

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

February 16, 2000

The City Council of the City of Grand Junction, Colorado, convened into regular session the 16th day of February, 2000, at 7:47 p.m. at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Gene Kinsey. 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 retired minister Eldon Coffey.

PRESENTATION BY BRIAN PETTIT, TREASURER OF THE COLORADO CHAPTER OF APWA, OF THE INDIVIDUAL OF THE YEAR IN STREET ADMINISTRATION AWARD TO DARRYLL DARLINGTON AND DAVE VAN WAGONER

APPOINTMENT CERTIFICATES PRESENTED TO NEWLY SELECTED MEMBERS OF THE VISITOR & CONVENTION BUREAU BOARD OF DIRECTORS

NATIONS IN BLOOM AWARD

Joe Stevens, Director of Parks & Recreation, announced the City received second place in the worldwide competition. He recognized City Forester Mike Vendegna's contribution to the presentation. He said they will make a more thorough presentation at a later date.

RECOGNITION OF BOY SCOUTS

Mayor Kinsey acknowledged the presence of two boy scouts that were working on their Communications Badges. He welcomed them to the City Council meeting.

APPOINTMENT TO THE PLANNING COMMISSION

Upon motion by Councilmember Scott, seconded by Councilmember Spehar and carried, Jerry Ainsworth was appointed to the Planning Commission to fill an unexpired term until October, 2001.

CONSENT ITEMS

Upon motion by Councilmember Theobald, seconded by Councilmember Terry and carried by roll call vote, the following Consent items 1 through 6 were approved:

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the Special Meetings January 25, 2000, February 1, 2000 and Regular Meeting February 2, 2000

2. **Replacement of Police Vehicles**

Three bids were received for five 2000 Ford Crown Victoria police vehicles. Staff recommends award to the low bidder, Western Slope Auto, in the amount of \$105,776.

Hellman, Motor Co., Delta	\$106,035.00
Montrose Ford, Montrose	\$108,279.75
Western Slope Auto, Grand Junction	\$105,776.00

Action: Award Contract for Purchase of 5 Police Vehicles to Western Slope Auto in the Amount of \$105,776

3. **Trunk Extension Funds for Costs Incurred in Upsizing the Lift Station and a Trunk Sewer Extension along Desert Hills Road**

City Utility staff has determined that it is in the best, long term interests of the sewer system to have the developer of Desert Hills Estates increase the capacity of a proposed lift station as well as construct a trunk sewer line west of the development to serve future developments. The City will fund the upsizing of the lift station as well as the trunk extension and then recover its investment through charging Trunk Extension Fees. The City's portion of the costs are estimated at \$75,000.

Action: Approve the Investment of \$75,000 of Trunk Extension Funds for Costs Incurred in Upsizing the Lift Station and a Trunk Sewer Extension along Desert Hills Road

4. **Revocable Permit to Allow a Retaining Wall in the Open Space behind 389 Butte Court** [File #RVP-2000-013]

Consideration of a Resolution authorizing the issuance of a Revocable Permit to allow the petitioner to build a retaining wall in a designated open space area in the Ridges, owned by the City.

Resolution No. 15-00 – A Resolution Concerning the Issuance of a Revocable Permit to James G. Williamson and Cherlyn Williamson

Action: Adopt Resolution No. 15-00

5. **Setting Hearings on Vacations in Arrowhead Acres II Filing 2**
[File #FP-2000-008]

Request for approval of (1) vacation of a temporary access easement for the cul-de-sac turnaround at the end of B.4 Road; and (2) vacation of the remainder of the cul-de-sac right-of-way at the end of B.4 Road.

(1) Proposed Ordinance Vacating a Temporary Turnaround Access Easement for the B.4 Road Cul-de-Sac West of 28 ½ road

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

Action: Adopt Proposed Ordinances on First Reading and Set Hearings for March 1, 2000

6. **Filing of Eminent Domain Action to Acquire Right-of-Way for Horizon Drive Improvements**

The City will save money if the Horizon Drive improvements, from G Road to the roundabout are combined with the 27 1/2 Road project. In addition, some of the Horizon Drive improvements are required of the new longer stay hotel, Horizon Park Meadows. The plan is for the hotel to escrow their portion of the cost of the improvements from which the City can pay the contractor. Additional slope easements on the south/east side of Horizon Drive from Emmanuel Epstein and Jimmie Etter are needed in order to do the improvements.

