

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

**November 19, 1997**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 19th day of November, 1997, at 7:30 p.m. in the City/County Auditorium at City Hall. Those present were Cindy Enos-Martinez, Gene Kinsey, Earl Payne, Jack Scott, Mike Sutherland, and President of the Council Janet Terry. Reford Theobald was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and Deputy City Clerk Teddy Martinez.

Council President Terry called the meeting to order and Councilmember Enos-Martinez led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Jim Sparks, First Church of God.

**PRESENTATIONS**

Bill Prakken, Brian Mahoney and Paul Nelson presented checks totaling \$60,939.71 to the City Council for the Riverfront Foundation's contribution to the Old Mill Bridge.

**APPOINTMENTS TO THE GRAND JUNCTION PLANNING COMMISSION**

Upon motion by Councilmember Kinsey, seconded by Councilmember Scott and carried, John Elmer was reappointed to a 4-year term, and Mike Denner and Mark Fenn were appointed to 4-year terms on the Grand Junction Planning Commission; said terms ending on October 31, 2001.

**APPOINTMENTS TO THE ZONING AND DEVELOPMENT CODE BOARD OF APPEALS**

Upon motion by Councilmember Kinsey, seconded by Councilmember Payne and carried, William Putnam was reappointed to a 3-year term, and Pam Hong was appointed to a 3-year term on the Zoning and Development Code Board of Appeals; said terms ending October 31, 2000.

**APPOINTMENTS TO THE VISITOR & CONVENTION BUREAU BOARD OF DIRECTORS**

Upon motion by Councilmember Kinsey, seconded by Councilmember Scott and carried, Brad Higginbotham and Daniel Sharp were reappointed to 3-year terms on the VCB Board of Directors, and Ken Smith was appointed to a 3-year term; said terms ending December

31, 2000. Robin Kleinschnitz was appointed to an interim term not to exceed two years, until December 31, 1999, and Rich Nicolls was appointed to fill an unexpired term with one year remaining; said term to expire December 31, 1998.

**CONSENT ITEMS**

Mayor Terry announced Consent Items #5 and #6 would be removed for full discussion.

Upon motion by Councilmember Sutherland, seconded by Councilmember Scott and carried by roll call vote with Councilmember **KINSEY** voting **NO** on Item #8, Items #5 and #6 were removed for full discussion, and the following Consent Items #1-15 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting November 5, 1997

2. **Setting 1997 Mill Levies**

The resolutions set the mill levies of the City of Grand Junction, Ridges Metropolitan District #1 and #2, Grand Junction West Water and Sanitation District, and the Downtown Development Authority. The City and DDA mill levies are for operations. The others are for debt service only.

a. Resolution No. 70-97 - A Resolution Levying Taxes for the Year 1997 in the City of Grand Junction, Colorado

b. Resolution No. 71-97 - A Resolution Levying Taxes for the Year 1997 in the Ridges Metropolitan District, a Part of the City of Grand Junction, Colorado

c. Resolution No. 72-97 - A Resolution Levying Taxes for the Year 1997 in the Grand Junction West Water and Sanitation District, a Part of the City of Grand Junction, Colorado

d. Resolution No. 73-97 - A Resolution Levying Taxes for the Year 1997 in the City of Grand Junction, Colorado, Downtown Development Authority

Action: Adopt Resolutions No. 70-97, No. 71-97, No. 72-97 and No. 73-97

3. Recycling Contract with CRI, Inc. dba GJ-CRI

The current contract between the City and CRI, Inc. (Steve and Elaine Foss) will expire on December 31, 1997. For the curbside recycling program to continue, this contract needs to be renewed.

*Action: Approve Recycling Contract between the City of Grand Junction and CRI, Inc. dba GJ-CRI*

4. Conveyance of Right-of-Way for 24 Road to Mesa County

The proposed action will dedicate right-of-way for 24 Road adjacent to City land commonly known as the "Berry" property.

Resolution No. 74-97 - A Resolution Authorizing the Conveyance of Right-of-Way for 24 Road to Mesa County

*Action: Adopt Resolution No. 74-97*

5. Sale of Lot 1, Sherwood Park Minor Subdivision, to James S. Cook - REMOVED FOR FULL DISCUSSION

6. Revocable Permit for Access across City Lands in the Whitewater Area - REMOVED FOR FULL DISCUSSION

7. Colorado Grant Application to Great Outdoors Colorado for Property Acquisition in the Grand Mesa Slopes Special Management Area

The Bureau of Land Management has drafted and obtained support from numerous local agencies to submit an application to Great Outdoors Colorado for funds to purchase eight parcels of land in the Grand Mesa Slopes Special Management Area, east of Whitewater. The BLM has obtained commitment from the Federal Land and Water Conservation Fund for the required 25% match. Ownership of the properties acquired would accrue to the City of Grand Junction, with conservation easements accruing to the BLM.

Resolution No. 81-97 - A Resolution Authorizing the Mayor to Sign GOCO Grant Application for Grand Mesa Slopes

Action: Adopt Resolution No. 81-97

8. **Administrative Amendments to the Transportation Improvement Plan (TIP)**

The amendment is required by State and Federal agencies to modify the TIP and reflect the recent adoption of the Transit Development Plan and to add another MPO traffic signal project on North Avenue.

Resolution No. 76-97 - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of an Administrative Amendment to the Fiscal Years 1997-2002 Transportation Improvement Plan

Action: Adopt Resolution No. 76-97

9. **Consideration of Reconveyance Agreement with the Redlands Water and Power Company**

City of Grand Junction quitclaims and conveys to Redlands Water and Power Company all interests in a transferred water right made as part of a March 15, 1979 agreement between the City and the Company.

