

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

May 19, 2008

The City Council of the City of Grand Junction convened into regular session on the 19th day of May 2008 at 7:01p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Bruce Hill, Doug Thomason, Linda Romer Todd, and Council President Gregg Palmer. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

Council President Palmer called the meeting to order. Councilmember Thomason led in the Pledge of Allegiance. Invocation was given by David Eisner, Congregation Ohr Shalom.

Proclamations/Recognitions

Proclaiming July 1, 2008 as “Harold and Nancy Stalf Day” in the City of Grand Junction

Council Comments

Councilmember Coons attended the “Click It or Ticket It” campaign as acting Mayor, and reiterated the importance of using seat belts and encouraged people to take those two seconds before starting their car to help to save lives and make sure every passenger is seat belted in the vehicle.

Councilmember Beckstein congratulated Council President Palmer and Council President Pro Tem Coons for being elected to those positions.

Council President Palmer thanked Councilmember Beckstein on behalf of her dedication as Mayor Pro Tem the last two years. He also thanked Councilmember Coons for filling in as Mayor Pro Tem for not only the proclamation reading, but also running the meeting with the County Commissioners the while he was out.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Doody read the items on the Consent Calendar, and then moved to approve the Consent Calendar. It was seconded by Councilmember Beckstein, and carried by roll call vote to approve Consent Items #1 through 8.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the May 5, 2008 and the May 7, 2008 Regular Meeting

2. **Sale of City Property Located at 238 Main Street**

Western Hospitality, LLC, in response to a Request for Proposal has offered to purchase the City-owned property located at 238 Main Street. Western Hospitality and the City have been parties to an Option Agreement ratified by City Council on September 17, 2007. The Option Agreement required a number of items be completed by the Buyer during a defined period of time. Western Hospitality has completed the due diligence work required by the Option Agreement and is now ready to proceed with the purchase of the property. After closing, Western Hospitality will lease the property back to the City until such time as development begins.

Resolution No. 53-08—A Resolution Authorizing the Sale of Real Property Located at 238 Main Street, Grand Junction, Colorado

Action: Adopt Resolution No. 53-08

3. **Economic Development Payment to Vectra Bank Colorado**

In 2006, the City entered into an agreement with Vectra Bank Colorado to construct storm drain facilities that benefited not only Vectra Bank's Patterson Road location, but also other developable properties on the west side of 24 Road. In closing out the project file, Staff determined that the City's payment of \$50,000 had not been made. This was intended to be an economic development expenditure, however was never budgeted and therefore funds will need to be appropriated this fall.

Action: Authorize the City Manager to Disburse to Vectra Bank Colorado, N.A. \$50,000 per the April 27, 2006 Agreement

4. **Revocable Permit for Property Located at 653 Santa Clara Avenue** [File #SS-2007-141]

Request for a revocable permit to retain a chain link fence within the Santa Clara Avenue right-of-way.

Resolution No. 66-08—A Resolution Concerning the Issuance of a Revocable Permit to Sue Lopez, Located in Santa Clara Right-of-Way Adjacent to 635 Santa Clara Avenue

Action: Adopt Resolution No. 66-08

5. **Setting a Hearing on the Shores Annexation, Located at 166 Edlun Road** [File #ANX-2008-104]

Request to annex 17.97 acres, located at 166 Edlun Road. The Shores Annexation consists of 1 parcel, includes a portion of the Sunlight Drive right-of-way, and is a 2 part serial annexation.

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

Resolution No. 67-08—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, Shores Annexation No. 1 and No. 2, Located at 166 Edlun Road Including a Portion of the Sunlight Drive Right-of-Way

Action: Adopt Resolution No. 67-08

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Shores Annexation No. 1, Approximately 0.49 Acres, a Portion of the Sunlight Drive Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Shores Annexation No. 2, Approximately 17.48 Acres, Located at 166 Edlun Road Including a Portion of the Sunlight Drive Right-of-Way

Action: Introduction of Proposed Ordinances and Set a Hearing for June 30, 2008

6. **Setting a Hearing on Sunshine-Moir Annexation, Located at 2899 D Road and 383 29 Road** [File #ANX-2008-080]

Request to annex 5.54 acres, located at 2899 D Road and 383 29 Road. The Sunshine-Moir Annexation consists of two parcels and D Road right-of-way, 29 Road right-of-way and unnamed right-of-way along the southern border of 383 29 Road.

