

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

November 1, 2000

The City Council of the City of Grand Junction, Colorado, convened into regular session the 1st day of November, 2000, at 7:30 p.m. at the City Hall Auditorium, 250 N. 5th Street. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Gene Kinsey. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Payne led in the Pledge of Allegiance. The audience remained standing during the invocation by Jim Hale, Spirit of Life Christian Fellowship.

**PROCLAMATION DECLARING NOVEMBER 5-11, 2000 AS “NATIONAL
NONTRADITIONAL STUDENT WEEK” IN THE CITY OF GRAND JUNCTION**

**PROCLAMATION DECLARING NOVEMBER 11, 2000 AS “SALUTE TO VETERANS
DAY 2000” IN THE CITY OF GRAND JUNCTION**

**PROCLAMATION DECLARING NOVEMBER, 2000 AS “HOSPICE MONTH” IN THE
CITY OF GRAND JUNCTION**

**PRESENTATION OF THE “SILVER BUCKLE AWARD” FOR SEATBELT
ENFORCEMENT TO THE GRAND JUNCTION POLICE DEPARTMENT**

Duke Smith from Colorado Department of Transportation was present to present the award to the Grand Junction Police Department.

APPOINTMENTS TO THE GRAND JUNCTION HOUSING AUTHORITY

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried, Gi Hamrick was reappointed to the Grand Junction Housing Authority until October 31, 2002, Corey Hunt until October, 2004 and Steve Heinaman until October 2005.

**APPOINTMENTS AND REAPPOINTMENTS TO THE GRAND JUNCTION PLANNING
COMMISSION**

Upon motion by Councilmember Payne, seconded by Councilmember Spehar and carried, Paul Dibble was reappointed to the Grand Junction Planning Commission until October 2004 and Nick Prinster until October, 2004, first alternate Vicki Boutilier was

appointed until October, 2004 and second alternate William Putnam was reappointed until October, 2001.

PRESENTATION OF CERTIFICATES OF APPOINTMENT FOR URBAN TRAILS COMMITTEE

RECOGNITION OF BOY SCOUT TROOP 384

CONSENT ITEMS

Upon motion by Councilmember Terry, seconded by Councilmember Enos-Martinez and carried by roll call vote, Consent Items #4 and #12 were removed from the Consent Calendar and scheduled for last on the agenda with an executive session held for discussion, and the remaining Consent Items # 1 through 11 were approved:

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the October 16, 2000 Workshop and the Minutes of the Regular Meeting October 18, 2000

2. **Persigo Wastewater Treatment Plant Raw Sewage Pump**

The management staff of Persigo Wastewater Treatment Plant, supported by the Purchasing Manager, requests Council authorization to make a sole source purchase of a new Fairbanks Morse raw sewage pump. This pump is necessary to handle the increased amount of raw sewage at the plant.

Action: Approve Sole Source Purchase of One Fairbanks Morse Raw Sewage Pump from Goble Sampson Associates, Inc. in the Amount of \$28,050

3. **25½ Road and G Road Culvert Rehabilitation**

The following bids were received on October 3, 2000:

Bidder	From	Total Bid
M. A. Concrete Construction	Grand Junction	\$ 91,243
Skyline Contracting	Grand Junction	\$ 98,343
R. W. Jones Construction	Fruita	\$244,621
Engineer's Estimate		\$ 91,450

Action: Award Contract for 25½ Road and G Road Culvert Rehabilitation to M.A. Concrete Construction in the Amount of \$91,243

4. **Vacating a Utility and Drainage Easement in Trolley Park Subdivision, Located at 552 25 Road** [File #VE-2000-160] - **REMOVED FOR FULL DISCUSSION**

The petitioner is requesting vacation of a utility and drainage easement (varies between 15' and 20') along the south side of Trolley Park Subdivision located at 552 25 Road. At the October 10, 2000 hearing, the Planning Commission forwarded a positive recommendation to City Council.

Resolution No. 104-00 – A Resolution Vacating a Utility and Drainage Easement in Trolley Park Subdivision

Action: Adopt Resolution No. 104-00

5. **Growth Plan Amendment for The Knolls Filings 4-7, Located South of the Southeast Corner of 27½ Road and Cortland Road** [File #GPA-2000-103]

The applicant has requested a Growth Plan Amendment from Residential Medium (4 to 8 du/ac) to Residential Medium Low (2 to 4 du/ac) for the remaining undeveloped filings of the Knolls Subdivision. At its hearing of August 16, 2000 the City Council adopted an ordinance rezoning this property to PD with an underlying density of 2.5 dwellings per acre. A mixed-use development with 16 patio homes and 64 single-family homes is proposed.

