

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

NOVEMBER 19, 2003

The City Council of the City of Grand Junction convened into regular session on the 19th day of November 2003, at 7:30 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Bruce Hill, Dennis Kirtland, Bill McCurry, Gregg Palmer, and President of the Council Jim Spehar. Also present were City Manager Kelly Arnold, City Attorney Dan Wilson, and Deputy City Clerk Debbie Kemp.

Council President Jim Spehar called the meeting to order. Councilmember Enos-Martinez led in the pledge of allegiance. The audience remained standing for the invocation by Steve Fenske, Sonrise Church of God.

PRESENTATION OF CERTIFICATES OF APPOINTMENT

FORESTRY BOARD

Ian Gray was present and received his certificate of appointment.

GRAND JUNCTION HOUSING AUTHORITY

Kathleen Belgard was present and received her certificate of appointment.

PLANNING COMMISSION BOARD OF APPEALS

Mark Williams and Tom Lowrey were present and received their certificates of appointment.

PROCLAMATIONS / RECOGNITIONS

PROCLAIMING NOVEMBER 19, 2003 AS "COPD DAY"

SCHEDULED CITIZEN COMMENTS

There were none.

Councilmember Butler acknowledged constituents from District E by reading an article regarding Orchard Mesa Middle School winning a volleyball tournament. He said this was quite an accomplishment

CONSENT CALENDAR

It was moved by Councilmember Hill, seconded by Councilmember Enos-Martinez, and carried by a roll call vote, to approve Consent Calendar Items #1 through #5.

1. Minutes of Previous Meetings

Action: Approve the Summary of the November 3, 2003 Workshop, the Minutes of the November 5, 2003 Regular Meeting, and the Minutes of the November 12, 2003 Special Meeting

2. Setting a Hearing on the 2004 Annual Appropriation Ordinance

The total appropriation for all thirty-four accounting funds budgeted by the City of Grand Junction (including the Ridges Metropolitan District, Grand Junction West Water and Sanitation District, and the Downtown Development Authority) for the fiscal year beginning January 1, 2004 is \$115,484,715. Although not a planned expenditure, an additional \$2,500,000 is appropriated as an emergency reserve in the General Fund pursuant to Article X, Section 20 of the Colorado Constitution.

Proposed Annual Appropriation Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Ridges Metropolitan District, and the Grand Junction West Water and Sanitation District for the Year Beginning January 1, 2004 and Ending December 31, 2004

Action: Introduction of Proposed Ordinance and Set a Hearing for December 3, 2003

3. Setting a Hearing on the Bond Ordinance for Community Hospital

This is an ordinance authorizing the issuance of \$3,420,000 of hospital revenue refunding bonds on behalf of Community Hospital.

Proposed Ordinance Authorizing the Issuance and Sale of \$3,420,000 Hospital Revenue Refunding Bond (Community Hospital Project) Series 2004 of the City of Grand Junction, Colorado for the Purpose of Refunding all of the Outstanding City of Grand Junction, Colorado Hospital Revenue Refunding and Improvement Bonds (Community Hospital Corporation Project) Series 1993; Approving and Authorizing Execution of a Financing Agreement and Escrow Agreement with Respect to the Bond; Making Findings and Determinations with Respect to the

Refunding Project and the Bond; Authorizing the Execution and Delivery of Related Documents; and Repealing all Action Heretofore Taken in Conflict Herewith

Action: Introduction of Proposed Ordinance and Set a Hearing for December 3, 2003

4. Setting a Hearing on Amending the Barking Dog Ordinance

Changes are made to the elements for the prosecution of an owner who has failed to prevent a dog from disturbing the peace of another, warning requirements have been eliminated, and penalties have been increased for a first and second offense for violating any section of Article III of Chapter 6 of the Code of Ordinances.

Proposed Ordinance Repealing and Reenacting Section 6-61 of the Code of Ordinances ("Code") Concerning an Owner's Failure to Prevent a Dog From Disturbing the Peace and Quiet of Another, Repealing and Reenacting Section 6-68 of the Code Establishing the Penalties for Violating any Article of Section 6 of Chapter 6 of the Code, and Repealing Certain Ordinances in Conflict with the Amendments

Action: Introduction of Proposed Ordinance and Set a Hearing for December 3, 2003

5. City Participation in the I-70B Corridor Optimization Plan

This study is a collaborative effort between CDOT and our local agencies to establish conceptual ideas relating to the I-70B corridor.

