

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

April 16, 1997

The City Council of the City of Grand Junction, Colorado, convened into regular session the 16th day of April, 1997, at 7:34 p.m. in the City/County Auditorium at City Hall. Those present were David Graham, R.T. Mantlo, Ron Maupin, Janet Terry, Mike Sutherland, Reford Theobald and President of the Council Linda Afman. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and Deputy City Clerk Teddy Martinez.

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 Rev. Mel Bass, Children's Pastor, First Assembly of God Church.

PROCLAMATIONS / RECOGNITIONS

APPRECIATION PLAQUE PRESENTED TO COUNCILMEMBER R.T. MANTLO AS HONORARY MEMBER OF THE PARKS IMPROVEMENT ADVISORY BOARD

APPRECIATION PLAQUES PRESENTED TO OUTGOING COUNCILMEMBERS LINDA AFMAN (DISTRICT "A"), DAVID GRAHAM (DISTRICT "D"), R.T. MANTLO (CITY AT LARGE) AND RON MAUPIN (DISTRICT "E"). MAYOR AFMAN WAS PRESENTED WITH AN APPRECIATION PLAQUE FOR HER SERVICE AS MAYOR.

PROCLAMATION DECLARING MAY 1, 1997, AS "ARBOR DAY" IN THE CITY OF GRAND JUNCTION

APPOINTMENT TO THE FORESTRY BOARD

Upon motion by Councilmember Sutherland, seconded by Councilmember Maupin and carried, Stephen W. Gerow was appointed to fill an unexpired term on the Grand Junction Forestry Board; said term to expire November, 1997.

BOY SCOUT TROOP 388 RECOGNIZED AS VISITORS IN THE AUDIENCE

TOM ZENDER, COLBRAN JOB CORPS, ALONG WITH STUDENT GOVERNMENT CLASS, RECOGNIZED AS VISITORS IN THE AUDIENCE
CONSENT ITEMS

Upon motion by Councilmember Graham, seconded by Councilmember Terry and carried by roll call with vote, the following Consent

Items #1-15 were approved with the deletion of paragraph 10.g. from Exhibit B on Consent Item #15:

1. Minutes of Previous Meeting

Action: Approve the minutes of the Regular Meeting April 2, 1997 and Special Meeting April 9, 1997

2. Setting a Hearing on Amending the Downtown Development Authority Boundaries [File #MSC-1997-071]

The DDA is proposing to amend the Plan of Development to expand the Authority's boundaries to include additional properties adjacent to the current boundaries into the Plan of Development Area within which tax increment financing is used. The DDA board has reviewed and approved the individual petitions for inclusion. All new inclusions are voluntary, with petitions signed by the property owner, in which they agree to pay the additional 5 mill levy to the Authority.

Proposed Ordinance Considering a Substantial Modification of an Approved Plan of Development by Expanding the Boundaries of the Grand Junction, Colorado, Downtown Development Authority and Tax Increment Financing District

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 7, 1997

3. Purchase of Bulk Gravel for the Public Works Department

The following bids were received:

Parkerson Construction, G.J.	\$35,200.00*
Whitewater Building Materials, G.J.	\$37,427.50
United Sand and Gravel, G.J.	\$38,187.50
Grand Junction Redi-Mix, G.J.	\$40,728.75

* Recommended Award

Action: Award Contract for Purchase of Bulk Gravel for the Public Works Department to Parkerson Construction in the Amount of \$35,200.00

4. 1997 Champion Motor Grader for the Streets Department

The following bids were received:

<u>Contractor</u>	<u>Base Bid</u>	<u>Trade In</u>	<u>Total Bid</u>
Century Equip. Co. (Champion), Clifton	\$119,500	\$15,000	*\$104,500
Honnen Equip. Co. (John Deere), G.J.	\$131,748	\$12,000	\$119,748
Wagner Equip Co. (Caterpillar), G.J.	\$136,700	\$10,000	\$126,700

* Recommended Award

Action: Award Contract for 1997 Champion Motor Grader for the Streets Department to Century Equipment Co. in the Amount of \$104,500

5. **Two 1997 Multiquip Reversible Vibratory Plate Compactors for the Pipeline Maintenance Department**

The following bids were received:

Energy Equipment (Multiquip), G.J.	\$8,500.00	\$17,000.00*
White Star Machinery (Multiquip), G.J.	\$8,750.00	\$17,500.00
Century Equipment (Bomag), Clifton	\$9,678.75	\$19,357.50
Farris Machinery (Wacker), G.J.	\$10,164.00	\$20,328.00
United Supply (Wacker), G.J.	\$10,315.00	\$20,630.00
Munro Supply (Multiquip), G.J.	\$11,638.00	\$23,276.00
Western Implement (Wacker), G.J.	\$11,700.00	\$23,400.00

* Recommended Award

Action: Award Contract for Two 1997 Multiquip Reversible Vibratory Plate Compactors for the Pipeline Maintenance Department to Energy Equipment in the Amount of \$17,000.00

6. **First Street Improvement Project**

This project consists of the reconstruction of First Street from Lorey Drive to Belaire Drive to a 3-lane street section with curb, sidewalk and gutter/bike lane on both sides. The project also includes the undergrounding of the electric, telephone and cable TV lines. The improvements to the irrigation system have been completed under a separate contract, ahead of the irrigation season.

The following bids were received on April 8, 1997:

M.A. Concrete, Grand Junction	\$620,539.25
United Companies, Grand Junction	\$676,499.75
Atkins & Associates, Meeker	\$972,706.50
Engineer's Estimate	\$936,710.00

Action: Award Contract for First Street Improvement Project to M.A. Concrete in the Amount of \$620,539.25_

7. **Change Orders to Construction Contract with G.A. Western Construction Company for the Orchard Mesa Pedestrian Bridge and the Colorado River Pedestrian Bridge and Bicycle Trail Project**

CO#1 - Embankment and drainage pipe installations necessary to construct north bridge abutment \$34,877.00*

CO#2 - Under-drain system required to drain an underground spring discovered under the south abutment \$ 5,078.73

CO#3 - Retaining walls needed to support embankment for trail at each abutment \$ 9,200.00

CO#4 - Cost to construct bridge access trails and lighting system on both sides of the river \$217,660.60*
Total cost of change orders \$266,816.33

* Items originally included in the bid by Palisade Constructors for trails project.

