

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

June 26, 2002

The City Council of the City of Grand Junction convened into regular session on the 26th day of June 2002, at 7:35 p.m. in the City Auditorium. Those present were Councilmembers Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Cindy Enos-Martinez. Councilmember Harry Butler was absent. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson and City Clerk Stephanie Tuin.

President of the Council Cindy Enos-Martinez called the meeting to order. Councilmember Spehar led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Jerry Boschen, First Assembly of God.

APPOINTMENTS

TO THE PARKS AND RECREATION ADVISORY BOARD

Councilmember Spehar moved to reappoint Bob Cron and appoint Tom Dixon to the Parks and Recreation Advisory Board for three-year terms. Councilmember McCurry seconded. Motion carried.

PRESENTATION OF CERTIFICATE OF APPOINTMENT

DDA REPRESENTATIVE TO THE HISTORIC PRESERVATION BOARD

A Certificate of Appointment was presented to Doug Simons.

SCHEDULED CITIZEN COMMENTS

There were none.

CONSENT CALENDAR

City Attorney Dan Wilson explained Item #8 of the Consent Calendar and the reason for setting another hearing on rezoning the Valley Meadows North property. He said a second setting for a hearing was unusual because the rezoning request was already on the May 1st, 2002 agenda. He explained that at the May 1st meeting criteria #3, which includes items like access and drainage were discussed at length, and the differences were not enough distinguished between the zoning request and the preliminary plan. Mr. Wilson said these items would be dealt with at a later planning meeting. He felt Council thought that that was the only chance for them to discuss those items at that meeting. Mr. Wilson clarified for everyone that tonight's meeting was for setting a hearing on rezoning Valley Meadows North for July 17, 2002. Under the zoning criteria item #5,

Council should only be considering the change from RSF-R (Residential Single Family Rural) to RSF-4 (Residential Single Family-4), and not address drainage and access. Those items would be dealt with at the hearing on July 17th, and at the appeal of the Preliminary Plan on August 5th, 2002. At the July 17th meeting Council then can determine the density of the zoning as RSF-2 or RSF-4. This setting of a hearing starts the process all over again.

Councilmember Terry wanted Mr. Wilson to clarify that an affirmative vote on this item did not support the rezoning request, but only supported the setting of the hearing. Mr. Wilson confirmed that.

Councilmember Theobald asked Mr. Wilson to verify that the issue being set for hearing was to establish the zoning, and that the zoning was separate from access and drainage issues. Also that the appeal would be on the record only. Mr. Wilson said this was correct.

Councilmember Theobald wanted Mr. Wilson to affirm that no one would be presenting new information at the hearing and the request would rise or fall on the record alone. Mr. Wilson replied yes to Councilmember Theobald's question. Council will determine at the hearing of the appeal if the Planning Commission acted appropriately when they approved the Preliminary Plan, and at that time Council can either approve or deny the request.

The Mayor explained that she and Councilmember Kirtland would both vote on Items #8 and #9 for setting a hearing, but that they would recuse themselves from the actual hearing.

It was moved by Councilmember Theobald, seconded by Councilmember Terry, and carried by a roll call vote, to approve Consent Items #1 through #13.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the June 3, 2002 Workshop and the Minutes of the June 5, 2002 Regular Meeting.

2. **Police Services at Mesa State College**

This request is for Council to approve the annual contract with Mesa State College for police services that are provided by the Grand Junction Police Department. The request is essentially a renewal process of the City's annual agreement with Mesa State College

Action: Authorize the City Manager to Execute a Contract with Mesa State College for the City to Provide Police Services

3. **Sole Source Purchase of Microwave Transmission Equipment for the Comm Center**

The GJRCC Radio Committee is seeking approval for the sole source purchase of microwave transmission equipment. The equipment will be used to provide a connection to the Fire B transmitters as well as MCSO radio resources when they are ready to move to the new site.

Action: Authorize the City Manager to Execute a Contract with Somera Communications to Purchase the Microwave Transmission Equipment for \$60,000

4. **CDOT Contract for Traffic Signal Communication System**

Acceptance of funds from CDOT to purchase materials for the Traffic Signal Communication System.

Resolution No. 58-02 - A Resolution of the City Council of the City of Grand Junction Authorizing an Agreement between the City of Grand Junction and the Colorado Department of Transportation for the City to Purchase Materials for the Signal Communications Project

Action: Adopt Resolution No. 58-02

5. **Bookcliff Avenue Reconstruction**

The Bookcliff Ave. Improvements project, between 9th Street and 12th Street, consists of the installation of water line, curb, gutter, sidewalk, and pavement.

