

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

February 4, 2008

The City Council of the City of Grand Junction convened into regular session on the 4th day of February 2008 at 7:04 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, Linda Romer Todd, and Council President Jim Doody. 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 Hill led in the Pledge of Allegiance. The audience remained standing for the invocation by Mike MacFarlane, New Day Ministries.

Proclamation

Proclaiming February 10, 2008 as “College Goal Sunday” in the City of Grand Junction

Council Comments

There were none.

Citizen Comments

Randy Stouder, 303 E. Dakota Drive, stated he has emailed some items to the City Council, and listed some of the many good things about Grand Junction. He was concerned about some of the decisions recently made by Planning Commission and the City Council. He read a general statement about development, particularly in the Redlands, and the expansion of the Sewer Service Boundary. He then referred to Red Rocks Valley Subdivision having too many street lights, which is counter to the Redlands Plan, which encourages dark night sky. He was concerned about decreased set backs and the increased density. When asked, he said he is a Real Estate Broker.

CONSENT CALENDAR

Councilmember Beckstein read the items on the Consent Calendar. Councilmember Hill moved to approve the Consent Calendar. It was seconded by Councilmember Todd, and carried by roll call vote to approve Consent Items #1 through #10.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the January 14, 2008 Special Session and the Minutes of the January 14, 2008 and January 16, 2008 Regular Meetings

2. Purchase Seven 4x4 Utility Carts

This purchase is for seven motorized utility carts, four are replacements and three are additions to the fleet. Persigo Waste Water Treatment Plant's Wash Division is replacing two 1992 Kawasaki Mule utility carts, and one 1998 Kawasaki 4-wheel cart. The Parks and Recreation Cemetery Division is replacing one 2001 Kawasaki Mule utility cart. One new utility cart will be added to the Parks and Recreation Riverfront Trail Project and two new utility carts will be added to the Parks and Recreation's Forestry/Horticulture Division.

Action: Authorize the City Purchasing Division to Purchase Seven 2008 John Deere HPX Gas 4 x 4 Gators from Delta Implement Company, in the Amount of \$60,829.93

3. Fire Station #5 Building Addition

This approval request is for the award of a construction contract, for the building addition at Fire Station #5.

Action: Authorize the City Purchasing Division to Enter into a Contract in the Amount of \$127,053 with PNCI Construction, Inc. for the Completion of the Building Addition at Fire Station No. 5

4. Duck Pond Park and Sherwood Park Restroom Shelters

This approval request is for the award of a construction contract to Tusca II, Inc. for two new restroom shelters; one will be at Duck Pond Park and the other at Sherwood Park.

Action: Authorize the City Purchasing Division to Enter into a Contract, in the Amount of \$298,700 with Tusca II, Inc. for the Completion of the Restroom Shelters at Duck Pond Park and Sherwood Park

5. Canyon View Park Phase III Design Services

Contract with the professional design firms Winston Associates/Ciavonne Roberts and Associates to complete design services for Canyon View Park, Phase III.

Action: Authorize the Purchasing Division to Enter into a Contract with Winston Associates/Ciavonne Roberts and Associates to Complete the Design Services for Phase III of Canyon View Park in the Amount of \$134,275

6. **Fleet Building Addition Design and Construction Management Services**

Contract with the professional design and planning firm, Johnson-Carter Architects to design and provide construction management for the Fleet Building addition.

Action: Authorize the Purchasing Division to Enter into a Contract with Johnson-Carter Architects for Design and Construction Management Services for the Fleet Building Addition in the Amount of \$56,150

7. **CDOT Maintenance Contracts for Traffic Control Devices and Highway Maintenance**

Authorizing the City Manager to sign contracts with Colorado Department of Transportation for (1) maintenance and operations of signs, signals, striping and markings on State Highways within the City limits and (2) snow removal and pavement maintenance on State Highways within the City limits.

Resolution No. 10-08—A Resolution Authorizing an Agreement between the City of Grand Junction and the Colorado Department of Transportation (CDOT) to Perform Traffic Maintenance Services on State Highways

Resolution No. 11-08—A Resolution Authorizing an Agreement between the City of Grand Junction and the Colorado Department of Transportation (CDOT) to Perform Highway Maintenance Services on State Highways

Action: Adopt Resolution Nos. 10-08 and 11-08

8. **Setting a Hearing on the John H. Hoffman Subdivision Rezone, Located at 3043 D Road** [File #PP-2007-267]

A request to rezone 8.02 acres, located at 3043 D Road, from R-5 (Residential 5 du/ac) to R-8 (Residential 8 du/ac).

Proposed Ordinance Rezoning the Property Known as the John H. Hoffman Subdivision Rezone to R-8, Residential 8 Units Per Acre, Located at 3043 D Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for February 20, 2008

9. **Setting a Hearing for the Apple Glen Annexation, Located at 2366 H Road**
[File #ANX-2007-306]

Request to annex 16.24 acres, located at 2366 H Road. The Apple Glen Annexation consists of 1 parcel.

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

Resolution No. 12-08—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, Apple Glen Annexation, Located at 2366 H Road and Including Portions of the H Road Right of Way

Action: Adopt Resolution No. 12-08

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Apple Glen Annexation No. 1, Approximately .34 Acres, Located at 2366 H Road and a Portion of the H Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Apple Glen Annexation No. 2, Approximately .66 Acres, Located within the H Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Apple Glen Annexation No. 3, Approximately 15.24 Acres, Located at 2366 H Road

Action: Introduction of Proposed Ordinances and Set a Hearing for March 17, 2008

10. **Open Space Requirements in the Ridges Filings No. One through Six**

A resolution that sets forth the policy that new development of the lands included within Ridges Filings No. One through No. Six need not provide open space dedications nor the open space fees in lieu of the dedications pursuant to Section 6.3.B of the Zoning and Development Code.

