

GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING
May 3, 2017

The City Council of the City of Grand Junction convened into regular session on the 3rd day of May, 2017 at 6:00 p.m. Those present were Councilmembers Bennett Boeschstein, Chris Kennedy, Duncan McArthur, Barbara Traylor Smith, Rick Taggart, Duke Wortmann, and Council President Phyllis Norris. Also present were City Manager Greg Caton, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember Kennedy led the Pledge of Allegiance which was followed by a moment of silence.

Proclamations

Proclaiming May 7 - 13, 2017 as "National Travel and Tourism Week" in the City of Grand Junction

Councilmember Wortmann read the proclamation. Debbie Kovalik, Grand Junction Visitor and Convention Bureau Director, was present to receive the proclamation. She announced the new name of the organization "Visit Grand Junction" and referred to the cookies that were provided. She said visitors offset \$500 in revenues for each family in the City, so are good for the revenues. She then spoke about the upcoming JUCO World Series (60th year). She described other big events that will be in town. Ms. Kovalik thanked Council.

Election of Council President and Pro Tem

The Charter sets forth the process for selecting a President of the Council and a President of the Council Pro Tem. Article V, Section 39 provides that during the first regular City Council Meeting in May of each year, a Council President/Ex-Officio Mayor and Council President Pro Tem/Ex-Officio Mayor Pro Tem are nominated and voted on to fulfill the obligations of those duties through April of the following year.

Nominations can be entertained by the President of the Council. If nominated and seconded, the City Clerk can take a vote on each nomination that has been seconded.

Councilmember Kennedy moved to submit nominations for Council President and then submit nominations for Council President Pro Tem. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Councilmember Kennedy moved to have both Council President and Council President Pro Tem nomination motions to be voted by voice vote. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Councilmember Boeschstein nominated Councilmember Kennedy for President of the Council. Councilmember Kennedy seconded the nomination.

Councilmember McArthur nominated Councilmember Traylor Smith for President of the Council. Councilmember Traylor Smith seconded the nomination.

Councilmember Wortmann nominated Councilmember Taggart for President of the Council. Councilmember Taggart seconded the nomination.

The vote was called by voice vote with Council President Norris, and Councilmembers McArthur and Traylor Smith voting for Councilmember Traylor Smith; Councilmembers Taggart and Wortmann voting for Councilmember Taggart; and Councilmembers Boeschstein and Kennedy voting for Councilmember Kennedy.

Councilmember Kennedy removed himself from consideration for the office of Council President.

The vote was called by voice vote for the office of Council President with Councilmembers Boeschstein, Kennedy, Taggart, and Wortmann voting for Councilmember Taggart; Councilmembers McArthur and Traylor Smith voting for Councilmember Traylor Smith.

Council President Norris declared Councilmember Taggart as Council President with a majority vote of four votes.

Councilmember Kennedy nominated Councilmember Boeschstein for the Council President Pro Tem. Councilmember Taggart seconded the nomination.

Councilmember Traylor Smith nominated Councilmember McArthur for Council President Pro Tem. Councilmember McArthur seconded the nomination.

The vote was called by voice vote for the office of Council President Pro Tem with Councilmembers Kennedy, Taggart, Wortmann, and Boeschstein voting for Councilmember Boeschstein; Councilmembers McArthur and Traylor Smith voting for Councilmember McArthur.

Council President Norris declared Councilmember Boeschstein as the Council President Pro Tem with a majority vote of four votes.

City Clerk Stephanie Tuin administered the oath of office to both incoming Council President Taggart and incoming Council President Pro Tem Boeschstein. New seats were taken and the meeting continued.

Ratify Appointment of At-Large Member to the Grand Junction Regional Airport Authority

The Grand Junction Regional Airport Authority (GJRAA) interviewed candidates for the At-Large position on their board and have forwarded the name of Charles McDaniel for Council's consideration.

Councilmember Norris moved to adopt Resolution No. 24-17 – A Resolution Confirming the Appointment of Charles McDaniel as an At-Large Director of the Grand Junction Regional Airport Authority. Councilmember Traylor Smith seconded the motion. Motion carried by roll call vote.