Resolution No. 82-97 - A Resolution Authorizing the Mayor to Sign the Reconveyance Agreement between the City and the Redlands Water and Power Company

Action: Adopt Resolution No. 82-97

10. **Setting a Hearing on Vacation of Easements in Canyon View Subdivision, West of South Camp Road and Wingate Elementary**  
[File #VE-1997-172]

The applicant proposes to vacate several unneeded easements that fall within Filings 4 and 5 of the Canyon View Subdivision. Some of the easements include historical locations of utilities that served other parcels and crossed what is now Canyon View Subdivision. Other easements are corrections to Filings 4 and 5. The vacation of the easements will occur concurrently with the recordation of Canyon View Filing 6, the last phase of this planned development. Staff recommends approval with conditions.

Proposed Ordinance Vacating Various Drainage, Utility, Irrigation, Pipeline and Access Easements in Canyon View Subdivision Filings 4 and 5 Located West of South Camp Road, southwest of Canyon View Drive

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 3, 1997*

11. **Setting a Hearing on Rezoning Property Located at 514 28 1/4 Road from PC to B-1** [File #RZ-1997-176]

The owner of 514 28 1/4 Road is requesting a rezone from PC (Planned Commercial) to B-3 (Retail Business). Staff is recommending that the PC zoning be reverted to RSF-8 (Residential Single Family, 8 units per acre) and the Planning Commission recommended a rezone to B-1 (Limited Business).

Proposed Ordinance Rezoning Land Located on 28 1/4 Road from PC to B-1

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 3, 1997*

12. **Revocable Permit for 2515 F Road Right-of-Way (Callahan-Edfast Mortuary)** [File #RVP-1997-186]

The owners of Callahan-Edfast Mortuary are requesting a Revocable Permit for the installation of two decorative identification signs on the canal crossing to their property at 2515 F Road. The proposed signs will not conflict with existing or proposed public utilities and will be in conformance with the City's site-distance requirements.

Resolution No. 77-97 - A Resolution Concerning the Issuance of a Revocable Permit to MNB, A Colorado Limited Liability Company

*Action: Adopt Resolution No. 77-97*

13. **Award of CDBG Funds to Catholic Outreach**

This contract formalizes the City's award of \$10,000 to the Grand Valley Catholic Outreach for operating costs to run their Day Center for the homeless. These funds come from the

City's Community Development Block Grant Program for the 1997 Program Year.

Action: *Authorize the City Manager to Sign the Subrecipient Contract with the Grand Valley Catholic Outreach*

14. **Award of CDBG Funds to Marillac Clinic**

This contract formalizes the City's award of \$90,000 to the Marillac Clinic for the construction of an elevator. These funds come from the City's Community Development Block Grant Program.

Action: *Authorize the City Manager to Sign the Subrecipient Contract with the Marillac Clinic*

15. **Creating the Joint Utilization Commission to Study Redevelopment of the Department of Energy Site**

The DOE Task Force subcommittee has recommended the creation of an ad hoc commission comprised of members representing finance, real estate, technical areas, economic development, government and education for the purpose of redevelopment of the Department of Energy Site in Grand Junction, Colorado.

Resolution No. 78-97 - A Resolution Creating a Joint Utilization Commission

Action: *Adopt Resolution No. 78-97*

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

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

**SALE OF LOT 1, SHERWOOD PARK MINOR SUBDIVISION, TO JAMES S. COOK**  
**- RESOLUTION NO. 80-97 AUTHORIZING THE SALE AND CONVEYANCE OF CITY**  
**PROPERTY TO JAMES S. COOK**

James S. Cook has offered to purchase Lot 1 of Sherwood Park Minor Subdivision for \$145,700. The proposed resolution will authorize the City Manager to accept the proposed contract and sign all documents necessary and appropriate to complete the proposed transaction.

This item was reviewed by Tim Woodmansee, City Property Agent. This pertains to City owned surplus property (1.18 acres) located at First Street and Sherwood Drive. It is zoned B-3, allowing office complexes and light retail. The property was once a part of a larger part of Sherwood Park which was dedicated to the City in 1955. It was never improved with the balance of Sherwood Park. In 1989 the citizenry authorized the City to dispose of the property by either selling it for its appraised value or trading it for park lands of equal or greater value. If the property is sold for cash the funds must go to the Parks and Recreation open space funds. He said \$47,500 will go the West Lake Skate Park project, and \$47,500 would go to the Canyon View Sports Complex. The property has been up for sale since 1989. Competing bids were received in 1995. Due to the perceived interest in the property and the competing bids, Council decided to advertise for sealed bids. Then no bids were received. The property was appraised at \$155,000. The property was then listed with a realtor. Mr. Cook's offer of \$145,700 is 6% less than the appraised value.

City planners have reviewed Mr. Cook's plan for the property and concur with the plan. Two buildings are planned, one for professional office space and one for light retail businesses.

Parks & Recreation Director Joe Stevens clarified that 50% of the proceeds will go to Westlake Skate Park and 50% will go to Canyon View.

City Manager Achen said the capital plans included the actual cost of the project at Westlake Park. The funds would be moved from one account to another depending on Council's discretion. Any action would leave a net of approximately \$50,000 additional capital money available, which is not currently available in the budget.

Mr. Woodmansee said the closing date on the property is scheduled for February 27, 1998.

City Attorney Wilson said if Council were to approve the contract, it would be Council's finding that the sale price is the same as the fair market value.

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, Resolution No. 80-97 was adopted.

