

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

February 20, 2013

The City Council of the City of Grand Junction convened into regular session on the 20th day of February, 2013 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Laura Luke, Sam Susuras, and Council President Bill Pitts. Councilmember Tom Kenyon was absent. Also present were Deputy City Manager Tim Moore, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order. Councilmember Luke led the Pledge of Allegiance followed by the invocation by Reverend Dennis Finnan, A House for His Name.

Council Comments

Councilmember Boeschstein said he went to the Historic Preservation Conference in Denver and there was a Kathy Jordan table to recognize her contributions to historic preservation. He said Patrick Edelman with History Colorado, Teddy Jordan, Jr., Kristen Ashbeck, his daughter Breana Boeschstein, and himself were there.

Councilmember Boeschstein announced there is a bike and pedestrian conference coming up on March 8.

Councilmember Coons thanked the Staff for the Council Candidate Orientation that was held. It was really informative; she lauded Staff for the all the information they provided. All the candidates will be better informed about the City as a result of the presentations.

CONSENT CALENDAR

Councilmember Susuras moved to adopt and then read Consent Calendar items #1-9. Councilmember Doody seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meetings**

Action: Approve the Minutes of the February 6, 2013 Regular Meeting and the February 14, 2013 Special Meeting

2. **Setting a Hearing on Amending Wastewater and Industrial Pretreatment Regulations in Title 13 of the Grand Junction Municipal Code**

The City's Wastewater and Industrial Pretreatment Ordinance ("Ordinance") Chapter 13.04 has been revised to comply with federal Pretreatment requirements and to make the ordinance more user-friendly for the City's

regulated industrial and commercial customers. The changes also affect cross references in other sections of the Code.

Proposed Ordinance Repealing and Re-Enacting Section 13.04 of the Grand Junction Municipal Code Pertaining to Industrial Pretreatment Regulations to Incorporate Required Changes to the City's Legal Authority; and Amending Sections 13.12 and 13.16 to Reflect the Re-Enactment of Section 13.04

Action: Introduction of a Proposed Ordinance and Set a Hearing for April 3, 2013

3. **Setting a Hearing on Mesa County Workforce Annexation, Located at 512 29 1/2 Road** [File #ANX-2013-10]

Request to annex 10.129 acres, located at 512 29 1/2 Road. The Mesa County Workforce Annexation consists of 1 parcel and includes a portion of the 29 1/2 Road right-of-way.

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

Resolution No. 09-13—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, Mesa County Workforce Annexation, Located at 512 29 1/2 Road

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

Proposed Ordinance Annexing Territory to the City of Grand Junction, Colorado, Mesa County Workforce Annexation, Approximately 10.129 Acres, Located at 512 29 1/2 Road

Action: Adopt Resolution No. 09-13, Introduce Proposed Ordinance, and Set a Public Hearing for April 3, 2013

4. **Setting a Hearing on Amending the Policy Concerning Transportation Capacity Payments (TCP)**

An Ordinance amending Section 21.06.010(b)(2) eliminating the TCP for a change of use.

Proposed Ordinance Amending Section 21.06.010(b)(2) of the Grand Junction Municipal Code Concerning the Application of Transportation Capacity Payments for a Change in Use

Action: Introduction of a Proposed Ordinance and Set a Hearing for March 6, 2013

5. **6th Street Pedestrian Safety and Parking Improvements and Sewer Realignment Project, Along 6th Street between Grand and Ouray Avenues**

This request is to award a construction contract for the 6th Street Pedestrian and Parking Improvements and Sewer Realignment Project. The scope of the project consists of the construction of on-street diagonal parking, landscaping, new curb, gutter and sidewalk, and the realignment of sanitary sewer. The work shall be in conjunction with the Mesa County Library remodel. All improvements are located along the west side of 6th Street between Grand Avenue and Ouray Avenue.

Action: Authorize the City Purchasing Division to Sign a Contract with Sorter Construction, Inc. in the Amount of \$83,500 for the 6th Street Pedestrian and Parking Improvements and Sewer Realignment Project

6. **Purchase of Traffic Striping Paint for 2013**

The City's Transportation Engineering Division is responsible for applying 8000 gallons of white and yellow paint to the City's streets each year, striping centerlines on 400+ miles of streets and state highways. Utilizing the CDOT contract prices, the City is able to obtain the same unit prices as last year.