Resolution No. 16-00 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Property by Condemnation for Improvements to and New Portions of Horizon Drive and Other Municipal Public Facilities

Action: Adopt Resolution No. 16-00

*** END OF CONSENT CALENDAR ***

*** ITEMS NEEDING INDIVIDUAL CONSIDERATION ***

PUBLIC HEARING – VACATING A PORTION OF RIGHT-OF-WAY ON SOUTH COMMERCIAL DRIVE [FILE #VR-1999-288]

The City of Grand Junction is requesting vacation of a 10' portion along the west side of a 60' right-of-way known as South Commercial Drive.

The public hearing was opened at 7:58 p.m.

Patricia Parish, Associate Planner, reviewed this item stating that she was representing both City staff and the petitioner. The request is due to an error in the installation of the landscaping and parking. A theme of non-compliance occurs along S. Commercial Drive. There are existing utilities so an easement will remain. Staff recommends approval of the vacation with the condition that the City reserve a multi-purpose easement.

There were no comments. The hearing was closed at 8:01 p.m.

Ordinance No. 3230 – An Ordinance Vacating a Portion of the Public Right-of-Way for South Commercial Drive between West Pinyon Avenue and Northgate Drive

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3230 was adopted on second reading and ordered published.

PUBLIC HEARING - VARIANCE TO A CONDITIONAL USE PERMIT FOR THE PERSIGO GRAVEL PIT [FILE #CUP-1999-224]

The petitioner is requesting a variance to the landscaping requirements of a conditional use permit allowing a gravel mining operation to be located on River Road, one mile northwest of the intersection of I-70 and Highway 6 & 50. The Planning Commission recommended approval of the variance to the landscaping requirements and approved the Conditional Use Permit subject to conditions. The request is due to the unavailability of a water tap at the site.

The public hearing was opened at 8:02 p.m.

Greg Hoskin represented the petitioner, M. A. Concrete. He explained the request. The property is a triangular parcel which adjoins the Persigo Wastewater Plant on the east side. The site does not lend itself to landscaping. The variance was contingent on the attempt to gain a Ute Water tap in order to get water for the landscaping. An attempt was made and the request was denied since no residential dwelling is planned. They are now requesting a variance so they do not have to vegetate according to the Code.

Associate Planner Patricia Parish reviewed the request. She said the Ute Water requirement is not necessarily residential but it did have to be development and the gravel

pit did not qualify. Section 5-4 allows City Council to grant a variance. The requirements are certain soils or topography – water would be necessary. The EPA is against using Persigo's discharge water for irrigation.

Staff finds that the Natural Resource Conservation Service and the Tri River Extension Service are of the opinion that the soil and groundwater at this site are extremely salty and nothing will grow without other water. The Planning Commission recommended approval of the variance to the landscaping requirement.

Councilmember Theobald asked if M.A. Concrete already has a permit for the operation. Ms. Parish said the Conditional Use Permit was approved on December 14, 1999. They also felt dust mitigation could be addressed with the existing groundwater in the pit of the gravel operation.

Councilmember Terry asked for clarification of the Ute Water denial. Ms. Parish said since they didn't already have water rights to the property, they would have to request a water tap from Ute Water. Ute Water's policy is there must be development on the property before a water tap can be issued.

Councilmember Theobald said the Ute's water is for domestic use only, and landscaping is not a valid reason under their policy.

Councilmember Terry asked if it can be assumed Ute Water will not ever grant such a water tap and future petitioners in similar circumstances would not be required to request that.

City Attorney Dan Wilson said there is a proposed change in the new Code to solve this issue. If water is not available through irrigation (untreated water), then Ute Water will possibly consider changing their policy if it is the only backup plan. A map is needed showing where irrigation water is available in all possible areas. Most areas below the Grand Valley Highline Canal that have a ditch can get irrigation water, those areas above the GVHC would be considered by Ute Water for an alternate plan. If not, Ute Water could specifically identify areas that would be subject to the backup plan.

Councilmember Terry said Council can hope to do that pro-actively and have that information available if this would come up again.

There were no public comments. The hearing was closed at 8:14 p.m.

Upon motion by Councilmember Terry, seconded by Councilmember Spehar and carried, the Variance to the Conditional Use Permit was approved.

PUBLIC HEARING - REZONING THE NORTHWEST CORNER OF PATTERSON ROAD AND 1ST STREET (COMMUNITY HOSPITAL MEDICAL PARK) TO AMEND THE LIST OF PERMITTED USES IN A PLANNED BUSINESS ZONE DISTRICT

[FILE #RZ-1999-278]

Second reading of an ordinance to amend the list of permitted uses in the PB, Planned Business zone district, for Community Hospital Medical Park, to include a day surgery center.

Councilmember Terry recused herself from this matter due to her husband's close association with the petitioner and the possibility of future financial gain by her. She left the dais and sat in the audience.

The public hearing was opened at 8:15 p.m.

