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**CITY COUNCIL AGENDA
WEDNESDAY, JANUARY 21, 2015
250 NORTH 5TH STREET
6:15 P.M. – ADMINISTRATION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

Call to Order
(7:00 P.M.)

Pledge of Allegiance
A Moment of Silence

Presentation

Champion of the Arts Awards Presented by Darcy Johnson, Vice Chair of the
Commission on Arts and Culture

[Attachment](#)

Proclamation

Proclaiming January 19, 2015 as “Martin Luther King, Jr. Day” in the City of Grand
Junction

[Attachment](#)

Certificates of Appointment

To the Visitor and Convention Bureau Board of Directors

*Revised January 22, 2015
** Indicates Changed Item
*** Indicates New Item
® Requires Roll Call Vote*

REVISED

Citizen Comments[Supplemental Documents](#)**Council Comments******* CONSENT CALENDAR ***®****1. Minutes of Previous Meetings** [Attach 1](#)

Action: Approve the Summary of the December 15, 2014 Workshop and the Minutes of the January 7, 2015 Regular Meeting

2. Setting a Hearing for Casas de Luz Phasing Schedule Extension Request, Located at West Ridges Boulevard and School Ridge Road [File # PLD-2010-259] [Attach 2](#)

The applicant, Dynamic Investments Inc., requests an extension of the phasing schedule for the Casas de Luz Planned Development. The applicant received City Council approval for the Planned Development (PD) residential subdivision on September 21, 2011. The PD ordinance required platting of Phase 1 by December 31, 2014. Due to the economic downturn the applicant was unable to meet that deadline and now requests more time to plat the first three phases of the project.

Proposed Ordinance Amending Ordinance No. 4482 for the Casas de Luz Planned Development Residential Subdivision Revising the Proposed Phasing Schedule Located Adjacent to West Ridges Boulevard and West of School Ridge Road

Action: Introduce a Proposed Ordinance and Set a Public Hearing for February 4, 2015

Staff presentation: Scott D. Peterson, Senior Planner

*****3. Authorization for the City Manager to Disburse a Portion of the J. Heywood Jones Estate Trust Funds to the Museum of Western Colorado** [Attach 3](#)

In 2013, the City was named as the Trustee for a portion of the J. Heywood Jones Estate Trust. Instructions were to disburse the funds for museum and

library purposes. At a workshop on January 19, 2015, Museum Executive Director Peter Booth presented a list of expenses proposed for the use of a portion of the funds from the Trust.

Resolution No. 06-15—A Resolution Authorizing the City Manager to Disburse Trust Assets

®Action: *Adopt Resolution No. 06-15*

Staff presentation: John Shaver, City Attorney

*** * * END OF CONSENT CALENDAR * * ***

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

4. **Hearing - Appeal of the Planning Commission's Decision on Variances and a Conditional Use Permit Issued to City Market, Located at the Intersection of N. 12th Street and Patterson Road** [This is a discussion among the City Council, no additional public testimony will be accepted.] [File #CUP-2014-134 and #APL-2014-450] [Attach 4](#)

Appeal of the Planning Commission's conditional Variance approval and conditional approval of a Conditional Use Permit (CUP-2014-134) for City Market to construct a building in excess of 15,000 sq. ft. within the existing B-1 (Neighborhood Business) zone district on 7.99 +/- acres at the intersection of N. 12th Street and Patterson Road. The Appellant appealed three issues. As to the conditional approval of a Conditional Use Permit, the appeal concerns the location of the fuel islands abutting the residential property, Patterson Gardens, on the east and the 8 foot masonry wall. The Appellant argues that the fuel station is too close to the residential neighbor and the wall should be 10 feet tall. The Appellant also appealed the conditional approval of a Variance request to operate the store and fuel islands 24 hours a day, 7 days a week.

®Action: *Consideration of the Appeal*

Staff presentation: John Shaver, City Attorney
Scott D. Peterson, Senior Planner

5. **Recording System for the Grand Junction Regional Communication Center** [Attach 5](#)

The Grand Junction Regional Communications Center would like to enter into a contract with DSS Corporation to purchase an upgraded replacement recording system for the Grand Junction Regional Communications Center (GJRCC) for \$210,000. This recording system will record all 911 calls, non-emergency calls, administrative calls, and radio communication.

Action: Authorize the Grand Junction Regional Communication Center to Enter into a Contract with DSS Corporation, Southfield, MI, in the Amount of \$210,000

Staff presentation: John Camper, Police Chief

6. **Contract for Consulting Services to Design for Expansion of Radio Coverage in Canyon and Rural Areas of Mesa County** [Attach 6](#)

The Grand Junction Regional Communications Center would like to enter into a contract with Centerline Solutions for consulting services for a not to exceed amount of \$69,620. Centerline Solutions will provide solutions for expanding radio coverage in the canyon areas and rural areas of Mesa County.

Action: Authorize the Purchasing Division to Enter into a Contract with Centerline Solutions to Provide Professional Consulting Services for Expansion of the 800MHz Radio Coverage within Mesa County, in a Not to Exceed Amount of \$69,620

Staff presentation: John Camper, Police Chief
Jay Valentine, Internal Services Manager

7. **Non-Scheduled Citizens & Visitors**

8. **Other Business**

9. **Adjournment**



Presentation

CITY COUNCIL AGENDA ITEM

Date: 1/5/2015

Author: Lorie Gregor

Title/ Phone Ext: Recreation

Coordinator 254-3876

Proposed Schedule:

Wednesday, January 21,

2015

2nd Reading

(if applicable): n/a

Subject: Presentation of the Champion of the Arts Awards

Action Requested/Recommendation: Recognition of the Champion of the Arts Award Winners

Presenter(s) Name & Title: Rob Schoeber, Parks and Recreation Director
Darcy Johnson, Grand Junction Commission on Arts and Culture, Vice Chairperson

Executive Summary:

The Grand Junction Commission on Arts and Culture is recognizing the annual winners of the Champion of the Arts Award. Winners will be presented with local artwork.

Background, Analysis and Options:

Since 1996, the Grand Junction Commission on Arts and Culture annually invites the community to nominate local businesses, organizations, and individuals for the Champion of the Arts Award. These awards are given each year to honor businesses, organizations, and individuals which exemplify outstanding support for the arts, assistance to local art and cultural organizations, commitment to the cultural community, and/or promotion of area artists. Original artwork from premier local artists is presented as the award.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal #8: *Create attractive public spaces and enhance the visual appeal of the community through quality development.*

The giving of local artwork helps to enhance the artistic value and visual appeal of locations where the artwork is hung for the enjoyment of others.

How this item relates to the Economic Development Plan:

Goal: *Continue to make strategic investments in public amenities that support Grand Junction becoming “the most livable community west of the Rockies by 2025.”*

Acknowledgement of cultural philanthropy promotes a more livable community.

Board or Committee Recommendation:

The Grand Junction Commission on Arts and Culture has chosen: Business Category: Chuck and Patti Shear, Shear Inc. for their support of The Art Center, and Individual Category: Karen Combs for her support of the Western Colorado Writers Forum, the Grand Junction Symphony Orchestra, the Avalon Theatre Foundation, and the Colorado Mesa University Music Department.

Financial Impact/Budget:

Budgeted purchase of artwork as awards: \$1000.00.

Legal issues:

There are no legal issues.

Other issues:

There are no other issues.

Previously presented or discussed:

This has not been previously discussed.

Attachments:

None.

Grand Junction

State of Colorado

PROCLAMATION

WHEREAS, that all people, regardless of the color of their skin, the persuasion of their theology, or the level of their intelligence, were built by one Creator with one blood, designed and fashioned to live on one earth with one another; and

WHEREAS, Martin Luther King, Jr. was a minister who dedicated his life for this purpose so we may, as Americans, truly live out the Declaration of Independence as we hold these truths to be self-evident, that all people are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness; and

WHEREAS, the third Monday of each January be acknowledged as Martin Luther King, Jr. Day in Grand Junction, not as a city holiday but as a day to acknowledge a great American who awakened a nation's conscience to not judge a person by the color of their skin but by the content of their heart.

NOW, THEREFORE, I, Phyllis Norris, by the power vested in me as Mayor of the City of Grand Junction, do hereby proclaim January 19, 2015 as

"MARTIN LUTHER KING, JR DAY"

in the City of Grand Junction and encourage the citizens of Grand Junction to observe this day with appropriate activities and programs that honor the memory and legacy of Dr. King.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Grand Junction this 19th day of January, 2015.

Mayor



Minutes

GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY December 15, 2014 – Noticed Agenda Attached

Meeting Convened: 5:23 p.m. in the City Auditorium

Meeting Adjourned: 8:40 p.m.

City Council Members present: Boeschstein, Chazen, Doody, McArthur, Norris, Susuras, and Traylor Smith.

Staff present: Englehart, Shaver, Moore, Lanning, Romero, Tice, Portner, Kovalik, Watkins, Prall, Valentine, Bowman, and Tuin.

Grand Valley Irrigation Company (GVIC): Kevin Williams, Greg Trainor

City Manager Englehart opened the meeting and described that there are items that Staff is looking for direction to possibly add to Wednesday's agenda.

Agenda Topic 1. Fire Station No. 4

City Manager Englehart has received notice that the presentation to the Department of Local Affairs (DOLA) has been successful and a grant of \$1.5 million was awarded, which is partial funding for the proposed fire station. The award of the construction contract could be added to Wednesday's agenda. The funding deficit for the project is \$466,428. Staff is proposing making up the shortfall with the remaining funds for land acquisition, \$200,000 additional sales tax collections, and \$100,000 of anticipated revenue above projections. Staff is comfortable moving forward with the contract.

Councilmember Chazen wanted to confirm that the County has agreed to the \$560,000 purchase of the existing Fire Station #4 by Persigo. City Manager Englehart confirmed this.

Jay Valentine, Internal Services Manager explained the RFP process and the price is a build/not to exceed price. There were two finalists, FCI Constructors and Asset Engineering. FCI is who Staff is recommending to be the chosen based on their experience in fire station construction.

Fire Chief Watkins explained how the two companies were brought in for interviews using a team approach. The final evaluation came down to experience. Chief Watkins wants this station to be a prototype design, from design to construction, to be used at other locations.

Councilmember Chazen asked about the difference in prices. Fire Chief Watkins said the difference between the two companies is made up in experience.

Fire Chief Watkins described the design process, the construction schedule, and the anticipated completion of this project.

Councilmember McArthur asked how the ownership was determined for the design of the prototype. City Attorney Shaver said it was a condition of the contract.

Fire Chief Watkins explained the building will not be built to LEEDS Standards but will be highly efficient.

Council President Norris said she and Councilmember Doody still would like to stay on the committee for the construction of the Station.

It was agreed to add this item to the Consent Agenda for Wednesday's meeting.

Agenda Topic 2. TABOR (Taxpayers Bill of Rights)

City Manager Englehart said TABOR was discussed at the retreat, again in the budget process, and then brought back for another discussion on how to deal with capital items. City Manager Englehart said Staff has developed a map of transportation projects as a guide to determine priorities for the possible use of TABOR excess in the future.

Deputy City Manager Tim Moore gave the background of the concept that was developed in the 90's for the beltway loop and explained which items that need to be completed on this plan. Council President Norris and Mr. Moore attended the Regional Transportation Planning Office (RTPO) meeting adopting the 2040 Transportation Plan. The first priority for the City was the widening of 24 Road from Patterson Road to H Road; the 29 Road Interchange with I-70 was the City's 4th priority but was Mesa County's first priority. Mr. Moore referred them to the handouts which showed the outstanding capital projects to finish up the beltway project. The slides showed the remaining segments with estimated costs.

Councilmember Traylor Smith asked if the cost estimates included the purchase of the right-of-way. Mr. Moore said yes.

Council President Norris said that 25 Road also needs to be widened and it is still a priority for the City but it is not shown on these slides.

Mr. Moore explained how as development occurs, Transportation Capacity Payments (TCP) will be collected along with additional sales tax to cover some construction of these areas. Other slides gave the City Council more detail of what could be constructed including two sections of the F ½ Road Parkway. It was also brought up that the Comprehensive Plan is five years old and it is time to update. An update could change some of the areas from residential to commercial.

Mr. Moore noted the I-70/29 Road Interchange is anticipated to cost around \$50 million.

Councilmember Boeschstein reminded City Council that Mesa County agreed to pay for half of this project; this will not be totally the City's responsibility.

City Manager Englehart turned the presentation over to Ms. Romero and City Attorney Shaver to give a history of the resolution from 2007 that established a ballot question and the opportunity of what to do with the excess revenues under the TABOR limits. Ms. Romero reviewed the timeline of the Riverside Parkway Debt Retirement and explained the refinancing of the Parkway Bonds to reduce the debt payment. 2015 is the first year the City will see the benefit of that. Ms. Romero explained the interest savings if they defease the debt in 2021 which would be an additional \$821,000 in savings. She described projections and assumptions as the economic conditions have changed.

Ms. Romero presented three options and the impacts of each. Option A is no change; the debt should be paid in 2021, there will be \$821,000 savings in interest, and \$35.2 million in City resources will be dedicated to the debt over the next seven years. Option B is to continue paying off debt with annual excess and capital funds; this frees up capital funds over the next nine years (about \$1.1 million per year), avoids future cost increases on those projects, debt is retired in 2023, and \$94,000 in interest is saved. Option C is paying the current year debt using the annual excess, early retirement funds, and capital; this frees up additional funds over the next ten years (about \$2 million per year) and avoids increased costs on those projects, and debt is retired in 2024. No additional interest savings are realized.

After discussion, the consensus of the City Council was for Staff to bring back possible ballot questions with a defined scope of projects.

Agenda Topic 3. Stormwater

City Manager Englehart introduced this item and turned it over to Councilmember McArthur who is the 521 Drainage Authority representative.

Councilmember McArthur updated the City Council on the future drainage issues, and possible solutions such as expanding the existing Grand Junction Drainage District (GJDD) in order to have something more workable. He asked City Council where they see this in the future. He said there have been meetings with the legislators for a legislative solution and the GJDD board. Councilmember McArthur explained the issues with the partners, the future of the 521, and expanding the boundaries with the focus being the 2050 Drainage Utility Solution for the future. There was a general discussion on Grand Valley Drainage District (GVDD) and if the 521 Drainage Authority was even viable. All agreed that a larger entity is needed; there was discussion of consolidating into a Metro Drainage District using an Intergovernmental Agreement (IGA), but all partners need to be involved and formation of a new district would require an election.

Councilmembers wanted to make sure that drainage issues do not stop or impede development.

City Attorney Shaver advised that the GJDD is asking for indemnification from the City to accept urban flows. An annual appropriation would be required to provide that plus an objection is that City residents already pay GJDD through a mill levy.

Council directed Staff to keep working on the issue and to bring back an agreement for them to review. Meanwhile Councilmember McArthur will meet with the other elected officials that represent the partners.

Agenda Topic 4. Legislative Update

Elizabeth Tice, Management and Legislative Liaison, passed out the CML Policy Committee summary. Ms. Tice summarized the ten legislative items along with the policy committee recommendations. The items CML supports are 1) Affordable housing increase in funding, 2) Banning Gaming – Internet Sweepstakes Cafes; 3) Land Use – Fire District Service Fees on development, 4) Transportation – Off Road Vehicle regulations, 5) Water and Wastewater – Water Conservation and Land Use Planning; and 6) Water and Wastewater – Stormwater Management and Water Rights not subject to State Engineer Control. The three items CML is opposing are 1) Lottery – Conservation Trust Fund change in distribution; 2) Taxation – Statutory Entities' Authority for Special Marijuana Taxes allowing counties to collect taxes within municipalities; and 3) Urban Renewal – Mandated revenue sharing with counties. There was one legislative item on Special Districts relative to the Fire District Exclusion process that CML had no position on.

The next item (Senate Bill 14-172) Ms. Tice talked about is the design and implementation of a firefighter heart and circulatory malfunction benefit fund program. This can be done in several ways depending on City Council's preference. The employer may purchase third party insurance, self-insure, or participate in a multiple employer trust. This law is effective January 1, 2015.

This bill also created the Firefighter Benefits Cash Fund which Colorado Department of Local Affairs (DOLA) is responsible for administering. This fund is to be used to reimburse employers for the direct costs of maintaining coverage.

City Attorney Shaver has evaluated the requirements and told City Council that the City is well underway with the internal procedures and can create a resolution for City Council's consideration which would be to authorize the City Manager to design and implement a benefit program.

After a brief discussion the Council directed Staff, that unless there were any financial pitfalls, to bring a resolution to the December 17th City Council meeting to be in compliance before the January 1st deadline.

Ms. Tice also said within the omnibus funding bill that just passed federally, there were two riders of interest to Colorado; one prohibits the ruling on the Sage Grouse protection and one is a rider prohibiting the Environment Protection Agency from managing ephemeral streams.

Agenda Topic 5. Other Business

U.S. Fish and Wildlife (USFW) Service Meeting Update – Staff followed up with U.S. Fish and Wildlife staff at City Council's request and John Toolen with the local office encouraged Staff to build at Las Colonias. Council President Norris said at the meeting Mr. Toolen did not see anything wrong with going forward but said the City could ask to have some of the property exempt from the cuckoo habitat. A letter and a map was presented which serves to amend the comments submitted on November 5th. The new mapped area moves the boundary south so as to exclude Las Colonias from the proposed yellow-billed cuckoo habitat.

City Manager Englehart asked City Council if they were comfortable with going forward with signing the contract for the design phase of Las Colonias Park. He was answered affirmatively.

Comprehensive Plan Update Process – City Manager Englehart introduced this and asked that Council review the process as provided. He noted the update is anticipated to be a yearlong effort.

Mr. Moore advised that City Staff was doing their internal review. It is a City/County Plan. He asked Council to please let him know if they see anything missing. Mr. Moore said no action is needed tonight. Over the next month, the process will be fine-tuned, and sometime in January, the first step will begin with data collection. Staff was asked to forward a link to the Comprehensive Plan to all Councilmembers.

Short Term Rentals – City Manager Englehart said after the discussion at the last Council meeting there were several questions raised that could not be completely answered. He noted it will be difficult to address all the constituencies identified by Council. The Staff Report has three options for City Council to consider: Option A is to postpone any proposal for a year; Option B is the current proposal which is less regulatory; and Option C would be a new proposal with increased regulations. City Manager Englehart asked for City Council direction.

Councilmember Susuras asked why this is an issue now. Mr. Moore said there is no section in the Code that allows short term rentals and there have been complaints. It started with the people working with the Visitor and Convention Bureau (VCB) who are paying the lodging tax and knowing there are several not paying the tax. This is how it was discovered that none of these short term rentals are permitted under the City Code.

Councilmember Traylor Smith described this as a new business model; this was a discussion at the National League of Cities (NLC) conference. She said regulations are all over the board. It

will need to be thought out as she doesn't believe there will be much guidance from other cities.

Councilmember Susuras said he would have to be shown that this is a problem and preferred Option A.

Councilmember McArthur said the Bed and Breakfast folks who were at the City Council meeting said their feeling is the lack of fairness since they are regulated. He also took the issue to the Board of Realtors, he didn't get a lot of response so he will take it to the legislative committee.

City Attorney Shaver said the need is to level the playing field. The VCB had folks come to them who want to collect the tax and be able to take advantage of the VCB's promotional advertising for them. That is when the policy questions came up. If the City comes forward with a more regulatory structure it may drive them underground. City Attorney Shaver gave the definition of an Administrative Regulation and how that would be used. There are still several items that need to be worked out and defined which could happen in the coming months.

The consensus was Option A, until more information can be brought forward so this can be worked through.

Urban Trails Committee (UTC) Bylaws – City Manager Englehart said Councilmember Chazen wanted to bring the bylaws forward for a little discussion. Councilmember Chazen said there are a couple of changes he would like to bring up; he is very leary about the word "advocate" in the UTC's purpose. He has looked at all the other bylaws and has not seen this term used.

Councilmember Boeschstein said that the word "promote" is similar, and since it is an advisory board, he would agree to strike advocate.

City Attorney Shaver provided a historical context on how the UTC came about several years ago from the Intermodal Surface Transportation Efficiency Act (ISTEA) that specifically talked about the different types of transportation. The historic nature of their committee was to strongly recommend multimodal forms of transportation. City Attorney Shaver said it would depend on what City Council would like to see from this committee as the historic nature of this committee was to push these ideas forward.

Council President Norris asked if anyone had any issues with taking the word "advocate" out and just leaving in "promote". No one objected.

City Attorney Shaver said this board has been unique; it hasn't had City Council direction, or a very clear mission from the beginning.

Council President Norris said she would like to see the seven member board increase to nine members, also the terms were discussed. It was decided to extend Elizabeth Collins' position to 2018 to keep continuity, so there would be three members' terms expiring at the same time in the next several years. Staff was also directed to add in terminology that addressed other forms of transportation besides pedestrian and cycling.

Staff was directed to add the resolution reestablishing the committee and adopting the bylaws to Wednesday's Consent Agenda.

Airport Authority At Large Applicants – Councilmember Susuras described the process the Airport Board Authority went through with the four applications the Airport Board received. They interviewed two, Troy Ball and Carl Vostatek. Councilmember Susuras said it was unanimous and recommended Troy Ball. City Council directed staff to add ratification of the appointment to the next City Council Agenda.

Councilmember Traylor Smith wanted to bring forward some information to City Manager Englehart from the NLC conference on an internal equipment/cost sharing program between municipalities.

Board Reports

Councilmember McArthur said the Orchard Mesa Pool Board met that day for the first time. He asked for direction on how to adopt the proposed budget. City Attorney Shaver said it would be by vote and a motion to approve. Councilmember McArthur said there were term limits on their appointments and it was his understanding there would not be any. He stated he would serve until replaced and also for the scheduling meetings, the board has decided that quarterly would be sufficient unless needed. City Attorney Shaver said this all could be adjusted as they see fit.

With no other business, the meeting adjourned.

**GRAND JUNCTION CITY CITY COUNCIL
MONDAY, DECEMBER 15, 2014**

**WORKSHOP, 5:00 P.M.
CITY AUDITORIUM
250 N. 5TH STREET**

To become the most livable community west of the Rockies by 2025

- 1. Fire Station # 4**
- 2. TABOR**
- 3. Stormwater**
- 4. Legislative Update**
- 5. Other Business**

Comprehensive Plan Update Process: This report is being given to City Council to update them on the proposed process for the City's Comprehensive Plan review and update taking place in 2015. The Comprehensive Plan calls out for a review of the Plan every 3 to 5 years. **Attachment**

Short Term Rentals: Discussion regarding options on how to address Short-Term Rentals. **Attachment**

Urban Trails Bylaws: The Urban Trails Committee has served as a sub-committee of the Riverfront Commission since 1994. Staff will present a proposed Resolution to re-establish the committee as an advisory board to the City City Council on matters pertaining to the safe, convenient, and efficient movement of pedestrians and bicyclists of all ages and abilities. **Attachment**

U.S. Fish and Wildlife Service Meeting Update

Airport Authority At Large Applicants

- 6. Board Reports**

January 7, 2015

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

January 7, 2015

The City Council of the City of Grand Junction convened into regular session on the 7th day of January, 2015 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Martin Chazen, Jim Doody, Duncan McArthur, Barbara Traylor Smith, Sam Susuras, and Council President Phyllis Norris. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. The audience stood for the Pledge of Allegiance led by Councilmember Traylor Smith followed by a moment of silence.

Presentation

Anna Stout, President of the Foundation for Cultural Exchange, gave a brief history of the Foundation, its work, and her experience with the program in the community of El Espino, El Salvador. The organization was founded by Colorado Mesa University (CMU) students and Ms. Stout said they, along with other local student organizations, are involved with the Foundation and help raise funds for the El Espino School. Ms. Stout also explained the types of projects the Foundation funds, the purpose and functions of their scholarship program, the immersion trips, and the “sister” schools and organizations; one “sister” organization is the Mesa County Library who donates books. Ms. Stout asked the City to be involved with and support the Foundation and invited Councilmembers to be Grand Junction delegates on the summer 2015 immersion trip. She asked for a proclamation declaring the first Saturday in September Sister City Day in the City of Grand Junction. She said there will be a city-wide celebration and asked for the City to be involved. Lastly, she would like to see Grand Junction involved in fundraising for a community center in El Salvador. She presented a book she wrote to Council on the struggles in El Salvador.

Appointments

Councilmember McArthur made a motion to appoint Donald Bramer and Susie Kiger to the Visitor and Convention Bureau Board of Directors for three year terms expiring December 2017. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

Certificate of Appointment

Councilmember Boeschstein made a motion to reappoint David Bailey and appoint Troy Reynolds to the Historic Preservation Board. Councilmember Doody seconded the motion. Motion carried by roll call vote.

David Bailey was present to receive his certificate of re-appointment to the Historic Preservation Board.

Citizens Comments

Bruce Lohmiller, 445 Chipeta Avenue, #25, addressed the City Council and said he won the CMU Veteran's Art Center sculpture competition. He corrected a wrong address that was given at a previous Council meeting for Night Patrol contributions; the correct address is 629 Ouray Avenue. Mr. Lohmiller then asked if City Council had contemplated allowing camping and/or a warm up tent in Whitman Park. He mentioned Reverend Brown and Pastor Wilkie of First Congregation United Church of Christ signed a letter regarding statute of limitations and due diligence to Judge Bottger.

Council Comments

Councilmember McArthur volunteered on January 3rd and 4th to help with the HomewardBound Overflow Program his church was hosting. The host organization provides dinner, breakfast, and place to sleep. He encouraged others to participate. Councilmember McArthur attended the Associated Members of Growth and Development (AMGD) meeting on the 7th; Commissioners Rose Pugliese and John Justman gave a presentation on the feasibility of public land use and Elizabeth Tice, Management and Legislative Liaison, gave a presentation on the City's pursuit of a Foreign Trade Zone. Ms. Tice also attended the Fundamentals of FTZ's conference in Austin with Councilmember Traylor Smith and provided an update on that session.

Councilmember Boeschstein was invited to attend the Grand Valley Drainage District (GVDD) meeting on December 20th. Their Staff gave a presentation on the GVDD. It was an interesting meeting and it is hoped the drainage issues in the valley will be solved soon. Councilmember Boeschstein referenced Ms. Stout's presentation and said it is important to have good cross cultural exchanges; he looks forward to seeing what connections the City can make with El Espino.

Councilmember Chazen noted the schedule was quiet over the holidays. He attended the AMGD meeting and thanked Ms. Tice and Deputy City Manager Tim Moore for the excellent presentation. Councilmember Chazen also went to the Latino Chamber of Commerce meeting; the City is a member and should be proud to be a part of this organization. He encouraged others to attend those meetings.

Councilmember Doody mentioned he met Ms. Stout ten years ago and it is great to see the progress of the Foundation. He commented El Espino also has stormwater issues. Councilmember Doody was elected to the Western Colorado Contractor's Association Board and is looking forward to serving.

Councilmember Traylor Smith attended the Fundamentals of FTZ's conference; it covered the basics of FTZ's which was good since the City is exploring this opportunity. The seminar provided a lot of detail on FTZ's, options on different ways to set one up, and how companies can be a part of this opportunity. She and Ms. Tice were able to make a lot of great connections in Austin and they were very encouraging. The next step is to work with companies in the area and find out if they are interested by completing a survey available through Grand Junction Chamber of Commerce.

Council President Norris said, although the Council's schedule slowed down over the holidays, she saw every City department collecting food and money to help local organizations. The Police and Fire Departments also collected "Toys For Tots" and the Police Department took kids shopping. Council President Norris said not only do City employees work for the City, but they work to make sure the City is taken care of. She thanked City employees.

CONSENT CALENDAR

Councilmember Doody read Consent Calendar items #1 through #7 and then moved to adopt the Consent Calendar. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

1. Minutes of Previous Meetings

Action: Approve the Summaries of the November 3, 2014 Workshop, the November 10, 2014 Workshop, the November 17, 2014 Workshop, and the Minutes of the December 15, 2014 and December 17, 2014 Special Meetings, and the December 17, 2014 Regular Meeting

2. **2015 Meeting Schedule and Posting of Notices**

State Law requires an annual designation of the City's official location for the posting of meeting notices. The City's Municipal Code, Sec. 2.04.010, requires the meeting schedule and the procedure for calling special meetings be determined annually by resolution.

Resolution No. 01-15 — A Resolution of the City of Grand Junction Designating the Location for the Posting of the Notice of Meetings, Establishing the 2015 City Council Meeting Schedule, and Establishing the Procedure for Calling of Special Meetings for the City Council

Action: Adopt Resolution No. 01-15

3. **Contract with Mesa County Clerk and Recorder to Conduct the Regular Municipal Election on April 7, 2015**

The City has adopted the Municipal Election Code which authorizes the election to be by mail ballot. It is recommended that the City again contract with Mesa County Clerk and Recorder to print, mail, and tabulate the ballots as they have the equipment on site to perform these functions. The contract with the Mesa County Clerk and Recorder will not exceed \$46,000.

Resolution No. 02-15 — A Resolution Authorizing a Mail Ballot Election in the City of Grand Junction for the Regular Municipal Election on April 7, 2015, and Authorizing the City Clerk to Sign the Intergovernmental Agreement with Mesa County Clerk and Recorder to Conduct said Election

Action: Adopt Resolution No. 02-15

4. **Building Inspection and Contractor Licensing Agreement**

Requesting approval of a contract for building inspection and contractor licensing services with Mesa County. The agreement has served both the City and County well in the past and the recommended action will provide for the continuation of those services. The contract term is for two years.

Resolution No. 03-15 — A Resolution Authorizing a Contract with Mesa County for Building Inspection and Contractor Licensing Services

Action: *Adopt Resolution No. 03-15*

5. **Mesa County Animal Services Agreement**

The City has an ongoing, annually renewable agreement with Mesa County for animal control services within the City limits. The City pays the County a percentage of the Mesa County Animal Service's budget based upon the City's percentage of total calls for service.

Action: *Approve and Authorize the Mayor to Sign the 2015 Agreement between Mesa County and the City of Grand Junction Pertaining to Animal Services*

6. **Purchase of an Agricultural Weed Abatement Tractor with Attachments**

The request to purchase an agricultural tractor to include attachments is in conjunction with a Fleet Services recommended reduction/redeployment of fleet assets plan implemented in January 2014 within the Parks Operations Divisions.

The purpose of the plan is the reduction of aging/underutilized fleet equipment which will result in an overall cost savings to the General Fund by reducing equipment rental and repair charges assessed to the Parks Department.

Action: *Authorize the City Purchasing Division to Enter into a Contract with U.S. Tractor & Harvest for the Purchase of an Agricultural Weed Abatement Tractor with Attachments in the Amount of \$155,300*

7. **Outdoor Dining Lease for Bar One, LLC dba The Local, Located at 336 Main Street**

Bar One, LLC, located at 336 Main Street, is a new tenant occupying the former location of Loree's Seafood & Steak House. As a new business entity, Bar One, LLC, is requesting a first-time Outdoor Dining Lease for an area measuring approximately 275 square feet directly in front of their building. 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. The outdoor dining area comprises the same enclosed sidewalk dining area previously occupied by Loree's.

Resolution No. 04-15 — A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Bar One, LLC dba The Local, Located at 336 Main Street

Action: Adopt Resolution No. 04-15

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing – Rezoning and Approving an Outline Development Plan for the GJ Housing Authority Senior Living Planned Development, Located at 805 Bookcliff Avenue

The Grand Junction Housing Authority (GJHA) is requesting approval to rezone 3.763 acres from R-16 (Residential - 16 units per acre) to PD (Planned Development) with a default zone of R-24 (Residential - 24 units per acre) and recommendation to City Council of approval of an Outline Development Plan (ODP) for the Grand Junction Housing Authority Senior Living Planned Development, Highlands Apartments.

