

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

**November 7, 2007**

The City Council of the City of Grand Junction convened into regular session on the 7<sup>th</sup> day of November 2007 at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Doug Thomason, Linda Romer Todd, and Council President Jim Doody. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Jim Doody called the meeting to order, and then led in the Pledge of Allegiance.

Council President Doody announced the date and time of the upcoming Veteran's Day Parade.

Council President Doody recognized students in attendance from a Public Affairs Class at Mesa State College.

**Citizen Comments**

Betty M. Elsberry, 110 Park Circle, lives on a very quiet one-way street. She loves Grand Junction. She regrets that she did not come before Council to object to the development on First and Patterson when it was being reviewed. She said the community needs the energy in this room, and for them to expend that energy to clean up Grand Junction, which was once an All American City.

**Appointments**

Councilmember Coons moved to appoint Patti Hoff to the Grand Junction Housing Authority for a five year term expiring October 2012. Councilmember Todd seconded the motion. Motion carried.

**Certificates of Appointments**

Merv Heinecke was present to receive his certificate of appointment to the Horizon Drive Association Business Improvement District Board.

## **CONSENT CALENDAR**

Councilmember Thomason read the items on the Consent Calendar, and then moved to approve the Consent Calendar. It was seconded by Councilmember Hill, and carried by roll call vote to approve the Consent Items #1 through #4.

### **1. Setting a Hearing to Create Alley Improvement District 2008**

Successful petitions have been submitted requesting a local improvement District be created to reconstruct three alleys:

- East/West Alley from 3<sup>rd</sup> to 4<sup>th</sup> between Gunnison Avenue and Hill Avenue
- East/West from 9<sup>th</sup> to 10<sup>th</sup> between Teller Avenue and Belford Avenue
- North/South Alley from 14<sup>th</sup> to 15<sup>th</sup> between Hall Avenue and Orchard Avenue

Resolution No. 156-07—A Resolution Declaring the Intention of the City Council of the City of Grand Junction, Colorado, to Create Within Said City Alley Improvement District No. ST-08 and Authorizing the City Engineer to Prepare Details and Specification for the Same

*Action: Adopt Resolution No. 156-07 and Set a Public Hearing for December 19, 2007*

### **2. Energy Development Water Needs Assessment Contracts**

The Colorado Water Conservation Board has approved grant funding for an Energy Development Water Needs Assessment: analyzing water demands for various energy development scenarios in northwest Colorado. The City will act as a pass-through entity to accept the grant and contract for the engineering services with URS.

*Action: Authorize the City Manager to Sign a Grant Contract with the Colorado Water Conservation Board and Authorize the City Manager to Sign an Engineering Services Agreement with URS*

### **3. Change to Planning Commission Meeting Schedule**

The time that the Planning Commission meetings start is established in the bylaws for the Commission. City Council reviews and approves any changes to the bylaws. Effective with the first meeting in January 2008, the Planning

Commission meetings shall begin at 6:00 p.m. All other bylaws shall remain in full force and effect.

Resolution No. 157-07—A Resolution Amending the Bylaws of the Planning Commission Changing the Time that the Meetings Commence

*Action: Adopt Resolution No. 157-07*

4. **Downtown Grand Junction Business Improvement District Operating Plan and Budget—Continued from November 5, 2007**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Downtown Grand Junction Business Improvement District filed their 2008 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

*Action: Approve Downtown Grand Junction Business Improvement District's 2008 Operating Plan and Budget*

### ITEMS NEEDING INDIVIDUAL CONSIDERATION

**Public Hearing—Create the Galley Lane Sanitary Sewer Improvement District No. SS-49-07**

A majority of the owners of real estate located in the area of Young Street between F ½ Road and Galley Lane have submitted a petition requesting an improvement district be created to provide sanitary sewer service to their respective properties, utilizing the septic sewer elimination program to help reduce assessments levied against the affected properties. This is the final step in the formal process of creating the proposed improvement district.

The public hearing opened at 7:11 p.m.

Tim Moore, Public Works and Planning Director, reviewed this item. He described the district that was formed. The petition forming the district had 76% of the owners signing in favor of the district. This will be the last improvement district for the year. Mr. Moore said the request also includes a request to award the contract to M.A. Concrete. City Attorney Shaver advised that since the contract award request was not on the agenda that it could not be addressed tonight.

