

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

November 1, 2006

The City Council of the City of Grand Junction convened into regular session on the 1st day of November 2006, at 7:04 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, Doug Thomason and President of the Council Jim Doody. Also present were Interim City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Thomason led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Benny Lenard, Spirit of Life Christian Church.

Councilmember Spehar asked for a moment of silence to honor the passing of a former community leader Dale Hollingsworth.

Proclamations / Recognitions

Proclaiming November, 2006 as “Hospice and Palliative Care Month” in the City of Grand Junction

Proclaiming November 11, 2006 as “Veteran’s Day” in the City of Grand Junction

Appointments

Ratify Appointments to the Mesa County Building Code Board of Appeals

Councilmember Hill moved to ratify the appointment of David Detwiler to a regular position and Steve Peterson to an alternate position on the Mesa County Building Code Board of Appeals with terms expiring October 16, 2009 and July 1, 2007 respectively. Councilmember Palmer seconded the motion. Motion carried.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Spehar read the list of items on the Consent Calendar and moved to approve the Consent Calendar items #1 through #12. Councilmember Hill seconded. Motion carried by roll call vote with Councilmember Coons recusing herself from Item #6 due to her employment with the applicant.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the October 16, 2006 Workshop and the Minutes of the October 18, 2006 Special Session and October 18, 2006 Regular Meeting

2. **Visitor and Convention Bureau Center Remodel**

This approval request is for the construction contract for the addition and remodel of the Visitor Center building.

Action: Authorize the City Purchasing Division to Enter into a Contract, in the Amount of \$387,000 with Classic Constructors, Inc. for the Completion of the Addition and Remodel

3. **Setting a Hearing for the Becerra Annexation, Located at 244 28 ½ Road**
[File #ANX-2006-256]

Request to annex 1.50 acres, located at 244 28 ½ Road. The Becerra Annexation consists of one parcel and is a three part serial annexation.

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

Resolution No. 132-06 – 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, Becerra Annexation, Located at 244 28 ½ Road, Including a Portion of the 28 ½ Road Right-of-Way

Action: Adopt Resolution No. 132-06

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Becerra Annexation No. 1, Approximately 0.01 Acres, Located Within the 28 ½ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Becerra Annexation No. 2, Approximately 0.20 acres, Located Within the 28 ½ Road Right of Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Becerra Annexation No. 3, Approximately 1.29 Acres, Located at 244 28 ½ Road and Including a Portion of the 28 ½ Road Right-of-Way

Action: Introduction of Proposed Ordinances and Set a Hearing for December 6, 2006

4. **Setting a Hearing for the Humphrey Annexation, Located 412 30 ¼ Road**
[File #ANX-2006-260]

Request to annex approximately 10.43 acres, located at 412 30 ¼ Road. The Humphrey Annexation consists of one parcel and is a three part serial annexation.

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

Resolution No. 133-06 – 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, Humphrey Annexation, Located at 412 30 ¼ Road Including a Portion of the 30 ¼ Road Right-of-Way

Action: Adopt Resolution No. 133-06

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Humphrey Annexation No. 1, Approximately .10 Acres, Located Within the 30 ¼ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Humphrey Annexation No. 2, Approximately .98 Acres, Located Within the 30 ¼ Road Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Humphrey Annexation No. 3, Approximately 9.35 Acres, Located at 412 30 ¼ Road

Action: Introduction of Proposed Ordinances and Set a Hearing for December 6, 2006

5. **Setting a Hearing for the Pacheco-Woodbring Annexation, Located at 2814 C ¾ Road** [GPA-2006-248]

Request to annex 10.13 acres, located at 2814 C ¾ Road. The Pacheco-Woodbring Annexation consists of one parcel.

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

Resolution No. 134-06 – 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, Pacheco-Woodbring Annexation, Located at 2814 C ¾ Road

Action: Adopt Resolution No. 134-06

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado Pacheco-Woodbring Annexation, Approximately 10.13 Acres, Located at 2814 C ¾ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 6, 2006

6. **Setting a Hearing for the Adoption of the Master Plan 2005 for St. Mary's Hospital and Re-Establishing Standards for the (PD), Planned Development Zone District, Located at 2635 North 7th Street** [File #ICM-2006-005]

Introduction of a proposed ordinance to adopt the Master Plan 2005 for St. Mary's Hospital and Re-Establishing Standards for the PD, Planned Development Zone District for Property Owned by St. Mary's Hospital.

