

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

**May 5, 1999**

The City Council of the City of Grand Junction, Colorado, convened into regular session the 5th day of May, 1999, at 7:35 p.m. at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Gene Kinsey, Earl Payne, Jack Scott, Jim Spehar, Reford Theobald, and President of the Council Janet Terry. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Terry called the meeting to order and Councilmember Theobald led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Jim Hale, Spirit of Life Church.

Mayor Terry explained that items 16 (Krause Annexation) and 17 (A Storage Place Annexation) have been moved forward prior to the Village Park Enclave Annexation appeal of preliminary plan.

**PROCLAMATION DECLARING MAY 2-8, 1999, AS "MUNICIPAL CLERKS WEEK" IN THE CITY OF GRAND JUNCTION**

**PROCLAMATION DECLARING MAY 8, 1999 AS "GRAND JUNCTION LETTER CARRIERS STOCK THE COMMUNITY FOOD BANKS DAY"**

**ADMINISTER OATH OF OFFICE TO NEW FIREFIGHTER JOE WHITE**

Fire Chief Rick Beaty introduced the newest firefighter Joe White. Mayor Terry administered the Oath of Office to Firefighter Joe White.

**ELECTION OF MAYOR AND MAYOR PRO TEM / ADMINISTER OATHS OF OFFICE**

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Payne and carried, Gene Kinsey was appointed Mayor for the City of Grand Junction.

Upon motion by Councilmember Scott, seconded by Councilmember Kinsey and carried, Cindy Enos-Martinez was appointed as Mayor Pro Tem for the City of Grand Junction.

City Clerk Stephanie Nye administered the Oaths of Office to Gene Kinsey and Cindy Enos-Martinez.

**PRESENTATION OF APPRECIATION PLAQUE TO OUTGOING MAYOR JANET TERRY**

Mayor Gene Kinsey presented Janet Terry with a plaque of appreciation for her service as Mayor.

### **CONSENT ITEMS**

Upon motion by Councilmember Theobald, seconded by Councilmember Scott and carried by roll call vote, Consent Item #6 was removed, Resolution No. 67-99 from Consent Item #12 was removed, wording was added to the Resolution on Consent Item #13 to include language indicating that this purchase is for non-governmental use and anticipated for future redevelopment of the Main Street downtown area, and the balance of the following Consent Calendar Items # 1-13 were approved:

1. **Minutes of Previous Meeting**

*Action: Approve the Minutes of the Regular Meeting April 21, 1999*

2. **1999 Grand Junction Rural Fire Protection District Contract**

A memorandum of understanding for emergency services between the City and the Grand Junction Rural Fire Protection District has not been reached for 1999. City Council and the District Board entered into discussion on service costs in 1998; however, no final agreement was reached on a fee for service. At the April 19, 1999 City Council workshop, City Council and members of the Grand Junction Rural Fire District Board continued discussion of cost allocation for services. After a lengthy discussion, Council directed the Fire Chief to adjust the 1999 Fire Prevention cost to reflect the District's 1998 actual use of Prevention resources and to recalculate the contract accordingly.

*Action: Approve and Authorize the City Manager to Sign the 1999 City of Grand Junction/Grand Junction Rural Fire Protection District Services Agreement*

3. **5<sup>th</sup> Street Improvement Project, South Avenue to Main Street**

The following bids were received on April 27, 1999:

Sorter Construction, Grand Junction	\$805,530.24
M.A. Concrete, Grand Junction	\$863,427.75
Mays Concrete, Grand Junction	\$1,026,994.80
Engineer's Estimate	\$843,927.30

*Action: Award Contract for 5<sup>th</sup> Street Improvement Project, South Avenue to Main Street, to Sorter Construction in the Amount of \$805,530.24*

4. **7<sup>th</sup> Street Traffic Calming Project**

The following bids were received on April 20, 1999:

	<u>Base Bid</u>	<u>Additive Alternate</u>	<u>Total Bid</u>
Reyes Construction, Grand Junction	\$99,520.13	\$25,958.16	\$125,478.29
Mays Concrete, Inc., Grand Junction	\$72,588.10	\$22,095.90	\$ 94,684.00
Engineer's Estimate			\$ 91,728.20

*Action: Award Contract for 7<sup>th</sup> Street Traffic Calming Project to Mays Concrete, Inc. in the Amount of \$94,684*

5. **1999 Alley Improvement Districts**

The following bids were received on April 26, 1999:

Mays Concrete, Grand Junction	\$229,818.81
M.A. Concrete, Grand Junction	\$234,597.20
Reyes Construction, Grand Junction	\$249,489.22
Engineer's Estimate	\$281,670.30

*Action: Award Contract for 1999 Alley Improvement Districts to Mays Concrete in the Amount of \$229,818.81*

6. **Summer Hill Way Road Construction Project (Formerly Paradise Hills Boulevard), East of 26 1/2 Road – REMOVED FROM AGENDA**

7. **Lease of Office Space at the Mesa National Bank Building**

The Police Department has conducted polygraph testing procedures in the Mesa National Bank building since 1996. The proposed lease will extend this use for a term of one additional year.