Action: Authorizing the City Manager to Execute a Contract to Participate in the Corridor Optimization Study for I-70B and Approve the Use of \$75,000 from Contingency.

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

Construction Contracts (Items a - c may be awarded under one motion)

Mark Relph, Public Works and Utilities Director, reviewed Items a through c. Regarding Item a, he recommended Council award the construction contract for the Redlands Fire Station No. 5 for the utility improvements to MA Concrete Construction.

He informed Council that FCI Contractors was selected as the Construction Manager/General Contractor for the Redlands Fire Station No. 5 over Shaw Construction of Grand Junction and TSP of Denver. He said the City anticipates the project to be completed by late spring of 2004. He recommended Council approve the contract to FCI Contractors, Inc. of Grand Junction.

Councilmember Enos-Martinez wanted Mr. Relph to confirm the use of local contractors and asked him to read the names of the selected subcontractors. Mr. Relph read the following names: Accurate Insulation, Cedaredge Interiors, LLC, Clarke & Company, Inc., Curtis Engineering Inc., Delta Cabinet Company Inc., Elam Construction Inc., Grand Mesa Mechanical Inc., Groves Masonry Construction Inc., Harding Glass, Independent Survey Inc., Magnum Electric, Mays Concrete, Overhead Door Company, Skyline Contracting Inc., Timberwolf Welding Inc., and TP Acoustics Inc.

Councilmember Hill asked Mr. Relph about future connections to the sewer system. Mr. Relph confirmed that future connections are planned and that the City would be subsidizing the connections.

Mr. Relph next reviewed the change order request for the Waterline Replacement Project. He explained the reason and necessity for the request.

Councilmember Kirtland asked if the requested amount was included in the contract. Mr. Relph stated that the amount of the change order was well within the current budget.

a. Redlands Fire Station #5 Utility Improvements

Bids were received and opened on November 4, 2003. M.A. Concrete Construction submitted the low bid in the amount of \$204,847.52. The project is a joint project with Church on the Rock that will extend an 8-inch sanitary sewer main and an 8-inch Ute Water main to Church on the Rock and Redlands Fire Station #5.

b. Redlands Fire Station #5 Construction Contract

A request for qualifications process was used to select FCI Constructors, Inc. of Grand Junction as the Construction Manager/General Contractor for Redlands Fire Station #5. Eight proposals were submitted during February 2003. Three firms were short listed for interviews. FCI Constructors was selected over Shaw Construction of Grand Junction and TSP of Denver.

c. 2003 Waterline Replacement Project Change Order #1

Approve a change order to the 2003 Waterline Replacement Contract with MA Concrete Construction, Inc. to add the replacement of the 12" water line in 9th Street from Main Street to Grand Avenue in the amount of \$95,429.50. This work was originally scheduled to be done in 2004 but a change in the alignment of the storm sewer pipe at 9th Street necessitates the construction of the water line this year.

Councilmember Hill moved to authorize the City Manager to execute a:

- a) Construction contract for the Redlands Fire Station #5 utility improvements with M.A. Concrete Construction in the amount of \$204,847.52,
- b) GMP (Guaranteed Maximum Price) contract for the Redlands Fire Station #5 with FCI Constructors, Inc. in the amount of \$1,446,345.51, and
- c) Contract change order with M.A. Construction Inc., in the amount of \$95,429.50 for the 2003 Waterline Replacement Project.

Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Public Hearing - Authorizing the Issuance of the City of Grand Junction, Downtown Development Authority Subordinate Tax Increment Revenue Bonds in the Amount of \$3,000,000

The ordinance authorizes the issuance of \$3,000,000 in subordinate Tax Increment Bonds for improvements in the Downtown Plan of Development area.

The public hearing was opened at 7:46 p.m.

Ron Lappi, Administrative Services Director, reviewed this item. He stated that the 1996 and 1999 Bonds would be called on May 15, 2004. He said bids were opened on Monday and four bids were received, with Alpine Bank coming in with the low bid. The proceeds of the bond issue would be used by the City and the DDA to finance \$3 million in capital expenditures over the next two years. Mr. Lappi said the funds would be used to build a parking garage, streetscape projects, and downtown housing efforts. He said the issue would consist of four bonds of varying amounts and varying maturities. He recommended passage of the Bond Ordinance.

