

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

January 16, 2008

The City Council of the City of Grand Junction convened into regular session on the 16th day of January 2008 at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, and Council President Jim Doody. Absent was Councilmember Linda Romer Todd. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Palmer led in the Pledge of Allegiance.

Certificate of Appointment

Horizon Drive Association Business Improvement District

Patrick Duncan was present to receive his Certificate of Appointment as a member of the Horizon Drive Association Business Improvement District.

Citizen Comments

There were none.

CONSENT CALENDAR

There were no items on the Consent Calendar

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Federal Grant Funding for the 26 ½ Road Bridge Replacement

A Federal Enhancement Grant has been awarded to the City of Grand Junction in the amount of \$175,000 to replace the bridge on 26½ Road over the Grand Valley Highline Canal just north of F½ Road.

Tim Moore, Public Works and Planning Director, reviewed this item. The request is for the City Council to accept funds in amount of \$175,000 for a bridge replacement. The City is contributing funds a little over \$113,000. The environmental clearances may not be cleared in time. If that is the case, the City will have to wait until fall when the irrigation water is off again to bid the project out.

Resolution No. 06-08—A Resolution Accepting a Grant of Federal Funds for and Authorizing the Construction of the 7th Street (26 ½ Road) Bridge Replacement Project Councilmember Palmer moved to adopt Resolution No. 06-08. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing – Alternate Position for the Forestry Board

An amendment to the Code of Ordinances to allow for an alternate member to the five-member Grand Junction Forestry Board.

The public hearing was opened at 7:11 p.m.

Mike Vendegna, City Forester, and Kami Long, Forestry Board Vice Chair, reviewed this item.

Councilmember Coons asked if the alternate will attend all meetings so they are familiar with the issues. Ms. Long responded affirmatively.

There were no public comments.

The public hearing was closed at 7:14 p.m.

Ordinance No. 4164—An Ordinance Amending the Composition of the Grand Junction Forestry Board to Allow for an Alternate Position

Councilmember Thomason moved to adopt Ordinance No. 4164, and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Annexation and Zoning the DeHerrera Annexation, Located at 359 29 5/8 Road [File #ANX-2007-300] CONTINUED FROM JANUARY 14, 2008

Request to annex and zone 15.52 acres, located at 359 29 5/8 Road, to R-4 (Residential 4-du/ac). The DeHerrera Annexation consists of 1 parcel.

Greg Moberg, Planning Services Supervisor, reviewed this item. He described the request, the location, the site, and stated that the request meets the criteria of the Zoning and Development Code. The Planning Commission recommended approval.

Joe Carter, Ciavonne, Roberts, and Associates, 844 Grand Avenue was present representing the applicant. He had nothing to add, but was available for questions.

Councilmember Beckstein voiced concern over her firm's association with Ciavonne, Roberts, and Associates. City Attorney John Shaver stated there was a general disclosure in the file regarding her firm's relationship with this company.

There were no public comments.

The public hearing was closed at 7:16 p.m.

Councilmember Palmer asked for zoning clarification as the Staff report indicated that the zoning was R-8, was that an error? Mr. Moberg confirmed that the zoning should be R-4.

a. Accepting Petition

Resolution No. 07-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the DeHerrera Annexation, Located at 359 29 5/8 Road and Including a Portion of the 29 5/8 Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4165—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, DeHerrera Annexation, Approximately 15.52 Acres, Located at 359 29 5/8 Road and Including a Portion of the 29 5/8 Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4166—An Ordinance Zoning the DeHerrera Annexation to R-4 (Residential, 4 du/ac), Located at 359 29 5/8 Road

Councilmember Coons moved to adopt Resolution No. 07-08, and adopt Ordinance Nos. 4165 and 4166, and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Annexation and Zoning the Sipes Annexation, Located at 416 ½ 30 Road 413, and 415 30 ¼ Road [File #ANX-2007-313] CONTINUED FROM JANUARY 14, 2008

Request to annex and zone 3.54 acres, located at 416 ½ 30 Road, 413, and 415 30 ¼ Road, to R-8 (Residential 8-du/ac). The Sipes Annexation consists of 3 parcels.

The public hearing was opened at 7:19 p.m.

Greg Moberg, Planning Services Supervisor, reviewed this item. He described the request, the location, the site, and stated that the request meets the criteria of the Zoning and Development Code, and approval is recommended.

Mike Marcus, Development Construction Services, was present representing the applicant. He had nothing to add but was available for questions.

There were no public comments.

