

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

**April 20, 2005**

The City Council of the City of Grand Junction convened into regular session on the 20<sup>th</sup> day of April 2005, at 7:35 p.m. in the City Auditorium. Those present were Councilmembers Harry Butler, Cindy Enos-Martinez, Dennis Kirtland, Bill McCurry, Gregg Palmer, Jim Spehar and President of the Council Bruce Hill. Also present were City Manager Kelly Arnold, City Attorney John Shaver and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Councilmember Enos-Martinez led in the pledge of allegiance. The audience remained standing for the invocation by Councilmember Harry Butler.

**PRESENTATIONS**

**PRESENTATION OF APPRECIATION PLAQUES TO OUTGOING CITY COUNCILMEMBERS**

Council President Hill, Council President Pro Tem Palmer and Councilmember Spehar presented the appreciation plaques to outgoing Councilmembers Harry Butler, Bill McCurry, Dennis Kirtland, and Cindy Enos-Martinez.

City Manager Arnold announced the public reception that will be held for the outgoing Councilmembers on April 25 from 4 p.m. to 6 p.m.

**PRESENTATION OF CERTIFICATE OF APPOINTMENT**

**HORIZON DRIVE ASSOCIATION BUSINESS IMPROVEMENT DISTRICT**

Eileen Blanchard was present to receive her certificate of appointment for the Horizon Drive Association Business Improvement District.

**CITIZEN COMMENTS**

Wes Smith and Liz Archuleta addressed City Council as employees with AlSCO. The company heard they were going to address City Council and offered them a much better proposal. They thanked Council for allowing them to come.

**CONSENT CALENDAR**

It was moved by Councilmember Enos-Martinez, seconded by Councilmember McCurry and carried by roll call vote to approve Consent Items #1 through #8.

**1. Minutes of Previous Meetings**

*Action: Approve the Minutes of the April 4, 2005 Special Meeting, the Summary of the April 4, 2005 Workshop and the Minutes of the April 6, 2005 Regular Meeting*

**2. Setting a Hearing on an Amendment to Chapter 4, Code of Ordinances Regarding Special Events**

Amendments to Chapter 4 of the Code of Ordinances are proposed to codify the City's current practice of not issuing Special Events permits for the consumption of spirituous liquors in public places.

Proposed Ordinance Amending Part of Chapter 4 of the City of Grand Junction Code of Ordinances Relating to Alcoholic Beverage Licensing

*Action: Introduction of Proposed Ordinance and Set a Hearing for May 4, 2005*

**3. Setting a Hearing on the First Supplemental Appropriation Ordinance for 2005**

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

Proposed Ordinance Making Supplemental Appropriations to the 2005 Budget of the City of Grand Junction

*Action: Introduction of Proposed Ordinance and Set a Hearing for May 4, 2005*

**4. Setting a Hearing Vacating Right-of-Way, Located at 774 Old Orchard Road  
[File #VR-2004-201]**

The petitioner is requesting City Council approval to vacate a portion of the road right-of-way for Clarkdell Court, comprising of approximately 0.87 acres. There are no public improvements within the right-of-way. The Planning Commission reviewed the vacation request on March 22, 2005, and recommends that the City Council approve the vacation request.

Proposed Ordinance Vacating a Portion of Right-of-Way Located at the Northerly Portion of Clarkdell Court, 774 Old Orchard Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for May 4, 2005*

5. **Setting a Hearing for the Irwin/Riverfront Annexation, Located at 586 Rio Verde Lane and 616 22 <sup>3</sup>/<sub>4</sub> Road** [File #ANX-2004-305]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 19.69 acre Irwin/Riverfront Annexation consists of two parcels of land located adjacent to the Colorado River. One of the applicant's intent is to annex their property (Irwin) and subdivide their parcel into two single-family residential lots which is currently being reviewed by the City. The other parcel proposed for annexation is owned by the State of Colorado, Parks & Outdoor Recreation who are requesting annexation as the property lies adjacent to the current City limits. A portion of this property is already in the City limits.

a. **Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 64-05 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Irwin/Riverfront Annexation, Located at 586 Rio Verde Lane and 616 22 <sup>3</sup>/<sub>4</sub> Road

*Action: Adopt Resolution No. 64-05*

b. **Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Irwin/Riverfront Annexation, Approximately 19.69 Acres, Located at 586 Rio Verde Lane and 616 22 <sup>3</sup>/<sub>4</sub> Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for June 1, 2005*

6. **Setting a Hearing for the Hutto Annexation, Located at 676 Peony Drive** [File #ANX-2005-054]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 13.47 acre Hutto Annexation consists of 1 parcel.

**a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 65-05 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Hutto Annexation, Located at 676 Peony Drive

*Action: Adopt Resolution No. 65-05*

**b. Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hutto Annexation, Approximately 13.47 Acres, Located at 676 Peony Drive

*Action: Introduction of Proposed Ordinance and Set a Hearing for June 1, 2005*

7. **Setting a Hearing for the Twenty Three Park Plaza Annexation, Located at the Northwest Corner of 23 Road and I-70** [File #GPA-2005-045]

Resolution referring a petition for annexation and introduction of a proposed ordinance. The 35.52 acre Twenty Three Park Plaza Annexation consists of 30 parcels.