Appointment to the Commission on Arts and Culture

The interview committee interviewed two candidates for the vacancy on the Commission on Arts and Culture on April 26, 2017 and forwarded their recommendation. Council appointed five members to the Commission on Arts and Culture recently but there was still one vacancy. Another round of interviews took place on April 26th and a name has been put forward for appointment.

Councilmember Traylor Smith moved to appoint Sandie Nadelson to the Commission on Arts and Culture for a term expiring in February 2018. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Citizens Comments

Bruce Lohmiller, 3032 S. 15th Street, #208, said he had a conversation with a judge and has been working on a matter with himself and City Attorney Shaver. He heard there are issues at Whitman Park and suggested getting people in the park to a safe place. He talked about sex education classes and invited everyone to visit the Veteran's Art Center.

Council Reports

Councilmember Norris said that morning (May 3rd), she attended the Business Incubator Center (BIC) meeting and encouraged participation in their First Annual Atomic 5K Run on June 3rd, beginning at 9:00 a.m.

Councilmembers Traylor Smith and Wortmann had nothing to report.

Councilmember Kennedy said on April 18th he attended a Crested Butte City Council meeting and commented that their Council has a board member who is a liaison from

Western State College. He suggested that Grand Junction City Council also have a liaison from Colorado Mesa University (CMU) on their board.

Councilmember McArthur said between April 20th and May 3rd he attended Beaconfest, the Grand Junction Area Chamber of Commerce Business After Hours meeting, and the Western Slope Realtor Rally.

Councilmember Boeschstein said between April 20th and May 3rd he attended Beaconfest, the Grand Valley Regional Transportation Committee meeting, the BIC meeting, and a Trail Host meeting with the Colorado Riverfront Commission (CRC).

Council President Taggart said the Grand Junction Regional Airport Authority Board has filled all vacancies and he welcomed Mr. Chuck McDaniel as the new board member. Council President Taggart said he met with homeowners in the Historic District and will provide details at a later date. Council President Taggart also said he has been asked to preside over the opening of the USA Cycling Collegiate and Para-Cycling Road National Championships.

Council President Taggart announced that the Legislative items would be moved ahead of the other Public Hearing items on the agenda.

Consent Agenda

Councilmember Kennedy moved to adopt the Consent Agenda items #1 through #3. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

1. Approval of Minutes

- a. Minutes of the April 5, 2017 Regular Meeting
- b. Summary of the April 17, 2017 Workshop
- c. Minutes of the April 19, 2017 Special Meeting

2. Set Public Hearings

- a. Quasi-judicial
 - i. Ordinance Rezoning the Fountain Hills Subdivision to R-5, Located at 3495 N. 15th Street, and Setting a Hearing for May 17, 2017.
 - ii. Ordinance Approving an Amended Planned Development (PD) and Outline Development Plan (ODP) for Lot 2, Block 9 and Lot 1, Block 8 of The Ridges, Filing 2 and Set a Hearing for May 17, 2017.
- b. Other Ordinances

- i. 2017 Supplemental Appropriation Ordinance and Setting a Hearing for May 17, 2017.
- ii. Ordinance Concerning the Salary of the Municipal Court Judge and Setting a Hearing for May 17, 2017.

3. Contracts

- a. Purchase of Road Oil for 2017 Street Division Chip Seal Program.
- b. 2017 Pavement Preservation Contract.

Deleting Sunset Provision on Seller-Installed Aircraft Parts

This is an amendment to Ordinance No. 4728 deleting the sunset provision for the exemption of sales tax on seller installed aircraft parts and making the exemption permanent. In December of 2016, Council approved the extension of this exemption for another three-year period as an economic development incentive in an ever increasing competitive industry for aircraft work.

This exemption has been in place since July of 2010 on a temporary basis. When adopting the extension, Council was informed of the importance of the exemption from industry experts and the Grand Junction Economic Partnership and how it has enhanced Grand Junction's competitive position within the aviation industry and allowed for expansion of business and creation of jobs. At that time Council discussed the potential of making the exemption permanent and therefore staff is bringing forward that option.