The public hearing was closed at 7:21 p.m.

a. Accepting Petition

Resolution No. 08-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Sipes Annexation, Located at 416 ½ 30 Road, 413, and 415 30 ¼ Road is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4167—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sipes Annexation, Approximately 3.54 Acres, Located at 416 ½ 30 Road, 413, and 415 30 ¼ Road

c. Zoning Ordinance

Ordinance No. 4168—An Ordinance Zoning the Sipes Annexation to R-8 (Residential 8-du/ac), Located at 416 ½ 30 Road, 413, and 415 30 ¼ Road

Councilmember Palmer moved to adopt Resolution No. 08-08, and adopt Ordinance Nos. 4167 and 4168, and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Cunningham Investment Annexation, Located at 2098 E ½ Road
[File #GPA-2007-263]

Request to annex 30.34 acres, located at 2098 E ½ Road in the Redlands. The Cunningham Investment Annexation consists of 1 parcel of land and is a 5 part serial annexation.

The public hearing was opened at 7:22 p.m.

Scott D. Peterson, Senior Planner, reviewed this item. He described the location, the site and the request. The annexation request is for 30.3 acres which includes a portion of the right-of-way. A Growth Plan Amendment was recently recommended for approval by the Planning Commission, and will be considered by the City Council if annexation is approved. Mr. Peterson stated the request is consistent with the Zoning and Development Code for annexation, and approval is recommended.

Councilmember Palmer asked for Mr. Peterson to verify that only the annexation is being considered this evening. Mr. Peterson responded affirmatively.

Councilmember Hill asked City Attorney Shaver if the Persigo Agreement provides that annexations must be within $\frac{1}{4}$ mile from the existing City limits. City Attorney Shaver said that is true. Councilmember Hill asked if that distance was measured. Mr. Peterson said yes, that measurement is taken when the map is drawn.

The applicant was present, but did not approach the microphone.

There were no public comments.

The public hearing was closed at 7:28 p.m.

a. Accepting Petition

Resolution No. 09-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Cunningham Investment Annexation, Located at 2098 E $\frac{1}{2}$ Road Including Portions of the E $\frac{1}{2}$ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4169—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cunningham Investment Annexation No. 1, Approximately 0.05 Acres, a Portion of the E $\frac{1}{2}$ Road Right-of-Way

Ordinance No. 4170—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cunningham Investment Annexation No. 2, Approximately 0.14 Acres, a Portion of the E $\frac{1}{2}$ Road Right-of-Way

Ordinance No. 4171—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cunningham Investment Annexation No. 3, Approximately 0.49 Acres, a Portion of the E $\frac{1}{2}$ Road Right-of-Way

Ordinance No. 4172—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cunningham Investment Annexation No. 4, Approximately 0.92 Acres, a Portion of the E ½ Road Right-of-Way

Ordinance No. 4173—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cunningham Investment Annexation No. 5, Approximately 28.74 Acres, Located at 2098 E ½ Road Including Portions of the E ½ Road Right-of-Way

Councilmember Palmer moved to adopt Resolution No. 09-08, and adopt Ordinance Nos. 4169, 4170, 4171, 4172, and 4173, and ordered them published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing – Zoning Amendment for Weeminuche Estates Subdivision [File #PP-2007-003]

A request for approval to amend the existing Planned Development (PD) zoning with a default zone of R-4 by approval of a Preliminary Development Plan (PDP) to develop 362 dwelling units on 151.38 acres as a Planned Development.

The public hearing was opened at 7:29 p.m.

Greg Moberg, Planning Services Supervisor, reviewed this item. He described the location, the surrounding uses, the Future Land Use Designation as residential medium low. He described the surrounding Land Use Designations. According to the North Central Valley Plan the designations are rural, estate, and south of I-70 up to the Urban Growth boundary line is designated Urban. The current zoning on the property is PD. Mr. Moberg described the surrounding zoning designations. The airport is further to the west of the property, and is outside the critical area for the development; therefore, the airport has no affect on this development. The densities on the nearby subdivision range from 2.29 to 2.98 units per acre. Immediately adjacent there are some larger lots, 5 to 10 acres per unit.

The proposal is for 362 units, with three neighborhood parks, plus one City park. The density being proposed is 2.39 units per acre. The proposal transitions lots with lots that increase in size at the northern end of the subdivision. The developer is proposing trails throughout the property. There are three ingress/egress points to the development. The default zone being requested is R-4, which allows a minimum lot size of 5,000 square feet. There are two family lots, large single-family detached lots, and estate single family lots.

Mr. Moberg reviewed the history of the density and the property. He reviewed the density bonus provision. The applicant has applied for additional density under the bonus provision. They are asking for an additional 60 dwelling units for the total of 362.

Mr. Moberg said the request is consistent with the criteria of the Zoning and Development Code, the Growth Plan, and the North Central Valley Plan. Planning Commission recommended approval.

