

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

August 18, 1999

The City Council of the City of Grand Junction, Colorado, convened into regular session the 18th day of August, 1999, at 7:29 p.m. at Two Rivers Convention Center. Those present were Cindy Enos-Martinez, Earl Payne, Jack Scott, Jim Spehar, Janet Terry, Reford Theobald, and President of the Council Gene Kinsey. Also present were City Manager Mark Achen, City Attorney Dan Wilson, and City Clerk Stephanie Nye.

Council President Kinsey called the meeting to order and Councilmember Terry led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Rocky Shrable, Sunrise Church of God.

PROCLAMATION DECLARING AUGUST 21, 1999 AS "UNITY DAY" IN THE CITY OF GRAND JUNCTION

PRESENTATION OF APPOINTMENT CERTIFICATES TO DOWNTOWN DEVELOPMENT AUTHORITY APPOINTEES BRUCE HILL AND DOUG SIMONS

CONSENT ITEMS

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

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the Special Meeting August 2, 1999 and the Regular Meeting August 4, 1999

2. **Transfer the City's \$1 Million in 1999 Private Activity Bond Allotment from the City to the Colorado Housing Finance Authority (CHFA)**

The City of Grand Junction received a Private Activity Bond allocation from the State of Colorado Department of Local Affairs for the third time in 1999 as a result of the City reaching a 40,000 population level in 1997. The bond authority can be used on a tax exempt basis for various private purposes. The City has had no request for the use of this authority but can reserve it for future housing benefits by ceding the authority to CHFA at this time.

Proposed Ordinance Authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of City of Grand Junction Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 1, 1999

3. **Regional Transportation Planning Contract for FY 2000**

The Regional Transportation Planning Contract allows the Grand Junction/Mesa County Metropolitan Planning Organization to continue transportation planning activities for the Transportation Planning Region. This money is a 100% grant from the Colorado Department of Transportation and requires no local matching funds.

Resolution No. 93-99 – A Joint Resolution of the County of Mesa and the City of Grand Junction Whereby the Board of County Commissioners and the City of Grand Junction Enter into an Agreement with the Colorado Department of Transportation, Division of Transportation Development, for the Provision of Transportation Services

Action: Adopt Resolution No. 93-99

4. **Lease Extension of City Property Located at 545 Noland Avenue**

The proposed resolution will extend the term of the existing lease through December 31, 2000. The proposed action will additionally amend the existing lease by imposing environmental compliance obligations upon the lessee.

Resolution No. 94-99 – A Resolution Amending and Extending the Lease of City Property at 545 Noland Avenue to Donald Fugate, Doing Business As Don's Automotive

Action: Adopt Resolution No. 94-99

5. **Growth Plan Amendment for World Harvest Church Located at the North-east Corner of Patterson Road and 28 ¼ Road** [File #ANX-1999-147]

The City Council approved an amendment to the Future Land Use Map of the Growth Plan from "Institutional" to Residential Medium-High Density (8 – 11.9 units per acre) for the 17.26-acre World Harvest Church property on the northeast

corner of 28 ¼ Road and Patterson Road. Formal adoption of the resolution amending the Growth Plan is requested.

Resolution No. 95–99 – A Resolution Amending the Growth Plan of the City of Grand Junction for Property Located at the Northeast Corner of Patterson Road and 28 ¼ Road

Action: Adopt Resolution No. 95–99

6. **Growth Plan Amendment for Keesee Annexation Located at 2070 S. Broadway** [File #ANX-1999-121]

The City Council approved an amendment to the Future Land Use Map of the Growth Plan from Rural (5 – 35 acres per unit) to Estate (2 – 5 acres per unit) for the Keesee Annexation, located at 2070 S. Broadway. Formal adoption of the resolution amending the Growth Plan is requested.