Resolution No. 13-08—A Resolution Establishing that New Development within The Ridges Filing, No. One through The Ridges Filing, No. Six is not required to

Dedicate Open Space or Pay a Fee In Lieu of Dedicating the Open Space as Required by Section 6.3.B of the Zoning and Development Code

Action: Adopt Resolution No. 13-08

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Garden Grove—Turley Annexation, Located at 2962 A ½ Road [File #ANX-2007-338] **Request to Continue to March 17, 2008**

Request to annex 19.77 acres, located at 2962 A ½ Road. The Garden Grove—Turley Annexation consists of four parcels.

Justin Kopfman, Associate Planner, explained that the reason for the continuance was a request by the applicant due to personal and business reasons.

Councilmember Palmer moved to continue the public hearing for the Garden Grove—Turley Annexation to Monday, March 17, 2008. Councilmember Beckstein seconded the motion. Motion carried.

Public Hearing—Foster Industrial Annexation and Zoning, Located at 381 27 ½ Road [File #ANX-2007-330]

Request to annex and zone .41 acres, located at 381 27 ½ Road, to I-1 (Light Industrial). The Foster Industrial Annexation consists of one parcel.

The public hearing was opened at 7:20 p.m.

Justin Kopfman, Associate Planner, reviewed this item. He described the request, the location, the site, the Future Land Use designation, and then asked that the staff report and attachments be entered into the record. He noted that the applicant was present.

Councilmember Palmer asked what uses are allowed in the I-1 zone district. Planner Kopfman identified the allowed uses, but stated since no plan has been submitted he is not sure what the planned use might be. Councilmember Palmer questioned the compatibility since the surrounding area is all residential. Mr. Kopfman pointed out that the area is designated as industrial, and so this is the first lot to go that direction. Councilmember Palmer felt that one parcel in the middle of the neighborhood did not seem like a good fit.

There were no public comments.

The public hearing was closed at 7:24 p.m.

Resolution No. 14-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Foster Industrial Annexation, Located at 381 27 ½ Road and Including a Portion of the 27 ½ Road Right-of-Way is Eligible for Annexation

Ordinance No. 4175—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Foster Industrial Annexation, Approximately .41 acres, Located at 381 27 ½ Road and Including a Portion of the 27 ½ Road Right-of-Way

Ordinance No. 4176—An Ordinance Zoning the Foster Industrial Annexation to I-1 (Light Industrial), Located at 381 27 ½ Road

Councilmember Todd moved to adopt Resolution No. 14-08 and Ordinance Nos. 4175 and 4176 and ordered them published. Councilmember Hill seconded the motion.

Councilmember Coons asked if there were any neighbors that spoke against the item at the Planning Commission meeting. Planner Kopfman said there was no one in opposition. Councilmember Palmer asked if there was any public comment in favor. Mr. Kopfman said there was not, it was non-controversial.

Motion carried by roll call vote with Councilmember Palmer voting NO.

Public Hearing—Lochmiller Annexation and Zoning, Located at 193 Shelley Drive
[File #ANX-2007-329]

Request to annex and zone 1.06 acres, located at 193 Shelley Drive, to R-4 (Residential, 4 units per acre). The Lochmiller Annexation consists of one parcel and includes a portion of the B Road and Shelley Drive rights-of-way. This property is located on the south side of B Road and east of 29 Road on Orchard Mesa.

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

Faye Hall, Associate Planner, reviewed this item. She described the request, the location, the site, the Future Land Use designation, and then asked that the Staff report and attachments be entered into the record. The applicant was not present.

There were no public comments.

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

Councilmember Beckstein advised that Mr. Lochmiller is a client of her employer's firm. City Attorney Shaver asked Councilmember Beckstein if she has had any contact with Mr. Lochmiller on this application, or had any financial interest in the application to

which Councilmember Beckstein answered “no”. The City Attorney concluded there was no conflict.

Resolution No. 15-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Lochmiller Annexation, Located at 193 Shelley Drive and also Includes a Portion of the B Road and Shelley Drive Rights-of-Way is Eligible for Annexation

Ordinance No. 4177—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Lochmiller Annexation, Approximately 1.06 acres, Located at 193 Shelley Drive and also Includes a Portion of the B Road and Shelley Drive Rights-of-Way

Ordinance No. 4178—An Ordinance Zoning the Lochmiller Annexation to R-4 (Residential 4 units per acre), Located at 193 Shelley Drive

Councilmember Hill moved to adopt Resolution No. 15-08 and Ordinance Nos. 4177 and 4178 and ordered them published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing—Growth Plan Amendment for Lime Kiln Creek Ranch, Located at 2098 E ½ Road [File #GPA-2007-263]

The petitioner, Cunningham Investment Company, Inc., requests adoption of a Resolution to amend the Growth Plan Future Land Use Map from Estate (2 – 5 Ac./DU) to Residential Medium Low (2 – 4 DU/Ac.) for property located at 2098 E ½ Road in the Redlands. The Planning Commission recommended approval of the proposed Growth Plan Amendment request at their December 11, 2007 meeting.

The public hearing was opened at 7:30 p.m.

City Manager Laurie Kadrich reviewed the background on the matter before the City Council. She stated the proposal is not the same application that was presented previously as the Redlands Country Club Estates which included a golf course. The City Council did assign the handling of that to the City Manager, but she has not received information that there is sufficient land to develop that proposal. Some of the comments received have implied that this project, 27 acres with Mac Cunningham as the developer, is a stepping stone to the larger aforementioned project.