Councilmember Coons asked about the site location on the North Central Valley Plan map. Mr. Moberg showed that it is within the growth boundary and within the area designated for urban density.

Councilmember Coons asked what the differences were in the bulk standards being requested and the straight zone. Mr. Moberg said the R-4 zone requires a minimum lot size of 8,000 square feet, and a minimum lot width is 75 feet. The minimum lot coverage would be 50% under R-4 zoning. There are some deviations to setbacks for some of these lots.

Councilmember Hill asked if the underlying zoning is R-4, was the calculation for units made on R-2. Mr. Moberg explained the density equivalent is 2 units per acre plus the density bonus. The bulk standards are based on the R-4 zoning.

Councilmember Palmer asked about the 10% requirement for open space, why the park does not meet the requirements. Mr. Moberg said they do not count the small neighborhood parks, but the larger park only meets 50% of the 10% open space requirement. Councilmember Palmer asked if the parks and trails will be open to the public. Mr. Moberg said both will be open to the public.

Greg Hoskin, Hoskin, Farina, and Kampf, 200 Grand Avenue, and Attorney for the applicant, introduced Joe Carter with Ciavonne, Roberts, and Associates. Mr. Hoskin stated the names of the other technical people in attendance. Mr. Hoskin identified the developers as 26 Road, LLC, and detailed their experience in the valley. He addressed the difference between sprawl and a plan.

Joe Carter, Ciavonne, Roberts, and Associates, also representing the developer, stated the plan is consistent with the Zoning and Development Code, and noted that the provisions allow for the additional 60 units under the density bonus. The Growth Plan Designation could allow an application for up to 724 units with the density bonus.

Mr. Carter noted that Planned Development allows more flexibility and a broad range of densities. He explained the default zone and what the dimensional standards are that they are requesting under the PD zoning. The T-lots, two family lots with attached single family homes are similar to those units in Summer Hill Subdivision. The L-lots are larger 8,000 square foot lots. The E-lots, the estate lots, are larger lots. It was recommended at the neighborhood meetings, as well as Staff recommendation that the smaller lots be moved more internally in the development. Mr. Carter described the amenities and other elements of the plan that had been presented by Mr. Moberg.

Mr. Carter talked about phasing and traffic patterns. Their traffic study showed that 26 and 26 ½ Road can handle the full build-out traffic, and the level of service would be rated at A/B through 2025. Mr. Carter also stated the development will be paying a minimum of about \$1 million in Transportation Capacity Payments.

That concluded the applicant's presentation.

Council President Doody asked for public comments.

Jan Warren along with her husband Rick Warren, 2622 H Road, said they bought their property 7 years ago. She said they formed a group to preserve the rural area. The group believes that the process restricts public input. Several residents voiced concerns at the neighborhood meetings. Citizens are only allowed brief comments, but the developer and staff have an unlimited amount of time to present their case. She contended the 1995 zoning ordinance providing for R-2 zoning still governs the property. They are not opposed to development under the 1995 Ordinance, but would like a plan that will not destroy the rural character.

Jean Gaulty, 827 26 Road, has lived here for 18 years, and is a 35 year resident of Grand Junction. She described the exchange of property from Dr. Gene Saccomanno for the park property across from Holy Family School. She described previous zone designations, and the current densities. She said 95% of the surrounding properties are agricultural. The proposed development does not transition with the current properties adjacent to the property.

Donnamarie, 2616 H ¾ Road, stated it is possible to balance the concerns of the environment. She suggested open space, horse stables, and duck ponds for the property.

Rags Gaulty, 827 26 Road, has lived here for 18 years, and is a 35 year resident of Grand Junction. He quoted statements from the Vision 20/20 Plan and said a majority of Colorado residents treasure the presence of wildlife. The proposed subdivision does not allow provisions for wildlife. A visionary design would incorporate wildlife corridors including wetlands and travel corridors. Walking trails would be away from wildlife area trails, and there would be covenants against animals that chase or harm wildlife. There would also be a dark sky initiative. He asked the City Council to honor the 1995 Ordinance No. 2842.

June Colosimo, 2618 H Road, has lived in this part of town for a long time. She described the damage done to the environment from the mining tailings, the Exxon pull out, and asked if the City hasn't learned from past experiences. She said the plan does not appreciate the beauty of the land, and the character of the area which she remembers fondly growing up as a child in Grand Junction.

Betty Roy Pitts, 2626 H Road, has lived here over 40 years. She said there is a serious problem with the system. In May 1995, Annexation Ordinance No. 2842 was passed with minimum public input with density of Planned Residential equivalent to Residential Single Family (RSF-2, two residences per acre). The property has since been rezoned to Planned Development (PD). At a recent neighborhood meeting, nearly 50 neighbors attended and objected to the proposed density. She said the proposal will alter the lives of hundreds of people to benefit one property owner.

