

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

October 2, 2002

The City Council of the City of Grand Junction convened into regular session on the 2nd day of October 2002 at 7:32 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Dennis Kirtland, Bill McCurry, Jim Spehar, Janet Terry, Reford Theobald and President of the Council Cindy Enos-Martinez. 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 Jim Spehar led in the pledge of allegiance. The audience remained standing for the invocation by Arthur Trujillo of the Sonrise Church of God.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING OCTOBER 2002 AS NATIONAL HEADSTART AWARENESS MONTH

PROCLAIMING OCTOBER 5, 2002 AS OKTOBERFEST DAY

PROCLAIMING OCTOBER 1 THROUGH 31, 2002 AS KNIGHTS OF COLUMBUS DAYS FOR THE MENTALLY HANDICAPPED

PROCLAIMING OCTOBER 6 THROUGH 12, 2002 AS MENTAL ILLNESS AWARENESS WEEK

Council recognized Boy Scout Troop 383 in attendance.

APPOINTMENTS

TO PARKS AND RECREATION ADVISORY BOARD

Councilmember Spehar moved to appoint David Detwiler to the Parks & Recreation Advisory Board to fill an unexpired term until June, 2004. Councilmember Terry seconded the motion. Motion carried.

PRESENTATION OF CERTIFICATE OF APPOINTMENTS

TO URBAN TRAILS COMMITTEE MEMBERS

Walid Bou-Matar and Diana Cort were present to receive their certificates of appointment.

TO THE PLANNING COMMISSION BOARD OF APPEALS MEMBER AND 2ND
ALTERNATE TO PLANNING COMMISSION

Travis Cox was present to accept his certificate of appointment.

SCHEDULED CITIZEN COMMENTS

There were none.

***** CONSENT CALENDAR *****

It was moved by Councilmember Kirtland, seconded by Councilmember Terry, and carried, to approve the Consent Calendar Items #1 through #6.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the September 16, 2002 Workshop and the Minutes of the September 18, 2002 Regular Meeting

2. **Setting a Hearing for the Intent to Create an Alley Improvement District 2003**

Successful petitions have been submitted requesting a Local Improvement District be created to reconstruct the following six alleys:

- “T” Shaped Alley from 2nd to 3rd, between E. Sherwood Avenue and North Avenue
- “Cross” Shaped Alley from 6th to 7th, between Rood Avenue and White Avenue
- East/West Alley from 11th to 12th, between Rood Avenue and White Avenue
- East/West Alley from 13th to 14th, between Main Street and Colorado Avenue
- East/West Alley from 13th to 14th, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 13th to 14th, between Hall Avenue and Orchard Avenue

Resolution No. 90-02 – A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City Alley Improvement District No. ST-03 and Authorizing the City Engineer to Prepare Details and Specifications for the Same

**Action: Adopt Resolution No. 90-02 and Set a Hearing for November 6, 2002*

3. **Subrecipient Contract with Western Region Alternative to Placement for the City's 2002 Program Year Community Development Block Grant Program**
[File # CDBG-2002-2]

The Subrecipient Contract formalizes the City's award of \$10,000 to Western Region Alternative to Placement (WRAP) for client services under the WRAP program. These funds were allocated from the City's 2002 Community Development Block Grant (CDBG) Program.

Action: Authorize the City Manager to Sign the Subrecipient Contract with WRAP for the City's 2002 Program Year, Community Development Block Grant Program

4. **Subrecipient Contract with Grand Junction Housing Authority for the City's 2002 Program Year Community Development Block Grant Program** [File # CDBG-2002-5]

The Subrecipient Contract formalizes the City's award of \$41,720 to Grand Junction Housing authority (GJHA) for predevelopment costs for GJHA's Linden property located at 276 Linden Avenue. The funds were allocated from the City's 2002 Community Development Block Grant (CDBG) Program.

Action: Authorize the City Manager to Sign the Subrecipient Contract with GJHA for the City's 2002 Program Year, Community Development Block Grant Program

5. **Setting a Hearing on Zoning the Iles Annexation Located at 3080 D 1/2 Road** [File # ANX-2002-171]

First reading of the Zoning ordinance to zone the Iles Annexation Residential Multi-Family-5 (RMF-5), located at 3080 D 1/2 Road.