She also stated that this project is not completely covered by the Redlands Plan. The Redlands Plan is part of the Growth Plan as adopted in 2002.

She then reviewed the Growth Plan. It started in 1994 and took two years to receive community input and be adopted. The Plan assumed a new plan would be in place by

2010. The Growth Plan was always intended to be a dynamic plan, and had language that every three to five years the Plan should be reviewed for possible changes. She then read a few quotes from the Growth Plan that supported the previous statements.

Councilmember Hill noted that although it is not a stepping stone in a premeditated matter, it could be that as densities changes, it might become more feasible.

City Manager Kadrich agreed, but noted that the letters she has received have indicated that some believe it is the same proposal and that she had a say in it.

Scott Peterson, Senior Planner, then reviewed this item. He described the request, and the location. The Planning Commission did recommend approval and the property was recently annexed into the City. Mr. Peterson described the size, and the pressures for growth in that area. The property is within the Persigo Sewer Service boundary and has access to sewer and water. He indicated the property's proximity to the Urban Growth boundary. The Growth Plan encourages development on properties not suited for agricultural use. He described some of the changes that have occurred in the Redlands area that have increased the services available to this property. Mr. Peterson described the surrounding Growth Plan Designations. The Growth Plan Amendment criteria were then addressed by Mr. Peterson. There was an error in such that then existing facts, projects, or trends, (that were reasonably foreseeable), were not accounted for.

It is Mr. Peterson's opinion that as part of the 1996 Growth Plan adoption process between Mesa County and the City of Grand Junction that established the current Future Land Use Map, the property located at 2098 E ½ Road was designated as Estate (2 – 5 Ac./DU), due in large part because of its size – 27.7 acres. This opinion is based on the adjacent larger parcels of land to the east and south that were also designated as Estate because of their size. Adjoining parcels to the north and west were designated as Residential Medium Low (2 – 4 DU/Ac.) due to their smaller size and having already been developed as single-family home properties. Current County zoning for the area is RSF-2 and RSF-4, Residential Single-Family 2 and 4 units/acre, which would be more in line with the requested Growth Plan designation of Residential Medium Low.

The property is also located within the Persigo 201 Sewer Service Boundary. As stated previously, the current Growth Plan was adopted in 1996. In 1998, however, the City and Mesa County entered into an Intergovernmental Agreement known as the Persigo Agreement. Section C, Implementation – Zoning – Master Plan, item #11 from this Agreement states that *“the parties agree that any property within the 201 should eventually develop at an urban level of density. For this agreement, residential lot sizes of two acres gross or larger are deemed to not be “urban” while smaller parcel or lot sizes are deemed to be “urban.”* This item is also mentioned in the Redlands Area Plan (Page 32).

Current growth trends in the Grand Valley the past few years could not be taken into consideration when the Growth Plan was adopted in 1996, as there was no way to predict the current growth and development impacts in the area due to the current energy related boom.

Therefore, because of these three (3) issues, the Planning Commission felt that there was an error such that then existing facts, projects or trends were not entirely accounted for.

Mr. Peterson also addressed the other Growth Plan Amendment criteria: Subsequent events have invalidated the original premises and finding to which his finding was residential development and urban pressures both in and around the area of Tiara Rado Golf Course, and also the Redlands in general has increased, since the current Growth Plan was adopted in 1996. Since this property is located within the Persigo 201 sewer service area boundary, urban development is encouraged to take advantage of this public infrastructure, and to decrease urban sprawl.

Mr. Peterson advised that the City of Grand Junction is currently in the process of developing a Comprehensive Plan and it is anticipated by the consultants that an additional 52,000 homes will be constructed within the Grand Valley which would equate to a population increase of 120,000. To accommodate this anticipated population increase, higher density developments will be needed.

Next criteria is that the character and/or condition of the area has changed enough that the amendment is acceptable, and such changes were not anticipated, and are not consistent with the plan.

As the applicant has stated in their General Project Report, the character of the area is one of transition and urbanization. The development of the existing area around Tiara Rado Golf Course with smaller single family lots, (less than ¼ acre in size), and also multi-family dwellings indicates that this area would be appropriate for residential densities greater than 2 – 5 acre lot sizes as is now designated for the property.

Criteria C is that the change is consistent with the goals and policies of the Plan, including applicable special area, neighborhood and corridor plans. The proposal is consistent with the goals and policies of the Growth Plan and Redlands Area Plan which promote an increase in densities and development on land not suitable for agricultural uses (Goal 22). This area is also in the Urban Growth Boundary which promotes areas of development that have adequate public facilities, and thus better use of infrastructure (Goals 4 & 5 of the Growth Plan).

Goal 15 of the Growth Plan is to achieve a mix of compatible housing styles and densities dispersed throughout the community. If the Growth Plan Amendment is approved, it would allow a mix of housing types and densities between two and four units/acre with the existing larger lot developments. The Redlands Area Plan also states that a goal of the Plan is to achieve a mix of compatible housing types and densities dispersed throughout the community (Page 85).

Mr. Peterson's findings included that much of the Residential Medium Low (2 – 4 DU/Ac.) designated lands have already been developed as single-family home properties leaving not much if any, vacant land with this land use designation. Therefore, it is reasonable to recognize that public infrastructure is already in the area and properties that are currently undeveloped and have larger acreage to support increased densities, such as this, should be considered.

