

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

February 17, 2010

The City Council of the City of Grand Junction convened into regular session on the 17th day of February 2010 at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Tom Kenyon, Gregg Palmer, Bill Pitts, Linda Romer Todd, and Council President Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Hill called the meeting to order. Council President Hill led in the Pledge of Allegiance followed by a moment of silence.

Proclamation

Proclaiming February 17, 2010 as “League of Women Voters Making Democracy Work Day” in the City of Grand Junction

Recognition/Presentation

Award from the Colorado Sports Turf Managers Association for Grand Junction’s Suplizio Field as the Colorado Sports Turf 2009 Field of the Year

Rob Schoeber, Director of Parks and Recreation, explained the award and recognized all the partners that had a part in making Suplizio Field the winner of the award as well as the crew that maintains the facility. They distributed the recent issue of the Parks Association magazine where Suplizio Field was featured on the front cover. Eddie Mort, Supervisor, thanked the public and his crew.

Certificates of Appointments

Rick Martindale, Paul Petersen, and Per Nilsson were present to receive their Certificates of Appointment to the Visitor and Convention Bureau Board of Directors

Council Comments

Councilmember Coons said, in recognition of the League of Women Voters proclamation, she had the opportunity to attend the Kids Voting dinner and she encouraged continued participation with that program. She expressed her appreciation for the League and its work with Kids Voting noting the candidate forums organized by them are the best.

Citizen Comments

There were none.

City Managers Report

Laurie Kadrach, City Manager, presented the City Managers Report. First she recognized the City for the Certificate of Award for Excellence in Financial Reporting and Sonya Stockert, Accounting Supervisor, for her work in that effort.

City Manager Kadrach said that the City has closed Juniata Reservoir as the fish have tested positive for high mercury levels. The choice is to close the reservoir to fishing and then clear the fish out of the reservoir. The water, however, is still testing clean.

City Manager Kadrach then advised the City did not receive additional grant funding for the 29 Road project (aka the TIGER grant). It was one of the last remaining Recovery Act funding opportunities. The City did receive funding from the Department of Local Affairs, a \$3.2 million dollar grant split with the County. That will be used for the viaduct.

Next, City Manager Kadrach provided the year-end report for the Avalon Theatre. This year the theatre was marketed differently due to the departure of the Cinema at the Avalon. One of the marketing efforts is the dinner and a movie, which has doubled the attendance and it continues to generate revenue for the downtown merchants. They are nearly complete with the business review of whether the symphony and other options might be under consideration for the Avalon. There has been an increase in both revenues and expenses for the Theatre.

Councilmember Coons thanked the Staff for their efforts.

City Manager Kadrach lastly provided an update to the census process emphasizing the importance of everyone being counted because it does have a direct impact to many of the revenues the City receives. In March, census forms will be mailed to every residence and will need to be returned by April 1. Grand Junction is the regional partner for the 2010 Census.

CONSENT CALENDAR

Councilmember Beckstein read the Consent Calendar and then moved to approve items #1 through #6. Councilmember Coons seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the February 1, 2010 Regular Meeting

2. **Setting a Hearing on the Old Mill Vacation of Rights-Of-Way, Located at 1101 Kimball Avenue** [File #VR-2008-373]

Applicant is requesting to vacate two existing, unimproved rights-of-way. The applicant would like to further develop the property in the future and vacation of these rights-of-way will remove unnecessary encumbrances on the site.

Proposed Ordinance Vacating Road Petition for 27 Road Alignment
Located Approximately Between Kimball Avenue and Unawep Avenue

Proposed Ordinance Vacating Right-of-Way for South 12th Street Located
Between Kimball Avenue and the Colorado River

Action: Introduction of Proposed Ordinances and Set a Hearing for March 1, 2010

3. **Setting a Hearing on Rimrock Landing Apartment Community Rezone, Located at 665 and 667 24 ½ Road** [File #GPA-2009-232]

Request to rezone 14.6 +/- acres located at 665 and 667 24 ½ Road from R-12, (Residential – 12 du/ac) to R-24, (Residential – 24 du/ac).

