City commercial zones do not address airport types of land uses. The Currier property on the west and the Kay Scott property on the east are being proposed as PI, and both property owners are in favor of the proposed PI zone. A PI zone has been developed for this corridor as part of the 3D Systems Annexation. Earlier, Mr. Currier requested his property remain RSF-R. Planning Commission recommended RSF-R which is equivalent to the County AFT zone. Mr. Wiss, representing the Airport, spoke at the Planning Commission hearing stating concerns of noise and compatibility with residential uses in the area near the airport. With that testimony, the Planning Commission felt it would be best to retain the PI zone as the Growth Plan supports commercial/ industrial type uses for this area. The Planning Commission recommended modification to allow existing uses. The area south of H Road is the Schiesswohl property which is zoned County AFT. Staff is recommending RSF-R for the Schiesswohl property as well as the property north of the Highline Canal. A sliver of land on the south of the Highline Canal which has access to the south and Crossroads Boulevard area was zoned Highway Services in the County. The City's equivalent zone is H.O. (Highway Oriented). Staff is recommending H.O. zone for that area of the Schiesswohl property. There are five properties to the west which were zoned AFT in the County. The most equivalent City zone is RSF-R. South of the Highline Canal and southwest of the other five properties, there is the Skyline Drive Subdivision. It is zoned R-1-B. The City's most equivalent zone is RSF-2. All of the property owners have been contacted by City Staff.

Councilmember Graham expressed a concern regarding zoning certain properties in this annexation to RSF-2 and RSF-R as someone might claim the right to do residential development on any unoccupied land. He thought that would be a mistake and asked if there was an alternative that would achieve the compatibility with the current County zoning and, at the same time, preclude residential development totally. He said if the City is considering the RSF-R zone as a temporary zone until development takes place, what protection would the City have to insure there would be no request for residential development based upon that technical designation. City Attorney Wilson said there is no protection as it is written. Councilmember Graham felt as Council makes its land use decisions about what this property will be used for, it needs to insure compatible uses with the airport to preclude residential development, even though, on a limited basis, it would be available under AFT and RSF-R. Otherwise, there are problems with the noise signature from the airport, overflights, etc.

Mayor Afman asked if Council was required to match a County zoning. City Attorney Wilson said Council is not required to match the zoning. Council is allowed to impress upon the land its view of what future land use would be appropriate. In order to avoid the risk of a five acre development, City Attorney Wilson suggested adding it to the PI list zoning the portion east of 27 1/4 Road north of the canal. Since the RSF-2 portion is already built out, Councilmember Theobold felt zoning that area PR-2 would be a solution.

Councilmember Terry asked if the PAD is acceptable to Mr. Hall. Mr. Thornton said Mr. Hall is planning airport type uses and PAD would accommodate such uses. The City has received no indication Mr. Hall disagrees with the zone. There has been no response from Mr. Schiesswohl at this point.

City Attorney Wilson asked if changing the RSF-2 zone to PR would be difficult if they were to designate the plan as the current lot layout with existing structures. This would address the concern that there would be no further subdivision in an additional residential zone. Mr. Thornton said the configuration of the lots, setbacks and other requirements would have to be addressed.

Mayor Afman noted a #29 has been added to the list of allowed uses in the ordinance which addresses Staff's comments regarding present uses at the time of annexation.

Mr. Thornton discussed Mr. Greg Cranston's letter requesting a change to the list of allowed uses within the PI zone.

Councilmember Sutherland asked if the parking requirements for 3D Systems are as laid out in this proposal for PI. He felt there are insufficient parking spaces at 3D and parking is taking place on the H Road right-of-way. Mr. Thornton said 3D Systems, Inc. was approved under the County at the time of development. The City has not followed up since annexation to determine if they are meeting the parking criteria.

Mr. Dennis Wiss, Director of Operations for the Walker Field Airport Authority, extended appreciation to City Staff for keeping him informed regarding this annexation and the proposed rezoning. The Authority supports the PI rezone. Regarding the RSF-R zone, they will accept, although they would like everything zoned Industrial, and non-Residential. Completely non-Residential would be ideal for the Airport. He appreciated Council's awareness of the problems of mixing residential uses with airport uses. Mr. Wiss referred to a drawing and discussed the noise contour. The PI parcels are within the noise contour. The area south of H Road is not, but the noise of the planes will be heard at a lesser level. He felt business uses are more compatible than residential uses.

Gail Redmond, 2723 H Road, owns property next to Mr. Schiesswohl's, and would like to remain RSF-R because her business and home are located there. If the zone was changed to PI, and her home burned to the ground, she would be unable to rebuild at the same location. She stated Mr. Schiesswohl owns 60 acres located from Ms. Redmon's property line to Sundstrand. She noted she does hear the planes at a very high noise level.

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

Councilmember Terry respected the Airport Authority's concern regarding residential development, although this issue is not a rezone. It is assigning an existing zone. She was resistant to change any zoning of properties without notice to the property owners.

City Attorney Wilson said a Planned Zone is more flexible. There may be a greater problem with a straight zone and setbacks.

Acting Community Development Director Kathy Portner said the bulk requirements would be identified with a Planned Zone. The RSF-2 bulk requirements could be applied so an addition would be allowed under the set bulk requirements adopted within that zone district.

Councilmember Sutherland asked if a Planned Zone were assigned, could the City require that same existing setback requirements of the County. Ms. Portner said yes.

Councilmember Graham asked if a PI zone could be adopted with a plan that it be RSF-R in all respects except no new or additional residences would be allowed. This solution would allow rebuilding of a demolished residence, but would not allow an added building.

Councilmember Maupin said the airport is already in existence. If someone wants to build a house that close to the airport, they will not be able to litigate against the airport because of the noise.

Mayor Afman was comfortable with the RSF-R and did not wish to change to PI. She agreed with assigning PR to the already built out area.

