

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

June 21, 2000

The City Council of the City of Grand Junction, Colorado, convened into regular session the 21st day of June, 2000, at 7:32 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 Theobald led in the Pledge of Allegiance. The audience remained standing during the invocation by Joe Jones, Redlands Pentecostal Church of God.

PROCLAMATION DECLARING JULY, 2000, AS “PARKS AND RECREATION MONTH” IN THE CITY OF GRAND JUNCTION

APPOINTMENT TO THE COMMISSION ON ARTS AND CULTURE

Upon motion by Councilmember Terry, seconded by Councilmember Spehar and carried, Pamela Blythe was appointed to the Commission on Arts and Culture for a three-year term.

CONSENT ITEMS

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, the following Consent Items #1 through #23 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting June 7, 2000

2. **Juvenile Accountability Incentive Block Grant**

In 1999, the City, along with the City of Fruita, City of Palisade and Mesa County, was awarded the Juvenile Accountability Incentive Block Grant. The decision was made that the funds would be best used for additional supervisors with the Partners Program who would be able to supervise Mesa County Court cases, and the three cities' cases, when useful public service was sentenced.

Resolution No. 57-00 – A Resolution Accepting the Juvenile Accountability Incentive Block Grant

Action: Adopt Resolution No. 57-00

3. **Sanitary Sewer Improvement District No. SS-43-99**

Sanitary sewer facilities have been installed as petitioned by the owners of seven properties located in the vicinity of Marsh Lane and North 12th Street. The proposed resolution is the required first step in the process to levy assessments against the benefiting properties.

Resolution No. 58-00 – A Resolution Approving and Accepting the Improvements Connected with Sanitary Sewer Improvement District No. SS-43-99, and Giving Notice of a Hearing

Action: Adopt Resolution No. 58-00 and Set a Hearing for August 2, 2000

4. **FY2001 Regional Transportation Planning Contract**

The Regional Transportation Planning Contract allows the Grand Junction/Mesa County Metropolitan Planning Organization to continue transportation planning activities for the Grand Junction/Mesa County Transportation Planning Region. This money is a 100% grant from the Colorado Department of Transportation and requires no local match.

Resolution No. 59-00 – A Joint Resolution of the County of Mesa and the City of Grand Junction Whereby the Board of County Commissioners and the City of Grand Junction Enter into an Agreement with the Colorado Department of Transportation, Division of Transportation Development for the Provision of Transportation Services

Action: Adopt Resolution No. 59-00

5. **Amending the Persigo 201 Sewer Service Area Boundary**

During late 1999 and early 2000 the City Council and Board of County Commissioners conducted a series of public hearings concerning additions and deletions of property to the 201 Sewer Service Area. This joint City and County resolution reflects all decisions reached during these public hearings. The County adopted the joint resolution on May 22, 2000.

Resolution No. 60-00 – A Joint Resolution Amending Persigo 201 Service Area

Action: Adopt Resolution No. 60-00

6. **Columbine Sewer Design Services**

The following qualified, lump sum fee proposals were received on June 12, 2000:

<u>Contractor</u>	<u>From</u>	<u>Lump Sum Fee</u>
Williams Engineering	Fruita	\$30,900
Balaz and Associates	Palisade	\$32,400
Banner and Associates	Grand Junction	\$36,500

Action: Award Contract for Columbine Sewer Design Services to Williams Engineering in the Amount of \$30,900 Contingent upon County Commissioner Approval

7. **Desert Hills Trunk Extension Project Revision**

City staff is requesting revising the budget for the Desert Hills Trunk Extension from \$75,000 to \$150,000 to accommodate a trunk extension south of the proposed Desert Hills Estates property to South Broadway to serve the Wildwood area.

Action: Approve Revision of the Budget on the Desert Hills Trunk Extension to \$150,000 to Accommodate a Trunk Extension South of the Proposed Desert Hills Estates Property to South Broadway to Serve the Wildwood Area

8. **Federal Funds for Bicycle/Pedestrian Trail adjacent to South Camp Road**

A City Council Resolution is required for the City to enter into a contract with the Colorado Department of Transportation and to participate in a Federally funded project to construct a Bicycle/Pedestrian Trail on the west side of South Camp Road. Total funding for this project is \$220,000 including 80% (\$176,000) Federal-aid funds and 20% (\$44,000) City funds. Both City and Federal funding for this project will be transferred from the 24 Road Trail Project budget.