Proposed Ordinance Approving the Master Plan 2005 for St. Mary's Hospital and Environs Located at 2635 North 7th Street and Re-Establishing Standards for the Planned Development (PD) Zone District for Property Owned by St. Mary's Hospital

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 15, 2006

7. **Setting a Hearing for Zoning the Thunderbrook Estates Annexation, Located at 3061 & 3061 ½ F ½ Road** [File #GPA-2006-238]

Request to zone the 15.60 acre Thunderbrook Estates Annexation, located at 3061 and 3061 ½ F ½ Road, to RSF-4 (Residential Single Family, 4 units per acre).

Proposed Ordinance Zoning the Thunderbrook Estates Annexation to RSF-4, (Residential Single Family, 4 Units Per Acre) Located at 3061 and 3061 ½ F ½ Road

Action: Introduction of Proposed Ordinance and Set a Hearing for November 15, 2006

8. **Setting a Hearing for Zoning the Fox Annexation, Located at 3000 F Road** [File #GPA-2006-087]

Request to zone the Fox Annexation from County RSF-4 (Residential Single Family, 4 units per acre) to RO (Residential Office).

Proposed Ordinance Zoning the Fox Annexation to RO (Residential Office), Located at 3000 F Road

Action: Introduction of Proposed Ordinance and Set a Hearing for November 15, 2006

9. **Contract for Audit Services**

A resolution authorizing a contract for audit services between the City of Grand Junction, Colorado and Chadwick, Steinkirchner, Davis, and Company, P.C. (CSD) for 2006, with renewal at the City's option for an additional three years.

Resolution No. 135-06 – A Resolution Authorizing a Contract for Audit Services between the City of Grand Junction, Colorado, and Chadwick, Steinkirchner, Davis, and Company, P.C.

Action: Adopt Resolution No. 135-06

10. **Setting a Hearing Authorizing the Issuance of the City of Grand Junction, Downtown Development Authority Subordinate Tax Increment Revenue Bonds**

The proposed ordinance authorizes the issuance of one bond in the amount of \$2,180,500 with it maturing December 22, 2007.

Proposed Ordinance Authorizing the Issuance of the City of Grand Junction, Colorado, Downtown Development Authority Tax Increment Revenue Bonds, Series 2006, 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

Action: Introduction of a Proposed Ordinance and Set a Hearing for November 15, 2006

11. **Change Order #5 to the Contract for the Duck Pond Park Lift Station Elimination Project**

The work defined by change order #5 includes relocation of an existing sewer line, allowing for installation of an additional girder line on the Highway 50 Bridge crossing the Colorado River. Construction of the girder is part of Phase 3 of the Riverside Parkway project. The existing sewer line that hangs under the bridge is in conflict with this girder line and will need to be moved. Re-routing the flow to the Duck Pond project is the most cost effective way to accomplish this task.

Action: Authorize the City Manager to Approve Contract Change Order #5 to the Duck Pond Park Life Station Elimination Project in the Amount of \$137,647.00 with Mendez, Inc., for Relocating the Existing Sewer Line Crossing the Colorado River on the Highway 50 Bridge

12. **Lease of City Owned Parking Lot at 2nd and Pitkin Avenue**

Commencing in October 2003, the City began leasing the lot it owns on the corner of 2nd and Pitkin to Simmons Lock and Key ("Simmons"), 322 S. 2nd. Because the parcel may be required for future improvements at the curve of Pitkin Avenue, selling the property is not an option. City Council is asked to approve the City Manager entering into another lease with similar terms as the first with the option for renewal of the lease over the next three years. The City retains the right to terminate the lease upon 30 days notice.

Resolution No. 136-06 – A Resolution Authorizing the Lease of a City Owned Lot at 2nd and Pitkin Avenue by Simmons Lock and Key, Inc.

Action: Adopt Resolution No. 136-06

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Conduct a Hearing to Appeal a Planning Commission Decision to Deny the Pinnacle Ridge Preliminary Plan, Located Northeast of Monument Road and Mariposa Drive [File #PP-2005-226]

Appeal of the Planning Commission denial of the Pinnacle Ridge Preliminary Plan, consisting of 72 single family lots on 45.33 acres in a RSF-2 (Residential Single Family, 2 du/ac) zone district.

Councilmember Hill moved to continue the appeal for the Pinnacle Ridge Preliminary Plan until November 15, 2006. Councilmember Coons seconded the motion. Motion carried.

Public Hearing – Rezone and Outline Development Plan 1st and Patterson Planned Development [File #ODP-2005-309]

Request to rezone 20.7 acres, located at the southwest corner of 1st Street and Patterson Road, from RMF-12 (Residential Multifamily, 12 units per acre) to PD (Planned Development) and approval of an Outline Development Plan (ODP) for a mixed use development.