Proposed Ordinance Rezoning Property Known as the Rimrock Landing
Apartment Community Rezone from R-12, (Residential – 12 DU/Ac) to R-24,
(Residential – 24 DU/Ac) Located at 665 and 667 24 ½ Road

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 1, 2010

4. **Setting a Hearing on a Petition for Exclusion from the Downtown Grand Junction Business Improvement District for Property Located at 337 South 1st Street**

On August 4, 2009, Mr. Arvan J. Leany filed a letter and the required deposit to initiate consideration of the exclusion of his property, located at 337 S. 1st Street (Pufferbelly Restaurant) from the Downtown Grand Junction Business Improvement District. On August 17, 2009, the City Council referred the matter to the Downtown Grand Junction Business Improvement District (DGJBID) Board. The DGJBID heard the request on October 22, 2009 and with a tied vote, the

motion to grant the request was defeated. The result was taken back to City Council, who remanded the matter back to the DGJBID Board. The DGJBID Board reheard the matter on January 28, 2010 and sent a recommendation for exclusion back to the City Council.

Proposed Ordinance Excluding Property Owned by Arvin J. Leany from the Downtown Grand Junction Business Improvement District, Located at 337 South 1st Street (Pufferbelly Restaurant)

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for March 1, 2010

5. **Setting a Hearing on Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority to Include 847, 851, and 861 Rood Avenue**

The DDA has been petitioned by Armstrong Consultants, Inc. and Corsi Ventures, LLC to include three properties into the DDA boundaries. Inclusion of these properties within the DDA Boundaries will serve to promote community stability and prosperity by improving property values, assist in the development and redevelopment of the district and provide for the continuance of economic health in the community.

Proposed Ordinance Expanding the Boundaries for the Grand Junction, Colorado Downtown Development Authority to Include 847, 851, and 861 Rood Avenue

Action: Introduction of a Proposed Ordinance and Set a Public Hearing for March 1, 2010

6. **Outdoor Dining Lease for Trust Trifecta Enterprises, LLC, DBA Naggy McGee's Irish Pub, 359 Colorado Avenue, Unit 103**

Trust Trifecta Enterprises, LLC, DBA Naggy McGee's Irish Pub is requesting an Outdoor Dining Lease for the property located at 359 Colorado Avenue, Unit 103. They have been conditionally approved for a Sidewalk Café Permit to serve food outside in an area measuring 37 feet by 12 feet directly in front of the property. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area.

Resolution No. 10-10—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Trust Trifecta Enterprises, LLC, dba Naggy McGee's Irish Pub Located at 359 Colorado Avenue, Unit 103

Action: Adopt Resolution No. 10-10

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—7th Street Historic Residential District Rezone [File #RZ-2009-253]

Consideration of a rezoning of the 7th Street Historic Residential District from PD, Planned Development, to PRD, Planned Residential Development – 7th Street with a default zone of R-8, Residential – 8 du/ac.

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

Scott Peterson, Senior Planner, presented this item. Mr. Peterson described the request and the intent of the request. The existing Planned Zone District is being replaced by a more specific zoning ordinance. The City Council will have review and consideration over any requests in the District. The zoning ordinance establishes the current lawful uses. The City inventoried the 7th Street Historical Residential District properties, collected three dimensional photographs of each structure, and the Mesa County Assessor records for each property. That information is included within the ordinance. The Planned Zone is not intended to preclude any change in use. The base zone district is R-8. The City Council also has the option to refer the application to either the Historic Preservation Board or the Planning Commission for a recommendation.

Sharon Snyder, 639 N. 7th Street, thanked the Council and the Staff for all the time put into this project. She reviewed how the issue came to light. She pointed out the historic preservation does not appear in the Comprehensive Plan. She stated there is a 7% error in the current uses in the ordinance. One home is actually a boarding house, as well as errors in three other units. The bed and breakfast was not identified in the Plan. Many of the photos are old from the Assessor's records. The address at 505 7th Street has an aerial view of the property at 515 7th Street. Ms. Snyder said that the ordinance says many things she disagrees with. She felt the Comprehensive Plan goals are stated in a way that make them more important than historical preservation. The neighborhood did want the City Council to be the decision-maker but not without criteria in place. She asked for changes. Their recommendation is to adopt a preservation ordinance, put language for preservation of the Historical District into the Comprehensive Plan, adopt the 1984 plan and amend the 1984 plan by including preservation language.