**REVOCABLE PERMIT FOR ACCESS ACROSS CITY LANDS IN THE WHITEWATER AREA - RESOLUTION NO. 75-97 AUTHORIZING THE MAYOR TO SIGN AN EASEMENT FOR ACCESS NEAR WHITEWATER CREEK**

City of Grand Junction owns property in the Whitewater area which was purchased as part of the Somerville Ranch acquisition. Adjacent property owners wish to access their lands across City property.

City Attorney Wilson said Monday night's recommendation by Council was to authorize the granting of a revocable permit to cross City property to get to, potentially, two residential lots. The property is part of the City's Somerville Ranch acquisition in 1990. The City Charter requires that lands held for governmental or park purposes cannot be disposed of without voter approval. The Somerville property was purchased for water rights. Comparing an easement versus a revocable permit, an easement is more of an encumbrance on the land than a revocable permit, which is in fact revocable on thirty days notice. An easement, on the other hand, is permanent. However, an easement would allow the City more control over the surrounding land uses. Therefore, granting an easement is the proposal before Council. He explained that tonight's resolution would authorize the Mayor to sign once the City Manager is satisfied with the final contract conditions.

Mayor Terry noted for the record that she is not related to Oscar or Myrna Terry.

Upon motion by Councilmember Kinsey, seconded by Councilmember Sutherland and carried, Resolution No. 75-97, authorizing the City Manager to execute an easement agreement for access across City lands in the Whitewater area, was approved.

**PUBLIC HEARING - APPEAL OF PLANNING COMMISSION DENIAL OF FAIRCLOUD SUBDIVISION, LOCATED AT THE NORTHEAST CORNER OF F 1/2 ROAD AND 30 ROAD - APPEAL DENIED** [FILE #PP-1997-175]

An appeal of the Planning Commission's denial of the Special Use Permit for residential use within the Airport Critical Zone and the preliminary plan for Faircloud Subdivision, consisting of 48 single family lots on approximately 16.45 acres with a zoning of RSF-4 (Residential Single Family with a density not to exceed 4 units per acre).



A hearing was held after proper notice. Scott Harrington, Community Development Director, said this item has been scheduled before Council several times and has been delayed for various reasons. The petitioner has asked that City Staff make its presentation first, then he will follow up afterward. This is a two-part request:

- a. Special Use Permit for Residential Use in the Airport Critical Zone
- b. Preliminary Plan

Mr. Harrington said both items were brought to the Planning Commission for final action. They were denied. The first plan was heard by the Planning Commission in September, 1997. Staff felt the plan did not meet the special use criteria. Once the special use was denied, the issue of approval for the plan was moot.

Subsequent to the denial, the applicant chose to appeal. That appeal was scheduled before the Council. The applicant agreed to hold the appeal in abeyance allowing time to submit a second plan for consideration by the Planning Commission. The second plan was also denied. The applicant then agreed to drop the appeal of the first plan, and chose to appeal the decision on the second plan. Tonight's discussion is on the second plan only.

The difference between the first and second plan is the density within the critical zone which was dropped from 4 units/acre to 2 units/acre by doubling the size of the lots. The plan failed to address issues regarding open space requirements, lot sizes, etc. There is now a large disparity in lot sizes between the very large lots in the critical zone and the smaller lots outside the critical zone. Planning Commission determined the special use criteria was not met in either plan. Staff's recommendation on the two plans changed from the first plan to the second plan. Upon first review of the plan, Staff felt up to 2 units/acre could be supported within the critical zone; however, toward the end of the process, more information was provided by Walker Field Airport and the FAA that was compelling, and deserved to be reconsidered. Staff again reviewed the criteria, and found that no units were appropriate within the critical zone for this project on this site. Staff thus changed its recommendation. Mr. Harrington continued by saying only one other request had been considered prior to this application. That request was for

administrative approval, which was denied. The Planning Commission and this Council has never dealt with an issue in a critical zone. The main issue is what density is appropriate in a critical zone. Guidance and policy direction from Council regarding development in a critical zone would help Staff, the Planning Commission, the applicant and future applicants owning property in a critical zone who wish to develop. If Council approves some density within the critical zone, it will have to decide how it will deal with the preliminary plan. Council also has the option to remand the plans back to the Planning Commission to deal with the issues. It would only come back to Council if the Planning Commission denied the plan, or the applicant wished to appeal a condition of approval.

Michael Drollinger, Community Development Department, gave his background in experience regarding tonight's issues. He received a research award from the FAA to research north compatibility planning approaches, which led to the publication of an article in the National Transportation Journal entitled "Planned Use/Planning Approaches to Mitigating General Aviation Aircraft Noise." The special use requirement in Section 5-11 of the Zoning & Development Code for single-family residential development in the critical zone, is the reason for consideration of this application.

He pointed out the critical zone boundary and the 65 LDN noise contour. He said the land use and zoning authority for applications in the critical zone lies with the City Council. There is no federal or state regulatory pre-emption. Other guidance documents and advisory agencies exist to assist in the development of policy and to use in the evaluation of individual development proposals. The purpose of tonight's presentation is to give Council the background of the development of the Staff recommendation for this application, and list the materials used in Staff's analysis from which Staff drew its conclusions:

1. HB1041 which contains recommendations regarding land use compatibility in critical zones;
2. Review Agency Comments.

The adopted Grand Junction Growth Plan presently offers only limited guidance since the Airport Master Plan was adopted recently and was still under development during the drafting and adoption of the Growth Plan. The Growth Plan offers no specific

guidance or recommendation regarding development in the airport critical zone. The Airport Master Plan resulted in the development of noise contour maps offering specific items which must be considered in the evaluation of this application and in the drafting of the new Zoning Code which is presently underway.

