

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

April 19, 2000

The City Council of the City of Grand Junction, Colorado, convened into regular session the 19th day of April, 2000, at 7:33 p.m. at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Earl Payne, Jim Spehar, Janet Terry, Reford Theobold, and President of the Council Gene Kinsey. Councilmember Jack Scott 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 Eldon Coffey, retired minister.

PROCLAMATION DECLARING APRIL 20, 2000 AS "ARBOR DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE WEEK OF APRIL 30 TO MAY 6, 2000 AS "MUNICIPAL CLERKS WEEK" IN THE CITY OF GRAND JUNCTION

PRESENTATION OF APPOINTMENT CERTIFICATE TO NEWLY APPOINTED DOWNTOWN DEVELOPMENT AUTHORITY BOARD MEMBER

PJ McGovern was present to receive his certificate.

CONSENT ITEMS

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried by roll call vote with Councilmember **THEOBOLD ABSTAINING** on Item 14, the following Consent Calendar items 1 through 15 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting April 5, 2000

2. **Mesa County Animal Control Agreement for 2000**

The City has an ongoing, annually renewable agreement with Mesa County for the control of dogs within the City limits. The City pays Mesa County a percentage of the Animal Control budget based upon the City's percent of total calls for service. The City's share of the budget for 2000 is 42.12% (\$173,059). Payments are

made to the County on a quarterly basis. The amount requested for the 2000 contract includes an additional \$33,059 from contingency.

Action: Authorize the City Manager to Sign the Mesa County Animal Control Agreement for 2000 in the Amount of \$173,059 and \$33,059 in Contingency Funds be Authorized to Increase the 2000 Budget

3. **Setting a Hearing on the First Supplemental Appropriation for 2000**

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance. Over 97% of the \$5.1 million in revisions are carry-forward requests. The standard carry-forward items are capital equipment and capital improvement projects. Amounts for operating expenditures are generally not allowed to be carried forward, the exceptions being incomplete contractual obligations, expenses directly linked to grants or donations and for specific projects (e.g. to complete the Zoning Code Revision).

Proposed Ordinance Making Supplemental Appropriations to the 2000 Budget of the City of Grand Junction

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 3, 2000

4. **Electronic Filing and Remittance of Taxes to the City**

After months of analysis by the Colorado Municipal League, they are recommending the City's participation in an electronic tax filing program. This program will conveniently allow any vendor who is required to collect the City's taxes (sales, use, and lodging taxes) to file and pay electronically.

Action: Authorize the City Manager to Sign the Service Agreement with NationTax Online, Inc. to Provide Electronic Filing and Payment Services to Vendors who Collect the City of Grand Junction Taxes

5. **Common Area Furniture for New City Hall**

Staff is requesting authorization for the City Manager to sign a contract between the City and Office Outfitters & Planners, Inc. to purchase and install the common area furniture for the new City Hall. The amount of the contract is \$159,900, and was determined after completion of a competitive bid process.

Action: Authorize the City Manager to Sign a Contract between the City and Office Outfitters & Planners, Inc. in the Amount of \$159,900 for the Purchase and Installation of the Common Area Furniture for New City Hall

6. **Aggregate Material for 2000 Street Maintenance**

Request to purchase aggregate material (3/4" road base and 3/8" rock chips). White Water Building Materials provided aggregate material in 1999 and has offered to extend to the City the same competitive aggregate prices for last year. The total contract price, based on an estimate from the Public Works Street Department, shall not exceed \$67,625.

Action: Authorize Contract Extension for Aggregate Materials for 2000 Street Maintenance to White Water Building Materials in an Amount Not to Exceed \$67,625

7. **Road Oil for 2000**

The CDOT contract was competitively bid for emulsions for the year 2000. The various emulsion products "Road Oil" purchased on this contract are used in special street maintenance and chip seal projects during the summer.

Action: Award Contract for Emulsion and Road Oil to Koch Performance Asphalt in an Amount Not to Exceed \$61,280 in Cooperation with CDOT

8. **Kannah Creek Water System Improvements – Materials Procurement**

The following bids were received on April 11, 2000:

<u>Contractor</u>	<u>City</u>	<u>Bid</u>
Grand Junction Pipe	Grand Junction, CO	\$ 80,618.21
Waterwork Sales	Grand Junction, CO	\$ 83,145.80
Engineers Estimate		\$ 83,119.00

Action: Award Contract for Kannah Creek Water System Improvements - Material Procurement - to Grand Junction Pipe in the Amount of \$80,618.21

9. **Building Inspection Services**

Since 1988, the City has contracted with Mesa County under the present arrangement where the County performs all building inspection functions within the

City for the amount of fees that the County collects from building permit fees. The contract is for a 2-year term.

Action: Approve Contract with Mesa County for Building Inspection Services

10. **Establishing Development Fees**

This resolution re-establishes the existing development impact fees and review fees that were previously contained in the Zoning and Development Code.

