

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

**March 21, 2012**

The City Council of the City of Grand Junction convened into regular session on the 21<sup>st</sup> day of March, 2012 at 7:00 p.m. in the Mesa County Public Hearing Room. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Laura Luke, Bill Pitts, Sam Susuras, and Council President Tom Kenyon. Also present were Acting City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Kenyon called the meeting to order. He asked Alex Iles from Boy Scouts Troop 303 to lead the Pledge of Allegiance which was followed by a Moment of Silence.

**Council Comments**

Councilmember Boeschstein stated that several Councilmembers took the Lower Colorado River Tour and it was a great trip. He described where they went and how the River is the lifeblood of the west. He also went to the Human Services breakfast and thanked Mollie Woodward and Gi Moon for their service. Lastly, he said this year is the 25<sup>th</sup> anniversary of the Riverfront Project so there will be lots of events associated with that.

**Citizen Comments**

There were none.

**CONSENT CALENDAR**

Council President Kenyon announced that a citizen asked that item #8 be removed from the Consent Calendar and to be heard under individual consideration.

Councilmember Luke read the Consent Calendar, skipping item #8, and then moved to approve the Consent Calendar items #1-11. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

*Action: Approve the Minutes of the March 7, 2012 Regular Meeting*

2. **Setting a Hearing on the Hernandez Enclave Annexation, Located at 2956 D Road** [File #ANX-2012-188]

A request to annex 0.527 acres of enclaved property, located at 2956 D Road. The Hernandez Enclave consists of one (1) parcel and no public right-of-way.

**a. Notice of Intent to Annex and Exercising Land Use Control**

Resolution No. 13-12—A Resolution of the City of Grand Junction, Giving Notice that a Tract of Land Known as the Hernandez Enclave, Located at 2956 D Road, Consisting of Approximately 0.527 Acres, will be Considered for Annexation to the City of Grand Junction, Colorado and Exercising Land Use Control

*Action: Adopt Resolution No. 13-12*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hernandez Enclave Annexation, Located at 2956 D Road, Consisting of Approximately 0.527 Acres

*Action: Introduction of a Proposed Ordinance and Set a Hearing for May 2, 2012*

3. **Setting a Hearing on Zoning the Sturgeon Electric Enclave Annexation, Located at 2775 Riverside Parkway** [File #ANX-2011-1314]

A request to zone the Sturgeon Electric Enclave Annexation, located at 2775 Riverside Parkway, which consists of one (1) parcel, to an I-1 (Light Industrial) zone district.

Proposed Ordinance Zoning the Sturgeon Electric Enclave Annexation to I-1 (Light Industrial) Located at 2775 Riverside Parkway

*Action: Introduction of a Proposed Ordinance and Set a Hearing for April 4, 2012*

4. **Setting a Hearing on Rezoning One Parcel Located at 2170 Broadway** [File # RZN-2011-1152]

A City initiated request to rezone approximately 4.846 acres, located at 2170 Broadway, from an R-2 (Residential 2 dwelling units/acre) to an R-8 (Residential 8 dwelling units/acre) zone district.

Proposed Ordinance Rezoning Property Located at 2170 Broadway from an R-2 (Residential 2 Dwelling Units/Acre) to an R-8 (Residential 8 Dwelling Units/Acre) Zone District

*Action: Introduction of a Proposed Ordinance and Set a Hearing for April 18, 2012*

5. **Setting a Hearing on Rezoning Four Properties Located at 2202, 2202 ½, 2204 H Road, and 824 22 Road** [File #RZN-2011-1215]

A City initiated request to rezone four properties located at 2202, 2202 ½, 2204 H Road, and 824 22 Road from M-U, (Mixed Use) to MXG-3, (Mixed Use General) zone district.

Proposed Ordinance Rezoning Four Properties from M-U, (Mixed Use) to MXG-3, (Mixed Use General), Located at 2202, 2202 1/2, 2204 H Road, and 824 22 Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for April 18, 2012*

6. **Setting a Hearing on Rezoning 92 Properties Located Between 12<sup>th</sup> Street and 17<sup>th</sup> Street along Main Street and the North Side of Colorado Avenue** [File #RZN-2011-1221]

A City initiated request to rezone approximately 13 acres, located between 12<sup>th</sup> Street and 17<sup>th</sup> Street along Main Street and the north side of Colorado Avenue, from R-8 (Residential 8 du/ac) to an R-O (Residential Office) zone district.

Proposed Ordinance Rezoning 92 Properties from R-8 (Residential 8 DU/Ac) to an R-O (Residential Office) Zone District, Located Between 12<sup>th</sup> Street and 17<sup>th</sup> Street Along Main Street and the North Side of Colorado Avenue

*Action: Introduction of a Proposed Ordinance and Set a Hearing for April 18, 2012*

7. **Purchase Hot Mix Asphalt for Streets Division for 2012**

This request is for the purchase up to 1,388 tons of hot mix asphalt for the Streets Division to be used for road work and repairs in 2012.

