

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

March 20, 2013

The City Council of the City of Grand Junction convened into regular session on the 20th day of March, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, Laura Luke, Sam Susuras, and Council President Bill Pitts. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order. Councilmember Luke led the Pledge of Allegiance, followed by a moment of silence.

Proclamation

Proclaiming the Week of February 24 through March 2, 2013 as “Peace Corps Week Honoring their 52nd Anniversary” in the City of Grand Junction

Councilmember Boeschstein read the proclamation. He recognized a returned Peace Corps volunteer, Dennis Stark, who came forward while Councilmember Boeschstein read the proclamation.

Mr. Stark said his experience was amazing and he continues to travel across the continents. He did return to where he once served and was delighted to find out that the program he started was still going on. Mr. Stark said one usually leaves behind the seeds of ideas and hopes that they grow.

Councilmember Boeschstein said he and his wife returned to the school where he taught many years ago and the school has expanded and he was pleased to revisit it.

Council Comments

Council President Pitts recognized the wonderful work of City Staff throughout different departments, including the Fire Chief, Police Chief, and the City Manager, for their work at the command center during the gas explosion incident on 7th Street and Orchard Avenue. He said it was amazing the way everything came together. He also recognized Fred Eggleston of Xcel Energy for his participation at the command center as well. He said all should be commended.

Councilmember Luke made the following statement:

“For those of you who don’t already know me, I’m Laura Luke. I’m a Councilmember for District D, and I’m also your Mayor Pro Tem. Its recently come to my attention that a board member with the Grand Junction Chamber of Commerce has seen fit to sling

unfounded accusations at me and threatened me in public in writing saying, “he is my worst enemy, my worst nightmare”, which is even worse. To set the record straight, unlike any member of the Chamber, I have taken an oath to represent all people, even you Mr. Anton. As a City Councilmember and Mayor Pro Tem for the citizens, I am obligated to fulfill the duties of the oath I swore to uphold; which includes communicating information that directly or indirectly impacts everyone’s interests in the City. No threatening message is going to alter my obligation to the people of Grand Junction, and if that’s how you intend to bully your citizens, I don’t think they’ll take kindly to it. Thank you Mayor.”

Councilmember Susuras objected to such a statement being made from that platform.

Citizen Comments

Council President Pitts asked if any citizens had signed up to comment.

There were none.

Financial Report

Jodi Romero, Financial Operations Director, said she and Tax Revenue Supervisor Elizabeth Tice-Janda will present the Financial Report. Financial Operations Director Romero said she would give some highlights on how 2012 ended, current economic indicators, and a look a where the City is currently. Financial Operations Director Romero said the City just received the Government Finance Officers Association Certificate of Excellence in Financial Reporting for year 2012 which the City has received for the last 28 years, and gave special recognition to Sonya Evans and Aeron White who are in the accounting department.

Financial Operations Director Romero said the year of 2012 ended better than anticipated with revenues better than expected. There were also across the board budget savings in labor and operations. The Capital Fund balances were carried forward to complete projects started in 2012. She then reviewed revenues where there were either additional revenues or savings in expenditures.

Financial Operations Director Romero then noted that the savings will result in a higher fund balance at the end of 2013. She explained the savings in each of the funds.

Financial Operations Director Romero invited Revenue Supervisor Tice-Janda to address the economic indicators.

Revenue Supervisor Elizabeth Tice-Janda said the first economic indicator addressed was foreclosure filings in Mesa County. The year 2012 was pretty much the same as 2011, but 2013 looks to be improving. The real estate and construction industry transactions show the median home price has increased in the last year. In 2013, the inventory is down slightly. Revenue Supervisor Tice-Janda then addressed building permit valuation. The first quarter of 2013 is at a five year high and most of it are residential building permits. Employment was the next indicator. The employment rate is down but it is typical to see a decrease during this time of year. There were some layoffs, most notably were Choice Hotels and Halliburton.

Revenue Supervisor Tice-Janda addressed the retail and revenue report. There was a decrease in the gross retail activity in the 4th quarter of 2012. There are concerns, but the gross retail is higher than two years ago. The year 2012 ended with a 2.2% growth which is up over the last four years in retail sales tax collection. She then turned the presentation back to Financial Operations Director Romero.

Financial Operations Director Romero said in conclusion, there are stronger fund balances and they are monitoring revenues. There is conservative spending going on in all departments and they are moving forward with capital and economic development projects. First quarter budget reviews will begin next month.

Councilmember Luke asked for confirmation on the increase in fund balance due to the hard work of Staff and Council which was confirmed. She thanked Financial Operations Director Romero for the hard work.

Councilmember Susuras thanked Staff for their work and asked if the financial reports are on the website. Financial Operations Director Romero said the reports are posted after the presentation to City Council.

There were no other comments.

CONSENT CALENDAR

Councilmember Kenyon moved to adopt and then read Consent Calendar items #1-13 noting Item #11 was removed for individual consideration. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the March 4, 2013 Special Meeting, and the March 6, 2013 Regular Meeting

2. **Setting a Hearing to Amend the Sales and Use Tax Code Exempting Subscription Magazines Produced and Distributed from Colorado Sales and Use Tax**

This is an amendment to the Grand Junction Municipal Code concerning the exemption of the sale, storage and use of magazines sold by subscription, produced and distributed in Colorado from sales and use tax.

