

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

**October 18, 2006**

The City Council of the City of Grand Junction convened into regular session on the 18<sup>th</sup> day of October 2006, at 7:02 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Bruce Hill, Gregg Palmer, Jim Spehar, and President of the Council Jim Doody. Absent was Councilmember Doug Thomason. Also present were Interim City Manager David Varley, City Attorney John Shaver, and Deputy City Clerk Juanita Peterson.

Council President Doody called the meeting to order. Councilmember Beckstein led in the pledge of allegiance. The audience remained standing for the invocation by Rob Storey, River of Life Alliance Church.

**Citizen Comments**

There were none.

**CONSENT CALENDAR**

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

Councilmember Hill commented what a great job the Horizon Drive Business Improvement District has done with their taxes and also recognized the Downtown Grand Junction Business Improvement District for their cohesive group and how they have been working together with the City.

It was moved by Councilmember Coons, seconded by Councilmember Beckstein and carried by roll call vote to approve Consent Calendar items #1 through #9. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

*Action: Approve the Summary of the October 2, 2006 Workshop and the Minutes of the October 4, 2006 Special Session and October 4, 2006 Regular Meeting*

2. **Horizon Drive Association Business Improvement District Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than

December 5. Horizon Drive Association Business Improvement District filed their 2007 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

*Action: Approve Horizon Drive Association Business Improvement District's 2007 Operating Plan and Budget*

3. **Downtown Grand Junction Business Improvement District Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30 each year. The City Council is then required to approve the plan and budget within thirty days and no later than December 5. Downtown Grand Junction Business Improvement District filed their 2007 Operating Plan and Budget. It has been reviewed by Staff and found to be reasonable.

*Action: Approve Downtown Grand Junction Business Improvement District's 2007 Operating Plan and Budget*

4. **Continue the Public Hearing for the Baldwin Annexation, Located at 2102 and 2108 Highway 6 & 50** [File #ANX-2006-182]

A request to continue the Baldwin Annexation to the November 1, 2006 City Council meeting. The request to continue is to allow additional time to clarify boundary issues with the adjacent neighbor to the north.

*Action: Continue the Adoption of the Resolution Accepting the Petition for the Baldwin Annexation and Public Hearing to Consider Final Passage of the Annexation and Zoning Ordinances to the November 1, 2006 City Council Meeting*

5. **Setting a Hearing for the Hall 22 Road Commercial Annexation, Located at 778 22 Road** [File #GPA-2006-240]

Request to annex 52.15 acres, located at 778 22 Road. The Hall 22 Road Commercial Annexation consists of 2 parcels.

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

Resolution No. 129-06 – 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, Hall 22 Road Commercial Annexation, Located at 778 22 Road and Including a Portion of the 22 Road Right-of-Way

*Action: Adopt Resolution No. 129-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Hall 22 Road Commercial Annexation, Approximately 52.15 Acres, Located at 778 22 Road Including a Portion of the 22 Road Right-of-Way

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

6. **Setting a Hearing for the Pear Park School No. 3 Annexation, Located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road** [File #ANX-2006-276]

Request to annex 1 acre, located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road. The Pear Park School No. 3 Annexation consists of 2 parcels.

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

Resolution No. 130-06 – 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, Pear Park School No. 3 Annexation, Located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road

*Action: Adopt Resolution No. 130-06*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, the Pear Park School No. 3 Annexation, Approximately 1.00 Acres, Located at Grand Valley Canal West of 29 ½ Road and North of D ¼ Road

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

7. **Revocable Permit for a Retaining Wall Located in the Fox Run Right-of-Way, North of G Road and West of 26 Road** [File #RVP-2006-247]

Request for a revocable permit for retaining walls that have been constructed in the Fox Run right-of-way.

