

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

June 16, 1999

The City Council of the City of Grand Junction, Colorado, convened into regular session the 16th day of June, 1999, at 7:30 p.m. at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry and President of the Council Gene Kinsey. Reford Theobald was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Enos-Martinez led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Scott Hogue, First Baptist Church.

PROCLAMATION DECLARING JUNE 18, 1999, AS "SYMPHONY DAY" IN THE CITY OF GRAND JUNCTION

PRESENTATION OF APPOINTMENT CERTIFICATES TO NEW PARKS AND RECREATION ADVISORY BOARD MEMBERS

Appointment certificates were presented to newly appointed Parks and Recreation Advisory Board members Tillman Bishop, Robert Cron and Nora Hughes.

CONSENT ITEMS

Mayor Kinsey announced that a special meeting has been scheduled to discuss the City Market proposal for Monday, June 28, 1999 at 6:00 p.m. at Two Rivers Convention Center. Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried by roll call vote, the following Consent Calendar items # 1 through #11 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting June 2, 1999

2. **Seven Emergency Generators for the 201 Sewer System**

The City is considering the purchase of seven generators to improve its ability to maintain the 201 Sewer Lift Station System during electrical power outages. The following bids were received:

Cummins Diesel, Grand Junction	\$109,700
Small Engines, Grand Junction	\$149,284

Wagner Equipment, Grand Junction	\$177,023
Rocky Mountain, Denver	\$123,570
Century, Grand Junction	\$ 97,251*

* Did not bid all items

Action: Award Contract for Seven Emergency Generators for the 201 Sewer System to Cummins Diesel in the Amount of \$109,700

3. **1999 New Sidewalk Construction**

The following bids were received on June 9, 1999:

Precision Paving and Construction, Grand Junction	\$123,667.45
Reyes Construction, Inc., Grand Junction	\$142,004.90
G & G Paving Construction, Grand Junction	\$144,000.00
Engineer's Estimate	\$125,684.55

Action: Award Contract for 1999 New Sidewalk Construction to Precision Paving and Construction in the Amount of \$123,667.45

4. **Change Order to 1999 Water Line Replacements Contract**

Due to the good bid prices, utility staff is proposing adding an additional 1500 feet of water lines to the contract with Skyline Contracting to take advantage of a competitive price. The change order amounts to \$76,948. Adequate funding remains with the account.

Action: Approve Change Order to the 1999 Water Line Replacements Contract with Skyline Contracting in the Amount of \$76,948

5. **Easement Vacation for Sprint Express, Located at 421 Glenwood Avenue**

[File #VE-1999-118]

This application is to vacate the 15' wide utility easement located on the east property line of 421 Glenwood Avenue. The easement was used for a sewer line but the applicant has relocated this line to Glenwood Avenue. All relevant utility companies have agreed to the vacation and Staff recommends approval.

Resolution No. 74-99 – A Resolution Vacating a Utility Easement

Action: Adopt Resolution No. 74-99

6. **Setting a Hearing on Rezoning Meadowlark Gardens Located at the Southwest Corner of Highway 340 and Redlands Parkway**
[File #RZP-1998-182]

Request to 1) amend the Future Land Use Map of the Growth Plan from Residential low Density (.5-1.9 units/acre) land use designation to a Commercial land use designation (to be heard with second reading of rezone); and 2) rezone approximately 7.5 acres from Residential Single Family 8 units per acre (RSF-8) to Planned Business (PB).

Proposed Ordinance Zoning Parcels of Land Located on the Southeast Corner of Redlands Parkway and State Highway 340

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

7. **Setting a Hearing on Vacating a Right-of-Way Located West of the Southwest Corner of B ½ and 28 ½ Roads, Arrowhead Acres II Subdivision, Filing 1**
[File # FP-1999-115]

Request for approval of a vacation of a portion of the B.4 Road right-of-way within Filing 1 of the Arrowhead Acres II Subdivision.

Proposed Ordinance Vacating a Portion of the B.4 Road Right-of-Way West of 28 ½ Road

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

8. **Setting a Hearing on Rezoning Fountain Greens, Located Northwest of 25 Road and G Road** [File #RZP-1999-089]

The applicant requests to rezone a 30.3-acre parcel from PR-12 to PR-8 for the Fountain Greens Planned Development. Fountain Greens contains the remaining undeveloped portion of Fountainhead Planned Development at the corner of G Road and 25 Road. The preliminary plan proposes 241 single family and multi-family dwellings in the project. At its June 15, 1999 hearing, the Planning Commission recommended approval of this request.