It was moved by Councilmember Maupin and seconded by Councilmember Terry that Ordinance No. 2975 be adopted.

Councilmember Theobold amended the motion to change RSF-2 to PR-2 with the County's R-1 zone bulk requirements. Councilmembers Maupin and Terry accepted the amendment.

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

AYE: MAUPIN, SUTHERLAND, TERRY, THEOBOLD, GRAHAM, MANTLO, AFMAN.
NO: None.

Motion carried.

REDLANDS ANNEXATIONS POLICY - RESOLUTION NO. 7-97 STATING CITY COUNCIL POLICY TOWARD REDLANDS ANNEXATIONS

It was stated this policy is the procedure City Council has followed over the past few years. Mayor Afman felt the Redlands Annexations Policy was important for the record so future Councils will have it for reference.

Councilmember Terry said she has struggled with annexations in general, and felt this policy is an excellent first step in attempting to lay out Council's thoughts and plans. Ms. Terry offered two options:

1. Continue this particular annexation in the Redlands, and concede to the residents by offering them an opportunity for discussion with Council as requested in their January 10, 1997 statement to Council. The letter was hand delivered to the City Clerk by Mr. Fiegel and signed "Redlands Residents, Mesa County Residents". She proposed the continuance for a one month period, conducting a meeting during that time similar to those conducted in the past (neighborhood meetings); or

2. Council make an effort to conduct one or two meetings subsequent to this annexation hearing, and attempt to avoid any misunderstanding regarding the Redlands Annexation Policy.

Councilmember Graham concurred with either option, and commended those Councilmembers that drew up the proposed resolution of policy. He felt the essence of controversy is the suspicion that it is a gradual process toward the eventual creation of one or more enclaves. He said the resolution should include an additional paragraph forswearing the annexation of any eligible enclave without a majority of the affected property owners. He said the resolution is only binding as long as Council wishes.

Councilmember Terry concurred because Council's intent is not to deliberately create enclaves for the purposes of creating a larger area of annexation.

Councilmember Maupin said if Council had wanted to enclave the whole area it would have done so a year ago. When enclaves are created and left that way for years, services are disrupted because of being handled by different entities. The County does not want to service enclaves forever. If the Stassen and Tiara Rado annexations are approved tonight, the previous ability to use those properties to create an enclave is greatly diminished. The City will have used up a lot of that property which he felt was a

goodwill effort to annex property one at a time with 100% owner participation.

Councilmember Theobold said the eastern end of The Redlands is almost surrounded, and has been for 3 to 4 years, with just one small annexation from being enclaved, and the City has made no effort to annex that area. He realized anything Council might say will not alleviate any fears of the people in opposition to this annexation, so Council can only voice what is on their mind. He said it doesn't matter what goes in the resolution because Council can change or revoke the resolution whenever. The resolution is only going to be as believable as Council's actions, not its words.

Councilmember Maupin said City Council would not want to enclave the entire Redlands area or annex Redlands Village without them agreeing to fix their sewer problems. Councilmember Graham said if Council has resolved there is no interest in creating an enclave, he could not see how the City is prejudiced if the City forswears and eschews the creation of an enclave, or at least the bringing in of an enclave through the procedures available. By resolution Council is making a statement to itself and City Staff as to Council's wishes. Unless there is an argument in favor of annexing the next enclave that may be created, he felt there was nothing to lose by forswearing that.

Mayor Afman suggested changing the word "hearings" in paragraph d. to "community neighborhood meeting". Councilmember Sutherland would rather see "workshops, neighborhood meetings and hearings" so it does not preclude notifications if there is a hearing.

Councilmember Graham felt that still is not enough. Council has the opportunity to say it is not interested in bringing in an enclave on The Redlands unless a majority of the affected people agree. Councilmember Maupin said that cannot be done because what happens to the sections of land that never want to come into the City. Councilmember Graham said if an enclave is created by virtue of one or more voluntary 100% petitions, then there is a hole which is surrounded on all sides by the City. Years go by and a new Council is elected. It is a problem. The Council can address the problem by, after giving the residents an opportunity to sign on a petition or vote in an election, if they prove to be costing the City and County taxpayers additional money, then given the fact the resolution is entirely revocable, the Council can change the resolution in the future. Right now Council has the

opportunity to make a public pronouncement that Council is not interested in annexing an enclave. If that pronouncement is not made, some people will be suspicious that it is the ultimate objective.

Councilmember Theobold said if the resolution is treated seriously as something Council intends to agree with and live by, he did not want to add something to the resolution that Council will change policy on at a later date. The existing resolution was satisfactory to him. It covers policy for the future and is not subject to change.

Mayor Afman said the purpose of the policy is to set some guidelines and put into print what the current Council has discussed over the past 2 to 3 years. She was not in favor of a document that can be rescinded in a year or two.

Councilmember Graham said the resolution as currently written is good, but can be improved.

Upon motion by Councilmember Maupin, seconded by Councilmember Sutherland and carried by roll call vote, Resolution No. 7-97 with the term "hearings" in paragraph d. being replaced by "workshops, neighborhood meetings and hearings", was adopted.

RECESS

Mayor Afman declared a 7-minute recess. Upon reconvening, all members of Council were present.