Bennett Boechenstein, 1255 Ouray Avenue, has resided there for 17 years, voiced concern about the ordinance. He is an experienced city planner. Being on the National Register of Historic Districts is quite an accomplishment. The ordinance proposed is very weak. In his research he found a good example in Boise, Idaho which he felt protects the neighborhood. He provided a copy of the ordinance as part of his testimony. He asked that the ordinance adoption be delayed. There is a section in the Comprehensive Plan about historical neighborhoods and buildings. He offered his time to work with Staff to develop a different ordinance that will protect not only 7th Street but other special neighborhoods in Grand Junction as well.

There were no other comments.

The public hearing was closed at 7:47 p.m.

Councilmember Coons asked if Boise's ordinance is for zoning or design guidelines.

City Manager Kadrach read the title of the ordinance which specified design guidelines. The City's intent is to develop design guidelines separately.

Council President Hill concurred and said there was a committee meeting where the committee recommended the two (zoning versus design guidelines) be separated.

Councilmember Coons agreed and suggested that Mr. Boechenstein's offer could be used for the development of those design standards.

Councilmember Kenyon thanked Mr. Boechenstein for his work in the community and accepted his offer of help. To Ms. Snyder, Councilmember Kenyon said the purpose of the ordinance is to protect the District and that Council will protect the District through change of uses. He agreed that design standards are needed and he is willing to modify the Comprehensive Plan to include additional language relative to the historical district also.

Councilmember Pitts said the language and intention can be seen as a two edged sword. The intent is to protect the area and this is a step in the right direction; the specifics can be worked out with the cooperation of the neighborhood.

Councilmember Palmer said it was pointed out that the City Council will make the decision, and he asked for clarification.

City Attorney John Shaver referenced the R-8 use zone matrix and advised the decision will ultimately be the Council's decision on any application.

Councilmember Palmer also asked what the current default zone is. City Attorney Shaver advised there is none.

Councilmember Beckstein asked what the previous zoning was. City Attorney Shaver said originally it was RMF-32 and that was changed in 1984 to a Planned Development with no underlying zone.

Councilmember Coons asked if the process will be unique if this ordinance is adopted. City Attorney Shaver said not with a Planned Zone District but the level of review is unique because all applications will come to Council.

Councilmember Todd said she is comfortable moving forward with the ordinance as presented before them, however, she thought the neighborhood will be determining the design standards.

Ordinance No. 4403—An Ordinance Zoning the 7th Street Historic Residential District Planned Residential Development by Approving a List of Uses with a Default R-8 (Residential-8) Zone

Councilmember Todd moved to adopt Ordinance No. 4403 and ordered it published. Councilmember Coons seconded the motion.

Councilmember Kenyon asked if the motion needs to include direction to Staff to continue working with the neighborhood for design standards. Councilmember Todd said that is not part of her motion.

Motion carried by roll call vote with Councilmember Beckstein voting NO.

Councilmember Kenyon stated it is important that the standards be developed by the neighborhood. Other Councilmembers agreed.

Councilmember Coons asked that Staff determine if an ordinance for those standards will be needed.

Council President Hill called a recess at 7:58 p.m.

The meeting reconvened at 8:12 p.m.

Public Hearing—Grand Junction Comprehensive Plan Adoption to Include the Area Between the Fruita and Palisade Buffers (21 Road and 34 Road), North to the Bookcliffs and South to Include Whitewater [File #PLN-2009-219]

The Comprehensive Plan replaces the City's Growth Plan, the Mesa County's Joint Urban Area Plan, Chapter 5 of the Mesa Countywide Land Use Plan, the 2000 Orchard Mesa Neighborhood Plan, and the 1998 North Central Valley Plan. The Comprehensive Plan establishes a vision for the community and through its goals and policies, that vision to become the most livable community west of the Rockies can be realized.