There were no public comments.

The public hearing was closed at 7:15 p.m.

Resolution No. 158-07—A Resolution Creating and Establishing Sanitary Sewer Improvement District No. SS-49-07, Within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Installation of Sanitary Sewer Facilities and Adopting Details, Plans and Specifications for the Same

Councilmember Todd moved to adopt Resolution No. 158-07. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing—Timberline Steel Annexation and Zoning, Located at 2185 River Road** [File #ANX-2007-242]

Request to annex and zone 2 acres, located at 2185 River Road to I-1 (Light Industrial). The Timberline Steel Annexation consists of one parcel. The property is located on the southeast corner of River Road and Railhead Circle.

The public hearing was opened at 7:16 p.m.

Greg Moberg, Development Services Supervisor, reviewed this item. He described the request, and entered the staff report and attachments into the record.

Mary Vernes, 2031 Freedom Court, representing Vortex Engineering and Timberline Steel was present. She was available for questions. There were none.

There were no public comments.

The public hearing was closed at 7:18 p.m.

**a. Accepting Petition**

Resolution No. 159-07—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Timberline Steel Annexation, Located at 2185 River Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4133—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Timberline Steel Annexation, Approximately 2 Acres, Located at 2185 River Road

**c. Zoning Ordinance**

Ordinance No. 4134—An Ordinance Zoning the Timberline Steel Annexation to I-1 (Light Industrial) Located at 2185 River Road

Councilmember Palmer moved to adopt Resolution No. 159-07, and adopt Ordinance Nos. 4133 and 4134, and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Public Hearing—Krabacher Annexation and Zoning, Located at 2946 B ½ Road** [File #ANX-2007-241]

Request to annex and zone 10 acres, located at 2946 B ½ Road to R-4 (Residential 4 Units/acre). The Krabacher Annexation consists of one parcel. This property is on the west side of 29 ½ Road directly north of B ½ Road on Orchard Mesa.

The public hearing was opened at 7:20 p.m.

Greg Moberg, Development Services Supervisor, reviewed this item. He described the request, and the location, and then entered the staff report and attachments into the record. He said the Planning Commission recommended approval of the annexation and zoning, and the Staff concurs.

The applicant's representative, David Chase with Vista Engineering, 605 28 ¼ Road, was present to answer any questions.

There were no public comments.

The public hearing was closed at 7:21 p.m.

**a. Accepting Petition**

Resolution No. 160-07—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Krabacher Annexation, Located at 2946 B ½ Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4135—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Krabacher Annexation, Approximately 10 Acres, Located at 2946 B ½ Road

**c. Zoning Ordinance**

Ordinance No. 4136—An Ordinance Zoning the Krabacher Annexation to R-4 (Residential, 4 Units per Acre) Located at 2946 B ½ Road

Councilmember Beckstein moved to adopt Resolution No. 160-07, and adopt Ordinance Nos. 4135 and 4136, and ordered them published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

**Public Hearing—Crespin Annexation and Zoning, Located at 2930 D ½ Road** [File #ANX-2007-234]

Request to annex and zone 5.37 acres, located at 2930 D ½ Road, to R-8 (Residential, 8 units per acre). The Crespin Annexation consists of two parcels and includes a portion of the D ½ Road right-of-way. This property is located on the north side of D ½ Road and south of the railroad tracks in the Pear Park area.

The public hearing was opened at 7:22 p.m.

Greg Moberg, Development Services Supervisor, reviewed this item. He described the request, and the location. He then entered the staff report and attachments into the record. The request meets the criteria in the Zoning and Development Code, and the Planning Commission recommended approval.

Council President Doody asked if the property across the street is Pear Park Elementary. Mr. Moberg said it is.

The applicant was not present.

There were no public comments.

The public hearing was closed at 7:24 p.m.

**a. Accepting Petition**

Resolution No. 161-07—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Crespin Annexation, Located at 2930 D ½ Road and a Portion of the D ½ Road Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4137—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Crespín Annexation, Approximately 5.37 Acres, Located at 2930 D ½ Road and a Portion of the D ½ Road Right-of-Way

**c. Zoning Ordinance**

Ordinance No. 4138—An Ordinance Zoning the Crespín Annexation to R-8 (Residential, 8 Units per Acre) Located at 2930 D ½ Road

Councilmember Thomason moved to adopt Resolution No. 161-07, and adopt Ordinance Nos. 4137 and 4138, and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Public Hearing—Zoning the Page Annexation, Located at 2076 Ferree Drive and 2074 Broadway** [File #GPA-2007-061]

Request to zone the 17.52 acre Page Annexation located at 2076 Ferree Drive and 2074 Broadway, to R-4, Residential—4 units/acre Zone District.