STASSEN ANNEXATIONS NO. 1, 2 AND 3, EAST AND NORTH OF F 3/4 ROAD AND 20 1/2 ROAD AND 673 20 1/2 ROAD - ORDINANCE NO. 2976 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, STASSEN ANNEXATION NO. 1, APPROXIMATELY 51.08 ACRES LOCATED EAST AND NORTH OF F 3/4 ROAD AND 20 1/2 ROADS - ORDINANCE NO. 2977 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, STASSEN ANNEXATION NO. 2, APPROXIMATELY 48.57 ACRES LOCATED EAST AND NORTH OF F 3/4 ROAD AND 20 1/2 ROADS - ORDINANCE NO. 2978 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, STASSEN ANNEXATIONS NO. 3, APPROXIMATELY 28.91 ACRES LOCATED AT 673 20 1/2 ROAD - ORDINANCE NO. 2979 ZONING STASSEN FARMS ANNEXATION NOS. 1, 2 & 3, LOCATED AT 20 1/2 ROAD AND F 3/4 ROAD [FILE #ANX-96-231]

The property owner, Leatha Jean Stassen, is requesting to join the City. She has signed a petition for annexation for approximately 128 acres she owns and resides on at 20 1/2 Road and F 3/4 Road. Concurrent with the annexation, City zoning is being proposed. The Planning Commission denied the Preliminary Plan for Stassen Farms, consisting of 66 single family residential lots on approximately 28.41 acres of land for an overall density of 2.32 units per acre. Instead, the Planning Commission recommends to City Council a Residential Single Family with a maximum of one unit per acre (RSF-1) zone for the entire Stassen Annexation Nos. 1, 2 and 3. The applicant has appealed Planning Commission's decision.

Councilmember Graham stated there was a potential conflict of interest on his part during the previous meeting on this item. The possible conflict of interest no longer exists and therefore he will retain his seat on Council for discussion and vote on this item.

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. Staff considered the previous County R-2 zoning on these properties, as well as the Growth Plan, and determined RSF-4 for Stassen No. 1 and No. 2 properties. The majority of the Stassen properties is within the City/County Growth Plan. A northern portion of Stassen No. 1 is outside the plan boundary and falls under the County's rural plan. The Growth Plan suggests densities of 2.0 to 3.9 units/ acre. There is a development proposal for Stassen Farms in Stassen No. 3 annexation. The density proposed is 2.4 units/acre under a planned residential zoning request. PR-2.4 is appro-priate. During the Planning Commission hearing, neighborhood concerns were voiced regarding density (too high) and traffic. The Planning Commission recommended a lesser density of RSF-1 for all three properties, and recommended denial of the Stassen Farms preliminary plan.

Mr. Bill Nebeker, Community Development Department, discussed the appeal of the Planning Commission denial of the preliminary plan for Stassen Farms, located at the Southeast Corner of 20 1/2 Road and F 3/4 Roads. He said if Council approves the Stassen Farms preliminary plan, Staff would like to revise Condition #6 which pertains to a pedestrian easement which the applicant is willing to grant in the vacated 20 1/4 Road on the west side of the property. Staff is requesting a 10' wide concrete path in that easement be deleted with the rationale that currently the easement

goes nowhere. From F 3/4 Road south, it deadends at the property. When the rest of the easement is obtained in the future, the open space fees paid by this development could be used to put the path in at that time. Staff is requesting the deletion of the last line of Condition #6. The petitioner agrees to this deletion.

Mr. Nebeker said the Parks Board has not reviewed the recommendation to use the open space fees for the path. When the time comes to actually construct the path, the Board will review at that time.

Councilmember Graham asked if fire protection has been addressed. Councilmember Mantlo said the area is presently being served by the Grand Junction Rural Fire Protection District which has a contract with the City of Grand Junction. Mr. Nebeker noted an additional fire hydrant is indicated on the plan.

Councilmember Graham asked about the pattern of development. He asked if Stassen Annexation No. 3 is to be developed first. Mr. Nebeker said yes. Councilmember Graham referred to a recent newspaper article saying Bob Jasper, County Administrator, felt annexation should not necessarily entail a drive through the County to get from the City to the City. Councilmember Graham asked if it matters that the roads which will be servicing this part of the City will actually pass through the County. Dave Thornton said it is more of a policy decision on Council's part. There are other instances within the City limits where streets run from City to County to City. It is done in a lot of cities. It may not be optimum, but it can be expected to occur.

Councilmember Terry asked if the parcel closest to the river not being in the 201 Sewer Service Area has been resolved and approved by all the parties necessary. Mr. Thornton said no, it would need to be pursued at the time Stassen No. 1 were to be approved for any type of development.

Councilmember Terry referred to the comment "long term financial impacts are negligible" regarding fiscal impact. She asked for clarification regarding street maintenance, fire, police, etc. Mr. Thornton had talked with Mr. Lanny Paulson, City Budget Coordinator, who said there is no immediate budget impact as there is only one house existing on the entire 128 acres.

Ms. Leatha Jean Stassen, petitioner, said she would like to be annexed at the 2.39 density.

Mr. Hans Brutsche, 101 S. 3rd, Grand Junction, said he is in favor of the annexation of this property to the City. He chose this property as it met the criteria of the Master Plan such as compatibility, traffic, schools and water. He met with Mr. Boechenstein who agreed the property did not fit into Fruita's 201 Area even though it's located in their 201 area.

Councilmember Maupin asked why Mr. Brutsche would like to develop at 2.3 units/acre as opposed to 4 units/acre. Mr. Brutsche said he felt half acre density creates enough breathing room and gives people some sense of privacy yet doesn't create a maintenance nightmare requiring a riding mower for lawn mowing. He wanted to have some open space in the plan that allowed for additional recreation. A half acre lot is not large enough for playing flag football, basketball, etc. In order to accomplish those goals, a large park has been planned which runs through the body of the development.

Mr. Craig Roberts, Ciavonne & Assoc., 844 Grand Avenue, gave some history of the property. Ms. Stassen has farmed the ground since 1942, and purchased the additional property in 1953. She retired in 1987 and put the property up for sale. It has been on the market for some time. He presented slides showing the topography of the land and compatibility of the property with surrounding development. Mr. Roberts reviewed the goals of the City/County Master Plan and indicated how the Stassen property met each goal.

