

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

**June 30, 2008**

The City Council of the City of Grand Junction convened into regular session on the 30<sup>th</sup> day of June 2008 at 7:01 p.m. in the City Auditorium. Those present were Councilmembers Bonnie Beckstein, Teresa Coons, Jim Doody, Doug Thomason, Linda Romer Todd, and Council President Gregg Palmer. Absent was Councilmember Bruce Hill. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Palmer called the meeting to order. Councilmember Coons led in the Pledge of Allegiance. The audience remained standing for the invocation by Retired Pastor Eldon Coffey.

**Appointments**

Councilmember Beckstein moved to reappoint Harry Griff and Bill Wagner to the Downtown Development Authority/Downtown Grand Junction Business Improvement District for four year terms ending June, 2012. Councilmember Thomason seconded the motion. Motion carried.

**Council Comments**

Council President Palmer said that he had the pleasure of joining Councilmember Doody to host the Wounded Warriors event which welcomed the Leap Frog Team to the community and the associated pilots that brought the team in. One member of the team was a Navy Seal who had done three tours in Afghanistan and two tours in Iraq and was a graduate from Grand Junction High School. The team also did a couple of jumps at Country Jam.

Council President Palmer advised that he and Council President Pro Tem Coons just completed the Citizens Public Safety Academy which lasted 15 weeks. It was the first time for the Academy and a wonderful experience. It was a class of 25 people whom all were overwhelmed with the experience. He commended the personnel at the Police and Fire Departments for their patience and their training. He encouraged citizens to participate in future academies.

Councilmember Coons stated that she feels better about living in the community because of all the compassion and dedication that the public safety staff bring to their jobs.

**Citizen Comments**

There were none.

**CONSENT CALENDAR**

Councilmember Thomason read the items on the Consent Calendar, and then moved to approve the Consent Calendar. It was seconded by Councilmember Beckstein, and carried by roll call vote to approve Consent Items #1 through 9.

**1. Minutes of Previous Meetings**

*Action: Approve the Minutes of the June 16, 2008 Special Session and the Minutes of the June 16, 2008 and the June 18, 2008 Regular Meetings*

**2. Setting a Hearing Zoning the Houghton Annexation, Located at 2964 D Road  
[File #ANX-2008-120]**

Request to zone the 4.02 acre Houghton Annexation, located at 2964 D Road, to R-8 (Residential 8 du/ac).

Proposed Ordinance Zoning the Houghton Annexation to R-8 (Residential 8 du/ac), Located at 2964 D Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for July 14, 2008*

**3. Setting a Hearing Zoning the Phillips-Ford Annexation, Located at 2894 Orchard Avenue [File #ANX-2008-117]**

Request to zone the 0.53 acre Phillips-Ford Annexation, located at 2894 Orchard Avenue, to R-8 (Residential 8 du/ac).

Proposed Ordinance Zoning the Phillips-Ford Annexation to R-8 (Residential 8 du/ac), Located at 2894 Orchard Avenue

*Action: Introduction of a Proposed Ordinance and Set a Hearing for July 14, 2008*

**4. Setting a Hearing to Rezone the Palmer Park Subdivision, Located at 2675 Highway 50 [File #PP-2007-317]**

A request to rezone the subject property from 6.06 acres of C-1 (Light Commercial) and 9.04 acres of R-4 (Residential 4 du/ac) to 6.14 acres of C-1 (Light Commercial) and 8.96 acres of R-4 (Residential 4 du/ac).

Proposed Ordinance Rezoning the Property Known as the Palmer Park Subdivision to C-1 (Light Commercial) and R-4 (Residential 4 du/ac), Located at 2675 Highway 50

*Action: Introduction of a Proposed Ordinance and Set a Hearing for July 14, 2008*

5. **Setting a Hearing Zoning the Pioneer Meadows Annexation, Located at 3126 and 3134 E Road** [File #ANX-2008-078]

Request to zone 9.24 acres located at 3126 and 3134 E Road, to R-8 (Residential 8 du/ac). The Pioneer Meadows Annexation consists of two parcels and a portion of the E Road Right-of-Way.

