

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

**June 1, 2011**

The City Council of the City of Grand Junction convened into regular session on the 1<sup>st</sup> day of June 2011 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschenstein, Teresa Coons, Jim Doody, Laura Luke, Bill Pitts, Sam Susuras, and Council President Tom Kenyon. Also present were City Manager Laurie Kadrich, City Attorney John Shaver, and Deputy City Clerk Juanita Peterson.

Council President Kenyon called the meeting to order. Councilmember Pitts led the Pledge of Allegiance, followed by a moment of silence.

**Proclamations**

Proclaiming June 6 – 12, 2011 as “Colorado Mesa University Week” in the City of Grand Junction

**Appointments**

Councilmember Pitts moved to appoint David Hibberd to the Grand Junction Regional Airport Authority for a four year term expiring May 2015. Councilmember Susuras seconded the motion. Motion carried.

Councilmember Luke moved to re-appoint David McInay and appoint Scott McBrayer to the Parks and Recreation Advisory Board, both for three year terms expiring June 2014. Councilmember Doody seconded the motion. Motion carried.

**Council Comments**

Councilmember Pitts attended the District and State Lions Club Meetings on May 21, 2011, and attended his first Grand Junction Airport Authority Meeting on May 24, 2011. The tenants at the Airport and members of the Grand Junction Regional Airport Authority are going to meet to work out an agreement regarding the gates.

Councilmember Susuras reported that he and City employee Slade Connell drove approximately 50 miles on snowmobiles on the west end of Grand Mesa to ten different sites in order to measure snow depth and water content levels, all measured above average for this year. The information was then given to the Water Department for comparison to previous years.

Councilmember Boeschenstein mentioned that he and Council President Kenyon attended the Riverfront Ribbon cutting for the No Thoroughfare Wash Trail which is now

concrete. He also attended, along with others from Council, the State of the River Conference held on May 19<sup>th</sup> and on May 21<sup>st</sup>, the Colorado National Monuments 100 year celebration on May 24<sup>th</sup>. He attended the Chamber Afterhours and viewed the new Spring Hill Suites on May 26<sup>th</sup> and he attended the DDA meeting as a Board member, the Board discussed the Main Street progress and drove by the Handy Chapel where the roof has been restored on this historical site.

Councilmember Doody attended the Memorial Day Event along with Council President Kenyon at the Veterans Cemetery to honor our Veterans.

Councilmember Coons attended numerous ceremonies related to law enforcement and EMS ceremonies. She also attended Colorado Mesa University's Water Center Dedication and the Western Colorado Conservation Core Pay-off celebration as they were able to pay off their mortgage in record time. As a member of the Housing Authority, she discussed with the board the ability to provide more multi-family housing in Grand Junction.

Councilmember Luke said that, along with training and workshops, she had the opportunity to attend the Mesa State GED graduate ceremony and was able to talk to the graduates. She attended the JUCO Banquet and learned more of the history of JUCO and appreciated the opportunity to attend.

Council President Kenyon said the Riverfront Ribbon Cutting Ceremony was a lot of fun. He enjoyed the Ribbon Cutting at Wingate Elementary School for their growing gardens. The most moving for him was the Veterans Ceremony which honors the dedication and sacrifice our veterans have shown our Country, he thinks this is a great addition to our community. He attended the ceremony for the signing of a contract by the Governor of the State of Sierra State of Brazil with Reynolds Polymer for an aquarium. He also met with Senator Bennett and business owners to talk about employment, our future, and what government can do to help with fair trade markets in order for our businesses to compete.

### **Citizen Comments**

Woody Walcher, 3240 B ½ Road, addressed the City Council regarding the wording on "junk ordinances".

**ITEMS NEEDING INDIVIDUAL CONSIDERATION****Public Hearing—Carroll Rezone, Located at 1220 and 1240 Cannell Avenue** [File #RZN-2011-6665]

Request to rezone 0.35 +/- acres located at 1220 and 1240 Cannell Avenue from R-8 (Residential – 8 du/ac) to R-O (Residential Office) zone district in anticipation to develop and/or market the properties as mixed use office and/or multi-family residential.