Resolution No. 96–99 – A Resolution Amending the Growth Plan of the City of Grand Junction for Property Located at 2070 S. Broadway

Action: Adopt Resolution No. 96–99

7. **Setting a Hearing on Rezoning Brookside Subdivision from RSF-5 to PR-4.3, Located at the Northwest Corner of 30 Road and F ½ Road** [File #RZP-1999-119]

A request to rezone a parcel of land located on the northwest corner of F ½ and 30 Roads from Residential Single Family 5 units per acre (RSF-5) to Planned Residential 4.3 units per acre (PR-4.3) to develop the proposed Brookside Subdivision consisting of 80 detached single family residential units and 40 attached single family units.

Proposed Ordinance Zoning a Parcel of Land Located on the Northwest Corner of F ½ and 30 Roads (Brookside Subdivision) from RSF-5 to PR-4.3

Action: Adopt Proposed Ordinance on First Reading and Set a Hearing for September 1, 1999

8. **Funding Request from Mesa County Water Association to Produce Documentary Video**

Action: Authorize a Commitment Letter for \$5,000 in Funding in the Year 2000 to the Mesa County Water Association to Help Fund the Production of a Documentary Video Contingent on the Acquisition of the Remainder of the Funding

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

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

PUBLIC HEARING - FRUITVALE TEXACO ANNEXATION LOCATED AT THE NORTHWEST CORNER OF 30 ROAD AND D ROAD – APPROVED

[FILE #ANX-1999-141]

The 6.4 acre Fruitvale Texaco Annexation consists of two parcels of land and a portion of the 30 Road right-of-way. The property owner has signed an annexation petition as part of a request for a Growth Plan Amendment, Rezone and Preliminary Plan.

The hearing was opened at 7:35 p.m.

Kelly Ford, Ford Construction Co., Inc., 714 Arrowst Road, was present to represent the owners of the properties. The petitioners are requesting annexation for both parcels.

There were no questions from Council.

Kathy Portner, Community Development Department, reviewed this item. She stated the two parcels meet the state statutory requirements for annexation and is eligible for annexation. Staff recommends the annexation be approved.

There were no public comments. The hearing was closed at 7:39 p.m.

a. Resolution Accepting Petition

Resolution No. 97-99 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Fruitvale Texaco Annexation is Eligible for Annexation, Located at the Northwest Corner of 30 Road and D Road and Including a Portion of the 30 Road Right-of-Way

b. Annexation Ordinance

Ordinance No. 3171 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Fruitvale Texaco Annexation, Approximately 6.40 Acres, Located at the Northwest Corner of 30 Road and D Road

Upon motion by Councilmember Terry, seconded by Councilmember Scott and carried by roll call vote, Resolution No. 97-99 was adopted and Ordinance No. 3171 was adopted on second reading and ordered published.

PUBLIC HEARING – GROWTH PLAN CONSISTENCY REVIEW AND ZONING THE FRUITVALE TEXACO ANNEXATION PB - APPROVED [FILE #ANX-1999-141]

The 6.4 acre Fruitvale Texaco Annexation consists of two parcels of land and a portion of the 30 Road right-of-way. The petitioner is requesting a Growth Plan Amendment and a zone of annexation of PB (Planned Business) for the already developed Texaco convenience store on the corner, as well as the undeveloped parcel west of the Texaco. A Preliminary Plan for a car wash and laundromat was proposed and approved by the Planning Commission for the undeveloped parcel.

The hearing was opened at 7:40 p.m.

Kelly Ford again spoke representing the petitioners. Texaco is currently built and enjoys good service to the area. The existing driveway extends approximately 120 feet to the west and gives maximum separation from the curb cut from the intersection of 30 and D Roads. A traffic study has determined it would be safer if the driveway were moved down to the west lot. The lot next door was purchased by the developer to procure the distance setback from the intersection, leaving the site in a quandary as to what to do with the rest of the land. The proposal to put additional similar business on this site is proper fulfillment. The car wash is a four bay self service operation. There is good stacking (four car), with a large amount of room to dry off cars. There could have been more building but they have chosen to keep the square footage down. There is also a small laundromat facility there with good parking.

