

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

November 17, 1999

The City Council of the City of Grand Junction, Colorado, convened into regular session the 17th day of November, 1999, at 7:32 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 Deputy City Clerk Teddy Martinez.

Council President Kinsey called the meeting to order and Councilmember Enos-Martinez led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Gary Cake, More Than Words Ministry.

PRESENTATION OF CERTIFICATES OF APPOINTMENTS TO NEWLY APPOINTED URBAN TRAILS COMMITTEE MEMBERS

CONCERNED CITIZENS RESOURCE ASSOCIATION PRESENTS GROUP'S POSITION ON THE MESA COUNTY LAND DEVELOPMENT CODE

Mayor Kinsey announced this item is a policy issue for the Mesa County Commissioners and not for the Grand Junction City Council. He said City Council is happy to listen to the presentation as citizens of Mesa County.

Matt Sura stated they have given their presentation to over a dozen organizations. They feel Grand Junction, being the largest city in Mesa County, could engage itself in the dialogue in the best interest of its citizenry. He said the way Mesa County grows is going to be a large indicator of how Grand Junction is going to grow. Management can either hinder or accentuate growth. The Persigo Agreement which was recently passed relies heavily on keeping both the City and County accountable to the City/County Master Plan. If the new draft code is any indication, the County has no concerns for the Master Plan or no intentions of following it. This is going to be two years of work for both the City and hundreds of citizens down the drain, and the real vision for Mesa County, lost.

A quote from the Daily Sentinel, "In a perfect world, it would be one acre, one vote." Mr, Sura said most of Council's constituency doesn't own one acre of land. The County has said very clearly they are only interested in listening to large landowners. This is about the quality of life in our valley.

Councilmember Spehar pointed out that it has been a lengthy process. He agreed with Mr. Sura's statements. The City is in a touchy position because Council needs to work with the County Commissioners on other issues and work cooperatively. He felt asking Council to inject themselves into the decision puts all of the other issues of growth

management and quality of life in jeopardy. As a body, Council needs to be very careful because they jeopardize the other kinds of progress they're making on these kinds of issues that are important to all. He thanked Matt Sura for his presentation.

Councilmember Terry added that by Council accepting Mr. Sura's opening statements as sufficient for Council's purposes, does not indicate they do not have concerns about how the Land Use Plan plays out in terms of the new codes. Both Staffs have worked closely with them and Council will continue to work with Mesa County on any issues they feel has a bearing on what the City of Grand Junction does.

Councilmember Theobald hoped Mr. Sura understood Council's discomfort in a lengthy presentation on something about which Council will not be making a decision.

Mr. Sura thanked Council for its time. He distributed a flyer regarding his organization's concerns.

CONSENT ITEMS

Upon motion by Councilmember Payne, seconded by Councilmember Scott and carried by roll call vote, the following Consent Items #1-7 were approved:

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the Special Meeting October 26, 1999 and the Regular Meeting November 3, 1999

2. **Special Events Funding for VCB**

Attach 2

The VCB received eight applications for Special Event funding by the November 2 deadline. After review and discussion of the applications, the VCB Board recommends funding the following events:

Kokopelli Trail Pursuit Adventure Race	\$ 2,000
3 rd Annual Chet Peach Ride, Race & Roast	2,350
Mega Rally	2,000
Celtic Festival & Highland Games	3,000
Valley Pride Festival	<u>5,000</u>
Total	\$14,350

Action: Approve VCB Funding Awards as Recommended

3. **Setting a Hearing on Zoning Mendez Annexation C-2, Located at 2765 Highway 50** [File #ANX-1999-236]

The 6.566-acre Mendez Annexation area consists of one parcel of land. The requested zoning is C-2. This parcel is currently under site plan review for a new construction office/warehouse. Staff is recommending C-2 zoning for this parcel.

Proposed Ordinance Zoning the Mendez Annexation to a Heavy Commercial Zone District (C-2)

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

4. **Setting a Hearing on Vacating a Right-of-Way in Horizon Park Meadows, Located at the Northeast Corner of Horizon Drive and 12th Street** [File #MS-1999-179]

Request to vacate a portion of unnamed right-of-way in the vicinity of the northeast corner of Horizon Drive and 12th Street.

Proposed Ordinance Vacating a Portion of Right-of-Way in the Vicinity of the Northeast Corner of Horizon Drive and 12th Street

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

5. **Revocable Permit for a Grease Trap for Greenfields Restaurant at 118 S. 7th Street** [File #RVP-1999-257]

Resolution authorizing the issuance of a Revocable Permit to allow the petitioners to install a 1,000 gallon grease trap within the alley adjacent to their proposed restaurant at 118 S. 7th Street.