Councilmember Spehar asked Mr. Lappi to review the spending requirements of the bonds. Mr. Lappi replied that the funds could only be used for capital improvements in the downtown area including parking, streets, and sidewalks. He pointed out the funds couldn't be used for improvements to public facilities and that there are restrictions as to what kind of public areas the funds can be used for.

Councilmember Hill thanked Mr. Lappi for all his work, he commented on the partnership of the City and the DDA, and said he knows that the monies would be used wisely. He said because of the low interest rate now is a good time to obtain the bonds.

Council President Spehar also thanked Mr. Lappi and asked if there were any public comments. There were none.

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

Ordinance No. 3585 – An Ordinance Authorizing the Issuance of the City of Grand Junction, Colorado, Downtown Development Authority Tax Increment Revenue Bonds, Series 2003; Pledging the Tax Increment Revenues of the City for the Payment of the Bonds; Providing for the Payment and Discharge of the City's Outstanding Tax Increment Revenue Bonds and Subordinate Tax Increment Revenue Bonds

Councilmember Hill moved to adopt Ordinance No. 3585 on Second Reading and ordered it published. Councilmember Enos-Martinez seconded the motion. Motion carried by a roll call vote.

Police Department Edward Byrne Memorial Grant Program

The Colorado Department of Public Safety through the Division of Criminal Justice has opened the 2004 Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. The Grand Junction Police Department would like to apply for funding of the purchase of in-car video systems for all patrol cars in the fleet along with equipment to enhance video for evidentiary purposes.

Greg Morrison, Chief of Police, reviewed this item. He said the Police Department would like to apply for a \$105,000 grant and use the funds towards the purchase of in-car video systems for all patrol cars along with equipment to enhance video for evidentiary purposes. He explained the total proposed cost for this equipment is \$140,000 and \$35,000 would be from the Police Department Budget.

Councilmember Palmer asked Chief Morrison if the Police Department had ever applied for this grant. Chief Morrison stated that they applied last year for an \$89,000 grant but never received any funds.

Councilmember Kirtland moved to authorize the application for Byrne Grant Funding. Councilmember Palmer seconded the motion. Motion carried.

Public Hearing - Create Alley Improvement District 2004

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

- East/West Alley from 14th to 15th, between Elm Avenue and Texas Avenue
- East/West Alley, from 2nd to 3rd, between Chipeta Avenue and Ouray Avenue
- East/West Alley from 8th to Cannell, between Mesa Avenue and Hall Avenue (tabled)
- “T” shaped Alley from 13th to 15th, between Kennedy Avenue and Elm Avenue
- East/West Alley from 2nd to 3rd, between Teller Avenue and Belford Avenue
- “T” shaped Alley from 7th to Cannell, between Kennedy Avenue and Elm Avenue

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

Mark Relph, Public Works and Utilities Director, reviewed this item. He explained the People’s Ordinance No. 33 authorizes Council to create improvement districts and levy assessments when requested by a majority of the property owners to be assessed. He said Council might also establish assessment rates by resolution. He said the present rates for alleys are \$8.00 for residential single-family use, \$15.00 for residential multi-family use, and \$31.50 per abutting foot for non-residential uses.

Mr. Relph showed a PowerPoint presentation of the various alleys and discussed the following two alleys in detail, questioning if they should be included in the proposed Alley Improvement District:

1. The East/West Alley from 8th Street to Cannell, between Mesa Avenue and Hall Avenue, and the
2. “T” shaped alley from 13th to 15th Street, between Kennedy Avenue and Elm Avenue.

Councilmember Palmer asked if equal consideration was given to residential versus commercial use. Mr. Relph replied that no consideration was given regarding the use, the consideration and process is “first come – first served”, and it was up to the residents to circulate petitions in the area.

Councilmember Palmer asked if the assessment rate was figured on alley footage or on the number of residents. Mr. Relph replied the assessment is based on the number of property owners and not on the size of the property. He said the majority of property owners must be in favor to create an Alley Improvement District; in this case 62% of the property owners are in favor.

Kent Kast, Principal of the Intermountain Adventist Academy, told Council they are a small school, and the assessment would have a large financial impact on the school. He felt the school would be paying a large portion for an alley improvement, with no benefit. He said the alley is only used for trash service and there are no doors along the alley. He requested that this district not be formed, or that their portion of the cost be reduced in order to insure the fiscal stability of their school.

Mr. Relph again reviewed the assessment rate for residential and non-residential property owners and explained that the rates were established by previous Councils and have since been modified several times. He said the assessment for multi-family use is \$15.00 per abutting foot.

