

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

JANUARY 16, 2002

The City Council of the City of Grand Junction convened into regular session the 16th day of January, 2002 at 7:34 p.m. in the City Auditorium. Those present were Harry Butler, Reford Theobold, Dennis Kirtland, Bill McCurry, Janet Terry, Jim Spehar and President of the Council Cindy Enos-Martinez. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and City Clerk Stephanie Tuin.

Council President Enos-Martinez called the meeting to order and Councilmember Kirtland led in the pledge of allegiance. The audience remained standing for the invocation by Miriam Greenwald, Lay Leader, Jewish Community Congregation Ohr Shalom.

PRESENTATIONS

Presentation of the Mayor's Cup for the Mayor's Skijoring Challenge of 2002
Kristin Winn, Public Communications Coordinator, participated in the event for Mayor Enos-Martinez. She won first place and presented the Mayor with the traveling trophy. Seven Mayors participated and Ms. Winn showed the Council a short film of the event.

PRESCCHEDULED CITIZENS AND VISITORS

National Parks Superintendent Palma Wilson and Greg Gnesios with the Bureau of Land Management will Update Council on Upcoming Planning Efforts and Public Meetings

Ms. Wilson and Mr. Gnesios explained the process being embarked upon for partnering in the development of a new master plan for both the wilderness area and the Colorado National Monument.

CONSENT CALENDAR

The Mayor announced the item relative to salvage yards and recyclers has been moved to Consent and will be setting a public hearing for February 6th.

It was moved by Councilmember Theobold, seconded by Councilmember McCurry and carried to approve the Consent Calendar items # 1 through 10.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the January 2, 2002 Regular Meeting and the January 7 and January 9, 2002 Special Meetings

2. **Setting a Hearing on Rezoning The Pines Located at 2645 F ½ Road**

Approval of a rezoning application to change the zoning of the project site from the RSF-1 (Residential Single Family-1 dwelling unit per acre) to RSF-2 (Residential Single Family-2 dwelling units per acre) in conjunction with a 10 lot subdivision of approximately 5.07 acres

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 6, 2002

3. **Animal Control Agreement with Mesa County**

An annually renewable agreement with Mesa County for the control of dogs within the city limits. The City pays Mesa County a percentage of the Animal Control budget based upon the City's percentage of total calls for service. The City's share of the budget for 2002 is 40.3% or \$181,067. Payments are made to the County on a quarterly basis.

Action: Authorize the Mayor to Sign the 2002 Agreement for Animal Control Services with Mesa County in the Amount of \$181,067.00

4. **Award of Construction Contract for the Redlands Village South Sewer Improvement District Project**

This contract would construct over 10,000 feet of sanitary sewer within the existing Redlands Village South subdivision located northwest of the intersection of the Redlands Parkway and Highway 340. The owners of real estate located in the vicinity northwest of the intersection of Highway 340 and the Redlands Parkway, and south of Willow Wood Road, have petitioned the Mesa County Board of County Commissioners to create an improvement district for the installation of sanitary sewer facilities. The BOCC will legally form the sewer improvement district on January 17, 2002 based on bids received. Bids were received and opened on October 2, 2001 for Redlands Village South Sewer Improvement District.

The following bids were received for this project:

<u>Contractor</u>	<u>From</u>	Bid Amount
Sorter Construction	Grand Jct.	\$662,936.00
MA Concrete Construction	Grand Jct.	\$672,579.00
RW Jones Construction	Fruita, CO	\$674,979.60
Spallone Construction	Gunnison, CO	\$772,693.00
Skyline Construction	Grand Jct.	\$778,623.50
Mendez Construction	Grand Jct.	\$879,674.00
Engineer's Estimate		\$777,896.00

Action: Authorize the City Manager to Execute a Contract for the Redlands Village South Project to Sorter Construction in the Amount of \$662,936 Contingent on the Creation of the District by Mesa County

5. **Award of Construction Contract for Redlands Village Northwest Sewer Improvement District and Appropriate Money for Sewer Extension to Panorama Lift Station**

1). This contract would construct over 18,000 feet of sanitary sewer within the existing Redlands Village North subdivision located northwest of the intersection of the Redlands Parkway and Highway 340. 2.) Appropriate \$136,909 to construct 2600-foot sewer extension between Panorama Lift Station #2 and a revised Redlands Village North lift station location.