The following bids were opened on June 4, 2002:

<u>Bidder</u>	<u>From</u>	<u>Bid Amount</u>
Taylor Constructors	Grd Jct	\$473,514.10
M.A. Concrete Construction	Grd Jct	\$453,355.74
Skyline Contracting	Grd Jct	\$439,418.04
United Companies	Grd Jct	\$421,204.14
Elam Construction, Inc	Grd Jct	\$418,325.88
Engineer's Estimate		\$436,571.46

Action: Authorize the City Manager to Execute a Construction Contract for the Bookcliff Ave. Improvements Project with Elam Construction, Inc. in the Amount of \$418,325.88

6. **Engineering Lab Remodel**

Engineering staff has outgrown the current facility. The project consists of new construction and remodeling to the current Engineering Lab. The proposed expansion of the current facility will address their needs for several years into the future. The project consists of 1,500 square feet of demolition and remodeling of the old building and 1,500 square feet of new construction.

The following bids were opened on May 21, 2002:

<u>Contractor</u>	<u>From</u>	<u>Bid Amount</u>
Triple J Construction	Grd Jct	\$215,957.00
Harney Nail Inc	Avon	\$221,945.00
R.W. Jones Construction	Fruita	\$233,700.00
Architect's Estimate	DKO, Inc	\$168,000.00

Total project cost of the Engineering Lab including additional expenses is \$233,069.00.

Action: Authorization for the City Manger to Execute a Contract for the New Construction and Remodeling of the Engineering Lab with Triple J Construction for \$215,957.00

7. **Amending the Grant Funding Agreement for 29 Road Phase II Reconstruction Project**

Amendment to the agreement with the State of Colorado, Department of Transportation for the improvement of 29 Road to change the northern limit of the project from Orchard Avenue to Mr. Cecilterson Road.

Resolution No. 60-02 – A Resolution of the City Council of the City of Grand Junction Amending the Grant Funding Agreement for 29 Road Phase II Reconstruction Project, STM-M555-016

Action: Adopt Resolution No. 60-02

8. **Setting a Hearing on Rezoning Valley Meadows North Located at the North End of Kapota Street** [File #RZP-2002-019]

Reconsideration and first reading of the Rezoning Ordinance for the Valley Meadows North property located at the north end of Kapota Street, from Residential Single Family Rural (RSF-R) to Residential Single Family-4 (RSF-4), and setting a hearing date of July 17, 2002. This hearing is for the purpose of reconsidering the rezone criteria.

Proposed Ordinance Rezoning the Valley Meadows North Property, Located at the North End of Kapota Street, from Residential Single Family Rural (RSF-R to Residential Single Family-4 (RSF-4)

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 17, 2002

9. **Setting a Hearing on Zoning the Mesa County Human Services Annexation Located at 510 29 ½ Road** [File #ANX-2002-100]

The Mesa County Human Services Annexation consists of three parcels of land located at 510 29 ½ Road. The petitioner is requesting a zone of General Commercial (C-2), which is equivalent to the existing Mesa County Zoning. Planning Commission recommended approval at its June 11, 2002 meeting.

Proposed Ordinance Zoning the Mesa County Human Services Annexation to General Commercial (C-2) Located at 510 29 ½ Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 17, 2002

10. **Setting a Hearing on Zoning the Feix Annexation Located at 229 Jacquie Road to RSF-4** [File #ANX-2002-114]

The Feix Annexation, comprised of 4.68 acres, is located at 229 Jacquie Road. The petitioner is requesting a zone of RSF-4, which conforms to existing County zoning and the Growth Plan Land Use designation for the site. The Planning Commission, on June 11, 2002, recommended approval of the zoning to the City Council.

Proposed Ordinance Zoning the Feix Annexation to the Residential Single Family – 4 dwelling units per acre (RSF-4) District Located at 229 Jacquie Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 17, 2002

11. **Setting a Hearing on Zoning the Statler Annexation to RSF-E Located at 2134 Buffalo Drive** [File #ANX-2002-110]

The 5.846-acre Statler Annexation area consists of one parcel of land, approximately 5.775 acres in size. The remaining acreage is comprised of right-of-way along Buffalo Drive, from South Camp Road. There is a single-family residence on this lot. The applicants are in the simple subdivision process to create a new vacant lot.