The public hearing was opened at 7:36 p.m.

Kristen Ashbeck, Senior Planner, introduced this item, described the request, the reason behind the request, and described the property zoning, surrounding zoning, and their uses. She reviewed the concept for the property; it is consistent with the Comprehensive Plan (CP). Ms. Ashbeck said this will serve as a transition from the lower residential uses to the higher intensity uses of the hospital and medical offices. The proposed project has two phases. Phase I is anticipated to start later this year. Phase II is for a second building that will be attached to the first building through the common areas which the buildings will share; this is planned within the next five years. Requested deviations to the Zoning Code are for a higher density, a side setback of zero (even though there will be two lots), and a front setback of ten feet. A neighboring property owner has also requested an open fence instead of a solid fence on the western edge of the property. This property is one of only a few properties zoned for higher density within the City Center. The area is already served by adequate public services and facilities and has adequate circulation and access; there will be appropriate screening and buffering.

Ms. Ashbeck concluded the presentation with the Findings of Fact/Conclusions saying the request is consistent with the CP and the review criteria in the appropriate sections of the Municipal Code either have or will be met. The Planning Commission (PC) recommended approval.

Councilmember McArthur noted this request is to increase density from R-16 to R-30, and then asked how many stories these buildings will have. Ms. Ashbeck said there will likely be four in the residential portions and three in the common areas. Councilmember

McArthur asked if there would only be one story in R-16 zones and if the number of stories adds to the impervious surface. Ms. Ashbeck said they do not.

Councilmember Boeschstein asked if this project will look similar to Linden Apartments. Ms. Ashbeck said this project will probably be larger block buildings and have a similar look to Ratekin Tower, but be more energy efficient. Councilmember Boeschstein asked what provisions will be made for drainage. Ms. Ashbeck said the design team is working on underground drainage concepts, but there is no detail at this stage. Councilmember Boeschstein said he is glad to see affordable housing needs being met.

Councilmember Traylor Smith recalled the charrette the GJHA gathered for this project; the design of this project will be similar to their concept designs. They put a lot of thought into this important project and worked hard to address the particular needs of a growing senior community.

Councilmember Susuras said he did not see any transportation fees listed in the ODP for this project. Ms. Ashbeck said there will be fees due to the new construction; it will be based on the number of units. Councilmember Susuras said he would like to be able to read the PC comments; it would be helpful to know in what direction the PC is going. Ms. Ashbeck said the PC minutes have not been completed or approved, but there were no public comments and very little discussion before they came to a unanimous decision. Councilmember Susuras asked if the ODP is a temporary plan. Ms. Ashbeck said it is the first step of a Planned Development process; it creates a concept of the site areas that are to be developed. Then some detail is provided through the zoning ordinance on how it will be developed in terms of uses, bulk standards, and underlying zoning. The detailed site plan will follow and be reviewed administratively. Councilmember Susuras clarified that the ODP is simply a request for rezoning. Ms. Ashbeck answered yes.

City Attorney Shaver said the ODP is a precursor to a Planned Development, which is a process where the developer and Staff work to determine how best to utilize the site. Planned Development is also known as Contract Zoning, which has specific conditions built into the expectations of how the site will be developed. The Zoning Code calls for the ODP to outline a process and ensure compliance with the Comprehensive and Transportation Plans. During the latter stage of the development, these safeguards and protections are built into the Plan to make sure all of the City's standards are reflected in the approved zoning. Councilmember Susuras asked if there will be any additional charges to the City for transportation and drainage costs.

Council President Norris asked City Attorney Shaver if transportation and drainage costs have any bearing on this request. City Attorney Shaver said this request is only asking if the criteria have been met. Those costs would be addressed later.

Council President Norris asked if the applicant was present and if they would like to make a presentation.

Rich Krohn, 744 Horizon Court, of Dufford, Waldeck, Milburn, & Krohn, LLP, and representing GJHA, introduced himself and Jody Kole, GJHA's Chief Executive Officer. He said he and Ms. Kole agreed with the Staff Report in all respects. He went on to explain that this is the first of a three step process. This first step is rezoning the property to increase the density and change the bulk requirements of the zoning; the second step will be the submission of a simple subdivision application to divide the property into two lots for easier financing. The first phase will include 64 residential units and the common areas/amenities core. The conceptual drawings show the amenities core, residential wing, and on site offices and service areas. This is "aging in place" housing for seniors, not assisted living; this site, which is next to St. Mary's Hospital, is ideal for this project since it is close to medical and other services. The background for this project is the charette that was done by competitive application through Housing Colorado. This was one of only three awarded in 2014 in the State. The charette was a three day process; participants included GJHA, architects and architectural students, and three City Staff members. Having Staff available to comment on ideas during the conceptual phase was very helpful. Mr. Krohn noted outdoor areas, unit balconies, and various amenities in the conceptual drawings. He explained the reasoning behind the design concept and how it will provide outdoor recreation areas, security, parking, and why the zero set back deviation is needed for the project. Mr. Krohn estimated the transportation impact fee would be about \$127,368 and the estimated rent would range from \$350-\$650 per month. This rent range would serve seniors with an annual income between \$10,000 and \$26,000.

Matt Smith, Chairman of the Board for Monterey Park Apartments, which encompasses both the Foundation for Senior Citizen's, Inc., 999 Bookcliff Avenue, and Colorado West Senior Citizen's, Inc., 850 Bookcliff Avenue, said Monterey Park Apartments were set up by the community as pre HUD (Housing and Urban Development) nonprofit facilities; currently 176 seniors live there. The Monterey Park Board supports the GJHA request and feels there will still be a need beyond what this project can provide. Mr. Smith also emphasized how important and desirable close proximity to medical facilities and offices are to this demographic. Monterey Park and the GJHA both serve low income senior needs in the community and he encouraged Council to move forward on this project.

Jim Shanks, 240 Red Rim Drive, a civil engineering consultant representing Grand Valley Drainage District (GVDD), stated the District is not in opposition or support of this project, but rather they would like to clarify information related to the public facilities of this project, specifically regarding drainage issues. It is hoped this information will be helpful in the decision making process for this project and for future infrastructure. In November, Lori Bowers, Senior Planner for this project, asked GVDD to comment on this plan. Mr. Shanks completed his review and submitted his comments in a letter dated December 2, 2014; copies of what were provided to the City Clerk. He asked for this letter to be added to the record. Mr. Shanks said the General Project Report and the City Council Staff Report submitted for this meeting did not include the comments from the GVDD letter. The specific concern not reflected in the reports is the inadequacy of the Buthorn Drain (BD) as a stormwater conveyance. He cited several sections from the City's reports stating the needed public utilities and facilities are adequate, that no unusual utility demands are anticipated, the stormwater drainage is available through the existing storm drainage line, and the effects of the public facilities from the project are comparable to others that use this drainage. Mr. Shank's review of the project and the site drainage do not agree with the City's reports. He described the BD, which is the existing stormwater drainage line for this site; it is a 30 inch line that runs from Patterson Road to the Colorado River and has a capacity of 34 cubic feet per second (cfs). In a 2000 Master Plan report conducted by Williams Engineering, it specifically addresses the BD in chapter seven stating it will only handle minor storm events and cannot function as a storm sewer conveyance and recommended installing a parallel, 60 inch pipe. Mr. Shanks reported the anticipated storm flows for two year storms at 66 cfs and 100 year storms at 247 cfs, which is 7.5 times the volume of the existing 30 inch BD pipe. Mr. Shanks concluded that the drainage for this plan site is not adequate based on the BD's limited capacity. The City reports also said this Plan complies with the CP and other adopted plans and policies. Mr. Shanks said the ODP does not show a designated detention area which the Grand Valley Storm Water Master Plan and the Stormwater Management Manual (SWMM), adopted by the City, requires for a site that is over detention and/or retention with capacity limitations in downstream facilities. This property was a proposed regional detention basin for the BD because it is ideally located to alleviate flows along the pipe. The City did not acquire the site for this purpose. Mr. Shanks also noted the Staff Report only says "stormwater detention may be constructed" and he feels the "may" is problematic. The GVDD is asking that these issues be considered by Council and that Council direct Staff to follow the provisions in the SWMM so that downstream areas are protected.

Bob Richardson, 220 Walnut Avenue, said he lives in an area served by the BD and this project looks excellent and rosy until you talk about putting 10 gallons in a 5 gallon

bucket, which is what is being requested. He said he sees a lot of impermeable surfaces and the BD has chronically flooded for over thirty years which is already too long. This project is only going to add to the flooding and he does not see how a lack of a detention facility will not have an impact on the neighborhoods below it. He enjoyed Ms. Stout's presentation and was saddened to hear of El Espino's drainage issues.

Michael Santo, 205 N. 4th Street, supports the project and thinks it is a wonderful use of this piece of land.

Rich Krohn said he is not an engineer, but wanted to point out the application being considered is not a plan approval, it is a rezone. In his legal view the consideration being asked is: is this an appropriate density for this property and is it appropriate to approve a Planned Development in order to deviate from the bulk requirements? The time for approval of the water retention issues are at the time of the site plan approval which is later in the process.

There were no other public comments.

The public hearing was closed at 8:26 p.m.

Councilmember McArthur appreciated the comments and concerns regarding the BD. Council has had a number of discussions about it. He finds it interesting that the storm sewer system is designed for return flows and ground seepage, yet he is not aware of any agricultural land being serviced by this drainage line now. He feels the valley needs a drainage entity that serves today's uses and those of the future. The BD was historically, grossly undersized and was designed only for agricultural use. These are some of the reasons a drainage entity needs to serve everyone, not just specialized interest groups. Regarding this project, the zoning change will not change anything about the drainage; there will not be an appreciable change in flows due to the increased density. The specifics that will affect drainage won't be known until the design phase has begun, and installing bigger pipes may not be the solution; other solutions could be reduced upstream flows and increased detention site areas. Solutions do need to be found for the BD and the area residents, but this request is a zoning issue; the design function will find solutions to the engineering issues. He will approve this project.

Councilmember Boeschstein agreed with Councilmember McArthur; a larger drainage entity is needed in the valley and he hopes this can be moved toward. Councilmember Boeschstein said he is familiar with putting drainage galleries under parking lots, so there are solutions. However, this request is for a zone change; he thanked the GJHA for coming forward with this project.

Councilmember Chazen concurred with the other Councilmembers. These are separate issues; at a later time Staff will deal with the engineering aspects of this great project. He trusts Staff and the Drainage Authority to work out the solutions. He will accept the recommendation of the PC and support the zoning change.

Councilmember Susuras supports the mission and vision of GJHA and the infill process. He understood the request is only looking at the zoning; not the TCP and drainage, although these do need to be kept in mind. The drainage issue will be a serious problem in the future.

Councilmember Traylor Smith appreciated the comments and the work and insight of Councilmembers McArthur and Boeschenstein. This is an issue that must be resolved using a vision for the future. This is just one example of the many places that will be affected as the community continues to infill and proceed with projects. As a community, these projects need to be looked at comprehensively, using all the tools available to set this up as an entity that will help the City look forward. She too will support this project.

Councilmember Doody recalled the approval of the City Market project which is also part of the BD service area. He did not recall this conversation being a part of that discussion or anyone testifying. If a study was done in 2000, it is 15 years old and needs to be reviewed for validity. He is in full support of this project.

Council President Norris is also in support of the project and agreed with the other Councilmembers comments. She would like to move forward.

Ordinance No. 4652 — An Ordinance Rezoning Approximately 3.763 Acres from R-16 to PD (Planned Development) and Approving the Outline Development Plan (ODP), Grand Junction Housing Authority Senior Living Planned Development - Highlands Apartments (aka The Epstein Property), Located at 805 Bookcliff Avenue

Councilmember Traylor Smith moved to adopt Ordinance No. 4652 on final passage and ordered it published in pamphlet form. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

Public Hearing – Comprehensive Plan Amendment and Rezone for Baker's Boutique, Located at 726 24 Road

Request approval to change the Comprehensive Plan Future Land Use Map designation for property located at 726 24 Road (0.86 +/- acres) from "Park" to "Village Center" and to rezone from CSR (Community Services and Recreation) to B-1

(Neighborhood Business) zone district in anticipation of future neighborhood business commercial development.

The public hearing was opened at 8:37 p.m.

Scott Peterson, Senior Planner, introduced this item, described the request, and the background behind the request. He noted the applicant is Callie Ash and the PC recommended approval of these two requests at their December 9th meeting. The applicant currently operates a bakery on Patterson Road and would like to relocate the business to this property. This property is surrounded on three sides by Canyon View Park and is privately owned. Mr. Peterson reviewed the history of the property. The City had the first right of refusal to purchase the property in 2013, but declined allowing the applicant to purchase the property. By changing the future land use designation and the zoning, the applicant will be able to use the property as a commercial business to serve the users of the Park and the growing commercial business in the area. He stated the request meets the goals and policies of CP and the review criteria of the Zoning Code have been met.

The Council took a five minute break.

The meeting reconvened at 8:45 p.m.

Councilmember Boeschstein asked if the access off of 24 Road will change. Mr. Peterson said the access is currently being reviewed, but it will remain off of 24 Road. There may be an extension of an ingress/egress easement to the south or east into the Park. This has not been finalized, but if access is permitted, an easement between the parties would be agreed upon.

Councilmember Boeschstein asked if the proposed redesign of 24 Road would change this access. Mr. Peterson said City engineers are still working on the 24 Road redesign, but they will be made aware of this project.

Councilmember Traylor Smith asked if the applicant is planning on using the current structures. Mr. Peterson said the structures will remain, but be gutted and made into a retail store with handicap accessibility, etc. There is no plan for building expansion; it is an interior remodel only. Councilmember Traylor Smith asked if there was room for an expansion. Mr. Peterson said it will be possible to expand, but they would need to meet the parking requirements.

Council President Norris commented that everything in the area except the Park is zoned for commercial use. The City had the option to purchase the property, but declined; it makes sense for it to be a commercial area. She will be supporting it.

There were no public comments.

The public hearing was closed at 8:48 p.m.

Councilmember McArthur said it was mentioned traffic flow would be one way, west to east into the park. He suggested a second access be considered. Councilmember McArthur referred to the map and the completed section of 24 Road; he then asked if the widening would be on the west side of the Park. Mr. Peterson deferred to Deputy City Manager Tim Moore who gestured in the affirmative.

Resolution No. 05-15 — A Resolution Amending the Comprehensive Plan Future Land Use Map of the City of Grand Junction from Park to Village Center for Baker's Boutique, Located at 726 24 Road

Ordinance No. 4653 — An Ordinance Rezoning the Baker's Boutique Property from CSR (Community Services and Recreation) to B-1(Neighborhood Business), Located at 726 24 Road

Councilmember Susuras moved to adopt Resolution No. 05-15 and adopt Ordinance No. 4653 on final passage and ordered it published in pamphlet form. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Construction Contract for the Persigo Wastewater Treatment Plant Primary Anaerobic Digester Cover Improvement Project

This request is for the construction of the Primary Anaerobic Digester Cover Improvements Project at the Persigo WWTP. This project includes removing the existing 32 year old gas sludge mixing system and replacing it with a new highly efficient mechanical sludge mixing system. In addition to the new mixer, the anaerobic digester cover will have corroded steel sections repaired and a new coat of industrial wastewater epoxy paint applied on the cover to protect the steel cover from the corrosive environment.

Greg Lanning, Public Works and Utilities Director, introduced this construction contract and provided a brief background. He advised this project was discussed in August when the digester mixing equipment was approved. The digesters perform the initial treatment of solid waste and are the beginning of the gas production for the BioCNG (Compressed Natural Gas) project. During routine maintenance of the digester it was discovered work needed to be done on the lid and the mixing equipment. In August, the mixing equipment was approved which provided a long lead time ensuring it would be completed in time for this project. He explained the need to rebuild the lid, how it will

be installed, and that it will be back on line by June if this request is approved. The low bid was negotiated down to \$586,500. The budgeted amount anticipated was \$250,000, so there is a shortfall. They reviewed the process to find out why there was such a large discrepancy in the amount, but only found the addition of slide guides which only accounted for an increase of \$70,000. However, this is a specialty item and has inherent dangers involved with the installation. Mr. Lanning said the difference will be made up by taking funds from the sewer line replacement project. Mr. Lanning emphasized all projects are important and, in order to do both, they are planning to break up the sewer line replacement project into two phases and are hoping those bids come in under budget. Funds may also be available from 2014 savings.

Councilmember Boeschstein asked if any grants are available to help with the cost and if the County is contributing funds to this project. Mr. Lanning said he is not aware of any grants for which this project would qualify. He then explained Persigo is jointly owned by the City and County, but the City is contracted to operate the facility; operating fees are collected from all citizens in the 201 District and put into an enterprise account and then dispersed for purposes like this.

Councilmember Chazen asked what shape is the other digester in and what measures are being taken to make sure the working digester will not fail through the construction process. Mr. Lanning said the digesters typically work in series; the first one, the one off line, is in the worst shape because, when it is in use, it takes the heavier initial load. However, the first digester can be bypassed; it has been off-line for 15 months. When the first digester is repaired, an inspection will be conducted on the second one to make sure it is running properly. Councilmember Chazen expressed concern that the second digester may need expensive maintenance as well; he asked if they anticipate any major repairs for the second digester. Mr. Lanning said the second digester has typically only been used as the backup and the engineers believe it has five to seven more years before it will require major repairs. Councilmember Chazen asked how long the repaired digester is anticipated to last. Mr. Lanning said the estimated range is 20 to 30 years. Councilmember Chazen recalled past maintenance repairs to the water tank, electrical panels, and doors and noted Persigo is an aging facility that is requiring expensive repairs. He asked if the reserves are adequate to take care of the needed repairs. Mr. Lanning said plants generally have a facility plan which would take into account the biological and physical plant. These studies have been done in a piecemeal fashion in the past; but he is currently talking to the managers and engineers about putting a comprehensive one in place for Persigo. Mr. Lanning does not anticipate any other big expenses; they have done a good job keeping it running. Councilmember Chazen asked if the facility plan is being worked on now. Mr. Lanning

said no, it is the scope of the plan that is currently being debated; a facility plan could cost as much as \$500,000. The earliest a study could be budgeted is 2016.

Councilmember Susuras commented that fees were increased a couple of years ago to create a \$10 million buffer for the reserve fund; he asked if this is still being built up. Mr. Lanning answered yes, and the reserve fund is very healthy. Councilmember Susuras asked if these funds can be used if other expensive repairs are needed and will the reduction to the sewer line replacement budget cause a problem. Mr. Lanning said it is a matter of priorities, but he does not feel it will cause a problem. The sewer line replacement projects are annually budgeted for \$2 million; if they are not able to make the funds up through the reserves or in another way, they can adjust the budget request for the following year.

Council President Norris asked what the reserve fund balance is. Mr. Lanning said he will find out and looked to Internal Services Manager Jay Valentine to retrieve that information.

Councilmember Traylor Smith noted the City is paying a premium for this work due to the City's location and the demand for this type of work. She asked how far in advance can the City plan for this type of repair and are there companies in other areas of the Country that would offer a better price. Mr. Lanning said the bids were advertised on BidNet to companies within the region because contractors typically only respond to bids in their area since estimates from those outside their region would be higher due to the increased distance. However, this is something they will keep an eye on; with more time to plan, they may get more detailed drawings and better bids.

Councilmember Chazen asked if there are any other critical redundant systems that are operating in a singular mode at the water plant. Mr. Lanning said no and commented that the State doesn't like this situation either, if it goes on too long, they will get involved.

Jay Valentine, Internal Services Manager, gave the 2015 beginning fund balance for the sewer system, \$10.5 million. Regarding the bid process, procurement strives to get the most participation; the more complex and difficult the jobs are, the harder it is to get bidders. Advertisements are placed in the Daily Sentinel, on the City website, on BidNet, with the Western Colorado Contractors Association, and procurement will also reach out to firms that don't subscribe to these sources. There is a difficulty when only a few bids are received and they are high; a decision needs to be made whether to rebid or accept. In this case, procurement felt all the contractors in the area knew of this bid.

Council President Norris said she understood reserves are for planned, long term replacement expenditures which could be up to thirty years out. Mr. Lanning explained the reserves have two categories; Operations, which is for routine maintenance and is at about \$2.5 million, and Plant Capacity, which is for the long term plant upgrades, and is at about \$7.5 million.

Councilmember Susuras said the reserves were approved and started in anticipation of new EPA (Environmental Protection Agency) regulations for the sewer plant.

Councilmember Boeschstein said the elimination of septic systems should also be considered; there is a map of the failing systems and what that will cost. He would like to see the map.

Councilmember Chazen asked, after the repairs are made, will the “through-putting” system be improved. Mr. Lanning answered yes; the system will be more efficient.

Councilmember Susuras moved to authorize the Purchasing Division to execute a construction contract with Velocity Constructors, Inc. for the construction of the primary anaerobic digester cover improvements project at the Persigo WWTP in the negotiated amount of \$586,500. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens and Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting was adjourned at 9:18 p.m.

Stephanie Tuin, MMC
City Clerk



Attach 2

CITY COUNCIL AGENDA ITEM

Date: January 9, 2015

Author: Scott D. Peterson

Title/ Phone Ext: Senior

Planner/1447

Proposed Schedule: 1st Reading:
January 21, 2015

2nd Reading: February 4, 2015

File #: PLD-2010-259

Subject: Casas de Luz Phasing Schedule Extension Request, Located at West Ridges Boulevard and School Ridge Road

Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for February 4, 2015

Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

The applicant, Dynamic Investments Inc., requests an extension of the phasing schedule for the Casas de Luz Planned Development. The applicant received City Council approval for the Planned Development (PD) residential subdivision on September 21, 2011. The PD ordinance required platting of Phase 1 by December 31, 2014. Due to the economic downturn the applicant was unable to meet that deadline and now requests more time to plat the first three phases of the project.

Background, Analysis and Options:

The 1.88 acre Casas de Luz (meaning; "Houses of Light") property is part of the Ridges Planned Development and is to be completed over a total of four phases. The property is presently platted into ten lots. Under the current Ridges PD each lot was designated for a maximum of two dwelling units (termed "A" lots in the Ridges PD plan). The total number of dwelling units proposed with the Casas de Luz development (20) is the same number as originally planned for this site, but the Casas de Luz development plan approved in 2011 consists of reconfigured residential lots, common areas and stacked condominium units.

The applicant, Dynamic Investments, Inc., reports that completing the project has not been economically viable during the economic downturn but is optimistic given current market indicators that it could be completed within the following proposed extended phasing schedule:

Deadline from prior approval:

Phase 1: December 31, 2014

Phase 2: December 31, 2017

Phase 3: December 31, 2019

Phase 4: December 31, 2021

Proposed new deadline:

December 31, 2017

December 31, 2019

December 31, 2020

December 31, 2021 (unchanged).

The owner is committed to completing the project. The public benefit supporting the original PD approval is still viable today by providing a needed housing type with innovative design and by utilizing the topography of the site. The design incorporates

elements of clustering units to allow for more private open space within the development. Also, the development provides more effective use of infrastructure by eliminating public right-of-way and using three shared accesses to serve the 20 dwelling units which significantly minimizes the impact onto West Ridges Boulevard. The existing Planned Development will continue to provide benefits for additional residential development opportunities within the Ridges.

This extension of the phasing schedule is the only proposed amendment to the PD plan and ordinance.

The applicant requests that the Planning Commission forward a recommendation of approval of the revised phasing schedule to City Council. Staff supports the request.

Neighborhood Meeting:

Neighborhood Meeting will be held by the applicant on January 12, 2015.

Board or Committee Recommendation:

The Planning Commission will be reviewing the proposed Planned Development extension request at their January 13, 2015 meeting.

Financial Impact/Budget:

No financial impact for this item.

Other issues:

No other issues have been identified.

Previously presented or discussed:

Planning Commission recommended approval of the Casas de Luz Planned Development at their August 9, 2011 meeting; City Council approved the Casas de Luz PD on September 21, 2011, finding the approval criteria in GJMC 21.02.150 for establishment and amendment of a planned development were satisfied. Those approval criteria have not changed and the development plan, even with the proposed extension of the phasing schedule, still meets the applicable criteria.

Attachments:

1. Letter of Extension Request from Applicant
2. City Council Staff Report from September 21, 2011
3. Ordinance No. 4482
4. Proposed Ordinance

October 27, 2014

Scott Peterson
Senior Planner
City of Grand Junction
Grand Junction, CO

Dear Scott:

Dynamic Investments, Inc. hereby requests an extension of the approval and deadlines for development of the Casas de Luz project located in The Ridges, Grand Junction, Colorado. Dynamic has been unable to initiate development of the project due to market conditions and economic feasibility.

We request that the deadline for the filing of Phase One be extended from December 31, 2014 to December 31, 2017; Phase Two from December 31, 2017 to December 31, 2019; Phase Three from December 31, 2019 to December 31, 2020; and Phase Four deadline to remain unchanged at December 31, 2021.

Please submit this request for extension of the approval and development deadlines for Casas de Luz to the Planning Commission and City Council for review and approval of this request.

Should you have questions or require additional information, please do not hesitate to contact me.

Respectfully,

Mike Stubbs
President
Dynamic Investments, Inc.



CITY COUNCIL AGENDA ITEM

Date: September 2, 2011
Author: Scott D. Peterson
Title/ Phone Ext: Senior
Planner/1447
Proposed Schedule: September 7,
2011 (First Reading)
2nd Reading
(if applicable): September 21, 2011
File # (if applicable): PLD-2010-
259

Subject: Amending the Ridges Planned Development for Casas de Luz Residential Development, Located adjacent to West Ridges Boulevard and West of School Ridge Road in the Ridges Subdivision

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication for Proposed Ordinance(s) and adopt Resolution

Presenters Name & Title: Scott D. Peterson, Senior Planner

Executive Summary:

Request for approval for an amendment to the Planned Development zoning ordinance for the Ridges Planned Development ("Ridges PD") for a portion of the property, Lots 34A-40A, Block Twenty-five of The Ridges Filing No. 5 and Lots 41A-43A of the Replat of Lots 22A through 30A, Block Twenty Five The Ridges Filing No. Five, within the Ridges PD located adjacent to West Ridges Boulevard, across from the driving range for Redlands Mesa Golf Course. The applicant is also requesting approval for the vacation of a dedicated frontage road (right-of-way) and utility and drainage easements in conformance with the new plan.

Background, Analysis and Options:

The applicant, Dynamic Investments, Inc., requests to resubdivide the existing ten platted lots and create new residential lots, tracts and stacked condominium units. The total number of dwelling units (20) is the same number of allowed dwelling units that were originally planned for this site. Project may be completed over four phases. The applicant is also requesting the vacation of a dedicated frontage road and utility and/or drainage easements that are not needed with the proposed development.

How this item relates to the Comprehensive Plan Goals and Policies:

The proposed residential development request for Casas de Luz furthers **Goals 3, 5, and 8** of the Comprehensive Plan by:

- Facilitating ordered and balanced growth and spreading future growth throughout the community;

- Providing a broader mix of housing types (two-family and multi-family dwelling units) in the community to meet the needs of a variety of incomes, family types and life stages, and
- By creating attractive public spaces and enhancing the visual appeal of the community through quality development.

Board or Committee Recommendation:

The Planning Commission recommended approval of the requested Amended Planned Development Ordinance and Right-of-Way, Utility and Drainage Easement Vacations at their August 9, 2011 meeting.

Financial Impact/Budget:

N/A.

Legal issues:

N/A.

Other issues:

None.

Previously presented or discussed:

First Reading of the Ordinance(s) was September 7, 2011.

Attachments:

Site Location Map/Aerial Photo Map
 Comprehensive Plan/Blended Residential Map
 Existing City Zoning Map
 Site Layout Plan
 Bulk Standards document prepared by Applicant
 Letter from Sue Carbone, Adjacent Property Owner
 Letter from Rick Thurtle, Adjacent Property Owner
 Ordinance for Amended Planned Development
 Ordinance for Vacation of Right-of-Way (Frontage Road)
 Resolution for Utility and Drainage Easement Vacation

BACKGROUND INFORMATION				
Location:		West Ridges Boulevard and School Ridge Road		
Applicants:		Dynamic Investments, Inc., Owner		
Existing Land Use:		Vacant land		
Proposed Land Use:		One Single-Family Detached, Two-Family and Multi-Family dwellings		
Surrounding Land Use:	North	Single-Family Attached dwelling units		
	South	Vacant land and driving range for Redlands Mesa Golf Course		
	East	Single-Family Attached dwelling units		
	West	Redlands Mesa Real Estate Office		
Existing Zoning:		PD, Planned Development		
Proposed Zoning:		PD, Planned Development		
Surrounding Zoning:	North	PD, Planned Development		
	South	PD, Planned Development		
	East	PD, Planned Development		
	West	PD, Planned Development		
Future Land Use Designation:		Residential Medium (4 – 8 du/ac) and Residential Medium Low (2 – 4 du/ac)		
Zoning within density range?		X	Yes	No

1. Background:

The 1.88 acre "Casas de Luz Property" consisting of Lots 34A-40A, Block Twenty-Five of The Ridges Filing No. 5 and Lots 41A-43A of the Replat of Lots 22A through 30A, Block Twenty Five The Ridges Filing No. Five as part of the Ridges Planned Development. The property is presently platted into ten lots. Under the current Ridges PD each lot is designated for a maximum of two dwelling units ("A" lots) within the overall PD.

The Ridges was originally approved as a Planned Unit Development (PUD) by Mesa County in the late 1970's. The original developer formed the Ridges Metropolitan District to provide services to the development since it was in unincorporated Mesa County. The PUD also provided open space (approximately 85 acres in Filings 1 through 6), numerous parks of varying sizes and a network of detached multi-use trails throughout the development. The approved PUD included a mix of land uses including

a variety of housing types – from apartments to detached single family units – offices and neighborhood commercial uses.

In 1992 the developed and undeveloped areas of the Ridges were annexed into the City limits. Upon annexation, an amended plan and zoning ordinance for the Ridges was adopted zoning the development Planned Development (PD). The plan allocated the remaining allowable dwelling units to the undeveloped parcels, including the multifamily parcels. Original platted parcels indicated the expected use, for example “A”, “B” or “C” lots. Multifamily sites were assigned specific densities.

The Casas de Luz Property was designated as “A” lots with a density of two family dwellings for each platted lot. However, it was specifically noted on the plat that the same area could be developed as a multifamily area. The area is limited to the maximum density of 20 dwelling units already determined for the ten “A” lots.

The applicant, Dynamic Investments, Inc., requests to resubdivide the existing ten platted lots and create new residential lots, tracts and stacked condominium units. The total number of dwelling units (20) is the same number of allowed dwelling units that were originally planned for this site. The new subdivision is proposed to be named Casas de Luz (meaning; “Houses of Light”) and may be completed over four phases. The proposed development shall be subject to the provisions of the Zoning and Development Code, except as deviated by the approved Casas de Luz Plan to be adopted as a part of the amended ordinance.

The applicant is also requesting the vacation of a dedicated frontage road and utility and/or drainage easements that are not needed with the proposed development. The existing frontage road provides access for seven of the existing ten lots. The frontage road provides a separate ingress/egress point for each lot without impacting traffic movements on West Ridges Boulevard. However, since the Casas de Luz development is modifying the existing lot configuration and proposing three access points to serve 20 dwelling units, this frontage road will no longer be necessary, except for the retaining of a 10' multipurpose easement along the remaining right-of-way for utilities, including utilities presently in place.