The three most common types of airport zoning are hazard zoning, height zoning, and noise impact zoning. Hazard zoning are zoning restrictions on non-uses and structures near the runway. Height zoning is zoning limiting the height of development so as not to impact aircraft patterns. Noise impact zoning is zoning restricting land uses because of noise impacts. The Grand Junction Zoning & Development Code incorporates all three elements in the regulations contained in Section 5-11, which reads, "The purpose and scope of the airport land use regulation and establishment of the airport zones are set forth to (1) preserve existing and establish new compatible land uses around airports; and (2) to allow land use not associated with high population concentration; (3) to minimize exposure of residential uses to critical aircraft noise areas; (4) to avoid danger of aircraft crashes; (5) to discourage traffic congestion; (6) to encourage compatibility with traffic and developments around airports; (7) to discourage expansion of demand for government services beyond reasonable capacities to provide services; (8) to regulate the area around the airport to minimize danger to public health, safety or property from the operation of the airport; and (9) to prevent obstruction to air navigation.

The critical zone is defined by the Code as "a rectangular shaped zoning located off the end of a runway's primary surface which is critical to aircraft operations .... that is more apt to have accidents within it because of the takeoff and landing mode of aircraft in that particular area." The Code also reads "A special use shall require a special use permit prior to the issuance of a building permit and/or commencement of the use. The permit shall be issued by the administrator upon approval of the application." He noted that a special use is not a use by right. Council can choose to approve a development density within the critical zone that goes up to 4 units/acre. Staff feels Criteria No. (a) Section 4-5 of the Code (Special Use) is the applicable criteria in evaluation of this subdivision. "The proposed use must be compatible with adjacent uses. Such compatibility shall be expressed in terms of appearance, site design and scope, as well as the control of adverse impacts, including noise, dust, odor, lighting, traffic, etc."

Mr. Drollinger referred to HB1041 in discussing the table of Land Use Compatibility. The table relates to the compatibility of certain uses in an airport critical zone. The Airport Critical Zone was defined similarly as the City's Zoning & Development Code. The recommendation in HB1041 are that single family dwellings are incompatible in the critical zone.

Other guidance documents used by Staff are FAA Part 150 which addresses noise control and compatibility planning for airports. The compatibility is measured in terms of noise impact. The land use and related structures are not compatible and should be prohibited. If residential development is subject to noise levels exceeding 65 LDN, there should be no residential development in those areas. He defined LDN as the day/night sound level, the sum of sound exposure for a given time period which is generally 24 hours. The day/night sound level is introduced as a simple method for predicting the affect on a population of the average long term exposure to environmental noise. The recommended LDN is 57 decibels. All of Faircloud Subdivision is in the 65 LDN or greater.

Mr. Drollinger said the Airport's comments and the FAA were also used in formulating Staff's conclusions, along with the other sources.

The policy and precedence set by permitting residential development in Faircloud proposal does not necessarily mean 11 more homes in the critical zone, but could, in fact, mean many more than that as additional applications are considered and then approved. He could find no way to determine one part of the critical zone being more critical than other parts. Staff recommends that where there are opportunities to locate residential development outside of the critical zone, that should be done. Faircloud Subdivision presents such an opportunity, as approximately one third is within the critical zone, and the remainder is outside the critical zone. It has been difficult to have a recommendation evolve during the review of this development plan. In fact, Staff's recommendation has changed over time. He felt it was Staff's responsibility to come forward with the current recommendation based on a comprehensive review of the documents covered this evening.

Councilmember Scott asked if Mesa County will take care of the area south and east. Mr. Drollinger answered yes. A few

properties are presently in the City and in the critical zone for the primary runway of Walker Field (Runway 1129). The remainder of the area is still in Mesa County.

Councilmember Payne asked if 32 Road is the end of the zone. Mr. Drollinger said it ends at 30 1/2 Road, prior to 31 Road.

Mayor Terry asked if the noise problem is the primary concern in the critical zone. Mr. Drollinger said both the hazard and noise issues are important to consider.

Councilmember Payne asked if a church would be allowed in the critical zone. Mr. Drollinger said the present code requires a church to have a special use permit also. He said Staff recently considered an application for a church west of this site. Staff's concern was both hazard and noise related. One of the purposes of the critical zone was to avoid the high population concentrations within the critical zone. The denial of the church request was based on safety concerns in an area that is subject to overflight of aircraft.

Councilmember Scott asked what Staff recommends as an allowed use. Mr. Drollinger said there is an opportunity for clustering in this case of some of the density that would normally be in the critical zone, to areas outside the critical zone that are both less noise impacted and less subject to any flight of aircraft. Staff feels there are other planning options to either restrict or limit to various degrees, practical residential development and other options to assure there will be minimal residential development on those properties. Staff will come back to Council with other recommendations in the future, as it will be an ongoing issue.

Councilmember Enos-Martinez asked if they cluster, would the other part of the land be open space. Mr. Drollinger said Staff would recommend that area be left undeveloped.

Councilmember Payne asked if Mesa County supports the Airport Critical Zone. Mr. Drollinger said Mesa County has not adopted the same provisions in their Zoning and Development Code as the City has for regulating the land around airports.

Mr. Tom Volkmann, 655 N. 12th Street, attorney representing J.P. White Construction, introduced Darlena White and asked her to describe her intentions for Faircloud Subdivision. Ms. Darlena

White, President of J.P. White Construction Company, gave some history about her company. She has built 200 homes since 1991. She draws her own house plans ranging from 1300 to 1700 feet. She addressed the Planning Department's envelope concerns. During the application process, Planning made it clear they did not like the size of her lots, although all her lots met or exceeded the Planning Department's minimum of 8,500 square feet. Only recently, after months of working with the Planning Department, did the Planning Staff suggest the clustering plan. The plan would mean clustering two thirds of her land and leaving one third as open space. Ms. White felt it is not financially feasible. To this date, there have been no specific uses recommended for this open space.