The public hearing was opened at 6:32 p.m.

Jodi Romero, Finance Director, presented this item. In July of 2010 the Council adopted a temporary exemption for seller installed aircraft parts and extended the exemption again in August of 2013 and in December of 2016. At that time, it was discussed to make the exemption permanent. There are several companies that can benefit from this exemption (20 companies).

Kristi Pollard, Grand Junction Economic Partnership (GJEP) Executive Director, said they are grateful Council is considering making this exemption permanent. She noted Dave Krogman is in attendance from West Star Aviation. Ms. Pollard said West Star Aviation has invested over \$15 million in this community and the industry is very competitive.

Dave Krogman, West Star Aviation General Manager, said West Star Aviation started with 175 employees and now has 433 employees. He said the added landing gear facility has expanded the number of employees from 17 to 40.

Councilmember McArthur asked how much sales tax has not been collected due to the sales tax exemption. Ms. Romero said it has not been budgeted since 2011 but, at that time, it was \$250,000 to \$300,000 per year.

Councilmember Norris said they need more data than a three-year time frame. She said the exemption does make a difference in the community.

Councilmember Boeschstein said the aviation industry is important to the community and West Star is a leader in the area. He said their employees support the local economy and he supports this ordinance.

Councilmember Kennedy asked if a data analysis has been completed for this type of industry regarding the loss of sales tax versus money put back into the community. Ms. Pollard said she did not bring that analysis but will email the information to Council.

Councilmember Traylor Smith said this helps the City attract new business and is glad it is being made permanent.

Ms. Romero said the economic impact of West Star in employment is over \$9 million in salaries. Council President Taggart asked if the State has this type of permanent exemption. Ms. Romero said the State does have this exemption.

Councilmember Norris asked if Mesa County is involved with this type of sales tax exemption. City Attorney Shaver said he did not believe so.

Mr. Krogman said he did not know, however; the County follows the State on the tax exemptions. Ms. Pollard said she will follow up and send the exemption information to Council.

The public hearing was closed at 6:41 p.m.

Councilmember Traylor Smith moved to adopt Ordinance No. 4748 – An Ordinance Amending Ordinance No. 4728 and Section 3.12.070 of Title 3 of the Grand Junction Municipal Code Deleting the Sunset Provision thereof on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion. Motion carried by roll call vote.

Amending Sales Tax Vendor's Fee

This is an amendment to the Grand Junction Municipal Code concerning the limitation of the vendor's fee credit and if approved will be effective January 1, 2018. The option

of limiting the vendor's fee credit (Fee) has been discussed in several meetings over the course of the last two years with Council, Grand Junction Area Chamber of Commerce (GJACC), Grand Junction Economic Partners (GJEP), and the Local Economic Development Committee. The Fee is a credit that the City allows a retailer to take against sales tax collected on behalf of the City to offset the administrative expense of collecting and reporting the tax. The Fee was established prior to the introduction of automated systems and accordingly was more aligned with the cost of collecting and remitting the tax. Now because of the prevalence of point of sales systems, automated bookkeeping, and computerized tax preparation programs, the Fee is proposed to be capped to \$500 per month per sales tax account. The Fee is an expense to the City and if it is reduced, then it is proposed that those resources are reserved as a sustainable source of funding for Economic Development. Both the GJACC and GJEP support the proposed cap.

The public hearing was opened at 6:42 p.m.

Jodi Romero, Finance Director, presented this item and reviewed the amendment. She stated the Fee was established over thirty years ago. Ms. Romero said during the discussions with GJACC, GJEP, and the local Economic Development Committee, several levels of caps were reviewed in order to evaluate the impact on local businesses and reduction in City vendor compensation expense that could be allocated to economic development efforts. She stated a consideration of those discussions is to cap the Fee for 31 businesses in total with 6 of those being local businesses. Ms. Romero advised that Diane Schwenke, GJACC President, and Kristi Pollard, GJEP Director, were present.

