

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

February 5, 1997

The City Council of the City of Grand Junction, Colorado, convened into regular session the 5th day of February, 1997, at 7:32 p.m. in the City/County Auditorium at City Hall. Those present were Mike Sutherland, 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 Theobold led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Jeff Johnson, Calvary Chapel.

PROCLAMATIONS / RECOGNITIONS

PRESENTATION OF DISTINGUISHED BUDGET AWARD FOR THE CITY'S BIENNIAL BUDGET FOR 1996 AND 1997 TO LANNY PAULSON, BUDGET COORDINATOR

PRESENTATION OF THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR THE YEAR 1995 TO NANCY PAREGIEN, SENIOR ACCOUNTANT

APPOINTMENT OF COUNCILMEMBER MIKE SUTHERLAND TO THE RIVERFRONT COMMISSION

Upon motion by Councilmember Theobold, seconded by Councilmember Mantlo and carried, Mike Sutherland was appointed to the Riverfront Commission.

APPOINTMENT OF COUNCILMEMBER DAVID GRAHAM TO THE GRAND VALLEY AIR QUALITY PLANNING COMMITTEE

Upon motion by Councilmember Terry, seconded by Councilmember Maupin and carried, David Graham was appointed to the Grand Valley Air Quality Planning Committee.

APPOINTMENTS TO THE VISITOR AND CONVENTION BUREAU BOARD OF DIRECTORS

Upon motion by Councilmember Maupin, seconded by Councilmember Terry and carried, Jamee Simons and Sabrina Bebb-Jones were

appointed to the Visitor and Convention Bureau Board of Directors for three-year terms until December, 1999.

CONSENT ITEMS

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote with Councilmember **GRAHAM** voting **NO** on Items #7 and #10, the following Consent Items #1-14 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the minutes of the Regular Meeting January 15, 1997

2. **Banner Software Modules for "Occupational Tax & License" (Sales Tax) and "Cash Receipting" Systems**

The "Occupational Tax & License" and the "Cash Receipting" modules represent the software required to convert the last two remaining programs from the old centralized system to the network client/server relational database system.

Action: Award Contract for Banner Software Modules to Systems and Computer Technology, Inc. in the Amount of \$48,000

3. **Electrical Service Upgrades of Residential and Commercial Buildings on Unawep Avenue**

Before Public Service Company can begin undergrounding electric mains and service lines along Unawep Avenue a number of residential and commercial buildings must have electrical service systems upgraded to meet current code. Bids were requested of local electrical contractors to correct the identified code violations. Four (4) bids were received; the low responsive bid of \$22,846.50 was offered by Barnes Electric.

Action: Award Contract for Electrical Service Upgrades of Residential and Commercial Buildings on Unawep Avenue to Barnes Electric in the Amount of \$22,846.50

4. Rain Bird Computerized Irrigation Control Systems (2) for Lincoln Park and Tiara Rado Golf Courses

Grand Junction Pipe & Supply is the only golf course irrigation systems distributor that provides local warranty service, instruction and support backed by an extensive in-stock inventory of repair and maintenance parts.

Action: Award Contract to Grand Junction Pipe & Supply for Two Rain Bird Computerized Irrigation Control Systems for Lincoln Park and Tiara Rado Golf Courses in the Amount of \$79,699

5. Amending the By-Laws of the Grand Junction Commission on Arts and Culture

The Commission would like to clarify and strengthen the portion of its by-laws dealing with meeting absences by Commission members and to adjust a minor reference which has changed since the by-laws were adopted May 1, 1991.

Resolution No. 8-97 - A Resolution Amending the By-Laws of the Grand Junction Commission on Arts and Culture

Action: Adopt Resolution No. 8-97

6. Colorado Council on the Arts \$4,000 Grant for the Grand Junction Commission on Arts & Culture

The Grand Junction Commission on Arts and Culture received a grant from the Colorado Council on the Arts to allocate an additional \$4,000 in financial support for local art and cultural events and programs.

Action: Authorize City Manager to Sign Contract with Colorado Council on the Arts

7. Development of a Baseball Field at Canyon View Park

Sam Suplizio has spearheaded efforts to raise funds for the development of a baseball facility in Canyon View Park. Over the past 9 months \$904,500 has been raised or pledged.

Resolution No. 9-97 - A Resolution Providing a Method of Cooperation and Delegation with and to PIAB, Inc., a Colorado Non-Profit Corporation, also Known as The Parks Improvement Advisory Board, and Concerning Necessary Duties, Responsibilities and Opportunities to the End That the Canyon View Park Baseball Field be Completed Sooner than Would Otherwise Occur

Action: Adopt Resolution No. 9-97

8. **Unawep Avenue Utility Improvements**

The following bids were received on January 21, 1997:

Sema Construction, Inc., Englewood	\$1,448,735.44
M.A. Concrete Construction, Grand Junction	\$1,596,221.88
Mendez, Inc., Grand Junction	\$1,695,015.83
Tierdael Construction Co., Denver	\$1,833,333.00
Triad Western Constructors, Cortez	\$1,912,147.00
Bogue Construction, Fruita	\$2,139,025.00
Engineer's Estimate	\$1,805,837.00

Action: Award Contract for Unawep Avenue Utility Improvements to Sema Construction, Inc., Englewood, in the Amount of \$1,448,735.44_

9. **Authorizing an Eminent Domain Action at 2699 Unawep Avenue**

The fee owner of the property located at 2699 Unawep Avenue has not responded to the City's offers to purchase a right-of-way parcel containing 47.30 square feet, a utilities easement containing 750.0 square feet, and a temporary construction easement containing 827.08 square feet, all of which are required for the Unawep Avenue Improvement Project.

