

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

August 2, 2006

The City Council of the City of Grand Junction convened into regular session on the 2nd day of August 2006, at 7:03 p.m. in the City Auditorium. Those present were Councilmembers Teresa Coons, Bruce Hill, Jim Spehar, Doug Thomason, and President of the Council Jim Doody. Absent were Councilmembers Bonnie Beckstein and Gregg Palmer. Also present were Interim City Manager David Varley, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Doody called the meeting to order. Councilmember Thomason led in the pledge of allegiance. The audience remained standing for the invocation by Pastor Mike MacFarlane, New Day Ministries.

Presentations of Certificates of Appointment

To the Avalon Theatre Advisory Committee

Marianne North, Ron Beach, and Stephan Schweissing were present to receive their certificates for the Avalon Theatre Advisory Committee.

Appointments

Ratify Appointments to the Urban Trails Committee

Councilmember Thomason moved to ratify the appointment of David Cooper, Steve Bliss, and John Borgen to the Urban Trails Committee with terms ending June 30, 2009, and ratify the appointment of Joseph Moreng to the Urban Trails Committee with an unexpired term ending June 30, 2007. Councilmember Spehar seconded the motion. Motion carried.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Hill read the list of items on the Consent Calendar.

It was moved by Councilmember Coons, seconded by Councilmember Thomason and carried by roll call vote to approve Consent Calendar items #1 through #12.

1. **Minutes of Previous Meetings**

Action: Approve the Summary of the July 17, 2006 Workshop, the Minutes of the July 19, 2006 Regular Meeting, and the July 26, 2006 Special Meeting

2. **Setting a Hearing on Zoning and Development Code Amendments – Downtown Residential Density** [File #TAC-2006-190]

A request to amend the Zoning and Development Code to implement the recently-approved Growth Plan Amendment that eliminated the maximum residential density requirement for downtown properties/developments.

Proposed Ordinance Amending Sections 3.2 and 3.4.C. of the Zoning and Development Code Regarding Downtown Residential Density

Action: Introduction of Proposed Ordinance and Set a Hearing for August 16, 2006

3. **Setting a Hearing on Zoning the Arbogast Annexation, Located at 785 24 Road** [File #GPA-2006-064]

Request to zone the 18.05 acre Arbogast Annexation, located at 785 24 Road, to RSF-E (Residential Single Family Estate with a maximum of one unit per two acres) zone district.

Proposed Ordinance Zoning the Arbogast Annexation to RSF-E (Residential Single Family – Estate, 1 Unit per Two Acres), Located at 785 24 Road

Action: Introduction of Proposed Ordinance and Set a Hearing for August 16, 2006

4. **Setting a Hearing on Zoning the Clymer Annexation and Vacation of Right-of-Way, Located at 182 27 Road** [File #VR-2006-153]

Introduction of a proposed zoning ordinance to zone the Clymer Annexation RSF-2 (Residential Single Family with a density not to exceed 2 du/ac) zone district, located at 182 27 Road and introduction of a proposed ordinance to vacate the south half of the cul-de-sac at the south end of 27 Road.

Proposed Ordinance Zoning the Clymer Annexation to Residential Single Family with a Density Not to Exceed Two Units per Acre (RSF-2), Located at 182 27 Road

Proposed Ordinance Vacating Right-of-Way, Located Adjacent to 182 27 Road

Action: Introduction of Proposed Ordinance and Set a Hearing for August 16, 2006

5. **Setting a Hearing on Zoning the Coop/Myers Annexation, Located at 2997 D Road** [File #ANX-2006-137]

Request to zone the 5.48 acre Coop/Myers Annexation, located at 2997 D Road, to RMF-8 (Residential Multi Family, 8 units per acre).

Proposed Ordinance Zoning the Coop/Myers Annexation to RMF-8, Located at 2997 D Road

Action: Introduction of Proposed Ordinance and Set a Hearing for August 16, 2006

6. **Setting a Hearing on Zoning the Schroeder Annexation, Located at 527 Reed Mesa Drive** [File #ANX-2006-139]

Request to zone the 0.81 acre Schroeder Annexation, located at 527 Reed Mesa Drive to RSF-4 (Residential Single Family 4 du/ac).

Proposed Ordinance Zoning the Schroeder Annexation to RSF-4, Located at 527 Reed Mesa Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for August 16, 2006

7. **Setting a Hearing on Rezoning Property Located at 510 Pear Street** [File #RZ-2006-172]

Request to rezone 0.49 acres, located at 510 Pear Street from RMF-8, Residential Multi-Family – 8 units/acre to C-1, Light Commercial.