Resolution No. 131-06 – A Resolution Concerning the Issuance of a Revocable Permit to Wrights Mesa LLC for a Retaining Wall Constructed within the Fox Run Right-of-Way Located North of G Road and West of 26 Road

*Action: Adopt Resolution No. 131-06*

8. **Setting a Hearing for the Rezone and Outline Development Plan – 1<sup>st</sup> and Patterson Planned Development** [File #ODP-2005-309]

Request to rezone 20.7 acres, located at the southwest corner of 1<sup>st</sup> Street and Patterson Road, from RMF-12 (Residential Multifamily, 12 units per acre) to PD (Planned Development) and approval of an Outline Development Plan (ODP) for a mixed use development.

Proposed Ordinance Rezoning Approximately 20.7 Acres from RMF-12 to PD (Planned Development) the 1<sup>st</sup> and Patterson Planned Development Located at the Southwest Corner of 1<sup>st</sup> Street and Patterson Road

*Action: Introduction of Proposed Ordinance and Set a Hearing for November 1, 2006*

9. **Construction Contract Award for Regional Center Parking Improvements and DMVA Service Road Paving**

This work is required as part of the City's agreements with DHS and the Division of Military and Veterans Affairs for the Riverside Parkway Project.

*Action: Authorize the City Manager to Sign a Construction Contract for the Regional Center Parking Lot Improvements and the DMVA Service Road Paving to Reyes Construction in the Amount of \$292,402.20*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION****Columbine Park Infill/Redevelopment Financial Assistance Request**

This is a request for incentive monies through the Infill and Redevelopment Program in a total of \$51,227.48 for the subdivision known as Columbine Park, located near 28 1/4 Road and Columbine Park Court. This subdivision is located in the boundaries for infill as designated by the City Council.

Sheryl Trent, Interim Community Development Director, reviewed this item. She said this is a completed project and this request is for an incentive through the Infill and Redevelopment Program. In the original application the amount requested was for \$51,227.48. Today, there was an additional letter which was submitted to Council which shows there were additional bills that came in after the original application was submitted for an additional \$5,213. Ms. Trent said when Mr. Perry started this process; the City was adopting the policy and said he was told by Staff that he should wait to submit an application. She said in the Staff's file there are notes that indicate a discussion was held about applying for the incentives. She said Staff finds the request meets the criteria and recommends that City Council approve the request based on actual costs expended. Ms. Trent suggested that the request not to exceed \$60,000 and said Mr. Perry, the developer, is present to answer any questions.

Councilmember Spehar questioned if, in the past, has the City refunded 100% of the Infill Redevelopment requests for improvements. Ms. Trent said there have been two that were approved at 100% of the costs. Councilmember Spehar questioned if the improvements that were completed for the Columbine Park Court were required by the Zoning and Development Code. Ms. Trent said yes, they were.

Councilmember Hill questioned if the City helped with underground utilities. Ms. Trent said yes, the main waterline.

Council President Doody asked if the applicant would like to address Council.

Tony Perry, 420 Montero Street, developer of the Columbine Park Subdivision, said the request is for 70% of the original cost of the development whereas most of the requests are for 100% reimbursement. Mr. Perry said this subdivision is an enhancement to the neighborhood and said the subdivision has been well received from the local neighbors in the area.

Councilmember Spehar questioned if the main entrance into the subdivision consisted of the two curb cut driveways that were eliminated. Mr. Perry said that is correct.

Council President Doody asked Ms. Trent if the budgeted amount for the Infill Redevelopment Funding is \$250,000. Ms. Trent said that is correct.

Councilmember Spehar said he is familiar with this property and that he feels there should be some consideration because of the confusion of Mr. Perry having to wait until now.

Councilmember Coons agreed and wanted to encourage developers to use this program.

Councilmember Spehar said he is comfortable with the request, but is not comfortable with the requested amount.

Councilmember Hill said each one of these developments that the City has given money to have all been so different from each other and said this is not an easy process. He has concerns of giving \$50,000 or \$60,000 per project, because that would mean funding would only be given to 5 projects per year.