Rich Krohn, 744 Horizon Court, spoke representing the petitioner, Community Hospital. He also introduced Project Coordinator Kay Ogren and Trevor Brown from Rolland Engineering.

He displayed a list of uses and described the various ones allowed. He explained they want to add the use of a day surgery center. He showed a drawing of the site plan. He explained the nature of day surgery stating no emergency treatment is done there. It is only for scheduled surgery and there are no overnight stays. It adds to the comfort level to the patient and family and reduces costs. It allows no walk-in patients. There would be approximately 12 to 15 employees and 15 to 20 procedures per day. The hours are close to regular business hours (6:30 a.m. to 5:00 p.m.). Pictures from the various elevations were displayed. Mr. Krohn said the appearance will be as non-institutional as possible.

There were no questions from Council at this time.

Lisa Gerstenberger, Senior Planner, reviewed this item saying Mr. Krohn gave an excellent presentation. The request has been termed a rezone, although it's actually an amendment to the list of permitted uses for a PB planned zone district. She related the request to the Growth Plan as being consistent. The property was annexed in 1991 and zoned Planned Business with a list of uses. A day surgery center is not on the City's list of allowed uses. The next closest use is a hospital. A hospital is not on the current list of permitted uses, so a rezone is necessary. Phase 1 will consist of the day surgery center. Phase 2 will be a diagnostic imaging office and medical facilities. She cited the criteria of Section 4-4-4 of the Zoning & Development Code. The first question is whether there is an error in zoning at the time of adoption. There does not appear to be an error in the zone of annexation at the time the property was annexed into the City. This particular use was not on that list. The proposed use is in keeping with the list of permitted uses for that

zone district. Staff recommends the approval of the day surgery center and the amendment of the list of permitted uses.

There were no comments. The hearing was closed at 8:25 p.m.

Ordinance No. 3231 – An Ordinance Amending the Permitted Uses in a PB Zone Located at the Northwest Corner of 1st Street and Patterson Road

Upon motion by Councilmember Spehar, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3231 was adopted on second reading and ordered published.

Councilmember Terry returned to her seat on the dais.

PUBLIC HEARING – GROWTH PLAN AMENDMENT AND ZONING THE RUMP PROPERTY (A PORTION OF DESERT HILLS ANNEXATION NO. 1 AND ALL OF DESERT HILLS ANNEXATION NO. 2) TO RSF-R, LOCATED ON SOUTH BROADWAY [FILE #GPA-1999-275]

Request for a Growth Plan Amendment to (1) Redesignate Rump Parcel #1 from Residential Rural, 5-35 acres per unit, to Residential Estate, 2-5 acres per unit; (2) Redesignate Rump Parcel #2 from Park to Residential Estate, 2-5 acres per unit; and (3) Redesignate Rump Parcel #3 from Residential Low, ½-2 acres per unit, to Residential Estate, 2-5 acres per unit.

Second reading for a Zone of Annexation ordinance for the Rump Property located on South Broadway.

The public hearing was opened at 8:26 p.m.

Rob Katzenson, 259 Grand Avenue, LanDesign, was present to present the plan for the Rump property. Mr. Katzenson chose to go through each of the three parcels and deal with the zoning of each individually. He will then deal with the Growth Plan Amendment.

Mr. Katzenson began his presentation with Parcel #1. He stated his request for growth plan amendment is from the Rural classification to the Estate classification of 2-5 units/acre. They have complied with all requirements for Parcel #1. Regarding the zone of annexation, they have requested RSF-E which is 2-5 units/acre. Staff and the Planning Commission have recommended an RSF-R zone for this parcel due to the absence of a plan associated with the Growth Plan Amendment process. He said there is a limited amount of property suitable for development. To determine this, the City's 30% slope rationale was used. It is possible that only three units will be possible. From a

geological perspective, there is an adequate amount of acreage, in excess of 8 acres, that can be developed, but being conservative and trying to convey the actual facts, and noting that with the rock rollout, the amount of developable land is less. That is one reason for requesting the RSF-E zoning. Another limitation is the number of units that can access off of one access. Desert Hills Road has been changed to Escondido Drive with a single access. Mr. Katzenson asked for five units. The City Code allows up to 250 trips/day per residential dwelling unit. When calculating the stacking distance for Desert Hills Road, 28 dwelling units were used as the average. That was acceptable to the City's Transportation Department. The Fire Department has said it will allow up to 30 units on a single access. They are therefore requesting the RSF-E zone for Parcel #1.