Action: Approve Change Orders #1 through #4 to the Contract with G.A. Western Construction Co. in the Amount of \$266,816.33

8. **Adopting the Urban Trails Master Plan**

The Urban Trails Master Plan provides the location of the primary pedestrian and bicycle routes throughout the urban area within and adjacent to the City. This plan can be used as an advisory plan and a tool for identifying and prioritizing future pedestrian and bicycle improvements.

Resolution No. 32-97 - A Resolution Adopting the Urban Trails Master Plan and Thereby Amending Portions of the Previously Adopted Multi-Modal Transportation Plan

Action: Adopt Resolution No. 32-97

9. **Purchase of Play Equipment and Safety Surfacing for Lincoln Park**

Approval of the purchase of new play equipment and safety surfacing to replace the antiquated equipment and surfacing at Lincoln Park. The new equipment meets and/or exceeds current safety and accessibility standards.

Action: Approve the Purchase of Play Equipment and Safety Surfacing from Miracle Recreation Equipment Company in the Amount of \$58,083.00

10. **Setting a Hearing on Rezoning the Knolls Subdivision Located at the Southeast Corner of 27 1/2 Road and Cortland Avenue to Planned Residential** [File #RZP-1997-033]

The petitioner requests a rezone for The Knolls Subdivision, a planned residential development consisting of 100 single family homes, 43 townhomes and a 4.8 acre site for a church, located at the southeast corner of Cortland Avenue and 27 1/2 Road. The following rezones are requested: From PR 7.2 to PR 2 for the church site; PR 7.2 to RSF-4 for 5 lots in Filing #1 and from PR 7.2 and RSF-4 to PR 2.7 on the remainder of the site.

Proposed Ordinance Rezoning Property to be Known as The Knolls Subdivision, Located at the Southeast Corner of 27 1/2 Road and Cortland Avenue, from RSF-4 and PR 7.2 to PR 2, PR 2.7 and RSF-4

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 7, 1997

11. **Setting a Hearing on Amending the Zoning and Development Code Regarding Community Corrections Facilities**
[File #TAC-1997-001.1]

The Grand Junction Zoning and Development Code is outdated in its reference to facilities that provide rehabilitative services for criminal offenders. Such services are provided under the direction of Community Corrections Programs as defined by state law. The Zoning and Development Code is to be amended to delete the outdated definition, "Law Enforcement Rehabilitation Centers" and replace it with the new definition, "Community Corrections Facility." Such use will be allowed in B-1, B-3, C-1, C-2 and PZ zones with a Special Use Permit.

Proposed Ordinance Amending Section 4-3-4, Use/Zone Matrix, and Chapter 12, Definitions, of the Zoning and Development Code of the City of Grand Junction, Community Corrections Facility

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 7, 1997

12. **Designating the Hotel Melrose, 337 Colorado Avenue, in the City of Grand Junction Register of Historic Sites, Structures and Districts** [File #HBD-1997-002.2]

Sabrina and Marcus Bebb-Jones, owners of the Hotel Melrose at 337 Colorado Avenue, are requesting that the building be designated as a historic building in the City Register of Historic Sites, Structures and Districts

Resolution No. 33-97 - A Resolution Designating the Hotel Melrose in the City Register of Historic Sites, Structures and Districts

Action: Adopt Resolution No. 33-97

13. **Setting a Hearing on the Petition for Annexation of Applewood Heights Annexation Located between Maureen Court and 28 Road, South of the Highline Canal, and Including Leslee Minor Subdivision** [File #ANX-1997-078]

The 6.03 acre Applewood Heights Annexation consists of five parcels of land. The property owners, Leo and Helen Warren, 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 petition for the

Applewood Heights Annexation and set a hearing for May 21, 1997.

The proposed preliminary plan and plat for the Applewood Heights Subdivision will go to public hearing before the Grand Junction Planning Commission at their May 6th meeting. As a result, the City is exercising land use jurisdiction of this annexation at "Referral of the Petition" rather than at "Acceptance of the Petition" to accommodate the May 6th Planning Commission hearing date.

Resolution No. 34-97 - A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control and Jurisdiction on Such Annexation - Applewood Heights Annexation Located between Maureen Court and 28 Road, South of the Highline Canal, and Including Leslee Minor Subdivision

Action: Adopt Resolution No. 34-97

14. **City Participation in Median Improvements adjacent to the Old Denver & Rio Grande Western Railroad Depot**

Mr. Jim Leany, owner of the railroad depot, is requesting the City's financial participation with median improvements along I-70B adjacent to the railroad depot and for the City to convey its interest in a roadway easement to the adjacent property owners.

Action: Approve \$165,000 Funding Request

15. **Granting the Colorado Riverfront Foundation an Option to Purchase Conservation Easements on the City Owned Somerville Ranch Property**

Resolution No. 36-97 - A Resolution Granting the Colorado Riverfront Foundation an Option to Purchase Conservation Easements on, along, over, under, through and across the City Owned Somerville Ranch Property

Action: Adopt Resolution No. 36-97 as Amended by the Deletion of Paragraph 10.g from Exhibit B

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

GENERAL CITY ANNEXATION POLICIES - RESOLUTION NO. 35-97 (AMENDED)
STATING GENERAL CITY ANNEXATION POLICIES

It was suggested by Councilmember Terry that paragraph c. be amended to clarify when and how properties are annexed as they hook onto City sewer. She also suggested paragraph e. clarify that there are no other statutory requirements that enclaves would need to fall under. City Attorney Wilson said there would be no other statutory requirements pertaining to enclaves. He said within an enclave, there would either be a property owner petition or an election. Councilmember Graham said with the adoption of the Municipal Annexation Plan for 1997, Council placed language in the Plan which made this restriction not applicable to City owned property. He suggested adding "This restriction shall not apply to City-owned property."