Councilmember Beckstein stated for the record that Mr. Ciavonne is a client of her employer. City Attorney John Shaver asked Councilmember Beckstein if she has any contact with this project by virtue of representation of Mr. Ciavonne and his relationship with her firm. Councilmember Beckstein said no. City Attorney Shaver also asked Councilmember Beckstein if she has had any contact with Mr. Ciavonne or any member of his firm on this particular project. Councilmember Beckstein said no. City Attorney Shaver stated to Council President Doody that he sees no reason to believe that Councilmember Beckstein should be recused from hearing this item. Council President Doody asked if Council had any problems with Councilmember Beckstein hearing this item. Council had no problem with Councilmember Beckstein staying for this item.

The public hearing was opened at 7:30 p.m.

Ted Ciavonne, Ciavonne, Roberts, and Associates, 744 Grand Avenue, was present representing the applicant. He described the site, the location and the Future Land Use

Designation of the various parcels. He advised that the plan is consistent with the Growth Plan. Mr. Ciavonne then addressed the proposal regarding the zoning criteria and the requested zoning. He said the proposal meets the requirements of the Zoning and Development Code. Mr. Ciavonne reviewed the history of the property and the approvals received so far. He also detailed the communication that his firm and the applicant have had with the neighborhood. He described the various traffic movement adjustments that have been considered throughout the planning process. He said one criteria for the Outline Development Plan (ODP) approval requires benefits to the community. He listed the benefits as being an additional right-of-way on Patterson, working on the facilitation of burying of overhead lines, providing a 35 foot easement along the property to bury the Ranchman's ditch, a large open space along the arterial streets, a site amenity of community feature on the property, maintaining the hillside and the typography of that hillside in this project, allowing commercial development within walking distance of the residential, and preserving the historic fabric of 1st Street neighborhood. He said a majority of the development will be completed by one developer, the parking will be screened and there will be an architectural control committee to ensure consistent architecture and architectural detailing along 1st Street. There will be detached sidewalks along Patterson and improved pedestrian and vehicular circulation along 25 ¼ Road that will lessen impacts on 1st Street.

Joe Carter, also of Ciavonne, Roberts, and Associates, presented the anticipated phasing schedule. He said the commercial pods consist of 8.8 acres and he reviewed the proposal for those pods. He explained specific uses will be excluded such as: fast food uses, liquor stores, drive up/drive through uses, outdoor storage, outdoor kennels, etc. He then reviewed uses that will be allowed such as a drive through pharmacy, a drive up cleaner, and veterinarian clinics with indoor kennels only. Councilmember Palmer pointed out that the project was excluding drive through and drive up uses but then wants to allow drive up cleaners and pharmacies. Mr. Carter concurred that all other drive up/through uses besides those two would be excluded. Also, there will be no minimum lot width, the height restrictions would be 35' and 49' depending on the pod, and pods G and H will remain with the underlying requirements for the RMF-12 zone district. Mr. Carter then addressed traffic patterns and movements. He said a ¾ movement at Patterson and Meander Drive is proposed, a full unsignalized intersection at 25 ¾ Road, a full movement unsignalized intersection at 1st Street and Park Drive and a couple of street stubs to the adjacent properties. Mr. Carter said Curtis Rowe of Kimley-Horn and Associates will address the traffic details.

Councilmember Palmer inquired about the previous zoning. Kathy Portner, Assistant Director of Community Development, stated some of it was zoned Planned Development prior to 2000. Mr. Carter added that some was zoned RMF-10. Councilmember Palmer questioned what will be developed in each phase. Mr. Carter said the corner of 1st and Patterson will develop first, and then some commercial will develop. Mr. Carter said they

hope that the market will drive the development to some extent, but they anticipate the first phase to be developed at the corner of 1st and Patterson.

Curtis Rowe, Kimley-Horn and Associates, professional civil and traffic engineer, said he prepared a traffic impact study for this project and there were several different access scenarios evaluated. He said what was determined was the access located at 25 $\frac{3}{4}$ Road would be an unsignalized full movement access, but during the peak hours during the day, traffic turning left onto Patterson may experience delays of up to 60 seconds. The anticipated impact on 1st Street is projected to be 90 vehicles per day.

Councilmember Coons questioned why the proposal is requesting a 2nd left turn lane to handle additional volume when the traffic proposal states there is not going to be much of an impact on 1st Street. Mr. Rowe said the impact that he was referring to was the south bound traffic and said there would be an increase northbound which would increase the demand for left turn lanes.

