

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

January 20, 1999

The City Council of the City of Grand Junction, Colorado, convened into regular session the 20th day of January, 1999, at 7:32 p.m. in the City/County Auditorium at City Hall. Those present were Cindy Enos-Martinez, Gene Kinsey, Earl Payne, Jack Scott, Mike Sutherland and President of the Council Janet Terry. Reford Theobold was absent. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Terry called the meeting to order and Councilmember Enos-Martinez led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Dave Crowley, First Assembly of God Church.

APPOINTMENTS TO THE GRAND JUNCTION PUBLIC FINANCE CORPORATION

Upon motion by Councilmember Kinsey, seconded by Councilmember Payne and carried, Robert Cron and Mark Achen were reappointed to three year terms to the Grand Junction Public Finance Corporation Board.

CONSENT ITEMS

Upon motion by Councilmember Scott, seconded by Councilmember Enos-Martinez and carried by a roll call vote, the following Consent Calendar items #1 through 8 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Regular Meeting January 6, 1999

2. **Written Plan for Mail Ballot, April 6, 1999**

The Mail Ballot Election Law requires that a written plan, approved by the governing body, be submitted to the Secretary of State. The plan being submitted details the procedures the County will use to conduct the election.

Resolution No. 6-99 – A Resolution Approving the Written Plan for the Conduct of a Mail Ballot

Action: Adopt Resolution No. 6-99

3. **Energy Impact Grant for the Joint Utilization Commission**

The Joint Utilization Commission has been approved for a \$15,000 grant to assist with the work toward the efficient and effective reuse of the Department of Energy compound in Grand Junction. The Joint Utilization Commission has until July, 2000 to utilize these resources to accomplish their goals.

Action: Approve Acceptance of the \$15,000 Grant and Authorize the Mayor to Sign the Contract

4. **Setting Hearings for the Fruitvale Meadows Annexation Located at 3076 D ½ Road** [File #ANX-1999-018]

The 11.211 acre Fruitvale Meadows Annexation area consists of one parcel of land and a portion of the D ½ Road, 30 Road and 30 ¾ Road rights-of-way. Owners of the property have signed a petition for annexation.

a. Referral of Petition for Annexation, Set a Hearing and Exercising Land Use Control and Jurisdiction

Resolution No. 7-99 – A Resolution Referring a Petition to the City Council for the Annexation of Lands in a Series to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, and Exercising Land Use Control and Jurisdiction - Fruitvale Meadows Annexations No. 1, No. 2 and No. 3 Located along the D ½ Road, 30 Road and 30 ¾ Road Rights-of-Way and at 3076 D ½ Road

Action: Adopt Resolution No. 7-99 and Set a Hearing for March 3, 1999

b. Set a Hearing on Annexation Ordinances

(1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado – Fruitvale Meadows Annexation No. 1, Approximately .061 Acres Located along 30 Road Right-of-Way

(2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado – Fruitvale Meadows Annexation No. 2, Approximately 7.94 Acres Located along the 30 Road, D ½ Road and 30 ¾ Road Rights-of-Way and a Portion of the Parcel at 3076 D ½ Road

(3) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado – Fruitvale Meadows Annexation No. 3, Approximately 3.21 Acres

Located Along the D ½ Road and 30 ¾ Road Rights-of-Way and at 3076 D ½ Road

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for March 3, 1999

5. **Setting Hearings for the Elite Towing Annexation Located at 2796 Winters Avenue** [File #ANX-1999-019]

The 2.219 acre Elite Towing Annexation area consists of one parcel of land (approximately .68 acres) and a portion of the 27 ½ Road, C ½ Road, and 28 Road rights-of-way. Owners of the property have signed a petition for annexation.

a. Referral of Petition for Annexation, Set a Hearing and Exercising Land Use Control and Jurisdiction

Resolution No. 8-99 – A Resolution Referring a Petition to the City Council for the Annexation of Lands in a Series to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Elite Towing Annexations No. 1, No. 2 and No. 3 Located at 2796 Winters Avenue and along the 27 ½ Road, C ½ Road, and 28 Road Rights-of-Way and Exercising Land Use Control and Jurisdiction