Resolution No. 61-00 – A Resolution Concerning Federal-Aid Enhancement Funds from the Intermodal Surface Transportation Efficiency Act of 1991 for the Project Identified as STE M55-013 (13300) South Camp Phase 1, Sub=13300, for a Bicycle/Pedestrian Trail adjacent to South Camp Road

Action: Adopt Resolution No. 61-00

9. **Revocable Permit for Fence in Right-of-Way, Westwood Ranch Subdivision Located at the Northwest Corner of F 1/2 and 25 1/2 Roads**
[File #RVP-2000-025]

The developer of Westwood Ranch Subdivision has requested a revocable permit to allow an existing subdivision perimeter fence to remain in the City right-of-way. A portion of the fence is being relocated outside of the right-of-way for sight distance and future sign placement requirements. Staff recommends approval.

Resolution No. 62-00 – A Resolution Concerning the Issuance of a Revocable Permit to Westwood Ranch Homeowner's Association

Action: Adopt Resolution No. 62-00

10. **Setting a Hearing on Annexing the G Road South Enclave, Located between 25 1/2 Road and 26 1/2 Road between G Road and F Road, with a Portion Extending East of 26 1/2 Road Near Round Hill Drive and Horizon Drive**
[File #ANX-2000-087]

The 383.71-acre G Road South Enclave Annexation area consists of 221 parcels of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas after they have been enclaved for a period of three years. The 1998 Persigo Agreement with Mesa County requires the City to annex enclave areas within 5 years.

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, G Road South Enclave Annexation, Located Generally between 25 1/2 Road and 26 1/2 Road and North of Patterson (F) Road and South of G Road and Including a Portion of Land Extending East of 26 1/2 Road near Round Hill Drive and Horizon Drive, and Including but Not Limited to All or a Portion of the Following Rights-of-Way: Fruitridge Drive, Meander Drive, Music Lane, Music Court, Braemar Circle, Fletcher Lane, F 1/2 Road, Young Street, Young Court, Galley Lane, F 3/4 Road, 26 Road, Knoll Ridge Lane, Glen Caro Drive, Cloverdale Drive, Stepside Drive, Myrtle Lane, Dahlia Drive, Larkspur Drive, Crest Ridge Drive, G Road, 26 1/2 Road, and Horizon Drive, Consisting of Approximately 383.71 Acres

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 5, 2000

11. **Setting a Hearing on Zoning G Road South Enclave Annexation to RSF-R, RSF-1 and RSF-2, Located between 25 1/2 Road and 26 1/2 Road between G Road and F Road, with a Portion Extending East of 26 1/2 Road Near Round Hill Drive and Horizon Drive** [File #ANX-2000-087]

The 383.71-acre G Road South Enclave Annexation area consists of 221 parcels of land completely surrounded by existing Grand Junction City limits. State law requires a City to zone newly annexed areas within 90 days of annexation. Property owners have requested that proposed city zoning be identical with existing Mesa County zoning for their properties. Request for approval of zoning for approximately 383.71 acres from County RSF-R, RSF-1 and PUD to City RSF-R (Residential Single Family 1 unit/5 acres), RSF-1 (Residential Single Family 1 unit/acre) and RSF-2 (Residential Single Family 1 unit/acre) zone districts.

Proposed Ordinance Zoning the G Road South Enclave Annexation RSF-R, RSF-1 and RSF-2

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 5, 2000

12. **Setting a Hearing on Annexing the Clark/Wilson Enclave, Located at 2522 and 2524 F 1/2 Road** [File #ANX-2000-088]

The 4.85-acre Clark/Wilson Enclave Annexation area consists of two parcels of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas after they have been enclaved for a period of three years. The 1998 Persigo Agreement with Mesa County requires the City to annex enclave areas within 5 years.

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado – Clark/Wilson Enclave Annexation Located at 2522 and 2524 F¹/₂ Road and Including a Portion of the F¹/₂ Road Right-of-Way, Consisting of Approximately 4.85 Acres

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 5, 2000

13. **Setting a Hearing on Zoning the Clark/Wilson Enclave Annexation to RSF-R, Located at 2522 and 2524 F 1/2 Road** [File #ANX-2000-088]

The 4.85-acre Clark/Wilson Enclave Annexation area consists of two parcels of land completely surrounded by existing Grand Junction city limits. State law

requires the City to zone newly annexed areas within 90 days of the annexation. Property owners have requested that proposed city zoning be identical with existing Mesa County zoning for their properties.