**a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 66-05 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control, Twenty Three Park Plaza Annexation, Located at Northwest Corner of 23 Road and I-70

*Action: Adopt Resolution No. 66-05*

**b. Setting a Hearing on Proposed Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Twenty Three Park Plaza Annexation, Approximately 35.52 Acres, Located at Northwest Corner of 23 Road and I-70

*Action: Introduction of Proposed Ordinance and Set a Hearing for June 1, 2005*

8. **Setting a Hearing to Vacate Portions of Elm Avenue, College Place, Mesa Avenue, Bunting Avenue and Various Alleys Internal to the Mesa State College Campus** [File #VR-2004-292]

Introduction of a proposed ordinance to vacate portions of Elm Avenue, College Place, Mesa Avenue, Bunting Avenue and various alleys internal to the Mesa State College campus.

Proposed Ordinance Vacating College Place, a Portion of Mesa Avenue, Bunting Avenue, and Elm Avenue and Various Alleys near the Mesa State College Campus

*Action: Introduction of Proposed Ordinance and Set a Hearing for May 4, 2005*

### **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

#### **Jarvis Master Plan Contract**

Contract with the professional planning firm, Winter & Company, to complete Jarvis Property Master Plan, Phase II.

Bob Blanchard, Community Development Director, reviewed this item. He explained the request is to allow the City Manager to negotiate a contract for the next phase of the Jarvis Master Plan. He said this contract will include refinement of the conceptual Master Plan, including some modeling, and then prepare materials for marketing. The kit-of-parts is an optional element that is not available tonight but will be brought to Council before the contract is finalized. Council President Pro Tem Palmer wanted confirmation that the kit-of-parts option can be deleted from the contract. Mr. Blanchard said yes.

City Council was supportive of the project and looks forward to continuing the process.

Councilmember Butler moved to authorize the City Manager to sign a contract with Winter & Company to complete Jarvis Property Master Plan, Phase II, in an amount not to exceed \$79,075. Additional information will be presented to the City Council on the kit-of-parts option prior to finalizing the contract to determine whether it will be included. Councilmember Kirtland seconded the motion. Motion carried.

#### **Acquisition of 934 S. 4<sup>th</sup> Street for the Riverside Parkway Project**

The proposed resolution will authorize the City to initiate condemnation proceedings to acquire a parcel at 934 S. 4<sup>th</sup> Street.

Mark Relph, Public Works & Utilities Director, reviewed this item. Mr. Relph advised that this is the last piece needed for this section of the Riverside Parkway. He indicated that the owners appraisal valued the property at \$209,000 which is nearly twice what the City has estimated the value to be (\$115,000). He showed photographs of the various structures on the property. Mr. Relph said the City has placed a protective lease on the main house but there are tenants in the other units. He said the City will pay any rent difference for comparable housing for the tenants for a period of 42 months. Mr. Relph did not feel the amount the owners were asking was appropriate.

Councilmember Spehar inquired about the indication that the tenants' rents are based on financial means. Mr. Relph said there are no housing vouchers involved and the rent is based on their income.

Council President Hill noted that with the various subsidies and the house, the total amount would be \$163,000. Mr. Relph agreed.

Council President Pro Tem Palmer agreed with Mr. Relph's assessment after a site visit.

Resolution No. 67-05 – A Resolution Determining the Necessity of and Authorizing the Acquisition of Certain Property, by Either Negotiation or Condemnation, for Municipal Public Facilities

Council President Pro Tem Palmer moved to adopt Resolution No. 67-05.  
Councilmember Spehar seconded the motion. Motion carried by roll call vote.

### **Purchase of Properties from Union Pacific Railroad for the Riverside Parkway Project**

The City has entered into a contract to purchase portions of various parcels from Union Pacific Railroad for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works & Utilities Director, reviewed this item. He displayed a number of site photos of the various strips of property along the railroad. The railroad properties are very critical for the Riverside Parkway. Two appraisals were conducted with the City's being just over \$3 million. The railroad's appraisal was less but the City's policy is to pay at least the City's appraisals. Mr. Relph pointed out a six acre parcel, where not all of the property will be needed. He suggested the acquisition price be paid out of general government funds and then look at use of the remnant after the construction of the road.

Other stipulations were placed on the sale by the railroad. The railroad wants a six foot chain link fence between the tracks and the road. They have asked for a gravel access

road with various access points. They also asked for communication easements for fiber optics and the relocation of utilities on one of the parcels.

Councilmember Spehar asked Community Development Director Bob Blanchard about coordinating this with the Jarvis Master Plan. Mr. Blanchard said he will assure that is the case. Council President Hill mentioned the second access to Jarvis will also need to be considered.

Councilmember Kirtland asked why the appraisals were so far apart. Mr. Relph said it related to the comparables used and the City's appraisers were probably more on target. Mr. Relph said it is worth noting that the City is applying to the PUC for a \$5 million payment which will be applied to the Riverside Parkway construction.

Councilmember Enos-Martinez advised her husband is an employee of the Union Pacific Railroad but has no financial interest in this transaction.

Councilmember Spehar asked if there were discussions to have the railroad cover their stipulations in exchange for the City paying the higher price. City Attorney John Shaver said that was not specifically discussed.

Mr. Relph said if the railroad linked this sale to the PUC application, it might slow down the process.

The policy was discussed in detail and Council agreed to stand firm with their existing policy.

Resolution No. 68-05 – A Resolution Authorizing the Purchase of Real Property from Union Pacific Railroad Company

Councilmember Kirtland moved to adopt Resolution No. 68-05. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

**Purchase of Property at 2523 and 2525 River Road from Secco Inc., and Red Cliff Properties, LLC for the Riverside Parkway Project**

The City has entered into a contract to purchase portions of two parcels at 2523 and 2525 River Road from Secco Inc., and Red Cliff Properties, LLC for the Riverside Parkway Project. The City's obligation to purchase this property is contingent upon Council's ratification of the purchase contract.