Resolution No. 105-00 – A Resolution Amending the Growth Plan of the City of Grand Junction (The Knolls Subdivision, Filings 4-7)

Action: Adopt Resolution No. 105-00

6. **Setting a Hearing on Vacating the Remainder of the East/West Alley Right-of-Way between Ouray Avenue and Grand Avenue (Mesa County Library, 520 Grand Avenue) and the North/South Portion of the Alley** [File #VR-2000-149]

The Mesa County Public Library, represented by John Potter of Blythe Design, is requesting approval of the ordinance to vacate the remainder of the east/west alleyway, located between Ouray Avenue and Grand Avenue, to North Fifth Street, and retain the 20-foot wide utility easement in this alley right-of-way; and also vacate the north/south portion of the alley. The remainder of the alley was previously vacated and recorded.

Proposed Ordinance Vacating the Remaining East/West Alley Right-of-Way between Grand Avenue and Ouray Avenue, Retaining a 20-Foot Wide Utility Easement, and Vacating the North/South Alley Right-of-Way from Grand Avenue to a Portion of the Alley

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 15, 2000

7. **Vacating Easements in Omega Business Park II, Located at the Northeast Corner of 28 Road and Bunting Avenue** [File #VE-2000-161]

The petitioner, Conquest Development, LLC, is requesting the vacation of a 10' wide utility easement. Omega Business Park II is located on the northeast corner of 28 Road and Bunting Avenue. At the October 10, 2000 hearing, the Planning Commission forwarded a recommendation of approval to the City Council.

a. Resolution

Resolution No. 106-00 – A Resolution Vacating a Utility Easement in Omega Business Park II

Action: Adopt Resolution No. 106-00

The petitioner is also requesting the vacation of a 25' ingress-egress and utility easement in Omega Park. At the October 10, 2000 hearing, the Planning Commission forwarded a recommendation of approval to the City Council.

b. Ordinance

Proposed Ordinance Vacating the Ingress-Egress Easement and Utility Easement as Shown on the Plat of Omega Business Park II

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 15, 2000

8. **Notice of Intent to Annex Davidson/Wilcox Enclave Annexation, Located East of South Camp Road and North of the Ute Water Tanks on the Redlands** [File #ANX-2000-208]

The 5.11-acre Davidson/Wilcox Enclave Annexation consists of one parcel of land and is located east of South Camp Road and north of the Ute Water Tanks on the

Redlands. Under the 1998 Persigo Agreement, the City is to annex all enclave areas within 5 years.

Resolution No. 107-00 – A Resolution of the City of Grand Junction Giving Notice that a Tract of Land Known as Davidson/Wilcox Enclave, Located East of South Camp Road and North of the Ute Water Tanks on the Redlands, Consisting of Approximately 5.11 Acres, will be Considered for Annexation to the City of Grand Junction, Colorado, and Exercising Land Use Control

Action: Adopt Resolution No. 107-00

9. **Setting a Hearing on Adopting the 2000 International Fire Code**

The 2000 International Fire Code has been updated and staff is requesting adoption of the new standards.

Proposed Ordinance Adopting the 2000 Edition of the International Fire Code; Amending Certain Provisions in the Adopted Codes; Amending All Ordinances in Conflict or Inconsistent Herewith; and Providing a Penalty for Violation of Any Provision of Said Codes

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 6, 2000

10. **Setting a Hearing on Adopting the 1995 Model Traffic Code for Municipalities**

This ordinance primarily adopts the 1995 Model Traffic Code for Municipalities, while repealing the 1977 version. The difference between the 1977 and 1995 versions of the Model Traffic Code are primarily that the 1995 version is more readable and contains less jargon. The parking sections of the 1977 version will remain in full force and effect.

Proposed Ordinance Amending Chapter 36 of the Code of Ordinances of the City of Grand Junction, Colorado, Adopting the 1995 Model Traffic Code and Amending Certain Provisions in the Adopted Code

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for December 6, 2000

11. **Setting a Hearing on Amending Chapter 24, City Code of Ordinances, Regarding Indecent Exposure**

The words "intimate parts" were inadvertently left out of the "Indecent Exposure" ordinance passed last year. While the intent of Council was clear at the time, and through context the ordinance is clear, for absolute clarity, these words were included into the ordinance.

Proposed Ordinance Amending Chapter 24, Section 18, of the Code of Ordinances of the City of Grand Junction, Colorado, Regarding Indecent Exposure

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for November 15, 2000

12. **Purchase of a Portion of River Road Trail Property – REMOVED FOR FULL DISCUSSION**

The City currently co-owns a portion of the River Road Trail along with Stephen and Bobette McCallum. This contract will provide for the purchase of the property by the City so that the City owns that portion of the property solely.

Resolution No. 108-00 – A Resolution Accepting, Adopting and Affirming the Contract to Buy and Sell Real and Personal Property between the City of Grand Junction and Stephen D. McCallum and Bobette D. McCallum and Authorizing the City Manager to Sign the Contract as an Official Act of the City of Grand Junction

**Action: Adopt Resolution No. 108-00*

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

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

HOLIDAY PARKING REQUEST FOR THE DOWNTOWN

Last year the City Council agreed to suspend parking meters and fines for the holiday season. The merchants thought it was a great success and would like the City to do the same thing this year.