Resolution No. 26-00 – A Resolution Establishing Development Fees

Action: Adopt Resolution No. 26-00

11. **Setting a Hearing on Headstart Annexation Located at 3093 E 1/4 Road**
[File #ANX-2000-062]

The 0.88-acre Headstart Annexation area consists of one parcel. There are no existing structures on the site. The applicant is proposing a day school for the children of migrant workers. The owners of the property have signed a petition for annexation.

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

Resolution No. 27-00 – 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 – Headstart Annexation Located at 3093 E ¼ Road

Action: Adopt Resolution No. 27-00 and Set a Hearing on June 7, 2000

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Headstart Annexation, Approximately 0.88 Acres Located at 3093 E ¼ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for June 7, 2000

12. **Setting a Hearing on Zoning Miller Annexation I-1, Located at 2978 Gunnison Avenue** [File #ANX-2000-037]

The 2.29-acre Miller Annexation area consists of one parcel of land. The Planning Commission is recommending the zoning of I-1 (Light Industrial) to accommodate the applicant's gymnastics building with a special use permit.

Proposed Ordinance Zoning the Miller Annexation to a Light Industrial (I-1) District

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 3, 2000

13. **New Restroom Facility at Stocker Stadium/Suplizio Field**

The project consists of construction of a new restroom facility beneath the concrete stands at Stocker Stadium. The construction includes the required upgrade to the current electrical system. Bids were received and opened on April 13, 2000. The low bid is to be determined.

Action: Award Contract for New Restroom Facility at Stocker Stadium/Suplizio Field

14. **City Hall Employee Parking**

Review of lease agreement with the First Assembly of God Church at 5th Street and Grand Avenue for City hall employee parking.

Resolution No. 35-00 Adopting the Lease Agreement between Assembly of God Church and City of Grand Junction for Offsite Parking for City Hall Employees

Action: Adopt Resolution No. 35-00

15. **Red Canyon Trunk Extension – Sole Source Request**

RBI is the contractor currently constructing the golf course and public works infrastructure for the development of Redlands Mesa south of the Ridges. Staff is recommending a sole source contract in the amount of \$105,388 to RBI in order to minimize construction delays to the project and take advantage of bid prices that are consistent with other City sewer work.

Action: Award Contract for the Red Canyon Trunk Extension to RBI from Glenwood Springs, Colorado, in the Amount of \$105,388

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

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *******PUBLIC HEARING - REZONING PROPOSED LOT 16, RIDGE POINT FILING 2 FROM PR-4 TO RSF-2, AND REQUEST TO MODIFY PUBLIC STREET STANDARD, LOCATED EAST OF HIGH RIDGE DRIVE AT THE EAST END OF HIDDEN VALLEY DRIVE IN THE RIDGES [FILE #RZP-2000-007]**

The applicant has requested to rezone a portion of a 50.4-acre parcel in the Ridges, known as proposed Lot 16, Ridge Point Filing 2 from PR-4 to RSF-2. The PR-4 zoning on the remainder of the parcel (proposed Lots 1-15) will remain and by this Ordinance, Council will be directing staff to make the necessary change to the Official Zoning Map. The applicant has also requested to reduce the public street standard by four feet to allow a sidewalk on only one side of the proposed street.

The hearing opened at 7:44 p.m.

Mayor Kinsey explained the zoning and street standards will be discussed separately.

Ted Munkres, developer, 121 Chipeta Avenue, reviewed this request. Through thoughtful planning, research and engineering a plan has been developed for Ridge Point Subdivision. He discussed Lot 16, consisting of 44 + acres. The current zoning is PR-4, and has been for the past six years. The recently adopted land use map changes the zoning and although he questions whether it can be changed in the middle of development, he is not opposed. In a land use meeting on January 25, 2000 he was told the new map would reflect any approved plan. They now have an approved plan so Mr. Munkres assumed the map will reflect that plan. The rezone is consistent with the growth plan.

Bill Nebeker, Senior Planner, Community Development Department, reviewed this item. He gave Council the background and history. The applicant filed an Outline Development Plan two years ago. The existing zoning on the entire parcel is PR-4. It was rezoned with the Ridges Annexation. The developer applied for an Outline Development Plan on the larger area and a Preliminary Plan on the smaller area. Staff focused on the larger area (Lot 16) because a Planned Zone requires a plan for the whole parcel in order to split off a section for development. This area has a lot of constraints such as topography and street capacity. After about a year, it was determined the application should be withdrawn and then rezone Lot 16 to RSF-2 to eliminate it from the Outline Development Plan. A Preliminary Plan was then submitted for the remaining site and is currently zoned PR-4. That plan went before the Planning Commission and was approved with conditions, only realizing recently that the future land use map (becoming effective Saturday, April 22, 2000) showed the entire parcel as RSF-2. The proposal today

instructs staff to retain the PR-4 zoning for the planned parcel and the rest to be rezoned to RSF-2.

Councilmember Terry asked for clarification on previous discussions on whether the PR-4 would be acceptable. Mr. Nebeker read a transcript of the minutes verifying that the map would be changed to coincide with the plan.