Mark Relph, Public Works & Utilities Director, reviewed this item. He noted that the owner is the same but under two different companies. He said that two appraisals were

conducted and the City agrees with the higher appraisal as it was based on more recent sales, so the total price along with the closing costs will be \$178,000.

Resolution No. 69-05 – A Resolution Authorizing the Purchase of Real Property at 2523 and 2525 River Road from Secco Inc., and Red Cliff Properties, LLC

Councilmember Spehar moved to adopt Resolution No. 69-05. Councilmember McCurry seconded the motion. Motion carried by roll call vote.

### **Exchange of Real Estate with the Western Colorado Botanical Society**

The proposed exchange will allow the Botanical Society to own the land upon which the Society's office and Children's Library are located.

Mark Relph, Public Works & Utilities Director, reviewed this item. He explained that prior to when the Riverside Parkway work began, the Botanical Gardens had requested this exchange. At the time the City was not sure of the Riverside Parkway alignment so the City held off on considering their request. The Parkway alignment is north of the property so there will be no affect.

Council President Pro Tem Palmer asked why the Gardens want to make the exchange when they have a long term lease on the land. Mr. Relph thought it was that the Botanical Gardens want to mortgage the property that has the improvements.

Resolution No. 70-05 – A Resolution Re-Authorizing the Exchange of Real Estate with the Western Colorado Botanical Society

Councilmember Kirtland moved to adopt Resolution No. 70-05. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote with Council President Pro Tem Palmer voting NO.

### **JAG Grant Award**

The Justice Assistance Grant is direct funding awarded from the Bureau of Justice Assistance based upon population and crime statistics (UCR). This is a replacement program for the LLEBG (Local Law Enforcement Block Grant) and operates under similar rules and requirements. The two main law enforcement jurisdictions in Mesa County, the Grand Junction Police Department and the Mesa County Sheriff's Office were awarded \$42,990 for 2005. The funds are to be split between the two agencies and used for law enforcement related programs.

Greg Morrison, Chief of Police, reviewed this item. He explained that these funds are awarded to Mesa County and the City annually. It is split 50-50 between the two agencies and it will probably be used for some technology upgrade.

Council President Pro Tem Palmer moved to authorize the City Manager to sign a contract accepting \$21,445 from the JAG Program. Councilmember McCurry seconded the motion. Motion carried.

### **Byrne/JAG Grant Application**

The Byrne Memorial Grant Program has been combined with the Local Law Enforcement Block Grant under the heading of the Justice Assistance Grant Program which makes funds available to Law Enforcement entities across the United States to help provide funds relating to six purpose areas, including technology. One issue confronting Law Enforcement today is effective communication and exchange of information. A priority for the Grand Junction Police Department is the integration of the various computer systems that exist within criminal justice agencies in Mesa County. The Grand Junction Police Department is seeking to obtain grant monies in order to address that deficiency.

Greg Morrison, Chief of Police, reviewed this item. He explained this is a grant that the department has to apply for. The purpose of the funds will be to integrate the records system between the City, the County, the District Attorney's Office and the Courts. The monies would be used to hire consultants to accomplish that goal. There is no local match required.

Councilmember Spehar noted that this has been an idea for ten years and he would really like to see the goal accomplished. Chief Morrison said it is a real technological challenge and the systems may be very expensive.

Councilmember Enos-Martinez was pleased the City was going forward with this because the two agencies work and cooperate together and to have their systems compatible will be a benefit to the entire community.

City Manager Arnold inquired as to the status of this federal funding. Chief Morrison advised the funds are shrinking, like all similar federal funding. Mr. Arnold added similar to the CDBG funds.

Councilmember Spehar moved to authorize the Police Department to apply for a grant of up to \$100,000 through the Byrne/JAG Program for this technical effort. Council President Pro Tem Palmer seconded the motion. Motion carried.

**Memorandum of Understanding with DDA to Construct a Downtown Parking Garage**

For quite some time the Downtown Development Authority (DDA) has been anxious to work with the City to build a parking structure downtown. The City has been working with the DDA and is now ready to formalize an agreement to build such a structure. The parking garage will be a public-private partnership as some of the stalls will be owned by private companies. The garage is designed to provide employee parking for downtown workers which will free up other spaces for the general public. The garage will also accommodate short term parking for visitors to the downtown area.

City Manager Kelly Arnold reviewed this item, displaying a conceptual drawing of the structure. The structure will be owned by the Parking Fund of the City. It has been in the works for about a year. The location is the corner of 4<sup>th</sup> and Rood. He then deferred to DDA Director Harold Stalf for the details.

Mr. Stalf said a bond was issued in December 2003 to get this project going. Several locations were looked at. He said there will be several hundred spaces for employee parking for downtown employers and then a hundred spaces for public shopper parking. If approved, it would be built in 2006.

City Manager Arnold said there will be 324 covered spaces. He said 160 spaces will be sold on a permanent basis and the structure will be three stories. He said the top and part of the second floor would be sold and the rest of the second floor would be leased. He said the bottom floor would be used for the public using downtown. Mr. Arnold said the City has joined a Parking Association and Assistant City Manager David Varley will be attending some training at a conference in Florida. He said the majority of the land has been acquired by DDA and the City will construct the building. He felt the ability is there to work on operational issues and there will also be the ability to add another floor on the building. They believe the building will pay for itself after ten years.

