

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

April 21, 1999

The City Council of the City of Grand Junction, Colorado, convened into regular session the 21st day of April, 1999, at 7:36 p.m. at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Gene Kinsey, Earl Payne, Mike Sutherland, Reford Theobald, and President of the Council Janet Terry. Jack Scott 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 Sutherland led in the Pledge of Allegiance. The audience remained standing during a moment of silence in memory of the students and faculty of Columbine High School in Littleton. T.J. Dickerson, Young Life Coordinator, then gave the invocation.

**PRESENTATION OF APPRECIATION PLAQUE TO OUTGOING COUNCILMEMBER
MIKE SUTHERLAND**

Mayor Terry presented an appreciation plaque, with regret, to Mike Sutherland for his service on the City Council as District B representative.

**PROCLAMATION DECLARING MAY 1, 1999, AS "LAW DAY" IN THE CITY OF
GRAND JUNCTION**

**PROCLAMATION DECLARING APRIL 18-24, 1999, AS "PROFESSIONAL
SECRETARIES WEEK" IN THE CITY OF GRAND JUNCTION**

ADMINISTER OATH OF OFFICE TO NEW FIREFIGHTER JOE WHITE

This item was rescheduled to a later date.

APPOINTMENT TO HISTORIC PRESERVATION BOARD

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Sutherland and carried, William Jones was appointed to the Historic Preservation Board until December, 2000. Mr. Jones was present to receive his certificate and letter of appointment.

CONSENT ITEMS

Upon motion by Councilmember Kinsey, seconded by Councilmember Enos-Martinez and carried by roll call vote, the following Consent Calendar Items 1 through 7 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting April 7, 1999

2. **Changing the Location of the Posting of Public Notices**

State Law requires an annual designation of the City's official location for the posting of meeting notices. This was done in January but needs to be amended to reflect the new location at City Hall's temporary quarters at 515 28 Road.

Resolution No. 56-99 – A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings for the City Council

Action: Adopt Resolution No. 56-99

3. **Lift Station Service Truck for Persigo Wastewater Treatment Plant**

The following bids were received for a 1999 International 4700 with a Lift Station Service Body:

Hanson Equipment (International), Grand Junction	\$62,959.18
Mesa Mack (Mack), Grand Junction	\$74,000.00

Action: Award Contract for Lift Station Service Truck for Persigo Wastewater Treatment Plant to Hanson Equipment in the Amount of \$62,959.18

4. **Setting a Hearing on Amendments to the Uniform Fire Code**

Staff is requesting amendments to Sections 18-56 and 18-58 of the City Code dealing with adoption of appendices and amendments to the 1994 edition of the Uniform Fire Code. Also included are amendments to Section 38-194 of the City Code dealing with development and upgrades of existing water lines and facilities.

Proposed Ordinance Amending Sections 18-56, 18-58 and 38-194 of the City Code, Making Amendments to the 1994 Uniform Fire Code, Amending the Standards for Fire Protection Water Lines, Allowing Sixteen Foot Wide Fire Loop Lanes and Shared Driveways in Certain Circumstances

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 5, 1999

5. **Amending Rates Used to Compute Assessments Levied against Properties Included in Alley Improvement Districts**

The current assessment rates for Alley Improvement Districts were established by the City Council in 1990. Since then, average construction costs have increased approximately 40% (from an average of \$55 per linear foot to an average of \$77 per linear foot). The proposed resolution will increase assessment rates so that the adjoining property owners will be assessed in accordance with the proportionate share established in 1990.

Resolution No. 57-99 – A Resolution Amending and Establishing Rates Used to Compute Assessments Levied Against Properties Located in Alley Improvement Districts

Action: Adopt Resolution No. 57-99

6. **Setting a Hearing on Zoning Wheeling Corrugated Annexation to C-2, Located at 2749 Highway 50** [File #ANX-1999-072]

The 16.31-acre Wheeling Corrugated Annexation area consists of one parcel of land (approximately 8.98 acres); the entire width of U.S. Highway 50 for a length of 1176.75 feet; and the north half of the B ¼ Road right-of-way for a distance of 588 feet. The requested zoning is C-2.

Proposed Ordinance Zoning the Wheeling Corrugated Annexation to a Heavy Commercial Zone District (C-2)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 5, 1999 [Corrected hearing date is May 19, 1999.]

7. **Setting a Hearing on Zoning Village Park Enclave Annexation to PB and PR-15, Located at the Northwest Corner of 28 ¼ and F Roads**
[File #RZP-1999-058]

The applicant seeks approval of the zone of annexation for Village Park, a planned development. Designers have taken many of the suggestions made by the City Council into consideration and redesigned the site accordingly. The current project proposes 2.97 acres of B-3 commercial uses and 237 dwellings on 15.83 acres with an overall density of 15 dwellings per acre. Total acreage of the site is 18.8 acres. At its April 13, 1999 hearing, the City Planning Commission unanimously recommended approval of the zone of annexation request.