Diane Schwenke, GJACC, submitted a letter of support and said as an organization that represents businesses, this is not an easy decision for the Chamber board. GJACC is concerned that some businesses will be impacted versus the importance of a source of funding for economic development. Ms. Schwenke said GJACC would like to see affected businesses be contacted in order for them to budget for the expense.

Councilmember Kennedy asked for the time frame of when the fee amendment will be implemented. City Manager Caton said January 1, 2018, which will provide businesses notice to prepare for the added expense.

Kristi Pollard, Executive Director for GJEP, provided a letter from GJEP supporting the amendment and said the decision to support this amendment was not an easy conversation. She said GJEP rationalized the decision by stating the final outcome will be an investment in job creation and expansion. Ms. Pollard thanked Council for the investment in the community's economy and said the dollars dedicated to Economic Development harken back to a positive economic impact.

Councilmember Traylor Smith asked if there is wording that dedicates these funds to Economic Development. City Manager Caton said through the ordinance the funding will go toward Economic Development. He said, prior to the budget year, he will meet with the Economic Development Partners (EDP) and take feedback for the next year's recommendations. City Manager Caton said a portion will be kept separate to be true to the dollars and used for Economic Development (ED). Councilmember Traylor Smith inquired if a portion could be used to create a fund to be used by GJEP for ED incentives. City Manager Caton said he has had discussions on how to achieve that intent with a portion set aside for recruitment.

Councilmember Kennedy said he appreciates the efforts, however, he is concerned that the language in the ordinance does not specify and bind the direction of the funding. He hoped that Council can not only invest these funds into ED but will add to it. He stated he will support the ordinance.

Councilmember Norris said making a source that is sustainable is important for recruitment as well as the expansion of current businesses. She said will be supporting the ordinance.

City Attorney Shaver commented to Council President Taggart that the meeting should be opened to public comments.

Council President Taggart asked for public comments.

Ms. Pollard said these funds will pay attention to expansion and retention efforts.

Councilmember Wortmann said he is pleased with the capped amount and believes it will be a benefit to the City's economic growth.

Councilmember McArthur had no comment.

City Manager Caton said the additional funding for the Economic Development budget will improve the economy as a whole. He noted the City's current budgeted amount for ED is \$2.8 million.

Council President Taggart agreed with Councilmembers Kennedy and Traylor Smith, and said he would like to see the ordinance to specify the funds will go to Economic Development. Council President Taggart said he will support the amendment, however, he would prefer to have additional wording and clarity.

Councilmember Boeschstein agreed.

Councilmember McArthur said he would rather maintain flexibility for the future. He said the intent is already there and he would prefer the ordinance not be altered. City

Attorney Shaver said the amendment of the Sales and Use Tax Code and the Code does not include expenditures in its text; that is why it is in the recitals of the ordinance.

There were no further public comments.

The meeting was closed to public comments at 7:01 p.m.

Councilmember Kennedy moved to adopt Ordinance No. 4749 – An Ordinance Amending Chapter 3, Section 3.12.100 of the Grand Junction Municipal Code Concerning the Sales Tax Vendor's Fee on final passage and ordered final publication in pamphlet form. Councilmember Boeschstein seconded the motion. Motion carried by roll call vote.

Las Colonias Park Rezone and Master Plan Amendment

The requested Planned Development (PD) zoning and Outline Development Plan (ODP) will establish the uses, standards and general configuration of the proposed Business Park to be integrated into the existing and proposed Recreational Park land uses and amenities.

The public hearing was opened at 7:02 p.m.

City Manager Caton presented this item and said it is very similar to a previous Las Colonias presentation from few a weeks ago. He said this is a \$30 million economic opportunity with a public/private partnership and is for retention and expansion of local businesses. He described the concept which is a Business Park located on 10 to 15 acres of City-owned land which will be leased to private businesses. He said the Business Park would model a Google-like campus where recreation fits in with the businesses. City Manager Caton said the focus is on the outdoor recreation industry, which has a niche in Grand Junction. He said \$10 million of the investment will come from public infrastructure and park improvements. City Manager Caton said the timeline is aggressive for the Business Park with an anticipated opening date by the end of this year. He said the plan is to get asphalt in before plants close down for the season, have the park amenities timed with grant funding, and recruit businesses with the park improvements. City Manager Caton stated this has the potential to spur \$20 million in private investment. He then deferred to Mr. Schoeber.