Proposed Ordinance Zoning the Pioneer Meadows Annexation to R-8 (Residential 8 du/ac), Located at 3126 and 3134 E Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for July 14, 2008*

6. **Rename Portions of River Road and D Road to Riverside Parkway** [File #MSC-2007-139]

Rename portions of River Road and D Road to Riverside Parkway. The portions of River Road right-of-way to be renamed are located between the Redlands Parkway interchange and Highway 340. The portions of D Road to be renamed are located between the newly constructed intersection of D Road, Riverside Parkway and 29 Road.

Resolution No. 88-08—A Resolution Renaming Portions of River Road and D Road to Riverside Parkway

*Action: Adopt Resolution No. 88-08*

7. **Purchase of Road Oil for Chip and Seal Program**

Purchase of approximately 85,000 gallons of road oil for the annual chip and seal program, Streets Division.

*Action: Authorize the City Purchasing Division to Sole Source Purchase 85,000 gallons of Road Oil from Cobitco, Inc., of Denver, Colorado, in the Amount of \$240,550*

8. **Sidewalk Dining Application for Junct'n Square Pizza, LLC**

Junct'n Square Pizza, LLC dba Junct'n Square Pizza, is requesting an Outdoor Dining Lease for the property located at 119 N. 7<sup>th</sup> Street. They have applied for and received a Sidewalk Café Permit to serve food outside at 4-6 tables with 4 chairs at each table. The Outdoor Dining Lease would permit the business to have a revocable license from the City of Grand Junction to expand their licensed premise and allow alcohol sales in this area, as well.

Resolution No. 89-08 — A Resolution Authorizing the Lease of Sidewalk Right-of-way to Junct'n Square Pizza, LLC dba Junct'n Square Pizza, Located at 119 N. 7<sup>th</sup> Street

*Action: Adopt Resolution No. 89-08*

9. **Grant for 26 Road and G ½ Road Improvements**

A request to accept an Energy and Mineral Impact Grant, in the amount of \$500,000, as partial funding for improvements to 26 Road and G ½ Road. The 26 Road improvements will include widening and sight distance improvements. The G ½ Road improvements include curb, gutter and sidewalk.

*Action: Accept the Grant and Authorize the City Manager to Sign the Grant Contract*

### ITEMS NEEDING INDIVIDUAL CONSIDERATION

#### **Grant for Police Radios**

The Grand Junction Police Department has been solicited by the Bureau of Justice Assistance (BJA) program of the US Department of Justice, to apply for an annual grant in the amount of \$28,648. These funds are allocated evenly between GJPD and MCSO and will be used to purchase 800 MHz radios. The GJPD Administers and allocates the funds. The BJA requires the public to have an opportunity to comment and City Council approval for the application process.

Troy Smith, Deputy Chief of Police, presented the information and request. In the past, this grant has been used for interoperability projects. The new requirement for the grant application process requires Council pre-approval.

Councilmember Coons asked if this grant requires matching funds. Deputy Chief Smith said the funds do not require matching funds.

Council President Palmer asked if anyone in the audience wanted to comment on the proposal.

There were no public comments.

Councilmember Thomason moved to authorize the City Manager and GJPD to apply for the funds, and if awarded to manage/disperse \$28,648 in Grant Funds. Councilmember Todd seconded the motion. Motion carried by roll call vote.

**Public Hearing—Shores Annexation and Zoning , Located at 166 Edlun Road [File #ANX-2008-104]**

Request to annex 17.97 acres and zone 17.36 acres, located at 166 Edlun Road, to R-4 (Residential 4 du/ac).

The public hearing was opened at 7:13 p.m.

Lori Bowers, Senior Planner, reviewed this item. The request is a serial annexation and contains two parts. She described each parcel, the site and the location. She said the reason for the Planning Commission recommendation of 2 units per acre is due to the topography, there are slopes up to 60%. The applicant is still requesting R-4 zoning despite the Planning Commission recommendation. She identified the surrounding properties and Future Land Use Designation.

Councilmember Todd asked about lot size difference between the R-2 and R-4 zoning. Ms. Bowers explained that the applicant is using clustering provisions, and could have 26 lots under R-2 versus 48 under R-4.

The applicant was not present.

Council President Palmer asked all present to be respectful of others point of view. He will take five in favor and then five opposed and alternate.

No one approached in favor.