Proposed Ordinance Zoning Village Park Enclave Annexation Located at the Northwest Corner of 28 ¼ Road and Patterson to PB and PR-15

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 5, 1999

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

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

PUBLIC HEARINGS - KRAUSE ANNEXATIONS NO. 1 AND NO. 2 AND ZONING TO RSF-2 LOCATED AT 506 BLEVINS ROAD - RESOLUTION NO. 58-99 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS KRAUSE ANNEXATION NO. 1 AND NO. 2 LOCATED AT 506 BLEVINS ROAD AND INCLUDING PORTIONS OF THE HIGHWAY 340 AND BLEVINS ROAD RIGHTS-OF-WAY IS ELIGIBLE FOR ANNEXATION - (1) ORDINANCE NO. 3133 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) ORDINANCE NO. 3134 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 - PROPOSED ORDINANCE ZONING KRAUSE ANNEXATION LOCATED ON THE EAST SIDE OF 22 ¼ ROAD, SOUTH OF HIGHWAY 340, AT 506 BLEVINS ROAD TO RSF-2 [FILE #ANX-1999-056]

The applicant has requested to annex an 11.79-acre parcel to the City to allow a two-lot minor subdivision. The requested zone of annexation is RSF-2 which is compatible with County zoning and the predominant land use in the area. The Planning Commission has recommended approval of the rezone and approved the minor subdivision.

The hearing was opened at 7:50 p.m.

Bill Nebeker, Community Development Department, reviewed this item. He stated that the annexation petition meets the statutory requirements and an affidavit has been filed with the City Clerk.

Councilmember Theobald asked if the petition meets the statutory requirements. Mr. Nebeker said it does.

There were no public comments. The hearing was closed at 7:52 p.m.

Upon motion by Councilmember Theobold, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 58-99 was adopted and Ordinances No. 3133 and 3134 were adopted on second reading and ordered published.

Upon motion by Councilmember Theobold, seconded by Councilmember Payne and carried by roll call vote, the proposed ordinance zoning Krause Annexation to RSF-2 was adopted on first reading and ordered published with the hearing set for May 5, 1999.

PUBLIC HEARING – APPEAL OF PRELIMINARY PLAN AND REZONING REQUEST FOR 494 ACRES OF THE REDLANDS MESA DEVELOPMENT IN THE RIDGES TO PR - PRELIMINARY PLAN APPROVED WITH CONDITION - ORDINANCE NO. 3135 ZONING LAND LOCATED SOUTH AND WEST OF THE RIDGES KNOWN AS REDLANDS MESA TO PR [FILE #PP-1999-026]

A request to approve zoning for Phase I of the proposed Redlands Mesa Development in the Ridges, consisting of 494 acres. The zoning ordinance to PR (Planned Residential) establishes the allowed uses as 118 single family homes, an 18-hole golf course, clubhouse and maintenance facility. An appeal of the Redlands Mesa Preliminary Plan was filed on April 16, 1999 by Mike Stubbs on behalf of Dynamic Investments, Inc.

The hearing was opened at 7:54 p.m. Mayor Terry asked the appellant to make his statement regarding the appeal.

Mike Stubbs, 2408 Hidden Valley Drive, President of Dynamic Investments Inc., distributed a handout. In general, he supports the project. He used to own the parcel and envisioned a golf course community. He hopes it will become a reality. He recognized the proposed development will be a wonderful enhancement. His only concern was the location of the driving range. It appears there is a potential conflict with his properties. He didn't realize the conflict during the Outline Development Plan review. He feels the errant golf balls might impact a lot of his property. One of the Planning Commissioners did acknowledge the validity of his concern but no condition of approval was imposed upon the applicant. He would like the statement made at the Planning Commission by Mr. Austin that "it will be safe" to be of record. If not a safeness condition, then a requirement that they relocate the practice range. He felt golf balls from the driving range could be a nuisance or hazard that will reduce his property value.

Ron Austin, owner/manager of Redlands Mesa, LLC, proposing the development, 0209 E. Reds Road, Aspen, said the zoning ordinance is acceptable. Regarding Mr. Stubbs'

appeal, there is no issue now because the course has not been completely designed. He said he can assure Council and Mr. Stubbs that they have hired the very best golf course architects and there are standards in the industry that apply. They will comply with that on the course and on the driving range. The topography is quite varied and there are a variety of ways they can resolve Mr. Stubbs' concern. They may relocate the driving range. If they do that, they will amend the preliminary plan. It may not be necessary. They do not want or intend to create a hazard for Mr. Stubbs' property. It was acceptable to Mr. Austin to apply a condition that they will take into account safety and the nuisance element to Mr. Stubbs' property to the ordinance. If it does not appear satisfactory, Mr. Stubbs can appeal further.

Councilmember Theobald asked if the pending State legislation will change when vesting will take place. City Attorney Wilson said no.

Mr. Stubbs' concern was the indication in the preliminary plan procedures that once it is accepted, the developer is free to go forward with only minor modifications required. If the preliminary plan is approved and the original plan is used, leaving things as they were, then Dynamic would be stuck with the plan. That's why he wants the condition on the safety issue to be on record now.

There were no other comments. The hearing was closed at 8:10 p.m.

City Attorney Wilson said Mr. Stubbs' concern is legitimate although Staff would have taken safety into account in final platting even if it were not a condition. It is the safe course to include such a condition. He recommended using the first sentence of Mr. Stubbs' proposed language hoping it is acceptable to Mr. Austin.

Mayor Terry asked how Council will know this has been accomplished. City Attorney Wilson said Mr. Stubbs will be coming back to Council if not satisfied.

Mr. Austin was agreeable with using the first sentence of the last paragraph of Mr. Stubbs' letter dated April 21, 1999.

Upon motion by Councilmember Theobald, seconded by Councilmember Enos-Martinez and carried by roll call vote, the preliminary plan for Redlands Mesa Development was approved with the following condition: In the final design, the location and orientation of the driving range will be accomplished so as to minimize the likelihood of golf balls entering Dynamic Investments property to the extent that such an occurrence can reasonably be expected to be minimal or occasional.

