

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

October 19, 1994

The City Council of the City of Grand Junction, Colorado, convened into regular session the 19th day of October, 1994, at 7:35 p.m. in the City/County Auditorium at City Hall. Those present were Linda Afman, Jim Baughman, Bill Bessinger, Ron Maupin, Reford Theobald and President of the Council R.T. Mantlo. John Tomlinson was absent. Also present were City Manager Mark Achen, Dan Wilson and City Clerk Stephanie Nye.

Council President Mantlo called the meeting to order and Councilmember Baughman led in the Pledge of Allegiance. The audience remained standing during the invocation by Rev. Dan Dudley, First Church of God.

REAPPOINTMENTS TO ZONING AND DEVELOPMENT CODE BOARD OF APPEALS

Upon motion by Councilmember Theobald, seconded by Councilmember Baughman and carried, Lewis Hoffman and William E. Putnam were reappointed to three-year terms on the Zoning and Development Code Board of Appeals.

JIM GOLDEN ADDRESSES THE CITY COUNCIL REGARDING THE RESOURCE CENTER

Mr. Jim Golden, Norwest Bank Building, Suite 400, Grand Junction, provided copies to City Council of Page 1 of the October 4, 1994, Grand Junction Planning Commission meeting agenda. Mr. Golden stated that he is representing citizens that appealed a decision of the Grand Junction Planning Commission on October 4, 1994 granting a special use permit to the Resource Center for the property at 1003 Main Street, known as the Lattimer House. He requested that Council grant these citizens a hearing before the City Council on the issue which they have appealed. Mr. Golden owns the property at 1006 Main Street, known as the Ela House. He attended the meeting as a property owner, not as an attorney, to state his objection to the proposed special use permit for The Resource Center. He feels the proposed use of the Lattimer House would negatively affect the value of his property. He also had concerns over the amount of off-street parking. Mr. Golden left town on October 9, and returned to his office on October 18. One of his neighbors contacted him stating that the City Attorney had recommended that the Council deny these citizens a right to a hearing on the basis that these citizens had not complied with the rules governing appeals of Planning Commission actions. Mr. Golden agrees with the opinion of Assistant City Attorney John Shaver that the Zoning Code states the Planning Commission

decisions as to conditional use, subdivision, and planned developments may be appealed as a matter of right. This process is initiated by filing a Notice of Appeal with the Community Development Department. He also agrees with Mr. Shaver that any action of the Planning Commission may be appealed by requesting a member of the City Council to place the item on the City Council's agenda for hearing. He disagrees with Mr. Shaver on whether these provisions are applicable to the circumstances of this case. Mr. Golden feels that there are no rules governing this particular situation. He feels the City Council has power to correct a potential injustice by granting these citizens a hearing. He stated that the Planning Commission Chairman made the following statement at the October 4, 1994, Planning Commission meeting: "On the following items, the Grand Junction Planning decisions will be final and also appealed to the City Council. Appeals may be filed in writing with the Community Development Department staff within three days of this meeting, and may be entered into the record of this hearing following the vote on the item." One of the agenda items was the subject of appeal filed by the these citizens. They complied with the directions given by the Chairman of the Planning Commission, and filed an appeal in writing with the Community Development Department staff within three days of October 4, or by Friday, October 7, 1994. In the following weeks these citizens were stunned to learn that by following the advice and directions given by the Chairman of the Planning Commission, they had not perfected an appeal, and they would not be entitled to a hearing before the City Council on the Resource Center's application. Mr. Golden stated that there is nothing in the Zoning Code that directs the Chairman to give legal advice to citizens on what procedures they should follow. He feels these citizens were misinformed by a public body. He feels it is inappropriate for the City of Grand Junction, acting through its Planning Commission, to advise its citizens on the procedures to appeal a Planning Commission action, and then for the City of Grand Junction, acting through its City Council, to deny the citizens a hearing on their appeal because the citizens followed the advice of the Chairman of the Planning Commission. Mr. Golden and Assistant City Attorney John Shaver agree that the City Council does possess plenary powers and may exercise its discretion and grant these citizens a hearing on their appeal.