Ron Maupin, representing the Downtown Association, was present. He asked for Council's approval of the request.

Councilmember Theobald said the Downtown Development Authority wants a parking garage and the parking meter revenue fund is supposed to fund it. However, the

downtown is asking for fines and fees to be waived during a busy season. Mr. Maupin agreed that is a problem and noted that fees had not been increased in many years.

Mayor Kinsey said he supported the free parking last year to get information from the study but Councilmember Theobold was correct in that it doesn't make sense to waive fees when another proposal is to raise fees in order to raise money.

Councilmember Terry suggested the issues be discussed with the Downtown Development Authority at another meeting.

Upon motion by Councilmember Terry, seconded by Councilmember Enos-Martinez and carried, the waiver of parking enforcement in the downtown from Thanksgiving through Christmas was approved.

PUBLIC HEARING - AMENDING CHAPTERS 6 AND 33 OF THE CITY OF GRAND JUNCTION CODE OF ORDINANCES REGARDING ANIMAL CONTROL [STAFF REQUESTING CONTINUANCE]

A request has been made by James Bennett from the Division of Wildlife, Dr. Debbie Miller, President of the Grand Valley Veterinary Medical Society and Dr. John Heideman, veterinarian, for a continuance of the November 1, 2000 public hearing so that all interested parties can discuss the proposal to make any changes. The persons listed above are against the proposal and would like to meet with the representatives of Community Cat Care to discuss alternatives. Staff does not object to this request, with the understanding that the parties will work together for a mutually agreeable solution to the feral cats issue. Below is the staff report regarding the changes, should this request be denied by Council.

This proposal makes two changes to the City of Grand Junction Code of Ordinances. First, the Zoning and Development Code (Chapter 33) is being changed to permit registered participants of Community Cat Care to care for more than three cats, so long as these persons follow the requirements set forth by Community Cat Care. The second change is to the Animal Control Regulations (Chapter 6) to require that registered participants of Community Cat Care have the cats they are caring for vaccinated.

The Mayor announced that there is a request to continue.

The public hearing opened at 7:59 p.m.

City Staff Attorney Stephanie Rubinstein reviewed the reasons for the request to continue. She suggested Council give it some time for further review and make it more

workable. Ms. Rubinstein said she will meet with Community Cat Care and a group of veterinarians and bring it back to Council for final adoption on January 17, 2001.

Councilmember Payne suggested that any testimony be limited tonight. Ms. Rubinstein acknowledged that the Community Cat Care representatives are aware of the reason for the continuance request.

Barbara Metzger, Community Cat Care, thanked Council and said she welcomes more assistance and did not object to the continuance.

Mayor Kinsey noted when more interested people get involved, the result is a better product.

There were no other comments. The hearing closed at 8:02 p.m.

- (1) Ordinance No. ___ – An Ordinance Amending Chapter 6, Section 6-58(a) of the Code of Ordinances of the City of Grand Junction, Colorado
- (2) Ordinance No. ___ – An Ordinance Amending Chapter 33 (Zoning and Development Code), Section 4.3.A.4.a of the Code of Ordinances of the City of Grand Junction, Colorado

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried, the public hearing and second reading of the proposed ordinances amending Chapters 6 and 33 of the City of Grand Junction Code of Ordinances regarding Animal Control were continued to January 17, 2001.

PUBLIC HEARING - AMENDING THE ZONING AND DEVELOPMENT CODE, ADDING A MIXED-USE ZONING DISTRICT AND FINALIZING THE ZONING, DESIGN STANDARDS AND GUIDELINES FOR THE 24 ROAD CORRIDOR
FILE #PLN-2000-192]

The proposed Code amendment adding the Mixed-Use zone district, the zoning map and the 24 Road Design Standards and Guidelines were developed to implement the 24 Road Corridor Subarea Plan that was presented to Council last spring by the 24 Road Steering Committee.

The public hearing opened at 8:04 p.m.

Kathy Portner, Planning Manager, reviewed this four-part item that is the result of over a year of work of a very dedicated committee. She outlined the four parts for Council to consider. It was suggested that Kathy Portner make her presentation first before any

voting takes place. Councilmember Terry inquired if the adoption of the plan will effectively amend the Growth Plan. Ms. Portner said yes.

Ms. Portner started her presentation by reviewing the 24 Road Corridor Subarea Plan. The committee took a broad look through a vision statement. She then outlined the elements in the document including the image as a gateway into the City, open space and public facilities as an anchor for the development, circulation, land use and implementation.

Councilmember Spehar asked about what would be the changes from the current Growth Plan. Ms. Portner pointed those out, noting the biggest changes being in the mixed use area.