Councilmember Theobald restated that because there was an application pending, the property (entire 20 acres) would be zoned PR-4 on the future zoning map, but only if a plan was approved through the development process. Mr. Nebeker said it would only be retained on the portion for which the plan was approved (the smaller acre portion).

City Manager Mark Achen said the intent in January was if the plan was approved, the map would reflect such approval. However, the question is what was meant by "if approved" and "when" that occurred. The meeting was January 25, 2000, the new zoning map final action was March 7, 2000. The "plan" was not "approved" until the Planning Commission meeting on March 14, 2000.

Councilmember Terry said what was said was not reflected on the zoning map. Bill Nebeker confirmed it was not. City Manager Achen said it's because nothing was approved when the zoning map was adopted.

Councilmember Theobald said the zoning map reflects RSF-2 effective April 22, 2000. He said the only way it will change from RSF-2 to PR-4 is if Council approves a zoning of RSF-2 for Lot 16, and by default, PR-4 then remains on the remaining 15 lots. Bill Nebeker said that's because the ordinance is written that way. Council could instruct Staff to retain the PR-4 zoning on the smaller portion rather than approve the ordinance.

City Attorney Dan Wilson said if Council did nothing tonight, RSF-2 will apply to the entire 50 acres. The default will be the RSF-2. An ordinance is required to retain the PR-4 zoning that will be consistent with the plan approved by the Planning Commission.

Councilmember Theobald said if this were tabled for two weeks, the new map takes effect, and the ordinance would instead be a rezoning ordinance to PR-4 rather than RSF-2. City Attorney Wilson agreed.

Councilmember Payne asked what will happen automatically on Saturday. The new zoning map will be in effect and the entire parcel, Lots 1 through 16, will be RSF-2 zoning.

City Manager Achen said because of the timing and sequence, it is confusing as to the appropriate action the applicant should be requesting or Staff should be processing. Council has already taken action on this property effective Saturday. Until Saturday, there is an existing zoning that is different than the action previously taken by Council.

Tonight's action taken by Council will not be effective until May 21, 2000 so the appropriate action is to retain the PR-4 zoning on Lots 1 through 15. If action is taken tonight to rezone Lot 16, it has no effect because the entire parcel has already been changed to RSF-2. City Attorney Wilson said the ordinance was written a month and a half ago when the timing wasn't apparent. The ordinance needs to say the zoning map officially approved will be amended to rezone Lots 1-15 to PR-4 consistent with the Plan approved by the Planning Commission two weeks ago. The ordinance would be re-written to reflect it's a change from RSF-2 to the Planned Zone.

Councilmember Terry said it is a Growth Plan amendment, and Council hasn't had it presented that way.

City Manager Achen asked if there is parcel to rezone to PR-4. City Attorney Wilson said not until the map is in effect. Until the zoning is consistent with the plan, the plan subdivides Lots 1-15, leaving Lot 16. If Council denies the zoning or takes no action, the plan is ineffective.

Councilmember Theobold said the item before Council is a rezone to RSF-2 for Lot 16. Council cannot discuss the appropriateness of PR-4 zoning on Lots 1-15 because it's not before Council.

City Attorney Wilson said it needs to be determined what notice was given, because the net effect is to change the zoning of Lots 1 through 15 to PR-4. If legal notice has been given, Council can amend the ordinance for final publication. If the notice described the entire property, Lots 1-16 inclusive, it is okay. If the notice only described Lot 16, then the public was not on notice that the City was rezoning Lots 1-15. If Lots 1-15 are not being rezoned as of Saturday, it is RSF-2, inconsistent with the plan. This is the potential dilemma. Mr. Wilson will determine legal sufficiency of the notice.

Senior Planner Bill Nebeker said the notice described the entire parcel with wording that only the larger lot (Lot 16) is being rezoned.

Councilmember Theobold said there are legal issues on what can be discussed. The zoning will default on Saturday. PR-4 was presented as an option but was not going to happen without discussion. It is contrary to the Growth Plan and Council has not seen any Growth Plan amendment. Councilmember Theobold explained to the audience that this issue is not typical. Council just went through a new code and new zoning with this project caught in the middle, which is the reason for the confusion. He didn't want to delay this meeting since people are attending for this specific item. But he suggested postponing this item to the next meeting when Council can deal with those issues on a more clear cut manner.

City Attorney Wilson said the notice is critical. If an additional notice is required, the item could be delayed two meetings for the first and second readings on a rewritten ordinance.

Councilmember Theobold suggested setting the item to a date certain so people won't have to come to back twice.

It was suggested the planning file on this item be retrieved to determine if proper public notice has been given.

RECESS

A recess was taken at 8:14 p.m. to investigate the notice. Upon reconvening at 8:25 p.m. the six members of Council were present.

Mayor Kinsey clarified what the discussion will cover.