Councilmember Hill questioned if there is room for stacking traffic traveling northbound on 1st Street and is there room for a left hand turn lane into this site. Mr. Rowe said a median reconfiguration would be developed to add a left turn pocket into the site.

Council President Doody questioned how far of an area is looked at when completing the traffic study. Mr. Rowe said it is based on intersections of significant impact and said it is predetermined by the agency, i.e., the City. He said the section identified was Patterson from 25 $\frac{1}{2}$ Road to 7th Street on Patterson and then from Park Street up to 1st Street. Council President Doody asked for clarification that the study was not completed down to West Middle School on Orchard Avenue. Mr. Rowe said no, that was not required by the City.

Ted Ciavonne returned to the podium for questions.

Councilmember Hill stated that there was a proposal to have a signal located at 25 $\frac{3}{4}$ Road which required a TEDS exception, which was denied and he wanted to make sure that the developer is who requested that signal. He also asked for clarification regarding the two left hand turn lanes on 1st Street and the reason for the stub street. Mr. Ciavonne said the developer would still like the signal located at 25 $\frac{3}{4}$ but is not pressing for it. Also, the need for the double left turn on 1st Street was taken from the traffic modeling. For the connection to the west, there is no other access for that property, and they feel it is critical to allow an access for the 17 acres.

Councilmember Palmer questioned why the height allowed is 40 feet with an additional allowance of 25% and why is the additional percentage allowed. Mr. Ciavonne said as part of the Planned Development they wanted to limit the maximum height but wanted the flexibility to go a little higher. He said 3 stories with a pitched roof would come to 49 feet.

He said as per the Code today, there is a 40 foot height limit with a 25% increase that a developer could ask for at the time of the plan. He said the reason they are asking for the 40 foot plus the additional 25% is because they do not have designs yet for the development. Councilmember Palmer questioned if the development is anticipated to be 40 or 49 feet along Patterson. Mr. Ciavonne said at this time they are looking at building 2 story homes and some will have an underground garage. He said they anticipate the height request will be above 40 feet.

Kathy Portner, Assistant Director of Community Development, then made the Staff presentation for this item. She advised that the City Traffic Engineer Jody Kliska will address the traffic issues. Ms. Portner described the site, the current zoning, the surrounding zoning and the plan to leave the existing houses along 1st Street. She said in 2003, the Growth Plan was amended to change the Future Land Use Designation on the Patterson Road frontage from Residential Medium High to Commercial. The Commercial designation extends the length of the Patterson Road frontage to a depth of 300 feet. Ms. Portner said the applicant requested a Growth Plan Consistency Review to determine whether the project could move forward without a Growth Plan Amendment. She said the Planning Commission and City Council found the proposal with a meandering boundary between Commercial and Residential designation, following the topography more closely, to be consistent with the Growth Plan. She said the request is to rezone the property to PD (Planned Development) with each of the pods having the specific zoning as shown in the ordinance. Ms. Portner said the two larger pods are to have the underlying zone of RMF-12 and the pod with single family homes that are remaining is proposed RSF-4. The benefits of the PD zone is that the proposed mix of uses include retail, office, multifamily residential, single family residential, over and above the required amount of open space, and the additional architectural features. Ms. Portner explained the allowance of the applicant to request an additional 25% height allowance and the reasons they can request such an increase. She asked for a modification to the ordinance by amending the deviations to RMF-12. She said if the PD is approved, the applicant will have to come back for approval of each of their individual plans and the applicant will also have to have the details of the 25 ¾ Road location at the Preliminary Plan. Ms. Portner stated that the Staff finds the requested Planned Development and Outline Development Plan is consistent with the Growth Plan, that the review criteria in Section 2.12.B.2 of the Zoning and Development Code have all been met, and the Preliminary Plan must provide the details of the proposed 25 ¾ Road as to right-of-way location, width and improvement, as well as provide for shared access for future development of the adjoining property to the west.

Councilmember Hill asked about the adjustment of the phasing schedule. Ms. Portner said they will have to present a phasing schedule and determine the amount of infrastructure needed when they present the Preliminary Plan.

Councilmember Spehar questioned if the 25 ¾ Road access has the ability to move east if no arrangement is made with the adjacent property or would the access still be provided to the adjacent property. Ms. Portner said the access stub has been addressed to access the adjacent property owner and said the developer does want to provide the stub for connection.

Jody Kliska, Transportation Engineer, referred to larger studies and the assumptions of the Growth Plan. She said Patterson is going to get busier, therefore management of access is recommended and said that is the reason the request for a signal at 25 ¾ Road was denied.