Proposed Ordinance Rezoning Property to be Known as Fountain Greens Planned Development Located North of the Northwest Corner of 25 Road and G Road from PR-12 to PR-8

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

9. **Setting a Hearing on Vacating a Portion of Boeing Street, East of 28 Road in Grand View Subdivision, Filing #4** [File # FP-1999-117]

In conjunction with a request to plat Grand View Subdivision Filing 4, the applicant requests to vacate Boeing Street east of 28 Road. The Boeing Street right-of-way serves no useful purpose and is no longer needed as a public street. At its June 8, 1999 hearing the Planning Commission recommended approval with a condition.

Proposed Ordinance Vacating Boeing Street East of 28 Road

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

10. **Setting a Hearing on Zoning Property Located at the Southeast Corner of 12th Street and Patterson Road from RSF-8 and PB to B-3 (City Market)** [File #RZ-1998-082 & SDR-1998-129]

The applicant has appealed the Planning Commission's denial of a request to 1) amend the Growth Plan from Residential Medium, 4-7.9 units per acre to Commercial on approximately 3 acres; 2) rezone 8.26 acres from RSF-8 (Residential Single Family, 8 units per acre) and PB (Planned Business) to B-3 (Retail Business); and 3) approve a Site Specific Development Plan for a 60,405 sq. ft. City Market Store. The appeal will be heard during the second reading and public hearing for the ordinance to rezone the property.

Proposed Ordinance Rezoning Property at the Southeast Corner of Patterson Road and 12th Street RSF-8 and PB to a Planned Development Zone

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 28, 1999

11. **Setting a Hearing for World Harvest Church Annexation Located at the Northeast Corner of 28 ¼ Road and F Road** [File #ANX-1999-147]

The 17.26-acre World Harvest Church Annexation area consists of one parcel of land. Owners of the property have signed a petition for annexation in anticipation of their future plans to build a church on the site.

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

Resolution No. 75–99 – 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 – World Harvest Church Annexation Located at the Northeast Corner of 28 ¼ Road and F Road

Action: Adopt Resolution No. 75–99 and Set a Hearing for August 4, 1999

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, World Harvest Church Annexation, Approximately 17.26 Acres, Located at the Northeast Corner of 28 ¼ Road and F Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for August 4, 1999

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

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

WAIVER OF PUBLIC STREET STANDARDS FOR THE SEASONS AT TIARA RADO SUBDIVISION, FILING #5 - APPROVED [FILE #PP-1999-085]

The Seasons at Tiara Rado Subdivision, Filings #1, #3 and #4, approved by Mesa County prior to annexation, have already been constructed with a street design that doesn't meet current City street standards for width and does not include sidewalk on both sides of the street. The applicant is requesting that the existing street standard from Filing #4 be allowed to extend into the proposed Filing #5. This existing street comprises a narrower street pavement width and sidewalk on only one side of the street. City Council approval is required to waive or vary a public street standard. Planning Commission recommended approval of a variance for that area proposed as Filing #5 in the preliminary plan.

Jack Acuff, 462 Tiara Drive, was present to represent the petitioner, The Seasons at Tiara Rado Associates. He reviewed the request and explained the reasons and history for the request. They want to continue the road standard from the previous filing to the next intersection at which time they will switch to the City standards for this filing and the future proposed Filing #6. A change in the middle of the street would cause some confusion for traffic and bicyclists. The sidewalk would be continued on only one side of the street. The sidewalk design had also been started with the County design. Along Seasons Drive there are some double fronted lots. The driveway frontage will be on Snow Mesa Lane. As part of the Improvements Agreement on the next phase, the petitioner will construct, as part of the infrastructure, a six-foot high solid fence or wall within a fence easement on the north side of Seasons Drive. The fence or wall will provide privacy from the back yards of those homes to Seasons Drive and also for the lots that are on the south side of Seasons Drive. The sidewalk design will be a continuation of the design along Snow Mesa Lane. He asked his engineer to relate some facts regarding the street pavement.

