

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

March 17, 1999

The City Council of the City of Grand Junction, Colorado, convened into regular session the 17th day of March, 1999 in the City/County Auditorium at City Hall. Mayor Pro Tem Theobold called the meeting to order at 7:30 p.m. Those present were Cindy Enos-Martinez, Gene Kinsey, Earl Payne, Jack Scott and Mike Sutherland. President of the Council Janet Terry was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Pro Tem Theobold called the meeting to order and Councilmember Payne led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Dennis Turner, First Baptist Church.

PROCLAMATION DECLARING APRIL 11, 1999, AS "SENIOR CITIZENS DAY" IN THE CITY OF GRAND JUNCTION

CONSENT ITEMS

Upon motion by Councilmember Scott, seconded by Councilmember Sutherland and carried by roll call vote, the following consent items # 1 through 22 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting March 3, 1999

2. **Notice of Election to be Held on April 6, 1999**

Both the Charter and the Municipal Election Code have specific publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 35-99 – A Resolution Setting Forth the Notice of Election for the Regular Municipal Election to be Held on April 6, 1999 in the City of Grand Junction

Action: Adopt Resolution No. 35-99

3. **Funding Support for Commission on Arts and Culture Events/Projects/Programs**

On February 24 and March 8, 1999 the Grand Junction Commission on Arts and Culture reviewed 26 applications for financial support, per Commission criteria, guidelines, and budgeted amounts, and recommends that the City Council approve funding for the following art and cultural events/projects/ programs:

Recommendations for Full Funding (request in parentheses):

Advocates for Children’s Enrichment Creede Repertory Theatre Performance (\$300)	\$ 300
Downtown Association’s Art & Jazz Festival for Art on the Corner (\$1,000)	\$1,000
Grand Valley Music Teachers Association Expanded Student Sonatina Festival (\$555)	\$ 500
Museum of Western Colorado Pride of the Valley Festival at Cross Orchards (\$3,000)	\$3,000
Valley Wide PTA Reflections Student Art Exhibit (\$500)	\$ 500

Recommendations for Partial Funding (request in parantheses):

Brush & Palette Club’s 52 nd Annual Regional Art Exhibit (\$1,200)	\$1,000
Doo Zoo Children’s Museum Creation of a Puppet Theatre (\$500)	\$ 300
Colorado West Dance/Performing Arts “The Tales of Beatrix Potter” Ballet (\$5,000)	\$2,000
Friends of the Mesa County Public Library’s Ethnic Theme Programs (\$2,265)	\$1,000
Grand Junction Musical Arts Association/Symphony “La Boheme” Opera (\$5,000)	\$2,500
Grand Junction Senior Theatre’s Senior Follies “Peril on the High Seas” (\$2,000)	\$ 500
Independent Media Network’s Art/Foreign Film Series at the Avalon (\$1,500)	\$1,000
Italian Cultural Society’s Italian & American International Jazz Festival (\$2,500)	\$ 800
Mesa County Valley School District 51 Art Heritage & Art Experiences Programs (\$12,000)	\$5,000
Mesa State College Music at Mesa Artist Series Donna Roll Concert (\$1,500)	\$ 500
Mesa State College Native American Film Festival (\$2,000)	\$1,000
Performing Arts Conservatory’s “Ruthless” Musical Production (\$3,600)	\$2,000
Very Special Arts Festival for Adults (with developmental disabilities) (\$500)	\$ 300
Western Colorado Classical Guitar Society’s Guitar Master Class Series (\$5,000)	<u>\$ 800</u>
Total	\$24,000

Action: Approve \$24,000 in Funding for Arts and Cultural Events/Projects/ Programs

4. Grant from the ATF for Police Department Training and Equipment

The Grand Junction Police Department applied for funding to pay for the training of officers in Gang Resistance Education (G.R.E.A.T.). The funds being offered by ATF can be used to pay for officer training, including the reimbursement of salaries, purchase equipment in support of the G.R.E.A.T. program and provide funding for the development of summer based recreational activities and parental programs for youth at-risk of becoming involved in delinquency type activities. The focus of this program is on the prevention of juvenile delinquency to reduce the potential for at-risk youth becoming involved in criminal or anti-social activity. This grant requires no matching funds from the City of Grand Junction.

Action: Authorize the City Manager to Sign the Agreement for the \$45,000 Grant from the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms

5. **Construction of ¾ Mile of the Riverfront Trail**

Ten bids were received for the construction of ¾ miles of the Riverfront Trail from the 5th Street Bridge to Broadway to the west end of the Jarvis property.