Proposed Ordinance Zoning the Statler Annexation to Residential Single Family, Estate (RSF-E) Located at 2134 Buffalo Drive

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for July 17, 2002

12. **Vacation of Easement – Pepper Tree Filing 4A Located at Indian Creek Drive South of F Road** [File #SS-2002-098]

The applicant proposes to vacate a 15-foot wide easement dedicated to the City of Grand Junction for utility and drainage purposes. The easement is located on the east side of Pepper Tree Filing 4A, located at the south end of Indian Creek Drive, south of F Road. At it's hearing of June 11, 2002 the Planning Commission recommended approval of this request.

Resolution No. 61-02 – A Resolution Vacating a Utility and Drainage Easement Located on the East Side of Pepper Tree Filing 4A at the South End of Indian Creek Drive, South of F Road

Action: Adopt Resolution No. 61-02

13. **Appointment of Downtown Development Authority Executive Director**

The Downtown Development Authority is requesting Council's approval of Harold Stalf as the new Executive Director for the Downtown Development Authority.

Action: Approval of Harold Stalf as the Downtown Development Authority Executive Director

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

Traffic Calming Policy

Adoption of the Traffic Calming Policy with revisions as directed by City Council at the June 3 workshop. The proposed policy is intended to address spot locations in existing neighborhoods for requests for traffic calming measures that are initiated by citizens.

Jody Kliska, Transportation Engineer, explained that the policy being presented incorporated the changes directed by City Council at their June 3rd workshop.

She then referred Council to a list of the current requests. She pointed out that the three identified by an asterisk have already completed the balloting process and she asked that they be allowed to start from step 5 in the new policy.

Councilmember Spehar asked for clarification on the policy, that if there were a lack of a certain percentage of speeding, that no calming would be allowed. Ms. Kliska replied that was true but Staff measures could still be implemented.

Resolution No. 59-02 - A Resolution of the City Council of the City of Grand Junction Adopting the Neighborhood Traffic Calming Policy

Upon motion made by Councilmember Terry, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 59-02 was adopted.

Public Hearing - Vacating Ouray Avenue Between 5th and 6th Streets and Vacating Several Alley Rights-of-Ways for the Mesa County Public Library Expansion [File #VR-2002-079]

Request for a Public Hearing and approval of the second reading of the ordinances vacating Ouray Avenue between 5th and 6th Streets; the east/west alley between 5th and 6th Streets, north of Ouray; the remainder of two north/south alley ways between Grand Avenue and Ouray Ave; the remainder of the east/west alley between 5th and 6th Streets, south of Ouray Avenue. This is the 2-block area from Grand Avenue, north to Chipeta Avenue, between 5th and 6th Streets. Proposal is to facilitate the new design of the Mesa County Public Library, in conformance with the approved Master Plan.

The public hearing was opened at 7:54 p.m.

Lori Bowers, Associate Planner, reviewed this item. She referred to each of the requested vacations and where easements would be provided. She pointed out that there are conditions for the vacations and that the Planning Commission recommends approval of the revised final plat showing all easements to be recorded when the final site plan and the Conditional Use Permit are approved. The Planning Commission also found that the findings of the proposed vacations were in compliance with the Growth Plan.

Councilmember Theobald wanted to know how far along the development would be before the final plat is recorded.

Ms. Bowers replied that bond approval is still required and the vacations are needed by the architects to determine the final design for the site.

Councilmember Theobald asked if there were any inquiries from the other surrounding property owners.

Ms. Bowers said that Mesa County, the Gray Gourmet and the City all submitted comments. The Library is trying to purchase one other parcel.

Councilmember Theobald questioned the vacating of the alley used by the Senior Recreation Center and the Gray Gourmet.

Ms. Bowers explained that a relocation of the alley is of benefit to the City, since the City will no longer have to maintain it.

Councilmember Spehar asked if the City would still maintain access and parking.

Mr. Wilson replied yes to his question.

Councilmember Theobald wanted to know from Mr. Wilson, that if assuming that support was based on employees of the property owner some time ago, did Council need to hear directly from those governing bodies, such as the County Commissioners or City Council.

Mr. Wilson replied that this was not required. Council could request it, but it was not a mandate.

Councilmember Terry wanted to know if vacations would not occur until final plat was recorded, which wouldn't happen until the plan is approved and the funding is in place.

Mr. Wilson replied there would be adequate security guarantees in place in case funding was needed to complete any of the improvements.

Councilmember Terry asked Mr. Wilson if the vacation ordinance, if approved, would be conditioned on a successful vote or if subsequent elections could be pursued. Mr. Wilson answered that either is possible. The current language allows for subsequent votes but Council could include a condition specifying this election.