Those against:

Vicki Felmlee, 178 Glory View Drive, stated that there are many citizens present that are members of OMNIA (Orchard Mesa Neighbors In Action) and they are asking Council to postpone any decision on the annexation and zoning. She advised that some residents received notice of this application. This property includes access to the Old Spanish Trail and many residents are concerned with this application. Residents have been researching the legal status of this access and the trail. The BLM has verified they will not give up their easement and will invoke the Federal Land Policy and Management Act of 1976. The only other access is a 22 foot driveway that is encumbered by private property.

Between the protected trail and moving access they asked that the action before them be postponed.

Victoria Gipson, Old Spanish Trail Association Member and a Member of OMNIA, 179 Edlun Road, asked for postponement. She reviewed the history of the trail. The northern branch runs through this community, previously known as the Salt Lake Wagon Road, and there are two accesses. The north access is accessed by Valley View and Sunlight Road. There is informative signage which details the cooperative partnership to maintain

the access to the trail and trail itself. She continued to describe the history of the trail and its subsequent designation. She displayed a copy of the Federal easement documentation.

Joseph Hayes, member of OMNIA, 185 Rainbow Drive, displayed a letter from the Chair of the Mesa County Commissioners Janet Rowland voicing concern. The letter was entered into the record.

Paul Oliver, 185 Lumley Drive, had a letter written by Senator Josh Penry addressed to the City Planning Commission and asked that it be entered into the record.

Carol Ward, 2860 Casimir Drive, introduced a letter from Catherine Robertson, BLM, into the record.

Lynn Ensley, 177 ½ Edlun, displayed the 22 foot roadway that goes to the property. He stated that there will need to be additional land taken from the neighbors to make it meet the 40 foot standard. He detailed the history of the driveway and the easement provided in the cooperative agreement. He also had an excerpt from Title 5 that provides that any change to the access requires consultation with the Department of the Interior. He pointed out that the density being requested is much higher than the surrounding properties. The subject property has steep slopes and also a dead area that is high in salinity. Therefore, due to some areas not being developable, the R-2 will still allow four units per acre for the developable areas.

Susie Evans, 174 Rosalie Drive, has been an Orchard Mesa resident for 20 years, is an accountant, and runs and bicycles on the Old Spanish Trail. The OMNIA members have done a lot of research relevant to the property in question as well as surrounding properties. The Federal, State and local laws protecting the trail are complex and there will be even more issues that will come up in the future as the same property owner has adjacent ownership as well. Title 5 states clearly the requirements to protect the easements. She asked that consideration be postponed as well as any future consideration on adjacent parcels.

Ineke Hoops, 167 Edlun Road, had photographs and rhetorically asked if the Council was willing to erase the Old Spanish Trail and replace it with a plaque.

Sonny Shelton, 174 Shamrock Drive, stated that evidence clearly indicates reasons for postponement. She said that it is obvious that it is not a "not in my backyard" issue, but there are a myriad of other issues not the least of which is the closure of the access to the trail. It is a wonderful piece of history and once lost, it cannot be replaced.

Janet Magoon, 2752 Cheyenne Drive, supports OMNIA's efforts to preserve Old Spanish Trail and the access. She asked Council to listen to the concerns raised.

Pamela McGuirk, 101 29 Road, lives on 55 acres across from the property in question, and said it is spectacular and irreplaceable.

Debra Krabacher, 230 Sunset Hills, an equestrian that uses the trail, said that every single year students go there for educational mapping and surveying. It is 400 acres that is spectacular. She goes there every day and said there is lots of wildlife and asked that Council doesn't throw it away.

The public hearing was closed at 7:52 p.m.

Councilmember Beckstein asked the City Attorney Shaver to clarify the action being requested. City Attorney Shaver said the annexation and zoning does not confer development rights. In order for a property to be annexed, the Statute requires the Council to make certain findings. The items brought forward by the public are consideration when a proposal for development comes forward. The current zoning is County RSF-4 and the Planning Commission recommendation is for R-2.

Councilmember Beckstein asked when the 90 days to zoning time clock begins. Lori Bowers, Senior Planner, advised that it is 90 days from the adoption of the annexation ordinance.

Councilmember Coons asked City Attorney Shaver if Council decides not to annex this property into the City, can the developer still develop it in the County? City Attorney Shaver stated that the Persigo Agreement requires any development within the 201 Boundary to be annexed and developed within the City.