Action: Authorize the City Purchasing Division to Enter into a Purchase Order with Ennis Paint, Dallas, TX for the 2013 Traffic Striping Paint in the Amount of \$69,880

7. **CDBG Subrecipient Contract with Strive (formerly Mesa Developmental Services) for Previously Allocated Funds within the 2012 Community Development Block Grant (CDBG) Program Year** [File #CDBG 2012-10]

The Subrecipient Contract formalizes the City's award of \$14,080 to Strive allocated from the City's 2012 CDBG Program as previously approved by Council.

Action: Authorize the City Manager to Sign the Subrecipient Contract with Strive for the City's 2012 Program Year Funds

8. **Grant from Great Outdoors Colorado for Matchett Park Planning**

Parks and Recreation is seeking approval to apply for a \$75,000 Great Outdoors Colorado (GOCO) planning grant to assist with funding the Matchett Park master planning process. A resolution from the governing body with primary jurisdiction must be attached to all grant applications. The spring cycle of grants is due on March 6 with an award decision on June 11.

Resolution No. 10-13—A Resolution Supporting the Grant Application for a Planning Grant from the State Board of the Great Outdoors Colorado Trust Fund for Matchett Park

Action: Adopt Resolution No. 10-13

9. **Election Notice for the Regular Election April 2, 2013**

Both the Charter and the Municipal Election Code have specific content and publication requirements for the election notice. The proposed notice contained within the resolution being presented meets those requirements.

Resolution No. 11-13—A Resolution Setting Forth the Notice of Election for the Regular Municipal Election to be Held on April 2, 2013 in the City of Grand Junction

Action: Adopt Resolution No. 11-13

Citizen Comments

There were none.

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Public Hearing—Amend Section 21.07 of the Grand Junction Municipal Code to Add a Section 21.07.070, North Avenue Overlay Zone District [File #ZCA-2012-572]

This amendment to Section 21.07 will add an Overlay Zone District establishing zoning standards specific to properties abutting North Avenue from First Street east to I-70 Business Loop. The North Avenue Overlay Zone District contains three areas of emphasis including 1) Mandatory Standards required of all new development along the corridor; 2) “Opt-In” Standards for new development that chooses to develop under this section; and 3) the “Site Upgrade Point System” standards that provide a vehicle for a future incentive program when funding becomes available. The point system will be part of a financial incentive to property owners to improve the streetscape and their property along the corridor and implements the vision and goals of the City’s adopted North Avenue Corridor Plans and this North Avenue Overlay Zone District.

The public hearing was opened at 7:11 p.m.

Dave Thornton, Principal Planner, introduced this item. The Committee has been working on the Plan and the revitalization effort for North Avenue for a year. He described the area included in the effort and the properties along the corridor which would be affected by the Overlay District as proposed.

Mr. Thornton reviewed the history of planning in the area. Two plans have been adopted for the corridor, dividing the road into two stretches. In 2007 the North Avenue Corridor Plan was adopted and in 2011 the North Avenue West Corridor Plan was adopted. The Plans established the vision for the corridor. The vision is of a “complete street” that will include pedestrian, bicyclist, and transit users. Concepts of the “complete street” include wide sidewalks detached from the roadway, buildings located close to the street with pedestrian access, safe access to businesses from the street and sidewalks, safe and efficient transit stops, adequate lighting, and establishing the appropriate amount of landscape and hardscape.

An overlay zone creates a special zoning district over a base zone. An overlay zone adds to or changes the regulations and standards in order to revitalize the area.

Mr. Thornton then reviewed the elements of the proposed overlay district. They are: streetscape which emphasizes pedestrians; site design which promotes more building and less landscaping; right-of-way for all modes of transportation; incentives for redevelopment; removing barriers for redevelopment; and creating safe access to businesses.

Councilmember Susuras asked about removal of power lines and undergrounding of utilities. Mr. Thornton confirmed that is part of the plan.

Mr. Thornton then reviewed the three areas of emphasis: 1) Mandatory Standards which include the dedication of sufficient right-of-way; 2) the Opt-In Standards which are incentive-based such as reduced setback and landscaping requirements; and 3) a Site Upgrade Point System which gives points for a development accomplishing certain things.

Mr. Thornton then provided more detail on each of the areas of emphasis, starting with the Mandatory Standards. The Mandatory Standards are required in any development, no additional requirements are proposed. The current paved lanes would not change; the area to the north and south of the existing lanes is what would change with detached sidewalks, a park strips, and access to the businesses.

Councilmember Boeschstein said bike lanes were previously asked to be eliminated until some driveways are eliminated. Mr. Thornton responded that is true; a bike lane will not be striped unless the situation is safe for bike lanes.

