

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

November 4, 1998

The City Council of the City of Grand Junction, Colorado, convened into regular session the 4th day of November, 1998, 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, Reford Theobold, and President of the Council Janet Terry. Mike Sutherland was absent. 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 Councilmember Theobold led in the Pledge of Allegiance. The audience remained standing during the invocation by Pastor Eldon Coffey, Living Hope Evangelical Free Church.

APPRECIATION PLAQUE TO GRAND JUNCTION DRAINAGE DISTRICT FOR THEIR PARTICIPATION IN THE ORCHARD AVENUE STORM SEWER PROJECT

Acting Public Works Director Mark Relph explained the reason for the recognition and expressed his appreciation to the Grand Junction Drainage District for their participation in this project.

He introduced some of the members of the District including the District Manager John Vol.

Mayor Terry echoed Mr. Relph's comments and presented the plaque to the members.

CONSENT ITEMS

Upon motion by Councilmember Scott, seconded by Councilmember Payne and carried by a roll call vote, the following Consent Items # 1 through #3 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting October 21, 1998

2. **Law Enforcement Assistance Fund (LEAF) Grant for DUI Enforcement**

The Colorado Department of Transportation has approved the Grand Junction Police Department to receive a grant in the amount of \$24,000 for DUI enforcement in 1999. The grant pays the overtime costs for DUI patrol by Grand Junction Police Officers, and the conducting of two sobriety checkpoints.

Resolution No. 67-98 – A Resolution Approving the Law Enforcement Assistance Fund (LEAF) Contract Number L-11-99

Action: Adopt Resolution No. 67-98

3. **Alley Improvement District No. ST-99, Phase A**

Petitions have been submitted requesting a Local Improvement District to reconstruct the following alleys in 1999:

East/West alley from 17th to 19th Street between Grand and White Avenue
East/West alley from 13th to 15th Street between Walnut and Cedar Avenue

All petitions have been signed by a majority of the property owners of the property to be assessed. A hearing to allow public comment for or against the proposed Improvement District will be conducted at the December 16, 1998, City Council meeting.

Resolution No. 68-98 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create within Said City Alley Improvement District No. ST-99, Phase A, and Authorizing the City Engineer to Prepare Details and Specifications for the Same

Action: Adopt Resolution No. 68-98

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

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

Public Hearing – Appeal of Preliminary Plan Approval and Rezoning Request for the Pines Subdivision, Northwest Corner of 27 and G Roads, from RSF-4 to PR-5.5 – APPEAL UPHELD – REZONE DENIED [File #RZP-1998-112]

(1) Appeal of Planning Commission decision approving a Preliminary Plan for 14 single family attached units on a 2.6 acre parcel, and (2) Rezone the property from Residential Single Family 4 units per acre (RSF-4) to Planned Residential 5.5 units per acre (PR-5.5). A hearing was held after proper notice. Mayor Terry opened the public hearing at 7:35 p.m. Dan Garrison, 795 Garrison Court, Grand Junction, petitioner on behalf of GNT Development and Merritt Construction, owners of the property at the corner of G and 27

Roads. He explained the proposal for a density of 5.5 units per acres. They plan to build 7 buildings, duplexes and townhomes. The units are approximately 1500 square feet or more. They are similar to an earlier proposal in the Ridges which is called the Sandcliff. The development is diagonal from Vintage 70, another townhome development and near the Villas. He said he feels the project fits well. The builder, Merritt Construction, is a good builder and well-known. There is sufficient buffering and adequate open space. There have been many compromises, which have been difficult. The intersection into the subdivision is a concern and has been placed as far north of G Road as possible.

Kristen Ashbeck, Community Development Department, said Mr. Garrison covered the details of the plan well. She said the Planning Commission found that the plan did meet the rezone criteria in Section 4-4-4 of the Zoning & Development Code, and recommended approval of the rezone and the preliminary plan with five conditions:

1. Provide access to Tract C by homeowners' association.
2. Landscaping in the rights-of-way. A landscape plan shall be provided with the Final Plat/Plan.
3. The 6-foot landscape strip outside of the fence along G Road shall be a separate tract dedicated to the homeowners' association (Tract D).
4. Reconfigure rear lot lines and/or detention basin so they meet separation requirements of the SWMM.
5. A landscape plan for all private tracts (A through D) is required with the Final Plan/Plat.

Based on Ms. Ashbeck's staff report regarding streets, Mayor Terry asked why Staff has recommended collection of the capacity payments at this time, instead of requiring the street improvements. Ms. Ashbeck said the City has three options but the Public Works Director determined that TCP was the best option.

