

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

**May 1, 2002**

The City Council of the City of Grand Junction convened into regular session on the 1<sup>st</sup> day of May 2002, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Bill McCurry, Reford Theobald, Harry Butler, Janet Terry, Dennis Kirtland, Jim Spehar and President of the Council Cindy Enos-Martinez.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember Butler led in the pledge of allegiance. The audience remained standing for the invocation by Reverend Jim Hale, Spirit of Life Christian Fellowship.

**PROCLAMATIONS / RECOGNITIONS**

PROCLAMATION DECLARING MAY 2, 2002 AS "NATIONAL DAY OF PRAYER" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING THE WEEK OF MAY 4, 2002 AS "NATIONAL TOURISM WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING MAY 4, 2002 AS "AMERICAN ASSOCIATION OF UNIVERSITY WOMEN DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING MAY 12, 2002 AS "GRAND JUNCTION LETTER CARRIERS STOCK THE COMMUNITY FOOD BANKS DAY" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING APRIL 28 THROUGH MAY 4, 2002 AS "MUNICIPAL CLERKS WEEK" IN THE CITY OF GRAND JUNCTION

PROCLAMATION DECLARING MAY 6 THROUGH MAY 10, 2002 AS "SPECIAL OLYMPICS MESA COUNTY VALLEY SCHOOL DISTRICT 51 CAN'T HIDE THE PRIDE DAY" IN THE CITY OF GRAND JUNCTION

**APPOINTMENTS**

APPOINTMENTS TO THE FORESTRY BOARD

Councilmember Kirtland moved to reappoint Mitch Elliot and Vince Urbina and appointed Mike Heinz to the Grand Junction Forestry Board for a three-year term. Councilmember Spehar seconded. Motion carried.

APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY

Councilmember Butler moved to appoint Harry Griff to the Downtown Development Authority for an unexpired term ending June 2004. Councilmember Spehar seconded. Motion carried.

#### APPOINTMENT OF DDA REPRESENTATIVE TO HISTORIC PRESERVATION BOARD

Councilmember Theobold moved to appoint Doug Simons as DDA's representative to the Historic Preservation Board. Councilmember McCurry seconded. Motion carried.

#### **PRESENTATION OF CERTIFICATE OF APPOINTMENT**

TO PLANNING COMMISSION MEMBER

The Planning Commissioner was not present.

#### **ELECTION OF MAYOR AND MAYOR PRO TEM / ADMINISTER OATHS OF OFFICE**

City Clerk Stephanie Tuin took nominations for the position of Mayor/President of the Council. Cindy Enos-Martinez and Reford Theobold were nominated. Cindy Enos-Martinez was re-elected.

City Clerk Stephanie Tuin took nominations for the position of Mayor Pro Tem/President of the Council Pro Tem. Harry Butler, Dennis Kirtland and Jim Spehar were nominated. Dennis Kirtland was elected as Mayor Pro Tem/President Pro Tem.

Following the elections City Clerk Stephanie Tuin administered oaths of office to Mayor Cindy Enos-Martinez and to Mayor Pro Tem Dennis Kirtland.

#### **SCHEDULED CITIZEN COMMENTS**

There were none.

#### **CONSENT CALENDAR**

It was moved by Councilmember Spehar, seconded by Councilmember McCurry, and carried by a roll call vote, to approve the Consent Calendar Items 1 through 15.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the April 15, 2002 Workshop and the Minutes of the April 17, 2002 Regular Meeting*

2. **Grant and Supplemental Co-Sponsorship Agreement Associated with Airport Improvement Program (AIP) in the Amount of \$277,949 for Upgraded Security Requirements**

Approval of FAA Grant Agreement and associated Supplemental Co-Sponsorship Agreement for Airport Improvement Program (AIP) Project No. 3-08-0027-25 to reimburse Walker Field, Colorado, Public Airport Authority for security costs incurred since September 11, 2001 and projected to be incurred through September 30, 2002.

*Action: Approve the Grant Agreement and Supplemental Co-Sponsorship Agreement for AIP-25 with the Federal Aviation Administration*

3. **Funding Mechanism for FY 2003, 2004 and 2005 Grand Valley Transit System**

In Fall, 2001, the Grand Junction City Council, Fruita City Council, Palisade Town Board, and Mesa County Commissioners agreed to a formula for funding GVT for 2002. In addition, there was an informal agreement to fund GVT for fiscal years 2003 through 2005. The resolution formalizes the agreement.

*Action: Adopt Resolution No. 37-02*

4. **2002 Alley Improvement District Contract**

Bids were received and opened on April 18, 2002 for the 2002 Alley Improvement District. Reyes Construction, Inc. submitted the low bid in the amount of \$529,493.25

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Reyes Construction, Inc.	Grand Junction	\$529,493.25
Mays Concrete, Inc.	Grand Junction	\$567,121.00
Engineer's Estimate		\$644,422.50

*Action: Authorize the City Manager to Execute a Construction Contract for the Alley Improvement District with Reyes Construction, Inc. in the Amount of \$529,493.25*

5. **Concrete Repair for Street Overlays Contract**

Bids were received and opened on April 23, 2002 for Concrete Repair for Street Overlays. G&G Paving Construction, Inc. submitted the low bid in the amount of \$207,261.00.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
G&G Paving Construction, Inc	Grand Junction	\$207,261.00

Vista Paving Corporation, Inc	Grand Junction	\$239,163.00
B.P.S. Concrete, Inc	Grand Junction	\$320,172.48
Engineer's Estimate		\$219,095.68

*Action: Authorize the City Manager to Execute a Construction Contract for the Concrete Repairs for Street Overlays with G&G Paving Construction, Inc. in the Amount of \$207,261.00*

6. **Lease Extension with Mesa National Bank For Polygraph Testing Facility**

The Police Department has conducted polygraph-testing procedures at Mesa National Bank since 1996. The Police Department has found that the secluded office space located on the third floor at Mesa National Bank functions very well as a polygraph testing facility. Because the City does not own space in a facility that would accommodate this function, the Police Department would like to continue using this space as long as it remains available.

Rent for the proposed one-year extension will be \$1,452.00. Mesa National Bank will pay for all utilities except telephone.