Councilmember Todd asked if that requirement wouldn't make a difference whether it was 40 units or 10 units. City Attorney Shaver said that is correct.

Councilmember Todd asked if Council can make their decision in two steps, look at annexation and then look at zoning separately. City Attorney Shaver said yes, they can.

Council President Palmer asked for clarification on the access and if it non-compliant, would the City be required to condemn for additional access. City Attorney Shaver said that the developer is required to provide access. If they cannot provide access, then it cannot be developed. Currently no development application has been submitted.

Council President Palmer asked if Council sees that there is only a 20 foot wide street access coming with this property, and knowing that additional access would be needed, has the access been considered or not considered? City Attorney Shaver stated that the Zoning and Development Code says there must be a point of access but that level of detail is not addressed at this point; it is just at the conceptual stage at this time.

City Attorney Shaver advised that with an annexation process, the Statute requires a basis for the City to serve the property with services such as water, sewer, etc. In this case sewer service is a basis that the City can serve this property.

Councilmember Beckstein asked how the Old Spanish Trail would be impacted as a result of the City's decision. City Attorney Shaver stated that he would question whether or not there would be an impact on the existence of the trail. There is the letter from the BLM that there is a trail and access. City Staff and the legal department must protect those rights that the BLM has.

Council President Palmer asked if the trail is an easement, can anything be built on it? City Attorney Shaver stated that if it is a legal easement there are restrictions. According to the BLM they have a conveyed easement from the previous owners. Staff is fully aware that there is an easement burdening this property.

Councilmember Beckstein asked what would be the impact if City Council postpones this item. City Attorney Shaver replied that for the developer, it would mean time and money and to what end? It is currently zoned and could be developed under the County. From the City's perspective, it would delay the process and it will be back again before City Council. From the City Council's perspective, what do they expect Staff to do differently; the request meets statutory requirements. Staff could provide more evidence for City Council if that would be what they want.

Council President Palmer asked Ms. Bowers if there are plans and policies in affect that protect the Old Spanish Trail contrary to this land use application. Ms. Bowers replied no, the GIS system acknowledges the existence of the trail but the alignment is not correct on the GIS.

City Manager Laurie Kadrich explained that some maps show trails that are not there or in a different location, and it was revealed during an inventory of the urban trails maps. There are similar situations in other areas and a task force has been pulled together to try to remedy the problem.

City Attorney Shaver said that on this property it may be only a function of when it was surveyed. There are still legal protections for the trail and they will be recognized if the developer proceeds with development.

Council President Palmer asked City Attorney Shaver if the applicant is an entity that has dealt with the City before. City Attorney Shaver said the applicant is an LLC and is a separate legal entity apart from the individual owners of that property. The allegations of an individual in the LLC are not a concern for the City as the applicant is a separate legal entity. The applicant has not been scrutinized.

Council President Palmer asked if the Old Spanish Trail would first have to be annexed into the City for the City to protect access to the trail. City Attorney Shaver said that is correct, it will be recognized through the process of the annexation, zoning, and development as it is separate legal described property and it will be recognized through the process.



City Manager Kadrich said that planning meetings with the affected parties have begun, the BLM, the County, etc. The City has worked cooperatively on other trails, those meetings have included discussion on how a change in jurisdiction would impact that access.

Council President Palmer asked if any GOCO grants or matching grants will be jeopardized if the property is annexed. City Manager Kadrich said that it is her understanding that cooperation will still continue. City Attorney Shaver gave an good example of a recent GOCO grant where such cooperation took place.

City Attorney Shaver reviewed specific annexation criteria, mostly technical. He pointed out the community of interest provision; Staff believes that community of interest does exist by virtue of providing City services, etc.

Councilmember Doody complimented the citizens of OMNIA on their presentation. He believes that in staying consistent with the Persigo Agreement and having jurisdiction. Bringing the property into the City is what Council needs to do, however, for the zoning piece, he would have to agree with the R-2 recommendation.

Councilmember Thomason stated that he believes there is no reason to delay or postpone a decision and he agrees with Councilmember Doody regarding the Persigo Agreement. He would support the R-2 zoning as recommended by Planning Commission.

