

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

**November 15, 2000**

The City Council of Grand Junction, Colorado convened into regular session the 15<sup>th</sup> day of November, 2000, at 7:30 p.m. at the City Hall Auditorium, 250 N. 5<sup>th</sup> Street. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobold, and President of the Council Gene Kinsey. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and Administrative Assistant Chris English.

Council President Kinsey called the meeting to order and Councilmember Reford Theobold led in the Pledge of Allegiance. The audience remained standing during the invocation by Joe Jones, Redlands Pentecostal Church of God.

**PRESENTATION OF CERTIFICATES OF APPOINTMENT**

Vickie Boutilier was present to receive her Certificate of Appointment to the Grand Junction Planning Commission.

Gi Hamrick and Steve Heinaman were present to receive their Certificates of Appointment to the Grand Junction Housing Authority.

**VISITING STUDENTS FROM DR. MICHAEL GIZZY'S MESA STATE COLLEGE CLASS**

Councilmember Theobold introduced visiting students from Dr. Michael Gizzy's Mesa State College class.

**CONSENT ITEMS**

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, the following Consent Items #1-13 were approved:

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of October 30, 2000 Workshop and the Minutes of the Regular Meeting November 1, 2000*

2. **Replacement of Furnace and Modifications to the HVAC System at the Orchard Mesa Community Center Pool**

The City of Grand Junction Parks Department requests that the current furnace be replaced and the HVAC System at the Orchard Mesa Community Center Pool be modified in order to provide a more consistent and efficient heating system in the pool area.

The following responsive bids were received for the project:

<b>Bidder</b>	<b>From</b>	<b>Total Bid</b>
Lane and Company	Grand Junction	\$68,310.00
Comfort Air	Fruita	\$73,394.00
Haining Refrigeration	Grand Junction	\$87,490.00

*Action: Award Contract for the Replacement of Furnace and Modifications to the HVAC System at the Orchard Mesa Pool to Lane and Company Mechanical Contractors in the Amount of \$68,310*

3. **Accepting Funds for CDOT Project CM555-014, Grand Junction Traffic Signal Synchronization**

The City of Grand Junction will manage the design of traffic signal communications with the Colorado Department of Transportation (CDOT) as partners. CDOT requires a resolution be executed by the City to commit CDOT’s share of the project at \$20,000.

Resolution No. 108–00 – A Resolution Accepting Funds in the Amount of \$20,000 from the Colorado Department of Transportation for CDOT Project 555-014, Grand Junction Synchronization of Signals

*Action: Adopt Resolution No. 108–00*

4. **29 Road Improvements, Phase 1, from the I-70 Business Loop to Bunting Avenue**

The Regional Transportation Planning Organization has allocated \$359,051 in the Statewide Transportation Improvement Program for this project. The grant requires local matching funds in the amount of \$87,525.

Resolution No. 110–00 – A Resolution Accepting a Grant for Federal-Aid Funds from the Transportation Equity Act for the 21<sup>st</sup> Century of 1998 (TEA-21) for the Project Identified as STM M555-012, 13078, Minor Widening of 29 Road Improvement Project, Phase I

*Action: Adopt Resolution No. 110-00*

5. **Pre-Qualification of Contractors**

In cooperation with the Western Colorado Contractors Association, the Home Builders Association, Mesa County Association of Realtors, the Associated Builders and Contractors, and the Association of Landscape Contractors, Public Works staff is proposing adoption of Rules and Procedures for Pre-qualification of Contractors. It is anticipated this program will become effective on February 1, 2001.

Resolution No. 111-00 – A Resolution Adopting Rules and Procedures to Pre-Qualify Contractors to Bid on City Public Works and Utility Projects

*Action: Adopt Resolution No. 111-00*

6. **Intent to Create Sanitary Sewer Improvement District No. SS-44-00 for the Glen Caro and Northfield Estates Neighborhood, and Giving Notice of Hearing**

The majority of property owners in an area generally bounded by G Road on the north, the Grand Valley Canal on the south, 1<sup>st</sup> Street on the west and 7<sup>th</sup> Street on the east, have signed a petition requesting an improvement district to provide sanitary sewer service to their neighborhood. The proposed resolution is the required first step in the formal process of creating the proposed improvement district.