Action: Award Contract for Construction of ¾ Mile of the Riverfront Trail to R.W. Jones Construction, Inc. in the Amount of \$115,748.40

6. **1999 Concrete Repair for Overlay Streets**

The following bids were received on March 2, 1999:

G&G Paving Construction, Inc., Grand Junction	\$198,670.00
Reyes Construction, Grand Junction	\$203,183.30
Mays Concrete, Grand Junction	\$206,046.00
Engineer's Estimate	\$208,656.13

Action: Award Contract for 1999 Concrete Repair for Overlay Streets to G&G Paving Construction, Inc., in the Amount of \$198,670

7. **25 ½ Road Bridge Replacement Superstructure**

The following bids were received on March 9, 1999:

G&G Paving, Grand Junction	\$ 139,104.00
G.A. Western Construction, Grand Junction	\$ 99,086.75
Mays Concrete, Inc., Grand Junction	\$ 83,809.10
Engineer's Estimate	\$ 58,569.35

Action: Award Contract for 25 ½ Road Bridge Replacement Superstructure to Mays Concrete, Inc., in the Amount of \$83,809.10

8. **Grant for 24 Road Corridor Project**

Federal funds in the amount of \$857,705 are available to construct 24 Road Corridor safety improvements from Patterson Road north to Interstate 70 near G ½ Road. The total funding, including City matching funds of \$178,295, is \$1,036,000.

Resolution No. 36-99 – A Resolution Accepting a Grant for Federal-Aid Funds from the Intermodal Surface Transportation Efficiency Act of 1991 for the Project Identified as STE M555-010 (12500), or the 24 Road Corridor

Action: Adopt Resolution No. 36-99

9. **Setting a Hearing on Assessment Ordinance for Alley Improvement District 1998, Phase A**

Reconstruction of the following 6 alleys has been completed in accordance with the Resolution Creating Alley Improvement District 1998, Phase A:

South 572 feet of alley from Glenwood to Hall Avenue between 6th and 7th Streets just east of Grand Junction High School

“Cross” shaped alley, 6th to 7th Streets and White to Grand Avenues

E/W alley from 8th to 9th Streets between Chipeta and Gunnison Avenues

E/W alley from 10th to 11th Streets between Grand and Ouray Avenues

E/W alley from 12th to 13th Streets between Main Street and Colorado Avenue

E/W alley from 12th to 13th Streets between Ouray and Chipeta Avenues

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and For Alley Improvement District No. ST-98, 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 April 7, 1999

10. **Historic Designation of the Riverside Elementary School Located at 552 West Main Street** [File #HBD-1999-002.1]

The Riverside Task Force, on behalf of Mesa County School District 51, owner of the Riverside Elementary School building located at 552 West Main Street, is requesting that the building be designated as historic in the City Register of Historic Sites, Structures and Districts.

Resolution No. 37–99 – A Resolution Designating the Riverside Elementary School in the City of Grand Junction Register of Historic Sites, Structures and Districts

Action: Adopt Resolution No. 37–99

11. **Vacating an Easement in Sherwood Plaza Located at 1114 N. 1st Street**
[File #VE-1999-031]

The petitioner, Kelly Ford, representing Ford Construction and Sherwood Plaza, LLC, is requesting to vacate part of an existing easement along South Sherwood Drive. The existing 20 foot utility easement will be reduced to 10 feet for a distance of 70 feet running along South Sherwood Drive. Staff recommends approval.

Resolution No. 38–99 – A Resolution Vacating a Utility Easement for Lot 1, Sherwood Park Minor Subdivision, Located at 1114 N. 1st Street

Action: Adopt Resolution No. 38–99

12. **Setting Hearings for Krause Annexations No. 1 and No. 2 Located at 506 Blevins Road** [File #ANX-1999-056]

The 12.53 acre Krause Annexation area consists of one parcel of land, the entire Blevins Road rights-of-way south of Highway 340, and a portion of Highway 340 right-of-way. The owner of the property has signed a petition for annexation.

a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction

Resolution No. 39–99 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – Krause Annexation, a Serial Annexation Comprising Krause Annexation No. 1 and Krause Annexation No. 2, Located at 506 Blevins Road and Including Blevins Road and Portions of the Highway 340 Rights-of-Way

Action: Adopt Resolution No. 39–99 and Set a Hearing for April 21, 1999

b. Set Hearings on Annexation Ordinances

(1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Krause Annexation No. 1, Approximately 4.48 Acres, Located at 506 Blevins Road and in a Portion of the Highway 340 and Blevins Road Rights-of-Way

(2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Krause Annexation No. 2, Approximately 8.05 Acres, Located at 506 Blevins Road South of Highway 340 and East of 22 ¼ Road

Action: Adopt Proposed Ordinances on First Reading and Set Hearings for April 21, 1999

13. **Setting Hearings for A Storage Place Annexation Located at 2980 North Avenue** [File #ANX-1999-064]

The 10.65 acre A Storage Place Annexation area consists of one parcel of land and a portion of the I-70 Business Loop right-of-way. Owners of the property have signed a petition for annexation as part of their request to add additional buildings to the site.

a. Referral of Petition for Annexation, Setting a Hearing and Exercising Land Use Control and Jurisdiction

Resolution No. 40–99 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation and Exercising Land Use Control – A Storage Place Annexation Located at 2980 North Avenue and Including Portions of the I-70 Business Loop Right-of-Way