Resolution No. 38-02 - A Resolution Extending the Lease of Office Space at 131 North 6<sup>th</sup> Street for Use as a Polygraph Testing Facility

*Action: Adopt Resolution No. 38-02*

7. **Exchange of Property near Whitewater for Property around Kannah Creek Flowline**

Dyer LLC has been phasing the development of Desert Vista Estates near Whitewater Creek. The Kannah Creek Flowline crosses the third and final phase of this development (the flowline exists without the benefit of a documented easement). Additionally, the City owns a vacant 40-acre parcel adjacent to the west of Desert Vista Estates that was included in the Somerville Ranch purchase. The proposed exchange will grant the City title and improved access rights to a remote parcel, which is encumbered by the Kannah Creek Flowline.

Resolution No. 39-02 - A Resolution Authorizing the Exchange of Real Estate with Dyer, LLC.

*Action: Adopt Resolution No. 39-02*

8. **FY 2003-2008 Transportation Improvement Plan (TIP) Update**

The FY 2003-2008 TIP Update is required to reflect the federally funded transportation-related projects within the Federal Aid Urban Boundary for the



indicated period. All projects shown in the TIP are consistent with the statewide plan.

Resolution No. 40-02 - A Joint Resolution of the County of Mesa and the City of Grand Junction Concerning Adoption of Fiscal Years 2003-2008 Transportation Improvement Program

*Action: Adopt Resolution No. 40-02*

9. **Setting a Hearing on Zoning the Larson Annexation Located at 2919 B ½ Road** [File #ANX-2002-054]

First reading of the zoning ordinance to zone the Larson Annexation to the RSF-4 zone district. The site is located at 2919 B ½ Road. This rezone affects 7.8 acres and is comprised of three parcels.

Proposed Ordinance Zoning the Larson Annexation to the Residential Single Family – 4 dwelling Units Per Acre (RSF-4) District Located at 2919 B ½ Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 15, 2002*

10. **Vacation of Easement for Rimrock Marketplace Located at 2526 River Road** [File #VE-2002-025]

The petitioner is requesting the vacation of a 20-foot utility easement located on the Rimrock Marketplace project. A new utility easement will be created in a new location with the filing of the plat for the project.

Resolution No. 41-02 - A Resolution Vacating a 20-Foot Wide Utility Easement in the Rimrock Marketplace Subdivision Development

*Action: Adopt Resolution No. 41-02*

11. **Setting a Hearing on the Beagley Annexation No. 1, No. 2 and No. 3, Located at 3049 Walnut Avenue** [File #ANX-2002-084]

Resolution for Referral of Petition to Annex/First Reading of the Annexation Ordinance/Exercising Land Use Jurisdiction Immediately for the Beagley Annexation located at 3049 Walnut Avenue and Including a Portion of the F Road, Grand Valley Drive and Walnut Avenue Rights-of-Way. The 5.92-acre Beagley property consists of one parcel of land.

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

Resolution No. 42-02 – 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, the Beagley Annexation Located at 3049 Walnut Avenue and Including a Portion of F Road, Grand Valley Drive and Walnut Avenue Rights-of-Way

**b. Set a Hearing on Proposed Ordinances**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Beagley Annexation No. 1, Approximately 0.153 Acre, a Portion of F Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Beagley Annexation No. 2, Approximately 1.028 Acres, a Portion of F Road and Grand Valley Drive Rights-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Beagley Annexation No. 3, Approximately 4.739 Acres, Located at 3049 Walnut Avenue and Including a Portion of Grand Valley Drive and Walnut Avenue Rights-of-Way

*Action: Adopt Resolution No. 42-02 and Proposed Ordinances on First Reading, Setting a Hearing for June 5, 2002*

12. **Setting a Hearing on Zoning the Zambrano Annexation Located at 657 20 ½ Road** [File #ANX-2002-053]

The applicant requests to zone the Zambrano Annexation located at 657 20 ½ Road to Residential Single Family – Four Dwellings Per Acre (RSF-4). At its hearing of April 23, 2002, the Planning Commission recommended approval of this request.

Proposed Ordinance Zoning the Zambrano Annexation Residential Single Family – Four (RSF-4), Located at 657 20 ½ Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 15, 2002*

13. **Setting a Hearing on Zoning the ISRE Annexation Located at 2990 D ½ Road** [File #ANX-2002-049]

The annexation area consists of a 14.149-acre parcel of land located at 2990 D ½ Road. The property owner has requested annexation into the City as the result of proposing a Growth Plan Amendment for the property to be considered

by City Council at a later date. Under the Persigo Agreement all such types of development require annexation and processing in the City.

Proposed Ordinance Zoning the ISRE Annexation to Residential Single Family with a Maximum Density of 4 Units Per Acre (RSF-4) Located at 2990 D ½ Road

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 15, 2002*

14. **Setting a Hearing on Amending the Parking Ordinance**

By this Ordinance the City Council prohibits parking in the “planting strip” which is defined as that area between the back of curb of any street and the edge of the sidewalk closest to the street or if there is no curb then from edge of asphalt of any street and the edge of the sidewalk.

Proposed Ordinance Amending Chapters 36 and 40 of the City of Grand Junction, Colorado Code of Ordinances Related to Parking

*Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for May 15, 2002*

15. **Council Assignments for 2002 - 2003**

Resolution No. 44-02 – A Resolution Appointing and Assigning City Councilmembers to Represent the City on Various Boards and Organizations

*Action: Adopt Resolution No. 44-02*

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

**Public Hearing – Rezone Valley Meadows North Located at the North End of Kapota Street** [File #RZP-2002-019]

Second reading of the Rezoning Ordinance to rezone the Valley Meadows North property located at the north end of Kapota Street from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4)

Mayor Enos-Martinez recused herself as she has a contract with this developer.

Mayor Pro Tem Kirtland presided.

The public hearing was opened at 8:00 p.m.

Councilmember Terry requested that the department heads explain the process for this hearing.

Bob Blanchard, Community Development Director, explained that this hearing is on the rezone only and that in two weeks Council will hear an appeal of the Preliminary Plan, on the record only.

Councilmember Theobald asked if the drainage issue falls under the rezone or the Preliminary Plan.

Mark Relph, Public Works and Utilities Director said if this ordinance and the Preliminary Plan were approved, then the engineering details would be part of the Final Plan. He said that drainage did come up at the Preliminary Plan and so the Council would see that issue in the record.

Councilmember Theobald wanted to know what Council could change at the Final Plan stage.

Bob Blanchard, Community Development Director, said if the Final Plan is in substantial compliance with the Preliminary Plan then it's approved. Mark Relph, Public Works and Utilities Director, clarified that the Final Plan is an administrative process only. Residents could still appeal the approval to the Planning Commission.

Councilmember Theobald wanted to know that if drainage were not discussed at the Preliminary Plan, then what would the latitude be at the Final Plan.