Laureen Guterrez, 920 Vista Court, a fifth generation Colorado native, has lived in the area for 15 years. She said there is a serious problem with the system. Ms. Guterrez stated that at the November 27, 2007 Planning Commission Meeting many of those listed in favor of the project do not live in the area there. She listed the names of the people, and the distance they lived from the property. Twenty-one people spoke against the density. She asked the City Council to uphold the intent of the 1995 Ordinance No. 2842.

Kamilee Rucker, 770 26 Road, a 42 year resident of the area, said there is a serious problem with the system. She referred to many of Attorney Greg Hoskin's comments regarding the comments made 12 years ago. The Planning Commission's job is to inform the City Council what the people want and should bring human interest to the Development Code. She said the decision made 12 years ago has been changed twice without public input.

Ron Rucker, 770 26 Road, read from a letter dated June 1, 1995, to Dr. Saccomanno from former City Manager Mark Achen. Mr. Rucker stated that he believes there is a serious problem with the system. He quoted from the letter, "we do not agree with your Attorney's view that the maximum should be 300 units. City Code establishes a minimum lot size of 21,500 square feet in RSF-2 zones. This requires that a maximum number of lots be calculated on the net acreages available after public rights-of-way, open spaces, and wetlands have been identified. You are welcome to submit more detailed materials to assist your calculation of maximum number of units. If you wish to do so, please provide so by Friday, June 9, 1995. This will allow us a week to evaluate your materials, otherwise we shall establish the maximum number of units that can be developed on such property at 220." Mr. Rucker asked that the City Council uphold the 1995 Ordinance.

Diann Admire, 826 26 ½ Road, is a 4th generation native of Grand Junction. Ms. Admire addressed traffic volume and traffic counts. She put forth some of her counts and her experience with traffic speed, and drivers running the stop signs. She also addressed the back up of traffic at peak times. Ms. Admire stated that the average volume on G Road is at 40% of one of the west's busiest interstates (I-5 in Seattle). She related that there are areas of obscured visibility. There are no shoulders for pedestrians to walk. She said the City's Development Engineer Eric Hahn termed 26 Road as "extremely dangerous" as it currently exists. She asked that City Council reject the proposal. Grand Junction's economy is not just about employment and housing, but it's the attractiveness and beauty

of the area, and the quality of life. Ms. Admire urged the City Council to reject the plan and to stay with the intent of the 1995 agreement. She stated that she disagreed with Joe Carter on his contentions on the traffic impact, and that at her house the traffic is an accident waiting to happen.

Dick Lytle, 2661 Catalina Drive, a 20 year resident of Grand Junction, quoted from the October 2007 City newsletter that stated by the year 2035 the City will grow by an additional 120,000 residences. He discussed the growth and the areas where it will grow. Mr. Lytle feels this area has already contributed its fair share of accommodating the growth. He displayed statistics to support his argument, and he gave examples of a few plans that would work as alternatives.

Rick Warren, 2622 H Road, has lived here for 7 years. Legislation in 2000 modified the 1995 Ordinance changing the minimum lot size and created the 20% density bonus, unbeknownst to the residents. He described the surrounding densities, noting the area is mostly built out. The proposal does not provide a transition from the higher density to the lower density.

Mr. Warren stated that the proposal applies excessive exemptions through the PD proposal. The proposed plan fails to meet the exemption, with 144 T-lots sized at .11 acres; that is 40% of the development to be built near-minimum allowed R-8 standards. They are getting a density bonus in return for 1,200 feet of trail. The Estate lots are ½ acre lots that adjoin 4 acre lots. The underlying R-2 zone allows some agricultural uses, even on the two family T-lots.

Hamilton MacGregor, 837 26 Road, distributed photographs of the site to the City Council. He addressed why the proposal is not compatible, and how it is not transitional. He stated it is 10 times the density of the adjacent property. He said 40% of the proposal is on 5,000 square foot lots.

Cindy Kempers, 819 26 ½ Road, moved here 37 years ago, and currently lives on 14 acres. She quoted from the Strategic Plan that growth is of great importance, and focuses on neighborhood planning and enhancing the small town atmosphere. She highlighted a number of items regarding the purpose of establishing zones. She referred to a number of statements in the Vision 20/20 Plan. She stated it is a special area.