Ms. White said she was told if she reduced the density in that one third parcel to 2 homes, it would solve the problem. She did that, and her problem has grown.

Ms. White addressed the noise issue. She said she stated at the first Planning Commission that she intended to comply with the Airport Authority's suggestions for soundproofing. She distributed photos of her previous work, as well as photos of the land in question.

Mayor Terry asked Ms. White to explain why she needs the Special Use Permit. Ms. White said she made the change from 3.5 units/acre down to 2 units/acre. The airport critical zone was brought up during the application process. She was unaware of the restrictions as the area is surrounded by many homes. Smaller homes are more expensive to build per square foot. If the preliminary plan cannot be developed, it is a moot point.

Attorney Tom Volkmann said the surrounding Palmira Subdivision to the north and Highline Estates Subdivision to the east (densities of 3.75 units/acre), and Brookwood Subdivision (density of 4.4 units/acre) to the west, are in the critical zone. Warrendale Subdivision to the south (density of 4.0 units/acre) is not in the critical zone. Mr. Volkmann said HB1041 and the FAA documents conflict with Section F-5-11-3 of the City's Zoning & Development Code because they say residential development in this area is incompatible. The section dealing with incompatibility vs. special use is confusing. Walker Field Airport Authority has consistently taken the position that no development should occur in this area. The Community Development Department said the petitioner should reduce the density to 2 units/acre. His client

complied to Staff's request. The FAA submitted a letter to Corinne Nystrom, Walker Field Airport Manager, dated September 16, 1997, from James Fells, a Colorado State Planner in the Denver Air Force District Office, stating "Part of the sponsor's role in obtaining grant funds and insuring the FAA that the sponsor will take appropriate action, including the adoption of zoning laws, to the extent of reason to restrict the use of land adjacent to and in the immediate vicinity of the airport, to activities and purposes compatible with normal airport operations, including landing and takeoff." "While you obviously have zoning laws in effect, you have also assured us in the past that airport development projects were reasonably consistent with the exiting local plans of public agencies to plan for the development of the area surrounding the airport." The FAA's primary concern in their regulations relates to noise.

Mr. Volkmann said the portion of the property that is within the critical zone has been zoned RSF-4. The Master Plan denotes this property at 2 to 4 units/acre. The blended density under the new plan is approximately 3 units/acre. The plan is clearly within both requirements. The density has been cut in half within the critical zone which makes it reasonably compatible provided the noise issues are addressed as well. There are no traffic circulation problems identified for this property. Adequate public services are available in the area. No special requirements exist for complimentary uses. Maintenance of the property is not an issue.

Mr. Volkmann cited a letter dated April 20, 1981, written by Paul D. Bowers (Airport Manager at that time): "In response to the Palmira II application (turned into Brookwood Subdivision), the proposed development is within the airport area of influence, and just touches the critical zone for runway 11 at the very northwest corner of the proposed development. This should not require this parcel to be subject to critical zone restrictions." A response from the Airport Authority dated April 15, 1993, regarding Highline Estates Subdivision which is north and east of the subject property, was "This proposal is located in the airport influenced area and as a result, avigation easements must be filed for the properties. Please forward a copy of the recorded easement to the Walker Field Airport Authority upon completion. Also, the proposal lies very near the extended centerline of the main runway. Noises are considered . It is recommended that some soundproofing measures be taken during

construction of homes in this area." That entire subdivision was within the critical zone.

Mr. Volkmann felt the City of Grand Junction has fulfilled its obligations to the FAA and its assurances regarding federal funding by virtue of reducing densities and creating a special use permit requirement in the City Zoning & Development Code. The property is uniquely qualified to receive a special use permit because of the development that has already occurred around it, and further within the critical zone. A Special Use Permit is appropriate and should be granted.

1. Arlene Marshall, who lives across from the property on F 1/2 Road, spoke in opposition to the plan. She was concerned with the airport noise. The subdivision will impact schools. Traffic was also a concern as it is difficult to get out of her driveway during certain times of the day.

2. Attorney Joel Snodgrass, 200 N. 6th Street, representing Larry Dowd and other owners of property located at the southwest corner of G and 30 Roads (northwest of the proposed Faircloud Subdivision), spoke in favor of the plan. His clients had the church proposal rejected by Planning Staff because it was incompatible with the critical zone area. The church chose not to appeal the Planning Commission decision. His clients believe the current Zoning & Development Code should be considered by the City Council. If Council decides there is to be no development, yet allows applications for special use permits, it is inconsistent with having a special use permit available. Property owners should be free to explain their right to use their property. His clients will be back again to apply for a special use permit. He noted that items within the critical zone which are subject to special use permits are office buildings, personal business, professional services, and commercial establishments. Those types of services would have as many, or more, people subject to the hazards as the residential development would have.

Mayor Terry reminded Mr. Snodgrass that the Code allows denial of Special Use Permits. Mr. Snodgrass said if every application for a special use permit is denied because Council has a right to deny it, then there is no special use permit. Saying there is a special use permit indicates there must be some use under that category that suggests it should be allowed.



Councilmember Kinsey asked what the present zoning is of his client's property. Mr. Snodgrass said RSF-R (1 unit/5 acres).

3. Peggy Woods, lives in the middle of the subject area, in the original house that was built in 1913. Most of the planes go over the other residential areas. The lands are not farmable. The proposed development is a better use of the current land. She felt a church would have been a benefit in the area because it would not have allowed the traffic.