Councilmember Todd said she would like Council to address the annexation separate from the zoning.

Council President Palmer thanked those that showed up and those who spoke. He is finding it a difficult decision. Council has no obligation to the developer to make sure he maximizes his investment. Council also has an obligation to the County with the Persigo Agreement, the entity is inside the 201 Boundary and is requesting annexation to the City. He agrees with Councilmember Doody and to ensure the protection for the Orchard Mesa community involved, the property must be annexed into the City.

Councilmember Beckstein believes in respect of the individual, she grew up in the west and has a passion for it. She respects the community's fears and concerns; however, Council has to have faith in the Planning Department that they will do their due diligence. She encouraged the group to stay in touch and engaged as the process goes forward and encouraged Staff to stay conscious of this. She will support the annexation.

Councilmember Coons stated that she is cognizant that there are larger issues beyond this parcel. The protection of the trails and access are paramount. She doesn't want to see a stalemate by postponement of the annexation just to come back in a few weeks and hear the same argument and try to make the same decision. She would prefer to separate the annexation and zoning.

**a. Accepting Petition**

Resolution No. 90-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Shores Annexation No. 1 and No. 2, Located at 166 Edlun Road Including a Portion of the Sunlight Drive Right-of-Way is Eligible for Annexation

**b. Annexations Ordinances**

Ordinance No. 4249—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Shores Annexation No. 1, Approximately 0.49 Acres, a Portion of the Sunlight Drive Right-of-Way

Ordinance No. 4250—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Shores Annexation No. 2, Approximately 17.48 Acres, Located at 166 Edlun Road Including a Portion of the Sunlight Drive Right-of-Way

Councilmember Beckstein moved to adopt Resolution No. 90-08 and Ordinance Nos. 4249 and 4250 and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Councilmember Todd stated that she will support R-2 zoning and with working with Staff and the developer, the City will have opportunity to protect and preserve the trail.

Councilmember Beckstein agreed with Councilmember Todd that R-2 is the best for the property.

Councilmember Coons asked if it is possible to postpone zoning. City Attorney Shaver replied that it is possible to postpone the zoning. Councilmember Coons said that would be her preference.

Councilmember Palmer asked if there are options beside R-4 and R-2. City Attorney Shaver said that there is which would be a Planned Development option, and if postponed, the Staff could have that conversation with the developer. With a Planned Development, much like a contract, there are negotiations and the developer is expected to go above and beyond requirements of a straight zone.

Councilmember Beckstein asked why Councilmember Coons wants to postpone zoning. Councilmember Coons replied that it concerns her that the applicant wasn't present, therefore the Council has no ability to ask the applicant questions.

Councilmember Todd stated that she is not in favor of postponing the zoning. Time is money for the Staff and developer and the conversation needs to be moving forward.

**c. Zoning Ordinance**

Ordinance No. 4251—An Ordinance Zoning the Shores Annexation to R-4 (Residential 4 du/ac), Located at 166 Edlun Road

Councilmember Doody moved to adopt Ordinance No. 4251, an ordinance zoning the Shores Annexation to R-4, and ordered it published. Councilmember Todd seconded the motion. Motion failed by roll call vote.

Councilmember Todd moved to adopt R-2 zoning for the property. Councilmember Beckstein seconded the motion.

Councilmember Coons commented that if time is money, then why isn't the developer present.

Councilmember Beckstein asked Senior Planner Bowers if in postponing the zoning, is there anything that would be presented to change the Planning Commission's recommendation from R-2. Senior Planner Bowers said no, the growth plan designation is a range from R-2 to R-4. If the applicant were to request a Planned Development in the future, it would still require an underlying zoning.

Councilmember Beckstein asked if the applicant would come back with something different, like Planned Development in the future, would it come before the City Council. Ms. Bowers stated that it would. City Attorney Shaver confirmed that a Planned Development would require an ordinance and a public hearing and the community would have an opportunity for comment.

City Manager Kadrich commented that having Planned Development as an option requires a community benefit be derived from the development.

Council President Palmer said that he wants to support the least impact for the area.

Motion carried by roll call vote.

Council President Palmer called a recess at 8:38 p.m.

The meeting reconvened at 8:50 p.m.