Councilmember Kirtland asked why the top floor will be covered. Mr. Arnold said it makes it more marketable.

Councilmember Spehar asked if the reasoning is that 160 employees' cars will be taken off the street, thus freeing up street parking spaces for visitors. Mr. Stalf responded affirmatively.

Council President Pro Tem Palmer supported the project and expressed that it has been worked on for a long time.

Council President Hill said this is a significant move forward in the downtown and he is pleased that the project does not take away existing spaces. It is important that citizens know that the City has looked at the business model so it is fiscally responsible.

City Manager Arnold stated there are still hurdles to come and more land that needs to be acquired. He said the cost per space has been estimated at \$14,000+.

City Attorney Shaver advised two changes to the MOU, section 2j, the number should be \$500,800 and Section 2k the dimensions should be 50' by 125'.

Council President Pro Tem Palmer moved to authorize the Mayor to sign a Memorandum of Agreement between the City of Grand Junction and the Downtown Development Authority to build a parking structure. Councilmember Enos-Martinez seconded the motion. Motion carried.

Council President Hill called a recess at 9:06 p.m.

The meeting reconvened at 9:18 p.m.

### **Watershed Protection Memorandum of Understanding with the Bureau of Land Management**

The City of Grand Junction and the United States Department of Interior Bureau of Land Management (BLM) are entering into a Memorandum of Understanding (MOU) for five (5) years towards a partnership that will ensure protection of the quality and quantity of the City's municipal water supply.

Kelly Arnold, City Manager, reviewed this item. He noted the City has entered into agreements with Mesa County and the Forest Service for protection of the City's watershed. He displayed a map of the City's watershed area and identified the area under the BLM's jurisdiction. The proposed MOU is similar to the other two agreements. He noted the highlights of the agreements and advised that he, the City Attorney, Councilmember Kirtland, and Council President Hill all worked on negotiating this agreement.

Councilmember Kirtland said they worked cooperatively with BLM and that he is pleased to get to this point. He said the City will need to be diligent to help facilitate and be available to the other agencies.

Council President Hill expressed his appreciation of Mr. Arnold's and Mr. Shaver's work on this agreement. He said this agreement comes forward purposefully this evening so that this Council that has worked so hard can put their final approval on it.

Mr. Raul Morales from the BLM was representing Catherine Robertson he said they look forward to working with the City to protect the watershed.

Councilmember Butler said he is pleased that the water will remain a good quality and thanked those that worked on the agreement.

Council President Pro Tem Palmer agreed. He said it was a long and difficult issue and appreciates the effort and time.

Councilmember Spehar expressed his appreciation also for the efforts of all involved.

Councilmember Kirtland moved to authorize the Mayor to sign a Memorandum of Understanding with the Bureau of Land Management for Watershed Protection. Councilmember Spehar seconded the motion. Motion carried.

**Public Hearing – Growth Plan Amendments for Pear Park Neighborhood Plan Special Study Areas** [File #PLN-2004-147]

The City and County Planning Commissions met jointly in a public hearing on March 31, 2005 to consider three potential amendments to the adopted 2004 Pear Park Neighborhood Plan. The City Planning Commission recommended approval of changes to the City's Growth Plan Future Land Use Map for the Teller Court Special Study Area and the D Road (between 30 Road and 32 Road, south side) Special Study Area; and recommended no change to the D ½ Road Corridor Right-of-Way Street Cross Section.

The public hearing was opened at 9:45 p.m.

David Thornton, Principal Planner, reviewed this item. When the Pear Park Neighborhood Plan was approved, one of the action plans was to look at two Special Study areas and to look at street cross sections in the area. They embarked upon a public process which included a public open house, an area wide mailing, and held two focus groups. On March 31<sup>st</sup>, the City and County Planning Commissions met in a joint session. The County Planning Commission approved and the City Planning Commission made a recommendation to the City Council for these issues.

Mr. Thornton explained the three different study areas. He said for the first study area, the Teller Court area, three options were looked at. First is to change zoning from commercial to commercial/industrial, the same as the surrounding areas. Option two is to change the entire area to commercial/industrial and the third option is to change the study area to expand the industrial area to include 489 30 Road. The Planning Commission recommends option three. He explained what the options mean.

Mr. Thornton said the second study area is an area that is located south of D Road, with many conditions to consider, Staff identified six different sub-areas so they could be addressed individually. Mr. Thornton said that Staff took three options to the Joint Planning Commissions and all three options identified sub-areas E and F as conservation areas. He said option 1 increased the density of A through D sub-areas by one step; option 2 stepped up the density by two steps, and option 3 stepped it up three steps for sub-areas A through D, except for the southern portion of sub-area D. The Planning Commission recommended option 3, modifying sub-area D to Residential Medium Low.

Councilmember Spehar questioned increasing the density adjacent to conservation areas. Mr. Thornton thought the sub-areas A, B, and C should be the same and that the Planning Commission was comfortable with the higher density.

Council President Hill questioned why there was no consideration of additional commercial at the corner of 30 and D Road. Mr. Thornton said there was not as there will be other commercial areas nearby.

Mr. Thornton then deferred to Public Works Manager Tim Moore regarding the street section. Public Works Manager Tim Moore said that on February 22<sup>nd</sup> it was an issue at the open house. Three options were shown at the open house. Eleven people submitted written comments and then it went to public hearing at the Joint Planning Commission meeting. The unanimous recommendation is not to change the standard.