Council President Spehar said he was reluctant to make a decision based on the nonuse of an alley. He said Council would possibly agree on a lower rate but the decision needs to be based on a good reason.

Councilmember Kirtland agreed with Council President Spehar and suggested Council consider a lower assessment rate for the church, maybe apply the assessment rate used for multi-family use. He felt that maybe Mr. Relph and the Public Works Department could review this request. He said he would not want to set precedence but look at it as a one-time deal.

Councilmember Hill felt this item should be pulled and looked at further. He said he remembered a similar situation when the museum's alley assessment came up.

Councilmember Palmer asked City Attorney Wilson if this part of the item could be pulled from the resolution. Mr. Wilson recommended postponing discussion of this item for the moment in order to allow for a conference with the petitioner.

Councilmember Palmer stated he would prefer to just pull this particular item.

Council President Spehar felt Council needed to look at this property as a commercial property use. He announced this part of the item would be tabled for now and Council would discuss the next item.

Public Hearing - Vacating a 15' Alley Right-of-Way Located 722 Belford Avenue
[File # VR-2003-132]

The petitioner, FMC Properties, LLC, wishes to vacate an existing 15' north/south alley right-of-way located northeast of the intersection of N. 7th Street and Belford Avenue in anticipation of future commercial office development. The only utilities that are located in the alley right-of-way are a sanitary sewer line, which is to be abandoned, and an

overhead utility line, which is to be relocated. The existing eight (8) lots owned by the petitioner will be consolidated into one (1) 0.59-acre lot through a Simple Subdivision Plat upon the approval of the alley vacation. The Planning Commission recommended approval at its October 28th, 2003 meeting. The petitioners request approval of the Vacation Ordinance.

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

Scott D. Peterson, Associate Planner, reviewed this item. He gave an overview of the site location backed up by a PowerPoint presentation. He told Council the adjoining property owners were in favor of the request. He said the sanitary sewer line would be abandoned and the utilities would be relocated. He said the request was consistent with the Growth Plan and the Zoning and Development Code. He said the Planning Commission recommended Council approve the right-of-way vacation.

Sam Suplizio, Bray & Co. realtor, addressed and encouraged Council to approve the request since the alley way was hardly used.

The public hearing was closed at 8:23 p.m.

Ordinance No. 3586 – An Ordinance Vacating a 15' Wide Alley Right-of-way Located Northeast of the Intersection of North 7th Street and Belford Avenue Known as 722 Belford Avenue

Councilmember Palmer moved to adopt Ordinance No. 3586 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by a roll call vote.

Public Hearing - Create Alley Improvement District 2004 (continued)

The public hearing resumed at 8:24 p.m.

Sarah Rochelle, a resident of the area between 13th and 15th Street said she was the original petitioner and was able to receive a 60 percent majority. She said the residents appreciated the opportunity to create an alley improvement district.

Glenna Bryant, a resident of 18th Street asked if any existing structures would be affected. Mr. Relph stated that it is not the City's intent to damage any structures. He said the City tries its best not to damage any private property. He said there might be some encroachments sometimes, but the City does work with property owners to resolve the problem. Ms. Bryant said the petitioner had told her that her garage would have to be moved for the alley improvement. Mr. Relph said he wasn't aware of any

garages needing to be moved, but the City does try to work with the property owners and makes every effort not to move anything. He said he doesn't recall ever hearing about moving a garage. Council suggested Ms. Bryant work with Mr. Relph to clarify any potential problem.

The public hearing was closed at 8:30 p.m.

Resolution No. 108-03 – A Resolution Creating and Establishing Alley Improvement District No. ST-04 within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alley, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for Payment Thereof

Councilmember Palmer moved to adopt Resolution No. 108-03, with the following amendment:

- 1) Remove the East/West Alley from 8th Street to Cannell, between Mesa Avenue and Hall Avenue, and
- 2) include the portion of the "T" shaped Alley from 13th Street to 15th Street but **exclude** the portion of the "T" shaped Alley between Kennedy Avenue and Elm Avenue from the Alley Improvement District.

Councilmember Butler seconded the motion. Motion carried by a roll call vote.

Council announced it would revisit the East/West Alley improvement issue from 8th Street to Cannell, between Mesa Avenue and Hall Avenue later.

President of the Council Spehar announced at 8:33 p.m. that Council would take a recess.

Council reconvened at 8:42 p.m.