City Attorney Wilson said three pieces of information in the file don't agree. He gave his legal opinion on a less than perfect notice question. Both the Planning Commission legal notice and the City Council notice are required, separate is the plan itself showing how the lots are actually laid out. The Planning Commission legal notice did not recognize that the new zoning map was going forward. The notice focused on the rezone of Lot 16. The discussion at the meeting was on the zoning of both parts of the property. The notice for the Council addresses both parcels in the recitals. He read the second paragraph that discusses the retention of the PR-4 zoning: "The new zoning map adopted on March 7, 2000, effective April 22, 2000, will rezone the entire parcel, including Lots 1-15, to RSF-2. By this ordinance Council would be directing Staff to make the change to that map to retain PR-4 zoning." That paragraph accurately describes tonight's issue. Because of that paragraph, Mr. Wilson said it was his opinion that Council has jurisdiction and can go forward with the hearing tonight. The notice is sufficient to allow Council to take no action, or not adopt the ordinance, then Lots 1 through 15 will be zoned to RSF-2 on Saturday, April 22, 2000, as well as Lot 16. If Council adopts the ordinance then Lots 1 through 15 will be retained as PR-4.

Councilmember Theobold asked, if challenged, what is the worst case scenario. City Attorney Wilson said there is no risk in doing nothing or voting the ordinance down. If Council adopts the ordinance and it is challenged by Rule 106, or some other rule that could overturn Council's decision, and a judge rules against Council, the parcel would revert back to RSF-2 zoning.

Councilmember Spehar asked if Mr. Wilson's opinion means Council can hear testimony on Lots 1 through 15. City Attorney Wilson said yes.

Councilmember Theobold restated it is not the details of the plan but the density that is the issue. City Attorney Wilson agreed.

Councilmember Terry assumed a hearing will be conducted on both zoning issues so Council can go forward. Councilmember Spehar agreed.

Councilmember Theobold suggested letting the petitioner start again since things have changed.

Ted Munkres, developer, 121 Chipeta Avenue, clarified he can talk about the density of the plan, not road standards. City Manager Achen said the street standards would be discussed after Council acts on the rezoning issue.

Councilmember Theobold said the topographical limitations can affect density so he asked Mr. Munkres to address that.

Mr. Munkres showed an overhead of the plan showing where the houses will be built, but did not show the open space. This was the original plan for the entire property with 214 units planned. The subject site (Lot 16) was anticipated to have 48 units on it and they have cut it back to 15. He showed pictures of how the homes will fit on the property, as well as pictures of the landscaping. Issues have been brought up that they are going to have smaller homes in the area. The range of the homes is 1991 to 2437 square feet on adjacent lots. In the proposed subdivision, a home planned for Lot 11 is 2327 square feet. The homes will be comparable and compatible with the existing homes in the neighborhood. The density is currently at 2.14 units per acre and on Saturday, without further action, the density will be 2 units per acre. With that in mind, he showed Council the open space with the planned clustering effect on the top of the ridge.

Councilmember Payne asked what is the smallest home planned. Mr. Munkres said wherever the market draws them. They don't have a minimum size home planned and no covenants have been adopted. That normally occurs at final plat.

Councilmember Payne asked if it is possible the homes will be 1200 to 1400 square feet. Mr. Munkres said he didn't think that size would work there and didn't think that's where the market is. The covenants probably will not allow a home of that size.

Mayor Kinsey said Mr. Munkres mentioned adding additional acreage makes the density RSF-2. He wondered why Mr. Munkres is going to the trouble of developing a planned development. Mr. Munkres said because they always addressed the PR-4. That is the current zone, and that is what was addressed. Changing the zoning in an existing subdivision will create non-conformance housing in that subdivision.

Councilmember Spehar asked if Council can make that change adding additional acreage to the plan. City Attorney Wilson said Council might be able to because the notice gave Council jurisdiction over the whole 50 acres. It's where the line is drawn between the PR and the RSF-2. It is a minor amendment especially because the additional property will remain open space (undevelopable ground).

Mr. Munkres said they have superimposed the actual slope on the study of the house design. The slope is actually less than what the houses were designed for. The side setbacks are 5 feet consistent with the adjacent projects, front setbacks are 15 foot for the house, 20 feet for the garage, thus creating a nicer streetscape.

Councilmember Spehar said the Ridges guidelines prohibit building on 30% slopes. He asked Mr. Munkres if he anticipates building on 30% slopes. Mr. Munkres said a concession has been made to build only single level at street level if he is allowed to build patios and decks on those slopes of 30% or greater.

Councilmember Theobald asked if the Planning Commission has authority to grant that waiver. City Attorney Wilson said if Council approves the zoning then the plan is also being approved, which includes the decks and patios. He said Council can say they approve the PR-4, but do not approve this issue. He said Council can disapprove of the patios.

Councilmember Theobald said if there is no encroachment allowed and a prohibition on building two stories, then what would be done. Mr. Munkres said he would have to reduce the size of the home rather than shrinking the setback. He said they don't want to reduce the front setback.

Councilmember Enos-Martinez was concerned with the separation distance of homes. Mr. Munkres said the setbacks are the same as Ridge Point 1 which is adjacent to this property.