He did however recommend changing the ordinance language in the last sentence from "will take place upon recording" to "shall be effective upon recording" for clarification.

Kelly Arnold, City Manager, noted that for Council that their approval would be limited to the term of this Master Plan, which is five years.

With that so noted Mr. Wilson advised adding the sentence "This ordinance is based on the current Master Plan only", as the next to the last paragraph.

The Applicant was present but had nothing to add.

There were no public comments.

The public hearing was closed at 8:11 p.m.

Ordinance No. 3437 - An Ordinance Vacating Ouray Avenue between 5th and 6th Streets and Establishing a 30-Foot Utility Easement; Vacating the East/West Alley between 5th and 6th Streets, North of Ouray Avenue and Establishing Utility and Ingress/Egress Easements; Vacating the Remainder of the North/South Alleyway between Grand Avenue and Ouray Avenue; Vacating the Remainder of the East/West Alley between 5th

and 6th Streets, South of Ouray Avenue and Vacating and Relocating the Utility Easement in this Area

Upon motion made by Councilmember Theobald, seconded by Councilmember Spehar, and carried by a roll call vote, the amended Ordinance No. 3437, was adopted on Second Reading and ordered published.

Public Hearing – Vacation of a Portion of the Right-of-Way for Crosby Road

[File #VR-2002-105]

The petitioner is requesting approval of a vacation of a portion of the dedicated right-of-way for Crosby Road, located between the Union Pacific RR right-of-way and 25 ½ Road. The Planning Commission reviewed the request on May 28, 2002, and recommended approval of the vacation to the City Council.

The public hearing was opened at 8:13 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item. The Planning Commission recommended approval with the following conditions:

1. Applicants shall pay all recording/documentary fees for the Vacation Ordinance, any easement documents and dedication documents.
2. Prior to the recording of the Vacation Ordinance, the existing house located adjacent to the proposed dedicated right-of-way for 25 ½ Road shall be relocated to an area that meets all City development criteria.
3. Easements shall be recorded at the time of recordation of the Vacation Ordinance for any utilities that may exist within the right-of-way to be vacated.
4. Dedication of right-of-way for 25 ½ Road shall be recorded concurrently with the Vacation Ordinance.

Councilmember Terry questioned the purpose of the vacation. Mr. Cecil explained that vacation approval would eliminate a piece of Crosby Road that acts as a driveway and the City would receive a new right-of-way to connect to 25 ½ Road.

Councilmember Terry asked who requested the vacation. Mr. Cecil replied that the property owner Mr. Juan Venegas is the applicant. It is his house, and he is agreeable to the relocation.

Mr. Wilson explained that the vacation of the right-of-way also allows the house to be relocated further from the new 25 ½ Road and that the Rimrock developer will also benefit as well as the City of Grand Junction.

The applicant was not present. His representative Patrick Raymond from Landesign, 244 North 7th Street, said that they prepared documents for Mr. Venegas and the documents for the vacation of right-of-way and that he agreed with the foregoing presentation.

The public hearing was closed at 8:20 p.m.

Ordinance No. 3438 - An Ordinance Vacating a Portion of Crosby Road Located between the Union Pacific RR Right-Of-Way and 25 ½ Road

Upon motion made by Councilmember Kirtland, seconded by Councilmember McCurry, and carried by a roll call vote, Ordinance No. 3438 was adopted on Second Reading and ordered published.

Public Hearing – Rezoning the Appleton Corners Property Located at 797 24 Road
[File #RZ-2002-051]

Second reading of the Rezoning Ordinance to rezone the Appleton Corners property, 1.85 acres located at 797 24 Road, from Residential Single Family Rural (RSF-R) to Neighborhood Business (B-1).

The Mayor addressed the audience and reminded them that this meeting was addressing zoning only, and no testimony other than zoning related would be heard.

The public hearing was opened at 8:21 p.m.

Mike Joyce of Development Concepts located at 2764 Compass Drive, was representing the applicant Mr. Pennington. The applicant was also present.

Mr. Joyce identified the surrounding uses and zoning. He also stated the purpose of B-1 zoning. He reviewed the rezone criteria.

Councilmember Terry wanted Mr. Joyce to explain how the North Area Valley Plan directly applied to this parcel. She wondered and asked if it focused on the existing Appleton Store as a historical site, or did it address new commercial development by the property owners.

Mr. Joyce said that this corner is the only area in the North Area Valley Plan designated for a business use, and that some of the historical sites are again being used for commercial purposes, and that the old general store is being used as a single-family residence.