The public hearing was opened at 7:20 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. He said this is the last of the remaining properties not owned by Mesa State in this area. He asked that the Staff Report and attachments be entered into the record. The request does meet the criteria of the Grand Junction Municipal Code. The Planning Commission forwarded a recommendation of approval at their April 26, 2011 meeting.

Councilmember Pitts asked if there was a public street present on the map. Mr. Peterson said yes, it is Cannell Avenue, which is a public street. The map has not yet been updated to reflect the right-of-ways being turned into easements.

Councilmember Boeschstein said it appeared, according to the Comprehensive Plan, that the City would treat the entire campus as one zoning district, Business Park Mixed Use. He asked why this is being treated differently than what the Comprehensive Plan recommends. Mr. Peterson responded that the Comprehensive Plan map and the Zoning map are two different things. The proposed zoning districts are allowed within this Business Parks Mixed Use District. Councilmember Boeschstein said it still appeared that the whole campus was to remain one zoning district. He then asked about consistent zoning throughout the campus. Mr. Peterson replied that, as Mesa State acquires properties, there will be discussions to re-subdivide the properties to make one property rather than a mixture of lots. It has also been mentioned that once there is acquisition of all properties, there be a mass rezone of the entire campus. Mr. Peterson agreed with Councilmember Boeschstein that it would be best to create one zoning district. Councilmember Boeschstein asked if Mr. Peterson was familiar with the University's Master Plan. Mr. Peterson said he has looked at the Master Plan, and it looks as though development will proceed towards the west. Councilmember Boeschstein asked if this would be consistent with the Master Plan. Mr. Peterson said this request is for two private properties and what is being proposed would also be consistent with the University's Master Plan.

Councilmember Coons asked if the new residence halls located above the store fronts on North Avenue are zoned C-1. Mr. Peterson said yes, C-1 and partially R-8 designation. Councilmember Coons asked if this all fits in the Comprehensive Plan and stated there already is different zoning on the property. Mr. Peterson said yes, according to the zoning map, what is being built is over the property lines, however, the University does not have to go through the City's review process as they are a State agency. There have been conversations to eliminate property lines and make it one zoning and one subdivision. Councilmember Coons asked if, in the future, this property was purchased by Mesa State, how difficult would it be to zone it consistent with the Master Plan? Mr. Peterson said it would be added to the list of legal descriptions to zone all the properties consistent with the Master Plan.

Councilmember Luke clarified if it was necessary to rezone these two properties in order for the University to acquire the properties, they could acquire them and then rezone the way they choose to. Mr. Peterson confirmed. Councilmember Luke asked what the cost is for the City to go through the rezone process. Mr. Peterson said that there would probably be a CSR designation on one application and that cost would be about \$460.

Councilmember Susuras asked if the neighborhood meeting consisted of neighbors across the street. Mr. Peterson said yes. Councilmember Susuras then asked if there were representatives from the University and were there any objections? Mr. Peterson said Mr. Wagoner was present from the University and there were no objections.

Councilmember Boeschstein asked, if this property were to be rezoned as a Community Service zone to be more consistent with the overall zoning, would the petitioner still be able to use the site residentially and commercially? Mr. Peterson replied that Community Service (CSR) and the Recreation Zoning District are for public institutions. There is also a requirement that the properties be one acre in size, these lots are less than 1 acre, and the properties are not currently adjacent to a CSR zone district. CSR designation would not allow for multi-family development.

Alicia Herring, Infill Development Partners, LLC, representing the applicant was present. Ms. Herring thanked Council for the consideration of private use of this property in an RO zoning district.