Resolution No. 112-00 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create within Said City Sanitary Sewer Improvement District No. SS-44-00, Authorizing the City Utility Engineer to Prepare Details and Specifications for the Same, and Giving Notice of Hearing

*Action: Adopt Resolution No. 112-00 and Set a Hearing for December 20, 2000*

7. **Revocable Permit to Mesa State College for Buried Communications Lines in Public Right-of-Way for College Place**

The Mesa State College Foundation has acquired several properties adjacent to College Place and Bunting Avenue for education purposes. The College is proposing to extend communications lines from the main campus to the subject properties by boring and trenching under public rights-of-way.

Resolution No. 113-00 – A Resolution Authorizing the Issuance of a Revocable Permit to Trustees of State Colleges in Colorado

*Action: Adopt Resolution No. 113-00*

8. **Setting a Hearing on Zoning the Etter-Epstein Property to PD, Located at the Southeast Corner of Horizon Drive and G Road** [File #ODP-2000-058]

The 22.56-acre Etter-Epstein ODP property is located at the southeast corner of Horizon Drive and G Road and consists of three parcels of land. Approximately 1.4 acres of the property are scheduled to become public right-of-way due to the realignment of 27.5 Road and the Horizon Drive/G Road intersection. The parcels are presently zoned Planned Development (PD) but a plan has never been established for the property. Thus, the property owners propose this ODP in order to do so. An appeal of the Planning Commission action to deny the ODP will be heard with second reading of the proposed zoning ordinance.

Proposed Ordinance Zoning Three Parcels of Land Located on the Southeast Corner of the Horizon Drive and G Road Intersection to PD (Planned Development)

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

9. **Setting a Hearing on Zoning the CHC Cellular Annexation I-2, Located at 2784 Winters Avenue** [File #ANX-2000-186]

First reading of the zoning ordinance for the CHC Cellular Annexation located at 2784 Winters Avenue and including portions of the Winters Avenue right-of-way.

Proposed Ordinance Zoning the CHC Cellular Annexation I-2 (General Industrial), Located at 2784 Winters Avenue

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

10. **Setting a Hearing on Zoning the Davidson/Wilcox Enclave Annexation to RSF-E, Located East of South Camp Road and North of the Ute Water Tanks on the Redlands** [File #ANX-2000-208]

First reading of the zoning ordinance to Residential Single Family Estate with a maximum density of one unit per 2 acres (RSF-E). The 5.11-acre

Davidson/Wilcox Enclave consists of one vacant parcel of land located east of South Camp Road and north of the Ute Water Tanks on the Redlands.

Proposed Ordinance Zoning Davidson/Wilcox Enclave Annexation to Residential Single Family Estate (RSF-E), Located East of South Camp Road and North of the Ute Water Tanks

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

11. **Continuation of the School Land Dedication Fee**

The school land dedication (SLD) fee was due to expire January 17, 2001. The adoption of the new Zoning and Development Code continues the collection at the current rate, and requires the reevaluation of the cost for suitable school lands every five years. No changes to the average cost per acre are proposed.

Resolution No. 119-00 – A Resolution Continuing the School Land Dedication Fee and Reevaluating the Cost of Suitable School Lands

*Action: Adopt Resolution No. 119-00*

12. **Setting a Hearing on Supplemental Appropriation Ordinance**

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

Proposed Ordinance Making Supplemental Appropriations to the 2000 Budget of the City of Grand Junction

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

13. **Setting a Hearing on Annual Appropriation Ordinance**

The total appropriation for all thirty-five accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) is \$87,985,286. Although not a planned expenditure, an additional \$2,000,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District, for the Year Beginning January 1, 2001, and Ending December 31, 2001

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

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

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

**PUBLIC HEARING - ROUTE 30 PARTNERS ANNEXATION LOCATED AT 520 30 ROAD** [FILE #ANX-2000-172] - CONTINUED FROM NOVEMBER 1, 2000 MEETING

The 20.92-acre Route 30 Partners Annexation consists of six parcels of land of approximately 17 acres and I-70 Business Loop right-of-way of approximately 3.92 acres.