Mr. Moore advised that the School District has plans for two more schools along the D ½ Road corridor and also the existing Chatfield Elementary is a multi-use facility that has a large number of soccer fields. The City will be supporting that type of mixed use on the new school sites. They estimate a large population growth in that area and they want to ensure safe modes of travel for all modes of transportation. He said due to the street plan in the area, D ½ Road is really the only through corridor so it will likely be the most used. They estimate there will be 8,500 vehicles per day, similar volumes to 12<sup>th</sup> Street and 7<sup>th</sup> Street. Mr. Moore said there will also be around 4,000 home sites within one quarter mile. The direct connection with 29 Road will also increase traffic and there is also an anticipated neighborhood commercial node on that roadway.

Council President Hill asked about the dramatic increase in traffic that is anticipated. He asked if the modeling included the 29 Road connections and if another separate crossing was included. Mr. Moore said certainly the Riverside Parkway but not another crossing. The planning horizon for this is 2030.

Council President Pro Tem Palmer felt that eight foot sidewalks are excessive. Mr. Moore said that will be evaluated internally and if they make that change, it will be changed in the City-wide standards.

Mr. Thornton clarified the comments from the survey. He said there was no question specifically about the width of the sidewalk. He conceded that for 23 out of 24 hours per day, there probably is little need for that width of a sidewalk.

Council President Hill asked for public comments. Councilmember Spehar asked that the issues be separated for the rest of the consideration.

Council President Hill asked if there was anyone to speak regarding Teller Court .

There were none.

He asked if there was anyone to speak on the D Road Special Study Area.

Kathy Vandezer, 513 Sable Drive, asked Council to consider option 3, south of D Road, the recommended option.

Gabe De Gabriel, 315 Grand View Park Drive, representing Habitat for Humanity, said he supports the recommendation, option 3, which will create an opportunity for affordable housing. He said they feel that the change in the Growth Plan will allow for affordable development on a piece of property they are contracting to buy.

Marianne Traver, 2967 D ½ Road, referred to her letter dated April 17<sup>th</sup>. She expressed her opposition to the eight foot sidewalk. She said that most of the stores will be a mile away and people will drive, not walk. She felt that there will only be a short time before and after school when there will be pedestrians present and felt a six foot sidewalk would be safe for kids. The bike lane adds a buffer from traffic. She supported a sixty foot right-of-way. Ms. Traver said the numbers show less traffic on D ½ Road than on 30 Road.

Rich Traver, 2967 D ½ Road, said that he became aware of one resident that will lose her driveway and the City plans to take ten feet along the corridor without consideration. He said they will lose their frontage and they will be required to fence their front yard. Mr. Traver then said there will be a strip outside the fence that will need to be maintained. He suggested the residents be able to make their own decision on how their frontage will look and keep their driveways. There are 120 driveways existing. For example, on 30 Road, there are direct access driveways and there is no conflict. He said if approved, at least allow the homeowners to maintain their frontage and make their own decision on fencing and keep their driveways.

There being no further comments, Council President Hill closed the public hearing at 10:22 p.m.

Mr. Thornton advised that with D ½ Road being a minor arterial, the current Code does not allow direct access to D ½ Road. He said when areas are developed, a developer would be required to build an internal road and then the rear yard would need to be fenced, so a perimeter fence may be required for new subdivisions. The Code requires a landscape strip outside the fence and it depends on the sidewalk configuration.

Councilmember Enos-Martinez clarified that the current residents will not be required to put in a fence. Mr. Thornton said that is correct.

Councilmember Spehar asked if it would be required only for new development. Mr. Thornton said yes. He said also that it is known that there is not going to be an eighty foot right-of way for the entire three miles. Mr. Moore concurred, as long as there is no redevelopment; there is no requirement to move the driveways.

Resolution No. 71-05 – A Resolution Adopting Amendments to the Pear Park Neighborhood Plan as a Part of the Grand Junction Growth Plan

The City Council decided to consider each item individually.

Council President Pro Tem Palmer moved to adopt Resolution No. 71-05, Part 1, regarding the Teller Court study area, with the recommendation of option 3. Councilmember Enos-Martinez seconded the motion. Motion carried by roll call vote.

Councilmember Spehar moved to adopt Resolution No. 71-05, Part 2, regarding the D Road study area, option 3, including the recommendation from the Planning Commission to change sub-area D to Residential Medium Low, and designating sub-area B from “Estate” to Residential Low. Councilmember Kirtland seconded the motion. Motion carried by roll call vote, with Councilmember Enos-Martinez voting NO.

Regarding Part 3, the street cross-section, Council President Pro Tem Palmer stated that he is having difficulty with the 80 foot right-of-way and the 8 foot sidewalks. He feels that it is too excessive.

Councilmember Spehar stated that he supports the study of the entire policy regarding sidewalks but is not supportive of doing it piecemeal in this manner. He recalled an instance when the sidewalk was not required in a certain area and the surrounding area had the sidewalks, he felt that it was not planned for the future. He said that the City should encourage pedestrians to walk instead of driving. He said that he supports the Planning Commission recommendation.

Councilmember Butler stated that he supports the wide sidewalks.

Council President Hill said that from the standpoint of future, planning the whole width is a concern when it is planning for an area that is experiencing rapid growth. He felt that it is Council's responsibility to have the vision and plan a corridor. He said that one of the questions that is asked is why two sidewalks. He felt that instead of 16 feet of sidewalk, 8 feet on each side of the road, create one 8 foot sidewalk on the school side of the road. He said the City needs to start planning the area and leave room for the future. He also supports the Planning Commission's recommendation.