Councilmember Terry asked Mr. Joyce if the current owners had any plans for commercial development.

Mr. Joyce replied that there are no plans at this time. He said when they tried to change the use of the original house to a veterinarian clinic, the cost of renovating and converting it to a commercial building was too high, and the sale of the house didn't go through.

Lisa Gerstenberger, Senior Planner, reviewed this request. She said this was the only area that was annexed. The North Central Valley Plan identifies all four corners at this intersection to be established for commercial uses. She reviewed the rezone criteria.

Councilmember Kirtland asked for a review of the 1998 hearings creating the North Central Valley Plan.

Ms. Gerstenberger said it was a joint effort with the City and the County. She also addressed the design guidelines being developed for all B-1 zone districts.

Councilmember Spehar asked what type of businesses would be allowed.

Ms. Gerstenberger said the businesses allowed would be neighborhood-oriented businesses and services such as: medical offices, salons, daycare centers, and veterinarian clinics. Ms. Gerstenberger reviewed the entire list and provided a copy to Council.

Councilmember Spehar asked if a business requiring a Conditional Use Permit (conditional use designation) would require another public hearing. Ms. Gerstenberger said yes that it would require another hearing by the Planning Commission.

Councilmember Terry wanted to know how the North Central Valley Plan defines "commercial."

Ms. Gerstenberger said the Plan does not have definitions, but the wording in the Plan is actually neighborhood business.

Councilmember Terry asked Ms. Gerstenberger if there is another business designation in the Zoning Code. Ms. Gerstenberger said there are none at this time, only light commercial and heavy commercial.

Councilmember Terry asked Ms. Gerstenberger if there are any screening requirements in the B-1 designation. Ms. Gerstenberger said there are requirements for buffering etc., but no specific standards for screening. An amendment is being considered, however the current standards are based on the proposed use in relationship to the existing development, and currently consists of a landscape buffer plus a fence or a wall.

Councilmember Spehar asked if additional requirements could be imposed.

Ms. Gerstenberger said lighting and landscaping could also be added.

Barbara Singley, who lives at 2382 H Road, said she would inherit this land, which is the neighboring parcel. She said her father originally signed a letter in support of the rezone written by the Penningtons, but that he now wants to withdraw his support. He does not want a business there. She said they were grateful for the sewer service, but that does

not mean that they want the zoning changed to business. She felt that most of the other property owners felt the same way.

James Abraham, who lives at 2387 H Road, questioned the inclusion of this corner in the North Central Valley Plan. He said he and his wife went to all the meetings and that each time commercial use was introduced by County Planner Keith Fife, the attendees soundly voted it down. He said the corner was not even included in the plan until the end. He suggested one take a look at 24 Road down to 6 & 50, which has 2.5 miles of linear commercial development potential, plus that doubles with the new road.

Allen Etcheverry, who lives at 779 24 Road, said he is also speaking for his mother who lives at 777 ½ 24 Road, and his grandfather who lives at 777 24 Road. He said he's been at his residence for 26 years and the area has changed over the years and that some people like to think about the area as farmland, but the area is no longer farmland. He said he remembered the store from when he was growing up and it was fun to stop in there on the way home from school. He said the Penningtons have been there for 26 years and have protected that area more than anybody else who was there tonight. He stated that the three of them support the rezone.

Dave Lacy who just moved to 2379 H Road said he respects the applicants, but the reasons they bought the property was for the country setting and they prefer if it remain that way.

Ms. Kathy Harris who purchased her father's home at 2378 H Road said she also respect the Penningtons, but Council should take the increased traffic into consideration and the danger to the school children. She stated that the traffic is already bad and she likes the country setting.

Barbara Singley addressed Council again and stated that the ditches have not been cared for by the Penningtons.

Brian Baldwin who lives at 796 24 Road said he is in favor of the rezone.

Dr. John Wyatt, who's been living at 2416 H Road for 18 years, and 30 years in the area, said he believes the change would be an improvement to the neighborhood and he supports the rezone.

Toby Tefteller, who lives at the adjacent property at 2391 H Road, said the Penningtons are good friends, but they are still opposed to the rezone.

Pam Lair, who bought the property at 824 24 Road for the quiet area, said that there are a lot of accidents at the intersection and suggested a flashing light at the intersection. She said she opposes the rezoning.

Lois Kanalay, who lives in the store at 2398 H Road said she is all for the Penningtons, that it is a big lot, that they had good ideas, and are loyal to the area.