Action: Adopt Resolution No. 40–99 and Set a Hearing for April 21, 1999

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, A Storage Place Annexation, Approximately 10.65 Acres, Located at 2980 North Avenue and a Portion of the I-70 Business Loop Right-of-Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 21, 1999

14. **Setting a Hearing on Zoning Arrowhead Acres Annexation to RSF-5**
[File #ANX-1999-030]

The applicant is proposing to subdivide three generally undeveloped parcels totaling approximately 26 acres located west of the southwest corner of B ½ and 28 ½ Roads into 115 detached single family residential lots. Pursuant to the Persigo Agreement, the property is in the process of being annexed to the City known as the Arrowhead Acres Annexation. A City zoning of Residential Single Family 5 units per acre (RSF-5) is proposed.

Proposed Ordinance Zoning Arrowhead Acres Annexation Located West of Southwest Corner of B ½ and 28 ½ Roads to RSF-5

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 7, 1999

15. **Setting a Hearing on Zoning Dos Rios Annexation to RSF-4**
[File #ANX-1999-039]

The RSF-4 zone district is being proposed as the zone of annexation. The 15.45 acre Dos Rios Elementary School Annexation area consists of one parcel of land and a portion of the Linden Avenue right-of-way and is currently in the annexation process.

Proposed Ordinance Zoning the Dos Rios Annexation to a Residential Single Family with a Maximum of 4 Units per Acre (RSF-4) Zone District

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 7, 1999

Staff presentation: Dave Thornton, Community Development Department

16. **Setting a Hearing on Zoning Honnen Annexation to C-2**
[File #ANX-1999-040]

This annexation is located just west of 24 Road and north of I-70 and is occurring because the applicant plans to construct a new building. The parcel is part of an established commercial strip along the frontage road. The current zoning and the North Central Valley Plan support Staff's recommendation of a C-2 (Heavy Commercial) zoning district.

Proposed Ordinance Zoning of the Honnen Annexation to a Heavy Commercial (C-2) District

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 7, 1999

17. **Setting a Hearing on Zoning Western Slope Warehouse Annexation to I-2**

[File #ANX-1999-043]

Request for approval to zone a parcel of land of approximately 5.86 acres currently being annexed to the City to I-2 (Heavy Industrial)

Proposed Ordinance Zoning the Western Slope Warehouse Annexation Located West of 28 Road and South of D Road to I-2

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 7, 1999

18. **Setting a Hearing on Zoning Eberhart Annexation to C-1**

[File #ANX-1999-044]

The C-1 zone district is being proposed as the zone of annexation. The 1.43 acre Eberhart Annexation consists of one parcel of land and a portion of the I-70 Business Loop and 31 Road rights-of-way. Owners of the property have signed a petition for annexation as part of their request to construct a new commercial building, pursuant to the 1998 Persigo Agreement, and are currently in the annexation process. Planning Commission recommended approval of the C-1 zone district.

Proposed Ordinance Zoning Eberhart Annexation to a Light Commercial (C-1) District

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 7, 1999

19. **Setting a Hearing on Zoning Armantrout Annexation to RSF-4**

[File #ANX-1999-045]

Request for approval to zone a parcel of land of approximately 0.57 acres currently being annexed to the City to RSF-4 (Residential Single Family with a density not to exceed 4 units per acre).

Proposed Ordinance Zoning Armantrout Annexation Located at 274 28 ½ Road to RSF-4

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 7, 1999

20. **Funding to Rehabilitate Taxiway “A” and Reconstruct an Airport Road at Walker Field**

This agreement pertains to an application made by the Walker Field Airport Authority for FAA funding of a project to rehabilitate the Taxiway “A” and, also, to reconstruct a road at the airport.

Action: Authorize the City Manager to Sign the Grant Application and Co-Sponsorship Agreement for FAA Funding to Rehabilitate Taxiway “A” and Reconstruct an Airport Road at Walker Field

21. **Subrecipient Contract with Colorado West Mental Health Center**

This contract formalizes the City’s award of \$25,000 to Colorado West Mental Health Center to assist with operation of a Transitional Living Center. These funds were allocated from the City’s 1998 Community Development Block Grant Program.

Action: Authorize the City Manager to Sign the Subrecipient Contract with Colorado West Mental Health Center

22. **Setting a Hearing on Ordinance Amending the Code of Ordinances to Allow Optional Premises Liquor Licenses**

Patrick Kennedy and Stephen Hoefer, representing Pinon Grill, Inc., have asked the City of Grand Junction to amend their current lease agreement to allow liquor sales on the Tiara Rado Municipal Golf Course. Currently, beer and liquor can be sold in the restaurant but only 3.2% beer is permitted for sale on the golf course.

Before the City/Concessionaire agreement can be amended, the City Council will need to amend the City’s ordinance which prohibits the sale of liquor on municipal golf courses. The Parks and Recreation Advisory Board has recommended that the City Council authorize the City Manager to amend the agreement with Pinon Grill, Inc., to include liquor sales at Tiara Rado Municipal Golf Course.