Councilmember Maupin recommended leaving paragraph c. as it currently reads. He felt the only remedy for powers of attorney being contentious, would be for houses to annex when they receive sewer service. Councilmember Terry said as hookups are reviewed, some cannot be acted upon because they are not contiguous, or there may be some other reason. Councilmember Maupin said that paragraph e. says "anyone that is surrounded by the City never has to come into the City." They can remain part of the County for 20 years, and all of the County taxpayers will pay extra for services to be issued by the County government to the person enclosed by the City of Grand Junction. He felt this is bad government. He said the State Legislature has also voted against such methods, and Colorado counties have lobbied against such language.

Councilmember Graham felt the proper practice would be to avoid the creation of enclaves in the first place. When the Planning Department is apprised of a wish of a neighborhood to petition for annexation, the petition should be so drawn that a majority of affected landowners and the affected area will be sufficient to bring in that portion which would otherwise result in the creation of an enclave. With respect to the creation of enclaves, at best, it is a hole in the City. At worst, it is perceived as a deliberate effort to encircle people and deny them their right to vote. He felt the resolution is to put petitions together in such a way that Council avoids creating enclaves. The language of this

resolution will not apply to any existing enclaves. If this resolution proves to be unworkable, Council has the right to change the parameters for its annexation policy at that time. Since the Municipal Annexation Plan contains language similar to this, any resolution passed on annexation should be consistent with the language in the Municipal Annexation Plan.

Councilmember Terry said this resolution allows Council to take care of the existing enclaves, and may preclude Council from deliberately creating enclaves in the future.

Councilmember Mantlo asked about the state bill regarding enclaves, which is currently being considered. City Attorney Wilson said this resolution would be consistent with Representative Smith's concern.

Mayor Afman said many of the enclaves have merely happened, not by design. She suggested the existence of enclaves could be more of a burden for the County than the City.

Councilmember Sutherland felt the level of service received by the isolated enclaves would induce those properties to want to become part of the City eventually.

Councilmember Graham said the State Statutes contemplate municipal growth in an orderly and rational process. Leap frog extension of the City boundaries creates a host of problems. It produces confusion as to the exact state of the city boundary, and provides less of a certain basis for extending along the road infrastructure, for the provision of necessary services and amenities.

Councilmember Sutherland asked what was the intent of paragraph h. which states "to include participation from Mesa County." Mayor Afman said it was part of her suggestion for the Annexation Plan. There would be contribution from Mesa County to address any deficiencies, and that the recapture analysis may include participation from the County to address any deficiencies. It is exactly what was passed in the Annexation Plan.

City Attorney Wilson said the language in paragraph b. attempts to track to Statute which authorizes the trading for sewer service for agreements to annex. Grand Junction has used a sub-set of that for a number of years via the power of attorney. A number of cities provide sewer service, and the process to annex immediately

begins. Other agreements say the property owner (not the City Clerk) will sign a petition in the future. An agreement could say the City will annex once the property owner brings the infrastructure to a certain level (sidewalks, curb, gutter). Such a condition could then force an election. The Statute uses a broad term. City Attorney Wilson said a utility agreement has also been used with the same effect, and included a power of attorney provision within it. Such an agreement has been used in the City's Utility Department for sewer. Councilmember Graham felt the new Council may wish to address the role of powers of attorney and other agreements for City sewer.

Councilmember Theobold said because of some people's perception of his views on annexation, he wished to have minimal input on this topic for the near future, and let other Councilmembers take the lead. He believed adoption of this resolution will not remove annexation as an issue or objections in several other areas.

Upon motion by Councilmember Mantlo, seconded by Councilmember Terry and carried by roll call vote with Councilmembers **MAUPIN** and **AFMAN** voting **NO**, Resolution No. 35-97 was adopted with the following amendments:

1. The Resolution shall not apply to City-owned property under Item e.;
2. Deleting the C.R.S. language in paragraph c.;
3. Adding to paragraph h. "Fiscal Impact reports for proposed annexations will include a detailed recapture analysis; and to include financial participation from Mesa County to address infrastructure deficiencies";

Councilmember Theobold directed the Deputy City Clerk to provide final copies of the resolution to all members of Council in the next Council packet.

PUBLIC HEARING - VACATION OF AN EASEMENT AT 3530 SENNA WAY -
ORDINANCE NO. 3006 VACATING A PORTION OF A GENERAL UTILITIES
EASEMENT IN PHEASANT RUN, SPRING VALLEY FILING 6

[FILE #VE-1997-059]

Request to vacate the north five feet of the existing 10-foot utility easement on the south side of the property to allow conformance of an existing residence at 3530 Senna Way.

A hearing was held after proper notice. This item was reviewed by Kristen Ashbeck, Community Development Department. There is a 10' general utilities easement entirely on the lot. Typically, such an easement is centered on the lot line. The home which was built there one year ago encroaches on the easement by 5', which rendered the home unsaleable. The property owners are therefore attempting to clear the title and requesting 5' of the easement be vacated. There are no utilities in the easement. The Utility Coordinating Committee (UCC) has approved the request. The Planning Commission recommended approval as it meets the criteria in Section 8-3 of the Zoning and Development Code.

There were no comments. The hearing was closed.

Upon motion by Councilmember Maupin, seconded by Councilmember Mantlo and carried by roll call vote, Ordinance No. 3006 was adopted on final reading and ordered published.

PUBLIC HEARING - VACATION OF AN EASEMENT AT 2225 MESCALERO AVENUE
- ORDINANCE NO. 3007 VACATING A PORTION OF A DRAINAGE AND
UTILITIES EASEMENT IN TRAILS WEST VILLAGE, FILING 1

[FILE #VE-1997-051]

Request to vacate the eastern four feet of the existing 10-foot utility and drainage easement on the west side of the property to allow conformance of an existing residence at 2225 Mescalero Avenue.

A hearing was held after proper notice. Kristen Ashbeck, Community Development Department, reviewed this item. Centered on the west property line is a 20' easement with 10' of a utility and drainage easement on the property. The home encroaches on the 10' easement by 4', including the eaves of the home. In order to clear the title, the 4' of the easement must be vacated.