Sara Abraham who lives at 2387 H Road said she opposes the rezone. She said she sent in 16 petitions opposing the rezone and she wanted to know if the letters of support were available.

Ms. Gerstenberger said that they are, they are public record.

Darlene Merkel, who lives at 2136 Anna Court said she owns property in the area (787 24 Road) and she is in favor of the rezone.

Roy Grossman who's lived at 2394 H Road for over 45 years said there was no question that growth is coming, and that he is in support of good, decent businesses, and he has no objections to the rezone.

Laura Carter who lives at 822 24 Road said she opposes the rezone and feels a rezone would leave the property owners vulnerable.

The public hearing was closed at 9:11 p.m.

Councilmember Terry wanted to know about the City's Master Plan and if the North Central Valley Plan superceded the Growth Plan.

Ms. Gerstenberger said the North Central Valley Plan became part of the Master Plan when adopted.

Councilmember Theobold said the Growth Plan showed neighborhood commercial and wanted to know if the designation came from the plan or vice versa.

Ms. Gerstenberger said the designation came from the North Central Valley Plan.

Councilmember Theobold addressed the audience and said he was pleased to see a neighborhood that can disagree and be nice about it.

The Mayor agreed with Councilmember Theobold and thanked the participants.

Councilmember Kirtland pointed out that some neighborhood businesses make some sense, but he would like to understand the process for the development of the North Central Valley Plan.

Councilmember Theobold said the general perspective is that Council gives great weight to a Growth Plan, incorporates neighborhood plans, and that commercial use is based on history, but has not been active for a long time. He said the suggestion to have commercial development along 24 Road was a good point. He said he doesn't foresee any heavy commercial development in the near future, and the neighborhood plan is for local businesses such as a grocery store.

Councilmember Terry asked if the B-1 zone allows more than neighborhood business and if Council has the ability to limit the type development. Mr. Wilson replied that Council does not have that ability in a straight zone.

Councilmember Spehar noted the allowed uses are low impact compared to those needing a Conditional Use Permit. He felt the traffic problems are somewhat caused by the lack of the commercial development in the area and that there is a lot of growth up north, and a lot of people, who need lots of services, and who currently have to drive some miles to get to them. Councilmember McCurry agreed.

Ordinance No. 3439 – An Ordinance Rezoning the Appleton Corners Property Located at 797 24 Road from Residential Single Family Rural (RSF-R) to Neighborhood Business (B-1)

Upon motion made by Councilmember Spehar, seconded by Councilmember Kirtland, and carried by a roll call vote, Ordinance No. 3439 was adopted on Second Reading and ordered published.

Public Hearing – Rezoning the Lewis Property Located at 2258 South Broadway
[File #GPA-2001-178]

Second reading of the Rezoning Ordinance to rezone the Lewis property, 1.83 acres located at 2258 South Broadway, from Residential Single Family 4 (RSF-4), 2-4 units per acre and Community Services and Recreation (CSR), to Neighborhood Business (B-1) and Community Services and Recreation (CSR).

The Mayor reminded the audience that the hearing is for rezoning only.

The public hearing was opened at 9:25 p.m.

Mike Joyce of Development Concepts located at 2764 Compass Drive, reviewed this item. He said this is another request for a B-1 zoning combined with CSR. He said B-1 is the least intensive commercial zoning, except for Residential Office, which does not allow any retail. He said the proposed use does require a Conditional Use Permit, which would be for future application and compatibility issues that would be discussed then. He reviewed the surrounding zoning and identified the uses.

Mr. Joyce also reviewed the rezone criteria. He said the Growth Plan identifies this property as unsuitable for residential development. The performed traffic counts on Kansas Avenue showed 200 to 300 ADT at the opposite end of Kansas Road by South Rim Drive and less at other end. The property was designated for commercial use in the old and new Redlands Plan to provide services in the area. It would complement the existing commercial center, and the development would remove the illegal landfill as well as remove the tamarisk and restore the wetlands.

Ms. Gerstenberger, Senior Planner, reviewed this item and the history of the Growth Plan amendment designating 0.93 acres of this property as commercial. She reviewed the surrounding zoning and uses. She felt the applicant did address all of the rezone criteria. She found it consistent with the Growth Plan and stated the Planning Commission recommends approval.

Councilmember Terry wanted to know if the B-1 design standards, which were previously discussed, would also apply here.

Ms. Gerstenberger replied that they would, but needed to be added to the rezone ordinance.

Bob Blanchard, Community Development Director, clarified that the current standards will apply depending on the filing date of the plan and what standards are in place.