A hearing was opened after proper notice.

Lisa Gerstenberger, Senior Planner, reviewed this item. The 20.92-acre Route 30 Partners Annexation consists of six parcels of land of approximately 17 acres and a portion of the I-70 Business Loop right-of-way of approximately 3.92 acres. Ms. Gerstenberger stated the petitioner meets all the eligibility requirements for annexation and Staff recommended the annexation into the City be granted.

A representative for the property owner, John Bielke, stated they are asking that the property be annexed into the City and eligibility requirements have been met per City Planning staff.

There were no other comments. The hearing was closed.

**a. Resolution Accepting Petition**

Resolution No. 114-00 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Route 30 Partners Annexation is Eligible for Annexation, Located at 520 30 Road and Including a Portion of the I-70 Business Loop Road Right-of-Way

**b. Annexation Ordinance**

Ordinance No. 3301 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Route 30 Partners Annexation, Approximately 20.92 Acres Located at 520 30 Road and Including a Portion of the I-70 Business Loop Right-of-Way

Upon motion by Councilmember Terry, seconded by Councilmember Enos-Martinez and carried by roll call vote, Resolution No. 114-00 was adopted and Ordinance No. 3301 was adopted on second reading and ordered published.

**PUBLIC HEARING - ZONING ROUTE 30 PARTNERS ANNEXATION TO C-1, LOCATED AT 520 30 ROAD** [FILE #ANX-2000-172] - CONTINUED FROM NOVEMBER 1, 2000 MEETING

Second reading of the zoning ordinance to zone the Route 30 Partners Annexation Light Commercial, C-1, located at 520 30 Road.

The hearing was opened after proper notice.

John Bielke, representative of 30 Road Partnership, was present to answer questions.

Lisa Gerstenberger, Senior Planner, stated the second reading of the zoning ordinance is to consider rezoning the Route 30 Partners Annexation to Light Commercial, C-1, located at 520 30 Road. There is no site plan or development plan at this time.

There were no comments. The hearing was closed.

Ordinance No. 3302 - An Ordinance Zoning Route 30 Partners Annexation to Light Commercial, C-1 Zone District, Located at 520 30 Road

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3302 was adopted on second reading and ordered published.

**PUBLIC HEARING - MESA MOVING ANNEXATION LOCATED AT 2225 RIVER ROAD AND 681 RAILROAD BOULEVARD** [FILE #ANX-2000-177] - CONTINUED FROM NOVEMBER 1, 2000 MEETING

The 12.38-acre Mesa Moving Annexation area consists of two parcels of land. One currently houses Mesa Moving and United Van Lines and the other parcel consists of 2 acres of vacant land. Mesa Moving would like to construct a new truck service facility for their business on the vacant lot. The owner of the property has signed a petition for annexation.

A hearing was held after proper notice.

Kathy Portner, Planning Manager, City Community Development Department, presented to Council the request for annexation.

David Smuin, 4221 Purdy Mesa Road, property owner, was available to answer any questions. There were none.

There were no comments. The hearing was closed.

**a. Resolution Accepting Petition**

Resolution No. 115-00 – A Resolution Accepting the Petition for Annexation, Making Certain Findings, Determining that Property Known as Mesa Moving Annexation is Eligible for Annexation, Located at 2225 River Road and 681 Railroad Boulevard (Known as 637 Railroad Boulevard on the Assessor's Records)

**b. Annexation Ordinance**

Ordinance No. 3306 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa Moving Annexation, Approximately 12.38 Acres Located at 2225 River Road and 681 Railroad Boulevard (Known as 637 Railroad Boulevard on the Assessor's Records)

Upon motion by Councilmember Spehar, seconded by Councilmember Theobold and carried by roll call vote, Resolution No. 115-00 was adopted and Ordinance No. 3306 was adopted on second reading and ordered published.