Proposed Ordinance Rezoning the Property Known as the Pear Street Rezone to C-1, Light Commercial, Located at 510 Pear Street

Action: Introduction of Proposed Ordinance and Set a Hearing for August 16, 2006

8. **Setting a Hearing on the Baldwin Annexation, Located at 2102 and 2108 Highway 6 & 50** [File #ANX-2006-182]

Request to annex 3.23 acres, located at 2102 and 2108 Highway 6 & 50. The Baldwin Annexation consists of two parcels and is a two part serial annexation.

a. **Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 94-06 – 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, and Exercising Land Use Control, Baldwin Annexation #1 and #2, Located at 2102 and 2108 Highway 6 & 50 and a Portion of the Highway 6 & 50 Right-of-Way

Action: Adopt Resolution No. 94-06

b. **Setting a Hearing on Proposed Ordinances**

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Baldwin Annexation #1, (Located at 2102 and 2108 Highway 6 & 50), Approximately .10 Acres, which includes a Portion of the Highway 6 & 50 Right-of-Way

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Baldwin Annexation #2, Approximately 3.13 Acres, Located at 2102 and 2108 Highway 6 & 50 and a Portion of the Highway 6 & 50 Right-of-Way

Action: Introduction of Proposed Ordinances and Set a Hearing for September 6, 2006

9. **Setting a Hearing on the CGVSD Annexation, Located at 541 Hoover Drive** [File #ANX-2006-175]

Request to annex 0.94 acres, located at 541 Hoover Drive. The CGVSD Annexation consists of 1 parcel.

a. **Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction**

Resolution No. 95-06 – 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, and Exercising Land Use Control, CGVSD Annexation, Located at 541 Hoover Drive

Action: Adopt Resolution No. 95-06

b. Setting a Hearing on Proposed Ordinance

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, CGVSD Annexation, Approximately 0.94 Acres, Located at 541 Hoover Drive

Action: Introduction of Proposed Ordinance and Set a Hearing for September 6, 2006

10. **Setting a Hearing on the Halliburton Annexation, Located at 3199 D Road**
[File #ANX-2006-210]

Request to annex 48.4 acres, located at 3199 D Road. The Halliburton Annexation consists of 2 parcels and is a 2 part serial annexation.

a. Referral of Petition, Setting a Hearing and Exercising Land Use Jurisdiction

Resolution No. 96-06 – 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, and Exercising Land Use Control, Halliburton Annexation #1 and #2, Located at 3199 D Road Including Portions of the D Road and 32 Road Rights-of-Way

Action: Adopt Resolution No. 96-06

b. Setting a Hearing on Proposed Ordinances

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Halliburton Annexation #1, Approximately 0.29 Acres, Located at 3199 D Road

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Halliburton Annexation #2, Approximately 48.11 Acres, Located at 3199 D Road Including Portions of the D Road and 32 Road Rights-of-Way

Action: Introduction of Proposed Ordinances and Set a Hearing for September 6, 2006

11. **Setting a Hearing on Vacating the Alley at Mesa County Corrections and Treatment Facility, Located at 636 South Avenue** [File #VR-2006-076]

Request to amend and correct Ordinance No. 3898, vacating rights-of-way for an alleyway located at the eastern 250' of the east/west alley and the north/south alley between 6th and 7th Streets and Pitkin and South Avenues.

Proposed Ordinance Amending and Correcting Ordinance No. 3898 Vacating Rights-of-Way for an Alleyway, Located at the Eastern 250' of the East/West Alley and the North/South Alley Between 6th and 7th Streets and Pitkin and South Avenues, Mesa County Correction and Treatment Facility – 636 South Avenue

Action: Introduction of Proposed Ordinance and Set a Hearing for August 16, 2006

12. **Agreement with CDOT for Rotomilling and Asphalt Overlay on I-70 B, S.H. 340, and U.S. 50**

The State has requested that the City perform rotomilling and asphalt overlays of I-70B between North Avenue to Grand Avenue, SH 340 between Mulberry to Grand Avenue, the frontage road connecting I-70B with SH 340, and US 50 from Ute Avenue to South Avenue. A Memorandum of Understanding was approved at the July 19, 2006 meeting. This resolution formalizes that approval.