Mark Relph, Public Works and Utilities Director, replied that there are enough drainage issues on the record that they would need to be addressed.

Lisa Gerstenberger, Senior Planner, reviewed this item. She pointed out the location of and the access to the property and identified the Future Land Use designation as Residential Medium-Low (2-4 du/ac). She said that the parcel is currently zoned RSF-R (Residential Single Family Rural). She also listed the surrounding zone districts. She reviewed and stated the results of the rezoning criteria noted in Section 2.6.A. of the Zoning and Development Code as Criteria:

#1. The existing zoning was in error at the time of adoption. – yes, the existing zoning does not meet the growth plan designation;

#2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc. – yes;

#3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances – yes;

#4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans, and the policies, the requirements of the Code and other City Regulations and Guidelines – some of the goals are met;

#5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development. – yes;

#6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs – yes; and

#7. The community or neighborhood will benefit from the proposed zone – yes.

Even though the Preliminary Plan was not being considered at this meeting, Ms. Gerstenberger reviewed the plan briefly to give the Council an idea of the density of the proposed development, i.e., as a visual aid only.

Ms. Gerstenberger said that Staff and the Planning Commission recommend approval of the rezoning request.

Councilmember Spehar questioned that in criteria #3, it states no adverse storm water and drainage problems would be created. Ms. Gerstenberger referred to Mr. Relph's comments that it would be addressed at Final Plan.

Mr. Relph said that the issues have been discussed and that they would be addressed in the Final Plan, and as far as the zoning is concerned, the drainage problem would be possible to solve. Councilmember Spehar thought that Council was told previously that drainage was not an issue, but actually according to the criteria, it does have to do with the rezone.

Bob Blanchard, Community Development Director, pointed out that at the rezoning request, the emphasis was on the proposed use, the physical site, the density of the site plan and if the technical issues could be resolved.

Councilmember Terry said that the criterion of drainage in item #3 was more definitive than previously understood. She asked Mr. Wilson to clarify that when and if there is a motion, if Council could state that this issue is not satisfactorily resolved.

Dan Wilson, City Attorney replied there could be instances where drainage problems couldn't be overcome, but that the Staff would ask if the uses in this area are appropriate, and denying the rezoning request on that basis would go against the current code.

Councilmember Spehar said Council might be compelled to deny the rezone until Council was convinced that the drainage issue has been resolved.

Councilmember Theobold noted if drainage is a problem inherent to this use then it is a rezone issue; if it is a problem of the plan, then it will be addressed at Final Plan.

Councilmember Terry recommended Council should just state that a drainage problem was not solved now, but that it would be at the Final Plan.

Rich Krohn, 744 Horizon Court, representing the applicant and current owner Ed Lenhart of Just Companies, Inc., who was also present, said that he didn't want to talk about drainage but could, and that their engineer was there and that he believes the issue was general and the land was not incompatible. He said that the drainage would require engineering, which was a different part of the process. The request to rezone was compatible with the Growth Plan and the Preliminary Plan density was 3.4 units per acre. He stated the zoning for adjoining properties is RSF-2; Moonrise East as RSF-4 and the 11 acres east are undeveloped and zoned RSF-R (holding zone). Valley Meadows East Subdivision was zoned as a Planned Unit Development (PUD) with 2.93 units per acre, and the lot sizes are very comparable to the current proposal. He has reviewed the rezone criteria, and as a single access, Kapota Street, a local residential street with full build-out, would be at less than 70% capacity. There was a possible second access to an adjacent-yet-undeveloped property. The only policy not being met was meeting the desires of the neighborhood due to the single access.

Mayor Pro Tem Kirtland asked for public comments.

Helen Dunn, who lives at 2557 McCook Avenue, representing the Valley Meadows East Homeowners Association Committee, read the attached statement into the record (Exhibit "A").

Councilmember Theobold asked Ms. Dunn if she was representing the neighborhood.

Ms. Dunn answered that she was part of the Valley Meadows East Homeowners Association Committee.

Councilmember Terry asked her for a comparison of the lot sizes.

Ms. Dunn replied that because her subdivision was a PUD and had open space it gave one a feeling of openness.

Patricia Cleary, who resides at 662 Kapota Street, said that the biggest concern she had was that the homeowners cannot discuss drainage at this time, which seemed to be the largest issue, but the developer's lawyer has discussed various other issues. She wanted to know why was Council considering those issues but not the biggest issue, drainage.

Councilmember Terry replied that was what Staff tried to explain at the beginning of the public hearing.

Ms. Cleary said that it was not clear enough, and she couldn't understand why access, safety and compatibility are all zoning issues but drainage is not. Councilmember Terry said drainage may be part of the discussion. Councilmember Spehar agreed.

Councilmember Theobold asked Ms. Cleary how she felt about the drainage if the zoning was 2.93 units per acre. Ms. Cleary told Mr. Theobold that she didn't have enough information to answer his question.

Ms. Cleary then objected to language used in the Planning Committee's minutes. She said there was an issue of privacy because two-story homes would be allowed, a concern about safety plus a comment, which was made by Mr. Krohn, who had said that the proposed density was 70% of the density capacity. She said the subdivision was not a subdivision that could handle the additional traffic since they didn't have perpendicular roads and would be hard for emergency access. She also wanted to clarify that a Fire Department representative had said there would be a problem in the case of an extreme emergency.

John Chapman, who lives at 667 Kapota Street, was also concerned about the drainage. He said the plan was contrary to basic drainage laws and the plan would have to let traffic go in and out, plus let water go out. The developer's plan would destroy Valley Meadows East's existing drainage plus the storm sewer system wouldn't be able to handle it. The engineers need to leave space for more detention ponds and pumps and more drainage structures before siting house lots. He said the drainage report was faulty because it didn't mention the berm, and never said that they were going to reach this berm. It just showed up on the drawings and they made such statements, as there are no changes to the historical drainage for this project, which is not true. The drainage path could be seen by the swath it had left and he said there was a need to start over. He said he would provide a final report to the City Clerk for Council distribution.

Councilmember Spehar explained that once these improvements were accepted they then become community property.

Carol Chapman Bergman, who lives at 628 Sage Court, said the proposal was not compatible with the intent of the Growth Plan, and was not in an infill area when surrounding property was less dense. She noted that one couldn't compare a PUD to a straight zone due to the lack of a green belt. She said there was a greater density with no benefit, and there were no water rights, as the owner hadn't paid the irrigation company. Excess water would be dumped onto 25 Road. The canal breach had shown how much damage can happen and that the property acts as a natural detention pond.