There is a drainage and underground sewer line in the easement, although it is all on the lot to the west, and not centered on the property line. With the offset to the west, and by vacating the 4', there is still sufficient room to maintain the line. There are no other utility lines in the easement. The UCC also approved the vacation request. The easement is dedicated to the Homeowners Association as well as the City of Grand Junction. The Homeowners Association has filed a letter of approval with the Community Development Department. The Planning Commission

also recommended the approval of the request. Ms. Ashbeck provided a copy of the letter for the record.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Terry, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 3007 was adopted on final reading and ordered published.

**PUBLIC HEARING - REZONING 1320 NORTH AVENUE FROM PB TO C-1 -
ORDINANCE NO. 2999 - AN ORDINANCE REZONING LAND LOCATED AT 1320
NORTH AVENUE FROM PB TO C-1 [FILE #RZ-1997-056]**

The petitioner, Gary Withers, is requesting a rezone at 1320 North Avenue from Planned Business (with restaurant uses) to Light Commercial (C-1). The PB zoning was approved for past restaurant uses on the property, however, the petitioner is proposing a general retail use. The proposed C-1 zone is compatible with the North Avenue Corridor in the site vicinity. Staff recommends approval with conditions.

A hearing was held after proper notice. This item was reviewed by Michael Drollinger, Community Development Department. Originally, the property was rezoned from C-1 to PB in 1975 to permit development of a restaurant use. The zoning remained as the use of the property changed from one restaurant to another. In 1981 the Big Cheese restaurant was granted approval to occupy the structure with the requirements to complete landscaping and reconfigure circulation on the property. The site was occupied by Big Cheese Pizza until 1994, and has since been vacant. The petitioner is requesting the rezone to allow the expansion of the uses permitted on the property from just restaurant to all uses that are allowed by right or by permit in the C-1 zone. The applicant is planning a retail business of spa sales at this location. Staff's concerns date back to earlier approvals and are primarily related to safety improvements, reconfiguration of parking, upgrading of sidewalk to current City standards, and elimination of a curb cut on the property. The petitioner has agreed to meet these concerns. The petitioner has proposed a landscaping plan which is generally acceptable to Staff. The area proposed by the petitioner meets the minimum required in Section 5-4-15 in the Zoning and Development Code. Based on Staff's analysis of the rezone criteria, Staff feels the rezone request is supported by such criteria. Staff recommends approval of the rezone request with the following conditions:

1. The westerly curb cut along North Avenue be removed;
2. The existing 4-1/2 foot sidewalk on North Avenue be replaced with a 6' sidewalk and landscaping shall be reinstalled in the areas previously located, and the landscape areas must meet the requirements of Section 5-4-15 of the Zoning and Development Code.

Mr. Drollinger said other Staff requirements appear to have been addressed with the current site plan. Staff will check the final site plan to insure conformance with all applicable codes.

Mayor Afman asked what other uses could be permitted on this site with a C-1 zone considering the size of the site. Mr. Drollinger said the use of the site will be limited by the amount of parking provided. The present proposal provides for approximately 14 spaces and any general retail use would be allowed on the site. Less intense uses could also be used.

Councilmember Sutherland asked if the applicant could have used this type of business with the PB zoning if he had filed a revised final development plan? Mr. Drollinger said that was one option. When considering the larger corridor in this immediate area, the adjoining properties were C-1 with a variety of allowed uses and uses by permit. Staff could see no reason, since the proposal can easily work on the site, why the PB restriction should remain. This parcel should be treated equally with the adjoining properties to the east and west.

Councilmember Sutherland asked if the property to the north (for additional parking) will also be rezoned. Mr. Drollinger said the property is no longer part of any proposal and has been independently redeveloped in a Planned Business scenario.

Petitioner Mr. Pat (Gary) Withers, 745 W. Wilshire Court, said he was concerned about the landscaping being reinstalled in the areas previously located, and to the size previously required. If that is to be done, it will become necessary to tear out a handicap ramp which was installed one year ago by permit. He requested that condition be changed to "the landscaping plan as proposed."

There were no other comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Sutherland and carried by roll call vote, Ordinance No. 2999 was

adopted on final reading subject to Staff Conditions #1 and #2 and the change in landscaping as proposed on the petitioner's plan. The Ordinance was ordered published.

PUBLIC HEARING - APPEAL OF PLANNING COMMISSION APPROVAL, HETZEL ANNEXATION, ZONING A PART OF THE PROPOSED FALL VALLEY SUBDIVISION TO PR-2.9 AND REZONING THE FORAKER PARCEL TO PR-2.9 - APPEAL DENIED - PRELIMINARY PLAN APPROVED - ORDINANCE NO. 3000 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - HETZEL ANNEXATION, APPROXIMATELY 29 ACRES, LOCATED AT THE SOUTHEAST CORNER OF 25 1/2 ROAD AND F 1/2 ROAD - ORDINANCE NO. 3001 ZONING THE HETZEL ANNEXATION AND A PARCEL OF LAND DIRECTLY TO THE WEST (FORAKER PROPERTY) TO PR-2.9 [FILE #ANX-96-58 AND #RZP-97-061]
CONTINUED FROM FEBRUARY 19, 1997 MEETING

An appeal of the Planning Commission approval of a preliminary plan and rezone request for Fall Valley, a proposed 110 single family unit development located on approximately 38 acres, south of F 1/2 Road and east of 25 1/2 Road, with a density of PR-2.9 (Planned Residential with a density of 2.9 units/acre). Part of the property is in the process of being annexed to the City as part of the Hetzel annexation. The appellant is Chris Clark, who resides at 615 Meander Drive, Grand Junction. Staff recommends approval with conditions.

The property owner, John Davis, is requesting to join the City as part of a residential development plan. The developer, Castle Homes, received approval by Planning Commission for the Fall Valley Subdivision at a density of 2.9 units per acre. It is recommended that the annexation be approved on second reading and that the zone of Planned Residential with a maximum of 2.9 units per acre be approved on second reading.

City Council continued the annexation and zoning until February 19th. The petitioner/property owner then requested the annexation and zoning be continued until April 16, 1997.