Mayor Terry asked about the access. Ms. Ashbeck said there was discussion by the development engineer to move it as far north as possible to address any current traffic issues.

Councilmember Payne asked if the intersection aligns across from the Vintage 70's. Ms. Ashbeck said it is offset; it could not be completely aligned.

Councilmember Enos-Martinez asked at the current zoning what is the maximum number of units allowed. Ms. Ashbeck said 10. Fourteen units will be built under this proposal but there will actually be seven buildings as they are attached units.

Councilmember Scott asked about the street being public or private. Ms. Ashbeck said the street is to be public. The tract in the middle of the development would be private, and the Homeowners Association will maintain the landscaping and parking.

Councilmember Theobald asked where the reduction of rear yard setback from 25 to 20 feet appears in the developer's narrative. Ms. Ashbeck clarified the plat and identified the building envelopes.

Mayor Terry asked about the fence that was stucco, but is now wood. Ms. Ashbeck explained the reason for the change was to eliminate the interference with the off-site drainage at the northwest corner of the property. A wooden fence with stucco pillars in between would provide some buffer as well as allow proper drainage.

Mayor Terry asked if the current RSF-4 zone allows duplexes. Ms. Ashbeck said no.

Attorney Tom Volkmann, representing interested neighbors opposing the rezone and the plan, asked the neighbors in opposition to stand. Twenty-five (25) persons stood in opposition.

Mr. Volkmann continued to explain the neighbors' concern on the density. He said it constitutes a 40% increase in the number of units. He said it is difficult to fit even ten units on the parcel and still meet the bulk requirements of RSF-4. The distance between intersections is also a concern. The code requires 300 feet and that is not possible. The neighbors do not feel that the project is compatible with surrounding developments. The other townhome developments Mr. Garrison compared to are much larger and more expensive. He was unsure if the rezone criteria of Section 4-4-4 were truly met. He reviewed the criteria:

1. Was the existing zone in error? Mr. Volkmann did not think so.
2. Has there been a change in character? The only change is the adoption of the master plan and the placement of the Villas. The current zoning complies with the master plan designation of 4 to 7.9 units per acre.
3. Is there an area of community need? He could see no manifestation of that.
4. Is the proposed rezone compatible or will there be adverse impacts? Neighbors feel it is incompatible.
5. Are there benefits for the area or community? Mr. Volkmann could see none, and actually there are detriments.
6. Is the proposal in conformance with master plan, and other plans? Mr. Volkmann could not see that.
7. Are adequate facilities available? Mr. Volkmann said yes infrastructure is there.

Mr. Volkmann would like these criteria reviewed. The proposal is driven solely by desire to increase the density on this corner. If developed in accordance with its current zoning,

there would be adequate open space. Only one lot meets the minimum lot size for RSF-4. He asked Council to stick with the current zoning.

Councilmember Enos-Martinez asked if the main concern is the additional traffic, or the looks of the subdivision. Mr. Volkmann said the neighbors are concerned about the appearance of the subdivision, also the lot sizes, setbacks and density. The traffic is only a single concern in multiple problems.

Ted Coston, 707 27 Road, located immediately north of this development, spoke regarding the wall. A stucco fence was proposed by Mr. Garrison on the north and south side of the property since the first day. It was recently changed to a wooden fence which will not provide the buffering of a stucco wall. Water can go under a stucco wall. Mr. Coston volunteered to engineer the wall. He did not think a stucco wall is a problem. He bought his property in 1996, and checked on the zoning on this property when he purchased it. He knew it would be developed but never thought 14 units would go in there. He met with Community Development Director Scott Harrington on the 14th of October, the day after Planning Commission meeting. Mr. Harrington agreed it would be very difficult to get 10 single family units on this property as RSF-4. Mr. Coston did not think 10 units could fit on the property. He said the City asked for the 25' setback three times and finally gave up.

Paul Coe, 2690 Kimberly Drive, bought his property 18 years ago, at which time it was zoned RSF-2. He didn't know how it got zoned to RSF-4. He never received notice of a rezone or saw a sign giving notice. The Mayor said they would have to get Staff to respond. City Manager Mark Achen said it was R-2 (4 units/acre) when in the County and when annexed it was zoned the comparable RSF-4.

Terry Young, 2679 Kimberly Drive, was concerned with property values and size of lots. His main concern was the proposed detention pond in the corner of the property for runoff. The drainage is very bad when it rains in that area. There is an 8" culvert on Kimberly Drive, and storms cause the water to back up. It is a problem and needs to be addressed.