**Public Hearing—Sienna Creek Annexation and Zoning, Located at 2052 Broadway**  
[File #ANX-2008-107]

Request to annex and zone 5.16 acres of land located at 2052 Broadway, to the R-4 (Residential 4 du/ac) Zoning District. The Sienna Creek Annexation consists of one (1) parcel of land and a portion of the adjacent Broadway right-of-way.

The public hearing was opened at 8:51 p.m.

Brian Rusche, Senior Planner, reviewed this item. He described the site and the location. He identified the surrounding properties and Future Land Use Designation. He asked that the Staff Report and attachments be entered into the record. The Planning Commission recommended approval of the annexation and zoning and the review criteria have been met.

Council President Palmer asked if there will be any site distance issues. Mr. Rusche said they haven't gotten to that point yet. There may be and that will be determined at the time of development.

Joe Carter, Ciavonne, Roberts, and Associates, was present representing the applicant. He had nothing to add but could answer questions.

Councilmember Todd asked if there would be any consideration of new access off of Highway 340. Mr. Carter stated that there will be no new access off of Highway 340; the intention would be to have access off of 20 ½ Road.

There were no public comments.

The public hearing was closed at 8:53 p.m.

**a. Accepting Petition**

Resolution No. 91-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Sienna Creek Annexation, Located at 2052 Broadway, Including a Portion of the Broadway Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4254—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sienna Creek Annexation, Approximately 5.16 Acres, Located at 2052 Broadway, Including a Portion of the Broadway Right-of-Way

**c. Zoning Ordinance**

Ordinance No. 4255—An Ordinance Zoning the Sienna Creek Annexation to R-4 (Residential 4 du/ac), Located at 2052 Broadway

Councilmember Todd moved to adopt Resolution No. 91-08 and Ordinance Nos. 4254 and 4255 and ordered them published. Councilmember Coons seconded the motion. Motion carried by roll call vote.

**Public Hearing—Sunshine-Moir Annexation and Zoning, Located at 2899 D Road and 383 29 Road [File #ANX-2008-080]**

Request to annex and zone 5.54 acres, located at 2899 D Road and 383 29 Road, to C-1 (Light Commercial). The Sunshine-Moir Annexation consists of 2 parcels and includes a portion of the D Road and 29 Road rights-of-way and all of an unnamed right-of-way on the southern border of the property at 383 29 Road.

The public hearing was opened at 8:54 p.m.

Greg Moberg, Planning Services Supervisor, reviewed this item. He described the site and the location. He asked that his Staff Report and attachments be entered into the record. The Planning Commission recommended approval of the annexation and zoning and the review criteria have been met. The applicant's representative was present.

Paul Johnson, Meadowlark Consulting, 123 N. 7<sup>th</sup> Street, representing the applicant, had nothing to add and stated that they are in agreement with the Staff presentation. He said that 29 and D Road is a real changing area. Mr. Moyer, the applicant, has some good ideas for the development of the corner. They do agree with the C-1 zoning recommendation and he can answer any questions.

There were no public comments.

The public hearing closed at 8:55 p.m.

Councilmember Coons commented that this is an area that, in the Growth Plan, they wanted to have some commercial opportunities to provide services to that area. She agreed with the requested zoning.

**a. Accepting Petition**

Resolution No. 92-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Sunshine-Moir Annexation, Located at 2899 D Road and 383 29 Road Including Portions of D Road Right-of-Way, 29 Road Right-of-Way and Unnamed Portions of Right-of-Way Along the Southern Border of 383 29 Road is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4256—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunshine-Moir Annexation, Approximately 5.54 Acres, Located at 2899 D Road and 383 29 Road and Includes Portions of D Road Right-of-Way, 29 Road Right-of-Way and Unnamed Portions of Right-of-Way Along the Southern Border of 383 29 Road

**c. Zoning Ordinance**

Ordinance No. 4257—An Ordinance Zoning the Sunshine-Moir Annexation to C-1 (Light Commercial), Located at 2899 D Road and 383 29 Road

Councilmember Coons moved to adopt Resolution No. 92-08 and Ordinance Nos. 4256 and 4257 and ordered them published. Councilmember Doody seconded the motion. Motion carried by roll call vote.