Judy Peach, 2667 Catalina Drive, said she is here because of her concern about the proposed development. She is aware that this area is going to be developed, and appreciates the fact that if it were her land she would want to develop it too. The land surrounding the 151 acres is almost completely developed, and it is developed into large acreage lots. There is no undeveloped farm or ranch land. It is already developed out. She is aware of the growth and future projections, and she believes there should be good and thoughtful planning that includes, when possible, gradual changes in the density.

Ms. Peach asked that the City Council send the plan back and consider changes. How is a ten times density change a transition? Why are duplex lots allowed next to five acre lots? It will destroy the wetlands, and is grossly inappropriate. She asked the development to be rethought.

Bill Scott, 823 26 Road, has lived there 24 years directly across the street from the project. He lived there in 1995 when the City Planning Department agreed with the neighbors when one home per five acres was appropriate. He was also there at 3 a.m. in 1995 when the City Council finally passed Ordinance No. 2842. Dr. Saccomanno wanted 4 homes per acre when the neighborhood wanted one home per five acres to be consistent with the surrounding neighborhood. Today it is still what it is consistent with the surrounding neighborhood. Ordinance No. 2842 allowed two homes per buildable acre with less density on the left side. It was a horrible disappointment to him and surrounding neighbors. A few weeks later, June 1st, City Manager Mark Achen clearly stated that the maximum number of homes that would be allowed was 220, not the 300 that Dr. Saccomanno wanted at that time. Dr. Scott said he was there and there is no way on earth that the City Council that night would have considered 362 homes.

Dr. Scott then quoted the letter from former City Manager Mark Achen. A deal is a deal. He said that tonight the City Council's credibility and word is on the line. He hopes the City Council will honor the 1995 Agreement.

Rick Warren, 2622 H Road, said this concluded the presentation by the Citizens for Preservation of North Rural Grand Junction. He said they trust that the City Council will make a wise decision.

Ron Tipping, 1967 Broadway, said even though he lives on the Redlands he still said this project was important to him. He is a Grand Junction business person, and stated that five acre plots will destroy wildlife habitat faster than anything. The only way to deal with the growth that is coming is to allow denser types of subdivisions. This is a good project. He said he had open space in the Redlands, and had wildlife, but as people come and growth happens. He disagrees with the suggestion that a law made 15 years ago can't be changed and that the City Council will do dishonor to themselves to make this adjustment. Things change and the City has to adapt. If new housing doesn't go there it will go somewhere else. Tough decisions have to be made, but they need the density.

Ryan Pritchett, 992 24 Road, said he doesn't live near the development at this time, but he would like to have options in the valley and would like the option to move to an area like Weeminuche. He does have a vested emotional interest in this property. He also had an opposing view to most in the room, as he believes it is a great project that they are proposing. As an avid mountain biker he can see himself using the trails on a daily basis. Paradise Hills was a visionary subdivision at one time, like this project. Mr. Pritchett said he is interested in seeing this subdivision be built, and believes it is responsible for the

City Council to consider the growth over the next 20 years. He is not in favor of urban sprawl, but is in favor of managed growth.

Shawn Davis, 1023 24 Road, said his family has been in the valley for six generations. Mr. Davis said one needs two things to make a good project, one is a good developer and the other is a good planner. He said this project has both. He recommends approval of this project tonight.

Christine Nelson, 386 ½ Dry Fork Way, said although she lives on the other side of town, she has friends that live in this area. She thinks that if a development is going into the area then the area needs to be enhanced. Where are the new children going to go to school? The biggest part of the homes are located where the majority of children are going to be, but the park is on the opposite side of the high density. The kids will be going from one end of the subdivision to the other, without sidewalks, to get to the larger park. In addition she said one can't have 700 vehicles on the roads without it affecting the area. She believes that more planning is needed.

Patsy Day, 2554 I Road, who lives ¾ of a mile from the property, has an interest in the development. She addressed the political process, and how Council doesn't listen. There are a whole bunch of people here who do not want this project. Please consider what "we the people" are asking, and have their opinion be represented.

Denny Granum, 894 26 Road, has lived there 10 years, and in Grand Junction for 46 years. His property is in the County. He has seen development into five acre lots. He has seen some positive growth, and enjoys driving up and down the street. He has seen geese, deer, bear, and coyotes. He would love for it to stay the same, but that's not realistic. Growth is happening, and the City can't get away from it. The development is needed, but he is not saying the density is appropriate. He raised his kids in this area, and his kids could not afford a five acre parcel, as the land prices are too expensive. If the density is reduced, the lot prices go up. People can't afford to buy five acre lots.

Mr. Granum said the infrastructure is there to be utilized. Not everybody wants to live in Whitewater or Fruita. He too is concerned about traffic. He does not believe the traffic engineer's findings are accurate. He believes the traffic is worse than they think. G Road is a problem, and it needs to be addressed. In addition, Mr. Granum strongly suggested that the covenants be looked at closely to maintain consistency in design. He said he thinks the development should move forward.