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

Resolution No. 68-08—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, Sunshine-Moir Annexation, Located at 2899 D Road and 383 29 Road Including Portions of D Road Right-of-Way, 29 Road Right-of-Way and Unnamed Portions of Right-of-Way Along the Southern Border of 383 29 Road

Action: Adopt Resolution No. 68-08

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunshine-Moir Annexation, Approximately 5.54 Acres, Located at 2899 29 Road and 383 D Road and Includes Portions of D Road Right-of-Way, 29 Road Right-of-Way and Unnamed Portions of Right-of-Way Along the Southern Border of 383 29 Road

Action: Introduction of Proposed Ordinances and Set a Hearing for June 30, 2008

7. Setting a Hearing on the Sunshine of Delta Annexation, Located at 377 and 379 29 Road [File #GPA-2008-074]

Request to annex 5.20 acres, located at 377 and 379 29 Road. The Sunshine of Delta Annexation consists of two parcels, 29 Road right-of-way and the C $\frac{3}{4}$ Road right-of-way.

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

Resolution No. 69-08—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, Sunshine of Delta Annexation Located at 377 and 379 29 Road Includes Portions of 29 Road and C $\frac{3}{4}$ Road Right-of-Way

Action: Adopt Resolution No. 69-08

b. Setting a Hearing on a Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunshine of Delta Annexation, Approximately 5.20 Acres, Located at 377 and 379 29 Road and Includes Portions of 29 Road Right-of-Way and C $\frac{3}{4}$ Road Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for June 30, 2008

8. Setting a Hearing on the Sienna Creek Annexation, Located at 2052 Broadway [File #ANX-2008-107]

Request to annex 5.16 acres, located at 2052 Broadway. The Sienna Creek Annexation consists of 1 parcel and a portion of the adjacent Broadway right-of-way.

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

Resolution No. 70-08—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, Sienna Creek Annexation, Located at 2052 Broadway, Including a Portion of the Broadway Right-of-Way

Action: Adopt Resolution No. 70-08

b. Setting a Hearing on a Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sienna Creek Annexation, Approximately 5.16 Acres, Located at 2052 Broadway, Including a Portion of the Broadway Right-of-Way

Action: Introduction of Proposed Ordinance and Set a Hearing for June 30, 2008

ITEMS NEEDING INDIVIDUAL CONSIDERATION**Fleet Building Addition Contract**

This request is for the award of a construction contract for the Fleet Building Addition. This project will add an additional six vehicle bays and an additional 6,912 square feet of space. The additional space will be used for automotive repairs, maintenance, tire repair and alignments on light duty vehicles and will eliminate the need to pull large equipment outside in order to perform preventive maintenance.

Jay Valentine, Assistant Financial Operations Manager, reviewed this item. He advised that this was originally budgeted in 2007 but was put on hold until this year. The building addition will utilize three bays to store large, specialized public safety equipment. The requested building addition follows the master plan.

City Manager Laurie Kadrich provided a background for this project. About a year ago, they went on a site visit to the National Guard Armory. They originally thought they could use the armory facility to store vehicles and evidence. After the site visit, it wouldn't work for their original plan. This is the third leg of the temporary solution for fixing the existing police site, remodeling the National Guard Armory building for temporary storage of vehicles, a permanent location for evidence, expanding the existing vehicle bays for temporary storage of equipment, and a long term fix for mechanical service.

Mr. Valentine stated that there are currently 577 City fleet vehicles and there are 25 additional vehicles budgeted for 2008. There are 6 mechanics that service the vehicles.

Council President Palmer advised those that may question it, that the City does own the National Guard Armory building.

Councilmember Todd moved to authorize the Purchasing Division to enter into a contract with FCI Constructors, Inc. for the Fleet Building Addition Construction in the negotiated amount of \$1,079,519. Councilmember Coons seconded the motion. Motion carried.