Resolution No. 62–99 – A Resolution Authorizing the Lease by the City of Office Space Located at 131 North 6<sup>th</sup> Street (Mesa National Bank Building)

*Action: Adopt Resolution No. 62–99*

8. **Setting a Hearing for Cimarron East Annexations No. 1 and No. 2 Located at 3060 D ½ Road** [File #ANX-1999-090]

The 10.66 acre Cimarron East Annexation area consists of one parcel of land and a portion of the D ½ Road right-of-way. Owners of the property have signed a petition for annexation as part of their request for a major subdivision of the property into 34 lots. The proposed zone for the annexation is PR-3.3 (Planned Residential, 3.3 units per acre) .

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

Resolution No. 63–99 – 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 – Cimarron East Annexation. A Serial Annexation Comprising Cimarron East Annexations No. 1 and No. 2 Located at 3060 D ½ Road and Including Portions of the D ½ Road Right-of-Way

*Action: Adopt Resolution No. 63–99 and Set a Hearing for June 16, 1999*

**b. Set a Hearing on Annexation Ordinance**

(1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cimarron East Annexation No. 1, Approximately 0.16 Acres Located in a Portion of the D ½ Road Right-of-Way Near 30 ¾ Road

(2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cimarron East Annexation No. 2, Approximately 10.50 Acres Located at 3060 D ½ Road

*Action: Adopt Proposed Ordinances on First Reading and Set Hearings for June 16, 1999*

9. **Setting a Hearing for Desert Hill Annexations No. 1 and No. 2 Located at 2114 Desert Hill Road** [File #GPA-1999-091]

The 56.22 acre Desert Hill Annexation area consists of one parcel of land and a portion of the Desert Hills Road right-of-way. Owners of the property have signed a petition for annexation as part of their request for a Growth Plan Amendment.

The current land use designation for the property is 5 to 35 acre parcels. The applicant is seeking a Growth Plan Amendment to allow 2 to 5 acre parcels.

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

Resolution No. 64–99 – 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 – Desert Hill Annexation, a Serial Annexation Comprising Desert Hill Annexations No. 1 and No. 2 Located at South Broadway and Desert Hills Road and Including Portions of the Desert Hills Road Right-of-Way

*Action: Adopt Resolution No. 64–99 and Set a Hearing for June 16, 1999*

**b. Set a Hearing on Annexation Ordinances**

(1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Desert Hill Annexation No. 1, Approximately 9.80 Acres Located in a Portion of the Desert Hills Road Right-of-Way Off of South Broadway

(2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Desert Hill Annexation No. 2, Approximately 46.42 Acres Located at 2114 Desert Hills Road

*Action: Adopt Proposed Ordinances on First Reading and Set Hearings for June 16, 1999*

10. **Setting a Hearing for Southern Pacific Railroad Annexations No. 1 and No. 2 Located Along the I-70 Business Loop Right-of-way between 15<sup>th</sup> Street and the Clifton Sanitation District Boundary at Approximately 31 ½ Road**

[File #ANX-1999-107]

The 263.60 acre Southern Pacific Railroad Annexation area consists of land owned solely by the railroad. Union Pacific Railroad has signed a petition for annexation.

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

Resolution No. 65–99 – 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 – Southern Pacific Railroad Annexation, a Serial Annexation Comprising Southern Pacific Railroad Annexation No. 1 and No. 2, Generally Located along I-70 Business Loop Right-of-Way between 15<sup>th</sup> Street and the Clifton Sanitation District Boundary at Approximately 31 ½ Road Encompassing Union Pacific Railroad Properties

*Action: Adopt Resolution No. 65–99 and Set a Hearing for June 16, 1999*

**b. Set a Hearing on Annexation Ordinances**

(1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Southern Pacific Railroad Annexation No. 1, Approximately 240.03 Acres Generally Located along I-70 Business Loop Right-of-Way between 15<sup>th</sup> Street and 30 Road, Encompassing Union Pacific Railroad Properties

(2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Southern Pacific Railroad Annexation No. 2, Approximately 23.57 Acres Generally Located along I-70 Business Loop Right-of-Way between 30 Road and the Clifton Sanitation District Boundary at Approximately 31 ½ Road, Encompassing Union Pacific Railroad Properties

*Action: Adopt Proposed Ordinances on First Reading and Set Hearings for June 16, 1999*

**11. Planning Commission By-Laws Amendment**

This amendment to the Planning Commission By-Laws will designate a new meeting location (Two Rivers Convention Center, 159 Main Street) for Planning Commission hearings during the temporary relocation of City Hall.

Resolution No. 66–99 – A Resolution Amending the By-Laws of the Planning Commission

*Action: Adopt Resolution No. 66–99*

**12. Ratify Resolution No. 59-99 Amending the Growth Plan for the Development of Summer Hill Subdivision and Establish the Conditions of Approval**

The approval of Summer Hill Subdivision at the April 21, 1999 meeting included an amendment to the Growth Plan and conditions of the approval. These resolutions establish the findings for the Growth Plan Amendment and the conditions.

Resolution No. 59-99 – A Resolution Amending the Growth Plan

*Action: Ratify Resolution No. 59-99*

Resolution No. 67-99 – a Resolution Establishing the Conditions of Approval for the Development of Summer Hill Subdivision – **REMOVED FROM AGENDA**

13. **Authorizing the Purchase of Lots 20, 21 and 22 in Block 101 of the Original Plat of the City of Grand Junction from Ralph N. Schmidt**

The City presently leases 3 lots in the 200 block of Main Street which are used in common with adjoining City owned property. The lease gives the City a first right of first refusal to purchase the property. The proposed purchase will combine the Schmidt property with the City owned parking lot at 3<sup>rd</sup> and Main Streets. The proposed purchase price is \$102,500.