Public Hearing - Gowhari Growth Plan Amendment Located at 563 & 573 20 ½ Road and 2026 S. Broadway [File #GPA-2003-183]

Request to amend the Growth Plan, changing the Future Land Use designation from "Rural" to "Residential Low" for three properties located at 2026 S. Broadway, 563 20 ½ Rd and 573 20 ½ Rd. Planning Commission recommends approval.

The public hearing was opened at 8:42 p.m.

Karen Gookin, Development Construction Services, representing the petitioner presented this item. She gave an overview of the surrounding area, and she told Council that Staff agreed that the project met all required criteria.

David Thornton, Principal Planner, reviewed this item. He reviewed the surrounding areas and their zoning, which are zoned mostly residential and rural. He said looking at the Growth Plan Amendment, the proposal was consistent with the Growth Plan goals and does meet the seven criteria. He said the request would benefit the community and all urban facilities are in place.

The public hearing was closed at 8:58 p.m.

Resolution No. 109-03 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Re-designate 24.6 acres of the Gowhari Property Located at 2026 South Broadway, 563 20 ½ Road and 573 20 ½ Road from Rural, 5 to 35 acres per dwelling unit, to Residential Low, ½ -2 acres per dwelling unit

Councilmember Enos-Martinez moved to adopt Resolution No. 109-03. Councilmember McCurry seconded the motion. Motion carried by a roll call vote.

Public Hearing - Grand Bud Growth Plan Amendment Located at the NW Corner of 28 ½ Road and Highway 50 [File #GPA-2003-184]

Request to amend the Growth Plan, changing the Future Land Use designation from Residential Medium (4-8 units per acre) to Commercial on a portion of the property located at the NW corner of 28 ½ Road and Highway 50. Staff and Planning Commission recommend denial.

The public hearing was opened at 9:00 p.m.

Fred Aldrich, the attorney representing the petitioner, addressed Council and introduced the following people he said are qualified to answer any questions: Marc Cadez, (one of the owners of Grand Bud, LLC), Mike Joyce of Development Concepts, Inc., (the project's planner), Gregg Motz of Sun King, (the project contractor), Patsy and Miles LaHue, and Sam Suplizio all of Bray & Company.

He said he wanted to make 3 preliminary comments regarding:

1. Site history, designation of the site, and re-designation of the site about six months ago,
2. Availability of Commercial Property (at this time he distributed to Council a Letter from Bray & Company regarding market values), and
3. Petitioner's commitment to the property and their need to build a central beverage distribution warehouse.

He asked Mike Joyce of Development Concepts to continue the presentation. Mr. Joyce also distributed handouts to Council and proceeded with a slide show of the site and the surrounding properties. In his presentation he covered the petitioner's intended use and criteria, the proposed land uses, the surrounding land use and zoning, the Growth Plan and the Orchard Mesa Plan Land Use Designations, the GPA Review Criteria 1, 2, 3, 4, 5, 6, and 7. He addressed the commercial land use west of the subject property and concluded with their findings and conclusion.

He said the subject property is in a transitional area between commercial uses to the west and residential uses to the north and east. He noted the GPA provides appropriate buffering between the commercial uses to the west and the residential uses to the north and east. He showed that the present designation abuts residential uses to the Sorter Construction site. He pointed out that the Petitioner's diligence revealed an inadequate supply of available commercial sites suitable for the Petitioner's use. He said quality site design planning had been used in a transitional land use area that provides better buffering between residential and commercial land. He felt that this project would provide Orchard Mesa and Grand Junction a quality "gateway" level capital improvement at one of its most important entrances, US Highway 50.

Mr. Aldrich informed Council that the project is a \$5 million project and all contracts would be awarded to local contractors. He thanked Council for their attention and consideration.

Councilmember Enos-Martinez asked Mr. Joyce what the zoning designation at the time of the property's purchase in March 2003 was. Mr. Joyce replied that the zoning then was "public institutional" and was changed in May 2003 to residential.

Kathy Portner, Planning Manager, reviewed this item next. She reminded Council that the Codes regarding the Growth Plan were revised not too long ago. She identified areas surrounding the property, and she explained that Sorter Construction was stockpiling materials. She informed Council that City Zoning Codes would not allow this type of business under the C-2 Zoning designation and the recent update to the Codes. She said the School District is no longer interested in this property and therefore the property was now zoned as residential-medium. She said at the time of purchase zoning was RSF-4, as the County map shows. She said C-2 and RMF-5 were proposed, and the adjacent property is zoned County C-2 and PC. She said with a Public designation the property could not be zoned commercial. She explained that the property was not publicly owned but had only a public land use designation.