Resolution No. 132-99 – A Resolution Concerning the Issuance of a Revocable Permit to Mary C. Donlan

**Action: Adopt Resolution No. 132-99*

6. **MCEDC Incentive for a Telecommunications Technology Company**

A request for \$120,000 incentive for a prospective telecommunications company.

Action: Approve \$120,000 MCEDC Incentive for a Prospective Company

7. **Amend the Planning Commission By-Laws to Allow a Consent Calendar**

This resolution will amend the by-laws of the Grand Junction Planning Commission by adding a section which allows the adoption and use of a consent calendar.

Resolution No. 133-99 – A Resolution Amending the By-Laws of the Grand Junction Planning Commission

Action: Adopt Resolution No. 133-99

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

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

PUBLIC HEARING - CREATING ALLEY IMPROVEMENT DISTRICT NO. ST-00, PHASE A

Petitions have been submitted requesting a Local Improvement District to reconstruct the following 5 alleys:

- 2nd to 3rd, Chipeta Avenue to Gunnison Avenue
- 11th to 12th, Main Street to Colorado Avenue
- 16th to 17th, Grand Avenue to Ouray Avenue
- 18th to 19th, Grand Avenue to Ouray Avenue
- 10th to 11th, Rood Avenue to White Avenue

A hearing was held after proper notice.

Tim Woodmansee, City Property Manager, stated all petitions have been signed by a majority of the property owners to be assessed. No objections or counter petitions have been filed.

There were no public comments. The hearing was closed.

Resolution No. 129-99 – A Resolution Creating and Establishing Alley Improvement District No. ST-00, Phase A within the Corporate Limits of the City of Grand Junction, Colorado, Authorizing the Reconstruction of Certain Alleys, Adopting Details, Plans and Specifications for the Paving Thereon and Providing for the Payment Thereof

Upon motion by Councilmember Payne, seconded by Councilmember Terry and carried by roll call vote, Resolution No. 129-99 was adopted.

PUBLIC HEARING - DAVIDSON ANNEXATION LOCATED AT 2871 D ROAD

[FILE #ANX-1999-186]

The Davidson Annexation/Skyler Subdivision area consists of land owned solely by the applicant and a portion of D Road right-of-way. The applicant has signed a petition for annexation.

Mayor Kinsey explained to the audience the discussion of annexation will take place at this time and a separate item will consider the zoning of this property.

A hearing was held after proper notice.

Lisa Gerstenberger, Senior Planner, Community Development Department said the Davidson property is being developed as the Skyler Subdivision, located south of D Road and west of 29 Road. The statutory requirements for annexation have been met. Staff recommends acceptance of the annexation petition and approval of the annexation.

There were no public comments. The hearing was closed.

a. Resolution Accepting Petition

Resolution No. 130-99 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Davidson Annexation is eligible for Annexation, Located at 2871 D Road and Including a Portion of the D Road Right-of-Way

b. Annexation Ordinance

Ordinance No. 3205 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Davidson Annexation, Approximately 10.65 Acres, Located at 2871 D Road, and Including a Portion of D Road Right-of-Way

Upon motion by Councilmember Terry, seconded by Councilmember Spehar and carried by roll call vote, Resolution No. 130-99 was adopted, and Ordinance No. 3205 was adopted on second reading and ordered published.

PUBLIC HEARING – ZONING DAVIDSON ANNEXATION/SKYLER SUBDIVISION PR-4, LOCATED AT 2871 D ROAD [FILE #ANX-1999-186]

PR-4, Planned Residential with a maximum density of 4 units per acre, is proposed as the zone of annexation for the Davidson Annexation/Skyler Subdivision. The Davidson Annexation consists of land owned solely by the applicant, and a portion of D Road right-of-way. The proposal meets the requirements for the PR-4 zoning district.

A hearing was held after proper notice.

Lisa Gerstenberger, Senior Planner, said the petitioner is requesting approval for a zone of annexation for 9.7 acres from County PR-8 to City PR-4. The proposal meets the requirements for the zoning district and Staff recommends approval based on consistency with the Growth Plan densities. The proposed zoning meets the criteria of Sections 4-4-4 and 4-11 of the Zoning & Development Code. Ms. Gerstenberger listed those criteria and showed how the proposal met each.