The public hearing was opened at 7:25 p.m.

Scott D. Peterson, Senior Planner, reviewed this item. He described the request, and the site location. He advised the Planning Commission recommended approval of the request. He entered the staff report and the attachments into the record. He noted the applicant and the applicant's representative were present.

Mary Vernes with Vortex Engineering, residing at 2031 Freedom Court, was present representing Ken Page of the Page Annexation, and was available for questions.

There were no public comments.

The public hearing was closed at 7:27 p.m.

Ordinance No. 4139—An Ordinance Zoning the Page Annexation to R-4, Residential—4 Units/Acre, Located at 2076 Ferree Drive and 2074 Broadway

Councilmember Hill moved to adopt Ordinance No. 4139, and ordered it published. Councilmember Palmer seconded the motion. Motion carried by roll call vote.

**Public Hearing—Growth Plan Amendment for Property Located at 2510 N. 12<sup>th</sup> Street, 1212, 1228, 1238, 1308, 1310, 1314, and 1324 Wellington Avenue [File #GPA-2006-241]**

The petitioners, Dillon Real Estate Company, Inc., request adoption of a Resolution to amend the Growth Plan Future Land Use Map from Residential Medium (4 – 8 DU/Ac.) to Commercial for the properties located at 2510 N. 12<sup>th</sup> Street, 1212, 1228, 1238, 1308, 1310, 1314 and 1324 Wellington Avenue. The Planning Commission recommended approval of the proposed Growth Plan Amendment request at their September 25, 2007 meeting.

The public hearing was opened at 7:28 p.m.

As the Auditorium was full, Council President Doody laid out some ground rules for the public hearing.

Scott D. Peterson, Senior Planner, reviewed this item. He described the request, and the location. The site is just under three acres. The request is in anticipation of future commercial development. The character of the area is a mix of commercial, medical offices, and residential. Mr. Peterson stated the Growth Plan Amendment request is acceptable as it is compatible, and is located along two arterial streets. Single family development at this location would probably not be feasible. Multi-family development might be possible, but limited due to the size of the site.

In reviewing the criteria for a Growth Plan amendment, since the adoption of the Growth Plan, the City has grown, and traffic has increased along these corridors making it less desirable for single family development. Existing parcels are small, and irregular in shape making residential or commercial development difficult. Buffering would be difficult between commercial and residential as required by the Code. The current zoning is B-1 and R-8. Infrastructure is adequate at this location, however, adjacent roadways would need to be upgraded. Mr. Peterson said improvements would be addressed at site plan review. Traffic is currently heavy at that intersection, and will likely increase. The area has increased with additional health care facilities, and the college expansion. Hilltop Health Services is also nearby. A retail complex is located across 12<sup>th</sup> Street.

Mr. Peterson concluded the request is consistent with the purpose and intent of the Growth Plan. The intent of the commercial development is to capture traffic currently using the adjacent roadways, not attracting additional traffic. Mr. Peterson listed the letters and petitions both in favor and opposed to the request.



Mr. Peterson stated that the applicant and applicant's representative were in the audience.

Councilmember Hill asked about the two properties currently zoned B-1, and could they be developed without a change in the Growth Plan? Mr. Peterson said they could, but they would probably ask for a housekeeping change to the Growth Plan to make it consistent with the zoning.

Councilmember Hill asked if the petition submitted dated 2006 is correct. Mr. Peterson said the application was filed in 2006 and that is when the neighborhood was notified, and when the petition drive was started. Councilmember Hill noted that Councilmembers received emails which were not included in the packet. Mr. Peterson advised only those received by the City Clerk and himself were added to the material for City Council.

Mark Goldberg, Goldberg Property Associates, was present on behalf of the applicant, and he introduced a number of other representatives in the audience who were available to address questions. Mr. Goldberg confirmed they are at the Growth Plan Amendment stage so they do not have a lot of detail on the site plan. The property is in an infill area. The Growth Plan encourages infill development. The site has a lot of access. Regarding the trees on the property, many are diseased, and need to come down. The City Forester agrees. The development will enhance the area. The current zoning on the many properties do not mesh in a way that can be developed.