Next, Mr. Thornton described the Opt In Standards which will reduce requirements if a developer designs the development in line with the vision, i.e., a more urban development pattern. Another option would be a decorative wall in lieu of plantings. By placing the parking in the rear, no street trees would be required. Another option is building the building close to the street. The setback requirement would be eliminated; in fact, the maximum setback would be ten feet. Eliminating front drive through lanes and narrow front parking lots are other options that give the developer benefits.

Councilmember Susuras asked if an existing development can remain as is. Mr. Thornton said yes and even new could be built in case the developer did not want to "Opt-In". Part of the plan is also to reduce access points into businesses to make the corridor safer.

Other standards for the Opt-In includes porticos and awnings on the front of the building.

Councilmember Luke asked about awnings being allowed over the sidewalks. Mr. Thornton said they are allowed to hang over the right-of-way by eight feet as long as they are the proper height.

Councilmember Luke asked at what point the corridor will be safe for bicycles. Mr. Thornton said they looked at the "complete street" concept to include all modes of transportation but including bike lanes would require further study. There may be portions that are safe and could be introduced initially. However, there is a lot of support in the community to eventually have bike lanes along North Avenue. No striping will take place until the corridor is overlaid and that is not planned for at least eight years.

Councilmember Luke said some business owners on North Avenue have expressed that they do not want bike lanes along North Avenue.

Councilmember Boeschstein agreed and thinks the bike lanes should be removed from the plan.

Councilmember Susuras noted the overlay district affects areas outside the paved areas, north and south of the driving lanes.

Councilmember Coons disagreed with removing bike lanes from the Plan, noting this is a vision. She felt the bike lanes should remain.

Council President Pitts asked Council to hold their discussion questions until after the presentation.

Mr. Thornton continued explaining the landscaping that would be required both with and without the Opt-In. The landscaping required with the Opt-In is less than 50% of the required landscaping.

The last area of emphasis was the Point Upgrade Incentives. The thought is that redevelopment would be contagious along the corridor. The Committee wanted a tool to establish a rating system. There are no funds available currently but this system will prioritize improvements. Mr. Thornton displayed the first and second priorities for development which included the elimination of access points.

Mr. Thornton emphasized that funding is not part of the overlay at this time; there are no funds available at this time. A policy document would also have to be put in place.

Mr. Thornton complimented the Committee for all the work and meetings they have had. Also a group of business and property owners have formed an association. Their collective mission is to create the overlay district, establish funding mechanisms, and through the program grant, design a streetscape that contains the long range vision of a "complete street".

Councilmember Coons apologized for commenting on the plan without disclosing that her husband is a business owner and part of the group so she should perhaps recuse herself.

Councilmember Doody said he is fine with Councilmember Coons participating.

City Attorney Shaver said there is no legal impediment to Councilmember Coons participating.

Councilmember Susuras inquired if the incentive plan would obligate the City Council, if they were to fund some requests and then ran out of money. City Attorney Shaver responded that it would be a budget item each year subject to annual appropriation, year to year.

Councilmember Coons recalled the situation with traffic calming incentive plan and thought this incentive program was better planned.

Councilmember Boeschstein thanked the Staff and the Committee for all their work. He is looking forward to the implementation of the plan.

Kevin Bray, North Avenue Steering Committee, credited Planner Dave Thornton and all the other Staff that supported the process. Regarding the bike lanes, it is more of a vision and not happening right away. All the meetings really boiled down to the public infrastructure and the safety along the corridor. The owners wanted a way to invest in the public infrastructure. He urged that the document be approved intact. It has been a long time coming; North Avenue has been neglected for a long time.

Debbie Allen, new business owner (Sweet Cakes) on North Avenue, said she is strongly in favor of the improvements. She asked about slowing the speed limit down on North Avenue, more like downtown speed limits.

Trent Prall, Engineering Manager, responded, stating that striping the bike lane would narrow the lane and would physically slow the traffic down. Adding volume to the medians will also slow traffic. It is 30 MPH from 1st Street to 12th Street, 35 MPH from 12th Street to 29 Road, and 40 MPH from 29 Road to I-70 B. Mr. Prall said that this is what has occurred with 12th Street.

Poppy Woody, who is partially responsible for the association being formed, and a business owner along North Avenue, thanked everyone involved for this new and invigorating action. She looks forward to working with it.

There were no other public comments.

The public hearing was closed at 8:15 p.m.

Councilmember Susuras was the Council representative and he thanked Dave Thornton for his leadership and the job he did. He also thanked the Committee members and the technical committee for all their work. He supports the Plan but has some questions. On October 1, 2012 Congress passed a transportation bill; North Avenue and other roads were added to the National Highway system. These roads do not meet current code. What will the federal government do to the Plan?