Proposed Ordinance – An Ordinance for an Optional Premises License for Pinon Grill

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for April 7, 1999

*** END OF CONSENT CALENDAR ***

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

PUBLIC HEARINGS - WEAVER ANNEXATIONS NO. 1 AND NO. 2 AND ZONING LOCATED AT 355 29 ROAD - RESOLUTION NO. 41-99 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS WEAVER ANNEXATION IS ELIGIBLE FOR ANNEXATION – A SERIAL ANNEXATION COMPRISING WEAVER ANNEXATION NO. 1 AND NO. 2 LOCATED ALONG A PORTION OF THE 28 ROAD RIGHT-OF-WAY SOUTH OF WINTERS AVENUE TO C ½ ROAD AND A PORTION OF THE C ½ ROAD RIGHT-OF-WAY FROM APPROXIMATELY 27 ¾ ROAD TO 29 ROAD AND INCLUDING THE PROPERTY LOCATED AT 355 29 ROAD - ORDINANCE NO. 3107 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, WEAVER ANNEXATION NO. 1, APPROXIMATELY 0.73 ACRES LOCATED ALONG A PORTION OF THE 28 ROAD RIGHT-OF-WAY SOUTH OF WINTERS AVENUE TO C½ ROAD AND A PORTION OF THE C ½ ROAD RIGHT-OF-WAY FROM APPROXIMATELY 27 ¾ ROAD TO APPROXIMATELY 29 ROAD - ORDINANCE NO. 3108 ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO, WEAVER ANNEXATION NO. 2, APPROXIMATELY 10.22 ACRES LOCATED ALONG A PORTION OF C ½ ROAD AND A PORTION OF THE C ½ ROAD RIGHT-OF-WAY FROM APPROXIMATELY 28 ROAD TO 29 ROAD AND INCLUDING THE PROPERTY LOCATED AT 355 29 ROAD - ORDINANCE NO. 3109 ZONING WEAVER ANNEXATION TO A RESIDENTIAL SINGLE FAMILY WITH A MAXIMUM OF 2 UNITS PER ACRE (RSF-2) DISTRICT [FILE #ANX-1999-015]

The applicant is requesting a 4 lot minor subdivision on 7.78 acres in a proposed Residential Single Family with a maximum of two units per acre (RSF-2) zone district. The RSF-2 zone district is being proposed as the zone of annexation. The 10.95 acre Weaver Annexation area consists of one parcel of land and a portion of the C ½ Road right-of-way. The Weaver Minor Subdivision request was denied by Planning Commission on February 16, 1999, but is now being appealed to City Council by the applicant. Planning Commission recommended approval of the RSF-2 zone district.

The hearing was opened at 7:34 p.m.

Dave Thornton, Community Development Department, reviewed this item. Regarding the validity of the annexation petition, he said the petition complies with State Statutes and an affidavit stating such has been submitted to the City Clerk.

There were no public comments. The hearing was closed at 7:35 p.m.

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, Resolution No. 41-99 was adopted, Ordinances No. 3107 and 3108 were adopted on second reading and ordered published.

A hearing was opened at 7:37 p.m. on the Zoning Ordinance No. 3109 and the appeal of a minor subdivision Final Plat denial by the Planning Commission.

Dan Brown, 2743 ½ Cheyenne Drive, was representing Mr. Weaver. When the proposal was first presented to the Planning Commission there were concerns they had not foreseen. They have addressed those concerns. Mr. Weaver has bent over backward to meet the concerns of the neighbors, and the neighbors now support the project. Drainage concerns have been taken care of. Annexation was also a concern as neighbors were confused on what triggered the annexation. Another concern was on the south end of Lots 2 and 3, bordering C ½ Road, regarding fill dirt. Mr. Weaver has hired a geotechnical firm (Lincoln DeVore) that has done tests and made a recommendation for building sites on those two lots. He is willing to comply and require engineered foundations. Another concern was the configuration of the four lots - one lot has a 44 foot wide easement running through it for a power line. There are only two accesses off of C ½, and no more off of 29 Road. He felt the configuration complies with the Planning Staff recommendations.

Councilmember Sutherland asked if Lot 4 is to be divided when developed in the future. Mr. Brown said it was left as an option because there is more density allowed. There are no current plans for development of Lot 4.

Councilmember Theobald asked if the easement through Lots 2 and 3 is also access to Lot 1. Mr. Brown said no, access is off of 29 Road. There is an existing house on Lot 1 which has access off of 29 Road. Lots 2 and 3 will have a shared drive.