Resolution No. 10-97 - A Resolution Authorizing the Acquisition by the City, through the Exercise of the Power of Eminent Domain, of Certain Real Property Interests Located at 2699 Unawep Avenue for the Unawep Avenue Improvement Project

Action: Adopt Resolution No. 10-97

10. **Setting a Hearing on Wood Burning Regulations**

Regulating wood stoves, providing exemptions, penalties for violation, authorizing incentives and grants to eliminate existing devices, restricting burning of wood stoves and fireplaces on certain days.

Proposed Ordinance Regulating Wood Stoves, Providing Exemptions, Penalties for Violation, Authorizing Incentives and Grants to Eliminate Existing Devices, Restricting Burning of Wood Stoves and Fireplaces on Certain Days

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 19, 1997

11. **Revocable Permit for a Fence at 261 North Avenue**

[File #RVP-96-103]

Consideration of a Resolution authorizing the issuance of a Revocable Permit to allow a post and cable fence in the 3rd Street right-of-way.

Resolution No. 11-97 - A Resolution Concerning the Issuance of a Revocable Permit to David E. Trimm and Katherine N. Trimm

Action: Adopt Resolution No. 11-97

12. **Revocable Permit for a Fence at 317 W. Ouray Avenue**

[File #RVP-96-254]

Consideration of a Resolution authorizing the issuance of a Revocable Permit to allow a chain-link fence in the W. Ouray Avenue and Peach Street rights-of-way adjacent to 317 W. Ouray Avenue.

Resolution No. 12-97 - Concerning the Issuance of a Revocable Permit to Ruby Varela and Ignacio Varela

Action: Adopt Resolution No. 12-97

13. **Setting a Hearing on Ritter/Balerio Annexation, Located at 2248 S. Broadway and 2249 Iris Court** [File #ANX-97-022]

The 2.33 acre Ritter/Balerio annexation comprises two parcels of land. The property owners for both parcels have requested to join the City and have signed a petition for annexation. It is recommended that City Council approve the resolution for the referral of the petition and set a hearing for March 19, 1997.

Resolution No. 13-97 - 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 - Ritter/Balerio Annexation Located at 2248 S. Broadway and 2249 Iris Court

Action: Adopt Resolution No. 13-97 and Set a Hearing for March 19, 1997

14. Setting a Hearing on Smith/Ashley/Crowley/Robinson Annexation, Located at 2556 G Road and 702 25 1/2 Road
[File #ANX-97-023]

The 4.24 acre Smith/Ashley/Crowley/Robinson Annexation comprises two parcels of land. The property owners for both parcels have requested to join the City and have signed a petition for annexation. It is recommended that City Council approve the resolution for the referral of the petition and set a hearing for March 19, 1997.

Resolution No. 14-97 - 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 - Smith/Ashley/Crowley/Robinson Annexation Located at 2556 G Road and 702 25 1/2 Road _

Action: Adopt Resolution No. 14-97 and Set a Hearing for March 19, 1997

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

PUBLIC HEARING - APPEAL OF PLANNING COMMISSION DENIAL OF FALL VALLEY PRELIMINARY PLAN - PRELIMINARY PLAN DENIED - HETZEL ANNEXATION, ZONING A PART OF THE PROPOSED FALL VALLEY SUBDIVISION

TO PR-3.7 AND REZONING THE FORAKER PARCEL TO PR-3.7 - CONTINUED TO
FEBRUARY 19, 1997 CITY COUNCIL MEETING [FILE #ANX-96-58 AND #RZP-
96-243] CONTINUED FROM OCTOBER 2, 1996 MEETING

The property owner, Kenneth M. Hetzel, is requesting to join the City as part of a residential development plan. The developer, John Davis, is seeking City approval of the proposed Fall Valley Subdivision. The Fall Valley Subdivision is being proposed at a density of 3.7 units per acre. It is recommended that a Planned Residential with a maximum density of 3.7 units per acre (PR-3.7) be applied to this annexation. This annexation and zoning has been continued from the October 2, 1996 City Council hearing. The Fall Valley proposal at 3.7 units per acre was denied by Planning Commission on December 10, 1996.

The petitioner is requesting a rezone and preliminary plan approval for 112 single family units, 4 duplex lots, and 24 townhomes located on approximately 38 acres, south of F 1/2 Road and east of 25 1/2 Road, with a proposed density of PR-3.7. Part of the property is in the process of being annexed to the City as part of the Hetzel annexation. Staff recommends approval with conditions.

Councilmember Theobald had excused himself from hearings on this item in the past because the property owners were closely related to his wife. The property has been purchased by John Davis, and the Forakers no longer have an ownership interest, thus his conflict no longer exists. Therefore, he will participate in tonight's hearing.

A hearing was held after proper notice.