The easements to be vacated appear on the Replat of Lots 22A through 30A, Block Twenty Five The Ridges Filing No. Five. The existing 10' Drainage and Utility Easement on Lot 41A; a small portion of the 10' Utility Easement on Lot 43A; and a portion of the 20' Utility Easement on Lots 41A through 43A are to be vacated. The easements are not necessary for development and some interfere with the location of buildings within the proposed development. These existing easements do not contain any public utilities in the areas to be vacated.

Density

The Comprehensive Plan Future Land Use Map indicates this area of the Ridges to be Residential Medium (4–8 du/ac) and Residential Medium Low (2–4 du/ac). The Ridges

PD overall density is four dwelling units per acre which includes all lots, open space tracts, etc. The densities are consistent with the Comprehensive Plan. The above stated Ridges density is calculated as a gross density for the entire Ridges Plan, not site specific. The site specific density for this proposal would be 10.6 dwelling units an acre matching what was originally approved for this site. The proposed Casas de Luz development is a resubdivision of "A" lots within the Ridges development which allowed up to a maximum of two-family dwellings for each platted lot.

The applicant has not proposed a change to the density.

Access

Access for the Proposed Plan will be from West Ridges Boulevard in three different locations (see Site Layout Plan). Proposed internal access will be shared drives and parking areas (tracts), maintained by a homeowner's association.

Plan Layout

The Proposed Plan will have a mixture of two-family, multifamily, and/or single-family detached dwelling units. As proposed some of the multifamily dwellings will be stacked and will require approval of a condominium map. Generally, the building footprint for each dwelling unit in Filing One, Filing Two and Filing Four as designated on the Site Layout Plan will be a lot. The multifamily units are proposed as stacked dwelling units in Filing Three. If the units are to be created for separate ownership, a condominium map will be required with the building footprint generally being the exterior horizontal boundaries of the units. If the units are not created for separate ownership, then the building footprints shall generally be the boundaries of the lots. All areas outside of a building footprint shall be designated as "Tracts" for maintenance responsibility by a homeowner's association.

Landscaping

Landscaping shall be in conformance with the Zoning and Development Code for a multifamily residential development (see Ordinance for Landscaping Plan) with a total of 33 trees and 212 shrubs to be planted on 1.88 acres along with granite stone mulch and dryland grass seed mix in open space (tract) areas.

Phasing

The proposed Casas de Luz Plan shall be developed in four phases. The proposed phasing schedule is as follows (see Site Layout Plan):

The first phase shall be completed on or before December 31, 2014 with the recording of a plat with the Mesa County Clerk and Recorder consisting of all of the land in the Casa de Luz Property which includes all the lots in The Ridges Filing No. 5 abutting the frontage road to be vacated by eliminating the lot(s) or platting new lots in a manner

acceptable to the City's Public Works and Planning Director so that access to and from the newly platted parcels is accomplished in accordance with City standards.

The second phase shall be completed on or before December 31, 2017, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The third phase shall be completed on or before December 31, 2019, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The fourth phase shall be completed on or before December 31, 2021, with the written approval of a final plan and recording of a plat with the Mesa County Clerk and Recorder finalizing the Casas de Luz Plan.

Community Benefit

As this is an amendment to the original Planned Development ordinance for the Ridges, a community benefit is not required to be found by the decision-maker. However, the proposed amendment for the Casas de Luz Property does provide community benefit by providing a needed housing type with innovative design and by utilizing the topography of the site. The design incorporates elements of clustering units to allow for more private open space within the development. Also, the development provides more effective use of infrastructure by eliminating public right-of-way and using three shared accesses to serve the 20 dwelling units which significantly minimizes the impact onto West Ridges Boulevard.

Default Zoning

If the first phase for the Casas de Luz Plan is not completed as indicated in the approved amended ordinance and the amended Plan lapses, then the amended ordinance for the Casas de Luz Property shall have no force and effect and the previously amended Ordinance 2596 shall be in full force and effect as it applies to the Casas de Luz Property.

If the first phase is completed, but the entire Plan is not completed, then the Casas de Luz Development Plan proposes a default zone of R-8, which is in conformance with the Comprehensive Plan for this area. The dimensional standards for the R-8, (Residential-8 du/ac) zone, as indicated in Section 21.03.040 (h) of the Zoning and Development Code, are as follows:

Density: According to the City's Code density is not to exceed 8 dwelling units per acre. However, as this is an amendment to the Ridges PD, the density has already been determined for this area and the default for density purposes shall remain 10.6 dwelling units per acre for the Casas de Luz Property.

Minimum lot area, width, and frontage: (See below for proposed deviations from standards for the Proposed Plan.)

Detached Single-Family	minimum 3000 square feet of area
	minimum 40 feet width

Two Family Attached	minimum 20 feet frontage minimum 6,000 square feet of area minimum 60 feet width
Multifamily	minimum 20 feet frontage No minimums for area, width, or frontage

Setbacks:

Front Yard Setback (Principal/Accessory): 20/25 (see deviation below)

Side Yard Setback (Principal/Accessory): 5/3

Rear Yard Setback (Principal/Accessory): 10/5

Maximum building height: 40' (The default maximum building height for single family attached and detached, including two family dwellings shall be 25' in conformance with the previously amended Ordinance 2596 for the Ridges PD.)

Deviations

1. Minimum Lot Area, Width and Frontage:

As the proposed Plan is designed to have each of the combined dwelling units to be surrounded by open space (see the Site Layout Plan) with shared drives for access to the right-of-way, the minimum lot area, width and frontage are not applicable.

2. Building Setbacks:

The Proposed Plan applies the front and rear yard setbacks to the exterior boundary of the Casas de Luz Property rather than the individual lot lines. The front yard setbacks are proposed to be deviated further as follows:

Front Yard (see Site Layout Plan): 15' for Filing One; 11' for Filing Two; 16' for Filing Four

Standard setbacks to the exterior boundary of the Casas de Luz Property setbacks apply unless otherwise noted.

Staff finds the reduced setbacks to be reasonable as there is additional right-of-way along the Casas de Luz Property that is not likely be developed as roadway because of the detached trail that is a part of the Ridges plan for the Planned Development. The trail and additional green space will provide a similar appearance to the area as would the standard setbacks.

3. Maximum Building Height:

The Ridges PD has an overall density of 4 units per acre. By the PD ordinance, the maximum height for a multifamily dwelling is 40' and for single family attached and

detached, including two family dwelling units is 25'. The applicant is proposing to amend The Ridges PD as follows:

All measurements for maximum heights are at sea level.

Unit 1: 4888'
Unit 2: 4883'
Unit 3: 4871'
Unit 4: 4861'
Unit 5: 4870'
Units 6, 7 & Unit 8: 4868'
Units 9, 10 & Unit 11: 4868'
Units 12, 13, & Unit 14: 4868'
Units 15, 16 and Unit 17: 4868'
Unit 18: 4850'
Unit 19: 4848'
Unit 20: 4844'

(See Ordinance for building rendering exhibits for clarification of the building heights proposed by the applicant).

The Casa de Luz Property could be developed as a multifamily project without amending The Ridges PD. If all multifamily units were built, then the developer could build each up to 40' in height. With the Proposed Plan, all but two of the single family detached and attached dwellings are taller than originally allowed on an "A" lot in the Ridges PD, but the multifamily units are shorter than what would be allowed. As shown by the applicant in the exhibits, all of the building roofs will be lower than the roofs on the homes built on the nearest elevated landscape behind the development to the west. With the clustering of the buildings it opens more space between the buildings to reduce the overall obstruction of views. The applicant has taken into consideration the appropriate height for each building in the development.

It is the applicant's position and staff agrees that the development as proposed is reasonable considering the topography of the site, the immediately surrounding area, and the fact that all buildings are at least 5' below the allowed possible height of 40' for multifamily units.

4. Multipurpose Easement:

City standards also require a development to dedicate a 14' multipurpose easement along right-of-ways abutting a development and along right-of-ways within a development. As previously explained, the right-of-way for West Ridges Boulevard is greater than needed for the constructed roadway. The additional right-of-way is used for a detached trail and additional green space. Four feet of this additional right-of-way may be used for the area that would normally encompass the 14' multipurpose

easement, so only a 10' multipurpose easement is needed along the abutting West Ridges Boulevard.

2. Section 21.02.150 (b) and (e) of the Zoning and Development Code:

Pursuant to Section 21.02.150(e)(1)(iii), to amend the bulk, performance, and/or default standards of a planned development, the zoning ordinance must be amended through the rezone process. Based on the City's Code, the rezone process includes considering the rezone criteria and the criteria for approving an Outline Development Plan (ODP) by demonstrating conformance with the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies.

The Proposed Plan complies with the Comprehensive Plan which designates this area as Residential Medium Low (2-4 du/ac) and Residential Medium (4-8 du/ac) with the Blended Residential map allowing up to 16 residential units per acre. The Proposed Plan specifically meets Goal 5 of the Comprehensive Plan in providing a broader mix of housing types and encourages sustainable growth with development of a property that is infill. This area of the Ridges has been platted for single-family attached units since the very early 1980s with no homes being built. The land has remained vacant. The proposed variety of housing types allows more options with less risk for a developer to build these homes.

The Proposed Plan is in conformance with the Grand Valley Circulation Plan ("GVCP"). West Ridges Boulevard is already constructed and designated as right-of-way as part of the GVCP. The Proposed Plan is a safer option for development regarding the GVCP as only three accesses will be allowed to West Ridges Boulevard rather than ten separate accesses.

The Redlands Area Plan was approved by City Council in June 2002 long after the Ridges PD. The Proposed Plan is in conformance with the Redlands Area Plan with only the proposed changes requested from the original Ridges PD which do not conflict with the Redlands Area Plan. The changes are designed in a manner to allow more variety of housing types (all originally considered and allowed in the Ridges) and more efficiently and effectively using the land area and utilizing the infrastructure more safely.

- b. The rezoning criteria provided in Section 21.02.140 of the Zoning and Development Code.

A rezone must only occur if one or more of the following criteria are found.

- (1) Subsequent events have invalidated the original premises and findings; and/or
- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or
- (3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or
- (4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or
- (5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

Criteria 3 and 5 are found. The public and community facilities are adequate to serve the scope of land use proposed and as previously explained the Ridges community and the Redlands area will derive benefits from the variety of housing and more efficient and effective use of the land and the infrastructure.

- c. The planned development requirements of Section 21.05 of the Zoning and Development Code.

The application has been developed in conformance with the purpose of Section 21.05 of the Zoning and Development Code by providing more effective use of infrastructure, a needed housing type and/or mix and improved landscaping. The existing Ridges PD previously provided open space, numerous parks of varying sizes and a network of detached multi-use trails throughout the development. Additional open space will come with this proposal.

- d. The applicable corridor guidelines and other overlay districts in Chapter Seven.

There are no overlay districts for these properties and the special regulations found in Section 21.07 of the Zoning and Development Code do not apply.

- e. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development.

Adequate public facilities and services will be provided concurrent with the development as defined in the attached plans and phasing schedules. Ute Water and City sewer are both currently available within West Ridges Boulevard.

- f. Adequate circulation and access shall be provided to serve all development pods/areas to be developed.

Access for the proposed subdivision will be from West Ridges Boulevard in three (3) different locations (see Site Layout Plan). Proposed internal access will be shared drives and parking areas (tracts), maintained by a homeowner's association.

- g. Appropriate screening and buffering of adjacent property and uses shall be provided.

Not applicable since all adjacent land uses are residential in character. The Casas de Luz Plan proposes that all land area located outside of the building footprints are to be platted as tract(s) of land that will be owned and maintained by a homeowner's association and be fully landscaped in accordance with the Zoning and Development Code.

- h. An appropriate range of density for the entire property or for each development pod/area to be developed.

The existing plat designates ten two-family dwelling lots ("A" lots). The applicant is proposing a total of 20 units matching the original approved density.

- i. An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed.

The Casas de Luz Plan proposes an R-8 default zone with deviations identified and explained previously in this report.

- j. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

The applicant has submitted a development schedule consisting of four phases with final plat recording with the Mesa County Clerk and Recorder as identified and explained previously in this report.

- k. The property is at least twenty (20) acres in size.

The Ridges PD is over 20 acres in size. This property, a portion of the Ridges PD, is 1.88 acres.

3. Section 21.02.100 of the Zoning and Development Code:

The vacation of the right-of-way and utility easements shall conform to the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

Granting the request to conditionally vacate right-of-way and to vacate utility easements and a drainage easement does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

The right-of-way to be vacated is a frontage road that was dedicated to allow for additional roadway for someone exiting lots 34A through 40A of The Ridges Filing No. Five so as to better maneuver a vehicle safely into a position to more safely enter onto West Ridges Boulevard. With the redesign of the plan layout for the dwelling units and the reduced access points of the Proposed Plan, the additional roadway area will no longer be necessary.

The recommendation to vacate is conditioned because a plat must be recorded with the lots and or units platted in a manner that the frontage road is not needed for safety purposes. In addition, an easement is necessary to be retained for multipurpose use as utilities are located in the roadway and City standards requires a multipurpose easement.

The easements being vacated are not needed.

No parcel shall be landlocked as a result of the vacation.

No parcel will be landlocked as a result of these vacations.

- b. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

As the right-of-way shall only be vacated with the recording of a new plat such that the right-of-way is not needed, then access will not be restricted.

- c. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the vacation requests.

- d. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.

The provision of adequate public facilities and services will not be inhibited for any property as required in Chapter 21.06 of the Zoning and Development Code. No adverse comments were received from the utility review agencies during the staff review process.

- e. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

Maintenance requirements for the City will be slightly reduced with less right-of-way to maintain. A multipurpose easement will be reserved and improved traffic circulation will be continued by the limiting of access points to three (3) onto West Ridges Boulevard.

FINDINGS OF FACT/CONCLUSIONS AND CONDITION OF APPROVAL

After reviewing the Casas de Luz application, PLD-2010-259 for an Amendment to the previously amended Planned Development zoning ordinance for the Ridges Planned Development, Conditional Vacation of Right-of-Way, and Vacation of portions of Utility Easements and a Drainage Easement, the Planning Commission makes the following findings of fact and conclusions with conditions for the right-of-way vacation:

1. The requested amendments to the amended Ridges Planned Development ordinance are consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.150 (b) of the Zoning and Development Code have all been met for amendment of the Planned Development ordinance.
3. The review criteria in Section 21.02.100 of the Zoning and Development Code have all been met for vacating the frontage road with the condition that a plat be recorded with the first phase of the Plan with the Mesa County Clerk and Recorder including all the lots in The Ridges Filing No. 5 abutting the frontage road being eliminated or platted in a manner acceptable to the City's Public Works and Planning Director so that access for the newly platted parcels be accomplished in accordance with City standards. In addition, a 10' multipurpose easement shall be retained and reserved as needed for existing utilities.
4. The review criteria in Section 21.02.100 of the Zoning and Development Code have all been met for the portions of the Utility Easements identified to be vacated and the Drainage Easement to be vacated.

Site Location Map

Figure 1



Aerial Photo Map

Figure 2



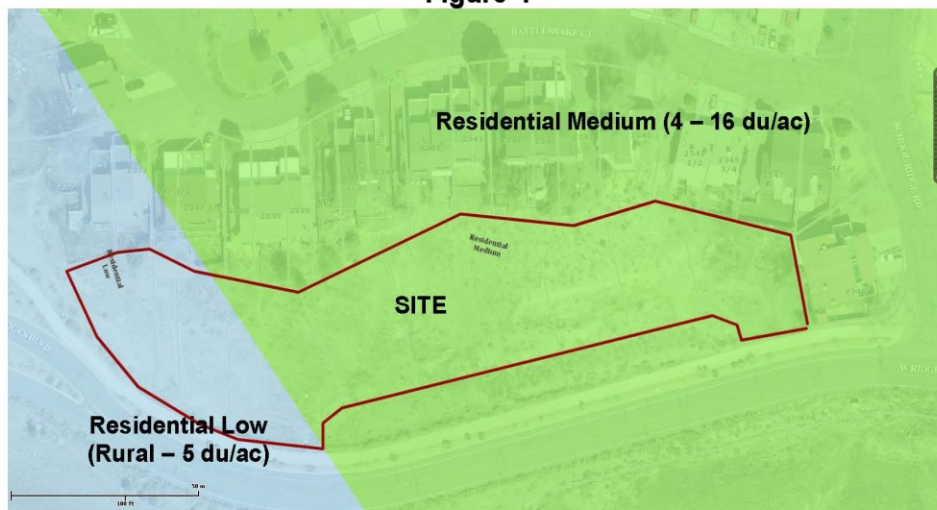
Comprehensive Plan

Figure 3



Blended Residential Map

Figure 4



Existing City Zoning

Figure 5



Bulk Standards – Casas De Luz

Overview

Dynamic Investments, Inc. has submitted a request for a Planned Development Preliminary / Final review as well as Easement & Right-of-Way Vacation for ten duplex lots located in The Ridges Filing 5 Planned Development. The property of interest is 1.88 acres located north and west of the intersection of School Ridge Road and West Ridges Boulevard off of West Ridges Boulevard.

The existing plat designates ten duplex lots to be constructed accessing off of West Ridges Boulevard. The proposal under review is for the same number of units, twenty, to be constructed in townhome and condominium design. The proposed design incorporates elements of clustering the units to allow for more private open space within the development. Additionally, the proposal uses three shared accesses, minimizing the impact on West Ridges Boulevard.

Before the Neighborhood Meeting, building and landscape architects were consulted to produce a design intended to minimize impacts on geographical features as well as neighboring properties. The bulk standards under review herein incorporate these design standards.

A Neighborhood Meeting was held September 8, 2010 to inform the neighbors of the design of Casas de Luz. Though ideas and concerns were heard at the meeting and any feasible requests were incorporated, the design presented to the neighbors is the same design that was submitted for review by the City of Grand Junction and appears detailed in this report.

Public Benefit

The modification to the existing plat would be of public benefit. The visual appeal of the architecture of the buildings would benefit the public. The incorporation of using the existing land and landscaping the overall project would also carry visual appeal. Additionally, the infrastructure to the lots is currently in place and use of existing infrastructure benefits the public. Finally, the types of residences proposed are a benefit by giving the community a variety of housing.

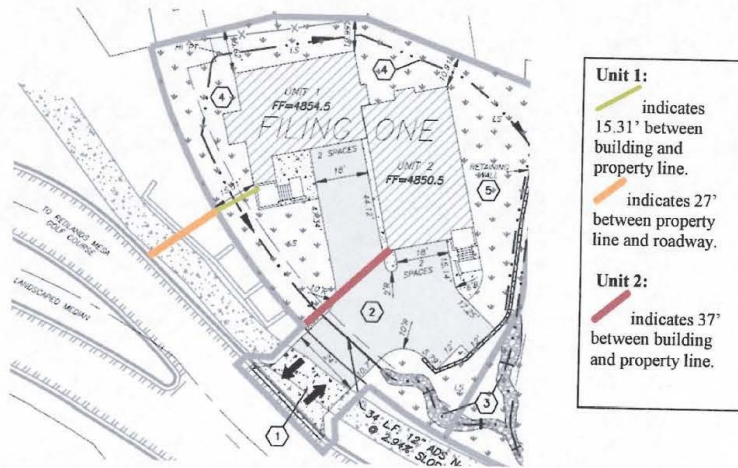
The main element that requires modification from existing requirements is that of the location of the property line. Because the property line is at the building footprint, rather than at the street or right of way, setbacks are non-existent between property line and the structure and therefore are obviously not met.

Setbacks

Setbacks generally dictate the location of a building in relation to the area surrounding that building. As the design for Casas de Luz is to have the specific building footprints

be the property line, there are no setbacks from the property line. However, the ideals of the setback, being distance from surrounding features, have been taken into account. It is understood that generally setbacks allow for parking, sight distance and streetscape for and in adjacent roadways and proximity to neighboring buildings. This section will detail how each of these factors have been accounted for in the placement of each building.

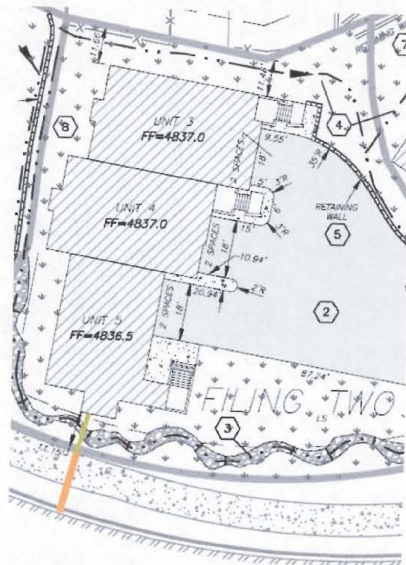
Filing One





All units in the proposed Casas de Luz are at least 10' from the rear and adjacent property lines. Each of these will be shown in the upcoming segments. In addition, the buildings within Casas de Luz are proposed with more than 20 feet of separation between structures.

The above excerpt from the Site Plan shows Units One and Two. As is colored on the above picture, there is a distance of 15.31 feet from Unit One to the property line. However, the Casas de Luz property line is 27' from the road, as indicated in orange. Therefore, the building is actually more than 43 feet from the roadway. Unit Two has more than 37 feet between the structure and the subdivision property line.

Filing Two



Unit 5:
 indicates 11.1' between building and property line.
 indicates 20' between property line and roadway.

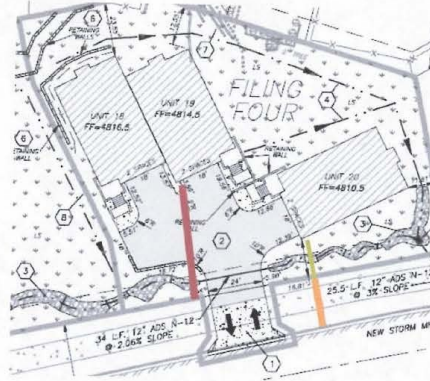
In Filing Two, buildings are set back from the rear property line by over 10 feet. In addition, there is more than 20' of separation between these buildings and those found in the surrounding Filings One and Three. The main area of interest is that of the proximity of Unit 5 to the street. As shown on the above excerpt from the Site Plan in green, there is 11.1 feet of separation between the building and the subdivision property line. As shown by the line in orange, there is an additional 20 feet of separation between the property line and the roadway. Thus, in total Unit 5 is more than 30 feet from the roadway.

Filing Three



The units comprising Filing Three require little discussion for setbacks as the buildings are set back more than 75 feet from the property line. They are set at least 10 feet from the rear property line and there is more than 20 feet of separation between structures.

Filing Four



Unit 19:

indicates 50' between building and property line.

Unit 20:

indicates 16.81' between building and property line.

indicates 23' between property line and roadway.

In Filing Four, all buildings are set at least 10 feet from adjacent property lines. Between structures, 20 feet of separation is also included in the design.

Units 18 and 19 are 50 and 55 feet from the property line, respectively. Unit 20 is 16.81 feet from the subdivision property line and an additional 23 feet from the roadway. Unit 20 is approximately 40 feet from the roadway.

As has been shown in this section, the design of the location of the buildings satisfies the intent of setbacks in proximity to adjacent elements. A sight distance analysis has also been performed to ensure the sight distance from each of the entrances is safe. None of the buildings hinder sight distance for traffic.

Height

The intent of the design of Casas de Luz is to create an aesthetically appealing architectural roof line. This means the heights of the buildings will vary. Several discussions have ensued in the planning portion for this design. Comparison will be made relating the height in two different measures. First, the measure of elevation in feet from sea level will be listed. Next, the height from finished grade to the top of the roof is given.

Unit 1 – 4887.8 – 27.8

Unit 2 – 4882.8 – 24.8

Unit 3 – 4870.3 – 25.8

Unit 4 – 4860.2 – 15.7
Unit 5 – 4869.8 – 25.3
Units 6, 7 & 8 – 4867.9 – 34.9
Units 9, 10 & 11 – 4867.9 – 34.9
Units 12, 13 & 14 – 4867.9 – 27.4
Units 15, 16 & 17 – 4867.9 – 27.4
Unit 18 – 4849.8 – 25.8
Unit 19 – 4847.8 – 23.8
Unit 20 – 4840.8 – 30.8

The Amended Final Plan for the Ridges does not include height limitations for structures such as those proposed with Casas de Luz, the previous prevailing document, the Protective Covenants for "The Ridges" PUD, does include such a discussion (Article 3, Section 5). The height limitation as determined by the Covenants is based on the adjacent ridge line. Buildings built on top of ridges or mesas, such as Units 1 and 2 in Casas de Luz, maximum building height shall not exceed 28 feet above natural ground. Buildings in lower elevations, such Units 3 through 20 in Casas de Luz, must not exceed 20 feet above the elevation of the closest adjacent ridge or mesa. As applied to Casas de Luz, the closest natural ridge line is at 4860 feet. The corresponding elevation line(s) are shown as a dashed line on the elevations also included with this document.

A current zoning designation that would accompany densities such as those originally platted for this property would be an R-8 zone designation. The associated height limitation for such a zoning designation would be 40 feet for any structure. The tallest building in Casas de Luz is less than 36 feet, which means Casas de Luz complies with this requirement.

Conclusion

The Casas de Luz proposal is for a modified layout to ten duplex lots in the Ridges subdivision. The intent of this proposal is for visual harmony with the surrounding area by implementing landscaping and architectural design principles. Because of these design principles, the plat will look slightly different than a standard subdivision plat. Therefore, modified bulk requirements are sought to incorporate the societal benefit that a community such as Casas de Luz will provide.





Susan P. Carbone
2337 B Rattlesnake Ct.
Grand Junction, CO 81507
970-242-4379
July 7, 2011

Grand Junction Planning Commission
Grand Junction City Council
250 N. 5th Street
Grand Junction, CO 81501
attn: Scott Petersen

RECEIVED
JUL 21 2011
COMMUNITY DEVELOPMENT
DEPT.

Dear Planning Commission and City Council Members,

I urge you to reject the proposal for a new PD ordinance for the subdivision, Casas de Luz, from Dynamic Investments (Mike Stubbs and Mansel Zeck). Dynamic Investments is seeking a re-plat of land between Rattlesnake Ct. and West Ridges Blvd. I believe that this proposal is in no way advantageous to current homeowners and residents.

As native Chicagoans, my late husband and I purchased our town home at 2337 B Rattlesnake Ct. in the spring of 1987 and were delighted to have proximity both to town and to the recreational opportunities provided by the Ridges. Over the years, buildings have grown up around the cul-de-sac and many of the hiking trails are no longer accessible with the advent of the golf course. Ridges Blvd was also extended behind our town homes with greater noise from its traffic.

At the time of our town home purchase, we understood that the land adjacent to the home was platted as a duplex lot. Now, Dynamic Investments wants to have that land re-platted and has proposed a two story building that would extend across the entire width of my property and extending across the adjacent properties on either side of me. This proposed building would be 25 feet tall and be placed less than 10 feet from my back property line. I would not have considered making my home purchase had that plat existed in 1987.

"We want to create a feeling of spaciousness and views," declared Mr. Zeck in an article for The Daily Sentinel in August, 2010 but this comes at the price of Rattlesnake residents losing any semblance of spaciousness and obliterating any view. I also mourn the anticipated loss of my privacy. The impact to the passive solar capabilities of the condos already existing may be another casualty of this re-platting. I believe that proposal also violates the Adopted Bulk Standards of the Ridges Planned Development in the following areas:

1. Proposed building heights may exceed 25 feet from the highest grade lines.
2. The developer does not always meet the front yard setbacks of 20 feet from West Ridges Blvd.
3. The Ridges ACCO has stated that the proposed site plan is NOT consistent with the covenants which provide for no more than 2 units per lot.

Dynamic Investments addresses benefits of their proposed development to the golf course but not to current residents. They state the visual appeal as a benefit and that the types of residences proposed give a variety of housing to the area. These proposed buildings are not adequately buffered from our existing homes and adversely impact our properties. At a meeting with current residents in September,

2010, the developers were asked to consider leaving greater distances from our lot lines to their proposed buildings and to modify proposed heights of buildings. It appears that the developers have made no design changes to accommodate the concerns of current residents. The Ridges already has a large number of condos and town homes as provided by those recently build at Shadow Run and those proposed to be built at Redlands Vista Development (signage states that 56 sites are to be built).

The proposed re-platting of land is not in the best interest of the existing neighborhood. If the re-platting is approved, I fear it will compromise the quality of life enjoyed by Rattlesnake Ct. residents. Privacy will be compromised and crowding is not a healthy way of life. I do understand that the landowner and developer have a right to develop that land, but I believe they could do so under the current platting. Please allow current residents to maintain a quality environment in which to live.

Sincerely,


Sue Carbone

This is a formal request by the citizens of the Rattlesnake Ct. Concerned Citizens for denial of a request by Dynamic Investments for the proposed Casas De Luz planned development. The group feels this planned development is not in the best interest of all citizens in the area and cite the following reasons:

1. Dynamic Investments has not established how their proposed development, Casas de Luz, will benefit current Rattlesnake residents. In fact, it will adversely affect residents due to lack of adequate buffering from existing homes, lack of privacy, and may have a negative impact on our passive solar capabilities. Dynamic Investments acknowledges in page 1 of its Bulk Standards-Casas De Luz that the main element that requires modification from existing requirements is that of the location of the property line. Because the property line is at the building footprint, rather than at the street or right-of-way, set-backs are non-existent between property line and the structure and therefore obviously are not met.
2. Dynamic Investments proposal violates the Adopted Bulk Standards of the Ridges Planned development with building heights that may exceed 25 feet from the highest grade lines, not meeting the front yard setbacks of 20 feet from West Ridges Blvd, and that the site plan is not consistent with the covenants which allow for no more than 2 units per lot.
3. An additional concern is impeding traffic on West Ridges Blvd. Ingress and egress into this area could lead to traffic safety issues for those entering and exiting Redlands Mesa Golf Course and the surrounding homes in the area.
4. Concerns about whether the proposed development is adequately funded to carry through to completion (as has happened to the development on the southeast corner of Ridges Blvd and School Ridge). In addition to the Shadow Run Subdivision near Shadow Lake this would be the third development in the area and the first two have not been completed. The timetable of possible completion of the Casas De Luz project requested by Dynamic Investments if December 31, 2021. That is simply too long for residents in the area to be living in a construction zone.
5. Existing and future property values. The recent economic downturn in Mesa County has caused a decline in real estate values in the area. Will a long running construction project hamper future real estate values from stabilizing or increasing in the future? A more than 10 year window to complete the project is not acceptable to nearby residents.
6. Concerns about stability of the land and run off. Citizens are concerned it the development will cause building shift in the soil under their homes.

RICK THURTL
2343 B RATTLESNAKE CT.
GRAND JUNCTION CO 81507

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4482

AN ORDINANCE AMENDING THE AMENDED PLANNED DEVELOPMENT ZONING ORDINANCE FOR THE RIDGES PD FOR LOTS 34A-40A, BLOCK TWENTY-FIVE OF THE RIDGES FILING NO. FIVE AND LOTS 41A-43A OF THE REPLAT OF LOTS 22A THROUGH 30A, BLOCK TWENTY FIVE THE RIDGES FILING NO. FIVE WITHIN THE RIDGES PD "CASAS DE LUZ PROPERTY" WITH A DEFAULT R-8 (RESIDENTIAL – 8 DU/AC) ZONE DISTRICT FOR THE DEVELOPMENT OF 20 DWELLING UNITS

LOCATED ADJACENT TO WEST RIDGES BOULEVARD AND WEST OF SCHOOL RIDGE ROAD

Recitals:

The land zoned Planned Development under Ordinance 2596 "Zoning Certain Lands Annexed to the City Known as the Ridges Majority Annexation" in 1992 has not fully developed and/or built out. There are remaining parcels within the approved Ridges plan that are still vacant. A proposal for several of the platted "A" lots located adjacent to West Ridges Boulevard and west of School Ridge Road, specifically, Lots 41A, 42A and 43A, Block 25, Replat of Lots 22A through 30A, Block 25, The Ridges Filing No. 5 and Lots 34A through 40A, Block 25, The Ridges Filing No. 5, referred to as "Casas de Luz Property or Casas de Luz" has been presented to the Planning Commission to recommend to City Council an amendment to the Amended Planned Development Ordinance and to establish the underlying zone for these properties that total 1.88 acres.