Derek Wagner, 1100 North 12<sup>th</sup> Street, the Director of Strategic Initiatives with Colorado Mesa University, said on the same day it was voted to rename the college it was also voted to adopt a Master Plan for the next 25 years. Based on what City Council and County Commissioners told them, it was decided to grow west towards 7<sup>th</sup> Street. They were also told that the City and County would help financially and otherwise as well. The 8,500 and growing student enrollment has had the college outgrowing the facilities. Mr. Wagner said the two subject properties are right in between two large residence

halls. He said that the map of the Master Plan shows future buildings on top of current residences which can make for delicate and awkward conversations with neighbors. There have been neighborhood meetings at least twice a year to explain the how, where, and why the University is growing. There have been meetings to try and acquire the properties and to-date those overtures have been re-buffed. The University would like to take a step back and reevaluate the Master Plan and Comprehensive Plan, look at the zoning of the campus and figure out how to get all three to mix as the University continues to grow over the next fifteen years.

The public hearing was closed at 7:40 p.m.

Councilmember Luke said she understands the goal is to grow towards the west, but she was unclear of the process of rezoning. Would rezoning come before Council every time the University acquires property? Scott Peterson, Senior Planner, said that when the University acquires property, it can remain the same zoning designation. The applicants are looking to market the property as an RO zone.

Councilmember Pitts moved to adopt Ordinance No. 4469 and ordered it published in pamphlet form. Councilmember Susuras seconded the motion.

Councilmember Pitts said he thought this was spot zoning and he is not in favor of spot zoning in this particular location.

Councilmember Boeschstein said he agreed with Councilmembers Pitts and Luke as it seems as though it is being rezoned in order to get a better price for the applicants. He thinks a rezone into Community Service for those properties needs to take place in order to have compatible zoning. He would like to cooperate with the University and be compatible with their Master Plan.

Council President Kenyon asked City Attorney Shaver if this is indeed considered spot zoning. City Attorney Shaver stated that the nature of spot zoning has a lot of misconceptions about where it is practically versus where it is legally. In terms of practicality it is considered spot zoning because it is different than the R-8 zoning surrounding the properties. Legally, it would be such a degree of incompatibility that would not make sense and cannot be integrated into the community. The courts would identify spot zoning in the legal term.

Councilmember Susuras said that the request meets the goals of the Comprehensive Plan 3, 4, 5, 6, and 7; there are no legal issues discovered by Staff. He cannot sit in judgments of the intentions of the applicant. He believes the applicant has a right to request a rezone to RO.

Councilmember Coons said she is conflicted. There is the issue of the University's Master Plan. There needs to be a rezone of several parcels on the campus even though the Comprehensive Plan shows mixed use. There is a presumption that these two properties will be owned by the University, she is against rezoning these properties at this time.

Councilmember Doody said that, although he agrees with Councilmember Susuras on the applicant's right to go through the process, he believes, in the near future, properties throughout will want to rezone as well. He asked if the State has to go through the City regarding their development process.

Council President Kenyon said that, although the State does not have to go through the City for development approvals, the University has almost always complied with City's Planning process. City Attorney Shaver concurred, stating generally speaking, in most cases the University has been supportive of the City's processes.

Councilmember Coons asked City Attorney Shaver about what other issues would there be aside from the zoning piece regarding a property owner trying to develop property sandwiched in between the residence halls. City Attorney Shaver said, assuming for the sake of discussion that the rezone issue passed, it would be subject to the City's permitting process. There would be some fairly restricted limitations with an RO zoning. Councilmember Coons asked about multi-family housing on the parcels. City Attorney Shaver said that is something that could be reviewed through the process depending upon the square footage and proposal.

Councilmember Boeschstein asked, under the Community Service zone, what types of services would be allowed? Mr. Peterson said the CSR zoning would not allow the multi-family development, it will allow for Colleges and Universities, Community Service Buildings, Museums, and general offices. CSR zoning is meant for public institutions. City Attorney Shaver added that the City used to have a Public Zone (PZ) and that was one of the only designations that was based upon ownership, and the CSR is a modification of that because it does look to an ownership component.