Kathy Portner gave the reason for the creation of the mixed use zone district as being the City did not have a zone district that allowed the variety of uses being contemplated. It was patterned after the industrial/office zone district as in the newly adopted Code which includes a residential component that the existing industrial/office zone does not. Any retail use will require a Conditional Use Permit to be site specific as to where those retail centers would be approved.

Councilmember Terry asked if there is a minimum acreage that a mixed use zone district can be applied.

Ms. Portner said in the study area shown it is not an issue as the smallest parcel is 4.2 acres. Using the zone district in other areas in town that question will have to be addressed. The Conditional Use Permit will allow the Planning Commission to review the compatibility on a case by case basis.

Councilmember Spehar stated his concern with the housing component which is not required on parcels of less than 5 acres. He wondered what is to prevent this area from being subdivided into 5-acre parcels to avoid the requirement. Kathy Portner said that would be looked at the time of subdivision during the public hearing process.

Kathy Portner stated another key part of the Plan is residential densities would be 12 to 24 units per acre and that a minimum of 25% of the gross land area shall be in residential development. Maximum building height can be increased up to 65' providing the building front yard setback is 1.5 times height of building. Planning Commission questioned applying that to rear and side yard setbacks and is now recommending that to be applied to all sides. Taller buildings will have increased setback requirements all around the building.

Councilmember Terry said there is a need for medium to high density residential and asked if that goal is still in the plan. Ms. Portner said yes.

Kathy Portner, in discussing the recommendation for mixed use, referred to the recommendation sheet and noted the options. The Planning Commission recommended that 25% of the land be dedicated to residential, which can be transferred within the mixed use zone district if two projects are planned simultaneously.

Councilmember Terry was concerned about recommendation 2 d in that the developer is tied to the originally approved schedule. This could be somewhat problematic as building is often subject to the market demand. City Attorney Dan Wilson said that should include any amendments to that schedule granted in a public hearing, to delay or change the schedule. The intent is that the Community Development Department can pick and choose between 2 a thru e or any or combination thereof.

Ms. Portner reviewed the new zoning map being proposed and identified the changes from the current map. Councilmember Payne asked if there are currently any businesses in the area that are in violation of the C-2 zoning. Ms. Portner said C-2 does allow for those businesses and they would be considered grandfathered in.

Lastly, Ms. Portner highlighted the Corridor Design Standards and Guidelines.

She reviewed the recommendations for change to the proposed ordinance and clarified that the guidelines will apply to the entire study area, not just the mixed use.

Councilmember Terry thought the design standards might be a problem for the small parcels. Ms. Portner answered that they would look at the building location and how they will screen and buffer. She felt they could still be applied to the small parcels. Councilmember Terry asked about building materials. Ms. Portner said those would be the same. Councilmember Spehar confirmed that existing uses would be grandfathered. Ms. Portner said yes.

Public comment was divided into the three sections.

Mixed Use Zone District

Mary Ann Jacobson, 702 Golfmore Drive, displayed an aerial photo and complimented some of the things that have been done but felt this plan is too restrictive. She told the Council about several companies that have approached her and feel the plan is too restrictive. Also, the requirement that the landowners would be putting in the additional lanes on 24 Road is a very onerous requirement. The roundabout at 12th Street is too narrow and not convenient for the semi-trucks and was not planned out carefully. She feels this same kind of vision is being applied to this corridor.

Councilmember Theobald asked which element in particular was too restrictive.

Ms. Jacobson said height restrictions. Hotels want to build something similar to what is found in a larger city.

Councilmember Payne said 65' allows six stories. Ms. Jacobson said they wanted higher.

Councilmember Theobald said one reason for the height restrictions concerns the fire department and the problem of fighting fires in high rise buildings.

Kathy Portner confirmed that 65' is the maximum height under the current proposal.

Councilmember Theobald responded to Ms. Jacobson's concerns on the roadway, stating the City will be widening 24 Road over a few years. If the property owners want it sooner, then they would have to make a monetary contribution toward the construction of the roadway. Councilmember Spehar said the interchange is scheduled for 2006 – 2007.

Ms. Jacobson asked if the hotel were to come in, if it would be required to widen the street. Councilmember Terry said it would depend on the impact. They might have to contribute in terms of the building's impact.

Mike Joyce, Development Concepts, 2765 Compass Drive, an interested citizen, said they have done a lot of work on this plan. His concerns were like Ms. Jacobson's, motels and hotels could not be built in the mixed use.

Kathy Portner clarified that lodging is a separate category from retail, and 150,000 sq. ft. could be allowed without a Conditional Use Permit and site review for non-retail. Lodging would not be subject to the 30,000 sq. ft. limitation.