Councilmember Hill confirmed with Ms. Portner that this was not a zoning request but a request for a Land Use Designation change by the Petitioner, and that the request is only for a portion of the property to be designated commercial with the remainder of the property designated as residential-medium.

Councilmember Enos-Martinez said the terms land use versus zoning were confusing. Mrs. Portner said Public designation means the property is not publicly owned, but privately owned and all criteria must be met for a use designation. She next reviewed Staff's comments and said Staff recommends denial of the request.

Councilmember Hill asked Mr. Portner to clarify the land use designation, which changed in May 2003, and how the designation was changed without notification to the property owners. Ms. Portner replied the prior owner possibly might have known of the change. She said notice of the change was sent to property owners prior to any change and the property was purchased during the middle of the change.

Councilmember Hill asked about zoning and the possibility if the property when in the County could have a residential zoning but a commercial land use designation.

John Shaver, Assistant City Attorney, reminded Council of its amendment Council adopted a year or so ago, segregating land use from zoning designation.

Councilmember Kirtland asked if a person could apply for something like a Conditional Use Permit. Mr. Shaver said no, not when a Growth Plan amendment is involved.

Councilmember Palmer asked if there have been other instances where land use designations have been abandoned with institutional designations changed to residential, and can those designations go either way. Mr. Shaver replied that it is possible to change categories and that it has occurred.

Councilmember Palmer asked if the land use category could be changed. Mr. Shaver said yes, but not a zoning designation.

Councilmember Hill asked if the Growth Plan Amendment was approved tonight, does the Petitioner have to come back to the Planning Commission for a zoning change. Assistant Attorney Shaver said yes, because of the size of the parcel, an overall plan would be required.

Council President Spehar said he wanted to summarize the previous discussions and what the purpose for consideration was, should the designation be changed from residential to commercial in the Growth Plan.

Council President Spehar opened the meeting for public comment.

Bob Henderson, Granite Springs Subdivision, stated that the Petitioner said the entrance to the site would be safe, but he felt that was not true. He said Sorter

Construction vehicles currently have a hard time getting onto Highway 50. He said there have been numerous accidents and he would like to know how they intend to make the intersection safe.

Raymond Escarcia, Granite Springs Subdivision, said the Frontage Road is about 50 feet away from Highway 50 with B Road also about 50 feet away from Highway 50. He said he agrees with Mr. Henderson about the numerous accidents and said he was told a traffic signal could not be placed there. He said a lot of school buses and children were present at that intersection, and he felt it was a bad idea to add more trucks to that intersection.

Council President Spehar asked Mr. Escarcia who told him that no signals could be placed there. He said he was told at a meeting by CDOT that no traffic light would be allowed since there already was a bottleneck.

Councilmember Kirtland pointed out that a lot more houses could be built there creating heavier traffic than the traffic that would be generated by the beverage warehouse. Mr. Escarcia said he was more concerned about semi-truck traffic, he felt they did a lot more damage.

Dave Rivera, Granite Springs Subdivision, asked if this request was approved, could the Petitioner then abandon the housing development and leave that part of the property vacant. Council President Spehar explained that this was not a zoning change, only a land use change. He said if this request was approved, a range of possibilities could happen later. He said future development on this property was irrelevant tonight. Mr. Rivera said he had the same issues as his neighbors: more traffic and that 28 ½ Road and B Road were currently used by residents for walking, biking, etc. He said only some people in the Granite Springs Subdivision were notified by a card.

Ms. Portner explained that notification is sent out to areas in a 500 foot radius from the property.

Larry Sherman, Granite Springs Subdivision, said he agreed with the previous comments and that the Frontage Road was not suitable for high-volume semi-truck traffic, and that a traffic study should be mandatory.

Loyal Marvel, 2228 28 ½ Road, said the traffic issues are baffling. He said he'd talked to a realtor regarding the availability of other commercial sites and was told about a lot of other available sites. He felt this development could have a negative effect on his property's value.

Councilmember Palmer questioned him how he felt about the previous user's designation of this property. Mr. Marvel replied he had never been confronted with that question and he couldn't say.

Councilmember Enos-Martinez asked Mr. Marvel how he felt Sorter Construction affected the value of his property. Mr. Marvel said Sorter Construction was a low profile business and he wasn't sure if that business lowered his property's value.

