

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

September 6, 2000

The City Council of the City of Grand Junction convened into regular session the 6th day of September, 2000 at 7:30 pm at the City Auditorium. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobold, and President of the Council Gene Kinsey. Also present were Interim City Manager David Varley, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Theobold led in the Pledge of Allegiance.

PROCLAMATION DELCARING THE WEEK OF SEPTEMBER 3-9, 2000 AS “2000 WOMEN IN CONSTRUCTION WEEK” IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING SEPTEMBER 17-23, 2000 AS “CONSTITUTION WEEK” IN THE CITY OF GRAND JUNCTION

APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY

Upon motion by Councilmember Theobold, seconded by Councilmember Enos-Martinez and carried, Bruce Benge was reappointed to a four-year term on the Downtown Development Authority.

CONSENT ITEMS

Upon motion by Councilmember Terry, seconded by Councilmember Scott and carried by roll call vote, the following Consent Items #1 through 15 were approved with Item #16 moved to Individual Consideration:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting August 16, 2000

2. **Setting a Hearing on Transferring the City’s 2000 Private Activity Bond Allotment to CHFA**

The City received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the fourth time in 2000 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be issued on a tax exempt basis for various private purposes. The City can reserve this authority for future housing benefits by ceding the authority to CHFA at this time.

Proposed Ordinance Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of City of Grand Junction Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 20, 2000

3. **Purchase of 10-Yard Dump Truck for Pipeline Maintenance**

The following bids were received:

| | | |
|--|----------------|--------------|
| Hanson Equipment, Inc. | Grand Junction | \$102,514.00 |
| Mesa Mack Sales & Service | Grand Junction | \$100,865.00 |
| Mesa Mack Sales & Service (Alternate #1) | Grand Junction | \$ 85,365.00 |
| Transwest Trucks, Inc. | Grand Junction | \$ 92,230.00 |

Action: Authorize Purchase of 10-Yard Dump Truck from Mesa Mack Sales and Service (Alternate #1) in the Amount of \$85,365

4. **Lease of Seven New City Hall Copiers**

Competitive proposals were opened on August 9, 2000 to furnish copiers for various Division's use in City Hall. The term of the lease agreement is 5 years with an annual funding out clause as required by City Ordinance. The reliability and service of the equipment for the contract term is guaranteed by a performance bond to the City.

Action: Approve Agreement with Capital Business Systems, Inc., Grand Junction, to Lease Seven Copiers Including Maintenance for City Hall Users at an Estimated Annual Amount of \$14,561.04

5. **2000 New Sidewalk and Curb, Gutter and Sidewalk Repair Project**

The following bids were received on August 22, 2000:

| <u>Contractor</u> | <u>From</u> | <u>Bid Amount</u> |
|---------------------|----------------|-------------------|
| Reyes Construction | Grand Junction | \$182,949.90 |
| Precision Paving | Grand Junction | \$170,290.75 |
| G and G Paving | Grand Junction | \$156,147.50 |
| Vista Paving | Grand Junction | \$147,758.75 |
| BPS Concrete | Grand Junction | \$139,406.04 |
| Engineer's Estimate | | \$148,296.65 |

Action: Award Contract for 2000 New Sidewalk and Curb, Gutter and Sidewalk Repair Project to BPS Concrete in the Amount of \$139,406.04

6. **Desert Hills Sewer Trunk Extension**

The following bids were received on July 21, 2000:

| <u>Contractor</u> | <u>From</u> | <u>Schedule C – on site improvements</u> | <u>Schedule D – off site</u> | <u>Total</u> |
|---------------------|-------------|--|----------------------------------|--------------|
| Ben Dowd Excavating | Clifton | \$39,512.10 | \$138,062.30 | \$177,574.40 |
| Taylor Constructors | Grand Jct | \$50,900.00 | \$147,009.50 | \$197,909.50 |
| Sorter Construction | Grand Jct | \$52,396.00 | N/A | N/A |
| Mountain Valley | Grand Jct | N/A | \$152,300.40 | N/A |
| Engineer's Estimate | | \$28,844.00 | \$90,400.00 | \$119,244.00 |

Action: Award Contract for Desert Hills Sewer Trunk Extension to Ben Dowd Excavating in the Amount of \$177,574.40 and Authorize Additional Funding for the Project of \$96,000