Public Hearing—Schuckman Annexation and Zoning, Located at 231 28 ½ Road
[File #ANX-2008-018] **Continued from April 14, 2008**

Request to annex and zone 0.87 acres, located at 231 28 ½ Road, to R-8 (Residential 8 du/ac). The Schuckman Annexation consists of 1 parcel, includes a portion of the 28 ½ Road right-of-way, and is a 3 part serial annexation.

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

Senta L. Costello, Associate Planner, reviewed this item. She described the location and the future land use designation and advised that the general location consists of single family homes and duplexes. The current zoning ranges from County RSF-4 and RMF-5 to City R-5 and R-8. She reviewed the criteria for zoning for that area and found that there are adequate public facilities readily available in that area; there are existing streets built. This is compatible with other multi-family uses in the area. There are two other zone districts that the future land use designation implements, R-5 and R-4. R-5 would allow the existing duplex to remain as a non-conforming use but would not allow for any further development unless the duplex were removed. R-4 would allow the duplex to remain, but as non-conforming use because it does not meet the construction

requirements for an R-4 zone district. The Planning Commission recommended R-4. Staff supports the requested R-8 zoning request.

Councilmember Hill stated that he sees where the Planning Commission recommended denial of the R-8 zone district at the March 25, 2008 meeting. Ms. Costello stated that it was her understanding that they did go with a recommendation of an R-4 zone district.

Russ Shuckman, the applicant for 231 28 ½ Road, was present. He asked City Council if they had read his rebuttal for the Planning Commission's decision on an R-4 zone district. Council advised that they had read the letter.

Michael Burritt, 228 28 ½ Road, opposed the annexation and the proposed zoning. As a taxpayer, he opposes spot zoning. He feels it is a very expensive proposition to the taxpayer because of annexing so much right-of-way. He's concerned with 28 ½ Road being divided as a mix of higher density and lower density. He would like to see the policy by City Council that holds consideration of single family housing. He feels that safety is an issue as there is already a problem with parking along 28 ½ Road.

Rashell Coleman, President of the Granite Springs Homeowners Association, located on the corner of B Road and 28 ½ Road, said it was her understanding that the subdivision would be annexed into the City upon the completion of the Granite Springs subdivision. The HOA feels that would be alright as a whole subdivision, but not as a spot annexation. They don't feel that higher density should be built in that area. She presented a petition of 36 residents for the record. She asked that City Council be considerate of the people living in those duplexes, as they do need a backyard.

Jana Burritt, 228 28 ½ Road, spoke of so many kids walking down 28 ½ Road and it is already too narrow. She would prefer to see it kept as single family. She asked for City Council's consideration.

Chuck Beauchamp, 230 28 ½ Road, provided a petition with over 50 signatures of neighbors. He asked that City Council allow single family housing and not multi-family. He felt that too much right-of-way is being proposed to be annexed. He is concerned about the property and the property values. He asked for the City Council's consideration.

Paula White, 231 28 ½ Road, stated that she is totally opposed to the request. It is too busy of an area already. She runs a daycare and for safety reasons, she would not like to see this request approved.

Tiffany Wilson, 231 ½ 28 ½ Road, said she also opposes the request. She has small children and feels if the development happens, she will lose her family dwelling which she is currently renting from the applicants.

Don Hedgecock, 2843 B-3/10 Road, stated he has watched the corner of that area go from a safe place to a terrible place. His daughter won't even walk it. He questioned the zoning that was presented in the Staff report for the surrounding areas. He is concerned about property values in the neighborhood if the proposed zoning goes through.

Vernon Jones, 2841 B-4/10 Road, advised that he was at the Planning Commission meeting. It was his understanding that they had ok'd this, minus the R-8 zoning. He asked if that is what Council understands. Council confirmed that Planning Commission recommended R-4 zoning. He said that cars park on 28 ½ Road, and asked where parking would be if zoned and developed at R-8. He is concerned about the amount of traffic already. He asked that City Council not approve the R-8 zoning.

Ruth Beauchamp, 230 28 ½ Road, provided pictures showing existing duplexes, cars parked on the roadway, and the existing property in question. She advised City Council that she would like to remain rural and not be annexed into the City.