Proposed Ordinance Zoning the Iles Annexation to Residential Multi-Family-5 (RMF-5), Located at 3080 D 1/2 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 16, 2002

6. **Setting a Hearing on Zoning the DM South Annexations #1 & 2 Located at 511 30 Road** [File #ANX-2002-138]

First reading of the Zoning Ordinance for the DM South Annexations #1 & 2 located at 511 30 Rd. The 1.7327-acre DM South Annexation is a serial

annexation consisting of one parcel of land and a portion of the 30 Road right-of-way.

Proposed Ordinance Zoning the DM South Annexation to B-1 (Neighborhood Business) Located at 511 30 Road

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for October 16, 2002

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

7. **Grant Contract Accepting \$200,000 for W.C.B.D.C.**

The City has been awarded an Energy/Mineral Impact Assistance Grant to assist the Western Colorado Business Development Corporation with improvements to the technology center.

Ron Lappi, Administrative Services Director reviewed this item. Thea Chase, WCBDC, was present and thanked Council for their support.

Councilmember Terry moved to accept the grant for \$200,000 on behalf of W.C.B.D.C. and Authorize the Mayor to Sign the Agreement. Councilmember Spehar seconded. Motion carried.

8. **Public Hearing – Issuing \$1.6 Million in Private Activity Bonds**

TOT, LLC has requested the use of the City's Private Activity Bond allocation. The use will allow TOT, LLC to finance a portion of their construction of a manufacturing facility for Pyramid Printing through adjustable rate revenue bonds. This ordinance authorizes the issuance of \$1.6 million in PABs in 2002, and an additional \$1.6 million in 2003.

The public hearing was opened at 7:52 p.m.

Ron Lappi, Administrative Services Director, reviewed this item.

Councilmember Theobald pointed out an error on the Mayor Pro Tem in the ordinance.

There were no public comments.

The public hearing was closed at 7:55. p.m.

Ordinance No. 3454 - An Ordinance Authorizing the Issuance and Sale of City of Grand Junction, Colorado, Adjustable Rate Revenue Bonds (Pyramid Printing, Inc. Project), Series 2002, in the Aggregate Principal Amount Not to Exceed \$1,600,000 and Series 2003, in the Aggregate Principal Amount Not to Exceed \$1,600,000; Making Determinations as to Sufficiency of Revenues and as to Other Matters Related to the Project and Approving the Form and Authorizing the Execution of Certain Documents Relating Thereto

Councilmember Theobald moved to adopt Ordinance No. 3454 on second reading. Councilmember McCurry seconded. Motion carried.

9. **Agreement between G.J. Rimrock General Improvement District and the Developer**

This resolution authorizes an agreement between the City Council (acting as the Board of Directors for the Rimrock Marketplace General Improvement District) and THF Belleville, the owner and developer of Rimrock.

Ron Lappi, Administrative Services Director, stated that staff is not ready to go forward with this item and asked that it be continued to October 16, 2002.

Councilmember Kirtland moved to continue the agreement between G.J. Rimrock General Improvement District and the Developer to October 16, 2002. Councilmember Terry seconded. Motion carried.

10. **Public Hearing – Rezoning the Property at the Southeast Corner of Patterson Road and 12th Street for City Market** [File #RZ-2002-118]

City Market is requesting a rezoning of approximately 8.26 acres from the Neighborhood Business (B-1) district and the Residential Multiple Family – 8 (RMF-8) district to the Planned Development (PD) district. The Planning Commission, on August 27, 2002, recommended approval of the zoning to the City Council.

The public hearing was opened at 7:58 p.m.

Pat Cecil, Development Services Supervisor, reviewed this item.

Components of the proposed project he highlighted were the site plan, the fueling facility, two retail buildings, a residential component comprised of twelve residential units, a drainage detention area and an eight foot and a six foot high screen wall separating the commercial components from the residential components. He

noted that he has received a petition in favor of the proposal as well as letters in opposition of the project.

He identified that there would need to be significant improvements at the intersection of 12th and Patterson such as double left turns at all four quadrants and dedicated right turn lanes. The pavement would be laid in order to allow re-striping later as needed.

Mark Relph, Public Works Director, stated that the plan is to build the width for double left turns on all four quadrants. The southbound lane may not be striped for the double left turn.

Upon questioning, it was determined that there would be seven lanes total at the intersection.

Mr. Cecil reviewed the residential part of the plan.

Mr. Cecil displayed the rezone criteria and the public benefits that arise from the project (for a Planned Development).