Councilmember Enos-Martinez asked if it can be assumed there will be no drainage problems. Mr. Munkres said yes. They have to address drainage on every property and demonstrate they can drain to the street before any building permit can be issued. They gutter all the homes, take the downspouts down and pipe them away from the house, so that typically is not a big issue.

Councilmember Theobald said the setbacks mean the homes could be as little as 10 feet apart. Mr. Munkres said that is correct. It is the same as homes on High Ridge Drive. He had slides showing the difference between the looks of the low profile homes versus the two-stories.

Bill Nebeker said when Staff evaluated the application, the question was raised whether a Growth Plan amendment was needed. The existing zoning was PR-4, covering the entire Ridges area, with some higher density and some lower. The current City policy is to honor existing zoning so that's why no Growth Plan amendment was required. Staff did not prepare specific findings for retaining the PR-4 zoning on the site since the zoning was existing. Staff was opposed to any development on 30% or greater slopes. The Planning Commission thought there were good reasons to allow decks and columns in that area so the houses would have the lower profiles up on the hill.

Mayor Kinsey asked for some differences in terms of ability to cluster and setbacks that would affect PR-4 versus RSF-2. Mr. Nebeker said this property would be difficult to develop under RSF-2. It is easier to develop under PR zoning. The RSF zone has set lot sizes and setbacks. The Ridges is zoned PR-4 because it gives flexibility. It is easy to make it PR-2. The developer has done as much clustering as possible.

City Manager Mark Achen said the straight zone of RSF has more rigid bulk standards. If it was RSF-2, the setbacks would get bigger and the density would be 13, but there wouldn't be room for 13 because of the topography.

Bill Nebeker said there are clustering provisions in the RSF-2 zone in the new Code, so there is still a potential of bringing them together.

Councilmember Theobald said the loss is going to PR-2.

Councilmember Theobald asked Mr. Nebeker to clarify the setbacks. Bill Nebeker said the setbacks are the same in the adjacent subdivision but the houses are actually built further apart.

Councilmember Enos-Martinez asked if the city engineers had looked at this area. Public Works Manager Tim Moore said yes, specific to drainage and transportation. The drainage meets the City's standards for retention and release, and uses a network of streets.

Bill Nebeker said Rick Dorris, City Development Engineer, looked at this site, saying due to rocky nature and steep slopes, they are currently getting a lot of run off from that site. He said Mr. Dorris was doubtful that by adding structures, the runoff would increase, because they would be putting in some lawns up front and collecting the drainage on the street and putting it down at more appropriate places. The drainage will be looked at carefully at final plat before a building permit is issued. If an analysis indicates it's increasing the current runoff, some type of retention facility will be required. City Manager Achen said there is little risk if they are all the same elevation and it is draining off the hill behind the houses. Tim Moore said Staff thinks the elevations will be pretty consistent but the study at final plat will verify that.

City Attorney Dan Wilson said if RSF-2 is approved on Lot 16 under the new code, future developments could take place in the valleys as opposed to on the ridges. A Planned Zone could have controlled that. With the straight zone there is the risk the developer can build in the bottoms where the habitat and wildlife is located. The conversion to a straight zone could create problems unthought of on the Ridges.

Mayor Kinsey then asked for public testimony.

Dean Lees, 388 High Ridge Drive, referred to various letters from neighbors that were provided to Council previously. They were not against the development of Ridge Point #2, only against the 15 lots on this small ridge. He addressed overdevelopment in the area. He read from the general development standards. These standards require development to "blend harmoniously with surrounding areas." Standards such as "land which is unsuitable for development because of geologic constraints." These standards specifically address topographical constraints. He referred to a house that is already sliding off the ridge. He felt this proposal is in violation of the City's standards. He suggested letting the developer correct the problems and propose a reasonable plan. He and his neighbors wanted to appeal, but received misinformation at the Planning Commission meeting regarding the appeal process. He handed out a packet of material to Council.

Bill Hilty, 396 High Ridge Drive, said the issue is the direction to allow the PR-4 zone to remain on Lots 1 to 15, in exception to the Growth Plan Future Land Use Map which takes effect April 22, 2000. He asked why have a growth plan if the Council allows an exception. He said the neighbors, as of January 25, 2000, had received no notice of the development proposal on this property. He urged Council to reject the January 25, 2000 decision which was made with incomplete information. He said retaining the PR-4 zoning for this ridge is not compatible with the adjacent areas which are zoned City RSF-2 and County R-2. The adjacent zoning of PR-4 inaccurately reflects the existing lower density. He said 6 lots in 700 feet of street versus 7 lots in 350 feet of street results in twice the density. The developer convinced the Planning Commission on March 14, 2000 that the High Ridge Subdivision has 5-foot side setbacks and 15-foot front setbacks as do the adjacent homes in High Ridge Drive. The Planning Commission agreed this development "could blend harmoniously with all uses and structures contained within surrounding areas in accordance with the Ridges amended final plan, point M(1)." In fact the High Ridge covenants have 10-foot side setbacks and 20-foot front setbacks. The lot sizes are so much larger on High Ridge Drive that side setback is hardly an issue. Mr. Hilty showed pictures of the development which did not depict harmonious blending. The issue is not what could have been on High Ridge Drive, but what is there and will always remain. He noted that 2.14 units per acre, as proposed, is not close to 2. The calculation includes 1.8 acres exceeding the 40% slope (acreage cannot be built on, cannot be fenced, cannot be planted on). The calculation also includes 2.1 acres of open space