Michael Burritt, 228 28 ½ Road, said that there is a ditch easement on the west side of 28 ½ Road.

Norma Shuckman, applicant, stated that it is their purpose to provide two units for two families in Grand Junction. The property would be ideal because it would provide good clean affordable housing.

Don Hedgecock, 2843 B-3/10 Road, stated again that he is opposed to duplexes.

Chuck Beauchamp, 230 28 ½ Road, spoke in reference to parking and how dangerous it will be.

Paula White, 231 28 ½ Road, stated that daycare has a specific regulation for space inside and outside. With the building of the duplex, she would not qualify for daycare at her location because there is a certain requirement for outside play area.

Council President Palmer advised that the issue at hand is annexation and zoning.

Rashell Coleman, President of the Granite Springs Homeowners Association, said that every family deserves appropriate housing.

The public hearing was closed at 8:10 p.m.

Councilmember Coons asked Ms. Costello if she looked at the lot layout and potential for placement of dwellings. Ms. Costello stated that she has not in great detail. The review was based on meeting the requirements for the zone district. It can meet the

requirements of all 3 zone districts. The R-8 zone district allows for the most potential of development.

Councilmember Hill asked if R-4 would disallow a duplex. Ms. Costello answered affirmatively based on how it is constructed. Councilmember Hill asked if it is zoned R-8, would the existing duplex have to be demolished. Ms. Costello said that in the R-8 Zone district, another duplex could be added in two ways, by doing a simple subdivision or by just creating another duplex on the existing lot.

Councilmember Beckstein asked about the existing duplex on the property. Ms. Costello said that it could remain, so there would be 4 units in two separate buildings. Councilmember Beckstein asked about entrances and exits. Ms. Costello said they would look at the site layout to make sure it meets the TED's standards.

Councilmember Coons asked if it would meet the set back requirements. Ms. Costello replied that yes, it would.

Councilmember Todd asked about using right-of-way for the annexation, does the right-of-way add to the property acreage. Ms. Costello said no, not with the annexation. In an R-8 zone district, to meet minimum densities, one can include half of the square footage of the adjacent right-of-way. Councilmember Todd asked what the minimum lot size is for a duplex in an R-8 zone district. Ms. Costello answered 6,000 square feet for each duplex. Councilmember Todd asked what it would be for an R-4 zoning. Ms Costello said it would be 15,000 square feet.

Council President Palmer asked City Attorney Shaver if a motion is made contrary to Planning Commission's recommendation, would it require a super majority vote? City Attorney Shaver stated that since there was not a recommendation of denial, a super majority would not be required.

Councilmember Hill asked City Attorney Shaver for his legal recommendation on the R-4 zoning that the Planning Commission recommended that would make a new annexation immediately nonconforming. City Attorney Shaver stated that it is not a preferred situation, however, nonconforming does not change the use, it is just not in full compliance with the Code. There are properties within the City that are legal nonconforming uses.

Councilmember Beckstein asked if the property is nonconforming, if the property owner wants to do something with the property or change it down the road, would the nonconforming use affect that. City Attorney Shaver said only if they were to have a catastrophic loss where the existing building was damaged over 50%.

Councilmember Hill asked in reference to the Persigo Agreement, what happens if the annexation is not approved. City Attorney Shaver advised that in order to not approve the requested annexation, Council would have to find that criteria were not met, therefore unless those findings were not met; the Persigo Agreement would not come into the picture. His advice to the Council if they choose to go the direction of denial of the annexation, he suggests they look very carefully at the statutory requirements and determine which ones are not satisfied.

Councilmember Coons asked City Attorney Shaver if an R-4 zone designation is not appropriate in the Growth Plan designation. City Attorney Shaver stated that R-4 is not supported by the Staff based on the site review and the findings, it is not the best use for the property, it is not appropriate. An R-8 zone district was found to be the appropriate use based on Staff's findings.

City Attorney Shaver commented on the use of the term spot zoning. Zoning is based on what the United States Supreme Court calls reciprocity of expectation, which means that the law that underlies zoning assumes certain kinds of common uses. Putting a large Industrial zoning next to a Residential zoning would not be a common use. That would be what is called spot zoning. This request would legally not be called spot zoning.