Rob Schoeber, Parks and Recreation Director, described the evolution of the Master Plan of Las Colonias Park and Amphitheater. The City began to revise the Master Plan about six years ago. Mr. Schoeber said with 147 total acres with approximately 100 acres under State deed restrictions, the development started on the west end with the Botanical Gardens and Watson Island. He stated Phase I was completed in 2015 which resulted in a dramatic use increase. The revision included 12 different elements which will be developed dependent on funding. Three elements are complete and the

amphitheater and riparian restoration are in the process of completion; seven elements are left to complete. Mr. Schoeber said the revision kept the remaining recreational elements while gaining a business park. Mr. Schoeber said the Parks and Recreation Advisory Board unanimously supports the revision.

Kathy Portner, Planning Manager, reviewed the zoning for the property. She said the proposal is to rezone the entire property Planned Development and she described the Outline Development Plan (ODP). She also listed the allowed uses included in the business park development and said the rezone meets the criteria of the Code and the goals of the Comprehensive Plan as well as the Greater Downtown Plan. The Planning Commission unanimously recommended approval.

Councilmember Kennedy referred to the map of the Park and asked about the red parcel areas of the proposed site. Ms. Portner said the drawing is a schematic depiction, the elements could be located in any of those areas but will be contained within the 10-15 acres on the east end of the park. Councilmember Kennedy said he is concerned about the flow of the park. Ms. Portner said the floating elements may be retail, such as a restaurant, which would add to the park amenities. City Manager Caton said the idea is leave flexibility in the exact locations. Councilmember Kennedy said he is supportive and energized by the concept which will put Grand Junction on the map.

Councilmember McArthur referred to the map of the Park and noted that Colorado Discovery Ability (CDA) is being moved to the west end and he asked about their parking. Ms. Portner said the new location will allow them more visibility and they will provide on-site parking. Councilmember McArthur inquired as to the location of the mill tailings. Ms. Portner said the tailings are located in the amphitheater area and east end of the Park. She said they are maintaining all the covenants on the deed with adequate material cover and working with the Department of Energy (DOE) and Colorado Department of Public Health and Environment (CDPHE) to comply with all requirements.

Councilmember McArthur said he has concerns about excavating and disclosure requirements. City Attorney Shaver said it is likely that there will be issues, however, they will be worked through. Councilmember McArthur asked if the current request is for land use only. City Attorney Shaver said that is correct.

Councilmember Wortmann asked about the status of the funding for CDA. Mr. Schoeber said he has been working with them for the past three years and CDA has reached their fundraising goal.

Councilmember Norris asked if the request is to rezone the entire acreage. Ms. Portner said yes. Councilmember Norris asked if the red areas can be relocated. Ms. Portner said the proposal is to plan the entire Park. She said the concept is for about 15 acres for the Business Park, that the bulk of the Business Park will be located on the east end,

and then listed the possible uses. Any changes to those elements would be brought back to Council for review. Councilmember Norris said she supports Economic Development and completion of the Park so she feels that this is a great plan.

Councilmember Traylor Smith asked if the 15-acre Business Park can be divided up in different size or number of lots. City Manager Caton said yes, the Business Park is not to exceed 15-acres but the number of lots is flexible.

Councilmember Traylor Smith asked if the floodplain has been taken into consideration. Ms. Portner said the floodplain has been identified and any development in the floodplain has to meet floodplain regulations. Councilmember Traylor Smith asked about the progress of developing Butterfly Lake. Ms. Portner said it is in the planning process.

Councilmember Norris asked if the businesses will be leasing the property. City Attorney Shaver said that 25-year lease terms are being developed.