**PUBLIC HEARING - ZONING MESA MOVING ANNEXATION TO I-2, LOCATED AT 2225 RIVER ROAD AND 681 RAILROAD BLVD** [FILE #ANX-2000-177] - CONTINUED FROM NOVEMBER 1, 2000 MEETING

The 12.38-acre Mesa Moving Annexation area consists of two parcels of land located at 2225 River Road and 681 Railroad Blvd (also known as 637 Railroad Blvd on the Assessor's records). One currently houses Mesa Moving and United Van Lines and the other parcel consists of 2 acres of vacant land. Mesa Moving would like to construct a new truck service facility for their business on the vacant lot. The owner of the property has signed a petition for annexation. The proposed zoning designation is I-2 (Heavy Industrial).

A hearing was held after proper notice.



Kathy Portner, City Community Development Department, stated the proposal is consistent with the County's zoning for the Railroad Subdivision and consistent with the annexation requirements for the parcel previously approved. Staff finds it meets City requirements.

Dave Smuin, 4221 Purdy Mesa, property owner, was available for questions.

There were no other comments. The hearing was closed.

Ordinance No. 3307 – An Ordinance Zoning the Mesa Moving Annexation to I-2 (Heavy Industrial), Located at 2225 River Road and 681 Railroad Blvd

Upon motion by Councilmember Scott, seconded by Councilmember Spehar and carried by roll call vote, Ordinance No. 3307 was adopted on second reading and ordered published.

**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] - CONTINUED FROM NOVEMBER 1, 2000 MEETING**

Request to vacate a temporary turnaround and utility easement at the end of existing Athens Way.

A hearing was held after proper notice.

Kristen Ashbeck, Senior Planner, stated the temporary turnaround and utility easement at the end of existing Athens Way is no longer needed and requested that it be vacated. She stated the developer has guaranteed construction of the continuance of that street.

There were no comments from the property owner/representative.

There were no public comments. The hearing was closed.

Ordinance No. 3308 – An Ordinance Vacating a Temporary Turnaround Access and Utility Easement for Athens Way

Upon motion by Councilmember Theobold, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3308 was adopted on second reading and ordered published.

**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] - CONTINUED FROM NOVEMBER 1, 2000 MEETING

The Knolls Subdivision is located south of the southeast corner of Cortland Avenue and 27½ Road in a PD zone. The developing portion of Filing 4 is now allowing for the continuation of Piazza Way. A temporary turnaround had been provided near Lot 5, Block 4, in Filing 2, and is to be vacated with this request.

A hearing was held after proper notice.

Kathy Portner, City Community Development Department, presented the request for approval of vacating the temporary turnaround easement. The Knolls Subdivision is located south of the southeast corner of Cortland Avenue and 27½ Road in a PD zone. The developing portion of Filing 4 is now allowing for the continuation of Piazza Way. A temporary turnaround had been provided near Lot 5, Block 4, in Filing 2, and is to be vacated with this request.

David Chase, Banner Associates, had no comments but was available for questions.

There were no other comments. The hearing was closed.

Ordinance No. 3309 – An Ordinance Vacating the Temporary Turnaround Easement on Piazza Way, The Knolls Subdivision, Filing 2

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Theobald and carried by roll call vote, Ordinance No. 3309 was adopted on second reading and ordered published.

**RECONSIDERATION OF ORDINANCE NO. 3303 CONCERNING THE RESIDENTIAL REQUIREMENT IN THE MIXED USE ZONING DISTRICT** [FILE #PLN-2000-192]

At the November 1<sup>st</sup> hearing, the City Council adopted the 24 Road Corridor Subarea Plan, amended the Code to add the Mixed Use zone district and adopted a zoning map and design standards and guidelines for the 24 Road study area. Council agreed to reconsider the ordinance creating the Mixed Use zone district to discuss and possibly amend the 25% residential requirement. Also Council may want to discuss enforcement mechanisms for the residential requirement.

**a. Reconsideration of Ordinance No. 3303**

Upon motion by Councilmember Sphehar, seconded by Councilmember Terry and carried, Ordinance No. 3303 was reopened for reconsideration for the limited purpose of discussing the residential requirement percentage amount and possible enforcement mechanisms for this requirement.