Barry Chamberlain, who lives at 2553 McCook Avenue, stated he had no issue with the developer, but wanted to know if the zoning request were approved, what would happen if the property changed hands and Mr. Lenhart were no longer the developer. He said he had asked Mr. Lenhart the same question and was told that this could be a

possibility. He wanted to know from Council what would prevent a future owner from increasing the actual density to the full RSF-4. .

Bob Blanchard, Community Development Director responded the site could be developed to up to four units per acre, but the plan would have to go through the process again.

Barry Chamberlain asked if the developer meets the criteria, could he go forward without the neighbors' input making reference to legal loopholes. Councilmember Terry told him this was the reason the rezone request goes through City Council.

Councilmember Spehar said the reason those kinds of standards are set is to create an expectation, and he thought it was not appropriate to say they are meeting legal loopholes. Those standards were created from public input in the review process, and it wasn't fair of Mr. Chamberlain to make a negative characterization of a very positive effort, which benefits him and the development.

Barry Chamberlain wanted to know about even more development in the future on the adjacent Moran property.

Michael Lightfoot, who resides at 667 Chama Lane, and who is the president of the Valley Meadows East Homeowners Association, represented 44 homeowners. He said the plan was approved by the Planning Commission stating it met all the criteria, yet, drainage was an issue.

Jim Grisier, 690 25 ½ Road, supported the Homeowners Association of Valley Meadows East and agreed that their concerns are quite valid, and he encouraged denial of the rezone request. A rezone to RSF-2 (Residential Single Family-2) or planned zoning in the range of 3 would be more appropriate. He also appreciated the impacts on Valley Meadows East Subdivision. He said that some Councilmembers probably recall the difficult discussions on Moonrise East and the discussions about the single access.

Mr. Grisier stated the Moran's were asked specifically if they realized the effect on future development of the property in question and they had made that choice. It had been discussed that the outlot C would be maintained for irrigation access and also for a connecting pedestrian trail. No discussion was ever held for this with Valley Meadows North. Mr. Grisier said he would dedicate land to connect that trail.

Councilmember Theobald wanted to know if there was any irrigation water available and if Mr. Grisier had any connections with the irrigation company or had knowledge of such availability. Mr. Grisier said he was a member of Grand Valley Irrigation Company Board and although the Company has no shares for sale, he sees shares of water for sale often in the paper.



Mayor Pro Tem Kirtland asked for no more public comments and said the questions are now for Staff.

Councilmember Terry wanted to know about the 12-inch pipe capacity.

Mark Relph, Public Works and Utilities Director, replied this was pointed out to the applicant and they have looked at other alternatives, like retention or detention, and they would have to verify capacity.

Councilmember Terry asked about the U.S. Geological Survey report. Mr. Relph replied he was not familiar with it.

Councilmember Theobold wanted to know about the berm at the end of Kapota Street and its importance to drainage and in controlling drainage and the importance of cutting through or going over the berm. Mr. Relph said going over was impractical. It was possible to capture water there and move it to a detention facility but the capacity was an issue for review.

Councilmember Theobold asked if drainage could be handled even when cutting the berm. Mark Relph, Public Works and Utilities Director, said it was possible, but it was a final design detail.

Councilmember Theobold asked Mr. Relph if he remembered any of the discussions about the access through Moonrise East Subdivision.

Mark Relph, Public Works and Utilities Director, said he remembered the Moran's did not cooperate with additional access, which reduced their ability for more access to their property.

Councilmember Theobold asked to compare if additional access had occurred through Moonrise or Kapota and if it was a factor in traffic and also drainage. Mr. Relph replied he didn't know about drainage. He is certain about traffic for emergency access, but as far as capacity, that was not an issue. The road was at national standards and was acceptable.

Councilmember Spehar wanted to know about drainage.

Mr. Relph replied that he didn't know any specifics, but he thinks that Valley Meadows East probably could not handle any additional water.

Councilmember Theobold said on the Preliminary Plan there was a Moran Drive, which stubbed and he asked where that link could be hooked up to for additional access.

Mark Relph, Public Works and Utilities Director, said this stub isn't shown on the City's major street plan and that he hasn't looked at it. There would be a need to look at the size of parcels noting it could be a challenge.

Councilmember Terry wanted to know more about the trail access issue and the US Geological Report from Ms. Gerstenberger.

Lisa Gerstenberger, Senior Planner, said the trail issue was not an issue on this project. The trail was part of the PUD, as a benefit for getting approval for a planned development, where as the Valley Meadows North Subdivision was a straight zone and there are no pedestrian requirements, unless it was on the Master Trail Plan. If the owners would volunteer to include a trail, the City then would consider it. The Colorado Geological Survey showed soil conditions and drainage.

The development engineer did discuss these comments and they were addressed. The engineer was comfortable that they could be dealt with during the Final Plan.

Councilmember Spehar wanted to know from Ms. Gerstenberger if he was correct that two-story houses are not prohibited, but that they have to comply with the height standards. Ms. Gerstenberger said that Mr. Spehar was correct.

Councilmember Terry wanted to know more about the comments made by the Fire Department's representative. Ms. Gerstenberger replied that any comments were listed in the Staff Report and there were none.

Councilmember Kirtland asked if the petitioner would like to give a brief rebuttal.

Ed Lenhart of Just Companies, Inc. located at 2505 Foresight Circle, who is the developer of the property, said he was concerned with the canal breach and that the water had come right onto the Valley Meadows North property. He said the amount of water that flooded the area could only happen if the canal would break again. Since the canal was not engineered for that large a capacity, his engineers have gone over the design for the drainage of the area and the design would actually help the Valley Meadows East neighborhood. He stated he doesn't fill legal loopholes and it never was his intention, he lives here. Furthermore, they had two neighborhood meetings, and afterwards they reduced the density to be more compatible. He said it would be more advantageous to spend money on irrigation, but didn't have the conveyance system to bring it to the property. He said he intended to develop this property as designed. In the Moran's situation, the developer of Moonrise had intended to put a road to Valley Meadows North, but the Moran's couldn't get with Mr. Seligman. He showed Council that he had four letters and one map, which are attached as Exhibit "B", from the Morans. He said Mr. Seligman was unwilling to meet with the Morans.

Brian Hart from LANDESIGN, located at 244 N. 7th St, said the average lot size was 9,600 square feet, one lot is 8,110, some are around 8,500 square feet in the middle, and several lots were in the 9,500 – 10,000 square foot range.

Ed Lenhart, applicant and owner of Just Companies, Inc. said he felt a need to address the drainage issue and asked Mr. Hart, the engineer, to address that issue with Council.