*Action: Authorize the Purchasing Division to Purchase Approximately 1,388 Tons of Hot Mix Asphalt, on Behalf of the Streets Division, from Elam Construction, Inc. for an Amount Up to \$97,125*

8. **Recommendations for Revision of Outdoor Dining Lease – Moved to Individual Consideration**

This request seeks Council action on DDA's recommendations for revisions to the Outdoor Dining Lease that governs food and beverage service in areas of the public way in the Downtown Shopping Park (DSP) on Main Street, Seventh Street, and Colorado Avenue.

9. **Sole Source Purchase of Public Safety Technology for Backup and Disaster Recovery**

This request is to sole source and purchase software, hardware, and implementation services for an integrated backup and disaster recovery system.

*Action: Authorize the City Purchasing Division to Sole Source a NetApp/Syncsort Integrated Backup System Purchase through Reseller CDW Government, Inc. in the Amount of \$384,500*

10. **Award a Contract for the Matchett Property Farm Lease**

The undeveloped park property at Matchett Park requires a contract to maintain and farm the property. The Park has been leased to a local farmer for the past 11 years. A Request for Proposals process was conducted in late February 2012 with one individual submitting a proposal.

*Action: Authorize the Parks and Recreation Department to Enter into a Contract with Kenny Romisch of Romisch Farms in Palisade, Colorado for the Agricultural Responsibilities of the Matchett Farm*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

**Recommendations for Revision of Outdoor Dining Lease – Moved from Consent Calendar**

This request seeks Council action on DDA's recommendations for revisions to the Outdoor Dining Lease that governs food and beverage service in areas of the public way

in the Downtown Shopping Park (DSP) on Main Street, Seventh Street, and Colorado Avenue.

Harry Weiss, Downtown Development Authority (DDA) Director, presented this item. He described the purpose of the item before the City Council and the mission of the DDA in relation to the outdoor dining lease. The previous lease form had some provisions that were overly restrictive and within the new form some perfunctory items that should be included in a lease have been added. It was an effort to take the existing lease form and make it more conforming to standard leases and practices. Three main provisions were changed: allowing outdoor dining areas to be open year round as determined by the operator; allowing live music in the leased area but it would require that the amplification not exceed 55 decibels measured at a distance of 20 feet from any of the premises boundaries; and allowing for additional lighting like Christmas lighting. Another provision within the lease form addresses signage. This comes forward due to the use of umbrellas with advertising. It is common practice that vendors provide logo umbrellas in exchange for the advertising. The DDA does not have a problem with the establishment advertising the name of their business. He then explained the DDA's investment in the public way to make the area attractive and that they have a vested interest in maintaining the quality of the public space. It is a very precious resource. Therefore advertising in the public way is not in the best interest of achieving that interest. Having advertising is in conflict with the vision for the downtown.

Council President Kenyon then asked Mr. Evan Gluckman to come forward and address the Council.

Evan Gluckman, 537 Kingsman Court, owner of Main Street Café, said he has been serving Grand Junction for going on 20 years. For the last twelve years they have been on Main Street and they have displayed the Coca Cola umbrellas which are a 1950's diner icon. He referred to Mr. Weiss's statement that to remove them is in the public's best interest. He believes making him remove them is micro-managing and outside the scope of the DDA. His customers have no problems with the Coke umbrellas. The restaurant strives for a 1950's theme. He noted that Denver's LODO is filled with these types of logos.

Council President Kenyon asked Acting City Manager Rich Englehart if there are any other presentations regarding this issue. Acting City Manager Englehart replied that there is not from Staff's standpoint at this time.

Councilmember Susuras stated his respect for Mr. Gluckman for speaking up. He was glad that the lease is allowing year round operations.

Councilmember Boeschstein said he serves on the DDA board and they thought about this issue. He said in order to have some aesthetic control, the DDA board thought it is best to take this stand. If there are all kinds of ads along the street it would create a hodgepodge along the street. The outside dining is great to have year round. The DDA wants to make sure there is clearance for wheel chairs and pedestrians.

Others stood asking for an opportunity to speak.

Vanessa Funches, owner of Naggy McGee's, said it's not about advertising and logos, it's about branding the business. Logo umbrellas let the public and tourists know what type of business it is. Driving by, people know what type of business it is. It adds to walk-in and out-of-town business. She understands the concerns, the City and the DDA does not want the downtown to look shoddy. The downtown businesses are willing to work with Mr. Weiss to come up with some guidelines. She said it is not about a kickback from the vendor. She questioned if it is still public if the business is leasing the outdoor area.

Evan Gluckman, Main Street Café, asked Councilmember Boeschstein to recuse himself due to his service on the DDA board.