Next, Mr. Katzenson explained the request for Parcel #2. The parcel was zoned in error to Public Park property when, in fact, it is private property. They are requesting the RSF-R zone classification and the Estate classification for both this Parcel #2 and Parcel #3. They are asking for the RSF-R zoning on both Parcel #2 and Parcel #3 and agree to limiting Parcel #1 to five units, and only if Escondido Drive is constructed and the sewer system installed. The property owners are also willing to reduce the number of units if it is proven that five units cannot be constructed on the property.

Councilmember Theobald asked for the size of each of the parcels. Mr. Katzenson said Parcel #1 is 16.01 acres, #2 is 5.2 acres, and Parcel #3 is 8.26 acres.

Lisa Gerstenberger, Senior Planner, reviewed this item. She said the applicant has changed his zone request for Parcels #2 and #3. There is one piece of property in three parcels, with one tax parcel number. They are all contiguous. Parcel #1 is currently classified as Rural, Parcel #2 is Park and not appropriate. Staff does agree there was an error in the Growth Plan. Parcel #2 is classified as Residential Low. The original request was to designate all three parcels residential estate and a zone of annexation of RSF-E.

Ms. Gerstenberger continued with considerations for a Growth Plan Amendment. She went through the criteria. She briefly addressed the access. No plan has been submitted so that could not be analyzed. Staff recommends that Parcel #1 stay RSF-R (up to 5 acres/unit). There are constraints on Parcel #2. The applicant has not provided sufficient justification for redesignation for this property to Residential Estate, therefore Staff recommends Parcel #2 be redesignated from the Park designation to Residential Rural and the same designation for Parcel #3. Staff is recommending all three parcels be classified as Residential Rural. The Planning Commission wanted the applicant to be able to come back with a development plan that would support a higher density than currently allowed under the Residential Rural designation, but without a plan for consideration, they were not comfortable with RSF-E due to the physical and topographical constraints of the Rump property. Still the Planning Commission has recommended approval of the petitioner's request to redesignate Parcels #1, #2 and #3 to Residential Estate (2-5 acres/unit).

Regarding the zone of annexation, Staff recommends RSF-R. The Planning Commission recommended a zoning of RSF-R to all three parcels.

Councilmember Theobald asked if all three parcels are in the 201 sewer boundary. Ms. Gerstenberger said Parcel #3 is split by the boundary and could be deleted.

Councilmember Terry asked for an explanation of the difference between the Growth Plan designation of Residential Rural (5-35) and the RSF-R zoning designation. Ms. Gerstenberger said the designation for Residential Rural is a guideline and when applying the zone of annexation, that's the goal for density. Then the zone of annexation would be either RSF-R or RSF-E depending on whether going to the high or low end. RSF-R allows one unit per five acres.

Councilmember Terry asked if it allows up to 35 acres. Ms. Gerstenberger said yes it could, but there must be at least five acres per unit in RSF-R.

David Woodward, manager of Tierra Ventures, LLC, said he supports the Rump request for RSF-E for Parcel #1.

City Attorney Dan Wilson asked if there have been any discussions to co-develop. Mr. Woodward said they have not been approached by the Rump family but they are aware of their plans. Mr. Woodward said Tierra Ventures has no ownership interest.

There were no other comments.

Rob Katzenson clarified there may be some wetlands on Parcel #3, but no delineation has been performed, so they cannot verify that such jurisdiction exists. He also explained the vehicle count number regarding the access issue, resulting in 26.2 units for calculation of the number of allowable lots. Regarding staff's determination that there may not be enough acreage to do five units, they feel they have given enough detail to see that there is enough room for a cul-de-sac and five units with eight developable acres. The applicant cannot construct a Desert Hills Road access that will limit them to the single access. That is not a self-induced hardship.

Councilmember Terry clarified that staff has recommended the Growth Plan amendment RSF-R (5-35) and RSF-R zoning on all three parcels. The Planning Commission has recommended residential estate for the Growth Plan Amendment and RSF-R zone of annexation. Mayor Kinsey said the Planning Commission recommended that because it gives the opportunity for the petitioner to come back for a zoning change without having to go through a plan amendment.

Councilmember Spehar asked for an explanation of the math figures. Ms. Gerstenberger explained how the number of lots were calculated by the number of allowable trips. The number 25 comes from the City's development engineers. There are 2500 possible trips, using the round figure of 10 trips per household. The actual number is 9.555 and would come out to 26 lots that could use that road. There are 22 already assigned to the Desert Hills development. There was an easement which was previously granted and would be 23, leaving approximately three lots possible.

Councilmember Theobald asked how the easement grants a 23rd lot. Ms. Gerstenberger said the easement was granted to someone not involved in the Desert Hills property but they have a legal right to use the roadway when it's constructed. So it would be counted as a household. Ms. Gerstenberger said no one at City staff disputed the number 28. She said for purposes of the TEDS Manual, 26 would be the maximum number of lots.