Mr. Roberts continued by saying the site was a dairy farm until 1987. The land is open, flat, with a 3% grade to the intersection of F 3/4 Road and 20 1/2 Road. The existing zoning on the site is R-2 in the County, allowing lots 9,900 square feet in size (less than 1/4 acre). RSF-4 is at 8,500 square feet/lot, RSF-2 is at 21,500 feet/lot. The 30 acres comes in at 2.2 units/acre with the remaining 97 acres zoned RSF-4. The Growth Plan is recommending 2 to 3.9 units/acre. The smallest lots on the proposed plan are 13,000 square feet with larger lots up to 28,000 square feet, with a design density of 2.3 units/acre. The proposed plan has 66 single family homes, with 100' lot width minimum at the building site. Front yard setbacks were at 35', side yard setbacks at 10', and rear yard setbacks at 25'. There are 2.2 acres of open space. Some of the lots front on F 3/4 Road. F 3/4 Road has been designated as a residential collector.

Mr. Roberts said if the planned River Bluff Trail occurs, which was mentioned in Bennett Boechenstein's letter, it will occur either through a series of road connections and trail links using the north/south easement on 20 1/4 Road, or with the cooperation of Country Meadows and Filing #3 of Independence Valley to include a bluff trail. It is an option that does not deal with the first 30 acre parcel. Besides the north/south easement on 20 1/4 Road, they have been asked to include a pedestrian easement east/west that would connect into the neighborhood so residents would have access to the 20 1/4 Road easement. That is agreeable with the developer.

Mr. Roberts also addressed irrigation water. Ms. Stassen has 80 shares of water. The neighbors have individual shares of water that is delivered from a separate pipe, so Ms. Stassen has complete control over the water that goes to her 100 acres.

Mr. Roberts said the road system for Stassen Farms gives two entrances to the neighborhood for safety reasons. The north/ south entrance was aligned with Country Meadows and the east entrance was moved as far south as possible from the intersection of 20 1/2 Road and F 2/3 Road for safety purposes. The roadway is a standard 44' right-of-way with curb, gutter and sidewalk.

Mr. Mark Bancal, MK Centennial, 214 8th Street, Glenwood Springs, Colorado, addressed traffic issues. He considered the capacity of 20 1/2 Road, the site distance at the intersection of 20 1/2 Road and State Highway 340, and the site distance along 20 1/2 Road approaching State Highway 340. The total daily traffic volume anticipated on 20 1/2 Road, including existing traffic volume and the traffic volume estimated to be generated by the Country Meadows development and Stassen property, would total approximately 2,574 vehicles/day. Compared to the road capacity as set forth in the County Standards of 3,000 vehicles/day, the total is less than what is allowed, and should not be an issue. The estimate of 2,574 includes all of the traffic generated by Country Meadows, and a good amount of that traffic would actually use Independence Valley Drive.

The site distance at the intersection of 20 1/2 Road and State Highway 340 was compared in the field against City/County/State standards. Everything looks fine. One can see far enough to the left and right to safely make a turn from the stop sign.

Mr. Roberts considered the stopping site distance for vehicles approaching the stop sign when southbound on 20 1/2 Road. If there is one car on cue at the stop sign, the site distance as set forth by the City/County/State is adequately met. If the cue backs up more than one car, there is a view deficiency, although not a safety problem because of the posted warning of a stop ahead sign. Most everyone using the road will be familiar with it as it only serves a few residential areas.

Mr. Bancal said he went to the subject intersection and observed cars approaching from both directions and marked to what distance they were visible, and measured off the distance. The distance visible to the left is 800' and the right is 700'. The City standards require 610' to the left, and 570' to the right for a 45 mph roadway as is State Highway 340. The County standards require 625' in both directions, the State standards are 450' in both directions. The existing intersection is in compliance with existing site distance requirements.

Mayor Afman solicited comments from the audience at this time. She requested everyone focus on the issue of annexation of the Stassen property and the plan.

1. Mr. Ron Abeloe, 764 Continental Court, owner/developer of Country Meadows located to the north, said he had no particular problem with the applicant's plan. He was concerned with the designation of a collector street for F 3/4 Road as the County does not normally allow driveways to front that. It needs to be considered from a traffic standpoint. He also agreed the street will be a fairly short collector and will never carry the full volume of a collector street. Mesa County was quite adamant that there would be no driveway accessing F 3/4 Road. A decel lane will probably be required at the intersection of 20 1/2 and Highway 340. CDOT told Mr. Abeloe they want no more traffic at that intersection without improvements. The developer has said CDOT will allow 16 homes before requiring improvements. Mr. Abeloe said Country Meadows has a pedestrian easement which travels north and south the length of their property. It would benefit the trail being considered by the developer where 20 1/4 Road formerly existed. People walk everywhere in the area and the trail would be a good way to get people off the road and do some walking. Other than his traffic concerns, Mr. Abeloe had no objection to the plan. Mayor Afman asked if a warning sign such as "stop sign ahead" being placed before the hump in the road would alleviate some concerns. Mr. Abeloe said it would help.

City Attorney Wilson asked Mr. Abeloe if a CDOT permit is required for his subdivision and/or this development. Mr. Abeloe said CDOT will condition this application with an access permit, and will require the improvements as part of the application. When certain traffic counts are reached, they trigger the requirement by CDOT for such improvements. Mr. Wilson asked what control CDOT has over an already dedicated and built street system. Mr. Abeloe said there is actually State legislative action giving CDOT the authority to grant or deny additional use of an existing access to a State Highway. The access control point is the intersection of any street with a State Highway.