Robert Wesley Brown, new resident, came to see what this City Council is all about. He encouraged Council to allow free enterprise to grow and asked what business is it of theirs. He said the Council should not be running other people's businesses.

Councilmember Doody said Mr. Weiss made a good presentation as did Vanessa and Evan. He agreed they have stewardship over these areas and are trying to promote business. He said it makes sense to allow that advertising. Goal #8 in the Comprehensive Plan, to enhance the visual and public appeal, he does not feel that an umbrella adversely affects that goal. He supports the DDA recommendation and their findings, but said they should allow the signage as brought forward.

Councilmember Coons thanked the DDA for their consideration of how the lease agreement could be changed to enhance the downtown. She suggested a compromise, perhaps a design committee that would look at things like this, such as umbrellas that fit a theme or other design elements. She suggested that the proposal be adopted as presented with the exception of this issue.

Councilmember Luke agreed with the idea of design themes to market the business. She respects Mr. Weiss's work with the DDA but she agrees with the idea of a design committee. She agreed with a reasonable amount of advertising.

Councilmember Pitts agreed with the year round allowance. Regarding the umbrellas, the City Council has put a lot of faith in the DDA Director and the DDA and their direction.

However, the DDA is the right venue for this discussion. He agreed with splitting out the umbrella issue and have the DDA make a recommendation.

Councilmember Susuras noted that occasionally the City Council must step in and make corrections with their appointed boards. He asked if the matter needs to be brought back.

City Attorney Shaver said the wording in the lease would allow City and DDA approval and so the Council could give direction to the DDA on how that paragraph should be amended, such as striking out the express prohibition of third party advertising. City Attorney Shaver then explained why the new lease is more complicated than what Mr. Gluckman operated under previously, he was under a simpler agreement and then two types of sidewalk usage (alcohol versus no alcohol) have been merged. He suggested some wording in their direction tailored to the type of logos allowed.

Councilmember Boeschstein suggested this matter go back to the DDA board. He is not opposed to a design review committee.

Councilmember Coons said her intent was to make it broader, for a design committee to look at the theme based elements.

Council President Kenyon addressed one of the speakers, noting the Council is very diligent of not having interference with private business. Most of this was trying to prevent a billboard type of effect along Main Street. However, he has sympathy for the position of Main Street Café and agreed with the branding argument. It doesn't make sense to require the Coke umbrellas to come down. He asked DDA Director Weiss to address this option.

Mr. Weiss said he and the DDA are agents of the City Council. Regarding a design committee, that may be problematic. A standard developed will be much better to administer. The issue is Council's call. He feels that bringing in third party advertising can be an issue. If the lease says that it must be related to products served, it will be easier to administer.

City Attorney Shaver suggested leaving in the wording that third party business identification not be allowed. Allow product identification consistent with the theme of the business could be an addition to paragraph 9d. He suggested those changes could be made subject to ratification by the Council and the DDA.

Councilmember Susuras moved to approve the Outdoor Dining Lease with the changes recommended by City Attorney Shaver. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

**Public Hearing—North Seventh Street Historic Residential District Guidelines and Standards and Historic Preservation Board Responsibilities and Authority** [File #PLD-2012-80 and ZCA-2012-107]

A request by the North Seventh Street Historic Residential District neighborhood to establish a new Plan for the North Seventh Street Historic Residential District Planned Development, including the North Seventh Street Historic Residential District Guidelines and Standards, to maintain and enhance the historic character of those properties, and to amend the Zoning and Development Code (“Code”) to authorize the Grand Junction Historic Preservation Board (“Board”) to review and approve applications for construction/alteration to sites and/or structures located on North 7<sup>th</sup> Street between Hill Avenue and White Avenue, as shown on the Site Location Map.

The public hearing was opened at 7:57 p.m.

Tim Moore, Public Works and Planning Director, introduced this item. The request comes forward through Staff but as a result of the work of the neighborhood and the Historic Preservation Board. The neighborhood worked very hard on the development of these guidelines.

Kathy Portner, Neighborhood Services Manager, and Kristen Ashbeck, Senior Planner, presented this item.