Dave Thornton stated the request meets the conditions of Sections 4-11 and 4-4-4 of the Zoning & Development Code. Planning Commission recommended approval of the RSF-2 zone. Regarding the minor subdivision, Mr. Thornton said the basis of denial by the Planning Commission was the lot configuration, the access to the existing pond between Lots 1 and 2, use for irrigation, floodplain concerns, and the need for a permit for development. The petitioner is aware of the requirement and it is not an issue. They have tried to mitigate drainage and flood issues, There were concerns about previous

flooding from the ditch off of Lot 4 on the southwest corner of the parcel. Mr. Weaver is working to correct the problems. Based on Section 6-1-1, the purpose of subdivisions "safeguards the interest of the public and restricts building in areas poorly suited for building construction." This was the basis for denial by the Planning Commission.

Councilmember Scott asked if there is a problem with power lines. Mr. Thornton said there was no comment from Public Service Company.

Councilmember Kinsey asked where the access for Lot 4 is located. Mr. Thornton said it is from C ½ Road. It will allow for a short cul-de-sac street to provide access for a few lots.

City Attorney Wilson asked about another street on the north side of the property. Mr. Thornton said it is Florida Street which provides right-of-way. It is actually another parcel or two north. The parcel doesn't touch Florida Street.

Councilmember Theobald asked how RSF-2 addresses the Growth Plan and minimum/maximum density. Mr. Thornton said it meets the lower density of 2 to 3.9 units per acre. The reason it was encouraged was to allow for future division of Lot 4, recognizing the power line constraint. RSF-2 is a good transition from the adjacent property.

Councilmember Sutherland asked if Mr. Thornton thought the Planning Commission would approve the plan with these changes. Mr. Thornton said the most important issues have been addressed, and felt the Planning Commission could probably live with the lot configuration with those issues mitigated.

Councilmember Payne said the denial was based on the drainage, easement and structural fill problems, which have all have been addressed tonight.

Public comments were solicited at this time.

Thomas Richards, 2873 C ½ Road, said his concern is the irrigation ditch. He said Merle Weaver has agreed to fill the ditch back in, and Mr. Richards will relocate the ditch back in the original easement. The arrangement is agreeable with Mr. Richards and Shirley Jones.

Mark Albright, 2877 C ½ Road, said all the neighborhood is against the proposed development of a mobile home park on this property. Dumping of cement and pipe on this property has been a problem. Mr. Albright said there has been an effort by the City to improve Orchard Mesa. Now Mr. Weaver wants to develop this mobile home park on the corner of 29 Road and C 1/2 Road.

Councilmember Theobald asked if Mr. Albright's objection was to the zoning or the plan. Mr. Albright said both. Mr. Weaver has dumped hollow concrete pipe under the ground there for two years, making it unsuitable for mobile or modular homes. He said the irrigation ditch was nice, but Mr. Weaver, without telling anybody, installed over a quarter of a mile of 6" pipe into the ditch.

Councilmember Sutherland asked what ditch company controls the ditch. Mr. Albright said the Grand Valley Irrigation Company.

Shirley Jones, 2890 C ½ Road, said Mr. Weaver has attempted to correct the drainage on her property and hopefully it will work.

Lynn Vransy, 365 29 Road, also representing Cat Hunter, 361 29 Road, said the subdivision should be denied for the following reasons:

- (1) Two lots are on the floodplain,
- (2) It is not known if the ditch and drainage problem has been solved,
- (3) It's a landfill – Mr. Weaver was instructed to remove it or file for a floodplain permit. As of this date, neither has been done,
- (4) High tension wires, running diagonally to northwest of the property – She has talked to Don Egelston, Public Service Company, who said no permanent structures or trees are allowed under that easement, and the easement needs to be accessible at all times. Lon Hesler of the Environmental Protection Agency, who is an electromagnetic expert, said in Sweden the right-of-way must be 100 meters from high tension wires. It is a health hazard according to World Health Organization (WHO).

Ms. Vransy felt the above issues should be considered before allowing building on this property.

Brian Harris, 415 Morning Dove Court, looked at the fill on the property. He was going to buy one of the lots and was not worried about the fill. They should not be a problem. Flood insurance is available and he felt the floodplain is not an issue. Mr. Harris said he would not be afraid to build on the property himself.

Councilmember Theobald asked if Mr. Harris supports both the zoning and plan. Mr. Harris said yes.

Leroy Harris, 3026 A ½ Road, said he was speaking for all subdivisions. He gave a compassionate plea on the part of the people that work in the construction industry. There are a lot of people not working, and there are more home foreclosures.

Reasonably priced subdivisions are needed. Business is beginning to slow down, and many contractors have not bid a job in the last 60 days. It is a serious problem. The pond is required for run-off, but Mr. Harris felt the plan should require storm drains. The City should plan for roads and other infrastructure. The access question should not be a problem. Mr. Harris approved Mr. Weaver's project saying there is a need for places for modular homes. He encouraged approval of the plan.

Petitioner's rebuttal:

Mr. Brown said the concerns about the landfill with hollow concrete structures was addressed in the Lincoln-Devore Report. The materials in this fill, if reworked, wetted and properly compacted, could be used as structural fill beneath residential foundations. The neighbors affected by the drainage seem to be satisfied. He assured City Council the various requirements (flood plain permit) will be met.