City Attorney Shaver said it is a concern to have things come from Washington. The Engineering Staff is working through it. No funds have come with the new designation. Right now, nothing has to be done. He does have concerns about the American Disability Act (ADA) and other issues already on the law books.

Engineering Manager Trent Prall said the entire infrastructure being installed is meeting the federal guidelines. As more standards are pushed out, that too is taken into account in the design concepts. It might make the design a little more onerous. The reason these corridors are looked at by the federal government is a road is not built to standards, it may create spillover onto federal highways.

Councilmember Susuras asked if the requirements come through the Colorado Department of Transportation (CDOT). Mr. Prall said yes, and the City works with CDOT very closely. Many of these roads have already been on the federal system.

City Attorney Shaver said the City's chief objective is to make sure the City is in compliance. The City has a good opportunity to continue its process without federal involvement.

Councilmember Luke thanked Councilmember Susuras for bringing that up as she too was concerned in the last four or five months since learning of this through her role on the Grand Valley Regional Transportation Committee (GVRTC).

Councilmember Boeschstein asked about the grant money.

Deputy City Manager Tim Moore said the grant is for the area between 12th Street and 23rd Street and is still available; the other piece may come later for the other improvements.

Councilmember Boeschstein asked about having no setbacks on the sideyards with adjacent incompatible uses. Mr. Thornton said yes, there would be a site plan review, and landscaping for the parking lots is still required.

Councilmember Doody said the timing is good. There is a measure on the ballot that includes retaining funds for transportation projects and North Avenue is included as one of the projects.

Ordinance No. 4564—An Ordinance Amending Section 21.07 of the Grand Junction Municipal Code to Add an Overlay Zone District for Property Abutting North Avenue between First Street on the West and I-70 B on the East

Councilmember Susuras moved to adopt Ordinance No. 4564 and ordered it published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Council President Pitts called a recess at 8:30 p.m.

The meeting reconvened at 8:37 p.m.

Public Hearing—Approval of a Five Year Extension of the Previously Approved Colorado Mesa University Outline Development Plan for Property Located at 2899 D 1/2 Road [File #ODP-2008-154]

A request for a five year extension from December 15, 2012 to December 15, 2017, for the previously approved Colorado Mesa University Outline Development Plan (ODP). The previously approved ODP allows multifamily residential, commercial, and industrial uses within four pods.

The public hearing was opened at 8:37 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request, which is to extend the approval until December 15, 2017.

Mr. Peterson detailed the history of the approval and how Colorado Mesa University (CMU's) plan was affected by the Comprehensive Plan adopted in 2010. He described the current Plan and what is allowed in the different pods. The Plan contains over 1,100 dwelling units in two of the pods. Maximum residential density would be 10.9 units per acre.

The owner is asking for an extension of the approval in hopes the market will improve. The applicant does want to develop under the approved ODP.

In conclusion, Mr. Peterson said the request meets the requirements of the Zoning and Development Code and meets the goals and policies of the Comprehensive Plan. The recommendation is to approve the extension.

Councilmember Susuras asked if the area is a Village Center under the Comprehensive Plan. Mr. Peterson said yes. Councilmember Susuras asked where the next closest Village Center is. Mr. Peterson said along North Avenue.

Councilmember Boeschstein asked if a school was ever considered for this site. Mr. Peterson said that schools are an allowed use; if the School District has interest, they can approach CMU.

Arne Butler with Colorado Mesa Real Estate Foundation expressed appreciation for the work of staff. They hope in the next five years they will have more detail for the development of this property.

There were no additional public comments.

The public hearing was closed at 8:44 p.m.

Ordinance No. 4565—An Ordinance Amending Ordinance No. 4314 Zoning the Colorado Mesa University Development to PD (Planned Development) to Extend the Development Schedule Until December 15, 2017, Located at 2899 D 1/2 Road

Councilmember Coons moved to adopt Ordinance No. 4565 and ordered it published in pamphlet form. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

Public Hearing—Feuerborn Annexation and Zoning Located at 2902 and 2906 D Road [File #ANX-2012-518]

A request to annex and zone 2.69 acres, located at 2902 and 2906 D Road. The Feuerborn Annexation consists of two parcels, including portions of the 29 Road and D Road rights-of-way. The total annexation area contains 3.40 acres of which 0.71 acres or 30,826 sq. ft. is right-of-way. The requested zoning for the 3.40 acre Feuerborn Annexation is a C-1 (Light Commercial) zone district.