Mr. Joyce commented that one item that came up during several discussions is the higher intensity of commercial use at the intersection of I-70 and 24 Road. He had additional comments on the 25% residential requirement being too limiting. Councilmember Spehar asked how Mr. Joyce's suggestions would fit with the mixed use plan as opposed to the more traditional zoning. Mr. Joyce said he was viewing mixed use as more of neighborhood commercial along with industrial and commercial use. He feels residential belongs more along 24½ Road.

Attorney Tom Volkmann, 422 White Avenue, referred to the recent change of the increase in setbacks around the buildings. He also referred to the proposal to move Leach Creek to the east of the property. Then, in addition, the residential requirement would be part of the mix. All these issues will really limit projects. He said it is prudent to plan this corridor as a gateway to the City, however the standards require high density residential with enhanced planning designs and guidelines that will further increase the cost of housing with the median income in Grand Junction being \$24,000, he wonders what the rental rates would be for these units. He said it seems that high-density housing

is to go here because no one else wants it anywhere else. The guidelines will make these expensive multi-family housing and the market will not support it. When asked, he said he is not representing anyone in particular tonight. He doesn't think this experiment will work. He feels the 25% residential requirement is ill-advised for this corridor and that it be reconsidered. Councilmember Terry asked if the percent were lowered, would it be acceptable. Mr. Volkmann said the lower the better.

Councilmember Theobald asked why it is expensive. It seemed to him that commercial real estate is worth more than residential. The original Growth Plan has this property designated as residential. The reason the City is even looking at mixed use is because property owners there asked to be allowed to have some commercial. The value is based on location and use. It is premature to say the land is valuable based on zoning it does not currently have.

Councilmember Spehar said there is no shortage of commercial land in the community. The Growth Plan has created an opportunity, although the market does not demand it today, to site in a terrific location higher density housing. He was willing to take the chance on the mixed use concept and that this may be a noble experiment. He was not willing to give up the housing component totally.

Councilmember Payne said the per acre price does not seem too high for housing.

Stan Seligman, 3032 I-70 Business Loop, said the lack of location for major "big box" stores to come in was his main concern. He understood the mixed use concept, and generally the limitation is placed on retail space. He referred to Park Meadows in Denver. He said that is the future Grand Junction needs to look to. He agreed with Mr. Volkmann's comments on the multi-family. It is difficult to justify the cost for multi-family use in that area when compared to potential revenues lost from less retail.

Ed Hokason, realtor, 2277 Rio Linda Lane, expressed his concern from a realtor's point of view. He agrees with previous speakers, this is an opportunity for Grand Junction but the Council and Planning Department is also challenged to look 20 to 40 years into the future. There is a need for increased shopping opportunities and developers need to provide with what they need and want to be able to provide these services. I-70 is a regional high traffic corridor, and limiting retail to 30,000 sq. ft. is not feasible. Several components of the Plan gives the perception of micro managing the market. It is also a mistake not to allow fast food or service station opportunities. A good Code needs to include everything that a developer needs to know and not be too subjective. The simpler the better. This corridor will be very important in the future. The increased traffic along the corridor would not be compatible with the residential component.

Jim Langford, Thompson-Langford Corp., 529 25½ Road, is working on a Super Target project for the area. His concerns are that this development company only does retail,

not multi-family. They would have to build F $\frac{1}{2}$ Road and several roundabouts. He has worked on other major projects and it always comes down to transportation and off-site street improvements being major issues. The City almost lost Home Depot due to these issues and there is not a forum where these concerns can be shared with Council and how they all tie together.

Councilmember Terry defended Council in that the development community has been given ample opportunity to contact Council, and have not followed up on it.

Councilmember Spehar said Council shouldn't be hearing so much detail about a project that might be coming before Council in the future.

Mr. Langford said he would like to see some flexibility with the northern boundary for commercial use. When asked which plan he prefers, the old Growth Plan or the new proposal, he said neither.

Richard Mason, a resident living in the area north on the other side of I-70, said he would like Council to consider the elements of this Plan with a look to the future. There are plenty of campuses of big box stores in Denver. He didn't want to see it in his backyard. A certain amount of residential component will prevent the pollution of a lot of commercial venues.

RECESS

Mayor Kinsey called for a brief recess at 9:55 p.m. Upon reconvening at 10:05 p.m., all members of Council were present.

The Mayor asked the speakers to stay focused on the issue.

George Pavlakis, Denver, is a representative of the landowners of a larger tract, and was also on the 24 Road Corridor Steering Committee. He said the multi-use zoning concept was formulated as method of letting the market drive the use for these areas, as a compromise between the Growth Plan, the landowners' wishes and the desire to develop the area in an attractive and aesthetically pleasing way. The 25% residential component is appropriate in that it meets the old Growth Plan numbers but it takes away flexibility, as does the requirement for commercial. As the representative of the landowner, he agrees with the mixed use concept, however, he objects to the specific requirements of the 25% residential and the limitations on the commercial.