Merle Weaver, 365 29 Road, said the Lincoln-Devore Report came up clean. Structural work is needed to meet compaction requirements. Any development must meet such requirements. There is not really a drainage problem. There was some holding there because the drainage ditch was plugged, and he installed a six foot drop in the 200' to C ½ Road. He has cleaned the ditch himself. He has no plans to put a mobile home park there. He is going to sell the lots. Lot 4 is 4.5 acres, and hopefully a nice home will be constructed on it. Lot 3 is a small lot, and could accommodate a modular home. The structure on Lot 1 is not a trailer on wheels. It has a permanent foundation and is constructed correctly. Lot 2 is a large lot with one house to the west side, He felt it was a good use of the property.

Councilmember Payne asked if the shed on the corner of Lot 4 will be moved. Mr. Weaver said he plans to put the lots up for sale. The shed is half on his property and half on the property of Shirley Jones. Ms. Jones currently uses the shed and knows it may have to be moved when the lots are sold.

Councilmember Scott asked what the land is currently used for. Mr. Weaver said Lot 4 is used for pasture. The other lots are unused now. They might put some top soil on them and also use them for pasture. It all depends on what is approved tonight.

There were no other comments by the petitioner. The hearing was closed at 8:25 p.m.

Councilmember Sutherland said whether modulars are preferred or not, the federal government say HUD approved modular homes are allowed in any subdivision anywhere. He felt a denial by Council because of modular homes would be illegal. The unresolved water delivery problem is not Council's purview. The neighbors seem to have the ditch flooding resolved. He was not real comfortable with the situation, but found no reason to deny. The plan meets the Code regarding subdivision elements, and the overhead power

line is evident. It is the prerogative of those who want to live nearby. He was satisfied that the reasons for denial have been satisfied.

Councilmember Theobold asked City Attorney Wilson if the fill is Council's issue or the building inspectors who issue permits to construct. City Attorney Wilson said the issuance of a building permit could be conditioned upon compliance with the Lincoln-Devore Report.

Councilmember Scott asked what will happen to the property if the plan is denied. City Attorney Wilson said the Planning Commission recommendation is to approve the zoning, but deny the plan. By approving the zoning, Council has complied with the Annexation Act. The direction would be to come back with another plan that satisfies Council.

Councilmember Payne said modular homes can be put anywhere in the City. He agreed with Councilmember Sutherland and could see no reason to deny the plan. The Lincoln-Devore field report says the land can be built on. He approved of the project.

Councilmember Kinsey said it is unfortunate the overhead power line is there. Council is charged with the design and layout of the lots, not to decide the ultimate use of the lots. Council is not an Architectural Control Committee. Since the initial concerns of the Planning Commission have been mitigated, he felt Council should approve the plan.

Councilmember Enos-Martinez had nothing to add.

Councilmember Theobold was disappointed on how the plat is laid out because of the powerline easement. However, it is not Council's job to design or reconfigure a plan. Regarding density, the Growth Plan indicates an increase in density for this area. To an extent, this is a good transition plan. The Growth Plan calls for no less than half-acre lots, although only one of the four lots complies with the half-acre minimum. Lot 4 is configured with the expectation that it can be further subdivided and will still comply with the Growth Plan density. He suggested making the note that the plan complies with the Lincoln-Devore study during construction.

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3109 was adopted on second reading and ordered published.

Upon motion by Councilmember Payne, seconded by Councilmember Enos-Martinez and carried by roll call vote, the plan was approved and the appeal of the minor subdivision plat denial by Planning Commission was granted (approved).

Mayor Janet Terry took a seat on the dais. She asked Mayor Pro Tem Theobold to continue running the meeting.

**PUBLIC HEARING – ZONING SONRISE CHURCH ANNEXATIONS NO. 1 AND NO. 2
LOCATED ON THE SOUTHWEST CORNER OF 30 ROAD AND TELLER COURT
(483 30 ROAD) TO C-1 - ORDINANCE NO. 3110 ZONING THE SONRISE CHURCH
ANNEXATIONS NO. 1 AND NO. 2 TO A LIGHT COMMERCIAL (C-1) DISTRICT**

[FILE #ANX-1998-201]

The 19.43 acre Sunrise Church Annexation area consists of one parcel of land and a portion of the I-70B right-of-way and 30 Road right-of-way. The Sunrise Church property was annexed on February 3rd pursuant to the 1998 Persigo Agreement. Staff recommends a heavy commercial zoning district for the annexation.

A hearing was opened at 8:40 p.m.

Mike Pelletier, Community Development Department, reviewed this item. Staff is recommending a C-2 zone district. He described the surrounding zoning and uses. The surrounding zones encourage this property to be in the commercial/industrial category. Sections 4-4-4 and 4-1 of the Zoning & Development Code were considered for the recommended zone. The church use is allowed in both the current C-2 zone and the future C-2 zone. The current C-2 zone will not allow schools or daycare. The future C-2 zone will allow daycare with a Conditional Use Permit, but not a school. Community Development Staff will recommend that elementary schools be allowed in the new C-2 zone. He described the Conditional Use Permit process. It requires a hearing before the Planning Commission and requires a \$350 fee.