Chuck Beauchamp, 230 28 ½ Road, said he has been in the area for a long time and has his life savings invested in his house. He felt that the proposed change would not be good for the area and urged Council to vote against it.

Annette Heidi, Arrowhead Subdivision, said they bought their house at the same time that the land use designation was changed. She said she appreciates the residential community and would not appreciate an alcohol distributor in their area. She said she was dismayed at how little information was given to the neighbors about this Growth Plan Amendment request and asked for better notification in the future. She felt when they made the decision to purchase their home; they had considered the zoning designations of surrounding areas. She asked Council to deny the request and to protect her and her neighbors from this type of development.

Chuck Hooper, Arrowhead Subdivision, said his property also backs up to the site and he's concerned about the quality of life. He said they bought their home for the beautiful view of the plateau and the Grand Mesa and because it is quiet and dark at night with minimal traffic. He said he can look at Highway 50 and the Frontage Road, and he too uses the intersection each morning and knows how difficult it is to get in and out. He asked Council to really think about this land use change and leave this area for residential use.

Ruth Beauchamp, 230 28 ½ Road, addressed the issue about the school designation. She said where the Arrowhead Subdivision with duplexes and homes is now used to be all farmland. She felt a High School would not have had the same impact as the new subdivisions, and Arrowhead residents were told that the area was residential, and a change to that designation would not be fair to them. She felt a commercial project does not fit into their area. She asked this project to be voted down.

Larry Bride, Granite Springs Subdivision, talked about the entrances and exits of the subdivision. He said traffic would be worse if this project was approved and he would appreciate a defeat of this request.

Ann Morrow, 228 28 ½ Road, pointed out that it is a bad intersection and a hazard. She said large trucks block the intersection when attempting to make a turn. She said

they have a small buffer between them and Sorter Construction. She said if 10 acres were put to commercial use, it would make a longer buffer of commercial land against residential land and she doesn't see a buffer if this development is put in. She said children play all around B ½ Road and the road is also used by walkers. She said with this project it would make the recreational use too dangerous.

The public hearing was closed at 10:35 p.m.

Mr. Aldrich addressed one of the issues brought up earlier, regarding the Notice of Change to Growth Plan. He said he had many meetings with Ms. Portner in April 2003 and talked about this project. He said they were told that the Growth Plan design of the property was residential-medium and they were never told about a change in the Growth Plan in any way.

Council President Spehar asked Mr. Aldrich why Council was presented with so much information and detail, which was not relevant to tonight's meeting. Mr. Aldrich felt that they had covered all the needs of the Growth Plan change. He said addressing the criteria without having the context would have been difficult and put them in a catch 22. Council President Spehar asked the developing community to honor what Council has done.

Mike Joyce, Development Concepts, Inc., explained their catch 22 position and said at the neighborhood meeting they were bombarded by neighbors wanting specifics of the project. He said the Petitioner had been advised not to give specifics regarding property values, noise, compatibility and traffic. He repeated the slide show of the proposal and explained that the residential development would serve as a buffer between their property and the existing neighborhood.

Councilmember Enos-Martinez asked to see the 10-acre designation and the remaining property designation again. Mr. Joyce displayed the appropriate slide and explained that the possible incompatibility had been cut in half with the buffer. He said even so, multi-family units are allowed on this property, the Petitioners are planning quality construction for the residential development, and the value of houses usually go up and not down. He said to address some of the concerns of some of the speakers about lighting, the City requires lighting to be downcast and not shine on adjacent residential lots. He said regarding their concerns about noise, noise would be limited because there aren't many trucks, they do not work all hours of the night, and buffers would limit noise. He said regarding traffic, Staff would not let them know what "most intensive use" was defined at, so they opted to use a strip center as an example. He said they designed the project site with no entrances or exits to 28 ½ Road. He said since this project would be the last development for this area, the Petitioner therefore would have

to fix the traffic problem. He said there are all different types of classifications, but the proposed development provides the least traffic.

Councilmember Hill asked if there was no traffic on 28 ½ Road. Mr. Joyce said there would be no truck traffic going north on 28 ½ Road, but would be away from residential use and enter Highway 50 from 28 ½ Road.

Ms. Portner said she wanted to state a correction and said the Growth Plan change was made on March 26, 2003 to the Land Use Map, prior to discussion with the Petitioner.