Steve LaBondi, Westwater Engineering, engineer for the development, said the Seasons Drive pavement width is 34 feet. The City standard required is 28 feet. It is oversized. They will continue a 34 foot section all the way through. Transitioning from 34' to 28' back to 34' wouldn't make sense. That is the reason for the variance request.

Councilmember Theobald arrived at the meeting at 7:40 p.m.

Dave Thornton, Community Development Department, was available to answer questions and stated that Staff supports the request.

Upon motion by Councilmember Terry, seconded by Councilmember Spehar and carried, the request for the waiver of Public Street Standards for The Seasons at Tiara Rado was approved.

Councilmember Theobald took his place at the dais.

**PUBLIC HEARING - VACATING THE EAST-WEST ALLEY BETWEEN 2ND AND 3RD,
BETWEEN MAIN AND COLORADO TO ACCOMMODATE NEW CONSTRUCTION OF
THE HAWTHORN SUITES HOTEL – CONTINUED TO JULY 21, 1999**
[FILE #VR-1999-084]

The petitioner, Kevin Reimer, acting as representative of Reimer Development, for the proposed Hawthorn Suites Hotel, is requesting to vacate the east-west alley right-of-way from 2nd to 3rd Streets, between Main Street and Colorado Avenue.

A hearing was held after proper notice. The hearing was opened at 7:50 p.m.

The petitioner, Kevin Reimer, was not present.

Lori Bowers, Community Development Department, reviewed this item. Originally the applicant requested only a partial vacation of the alley, but after discussions within Staff, the applicant agreed it would be better to vacate the entire length of the alley. In the past the City has vacated alleys only with the consent of all property owners involved, or the applicant owned the entire width of the alley. She stated the ordinance is written that it will not be recorded until a 20' access easement for the benefit of ingress/egress for all the involved parties is provided. She stated the request meets the criteria of Section 8-3 of the Zoning & Development Code and Staff recommends approval with two conditions, one of which is to provide a 20' utility easement in the vacated alley, and that an acceptable cross access easement for the benefit of the applicant and adjacent property owners be provided. That will need to happen before the vacation can be recorded.

There are three adjacent property owners that were asked for written agreement of this request. To date, those agreements have not been received, although verbal approval has been voiced by the property owners.

Councilmember Theobold inquired as to the reason for vacating the eastern end of the alley. Ms. Bowers said it is because the City does not usually vacate only a partial alley and questioned the sense of the City maintaining a small portion of an alley.

City Manager Achen explained that usually when a partial alley is vacated, another alley access is required. This plan does not include such access. Another access would require a modification of their plan. Scott Harrington, Community Development Director, concurred with Mr. Achen. He said since the plan is only preliminary, the applicant is not ready to decide on the other access but will work with the other owners and work that out. Mr. Achen noted that it is a condition of approval. Mr. Harrington concurred and the condition is in the ordinance. There is a one-year time limit to reach an agreement. The ordinance would be voided if it does not occur within that time frame, and the petitioner would have to start over.

Councilmember Theobold said the following three matters essential to the project are missing and wondered why the vacation has to be done now:

1. Letter stating no opposition from the other property owners;
2. Agreement on the maintenance and other issues with the other property owners;
3. A final plan showing access for an exit for those using the easement.

Mr. Harrington said it was at the applicants' request so they had assurance for the use of the property. He noted these concerns are the reasons for the conditions of approval. The applicant is also attempting to purchase the adjacent property. Since the applicant was not present, Councilmember Theobold felt the matter should be continued.

City Attorney Wilson stated that the applicant told him that they wanted it done now so they could go forward with their planning and engineering. The conditions seem to cover the City's concerns. This is unusual in that the ordinance, if approved, will not become effective until the other property owners are satisfied that their interests have been met, and City Staff has reached the same conclusion.

The Mayor asked for public comment. There was none. The hearing was closed at 8:00 p.m.

Councilmember Spehar asked how many property owners are involved. Mr. Harrington replied there are three, the Downtown Development Authority (DDA) and two private owners.

Councilmember Scott asked Mr. Theobold to clarify his objections. Councilmember Theobold was uncomfortable on moving forward on things promised (conditions) that are normally met before a plan is submitted.