which cannot be developed because of topographical limitations. Subtracting 1.8 acres of steep slope and 2.1 acres of open space from 6.9 acres leaves 3 acres less than 40% slope. In reality this proposal is for 15 homes on 3.0 acres which is 5 units per acre and exceeds even PR-4 zoning. He felt the entire issue needs to go back to the Planning Commission for further consideration. Mr. Hilty was representing a large group of neighbors who are strongly against the rezone and development plan. Clustering on flat ground opens up areas for open space. Clustering here doesn't help because the rest of the lot is undevelopable. He asked Council to not allow the rezone nor amend the official zoning map to allow Lots 1-15 to remain PR-4.

Councilmember Spehar asked if the City uses only buildable land in the calculation. City Attorney Wilson said the City uses all the land (gross acreage).

Dawn Walker, 388 High Ridge Drive, requested Council open up discussion to all the issues related to the development of Lots 1-15 rather than just considering the rezone. The entire issue is not being discussed because not one of the many citizens opposed to this project appealed the Planning Commission decision within the 3 days required by the Code. She has reviewed her notes and the video tape of the Planning Commission meeting noting there was no mention of the 3-day appeal period. She said Mr. Hilty went in person to the Community Development Department two days after the Planning Commission meeting, within the 3 day appeal period. He was told to wait until the following day and wait for City Council scheduling. No mention was made of a 3-day appeal period. When she found out through a different Community Development staff member, it was too late. They asked Bill Nebeker if they could file a delayed appeal. Mr. Nebeker then inquired of the Assistant City Attorney John Shaver whether the appeal could be extended. Mr. Shaver opined that the appeal period was over. Sixteen days after the Planning Commission, a discussion with Planning Commission Chairman John Elmer revealed that a 14-day appeal period existed for items referred to the City Council from the Planning Commission. An appeal dated March 26, 2000 was delivered to David Varley within the 14-day appeal period with a copy to Cindy Enos-Martinez. A copy was included in Council's packet. The confusing 3-day and 14-day appeal process has been corrected in the new Zoning Code. The City Council packet does include preliminary plan material; therefore, Ms. Walker felt it should be discussed.

Pam Sant, 386 High Ridge Drive, said both the developer and the Planning staff recognize this site is a narrow, steep ridge with significant topographical constraints. There should be no disturbance in areas with 30% or greater slopes. She showed pictures of houses in Columbine Village. They are close together and already have foundation problems. Eight of the homes are built on a moderate slope; the remaining homes are resting on relatively flat ridge tops and have no problems. The homes are only five or six years old and the foundations of three of the homes have moved downhill. Columbine Village also had engineered foundations. The financial hardship to these homeowners is insurmountable. She asked Council to lower the density.

Laura Farnsworth, 2421 Hidden Valley Drive, was concerned with the increase in traffic. Their area in the Ridges is an already congested area. Hidden Valley Drive has been declared a residential collector street capable of handling 3000 average daily trips. Hidden Valley Drive meets the width requirement but has no sidewalks or other walking areas. She questioned if it can handle the additional traffic. There are existing problems that need to be taken into consideration when conducting traffic studies for higher density new developments. Decreasing the amount of homes on the ridge to match the surrounding area would lessen the impact of traffic to their neighborhood. She asked Council to consider these facts when determining the zoning for this area.

Scott Whitman, 389 High Ridge Drive, said Council's packet includes a list of 80 people that feel that density is the big issue. He was not opposed to the development of this ridge but felt the density is not compatible with the surrounding area.

Jill Hilty, 396 High Ridge Drive, said she and her neighbors welcome development that abides by the zoning regulations. Had their appeal been heard, Council would also be voting tonight on all of the issues addressed by the Planning Commission such as putting a portion of each home in the "no build" zone, putting a home on an existing trail, and the requirement of future developments looking like the surrounding area. There is a common driveway at the end of the ridge with four parking spots. The area is so narrow a road can't be put there. Eight cars backing out of four garages onto one driveway that has 4 cars parked on it could result in 12 cars on one driveway. That would be a disastrous situation. The issue is it doesn't meet the Ridges covenants which state future development must look like the surrounding areas. There are no common driveways in the Ridges. She asked Council if they must upset hundreds of homeowners just to put in a couple of extra houses on a short, narrow ridge poorly suited for the proposed development.

Joe Marucca, 395 High Ridge Drive, commended his neighbors for their presentations. He has lived at this address for 20 years. When he stands on this ridge he cannot envision 15 homes that will look like the proposed development. He felt that adding this on the ridge would be a travesty.