The Grand Junction Planning Commission, at its August 9, 2011 public hearing, recommended approval of the amended Planned Development zoning ordinance for a maximum of 20 dwelling units for Casas de Luz Property with a default R-8, (Residential – 8 du/ac) zoning district, including some deviations.

This Planned Development zoning ordinance establishes the standards, default zone (R-8), and amends the original Planned Development zoning ordinance for the above mentioned properties.

In public hearings, the Planning Commission and City Council reviewed the request for the proposed amended Planned Development approval and determined that the Amended Plan satisfied the criteria of the Code and is consistent with the purpose and intent of the Comprehensive Plan. Furthermore, it was determined that the proposed Plan has achieved "long-term community benefits" by proposing effective infrastructure design and in-fill project. While the entire Ridges Planned Development provided long-term community benefits with the original PUD, the Casas de Luz project further provides a needed housing type, with innovative design and by utilizing the

topography of the site. The proposed design incorporates elements of clustering units to allow for more private open space within the development. Also, the development uses three (3) shared accesses to access the 20 dwelling units, minimizing the impact onto West Ridges Boulevard (attached Exhibit A).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE CURRENT PLANNED DEVELOPMENT ZONE IS AMENDED AND LAND AREA FOR THE AREA DESCRIBED BELOW WITH THE FOLLOWING STANDARDS, DEFAULT ZONE AND DEVIATIONS:

- A. Lots 41A, 42A and 43A, Block 25, Replat of Lots 22A through 30A, Block 25, The Ridges Filing No. 5 and Lots 34A through 40A, Block 25, The Ridges Filing No. 5 and associated vacated Right-of-Way.

Said parcels contain 1.88 +/- acres more or less.

- B. This Ordinance is further conditioned:

1. Density

The density shall remain the same at 10.6 dwelling units per acre.

2. Access

Access for the Plan will be from West Ridges Boulevard in three different locations (see Site Layout Plan). Internal access will be shared drives and parking areas (tracts), maintained by a homeowner's association.

3. Plan Layout

The Plan shall have a mixture of two-family, multifamily, and/or single-family detached dwelling units. The multifamily dwellings will be stacked and will require approval of a condominium map. Generally, the building footprint for each dwelling unit in Filing One, Filing Two and Filing Four as designated on the Site Layout Plan will be a lot. The multifamily units are proposed as stacked dwelling units in Filing Three. If the units are to be created for separate ownership, a condominium map will be required with the building footprint generally being the exterior horizontal boundaries of the units. If the units are not created for separate ownership, then the building footprints shall generally be the boundaries of the lots. All areas outside of a building footprint shall be designated as "Tracts" for maintenance responsibility by a homeowner's association.

4. Landscaping

Landscaping shall be in conformance with the Zoning and Development Code (Code) for a multifamily residential development (see Landscaping Plan) with a total of 33 trees and 212 shrubs to be planted on 1.88 acres along with granite stone mulch and dryland grass seed mix in open space (tract) areas.

5. Phasing

The Casas de Luz Plan shall be developed in four phases. The phasing schedule is as follows (see Site Layout Plan):

The first phase shall be completed on or before December 31, 2014 with the recording of a plat with the Mesa County Clerk and Recorder consisting of all of the land in the Casa de Luz Property which includes all the lots in The Ridges Filing No. 5 abutting the frontage road to be vacated by eliminating the lot(s) or platting new lots in a manner acceptable to the City's Public Works and Planning Director so that access to and from the newly platted parcels is accomplished in accordance with City standards.

The second phase shall be completed on or before December 31, 2017, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The third phase shall be completed on or before December 31, 2019, with a written approval of a final plan and plat for that portion of the Casas de Luz Property.

The fourth phase shall be completed on or before December 31, 2021, with the written approval of a final plan and recording of a plat with the Mesa County Clerk and Recorder finalizing the Casas de Luz Plan.

6. Community Benefit

The design incorporates elements of clustering units to allow for more private open space within the development. Also, the development provides more effective use of infrastructure by eliminating public right-of-way and using three shared accesses to serve the 20 dwelling units which significantly minimizes the impact onto West Ridges Boulevard.

7. Default Zoning

If the first phase for the Casas de Luz Plan is not completed in accordance with the approved scheduling phases and the amended Plan lapses, then the amended ordinance for the Casas de Luz Property shall have no force and effect and the previously amended Ordinance 2596 shall be in full force and effect as it applies to the Casas de Luz Property.

If the first phase is completed, then the Casas de Luz Property shall have a default zone of R-8, which is in conformance with the Comprehensive Plan for this area. The dimensional standards for the R-8, (Residential-8 du/ac) zone, as indicated in Section 21.03.040 (h) of the Zoning and Development Code, are as follows:

Density: The density shall remain 10.6 dwelling units per acre for the Casas de Luz Property.

Minimum lot area, width, and frontage: (See below for deviations from standards for the Proposed Plan.)

Detached Single-Family minimum 3000 square feet of area
minimum 40 feet width
minimum 20 feet frontage

Two Family Attached minimum 6,000 square feet of area
minimum 60 feet width
minimum 20 feet frontage

Multifamily No minimums for area, width, or frontage

Setbacks:

Front Yard Setback (Principal/Accessory): 20/25 (see deviation below)

Side Yard Setback (Principal/Accessory): 5/3

Rear Yard Setback (Principal/Accessory): 10/5

Maximum building height: 40' (The default maximum building height for single family attached and detached, including two family dwellings shall be 25' in conformance with the previously amended Ordinance 2596 for the Ridges PD.)

Deviations

1. Minimum Lot Area, Width and Frontage:

The Plan is designed to have each of the combined dwelling units to be surrounded by open space (see the Site Layout Plan) with shared drives for access to the right-of-way, the minimum lot area, width and frontage are not applicable.

2. Building Setbacks:

The Plan applies the front and rear yard setbacks to the exterior boundary of the Casas de Luz Property rather than the individual lot lines. The front yard setbacks are proposed to be deviated further as follows:

Front Yard (see Site Layout Plan): 15' for Filing One; 11' for Filing Two; 16' for Filing Four

Standard setbacks to the exterior boundary of the Casas de Luz Property setbacks apply unless otherwise noted.

Standard setbacks to the exterior boundary of the Casa de Luz Property setbacks apply unless otherwise noted.

3. Maximum Building Height:

All measurements for maximum heights are at sea level.

Unit 1: 4888'
Unit 2: 4883'
Unit 3: 4871'
Unit 4: 4861'
Unit 5: 4870'
Units 6, 7 & Unit 8: 4868'
Units 9, 10 & Unit 11: 4868'
Units 12, 13, & Unit 14: 4868'
Units 15, 16 and Unit 17: 4868'
Unit 18: 4850'
Unit 19: 4848'
Unit 20: 4844'

(See attached building rendering exhibits for clarification of the building heights and reference to each unit).

4. Multipurpose Easement:

A 10' multipurpose easement is allowed along the abutting West Ridges Boulevard.

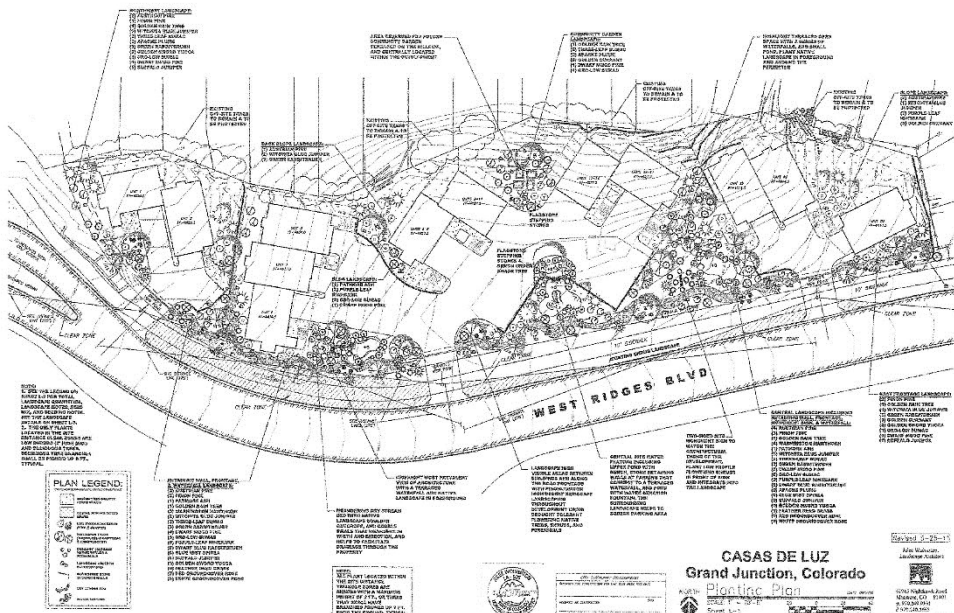
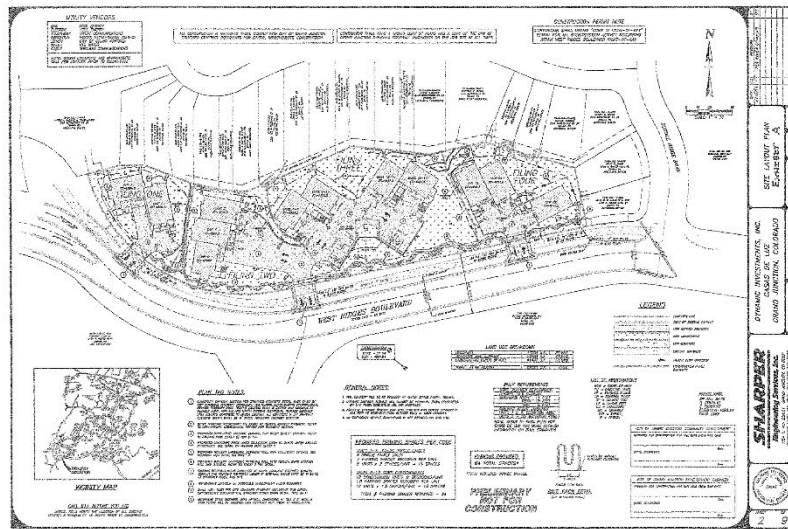
INTRODUCED on first reading on this 7th day of September, 2011 and ordered published in pamphlet form.

PASSED AND ADOPTED on second reading this 21st day of September, 2011 and ordered published in pamphlet form.

ATTEST:


Stephanie Tuin
City Clerk


President of the Council



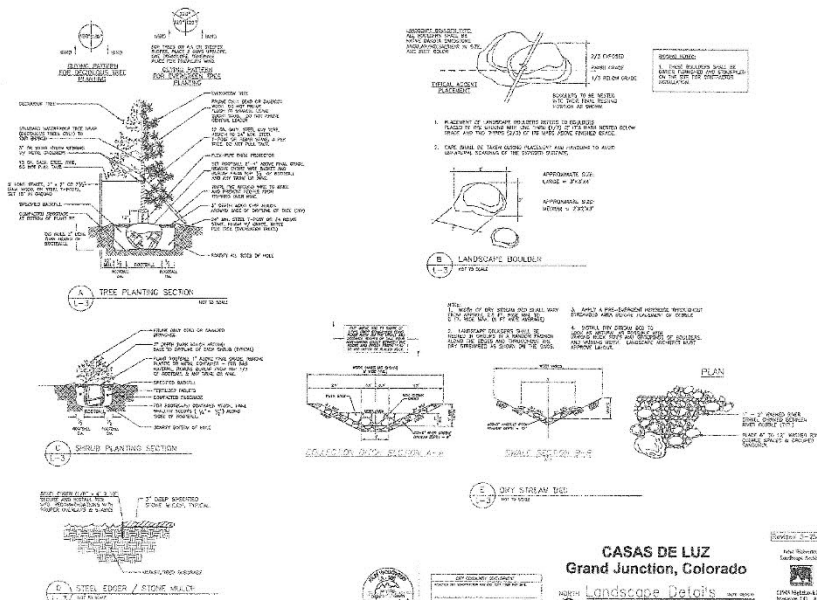
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2	PT. BUKIT BARU	KELOMPOK 2	1997-1998	SIKENDIR
3	PT. BUKIT BARU	KELOMPOK 3	1997-1998	SIKENDIR
4	PT. BUKIT BARU	KELOMPOK 4	1997-1998	SIKENDIR
5	PT. BUKIT BARU	KELOMPOK 5	1997-1998	SIKENDIR
6	PT. BUKIT BARU	KELOMPOK 6	1997-1998	SIKENDIR
7	PT. BUKIT BARU	KELOMPOK 7	1997-1998	SIKENDIR
8	PT. BUKIT BARU	KELOMPOK 8	1997-1998	SIKENDIR
9	PT. BUKIT BARU	KELOMPOK 9	1997-1998	SIKENDIR
10	PT. BUKIT BARU	KELOMPOK 10	1997-1998	SIKENDIR
11	PT. BUKIT BARU	KELOMPOK 11	1997-1998	SIKENDIR
12	PT. BUKIT BARU	KELOMPOK 12	1997-1998	SIKENDIR
13	PT. BUKIT BARU	KELOMPOK 13	1997-1998	SIKENDIR
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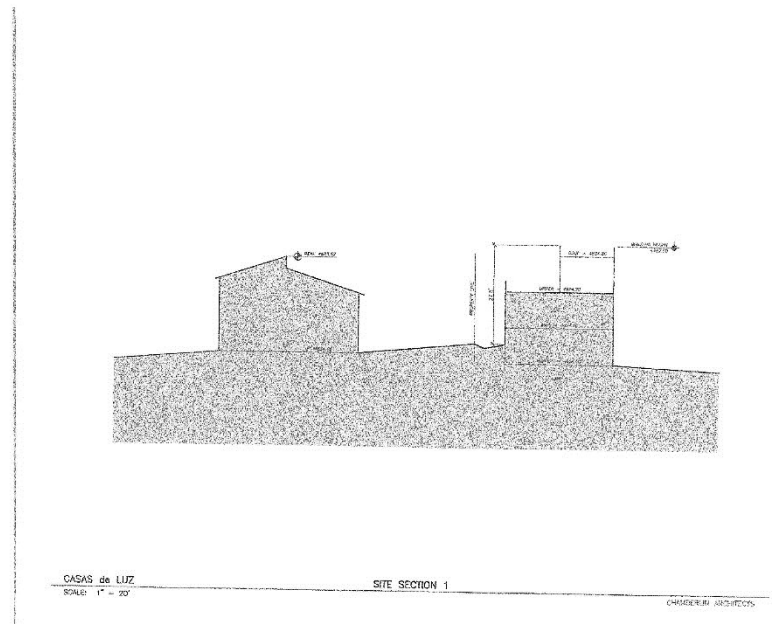
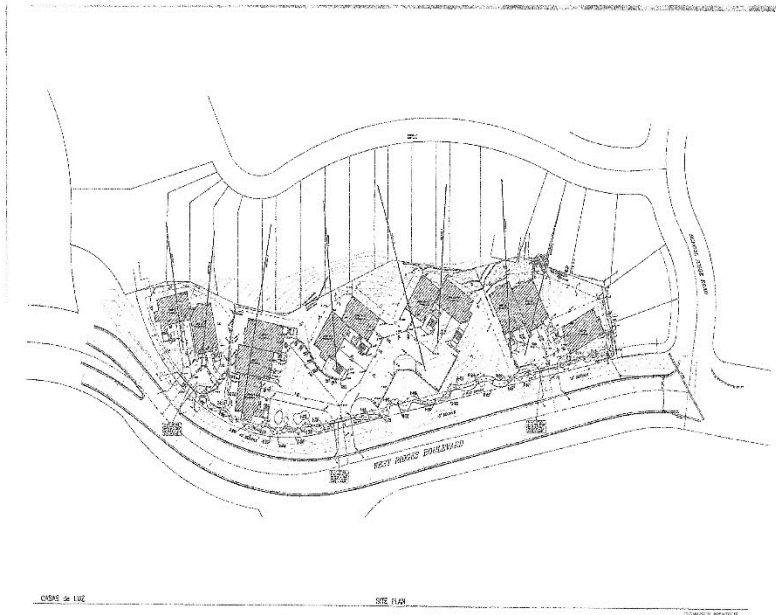
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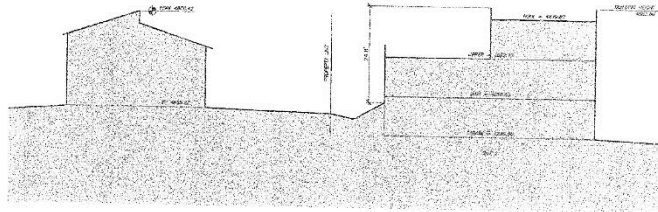
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Passive (Type 1) Polymers	Fullerene	4 (1)
Valence Electron Fillings	Amorphous hydrogen	7 (1)
Chemical Isomers	Free radicals	7 (1)
Conducting Polymers	Structural isomers	7 (1)
Soft Cores	Electron shells	3 (1)
Hard Cores	Electron shells	2 (1)
TOTAL		33 (10.5 per cent of 320 MARKS)

[illegible][illegible]

Planting Legend & Notes



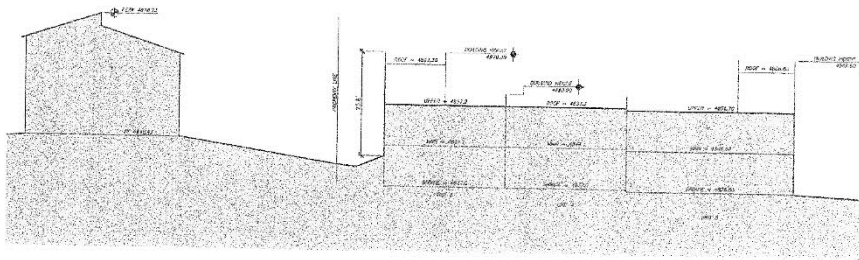




CASAS de LUZ
SCALE: 1" = 20'

SITE SECTION 2

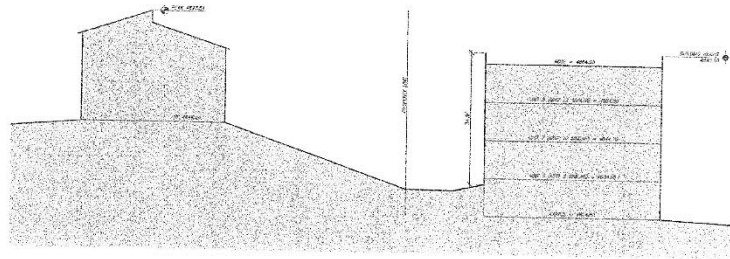
CHAMBERLAIN ARCHITECTS



CASAS de LUZ
SCALE: 1" = 20'

SITE SECTION 3

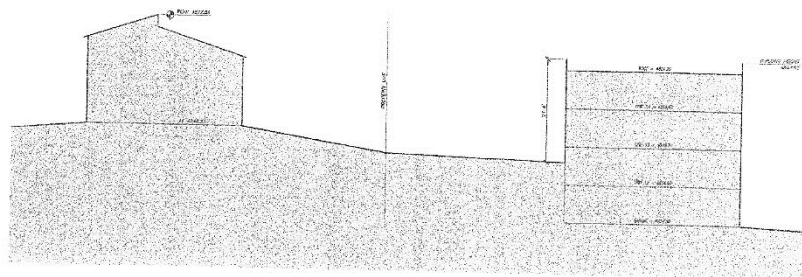
CHAMBERLAIN ARCHITECTS



CASAS de LUZ
SCALE: 1" = 20'

SITE SECTION 4

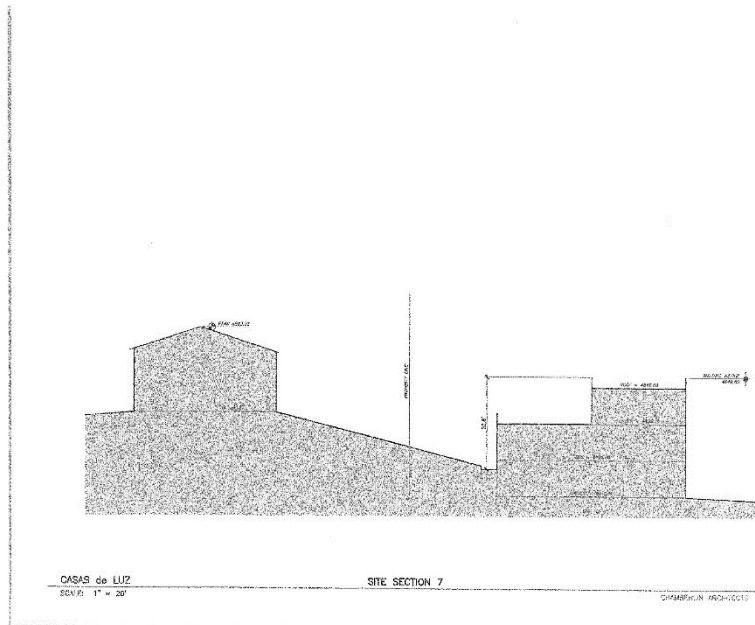
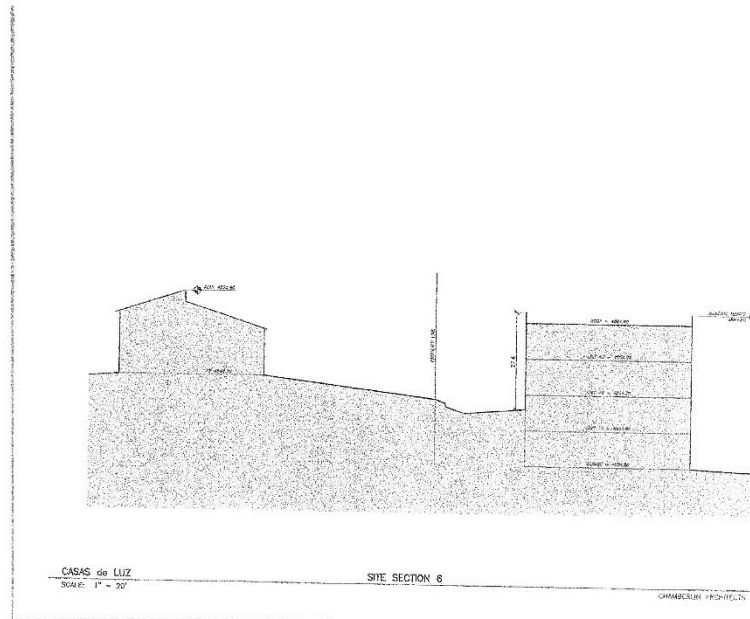
CHAMBERLIN ARCHITECTS

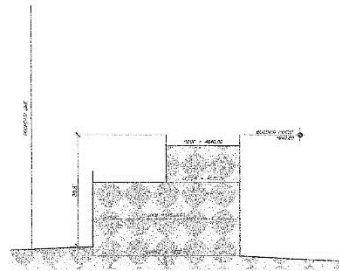


CASAS de LUZ
SCALE: 1" = 20'

SITE SECTION 5

CHAMBERLIN ARCHITECTS





CASAS de LUZ
Echelle: 1" = 20'

SITE SECTION 9

CHAMBERLIN ARCHITECTS

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO.

**AN ORDINANCE AMENDING ORDINANCE NO. 4482 FOR THE CASAS DE LUZ
PLANNED DEVELOPMENT RESIDENTIAL SUBDIVISION REVISING THE
PROPOSED PHASING SCHEDULE**

**LOCATED ADJACENT TO WEST RIDGES BOULEVARD AND
WEST OF SCHOOL RIDGE ROAD**

Recitals:

The applicant, Dynamic Investments Inc., wishes to revise the proposed phasing schedule for the Casas de Luz Planned Development residential subdivision in order to develop (20) dwelling units on 1.88 +/- acres. The Casas de Luz residential development plan consists of proposed new residential lots, common areas and stacked condominium units on property zoned PD (Planned Development).

The purpose of this Ordinance is to extend the phasing schedule for the Casas de Luz Planned Development provided in Ordinance No. 4482, without modifying any other aspects of Ordinance No. 4482 or of the residential development plan.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the extended phasing schedule for the Casas de Luz Planned Development.

The City Council finds that the review criteria for the planned development that were established at the time Ordinance No. 4482 was adopted are still applicable and are still met and that the establishment thereof is not affected by the extension of the phasing schedule.

The City Council finds that extending the phasing schedule is reasonable in light of the economic downturn and is in the best interests of the community.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION
THAT:**

The development phasing schedule established by Ordinance No. 4482 is amended as follows:

Phase 1 plat must be recorded by December 31, 2017 (extended by three years, from December 31, 2014)

Phase 2 plat must be recorded by December 31, 2019 (extended by two years, from December 31, 2017)

Phase 3 plat must be recorded by December 31, 2020 (extended by one year, from December 31, 2019)

Phase 4 plat shall be recorded by December 31, 2021 (unchanged).

All other aspects of Ordinance No. 4482 shall remain in effect.

Introduced on first reading this _____ day of _____, 2015 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2015 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor



Attach 3

CITY COUNCIL AGENDA ITEM

Date: January 20, 2015

Author: Stephanie Tuin

Title/ Phone Ext: City Clerk, 1511

Proposed Schedule: January 21, 2015

2nd Reading (if applicable): NA

File # (if applicable): N/A

Subject: Authorization for the City Manager to Disburse a Portion of the J. Heywood Jones Estate Trust Funds to the Museum of Western Colorado

Action Requested/Recommendation: Adopt Resolution Authorizing the Disbursement of the Trust Funds

Presenter(s) Name & Title: John Shaver, City Attorney

Executive Summary:

In 2013, the City was named as the Trustee for a portion of the J. Heywood Jones Estate Trust. Instructions were to disburse the funds for museum and library purposes. At a workshop on January 19, 2015, Museum Executive Director Peter Booth presented a list of expenses proposed for the use of a portion of the funds from the Trust.

Background, Analysis and Options:

The City as the Trustee for the J. Heywood Estate Trust has been assigned the responsibility for proper disbursement of the Trust funds for museum and library purposes. The City Council invited Museum Executive Director Peter Booth to provide a report of what the Museum would spend a portion of the funds on.

How this item relates to the Comprehensive Plan Goals and Policies and the Economic Development Plan:

This action does not directly relate to the Comprehensive Plan or the Economic Development Plan.

Board or Committee Recommendation:

There is no board or committee recommendation.

Financial Impact/Budget:

No financial impact to the City.

Legal issues:

The City Council has reviewed the requested use of the funds and found the same to be consistent with the purposes of the trust.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This was discussed at the January 19, 2015 workshop.

Attachments:

Proposed Resolution.

RESOLUTION NO. ____
A RESOLUTION AUTHORIZING THE CITY MANAGER TO DISBURSE TRUST ASSETS

RECITALS:

The Heywood Jones Trust named the City as a contingent beneficiary with the City to disburse the assets of the Trust for museum and library purposes. The City Council has considered a request from the Museum of Western Colorado for the use of Trust funds for improvement of certain of the Museum's properties.

NOW THEREFORE; BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, that:

The City Manager is hereby authorized to disburse Trust funds in an amount not to exceed \$78,500.00 for replacing and/or upgrading the heating, ventilating and air conditioning and the wireless connection at the Museum and the Whitman Educational Center; repairing and/or replacing the roof, gutters and refurbishing the East Wing of the Whitman Educational Center and upgrading the computer system of the Museum.

Upon completion of the improvements the Museum shall provide to the City Manager, in the form of contracts, receipts or other acceptable proof of payment, evidence that the funds were used in accordance with this approval and the Trust purposes.

Adopted and approved this _____ day of _____, 2015.

Phyllis Norris
Mayor and President of the Council

ATTEST:

Stephanie Tuin
City Clerk



Attach 4

CITY COUNCIL AGENDA ITEM

Date: January 9, 2015

Author: Scott D. Peterson

Title/ Phone Ext: Senior

Planner/1447

Proposed Schedule: January 21,
2015

2nd Reading: N/A.

File #: CUP-2014-134 & APL-
2014-450

Subject: Hearing - Appeal of the Planning Commission's Decision on Variances and a Conditional Use Permit Issued to City Market, Located at the Intersection of N. 12th Street and Patterson Road [This is a discussion among the City Council, no additional public testimony will be accepted.]

Action Requested/Recommendation: Consideration of the Appeal

Presenters Name & Title: John Shaver, City Attorney
Scott Peterson, Senior Planner

Executive Summary:

Appeal of the Planning Commission's conditional Variance approval and conditional approval of a Conditional Use Permit (CUP-2014-134) for City Market to construct a building in excess of 15,000 sq. ft. within the existing B-1 (Neighborhood Business) zone district on 7.99 +/- acres at the intersection of N. 12th Street and Patterson Road. The Appellant appealed three issues. As to the conditional approval of a Conditional Use Permit, the appeal concerns the location of the fuel islands abutting the residential property, Patterson Gardens, on the east and the 8 foot masonry wall. The Appellant argues that the fuel station is too close to the residential neighbor and the wall should be 10 feet tall. The Appellant also appealed the conditional approval of a Variance request to operate the store and fuel islands 24 hours a day, 7 days a week.

Background, Analysis and Options:

On November 12, 2014, a public hearing was held by the City of Grand Junction's Planning Commission for review of a Conditional Use Permit (CUP) to construct a building for City Market in excess of 15,000 sq. ft. (59,258 +/- sq. ft.) in a B-1 (Neighborhood Business) zone district. City Market also requested approval of a series of Site Plan deviations from the Zoning and Development Code ("ZDC") as part of the CUP and also two separate Variance requests.

The Commission reviewed the contents of a written staff report, including citizen correspondence; a presentation by the City Senior Planner, the applicant and the applicant's representative, Galloway Engineering; along with public testimony taken during the Public Hearing. The Planning Commission conditionally approved the requested Conditional Use Permit, Site Plan deviations from the Zoning and Development Code as part of the CUP and also the two separate Variance requests.

On November 20, 2014, Keith Williams, Vice President of Patterson Gardens HOA, filed an appeal of the Planning Commission's decision in accordance with Section 21.02.210 (d) of the Zoning and Development Code.

Pursuant to Section 21.02.210(d)(4) of the Zoning and Development Code, the appeal by the Patterson Gardens HOA was filed within 10 calendar days and was accompanied by the appropriate fee. Notice of the appeal was given to the applicant and its representative on November 21, 2014. The applicant filed a written response to the appeal within 10 working days of receiving notice.

The City Council is designated as the appellate body for decisions made by the Planning Commission, as specified in Section 21.02.060 of the ZDC. The Planning Director shall schedule the appeal before the appellate body within 45 calendar days of receipt of the appeal which was November 20, 2014. The appellate body shall hold a hearing and render a decision within 30 calendar days of the close of that hearing.

According to the ZDC:

In considering a request for appeal, the appellate body shall consider only those facts, evidence, testimony and witnesses that were part of the official record of the decision-maker's action. No new evidence or testimony may be considered, except City staff may be asked to interpret materials contained in the record. If the appellate body finds that pertinent facts were not considered or made a part of the record, they shall remand the item back to the decision-maker for a rehearing and direct that such facts be included in the record.

The appellate body shall affirm, reverse or remand the decision. In reversing or remanding the decision back to the decision-maker, the appellate body shall state the rationale for its decision. An affirmative vote of four members of the appellate body shall be required to reverse the decision-maker's action.