Kathy Portner, Community Development Department, reviewed the issues. She gave some history on the project saying the corner piece with the existing Fruitvale Texaco was zoned by the County to PUD (Planned Unit Development) to allow the commercial use. The approval required the driveway be moved to the east. They were required to purchase the property to make it work. That set the stage for the change in zoning on the adjacent property from residential to a business or commercial use. The Growth Plan consistency review criteria was reviewed. The Community Development staff recommended to the Planning Commission that it be reviewed as a consistency review

instead of a growth plan amendment. She listed the allowable uses: car wash, laundromat, general retail sales, indoor operations, display and storage, rental service and general office. Ms. Portner said the request meets the criteria as follows:

1. The neighborhood convenience uses being proposed will be a benefit to the area.
2. The limited uses and the buffering proposed with the Planned Business zone will be compatible with the surrounding area.
3. Adequate facilities are available to serve the development.
4. The proposal is in conformance with the Growth Plan:
 - a. Policy 1.6 – The proposal provides for limited neighborhood services and retail uses.
 - b. Policy 1.7 – The proposed site design is compatible with adjacent properties.
 - c. Policy 5.2 – The proposal utilizes existing facilities and is compatible with existing development.

The Planning Commission required additional conditions that the screening be a masonry wall, and placed restrictions on hours of operation. The Planning Commission recommended approval of the Growth Plan amendment as a consistency review, and approval of the Planned Business zone with the uses as outlined. They also approved the Preliminary Plan with conditions.

Mayor Kinsey asked if the intention of the Community Development Department is to leave this as a planned zone on the map or change to a straight zone. Ms. Portner said Staff would try to find a straight zone to fit it, either B-1 or C-2 (under the proposed zoning). They might keep the conditions on the Preliminary Plan until it is built.

Councilmember Terry asked if the issue of the Zoning Code changes was discussed with the petitioner. Ms. Portner said no.

Mayor Kinsey asked if the list of conditions are consistent with a straight zone. Ms. Portner said the screening requirement is, although she was unsure about the hours of operation.

Councilmember Spehar asked for the reason for the hours restriction and asked if it is normal procedure. Kathy Portner said Staff was concerned with allowing a car wash in a

neighborhood business area. The noise of a car wash could impact a neighborhood and it was important to limit the hours of operation of the car wash portion of the development.

Councilmember Spehar asked if there is a limit on service station hours. Ms. Portner said yes, under this approval. Ms. Portner said there have been no limits in the past.

Councilmember Terry asked if the hours of operation are typically restricted. Ms. Portner said there is a provision under the B-2 business zones in the current Code that allows such restrictions.

Councilmember Theobald asked for the distance from the car wash to the closest residence. Ms. Portner deferred the question to the applicant. Mr. Ford said to the south approximately 100 feet there is a small residence. The zoning is in place for residential which is the reason for the buffering requirement.

Councilmember Theobald asked if the Growth Plan expects any additional expansion of commercial use at this intersection. Ms. Portner said no.

There were no other comments. The hearing was closed at 7:50 p.m.

- a. **Growth Plan Consistency Review**
- b. **Zoning Ordinance**

Ordinance No. 3172 – An Ordinance Zoning Fruitvale Texaco Annexation PB

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, it was determined that the Growth Plan Consistency Review was consistent with the Growth Plan, and Ordinance No. 3172 was adopted on second reading and ordered published.

PUBLIC HEARING – SHARP ANNEXATION LOCATED AT 410 AND 412 30 ROAD - APPROVED [FILE #ANX-1999-134]

The 1.26 acre Sharp Annexation area consists of one parcel of land located at 410 and 412 30 Road.

The hearing was opened at 7:51 p.m.

Councilmember Enos-Martinez announced she would not be participating in discussion or vote on this item or the next item.

Mike Joyce, 2764 Compass Drive, Suite 217-1, was representing Jeff and Herbert Sharp on this annexation. He was present asking for approval of the annexation.

Lori Bowers, Community Development Department, reviewed this item. She explained contiguity has been obtained from the previous annexation along 30 Road, as allowed under State Statute. Staff recommends approval of the annexation.

