

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

**October 1, 1997**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 1st day of October, 1997, at 7:32 p.m. in the City/County Auditorium at City Hall. Those present were Cindy Enos-Martinez, Gene Kinsey, Earl Payne, Jack Scott, Mike Sutherland, Reford Theobald, and President of the Council Janet Terry. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Terry called the meeting to order and Council-member Scott led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Leon Hataway, Emmanuel Baptist Church.

**PROCLAMATIONS/ RECOGNITIONS**

PROCLAMATION DECLARING OCTOBER 8, 1997, AS "SAVE TODAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING OCTOBER 4, 1997, AS "OKTOBERFEST DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE MONTH OF OCTOBER, 1997, AS "RED RIBBON MONTH" IN THE CITY OF GRAND JUNCTION

STARBURST AWARD (COLORADO LOTTERY) PRESENTED BY JOE STEVENS, PARKS & RECREATION DIRECTOR

**ANNOUNCEMENTS**

President of the Council Terry made the following announcements:

1. Item #3, Northfield Estates Annexation Petition public hearing, will be held on November 5, 1997.
2. Items #4, 5 and 6, the alley improvement assessments hearings, will be held on October 15, 1997.
3. The Faircloud Subdivision appeal will be heard on November 5, 1997.

**CONSENT ITEMS**

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried, the public hearing on the appeal of the Planning Commission Denial of Faircloud Subdivision was added to the Consent Calendar as Item #7 to be heard on November 5, 1997.

Upon motion by Councilmember Sutherland, seconded by Councilmember Scott and carried by roll call vote, the following Consent Items #1-7 were approved.

1. **Minutes of Previous Meeting**

*Action:* Approve the Minutes of the Regular Meeting September 17, 1997

2. **Extend Contract with Curb Recycling, Inc., for Collection of Recyclable Materials**

The current contract between the City of Grand Junction and CRI, Inc. dba GJ-CRI (Steve and Elaine Foss) will expire on October 31, 1997. The extension of this contract will allow the Solid Waste Department to work on a new contract to include processing and marketing of recyclable materials to be presented to City Council at a later date.

*Action:* Authorize the City Manager to Sign a Contract with Curb Recycling, Inc., dba GJ-CRI Extending the Current Contract from November 1, 1997 to December 31, 1997 for Collection of Recyclable Materials

3. **Public Hearing - Northfield Estates Enclave Annexation, Larkspur Lane and F 1/2 Road** [File #ANX-1997-150]  
**[CONTINUE TO NOVEMBER 5, 1997]**

The 19.94 acre Northfield Estates Enclave Annexation consists of 16 parcels of land. The majority of property owners have requested to join the City and have signed a petition for annexation concurrent with their request to form a neighborhood special improvement district for construction of sewer service. The public hearing for his annexation is being scheduled for November 19, 1997 to allow the annexation hearing to occur at the same time as the public hearing for the proposed Sewer Improvement District.

*Action: Continue Public Hearing on Accepting the Petition until November 5, 1997*

4. **Alley Improvements Assessments for ST-96, Phase A**

Reconstruction of the following 8 alleys has been completed in accordance with the Resolution Creating Alley Improvement District 1996, Phase A:

- East-West alley, 3rd St. to 4th St. between Belford & North
- East-West alley, 5th St. to 6th St. between Teller & Hill
- East-West alley, 5th St. to 6th St. between Chipeta & Gunnison
- Cross alley, 7th St. to 8th St. & Rood Avenue to Main Street
- East-West alley, 10th St. to 11th St. between Belford & Teller
- East-West alley, 11th St. to 12th St. between Grand & White
- East-West alley, 12th St. to 13th St. between Colorado & Ute
- North-South alley, Mesa Ave. to Elm Ave. between 19th St. & 20th St.

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and For Alley Improvement District No. ST-96, Phase A, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 15, 1997*

5. **Alley Improvements Assessments for ST-96, Phase B**

Reconstruction of the East-West alley from 12th Street to 13th Street between Grand Avenue & White Avenue has been completed in accordance with the Resolution Creating Alley Improvement District 1996, Phase B.