Proposed Ordinance Zoning the Clark/Wilson Enclave Annexation to RSF-R

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 5, 2000

14. **Setting a Hearing on Annexing the Sutton/Rickerd Enclave, Located at 2543 G Road and 689 25 1/2 Road** [File #ANX-2000-089]

The 5.73-acre Sutton/Rickerd Enclave Annexation area consists of two parcels of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas after they have been enclaved for a period of three years. The 1998 Persigo Agreement with Mesa County requires the City to annex enclave areas within 5 years.

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado - Sutton/Rickerd Enclave Annexation Located at 2543 G Road and 689 25½ Road and Including a Portion of the G Road and 25½ Road Rights-of-Way, Consisting of Approximately 5.73 Acres

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 5, 2000

15. **Setting a Hearing on Zoning Sutton/Rickerd Enclave Annexation to RSF-R, Located at 2543 G Road and 689 25 ½ Road** [File #ANX-2000-089]

The 5.73-acre Sutton/Rickerd Enclave Annexation area consists of two parcels of land completely surrounded by existing Grand Junction city limits. State law requires a City to zone newly annexed areas within 90 days of annexation. Property owners have requested that proposed city zoning be identical with existing Mesa County zoning for their properties. Request for approval of zoning for approximately 5.73 acres from County RSF-R to City RSF-R (Residential Single Family 1 unit/5 acres) zone district.

Proposed Ordinance Zoning Sutton/Rickerd Enclave Annexation RSF-R, Located at 2543 G Road and 689 25½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 5, 2000

16. **Setting a Hearing on Annexing the P.S. Substation Enclave, Located at the Southwest Corner of 25 1/2 Road and F 1/2 Road** [File #ANX-2000-090]

The 2.13-acre P.S. Substation Enclave Annexation area consists of one parcel of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas after they have been enclaved for a period of three years. The 1998 Persigo Agreement with Mesa County requires the City to annex enclave areas within 5 years.

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado - P.S. Substation Enclave Annexation Located at the Southwest Corner of 25½ Road and F½ Road, Consisting of Approximately 2.13 Acres

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 5, 2000

17. **Setting a Hearing on Zoning the P.S. Substation Enclave Annexation to I-O, Located at the Southwest Corner of 25 1/2 Road and F 1/2 Road**
[File #ANX-2000-090]

The 2.13-acre P.S. Substation Enclave Annexation area consists of one parcel of land completely surrounded by existing Grand Junction city limits. State law requires a City to zone newly annexed areas within 90 days of annexation. Request for approval of zoning for approximately 2.13 acres from County PI to City I-O (Industrial Office Park) zone district.

Proposed Ordinance Zoning P.S. Substation Enclave Annexation to I-O (Industrial Office Park), Located at the Southwest Corner of 25½ Road and F½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 5, 2000

18. **Setting a Hearing on Annexing the Puckett Enclave, Located at 2563 F 1/2 Road** [File #ANX-2000-091]

The 1.00-acre Puckett Enclave Annexation area consists of one parcel of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas after they have been enclaved for a period of three years. The 1998 Persigo Agreement with Mesa County requires the City to annex enclave areas within 5 years.

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado - Puckett Enclave Annexation Located at 2563 F½ Road and Including a Portion of the F½ Road Right-of-Way, Consisting of Approximately 1.00 Acre

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 5, 2000

19. **Setting a Hearing on Zoning the Puckett Enclave Annexation to RSF-R, Located at 2563 F 1/2 Road** [File #ANX-2000-091]

The 1.00-acre Puckett Enclave Annexation area consists of one parcel of land completely surrounded by existing Grand Junction city limits. State law requires a City to zone newly annexed areas within 90 days of annexation. Property owners have requested that proposed city zoning be identical with existing Mesa County zoning for their properties. Request for approval of the zoning for approximately 1.00 acre from County RSF-R to City RSF-R (Residential Single Family 1 unit/5 acres) zone district.

Proposed Ordinance Zoning the Puckett Enclave Annexation to RSF-R, Located at 2563 F ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 5, 2000

20. **Setting a Hearing on Morrill Annexation Located at 2980 Gunnison Avenue** [File #ANX-2000-108]

The petitioner is requesting annexation of a .689-acre parcel in order to construct an industrial building on the site. Under the terms of the Persigo Agreement, the petitioner must be annexed to the City of Grand Junction prior to issuance of a Planning Clearance for a building permit.