A hearing was held after proper notice. Michael Drollinger, Community Development Department, said the petitioner will be making their presentation first. City Attorney Dan Wilson said minutes of earlier hearings on this item have been provided Council for this meeting. Council will be relying on those minutes, in addition to tonight's testimony, as a basis for Council's final decision. Mayor Afman acknowledged Council's receipt of the minutes for the record.

Mr. Tom Dixon, Planning and Design Consultant working in conjunction with Banner & Associates, 2777 Crossroads Boulevard, said the site is approximately 38 acres in size, mostly undeveloped except for one single-family residential structure on the northwest corner of the property (Outlot A). The site is very flat and has been used for agricultural purposes in the past. It is located on the southeast corner of 25-1/2 and F-1/2 Roads. The surrounding zoning is PI (Planned Industrial) to the west (Foresight Industrial Park); to the north is PR-3.8 and 3.7 (Kay Subdivision and Cimarron North Subdivision); to the east is R-1 zoning (unincorporated Mesa County) applied to very low density residential development; to the south there are three different zoning classifications, AFT to the southeast portion, PB (Mustang Broadcasting Tower site) and PR-18 (Foresight Village Apartments). The last proposal included 136 lots with a proposed density of 3.7 units. The current proposal is PR-2.9 and includes 110 single-family lots. All of the townhome and duplex lots along Clearwater Court have been eliminated. The lots on the east side have been enlarged, and reduced to three. The two lots north of the open space are approximately 18,000 square feet. The lots in the northeast corner are approximately 20,000 square feet each. The number of lots on the northeast have been reduced from 6 to 4 lots with comparable size to the 18,000 square foot lot size on the east side. The proposed park and open space area on the southeast quadrant of the site has been expanded to a little over 4 acres in size. The petitioner has decided not to dedicate the park and open space area to the City.

Mr. Dixon continued by saying the ultimate issue is the proper density for this site. The surrounding land uses are different on all sides such as industrial and other higher densities. To the east is low density residential development, and to the south there are apartments and open area which is currently zoned Agricultural under the County zoning. The Growth Plan has targeted this area for development in the range of 2 to 3.9 units/acre (medium/low residential development). The proposal supports the Compact Urban Form Concept which has been supported throughout the Growth Plan. Mr. Dixon felt the Compact Urban Form concept is the only way to promote mass transportation in the valley. This is an infill development site. It is close to shopping and employment centers. The proposed project at this location will help reduce pressures on urban sprawl.

Mr. Dixon said any new development in the City must have streets, curbs, gutters, sidewalks and bicycle trails. Sanitary sewers,

drainage facilities and street lights are also required. Such amenities are a big expense to the developer. Such requirements were not applied to the area to the east which is zoned R-1 with low density development. If that area was to be developed today, it could not be developed at that density based on the requirements that the City or County would apply to development in that area. Therefore, he felt it is an unfair standard to be compared to only the development to the east when on three other sides of the proposed development there are also very different land uses to meet competing types of land uses. The location of Fall Valley allows and supports a greater size of development project than others. Mr. Dixon said in previous hearings a point of contention has been the fact that to the north of F-1/2 Road the projects have been smaller and more modest in size. He concurred with that fact. Development of that area is somewhat constricted by the constrained access and traffic. Improvements to 25-1/2 Road, north of F-1/2 Road, have been to only the frontages of properties which have been developed there. The overall transportation system is deficient. This development will have improvements to 25-1/2 Road, ultimately opening up 25-1/2 Road between Patterson and F-1/2 Roads. Traffic from this project will point to Patterson Road which is classified as an arterial street. He felt this fact justifies the proposed higher number of lots. Since the petitioner would be providing all urban services to the project, he felt they would meet any concurrency test that might be applied.

The efficiency of Patterson is another issue. The number of trips as well as the length of such trips on Patterson Road impact traffic patterns and congestion. The location of Fall Valley is close to shopping opportunities. There is an enormous industrial site (Foresight Industrial Park) directly to the west of the site which will generate jobs.

Mr. Dixon said development amenities are being provided with this project. A 4-acre park area is being provided in an area of the City that has been deemed to be deficient in park and open space. They are creating a "tot-lot" to allow a more centralized area that is contained for younger children. Pedestrian connections throughout the development are being provided. An entry feature is planned on F-1/2 Road which would be the front door of the Fall Valley Subdivision.

Mr. Dixon felt the design of the development is good. The density has been reduced to 2.9 units/acre. Neighborhood

concepts have been incorporated in the design which include adequate open space and circulation, and a subdivision with an internal focus with frontage on both F-1/2 and 25-1/2 Roads. Neither of the roadways will provide direct access to any lot. There is an emphasis on safety, livability and the quality of life with this project. The design reflects other land uses with the buffering and large lots proposed along the eastern boundary. He felt the City Council needs to support well designed projects and said this design is worthy of Council's approval. Mr. Dixon said subdivisions should look different and function differently, yet provide the same level of amenities and appropriate design and development.

Mr. Dixon was aware of Staff's conditions listed tonight and had no issue with the conditions. He noted Mr. David Chase and Bill Fitzgerald of Castle Homes were present to answer questions.

Councilmember Terry asked about the size of the lots. Mr. David Chase said the small lots located to the west portion of the property are approximately 7,500 square feet (1/5 acre). The lots closest to the larger lots are 9,000 to 10,000 square feet. The maximum building height is 32'. The west portion of the development is immediately across from Foresight Park.

Michael Drollinger, Community Development Department, reviewed the following conditions of approval:

1. The petitioner shall be required to detail the amenities proposed for the open space at the time of final plat and plan approval;
2. The minimum rear yard setback in Filings #1 and #2 are to be increased from 10' to 20'. In Filing #3 blocks 1-4 (northeast portion of the site) the minimum rear yard setback also must be increased to 20'. That block 5 of Filing #3 (the lots that abut the parcels to the east) the minimum rear yard setback be increased from 10' to 30'. The maximum building height recommended is 32'.

Mayor Afman solicited comments from the audience at this time.

The following persons spoke on this issue:

1. Zora Christensen, 518 29-3/8 Road, #A, was concerned with the quality of workmanship and materials used by Castle Homes as she is currently renting a home which was built by Castle Homes.