Councilmember Kirtland said that he agrees with Councilmember Spehar. He said that it will be a number of years before that area will be developed and with the density and traffic that is projected, the City will have an additional right-of-way and the flexibility. He felt this is something the City needs to look at today and create the expectation for developers. He stated the City should make this commitment today and that this is the right thing to do.

Councilmember Spehar moved to adopt Resolution No. 71-05, Part 3, regarding no changes to the D ½ Road cross section. Councilmember Kirtland seconded the motion. Motion carried by roll call vote, with Council President Pro Tem Palmer voting NO.

**Public Hearing - Rezoning Jacobson Property Located at 738 26 Road from RSF-2 to RMF-5 [File # RZ-2004-304]**

A request for approval to rezone 37.95 acres of land from RSF-2 (Residential single-family, not to exceed 2 units per acre) to RMF-5 (Residential multi-family, not to exceed 5 dwelling units per acre). The request precedes an application for a major subdivision. To be in compliance with the Growth Plan, a rezone must be granted. The Growth Plan requires a minimum density of 4 units per acre or a maximum of 8 units per acre. RMF-5 is in the mid range. The Planning Commission has recommended the zoning designation of RSF-4.

The public hearing was opened at 10:45 p.m.

Mike Joyce, 450 Hillside Drive, Mesquite, NV, identified the developer and the representatives present. Mr. Joyce first addressed why they are requesting RMF-5 zoning. He said the Growth Plan does designate the property as residential medium but when the property was annexed, the City zoned it to the existing County zone. He said the developer was told a rezone would be required prior to development to conform to the Growth Plan designation. He said a sizeable pond and wetland areas make 40% of the property undevelopable and the property is close to I-70 which will also make other areas undevelopable. He described the surrounding uses and the surrounding zoning. He said to support the compliance with the rezone criteria; he contended the existing zoning was in error and the reasons why. Secondly, there has been a change in character and he

stated the reasons why. Thirdly, he said the development will be compatible with the neighborhood, facilities and the services that are available. The fourth criterion is met in that the development conforms to the goals of the Growth Plan. They will look at ways to mitigate concerns of adjacent owners with lower densities. He said Criterion 5 relates to adequate facilities and services, which are available and Criterion 6 is that this was designated as residential medium so there was a need for this type of development. Criterion 7 is for the benefit of the community or neighborhood and the development will meet the goals so they will be meeting that criterion. He said the Planning Commission reheard the matter in March and recommended approval. He said the neighbor's concerns were identified and the issues were discussed with City Staff and determined the primary access would be from G ½ Road and have a secondary access to the south, with only a pedestrian access from Cottonwood Drive. He concurred that there is site distance problem with using Cottonwood Drive so that would not be recommended. He said there are 20 to 23 acres that are developable, under the RMF-5 with the actual density will be 2.6 du/ac which is less than what the neighbors are asking for.

Councilmember Spehar asked why he is asking for RMF-5. Mr. Joyce said they want to have smaller lots.

Lori V. Bowers, Senior Planner, then reviewed this item. She agreed that the proposal meets the Growth Plan criteria and the rezone criteria. Ms. Bowers described the Growth Plan designation and agreed they need a rezone to develop. She described the hearing that occurred at Planning Commission which resulted in a Planning Commission recommendation of RSF-4. She said the range allowed is 4 to 8.

Council President Hill asked for public comment.

Roy Lambert, Jr., 2615 Chestnut Drive, is opposed to RMF-5. He said that it goes against the zoning ordinance and noted the over burden of schools and public safety if this is changed to RMF-5. He said that there is already a safety hazard on 26 1/2 Road. Mr. Lambert asked for denial.

Mike Doring, 2632 Chestnut Drive, owns two parcels within 300 feet of the eastern boundary of the subdivision. Mr. Doring opposes the change to RMF-5. He said that it will affect property values and felt that the reason they need higher density is due to the site constraints. He said there will only be one ingress/egress off of 26 Road which will create site problems. Mr. Doring said that if RMF-5 is granted, then another developer will come and try to do the same thing. He opposes any change.

Mike McGinnis, 2645 Cottonwood Drive, has the same concerns as Mr. Doring, one access. He said most properties are about an acre and he does not understand why the designation is so high. He questioned the high density that the City needs to keep the

wetlands and feels that they want to build too much on too little property. Mr. McGinnis hopes the Planning Commission's recommendation is upheld.

Myron Barker, 2648 Cottonwood, said the proposed site plan is 80% building sites around the wetlands and steeper slopes by the pond. Mr. Barker asked if the TCP payments will address the sidewalk and so on if this many people are added to 26 Road.

John Stevens, 2631 Cottonwood Drive, said that he truly believes that the RMF-5 will not be conducive to the area and feels that it is not going to fit. He said with the increase of pedestrians and traffic in the Cottonwood Subdivision where there are no curb, gutter or sidewalks, there will be an increase of danger for children. He feels that more residents would be a concern and does not want to deter their development but feels RMF-5 would not be conducive.

Fred Hahn, 2629 Cottonwood and 743 Ash Drive, is concerned with more traffic coming out of Cottonwood Drive. He feels that it is not designed to handle that much traffic.

Harry Griff, 2636 Chestnut, is in favor of the infill development but feels it needs to be compatible with the surrounding neighborhoods and stated that RMF-5 isn't compatible at all. He said his main concern is to the south where there is another parcel and is worried that the two subdivisions will connect. He agrees they should have the right to develop but feels that it has to be compatible.

There were no further comments.

The public hearing was closed at 11:22 p.m.