The following bids that were deemed responsible and responsive were received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Sorter Construction	Grand Jct.	\$1,022,568.00
MA Concrete Construction	Grand Jct.	\$1,108,795.40
Precision Excavating	Hayden, CO	\$1,157,445.00
Downey Excavating	Montrose, CO	\$1,191,669.80
Skyline Construction	Grand Jct.	\$1,338,527.65
Engineer's Estimate		\$1,239,240.00

Action: Authorize City Manager to Execute a Contract for the Redlands Village Northwest Project to Sorter Construction in an Amount of 1,022,568.00 contingent on the creation of the District by Mesa County and Approve the Appropriation of \$136,909 to construction sewer line to eliminate Panorama Lift Station #2

6. **Renewal of Grant Application for the Colorado Department of Health and Environment Water Quality Control Division for Stormwater Public Information and Education**

Approval to submit a 319 Grant Application to the Colorado Department of Health and Environment, Water Quality Control Division, for funding of \$10,000 stormwater public information and education campaign that would begin in September 2002. Applications are due January 31, 2002. This grant is to essentially "re-run" the Grand Valley Non-point Source Pollution Prevention (P2) Education Program that was previously developed under Colorado Department of Public Health and Environment. Mesa County Health Department administered the 1999 grant. This year however, the City is applying for a different funding source.

Action: Authorize the City Manager to Execute a Grant Application for Colorado Department of Health and Environment Water Quality Control Division

7. **Award of Construction Contract for Independent Avenue Utility Improvements Phase 1A**

Bids were received and opened on January 8, 2002 for Independent Avenue Utility Improvements Phase IA. M. A. Concrete Construction submitted the apparent low bid in the amount of \$197,108.61. This work is between 25 1/2 Road and First Street on Independent Avenue. This work must be done in preparation for the street reconstruction scheduled for the spring of 2002.

The following bid was received for this project:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
M. A. Concrete Construction	Grand Junction	\$197,108.61
Engineer's Estimate		\$200,034.61

Action: Authorize the City Manager to Execute a Contract for Independent Avenue Phase 1A – Utilities to MA Concrete Construction in the Amount of \$197,108.61

8. **Contract for a Digital Ortho-Photography Project (Aerial Photos)**

This is a cooperative project between the City of Grand Junction and Mesa County, for the purpose of obtaining digital ortho-photography in the Grand Valley. The project was bid and is administered by Mesa County. The total project cost is \$547,084.00 of which the City's share is \$110,000.00.

Action: Authorize the City Manager to Approve a Contract for Aerial Photos, the City's Portion to be \$110,000

9. **Purchase of Street Sweeper**

The Street Sweeping Division has scheduled the replacement of Unit #2294 street sweeper. As per the Purchasing Policy Manual, this purchase will be facilitated by use of a State of Colorado Department of Transportation Contract.

Action: Authorize the City Purchasing Manager to Procure One Elgin Pelican P Street Sweeper from Faris Machinery Company, in the Amount of \$95,675

10. **Setting a Public Hearing on Amending the Zoning and Development Code, Section 4.3.D. and 4.1.I.2.c Pertaining to Salvage Yards, Recyclers and Impound Lots**

On December 19, 2001, the City Council approved Ordinance No. 3390, the Revised Zoning and Development Code, but asked that Section 4.3.D. and 4.1.1.2.c, pertaining to new and existing Salvage Yards, Recyclers and Impound Lots, be brought back for further discussion.

Proposed Ordinance Amending Ordinance 3390, adding Sections 4.1.1.2.c and 4.3.D to the Zoning and Development Code

Action: Adopt Ordinance on First Reading and Set Hearing for February 6, 2002

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

Public Hearing - Approval of a Growth Plan Consistency Review and Rezoning Ordinance for Riverside Market Located at 215 Chuluota Avenue

The Mayor excused herself from the room, as this is her property. Mayor Pro Tem Terry presided over the meeting.