In conclusion, Mr. Goldberg said a focus in the Growth Plan was to have development in commercial nodes where there are busy streets, and a shopping center does fit the focus, which is their intent. The size of the proposed development is not large, and is in keeping with the neighborhood. It is convenience retail, which makes for good planning by allowing for a walkable location. They plan to have a high degree of architecture, and bring a first class community shopping center to the area. The Growth Plan also encourages development where there is existing and adequate infrastructure, which will add to the balance of the area.

There was a clarification on the order of public comments, Council President Doody agreed to have those in favor speak first, and those against speak after that.

Council President Doody called a recess at 7:55 p.m.

The meeting reconvened at 8:07 p.m.

Council President Doody noted there was a faint smell of smoke which was the reason for the break. The Fire Department was contacted to investigate.

Council President Doody asked those in favor of the Growth Plan Amendment to come forward to speak.

Sam Suplizio Jr., 3210 Primrose (Spring Valley), voiced support of the Growth Plan change, and the proposed development.

Gayla Jo Slauson, 1225 Wellington Avenue, supported the change, and thought the development would improve the appearance of the site.

John Williams, 695 Round Hill Drive, walks and runs to this vicinity frequently, and is in favor of the change, since it is a parcel that can't be easily developed. He commented that City Market is a terrific corporate citizen, and they will do the right thing. Mr. Williams stated that he was an attorney, but did not have a client in this matter.

Becky Brown, 1441 Patterson #1003, Patterson Gardens, supports the amendment. She is the current president of the Homeowner's Association for Patterson Gardens, and represents 35 other residents who believe City Market would be a great neighbor.

Janet Terry, 3120 Beechwood Drive, lives within a mile of the property and is in support of the change in the Growth Plan. She recognizes the importance of the decision, as she was involved when the Growth Plan was created and adopted, when she sat on City Council. The request is an appropriate change at this time. The Growth Plan has been in existence for over ten years. This is an infill development. She encouraged approval.

Bob Colony, 639 West Pagosa, lives about a mile from the site, and is in favor of the change. He is familiar with City Market, having lived here since 1938. Mr. Colony stated that City Market is a fine operation, and is supportive of the community. He said they will do it right.

Joe Prinster, 2845 Dottie Lane at The Commons, has lived here 82 years, and was in support of the request. The location was not picked out with the intent of increasing traffic, but rather City Market would build the store because the traffic is already there at the site.

Council President Doody asked for those opposed to come forward.

Tom Volkmann, representing the group "Save Our GJ Neighborhoods", organized the presentation that addressed a variety of topics presented by various individuals relative to the criteria for amending the Future Land Use Map. They will not be mentioning City Market who they agree is a good corporate citizen.

Reford Theobald, 3760 Beechwood Street, gave perspective from his experience on the City Council. This is the fourth time this parcel has been reviewed for this type of development. He reviewed the adoption of the Growth Plan, as he was on the City Council at that time. It is a well thought-out plan, and included a lot of community effort.

Mr. Theobald offered what the issue is not. It is not about a park, it is not about the good works of the applicant. No one would argue that City Market is not a good company. It is not about the development at 1<sup>st</sup> and Patterson. It is not about infill. The goal of the infill policy was to take difficult parcels, with challenges, and help them develop. This property can be developed very easily with lot line adjustments. It is not about economic development. It is not about time, the fact that the parcel has been vacant does not give them an advantage. 48,000 square feet is not a neighborhood convenience store. It is not the only parcel available for this development. The developer has not met all of the criteria. The Growth Plan is a promise to the neighborhood as to what will happen in the neighborhood.

Loretta Ward, 1313 Wellington Avenue, addressed Criterion A, of Section 2.5 C of the Zoning and Development Code which states the current Growth Plan will be amended if the City finds that the proposed amendment is consistent with the purpose and intent of the Plan, and if it meets the following criteria. Criterion A – if there was an error in the designation. She believes there was no error in Criterion A. It was designated as such to protect the residential neighborhood. She listed the changes in the neighborhood, and how the instances provided by the Planner were not relevant.