City Attorney Dan Wilson responded that the term plenary power means that as a home-rule city, acting through the Council, the Council can regulate many areas that counties and some other cities cannot. He stated that the Code allows for a condition when it is felt that an administrator has misjudged, that an

appeal can be made to the Planning Commission. He did not feel that a chairman reading from an agenda could be construed as giving legal advice. The chairman is a volunteer, pro bono citizen. Mr. Wilson explained that there is one opportunity only when appealing a special use permit. He now feels that the final decision rests with the Planning Commission, which originally heard the facts and analyzed the application, and not the City Council.

Councilmember Theobald felt that this is an unusual situation, and when a Staff error occurs, it does not create new law.

City Attorney Wilson stated that the petitioners do have a right to appeal through the District Court.

Mr. Golden stated that the exercise of plenary power is an exercise of discretion. The only time the Court is going to challenge City Council's exercise of discretion is if it has abused its discretion. Someone would have to show that it was an abuse of the City Council's discretion to grant Mr. Golden's request for a hearing. He does not feel, based on the record that has been made, any Court will find that City Council has acted capriciously, arbitrarily, and abused its discretion. City Council need not fear the Court challenging the process of permitting these citizens to have a hearing. Mr. Golden stated that he is looking for fairness, not legal technicalities. He feels it is better to resolve matters at a hearing where people have an opportunity to speak, than on a technicality.

President of the Council Mantlo stated that the Code provides that a special use permit is handled differently than a normal appeal of a Planning Commission decision in that one City Councilmember must be contacted within three days of the decision to obtain consent to place it on the City Council agenda. At the same time, the citizens have a right to appeal it to District Court, and the judge can review the items that were discussed at the hearing, and determine if they have a legitimate complaint.

City Attorney Wilson reminded Council that it does not have the power to authorize a hearing. Yet Council can do whatever it sees fit. He does not feel it would have any legal affect.

After much discussion by City Council, it was moved by Councilmember Baughman that City Council hear the appeal of these citizens. The motion lost for lack of a second.

President of the Council Mantlo stated there would be no appeal

except through District Court.

CONSENT ITEMS

Upon motion by Councilmember Maupin, seconded by Councilmember Theobald and carried by roll call vote with Councilmember **BESSINGER** voting **NO** on Item 12, the following Consent Items No. 1-15 were approved:

1. **Approving** the minutes of the Regular Meeting October 5, 1994
2. *** Resolution No. 92-94** - A Resolution Establishing a Cross-Connection Control Program and Policies to Require Adequate Backflow Prevention

The most important document needed for an effective cross-connection control program is a local ordinance or resolution for the enforcement of the cross-connection control and backflow prevention as outlined by the Colorado Department of Health. This will enable the City to protect the distribution system from potential cross connections without having to rely on the enforcement arm of the Department of Health.

3. **Proposed Ordinance** - An Ordinance Amending Chapter 25, Article 9, Section 25-44 of the Code of Ordinances Regarding Restaurant Grease Traps and Assessment of Fees for Non-Compliance

This action shall increase the monthly sewer rate for restaurants that are unable to install adequately sized grease traps due to the lack of available space needed for tank placement. It will also offset the additional expense incurred by the city in dealing with grease associated problems in the sewer system, i.e., emergency callouts, additional preventative maintenance, and private citizen damage claims.

- a. **First Reading** of proposed ordinance

4. **Authorizing** the City Manager to Sign a Contract for Engineering Services with Williams Engineering in the Amount of \$50,300 for the Designs of the Rosevale and the 26 Road Sewer Trunk Line Extensions

The City Council and Mesa Co. Commissioners have approved two

Sewer Trunk Extension projects for 1995. In house staff does not have adequate time to design the projects. It is necessary to hire a consultant to perform that phase of the project.

5. **Authorizing** the City Manager to Sign a Contract for Engineering Services with Rolland Engineering in the Amount of \$20,880 for the Design of the Sewer Line for Highway 6 & 50 Special Sewer Improvement District

This improvement district was approved by the City Council on September 21, 1994. The project is one in which there will be some citizen participation in addition to working with the railroad, Ute Water and the CDOT. Estimated cost of construction of the project is \$267,000 which includes engineering and a 10% contingency.