7. **Turn Lane Modification, I-70B at Grand Avenue**

The following bids were received on August 29, 2000:

| <u>Contractor</u> | <u>From</u> | <u>Bid Amount</u> |
|---------------------|----------------|-------------------|
| G&G Paving, Inc. | Grand Junction | \$79,950.00 |
| Vista Paving L.L.C. | Grand Junction | \$81,473.00 |
| United Companies | Grand Junction | \$86,265.25 |
| Mays Concrete, Inc. | Grand Junction | \$94,082.50 |
| Engineer's Estimate | | \$71,035.00 |

Action: Award Contract for Turn Lane Modification, I-70 B at Grand Avenue, to G&G Paving, Inc. in the Amount of \$79,950.00

8. **FY2001 Consolidated Planning Grant Intergovernmental Agreement**

The CPG Intergovernmental Agreement is the document which outlines the federal funds and local match requirements between the Colorado Department of Transportation and the Grand Junction/Mesa County MPO for the FY 2001 Unified Planning Work Program.

Action: Authorize the Mayor to Sign the FY2001 Consolidated Planning Grant Intergovernmental Agreement and Authorize the MPO Administrator to Sign any Forthcoming Change Order Letters

Staff presentation: Jody Kliska, Transportation Engineer

9. **Utility Easement at the Northwest Corner of Columbine Park**

The Public Service Company has been requested to provide a 3-Phase electric power to the National Healthcare Associates Assisted Living Facility being developed at 565 28¹/₄ Road. The nearest source of 3-Phase electric power is located at the northwest corner of the Columbine Park property.

Resolution No. 81-00 – A Resolution Concerning the Granting of a Non-Exclusive Electric Utility Easement to the Public Service Company of Colorado

Action: Adopt Resolution No. 81-00

10. **Setting a Hearing on Assessments for Alley Improvement District 1999, Phase B**

Reconstruction of the alley, 22nd Street to 23rd Street, Grand Avenue to Ouray Avenue, has been completed in accordance with Resolution No. 47-99 creating Alley Improvement District 1999, Phase B.

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-99, Phase B, in the City of Grand Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 20, 2000

11. **Setting a Hearing on Assessments for Alley Improvement District 2000, Phase A**

Reconstruction of the following alleys has been completed in accordance with Resolution No. 129-99 creating Alley Improvement District 2000, Phase A:

2nd Street to 3rd Street, Chipeta Avenue to Gunnison Avenue
10th Street to 11th Street, Rood Avenue to White Avenue
11th to 12th Street, Main Street to Colorado Avenue
16th Street to 17th Street, Grand Avenue to Ouray Avenue
18th Street to 19th Street, Grand Avenue to Ouray Avenue

Proposed Ordinance Approving the Assessable Cost of the Improvements Made in and for Alley Improvement District No. ST-00, Phase A, in the City of Grand

Junction, Colorado, Pursuant to Ordinance No. 178, Adopted and Approved the 11th Day of June, 1910, as Amended; Approving the Apportionment of Said Cost to Each Lot or Tract of Land or Other Real Estate in Said District; Assessing the Share of Said Cost against Each Lot or Tract of Land or Other Real Estate in Said District; Approving the Apportionment of Said Cost and Prescribing the Manner for the Collection and Payment of Said Assessment

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 20, 2000

12. **Contract for Excess Water from Green Mountain Reservoir between the City of Grand Junction and the Bureau of Reclamation**

Due to dry conditions, the Bureau of Reclamation, on behalf of the Endangered Species Recovery Program and in concert with approved recovery actions, has proposed a short-term contract between the City and the Bureau for delivery of excess water from Green Mountain Reservoir. Deliveries would start immediately and cease on December 31, 2000. Water would be delivered to and coordinated with the City for municipal recreation purposes with a supplemental benefit to endangered fish species in the section of the Colorado River between Palisade and Grand Junction.