The hearing on the zoning ordinance was opened at 8:13 p.m.

Kathy Portner, Community Development Department, reviewed this item and the stages of the process. A few months ago Council approved the Outline Development Plan for Redlands Mesa and a design density which was a conceptual density and approved through resolution. As they go through the planning process and propose their preliminary plans on the phases of their properties, they will come in with zoning ordinances that establish the uses for that phase and maximum densities and square footages. This ordinance establishes the uses for Phase 1 as residential uses not to exceed 118 single family units, a golf clubhouse not to exceed 6,000 square feet and to include a golf shop and related facilities, a restaurant and bar, a golf maintenance facility not to exceed 12,000 square feet, and an 18-hole golf course.

There were no comments. The hearing was closed hearing at 8:15 p.m.

Upon motion by Councilmember Sutherland, seconded by Councilmember Kinsey and carried by roll call vote, Ordinance No. 3135 was adopted on second reading and ordered published.

PUBLIC HEARING – APPEAL OF PRELIMINARY PLAN AND SPECIAL USE PERMIT AND REQUESTS FOR REZONING FROM RSF-5 TO PR-2.5, A GROWTH PLAN AMENDMENT AND WAIVER OF PUBLIC STREET STANDARD FOR SUMMER HILL SUBDIVISION AT 26 ½ ROAD AND CATALINA DRIVE - APPROVED - RESOLUTION NO. 59-99 AMENDING THE GROWTH PLAN - ORDINANCE NO. 3136 REZONING SUMMER HILL SUBDIVISION, LOCATED NORTHEAST OF 26 ½ ROAD AND CATALINA DRIVE, FROM RSF-5 TO PR-2.5 [FILE #RZ-1999-032]

The petitioner is requesting a Growth Plan Amendment, rezone, Special Use Permit, Preliminary Plan approval, and waiver of public street standard to develop 201 dwelling units (170 attached single family units; 31 detached single family units) located on approximately 80.5 acres. The project is located north of Catalina Drive and east of 26 ½ Road with a current zoning of RSF-5 (Residential Single Family with a density not to exceed 5 units per acre). The petitioner is requesting a zoning of PR-2.5 (Planned Residential with a density of 2.5 units/acre). Staff recommends approval with conditions.

Planning Commission approved the Preliminary Plan and Special Use Permit with conditions at their March 16, 1999 meeting and recommended approval of the Growth Plan amendment, rezone and waiver of the public street standard. The Planning Commission approval has been appealed by the Paradise Hills Filing #6 Homeowners Association.

The hearing was opened at 8:18 p.m.

Mayor Terry explained the process. The first portion will deal with an appeal of the preliminary plan and the special use permit. The next portions will deal with a rezoning and the Growth Plan Amendment. She said the appellant will speak first.

a. Appeal of Preliminary Plan and Special Use Permit

Randy Juhlen, 2690 Mazatlan Drive, was opposed due to the connection with Lanai Drive. It will increase the traffic flow to twice of what is designed. He said there are no sidewalks and there are lots of kids. There is a new park down that street. Drivers would be driving a half-mile in a 20 mph street. The tendency is not to go 20 mph. Several of the area residents would like to speak. Lanai Drive is already overused. He is definitely opposed to placing more traffic on Lanai. Mr. Juhlen is an engineer and was certain there are solutions to the traffic problem. This development should have been an opportunity to lessen the traffic and used to improve the situation. Connecting to Lanai Drive is easy, convenient and less expensive, but it is the wrong decision.

Mayor Terry said Mr. Juhlen indicated speed was already a concern, although there are already lots of dips there that should slow the traffic. Mr. Juhlen said the southern portion closest to H Road is where the traffic and speed is of concern. That portion has the hardest curves and grades. He felt speeding is a problem. He said many of the residents have filed complaints with the Police Department, not realizing they need to contact the traffic engineering department with such complaints.

Mayor Terry asked the petitioner to respond.

Jana Bingham-Gerow, 640 Belford Avenue, Paradise Hills Partnership, introduced project team members Bruce Hendy, Land Planner with VHA Designs, Phil Scott, Traffic Engineer with Leigh, Scott & Cleary, Richard Cron, Legal Counsel, Robert Bray, partner and Gil Lyman, Project Engineer with LanDesign. Ms. Bingham-Gerow said the partnership has owned the property over 30 years. The annexation agreement had specific requirements, including the connection to Lanai Drive. They had to consider the topography. The canal and wetlands also affected access into the site. The issues were addressed at neighborhood meetings. They have reworked the access coming into Lanai Drive to meet concerns.

Bruce Hendy, VHA Design, planning firm in Ft. Collins, said Summer Hill Way is the primary access. They tried to reduce the amount of traffic flowing into the Paradise Hills neighborhood. The major access to the property will be Summer Hill Way and will be the predominant default movement for traffic. There is no parking or driveway access connecting directly onto Summer Hill Way. Density is clustered to the east of the site to make a better and more gradual transition to the neighborhoods and to default most of the traffic to the access road. They have created an indirect connection

to make it difficult to get around and get to Lanai Drive, as a result of neighborhood concerns.

Councilmember Theobald asked if the connection off of Lanai Drive at Haven Hill Court will minimize traffic on Lanai. He said the circuitous way to get from Lanai to Summer Hill does minimize those from the north and also minimizes the likelihood that those in the lower portion would use Summer Hill. He said a configuration should make most of the development want to use Summer Hill, instead of some of the development wanting to use Lanai. Mr. Hendy said when determining the most convenient route from homes in the lower area, thirty lots would probably want to use Summer Hill Way. Five to ten lots would want to use Lanai Drive. Perhaps ten more are questionable, so the impact is less.