Resolution No. 68-99 – A Resolution Authorizing the Exercise of the City’s First Right of Refusal to Purchase Lots 20, 21 and 22 in Block 101 of the Original Plat of the City of Grand Junction

*Action: Adopt Resolution No. 68-99 (AMENDED)*

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

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

**PUBLIC HEARING - AMENDMENTS TO THE UNIFORM FIRE CODE - ORDINANCE NO. 3141 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**

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.

Mayor Kinsey opened the hearing at 7:55 p.m.

Hank Masterson, Fire Department, reviewed this item. He went through each amendment to the Uniform Fire Code and detailed the changes in the fire suppression schedule. He noted the amendment includes the adoption of Schedule 3A. The adoption of the higher requirements will not have an affect in the Clifton Fire District where the City is annexing properties. However, in the Ute Water District, there are a few areas where there are fire flow problems but they are already developed or scheduled to be upgraded.

The second amendment applies to the minor subdivision of a lot where the nearest fire line of adequate size is 1000 to 2000 feet away. An alternative is being proposed to install residential sprinkler systems in the homes, although it only applies when there are only two lots created. If such systems are installed, the development would be allowed.

Thirdly, when a small commercial structure (2000 square feet or less) is being built where there is inadequate fire flow, they have an option to apply additional fire prevention measures.

The next amendment is a proposal to delete an exception in the Fire Code that exempts new hotels and apartments from installing fire alarm systems if they are required to install a fire sprinkler system. Mr. Masterson stated this Section of the Fire Code does not make sense. Deletion of this exception would require the installation of fire alarm systems.

The next amendment establishes the 1996 standards for the sprinkler systems and fire alarm systems. New technology requires updated standards.

The last amendment affects subdivision access roads. The current minimum width is 20 feet with parking allowed on each side. Two new designs allow for off street parking.

Councilmember Terry asked when the fire flows are required for single-family, does that mean a fire hydrant will need to be installed. Mr. Masterson said there is another resolution that requires new lots have a fire hydrant within 250 feet.

Councilmember Terry asked how minimum pounds of pressure are obtained. Mr. Masterson said it comes from the size of the water main line (at least 6") is the determinant, along with the proximity of the hydrant.

Councilmember Scott asked for clarification of the 16' street width proposal. Mr. Masterson said the two engines would not be able to get by. He said Mike Pelletier, Community Development Department, will review the new street standards being proposed.

Mike Pelletier, Community Development Department, said there are two subdivision designs and they are proposed in the new draft code. There has been a lot of interest from the development community in using these prior to the adoption of the new code.

Any proposal with these standards would require a request to City Council for approval as a waiver of a public street standard. The reason these streets work best is that on-street parking is not allowed. A Residential Streets book was used by the City as a guide years ago; it recommends 16 feet of width for a shared driveway. The downtown alleys are also 16 feet in width. Hillcrest Park is an example – 12 feet of asphalt and 2 foot gravel shoulders on both sides. Mr. Pelletier displayed overheads of the loop lanes. The park in the middle of loop lanes is used for many activities (weddings, block parties, volleyball, etc.) and takes up the same amount of space as a standard cul-de-sac. The small pocket park where a cul-de-sac could have been can also be used for storm water detention. It provides open space. Mike's article appears on a planning commissioner's journal website. The proposal increases the requirement for off-street parking. In the new Code these designs will be dealt with and allowed for in a straight zone.

There were no public comments. The hearing was closed at 8:16 p.m.

Upon motion by Councilmember Terry, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3141 was adopted on second reading and ordered published on final in pamphlet form.

**PUBLIC HEARING – ZONING KRAUSE ANNEXATION TO RSF-2, LOCATED AT 506 BLEVINS ROAD AND A REQUEST TO WAIVE THE REQUIREMENT FOR SEWER AND A FIRE HYDRANT** [FILE #ANX-1999-056]

The hearing was opened at 8:20 p.m.

Bill Nebeker, Community Department, explained the applicant expected to be heard later and is not present at this time. Council decided to wait until the applicant arrives.

**PUBLIC HEARING – ZONING A STORAGE PLACE ANNEXATION TO C-1, LOCATED AT 2980 NORTH AVENUE - ORDINANCE NO. 3144 ZONING A STORAGE PLACE ANNEXATION LOCATED AT 2980 NORTH AVENUE TO C-1** [FILE #ANX-1999-064]

Request for approval to zone a parcel of land of approximately 6.36 acres currently being annexed to the City to C-1 (Light Commercial).

The hearing was opened at 8:20 p.m.

Bill Nebeker, Community Development Department, presented this item for Kathy Portner. He stated there would be no applicant present. He said the proposed zone is consistent with the surrounding area. The applicant is planning a small addition which requires the annexation and zoning per the Persigo Agreement. Staff finds the request is

in conformance with the applicable sections of the Zoning & Development Code, and recommends approval.

There were no comments. The hearing was closed at 8:26 p.m.

Upon motion by Councilmember Terry, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3144 was adopted on second reading and ordered published.