The Planning Commission has recommended that the project be found to be consistent with the Goals and Policies of the Growth Plan, that the rezone criteria has been met, that the review criteria has been met and that the proposed development does provide public benefits above and beyond those required to mitigate the impacts of the development.

Councilmember Theobald asked about access onto Wellington. Mr. Cecil said that only commercial (trucks) access is restricted. Shoppers would be allowed to use Wellington access. Councilmember Spehar asked about policing that restriction. Mr. Cecil said that it would be difficult and that they would have to rely on citizen's complaints.

Councilmember Butler asked about the traffic impact from that access onto Wellington.

Mark Relph, Public Works Director stated that from the traffic study report from reputable traffic engineers, showed that the access will generate about 50 trips per day onto Wellington. Currently, the site has about 450 trips per day. The access is designed to make it difficult for a truck to access because of the retaining wall.

Councilmember Terry asked about traffic counts from Patterson and 12th Street. Mark Relph deferred to the applicant for an answer on this issue.

Councilmember Theobold asked about Growth Plan consistency. Mr. Cecil said the previous proposals did not have a residential element. Councilmember Theobold asked about the process by which this proposal was determined to be consistent with the Growth Plan. Mr. Cecil stated that Growth Plan lines are interpretive, and as part of the rezoning of that property in 2000, it was considered to be implementing the Growth Plan at that time. Since, this project does incorporate a residential component; the Planning Commission feels it is consistent with the Growth Plan.

Kathy Portner, Community Development Department, explained that at the time of adoption of the zoning map, the Growth Plan was to retain residential along Wellington. In order to ensure consistency, the numbers of units allowed by the Growth Plan were included in the proposal.

Councilmember Theobold disagreed with it being consistent as the residential did not cover the entire length of Wellington.

Kathy Portner explained that the number of units was determined by a range based on the acreage. The proposal is at the low end of the range. Ms. Portner clarified that they based their review of consistency on the number of units that the Growth Plan designation would allow rather than the total area.

Councilmember Theobold asked if the Council can examine the Growth Plan consistency as part of the deliberations. City Attorney Dan Wilson said that they can because the proposal is a Planned Zone. A Planned Zone is premised on consistency with the Growth Plan. Staff statements are only recommendations.

Councilmember Spehar asked how the process proceeds if Council does not agree with the Staff.

City Attorney Wilson said the Growth Plan consistency is part of the Council's consideration. It can be reason for denial or conditions can be placed on the approval.

Councilmember Spehar questioned that if the Council does not feel it is consistent, would they continue with the hearing? City Attorney Wilson recommended that they go forward with the hearing and make decision at the end.

Michael Foley, Executive Vice President of Goldberg Property Associates, reviewed City Market's history and the history of his own company in partnership with King Soopers.

He then reviewed the proposed project. It is on 8.26 acres at the intersection of 12th and Patterson and is a mixed use project which includes retail and residential development.

He acknowledged City Staff and thanked them for their time spent on this proposed project.

He introduced other City Market representatives in attendance including his project consultants with Rolland Engineering, Radix Engineering, Goldberg Properties and City Market employees.

Mr. Foley outlined the reasons for the rezone request. The development would include a 49,500 square foot City Market grocery store, two retail buildings, one being 4,800 and another being 5,000 square feet, a City Market fuel center and twelve multifamily residential units.

He detailed the design of the proposed residential would include the screening with eight, six and three foot masonry walls which would be surrounded by landscaping that would include 144 trees and 1200 shrubs.

There are four accesses and all are integral. The store is also aware of the improvements at the adjacent intersection that are needed. Dedicated right turn lanes northbound and eastbound and double left turn lanes at all four quadrants. He asked David Hooks of Radix Engineering to present the more technical aspects of the transportation solution.

Councilmember Spehar asked Mr. Foley if City Market is prepared to go forward with the project without the City's contribution to the cost of the intersection improvement. Mr. Foley stated that he cannot speak to that directly but it is his feeling that without City participation, it would appear not to be economically viable.

Councilmember Spehar then asked if the applicant is prepared to acquire the necessary right-of-ways on the four corners to proceed with this project without the City's participation. Mr. Foley said that to the extent that they can privately negotiate for those right-of-ways, they are willing to make the attempt to do that.