APPLICANT HAS REQUESTED A CONTINUANCE - Request for Approval of: 1) Growth Plan Consistency Review for a neighborhood grocery market; and 2) Second Reading of the Rezoning Ordinance to Rezone 215 Chuluota Avenue from Residential Multi-Family-8 (RMF-8) zone district, to Planned Development (PD) with the Neighborhood Business (B-1) zone as the underlying default zone.

The public hearing was opened at 7:49 p.m.

Mike Joyce, Development Concepts, 2764 Compass Drive, explained the reason for the request for continuance. The costs associated with bringing the property up to Code needs to be reviewed by the owner before going forward. Ms. Enos-Martinez asked for a thirty-day continuance in her written request.

Mayor Pro Tem Terry asked for public comments on the continuance and there were none.

The public hearing closed at 7:50

Upon motion by Councilmember Butler, seconded by Councilmember Kirtland and carried by a roll call vote, it was moved to approve a continuance for thirty days.

Public Hearing - Annexation of Cimarron Mesa Annexation, Located at the Southwest Corner of Linden Avenue and B ½ Road

Mayor Enos-Martinez returned to the meeting and took over as presiding officer.

Accepting the petition to annex/second reading of the annexation ordinance for the Cimarron Mesa Annexation located at the intersection (southwest corner) of Linden

Avenue and B ½ Road. The 32.567 acre Cimarron Mesa Annexation consists of one parcel of land.

a. Accepting Petition

Resolution No. 07-02 – A Resolution accepting petitions for annexation, making certain findings, determining that property known as Cimarron Mesa Annexation is eligible for annexation located at the southwest corner of Linden Avenue and B ½ Road

b. Annexation Ordinance

Ordinance No. 3396 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cimarron Mesa Annexation, approximately 32.567 Acres, located at the southwest corner of Linden Avenue and B ½ Road

The public hearing was opened at 7:51 p.m.

Bill Nebeker, Senior Planner, reviewed this item.

Councilmember Terry inquired as to the notices that were sent out to the property owners as well as to the County. Mr. Nebeker confirmed that notices had been sent out.

There were no public comments.

The public hearing closed at 7:56 p. m.

Ordinance No. 3396 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Cimarron Mesa Annexation, approximately 32.567 acres, located at the Southwest corner of Linden Avenue and B ½ Road

Upon motion by Councilmember Terry, seconded by Councilmember Spehar and carried by a roll call vote, Resolution No. 07-02 was adopted and Ordinance No. 3396 was adopted on second reading and ordered published.

Revocable Permit for Fences at 3025 Milburn Drive

The petitioner is requesting approval and issuance of a revocable permit for a 6' solid wood privacy fence constructed within the City right-of-way for Monarch Way and a 30" split rail fence constructed within the City right-of-way for Milburn Drive.

The public hearing was opened at 7:57 p.m.

Ronnie Edwards, Associate Planner, reviewed this item including showing pictures of the fence and the surrounding area.

Scott Bialkowski, 3025 Milburn Drive, addressed the Council and gave them the history of the fences. His main argument was that here were 38 other houses in his area that were in violation. He also noted that there are many around town that encroach up on the sidewalk. He said that Greg Scott, transportation engineer, stated in a memo that the split rail fence is not a problem. He said they should be able to keep the privacy fence too. The plantings have already established a root system.

Mayor Enos-Martinez asked who the subdivider was. Steve Lee, Lee Homes, was Mr. Bialkowski's answer.

Councilmember Terry asked if it is the abutment to the sidewalk or the right-of-way issue that is of concern.

Bob Blanchard, Community Development Director, stated that Code Enforcement does use line of sight when they go out on a complaint. In other words, if they see another violation, they will follow up on it too.

Councilmember Kirtland asked why the applicants were allowed to apply for permit if they were in violation. Ms. Edwards said a summons was issued and requesting a revocable permit is an option.

Councilmember Terry asked if the applicant has the option to move the fences. Ms. Edwards stated yes.

Councilmember Theobold stated that the other fences in violation are not the issue, landscaping is not the issue, the issue is this clearly violates the Code. Maintenance issues, access and sight issues are critical, and everyone else that was in violation has already complied. It would be unfair to let this one go.