Resolution No. 97-06 – A Resolution Authorizing an Agreement Between the City of Grand Junction and the State of Colorado Department of Transportation for the Rotomilling and Asphalt Overlay for I-70B from North Ave (MP 4.1) and Grand Ave (MP 4.9), SH340 Between Mulberry St (MP 13.2) and Grand Ave (MP 13.34), Frontage Road Connecting I-70B and SH 340, and 5th Street (US 50) Between Ute Ave (MP 32.0) and South Ave (MP 32.14)

Action: Adopt Resolution No. 97-06

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Lincoln Park Golf Course Irrigation System Replacement

This approval request is for the replacement of the Lincoln Park Golf Course irrigation system.

Joe Stevens, Parks and Recreation Director, reviewed this item. He gave a brief history of the current system and noted the number of irrigation breaks that are occurring with the

aging system. He said the installation contractor will utilize local vendors and said the City purchased much of the pipe earlier when the price of pipe was lower. However, there will still be an additional \$22,558 to meet the estimated shortfall. Mr. Stevens said Staff asks that the funds come from the General Fund contingency. Mr. Stevens also added that the golf course will not be closed during the installation.

Councilmember Spehar inquired about the efficiency of the new system. Mr. Stevens said the new system will be one of the most efficient golf course irrigation systems there is. He said it will have sensors that will not water when there has been precipitation among other efficiencies.

Councilmember Hill moved to authorize the City Purchasing Division to enter into a contract, in the amount of \$700,958, with Formost Construction, Murrieta, California for the completion of the irrigation system replacement and transfer \$22,558 from General Fund contingency to cover the shortfall. Councilmember Coons seconded the motion. Motion carried.

Public Hearing – Zoning the Hamilton Annexation, Located at 3124 D Road [File #ANX-2006-105]

Request to zone the 8.33 acre Hamilton Annexation, located at 3124 D Road to RMF-5 (Residential Multi-Family 5 du/ac).

The public hearing was opened at 7:19 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the location, the current use and the Future Land Use designation. She also noted the surrounding zoning, including the recently zoned adjacent properties. She briefed the City Council on how the application went through the Planning Commission, where it was heard once, and said RSF-4 zone was recommended by Planning Commission. She said Staff requested a rehearing which was granted and said the Planning Commission changed their recommendation at the subsequent rehearing to RMF-5.

Council President Doody asked Ms. Costello to differentiate between RSF-4 and RMF-5. Ms. Costello said RMF-5 has a smaller minimum lot size, a smaller side yard setback, 5 feet versus 7 feet and RMF-5 allows townhomes whereas RSF-2 allows duplexes on corner lots but not townhomes.

Councilmember Thomason asked if the development will then go before Planning Commission for the plat. City Attorney Shaver responded affirmatively.

Councilmember Spehar asked for clarification on the rehearing. City Attorney Shaver advised that Staff asked for the rehearing based on the determination that perhaps the Planning Commission did not fully understand all the facts.

Jenette Traynor, 3124 D Road, the applicant, was present but had nothing to add.

Sue Miller, 413 West Mallard Way, said she lives in the Grove Creek Subdivision and her back yard is adjacent to this property. She is concerned about negative impact to her property and said she is disappointed in the Planning Commission's decision. She was opposed to the townhomes and did not feel that would be compatible to the surrounding area. She asked that RMF-5 not be approved.

Earla Jean Bailey-Roy, 3122 D Road, said she lives just south of this development and was the previous owner of the subject property. She is concerned about the increase in traffic and asked that a privacy fence be built. She is also concerned with the loss of views if townhomes were to be built.

Howard B. Walitt, 416 West Mallard Way, had a letter from another neighbor, Natalie Liesman, 419 West Mallard Way. Mr. Walitt read the letter which asked that the Planning Commission's original decision be considered by the City Council. She expressed concerns about sidewalks and traffic. Then Mr. Walitt made additional comments and said Planning Commission did reject the request for RMF-8, even though RMF-5 was discussed and the majority voted for RSF-4. Mr. Walitt said the Grove Creek Subdivision is all single family homes (300+). He noted that Ms. Traynor does not plan to develop the property but will sell the subject property to a developer. He said the Pear Park Plan recommends 2 to 4 units per acre. Although Staff requested the rehearing, the request was really from the applicant. He asked for RSF-4 zoning be approved, since that is what is currently built in the surrounding neighborhoods.

Dustin McPhail, 421 West Mallard Way, asked that two story buildings not be allowed which will take away their privacy.

There were no additional public comments.