The public hearing was opened at 8:13 p.m.

Tim Moore, Public Works and Planning Director, introduced the matter before them, reviewing the history of the development of the Comprehensive Plan, identifying the various partners in the Plan, the purpose of the Plan, and the outreach they did to advertise this public hearing. A number of Staff members are present to answer any questions.

Council President Hill noted a number of meetings have already been held so the purpose of this hearing is to hear from the public.

Duncan MacArthur, 2837 Castle Mesa Drive, agreed it has been a long process but it is a testament to the thoughtfulness taken to develop the Plan. He noted that people do resist change and emotions run high when it affects their land. It has been a very transparent process but there has been some misinformation spread through the community. He said it is a good plan and he urged the City Council to adopt the Plan.

Vicki Femlee, 178 Glory View Drive, president of Orchard Mesa in Action, said she promotes Orchard Mesa and the beauty of it. She went to a couple of meetings and workshops. She is opposed to the goal of higher density but admitted that it may not be the evil she thinks it to be. At no time was the comment made that one of the foundations of the Comprehensive Plan was the goal of higher density. She felt that Orchard Mesa was being slammed with higher density. She said most of the work groups rejected the idea of City Centers in Orchard Mesa and that is a concern to her. She referred to the Orchard Mesa Neighborhood Plan that she worked on and how she was told that it will sunset with the adoption of the Comprehensive Plan. That is a concern to her. She has lived here all her life and Grand Junction has always played the game of catching up. Increasing density will make that worse and Orchard Mesa will never catch up.

Jeffrey Fleming, 2419 Hidden Valley Drive, said the Comprehensive Plan is a vision for the valley. He pointed out some myths about growth: growth brings about congestion, crime, problems, overburdening of infrastructure, lowers property values, and is not

needed. The truth for this valley is more homes need bigger garages rather than more bedrooms. The Comprehensive Plan addresses these issues. For the last twenty-five years the focus has been low density developments and suburban living, which is not sound practice. It increases travel distances and more infrastructure cost, which in turn means more maintenance and more taxes. The results are houses that are not affordable. It puts pressure on water supplies. The Comprehensive Plan puts forth a vision that is good and positive. The Comprehensive Plan addresses these issues in a proactive way and will keep the City the way they want it to be. He supports adoption of the Comprehensive Plan.

Michaela King, 2033 East Liberty Court, representing the Chamber of Commerce, read a statement into the record supporting the adoption signed by President Diane Schwenke (attached).

Gretchen Sigafos has lived on 31 Road in Orchard Mesa for 31 years and she appreciates the time and effort on the Comprehensive Plan but she disagrees with the densities proposed for Orchard Mesa in areas which are currently outside the City limits. She is concerned about the culture of the area and quality of living. She said there are not walking trails and there will be more traffic. The Comprehensive Plan will change the character of Orchard Mesa. The median strip on Highway 50 is unattractive and people drive across it. She is opposed to the adoption of the Plan.

Janet Magoon, 2752 Cheyenne Drive, said she submitted her comments some time ago. She pointed out a glaring error in the parcels along the river surrounded by green are designated industrial which conflicts with goal #7. There is not appropriate transition from park and river to industrial, which conflicts with goal #8 and conflicts with goal #10. The recommendation was to zone these parcels industrial/office but the City Council disagreed with that recommendation. She said designating the area industrial was a bad idea.

Josetta Estephan, 1103 Gunnison, voiced her concerns about allowing people to build large apartments over garages and the use of alleys as streets. That is changing the character of her neighborhood. She asked that it be stopped.

Bennett Boechenstein, 1255 Ouray, thanked the Council for all the hard work they have done on this Plan. There are some wonderful elements of the Comprehensive Plan: the City Centers are a good idea. The trail master plan is great. The South Downtown Plan was not adopted but some elements from that Plan were included. He would like to see the green waterfront concept included. The flood plain needs to be respected by keeping development out of it. Other than that he encouraged adoption.