Resolution No. 08-02 – A Resolution Concerning the Issuance of a Revocable Permit to Scott C. Bialkowski and Michelle R. Bialkowski

Upon motion by Councilmember Theobold, seconded by Councilmember Spehar and carried by roll call vote, Resolution No. 08-02 failed with the following results:

NO: Terry, Butler, Theobold, Kirtland, McCurry, Spehar, Enos-Martinez

YES: None

Revocable Permit for Locating Bus Benches

Issuance of a Revocable Permit to allow the petitioner to install Transit Bus Benches along the adopted GVT Routes in City right-of-way. This application is for approximately 64 benches along the GVT Bus Routes within the City. These benches all may contain advertising.

The public hearing was opened at 8:19 p.m.

Lori Bowers, Associate Planner, reviewed this item and explained the process necessary to insure that the benches are in the public right-of-way.

Councilmember Theobald asked how many benches are currently installed.

Ms. Bowers stated about 100 which some may be in the areas outside the city limits.

Councilmember Terry wanted clarification on what the Council is being asked to do. Ms Bowers stated that they are requesting the Council allow the resolution for a revocable permit to further determine the exact location for the approximately 64 benches.

City Attorney Wilson stated within the resolution the Staff will precisely identify the location and bench number of each bench. Councilmember Terry asked if the Council could limit it to no more than 64 benches. City Attorney Wilson said the correct statement would be "not to exceed".

Councilmember Theobald is uncomfortable with the vagueness of the application.

Ms. Bowers stated the City Manager would ensure that locations will be reviewed and any additional benches will be removed. A bench must be located within 20 feet of a designated stop.

Councilmember Theobald asked if the permit includes a requirement for materials of which the benches would be made. Ms. Bowers stated there is no requirement for materials, nor an anchoring requirement. Councilmember Theobald expressed concerns that if there are no anchoring or materials requirements and lighter weight benches are placed, there might be problems. Ms. Bowers agreed that if that were what the applicant chooses to do, it would be an issue. City Attorney Wilson stated that the City could specify materials or require anchoring or both.

Councilmember Terry asked about the traffic circulation and if Staff could address this.

Mark Relph, Public Works Director, stated Jody Kliska, Transportation Engineer and her counterpart at the County, looked at bus stops and those locations relative to circulation. Buses do stop on arterials in the traffic lane. Equipping buses with light bars has been talked about and adopted in the policy.

City Attorney Wilson identified the issues: 1) ADA compliance, 2) examination of all sites, 3) construction deadlines on benches and shelters (the applicant has not accepted terms of last permit relative to the shelters), 4) advertising vs. no advertising (determine a ratio). Mr. Wilson noted CDOT would issue the permit for North Avenue.

Gary Young, President of Outdoor Promotions, said there are 64 bus stops, but not all have benches yet. The current permit is for 64 but there may be more if routes are changed. Mr. Young stated that he couldn't sign the other permit with the current

language in the permit. It states that it can be canceled at any time for any reason yet the installation of the shelters and benches are a significant investment, \$8,000 to \$10,000.

Mayor Enos-Martinez asked how many bus benches total within the City and County. Mr. Young said 110. Mayor Enos-Martinez asked how many in city limits. Mr. Young said 81, but he is only asking for a permit for 64.

Councilmember Theobold asked if all of these would have advertising. Mr. Young said yes. Councilmember Theobold asked if all the benches in commercial areas, which would allow advertising, are permanently fixed yet those in residential areas where no advertising is allowed are tenuous at this point. Mr. Young replied that it is still being evaluated.

Councilmember Terry asked if he is asking the City to revise the language in the revocable permit? Specifically Mr. Young stated that the permit is for the placement of 64 benches. He also asked for a similar time frame like he has with the County contract, that is, ten years with 2 five-year renewals.

Councilmember Spehar asked the City Attorney how that might be addressed. City Attorney Wilson said the Council cannot set a term within the revocable permit due to a Charter limitation so he suggested a separate agreement whereby some dollar value would be paid for each bench or shelter to be moved if the permit was revoked.

Councilmember Terry asked if the County included a similar compensation clause in their agreement relative to the issue of the removal of the benches. Mr. Wilson replied that he believes it is silent in that regard.