Shirley Kelly, 2741 Patterson Road, addressed Criterion B – Subsequent events have invalidated the original premises and findings. She said that Wellington has not changed since the Growth Plan was adopted except for the houses demolished by Kroger. She said the Planner has exaggerated the changes in the neighborhood. There have been no subsequent events to invalidate the premises of the Growth Plan, in fact there have been many homes built in the neighborhood.

Sharon Brown, 1305 Wellington, addressed Criterion C – the character of the neighborhood has changed such to invalidate the plan. The number of residential units has in fact increased, and there is additional need for high density residential development. The Planner implies that the residential development is not attractive. The property is currently zoned appropriately for a small scale commercial development. The area has not changed significantly.

Laurence Raney, 1404 Wellington, and 1305 Wellington, addressed Criterion D – the change being consistent with the goals and policies of the plan. He believes the change is inconsistent. The goal is to promote stable residential neighborhoods. Mr. Raney stated that in Policy 11.2, the City will limit commercial encroachment into stable residential neighborhoods. The proposal will encroach into a stable neighborhood which

is inconsistent with the goals of the Growth Plan. The Growth Plan also encourages a buffer zone between commercial and residential. Eliminating the residential portion along Wellington would conflict with that policy. The commercial development might attract up to 8,000 customers per day, this is not a small scale development. Low volume commercial is appropriate, not a high capacity development.

Patty Guerrero, 1541 Pinyon Avenue, addressed Criterion E – the development should be in keeping with the area in size and scope. She said Wellington is not adequate to handle the additional traffic. At the last review in 1999, then Public Works Director Mark Relph estimated that the cost of the upgrade would cost up to one-half million dollars. It will cost a great deal more now. That is \$250,000 to \$500,000 cost to the City. Criterion E is not being met. 12<sup>th</sup> and Patterson is already crowded and congested, the development will bring in more customers and employees. Extensive upgrades at that intersection will be needed. She said she understands the concept of infill, but also understands the concept of overfill. She asked not to take away the reason for living in Grand Junction.

Harriett Clothier, 1441 Patterson, Unit 801, addressed Criterion F – inadequate supply of suitable land. In the past Kroger has had several options, and could have bought the property at 12<sup>th</sup> and Horizon, and at 1<sup>st</sup> and Patterson, they knew what they were getting into when they bought this property. Kroger owns quite a bit of land in this community, several that could be developed, such as the property at 24 Road and Patterson (near Kohl's). She also noted the property located at 32 and C Road, property that she believes is a wonderful location to serve the needs of the residents in the southeast quadrant of the City. Ms. Clothier posed several "what if" questions regarding changes in zoning and re-designation, and how it could affect the neighborhood. It is her opinion that it would be a natural progression to re-designate the B-1 zoning. Rezoning could potentially allow a 150,000 square foot building in that neighborhood, or a new designation will increase the selling value of the property.

Eddie Gregory, 1305 Wellington, addressed Criterion G – the community will derive benefits from the change. She disagreed that it will. The change will increase traffic, it will result in the need to upgrade the roadways up to \$500,000, and it is not consistent with the goals of the Growth Plan. It will undermine a commitment to the Growth Plan. It will eliminate the buffer zone along Wellington, it will slow traffic at the intersection, and will adversely affect corridor preservation. She does not believe it will be accessed by pedestrians, and does not see any overall benefit to the community.

Dick Fulton, 1556 Wellington since 1981, and has paid considerable attention to the Growth Plan documents, would like to commend the citizens who spoke, and said he also represents the group "Save our GJ Neighborhoods", and does not think this should be a park. He is not against growth and would love to see the commercial part developed as per the current Growth Plan, but wants to preserve the residential buffer

along Wellington. He countered the argument given by the City Planner. He stated much of the Planner's report included copying phrases from the applicant's application, word for word. The Planning Department is supposed to be an independent review agency, and the report does not include independent analysis. Some of the independent analysis is not relevant, and pre-dates the Growth Plan.