2. Mr. Keith Clark, 2259 Tanglewood Road, did not object to Ms. Stassen making the best use of her property. He did object to the City's methods of annexation, using enclaves, zig-zagging lines around, flagpole type annexations, etc. Mr. Clark discussed the Redlands Annexation Policy that was adopted earlier in the meeting. There is no assurance in the policy to the residents of the Redlands that the Council is not going to continue to pursue the aggressive annexation policies. Mr. Clark said he was angry, as he has dealt with City Councils for over 40 years regarding water and property on Kannah Creek. He appreciated the intent of Council to notify residents of participation in hearings regarding annexations, but felt there is a difference between participation and listening. He did not think Council is listening to the residents. He said City Council creates enemies by taking devious means and not listening to the will of the people.

3. Mr. Mike Bath, 670 Independence Valley Drive, was in the Ridges and was annexed, and approved of the annexation. The process was proper and the residents were consulted. There was nearly unanimous support for that annexation. On the other hand, he was not aware of any surrounding owner of the proposed annexation that supports this annexation. He did not see how any of Council would vote for this annexation. He felt it is a stretch to say the property is in proximity to the City limit. He said this is an enclave and asked how the City can effectively serve it. The area is isolated and the City will have to provide services. Mr. Bath circulated some photos that he felt were important and relevant. He felt it was important Council understand that everyone needs the ability and potential to aspire. When City Council is elected, its constituents expect Council to look out for their interests. The predominant surrounding area is rural, low density. It is not urban. He

felt this annexation will decrease the value of existing homes in the area. Canyon Creek and Independence Valley are in the area and everything averages over one acre/dwelling. He felt Council is making a mistake if this annexation is approved.

Mayor Afman asked Mr. Bath if he realized the annexation deals with only one parcel of land and one property owner. Mr. Bath said he understood that, and the surrounding properties will be impacted by the annexation. Councilmember Theobold asked if Mr. Bath was referring to the density of the development when he mentioned lowering property values. Councilmember Terry asked Mr. Bath if he was aware of the current zoning and density on the Stassen property. Mr. Bath said he heard the comments and understood, although he felt it was up to Planning and Zoning to determine what is compatible. Councilmember Sutherland asked Mr. Bath if he had attended any of the Growth Plan workshops prior to the adoption of the plan to see what was being proposed. Mr. Bath said he did not.

4. Mr. Rollin Bitting, 538 Melody Lane, a City resident, said he thought the petitioner should have a right to develop her property as she sees fit. He suggested those that are opposed to the development pool their money and purchase the property from Ms. Stassen.

5. Ms. Darlene Gsell, 1930 Star Canyon, said no one is trying to prevent Ms. Stassen from developing her property. The City is placing conditions on the development which give Ms. Stassen no choice but to annex in order to sell the property. The City is annexing anything that wants sewer. She is opposing the density which will impact all the surrounding residents and the disconnection of over two miles from City limits. The neighbors are being left out of this equation. The City is considering only one person who needs sewer service, Ms. Stassen. The City will not hold a election and take in a logical adjacent area of the Redlands. A year ago Council said it does not want the expense of bringing the denser areas into compliance with City standards. The City's financial projections from 1996 indicate the City will receive from The Redlands in 11 years $600,000/year in taxes, and in four years would break even. She appreciated the photographs of the west end of The Redlands that were shown earlier, but they didn't show everything. The population of the west Redlands from Tiara Rado north and from Panorama west is the rural area Ms. Gsell refers to. It is 1 1/2 miles by 1 1/2 miles square with a population of 1850 people, or less, according to

the Mesa County Planning Department. The access road is narrow and not highly developed. There are several small hay and horse farms along 20 1/2 Road and on Broadway. The portion of Broadway west of Panorama is a curve, a hill down, another curve, and a hill up. The site distances were discussed earlier in the meeting. She pointed out that it doesn't matter if a driver comes over a small hill on 20 1/2 Road and see a stop sign if the vehicle can't stop because the road is slick. She noted two accidents in this area. It is a dangerous intersection if heavily used. She pointed out there are deer crossing signs one half mile away in either direction from this intersection. If that road is loaded with many more people and they have to stop at the stop sign to avoid hitting people that are coming up Broadway, an accident is likely. By densely developing this 28 acres, not only are traffic hazards increased, but more vehicle miles are added which creates air pollution. Ms. Gsell reported the Mesa County Health Department says there will be very poor air quality by the time a 300,000 population is reached, and will definitely have an impact on the air quality with another 20,000 people, especially if those people are going to be located in the outlying areas where the vehicle miles traveled is longer. She polled the neighbors because her group has been accused of being a small group of people that are activists that don't represent the majority of the people. They visited 120 homes, 24 were vacant or no one was home, some were missed in Forest Hills for lack of time. All the responses were 100% opposed with 146 signatures in opposition and five people refusing to sign. Ms. Gsell presented the petition to Council for the record. Councilmember Theobold said the petition refers to annexation only, and asked Ms. Gsell if the group discussed the density also. Ms. Gsell said the petition circulators discussed the density with them and the disconnected aspect of it. They showed them a map of the POA's and a map identical to the density map presented to Council tonight. That was the basis upon which they signed the petition. The County zone was R-2 which requires a larger minimum lot. Her group and the City Planning Commission felt the R-2 was possibly an error in the Master Plan. She read from the Master Plan the following: "Urban land uses will be encouraged to occur in municipalities and not outside municipal limits. Developer should be required to demonstrate that their development will not cause a reduction in levels of service provided to existing residents, and require that any new facilities or services necessary to maintain the adopted level of service standards will be in place prior to or concurrent with the development, e.g. water, sewer, fire protection and roads.