Councilmember Theobald asked what will happen if they cannot acquire the right-of-way. Mr. Foley said that it is his understanding that some of the intersection improvements are already slated for construction. If the right-of-way cannot be obtained, then it would probably force a redesign of the project.

Councilmember Theobald asked Mr. Foley if it is clear that there is no expectation of the City's financial participation or efforts in getting the rights-of-way.

Mr. Foley stated that he is aware that tonight's discussion does not include a funding decision.

David Hook, Radix Engineering, performed the traffic study according to the guidelines established by the City of Grand Junction. The City Market development would generate approximately 7,750 trips ends per day. Most would be pass-by trips. The end result is the development would add an additional 4,160 trips to the system per day.

He noted that the intersection of 12th and Patterson is close to failing in the current condition and the addition of the City Market development will impact the intersection unless additional geometric improvements are constructed.

Critical lane capacity (actual capacity of an intersection) is 2,378 vehicles in the peak hour; the number of vehicles going through currently is 2,341.

He stated that with the proposed intersection improvements, the critical capacity would be increased to 3,697 vehicles per hour. The improvements would be far greater than the impact of the additional traffic from the City Market development.

Adequate pedestrian crossing times will always be provided by the City's engineering staff. The proposed City Market development will include pedestrian countdown timers to provide additional safety.

The traffic using the driveways would be 50% on Patterson entrances, 40% on 12th Street entrance, and 8% on Wellington.

Traffic standards indicate that 30% of shopping center traffic on the street would be pass-bys, and 55% of gas station traffic would be pass-bys.

Trip chaining (people planning a multi-task trip to a site like going to a supermarket and then getting gas) results in a 15% reduction of the remaining site trips.

Councilmember Terry asked about the cuing on the graph. Mr. Hook said it is only shown for the PM peak.

Councilmember Theobald questioned the stacking distance on the map for the left turn at Patterson.

Mark Relph replied that with the double left that are being shown on the drawing, the stacking length is about 290 feet.

There was an in depth discussion on which map was being looked at and the distance.

Councilmember Spehar questioned what additional retail uses are assumed to expect to generate 407 trips.

David Hook replied that the number is taken from standard that rates an out parcel at an ADT rate.

Public Works Director Relph clarified that the outbuildings are anticipated to be specialty retail and would generate that type of traffic.

Council continued to question the math of the traffic study.

Mr. Foley thanked the Council for the time they have taken to understand the traffic study.

Councilmember Theobald asked why there is a three foot wall by the detention pond instead of a six foot wall. Mr. Foley said the six foot wall is screening for headlights for the residential. The three foot wall is only to screen the detention area.

David Hook clarified that on table 5 the number is supposed to be 5,482 instead of 5,842.

In conclusion, Mr. Foley stated the benefits of the proposed project at this location and asked for approval of the requested rezoning.

The Mayor asked Council for questions for Staff.

Councilmember Spehar asked Staff to reiterate how the project meets PUD requirements and its consistency with chapter 5. He felt some other use would be on that parcel if this is turned down. He questioned whether the intersection improvements were truly a unique benefit.

Pat Cecil responded that any commercial development on that property would trigger improvements to the intersection.

Councilmember Spehar continued to question the need for the PUD.

Community Development Director Bob Blanchard stated that in the Staff report, they broke the out the points and benefits separately. There are three benefits that go above and beyond the Code, the mixed use design, public use of the

detention area and proximity of neighborhood shopping. Mr. Cecil added that most people will generally drive if a store is more than a half mile away.

Councilmember Spehar questioned the oversized detention pond and what would normally be required for this size of a development.

Mr. Cecil stated he needed an engineer to answer that but didn't feel the over sizing is a matter of importance because the detention pond would not be used 24 hours a day 365 days a year. The detention pond is passive recreational use. The difference is that most detention ponds are not landscaped.

Councilmember Spehar questioned if the mixed use design could happen under the straight zone.

Pat Cecil stated that an additional factor is achieving density in the upper range of the Growth Plan which is 6.2 units per acre.

Councilmember Theobold questioned Public Works regarding when the street at 12th becomes wider, would it change to light cycle because pedestrian traffic would take longer to cross the street?

Mark Relph stated that different signal timing at that intersection would be looked at.

Councilmember Theobold asked if it would change progressions and synchronizations.

Mr. Relph stated that it would be managed differently. Councilmember Theobold inquired if the level of service is based on the current cycle, a longer cycle will change the level of service. Mr. Relph advised that even though the signal timing would change, the overall level of service would remain unchanged.