Councilmember Coons then asked Mr. Peterson, if multi-family is not allowed under a CSR designation, does this mean that the parcels with the Residential Halls at Mesa University which are zoned C-1 would not be able to be rezoned as CSR in any case? Mr. Peterson responded that again, Mesa University is a Public Institution and is allowed to have the CSR designation, and does not have to come through the City development regulations.

Motion failed by roll call vote 5 to 2 with Councilmembers Doody, Luke, Pitts, Boeschstein, and Coons voting NO.

Councilmember Boeschstein made a motion proposing to rezone the parcels to CSR to be consistent with the College Master Plan for the reasons stated to encourage the continued rezoning of all the College parcels to CSR and that the City understands the existing structures can be used residentially and for offices as they are even in the CSR zone. Councilmember Luke seconded the motion.

City Attorney Shaver commented that even though a motion can be made and considered, the Code does require minimum of one acre.

Council President Kenyon asked if CSR is a City Zoning Code or does CSR represent the State ownership of the College. City Attorney Shaver responded that generally it is reserved for public property.

Councilmember Boeschstein stated that by zoning those lots, there would be a pre-existing non-conforming use which means that if it was zoned that way and they didn't conform to all the CSR zoning regulations, they may be able to continue and not have to conform. The long term goal is a zone for the University that would be all encompassing and would respect the Master Plan.

Councilmember Susuras commented that this property is not owned by the University.

Councilmember Boeschstein, agreed, but stated there is a long term vision for the future of the University.

Councilmember Pitts asked if CSR land requirement is one acre, how can a CSR be approved as a non-conforming? City Attorney Shaver replied that it would have to be approved as non-conforming and this would have its own issues associated with it.

Council President Kenyon asked Mr. Peterson what the impact would be to the property owner if Council were to consider this motion. Mr. Peterson said the applicant did want the option to have the property zoned multi-family and this is not allowed in the CSR designation on private property. Council President Kenyon asked how big of a multi-family unit would be allowed? Mr. Peterson said there would have to be underground parking or a small apartment complex with parking in the rear.

There were no other comments.

Motion failed 4 to 3 by roll call vote with Councilmembers Susuras, Coons, Doody, and Kenyon voting NO.

**CONSENT CALENDAR**

Councilmember Susuras moved for approval and then read the Consent Calendar Items #2 through #9. Councilmember Pitts seconded the motion. Motion carried by roll call vote.

**2. Minutes of Previous Meeting**

*Action: Approve the Minutes of the May 16, 2011 Regular Meeting*

**3. Airport Grant for Master Plan Study of Terminal Area**

AIP-48 is a grant for \$382,958.00 to conduct an Airport Master Plan Study (Terminal Area Plan). The Supplemental Co-sponsorship Agreement is required by the FAA as part of the grant acceptance by the City. For additional information, please see the attached Detailed Project Summary.

*Action: Authorize the Mayor and City Attorney to Sign the Original FAA AIP-48 Grant Documents for Airport Master Plan Study (Terminal Area Plan) at the Grand Junction Regional Airport and Authorize the City Manager to Sign the Supplemental Co-sponsorship Agreement for AIP-48*

**4. Setting a Hearing on Modifications to Grand Junction Municipal Code Chapter 12.24, Commercial Use of Public Right-of-Way in Downtown Area, and Revision to the Outdoor Dining Lease**

The modifications to the Grand Junction Municipal Code and the revision to the outdoor dining lease will clarify requirements and provide a uniform standard for all outdoor dining areas. The proposed amendments will also update the event permit and news box standards in the Downtown.