Action: Adopt Resolution No. 8–99 and Set a Hearing for March 3, 1999

b. Set a Hearing on Annexation Ordinances

(1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado – Elite Towing Annexation No. 1, Approximately .28 Acres Located along the 27 ½ Road and C ½ Road Rights-of-Way

(2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado – Elite Towing Annexation No. 2, Approximately .071 Acres Located along the 27 ½ Road and C ½ Road Rights-of-Way

(3) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado – Elite Towing Annexation No. 3, Approximately 1.868 Acres Located Along the 27 ½ Road, C ½ Road and 28 Road Rights-of-Way and at 2796 Winters Avenue

Action: Adopt Proposed Ordinances on First Reading and Set a Hearing for March 3, 1999

6. **Setting Hearings for the Diamond Ridge Annexation Located at 2520 F ½ Road** [File #ANX-1999-008]

The 15.36 acre Diamond Ridge Annexation area consists of one parcel of land and F ½ Road right-of-way. Owners of the Diamond Ridge property have signed a petition for annexation.

a. **Referral of Petition for Annexation, Set a Hearing and Exercising Land Use Control and Jurisdiction**

Resolution No. 9-99 – A Resolution Referring a Petition to the City Council for the Annexation of Lands to the City of Grand Junction, Colorado, Setting a Hearing on Such Annexation, Diamond Ridge Annexation Located at 2520 F ½ Road and a Portion of the F ½ Road Right-of-Way and Exercising Land Use Control and Jurisdiction

Action: Adopt Resolution No. 9–99 and Set a Hearing for March 3, 1999

b. **Set a Hearing on Annexation Ordinance**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado – Diamond Ridge Annexation, Approximately 15.36 Acres Located at 2520 F ½ Road and a Portion of the F ½ Road Right-of-Way

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for March 3, 1999

7. **Setting a Hearing on Zoning the Rite Aid Annexation Located at 2992 F Road**
[File #ANX-1998-152]

Adopt ordinance zoning land which was recently annexed to the City, consisting of approximately 2.5 acres, from County zoning Planned Unit Development (PUD) to City zoning of Planned Business (PB) zone district.

Proposed Ordinance Zoning Rite Aid Annexation Located at 2992 F Road to PB

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 3, 1999

8. **Setting a Hearing on Zoning the Wells Annexation Located at 535 Hoover Drive** [File #ANX-1998-208]

The 1.49 acre Wells Annexation area consists of one parcel of land and a portion of the I-70 Business Loop right-of-way. Owners of the property have signed a petition for annexation as part of their request to construct a new commercial building greater than 10,000 square feet in size, pursuant to the 1998 Persigo Agreement. The building is currently under construction. Staff recommends a C-1 zoning district.

Proposed Ordinance Zoning Wells Annexation to a Light Commercial (C-1) District

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for February 17, 1999

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

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

PUBLIC HEARING - REZONING THE HALL PROPERTY, APPROXIMATELY 30 ACRES LOCATED AT 652 24 ½ ROAD - ORDINANCE NO. 3088 ZONING A PARCEL OF LAND AT 652 24 ½ ROAD FROM RSF-R TO PR-11.7 [FILE #RZO-1998-192

Request to rezone approximately 30 acres from Residential Single-Family Rural (RSF-R) to Planned Residential 11.7 units per acre (PR-11.7).

A hearing was held after proper notice. Mayor Terry opened the public hearing at 7:37 p.m. Mack Cunningham, 541 Pinnacle Court, Grand Junction, the petitioner, reviewed the request. He identified the location of the project on the map and the surrounding uses, zone districts, roadways and the project's proximity to services.

Mr. Cunningham explained the configuration of the roadways and the reasons for the center boulevard (to separate the sense of density). All streets will be built to City standards. He said they tried to identify what kinds of housing people are looking for. The units are in the \$95,000 to \$115,000 range. The focus is on attached single-family units. A lot of open space and creek systems are planned.

Kristen Ashbeck, Community Development Department, said they are considering a 30 acre parcel with 352 units, 11.7 units per acre, which meets the criteria of Section 4-4-4 of the Zoning & Development Code for rezone. She described Plan Areas A, B and C.