Mayor Kinsey asked why PR-4 was recommended rather than a straight zone. Ms. Gerstenberger said due to the configuration of the property (long and narrow), there were difficulties in meeting the bulk requirements for a straight zone by the developer. They chose to provide open space which is beneficial to the community, and develop the property very closely to the bulk requirements for RSF-5. They intended to meet the majority of the bulk standards for a straight zone and also provide open space and community benefit.

Mayor Kinsey asked if it is the intent to leave the property as a Planned Zone when the new zoning code comes in or will it fit the zoning criteria for a straight zone. Ms. Gerstenberger felt it would be left as a Planned Zone. Councilmember Terry said that is consistent with what Council has been doing recently.

There were no public comments. The hearing was closed.

Ordinance No. 3206 – An Ordinance Zoning the Davidson Annexation PR-4 (Planned Residential with a Maximum Density of Four Units per Acre)

Upon motion by Councilmember Spehar, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3206 was adopted on second reading and ordered published.

PUBLIC HEARING - INDIAN VILLAGE/THE VISTAS ENCLAVE ANNEXATION LOCATED IN THE 28 ¾ ROAD AND F ROAD AREA, INCLUDING THE INDIAN VILLAGE SUBDIVISION [FILE #ANX-1999-221]

The 109.03 acre Indian Village/The Vistas Enclave Annexation area consists of land completely surrounded by existing Grand Junction city limits. State law allows a

municipality to annex enclave areas unilaterally after they have been enclaved for a period of three years.

A hearing was held after proper notice.

Dave Thornton, Principal Planner, Community Development Department, reviewed this item. He stated this is the third of three enclaves considered for annexation in 1999. The property contains an approximately 100 lot subdivision (Indian Village) as well as a small residential area along 28 $\frac{3}{4}$ Road, some vacant properties on the south side of F Road and The Vistas Subdivision on the southwest corner of the annexation which is currently in the development review process with the City for a new preliminary plan. Staff and members of Council met with the residents of the area in August, 1999. Concerns and issues have been met to the best of Staff's ability. Staff recommends approval of annexation of the enclave.

Councilmember Scott asked when the annexation would be effective. Mr. Thornton said December 19, 1999.

Public Works Director Mark Relph said there is a drainage problem on 28 $\frac{3}{4}$ Road. The land drains from the north to the south. The low spot is just short of Patterson Road and there are no collection facilities to take the water from there to beyond Patterson Road. The result has been, during heavy rains, it ponds up on 28 $\frac{3}{4}$ Road and causes some localized flooding. A berm has been graded on the Matchett property to intercept approximately one third of the drainage area so it doesn't drain into 28 $\frac{3}{4}$ Road. The majority of the land still has this drainage problem. Public Works staff has looked at it and to fix the problem as residents have requested would entail a project of approximately \$284,000. There is no drainage facility in the area and collection lines and inlets would have to be run through the area and dispose it back towards Indian Wash. It is a significant project. Staff believes the immediate need is a project in the magnitude of approximately \$60,000 where area inlets and drainage pipe could be installed in the low spot just north of Patterson Road, and try to collect it at that point. It would take care of the immediate flooding concern. They are still faced long term with some issues there north of that area. They can work with the residents to try to add to that in the future. Staff is recommending Council earmark \$60,000 of the \$86,000 that is left in the General Fund Contingency to carry forward into the year 2000 for such a project next year. Mr. Relph said Mesa County has not viewed this enclave area as an area for improvements.

Councilmember Terry asked if the future park development in the area would alleviate some of the long term problems and costs. Mr. Relph replied probably not significantly. It's a typical County road that has been built several years ago, bermed up with drainage being a secondary consideration. Mesa County has overlaid the street. There is a series of driveways and no clearly defined drainage ditch off to the sides. The ultimate solution is carrying some area inlets up through that area. If, in the future, the residents

petition for an improvement district (curb, gutter and sidewalk), that would be the best opportunity to fix those types of problems.

Councilmember Spehar felt the \$60,000 worth of improvement is appropriate and will be a significant improvement to the existing situation.

Councilmember Theobold suggested talking to Mesa County because part of the reason the enclave is being annexed is the agreement with the County at their urging. When the Persigo Agreement was brought up, the idea of sharing some capital needs, was discussed. The County has not committed anything on this, and he felt it would be reasonable to have some discussions with them.

Councilmember Terry asked Mr. Relph if the area residents were comfortable with trying the initial \$60,000 improvements. Mr. Relph said it has not been discussed in length with all the residents. No detailed engineering or surveying has been done.

Councilmember Terry agreed with Councilmember Theobold that Council should approach Mesa County because there has always been a sincere effort to mitigate any problems that residents have when they come into the City. The County has expressed a willingness to help. She felt if this initial effort on the problem is not satisfactory long term, Council has committed to residents as they've come into the City that they will do their best to mitigate their concerns. She felt Council should make every effort to do that.