**PUBLIC HEARING – APPEAL OF PRELIMINARY PLAN, ZONING VILLAGE PARK ENCLAVE ANNEXATION TO PB AND PR-15 AND REQUEST FOR WAIVER OF PUBLIC STREET STANDARD, LOCATED AT THE NORTHWEST CORNER OF 28 ¼ AND F ROADS – PRELIMINARY PLAN AND WAIVER OF STREET STANDARD APPROVED - ORDINANCE NO. 3142 VILLAGE PARK ENCLAVE ANNEXATION LOCATED AT THE NORTHWEST CORNER OF 28 ¼ ROAD AND PATTERSON TO PB AND PR-15 [FILE #RZP-1999-058]**

Neighbors have appealed the Planning Commission's decision of April 13, 1999 to approve the Preliminary Plan for Village Park, a mixed use development with 3 acres of commercial and 237 dwelling units on 18.8 acres. The applicant also appeals condition #12, imposed by the Planning Commission regarding access to the commercial site. Second reading of the zoning and a waiver of the public street standard in Block 4 are also requested. Staff recommends that the Planning Commission's decision be upheld.

- a. **Appeal of Preliminary Plan and Condition #12**
- b. **Waiver of Street Standard**
- c. **Zoning Ordinance**

The Mayor opened the hearing at 8:26 p.m.

Applicant Bob Walker, Peak Properties & Development Corp., Boulder, Colorado, reviewed the request. He addressed the neighbors' appeal. He gave a brief history of the proposal stating his request was before City Council in December, 1998, but was unacceptable to the City. The plan has been revised somewhat. He then presented a slide presentation and discussed the plan. He noted the goals of the Growth Plan and how the plan fits into that goal. He pointed out this piece of property is one of the few undeveloped parcels in the city limits and the Growth Plan encourages "compact" development to prevent urban sprawl. He noted the senior housing would have a lot less impact on the area than other types of housing. The apartment complex has been reconfigured into the commercial area and provides a natural buffer to the commercial. The size of some of the perimeter lots has been increased. The closest apartment building is now 220 feet from the Dawn Subdivision. The apartment buildings will be

three-story with two-story on the sides to reduce the perception of the size. They are asking for the flexibility to amend the preliminary plan if the senior housing does not go, and replace it with single family housing. They believe they have some solutions to the drainage situations.

In Block 5, the lot sizes were increased, the rear set backs were increased from the City standard of 15' to 20', and a 6-foot cedar fence was added. They are also committed to keeping all the buildings to one-story. With that extension of the lots and the additional open space and buffering, they feel they have created a nice entry point and two pedestrian linkages to the commercial area, a pedestrian path coming in from Village Park Drive and going south and connecting to an existing sidewalk. The project was then shown on a slide reflecting what the apartments will look like. Various architectural elements make the buildings look attractive. They will not be the developers of the senior living site, but they want it to look nice. Mr. Walker then showed what the attached housing will look like. The commercial land has been reduced 40%. The right-in, right-out has been eliminated. The density has been reduced by 15%, and the buffering has been increased substantially by enlarging lots and moving the closest apartment building another 100 feet away from the closest lot in the adjacent subdivision. The plan is still a mixed use plan, but it is a desirable alternative.

Mr. Walker asked Phil Hart of LanDesign to address the appeal on moving the curb cut.

Phil Hart, President of LanDesign, consultants, submitted his resume and qualifications to the City Clerk for the record [attached]. The original design in 1995 was a result of a traffic study done for 28 ¼ and Patterson Roads, and the changed version took under consideration what was to be done with the property to the back, which has changed as well. At the time of the last hearing (December, 1998) the changes that were made reduced the commercial, and eliminated the access onto Patterson Road. They met with Staff to work out the location of the access onto the commercial site, and worked out the stacking distance and the striping. At the Planning Commission hearing, it was discussed that the access should be moved back. The stacking on that location is approximately 220 feet, 140 feet is stacking for southbound lanes and 60 feet are for northbound. Signalization was also previously designed and located correctly as worked out with technical staff. They are appealing the condition by Planning Commission to move the access back. Mr. Hart said the petitioner would consider moving the access back further to 240 feet.

Councilmember Terry asked Mr. Walker about the 6 foot perimeter fence along the north and all along the south edge. Mr. Walker said the fence will go south to the end of the last single family attached lot.

Councilmember Terry asked if there will be any fencing or buffering along the parking area of the apartments. Mr. Walker said they did not consider that. They were focusing

on buffering with the Dawn Subdivision. The Nazarene Church has expressed no problems with the project.

Councilmember Terry asked if the foliage drawn on the plan will be included in the development or will it depend on the property owner as the properties are built. Mr. Walker said on the northern edge they will have to know what the solution is for the ditch. If a maintenance road is done, it will need screening, then they will leave landscaping up to the individual owners. He said a required number of trees is given in the covenants.

Councilmember Terry asked about the pedestrian connection to the commercial area. Mr. Walker said the pedestrian connection runs south along the westerly property line and then along Village Park, then south to Patterson.

Councilmember Theobald said the pedestrian connection will be used by others, but many will probably cut across the apartment area. Mr. Walker said they can't dedicate a pedestrian easement through the apartment site, but they don't have a problem with the pedestrian use.

Councilmember Spehar asked if the traffic design takes into account the traffic study and all the uses. Phil Hart said yes.