Council President Doody called a recess at 8:32 p.m.

The meeting reconvened at 8:48 p.m.

Council President Doody asked for those in the audience that are in favor of this item to speak first.

John Gormley, 2565 I ½ Road, said he and his family have owned the property since 1935. Mr. Gormley stated the decision to sell the property for development was not an easy decision and said it was their desire to have the property developed in a cohesive thoughtful manner that they would be proud of in the future and would want to live next to. He said Bruce Milyard with Constructors West was chosen as the developer because of his willingness to develop the property in its entirety. He said many other developers wanted to “cherry pick” portions of the property to develop. Mr. Gormley said that he believes that Constructors West is committed to developing “an attractive and well designed project that will be an asset to the community and to the neighborhood.” Mr. Gormley further stated that he feels the project is consistent with the surrounding uses and has made every effort to address many concerns of the City and the neighborhood. He requests that the City Council approve the rezone request.

Pat Gormley, 2433 North 1st Street, also an owner of the property, has lived much of his life on the property starting at the age of 4. He said there have been many developers approach their family with ideas for development. Mr. Gormley said that he feels the proposal is viable and reasonable for the area. He urged Council to approve the rezone request.

Earl Young, 2303 N. 1st Street, said he lives four properties south of this property and has lived there for 37 years. He said that he hates to see development, but realizes that it is going to happen. He feels that the Gormley's have been good citizens and have done good things for the community. Dr. Young said that he thinks highly of the Gormley's and supports this project.

Mark Swain, owns Networks Unlimited that is located three blocks west of the property, said he is excited about the project and feels that the correct steps are being taken to develop this land. He feels mixed use developments are a perfect antidote and will promote clustering and preserve open space.

Jeffrey Vogel, owner of High Fashion Fabrics, located north of the property, supports the project, but has some concerns. He said his business property is buffered from the residential behind his establishment and is concerned about the traffic. Mr. Vogel said there is a new development just west of his property that is not shown on the map. He wanted to make sure that his access is not changed and said the map shows an access from Meander Drive onto 1st Street which was abandoned and no longer exists. He said he would like to be on the architectural control committee and feels this project is the best possible development for this area.

Tom Volkmann, 371 McFarland Court, said he is in favor of the project. He said that he has the Future Land Use map on his office wall and from what he has seen the plan complies with the Future Land Use map. Regarding traffic, he was pleased to hear that the impact to the south will be under 10% because that is the direction that a lot of people go to take their children to school and go to work. He urged the consideration of the traffic calming efforts that were taken on 1st Street. It has made the street attractive and encouraged more traffic. He said this is an infill project in the City of Grand Junction which minimizes sprawl. Mr. Volkmann said the landowner has the right to develop in accordance with the Growth Plan.

Doug Simons, 653 Round Hill Drive, lauded the Gormley family and the selection of Bruce Milyard with Constructors West who is a class individual. He said Mr. Milyard is a qualified builder and likes to do a good job. Mr. Simons stated that the proposed development is a model development for the City of Grand Junction. He agreed with Mr. Volkmann's comments and urged the approval of this project.

Michael B. Higginbotham, 664 Jubilee Court, would like to encourage this particular infill development to go forward. Mr. Higginbotham said, regarding the height issue, his involvement in Redlands Mesa has shown that a low pitch roof settles a building to the site and with a higher pitched roof the building has the feel of a big box. He would like to encourage the designer to keep that in mind when designing the development. Mr. Higginbotham said this project will be a model development to this area.

Council President Doody asked for those in the audience that oppose this project to come forward and address Council with their concerns.

Ken Frankhouser, 2239 Knollwood Lane, said he is not, in principal, opposed of the project, but lives at the end of the cul-de-sac of Knollwood Lane and never thought there would be a road meandering down from Patterson Road to his street. He did his

own traffic study on Knollwood and said it is an incredibly quiet street. Mr. Frankhouser said the people who live there want it to stay that way. He agrees with the comments that have been said about the character of the owners and the developer. Mr. Frankhouser said in Section B.5 of the Growth Plan, it states that a new project will not erode on an existing neighborhood's values or impact with noise or traffic. He invited the Council to visit the neighborhood and thanked Council for listening to his concerns.

Ed Lippoth, 2246 Knollwood Lane, said he was told that 68 condos would be developed in pods G and H and now there are 111 units planned and he does not understand how that can be. He said that he does not want to see that road go through Knollwood either.