Bill Sant, 386 High Ridge, agreed with the neighbors. He was not against more neighbors. He felt it will cause many problems.

Steve Smith, 2412 Hidden Valley Drive, moved to the area in December, 1999 from Littleton, Colorado to have the quality of life that was not available in Littleton. The corner they live on currently is very dangerous. There is a lot of traffic in the area traveling at a rapid space. There have been two occasions when they were almost hit when backing out of their property. The proposed density will increase the traffic on their road. He opposed the development.

John Crawford, 2408 Dogwood Court, Bray & Company Realtors, spoke on behalf of Ted Munkres saying Mr. Munkres is honest and straightforward and a person of integrity. He believes Ridge Point #2 will blend in and be an asset to the community. It is a well planned project. Originally 48 units were planned for the area where he is now planning 15 units. Hidden Valley Drive also adjoins Ridge Point 2 and has a much higher density than what is planned for Ridge Point 2. Ridge Point 1 has duplexes, tri-plexes and fourplexes. Regarding Columbine Village, Mr. Crawford knew of only one structural problem that had a Ute Water leak under it. Columbine Village was also zoned with zero lot lines. Ridge Point 2 will not have zero lot lines. He felt Mr. Munkres will do a good job on the development.

Teresa Osborn, 385 Ridge Circle Drive, moved into the Ridges knowing of the higher density which allowed her to live there comfortably for 14 years. She felt the proposed development is the result of a lot of planning and looking toward the future. She felt all levels of housing are needed in the area. She felt all the concerns have been addressed by the builder. She did not think Mr. Munkres was the original planner of Columbine Village. He was the second holder of the property. She spoke highly of past and current developments planned by Mr. Munkres. He has put a lot of work and time into this project. She felt the development is absolutely appropriate.

Minda Mason, 391 High Ridge Drive, spoke regarding of the issue of whether this developer is interested in keeping in mind the good intentions of the neighborhood, and showed a picture of 43 piles of dirt that was dumped at the end of High Ridge Drive on April 6, the day after the last City Council meeting that adopted the first reading of the ordinance adopting the rezone. The Ridges area has many trails and this dirt has blocked the trail that is used by many of the residents on a daily basis. Paragraph M(3) of the amended final plan says existing trails will be preserved. She felt the preservation of the trails should be monitored in the future when discussing development.

Rebuttal - Ted Munkres, 121 Chipeta Avenue, discussed the trail saying he purposely put dirt there to block the trail to stop four-wheelers and jeeps driving all over the project and tearing it up. No trespassing signs were posted but were ignored. They don't want the liability. Columbine Village was planned and subdivided by others and he built it. It was zero lot line property and he separated the structures for single-family homes. They were dealing with 40' x 80' lots making it difficult to get much space between the houses. Many residents enjoy living in Columbine Village. The units are low maintenance with spectacular views. There is only one house with a foundation problem and Mr. Munkres purchased that house back. The traffic study indicates that High Ridge Drive and Hidden Valley Drive are not at issue for the traffic. The traffic is at the intersection of Ridge Way and Ridges Boulevard. That is where the limitation on traffic is and that's also why the traffic study is allowing only 52 units before requiring additional traffic accesses. The Ridges is a composite of densities, which is part of the advantages of that area. He said

Ridge Point is not out of line as it is relatively low density compared to properties that are very close on Hidden Valley Drive. There are houses in Ridge Point I that are 5 feet off the setback line and two other houses to be built that are 5 feet and 10 feet off the property line. The setbacks vary, so four out of the six houses in between will be tighter.

Councilmember Spehar said if the issue of building on 30% slopes is strictly enforced, is reduced density another alternative. Mr. Munkres said it is. However, the two-story would allow a patio or deck in the less than 30% slope area with very little disturbance to the area. Mr. Munkres stated that 30% or greater was selected arbitrarily when guidelines for the Ridges were drafted. The Uniform Building Code allows building on slopes 33 1/3% before mitigation is required and up to 45% possible. Building can take place on slopes although it depends on how it's engineered.

Councilmember Spehar thought patios were not allowed although decks on piers were allowed. Mr. Munkres agreed. He was happy with that.

There were no other public comments. The hearing was closed at 10:03 p.m.

Council discussion then took place.

Councilmember Terry felt the engineering requirements are greater on this proposal than projects in the past. She wanted the audience to understand that past requirements have not always been sufficient.

City Attorney Wilson said during the new code discussion, City staff was aware of other subdivisions that have issues. Specific requirements and engineering solutions have worked. The new Code reemphasizes those standards.

Mark Relph, Public Works & Utilities Director referred to the problem in Cobblestone Ridges, where grading needed to be considered to allow drainage onto other lots. That has not been looked at in detail. Recently Staff has discussed with Bob Lee, Chief Building Inspector for Mesa County, and Mike Monegar, new regulations regarding overlot grading. It is common practice for cities to require plans showing how individual lots will drain. The Public Works Department is trying to schedule meetings with the Homebuilders Association to draft such requirements. They are not ready to present anything to Council just yet, although experience shows such overlot grading requirement is necessary in an area like this.