Resolution No. 86-00 – A Resolution Adopting the Temporary Agreement between the City of Grand Junction and the Bureau of Reclamation

Action: Approve Resolution No. 86-00

13. **Setting a Hearing on Brutsche Annexation Located at 20 1/2 Road and F 3/4 Road** [File #ANX-2000-143]

The 10-acre Brutsche Annexation consists of one parcel of land that is sandwiched between the Independence Ranch Subdivision in the City and the Country Meadows Subdivision in the County. The parcel will be encompassed within the Independence Ranch Filings 7-13 revised preliminary plan for low-density single family lots.

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

Resolution No. 82-00 – 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 – Brutsche Annexation Located at the Northwest Corner of 20½ Road and F¾ Road

Action: Adopt Resolution No. 82-00 and Set a Hearing for October 18, 2000

b. Set a Hearing on Annexation Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Brutsche Annexation, Approximately 10 Acres Located at the Northwest Corner of 20½ Road and F¾ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 18, 2000

14. **Setting a Hearing on Ephemeral Resources Annexation No. 1, No. 2 and No. 3, Located at the Southwest Corner of 29 5/8 Road and D Road**

[File #ANX-2000-144]

This is a serial annexation comprised of Ephemeral Resources Annexation No. 1, No. 2 and No. 3. This is the first reading of the annexation ordinance and exercises land use jurisdiction immediately for the Ephemeral Resources Annexation No. 1, No. 2 and No. 3, a 110.86-acre parcel located at the southwest corner of 29 5/8 Road and D Road and including portions of the 29 Road and D Road rights-of-way.

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

Resolution No. 83–00 – 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 – Ephemeral Resources Annexation No. 1, No. 2 and No. 3 Located at 29 5/8 Road and D Road, and Including Portions of 29 Road and D Road Rights-of-Way

Action: Adopt Resolution No. 83–00 and Set a Hearing on October 18, 2000

b. Set Hearings on Annexation Ordinances

- (1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ephemeral Resources Annexation No. 1, Approximately 0.50 Acres Located in Portions of the 29 Road Right-of-Way
- (2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ephemeral Resources Annexation No. 2, Approximately 0.49 Acres Located in Portions of the 29 Road and D Road Rights-of-Way
- (3) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Ephemeral Resources Annexation No. 3, Approximately 109.87 Acres Located at 29 Road and D Road and Including Portions of the 29 Road and D Road Rights-of-Way

Action: Adopt Proposed Ordinances on First Reading and Set Hearings for October 18, 2000

15. **Setting a Hearing on Vacating a Portion of the Right-of-Way for Flower Street Located South of Central Drive, Northwest of Beta Place** [File #VR-2000-083]

On August 15, 2000, the Planning Commission recommended approval of the vacation of right-of-way, subject to the creation of a 15-foot irrigation easement along the easterly portion of the vacated right-of-way, to dedicate to the Grand Valley Water Users Association upon completion of the right-of-way vacation.

Proposed Ordinance Vacating the Portion of Flower Street Located South of Central Drive

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 20, 2000

16. **Defining Valid Development Applications – Moved to Individual Consideration**

Amendment 24, which will be on the November ballot, affects development applications. This resolution will define what constitutes a valid development application, as referenced in that amendment.

Moved to individual consideration.

Resolution No. 84-00 - A Resolution Defining Valid Development Applications as Referenced in Amendment 24

Action: Adopt Resolution No. 84-00

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

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

PUBLIC HEARING – APPEAL OF PLANNING COMMISSION APPROVAL OF PRELIMINARY PLAN AND ZONING OF THE WHITE WILLOWS ANNEXATION, LOCATED AT 2856 C 1/2 ROAD AND 2851 AND 2863 D ROAD [FILE #PP-2000-106]

An adjacent property owner has appealed the Planning Commission's recommendation to approve the requested RSF-4 zoning for the White Willows Annexation. The property has been annexed for several months but has not been given City zoning. County zoning is RSF-R (formerly AFT). An appeal has also been filed on the Planning Commission's decision to approve the White Willows Subdivision, a 122-lot subdivision on 39.56 acres. The appellant cites increased traffic on D Road as the major reason for

the appeal. A revised traffic study submitted by the applicant shows a minimal traffic impact on the D Road and 9th Street and 30 Road intersections from this subdivision.

Mayor Kinsey opened the public hearing at 7:40 p.m.

Mayor Kinsey announced that there has been a request to continue the appeal until September 20, 2000.

He asked for any comments on the continuance. There were none.