Councilmember Theobald said if it will stay in the 201 boundary then it should be RSF-E. If not then RSF-R. He liked the Planning Commission's recommendation with the Growth Plan solution which somewhat delays that. The applicant wants Rural instead of Estate on Parcel #2 and he was comfortable with that. Regarding the maximum of three units on Parcel #1, the zoning doesn't matter because of other considerations. He agreed with the Planning Commission's recommendation to stipulate no more than three units on Parcel #1.

Councilmember Spehar felt it was important to limit that to 3 developable lots because that impression was left with the neighborhood in the previous hearing. If the estate designation is approved, then they will likely see five units. He asked if Council can limit the number of lots. City Attorney Wilson said yes, as it will give the applicant some direction.

Councilmember Spehar asked why a Growth Plan Amendment is needed a limit of three is being placed on Parcel #1. Mayor Kinsey said it makes them all the same.

Councilmember Theobald said it troubled him to have a growth plan that on the face violates the Persigo Agreement. The Persigo Agreement says the maximum is two acres.

Councilmember Terry said there may be exceptions to that within the urban area. Council will have to work on it later.

There were no other comments. The hearing was closed at 9:00 p.m.

a. Growth Plan Amendment

Resolution No. 17-00 – A Resolution Amending the Growth Plan of the City of Grand Junction (Portions of Desert Hills Annexation-Rump Property to Residential Estate)

b. Zoning Ordinance

Ordinance No. 3232 – An Ordinance Zoning the Rump Property to RSF-R, 5 Acres per Unit

Upon motion by Councilmember Theobald, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 17-00 was adopted and Ordinance No. 3232 was adopted on second reading and ordered published.

PUBLIC HEARING - ROBERTSON ANNEXATION, LOCATED AT 522 20 1/2 ROAD AND INCLUDING PORTIONS OF THE 20 1/2 ROAD RIGHT-OF-WAY

[FILE #ANX-1999-269]

The 3.80-acre Robertson Annexation area consists of two parcels of land. The southern most parcel contains a single family residence and is proposing adjusting its northern most property line to acquire additional real estate. The remaining parcel, which has one single family residence existing, will be subdivided into 3 residential lots. The owners of the properties have signed a petition for annexation.

The public hearing was opened at 9:02 p.m.

Joe Carter, Associate Planner, reviewed this item. He said the petitioner does not plan on speaking. He displayed a vicinity map and then displayed a map of the area. He explained the request as above, and stated the property is eligible for annexation. Staff recommends Council accept the annexation petition and approve the annexation ordinance.

There were no public comments. The hearing was closed at 9:05 p.m.

a. Resolution Accepting Petition

Resolution No. 18–00 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Robertson Annexation is Eligible for Annexation, Located at 522 20 ½ Road and Including Portions of the 20 ½ Road Right-of-Way

b. Annexation Ordinance

Ordinance No. 3233 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Robertson Annexation, Approximately 3.80 Acres, Located at 522 20 ½ Road and Including Portions of the 20 ½ Road Right-of-Way

Upon motion by Councilmember Payne, seconded by Councilmember Spehar and carried by roll call vote, Resolution No. 18-00 was adopted and Ordinance No. 3233 was adopted on second reading and ordered published.

PUBLIC HEARING - ZONING ROBERTSON ANNEXATION TO RSF-2, LOCATED AT 522 20 1/2 ROAD [FILE #ANX-1999-269]

Request for a Zone of Annexation from County R1B to City RSF-2, Single Family residential with a density not to exceed 2 units per acre.

The public hearing was opened at 9:06 p.m.

Associate Planner Joe Carter reviewed this item. The petitioner did not choose to speak. Mr. Carter said the proposed zone complies with the criteria of Sections 4-4-4 and 4-11 of the Zoning & Development Code. The Growth Plan designates this area as Residential Medium to Low, with densities ranging between 2 and 3.9 units/acre. The Planning Commission recommended approval of the RSF-2 zoning

Councilmember Theobold asked what is County R1B. Mr. Carter said it is 2 units per acre.

There were no public comments. The hearing was closed at 9:08 p.m.

Ordinance No. 3234 – An Ordinance Zoning the Robertson Annexation from County R1B to City RSF-2

Upon motion by Councilmember Terry, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3234 was adopted on second reading and ordered published.

PUBLIC HEARING – CROWE ANNEXATION, LOCATED AT THE SOUTHEAST CORNER OF I ROAD AND 26 1/2 ROAD [FILE #ANX-1999-271]

The 41.51-acre Crowe Annexation area consists of one parcel of land located at the southeast corner of I Road and 26 1/2 Road and including portions of the I Road and 26 1/2 Road rights-of-way. The owner of the property has signed a petition for annexation as part of a request for a Growth Plan Amendment.