Tom Volkmann, representing the applicant, said that it's apparent of the opposition of stands on compatibility. The staff said the application meets the criteria and compatibility is not the same as identical. He said the ingress and egress as proposed does not affect Cottonwood Drive. He said this property is designated in the Growth Plan as 4 to 8 units per acre and the Growth Plan provides consistency and predictability. Mr. Volkmann said the RSF-2 is not acceptable under the Growth Plan. He said the RMF-5 is due to the lot size and said much of the property is not developable.

Mr. Joyce compared the two zone districts and advised there is not that much of a difference between RSF-4 and RMF-5 but it is limited to what can be done in that district.

Councilmember Spehar asked what is allowed in RMF-5 that is different from RSF-4. Mr. Joyce said RMF-5 allows townhomes and RSF-4 allows duplexes on a corner lot.

Council President Hill clarified that the Planning Commission's recommendation can be supported with a simple majority but to approve the RMF-5 zoning it will take a supermajority for the approval.

Council President Pro Tem Palmer advised the supermajority is needed to overturn the Planning Commission's recommendation of RSF-4.

Councilmember Spehar said the developer knew the wetlands existed and it is not Council's duty to compensate for those constraints. He said that he is comfortable staying with the Planning Commission's recommendation as long as it complies with the Growth Plan.

Council President Pro Tem Palmer said that clearly the Planning Commission had some difficulty with its decision. He supports the Planning Commission's recommendation.

Councilmember Butler said he feels that RSF-4 is more compatible with the surrounding areas.

Councilmember McCurry agreed.

Councilmember Enos-Martinez said she feels that even with RSF-4 it still will not satisfy the neighbors. She said that she supports the Planning Commission's recommendation but could go either way.

Councilmember Kirtland said that he agrees with Councilmember Spehar and that the improvements will come with time. He wants to encourage creativity with developers, to deal with difficult pieces of property.

Council President Hill said the rural environment is becoming urban development and that will take advantage of existing services. He said the building industry has to maximize the resources and if a slight change from RSF-4 to RMF-5 will keep that down some, he could support RMF-5.

Ordinance No. 3754 – An Ordinance Zoning 37 Acres of Land Located at 738 26 Road to RMF-5.

Councilmember Kirtland moved to adopt Ordinance No. 3754 as RMF-5 on second reading and ordered it published. Councilmember Enos-Martinez seconded the motion. Roll call vote. Motion failed with Councilmembers Spehar, Butler, and Palmer voting NO (not a super majority).

Council President Pro Tem Palmer moved to adopt Ordinance No. 3754 with RSF-4 as recommended by Planning Commission on second reading and ordered it published.

Councilmember Spehar seconded the motion. Motion carried by roll call vote with Councilmembers Enos-Martinez, Kirtland, and McCurry voting NO.

Due to the lateness of the hour, a discussion ensued on what items should still be addressed. Only Item 20 was time sensitive.

Council President Hill asked if there was objection to going on to Item 20. There was none.

**Public Hearing - Brookwillow Village Planned Development Amendment** [File # PP-2004-130]

Public Hearing and Consider Final Passage of a proposed ordinance to amend the existing Planned Development Ordinance No. 3088 for Brookwillow Village Planned Development located at 650 24 ½ Road, and consider approval of the proposed private streets within the subdivision.

The public hearing was opened at 11:50 p.m.

Ron Weidler, representing Hall LLC, reviewed the request. He described the parcel and the surrounding zoning. He identified the different types of zoning in the existing plan. He said they are proposing a bullnose type of access. He identified the park and open space that has been proposed. He said there will be active recreation and a passive trail with private streets which will not have sidewalks but there is a trail system throughout the property. He said there is a pet park in the southern portion of the subdivision and about 42% of the overall project is open space. He then displayed the phasing plan with a total of 297 units, with a density of 9.7 du/ac. He said the utilities are available but they will need an extension to the north.

Councilmember Kirtland asked where this concept came from. Mr. Weidler said he is not the planner but he did a multifamily project in Battlement Mesa.

Lori V. Bowers, Senior Planner, then reviewed this item. She described the location and the surrounding uses. She said the Future Land Use map designation is 8 to 12 units per acre. She said the requested zoning is downzoning but the request is consistent with the rezone criteria of the Zoning and Development Code and since this is a Planned Development, they will look at how it deviates from the straight zone and what the benefits will be. Ms. Bowers said the setbacks are considerably greater than the requirement but the fencing and screening is a deviation. She said there will be a fourteen foot buffer and a fence required but the developer wants to keep it open along 24 ½ Road. She said the parking is in excess of the Code requirements but the streets are in compliance with TEDS. Ms. Bowers said the developer is asking for private streets

and the Planning Commission is recommending approval. She said the perimeter fences will be replaced with undulating berms.

Council President Hill asked where the sidewalks are. Ms. Bowers pointed out that there will be no sidewalks on the private streets.

Councilmember Kirtland asked if staff thought the fencing detail was a good idea. Ms. Bowers said staff did not have a problem with the fence deviation request taking into account the open concept.

Daren Carei, Hall LLC Partner, said they, through the design phase, have gotten feedback from the planners. The plan is to get away from the standard cookie cutter development. He said the intent is to have a more of an open concept with an internal trail style sidewalk system. He said they are trying to avoid the sidewalk concept along 24 ½ Road and have more of an open landscaped look.

Councilmember Spehar said that he is concerned with pedestrians from Home Depot. He feels that it should be a condition to have sidewalks along 24 ½ Road.