4. Airport Manager Corinne Nystrom, 2828 Walker Field Drive, opposed the proposal for the following reasons:

(a) Compatibility - Walker Field has been at its location for 70 years. Inherent in its goals is the assurance that the airport can maintain and expand its size and number of operations to satisfy existing and future aviation needs. The protection of the investment of the facility such as Walker Field is of great importance to this community as well as this region. Walker Field is opposed to incompatible development of which they feel this Faircloud is indicative.

(b) Experience - Experience has shown that new residential development should be prohibited in areas which are subject to noise which exceeds 65 LDN. Where existing residential uses already occur within these types of areas, further experiences should be discouraged. Noise does not stop at the 65 LDN contour and it's in the best interest of the airport and future residents in the impacted area to require some form of fair disclosure regarding the proximity of the airport in anticipated noise levels even within the 60 to 65 LDN band.

Walker Field predicts that in the next 10 to 15 years, the aircraft operations will increase from the existing operations of 80,000/year to 120,000 operations/year. The airport is not planning to move its operations unless it is forced to move because of encroaching incompatible development. Such a move would probably burden the local taxpayers through the mill levy.

Ms. Nystrom requested that City Council have the foresight to look to the future for the sake of the City and the airport. The airport requests the special use permit be denied.

5. Joseph Marie, 2863 Hill Avenue, felt the subdivision would be a time bomb waiting to happen (loss of life). He suggested

indemnifying people by a type of "hold harmless" agreement for the people who insist on choosing to reside in the area.

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

Councilmember Sutherland stated the critical zone is not a creation of the FAA nor Walker Field or any particular airport. It was created in the form of a recognized critical zone in the City by House Bill 1041. Mesa County has not chosen to adopt HB 1041 Land Use Regulations. The reason some of the subdivisions in the area exist is because there was no critical zone in the County in 1982 when the subdivisions were approved. He commented on Mr. Volkmann's other statements.

Councilmember Scott felt it would be setting a precedent by approving this subdivision. He was concerned that Mesa County would follow suit and approve additional development in the area.

City Attorney Wilson said if Council concludes that any residential development at any level in the critical zone (65 LDN zone) is an important policy, the matrix needs to be changed.

Councilmember Kinsey said noise reduction can only work inside structures. He felt Council should consider the potential harm to a developer versus a potential to residents and homeowners, and the potential liability to the City in terms of complaints of noise or danger. He felt the Community Development Department should be given some direction for residential use inside the critical zone in order to revise the matrix.

Councilmember Payne felt it was important to get Mesa County to be a player. He was concerned that the FAA might cut back on some funding. Another concern was that the petitioner has changed the plan to satisfy Staff, and is now being told the plan is not acceptable.

Mr. Volkmann asked more questions of Council. City Attorney Wilson was uncomfortable with the questions regarding the other runway, and objected to Council answering Mr. Volkmann's questions.

Mayor Terry felt City Council has the responsibility to take into account the public health, safety and welfare in the critical zone issue. The decision will impact the entire community as well as the developer.

Upon motion by Councilmember Sutherland, seconded by Councilmember Scott and carried by roll call vote with Councilmember **PAYNE** voting **NO**, the appeal was denied and the Planning Commission decision was upheld.

City Attorney Wilson noted that Item b. (the preliminary plan) became a moot point with the denial of the special use permit.

RECESS

Mayor Terry declared a ten-minute recess at 10:13 p.m. Upon reconvening, all members of Council were present.

PUBLIC HEARING - NORTHFIELD ESTATES ENCLAVE ANNEXATION, LARKSPUR LANE AND F 1/2 ROAD - ORDINANCE NO. 3036 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, NORTHFIELD ESTATES ENCLAVE, APPROXIMATELY 19.94 ACRES, LOCATED AT LARKSPUR LANE AND F 1/2 ROAD - PROPOSED ORDINANCE ZONING NORTHFIELD ESTATES ANNEXATION RSF-2 - RESOLUTION NO. 79-97 CREATING AND ESTABLISHING SANITARY SEWER IMPROVEMENT DISTRICT NO. SS-42-97, WITHIN THE CORPORATE LIMITS OF THE CITY OF GRAND JUNCTION, COLORADO, AUTHORIZING THE RECONSTRUCTION OF A CERTAIN SANITARY SEWER LINE, ADOPTING DETAILS, PLANS AND SPECIFICATIONS FOR THE RECONSTRUCTION THEREON AND PROVIDING FOR THE PAYMENT THEREOF - AWARD OF CONTRACT TO CONTINENTAL WEST CONSTRUCTORS, INC., IN THE AMOUNT OF \$99,999.58

[FILE #ANX-1997-150]

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. Planning Commission recommended approval to zone the Northfield Estates Enclave Annexation RSF-2, for that area north of F 1/2 Road and RSF-4, for the area south of F 1/2 Road.

Hearing

A hearing was held after proper notice. Dave Thornton, Community Development Department, reviewed this item. The three Curley properties located south of F 1/2 Road were included in the original annexation petition. It was removed from the original sewer petition. In 1991, the Curleys had connected to the sewer and signed the POA. As part of this annexation petition, the POA

was not used and the Curleys were given the opportunity to sign the annexation petition. The Curleys did not sign the annexation petition. The annexation petition consisting of 16 parcels, including the Curley properties, had a majority (12 parcels signing the petition). Three of the four properties not signing were Curley properties.

The entire annexation area exists within a large enclave of the City, which will be eligible for unilateral annexation as of May, 1998.