Councilmember Doody asked City Attorney Shaver why subdividing wouldn't be the better way to go with the property. City Attorney Shaver advised that is a process that could be looked at down the road, after the decision is made on the annexation and the zoning.

Councilmember Todd asked Ms. Costello if the applicant is allowed to utilize the right-of-way. Ms. Costello said no, they could only use the right-of-way to calculate their densities.

Councilmember Hill asked why the R-4 zone district is not allowed. Ms. Costello said it is not allowed, due to construction only. Councilmember Hill asked if the placement of a duplex on the lot would be conforming with R-8 zoning with City requirements for parking on 28 ½ Road. Ms. Costello replied that she is not quite sure because an analysis has not been done at this time, it will be done upon development. Councilmember Hill said that it isn't necessarily given that another duplex may work on this property even with an R-8 zone district. Ms. Costello concurred.

Councilmember Thomason stated that he cannot get used to the idea of turning this property into an R-8 zoning, he can see the R-4, but not the R-8.

Councilmember Todd stated that she too has difficulty with an R-8 zoning. She would support an R-4 zoning.

Councilmember Doody said he would support R-4 as the Planning Commission recommended.

Council President Palmer asked City Attorney Shaver if a motion was made for annexation and zoning that is not agreeable with what the applicant is asking for, what is the applicants' recourse. City Attorney Shaver advised that the applicant may request a disconnect of the annexation. Because of the Persigo Agreement, after becoming part of the 201, he would have to abandon development if de-annexed.

Councilmember Todd stated that she is concerned with the property being nonconforming if it became R-4 zoning and the ability to finance the property. City Attorney Shaver stated that if that were to be a problem, the City could provide a written opinion as to a degree of nonconforming for the lender.

Councilmember Coons stated that she is having difficulty with neighborhood and development issues. She is concerned with personal community battles. She is struggling with R-8 zoning, because it is not a totally vacant piece of property.

Councilmember Beckstein advised that she is not comfortable with recommending a zone that would be nonconforming. She is more inclined to go along with an R-8 zoning as Staff is recommending.

Council President Palmer advised the audience that City Council does their best to divert their personal feelings on any of these delicate items. He is uncomfortable with annexing the property at all because he is uncomfortable with bringing in a property knowing it will be nonconforming or having the applicant being stuck with a zoning he didn't request.

Councilmember Todd asked City Attorney Shaver if it's ok not to make a motion. City Attorney Shaver explained that the City Council has already accepted the referral of the Petition for Annexation. He is not sure legally that they could deny the annexation altogether unless they have criteria to back up reasoning.

Councilmember Coons stated that she does not see anything in the criteria not being met.

Council President Palmer asked if they make a motion to annex and zone the property as the Planning Commission recommended and the motion is defeated, what would happen then. City Attorney Shaver advised that City Council is not obligated to zone a property upon annexation. It does need to be zoned within 90 days. The best compromise would be not to zone the property at this time.

a. Accepting Petition

Resolution No. 71-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Schuckman Annexations No. 1, 2, 3, Located at 231 28 ½ Road Including a Portion of the 28 ½ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 4236—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Schuckman Annexation No. 1, Approximately 0.02 acres, Located within the 28 ½ Road Right-of-Way

Ordinance No. 4237—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Schuckman Annexation No. 2, Approximately 0.08 acres, Located within the 28 ½ Road Right-of-Way

Ordinance No. 4238—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Schuckman Annexation No. 3, Approximately 0.77 acres, Located at 231 28 ½ Road and Including a Portion of the 28 ½ Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4239—An Ordinance Zoning the Schuckman Annexation to R-8, (Residential 8 du/ac), Located at 231 28 ½ Road

Councilmember Hill moved to adopt Resolution No. 71-08 and Ordinance Nos. 4236, 4237, and 4238 and ordered them published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Councilmember Hill moved to Adopt Ordinance No. 4239 and ordered it published. Councilmember Beckstein seconded the motion. Motion failed by roll call vote 4 to 3 with Councilmembers Thomason, Coons, Doody and Council President Palmer voting NO.