The Planning Commission approved the plan with the following conditions:

- (1) A second access point to the development which connects to an existing public street shall be provided at the time the 100th residential unit is platted or when the internal street exceeds 1,000 feet in length, whichever comes first;
- (2) The primary street (boulevard) shall provide a continuous public access to a residential collector standard from the western property line to the eastern property line;
- (3) Vehicular connections to adjoining properties on the north and south sides of the property shall be provided and shall be standard public streets (as opposed to "potential vehicular connector street" as currently labeled);
- (4) Ultimate buildout of the property Outline Development Plan shall not be less than 8 dwelling units per acre.

Staff is comfortable with going ahead with the specific density and rezone request.

Councilmember Sutherland asked for details on the location of the second access (condition #1). Ms. Ashbeck said there are some landlocked parcels that need access as well. Mark Nuszer-Kopatz of Urban Design Associates explained the future connections of roadways. He said they are not at preliminary plat, only at the Outline Development Plan, so the details are not complete yet. Additional accesses will be submitted to the City for approval.

Mayor Terry asked for clarification on condition # 4 regarding minimum density. Kristen Ashbeck said that was as a result of the Growth Plan goals.

Mayor Terry asked City Attorney Wilson to explain Council's role in this project. Mr. Wilson said typically Council would not see this project again if there are no appeals. The Council is approving the zoning if the ordinance is adopted.

Mayor Terry asked for public comment.

Ross Beady, 311 Cottonwood Court, Fruita, realtor with Bray & Co., spoke in favor of the proposal. He spoke to the growth that has occurred and compared it to the growth that took place during the boom. He talked about the needs in the community. The Growth Plan has been adopted to best serve this community and to serve the well planned developments. The design of this plan has some real merit. There is a great need for this type of property. There is a waiting line for properties in the Vineyards.

Ted Munkres, 121 Chipeta Avenue, was at the Planning Commission meeting. He had no interest in the project other than as a citizen of the community. The Outline

Development Plan provides enough information for the density concerns with buffering and circulation. The Growth Plan calls for densities of that nature in the area and if developers are consistently asked to go to the low end of the density, they will underutilize the infrastructure which is in place. The Growth Plan was created to provide good utilization of the infrastructure. There is a definite market need for this type of project. It would be an asset to the community.

Warren Detmer, 639 24 ½ Road (property across from proposal), said there is a market need for this type of housing. It would be an asset. A large complex in that area draws a lot of people. It is an opportunity to build something with high density closer to the areas people want to go. His sister lives in the area and also supports the plan.

There were no other comments.

Mayor Terry asked what the zoning is along the eastern side of this development. Kristen Ashbeck thought it is RSF-R and currently undeveloped.

Mayor Terry asked what is the future land use designation. Ms. Ashbeck said residential medium high.

Mayor Terry closed the hearing at 8:07 p.m.

Councilmember Kinsey said the project was generally good. He felt there is a need to encourage this type of development. He approved of the development with the conditions placed on it by the Planning Commission.

Councilmember Scott said it is a good plan in a good location.

Councilmember Sutherland said the amenities proposed cost money and so the higher density is justified - its proximity to the mall justifies the density. Council will watch to see if the amenities stay in the preliminary plan, or if they will be reduced. If the latter takes place, Councilmember Sutherland will be asking for appeals of those decisions. CCR's are important with the private roads within the development. He was surprised there were no objectors. He can support this project.

Councilmember Enos-Martinez said it looks good and the area can use higher density. She would be comfortable with the Planning Commission conditions.

Councilmember Payne liked the project. After the meeting the other night in that area, and with the proximity to the mall, he would support the request.

Mayor Terry agreed with Councilmember Sutherland on the amenities being provided. The location is appropriate. She hoped there is good pedestrian connection, which will be critical. She had a problem with the Outline Development Plan process. This is only the second Outline Development Plan brought before Council, and the last one had more details. She wanted to see the next step with copies of the final plan. This is a critical development for this area, and she felt Council is responsible to oversee the progress of the project. She could support the request.