Proposed Ordinance Amending Title 3, Section 3.12, Sales and Use Tax, of the Grand Junction Municipal Code Concerning Sales and Use Tax Exemptions for the Sale and Use of Magazines Sold by Subscription Produced and Distributed in Colorado

Action: Introduce a Proposed Ordinance and Set a Hearing for April 3, 2013

3. **Setting a Hearing to Amend the Sales and Use Tax Code Exempting Manufacturing Equipment from Sales Tax**

This is an amendment to the Grand Junction Municipal Code concerning the exemption of the sale of manufacturing equipment from sales tax.

Proposed Ordinance Amending Title 3, Section 3.12, Sales and Use Tax, of the Grand Junction Municipal Code Concerning Sales Tax Exemptions for the Sale of Manufacturing Equipment

Action: Introduce a Proposed Ordinance and Set a Hearing for April 3, 2013

4. **Setting a Hearing to Amend the Sales and Use Tax Code Exempting Sales Made by Schools, School Activity Booster Organizations, and Student Classes or Organizations from Sales Tax**

This is an amendment to the Grand Junction Municipal Code concerning the exemption of sales made by schools, school activity booster organizations, and student classes or organizations from sales tax.

Proposed Ordinance Amending Title 3, Section 3.12, Sales and Use Tax, of the Grand Junction Municipal Code Concerning Sales Tax Exemptions for Sales Made by Schools, School Activity Booster Organizations, and Student Classes or Organizations

Action: Introduce a Proposed Ordinance and Set a Hearing for April 3, 2013

5. **Setting a Hearing for the Mesa County Workforce Annexation Comprehensive Plan Future Land Use Designation Amendment and Zoning, Located at 512 29 1/2 Road** [File #ANX-2013-10]

Recommend to City Council a Comprehensive Plan future land use designation amendment from Residential Medium to Village Center and a zoning of C-1 (Light Commercial) for property located at 512 29 1/2 Road.

Proposed Ordinance Amending the Comprehensive Plan from Residential Medium (4 – 8 DU/AC) to Village Center and Zoning the Mesa County Workforce Annexation to C-1 (Light Commercial) Located at 512 29 1/2 Road

Action: Introduce a Proposed Ordinance and Set a Hearing for April 3, 2013

6. **Setting a Hearing on Rezoning a Portion of Heritage Estates, Located at the Southeast Corner of Property Located near 24 3/4 Road and North of the Future F 1/2 Road Alignment, the 2.78 Acres Directly West of and Abutting 651, 653 1/2, 653, and 655 25 Road** [File #RZN-2012-578]

Request to rezone 2.78 acres, located at the southeast corner of property located near 24 3/4 Road and north of the future F 1/2 Road alignment, directly west of and abutting 651, 653 1/2, 653, and 655 25 Road referred to herein as a portion of Heritage Estates Subdivision, from R-8 (Residential – 8 du/ac) zone district to R-12 (Residential – 12 du/ac) zone district.

Proposed Ordinance Rezoning a Portion of Lot 100 of the Heritage Estates Subdivision, Filing 1 from R-8 (Residential – 8 Units Per Acre) to R-12 (Residential – 12 Units Per Acre) Located at the Southeast Corner of Property Near 24 3/4 Road and North of the Future F 1/2 Road Alignment, Specifically the 2.78 Acres Immediately West of and Abutting 651, 653 1/2, 653, and 655 25 Road

Action: Introduce a Proposed Ordinance and Set a Hearing for April 3, 2013

7. **Setting a Hearing Zoning the Rock Shop Enclave Annexation, Located South of D Road, East of S. 15th Street and South of the Riverside Parkway on both sides of 27 1/2 Road, North of Las Colonias Park** [File #ANX-2012-574]

A request to zone the Rock Shop Enclave Annexation, located south of D Road, east of S. 15th Street and south of the Riverside Parkway on both sides of 27 1/2 Road, north of Las Colonias Park, which consists of 68 parcels, to an I-1 (Light Industrial) zone district.

Proposed Ordinance Zoning the Rock Shop Enclave Annexation to I-1 (Light Industrial) South of D Road, East of S. 15th Street and South of the Riverside Parkway on Both Sides of 27 1/2 Road, North of Las Colonias Park

Action: Introduce a Proposed Ordinance and Set a Hearing for April 3, 2013

8. **Pear Park Fire Station Grant Request**

This is a request to authorize the City Manager to submit a request to the Colorado Department of Local Affairs for a \$200,000 grant to partially fund the design and engineering of a proposed Pear Park Fire Station.

Action: Authorize the City Manager to Submit a Grant Request to the Colorado Department of Local Affairs' Energy and Mineral Impact Assistance Program for the Design and Engineering of a Proposed Pear Park Fire Station

9. **Purchase Crack-fill Material**

This request is to ratify a second year contract renewal to purchase 180,000 pounds of NUVO 500 crack-fill material in the amount of \$.53 per pound. This is the second and final contract renewal period for this contract award. Since this is a petroleum based product, prices are escalating daily. In an effort to secure prices, the Purchasing Division negotiated a price, which now reflects savings compared to the current market. The NUVO 500 crack-fill material was competitively bid in 2011 and found to be a superior material compared with other products previously tested.