Councilmember Theobald asked if the market dictates, then how will it work in regards to the residential component? Mr. Pavlakis said the projections equated to a 20 to 30 year build-out, therefore certain areas would lend themselves to other uses including the residential.

John Usher, from Saratoga, California, bought some land in the study area in the 80's to help some people out financially. He became involved two years ago during a public meeting when asked what his vision was, and was asked to display drawings to assist Council to better understand the vision for his land. He wanted to have mainly office buildings and build for better jobs with some residential. The proposed guidelines are too onerous and a waste of taxpayers money. Multi-use is a great idea but he feels the market should drive it.

Councilmember Terry asked if he had specific concerns.

Mr. Usher said it is full of too specifics, size of signs, type of trees, setbacks, etc. He felt that guidelines were more appropriate than standards.

Brian Harris, 415 Morning Dove Court, had a question regarding Leach Creek and trail. Is this to be built by the City and end up under the Parks and Recreation Department? Councilmember Theobald said the wash itself is not the City's. As far as the trail location is concerned, it is intended to be at street level and is anticipated to be a City construction project at this point.

Mr. Harris asked about the housing requirement, clarifying the number of units on the ten acres.

Ted Munkres, Freestyle, Inc. Design & Building, 121 Chipeta, states he has no interest in the properties, but believes the idea of putting residential in with commercial and retail is not such a great idea. If there is to be mixed use, then reduce requirements and allow some transfers of the multi-use. High density is typically for empty nesters or young couples, whereas parks are more for family use. He stated that low residential density near the park is more appropriate than the higher density. He would like to see meaningful dialogue between concerned parties and Council.

Councilmember Spehar asked what his ideas were on transferring densities or uses within this plan and make it work. Mr. Munkres said it needs to be well thought out and addressed in some way. Commercial builders are not the same as residential builders. The commercial builder may be able to sell the property for the residential use. The idea of 25% residential is a high percentage for that type of development.

Gary Crist, 3173½ William Drive, is not representing anyone, asked where is this mixed use zoning used now in the State of Colorado and how can it be applied to Grand Junction? Kathy Portner said it is used in other areas such as Denver and resort communities.

Councilmember Spehar said another example would be the City Market store in Vail.

Mr. Crist questioned the size restrictions of the City Market compared to the 30,000 sq. ft. requirement as stated in this Plan. Councilmember Spehar replied there is plenty of opportunities to build that size store (119,000) and asked Ms. Portner to explain. Ms. Portner responded that retail development could be located in any of the commercial zones in the City. Virtually the entire 6 & 50 frontage is zoned commercial and the east end of valley. Mr. Crist said there is a need for grocery store in this location. Councilmember Spehar confirmed with Ms. Portner that a grocery store could be constructed anywhere in the commercial area.

Warren Jacobson, resides on the southwest corner of I-70 and 24 Road, said the committee has listened to everyone involved, and he disagrees with the 25% requirement. He asked if the State Highway Department might be interested in landscaping along the interstate. Both Councilmembers Theobald and Terry indicated the City has discussed landscaping with CDOT, who responded they do not do landscaping. They will be pursuing that issue with the State.

Roy Blythe, representing Dr. Merkel, said Dr. Merkel's idea of mixed use is quite different from the proposal. His perception of multi-use includes retail and commercial with some residential. He feels 25% is too large of a percentage for residential. Several property owners conducted feasibility studies and have had a difficult time making projects work economically with these requirements. Some specifics include whether the Council is looking at FAR ratios, and height restrictions and setback requirements. He stated there is no gain to go higher because of the required increased setbacks. He also asked if the square footage is regarded as a footprint or actual square footage. As an architect, he is looking for guidelines not standards. The setback requirements also do not make sense in that they will force parking along 24 Road, which is something the Plan intends to avoid.

Councilmember Theobald asked for clarification. Ms. Portner said the maximum is 30,000 gross square foot of retail space, and the remaining floors could be office space.

Pat Edwards, who has no special interest in this project, wanted to discuss what he knows is going in around the Mall area. A new bank, and Chiles is being constructed around the Mall and they have been pounded pretty heavy with traffic requirements. The City has enjoyed a lot from the sales tax from the Mall area and feels that the City needs to step up and participate in the traffic impacts. Retail sales generate more revenue and will pay for the traffic impacts but they are being put to the iron test of a Conditional Use Permit.

Terri Binder, 2148 Redcliff Circle, stated it was a privilege to serve on the 24 Road Committee. The Committee heard many of these same things that have been discussed tonight. She believed it is the best the Planning Commission could do with all the concerns they heard. Grand Junction is changing, which always brings discomfort. This

is something new, and is an opportunity to raise the bar of expectations for development in the City's last major corridor. This corridor can be an inviting corridor that will say there is something here for travelers to check out. Every community deals with traffic. Where does one put high-density homes, this is a place where it can be done. She listed examples that are working in other places. An example was Steve Reimer, Hawthorne Suites, the land was zoned residential, and now with mixed use is more valuable. The Committee began discussing the design standards and guidelines after being shown the vision of one of the large property owners.