Upon motion by Councilmember Kinsey, seconded by Councilmember Sutherland and carried by roll call vote, Ordinance No. 3088 was adopted on second reading and ordered published.

Mack Cunningham stated there are more details but he didn't want to burden Council with that tonight. The Outline Development Plan process is not well defined. Once density is established, it allows everyone to know what will be happening.

PUBLIC HEARING - SONRISE CHURCH ANNEXATIONS NO. 1 AND NO. 2 LOCATED ON THE SOUTHWEST CORNER OF 30 ROAD AND TELLER COURT (483 30 ROAD) - RESOLUTION NO. 10-99 - A RESOLUTION ACCEPTING PETITIONS FOR ANNEXATION, MAKING CERTAIN FINDINGS, DETERMINING THAT PROPERTY KNOWN AS SONRISE CHURCH ANNEXATIONS NO. 1 AND NO. 2 IS ELIGIBLE FOR ANNEXATION AND EXERCISING LAND USE CONTROL AND JURISDICTION - (1) PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - SONRISE CHURCH ANNEXATION NO. 1, APPROXIMATELY 3.34 ACRES LOCATED ALONG THE I-70 B RIGHT-OF-WAY - (2) PROPOSED ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO - SONRISE CHURCH ANNEXATION NO. 2, APPROXIMATELY 16.09 ACRES LOCATED ALONG THE I-70B, TELLER COURT, 28 ROAD, 29 ROAD AND 30 ROAD RIGHTS-OF-WAY AND AT 483 30 ROAD - PROPOSED ORDINANCE ZONING THE SONRISE CHURCH ANNEXATION NO. 1 AND NO. 2 TO A HEAVY COMMERCIAL (C-2) DISTRICT [FILE #ANX-1998-201]

The 19.43 acre Sunrise Church Annexation area consists of one parcel of land and a portion of the I-70B right-of-way and 30 Road right-of-way. Owners of Sunrise Church have signed a petition for annexation as part of their request to construct an addition to their existing church facility, pursuant to the 1998 Persigo Agreement. Staff recommends a heavy commercial zoning district for the annexation.

A hearing was held after proper notice. Mayor Terry explained the purpose of the public hearing. Comments were taken on Item "a" only.

a. Resolution Accepting Petition and Exercising Land Use Control and Jurisdiction

Mike Pelletier, Community Development Department, reviewed this proposal. He identified the location and the reason for the annexation, being triggered by the Persigo Agreement. No site plan has been submitted which is the reason for exercising land use control. He stated an affidavit stating the compliance of the petition with State Statutes had been filed with the City Clerk.

There were no public comments.

b. Setting a Hearing on Annexation Ordinances

(1) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado – Sonrise Church Annexation No. 1, Approximately 3.34 Acres Located Along the I-70 B Right-of-Way

(2) Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado – Sonrise Church Annexation No. 2, Approximately 16.09 Acres Located along the I-70B, Teller Court, 28 Road, 29 Road and 30 Road Rights-of-Way and at 483 30 Road

c. Setting a Hearing on Zoning Ordinance

Proposed Ordinance Zoning the Sonrise Church Annexation No. 1 and No. 2 to a Heavy Commercial (C-2) District

Upon motion by Councilmember Payne, seconded by Councilmember Kinsey and carried by roll call vote, Resolution No. 10–99 was adopted and the proposed annexation and zoning ordinances were adopted on first reading and hearings were set for February 3, 1999.

OTHER BUSINESS

City Manager Mark Achen said there is nothing scheduled for the February 15, 1999 workshop. If something comes up, it can be scheduled for consideration just prior to the Wednesday meeting since February 15 is a holiday.

Councilmember Enos-Martinez asked about the volume of business transacted on Martin Luther King Day, and the need to be open. City Manager Achen felt the City Staff should be polled to determine the actual amount of business conducted on such days.

Councilmember Enos-Martinez was concerned that some business involves both the City and the County, and only the City portion can be conducted when the County offices are officially closed on such holidays.

ADJOURNMENT

The meeting adjourned into Executive Session at 8:28 p.m. to discuss property negotiations.

Stephanie Nye, CMC/AAE
City Clerk