In accordance with Section 21.02.210(d)(1) of the ZDC, the following criteria are to be considered by the City Council:

- (A) The decision maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, State or federal law; or
- (B) The decision maker may have made erroneous findings of fact based on the evidence and testimony on the record; or
- (C) The decision maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
- (D) The decision maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; or
- (E) In addition to one or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.

How this item relates to the Comprehensive Plan Goals and Policies:

The site is currently zoned B-1 (Neighborhood Business) with the Comprehensive Plan Future Land Use Map identifying this area as Business Park Mixed Use. The City

Market Conditional Use Permit application meets the Comprehensive Plan by encouraging the creation of “centers” within the community that provide goods and services and also by encouraging the revitalization of existing commercial areas (in-fill development, property is vacant) among the following goals and policies from the Comprehensive Plan:

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy A. To create large and small “centers” throughout the community that provide services and commercial areas.

Policy B. Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 7: New development adjacent to existing development (of a different density/unit type/land use type) should transition itself by incorporating appropriate buffering.

Goal 8: Create attractive public spaces and enhance the visual appeal of the community through quality development.

Policy F. Encourage the revitalization of existing commercial and industrial areas.

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

Policy A. Through the Comprehensive Plan’s policies the City and County will improve as a regional center of commerce, culture and tourism.

Policy B. The City and County will provide appropriate commercial and industrial development opportunities.

Economic Development Plan:

The purpose of the recently adopted Economic Development Plan by City Council is to present a clear plan of action for improving business conditions and attracting and retaining employees. The proposed Conditional Use Permit for City Market meets with the goal and intent of the Economic Development Plan by supporting an existing business/company within the community as it expands to another location to serve area residents and a growing population along with the opportunity to provide additional jobs.

Board or Committee Recommendation:

The Planning Commission approved the requested Conditional Use Permit at their regular meeting of November 12, 2014 with a 6 – 1 vote.

The Planning Commission approved the Variance request to operate the store and fuel islands 24 hours a day, 7 days a week with a 4 – 3 vote.

The Planning Commission approved the Site Plan deviation to construct an 8' tall masonry wall along the east property line adjacent to residential development with a 0' side yard setback with a 7 – 0 vote.

Financial Impact/Budget:

No financial impact for this appeal item.

Other issues:

No other issues have been identified.

Previously presented or discussed:

This item has not been presented or discussed at a previous City Council meeting or workshop.

Attachments:

5. Certification of Record (FYI. Copies of the official record are on display in the office of the City Community Development Division, City Clerk's Office and the City Council Office within Administration)
6. Draft verbatim minutes of the November 12, 2014 Planning Commission meeting

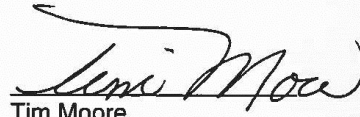
I, Tim Moore, Deputy City Manager for the City of Grand Junction, Colorado, certify that the following comprise the record of the City Development File # CUP-2014-134.

On November 12, 2014, the Grand Junction Planning Commission approved a request for a Conditional Use Permit for a new City Market store that is in excess of 15,000 sq. ft. (59,258 +/- sq. ft.) in a B-1 (Neighborhood Business) zone district. The applicant, City Market, also requested as part of the Conditional Use Permit several deviations to the Site Plan along with two separate Variance requests. The official record is being certified to the City Council following an appeal of that decision.

The record consists of the following:

- 1) The Senior Planner's Staff Report to the Planning Commission, including but not limited to exhibits submitted by the applicant and pertinent correspondence and information gathered for presentation of the request.
- 2) Letters, e-mails and other correspondence from citizens related to the request.
- 3) The draft verbatim minutes from the November 12, 2014 public hearing.
- 4) A video DVD of the Planning Commission hearing.
- 5) The appellant's letter of appeal.
- 6) The applicant's written response to the appeal.
- 7) The Senior Planner's Files (CUP-2014-134, TED-2014-465 and APL-2014-450), including, but not limited to, correspondence and reports related to the above project.

Dated: 12-29-14


Tim Moore
Deputy City Manager

1 **5. City Market - Conditional Use Permit-----Start Verbatim:**

2 CHAIRMAN REECE Our next item that we will be discussing this
3 evening is the City Market Conditional Use Permit. This is a request for an approval
4 of a Conditional Use Permit / Sign Package and Request for Variance to Section
5 21.03.070(b)(2)(ii) store hours of operation and (iv) outside display of merchandise
6 of the Grand Junction Zoning and Development Code. This is file number CUP-
7 2014-134.

8 MR. PETERSON Good evening Madam Chairman, a...my name
9 is Scott Peterson, a...Sr. Planner with the Community Development Division.
10 Um...this is a request for a Conditional Use Permit, Sign Package, request for
11 variance regarding the hours of operation a...an outside display of merchandise
12 along with several site deviations. The applicant in this case is City Market.

13 This is the a...site location map, existing properties are located at the
14 southeast corner of North 12th Street and Patterson Road. Existing properties are
15 currently vacant and contain a little less than eight acres in size. A Conditional Use
16 Permit is required for a retail building that is in excess of 15,000 square feet within
17 the B-1, which is our neighborhood business zone district. Um...and the applicant
18 wishes to construct a 59,258 square foot City Market grocery store along with a
19 drive-thru pharmacy, fueling center and one multiple tenant retail office building that
20 would be around 7,100 square feet in size. In the future, one commercial pad site
21 will also be available for private development once a new subdivision plat is finalized
22 and recorded.

23 This is an aerial photo of the area...little closer view, to the east is Patterson

24 Gardens multi-family residential development and also single family detached
25 homes along Wellington Avenue to the south. Um...and also to the south there are
26 single family detached and attached housing. To the north is Bookcliff Baptist
27 Church and some general office properties along Patterson. To the west is the
28 Village Fair shopping complex.

29 The applicant, did hold a neighborhood meeting in March of this year.
30 Ah...22 citizens attended the meeting along with City staff, representatives from City
31 Market and also the applicant's representative um...um from Galloway. Majority of
32 comments and concerns received at the meeting was the potential negative impacts
33 of increased traffic and parking in the adjacent residential areas along Wellington
34 Avenue, delivery hours in the middle of the night and the overall impacts of
35 Commercial development a... within this area. Specifically, the location of fuel
36 islands next to a residential use, a...um...in your staff report there was a couple
37 letters from two of the residents of Patterson Gardens um...addressing this
38 a...issue. However, a majority in attendance indicated no major dis-satisfaction with
39 the proposed development and the Conditional Use Permit application.

40 Comprehensive Plan Future Land Use map identifies this area as Business
41 Park Mixed-Use. Current zoning as you are aware is a... B-1 Neighborhood
42 Business. As part of this application, the applicant is requesting a...two variances,
43 from our B-1 zoning district. The first variance request is to modify the required
44 store hours...um and the fuel islands a...instead of being from 5:00 to 11:00 as the
45 code dictates, to be 24 hours a day.

46 The second variance request is to provide outside display areas for the City

47 Market store, the fueling kiosk, and the retail A building, um...as outdoor permanent
48 display areas are permitted...or are prohibited within the B-1 zone district.

49 This is the proposed site plan. Access to the property will be from Patterson
50 Road which will be a 3/4 movement, right-in, right-out and left-in off of Patterson.
51 North 12th Street would be right-in, right-out and Wellington Avenue would be a full
52 movement. Medians will be constructed as part of this project within Patterson and
53 North 12th Street to help direct traffic per these movements. Wellington Avenue
54 along the South will be upgraded with improvements and include curb, gutter and
55 sidewalk and asphalt widening on the north side of Wellington adjacent to a...City
56 Market's property. Additional right-of-way will be dedicated and detached sidewalks
57 constructed along North 12th Street and Patterson Road adjacent to the applicant's
58 property. Additionally, a northbound turn lane will be constructed at North 12th Street
59 and Patterson Road. These street, site and median improvements will be paid for
60 and constructed by the applicant, a...as part of their development. Complete
61 reconstruction of the a...intersection of North 12th Street and Patterson will be
62 required at some point in the future when traffic conditions will warrant. Additional
63 real estate a...will need to be acquired by the City for the additional right-of-way on
64 the other three sides of the intersection. Upgrades to the intersection may include
65 double left turn lanes, on all four legs. As part of the site plan review application, the
66 City is requesting additional right-of-way to be dedicated at the northwest corner of
67 the property along with the installation of an additional median, as a condition of
68 approval of the a...conditional use permit request which does not show on this
69 proposed site plan.

70 Getting into a some of the a...a...issues and some of the deviations and
71 variance requests, I'd like to go through those a...individually if I may, Madam
72 Chairman at this time

73 CHAIRMAN REESE Yes.

74 MR. PETERSON The first a...variance request um...is City
75 Market is requesting that the hours of the store be from...will be 24 hours a day,
76 rather than from 5 am to 11 pm as the code dictates. Um...City Market is willing
77 however, to limit the delivery hours to be...to be between 7 am and 10 pm as the
78 code dictates. City Market believes a...24 hour business operation will be beneficial
79 to the community and surrounding neighborhoods and with the limitation on the
80 delivery hours, feels that there will not be a noise encumbrance to the adjacent
81 homes. In my review, however, there are no exceptional conditions creating an
82 undue hardship, the applicant a...simply wants to operate a grocery store and the
83 fueling islands for a...24 hours a day. The applicant would be conferred a special
84 privilege to operate a 24 hour store in a zone district which does not allow it,
85 because other B-1 businesses do not enjoy this privilege. And there are also ample
86 reasonable uses that could get...could be made of the property including the
87 applicant's propo...proposed use as a grocery store and the fuel islands within the
88 hours allowed a...within the zone district.

89 A literal interpretation of the code does not deprive the applicant of rights
90 enjoyed a...to similar zone districts or other neighborhood businesses do not
91 operate 24 hours a day. Many grocery stores in our community do not operate 24
92 hours a day even if they are in the zone district which would allow it. Some

93 examples are Albertson's on North 12th street, are from 5 am to midnight, Safeway
94 on Horizon is also from 5 to midnight, Safeway farther down on Patterson is also
95 from 5 am to midnight. The variance request also cannot be characterized as the
96 minimum necessary, such as 5 to midnight, is the maximum conceivable request to
97 be 24 hours a day.

98 The variance request also does not conform to the purposes of the zoning
99 code in the sense that the purpose of the B-1 zone is to provide small areas for
100 office and professional services combined with limited retail use, designed in scale
101 with the surrounding residential u...um...a...residential uses, a balance of residential
102 and non-residential. The applicant's proposal is basically a big...big box store. The
103 applicant could, however, request a rezone at a later date, that will...would allow a
104 24 operation.

105 Regarding the variance for the outside display, City staff considers the
106 request to provide outside display of merchandise as accessory to the permitted use
107 of the grocery and retail store, especially given that outside display of merchandise
108 will occur within the near vicinity of the front door and will not extend out into the
109 parking lot or the more public areas of the site. It is considered a reasonable
110 accessory use to a grocery store that some outdoor areas near the stores entrances
111 will be used to attract patrons and spec...with special seasonal or holiday
112 merchandise and therefore this variance request would be the minimum necessary
113 to make possible the reasonable use of the land, in my opinion.

114 The Comprehensive Plan does encourage the creation of centers that provide
115 goods and serv...services and it is reasonable to allow businesses to provide

116 outside display areas of merchandise. Therefore, I am in support of the request of
117 the applicant to provide outside display areas for merchandise as identified on the
118 locations of the site plan.

119 Regarding the a...request for a...deviations, um...the first deviation request to
120 the site plan is the required 25 foot drive aisle for 90...90 degree parking stalls. This
121 is basically next to the retail building A, which is down in the southeast...or
122 southwest corner of the property. City Market is requesting that the drive aisle with
123 requirement adjacent to the east side of this building be reduced by one foot in order
124 to line up with the adjoining drive aisle. City wou...City Market would like to install a
125 24...24 foot wide aisle, um...all other drive aisles adjacent to the 90 de... 90
126 de...degree parking are 30 feet in width. Our City Development Engineer has
127 reviewed this request and has found it to be acceptable um...because it enhances
128 the compatibility with and protection of the neighborhood properties by allowing
129 ample on-site parking and appropriate drainage and other necessary site features
130 without specifically compromising public safety. A previous request a...for City
131 Market on a...24 Road had the same requested parking lot dimensions and was
132 approved by the City a...when that store was built and have shown over time to be
133 sufficient for that use.

134 The second deviation is required 60 degree parking stall dimensions. City
135 Market is requesting a deviation be issued to allow 60 degree parking stalls to be 9
136 by 9...9 feet wide by 19 feet in length, as opposed to required 9 feet wide by 21 feet
137 in length. Again, a...the Cit...City Development Engineer has reviewed this request
138 and has found it a...to be acceptable. The applicant is proposing a 24 foot wide

139 drive aisle um...in these locations which exceeds the required 16 foot wide drive
140 aisle for a 9 by 21, 60 degree parking space.

141 The third deviation is um...a...this is the proposed landscaping plan that you
142 see on the monitor, um...that landscaping iawa...islands, according to our code, are
143 required at the end of each row of parking spaces regardless of the length of the
144 number of spaces. City Market is requesting a deviation to eliminate these islands,
145 at the end of the parking lot rows, closest to the front door, as you can see um...on
146 our um...map here. The code requires that these end row end-caps be landscaped
147 adjacent to the building.

148 I have a...reviewed this request and then recommend denial, because the
149 requested deviation does not enhance or further a...compatibility with or protection
150 of adjoining properties. City Market is proposing six parking lot islands nearest to
151 the building not to be landscaped. Zoning Code requires landscaping islands
152 um...in a parking lot to help direct traffic, to shade cars, to reduce heat and glare,
153 and to help screen cars from adjacent properties. Every commercial property in
154 recent memory, that develops within the City, has installed the required landscaping
155 islands per code, including the City Market store at 24 Road. Another purpose of the
156 landscaping islands is to provide beauty and landscaping interest to parking lots
157 rather than having a sea of asphalt, which is in keeping with goal eight of our
158 Comprehensive Plan to create attractive public spaces and enhance the visual
159 appeal of the community, through quality development.

160 Deviation number four, a...a...is in regarding to a...um...the City Market is
161 requesting the deviation for the proposed setback for an 8 foot tall screen masonry

162 wall along the east property line. The Zoning Code states that a 6 foot screening
163 wall must be installed between commercial and residential land uses. The applicant
164 is proposing an 11 foot wide landscaping strip and the 8 foot tall masonry wall in lieu
165 of the 6 foot fence requirement. In accordance with the above
166 men...men...mentioned section of our code, fences or masonry walls in excess of 6
167 feet shall be considered a structure, and shall comply with all required setbacks and
168 require a separate planning clearance and building permit instead of a fence permit.
169 In this case, a 5 foot side-yard setback is required for the accessory structure. I am
170 in support of this request for the setback deviation since the proposed 8 foot tall wall
171 along with the construction of the 11 foot wide landscaping strip, will provide
172 additional screening and buffering between the proposed City Market and the
173 adjacent residential neighborhood, thereby enhancing the compatibility with, and
174 protection of, the neighborhood properties.

175 At the neighborhood meeting that was held in March, residents of Patterson
176 Gardens um...uh...which is the adjacent multi-family residential development, they
177 would like City Market to go further and install a 10 foot tall masonry wall instead of
178 the a... 8 foot wall.

179 Deviation number five, a...has been withdrawn by the applicant, this was in
180 regards to the a...fuel canopy lighting, a...those changes were just at the previous,
181 um...case that the Planning Commission move forward on, to a...City Council, so
182 they will go with whatever the City Council recommendation is, for that a...case.

183 The last deviation regards the sidewalks no less than 8 foot wide shall be...be
184 provided along the full length of the building façade, featuring a customer entrance

185 and allow any façade abutting public parking. The applicant is proposing a six foot
186 sidewalk adjacent to public parking, for on the east side of the retail building A, and
187 the City Market building along the south side. And I will show that to you on the
188 monitor. It's basically um...this sidewalk here along the east side of retail building A,
189 and this side on the south side of the grocery store.

190 I am in support of this request to provide the six foot sidewalk in these areas
191 since no public entrance or outside display of merchandise is proposed. Six foot
192 sidewalk should be more than adequate to serve pedestrians, walking to and from
193 their vehicles, in these two areas of development, and therefore not impact drive
194 aisle circulation, landscaping, and detention pond volumes. Therefore, the
195 requested deviation can be seen as enhancing compatibility with adjoining
196 properties, by allowing sufficient space for other required site features, such as
197 adequate parking, drainage facilities etcetera. For your reference, basically a
198 standard residential city sidewalk is a...5 feet in width.

199 Again this is the a...proposed landscaping plan which meets or exceeds our
200 requirements, with the exceptions of the site plan deviations requested by the
201 applicant regarding the landscaping islands, nearest to the building. Again, this is
202 the proposed 8 foot tall masonry wall construction, along the east property line.

203 This is our proposed sign package for the development um...our City
204 Planning Technician calculated that the applicant is proposing a little over 1,500
205 square feet of signage, which is all in accordance with our Zoning and Development
206 Code for the City Market building, fueling kiosk, and a retail A building. Two free
207 standing signs are proposed as you can see down in the lower right hand corner.

208 One of these signs would be adjacent to North 12th street, and one would be
209 adjacent to a...Patterson Road. Proposed free standing sign would have an overall
210 height of 20 feet and be 300 square feet in size, which meets our requirements. All
211 proposed building and free standing signage are within the required square footage
212 and height requirements per our code. A...separate signage for the proposed future
213 bank, retail parcel, will be addressed upon that parcel development and will be
214 required at that time to meet all signage requirements.

215 This is the proposed a...elevation drawings um...a...which meets our big box
216 requirements. As you can see, at the a...the west view would be the North 12th
217 Street side, the north elevation would be along Patterson Road um...east would be
218 along the rear property line, the south elevation would face Wellington Avenue.

219 This is the proposed elevation drawing for the retail building A, and this is the
220 proposed elevation for the fuel islands and the kiosk building adjacent to Patterson
221 Road.

222 Findings of facts, conclusions and conditions, um...after reviewing this
223 request for Conditional Use Permit, the following findings of facts, conclusions and
224 conditions, have been determined. The review criteria for a variance um...have
225 been met for one of the two requests, in my opinion as project manager, I am not in
226 support of the 24 Roa...or 24 hour...uh...hours of operation, but am in support of the
227 outside display of merchandise. The review criteria in Section 21.02.110 of our
228 Zoning Code have been met for the conditional u...use permit, for building in excess
229 of 15,000 square feet within our B-1 zone district, with exception of the site deviation
230 request, which require your review and address, regarding the site plan deviations,

231 in terms how they will impact the Conditional Use Permit approval criteria, regarding
232 compatibility with, and the protection of neighborhood properties, in order for the
233 project to meet review criteria.

234 Also as part of the Conditional Use Permit, City staff recommends that the
235 Planning Commission approves the sign package as presented...with meets... with
236 all our requirements as specified in our Zoning and Development Code.

237 Approval of the Conditional Use Permit...ah...is being condition upon the
238 following: again, I am recommending approval of the requested site deviations
239 number one, two, four, and six that are identified in your staff report and my
240 presentation, because these enhance the compatibility with and protection of
241 neighborhood properties and make the Conditional Use Permit more compatible with
242 the neighborhood. I am recommending denial of the requested site deviation
243 number three which is um...ah...in regards to the landscaping islands next
244 to...nearest to the building, because this does not enhance the compatibility with,
245 and the protection of the neighborhood.

246 Another condition of approval would be the...ah...recording of a simple
247 subdivision plat, to re-subdivide these existing 21 parcels into fewer parcels, so that
248 all buildings can meet applicable building setbacks. The applicant, that's not part of
249 your review this evening, has submitted a...a four lot subdivision for our City staff
250 review as part of this application, for the subdivision.

251 Finally, approval and finalization of all outstanding items associated with the
252 site plan rev...review, including any possible future TEDS exceptions, dedication of
253 additional right-of-way at the northwest corner of the property, and the installation

254 and construction of an additional median on North 12th street. And I would also like
255 to amend the staff report at this time to include another condition, uh...basically to
256 add um...that City staff um...and the applicant still need to work out resolution of the
257 drainage requirements um...ah...which...um...is in um...needed to be added to
258 number 4(d) to the above mentioned items.

259 I did receive a...a...six emails and letters within the last three days that I've
260 passed out to you prior to the meeting this evening. Um...I know its short notice, but
261 um...I don't know if you had a chance to look at those, but a...a those were the six
262 latest correspondence that I did receive, um...and with that I know the applicant also
263 likes to do a power point presentation as well. And with that, that concludes my
264 presentation Madam Chairman.

265 CHAIRMAN REECE OK, thank you and we'll just take one second
266 before we move on.

267 COMMISSIONER ESLAMI Can I get...ask one question?

268 CHAIRMAN REECE Yes, please, go ahead and ask a question.

269 COMMISSIONER ESLAMI Scott, you are recommending eh...that 8
270 foot wall?

271 MR. PETERSON Yes.

272 COMMISSIONER ESLAMI and eh, to be at the property line?

273 MR. PETERSON Yes.

274 COMMISSIONER ESLAMI What...what...what happens if
275 something goes wrong with the wall? How they gonna go on the other side and fix
276 it?

277 MR. PETERSON Well the um, I'm...I'm requesting that the
278 Planning Commission consider this deviation a...because um...if you build the wall
279 per the code you have to be...it's considered a structure because it is over six feet in
280 height, so it would have to meet the 5 yard, side yard setback requirement, so if you
281 put the wall at the 5 foot setback, there would be a no man's land uh...five feet
282 between the wall and the property line. So if um...from a visual standpoint, and from
283 a maintenance standpoint it's easier to put the wall right on the property line and
284 so...

285 COMMISSIONER ESLAMI Thank you.

286 CHAIRMAN REECE a...Jamie, we have a question. Not to put the
287 cart before the horse, but just to clarify um...on the motion page that you handed us
288 out before we started tonight's hearing...under the CUP motion, the first
289 paragraph...we would need...that's for the Conditional Use Permit and then the
290 other items are whether or not to approve the deviations...within the code...correct?

291 MS. BEARD Yes.

292 CHAIRMAN REECE Ok, so we do still need to...to vote on that first
293 paragraph with approving or not approving the Conditional Use Permit.

294 MS. BEARD Correct.

295 CHAIRMAN REECE Correct...ok, I think we've got that...sorry
296 about that. Other questions for staff?

297 COMMISSIONER EHLERS: I have one question Scott, the
298 a...landscape islands that are going away, per this request, is that area of
299 landscaping requirements typically held within that landscape area...are those being

300 added into the rest of the site somewhere...or is this merely an omission of that
301 required amount of landscaping?

302 MR. PETERSON It's an omission for those areas, cause they're
303 required to be landscaped...um...I do believe um...I think they are over um...the
304 number of trees and shrubs required. Um...but I'd have to verify that so...

305 CHAIRMAN REECE Any other questions for staff at this time?

306 COMMISSIONER DEPPE I have one.

307 CHAIRMAN REECE Yes...please.

308 COMMISSIONER DEPPE Scott, are you, repeat for me, are you
309 recommending that the a...variance to allow 24 hours be denied? Did I hear that
310 right?

311 MR. PETERSON Yea...yea that's correct.

312 COMMISSIONER DEPPE Ok, I wanted to clarify that.

313 MR. PETERSON Yes, um-huh.

314 COMMISSIONER DEPPE Thank you.

315 CHAIRMAN REECE Any other questions for staff? No? Ok...thank
316 you. Ah...before we move on to the applicants ah...part of the presentation...Mr.
317 Dorris would you mind um...maybe just talking about traffic flow and what that might
318 look like, just before we go ahead and move forward?

319 MR. DORRIS Sure... Good evening Madam Chair and members of
320 Planning Commission, I'm Rick Dorris. I'm a development engineer on this project.
321 Um...City Market had their traffic engineer, the City of Grand Junction also hired a
322 traffic consultant, we went back and forth, we studied it, we've done traffic counts,

323 and um...we feel that traffic from the sub...er from the store, from this
324 development...can be absorbed into the street network. Uh...it...there...as Scott
325 pointed out there's gonna be some changes on the intersection, there'll be a right
326 turn lane here, uh...we're also going to make some modification to the signal timing
327 and the way some of the striping is done and signage on the north side. With those
328 improvements we expect that the northbound maneuvers will actually um...happen
329 quite a bit better than they do right now. Um...when I say the traffic can be
330 absorbed...uh...you know, we do need to understand that during the peak hour,
331 particularly the PM peak hour, some of the movements may experience more delay
332 than they do right now. The overall delay on the intersection because the
333 northbound is expected to move significantly better, the overall delay is a fair amount
334 less. So...a...as Scott also mentioned, we know that the intersection is gonna need
335 to be rebuilt sometime in the future, and we will be monitoring that and a...and you
336 know we're expecting that it's a few years out yet...but we will be monitoring that
337 and budgeting accordingly...when that time comes. And with...you know that's a
338 general overview...I'll be happy to answer any specific questions.

339 CHAIRMAN REECE Yes, please.

340 COMMISSIONER WADE Ah...Rick, when you were doing your
341 traffic studies, ah...you looked obviously primarily Patterson and 12th to 12th
342 Street...did you do any traffic count or estimated change in the traffic count on
343 Wellington because of that open entrance down there?

344 MR. DORRIS The way that they have their trip dris...distribution set
345 up, um...in...in...that's kind of a nebulous term, as a traffic engineer you...you figure

346 out how many trips are going to go into and out of the site, and then you make your
347 best guesstimate on where they are going to go. Most of that traffic was set to go
348 out to 12th Street. Um...you know...a-a...when you do traffic studies um...you make
349 your best estimate as the development comes in, it's not always going to work just
350 like your computer model did so...and I think it's reasonable to assume that there
351 will be more traffic on Wellington...exactly what that number is...I don't think anyone
352 can estimate what that is.

353 COMMISSIONER WADE Ok, but its...it's your judgment that the
354 streets will absorb that increased amount of traffic?

355 MR. DORRIS Yes.

356 COMMISSIONER WADE Thank you.

357 CHAIRMAN REECE Any other questions for Mr. Dorris? No?

358 Thank you very much.

359 MR.DORRIS Yes Ma'am.

360 CHAIRMAN REECE Ok, at this time we'll have the applicant head
361 over to the podium please. Please sign in, and then state your name and position.

362 JOEL STARBUCK Madam Chairman...members of the
363 Commission, thank you for having us tonight. And also thank you a...members of
364 the community for taking time out of your busy day to come and and listen to what
365 we have to say we...we do appreciate it very much. Um, do you want me to dive in?

366 CHAIRMAN REECE Please.

367 JOEL STARBUCK Ok, very good...a...just a couple quick
368 points...one of the advantages I have... is I have...I get to work with very smart

369 people, so as soon as I get done with my intro points, I will allow them to...a...walk
370 through all the a...specifics of the site. Ah...City Market of course, has a very long
371 history with a...Grand Junction ah...ah the relationship that we take very seriously
372 and we hold very dear...um, on this particular site, as I go through the files, I'm...I'm
373 not ah...old enough to be around when this thing first started...I guess we started
374 taking down some of the property in about 1997. Of course, 17 years ago...ah...it
375 was 21, 22 residential pieces and we had to get rezoned, and we had to go through
376 the growth amendment, and I'm sure you all went through that with us. Um...while
377 we're excited to ah...keep this thing moving, we think it's a great fit. Ah...couple
378 things I'd like to point out before we get to the specifics on the ah...ah...on the
379 ah...on the site, this store will be about 58,000 square feet, 59,000 square feet...will
380 be that exact same store size as what we have on 24 Road. Ah...the outside, as
381 you can see on the...ah...from the elevations that were presented, are a little
382 bit...the elevations a little bit different. It's still be a very attractive store, it'll be the
383 same size as what we have on 24 Road, which as City Market...as a spokesman for
384 City Market, we are so well pleased with the ah...how well 24 Road has been
385 accepted by the town. It is easily one of our most recent successes throughout not
386 only the City Market side, but our King Sooper side. Everyone's very excited and
387 ah...one of the reasons we're in here to talk about 12th and Patterson is, we did so
388 well with 24 Road...went so well...ah...that we'd like to do it again and we think it'd
389 be a great fit. As far as ah...jobs...think that the store will create...I estimate, or we
390 estimate about 115 to 130 new...what we would call full-time employees. Those
391 aren't all full-time, but those are how we kind of look at a store is we kinda generate

392 the numbers based on the number of hours...obviously...an employee works. And
393 so we were looking at about 115... 125 new jobs...uh...two-thirds to three-fourths of
394 those jobs will be full-time...full-time...and the remainder will be part-time serves
395 everybody um...so we're excited to get that going. Um...let me see if there is
396 anything else on here that I need to touch before I give it over to Carl...um...as far
397 as the 24 hours use, I'm sure that Carl will get into this too, obviously not all our City
398 Markets stores are 24 hour service...we have two here in town that are, and they do
399 serve a purpose to be open 24 hours. We think this neighborhood would be...would
400 benefit from a 24 hour store, simply because it's ah...it's close to the college, it's
401 close to the hospital...ah...there are people who work odd shifts, off shifts...things
402 like that, and they need a place to go...and ah...we think that ah...ah between the
403 school, the hospital and other businesses that would ah...benefit from it...ah...we'd
404 like to see that go as well. As far as the ah...outdoor sales area, which were also
405 (inaudible) I'm sure Carl will get into a little bit more...is...ah...it's...it's obviously a
406 very important part of what we do as a grocery store, to be able to put our seasonals
407 out there. What we are talking about is ah...ah...you've been to the other
408 stores...you have Christmas trees, just got our pumpkins taken down, ah...now we'll
409 put our Christmas trees up...and in the spring we'll put our flowers out there. That's
410 the kind of outdoor sales ah...area we're talking about...um. I'll be glad to answer
411 question for you when we get done with our presentation...but ah...thank you for
412 your...thank you. Madam Chair, this will be Carl Schmidlein, from Galloway who
413 will walk us through the rest of it.

414 CHAIRMAN REECE Ok, thank you.

415 MR. SCHMIDTLEIN I'm Carl Schmidtlein, with Galloway, ah... 5300
416 DTC Parkway, Greenwood Village, Colorado. Um... Madam Chair, and members of
417 Planning Commission, thank you very much

418 MEMBER OF AUDIENCE: You need to speak up.

419 MR. SCHMIDTLEIN Madam Chair, and Planning Commission,
420 thank you very much for the opportunity to present before you tonight. Um... first of
421 all, so want to thank Scott Peterson ah...for the staff report. He did a fantastic job of
422 ah...not only walking us through it, but ah...the written version of ah...the full staff
423 report was very well done. Also want to thank ah...Rick Dorris and we've been
424 working very closely with him and his staff over the last ah...seems like maybe 9 or
425 10 months...ah...since we...ah...reinitiated this project, so we want to thank them
426 for all their time and their efforts ah...leading up to this point this evening.

427 So the members of our project team that we have here with us this evening
428 ah...of course Joel Starbuck, just a moment ago um...we also have John Atwood
429 whose the Senior project manager...construction manager...with City Market as
430 well, here in attendance, ah...myself Carl Schmidtlein, and then also Jesse Smith
431 with Galloway...is also here this evening.

432 So here in front of us is a colored version of the site plan that uh... Scott
433 walked through previously that helps to better just kinda delineate...I know that the
434 previous plan was the site plan as part of the application packet...this one is a little
435 cleaner in ah...detail and helps ah...represent the building structures on the site as
436 well as the ah... landscaping surrounding the site. But as you can see, we do have
437 the ah... City Market building, located in this area here, this is in the same

438 location...very similar location...ah...when this application was taken through and
439 approved ah.. approximately....I want to say four years ago...ah...so in...in concept
440 it's the same, we're also proposing ah...the ah...nine dispenser fueling facility, and
441 then we have reduced significantly the amount of retail on the site. Previously, with
442 that approved plan, there was a total of six structures on the site. Ah...with this, we
443 only have four structures proposed ah...and ah...and that includes of course the
444 future ah...bank out there on the corner, which is not part of the application this
445 evening, but we want to of course...of course recognize that...but we only have four,
446 as opposed to six in this application and ah...and a reduction as well in the amount
447 of square footage of what was previously approved for this site. Ah...it's a...I think
448 we had approximately 76,000 square feet previously for the site and that has been
449 reduced to...closer to ah...70,000...69...70,000.