Bill Nesbitt, 2616 H Road, has lived there for 14 years. He has lived in other places that have grown, and have a need for housing. He agrees the roads are bad, and can't take additional traffic. There are no new schools, no shopping centers. The closest shopping is Horizon Drive which will affect the road traffic. The onus is on the City Council to keep the word of the 1995 Ordinance, and reject this project.

Bonnie Peterson, 891 26 ½ Road, lives directly north of this development. She hates this whole idea of the subdivision, but then she didn't like the Grand Vista project either. To her surprise it hasn't been all that horrible. Ms. Peterson has worked for several years with economic development because she wants the City's young people to have jobs, and homes. She doesn't like the idea, but where else are you going to put houses? The housing costs are increasing. She has looked at other subdivisions and compared the designs and this one has merit. The current roads have no shoulders, and this development has places for people to walk, and places to walk their dogs to get off the roadways. There is open space. She doesn't know if the density is right, but affordable housing is needed. She would like to see strong covenants. Everyone will say, "not in my backyard", as happens with most developments. She is supportive of this development.

Marilyn Lytle, 2661 Catalina Drive, said she knows the land must be developed. She just does not want that density.

Tom Benton, 2151 M Road in Mesa County. Mr. Benton served on the County Planning Commission from 1992 to 2000. During that time, quite a bit of development activity took place in the County; developments similar to this one and a long range land use plan was developed. One of the key components of the land use plan was that urban development should begin around the growth centers, and the urban core, including transportation areas. This area was involved in a neighborhood plan. When there are developments such as these on the fringe, there will be estate type of zoning adjacent that will provide for the buffering.

Mr. Benton encouraged support of the plan, as it does fit in the long range land use plan. There are a variety of methods to protect the buffer areas, this project provides for amenities such as \$1 million in TCP fees which can be used to address traffic and safety concerns.

Bryan Towner, 840 26 1/2 Road, said he would like to see less density, but is glad it is this developer, as he has heard good things about him. His concern is the need for schools. Also the roadways, and the bridges over I-70 are not safe to walk because of the traffic. He likes the Summer Hill project with the transitions and the ponds, and can see himself living in the area. He is concerned about the density and wished it was a little less.

There were no other public comments.

The public hearing was closed at 9:32 p.m., and Council President Doody called a ten minute recess.

The meeting reconvened at 9:52 p.m.

Greg Hoskin, Attorney for the developer, said the developer is working within the City constraints and guidelines. Much is a negotiation process. For example, the large park was one aspect that was negotiated. A PD zone allows for negotiation to have a better result as a whole, rather than a bunch of small pieces. He said two of the largest and nearest land owners (Plsek and Hartshorne), sent letters stating that they do not object to the subdivision going in. The 1995 Ordinance, in his opinion, was an annexation agreement, not a development agreement. It does not carry continued and binding effect. What the City has done has been done with all necessary due process and done properly, and what they are asking for has been codified with the various zoning and development regulations.

Mr. Hoskin said “green” is an environmental concept, and this project is “Kelly Green” compared to projects in the past five to ten years. The property is in the City. Regarding the 1995 Ordinance the law says that if one disagrees with an agreement the issue should be raised promptly, not 12 years later.

Mr. Hoskin went on to say hyperbole is something you see in meetings like this one. Hyperbole is saying things excessively. Traffic is an issue in almost all of these matters. In this situation the developers have no control over traffic except those that are internal to the project. He said that the people who have spoken tonight do have a good point. If you are going to have development in the area, take some money and try to address the antidotal issues that are part and parcel with what these people believe about their areas. They are not part and parcel of what the road standards are. The engineers have applied the traffic standards to the project. He said that it is because people do things differently are the reasons there are standards, but the City Council should listen to the people who live in the area. He believes that taking some of this money and put it back into the area would be a worthwhile thing to do.

Mr. Hoskin referred to Mr. Towner’s comments regarding kids and schools. Unless there are more developments like this one, and unless there are more kids, there will not be the pressure on School District 51 to put in additional schools. Mr. Hoskins said the developer states he will do a good job, and he will build a subdivision that people will be proud of. He has complied with all the City’s guidelines, and the City Staff has concurred with him. This development is a compact urban form which means one takes a 150 acre area and put lots of things into it, like diverse housing, which is good public policy.