The community will benefit by increased densities in areas that already have adequate facilities and services rather than perpetuating sprawl to outlying areas, thus meeting the goals and policies of the Growth Plan and Redlands Area Plan. Upgraded utility services, such as sewer, will benefit both this development and adjacent properties.

He concluded that the proposal meets many of the goals and policies of the Growth Plan and the request meets the criteria for a Growth Plan Amendment.

Councilmember Coons asked for specific information on the surrounding densities. Mr. Peterson described the different subdivisions in adjacent areas.

Councilmember Thomason asked if the roads are adequate. Mr. Peterson said there is only the local street E ½ Road, and that would have to be upgraded with the development.

Councilmember Hill asked if Criteria A is met, would any other criteria have to be met. Mr. Peterson said no, but there are findings under each of the criteria.

Councilmember Hill asked about the zoning for the Desert Hills Subdivision. Mr. Peterson answered it is Estate, 2-5 acres per unit. Councilmember Hill then asked about the zoning of the Preserves Subdivision. Mr. Peterson stated it is Rural, five acres and up per density unit.

Councilmember Hill asked if it was due to their proximity to the City limits that these areas (Desert Hills and The Preserve) were not annexed due to the City. City Attorney Shaver answered affirmatively.

Councilmember Hill said he does not see that the character and conditions of the area has changed. Mr. Peterson said public infrastructure is available, and adjacent on both sides of the property. There has also been small lot size development in the area.

Councilmember Coons asked how many of the subdivisions have been approved since the Growth Plan was adopted. Mr. Peterson said the Preserves was existing at the time the Growth Plan was adopted, but the Seasons was under development at that time. The Desert Hills Subdivision is new since the Growth Plan, and some of the newer phases of Monument Village were added since the adoption of the Growth Plan.

Mac Cunningham, South Rim, representing the applicant, expressed appreciation for the Staff's recommendation, and the Planning Commission's recommendation for approval. This property has been zoned 2-4 homes per acre since 1961. No one has objected previously. The County reconfirmed this zoning last year. He asked that the current zoning be respected. When the Growth Plan Designations were placed, individual parcels were not considered, unless the owner spoke up at the time. Urban levels of densities were anticipated for this area. The Growth Plan concepts were the desire of the many participants in the Growth Plan process.

Bob Blanchard, 706 Jasmine Lane, representing the applicant, reiterated that the proposal does meet all seven criteria for a Growth Plan Amendment, but as Councilmember Hill pointed out, if Criteria A is met, no other criteria needs to be met. The Growth Plan did not anticipate the growth rate being realized currently. The definition of Urban in the Growth Plan is 2 acres or less per dwelling unit. He pointed out the Growth Plan, the Persigo Agreement, and the Redlands Plan are jointly adopted plans. He read sections out of the Persigo Agreement and out of the Growth Plan that support the request to honor the existing zoning as of the date of the Persigo Agreement in the County.

Mr. Blanchard then addressed the other criteria, and how those are being met by the proposal. Recent actions of City Council include a growth plan consistency determination for Fairway Villas. Another recent action was the Ferree property which was redesignated as Residential Medium Low. Mr. Blanchard concluded that the project is consistent with the Growth Plan, and the Redlands Area Plan.

Mac Cunningham, applicant, then clarified that the only commercial center in the Redlands (Safeway) has expanded recently. He then pointed out a number of other subdivisions that are similar or higher densities. The traffic analysis has indicated that the roads are sufficient for the current County zonings. The sewer extension would also make sewer available to other surrounding properties that may need to be upgraded. He pointed out the area schools, and the recreational opportunities. He reiterated that an error on the Growth Plan exists designating this property as Estate, and asked that the City Council find that the amendment is consistent with the Growth Plan.

Council President Doody called a recess at 8:28 p.m.

The meeting reconvened at 8:43 p.m.

Council President Doody said that he would like to have five individuals in favor, and five in opposition, and for comments to be limited to five minutes. He asked for those in favor to speak first.

Don Pettygrove, 8 Moselle Court, lives in the Vineyards, said the 201 Boundary and the City's Annexation Policy in the 1990's brought the Persigo Agreement forward. The Persigo Agreement recognizes two acres as the maximum lot size for urban densities, and anything smaller would not allow the treatment plant to work properly. He suggested that the larger lots should have been redesignated back then. In Paragraph 11 of the Persigo Agreement that recognized the zoning at the time of the agreement, the Commissioners wanted to protect those owners with their existing zoning.

David Meyers, President of Western Colorado Associated Builders and Contractors, 2501 Blichman Avenue, agreed with Mr. Pettygrove and stated there is a need for this type of density. There are many more reasons to go forward than not.

Ted Munkres, 121 Chipeta Avenue, stated the reasons for housing to be unaffordable are the regulations for development. There are too many regulations on development and too many regulations preventing development. His point was that density is an issue in affordable housing.

Molly Fritzel, a resident of the City, she said she is the demographic for the area and she is made to feel that Redlands is not a part of Grand Junction and her demographic is not welcome in the Redlands. She said this occurs by continually opposing density on the Redlands which is controlling the demographics. The developer pays for the upgrades to the infrastructure and density leads to affordability and sales lead to jobs. The density needs to happen, and those opposed should ensure the infrastructure is in place to support the growth, but let the density happen.

Matt Mayer, 2038 Wrangler Lane, said that the significant growth will affect every resident. Growth is here and many are benefiting from it. The people of the Redlands must help shoulder some of the impact of growth. The infrastructure is there and the cost is already invested so he believes they should take advantage of it.