Councilmember Terry was not opposed to approving with conditions, but asked for additional conditions. She wanted to tie the alley vacation to this specific project. Attorney Wilson stated that is implied and further substantiated by the condition that the access agreement be signed by all three parties.

Mr. Wilson suggested that the ordinance have a new paragraph number 8 stating "The City must have approved a site plan for this development for the ordinance to be effective," and renumber the rest.

Mayor Kinsey said Council and the DDA are supporting this project and the applicant should have no concern about the alley vacation, but he also felt Council is getting ahead of itself in procedure and favored continuing this item.

Councilmember Enos-Martinez was satisfied with the conditions.

Upon motion by Councilmember Theobold, seconded by Councilmember Spehar and carried by roll call vote, the vacation request was continued to July 21, 1999.

PUBLIC HEARING - CIMMARRON EAST ANNEXATIONS NO. 1 AND NO. 2 AND ZONING, LOCATED AT 3060 D ½ ROAD [FILE #ANX-1999-090]

The 10.66-acre Cimmarron 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. Resolution Accepting Petitions

Resolution No. 76–99 – A Resolution Accepting Petitions For Annexation, Making Certain Findings, Determining That Property Known As Cimmarron East Annexation, A Serial Annexation Comprising Cimmarron East Annexations No. 1 And No. 2, Is Eligible For Annexation, Located At 3060 D ½ Road And Including A Portion Of The D ½ Road Right-Of-Way

b. Annexation Ordinances

(1) Ordinance No. 3153 Annexing Territory To The City Of Grand Junction, Colorado, Cimmarron East Annexation No. 1, Approxi-Mately 0.16 Acres Located In A Portion Of The D ½ Road Right-Of-Way Near 30 ¾ Road

(2) Ordinance No. 3154 Annexing Territory To The City Of Grand Junction, Colorado, Cimmarron East Annexation No. 2, Approximately 10.50 Acres Located At 3060 D ½ Road

c. Zoning Ordinance

Ordinance No. 3155 – An Ordinance Zoning Cimmarron East Annexation No. 1 and No. 2 Located at 3060 D ½ Road to PR-3.3

A hearing was held after proper notice. The hearing was opened at 8:08 p.m.

Greg Rickard, 673 LaSalle Court, developer and representative of the petitioner, reviewed the request and the history of the project. They received preliminary approval with the County on July 28, 1998. Under the Persigo Agreement, they redesigned and submitted the plan to the City. They received approval from the City Planning Commission.

Kathy Portner, Community Development Department, reviewed this item. She stated the annexation meets the statutory requirements and is eligible for annexation. The project also meets the rezone criteria in Sections 4-4-4 and 4-11 of the Zoning & Development Code, and Staff recommends approval. The Planning Commission approved the

preliminary plan and recommended approval of the annexation and the requested zone of annexation to PR-3.3

There were no comments from the public. The hearing was closed at 8:10 p.m.

Upon motion by Councilmember Terry, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 76-99 was adopted, Ordinances No. 3153, 3154 and 3155 were adopted on second reading and ordered published.

PUBLIC HEARING - DESERT HILL ANNEXATIONS NO. 1 AND NO. 2 LOCATED AT 2114 DESERT HILL ROAD AND APPEAL OF GROWTH PLAN AMENDMENT DENIAL - DENIED [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. The Planning Commission denied the request for a Growth Plan Amendment and the applicant has appealed that decision.

A hearing was held after proper notice. The hearing was opened at 8:10 p.m.

Rich Livingston, Attorney, 2808 North Avenue, Suite 400, was present representing the petitioner. He reviewed the request and the history of the project, detailing the various agreements that led up to this request. The Growth Plan was adopted in October, 1997. One year later there was an intergovernmental agreement adopted by the City and County that tried to tie up some of the loose ends in some litigation with the sewer plant. The agreement coordinated future land use matters in the area outside the existing City limits and within the boundaries of the 201 sewer service area. In 1999, the agreement was followed up with an interim joint plan review process, amendment process, for the Growth Plan. The plan was responding to the scenario that a land use plan must have a dynamic quality to it. He noted that the Growth Plan is to allow for general direction but there should be a process for an applicant to respond to specific circumstances. In 1999, procedures for Growth Plan amendments were adopted. The applicant can choose whether such a request will be in conjunction with another request or on its own.