Councilmember Theobald asked if the connection to Lanai Drive is made because of the requirement in the annexation agreement to connect to Lanai, or would Mr. Hendy prefer rather not having an access on Lanai. Mr. Hendy said they want two points of access to the subdivision for health, safety and welfare, etc. In the future, another connection will be required to the north.

Mayor Terry asked Mr. Hendy to address the traffic study. Mr. Hendy said he would have Phil Scott, Traffic Engineer, address the traffic study.

City Attorney Wilson explained the requirements of the 1994 annexation agreement and what has happened since then.

Councilmember Theobald stated the ultimate purpose of creating that condition in the annexation agreement was to alleviate the traffic on Lanai Drive. City Attorney Wilson concurred.

Phil Scott, President of Leigh, Scott & Cleary, 1889 York Street, Denver, said a traffic impact study was done on this development, based on the premise that connectivity is an important element. They want to minimize through traffic through the existing subdivision from the new filings. He feels most of the subdivision will use Summer Hill Way. He estimated approximately 10% of the traffic from Summer Hill Subdivision would use Lanai Drive. Some of that traffic, as it works its way down Lanai, will feed off onto the other two connecting streets that go over to 26 ½ Road. They estimated the number at the peak periods at H Road and Lanai Drive intersection. Later they discovered they perhaps overstated those numbers.

Mayor Terry asked what number the 10% figure represents in numbers as to who will use Lanai. Mr. Scott said at peak hour at the southerly reaches of Lanai, the amount of traffic is six southbound vehicles in the morning and six northbound vehicles in the

evening, on average, one vehicle every ten minutes. The number starts at 12 with some traffic going down Catalina and some down Bermuda.

Councilmember Sutherland asked if any traffic calming was considered on the new end of Lanai to further discourage use of that access in the new subdivision.

Mr. Scott said it was considered but since traffic numbers are small to begin with, it was not included in the design. He felt it would have little impact on the amount of traffic that would use Lanai from the upper subdivision.

Councilmember Sutherland said if he were leaving one of those lots and running late, he might speed and if he had a reminder, then he might slow down.

Mr. Scott said there are cross gutters on Lanai that act like speed bumps, also the winding alignment of the roadway. Those do not discourage numbers, only speeding.

Councilmember Theobald asked Staff if there is a value to a Lanai connection. Public Works & Utilities Director Mark Relph said yes and Staff has prepared a review to try to answer that.

Michael Drollinger, Community Development Department, listed the order of the presentation. He began by stating Staff has been working to iron out what seem to be conflicting goals in this project. He discussed design objectives – provide unimpeded emergency service access, provide for pedestrian and bicycle connections, provide for but not encourage vehicular connection between Summer Hill and Paradise Hills, and provide efficient access for service vehicles (sanitation, delivery services and street maintenance vehicles). He referred to his supplemental staff report. He discussed the various design options for a secondary access. Staff recommends access with two fully improved streets. If Lanai Drive were not to be extended, one of the aforementioned options would need to be pursued to meet that access objective.

Hank Masterson, Fire Department, referred to his memo dated March 31, 1999. The Fire Department encourages multiple access points into a subdivision. The Fire Department asked for this completion of Lanai Drive due to the distance to some of the lots near Lanai Drive back to 26 ½ Road. The access gives rescuers/emergency responders multiple entrances and exits from an area. Congestion in a single access increases the possibility of an accident. Another aspect is the public safety with regard to the residents. If a situation occurred where one access is blocked and they needed to evacuate, there would be an alternative access.

Sometimes it is suggested that the secondary access be emergency only. The Fire Department discourages that because such accesses tend to be forgotten, used as a parking lot or taken over by an adjacent property owner. Also emergency accesses are

usually blocked by a gate and opening the gate takes additional time. Such an access would only be used when the primary access is blocked. The Fire Department discourages the construction of access routes designed for emergency responders only, but will allow them on a temporary basis with the understanding that public accessible street connections will be provided as the area develops.

Mark Relph, Public Works & Utilities Director, then reviewed the City's review of the traffic patterns. He defined the various classifications for residential streets. He stated Lanai Drive is functioning as a residential collector street. An urban residential collector daily traffic is 1,000 to 3,000 trips. He said 85% of the traffic is traveling at the speed limit or less (approximately 30 mph). Lanai Drive is posted at 20 mph, which is less than the City would post – it must have been requested when it was in the County. The survey indicates that 25 mph would be reasonable, although Staff is not recommending that it be changed. The speed survey takes into account sidewalks, driveway spacing, pedestrian access, etc. New areas have sidewalks, also some unimproved and improved pedestrian links. The areas with no sidewalks would be recommended for new sidewalk program, all the way down to H Road. Constructing sidewalks on the west side would be easier than the east side, with the cost on west side being \$50,000, the east side costing \$80,000. It is up to the residents if they want the City to move ahead. Mr. Relph recommended the west side be phased in over the next two to three years. The cost would be absorbed by the City including the removal of landscaping and replacement of sprinklers, etc. Regarding the park issue, one suggestion is a cross walk installed to encourage safe crossing by pedestrians. Another option is a raised crosswalk, but is not indicated by the speed survey. The City would like to work with the residents to look at other improvements, regardless of what happens with this project.