Tom Dixon, 3025 Northridge Drive, has been a Land Use Plan developer in both public and private sectors for over 20 years. He said with living in the proximity to the project he has concerns about the scale and intensity of the proposal. He pointed out that in Policy 11.1, the Staff review states that the City will promote compatibility between adjacent land uses by addressing traffic, noise, lighting, and other sources of incapability. He said the Community Hospital development had a number of neighborhood meetings and they have been a good neighbor to the surrounding neighborhood. Mr. Dixon said this proposal is for 116,000 square feet of retail and commercial use which is too intense in scale for this area. He said Village Fair located at 12th and Patterson has 35,000 square feet which includes a bank building and a Quizno's and said this project is three times the size of Village Fair. Mr. Dixon pointed out that on 12th Street there are four lanes and 1st Street only has two lanes. He is not opposed to neighborhood business but he is opposed to a Walgreens which is in the applicant's packet as a prototype. He said this type of development is typically on a highway and is not appropriate in a neighborhood commercial and residential area. He urged additional restrictions such as no drive through windows including pharmacies and fuel stations.

Susan Potts, 2206 Ella Court, said she did not feel that the traffic study was accurate. She said there is no way to widen 1st Street as the houses are built too close to the road. She felt the traffic study should have had an expanded area and said the traffic pattern design will force traffic onto 1st Street. She described all the surrounding streets and the development in the area. She questioned how a second left turn lane will fit on 1st Street and how much open space is being proposed for this development.

Jim Baughman, 2579 F Road, speaking for the Baughman family, said he received a notice just yesterday regarding this project and said part of it is not legible. He said his family owns property to the west and he owns property just to the south of the Gormley property. He said his property was annexed in 1991 along with the Gormley property and Moore property (now owned by Steve Hickman and Aaron Schurman). Mr. Baughman said he thought his property was zoned RSF-R and it was changed via a

Master Plan in 2001. He agrees the Gormley's have the ability to develop this property and appreciates the Gormley's because they have kept the property as is for all of these years. Mr. Baughman does have concerns about the proposed project, such as the scope and intensity of both commercial and residential, and the number of units per acre. He said the suggested number of units proposed is 111 units on 8.8 acres which equates to 14 units per acre. He is also concerned about the setbacks for the subdivision and said if the Baughman family property is developed as residential; it will be only ten feet from the commercial development on the Gormley property. He feels this type of development is appropriate, but is concerned with the proposal for a Walgreens which can be opened from 5 a.m. until 11 p.m. He is concerned about the height in the commercial development with the possibility of 25% increase and no minimum lot width. Mr. Baughman thought there should be some restrictions as to the type of businesses that go into the development. Lastly, his concern with traffic is the 25 ³/₄ Road access has not been agreed to by the Baughman family and they remain firm on that. He said, regarding the delays turning left onto Patterson, there are times when one cannot turn left and described a number of related traffic stories his family members as well as other acquaintances have endured. He said in section 5.1 of the Zoning and Development Code, the Planned Development should only be used if there is a community benefit and listed a number of considerations. He believes there are some Codes that are not being met, particularly the open space and reduced traffic demands. He asked that the project be denied and brought back with a new design that is less intense.

Cecelia Thompson, 3001 Northridge Drive, understands progress must go on. She has concerns in every direction such as signage, air quality related to traffic, water drainage, hours of operation, the building height, and the historical nature of the neighborhood. She would not like to see drive through windows especially for a dry cleaner. Ms. Thompson said there is a need for a park in the area for the children to play in. She said that she did not receive any notification regarding this project and that she read a letter from one of her neighbors.

The public comment portion of the hearing was closed at 10:10 p.m.

Ted Ciavonne, Ciavonne, Roberts, and Associates, addressed many of the comments. He said the range of residential density from 70 to 111 units was presented at the Growth Plan consistency review. He said that range was based on 9 acres of residential including roads. He said the density is figured on the gross density which includes the existing homes and roads which brought it up to the 111 homes and said it is consistent with the Growth Plan. He said there are concerns with the intensity of the commercial development and said with a Planned Development, there has to be a default zone and that default zone is B-1 which is the least intensive type of commercial zone that the City Code has. He said they subtracted out some of the uses and added two other types of drive through facilities which do not include gas stations, banks, and fast food

establishments. He said there were concerns regarding the hours of operations and said in the B-1 zone, the hours of operation are 5 a.m. to 11 p.m. which are not unusual hours of operation. He said the height of the building is the default standard of the Code, with the Code allowance that allows an additional 25 % and the setbacks are also the default standard per the City Code. Mr. Ciavonne addressed the traffic issues and the best way to address the neighborhoods concerns was to come back with additional studies and suggest traffic signals. He said the architecture and drainage has to be and will be addressed at Preliminary Plan. Mr. Ciavonne said the proposal meets the requirements of the Code at this point of the review. He said the residential will be the transition from commercial to residential to the south of the property. He said the Outline Development Plan (ODP) meets the Growth Plan and should be approved. He reviewed the community benefits again and said the current zoning of RMF-12 would allow 240 residential units.