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and For Alley Improvement District No. ST-96, Phase B, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th

day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 15, 1997*

6. **Alley Improvements Assessments for ST-96, Phase C**

Reconstruction of the following 2 alleys has been completed in accordance with the Resolution creating Alley Improvement District 1996, Phase C:

- East-West alley, 14th St. to 17th St. between Rood & White
- East-West alley, 6th St. to 7th St. between Pitkin & South

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and For Alley Improvement District No. ST-96, Phase C, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of said Cost against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 15, 1997*

7. **Public Hearing - Appeal of Planning Commission Denial of Faircloud Subdivision, Located at the Northeast Corner of F 1/2 Road and 30 Road** [File #PP-1997-103]

Proposal to subdivide approximately 16.45 acres of land into 57 single family residential lots with a zoning of Residential Single Family - 4 units per acre (RSF-4). The Planning Commission denied a request for a special use permit for residential use in the Air Critical Zone and Preliminary Plan. The petitioner has appealed.

Action: Continue to November 5, 1997

Staff presentation: Kristen Ashbeck, Community Dev. Dept.

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

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

PUBLIC HEARING - SEWER IMPROVEMENT ASSESSMENTS FOR COUNTRY CLUB PARK WEST AND DRESSEL DRIVE SEWER DISTRICTS - PROPOSED ORDINANCE APPROVING THE ASSESSABLE COST OF THE IMPROVEMENTS MADE IN AND FOR SANITARY SEWER IMPROVEMENT DISTRICTS NO. SS-38-95, AS AMENDED, AND SS-39-95, IN THE CITY OF GRAND JUNCTION, COLORADO, PURSUANT TO ORDINANCE NO. 178, ADOPTED AND APPROVED THE 11TH DAY OF JUNE, 1910, AS AMENDED; APPROVING THE APPORTIONMENT OF SAID COST TO EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; ASSESSING THE SHARE OF SAID COST AGAINST EACH LOT OR TRACT OF LAND OR OTHER REAL ESTATE IN SAID DISTRICTS; APPROVING THE APPORTIONMENT OF SAID COST AND PRESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT

Construction of sanitary sewer lines in Country Club Park West and Dressel Drive has been completed in accordance with Resolution 4-97 re-creating and re-establishing Sanitary Sewer Improvement Districts No. 38-95 and 39-95.

Mayor Terry announced this is a first reading and typically testimony is not taken at this time. The hearing will be on October 15, 1997 when full testimony will be taken and a final decision will be made.

Mayor Terry opened the hearing. There were no comments. The hearing was closed.

Upon motion by Councilmember Sutherland, seconded by Councilmember Payne and carried by roll call vote, the proposed ordinance was adopted on first reading, and ordered published.

PUBLIC HEARING - AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES - ORDINANCE NO. 3025 AMENDING CHAPTER 4,

ARTICLE III, OF THE CODE OF ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO

The changes to the Colorado Liquor and Beer Code require that the City update the City Code of Ordinances in order to comply with State Law regarding application fees and temporary licenses. The proposed amendments will not substantively alter City practices but will align the Code of Ordinances with State Law.

A hearing was held after proper notice. Assistant City Attorney John Shaver reviewed this item stating the amendments are essentially housekeeping items due to the new Colorado Liquor Code.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Payne, seconded by Councilmember Sutherland and carried by roll call vote, Ordinance No. 3025 was adopted on second reading, and ordered published.

PUBLIC HEARING - APPEAL OF PLANNING COMMISSION DENIAL TO AMEND GROWTH PLAN AND REZONING TO C-1 FOR PROPERTY LOCATED AT 531 MALDONADO STREET - APPEAL AND REZONE DENIED [FILE #RZ-1997-144]

Appeal of Planning Commission decision to deny an amendment to the Growth Plan and rezone from Residential Multifamily 64 units per acre (RMF-64) to Light Commercial (C-1) on approximately 2.4 acres.