6. **Approving** Addendums II and III to the City Agreement with the Ute Water Conservancy District Regarding Fire Line Upgrades and Costs Thereof for the Construction of Water Lines Along the North Side of Highway 6 & 50 and Along Commerce Boulevard

Ute Water is required by the August 17, 1993 agreement between the City and Ute Water to supply the City with design and cost information pertaining to the installation of fire protection upgrades in areas of the City where Ute is the water purveyor and the existing lines are inadequate for fire protection. On October 5, Ute Water sent a letter to the City Public Works Director requesting that the City Council approve addendums to the project as reference above. The proposed lines are located along the northerly edge of Highway 6 & 50 between Big O Tire east to Brewer Tire, approximately 2800 feet, and on Commerce Boulevard from 25 Road approximately 1150 feet west.

7. **Proposed Ordinance** - An Ordinance Rezoning Land Located at the North End of Pine Street adjacent to the West Boundary of Orchard Mesa Middle School, from RSF-8 to PZ [File #153-94]

Request for a rezone of property located at the north end of Pine Street, west of Orchard Mesa Middle School, from RSF-8 (Residential Single Family, not to exceed 8 units per acre) to PZ (Public Zone).

- a. First Reading of proposed ordinance

8. **Proposed Ordinance** - An Ordinance Zoning the Wingate School

Property to PZ [File #98-94]

The South Camp Annexation included the Wingate Elementary School located at 334 South Camp Road adjacent to the Canyon View Subdivision. Since the school is owned by School District 51, a public entity, and the Public Zone (PZ) provides for uses and facilities in the ownership or control of federal, state, and local governments or political subdivisions, the Public Zone is the most appropriate zoning designation. The City is required to establish a zoning for the annexation. The proposed zoning is PZ.

a. First Reading of proposed ordinance

9. **Proposed Ordinance** - An Ordinance Zoning The Seasons at Tiara Rado, Part of the South Camp 1, 2 & 3 Annexation, to PR-4.4 [File #154-94]

The Seasons at Tiara Rado, located on South Broadway in the Redlands, adjacent to the Tiara Rado Golf Course, was recently annexed into the City. As part of the annexation process, the City must designate zoning for the project within three months of the effective date of the annexation. Staff recommends a Planned Residential (PR) for this property.

a. First Reading of proposed ordinance

10. **Proposed Ordinance** - An Ordinance Zoning the Canyon View Subdivision to PR-2 [File #155-94]

The Canyon View Subdivision was the subject of an annexation agreement between the City of Grand Junction and the developer, John Thomas. Terms of that agreement include that the City acknowledge the Outline Development Plan approved by Mesa County and that a 4.5 acre parcel adjoining Wingate Elementary School be deeded to the City no later than January 1, 1998. The ODP was approved by the City of Grand Junction Planning Commission at its hearing on October 11, 1994. A zone of annexation of PR-2 was recommended in conjunction with that approval.

a. First Reading of proposed ordinance

11. **Proposed Ordinance** - An Ordinance Zoning Climax Mill Enclave

#1 Annexation to PC [File #111-94]

The Climax Mill Enclave is located along the south side of Kimball Avenue between 9th Street and 15th Street. The area is surrounded by Heavy Industrial (I-2) to the north, west and east. Directly to the south is the State of Colorado property where Colorado State Parks is planning to construct a park along the Colorado River. The City is required to establish zoning for the annexation. The proposed zoning is Planned Commercial (PC).

12. **Proposed Ordinance** - An Ordinance Amending Section 5-4-15 of the Zoning and Development Code, Landscaping in the Right-of-Way [File #1-94(H)]

A proposed amendment to the Zoning and Development Code regarding landscaping the right-of-way. This item was referred back to staff for further study at the August 3, 1994 City Council meeting.

- a. First Reading of proposed ordinance

13. **Proposed Ordinance** - An Ordinance Amending Section 5-1-9 of the Zoning and Development Code, Home Occupations [File #1-94(P)]

A proposed amendment to the Zoning and Development Code regarding the frequency of customer/client visits, traffic and deliveries to home occupations.

- a. First Reading of proposed ordinance

14. **Proposed Ordinance** - An Ordinance Amending Sections 4-3-4, 4-13-1.A., 4-13-1.G., 5-7-3, and 5-7-4 of the City of Grand Junction Zoning and Development Code Pertaining to Temporary Uses and Temporary Signs [File #1-94(S)]

Community Development Department staff is proposing amendments to the Zoning and Development Code to clarify elements of the temporary use and temporary sign regulations.