Mr. Tom Dixon, a land use planning and urban design consultant representing the petitioner for the Fall Valley Subdivision, reviewed the project. The project is located at the southeast corner of F 1/2 Road and 25 1/2 Road. It is approximately 38 acres of flat, undeveloped property. The surrounding zoning is PI to the west, PR-3.8 to the north (Kay Subdivision), and PR-3.7 (Cimarron North Subdivision) to the northeast. In addition, to the east is R-1 (Mesa County), to the south is AFT (Mesa County), with PR-18 to the southwest (Foresight Village Apartments). The Growth Plan identifies this property for a medium low residential development with a density of 2 to 3.9 units/acre. Fall Valley Subdivision proposes 136 residential units composed of 112 single-family residences, 20 townhome lots, and 4 duplex lots. The

proposed zoning for annexation is PR-3.7. Two versions of Fall Valley Subdivision have been denied by Council previously. The original subdivision was proposed at PR-7.6. Council felt PR-7.6 was too dense for the area. Mr. Dixon concurred. The second proposal was for PR-3.5 with design deficiencies. Council requested the developer come up with a more suitable project for the area. A third version of Fall Valley Subdivision has been worked out by a project team consisting of Mr. Dixon, David Chase of Banner & Associates, and Bill Fitzgerald of Castle Homes, the prospective builder of this subdivision. The Planning Commission considered the plan in December, 1996. They noted the plan was exemplary and liked everything except the density, and recommended denial. They provided no direction on what would be an acceptable range of density. Neighbors testified in opposition to this proposal at the third hearing because of the transition of the property, the internal and external density through the proposed subdivision, and traffic and safety issues.

Density - Mr. Dixon said a density of 3.7 comes within the range recommended by the Growth Plan. This is an infill development site. The Growth Plan supports a compact urban form, including water, sewer, access and other issues. The location provides easy access to the Mesa Mall and the downtown area. There is a need for densities close to downtown that can accommodate and take advantage of Grand Junction's downtown area. This type of density and development accommodates that philosophy. He felt the 3.7 density is appropriate for the following reasons:

a. The developer will be making improvements to 25 1/2 Road which will open up the section of roadway between Patterson Road and F 1/2 Road. An enormous amount of growth has taken place north of F 1/2 Road and the connection is needed for transportation and fire safety.

b. A public park with improvements is proposed. Mr. Dixon has discussed the park with Shawn Cooper and Joe Stevens, Parks & Recreation Department. They like the plan for a park area and improvements. The small 4 acre parcel located on the perimeter of the property could be enlarged in the future by an adjoining development with open space to the south of the proposed park. They are also creating a private tot lot which is interior to the subdivision, and which would remain under the ownership of the homeowners association. The purpose is to create a more centralized recreation for the residents. There is a pedestrian connection from the proposed open space leading to the proposed

park, accommodating good pedestrian circulation within the subdivision.

Transition - The density issue was also tied in with the transition, another reason for the placement of the park in the proposed location on the eastern perimeter. There were concerns with the residents east of the property, a low density development. They felt it was appropriate to provide a buffer area on the eastern portion of the site as well as larger lots on the perimeter to the north and east of the subdivision. City Council also desired the buffer. The transition is an important consideration because the land is flat and has urban services available. It should accommodate a higher level of development than the area to the east. The area to the east is a higher elevation, there is a ridge line, the topography is uneven, there are access limitations, and there is no public sewer. The homes are all on septic systems and large lots are required. There is Industrial zoning to the west and it makes little sense to have very low density with Industrial across the street. Mr. Dixon felt the design acknowledges and respects the nature of surrounding developments.

Traffic - The subdivision proposal also restricts traffic to 25 1/2 Road to the west and south going toward Patterson Road. It would not impact traffic patterns to a great extent according to the traffic study accepted by the City. The natural transportation route is going to be predominantly to the south to Patterson Road, then east or west from there, or south to the downtown or other areas. Pedestrian connections and access are also provided throughout the plan. Two stub streets will be provided to the south as requested by the City's Traffic Engineer, to provide access for future development of the area. The area is prime for development, and the street connection will make it more valuable.

An open space area is being proposed on the southwest corner of the site that will have a dual purpose for detention facilities and a nice entry feature to the Fall Valley Subdivision. From 25 1/2 Road there would be a vision through the subdivision to a public park, and Mr. Dixon felt it is a very good design element. He felt the proposal is an optimal design that recognizes the four land uses on each side, yet supports desired public improvements and amenities. He felt the proposed 3.7 zone is justified and requested Council's support.

Mr. Dixon introduced Mr. David Chase, Banner & Associates, 2777 Crossroads Boulevard. Mr. Dixon answered questions of Council. Filing #1 will contain approximately 35 houses. The lots sizes on the east in Filing #3 are 10,000 square feet (approx 1/4 acre). Six lots front the east boundary with the minimum being 10,000 to 12,000 square feet. The developer is willing to construct a fence around the entire perimeter of the development if Council so desires. Mr. Dixon said all of Clearwater Court will have townhome lots with the exception of the 4 northerly lots which are duplex lots. The outlot is approximately one acre in size. It currently has a residence on it and is the parent parcel of the subdivision. The size of the park is approximately 3.67 acres. The City is interested in accepting the park, although a four acre minimum size is preferred by the City. This area of the City is park deficient. The homeowners association CCR's are not currently set up to maintain the park. They want to wait and see if there is preliminary acceptance of the proposal. The City will not accept a piece of bare ground as it requires the improvements match or exceed that which would be collected through the open space fees (\$225/lot). A quality park is planned by the developer.