The public hearing was opened at 9:09 p.m.

Dave Thornton, Principal Planner, reviewed this item. He located the parcel for Council, adjacent to Summer Hill Subdivision. He recommended both parts of this agenda item (acceptance of the annexation and zoning) be approved.

Councilmember Payne asked where the 201 boundary stopped. Mr. Thornton said it stops at I Road.

There were no public comments. The hearing was closed at 9:10 p.m.

a. Resolution Accepting Petition

Resolution No. 19-00 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Crowe Annexation is Eligible for Annexation, Located at the Southeast Corner of I Road and 26 ½ Road and Including Portions of the I Road and 26 ½ Road Rights-of-Way

b. Annexation Ordinance

Ordinance No. 3235 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Crowe Annexation, Approximately 41.51 Acres, Located at the Southeast Corner of I Road and 26 ½ Road and Including Portions of the I Road and 26 ½ Road Rights-of-Way

Upon motion by Councilmember Theobold, seconded by Councilmember Scott and carried by roll call vote, Resolution No. 19-00 was adopted and Ordinance No. 3235 was adopted on second reading and ordered published.

PUBLIC HEARING – GROWTH PLAN AMENDMENT AND ZONING THE CROWE ANNEXATION TO RSF-4, LOCATED AT THE SOUTHEAST CORNER OF I ROAD AND 26 1/2 ROAD [FILE #ANX-1999-271]

A request for a Growth Plan Amendment for 41.51 acres located at the southeast corner of I Road and 26 ½ Road. The property is currently designated “Residential Medium” with densities ranging between 4 and 7.9 units per acre. The applicant is requesting a Growth Plan Amendment to reduce the density range to 2 to 3.9 units per acre under the “Residential Medium Low” land use category.

A request for second reading of the ordinance for the Zone of Annexation to Residential Single Family with a maximum density of four units per acre (RSF-4) for the Crowe Annexation. The 41.51-acre Crowe Annexation area consists of one parcel of land. The owner of the property has signed a petition for annexation as part of a request for a

Growth Plan Amendment. State law requires the City to zone newly annexed areas within 90 days of the annexation.

The public hearing was opened at 9:10 p.m.

Doug Theis, engineer with Thompson Langford Corp. was present representing the petitioner. He identified the surrounding zoning. The request for the Growth Plan Amendment is to make this property more compatible with the surrounding land use.

Dave Thornton, Community Development Department, said staff is supporting this request because there was a change on a surrounding property and this request will be more compatible with that change. The reduction in density will allow around 2 units per acre. It is a better transition to the larger lots to the north. The zone request for RSF-4 falls into either of the Growth Plan designations so it is not affected by the decision on the Growth Plan Amendment.

Councilmember Theobald said he would like to see the zone designations match the Growth Plan designations.

There were no public comments. The hearing was closed at 9:20 p.m.

a. Growth Plan Amendment

Resolution No. 20-00 – A Resolution Amending the Growth Plan of the City of Grand Junction (Crowe Annexation to Residential Medium Low)

b. Zoning Ordinance

Ordinance No. 3236 – An Ordinance Zoning the Crowe Annexation to RSF-4 (Residential Single Family with a Maximum of Four Units per Acre)

Upon motion by Councilmember Theobald, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 20-00 was adopted and Ordinance No. 3236 was adopted on second reading and ordered published.

PUBLIC HEARING - WEBB CRANE ANNEXATION, LOCATED AT 761 23 1/2 ROAD

[FILE #ANX-1999-277]

The 24.75-acre Webb Crane Annexation area consists of three parcels of land. Owners of the property have signed a petition for annexation as part of their request for a Growth Plan Amendment for a portion of this property.

The public hearing was opened at 9:20 p.m.

Kathy Portner, Planning Manager, reviewed this item.

Cindy Enos-Martinez stated for the record she is a partner in Development Concepts, the developer for Webb Crane.

Kathy Portner reviewed this item. She stated the eligibility of the annexation of the Webb Crane property. Staff finds the application meets State requirements for annexation and recommends approval of the annexation. She noted the Webb Crane Annexation does create an enclave. She pointed out four properties to the south of I-70 that are not within the City limits. In annexing this property, those properties become enclaved and subject to the provisions of the Persigo Agreement that they be annexed within five years.

Councilmember Theobald noted that Council does not inadvertently create enclaves but due to the configuration of this parcel, an enclave is created.

Councilmember Terry urged that those in the enclave be notified. She suggested such notification come from the Council and Mayor, as well as copies to the Mesa County Commissioners.