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

Resolution No. 63-00 – 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 – Morrill Annexation Located at 2980 Gunnison Avenue

Action: Adopt Resolution No. 63-00 and Set a Hearing for August 2, 2000

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Morrill Annexation, Approximately .689 Acres, Located at 2980 Gunnison Avenue,

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for August 2, 2000

21. **Setting a Hearing on Rezoning The Legends Subdivision from RSF-5 to PD, Located at the Southeast Corner of 28 1/2 Road and Patterson Road**
[File #RZP-2000-067]

The Planning Commission at the hearing of June 13, 2000, recommended that the City Council rezone The Legends Subdivision to the PD district. The rezone area is comprised of approximately 35 acres. The site will ultimately be developed with 178 residential dwelling units comprised of a mix of single family detached, single family attached and four-unit condominium structures.

Proposed Ordinance Zoning Two Parcels of Land Located South of Patterson Road and East of 28 ½ Road to PD (The Legends Subdivision)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 5, 2000

22. **Setting a Hearing on Amending Ordinance No. 3220 Concerning the Salary of the City Manager**

On June 7, 2000 the City Council named David A. Varley as interim City Manager. This ordinance is being proposed to amend the City Manager's salary that was set by Ordinance 3220. Ordinance 3220 set the salary of City Manager Mark Achen. This ordinance establishes the salary for City Manager Varley.

Proposed Ordinance Amending Ordinance 3220 Concerning the Salary of the City Manager

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 5, 2000

23. **City Council Assignments to Boards and Organizations**

Resolution No. 64-00 – A Resolution Appointing and Assigning City Council-members to Represent the City on Various Boards and Organizations

Action: Adopt Resolution No. 64-00

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

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

PUBLIC HEARING – AMENDING CHAPTER 6, ANIMALS, OF THE CITY CODE OF ORDINANCES

In Ordinance 3248, concerning animal control, adopted by Council on May 17, 2000 Section 6-63 repealed four subsections instead of one. This ordinance seeks to correct those changes. No substantive changes have been made.

The hearing was opened at 7:38 p.m.

Stephanie Rubinstein, Staff Attorney, reviewed this item. There were no questions of Council.

There was no public comment. The hearing was closed at 7:39 p.m.

Ordinance No. 3262 – An Ordinance Amending Chapter 6, Article III of the Code of Ordinances of the City of Grand Junction, Colorado

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 3262 was adopted on second reading and ordered published.

PUBLIC HEARING - ZONING THE COMMONS ASSISTED LIVING FACILITY PD, LOCATED AT 616 27 1/2 ROAD [FILE #RZP-2000-064]

Proposal to rezone approximately 18.8 acres from Residential Multifamily 8 units per acre (RMF-8) to Planned Development (PD) in order to develop an assisted living complex with a 306-bed building, 14 duplex cottages and an 82,186-square foot Senior Enrichment Center.

The hearing was opened at 7:40 p.m.

Rob Jenkins, 1000 N. 9th Street, Suite 35, architect, representing Hilltop Health Services Corporation in their application to rezone property south of Calvary Bible Church and Nellie Bechtel Gardens, outlined the request. The Planning Commission reviewed the

Preliminary Plan last week for an assisted living community which will include three structures consisting of a combination of two and three-story buildings and 254 apartment units built in two phases. It will include a full commercial kitchen serving four dining rooms, and a commercial laundry which will service the laundry needs of the new assisted living facility and other facilities owned by Hilltop. There will be activity areas, exercise, wellness areas, a chapel, two beauty shops, and living space. At the west end there will be fourteen cottages similar to The Fountains, with two bedrooms, two baths, living/dining, full kitchen, laundry and utility services and one-car garage. At the south end will be a new senior enrichment center for all seniors in the valley. It will be built in two phases, an aquatic side with 2 large pools and an exercise side with a double gymnasium with wood floor suitable for dancing. The building will be two stories, with building materials like the cottages. A new street will be built as an extension of Hermosa Avenue through to 27½ Road. Another entrance will be to the north. There will be internal circulation with roads and pathways. There are 221 parking spaces proposed for the enrichment center. Three bus stops are planned at the site for use by the public transit system as well as others. The property will be completely landscaped and irrigated. Drainage will have two detention areas, one south of the enrichment center and one west of the cottages. There are water rights available to the site.