Taft Moore, 2679 Homestead, said his parents live on Kimberly Drive. He found their house for them ten years ago when the area was a quiet and nice neighborhood. This project will be degrading for the neighborhood with heightened noise, dogs, visitors, parties and parking. Mr. Moore said this is an emotional plea opposing the plan.

Valerie Brooks, 2694 Kimberly Drive, the proposal does not figure into her neighborhood. Currently, there are three quarter acre lots with beautiful homes surrounding her property. Comparing this proposal to Vintage 70's would be like having two G Roads and

two 27 Roads surrounding it. It does not back up to houses as this proposed development will.

Sherri Nikano, 699 Cascade Road, voiced the same concerns. She will have four homes instead of two on the other side of her fence. Comparing this proposed development with others, it doesn't appear it will be very aesthetic.

Ken Nelson, 2676 G Road, said he has been at that address for 20 years. He bought the property thinking it was zoned for a certain density. Today he feels betrayed by his representatives. He felt this development does not belong at that site. The existing homes are two or three times the size of the proposed homes. Traffic will increase on that corner. Mr. Garrison has been given the right to change setbacks and access, leaving the neighborhood betrayed.

Petitioner Dan Garrison responded. He acknowledged Mr. Volkmann's conflict of interest by listing Mr. Volkmann's other relationships. Mr. Garrison addressed Section 4-4-4 of the Zoning & Development Code. The original development on this particular corner was the Vintage 70's, preceding the Villas and any development on the west side of 27 Road. The Villas is a multi-family condominium development. Tillie Bishop owns property on the south side of G Road. Mr. Bishop is not here opposing nor did he sign the petition in opposition. Regarding the Master Plan, Mr. Garrison said if the density isn't used here it will go someplace else. He represented the Homebuilders of Northwestern Colorado while working on the Master Plan. Intersections of minor arterials are an excellent place to concentrate development.

Regarding a change in the character of the neighborhood - the Villas have changed the character and Horizon Drive and 12th Street are now commercial. These are changes which obligate the community to provide quality infill development. He has left every area that he has been in better than it was. Merritt is a good builder and sells every unit before it is built.

The community need for the rezone is for infill. It is important to use existing infrastructure. Mr. Garrison assured the Council that drainage will be addressed. He apologized about the wall. The wood fence was the resolution of many conflicts. He advised that ten single-family units would cover more square feet than the seven buildings he is proposing. Another option allowed under the RSF-4 zone would be 10 prebuilt homes on the property, although he did not think it was a good utilization of land.

Regarding compatibility – It is not compatible with what is across the street or cattycorner (The Villas), nor is it compatible with the development south. That is why he has offered to buffer the development against the properties to the north and west. That is partly the basis for reducing the setbacks. He hasn't rebuffed a 25' setback three different times.

He went from 9' to 15' to 20' and offered the wall. A Planned Unit Development has negotiating room.

The benefit to the community is putting density where existing facilities exist. These are single-family attached homes.

Councilmember Theobald said looking at the layout of the property, Mr. Garrison could have avoided the intersection by placing the access at the southwest corner. Mr. Garrison noted the high rise in elevation on G Road with low visibility. Councilmember Theobald concurred.

Councilmember Kinsey asked for a description of the units and about two car garages. Mr. Garrison said the units are designed with two car garages. He passed out photos showing basic structures.

Councilmember Kinsey asked what amount of off-street parking is planned. Mr. Garrison said each unit will have room for four vehicles (two in the garage and two on the driveway). The City requires parking for two vehicles per unit.

Councilmember Theobald asked if the loop around the landscaped area will be a one-way street. Mr. Garrison said yes, 20' wide.

Councilmember Scott asked if this has been done before. Mr. Garrison said it is exactly like the Ridges development called Sandcliff. This street is a little wider in this development.

Mayor Terry asked about the location of the fence. Mr. Garrison said it is 30 feet from the centerline of G Road after the dedication of the right-of-way, with six foot of landscaping at the fence. Acting Public Works & Utilities Director Mark Relph clarified it is 40' from the centerline of G Road to the new dedicated property line. It's another six feet from there to the fence. Mr. Garrison would be dedicating 10 feet of additional right-of-way. The existing centerline will not change.

Councilmember Payne asked for the number of square feet per unit. Mr. Garrison said 1500 to 2200 square feet.

Mayor Terry asked for description of the drainage pond. Mr. Garrison said the detention area will be a grassed area. The bottom will be graveled with river rock. The City controls the landscaping which will be worked out on the final plan.