Mr. Fulton then addressed the seven criteria areas. If the applicant meets the first criteria, then he doesn't need to meet the other six. Mr. Fulton does not believe that these criteria have been met. Criterion E – Adequate Public Facilities. Mr. Fuller said the Planner admits facilities are not adequate, and the street will have to be upgraded. Criterion G – the community benefits are questionable if there are any, and there is enough land for a small commercial development without the change, and without eliminating the residential buffer. Criterion A is whether there was an error. The Planner's report points out that the irregular lot lines make the development difficult. Mr. Fulton said that can be resolved with lot line adjustments. Regarding Criterion A – there is no error. Criterion F – inadequate land in the community to provide a place for development. There are plenty of locations where Kroger could develop. The site is for a small scale commercial development. Criterion F is not met. Criterion B – subsequent events have invalidated the original premise and findings of the Growth Plan. All of the subsequent development has complied with the Growth Plan. No events or commercial development have invalidated the original premise. Criterion C – area has changed and changes were unanticipated. Wellington has not changed. The proposal is not consistent with the policies, the character, and condition of the area has not changed significantly, and what has changed has been in accordance with the Plan. Criterion D – the change is consistent with existing neighborhood and corridor plans. Mr. Fulton contended that it is in fact inconsistent with the goals and policies of the plan. Criterion D is not met. Criterion A, B, C, D, E, F, and G are not met.

Gary McMurtrey, 860 Hall Avenue, picked up a flyer at Albertsons. Since the growth is toward Fruita, he asked why don't they build out there instead of the middle of the college sprawl, and St. Mary's. Another huge grocery store will bring more people, and in case of an emergency, there will need to be more routes to get out of town.

Bruce Verstraete, 1321 Wellington, says that the Growth Plan is a little over 10 years old, and has served the City well, and it shouldn't be amended lightly. It provides the Council with a chance to correct problems before they happen. Patterson is the City's opportunity to maintain an east-west corridor in the valley. He always believed that the criterion for change is application. It seems that amendments and rezones happen very quickly without a lot of thought, and he encouraged the City Council to give this amendment a lot of thought.

Pat Verstraete, 1321 Wellington, lives about 26 feet from the proposed change. She had a petition signed by 399 neighbors that she submitted, all local people, citizens who

are aware of the change, and are respectfully asking the City Council not to grant the request. She participated in the new Comprehensive Plan process, and noted that all commercial development had a buffer, and not one map showed a change at this intersection.

Tom Volkmann spoke again saying there hasn't been any change that has invalidated the Growth Plan. There are 8 residential lots, and one of changes the criteria discusses is that these lots should stay residential, but at a higher density. Wellington is still a small street, and should be left residential. He disagreed with the staff report saying residential development at this location would be questionable, as the multi-family option is what was planned. The current residents feel they are in a stable, residential neighborhood, and that expansion of the commercial area further to the south to Wellington is in fact an encroachment of commercial into a stable residential area. The Growth Plan does state the City may consider a small scale commercial center, but the proposal is not small scale. It is that concern that drives the neighbors here. It is not true there is not suitable commercial land available. The report states this is one of the larger commercial lots in town but that is only if the Growth Plan is changed. The applicant has not met the criteria within the Code, so the proposal should be denied.

Marc Goldberg, the applicant, said there is nothing in the Growth Plan that says these lots are buffers under the Growth Plan. Regarding the comment that Wellington would become a collector street, this is not true. The total number of new trips would be 240, and of these 240 trips, only 30 will be on Wellington as the traffic is on the streets today. The improvements to the roadway are needed today. If the project is approved, the applicant will insist in those improvements. Just changing the lots lines will not make these lots developable, there are other issues such as access. There is no intent to build a 100,000 square foot facility. It is intended to be a neighborhood convenience shopping center that will enhance the neighborhood.

Mike Elliot, a citizen of Fruita, and a taxpayer of Grand Junction, said they do a good dance about no extra traffic, but citizens will have to go through the intersection twice, making Wellington the logical access.

The public hearing was closed at 9:30 p.m.

Councilmember Coons asked how many individuals live in the area that would be impacted. Mr. Peterson said he does not have an exact number, but he listed the various neighborhoods in the area. Councilmember Coons noted that many of the signatures on the petition submitted are out of the neighborhood, and even out of the City. She noted the traffic is already congested in the area. She asked if the City is planning to upgrade this intersection regardless of the Growth Plan Amendment. Mr. Peterson said due to the increase in traffic, upgrades will be needed at that intersection.

Councilmember Coons asked if the changes will be driven by this lot development. Mr. Peterson said it may spur those upgrades sooner.