Council President Palmer called for a recess at 8:50 p.m.

The meeting reconvened at 8:59 p.m.

Public Hearing—Thorson Annexation and Zoning, Located at 2972 D Road [File #ANX-2008-071]

Request to annex and zone 0.81 acres of land located at 2972 D Road, to the R-8 (Residential 8 du/ac) Zoning District. The Thorson Annexation consists of one (1) parcel of land and a portion of the adjacent D Road right-of-way.

The public hearing was opened at 8:59

Brian Rusche, Senior Planner, reviewed this item. He described the site and the location. He asked that the Staff report and the attachments be entered into the record. The

request meets the Zoning and Development Code criteria. The Planning Commission recommended approval as does Staff.

The applicant was not present.

There were no public comments.

The public hearing was closed at 9:00

a. Accepting Petition

Resolution No. 72-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Thorson Annexation, Located at 2972 D Road, Including a Portion of the D Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 4240—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, the Thorson Annexation, Approximately 0.81 Acres, Located at 2972 D Road, Including a Portion of the D Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 4241—An Ordinance Zoning the Thorson Annexation to R-8 (Residential 8 du/ac), Located at 2972 D Road

Councilmember Thomason moved to adopt Resolution No. 72-08 and Ordinance Nos. 4240 and 4241 and ordered them published. Councilmember Todd seconded the motion. Motion carried by roll call vote.

Public Hearing—Zoning the Apple Glen Annexation, Located at 2366 H Road [File #ANX-2007-306]

Request to zone the 16.24 acre Apple Glen Annexation, located at 2366 H Road, to R-4 (Residential 4-du/ac).

The public hearing was opened at 9:01

Greg Moberg, Planning Services Supervisor, reviewed this item. He described the request, the location, and the site. The request meets the Zoning and Development Code criteria and asked that the Staff report be entered into the record. The Planning Commission recommended approval.

The applicant was not present.

There were no public comments.

The public hearing was closed at 9:03

Ordinance No. 4242—An Ordinance Zoning the Apple Glen Annexation to R-4 (Residential, 4 du/ac), Located at 2366 H Road

Councilmember Todd moved to adopt Ordinance No. 4242 and ordered it published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

Public Hearing—Rezoning Property Known as the Cobble Creek Subdivision, Located at 2524 F ½ Road [File #PP-2007-169]

A request for approval to rezone property located at 2524 F ½ Road from R-R (Residential Rural) to PD (Planned Development) with a default zone of R-8 and an overall density of 4.00 du/ac by approval of the Preliminary Development Plan to develop 12 dwelling units on approximately 3 acres as a Planned Development.

The public hearing was opened at 9:04

Lori Bowers, Senior Planner, reviewed this item. She described the request, the location, and the site. She gave history of the annexation of the property. Although the applicant is not seeking incentives to develop under the Infill and Redevelopment Program, the property is a classic infill project. The property currently houses a mobile home which will be moved. There is no stubbed street. The Growth Plan designates the property as Residential Medium, 4 to 8 dwellings per acre. There was a pre-application conference held in December, 2006. In March 2007, there was a petition with 22 signatures filed in the Planning Department opposing a change in zoning. Other letters were received opposing the change after a neighborhood meeting was held. Since March 2007, 12 additional letters of opposition have been received. On March 25th, during a public hearing, 2 letters of support were submitted. A TED's exception was granted for the length of the proposed cul-de-sac. The open space is in excess of what would normally be required for this type of subdivision. There is an area of the property in dispute. Ms. Bowers pointed out a couple of criteria required to meet the Code: 1) the existing zoning was an error at time of adoption. 2) Current zoning does not meet the requirements of the Growth Plan. The applicants stressed the point that the density will be at 4 dwellings per unit, not 8. The proposal is consistent with the Growth Plan. Ms. Bowers feels that all the criteria of Section 2.12.C.2 for the Zoning and Development Code has been met and pointed out a couple of the criteria: 1) adequate open space, 2) privacy fence exist, therefore further privacy fencing is not required, 3) the proposed development is compatible to the adjacent subdivisions, 4) landscaping shall meet the requirements of

Chapter 6, 5) off-street parking shall meet the requirements of 2 spaces per dwelling unit, and 6) because of obtaining a TED's exception, the proposed street will meet the remaining standards once the disputed piece of property is obtained. Ms. Bowers listed the 8 criteria that the applicant has to meet to fill the Planned Development requirements and in her opinion, the applicant met all 8. After the applicant was asked to work on certain items of the development to address some of the neighbor concerns, Planning Commission recommended approval as well as Staff.