A hearing was held after proper notice. Petitioner W.D. (Dan) Garrison, 795 Garrison Court, was present. He is president of GNT Development Corporation, the owner of the subject property. A photo map was available as Mr. Garrison identified the various businesses in the area. The property in question is located behind the Bulldog Gym. It is a 2.4 acre site that he proposes to use in exactly the same way as the local business park (immediately to the north) is used. The vacant property is currently zoned for multi-family housing. There is no prospect of developing multi-family housing on the property. He originally planned to do low cost, affordable housing on the property, but no one is interested. Approximately one third of the area is occupied by residential homes, one third is unoccupied, and the other third is commercial. There is no way he can market it as multi-family housing. He is proposing to use it as a commercial/industrial development similar to what

immediately adjoins the property (small office, warehouse yards). The businesses will generate less traffic than residential housing. This is an infill project in the central area of Grand Junction. There are residents in the immediate locale who object to the rezone. The request was denied by the Planning Commission.

Mr. Garrison said there are ongoing zoning problems in the area with storage of junk vehicles. The area is basically industrial and commercial, and marketable as such.

Councilmember Payne said the area is mostly residential right around Mr. Garrison's property. Mr. Garrison said there is a residence on the south side. There has been no new residential construction as no one can market the area that way. Two trailers have been moved in, along with a reconstructed residence. It is not a marketable situation in terms of multi-family housing.

Councilmember Enos-Martinez said three homes have been moved into the area, rehabilitated and sold to individuals. One new modular home has been moved in by a young family. A trailer has been moved in by a family who is planning to remodel it and make it their residence. There is one new home under construction. Mr. Garrison said he has not seen a new home under construction, but would not refute Councilmember Enos-Martinez's statement. He said the area is not marketable for a multi-family development.

Councilmember Sutherland asked what proposed uses are intended for the property. Mr. Garrison said the best use is office, shop, mini warehouse, yard operations. A drywall office that needs an office, storage and shopspace would be an example. No site plan has been submitted to date. He will submit a site plan when the rezone is approved.

Kristen Ashbeck, Community Development Department, said this area in the Growth Plan is based on the El Poso neighborhood plan to remain residential, but with a density of 4 to 7.9 units/acre versus the current 64 units/acre. The El Poso neighborhood had some definite recommendations and policies which were carried forward somewhat in the Growth Plan. The guidelines would allow for low density multi-family development such as duplexes. The current density allowed would be RMF-16. The El Poso plan also recommends vacating Maldonado Street south of the mid-point of the subject property to separate residential traffic from

commercial traffic. The reason for the Planning Commission denial was because the C-1 zoning leaves it pretty wide open to the types of uses which could be allowed. Crosby Avenue cannot be accessed due to the steep topography and high intensity traffic related to commercial use. It may require that Maldonado Street go through, which conflicts with the neighborhood plan. Because of the inconsistency with the Growth Plan and the traffic concerns, the Planning Commission denied the amendment.

Mayor Terry asked if Maldonado Street connects through to West Gunnison. Ms. Ashbeck said there is a barricade, then the street continues going south.

Councilmember Sutherland asked about the discussion of creating a cul-de-sac. Ms. Ashbeck said it was only recommended by the El Poso Committee, although how it would come about was not discussed. Councilmember Enos-Martinez said she was on the Steering Committee, along with Frank Maldonado. She said the Growth Plan took over before the committee reached that point. She said the neighborhood wanted to use a lower density for more single family homes or duplexes which would be more compatible with the existing single family residential character. Ms. Ashbeck said, to date, there has been no petition to rezone for such uses.

Councilmember Kinsey asked if the existing RMF-64 zone would prevent the property owner from constructing an apartment building. Ms. Ashbeck said a site plan review would be required. A traffic plan, landscaping, parking and height requirements would make the current zoning unrealistic.

Mr. Doug Murphy, 411 West Chipeta Avenue, said the area south of him is residential. The neighborhood is quiet now. If commercial uses were to go in, the street would have to be opened up. The quiet neighborhood is what drew him to the area to build his home. He wanted to see a continuation of residential homes in the beautiful, quiet neighborhood.

Ms. Julia Maldonado, 402 West Grand Avenue, wanted her neighborhood to remain quiet and safe where the children are free to play and go back and forth. She objected to Mr. Garrison not knowing the names of the families who reside in the El Poso area. Old cars are being saved for descendants of her family. She said there is a lot of love and care in the established neighborhood, but not a lot of money.