Windows do not close once they are opened. Baseboards are constructed of cardboard. The homes are constructed within 60 days. She was opposed to the development.

2. Alan Workman, 2589 F-1/2 Road, said there is a quality of life throughout this community. He is a realtor and supports growth, but has been disappointed with recent developments in this particular area because of the impact created on Patterson Road. He felt approval of this development will be a rubber stamp for the northwest quadrant across from 25-1/2 and F-1/2 Roads. Castle Homes will then create another subdivision which will impact Pomona School, F-1/2 Road, and the residents of that area. He felt this development should have more open space area. He opposed the 2.9 density being considered for this development. Mr. Workman said he did not wish to be annexed.

3. Ms. Robin Madison, 2586 Galley Lane, went to the Growth Plan meetings and expressed her concern that as soon as local developers see the Plan, they will know the density allowed and will be ready to go in and build. The committee said the Growth Plan is merely a guideline and does not mean the densities have been approved. She was concerned with the traffic on F-1/2 Road. West Middle School does not bus students and the students must walk up First Street to F-1/2 Road, then cut across. She was told open space fees are used to buy open space somewhere else, not necessarily in the same neighborhood. There are 69 original lots on 26 Road with 288 new lots within one-half mile. There is no buffer between an established neighborhood and a brand new neighborhood. The Long-Range Planning Committee for School District #51 is working on a cell map. As school boundaries are changed, the committee must consider how many students are in each cell. Such growth definitely impacts the schools. She suggested infill is needed and continued sprawl cannot continue. Infill for the entire City does not have to take place along 25-1/2 Road. She was opposed to Fall Valley Subdivision. Ms. Madison said she would like to see a study on how many homes are currently in the area and compare that to other areas in Grand Junction for a more balanced picture of growth.

4. Mr. Pete Woodbury, 2582 Galley Lane, said the developer is quoting quality of development and quality of life, but their viewpoint is based on economics. The adjacent homeowners are viewing this from a more basic standpoint. He wanted to be able to raise his family without being encroached upon by surrounding subdivisions. He felt it is Council's job to balance this out.

5. Mr. Robert Leachman, 627 Braemer Circle, said he has no confidence in homeowner associations being able to maintain a quality of open space over a long period of time. The open space should be dedicated to the City for maintenance. It is up to the City Council and County Commissioners to interpret the Growth Plan. They should also listen to the residents of neighborhoods for opinions regarding development in their area. The Growth Plan is not set in stone. It is a document that gives some direction. He said there are other developments that are equally as close to shopping and employment opportunities. Mr. Leachman opposed the development and any further subdivisions in this area until the following five conditions are met:

a. Complete 25-1/2 and F-1/2 Roads prior to full buildout of Phase 2;

b. Construct an overpass over Patterson Road to allow safe crossing by children to Pomona School, or increase the development fee for Fall Valley so it can be dedicated exclusively to Pomona School to allow a crossing guard;

c. All of Fall Valley open space be dedicated to the City of Grand Junction Parks;

d. The proponents be required to purchase Dewey Park which is south of their development; Dewey Park is leased by the City, not owned by the City. If Fall Valley is built out, Mr. Leachman is confident that whoever owns Dewey Park now probably will not renew the lease to the City. They will probably come forward with a proposal to infill that area with even more development;

e. Approve a density of 2.8 units/acre.

Mr. Leachman felt Council needs to consider the quality of life in the area. He felt the area of F-1/2 Road and 25-1/2 Road is being developed more quickly than any other area in the Grand Valley. He suggested placing a moratorium on further development in that area until the residents' issues have been resolved. He felt the Westwood Ranch property would be an ideal piece of property for a park in that area, and suggested that the City acquire that property for a park. Mr. Leachman is not a City resident, but will be annexed within the year.

Councilmember Sutherland said, as a City taxpayer, he would prefer giving the homeowners association an opportunity to maintain the open space because the City could come back later and maintain it. Mr. Leachman agreed with Councilmember Sutherland, although he felt stipulations that define quality, maintenance requirements, etc. should be placed on the landowners.

6. Randy Christensen, 608 Meander Drive, said he commented at the final Master Plan meeting that the designated densities from approximately 8 to 12 units/acre is very different from the 1 unit/acre density which adjoins the property for an entire half mile. He felt that is not much of a transition to go from 1 unit/acre to 8 or more units/acre. He was told at the Master Plan meeting he did not need to be concerned because the Plan can be modified and the right to integrate can take place. He suggested a variation in sizes to buffer from 1 acre sites to higher density sites. He favored larger lots to the east such as 1/3 to 1/2-acre lots, then fade to higher densities to the west. He requested a lower density than 2.9.

7. Mr. Gene Taylor, 633 Fletcher Lane, said there is not enough room on the property for such a high density. The development will create a lot of traffic and children walking. He felt the developer is trying to make too much money from one acre. The houses should be spread out. He said the 4 acre property to the east is not a benefit to him because it does not serve as a buffer zone to him. The only buffer between his property and a proposed 6' cedar fence are some Russian olive trees and elm trees. Mr. Taylor's property and the trees constitute the buffer zone between the proposed project and the east. He said the 2.9 units/acre density is too high, and 7,500 square feet is not large enough for a 1,200 to 1,400 square foot house.

8. Ms. Connie Kelly, 629 Fletcher Lane, was concerned about the quality of the workmanship of the development. Castle Homes has a history of poor workmanship. She was also concerned with the density of the project. She would like to see a visual plan or diagram that indicates the type and quality of the proposed homes. A recently approved project to be located at 7th Street and Horizon Drive was a good example. She suggested Council join with the neighbors and residents and the developer to work on a design that will work for this neighborhood. Ms. Kelly felt the design of this project is critical. She encouraged Council to continue the process until resolution of density, design and

quality takes place. She favored 1-acre lots, then transitioning down to 1/2-acre lots. She was concerned with the school impact issue which reflects the value of this community.