Bruce Milyard, the developer and owner of Constructors West, said the two main concerns are traffic and the intensity of the development. He understands the frustrations of the neighbors and said it is the nature of this stage of the project. He said the next stage will show the neighbors the actual densities, the heights, the architecture, and the traffic circulation.

Councilmember Thomason noted the Baughmans are adamantly opposed to the 25 $\frac{3}{4}$ Road access. He asked about the other options for the access. Mr. Milyard said they moved the access to the Gormley property and said they will apply for another TEDS exception if needed.

Councilmember Coons asked if there is room for the access on the Gormley property. Mr. Milyard said there is a way to accomplish it.

Councilmember Hill asked about the residential density range; in the PD the maximum is 12 units per acre. Mr. Milyard said the maximum density is 111 units including the three houses. Councilmember Hill questioned the height restriction in the B-1 zoning with a 25% increase is for commercial only. Mr. Ciavonne said 25% also applies to the RMF-12. Kathy Portner, Assistant Community Development Director, clarified that RMF-12 zone has a maximum height of 40 feet. She said the additional allowance does include Planned Developments.

Councilmember Palmer questioned if the change to Baughman property zoning was rezoned without their knowledge. Ms. Portner said with the overall adoption of the Zoning Map, there were individual notices given to most of the areas, but as far as all of the residents, that is unknown.

Councilmember Coons questioned if the 40 feet height applies to the RMF-12 and is that the default height zoning. Ms. Portner said yes.

Councilmember Hill asked for assurance that the 25 $\frac{3}{4}$ access does not have to be determined tonight. Ms. Portner said that is correct. Councilmember Hill asked for clarification on the Growth Plan and said the property could be developed as is if the commercial is developed on the north side and residential on the south side. Ms. Portner said the north part of the property is still zoned RMF-12 even though it is designated commercial. She said the developer could have asked for commercial zoning and said once applied for the specifics won't come before Council, but the Planned Development does require a review by the Planning Commission.

Councilmember Coons asked if this development meets the potential public benefits. Ms. Portner said there is a list of possible benefits that can be considered. Councilmember Coons asked for more clarification regarding the stub street into Knollwood. Ms. Portner said the builder has every intention of building some kind of a turn around which does not have to go through into Knollwood. She said their traffic study does not consider the road going through and, under the Code, the development may need to provide the possibility of connecting. She said it may be needed for a pedestrian connection, but the intervening piece will determine what will happen.

Councilmember Palmer said at the October 10th Planning Commission meeting they placed some conditions and asked if Council has the same latitude. City Attorney John Shaver said Council does have the same latitude. He said this is a Planned Development zone and as a Planned Development zone the Council can place conditions on the development. Councilmember Palmer said he is uncomfortable with the drive through windows and asked if Council can disallow items. City Attorney Shaver said legally Council can disallow items. Ms. Portner said B-1 zoning does not allow that type of business so Council would have to grant that additional request.

Council President Doody asked about the TEDS exception denial. City Attorney Shaver said the TEDS process allows individual cases to be reviewed. He said the Transportation Engineer felt the installation of a traffic light would significantly interfere with the traffic progression on Patterson Road. He said that does not preclude that could not change in the future. Council President Doody asked Ms. Kliska about the traffic study in the area. Ms. Kliska said the traffic study looked at the most intense uses possible, the traffic is constantly reviewed as part of the TEDS exception process and it is possible to meet standards without deviating from them.

The public hearing was closed at 10:49 p.m.

Councilmember Spehar agreed that this is a frustrating stage of the review. He said there are a lot of concerns on the detail that isn't normally discussed at this stage. He doesn't know if height restrictions or hours of operation, etc. should be discussed. He said the property meets the Growth Plan and said the Planned Development is appropriate and he is in favor of the rezone.

Councilmember Palmer said he understands the Knollwood neighborhoods concerns. He said as far as the rezone, an infill project with commercial will have a traffic impact. He said he also has concerns about the drive through uses, but likes the multi-use and the infill. He is in favor of the rezone but is not a fan of the drive through uses.