Councilmember Todd asked Ms. Bowers with a 15 foot driveway, will there be vehicles impeding the sidewalks. Ms. Bowers said that large vehicles may be an issue.

Councilmember Coons asked Ms. Bowers to show her the open space on the subdivision plan. Ms. Bowers pointed out the open space. Councilmember Coons asked about the area with the title being in dispute, if that fell through, will there still be open space. Ms. Bowers said yes.

Jana Gerow, Development Construction Services, representing the applicant, showed a slide presentation of the property in question. She showed surrounding subdivisions and similar square footage areas which had similar larger densities. She showed that the lots are within standards for R-8 zoning in lot area, lot coverage, front yards, side yards, and rear yards. Parking will be allowed on the west and east side of the street. They have worked with neighbors on each side regarding the development. She showed some development where the houses are built at a higher density, and stated that the proposal is compatible with the requested zoning.

Ron Stoneburner, 653 Longhorn Street, stated that his major concern is compatibility. The Planning Commission had concerns at the first meeting, they wanted the density reduced. It came back to the Planning Commission with the same density. One of his other concerns is the high water table.

Richard Bell, 673 Gemstone Court and also on the Board of Directors of the Diamond Ridge Homeowners Association, stated that he has a problem with the open space issue; he believes the irrigation company owns the property in dispute and there is not enough open space to comply with the requirements.

Judy Duncan, address unknown, spoke in favor of the development even though she has some issues with some of the standards being compromised.

Jana Gerow, Development Construction Services, said that the PUD requirements have a lot of benefit for this and the standards whether there are 15 foot or 20 foot setbacks is something that the Planning Commission had the right to recommend. One thing put on the property was the restriction of two story homes to appease some of the concerns of the neighborhood. High water issues are certainly real. They have tried to learn from the

problems. Homes will be put on slabs, so that they won't have crawl spaces. They looked at the design of the homes so drainage is going away from the homes. They didn't realize there would be an open space issue. They are designating a 15' open space to keep the trail open. They have not put sidewalks on the west side to allow for some greenery. She believes the compatibility is there with the surrounding areas.

Clint Allen, engineer with Souder, Miller, and Associates, who has been working on the project with Development Construction Services, addressed comments made on the influence of the canal on ground water. He stated that it doesn't preclude the canal from influencing ground water; it is the conditions of the soil that are poor because of the clays and silts in the soil. They are aware of a high ground water table on the site. They are following the recommendations given in the geotechnical report to remove the top 6 inches of top soil and bringing in fill dirt. There are back yard drains planned for the lots with high points.

The public hearing was closed at 9:47 p.m.

Councilmember Hill asked what the City will require of this development regarding the ground water issue. Tim Moore, Public Works and Planning Director, stated that the City does have experience with this area. The move from a crawl space foundation to a slab foundation will help. They will lean heavily on the geotechnical engineer in these areas during the final plan and design of the development. There may need to be some subsurface drainage needed.

Ordinance No. 4243—An Ordinance Rezoning the Cobble Creek Subdivision from R-R (Residential Rural) to PD (Planned Development) Zone by Approving a Preliminary Development Plan with a Default R-8 (Residential – 8) Zone, with Deviations, for the Development of 12 Single-Family Detached Dwelling Units, Located 2524 F ½ Road

Councilmember Todd moved to adopt Ordinance No. 4243 and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

Councilmember Todd commented that during the week she was able to spend some time at the Nation's Capital. It was the week for the fallen firefighter's and policemen's festivities which was quite a moving time. It gives total respect for those that do serve.

Adjournment

The meeting adjourned at 9:51 p.m.

Debbie Kemp, CMC
Deputy City Clerk