Brian Hart, from LANDESIGN, explained that access would require the berm to be cut down since there was a steep section of the road and drainage would drain onto the road. The rest of drainage would have to be retained on the property and channeled to an off-site location, which would drain through their site into a pipe on 25 Road. The report was only preliminary, and the overflow could be drained to 25 ½ Road, to a limit. There are combinations of methods to handle the drainage but no calculations have been done yet. If the capacity would be exceeded, they would have to install a storm sewer. He said he was required by law to provide a plan that met standards. The final concerns would be dealt with at the Final Plan. If flow rates for the canal break are correct, then the flow was 7 to 10 times above the expected flow.

The Colorado Geological Survey's comments said more details are needed before a recommendation for approval would be issued. Mr. Hart said when he had a conversation with them, they were comfortable with his response and felt that their issues could be resolved.

He said there was an unimproved outlot in the Valley Meadows East Subdivision but that it was quite narrow and could not be used for a trail. As far as for the Fire Departments comments, he didn't recall anyone from the Fire Department being there at the Planning Commission meeting; the one who commented was Rick Dorris, a development engineer with the Grand Junction Public Works & Utilities Department. He also said that they did have a neighborhood meeting proposing a plan for 30 lots, but after the meeting they reduced their plan to 26 lots based on neighborhood concerns.

Rich Krohn, the developer's attorney, asked Council to focus on the rezone criteria.

The public hearing was closed at 10:25 p.m.

Councilmember Theobald wanted to hear more comments on the access to the Moonrise East Subdivision.

Dan Wilson, City Attorney, reviewed what happened in 1996 on the access issue. The subdivision was flip-flopped to accommodate the detention pond and access, because the Moran's could not come to contract terms with Mr. Seligman.

Councilmember Theobald explained that a lack of open space is not a reason to oppose, nor is the lack of irrigation water, since it is available. He continued, saying that the drainage issue is for the plan phase and the drainage capacity is a plan issue. On the other hand, access is the primary issue and since access is limited to some degree by the property owners who were well aware of the situation, the rezone request did not meet rezone criteria # 3. Therefore he would support a lower density development and he would vote no on RSF-4.

Councilmember Terry also addressed the density issue. She said if Valley Meadows East were building on lot sizes 8,700 to 12,245 square feet, that those lots were of a

similar range as those in the Valley Meadows North Subdivision. So even if there was a perception of higher density, there was very little difference and it was not a significant element. But she was concerned about the access issue, and she didn't see Moran Drive as possible, plus the drainage issue had not been addressed sufficiently.

Councilmember Spehar said that the street was designed for that capacity, so traffic wasn't an issue, but he would like to see a second access. Since emergency services did not see access as an issue, he didn't see access as a denial reason. He said that one couldn't design for catastrophic events like the canal breach and therefore didn't see a reason to deny the request since it was part of city limits and the density was appropriate for the area.

Councilmember Terry asked Mr. Wilson if access could be a reason for denial.

Dan Wilson, City Attorney, told her yes, it would be a legitimate basis.

Councilmember Butler said that he also has a problem with access and would vote no.

Mayor Pro Tem Kirtland said development in this area will occur but he believes the capacity is impacted and the density bothers him. He would like to see about three or less per acre.

Ordinance No. 3395 - An Ordinance Rezoning the Valley Meadows North Property Located at the North End of Kapota Street from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4)

Upon motion made by Councilmember Theobold, seconded by Councilmember McCurry, with Councilmember Spehar voting YES if drainage issues were resolved, Ordinance No. 3395 failed with a roll call vote of 5 to 1. Councilmembers McCurry, Theobold, Butler, Kirtland and Terry voted no.

A recess was called at 10:45 p.m.

The City Council was back in session at 10:52 p.m. Mayor Enos-Martinez returned to presiding the meeting.

### **Public Hearing - Downtown Sidewalk Permits**

These changes to the ordinance will allow the issuance of sidewalk permits for those restaurants and cafes fronting on Main Street, between 1st and 7th streets. The 1981 ordinance has been updated, and the new provisions have been included.

The public hearing was opened at 10:52 p.m.

Councilmember Butler asked Council to consider an amended ordinance (Version 2), that does not allow serving of alcohol in the downtown park. He detailed the proposed changes.

Council President Enos-Martinez wanted to know the reason for eliminating all references of all alcoholic beverages from the ordinance.

Councilmember Butler replied that he was concerned that the street access would make it easy for younger people and transients to have access to liquor, and they may hand off a container to their friends.

Council President Enos-Martinez replied that it is the applicant's responsibility to control any misuse.

Councilmember Butler wanted Council to know that he has a problem when alcohol would be served on public property.

Councilmember Spehar suggested Council first listen to the presentation and then discuss or call for a motion.

City Attorney Dan Wilson and Downtown Development Authority (DDA) Chair and Interim Director Bruce presented this item. They explained that the existing ordinance regulating sidewalk uses and permits was granted in 1981; the first two feet of the right-of-way are currently used for clothing racks and benches; and the new ordinance would require an eight foot unobstructed path, as well as a safety zone from the traffic. The new ordinance would also allow the City Clerk to delegate the duty to issue permits pursuant to an intergovernmental agreement or pursuant to an administrative regulation.

Bruce Hill, DDA Chair and Interim Director, further explained that a change is needed to allow various businesses an outside patio and to allow them to serve beer and wine only. He pointed out that serving alcohol on outdoor premises would be risky to the liquor licensees and that adopting the amended ordinance would not give the businesses the license to serve alcohol; only the liquor board can grant a license to serve liquor.

Paul Knashi, owner of Pablo's Pizza said he supports the original ordinance. He stated only a small percentage of his income is derived from alcohol sales, but some of the customers would like to have a beer with their food while eating outside. He said it would also help to keep downtown unique.

Ron Hall, from il Bistro Italiano, said that the new ordinance would help to enhance the downtown experience.

Dan Wilson, City Attorney clarified that the ordinance as written also includes hard liquor.

The public hearing was closed at 11:10 p.m.

Councilmember Spehar asked if the outside serving area would require a surrounding structure.

Dan Wilson, City Attorney said it would have to be deferred to the State. City Clerk Stephanie Tuin clarified that the State does not require a structure, but does require control and containment of the area.

Council President Enos-Martinez pointed out that the new ordinance wouldn't guarantee that the applying business would obtain a modification of premises to their liquor license.

Councilmember Spehar said he didn't like the idea of a serpentine pedestrian walkway.

Bruce Hill, DDA Interim Director, replied there would only be a slight jog in the walkway to accommodate a patio.