There were no comments. The hearing was closed at 7:53 p.m.

a. Resolution Accepting Petition

Resolution No. 98-99 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as Sharp Annexation is Eligible for Annexation, Located at 410 and 412 30 Road

b. Annexation Ordinance

Ordinance No. 3173 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sharp Annexation, Approximately 1.26 Acres, Located at 410 and 412 30 Road

Upon motion by Councilmember Spehar, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 98-99 was adopted and Ordinance No. 3173 was adopted on second reading and ordered published.

PUBLIC HEARING – ZONING THE SHARP ANNEXATION RSF-4 - APPROVED

[FILE #ANX-1999-134]

The 1.26-acre Sharp Annexation consists of one parcel of land located at 410 and 412 30 Road. At the July 13, 1999 Planning Commission meeting, the Planning Commission granted approval for a minor subdivision and recommended to Council the zoning district of RSF-4 (Residential Single Family – not to exceed 4 units per acre) for this property.

The hearing was opened at 7:54 p.m.

Mike Joyce again spoke representing the petitioner, asking for approval of the proposed RSF-4 zone for the Sharp Annexation. The proposal meets all setback requirements for the existing dwellings on the property.

Lori Bowers, Community Development Department, reviewed the request. Staff recommended approval of the RSF-4 zone. The request meets the criteria of Sections 4-11 and 4-4-4 of the Zoning & Development Code. Staff and the Planning Commission recommend approval of the RSF-4 zone for the Sharp Annexation.

Councilmember Theobold asked what the County R-2 translates to in units per acre. Ms. Bowers said 4 units per acre.

Councilmember Theobold inquired if, since Council is zoning in conflict with the Growth Plan, a Growth Plan amendment would be processed as part of the City's periodic review. Kathy Portner said the City and County Planning Commissions have met to discuss amending the future land use map. This area was recently amended to 4 to 8 units per acre, and will come to Council in September for finalization.

There were no other comments. The hearing was closed at 7:56 p.m.

Ordinance No. 3174 – An Ordinance Zoning Sharp Annexation RSF-4

Upon motion by Councilmember Terry, seconded by Councilmember Spehar and carried by roll call vote, Ordinance No. 3174 was adopted on second reading and ordered published.

PUBLIC HEARING - HALL ANNEXATIONS NO. 1, 2, AND 3 LOCATED AT ROUND TABLE ROAD, NEAR 30 ¼ ROAD AND F ¼ ROAD AND INCLUDING PORTIONS OF THE 30 ROAD, F ROAD AND ROUND TABLE ROAD RIGHTS-OF-WAY - APPROVED
[FILE #ANX-1999-139]

The 27.33 acre Hall Annexation consists of two parcels of land and portions of the 30 Road, F Road and Round Table Road rights-of-way. The property owner has signed an annexation petition as part of a request for a Rezone and Preliminary Subdivision Plan.

The hearing was opened at 7:56 p.m.

Doug Theiss, engineer at Thompson-Langford, spoke representing the petitioner. He presented the request for annexation of the property.

Kathy Portner, Community Development Department, reviewed this item. The two parcels meet the statutory requirements and the property is eligible for annexation. Staff recommends approval.

There were no comments. The hearing was closed at 7:58 p.m.

a. Resolution Accepting Petitions

Resolution No. 99-99 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Hall Annexations No. 1, 2, and 3 is Eligible

for Annexation, Located at the Northwest Corner of 30 Road and D Road and Including a Portion of the 30 Road, F Road and Round Table Road Rights-of-Way

b. Annexation Ordinances

Ordinance No. 3175 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hall Annexation No. 1, Approximately 1.16 Acres, Located at Round Table Road at 30 ¼ Road and F ¼ Road

Ordinance No. 3176 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hall Annexation No. 2, Approximately 3.23 Acres, Located at Round Table Road at 30 ¼ Road and F ¼ Road

Ordinance No. 3177 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hall Annexation No. 3, Approximately 22.94 Acres, Located at Round Table Road at 30 ¼ Road and F ¼ Road

Upon motion by Councilmember Theobold, seconded by Councilmember Payne and carried by roll call vote, Resolution No. 99-99 was adopted and Ordinances No. 3175, 3176 and 3177 were adopted on second reading and ordered published.