Councilmember Norris commented that 25-year leases are not very long in terms of investments and this may need to be changed. City Attorney Shaver said the 25-year lease limitation is in the Charter, however, the Charter could be amended with a ballot question. Councilmember Norris said this issue was discussed at the Downtown Business Improvement District (BID) meeting and banks may object to 25-year leases.

Councilmember Boeschstein said this is a great plan and he is looking forward to supporting it. He asked if there will be architectural designs and landscape requirements. Ms. Portner said the Development Corporation being proposed could impose architectural requirements. Councilmember Boeschstein said these requirements can be presented to Council at a later date. City Manager Caton said it will be an important aspect which will be governed by a board that will have high standards.

Councilmember Boeschstein said he felt comfortable calling it a Park even with businesses located in the middle of it. City Attorney Shaver said the plan designates uses compatible with the Park and it is up to Council to decide if the plans are consistent with the Park vision. He said it is legally allowable with only one tenth of the area designated for this use. Councilmember Boeschstein referred to Lilac Park and the proposal for commercial use which was turned down by the voters.

Councilmember Kennedy asked if this was the only City park zoned Planned Development. Mr. Schoeber said that is correct. Councilmember Kennedy asked if other parks are being considered for mixed-use contingent upon the success of Las Colonias. Mr. Schoeber responded it could be a possibility but for Las Colonias it is a higher and more beneficial use for the community.

Council President Taggart asked for public comments.

Kristi Pollard, GJEP Director, offered full support for this project. She noted the Chamber is also supportive. She stated this Economic Development project is something special. She said the addition of these ten sites increases the potential of adding \$20 million in capital investment, with \$22 million in annual salaries, 165 construction jobs, \$8 million in construction salaries, and is a wise investment in the community.

Andrea Mae Metz, 2430 Santa Rosa Lane, worked for Microsoft, which also has a campus like facility similar to the proposal. She said one of the things that saved her life was ability to go outside and enjoy the campus. She said this is one of the things that has made Microsoft great and it is a brilliant thing for Grand Junction. It will allow an exchange of ideas, with an opportunity for the public to talk to the businesses.

Diane Schwenke, GJACC, said the Chamber board has taken official action to support this rezone which will be a significant economic benefit, for it will create new types of interactions which will spur innovation.

There were no other public comments.

The public hearing was closed at 7:37 p.m.

Council President Taggart asked if there was a neighborhood meeting to discuss the rezone. Ms. Portner said they held a neighborhood meeting at Orchard Mesa Middle School and there were 30 people in attendance. She said with only a few small concerns, all other comments were very positive. City Manager Caton said he held two audiences with the business community regarding the east end of the park and the idea was well received. He said the residents from the Orchard Mesa area were generally very supportive. City Manager Caton added that there could be opportunities at other undeveloped parks.

Councilmember Boeschstein moved to adopt Ordinance No. 4746 – An Ordinance Approving a Rezone to PD (Planned Development) and an Outline Development Plan for Las Colonias Park, Located on the North Bank of the Colorado River Between Highway 50 and 27 ½ Road, on final passage and ordered final publication in pamphlet form. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

Councilmember Boeschstein moved to adopt Resolution No. 22-17 – A Resolution Adopting the 2017 Las Colonias Master Plan Revision. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

Amending the Comprehensive Plan and Rezone, Heritage Heights

The applicant, Heritage Heights LLC, requests the City to change the Comprehensive Plan Future Land Use Map designation for property located at 637 25 Road from "Residential Medium High (8 - 16 du/ac)" to "Commercial/Industrial" and to rezone the

property from R-8 (Residential - 8 du/ac) to I-O (Industrial/Office Park) zone district in anticipation of general office development.

The public hearing was opened at 7:41 p.m.