There were no public comments. The hearing was closed.

Ordinance No. 3207 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, The Indian Village/The Vistas Enclave, Consisting of Approximately 109.03 Acres, Located Generally on Both Sides of the F Road and 28 $\frac{3}{4}$ Road Area between 28 $\frac{1}{2}$ Road and 29 Road and Including 28 $\frac{3}{4}$ Road, F Road, and the Streets in the Indian Village Subdivision

Upon motion by Councilmember Terry, seconded by Councilmember Scott and carried by roll call vote, Ordinance No. 3207 was passed on second reading and ordered published.

**PUBLIC HEARING - ZONING INDIAN VILLAGE/THE VISTAS ENCLAVE ANNEXATION
RSF-5, RSF-8 AND PR-6.5, LOCATED IN THE 28 $\frac{3}{4}$ ROAD AND F ROAD AREA,
INCLUDING THE INDIAN VILLAGE SUBDIVISION** [FILE #ANX-1999-221]

The 109.03 acre Indian Village/The Vistas Enclave Annexation area consists of land completely surrounded by existing Grand Junction city limits. State law allows a municipality to annex enclave areas unilaterally after they have been enclaved for a period of three years. This annexation is currently in progress. The law also requires

the City to zone newly annexed areas within 90 days of the annexation. The recommended zoning for this annexation is RSF-5, RSF-8 and PR-6.5.

A hearing was held after proper notice.

Dave Thornton, Principal Planner, reviewed this item. The proposed zoning for the Indian Village/The Vistas Enclave includes three zone districts. The Growth Plan recommends the area north of F Road be a residential density of 4-8 units/acre. For the area south of F Road, it recommends a residential density of 8-12 units/acre. The proposal is for an RSF-5 zone for the area north of F Road. It also corresponds with the current County zoning in the Indian Village Subdivision which is R-2 transitional. It is almost identical to the City's RSF-5 zone district. The southwest corner (The Vistas, previously known as The New Traditions) is being recommended to stay at the current County zone of PR-6.5. The actual development proposal in its preliminary stage is under review by the City and will be going to Planning Commission in December. The remainder of the area south of F Road is proposed at RSF-8. There is no plan for this area.

Councilmember Theobald asked for the current zoning on the area known as Peppertree. Mr. Thornton said it's a Planned Zone of 12 units/acre. The area to the south of the enclave (Graff property) is RSF-2 and RSF-5. Future development in the area would be much higher. The RSF-8 zone is not in conflict with the Growth Plan.

Ordinance No. 3208 – An Ordinance Zoning the Indian Village/The Vistas Enclave Annexation RSF-5, RSF-8 and PR-6.5

Upon motion by Councilmember Scott, seconded by Councilmember Terry and carried by roll call vote, Ordinance No. 3208 was adopted on second reading and ordered published.

PUBLIC HEARING - UHAUL ANNEXATION LOCATED AT 2949 AND 2951 NORTH AVENUE [FILE #ANX-1999-214]

The 5.05 acre Uhaul Annexation area consists of two parcels of land. Owners of the property have signed a petition for annexation as part of a proposed development for mini-storage units.

A hearing was held after proper notice.

Patricia Parish, Associate Planner, Community Development Department, reviewed this item. The site plan review has been completed for the mini-storage development. The America Real Estate Company, owner of the property, is requesting the properties be annexed. Staff recommends accepting the annexation petition as it does meet the

applicable State Statutes included in the Municipal Annexation Act. Staff recommends accepting the annexation petition and approving the annexation.

Steve Sharpe, Banner Associates, was present to represent the petitioner and answer questions. There were no questions.

There were no comments. The hearing was closed.

a. Resolution Accepting Petition

Resolution No. 131-99 – A Resolution Accepting Petitions for Annexation, Making Certain Findings, Determining that Property Known as Uhaul Annexation is Eligible for Annexation, Located at 2949 and 2951 North Avenue and Including Portions of the North Avenue and I-70B Rights-of-Way

b. Annexation Ordinance

Ordinance No. 3209 - An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Uhaul Annexation, Approximately 5.05 Acres, Located at 2949 and 2951 North Avenue and Including Portions of the North Avenue and I-70B Rights-of-Way

Upon motion by Councilmember Payne, seconded by Councilmember Theobald and carried by roll call vote, Resolution No. 131-99 was adopted, and Ordinance No. 3209 was adopted on second reading and ordered published.