Councilmember Hill asked how fencing will be dealt with for this development. Ms. Costello said fencing can be addressed at the Preliminary Plan stage as well as perimeter fencing. Regarding street improvements, the developer can be required to improve half of adjacent streets. Councilmember Hill inquired if they will have two accesses into the subdivision. Ms. Costello said there will only be one access with stub streets for future access, which is a requirement, and said there are also irrigation issues that will need to be resolved.

Councilmember Coons asked if both zone districts being discussed allows two story homes. Ms. Costello replied that they both do. She then reviewed the surrounding zone districts and said Grove Creek is zoned RMF-5. She said the subdivision to the north is a Planned Unit Development (PUD) in the County and is essentially 4.97 units per acre. Ms. Costello said there are different setbacks in the County that are in the City zone districts.

Councilmember Spehar asked if all of the streets in the area are public streets. Ms. Costello said they are.

Councilmember Spehar asked if there is any question as to the validity of the rehearing. City Attorney Shaver did not have any question and explained what his and Staff's discussions were with the Planning Commission.

Councilmember Spehar spoke to the fact that zone districts do allow multiple uses and that is for a reason. He said the streets are public streets and the D ¼ stub street was installed for the purpose of connectivity. He pointed out that Grove Creek was zoned RMF-5 and was built at 4.2 units per acre and gave other examples. He contended that it is unlikely that it will be developed out at 5 units per acre and said he recognizes the neighborhood's concerns.

Councilmember Hill expressed appreciation for those who spoke. He noted the Growth Plan has designated this area for 4 to 8 units per acre. He said the objections to residential medium did not happen at the Pear Park Plan meetings.

Councilmember Coons said it appears that the zoning is compatible with the other neighborhoods in the area and the request fits the Growth Plan.

Council President Doody expressed his appreciation to those that came to speak. He agreed with Councilmembers Spehar and Hill.

The public hearing was closed at 8:00 p.m.

Ordinance No. 3941 – An Ordinance Zoning the Hamilton Annexation to RMF-5,
Located at 3124 D Road

Councilmember Thomason moved to adopt Ordinance No. 3941 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Abeyta-Weaver Growth Plan Amendment, Located at 432 30 ¼ Road [File #GPA-2005-188]

Request to change the Growth Plan designation of 8.42 acres, located at 432 30 ¼ Road from "Residential Medium 4-8 du/ac" to "Public".

The public hearing opened at 8:01 p.m.

Senta L. Costello, Associate Planner, reviewed this item. She described the location and noted this location is for the new elementary school, which is under construction. She said the request is to amend the Growth Plan so it matches the Public designation. All the requirements have been met for a Growth Plan amendment.

Councilmember Spehar asked why this is being done after the fact. Ms. Costello said that they were proceeding through a subdivision process. City Attorney Shaver stated that when dealing with school district projects there are some special statutory rules that allow schools special consideration regarding development.

There were no public comments.

The public hearing was closed at 8:04 p.m.

Resolution No. 98-06 – A Resolution Amending the City of Grand Junction Growth Plan to Designate Approximately 8.42 Acres, Located at 432 30 ¼ Road, from Residential Medium 4-8 Du/Ac to Public, Abeyta-Weaver Growth Plan Amendment

Councilmember Hill moved to adopt Resolution No. 98-06. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Public Hearing – Pine Industrial No. 1 Annexation and Zoning, Located at 2769 D Road [File #ANX-2006-124]

Request to annex and zone 5.08 acres, located at 2769 D Road, to I-2 (General Industrial). The Pine Industrial No.1 Annexation consists of one parcel and is a two part serial annexation.

The public hearing was opened at 8:06 p.m.

Senta Costello, Associate Planner, reviewed this item. She described the location and the current uses. She then described surrounding zone districts and the existing uses of the nearby areas. She said Staff has found that the request meets the criteria of the Zoning and Development Code and fits the Future Land Use designation.

Council President Doody inquired about enclaves. Ms. Costello explained the rules on enclaves.

Tracy Moore, Development Concept Services, was present representing the applicant but had nothing to add.

There were no public comments.

The public hearing was closed at 8:09 p.m.

a. Accepting Petition

Resolution No. 99-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Pine Industrial No. 1 Annexation #1 and #2, Located at 2769 D Road is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3942 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pine Industrial No.1 Annexation #1, Approximately .30 Acres, Located at 2769 D Road Including a Portion of the D Road Right-of-Way

Ordinance No. 3943 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Pine Industrial No.1 Annexation #2, Approximately 4.78 Acres, Located at 2769 D Road

c. Zoning Ordinance

Ordinance No. 3944 – An Ordinance Zoning the Pine Industrial No.1 Annexation to I-2, Located at 2769 D Road

Councilmember Spehar moved to adopt Resolution No. 99-06 and Ordinance Nos. 3942, 3943, and 3944 on Second Reading and ordered them published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

Public Hearing – Harris Annexation and Zoning, Located at 2730 B Road [File #ANX-2006-125]

Request to annex and zone 9.38 acres, located at 2730 B Road, RSF-4 (Residential Single Family 4 du/ac). The Harris Annexation consists of one parcel and is a two part serial annexation.