PUBLIC HEARING – ZONING HALL ANNEXATIONS NO. 1, 2 AND 3 TO RSF-4, LOCATED ON THE WEST SIDE OF ROUND TABLE ROAD, NORTH OF F ROAD – APPROVED [FILE #ANX-1999-139]

In conjunction with a request to annex a 20.79-acre parcel to the City the applicant requests a zone of annexation to RSF-4. The proposed zoning is in conformance with the Growth Plan Future Land Use designation of Residential Medium Low Density (2-4 du/ac) and comparable in density to a portion of the current County R-2 zoning of the parcel. The remainder of the parcel is zoned AFT (Agriculture, Forest Transition). At its July 13, 1999 hearing, the Planning Commission recommended approval of this request.

The hearing was opened at 7:58 p.m.

The petitioner representative, Doug Theiss, had no additional comments on this item.

Bill Nebeker, Community Development Department, reviewed this item. The property is generally in conformance with what is built out in the surrounding areas. The zoning meets the criteria of Sections 4-11 and 4-4-4 of the Zoning & Development Code and Staff recommends approval.

Councilmember Theobold asked if the access for the southern property will be off of Round Table Road. Mr. Nebeker said yes. Mr. Nebeker noted that AFT is one unit per five acres.

There were no other comments. The hearing was closed at 8:01 p.m.

Ordinance No. 3178 – An Ordinance Zoning the Hall Annexations No. 1, 2 and 3 to RSF-4 Located on the West Side of Round Table Road, North of F Road

Upon motion by Councilmember Theobold, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3178 was adopted on second reading and ordered published.

PUBLIC HEARING - VACATING THE EAST-WEST ALLEY BETWEEN 2ND AND 3RD, BETWEEN MAIN AND COLORADO TO ACCOMMODATE NEW CONSTRUCTION OF THE HAWTHORN SUITES HOTEL - APPROVED [FILE #VR-1999-084]

This alley runs in an east-west direction, between Main Street and Colorado Avenue, from 2nd to 3rd Streets. The public hearing was continued from June 16, 1999 to July 21st, with an additional request to continue the public hearing to August 18, 1999.

The hearing was opened at 8:02 p.m.

Kevin Reimer, Reimer Development, 2009 S. Broadway, presented the request. The documentation has been completed to finish the alley vacation to more efficiently develop and plan the hotel and adjacent parking lots.

Lori Bowers, Community Development Department, reviewed this item. The public hearing was continued due to questions by Council on the vacation. The agreements needed have since been formed (easement deed and agreement). The agreement has been executed. All three parties are in agreement with the vacation. The vacation meets the criteria of Section 8-3 of the Zoning & Development Code. Staff recommends approval of the vacation. One condition is that a 20' utility easement be provided in the vacated alley.

Councilmember Terry asked for the number of property owners. Ms. Bowers said there are three total.

Councilmember Theobold asked for the timetable of the utility easement. Ms. Bowers said it will take place when the ordinance is recorded and will include a legal description of where the utility easement will be placed at that time.

Councilmember Payne asked if the utilities will be placed underground. Kevin Reimer said yes. Their plans are to relocate the above ground to underground and elsewhere.

Councilmember Terry asked for clarification on the sketch of the plan. Mr. Reimer said the footprint of the hotel will exist north of the current alley. Councilmember Theobald said the west end is now vacant in the plan. Mr. Reimer said that is Phase II, and they don't know what it will be used for yet. The market and economics will dictate it. It may be used for additional rooms or a separate hotel or a mix of retail and office space.

Councilmember Spehar said the only carryover issue was the signed agreements. He was satisfied the City now has those agreements.

There were no other comments. The hearing was closed at 8:07 p.m.

Ordinance No. 3179 – An Ordinance Vacating of the East-West Alley Located between 2nd to 3rd Streets, between Main Street and Colorado Avenue

Upon motion by Councilmember Spehar, seconded by Councilmember Scott and carried, Ordinance No. 3179 was adopted on second reading and ordered published.

ADJOURNMENT

The meeting was adjourned at 8:08 p.m.

Stephanie Nye, CMC/AAE
City Clerk