Councilmember Theobald asked if the roadway is one lane each way. Mr. Hart said it is basically a four lane road, allowing for turn lanes. There is a median in the road. Councilmember Theobald said it appears it's only one lane north and one lane south, a one lane each way road. Mr. Hart said yes.

Councilmember Terry asked for clarification on the solution to Condition #12. Mr. Hart thought it was worked out before. At the complete buildout (including the park and the school) the number of cars that will be stacked is 147 cars at a peak hour. There is plenty of stacking.

Councilmember Spehar said 250 is required, and the applicant can go to 240 feet, and asked Mr. Hart where they are at in this plan. Mr. Hart said 220 is where they are, and they are willing to move it more to 240, but there is plenty of stacking already.

Mr. Walker said the circulation for the apartment site will have sidewalks when they do the final plan.

Bill Nebeker, Community Development Department, reviewed this item. He clarified that there is required screening along the apartment parking lot (Condition #2). He said the increased parking (greater than 50 spaces) requires increased landscaping, a tree every 50 feet and a shrub requirement. For zones of annexation, Staff looks at conformance with the Growth Plan and consistency with previous County zoning. It has been

suggested that this is an error in zoning. Staff feels the zone is appropriate as it is close to a school, a park, a large church and an intersection of two main streets (28 ¼ and Patterson Roads). A good buffer is being provided to the existing residential developments. The Corridor Guidelines have been followed except for density. The Growth Plan prevails when there is conflict with the Corridor Guidelines. The zoning is in conformance with Sections 4-11 and 4-4-4 of the Zoning & Development Code. Mr. Nebeker referred to the conditions of the Planning Commission:

#1 – There is substantial conformance to the layout in the final or revised preliminary plan;

#12 - Substantial conformance for driveway cannot be achieved without changing the commercial;

#9 – Stated that a private street in Block 4 will require Council approval at preliminary design – it was the original intent to have the change of the public street standard be done at the final plan.

#8 – That there be access through the end of the private drive into the assisted living parking area for emergency access.

Councilmember Theobald said there is conflict with the Corridor Guidelines and the Growth Plan, and asked if the Growth Plan can be wrong. Mr. Nebeker said it can.

Councilmember Terry asked about the future connection for Dawn Subdivision, the pedestrian access along the western side of the development. Mr. Nebeker said Dawn Subdivision was required to do a pedestrian access.

Councilmember Terry asked why access could not be located along the detention pond for individuals coming from areas other than Dawn Subdivision. Mr. Nebeker said the City owns that site and it could go right out to 28 Road.

Councilmember Terry referred to Conditions #8 and #9, asking if it is clear for the hammerhead turnaround restriction for emergency vehicles. Bill Nebeker said yes, the condition can be worked out at final plan.

Don Newton, City Engineer, was present to answer questions regarding the access.

Councilmember Theobald said with a 200-acre park, a church and an elementary school, a two-lane road with an occasional turn lane, may not be adequate for the traffic. Mr. Newton said Staff has determined the collector street section will be adequate. A turn lane is provided for the entire length of the roadway. Councilmember Theobald asked how it can have a turn lane for the entire length if it has medians. City Engineer Newton

said at each intersection there would be adequate width for a turn lane. Councilmember Theobold asked if the medians are going to be required to be constructed. Mr. Newton said he believed the requirement is in the plans.

Councilmember Scott asked if 28 ¼ Road hooks up with Hawthorne and others. Mr. Newton said it hooks up with Ridge Road and with Cortland eventually.

Councilmember Terry asked if there is a left and right turn lane exiting out of 28 ¼ Road onto Patterson Road. Don Newton said there will be three southbound lanes that line up with the road to the south.

Councilmember Spehar asked if compromising and going to 240 feet from Patterson Road will work. Mr. Newton said for a full buildout of this site, it requires 140 feet stacking and 60 feet during the peak hour. There is not enough room to accommodate the taper length, but by painting the taper as a two-way left turn lane, 240 feet is enough to do that.

Councilmember Terry asked if 218 feet is sufficient. Mr. Newton said it's marginal. An additional 20 feet will definitely improve the situation, allowing a 40-foot space in between the two stacking sections.

Councilmember Terry said it sounded as though Staff had approved the 218 feet before it went to hearing. Don Newton said it was set that way when it was in the County.

Rick Dorris, City Development Engineer, said they haven't seen the County plan. Other staffers worked with the prior owner of the property, Mr. Siegfried, to establish where the entrance into the commercial location would be, and it has remained there. The stacking distance is a total of 200 feet between Patterson Road and the commercial entrance. When the Planning Commission asked if the distance is adequate, Mr. Dorris had answered it is marginal (tight). The Planning Commission added the condition to move the entrance to within 50 feet of the north property line. There are many instances within the County where this situation occurs. Councilmember Terry asked for some examples. Mr. Dorris referred to a Shamrock Station on the northwest corner of 25 Road and Patterson. There is a two way left turn, meaning there is a center lane coming up from either direction, and just one lane.

Councilmember Terry asked Mr. Newton if he agreed with Condition #12. Don Newton said Staff feels moving the driveway 20 feet would be adequate, and would replace Condition #12. This would be without a painted taper in between the two left turn directions.

Councilmember Theobold referred to the comment by Mr. Dorris regarding the distance from the Siegfried proposal. Councilmember Theobold recalled that the Siegfried proposal was defeated by the County. City Attorney Wilson said it was defeated on a

staff level when it was in the County, but City Staff was involved and asked for more distance even then.