Action: Ratify a Second Year Contract Renewal with Maxwell Products, Inc. to Provide 180,000 Pounds of NUVO 500 Crack-Fill Material, for an Amount of \$.53 per Pound for a Total of \$95,400

10. **Outdoor Dining Lease for Loree, LLC dba Loree's Seafood and Steakhouse, Located at 336 Main Street**

Loree, LLC, located at 336 Main Street, is a new tenant occupying the former location of Dolce Vita restaurant. As a new business entity, Loree, LLC, is requesting a first-time Outdoor Dining Lease for an area measuring 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 raised deck area that was occupied by Dolce Vita.

Resolution No. 18-13—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Loree, LLC, Located at 336 Main Street

Action: Adopt Resolution No. 18-13

11. **Funding of \$80,000 for the Regional Public Safety Training Facility**

REMOVED FROM THE CONSENT CALENDAR TO FIRST ON INDIVIDUAL CONSIDERATION

12. **Purchase of Real Property at 755 Struthers from Struth LLC**

The City has negotiated a purchase of property at 755 Struthers for \$189,125.20. The City Council is being asked to authorize the purchase and ratify actions taken.

Resolution No. 20-13—A Resolution Authorizing the Purchase by the City of Real Property Located at 755 Struthers Avenue from Struth LLC and Ratify Actions Heretofore Taken in connection Therewith

Action: Adopt Resolution No. 20-13

13. **Ratify an Appointment to the At Large Seat on the Grand Junction Regional Airport Authority**

The Grand Junction Regional Airport Authority bylaws provide that the seventh seat on the board of directors is filled by the other board members with the concurrence of the City and the County. The resolution proposed ratifies the recommendation put forward by the board of directors.

Resolution No. 21-13—A Resolution Ratifying the Appointment of Thomas T. Frishe to the Grand Junction Regional Airport Authority Board

Action: Adopt Resolution No. 21-13

ITEMS NEEDING INDIVIDUAL CONSIDERATION**Funding of \$80,000 for the Regional Public Safety Training Facility – Moved from Consent Calendar**

Due to a funding shortfall, the City is being asked to contribute 1/3 of the \$240,000 difference between current funding level and the construction bid amount for the Regional Public Safety Training Facility. Colorado Mesa University and Mesa County will provide the remaining 2/3 of the shortfall.

Deputy City Manager Tim Moore presented this item, noting that Police Chief John Camper was also present and can answer questions.

Deputy City Manager Moore said the project is to create a training facility for public safety personnel and will include a driving track, shooting range, training for Police Officers and an endurance track; there is a consideration to add some fire training facilities also. The funding is coming from Department of Local Affairs (DOLA) grant, the Seizure Board, and Mesa County for Phase I, and includes modular space for classroom, utilities, and a road extension. When the project was bid, it came in over budget. The scope of the project was reduced to just the basics which included a track, skid pad, interior dirt track, and ATV training, however, there was still a \$240,000 shortfall. In talking to the academy trainers through Colorado Mesa University (CMU), Mesa County and the City are being asked to fund the shortfall. The proposal is to split the shortfall between the three partners at \$80,000 each. The recommendation is to take the funds from the Pro Cycling allocation, since Grand Junction was not selected. Those funds are still in that fund and could go towards the City's portion for the project.

Councilmember Susuras asked for confirmation that this is Phase I. Deputy City Manager Moore said it is actually a pared down Phase I. Councilmember Susuras asked how many other phases would be needed. Deputy City Manager Moore said it depends on the funding; they are depending on grants but more funding would be required for additional facilities down the road.

Councilmember Susuras said this has been discussed for at least three years and although essential to have this facility, he cautioned where future funds will come from.

Councilmember Kenyon thanked Councilmember Susuras for clarifying this item. He asked about the history of the Fire Department training facilities. The previous site looked at for this project was at the Armory and that was determined not to be the best site. He was cautious about whether this site would be the best site. He said he would rather have the fire training facility at the right location even if it is part of the new station in the Pear Park area.

Deputy City Manager Moore said that this location was always thought to be exclusively a police training facility, but CMU was able to acquire more property so that resulted in them reconsidering that this site might be a good alternative for the fire training facility. However, water supply is an issue, and determination is still being made to confirm if this is an appropriate place for training for the Fire Department.

Councilmember Kenyon noted that currently the firefighters have to travel to Rifle for their training. Deputy City Manager Moore concurred, noting it is for required training.

Police Chief Camper said the project is really close, the planning has gone on for nearly a decade. The track is the first phase. The second leading contributor to line of duty officer deaths is traffic accidents. They spend thousands of hours training for driving and pursuit. There are no driving tracks nearby, the closest one is in Golden, Colorado. The project has been an incredible collaboration. The forfeiture board has been a very supportive partner. The driving track will be an enormous addition and there are plans for other facilities for training.