Scott Peterson, Senior Planner, presented this item. He described the request. The applicant is Heritage Estates LLC, the property owners. The property is located at 637 25 Road and is part of the Heritage Heights residential subdivision. It contains a modular office building that was moved to the site in 2014 to serve as a temporary office/construction trailer in conjunction with the development of Heritage Heights Subdivision. The temporary office/construction trailer has an expiration date tied to the approved Preliminary Plan (SUB-2013-481) phasing schedule. Therefore, on or before April 10, 2019, the temporary office/construction trailer would be required to be removed from the site or the property would need to be brought up to current Zoning Code standards. These standards would include, but are not limited to, off-street parking, landscaping, screening and buffering, etc. The applicant now desires to operate the temporary office/construction trailer as a general office and legitimize the existing land use on the property, and therefore requests a change in the Comprehensive Plan Future Land Use Map and to rezone the property.

The subject property is surrounded on three sides by residentially zoned property to the north, south, and west. To the east, across 25 Road, is the Foresight Industrial Park which is currently zoned I-O, (Industrial/Office Park) with a Comprehensive Plan Future Land Use Map designation of Commercial/Industrial. The proposed I-O zone district is the most appropriate zone district for the applicant's property since it is an adjacent zone district (located across 25 Road) and also the applicant's proposed land use of a general office is an allowed land use within the I-O zone district.

The Comprehensive Plan designates the property as Residential Medium High. The requested rezone is currently not supported by the underlying Comprehensive Plan designation. However, Section 21.02.130 (d) (v) of the Grand Junction Zoning and Development Code allows the processing of a rezone application or request without a plan amendment when the proposed zoning is inconsistent with the Comprehensive Plan and the property is adjacent to the land use designation that would support the requested zone district. Therefore, this is a combined request to amend the current Comprehensive Plan designation to an adjacent designation (Commercial/ Industrial) and rezone the property to I-O.

The adopted Grand Valley Circulation Plan shows the future F ½ Road corridor will be constructed along the west and south property lines with the right-of-way being officially dedicated during the final platting of Filing 5 as identified on this approved Preliminary Plan.

Mr. Peterson advised that with the designation of the F ½ Road Parkway, this parcel is separated from the rest of the development and aligns it more with the Foresight Industrial Park development across the street, creating a remnant parcel. Therefore, subsequent events have invalidated the original designation in the Comprehensive Plan. The Industrial/Office Park is an allowed zoning under the proposed land use designation. The character and conditions have changed and it is consistent with the goals of the Comprehensive Plan. Community Development had a neighborhood meeting that no one attended, however, they received four letters of support. The Planning Commission recommended denial at their March meeting. Mr. Peterson said the applicant is in attendance.

Councilmember Kennedy said he lives in the subdivision northeast of the property, however, this does not affect his opinion on the proposal.

Councilmember McArthur stated he had a previous employer/employee relationship with the applicant but nothing now.

Kim Kerk, Project Representative for Blue Star Construction, said City staff did a good job describing the request. She said she is aware of the need for a neighborhood meeting, however, no one attended. Ms. Kerk said they have received positive comments and been thanked for the flag that is displayed on the property.

Councilmember Kennedy asked how will the new zoning affect the back of the property currently used for storage and what measures will be implemented to hide the outside storage area from public view.

Mr. Peterson said because the property is currently under a temporary use permit, a full site review will be required if the current proposal is approved. He said if the rezoning is approved, the property will have to comply with Codes which would include screening with a fence or masonry wall.

Councilmember Kennedy said the property is not a sales office and seems to be a commercial enterprise with equipment and other storage which should be obscured from view.

Councilmember Kennedy then asked if the red line on the displayed map is F ½ Road. Mr. Peterson described the proposed alignment in the future if F ½ Road were to be built. Councilmember Kennedy asked what steps will be taken to relieve pressure at the Patterson Road and 25 Road intersection. Mr. Peterson said that is not known. Councilmember Kennedy noted there are several new homes in close proximity to this property with a very congested intersection at 25 Road and Patterson.

Councilmember Kennedy asked what will be the fencing requirements and how soon will these requirements be implemented. Mr. Peterson said the permit expires in 2019,

the request before them is the first step. He said the next step is to have the site plan submitted before the 2019 expiration date and then full site upgrades will be required. Councilmember Kennedy asked why the Planning Commission does not support this request. Mr. Peterson said he believes the Planning Commission considered the request to be premature. There are also concerns about the allowed uses in I-O zones. City Manager Caton advised that the right-of-way for F ½ Road has been acquired.