Mr. Young stated that there is language, not if the route changes, the company would be responsible for the movement of the bench or shelter, but if the County would move a stop or remove one altogether, Outdoor Promotions would be compensated.

Councilmember Kirtland inquired if this Charter provision is unique? The City Attorney said it is not unique but rare.

Councilmember Spehar suggested that if the City terminated the contract without cause then the City could be liable for compensation to Outdoor Promotions.

Councilmember Theobold asked what other cities Outdoor Promotions has contracts with in Colorado. Mr. Young said Fort Collins, Loveland, Denver suburbs, Wheatridge, Cheyenne; two cities have non-advertised benches or shelters, they are paid no revenue. One contract has a ratio of advertising and non-advertised, which is Wheatridge.

Tom Fisher the new MPO director addressed the Council. Councilmember Theobold asked Mr. Fisher how many bus stops there are. Mr. Fisher did not know, he is currently trying to ascertain this information from his staff.

Councilmember Theobold indicated that Mr. Young said the stops in the commercial areas are fixed, the residential ones are not. Mr. Fisher indicated this is not entirely accurate. Councilmember Theobold inquired if the obligation to provide revenue to the contractor changes the stops, that is, is the first priority to provide revenue to Outdoor Promotions? Mr. Fisher responded that GVT's objective is to provide the service. The benches are part of that service and GVT wants to ensure that the revenue piece works for Outdoor Promotion so that the benches will be provided.

Councilmember Theobold inquired if GVT's budget has been prepared based on the anticipated revenue from Outdoor Promotions. Mr. Fisher said that it has in the past but he is attempting to remedy that.

Councilmember Kirtland asked for clarification on a previous statement that if a bench was not to be placed at a stop in a residential area (because no advertising would be allowed) then the bus stop would then be removed as he did not think that to be the case. Mr. Fisher confirmed that the two are not tied together, stops are not dependent on benches however the reverse is true, benches are dependent on stops.

Gary Young, Outdoor Promotions, addressed the Council on his perspective. He stated that he entered into the contract with the County based on the assumption that the contract gave him authority to place benches and shelters in the City of Grand Junction. He acknowledged that was a misunderstanding and was not correct. He continued that this presentation was made at the Transportation Steering Committee which had two City Councilmembers seated on the committee. Those two are no longer Councilmembers. The contract was entered into in good faith but now that no advertising is desired in residential areas within the city limits that is a significant investment to make to provide benches and shelters in residential areas.

Councilmember Theobold stated that he was at that presentation, although not officially on the Steering Committee and the issue as to whether the County had authority to issue permits for its jurisdiction as well as for three other cities is incorrect, that issue was not discussed. It is presumptuous to believe that the County could do that, particularly with Mr. Young's experience with other entities.

City Attorney Wilson said he has reviewed the agreement that the contractor will comply with all local regulations and there is no language in the contract that says there will be advertising on all shelters and benches. So the County is in compliance with the contract, there is no breach.

Councilmember Spehar said his interest is to have sufficient benches and shelters placed, including some non-advertising benches in residential areas. He would agree to

receive, in lieu of the cash, the non-advertising benches. Mr. Young asked if he has a ratio in mind. Councilmember Spehar suggested about 20 non-advertising benches.

Councilmember Theobold asked what the cost of just the concrete pad. Mr. Young answered \$400 to \$500.

City Manager Kelly Arnold suggested that all the benches be moved and start over with negotiations. He feels there are too many issues being raised to craft an agreement at this point. City Manager Arnold asked Mr. Young to move the benches and expeditiously get back to work with Staff as to what type of benches, anchoring, pads, and percentages to GVT.

Councilmember Spehar stated the downfall of this would be to remove the amenity in the community and he is reluctant to do that without some attempt to try and move that forward.

Mayor Enos-Martinez wanted to keep in mind the shortfall in GVT's budget, which will be blamed on the City. Councilmember Spehar believed that Outdoor Promotions has been given conditions and direction. Councilmember Theobold suggested the City to put out a bid on its own, keep the advertising and non-advertising areas straight and provide the excess revenue to GVT from City benches.