When this request was considered by the Planning Commission, there was a concern expressed by its members that the application was only for a Growth Plan amendment. It did not include a specific application for rezone and did not include a specific application for subdivision. The amendment process is to create logic and continuity to the development process. It is his client's contention that the area around Riggs Hill was improperly identified as five-acre parcels. It is illogical to think that this property would not

develop in much the same way as the surrounding areas. Facilities are already there for the higher density development. They have held one neighborhood meeting to get their input. Most neighbors feel that the extension of Desert Hills Road would be a detriment to the natural conditions of their properties. The applicant has agreed to investigate other ways of accessing the site. Other than the access, the neighbors are not particularly opposed to the Growth Plan amendment.

David Woodward, 1353 Grand Avenue, asked that the City Council reverse the Planning Commission's decision. He is part owner of the property. He wants the developer to do the right thing and deal with sensitive issues appropriately. He gave the history of the property. They want to develop 20 to 22 lots averaging 1.5 acres each, leaving a lot of open space, at a density of one unit per three acres. They also want to enhance the wetlands and address other environmental concerns. He felt a main access needs to be developed to their property off South Broadway at the west edge of Riggs Hill. To do this, they need the Growth Plan amended to the Estate Zone with 2 to 5 acres per site to help with the economic feasibility of the project. Enhancing the wetlands, the wildlife habitat and the buffer zone adjacent to the current residents is also recommended.

Rob Katzenson, LanDesign, representing the petitioner, Tiara Ventures, distributed a report and set up his presentation. Desiring an appeal of the Planning Commission's denial of the Growth Plan amendment, he showed the County Assessor's map and referenced the area for the Council. He then referred to the handout. The property is currently vacant and has been used for illegal dumping and partying for young people. It has interesting topography with a high promontory outcropping. Running south to north there is an extensive riparian area in a floodplain zone. He noted the Growth Plan did not look at each and every parcel and perhaps that led to the rural designation by omission. He referred to Kathy Portner's report. Staff has recommended approval. He displayed a soil map. The property has never been cultivated and the purpose of the urban growth boundary is to encompass those areas that should be developed in urban densities. He identified areas that would be suitable for building. He then displayed a map which identified the various constraints. The first layer was wetlands, the second layer showed floodplain, the next layer showed a large area that would never be dredged, filled or constructed. The next layer showed the promontory hillside and anything with greater than 10% slope, which would also be excluded from development. The last layer showed the buildable area. The only legal access to the property is the Desert Hills Road right-of-way.

Mr. Katzenson said neighbors had a primary concern with access on Desert Hills Road. He said they looked at the possibility of creating a South Broadway access. They don't currently have contiguous access to South Broadway but are negotiating with the two property owners to secure access via South Broadway, and feel they have a good chance of getting that access.

The request for the estate zone will allow them to have a planned zone at less than 5 acres per unit. They think they can do a better design and preserve open space, riparian areas and wetlands with that zone designation.

Councilmember Spehar asked if the request for the estate zone is an economic issue. Mr. Katzenson said in part, and also due to the off-site improvements that would be required and somewhat related to the site planning on the parcel.

Kathy Portner, Community Development Department, reviewed this item. She said the Desert Hills Road right-of-way does go to the property. It is the only legal access to the property.

Ms. Portner said the annexation meets the statutory requirements and is eligible for annexation. Staff is not bringing forth a zoning request at this time because of the growth plan amendment request. The property must be zoned within 90 days of annexation. If the applicant does not bring in a plan, then the City will need to assign a zone.

In order to meet the criteria for a Growth Plan amendment, certain criteria must be considered:

1. Was there an error? The applicant feels there was possibly an error as there are surrounding areas that are zoned Estate. However, Staff argues that the lower density may have been due to the proximity to the Colorado National Monument and there are other areas zoned rural. Many subdivisions have occurred in the surrounding area. However, since the adoption of the Growth Plan, the Persigo Agreement has been implemented which redefined the Persigo sewer service area and requires that development within that defined area be annexed to the City. It also assumes properties within the service area will have sewer and generally develop at urban densities which has been defined at 2-acre lots, or smaller, and greater densities.
2. Has the character and/or condition of the area changed enough to justify the change? The area has not changed substantially from the time that the Growth Plan was adopted, but this review offers the opportunity to again review this specific site in detail. The applicant has gone through the constraints analysis which indicates there are developable portions of the property. They could set aside the wetlands and steep slopes and still attain the types of densities proposed.
3. Is the request consistent with the Growth Plan? Many of the goals of the Growth Plan would support the change from Rural to Estate. They support utilizing infrastructure which is available. There are also goals that protect environmental and sensitive areas. The existing rural designation would not allow for clustering and would not preserve some of the natural features. The Estate designation would allow for that.