Councilmember Boeschstein asked if there will be utilities and restroom facilities. Deputy City Manager Moore said a two inch waterline will be extended to the facility. Wastewater disposal will be a septic system. Councilmember Boeschstein asked about fire protection. Deputy City Manager Moore said the Bureau of Land Management (BLM) provided the land and have been reviewing the plans including protection of the plant life. Councilmember Boeschstein asked about flash floods in the area. Deputy City Manager Moore said the plans were run through the City's review process and the plans meet the City standards for stormwater.

Resolution No. 19-13—A Resolution Authorizing and Ratifying an Expenditure of Funds in Support of the Construction of the Regional Law Enforcement Training Center Emergency Driving Track and Other Improvements to the Campus

Councilmember Kenyon moved to adopt Resolution No. 19-13. Councilmember Coons seconded the motion. Motion carried.

Public Hearing—Library Alley Right-of-Way Vacation [File #VAC-2012-419]

Request to vacate all remaining alleys within Block 73, City of Grand Junction, located between Grand Avenue and Ouray Avenue and N. 5th Street and N. 6th Street as part of the expansion of the Library.

The public hearing was opened at 7:48 p.m.

Senta Costello, Senior Planner, presented this item. She described the site, the location, and the request. She identified the location of the utilities and said the project will

combine all properties on the block into one property. There is a sewer line in the east alley and that will be relocated into 6th Street. One of the conditions of approval is that plat combining all the lots be recorded with the new utilities to protect any future buyers.

There were no public comments.

The public hearing was closed at 7:52 p.m.

Ordinance No. 4570—An Ordinance Vacating Right-of-Way for Mesa County Public Library Alley Located at 530/550 Grand Avenue and 443 N. 6th Street

Councilmember Susuras moved to adopt Ordinance No. 4570 and ordered it published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Warehouse Special Permit, Located at 461 Glenwood Avenue [File #SPT-2013-66]

Application for a special permit to allow interim use of the property for an indoor storage and operations warehouse in a C-2 (General Commercial) zone district with a contradicting Comprehensive Plan Future Land Use designation of Neighborhood Center, in accordance with Section 21.02.120 of the Grand Junction Municipal Code.

Senta Costello, Senior Planner, presented this item. She described the site, the location, and the request as well as the surrounding uses. The future land use designation is neighborhood center. She then identified the zoning and zoning of surrounding properties. The C-2 zoning is in conflict with the future land use designation, however the Code does allow for interim uses. The proposal is to use the property for a warehouse. The applicant intends to access the warehouse from the south and will only use the north access on an emergency basis, and will not use it during the high school lunch periods.

As part of their loading and unloading they will use the alley and the southern entry for traveling south. They will not travel north into the residential area and near the High School. City Staff recommended approval of the request.

Councilmember Coons asked about a time limit for the use. Senior Planner Costello said they are not proposing a time limit. The building has been vacant for a number of years and has been an attraction to high schoolers. The recommendation is to let the market drive the future use.

Councilmember Susuras asked if the tire company is purchasing the property. Senior Planner Costello said yes, and have agreed to a temporary permit, as long as there are no time limits. If sold, and if the use stays the same, the permit could stay in place.

Councilmember Susuras asked if it might be better to alter the Comprehensive Plan. Senior Planner Costello said that due to time constraints the applicant opted to go forward with a special permit.

Councilmember Kenyon agreed with Councilmember Susuras about possibly changing the Comprehensive Plan as more of a business friendly option. He suggested it be brought back by Staff.

Councilmember Boeschstein asked why they need a special permit in a C-2 zone district. Senior Planner Costello said that legal Staff has advised that a special permit is needed as it conflicts with the Comprehensive Plan.

Councilmember Boeschstein said this is burdensome for the applicant, and he does not think this should be required. It is not business friendly to make them go through such a process.

Councilmember Susuras asked Senior Planner Costello to confirm the Comprehensive Plan states Neighborhood Centers can be moved. Senior Planner Costello confirmed this.

Council President Pitts asked for public comment.

Rich Krohn, 744 Horizon Court, representing the applicant, said the owner and contractors are present. He said he and his client appreciate the Council's comments but Staff has been extremely cooperative and it is nice to be able to do something in a short period of time when there are zoning conflicts. The building is in really good shape and it would be too expensive to tear it down. He appreciated the comments about changing the Comprehensive Plan and to be able to utilize the building for its life expectancy. He agreed there does need to be a process to make this work. In conclusion, they are in support of the permit and asked that it be approved.

Councilmember Luke thanked Mr. Krohn for his client's recognition of the fact that a number of high schoolers do travel past that operation to go to the Salvation Army for lunch, and it is appreciated.

Permit No. 2013-01—A Special Permit Pursuant to Section 21.02.120 of the Grand Junction Municipal Code (Zoning And Development Code) for an Interim Use of Warehouse with Indoor Storage and Indoor Operation on Property Located at 461 Glenwood Avenue in Grand Junction, Colorado

Councilmember Susuras moved to approve Special Permit No. 2013-01 to allow the interim use of the property for a warehouse. Councilmember Luke seconded the motion.