PUBLIC HEARING - ZONING THE UHAUL ANNEXATION C-1, LOCATED AT 2949 AND 2951 NORTH AVENUE [FILE #ANX-1999-214]

The 5.05 acre Uhaul Annexation area consists of two parcels of land. Owners of the property have signed a petition for annexation as part of a proposed development for mini-storage units. The proposed zoning is Light Commercial (C-1), similar to the existing Mesa County zoning of commercial.

A hearing was held after proper notice.

This item was reviewed by Patricia Parish, Community Development Department. The Light Commercial (C-1) zone is similar to the County zoning and it is consistent with the Corridor Guidelines for North Avenue. The County zoning is Commercial. The Future Land Use Map and the Growth Plan recommends commercial land use for the Uhaul properties. A proposed C-1 zone falls within the recommended land use categories and meets the goals and policies of the Growth Plan.

The proposed C-1 zone complies with the criteria of Sections 4-4-4 and 4-11 of the Zoning & Development Code. The Planning Commission recommends approving the C-1 zone. Staff recommends approval of the zone of annexation to C-1.

There were no public comments. The hearing was closed.

Ordinance No. 3210 – An Ordinance Zoning the Uhaul Annexation to a Light Commercial Zone District (C-1)

Upon motion by Councilmember, seconded by Councilmember and carried by roll call vote, Ordinance No. 3210 was passed on second reading and ordered published.

PUBLIC HEARING - ZONING THE KEESSEE ANNEXATION RSF-E, 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 to 35 acres per unit) to Estate (2 to 5 acres per unit) for the Keesee Annexation, located at 2070 S. Broadway. A zone of annexation to RSF-E (Residential Single Family, Estate, 2 acres per unit) is proposed for the property.

A hearing was held after proper notice.

Kathy Portner, Planning Manager, Community Development Department, reviewed this item. She stated the Keesee Annexation occurred several months ago. It is 20 acres located on S. Broadway and Desert Hills Road. Council proceeded with the annexation at that time with discussion on the proposal for a Growth Plan Amendment as well as zoning for the property. Council amended the Growth Plan for this property from a designation of Rural (5-35 acres/unit) to a designation of Estate (2-5 acres/unit) and directed Staff to create an Estate zone district for consideration to apply to this property. The current Code has been amended to add an RSF-E zone district (Residential Single Family Estate, 1 unit/2-5 acres). Staff requests the RSF-E zone district be applied to the Keesee Annexation. The proposed RSF-E zone meets the criteria of Sections 4-4-4 and 4-11 of the Zoning & Development Code.

Tom Volkman, representing the property owner, was present and had no comment. There were no public comments. The hearing was closed.

Ordinance No. 3211 – An Ordinance Zoning the Keesee Annexation at 2070 South Broadway to RSF-E

Upon motion by Councilmember Theobold, seconded by Councilmember Enos-Martinez and carried by roll call vote, Ordinance No. 3211 was adopted on second reading and ordered published.

ADDITION OF A CHILDREN'S LIBRARY TO THE OFFICE OF THE BOTANICAL GARDENS, ON CITY-OWNED, LEASED PROPERTY [FILE #SPR-1999-240]

The Western Colorado Botanical Society, located at 641 Struthers Avenue, has requested an administrative site plan review for the proposed Children's Library addition. Since the property is owned and leased by the City of Grand Junction to the Society, prior written approval is required in conjunction with the terms of the lease.

City Attorney Dan Wilson said a number of years ago the City entered into a lease with the Botanical Society that provided for two levels of approval of any structures or new uses. One was the traditional land use approval. The other was the City approving as an owner. The reason is so Council can make decisions as an owner, based on aesthetics. The Children's Library is the first significant structure since the main structure was built. The purpose is to let Council know each time significant structures are built on City property and require the lessee to come before Council for direction. Staff recommends approval, and wants to keep the approvals formal as the property develops out. The lease provides for written approval of any additional structures.

Upon motion by Councilmember Theobold, seconded by Councilmember Enos-Martinez and carried, the proposed addition of the Children's Library was approved as an acceptable use under the lease agreement.

MESA STATE AMERICAN GOVERNMENT CLASS RECOGNIZED

Councilmember Theobold noted the attendance of Mesa State Political Science students and their instructor, Assistant Professor Michael Gizzi, Political Science. He welcomed them. Councilmembers offered comments on the conduct of the meeting and answered student questions.

EXECUTIVE SESSION to discuss property negotiations – City Attorney Wilson noted the Executive Session had been cancelled.

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Theresa F. Martinez, CMC
Deputy City Clerk