The public hearing was opened at 8:11 p.m.

Senta Costello, Associate Planner, reviewed this item. She described the request, the location, and the site. She said the current use is residential and the Future Land Use Map has designated the property as Residential Medium. Ms. Costello said Staff has found that the request meets the criteria of the Zoning Development Code and the Growth Plan. She said both Staff and Planning Commission recommend approval.

Brynn Boyd, Rhino Engineering, 1229 N. 3rd Street, was present representing the applicant but had nothing to add.

Jack Drake, 2745 B Road, is opposed to the annexation. He said the City is getting closer to his property and said that he does not want to be in the City limits.

There were no other public comments.

Council President Doody asked City Attorney Shaver to explain annexation relative to the Persigo Agreement. Mr. Shaver stated that the City under the Persigo Agreement only annexes property that is subject to development. If Mr. Drake is already developed then he would not be subject to annexation.

Councilmember Spehar pointed out the exception would be an enclave, which is required to be annexed by State Law. City Attorney Shaver concurred and advised this annexation does not create an enclave.

The public hearing was closed at 8:16 p.m.

a. Accepting Petition

Resolution No. 100-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Harris Annexation #1 and #2, Located at 2730 B Road Including a Portion of the B Road and 27 Road Rights-of-Way is Eligible for Annexation

b. Annexation Ordinances

Ordinance No. 3945 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Harris Annexation #1, Approximately 2.73 Acres, Located at 2730 B Road Including a Portion of the B Road and 27 Road Rights-of-Way

Ordinance No. 3946 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Harris Annexation #2, Approximately 6.65 Acres, Located at 2730 B Road Including a Portion of the B Road Right-of-Way

c. Zoning Ordinance

Ordinance No. 3947 – An Ordinance Zoning the Harris Annexation to RSF-4, Located at 2730 B Road

Councilmember Coons moved to adopt Resolution No. 100-06 and Ordinance Nos. 3945, 3946, and 3947 on Second Reading and ordered them published. Councilmember Thomason seconded the motion. Motion carried by roll call vote.

Public Hearing – Merkel Annexation, Located at the Northwest Corner of I-70 and 24 ½ Road [File #GPA-2006-126]

Request to annex 27.11 acres, located at the northwest corner of I-70 and 24 ½ Road. The Merkel Annexation consists of 2 parcels.

The public hearing was opened at 8:18 p.m.

David Thornton, Principal Planner, reviewed this item. He described the location of the subject property and advised that there are three parts to this project. First the annexation, then a Growth Plan Amendment, and subsequently there will be a zoning. He said the site is currently agricultural and said the current land use designation is Estate. He said the applicant anticipates asking for commercial designation. Staff finds that the request meets all statutory requirements for annexation.

The applicant was not present.

There were no public comments.

The public hearing was closed at 8:21 p.m.

a. Accepting Petition

Resolution No. 101-06 – A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Merkel Annexation, Located at the Northwest Corner of I-70 and 24 ½ Road Including a Portion of the 24 ½ Road Right-of-Way is Eligible for Annexation

b. Annexation Ordinance

Ordinance No. 3948 – An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Merkel Annexation , Approximately 27.11 Acres Located at the Northwest Corner of I-70 and 24 ½ Road Including a Portion of the 24 ½ Road Right-of-Way

Councilmember Hill moved to adopt Resolution No. 101-06 and Ordinance No. 3948 on Second Reading and ordered it published. Councilmember Spehar seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Interim Community Development Director Sheryl Trent introduced Kent Kovalchik, the new Senior Planner. Mr. Kovalchik gave the Council a brief overview of his background and qualifications.

Other Business

City Clerk Stephanie Tuin advised that her office received an initiative petition with 186 signatures regarding a watershed protection ordinance. She and her Staff are verifying signatures and anticipates completion by mid next week. If there are sufficient signatures, she will bring a report to City Council at the August 16th Council meeting.

Adjournment

The meeting adjourned at 8:25 p.m.

Stephanie Tuin, MMC
City Clerk