Mary Gonzales, 726 33 Road, is thankful for being put on the map. She said she would like to see more industrial in the east out by 33 Road as she would rather see industrial development instead of trash.

Bob Englekey, 2111 Yellowstone Road, has some concerns but the Comprehensive Plan is an improvement and he urged adoption. One serious concern on the three to five year review period, he thought it needed to be consistently and constantly reviewed and amended. He suggested Staff be put to work to address some of the concerns expressed.

Dick Pennington, 780 23 7/10 Road, said he felt there were some things that needed to be adjusted. The area bounded by I-70 on the south, north along 24 Road, west along H Road to 23 Road, and south on 23 Road back to I-70 is the Appleton area. It is an area of about 300 acres where he has a farm. He and his neighbors do not want the high density of 16 to 24 units per acre. That will result in more than 2,000 houses in that area. This will result in the need for an additional police station and he will have to fence off his property in order to keep farming. He asked the City Council to make an adjustment to 2 to 4 units per acre for the area before adopting it or postpone the decision and get more input. The radical change is ten years premature. He read a letter from his file from the Public Works Department from five years ago (1998) from Greg Trainor about sewer availability.

Lisa Verns, 2841 Valley View Drive in Orchard Mesa, is a Grand Junction native and an educator. She lives on Orchard Mesa by choice. She thanked the Council for their work on a thoughtful and mostly well designed Comprehensive Plan. She referred to the density. High density areas equal poverty. She pointed out the lack of high schools in Orchard Mesa and the Appleton area. She is concerned that the level of high density would greatly impact education in a way this school district cannot manage.

There were no other public comments.

The public hearing was closed at 9:03 p.m.

Councilmember Beckstein said the map on the web site is different, it looks like it is all high density but in reality much of it is designated as a village center in the Appleton area. Tim Moore, Public Works and Planning Director, agreed and said the village center will likely be a ways in the future. Councilmember Beckstein asked when things on the Comprehensive Plan map will happen, in the next 25 years? Mr. Moore agreed, with the timing being dependent on growth.

Mr. Moore added that there is a current inventory for single family residential lots which will likely be built on before much of the Comprehensive Plan begins implementation.

Councilmember Pitts asked about the buffers in the north by H Road; there is no buffer between residential and industrial. Mr. Moore said there is some zoning in place. The hope is that redevelopment will result in some buffering between what exists now.

Councilmember Coons stated they know that there will be things missed in the Plan and changes will be needed. There is a process in place for amending the Comprehensive Plan. Mr. Moore said minor amendments can be handled administratively; the major ones will need to come before Council and Council has been receptive to this upcoming process.

Councilmember Todd said the process has been phenomenal and took some notes on the comments made. Through the process approximately 180 meetings were held open to the public; this has been a transparent process. She cautioned others not to get caught up on the colors; there is nothing concrete; this is about the future. Council has worked on the village centers focusing on infrastructure and school district property. She is not in favor of postponing; she is ready to move forward.

Councilmember Palmer said it has been quite the ordeal and thanked those present and those citizens that participated in the other meetings. Council has tried to make a plan that is flexible; the process started in order to proactively react to growth. It is a great plan to get started with and can be adjusted as time goes on. Council has tried to make it as inclusive as possible. Buffer zones have been talked about but not about the river corridor specifically but sprinkled throughout. He read a statement he would like added into the executive summary:

“Executive Summary page 14 Key concepts and implementation section

#15 River Corridor

Our community has for more than 20 years expressed a renewed vision for the Colorado River. We recognize their junction is not only our namesake, but also the primary open space corridor in our city. The river offers a special habitat for plants, animals, and birds, as well as a waterway and trail system for our communities' enjoyment. Many residents have worked for years with City, County, and State agencies, as well as private partnerships and local entities to ensure the river corridor is now and will remain a valuable community asset and part of the green growth system. They worked to see that the scenic and natural beauty is preserved for future generations, trail connectivity is expanded, and the access and community uses are enhanced. The comprehensive plan recognizes the great strides that have been made in restoring and protecting our rivers. It acknowledges the existence of historical zoning, as well as the communities efforts in remediation of past industrial uses, encourages ongoing tamarisk removal, trail construction and beautification efforts, and instills a sense of community pride in our rivers eco system. With this plan we honor and respect these past accomplishments, and wish to encourage future councils and community

leaders to continue to protect and enhance this valuable and vital area with in our city.”