Joe Carter of Ciavonne, Roberts, and Associates addressed the question raised regarding the project being multi-family in nature and having lots of children living there. He said the development is all single family housing or attached units. The attached units are the product type that is identical to Summer Hill which is primarily made up of retirees. The price is in the upper \$250,000, so it is not really affordable units. He does not think the demographics will be families, but more retirees. Regarding the development lot sizes, they have 2.39 units per acre which is really pretty low density. The average lot size

on this property is over 11,000 square feet. There are varying lots sizes to accommodate different needs to create a diverse project.

Mr. Carter said the roadway intersections with G Road are already in the capital improvements projects budget with the City. There is a traffic engineer in the audience for questions. Regarding chicken farms on small lots, there is no agricultural that will be allowed and the covenants will protect that.

Mr. Carter went on to explain why the plan should be approved. The development is consistent with the Growth Plan. It is consistent with the Zoning and Development Code, and it allows for transition of density through lot size. It provides amenities to the surrounding area including parks, walking trails, and a 7.3 acre City park dedication. The site is identified as 2-4 dwelling units per acre which is in the low range. There are 60 foot landscape buffers on 26 Road, and a 30 foot buffer on 26 ½ Road. There are trails that are open to the public, 3 neighborhood play areas, and a variety of housing types.

Councilmember Coons asked about the 1995 Ordinance which has been mentioned, and asked the City Attorney to review that. City Attorney Shaver read a sentence from the Ordinance that zoned the property PR with an underlying zoning of RSF-2, and called for the higher density to be located to the east, and lower density be located to the west.

Mr. Shaver said he was present at that meeting which went into the wee hours of the morning, and it was discussed that there be a buffer for transition to the lower density surrounding properties. The intent was the PR-2 density, but the provision was crafted at the meeting, and was a Planned Development without a plan. It was a hard-to-implement ordinance, and it gave only very general direction.

Mr. Shaver went on to say that the 2000 Code amendments required a plan for Planned Development, and required benefits beyond a straight zone, which would be required for a Planned Development. The request is to amend Ordinance No. 2842, and attempt to clarify the expectations that are the essence of what the Council is being asked to do. The Ordinance is only in play by virtue of a PR-2 designation, and advisory comment in that Ordinance, but there have been a number of changes to the Code which made that provision irrelevant. Ordinance No. 2842 can be amended.

Councilmember Palmer asked if the 151 acres is a gross or net calculation. City Attorney Shaver deferred to Greg Moberg, Planning Services Supervisor.

Greg Moberg, Planning Services Supervisor, said the Code looks at gross density, so for this parcel three hundred and two (302) is the allowed number of units at 2 units per acre.

Tim Moore, Public Works and Planning Director, was asked how traffic counts are determined in conjunction with new development. Mr. Moore said the developer is

required to do a traffic study, and the City reviews that. Basically they look at trips per day, starting with ten trips per day per house, and then determine the direction they will likely travel. Using the 2035 Transportation Model for comparison, he talked about the planned improvements for the roads in that area including the two intersections, and G Road itself.

Council President Doody asked if the improvements will be done by 2014 when the project is projected to be built out. Mr. Moore deferred to Development Engineer Eric Hahn for specifics, but stated that the current network can still handle the traffic capacity.

Council President Doody asked about the overpass of I-70. Mr. Moore stated that is the responsibility of the Colorado Department of Transportation (CDOT), but the City has asked them to plan for the repairs in the State Transportation Plan.

Councilmember Beckstein asked how the TCP funds will be used to help the area. Mr. Moore said that the improvements on 26 Road are being done as a result of the number of subdivisions that have been approved in the area. The funds can also be applied to other roads, as there is no set formula stating what must be done with them.

Councilmember Palmer asked Mr. Shaver about Ordinance No. 2842. Councilmember Palmer said he understood that the Agreement required that the zoning be adopted of a density of not more than 2 units per acre.

City Attorney Shaver answered that the Ordinance is not even a Zoning Agreement, but a Development Agreement. There is no contractual right for zoning. Once the land was annexed and zoned 2 units per acre, the Agreement was satisfied. The Agreement is between the City and the Landowners, not the neighbors. It is still at the same zoning; the request tonight is to amend the plan, hence the PR-2 zoning. This zoning has not changed.

Councilmember Beckstein asked if Ordinance No. 2842 was PR-2, what happened in 2000? Councilmember Shaver said that broad legislative changes were made to the Zoning and Development Code that included the provision for a density bonus.

Attorney Shaver went on to explain, for clarification, that the City Council sits as two different bodies: one legislative and one quasi judicial. Tonight the action is quasi judicial; that is determination by applying legislation to a specific property or issue. No notice is required for legislative actions to individual owners. When the 2000 Code was adopted, it had broad applications, but was not specific to this particular piece. In general terms the change that occurred in 2000 was a legislative act and didn't require particular notice. Anyone can make application for a rezone. Discussion tonight is to clarify a Planned Zone Amendment that did not have a plan at the time, back in 2000.