Kristen Ashbeck, Community Development Department, was available for questions.

Mayor Terry asked if landscaping and design will be worked out at final plan. Ms. Ashbeck said yes, and the SWIM manual requires a plan with certain stabilization of the pond. She said Staff will work with Mr. Garrison on his landscape plans as well as the City's requirements.

Mayor Terry asked if the City is requiring a detention area that is only sufficient to handle drainage for this parcel. Ms. Ashbeck said yes for the new runoff, and conveyance of any historic flows across the property. Acting Public Works & Utilities Director Mark Relph said the detention pond is designed purely for this development, and would discharge at the historic rate.

Mayor Terry asked if the property were developed at RSF-4, would there be driveways coming out onto G Road and Patterson. Ms. Ashbeck said given the level of the streets being minor arterials, the driveways would be limited.

Mayor Terry asked how the setbacks were chosen. Ms. Ashbeck said Staff tries to fall back on the closest similar straight zone. In this case it falls in between the two densities. Midway between 20' and 30' would be 25'. Accessory structures can be built ten feet from the property line.

Mayor Terry asked about buffering. Ms. Ashbeck said there is nothing additional to the fence, but there may be more landscaping.

Councilmember Enos-Martinez asked if the current zoning only allows single family units. Ms. Ashbeck said yes. A special use allows a subunit. The 300 feet of separation from intersection applies to through streets.

There were no other public comments. The Mayor closed the hearing at 8:55 p.m.

Councilmember Theobald said there is a difference between a duplex and a townhome. He liked infill, and the City should try to do more. Council needs to decide what is best for the neighborhood and the community. Council is not going to be swayed by numbers. There is an expectation that this property will be a higher density than most of the area. He really liked this plan and concept if it weren't in this location. It is close to an intersection, it's a small parcel. Increased density increases those problems. Regarding the rezone criteria, the neighborhood has changed to a lower density. Regarding compatibility, Councilmember Theobald received a phone call from Dennis Eichinger saying 27 Road serves as a good buffer as it separates the higher and lower densities. He supported something at the current density.

Councilmember Scott said it was a good plan with a good builder. He didn't like the street as it would be difficult for access in emergency situations.

Councilmember Kinsey said the concept of mixed use is important. The difference between duplex and townhome is important; renters versus owners, density of people. Small attached houses encourage retired couples or childless couples. There is less impact on the neighborhood, economic necessity to maximize but problems come with that, going from 14 units to 12 units cuts the density down. A cul-de-sac without on-street parking causes problems. He supported the concept of mixed use development, but not this one.

Councilmember Payne said he lived in an area that was infilled. He had mixed emotions. The petitioner has done everything that can be done. This is a pretty good plan. The petitioner has addressed access and drainage, but he was uncomfortable with the setbacks. He noted the next plan won't be $\frac{3}{4}$ acre lots, and infill is never comfortable. However, he would have to say no on this plan.

Councilmember Enos-Martinez liked the plan, but not in this area. She would like to see the property developed and Mr. Garrison does quality work. The property is too small for 14 units. She was not comfortable changing the zoning.

Mayor Terry said it not an easy decision. The plan contains pros and cons. The plan tries to push too much onto the property. She believed strongly in infill. The City's land use decisions are based on the use of the land. The City does not regulate the building quality.

Upon motion by Councilmember Theobald, seconded by Councilmember Scott and carried by roll call vote, the appeal was upheld, the preliminary plan was denied, and the rezone was denied.

NON-SCHEDULED CITIZENS & VISITORS

Master Plan

Mr. Dan Garrison, 795 Garrison Court, stated, with all due respect, all of Council just wimped out.

Mayor Terry said the hearing has been closed and Council cannot discuss this item.

Mr. Garrison said the long range plan called for densities in varying measures throughout the City. He constructed a plan that fit within that long range plan.

Mayor Terry stopped the discussion at this time as Council would need to reconvene the public hearing to further address this plan. Such notice has not taken place. She invited Mr. Garrison to limit his discussion to the Master Plan.

Mr. Garrison said he believed in the Master Plan and it should be supported. It is designed to accommodate maximum growth within an urban area. It is important that when items of land use, which fall within the Plan, are considered, that the basic objectives of the Plan be acknowledged. If the Master Plan is in error, he felt it should be acknowledge by Council. Other than that, he felt the Plan should be supported.

Councilmember Theobold said the intent of the Master Plan is not to promote the highest possible density.

ADJOURNMENT

Mayor Terry adjourned the meeting at 9:15 p.m.

Stephanie Nye, CMC/AAE
City Clerk