Mr. Chase described some of the public improvements and transportation issues. There are no major unresolved engineering aspects regarding the project. Adjacent property owners have voiced concerns about existing traffic conditions in the area. Recent developments have increased traffic to the area. F 1/2 Road has a narrow and dangerous section between 26 Road and 25 1/2 Road, as well as the uncompleted link of 25 1/2 Road between Patterson Road and F 1/2 Road. The development of Fall Valley will help resolve these issues.

a. The layout has been developed, along with City Staff recommendations, that will direct all the traffic from the development onto 25 1/2 Road. There will be no direct impact on F 1/2 Road from Fall Valley Subdivision. The developer has agreed to construct improvements to 25 1/2 Road with Filing #1 rather than waiting for Filing #2 which was a condition for approval. The completion of the 25 1/2 Road improvements will alleviate the existing traffic problems and dangerous situation on F 1/2 Road by providing a shorter and safer route to Patterson for this subdivision as well as the neighboring areas. During the December Planning Commission hearing there was some confusion regarding the type of improvements to 25 1/2 Road. The term "half street improvements" was being used to describe what was being required

by the developer, plus it was the sense of some of the residents that the improvements would only allow for one lane of traffic. This is a misconception of what was being required by the City. The improvements to 25 1/2 Road will consist of a concrete curb, gutter and sidewalk section along the frontage of Fall Valley, along with 22' of asphalt which would provide the necessary width for two lanes of traffic. The results of the earlier traffic study accepted by the City indicated 25 1/2 Road and Patterson Road would not be adversely impacted with that type of development, and no additional improvements were necessary to the existing facilities. The study indicated the current traffic on Patterson Road is approximately 14,000 vehicles/day. It is designed to carry over 18,000 vehicles/day. Similarly, 25 1/2 Road is designed to handle up to 8,000 vehicles/day. A development typical of the proposed Fall Valley would generate approximately 1,000 to 1,500 vehicles/day using the trip generation rates outlined by the City. Currently, 25 1/2 Road, south of Patterson as it goes to Sam's Club, is at 4,000 vehicles/day. The improvements will provide a safe by-pass of a dangerous section of F 1/2 Road, and will complete the 25 1/2 Road link between Patterson Road and F 1/2 Road. It is important for emergency response.

Mr. Chase answered questions of Council. City Staff does not deem it necessary to have the road align at F 1/4 Road. There is dedicated right-of-way at the southern portion of the property at the northern portion of the Foresight Village Apartments. He discussed with them whether their alignment needed to be altered to coincide with F 1/4 Road. City Engineering didn't foresee F 1/4 Road going anywhere, and it was not an important issue. He felt greenery on either side of the entrance road to the subdivision was beneficial to the area and the internal needs of storm water detention. None of the lots will exit onto F 1/2 Road. The location of the park will allow storm water detention to exit into the beehive drain, and provides a natural buffer with the residents to the east. Councilmember Maupin was concerned the park is located the furthest away from the townhomes which have the highest density and no yard, and every child living in a townhome must go across the street to get to the park. One of the main reasons for placing the park in the southeast corner was to try to reduce the density of that portion of the project for the benefit of the neighbors.

Mr. Bill Fitzgerald, President, Castle Homes, 556 25 Road, said the reason for mix and match of housing is to help make the

subdivision appear there is more space between houses. He wants the subdivision to appear in a country type setting. There are covered porches, 2 to 3-car garages, 3 and 4-bedroom, with an average square footage of 1,500 to 1,900 square feet. His company has a good service staff, and taking care of their customers is the number one priority. His company developed Valley Meadows East. Mr. Chase said under Colorado State Law a one-year warranty is required, and his company exceeds that.

Michael Drollinger, Community Development Department, summarized Staff's analysis of the subdivision and recommended conditions of approval. The rezone request is supported by the rezone criteria in Section 4-4-4 of the Zoning & Development Code. Conditions of approval have remained the same.

1. Completion of 25 1/2 Road improvement occurring concurrent with the development of Filing #2 as shown on the preliminary plan. The developer has indicated they are willing to do the improvements with Filing #1. Condition #1 may need to be modified accordingly.

2. Amenities proposed for open space. The petitioner has chosen to provide those with the preliminary plan. They will need to further detail open space amenities at the time of final plat and plan submission.

3. Provide a sewer stub to the east.

The petitioner has no objections to these conditions. Staff recommends approval of the Fall Valley Subdivision.

Mr. Drollinger answered questions of Council. Density is calculated on the gross acreage which includes roads, open space areas, all property within the perimeter of the subdivision. Dedication of parkland (private open space) would not result in the loss of density. The park area, as proposed, is part of Filing #1 which consists of 40 single-family homes and the development of the park land. If the open space is not a public park, it would be dedicated to the homeowners association, as are other private open spaces. The dedication of the park in lieu of any reduction in fees would be at the discretion of the Council. Lots that are not being redeveloped fall into the general equation to calculate average density. The purpose of a PUD is to allow flexibility, respond to situations where varying densities occur, different land uses, and provides an opportunity to provide open

space and clustered densities. City Engineering did not require that F 1/4 be dedicated and constructed. The option which the petitioner presented was to relocate F 1/4 Road slightly northward. A concern is that there still be stub streets to the two large parcels on the southern perimeter of the site (Mustang Broadcasting Co. and the Robert Fuoco property). Both parcels have access from other areas. Moving F 1/4 Road northward is not a problem and the properties still gain access just as they would had the City stayed with F 1/4 Road. F 1/4 is not contemplated to be built ever, so the stacking distance between South Fall Valley Circle and F 1/4 was not discussed. The Mustang property can connect to the Dewey Place to the south. Currently the Fuoco property has no access other than by easement to Patterson Road, and neither property has good access. The proposal will begin providing access. The zoning for the Mustang Broadcasting Co. is PB.