Ms. Juanita Trujillo, 321 West Ouray Avenue, said her father has been approached often regarding the sale of his property. She felt the property is indeed marketable. She felt a true analysis of the area would show a different result than Mr. Garrison's. The children in their community have a strong sense of who they are, and of right and wrong. The younger generations of the existing families in the area are beginning to settle in the area and they are beautifying it with their hard earned money.

Ms. Dolores Trujillo, 321 West Ouray Avenue, opposed commercial development. She would like to see the property remain residential. She was born and raised in the area. She would like it to remain quiet and remote.

Mr. Frank Cordova, 401 West Grand Avenue, said the roads in the area are only 22' wide and very smooth. There are no sidewalks in the area. He likes walking in the neighborhood as the residents are all related. Commercial development would generate more traffic. It is already dangerous because there are no sidewalks. The existing roads are too narrow to support more commercial business. Councilmember Enos-Martinez said she has spoken to Public Works Manager Mark Relph about setting up neighborhood meetings to discuss plans for sidewalks, curbs and gutter for the El Poso area.

Mr. John Trujillo, 323 West Ouray Avenue, opposed the proposed rezone to C-1 as it would allow the petitioner to do anything he wants with the property. The land is marketable for housing. He said Mr. Garrison could build apartments there or sell the lots. People are always asking if homes in the area are for sale.

Mr. Marvin Maldonado, 527 West Ouray Avenue, said the residents have stopped commercial business from encroaching on the residential area. The subject property currently separates the residential area from the commercial area. He would like to keep it that way.

Mr. Robert Yribia, 404 West Ouray Avenue, said the one third area which is vacant is owned by John Trujillo and the Frank Cordova family. There are four other families that own single lots in the area. They are preserving the land for their families. The inhabitants of the area keep a watch on each other and their respective properties.

Mr. Garrison said the land has been vacant for years, and has some potential future use. The current zoning would not allow that potential use. Not much development has taken place in the area. He felt he can do better with infill development made available for commercial/industrial uses. All the utilities are available to the property. It will provide good land use. He has no problems with residents retaining their existing lifestyle. If he added 74 units or duplexes on the property, he would create a huge traffic impact. His proposal conforms to the trend of the area.

There were no other comments. The hearing was closed.

Councilmember Kinsey was concerned that if the area is developed as zoned (residential), the concerns would be worse. This reminded him of the area at First and Independent where the City stuck by the rules, and didn't like what it got. He said this area will still border commercial. If developed, all the City Codes will require significant landscaping and screening which will make it a more attractive parcel of land.

Councilmember Theobald said if the area were a deteriorating neighborhood or one in transition, he might support commercial use. But that is not the case. The neighborhood is stable and has had no change (degradation) for decades. The City has improved the drainage in that area to make it a better residential area. He was in favor of leaving the property residential.

Councilmember Scott agreed that residential is the best use for the site.

Councilmember Sutherland said if something specific were being proposed, Council could take a look at it. A proposed straight zone of commercial does not assure him that it will create a good buffer for the residents to the south. He said the encroachment of commercial into the neighborhood is unfortunate. Council has the opportunity to look at installing a reasonable buffer there. It is hard to agree to a rezone which flies in the face of the existing growth plan.

Councilmember Payne said there is pride in the El Poso community. He too, believed the property should remain residential.

Councilmember Enos-Martinez said she has lived across the bridge from the El Poso area all her life. Several generations reside there and they are very close knit. They take pride in their neighborhood. She could not support a commercial zone. The variety of zonings in the Riverside Area and the El Poso area are the reason the steering committee was formed.

Mayor Terry concurred with the majority of the Councilmembers. After driving through the neighborhood she was impressed by the quietness and solitude, and the distinct dividing line between the northern commercial area and the residential neighborhood. She opposed encroaching into residential neighborhoods.

Upon motion by Councilmember Scott, seconded by Councilmember Enos-Martinez and carried by roll call vote, the Planning Commission decision was upheld, the appeal was denied and Ordinance No. 3026 rezoning to C-1 was denied.