Councilmember Kenyon noted that Staff has been asked to bring forward any proposal for a business but suggested that it be brought forward in a Council work session to avoid the process. He asked the City Manager to have Planning Staff put on their agenda to change the Comprehensive Plan to avoid this permit process.

City Attorney Shaver said the proposal to change the Comprehensive Plan did come before Council but they deferred it until the North Avenue Plan process is completed.

Construction Contract for the 22 Road Realignment at Highway 6 Project

The 22 Road realignment at Highway 6 project will reconstruct the intersection of 22 Road with Highway 6 along with a one-third mile long section of 22 Road. The resulting increase in traffic capacity will accommodate projected traffic volumes through the year 2035, including traffic from two proposed truck stops in the area. These improvements work in harmony with an upcoming Colorado Department of Transportation (CDOT) traffic capacity and safety improvement project at the I-70 Exit 26 Interchange. Together they set the stage for long term future development in the northwest part of the City.

Trent Prall, Engineering Manager, introduced this item. He described the project and the specifications of the project which is called a diverging diamond design. Part of the project will also create a safer at grade railroad crossing. There will be two proposed truck stops which will each invest \$7.5 million in the area.

Councilmember Kenyon asked for an explanation of the selection of the contractor. Internal Services Manager Jay Valentine said it was a standard bid through the purchasing process with the low bidder being recommended. Part of the bid process included an alternate bid for concrete and another alternate bid for the extension of 22 Road. Neither alternate was affordable.

Councilmember Boeschstein asked if the two truck stops have already gone through the process. Engineering Manager Prall said they are part way through the process and have provided letters of credit.

Councilmember Boeschstein asked if there are any pedestrian or bicycle lanes. Engineering Manager Prall said there will be bicycle lanes and an eight foot sidewalk along each truck stop to Otto's.

Councilmember Susuras said he wanted to mention for the public that \$4 million was budgeted for this project. He asked why eastbound and westbound traffic cross over and under each other. Engineering Manager Prall said they don't cross over and under, they are at grade signals which will allow a lot more capacity. The design also makes all left turns with no signals which makes for safer intersections.

Councilmember Luke asked about the transportation capacity payments. Engineering Manager Prall said the two developers will pay about \$170,000. Portions of one section for the Pilot Station will be constructed by the City, but Pilot will pay around \$300,000 towards that. These improvements are not just for the truck stops, it is for safety and capacity in the area. Councilmember Luke lauded the diverging diamond design.

Councilmember Coons moved to authorize the City Purchasing Division to enter into a construction contract with M.A. Concrete Construction, Inc., of Grand Junction, for the 22 Road Realignment at Highway 6 Project in the amount of \$3,882,457.55. Councilmember Luke seconded the motion. Motion carried.

Council President Pitts called for a recess at 8:26 p.m.

The meeting reconvened at 8:32 p.m.

Public Hearing—Adopting the Greater Downtown Plan [File #CPA-2011-1067, CPA-2012-216, RZN-2012-217, ZCA-2012-363]

The Greater Downtown area generally encompasses the original square mile of the City and the area between the Riverside Neighborhood to 28 Road and South Avenue to the Colorado River. The Greater Downtown Plan includes the following components:

- 1) Comprehensive Plan amendments to Future Land Use Map
- 2) Comprehensive Plan text amendment to add RO (Residential Office) as a zone district that can implement the Downtown Mixed Use Land Use Designation
- 3) Rezoning properties within the Greater Downtown Plan
- 4) Text amendment to the Zoning and Development Code to include RO (Residential Office) as a zone district that can implement the Downtown Mixed Use Land Use Designation
- 5) Adoption of zoning overlays for Corridors and the Downtown District

The public hearing was opened at 8:33 p.m.

Kathy Portner, Economic Development and Sustainability, introduced this item and provided an overview. She said the Greater Downtown Plan celebrates the core of the City starting with the original square mile. The riverfront has been reclaimed and its

importance recognized with its cleanup over the last 25 years. The Greater Downtown Plan combines the City Comprehensive Plan and the South Downtown Plan. In addition to the original square mile, the Greater Downtown Plan encompasses the area to the river and west to the Riverside neighborhood.

Ms. Portner spoke to the public process to develop the Plan and detailed the number and types of meetings. The Plan establishes some goals and ways to achieve the vision to become the most livable community west of the Rockies. The goals include enhancing the multimodal transportation system and improving entry points, promoting downtown living, and others. Then there are goals for each of the three districts: downtown, rail, and river. The majority of the river district properties are government owned. There are a number of conflicts in the districts with the Comprehensive Plan. There are about 237 properties in conflict. The proposal is to change the Comprehensive Plan and leave the existing zoning in place. The proposal for the Jarvis property is to change the Future Land Use Designation to Business Park to allow for future development.

The second thing for consideration is the Greater Downtown Plan Zoning Overlay. It is to implement and to provide guidance and criteria for the planning, design, and building of public and private development. The overlay supplements the development regulations. The overlay addresses two topics: corridors and the Downtown District. The standards are not an option in the scenario because the framework and streets are already in place, in other words, the fabric is already there and the overlay will keep that fabric from being unraveled.