Councilmember Theobold asked which zone category in the proposed matrix allows both schools and daycare. Mr. Pelletier said elementary schools are allowed in residential zones, R-O, B-1, B-2 and C-1 zones. General daycare is a Conditional Use Permit in every non-residential zone as written.

Councilmember Theobold asked why a C-1 zone is not being recommended since it seems to solve part of the church's concern. Mr. Pelletier said the Growth Plan recommends Commercial/Industrial, with Staff feeling C-2 is a better fit with the surrounding neighborhood.

Councilmember Sutherland noted C-1 requires a Conditional Use Permit for the daycare. Mr. Pelletier concurred.

Councilmember Theobold asked if the property has more than one zone. Mr. Pelletier said currently it does. The eastern one-third of the property is zoned AFT and the western two-thirds is Industrial. Councilmember Theobold asked if the property is divided. Mr. Pelletier said no, it is a single parcel. Councilmember Theobold noted the

two zones are unusual. Mr. Pelletier said yes, but there are other examples of such dual zoning (North Avenue). Councilmember Theobold asked if a split zone on this parcel was considered. Mr. Pelletier said no because it can create problems where there is no subdivision of property when additions to the property are made in the future.

City Attorney Wilson stated it's a defacto subdivision. Without going through the subdivision process, the typical Staff reaction is to choose one zone district.

Mr. Carl Fitzpatrick, 2497 Wellington Court, trustee of the Sonrise Church, said the property once was four parcels of land. The two church properties have been combined but didn't change the zoning. The Church Board doesn't care what the zoning is. He was concerned that in the future no one will remember what has taken place. He assured Council the Church does not plan to build a commercial establishment. He thought they would work this out with the Planning Staff so an elementary school or daycare center could be built. They heard nothing more from the Planning Staff until March 10, 1999 saying the church's plan could only be accomplished through the Conditional Use Permit process. Mr. Fitzpatrick suggested an addition of "and related facilities" be inserted for the zone district. He gave names of several other churches operating the same type of school or daycare. The church would like it zoned, and present a site plan and proceed. He felt the zone can be changed to include these types of establishments. He requested a copy of this portion of the minutes of this meeting be mailed to him after they are prepared.

Leroy Harris, 3026 A ½ Road, said the basic problem is Council needs to make its own decisions over and above its Staff recommendations. Councilmember Terry asked Mr. Harris if he is in favor of the zone. Mr. Harris said he is in favor of Mr. Fitzpatrick's request.

There were no other comments. The hearing was closed at 8:57 p.m.

Councilmember Theobold wanted to discuss church related services and how those are affected by the Code.

City Attorney Wilson explained Council has a huge array of choices. On the one hand, if there is an allowed use in C-1 or C-2, these uses could be allowed by right at the time of site plan review. However, a church has a different traffic pattern, which is the reason for needing an additional review. It is an allowed use, but the applicant must go through the site plan review, an administrative process.

Councilmember Theobold asked how this can be implemented tonight. Kathy Portner, Community Development Department, advised the site plan review does not require any notification. There are two ways to approach this, currently major accessory uses are

treated separately. These options could be included in the new Code or as an amendment to the Code.

City Attorney Wilson suggested setting a cap based on the number of children in determining what's allowed by right.

Ms. Portner gave background on why a Conditional Use Permit is required in the C-2 zone, and is not an allowed use. C-2 zone districts are heavy commercial zones, typically with a lot of traffic expected. This might be hazardous in areas where children are dropped off and picked up. Typically, there would not be a school located in a C-2 zone. Schools are going to locate in neighborhoods. She felt more churches will be locating in the heavier commercial zones because a lot of churches are getting bigger and generating more traffic. A Conditional Use Permit at least gives Staff an opportunity to look at some criteria in deciding whether there needs to be some mitigation, or additional measures taken to make it work in the heavy commercial zone.

City Attorney Wilson asked why Staff excluded Special Use Permits. Ms. Portner said the Conditional Use Permit requires a hearing. Special Use is another option that gives benefit of notice but is handled administratively.

Councilmember Kinsey said there is a church there now and it is an existing use. The C-2 zone creates non-conforming issues. He felt it should be a C-1 zone, and place the churches and daycare in that category.

Councilmember Theobald said it could fall in a residential zone as well.

Ms. Portner said the direction of the Land Use Plan would indicate it should go to a Heavy Commercial or Light Industrial zone. If ownership of this land changed hands in the future and another use is proposed, most likely the use would be similar to what is now developing around it, which would be a heavier commercial/light industrial zone.

City Attorney Wilson said the City must zone either consistent with current zoning or in accordance with the Master Plan as required by the Persigo Agreement.