The Mayor closed the public hearing at 7:42 p.m.

a. Appeal

b. Zoning Ordinance

Ordinance No. 3287 - An Ordinance Zoning the White Willows Annexation Located at 2856 C 1/2 Road, 2851 and 2863 D Road, from County AFT to City RSF-4

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried, this item was continued to September 20, 2000.

DEFINING VALID DEVELOPMENT APPLICATIONS

Amendment 24, which will be on the November ballot, affects development applications. This resolution will define what constitutes a valid development application, as referenced in that amendment.

The Mayor announced that the discussion will be in the format of a public hearing.

Dan Wilson, City Attorney, reviewed this item and explained the impact the adoption of the amendment will have. He then explained what the proposed resolution being presented will do to allow more properties to be defined as a “committed areas” by the September 12, 2000 deadline. In other words, it will broaden the definition of a development application. Once a property is in a committed area, then it is past the Amendment 24 hurdle. However, it must still proceed through the City’s development review process. Once those areas are developed, any further development will have to go to the voters for approval. There are exceptions, such as located more than one mile from other commercial areas and family splits; both of which seem to run contrary to what Amendment 24 is trying to stop, that is, urban sprawl.

The City has until the end of 2001 to map the “committed areas.” Any further development will be placed on the ballot by the City for voter approval. Furthermore, it must meet a host of requirements before going on the ballot.

The resolution is an attempt to state as clearly as possible that any development process counts if filed with the City by 5:00 p.m. by September 12, 2000. The definition also includes concept plans. The resolution presents three options: 1 – to approve concept plans, 2 – approve concept plans only if consistent with Persigo Growth Plan, and 3 – adopt no concept plan. Items A through J would fit any option. Different cities have taken a variety of approaches – with some requiring even less than a concept plan for acceptance.

Councilmember Theobold noted the concept plan option really only exists for a one week period, until the September 12, 2000 deadline. Mr. Wilson confirmed but added that if the development plan is filed before September 12, 2000 and kept active, it could be good for one year. However, the grandfather status could disappear retroactively if nothing is done within that year.

Councilmember Theobold questioned Section C regarding the definition of a committed area. A committed area must have central water and sewer and development around it. Mr. Wilson suggested thinking of an enclave surrounded by developed areas. At least half must be developed and the other half must be dedicated open space. Councilmember Terry asked for clarification if 100% of the perimeter has to be developed. According to Mr. Wilson it can be one of two ways, either half built on or central water and sewer availability or septic system for half of the lots.

Councilmember Terry asked if it is a requirement that the lots and plats be recorded. Mr. Wilson answered yes. Councilmember Terry also questioned resolution option #3 stating the application must be written, the other two options did not say the application must be written. Mr. Wilson stated it is implied but agreed it is more clear in the first introduction.

Councilmember Scott asked what the affect would be on the resolution if Amendment 24 doesn't pass. Mr. Wilson that there would be no affect, it won't matter.

Councilmember Jim Spehar asked if Option 3 doesn't lower the bar then what change does it really make over our current procedures. Mr. Wilson explained that it is just a safety factor with an Outline Development Plan (ODP) approval under the County's jurisdiction, maybe the developer doesn't know if the City will accept so they might file it with the City. Another section speaks to abandoned or expired ODPs.

Mayor Kinsey feels this ballot issue subverts the City's process that has been carefully constructed. He thinks Amendment 24 is terrible and hopes it gets defeated. He stated the City has a valid process for submitting applications. However, he did not favor the adoption of the proposed resolution feeling time would be better spent trying to defeat Amendment 24.

Councilmember Theobold pointed out the concept plan is already in the Code and agrees with Mayor Kinsey on the amendment. But he doesn't consider defining a concept plan as subverting the Code. According to the items in the list, A through D, valid development applications involving items that had a zoning change in the last few years but nothing

else has happened, would it be considered a committed area? Mr. Wilson responded that is not clear.

Councilmember Spehar questioned if the Planning Commission has been asked for their opinion. City Attorney Dan Wilson replied he has not spoken with the Planning Commission but has discussed the Amendment with City staff. He also has talked with several city attorneys and to local development lawyers for their input.

Mayor Kinsey asked for comments from the public.