Ms. Kerk said the right-of-way dedication is a condition of approval, which would be all the way to the west end.

City Attorney Shaver said the section for F ½ Road is proposed to be wider than the dedication required. Negotiations to acquire the entire 160 feet have occurred.

Councilmember Boeschstein thought F ½ Road was turned down by the voters. City Attorney Shaver said it was only one element in the ballot question being referred to.

Councilmembers McArthur and Traylor Smith added clarification that the vote was on the funding, not on building the road. Councilmember McArthur asked if Filings 5 and 7 are currently being built. Mr. Peterson said Filing 5 is under construction and Filing 7 is in staff review. There were additional questions on access and traffic. Mr. Peterson responded F ½ Road Parkway will have traffic similar to Riverside Parkway, will be a minor arterial, and once constructed will make this parcel an island.

Council President Taggart asked for public comments.

There were no public comments.

The hearing was closed at 8:08 p.m.

Councilmember Traylor Smith asked where the access is to this property. Mr. Peterson said it is on the north side of 25 Road.

Councilmember Norris noted that all the details for the roadway are not known and there are businesses along there that will be impacted.

Councilmember Kennedy commented this arterial change could be 15 years down the road and the impact to 25 Road as it exists today is going to increase with all the subdivisions being developed in that area. He asked if Planning Commission might have a different opinion on the request with the new information. Mr. Peterson felt that although there were concerns with the allowed uses, it is really the size of the parcel that will determine the use.

Councilmember Kennedy asked about potential zoning for the property across the street. Mr. Peterson said the parcel could be another triangle piece and may potentially need to be rezoned to a commercial or industrial zoning.

Councilmember McArthur said if not approved, the property would be in flux since it would not be conducive to residential development. He said it would be a benefit to future residents to know about the zoning of this property.

Council President Taggart asked if the potential of a four-lane roadway was fully disclosed to the residents of Heritage Heights prior to purchase. Ms. Kerk said it was disclosed, but she cannot say the disclosure was in writing.

Councilmember Norris said the road development may move forward sooner as 25 Road is already at failure.

Councilmember Traylor Smith agreed with Councilmember McArthur in that this parcel will be more associated with the parcels across the street.

Councilmember Boeschstein said the traffic impact of commercial use could be less than residential. He will support the ordinance.

Councilmember Wortmann said 25 Road needs to be improved and he will support the request.

Councilmember Traylor Smith moved to approve Resolution No. 23-17 – A Resolution Amending the Comprehensive Plan Future Land Use Map of the City of Grand Junction from Residential Medium High (8 - 16 du/ac) to Commercial/Industrial for Lot 241, Heritage Heights, Filing One, Located at 637 25 Road and Ordinance No. 4747 - An Ordinance Rezoning Lot 241, Heritage Heights, Filing One Property from R-8 (Residential - 8 du/ac) to I-O (Industrial/Office Park), Located at 637 25 Road on final passage and ordered final publication in pamphlet form. Councilmember Norris seconded the motion.

City Attorney Shaver reminded Council that the Planning Commission recommended denial, so the resolution needs a supermajority to pass. He said that is five votes per the Code.

Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Andrea Mae Metz, 2430 Santa Rosa Lane, returned to the podium said she is disappointed more people are not coming to Council meetings and thanked Council for their hard work. She said there is a dark side to the government and she sent emails to Council last week regarding this subject. She stated that she is being censored with email and phone calls and has been a targeted individual for five years while imprisoned in her home. Ms. Metz said she set up a website for non-profits, was a threat, learned a universe of information, which opened her eyes to things unimaginable. She has been

tortured and lobotomized, has severe trauma, and has been the subject of brain testing technologies. She has lost everything and has nowhere to get justice. She implored Council for help.

City Manager Caton said he and City Attorney Shaver have met with Ms. Metz and will continue. He will keep Council updated.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:31 p.m.

Stephanie Tuin, MMC
City Clerk