Councilmember Theobold asked what the impact on 15th Street and Wellington would be.

Mr. Relph replied that there is currently plenty of capacity left at these corridors, however, the level of service at 15th & Patterson will be a problem in 20 years.

Councilmember Theobold noted that neighborhood impacts are significant even when not at capacity.

Councilmember Spehar stated that more trips were proposed in the previous proposal, which included other uses. Other allowed uses are available for this parcel that would generate less trips.

Mr. Relph referred to the original table generated in 1999 which showed how other uses for a certain amount of acreage would generate more or less trips.

Councilmember Terry asked how Growth Plan compliance is assessed, particularly in relation to density.

Community Development Director Blanchard stated that when talking density, it is density in the context of residential and intensity in the context of non residential (commercial.) Density is calculated by how many units are provided per acre.

Councilmember Terry also questioned straight zone vs. planned zone and the ability the City has to require different type of fencing or screening.

Development Services Supervisor Cecil stated that it is required when a commercial project is adjacent to residential.

Councilmember Terry asked if the City could require an 8 foot masonry fence on the east and south boundary if this were a straight zone. Mr. Blanchard responded that the City can go above and beyond the Code requirement on a PD Zone.

There was more discussion between Staff and Council regarding the Code and requirements of walls and buffers.

Councilmember Terry commented that, if the project proceeds, the existing plantings in the area of the project should be looked at and recommended not preserving the plantings not worth saving.

Mr. Relph commented on the light signal progression on the rest of the corridor. The Patterson and 12th Street intersection would require the change of the existing signal along with 11 others on Patterson and three on 12th Street, so it would have a significant effect on the corridor but would be manageable.

Councilmember Butler expressed concern about the access from Wellington, and head injured patients from Hilltop walking along there.

Mr. Relph replied that the amount of traffic at Wellington would be minimal there but something for Council to consider.

Councilmember Terry stated that there is not a sidewalk there, and asked if a sidewalk improvement is planned. Mr. Relph replied that the City is asking for a five foot detached sidewalk.

Councilmember Spehar commented on the request for 49,500 square foot plus 600 additional feet of retail totaling over 50,000 square feet and asked if the City could require additional concessions under the big box standards.

City Attorney Wilson replied that it can be requested as an extra amenity as a condition of the Planned Zone.

Mr. Blanchard stated that they have done some things that are in the big box guidelines, for example, articulation of the roof. Some things they have not done are providing a public gathering place and designing all four facades on the building (articulation.)

Councilmember Theobald questioned why this development does not meet big box standards when the square footage is over 50,000 total.

Mr. Blanchard replied that big box standards are triggered for over 50,000 per individual structure or building (interior space).

There was discussion between Staff and Council regarding big box standards and seasonal sales.

City Attorney Dan Wilson stated that in a PUD process, big box standards could be applied and deem that to be one of the public amenities that would justify the planned development.

The Mayor asked for public comments.

Pat Verstraete, 1321 Wellington, distributed a packet to the Council and then read through a pink outline. She disagreed that the project met the criteria for a planned development and simple subdivision according to the development code. Nor does it meet the rezoning criteria. The proposed project is grossly out of compliance with the requirements of the Growth Plan. She said the math did not add up on the ingress from Wellington. They will need a variance and a special use permit for the gas station. She provided petitions to the Mayor with 1,239 with citizen signatures on it asking that City money not be used for the intersection improvements.

Bruce Verstraete, 1321 Wellington, stated that he felt that City staff is not supporting the project but if the store is going to be built then build the improvements, but without City participation.

Councilmember Spehar stated that there were a series of letters asking for City's participation but the City was declined to discuss that until after the land use decision is made.

Bruce Verstraete stated that during the last proposal of this project, it was mentioned that Patterson is the one of the only east-west boulevards in the City and should be kept clear. He is concerned with double left turn lanes, they should be avoided. He feels that the City would only get a one step improvement with the intersection improvements and it still will fail in 20 years. He feels that the proposed right turn lane at egress station B would be 90 feet short for a safe design.

Burl Barlow, 615 Jackson Street, representing Mesa National Bank, spoke regarding the expansion of 12th and Patterson and how it will bring the road closer to the bank. His concerns were: safety of employees and customers, noise pollution, restriction on the bank's business due to traffic stacking up. The bank has discussed with City Market a retaining wall being built, for safety and noise.