Councilmember Theobold asked if there is any plan which has already been adopted for this parcel of land within the last 30 years. Bill Nebeker said yes, an Outline Development Plan was approved in 1984.

Councilmember Theobold said much of what Council is dealing with tonight is based on a plan that he has not seen, The perceived density and commercial existence is based on a plan which is unidentifiable. Even though City Attorney Wilson has said the plan is lapsed, it has no validity, it has no vesting and is irrelevant, it is driving a lot of decisions. Bill Nebeker said the original Outline Development Plan lapsed, although the zoning was retained. This plan is standing on its own merits, except there is zoning of a higher density and a Growth Plan that supports it. Councilmember Theobold said he is struggling with the fact that this plan stands on its own merit, but it's based on zoning that technically and legally does not exist.

City Attorney Wilson explained the evolution, only tied to the zoning, a straight residential zone would not be a taking.

Mayor Kinsey opened the discussion for public comment.

Gloria Deschamp, 124 Mount View Drive, adjacent to Corona del Rey, said on four occasions she has objected to this plan, and always opposed the density. The commercial area will be an eyesore. The height of the apartment building is tall. The parking lot lights and commercial lighting will be intrusive. The noise factor will increase, as will loitering with the convenience store and apartment building, possibly resulting in increased crime. Odors from a 90-seat restaurant are unacceptable for a residential area. The traffic is going to be too great for a one lane in/one lane out roadway regardless of turn lanes or stripings, etc. The emergency vehicle access is inadequate. The development needs more open space, and there is no playground for children. One building abuts Patterson Road. The residential areas need to be protected. She stated the residents of Mantey Heights are opposed to this development because of the density and incompatibility to the area.

Susan Berg, 2813 Hawthorne (parents' address), read a statement written by her father opposing this development because of the building height, density and traffic in a family neighborhood.

Steve Harrington, 2811 Cottage Lane, made a reference to the original plan - boot shaped commercial, if that original boot shaped layout would have worked so was the zoning an error. He asked those in the audience in opposition to this plan to stand (approximately 25 people stood). He commented on behalf of Judd Perry, 2954

Beechwood, Spring Valley, who was unable to attend tonight's meeting. He said Mr. Perry is knowledgeable in the field of trigonometry and wished to clear, for the record, some misinformation. On page 3 of the colored plan which was presented at the April 13 City Planning Commission meeting, the plan indicated that the apartment dwellers could not see into the residences of Dawn Subdivision. Mr. Perry has provided mathematical proof that it will be the case. The Dawn Subdivision residents will not be able to see the Grand Mesa. There are 237 units in this area. He said Bob Walker did not support his own development next to his own property. Another bit of misinformation is the statement that three-story apartment buildings would only be four feet taller than the two-story homes in Dawn and Grand View Subdivisions. He felt the margin of profit has driven the developer. Mr. Harrington felt their property values are at risk. He was strongly opposed to this development.

Tabitha Psleck, 616 Hamlet Street, discussed the traffic on Patterson Road. She has experienced confusion at the intersection of 28 1/4 Road, and her vehicle was struck at this intersection. She asked Council how it plans to make this intersection safe for pedestrians as well as vehicles. She was concerned with the safety of children in the area. This development will create a huge increase in traffic in her neighborhood. There will be more children with the new school. There will also be an increase in crime and violence. She was concerned with the appearance of this neighborhood with a commercial area located right in the middle of this development. She wondered how saleable their properties will be with the development in such proximity. She stated Dawn Subdivision is a close knit neighborhood. Ms. Psleck described the review of the plan and how hostile the developer became with more questions. She noted that during all the hearings on this application, no one has spoken in favor of the development other than the developer. She requested Council consider changing the zone of this area to single family homes.

Brook Blaney, 2805 Daybreak Avenue, opposed again to what appeared to be a repackaged proposal that is incompatible and detrimental to Mantey Heights Subdivision, Dawn Subdivision, Spring Valley, Pheasant Ridge and Grand View, etc. He felt the proposal is still unacceptable. It does not meet the criteria of Section 4-4-4 of the Zoning & Development Code. He referred to the question of was an error made at the time of the adoption of the zoning. He feels the zoning was an error and still is. The mistake was made back in the 80's, and has slipped through the cracks and ended up on the current Growth Plan which now supersedes the Patterson Road Corridor Guidelines. The Patterson Road Corridor Guidelines were very specific and focused, and states "we should minimize commercial and limit residential to 10 units/acre." He said yes, there have been changes in the character of the neighborhood. Regarding the question of whether it is compatible or will it have adverse impacts, Mr. Blaney said over 200 letters were submitted stating the development will adversely affect the neighborhood and property values. The density is still too high. The density is three to four times higher in

density than in his development. He asked Council to represent him and his neighbors and send the developer back to Boulder.

There were no other public comments.

The petitioner was given an opportunity to respond.