Councilmember Coons asked if there was potential for squaring off the lots lines, and if so, what is that process. Mr. Peterson replied that the problem to do that now is that there are two growth plan designations, commercial on the north, and residential on the south. It is possible to do a Growth Plan consistency review to keep the residential on the south where the City Council and Planning would determine the designation, or do a simple subdivision to eliminate all property lines, and create one developable lot, but it would have two zoning designations on one property.

Councilmember Palmer asked about the existing City zoning on the two B-1 flag lots, and asked if those would have to be rezoned to be developed and to maintain a buffer. Mr. Peterson said the lots don't match the Growth Plan designation. Buffers would be required between any commercial and residential lots. Both flag lots currently zoned B-1 could be developed as commercial.

Councilmember Todd asked what size of building could go there after the landscaping, parking and buffer has been installed. Mr. Peterson said a 14 foot landscaping strip is required, and it would be difficult to develop as a new development under current designation.

Councilmember Hill asked what zoning could be applied if the Growth Plan is changed. Mr. Peterson replied that (RO) Residential Office, (B-1) current zoning, (C-1) Light Commercial, (C-2) General Commercial, are all allowed under the commercial designation, and residential development is also allowed in a commercial land use designation.

Councilmember Hill asked what the current zoning is, and screening requirements, between the two zoning designations. Mr. Peterson stated when commercial development abuts residential lots there is a six foot fence, and an eight foot minimum landscaping strip required between the two. In a commercial designation zone there must be a 14 foot landscaping strip adjacent to all right-of-ways. There are also building setback requirements.

Councilmember Coons asked if Wellington would become a collector street. Mr. Peterson, replied that the Engineering Staff said it will remain a local street, not a collector street.

Councilmember Coons asked what the difference is between a collector and a residential street. Mr. Peterson deferred to Tim Moore, the Public Works and Planning Director for an answer.

Tim Moore, Public Works and Planning Director, said there has to be at least 1,000 trips per day to change a residential street to a collector street.

Councilmember Coons asked what improvements would need to be made to the street.

Mr. Moore said that according to the TCP Ordinance, a local street would be the residential or abutting property owner's responsibilities, but if it was a collector street then the City would be responsible for improvements.

Council President Doody asked how the Comprehensive Plan will affect properties like this one throughout the City, if nothing was done at this time. Mr. Peterson said the City will look at the density increases and the commercial and residential zoning needs. The Plan will also be reviewed by the public and a consultant during the two year review period.

Councilmember Palmer asked Mr. Peterson to elaborate on the additional ways buffering can be achieved. Mr. Peterson replied that several options such as landscaping, parking spaces, driving lanes, and detention basins would add areas of separation between commercial and residential.

Councilmember Beckstein asked Mr. Peterson to address the comment that the recommendation does not meet the criteria, and whether ten years ago there was an implied guarantee the residents would be buffered. Mr. Peterson responded with regard to buffering, and the intent in the Growth Plan, the City looked at existing land use, there were eight homes, and was designated such, but no mention of these lots being a buffer for the Wellington area. As far as the Staff report, he stands behind his findings on the criteria in the report.

Councilmember Hill asked, if changed, when does the process allow input on the residential zoning needs. Mr. Peterson replied that the next step is to rezone the properties to commercial. The applicant would propose, and then it will be up to City Staff to review the zoning, then it goes to the Planning Commission for a recommendation. There would be a site plan review which is an administrative review process. If the applicant has any elements such as a drive-through window, it would require a Conditional Use Permit. The process would require a public hearing before the Planning Commission only.

Councilmember Coons asked what the underlying plan zoning designation is on the nearby RO property. Mr. Peterson responded that it is residential medium, but it could have a RO designation.



Councilmember Palmer asked if the applicant could request a zoning change on adjacent parcels. Mr. Peterson replied that they could request a C-1, or a PD designation for all 21 parcels.

Councilmember Palmer asked what the process is for a Planned Development (PD). Mr. Peterson explained a PD zone would need to have a community benefit of something above and beyond what the Zoning Code requires.

Council President Doody asked City Manager Laurie Kadrich, how the Comprehensive Plan will play out on infill pieces throughout the City of Grand Junction.

City Manager Laurie Kadrich explained that the existing Growth Plan has a much smaller population projection than even what the City has today. Under the current Growth Plan the City expected a population of 115,300 valley wide. Currently the population is at 135,000. She continued that as the valley is looked at, the City will see additional pockets of commercial to support the residential development purely from a population standpoint that was not looked at in 1996.