Greg Morrison, Chief of Police, said there would not be a day-to-day problem, but during special events, some barriers might be an issue.

Dan Wilson, City Attorney, replied that sidewalk permits with alcohol would have to be prohibited during special events.

Councilmember Butler voiced his concerns that transients would be encouraged to seek out the outdoor patios.

Greg Morrison, Chief of Police, reminded everyone that it is illegal to bring alcohol onto licensed premises.

Ron Hall, from il Bistro Italiano, said that it is the responsibility of the establishments to police themselves and the serpentine walkway would be parallel with planters.

Councilmember Spehar wanted to know if City Council could require a structure like Dolce Vita's. Dan Wilson, City Attorney, answered yes.

Councilmember Spehar said he has no problem with the way Dolce Vita's patio is set-up, but he does with the way Main Street Café has their tables and chairs out in the open.

Dan Wilson, City Attorney, explained again the reason for the 8-foot-wide pedestrian sidewalk.

Council President Enos-Martinez wanted to know if a structure requires a permit from the Public Works Department.

Dan Wilson, City Attorney, replied this ordinance allows this, but permanent physical structures require other provisions.

Bruce Hill, DDA Interim Director, said that if the DDA has concerns with noncompliance they can revoke the permit.

Councilmember Spehar said he appreciated the ambiance the outdoor patios would create, but was concerned about enforcement by the DDA, especially during special events.

Councilmember Kirtland suggested they resolve the issue of serving liquor later, but to pass the amendment now.

Councilmember Terry stated it would be cleaner to wait in approving either of the ordinances and thought it would be beneficial to know how the citizens feel about the amended ordinances. She questioned how the information would reach the people.

Ordinance No. 3422 - An Ordinance Amending Part of Chapter 32 of the City Of Grand Junction Code of Ordinances Relating to Downtown Sidewalk Permits

Upon motion made by Councilmember Kirtland, seconded by Councilmember Theobold, and carried by a roll call vote, Version 2 of Ordinance No. 3422 was adopted on Second Reading and ordered published.

### **Department of Energy Complex Energy Impact Grant**

The Grand Junction Incubator Director, Thea Chase, is requesting the City of Grand Junction City Council be a sponsoring governing body for a Federal Energy Impact Grant.

Mayor Enos-Martinez asked to address this item next.

Kelly Arnold, City Manager, reviewed this item.

Upon motion made by Councilmember Theobold, seconded by Councilmember Kirtland, and carried by a roll call vote, the request that the City of Grand Junction City Council be a sponsoring body, with City Manager and City Attorney having final review of the application, was approved.

### **Hazard Elimination Grant for 24 1/2 and G Road Intersection Improvements**

This grant is for a total of \$617,000. Based on the actual bids for the roundabout at the intersection of 25 Road and G Road and the fact that federally funded projects typically cost about thirty percent more than non-federal work, the estimated cost to do a similar project at this location is about \$771,300. The City cost would drop from about

\$593,300 to about \$154,300. This adjustment would make about \$439,000 available for other City Capital Improvement priorities.

Resolution No. 43-02 - A Resolution Authorizing the Submission of a Grant Application to Assist in the Funding of the Construction of Intersection Improvements at 24 ½ Road and G Road

Mark Relph, Public Works and Utility Director, reviewed this item.

Upon motion made by Councilmember Theobold, seconded by Councilmember Kirtland, and carried by a roll call vote, Resolution No. 43-02 was adopted.

### **Public Hearing - Supplemental Budget Appropriations for 2002**

The request is to appropriate specific amounts for several of the City's accounting funds as specified in the ordinance.

Ron Lappi, Administrative Services Director, reviewed this item.

Ordinance No. 3423 - An Ordinance Making Supplemental Appropriations to the 2002 Budget of the City of Grand Junction

Upon motion made by Councilmember Theobold, seconded by Councilmember McCurry, and carried by a roll call vote, Ordinance No. 3423 was adopted on Second Reading and ordered published.

### **NON-SCHEDULED CITIZENS & VISITORS**

There were none.

### **OTHER BUSINESS**

There was none.

### **ADJOURNMENT**

The City Council meeting adjourned at 11:41 p.m.

Stephanie Tuin, CMC  
City Clerk



Exhibit A

# GRAND JUNCTION CITY COUNCIL PRESENTATION

MAY 1st, 2002

## Mayor --- Members of the City Council

My name is Helen Dunn. I have lived in Valley Meadows East at 2557 McCook Avenue since November 1999. I am a member of the Valley Meadows East Homeowners Committee to study the Valley Meadows North proposal. As such, I represent the views of the majority of the residents of Valley Meadows East.

As you are probably aware I have been very concerned with the potential damage to the Valley Meadows East neighborhood if the Valley Meadows North Subdivision is allowed to be developed as it has been approved by the Grand Junction Planning Commission. A density of 26 houses in a subdivision with no exit except through Valley Meadows East will damage both the property values in Valley Meadows East, as well as, provide an unsafe environment for evacuation in case of an emergency situation, such as, fire, flood, or other disaster. We have been told in previous meetings that this could never happen. Believe me it can happen. Imagine the confusion and difficulty of evacuating the additional 26 homes proposed for Valley Meadows North, in addition to the 44 homes in Valley Meadows East, during the recent flood in Valley Meadows East. It was difficult enough for our cars to drive through the flooded streets to reach 25 1/2 Road and safety. Twenty five and 1/2 Road, being higher than Westwood Drive where it enters Valley Meadows East, had no water on it so it was easy to drive once we reached that point.

I believe you have copies of my previous presentation where I cited from The **Grand Junction Zoning and Development Code** the Subdivision Standards which I thought would protect neighboring areas from a subdivision which would not be compatible with those already in existence.

One of the Codes with which I have been particularly interested is:

Chapter 2, page 31 under criteria for review  
 h) compatibility with existing and proposed  
 development on adjacent properties

With the exception of Moonrise Court the surrounding neighborhoods are less than 3 units/acre. As you can see from the following information the density for Valley Meadows North should also be less than 3 unit/acre.

### **Density of Neighboring Properties**

<b>Density</b>	<b>Name</b>
2.8	Valley Meadows
2.93	Valley Meadows East
2.3	Moonridge Falls
2.9	Fall Valley

**THE DENSITY FOR VALLEY MEADOWS NORTH IS PROPOSED TO BE 3.4 UNITS/ACRE WHICH IS NOT CONSISTENT WITH THE OTHER SUBDIVISIONS IN THE AREA.**

I have been reviewing City Council Minutes from 1996 to 2001 to get a prospective of previous actions. I have found them fascinating.