450 This of course is the proposed elevations for the store...um...that Scott
451 walked us through ah...earlier. And of course these are the elevations proposed for
452 the retail building ah...and its' important to note, that ah...both of these buildings,
453 both the retail as well as the store, have four sided architecture...ah...the reason for
454 that is ah...you know...the north, the south, the west side of the store are gonna be
455 visible from the three streets that essentially are surrounding the site. And at the
456 same time, the elevations of the retail building...ah...it's gonna be visible on all four
457 sides as well, so that's something that ah...City Market has a...has worked well with
458 staff in coming up with these elevations...um...to accommodate that.

459 And here we have the elevations for the ah...the fueling center...ah...the
460 um...the materials on the kiosk building of course, match and tie back with the

461 ah...are compatible with the el...ah...the materials on the ah...(inaudible) store, as
462 well as the retail building.

463 So some of the public benefits...just wanted to really touch on these just
464 briefly...and um...kind of Scott and I walked though some of these very much...very
465 much so in his ah...staff report...ah the new store will provide easy access to
466 groceries for the neighborhood ah...this is more of a neighborhood sized
467 ah...grocery store...ah we do think that the location for this is ah...a lot of benefit in
468 the fact that this is more of a infill type development that provides the goods and
469 services ah...consistent with what is desired in the Comprehensive Plan. We are
470 putting public sidewalk all the way around ah...the site, at least on the street
471 frontages ah...that will be a benefit as Rick talked about earlier... Scott talked about
472 earlier, we are improving the north end of Wellington which just cuts off right now,
473 ah...with asphalt, but we will be improving that with curb and gutter...ah...and
474 expanding Wellington to the north there, to the...ah...street grid requirement
475 that...ah...is required by the City as well as putting sidewalk on that side...so this
476 will greatly enhance the pedestrian circulation around the site and...as well as for
477 the community. We also are putting in a bus pull-out lane on Patterson ah...that we
478 will um...I'll show you here in just a moment. Now, at the same time, this store will
479 provide for an excellent transition of use ah...from the...ah...the busy intersection of
480 12th and Patterson...of course with the ah... neighboring uses. And of course the
481 roadway improvements that we just touched upon.

482 So roadway improvements here on 12th um...I know Rick talked about this
483 briefly, ah...of course this is the...ah...the retail center across the street to the west.

484 On this...the north is to the right ah...to kind of help everyone's orientation here. But
485 what we're proposing here is a new right hand turn lane, all the way along this entire
486 frontage um... and that will be consistent as it turns here onto Patterson. It's
487 another big benefit.

488 We're also putting in a median here in this area that will restrict ah...left turn
489 movements out of the site, as well as left turn movements into the site, so that will
490 ensure that this will operate as a right-in, right-out ah...intersection. And that would
491 be consistent with what the City has desired for the ultimate build-out ah...for this
492 um...for the overall intersection is that it would be right-in, right-out...so this just
493 kinda starts to ah...begin that ah...that phase.

494 This is Patterson Road ah...north is straight up on the ah...slide here
495 ah...and of course we are proposing here is to ah...put a right hand turn lane
496 ah...this right turn lane...it's not represented on this slide when it was put
497 together...we are currently...we're still working through some technical items with
498 engineering...with Rick Dorris and his staff, but actually ah...over in this area...this
499 will be a...this right hand turn lane wi...will turn continuous into this lane, rather than
500 pulling up here into this lane of travel...ah so this would ah...this is currently
501 modified from this, but ah...hopefully that helps to explain it, so that right hand turn
502 lane would turn directly into that lane. And then, of course...um this access is being
503 proposed as a three-quarter movement, so what that means is that the left turns will
504 be able to come into the site, left turns will not be allowed to come out of the site
505 onto Patterson. Of course, there will be right-in, and then right-out movements.

506 This here is the bus pull-out lane ah...that we are proposing to install here on

507 the...ah...north end of the site adjacent to Patterson.

508 And then our third frontage that surrounds the property...this is Wellington
509 Avenue. And of course, ah...at this time, there's really just asphalt ah...a rolled
510 asphalt edge along this unimproved edge along Wellington and then it kind of
511 meanders out. So what we are proposing to do is to saw-cut out into Wellington and
512 then of course add this additional asphalt to make the road width ah...what it needs
513 to be for the required template um...for the street classification...that of course that
514 includes the...lost my cursor here...tha...that includes the curb and gutter here on
515 the north side as well as the sidewalk and then also the (inaudible) curb cut here on
516 Wellington.

517 With these roadway improvements, ah...of course they will be done at
518 the...ah...simultaneous concurrently with the...ah...the project...with the
519 construction of the store. We're dedicating approximately 20,000 square feet of
520 right-of-way um...along the frontages. And of course this allows for the future
521 ultimate build out of the intersection at which point in time...tha...that occurs um...of
522 course right-of-way does need to be acquired on the three other ah...corners of the
523 intersection, in order to complete that ultimate build out some time in the future, but
524 what this does is that begins that...that uh...phase of the project by having us
525 um...dedicate that right-of-way. And of course we're constructing a new northbound
526 right turn lane on 12th extending the westbound left turn lane on Patterson Road by
527 65 feet ah...that's something that I didn't necessarily point out, but with the location
528 and with that median going in there, that certainly helps that left hand stack. We're
529 of course, also putting in the...ah...median improvements within both 12th Street and

530 Patterson and then restriping exercises on northbound 12th, eastbound Patterson
531 and Wellington which will also include the turn lanes as identified and recommended
532 in the traffic study that was prepared. We'll also be installing a new traffic signal at
533 the intersection um...some of the timing will be changed on the signal as ah...Rick
534 identified earlier...that were identified working with staff and the third party traffic
535 consultant, as well as our consultant. So that will improve...ah...the...ah...some of
536 the movements there at the intersection. Um...we'll be putting in the Grand Valley
537 Transit bus stop. And then of course, restriping northbound 12th which will help
538 improve the lane utilization at the right hand...the right hand...the...ah...right lane
539 going northbound on ah...12th. And ah...and of course the...ah...traffic study
540 ah...was prepared by our traffic consultant Kimberly Horn.

541 So before we jump into...um...the...ah...deviations and the variances, I
542 wanted to quickly just recognize some of the questions that were asked um...after
543 Scott and Rick...ah...presentation. Um...in regards to the 6 foot...or the 8 foot
544 ah...wall that would be constructed on the property line, presently the requirement is
545 that we would have to put a six foot fence on the property line...that is the present
546 requirement. We opted to increase that height to 8 foot at the request of the
547 neighborhood and the meetings that we had. We also opted to actually make this a
548 wall. Once you go above 6 feet, that's when the 5 foot setback requirement kicks
549 in...so...um...in...in...like I said Scott explained it well, ah...we did not want to
550 create kind of a dead area, so to speak, on the backside of the wall...ah...with that 5
551 foot area, so that was more of the reasoning in working with staff and coming up with
552 them.

553 The second question...ah...that was raised was in regards to
554 the...ah...landscaping islands and...ah...and whether it was an omission and how
555 that...ah...compares with the landscaping that is provided. We do meet the
556 landscaping requirements...I think we have a total of 125 trees proposed, on the
557 site, and of course that excludes the bank property that would ultimately be
558 ah...taken through the site plan...ah...process...ah...when that develops and of
559 course they would have their own landscaping requirements, but we do meet the
560 required number of trees. We also have over a thousand shrubs proposed across
561 the site, which also exceeds...ah...the required number of shrubs. And
562 again...again that excludes from the main property. So just for (inaudible) some
563 clarification on that.

564 So moving on to the...um...the deviations and the variances and I want to
565 thank Scott again for...for walking us through those...I think you did an excellent job
566 and...and also did a great job in writing that up um...we are in concurrence with
567 staff's recommendations regarding the deviations and the variance that they are
568 supporting this evening um...rather than necessarily focus on those, we thought
569 maybe to just narrow in and talk about the deviation and the variance that is not
570 being supported by staff...ah...but of course we are here and available to answer
571 any questions you might have on any of those other deviations or variances at this
572 time.

573 So landscape islands are of course required at the end of every row
574 uh...recor...according to code and we're eliminating to not install landscape
575 islands...only up against the front of the City Market building and the reason for that

576 is...ah...there's a number of reasons um...with these islands that would be installed
577 up near the front of the store um...over the last several years, this has been
578 something that has been fairly important to Kroger, King Soopers, City Market and
579 the fact that these islands create tripping hazards, there more safety hazards, they
580 are a liability um for...for King Soopers and City Market...uh...at the same time, they
581 also create pedestrian and vehicular conflicts up near the front of the store. For
582 whatever reason...when we all drive our cars, and we're driving up near the front of
583 the store...and of course that's where you have our customers coming out of the
584 store or going into the store, and the vehicles are also circulating up in that area, we
585 always seem to want to make that turn really quickly and as a result, you know to try
586 and either beat the pedestrian or maybe let them walk through and then you want to
587 make that turn before someone else does...and when that happens, these front
588 islands get driven over quite a bit. Ah...it becomes a maintenance...ah...problem
589 ah...on the other end, any landscaping that does get installed in them, generally
590 does not survive and if you were to drive around town and take a look at the
591 landscaping up at these front islands, generally there not surviving well. The rock
592 mulch that's in those...they end up all over the asphalt surrounding...I know the
593 grocery store in my neighborhood...the King Soopers...the gravel has just...or the
594 rock mulch has continuously been knocked off to now it's like actually been pushed
595 into the asphalt pavement, so it becomes very unsightly...ah...but it's a continuous
596 maintenance item. The curb is continuously being broken to where it needs to be
597 repaired. The other thing that by using striping up in these islands in front of the
598 stores, is it provides a safe haven for pedestrians. And by that what we mean is, if

599 you're coming out of the store, and you've got your shopping cart, if there's a hard
600 island there...where do you go? You've got to stay in the path of travel of the
601 vehicles until you can get into the aisle that you need to. Now what we find with the
602 suc...success that we've had with putting these stripped islands in over the last
603 three-four years, it provides an area of refuge for the customer with their shopping
604 carts as they come angle and make their way into the ah...the parking
605 aisles...um...so we've found that they've been very successful in some of the other
606 communities that we've been...we put them in. The other thing that we find is that
607 these ah...landscaping islands...um...they end up being dumping grounds for
608 shopping carts. And I think we've all seen the shopping carts pushed up onto the
609 landscape aisles...I know no one in here does it...but ah...but ah...we've all seen
610 that happen and obviously that's part of the reason that the rock mulch does get
611 knocked out of those landscape islands and they do take a beating. Any shrubs
612 have a very difficult time of also surviving in that area. Here's some photos just for
613 an example, as you can see, this first photo here...you can see how this curb has
614 been absolutely destroyed...um...there's a building adjacent to the drive aisle right
615 here and you can see that it's been driven over so much that basically this is ponded
616 in here and it's been driven over and...and within that area...where it needs to be
617 better maintained of course um...but it's basically created a...um...um...a low point
618 in there where now water is actually collecting. The landscaping is also not
619 surviving, you know...its...it's not...it's not growing by any means and you can tell
620 that...um...this is not a new center either. The curb is also damaged here. In this
621 location here you can see the shopping cart of course, just pushed right up against

622 the curb. And then in some of the other photos, you can see how this curb has just
623 been destroyed and it just...it's very unsightly from an aesthetics standpoint. In this
624 location here...ah...this is a City Market, actually over in Rifle...and...ah...this
625 location here, you can see that this landscaping isn't...this landscaping islands here
626 in the front...this is not a new store...uh...this landscaping...there were shrubs in
627 here at one point in time and they were not able to thrive and they died. You can
628 see the tree...ah...has not grown all that much either. There is irrigation on this
629 island, so it's not from a lack of irrigation but you could...just for...for...by way of
630 example, it's very difficult to grow landscaping in these front islands. Um...this
631 fourth photo here, very similar...you can see a lot of people have actually walked
632 through here to get up to the storefront and so has damaged the landscaping within
633 this area.

634 So looking back at site plan...essentially what we're focused on is really these
635 front islands along the front of the store ah...primarily where...ah...your store
636 entrance is here, this is where your handicap parking is proposed and of course
637 we've got a pedestrian way that connects all the way out to 12th Street. But it's in
638 this area really, that where we're focused, trying to put in the striped island areas.
639 These are some of the examples of some of the newer stores and some of the
640 expansions and some of the projects that...uh...well King Soopers and City Market
641 have focused on, in the last three...four years. Ah...many of these are...actually all
642 the new stores that have been built since the store was built on 24 Road. 24 Road
643 was the last brand new store, and that was built...um...four years ago next month is
644 when that Grand Open. That was the last new store that had actual islands built on

645 the front of the store. Um...some of the other marketplace stores that we've recently
646 done... Commerce City... uh... it's 123,000 square foot store,... uh... Brighton, also
647 there's one under construction in Aurora... ah... its Serenity Ridge... its getting ready
648 to open up here in just a couple of months... um... and there's a new store that was
649 built in Englewood,... ah... a new one in Ft. Collins,... um... and... and actually there's
650 a few others that are... they I do not have listed on here... there's one in
651 Littleton... ah... at the intersection of Broadway and Littleton Boulevard, there's
652 also... it's also a new store. And another one actually in Arvada, at 80th and
653 Wadsworth, its 123,000 square foot store. None of these stores and... and I'm
654 sorry... Glendale... I'll point out the other one... Glendale... um... none of these stores
655 have actual raised landscaped islands in the front and to some of these cities we
656 were actually presenting in a very similar fashion... discussing this very... kinda the
657 same discussion... and um... staff or the administrative bodies had agreed with us in
658 these instances where they felt that... um... it was effective in what we were trying to
659 accomplish and... ah... in each of these scenarios it... it has served us very
660 well... ah... from a store perspective and from a customer and the... the friendly
661 environment that has been created... so um.... But the last one that we did put in
662 was of course on 24 Road and that has the islands there in the front.

663 COMMISSIONER WADE I'm sorry to interrupt you but I just have
664 a question... you don't have any pictures of what the 24 Road islands look like?

665 MR. SCHMIDTLEIN That's correct. We've got... um... because
666 we... ah... we weren't here to take the photos... and we just put this together the other
667 day so um...

668 COMMISSIONER WADE Ok, that's fine.

669 MR. SCHMIDTLEIN Our oversight on that. But that is something

670 we can follow up with um...if you'd like us to.

671 So the 24 hour operation,...ah...we wanted to focus on that...um...which is
672 the...ah...the variance that ah...staff is presently not supporting. Of course the site
673 is bounded by public streets on north, west and south sides...um...as pointed out
674 earlier, we're very close, we're within the a...I believe a half mile to Saint Mary's
675 Hospital Campus and...um...this would obviously provide 24 hour convenience in
676 those area...in those...in those areas for not only just the University,...um...nearby,
677 but...ah...the hospital.

678 The deliveries we have discussed with staff, we still would limit the deliveries
679 between the hours of 7...7am and 10 pm...so they would only be allowed within
680 those hours...so that we would not provide...ah...any sort of noise...um...well we
681 hope they are not creating noise in general, but at the same time during
682 those...ah...night hours. The other two City Market stores of course, that Joel talked
683 about earlier,...ah...here in Grand Junction are 24 hour operation stores.

684 This is a quick aerial map of some of the other ah...grocery stores
685 ah...around the area. Of course our site is located in this proximity here where the
686 um...new City Market is proposed. Ah...the Safeway just north of us, up on Horizon
687 ah...currently oper...is open 5 am to 12 am. The other Safeway over here toward
688 the east side of town is 5 am to 12 am. The Walmart here is open 24 hours.
689 Albertson's is open 5 am to 12 am. Um the City Market here at 1st and Rood is
690 open 24 hours um...24 Road City Market, I lost my cursor...there it is...is open 24

691 hours, the Walmart here in this location is open 24 hours, and of course we pointed
692 out the nearby hospital is also open 24 hours.

693 This concludes our presentation...um...we just want to thank you again for
694 the time and opportunity to present to you tonight and we are here to answer any
695 questions that you may have. And um...in regards to any of the deviations or the
696 variances.

697 CHAIRMAN REECE Do we have any questions for the applicant?

698 COMMISSIONER WADE Yeah I have one if I could, Madam
699 Chairman. With regard to the...ah...the end islands that you want to eliminate, you
700 indicated that the...the safety striping provides a haven for people, and then you
701 also presented a...you also showed us a picture of the baskets... and we've all seen
702 those leaning up against the islands where they stand. I...one thing that just
703 occurred to me while you were saying that, I would think that if you...if you safety
704 striped those and just left them at ground level they would also end up being a place
705 where people left baskets. Is that the case?

706 MR. SCHMIDTLEIN That's true, that does happen...um... City
707 Market does have...um...attendants and associates that are regularly patrolling
708 those parking lots and...and pulling them from the...um...um...from
709 the...ah...shopping cart storage areas and bringing them inside the store, but at the
710 same time, they're collecting them from those areas. Um...you know, we often find
711 that people don't nec...they do...they do still put them in those areas, but at the
712 same time, if you...you generally have a slope to a parking lot, people are less apt to
713 leave them there knowing that those carts are going to continue to roll, whereas the

714 islands, if they stick them up in the islands...they're not going to go anywhere. That
715 has a...they have a tendency to do that more, but I will tell you that it...it still is done,
716 that's correct.

717 COMMISSIONER WADE Thank you. That's all Madam
718 Chairman.

719 CHAIRMAN REECE Ok, other...

720 COMMISSIONER EHLERS I have a question regarding the parking
721 islands as well. Are you...are you gaining parking stalls or are you literally taking the
722 exact space that the parking island, required by code, would have been and just
723 turning it into a...a striped?

724 MR. SCHMIDTLEIN Excellent question. Ah...we're not gaining any
725 parking stalls as a result of this so...obviously if you were to rule tonight that we
726 would need to install those islands, we would not be losing any parking as a result of
727 that.

728 COMMISSIONER EHLERS The reasoning for having the
729 stalls...everything that you mentioned...um...seems...seems fairly legitimate. Has
730 there also been other designs for those landscaped islands that have been
731 considered that would mitigate all those same things ie...boulders up close to those
732 points so that people aren't as inclined to drive over them? Um...boulders and
733 rocks or some...some other landscape materials that can be used to ah...create a
734 better buffer around the edge and still allow...allows people and pedestrians to
735 congregate within those things? Have those alternative been considered or is
736 and...and this is just the preferred method...or have not looked into that?

737 MR. SCHMIDTLEIN This is certainly the preferred
738 method,...ah...with boulders, as you saw in the Rifle photo, they actually...that's
739 what they ended up doing after...after a while is installing...putting boulders where
740 the landscaping use to be...but for it to really to be effective, the boulders have to be
741 out near the out...outer parts of those islands to essentially prohibit people from
742 driving over the curbs. But of course, once somebody does, rather than their tire
743 hitting the curb, they end up tearing up the car, and so ah...those are the calls that
744 ah...Joel then gets from the customers...uh...as a result of that, so that has proven
745 to not be a good option and recommended not being done by the store managers,
746 but um...um...we have looked at other options and I mean this is...this has been
747 more of a directive from Kroger, really nationwide, where they have taken this stance
748 the last few years, which is the reason why all the new stores that have been built
749 since this last store here on 24 Road do not have those parking lot islands in the
750 front. And...and by all means, I mean we are all about creating the proper
751 aesthetics...um...you know, landscaping throughout the site. It...it's not by any
752 reason that we just don't want to install that landscaping, it's really more for the
753 functionality ah...the safety, the tripping hazards, everything that comes with these
754 islands. For whatever reason that at the front of these buildings that we all have
755 tendency to run over ah...on occasions so...

756 COMMISSIONER EHLERS Then lastly, the ah...the intent of the
757 code, rather than just sticking to the letter of it, is what Scott mentioned, being
758 that...uh...we try not to have the big seas of asphalt and concrete and...and
759 everything that goes along with that. So has there...um...has there been any

760 considerations as to if what would have otherwise been there, becomes omitted, can
761 that be made up elsewhere?

762 MR. SCHMIDTLEIN That is something we could talk with staff...and
763 work with staff on. Um...I guess we'd have to...to work with...um...with Joel and
764 City Market too...um...I mean there could be the option of installing possible
765 landscaping islands more interior into the parking field...um...where these would
766 have gone. Where...where the actual landscaping islands would have
767 gone...ah...they would be more interior to the...to the field...ah...which would result
768 in a loss of actual parking stalls as they are currently shown today. But a...but I
769 guess that could be an option if that's where you were leading with that question.
770 But that something we could...obviously work with staff on, if that's an option City
771 Market would support and um...and staff would support of course too.

772 COMMISSIONER EHLERS Well if that...um...if the Commission
773 feels that the intent of the code for having those landscape islands are along those
774 lines,...uh...I believe...and maybe Greg and Jamie you could provide some input as
775 well, that...um...that ca...that may be a condition that we can add to an approval for
776 those islands being vacated if their...if their gone away...rather than having
777 us...um...only at the option of giving you a yes or a no. Is that accurate? (inaudible)
778 that we could...ah...we could give them a...ah...a condition that if the approval for
779 removing those parking lots...I'm sorry...the a...landscape islands up against the
780 front of the store, if they were to make up the landscaping component of that
781 elsewhere...on the site, the concept being the ah...intent of the code was to not
782 have these seas of concrete, that we wanted landscaping and organics involved in

783 the site. Could we make that a condition of the approval of that? Or is this a yes or
784 a no on the proposal?

785 MS. BEARD Thank you, Jamie Beard, Assistant City Attorney. If
786 you could find that having the additional landscaping would otherwise make it fit the
787 criteria for Conditional Use Permit, such as the things that...um Scott was referring
788 to earlier, protection of...um privacy, more compatible for the neighbors because of
789 the additional landscaping elsewhere, then I would not see that as being a problem if
790 you wanted to approve it with that being a condition of part of that approval. The
791 only difficulty is...is I think you've gotta make it pretty clear what that condition is, so
792 that staff can say whether or not that's been met or not met.

793 COMMISSIONER EHLERS Understood, thank you.

794 MR. SCHMIDTLEIN Just...just one thing to just clarify and I know
795 we talked about some of the landscaping numbers earlier but a...one of the things
796 we also had done already...um...with and in trying to work through the issue of not
797 having the islands in the front, is that we are exceeding the landscape code currently
798 and we have provided for the landscaping counts elsewhere uh...around the site so,
799 that is one thing that we have worked with staff on...already leading up to this point.

800 COMMISSIONER EHLERS So you may in effect have already done
801 just that...replaced what you are removing with the additional trees and landscaping
802 that you are currently proposing.

803 MR. SCHMIDTLEIN Correct...correct.

804 COMMISSIONER EHLERS Would the... would the approval of this
805 then be...um...would it include the landscape plan, so that what we are

806 proposing...those extra trees would not...that they couldn't be removed after this
807 approval because they're not necessarily directly tied to this approval?

808 MS. BEARD When you're making an approval for a Conditional
809 Use Permit, you are basically considering the site plan...um...in this instance it's
810 indicated that not absolutely everything has been worked out...but if your approving
811 this based on the site plan that they've presented, that includes the landscaping
812 plan, then I would say they would be held to the landscaping plan that you are
813 approving this evening.

814 GREG MOBERG Greg Moberg, I'm the Development Services
815 Manager. I would also...I don't know that I would re...or um...limit it to that
816 landscaping plan. We would want to go back and make sure that all of those
817 ah...plant materials that were required within those islands are planted elsewhere.
818 I'm not saying that um...but I'm hearing Scott say that maybe...maybe not, but we
819 just would want to make sure that those are all in there. So it could be that a lot of
820 them are in there, and so we'd only have to add a little bit more, but I'd rather have
821 that condition that we go back and take a look at those numbers...just to make sure.

822 COMMISSIONER EHLERS Understood, thank you.

823 COMMISSIONER WADE Understood, thanks.

824 COMMISSIONER ESLAMI Excuse me...can I ask of Scott a
825 question about this...please?

826 What is your...ah...reasoning for not...to deny this? If you're gonna put it
827 someplace else...

828 MR. PETERSON Well tha...the code...um...I as...um...as

829 staff...I cannot grant variances...um...the code's explicitly states you have to do
830 landscaping islands at the end of each row.

831 COMMISSIONER ESLAMI Exactly.

832 MR. PETERSON and so I can't administratively approve
833 that...only the Planning Commission as part of this Conditional Use Permit can do
834 that.

835 COMMISSIONER ESLAMI So we can change it someplace else?
836 But that's ok.

837 MR. PETERSON You can...yeah, you can amend it um...to you
838 know, what you feel would be satisfactory to meet the intent of the code as Jamie
839 has stated regarding...ah...ah...compatibility with adjacent properties and that type
840 of thing...so

841 COMMISSIONER ESLAMI but...it...now, I don't know if this is a
842 proper question...what is the purpose of those things, cause I...is that for safety?
843 That's what I think.

844 MR. PETERSON It...the purpose of it is basically...ah...it's a
845 screening mechanism...um...for adjacent properties...for traffic visibility. It's
846 also...ah...um...on a hot summer day, to provide some shade within a parking
847 lot...when obviously in the summer time it gets 100 degrees or more here, you want
848 a little shade you know...for your car if you're lucky enough to get that spot next to
849 the landscaping island...so...

850 COMMISSIONER ESLAMI (chuckle) Thank you.

851 COMMISSIONER WADE Scott, I'm not sure I

852 understand...you...you said that you...you obviously as staff can't approve a
853 variance, only the Planning Commission can do so...as this part of the Conditional
854 Use Permit, but you're recommending that the variance not be approved simply
855 because it...you don't think it meets code.

856 MR. PETERSON Right. I've...my reason for denial is it
857 doesn't'...does not meet the code...every project that I've been associated with, in
858 the City, has complied...ah...with the landscaping islands...ah...this would be a first
859 one for Grand Junction that I am aware of...um...so it doesn't meet the codes. So
860 how do you tell one applicant that you can do it, and another that you can't do it so?

861 COMMISSIONER WADE Thank you.

862 CHAIRMAN REECE Any other questions?

863 COMMISSIONER BUSCHHORN I do...yes.

864 CHAIRMAN REECE Sorry Siri talking.

865 COMMISSIONER BUSCHHORN I know, Siri's talking (inaudible).

866 Now if I understand correctly...one of the reasons that you said that wanted to
867 eliminate the...ah...the landscaping barriers...or the...those end caps...is ah... for
868 safety. People are driving over them, damaging curb and it's...it's unsafe to the
869 pedestrians. How does painting lines on the asphalt create more of a safe haven?

870 MR. SCHMIDTLEIN Sure, let me...ah...try and find a proper slide
871 here. Ok, so it...so just by way of example...if a...if a customer was coming out of
872 the...the building here, and a car was coming in this direction, so it's coming
873 southbound in front of the store...a customer is coming out here...ah...if this
874 customer comes out and they are trying to get into this aisle...ah...what ends up

875 happening is that customer then ends up having to walk down the drive aisle before
876 they actually take a turn, down the aisle, and this car is right here in this area...so
877 this person's now either...you're either feeling rushed or hurried with your cart to get
878 out of their way as quickly...ah...with this other vehicle is right on their tail. With
879 these striped islands, what actually can then occur...is now, this person can be
880 hovering right here along the edge of the striped island...with their shopping
881 cart...and still moving in this...in this manner...in this direction, and yet there's still
882 enough clearance for the vehicle to...to continue through. So what we find is that
883 there's less vehicular and pedestrian conflicts. And this is really just in the front of
884 the store, where you do have a lot of traffic ah...I think this is unique, possibly
885 with...ah...grocery stores, where you do have a larger building and just a single
886 entrance where you do have a lot of traffic...vehicular...I'm sorry...pedestrian traffic
887 concentrated coming in and out of that store. I think if...if you've got a, you know...a
888 retail building...ah...where, you know...it's a smaller retail building, you've got a lot
889 of shop space all the way along, you're not going to have as many conflicts because
890 the number of people coming in and out of a smaller retail building doesn't occur as
891 much. But I think this is unique, um...to a grocery store type use...ah...where you
892 do have a lot of customer traffic right in that area. Does that help...explain that?

893 COMMISSIONER BUSCHHORN Immensely...yeah...now it makes
894 sense cause...I understand that you can't really jump that curb with your shopping
895 cart, but you can certainly roll across the stripes and...as you said...in typical retail
896 setting people aren't coming out with shopping carts...you're carrying bags...where
897 grocery you tend push your cart out...and then you're in the drive area.

898 And I've a second question, it seems to be the...the bigger issue going on
899 here is the hours of operation. And that seems to be mainly what people are here
900 for. Can anyone...either you or someone from Kroger...tell us approximately how
901 much business happens between midnight and 5 am...because that seems...traffic
902 at that point...pedestrians in and out...all of that seems to be the primary issue. And
903 I know it's not nearly as much as 6 pm, but do you have an idea of approximately
904 about?

905 MR. STARBUCK No, its...it's a good question, I think every site
906 has to be evaluated ah...on its own merits. Ah...24 Road...we're not sure why it...it
907 does very well between midnight and six. We're not sure why, we think it's just
908 ah...ah if you have to go to a store at midnight, that's a nice one...its well lit...its
909 convenient...so I think that's it.

910 This...this site kinda warrants a 24 hour opening simply because of its
911 proximity to the...to restate it...the hospital, the school, the kids, businesses
912 nearby...when people don't get to shop on regular hours...this is a convenience for
913 them. Do we do a lot of business from 12 to 6...12 to 5 am? No, no we don't.
914 Um...its store by store...some do ok...but mostly its...it's a convenience. And the
915 reason we do that...is, or...we're able to do that is the...we have people in the store
916 whether you're shopping it or not. We have to stock the store...so we just took it to
917 the next step and said...well if we have employees in the store, why don't we just
918 open it up? Put a cashier in there or a...an assistant in there, so they can help
919 people and check them out...and it doesn't cost us a whole lot, but the stores open
920 anyway...there's people in there and so we just took it to a convenience factor...I

921 guess...is the best way to put it.

922 CHAIRMAN REECE If you were not open 24 hours, would the
923 fueling station still be accessible 24 hours...or would those hours also be limited?

924 MR. STARBUCK No, that's a very good question. Ah...our fuel
925 centers ah...in this particular setup, with the kiosk, it would be...there would be a
926 person on site at the fuel center from 6 am to 10 pm. At that point the kiosk is shut
927 down, but our fuel (inaudible) they stay available so you can use your credit card to
928 access you gas...ah...it's frustrating if you go into a fuel center that you think is
929 supposed to be open...lights on the canopy are still on...lights in the...in
930 the...ah...gas pumps are still on and you pull up and you can't use it...so, in this
931 instance, um...as in most of our fuel centers...yes you can...you can access the fuel
932 pumps after 10 pm.

933 CHAIRMAN REECE Regardless of the store hours?

934 MR. STARBUCK Correct.

935 CHAIRMAN REECE Ok.

936 COMMISSIONER BUSHHORN Would the pharmacy be open 24
937 hours? Because with the proximity to the hospital (inaudible) same benefits to the
938 hospital or the 24 hour pharmacy...seems like a primary benefit cause there is no 24
939 hour pharmacy in town.