Councilmember Scott asked if the Committee discussed a percentage. She responded no, but it was put forward by the Planning Commission to get the same number of units as in the current Growth Plan.

John Usher, the property owner Ms. Binder talked about, said, that in theory, the high density was to solve the traffic problem in Silicon Valley with people moving to where they worked, but it did not solve the traffic problem. His mixed use vision was more commercial, office and retail. The land is currently zoned Highway Oriented, not residential.

Councilmember Theobald said the Council would have changed the zoning to conform with the Master Plan had the Council not exempted this area out for further study.

Mary Ann Jacobsen said when she bought the land in the early 1960's it was commercial. Councilmember Theobald asked if one of the parcels she owned, at one point, was going to be an RV park? Ms. Jacobsen said no. Mr. Usher said it was his property.

There were no other public comments. The hearing closed at 11:00 p.m.

Councilmember Terry asked about the history of the 25% requirement for residential.

Kathy Portner stated discussions began with the Planning Commission, Steering Committee and Council wanting assurance of a residential component. Staff started working on the numbers and what would be a reasonable percentage. The goal was to maintain the total number of units within that area under the existing Growth Plan.

Councilmember Scott said the big problem is the 25% residential component.

Councilmember Theobald said his impression is that it is any percent and that people are also longing for a past that never was. There have been a lot of zoning perceptions that have not existed, or what they think it should be. The Growth Plan zoning, original zoning or the proposed zoning would not have allowed what they believe should be allowed there. Mr. Usher's dream started this, and unfortunately he is not happy with how it turned out. Restrictions wouldn't have to be created if everyone stuck to the standards.

Councilmember Terry said the Growth Plan was very specific on additional retail, and she felt strongly about that document. There has been plenty of opportunity for big box in this community. Planning and market-driven development do not always coincide. One of the primary elements of this study is a market analysis. As far as street projects, Council spent over \$20 million in capital improvement projects this year. She was concerned on the 25% requirement and would be willing to do a range alternative if feasible.

Councilmember Enos-Martinez supported the concept, but she was struggling with the 25% residential component.

Councilmember Theobald liked where the 25% came from, that is, based on the number of units in the original Growth Plan.

Councilmember Spehar said that given those comments, discussions could include reducing the percent or talking about how the 25% was originally arrived at. It is possible to have the other more profitable uses be developed first, as long as it is planned up front, and have the development of some of those uses trigger the need to complete the 25%. He states that this is not too restrictive but more expansive, and too expensive when figured on a speculative use. The lack of opportunity for big box has been answered and there are plenty of opportunities to build the larger stores. In speculating what will this look like in 20 years, the plan was developed with that in mind. He suggested the Council proceed with the plan, stay close to the 25% and work on the trigger for that requirement.

City Attorney Dan Wilson gave some options for approving the draft at this point.

Councilmember Terry was concerned with the percentages. She wanted to look at the other options.

Councilmember Spehar would be willing to have more discussion on the percentages and trigger points. He suggested adopting recommendation a & b, and leaving c & d for further discussion.

Councilmember Payne would like more discussion to determine if the density can be lower than 25%. He believes that this is a good plan and suggests that the Council look at the Crossroads area, a multi-use area that works. He wants the 24 Road Corridor to be different.

There were no other comments. The hearing closed at 11:25 p.m.

a. Resolution

Resolution No. 109-00 - A Resolution Adopting the 24 Road Corridor Subarea Plan Upon motion by Councilmember Terry, seconded by Councilmember Theobold and carried by roll call vote, Resolution No. 109-00 was adopted. Councilmember Terry noted adoption of Resolution No. 109-00 creates an amendment to the Master Plan.

b. Ordinances

- (1) Ordinance No. 3304 – An Ordinance Adopting a New Zoning Map for the 24 Road Corridor Area
- (2) Ordinance No. 3305 – An Ordinance Amending the Zoning and Development Code to Add Section 7.5, 24 Road Corridor Design Standards and Guidelines

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3303 Amending the Sections 3.2 and 3.5, and Section 3.2.H.4, and Adding Section 3.4.J to the Grand Junction Zoning and Development Code to Create a Mixed-Use Zoning District with recommendations 1, 2 a, b, e, was adopted on second reading and ordered published, leaving c and d for future discussion.

Upon motion by Councilmember Spehar, seconded by Councilmember Theobold and carried by roll call vote, the residential requirement was designated at 25% subject to revision within two weeks and further discussion of the guarantees necessary to assure the construction.

It was moved by Councilmember Payne and seconded by Councilmember Enos-Martinez that Ordinances No. 3304 and 3305, with the recommended changes be adopted on second reading and ordered published.