Ms. Portner then addressed the Corridor Zoning Overlay areas. There are two types: commercial and industrial. Each has its own standards, uses are an example of what is desired, provides options for achieving the vision, allows flexibility, and defines what is required for new construction versus remodels.

For the commercial corridor overlay, Ms. Portner provided numerous examples of possibilities. Another element is the allowance of residential regardless of zoning and emphasizes the location of parking and storage not being to the front. Regarding signage, only monument and flush signs would be allowed, no billboards.

For the industrial Corridor Zoning Overlay, Ms. Portner explained when the standards would be triggered. Some of the elements included loading and parking to the side and rear, and screening of outdoor storage. Implementation of some of these standards reduces things such as setback and landscaping requirements.

Next, she addressed the Downtown District Zoning Overlay. The 7th Street Historical District stays in place and the existing commercial downtown would not be affected. Ms. Portner identified when the standards would apply. They would not apply for

additions less than 100% of the existing or a remodel that is less than 65% of the value or any interior remodel. The Director also has the ability to make exceptions on a case by case basis.

Ms. Portner said there are standards that apply just to the Central Business District: high density and mixed use is encouraged; minimizing single size surface parking; and encouraging gradual scale transitions between the Central Business District and the adjacent neighborhood. The goals are to emphasize pedestrian traffic by setting a maximum setback and encouraging high quality compatible designs using traditional building materials and a menu of architectural standards.

There are residential overlay guidelines which includes retaining the park strip along the roadway and maintaining existing housing styles. These guidelines still allow for multi-family development as long as it is in character with the neighborhood.

Within the Transitional Overlay area, Ms. Portner stated it uses the residential office standards and then enumerated those standards.

In conclusion, Ms. Portner identified the number of elements being considered with this adoption including Comprehensive Plan Amendments, an amendment to the Zoning Map, and an amendment to the Zoning Code.

Councilmember Kenyon asked for clarification regarding the opt-in or opt-out and how that affects an owner. Ms. Portner said existing structures do not have to do anything nor do interior remodels. A new building would have to implement the standards but a builder/developer would have a menu of options, many of which are low cost, and using the standards reduces some of the other requirements such as landscaping and setbacks.

Councilmember Kenyon said the standards feel a little regulatory. He asked about the impacts to property owners in the near future. Ms. Portner said development has slowed but the most recent projects have either met or exceeded the standards. It assures those coming in that there is a baseline for development.

Councilmember Kenyon proposed in an opt-in/opt-out feature which could be looked at in three years to see if there has been a negative impact over a period of time. Ms. Portner said that would not give assurance to someone who wants to be an investor in the neighborhood.

Councilmember Susuras asked why the Comprehensive Plan was just not amended. Ms. Portner said the Comprehensive Plan is a broad based brush, whereas the items proposed provide implementation methods and strategies.

Councilmember Susuras said his concern is that anyone wanting to come in to this area would have to follow three layers of plans, and that may discourage business with so many regulations.

Councilmember Boeschstein said he thinks the plan is great and a great vision for the future. It is in line with Operation Foresight on Main Street from the 1960's.

Council President Pitts asked that the presentation continue.

Harry Weiss, Executive Director, Downtown Development Authority, acknowledged a number of Downtown Development Authority (DDA) board members and other members of downtown in attendance. He expressed his appreciation of City Staff and that it has been a pleasure to work with them. Mr. Weiss explained why the DDA has a role in the development of the Plan. The DDA's role is the redevelopment of, and continued vitality of, the downtown including the physical qualities of downtown.

Mr. Weiss said this Plan is a culmination of years of planning. The Greater Downtown Plan drills down in the areas where more details and standards are needed. He reviewed who was involved in the development of the Plan. He referred to the editorial in the newspaper that morning noting the importance of prosperity and future of the downtown area. He spoke to the City's ability to compete in the future, regarding new economic opportunities. He said it was essential that these planning tools be aligned with the vision to build a successful economy in order to be sustainable. These tools will help re-balance the development from an automobile-centered suburban design to a more pedestrian, urban design. He said it is difficult to make significant adjustments during boom times. Different areas in town are recognized as different. Downtown is characterized with its density, its multifunctional character, and its pedestrian orientation. The zoning overlay is a pretty standard device in planning and development. Basic zone districts are fairly blunt and the overlay zoning sets the base as to what can happen. It is a means to refine, drill down, and direct development for specific outcomes. The market has directed what exists downtown currently. North Avenue is completely different than downtown as it does not have a consistent theme, whereas downtown does have a traditional pattern. The zoning overlay does allow for a doubling of an existing business without requiring anything. The two story requirement is only for new buildings.

Councilmember Luke complimented the vision and the presentation. She could see how it fits in, but she doesn't see an example of a ninety story building. Mr. Weiss said the only example is Alpine Bank, that allowance is already in the Code, the only new requirement is the minimum. Mr. Weiss said anything over 75 feet is what makes the building a "high rise", and requires compliance with the High Rise Code.

Council President Pitts called for a recess at 9:40 p.m.