Council President Hill said that he was under the assumption that 24 ½ Road was the City's responsibility, through the TCP process.

Mr. Weidler said that was correct. He said there are many drainage issues relative to the road and if the developer puts in only half of the street improvements, it would create a rollercoaster problem. He said it could be a problem when the road is rebuilt as the road profile may change.

City Manager Kelly Arnold said the City will want sidewalks. City Attorney Shaver said that the developer will need to show the right-of-way, the actual placement on the site is the question.

Council President Hill said the fact is that through the TCP, the sidewalks will go in.

Mr. Carey said if a sidewalk goes in he wants to discuss a different configuration. The Council did not have problem with that.

Council President Hill asked for public comment. There was none.

The public hearing was closed at 12:20 a.m.

Ordinance No. 3755 – An Ordinance Amending Ordinance No. 3088 Zoning a Parcel of Land at 625 24 ½ Road (Amending the Brookwillow Village Planned Development)

Councilmember Spehar moved to adopt Ordinance No. 3755 on second reading and ordered it published and recommended approval of the private streets within the proposed subdivision. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

Council President Hill recommended continuing the remaining items to the next meeting. Staff asked that the Burkey Park Growth Plan Amendment be considered.

**Public Hearing – Growth Plan Amendment for Burkey Park Property from Residential Medium 4-8 to Park, Located at 2980 F Road** [File #GPA-2005-060]

Hold a public hearing and consider final passage of the Resolution to change the Growth Plan designation from “Residential Medium 4-8” to “Park”.

The public hearing was opened at 12:22 a.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the location of the property and identified the piece that is being presented for a Growth Plan Amendment in order to make it part of the park site.

There were no public comments.

The public hearing was closed at 12:24 a.m.

Council President Pro Tem Palmer noted this piece of land had a house on it and was zoned differently than the rest of the park property.

Resolution No. 72-05 – A Resolution Amending the City of Grand Junction Growth Plan Future Land Use Map to Re-designate approximately 0.869 acres, Located at 2980 F Road from “Residential Medium 4-8 du/ac” to “Park”

Councilmember Butler moved to adopt Resolution No. 72-05. Council President Pro Tem Palmer seconded the motion. Motion carried by roll call vote.

**THE FOLLOWING ITEM WAS CONTINUED UNTIL MAY 4, 2005 REGULAR CITY COUNCIL MEETING.**

**Public Hearing – Iris Court Enclave Annexation and Zoning, Located at 2250 South Broadway** [File # ANX-2005-028]

Consider the annexation and zoning for the Iris Court Enclave Annexation. The Iris Court Enclave Annexation is located at 2250 South Broadway and consists of 1 parcel

on 0.35 acres. The zoning being requested is RSF-2 (Residential Single Family 2 du/ac).

**a. Annexation Ordinance**

Ordinance No. 3756 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Iris Court Enclave Annexation, Located at 2250 South Broadway Consisting of Approximately 0.35 Acres

**b. Zoning Ordinance**

Ordinance No. 3757 – An Ordinance Zoning the Iris Court Enclave Annexation to RSF-2, Located at 2250 South Broadway

**THE FOLLOWING ITEM WAS CONTINUED UNTIL MAY 4, 2005 REGULAR CITY COUNCIL MEETING.**

**Public Hearing – PS Substation Enclave and Zoning, Located on 29 Road Just South of F Road** [File # ANX-2005-027]

Consider the annexation and zoning for the PS Substation Enclave Annexation. The PS Substation Enclave Annexation is located on 29 Road just south of F Road and consists of 1 parcel on 0.06 acres. The zoning being requested is RMF-5 (Residential Multi-Family 5 du/ac).

**a. Annexation Ordinance**

Ordinance No. 3758 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, PS Substation Enclave Annexation, Located on 29 Road Just South of F Road and Including a Portion of the 29 Road Right-of-Way, Consisting of Approximately 0.06 Acres

**b. Zoning Ordinance**

Ordinance No. 3759 – An Ordinance Zoning the PS Substation Enclave to RMF-5 (Residential Multi-Family 5 du/ac), Located on 29 Road Just South of F Road

**THE FOLLOWING ITEM WAS CONTINUED UNTIL MAY 4, 2005 REGULAR CITY COUNCIL MEETING.**

**Public Hearing – Webb Crane Enclave Annexation and Zoning, Located at 728, 738, 745 and 747 23 ½ Road** [File # ANX-2005-029]

Consider the annexation and zoning for the Webb Crane Enclave Annexation. The Webb Crane Enclave Annexation is Located at 728, 738, 745 and 747 23 ½ Road and consists of 4 parcels on 16.89 Acres. The zoning being requested is M-U (Mixed Use) and I-1 (Light Industrial).

**a. Annexation Ordinance**

Ordinance No. 3760 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Webb Crane Enclave Annexation, Located at 728, 738, 745 and 747 23 ½ Road and Including a Portion of the 23 ½ Road and Interstate Avenue Rights-of-Way, Consisting of Approximately 16.89 Acres

**b. Zoning Ordinance**

Ordinance No. 3761 – An Ordinance Zoning the Webb Crane Enclave Annexation to M U (Mixed Use) and I-1 (Light Industrial), Located at 728, 738, 745, and 747 23 ½ Road

**NON-SCHEDULED CITIZENS & VISITORS**

There were none.

**OTHER BUSINESS**

There were none.

**ADJOURNMENT**

The meeting adjourned at 12:24 a.m.

Stephanie Tuin, MMC  
City Clerk