Councilmember Payne asked for the total height on the two-story buildings. Mr. Jenkins said 50 feet at the highest for the ALF, 40 feet for the two-story, and 20 feet for the single-story buildings.

Councilmember Theobald asked about the stub street to the southwest. Mr. Jenkins pointed it out on the map. The petitioner will dedicate right-of-way and escrow money for future construction of the street.

Councilmember Terry asked for the height of the Nellie Bechtel buildings to the north. Mr. Jenkins said they are all two-stories and the ridge of the roof is less than 40 feet high. He discussed plans for fencing. The current wire fence is adequate. There is a 6' wood fence along the east and south sides of Nellie Bechtel Gardens. Hilltop proposes to recondition the fence on the east side and join Nellie Bechtel's walk system to Hilltop's walk system.

Councilmember Theobald asked for the square footage of the enrichment center. Mr. Jenkins said 82,000 square feet, two stories.

Councilmember Theobald confirmed the footprint is over 41,000 square feet. Mr. Jenkins said yes.

Councilmember Scott asked for the fees for senior's use of the senior recreation center. Mr. Jenkins said there will be a fee, but had not determined the amount yet.

Kristen Ashbeck, Senior Planner, Community Development Department, apologized for providing no maps on this proposal. The proposal for the planned development is more conducive to the mixed use. The residential portion is 8.9 units/acre and is still at the low end of the Growth Plan recommendation of 8 to 12 units/acre. The proposed project complies with the minor street plan as they are providing for the extension of Hermosa Avenue. The bulk standards are as shown on the plan. The height of the enrichment center is 40 feet and is outlined in the ordinance. The proposal meets the criteria of Section 2.6 of the new Zoning & Development Code. Staff recommended approval.

There was no public comment. The hearing was closed at 7:55 p.m.

Councilmember Terry said the proposal is an ideal infill development. She thanked Staff for their work.

Councilmember Theobald said it is a nice transition development.

Councilmember Payne liked that it is in the same area of Nellie Bechtel Gardens and the Fountains, as well as near the Atrium. It seems an ideal proposal for this property.

Ordinance No. 3263 – An Ordinance Zoning Three Parcels of Land Located North of Patterson Road between North 15th Street and 27½ Road to PD (The Commons Assisted Living Facility)

Upon motion by Councilmember Theobald, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3263 was adopted, including the Planning Commission conditions, on second reading and ordered published.

PUBLIC HEARING – APPEAL OF PLANNING COMMISSION’S DENIAL FOR THE GRAND VILLAGE GROWTH PLAN AMENDMENT TO REDESIGNATE A 15-ACRE PARCEL AT 766 24 ROAD (NORTH OF THE NORTHEAST CORNER OF I-70 AND 24 ROAD) FROM RESIDENTIAL ESTATE TO COMMERCIAL [FILE #GPA-2000-029]

The applicant is appealing the Planning Commission’s recommendation of denial for a Growth Plan Amendment to redesignate a 15-acre parcel at 766 24 Road from Residential Estate (2-5 acres per dwelling) to Commercial. At its April 18, 2000 hearing, the Planning Commission found the proposed amendment did not conform to applicable Growth Plan Amendment criteria and recommended denial. A super majority vote is required of the Council to overturn the Planning Commission’s recommendation.

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

Petitioner John Beilke, President of Downtown Development Company, residing at 2450 Pheasant Trail Court, requested a Growth Plan Amendment for the northeast corner of I-70 and 24 Road, a total of 32 acres. He was not asking for rezoning at this time. Parcels B and C are designated commercial in the North Central Valley Plan. There is a discrepancy in the North Central Valley Plan which states this property at this corner shall be non-residential. It is not feasible to put houses on Parcel A, the 15-acre parcel. Water and sewer is available to the site. He stated there has been no resistance from the neighborhood to commercial use at this corner. An amendment to Parcel A is needed to go forward with the project. He felt the project will be a visual gateway to the City. They plan to create upscale shopping, entertainment, a promenade, but probably no theater as shown. There will be a visual gateway, not in the flood zone, a lot of open space, a lot of trees, fountains, etc. that would be aesthetically pleasing. The plan is approximately 200,000 square feet total, and designed with Canyon View park in mind. Dr. Merkel owns parcel B. There is significant traffic for Fellowship Church on 24 Road, planned for five lanes in the future. The accel/decel lanes and stacking lanes are a concern. They are committed to working with the City, and willing to spend significant dollars. He asked Council to consider whether the access points are acceptable or if the 15 acres should or should not be commercial, or if 3 to 5 homes should be built in Parcel A, although he felt no one will want to live on an interstate exit. Should it be left agricultural for the next 20 years, or try to work in a Master Plan development that benefits both parties. He asked Council to designate the property commercial. The developer plans to phase in the restaurants and hotel first, retail second, and the office will be third phase.