Councilmember Thomason thanked everyone in attendance, and those who sent emails. He assured them that no one takes this decision lightly, and having lived at 1305 Wellington in the 1980's he is familiar with the area. The Growth Plan document has been a great document in the last 11 years, however, as a living document, changes are necessary, as some of the conditions from 1996 do not exist now. He does feel the criteria is being met. Approval does not give a forgone conclusion of approval of the next step, and he is in support of the change.

Councilmember Todd said there has been a lot of change since 1996. When the Growth Plan was first adopted the public was adamant that it stay a living document that had the ability to change. She noted that there is a greater growth than what was projected, and now they have the opportunity to build for the future by looking at the infill projects such as these, and even using the historical document before her, she believes that all the criteria has been met. The growth trend has changed, and therefore change is needed, and she is in support of the amendment.

Councilmember Coons in agreement with Councilmember Thomason thanked everyone for attending, and wanted to assure them that all comments have been listened to. She works within a few blocks of this neighborhood, and has driven through it, and agrees that it is a great neighborhood. There has been a lot of new residential development. Using her elderly parents as an example, she shared their concerns about being able to walk or drive only a few blocks, while avoiding major streets, to access the services they need. Commercial development on this site will be able to provide closer access to retail services within short driving distance. The infill is avoiding sprawl, trying to fill in both residential and commercial areas within the City that needs new development. She

doesn't believe it is relevant to the other properties Kroger owns, as far as meeting the criteria. The congestion is evidence the area has changed, and there is a need for new infrastructure in the area. She sees the benefits to the community, and thinks it is a good use of the property. She supports the amendment.

Councilmember Beckstein states that there is a lot of emotion with this amendment. She, herself chose to live here to raise her children in a small community. She said she lives in Spring Valley and fights the traffic, and commented on the growth while noting that change is sometimes painful, but she said she can't rule on memories. She believes that it is better to have the lot as one zone designation. The Staff is diligent in what they do and they do look at the whole picture and address the issues that are of concern, and she too will support the amendment.

Councilmember Palmer expressed his appreciation to everyone for being part of the process. It is important to have the opportunity to speak out, and there has been a lot of discussion, some outside the scope of the purpose. The decision tonight is about the conflict on the property between the zoning, and the Future Land Use Designation. Staff and the Planning Commission recommended approval, and he is in agreement with the Growth Plan Amendment; however, it is not a rubber stamp for the future zoning.

Councilmember Hill said he also grew up in this neighborhood, and he still lives there. The traffic on Patterson needs to be dealt with. He is hearing a voice of concern about changing a Growth Plan to commercial being equated with ruining the neighborhood. He believes it is an improvement with a blended number of uses, and there is a need to deal with the conflict that currently exists, and this is about infill. There are many City Codes in place to protect the community, and he believes that a quality development will be built as a result of these codes. He believes the criteria have been met, and he will support the Growth Plan Amendment.

Council President Doody thanked everyone for the good turnout. He said the City Manager summed it up best. The statistics are the reality, and the City has to deal with the vision piece coming forward through the Comprehensive Plan. He is in support of the Amendment.

Councilmember Todd also thanked everyone for participating.

Resolution No. 162-07 —A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 2.97 +/- Acres, Located at 2510 N. 12<sup>th</sup> Street, 1212, 1228, 1238, 1308, 1310, 1314, and 1324 Wellington Avenue from Residential Medium (4-8 DU/AC) to Commercial

Councilmember Todd moved to adopt Resolution No. 162-07. Councilmember Hill seconded the motion. Motion carried by roll call vote (unanimously).

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

The following week the Mayor, the Mayor Pro Tem Beckstein, and Councilmember Hill will be in New Orleans, and Council President Doody asked Councilmember Palmer to serve as Acting Mayor in their absence.

Council President Doody reminded everyone of the Veterans Day Parade on Saturday, November 10, 2007 at 2:00 p.m., and the Ceremony on November 11, 2007 at 11:00 a.m. at the Western Slope Vietnam War Memorial Park in Fruita.

**Adjournment**

The meeting adjourned at 10:17 p.m.

Stephanie Tuin, MMC  
City Clerk