Ron Gibbs, 2258 Willow Wood Road, principal owner of the retail shopping in Village Square at the corner of 12th and Patterson, believes the improvements will benefit the citizens at that intersection and supports the project and believes it is compatible with the underlying zoning for the neighborhood.

Burke Swisher, 2510 N. 12th, supports the project except for a few things. The gas station is too close to his property line, however, City Market said they would move it. He asks that it be moved at least 150 feet. Wellington Street entrance will add 60 cars per day, (3 cars an hour) and feels that a street light would be needed at 12th and Wellington.

Bob Emrich, 1441 Patterson Road, Patterson Gardens Town Home Association Board of Directors, referred to plan proposed for City Market three years ago. There were several things the association did not like three years ago. This time City Market did everything possible to modify plans to address their concerns. The Board of Directors for Patterson Gardens Town Home Association now supports this project.

Ken Arnold, store manager for City Market, 1163 22 ½ Rd, spoke regarding that City Market pays good wages and he feels it is good that City Market gets to expand. He asked that the Council support the project.

Tom Bell, 516 Dove Court, works for City Market and supports what Mr. Ken Arnold commented on. Even though City Market has different owners it is still local. City Market employees have a lot at stake with the project and respectfully ask for approval of this project.

Rick Bamford, 3626 Ridge Drive, works for City Market and supports the construction project.

Priscilla Mangnall, 1406 Cedar Ave., stated that even though City Market does a lot of wonderful things, a grocery store is not needed there.

Joel Williams, 1440 Hall Ave., is concerned about the traffic problem at that intersection and feels that different retail should go in there that would suit everyone better other than a grocery store.

Bill Trackler, 1418 Wellington Ave, is concerned about the traffic and the head injured people. He feels it should be built in somebody else's neighborhood.

Jim Olson, 510 Bookcliff Dr., feels that the development proposed at 12th and Patterson is a giant step toward turning this area of Grand Junction into a budding inner city area. He feels the Council should wait for a more community enhancing proposal.

The public hearing was closed at 11:10.

Councilmember Theobald asked Community Development Director Bob Blanchard to address the situation at Mesa National Bank.

Mr. Blanchard stated that the bank is currently on a non-conforming site and are therefore constrained from any future expansion on their lot which limits their ability to expand, including landscaping and site improvements, without bringing the site up to the City's current code specifications.

Councilmember Theobald asked if it is non-conforming because of the right of way the City required to widen Patterson.

Mr. Blanchard wasn't sure if it was that or because of the changes in the Zoning and Development Code over the years.

Public Works Director Mark Relph stated that he doesn't have a specific solution to the Mesa National Bank issue. There are several possibilities like retaining walls and landscaping.

Councilmember Theobold asked Mr. Relph to respond to Mr. Swisher's comment on the 10% going out onto Wellington and putting Wellington over its capacity.

Mr. Relph replied that this is best addressed by David Hook, Radix Engineering.

Mr. Hook went through the math equation again to state the number of trips.

Mr. Relph explained that the data is expressed in the peak hour and trying to relate to total volume per day is difficult.

Mr. Hook advised that the 550 number of trips is well below the 1000 capacity for Wellington.

Councilmember Terry asked the City Attorney if the sidewalk improvements to be done on Wellington is only the length of the property, and is there any legal guidelines which would allow the City to require a sidewalk the full length of Wellington.

City Attorney Wilson answered that it could be required if findings were made that there is an existing use because of kids and the injured patients. Council could require it in a PD zone.

The Mayor offered rebuttal for the Applicant.

Mike Shunk, City Market's real estate representative, stated that City Market is a good corporate citizen. There has not been a new store since 1990. Several other new supermarkets have entered the market place since. The supermarket at this location would be similar in size to the Orchard Mesa, smaller than other stores. City Market believes the need exists for this facility. A larger store was requested before. City Market has the capability to fund the improvements needed for this project. There is a speed table proposed at Wellington to slow down traffic. The property is a parcel of land that is capable of a use by right to be developed in commercial and residential use of occupancy. There are 8 to 16 residential units allowed on this parcel, and they are proposing 12 units of residential uses on this parcel. He thanked the participants for their questions, Staff and Council for their time and consideration of this project and asked for approval of this request.