There were no other comments. The hearing was closed at 9:26 p.m.

a. Resolution Accepting Petition

Resolution No. 21-00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Webb Crane Annexation, Including a Portion of the 23 ½ Road and I-70 Right-of-Way, is Eligible for Annexation, Located at 761 23 ½ Road

b. Annexation Ordinance

Ordinance No. 3237 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Webb Crane Annexation, Approximately 24.75 Acres, Including a Portion of the 23 ½ Road and I-70 Right-of-Way, Located at 761 23 ½ Road

City Attorney Wilson noted the name of Councilmember Enos-Martinez will not be called when voting on this item.

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 21-00 was adopted and Ordinance No. 3237 was adopted on second reading and ordered published.

PUBLIC HEARING - GROWTH PLAN AMENDMENT FOR WEBB CRANE ANNEXATION, LOCATED AT 761 23 1/2 ROAD [FILE #ANX-1999-277]

The owners of the 24.75-acre Webb Crane Annexation are requesting to amend the Growth Plan for the northern portion of their property from Residential Estate (2 to 5 acres per unit) to Commercial/Industrial.

The public hearing opened at 9:27 p.m.

Mike Joyce, Development Concepts, 2764 Compass Drive, represented the petitioner and reviewed the history of this property. He also read the motion that rezoned this property by Mesa County back in the 80's. The motion stated that they recommend approval of the rezone to the Planning Commissioners subject to the review sheet comments subject to the following reasons:

- (1) The corridor between 23 and 24 Roads represents the only opportunity for the trucking industry to have an access on and off of I-70.
- (2) The planned commercial zone will provide the opportunity for the Planning Commission and Planning Department to mitigate any impacts on neighborhood uses.
- (3) The density of this area was established by placing of this interchange at that location long before the Colorado Kenworth application.
- (4) The proposal does not violate sound planning principles.

That motion was not considered in the Appleton Plan or the North Central Valley Plan which were developed later. The only way Webb Crane can continue is to expand their business. Webb Crane has been meeting with the neighborhood and talking about the impacts. He rescinded the application for the rezone to I-1. They were going to put some residential units on 23 1/2 Road and provide a berm and buffering to protect the integrity of the area. The neighborhood was in agreement. They found they can't put residential next to I-1 under the current Code. It is allowed in the new Code. The petitioner wants to withdraw and rethink the application. They have 90 days to zone. He said they will probably request a Planned Zone to insure buffers for the neighborhood. It will also allow Webb Crane to plan where certain pieces of equipment can be stored on the property.

Mr. Joyce then went through the Growth Plan Amendment criteria.

- (a) An error in the original plan such that the then facts, projects or trends that were reasonably foreseeable were not accounted for – There is no contemplation of additional residential. There may have been a mistake by not taking into account past decisions made by the County Commissioners when earlier plans were drafted. There is a need for a provision that existing businesses should be allowed

to grow. Mr. Joyce felt it is time for an update of the Growth Plan which is now approximately five years old, as many changes have taken place over time.

- (b) Events subsequent to the adoption of the plan have invalidated the original premises and findings – There have been some significant changes in the area, a church has been constructed generating a traffic impact.
- (c) Character has changed enough to justify amendment – There is some expansion on other corners that make this more logical now than in that past.

Mr. Joyce asked Kevin Williams to talk about the physical plant and the cost to relocate.

Kevin Williams, Webb Crane Service, 761 23 ½ Road, said they have considered the option of relocating their facility to another area within the community, but it is more convenient being close to I-70 and having the frontage road configuration. A relocation would also be quite costly. The appraisal of the value of their Grand Junction property (including their 13 acres) was approximately \$1 million in 1999. They have a 40-acre parcel in Gypsum where they're trying to build another facility. The new facility will cost approximately \$3 million minus the utilities that must be installed. Webb Crane employs approximately 60 people in the Grand Junction area with an average salary between \$13.75 and \$15.25. They house approximately \$10 to \$12 million dollars of equipment in Grand Junction. Mr. Williams felt they are a good neighbor by maintaining the character of the neighborhood with employee housing.

Mr. Joyce met with the neighbors and came to a verbal agreement. Webb Crane has agreed to construct the houses on 23 ½ Road and place the berms prior to storing any additional equipment on the back portion of the property. Staff has brought up the issue that this property is an Estate area requiring two acre minimum lot sizes. They are planning on one acre sites, and they are not planning to plat separately. He feels they have mitigated the neighbor concerns.

Councilmember Theobald asked for clarification on the withdrawal of the zone request. Mr. Joyce said they are wanting to withdraw the zone of annexation only. During the 90-day period, they want to work with the City and the neighborhood so they can do what they want to do. They are requesting only the Growth Plan Amendment tonight. A zone of annexation will come back to Council at a later date.