Councilmember Terry asked for a definition of overlot grading. Mark Relph said the preliminary and final plats will show topographical lines, how much fill will be used, where cuts will be made and where the water will go when the house is built.

Councilmember Enos-Martinez thought, when building on a ridge line and on a slope, it's hard to do the proper grading. Mark Relph said it is more challenging, but it can be done.

Councilmember Terry confirmed that the concept is in place on this development. Mr. Relph said yes.

Councilmember Theobald appreciated hearing from several individuals that said they were not against development. Development and the plan are not issues tonight. Poorly engineered foundations, homes on stilts, nor public use of open space are not issues. Mr. Munkres's reputation, past zonings or plans, and the number of opponents are not issues. He was not uncomfortable with a PR-4 zone in general, but on a property with the topographical constraints and unbuildable ground into the calculation for gross density makes him uncomfortable. The visual density of 5 to the acre, or more, and some of the setbacks in the plan, seems incompatible. If something is inconsistent with the Growth Plan, it shouldn't be a plan like this.

Councilmember Payne echoed Councilmember Theobald's statements. It is a tough decision. He thanked those that spoke tonight. He could not go along with the request.

Councilmember Enos-Martinez was uncomfortable with the zoning and putting that many units on this property as well as the slopes and topography issues.

Councilmember Spehar was concerned with the confusion on the appeal process. He felt Council met the spirit of that. He was glad Council worked out a way to do that. Regarding arbitrary standards, he felt once the line is drawn, one must adhere. The traffic standards are being met. It's an area of mixed density, and a difficult site to develop. He felt Council must adhere to the 30% slope standard. He was troubled by the common driveway issue. He felt it was an effort to advance the density. He recognized the economics have to work, but it is not Council's job to make that work. He agreed with the other members of Council to deny the zoning, and hope for a better plan in the future.

Councilmember Terry recognized the well thought out comments by the petitioner and the neighborhood residents. She had an open mind when considering this proposal with no preconceived notions. She had questions and concerns, and has been convinced it is not the right place for that density. She supported the mixed use in the Ridges, but couldn't support this density. She had two other issues she wished to bring up after voting on this item.

Mayor Kinsey said it is unfortunate about the confusion over the appeal process. He was also concerned about the drainage and traffic, etc. but sometimes planned zones are good things. However, the reason to use planned zones is there is some benefit to the community as a trade-off. He didn't see a community benefit in this proposal; therefore he could not support the planned zone.

a. Rezoning Ordinance

Ordinance No. 3243 – An Ordinance Rezoning Property to be Known as Lot 16, Ridge Point Filing 2, Located at the Southeast Corner of High Ridge Drive and Hidden Valley Drive in the Ridges, from PR-4 to RSF-2

It was moved by Councilmember Theobald and seconded by Councilmember Payne that Ordinance No. 3243 and carried. The motion failed to pass.

b. Modification of Public Street Standard

Request to waive street standards to eliminate the sidewalk on one side of the street.

Action: Decision on Waiver of Street Standards won't be addressed

Councilmember Terry said the traffic problems can be addressed by City staff if the neighborhood will approach Public Works Director Mark Relph and Public Works Manager Tim Moore with requests.

Councilmember Terry said the appeal process must be published and announced. If it is not done, she suggested the appeal process time should be suspended.

Councilmember Spehar said the Community Development Director should work with the Planning Staff and Planning Commission to ensure that the publication and announcement takes place.

Mayor Kinsey said he would like to see an updated sheet with clear directions by next week.

Councilmember Theobald said since the Code has been rewritten, there may be more changes that need to be included in the update, and would like those included first.

City Manager Achen said mixed issues are resolved under the new Code because the plan comes forward with the zoning. Council has asked about this more than once and Staff still hasn't solved the problem.

Councilmember Spehar said he will be very resistive to Growth Plan amendments.

ADJOURNMENT

The meeting adjourned at 10:30 p.m.

Stephanie Nye, CMC
City Clerk

Exhibits brought by Ted Munnies
Returned to Ted 1-29-03
S. Tuin

Ridge Point II
High Ridge Drive

Exhibit A - 24' x 18"
Site Plan - 2/25/2000
Ridge Point II
Shows lots 1 through 15

Exhibit B - 4 pages layered 36" x 24"
Landscape Plan - 2 pages
Lot Layout w/ Slope Analysis - 1 page
Historical - 3rd Edition to the Ridges - 1 page

Exhibit C - 7 pages
Ridge Point - Filing 1 - overall site view
Columbine Village Lot 6 - Floor Plan ⁵⁻⁸⁻⁹⁶ - main level
Columbine Village Landscaping Plan (examples)
Cross Section Lot 4 Ridge Pt Filing 2 3-7-2000
Cross Section Lot 11 " " " "
Cross Section Lot 11 Front Elevation +
superimposed Side View 3-7-2000
Cross Section Lot 11 3-7-2000

Exhibit D - 1 page
Cross Section - Lot 11 3-7-2000
Colored, topography