- a. First Reading of proposed ordinance

15. **Approving** the 1995 Animal Control Contract with Mesa County Health Department in the Amount of \$96,701

* * * END OF CONSENT CALENDAR * * *

* * * ITEMS NEEDING INDIVIDUAL CONSIDERATION * * *

RESOLUTION NO. 93-94 DECLARING THE GRAND JUNCTION CITY COUNCIL'S
OPPOSITION TO AMENDMENT 12, WHICH WILL APPEAR ON THE NOVEMBER 8,
1994 GENERAL ELECTION BALLOT - ADOPTED JOINTLY WITH THE CITY OF
FRUITA, TOWN OF PALISADE, TOWN OF COLLBRAN, TOWN OF DE BEQUE, CITY
OF DELTA AND CITY OF MONTROSE

Upon motion by Councilmember Theobald, seconded by Councilmember Maupin and carried by roll call vote, Resolution No. 93-94 was adopted.

RESOLUTION NO. 94-94 REFERRING A PETITION TO THE CITY COUNCIL FOR
THE ANNEXATION OF LANDS, IN A SERIES, TO THE CITY OF GRAND
JUNCTION, COLORADO, AND SETTING A HEARING ON SUCH ANNEXATION -
VILLA CORONADO ANNEXATIONS NO. 1, 2, AND 3

All four property owners of Lots 1 through 4 in Villa Coronado Subdivision have requested annexation by the City. They have all signed Powers of Attorney for annexation within the last week. Staff requests that the City Council approve the resolution referring the petition for the Villa Coronado Annexations 1, 2 & 3. This item was reviewed by Dave Thornton, Community Development Department. He stated that this is a 100% petition. The property owners of four lots on Villa Street have requested that they be annexed into the City. Mr. Green, one of the property owners, called Mr. Thornton to ask what the procedure would be to get their property annexed into the City of Grand Junction. Two of the property owners had already signed Powers of Attorney for this annexation petition. They are requesting annexation because of the movement for incorporation of Clifton. They do not want to be part of that movement. They want to be a part of Grand Junction. He stated that this is a serial annexation.

Public Works Director Jim Shanks stated that this annexation is a serial of three. The first two are actually one-fourth contiguous with the city, and the third and final is slightly more contiguous. The first two annexations in this serial have the effect of creating additional contiguity. The first Villa Coronado #1 has a total perimeter of distance of 8005 feet, and the contiguous perimeter is 2001 feet; it is 25% contiguous. Villa Coronado #2 has a total perimeter of distance of 24,031 feet, and a contiguous perimeter of 6007 feet; it is 25%

contiguous. Villa Coronado #3 has a total perimeter of distance of 121,514 feet, and a contiguous boundary of 34,113 feet; it is 28% contiguous. All three are much greater than the one-sixth requirement.

Mr. Thornton stated that he has signed an affidavit in support of findings pursuant to C.R.S. 31-12-104 which talks about annexation and whether a property is eligible to be annexed. As a professional planner, and in reviewing the petition, Mr. Thornton believes that a proper petition has been signed by 100% of the owners, and that the property described is the same as the area described, not less than one-sixth of the perimeter of the area to be annexed is contiguous with the existing City limits (through a serial annexation), there is a community of interest existing between the area to be annexed and the City, the area to be annexed is urban, it is practically, or already integrated with the City, that no land held in identical ownership is being divided by this proposed annexation without written consent of the landowners thereof, that no land held in identical ownership, comprising twenty acres, or more, with a valuation of \$200,000, or more, for tax purposes is included without the owners' consent.

Upon motion by Councilmember Afman, seconded by Councilmember Theobald and carried by roll call vote with Councilmember **BAUGHMAN** voting **NO**, Resolution No. 94-94 was adopted.

City Attorney Wilson announced that a hearing will be held on December 7, 1994, at 7:30 p.m. in the City/County Auditorium, at which time the first reading of the ordinance annexing will occur. The hearing on the merits of the annexation will be held on December 21, 1994.