Councilmember Coons thanked the community for its participation in the Plan, it has been a rewarding effort. She addressed a particular issue, high density, and the potential problems brought up by one citizen who is an educator. Another reason for high density is housing for the aging population who chose to live in condos, townhomes, and apartments so they don't have to maintain a lawn and landscaping. In many circumstances those people have a lot of financial resources. She herself has chosen to live in an area of high density and high density doesn't necessarily lead to the problems mentioned. She agreed the proposal is not perfect but wants to move ahead. Adoption will also allow the implementation of changes to zoning codes to implement the Comprehensive Plan.

Councilmember Kenyon noted the cooperation with Mesa County and thanked them for the partnership.

Councilmember Beckstein said she likes the emphasis on neighborhoods and available shopping to the neighborhoods which will alleviate impacts on roads. The Plan encourages industrial close to I-70 which may alleviate some of the pressure around the river area. It is a living document that can lay the foundation and can evolve. She looks forward to putting it into place.

Councilmember Pitts had no additional comments.

Ordinance No. 4406—An Ordinance Adopting the Grand Junction Comprehensive Plan, the Comprehensive Plan is for the Area Generally Located between the Fruita and Palisade Buffers (21 Road and 34 Road) and from the Bookcliffs to Whitewater

Councilmember Palmer moved to adopt Ordinance No. 4406 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

Councilmember Coons thanked Councilmember Palmer for his statement and she moved to include the section as an amendment to the Comprehensive Plan. Councilmember Kenyon seconded. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Neil Casper, 503 Riverview Drive, principal and administrator of the Messiah Lutheran school, said he didn't realize the impact of the decision that was made in November 2009 in regards to the moratorium on medical marijuana. There is a marijuana facility being planned across the street from his school. All the licenses have already been issued. The address of the school is 12th Street between Hill and Teller, 840 N. 11th. The moratorium does not apply to this facility and he and the parents of the children in

this school are very concerned. He agreed with the moratorium and hopes that regulations on proximities to schools are put into place in upcoming legislation.

Other Business

Councilmember Palmer noted this is the final time for Linda Romer Todd to be seated at the dais. He said it has been a pleasure serving with her and wishes her nothing but the best for her and her family.

Councilmember Todd said she came onto Council knowing that the Comprehensive Plan was coming before them and she is pleased she was a part of it. She regrets that the Public Safety Initiative was not passed. She thanked everyone for allowing her to serve with Council.

Adjournment

The meeting was adjourned at 9:30 p.m.

Stephanie Tuin, MMC
City Clerk



February 17, 2010

Hand Delivered to the Grand Junction City Council

Dear Council Members,

On behalf of the Grand Junction Area Chamber of Commerce we would like to express our support for the adoption of the Comprehensive Plan that is before you this evening.

This Chamber for years has supported the concept that we should plan for and make investments where we want growth to go rather than react to that growth after it has occurred. This Comprehensive Plan attempts to do that in terms of giving policy makers and the residents of this community a roadmap for future growth.

There have numerous opportunities for involvement in the shaping of this plan from the concept game initiated in the very beginning which our board was able to participate in to the reaffirmation of community values polling that took place at various public open houses.

This Chamber has, throughout this extended process, supported the development of a comprehensive plan and we now urge you to adopt it.

Sincerely

A handwritten signature in black ink that reads "Diane Schwenke". The signature is fluid and cursive, with the first name "Diane" being more prominent than the last name "Schwenke".

Diane Schwenke
President/CEO