Councilmember Palmer asked how old the Arrowhead and Granite Springs Subdivisions were. Ms. Portner said the Arrowhead Subdivision was 2 years old, Granite Springs was 7 years old, and said the current plan was adopted in 1996; the first global update was in March 2003. She said if it was changed tonight, but nothing happened for 10 years, the proposal would establish the zoning lines. She said there are five commercial areas on the Land Use Map: downtown, the airport, Horizon Drive, the Hospitals, and Mesa Mall.

Council President Spehar asked what kinds of amendment options are available to Council. Ms. Portner said the options would be RO (Residential Office), B1 (Light Business, Retail, a Gas Station), C1 (Light Commercial), C2 (Contractor Shop with storing equipment).

Councilmember Enos-Martinez questioned what kind of zone would allow a car dealership. Ms. Portner stated they would require a Conditional Use Permit in a C-1 but not in a C-2.

Councilmember Palmer asked when the land use designation was changed from public institution. Ms. Portner said it was changed in March 2003.

Assistant Attorney Shaver stated that any of the considerations are an option and that a Growth Plan amendment was the issue.

Councilmember Kirtland stated that making a decision tonight, after all the comments heard, when a lot of the concerns could have been handled earlier, was difficult. He said he agrees that there are significant traffic problems, but that there is the opportunity for good, quality development to occur in this area. He said people deserve good retail in that area, but at the same time he recognizes the catch 22 the Petitioner is faced with, and also the landowners. He felt that opportunities are here, and to go forward, and after all he had heard tonight he is supporting the request.

Councilmember Palmer said he has no doubt that there will be adequate buffering and he likes the idea of quality commercial development in Orchard Mesa. He agreed there would be a lot of traffic issues. Because the surrounding areas are residential, he felt no change could be made to the current land use.

Councilmember Butler said he couldn't support the request. He felt the area should remain residential and he is against a land use change.

Councilmember Hill thanked all residents for attending and voicing their concerns and opinions. He agreed that traffic issues are a concern, but a land use change made a lot of sense to him. He felt commercial development could enhance the neighborhood and the transition between the areas make a lot of sense.

Councilmember Enos-Martinez said when she looked at the property, she thought commercial development so close to Highway 50 and the proposed residential development being next to the current residential subdivisions made a good fit. She said she would support commercial zoning on 9.9 acres only.

Council President Spehar said he was satisfied that enough of a process went on for this property and the changes, but he felt residential change was inappropriate. He said he has a hard time believing that this is the only commercial 10-acre property. He said he believes the traffic study was insufficient and doesn't allow for the proper discussion. He stated compatibility and incompatibility were only mentioned for the west side and ignored for the north side of the site. He felt any additional development of the Sorter Construction property was an entirely different subject. He felt this change could not be done.

Council President Spehar asked City Attorney Wilson for confirmation of a roll call vote. Mr. Wilson stated that to pass the request a 5 to 2 vote in favor was needed (supermajority).

Council President Spehar asked if Council was ready for a motion and closed the discussion at 11:10 p.m.

Resolution No. 110-03 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Re-designate the Grand Bud Property, approximately 10 acres at the Northwest corner of 28 ½ Road and Highway 50, from Residential Medium (4 to 8 units per acre) to Commercial

Councilmember Kirtland moved to adopt Resolution No. 110-03. Councilmember Enos-Martinez seconded the motion. Motion **failed** by a roll call vote 3 to 4, with Council-

members McCurry, Palmer, Butler, and Council President Spehar voting **NO**. Councilmembers Enos-Martinez, Hill, and Kirtland voted yes.

NON-SCHEDULED CITIZENS & VISITORS

Sam Suplizio addressed Council regarding the Growth Plan and displayed the Community Development Code Book. He said he is a big fan of it but also a big critic. He felt a lot of the Codes don't fit and felt it serves itself instead of the community. He said commercial development occurs along highways and it should encourage development by local businesses. He said the Development Code Book has become a hindrance and he wanted Council to keep in mind that the Code requirements do not keep the money in town.

OTHER BUSINESS

There was none.

EXECUTIVE SESSION

It was moved by Councilmember Hill, seconded by Councilmember Enos Martinez, and carried to go into executive session for discussion of personnel matters under C.R.S. 24-6-402(4)(f)(l) relative to City Council employees.

Council announced Councilmembers would not return to open session.

ADJOURNMENT

City Council adjourned at 11:30 p.m. into executive session to the Administration Conference Room.

Debbie Kemp, CMC
Deputy City Clerk