Rich Livingston, attorney representing the developer, also the attorney for the developer of Dawn Subdivision, said there was substantial opposition to Dawn Subdivision then. While Council has been charged to represent the citizens, on three separate occasions the Planning Commission and Staff have found this plan to be in full compliance with the Growth Plan. Regardless of what happened in the 70's until now, this is a site specific plan. Every element of the plan meets criteria with the Planning Commission conditions. The apartments have been adjusted so that all the apartments are to the south of all single family homes and will not obstruct anyone's view. All the engineers have completed extensive studies and have stated the 218 plus the 20 offered is adequate and meets the safety needs of this site and the entire area. While many may disagree with the zoning that was attached to this property in 1984, it does not constitute an error in zoning. He urged Council to recognize that this developer has been chastized, and has made substantial revisions which constitute major economic considerations for him. The developer has taken a good project and made it into a very good project.

The hearing was closed at 10:07 p.m.

Councilmember Theobald said the City of Grand Junction has nothing on the books regarding view protection. Judd Perry's trigonometry aside, there is nothing that guarantees views. Profit is not an issue. Where the developer lives is not an issue. The proposed development is an improvement over the original plan. The developer has had an excellent response to this evening's comments. There is less commercial and they have moved the apartments. The assisted living is smaller. There is better traffic circulation with the access moving to the north and the Patterson Road curb cuts have been eliminated. There's better buffering to Dawn Subdivision and others. The developer has followed the Growth Plan but he felt the Growth Plan is flawed in this location as well as several other locations. It's Council's fault that the developer created this proposal. He was uncomfortable denying something that follows the plan. It is frustrating that they have lived up to Council's document and he is uncomfortable with it. He could see the need for a higher density in the area. This proposed zone is quite a jump. He was uncomfortable with the size of 28 ¼ Road which is not the developer's fault. Two lanes is not adequate. The stacking distance was still a concern. He was in agony about denying the plan, but felt it is not the right thing to do in this neighborhood.

Councilmember Terry said this property previously was much denser. It is now partially a park. Council knew full well there would be higher density in the area. She agreed the

views are not protected. The 12 units/acre equates to 260 units if done in single family, and she wasn't sure that is an advantage over this plan. She takes Council's representation seriously. She hoped her representation would be for the benefit of all citizens. While she doesn't like going against her neighbors, she feels Council has a responsibility to uphold the laws of the State, the Constitution and the laws of the City. She agreed the Master Plan is flawed. In this case, the precedence was established by the zoning and she can't take the zoning away. She believes in pocket commercial of this size in residential areas to reduce traveling traffic. She realized adding 260 new homes in the area will also increase traffic. This development buffers sufficiently, so she will have to support the plan.

Councilmember Spehar said this isn't his first look at this piece of ground. He drove the area this evening and was satisfied regarding the legality of the zoning. It seems to meet the tenants of the Growth Plan. He felt Council must support the Growth Plan or there's no sense in having one at all. He recognized the efforts and time expended by the Growth Plan Task Force and others. He said there are other attached housing in that area and apartments. He felt Council must promote infill to prevent sprawl, and be aggressive in creating mixed use areas. He supported the plan.

Councilmember Payne said the City has inherited a lot of zonings from the County. He agreed with Councilmember Theobold's comments that the zoning may not be correct, but it is the zoning. The developer has modified the plan as requested. He was torn betwixt and between. The new proposal fits into the zoning and the planning. He said he will have to support the plan.

Councilmember Enos-Martinez said she believes there is a flaw in the Growth Plan. The developer did what Council asked, and she could find no basis for denial.

Councilmember Scott said he was in favor before, and this plan is even better. Council made nine recommendations and the developer improved on every one. He agreed this may not be the ideal situation for everyone, but he will support the plan.

Councilmember Terry said there are certain laws that Council must comply with. There is little leeway for approval or denial on this project. When the zoning is present on the land, it is significant in terms of what Council is obliged to approve.

Mayor Kinsey said there is little discretion and Council is charged with protecting the rights of everyone. This plan meets the requirements of the Growth Plan and fits within the zoning that existed at the time of annexation. He will also support the plan.

Upon motion by Councilmember Terry, seconded by Councilmember Spehar and carried by roll call vote with Councilmember **THEOBOLD** voting **NO**, the appeal of the preliminary plan was denied, the appeal of Condition #12 was denied, Condition #12 was changed to

reflect the deletion of "to within 50' of" and substituted with "moved an additional 20' toward the northern boundary", in addition, a condition was placed on the plan that there be some responsibility for the City to consider widening 28 ¼ Road, zoning Ordinance No. 3142 was approved on second reading and ordered published, the street standards were waived, with the condition that the pedestrian access from the west side must not only connect to Dawn Subdivision, but must also be planned for connection along the detention pond that is owned by the City, Condition #9 was amended by changing the word "preliminary" to the word "final" as requested by the Community Development Staff.

Councilmember Terry, with Council's concurrence, directed City Staff to develop the pedestrian access from the west side so that it is not only connected to Dawn Subdivision, but must also be planned for connection along the detention pond that is owned by the City.

Councilmember Theobald clarified that the widening of 28 ¼ Road in the motion is also direction to City Staff to study the need for it and funding mechanisms for the additional width and to determine when it should be done.