Councilmember Payne asked if the access is from the frontage road or the Interstate. Mr. Beilke said from the frontage road. Councilmember Payne asked if he was aware of the intersection at 24 Road and I-70 being enlarged in the near future. Mr. Beilke said yes, they will work with Staff.

Councilmember Theobald appreciated the big picture and the concept, although the real issue is the Growth Plan and how it relates to the northern parcel.

Bill Nebeker, Senior Planner, Community Development Department, reviewed this item. He was hoping to show that the request should be denied because it does not conform to the criteria for changing the Growth Plan. It is a leap frog development. It will threaten the Appleton community. He displayed an aerial photo of the area. Nothing has changed in the area. It is still mostly agricultural. The only commercial development is down on Patterson Road. The area is under study through the 24 Road Corridor study, so none of the zoning has been changed from the old zoning map. The current zoning for this parcel is RSF-R as well as Parcels B and C. The North Central Valley plan studies the area. Dr. Merkel lobbied the North Central Valley Plan Committee to give him commercial on his property. The residential estate (1 dwelling per 2 acres) does not just mean residential. It could allow a church, a driving range, a school or other uses that are more appropriate to be adjacent to the Appleton area. The Webb Crane rezone and

Growth Plan amendment was a different situation. This parcel has been looked at twice in the North Central Valley Plan and the 24 Road Corridor Plan. Where does the commercial stop is the big question. The applicant should have addressed the criteria rather than go into detail on the plan that has not been reviewed by the City. Additional commercial will compete with existing uses. Mr. Nebeker went through the criteria. He disagreed with several of Mr. Bielke's statements. Regarding the statement by Mr. Bielke that the 32-acre parcel will be cut up into tiny parcels, Mr. Nebeker didn't think that would be a financially sound decision. Secondly, the City has complete control over such dividing. No dividing could take place without City approval. Regarding the access, when a bridge is being replaced there will be no access for a year. Public Works can address the access issues. Denial will help preserve the low density of the Appleton area. Staff and the Planning Commission recommends denial of this request.

Councilmember Theobold asked what is the depth from I-70 of the commercial property, Parcels B and C. Mr. Bielke said approximately 400 feet.

Councilmember Theobold said he will need clarification on the discrepancy between the map and Mr. Bielke's explanation when the applicant comes back to the podium.

Mayor Kinsey solicited public comment on the Growth Plan Amendment request. There was none.

John Bielke's rebuttal – Regarding the depth of the commercial property from I-70, the survey stake is 100 feet south of the culvert. The map is in error. Parcels A and C are owned by the Thrailkills and Parcel B is owned by Dr. Merkel. Mr. Bielke didn't feel it is leapfrog development at all. That parcel will be a subject of debate because of the access. Nothing has happened on this corner because it has been in City issues, the 24 Road Corridor, floodplain, etc. All property owners along the 24 Road Corridor have been stuck because of access issues. Once the issues are resolved, a significant amount of commercial development will take place along that corridor. Residential development in the area is not feasible because of the costly infrastructure requirements.

Councilmember Payne asked if Ute Water is available in the area. Mr. Bielke said yes. Councilmember Payne asked about the sewer. Mr. Bielke said the property is within the sewer boundary. Councilmember Payne asked why it is impractical for residential development. Mr. Bielke said it is cost prohibitive.

The hearing was closed at 8:50 p.m.

Councilmember Theobold felt the issue is a matter of timing. If that corner will eventually be commercial, but the traffic cannot support such development until year 2006, is it appropriate to approve a Growth Plan that foresees the commercial, and deny the

development, or would it be more appropriate to deny Growth Plan Amendment until the infrastructure exists to support that plan.