Councilmember Payne amended the motion by adding adopting Ordinance No. 3305 with the recommended changes except for #5. Councilmember Enos-Martinez seconded the amendment.

Roll was called upon the amended motion and the motion carried.

BALANCE OF AGENDA RESCHEDULED FOR NOVEMBER 15, 2000 MEETING

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried, the balance of the agenda items were rescheduled for the November 15, 2000 meeting.

16. **Public Hearing - Route 30 Partners Annexation Located at 520 30 Road**
[File #ANX-2000-172]
17. **Public Hearing - Zoning Route 30 Partners Annexation to C-1, Located at 520 30 Road** [File #ANX-2000-172]
18. **Public Hearing - Mesa Moving Annexation Located at 2225 River Road and 681 Railroad Boulevard** [File #ANX-2000-177]
19. **Public Hearing - Zoning Mesa Moving Annexation to I-2, Located at 2225 River Road and 681 Railroad Blvd** [File #ANX-2000-177]
20. **Public Hearing - Vacating a Temporary Turnaround and Utility Easement for the Renaissance in the Redlands Subdivision, Filing 2, Located at South Camp Road and Renaissance Boulevard** [File #FP-2000-126]
21. **Public Hearing - Vacating a Temporary Turnaround Easement Located on Lot 1, Block 8, The Knolls Subdivision, Filing 2, Located at the Southeast Corner of Cortland Avenue and 27½ Road** [File #FPP-2000-141]
22. **Public Hearing – Adoption of 2000 International Building Codes**
[Continue to December 6, 2000]

EXECUTIVE SESSION to Discuss Ongoing Negotiations Relating to Consent Items #4 and #12

4. **Vacating a Utility and Drainage Easement in Trolley Park Subdivision, Located at 552 25 Road** [File #VE-2000-160]
12. **Purchase of a Portion of River Road Trail Property**

ADJOURNMENT

The meeting adjourned at 11:39 p.m.

Stephanie Nye, CMC
City Clerk

ISSUES AND QUESTIONS:
"THE FERAL CAT" ORDINANCE

The following list of issues and questions may prove useful in designing and assessing the feral cat "pilot project" proposed by members of Community Cat Care, and under consideration by the Grand Junction City Council. I hope that appropriate criteria from this and other sources can be incorporated into, or referenced by, the final proposal.

Of greatest concern to me are the *effects* that feral cats seem to have on small mammal and bird populations. While there are differences of opinion about how significant these *effects* really are, intuitively we know that additional sources of predation, competition for existing food resources and cover, and displacement from preferred habitats all add stress to wild animals. Therefore, we would support the objective to reduce the effects of feral cats in urban/semi-rural settings.

1) How do we recognize success?

- We seek to reduce the number of feral cats within the pilot project area—so, fewer cats would translate into "success".
- One of the bigger, underlying reasons for this project is to reduce the negative social aspects of cat behavior. So, the relative satisfaction of the neighbors should be something worth measuring.
- With the small mammal and local bird populations, someone would have to actually estimate the effect of the project on the number of animals in the affected area. An increase in abundance of the animals in these populations would be ideal—although difficult to confirm. Results that suggest no additional population declines attributable to this project would be less persuasive, but noteworthy.

2) Measurement standards

- The cats within the study area would have to be "known". A researcher could become familiar enough with the cats to be able to recognize individuals, especially if the cats were obviously marked

somehow. The marking could be done at the same time as the neutering/spaying and vaccinating. Each animal would have to be handled at least once, but it might be iffy to expect to be able to re-trap the cats more often. So the "visual identification" option might gain serious consideration.

- Some index to the neighbors' comfort with this project is needed; e.g., the number of complaint phone calls to Animal Control, the caregiver, or the police could be compared between this project and "control area", or with a before-and-after same site comparison. And we might consider a "randomized" survey*—to ask pointed questions that would shed light on the effectiveness of the project from a neighborhood perspective.
- Assessing effects on wildlife would require either a "before-and-after" comparison of population numbers, or the comparison of the number of animals in the affected area, with the situation in a "control (a comparable but unaffected) area". In this way, we could see if the project has a measurable effect on local wildlife populations. The local Audubon Chapter, and class(es) or graduate students at Mesa State College would be likely sources of expertise for such surveys and studies; and the DOW might be able to lend some support or oversight.

3) Assessment

- The DOW is interested in lowering the number of feral cats, which we think will have a positive effect on local small mammal and bird populations. In applying the above criteria, if it appears that the project was completely successful, then wonderful. However, if the project is less than completely successful, then closer scrutiny of the "data" should suggest if and how the project might be made more effective.

*If attempted, an "unofficial" satisfaction survey should not seek to sell the project or its good intentions to the neighbors—only to document a level of awareness of the project, its goals, and the neighbors' overall impression of the project's effectiveness.