It was decided that the City Manager and the City Attorney would work with Mr. Young and his attorney to work something through. Details will be addressed in the agreement, based on what has been discussed in the last two meetings.

Resolution No. 09-02 - A Resolution Concerning the Issuance of a Revocable Permit to Outdoor Promotions, Inc.

Upon motion by Councilmember Kirtland, seconded by Councilmember Terry moved to defer taking action and ask the Staff and Outdoor Promotions along with GVT and the County to put together an agreement that puts together the issues talked about, non-advertising benches, terms, potential ratio, ADA compliance, construction material, timelines, methods of establishing and depreciating the value. Motion carried with Councilmember Spehar voting NO. Councilmember Spehar wanted to make sure his requests in his email to City Manager Arnold would be discussed.

Mayor Enos-Martinez called for a recess at 9:35 p.m. Council meeting resumed at 9:41 p.m. with all Councilmembers present.

Public Hearing - Appeal of the Denial of a Growth Plan Amendment for Bank of Grand Junction

The public hearing was opened at 9:41 p.m.

APPLICANT HAS REQUESTED A CONTINUANCE - The Bank of Grand Junction proposes to amend the Growth Plan Future Land Use Map from residential medium to commercial on two parcels at the northwest corner of F Road and 27 ½ Road. At its hearing of September 18, 2001 the Planning Commission recommended denial of the amendment. Over-turning the Commission's recommendation requires an affirmative vote of five members of the Council in accordance with Section 2.17.E.3.

Larry Beckner, representing the Bank of Grand Junction, stated that since all representatives are here, they will proceed with the appeal and removed the request for a continuance.

Bill Nebeker, Senior Planner, reviewed this item along with the criteria for a Growth Plan Amendment. He located the request on a map and described the surrounding uses and zones. The request is to change the land use designation from residential medium to commercial.

Staff's opinion on the Amendment criteria:

- No error - projects and trends were accounted for
- Subsequent events that invalidate the original premises and findings, no the new developments were in accordance with the 1996 Growth Plan
- Character & condition of the immediate area has changed – no it hasn't
- Requested change is consistent with the goals and policies of the plan – no it isn't
- Public and community facilities are adequate - Staff feels they are
- No other suitable sites for such commercial development – there are several sites available already zoned commercial
- Benefits to be derived – other developments could do the same

The final Staff conclusion is that the applicant failed to show it meets the criteria and both Staff and Planning Commission recommend denial of the Growth Plan Amendment request.

Larry Beckner, representing the Bank of Grand Junction, gave history as they have been working on this a long time, even prior to adoption of Growth Plan. They were told to come back for an amendment. Once the procedure was adopted which was about 1½ years ago, the seven criteria for the Growth Plan Amendment were developed. They are very hard to meet. The applicants have been working with Staff for about 4 years on this request.

Rob Katzenson, Landesign, reviewed the request on behalf of the Bank of Grand Junction. The applicant believes they have addressed and satisfied all the criteria for a Growth Plan Amendment. Significantly, it meets the policy to develop an infill property.

The applicants opinion on the criteria:

- Error – oversight in the master planning stage
- Subsequent events – development has created a need for close-at-hand services

- Character and condition changed – noise and traffic interfere with any residential development in the future on that parcel
- Change is consistent with goals and policies and have listed 4-5 pages with documentation
- Public and community facilities adequate – they are
- Suitable other lands – five other, market analyses by the bank, this site was deemed best
- Benefits – many

The Mayor asked for public comment.

Bob Johnson, 506 Huron Drive, president of Bank of Grand Junction, said he had many customers that wanted to testify and given letters of support. Commercial land availability along Patterson Road is limited and this is the parcel that the bank owns. The Spring Valley HOA voted in favor of this project. Only one person at the Planning Commission meeting voiced opposition against the project.

Councilmember Terry stated Spring Valley HOA letter indicates a neutral position. Mr. Johnson stated that they had already stated support in the past.

Mike Joyce, 620 Darren Way, said he supports the plan. He felt the bank is less impacted than if developed at RMF density. He noted senior citizens could walk to this facility and it is auto and pedestrian-oriented.