CONTINUATION OF PUBLIC HEARING - APPEAL OF PLANNING COMMISSION DENIAL OF A REZONE REQUEST FOR GRAND VALLEY NATIONAL BANK AT 925 N. 7TH STREET FROM RMF-32 TO PB (PLANNED BUSINESS) - CONTINUED FROM SEPTEMBER 21 AND OCTOBER 5, 1994 - APPEAL DENIED

No comprehensive plan exists for the area. The "Downtown Residential Neighborhood Guidelines" and the "7th Street Corridor Guidelines" discourage further "encroachment of non-residential uses into existing residential areas."

Michael Drollinger, Community Development Department, reviewed this item, stating that the petitioner is requesting a rezone and a final plan approval to construct a drive-up bank facility to be located on the southeast corner of 7th Street and Teller Avenue. The half-acre parcel is currently zoned RMF-32 (Residential Multi-

Family) permitting up to 32 units/acre. The applicant is requesting a rezone of the property to Planned Business. The original proposal has been modified down to include three drive-up lanes with two lanes reserved for future expansion. The east driveway has been eliminated on Teller per Staff's request. The applicant is also proposing widening the alley from 15 to 20 feet. The Planning Commission has made its decision to deny the application based on the modified proposal.

Mr. Drollinger expanded on the reasons why Staff is recommending denial of this rezone. It raises some complex issues. He stated that this rezone application would:

1. Permit further encroachment of commercial uses in what is a predominantly residential area, adversely impacting the integrity and the character of the downtown residential neighborhood and nearby historic district;
2. Set a precedent for further encroachment of commercial uses into the downtown residential core.

Staff believes that residential development is the most appropriate development for this particular property, and supports retention of residential zoning. The site offers an opportunity for residential infill development to address the well documented need for multi-family housing in the community. The site also has the benefit of being located close to services with established infrastructure to serve the site.

Regarding Plans and Policies, while there is no adopted comprehensive plan for the subject area, the City's planning objectives and policies have been expressed in two planning documents: (1) The 7th Street Corridor Guidelines, and (2) The Downtown Residential Neighborhood Guidelines. The guidelines do address both growth and zoning issues in the area. They apply to the subject parcel and provide specific policy statements which recommend against further encroachment of non-residential uses into existing residential neighborhoods. The guidelines were developed as a result of past non-residential development conflict in the downtown residential area. Mr. Drollinger feels these guidelines are not only applicable, but appropriate.

Regarding Land Use and Zoning, the downtown residential area (Belford Avenue on the north, Ouray Avenue on the south, 2nd Street to 11th Street) is predominantly residential in use and almost exclusively residential in zoning. The integrity of this residential area is critical to maintain a sense of neighborhood

character and cohesion, and to maintain the attractiveness and value of the area. The continued encroachment of non-residential uses into this cohesive area will have an adverse impact on the uses and zoning, and will result in the loss of potential multi-family housing sites near the downtown.

The proposal being considered tonight is more intense than what is permitted under the current zoning. The current RMF zoning would allow a maximum of 16 units on the subject half-acre parcel. When setback and parking requirements are factored in, he estimated that no more than 7-10 units could be built on the subject parcel, generating 70-100 auto trips per day.

An analysis of the development trends in this area shows that there have not been many new homes constructed in the downtown area based on the limited land area available. There has been a clear trend toward restoration and renovation of existing homes. Mr. Drollinger feels that preservation of the integrity of the downtown residential area will continue to support the current trends toward restoration and renovation in the area.

Staff believes that the direction that the business growth should take in this area should be established within business zoned areas, not further into residential areas.

Councilmembers Afman and Maupin stated for the record that they are customers of Grand Valley National Bank.

Mr. Drollinger stated that in 1928 all of 7th Street north of Teller was zoned Residential. This area was still Residential in 1946, and then rezoned in 1968 to business zoning (both east and west sides).

Those speaking regarding this rezone were as follows:

1. Ralph Jenkins, architect, 1000 N. 9th Street, Suite 35, Grand Junction, spoke representing Grand Valley National Bank. He stated that the bank has been a member of the downtown neighborhood for approximately 11 years. The present facility was located on the north half of the site. They had few staff, only one drive-up lane. In 1988 the site was expanded, and again in 1992. The bank's intention is to improve its service to its customers. The proposal is two-fold; it goes together with the bank and Sutton Printing. Sutton Printing employees park all over Teller Avenue. This proposal would enable 11 of Sutton's employees to park on-site. The bank is attempting to transfer its drive-in

traffic from the northwest lot to the southeast lot.