Mr. Relph continued by discussing traffic calming which would probably be of much benefit. One consideration was a traffic diverter at Lanai and Catalina, although he wouldn't recommend it because it moves traffic to another street, and he didn't want to encourage more traffic on Catalina. The traffic volumes are almost identical to what was collected in 1995. The traffic volume has not been changing at that location.

Councilmember Theobald asked if the traffic study done by applicant is reliable. Mr. Relph said yes, and perhaps overstated.

Councilmember Theobald asked if anyone was present when the developer and Staff designed the street that was present when the original 1994 agreement was drafted. Mr. Relph did not recall but he remembered that part of that agreement was to reduce traffic on Catalina. City Attorney Wilson said he was present during the discussion and the design restraints were discussed.

Councilmember Theobald recalled the expectation that it would serve the northern development and take traffic off of Lanai, and the plan is not doing that. Mr. Relph said he recalled the plan was to minimize, not to reduce.

Michael Drollinger said Staff concludes the following:

1. Lanai Drive is capable of accommodating the additional volumes that are generated by the Summer Hill development and recommend that no improvements to Lanai Drive are triggered by Summer Hill development, although Staff recommends some improvements be considered for the future.
2. The existing 85th percentile vehicle speeds on Lanai Drive of between 28 and 31 mph are within the typical range found on residential streets. A speed limit evaluation was conducted that suggests 25 mph speed limit as appropriate for Lanai although Staff is presently not recommending a speed limit increase.
3. The proposed plan for Summer Hill provides for adequate access and circulation by providing two (and with the development of adjoining parcels, an extension of Amber Spring Way - three), fully improved roadways into the development. Staff does not support elimination or restriction of the Lanai Drive access without provision of another fully developed access point. The applicant and Staff evaluated several alternatives, all of which present significant financial right-of-way or design constraints.
4. Safety enhancements along Lanai Drive may be considered by Council as future improvements, including sidewalk along the southern section of roadway, and/or the installation of a crosswalk or speed table in the vicinity of the park.

The hearing was opened for public comments.

Dale Beede, 820 Lanai Drive, said he was not opposed to the subdivision. He applauded the research and changes to the road to reduce the impact on Lanai Drive. His children cross Lanai Drive every day to catch the bus. Speeds of 31 mph are not acceptable. There is a problem on Lanai Drive. It will not be improved by widening it and increasing the speed limit. By accomplishing those two items and making Lanai user-friendly for the people to the north, it will probably result in all the Lanai residents selling their homes and moving. The main reason is because of their children's safety. A second reason is because their property values will decrease. He did not agree that an additional 31 lots would only add six more cars a day to Lanai. Every family member will use Lanai. He suggested placing the second access street to 26 ½ Road right away, make the two main accesses for the new development onto 26 ½ Road, and make Lanai Drive a connector street only.

Mayor Terry asked if a sidewalk would help. Mr. Beede said it would help, but what will happen is the road will be wider and then the speed will increase.

Councilmember Sutherland said it doesn't make sense to widen Lanai. It does make sense to get the children off of the pavement section by putting them on a sidewalk.

Mayor Terry said the City does not intend to widen Lanai.

Loren Lutz, 815 Mazatlan, said the statistics that were presented indicated that 85% of the cars go 30 mph or less. If there is 1,112 cars per day, 15% is equal to 166 cars that he sees driving 40 and 45 mph. It's a real problem. He has two grandchildren across the street. Installing dips might slow the traffic. He was not opposing the project. There is a tendency at night to go up 27 ½ Road, to H Road, and take Lanai Drive. He and the other residents need Council's help.

Clark Atkinson, 817 Lanai Drive, said safety issues have not been adequately addressed tonight. Traffic counts have been discussed, but not children and people counts. There is no sidewalk on Lanai from H Road to the park. A lot of folks walk to the park. The average vehicle is going 30 mph and 15% of those vehicles are exceeding that speed limit. There is a blind curve, then down hill, then the park. Kids are practicing soccer, balls are bouncing into the street, and Mr. Atkinson felt it is only a matter of time before someone is hurt or killed. He suggested reducing the size of the street to reduce the speed. The development will exacerbate the problem. Not even considering the construction traffic. He suggested Council make the following requirements of the developer: (1) all construction traffic for the entire development to use 26½ Road; and (2) that the connection to 26 ½ Road be completed prior to the occupancy of the single-family residential component. The traffic count was done during April when 12th Street was closed for construction. The traffic was re-routed to 7th Street during that time. He asked Council to consider putting a sidewalk on the east side of Lanai. He also suggested reducing the width of the street to 24 feet, and allowing no parking on one side of the road.

Mayor Terry clarified that widening Lanai Drive is not planned or being considered. Staff recommended the sidewalk installation. Mr. Atkinson said sidewalk installation will require road widening unless the roadway is reduced.

Bobbie Heers, 818 Lanai Drive, said once the vehicles pass the last drainage cut on Lanai at Caribbean, they increase the speed greatly. If 31 new homes are added, and even 10% would use Lanai, it will add so much more traffic to Lanai. She requested Amber Springs Way be used as a second access, and do it now.

Mayor Terry asked for the petitioner's response at this time.

Jana Bingham-Gerow, 640 Belford, thanked the neighbors for presenting their thoughts so well, and clearly. She respected their concerns and appreciated the safety for children and traffic. She stated Amber Springs Way is currently farmland, and the developer wants to make that connection when they can. Regarding the average daily trips, she clarified that the count of the peak hour of 10 average daily trips per day are at the peak hour, and are not the total average trips per day. She was available for questions.