Jim Langford stated that if this resolution would be of value for only one week, nothing would be compromised. Concerning the committed area, Mr. Langford asked for clarification on Mr. Wilson stating the City would need to develop a map for the committed area; would that then need to be voted on in a year's time? Mr. Wilson advised that no, that would be part of the grandfathering clause. Once the area is defined though, any additions would need voter approval.

Mr. Jim Langford expressed concern with financing through bonds since retirement of the bonds is predicated on normal growth. If there is no normal growth, a situation similar to Ridges might occur. When development stopped in that area, residents saw a significant increase in taxes because there was no growth to help retire the bonds.

Mr. Larry Rasmussen representing the Mesa County Homebuilders and Realtor Association, endorses the adoption of this resolution, specifically Option 1, as it would be beneficial for the community to continue to grow.

Diane Schwenke, Chamber of Commerce, represented the Chambers' opposition to Amendment 24 and will continue to work to defeat it. Several Chamber members called to thank the Council for considering this proposal and asked Council to support Option 1. A major concern of the Chamber and its members is how this amendment will affect the local economy. They would like to see a resolution passed tonight.

Tom Volkman, 422 White, joins those whose spoke previously supporting Option 1. Option 2 references consistency with Growth Plan but brings into plan approval standards rather than submittal standards. There is no shortcut in compliance with the existing Code.

Chris McAnany, echoed concerns discussed previously, mainly on applications being rejected due to technical deficiency. If detailed submittal requirements are included it will shut many out who have been proceeding diligently to date. He supported Option 1 with a possible addition, a provision that authorizes supplementing after the initial submittal if necessary. Mr. McAnany stated that this is not shortcutting the system, but preserving the existing land use system. There is a concern that the amendment is yanking the rug out from under some folks who have been working diligently to comply with current guidelines. He asked that the Council make the process simple and permit people to supplement applications later in order to meet this deadline.

Councilmember Terry questioned Mr. McAnany as to whether he thought the definition of concept plan as identified in the resolution attachment was too specific as written. Mr. McAnany responded that it may be for some applicants who may not have all the specifics together yet. He has spoken with some cities that are requiring drafts and permitting supplementation of their application.

Mr. Wilson referred to the definition, subsection 8, section 2, that is, to file an application means that application meets substantively the requirements of the Code and it must be complete. He has set guidelines that are reasonable and low but not so low that the measure purposely tries to avoid the Amendment. Supplementation is a fair question but there is a danger of setting standards so low that the perception is the City is trying to avoid the Amendment. The addition of Persigo Agreement and Growth Plan references perhaps are not needed, but are provided for consideration.

Mike Joyce, 2764 Compass Drive, agrees with Mr. Wilson that the concept plan is simple to put together, very fair, is not circumventing any regulations of current planning. He urged adoption of Option 1.

Councilmember Theobald asked what would the difference be in changing “will” to “should” in the definition on page 3. Mr. Wilson answered it would be similar, but “shall” is mandatory and more direct.

Councilmember Theobald believes the resolution will help retain the City’s process, whereas Amendment 24 will subvert the process. He feels the Council needs to do something and prefers Option 1.

Councilmember Terry asked if the concept plan is currently in the Code? Mr. Wilson responded it is but is not outlined as to what is required for submittal standards.

Kathy Portner, Planning Manager, explained that a checklist has not ever been put together for concept plans, although the term is defined. The Community Development Department has plans to develop a checklist. The concept plan allows the developer to informally come before the Planning Commission to discuss ideas in order to get direction or reaction to what they are proposing.

Councilmember Terry confirmed with Ms. Portner that parties could go before the Planning Commission on an informal basis, to present ideas. This process gives no implied approval, ideas are presented for an initial reaction only.

Ms. Portner believes it would be hard to have an incomplete concept plan. The idea is very straight forward, however if a developer submits an ODP and it is incomplete, she asks does it get reverted to a concept plan? Or, are they given leeway for it to be completed via supplementation. Mr. Wilson said his response would be to submit the incomplete ODP as a concept plan.

Councilmember Terry asked if this locks them in if an incomplete concept plan is submitted. Mr. Wilson stated the response should be they must finish their concept plan process. He also suggested adding to Option 1 the language “any application will deemed to be valid” before “for any land within the urban growth boundary” and to correct the election references to the “general election in the Fall 2000.”