Ms. Portner explained the request before them. She described the location and the area. All of the properties are on the National Historic Register of Historic Places. She described the existing and surrounding zoning. Ms. Portner provided the background and history of the area. It is the only area in Grand Junction on the National Register. In 2010, a change was made that required that any changes to the neighborhood come to the City Council for approval. In the meantime, the neighborhood was asked to come up with some standards and guidelines. She described the steps taken to develop the guidelines. Step One was a complete inventory and a survey of the owners. 71% of those surveyed wanted both guidelines and standards. Maintaining historical integrity was key to people. The proposal is a new plan for the properties in the District with three properties south of Grand Avenue that will be advisory and still be reviewed for compliance with the guidelines. The guidelines do not deal with use, only aesthetics. Use change would still go through the rezone process. An application for a certificate of appropriateness would be required. Staff would make a recommendation to the Historic Preservation Board for approval or denial. Any appeals would go to City Council. The Historic Preservation Board is prepared and willing to take on that role. The guidelines and standards include bulk requirements, landscaping in the public right-of-way, and addresses landscaping on private property. Other items addressed include district and



building identification, utility systems, location and screening of various utility boxes, the use of solar on roof tops, the location of satellite dishes, building proportions, and exterior materials. Another component is porches and entrances, window and façade treatments, roof forms and materials, and additions and demolitions. The City Council would have the final say on any demolition of a structure. The proposal is consistent with the Comprehensive Plan and the Code. There are two ordinances before Council for consideration. Neighborhood representatives are present.

Kathy Jordan, 440 N. 7<sup>th</sup> Street, provided some history of 7<sup>th</sup> Street. She noted it is the heart of the original square mile of the City. President and First Lady Bush came to Grand Junction in 1991 and traveled down 7<sup>th</sup> Street. She provided much more of the history of the area including the lighting and the placement on the National Register in 1984. She gave the history of the development of the guidelines which included Councilmember Boeschstein's offer of assistance prior to his service on City Council. The Sizemore's took the information gathered and created a draft document and presented it to the neighborhood where several exercises were performed on the draft. Another draft was created. Then a survey was conducted. A majority of those present at the fourth neighborhood meeting agreed with the proposed guidelines. Ms. Jordan lauded the work of Senior Planner Kristen Ashbeck and her help with keeping the process transparent. She encouraged adoption of the guidelines and thanked the City Council.

Rich Buffington, 604 N. 7<sup>th</sup> Street, new resident, said he has read the guidelines many times and supports them 100%.

Harry Weiss, 430 Cedar Avenue, asked about the stay for demolition, in other words, if an owner wants to demolish a structure in the District, is there a wait period? Kristen Ashbeck said there is not a specific time frame but demolition does require a process and a fee. Mr. Weiss explained how it is handled in other communities.

City Attorney Shaver said the guidelines are written to allow for review of other options.

Mr. Weiss said these types of guidelines provide a protected area and it preserves property values. It is not simply about aesthetics.

The public hearing was closed at 8:20 p.m.

Councilmember Susuras noted that 36 people responded to the survey and 24 people wanted nothing in the way of standards. Only 7 people wanted strong mandates and that is not a majority. Ms. Ashbeck agreed that some did state that but 71% did vote that they wanted some requirements. Councilmember Susuras said that the recommendations are strong requirements. He noted that the guidelines state that the Director of Public Works

and Planning shall make a recommendation to the Historic Preservation Board. All the authority is being delegated to the Director and the Historic Preservation Board.

Ms. Portner said there were other things on the table and the elements were scaled back to those they thought most important to maintaining the integrity. She concurred that it is a change in the authority. The Historic Preservation Board would be taking on a role like the Planning Commission. Any change in use will still come to City Council.

Councilmember Susuras said he does not want to delegate Council's authority and he will vote no.

Councilmember Boeschstein said these are standards and guidelines which make it more palatable to those that did not want standards. The proposal will be smoother, a staff review and then to the Historic Preservation Board who is well versed in looking at historic and architectural elements. This is a much better process; now it is a very arduous process. It doesn't mean changes can't be made. He thanked all the people who participated. It will stabilize the neighborhood. Old neighborhoods have a habit of deteriorating in the City. This will protect the owner's investment and he is in favor.

Councilmember Pitts echoed Councilmember Boeschstein and said that this will protect the neighborhood in a systematic manner. He will support it.

Councilmember Coons said that the standards and guidelines have been a long time coming and she congratulated the neighborhood for coming together and working on this. It is difficult to balance all the concerns and needs. She agrees that the City Council should be the body of last resort. She will support this plan.

Councilmember Doody expressed his appreciation for the great work. He had one concern and that is the 7<sup>th</sup> Street and Grand intersection. The southbound traffic flow doesn't work and there should have been a roundabout built at that intersection. He asked if there will be some roadway work allowed within the guidelines. Ms. Portner stated that there is nothing in the guidelines that will prohibit any changes to that intersection as that is mentioned in the Greater Downtown Plan for better intersection control there.

Councilmember Luke has reservations about relinquishing authority over for this matter. She wants the citizens to have access to the City Council. She asked how often the authority is reversed and how often are those confrontational reversals?

City Attorney Shaver agreed the Council should be the body of the last resort. Another school of thought is involvement of Council on the front end. Both models are practiced in local government. This is an engaged neighborhood and if there was abuse, the City

Council would hear about it. It is appropriate for the Council to take that into consideration when adopting such a plan. Regarding the legality, there is no delegation that the City Council does not have control over. If things aren't working, the ordinance can be repealed or amended.