The proposed zoning is RSF-2 for the area north of F 1/2 Road, and RSF-4 for the area south of F 1/2 Road. The proposed zoning was recommended by Staff and the Planning Commission. The proposed zoning was based upon the Growth Plan's recommended densities of .5 to 1.9 acre lot sizes for the area north of F 1/2 Road, and 4 to 7.9 units/acre for the area south of F 1/2 Road. The proposed zoning corresponds with those density ranges.

City Attorney Wilson asked about the letter from other neighbors regarding the increase in zoning, and asked where the petitioners were located. Mr. Thornton said all the odd numbered addresses were included in the area in the Growth Plan for increased density.

Mayor Terry asked if the recommended densities in the Growth Plan were because of the straight line being F 1/2 Road. Mr. Thornton said it was possible that the canal would be a better boundary, which Staff will consider in the future. Any future change would require amending the Growth Plan.

Mr. Paul Curley, 2645 F 1/2 Road, spoke representing the F 1/2 Road neighborhood as well as himself. They will be attending the December 3, 1997 Council Meeting for the hearing on the zoning of Northfield Annexation. Mr. Curley and his wife are uncomfortable because the neighborhood thinks they have sold out to annexation. He and his wife are requesting deletion from the Northfield Annexation to allow the neighborhood some time to accept the concept of annexation. He noted that a lot of the Power of Attorney issues have been resolved.

Councilmember Kinsey asked what Mr. Curley thought would happen once the City annexes the area. Mr. Curley said the fear is that the annexation is tied to the zoning density (increased). The consensus of the neighbors is that the area remain preserved.

Mayor Terry explained that annexing the residents of Northfield Estates that wanted the sewer was a cleaner method. Mr. Curley was already on sewer and it made sense to bring all the parcels in at the same time. It is also in an enclave. The Power of Attorney authorizes the City to sign on their behalf a petition for annexation. Mr. Curley's Power of Attorney was not used to sign the annexation petition which created the boundary.

Mr. Curley said a lot of the documentation has lumped the residents all together. As a member of the upcoming sewer district, he will be assessed expenses. City Manager Achen explained there are two boundaries; one for the annexation which includes Mr. Curley's property, and one boundary for the creation of sewer district.

Mayor Terry explained that the Growth Plan was a citizen plan that was a culmination of at least 15 members of the citizenry that formed a task force which met approximately 50 times over a period of two years. It was done in conjunction with Mesa County.

Councilmember Scott asked Mr. Curley to explain to his neighbors the City is not using the Powers of Attorney.

Mr. Bob Elliott, 654 Larkspur Lane, spoke in favor of the annexation. The reason it is limited to 13 parcels is because they are the ones that want sewer. He welcomed annexation and requested Council approve the sewer district.

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

Mayor Terry felt it was incumbent upon Council to make sure the residents in the annexation understand, and are willing participants in the annexation. The residents of the area of the sewer district want to be annexed, and Mr. Curley has opted not to be annexed. She also felt the City needs to take the time to inform the residents of the benefits of being in the City. She favored not including Mr. Curley's property in this annexation, talking to the residents in the enclave, and pursuing the sewer improvement district. Councilmember Payne concurred.

Councilmember Sutherland agreed that Mr. Curley's property should be excluded, and bring the other properties in who want sewer. He has experienced only good things associated with annexation.

Upon motion by Councilmember Payne, seconded by Councilmember Kinsey and carried by roll call vote with Councilmember **SCOTT** voting **NO**, Ordinance No. 3036 was amended by deleting the three Curley properties, adopted on final reading, and ordered published.

Proposed Ordinance Zoning Northfield Annexation RSF-2

Upon motion by Councilmember Sutherland, seconded by Councilmember Enos-Martinez and carried, the proposed ordinance zoning Northfield Annexation RSF-2 was adopted on first reading and ordered published. City Manager Achen clarified that the zoning ordinance is for RSF-2 only for the parcel to the north. The parcel not included in the annexation is not an issue for zoning.

Councilmember Sutherland amended his motion to include Mr. Achen's explanation. Councilmember Enos-Martinez seconded the amendment. The amended motion carried.

Resolution Creating Improvement District

A petition signed by 92% (12 of 13) of the owners of the property to be assessed has been submitted requesting a sanitary sewer improvement district for a portion of Northfield Estates, located north of F 1/2 Road and west of North 7th Street (26 1/2 Road) across from Roundhill Subdivision. The City Council passed a resolution stating its intent to create the proposed improvement district on October 15, 1997.

Trent Prall, City Utility Engineer, reviewed this item. On October 15, 1997, City Council passed a resolution of intent to create the proposed improvement district. A petition signed by 92% of the residents of the property to be assessed was submitted on July 7, 1997 requesting a sanitary improvement district and annexation of a portion of Northfield Estates located north of F 1/2 Road and west of N. 7th Street, also known as 26 1/2 Road, across from Roundhill Subdivision. On July 16, 1997, the engineering contract was awarded to Williams Engineering for \$11,300. Bids were received on October 7, 1997. Because of the low unexpected bid, the total revised estimated cost is \$138,839, of which \$56,831.37 is for the trunkline extension portion, and \$82,008.15 is for the sewer improvement district. The cost per lot is \$6,308.32 eligible for financing over a 10 year period. If

the amount is not paid within 30 days of the assessing hearing, there is a 6% Mesa County Assessor's charge to help pay for collection costs, as well as 8% simple interest charged on the declining balance. Staff recommends adoption of the resolution creating Sanitary Sewer Improvement District No. 42-97.

Councilmember Enos-Martinez asked if all the residents were aware of the total costs required to participate. Mr. Prall said they were notified by certified letter of all the costs. There was no feedback from the residents. The original price per lot was \$8,900 which has been reduced to \$6,309. One individual did not sign the petition for the improvement district.