The meeting reconvened at 9:44 p.m.

Jim Golden, attorney representing his ownership and some other downtown property owners, provided a brief history of his background. He was concerned with restrictions placed on real estate, specifically in the core area. He addressed the restriction that the property must be developed as a two story building. He said it is a "taking", and violates the Federal and State Constitutions. This restriction takes money out of the hands of the guy who needs it. It will affect the sale of properties. He referred to a number of court cases that apply to property ownership. He argued that the zoning regulations must be reasonable and restrictions can only be placed on property rights when public health and welfare is affected. He put the Council on notice that if these regulations are adopted, he will make every effort to seek the rights of the Constitution regarding property rights.

Councilmember Luke asked Mr. Golden to read the last few sentences again, which he did, noting that a restriction for a two story building is not included in the exemptions enumerated. He again read that it is a right for a man to use his property by his will. Mr. Golden added the citations.

Edith Tomlin, Director of Mesa County Public Library District, said the Library Board has reaffirmed their commitment to downtown and are enthusiastic about pursuing the Greater Downtown Plan. They were involved in the Catalyst Project idea a few years ago. Although the other partners left due to the recession, the Library is still committed and went forward with their new building. The planners helped with the library design to be in line with the Greater Downtown vision and still meet their parking needs as they do need a lot of parking. The new design did cost more but it will help re-anchor that part of downtown. The Mesa County Library does support the Greater Downtown Plan.

Duncan McArthur, 2837 Kelso Mesa Drive, acknowledged Mr. Golden's comments but noted that zoning was upheld by the Supreme Court during the progressive era. However, he did object to the guidelines. Mr. McArthur then read an excerpt in the Plan about the need for affordable housing. He then referred to a number of authors that say smart growth makes housing unaffordable. There is a price to pay for these guidelines. He opposed forcing a residential element where there is no market. He referred to the 24 Road Corridor Plan which he thought was a bust. He rejects forcing housing downtown. He said the City should emphasize guidelines and eliminate restrictions. He said without a stimulus component the Greater Downtown Plan won't work.

Kevin Reimer, owner of several downtown hotels, would normally be first in line to add restrictions, but instead he gave an example of what he faced. He built his hotel downtown because of the vitality and density of downtown and the urbaness of the amenities. When he visits the downtowns of Denver and Boulder, he is not looking for

convenient parking, he is looking for the amenities found in the urban areas. He said there is a lot of room in the restrictions and he doesn't think it will be a detriment. He agreed that no one has built a one story in downtown in the last several years.

Greg Motz, representing the Chamber of Commerce, said the Chamber Board would agree with the area wide goals and policies as well as the specific goals for the rail and river district. However, they disagree with how the goals will be implemented, and whether they are mandated. The goals need to be market driven. The market has met or exceeded the standard so why are the standards needed? They agree the government needs to be involved but it also needs to be market driven and regulated. They appreciated the opportunity to be involved in some of the meetings, and the Chamber of Commerce appreciates the menu of options, but there are many concerns left unanswered. The Chamber was provided the latest version of the Greater Downtown Plan, but none of the Chamber comments (six pages worth) were addressed before tonight's presentation. He addressed form-based zoning which brings a new light on how the Plan is interpreted. This Plan is a new concept so there is a need for more time for review. Regarding the two story requirement in the downtown core area, they question the reason for this; why are government buildings exempt of this requirement, why does an exemption add months to a development, and why there is a 65% value for an expansion which is not that much, which will restrict expansion and growth. The Chamber of Commerce respectfully requests an opt-in provision. The two story requirement should be eliminated. The numerous revisions need time to be reviewed. He feels that although he has the experience to comprehend this Plan, it is hard to understand it. There should be more time given to review the changes and its interaction with the Zoning and Development Code. The City Council needs to have full understanding of the entire plan and its impact. If Council does not, they need to postpone adoption of the Greater Downtown Plan until it is fully understood.

Ron Maupin, Downtown property owner and on behalf of the Downtown Association Board, said he would like the Council to adopt the plan in its entirety without an opt-out. It will protect the existing owners and their investments. There have been meetings downtown along with questions and they are always concerned how it will affect properties. This Plan will not affect most of the existing owners. They have been working on the Plan for the last two years. He asked why the Chamber of Commerce has now chosen to get involved. It is a great plan and the Downtown needs a plan. North Avenue is a prime example of not having guidelines. He questioned the Chamber's motivation. They do not represent the majority of the business owners. He referred to their objection over the Transportation Capacity Payment (TCP) increase and thanked the City Council for passing the increase. He encouraged the City Council to pass the Greater Downtown Plan.

Janet Brink, owner of 500 Main Street, sat on the original group to formulate the Greater Downtown Plan. She went to the Central Business District meeting and she felt

that there was no detailed information. She was here to learn some things and would like more time to learn and understand more about the Greater Downtown Plan. She asked the City Council take some more time and think about it.

Jason Farrington, 1110 Main Street, encouraged the City Council to pass the Plan. It provides investors the security for investing in downtown. The downtown has low vacancy rates and is walkable. He feels pushing the Plan forward provides security for the investors.