Councilmember Luke asked for examples for a change of use. Ms. Portner stated that the neighborhood north of Grand Avenue is zoned R-8, so, for example, if someone wanted to have an office use, that is not allowed in R-8 zoning, therefore that would have to go through a normal rezoning process before the City Council.

Council President Kenyon noted that he is comfortable with the review process that the Planning Department and Staff has and is confident that if anything is not working, Council will hear about it.

Councilmember Susuras still felt that there was not a majority wanting these standards and guidelines and also noted that an appeal would be a lengthy process.

Ordinance No. 4508—An Ordinance Amending Ordinance No. 4403 for the Planned Residential Development – North 7<sup>th</sup> Street Consisting of Guidelines, Standards, and Review Process by which New Construction or Alterations within the Zone are Determined

Ordinance No. 4509—An Ordinance Amending Section 21.07.040 (Historic Preservation) of the Grand Junction Municipal Code Granting Authority to the Historic Preservation Board to Review and Decide Applications for Alteration or Construction within the North Seventh Street Historic Residential District According to the Guidelines and Standards of that District

Councilmember Boeschstein moved to adopt Ordinance No. 4508 and ordered it published in pamphlet form. Councilmember Doody seconded the motion. Motion carried by roll call vote 6 to 1 with Councilmember Susuras voting NO.

Councilmember Boeschstein moved to adopt Ordinance No. 4509 and ordered it published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote 6 to 1 with Councilmember Susuras voting NO.

**Public Hearing—Rezoning Properties in the Area of Patterson Road and 26 ½ Road from R-1 and R-5 to R-4, B-1, and R-8 [File #RZN-2011-1205]**

A request to rezone nine parcels totaling 13.365 acres located in the area of Patterson Road and 26 ½ Road.

1. The first subarea rezone is from R-1 (Residential - 1 unit per acre) to R-4 (Residential – 4 units per acre) zone district;
2. The second subarea is from R-1 (Residential - 1 unit per acre) to R-4 (Residential – 4 units per acre) zone district; and
3. The third subarea consists of rezones from R-5 (Residential – 5 units per acre) to B-1 (Neighborhood Business) and from R-5 (Residential – 5 units per acre) to R-8 (Residential – 8 units per acre) zone districts.

The public hearing was opened at 8:40 p.m.

Tim Moore, Public Works and Planning Director, introduced this item and the remaining items on the agenda. Four of the items deal with rezoning to bring the zoning and the Comprehensive Plan in harmony with each other. The other item is an extension for a Planned Development for the Red Rocks Valley and he advised that there are new owners of the development.

Lori V. Bowers, Senior Planner, presented this item. She described the sites, the locations, and the request which is City initiated. Subarea 1 is one parcel, Subarea 2 is two parcels, and Subarea 3 is five parcels. Ms. Bowers described each site, the existing zoning, and surrounding zoning. No written comments were received but the City did receive a phone call inquiry on Subarea 2. Once the change was explained there were no objections. In Subarea 3, one property owner, Mildred VanDover wishes to opt out from the rezone. Another property owner objected at the Planning Commission meeting. No other property owners responded or they were in favor of the rezone. The proposal meets Goal 1 and Goal 6 of the Comprehensive Plan. The request will bring the zoning into conformance with the zoning and the Future Land Use designation. The Planning Commission forwarded a recommendation of approval, 6 to 1. The requested zone is consistent with the goals and policies of the Comprehensive Plan and it meets the criteria of the Grand Junction Municipal Code.

Councilmember Pitts inquired about access to the property whose owner objected. Ms. Bowers said the owner said it is in her will that the property will never be redeveloped and despite the efforts to explain to her how it will not affect her but bring her into conformance, she was still opposed.

Councilmember Pitts asked for a legal opinion on the restriction mentioned. City Attorney Shaver said, without seeing the instruments, he cannot say if the documents are done properly to restrict that. It is possible.

Councilmember Coons asked, for clarification, if the property were to be rezoned and the family decided to put in into a trust, the rezone would not change that opportunity. Ms. Bowers said that is correct.

Councilmember Boeschstein had concerns that the access to the property would make it hard to develop at that density. The wash runs through there and there is a floodplain. However, there is a good opportunity for a trail. Councilmember Boeschstein noted she could have a conservation easement. City Attorney Shaver said that is correct, the zoning would not render that undoable.

Councilmember Boeschstein asked why the property is being rezoned if it is not going to be developed. Ms. Bowers said if the surrounding properties were assembled, other access options may exist.

There were no public comments.

The public hearing was closed at 8:56 p.m.