Councilmember Sutherland asked at what time their consultant did the traffic count. Ms. Bingham-Gerow said it was conducted in December, prior to their submittal.

Councilmember Sutherland said maybe that is why her numbers are higher because 12th Street was closed. He felt the counts taken in December were probably more accurate than those taken in April.

Ms. Bingham-Gerow said they took a conservative approach to that count. She said their analyst takes a conservative approach to show the worse case scenario. She mentioned the planned connection in 1994, saying at one point Catalina Court was connected to this subdivision. The access was part of the 1994 agreement to specifically deter the traffic from coming down into the subdivision. It was actually Catalina Court that was relieved, not Lanai Drive.

She continued by saying as far as the construction traffic being denied use of Lanai, the developer will put in an access for construction, but they cannot control all construction traffic because other residents hire contractors and they cannot control that traffic. They will control the development construction and the main improvements.

Mayor Terry said there were many comments regarding the speed on Lanai. She said Public Works & Utilities Director Mark Relph would not recommend a raised walkway at the park. She didn't understand why something can't be done at the upper part of Lanai where the traffic speed is a concern. Mr. Relph said traffic calming is certainly a neighborhood issue. They need to decide what they want and what it will look like in their neighborhood. Lanai doesn't rise to the level normally for such a project but if residents feel that strongly there are things the City can do. It comes down to what the residents want. Mr. Relph offered to meet with the residents and explore all sorts of alternatives. He said making pedestrian connections all the way down to H Road is very reasonable and practical.

Mayor Terry asked Mr. Relph to explain the sidewalk and how it affects the street width.

Mr. Relph said the program uses the existing curb and gutter, adding a sidewalk onto it, usually 5 feet. The street would not be widened. The costs goes up (doubles) when

payment is removed, curb and gutter is replaced and sidewalk is added if the street is narrowed. He recommended the same width for the street and adding a sidewalk.

Mayor Terry asked about possible locations of a stop sign at the park. Mr. Relph said it's possible, although people tend to ignore a stop sign where there's not a significant amount of cross traffic. It then becomes an enforcement issue. It also becomes a safety issue because some motorists rely upon the stop sign while other do not. There are other calming techniques to slow traffic.

Mayor Terry said the residents feel Lanai will get more traffic coming from the east in the evening hours. Mr. Relph said the City's traffic counts are almost identical to 1995 – he felt the numbers are fairly accurate. The traffic study conducted by Phil Scott was actually at the peak hour and he extrapolated using figures to get to a larger number than the City's. The City collected data for a day and does traffic counts periodically to see how things are changing.

Councilmember Theobald asked for the cost to construct bridge over the canal. Mr. Relph said the bridge at Grand Avenue and 28 Road was approximately \$250,000.

Bobbie Heers said there is a way to stop the construction traffic. There is an existing gate at the end of Lanai. She suggested leaving the gate there and the construction traffic will be unable to go down Lanai. The construction must go around to 26 ½ Road. It's a very simple solution.

Clark Atkinson said contractors can have covenants that they have to use the other access. He said he understands and appreciates the Public Works recommendations. He would like the sidewalk to be added within the current width of the street.

There were no other comments. The hearing was closed at 9:57 p.m.

Councilmember Sutherland agreed with leaving Lanai Drive incomplete until all improvements in the new section are completed, also leave the gates. He felt Mr. Atkinson's point with construction workers covenants was important. Council must wrestle with the safety of the existing residents and their families and the safety for emergency access for the new homes in the development. He would rather err on the side of the existing residents. Problems that exist today need to be dealt with as soon as possible. He could understand the request to narrow the street and add sidewalk, but felt Council has to consider the budget and the drainage. He was not sure it's the best use of City funds. He didn't know if that will prevent users from speeding. He understood Amber Spring Way could be done only if the City were to condemn the right-of-way now, and it will cost the taxpayers. If the City waits until the current owner improves the street, it won't cost the City.

Councilmember Theobald was not thrilled with the design. He thought the design would eliminate traffic on Lanai and Catalina, but you can't fault the developer because they did what the City requested, and provided, other than the Lanai issue, a great design. He would like to see a cul-de-sac there but that desire is canceled out by the Fire Department and Public Works concerns. He reluctantly supported the proposal. He would like to follow up on the sidewalk construction on the southern end of Lanai where there are no sidewalks. He would like to see the City install a changed texture or raised crossing area near the park. Rather than a narrow street, he suggested doing some design changes, such as the "bulb outs", to accomplish more pedestrian safety and traffic calming. The City needs to continue emphasizing that 26 ½ Road and eventually 7th Street will be the main north/south corridor, not 12th Street/27 Road. He felt the City needs to explore accelerating the extension of Amber Spring Way. The City is looking at creating improvement reimbursement agreements. He stated the public testimony on this development has been tremendous.

Councilmember Payne agreed with Councilmember Theobald. He thought this development is a good development. He was sorry for people living on Lanai. Speed is a problem all over the City. The same people are speeding all over town. He believes sidewalks are needed, but doesn't believe in narrowing the street from 30' to 24'. He supported the project. Regarding the construction vehicles, there is already a problem. He doesn't live on G Road anymore because of the traffic and speed. He had lived there for 26 years.

Councilmember Enos-Martinez said she had nothing more to add. She supports this development with the conditions that Councilmember Theobald mentioned. She thought the City can address the problems.