4. Are public and community facilities adequate to serve the type and scope proposed? Generally, yes. Again, the only legal access is off of Desert Hills Road.

5. Are there benefits for the community? The rezone from Urban to Estate would allow better utilization of existing infrastructure and utilization of the natural features.

Staff recommends approval of the annexation and the proposed Growth Plan amendment to the Estate designation. Ms. Portner said this and other similar areas should be addressed by both the City and the County in their general review of the Growth Plan and Zoning District Maps.

Due to the Planning Commission's denial, an approval will require a super majority to overturn. She said part of the Planning Commission's denial was their feeling that the areas need to be looked at as a whole, including the condition of South Broadway.

Councilmember Terry asked what access would be required if developed at the Estate level. Ms. Portner said the City's TEDS Manual (Transportation Engineering Design Standards) allows for a dead-end access for up to 25 homes at a maximum length of 1000'. A secondary access may be required under certain circumstances.

Councilmember Spehar asked the length of the existing Desert Hills Road. Mr. Katzenson said over 1300 feet.

Councilmember Terry said, in the absence of a plan and Council assigned zoning, it would be RSF-R (1 unit per acre). Ms. Portner said even with the Estate zone it would be RSF-R. Without a plan, there is no other applicable zoning.

Councilmember Theobald asked if the conservation easements on the western border and the open space on the northern portion to be dedicated count toward the gross density? Ms. Portner said yes, under the current Code.

Councilmember Terry asked for the capacity on South Broadway? Mark Relph, Public Works & Utilities Director, said funds have been set aside to realign South Broadway in a joint project with the County but it has not been scheduled. The MPO (Metropolitan Planning Organization) looked at it and at the collector status (8,000 to 10,000 vehicles/day). The project time frame is 15 to 20 years out.

Councilmember Terry asked if there is current capacity outside of the issue of pedestrian and bicycle safety? Mr. Relph said there is current capacity for this development. Although he would like to work on the tight curves, there are similar situations in other areas of the City.

Councilmember Terry asked if the City would require off-site improvements on Desert Hills, if approved tonight. Mr. Relph said at least one paved access into the area would be required. Perhaps some of the City's impact fees could be used for the paving of the corridor.

Councilmember Terry said some of the letters had to do with how the City looks at farm animals. She asked how the City handles that. Kathy Portner said the City regulations are similar to the County's. Any properties that have a higher density (1 unit/acre or higher), are allowed up to two agricultural animals per acre. The City also allows grandfathering if additional animals exist.

Councilmember Theobold wondered if the developer will need to buy right-of-way for the accel/decel lanes. Ms. Portner said they would have to acquire right-of-way.

Mayor Kinsey began public comments and clarified the issues.

Michael Maiella, 2112 Desert Hills Road, objected to the annexation because the City is not ready to annex Desert Hills Road. He was not opposed to the change in zoning. He had no complaint if the other access is obtained. The previous map showed the heavily wooded area that would be disrupted with the continuation of the road.

There were no other comments.

Mayor Kinsey allowed the petitioner rebuttal.

Rich Livingston read Goal #1 in the Growth Plan: "To achieve a balance of open space, agricultural, residential and non-residential land use opportunities that reflects the residents' respect for the natural environment, the integrity of the community's neighborhoods, the economic needs of the residents and business owners, the right of private property owners and the needs of urbanizing the community as a whole." He said this project meets that goal. He urged City Council to approve the amendment to the plan and overrule the City Planning Commission's denial.

Councilmember Terry said the extension of Desert Hills Road is not currently in existence. Kathy Portner concurred.

Mr. Katzenson said the County right-of-way agent, Stacy McClennan, was in the audience if additional clarification is needed.

The hearing was closed at 9:27 p.m.