Paul Von Guerard who lives at 2290 Shane Court, was representing the Bluffs West Homeowners Association. He said he wanted to discuss rezone criteria #3 and #5. He said there are no pedestrian facilities, no sidewalks, and that a road incline causes traffic to speed up. He said rezone criteria #7 is of no benefit to the community or the Homeowners Association, and that the traffic from Meadowlark Gardens does not directly impact the residential area where as this proposal will. He said if B-1 zoning is granted to the applicant, then it will open up uses that are allowed, which won't require a public process, and there will be no recourse for the public. He pointed out that in the Redlands Transportation Plan, in Table 2, Kansas Drive and the Bank of Grand Junction access, would eventually be right turn in and right turn out only. He continued to talk about the current and future traffic patterns and the eventual failure of the intersection.

Councilmember Terry asked him about his references to the eventual change in access and questioned his source of his information. Mr. Von Guerand said his information came from conversations with Rick Dorris and CDOT.

Mr. Von Guerand stated the intersection will fail eventually and that came from the traffic study the Lewis's provided. He said the traffic study needs to be updated for the Conditional Use Permit, but if the site were developed with an allowed use, a new traffic study wouldn't be required. He said after repeated communication with City Staff, he was told that there is a tendency to work things out later in the process. He also said Council has inadequate and incorrect information with which to make their decision.

Roxanne Lewis, petitioner, 2183 Canyon View Drive, wanted to mention that this corner had been used as a business for the last 30 years. She said the road is not straight like Mr. Vondegaard said, but is a curvy roadway with two large curves. She said the intersection would fail eventually, with or without this development. Rick Dorris told them that the traffic counts were exactly what they presented. She said their business would not harm the neighborhood.

The public hearing was closed at 10:08 p.m.

Mike Joyce of Development Concepts located at 2764 Compass Drive, said he'd received two e-mails from Rick Dorris saying that the road is not too close to traffic capacity, and further discussions would be at the Conditional Use Permit hearing, and a traffic study would be required no matter what the use was.

Councilmember Terry felt there was confusion as to the process and what was dealt with when.

Ms. Gerstenberger explained that if the rezone was approved, and depending on the applicant's intent, and depending on the allowed use or Conditional Use Permit, and if the Conditional Use Permit met with Staff's approval, then it would go to the Planning Commission for public hearing.

Councilmember Terry asked when the traffic issues are reviewed.

Ms. Gerstenberger said they are reviewed during the Conditional Use Permit review process.

Councilmember Terry asked if there is an opportunity for public input.

Ms. Gerstenberger said the issues are reviewed by outside agencies and then at a public hearing.

Councilmember Kirtland asked if there are other opportunities available for businesses with this size of a lot, such as a restaurant, or if other types of businesses are a possibility.

Ms. Gerstenberger said there are a number of potential uses, but it would depend on the site and parking, and the size of the proposed building.

Councilmember Terry questioned the compatibility with the neighborhood, and asked for a definition of neighborhood.

Mr. Wilson said that Council decides the reasonable boundary for a particular application.

Councilmember Kirtland asked if there are any different answers then there were when discussing Appleton Corners.

Mr. Wilson said there are not.

Councilmember Spehar inquired about the tools used to address traffic issues. Tim Moore, Public Works Manager, said he is not familiar with this particular site but generally they look at stacking and site distance, site specifics, and types of use.

Councilmember Terry said she was sorry the process was not clear to neighbors, but there is plenty of opportunity at the right time, and that a B-1 zoning is appropriate.

Ordinance No. 3440 – An Ordinance Rezoning the Lewis Property Located at 2258 South Broadway from Residential Single Family 4 (RSF-4) and Community Services and Recreation (CSR), to Neighborhood Business (B-1) and Community Services and Recreation (CSR)

Upon motion made by Councilmember Spehar, seconded by Councilmember Theobold, and carried by a roll call vote, Ordinance No. 3440 was adopted on Second Reading and ordered published.

Council went into recess at 10:22 p.m.

Council was back in session at 10:32 p.m.

Redlands Area Plan, Part of the Grand Junction Growth Plan [File #PLN-2002-060]

A request to adopt the Redlands Area Plan as a part of the Grand Junction Growth Plan. Planning Commission recommended approval at its May 7, 2002 meeting.

Kathy Portner, Planning Manager, reviewed this item. She stated that they had excellent participation in this process. She highlighted the issues that were brought forward by the process.

Councilmember Kirtland said that after reviewing the map he was concerned about statements preserving agricultural land that does not exist. Ms. Portner agreed and said it applies more to the separator (buffer) areas.