**PUBLIC HEARING - REZONING OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF 15TH STREET AND F 1/4 ROAD (HILLTOP ASSISTED LIVING) FROM PR-11 TO PR-9.4 - ORDINANCE NO. 3027 ZONING A PARCEL OF LAND ON THE NORTHWEST CORNER OF 15TH STREET AND F 1/4 ROAD**

[FILE #RZP-1997-145]

Proposal to rezone approximately 10 acres from Planned Residential 11 units per acre (PR-11) to Planned Residential 9.4 units per acre (PR-9.4) in order to develop an assisted living complex with a 74-unit building and 10 duplex cottages (20 units).

A hearing was held after proper notice. Mr. Robert Jenkins, representing the petitioner Hilltop Health Services Corporation, reviewed the request. The request is for a down zone. The Growth Plan recommends 4 to 9 units/acre for this property for allowance of site amenities of 20%, equaling 9.4 which fits their plan. The plan has 80% open space. Mr. Jenkins described the site. They will work with the City in conjunction with the urban trails system. Irrigation water is available for the site. He described the drainage proposal and retention areas. Upon approval, they will proceed to the final plan, resolving all issues and concerns.

Kristen Ashbeck, Community Development Department, said the Growth Plan states the City may allow a maximum residential density up to 20% over recommendation if it meets certain

criteria: adequate public facilities provided, that it's compatible with adjacent development, and specific community benefits are provided such as compatible infill, affordable housing, community parks, trails or open space. This project does meet those criteria. The Planning Commission recommended approval of the project. There was concern with the parking lot on the north side of the main building. The direct access to the parking lot is from 14th Street. Staff recommended the two parking lots be connected to access at 15th Street. Due to topography constraints, the developer said it would be difficult to accomplish. The traffic impact would be less than if this were single family development. Another outstanding issue was drainage which will be resolved at the final plan.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Theobald, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3027 was adopted on second reading and ordered published.

**PUBLIC HEARING - RIGHT-OF-WAY VACATION FOR A PORTION OF RIDGEWOOD LANE AND AN EASEMENT LOCATED EAST OF ELLA COURT - ORDINANCE NO. 3028 VACATING RIGHT-OF-WAY AND A PORTION OF A UTILITY EASEMENT ON RIDGEWOOD LANE EAST OF ELLA COURT** [FILE #VR-1997-146]

The petitioners are requesting to vacate the northern 10' of Ridgewood Lane east of Ella Court. Also, the petitioner requests to vacate the northernmost 5' of a utility easement located directly north of the proposed right-of-way vacation. Staff supports both vacation requests.

A hearing was held after proper notice. Trevor Brown, representing petitioners Susan Potts, Steve Olsen and Phyllis Coulter, said the unused right-of-way has been there approximately twenty years. They would like to dedicate it to a neighbor who will take care of it. There is an existing 10' utility easement at the rear of the property of which the northern 5' can be vacated and used for any type of residential use (yard or patio). The surrounding areas are zoned RSF-5. No one has any problems with the vacation and no one will be landlocked. There are no access restrictions. It also reduces the City's maintenance responsibility.

Ms. Kathy Portner, Community Development Department, said the vacation meets the criteria set forth in Section 8-3 of the

Zoning & Development Code. Access will still be provided for the one lot. The City has entered into an agreement with that property owner to provide the base materials, and the City will provide recycled asphalt for the surface to their driveway, to finish the street. Staff recommends approval of the proposed vacation.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3028 was adopted on second reading and ordered published.

**OTHER BUSINESS**

**TransColorado Pipeline**

Mayor Terry said she received a call from Senator Tilman Bishop asking about the progress of the TransColorado pipeline. TransColorado is currently purchasing easements from property owners along the route of the pipeline. Now would be the opportune time to discuss trail easements along the pipeline. TransColorado has invited western slope legislators to an upcoming meeting in October. If Council is supportive, she will contact TransColorado. Other Councilmembers concurred.

**ADJOURNMENT**

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried, the meeting was adjourned at 8:55 p.m.

Stephanie Nye, CMC/AAE  
City Clerk