Councilmember Theobold said the conservation easement and the open space and the plan that includes keeping a rural atmosphere is good. The South Broadway access is a

good solution to a difficult situation. The little details bothered him. Regarding the public testimony on "does the City want to annex Desert Hills Road", he said the point was well taken. He wondered if the City wants to have that responsibility. Council was hearing a different plan than the Planning Commission heard. He would like to see the Planning Commission's reaction to these changes, particular the change in access. He favored turning down the annexation and asking the petitioner to come back with the access solution in hand. He had concerns on dealing with the unbuildable space and net density rather than gross density. He encouraged them to solve the access and come back to Council. He suggested remanding it back to the Planning Commission.

City Attorney Wilson said only a one foot strip is being annexed so there is no maintenance obligation on the City's part. The County would continue to maintain it in the same condition until the balance is annexed. Staff confirmed this.

Councilmember Scott echoed Councilmember Theobold's thoughts. He too wanted the access to be solved.

Councilmember Terry did not see convincing evidence for Growth Plan amendment. Marketing reasons is not a good enough reason for such an amendment. She did not believe the zone is in error. She would not support a change in the Growth Plan. She agreed they need to solve the access.

Councilmember Theobold said other rural areas are planned for deletion from the 201 boundary and wondered if this one should be also. Councilmember Terry said Council needs to look at that, and to stay at the 2-acre parcels, or less, in the 201 sewer boundary.

City Attorney Wilson said he didn't believe the Persigo Agreement is required to be developed at 2 acres or less. There are areas that will develop at the five-acre level, not many but a few. Therefore, it is not inconsistent to annex areas with five-acre parcels. Councilmember Theobold asked for Attorney Wilson's detailed comments at a later time.

Councilmember Spehar generally supported the concepts of conservation easements, clustering and higher density. He questioned if the presentation of new material is appropriate in an appeal setting. He was concerned with the South Broadway access. It is hard to support a 1300 foot cul-de-sac. It is a unique area and he questioned the compatibility with existing developments. He wanted to find a way to preserve these types of areas in the urban growth boundary. The policy quoted by Mr. Livingston supports leaving this as it is. He stated development economics are pushing this. He tended to resist the Growth Plan amendment.

Councilmember Payne agreed with most of Council's comments. He felt it was a wonderful plan but ahead of its time. Desert Hills Road is not really being annexed, it is a

flagpole. He would support the plan if it had access from South Broadway. Without access, he would have to vote no.

Mayor Kinsey said, regarding annexation petitions, the Persigo Agreement creates a mutual obligation to annex when developed and Council has the obligation to annex. Some good points were made on clustering, easements and the ability to preserve the environment. Council is deciding on a growth plan range that will make the best of the open space and configuration, so he would support the Growth Plan amendment.

a. Resolution Accepting Petition

Resolution No. 77-99 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Desert Hill Annexation, a Serial Annexation Comprising Desert Hill Annexations No. 1 and No. 2, is Eligible for Annexation, Located at South Broadway and Desert Hills Road and Including Portions of the Desert Hills Road Right-of-Way

b. Annexation Ordinances

(1) Ordinance No. 3156 – An 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) Ordinance No. 3157 – An 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 and a Portion of the Desert Hills Road Right-of-Way

It was moved by Mayor Kinsey and seconded by Councilmember Spehar to adopt Resolution No. 77-99 and Ordinances No. 3156 and 3157 on second reading. Roll was called on the motion with the following result:

AYE: SPEHAR, ENOS-MARTINEZ, KINSEY

NO: PAYNE, SCOTT, TERRY, THEOBOLD

c. Appeal of Planning Commission Denial of Amendment to the Growth Plan

Mayor Kinsey explained that as a result of the failed motion, the appeal of the Planning Commission decision on the amendment to the Growth Plan is moot.

Councilmember Theobold commented that had the annexation been approved, he would support amending the Growth Plan. Councilmember Terry said she would not.

Rich Livingston asked if a new application will require them to go back through the same process. Councilmember Theobold said there are some options. City Council and Mesa County will be discussing 201 amendments and Growth Plan amendments. This property could be added to the list of properties to be deleted from the 201 boundary. If the access was changed, the applicant might receive approval.

Councilmember Spehar said no zone was proposed. He suggested the applicant come back to Council with a concrete plan and zone to consider.