9. Mr. Chris Clark, 615 Meander Drive, said he previously submitted a letter to Council and wished to have it entered into the record (attached). Mr. Clark favored a good quality development, and not the fastest and highest density. There seems to be no consistency in following the Growth Plan during the development process. Exceptions should be made based on the recommendations and values placed in the Growth Plan as well as in City Staff comments. He felt the City should have mitigation for the impact of such developments on the existing neighborhood. Traffic on Patterson Road was also a concern, making it more difficult to get out of his neighborhood. Another issue was the dumping of materials in the early 60's in this area by trucks from George Tilton and Whitewater Sand & Gravel. He questioned where the fill from those projects came from. He asked who is liable for the loamy type of soil in the area (possible mill tailings). He felt the density should be lower. He favored 1-acre lots on the east and transition to 1/2-acre lots.

10. Ms. Beverly Taylor, 633 Fletcher Lane, said her property abuts the proposed development. The proposal should be compatible with the existing neighborhood. Lower density is needed with a nice design. She preferred a plan such as Horizon Park to be located at 7th and Horizon.

11. Ms. Chris Gilmor, 2577 Music Lane, was concerned with the impact on the area schools. She has a vision for the area children. She was concerned with their safety with the added traffic on Patterson Road and 25-1/2 Road. She felt the suggested moratorium on development in this area is valuable. She felt the existing infrastructure needs to be considered. She would like a nice, planned development which is consistent with her home, neighborhood and community.

12. Ms. Betty Christensen, 608 Meander Drive, said she is appalled with the thought of adding 1,500 more vehicles traveling on Patterson Road and First Street. The traffic safety was a major concern. She said the people in this area do not want to be annexed to the City. There are new septic tanks in the area. She asked how this project will affect the area residents regarding annexation. Councilmember Maupin said the State Law requires that when a property is within 400' of a sewer line, and

the septic system fails, the homeowner is required to hook onto the sewer. Ms. Christensen was concerned with the devaluation of her property as a result of this project in her area. Councilmember Sutherland reminded Ms. Christensen that it is not Council's charge to determine the quality of construction as long as the project meets the Building Codes. Ms. Christensen opposed this project.

There were no other public comments.

Mr. Tom Dixon challenged the comments on behalf of Castle Homes regarding the quality of homes constructed. He said the track record of Castle Homes does not support the allegations made this evening. He said the City Council does not rubber stamp projects and he has taken time to develop a project that is well designed with appropriate density to present to Council for consideration. He felt he has responded to the concerns of the neighbors and Council with this proposal. The Growth Plan is a collective agreement of how this valley is going to grow. In the planning profession, usually the higher standard which is applied to a development, the more density is justified. He felt the design is good as it considers surrounding land uses, particularly those to the east. They have responded to neighboring concerns with buffering and creating large lots. Since July, 1996, Mr. Dixon has revised the proposal several times to meet Council's directive to lower the density and enlarge the open space area. He felt the proposal now meets Council's direction. Neighboring concerns have changed, and he felt it is unfair to expect the petitioner to meet every concern. He felt the proposed density of 2.9 units/acre is appropriate and deserves Council's support.

Mayor Afman asked about the open space requirement in the last proposal. Mr. Dixon said the 4.3 acres reflects the park area only and not the entire proposed open space.

Councilmember Graham asked what the net density on the developed areas is going to be. David Chase estimated a net density of 3.5 without the 4-acre park.

There were no other comments. The hearing was closed.

Councilmember Terry said Council has given many directives on this project, and must now decide what density the current AFT

zone should be changed to. The entire area has been impacted greatly, and she felt she could not add to it.

Councilmember Maupin did not feel this is an exclusive City problem since much of the surrounding area is zoned by the County. He had no answer to high density zones. He felt the density is still too high for this development. He said Council has an opportunity to zone this property anything it wants as it is currently zoned AFT. He felt PR-2 is appropriate.

Councilmember Mantlo was concerned with local orchards being removed to make room for housing developments. Council has asked the developer to make changes on the project and the developer has done everything possible to meet those directives. The question is what is acceptable and fair?

Councilmember Graham said the question of school overcrowding is addressed by impact fees which will be assessed on the project. The congestion of traffic will be addressed by the actual improvements on site as well as the Transportation Capacity Payments which will be assessed. The current plan has removed the duplexes and townhomes and is now more consistent with single-family detached housing, which is more prevalent in the neighborhood. He didn't think it is possible to have a design that will be aesthetically agreeable to a majority of people. He didn't feel Council can demand anymore of the developer who has already complied with Council's direction. The quality of housing is an important issue, but he did not feel it is before Council for consideration at this meeting. No evidence has been provided to substantiate the housing quality issue. Councilmember Graham hoped it would not enter into Council's decision tonight. He felt delaying a decision on this request for the new Council will only make it more confusing.

Councilmember Sutherland said work still needs to be done on the east and north side of the development for compatibility. The size of the lots has been incrementally improved and the open space has been expanded, but it is not close enough to the density of the surrounding area on the east. By enlarging the lots on the east and north and incrementally decreasing the lot sizes, one road could be eliminated. He appreciated the fact that the lot sizes on the west and the clustering has been reduced. He said all of the compatibility issues have not been addressed on the north and the east.

Mayor Afman said Council has given the developer direction. The traffic on Patterson Road is a major concern. Patterson Road can handle the expanded traffic. The developers have agreed to the widening of 25-1/2 Road. She felt the market will have the underlying effect on the quality of construction. She favored the development as the developer has heeded Council's previous direction. She noted that the Planning Commission also approved the development.

Upon motion by Councilmember Graham, seconded by Councilmember Mantlo and carried by roll call vote with Councilmembers **TERRY, MAUPIN** and **SUTHERLAND** voting **NO**, the appeal of the Planning Commission decision on the Fall Valley Subdivision was denied, and the Preliminary Plan was approved subject to the conditions of Staff.

Upon motion by Councilmember Theobald, seconded by Councilmember Mantlo and carried by roll call vote with Councilmembers **MAUPIN, SUTHERLAND** and **TERRY** voting **NO**, Ordinance No. 3000 annexing the Hetzel property was adopted on final reading and ordered published.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote with Councilmembers **MAUPIN, SUTHERLAND** and **TERRY** voting **NO**, Ordinance No. 3001 zoning Hetzel Annexation PR-2.9 was adopted on final reading and ordered published.