Councilmember Spehar stated that the Council is not going to resolve these issues with this proposal. Rather the defeat of Amendment 24 is what is needed. He feels this resolution would be perceived as an attempt by Council to subvert the Amendment. There is no significant differences demonstrated which show the need to do this for the 5½ days prior to the deadline. The Council would be sending the wrong message to the public. He also stated it was more important to defeat this Amendment than to provide ammunition to those wanting to significantly alter the process.

Mayor Kinsey agreed and stated the perception of the public would be that the Council is favoring the developers.

Councilmember Terry agreed with Councilmember Spehar. Regardless of how strongly she opposes Amendment 24, because of public perception she could only support Option 3. It doesn't change or allow any development applications under a newly defined concept plan.

Councilmember Theobald doesn't disagree, yet one could also argue that those who believe that way cannot be persuaded anyway. Regarding the economic impact, the proposed resolution is not a 5-day impact, but an attempt to keep development continuing for a year because the next vote would not be until November 2001.

Councilmember Spehar suggested the Council not do any of the three options but instead adopt a resolution opposing Amendment 24.

Councilmember Scott believes Council should do something to help some of the people, but that 5 days will not make that much difference. He supports Option 3.

It was moved by Councilmember Theobald and seconded by Councilmember Enos-Martinez, to adopt Resolution No. 84-00, with Option 1 to include additional language of “within the urban growth boundary” and changing language in Section J to election of Fall 2000. The motion failed.

Councilmember Terry moved, seconded by Councilmember Spehar, to adopt Resolution No. 84-00 with Option 3 to include the additional language “within urban growth boundary” and redefining the election to Fall 2000. The motion carried with Councilmembers **PAYNE and ENOS-MARTINEZ** voting **NO**.

It was moved by Councilmember Terry moved and seconded by Councilmember Jack Scott that the Council make a resolution expressing their opposition to Amendment 24. The motion carried.

Staff was directed to bring the language of the Resolution back to Council.

PUBLIC HEARING – GROWTH PLAN AMENDMENT AND REZONING THE KOLLAO PROPERTY FROM RSF-R TO RSF-2, LOCATED AT 2570 G ROAD
[FILE #GPA-2000-109]

Councilmember Enos-Martinez has conflict of interest and excused herself from the dais.

The public hearing opened at 8:50 p.m.

Lisa Gerstenberger, Community Development Department, reviewed this item giving some background. She clarified the request for lowering the density from medium to low. She stated this meets the goals and policies of the Growth Plan and the criteria for a Growth Plan amendment. The request is actually a downzone to residential low to reduce density.

Councilmember Payne asked if parcel 1 is in the city limits and Ms. Gerstenberger confirmed both parcels are in the City of Grand Junction. City Attorney Dan Wilson reminded Council that one parcel involved in a legal access issue relative to Wilson Ranch and part of the settlement includes a road plan.

Councilmember Theobald asked about the surrounding uses being consistent south and east, and the current designation being consistent with north and west. Ms. Gerstenberger posted the surrounding growth designation map. Councilmember Theobald stated he feels the issue is what the Growth Plan says about the general area.

Mike Joyce, 2764 Compass Drive, petitioner, clarified the zoning designations. Councilmember Theobald noted that the staff reports states the opposite.

Kathy Portner, Planning Manager, believes the subdivision recently approved just east of 1st Street, is around 2 units per acre density.

Ms. Gerstenberger continued, recommending approval of the Growth Plan amendment and the rezone request. The Planning Commission made similar findings and recommends approval. Part of the request to rezone to residential low is based upon topographical reasons. This would be consistent with the Growth Plan and is compliant with the plan.

Councilmember Theobald asked if the density includes the open space noting the argument that the density should be lowered due to the development constraints conflicts with the fact that at the same time the constraints are taken out of consideration. He is concerned about constant pressure to lower density which in turn encourages sprawl.

Ms. Gerstenberger posted the constraints map to better illustrate the justification.

Councilmember Spehar stated the need to be consistent and be careful about preserving some of these densities instead of lowering them at every request.

Councilmember Theobold discussed the Growth Plan map; generally everything to the north is medium density and to the south is low density.