The public hearing was opened at 8:47 p.m.

Scott D. Peterson, Senior Planner, presented this item. He described the site, the location, and the request. The applicant is requesting a zone district that will implement the Village Center. The character and conditions of the area will change in the future as more properties begin to annex with a mix of uses. Existing land uses are large acreage with single family homes; this is not supported in the Comprehensive Plan. The community will benefit with the consistent application of the Comprehensive Plan. It will provide an opportunity for a range of types of development.

In conclusion, the request is consistent with the Comprehensive Plan and it meets the Zoning and Development Code requirements. The recommendation is to annex the property and zone as requested. The applicant is not in attendance but does concur with the recommendation.

There were no public comments.

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

Resolution No. 12-13—A Resolution Accepting a Petition for Annexation, Making Certain Findings, Determining that Property Known as the Feuerborn Annexation, Located at 2902 and 2906 D Road, and Including Portions of the 29 Road and D Road Rights of Way, is Eligible for Annexation

Ordinance No. 4566—An Ordinance Annexing Territory to the City of Grand Junction, Colorado, Feuerborn Annexation, Approximately 3.40 Acres, Located at 2902 and 2906 D Road

Ordinance No. 4567—An Ordinance Zoning the Feuerborn Annexation to C-1 (Light Commercial) Located at 2902 and 2906 D Road

Councilmember Susuras moved to adopt Resolution No. 12-13 and Ordinance Nos. 4566 and 4567 and ordered them published in pamphlet form. Councilmember Luke seconded the motion. Motion carried by roll call vote.

Public Hearing—Amend the Grand Valley Circulation Plan, a Part of the Comprehensive Plan, Located Generally North of I-70 Business Loop Between 28 and 28 1/4 Roads [File #CPA-2012-584]

A request to amend the Grand Valley Circulation Plan on and near the property (35.8 acres) located generally north of I-70 Business Loop between 28 and 28 1/4 Roads to add two future collector streets and an unclassified street in the area to improve future capacity, connectivity, and circulation.

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

Trent Prall, Engineering Manager, presented this item. He described the location and the request, which is an amendment to the Grand Valley Circulation Plan. He briefly reviewed the overall plan using a map of the entire Plan. The Plan is modeled through the Regional Transportation Office and reviewed by that staff. The document is used to communicate to developers, property owners, and potential owners where future corridors may be.

Mr. Prall then focused on the specific area called Salt Flats. It is an undeveloped area since the race track that was there has closed. The Comprehensive Plan shows it as high residential use and a mixed use. A principal arterial is to the west (28 Road). The change will require a new intersection at I-70 B and eliminate a current intersection. The change will help with connectivity and circulation. Grand Avenue will bisect the property and will line up with Chipeta Avenue and will allow for stacking on 28 1/4 Road for the signal to change. Gunnison Avenue will be a collector road and will serve the parcel as well as an adjacent parcel.

Staff finds that the review criteria has been met and addressed and the Plan meets the goals of the Comprehensive Plan. The recommendation is to approve.

Councilmember Susuras asked if Grand Avenue will continue to I-70 B. Mr. Prall said it will not but it will go north and line up with Chipeta Avenue.

Councilmember Luke asked about another road indicated in yellow. Mr. Prall said that is just for connectivity.

Councilmember Boeschstein asked if there is a plan for a smoother transition for Gunnison Avenue with this change. Mr. Prall said there is not; there is no bridge over the canal there. There is thought for a pedestrian bridge. This is the plan the Staff and the developer agreed upon. Councilmember Boeschstein said that Gunnison is a bike route so a pedestrian bridge could work.

Ted Ciavonne with Ciavonne and Roberts, representing the owner, recalled the last time he was before Council about a zoning and Comprehensive Plan conflict on this property and how this is a stepping stone for the resolution of that conflict. He asked that Council adopt the amendment.

There were no other comments.

The public hearing was closed at 9:05 p.m.

Councilmember Coons asked about this affecting the resolution of the conflict mentioned by Mr. Ciavonne. Mr. Prall said it will help serve the property better.

Ordinance No. 4568—An Ordinance Amending the Comprehensive Plan of the City of Grand Junction to Amend the Grand Valley Circulation Plan for the Area Located Generally North of I-70 Business Loop Between 28 and 28 1/4 Roads

Councilmember Susuras moved to adopt Ordinance No. 4568 and ordered it published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

There were none.

Other Business

There were none.

Adjournment

The meeting adjourned at 9:07 p.m.

Stephanie Tuin, MMC
City Clerk