Ned Stephenson, 716 29 ½ Road, would cut down on his driving time from his business. He notes Bob Johnson's history in the valley with the development of quality buildings and beautiful landscaping.

Roger Martin, 646 East Pagosa, Spring Valley resident and a member of the HOA for 17 years and also an employee of the bank, said the Patterson Road corridor has changed to a light commercial area, not a residential corridor.

Lorey Burroughs, 433 N. 25th Street, a bank employee in Redlands, advised that residents enjoy the services there. It is a low key, soft development in this area.

Rod Power, 2575 I ½ Road, director at bank, believes this makes common sense and is the best thing for that corner.

Ken Hunt, 1932 Spring Valley Circle, commends the bank but on technical questions he agrees with Staff on their recommendation of denial, as there is already a traffic problem there. It would be spot zoning and approval would defy the Growth Plan, which has been developed.

Michael Adcock who lives right next door to the bank location at 2742 Patterson Road is in favor, noting the bank has addressed his concerns and he has been accommodated.

Larry Beckner stated one issue; with the development of the Commons adjacent to the property, senior citizens would want services close by. Also Hilltop supports this application and the quality of life for the seniors would be improved.

The public hearing was closed at 10:41 p.m.

Councilmember Theobald stated the issue is addressing the Growth Plan, not the number of supporters, kind of homes, criticism of the plan. A Growth Plan Amendment needs to consider the big picture, including corridor guidelines and that high density residential needs to go somewhere. This request has been denied twice and nothing has changed. The City is pretty clear and the City reevaluates the Growth Plan every five years.

Councilmember Terry stated she did not have a lot to add. She outlined the history of the Growth Plan development and doesn't apologize for the criteria; it has been made difficult purposely. Any decision made is based on the application, and is no reflection on the bank or its customers.

Councilmember Spehar agreed the City needs to preserve higher density residential development, infill development can be accomplished with existing Growth Plan, and nodes are still spot zoning. There are other opportunities. The criteria is high and has not been met, although he has lots of respect for the bank and owners.

Councilmember Butler is concerned with the heavy traffic and the access to the area.

Councilmember Kirtland was concerned that the Growth Plan amendment would set into motion commercialization along this corridor. There are limited opportunities for high density.

Mayor Enos-Martinez had nothing to add other than it does not meet the amendment criteria.

Upon motion made by Councilmember Terry, seconded by Councilmember Kirtland, and carried, the appeal of the Growth Plan Amendment for the Bank of Grand Junction was denied.

Public Hearing - Appeal of the Denial of a Growth Plan Amendment for 2258 South Broadway

Appeal of Planning Commission recommendation of denial for a Growth Plan Amendment to redesignate a portion of the Lewis property, located at 2258 South Broadway, from Residential Low (1/2 – 2 acres per dwelling unit) to Commercial.

The public hearing was opened at 10:55 p.m.

Lisa Gerstenberger, Senior Planner, reviewed this item. She identified the location of the property on a map and listed the surrounding zoning.

Planning Commission determined the request did not meet the Growth Plan Amendment criteria and therefore recommended denial. Planning Commission did not act on the rezone request.

Ms. Gerstenberger reviewed the criteria:

- Error – no, it is consistent and there was no error
- Events invalidated original premises and findings – no
- Character changed – no, except Meadowlark Gardens development
- Change consistent with Growth Plan and area studies – no. Redlands policies does show this as a village center, but that was not adopted by City Council
- Goals and policies – is supported by some, not by others
- Public facilities adequate – are existing, traffic questions unresolved
- Inadequate other land for this type of development – yes
- Benefits to community – the wetlands violation mitigation would occur with any development

Mike Joyce, 2764 Compass Drive, Development Concepts, stated the applicant originally asked to be zoned PD (Planned Development) but Staff said it did not meet the criteria. Redlands Parkway isolated the home on this property. He addressed some of the criteria, including benefits to the area.

The Mayor asked for public comments

Paul VonGuerard, 2290 Shane Court, board member of the homeowners association, opposed the development. His concerns were traffic and the impact on the residential developments just north and east especially since there are no sidewalks.