**PUBLIC HEARING – ZONING KRAUSE ANNEXATION TO RSF-2, LOCATED AT 506 BLEVINS ROAD AND A REQUEST TO WAIVE THE REQUIREMENT FOR SEWER AND A FIRE HYDRANT – REQUIREMENT WAIVED - ORDINANCE NO. 3143 ZONING KRAUSE ANNEXATION LOCATED AT 506 BLEVINS ROAD TO RSF-2**

[FILE #ANX-1999-056]

The proposed two lot Krause Subdivision was annexed into the City on April 21, 1999. A zone of annexation of RSF-2, compatible with surrounding development and the Growth Plan map, is requested. A variance of Section 5-4-5 and 5-4-10 also is requested to waive the requirement for sewer and a fire hydrant. Sewer and a reliable water source for fire suppression is over 400 feet away. The Planning Commission and staff recommend approval of both requests.

- a. **Zoning Ordinance**
- b. **Waiver of Sewer and Fire Hydrant Requirement**

The hearing was opened at 10:35 p.m.

Barbara Krause, 506 Blevins Road, explained her request and the reason is to build a single family home on the second lot. She was also asking for the waiver of the requirement for sewer and a fire hydrant. They will install a sprinkler system in the home. She wants to live near her father and he gave the land to them so they could.

Bill Nebeker, Community Development Department, reviewed this item. He stated the annexation of this property was approved on April 21, 1999. The zone requested for the annexation is RSF-2 and is in conformance with the Growth Plan. It is compatible with the existing surrounding densities. They could add density when proper utilities are available. A waiver request for the fire hydrant and sewer requirements is not unusual as stated by Hank Masterson earlier. The subdivision is on an artesian well and not appropriate for a fire hydrant. They will bring in Ute Water to supply the home and the fire suppression systems. He said the sewer system is over 400 feet away and the City is looking at serving this area in the future, and it should be done as an improvement district. Staff recommends approval of the zone and waivers of the fire hydrant and sewer.

Councilmember Terry referred to the review the comments from the County on the sewer and assumed the County knows of the variance. Mr. Nebeker said Staff sent them the entire packet.

There were no public comments. The hearing was closed at 10:40 p.m.

Upon motion by Councilmember Theobald, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3143 was adopted on second reading and ordered published, and the waiver of sewer and fire hydrant requirement was granted.

### **EXECUTIVE SESSION**

Upon motion by Councilmember Payne seconded by Councilmember Enos-Martinez and carried, the meeting adjourned into executive session at 10:43 p.m. to discuss Personnel issues.

### **ADJOURNMENT**

Stephanie Nye, CMC/AAE  
City Clerk

**PHILIP M. HART, PE**

**REGISTRATION**

State of Colorado, PE Registration No. 19346  
State of Michigan, PE Registration No. 25285

**PROFESSIONAL EXPERIENCE**

Worked in the consulting engineering field since 1973 with several consulting firms before establishing the Hart Group in 1988. In 1993 Hart Group, P.C., was consolidated into LANDesign. Experience focuses on the civil and structural engineering disciplines in a variety of project types. Experience of years of engineering design, construction supervision and coordination necessary to provide functional, economical, and innovative solutions to engineering challenges. Representative major projects include:

Storm Sewer/Sanitary Sewer Separation Project Municipal Utility Design	Houghton, Michigan, 1975
UPSCO Ship Building and Launching Facility Structural and Civil Design	Ontonogan, Michigan, 1980
Water Source/ Distribution System Culinary Water System Design	Copper Harbor, Michigan, 1977
Municipal Recreational Park Design Land Planning and Civil Design	Hancock, Michigan, 1978
Willow Springs Subdivision 750 Lot Subdivision Design	Morrison, Colorado, 1985
UP Power Company Dam Dam Repair and Penstock Design	Ontonogan, Michigan, 1974
Hartford Building 10 Story Building Structural Design	Denver, Colorado, 1983
South Rim Subdivision 130 Lot Subdivision Design	Grand Junction, Colorado, 1994
City of Louisville Bridge Design	Louisville, Colorado, 1992
Monument Valley Subdivision 200 Lot Subdivision Design	Grand Junction, Colorado, 1995
Praise Church Site and Structural Design	Littleton, Colorado, 1991
Safeway Shopping Center Shipping Center Design	Grand Junction, Colorado, 1997

## **POSITIONS HELD**

President, LANDesign Grand Junction, Colorado 1993 to Present  
President of a full service civil engineering consulting firm

President, Hart Group, P.C. 1988 to 1993  
President of a full service civil engineering consulting firm

Director of Engineering, Willow Springs Enterprises, Denver, CO 1984 to 1988  
Engineering Department Director for a Land Development Company specializing in residential development.

Senior Project Engineer, Richard Weingardt Consultants Denver, CO 1980 to 1984  
Project engineer for a civil and structural engineering firm specializing in commercial sites and structures

Senior Project Engineer, Hitch Engineering, Houghton, MI 1979 to 1982  
Project engineer for a civil engineering firm specializing in municipal, commercial and residential development

Senior Project Engineer, UP Engineering & Architecture, Houghton, MI 1973 to 1979  
Project engineer for a civil engineering and architectural firm specializing in commercial sites and structures

## **PROFESSIONAL AFFILIATIONS**

National Society of Professional Engineers  
American Society of Civil Engineers

## **EDUCATION**

Bachelor of Science in Civil Engineering, Michigan Technological University, 1973  
Associate in Arts in Architectural Design, Ferris State University, 1967

## **AWARDS**

Albert Kahn Award, 1967, Academic

## **PAPERS PUBLISHED**

*"Stress/Strain Relationship on Sheet Pile Retaining Wall UPSCO Pier", 1976*