Councilmember Palmer asked the City Attorney to further clarify the City Council's latitude discussing this project relative to comments and discussions. City Attorney Shaver responded that a PD zone is basically a contract for zoning. The City's terms include that it must have benefits above and beyond the underlying zone. It also requires that it must also have a default zoning, and then the mix of lot sizes, similar to this development tonight. Council has broad discretion in the determination of compatibility with the Zoning Code. It is the Council's prerogative to redesign the plan, but it is best to leave it to the professionals.

Councilmember Hill said the City Council goes to great lengths to engage the community and give them an opportunity for input. Regarding the quality of development it has a different meaning to the neighborhood. To him, it means infrastructure such as curb, gutter, sidewalk and other infrastructure.

Councilmember Hill when on to explain that the purpose of the Future Land Use document is to guide Council. The sewer service is part of the infrastructure, and this property is in that boundary. The North Central Valley Plan was developed by both City and County Planning and the governing bodies. Ordinance No. 2842 was sensitive to a lower density on the west side, and higher density to the east, and the submittal has some consideration of that. Regarding the traffic concerns, the hill on G Road is a primary concern, and it becomes the City's responsibility. The TCP will be paid, but due to TABOR limitation the City can't use it on transportation. Instead it will go to pay off the Riverside Parkway bonds. Part of the plan he likes is the creativity of the Planned Developments that allow for this combination of housing to give the City a diversity of housing in the community. The Growth Plan calls for 2 to 4 units per acre. The proposal falls into the low end of the designation similar to Paradise Hills, so he is supportive.

Councilmember Coons said that it is these kinds of discussions that make for difficult decisions as the community is changing. She has to address what is the most appropriate change and it is not an easy thing to do. There is the North Valley Plan that she had a lot of input on, and she must honor that at some level. Where does this piece of property fit in this North Valley Plan. She is concerned about the loss of, and encroachment into green spaces and the impact on wildlife. Where is the appropriate urban-wild interface? Is this area too close to Horizon Drive where she has seen deer? This project is close to the amenities, so is this an appropriate use of space? The City needs a variety of housing for a variety of lifestyles. Dr. Saccomanno had a dream to provide housing at a higher density to provide moderately priced housing. He compromised to address the concerns of the neighbors. City Council does listen and read the letters, but the Council does not always vote the way others would want. The Council must look at what is best for the entire City.

Councilmember Thomason said he has heard compelling arguments on both sides with varying extremes. He watched the Planning Commission hearing on the 27th, and each

Commissioner had difficulty with the density and the bonus density issues. He is in support of 302 homes, but not the 362 units.

Councilmember Palmer thanked those that came and spoke. He has trouble with the density bonus. He can support the original R-2 in the 1995 Agreement, but does not want to go beyond that in density.

Councilmember Beckstein said she is making a decision on the facts. The facts are the City Zoning and Development Codes. She can empathize with the citizen's concerns, but the issue is whether the development fits. The City should adhere to the policies in place, and rely on the Staff putting together the best package for the area. The concerns regarding traffic and density will be looked at and dealt with. The community should stay involved so that their concerns are in the forefront of what is happening there. She will support as recommended by Staff.

Council President Doody said it is 12 years later, and the Council has a responsibility to have vision. The growth is happening now. He likened it to Fruita's motto of "honor the past, envision the future". He has to make decisions based on the vision for the whole community and the people in the City. The key word is "Planned", and how the developments are planned. Paradise Hills was planned 40 years ago, and is a nice development. This development is well thought out, and he will support the plan.

Councilmember Coons said that regarding the density bonus, the whole reason for that provision is a tool to encourage developers to go beyond, and be creative. She has some concern if the City Council disregards the provision, the City will be sending a message that it is not a useful tool, and there is no reason to use that as an incentive. She does not want to send that message to the community.

Councilmember Palmer responded that he didn't like the density bonus because the developer didn't meet the 10% land dedication through the parks, but did it through the trails, and he didn't feel that it was appropriate for this project.

Ordinance No. 4174—An Ordinance Amending the Existing Planned Development Zone by Approving a Preliminary Development Plan with a Default R-4 (Residential-4) Zone for the Development of 362 Dwelling Units for the Weeminuche Estates Subdivision, Located North of H Road Between 26 Road and 26 ½ Road, West of the 26 ½ Road and Summer Hill Way Intersection

Councilmember Hill moved to adopt Ordinance No. 4174, and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote with Palmer and Thomason voting NO.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 11:11 p.m.

Stephanie Tuin, MMC