Mesa County will discourage leap frog development which prematurely converts open land to urban uses. The linkage between urban sprawl, high rates of per capita vehicle use and poor air quality have sparked an interest in using concentrated land use patterns that require less vehicular travel as a tool to reduce pollutant emissions. Studies have shown that locating residential communities too far away from urban areas increases the home-to-work commute aggravating traffic congestion and air pollution. An emphasis on more concentrated development can mitigate these negative impacts and may over time increase urban densities to the point where effective bus service or other mass transit become a viable option. Research done in Montgomery County, Maryland, has shown that one of the most effective measures for reducing air pollution energy use and traffic congestion, is to adopt a re-centralization policy that encourages housing growth in existing neighborhoods close to the center rather than at the edges of a region. In subdivisions and outlying areas, the design standards should reflect a more rural concept. To minimize vehicle miles traveled, new residential growth should be encouraged where shopping and employment is available."

Ms. Gsell read the definition of an "urban area" from the Master Plan: "A highly developed area that includes or is appurtenant to a central city or place and contains a variety of commercial, residential and cultural uses." Ms. Gsell said there may be some areas of The Redlands where people would like to be annexed. This area is not one of them. She asked if Council supports the Master Plan which states growth should be concentrated where there will not be a lot of vehicle miles traveled. That is why the Planning Commission recommended the lower density. Ms. Gsell said she and her husband have traded off higher income for open space and breathing room and clean air. She realized her area will be annexed some time in the future, but felt the rate at which annexation is taking place is unnecessary. She quoted words from Thomas Jefferson: "A wise and frugal government shall leave men free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned."

Mr. Delbert Tolan, 2177 Lassen Court, The Redlands, protested the Stassen annexation because it will create an enclave around his home which can be annexed to the City without a vote of the people affected. Tonight's annexation policy does not reassure him this will not happen. For 20 years the City's boundaries

were small and square. Today they spread like a cancer throughout the Grand Valley area. He felt the City has nothing to offer him as he already has services from the regional sewer plant, Redlands Water & Power, Ute Water, Rural Fire Department, schools, etc. Mr. Tolan cited Colorado Statutes 31-12-104 and 31-12-106 forbidding the use of prior flagpoled annexation (Persigo Wash) for use as contiguity. According to these statutes, Persigo Wash sewer plant cannot be used to further annex. An annotation in these two sections says: "It is not permissible to include and use a County street as a pole in order to meet contiguity requirements." He said there is 400' which is 45' wide and 900' which is 20' wide running 1/4 of a mile along F 3/4 Road. That is part of the annexation of Parcel No. 2. It is expressly forbidden in the statutes to use that for contiguity of Parcel No. 3. The statutes also say the violation of that sub-section may be declared by a court of competent jurisdiction. Mr. Tolan bought property in the country because he likes being across the street from horses and steers in a field. It is pleasant. Mr. Tolan said Ms. Stassen can develop her property whether she's in the City or not. A developer can develop the property in the County as well as the City and contrary declaration of a developer rings of falsehood and monetary consideration. He noted the City collected $22 million in sales tax in 1996. City residents paid $10 million while those outside the City paid the balance. Mr. Tolan said Lassen Court is located in Monument Village and he could not determine the exact density of the subdivision.

Mr. Ron Bonds, 1998 S. Broadway, said he developed Monument Village and the density is PD-1 (one unit/acre average). He noted that in all the properties he has developed in this area over the past 10 to 12 years there has never been objection from any of the neighbors.

Mr. Jim Baughman, 2579 F Road, presented a letter from the Mesa County Commissioners to the City Council stating:

"Concerned Redlands residents attending County Commissioners public hearings on Monday, January 13th, and Tuesday, January 14th, eloquently expressed their concerns about the petitioned Stassen annexation application which you have scheduled for action on tonight's City Council agenda. Several speakers, stating they were representing upwards of 300 petition signers, approached us to detail the frustration they, as County residents, experience as they attempt to participate in City

annexation hearings. Over and over again they ask what they can effectively do to express their concerns. Where can the County go for help, they ask, when the City is making decisions that affect the people who live outside the City.

The Mesa County Commissioners recognize the City's jurisdiction within the confines of the State of Colorado's requirements in annexation issues. However, Grand Junction and Mesa County recently worked together to devise joint land use goals and policies through a coordinated City/County/Citizen Participation process. Mesa County is committed to coordinated planning to assure future land use and development meet community needs and priorities, and recognize informed citizen participation as one key element to sound public policy decision making. Redlands residents say annexation decisions will determine their future quality of life. They request the opportunity to be heard before you make your final decisions.

/s/ Mesa County Commissioners"

Mr. Baughman said the Mesa County Commissioners do not object to growth by the City of Grand Junction. Annexation is necessary for the City. They want to emphasize working together as a community, as County and City residents, to cooperate as the development occurs.

Councilmember Theobold asked how the Commissioners felt about the zoning. Mr. Baughman said it is already zoned R-2, which is approximately 4 units/acre under the City zone. The residents of the west Redlands area are very concerned about a single property being able to unilaterally annex without participation from the other residents of the area. Councilmember Theobold said the Growth Plan suggested a density even lower than the existing zoning. He asked if the Commissioners would consider downzoning the area from the current density. Mr. Baughman said it would be possible, but could not answer for the other Commissioners. Councilmember Graham asked if Mr. Baughman were in favor or opposed to the Stassen annexation. Mr. Baughman said personally he is opposed to the method in which the property is being annexed. Councilmember Mantlo clarified the question by asking if Mr. Baughman was in favor of Ms. Stassen having the right to annex her property to the City of Grand Junction if she so desires. If that was the question, Mr. Baughman said he would answer no, with the caveat that it must be as a community. He felt someone who is not contiguous with the City of Grand

Junction should not be able to annex unilaterally any more than someone that is within the City of Grand Junction should be able to de-annex unilaterally. Councilmember Mantlo clarified that 80% of recent growth has been outside the boundaries of the City of Grand Junction and approved by the Mesa County Commissioners.

Mr. Baughman said the residents have not objected to Ms. Stassen being able to develop her property. It is her right. The concern is that her property can be annexed without concern for the affected neighbors.