Doug Larson, 2278 Windwood Court, President of the HOA and speaking on behalf of the association referred to the letter in file. The HOA of the Bluffs are in opposition as they are concerned with creeping commercialization. Also, this property is encumbered by their covenants, which prohibits commercial development on this property. The Growth Plan Amendment criteria was not addressed.

Councilmember Spehar and City Attorney Wilson restated the covenants are not the issue of this Council and should not enter into the decision.

Michael Dirsmith, 528 Kansas Avenue, said his concern is with public safety for the kids, which has been discussed with the principal of the nearby school. Mr. Dirsmith has lived there 12 years.

Tom Foster, 519 Kansas, said Kansas is known as the main drag of the Bluffs West Subdivision. The speed limit is not followed in this area. He restated that the applicants have not met the criteria.

Kim Peterson, 536 Rim Drive, stated Mr. Easton at Broadway Elementary School choose to support the denial of this issue. Ms. Peterson felt the residential status is outdated, the current appearance is unbecoming and the proposal would be an improvement to the area. The owners have trouble keeping the home rented because it is a busy intersection.

Ginny Bultman, 2269 Broadway, opposed the change because of the traffic flow, noise pollution, light pollution and because it doesn't meet criteria.

Roxanne Lewis, petitioner, stated that they are trying to make a living and they will be the employees. Four of their supporters are not present, but they have 16 letters in support, 13 against, 90 signatures supporting. There have been two traffic studies; they have offered traffic calming. The property is currently used by neighbors for dumping and this proposal would clean up the area.

Tom Volkman, representing the Lewis's said the covenants of Bluffs West does not apply to the property. He stated this is a strip not a lot. Mr. Volkman referred to Policy 11.2 and a resolution from 9-1-99 that changed the language of the policy.

Rae Lynn Merritt, Fruita Monument high school student, stated concerns on the impact on the wildlife and the greenbelt as she and others have played in the area as kids. Traffic is also a major concern.

Councilmember Butler asked how many kids were involved with riding the bus. Ms. Merritt stated 4 that ride the bus and countless other friends are in the neighborhood.

Mike Lewis, 2183 Canyon View, petitioner, thought a car wash was right for this property, as the nearest house is 150 yards away. His passion is the outdoors, and as a result offered 8/10ths of an acre for conservation easement. Mr. Lewis stated he doesn't know what more they can offer to the area.

The hearing closed at 12:14 a.m.

Mike Joyce gave further details on the traffic study. Currently there are 300 cars per day on Kansas Avenue; the new use would put additional 2 cars per hour. He said low density residential doesn't make sense so he would like to have their option considered.

Councilmember Theobald stated this request is not the same as Bank of Grand Junction's. The Meadowlark use was accepted as historic to allow the zoning. There needs to be more commercial on the Redlands but he is not sure if this is the right place for it. This is a challenging piece in relation to the size and location of the parcel. The hours of operation should be addressed along with the lighting in development application.

Councilmember Kirtland stated no one tonight has said this is a residential site. The challenge will be to determine what will fit there in the future.

Councilmember Terry mentioned the Council is faced with a dilemma, criteria answers are not as clearly defined as they were in the previous appeal, but she does not believe commercial is the answer.

Councilmember Spehar asked if the Growth Plan Amendment is approved, what happens next. Bob Blanchard, Community Development Director, stated the next step would be the rezone request would be reviewed by Planning Commission.

Councilmember Spehar spoke that he believed the designation was in error. Other criteria did change with what was done across the street with Meadowlark Gardens. He noted that the Council could set some requirements in the rezone process.

Councilmember Terry clarified that Council is only dealing with the Growth Plan Amendment.

Councilmember Butler believes it is a good size piece of property and a house can go there. He noted the narrowness of Kansas Avenue and no sidewalks.

Upon motion by Councilmember Spehar, seconded by Councilmember Theobold, the Growth Plan Amendment for 2258 South Broadway was approved. Roll call:

Yes: Kirtland, McCurry, Spehar, Theobold, Enos-Martinez

No: Terry and Butler

Motion carried 5/2.

NON-SCHEDULED CITIZENS & VISITORS

There was none.

OTHER BUSINESS

There was none.

ADJOURNMENT

This meeting adjourned at 12:31 a.m.

Stephanie Tuin, CMC
City Clerk