**Public Hearing—Sunshine of Delta Growth Plan Amendment—Located at 377 and 379 29 Road** [File #GPA-2008-074]

A request to amend the Growth Plan, changing the Future Land Use designation from Residential Medium Low (2 – 4 du/ac) to Residential Medium High (8 – 12 du/ac) for 4.3 acres, located at 377 and 379 29 Road.

The public hearing opened at 8:58 p.m.

Greg Moberg, Planning Services Supervisor, reviewed this item. He described the site and the location. He requested that the Staff report and the attachments be entered into the record. He stated the request does meet the Growth Plan Amendment criteria and the Planning Commission recommended approval. A representative for the applicant was present.

Paul Johnson, Meadowlark Consulting, representing the landowner, 123 N. 7<sup>th</sup> Street, agreed with the Staff report and feels 8 to 12 units per acre is appropriate. The property is right on 29 Road and there are some parcels to the south and east that have plans for condominiums or apartments and are already zoned 8 to 12 units per acre. This is close to the commercial and the City needs some lower priced housing units. The area has changed thus the request for the Growth Plan Amendment.

Council President Palmer asked if there would be any buffering required. Mr. Moberg said that it will be minimal to the west and to the south.

There were no public comments.

The public hearing closed at 9:02 p.m.

Resolution No. 93-08—A Resolution Amending the Growth Plan of the City of Grand Junction to Designate Approximately 4.3 Acres Located at 377 and 379 29 Road, Known as the Sunshine of Delta Growth Plan Amendment, from Residential Medium Low (2-4 du/ac) to Residential Medium High (8-12 du/ac).

Councilmember Thomason moved to adopt Resolution No. 93-08. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Council President Palmer commented that it is nice to see a higher density.

**Public Hearing—Sunshine of Delta Annexation, Located at 377 and 379 29 Road**  
[File #GPA-2008-074]

Request to annex 5.2 acres, located at 377 and 379 29 Road. The Sunshine of Delta Annexation consists of 2 parcels and includes portions of the 29 Road and C  $\frac{3}{4}$  Road rights-of-way.

The public hearing was opened at 9:04 p.m.

Greg Moberg, Planning Services Supervisor, reviewed this item. He described the site and the location. He asked that the Staff report and the attachments be entered into the record. The Planning Commission recommended approval of the annexation and zoning and the review criteria have been met. The zoning will come forward in September.

Paul Johnson, Meadowlark Consulting, representing the applicant, 123 N. 7<sup>th</sup> Street, was present. He said they will be coming back with R-12 zoning. The applicant feels that condominiums/apartments are better for this area.

There were no public comments.

The public hearing was closed at 9:07 p.m.

**a. Accepting Petition**

Resolution No. 94-08—A Resolution Accepting a Petition for Annexation, Making Certain Findings and Determine that Property Known as the Sunshine of Delta Annexation, Located at 377 and 379 29 Road Includes Portions of the 29 Road and C  $\frac{3}{4}$  Road Right-of-Way is Eligible for Annexation

**b. Annexation Ordinance**

Ordinance No. 4258—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Sunshine of Delta Annexation, Approximately 5.20 Acres, Located at 377 and 379 29 Road and Includes Portions of the 29 Road Right-of-Way and C  $\frac{3}{4}$  Road Right-of-Way

Councilmember Coons moved to adopt Resolution No. 94-08 and Ordinance Nos. 4258 and ordered it published. Councilmember Beckstein seconded the motion. Motion carried by roll call vote.

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

Paul Johnson, Meadowlark Consulting, applauded all the improvements to the Downtown. He likes the back in parking, as he feels it works great. 7<sup>th</sup> Street and the roundabout work wonderfully and he complimented the Council.

Council President Palmer thanked Mr. Johnson and stated that the City is blessed to have a unique downtown, and it is no surprise that it is the number one tourist area.

City Manager Kadrich updated Council on the fire service contract and on the lead up to that agreement. The contract has been signed. In the past, it was a complicated analysis that determined the amount to be billed to the Rural District. The new terms provide whatever funds the District collects will be remitted to the City, less an administrative amount.

Councilmember Palmer asked if, in the future, there are updates, that it be so noted on the agenda.

**Adjournment**

The meeting was adjourned at 9:20 p.m.

Stephanie Tuin, MMC  
City Clerk