Ms. Gerstenberger stated many of the properties south of G Road are already platted and developed and not likely to subdivide. They will likely stay at that density. Physical restraints are appropriate for lower density justification.

Councilmember Payne said that during annexation meetings, they were told many times not to change the zoning without a request. Now Council has a request and there are some real topography problems.

Ms. Gerstenberger met with the neighbors who are in favor, with no one speaking in opposition of the lower density.

Mike Joyce, 2764 Compass Drive, stated this is a unique piece of ground. The Growth Plan was not done parcel by parcel so this parcel was not looked at specifically. There are numerous physical constraints including flood plain problems. Many urban trails have been proposed across the property.

Councilmember Theobold asked if 11 acres are to be developed? Mr. Joyce answered that 13 acres are to be developed. Because of sight distance problems on G Road, they are trying to get Elvira Drive vacated to fix a potentially very bad situation. They are anticipating a total of 17 units between the two properties.

Mayor Kinsey asked for public comment. There was none.

The public hearing was closed at 9:17 p.m.

Councilmember Terry stated Council is striving to adhere to the Growth Plan but knew it was not perfect. It was recognized there would be errors that would need to be dealt with. Criteria for the Growth Plan amendments were determined and the answers to that criteria are satisfactory. If more stringent criteria is needed, then Council needs to adopt them. For this property, topographical constraints justify the zoning change.

Councilmember Spehar stated this change is justified, but cautioned Council about consistency and recognizing the value of higher density.

Councilmember Payne noted the property to the west is zoned high density and could never be. The possible trails system gives more reasons to approve this request.

Councilmember Theobold stated the topography just affects one parcel. The parcel to the north of parcel 1 has the same issues so he warned Council to expect the same such request.

Councilmember Scott has no problem with the downzoning due to topographical constraints.

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 85-00 was adopted and Ordinance No. 3288 was adopted on second reading and ordered published.

Councilmember Enos-Martinez returned to the dais.

Council briefly discussed the future of Growth Plan amendments and how often they should be scheduled.

PUBLIC HEARING - REZONING REIMER MINOR SUBDIVISION/SPANISH TRAILS FROM PD TO RSF-4, LOCATED AT 719 24 1/2 ROAD [FILE #RZP-2000-107]

A request to rezone a .34 acre parcel from PD (Planned Development) to RSF-4 (Residential Single Family, not to exceed 4 units per acre).

The public hearing opened at 9:25 p.m.

Mike Queally, representing the petitioner, discussed the request for rezoning. The property has one home that has been vacated. He would like to sell the property and put it to use that is compliant with surrounding density. The home still exists.

Councilmember Theobold asked if this is south of the gazebo? Mr. Queally responded that is not.

Kathy Portner, Community Development Department, reviewed the request to rezone. There is an approved ODP, which included the home in the overall plan. Now the applicant wants to separate the lot with the home on it, keeping consistent with the Growth Plan, and it will still be somewhat incorporated into their plan. She feels it meets rezoning criteria and the Planning Commission recommended approval, as does staff.

Councilmember Theobold asked if there is direct access to the property on 24 1/2 Road. Ms. Portner answered it does currently have driveway access to 24 1/2 Road and no change is proposed to change the driveway access.

The Mayor asked for public comments. There were none. He closed the hearing at 9:29 p.m.

Ordinance No. 3289 – An Ordinance Rezoning Property at 719 24 1/2 Road from PD to RSF-4 (Reimer Minor Subdivision/Spanish Trails)

Upon motion by Councilmember Theobald, seconded by Councilmember Spehar and carried by roll call vote, Ordinance No. 3289 was adopted on second reading and ordered published.

OTHER BUSINESS

Visiting Russian Contractors

Interim City Manager David Varley stated a group of Colorado contractors have asked the City to host visiting Russian contractors. The visitors will be here the 15th at 2:00 p.m. to talk about our process. There will be 9 visitors plus interpreters. The Council is invited to attend.

Amendment 21

Councilmember Terry asked that since the Council has stated its position on Amendment 24, she would like to schedule a discussion on the proposed Amendment 21 for Wednesday's agenda.

ADJOURNMENT

The meeting adjourned at 9:32 p.m.

Stephanie Nye, CMC
City Clerk