City Attorney Dan Wilson said Councilmember Theobold's question involves both legal and policy implications. Council can say it believes parcels A, B and C need to be the same zone, then have Staff look at it. Or, Council can delay a decision until the infrastructure gets closer to being constructed.

Councilmember Theobold said that corner is clearly commercial. The depth of the commercial lot does not meet the depth of access set back required. He felt Council cannot approve a development until 24 Road and the overpass are completed because of the traffic implication. He felt the amendment meets the criteria a, b, c, d, e and f. Even if the Growth Plan Amendment is approved, it is unlikely any development will be approved for approximately six years.

Councilmember Terry said her view of the criteria was just the opposite. She considered the overall Growth Plan and the North Central Valley Plan. She remembered vividly discussions regarding where the community wanted to grow in terms of commercial. They went through growth scenarios with concentrated commercial cores around certain areas that were identified and have not yet developed. The 24 Road Plan has done another marketing study showing again an abundance of undeveloped commercial property. It made no sense to her to amend the Growth Plan to provide additional commercial space that is developable. It flies in the face of very specific goals of the community. The North Central Valley Plan looked specifically at that corner. The property owner convinced the residents for a small portion of commercial. This proposal is not a small commercial development. It was clear to her and the residents where the commercial zone should stop, and it does not include the 15-acre parcel.

Councilmember Theobold said the plan met the criteria in the following way: the change in the 201 Boundary is significant; the 24 Road Corridor is a commercial corridor; the expansion of an existing commercial designation is not leapfrog; the change in intensity, because of the Persigo Agreement and sewer now being available in that area. There will not be five-acre parcels, commercial access through the north, through non-commercial property, would be rejected by Staff. There is clearly an error in the map. It meets criteria 'a' as two of the corners on the north side are already either commercial or non-residential. This should not be expected to be low-level residential when surrounded by that kind of use. It meets criteria 'b' because of the access issues. It meets criteria 'c' because of the dramatic change such as the traffic from Canyon View Park and the Fellowship Church and the addition in the 201 boundary. It is not a new commercial center; it's an extension of 24 Road because that's the major intersection that is driving the 24 Road Corridor. If enough commercial is available, then the City shouldn't be developing a 24 Road Corridor.

Councilmember Spehar agreed with Councilmember Terry that the plans are clear. The North Central Valley Plan envisioned a limited commercial development north of I-70 and could occur on the 18 acres. It will be resolved as soon as the economics are ready. He felt there is a natural boundary with I-70. He took issue with the exceptions discussed by the applicant. The church is an allowed use in the current zoning. Webb Crane was an existing business and there is residential buffering. The 24 Road issue is not a done deal and is not currently zoned for commercial. Council is getting ahead of itself if it is presumed to be commercial. The pictures of the proposed plan don't mean anything. If the Growth Plan Amendment is approved, the commercial zoning could mean anything that is allowed in commercial zoning. In discussions with Mesa County regarding the 201 boundary expansion, he recalled most of the justification for the northern expansion was to take in existing high density areas. He felt discussion should take place with the County Commissioners on whether there are appropriate areas for larger parcels in the 201.

Councilmember Theobald said his concern was a major corridor that will eventually carry a lot of traffic, yet there will be no development to the north. Long term that may not be the wisest use of the City's infrastructure funds. Councilmember Spehar said there is no current or proposed plan that says there will be no development. Development types have been specified, although they are not commercial.

Councilmember Payne agreed with Councilmembers Terry and Spehar. The County was also involved in the earlier neighborhood meetings, designating that 24 Road and H Road would stay the same. He felt it is premature. There will be future plans coming before Council.

Councilmember Enos-Martinez had nothing to add.

Councilmember Scott felt the City should wait until the road is complete in 2006.

Mayor Kinsey felt a case has not been made for the Growth Plan Amendment.

It was moved by Councilmember Spehar and seconded by Councilmember Terry that the appeal of the Planning Commission denial for the Grand Village Growth Plan Amendment be denied.

Roll was called on the motion with the following result:

AYE: SPEHAR, TERRY, ENOS-MARTINEZ, PAYNE, SCOTT, KINSEY

NO: THEOBOLD.

Mayor Kinsey announced the appeal was denied.

EXECUTIVE SESSION

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried, the meeting adjourned into executive session at 9:10 p.m. to consider attorney/client discussion regarding development negotiation.

ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Stephanie Nye, CMC
City Clerk