Since part of the subdivision is going to be included in Hetzel Annexation, Councilmember Graham asked Mr. Drollinger to address Section 4-11-A, "adverse impacts to the developed density of established neighborhoods shall be considered." Mr. Drollinger said the road issue has been addressed. It was important to make sure there was a transition and recognition that there were various densities around the property, and there would be a transition to higher density along the industrial properties to the west. The petitioner has addressed that issue by providing open space on the eastern perimeter and attempting to enlarge lots along the perimeter. The proposal for higher density on the western perimeter is reasonable considering the uses to the west. Mr. Drollinger answered questions on the traffic congestion. The estimated number of trips generated per day would be 1,400.

Jim Shanks, Public Works & Utilities Director, said F 1/2 Road is 20 to 22' wide. Most of the section line roads are yet to be improved (sections of F 1/2 Road, G Road, etc.). Under the City's ten-year plan, the City intends to complete improvements on the west side of 25 1/2 Road. The width of 25 1/2 Road to the south and north from F Road to F 1/4 Road is 44'. Widening of 25 1/2 Road south of Patterson Road is planned in the year 2000. The improvements vary north of F 1/2 Road, but generally the standard is 44'. A transition could be accommodated. F 1/4 extension never came up so there is no reaction to the stacking distance between South Fall Valley and F 1/4 Road. There is no dedicated right-of-way for the Mustang and Fuoco properties, and the stub streets provide much better access than what currently exists.

Projected volumes are 10 vehicles/day for detached units, 8.5 vehicles/day for attached units. The average generation of vehicles from the site would be 1250 to 1300 vehicles/day. Seventy percent of the traffic will come from the north. The traffic volume is low now because all of the area is not built out. Mr. Shanks discussed the current level of service at the signalized intersection at 25 1/2 Road and Patterson Road. Current volumes are quite low (100/day on the north leg versus 4,000/day on the south leg). Both 25 1/2 Road, from F Road to Independent, and Independent Avenue, from 25 1/2 Road to First Street are planned for reconstruction.

Comments were received from the following persons:

1. Robin Madison, 2586 Galley Lane, named other developments that will be using 25 1/2 Road if it goes all the way through:

Kay Subdivision, 30 units (north of the proposed Fall Valley)
Moonridge Falls, 27 units (up 25 1/2 Road)
Cimarron North, 19 units (east of Kay Subdivision)
Fall Meadows East, 44 units
Sunset Village, 13 units
Valley Meadows, 32 units
Westwood Ranch, 69 units (25 1/2 Road and F 1/2 Road)
Fall Valley, 136 units

Ms. Madison was concerned with the addition of the Fall Valley Subdivision as its size is much larger than the surrounding subdivisions. The traffic issue was also a concern. Once 25 1/2 Road is improved, there will be more and more developments. She believes people are going to use F 1/2 Road to avoid Patterson Road. She was concerned about the open space not ending up being a detention pond only. Ms. Madison would like to see the area used as open space. Larger lot sizes would fit in with the existing neighborhood. She felt Planned Industrial might also work for the area.

2. Mr. Chris Clark, 615 Meander Drive, said all he would see from his home are rooftops because of the density. The density in an industrial park would be less intrusive than a residential neighborhood. The planned park is immediately adjacent to his barn. Putting in basketball courts or tennis courts would mean bright lights which could be lit up as late as midnight. Pomona Park and Dewey Park also have lights and noise, and are constantly in use. He hoped the transition would include incorporating the

size of the lots that are already there, and incorporate into this development, and gradually merge into the higher density farther to the west. A PUD does not require the whole development be the same and allows a density that blends with the existing neighborhood. As developments occur one after another, the open space is being left out and the preservation of the local neighborhood. Increased traffic flow on Patterson affects the access for Meander Drive. The density listed in the Growth Plan for this area is 2 to 4 units/acre. He requested a reduction in the 3.7 density.

3. Mr. Gene Taylor, 633 Fletcher Lane, reiterated that the Planning Commission had denied previous plans for this development. He said the proposed park should be more centralized. The Westwood Ranch was denied by the Planning Commission because of too high a density at 3.3 units/acre. He said F 1/2 Road is a 60' wide deeded road. This proposal attempts to put too many houses on too little property. More open space, more roads and more parking are needed before he can support the proposal. He felt a plan similar to the Moonridge Falls Subdivision on 25 1/2 Road would be appropriate.

4. Ms. Elaine Garwood, 2553 Janece, Kay Subdivision, said their park is maintained by their homeowners association fees. It is not City maintained. F 1/2 Road is dangerous and narrow. She was concerned with the overcrowding of Pomona School by this project. Even with the school's expansion projects, it is not enough. She felt all the building and high density must stop. The quality of life in Grand Junction is deteriorating. A lower density is needed for this project.

5. Ms. Beverly Taylor, 633 Fletcher Lane, said the petitioner has stated the surrounding developments are high density. She questioned why more high density is needed. She felt one large park area is needed. She would rather see an industrial area in her neighborhood. There would be less problems such as schools, roads, crime, etc. She was not clear on whether the park is going to be public or private. She wanted the developer to build fewer homes and homes the residents could be proud of aesthetically. She felt the bottom line is density and greed.