Mr. Charlie Post, 653 North Terrace, requested a show of hands from the audience of those who were against Ms. Stassen being annexed to the City. He also asked how many in the audience were against her developing her property. He was concerned that City Council has power over the Redlands residents, yet the residents have no say in electing Council members to represent them. He asked when Ms. Stassen first came to the City requesting annexation. Ms. Stassen said it was approximately two years ago.

Councilmember Theobold said it has been suggested the only reason Ms. Stassen is requesting annexation is because if she wants sewer, she must deal with the City. Ms. Stassen came to the City voluntarily requesting annexation approximately two years ago. The City declined annexation at that time because it did not feel it was the appropriate time. When a developer came along wanting to develop and be in the City, it became apparent now is the time.

Mr. Post said in another instance an individual approached the City to see what it would cost for the development, and was given a much lower figure than if they were to develop in the County. He wondered why coming into the City gives them a better deal. Councilmember Theobold said the circumstances in which a developer is going to find saving a lot of money with the City extremely unusual. The City has a different way of assessing street costs for development which can affect the cost, but mostly the development standards for the City and County are quite similar. There are some amenities the City offers that may make a difference as to a motive, but not a cost savings necessarily. The City's development process can be quicker than the County's.

Mr. Post felt the density is critical. More dense areas should be placed closer to the feeder streets, and less density further

out. He requested City Council retain the density recommended by the Planning Commission.

Ms. Judith Hopper, 614 19 1/2 Road, said she was born and raised on the Redlands, and has known the Stassen family over those years and stood in awe of them for how hard they worked. However, she did not feel it was proper for Ms. Stassen to call those who oppose the annexation, and berate them in a rough and rude manner because of their opinion. She asked why the City doesn't just annex the Stassen property since there is a Power of Attorney for the property. Councilmember Theobold agreed the phone calls were inappropriate.

Ms. Laurie Stone, 2042 F 3/4 Road, said her property is directly across the street from the Stassen property to be annexed, rezoned and developed. She was concerned the developers consider country living as a 1/2 acre lot and a split rail fence. The impact on schools and traffic were also concerns. She would like to see the plan revised to have the backyards along F 3/4 Road rather than driveways fronting F 3/4 Road. Entrance could be located on the planned Holstein Drive by redesigning the subdivision with more cul-de-sacs and only two entrances. She requested the homes along F 3/4 Road be one-story homes so it would not completely destroy her current view of the Monument. She requested an adequate buffer zone. The density of this project does not benefit the area in any way. She was impressed by the City Planning Commission for recognizing facts and rezoning this property to no more than one unit/acre. They show insight to future growth and the quality of living in Grand Junction. She felt the annexation is confusing as well as premature. She noted the sale has not closed on this property, and the plans for this subdivision may not take place. Therefore, this property is not urbanized and may not soon be urbanized for annexation purposes. She said the development can take place under the current County zoning. She asked why the sale of this property and development of the project relies upon this annexation. Has the developer been offered a discounted figure in impact fees by the City Staff? The expense of any unpaid impact fees would be passed on to other contractors, consumers and taxpayers. She asked what services the City could offer Ms. Stassen that are not already on location. At what cost does the City intend to continue expensive annexation process and deteriorate their own municipal services by spreading them even more thinly than they already are. She said this is not a subdivision with a majority vote, but one land owner who hopes to

make a very good profit and move on to a different life. Ms. Stone said she had no objection to that as Ms. Stassen has worked very hard all of her life. Other nearby subdivisions have developed without annexation.

Ms. Stone noted inconsistencies in the notices mailed to surrounding residents and complained the sign which was posted on the property was not standing and noticeable before November 13, 1996. She discussed other misinformation in The Daily Sentinel public notices published on December 3, 1996. Ms. Stone discussed conversations she has had with City Staff which have led to her frustration. She felt the City Planning Department seems to be making up the rules for annexation as it goes along. She questioned why some annexation plans are considered a flagpole and some are serial annexations. Ms. Stone thought City Council had learned by past mistakes that annexation in the Redlands is unpopular. It was her hope City Council would use the Land Use project and her committee's suggestions from the last episode and the results of the Clifton annexation election to stop random annexation even if it is requested. She requested Council annex in a block form, logical, organized fashion with the consent of the people. She asked City Council to ask itself the following questions:

1. Why is annexation a requirement to develop this project;

2. What services can the City properly provide being over three miles from the current City limits;

3. Is the City ready to once again tear this community apart with bad media, harsh comments from the citizens, and possible legal actions over these annexation procedures and decisions.

She said the Stassen property does not meet the criteria of Council's resolution. City Council has set these standards and must now vote accordingly.

Mr. Hans Brutsche, reiterated this is a voluntary annexation. He wanted this project to become part of the City of Grand Junction. The approved Master Plan delineates an urban growth boundary which outlines the services that exist. It is part of the motivation for bringing this subdivision into the City. He stated the City has not lowered development fees and it will probably be more expensive to develop this project in the City than the County. The revenues generated from the project will

be approximately $2 million, not $6 million. He felt the map presented by Ms. Gsell is inaccurate regarding the density and compatibility issues. Mr. Brutsche displayed a color slide depicting a more accurate picture of the situation. He said there are higher densities adjacent to his proposed project. He said in September, 1996, he met with Laurie Stone who asked him to front those lots on F 3/4 Road to mitigate the visual loss of the National Monument on her property. He also discussed school impact over a period of 3 to 5 years. He discussed the correction of the hump in the road which was discussed by Ms. Gsell. He requested Council grant the density he is requesting as it is approximately one half the maximum density he could have requested.

The hearing was closed.