It is obvious the members of the City Council take a great deal of pride in the Grand Valley community. Therefore, you must be gratified that the residents around the area of 25 1/2 and F 1/2 Road care enough for their subdivisions and individual property to take an interest in the developments around them

and make every effort to protect these property values. This is evidenced by the number of people who have taken time out of their busy schedules to come to the City Council meetings and give lengthy testimony whenever a developer attempts to overbuild property in that area.

According to the **City Council Minutes** of May 1, 1996, when considering the appeal of the preliminary plans for the Valley Meadows East Subdivision, the Council members voted to reduce the original plan from 52 lots to 44 lots. There was a great deal of discussion about property values if a new neighboring subdivision were allowed to build at a higher density than the surrounding area. To quote from the May 1, 1996 Minutes in reference to Councilmember Theobold's motion when he was considering density compatibility as well as traffic in the area, and the general aesthetics involved with the density and design, he moved for a slightly lower density. "He picked a density of 2.93 because it is under the magic number of 3. He thinks, just like the canal is a barrier, the number 3 is a barrier. It is going to be far more compatible with the surrounding densities than the irrelevant number of 4 or the relevant number of 3.3. That equates to 44 lots, which means 8 lots need to go somewhere. Larger lot size does increase the value of the homes, and 4 lots are going to increase the open space and neighborhood amenities. That was Councilmember Theobold's rationale for the lower density."

In the same meeting there was a discussion about whether the larger size lots would sell. Councilmember Theobold "noted that the largest lot in Filing #2 is only 12,000 square feet, not a really big lot." I can assure you that since I have lived in Valley Meadows East there has been no problems in selling the houses whenever they are available for sale. The larger houses with the larger lots seem to sell more quickly.

In 1994, when Valley Meadows was approved by the County Commissioners it was for 2.8 units/acre. In the minutes of May 1, 1996, a resident of Valley Meadows stated "the smaller the lot, the cheaper the house being built on it. The price of a lot is 20% of the value of the home." In another section of the same minutes the same resident requested "a consistent density as it could affect the resale value of properties in the area."

According to the **City Council Minutes** of April 16, 1997, Fall Valley was approved for 2.9 units/acre.

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To quote from November 19, 1997 **City Council Minutes** "Upon motion by Councilmember Sutherland, seconded by Councilmember Enos-Martinez and carried, the proposed ordinance zoning Northfield Annexation RSF-2 was adopted on first reading and ordered published".

In the same minutes it was stated "The proposed zoning is RFS-2 for the area north of F 1/2 Road and RSF-4 for the area south of F 1/2 Road. The proposed zoning was recommended by staff and the Planning Commission."

The petitioner for Valley Meadows North stated in the Planning Commission meeting of March 12, 2002 that the density is the same as the surrounding subdivisions. **This is not accurate and, no matter how many times it is repeated, it is not going to change the facts. It will still not be accurate.** With the exception of Moonrise Court, the surrounding subdivisions have less than 3 units/acre. To complement the neighboring areas Valley Meadows North should be rezoned from RSF-R to RSF-2. This qualifies as a Residential Single Family-2 zone district and implements the Residential Medium-Low land use classification.

I am not opposed to development when done in a responsible manner, but I am opposed to development which will have a negative impact on neighboring areas.

Rezoning Valley Meadows North as a RSF-4 will have a detrimental effect on adjoining properties. In accordance with previous City Council decisions, I ask you to protect the values of adjacent properties by **approving the development of this 7.65 acres for a density of less than 3 units/acre preferably for a straight zone of RSF-2.**

We have been told that we have had it good but that is going to change. I think all people living in Grand Junction have and should have it good and that should not change because someone wants to overbuild in an area adjacent to an established neighborhood.

I have given you a copy of my presentation with pictures of the surrounding area to show you the rural nature of this area. Please note the first picture in you packet which is the end of Kapota Street and the entrance to the

proposed Valley Meadows North Subdivision. I know you are only considering zoning at this meeting but the entrance to the subdivision has such a serious impact on the zoning issue that I think you should grant permission for some of the residents to explain what will happen when this 100 year old berm is removed.

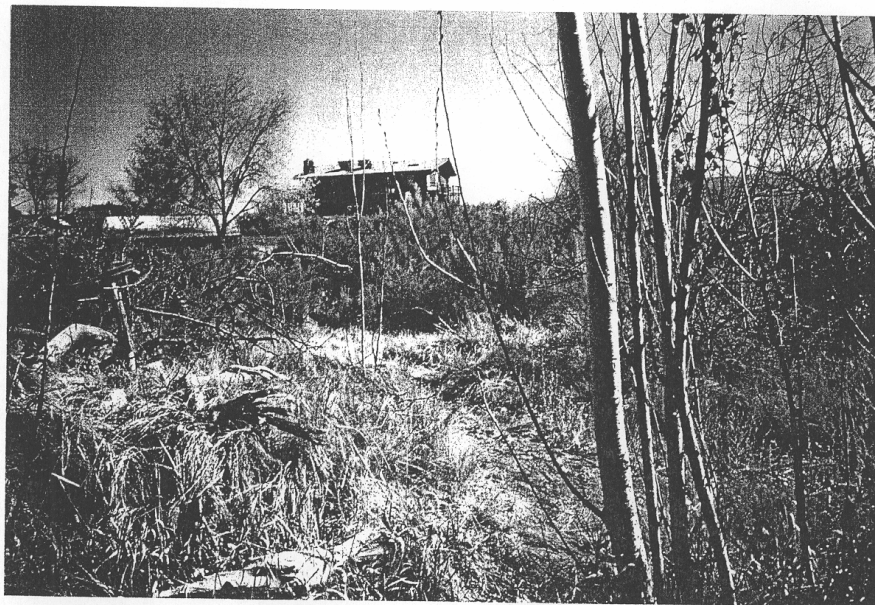
Thank you for the opportunity to express my views which are also the views of the neighbors with whom I have spoken. I would appreciate the opportunity to answer any questions you might have.