Council President Doody said that he is glad to see this program is being utilized throughout the City of Grand Junction and not just in the downtown area. He feels this program would work well for some developers up on Orchard Mesa. Councilmember Hill agreed.

Councilmember Spehar inquired about the twelve questions in the application, are those criteria that the City established in the original program and is that why they are on this application. Ms. Trent stated that is correct. Councilmember Spehar said he understands the discussion that took place, but feels this request is a stretch for this program. He said several of the answers to the questions state that there is no mixture of uses, it is not part of an economic development plan, there are no historic structures, and it does not go beyond the Code requirements. He said that he would like to see this program be more utilized, but feels that the program needs to be reviewed.

Councilmember Coons asked Ms. Trent how many applications has the City received for this program altogether. Ms. Trent said fewer than twenty applications were received and that includes the three that have already been approved and there are four more that will be brought to Council within the next two months.

Councilmember Palmer moved for the approval of the Infill and Redevelopment Incentives for the Columbine Park Subdivision in the amount of \$19,957.18 for the off site drainage improvements. Councilmember Spehar seconded the motion. Motion failed with Councilmembers Hill, Beckstein, and Council President Doody voting NO.

Councilmember Beckstein moved for the approval of the Infill and Redevelopment Incentives for the Columbine Park Subdivision for an amount not to exceed \$60,000. Councilmember Coons seconded the motion. Motion failed with Councilmembers Hill, Palmer, and Spehar voting NO.

Ms. Trent reviewed the list of additional figures regarding the off site drainage improvements. She said if Council would like to direct the reimbursement go to the off site drainage improvements for an amount not to exceed \$25,000 to pay for the additional costs, then that would allow some leeway for the verification of the bills to make sure they are related to the off site drainage improvements before any reimbursement is given to the developer for those fees.

Councilmember Spehar moved for the approval of the Infill and Redevelopment Incentives for the Columbine Park Subdivision for an amount not to exceed \$25,000. Councilmember Coons seconded the motion. Motion failed with Councilmembers Hill, Beckstein, and Council President Doody voting NO.

Council President Doody said in reviewing this particular package, he would be in favor of the \$51,227.48, which was the original amount requested.

Councilmember Beckstein questioned Ms. Trent about how Staff came up with the amount that is being requested and also how many Staff members review the criteria to make sure that the requested amount is in compliance with the Infill and Redevelopment Program. Ms Trent said there are three Staff members and herself that review the information that is given from the developer. Councilmember Beckstein questioned if this subdivision in fact enhanced this particular area. Ms. Trent said yes, this subdivision does have a positive effect for this area.

Mr. Perry said the development of this subdivision benefited the City along 28 Road. He said with the drainage improvements that was placed around the subdivision, it reduced the drainage flow into the 28 Road drainage system by 30%. He said the drainage improvements that were required and were approved by the City is that those improvements be placed around the subdivision. He reviewed other enhancements that were required by the City such as the entrance into the subdivision and leaving an access road for future developments located to the north of the subdivision. He feels that this subdivision has enhanced the area.

Councilmember Hill moved to reimburse the developer for the work that was completed for the City and also pay a portion of the off site drainage system for a total amount of \$10,000. There was no second. Motion failed.

Councilmember Spehar moved to reimburse the developer \$3,000 for the work that was completed for the City and also to approve the Infill and Redevelopment Incentives for

the Columbine Park Subdivision in the amount of \$25,000 for a total amount not to exceed \$28,000. Councilmember Beckstein seconded the motion. Motion carried with Councilmember Hill voting NO.

**Public Hearing – The Beagley Rezone, Located at 2936 D ½ Road** [File #RZ-2006-227]

Request to rezone 0.84 acres, located at 2936 D ½ Road, from RSF-4 (Residential Single Family 4 du/acre) to RMF-8 (Residential Multi Family 8 du/ac).

The public hearing was opened at 8:05 p.m.