There were no other public comments.

Mr. Tom Dixon discussed the park issue. Initially there was interest by the Parks Staff in having the park dedicated to the

City in lieu of the open space fees. The Zoning & Development Code states that if dedications are made in lieu of the open space fees the improvements, with the dedication, must be equal to or more than the sum that would be collected at the \$225 fee per residential unit. The developer could not do a lesser improvement than what the City would gain from the \$225 per residential unit.

The last design had the park in the center of the subdivision and was not acceptable by Council. The design was amended to make it acceptable to Council. He felt the current proposal is consistent with Council's prior directives. A center park stays that size forever, whereas putting a park on the perimeter allows for future enlargement. The petitioner has offered to fence the entire perimeter along the canal, including the park area, if Council so desires, thus eliminating the safety factor. Ditches and canals are all over the Valley and don't seem to be a large problem. He felt the school issue has been resolved with the bond issue for the School District. He has talked with Lou Grasso regarding the School District's aggressive expansion plan. This project is within the appropriate density range that was adopted in the Growth Plan. Mr. Dixon discussed urban sprawl in the Valley. To maintain the quality of life in the valley, densities must be accommodated. Otherwise, sprawl will occur and the quality of life will suffer. He also reviewed a transition map. He felt the design is optimal for this site and justifies the improvements for 25 1/2 Road, creates the park area, and a pedestrian network within the subdivision.

Mr. Dixon answered questions of Council. The density on the entire eastern portion of the development, which includes the park, was figured at a density of 2.5. The lot sizes on the eastern section at 10,000 square feet, with one lot being 13,500.

In response to Council inquiry, Mr. Drollinger said there is nothing on the Mustang Broadcasting property that would preclude the south part of Hunter Creek Drive going through for a second access to the Fuoco property with the exception of some guy wires.

The only physical obstruction would be the above wires and below ground cables. Councilmember Sutherland could see no reason for building a stub street.

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

Councilmember Maupin felt the density is too high. He felt Council has an opportunity to create the zoning on this property. The developer is requesting the maximum density under the Growth

Plan which is 3.7. He could also request 2 units/acre. He did not feel land is going to be given for future expansion of the park. The park should be located where it is accessible for every resident, not just because it's convenient for a drainage system. More buffering to the east is necessary. A 10' setback on the lot to the east is not enough. He recommended a PR-2 zone or a Planned Industrial use.

Councilmember Theobald liked Mr. Dixon's discussion regarding preventing sprawl. He favored a large development all at once, as it can be better integrated with the neighborhood. He thought 25 1/2 Road needs to be extended. He felt the buffer design is excellent. He disliked the net density as it is much higher than the rest of the neighborhood. He did not like the way the density has been squeezed in. The average lot size is .27 acres. There is only one lot in the entire subdivision that is as big as the average lot. It is because of the gross amount of land and the outlot. Removing the outlot and the park results in a net density of 4.3. He did not think it was right to use the park to balance out the gross density, and use it to waive open space fees. He recommended a similar design, but lower density. Councilmember Terry concurred.

Councilmember Mantlo said the Growth Plan was established for the entire Valley, and it supports infill. He agreed the density is too high. The improvement of 25 1/2 Road has been an issue as each new subdivision in the area goes in.

Councilmember Sutherland appreciated the effort expended by the developer in drawing up a better plan. He would prefer to see larger lots along F 1/2 Road, and a reconfiguration along the east side. A better buffer could be designed on the east side even if the entire park is along there. There is room for improvement to the plan. He suggested eliminating some of the expense of the roads and utilities. The location of the park was not one of his concerns.

Councilmember Graham said the Growth Plan may be used in the future more as a pretext than a text. His notion of infill is an area where development is designated. He felt the proposal is too dense.

Mayor Afman said Council's charge is to protect the quality of life. She commended the developer for coming before Council so many times. She felt the location of the park is an excellent

buffer. She was happy with the planned improvements to 25 1/2 Road. She was not comfortable with the overall density. She felt Council wants to move forward with a plan, but not at this density.

Councilmember Graham felt the plan is too dense as currently configured. He felt no further direction to the developer was necessary. Councilmember Terry concurred.

Upon motion by Councilmember Maupin, seconded by Councilmember Graham and carried by roll call vote, the preliminary plan for Fall Valley was denied.

City Manager Achen suggested continuing the annexing and zoning ordinances to a future meeting. During the interim period get feedback from the applicant on their time table. Then Council could decide whether to continue to some point in the future or let it lapse and start all over.

Upon motion by Councilmember Theobald, seconded by Councilmember Mantlo and carried by roll call vote, the Hetzel annexing and zoning ordinances were continued to the February 19, 1997 City Council meeting.

RECESS

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

PUBLIC HEARING - G ROAD AND NIBLIC DRIVE VACATION - VACATION DENIED [FILE #VR-94-185]

The residents of the Partee Heights and Ptarmigan Estates neighborhoods are appealing Planning Commission's decision denying their request to vacate portions of the undeveloped G Road right-of-way between Niblic Drive and 27 3/4 Road. This item was continued at the January 17, 1996 City Council hearing.