Councilmember Theobold stated that he cannot see how this proposal complies with the Growth Plan and feels a Growth Plan amendment is needed. The residential issue along Wellington has not been solved with this proposal.

Councilmember Terry outlined issues that should not be considered: City Market as a corporate citizen, a grocery store is needed, and job creation or wages to be given to employees. What should be considered is land use on this site, and whether or not City Council will allow the land to be developed and whether or not this development meets the criteria that have been set out by citizens and staff. She believes this is in compliance with the Growth Plan and that there is valid reason to approve this development in terms of public benefits and road improvements. She would add a few conditions when they get to a final decision.

Councilmember Spehar spoke in respect to the organization and hopes they can get to a win-win situation with conditions, but feels that it is too big of development for the site. He is disappointed that this development didn't go through Growth Plan amendment process. He feels that City Market's need to be competitive for this area is their own problem. He believes there a lot of other uses that could go on this site. He is troubled by the survey of the community that was done in conjunction with the strategic plan that showed many want growth stopped due to traffic. He can't support this proposal.

Councilmember Theobold stated that as far as big picture, he likes the landscaping, trees and the residential component. There is only half of the residential buffer that the Growth Plan calls for. He is concerned with the traffic on Wellington; there is not a clear traffic picture. This proposal does not comply with the Growth Plan criteria or rezone criteria. He doesn't feel the future is there.

Councilmember Kirtland felt the Growth Plan has designated certain areas for intense development. A more intense location was said to be at 12th and Patterson, for this is the last intersection along Patterson that can handle this. He is confident that the intersection can be developed to manage the safety problems. This area needs an applicant who can bring together a project and deliver a concept that the City can be proud of. There are advantages of having one developer for this area. He feels that this project can look good and can work. City Market has taken the time and met with the majority of the neighbors and addressed concerns. He feels the City needs to trust the investors and people who have invested in this land and what their vision is for this community is and support this project.

Councilmember Butler thought the housing would be across Wellington with no access. The proposal impacts that street too much and he can't support the proposal.

Councilmember Terry moved to approve Ordinance No. 3455 which rezones from B-1 and RMF-8 that property to PD with these conditions:

- Based upon the plan submitted, the gas station be relocated, basically flip flopped with the parking with the access to the gas station pumps
 - There be a sidewalk extended the length of Wellington on the north side all the way to 15th to provide safety and access for pedestrians along that entire road, and that is if the access continues to be in and out on Wellington both directions
 - That the safety, the noise issues are mitigated that impact Mesa National Bank if this project does go through and if Patterson Road improvements are expanded and that mitigation is to the satisfaction of the property owner.
- Councilmember Kirtland seconded. The motion failed with a roll call vote of 4 to 3. Councilmembers Theobold, Butler, McCurry and Spehar voted no. Councilmembers Kirtland, Terry and President of the Council Enos-Martinez voted yes.

Councilmember Spehar moved to cease the motion. Councilmember Theobold seconded. The motion failed with a roll call vote of 4 to 3. Councilmembers Kirtland, McCurry, Terry and President of the Council Enos-Martinez voted no. Councilmembers Spehar, Theobold and Butler voted yes.

Councilmember Terry moved to approve Ordinance No. 3455 rezoning from B-1 and RMF-8 to PD with the conditions:

- The gas station relocation would stay
- The sidewalk improvement on Wellington would also stay
- The requirements for mitigations to the property on Patterson Road known as Mesa National Bank would also stay
- An added condition for the entrance to Wellington Avenue be limited to left in, right out which means the only access for traffic would be going into off of 12th Street would not impact Wellington Avenue.

Councilmember Kirtland seconded. The motion passed with a roll call vote of 4 to 3. Councilmembers Kirtland, McCurry, Terry and President of the Council Enos-Martinez voted yes. Councilmembers Butler, Spehar and Theobold voted no.

The motion was re-polled for clarity. The motion was the same as the previous motion with the addition of restricting Wellington to left in, right out. The motion failed with a 4 to 3 vote. Councilmembers Kirtland, McCurry, Terry and Butler voted no. Councilmembers Spehar, Theobold and President of the Council Enos-Martinez voted yes.

NON-SCHEDULED CITIZENS & VISITORS

There was none.

OTHER BUSINESS

There was none.

ADJOURNMENT

The meeting was adjourned at 12:00 midnight.

Stephanie Tuin, CMC
City Clerk