Councilmember Theobald said part of the implementation for a change of zoning will trigger an amendment to the Growth Plan. City Attorney Wilson agreed. The Persigo Agreement said it would be accomplished by the joint effort of Mesa County and the City of Grand Junction.

Councilmember Theobald pointed out that the subsequent agreement said within the City limits, the County will defer to the City on changes to the Growth Plan within the city limits. City Attorney Wilson said that was under the most recent Memorandum of Understanding.

Councilmember Sutherland asked what the Growth Plan indicates as a zone to the south of 30 Road. There is a likelihood that the use further down 30 Road will at least be heavy commercial. Any argument for residential zoning for this church would be unfounded.

Discussion took place on the proposed zone matrix and noticing requirements. Ms. Portner said a Conditional Use Permit would be required for a daycare. An elementary school would be a use by right. Under the proposed matrix there are no Special Use Permits. A requirement for notification could be written into the matrix for certain types and sizes of projects.

Councilmember Theobald said when there are associated uses in high traffic areas, or a residential zone where high traffic is not expected, a public notice would be much more significant.

Councilmember Terry said there is residential zoning to one side of this property, and notification is needed. The C-1 made sense to her. It allows elementary schools but requires a permit for daycare. City Attorney Wilson said the conditional use could be dropped but require public notice. It could also be done for the C-2 zone district.

Ms. Portner said if the concern is to acknowledge that churches have a variety of accessory uses and perhaps they should be allowed if the church is there, perhaps the section on churches needs to be amended in defining what is a church and what are appropriate accessory uses. If a school and daycare is an appropriate accessory use for a church, it can be allowed in the same way that the church is allowed in that zone district.

Councilmember Terry said she only felt that way for commercial zones, not other zones.

Councilmember Kinsey favored changing the zone to C-1, allowing a school and changing the matrix to include the accessory use of a church daycare center.

Councilmember Sutherland asked if the petitioner is considering selling a part of the property to an industrial user. Mr. Fitzpatrick said no. If the zoning were to be split, he could provide separate property descriptions for both parcels. He was willing to go with two zones.

There were no other comments. The hearing was closed again at 9:15 p.m.

Councilmember Sutherland said he supports a C-1 zone.

Upon motion by Councilmember Kinsey, seconded by Councilmember Scott and carried by roll call vote, the amended Ordinance No. 3110, changing the zoning from C-2 to C-1,

was adopted on second reading, and ordered published, and Staff was directed to modify the C-1 zone in the proposed matrix to include daycare as an associated church use.

PUBLIC HEARING – ZONING OF DIAMOND RIDGE ANNEXATION TO PR-4.2 LOCATED AT 2520 F ½ ROAD - ORDINANCE NO. 3111 ZONING DIAMOND RIDGE ANNEXATION LOCATED AT 2520 F 1/2 ROAD TO PR-4.2 [FILE #ANX-1999-008]

Request to zone land which was recently annexed to the City of Grand Junction, consisting of approximately 14.5 acres, from County Zoning Agricultural Forestry Transition (AFT) to City zoning of Planned Residential 4.2 units per acre (PR-4.2).

A hearing was opened 9:17 p.m.

Jana Bingham-Gerow, DCS, Inc., 640 Belford Avenue, representing Castle Inc, displayed a location map, indicating the property located east of F½ and 25½ Roads. The Preliminary Plan has been approved. She was asking for a PR-4.2 zoning, which meets the Growth Plan.

Kristen Ashbeck, Community Development Department, said the bulk requirements are not outlined in the ordinance. Proposed setbacks are 20 feet for front yards, 23 feet for rear, side yards are 5 feet on the attached unit lots and 7 feet on the detached unit lots. The setbacks are consistent with the comparable straight zone of RSF-4 and surrounding developments. The Planning Commission found the rezone criteria of Sections 4-4-4 and 4-11 of the Zoning & Development Code have been met, and recommended approval.

Councilmember Terry asked about the fencing issue, and the discussion at the Planning Commission. Ms. Ashbeck said there was one neighbor concerned about the tunnel affect of 6' fencing. Only Lot 1 will be fenced along F ½ Road.

There were no public comments. The hearing was closed at 9:24 p.m.

Councilmember Sutherland appreciated the fact that the proposal meets the Growth Plan and is near the low end range of the density allowed. He favored the density.

Upon motion by Councilmember Terry, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3111 was adopted on second reading and ordered published.

NON-SCHEDULED CITIZENS & VISITORS

Randy Hampton, 1815 David Street, news director for News Radio 1100, introduced the new reporter, Jeff Schenden, who will cover future City Council meetings.

OTHER BUSINESS

Joint Utilization Committee

Upon motion by Councilmember Terry, seconded by Councilmember Scott and carried, the appointment of Bernie Buscher to the Joint Utilization Committee was ratified. Councilmember Terry said Mesa County will also need to ratify.

ADJOURNMENT

The meeting was adjourned at 9:28 p.m.

Stephanie Nye, CMC/AE
City Clerk