Peggy Rawlins, 519 Liberty Cap Court, described the road infrastructure that gets to the Redlands and into the area. She described the area that has been purchased for a new school site on Wildwood and the road up to the Tiara Rado and the site of the proposal and beyond to Broadway. She did not believe it is sane to develop in that area.

Dick Keeler, 2208 Crestline Court, said people pay to come to the Redlands and they pay high prices for housing. This will devalue that area.

Dick Fulton, 1556 Wellington Avenue, said this is the third time he has appeared since November. He shared conversations he has had with others who have serious discontent on the way things are being handled by the City for current growth. He said the Council has a lack of responsiveness to anyone other than developers. They are not opposed to growth, but are upset that the Council is embracing growth at any cost. He referred to the article in the paper which quoted the City Manager as saying that since there are 10,000 more people than expected, the Growth Plan is outdated. He agreed that the Growth Plan was intended to be a dynamic document, but there are criteria to be met. He said just because growth has occurred does not mean there is an error. He felt the City Council is ignoring the criteria or the City Council is rationalizing that they don't have to follow the rules. He questioned the Council's loyalties. He said the citizens are not opposed to growth, but they want to see controlled and managed growth. He feels there needs to be a middle ground reached. He feels citizen input is needed earlier in the process. The main message he has heard is to follow the Growth Plan until the new plan has been implemented.

Liane Abrams, 527 ½ Mockingbird Lane, has lived in the Redlands for thirty years. She said she does not believe she is legally or morally responsible for finding a place for everyone to live in the Redlands. She just wants to be left alone.

Patty Milius, 445 Wildwood Drive, said she does not live in the City so the Council is not responsible for her area. After the Persigo Agreement, the amount of property in the Redlands acquired by the City limits has exploded. She felt this approval will result in the two adjacent properties also being approved which will mean 300 to 500 more houses in the South Broadway area. The road is not acceptable for the amount of traffic that these residences will generate. She suggested that the roads be put in first to address the roadway safety.

Robert McFarland, 2047 Low Ball Court, lives about ¼ mile from the project site. He is in favor of the project. Older residents want this type of development in the Redlands where they don't have to maintain the yard. This type of density can create the type of lifestyle that everyone desires.

Steve Kesler, 494 Tiara Drive, said he drives by that intersection a couple times of day. All have experienced change and it can be hard, but it cannot be prevented. Change has been happening in this valley for a long time. This is an energy capital and an attractive place to live. Those who wrote the billboard are the ones who are taking property rights away by taking away opportunities. He said residents don't have the luxury of pretending that change is not happening.

Jay Hoffman, Tiara Rado, is opposed the project. He thought the developer was trying to have it both ways by saying the Growth Plan as it was originally conceived is no longer current, but then wanted to follow the Growth Plan. He disagreed that the street infrastructure was adequate. He encouraged the Council to drive the road. He said the road won't support the additional traffic. He thought it was Council's duty to preserve the open space to improve the quality of life.

Tom Fee, 2082 E ½ Road, said his property borders the subject property to the west. He said his property is zoned 2 to 4 units per acre, but the surrounding area is built as Estate-type properties. These homeowners have made significant investments in these types of Estate properties and this proposal is out of character with the existing neighborhood and surroundings.

Kathleen Conway, 2045 S. Broadway, lives three houses down from the main entrance to the development. In terms of recreation, there is no place to walk or walk dogs. A development should require recreation and park development. The infrastructure is not there for cyclists who currently use the road, and there are no paths, so one has to walk on the roads. In addition, there is no buffer zone to the National Monument.

Vickie Howe, 2083 Hodesha, said her property backs up to the subject property described in the surrounding densities. She said the proposal will decrease the value of her property and is not consistent with the surrounding area.

Rick Warren, 2622 H Road, has lived here for 7 years. He represents the Residents to Preserve Rural Grand Junction. He is here to protest the high density development. He referred to the Vision 20/20 Plan that is the foundational document that guides the City Council. Most residents still hold to this vision. He said that the Redlands and the north area are inappropriate for high density housing. In the 8 years since the Growth Plan was added to the list, the pace of growth had definitely not increased by a factor of 20 to match the increase in housing density that the rezone requests.

He said the high density development in the Redlands is not compact growth, but is sprawl. He said the Redlands is a showcase area and the people who live there pay the price to live there. It would be wrong to take away the quality of life that the Growth Plan guarantees. He referred to a newspaper article and expressed that he does not think the opportunity for citizen input is fair or adequate in that citizens are not allowed input into the process but for a few sound bites. He asked that the request be rejected.

Rob Johnson, 583 20 Road, said he is not opposed to high density and that there is a need for high density and affordable housing. He said that Germany had good examples for high density housing. Since 2001 there has been 54 Growth Plan Amendment applications and 33 have been approved. He said that there should be a plan and it

should be followed, and then there is no reason for exceptions. There is a lot of high density housing already in the Redlands so they have done their part. The low density is the type of housing that is in danger. There should be planning for open space and green space. It would be disturbing to let this space go. Germans started over and did real planning after WWII. There are other places where high density would fit, but he does not see the sense in putting high density on this piece of land.

Dennis Stark, 524 S. Broadway, said he does not believe what the demographers say. This is a special area. There will always be people that want larger lots, if not in the Redlands they will go out to Fruta or Loma. Perhaps this subdivision won't be the tipping point for the traffic, but as more development comes the traffic will be a tipping point.

Carol Kissinger, 449 High Tiara, President of The Season's Homeowner's Association, said that yes, the Safeway Center has expanded, but most of the shops are sitting empty. She thanked the Council for the Fire Station, but there are no EMS services available out of this station. The school has purchased property on Wildwood, but the School Board may trade it or use it as leverage for other properties. The infrastructure is really not there, and the density is to the east and north of Broadway. It would be a shame to see more density in this area.