Councilmember Coons said she prefers to see the mixed use and the Planned Development format rather than develop as the straight RMF-12 zone. She is in favor infill and this development.

Councilmember Beckstein said there has been a lot of thought put into this development and said the developer put a lot of thought to make this development something unique and special. She feels this will compliment that area and said the traffic will always be a problem no matter what is developed. She said she supports the project.

Councilmember Thomason said traffic concerns are warranted. He appreciates the Gormley's work on this development. He also is in favor of this development.

Councilmember Hill said there are many advantages of having a visionary team. He feels this is going to be a good product and said the Code will ensure that. He said the Knollwood connection would be a City requirement, not the developers, so he encouraged the neighborhood to keep standing up and protesting. He supports the project.

Council President Doody said that he grew up in the neighborhood. He is concerned about the notification not being sent out if a zoning is changed on the map and said it is the City's responsibility to ensure that happens. He supports the project.

Ordinance No. 3981 – An Ordinance Rezoning Approximately 20.7 Acres from RMF-12 to PD (Planned Development), the 1st and Patterson Planned Development, Located at the Southwest Corner of 1st Street and Patterson Road

Councilmember Hill moved to adopt Ordinance No. 3981 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion.

City Attorney Shaver said there were some changes made to the ordinance that the property be zoned B-1, no drive through uses, a maximum height of 35 feet for Pod E and 40 feet for Pod A, B, C, and D, the maximum height can be increased by 25% (ordinance says 25' which is wrong), and the last modification to G and H will meet RMF-12.

Councilmember Hill moved to withdraw his motion. Councilmember Beckstein seconded. Motion carried by roll call vote to withdraw.

Councilmember Hill moved to approve Ordinance No. 3981. Councilmember Spehar seconded. Motion carried by roll call vote.

City Attorney Shaver said by operation of law the change to the RMF-12 will be made and the correction to the height additional allowance in the ordinance.

Council President Doody called a recess at 11:14 p.m.

The meeting reconvened at 11:21 p.m.

Public Hearing – Thunderbrook Estates Growth Plan Amendment, Located at 3061 ½ F ½ Road [File #GPA-2006-238]

Request to amend the Growth Plan, to change the Future Land Use Designation from Public to Residential Medium Low for one parcel consisting of approximately 11.06 acres.

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

Kathy Portner, Assistant Community Development Director, reviewed this item. She described the location and said it was purchased by the School District. She described the current zoning, the surrounding zoning and the Future Land Use designations of the property and the surrounding properties.

There were no public comments.

The public hearing was closed at 11:24 p.m.

Resolution No. 138-06 – A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 11.06 Acres, Located at 3061 ½ F ½ Road, From Public to Residential Medium Low

Councilmember Coons moved to adopt Resolution No. 138-06. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Public Hearing – Baldwin Annexation and Zoning, Located at 2102 and 2108 Highway 6 and 50 [File #ANX-2006-182]

Request to annex and zone 3.19 acres, located at 2102 and 2108 Highway 6 and 50, to I-1 (Light Industrial). The Baldwin Annexation consists of two parcels.

Councilmember Beckstein recused herself from this item as the applicant is her employer. She left the dais and the meeting.

The public hearing was opened at 11:25 p.m.

Kathy Portner, Assistant Community Development Director, reviewed this item. She described the site and the current use. The Future Land Use is Industrial. She said Staff finds the property meets the requirements for annexation and recommends approval.

Councilmember Palmer said this was continued due to boundary dispute and asked if that was resolved. Ms. Portner said yes.

There were no public comments.

The public hearing was closed at 11:27 p.m.

a. Accepting Petition

Resolution No. 137-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Baldwin Annexation #1 and #2, Located at 2102 and 2108 Highway 6 and 50 and a Portion of the Highway 6 and 50 Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3982 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Baldwin Annexation #1, Approximately .10 Acres, Located at 2102 and 2108 Highway 6 and 50, Within the Highway 6 and 50 Right-of-Way

Ordinance No. 3983 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Baldwin Annexation #2, Approximately 3.09 Acres, Located at 2102 and 2108 Highway 6 and 50 and a Portion of the Highway 6 and 50 Right-of-Way

c. Zoning Ordinance

Ordinance No. 3984 – An Ordinance Zoning the Baldwin Annexation to I-1, (Light Industrial), Located at 2102 and 2108 Highway 6 and 50

Councilmember Spehar moved to adopt Resolution No. 137-06 and Ordinance Nos. 3982, 3983, and 3984 on Second Reading and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 11:28 p.m.

Stephanie Tuin, MMC
City Clerk