### **Residential Percentage Requirement – Mixed Use**

Kathy Portner, City Community Development Department, presented information on the 25% residential requirement for the Mixed Use areas. This would apply to parcels greater than 5 acres. The staff did complete a comparison study using 15%, 20% and 25%. This report illustrates the Mixed Use area only to simplify matters. The 25% actually corresponds with the requirements under the original Growth Plan. Based on the 25% there would be 12-24 units/acre, which is required under the approved Mixed Use plan. This would result in 1320 to 2640 residential units.

Councilmember Sphehar clarified that with the percentages there may be some reduction or improvements in number of units. It would be up to the property owner to make a value judgement or financial judgement as to the range they wanted to develop. Ms. Portner concurred.

Councilmember Terry asked Ms. Portner to comment on this type of zone district relative to creating a real Mixed Use and how the concept of using a percentage for determining residential was arrived at. Ms. Portner responded that the Steering Committee developed and recommended the land use, zoning and the Mixed Use concept. Their recommendation did not include a residential requirement as part of the mix. The developer would have a range of options. This was considered a good opportunity to create residential/urban density near employment and shopping areas in the 24 Road Corridor. It was felt the 25% would accomplish this goal.

Ms. Portner distributed a handout to the Council regarding residential mixed use concerns provided by Ed Hokason.

Councilmember Theobald stated the 20% range seems to come closer to the original plan. This area, as in Ms. Portner's assessment, would tend to develop in the highest end and feels the 20% to 25% range would be appropriate.

Councilmember Terry asked Ms. Portner if there was any basis for the number of residential units in the original Master Plan. Ms. Portner responded she was not sure if the exact number was looked at that closely. There are varying ranges of densities they were trying to accommodate to create a good mix of densities. This area was the easiest in which to accomplish this.

Councilmember Theobold stated as much as is focused on the 24 Road Corridor, it is important to keep in mind the values as a whole. Development is market driven and the overall market in the valley should be looked at rather than trying to squeeze whatever the market might dictate into this area. It makes sense to designate a high-density component somewhere in the valley for the long term without having to expand growth boundaries. By designating high growth in an area that is currently undeveloped and where there are no neighbors, the City can make everything compatible with each other and still honor the need for high density in either the short or long term. He stated he is willing to make this area a Mixed Use area and honor the residential component.

Ordinance No. 3303 – An Ordinance Amending Tables 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 Zone District

Upon motion by Councilmember Spehar, seconded by Councilmember Theobold and carried by roll call vote, Ordinance No. 3303 was amended to reflect the percentage of residential requirement for Mixed Use zone requirement was adjusted from 25% to 20%.

### **Enforcement Issues**

Ms. Portner recapped the provisions that were discussed at the November 1, 2000 meeting. These included: final plans for the required residential component must be submitted and approved with the overall project and the required residential component must be built in a determined period of time. Other options include: residential component shall receive final plan approval prior to any structure being built on the overall project; all infrastructure necessary for the residential development shall be included in a development improvement agreement with a guarantee for the first phase of the development plan. This would assure the developer has invested substantial finances in the infrastructure which would more likely indicate the residential component would be constructed in a certain period of time; at least 10% of the residential component must be built with the first phase of the project, the remaining in relation with the remainder of the project; the infrastructure would be tied to the title of the property.

Councilmember Terry asked if the first requirement was a change of procedure from how business is currently done. Ms. Portner responded now the infrastructure requirement is part of the first phase. Under the new requirement the developer would be required to put the money up front for all improvements for any of the residential requirement. Residential infrastructure must be in place before they are able to proceed with any commercial construction. Councilmember Terry asked about the feasibility of requiring the infrastructure for all residential up front. Ms. Portner said it depends on how the project is designed.

The general discussion of Council was that they do not favor #1 as it may not be logical, or reasonable, from a business standpoint.

Councilmember Spehar recommended a substitute for "b" stating that the residential component must be completed when the development of any other combination of Mixed Use exceeds 50% of the approved square footage in the development plan.

Councilmember Payne felt it was more appropriate to use acreage than square footage.

Dan Wilson, City Attorney, clarified the language, using the word "shall" rather than "must." He also stated that it would be more consistent with the Plan to use square footage instead of acreage. Mr. Wilson also recommended considering Item #3.

Councilmember Terry added that this whole area would not involve large retail.