Paul Brown, 2067 E ½ Road, thanked City Manager Kadrich for her article. The Comprehensive Plan is not done today, and it is time consuming and tough. Until that plan is done, the City has to live by the old Growth Plan regarding meeting the seven criteria. Recently the Wildwood Subdivision was rejected for the same criteria. He encouraged Council to stick with the rules and reject this plan. He felt the Planning Commission should be handling this, not the City Council, and there shouldn't be this discontent in the community.

Steve Voytilla, 2099 Desert Hill Road, presented the enrollment counts for the Redlands Area schools as follows: Wingate Elementary School has a capacity of 441 students and there is currently 452 students enrolled, 11 over capacity. The Redlands Middle School's capacity is 588 children with 643 currently enrolled at 55 over capacity. Mr. Voytilla read from the Strategic Plan for 2002-2012, said he believes that it would be irresponsible to plan for this high density when both schools are over capacity right now.

Mr. Voytilla went to City Hall and asked what the Policy and Procedures were for the Redlands, and he was sold a book for \$25. They didn't sell him the Comprehensive Plan, just the Redlands Area Plan, and a new resident would mistakenly rely on it for information on the Future Growth Plan. He said the City needs to go by the Redlands Area Plan until the Comprehensive Plan is up to speed.

Randy Stouder, 303 E. Dakota Drive, said he has heard a lot of realtors speaking against development tonight. He has heard about the master plan being dynamic to justify

changes. He wrote a master plan for a City once, a very pro-growth community. The Redlands Area Plan he thought was adopted in 2002, and the Estate planning was placed in the mid-90's. It seems like the Persigo Agreement is a real mess. To insist that everything must be under 2 acres is ridiculous. The area is diverse. The road is a problem. Supply and demand isn't going to bring the housing costs down. There needs to be some real planning done and not reacting.

Dave Conner, 506 Liberty Cap Court, said since he lives in the County he doesn't have a say because he doesn't live in the City, but he comes under the Persigo Agreement. He asked Council to listen since they can't have a vote.

John Elmer, 2829 Caper Court, was Chairman of the Planning Commission in 1996 and many years after, and was part of the process in determining approving this map and the original Growth Plan. He said it is the City Council's job to look at the facts and assess it to the Code, and see if an error was made and then look at trends back then. It is true that they did not forecast the rate, but did forecast growth. There was a lot of testimony for this area. To say there was an error made of this magnitude, he would disagree. The difference is between 8 lots and 80 lots, and to suggest an error it just ridiculous. There was a lot of consideration that went into this Plan. The Redlands is growing as planned. The Persigo Agreement, if used to justify this parcel, means a much bigger policy change. Most subdivisions that were approved in 1996, were not built out to the density approved. That was what they looked at during the development of the Growth Plan. He disagrees that an error was made.

Terri Dixon, 421 Wildwood Drive, said she has a 40 acre property in the Redlands that the County rezoned and is now zoned at 2 to 4 units per acre. She had the option to apply to change it. They didn't challenge it because they never requested that it be changed to begin with.

Mike McLaughlin, 2076 S. Broadway, said he is neither pro nor con on this project. Grand Junction has a wonderful array of elements, and he lauded the river reclamation. The Redlands is also very special. If this is approved it will lead to the Redlands losing its personality. This development will cause a domino high urban density effect up to the Monument, and the City will lose that personality element forever.

Garret Jackson, 450 Meadows Way, is a new resident, and he agreed with the previous speaker that the City will not have a choice when the next developer comes. He wants to see intelligence and sensitivity to the needs and character of the area. He believes the City needs to live with the existing plan and not rush the density.

Christy Reece, lives downtown and is a realtor. She said she knows what people are looking for in the Redlands. There are people who would like to live there, but can't afford

it. However, there have been three recently approved subdivisions that offer high density and are in more appropriate locations that can handle the density than this one.

Council President Doody called a recess at 10:26 p.m.

The meeting reconvened at 10:38 p.m.

Mike Anton, 2111 Desert Hills Road, said it was a very emotional evening that actually started with the Planning Commission in December. He felt some incorrect statements were made by the Planning Commissioners. Mr. Anton said he worked hard to purchase his property in the Redlands, and was glad to hear the Growth Plan is still intact. Mr. Anton said he was just asking for consistency. He asked that the development be developed at Estate density and follow the Plan. He believes this will be a domino affect if approved. He said the Redlands is a fantastic area and it is the jewel of Grand Junction, and the City needs to stay consistent with the area and density.

Kate Holmes, 587 21 1/8 Road, talked about quality of life issues regarding water and air. She said the City must consider the air inversions that occur, and be good stewards of the environment.

James Tanner, 2084 Hodesha Court, lives adjacent to the subject property. There are three bridges to cross to get into the Redlands, and as the area continues to grow he can't imagine the two lane roads being enough to transport the traffic to and from the development.

That concluded the public comments.

The public hearing was closed at 10:48 p.m.

Mac Cunningham, for rebuttal, said that he was asking for the zoning in place to be respected. This is not tied into another larger project. The Persigo Agreement does result in this being an error in the Growth Plan designation. All the issues related to access, open space, and trails will have to be dealt with before development. He believes there is an opportunity to take this property and hold it true to the zoning, and still look forward to meeting the needs of the entire valley. A Growth Plan application is being proposed and he believes they are conforming to all the standards and asked for approval.