End of Kapota Street---Berm to be removed when extending the street into proposed Valley Meadows North





Looking East behind the houses on Kapota Street





Looking East from Moran Property



Moran Property-Looking North

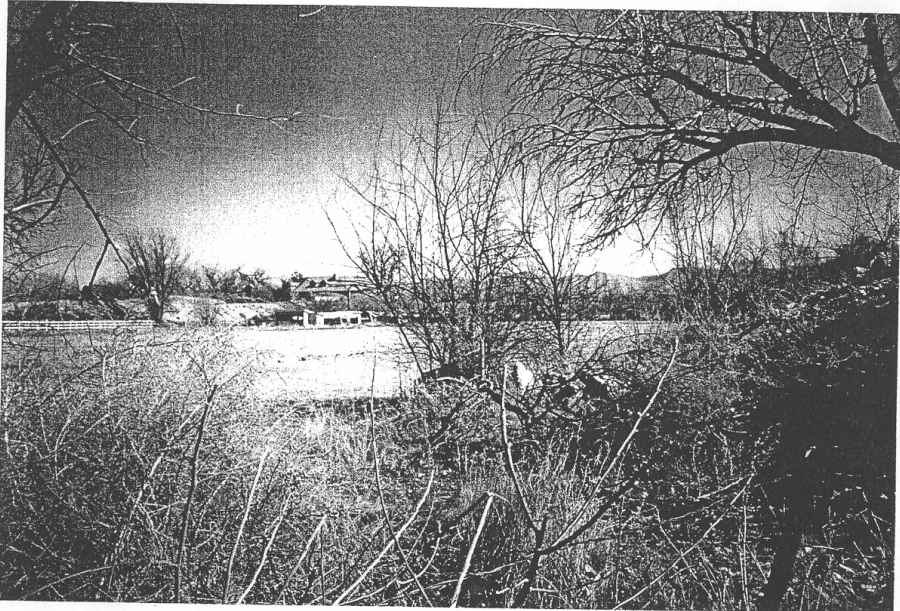


Exhibit B

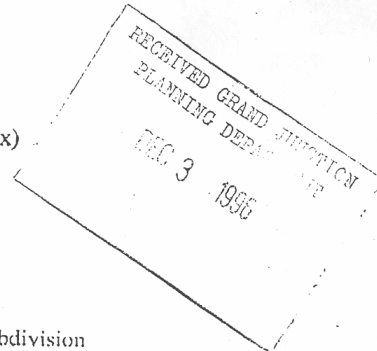
DEC- 3-96 TUE 14:42

IHS REGULATORY PROD ES/L

FAX NO. 303 267 1366

P. 01

Mike Moran  
1180 Magnolia Street  
Denver, Colorado 80220  
(303) 267-1578 (work phone)  
(303) 316-9755 (home phone/fax)  
December 3, 1996



Bill Nebeker  
Grand Junction Planning Commission  
FAX: (970) 244-1599

RE: FPP-96-246, Final Plat/Plan - Sunset Village Subdivision

Dear Mr. Nebeker and Members of the Planning Commission:

With inadequate notice by the developers of the Sunset Village Subdivision at 25 ½ and F ¼ Roads or by the planning commission, my sisters and I, owners of the bordering property, recently became aware that the planning commission would make final decisions on the final plat of the Sunset Village Subdivision on December 3, 1996.

Just before Thanksgiving, one of my sisters received a postcard about the hearing. The time given for all of the co-owners to be fully notified by the one co-owner and be able to respond was inadequate. We want to ensure that any development on property touching and affecting our property meets the best interests of the area.

My sisters and I own a 15-foot strip of land that gives us access to our property from 25 ½ Road. We would like to grant this strip of land to the City of Grand Junction so that it may ensure that proper access according to the code is maintained with the Sunset Village development.

My understanding is that a 44-foot-wide paved road is required for the type of residential development under consideration. I also understand that the planning commission may have thought to deviate from the code by allowing the developers of Sunset Village to construct only a 22-foot-wide road with less than code-required sidewalks and storm drains. We object to any deviation of this sort.

We ask you to deny approval of the final plat of Sunset Village unless or until the plans are revised to include the requirement that the developer construct the code-required roads, sidewalks, and drains at the appropriate dimensions extending to the east boundary of the proposed development.

Sincerely,  
*Mike Moran*

Mike Moran

From : Patricia Moran

PHONE No. : 206 944 767

Dec. 03 1996 8:51AM P0

TO: FAX # (970) 244-1599  
Community Development  
City Staff  
Attn: Bill Nebeker

RE: FPP-96-246  
Sunset Village Subdivision  
Representative: Barry Haag

From: Patricia Moran Mahre

Dear Mr. Nebeker,

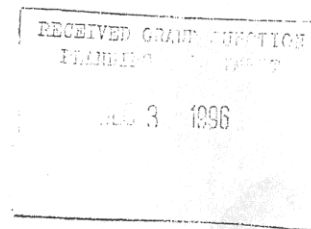
The entry road from 25 1/2 Road, into the new subdivision called Sunset Village Subdivision appears to have inadequate entry road space. I am one of four owners of the 15' strip to the South, immediately adjacent on the incoming projected entry road. We are willing to give that strip for greater access into the Sunset Village Subdivision to accommodate a 44' width road.

We would like this brought to the attention of the hearing. It is our understanding that the minimum width road allowed for development entry into a subdivision is 44'. We hate to see poor development approved, and are willing to vacate this land to make sure that subdivisions North of Grand Junction are not inadequate in their planned road systems.

Please do not allow a subdivision with an inadequate entry road for use by the 13 houses and approximately 26 cars which will be coming and going on that road.

Thankyou,


Patricia L. Moran Mahre  
(Schedule # 2945-031-00-123)



JAN-13-97 MON 10:26

THIS RE ATORY PROD ES/L FAX NO. 303 2 1366

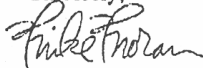
P. 02

Because Mr. Seligman at no time made any attempts to offer acceptable alternatives to the City Council's decision and because he failed to appreciate our previous offer of several thousands of dollars worth of land on which he could build part of his street and thus, have an extra lot for his subdivision, we now revoke any offer of our land. We will reserve our strip of land from 25 1/2 Road as a private drive. We may be willing to sell that land to Mr. Seligman at an appropriate price. 

The City of Grand Junction should be a nice place to live, not a nice place for a developer to come in and make a buck by cutting corners at the expense of neighbors. Mr. Seligman was already allowed to develop in Sunset Village at a density that neighbors were not allowed. We do not want a community like Clifton Village South, an aesthetic blight and poorly planned. We should not allow roads built that are not according to code and that may never be finished. I believe the City Council, in its wisdom, recognized this when it first visited this issue at the proposed subdivision.

I object to any modifications to the City Council's decision of December 18, 1996 when it called for the Sunset Village developers to construct a full and proper street from 25 1/2 Road to the eastern border of that subdivision. I urge you to reject any motions to allow the Sunset Village developers to act otherwise.

Sincerely,



Mike Moran