940 MR. STARBUCK You sure would think so. I don't think we have
941 any 24 hour pharmacies that that would be a...

942 COMMISSIONER BUSHHORN There's not in town.

943 MR. STARBUCK No...no that's right...and so that would be an

944 interesting one yeah...we'd have to look at it.

945 COMMISSIONER ESLAMI Another question...is there 24 hours gas

946 stations if they are...if they are in B-1 zone...are they allowed to?

947 MR. PETERSON Yea...um...Madam

948 Chairman,...ah...Commissioner...um...Eslami...um...I just wanted to correct the

949 statement that Mr. Starbuck has made regarding the...ah...24 hour fuel islands.

950 Since this is a B-1 zone district, they will be limited to the hours of 5 am to 11 pm,

951 however, the Planning Commission could make a motion, at the end, if they want...if

952 they feel the fuel islands could be open 24 hours, you could certainly make a

953 second...or a separate motion...um...to have the fuel aisle...islands to be 24 hours

954 a day.

955 CHAIRMAN REECE Ok, thank you.

956 COMMISSIONER EHLERS So could you just reiterate too...for

957 me...you made the point that you have people in there stocking it, the lights on

958 inside, how about the external lighting...whether you are open or closed. Does that

959 remain the same for safety and...and other reasons?

960 MR. STARBUCK As in the...the lights of the parking lot?

961 COMMISSIONER EHLERS Uh-huh.

962 MR. STARBUCK Yes, those would remain on.

963 COMMISSIONER EHLERS So the only difference of a...use of this

964 site or...or added people walking through here is a...really just the customers

965 themselves. Everything else is going to be the same whether you are technically

966 open for business or not.

967 MR. STARBUCK That's a fair statement, yes...that's right.

968 CHAIRMAN REECE Ok, do we have any other questions at this

969 time from Planning Commission for the applicant or for staff?

970 COMMISSIONER DEPPE Do not.

971 CHAIRMAN REECE No, ok we are going to take a very brief

972 recess...um...we will adjourn now and come back at 7:45.

973 CHAIRMAN REECE (gavel strike) We will now call the Planning

974 Commission meeting back to order. So, now is the portion where we will open our

975 hearing up for public comment. So if you have a comment in favor of this proposal,

976 please head over to the podium, form a line, state your first and last name and your

977 address.

978 Do we have any comments in favor of the...of this proposal? (applicant

979 raised hand in audience) No, you don't count. Do we have any comments opposed

980 to this proposal? Ok, please head over and form a line...right there leading up to the

981 podium. Please make sure that you sign in...there's a sign in sheet right next to the

982 podium. And after you sign in please state your first and last name and your

983 address into the microphone...and then speak clearly so that we can get you

984 recorded.

985 MR. WILLIAMS Good Evening Madam Chairman and...um...Planning

986 Commission. Appreciate you letting us come and speak our minds. Ah...my name

987 is Keith Williams, and I have an address at 2721 Patterson Gardens on Patterson

988 Road. And a...I want to state the record...I'm the Vice President of the Board and

989 um...as a Patterson Garden Board Member I can speak for the Board and we're

990 looking forward to being neighbors to City Market, so it's not total opposition.

991 But we do have some... ah... concerns and objections. Um... the previous site
992 plan probably was... you know... four years ago they... they had the gas station on
993 the corner and now they've moved it... towards Patterson Gardens on the east side.
994 And so we have concerns about quality of life for the people... especially in Buildings
995 1 and 2 which you can see on the a... your site plan, there to the east of the... the
996 building. Um... the... we are questioning the 8 foot wall... but we don't think that
997 that's going to... uh... protect us from... um... the noise, the smells and the lighting
998 from the construction especially with it being 24... if it goes to a 24/7... and then
999 um... the gas station being a 24/7 as well... um... we're not sure about this setback, if
1000 that's 5 foot from our property line to the wall or if its... you know... from the... is the
1001 wall going to be on the property line and then setback 5 foot on the other side. And
1002 if they're going to be putting trees and that sort of thing in there... how many trees
1003 and the trees are going to help a little bit but during the winter the lighting or the
1004 noise... it's not going to help at all... ah... for the quality of... of life for those people in
1005 Building 1 and 2.

1006 These units are two stories so um... and all the bedrooms are upstairs so... it's
1007 not going to help especially with the docks being in the back and the noise from... ah
1008 ah... the ah... semis or the trucks delivering, even if it's at 10 o'clock cause there's
1009 people that are there that are on shift as well. Just like the hospital. Um... we're
1010 concerned about the noise from generators, transformers, um... refrigeration,
1011 compacting noise ah in the back... ah... where are these units gonna be? They don't
1012 really ah... tell us that, and they don't tell us whether they are going to be insulated or

1013 were gonna be protected from that. Um...we...we sent um...and it's on file with
1014 Scott a...um...a um...a development agreement, but we haven't heard anything
1015 back from Galloway or Kroger, but we have talked to Scott a little bit about it.
1016 Um...we're concerned about traffic as well, we've talked a lot about that tonight and
1017 about access to our facility...um...coming out...its...its difficult already coming out
1018 Patterson Gardens onto Patterson Road, so we feel like this is...this is gonna be
1019 even more of a trouble for us getting out on the road...ah...especially if
1020 there's...there's no turn lane or ac... deceleration or acceleration lanes for us...to
1021 get out of the complex. So those are our concerns...um...we just wanted to voice
1022 those to you...so um...I can answer any questions that you have.

1023 COMMISSIONER ESLAMI Can I ask...excuse me, can I ask you
1024 about that wall? You mentioned something, but I didn't catch what was your
1025 objection. On the 8 foot wall.

1026 MR. WILLIAMS The 8 foot wall is fine, but we're still...ah...concerned
1027 about the...the buildings are two story...our buildings are two stories and is...all the
1028 bedrooms are upstairs so people, you know, are going to be seeing the lights from
1029 the gas station. The previous plan had a gas station on the corner, I'm curious why
1030 they changed that...you know...that would have been helpful...and still would be if
1031 they could change that back. I'm not sure why they changed that so...

1032 COMMISSIONER ESLAMI Thank you.

1033 CHAIRMAN REECE Ok, thank you. And please make sure you sign
1034 in as well, I'm not sure if you already did. Ok, thank you.

1035 MS. KITOVER Hi, I'm Jeannie, I live at 120 Sante Fe, in Mantey

1036 Heights and I utilize Patterson as a walkway and a bike path. Um...there's a lack of
1037 police presence along Patterson. Ah...I think that the right hand turn out onto
1038 Patterson, on the north side of...City Market...is going to annoy the heavy
1039 foot...ah...truck...truckers that head east up on Patterson because now they are
1040 going to be delayed...ah...speeding up Patterson...there gonna go into the left
1041 interior lane and head east even faster. I think that...um...we need help on
1042 Patterson with the traffic control and speeders. And this is going to...I mean...I want
1043 your store...but I think that we need to recognize that we have a...a traffic control
1044 problem on Patterson.

1045 And number two...people like to...small businesses like to put their business
1046 signage around grocery store perimeters...I do not like the idea
1047 of...ah...ah...aerating lawn...you know...lawn care um...what do we have
1048 recently...irrigation blow-outs. Cause I pick up signs over at the Safeway, on
1049 Patterson and...ah...29. Its rampant over there...I don't want to see that on 12th
1050 also...and that is all I have to say...thanks.

1051 CHAIRMAN REECE Ok, thank you.

1052 MS. SLAUSON I'm Gayla-Jo Slauson, and I live at 1225 Wellington
1053 Avenue, which is directly across the street from the store. My concern is primarily
1054 with the hours...I...I think um...having people inside a store stocking is different than
1055 people coming in and...and running in for cigarettes and beer in the middle of the
1056 night...and I don't think that fits with our neighborhood...that that would be a good
1057 thing for us...to have people coming and going at all hours of the night...and so I'm
1058 concerned about that. A little concerned too about the size of the store

1059 growing...um...I'm excited about having a store there, but I think the bigger store
1060 may be...I see at 24 Road an awful lot of traffic in and out of that store...so I'm not
1061 sure...its seems like a different kind of store than what we were looking at before. I
1062 am...I am in favor of the island change, cause I think they're right about some of
1063 that...on that...on that issue. But mostly the hours...I'm concerned about the hours.

1064 CHAIRMAN REECE Ok, perfect, thank you.

1065 MS. CROW Good evening, my name is Rene Crow and I live at
1066 1305 Wellington Court and I'm in number 101...which is...faces directly on
1067 Wellington...the end...one of the end units there. I'm new to this a...whole project
1068 because I just moved there in July without realizing what was going on here...so
1069 um...this has been very informative for me tonight and I...it has put my mind at ease
1070 about many...many things but I do still have some concerns that I feel are important
1071 to voice here. Um...my primary concern is about light and noise pollution.
1072 Ah...and...and about security in the neighborhood...because this is a neighborhood.
1073 One of the things that drew me to move there was the fact that it is a quiet
1074 neighborhood...and it's an older neighborhood...its established and people are
1075 comfortable there. We have foot traffic, people walking up and
1076 down...ah...Wellington frequently...ah...feeling very peaceful and safe there. And I
1077 have real concerns about increased traffic, about drawing people into the
1078 neighborhood that are not part of that neighborhood, about how it's going to impact
1079 the security of...of where we live. Um...so apart from...and in addition to ...to the
1080 increase in traffic...um...regardless of the traffic, you know, the changes that are
1081 being proposed that would need to be made to deal with that traffic, I'm really

1082 concerned about security and the impact of the quality of life in the neighborhood
1083 because of that. Um...I also have concerns about...about the noise and the light
1084 pollution...especially at night. I'm very sensitive to that and...um...it would be
1085 certainly problematic for me that it may not be something that I could even tolerate
1086 that and may even have to move. I'm not even sure about that at all. So I need very
1087 much to voice that. I...I find it...um...strange that the hours between what would be
1088 midnight to 5 am...those hours that...um...other stores in the area are
1089 closed...particularly Albertson's, which is directly across the street from the campus,
1090 that they have not found it necessary or profitable or reason...you know, for
1091 whatever reasons...they have not...um...changed their hours of operation and
1092 they're really right there in front of that college where you know, that busy
1093 (inaudible)...ah...this proposal seems to want to draw on...I'm not sure that that
1094 really warrants those extra hours of operations for it being open to the
1095 public...um...that's a concern for me as well. I think it draws...again, I think it
1096 draws...um...a night crowd that I'm uncomfortable with having around my home
1097 so...those are principal concerns that I have. Thank you for the opportunity to share
1098 them.

1099 CHAIRMAN REECE Thank you.

1100 MS. DAVIS Thank you for being volunteers on the Planning
1101 Commission. My name is Barbara Davis and I live at 1305 Wellington as well...just
1102 south of the planned City Market. I strongly request that this store, so close to
1103 residences, be allowed to be open only 16 or 18 hours rather than 24. This would
1104 minimize the traffic noise in our neighborhood at night. We presently have to deal

1105 with late evening noise from the Ale House, which I wish would end at 10 rather than
1106 11, and I prefer no sleep interruptions caused by City Market hours of operation.
1107 Another thing that I might mention is, as a 20 year night nurse, is that nurses are not
1108 getting off work at 11 pm anymore. They are getting off at 7 am or 7 pm and
1109 therefore, even being open from 11 pm to midnight...it's not necessary for them.
1110 Ah...also I'm concerned about increasing traffic related to the brain injured residents
1111 that we have at the end of our block who often are...um...walking up and down
1112 Wellington Avenue, thanks.

1113 CHAIRMAN REECE Thank you.

1114 MS. VERSTRAETE Good Evening, I'm Pat Verstraete, I live at
1115 1421 Wellington Avenue, south of the proposal. I have three...um...concerns that I
1116 want to address. The first is the size of the building...um...I know of no big box
1117 store that is allowed in B-1 um...zoning. And I'm real concerned about this
1118 happening because I think it makes a mockery of our zoning laws...ah, if...if a big
1119 box stores belong in proper zoning and that this...this is the whole zoning for a...a
1120 store that size.

1121 B-1 zoning provides...um...for small areas of office and professional services
1122 combined with limited retail use and a 24/7 store is not limited...ah...use. A store
1123 that is big box size is not um...small ...um...retail uses so it...it just seems like this
1124 size of a store in a very residential neighborhood...ah...and to the south and to the
1125 east, these are...these are...ah...homes and condos and many of the people who
1126 live here are, you know, have been here for the first meetings 15 years ago
1127 and...um...it's been 15 years and it's been very hard for them now to consider

1128 having to, you know, to move out their homes because of what they may perceive
1129 as... um... (inaudible) it being convenience.

1130 Um...the second thing of course is, you know, on top of the first thing and that
1131 is...is the... ah...the hours of operation and... um...the neighborhood will not be using
1132 these...the store between 12 and 6 in the morning, I can tell you that because, like I
1133 said (inaudible) many of us are very old and like to go to bed during those times.
1134 And, so, what we're...you are asking us to sacrifice our safety and our well-being
1135 ah...for a neighborhood that is not our neighborhood. Ah...there is a City Market
1136 open 24 hours a day, there is a big box store that is in the proper zoning that is only
1137 a mile from the hospital...so if people needed to do that, then they would just have to
1138 go in a different direction.

1139 Um...I did want to comment on the jobs just for a minute and that is, that if
1140 Kroger was so concerned about the jobs in... ah... Grand Junction why during the
1141 recession did they close both Eastgate and 1st.

1142 And then the last piece that I am concerned about is the wall. And, I have
1143 been to every meeting, I can tell you, for the last 15 years...um...there have been a
1144 number of times, meetings that I didn't get any notice on, but the last time we met
1145 was...ah...four years ago and it was a different developer and we had talked about
1146 the wall that the... ah...on the east end, extending to Wellington and um...I think that
1147 the, you know, they had agreed to it at that time and now the wall is not there. There
1148 seemed to be some change...you know...some major changes...ah...it being the
1149 site plan. And that wall I think would be...um...very ah...very compatible with the
1150 neighborhood. Albertson's has a wall on the back of their store. And that...ah...you

1151 know...you talk about the...the ah...shrubby that's going to be planted there
1152 as...as a break, but shrubby doesn't keep out the debris. Shrubby...ah...does
1153 not keep out...um...some of the pollutions and stuff and so it would be very
1154 important for our neighbors to...ah...to have that wall extend on...on up
1155 to...ah...Wellington, and we thank you for your time.

1156 CHAIRMAN REECE Thank you. Do we have any other comments
1157 in favor or against this proposal? No? Ok, thank you for your feedback this evening.
1158 Does the Planning Commission have questions for staff?

1159 COMMISSIONER WADE Not for staff Madam Chairman, but I do
1160 have one more question for City Market. I'm confused about one thing.

1161 CHAIRMAN REECE If the applicant could come up to the podium
1162 please?

1163 COMMISSIONER WADE I just want to make sure I understand
1164 something completely. You indicated when the other Commissioner...when
1165 Commissioner asked you the question about is the lighting the same regardless of
1166 whether the store is open or not, do you remember that question?

1167 MR. STARBUCK Yes

1168 COMMISSIONER WADE Is...is...are you...do I understand you
1169 that all of the perimeter lights in the parking lot stay on all the time even if you only
1170 have people in the store stocking the store?

1171 MR. STARBUCK Let's ask the smart people. Carl is saying the
1172 lighting will stay on...there is no restriction on that.

1173 COMMISSIONER WADE Ok, all I wanted to find out, thank you.

1174 COMMISSIONER TOLLE I've got a question for you Sir.
 1175 The...ah...movement of the gas station from the previous location is now very close
 1176 to the residents on Wellington and um the apartments. What was the reason the
 1177 location of the filling station was moved?
 1178 MR. STARBUCK A couple reasons. Ah...circulation to
 1179 the...ah...fuel center was our main concern. When you put them in the...ah...when
 1180 you put the fuel center up in that corner up there at the intersection...ah...circulation
 1181 is restricted a little bit, makes it a little harder for people to get in and out for gas.
 1182 Obviously when you are fueling your car...ah...convenience and speed are
 1183 paramount. And this new configuration allows us to circulate our customers a little
 1184 better...get them in and out a little easier.
 1185 COMMISSIONER TOLLE Thank you
 1186 CHAIRMAN REECE Do we have any other ques....
 1187 MR. STARBUCK I'm sorry, there are...I said...I said there are
 1188 two reasons, I forgot the second reason. The second reason is, while we have
 1189 found over the last few years is that...uh...neighbors and things...don't like to
 1190 have...ah...towns and neighbors don't like to have the fuel centers on what we call
 1191 the hard corner there in the...at the intersection. A gas station at that location they
 1192 think is not...attractive...or as attractive. What we plan to do here...we hope to do
 1193 here...what's expected to be done here is gonna be...ah...make the intersection
 1194 much more attractive with a...ah...with what I expect to be a brick bank type
 1195 building...would be a much...much more ah...ah...pleasing than a gas station at that
 1196 hard corner.

1197 COMMISSIONER WADE If the property...ah...the subdivision
1198 goes through, would you subdivide that corner off...you would sell that pad to
1199 whoever would be putting the other facility in...am I correct in that?

1200 MR. STARBUCK Yes.

1201 COMMISSIONER WADE And I take it that there's no...you don't
1202 have any plans for that right now...you just want to subdivide it and put it on the
1203 market to sell to somebody and put a bank or something on that corner?

1204 MR. STARBUCK That would be correct. Yeah, we
1205 obviously...were trying to protect the corner simply because, you know, it's our
1206 corner. We want to do something there that's attractive, works with us...everything
1207 else. So as long as we have control of it, we...we can kind of dictate what's gonna
1208 go on that corner. And right now we are getting a lot of ah...a lot of attention...a lot
1209 of ah...a lot of offers...not offers, but ah...interest from bank units so...that's what I
1210 would expect to see.

1211 COMMISSIONER WADE Ok so...assuming that...that...that didn't
1212 develop at the time that you went on with the development, what would you do with
1213 the corner...in the interim...just leave the natural landscaping on it?

1214 MR. STARBUCK Ah...not the natural landscaping. We would
1215 pave it because we're going to try and grade the whole site together.

1216 COMMISSIONER WADE Yeah...so you'd finish the site then just put a
1217 pad on it.

1218 MR. STARBUCK We'd put grass...uh...natural grass...things
1219 like that on top of it...so it, you know, it wouldn't...ah...ah...you know...dirt doesn't

1220 blow away, but yeah...it would just be vacant.

1221 COMMISSIONER WADE I gotcha...thank you.

1222 CHAIRMAN REECE Do we have any other questions for the

1223 applicant? No? Thank you. Ok, do we have any questions for staff at this time?

1224 I have some questions for staff. So just to be clear on

1225 the...ah...ah...masonry wall, it would be set on the property line?

1226 MR. PETERSON That is correct.

1227 CHAIRMAN REECE Ok, and then...um...one gentleman

1228 ...um...Keith, asked about vegetation on one side of the wall or the other side...can

1229 you speak to that just for a moment please?

1230 MR. PETERSON Um...the wall would be placed on the property

1231 line. Um...the applicant is proposing a 11 foot landscaping strip, that would basically

1232 go from the property line, or the wall, into the City Market property. So there would

1233 be trees and shrubs that would also be planted along that east...east property line.

1234 So you'd have a 11 foot landscaping strip and then an 8 foot tall masonry wall.

1235 CHAIRMAN REECE Ok. And...um...it's probably not terribly

1236 relevant, but can you speak to the mention of a development agreement, cause we

1237 haven't heard anything about that before this evening.

1238 MR. PETERSON Um...yeah...ah...Keith Williams...um...did

1239 submit that to me, he's also submit that to Kroger...um...but that is...um...really a

1240 development agreement between...um...Patterson Gardens and Kroger itself. It

1241 really has nothing to do with the City. Um...Patterson Gardens would like to enter

1242 into an agreement...um...you know,...regarding maintenance of the wall and that

1243 type of thing...so it's really a private...ah...agreement between the two properties.

1244 CHAIRMAN REECE Ok, thank you for clearing that up. Do we have

1245 any other questions?...Yes.

1246 COMMISSIONER WADE Scott, if I could...the wall...can you

1247 actually show me on your...on the drawing...the wall goes from...

1248 MR. PETERSON Basically it goes from...um...this point if you

1249 can see my cursor...um...so about half way up on the...um...the islands...um...and

1250 it goes all the way down to the...basically a little past the corner of the City Market

1251 building which would probably be even with the existing house...ah...that's to the

1252 east.

1253 COMMISSIONER WADE Was there any discussion about

1254 the...the orig...the other development that showed the wall going further south and

1255 then turning?

1256 MR. PETERSON Four...four years ago...um...they did...the

1257 Planning Commission at that time...um...basically made a condition of approval to

1258 extend that wall...ah...down to the...ah...20 foot setback from the right of way of

1259 Wellington...ah...to the 20 foot setback from Patterson Road. Um...so...so it's

1260 basically...um...you know...an extension further down um...next to the properties

1261 there on Wellington.

1262 COMMISSIONER WADE But the wall wasn't gonna be extended

1263 along the southern line?

1264 MR. PETERSON No.

1265 COMMISSIONER WADE Ok.

1266 MR. PETERSON No, I looked...ah...um...um...ah the letter that
 1267 you received today from Mr. Verstratete, ah...talked about it curving. I looked
 1268 through the former minutes of the...ah...Planning Commission meeting from four
 1269 years ago,...um...Mr. Verstratete did make that request...to curve that wall along
 1270 Wellington,...um...but that was not approved by the...ah...Planning Commission
 1271 only the extension down to Wellington and not the curve.

1272 COMMISSIONER WADE Ok.

1273 MR. PETERSON Ah...the applicant is proposing...those are
 1274 along the south property line...ah...these large areas here are...ah...the
 1275 detention...drainage detention ponds...that will be fully landscaped. Um...the one
 1276 on the...ah...the west is about 35 feet in length. The one on the right...or the east
 1277 side, is about 40 feet in length...or width...I should say...um...that will include,
 1278 basically, full landscaping...double trees to help screen...um...this development
 1279 from the south...ah...for the adjacent property owners along the south.

1280 COMMISSIONER WADE Thank you Scott.

1281 CHAIRMAN REECE Any other questions for staff? No? Ok.

1282 COMMISSIONER BUSCHHORN I have a question for
 1283 somebody...I don't know who would be able to answer this. Could somebody tell
 1284 me how far from the proposed wall, to the edge of the fuel canopy...how far that
 1285 distance is...cause I can't pick a scale on this map...I can't see well enough.

1286 CHAIRMAN REECE Can the applicant answer that question?

1287 COMMENT FROM AUDIENCE The back of building one to the
 1288 wall would be 25 feet.

1289 CHAIRMAN REECE Let's have the applicant answer that question
1290 please?
1291 MR. SCHMIDTLEIN We're currently... ah... checking that on the
1292 drawings.
1293 Ok, thank you for your patience. Um... so the canopy on the north
1294 end... ah... up there, along Patterson is approximately 50 feet from the property
1295 line... or the wall... to the edge of the canopy. And then also the back of the store is
1296 about the same approximate distance... about 50 feet as well. And then just one
1297 thing to clarify... I don't know if my mouse will work here... ah... the wall... um... and
1298 maybe Scott you can help me with this, the wall actually extends... ah... further to the
1299 north... and you can see where it says end, right there... that's where the wall is
1300 actually proposed to end... is all the way up there at that location based on the site
1301 plan at this point in time.
1302 MR. PETERSON My apologies on that.
1303 CHAIRMAN REECE Is the southern border of the wall... um... still as
1304 Mr. Peterson mentioned?
1305 MR. SCHMIDTLEIN Correct. And ah... right there in that location
1306 where it said begin... right next to that note.
1307 CHAIRMAN REECE Ok.
1308 COMMISSIONER BUSCHHORN Thank you.
1309 CHAIRMAN REECE Thank you. Any other questions from the
1310 Planning Commission? With that we will close the public hearing portion
1311 and... um... discuss some of these items a little bit further. So do I have any

1312 discussion...among the Planning Commission on any of these items?

1313 COMMISSIONER ESLAMI Madam Chairman, I suggest that you

1314 start with the first one...first...then keep going down the list.

1315 CHAIRMAN REECE We...we will...yep. So I don't have any

1316 discussion before we begin the motions?

1317 COMMISSIONER ESLAMI But discussion and the (inaudible).

1318 COMMISSIONER WADE Yeah...Madam Chairman...I...I would

1319 like say something on the 24 hour operation variance.

1320 COMMISSIONER ESLAMI I'm sorry, I think we are going one way.

1321 CHAIRMAN REECE Yep...he...he...we're going to go one by one

1322 here in just a minute.

1323 COMMISSIONER ESLAMI But we are not...oh...I don't know. Are

1324 we going to make a motion for the first one, or not?

1325 CHAIRMAN REECE Yes.

1326 COMMISSIONER WADE Yeah...after we discuss it.

1327 COMMISSIONER ESLAMI Oh...no we discuss one at a time, I say

1328 that so we don't get confused.

1329 COMMISSIONER WADE That's what I'm gonna do...is discuss

1330 the first one.

1331 CHAIRMAN REECE We can...if that's what you prefer to do that's

1332 fine.

1333 So...with that...I'm open for a motion and discussion on the first variance

1334 item, which is...um...the request for a variance to allow the applicant outside display

- 1335 areas for the City Market building, fueling kiosk, retail A building, as identified on the
1336 site plan. So we'll open it up for discussion, and after discussion, we'll go ahead and
1337 open it up for motion on that first variance item.
- 1338 COMMISSIONER ESLAMI Madam Chairman, I may say that...I
1339 don't see any problem with that eh....display case and that to be approved.
- 1340 CHAIRMAN REECE Ok.
- 1341 COMMISSIONER WADE Madam Chairman, I was talking about
1342 the second variance motion...my apologies...I agree with Ebe.
- 1343 CHAIRMAN REECE Ok, that's fine...yep. Any other discussion on
1344 the first variance item?
- 1345 COMMISSIONER DEPPE No.
- 1346 CHAIRMAN REECE No?
- 1347 COMMISSIONER BUSCHHORN No, I think its fine.
- 1348 CHAIRMAN REECE Ok, with that, I'm open for a motion on the first
1349 variance regarding the outside display areas.
- 1350 COMMISSIONER WADE Madam Chairman, on the request for a
1351 variance to allow the applicant outside display areas for the City Market building,
1352 fueling kiosk and Retail A building as identified on the Site Plan on the condition that
1353 the display areas be limited to be close to buildings, not located within the parking
1354 lot, I move that the Planning Commission approve the Variance conditioned upon
1355 the approval of a Conditional Use Permit with this application.
- 1356 CHAIRMAN REECE I have a motion, do I have a second?
- 1357 COMMISSIONER DEPPE Madam Chairman I would second that

1358 motion.

1359 CHAIRMAN REECE I have a motion and a second? All in favor,
1360 please say aye.

1361 ALL COMMISSION MEMEBERS Aye.

1362 CHAIRMAN REECE Opposed no? That motion carries 7 to 0.

1363 The next item that we will vote on is the second variance motion. The second
1364 variance motion is the request for...um...the store and the fuel island to operate 24
1365 hours a day, but not to include deliveries as allowed by the code, which would be
1366 limited to 10 pm. Do I have discussion on the second variance item?

1367 COMMISSIONER ESLAMI Madam Chairman, may I thank you all
1368 for coming over here and we appreciate your input. And ah...I disagree with the
1369 being open 24 hours because there is no hardship on the applicant...but there is a
1370 lot of hardship on the...the neighbors and the community over there. And...eh, it's
1371 not beneficial to that community for that store to be 24 hours open. Hours of
1372 opening from whether from 6 to 12 or 11...that's very appropriate to me, thank you.

1373 CHAIRMAN REECE Thank you. Any other discussion on this item?

1374 COMMISSIONER BUSCHHORN I...ah...I disagree with Ebe. I...I
1375 think 24 hours grocery stores...I personally use them quite a lot...unfortunately.
1376 Um...my family has really odd hours and I have young kids, and so I have done my
1377 shopping at 3 am...and it's very fortunate for that 24 Road one to be open. I've also
1378 run out for Children's Tylenol at 2 am and it's immensely important to have that
1379 quickly...I think...um...and as I said before, I think a 24 hour pharmacy would be
1380 better...but anyway, that's aside. I...I do feel for the neighbors and I think that is a

1381 problem except that there not much traffic in the middle of the night to be there, as
1382 the applicant has said, that the store is almost open anyway with stocking and staff
1383 and lighting. There are no deliveries, it's people going in and out and I know that
1384 there will be some bad apples...and some noise...but I would...I would hope that it's
1385 less than the Ale House. I can't imagine a grocery operation in the middle of the
1386 night are quite like Ale House patrons. Um...but for those reasons I think it...it can
1387 benefit the community as...as a whole. I think it's a...it is a benefit to have it open
1388 24 hours a night. I would ah...those are my comments.

1389 CHAIRMAN REECE Thank you.

1390 COMMISSIONER DEPPE Madam Chairman, I agree that it does
1391 need to be open 24 hours if the stocking is going to go on inside and nothing outside
1392 is going to change, there's got to be some benefits to both City Market and the
1393 general public to that store being open for their convenience of the general public,
1394 like he's indicating... there are those times when you do have to find something in
1395 the middle of the night.

1396 CHAIRMAN REECE Ok, thank you.

1397 COMMISSIONER WADE Madam Chairman, I asked that second
1398 question about the lighting in the parking lot because a number of the concerns we
1399 heard raised by...by all you who come tonight...and I echo Commissioner Eslami in
1400 thanking you for coming because we can't make these decisions if you don't give us
1401 your input. If the lighting is going to be precisely the same as if it would be if the
1402 store were closed, and they're going to do a landscaping plan, which I think we
1403 should make sure they do correctly, that...ah...screens the lighting wherever we can

1404 and the new lighting ordinance that we approve will change the lighting slip off that
1405 canopy considerably, because it will be down focused LED lights,...um...you
1406 know...based on that, I too believe that there is some benefit to a 24 hour store...on
1407 that location. So long as the...the actually overall lighting pattern hasn't changed
1408 dramatically because they're just stocking the store. If those parking lot lights stay
1409 on, I'm in favor of the variance.

1410 CHAIRMAN REECE Ok, any other discussion on this item...before
1411 we entertain a motion? Nope? Ok. With that, I am open for a motion on the second
1412 variance item regarding the 24 hour operation of the grocery store and fuel island.

1413 COMMISSIONER EHLERS Madam Chairman, on the...ah...request
1414 to var...request for variance to allow the applicant to operate a grocery store and
1415 fuel island for 24 hours a day, but not to include deliveries except as allowed by the
1416 code, I move that the Planning Commission approve the Variance conditioned upon
1417 the approval of a Conditional Use Permit with this application.

1418 CHAIRMAN REECE I have a motion, do I have a second?

1419 COMMISSIONER WADE Second.

1420 CHAIRMAN REECE I have a motion and a second. All those in
1421 favor of allowing 24 hour operation, please say aye.

1422 COMMISSIONER BUSCHHORN, DEPPE, EHLERS AND WADE
1423 Aye.

1424 CHAIRMAN REECE Opposed, no?

1425 CHAIRMAN REESE, COMMISSIONER ESLAMI, TOLLE No.

1426 CHAIRMAN REECE The motion passes 4 to 3.

1427 CHAIRMAN REECE Ok, the next item up is the Conditional Use
1428 Permit, and this is a Conditional Use Permit for City Market to construct a building of
1429 excess of 15,000 square feet in a B-1 zone district. And this is file number CUP-
1430 2014-134 and with that I am open for discussion on this item.

1431 COMMISSIONER WADE Ah...Madam Chairman, I have a
1432 question for the staff. Scott, can you tell me the difference in size between the store
1433 that was previously approved and this new building?

1434 MR. PETERSON Ah...four years ago...ah...the Planning
1435 Commission approved a 49,000 square foot building. This is 10,000 square feet
1436 more at 59,000 square feet.