Councilmember Palmer asked Staff if the roads, other than the two that were being increased by the developer, were looked at. Mr. Peterson said that at the Growth Plan Amendment stage they only look at the access to the property. The 2035 Traffic Plan said there is adequate capacity at build out at the current zoning. He said there was a Development Engineer present for further reference.

Development Engineer Eric Hahn said, at the Growth Plan Amendment stage, there is no specific analysis done of the street capacity. What is accounted for is if there is adequate infrastructure available that can be developed. Since there is not a plan now, there is no analysis. The 2035 Traffic Plan looks at the primary corridors. It does not look at trails or intersection, or adequate shoulders. Those areas will be analyzed when there is a specific use proposal, and then the developer has to do a full Traffic Impact Study.

Councilmember Palmer asked, if it is discovered that the traffic impact is significant, does that then become a City problem? Mr. Hahn said yes, as collector streets or higher would be the City's responsibility.

Councilmember Coons asked about the water tables and flooding and those capacities. Mr. Peterson said the Redlands Area Plan does address the soil. At design stage the soils will be looked at for lot configuration. On drainage, Mr. Peterson deferred to Mr. Hahn.

Eric Hahn, Development Engineer, said it is the same answer. At this stage, there is no analysis done without a plan.

Councilmember Beckstein said since they roughly know there will be an impact on the road why doesn't the City have the County address the road improvements so it doesn't become the City taxpayers' problems. She was confused as to why the Council is involved at this time.

City Manager Kadrich clarified that this project is before the City Council before the Comprehensive Plan is done because neither the City Council nor Planning Commissioners wanted to wait to look at it. Due to transportation concerns, many communities are modifying the approach of dense inner cities at this juncture.

City Attorney Shaver said Criteria E talks about facilities and the real issue is the weight given to the testimony. The Council can define those community and public facilities as the development is defined, but it is fair to address these issues now.

Councilmember Beckstein said there are more consequences due to the road structure being located in the County. She feels the City Council is being hindered by not being able to look at these concerns now, but that they are just looking at the Growth Plan Amendment.

City Attorney Shaver said the legal answer is that the City Council is allowed to look at these things and are not legally constrained.

Councilmember Coons said the process seems disjointed in some ways that they don't get to look at the development until way down the road. She does like getting to see the development in the Planned Development process.

Councilmember Beckstein said the Comprehensive Plan started too late, and they don't want to hinder development, but City Council doesn't get to see the true vision and but still has to respect how it will affect the outlying area, so she feels they are hamstrung.

City Manager Kadrach said City Council can set the course and there is no requirement to approve or disapprove this Amendment. All discussion related to growth over the last six months about the growth in the community, and where best to build neighborhoods in the development community are relevant to tonight's discussion; as well as so called infills into the current Persigo Boundaries. None of these have been easy.

Councilmember Beckstein said the Growth Plan is not something in concrete, but they have to look at each situation, as the City is growing and evolving, and it is not easy for Council to do. Just because the Council lays it down, it doesn't mean it is going to stay the way it is.

Councilmember Palmer stated that the resolution calls for the Growth Plan to be changed from Estate to Residential Medium Low, but the zoning is already zoned 2 to 4. Why is the City Council being asked to amend the Growth Plan from Estate back to what the existing zoning appears to be?

City Attorney Shaver clarified the difference between the Growth Plan and the zoning. The Growth Plan is a general statement of land uses for a piece of property. There are specific zonings that implement those general zonings. The Growth Plan and the existing zoning on the property are inconsistent. The Growth Plan designation must be decided first, and then specific zoning applied to implement that designation.

City Attorney Shaver said the citizens speaking against the application are asking that the designation not be changed to Residential Medium Low from Estate. One way would be to change the designation as the applicant requested, and then the next step would be the zoning. The alternative would be not to change the designation and then the zone of annexation hearing will come before the City Council at a later date. At that time the request would be to change the designation from County to a City zone that is consistent with that Growth Plan category.

Councilmember Palmer asked if there was a designation in-between Estate (2-5 acres per dwelling unit), or the Residential Medium Low (2-4 dwellings per acre), and are there options based on this Resolution that could be considered.

City Attorney Shaver said the City Council could direct staff to rewrite the Resolution to an intermediate category, or to do as the neighbors are asking which is no change by voting this Resolution down. This Resolution is written to be consistent with the applicant's request of changing the designation to the Residential Medium Low category. Mr. Shaver questioned imposing a designation that is not being requested by the applicant.

Councilmember Todd asked if the developer, under Persigo Agreement, has the right to bring in the existing County zoning with them when they annex. If the City Council says it won't change the Growth Plan, where does that leave the applicant?

City Attorney Shaver said the Persigo Agreement says that a property upon annexation can be zoned with the existing Mesa County zone designation, or it may be zoned to a designation that implements a land use category.

Councilmember Coons confirmed that although the City Council has the option of another Land Use Designation, the applicant is not requesting any other designation. City Attorney Shaver agreed. Selecting an intermediary designation would not be his recommendation.

Councilmember Hill said he appreciates the conversation with an engaged public who knows a lot about Persigo, and the Growth Plan. The Council has opened the door for Growth Plan Amendments any time of year as a way to service the community. Just because the Council hears it doesn't mean the Council will approve it, much like the sewer service boundary expansion. He said dealing with concerns in an open, honest conversation with the community is good. As a policy maker things are done on a case by case basis specific to that particular issue. Regarding the Growth Plan, the Council has been very consistent that the Growth Plan document is the guiding document and held in high regard. So when this conflict comes, if it doesn't meet the plan, they use the process.