Sandra Alexander, 838 White Avenue, has been part of the planning process since 2008. She was in the planning meeting last week and wanted to repeat her concerns. She wants the Plan to be adopted to protect her property. Her neighborhood has become more owner occupied, however, she wants the process to go forward.

Rob Von Gogh, property owner of 618 and 620 Main Street, across from the Avalon Theatre, has traveled extensively in the United States and has seen many communities that have failed themselves. He has invested \$500,000 in his building for renovations and his intention is to open an enterprise that is complimentary to the Avalon Theatre. He said he supports the Plan and the protection of the investment. It is important to define the Downtown area. The opposing side supports deregulating; he did not think that was a good idea. Downtown is a lifestyle. He disagreed with the Chamber of Commerce's position and he has been a member for forty years. He said new business won't come if the Plan is not adopted. He thinks there may be some tweaks needed, but the decision should be made in favor of the Plan. Uncertainty stymies business growth. He encouraged the City Council to reject the Chamber of Commerce voice and the opposition arguments.

Diane Schwenke, Chamber of Commerce, 528 Greenbelt Court, clarified what Greg Motz presented on behalf of business. The Chamber of Commerce is the voice of business. She has been at the table since the beginning of this, and the Chamber does not disagree with all regulations; the Chamber is not against the Plan; they just want to make sure they understand the Plan and all the details. The Chamber is not the opposition in this discussion.

Les Miller, property owner at 826 N. 7th Street and Vice Chair of the Downtown Development Authority, spoke as a commercial property owner in the downtown area, urged the Council to adopt the Plan. It is a blueprint for the development of downtown and the downtown needs to be competitive. The Plan will protect the investment in the downtown infrastructure. Downtown owners have been overwhelmingly supportive of the Greater Downtown Plan.

There were no other public comments.

The public hearing was closed at 10:46 p.m.

Councilmember Coons asked if it is appropriate for her to comment and vote since she lives in the affected areas. City Attorney Shaver said with that disclosure, it would be up to her fellow City Councilmembers. He said he sees no problem from a legal perspective.

Council President Pitts asked the Council for their opinion regarding Councilmember Coons voting on this issue. There were no objections from Council.

Councilmember Doody asked if the Legal Department had reviewed the document and asked if they are comfortable with the Greater Downtown Plan moving forward. City Attorney Shaver said he has not reviewed the final document, but it is a Planning document, and can be amended to conform to City Council policy.

Ms. Portner said the changes in the redlined version did go through the City Attorney's Office. Regarding the Form-Based zone, the Form-Based Zone is in the Zoning and Development Code and the clarification is to provide that the zoning is available to property owners. She then explained what Form-Based Zoning is. It incorporates some of the types of standards but it is more proscriptive.

City Attorney Shaver said Form-Based zoning looks at the architectural and site elements rather than just site elements.

Councilmember Boeschstein said he likes the goals in the Greater Downtown Plan; the City has made huge investments in the downtown. There are incentives such as the Enterprise Zone. The DDA has been a redevelopment agent in the downtown. He is in favor of adopting the entire Plan. He quoted the court case that authorizes such.

Councilmember Coons said she is within a month of the end of her eight years on City Council and every year the Council has reviewed some Downtown Plan. She does not feel the Greater Downtown Plan is moving too quick. She understands the respect of property rights but all rights are subsumed to social rights for the community as a whole. She has traveled extensively and the downtowns with the most character were ones that had such planning elements as the one proposed tonight. She said she won't say she understands every element, however, she believes it codifies the vision and she feels they should go forward with the Plan.

Councilmember Susuras said there are some elements he agrees with but he disagrees with much of it. He thinks more input is needed. He said demeaning the Chamber of Commerce is uncalled for.

Councilmember Doody asked Ms. Portner about the options including the “other.” Ms. Portner said the various standards have a number of elements and each has a category choice of “other” which could be anything that achieves the goals.

Council President Pitts noted all the elements include an “other” option and provides a lot of options. He looked at the surveys and noted how much they support the Plan.

Ordinance No. 4571—An Ordinance Adopting the Grand Junction Greater Downtown Plan and Amending the Future Land Use Map and Text of the Comprehensive Plan as an Element of the Comprehensive Plan for the Area Generally Including the Original Square Mile, South Avenue to the Colorado River and Riverside Neighborhood to 28 Road

Ordinance No. 4572—An Ordinance Amending the Zoning and Development Code to Add Section 21.07.080 to be known as the Greater Downtown Plan Overlay District and Amending Section 21.03.020(d) to Include the RO Zone in the Downtown District in the Downtown Mixed Use Land Use Designation

Ordinance No. 4573—An Ordinance Rezoning Properties within the Greater Downtown Plan Area

Councilmember Boeschstein moved to adopt Ordinance Nos. 4571, 4572, and 4573, and ordered them published in pamphlet form. Councilmember Doody seconded the motion. Motion carried by roll call vote 6 to 1 with Councilmember Susuras voting NO.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There was none.

Adjournment

The meeting adjourned at 11:03 p.m.

Stephanie Tuin, MMC
City Clerk