2. Mr. Paul Briardy, Chairman of the Board of Directors of Grand Valley National Bank, stated that the bank is one of two locally owned community banks in Mesa County. The bank lends to small businesses and serves small consumers. It provides personal service. The bank has grown steadily, with 17 employees growing to 30 employees. Mr. Briardy presented statistics regarding the bank's loans. He stated the bank is profitable which means it has staying power. He proposed turning the southeast parcel into a parking lot (46 spaces), allowing the bank to expand its existing building 6000 square feet. Eleven of the new parking spaces would belong to Sutton Printing. The proposal would reduce parking on the street. The alternative would be a vacant lot or multi-family housing which would generate more traffic, light and noise at night, and more on-street parking. The parking lot would be beautifully landscaped, and perhaps bounded by a 4-foot wall with decorative lamps, etc.

Councilmember Theobald questioned how testimony can be received regarding this new plan which the residents of the area have not been subjected to.

Councilmember Maupin felt that infill in the downtown area is very important. He is hoping that something can be worked out that can benefit everyone in the area. He would like to see an attractive corner instead of a vacant lot.

President of the Council Mantlo is hoping to have something more than rocks and weeds on the corner.

Councilmember Bessinger felt that traffic will increase no matter which property the bank uses for expansion.

Those speaking against the proposal:

1. Ms. Betty Fulton, 634 N. 5th Street, stated that she does not want to see Residential zoning changed to Business zoning. She simply does not want business encroachment, which she feels ruins the neighborhood. She did not feel that an unsightly pile of rocks and weeds should necessarily force the residents into allowing a zoning change. She agreed that any building on the parcel would be more sightly. She felt that no matter which direction into residential area the bank planned to expand, it would still run into resistance from

the residents.

Councilmember Afman asked if the property was rezoned for a parking lot use, would anything other than parking be allowed.

Mr. Drollinger stated that zoning a piece of property for parking would not ensure keeping it parking only, and perhaps later on a business could be built on it.

Community Director Larry Timm stated that in order to create a zoning where only parking would be allowed, the vehicle would be a Planned Business Zone, and the plan was a parking lot, and that was the only use for the zone.

2. Mr. Bruce Kronkrite, 732 Hill Avenue, stated that he has not been contacted personally by Grand Valley National Bank asking for his opinion. He is concerned about his property value and quality of his property. The current traffic on the alleyway adjacent to his property is heavy. Additional traffic will be a detriment to his property. The parking lot lights will be annoying for 30 years until the trees grow high enough to camouflage the fluorescent lighting. Tonight is the first he has heard of a parking lot. With no specifics made by the bank regarding the parking lot tonight, Mr. Kronkrite feels it is impossible form an opinion. He felt it is appropriate for the Planning Commission and the City Council to draw a line, and say there must be orderly growth. He feels this variance will have many negative impacts on this neighborhood and his personal quality of life. He requested that City Council uphold the opinion of the Planning Commission and deny this request.
3. Mr. Perry Patrick, 621 N. 7th Street, stated that no matter what the parking lot would look like, it would not help the historic district at all. He feels that 46 spaces would look like a used car lot. He stated that he was not contacted personally by the bank. He received a brochure only.
4. Nancy Edgington, 707 N. 7th Street, stated that there is also a vacant lot located to the northeast of the bank property. She questioned why the bank is not looking at that commercial property for expansion. She stated there are other vacant commercial properties in the area.
5. Mr. Teddy Jordan, 735 Teller Avenue, lives directly east of where the bank wants to build. His concern is the increased commercial traffic generated by the cars using the drive-

through. He feels the alleyway would be used as an exit and entrance. He is concerned with the safety of his two small children and other children in the neighborhood due to the heavy traffic.