Ordinance No. 4510—An Ordinance Rezoning 632 and 642 26 ½ Road and a Parcel Located at the Eastern End of Northridge Drive Tax Parcel Number 2945-023-00-065, from R-1 to R-4; Rezoning 2628, 2630, 2632, 2634 Patterson Road and an Unaddressed Lot Located between 2634 and 490 Patterson Road, Tax Parcel 2945-023-00-041, from R-5 to B-1; and Rezoning 2634 ½ Patterson Road from R-5 to R-8

Councilmember Susuras moved to adopt Ordinance No. 4510 and ordered it published in pamphlet form. Councilmember Coons seconded the motion.

Councilmember Boeschstein suggested an amendment to the motion to exclude the property with only one access onto 26 ½ Road.

City Attorney Shaver advised Council that the current motion would need to be voted on and a second motion could be made with the change.

There was no change.

Councilmember Coons said she hears the concerns and the difficulty of developing that property and the request to keep the existing zoning but her reason for supporting the rezone request is that the zoning fits the Comprehensive Plan and the general purpose. There is an opportunity for the family to put the property into a conservation trust, and if not, it could be part of a parcel assembly.

The motion carried by roll call vote with Councilmember Boeschstein voting NO.

Council President Kenyon called a recess at 9:03 p.m.

The meeting reconvened at 9:08 p.m.

**Public Hearing—Amending the Red Rocks Valley Planned Development, Outline Development Plan Phasing Schedule** [File #PP-2006-217]

The 139 acre Red Rocks Valley Planned Development consists of five phases located off of South Camp Road. The applicants received Preliminary Plan approval for a Planned Development on August 1, 2007. They request a ten year extension for the remaining Phases, all to be platted by March 1, 2022.

The public hearing was opened at 9:08 p.m.

Lori V. Bowers, Senior Planner, presented this item. She described the site, the location, and the request. She presented the original outline development plan and indicated where the amendments will be. Ms. Bowers detailed the community benefits of the Planned Development. The first phase created 50 single family lots and 52 attached patio homes. During Phase 1, it was realized that the time frame for Phase 1 might not be met. The property was ultimately foreclosed on. Phase 1 was foreclosed on and the remainder reverted back to the original owner. Phase 1 was purchased and that owner has requested the extension. That will allow the project to be in conformance with the 2010 Zoning Code. She said the project supports the goals and policies of the Comprehensive Plan, the Grand Valley Circulation Plan, and the Zoning and Development Code. The amendment is consistent with the Comprehensive Plan and the review criteria of the Grand Junction Municipal Code have been met.

Council President Kenyon asked Public Works and Planning Director Moore to come forward. The area has been neglected, no houses were built, the area was abandoned by the bank and the owners, it was vandalized severely, street signs were run over and moved over, weeds got six feet high, concrete is cracked and some never got finished, and there were holes in the pavement making it unsafe to drive on. He wanted assurance that situation will not continue to occur.

Mr. Moore said that the property has gone through an evolution and has been a struggle. Now that some lots have been sold, hopefully that situation won't happen again.

Council President Kenyon stated that the City has an obligation to make sure properties in the City do not go into disrepair. He was disappointed that it took so long to take care of the situation.

Councilmember Susuras asked how much open space will be granted to the City. Ms. Bowers said the City is looking to have trail connections on the property. Councilmember Susuras asked if the City can get some more open space with this request. Ms. Bowers

said the City can only get the trail easements, the proposed open space is on a separate tract.

City Attorney Shaver asked if there are open space tracts within the subdivision that are previously platted. Ms. Bowers pointed out tracts that have not been dedicated yet. City Attorney Shaver advised Councilmember Susuras that Council could request an earlier dedication but it sounds like the dedication would happen as phasing of the project occurs.

Councilmember Boeschstein asked Ms. Bowers if the trails have been identified in any of the maps that were provided to Council. Ms. Bowers advised that it is shown on the Urban Trails Master Plan which she did not have available at that time. Councilmember Boeschstein asked about the flash floods coming down the washes that are mentioned. Ms. Bowers stated that she worked with the developer at the time to avoid those areas, and it is still being looked at by the engineers and the 521 Drainage Authority. Councilmember Boeschstein referred to the rough topography area to the southeast, noting there are very steep slopes; it is not a buildable area. Ms. Bowers said yes, they are designated as no build zones. Councilmember Boeschstein asked if those would be the open space tracts. Ms. Bowers replied yes, and she believes they are dedicated to the Homeowners Association. Councilmember Boeschstein asked if there is a map that shows all of the hazards and the no-build areas. Ms. Bowers said yes, she has one in her office in the Planning Department. Councilmember Boeschstein said that the floodplain should also be identified as no-build. Ms. Bowers said yes, there was extensive research done on that as water from the monument area goes down through the Red Canyon wash.