Councilmember Hill said this is the process, and it has value, and the City does have a plan. He said he has heard people are not against growth and not against density. This application is not for high density, but it is for an increase in density. The former Planning Commission Chairman was very compelling in saying the Growth Plan was not in error. He said the Planning Commission took into account the trend of growth. The urban level of density is defined, but the Council has not been consistent with that definition. The Council needs to be accountable, but he can't support the request because there was not an error. The plan is the community's plan, and he hopes the community stays engaged as further development is forthcoming.

Councilmember Coons said she disagreed with Mr. Warren's comment that the public isn't able to talk to their City Councilmembers. She said the citizens do talk and the Council has listened. She said she does know the area, having biked through it regularly. Many people say there are more reasonable places for high density, but it is always "not

in my area". But no one says where that area is. It is hard to make those decisions. Many citizens say they want reasonable growth, but they don't define what that is. It means different things to different people, which makes her job as a policymaker much more difficult. It is also hard to consider the good of all citizens in the City and consider the future good of all citizens as well. She said there is a compelling argument for a mix of housing. There is a need for more housing for low maintenance properties, but she is not sure if this is the location. She is concerned about agricultural land, but five acres isn't going to be profitable. She is also concerned about the wildlife corridors. In talking with the experts they say five acre parcels with single-family houses and fences are more destructive than high density with open space around it. She is very concerned about traffic issues in this area. She is also concerned about buffer areas and is supportive of open space. She is concerned about a precedent the City Council may be setting in that area. She agrees with Councilmember Hill and the former Planning Commission member. She can't support this Growth Amendment either.

Councilmember Thomason said he lives in the Redlands, and his main concern is with increased traffic, and the impact on schools. However, he has not seen an adequate alternative offered. If not here, where? Council needs to face facts that this is no longer a small town. He said it is almost insulting to continue to hear that the Council arbitrarily ignores the wishes of someone who is not a developer. For himself, this is far from the truth. He would favor an amendment, but at a lower density maximum of 2 units per acre. A no vote from him does not mean he is a no-growth advocate.

Councilmember Todd said the Council does have to deal with growth and traffic, but the Council cannot continue to keep waiting to make decisions on where to place density. The market place is what is determining the pressure. The application comes to Council, and Council makes the decision at that time. She said they talked about the flexibility and the changes that might be needed when the Growth Plan was developed. The Council thought very hard about the flexibility. The City is in a growth situation and needs to start saying they are going to put houses where there is infrastructure. If they keep holding the densities down it will force the growth into the outside communities of Fruita, Loma and Mack, encouraging sprawl. She says the Council does impose requirements on those who come forward, and she would be in support of this density.

Councilmember Beckstein said the Council cannot ignore the traffic. She sits on the traffic panel and there is a traffic problem. There needs to be a means of travel that will allow travel to and from people's homes, shopping, and schools. She said the Council would be doing a disservice if the Council does not make sure the roads are there. She said that it is the State's and County's responsibility to make these roads safe before these areas are taken into the City. It should not be the City taxpayer's burden. Therefore, she is not in support of the amendment.

Councilmember Palmer said he wanted to thank those that came out tonight. According to Section 2.5.C if there is an error, then the change meets the criteria. As John Elmer said, there is no error. Therefore the applicant would need to meet all the other criteria. Criteria E says the need for public facilities are adequate to serve the type and scope of land use proposed; it is not there. The infrastructure won't support the extra vehicles and traffic, so therefore, Criteria E is not met so he cannot support this amendment.

Council President Doody thanked everyone who came out, but voiced concern about hearing "not in my backyard". The Growth Plan boundaries were 4 days of meetings with a lot of participation. City Council is going into a Persigo meeting on Feb 13th to talk about expanding the boundaries, but the Comprehensive Plan is not complete yet. That is a little backwards for him. He is looking for participation from the citizens on these issues.

Council President Doody noted that coming around Riggs Hill is a terrible road, and one must be careful to watch for cyclists and pedestrians. When the City annexes property through the Persigo Agreement, he questioned the County's lack of participation in bringing some of the roads up to standard since the City has to fix the road and then the City takes the heat trying to plan it out. The dialogue is good and the Council has been a great Council. The Council has listened to the public. The Council lives here and this is their home too.

Councilmember Todd cautioned fellow Councilmembers not to delay decisions because the County and the State are not doing their part. She said the Council will need to bite the bullet and take care of the needs of the people moving into this community.

Councilmember Hill said that the need more housing is not one of the Growth Plan Amendment criteria. He must consider the Criteria. If there is an error, then that should be the determination. It needs to be figured out as a community and he hopes the community is engaged going into the Comprehensive Plan. He also feels the transportation is a challenge not a barrier.

Councilmember Beckstein reiterated that the County and the State needs to be addressing many of these issues, and City Council needs better dialogue with those entities.

Councilmember Palmer said he agrees there is a need for more density in places where it fits, and he encourages it. However, this project does not fit the criteria.

Councilmember Todd clarified that it is not just this application, but for further applications, as there are entities the City does not have control over. The City could be totally shut down if they waited for someone else to come in and do the work.

Resolution No. 16-08—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 27.7 +/- Acres Located at 2098 E ½ Road from Estate (2-5 Ac./Du) to Residential Medium Low (2-4 DU/Ac) to be Known as the Lime Kiln Creek Ranch

Councilmember Hill moved to adopt Resolution No. 16-08. Councilmember Palmer seconded the motion.

Council President Doody said, with respect to the conversations about moving the boundaries, Council needs to figure out what the City is doing.

Motion failed by roll call vote with Councilmember Todd voting YES.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 11:58 p.m.

Stephanie Tuin, MMC