Councilmember Terry noted that there is not much change in the Zoning Map and the Land Use Map. Ms. Portner agreed.

Kelly Arnold, City Manager, said he is curious about the “Seasons”, that the “Seasons” were shown as commercial and asked if the County did the zoning. Councilmember Spehar said the County zoned the parcel. Ms. Portner explained that when the City annexed the parcel, the City also adopted the zoning designation of the County.

Councilmember Terry asked why Item #19 and Item # 20 on the agenda were not listed as public hearings. Staff responded that it is not legally required to be a public hearing. Councilmember Terry said these are significant issues, and they should be open for public comment. She hoped the policy or procedure would be discussed at the next meeting to require such.

The Mayor asked for public comments. There were none.

Resolution No. 62-02 – A Resolution Adopting the Redlands Area Plan as a Part of the Grand Junction Growth Plan

Upon motion made by Councilmember Spehar, seconded by Councilmember Terry, and carried by a roll call vote, Resolution No. 62-02 was adopted.

Redlands Area Transportation Plan, Part of the Grand Valley Circulation Plan [File #PLN-2002-060]

A request to adopt the Redlands Area Transportation Plan as a part of the Grand Valley Circulation Plan dated September 25, 2001. Planning Commission recommended approval at its June 6, 2002 meeting.

Tim Moore, Public Works Manager, reviewed this item, noting the extent of the process and amount of participation. He stated the recurring themes of the various meetings were: that faster was not necessarily better; the need for turn lanes; that bike and pedestrian paths are needed, and that safety is always an issue. He identified the base deficiencies.

Councilmember Terry asked what improvements are already budgeted.

Mr. Moore said some on Monument Road and jurisdictional swaps with CDOT would also be a factor and recommended approval of Resolution No. 63-02.

The Mayor asked for public comments. There were none.

Resolution No. 63-02 – A Resolution Adopting the Redlands Area Transportation Plan as a part of the Grand Valley Circulation Plan

Upon motion made by Councilmember Terry, seconded by Councilmember McCurry, and carried by a roll call vote, Resolution No. 63-02, including Staff's revisions, was adopted

Contract and Permits with Outdoor Promotions for GVT Bus Benches and Shelters [File #RVP-2002-020]

Consideration of a Resolution authorizing the issuance of a Revocable Permit to allow the Petitioner to install 72 bus benches in the City right-of-way along the adopted GVT bus routes. Fifteen of these benches are not allowed to have advertising on them since they are adjacent to residentially zoned properties. This Resolution also revises the previously approved Revocable Permit for 28 bus shelters, four of which are not allowed to have advertising. The City Attorney may have further comment on the agreement between the City and Outdoor Promotions.

Lori Bowers, Associate Planner, reviewed these items.

Mr. Wilson said the numbering on the agreement need to be corrected, and he recommended various other changes to the agreement. He read all recommended changes to Council.

Gary Young, owner of Outdoor Promotions, said he wanted to comment on the pads and has two proposals for Council. He proposed to place both pads (access pads and bench pads) under the advertising benches and none under the no-ad benches, since the pads under the no-ad benches would be of excessive cost to him. The second proposal was to place pads under all benches and bench pads at locations that required them due to erosion, safety and elevation issues.

Councilmember Spehar said he understood his concerns, and under his presumption about the pads that they have to do with permanency and appearance, he felt Council and Outdoor Promotions must adhere to Code and comply with ADA, and that there are other variables with which Mr. Young can address the costs.

a. Contract

Action: Authorize the City Manager to Sign a Contract with Outdoor Promotions

b. Revocable Permit – Benches and Shelters

Resolution No. 64-02 – A Resolution Concerning the Issuance of a Revocable Permit to Outdoor Promotions, Inc.

Councilmember Theobald moved to:

- a) Authorize the City Manager to sign a contract with Outdoor Promotions, Inc. and
- b) Adopt Resolution No. 64-02 with the following changes:
 - 1) The complaint language as specified by the City Attorney;
 - 2) The acceptance of the terms of the Revocable Permit, as outlined by the City Attorney;
 - 3) Renumber the items sequentially;
 - 4) Allow the City Manger to amend the Revocable Permit to add three benches, as outlined by the City Attorney.

Councilmember McCurry seconded. The motion carried by a roll call vote.

NON-SCHEDULED CITIZENS & VISITORS

There were none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting was adjourned at 11:24 p.m.

Stephanie Tuin, CMC
City Clerk