Councilmember Theobald stated that there would be large commercial with some retail.

Councilmember Terry asked Mr. Wilson if having the residential component tied to the title, would this ensure the development will be completed as approved. Current practice is to make notations on the plat. Mr. Wilson responded that including the requirement on the title would have the same result.

Councilmember Theobald asked Ms. Portner to clarify item "b" in relation to the current plan. Ms. Portner responded that her interpretation is that the City would expect the development and purchase agreement to include everything needed for both the commercial and residential components.

Mr. Wilson stated some trigger mechanism is important for City staff to have some idea of the time line required for a developer to complete the residential component.

Councilmember Theobald and Councilmember Spehar expressed their concerns on having a trigger mechanism. One concern stated was that any type of trigger mechanism would be artificial. Councilmember Spehar stated his concern was that if the residential was left until the final phase of development, there was the chance the residential component would not be fulfilled.

Mayor Kinsey stated the goal was to have a true Mixed Use development planned together so it will fit together.

Ms. Portner confirmed that this applies to parcels over 5 acres, most of which were 40-acre parcels. At the time of subdividing the Mixed Use plan would need to be in place.

Mr. Wilson clarified the definition of property in the existing development code as being all of the holdings of a developer. This would indicate the overall project would be looked at as a whole.

Mayor Kinsey asked if there were any comments or questions from the audience regarding the enforcement of the 20% requirement.

Mary Ann Jacobson, 702 Golfmore Drive, strongly opposes the zoning requirements for 24 Road. Her objections focused on the requirement planning for the entire acreage. Ms. Jacobson stated the plan, as stated, would require a party to purchase all the property, even if they did not want all of the property, expect them to pay for all the infrastructure and fulfill all the requirements of this plan. They own 42 acres, which was originally zoned as commercial and now is zoned as Mixed Use. Mayor Kinsey reminded Ms. Jacobson that the discussion was to focus on the enforcement issue. She stated she felt that the Council should also consider the perspective of potential buyers along with their decision-making.

Councilmember Theobald again reiterated the issue at hand is to ensure that 20% of the property would be developed residential. Ms. Jacobson commented that Council was not understanding her point and asked to finish her comments. Councilmember Theobald stated her concerns were discussed at great length two weeks ago and that the enforcement of the residential aspect is the issue at hand.

Ms. Jacobson stated it would be impossible for a buyer to purchase property and then be required to build the residential portion up front. This is market driven and the Plan cannot be so restrictive.

Councilmember Spehar asked if Ms. Jacobson had any suggestions as to how to regulate and ensure that the 20% residential component would be built and not left to chance or to the end. Ms. Jacobson responded it would be more practical to have the residential component built later on, instead of up front. It would be difficult to have all planning completed up front.

Councilmember Spehar commented on an e-mail Council received regarding transferring obligations between parcels. Ms. Portner stated the ordinance approved allows for residential requirements to be transferred between parcels that are being planned at the same time. She cautioned on allowing the splits stating this area has large parcels that will better accommodate the compatible planning.

Ms. Jacobson asked that the Council delay their decision on the zoning so that market factors may be further evaluated.

Terry Fleming, 691 Country Meadows, was a member of the Steering Committee. The Committee wanted to keep this plan as flexible as possible. They were confident they could move forward with more restrictive requirements, standards and guidelines to meet their vision of the area. He cautioned Council about establishing a triggering mechanism. Mr. Fleming suggested in some situations the residential requirement possibly may be traded for open space.

Mr. Fleming was asked by Councilmember Terry if he felt the 50% was realistic. He stated that when considering non-local developers, the 50% trigger might not have any affect. They will do what they want within the City's parameters. However, when addressing local developers, the 50% trigger would be too stringent for them to move further.

Councilmember Scott asked if the Committee discussed open space and percentages. Mr. Fleming stated the Committee did not specifically address any percentages of residential. They were wanting to keep the Plan as flexible as possible to keep with the market.

Councilmember Spehar stated he was willing to make some compromises with this Plan but not willing in the context of can it be open space instead of housing. This area has high density housing opportunities and this is a logical area for it.