A hearing was held after proper notice. This item was reviewed by Kristen Ashbeck, Community Development Department. This item came before Council last year. It is a request to vacate portions of the G Road right-of-way existing between Putter Drive and the alignment of 27 3/4 Road, lying between the subdivision of Partee Heights and Ptarmigan Estates. Utilities are located both above ground and under ground in the right-of-way. The

utility companies are requesting the full width be retained as easement. There are improvements on properties on the south side which encroach approximately half way into the right-of-way to the centerline. Council's action at the last hearing was to delay the decision until the Trails Feasibility Study had been completed. Council also directed Staff to eliminate any unwanted vehicular traffic which is the impetus for the neighborhood request for the vacation. The maps in the Trails Feasibility Study show this section of G Road would have a role as an access point to the canal. Staff feels G Road would provide other connections shown on the draft Urban Trails Plan which was recommended by the Planning Commission on February 4, 1997. The plan indicates the trail can access other easements in Vista del Norte along the western and southern sides, ultimately connecting with systems within Spring Valley and ultimately to Matchett Park. The City has installed new barriers in the area to eliminate traffic from the north. The neighborhood is willing to leave the City with a 15' strip of right-of-way along the north side of the centerline. They would like to leave extensions of Niblic, Brassie and Bunker across the width of the right-of-way so the property owners on the south could continue accessing their properties from the rear. The neighbors still have concerns regarding safety and security. There are expectations that the City would build a privacy fence along both sides, the full length, if Council were to approve leaving some right-of-way there. Also, the City could improve the extensions across the right-of-way in recycled asphalt or a similar surface. Staff still recommends the entire width of this section of G Road be retained as right-of-way because of its potential for connection to the easements in Vista del Norte. Shawn Cooper, Parks Planner has a plan which shows that by keeping the right-of-way the full width offers the best opportunity for design and safety and security for the property owners on both sides.

Shawn Cooper, Park Planner, City of Grand Junction Parks Department, said the Feasibility Study showed the feasibility of recreational trails along the canals. He is optimistic that someday trails will exist along the canals which is the reason for retaining right-of-way. It is possible to put a detached bicycle/pedestrian trail through the subdivision without putting people on the roads to compete with vehicle traffic. He would like to maintain the 60' right-of-way even though only 15' would be used for a trail. It would allow landscaping and create an open affect. A 15' easement with privacy fences on both sides would be more closed in. The larger right-of-way would allow the

trail to meander, it would be more visible and enjoyable, and would create a more secure atmosphere.

Mr. Cooper answered questions of Council. Parking is not necessary right now because the trail is not a destination trail; it is mostly for neighborhood use. The only signage Mr. Cooper expects is a small sign indicating a bicycle trail. Law enforcement will have to address the issue of motorcycles going around the barricades in the area. It is a typical problem with other trails also. The more pedestrian/bicycle traffic in the area, the less motorized use will occur due to user pressure. City Attorney Wilson said without signage, it is currently lawful for use by motor vehicles. When the easement is signed as a bicycle trail, it should eliminate the problem.

Mr. Bob Cron, 320 Dakota Drive, Co-Chair of the Grand Junction Urban Trails Committee, agreed with Mr. Cooper in preserving future opportunities. The easement needs to be retained as access to Matchett Park from Canyon View Park via G Road.

Mr. Bill Price, 703 Brassie Drive, said the residents in the area do not want a trail going through their neighborhood. It will eventually create traffic and parking problems when the trail goes through. He felt Horizon Drive with its wide lanes is safer for biking than on G Road. G Road is narrow and dangerous. He suggested the trail come to Horizon Drive, then go north one quarter mile and go up on the canal by the Visitors Center. He felt there will be problems with trail usage such as accidents, access by emergency vehicles, police calls, etc. Councilmember Graham noted that before Council can vacate any rights-of-way, it must determine there is some public benefit to the City or County for such a vacation. Mr. Price said if it had been vacated before the traffic barriers were installed, it would have stopped traffic passage. The City has since taken care of the traffic problem.

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

Councilmember Maupin was sympathetic to the perceived fears of neighborhoods regarding trails. Trails increase the property value by being able to access trail systems without having to get in a car and drive somewhere. He felt the fears are unfounded.

Councilmember Theobold agreed, although he felt it was an obligation of Council to prohibit vehicles parking if and when the trail connects to the canal.

Councilmember Graham said this right-of-way is a valuable interest in real property and to relinquish it without receiving some consideration would be a breach of a fiduciary duty by giving it up.

Upon motion by Councilmember Terry, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 2888 vacating a portion of G Road between Niblic Drive and 27 3/4 Road was denied.

PUBLIC HEARING - TIARA RADO GOLF COURSE ANNEXATION - ORDINANCE NO. 2982 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]

The Tiara Rado golf course property (2063 S. Broadway) is owned by the City of Grand Junction. The City desires to annex the golf course property and may do so under Colorado State Statutes by an annexing ordinance.

A hearing was held after proper notice. Dave Thornton, Community Development Department reviewed this item. Since the City owns the property there is no requirement for a petition.

Councilmember Theobold said this annexation was prompted by an issue four years ago where an employee at the golf course was assaulted, and the response time was 45 minutes before the Mesa County Sheriff arrived. Council felt the City golf course and City employees should have City police protection.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote with Councilmembers **GRAHAM** and **SUTHERLAND** voting **NO**, Ordinance No. 2982 was adopted on second reading and ordered published.