6. Mr. Pat Olson, 505 N. 7th Street, stated that the subject property is the remaining most contiguous area in the historic district. His mother-in-law lives immediately south of him at 445 N. 7th Street. They both received the brochure regarding the bank's plans. The correspondence left the impression that if the bank's request for a rezone does not pass, the subject property will remain zoned RMF-32, and would probably be best suited for student housing for Mesa State College students. He did not appreciate the bank's tactics. The length of this consideration also concerns him. He feels it has been chaotic.
7. Ms. Nancy Seamon, 710 Hill Avenue, lives directly south of the property in question. She finds it difficult to back out of her garage onto the alley with the heavy traffic. Increased traffic will impact her even more so. The existing alleys in the area are used heavily by drivers other than the residents.

There were no other public comments. The President of the Council closed the hearing.

Upon motion by Councilmember Theobald, seconded by Councilmember Bessinger and carried, the appeal was denied.

Mr. Briardy expressed his appreciation to Council for a fair hearing, the time and effort of Staff and Council, and the sincerity of the bank's neighbors.

CONTINUATION OF PUBLIC HEARING - ORDINANCE NO. 2777 AMENDING SECTION 5-1-4 AND SECTION 12 OF THE ZONING AND DEVELOPMENT CODE, CONCERNING THE SURFACING OF VEHICULAR TRAFFIC AREAS - CONTINUED FROM SEPTEMBER 21 AND OCTOBER 5, 1994

A proposed amendment to the Zoning and Development Code to define paving requirements for vehicular traffic areas and to delete the definition of "Dust Free." As per Council direction, the proposed ordinance has been supplemented to permit the development of temporary surface parking areas.

Michael Drollinger, Community Development Department, reviewed the modification of the original amendment to permit temporary surface parking areas. Temporary surface parking areas are typically a

transitional use for a site to be constructed with a gravel surface for a period not to exceed two years from date of issuance of a permit. Temporary surface areas are not intended to include required parking for a particular use. Temporary surface parking areas would be subject to site plan review and would have to meet ordinance requirements for screening and landscaping. Proper grading and drainage of temporary parking areas would also be a requirement of this proposed text amendment. Staff feels a penalty, in cases where temporary parking has not been upgraded within the time frame, is necessary to encourage compliance with the Code. Staff estimates that the average cost to surface a parking space with asphalt is approximately \$125 per space. This cost spread over a multi-year time frame would not be excessive and would not place an undue burden on a developer if it were required up front when the lot is constructed, rather than allowing a temporary lot. Another concern is that the adoption of a temporary parking lot provision would be used by persons wishing to construct a permanent lot to avoid the paving requirement for the first two years.

Mr. Drollinger stated that the process would be to make application to the Community Development Department for a temporary parking lot which would be permitted in the zones which are specified in this proposed ordinance. The petitioner would have to supply a site plan showing the arrangement of the parking lot, the circulation, the access, and all the typical site plan provisions. If there should be adjacent residences, the applicant would have to meet a Code requirement as to buffering, and would have to provide landscaping. Upon meeting all of the Code requirements, the petitioner would be issued a permit to have the temporary parking lot for a period not to exceed two years.

Councilmember Maupin stated that the cost for a graveled parking lot would be approximately \$5/cubic yard.

Mr. Drollinger stated that this amendment would have no affect on existing parking lots.

Public Works Director Jim Shanks stated that capital improvement funds are in the 1995 Budget to meet landscaping and screening requirements on City parking lots at 2nd and Main, 3rd and Main, and the parking lot west of the State Office Building on 6th Street. There are additional funds (approximately \$90,000 spread over five years) to pave the lots. Some of the City lots have been chip-sealed to keep the dust down.

Mr. Drollinger stated that if it's a small, less than 15 spaces, gravel parking lot that is a temporary use, there is no landscaping required as per Code. If the parking lot is 15-50 spaces, there is a present requirement for 5% of the lot to be landscaped. There is no specific requirement as to where that landscaping must be located.

The hearing was closed.

Upon motion by Councilmember Maupin, seconded by Councilmember Afman and carried by roll call vote with Councilmembers **BAUGHMAN** and **BESSINGER** voting **NO**, Ordinance No. 2772 was adopted, and ordered published.

ADJOURNMENT

Upon motion by Councilmember Theobald, seconded by Councilmember Maupin and carried, the meeting was adjourned at 10:45 p.m.

Stephanie Nye, CMC
City Clerk