Mayor Kinsey stated zoning is restricted by its nature. With the Mixed Use zone it allows more flexibility with the property than if the property was zoned all commercial or all residential.

Mr. Fleming stated the Committee wanted to present a plan that would be flexible but as each item is reviewed, it seems to be becoming more rigid. Speaking for the Chamber, he stated that they do not endorse pushing a developer to develop any property, either commercially or residentially, where there is no market. That is the reason for the Mixed Use concept.

Councilmember Theobald asked Mr. Fleming if he had suggestions for enforcing the development of the residential component should there be no residential market. Mr. Fleming stated the developer would present the plan showing the various components and that no rezoning could take place. There would not be a time limit.

Kelly Arnold, City Manager, stated the staff recommended #3. It allows the developer to present a development schedule that is attached to a plat, which, if approved by Council, would be filed and a time line established. This still allows the developer to come back if the market changes and request modifications if necessary.

Ed Hokason, 2277 Rio Linda Lane, realtor, commented that the simplicity of the process the Council is discussing is critical for the development of the 24 Road Corridor. He asked that Council have the 20% requirement be as flexible as possible. He feels the standards and guidelines are adequate to provide for market changes.

Councilmember Spehar is concerned that if the 20% residential is left to the end of the development it may not be the attractive high density housing meeting Council's and the Steering Committee's expectations. Mr. Hokason responded that by following the standards and guidelines the area will attract people who want to live in that area.

Councilmember Theobald stated his concern is that if the 20% is left to the end, what means can be used to ensure an attractive and compatible development would occur.

Mr. Hokason again reiterated the use of the standards and guidelines which were finely written. He also suggested Council consider the market and who will be purchasing homes in that area.

Councilmember Terry asked City Manager Arnold if the development schedules are required to have a specific time line or just to have the phases in order.

Mr. Wilson, City Attorney, responded that the current code has a default of 12-18 months. If the plan is set up in phases, that would be part of the approval. The plan does have an end date that is negotiated with Council per Mr. Arnold, City Manager.

Councilmember Terry asked that should Council approve item #3, the wording be clarified.

Mayor Kinsey stated his understanding of the vision was coherent planning. There must be a trigger mechanism for the residential component to prevent a great disparity in the age of the buildings.

Councilmember Enos-Martinez questioned forcing a developer to build residential when there is no market. Councilmember Spehar indicated that this being a true Mixed Use, the planning would be developed with both in mind and if a developer wanted only commercial there are other opportunities in the area for that specific use.

Councilmember Theobald is inclined to go with Item #3 alone.

Councilmember Terry feels there should be more flexibility and the 20% requirement would satisfy the Mixed Use concerns. She recommended the Council stay with the original "a", "b" and "c" as it stands and require Item #3 with the following language change as suggested by Mr. Wilson, City Attorney, "The condition of approval and development schedule be recorded..."



Councilmember Payne did not agree with having the property owner forced to build residential units when the market does not support it.

**b. Amending Ordinance No. 3303**

It was moved by Councilmember Terry and seconded by Councilmember Theobald, regarding the language in Ordinance No. 3033: to leave in existence as it is worded in sections “a”, “b”, and “c” and include “d” with the following language: “Conditions of approval and a development schedule shall be recorded. The City will enforce the development schedule against the owners of any portion of the overall project jointly and separately.”

It was moved by Councilmember Spehar and seconded by Councilmember Payne to amend the motion to add the rest of the language listed in #3 to condition D which is: “Conditions of approval and development schedule shall be recorded against the title to all portions of the property including each non-residential component requiring that the required residential component be built within the approval development schedule. The City may enforce conditions of approval and the development schedule against the owners of any portion of the overall project jointly and separately.”

The amended motion passed.

**PUBLIC HEARING – CREATING ALLEY IMPROVEMENT DISTRICT NO. ST-01, PHASE A**

Petitions have been submitted requesting a Local Improvement District be created to reconstruct the following five alleys:

East/West Alley from 8<sup>th</sup> to 9<sup>th</sup>, between Chipeta Avenue and Ouray Avenue  
East/West Alley from 9<sup>th</sup> to 10<sup>th</sup>, between Colorado Avenue and Ute Avenue  
East/West Alley from 10<sup>th</sup> to 11<sup>th</sup>, between Main Street and Colorado Avenue  
East/West Alley from 10<sup>th</sup> to 11<sup>th</sup>, between Hill Avenue and Teller Avenue  
“T” shaped Alley from 18<sup>th</sup> to 19<sup>th</sup>, between Elm Avenue and Bunting Avenue

A hearing was held after proper notice.