Kirk Ryder, 872 Quail Run Drive, representing Surf View Development, said that they owned the property for over thirty years. The property was sold to Redlands Valley Cache in approximately 2006. They took every precaution to make sure, as the subdivision was developed in a phased way, that open space would be platted to the developable lots so that the partial releases required and the money that was owed to Surf View would be paid off in proportional phases. They finagled a parcel for development that was to be open space. Surf View foreclosed on the property around the perimeter while the lender foreclosed on Phase 1 of the development. Surf View Development had nothing to do with the infrastructure that has been an issue. He is confident they will be cooperating with the Phase 1 owner. They are asking for the ten year extension on the perimeter property, the later phase property.

There were no other public comments.

The public hearing was closed at 9:28 p.m.

Councilmember Doody asked Public Works and Planning Director Tim Moore about the foreclosed property, were there sufficient funds secured to complete the infrastructure? Mr. Moore said there wasn't quite enough. The City had about 20% of the value overall.

Council President Kenyon asked if there are now only two entities involved. City Attorney Shaver replied affirmatively and stated that the Paul's Corporation bought the first phase, the balance is platted and is proposed to be developed in the future. Council President Kenyon asked what portion the ten year extension is for. City Attorney Shaver said the extension is for everything else that is not already platted. Council President Kenyon asked about the portion that is already platted. City Attorney Shaver replied that the City is working with the new owner. Council President Kenyon asked if the extension is for the floodplain, open space, and mountainside. City Attorney Shaver said yes, the remaining portion. Council President Kenyon asked for confirmation that this extension does not affect the Paul's Corporation. City Attorney Shaver answered affirmatively.

Councilmember Pitts said that it looks like the City is trying to preserve something that was started and asked if the current owners have the responsibility to take care of the property. Ms. Bowers replied that Paul's Corporation has begun the process of fixing up the property.

Councilmember Luke asked if there are other areas to be developed. Ms. Bowers said yes.

Councilmember Boeschstein asked if there is a Development Improvements Agreement (DIA). Ms. Bowers said not at this time, but a DIA will be put into place

City Attorney Shaver explained that there was a DIA in place and the City received a DIA release from the bank because of the foreclosure by Redlands Cache. When the Paul's Corporation takes title, they will have to post new security.

Ordinance No. 4511—An Ordinance Amending Ordinance No. 4109, which Zoned the Fletcher Annexation (Red Rocks Valley PD) to Planned Development, Located Approximately ½ Mile West of Monument Road on the North Side of South Camp Road

Councilmember Coons moved to adopt Ordinance No. 4511 and ordered it published in pamphlet form. Councilmember Pitts seconded the motion. Motion carried by roll call vote.



**Public Hearing—Rezoning Property Located at 513 Independent Avenue** [File #RZN-2011-1207]

A City initiated request to rezone one property totaling 0.22 +/- acres located at 513 Independent Avenue from R-16, (Residential – 16 du/ac) to C-2, (General Commercial).

The public hearing was opened at 9:35 p.m.

Scott D. Peterson, Senior Planner, presented this item. The item is a request from the City. He described the site, the location, and the request. The property is currently vacant. Mr. Peterson explained a change to the Future Land Use to the adjacent properties which made this property out of alignment with the Comprehensive Plan. The request will bring the zoning into conformance with the zoning and the Future Land Use designation. Mr. Peterson stated the request is consistent with goals and policies of the Comprehensive Plan and the criteria of the Zoning and Development Code have been met. The requested rezone meets goals 3, 4 and 12 of the Comprehensive Plan. Mr. Peterson and the Planning Commission recommend approval.

There were no public comments.

The public hearing was closed at 9:42 p.m.

Ordinance No. 4512—An Ordinance Rezoning One Property from R-16, (Residential – 16 DU/Ac) to C-2 (General Commercial), Located at 513 Independent Avenue

Councilmember Doody moved to adopt Ordinance No. 4512 and ordered it published in pamphlet form. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

**Public Hearing—Rezoning Six Properties Located on the East Side of 26 Road, North of Patterson Road, and One Property Located East of Foresight Apartments, North and East of the 25 ½ Road/Patterson Road Intersection** [File #RZN-2011-1210]

A City initiated request to rezone approximately 6.25 acres, located on the east side of 26 Road, north of Patterson Road from R-1 (Residential 1 du/ac) to R-4 (Residential 4 du/ac) and approximately 4.89 acres located east of Foresight Apartments, north and east of the 25 ½ Road/Patterson Road intersection from CSR (Community Services and Recreation) to R-16 (Residential 16 du/ac).

The public hearing was opened at 9:43 p.m.

Senta Costello, Senior Planner, presented this item. It is a City initiated rezone request. She described the sites, the locations, and the request. The request will bring the zoning into conformance with the Future Land Use designations which is Residential Medium and Residential Medium High. The current zonings do not meet those designations. Two property owners expressed opposition as they have no intention of developing the site. Development would be difficult. She spoke to the existing uses and how they will align with the proposed zoning. The Planning Commission forwarded a recommendation of approval.