Adam Olsen, Associate Planner, reviewed this item. He described the location and the site and said the property owners are requesting a rezone of RMF-8 to match the zoning of the surrounding property. Mr. Olsen said the owners and Zeck Homes have expressed an interest in developing the property at an RMF-8 density and said a simple subdivision application is being processed concurrently with this rezone request to shift the property lines of the subject property. Mr. Olsen said the Planning Commission recommends approval of the requested rezone and said the request is consistent with the Future Land Use Designation of Residential Medium (4-8 du/ac).

Rebecca Zeck with Zeck Homes, located at 1950 Hwy. 6 & 50, representing the Holley family (the property owners of 2936 D ½ Road), said the owners came to Zeck Homes and requested to adjust their property lines to make their property more square instead of long and narrow. She said in order to complete their request, this property has to be zoned the same as the surrounding area which is RMF-8.

There were no additional public comments.

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

Ordinance No. 3978 - An Ordinance Rezoning the Property Known as the Beagley Rezone to RMF-8, Residential Multi Family 8 Units per Acre, Located at 2936 D ½ Road

Councilmember Palmer moved to adopt Ordinance No. 3978 on Second Reading and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.



**Public Hearing – The Orr Rezone, Located at 498 Patterson Road** [File #RZ-2006-228]

Request to rezone .322 acres, located at 498 Patterson Road, from RMF-5 (Residential Multi-Family, 5 units per acre) to B-1 (Neighborhood Business).

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

Ronnie Edwards, Associate Planner, reviewed this item. She described the location and the site. She said the subject property was annexed in February of 1977 with the Patterson Road Enclave and was zoned R-1-A, which would allow only one single family residence per parcel. She said there was a change in the zoning designations in 1981 and said R-1-A became what is now our current RSF-4 zone district. Ms. Edwards said in 1997 the map underwent revisions and this area was changed to RSF-5. She said in 2000 the City adopted a revised Zoning and Development Code which changed RSF-5 to RMF-5. She said the request is for B-1 zoning which would allow various neighborhood businesses, as long as all site development was in conformance with the Zoning and Development Code. Ms. Edwards said Staff and the Planning Commission recommends approval and that the requested rezone is consistent with the Growth Plan.

Dan Wilson, Attorney representing the applicant, encouraged Council to approve the requested rezone.

There were no additional public comments.

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

Ordinance No.3979 - An Ordinance Rezoning Property Known as the Orr Rezone, .322 Acres, Located at 498 Patterson Road from RMF-5 to B-1

Councilmember Spehar moved to adopt Ordinance No. 3979 on Second Reading and ordered it published. Councilmember Hill seconded the motion. Motion carried by roll call vote.

**Public Hearing – Amend the Planned Development Ordinance for Fuoco Estates, also known as Beehive Estates, Located East of Dewey Place** [File #PDA-2006-044]

Request to amend the Planned Development Ordinance for Fuoco Estates, also known as Beehive Estates, reducing the front yard setbacks.

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

Sheryl Trent, Interim Community Development Director, reviewed this item. She described the location and the current uses. Ms. Trent said the property was annexed into the City on August 6, 2000 as part of the G Road South Annexation and in 2003 the property was rezoned as Planned Development with a default zone of RMF-8 for the proposed development, then known as Fuoco Estates. She said the request is to amend the front yard setbacks and said Staff recommends approval.

Councilmember Hill said this is a very nice and unique development and encourages other developers to come forward with more requests like this. The rest of Council agreed with Councilmember Hill's comments.

There were no public comments.

The public hearing was closed at 8:26 p.m.

Ordinance No. 3980 - An Ordinance Amending the Established Setbacks for the Fuoco Property Planned Development, Located East of Dewey Place, Also Known as Beehive Estates

Councilmember Beckstein moved to adopt Ordinance No. 3980 on Second Reading and ordered it published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

### **Non-Scheduled Citizens & Visitors**

There were none.

### **Other Business**

There was none.

### **Adjournment**

The meeting adjourned at 8:28 p.m.

Juanita Peterson, CMC  
Deputy City Clerk