There were no public comments. The hearing was closed.

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, Resolution No. 79-97 was adopted.

**Award of Bid**

The following bids were received on October 7, 1997:

Continental West Constructors, Avon	\$ 99,999.58
Stanley Construction, Grand Junction	120,230.40
Skyline Contracting, Grand Junction	122,422.79
M.A. Concrete, Grand Junction	140,900.90
Lyle States Construction, Grand Junction	147,149.95
Grant Miller, Inc., Breckenridge	147,499.09
Mendez, Inc., Grand Junction	158,226.60
Atkins & Associates, Meeker	214,660.00
Engineer's Estimate	137,145.40

Upon motion by Councilmember Sutherland, seconded by Councilmember Kinsey and carried, the contract for construction Northfield Estates Trunkline Extension and Sanitary Sewer Improvement District No. SS-42-97 was awarded to Continental West Constructors, Inc., in the amount of \$99,999.58.

**PUBLIC HEARING - AMENDING COMMUNITY DEVELOPMENT BLOCK GRANT  
CONSOLIDATED PLAN AND ACTION PLAN FOR PROGRAM YEAR 1996 -  
CONTINUED FROM NOVEMBER 5, 1997**

This public hearing is for the City to amend its Consolidated Plan. Specifically, the City needs to reallocate its CDBG Entitlement funds for the 1996 Program Year. This reallocation of funds is necessary because one of the 1996 Program Year Projects in the amount of \$312,000 will not be completed and some program administration funds are available.

A hearing was held after proper notice. Assistant City Manager David Varley said this plan was required when Grand Junction first became an entitlement city. The 1996 program year ended August 31, 1997. One of the four projects funded was a \$312,000 grant to the Grand Junction Housing Authority. The funds were to be used to purchase a mutli-family rental apartment complex and make it available to low and moderate income people. The project was well underway and at the last minute things came up and the project could not be completed. Thus, the \$312,000 is still available. The City wants to amend the plan and make those funds available to another project.

There is also \$18,000 in program administration costs that will be available. The two amounts total \$330,000 available to allocate to another project. Two projects are to be considered:

1. There are houses becoming available from the Mesa State College as it expands to the west and purchases homes. The College has offered to donate the houses to the Housing Authority. The Housing Authority needs some lots on which to place the houses, and revenue for moving costs. The Housing Authority would use the funds to purchase 10 to 20 lots for the houses. Mesa Development Services supports the Housing Authority's request, and will hold off the MDS request for funds until 1998.

2. South Avenue - Two blocks of South Avenue, from 5th to 7th Streets, are in need of repair (sidewalk, curb, gutter and water improvements) at a cost of \$330,000 with a portion coming from the Water Fund.

Housing Authority Director Jody Kole, 566 Pearwood Court, said the Authority proposes to use the City CDBG funds for land acquisition only, not for relocating or rehabilitating the houses. It would also cover some administrative costs for legal fees, advertising and complying with all the CDBG regulations. The lands would be purchased and allowed to sit until such time as Mesa State houses become available.



Councilmember Sutherland asked if appropriate areas for purchase have been identified. Ms. Kole said vacant residential lots are scarce in the City. They would like to focus on the downtown area and the west end of Orchard Mesa.

Ms. Kole noted that when moving a house, it must be brought up to the current Code which adds to the cost.

Councilmember Enos-Martinez asked if certificates or vouchers will be involved. Ms. Kole answered no. She said the properties would be rented to families at or below 50% of the area median income which is the very low income category established by HUD. There are no current HUD subsidies that would attach to the properties.

Councilmember Enos-Martinez was concerned about reducing the list of 800 families currently needing homes. Hopefully, the rents charged would be substantially below market and the Authority would be able to serve those on the waiting list.

Ms. Kole said they would landscape the property appropriate with the neighborhoods and make the houses an attractive addition to a neighborhood.

Mr. Varley said the Housing Authority project clearly meets the criteria for these funds. If the request is approved by Council, he encouraged the Housing Authority to quickly purchase the land even though there are no houses available yet. The reason being the federal government does not like to see these funds built up and carried over from year to year. Since the plan year has expired, the funds need to be spent as quickly as possible. An environmental review will have to be accomplished on each lot, and could take up to 45 days. The project cannot be closed out until a house is actually on the land and occupied by low to moderate income families. The paperwork could take up to four years to complete, but hopefully the funds can be spent long before that. The grant cannot be closed out until the houses are set up and in use.

Mr. Varley suggested the Housing Authority not be limited to Mesa State College houses only. If other homes become available, the Authority needs to take advantage of the opportunity. He will check with HUD to see if the program can be flexible in transferring houses from the Mesa State College project, some houses from elsewhere, and some properties being acquired with existing houses that require rehabilitation. Ms. Kole said if City Council chooses to broaden the scope of the Authority's use

of the funds, they would try to leverage those funds to bring in additional dollars from the State Division of Housing that will serve as many families as possible. She would welcome the additional flexibility.

There were no other comments. The hearing was closed.

Upon motion by Councilmember Payne, seconded by Councilmember Sutherland and carried, the reallocation of \$312,000 for the 1996 Program Year from Project #96-1, Multi-family Rental Acquisition, and \$18,000 from Project #96-4, Program Administration Costs, (total of \$330,000) to the Grand Junction Housing Authority to be used for acquisition of land and houses, was approved.

**ADJOURNMENT**

Upon motion by Councilmember Scott, seconded by Councilmember Enos-Martinez and carried, the meeting was adjourned at 11:35 p.m.

Theresa F. Martinez, CMC  
Deputy City Clerk