1437 COMMISSIONER WADE Ok, it's 59,000 in this building but
1438 the...the applicant indicated that the actual number of square feet in the total retail
1439 development has come down from the previous approval?

1440 MR. PETERSON That is...that is correct. There
1441 was...ah...ah...um...I believe...um Mr. Schmidlein from Galloway said there was
1442 six buildings, ah...that was correct. Now there...ah...just be, basically three
1443 buildings and the fueling kiosk.

1444 COMMISSIONER WADE And its come down, I believe, Mr.
1445 Schmidlein you indicated something like 6,000 square feet in total retail space?

1446 MR. PETERSON Yeah.

1447 COMMISSIONER WADE Thank you, I just needed to know that.

1448 CHAIRMAN REECE Any other discussion on the Conditional Use
1449 Permit?

1450 COMMISSIONER DEPPE Are we...going to go through the
1451 deviations...

1452 CHAIRMAN REECE Yep, individually.
1453 COMMISSIONER DEPPE before we do?
1454 CHAIRMAN REECE Ah...we'll vote on the Conditional Use Permit,
1455 and then we'll go through each deviation one at a time.

1456 COMMISSIONER DEPPE Alright, thank you.
1457 CHAIRMAN REECE Yes, any other discussion? Ok, with that I am
1458 open for a motion to approve the Conditional Use Permit to build the building in
1459 excess of 15,000 square feet in a B-1 zone district.

1460 COMMISSIONER WADE Madam Chairman, on the request for a
1461 Conditional Use Permit for City Market to construct a building in excess of 15,000
1462 square feet in a B-1 zone district, City file number CUP-2014-134, to be located at the
1463 southeast corner of N. 12th Street and Patterson Road, I move that the Planning
1464 Commission approve the Conditional Use Permit with the conditions listed in the staff
1465 report, but without any deviations, but subject to additional motions regarding the
1466 requested site plan deviations.

1467 CHAIRMAN REECE I have a motion, do I have a second?
1468 COMMISSIONER ESLAMI I second.
1469 CHAIRMAN REECE I have a motion, and a second, all those in
1470 favor, please say aye.

1471 COMMISSIONERS; BUSCHHORN, DEPPE, EHLERS, ESLAMI, WADE AND
1472 CHAIRMAN REESE: Aye.

1473 CHAIRMAN REESE Opposed, no?
1474 COMMISSIONER TOLLE No.
1475 CHAIRMAN REESE Motion carries, 6 to 1.
1476 CHAIRMAN REESE On the deviations from the code, the first
1477 deviation was that the drive aisle width requirement adjacent to the east side of the
1478 retail A building, be reduced by one foot, in order to line up with adjoining drive aisle as
1479 part of the CUP. Do I have any discussion on the first deviation?
1480 CHAIRMAN REESE Nope? With that, I am open for a motion to
1481 approve the first deviation.
1482 COMMISSIONER DEPPE Madam Chairman, I move that we approve a
1483 deviation that the drive aisle width requirement adjacent to the east side of the retail
1484 building A...to the east side of the retail building, be reduced by one foot in order to line
1485 up with the adjoining to the north drive aisle, as part of the CUP.
1486 CHAIRMAN REECE I have a motion, do I have a second?
1487 COMMISSIONER TOLLE Second.
1488 CHAIRMAN REECE I have a motion, and a second, all in favor
1489 please say aye.
1490 COMMISSIONERS; BUSCHHORN, DEPPE, EHLERS, ESLAMI, TOLLE, WADE
1491 AND CHAIRMAN REESE Aye.
1492 CHAIRMAN REECE Opposed no? Motion carries 7 to 0.
1493 CHAIRMAN REECE The second deviation from the code is...that
1494 uh...we allow a 60 degree parking stall to be 9 feet wide by 19 feet in length, as

1495 opposed to 9 feet wide by 21 feet in length. Do I have any discussion on this item? If
1496 there's no discussion, then I am open for a motion on the second deviation.

1497 COMMISSIONER DEPPE Madam Chairman, I move that we approve the
1498 deviation to allow 60 degree parking stalls to be 9 foot wide by 19 feet in length as
1499 opposed to 9 feet wide by 21 feet in length, as part of the CUP.

1500 CHAIRMAN REECE I have a motion, do I have a second?

1501 COMMISSIONER WADE Second.

1502 CHAIRMAN REECE I have a motion, and a second, all in favor
1503 please say aye.

1504 COMMISSIONERS; BUSCHHORN, DEPPE, EHLERS, ESLAMI, TOLLE, WADE
1505 AND CHAIRMAN REESE Aye.

1506 CHAIRMAN REECE Opposed no? Motion carries 7 to 0.

1507 The third deviation from the code is regarding the landscape islands at the end of
1508 the parking rows, closest to the front of the store. Do we have any discussion on this
1509 item?

1510 COMMISSIONER EHLERS I...I have a, I guess an item for
1511 consideration here,...um...I am wrestling with the validity of the points that...that...the
1512 applicant has brought up...ah...and with the intent of our...of our code here...mostly
1513 regarding having the landscaping there to avoid the sea of asphalt...the concrete. I
1514 wonder if a...ah...condition to approval of this for consideration could be to allow them
1515 to avoid the islands, or omit the islands, and just do the striped, for the two larger
1516 islands on either side of the center walkway. Having all other islands, other than those
1517 two, remain landscaped...um...doesn't seem to have the same high volume of foot

1518 traffic issues that um...that's been presented. It allows us to ah...maintain some
1519 organic and landscape material as intended by the coded, and yet mitigate what I do
1520 believe is a unique...um...traffic...pedestrian traffic
1521 concentration...and...and...pedestrian and vehicle interaction, unique to ah...grocery
1522 stores such as this.

1523 CHAIRMAN REECE So are you proposing that those...ah...two
1524 islands at the end of the walkway be expanded with landscape...just to understand?

1525 COMMISSIONER EHLERS The...ah...the two triangular isl... islands
1526 right there at the ah...the...the checkered walkway that you can see, I would...I would
1527 propose that those do maintain the current code requirements of being landscaped,
1528 however, the two islands at the end of the aisles on either side of that, um...be allowed
1529 to remained paved...and striped for the reasons that the applicant presented.

1530 COMMISSIONER DEPPE But Keith, are those not islands, those
1531 triangular islands...are they not directly in front of the entrance?

1532 COMMISSIONER EHLERS They appear to be...ah...pretty close to
1533 the entrance when you look at the...ah...the elevations...but with the walkway there, I
1534 think you're providing the...um...ah...ah...you're providing the safety that the applicant
1535 has proposed is the issue and the reason for the others. So you can maintain
1536 some...some landscape islands on those two small...small portions...um...and
1537 then...then provide the safety for the...ah...pedestrians and the interactions overall
1538 ah...on the other two items. This is just for consideration.

1539 CHAIRMAN REECE Sure.

1540 COMMISSIONER WADE Keith, I would...would ask you to consider,
1541 I...I...kind of am interested in your idea, but I would ask you to consider that...to make it
1542 consistent from the store, that you sim...you extend the ah...the island with no
1543 painting...two islands to the south there, and just landscape the islands on both the
1544 north and south ends and the one in...the two pieces in the center. What do you think
1545 of that?

1546 COMMISSIONER EHLERS Well that could make some
1547 sense...um...

1548 COMMISSIONER WADE That's just consistent as to the façade of the
1549 store. But that does provide some landscaping at the southern end of the store, toward
1550 the driveway, and again at the northern end as well.

1551 COMMISSIONER EHLERS Both accomplish the goals of trying to
1552 stay with the intent of the code, for having some organic material and landscaping out
1553 there,...um...but without um...with also respecting what your intent is...as the applicant.
1554 Other thoughts on that?

1555 COMMISSIONER ESLAMI I have a question for I think Greg or
1556 Jamie...can...is that possible we can do...two things? or...either yes or no on this.

1557 COMMISSIONER EHLERS Approval with condition, or something
1558 along those lines?

1559 MS. BEARD Ok, if you...if I'm understanding correctly, you're talking
1560 about...um...possibly granting a portion of the request with some modifications to what
1561 the request is, as far as not having to landscape the end aisles of each of the parking
1562 um...aisles.

1563 COMMISSIONER EHLERS That's correct...rather than omitting all
1564 six islands, we would allow them to omit um...two or three of them...and designate that
1565 very clearly in a condition of approval.

1566 MS. BEARD You...you can suggest that and if...excuse me (cough) if
1567 that's the motion and the approval by the Planning Commission,...um...with some
1568 explanation as to the criteria and how it better fits the compatibility...um...requirements
1569 for the CUP.

1570 COMMISSIONER WADE You want to say how it better fits?

1571 COMMISSIONER EHLERS Sure, I ah...and...and we can put this in
1572 a motion, if this meets the...meets the standards, but um...the intent of this condition
1573 would be to meet the standards of the CUP and the other intents of our landscaping
1574 code, to...um...maintain the landscape and organic material in these parking lots rather
1575 than just having a...a sea of hardscape. That's really the intent, and...while also
1576 acknowledging what...what you've brought up, as very good points that you've also
1577 presented other areas that this is working.

1578 CHAIRMAN REECE Ok, do we have any other discussion on
1579 um...Commissioner Ehlers proposal?

1580 COMMISSIONER DEPPE I would chose to see us vote on um...the
1581 deviation as its been proposed...

1582 CHAIRMAN REECE Ok.

1583 COMMISSIONER DEPPE rather than to try to amend it or...or change it
1584 or...condition it at this point.

1585 CHAIRMAN REECE Yep, I agree with you.

1586 COMMISSIONER ESLAMI I agree on that.

1587 COMMISSIONER DEPPE (inaudible)...vote on it.

1588 CHAIRMAN REECE So let's ahead and take a vote on whether or

1589 not we would like to take a vote on Keith's proposal. Just so we're clear...with

1590 everybody at home. Ah...if you would like to um...have Commissioner Ehlers make a

1591 motion...ah...please say aye.

1592 COMMISSIONER BUSCHHORN, EHLERS Aye.

1593 CHAIRMAN REECE Opposed, no?

1594 COMMISSIONER, DEPPE, ESLAMI, TOLLE, WADE AND CHAIRMAN REESE

1595 No.

1596 CHAIRMAN REECE Motion fails...ah...5 to 2.

1597 CHAIRMAN REECE So with that, do we have any other proposals

1598 or discussions or...or would we like to just go ahead and vote on the ah...deviation as

1599 read?

1600 COMMISSIONER BUSCHHORN I have some things I'd like to say on

1601 that. Ah...I look at the code as...it's...it's kind of a living document...I hate that

1602 term...but its...its malleable...and obviously, because we have code amendments

1603 tonight. And I certainly understand City Markets position on this that, you know,

1604 although we have this requirement in the code, it may not really work. And rather that

1605 saying...well the code requires it, so we have to do it...at some point, not everything

1606 works. And we have to realize that...and by allowing a deviation on a single property,

1607 we are able to test to see if this different aspect works...and if it is safer...and if...you

1608 know, I...I do appreciate that...although the sea of asphalt gets broken up by other

1609 hardscape, it does allow a little visual break. But over time, either with landlord neglect,
1610 or natural occurrences, these things degrade...and they do look pretty bad after a while.
1611 And if...if what we're trying to do is...is maintain aesthetics, some of those pictures were
1612 not...they're not meeting that intent. So following the...the purpose of the code and the
1613 intent of the code, we're still not meeting it. Because you know, we are requiring this,
1614 but then it looks terrible in 10 years. So I would...I think Commissioners Ehlers idea
1615 is...is a good one, because we're still saying, well yes, you...we want this in because
1616 the code requires it, but we're going to do a test run of these two or three end-caps and
1617 see how that applies over time. Do we have fewer conflicts over between pedestrians
1618 and vehicles in this spot, than we do at other locations around town? And we have a
1619 perfect control, with the 24 Road City Market, because it's essentially the same thing
1620 um...but I also understand that we do have guidelines that we have to follow, and that
1621 being the code, and if we are to change these it's not for us to change that, on our own
1622 accord, but it should be coming through a more official process. But I...that's why I
1623 would vote for the motion to...at least look at it...attempt it...this could be the test
1624 subject or...not.

1625 CHAIRMAN REECE Ok.

1626 COMMISSIONER EHLERS If I might just add too, for clarification
1627 and nothing more, that the intent here is not to stand up as a Commission or a
1628 Commission member and redesign here on the fly...the ah...CUP proposal and
1629 application...is a great tool that we have. And it allows for us to meander from the code
1630 for reasons that...ah...was mentioned previously...and ah...with that comes some
1631 complexities that maybe start to fall into these kinds of conversations...so, ah...we

1632 appreciate your...your patience on that, we know how much time and effort has gone
1633 into all of this...by all of you, really...looking at what these considerations may be.

1634 CHAIRMAN REECE Thank you.

1635 COMMISSIONER WADE Madam Chairman, question for our council.

1636 If...if we vote on this motion, and the motion...ah...to allow the deviation fails, can we
1637 bring another motion at that time...with it, to...to allow the other discussion we just had?
1638 To create a...a...different deviation than the one they specifically requested?

1639 MS. BEARD I would recommend that yes, you at least do a...ah...motion
1640 in regards to the actual request, so it's clear whether or not what's been requested by
1641 the applicant is being approved or denied. As to whether or not you go to another
1642 motion after that, I would suggest whether or not the applicants are interested in there
1643 being something other than what um...they have originally proposed.

1644 CHAIRMAN REECE Ok, um...so...with that, I think we should just
1645 go ahead and take a vote on the mo...the deviation as read. And then, after that we
1646 can check to see if the applicant is even interested.

1647 COMMISSIONER TOLLE If I may, Madam Chairman...

1648 CHAIRMAN REECE Yes

1649 COMMISSIONER TOLLE Ah...this is a...almost an added from the
1650 strategic level. This is a big box...in a neighborhood. The ones we have, are primarily
1651 in shopping malls. Ah...the reason that I do not agree with the tripling with the size of
1652 the building based on what B-1 zoning should be...I would like everyone...you know,
1653 this opens the door. It's a big box, in a neighborhood, 24 hours a day. I just, you know,
1654 I don't think it fits...I don't'...I...you know, I just think that the whole city now...ah...it

1655 may be subject to something like this. And that's just my opinion. Thank you Ma'am.

1656 CHAIRMAN REECE Thank you.

1657 I personally have shopped at City Market, and I happen to know that you do sell
1658 shrubs...that can be easily replaced in these types of islands. There's also...ah...a
1659 variety of mulch material that's sold there...because I've purchased it from City Market
1660 before. So, I think that the...um...the maintenance issue is really somewhat self-
1661 inflicted,...um...I do understand that people don't know how to drive and they drive
1662 through these things...I get that. But...ah...at the same time, you know, that's part of
1663 the cost of doing business. Um...and I do think that they provide a safe haven, because
1664 I have been one of those people who has to jump out of the way of oncoming traffic and
1665 find solace in a...ah...an end cap there...um...so I personally think that they are of
1666 value, even though they may be somewhat difficult to maintain. This is part of doing
1667 business...um...so that is just my personal opinion on that. Ah...if there's no other
1668 discussion, we'll go ahead and make a motion.

1669 COMMISSIONER TOLLE Madam Chairman, if I may...um...in support of
1670 what you just said...there's a lack of enforcement all over the places...we saw the carts,
1671 curbs and all that. Somehow, nobody...and I don't know who the right person would be,
1672 you know, if you're gonna put them in, you gotta maintain them and keep them. And
1673 that's a responsibility...again...it's even more so in this kind of neighborhood. So your
1674 point is exactly right, and we need to address, somehow, the enforcement...you know,
1675 put it in...maintain it...make it look nice...make it functional. It's gonna get banged, you
1676 know, life in the big city. And that's where we're going with this...I think...so...

1677 CHAIRMAN REECE Thank you. Ok.

1678 COMMISSIONER WADE You ready for a motion to?
1679 CHAIRMAN REECE I'm ready for a motion.
1680 COMMISSIONER WADE Madam Chairman, I move that we approve a
1681 deviation to allow the landscape islands at the end of the parking rows, closest to the
1682 front of the store, to be eliminated as part of the Conditional Use Permit.
1683 CHAIRMAN REECE I have a motion, do I have a second?
1684 CHAIRMAN DEPPE I would second that.
1685 CHAIRMAN REECE I have a motion and a second, all those in
1686 favor...please say aye.
1687 COMMISSIONERS DEPPE AND BUSCHHORN Aye.
1688 CHAIRMAN REECE All those opposed, no?
1689 CHAIRMAN REECE, COMMISSIONERS; EHLERS, ESLAMI, TOLLE, WADE
1690 No.
1691 CHAIRMAN REECE Motion fails, 5 to 2.
1692 Do we want to entertain a supplemental or alternative motion?
1693 COMMISSIONER WADE Should we...should we ask the applicant?
1694 CHAIRMAN REECE If the applicant could please...go to the
1695 podium?
1696 MR. STARBUCK Yeah, I think we're open to discussing it further.
1697 CHAIRMAN REECE Ok.
1698 COMMISSIONER WADE Thank you.
1699 CHAIRMAN REECE Ok, do I have any motions proposed?
1700 COMMISSIONER EHLERS Madam Chair, I would...I would motion

1701 that I would ah...move to approve...ah...the deviation...deviation upon condition
1702 that...let me scratch that and think about that a little more.

1703 CHAIRMAN REECE Ok, take a moment.

1704 COMMISSIONER WADE Jamie, why don't you write us a motion...real
1705 quick.

1706 Um...while Keith's doing it, Madam Chairman...if you want...we can...

1707 CHAIRMAN REECE I'd rather just take care of this one...one at a
1708 time.

1709 COMMISSIONER WADE Ok.

1710 COMMISSIONER EHLERS Madam Chair, let's try this...I...I move
1711 that we approve a deviation to allow the end cap...landscape islands at the end of the
1712 parking rows, on either side...of the center walkway...through the parking lot, to be
1713 ah...paved rather than landscaped. But all other parking islands remain landscaped.

1714 CHAIRMAN REECE The parking islands closest to the storefront?
1715 Yes?

1716 COMMISSIONER EHLERS Correct.

1717 CHAIRMAN REECE Correct, Ok. I have a motion, does that sound
1718 about right...staff there?

1719 MR. STARBUCK May I add something? What he's talking about is
1720 these two little triangles...

1721 CHAIRMAN REECE Correct.

1722 MR. STARBUCK next to the walkway? Those cannot be landscaped.
1723 They have to stay striped...because there next to the ADA parking.

1724 COMMISSIONER EHLERS I'm actually referring to the end caps on
1725 the...ah...parking rows...either side of that.

1726 MR. STARBUCK on either side? The big ones.

1727 COMMISSIONER EHLERS The bigger ones, yes. So that the only
1728 landscape islands you have to do, would be the northern most island, and the two
1729 southern most islands. The middle three...could be striped. Is that satisfactory?

1730 MR. STARBUCK Yes.

1731 COMMISSIONER EHLERS Ok.

1732 CHAIRMAN REECE Can you please remake your motion?

1733 COMMISSIONER EHLERS You bet. Madam Chairman, I move to
1734 approve the deviation to allow the landscape islands...all landscape islands at the front
1735 of the store...other than the two southern most islands, and the northern most
1736 island...to be paved, rather than landscaped.

1737 CHAIRMAN REECE I have a motion, do I have a second?

1738 COMMISSIONER WADE I second.

1739 CHAIRMAN REECE All those in favor, please say aye.

1740 VARIOUS COMMISSIONERS Aye.

1741 CHAIRMAN REECE Can I have a raise of hands please? One, two,
1742 three, four. I have four ayes...(Commissioners Buschhorn, Deppe, Ehlers, and Wade
1743 raised their hands) um...opposed, no?

1744 COMMISSIONERS TOLLE, ESLAMI AND CHAIRMAN REECE No.

1745 CHAIRMAN REECE Nope. You were no?

1746 COMMISSIONER ESLAMI No.

1747 CHAIRMAN REECE Ok, so that motion passes 4 to 3.

1748 You'll have the opportunity to work on that with City staff. The fourth deviation

1749 is...ah...let's see...a request to allow an 8 foot screen wall wi...with the out...eastern

1750 most edge of the wall on the property line...zero foot setback...as part of the

1751 Conditional Use Permit. So this would move that masonry wall...normally its required to

1752 have a 5 foot setback, and this would that masonry wall directly on the property line. Do

1753 I have any discussion? Nope?

1754 COMMISSIONER WADE I have a question for Scott if I could.

1755 CHAIRMAN REECE Ok.

1756 COMMISSIONER WADE Scott, was there any discussion in...in the

1757 meetings with ah... City Market...with Galloway and with the...in the public meetings

1758 about the wall...I believe you mentioned at one point that the...the citizens asked if the

1759 wall could be 10 feet high...is that correct?

1760 MR. PETERSON Um...yes, the um...Mr. Williams and the Patterson

1761 Gardens, requested City Market to go to 10 feet...ah... City Market respectfully declined

1762 to go to 10 feet. Um, but they are exceeding the code requirement of 6 feet of fence to

1763 be a concreted wall that would be 8 feet in height. Which it's exceeding our current

1764 code requirement.

1765 COMMISSIONER WADE Alright, and their rationale for not wanting to go

1766 to 10 feet, I take it, was cost and...and...

1767 MR. PETERSON whether it would do any good, whether it was 8 feet or

1768 10 feet to them.

1769 COMMISSIONER WADE wouldn't make any difference between 8 and

1770 10 feet.

1771 MR. PETERSON Yeah, whether that would make a difference or not.

1772 COMMISSIONER WADE Well, another quick question, you have the

1773 landscaping plan, I think, in more detail than we do...obviously. How many trees are

1774 planted along that wall? Could you tell us?

1775 MR. PETERSON I don't know if Jesse has that quicker than I

1776 do...oh...here it is right here. Um, it looks like...um...the larger circles are the

1777 trees...um...so...one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve,

1778 thirteen, about fourteen trees.

1779 COMMISSIONER WADE Thank you.

1780 CHAIRMAN REECE Any other discussion on this deviation? Ok.

1781 With that, I am open for a motion regarding the...ah...8 foot masonry wall.

1782 COMMISSIONER TOLLE Madam Chairman, I move that we approve a

1783 deviation to allow an 8 foot screen wall with eastern most edge of the wall...on the

1784 property line...zero foot setback as part of the CUP.

1785 CHAIRMAN REECE I have a motion, do I have a second?

1786 COMMISSIONER DEPPE I would second that.

1787 CHAIRMAN REECE I have a motion and a second. All those in

1788 favor, please say aye.

1789 ALL COMMISSIONERS Aye.

1790 CHAIRMAN REECE Opposed no? Motion carries 7 to 0.

1791 Last deviation. This last deviation is regarding the allowance of 6 foot wide

1792 sidewalks, along the east side of retail A building and the south side of the City Market

1793 building, as part of the Conditional Use Permit.

1794 Do I have any discussion on this item? No? With that, I am open for a motion.

1795 COMMISSIONER WADE Madam Chairman, I move that we approve a

1796 deviation to allow 6 foot wide sidewalks, along the east side of retail A building and the

1797 south side of the City Market building, as part of the Conditional Use Permit.

1798 CHAIRMAN REECE I have a motion, do I have a second?

1799 COMMISSIONER ESLAMI Second.

1800 CHAIRMAN REECE All those in favor, please say aye.

1801 ALL COMMISSIONERS Aye.

1802 CHAIRMAN REECE Opposed no? Motion carries 7 to 0.

1803 That will be the end of the City Market Conditional Use Permit public hearing.



Attach 5

CITY COUNCIL AGENDA ITEM

Date: 1/8/15

Author: Paula Creasy

Title/ Phone Ext: GJRCC Project

Manager

Proposed Schedule:

1/21/15

2nd Reading

(if applicable): _____

Subject: Recording System for the Grand Junction Regional Communication Center

Action Requested/Recommendation: Authorize the Grand Junction Regional Communication Center to Enter into a Contract with DSS Corporation, Southfield MI, in the Amount of \$210,000

Presenter(s) Name & Title: John Camper, Police Chief

Executive Summary:

The Grand Junction Regional Communications Center would like to enter into a contract with DSS Corporation to purchase an upgraded replacement recording system for the Grand Junction Regional Communications Center (GJRCC) for \$210,000. This recording system will record all 911 calls, non-emergency calls, administrative calls, and radio communication.

Background, Analysis and Options:

The current recording system is running on a 2010 hardware platform that is not fully redundant and a software version that needs to be upgraded. It was decided to use an RFP process to determine the best solution for today's environment and one that will be capable of future migration such as the ability to record various forms of media, such as texting, video, and social media.

The new system will provide better redundancy, database backup capability, improve usability, and have robust quality assurance functionality. There won't be a single point of failure with the new system like there is with the current system. Last spring, the GJRCC lost several days' of worth recordings because of a system failure. System redundancy was not in place like the new system so there was not a backup made for those recordings. The new system will rectify that problem.

With the new system, a 911 supervisor will be able to use this software to recreate a moment in time from a dispatch console. The system will capture the telephone, radio traffic, and dispatch screen to create a visual scenario of what occurred at a specific data and time. The ability to do this does not currently exist in the current system.

DSS Corporation is actively involved with national committees that set the standards for the next generation of 911, such as texting to 911 and how capturing video and other

social media applications will play a factor in 911 service delivery. They have committed to enhance their recording software to meet those needs. This is important to the GJRCC because the Center will soon be able to capture text to 911 messages and wants to prepare for and be able to capture future forms of media as well.

The RFP was advertised in the Daily Sentinel, posted on BidNet, and the City of Grand Junction's website. Nine responses were received and evaluated based on functionality, references and fees.

<u>Vendor</u>	<u>Location</u>
DSS Corporation	Southfield, MI
Digital Speech	Richardson, TX
Durham Communications - Stancil	Mesa, AZ
Durham Communications - Redbox	Mesa, AZ
Goserco	Mesa, AZ
Grabar - NICE	Bismark, ND
Grabar - REVCORD	Bismark, ND
Higher Ground	Canoga Park, CA
VPI	Camarillo, CA

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 11: Public safety facilities and services for our citizens will be a priority in planning for growth.

Many times the 911 call and radio communications become evidence in a court case. These recordings will continue to be provided to the District Attorney's Office, Public Defenders, and citizens.

How this item relates to the Economic Development Plan:

Goal: Create and maintain a safe community through professional, responsive and cost effective public safety services.

The telephone calls and radio communication records are frequently used by public safety in civil and criminal cases. It is also frequently used for quality review for dispatchers and public safety responders.

Board or Committee Recommendation:

The GJRCC Board authorized the process for procuring a recording system.

Financial Impact/Budget:

There is \$500,000 budgeted in the Communication Center Internal Service Fund to cover the costs of this recording system.

Legal issues:

If approved, the contract for the purchase will be reviewed and approved by the City Attorney prior to execution.

Other issues:

No other issues have been identified.

Previously presented or discussed:

The need for this type of system was discussed and presented during budget review sessions.

Attachments:

None.



Attach 6

CITY COUNCIL AGENDA ITEM

Date: 01/09/2015

Author: Paula Creasy

Title/ Phone Ext: Comm Center

Manager - Projects

Proposed Schedule: 01/21/2015

2nd Reading

(if applicable): _____

Subject: Contract for Consulting Services to Design for Expansion of Radio Coverage in Canyon and Rural Areas of Mesa County

Action Requested/Recommendation: Authorize the Purchasing Division to Enter into a Contract with Centerline Solutions to Provide Professional Consulting Services for Expansion of the 800MHz Radio Coverage within Mesa County, in a Not to Exceed Amount of \$69,620

Presenter(s) Name & Title: John Camper, Police Chief
Jay Valentine, Internal Services Manager

Executive Summary:

The Grand Junction Regional Communications Center (GJRCC) would like to enter into a contract with Centerline Solutions for consulting services for a not to exceed amount of \$69,620. Centerline Solutions will provide solutions for expanding radio coverage in the canyon areas and rural areas of Mesa County.

Background, Analysis and Options:

To date, the expansion of radio coverage has largely been focused toward the more populated areas of Mesa County, which has left gaps in canyon areas and rural/wilderness areas. Public Safety personnel have problems communicating with each other and to dispatch in these areas. The GJRCC would like Centerline Solutions, a professional engineering firm, to meet with public safety stakeholders to determine radio coverage needs. Using their analytical software and expertise, they will provide radio coverage analysis and recommendations, including the cost, on how to build out the radio infrastructure and/or where to deploy mobile repeater units so that responders can communicate using their radios.

Specific areas that will be included in the study are:

I70 along DeBeque Canyon
Hwy 65 from I70 over Grand Mesa
Hwy 330 from Hwy 65 to Collbran
Hightower Mountain (Area east of Collbran)
Hwy 141 from Whitewater to Gateway
Glade Park Area going toward Utah

A formal Request for Proposal was issued via BidNet (an on-line site for government agencies to post solicitations), posted on the City's Purchasing website, sent to the Grand Junction Chamber of Commerce and the Western Colorado Contractors Association, and advertised in The Daily Sentinel. Five companies submitted formal proposals, which were found to be responsive and responsible. Those companies were:

FIRM	LOCATION
Centerline Solutions	Golden, CO
Mission Critical Partners	Southlake, TX
Elert & Associates	Stillwater, NM
Pericle Communications Company	Colorado Springs, CO
Technology Plus	Aurora, CO

After careful evaluation of the proposals received, interviews were held for Mission Critical Partners, Pericle Communications, and Centerline Solutions, of which Centerline Solutions was selected as the preferred proposer.

This project is scheduled to be completed by July 31 pending any weather related delays.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 12: Being a regional provider of goods and services the City and County will sustain, develop and enhance a healthy, diverse economy.

The Communication Center is the regional dispatcher serving 22 agencies on the western slope. The ability for first responders to talk to their dispatcher is very limited in the canyon and rural areas of Mesa County, which creates safety concerns for those responders when critical information cannot be communicated. This study will provide recommendations on how to improve radio coverage for those areas.

How this item relates to the Economic Development Plan:

Goal: Create and maintain a safe community through professional, responsive and cost effective public safety services.

Action Step — Continue to improve response times of emergency responders through technology.

Building out radio coverage throughout the county directly affects the ability for public safety agencies to be able to communicate to each other, which in turn provide more effective and efficient service to our citizens. The consultants will provide recommendations on how to accomplish radio coverage goals.

Board or Committee Recommendation:

The GJRCC Board understands the issue with radio coverage issues and authorized the RFP process to find a professional consulting firm.

Financial Impact/Budget:

There is \$70,000 budgeted in the Communication Center Internal Service Fund and has been authorized by the Communication Center Board.

Legal issues:

If approved, the contract for the services will be reviewed and approved by the City Attorney prior to execution.

Other issues:

There are no other issues identified.

Previously presented or discussed:

This has not been previously discussed.

Attachments:

None.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 1/21/15
Citizen's Name: Drew Delmelle
Address: 945 Chupeta Ave #25

Phone Number: _____

Subject: Interview Boarding Sheriffs (Sex Ed, Westman, etc.)

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 1/21/15

Citizen's Name: CHRIS KENNEDY

Address: 2514 FILMORE AVE 81505

Phone Number: _____

Subject: TAROR / REC. CTR

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: 1/21/2015

Citizen's Name: Scott Beilfuss

Address: 422 1/2 Prospectors Pt #22 GJ CO 81507

Phone Number: _____

Subject: Tabor funding

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.

CITY COUNCIL MEETING

CITIZEN PRESENTATION

Date: Jan 21

Citizen's Name: ALAN R. STORY

Address: 1831 L RD

Phone Number: _____

Subject: 65 MUNICIPAL COURT

Please include your address, zip code and telephone number. They are helpful when we try to contact you in response to your questions, comments or concerns. Thank you.