Councilmember Kinsey said this is a difficult decision because there are good planners and builders involved in this project, which is a good project. This is a question of balance between the development community and the existing neighborhood. He didn't think the new development is more important than the negative impact on the existing neighborhood. He was not convinced it is the best plan. He thought the negative impact on the Paradise Hills community and Lanai Drive could be mitigated.

Mayor Terry asked if Council is allowed to place conditions in a motion of approval that the City will perform certain requirements before the development can begin. City Attorney Wilson said to reduce safety, the answer is yes.

Mayor Terry said the impact of this development is not the issue. The existing safety is the issue. The concern is already there. The increase is minimal. The City has an absolute responsibility to alleviate these conditions. She felt guilty the City hasn't done something sooner. Now that the City is aware of the conditions, it would be negligent if nothing was done about it. She can't live with the possible death of children.

City Attorney Wilson cautioned Council to make conditions practical to complete.

It was moved by Councilmember Theobold and seconded by Councilmember Enos-Martinez to approve the preliminary plan and special use permit with the conditions that, prior to the connection of Lanai to Summer Hill Way, the City will: (1) Construct sidewalks along the south end of Lanai where they do not currently exist, (2) Improve the pedestrian crossing at the park and pond off of Lanai, (3) Present to Council proposed improvements along Lanai to enhance pedestrian protection and/or traffic calming, and (4) A restriction that the construction traffic for the Summer Hill development will access Summer Hill Way off of 26 ½ Road.

A discussion ensued on the proposed conditions. Councilmember Theobold then amended the motion to include condition number (5) Filing 2 may connect to Lanai according to the conditions in the motion, but Filings 1, 3, 4 and 5 can only be completed with a connection of 26 ½ Road and Summer Hill. Council-member Enos-Martinez accepted the amendment. Roll was called on the motion and amendment with the following result:

AYE: PAYNE, SUTHERLAND, THEOBOLD, ENOS-MARTINEZ, TERRY

NO: KINSEY.

The motion carried.

Discussion then took place on the following items:

- b. Growth Plan Amendment**
- c. Rezoning Ordinance**
- d. Waiver of Public Street Standard**

Jana Bingham-Gerow, 640 Belford, addressed the next three items together. The justification for amending the Growth Plan was that the overall area has already been existing with 1.9 units per acre. They are requesting a reduction in the zoning from 4.9 units per acre to 2.5 units per acre. The main reasons for the amendment are: (1) this overall area includes Paradise Hills and is currently zoned 4 to 8 units per acre yet has not historically developed at that rate, and (2) the site restraints - there is a great deal of open space due to the topography of the property, wetlands, existing drainages, and the canal location as well as the airport location. The reasons for the rezone are the same. The public street right-of-way reduction is requested in order to make it a boulevard through the subdivision. A design to slightly reduce the street width and not

allow any public parking will assist in getting traffic down Paradise Hills Boulevard AKA Summer Hill Way.

Bruce Hendy, VHA Design, clarified the road width by stating they will not be allowing parking on the street. It will allow the same volume capacity as a standard cross section. By narrowing the perceptual width of the street, it lowers the driving environment and makes it safer. They hope to incorporate, at the final plan stage, to detached sidewalks and create tree-lined streets. They are creating a perceptual element that will slow traffic, yet keep the capacity up.

Councilmember Theobald asked to be shown what street sections will be narrowed. Mr. Hendy said Summer Hill Way and Spring Hill Way. Councilmember Theobald noted it would be those sections where there are no houses facing the road. Mr. Hendy confirmed.

Michael Drollinger, Community Development Department, reviewed this item. He clarified, on the Growth Plan map, the request is to re-classify the property as residential medium low (2-4 unit/acre category) density. The applicant has addressed the criteria for a Growth Plan amendment and the rezone criteria. The developed densities in Paradise Hills is lower than the existing zoning. The zoning was probably misleading for the Growth Plan designation, so there is possibly an error in the land use category for the existing subdivision.

Mr. Drollinger said the waiver of the public street standard is for the cul-de-sac designs, not the boulevard request, where there will be attached single family housing. The parking is on the interior, and is not as per the standard; however, Staff has evaluated the request for that design and feel it can still be accessed by emergency vehicles, and the cul-de-sac parking is actually an enhancement to the street.

Councilmember Sutherland asked if Council is making a change in the Growth Plan for the existing Paradise Hills development, or will it take place with the adoption of the zoning map. Michael Drollinger said Staff would recommend Council consider both be included in the resolution that will be presented at the next meeting.

There were no other comments. The hearing was closed at 10:45 p.m.

City Attorney Wilson distributed a letter to Council identifying the water users (operators of the Government Highline Canal) which states they are asserting an interest. The City wants the developer to deed the property they own around the canal to the City. The City and the canal company will find out later exactly what land will be deeded. The City will grant an easement to the canal company for their use to access the canal.

Upon motion by Councilmember Theobald, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 59-99 Amending the Growth Plan was adopted, Ordinance No. 3136 Rezoning Summer Hill Subdivision was adopted on second reading and ordered published, and the Waiver of the Public Street Standard was approved.

RECESS

The President of the Council called a recess at 10:50 p.m.

Upon reconvening at 10:55 p.m. six members of Council were present.

PUBLIC HEARINGS – A STORAGE PLACE ANNEXATION AND ZONING TO C-1, LOCATED AT 2980 NORTH AVENUE - RESOLUTION NO. 60-99 ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS A STORAGE PLACE ANNEXATION IS ELIGIBLE FOR ANNEXATION, LOCATED AT 2980 NORTH AVENUE AND INCLUDING PORTIONS OF THE I-70 BUSINESS LOOP RIGHT-OF-WAY - ORDINANCE NO. 3137 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 - PROPOSED ORDINANCE ZONING A STORAGE PLACE ANNEXATION LOCATED AT 2980 NORTH AVENUE TO C-1 [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. The proposed zone for the annexation is C-1 (Light Commercial).