There were no public comments.

The public hearing was closed at 9:47 p.m.

Councilmember Pitts said the City is requesting a rezone. For the five lots along 26 Road, the owners do not anticipate doing anything, and asked why there is a request for a rezone.

Ms. Costello replied that it is to bring the properties into conformance with the Comprehensive Plan. The current R-1 zone district does not support the Comprehensive Plan. No one showed up at the open house. The two owners did come to the Planning Department and expressed their opposition.

Councilmember Boeschstein asked if the rezone will allow accessory units. Ms. Costello said they can do that under the existing zoning. Councilmember Boeschstein asked how that would be accomplished. Ms. Costello said that, in order for further development, they would have to demolish the existing structures. Access would be an issue.

Ordinance No. 4513—An Ordinance Rezoning Six Properties from R-1 (Residential 1 DU/Ac) to R-4 (Residential 4 DU/Ac) and One Property from CSR (Community Services and Recreation) to R-16 (Residential 16 DU/Ac), Located on the East Side of 26 Road, North of Patterson Road and East of Foresight Apartments, North and East of the 25 ½ Road/Patterson Road Intersection

Councilmember Susuras moved to adopt Ordinance No. 4513 and ordered it published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote with Councilmembers Boeschstein and Pitts, and Council President Kenyon voting NO.

Councilmember Boeschstein noted that the residents don't want the rezone and it's not practical to have that density to the east. The lot with the communication tower is more complicated.

Councilmember Pitts said he has seen the remodeling going on for some of these houses and he can't see they are ever going to change.

**Public Hearing—Rezoning Two Parcels Located at 690 and 694 29 ½ Road; Two Parcels Located at 2910 Highline Canal Road and 725 29 Road; and One Parcel Located at 698 29 Road** [File #RZN-2011-1154]

A City initiated request to:

- 1) Rezone 15.454 acres in two (2) parcels located at 690 and 694 29 ½ Road from an R-R (Residential Rural) to an R-5 (Residential 5 dwelling units/acre) zone district; and
- 2) Rezone 27.537 acres in two (2) parcels located at 2910 Highline Canal Road and 725 29 Road from R-R (Residential Rural) and 2.769 acres in one (1) parcel located at 698 29 Road from a C-1 (Light Commercial), all to a B-P (Business Park) zone district.

The public hearing was opened at 9:54 p.m.

Brian Rusche, Senior Planner, presented this item. He described the sites, the locations, and the request. He also described the current uses. One area is designated for a future I-70 interchange. A new land use designation known as Business Park/Mixed Use was created due to the future development planned for the area of Mixed Land Use and was applied to all the privately owned properties on the north side of the canal. The Planning Commission forwarded a recommendation of approval. There was no negative feedback received. The request does meet the criteria of the Grand Junction Municipal Code and the goals and policies of the Comprehensive Plan.

Council President Kenyon asked if the Airport was consulted on what they plan for the parcel they own. He noted the Airport did not fence that parcel. Mr. Rusche said no, they did not.

Council President Kenyon asked Public Works and Planning Director Tim Moore for any insight on the 29 Road interchange ground. Mr. Moore stated that it is a little unclear, he is not sure of the alignment of the interchange, as the exact location of the interchange has not been determined. Council President Kenyon said that it seems to him that they tried to surround the airport with commercial development and mixed use opportunity. Mr. Moore advised that when the interchange goes in, that will change the character. How much land will be left for other development is unknown.

Councilmember Coons stated that this is one of those areas that were hard fought with the Commissioners during the development of the Comprehensive Plan. It makes sense to rezone these parcels to fit the Comprehensive Plan.

Councilmember Boeschstein asked if there are aviation easements required for the areas. Mr. Rusche said yes, some properties are in the critical flight zone and would be even more restricted. Aviation easements are standard.

There were no public comments.

The public hearing was closed at 10:02 p.m.

Ordinance No. 4514—An Ordinance Rezoning Properties Located at 690 and 694 29 ½ Road from an R-R (Residential Rural) to an R-5 (Residential 5 Dwelling Units Per Acre) Zone District, Rezoning Properties Located at 2910 Highline Canal Road and 725 29 Road from an R-R (Residential Rural) to a BP (Business Park) Zone District, and Rezoning Property Located at 698 29 Road from a C-1 (Light Commercial) to a BP (Business Park) Zone District

Councilmember Pitts moved to adopt Ordinance No. 4514 and ordered it published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote.

### **Non-Scheduled Citizens & Visitors**

There were none.

### **Other Business**

There was none.

### **Adjournment**

The meeting was adjourned at 10:04 p.m.

Stephanie Tuin, MMC  
City Clerk