Tim Woodmansee, Real Estate Manager, presented to the Council the citizen request to reconstruct five alleys. Funds are available in the budget to complete these projects.

There were no comments. The hearing was closed.

Resolution No. 116-00 – A Resolution Creating and Establishing Alley Improvement District No. ST-01, Phase A, within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 116-00 was adopted.

**PUBLIC HEARING - 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.

A hearing was held after proper notice.

Kathy Portner, Planning Manager, presented the request to vacate the above alley right-of-way. Staff finds this meets Code and recommends its approval.

There were no public comments. The hearing was closed.

Ordinance No. 3310 – An 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

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote Ordinance No. 3310 was passed on second reading and ordered published.

**RECESS TO EXECUTIVE SESSION** to Discuss Ongoing Negotiations

It was moved, seconded and carried to go into executive session.

The City Council reconvened into regular session at 9:55 p.m. All members of Council were present.

**PUBLIC HEARING - VACATING AN INGRESS/EGRESS EASEMENT AND UTILITY EASEMENT 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 25' ingress-egress and utility easement as shown on the plat of Omega Business Park. At the October 10, 2000 public hearing, the Planning Commission forwarded a recommendation of approval to the City Council.

A hearing was held after proper notice.

Joe Carter, Associate Planner, presented the request to vacate a 25' ingress-egress and utility easement as shown on the plat of Omega Business Park by Conquest Development, LLC.

There were no comments. The hearing was closed.

Ordinance No. 3311 – An Ordinance Vacating the Ingress-Egress Easement and Utility Easement as Shown on the Plat of Omega Business Park II

Upon motion by Councilmember Enos-Martinez, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3311 was adopted on second reading and ordered published.

**PUBLIC HEARING – 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.

A hearing was held after proper notice.

Mayor Kinsey asked City Attorney Dan Wilson if the words “intimate parts” were vague. Mr. Wilson responded that actually they were not. The words “intimate parts” were inadvertently left out of the “Indecent Exposure” ordinance passed last year.

There were no other comments. The hearing was closed.

Ordinance No. 3312 – An Ordinance Amending Chapter 24, Section 18, of the Code of Ordinances of the City of Grand Junction, Colorado, Regarding Indecent Exposure

Upon motion by Councilmember Terry, seconded by Councilmember Payne and carried by roll call vote, Ordinance No. 3312 was adopted on second reading.

**VACATING A UTILITY AND DRAINAGE EASEMENT IN TROLLEY PARK  
SUBDIVISION, LOCATED AT 552 25 ROAD** [FILE #VE-2000-160] - CONTINUED  
FROM NOVEMBER 1, 2000 MEETING

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.

A hearing was held after proper notice.

Patricia Parish, Associate Planner, presented the petitioner's request to vacate the drainage easement. Grand Junction Drainage District has no objections to this and Staff recommends Council accept the resolution to vacate this easement.

Mayor Kinsey asked the petitioner if he had any comments. David Smuin, representing Steve McCallum, developer of the subdivision, was available for questions.

There were no other comments. The hearing was closed.

Resolution No. 117-00 – A Resolution Vacating a Utility and Drainage Easement in Trolley Park Subdivision

Upon motion by Councilmember Spehar, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 117-00 was adopted.

**PURCHASE OF A PORTION OF RIVER ROAD TRAIL PROPERTY** – CONTINUED  
FROM NOVEMBER 1, 2000 MEETING

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. 118-00 – 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.

Upon motion by Councilmember Spehar, seconded by Councilmember Enos-Martinez and carried by roll call vote with Councilmember **PAYNE** voting **NO**, Resolution No. 118-00 was adopted.

**ADJOURNMENT**

The meeting was adjourned at 10:37 p.m.

Christine English  
Sr. Administrative Assistant