Mr. Livingston said the process allows for a stand alone growth plan amendment.

Councilmember Theobold said changing the access may change the Planning Commission's reaction and may change how many votes are required from the City Council to amend the Growth Plan.

PUBLIC HEARING - SOUTHERN PACIFIC RAILROAD ANNEXATIONS NO. 1 AND NO. 2 AND ZONING, LOCATED ALONG THE I-70 BUSINESS LOOP RIGHT-OF-WAY BETWEEN 15TH STREET AND THE CLIFTON SANITATION DISTRICT BOUNDARY AT APPROXIMATELY 31 ½ ROAD – CONTINUED TO JULY 7, 1999

[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. The Industrial I-1 zone district is being proposed as the zone of annexation.

The Mayor asked if anyone was present on the Southern Pacific Railroad Annexation. There were none.

a. Resolution Accepting Petitions

Resolution No. 78–99 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Southern Pacific Railroad Annexation, a Serial Annexation Comprising Southern Pacific Railroad Annexation No. 1 and No. 2, is Eligible for Annexation, Generally Located along I-70 Business Loop Right-of-Way between 15th Street and the Clifton Sanitation District Boundary at Approximately 31 ½ Road Encompassing Union Pacific Railroad Properties

b. Annexation Ordinances

(1) Ordinance No. 3158 – An 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 15th Street and 30 Road, Encompassing Union Pacific Railroad Properties

(2) Ordinance No. 3159 – An 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

c. Zoning Ordinance

Ordinance No. 3160 – Ordinance Zoning the Southern Pacific Railroad Annexation No. 1 and No. 2 to a Light Industrial (I-1) Zone District

Upon motion by Councilmember Payne, seconded by Councilmember Theobald and carried, this item was continued to July 7, 1999 for further consideration.

PUBLIC HEARING - AMENDING SECTION 3 OF ORDINANCE NO. 3084, SETTING THE SALARY OF THE CITY MANAGER

A hearing was held after proper notice. The hearing was opened at 9:52 p.m.

There were no comments. The hearing was closed at 9:52 p.m.

Ordinance No. 3161 – An Ordinance Amending Section 3 Of Ordinance No. 3084, Setting The Salary Of The City Manager

Upon motion by Councilmember Scott, seconded by Councilmember Payne and carried, Ordinance No. 3161 was adopted on second reading and ordered published.

RECESS

The Mayor declared a recess at 9:53 p.m. Upon reconvening at 10:02 p.m., all members of Council were present.

OTHER BUSINESS

Discussion of Public Hearing Process

Mayor Kinsey outlined the reason for this discussion. Council would like to somehow limit the length of the meeting on the City Market request without denying anyone's opportunity to speak.

Attorney Wilson stated the objectives. City Market will be able to present adequate information to Council, Staff is able to address the comments, and the public will be able to make comments. He proposed an outline with a three-minute limit on public comments, and a thirty-minute limit each to Staff and City Market. One hour would be set aside for public comments.

John Caldwell, 1671 11-8/10 Road, Loma, Director of Real Estate for City Market, liked the solution. City Market will submit additional written material. Under that condition, thirty minutes is sufficient. The supplemental material will be submitted by the close of business Tuesday, June 22, 1999. A black binder will be available for the public at City Hall, at the County building and at the Mesa County public library. Mr. Caldwell asked how many binders would be needed. City Attorney Wilson said twenty. Councilmember Spehar said they should also be provided at the City Market administrative offices.

John Caldwell said their material will be of some length. It will be an evaluation of the deliberation process as City Market feels there was misinformation and flawed deliberations.

Councilmember Spehar appreciated City Market's cooperation as it is important to finish in one evening.

Councilmember Terry asked that the City Attorney Wilson's protocol be shortened to one page. She preferred no sign up sheet be used at the hearing.

Mayor Kinsey reiterated Monday, June 28, 1999, at 6:00 p.m. at Two Rivers Convention Center has been set for the special meeting on the City Market, Inc. rezone request.

Councilmember Terry explained the reason for the guidelines. Council is trying to get the most information and be expedient and deliberate in its discussions and in making the decision on this matter. Additional comments will be sent to Staff.

ADJOURNMENT

The meeting adjourned at 10:30 p.m.

Stephanie Nye, CMC/AAE
City Clerk