RECESS

Mayor Afman declared a brief recess at 10:12 p.m. Upon reconvening at 10:29 p.m., all members of Council were present.

PUBLIC HEARING - SMITH/ASHLEY/CROWLEY/ROBINSON ANNEXATION LOCATED AT 2556 G ROAD AND 702 25 1/2 ROAD - ORDINANCE NO. 3002 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, SMITH/ASHLEY/CROWLEY/ ROBINSON ANNEXATION, APPROXIMATELY 4.24 ACRES LOCATED AT THE NORTHEAST CORNER OF G AND 25 1/2 ROADS - ORDINANCE NO. 3003 ZONING THE SMITH/ASHLEY/CROWLEY/ROBINSON ANNEXATION RSF-1
[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. The City must apply a City zone district to all annexed properties within 90 days of annexation. It is recommended that a RSF-1 zone district be applied to the Smith/Ashley/Crowley/Robinson Annexation.

A hearing was held after proper notice. This item was reviewed by Dave Thornton, Community Development Department. The annexation contains two parcels with single-family residences on each. Both residents recently hooked onto City sewer and signed utility connection agreement/annexation petition. Staff recommends a zone of RSF-1. The current County zoning is AFT, however both parcels are smaller than the 5-acre minimum lot size which the City RSF-R zone requires. The RSF-1 zone will insure that the existing parcel sizes meet minimum lot requirements of the proposed zoning.

Councilmember Graham said it appears there is an enclave at the southwest corner of 25-1/2 Road and G Road. He asked if it already exists, or will it be created by this annexation. Mr. Thornton said this area would connect with the existing enclave that goes from 25-1/2 Road to 26-1/2 Road.

Councilmember Terry asked if there were any comments from the owners relative to zoning. Mr. Thornton said no.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Mantlo, seconded by Councilmember Maupin and carried by roll call vote, Ordinance No. 3002 annexing the Smith/Ashley/Crowley/Robinson property and Ordinance No. 3003 zoning the property RSF-1 were adopted on final reading and ordered published.

PUBLIC HEARING - AMENDING THE ZONING & DEVELOPMENT CODE REGARDING THE APPEALS PROCESS - CONTINUED TO MAY 21, 1997, CITY COUNCIL MEETING [FILE #TAC-1997-001.2]

Amending various sections of the Zoning & Development Code of the City of Grand Junction, including 2-2-2.C, 4-4-2.D, 7-5-4.C, 7-5-5.B and 6-8-1 to revise the process for appeals of Planning Commission decisions.

Mayor Afman opened the hearing after proper notice. Councilmember Terry suggested continuing this item as there seems to be some misunderstanding about the proposed change to the appeals

process. She suggested this proposal and neighborhood meetings for new development be discussed concurrently with the local developers, builders and realtors. Councilmember Maupin concurred. He felt the new Council needs to understand what is being discussed. Councilmember Graham said the new process should reflect the intention and wishes of the new Council. Councilmember Theobald concurred.

Upon motion by Councilmember Mantlo, seconded by Councilmember Terry and carried by roll call vote, the hearing on amending the Zoning & Development Code regarding the appeals process was continued to the May 21, 1997, City Council meeting.

**PUBLIC HEARING - SUPPLEMENTAL APPROPRIATIONS TO THE 1997 BUDGET -
ORDINANCE NO. 3005 MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 1997
BUDGET OF THE CITY OF GRAND JUNCTION**

The requests are to appropriate amounts as contingencies and reserves for the General Fund, Self Insurance Fund, and the Economic Development Fund. They are to appropriate amounts for projects and contracts which were not completed in 1996, but are being completed in 1997. They include amounts previously approved by Council and minor budget corrections.

A hearing was held after proper notice. Administrative Services/Finance Director Ron Lappi said \$150,000 is being added to the Contingency Fund, leaving a balance of \$43,000. The sale of the south end of Sherwood Park (\$45,000) to help fund the West Lake Skate Park is still uncertain.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Maupin, seconded by Councilmember Terry and carried by roll call vote with Councilmember **GRAHAM** voting **NO** on Appropriation for Fund 108, Ordinance No. 3005 was adopted on final reading and ordered published.

OTHER BUSINESS

Councilmember Graham reported that the Board of Associated Governments of Northwest Colorado held a tele-conference meeting earlier this week regarding HB-1349 (restructuring taxes in Colorado). The Board unanimously decided to express opposition to the bill and to request a more thorough statewide study.

COUNCIL APPOINTMENTS TO BOARDS AND COMMISSIONS

With the upcoming seating of new councilmembers, Councilmember Terry solicited guidance from Council regarding Councilmembers serving on various City boards and commissions. She felt perhaps some of the positions are unnecessary.

APPOINTMENT OF ACTING MAYOR TO CONDUCT THE MAY 5 AND MAY 7, 1997, CITY COUNCIL MEETINGS

City Attorney Wilson explained that until the new members of Council have taken the Oath of Office on May 5th, the existing members of Council will continue to serve as the City Council. Upon motion by Councilmember Terry, seconded by Councilmember Mantlo and carried, Councilmember Reford Theobald was appointed Acting President of the Council to conduct meetings beginning at 10:00 a.m. on May 5, 1997, and until the new Council has elected a President.

ADJOURNMENT

Upon motion by Councilmember Mantlo, seconded by Councilmember Terry and carried, the meeting was adjourned at 10:45 p.m.

Theresa F. Martinez, CMC
Deputy City Clerk

4/4/97

To City of Grand Junction,
Community Development Office

Dear Sirs:

Please be advised by this notice that I am appealing the City Planning Commission's approval of the Preliminary Plan for the proposed Fall Valley Subdivision at 25 1/2 Road and F 1/2 Road, and some of roughly 39 acres currently County zoning AFT 15 acres/unit to 2.9 units/acre/ City Zoning as heard at the Planning Commission meeting 4/1/97.

Sincerely,

/s/ Chris Clark
615 Meander Dr
G.J. CO, 81505