Councilmember Terry asked if Council approves the Growth Plan Amendment that takes the property to the commercial/industrial designation, will that give them the flexibility to do a planned zone in the future. Ms. Portner said yes.

Kathy Portner, Planning Manager, reviewed the options. She noted the red (Parcel #1) is designated as commercial. The green area (Parcel #2) is designated as estate (2-5

acres/unit). They have approval on a Conditional Use Permit on Parcel #2 for 4 ½ acres of the property. The south portion does not extend to 23 ½ Road. The approval of the CUP was for the storage of their equipment and required screening of that equipment. The County AFT zone allows a much broader range of uses than the City's equivalent zone of RSF-R. The City's RSF-R zone would make them non-conforming, although they would be allowed to continue to operate under the provisions of the County-approved CUP. If Webb Crane is annexed and given similar zones to what it has in the County, they could continue to operate, but would not be allowed to expand. She recommended a Growth Plan Amendment to a commercial/industrial designation. Staff does not support the designation for the northern Parcel #2. Staff has concerns with the compatibility of expanding further to the north with the surrounding area. Staff agrees the depth of the commercial designation to the west might warrant some of Parcel #2 being given that designation. The major concern is the 23 1/2 Road frontage. If Council considers amending the Growth Plan for any of Parcel #2, enough land should be left on 23 ½ Road as residential estate to meet the two-acre minimum lot size. The Planning Commission recommends approval of the proposed Growth Plan Amendment for Parcel #2, but gave specific direction to the applicant on what is expected with a zone of annexation. The Planning Commission wanted to see residential uses along 23 ½ Road and some good screening and buffering between those uses and the Webb Crane operation to the west. The Planning Commission was willing to entertain that under a Planned Zone district where it is a part of the plan and would not necessarily hold them to the estate designation of the two-acre lots.

Councilmember Theobald asked what Ms. Portner would envision for the depth back from 23 ½ Road if the Growth Plan designation were to be amended to come short of 23 ½ Road. Kathy Portner said the applicant has considered that and they would remain with approximately eight acres of Parcel #2 for future expansion. It won't give them the area they desire.

Councilmember Spehar said if the frontage is left as Estate, then Council is causing a conflict with the three units and screening. Ms. Portner concurred. They would need to come back with a plan that met the density of the Estate zoning, meaning two acres per parcel.

Councilmember Theobald asked if density is the primary factor, or the buffering for the neighborhood. Kathy Portner said both are key issues. She thought that once they have residential uses along 23 ½ Road on one acre lots, eventually they will want to sell those lots off. At that time, the estate designation would be reevaluated for a much larger area than just the lots on the 23 ½ Road frontage.

Councilmember Payne asked if the petitioner had said they would sign a statement saying that could not happen. Kathy Portner said they agreed they would come back with a planned zone where the homes would actually be under their ownership. It would have

to come through the public hearing process. The Planning Commission was comfortable with the Growth Plan Amendment for the entire parcel knowing at the time the petitioner comes back with the zoning request, Planning Commission can consider the criteria for rezoning and determine the appropriateness of the proposal at that time. An option would be to not go ahead with the Growth Plan Amendment and suggest it come back with the request for zoning because then the plan is known.

City Attorney Wilson said creating lots has an advantage because the neighborhood knows what they have. Staff could not address internal circulation because it's one property. There is an advantage to subdividing. Kathy Portner did not see a great advantage. The homes on 23 ½ Road will have driveways to 23 ½ Road no matter what the ownership is. They are not proposing to have the business access onto 23 ½ Road. There will be no internal circulation.

Councilmember Terry asked if the issues stated in the other neighborhood letters, other than the Penningtons, were addressed. Mr. Joyce said most of the letters were generated after the Penningtons met with the neighborhood residents. Their main concern is the traffic on 23 ½ Road and the noise. Colorado Kenworth now generates a lot of noise with outside speakers. Webb Crane doesn't have the outside speakers. Another issue was the buffering to the north end of the property. They are looking at a regional detention basin in this area. Webb Crane has voluntarily restricted access onto 23 ½ Road to service vehicles. They only want to use 23 ½ Road for access to the residential structures.

There were no other comments. The hearing was closed at 10:01 p.m.

Resolution No. 22-00 – A Resolution Amending the Growth Plan of the City of Grand Junction (Webb Crane Annexation to Commercial/Industrial)

Upon motion by Councilmember Terry, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 22-00 was adopted.

ADJOURNMENT

The meeting was adjourned at 10:02 p.m.

Stephanie Nye, CMC
City Clerk