Councilmember Sutherland said he appreciated discussions by those who commented more on the quality of the development. Even though the Stassen property meets the legal requirements of contiguity, he did not feel it made sense to jump across the river and up the bluff because there are no roads to access it. He felt it is important that the owner of the property requested annexation. He also supported the Growth Plan as he worked with the committee. He felt the annexation has no bearing on the zoning for the property as the City and County densities are similar. He agreed that as annexation takes place further from arterials, the density should be decreased. He was not in favor of development which would allow backing onto F 3/4 Road. He felt there is room for improvement on the overall design of the project.

Councilmember Maupin agreed the plan needs to be redesigned. He was encouraged by the open space area and the trail systems. He saw this project as infill and not new development because all the way around this property is developed at different densities. He said none of his constituents have contacted him objecting to this annexation.

Councilmember Theobold said he would have liked to have heard more discussion on the development rather than the annexation. The proposal is for approximately half of the current zoning and is in line with the Master Plan, and he was satisfied with that. The density issue is one of compatibility. There will be nearby development with higher densities, and some lower densities. He

was concerned with F 3/4 Road being designated a collector street since it is short and will probably remain short in the future.

Councilmember Terry said it's obvious the Redlands residents do not want this property annexed. It is legally contiguous to the City limits. This is not a forced annexation. She believes in logical contiguous annexation. She believes in good communication and proposed Council pursue discussion of their policy and resolution with the Redlands residents. She would like to see the discussion take place within the next month or so. Regarding the density, Councilmember Terry did not agree to downzoning to one unit/acre because it is taking a significant amount of rights from Ms. Stassen. All of the surrounding zoning is 3.5 units/acre in the County, although it is not developed at that density. She supported the RSF-1 zone in the other two northern parcels that have not been proposed for development. She supported the plan as proposed for this parcel.

Councilmember Theobold said putting too high a density on the property creates an expectation by future developers that they can get that density approved. Too low a density creates expectation by surrounding neighbors that it won't be anything higher when they come through a plan. He suggested 2.4 units/ acre on the developable ground.

Councilmember Terry said she would agree to one unit/acre while Councilmembers Mantlo and Maupin felt 2.0 units/acre would be acceptable.

Councilmember Theobold said he could not deny a property owner the right to annex.

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried by roll call vote with Councilmembers **GRAHAM** and **SUTHERLAND** voting **NO,** Ordinance No. 2976 was adopted on second reading and ordered published.

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote with Councilmembers **GRAHAM** and **SUTHERLAND** voting **NO,** Ordinance No. 2977 was adopted on second reading and ordered published.

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote with Councilmembers **GRAHAM**

and **SUTHERLAND** voting **NO,** Ordinance No. 2978 was adopted on second reading and ordered published.

Mayor Afman entered into the record the request that the developer come up with more appropriate street names.

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried by roll call vote with Councilmember **TERRY** voting **NO,** the preliminary plan for Stassen Farms was approved at 2.3 units/acre, and Ordinance No. 2979 was adopted on second reading with the density for Parcel No. 3 at 2.4 units/acre as outlined, and densities of 2.0 units/acre for the northern Parcels No. 1 and No. 2, and ordered published.

Councilmember Theobold said the intent of the motion was that the 2.4 would be PR, and the 2.0 would be RSF. Council concurred.

HYTECH HYDRONICS SYSTEMS, INC. ANNEXATION, 2483 RIVER ROAD - RESOLUTION NO. 6-97 ACCEPTING PETITION FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS HYTECH HYDRONICS SYSTEMS, INC. ANNEXATION IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, HYTECH HYDRONICS SYSTEMS, INC. ANNEXATION, APPROXIMATELY .44 ACRES LOCATED AT 2483 RIVER ROAD [FILE #ANX-96-257]

Hytech Hydronics Systems, Inc. is requesting annexation of their parcel located at 2483 River Road. The property owners are seeking annexation to allow for a property line change to occur between this parcel and an adjacent parcel already within the City limits.

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department. As a professional planner he has reviewed the petition which meets all statutory requirements. He submitted a signed statement of such to the City Clerk. Part of the property includes a portion of the Colorado River. A portion of the parcel runs under the river.

There were no other comments. Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote, Resolution No. 6-97 was adopted.

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote, the proposed ordinance annexing was adopted on first reading and a hearing was set for February 5, 1997.

CITIZEN COMMENT ON REDLANDS ANNEXATION POLICY

Ms. Mary Huber, 580 1/2 Melrose Court, asked when Resolution No. 7-97 regarding Redlands Annexation was formed, and by whom. Mayor Afman said it was formed through Council retreats and other Council sessions. City Manager Achen said the Mayor had asked him to draft something to follow the lines of what Council had previously discussed. Mr. Achen drafted the policy, Mayor Afman made her changes, and the result was presented for adoption at this meeting. Ms. Huber asked if there was a time limit of when such a resolution must be presented and considered. City Attorney Wilson said a resolution can be presented without notice and accepted at a scheduled City Council meeting. There is a hearing process for adoption of ordinances. Councilmember Mantlo said Council felt it was important to put it down on paper and stated publicly so the public will know Council's intention.

Councilmember Theobold noted ordinances have a permanency to them whereas resolutions can be changed at a moment's notice. Ms. Huber asked how well informed Council thought the people were about this policy. Mayor Afman said Council offered to read the resolution to the audience, but they said they were not interested in hearing it.

Councilmember Graham said there is nothing that prevents either a citizen or a non-citizen of the City of Grand Junction from bringing a proposed resolution before the Council. This could be done with greater public disclosure and publication. If people have comments on the resolution which was passed, they can bring a revised version forward.

ADJOURNMENT

Upon motion by Councilmember Maupin, seconded by Councilmember Theobold and carried, the meeting was adjourned at 2:50 a.m. on Thursday, January 16, 1997.

Stephanie Nye, CMC/AAE

City Clerk