PUBLIC HEARING - EAST TIARA RADO GOLF COURSE NO. 1 AND NO. 2 ANNEXATIONS - ORDINANCE NO. 2983 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 AND ORDINANCE NO. 2984 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 a City owned property located on the northeast corner of South Broadway and 20 1/2 Road (east of Tiara Rado Golf Course). This annexation contains an 80.72 acre undeveloped property which has been set aside for either future expansion of the Tiara Rado Golf Course or as a City park. The City may annex this property by an annexing ordinance under Colorado State Statutes.

A hearing was held after public notice. This item was reviewed by Dave Thornton, Community Development Department. The entire 80 acres is an undeveloped parcel owned by the City of Grand Junction, located east of the existing Tiara Rado golf course. For contiguity purposes, the annexation was handled in two phases. The contiguity comes from The Seasons at Tiara Rado annexation which is directly to the south across South Broadway. It is City owned property and is being handled similar to the previous Tiara Rado Annexation.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote with Councilmembers **GRAHAM** and **SUTHERLAND** voting **NO**, Ordinance No. 2983 was adopted on second reading and ordered published.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote with Councilmembers **GRAHAM** and **SUTHERLAND** voting **NO**, Ordinance No. 2984 was adopted on second reading and ordered published.

PUBLIC HEARING - HYTECH HYDRONICS SYSTEMS, INC. ANNEXATION, 2483 RIVER ROAD - ORDINANCE NO. 2985 - AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, HYTECH HYDRONICS SYSTEMS, INC. ANNEXATION, APPROXIMATELY .44 ACRES LOCATED AT 2483

RIVER ROAD - PROPOSED ORDINANCE ZONING THE HYTECH HYDRONICS SYSTEMS, INC. ANNEXATION I-1 [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. The City must apply a City zone to all annexed properties within 90 days of annexing. It is recommended that a Light Industrial zoning (I-1) be applied to the Hytech Hydronics Systems, Inc. annexation.

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department. The surrounding properties are also zoned I-1.

Councilmember Graham asked if the portion of this annexation which lies in the Colorado River would be eligible as a baseline drawing a perimeter for contiguity. City Attorney Wilson said in this case there is ownership of property all the way into the river, from dry land through the riparian area, underwater. His answer was yes. Councilmember Graham asked if there were any other platted tracts that extend into the Colorado River. Mr. Wilson said there are several up and down the river. It is not unusual.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Maupin, seconded by Councilmember Sutherland and carried by roll call vote, Ordinance No. 2985 was adopted on second reading and ordered published, and the proposed zoning ordinance was adopted on first reading with a hearing set for February 19, 1997.

KARL ANTUNES - CITIZEN COMPLAINT

Mr. Karl Antunes, 2916 Dawn Drive, read a letter from Tim Woodmansee, City Property Agent, regarding an existing right-of-way and easement for the reconstruction of Unawep Avenue. He displayed pictures of the heavy equipment, dirt, trees and holes that have been dug on the west boundary of Mr. Antune's property.

Mr. Woodmansee had no permission to allow crews on Mr. Antune's property; "No Trespassing" signs are posted.

City Attorney Wilson suggested Mr. Antunes retain an attorney and seek appropriate legal advice.

Councilmember Theobald asked who is trespassing on Mr. Antune's property. Mr. Antunes said the Public Service crew that is hired by the City to do the construction work.

Mr. Antunes said Mr. Woodmansee is a property agent whose job is to get permission from any property owner to allow crews onto their property. If he did not get written permission, then the City is trespassing on private property. Mr. Antunes requested an apology from Mr. Woodmansee.

He said the property that was trespassed upon is the same property on which eminent domain action was authorized earlier in this meeting. The City wants a 5' utility easement on the west side of his property for the entire 150'. They also want 100 square feet in the area where the transformer will be. They want 43.7 square feet of his northeast corner and a 5' temporary easement. The photos showed the cement truck was 10' onto his property line and the bulldozer was on his property. He felt it was the City's responsibility to locate the property line with the use of a surveyor.

Councilmember Graham asked if the hole dug had since been filled in. Mr. Antunes said it was filled in the day after KREX did their newscast. Public Service then called Mr. Antunes saying they would not encroach onto his property without being on the 10' easement. Everything is off his property now. Councilmember Graham said if there was indeed a trespass on Mr. Antunes' property by the City's agents, he apologized.

Mr. Antunes had 11 questions in writing for City Attorney Dan Wilson. Mr. Wilson said Mr. Antunes received verbal responses but did not agree with or concede Mr. Wilson's view of the law. Nothing was resolved. Mr. Antunes felt if the City is keeping him out of his own property, he should have a written reason why - quoting codes, law, etc. City Attorney Wilson said the City has given Mr. Antunes permission to open his business, but he must comply with the Code provisions. Mr. Wilson said Mr. Antunes' philosophy about what should be is different than Mr. Wilson's statements of what is. Mr. Antunes was concerned with

discrimination regarding his particular property (landscaping requirements).

Mayor Afman said Council is aware of how unhappy Mr. Antunes is regarding his problem, yet it is impossible to try to resolve these issues. She suggested Mr. Antunes pursue legal advice.

Councilmember Graham said the essence of a cause of action would be reflected in the record of the Council.

ADJOURNMENT

Upon motion by Councilmember Maupin, seconded by Councilmember Sutherland and carried, the meeting was adjourned at 11:15 p.m.

Stephanie Nye, CMC/AAE
City Clerk