The hearing was opened at 10:56 p.m.

Kathy Portner, Community Development Department, reviewed this item. She stated that the annexation petition meets statutory requirements and is eligible for annexation. She recommends approval and first reading of the zoning to C-1.

There were no public comments. The hearing was closed at 10:58 p.m.

Councilmember Sutherland asked if a line for the printed name below the signature could be added to the petition form. City Attorney Wilson said the form will be changed to include the printed name.

Upon motion by Councilmember Sutherland, seconded by Councilmember Enos-Martinez and carried by roll call vote, Resolution No. 60-99 was adopted, Ordinance No. 3137 was adopted on second reading and ordered published, and the proposed zoning ordinance was passed on first reading and ordered published.

PUBLIC HEARING - VACATING A RIGHT-OF-WAY AT WEST MAIN STREET, SPRUCE STREET AND WEST WHITE AVENUE (MESA COUNTY JUSTICE CENTER) - ORDINANCE NO. 3138 VACATING PORTIONS OF THE WEST MAIN STREET, WHITE AVENUE AND SPRUCE STREET RIGHTS-OF-WAY
[FILE #VR-1999-065]

Request to vacate portions of right-of-way behind the curb on the north and south sides of West Main Street from Spruce Street west to Crosby Avenue and on the west side of Spruce Street from White Avenue to Colorado Avenue and on the south side of White Avenue from Spruce Street to Rice Street.

Councilmember Enos-Martinez said she will not be participating on this item since she is a Mesa County employee.

The hearing was opened at 11:01 p.m.

Charles Rose, 3363 Northridge Drive, asked the City to vacate the right-of-way behind the curbs to facilitate the parking needed at the facility. He has entered into an agreement with the City Manager and the Planning Department saying it is doable and desirable.

Councilmember Sutherland asked for the Planning Commission vote on this item. Community Development Director Scott Harrington said 5 to 0 in support of the request.

There were no public comments. The hearing was closed at 11:03 p.m.

Upon motion by Councilmember Payne, seconded by Councilmember Sutherland and carried by roll call vote with Councilmember **ENOS-MARTINEZ ABSTAINING**, Ordinance No. 3138 was adopted on second reading and ordered published.

PUBLIC HEARING - SUPPLEMENTAL APPROPRIATIONS FOR THE 1999 BUDGET - ORDINANCE NO. 3139 MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 1999 BUDGET OF THE CITY OF GRAND JUNCTION

The requests are to reappropriate specific amounts unexpended in 1998 and to appropriate additional amounts for several accounting funds as specified in the ordinance.

Lanny Paulson, Budget & Accounting Manager, reviewed this item stating the total for all funds is approximately \$7.1 million, of which \$5.2 million is increased expenditures and \$1.9 million is transfers between funds. He detailed the supplemental appropriations.

Councilmember Sutherland noticed the transfer wood stove fund for replacement incentive in the amount of \$50,000. Assistant City Manager David Varley said last year's allocation didn't get in last year, and is being incorporated now.

There were no public comments. The hearing was closed at 11:06 p.m.

Upon motion by Councilmember Sutherland, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3139 was adopted on second reading and ordered published.

PUBLIC HEARING - AUTHORIZING THE ISSUANCE OF CITY OF GRAND JUNCTION, DOWNTOWN DEVELOPMENT AUTHORITY SUBORDINATE TAX INCREMENT REVENUE BONDS IN THE AMOUNT OF \$2,000,000 - ORDINANCE NO. 3140 - AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF GRAND JUNCTION, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY SUBORDINATE TAX INCREMENT REVENUE BONDS, SERIES 1999; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE MANNER AND TERMS OF ISSUANCE, THE MANNER OF EXECUTION, THE METHOD OF PAYMENT AND THE SECURITY THEREFOR; PLEDGING THE TAX INCREMENT REVENUES OF THE CITY FOR THE PAYMENT OF THE BONDS; PROVIDING CERTAIN COVENANTS AND OTHER DETAILS AND MAKING OTHER PROVISIONS CONCERNING THE BONDS AND THE TAX INCREMENT REVENUES; RATIFYING ACTION PREVIOUSLY TAKEN AND APPERTAINING THERETO; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

The ordinance authorizes the issuance of \$2,000,000 in subordinate Tax Increment Bonds for improvements in the Downtown Plan of Development area. Bids from local financial institutions to place the bonds directly as seven jumbo bonds were opened on April 8, 1999. The bond sale will be delivered and closed on May 24, 1999.

The hearing was opened at 11:06 p.m.

Lanny Paulson, Budgeting & Accounting Manager, reviewed this item. The closing will take place on May 24, 1999. The annual interest rate is 3.7% on the first four bonds, with 3.8% on the last three bonds. By selling the bonds itself, the City was able to avoid the underwriting and issuance costs that would generally cost approximately \$40,000 to

\$50,000 (2%). The total cost of issuance will be approximately \$11,000 for bond counsel and printing fees.

There were no public comments. The hearing was closed at 11:10 p.m.

Upon motion by Councilmember Sutherland, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3140 was adopted on second reading and ordered published in pamphlet form.

ADJOURNMENT

The meeting was adjourned at 11:10 p.m.