Proposed Ordinance Amending Section 12.24 of the Grand Junction Municipal Code, Regulating Commercial Use of Public Right-of-Way in Downtown Area, to Revise Sidewalk Dining Regulations and the News Box Regulations

*Action: Introduction of a Proposed Ordinance and Set a Hearing for June 13, 2011*

**5. Outdoor Dining Lease for Nine 7 Oh Hospitality dba Spring Hill Suites, Located at 236 Main Street**

Nine 7 Oh Hospitality dba Spring Hill Suites is requesting an Outdoor Dining Lease for an area measuring approximately 47 feet by approximately 8.4 feet



directly in front of the new hotel property located at 236 Main Street. 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. The lessee intends for the outdoor dining area to be a raised platform.

Resolution No. 26-11—A Resolution Authorizing the Lease of Sidewalk Right-of-Way to Nine 7 Oh Hospitality dba Spring Hill Suites

*Action: Adopt Resolution No. 26-11*

6. **Federal Building Geo-Thermal Revocable Permit, Located at 400 Rood Avenue** [File #RVP-2011-733]

US General Services Administration is requesting a Revocable Permit to install 12 geo-thermal wells in the east/west and north/south alleys between North 4<sup>th</sup> Street and North 5<sup>th</sup> Street, between Rood Avenue and White Avenue, as part of the federally funded remodel taking place at the Wayne N. Aspinall Federal Courthouse located at 400 Rood Avenue.

Resolution No. 27-11—A Resolution Concerning the Issuance of a Revocable Permit to US General Services Administration for the Wayne N. Aspinall Federal Courthouse at 400 Rood Avenue

*Action: Adopt Resolution No. 27-11*

7. **2011 Sewer Line Replacement Project**

This request is for the contract award for the replacement of approximately 6,600 lineal feet of sewer main line, 2,200 lineal feet of sewer service line and 30 manholes due to age and condition. The majority of this project will be located between 15<sup>th</sup> Street and Linda Lane, north of and along Orchard Avenue.

*Action: Authorize the Purchasing Division to Enter into a Contract with M.A. Concrete Construction of Grand Junction, Colorado for the Construction of the 2011 Sewer Line Replacement Project in the Amount of \$614,446.95*

8. **Setting a Hearing on the Crossroads United Methodist Annexation, Located at 599 30 Road** [File # ANX-2011-712]

A request to annex 3.9 acres, located at 599 30 Road. The Crossroads United Methodist Annexation consists of one parcel, which includes 20,463 square feet of 30 Road Right-of-Way.

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

Resolution No. 28-11—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, Crossroads United Methodist Annexation, Located at 599 30 Road

*Action: Adopt Resolution No. 28-11*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Crossroads United Methodist Annexation, Approximately 3.90 Acres, Located at 599 30 Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for July 18, 2011*

**9. Setting a Hearing on the JR Enclave Annexation, Located at 247 Arlington Drive [File # ANX-2011-755]**

A request to annex 6.80 acres of enclaved property, located at 247 Arlington Drive. The JR Enclave consists of one (1) parcel and no public right-of-way.

Under the 1998 Persigo Agreement with Mesa County, the City is required to annex all enclaved areas within five (5) years. The JR Enclave has been enclaved since July 9, 2006.

**a. Notice of Intent to Annex and Exercising Land Use Control**

Resolution No. 29-11—A Resolution of the City of Grand Junction, Giving Notice that a Tract of Land Known as JR Enclave, Located at 247 Arlington Drive, Consisting of Approximately 6.80 Acres, will be Considered for Annexation to the City of Grand Junction, Colorado and Exercising Land Use Control

*Action: Adopt Resolution No. 29-11*

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, JR Enclave Annexation, Located at 247 Arlington Drive, Consisting of Approximately 6.80 Acres

Action: *Introduction of a Proposed Ordinance and Set a Hearing for July 18, 2011*

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

**Non-Scheduled Citizens & Visitors**

There were none.

**Other Business**

There was none.

**Adjournment**

The meeting was adjourned at 8:10 p.m.

Juanita Peterson, MMC  
Deputy City Clerk